BOARD OF SUPERVISORS
COUNTY OF TUOLUMNE

September 18, 2012
9:00 a.m.

The Board of Supervisors of the County of Tuolumne, State of California, met in regular session on the foregoing date with Supervisors: Richard H. Pland, Chair, Randy Hanvelt, Vice Chair; Elizabeth Bass, Evan Royce, and John L. Gray, being present. Also present were County Administrator Craig L. Pedro; a representative from the Office of the County Counsel; and Alicia L. Jamar, Chief Deputy Clerk of the Board.

Absent: None

Chairman Richard Pland, led the Pledge of Allegiance.

Oral Comm-Elections

Deborah Russell, County Clerk and Auditor-Controller, addressed the Board and announced the upcoming election and gave instructions on registering to vote.

Oral Comm-TUD

Dennis Dahlin of Tuolumne Utilities District (TUD) addressed the Board on TUD news and the upcoming State Water Resources Control Board meeting on October 4, 2012 at 10:00 a.m.

Oral Comm-Comm on Aging

Cathy Peacock Tuolumne County Commission on Aging, announced the upcoming Centurion Event on October 24, 2012 at 11:00 a.m. at the Senior Center and announced the current vacancies on the Commission on Aging.

Oral Comm-Paving Roads

Duke York, Deputy Director of Roads for the Community Resources Agency (CRA), addressed the Board on the status of paving projects in Tuolumne County, the illegal activity of coasting devices on Old Priest Grade; and announced a Regional Water Quality Control meeting on September 19, 2012 at 9:30 a.m.

Oral Comm 2011 Crop and Livestock Rpt

Vicki Helmar Agricultural Commissioner/Air Pollution Control Officer/Animal Control Director, addressed the Board on 2012 Crop and Livestock Report.

Oral Comm-HSA-Suicide

S. Todd Stolp, Health Officer, addressed the Board on the status of the Suicide Prevention Task Force.

Non-Agenda Legislation Veto SB1148

Craig Pedro, County Administrator, requested consideration of adding a non-agenda item to hear consideration of approving correspondence to Governor Jerry Brown opposing SB 1148 which would reprioritize funding for the Department of Fish and Game away from hatchery operations.

It was moved by Supervisor Gray, seconded by Supervisor Royce, and carried by unanimous vote, to find that the matter arose subsequent to the posting of the agenda and is of sufficient urgency to be heard today, and the matter was placed on the agenda as 5A.

Non-Agenda CIP Jamestown Landfill Storm Repair Change Order

Mr. Pedro requested consideration of adding a non-agenda item to hear consideration of authorizing staff to exceed the 10% change order provision in the Jamestown Landfill Storm Repair Project Contract and approval of modifications to the Solid Waste budget.

It was moved by Supervisor Gray, seconded by Supervisor Hanvelt, and carried by unanimous vote, to find that the matter arose subsequent to the posting of the agenda and is of sufficient urgency to be heard today, and the matter was placed on the agenda as Item No. 1:30 p.m. 1A.

Consent Calendar

On motion of Supervisor Hanvelt, seconded by Supervisor Royce, the following items on the Consent Calendar were approved by unanimous vote.

Minutes

1. Minutes of the meeting held August 21, 2012.

Grant-TNT

The Board considered approving the 2012/2013 Tuolumne Narcotics Team (TNT) Anti-Drug Abuse Grant Application in the amount of $94,248.

Mr. Pedro responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve the 2012/2013 Tuolumne Narcotics Team (TNT) Anti-Drug Abuse Grant Application in the amount of $94,248, authorizing the Sheriff to sign.

Small Business Revolv. Loan Comm. Resign

Supervisor Royce declared a conflict and left the dais at 9:19 a.m.

The Board considered accepting the resignation of William McEntire from the Small Business Revolving Loan Committee and directing the Clerk of the Board of Supervisors to send a letter of appreciation and posting a Notice of Vacancy for the Small Business Representative.

It was moved by Supervisor Hanvelt, seconded by Supervisor Bass, and carried by 4-0 vote with Supervisor Royce being absent.

Supervisor Royce returned to the dais 9:20 a.m.

Carter Cemetery District Appt.

The Board considered approving an appointment to the Carter Cemetery District for a term to expire May 31, 2014.

It was moved by Supervisor Royce, seconded by Supervisor Gray, and carried by unanimous vote, to approve the appointment of Dorothy Wano to the Carter Cemetery District for a term to expire May 31, 2014.

Budget 2012/13 One-Time Funding

Mr. Pedro requested consideration of directing staff and approving the related budgetary actions to address special ongoing and one-time funding requests and responded to questions from the Board.

Daniel Richardson, Deputy County Administrator, addressed the Board on software upgrades.

Mr. Pedro continued the staff report and announcing that a 4/5 vote is required and responded to questions from the Board.

Budget-Jail Commander

The Board considered the addition of a Jail Commander Position in the amount of $125,000 annually.

Mr. Pedro and James Mele, Sheriff/Coroner, presented the staff report and responded to questions from the Board.

Discussion ensued.

Board consensus to return the matter to the Board at a later date.

Budget-GCSD

Gary Mello of the Groveland Community Services District (GCSD), addressed the Board on the Groveland Fire Department Operational Subsidy of ($40,000/year) and requested the matter be continued.

Mr. Pedro addressed the Board.

Discussion ensued.

Board consensus to return the matter to the Board at a later date.

Budget-Central Sierra Arts Council

Mark Bergstrom, President of the Central Sierra Art's Council, addressed the Board on the contribution to the Central Sierra Arts Council in the amount of $75,000 annually for five (5) years.

Connie O'Connor, Executive Director of the Central Sierra Art's Council and Mr. Bergstrom responded to questions from the Board.

Mr. Pedro responded to questions from the Board.

Patty Cherry and Mr. Bergstrom addressed the Board.

Discussion ensued.

It was moved by Supervisor Hanvelt and seconded by Supervisor Gray, to approve the contribution of $45,000 to the Central Sierra Art's Council as one time funds from contingencies as an investment and will reconsider the matter in the 2013/14 Tuolumne County Budget.

Motion carried by 4-1 vote with Supervisor Royce dissenting.

The Board recessed at 10:26 a.m. and reconvened at 10:32 a.m.

Budget-One Time Funding

The Board considered approving the transfer of $28,858 from the General Fund Vehicle License Fee revenue to the Behavioral Health Fund.

Mr. Pedro presented the staff report and responded to questions from the Board.

The Chair asked the matter be continued to later in the meeting.

The Board considered the one time funding.

Mr. Richardson responded to questions from the Board on one time funding to upgrade the software needed for Office 2010/Windows 2007 in the amount of $65,000.

Ed Hoag, Facilities Manager, presented the staff report to the Board on one time fund for the building maintenance/capital projects in the total amount of $155,000 and responded to questions from the Board.

Mr. Pedro presented the staff report to the Board on one time funding for road maintenance projects in the amount of $500,000 responded to questions from the Board.

Mr. Pedro presented the staff report to the Board on debt retirement/liability reduction in the amount of $107,341 for the Columbia Airport-Armory and $18,968 for the Columbia Airport-Gibbs Hangar to pay down the PERS Safety Side Funds

Mr. Pedro responded to questions from the Board on whether there is funding available $45,000 for the Central Sierra Art's Council.

Discussion ensued.

Mr. Pedro responded to questions from the Board on the history of funding for the Airports.

It was moved by Supervisor Gray and seconded by Supervisor Bass, approve the list of candidates for allocation of one time funding from contingencies with the amendment to reduce road projects to $478,014.

Mr. Pedro addressed the Board.

Motion carried by 4-1 with Supervisor Hanvelt dissented.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by unanimous vote, the transfer of $28,858 from the General Fund Vehicle License Fee revenue to the Behavioral Health Fund.

Legislation SB1148

Tracie Riggs, Administrative Analyst, requested consideration of approving correspondence to Governor Jerry Brown opposing AB 1148 which would reprioritize funding for the Department of Fish and Game away from hatchery operations and responded to questions from the Board.

Discussion ensued.

It was moved by Supervisor Hanvelt, seconded by Supervisor Royce, and carried by unanimous vote, to approve approving correspondence to Governor Brown that request he veto SB 1148, authorizing the Chair to sign.

Grand Jury Rpt. Responses 2012/13

Mr. Pedro gave a presentation of responses to the 2011-12 Grand Jury Report from Tuolumne County officials in the areas of County Jail, Community Resources Agency (Road and Fleet Services and Environmental Health), Office of Revenue Recovery and Central Sierra Planning Council.

No action was required.

BOS Schedule Special Mtgs.

Mr. Pedro requested consideration of setting special Board of Supervisors meetings on November 13, 2012 and January 8, 2013 to begin at 9:00 a.m. in the Board of Supervisors Chambers and responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve setting special Board of Supervisors meetings on November 13, 2012 and January 8, 2013 to begin at 9:00 a.m. in the Board of Supervisors Chambers.

CIP-Jamestown Facade Project Award Contract

Maureen Frank, Deputy County Administrator, requested consideration of awarding the contract for the Jamestown Facade project to Jex Baldwin Construction in the amount of $191,375 and responded to questions from the Board.

It was moved by Supervisor Royce, seconded by Supervisor Gray, and carried by unanimous vote, to award the contract for the Jamestown Facade project to Jex Baldwin Construction in the amount of $191,375, authorizing the Chair to sign.

Legislation AB890

Beverly Shane, Community Resource Agency Director, requested consideration of approving correspondence to Governor Jerry Brown urging his signature of Assembly Bill 890 which would provide a statutory exemption from the California Environmental Quality Act (CEQA) for minor road safety projects.

It was moved by Supervisor Hanvelt, seconded by Supervisor Royce, and carried by unanimous vote, to approve correspondence to Governor Jerry Brown urging his signature of Assembly Bill 890 which would provide a statutory exemption from the CEQA for minor road safety projects, authorizing the Chair to sign.

Mr. Pedro addressed the Board and commended Ms. Shane and Assemblymember Kristin Olsen.

Presentation-Health Care Reform

Ann E. Connolly, Human Services Agency Director; Dr. Stolp; Jeff Eller, President and CFO of Sonora Regional Medical Center; and Frank Kearns, Executive Director of the Tuolumne Me Wuk Indian Health Center, gave a presentation on Patient Protection and Affordable Care Act that addresses the comprehensive health insurance reforms and responded to questions from the Board.

Mr. Pedro addressed the Board.

No action was required.

The Board recessed at 12:07 p.m. and reconvened at 1:30 p.m.

TCOC Amend §17.49.050

The Board considered the first reading of an Ordinance to amend Section 17.49.050 of the Tuolumne County Ordinance Code to allow up to 15 dwelling units per acre on land along the southwest side of Parrotts Ferry Road between Springfield Road and Highway 49 that is within 750 feet of the Parrotts Ferry Road right-of-way to be consistent with the Tuolumne County Airport Land Use Compatibility Plan.

Ms. Shane presented the staff report and responded to questions from the Board.

It was moved by Supervisor Pland, and seconded by Supervisor Gray, and carried by unanimous vote, to waive reading and introduce an ordinance, amending §17.49.050 of the Tuolumne County Ordinance Code to allow up to 15 dwelling units per acre on land along the southwest side of Parrotts Ferry Road between Springfield Road and Highway 49 that is within 750 feet of the Parrotts Ferry Road right-of-way to be consistent with the Tuolumne County Airport Land Use Compatibility Plan, setting second reading for October 2, 2012.

Air Pollution Control Dist 2012/13 Budget Setting

The Board of Supervisors recessed and reconvened as the Air Pollution Control District at 1:34 p.m.

Public hearing was declared open to review and receive comments on the Air Pollution Control District 2012/13 Budget and set a public hearing for October 2, 2012 at 1:30 p.m. to adopt the Air Pollution Control District 2012/13 Budget.

Ms. Helmar presented the staff report and responded to questions from the Board.

No one wished to speak, the public hearing was declared closed.

It was moved by Supervisor Hanvelt, seconded by Supervisor Gray, and carried by unanimous vote, to set a public hearing for October 2, 2012 at 1:30 p.m. to adopt the Air Pollution Control District 2012/13 Budget.

The Air Pollution Control District recessed and reconvened as the Board of Supervisors at 1:37 p.m.

CIP-Change Order Jamestown Landfill Storm Repair - Budget Modification

Ms. Shane and Tanya Allen, Civil Engineer, requested consideration of authorizing staff to exceed the 10% change order provision in the Jamestown Landfill Storm Repair Project Contract and approval of modifications to the Solid Waste budget, and responded to questions from the Board and announcing that a 4/5 vote is required, and responded to questions from the Board.

Mr. Pedro addressed the Board on sources of funding for the change order.

It was moved by Supervisor Gray and seconded by Supervisor Bass, to **1)** authorize staff to exceed the 10% change order provision in the Jamestown Landfill Storm Repair Contract No. 1644 with Sinclair General Engineering Construction, Inc.; **2)** reduce the General Fund Transfer to the Road Capital Fund and increase the General Fund Transfer to the Solid Waste Fund in the amount of $103,476 with commensurate changes in appropriations; and **3)** if funds are recouped, they shall to returned to the Road Capital Fund.

Discussion ensued.

Motion carried unanimously.

Presentation L&J Project

Mr. Pedro; Ms. Frank; Beverley Prior of HMC; and Tristen Warren of HMC, gave a presentation on the status of the Juvenile Detention Center and the Law & Justice projects and responded to questions from the Board.

Supervisor Hanvelt left the dais at 2:16 p.m. and returned at 2:19 p.m.

Ms. Frank continued the presentation and responded to questions from the Board.

Mr. Pedro and Ms. Prior addressed the Board and responded to questions from the Board.

Mr. Pedro gave a presentation on the County Jail responded to questions from the Board.

The Board recessed at 2:50 p.m. and reconvened at 2:57 p.m.

Mr. Pedro gave a presentation on the Courthouse project; the California Highway Patrol (CHP) project, the project investment and responded to questions from the Board.

Ms. Prior responded to questions from the Board.

Sheriff Mele addressed the Board.

Ms. Prior responded to questions from the Board.

No action was required.

Reports-Gray

Supervisor Gray reported that on September 10, 2012, he attended the GCSD meeting; on September 11th, he attended a Solid Waste tour; on September 12th, he attended a lunch with Association of Realtor Board and Tuolumne County Transportation Council (TCTC) meeting, and the ten year anniversary of APS Solar; and on September 17th, he attended a Tuolumne County Commission on Aging meeting.

Reports-Bass

Supervisor Bass reported that on September 5, 2012, she attended a Housing Loan Review Committee meeting and a Behavioral Health Advisory Council meeting; she attended an Area 12 Agency on Aging meeting; attended a pitch by Grid Alternative Solar; and attended the ten year anniversary of APS Solar; on September 11th, she toured the Solid Waste collection site; and attended a group meeting at Skyline entitled *"Intelligent Conversation".*

Reports-Pland

Supervisor Pland reported that on September 4, 2012, he attended the Veterans Committee meeting; on September 5th, he attended a Friends of Sierra Railroad meeting; on September 6th, he attended a California State Association of Counties (CSAC) conference call; on September 8th, he attended a Republican Picnic; on September 10th, he attended Customer Service Training and a Resource Advisory Committee (RAC) meeting; on September 12th, he attended a TCTC meeting; on September 14th, he attended a Tuolumne County Economic Development Authority (TCEDA) meeting; on September 17th, he attended the GAC meeting and RAC meeting; and announced upcoming meetings.

Reports-Pedro

Mr. Pedro reported on the status of the evaluation of project fees; the status of customer service training; and the status of power allocation at New Melones.

Reports-Drivdahl

Ms. Drivdahl reported that on September 16, 2012, Sarah Carrillo attended Foster Care Training; on September 22nd, Ms. Drivdahl attended Easement Training; on September 6th, she conducted AB 1234 Ethics Training for the City of Sonora and announced the upcoming AB 1234 Ethics Training in the Board Chambers; on September 12-14th, she attended a County Counsel's Conference in San Diego; and reported on the status of recent litigation.

Closed Session

The Board recessed at 3:36 p.m. to Closed Session: **1) Conference with Real Property Negotiators - Price and Terms:** (Authority Government Code §54956.8) Negotiators: Craig Pedro, County Administrator and Daniel Richardson, Deputy County Administrator, APN 044-430-032 located at 20044 Cedar Road, Sonora, California; and **2) Conference with Legal Counsel- Existing Litigation** (Authority: Government Code §54956.9(a)) - *Addison J. Demoura, et al., vs. Andrew J. Ford, County of Tuolumne, et al.*, United States District Court, Eastern District of California, Case No. 1:09-CV-01344, reconvening at 3:49 p.m., the

Chair announced that there was nothing to report and adjourned the meeting at to the next regular meeting scheduled for October 2, 2012, at 9:00 a.m.

APPROVED:

RICHARD H. PLAND, CHAIR

ATTEST:

Alicia L. Jamar, Chief Deputy
Clerk of the Board of Supervisors

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I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR
Clerk of the Board

By: