

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

July 24, 2018 REGULAR MEETING MINUTES

CALL TO ORDER

The meeting was called to order at 8:00 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

- Pursuant to Government Code Section 54956.9 (d)(1): conference with legal counsel re: existing litigation: County of Calaveras v. Pacific Gas & Electric Company, et al., Sacramento County Case No.: JCCP 4853 ;
There was no reportable action.
- Pursuant to Government Code Section 54956.9(d)(4): conference with legal counsel re: anticipated litigation: initiation of litigation, one case, related to Kane County, Utah v. USA, Case No.: 1:17-cv-01991-EDK, pending in the United States Court of Federal Claims;
On a motion by Supervisor Oliveira and a second by Supervisor Clapp, the Board unanimously agreed to initiate litigation by opt-ing in to the class action lawsuit.
- Pursuant to Government Code Section 54956.9 (d)(1): conference with legal counsel re: existing litigation: Raphael Calderon v. Calaveras County Superior Court Case No. 17CV42428.:
Supervisor Clapp recused himself from the discussion. There was no reportable action.

Pledge of Allegiance

9:19 AM: 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.

Supervisor Oliveira announced the passing of Dan Leary, resident and volunteer in the Arnold area, noting that there will be Proclamation recognizing his work at the August 14th meeting.

Supervisor Mills reminded everyone of the upcoming Central Sierra Economic Development meeting in Murphys.

Supervisor Garamendi announced that Calaveras Unified School District is back in session today.

Sheriff Rick DiBasilio commented on the upcoming purchase of the Bear Cat.

9:25 AM: PUBLIC COMMENT - 30 MINUTES

Phil Alberts, Mountain Ranch, remarked that he had submitted a form requesting a Fee Waiver and re-zoning of a parcel he owns.

Kathinka McKeown commented on the effects of the Cannabis Ban.

Joel Pitto, Paloma, expressed his opinion that Rule 46 of the Board's Rule of Procedure is illegal and the poor condition of Gwin Mine Road.

Gary Stevens, District 1, commented on the July 10th discussion of the no bid award of a contract for custodial services at the Sheriff's Office and Jail.

Bonnie Newman, Double Springs, defined censorship.

Trent Fiorino asked the Board to proclaim August as Trump Dysfunctional Syndrome (TDS) month in Calaveras County.

Chris Joncoaltz spoke of respect and compared the lack of growth in the county to that of Tulare County, which in his opinion, is now struggling.

Rick DiBasilio commented on the previous speaker's statement and that the custodial contract mentioned earlier was untrue.

Pat Gordo expressed her opinion of the contract placing the Sheriff in a shaky situation, that she is proud of the job being done by Donald Trump and her disagreement with the actions of Governor Brown.

Tom Griffing had requested at the July 17th meeting to have a Brown Act violation corrected. He believes the 8.06 Town Hall meetings are a fraud.

Beth Wittke, District 5, asked if it was legal for candidates to campaign during Public Comment. She asked if background checks were done for the Candace Keeseey contract, were background checks were done on Vickey Mills and Kevin Ost prior to them having access to County email accounts. She stated that she withdrew her application for Area 12 because she didn't feel that she would be fairly vetted by the Board of Supervisors.

George Fry asked to see a report at every board meeting of the sweeps of marijuana farms to provide more transparency.

Benjamin Stopper, District 5, expressed his opinion regarding campaigning or electioneering in a board meeting, whether from the Dais or the Podium. He asked how many decisions are made in closed session under the guise of exposure to litigation.

Al Segalla, Calaveras Taxpayers Association, clarified that he believes the request to have the custodial contract sent out for bid was for better transparency and not due to any alleged collusion.

Ralph Copeland, District 4, quoted Sheriff DiBasilio saying that the County had \$5 million of Measure C moneys and he was going to very stern about having enough for the team. He stated that Little John Road needs striping and low shoulder repairs to be complete.

10:21 AM: CONSENT AGENDA

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

4. **PUBLIC WORKS** Authorize modification to a blanket purchase order for parts purchased through June 30, 2018, from Calaveras Auto Supply increasing the maximum amount payable to \$105,000.
5. **PUBLIC WORKS** Adopt a Resolution authorizing the adoption of Caltrans' Local Assistance Procedures Manual (LAPM) Chapter 10 as Public Works' Consultant Procurement Policies and Procedures for Federal- and State-funded transportation projects.

6. **PUBLIC WORKS** Ratify Contract Change Order 01 to the Construction Contract with K.W. Emerson, Inc. for the installation of a temporary bridge on Blagen Road in White Pines in the amount of \$27,355.74.
7. Item Pulled from Consent
8. Item Pulled from Consent
9. **ELECTIONS** Approve the Calaveras Resource Conservation District's request for appointments to fill vacancies set to expire November 30, 2018, in lieu of holding an election.
10. **ELECTIONS** Adopt a Resolution ordering a Special Election allowing Vallecito Union School District to submit a bond measure to the voters for approval and consolidating said election with the November 6, 2018 Statewide General Election.
11. **ELECTIONS** Adopt a Resolution ordering a Special Election allowing West Point Fire Protection District to submit a measure to the voters for approval and consolidating said election with the November 6, 2018 Statewide General Election.
12. Item Pulled from Consent
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 for the Butte Fire.
16. **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.
17. **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.

9:24 AM: Items Pulled from Consent

BEHAVIORAL HEALTH SERVICES - MENTAL HEALTH PROGRAM Adopt a resolution to 1) Authorize the Director of the Health and Human Services Agency to sign the Mental Health Plan Agreement #17-94576 with Department of Health Care Services (DHCS) for the provision of specialty mental health services. 2) Authorize the Director of the Health and Human Services Agency to sign Amendment #01 to the Mental Health Plan Agreement #12-89357 with DHCS for the provision of mental health services.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dennis Mills, District 4 Supervisor
SECONDER:	Michael C. Oliveira, District 3 Supervisor
AYES:	Tofanelli, Garamendi, Oliveira, Mills, Clapp

SHERIFF 1. Award RFQ #17-0324-19-968 for "as needed" cannabis eradication services to the sole qualified respondent, Dirty Werks of Sutter Creek, California; and 2. Authorize the Chair to execute an agreement for same in the amount of \$100,000.00 for a term to expire June 30, 2019.

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

ADMINISTRATIVE OFFICE Approve an Agreement for Coroner Services between the County of Calaveras and Calaveras Mortuaries, Inc. for the period of July 1, 2017 through December 31, 2018 and authorize the County Coroner to sign the Agreement.

CAO Lutz withdrew the item to allow staff to make adjustments and bring it back to the Board on August 7th.

RESULT:	WITHDRAWN
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ADMINISTRATIVE OFFICE Approve the FY 2018/19 Administrative Match Agreement between the County of Calaveras and Area 12 Agency on Aging in the amount of \$89,892.00 and authorize the Board Chair to sign the Agreement.

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

REGULAR AGENDA

THE BOARD OF SUPERVISORS WILL RECESS AND CONVENE AS THE AIR POLLUTION CONTROL DISTRICT BOARD.

18. **AIR POLLUTION CONTROL DISTRICT** Acting as the Air Pollution Control District Board, authorize the CAO to sign Grant Agreement with the California Air Resources Control Board to Implement AB 197 Emission Inventory.

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

19. **AIR POLLUTION CONTROL DISTRICT** Authorize the Board Chair to sign the grant Memorandum of Understanding between CAPCOA and the District for implementation of the Woodsmoke Reduction Pilot Program; find exempt from CEQA.

RESULT:	APPROVED [4 TO 1]
MOVER:	John Garamendi, District 2 Supervisor
SECONDER:	Clyde Clapp, District 5 Supervisor
AYES:	Gary Tofanelli, John Garamendi, Michael C. Oliveira, Clyde Clapp
NAYS:	Dennis Mills

THE AIR POLLUTION CONTROL DISTRICT BOARD WILL ADJOURN AND RECONVENE AS THE BOARD OF SUPERVISORS.

20. **ECONOMIC DEVELOPMENT** Receive a semi-annual presentation from the Calaveras County Economic Development Department regarding Economic Development activities for the last two quarters of FY 2017-2018.

The discussion included the compilation of data, assisting new and existing businesses, identifying the need for housing and setting benchmarks to measure the success of the programs offered by the department.

21. **ECONOMIC DEVELOPMENT** Adopt a Resolution calling a special election and consolidating it with the November 6, 2018 Statewide General Election for the purpose of enabling the people of Calaveras County to approve or reject an Ordinance amending Section 3.12.030 of the County Code in order to raise the Transit Occupancy Tax (TOT) from 6% to 12% in order to provide approximately \$600,000 annually for unrestricted general revenue purposes. Requires 4/5 vote.

RESULT:	ADOPTED [4 TO 1]
MOVER:	John Garamendi, District 2 Supervisor
SECONDER:	Clyde Clapp, District 5 Supervisor
AYES:	Gary Tofanelli, John Garamendi, Dennis Mills, Clyde Clapp
NAYS:	Michael C. Oliveira

22. **ADMINISTRATIVE OFFICE** 1. Make a finding of public benefit; 2. Approve and authorize the Board Chair to execute Amendment I to the Black Bart Playhouse Lease extending the lease term through June 30, 2019 with an annual lease amount of \$1.

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

23. **BOARD OF SUPERVISORS** 1) Receive a report of the Clerk's review of the citizen boards/committees/commissions, and 2) Adopt a Resolution disbanding the Calaveras Parks and Recreation Commission and 3) Rescind Resolution 09-035 which established procedures for appointing commissioners to the Calaveras Parks and Recreation, and 3) approve the adopted bylaws of the Fish & Game Commission and the Library Commission.

Supervisor Garamendi asked that the portion of the item related to the Parks & Recreation Commission be bifurcated from the others and discussed separately. He stated that due to the recent approval of Proposition 68 and the potential for new funding for Parks and Recreation, he thought it would be prudent to not take action at this time. The Board was polled and unanimously agreed to direct the Administrative Office to track Proposition 68 and notify the Board when funding guidelines are established.

On a motion by Supervisor Garamendi and a second by Supervisor Clapp, the balance of the items were unanimously approved and the proposed resolution was defeated.

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

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 Oliveira reported that he attended the NACO Conference in Nashville, Tennessee.

Supervisor Clapp attended the Mother Lode Job Training meeting and the Economic Development event at Ironstone.

Supervisor Mills reported that he attended the following meetings and events: LAFCO, Eastern San Joaquin Groundwater Basin Authority meeting, Transit JPA, Murphys Sanitary District, Department of the Interior regarding Northfork Stanislaus, Chamber Mixer, Meeting with Congressmen McClintock and Denham regarding water supply at New Melones, and TriDam JPA General Manager regarding Lake Tulloch.

Supervisor Tofanelli reported that he attended LAFCO.

The meeting was closed at 3:15 PM



Gary Tofanelli, District 1 Supervisor 7/24/2018



Rebecca Turner, Clerk-Recorder 7/24/2018

ATTEST