

a) Approval of a temporary working-out-of class assignment for Sandy Elzig, Employee #05-21, Assessor's Office, to Administrative Assessment Manager, along with a salary adjustment to Range 1407 A (LL)/\$16.42 per hour, effective October 27, 1997, due to the retirement of Nadine Martin.

RESOLUTION A RESOLUTION AUTHORIZING A TEMPORARY WORKING OUT OF CLASS
NO. 97-370 ASSIGNMENT IN THE ASSESSOR'S OFFICE

b) Establishment of a limited term, grant funded, position #30-11, Deputy District Attorney, for Barbara Yook, Range 1706, 100% time.

RESOLUTION A RESOLUTION AUTHORIZING A LIMITED TERM POSITION AND
NO. 97-371 ASSOCIATED CHANGES TO THE POSITION CONTROL LIST

6. GOLF CARTS/PUBLIC WORKS/COUNTY CODE/COUNTY COUNSEL/CHP (97-46, I, 70)
Callaway informed the Board of previous meetings she has had with several agencies regarding the establishment of an ordinance creating golf cart routes. This would be voluntary on the part of golf cart owners, with certain conditions. County Counsel advised that this would only be an enabling ordinance and would allow the Board to approve specific roads, etc., by resolution; however, the signage issue needs to be resolved because this could result in considerable costs. Bob Lutzinger, representing Blue Lake Springs Home Owners Association and Sequoia Woods Country Club, stated that this is a safe, reasonable ordinance and urged the Board's approval. He responded to Supervisor Stein's question re: payment for signs indicating that the association has discussed the possibility of charging something like a user fee and will pursue this further. Ted Pedersen, Director of Public Works, advised that this needs further study and evaluation indicating that the cost for signage for Blue Lake Springs and Meadowmont golf courses would amount to approximately \$7500 (\$2,000 for Meadowmont and \$5,500 for Blue Lake Springs). If every road that meets the qualifications is included, it could be upwards of \$75,000 to \$80,000. Callaway stated that Meadowmont golf course would not be included and Pedersen stated that if we go with the zone concept, the cost would be about \$5,500 for Blue Lake Springs. Discussion followed among Board Members, County Counsel, Director of Public Works Pedersen, Mr. Lutzinger, and Bill Vail for CHP.

Motion was made to introduce an ordinance adding Chapter 10.36 to the Calaveras County Code creating golf cart routes, and to waive further reading.
Moved: Callaway Second: Tryon Approval: Unanimous

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7a. ADDENDUM/PUBLIC WORKS/CSA/SUBDIVISION (97-46, I, 390)
Motion was made to accept a bid in the amount of \$9,500 from Tom Mayo Construction for blading and ditching of Stallion Way, County Service Area #2 (Bar XX), and to award a contract for the same.
Moved: Tryon Second: Thein Approval: Unanimous

RESOLUTION A RESOLUTION ACCEPTING A BID AND AUTHORIZING AWARD OF A
NO. 97-372 CONTRACT FOR IMPROVEMENTS TO STALLION WAY IN CSA #2 (BAR XX)

7. SHERIFF/GRANTS/JAIL (97-46, I, 407)

these proceedings due to a conflict of interest. Segerstrom reminded the Board that the Attorney General agreed with the District Attorney's and Court's decision that there was insufficient evidence. He raised the issue of an ongoing sexual harassment suit against CAO Harrington stating that the County is providing for legal services for Harrington and should do the same for Sheriff Downum. Reference was made to Government Code Section 996 re: attorney's fees which states that monies cannot be returned. At the request of Chair Bailey, County Counsel Batchelder responded regarding the CAO issue stating that the County is presently paying this because it has not been separated out yet; nothing has been proven; this is a civil case and the County is obligated to do this for a county employee; and, further, the case is against the County and Mr. Harrington. The County is not named in the case against Sheriff Downum. No separate counsel has been obtained for the CAO; everything is being handled by the County. Reference was made to Government Code Section 998.5. The CAO was not represented on the criminal investigation and the County did not pay the attorney fees. Supervisor Tryon stated that he does not feel that the Sheriff acted in good faith and that he acted with malice against the County. He took exception to the references regarding CAO Harrington's harassment suit and is opposed to any reimbursement of attorney's fees to the Sheriff. Supervisor Stein is sympathetic to the Sheriff's request but cannot approve an expenditure of public funds for this purpose. He suggested the possibility of donations from the Sheriff's supporters to help pay these fees. Supervisor Callaway is also opposed and is mostly in agreement with Stein. It was stated that there is a fine line re: civil vs criminal action. Thein is not in support and cannot justify spending taxpayers' money for this. Bailey stated that the County must move on and

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that too much time and money has already been spent on this matter. There was no motion forthcoming and Chair Bailey declared the matter closed. Lonnie Delap, West Point, interjected that the County has already paid approximately \$16,000 for the CAO's attorney's fees and Chair Bailey corrected him advising that these fees have been paid for the County, not the CAO.

9a. ADDENDUM/AGREEMENTS/CCWD/SEPTAGE (97-46, II, 430, cont'd to 97-46A)

CAO Harrington reviewed the status of the proposed joint septage facility at LaContenta with the Calaveras County Water District (CCWD). He stated that at the last meeting with CCWD they approved, in concept, the draft agreement but clarification is needed regarding the following points:

- 1) The issue of who will accept the responsibility for septage disposal within the County and consideration of CCWD's proposal to assume a 10 year agreement to be revisited at the end of the 10 years.
- 2) Payback of the County's \$350,000 share. CCWD feels that this should be considered a provision of services to the taxpayers such as a new road or a library and it should not be assumed that the County or CCWD be repaid.
- 3) Who will operate the facility after construction (public or private sector) and the possibility of establishing tipping fees.

Discussion followed with Jim Hemminger, Solid Waste, stating that about 50% of the homes in the County are on septic tanks. Chair Bailey asked that

something be built in to allow the septage committee the ability to meet again re: any further consideration of tipping fee increases and Stein agreed with this. Harrington will pursue this further. Ed Anderson, Burson, submitted information re: ad valorem taxes to CCWD stating that he feels he has received no services in exchange for these taxes and that they (CCWD) are "double-dipping". Tryon reiterated his position against providing the \$350,000 allocation to CCWD without the County having any control over the operation of the program. Alice Raine stated concerns re: major changes to the Land Use Plan, environmental concerns, etc., and Harrington stated that these issues have been reviewed with Hemminger. Dumping of the sludge would be permitted at the landfill but CCWD would have to be responsible for testing, etc. Hemminger offered additional information and responded to Raine's questions re: testing of CCWD's facilities at Copperopolis, etc. Bailey asked questions regarding well testing in response to property owners' concerns and Hemminger stated that the County has done this in the past and will probably continue. He then clarified the operation at the landfill which would protect adjacent lands from sludge runoff, etc.

Chair Bailey then polled the Board regarding inclusion of the above 3 points of concern into the agreement with CCWD and the results were as follows:

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- 1) YES: Stein, Callaway, Thein and Bailey, with conditions.
NOES: Tryon
- 2) YES: Stein, Thein and Bailey
NOES: Callaway and Tryon
- 3) YES: Stein, Callaway, Tryon, Thein and Bailey, with the Board to be involved in the bidding system.

Supervisors Stein and Bailey will be meeting with the septage committee at CCWD this afternoon and will submit this proposal for consideration.

10. CORRESPONDENCE/SUPERVISORS (97-46A, I, 250)

Supervisor Stein reported on the Welfare Reform Seminar he attended last week; announced that he will attend a meeting with Supervisor Thein this week at the San Andreas Elementary School; will conduct office hours this Thursday; and will help judge the Government Center Halloween contest with Supervisor Thein this Friday.

Supervisor Callaway announced that she will attend the Fire Safe Council meeting this week.

Bailey reported on the open house reception she attended at the CalTrans Office in Stockton last Friday for the new Director then reported on LAFCO's action last week directing staff to prepare a report re: County-wide re-organization for fire district boundaries; announced that she will attend a Family Unity Workshop on Thursday; will be conducting tours through the Haunted House in Rancho Calaveras on Friday; asked the Board to consider canceling the meeting of November 24, 1997, and possibly, December 22 and 29; then requested a Study Session in December to discuss COG (Council on Government).

CAO Harrington announced that items #12 and #13 on today's agenda have been

reconvene in a Regular Board of Supervisors Meeting at 7:00 p.m. on Monday, November 3, 1997.

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ATTEST:

CHAIR

CLERK

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

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

OCTOBER 10, 1997

1. From: Solano County Board of Supervisors re: Resolution calling for the establishment of a State Grand Jury to investigate issues beyond the scope of local Grand Juries; Action: Board, Admin., Co. Counsel, Grand Jury
2. From: C.C.W.D. re: Agenda for Oct. 15th Calaveras-Amador Mokelumne River Authority Meeting Date; Action: cc: Stein, Callaway
3. From: Timothy Murphy re: letter noting Rod Olsen new Northern Counties District Representative for Senator Leslie Action: cc: Board, Admin.
4. From: State Board of Equalization re: Disaster Relief--Northridge Earthquake; Action: cc: Co. Counsel, file
5. From: U.S. Dept. of the Interior Bureau of Reclamation re: Bureau to enter into new temporary water purchase agreements to meet the Fish and Wildlife water needs for 1998; Action: cc: Board
6. From: Consortium for Learning and Research in Aging (CLARIA) re: November 14th Conference/Health Fair-Resource Center; Action: Individual copies to Supervisors Bailey, Thein & Callaway
7. From: National Association of Counties re: Sept. 29th issue of COUNTY NEWS; Action: individual copies to Board
8. From: Central Valley Rock, Sand & Gravel Association re: September 1997 issue of THE TRANSFER POINT; Action: route to Board
9. From: Forestry Division/Calaveras Ranger Station re: Beaver Creek prescribed burn to begin week of October 12th; Action: cc: Board, Admin., County Fire, Environmental Health
10. From: The Seneca Network, Inc. re: membership drive and invitation to attend October 29th Republican Women In Leadership Conference/prior to Governor's Conference for Women; Action: cc: Supervisors Thein, Bailey & Callaway
11. From: Mountain Valley Emergency Medical Services Agency re: for review - copy of CSUS Policy Center Project Proposal; Action: cc: Supervisor Thein
12. From: Kutak Rock re: initial drafts of Servicing Agreements-Calif. Rural Home Mortgage Finance Authority Single Family Mortgage Revenue Bonds; Action: referred to Supervisor Tryon, as addressed

OCTOBER 13, 1997 - COLUMBUS DAY- GOVERNMENT CENTER HOLIDAY

OCTOBER 14, 1997

13. From: George Hartwell re: December 4th Ione Conference on Endemic Plants II; Action: referred to Supervisor Stein, as addressed
14. From: Amador County Resource Conservation District re: agenda for October 16th meeting; Action: cc: Board
15. Copy of a letter sent to County Health Dept. from Copperopolis Area Business Association re: flu clinic schedule for 1997/98 - Copperopolis area not included on list of locations; Action: cc: Supervisor Bailey
16. From: Les Howell, Arnold, CA re: resignation from Mental Health Advisory Board, District III; Action: cc: Supervisor Callaway (copy was sent to Mental Health Director)
17. From: CSAC Excess Insurance Authority re: November 6th Conference - Workplace

18. From: State Office of Traffic Safety re: California's Drunk & Drugged Driving (3-D) Prevention Month to be held in December; Lights on for Life news conference; Action: cc: Board, Admin., Alcohol/Drug, Sheriff
19. From: East Bay Municipal Utility District re: agenda for October 14th meeting; Action: cc: Board
20. From: Federal Emergency Management Agency re: Interagency Hazard Mitigation Report in Response to Calif. 1997 Winter Storms; Report of 1995 Winter Storms; Report of Governor's Flood Emergency Action Team, May 1997; Action: Route to Board, Admin.
21. From: Sherry Carr, Pine Cone Dr., Arnold re: voicing concern of year-round permitted burning causing air pollution and health problems; and indiscriminate cutting of trees; Action: cc: Supervisor Callaway, Air Pollution, Environmental Health, Planning

OCTOBER 15, 1997

22. From: U.S. Dept. of the Interior, Bureau of Reclamation re: two-month interim water service contracts with Bella Vista Water District, Clear Creek Community Services District, and Feather Water District available for public review and comment; Action: cc: Board
23. From: State Board of Equalization re: hearing on proposed amendments to Property Tax Rule 122.5, Fixtures, continued to 10/28/97; Action: cc: County Counsel, file
24. From: Area `12 Agency on Aging re: Agenda for October 20th Advisory Council meeting; Action: cc: Supervisors Stein, Bailey; Admin.
25. From: State Dept. of Health Services, Drinking Water field Operations Branch re: Small Water System Program Annual Evaluation, FY 96/97; Action: cc: Board (copy of sent to Env. Health)

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26. From: Dept. of the Army, Corps of Engineers re: permit actions taken by Sacramento District for the period Sept. 1 thru Sept. 30, 1997; Action: cc: Board
27. From: International Personnel Management Association (IMPA) re: letter thanking Chair Bailey for her participation at Seventh Annual Conference in Murphys on October 9th; Action: cc: Baiely
28. From: League of Calif. Cities, Latino Caucus re: Nov. 5-6, 1997 Second Annual Issues Forum - Technology and the New Economy: What it Means for Latinos; Action: cc: Board
29. From: State Dept. of Conservation re: Policies and Procedures re: Open Space Subvention Act and Williamson Act Program Compliance Audits; Action: cc: County Counsel, Ag. Dept., (Assessor has copy), file