



4. RESOLUTION APPROVING THE PURCHASE OF A NEW PATROL  
NO. 07-260 BOAT FOR THE CALAVERAS COUNTY SHERIFF'S  
OFFICE MARINE SAFETY UNIT WITH FUNDS AWARDED  
FROM THE CALIFORNIA DEPARTMENT OF BOATING  
AND WATERWAYS

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

5. PUBLIC COMMENTS/GENERAL PUBLIC (07-50, I, 34)

a) Cathy Bourland, Executive Director for Human Resource Council, spoke inviting the Board to the ground breaking ceremonies for the new Food Bank. The ceremonies will be held on Thursday December 20<sup>th</sup>. The Food Bank serves approximately 800 people throughout the County each month.

The new larger facility will allow the Food Bank to become a second harvest distributor. This will make it possible to get more food and serve more people since the rates for this are very reasonable.

Ms. Bourland introduced Billie Westernoff, the Program Director for the Food Bank. Ms. Westernoff is very excited about the new facility which will make it possible to serve more clients.

Ms. Bourland invited the Board to attend the Santa Express distribution day at the San Andreas Town Hall tomorrow. Ms. Bourland urged the Board to participate in this event benefiting families in the County. Clothes, food and toys will be distributed to those in need.

b) Dennis Downum, Sheriff, gave a report to the Board from a meeting he attended in Sacramento last Thursday re: Corrections Standards Authority. Various officials have assisted to reach an agreement with the State to allow the County to apply for up to 30 million dollars for the jail project.

Downum stated that the points allocated to the County, makes the standing in the state very favorable for the reentry facility.

Downum will attend a reentry meeting in Sacramento which will address the mental health services, drug and alcohol programs that will be a continuum of care for those returning to the County.

c) Becky Hanna, owner of commercial building at Cosgrove Creek and St. Andrews in Valley Springs spoke with concerns for potential flooding. Ms. Hanna referenced a letter from the Department of Fish and Wildlife dated June 25, 2007 regarding developing a plan to selectively remove vegetation. In a discussion with Rob Houghton, Public Works Director, nothing had been done to develop a plan.

The letter also stated that there should not have been any development allowed within 50 feet along the creek. Ms. Hanna feels a solution for potential flooding would be using the Army Corps of Engineers to minimize the releases from the dam. This would allow Cosgrove Creek to empty freely into the Calaveras River. At the time of the April 2006, flooding some of the largest releases of water was occurring.

Ms. Hanna feels that the creek, due to vegetation, is never allowed to dry up completely as in the past which encourages thicker growth. Concerns were expressed for dirt moved during construction of Gold Creek Estates and the impact on the creek. Ms. Hanna stated that FEMA has designated the area her building is in as being in a 100 year flood plain.

d) Chair Claudino thanked Ms. Hanna for her valid comments. After the flood of 2006 funds were allocated by the County for routine channel maintenance. The Army Corps of Engineers continues to evaluate the project for their 404 permit.

Today the Board will be considering allocating funds to lobby for federal funding for County issues. Cosgrove Creek is the number one priority to fund \$800,000 for addressing a long term flood control plan and environmental restoration.

e) Brent Harrington, Interim County Administrator, stated that today a meeting is being held at Calaveras County Water District (CCWD) with the Army Corps of Engineers and County representatives. One of the topics being discussed is for routine and long term maintenance of Cosgrove Creek. The permitting has still not been received from all of the federal and state agencies involved.

Harrington will give Ms. Hanna's contact information to Mike Miller, Public Works, to bring her up to date on information garnered from this meeting.

6. ADMINISTRATION (07-50, I, 240)

Brian Moss, Environmental Management Agency Administrator, stated that the agency staff is recommending approval of a resolution to establish new fees for the Onsite Sewage Department. Moss referenced a November 20<sup>th</sup> study session regarding fees and costs to the department that have increased significantly since the last update in 1996.

Board discussion was held regarding installation of a system without a permit that the fee paid is a fine/penalty. The new fee schedule will be at the counter for public review.

Moss explained the fee for Tentative Parcel Map and Tentative Subdivision Tract Map and the involvement of the Onsite Sewage Department.

Motion made to approve the following resolution to establish new fees for the Onsite Sewage Department

Moved: Tryon                      Second: Wilensky                      Approval: Unanimous



RESOLUTION  
NO. 07-263

APPROVING THE ALLOCATION OF FUNDS  
FROM THE HOUSING REHABILITATION  
REVOLVING LOAN ACCOUNT TO THE RENTAL  
SECURITY DEPOSIT REVLOVING LOAN  
ACCOUNT IN THE AMOUNT OF \$25,000

9. COMMUNITY DEVELOPMENT AGENCY (07-50, I, 533 & Side II)

Stephanie Moreno, Community Development Agency Director, initiated discussion for the public hearing and first reading of a County ordinance to repeal and re-enact Chapter 15.04 of the Calaveras County Code. A local ordinance is necessary to adhere to the states' adopted new codes for compliance in January 2008. A resolution is necessary to establish fees for building permits.

Discussion was held regarding the adoption date of the new codes by the County however the new codes will take effect on all building permits after January 1, 2008. The ordinance will be formally adopted on January 8, 2008 and be effective after 30 days. To assist the contractors to transition to this entirely new set of codes, workshops are being held in the beginning of January.

Supervisor Callaway expressed concern that all of the contractors and builders are aware of these new codes. Ms. Moreno feels that sufficient notice has been given throughout the County and there is a general awareness of this change. The appropriate fees will be available when the ordinance returns for adoption on January 8, 2008.

Supervisor Tryon expressed concern that the information for the fees be available in a timely manner.

Mike Rodriguez, Interim Chief Building Official, clarified that the County amendments will not take effect until the County takes action. The State Building Codes take effect January 1, 2008 as it is a State Code. The only amendments made to the State Code are in Section 105.5 for expiration permits and subsection 108.2 granting the authority to adopt fees by resolution.

Supervisor Callaway stated comments that have been expressed by contractors concerning part II of the building code regarding product requirements that are not available.

Rodriguez referenced a new chapter in the code regarding wild land urban inner face. Certain types of materials and methods of application, as they pertain to wildfire codes suppression, will be required for new construction in the entire County.

Brent Harrington, Interim County Administrative Officer, stated the building materials industry has been given lead time to prepare for this requirement. Harrington emphasized that these changes are statewide.

Rodriguez stated that this change in the building code will bring California in line with the rest of the country. The fee for commencing

work prior to permit issuance is a mandatory fee. Clarification of 105.5 for permit expiration was stated.

Supervisor Wilensky expressed strong concerns for 108.4 regarding commencement of work without permits. Wilensky feels that those most violating this type of issue are the ones that should be paying a disproportionate percentage of the fee. A request was made to the Building Official for being specific on these fees, to be a disincentive to pursue this type of operating standards.

Chair opened the public comment portion for this agenda item. There was no one wishing to speak and the matter returned to the Board for further discussion.

Moreno announced that as of January 22, 2008 the Planning Department will be fully staffed and thanked the Board for their support in this endeavor.

Motion made to introduce the ordinance and waive reading.

Moved: Callaway                      Second: Thomas                      Approval: Unanimous

10. ADMINISTRATION (07-50, II, 40)

Brent Harrington, Interim County Administrative Officer, presented the results of a study session on December 11<sup>th</sup> with The Ferguson Group. An outline of the Calendar year 2008 Federal agenda appropriation priorities and reauthorization of SAFETEA-LU priorities was discussed.

Chair opened the public comment portion for this agenda item. There was no one from the public wishing to speak and the matter returned to the Board for further discussion.

Motion made to approve a MINUTE ORDER for the Calaveras County calendar 2008 Federal agenda as presented.

Moved: Wilensky                      Second: Thomas                      Approval: Unanimous

11. ADMINISTRATION (07-50, II, 88)

Brent Harrington, Interim County Administrative Officer, opened discussion regarding an increase in financial obligation in the Central Sierra Economic Development District(CSEDD). In order to continue participation the funds will need to be derived from contingencies.

Larry Busby, Central Sierra Planning Council(CSPC) and Executive Director (CSEDD), presented background information on the evolution for increase in funding for participation. The match for the planning grants has been changed to be a dollar for each dollar instead of a 25% local match. Based on this change the agency has reduced their budget by 30% and reduced the amount funded by the cities and counties.

Busby presented additional documentation regarding the formula for allocation of local share of costs from its inception in 1976. The board determined that a change should be made from using the 1970 population figures. In August the decision of using the most current population base was made. At this time most of the entities involved had already completed

their budgets.

Busby stated that the agency is establishing a five year plan for the future and looking at developing an economic development strategy. Reference was made to a chart that has been submitted depicting the agency projects by year, amount and source. The agency is driven by the consumers and strives to not duplicate what is being done by the cities and counties. The emphasis of the agency is for the areas of assistance that is needed for each jurisdiction.

Supervisor Wilensky referenced the history of the projects and how assurance is made for equitable distribution for the cost and the services. Busby responded that anything that is done has to be cost effective to be considered. The decision is made for it to be equitable for the county or the city to pursue the project.

Supervisor Thomas referred back to the August meeting with CSEDD that addressed the financial increase. Approximately \$4 million has been returned to the County since 1976 for projects this does not include multi-county agency benefits. Thomas feels that the distribution may not be entirely equitable. The California Asbestos Monofil which is in process of making an application to reactivate their permits. Economic benefit can be realized if this project can be facilitated through CSEDD and believes financial support should continue.

Busby stated that various financial responses have been received from the members of the JPA.

Supervisor Wilensky has concerns for the County's budget constraints to finance the obligation from contingencies. The additional concern was stated for the accumulative affect of continual financing from contingencies. Wilensky suggested waiting until the new County Administrative Officer is able to review and comment.

Supervisor Tryon feels the program has been used for a social service program more than for economic development. Tryon concurs with Supervisor Callaway that we should either pay our fair share or withdraw from the JPA. Tryon wants to wait on committing money for CSEDD.

Busby stated that the allocations for funding for the County would not be lost if the financial obligation is not received as it is paid from the Central Sierra Planning Council.

Supervisor Callaway does not want to postpone committing to the funding.

Chair Claudino wants to continue this item and mid-year review of the budget.

Motion made to continue approval of a payment of \$7,540 for annual participation in the Central Sierra Economic Development District until mid-year budget review and a new County Administrative Officer examination.

Moved: Wilensky

Second: Tryon

Approval: Majority

NOES: Callaway

12. HUMAN RESOURCES (07-50, II, 692 & 07-50A, I)

Francine Osborn, Director Human Resources, initiated discussion to authorize changes to the position control list. Ms. Osborn stated that two departments had made personnel requests that had not been part of final budget deliberations. As part of the review process, other counties systems, structures, salaries, and titles were examined. An internal review was also conducted to confirm that there is fairness and consistency.

A reclassification is being requested for Deputy County Counsel I to a level II category. A career series creating a Deputy County Counsel II level in addition to the current Deputy Counsel I position. A reclassification for an existing incumbent in the Deputy County Counsel I to the newly created II level is being requested. Administration is recommending approval.

A newly revised reorganization for the Assessors Office is being requested including: reclassification of the Assessment Specialist position creating four levels, part of the request is taking the salary structure of the position and aligning it with the department which is felt is consistent with the Tax Tech series. Administration is recommending approval.

A reclassification of a Supervising Appraiser is being requested to a Appraiser I/II/III level for a better ability to recruit. Administration is recommending approval.

A request has been made to reclassify the Assessment Standards Analyst position to Chief of Assessment Services. This position has been unsuccessful to recruit as it is very unique. The department has proposed several options and Administration is recommending to reclassify the position.

The Assessors Office is proposing an option to utilize position overlays. The Administration Office is not recommending the overlays. A request was made to grant longevity credit or prior government experience to two existing staff members. The Administration Office is not recommending this. The belief of Administration is to look at this topic Countywide not to grant to specific individuals. There are many aspects to be addressed before any determination could be reached for this issue.

The Assessors office has asked to review a job description or to set up flexible staffing for the Appraiser Series. The Administrative Office wants to have various aspects of the current descriptions reviewed and analyzed. Board approval is not necessary to upgrade the job description.

Supervisor Wilensky referenced the three recruitments that have not proved successful for the Assessment Analyst and asked if changing the title of the job changed the results.

Ms. Osborn stated that changing the title will attract a candidate that can fulfill the position but keep the salary of the Assessment Standards Analyst.

Leslie Davis, Assistant Assessor, discussed the position of Chief of Assessment Services and referenced a study session that was held in March. Many larger offices have two assistant assessors, one over evaluation and one over assessment. This is what is being recommended by the Assessors Office.

Supervisor Wilensky stated concerns regarding special assignments, time and service for recruitment incentive and retention.

Supervisor Thomas expressed thoughts regarding longevity incentive for recruitment and referenced Mary Sawicki past service recognition that has been give.

Ms. Osborn, referenced two exceptions regarding longevity. Background information was given regarding this as it pertains to Ms. Sawicki. Ms. Osborn feels the need for consistency.

Brent Harrington, Interim County Administrator, gave a history of the County's policies concerning longevity and recognition for different levels of employees.

Mary Sawicki, Director Calaveras Works and Human Services, stated that in the present year \$75,000 has been allocated for County Counsel for Children's Protective Services. Funding sources have been decreased from the state and there is not guarantee of the continuation of funding next year.

Ms. Davis stated that the resolution only reclassifies five of the six Assessment Specialist positions. Ms. Osborn said this will be amended to include the additional position.

Ms. Davis stated concerns regarding longevity and salary increase differences. The issues of elected officials salary increase, analyst overlay, special assignments, report on research and information from other jurisdictions.

Motion was made to approve the following resolution authorizing changes to the position control list, as recommended by Human Resources/Administration, as modified to read 6 positions for the Assessment Specialist positions.

Moved: Tryon                      Second: Callaway                      Approval: Unanimous

13. BOARD MATTERS/SUPERVISORS/STAFF (07-50A, I,

a) Supervisor Tryon presented a report to the Board on an Rural Council of Rural Counties(RCRC)regarding the following subjects: County dues membership will remain the same; affects of the housing market on RCRC; the State of California budget concerns; the results of the President of RCRC meeting with the Governor to review consequences to counties for the \$14 billion dollar state budget deficit: Propositions 1A and 42 funds are secure for counties with pending litigation, regarding diverting some of these funds to backfill other obligations;

Tryon reported on funds that are on the table that may be taken away from counties: Proposition 36, Williamson Act, January 5<sup>th</sup> election reimbursement, booking fees, Rural Sheriffs Grant for \$500,000 that will be the subject of negotiations, aid to the rural Certified Unified Program Agency \$60,000, weed management program of \$1.25 million;

The Governor stated at the meeting that he would implement Proposition 58 giving him the authority to do an emergency declaration to bring the Legislature back into session. The Governor has indicated he wants a 10% cut on all state budgets.

California is reaching its debt limit which will make it difficult for the Legislature to offer another state bond to ease the current fiscal crisis.

Supervisor Tryon reported on the construction activity since 2004 which produces a structural deficit. This deficit, along with funding amounts decreased from the state, has a potential serious impact on the County's finances.

Discussion was held with the Board regarding the differences in cancelling and non-renewal of a Williamson Act contract. There will be a study session regarding Williamson Act at the second Board meeting in January.

Supervisor Tryon stated that the water bond negotiations were discussed. The State Legislature is not going to initiate water bonds, however, the Chamber of Commerce has four water bonds in process. The storage and dams for water is the basic concern.

Results of the Water Resource Development Act, 2007, will provide CCWD with 3 Million Dollars for water supply and wastewater infrastructure. A regional global warming plan was discussed. If not adopted by the counties, funding sources would be eliminated. Global warming will be a vehicle to take land use decisions away from County governments.

Interim CAO Harrington, informed of the background for the role that the CCOG's will have in this area.

Supervisor Tryon listed the various programs that will be associated with regional government as they relate to the plans that will be required by the state.

Proposition 83 Criminal Justice, was also discussed with the global positioning for sex offenders portion being a concern. On October 18<sup>th</sup>, the Department of Corrections stated that approximately 500 sex offenders had been released since passage of the law and are not being monitored. The state has said they will not be responsible for the GPS monitoring as called for by law.

Discussion was held regarding Proposition 1A and the potential loss of the Vehicle License Fees which would be a huge detriment to the budget. Health care reform proposals were reported by RCRC.

Supervisor Tryon attended a LAFCO meeting last night. It was voted 6-1 to increase the permanent seats on commission by 2 members. One would be for a representative from CWD and one for an additional public member making the total to nine members.

b) Supervisor Wilensky will attend a CAMRA meeting on Wednesday;

c) Supervisor Callaway will attend a State Water Plan meeting in Sacramento on Wednesday; next week may have a Juvenile Justice Commission meeting; Supervisor Callaway reminded the public of the community dinner on Christmas Day at the Native Sons Hall in Murphys;

d) Supervisor Thomas, last Friday attended the Mountain County Water Resources meeting;

e) Chair Claudino had nothing to report;

f) Interim CAO Harrington announced the retirement reception on December 27<sup>th</sup> from 1-3 for Tim Palecek; reference was made for a contract with Nacht and Lewis Architects for the vestibule project. Due to the significant increase in the cost of the project, it was determined by Administration not to be feasible to proceed. There will have to be concrete work to be done as there is a slight grade in the handicap area which is an ADA issue.

Discussion was held on the status of the first phase of the courthouse project. The courts and the jail consultant have been working on this with more information available soon.

g) County Counsel Jones stated that he and David Sirias will be holding a mandatory ethics training meeting on Friday, 10:00 a.m. on 12/21. This will be for those holding positions on committees, commissions and advisory boards.

14. CLOSED SESSION/COUNTY COUNSEL

A CLOSED SESSION was held pursuant to Government Code section 54956.9(b)(1); conference with legal counsel; anticipated litigation - significant exposure to litigation (one case); resulting in no action taken.

15. CLOSED SESSION/HUMAN RESOURCES

A CLOSED SESSION was held pursuant to Government Code section 54957.6, conference with labor negotiators: County representatives - CAO and Assistant CAO/Director of Human Resources and Risk Management; SEIU re: Miscellaneous Employees; was cancelled.

16. CLOSED SESSION CAO/HR DSA

A CLOSED SESSION was held pursuant to Government Code Section 54957.6 conference with labor negotiator; Assistant CAO/HR Director; Calaveras County Deputy Sheriff's Association (DSA); was cancelled.

17. CLOSED SESSION/ADMIN

A CLOSED SESSION, CONFERENCE WITH REAL PROPERTY NEGOTIATORS: pursuant to Government Code section 54956.8; Property APN's as follows: 44-011-050, 44-011-051, 44-011-049; 44-011-052; Agency negotiator: County Administrative Officer or alternate to be determined; Negotiating parties: Ryan Voorhes, Greg Opinski; Under negotiation: Instruction to negotiator regarding potential purchase, price, financing options; Administration - with no reportable action.

18. ADDENDUM CLOSED SESSION/HUMAN RESOURCES

A CLOSED SESSION was held pursuant to Government code 54957 with Public Employee Appointment or Employment (County Administrative Officer); Human Resources - with no reportable action'

    /s/ Bill Claudino      
CHAIR

ATTEST:

    /s/ Karen Varni      
CLERK

## 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:

### NOVEMBER 30, 2007

1. FROM: Tom Duncan with Granicus Re: Thank you for joining Granicus at CSAC Conference;; Callaway
2. FROM: NAMI Re: Holiday Party at the Union Congregational Church cc: Board
3. FROM: Concerned Neighbor Re: Middle Fork of the Mokelumne River located on Charles Street, Wilseyville cc: Steve Wilensky
4. FROM: United States Board On Geographic Names RE: A proposal to apply the new name Kaye Creek to an unnamed stream in Calaveras County, cc: Board, County Counsel, Planning, Public Works
5. FROM: Calaveras Visitors Bureau Re: Holiday Open House cc: Board as addressed
6. FROM: National Forest Counties and Schools Coalition re: Secure Rural Schools and Communities Act; Board

### DECEMBER 3, 2007

7. FROM: Rev. James L. Stout Re: Continued delays in obtaining the needed entitlements for Oak Canyon Ranch (OCR). cc: Sup. Thomas, Com Dev., Public Works
8. FROM : Stanislaus National Forest Service Re: Public Workshop on the Motorized Travel Management Proposed Action cc: Sup. Wilensky, Public Works, Com Dev. Agency
9. FROM: Scott Oneto with Central Sierra Partnership Against Weeds Re: Memorandum of Understanding expires December 31st. cc: Board, Dept Ag.
10. FROM: HRC Child Care Resources Re: Relocating Office. Moving December 17, 2007 To Board as addressed

### December 4, 2007

11. FROM: John Brodie/Mokelumne River Watershed Re; Meeting for December 10, 2007 cc: Supervisor Claudino, Wilensky
12. FROM: Mokelumne Watershed Master Plan Re: Notice of Availability Mokelumne Watershed Master Plan Draft Program Environmental Impact Report Ref Route to Board, Post

### December 5, 2007

13. FROM: Casey Re: NWRI E-newsletter-Nov. 2007 cc: Board, Env. Health
14. FROM: Nancy Furtado Re: Thank you letter for going out to the harper St. project in Valley Springs ref: Thomas
15. FROM: Jeffrey W. Morris, Trinity County Board Of Supervisors Re: Reimbursement from the State for Mental Health Services cc: Board, Health Dept. Behavioral Health
16. FROM: Michael J Bacca/Dept of Forestry and Fire Protection Re: Official Notice of the Director's Determination of Conformance, 214 Acres Blue Creek cc: Wilensky, Callaway, Post
17. FROM: Carolyn Mendoza/Central Sierra RC&D Re: Meeting Agenda for December 20, 2007 cc: Thomas, Callaway
18. FROM: CALSTAR Re: Newsletter cc: Board as addressed

19. FROM: Blair M. White/Attorney Re: Copy of (REQUEST FOR RECONSIDERATION) People of the State of California vs. Roberta Redmond cc: Wilensky, County Counsel, Com Dev
20. FROM: California State Association of Counties Re: A Ballot initiative campaign related to eminent domain cc: Board as Addressed
21. FROM: East Bay Municipal Utility District Re: Notice of Availability Mokelumne Watershed Master Plan Draft Program Environmental Impact Report cc: Board, Post
22. FROM: Blair M. White, Attorney Re: Case of Redmond, Concern of precedent being set, request for rehearing cc: Wilensky, County Counsel and Com Dev.

**December 6, 2007**

23. FROM: Mark Twain St. Joseph's Hospital Foundation Re: Newsletter Ref: Forward to Board
24. FROM: Best Best & Krieger, Attorneys Re: Seminar (Statements of Economic Interests) cc: Board, County Counsel
25. FROM: Reverend Stephen E. Blaire, Bishop Re: Catholic Charities Diocese of Stockton ref: Board as addressed