

CALAVERAS COUNTY BOARD OF SUPERVISORS

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



TIMOTHY LUTZ
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

August 22, 2017 REGULAR MEETING MINUTES

CALL TO ORDER

The meeting was called to order at 8:00 AM by District 3 Supervisor Michael C. Oliveira

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

CLOSED SESSION AGENDA

1. Conference with legal counsel; anticipated litigation – significant exposure to litigation, (one case) pursuant to Government Code §54956.9 (d)(2).
The Board will continue the closed session discussion during the lunch break at 1:00 PM.
2. Public Employee Performance Evaluation: (Government Code §54957(b)(1)) Title: Public Works Director
The Board will continue the closed session discussion during the lunch break at 1:00 PM.

Pledge of Allegiance

Announcements

THE BOARD WILL BE TAKING A LUNCH BREAK FROM 12:00 PM UNTIL 2:00 PM.

9:35 AM: PUBLIC COMMENT - 30 MINUTES

Carl Stoughton commented on the Dollar General Store and that he is not a registered voter in Calaveras County.

Lynn Brown, West Point, commented that the Calaveras Unified School District is in crisis. Bill McManus, Ban Committee, remarked on the recent Operation Terminus and the environmental impacts associated with Cannabis Growers.

Vicky Reinke reported the Republican Committee recently passed a resolution regarding SB54.

Antonie Wurster, Mokelumne Hill, asked the Board to read SB54.

Brock Estes, Valley Springs, commented regarding Prop 64 language, Monterey County's ordinance that only existing greenhouses will be allowed to grow cannabis and the status of Humboldt County's cannabis cultivation.

Bonnie Newman, Double Springs, spoke regarding the definition of dementia, denial, deflection, defensiveness, disconnected, delusional and deranged.

Mark Whitehead, Valley Springs, spoke on SB54 and Sanctuary Jurisdictions.

Bill Wilson, District 1, reminded the Board that the cultivators affected by Operation Terminus were illegal.

Pat Gordo, Burson, commented on dementia and the lack of money at the schools.

Jeff Crovitz announced the upcoming hazardous waste collection day in San Andreas and Arnold on September 9th and in West Point on September 10th. Proof of residency is required.

10:12 AM: CONSENT AGENDA

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

3. Minutes of Board of Supervisors – Regular Meeting – Aug 8, 2017 8:00 AM
4. **ADMINISTRATIVE OFFICE** Adopt a Resolution continuing a Local State of Emergency for the winter storm damage from extreme weather events that began on January 7, 2017 through the month of February 2017.
5. **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.
6. **ADMINISTRATIVE OFFICE** Adopt a Resolution continuing the Local State of Emergency for the Butte Fire.
7. **ADMINISTRATIVE OFFICE** Adopt a Resolution continuing a Local State of Emergency on Tree Mortality.
8. **HEALTH AND HUMAN SERVICES AGENCY** Authorize the Board Chair to sign an Agreement with Calaveras County Office of Education for the provision of a Youth Leadership Program in an amount not to exceed \$116,000 for the period of July 1, 2017 through June 30, 2019.
9. **HUMAN RESOURCES** Adopt a Resolution approving the addendum to Deputy Sheriffs' Association MOU.
10. **HUMAN SERVICES** Authorize the Board Chair to execute an Agreement with the Amador Tuolumne Community Action Agency (ATCAA) for the operation of the CalWORKs Housing Support Program for the period of July 1, 2017 through June 30, 2018, in an amount not to exceed \$143,642.
11. **HUMAN SERVICES** Authorize the Chair of the Board of Supervisors to execute an Agreement with Amador Residential Partners, Inc. for residential care services for the period of May 1, 2017 through June 30, 2019, in an amount not to exceed \$200,000. Authorize the Chair of the Board of Supervisors to execute an Agreement with Amador Residential Care, Inc. for residential care services, for the period of May 1, 2017 through June 30, 2019 in an amount not to exceed \$200,000.
12. Item Pulled from Consent
13. **PROBATION** Authorize the Board Chair to sign the renewal of existing contract with Maxine Singer Youth Guidance Center.
14. **PUBLIC HEALTH SERVICES** Authorize the Board Chair to sign Agreement 17-10147 with the California Department of Public Health, Emergency Preparedness Office, for Public Health Emergency Preparedness funds of \$1,542,195.00 for the five year period of July 1, 2017 through June 30, 2022. Authorize the Director of Health and Human Services to modify the scope of work on an as-need basis with approval by the California Department of Public Health.

15. **PUBLIC HEALTH SERVICES** Authorize the Board Chair to sign Agreement No. 17-10255 with the California Department of Public Health for the administration of the Childhood Lead Prevention Program resulting in revenue in the amount of \$201,915 for the three year period of July 1, 2017 through June 30, 2020.
16. Item Pulled from Consent
17. **SHERIFF** Approve the FY16-17 U.S. Department of Justice Annual Equitable Sharing Agreement and Certification and authorize the Sheriff to submit the Agreement and Certification.
18. **TREASURER-TAX COLLECTOR** Adopt Resolution approving the Sale of Tax-Defaulted Property Subject to the Power of Sale at Public Auction via internet (Revenue and Taxation Codes 3692.2 and 3694) and authorizing re-offer at the end of the Sale or within the 90 day period of any parcel which does not receive the minimum bid.

10:11 AM: Items Pulled from Consent

PLANNING Authorize the Planning Department to issue a partial refund of \$5,091.02 for 2016-286 Sparks Zoning Amendment for withdrawal of project pursuant to County Code Section 17.88.021(B).

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

PUBLIC WORKS Authorize a refund of Commercial Road Impact Mitigation fees and Valley Springs Benefit Basin fees in the amount of \$18,180 to Brian Mansfield.

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

REGULAR AGENDA

19. **ADMINISTRATIVE OFFICE** Receive a presentation from Common Grounds Senior Services on the services the organization provides to residents of the County.
20. **HUMAN RESOURCES** Adopt a Resolution consistent with the modified and extended contract with Service Employees International Union (SEIU), Local 1021, ending December 31, 2017 for Appointed Department Heads, Mid-Management, Professional, Supervisory/Confidential, and Other.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gary Tofanelli, District 1 Supervisor
SECONDER:	Clyde Clapp, District 5 Supervisor
AYES:	Tofanelli, Garamendi, Oliveira, Mills, Clapp

21. **PUBLIC WORKS** Adopt a Resolution establishing the Fiscal Year 2017/18 schedule of fees and land classification for property related Solid Waste Parcel Fees.

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

22. **PUBLIC WORKS** Adopt Mitigated Negative Declaration for Singletree Drive Low Water Crossing Conversion Project.

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

23. **PUBLIC WORKS** Approve the request for Relief of Liability in the amount of \$157. A deposit made on July 21, 2017, from the Rock Creek Solid Waste Facility did not match the receipts that were submitted and exceeds staff authority.

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

24. **PUBLIC WORKS** Adopt a Resolution approving a temporary loan of \$384,432.57 from the General Fund No. 1010 to the Transit Services Fund No. 1021 to meet Transit operating expenses during Fiscal Year 2016/17, Requiring 4/5 Board approval.

The Board reconvened from closed session prior to the start of the next item and reported out as follows:

Item 1: Conference with legal counsel; anticipated litigation - significant exposure to litigation, (one case) pursuant to Government Code §54956.9 (d)(2). There was no reportable action taken.

Item 2: Public Employee Performance Evaluation: (Government Code §54957(b)(1)) Title: Public Works Director. There was no reportable action taken.

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

25. **COMMUNITY DEVELOPMENT BLOCK GRANT** 1) Conduct a Public Hearing for the purpose of soliciting citizens' views regarding the potential submission of a Special Wildfire Disaster Recovery Community Development Block Grant (CDBG) application in the amount of \$2,808,000 for tree removal, watershed restoration, tree planting and road repairs within the Butte Fire Disaster Area; and 2) Adopt a Resolution authorizing the Director of Health and Human Services, or designee, to submit the application to the State.

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

26. **PLANNING** Adopt an Ordinance amending the zoning of real property in Calaveras County from Rural Residential (RR-5) to Residential Agriculture (RA) for Jed Richardson.

The Board concurred to allow the new information and limit the discussion to the new evidence, not a discussion of information provided at the previous hearing.

The Board recessed for 15 minutes to allow staff time to draft a resolution to deny the zoning amendment.

RESULT:	DEFEATED [2 TO 3]
MOVER:	Dennis Mills, District 4 Supervisor
SECONDER:	Clyde Clapp, District 5 Supervisor
AYES:	John Garamendi, Michael C. Oliveira
NAYS:	Gary Tofanelli, Dennis Mills, Clyde Clapp

27. **PLANNING** Adopt a Resolution denying the zoning of real property in Calaveras County from Rural Residential (RR-5) to Residential Agriculture (RA) for Jed Richardson.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Dennis Mills, District 4 Supervisor
SECONDER:	Clyde Clapp, District 5 Supervisor
AYES:	Gary Tofanelli, Dennis Mills, Clyde Clapp
NAYS:	John Garamendi, Michael C. Oliveira

28. **PLANNING** Conduct a Public Hearing and adopt a Resolution upholding the Planning Commission's denial of the appeal of the Planning Director's rejection of a Commercial Cannabis Registration for Steve and Ranae Snowden on APN: 068-003-079 (File 2017-046)

Supervisor Clapp recused himself before any testimony or evidence was heard.

The Board was polled to determine if the matter of the continuance and the appeal should be bifurcated. The Board concurred that the matter should not be bifurcated; Supervisor Clapp was absent.

The Board was polled to consider the request for continuance. The Board concurred that there was not enough evidence to grant the continuance; Supervisor Clapp was absent.

Supervisor Clapp returned to the meeting at 7:07 PM.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gary Tofanelli, District 1 Supervisor
SECONDER:	Dennis Mills, District 4 Supervisor
AYES:	Gary Tofanelli, John Garamendi, Michael C. Oliveira, Dennis Mills
ABSENT:	Clyde Clapp

29. **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 (2016-654) for Norman Gunsell and Amie Volpe-Gunsell at a site located on the west side of Adobe Gulch Road approximately one-half mile north of the intersection of Cave City Road and Adobe Gulch Road, Mountain Ranch. APN 036-031-017.

The Board was polled to consider the request for continuance; it was unanimously denied.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gary Tofanelli, District 1 Supervisor
SECONDER:	John Garamendi, District 2 Supervisor
AYES:	Tofanelli, Garamendi, Oliveira, Mills, Clapp

30. **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 (2016-655) for Norman Gunsell and Amie Volpe-Gunsell at a site located approximately 700 feet west of Adobe Gulch Road at a point approximately one-half mile north of the intersection of Cave City Road and Adobe Gulch Road, Mountain Ranch. APN 036-031-016.

The Board was polled to consider the request for continuance; it was unanimously denied.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Garamendi, District 2 Supervisor
SECONDER:	Gary Tofanelli, District 1 Supervisor
AYES:	Tofanelli, Garamendi, Oliveira, Mills, Clapp

31. **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 (2016-656) for Norman Gunsell and Amie Volpe-Gunsell at a site located at 8380 Garibaldi Street, Mountain Ranch. APN 036-001-051

The Board was polled to consider the request for continuance; it was unanimously denied.

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

32. **ADMINISTRATIVE OFFICE** Authorize the Auditor-Controller to make short-term loans from General Fund monies to meet certain FY 2016-2017 operating expenses, which short-term loans shall be repaid when the related grant reimbursements are received. Authorize the Auditor-Controller to transfer funds from the General Fund to cover obligations for the outstanding operating expenses of certain departments for which no grant or other funds are available or expected to be received. Authorize certain technical adjustments with respect to the Rock Creek Gatehouse Capital Improvement Project. Authorize the Implementation of the Cannabis Regulatory Program Memo. Requires a 4/5 vote of the board.

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

SUPERVISOR 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.

PUBLIC COMMENT CONTINUED:

George Fry announced the Commission on Aging's Senior of the Year Luncheon on September 29th.

A suggestion was made to change the board meetings back to every week to facilitate shorter meetings.

Supervisor Clapp reported that he and Supervisor Tofanelli will be hosting a Town Hall meeting on Friday, September 1st at the Valley Springs Town Hall.

Supervisor Mills asked if the appointment for the GWA will be coming to the Board soon.

Supervisor Oliveira reported that he attended the Local and State Tree Mortality Task Force meetings and the Taxpayers Association Barbeque. He thanked the

department heads for hosting the Employee Appreciation Ice Cream Social during the lunch break.

The meeting was closed at 9:35 PM


Michael C. Oliveira, District 3 Supervisor 8/22/2017


Rebecca Turner, Clerk-Recorder 8/22/2017

ATTEST