

MINUTES OF A REGULAR MEETING OF THE BOARD OF SUPERVISORS
COUNTY OF CALAVERAS, STATE OF CALIFORNIA
HELD ON JUNE 1, 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 Cassettes 10-21, 10-21A, 10-21B and 10-21C

9:00 A.M.: Call to Order

Pledge of Allegiance

Announcements: The following 2 closed sessions were held last week.

- 1) A closed session: public employee discipline/dismissal/release; pursuant to Government Code section 54957; Human Resources and Risk Management – resulting in nothing to report.
- 2) A closed session; 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.

CONSENT AGENDA

Chair Callaway pulled consent item #'s 6 and 10 for presentation

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

Moved: Wilensky

Second: Tryon

Approval: Unanimous

1. Minutes of a regular Board of Supervisors meeting held on May 11, 2010
2. Correspondence: May 7-13, 2010 (see attached), as processed
3. RESOLUTION AUTHORIZING THE DISABILITY RETIREMENT OF
NO. 10-081 ERIC LAMB
4. Minute Order approving the FY 2010/11 administrative match agreement between the County of Calaveras and Area 12 Agency on Aging, in the amount of \$77,590, and authorize Board Chair to sign said agreement.
(cost included in Community Organization's FY 2010/2011 proposed budget)
5. RESOLUTION APPROVING AGREEMENT BETWEEN THE COUNTY
NO. 10-082 OF CALAVERAS AND THE CALIFORNIA DEPARTMENT
OF VETERANS AFFAIRS TO PARTICIPATE IN THE

MEDI-CAL COST AVOIDANCE PROGRAM, FOR FISCAL
YEAR 2010-11
(program 100% State funded)

7. RESOLUTION NO. 10-083 AUTHORIZING THE CALAVERAS SHERIFF'S OFFICE TO ENTER INTO A CONTRACT WITH EAST BAY MUNICIPAL UTILITY DISTRICT TO PROVIDE CONTRACT LAW ENFORCEMENT SERVICES, FROM FY 2010 THROUGH 2013
(contract revenues offset contract cost)
8. RESOLUTION NO. 10-084 ACCEPTING FUTURE FORD'S BID AND AUTHORIZING THE PURCHASE OF ONE (1) NEW 2010 FORD F-750 TREE SERVICE BOOM TRUCK, IN THE AMOUNT OF \$127,528
9. Minute Order awarding of a bid for RFP R-0030-10, to conduct examination of Comprehensive Annual Financial Report and Compliance Audit, for fiscal year ending June 30, 2010, to Gallina, LLP, in the amount of \$63,221, and authorize the Chair to sign the attached contract for services.

6. CALWORKS/VETERAN AFFAIRS (10-21, I, 30)

Chair Callaway pulled this item in order to recognize Calaveras County's Veterans Service Officer, Chele Beretz . Callaway referred to the Board receiving a letter from the State Department of Veterans Affairs regarding the outstanding performance of Ms. Beretz.

Supervisor Tryon recognized Ms. Beretz for her service in assisting Calaveras County Veterans. Tryon read the letter into the record.

Motion made to approve the following resolution.

Moved: Tryon

Second: Wilensky

Approval: Unanimous

- RESOLUTION NO. 10-085 AUTHORIZING THE CHAIR TO SIGN THE CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS SUBVENTION CERTIFICATE OF COMPLIANCE FOR FY 2010-2011 FOR FUNDING OF THE COUNTY VETERANS SERVICES OFFICE
(30% State funded, 70% County funded)

10. ENVIRONMENTAL MANAGEMENT AGENCY/PRESENTATION (10-21, I, 60)

Brian Moss, Environmental Management Agency, presented for Board approval a resolution recognizing Lakhmir Grewal for his service with Calaveras County.

Chair Callaway asked Grewal to come forward. She read into the record a resolution honoring Grewal for his 15 years of devoted service to the County Air Pollution Control District.

Motion made to approve the following resolution of recognition.

Moved: Wilensky Second: Tryon Approval: Unanimous

RESOLUTION RECOGNIZING LAKHMIR GREWAL FOR HIS FIFTEEN
NO. 10-002 YEARS OF SERVICE WITH THE CALAVERAS COUNTY
AIR POLLUTION CONTROL DISTRICT

Alan Abbs, Chair of the Small Rural Section for the California Air Pollution Central Officers Association, gave a brief background report of small and rural air control districts. He presented Grewal with a resolution recognizing his dedicated service of over 30 years for the cause of clean air in California.

REGULAR AGENDA

11. PUBLIC COMMENTS/GENERAL PUBLIC (10-21, I, 156)

Phil McCartney/CCWD Director introduced Joone Lopez, CCWD's new General Director.

Christa Thompson/Behavioral Health, announced a public hearing this afternoon of the Mental Health Board for an overview and the annual update to the Mental Health Services Act Community Assistance Services Report Plan for Fiscal Year 10/11.

Marti Crane/Valley Springs questioned if the County has something in place to address graffiti.

Kathy Houle/IHSS Advisory Board member and Diane Leal/IHSS volunteer referred to the IHSS mission statement, calendar of events, services provided, expressed concern of the State cutting IHSS provider hours.

Bonnie Newman/Double Springs, spoke of the IHSS Advisory Board expanding to 11 members.

Robert Shaffer/Ione spoke relative to a civil rights violation re: personal medical information used by a Calaveras County Deputy Sheriff in order to arrest a medical marijuana provider, suggested an in-house remedy to the situation.

Jay Smith/San Andreas referred to unlawful and felonious activities of a Deputy Sheriff, submitted a petition demanding the immediate termination of said Deputy.

Thomas Liberty, Mountain Ranch, a Patient Services Coordinator for Calaveras Patient Resources, an informational and advocacy group for medical marijuana patients,

providers and their families, requested respect for the rights of legal marijuana patients and providers.

Steve Snowden/Vineyard Terrace submitted to Supervisor Tryon documentation requesting a lot split, referred to the alignment of the proposed Pennsylvania corridor bike path and extension, spoke of the design criteria regarding Skunk Ranch Road.

Terry Baker/Rail Road Flat read into the record a letter from Beverly Vierra Pennington regarding an illegal cock ranch operation, asked for permission to hold a free concert, BBQ, games, etc. on election day at Government Center.

Dennis Downum/Sheriff submitted marijuana enforcement statistical information.

Darren Spellman/Rancho Calaveras, spoke of the cock ranch situation, referred to Mintier & Associates as having a history of law suits.

Jack Lynch/Angels Camp introduced David Richards the new Angels/City Administrator.

12. PLANNING/ORDINANCE (10-21, I, 843)

Dave Pastizzo, Planning Department, explained that this item is an annual rezoning to reflect changes in the Williamsons Act contract from 2009. No parcels have gone out of contract. Three parcels were adjusted in such a way that rezoning to agricultural preserve was necessary.

Motion made to waive reading and approve the following ordinance regarding AP (Agricultural Preserve) zoning.

Moved: Thomas

Second: Wilensky

Approval: Unanimous

ORDINANCE NO. 2977 AMENDING TITLE 17 OF THE CALAVERAS COUNTY CODE CHANGING THE ZONING DISTRICT OF REAL PROPERTY FOR PARCELS 38015055, 38015074 FROM FSFR-5 (FUTURE SINGLE FAMILY RESIDENTIAL – 5 ACRE MINIMUM PARCEL SIZE) TO AP (AGRICULTURAL PRESERVE) AND 64028024 FROM RC/FSFR-5 (RESIDENTIAL CENTER/FUTURE SINGLE FAMILY RESIDENTIAL – 5 ACRE MINIMUM PARCEL SIZE) TO AP (AGRICULTURAL PRESERVE)
(Agricultural Preserve rezoning for Arnetz and Sanuinetti)

13. PUBLIC WORKS/ROCK CREEK (10-21, II, 1 cont'd to 10-21A, Sides 1 & 2)

Tom Garcia, Public Works/Director, initiated discussion regarding a resolution establishing new fees for biosolids acceptance at the Rock Creek Solid Waste Facility. Reference was made to a 2009 resolution that encouraged affected agencies to investigate alternative long term disposal outcomes that do not rely on Rock Creek. Affected agencies have expressed their desire to continue to use Rock Creek as the preferred

disposal option, citing the lack of available alternatives. Garcia indicated that now is the time to look at, and follow, State standard practices.

Chair opened the discussion to the public. The following addressed the Board: Bill Purley, representing Calaveras County Water District and the San Andreas Sanitary District; Jeff Davidson, Director/CCWD; Dennis Dooley; Rick Downey/City of Angels; Darren Spellman/Rancho Calaveras; Don Stump/CCWD Director; Jack Lynch/City of Angels; and Richard Clough/Rancho Calaveras.

Concerns voiced included: the ADC acceptance criteria – biosolids must either meet the analytical standard for percent solids – a minimum of 90% solids as determined by gravimetric analysis or be determined suitable for ADC by landfill management personnel; biosolids deemed unsuitable for ADC will be classified as waste and will be assessed a fixed fee of \$54.00 per ton; request voiced to go back to the 50% original requirement; suggestion made to form a joint committee to work out differences; question raised as to why the County is in the waste disposal business; asked for a compromise that would be beneficial to all; frustration voiced why the 90% requirement was not discussed with the districts, and the need for better working relationships.

The discussion returned to the Board and staff. Garcia explained that the 90% requirement was determined by staff in order to re-coop costs.

Supervisor Tofanelli spoke regarding a sliding scale aimed at, within a year or two, getting to the 90% and still having it determined as useable by personnel on site.

Supervisor Wilensky spoke in favor of a tiered rate. He was not in support of today's resolution as submitted. Wilensky suggested that a joint committee be created to explore and make recommendations in finding alternative methods of disposal.

Chair Callaway stated that the Rock Creek Facility was not meant to be the final resting place for sludge. It was meant to be an interim solution to other alternatives.

Counsel Jones had concerns regarding the appointment of a committee. If the committee was an advisory committee, appointed by the Board, it would be a Brown Act Committee. He suggested directing Public Works to assemble a committee among stakeholders with technical expertise from both the private and public sectors and including representatives from the districts currently engaged with the County.

Motion made to approve the following resolution, as amended, to form a joint committee to explore alternative beneficial uses and methods of disposal for removing the product from the Rock Creek Landfill.

Moved: Tryon

Second: Wilensky

Approval: Majority

NOES: Tofanelli

Thomas

RESOLUTION ESTABLISHING A FEE SCHEDULE FOR THE

ACCEPTANCE OF BIOSOLIDS FROM AUTHORIZED
AGENCIES AT THE ROCK CREEK SOLID WASTE
FACILITY**14. SUPERVISOR/VALLEY SPRINGS COMMUNITY PLAN** (10-21A, cont'd to
Tape B, Sides 1 & 2)

Chair Callaway turned the meeting over to Supervisor Tofanelli to initiate a discussion/update regarding the Valley Springs Community Plan.

Tofanelli referenced a May 4, 2010 meeting at which time a map was presented by the Council of Governments (COG) and put together through a grant from Caltrans. During the course of the map being put together there were a significant number of protests. At that time a committee was assembled with a representative from each of the specialty groups and a series of meetings were held. Tofanelli felt that the map submitted today, represents a basic consensus of the groups.

Michael Wietrick, Burson, CA and spokesperson for the groups, submitted an updated Valley Springs Community Plan and explained the process. He spoke of using the existing Valley Springs Land Use Map as the starting point. Personal property land use rights were the number one consideration based on the land use designation when the property was purchased. Wietrick referred to survey answers of 212 Valley Springs residents. He clarified that the COG map was not used in updating the 1974 Valley Springs plan. The plan was updated by the citizens, and for the citizens, that live within the subject area.

Tofanelli opened the discussion to the public and the following spoke: Tonja Dawsend, Muriel Zeller, Marti Crane, Seana Hogan, Jeff Davidson, Kathryn Jackson, Darren Spellman, Mike Dawson, Andy Ballantyne, Guy Meyers, Tom Infusino, Richard Clough, Ron Randall, Larry Ponte, Gary Glavwovich, Colleen Platt, Joanne Randall, Pat Pereira and Joyce Techel.

The discussion returned to the Board. Tofanelli spoke in support of the May 27, 2010 map as the preferred map and the COG map as the alternative map.

George White, Planning Director, explained that today we are not looking at adopting a map, we are looking for a map of the Valley Springs area to insert as the preferred land use alternative.

Supervisor Callaway voiced concerns. She spoke of holding Calaveras County accountable for a lot of what has happened. She referred to the County as a partner in the grant. The fact that the County did not participate was the County's fault, not the fault of the COG. Callaway expressed concern of a significant change in the boundary. She referred to the involvement as exciting and the process as sad. Times change and people change; thus, the reason for having map 1 and map 2. She referred to infrastructure as part of a plan. Callaway felt that it was important to do modeling on both maps. She did not support a preferred map.

Motion made to have the May 27, 2010 map as the preferred map and the COG map as the alternate map.

Moved: Tofanelli

Second: Tryon

Approval: Majority

NOES: Callaway

15. CORRESPONDENCE/SUPERVISORS/STAFF (10-21C, I, 1)

Supervisor Thomas will attend, along with CAO Boyce, a meeting in Sacramento, on Thursday, with the Army Corp of Engineers regarding Cosgrove Creek; Friday a meeting at the County Library with Congressman Dan Lungren to discuss local water issues; reminded everyone of the Copperopolis 150th Birthday Party festivities this weekend; referred to the Copperopolis Memorial Plaza.

Supervisor Tofanelli, due to a schedule conflict, will be unable to attend the Cosgrove Creek meeting; will attend a Mountain Valley Emergency Medical Services meeting in Stanislaus County to discuss contract issues; Friday the meeting with Congressman Lungren; and Saturday a West Calaveras County event at Bear Flag Winery.

Supervisor Wilensky, on Wednesday and Thursday, will attend a Sierra Nevada Conservancy Board meeting in Markleville; Friday's meeting with Congressman Lungren; and this weekend the Tiger Fest extravaganza at the Rail Road Flat Elementary School; announced progress on the PG&E Stewardship front in determining ownership and use of thousands of acres of PG&E land along the Mokelumne watershed; referred to approximately 56 hours of a high level of music played this past weekend near Sheepranch and Swiss Ranch Road.

Supervisor Tryon will attend a Council of Governments meeting Wednesday evening.

Supervisor Callaway will attend an Ebbetts Pass Property Owner's Council meeting on Wednesday; will be on a panel discussion in Sacramento on Administration of Justice re: Title 15 and Title 24 relating to jail; Thursday a CSAC Board meeting in Sacramento.

CAO Boyce will be in Sacramento on Wednesday meeting with the Corp of Engineers re: Cosgrove Creek and Thursday the CSAC Legislative meeting regarding budget issues; Friday the meeting with Congressman Lungren at the County Library; reminded everyone that budget hearings start next Tuesday immediately following the regularly schedule Board meeting.

Counsel Jones had nothing to bring before the Board at this time.

ADJOURNMENT

There being no further business requiring action this day, the meeting was adjourned with the Board to reconvene at 9:00 a.m., on Tuesday, June 8, 2010 for a regularly scheduled Board of Supervisors meeting.

16. CLOSED SESSION

A closed session: pursuant to Government Code section 54956.9; conference with labor negotiators: SEIU, DSA, CCPSEA – Director Human Resources and Risk Management – was cancelled

/s/ Merita Callaway
CHAIR

ATTEST:

/s/ Karen Varni
CLERK

CORRESPONDENCE

THE BOARD REVIEWED THE FOLLOWING CORRESPONDENCE AND TOOK NO FURTHER ACTION:

MAY 07, 2010

1. From: Central Sierra Resource Conservation & Development re: Meeting and agenda for May 20, 2010; Supervisor Thomas & Wilensky and Post
2. From: Lower Mokelumne River Watershed Stewardship Steering Committee; Supervisor Wilensky, Tofanelli Callaway and Post
3. From: Calaveras County Historical Society re: Dedication Red Barn Museum Annex; Board
4. From: Ross Thornton re: Rite of Passage and issuing of permits; Board & CA

MAY 10, 2010

5. From: Chris Linder, Principal Avery Middle School re: Celebration of Learning May 17, 2010; Supervisor Callaway
6. From: DEL ORO Caregiver Resource Center re: Pathways; Filed
7. From: Local Agency Formation Commission of Calaveras County re: Meeting and Agenda for May 17, 2010; Supervisor Callaway, Tryon & Thomas and Post
8. From: Domestic Animal Advisory Committee re: Location and time of May 13, 2010 meeting; Board
9. From: California County News re: News update; Filed
10. From: California Counties Legislative Bulletin re: CSAC Bulletin update; Filed
11. From: U.S. Recovery re: Pledge \$1 Campaign Guarantees to Eliminate You City County and State's Deficit and Benefit Cuts "By the End of the Week. A New World of Prohibited Benefit Cuts, Forever, in 7 Days Accomplished; Board

MAY 11, 2010

12. From: Department of Alcoholic Beverage Control re: Application for Alcoholic Beverage License; Supervisor Tryon
13. From: Area 12 Agency on Aging re: Copy of cover letter to Clerk of the Board requesting Consideration of approval and execution at Board of Supervisors meeting; Supervisor Merita Callaway

May 12, 2010

14. From: California Mental Health Planning Council re: Encouraging Local Jurisdiction to establish Crisis Residential Facilities; Board, CAO & Behavioral Health
15. From: Delta Wetlands Project re: Draft Place of Use Environmental Impact report; Board

16. From: Corporation for Education and Network Initiatives in California, CENIC re: Central Valley Next Generation
Broadband Infrastructure Project; Board
17. From: Barbara Boxer, United States Senator re: Supporting the Energy Efficiency and Conservation Block Grant
(EECBG); Board
18. From: California County News re: News update; Filed
19. From: Janet Mumford, Advisory Council Clerk re: Cancellation of May 17th Advisory Council meeting with next
meeting scheduled for Monday June 21st at 10: a.m.; Board
20. From: San Joaquin County Board of Supervisors re: Kids Don't Float on Friday, May 21, 2010 at 10:00 a.m.; Board

May 13, 2010

21. From: The James Irvine Foundation re: 2010 recipients of the James Irvine Foundation Leadership Awards; Board
22. From: White Pines Park Committee re: Dedication of New Playground and exercise Equipment May 29, 2010; Board
23. From: Casey Prunchak, Tuolumne Utilities District re: Tuolumne-Stanislaus IRWM Meeting Canceled for May 19th;
Board
24. From: 2010 California State Association of Counties re: Extended Registration Deadline for Legislative Conference; Board
25. From: National Association of Counties re: Two Featured Speaker's for July's Annual Conference; Filed