

**MINUTES OF A REGULAR MEETING OF THE BOARD OF SUPERVISORS,
COUNTY OF CALAVERAS, STATE OF CALIFORNIA,
HELD ON DECEMBER 14, 2010**

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

ABSENT: None

A Reception was held recognizing and honoring retiring County employees.

Meeting recorded on Cassette 10-47 & 10-47A, I & II

9:30 A.M. Call to Order
Pledge of Allegiance

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

Supervisor Tryon pulled agenda item # 4 for an update, Chair pulled agenda item # 5 to recognize retiring County staff members, and Jonathan Mitchell, Public Works, pulled agenda item # 7. Motion made to approve the balance of the consent agenda as submitted:

Moved: Wilensky Second: Tofanelli Approval: Unanimous

1. MINUTES of a regular Board of Supervisors meeting held on November 9, 2010

2. CORRESPONDENCE: November 19 thru December 2, 2010 (see attached)

3. RESOLUTION FOR RESCISSION OF CALIFORNIA LAND
 NO. 10-204 CONSERVATION CONTRACT NO. 255 AND A
 PORTION OF CALIFORNIA LAND CONSERVATION
 CONTRACT NO. 144 UPON SIMULTANEOUS ENTRY
 OF A NEW CALIFORNIA LAND CONSERVATION
 CONTRACT NO. 317

6. MINUTE ORDER approving the execution of a three (3) year Lease Agreement between the County and the West Point Lions Club for the use of the West Point Community Hall and authorize the Board Chair to sign the lease.

8. RESOLUTION APPROVING THE FORMATION OF THE PUBLIC
 NO. 10-205 SAFETY INTEROPERABILITY PARTNERSHIP
 JOINT POWERS AUTHORITY INVOLVING THE
 CALAVERAS AND ALPINE COUNTY SHERIFF'S
 OFFICES

4. PLANNING (10-47, I, 19)

Supervisor Tryon asked for clarification of the timeframe and extension of the contract with Mintier Harnish, LP for the General Plan Update.

George White, Planning Director, stated the contract extension would not cause any additional costs. Two full time employees are assigned to this project. White presented an update on the progress of the General Plan Update.

Members of the public expressing comments were Joe Kelly, Copperopolis, Tonya Dausend, Burson and Peter Racz, Valley Springs.

Chair closed the public comments with the matter returning to the Board for further discussion.

Motion made to approve a contract amendment with Mintier Harnish, LP for the General Plan Update extending the term to December 31, 2011.

Moved: Tryon Second: Wilensky Approval: Unanimous

7. PUBLIC WORKS (10-47, I, 130)

Jonathan Mitchell, Public Works, Senior Engineer, referenced the staff report submitted regarding a contract amendment between Calaveras County and PSOMAS, Incorporated. Mitchell presented additional information regarding the financial category relating to the scope of work regarding cultural resources identified in the Mountain Ranch Road area.

Motion made to approve Amendment 2 between Calaveras County and PSOMAS, Inc. for the Professional Services Agreement for Planning/Environmental, Design Services and Construction Support Associated with Mountain Ranch Road Turnouts and Safety Improvements, extend the Professional Services Agreement until December 30, 2011, for an amount not to exceed \$74,299 and authorizing Jeanne M. Boyce, County Administrative Officer, to execute Amendment 2. (no cost exposure to the General Fund)

Moved: Wilensky Second: Tryon Approval: Unanimous

5. RECOGNIZING YEARS OF SERVICE/HUMAN RESOURCES (10-47, I, 160)

Motion made to approve the following resolutions(6), recognizing retiring County employees for their years of service.

Moved: Tryon Second: Thomas Approval: Unanimous

RESOLUTION	RECOGNIZING CAROL GATES FOR HER
NO. 10-206	26 YEARS OF SERVICE TO CALAVERAS COUNTY

RESOLUTION	RECOGNIZING LINDA CHURCHES FOR HER
NO. 10-207	16 YEARS OF SERVICE TO CALAVERAS COUNTY

RESOLUTION RECOGNIZING LYNETTE NORFOLK FOR HER
NO. 10-208 37 YEARS OF SERVICE TO CALAVERAS COUNTY

RESOLUTION RECOGNIZING KEN CHURCHES 23 YEARS OF
NO. 209 SERVICE AS CALAVERAS FARM ADVISOR

RESOLUTION RECOGNIZING KAREN VARNI FOR HER 36
NO. 210 YEARS OF SERVICE TO CALAVERAS COUNTY

RESOLUTION RECOGNIZING DENNIS DOWNUM FOR HIS 19 1/2
NO. 211 YEARS OF SERVICE TO CALAVERAS COUNTY

REGULAR AGENDA

9. PUBLIC COMMENTS (10-47, I, & 10-47, II)

Darryl Rusk, Burson, addressed the Board stating appreciation for the Board, staff and County employees; Jeannie Hayward, Resource Connection, spoke regarding the Food Bank and the Thanksgiving Santa's Express and asked for additional donations and volunteers for the Christmas Santa's Express; Darren Spellman, Rancho Calaveras, addressed the Board regarding an Assessment Appeals Board member application. Chair stated the matter will be discussed during item #14; Terry Baker, Rail Road Flat, referenced ongoing concerns regarding noise issues in his neighborhood; David Tuno, Rancho Calaveras, spoke with concerns regarding the Tides Foundation submitting documentation into the record. Reference was made to myvalleysprings.com and CCOG regarding grant funding received; David Sidle, Mokelumne Hill, submitted documentation regarding property he would like to have considered for the animal shelter location; Bonnie Newman, Double Springs, referenced donations for costs for IHSS workers postage and fingerprinting and the IHSS Advisory Committee recruitment. Appreciation was expressed for assistance she has received for her client; Marti Crane, Valley springs, expressed concerns for the comments made regarding the Tides Foundation; George Fry, Angels Camp, expressed appreciation to the Board members for the challenges they have experienced during the past year; Peter Racz, Valley Springs, expressed the following comments regarding CCOG: a recent meeting, the relationship with the Board of Supervisors, lack of an agreement regarding project assignments; Pat Pereira, Valley Springs, submitted documentation into the record stating confirmation of a protest against the Valley Springs Community Plan. Reference was made to community meetings held and method of determining results; Michael McDaniel, Valley Springs, Rancho Calaveras, related the extent of the responsibilities of a Supervisor and appreciation for their service.

10. PRESENTATION 10-47, II, 322)

The chair presented the Comprehensive Annual Financial Report (CAFR) Award and the State Controller's Award for Achieving Excellence in Financial Reporting to the County Auditor's Office.

Linda Churches, County Auditor recognized the entire staff. The individual staff members introduced themselves stating their job title.

11. PUBLIC HEARING (10-47, II, 400)

Chair initiated discussion regarding Project 2008-086 to (1) approve a RESOLUTION for a County-Initiated General Plan Amendment to the San Andreas Community Plan Land Use Designations; and (2) approve an ORDINANCE for a County-Initiated Zoning Amendment; and (3) approve a RESOLUTION for a County-Initiated Conditional Use Permit for the Calaveras County Criminal Justice Center.

Debra Lewis, Planning Department, Senior Planner, stated actions are required for the public service usage project 2008-086 to move forward. The planning Commission and staff recommend approval of the resolutions (2) and ordinance.

Chair opened public comments. As there were no persons wishing to speak the matter returned to the Board for further discussion.

Motion made to approve the following resolution for a County initiated General Plan Amendment to the San Andreas Community Plan Land Use Designations.

Moved: Thomas Second: Tofanelli Approval: Unanimous

RESOLUTION NO. 10-212	APPROVING PROJECT 2008-086 COUNTY INITIATED GENERAL PLAN AMENDMENT TO CHANGE THE SAN ANDREAS COMMUNITY PLAN LAND USE DESIGNATIONS FROM "SINGLE FAMILY RESIDENTIAL" (APN 044-011-062) AND "OFFICES AND MULTI-FAMILY RESIDENTIAL" (APN 044-011-063) TO "PUBLIC SERVICE" FOR TWO PARCELS TOTALLY 57.0± ACRES FOR THE CALAVERAS CRIMINAL JUSTICE CENTER
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Motion made to adopt the following ordinance, with waiver of reading, to amend Title 17 of the Calaveras County Code.

Moved: Thomas Second: Tofanelli Approval: Unanimous

ORDINANCE NO. 2987	COUNTY-INITIATED AMENDMENT TO TITLE 17 OF THE CALAVERAS COUNTY CODE CHANGING THE ZONING DISTRICT OF REAL PROPERTY FROM R1 SINGLE FAMILY RESIDENTIAL (APN 044-011-062) AND FROM CP PROFESSIONAL OFFICE (APN 044-011-063) TO PS PUBLIC SERVICE FOR TWO PARCELS TALLING 57.0± ACRES FOR THE CALAVERAS COUNTY CRIMINAL JUSTICE CENTER
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Motion made to approve the following resolution for a County-initiated Conditional Use Permit for the Calaveras County Criminal Justice Center.

Moved: Thomas Second: Tofanelli Approval: Unanimous

RESOLUTION APPROVING PROJECT 2008-086 COUNTY-INITIATED
NO. 10-213 CONDITIONAL USE PERMIT FOR THE CALAVERAS
 COUNTY CRIMINAL JUSTICE CENTER AS
 CONDITIONALLY PERMITTED UNDER SECTION
 17.48.030.H., IN THE PS PUBLIC SERVICE
 ZONING DESIGNATION, ON TWO PARCELS TOTALLY
 APPROXIMATELY 57.0+ ACRES FOR APN 44-011-062
 AND APN 44-011-063

12. PUBLIC HEARING/PUBLIC WORKS (10-47, II 471 & 10-47A, I)
Chair announced a noticed public hearing regarding continuance of the Benefits Assessments for the purpose of road improvements and maintenance on non-County maintained roads in County Service Area(CSA) No. 1, 2, 4 and 12.

Deborah Mullen, Public Works, referenced the individual data for each district and the manner of compiling the data for the status quo report. Public Works recommends the approval of four(4) resolutions for the County Service Areas.

Chair opened the public hearing portion with the following public members addressing the Board: Peter Racz, Valley Springs; Bob Leitzell, CSA No. 12 Road Committee Member; Darren Spellman, Rancho Calaveras; John Beaufort, CSA No. 12 Road Committee Member and Lynn Epler, former CSA No. 1 Road Committee Member.

Chair closed the public comment portion of the hearing with the matter returning to the Board for further discussion.

Motion made to approve the following resolutions(4) approving Benefit Assessments for County Service Areas.

Motion: Tryon Second: Wilensky Approval: Unanimous

RESOLUTION APPROVING BENEFIT ASSESSMENTS IN
NO. 10-214 COUNTY SERVICE AREA NO. 1, RANCHO
 CALAVERAS

RESOLUTION APPROVING BENEFIT ASSESSMENTS IN
NO. 10-215 COUNTY SERVICE AREA NO. 2, BAR XX

RESOLUTION APPROVING BENEFIT ASSESSMENTS IN
NO. 10-216 COUNTY SERVICE AREA NO. 4,
 DIAMOND XX

RESOLUTION APPROVING BENEFIT ASSESSMENTS IN
NO. 10-217 COUNTY SERVICE AREA NO. 12, GOLDEN
 HILLS

13. PUBLIC WORKS (10-47A, I, 67)

Tom Garcia, Public Works, Director, initiated discussion regarding Mountain Ranch Road and the new Criminal Justice Center Project. Board direction is requested to proceed with preparation of environmental documentation associated with the roadway mitigation items identified for the project.

David Evans and Associates, Inc. presented a power point presentation regarding the engineering services on the project.

Chair opened public comments with the following public members addressing the Board: Darren Spellman, Rancho Calaveras and Joe Kelly, Copperopolis.

Chair closed the public comments with the matter returning to the Board for further discussion.

Motion made directing Public Works to proceed with environmental documentation for improvements to Mountain Ranch Road associated with roadway mitigation items identified for the new Criminal Justice Center Project.

Moved: Tofanelli Second: Wilensky Approval: Unanimous

14. COUNTY CLERK/CLERK TO THE BOARD (10-47A, I, 285)

Board discussion was held regarding the continued item to appoint a member to the Assessment Appeals Board to fill the Member 3 position. The Board concurred adequate time has been given to consider an application received prior to the deadline. A full work day classification for Assessment Appeal Board members was clarified.

The applications were reviewed including their geographical residential designation in the County.

Motion made to approve the appointment of Carol Ann McDaniel to fill the Member 3 position on the Assessment Appeals Board, under the authority of the R&T Code 1622.1 & 1622.2, Calaveras County Ordinance 2966 and Resolution 09-135.

Moved: Tofanelli Second: Thomas Approval: Unanimous

15. ADMINISTRATION (10-47A, I, 577)

Jeanne Boyce, County Administrative Officer, initiated discussion regarding discussion between Calaveras Public Utility District (CPUD) and the County for water service for the Adult Detention Facility. Boyce stated an agreement needs to be in place to develop the new water line.

Chair opened the public comments with Joe Kelly, Copperopolis, addressing the Board.

Chair closed the public comments with the matter returning to the Board for further discussion.

Chair Callaway stated all information has been documented in the agreement with the courts on what the County would provide for this project.

Motion made to approve the Water Service Facilities Agreement between Calaveras County and the Calaveras Public Utility District for water utility service to the new Calaveras Adult Detention Facility and Sheriff's Administration Building project and the Courts project and further authorizing the County Administrative Officer to sign the agreement.

Motion: Tofanelli Second: Thomas Approval: Unanimous

16. ADMINISTRATION (10-47A, I, 708 & II)

Shirley Ryan, County Administrative Office, stated a withdrawal is requested for the Jenny Lind Veterans Memorial District "Soccer Field" project. It has been determined the requirements for this project could not be covered for this project. An alternate project is proposed to construct a playground at the Jenny Lind Elementary School.

Chair opened public comments with Lynn Epler Rancho Calaveras, addressing the Board.

Chair closed the public comments with the matter returning to the Board for further discussion.

Motion made authorizing (1) The withdrawal of the Jenny Lind Veterans Memorial District Proposition 40 Per Capita Grant "Soccer Field" project; (2) The submission of a new Per Capita Grant project application in the amount of \$269,195 to construct a playground at the Jenny Lind Elementary School; and (3) A joint use agreement between Calaveras County and the Calaveras Unified School District for the public use of the playground located at the Jenny Lind Elementary School.

Moved: Thomas Second: Tofanelli Approval: Unanimous

17. BUILDING DEPARTMENT/CODE COMPLIANCE (10-47A, II, 7)

Supervisor Tofanelli stated discussions have been held with Todd Barr, Code Compliance Officer, and Jeff White, Building Official regarding the continued item for Administrative Citation #10-24. An agreement was determined to reduce the fine to \$10,000 bringing it into alignment with other citations.

Motion made to uphold Administrative Citation #10-24, issued by the Code Compliance Unit dated October 7, 2010, regarding Ronald and Nancy Milliken, 3986 Tauna Lane, Burson, CA, APN 048-009-002, authorize abatement of all remaining code violations, and all administrative costs of \$10,000, administrative fines, abatement costs and future costs are to be assessed as a lien on the real property per Calaveras County Code 8.06.590, pursuant to Government Code 25845.

Moved: Tofanelli Second: Tryon Approval: Unanimous

18. CORRESPONDENCE/SUPERVISORS/STAFF (10-47A, II, 30)

Supervisor Tryon will attend an RCRC meeting on Wednesday and reported out on a CCOG meeting he attended Wednesday. Supervisor Wilensky Wednesday will attend an Amador Calaveras Consensus meeting; Chair Callaway will attend a CAMRA meeting on Wednesday for Supervisor Wilensky; Thursday will meet with Region Five of the U.S. Forest Service; Friday will volunteer at the food bank. Reference was made to the over 150 years of service for those leaving County employment. Appreciation was expressed for Supervisor Thomas and his contributions during his term in as Supervisor District V. Supervisor Tofanelli echoed the comments of Supervisor Wilensky regarding Supervisor Thomas's contributions to the County. Wednesday will attend the Mountain Valley EMS meeting; Friday the ground breaking for the Criminal Justice Center; Saturday the Valley Springs Area Business Association dinner; Supervisor Thomas will fulfill the responsibilities of his term of office ending noon, January 3, 2011. Friday will attend the ground breaking for the Criminal Justice Center and the retirement reception for Lynette Norfolk; Reference was made to comments made by Peter Racz regarding trust and respect being earned. Concerns were stated regarding criticizing the Board with no solutions and encouraged more respectful efforts in the new year. Acknowledgments were expressed for the efforts of the Board, staff and members of the press. Chair Callaway and Vice-Chair Tryon expressed appreciation to Supervisor Thomas for his contributions during his term as District V Supervisor. Supervisor Callaway reminded the Board of the annual CCOG open house Friday; will attend a meeting with Central Sierra Child Support on the 28th; invitation to everyone to attend the Murphys Friends Christmas dinner from 1-3, volunteers are encouraged. CAO Boyce wished Supervisor Thomas well and the best of holidays to all the members of the press and public. Assistant County Counsel Sirias thanked Supervisor Thomas for his service and wished all well for the holiday season.

ADJOURNMENT

There being no further business requiring action this day, the meeting was adjourned at 1:20 p.m., to the following closed sessions, with the Board to reconvene at 9:00 a.m. on Tuesday January 4, 2011 for a regularly scheduled Board of Supervisors meeting.

19. CLOSED SESSION/COUNTY COUNSEL

A closed session was held pursuant to Government Code section 54956.9: conference with legal counsel re: existing litigation; Todd Garcia v. Rojelio Espejel, County of Calaveras et al; Calaveras Superior Court Case No. CV36054 - resulting in nothing to report.

20. CLOSED SESSION/COUNTY COUNSEL

A closed session was held pursuant to Government Code section 54956.9: conference with legal counsel re: existing litigation - (three cases) Michael Nemeo and Michelle Nemeo County of Calaveras, Calaveras Superior Court Case No. CV35775; Michael Nemeo and Michelle Nemeo v. County of Calaveras, Calaveras Superior Court Case No. CV35721; Michael Nemeo and Michelle Nemeo v. County of Calaveras, Calaveras Superior Court Case No. CV36297 - resulted in nothing to report.

/s/ Thomas Tryon
CHAIR

ATTEST:

/s/ Madaline Krska
CLERK

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

DECEMBER 14, 2010

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

NOVEMBER 19, 2010

1. From: John McCoy, John Tars Company; re: Reduction in property price; Supervisor Tofanelli, County Counsel & Administration
2. From: Calaveras County Mental Health Board; re: Meeting agenda for December 7th; Supervisors Wilensky and Thomas & post
3. From: CA Dept. of Fish & Game; re: Proposed regulatory action relating to Stewarts Point State Marine Reserve & Conservation area; Supervisors Callaway and Tryon & post

NOVEMBER 22 - NOVEMBER 24, 2010

Furlough Days - No Mail

NOVEMBER 25 - NOVEMBER 26 2010

Holidays - No Mail

NOVEMBER 29, 2010

4. From: Jim Branham; re: SNFCI Council meeting of November 30th; Supervisors Wilensky & Tryon
5. From: Tuolumne-Stanislaus IRWM; re: Proposition 84 Planning Grant; Board
6. From: CSAC; re: Winter/Spring 2011 course schedule; Board
7. From: CSAC; re: December 9th seminar; Board
8. From: Central Sierra Economic Development District; re: Meeting agenda for 12/1
Supervisors Thomas and Callaway & post
9. From: CA Fish & Game; re: South coast marine protected areas; route to Supervisors Callaway and Tryon & post
10. From: Chamber of Commerce; re: Mixer December 2nd ,
Delta Blood Bank; Board
11. From: MyValleySprings.com; re: Valley Springs
Community Plan Submittals for General Plan Update; Board and
Planning
12. From: CSAC; re: Bulletin; Board
13. From: Amador-Tuolumne Community Action Agency; re;

Reference documents; Supervisors Tofanelli and Wilensky
14. From: Area 12 Agency on Aging; re: December 2nd
meeting agenda; Supervisors Callaway and Wilensky & post
15. From: CALGreen; re: Understanding new green building
code; Board
16. From: Green California Schools Summit; re: Advance
registration; Board
17. From: CSAC; re: Winter/Spring 2011 courses; Board
18. From: Central Valley Regional Water Quality Board;
re: December 9th & 10th public meeting agenda; Board & post
19. From: Dept. of Social Services; re: Funding plan
for fraud investigations; Board, County Counsel, Auditor &
Cal Works
20. From: Arnold Friends of the Library; re: 12/1
meeting agenda; Supervisor Callaway & post
21. From: Alex Padilla, CA State Senate; re: SB 1237;
Board
22. From: Bob Reeve; re: Code Compliance Case located
215 Chestnut Street; Supervisor Tofanelli and Code Compliance

NOVEMBER 30, 2010

23. From: National Association of Counties re: Nov. 29,
2010 issue of County News; individual copies to Board
24. From: CCWD re: November 23rd Meeting Agenda; Board &
post
25. From: Baker Family & Vierra-Pennington Family re: copy
of letter sent to Cattlemen's Assn.; request for retraction of
Court Findings; Board, Counsel, Ag. Dept.
26. From: Baker Family & Vierra-Pennington Family re:
status of representative on Ag Dispute Committee; Board,
Counsel, Ag. Dept.
27. From: P. Pereira, Campo Seco, re: letter from COG to
George White re: Valley Springs Community Plan/CCOG final
version draft; Board, Counsel, Admin. Planning & Public Works
28. From: National Association of Counties re: 2011
Legislative Conference, March 5-9, 2011; Board

DECEMBER 1, 2010

29. From: Joyce Techel/MyValleySprings.com re: Valley
Springs Community Plan submittals for County General Plan
Update; Board, County Counsel, Planning

DECEMBER 2, 2010

30. From: Department of Forestry and Fire Protection re:
intent to harvest timber; 436 acres; filed by Sierra Pacific
Industries; Wilensky, Callaway, post