

MINUTES OF A REGULAR MEETING OF THE BOARD OF SUPERVISORS,
COUNTY OF CALAVERAS, STATE OF CALIFORNIA,
HELD ON MONDAY, SEPTEMBER 29, 1997

PRESENT: Terri Bailey, Chair; Merita Callaway, Vice-Chair; Lucy Thein, and Thomas Tryon, Supervisors; David Sirias, Deputy County Counsel; Brent Harrington, County Administrative Officer; and Mary Jane Giuffra, Supervising Board Clerk

ABSENT: Paul Stein, Supervisor; and Spencer Batchelder, County Counsel

Meeting recorded on Cassette 97-42, Sides I & II

10:00 A.M.: Chair Bailey called the meeting to order leading everyone in the Pledge of Allegiance to the Flag. She then announced the following addendum to today's agenda: #12a, Discussion and possible action re: Board's response to the Grand Jury Report (continued item from 9/22/97); and #16a, CLOSED SESSION with counsel to discuss existing litigation: County vs Spangler; Spangler vs County. Bailey also announced that Supervisor Stein was in the hospital but should be able to attend next week's Board Meeting.

C O N S E N T A G E N D A

Supervisor Tryon pulled item #3 for discussion. Motion was then made approving the balance of the Consent Agenda, as submitted.

Moved: Thein Second: Callaway Approval: Unanimous Absent: Stein

1. Minutes of the September 15, 1997 Regular Meeting and Final Budget Hearing Minutes for FY 1997/98
2. CORRESPONDENCE: September 12-18, 1997 (see PAGES 6, 7 & 8)
4. RESOLUTION A RESOLUTION AUTHORIZING TEMPORARY TRANSFERS TO
NO. 97-335 THE CALAVERAS COUNTY GENERAL FUND, IF NEEDED, TO
MEET FY 1997/98 OPERATING EXPENSES

3. DISTRICT ATTORNEY/GRANTS/AUDITOR (97-42, I, 42)

Supervisor Tryon led a discussion regarding Statutory Rape Grants requesting a history and background information on this. Ron Krelle, Assistant D.A., referenced a detailed memo which was prepared in response to Tryon's questions last week. Krelle then stated that the salary savings realized over the last three months can be used for the purchase of fixed assets.

Motion was made authorizing the District Attorney to purchase an LCD Projector and Laptop Computer with grant funds, at a total cost of \$9,344.99, and approving a budget transfer in conjunction therewith, with the Auditor to adjust the Books of Record accordingly.

Moved: Tryon Second: Thein Approval: Unanimous Absent: Stein

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RESOLUTION A RESOLUTION AUTHORIZING THE DISTRICT ATTORNEY TO
NO. 97-336 PURCHASE LCD PROJECTOR AND LAPTOP COMPUTER

R E G U L A R A G E N D A

5. PUBLIC COMMENTS/TAX COLLECTOR/ADMIN. (97-42, I, 120)

Perry Lee Birchard informed the Board of her expertise and past involvement re: rabies eradication programs, etc., and suggested that the County work toward solving the problem by following Massachusetts and Canada's plans.

In jest, Joanne Inks, Tax Collector, presented a "Shrinking Dollar" plaque to CAO Harrington in recognition of his work on the final budget.

6. PERSONNEL/WELFARE (97-42, I, 235)

Motion was made approving a temporary working out of class appointment for Mary Jane Conroy to Position 83-04, Social Services Supervisor I, effective September 29, 1997.

Moved: Tryon Second: Thein Approval: Unanimous Absent: Stein

RESOLUTION A RESOLUTION AUTHORIZING A TEMPORARY WORKING OUT OF
NO. 97-337 CLASS APPOINTMENT - DEPARTMENT OF SOCIAL SERVICES

7. PUBLIC HEARING/ADMIN./DISTRICT ATTORNEY/SHERIFF (97-42, I, 250)

10:25 a.m.: Chair Bailey announced the noticed Public Hearing regarding Citizen's Option for Public Safety (COPS) Program funding for FY 97/98. CAO Harrington clarified the hearing requirements, etc., advising that the Board needs to consider proposals submitted by the Sheriff and the District Attorney and that action on this must be separate from the regular county budget process. Jeanne Boyce, Senior Administrative Analyst, offered further clarification. The allocation of funds are as follows:

District Attorney	\$13,910.22
Sheriff (Jail)	13,910.22
County	77,009.80
City of Angels	6,451.55
Administrative Fee	559.21

Chair Bailey opened the hearing for departments' input. Robert Muszar, Undersheriff, addressed last year's funding and reviewed the Sheriff's memo of 9/18/97. Discussion followed re: possibility of using funds for roof repairs and matching funds. The Undersheriff advised that there are no time lines on spending these funds and that they can be rolled over to the next year. Ron Krelle, Assistant D.A., responded re: reclassification requests, etc. The hearing was then opened for public comment but there were no persons wishing to speak; therefore, the hearing was closed and the matter returned

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to the Board and staff. CAO Harrington advised that there was no action necessary today and that this will return to the Board in two weeks in the form of a resolution.

8. PUBLIC WORKS/AGREEMENTS/SUBDIVISIONS (97-42, I, 435)

Motion was made approving an agreement with the subdivider for Vista Plaza for the construction of a left-turn channelization from State Route 26 into the new commercial development and onto existing Vista Del Lago.

Moved: Tryon Second: Callaway Approval: Unanimous Absent: Stein

RESOLUTION NO. 97-338 A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR REIMBURSEMENT FOR SUPPLEMENTAL IMPROVEMENT AT STATE ROUTE 26 AND VISTA DEL LAGO

9 & 10. PUBLIC WORKS/AGREEMENTS/BRIDGES (97-42, I, 445)

Motion was made adopting the following two resolutions re: Amendment No. 1, Grant of Easement and Quitclaim Deed for Parrotts Ferry Bridge and an agreement with Tuolumne County for maintenance of O'Byrnes Ferry and Parrotts Ferry Bridges.

Moved: Thein Second: Tryon Approval: Unanimous Absent: Stein

RESOLUTION NO. 97-339 A RESOLUTION AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO SIGN AN AMENDMENT AND GRANT DEED FOR PARROTTS FERRY BRIDGE

RESOLUTION NO. 97-340 A RESOLUTION AUTHORIZING EXECUTION OF COOPERATIVE BRIDGE AND ROAD CONSTRUCTION AND MAINTENANCE AGREEMENT WITH TUOLUMNE COUNTY

11. FINAL BUDGET/AUDITOR (97-42, I, 490)

CAO Harrington referenced his memo regarding adoption of the Final Budget for FY 97/98 clarifying that the Contingency Fund is at \$481,408 but will be reduced by at least \$73,708 for negotiated salary increases leaving a balance of \$407,700. He also reported on Trial Court Funding and Title IV-A monies. Auditor/Controller Carter submitted corrected resolutions and advised the Board that the final budget figure now stands at \$45,283,664.00.

Motion was made to adopt the following resolutions, including an amended final budget figure of \$45,283,664.00.

Moved: Callaway Second: Tryon Approval: Unanimous Absent: Stein

RESOLUTION NO. 97-341 A RESOLUTION ADOPTING THE FISCAL YEAR 1997/98 FINAL BUDGET FOR THE COUNTY OF CALAVERAS

RESOLUTION NO. 97-342 A RESOLUTION ADOPTING FY 1997/98 FINAL BUDGETS FOR DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS

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RESOLUTION NO. 97-343 A RESOLUTION ESTABLISHING PROPOSITION 4 FISCAL YEAR APPROPRIATIONS LIMIT FOR THE COUNTY OF CALAVERAS

RESOLUTION NO. 97-344 A RESOLUTION ESTABLISHING PROPOSITION 4 FISCAL YEAR APPROPRIATIONS LIMIT FOR SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS

RESOLUTION NO. 97-345 A RESOLUTION ADOPTING FISCAL YEAR 1997/98 FINAL BUDGET FOR COMMUNITY SERVICE DISTRICT #8, SADDLE CREEK

RESOLUTION NO. 97-346 A RESOLUTION ADOPTING FISCAL YEAR 1997/98 FINAL BUDGET FOR THE AIR POLLUTION CONTROL DISTRICT

RESOLUTION NO. 97-347 A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN FIXED ASSETS AT FISCAL YEAR 1997/98 FINAL BUDGET

RESOLUTION A RESOLUTION AUTHORIZING CHANGES TO THE POSITION CONTROL

NO. 97-348 LIST RE: FY 97/98 NEW POSITIONS
RESOLUTION A RESOLUTION AUTHORIZING CHANGES TO THE POSITION CONTROL
NO. 97-349 LIST RE: FY 97/98 RECLASSIFICATIONS
RESOLUTION A RESOLUTION CHANGING THE POSITION ALLOCATION LIST TO
NO. 97-350 REFLECT NEWLY ASSIGNED BUDGET NUMBERS
RESOLUTION A RESOLUTION FIXING TAX RATES FOR BOND AND INTEREST
NO. 97-351 REDEMPTION FOR FY 97/98

12. SEPTAGE/CCWD (97-42, II, 11)

Motion was made to continue consideration and possible action re: commitment of a joint County and CCWD septage facility at La Contenta for one week to 10/6/97.

Moved: Tryon Second: Callaway Approval: Unanimous Absent: Stein

12a. ADDENDUM/GRAND JURY/SUPERVISORS/COUNTY COUNSEL (97-42, II, 38)

The Board had no additional comments regarding the Grand Jury Report. Ed Anderson, Burson, stated his concerns regarding the fees charged for copies of the transcript of the Grand Jury's special investigation of the Sheriff's Office. It was clarified that these fees are set by law and that the Court Reporter providing these services is not county staff.

Motion was made to submit written comments to the Grand Jury Report, including those comments provided by Supervisors at the last meeting, which will serve as the Board's response to the 96/97 Grand Jury Report.

Moved: Tryon Second: Thein Approval: Unanimous Absent: Stein

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13. LIBRARY/APPOINTMENTS (97-42, II, 124)

Motion was made appointing Sally Tuttle to the 49/99 Library System Board for a term of two years expiring September 29, 1999.

Moved: Thein Second: Callaway Approval: Unanimous Absent: Stein

14. CORRESPONDENCE/SUPERVISORS/PUBLIC WORKS/FISH & GAME/ADMIN./COUNTY COUNSEL (97-42, II, 140)

Callaway reported on the Ebbetts Property Owners Council meeting she attended last week commending Public Works Director Pedersen for his presentation re: snow removal, drainage, road work dollars, etc. She then announced that she will attend a Corridor 4 meeting in Bear Valley tomorrow; a US Forest Service meeting with the Fish & Game Commission in Hathaway Pines on Thursday; and the 3rd annual Grape Stomp in Murphys on Saturday.

Tryon submitted to the CAO one of the three volumes of the Grand Jury Transcript on the Sheriff's Office indicating that other Supervisors are still reviewing the 2nd and 3rd volumes and requested that said transcript be maintained in the CAO's Office for public review and transferred from there to the Library, if needed.

Thein reported on a meeting she attended regarding the Sierra Ridge situation indicating that the investigation is going forward and the cost for same is being shared by Environmental Alternatives and Community Care Licensing. She then announced that she will attend the Fish & Game meeting at Hathaway Pines

on Thursday and the Central Sierra Planning Council Meeting on Wednesday for Supervisor Stein.

Bailey will be at a meeting at the Library tomorrow re: guidelines for maintenance of septic systems and will attend an Area 12 Agency on Aging Board of Directors meeting on behalf of Supervisor Stein on Thursday.

CAO Harrington reported on the CAO meeting he attended last week then requested that item #16 re: Closed Session on negotiations with the Sheriff's Management Unit be cancelled.

15, 16, 16a, & 17 CLOSED SESSIONS/ADDENDUM/BOARD OF EQUALIZATION

The Board adjourned to the following CLOSED SESSIONS, followed by the lunch recess, then will return at 1:30 p.m. in a Board of Equalization Hearing.

15. CLOSED SESSION with County Administrative Officer, pursuant to Government Code Section 54957.6 re: negotiations with the Calaveras County Employees Association - Board action: none

16. CLOSED SESSION with County Administrative Officer, pursuant to Government Code Section 54957.6 re: negotiations with Sheriff's Management Unit - Board action: cancelled

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16a. **ADDENDUM** re: CLOSED SESSION with counsel, pursuant to Government Code Section 54956.9 to discuss existing litigation: County vs Spangler; Spangler vs County - Board action: approved statutory offer of compensation to eminent domain defendants pursuant to Code of Civil Procedures Section 1250.41

18. ADJOURNMENT

Motion was made to continue item #18 re: request for refund of property taxes by Jon Ellis for two weeks, as requested by County Counsel, and to finally reconvene in a Regular Board of Supervisors Meeting at 7:00 p.m. on Monday, October 6, 1997.

Moved: Tryon Second: Callaway Approval: Unanimous Absent: Stein

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ATTEST:

CHAIR

CLERK

C O R R E S P O N D E N C E

THE BOARD REVIEWED THE FOLLOWING ITEMS OF CORRESPONDENCE AND TOOK NO FURTHER ACTION:

SEPTEMBER 12, 1997

1. From: State Dept. of General Services, Telecommunications Division re:

reduced rates for CALNET Toll Free Service; Action: cc: Board, Admin.

2. From: Harold & Connie Hampton, Vallecito, CA re: invitation to Eagle Scout Court of Honor for Jesse Lee Hampton on October 18th, 1997; Action: cc: Board

3. From: Factory Outlet Consultants re: packet/response to Factory Outlet Site Criteria Form; Action: referred to Supervisor Stein upon request

4. From: Utica Power Authority: UPA's reply to comments of 4C-PAC; Action: cc: Board, County Counsel, Planning, CCWD, Chris Williams, Fish & Game Commission, Ag. Resources Committee

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5. From: California State Association of Counties re: November 18-21, 1997 - 103rd Annual CSAC Conference; Action: individual brochures to Board

6. From: East Bay Municipal Utility District re: agenda/notice of September 16th Special Meeting with Contra Costa County Board of Supervisors; Action: cc: Board

7. From: Regional Council of Rural Counties re: ESJPA meeting location change; Action: cc: Board, Admin.

8. From: Calaveras County Water District re: agenda for Sept. 17th meeting; Action: cc: Board

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9. From: Public Utilities Commission re: Sept. 1997 Consumer Update; Action: cc: Board, Admin., County Counsel

10. From: California State Association of Counties re: October 1-3, 1997 third annual Government, Business and Education Tech Expo/Los Angeles Convention Center; Action: cc: Board, Admin.

11. From: State Dept. of Social Services re: Assembly Bill 1542 - welfare reform program; Action: cc: Board, Admin., Welfare Dept.

12. From: US Dept. of Agriculture, El Dorado National Forest re: October 23rd, 1997 Central Sierra Resource Forum; Action: cc: Board

13. From: Calaveras Public Power Agency re: newspaper articles: "State Power Industry Facing Peril", "SMUD facing competition", "Electricity: competing service launched in July"; Action: cc: Board

SEPTEMBER 16, 1997

14. From: Bill Jones/Secretary of State re: Sept. 12th issue of "Cal Voter News"; Action: cc: Board

15. From: State of Calif., Rural Health Policy Council re: resources available at Council's World Wide Web Site; recruiting health professionals through "Rural Health Jobs Available" program; October 3rd Roundtable Meeting; Action: cc: Board, Health Dept.

16. From: State of Calif., Dept. of General Services, Communications Division re: Sept. 1997 issue of "Tele Comments" - Celebrating 50 Years; Action: Route to Board

17. From: California Transit Association re: TRANSIT CALIFORNIA - Sept. 1997; Action: individual copy to Board

SEPTEMBER 17, 1997

18. From: Government, Business & Education re: August/September 1997 issue of TECH EXPO NEWS; Action: individual copies to Board

19. From: Calaveras/Mariposa Community Action Agency re: 1998 Requests for Proposals; Action: cc: Supervisors Thein & Stein; Admin.

20. From: California Chamber of Commerce re: Sept. 1997 issue of ALERT; Action: Route to Board

21. From: Central Sierra Planning Council/Central Sierra Economic Development District/Central Sierra Resource Conservation and Development Area Council re: studies relating to the Head Start and Early Childhood Education Programs; Action: referred to Supervisors Stein & Callaway

22. From: Mother Lode Job Training Agency re: December 4th, 1997 Labor Market Information Community Meeting; Action: referred to Supervisor Thein, post

23. From: Taxpayers Fed Up With More State Bureaucracy re: request for resolution in opposition to "Government Cost Savings and Taxpayers Protection Amendment";

Action: cc: Board, Admin., County Counsel

24. From: Adam Wickert, Altaville, CA re: Utica Power Authority amended application for subsequent license for Angels Hydroelectric Project; Action: cc: Board, County Counsel, Planning, CCWD, Chris Williams, Fish & Game Commission, Ag. Resources Committee

25. From: Center for Environmental Health Services/Dept of Toxicology re: November 3rd Symposium - Age Related Diseases: Prevention and the Environment; Action: cc: Board, Health Dept.

SEPTEMBER 18, 1997

26. From: National Association of Counties re: NACo Press Release - Satellite Broadcast on Conflict Resolution set for October 23, 1997; Action: cc: Board, Admin., County Counsel

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27. From: Keith Mafley re: letter of resignation from serving on Jenny Lind Fire Protection District; Action: cc: Supervisor Bailey, Election Dept., County Fire

28. From: Calif. State Board of Equalization re: County Assessor summoned to attend State Board of Equalization meeting to discuss administration and assessment taxation issues; Action: cc: Assessor, County Counsel

29. From: Local Government Commission/Center for Livable Communities re: Nov. 14th-15th 4th Annual Western States Conference on land Use Planning and More; Action: individual brochures to Board

30. From: Bill Lockyer, Chairman, Senate Rules Committee re: Senate & Joint Committee Interim Hearings for period September thru November; Action: cc: Board, Admin., County Counsel, Post

31. From: Cal Fed Bay-Delta Program re: revised notice of public scoping meetings/supplemental notice of intent/preparation; Action: cc: Board, County Counsel, Planning, CCWD, Chris Williams, Fish & Game Commission, Ag. Resources Committee

32. From: State Controller, Kathleen Connell re: 1995-96 FY single audit report certification and audit finding resolution - no findings noted; Action: cc: Board, Admin., County Counsel, Auditor/Controller

33. Copy of a letter sent to County Superintendent of Schools from Media One re: County's commitment in providing quality educational programs; Action: cc: Board, Admin.

34. From: Calaveras County Mental Health Advisory Board re: copy of MHAB's revised bylaws; Action: cc: Board

35. From: US Army Corps of Engineers re: permit actions taken by Sacramento District for the period Aug. 1 thru 31, 1997; Action: cc: Board

36. From: Spiegel & McDiarmid re: Northern Calif. Power Agency responds to comments of Concerned Citizens for Preserving Angels Creek in opposition to Offer of Settlement; Action: cc: Board, County Counsel, Planning, CCWD, Chris Williams, Fish & Game Commission, Ag. Resources Committee