

# 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

## May 8, 2018 REGULAR MEETING MINUTES

### CALL TO ORDER

The meeting was called to order at 8:30 AM by District 1 Supervisor Gary Tofanelli

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 – initiation of litigation, (one case) pursuant to Government Code section 54956.9 (d)(4); Board action:

*On a motion by Supervisor Clapp and a second by Supervisor Mills, the Board unanimously agreed to direct staff to engage Baron & Budd, to join the California Opioid Consortium, and to file suit against the opioid manufacturers and distributors for creating the opioid epidemic in Calaveras County.*

2. Pursuant to Government Code Section 54956.9 (d)(1): conference with legal counsel re: existing litigation; (1 case) Dennis Ponte v. County of Calaveras, et al. - Calaveras County Superior Court, Case No. 12CV38597; Board action:

*Supervisor Clapp recused himself from the discussion of this item.*

*There was no reportable action taken.*

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.

THE BOARD WILL RECESS FROM 11:30 AM TO 2:00 PM TO PARTICIPATE IN THE GOVERNMENT CENTER FROG JUMP ACTIVITIES.

*Kathy Gallino, Economic Development Director, updated the Board regarding the GFS scope of work and the Transient Occupancy Tax (TOT) Request for Proposals (RFP) response. She announced that GFS will make a presentation to the Board on May 22nd.*

*Supervisor Tofanelli announced that Item 20 on today's agenda will be heard at a later date.*

### RECOGNITION AND ACKNOWLEDGEMENTS

3. **BOARD OF SUPERVISORS** Adopt a Proclamation recognizing the Calaveras County Fair and Jumping Frog Jubilee, May 16 - 20, 2018.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael C. Oliveira, District 3 Supervisor
<b>SECONDER:</b>	John Garamendi, District 2 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

4. **BOARD OF SUPERVISORS** Adopt a Proclamation Designating May as Poppy Month in Calaveras County.

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

**9:38 AM: PUBLIC COMMENT - 30 MINUTES**

Bonnie Newman, Double Springs, commented on the no votes by two supervisors at the last meeting on the proclamation recognizing the contributions to the community made by Barden Stevenot.

Shawn Magano, SEIU Union Representative for IHSS Providers, commented on electronic evaluation visit legislation and her belief that it is intrusive.

Danielle Maxwell, Avery, expressed her views on the electronic visit program and the impacts to her as a provider and asked the Board to not support it.

George Fry read a letter to the Clerk stating that he will be taking a medical leave of absence from the IHSS Advisory Committee, Commission on Aging and the Area 12 Advisory Council, effective immediately and through December 2018. He distributed the letter and a handout of articles regarding the upcoming supervisorial election.

Bill Wilson, District 1, commented on an unintended consequence of the cultivation ban and the recent actions of a deputy on the MET Team.

Megan Gonsalves, District 4, informed the Board that 27 of her clients are going out of business as a result of the cultivation ban.

Jessica Clovine, District 1, feels that she and her concerns regarding cannabis cultivation have gone unrecognized by the Board.

Joan Wilson, District 1, commented on empty buildings and businesses leaving the county due to the cultivation ban.

**CONSENT AGENDA**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael C. Oliveira, District 3 Supervisor
<b>SECONDER:</b>	Clyde Clapp, District 5 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

5. Minutes of Board of Supervisors – Regular Meeting – Apr 24, 2018 8:00 AM
6. **PUBLIC WORKS** Authorize the Board Chair to execute an Agreement with Quincy Engineering, Inc. for construction engineering for the Stagecoach Road Low Water Crossing Replacement Project in an amount not to exceed \$399,150 for the term of April 24, 2018, through December 31, 2020.
7. Item Pulled from Consent

8. **SHERIFF** Board to authorize and sign Modifications 13 and 14 to US Forest Service grant 14-LE-11051360-002 for 2018 as well as authorize the Sheriff to sign Modifications 13 and 14 (Modification 13 - patrol services in the amount of \$6,000.00) and (Modification 14 - control substance patrol in the amount of \$18,000.00). This action requires a 4/5's affirmative vote of the Board.
9. Item Pulled from Consent
10. Item Pulled from Consent
11. Item Pulled from Consent
12. **ADMINISTRATIVE OFFICE** Adopt a Resolution authorizing the Calaveras County Historical Society to work within the Oak Woodland Conservation Easement.
13. Item Pulled from Consent
14. Item Pulled from Consent
15. Item Pulled from Consent
16. **ADMINISTRATIVE OFFICE** Adopt a Resolution continuing the Local State of Emergency for the Butte Fire.
17. **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.
18. **ADMINISTRATIVE OFFICE** Adopt a Resolution continuing a Local State of Emergency on Tree Mortality.
19. **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.

**9:28 AM: Items Pulled from Consent**

**SHERIFF** Authorize the Sheriff to accept/sign amendment one to contract (R17PC00057) with Bureau of Reclamation to exercise option year 1 for the period June 1, 2018 through May 31, 2019 not to exceed amount of one hundred fifty-nine thousand two hundred thirteen dollars and 20 cents (\$159,213.20) for law enforcement services by the Calaveras County Sheriff at New Melones Lake.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clyde Clapp, District 5 Supervisor
<b>SECONDER:</b>	Michael C. Oliveira, District 3 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

**SHERIFF** Authorize the Sheriff to accept/sign amendment 1 U.S. Department of Justice, Drug Enforcement Administration grant 2018-07 for illegal cannabis eradication from October 1, 2017 through September 30, 2018, increasing the contract value from forty five thousand dollars and no cents (\$45,000.00) to seventy five thousand dollars and no cents (\$75,000.00), net increase of thirty thousand dollars and no cents (\$30,000.00). This action requires a 4/5ths affirmative vote of the Board.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dennis Mills, District 4 Supervisor
<b>SECONDER:</b>	Michael C. Oliveira, District 3 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

**ADMINISTRATIVE OFFICE** 1. Adopt plans, specification, and bid documents necessary for the construction of a security window and wall for the Treasurer/Tax Collector's Office; 2. Authorize the Purchasing Agent to execute the bid documents, set the deadline for submission of bids, and submit legal notice advertising Bid #17-1060-17-914; 3. Authorize the County Purchasing Agent to award the Bid #17-1060-17-914 to the lowest, responsive, responsible bidder; execute any contract documents necessary for the work, subject to County Counsel and Risk Management review and approval; and 4. Report back to the Board of Supervisors said bid results at the next available meeting following evaluation of bid results.

*On a motion by Supervisor Mills and a second by Supervisor Oliveira to table the item until later in the meeting to allow for the Treasurer/Tax Collector to attend and answer questions from the Board. The Board unanimously agreed. The item was approved after the Board spoke with Ms. Sullivan.*

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael C. Oliveira, District 3 Supervisor
<b>SECONDER:</b>	Dennis Mills, District 4 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

**ADMINISTRATIVE OFFICE** 1. Authorize the Purchasing Agent to piggy-back on El Dorado County's RFP #12-986-061 for the placement of a Kyocera lease copier for the Public Works Department for a 60 months term at annual cost of \$2,784.72 (\$232.06/per month), plus a cost per copy fee, with Discovery Office Systems, Inc. of Sacramento, California; 2. Authorize the Purchasing Agent to execute the lease agreement for same; and 3. Authorize the Purchasing Agent to work with the County Auditor-Controller and Information Technology Department to evaluate the cost benefit analysis of moving from the duplication fund accounting structure for the purchase of copiers placed throughout the County to a leased/rental copier program utilizing the County of El Dorado's RFP through its extended term of October of 2020.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dennis Mills, District 4 Supervisor
<b>SECONDER:</b>	Michael C. Oliveira, District 3 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

**CODE COMPLIANCE** Uphold Administrative Citation issued for Code Compliance Case #1907 regarding Darin Samuel and the property identified by APN 021-009-013 located at 6175 Calaveras Circle, Mountain Ranch, CA, authorizing abatement and a lien for administrative and abatement costs.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	John Garamendi, District 2 Supervisor
<b>SECONDER:</b>	Michael C. Oliveira, District 3 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

**CODE COMPLIANCE** Uphold Administrative Citation issued for Code Compliance Case #2028 regarding Charles & Paula Schwartz and the property identified by APN 068-049-006 located at 735 Anrey Court Murphys, CA, authorizing abatement and a lien for administrative and abatement costs.

*Courtney Minehart, Code Compliance, asked that the Board extend their action for three weeks from now to allow the property owner to pursue the existing 60 day eviction notice to work with Code Compliance to clean up the property.*

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clyde Clapp, District 5 Supervisor
<b>SECONDER:</b>	Michael C. Oliveira, District 3 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

**CODE COMPLIANCE** Uphold Administrative Citation for Pottery Dog Investments on Case #2011 and the contiguous properties identified by APNs 054-004-061 & 054-004-060 located at 2539 & 2749 N. Horseshoe Drive, Copperopolis, CA , authorizing abatement and a lien for administrative and abatement costs.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dennis Mills, District 4 Supervisor
<b>SECONDER:</b>	Michael C. Oliveira, District 3 Supervisor
<b>AYES:</b>	Tofanelli, Garamendi, Oliveira, Mills, Clapp

### **REGULAR AGENDA**

20. **OES** Receive an update on disaster recovery activity throughout Calaveras County for Butte Fire 2015, Tree Mortality 2015, Winter Storms 2017.

<b>RESULT:</b>	<b>TABLED</b>
<b>Next: 5/15/2018 8:00 AM</b>	

### **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 attended the meetings of Dignity Health, CSA 1, Area 12, and the Chamber breakfast.*


*Supervisor Mills will report at the next meeting.*

*Supervisor Oliveira attended CVB meeting, TOT meeting, Murphys Advisory Committee regarding Hwy 4 sidewalks and safety, and was a judge at the Miss Senior Citizen Beauty Pageant.*

*Supervisor Garamendi will provide more detail at the next meeting regarding the following meetings: Humboldt RCRC, UMWRA, Mountain Ranch Mud Run, IHSS Advisory Committee, Mental Health Board and First 5.*

*Supervisor Tofanelli will report at the next meeting.*

The meeting was closed at 11:36 AM

  
 Gary Tofanelli, District 1 Supervisor

5/8/2018



Rebecca Turner, Clerk-Recorder

5/8/2018

ATTEST