

MINUTES OF A REGULAR MEETING OF THE BOARD OF SUPERVISORS
COUNTY OF CALAVERAS, STATE OF CALIFORNIA
HELD ON SEPTEMBER 7, 2010

PRESENT: Merita Callaway, Chair; Thomas Tryon, Vice-Chair; Gary Tofanelli, Steve Wilensky and Russell Thomas, Supervisors; James Jones, County Counsel; Jeanne Boyce, County Administrative Officer; and Carol Gates, Supervising Board Clerk

ABSENT: None

Meeting recorded on Cassette 10-33

9:00 A.M.: Call to Order

Pledge of Allegiance

Announcements:

The following 2 closed sessions were held on August 24, 2010:

- a) A closed session, pursuant to Government Code section 54956.9c; conference with legal counsel; anticipated litigation-initiation of litigation: (two cases); resulting in no action taken in one matter; in another matter, on a 4-0 vote, with Supervisor Tryon abstaining, the Board authorized County Counsel to proceed with a claim for costs of law enforcement services provided to the 39th District Agriculture Association in connection with the Further Concert.
- b) A closed session, pursuant to Government Code section 54956.9; conference with labor negotiators; SEIU, DSA, CCPSEA – Director of Human Resources and Risk Management – resulting in no action taken.

CONSENT AGENDA

Supervisor Wilensky pulled agenda item number 3 for discussion and Bonnie Newman pulled item number 5 for clarification;

Motion made to approve the balance of the consent agenda, as submitted.

Moved: Wilensky Second: Tofanelli Approval: Unanimous

1. Minutes of a regular Board of Supervisors meeting held on August 10, 2010.
2. Correspondence: August 13-26, 2010 (see attached), as processed.
4. RESOLUTION AUTHORIZING EXECUTION OF A COOPERATIVE
NO. 10-141 AGREEMENT WITH THE CALIFORNIA DEPARTMENT
 OF TRANSPORTATION FOR THE RELINQUISHMENT

OF A PORTION OF THE STATE ROUTE 4 RIGHT-OF-WAY
AT ITS INTERSECTION WITH POOL STATION ROAD
(construction is a State funded project)

6. MINUTE ORDER approving an MOU between the Superior Court and County for the provision of various services to the Court and payment of the cost thereof.

7. MINUTE ORDER authorizing the allocation of Federal Forest Reserve Title III Funds for 2009, in the amount of \$42,787.57.

8. MINUTE ORDER approving response to the Final Grand Jury Report, for Fiscal Year 2009-2010.

9. RESOLUTION NO. 10-142 TO AMEND THE JOINT POWERS AGREEMENT TO INCLUDE THE TUOLUMNE COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES WITH THE CENTRAL SIERRA CHILD SUPPORT AGENCY

3. APPOINTMENT/COMMISSION ON AGING (10-33, I, 27)

Supervisor Wilensky stated that, regarding the appointment of an applicant to the Commission on Aging, it was his intent for the appointee to complete the unexpired term and to extend the duration of the term to 12/31/2011.

Motion made to appoint applicant Sandra J. Krewski to serve as a Commissioner on the Commission of Aging with an amended term to end on 12/31/2011.

Moved: Wilensky Second: Thomas Approval: Unanimous

5. WAIVER OF FEES/SUPERVISORS (10-33, I, 41)

Bonnie Newman, Double Springs, questioned the dollar amount of fees requested to be waived by the Jenny Lind Veterans Memorial District for the construction of a new Community Building.

Chair Callaway responded as follows: \$2,200 for Road Impact Mitigation (RIM) fees; and \$10,426 for Valley Springs Benefit Basin (VSBB) fees.

Motion made to approve the following resolution waiving RIM and VSBB fees as requested by the District and recommended by staff.

Moved: Thomas Second: Tofanelli Approval: Unanimous

RESOLUTION NO. 10-143 GRANTING WAIVER OF THE RIM FEE AND VALLEY SPRINGS BENEFIT BASIN FEE ASSOCIATED WITH THE CONSTRUCTION JENNY LIND VETERANS MEMORIAL DISTRICT COMMUNITY BUILDING

REGULAR AGENDA

10. PUBLIC COMMENTS/GENERAL PUBLIC (10-33, I, 48)

Darryl Rusk, Burson, spoke of accusations voiced re: the Board conspiring to delay any labor agreement to be settled with SEIU.

John McCoy, a Stockton Real Estate Broker, referenced 2 parcels totaling 14 acres, for sale in the amount of \$139,950, on Double Springs Road.

Christa Thompson, Mental Health Services Act Coordinator for Behavioral Health, announced that this week is National Suicide Prevention Week; The first annual Walk-A-Thon will be held on September 11, 2010 at the Bret Harte High School Track in support of suicide awareness; she informed of the formation of a Suicide Prevention Committee and a non-profit organization called Live On.

Ron Randall and Gene Quarton, Valley Springs, submitted for the record a revised draft of the Valley Springs Community Plan, Update 2010-2035 and a revised draft of public responses and answers from public meetings held on July 24 and August 11, 2010.

Tonja Dausend, Burson, spoke on behalf of the Constitution Group, re: the Valley Springs Community Plan Update.

Michael Wietrick, a member of the Valley Springs Community Plan Update Committee, emphasized that the reference to the update as unconstitutional is simply an opinion.

Valentino Passetti, Valley Springs, referred to decisions of the Committee as openly guided, by the heart, for the people.

Peter Racz, Valley Springs, spoke of avoiding the appearance of, or any actual violation, of the Brown Act regarding Board related activities outside of this Chamber; he spoke of a County website pertaining to Board activities that needs to be updated.

Josie Martinez Ornum, Program Director, announced the upcoming opening of a clinic known as the Mountain Oak Health Centers, a non-profit community primary care clinic with patient charges based on the patients ability to pay utilizing a sliding scale fee.

Marti Crane, Rancho Calaveras, voiced concern of unfounded accusations; spoke of the need for timely outreach; submitted a letter from the Tanner Consulting Group, regarding a bond passed by Delta College to build 2 new campuses including one in Calaveras County; encouraged everyone to speak out in support of a Calaveras Campus.

Andy Ballantyne, District 5, expressed gratitude for the Committee that was instrumental in the revised Valley Springs Community Plan update.

Clyde Clapp, Valley Springs, stated that he was never contacted regarding the Valley Springs Community Plan update.

Bonnie Newman, Double Springs, submitted a calendar of events, a list of resources, and a list of IHSS Advisory Board Members for the benefit of care providers.

Michael Wietrick, a Board of Director for the Veterans Memorial District in Valley Springs, publically thanked Supervisor Tofanelli for moving their project forward.

Joe Kelly, Angels Camp, referred to the new jail project paperwork and Measure J funding; questioned if County residents that are responsible for repaying of the bond money are knowledgeable of the conditions that apply to the project.

11. CALWORKS/IHSS (10-33, I, 737)

Mary Sawicki, Director/CalWorks, spoke of the Board as authorized in accordance with AB 1682 and SB 710 to appoint an individual from a community based organization advocating for senior and/or dependent adults of IHSS to the IHSS Advisory Committee. The Public Authority, through the recruitment process, has interviewed and is recommending applicant Joyce Carrillo.

Bonnie Newman, Double Springs, questioned the fact that the proposed appointment would result in 8 members on a 7 member Board. She stated that even though she has indicated a lot of interest in this Board, she has never been encouraged or allowed to participate on any level, except as a member of the public.

Ms. Sawicki explained that the law allows for the IHSS Advisory Committee to be up to 11 members. She stated that Ms. Newman is welcome to apply to the Board. She has yet to receive her application.

Motion made to approve the following resolution appointing Joyce Carrillo to the IHSS Advisory Committee.

Moved: Wilensky Second: Thomas Approval: Unanimous

RESOLUTION APPOINTING ONE (1) IN-HOME SUPPORTIVE
NO. 10-144 SERVICES (IHSS) SENIOR ADVOCATE TO THE
 IHSS ADVISORY COMMITTEE FOR THE TERM
 OF OCTOBER 2010 THROUGH DECEMBER 2014.

12. PUBLIC HEARING/PUBLIC WORKS (10-33, I, 870 cont'd to Side II)

Chair Callaway announced a noticed public hearing to consider the reversion to acreage for Lots 28 through 65 of La Cobre Mina, Unit 1, Tract 2004-188, originally known as Black Creek Ranch.

Deborah Mullen, Public Works, explained that La Cobre Mina was divided into two phases for construction. Since improvements for Construction Phase One have been completed, homes were constructed on many of the lots. Attempts to work with the Subdivider have led the Department to conclude that there is no intent to complete the Phase Two improvements. The May 15, 2006 Subdivision Improvement Agreement authorizes the County to take either of two actions if the subdivider fails to complete the improvements within the agreement time period. Staff is recommending to initiate the "reversion to acreage" option proceeding, pursuant to section 66499.11 of the Subdivision Map Act.

Supervisor Thomas referred to staff's report reciting only 2 options. He stated that for the last 2 years he spoke of exercising an option of doing nothing and at this time he still supports that option. He expressed concern of an affirmative vote causing the wealth invested in the project to evaporate. Thomas was in support of a future determination.

Janis Elliott, Assistant County Counsel, explained that the subdivision improvement agreement does have a term and once that term expires the County would no longer have the right to attach to the security. The risk here is, if the improvement agreement expires and there is no one to extend it with, the County could be responsible for completing the improvements. This is the reason Public Works is recommending reverting to acreage. She further explained that if one parcel is sold the County would lose the right to revert to acreage. After consulting with Public Works it was determined that the improvement agreement has expired.

Chair Callaway opened the hearing to the public and the following individuals addressed the Board: Clyde Clapp, Rancho Calaveras; Ed Rich, Copperopolis; and Joe Kelly, Angels Camp. Concerns included rushing into a decision today; putting the County in harms way; adequate control of Phase II construction in keeping with the quality of those homes in Phase I; use of Phase I roads; if reversion is approved, can a stipulation be put on the acreage through zoning for the property to remain in the current configuration to prevent harming the first phase; and a concern of high density housing in the 2nd phase.

There being no other members of the public wishing to speak, Chair closed the public portion of the hearing and returned the discussion to the Board.

Lynette Norfolk, Treasurer-Tax Collector informed that there are delinquent taxes on the subject property.

A motion was made by Supervisor Thomas to continue a decision to a future meeting sometime after September 21, 2010. This motion died for the lack of a second.

Supervisor Tryon emphasized potential liability risks to the County.

Motion made to approve the following resolution, as submitted, for reversion to acreage.

Moved: Tryon

Second: Tofanelli

Approval: Majority

NOES: Thomas

RESOLUTION
NO. 10-145

APPROVING REVERSION TO ACREAGE FOR
LOTS 28 THROUGH 65 OF LA COBRE MINA,
UNIT 1, SUBDIVISION MAP BOOK 8, PAGE 33
(costs associated with the process to revert to acreage will
be included in a claim against the posted security)

13. ADMINISTRATION/AGREEMENT (10-33, II, 776 to 10-33A)

Clay Hawkins, Administration, submitted the continuation of a long standing lease agreement with the California Department of Forestry and Fire Protection. The subject

property is located at 785 Mountain Ranch Road, San Andreas where Cal Fire has their Calaveras/Tuolumne Ranger Headquarters. Hawkins referred to the agreement as a huge economic benefit to the County in terms of tower space and the close proximity of Cal Fire in terms of large scale fires.

Chair Callaway expressed concern of a potential move of the Cal Fire administration headquarters to Tuolumne County. Discussion continued.

Motion made to approve the extension of lease agreements with the California Department of Forestry and Fire Protection (CAL Fire) for the lease of County property located at 785 Mountain Ranch Road, San Andreas, CA (the CAL Fire Calaveras-Tuolumne Ranger Unit Headquarters) for \$1.— per year beginning July 1, 2010 and ending June 30, 2035 which includes two (2) consecutive five (5) year optional extensions, and use of the CAL Fire Sierra Vista communications tower for the same term at no cost. A fee of \$1600.00 for prorated equipment maintenance for the Sierra Vista Tower will be waived for the first year. Each year thereafter, through the term of the agreement, the fee will be assessed.

Moved: Tryon

Second: Tofanelli

Approval: Unanimous

14. COUNTY COUNSEL/COUNTY CLERK/ELECTIONS/DISTRICT ATTORNEY
(10-33A, I, 55)

Chair Callaway asked for the pleasure of the Board in filling the District Attorney's term and in directing the County Clerk to schedule an election to fill the office of the District Attorney.

Supervisor Tryon spoke of the Deputy District Attorney, Barbara Yook, acting as the interim District Attorney since the death of Jeff Tuttle. Tryon recommended that Barbara Yook be named interim District Attorney until the next regularly scheduled election.

Callaway suggested that Barbara Yook be appointed as the District Attorney to fill the balance of this term and the term starting on January 3, 2011. Instead of being interim, Ms. Yook would be the District Attorney. The next regularly scheduled election will be in June 2012.

Joe Kelly, Angels Camp, questioned, in the concept of interim v. appointed, if there a difference in the pay scale and the actual benefit of an appointment.

Callaway explained there would be no difference in compensation.

Motion made to approve the following 2 items regarding the appointment of the current Deputy District Attorney, Barbara Yook, to the position of District Attorney until the next regularly scheduled election and directing the County Clerk to place the office of District Attorney on the 2012 ballot.

Moved: Tryon

Second: Tofanelli

Approval: Unanimous

RESOLUTION REGARDING AN APPOINTMENT TO THE OFFICE
NO. 10-146 OF DISTRICT ATTORNEY FOR CALAVERAS COUNTY

MINUTE ORDER directing the County Clerk to place the office of District Attorney for Calaveras County on the ballot for the next regularly scheduled election; pursuant to Government Code section 25304.5.

15. ENVIRONMENTAL HEALTH AGENCY (10-33A, I, 130)

Brian Moss, Director/Environmental Management Agency, stated that this item is being brought before the Board today as the result of modifications discussed during a study session held on August 17, 2010. Moss referred to the submittal of the revised Onsite Wastewater Regulations as a culmination of input from staff, engineers, realtors, CCWD and the Regional Water Quality Control Board.

Motion made to approve the following resolution updating Calaveras County Onsite Wastewater Regulations.

Moved: Tofanelli

Second: Wilensky

Approval: Unanimous

RESOLUTION ADOPTING REVISED RULES AND REGULATIONS
NO. 10-147 FOR ONSITE WASTEWATER TREATMENT SYSTEMS

16. CORRESPONDENCE/SUPERVISORS/STAFF

Supervisor Tryon had nothing to bring before the Board at this time;

Supervisor Wilensky read into the record a letter from Dick Tuttle expressing appreciation in the way the Building Department presently operates; this afternoon will attend a Mental Health Board meeting followed later this evening by a School Board meeting to discuss the potential of closing the Rail Road Flat Elementary School; tomorrow a Mother Lode Job Training meeting in Sonora; and Friday, a First 5 meeting;

Supervisor Tofanelli will attend a CUSD Board meeting this evening followed by a Angels City Council meeting;

Supervisor Thomas, on Friday will attend a Mountain Counties Water Resource meeting at La Contenta; and this evening a Delta College meeting.

Supervisor Callaway, this evening will attend an Angels City Council meeting; Thursday a CSAC Board meeting in Sacramento; Thursday evening, a Wagon Trail meeting at Bret Harte High School; Saturday, the National Scenic By-Way Celebration; and on Sunday, a Habitat for Humanity event.

CAO Boyce spoke of the absence of a State budget.

Counsel Jones had nothing to report at this time.

20. ADDENDUM/IHSS/HUMAN RESOURCES (10-33A, I, 305)

Chair Callaway adjourned the Board as a Board of Supervisors and reconvened as an In Home Support Services Public Authority Board.

Motion made to approve the following resolution between the IHSS Public Authority and SEIU for a new labor contract.

Moved: Wilensky Second: Tryon Approval: Unanimous

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
NO. 10-002 BETWEEN THE CALAVERAS COUNTY IN-HOME
SUPPORT SERVICES PUBLIC AUTHORITY AND SEIU
UNITED HEALTHCARE WORKERS WEST FROM
SEPTEMBER 1, 2010 THROUGH AUGUST 31, 2011

Chair adjourned the Board as the In Home Support Services Public Authority Board and reconvened as a Board of Supervisors.

21. ADDENDUM/HUMAN RESOURCES

Motion made to approve the following resolution, as submitted.

Moved: Tryon Second: Tofanelli Approval: Unanimous

RESOLUTION APPROVING CHANGES CONSISTENT WITH THE
NO. 10-148 NEW CONTRACT WITH SERVICE EMPLOYEES'
INTERNATIONAL UNION, LOCAL 1021 (SEIU)
FOR APPOINTED DEPARTMENT HEADS, MID-
MANAGEMENT, PROFESSIONAL, SUPERVISORY
AND CONFIDENTIAL GROUPS

22. ADDENDUM/HUMAN RESOURCES

Motion made to approve the introduction of an Ordinance approving changes consistent with the new contract with Service Employees' International Union, Local 1021 (SEIU) for elected officials.

Moved: Tofanelli Second: Wilensky Approval: Unanimous

23. ADDENDUM/HUMAN RESOURCES

Motion made to approve the introduction of an Ordinance approving changes consistent with the new contract with Service Employees' International Union, Local 1021 (SEIU) For the Board of Supervisors.

Moved: Tofanelli Second: Wilensky Approval: Unanimous

24. ADDENDUM/HUMAN RESOURCES

Motion made to approve the following resolution, as submitted.

Moved: Wilensky Second: Tofanelli Approval: Unanimous

RESOLUTION APPROVING A REVISED AND EXTENDED CONTRACT
NO. 10-149 WITH SERVICE EMPLOYEES' INTERNATIONAL
UNION, LOCAL 1021, FOR JULY 1, 2010 TO AUGUST

31, 2011.

17. PRESENTATION/ENVIRONMENTAL HEALTH AGENCY (10-33A, I, 370)
Brian Moss, Director/Environmental Management Agency, and Tom Garcia, Director/Public Works gave a visual presentation on the status and final cleanup of the Mitchell Mill Illegal Disposal Site.

ADJOURNMENT

There being no further business requiring action this day, the meeting was adjourned to the following closed sessions with the Board to reconvene at 9:00 a.m., on Tuesday, September 14, for a regularly scheduled Board of Supervisors meeting.

18. CLOSED SESSION/COUNTY COUNSEL

A closed session was held: pursuant to Government Code section 54956.9: conference with legal counsel re: existing litigation; Ray Waller v. Board of Supervisors of Calaveras County, et al; Calaveras Superior Court Case No.: CV35737 – resulting in nothing to report.

19. CLOSED SESSION/HUMAN RESOURCES

A closed session was held pursuant to Government Code Section 54956.9: conference with labor negotiators; SEIU, DSA, CCPSEA – Director Human Resources and Risk Management – resulting in nothing to report.

CHAIR

ATTEST:

CLERK

CORRESPONDENCE

**THE BOARD MAY TAKE ACTION ON THE FOLLOWING ITEMS OF
CORRESPONDENCE**

AUGUST 13, 2010

1. From: Agricultural Advisory Committee; Meeting agenda for August 19th; Board and post

AUGUST 16, 2010

2. From: California Counties; re: Newsletter; Board
3. From: CALGreen Training; re: Seminars; Board
4. From: CA Dept. of Insurance; re: Low cost automobile insurance program; Board
5. From: Calaveras-Mariposa Community Action Agency; re: August 20th agenda RSVP; Supervisors Tofanelli and Wilensky
6. From: Conservation Leaders Network; re: Clean water for all newsletters; Supervisor Wilensky

AUGUST 17, 2010

7. From: CSAC; re: November 16th annual meeting; Board
8. From: NACo; re: E-newsletter; Board
9. From: Calaveras Mariposa Community Action Agency; re: Organizational Development and agenda; Supervisor Tofanelli
10. From: California Chamber of Commerce; re: Alert newsletter; Board
11. From: AECOM; re: Revised Notice of Preparation & Notice of Public Scoping meetings for Proposed Northern CA Reentry Facility and correctional facility conversion San Joaquin County; Board, Administration, County Counsel & Sheriff
12. From: PG&E; Notification of Application Filing Default residential Rate Program Application; Board & post
13. From: Tuolumne-Stanislaus IRWMP; Proposal for Preparation of Proposition 84 Planning Grant Application; Board

AUGUST 18, 2010

14. From: Arnold Friends of the Library; re: Meeting agenda for Sept. 1st; Supervisor Callaway and post
15. From: Calaveras County Parks & Recreation; re: Meeting agenda for August 18th; Board and post
16. From: California Counties; re: County News Update; Board
18. From: CSAC; re: 116th Annual meeting registration information; Board

AUGUST 19, 2010

19. From: Central Sierra Child Support Agency; re: JPA authorizing request for merger of Tuolumne County Dept. of Child Support Services; Board, Administration and County Counsel
20. From: Weber, Ghio & Associates, Inc.; re: Prop 40 Project at the Jenny Lind Veterans' Memorial District; Board and Administration
21. From: Sierra Nevada Conservancy; re: September Board meeting agenda and materials; Supervisor Wilensky and Tryon and Post

AUGUST 20, 2010

22. From: CSAC; re: Bulletin; Board
23. From: Kitchell; re: Monthly Report Calaveras Adult Detention Facility and Sheriff's Administration Building; Board
24. From: Senator Barbara Boxer; re: Expansion of the 2-1-1 telephone service in California; Board, Administration, County Counsel, Sheriff and Tech Services

AUGUST 23, 2010

25. From: Calaveras Council of Governments; re: Announcement of a public scoping meeting & workshop # 3 for State route 4 Wagon Trail Realignment Project; Board, Public Works, Administration, County Counsel and post
26. From: California Counties; re: Newsletter; Board
27. From: CALGreen Training; re: Mandatory Green Building Code; Board
28. From: CSAC; re: Key leadership courses; Board
29. From: Stewardship Council; re: New program officer

AUGUST 24, 2010

30. From: East Bay Municipal Utility District re: October 1, 2010 Annual Pardee BBQ at McLean Hall, Pardee Center; individual invitations to Board
31. From: Calaveras County Water District re: August 25, 2010 meeting agenda; Board, post
32. From: Richard E. Tuttle re: expressing appreciation of the way the Building Department presently operates; Board, Bldg. Dept.
33. From: John N. Gill/Murphys re: request for road improvement in Murphys Pines Homeowners Association area; Supervisor Tryon, Public Works
34. From: Oakendell re: September 22, 2010 – 7th Annual Pro-Am Golf Tournament; Board
35. From: U.S. Senator Barbara Boxer re: access to broadband internet service; Board
36. From: Tracie Mueller re: information request for Tuolumne-Stanislaus RWMG IRWM Planning Grant Application; Board

AUGUST 25, 2010

37. From: St. CA, Dept. of Transportation re: public scoping meeting & workshop #3 for State Route 4 Wagon Trail Realignment Project; individual copies sent to Board; Public Works
38. From: CalChamber re: August 20, 2010 issue of Alert; individual copies to Board

AUGUST 26, 2010

39. From: California State Association of Counties re: Sept. 9, 2010 Board of Directors Briefing Material; referred to Supervisor Callaway
40. From: State Dept. of Alcoholic Beverage Control re: application for license filed by Janice Carol Ingramchacon for Lee's Pig Out Bar B-Q, Valley Springs; referred to Supervisor Tofanelli

41. From: California Country re: Sept./Oct. 2010 issue of California; individual copies to Board

42. Thomas P. Swartz re: copy of letter sent to Phil McCartney/CCWD re: request for CCWD's Statement of Revenues and Expenses for Fiscal Year 2000; cc: Board, County Counsel

DRAFT