

# CALAVERAS COUNTY BOARD OF SUPERVISORS

GARY TOFANELLI  
 DISTRICT 1  
 JOHN "JACK" GARAMENDI – VICE-CHAIR  
 DISTRICT 2  
 MICHAEL C. OLIVEIRA - CHAIR  
 DISTRICT 3  
 DENNIS MILLS  
 DISTRICT 4  
 CLYDE CLAPP  
 DISTRICT 5



MANUEL LOPEZ, INTERIM  
 COUNTY ADMINISTRATIVE OFFICER  
 MEGAN STEDTFELD  
 COUNTY COUNSEL  
 REBECCA TURNER  
 CLERK OF THE BOARD  
 DIANE SEVERUD  
 DEPUTY CLERK  
 891 MOUNTAIN RANCH ROAD  
 SAN ANDREAS, CA 95249 TEL: 209/754-6370

## February 14, 2017 REGULAR MEETING MINUTES

### CALL TO ORDER

Attendee Name	Title	Status	Arrived
Gary Tofanelli	District 1 Supervisor	Present	
John Garamendi	District 2 Supervisor	Present	
Michael Oliveira	District 3 Supervisor	Present	
Dennis Mills	District 4 Supervisor	Present	
Clyde Clapp	District 5 Supervisor	Present	

### CLOSED SESSION AGENDA

- Conference with legal counsel; anticipated litigation – significant exposure to litigation, (one case) pursuant to Government Code section 54956.9 (d)(2); Board action:

*No action was taken.*

Pledge of Allegiance

Announcements

### **9:06 AM: RECOGNITION AND ACKNOWLEDGEMENTS**

- DISTRICT ATTORNEY** Approve a Proclamation Recognizing February 2017 as Teen Dating Violence Awareness Month

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gary Tofanelli, District 1 Supervisor
<b>SECONDER:</b>	Dennis Mills, District 4 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

### **9:21 AM: PUBLIC COMMENT - 30 MINUTES**

Alice Montgomery had comments regarding the Urgency Ordinance and was informed that her comments should be given during agenda item 28.

Bonnie Newman, Double Springs, commented on the IHSS Public Authority.

Bill Petrone, SEIU Representative, commented on his dismay that the Board has directed staff to draft a ban ordinance.

Bob Bowerman stated that he and a group of people have been working on gathering information regarding cannabis cultivation. He asked for 15 minutes on March 14th to do a power point presentation.

Marti Crane read a poem from an anonymous author.

Bill Wilson provided a handout to the Board regarding special shed costs related to cultivation.

Ben Stopper, District 5, expressed his concern with a potential ban on cultivation, specifically the loss of revenue and potential refund of registration fees.

Trevor Witke, District 2 and the Calaveras Cannabis Alliance, pointed out the desperate need of funding for departments to regulate cultivation.

**CONSENT AGENDA**

**9:43 AM:      CONSENT AGENDA**

**RESULT:**            **ADOPTED [UNANIMOUS]**  
**MOVER:**            Clyde Clapp, District 5 Supervisor  
**SECONDER:**       John Garamendi, District 2 Supervisor  
**AYES:**              Tofanelli, Garamendi, Oliveira, Mills, Clapp

3. Minutes of Board of Supervisors – Regular Meeting – Jan 24, 2017 8:00 AM
4. Minutes of Board of Supervisors – Special Meeting – Jan 31, 2017 9:00 AM
5. Minutes of Board of Supervisors – Regular Meeting – Jan 31, 2017 6:00 PM
6. **CODE COMPLIANCE** Adopt an Ordinance adding Chapter 15.11 to the Calaveras County Ordinance Code, creating an expedited permitting and inspection process for electric vehicle charging stations pursuant to Government Code section 65850.7.
7. Item Pulled from Consent
8. Item Pulled from Consent
9. **BEHAVIORAL HEALTH SERVICES - MENTAL HEALTH PROGRAM** Authorize the Board Chair to execute an Agreement with Crestwood Behavioral Health, Inc. for Residential Mental Health Rehabilitation Services in an amount not to exceed \$300,000 for the period of July 1, 2016 through June 30, 2018.
10. Item Pulled from Consent
11. **PUBLIC WORKS** Authorize the Board Chair to execute a Professional Services Agreement between American Pavement Systems, Inc. and Calaveras County for the 2016 Seal Coating of County Service Area (CSA) 8 and CSA 12 Roads for an amount not to exceed \$76,467 for a term of 10 working days after start of project.
12. **INFORMATION TECHNOLOGY** Authorize a Purchase Order to the United States Postal Service for Countywide postage in the amount of forty-two thousand dollars (\$42,000.00) for Fiscal Year 2016/2017.
13. Item Pulled from Consent
14. **ADMINISTRATIVE OFFICE** Adopt a Resolution continuing a Local State of Emergency on Tree Mortality.
15. **ADMINISTRATIVE OFFICE** Adopt a Resolution continuing the Local State of Emergency due to Butte Fire.
16. **ADMINISTRATIVE OFFICE** Adopt a Resolution continuing a Local State of Emergency for the removal of hazardous trees caused by the Butte Fire with the imminent threat of severe winter weather.

**9:46 AM:      Items pulled from Consent**

**CODE COMPLIANCE** Adopt an Ordinance adding Chapter 15.10 to the Calaveras County Code adopting Public Resource Code sections 4291-4299 Defensible Space Requirements.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gary Tofanelli, District 1 Supervisor
<b>SECONDER:</b>	Dennis Mills, District 4 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

**CODE COMPLIANCE** Adopt an Ordinance adding Chapter 15.09 to the Calaveras County Code adopting Public Resource Code section 4290 Fire Safe Regulations for State Responsibility Areas.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gary Tofanelli, District 1 Supervisor
<b>SECONDER:</b>	Dennis Mills, District 4 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

**PUBLIC HEALTH SERVICES** 1) Adopt a Resolution authorizing changes to the Fee Schedule for the Medical Marijuana Identification Card (MMIC) program, reducing the fee from \$104 to \$100 per application, effective November 8, 2016; and 2) Authorize fee refunds to four (4) individuals in the amount of \$4 each in an amount not to exceed \$16.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Garamendi, District 2 Supervisor
<b>SECONDER:</b>	Clyde Clapp, District 5 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

**ADMINISTRATIVE OFFICE** Approve amendment 2 to the Mead and Hunt Airport Continuing Services Agreement in the amount of Ten Thousand dollars (\$10,000.00) and authorize the County Administrative Officer to sign the amendment.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gary Tofanelli, District 1 Supervisor
<b>SECONDER:</b>	Dennis Mills, District 4 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

### **REGULAR AGENDA**

17. **ADMINISTRATIVE OFFICE** Receive a report from Staff, CalOES, FEMA and local organizations regarding the ongoing Butte Fire Recovery.

*Earl Seaberg, Public Works, reported January 30th commenced the tree removal and approximately 400 trees have been removed to date. He advised that there may be traffic delays during this work. He announced that this is his last week, as he has met the maximum allowed by CalPERS for retirees. The Board thanked him for his service.*

*Jeff Crovitz, Public Works, also thanked Mr. Seaberg for his work on behalf of the County. FEMA and CalOES will be coming out next week to discuss the various issues.*

*Mel Knight, Environmental Management, reported that the initial mailing of Burn Debris insurance invoicing informational requests is scheduled to go out sometime in the coming week. Any inquiries on this should be directed to him. The ROE Hotline number is 209/221-4807 and will be in operation by the time the mailings occur.*

*Sharon Torrence, Butte Fire PIO, gave an update on the recent Media Event.*

18. **ADMINISTRATIVE OFFICE** Approve an agreement between the County of Calaveras and Aspen Street Architects, Inc. in the amount of \$57,750 and authorize the County Administrative Officer to sign the agreement and subsequent documents to design needed changes to the Legal / Administrative building.

*This item was withdrawn by Interim CAO Lopez.*

<b>RESULT:</b>	<b>WITHDRAWN</b>
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19. **HUMAN RESOURCES** Adopt a Resolution authorizing changes to the Position Control List by re-classifying an existing Senior Administrative Analyst position to a Principle Administrative Analyst position in the Administration Department.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Clyde Clapp, District 5 Supervisor
<b>SECONDER:</b>	Dennis Mills, District 4 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

20. **HUMAN RESOURCES** Allow Human Resources to recruit for the position of Building Official by ending the recruiting contract with Bob Murray & Associates as well as review the Building Official compensation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gary Tofanelli, District 1 Supervisor
<b>SECONDER:</b>	Dennis Mills, District 4 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

21. **PUBLIC WORKS** Authorize the Department of Public Works to reimburse CalTrans for funds expended by the Public Works Department for design costs associated with the suspension of two bridge replacement projects in the Capital Improvement Program in the amount of \$51,783.77.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dennis Mills, District 4 Supervisor
<b>SECONDER:</b>	Clyde Clapp, District 5 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

22. **PROBATION** Approve Capital Equipment expense for a vehicle partition and two radios for two new Probation Department vehicles. This requires a 4/5 vote to approve the budget transfer.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clyde Clapp, District 5 Supervisor
<b>SECONDER:</b>	Gary Tofanelli, District 1 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

23. **CODE COMPLIANCE** Introduce and waive reading of the ordinance superseding and replacing the current Chapter 8.06 of the Calaveras County Code, "Public Abatement -- Property Maintenance Code."

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gary Tofanelli, District 1 Supervisor
<b>SECONDER:</b>	Dennis Mills, District 4 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

24. **BOARD OF SUPERVISORS** Appointment of applicants to serve on various Committees, Commissions, Advisory Boards and County Service Areas.

*Supervisor Mills asked that the applications for the Library Commission be acted upon separately, so that he may recuse himself as he had a conflict. He then left the meeting.*

*On a motion by Supervisor Clapp and a second by Supervisor Tofanelli, the following applicants were appointed unanimously; Supervisor Mills was absent.*

Library Commission

*Two vacancies for terms expiring 12/31/20 - Member 1 & 2*

*Bob Dean (incumbent)*

*Allison Wright*

*Supervisor Mills returned to the meeting and the following appointments were made:*

*Agriculture Advisory Committee*

*One vacancy for a term expiring 12/31/19 - District 1*

*Libby Rader-Kassik*

*One vacancy for a term expiring 12/31/19 - District 2*

*Doug Joses (incumbent)*

*One vacancy for a term expiring 12/31/19 - District 5*

*John Robie (incumbent)*

*Children & Families Commission - First 5 Calaveras*

*One vacancy for a term ending 12/31/19 - Special Ed/Early Intervention*

*Tricia Simmons (incumbent)*

*One vacancy for a term ending 12/31/19 - Recipient of Project Services*

*Stephanie Xenos (incumbent)*

*Commission on Aging*

*One vacancy for a term ending 12/31/19 - District 4 Rep 1*

*Elizabeth Thompson*

*One vacancy for a term ending 12/31/19 - District 5 Rep 1*

*Linda Mellin*

*County Service Area (CSA) #1 - Rancho Calaveras*

*Two vacancies for terms ending 12/31/20 - Member 4 & 5*

*David B. Reyner*

*Darren Spellman*

*County Service Area (CSA) #8 - Spring Hills*

*One vacancy for a term ending 12/31/20 - Member 1*

*William R. Hamilton (incumbent)*

*Fish & Game Commission*

*One vacancy for a term ending 12/31/17 - District 3 - Rep 2*

*Ronald Severud*

*One vacancy for a term ending 12/31/17 - District 4 - Rep 1*

*Elaine St. John*

*IHSS Advisory Committee*

*One vacancy for a term expiring 12/31/18 - General Public 1*

*Margaret Williams*

Murphys Cemetery District (This application was held until the February 28, 2017 meeting)

One vacancy for a term ending 12/31/20 - Member 2

Jeff St. Louis (incumbent)

Prevent Child Abuse Council (PCAC)

One vacancy for a term ending 12/31/17 - Alternate 1

Kristina Nielson

Public, Educational and Governmental (PEG) Television Commission

One vacancy for a term expiring 12/31/18 - District 3

Pamela Quyle (incumbent)

One vacancy for a term expiring 12/31/18 - District 4

Alvin Broglio

Rail Road Flat Cemetery District

One vacancy for a term ending 12/31/20 - Member 1

Margaret Williams

San Andreas Cemetery District

One vacancy for a term ending 12/31/21 - Member 1

Jack Tallia

Solid Waste Task Force

One vacancy for a term ending 12/31/18 - Solid Waste Industry Rep

Mark Zeyen (incumbent)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gary Tofanelli, District 1 Supervisor
<b>SECONDER:</b>	Clyde Clapp, District 5 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

25. **BOARD OF SUPERVISORS** Re-assign members of the Board of Supervisors to various committees, commissions and boards pursuant to FPPC Regulation 18705.5 (2 CCR Section 18705.5).

Calaveras - Amador Mokelumne River Authority (CAMRA)

Supervisors Garamendi and Mills will serve as the representatives and Supervisor Tofanelli will serve as the alternate.

IHSS Advisory Committee

Supervisor Clapp will replace Supervisor Garamendi as the ex-officio representative.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gary Tofanelli, District 1 Supervisor
<b>SECONDER:</b>	Dennis Mills, District 4 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

26. **BOARD OF SUPERVISORS** Approve the Calaveras Child Care Council Membership as recommended by the Calaveras Child Care Council.

*The Board approved the application of Linda Winn.*

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	John Garamendi, District 2 Supervisor
<b>SECONDER:</b>	Gary Tofanelli, District 1 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

27. **ADMINISTRATIVE OFFICE** Adopt a Resolution declaring a Local State of Emergency for the winter storm damage from extreme weather events that began on January 7, 2017.

*This item had not been agendized and it was determined that it needed to be added today in order to continue the emergency status. On a motion by Supervisor Mills and a second by Supervisor Garamendi, the resolution was added to the agenda by unanimous vote.*

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Garamendi, District 2 Supervisor
<b>SECONDER:</b>	Dennis Mills, District 4 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

28. **PLANNING** Conduct a Public Hearing and adopt a Resolution upholding the Planning Commission's denial of the appeal of the Planning Director's denial of Commercial Cannabis Registration 2016-404 for Chuck Wong on 1820 Meadow View Rd. APN: 004-033-003 (File 2016-1124)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dennis Mills, District 4 Supervisor
<b>SECONDER:</b>	John Garamendi, District 2 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

29. **PLANNING** Pursuant to Gov. Code 65858, Extend the Applicability of Chapter 17.95 of the Calaveras County Code, an Urgency Ordinance Regulating Medical Cannabis Cultivation and Commerce, for a Period Not to Exceed One Year

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Gary Tofanelli, District 1 Supervisor
<b>SECONDER:</b>	Dennis Mills, District 4 Supervisor
<b>AYES:</b>	Gary Tofanelli, John Garamendi, Michael Oliveira, Dennis Mills
<b>NAYS:</b>	Clyde Clapp

### **SUPERVISOR ANNOUNCEMENTS**

Board Member Announcements - In compliance with AB 1234, chaptered as Government code Section 53232.3(d), this is the time for board members to report on meetings attended on behalf of the County and to carry out their duties as a County Supervisor.

*Supervisor Tofanelli reported he had attended the Mountain Valley EMS meeting and announced that Sutter Hospital in Amador County has been given the designation of a Level 3 Trauma Center.*

*Supervisor Clapp reported that he attended the CSAC New Supervisor's Institute.*

*Supervisor Mills attended the following meetings: CCWD, Murphys Sanitary District, LAFCo, UPUD, CMCAA training, CSAC New Supervisor's Institute, Fire Safe Council, CCOG, Hwy 4 Tree Mortality.*

*Supervisor Garamendi reported that he attended a Fair Board meeting regarding Frog Jump, an AT&T meeting regarding internet and cell service in his District, a First 5 meeting and a Mental Health Board meeting. He also attended the CSAC New Supervisor's Institute training and an event at the West Point Library. He asked that the Board be polled regarding agendaizing an item related to County space planning. The Board unanimously concurred.*

*Supervisor Oliveira reported that he attended a meeting of the Governor's Tree Mortality Task Force meeting, the Ebbetts Pass Owners Association and met with Public Works regarding storm damage in his district.*

**UPCOMING ITEMS**

- February 21, 2017 - 9:00 AM: Closed Session Interviews for County Administrative Officer

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Chair

ATTEST: \_\_\_\_\_

Deputy Clerk