

**MINUTES OF A REGULAR MEETING OF THE BOARD OF SUPERVISORS,
COUNTY OF CALAVERAS, STATE OF CALIFORNIA,
HELD ON JULY 28, 2009**

PRESENT: Russ Thomas, Chair; Merita Callaway, Vice-Chair; Gary Tofanelli, Steve Wilensky and Thomas Tryon, Supervisors; James Jones, County Counsel; Robert Lawton, County Administrative Officer; and Madaline Krska, Board Clerk

ABSENT: None

Meeting recorded on Cassettes 09-30 & 09-30A, I & II

9:00 A.M.: Call to Order
Pledge of Allegiance
Announcements:

Results of Closed session held July 21, 2009

A CLOSED SESSION was held pursuant to Government Code section 54957.6; conference with labor negotiator - Director Human Resources & Risk Management; Service Employees International Union, Local 1021, (SEIU); DSA - resulting in no action taken.

Results of Closed session held July 24, 2009

A CLOSED SESSION was held pursuant to Government Code section 54957.6; conference with labor negotiator - Director Human Resources & Risk Management; Service Employees international Union, Local 1021 (SEIU) DSA - resulting in nothing to report.

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

Jeanne Boyce, Director County Health Services Agency, pulled agenda item #5 for recognition and Dennis Downum, Sheriff, pulled agenda item #6 for recognition. Motion made to approve the balance of the consent agenda, as submitted.

Moved: Tofanelli Second: Wilensky Approval: Unanimous

1. CORRESPONDENCE: July 10-16, 2009, (see attached); as processed
2. RESOLUTION APPROVING THE AGREEMENT BETWEEN
09-130 DR. MICHAEL W. MADDOX AND CALAVERAS
 COUNTY BEHAVIORAL HEALTH SERVICES FOR
 THE PROVISION OF SPECIALTY MENTAL
 HEALTH SERVICES IN AN AMOUNT NOT TO
 EXCEED \$100,000 FOR FISCAL YEAR 2009/2010
 (state allocated funding)
3. MINUTE ORDER authorizing a budget transfer for Fund 21200010 CSA 2, Bar XX in the amount of \$4,919.05 increasing object codes 4730 Direct Assessment Charge and 5311 A87 Costs as revenue increases. (no impact on the general fund)
4. MINUTE ORDER authorizing Calaveras County to enter into an Administrative Match Agreement with Area 12 Agency on Aging in the amount of \$77,296 for the period of July 1, 2009 through June 30, 2010 and authorize the Board Chair to sign said agreement.

5. PUBLIC HEALTH/RETIREMENT (09-30, I, 38)

Chair Thomas asked Sandy Pack to come forward for a retirement presentation. Chair read a resolution into the record and thanked Sandy for her hard work and years of dedicated service to the County of Calaveras.

Motion made to approve the following resolution of recognition.

Moved: Callaway Second: Wilensky Approval: Unanimous

RESOLUTION HONORING SANDY PACK AFTER
NO. 09-131 THIRTY YEARS OF DISTINGUISHED
SERVICE IN PUBLIC HEALTH

6. SHERIFF'S DEPARTMENT/RETIREMENT (09-30, I, 117)

Chair Thomas asked Barbara Boyd to come forward for a retirement presentation. Chair read a resolution into the record and thanked Barbara for her hard work and years of dedicated service to the County of Calaveras.

Motion made to approve the following resolution of recognition.

Moved: Callaway Second: Tofanelli Approval: Unanimous

RESOLUTION RECOGNIZING BARBARA BOYD
NO. 09-132 FOR HER "20" YEARS OF
SERVICE WITH THE CALAVERAS
COUNTY SHERIFF'S DEPARTMENT

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

7. PUBLIC COMMENTS (09-30, I, 212 & II)

Jenny Baxter of the Jenny's Kitchen, a local television show, expressed appreciation for the Board's support of Calaveras County Public Access Television.

Terry Baker, Glencoe, addressed the Board and submitted documentation into the record regarding his ongoing concerns with his neighbors, the Redmond's. Baker referenced a letter from the Sheriff's Office to the Superior Court regarding a court case for David Redmond's crowing rosters. Baker expressed concern for the continuing rescheduling of this case. Baker submitted a previous Board agenda item regarding a code compliance case for the Redmond property.

Jeannie Middleton, Sheriff's Department, addressed the Board expressing strong concerns regarding budget issues and the CCPSEA bargaining unit. Ms. Middleton referenced six sessions at the bargaining table and the different figures that were submitted each time by Human Resources. The unit voted against the last figure of 10% presented this week. Ms. Middleton emphasized a concern for the changing dollar amount to be attained that is provided by Administration. Public safety has been established as a priority to the County.

Tracy Busby, President DSA, read into the record a statement regarding meetings with County representatives for possible alternates in avoiding lay-

offs. Frustration was stated when the expectations were reached to then find out the numbers or calculations had changed. Busby stated concerns for the latest request for a 10% reduction in salary or benefit and the lack of importance placed on public safety. Busby referenced the bump back process within the DSA unit resulting in the loss of two quality employees and pulling AB443 money from the table.

Dennis Downum, Sheriff, stated during the budget communication process funds from AB 443 were placed on the table meeting concessions asked by the County. Until Friday, using the figures received, only one employee would be lost. On Monday information was received for the amount needed to fund the shortfall to keep what he considers, non-essential departments funded. Sheriff Downum stated the AB 443 funds are being withdrawn at this time.

Supervisor Callaway stated clarification for Public Works funds are non General Fund dollars and can not be transferred to General Fund functions.

Jim Turley, representing SEIU, expressed concerns that the figures given by Administration for budget balancing are not accurate. Turley stated the SEIU Board voted against the latest 10% proposal presented by Human Resources. SEIU has presented a counter proposal with a sliding scale for a higher percentage for higher wage earners. Turley feels directors should be laid off the same as normal employees.

Chair Thomas in response to proposed budget shortfall totals changing, stated this is due to funding that has been shifted from the state to their budget needs. The County is not immune to the financial concerns that are in place throughout the state and country. Thomas reiterated the Boards willingness to contribute their share of financial responsibility to aid in the shortfall.

Jeff Tuttle, District Attorney, addressed the Board regarding the state taking 1.5 million which was a known factor during the budget process. Concerns were expressed for the communication and proposals presented to the unions.

Larry Cornish, Mark Twain St. Joseph Hospital, presented an update to the Board for the following hospital community activities: last Wednesday in Mountain Ranch a mini health fair was held in conjunction with the Arts Councils Music in the Parks and will participate again in August in Arnold; participated in the Resource Connections food distribution and provided information on health care resources provided by the hospital and in August will participate in two additional distributions; two weeks ago the hospital provided a mini health fair at the Angels Camp Farmers Market and will participate again on August 14th; will hold a mini health fair for the Murphys Community Club's First Friday Music in the Park on September 4th; the new family medical center in San Andreas will be open in early September; on September 26th from 7-12 a.m. will hold the annual large health fair at the hospital site; the second Community Cares video is posted on U Tube; a community grant program was announced for community organizations that share

the same mission of values as the hospital; an award was received for patient satisfaction and the nurse call center is available 24 hours a day to be able to speak directly to a nurse for advice and referrals.

Bonnie Newman, Valley Springs, gave an update on her recent meeting with a representative of Public Works to look at the trees that had been pruned by the department. Ms. Newman questioned the policy for the limbs to be left by the road for firewood which was not done when her trees were trimmed. Ms. Newman spoke of wanting to donate this firewood to a Senior Giveaway Program.

David Studley, Mountain Ranch, supports combining and reassigning responsibilities between departments. Studley voiced concerns for the decisions by the Board to make the allocations for the fundamental needs of the public. Public safety and protection should be a priority.

Michael Murray, public safety local paramedic service, expressed safety concerns for cuts in the Sheriff's Department. Murray stated a critical response time for on scene arrival by the Sheriff's Department for providing emergency medical care.

Clyde Clapp, Valley Springs, spoke with concerns for people being able to keep their homes in the County's economical situation and those needing to be employed out of the County.

8. PUBLIC WORKS (09-30, II, 160 & 09-30A, I)

Chair Thomas announced a noticed public hearing for an appeal for the denial of an encroachment permit for a swimming pool and wall in right of way at 2390 Arrowhead Street, Copperopolis for Anthony and Brianne Cerasi.

Tom Garcia, Director/Public Works, presented a summary of the staff report stating there is a pool and a wall within the public right of way (ROW). The unpermitted wall is eight feet high with no plans or inspections. Garcia presented a chronology of related Building Department actions starting June 1, 2006. Garcia stated there was an error in the plans submitted with a pool and property line location requested of the applicant. A stop work order was issued based on not having the appropriate property lines located. Garcia stated the wall is within the ROW and it is unknown if there is an issue with the location of CCWD's water lines.

Garcia stated if the ROW is abandoned it would preclude the County for widening the road. Based on the actions by County staff, the inspection record, error in plans, damage to public right of way, staff is recommending the appeal be denied.

Jeff White, Building Official, stated walls fewer than six feet in height are exempt from building permits. White confirmed walls or fences exceeding six feet require a building permit. Sections of the applicant's wall measure 93 inches making the wall not exempt for a building permit. White stated the issue of the property line with the wall and pool being a concern due to setbacks and other building criteria.

Chair Thomas has been on the site and stated the only sections that could be eight feet are the columns.

Board discussion was held concerning the following aspects of this appeal: a license agreement with the applicants to remove an encroachment to accommodate roadway improvements; a portion of the pool and the wall is outside the property line; the ownership beyond the Cerasi's property line; the County has prescriptive rights to the ROW; distinction of property ownership to the center of a road and the inability of the owner to use this; and fee ownership of the ROW.

Chair Thomas discussed the sequence of events for the Cerasi's project. Chair stated the pool location error was found during the plaster inspection. The wall was constructed as required by law for a swimming pool. Chair asked for clarification of the date for the request to plaster the pool.

White clarified the types of inspections done and the dates. The pre-gunitite inspection was August 5, 2006 and was the only sign off. A correction notice was written August 16, 2006 for a pool feature and was taken care of with a submittal. On April 2, 2007, during an electrical inspection a correction notice was written requesting property line locations for location of pool and fence over six feet tall.

Chair opened the public hearing portion of the hearing.

Anthony Cerasi, property owner, submitted photos of the wall into the record. Cerasi stated he has consulted with CCWD, PGE and Phone for services location and approved received. Cerasi informed the inspector at the time of the first inspection, there would be a stucco wall. Since the wall had wood framing it would not need inspection less six feet tall. The inspector requested the property lines be pulled for a location concern for a side fence between a neighbors house. At that time the inspector asked to have the front property pins pulled referencing the line going into the center of the road.

Cerasi referenced the photographs submitted and the inspectors' comments regarding the wall's construction and relation to the property line that was then signed off. Cerasi stated he received a red tag after this inspection from a different inspector. The inspector stated the pool was too close to the house because of the construction of the patio and how it relates to the lot line. Cerasi stated, based on an inspector commented he needed a 20 foot setback which Cerasi thought was from the center of the road leaving enough room for the wall which he has constructed himself.

Mike So, Premier Pool's, gave the process for having a pool constructed including the drawing of the plans, coordinating with the County for restrictions, easements and encroachments. So, surmised the pool sales person made an error in determining the property lines. Premiere Pools is willing to fill the pool in, allow pool or sign document of no fault. The pool could not be placed in the back yard due to the slope and septic system. So, stated a surveyor was not procured for the front yard pool construction.

Supervisor Callaway supports the creation of the Assessment Appeals Board to handle the volume of appeals that have been received. Having additional meetings on additional days of the week would interfere with assigned Board appointed scheduled meetings.

Supervisor Tryon asked for inclusion of additional wording in Section 4(b) stating the Assessment Appeals Board shall be reimbursed "for out-of-county expenses".

David Sirias, Assistant County Counsel, stated a vote for approval can be done today as the changes were agreed upon last week at the introduction.

Motion made to approve an ordinance with waiver of reading adding Chapter 46 to Title 2 of the Calaveras County Code creating an Assessment Appeals Board.
Motion: Callaway Second: Wilensky Approval: Majority
NOES: Tofanelli

ORDINANCE ADDING CHAPTER 2.46,
NO. 2966 SECTIONS 2.46.010 THROUGH
2.46.050

11. ASSESSOR (09-30 A, II, 710)

Acting Assessor, Leslie Davis, stated a resolution is required to set the compensation, establish the appointment process and direct the Clerk of the Board to begin recruitment for the Assessment Appeals Board. The Board of Supervisors can change the compensation at any time. Ms. Davis stated state wide the counties of comparable size pay \$40 for half days and \$75 for full days.

Supervisors Tryon and Wilensky support the \$40 and \$75 as outlined with half days being 9-12 for a half day and when return after lunch would be \$75. Tryon supports putting one Board of Supervisor on the Appeals Board with Supervisor Callaway not supporting any member of the Board of Supervisors on this Board.

Ms. Davis stated the revised fiscal impact will be \$2250 for 10 full day sessions. Ms. Davis clarified the initial terms of office with only three members seated at any given hearing by the Clerk of the Board.

Motion made to approve the following resolution setting the compensation and appointment for Assessment Appeals Board Members.

Moved: Tryon Second: Wilensky Approval: Unanimous

RESOLUTION SETTING THE COMPENSATION AND
NO. 09-135 APPOINTMENT PROCESS FOR ASSESSMENT
APPEALS BOARD MEMBERS

12. SUPERVISOR CALLAWAY (09-30A, II, 780)

Supervisor Callaway asked the Board to authorize a short-term no-interest loan to Area 12 Agency on Aging to continue providing services to the Counties involved. Supervisor Callaway stated the last time the County loaned Area 12 money it was repaid as soon as the state budget was approved.

FINAL MINUTES
July 28, 2009

Shirley Ryan, Assistant County Administrator, stated these funds are derived from federal sources.

Motion made authorizing a short-term, no-interest loan to Area 12 Agency on Aging in the amount of \$53,127 in August 2009, \$53,127 in September 2009, \$58,280 in October 2009 and \$58,468 in November if the FY 2009/10 state budget has not been resolved. Repayment of said loan will be due upon resolution of the FY2009/10 state budget deficit and restoration of state funding to Area 12 Agency on Aging.

Moved: Callaway Second: Tryon Approval: Unanimous

14. CORRESPONDENCE/SUPERVISORS/STAFF (09-30A, II, 840)

Review of correspondence, reports and various matters of concern. Supervisor Tryon had nothing to report.

Supervisor Wilensky Monday will attend the Upper Mokelumne River Association.

Supervisor Tofanelli attended the National Day of the Cowboy sponsored by the Calaveras Chamber of Commerce on Saturday.

Supervisor Callaway on Thursday will attend the Treasury Oversight Committee meeting. Supervisor Callaway gave a report on an Ebbetts Pass historic event held in Bear Valley on Sunday. A presentation was made at the event regarding the local historical figure Monte Wolfe.

Chair Thomas gave a brief report on a Cities, Counties and Schools meeting he attended. Discussion was held at the meeting regarding state governance problem solving approaches and term limits for state government legislators.

County Administrative Officer Lawton had nothing to report.

County Counsel Jones had nothing to report.

ADJOURNMENT

There being no further business requirement action this day, the Board adjourned to the following closed session and will reconvene for a regular Board of Supervisors meeting at 9:00 a.m. on Tuesday August 4, 2009.

15. CLOSED SESSION/HUMAN RESOURCES

A closed session was held pursuant to Government Code section 54957.6; conference with labor negotiator - director Human Resources & Risk Management; Service Employees International Union, Local 1021, (SEIU); DSA - resulting in nothing to report.

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:

JULY 10, 2009

1. From: Rural Counties re: Dues Notice; Board
2. From: Russ Reid re: Federal Funding for County of Calaveras Economic Development Initiatives; Board
3. From: Calaveras County Board of Supervisors Chambers County Administrative Center San Andreas: Board and Post
4. From: Camanche Regional Park Advisory Board re: July 16, 2009 Agenda; Board and Post
5. From: Area 12 Agency on Aging Advisory Council re: July 20, 2009 Meeting and Agenda; Supervisor Callaway & Wilensky and Post
6. From: California State Association of Counties (CSAC) re: Rebuilding California From the Ground Up July 17-18, 2009 Sacramento; Board

JULY 13, 2009

7. From: Weber, Ghio & Associates, Inc., Professional Engineers re: Repairs to Main Street Sidewalk; Board
8. From: State of California Department of Transportation re: Angels Camp Bypass Ribbon cutting ceremony July 22, 2009; Supervisor Wilensky, Callaway, Toffanelli & Thomas as addressed
9. From: California Counties re: Legislative Bulletin; Board

JULY 14, 2009

10. From: K.D.Q. Productions re: Mountain Ranch Music Festival July 18, 2009; Board
11. From: Calaveras County Farm Bureau re: Williamson Act Subvention Funding; Board as addressed
12. From: Clover Country 2009 re: Newsletter for the 4-H Family; Board
13. From: Nation Association of Counties (NACo) re: July 13, 2009 publication; Board

JULY 15, 2009

14. Lower Mokelumne River Watershed Stewardship Steering Committee re: July 17, 2009 Meeting and Agenda; Supervisor Wilensky, Callaway & Tofanelli and Post
15. From: Columbia College re: August 13, 2009 Groundbreaking ceremony; Board
16. From: California County News re: News Update; Board
17. From: Charlene Webber of Legistar re: Chicago MWRD has a Budget savings of almost \$225,000.00; Board
18. From: Gina Clemmer, New Urban Research re: Mapping California Communities Workshops in September; Board

JULY 16, 2009

19. From: Lisa Boulton, Marketing Director, Cave and Mine Adventures re: TOT fund allocated to the Calaveras Visitor Bureau; Board, County Counsel, CAO

FINAL MINUTES
July 28, 2009

20. From: California Chamber of Commerce (ALERT) re: July 10, 2009
publication; Board
21. From: UC Davis Extension/Land Use and natural Resources re: Fall 2009
New Courses; Board