

# 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



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

## October 24, 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. Pursuant to Govt. Code section 54957.6, personnel matter: conference with labor negotiator (Judy Hawkins, Director of Human Resources & Risk Management) re: Deputy Sheriff's Association (DSA), Sheriff's Management Unit (SMU), Service Employees International Union (SEIU), and Calaveras County Public Safety Employees Association (CCPSEA) negotiations; Board action:

*There was no reportable action taken.*

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

*There was no reportable action taken; however, the Board may reconvene to closed session on this item later in today's meeting if the Board determines it is necessary.*

*Please note: At their meeting held on Tuesday, October 17, 2017, the Board held a closed session on "Conference with legal counsel - anticipated litigation – significant exposure to litigation, (one case) pursuant to Government Code section 54956.9 (d)(2)". It was reported that no reportable action was taken in the morning and that the Board may reconvene back into closed session. It was determined that was not necessary, so the initial report on that closed session is final.*

Pledge of Allegiance

### Announcements

This is a time for board members and County staff to provide updates of upcoming County events that may be of interest to the public.

### 9:18 AM: PUBLIC COMMENT - 30 MINUTES

Joel Pitto, Paloma, commented on the conditions of Gwin Mine Road and would like the Board to have the necessary repairs made.

Bill Schmidt remarked on his experience in the county and with previous Boards.

Ben Stopper, District 5, provided a copy of an email sent by Supervisor Clapp to EBMUD regarding the cultivation issue within the county.

Bonnie Newman spoke of the seven deadly sins and provided definitions of respect, hypocrisy and tolerance.

Kim Fischer Rufrolf, District 2, commented the disgraceful behavior of the Board and County Staff.

Marti Crane, District 5, spoke of the Red Cross and the work they do.

Sandy Metriot, District 2, expressed her opinion of the actions of Supervisors Mills and Clapp at the last meeting.

Bill Wilson stated his disappointment at the last meeting regarding the actions of Supervisors Mills and Clapp.

Rick McMillian asked how many more times taxes will be raised if the County doesn't continue to collect Measure C funds.

Pat Gordo questioned the decision of Supervisors Mills and Clapp to leave the meeting last week during public comment on the ban ordinance discussion.

**9:48 AM: CONSENT AGENDA**

<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

3. **AUDITOR/CONTROLLER** Adopt a Resolution establishing the Fiscal Year 2017-2018 Appropriations Limits for the County of Calaveras and Special Districts.
4. Item Pulled from Consent
5. Item Pulled from Consent
6. **SHERIFF** Approve and sign the First Amendment to the Services Agreement between the Calaveras County Sheriff's Office and Matthew L. Brown in an amount not to exceed \$150,000.00, a net increase of \$100,000.00.
7. **ADMINISTRATIVE OFFICE** Authorize the Board Chair to execute a two (2) year lease Agreement with Julia Moore, Donald Myers and Marcia Myers for office space located at 291 Main Street, Unit A in West Point, CA, for a total cost of \$16,080 for the period July 1, 2017 through June 30, 2019.
8. Item Pulled from Consent
9. **ADMINISTRATIVE OFFICE** Approve a revised designation of Applicant's Agent for Non-State Agencies (Cal OES 130 Form), designating the County Administrative Officer, Assistant County Administrative Officer and the Director of Emergency Services as authorized agents.
10. **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.
11. **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.
12. **ADMINISTRATIVE OFFICE** Adopt a Resolution continuing the Local State of Emergency for the Butte Fire.
13. **ADMINISTRATIVE OFFICE** Adopt a Resolution continuing a Local State of Emergency on Tree Mortality.

**9:49 AM: Items Pulled from Consent**

**AUDITOR/CONTROLLER** Adopt an Ordinance by a unanimous vote, establishing qualifications for the Office of the Auditor-Controller and amending Ordinance 526 Section 2, 1969.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>
	<b>Next: 11/14/2017 8:00 AM</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

**PUBLIC WORKS** Authorize the Director of Public Works to execute an Agreement with PaintCare Inc. for the collection, transportation, reuse, recycling, and disposal of paint using environmentally sound management practices for the period of September 1, 2017, through August 31, 2018, which may result in nominal revenue requiring approval by the Board of Supervisors per §3.28.034 of County 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

**ADMINISTRATIVE OFFICE** Authorize the County Administrative Officer to execute a four (4) year lease Agreement with Jake and Donna Koplen for office space located at 700 Mountain Ranch Rd. Suite C-2 San Andreas, CA, for a cost not to exceed \$265,000 for the period August 1, 2017 through July 31, 2021.

<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

### **REGULAR AGENDA**

14. **ASSESSOR** Adopt the Resolution authorizing the Board Chair to sign the Application for Open Space Subvention Payment of \$140,527.96 from the State of California under the Open Space Subvention Act.

<b>RESULT:</b>	<b>ADOPTED [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

15. **BOARD OF SUPERVISORS** Select one member of the Board of Supervisors to act as the 2018 CSAC Representative and one member to act as the Alternate for the CSAC Association Year beginning November 28, 2017.

*Supervisor Oliveira was selected as the Representative and Supervisor Garamendi was selected as the Alternate for 2018; however, this may be re-addressed in January when other assignments are made.*

<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

16. **PLANNING** Conduct a Public Hearing to adopt an Ordinance rescinding Chapter 17.95 and replacing it with a new Chapter 17.95 banning or regulating cannabis cultivation and related commercial activities; certify Environmental Impact Report.

*Staff recommended that the EIR not be certified until an ordinance is adopted.*

*Although the Board did not vote on the proposed ban ordinance, on a motion by Supervisor Garamendi and a second by Supervisor Tofanelli, the Board directed staff to craft a regulatory ordinance which would include the suggestions made by Supervisor Tofanelli and be presented to the Planning Commission for consideration and then back to the Board of Supervisors for possible adoption. Supervisors Tofanelli, Garamendi and Oliveira voted in the affirmative; Supervisors Mills and Clapp dissented.*

<b>RESULT:</b>	<b>WITHDRAWN</b>
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**4:24 PM: Public Comment continued**

Vickey Mills commented on an issue in District 4 regarding who can determine whether a dog is dangerous or not.

Susan Morse, District 4, brought to note Rule 46 of the Procedures regarding orderly conduct.

A man commented on a conversation he had heard recently regarding additional properties being purchased to grow cannabis.

**SUPERVISOR ANNOUNCEMENTS**

In compliance with AB1234, chaptered as Government Code Section 53232.3(d), Board members shall provide brief reports on meetings they attended at the expense of the local agency at the next regular meeting of the legislative body. This report is required to include meetings attended for which there has been expense reimbursement (mileage, meals, lodging, etc.), but may also, at the Board members discretion, include any other meeting attended by the Supervisor on behalf of the County.

*Supervisor Clapp reported that he did not attend any meetings that qualified for reimbursement by the County.*

*Supervisor Mills attended the following meetings and events: ESQGBA, Murphys Sanitary District and the Solid Waste Task Force. He will attend an upcoming Mountain Counties Water Resource Association meeting.*

*Supervisor Tofanelli announced that he will be attending the LAFCo Conference in San Diego until Friday.*

*Supervisor Garamendi attended the Mokelumne River Association meeting.*

*Supervisor Oliveira attended the Senior of the Year Luncheon, Local Tree Mortality Task Force, CMCAA meeting via conference call, Work Force Development Strategic Planning, Retirement party for Tom Oldham, Mother Lode Job Training meeting and the Solid Waste Task Force meeting.*

The meeting was closed at 4:38 PM

  
Michael C. Oliveira, District 3 Supervisor 10/24/2017



Diane Severud, Deputy Clerk of the Board of Supervisors

10/24/2017

ATTEST