## MINUTES OF A REGULAR MEETING OF THE BOARD OF SUPERVISORS, COUNTY OF CALAVERAS, STATE OF CALIFORNIA, HELD ON FEBRUARY 10, 2009

**PRESENT:** Russ Thomas, Chair; Merita Callaway, Vice-Chair; Gary Tofanelli, Steve Wilensky and Thomas Tryon, Supervisors; James Jones, County Counsel; Robert Lawton, County Administrative Officer; and Madaline Krska, Board Clerk

## ABSENT: None

Meeting recorded on Cassette 09-05, 09-05A and 09-05B

9:00 A.M.: Call to Order Pledge of Allegiance Announcements: An addendum Closed session was held last week, February 3, 2009 pursuant to Government Code Section 54957(b); Public employee appointment - Planning Director with the County Administrative Officer resulting in the Board appointing Brent Harrington as the interim Director of the Community Development Agency.

# CONSENT AGENDA

Supervisor Tofanelli pulled item #4 and Supervisor Wilensky pulled item #5 for discussion. Motion made to approve the balance of the consent agenda, as submitted. Moved: Callaway Second: Wilensky Approval: Unanimous

1. Minutes of a Board of Supervisors meeting held on January 27, 2009

2. CORRESPONDENCE: January 23-29, 2009 (see attached) approved as processed.

3. RESOLUTION APPROVING SUBMITTAL OF INITIAL NO. 09-012 CERTIFICATION APPLICATION TO THE STATE DEPARTMENT OF ALCOHOL AND OTHER DRUG PROGRAMS FOR DEIRDRE'S WAY PERINATAL SUBSTANCE ABUSE PROGRAM (\$2664.00 from Proposition 36 Perinatal program funds)

4. PUBLIC WORKS 09/05, I, 23)

Supervisor Tofanelli questioned wording of the resolution, regarding the stop ahead sign, without stating the placement of the actual stop signs for Daphne Street in Valley Springs.

Robert Pachinger, Public Works, responded, stated the resolution will be amended to reflect the addition of the placement of the stop signs.

RESOLUTION	ADOPTING TRAFFIC ORDER NO. 303
NO. 09-013	ESTABLISHING TRAFFIC CONTROL
	DEVICES FOR DAPHNE STREET, VALLEY
	SPRINGS

### 5. HUMAN RESOURCES (09-05, I, 54)

Francine Osborn, Director of Human Resources and Risk Management, asked for Board direction, to authorize payment of \$5,549.58 of mileage reimbursement expenses to Mike Miller, Interim Public Works Director.

Supervisor Wilensky asked for documentation to assist in becoming informed. Wilensky referenced documentation stating travel to work related sites, not for commute expenses.

Ms. Osborn, stated at the time of Board direction, there was an urgency to secure Mr. Miller's employment. Miller had asked for the use of a County vehicle, partly to be reimbursed for his commute time. The County vehicle was returned as there were issues with the vehicle regarding his driveway. Ms. Osborn expressed concern with not following through with the arrangement that was made at the time Mr. Miller was hired.

Linda Churches, Auditor-Controller, submitted documentation and read into the record chronological information, regarding the commuting reimbursement concern for Mr. Miller. Ms. Churches referenced correspondence with Mr. Miller and Ms. Osborn, establishing resolution 07-217 to hire and establishing his compensation. The resolution did not include the commuting benefit. County policy does not reimburse for commuting expenses.

Ms. Churches referenced public comments made by Mr. Miller at the January 13, 2009 Board meeting. Mr. Miller spoke of a 2007 reimbursement policy, stating CAO has the authority to resolve the issue. Ms. Churches feels the department heads negotiated benefits, should be approved by the Board of Supervisors and not interpreted by County staff.

Ms. Churches referenced a document Mr. Miller stated he was required to sign, mandating him to drive a County vehicle. To date this document has not been produced. Ms. Churches will comply with the direction given by the Board and will uphold the duties of her office with consistent application of County policy.

Supervisor Wilensky expressed concerns regarding the discretionary authority granted was within the scope for the policy, set by the Board for particular recruitments. Supervisor Wilensky asked about the agreements that were presented to the Board and would like to have this matter continued to February 17, 2009, to further review documentation.

Supervisor Callaway and Wilensky would like to look at this in the future.

Supervisor Tryon does not want to continue the item and feels there is enough documentation in the record to make a decision.

Motion made to approve a MINUTE ORDER for payment of mileage expenses accrued to date for the Interim Public Works Director, in the amount of \$5,549.58, at the Internal Revenue Service reimbursement rate. Moved: Tryon Second: Callaway Approval: Majority

Moved:	Tryon	Second:	Callaway	Approval:	Majority	
				ABSTAIN:	Wilensky	

#### REGULAR AGENDA

6. PUBLIC COMMENTS/GENERAL PUBLIC (09-05, I, 134, & II) Lew Mayhew, Wallace, addressed the Board with concerns on the Final EIR for the Ridge at Trinitas. Mayhew referenced substantial public agency and general public comments, that were omitted in volume 1. Mayhew expressed dismay with this omission. Mayhew feels there are organizational problems with volumes 2, 3 and 4, regarding the compilation comments that are taken out of exhibit order. Mayhew expressed distress for the serious inadequacy of the documents.

Holly Mines, representing Concerned Citizens Promoting Housing Opportunities for All, addressed the Board regarding a letter sent to the Board. Ms. Mines listed the names of the organizational representatives and asked for a show of hands for those in attendance today. Ms. Mines read into the record the letter referenced, addressing concerns for lack of adequate and safe housing for Calaveras residents on low and very low incomes. Reference was made to input during the General Plan update, CDBG fund availability, financial assistance programs, at the state and federal level. Ms. Mines stated very few of the goals, policies and implementation measures of the current Housing Element have been achieved. Concern was expressed for the next updated Housing Element that is due on August 31, 2009. The committee would like the Board to respond to the letter they have submitted.

Bonnie Newman, Double Springs, addressed the Board regarding a recent newspaper article, asking the public to present ideas on how to assist with the current economic outlook. Ms. Newman referenced the concept of a 10% common sense approach to address financial concerns. Ms. Newman proposed the County begin a trend by all County employees, including the Board of Supervisors, taking a 10% wage cut, all of California paying 10% in sales tax, all Californians making a 10% contribution in volunteerism. Ms. Newman, as a home health care worker, is willing to take a 10% reduction.

Rita Downs, Director Behavioral Health, announced to the Board and the community, of a 30 day public review posting that was done. The posting is for the Prevention and Early Intervention Program, funded by the Mental Health Services Act. This program can be found on the web site Calaverasnetworkofcare.org, libraries and the Mental Health Clinics. Encouragement is given to the public, to review the plan and make comments back to the department. A public hearing is scheduled for March 3<sup>rd</sup> at 4:00 at the Mental Health Board meeting, held at the Behavioral Health Services Annex, located in the Umpqua Bank Building, in San Andreas.

Ms. Downs summarized the Prevention and Early Intervention Program stating there will be three projects: 1) parent support; 2) grand-parents project; 3) suicide prevention. Documentation, explaining the programs, was submitted to the Board.

Supervisor Wilensky stated, the primary purpose of the Mental Health Act, is to stop being reactive as a society. This phase of the act, is to address

early intervention and prevention and makes economic and behavioral health sense to make this a better County. The public hearing is important in guiding the program to best serve the public.

Bruce Castle, Murphys, submitted documentation into the record, regarding Timber Harvest Plans(THP)from Sierra Pacific Industries(SPI) pending and awaiting further review by CalFire. Castle referenced the Agriculture and Forestry Element, to be discussed under agenda item 9 today. Castle reminded the Board that SPI is the largest private landowner in Calaveras County, with plans to create plantations from 2/3 of this land.

Castle, in summary, stated four THP's were submitted in 2008 by SPI, for a total acreage of 1447, with 85% going into plantations. Castle asked the Board to keep in mind these statistics, when considering the Agriculture and Forestry Element of the General Plan.

Daryl Rusk, Burson, congratulated Supervisors Wilensky and Tofanelli, for their efforts meeting with Delta College, pursuing avenues to locate a campus in Calaveras.

Mr. Rusk referenced comments made by Lew Mayhew regarding the Ridge at Trinitas Project. Rusk spoke with concerns, regarding the group Keep It Rural (KIR), who inferring they represent many citizens in the area. Mr. Rusk feels this is not true. Rusk believes the comments made by KIR, regarding the water aspect of the Trinitas Project and Western Calaveras as not being consistent.

Kathy Mayhew, Wallace, Keep It Rural, Calaveras, responded to Mr. Rusk's comments. Ms. Mayhew stated, during the entire time the Ridge at Trinitas Project has been under public review, Mr. Rusk has treated this as an issue about personalities. Ms. Mayhew feels this is not true as, KIR considers it to be about the issues, environmental impacts and land use. The 2008 revised Draft EIR was to correct the failure of the 2007 Draft EIR, to evaluate and mitigate the environmental impact of building the golf course without entitlements or consultation with regulatory authorities.

Ms. Mayhew expressed concerns for lack of content, in the EIR under the public comment section. KIR feels the final EIR document should be reissued with the missing chapter, Response to Comments inserted. Ms. Mayhew referenced the project proponent ignoring County, State and Federal laws to put a golf course in place. Ms. Mayhew expressed a concern for a public relations campaign, to pressure decision makers to ignore CEQA and approve the project based on unsubstantiated claims of overriding economic consideration. KIR believes this project is inconsistent with General Plan use designation and should be denied.

# 7. CALWORKS/PUBLIC HEARING (09-05, I, 17)

Larry Busby, Central Sierra Planning Council, introduced the public hearing, regarding the Community Development Block Grant(CDBG)Program. Busby read into the record a statement, to inform the public of an opportunity to be aware of funding availability. The state has not released a Notice of Funding Availability(NOFA) for this year. Busby stated, the public hearing needs to be held, at this time due to the short timeframe for the County to make application for funds.

Busby informed the Board, of the County's previous program participation and the funding amounts. The funding amounts and program categories may be changed by the state, at the NOFA. The Board is not required to select a program or project proposed by the public at the conclusion of the public hearing. Busby stated the Board should provide direction to staff for programs or projects, the Board would like to apply. Each application for consideration and submission will need a public hearing.

Busby explained the critical purpose and importance of project submission to receive a rate and ranking by the state, for rural competition. Federal requirements of 51% must be met for the benefit, of lower income households in the County. Busby stated, to be competitive, a minimum of a 95-100% benefit to lower income households, is necessary for funding. Busby explained how the funds are derived from Congress, with a pass through to the State.

Chair opened the hearing for public comments.

Clyde Clapp, District 5, asked about previous grant funds that have been paid back to a County administrated fund.

Busby informed of the various ways, the County has, to distribute funds to specific activities.

Frank Meyer, Habitat for Humanity, informed, the funds can not be used for housing construction, but can be used to acquire land and for infrastructure.

Chair closed the public hearing, as there were no other persons wishing to speak. The discussion returned to the Board.

Supervisor Tryon questioned, if the funds could be used for a general economic plan.

Busby explained a project has to be a specific activity to be able to show the required percentage of beneficiaries.

Supervisor Wilensky expressed concern for safety net resolutions and the need to target economic activities for ongoing benefits.

Busby clarified projects and programs to be of service, to a community, for basic infrastructure benefits. Busby outlined the use funding for health and safety issues. Busby explained coordination with the timing concerns, for CDBG and other possible grants for leverage.

Chair Thomas stated, the item was an informational only hearing, to return at a later date.

## 8. CALWORKS/PUBLIC HEARING (09-05, I, 426)

Chair Thomas introduced the public hearing and possible Board action, regarding amendments to the County's Program Income Reuse Plan and Allocation of Program Income Funds.

Larry Busby, Central Sierra Planning Council, informed the Board of the required public hearing, for the County to consider some changes, to the existing reuse plan. The proposed allocation, of funds, under the current program reuse fund, is to be determined.

Busby informed the Board, how the County puts the money out, in accordance with the plan and the types of activities, that can be done under the plan. The wording in the current plan states, funds can only be used in "target areas". Busby suggested, since the County does not have any targeted areas, the wording should be amended to read: for "County wide programs". Busby informed, the wording needs to be amended, regarding the Redevelopment District Program, as the County is not a participant. The wording should be: "rehabilitation needs will be prioritized, as follows:".

Supervisor Callaway, stated for the record, there needs to be a minute order to make this change.

Chair opened the hearing for public comments.

Clyde Clapp, District 5, asked to be on a program for his low income rental properties, to convert from the previous all electric State requirement.

Chair closed the public hearing, as there were no other persons wishing to speak. The discussion returned to the Board.

Motion made to approve a MINUTE ORDER amending the County's Program Income Reuse Plan eliminating the wording in the guidelines under Property Location from "Target Areas" to read as follows: The housing structure must be located within the unincorporated areas of Calaveras County, excluding any housing structures located in the City of Angels and eliminating the wording in the guidelines under Prioritization of Rehabilitation Needs that refers to a Redevelopment Program that the County does not have and insert the words: Rehabilitation needs will be prioritized as follows. Moved:

Callaway Second: Wilensky Approval: Unanimous

Busby opened discussion regarding Human Resource Council (HRC) and allocation of funds that have come back from previous CDBG programs. The \$73,000 fund needs to be expended prior, to the end of this fiscal year. Other options for these funds and two projects that were not funded last year were outlined. Busby suggested these funds could be used to fund HRC's need for initial equipment for the Food Bank for their operation. The fund can be used for an open grant in accordance with the Reuse Plan, for an eligible activity.

Cathy Bourland, Executive Director, HRC, itemized the equipment that will be purchased with the funding for the Food Bank; two refrigerator units, one freezer, one forklift and cardboard compactor for recycling.

Billie Westernoff, Program Director HRC, stated the cardboard compactor will be for the entire agency, not just the Food Bank.

Ms. Bourland announced, on March 20<sup>th</sup>, there will be a grand opening and dedication from 4-6 P.M. at 206 George Reed Drive, San Andreas.

Chair opened the hearing for public comments.

Dale Borgedalen, addressed the Board regarding the legal access issue not on today's meeting agenda, as he understood it had been continued to this meeting.

CAO Lawton stated this matter was returned to the Legal Access Committee. The Interim Community Development Agency Director has asked for more time, to bring this back to the Board, with a possibility of returning on March 3<sup>rd</sup>.

Chair closed the publish hearing, as there were no other persons wishing to speak. The matter returned to the Board for further discussion.

Motion made to approve a MINUTE ORDER allocating \$73,000 of the Program Income balance to the "open" Community Development Block Grant to allow Human Resources Council to purchase needed equipment for the new food bank. Moved: Callaway Second: Wilensky Approval: Unanimous

9. ENVIRONMENTAL MGMT AGENCY/DEPT. OF AGRICULTURE (09-05A, I & II) Mary Mutz, Agriculture Commissioner, initiated discussion regarding a draft Agricultural and Forestry Element into the General Plan Update. This is a result of over a year's work by the Agriculture Coalition. Staff recommends the Board receive this draft and direct the appropriate staff to work with the Coalition, to refine the element, for submittal, to Mintier Harnish for inclusion in the General Plan Update.

Ms. Mutz stated it is the intention of the Agriculture Coalition to have this Agriculture Forestry Element, as a separate element in the General Plan Update.

Addie Jacobson, representing Ebbetts Pass Forest Watch, addressed the Board stating support for a separate element, a forest land advisory commission to be formed and a zoning overlay on TPZ lands.

Al Segalla, Calaveras Taxpayers Association, stated he does not support this inclusion and feels it is another layer of bureaucracy. Segalla wants the buffers to be on agriculture land, not on land to be developed.

Steve Fairchild, representing Sierra Nevada Recreation, addressed the Board concerning the Williamson Act costs, subventions and the actual value of property not being taxed.

Tom Infusino, representing Calaveras Planning Coalition, stated some aspects need more work but supports the element going forward.

Chair returned the matter back to the Board for further discussion.

Supervisor Tryon has concerns about the draft element, as presented, stating he feels it invokes too much government. Tryon wants something to protect those that are in and those who wish to get into agriculture in the future. Tyron wants protection for them, from rural sprawl and urban encroachment. Tryon feels the element has government taking control over agriculture. Tryon feels agriculture needs to be defined as commercial. Concern was stated over "providing protection" of agriculture lands. Supervisor Tryon is a strong advocate on the 40 acre minimum.

Supervisor Tryon very much disagrees with page 23 onward in the draft element, as submitted. Tryon expressed not being in favor of the Agriculture Advisory Committee reviewing the projects. The projects are reviewed by the Planning commission. Tryon does not support a forestry commission. Tryon had concerns for losing property rights. Tryon feels agriculture should take priority for wells over residential uses. Support was stated for the fencing portion of the documentation. Tryon stated concerns with anything that is "in perpetuity".

Tryon feels the document should state a Timber Harvest Plan needs to be approved by the Board of Forestry. Tryon does not agree with 1.4.1.1 regarding subdivision of lands located adjoining lands zoned TPZ. Tryon would like the mitigation measures located elsewhere in the general plan.

Supervisor Wilensky supports a separate element. Wilensky stated the element needs improvement in some areas with support given to other areas. Wilensky feels the higher use of land in the County may be agricultural use. Agreement was stated, with Supervisor Tryon on 5 to 10 acre parcels abutting agriculture land and feels maybe it should be 40 acres. Wilensky sees mitigation measures as voluntary. A suggestion was made, for the formation of a task force similar to the Solid Waste Task Force.

Supervisor Wilensky feels the designation of the land, should be based on the nature of the activity, instead of for commercial purposes. Supervisor Wilensky disagrees with Supervisor Tryon on this issue. Support was stated for buffers. Wilensky hopes to honor the agriculture community.

Supervisor Wilensky wants to accept the document as a beginning, review by staff, include in the Mintier process, a full study session after Mintier reviews the document. Support was stated for the enhanced Agriculture Advisory Committee.

Supervisor Tofanelli, stated support for an agriculture element and feels this is a good basis. Tofanelli does not support the Agriculture Advisory Committee reviewing the projects, as this is a Planning Commission function. Tofanelli does not want more bureaucracy. Support was stated for streamlining the permit process. Tofanelli does not support a forest land advisory committee. Tofanelli supports public comments at the Planning Commission stage.

Supervisor Callaway stated strong concerns for various areas of the document. Reference was made to 1.2.3.2 regarding the Williamson Act implementation and how the County would maintain the program if the subventions are gone. Supervisor Callaway does not support a separate element.

Supervisor Callaway referenced 1.1.3.3 stating this can be found in the land

#### 02/10/2009 FINAL MINUTES

use section. Support was given to the mitigation section, including conservation easements and transfer of development rights. Support was also stated for a land trust.

Supervisor Callaway does not support the Agriculture Advisory Committee, as a designated approval committee, but welcomes their input, as a review committee. Supervisor Callaway feels the Timber Harvest Plans should go through the Board of Forestry, but supports criteria specific to Calaveras County be established, as conditions.

Scott Klann, representing Calaveras Winegrape Alliance and Calaveras Agriculture Coalition, spoke on behalf of the Coalition, expressing appreciation for comments. Community input was vital for creating this draft. The Coalition would like to continue working on the document.

Chair Thomas supports the Agriculture Advisory Committee to review for recommendations. Thomas supports Supervisor Wilensky's ideas as stated. Chair Thomas stated concerns regarding urban development on prime farm land in other areas near the County. Chair is opposed to the requirement of parcels less than 40 acres. Chair thanked the Calaveras Agriculture Coalition for their efforts, in creating a draft document.

Brent Harrington, Interim Director Community Development Agency, stated concerns regarding the process to develop consistency in the General Plan Update. Whatever is determined today, regarding an agriculture element, will get changed in the progress of arriving at a General Plan. Harrington supports the agriculture community being involved in the process.

Supervisor Wilensky motioned to accept the departmental recommendation, to receive the draft Agriculture and Forestry Element as submitted by the Calaveras Agriculture Coalition, direct appropriate staff to work with the Coalition and Mintier Harnish to further refine and prepare the document, return to the Board with amendments and to have a study session.

Motion died for a lack of a second.

Supervisor Tryon wants to have staff input and possibly a study session.

Supervisor Tryon motioned to accept the draft as presented, direct staff to incorporate comments from the Supervisors and to return with a recommended course of action, if appropriate to amend the draft, address the costs involved and direct staff to work with the other parties.

Motion died for a lack of a second.

Interim CDA, suggested to the Board for the direction to be kept simple.

02/10/2009 FINAL MINUTES

Supervisor Tryon motioned to accept the draft Agriculture and Forestry Element prepared by the Calaveras Agriculture Coalition, instruct the Community Development Agency, as part of the General Plan, and to return to the Board with their findings. Moved: Tryon Second: Tofanelli Approval: Unanimous

10. ADMINISTRATION (09-05A, II, 682)

Motion made for continuance to the meeting of February 17, 2009, for discussion and possible action re: approval of Memorandum of Understand regarding the acquisition of property for the Calaveras Courthouse. Moved: Callaway Second: Tryon Approval: Unanimous

11. ADMINISTRATION (09-05A, II 695, & 09-05B, I) Shirley Ryan, Assistant CAO, brought before the Board a Power Point Presentation regarding the FY2008/09 Mid-Year Financial Report for the County. Information will be outlined regarding the current State budget, County economic conditions, budget outlook for FY2009/10 and future economic concerns.

Ms. Ryan, in the Power Point Presentation, outlined for the Board, the State budget and how it will impact the County's current budget. Various possibilities for when and what amounts the County may be receiving from the State level. Revenue changes from the state budget and areas of County services that will be impacted were described.

Ms. Ryan reported when the final outcome of the state budget is determined and the federal economic stimulus bill is known, the exact amount of the negative impact is uncertain.

Ms. Ryan presented information regarding the economy and unemployment for the nation, state and the County. Data was submitted regarding: home prices for the last 4 years, economy and property taxes and other economic indicators.

Ms. Ryan outlined adjustments to the FY2008/09 adopted final budget to be approved by the Board.

Board discussion ensued with comments, thoughts and ideas regarding: end of the calendar year for employees take time off, the cost savings of a furlough day, job sharing, voluntary time off(VTO) savings, appreciation expressed to the department heads for their efforts to put the County in as good a fiscal position as possible, thanks to County workers who have participated in the in the VTO, thanks expressed for those working in departments where positions have not been filled, to keep the departments functioning, environmental concerns that have placed the country, state and local governments in economic constraints, concerns for living off the building industry the past 20 years, competition in the market place, Board Projects funds be suspended, Cash Carry concerns, Williamson Act financial impacts, impacts to CalWorks and AB 32 costs.

Chair opened the time for public comments.

Al Segalla, Calaveras Taxpayers Association, presented some ideas and comments for the County regarding outsourcing consultants, income projections, AB 32 costs and the continuance of the Williamson Act.

Motion made to accept the Midyear Financial Report as outlined and approve FY2008/09 budget adjustments as indicated. Moved: Wilensky Second: Tofanelli Approval: Unanimous

<u>12.</u> BOARD/CORRESPONDENCE/STAFF (09-05, B, II, 200) Review of correspondence, reports and various matters of concern.

Supervisor Callaway, on Friday will attend a Central Sierra Child Care Council meeting.

Supervisor Tofanelli, on Wednesday, will attend a Mountain Counties Emergency Medical Services meeting and a Friends of the Library meeting in Valley Springs; Friday, will receive training regarding Board of Equalization procedures.

Supervisor Wilensky, today, will attend the Mental Health Job subcommittee meeting; Wednesday, will meet with the Bureau of Land Management in District II; Friday, will attend a Central Sierra Child Care Council meeting.

Supervisor Tryon announced the 4<sup>th</sup> annual Calaveras County Friends of Scouting luncheon on February 20, 2009. There will be a motivational speaker who is a safety expert and scout master. Reservations can be made by calling 209-954-9207.

Chair Thomas had no Board appointed meetings to attend this week. Chair Thomas referenced the agenda for February 17th and today's continued agenda item #10. Chair asked to have the January 13<sup>th</sup> continued item for Board appointments of applicants to County committee's, commissions and boards to also be on the February 17<sup>th</sup> agenda.

Counsel Jones responded, stating a program is being derived to make their terms more uniform. Some requirements are by state law, some have a different basis in legal authority or from the Board of Supervisors. Counsel is working with the Clerk's Office to have the recommendation back for the February 17, 2009 agenda.

Chair asked to have those not requiring any change, be brought to the agenda and the ones that will need to have changes to be heard at a later date.

Supervisor Callaway stated the County Fish and Game Commission, as a Tri-County basis, is in the process of developing policy regarding private planting of fish. Members of the public are always welcome at their meetings.

Chair Thomas referenced Bob Dean of Calaveras County Water District(CCWD) addressing the Board on January 27<sup>th</sup>. Dean asked the Board for input regarding a safety net issue for water and sewage bills. Thomas asked for Board response to advise CCWD of our interest to be involved.

11

Supervisor Tryon does not feel the County has General Fund money to subsidize CCWD. Tryon is not sure where the County would fit in this plan.

Thomas stated, the request was to discuss this issue concerning those having difficulties paying their service bills.

Supervisor Wilensky would like to have more information for this public concern. Wilensky stated concerns for families having financial difficulties and the awareness prior to incurring reconnect fees and health issues as a result of no services.

CAO Lawton will contact CCWD and have information provided and our need to know what is being asked to be discussed in a forum.

Chair Thomas expressed the need for all of the various service districts to work together on these issues.

CAO Lawton had nothing to report.

Counsel Jones had nothing to report.

#### ADJOURNMENT

There being no further business requiring action this day, the meeting adjourned at 3:25 p.m. to the below referenced closed sessions, with the Board to reconvene at 9:00 a.m. on February 17, 2009 for a regularly scheduled Calaveras County Board of Supervisors meeting.

#### CLOSED SESSION/COUNTY COUNSEL

A CLOSED SESSION was held pursuant to Government Code section 54956.9(b)(1); conference with legal counsel; anticipated litigation - significant exposure to litigation (one case); Melissa L. Devaney; On a unanimous vote, the Board of Supervisors approved the claim of Melissa L. Devaney and directed that the Code Compliance Administrative Fine of \$8,350.00 and costs of \$497.72 be refunded from the 4400 account (Tax Resources - Current Secured). Total refund of \$8,847.72 is to be made to Melissa L. Devaney and First American.

This Code Compliance Direct Charge of \$8,847.72 was included with the 2007-08 property tax bill. It was collected along with the ad volorem taxes through the Megabyte Property Tax System on June 5, 2008. The Auditor is directed to process a roll change to refund this amount to the claimant who is a property owner. Ayes: Tryon, Callaway, Thomas, Tofanelli, Wilensky

### 14. CLOSED SESSION/COUNTY COUNSEL

A CLOSED SESSION was held pursuant to Government Code section 54956.9(b)(1); conference with legal counsel; anticipated litigation - significant exposure to litigation (one case); with no action taken

/s/ Russ Thomas CHAIR

ATTEST:

/s/ Karen Varni CLERK

## CORRESPONDENCE

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

# JANUARY 23, 2009

- 1. From: Chamber NEWS re: February 2009 Publication; Filed, Board received at their residence
- From: Central Valley Regional Water Quality Control Board re: Public Meeting/ Panel Hearing; Board & Post
- 3. From: Fish and Game Commission re: Notice of date change for Public Hearing on Proposed Regulatory Action; Board & Post
- 4. From: Friends of the Calaveras County Library, Executive Council-Arnold Chapter re: Agenda for February 04, 2009: Supervisor Callaway & Post
- 5. From: Jerry McNerney, Member of Congress re: Invitation to an event at one of the sites the VA is considering in French Camp; Board
- 6. From: Better Roads re: January 2009 publication; Supervisor Tofanelli & Supervisor Thomas as addressed

### JANUARY 26, 2009

- 7. From: California Cultural & Historical Endowment, California State Library re: Agenda February 03, 2009 and request for e-mail addresses; Supervisor Thomas, Supervisor Tofanelli & Post
- 8. From: Programs Services re: Digital TV Transition; Board and Post
- 9. From: Calaveras County Water District re: Agenda January 28, 2009; Board & Post
- 10. From: California Budget Project re: Annual Conference; Supervisor Callaway as addressed
- 11. From: Robin Hadley re: Building Inspector Randy Baker; Board, CAO & County Counsel
- 12. From Regional Council of Rural Counties re: Assuming Office Statement (Form 700); Supervisor Callaway as addressed

## **JANUARY 27, 2009**

- 13. From: National Forest Counties and Schools Coalition re: Economic Stimulus Package; Board, Admin.
- 14. From: NACo re: January 26, 2009 issue of County News; individual copies to Board
- 15. From: NACo re: major goals of the stimulus package action needed; Board, Admin.
- 16. From: Alice Giuliani, Mokelumne Hill re: Arizona Sheriff, Joe Arpaio, endeavors to meet limited budget; cc: Board, Sheriff, Admin.
- 17. From: Agenda for Mental Health Board meeting of February 3, 2009; Supervisor Wilensky
- From: Mary Buchanan re: investigation of Animal Services; Board, CAO, County Counsel, Sheriff, Animal Services

### **JANUARY 28, 2009**

- 19. From: Calaveras County Historical Society re: invitation to Supervisor Tofanelli for a personal tour of the Red Barn Museum; Supervisor Tofanelli
- 20. From: CA Dept. of Mental Health re: Medi-Cal Oversight onsite review of County's Mental Health Plan; Wilensky, as addressed
- 21. From: CalChamber re: 2009 Policy Agenda-Leading the Nation Out of the Recession; individual copies to Board

- 22. From: Rural Community Assistance Corporation re: Quarterly issue of SEEDS. individual copies to Board
- 23. From: Christopher O'Connor of Congressman Dan Lungren's office re: Sacramento Metro Chamber 2009 CAP-to-CAP Event; Board, CAO

# JANUARY 29, 2009

24. From: Calaveras Adult Tutoring re: copy of Cat's Meow; individual copies to Board