

Calaveras County BOS Meeting - 02.22.2022

Staff Announcements

- None

Recognition and Acknowledgments

4. Proclamation - Clerk of the Board of Supervisors (ID # 6577) Proclaim the Month of February 2022 as Civil Grand Jury Awareness Month in Calaveras County.

- Chair Folendorf read proclamation.

Public Comment

Carolyn Stynies - President of California Grand Jury - civil grand jury is an investigating body based on the fifth amendment, watch dog responsibility to watch counties and make sure duties are carried out lawfully. More information can be found at the website: www.grandjury@calaveras.gov.us Our chapter supports Calaveras, Amador, and Tuolumne. Only tri-city chapter. We promote greater understanding of government. We appreciate the support and awareness of the grand jury and the proclamation.

- Motion to approve Proclamation - Passed - 5 - 0.

General Public Comment

- None

Consent Agenda

5. Minutes of Board of Supervisors – Regular Meeting – Feb 8, 2022 8:00 AM

6. Resolution - District Attorney (ID # 6541) Adopt a resolution authorizing the District Attorney to enter into specified grants, and to execute any applicable grant amendments or modifications, with the California Governor's Office of Emergency Services.

7. Action Item - Probation (ID # 6566) Authorize the Chief Probation Officer to execute the second amendment to the MOU between the Calaveras County Superior Court and Calaveras County Probation Department for the Pretrial Pilot Program to include additional funding.

8. Resolution - Behavioral Health Services - Mental Health Program (ID # 6523) Adopt a resolution to authorize the Director of the Health and Human Services Agency to sign the Mental Health Plan Amendment 01 to the Agreement #17-94576 with Department of Health Care Services (DHCS) for the provision of specialty mental health services for the period of July 1, 2017 through June 30, 2022.

9. Agreement - Health and Human Services Agency (ID # 6554) 1) Authorize the Board Chair to execute the California Mental Health Services Authority Participation Agreement for the Workforce Education and Training Program for the period of September 15, 2020 through June 30, 2026 requiring a County match in an amount not to exceed \$23,090.88; and 2) Authorize the Director of the Health and Human Services Agency to execute amendments to the Agreement so long as it does not affect the not to exceed amount.

10. Agreement - Public Works (ID # 6542) Approve payment to purchase 0.38 acres of stream channel habitat in the amount of \$133,500.00 under an Agreement between The

National Fish and Wildlife Foundation and Caltrans associated with the SR4 Wagon Trail Realignment Project.

11. Agreement - Public Works (ID # 6545) Authorize the Board Chair to execute Amendment 04 to an Agreement with Dokken Engineering, Inc. in an amount not to exceed \$3,586,932.44 for the term of September 1, 2018 through December 31, 2022.

12. Agreement - Public Works (ID # 6559) Authorize the Board Chair to execute Amendment 03 to an Agreement with Drake Haglan and Associates in an amount not to exceed \$572,188.23 for the term of September 1, 2018 through December 31, 2022.

13. Action Item - Public Works (ID # 6560) Approve increases to Blanket Purchase Orders for: 1) Holt of California in an amount not to exceed \$225,000; 2) Hunt and Sons in an amount not to exceed \$225,000; 3) Valley Pacific Petroleum in an amount not to exceed \$150,000; and 4) Calaveras Materials in an amount not to exceed \$155,000 for the period of July 1, 2021 through June 30, 2022.

14. Resolution - Public Works (ID # 6562) Adopt a Resolution approving the 2022 Department of Public Works Capital Improvement Program.

15. Ordinance - Integrated Waste Management (ID # 6533) Find Exempt from CEQA; Adopt SB 1383 Rural Exemption Ordinance Adding Article VII to Chapter 8.12 of the County Code to Comply With SB 1383 Regulations Concerning Edible Food Recovery; Authorize Summary Publication.

16. Action Item - Integrated Waste Management (ID # 6571) Approve and authorize Board Chair to sign a letter to CalRecycle regarding SB 1383 ordinance requirements and regulations.

17. Resolution - OES (ID # 6546) Adopt a Resolution continuing a Local State of Emergency for the COVID-19 outbreak.

18. Resolution - OES (ID # 6548) Adopt a Resolution continuing the Local State of Emergency for the Butte Fire.

19. Resolution - OES (ID # 6549) Adopt a Resolution continuing a Local State of Emergency for the removal of hazardous trees caused by the Butte Fire with the imminent threat of severe winter weather.

20. Resolution - OES (ID # 6551) Adopt a Resolution continuing a Local State of Emergency on Tree Mortality.

21. Resolution - OES (ID # 6547) Adopt a Resolution reaffirming the Director of Emergency Services' Proclamation of a Local State of Emergency for the winter storm damage from extreme weather events that began on or around February 12, 2019.

22. Resolution - OES (ID # 6550) Adopt a Resolution continuing a Local State of Emergency for the winter storm damage from extreme weather events that began on January 7, 2017 through the month of February 2017.

23. Resolution - OES (ID # 6552) Adopt a Resolution Re-Affirming the Director of Emergency Services' Proclamation of a Local State of Emergency Due to the Extreme Weather of January 2021.

24. Resolution - OES (ID # 6553) Adopt a Resolution re-affirming the Director of Emergency Services' Proclamation of a Local State of Emergency for the winter storm damage from extreme weather events that began on or around December 23, 2021.

- **Supervisor Tofanelli requested to pull item #12**

Motion to approve consent agenda items 5 - 24, excluding 12 - Passed 5 - 0.

- **Supervisor Tofanelli** - this item deals with amendment item in our packet and there is a math error which I pointed out twice previously. Want the amount clarified before approving.
- **Robert Pachinger - Director of Public Works** - Supervisor Tofanelli is correct, there is a \$5,000 amount missing. The correct number is \$167,678.49 as Supervisor Tofanelli stated. \$572,188.23 is the correct final amount. The math leading up to that number was missing and staff prepared an updated sheet on page 10. We will provide updated sheet to clerk.

Motion to approve consent agenda items 12 - Passed 5 - 0.

Regular Agenda

25. Action Item - Administrative Office (ID # 6540) Provide direction to staff regarding recommendations for Congressionally Directed Spending Requests.

- **Christa Von Lotta - CAO - present with her is Federal Advocate. Christa Von Lotta turned over to Mia O'Connell** - here to discuss spending for 2023. Ten year hiatus since Congress decided to bring the ear marks back and done in a limited way to public agencies only. We have several ear marks we would like the BOS to consider. Congressman Tom McClintock is not a supporter of ear marks but we will brief him as well as he has shown an interest in engaging with Federal agencies.
- Did analysis on Senators Padilla and Feinstein for FY2022 - Senator Padilla sent 158 requests last year and Senator Feinstein sent 53 requests. In transportation arena, we see 1 airport request, 1 highway request and 10 transit requests. In health arena, we saw 8 economic development requests. In FY2022, very few Senators requests made it into legislation. Need to be modest with our request so they can be entered into bills.
- Came up with 3 drafts for your consideration and approval. First request is for funding for SR Wagon Trail project. Next funding is for right of way - \$7 million. Would seek 3.5 million for right of way and remaining 3.5 through state funds. Feels number is high but need to figure out for evacuation routes. Second request is for 1.5 million in HUD arena for economical development for Safe Outdoors Access for Healthy Group. Park and recreation development for Calaveras use - hiking, skateboard park, outdoor kitchen. To provide recreation outlet for trails and paths coupled with community kitchen can provide healthy cooking classes and lifestyle and community garden, if possible. Third request is in HUD arena - Calaveras County Resource and Resiliency Center - look at concept to provide center navigation assistance that would provide connection for them and to them from housing to food, child care, mental health, covid, disaster response, etc.
- Time frame - President's budget will come out in mid-March, then appropriation process starts shortly thereafter. Would like to gather consensus and start briefing congressional staff timely and fill out detailed applications timely and start up education process as well.
- **Supervisor Garamendi** - item 3 - 2.5 million was request for that one. Item 2 and 3, BOS has discussed building a new health and human resource center - why not ask for building that, something permanent. **Christa Von Lotta** - we have other sources we are looking for as well. We haven't fully developed application yet, we would need to add to that process. **Supervisor Garamendi** - suggests we add to that application.
- **Supervisor Callaway** - item 2 - wondering how marketable that is. **Mia O'Connell** - don't have the background you do but developed based on precedent and healthy lifestyle. If this area is covered for the county then it is not necessary to duplicate. **Christa Von Lotta** - this is not the same as our existing relationship and would make sure we don't duplicate.

- Supervisor Callaway** - want to make sure we have a good chance of getting the funding because it is so competitive. Maybe we can combine with item 3 and would hold us in better stead.
- **Chair Folendorf** - with recent redistricting - do you know of any current districts that we will be competing with. **Mia O'Connell** - each year is different and unique. Plenty of members who are seeking projects. Will submit requests on Senate side and they would determine what would be most compelling cases to make. There will be plenty of competition but our Senators are very strong, then Senate and House will come together.
 - **Supervisor Tofanelli** - would we be more competitive if we reduced funding to \$2 million versus \$3.5 million. **Mia O'Connell** - agreed a lesser amount would be more competitive. If we can make a lower amount of \$1.5 to \$2 million work that would be great. **Supervisor Tofanelli** - I'm in favor of being more competitive with the lower amount.
 - **Chair Folendorf** - concerned re #2 and #3 because we have seen these centers have to be evacuated during fires. Don't want to be in a situation where we can't use them. **Mia O'Connell** - idea was to try to address issue without creating a whole new center but a satellite facility. **Christa Von Lotta** - one option would be to look at D1 or D5 where threat is less than our other high fire areas. Other option is to build on our existing outposts. **Supervisor Garamendi** - not sure how this stand alone came about. Feels we could consolidate these opportunities to plan and start this process. Think we should take item 2 and 3 and rework them. **Chair Folendorf** - agrees with Supervisor Garamendi. **Supervisor Garamendi** - we have been talking about combining HHS onto our campus here but would need a new facility for that. Seems like a good opportunity to plan. **Mia O'Connell** - trying to determine the BOS vision. Perhaps fold in some of these concepts, recreation, food project and navigation center for HHS for overall campus concept. **Supervisor Garamendi** - feels after this pandemic it would be a good time for this type of structure. **Mia O'Connell** - there is a way to combine concept into a larger HHS campus with different component pieces. We can flush it out as best we can to describe your vision and we have a coordinated effort with a range of services in a cost effective and meaningful way and all tied together in one facility. I will work with Christa Von Lotta and Lee to write this up. **Christa Von Lotta** - if BOS wants us to bring this back we can do so with the information that was provided today. **Mia O'Connell** - if we could get something in early March for your support and direction that would give us enough time. We can bring back concepts found in 2 and 3 into one vision for HHS for the BOS March 8, 2022 meeting. Item 1 to remain the same.
 - **All BOS agreed to go with recommendation on item 1.**

Public Comment

- None

Informational Item Only

26. Informational Item - Integrated Waste Management (ID # 6576) Receive presentation by Integrated Waste Management on Rock Creek Landfill Phase III.

- **Paul Feriani - Integrated Waste Management - presented power point presentation - please review for detailed information.** 60,000 customers per year, only closed four days per year. Operates at 18% to 20% now. Phase 2B - running out of air space, about two to three years left. Transfer station built in 2004 - pull out a lot of recyclables now. This is a canyon landfill. Phase 3 is the biggest of the 4 phases. About 25 years on first section, second section is about 27 years. Phase 3 is twenty acres. February 1, 2022 - kick off meeting on site at Rod Creek Landfill with GLA, IWM staff, Supervisor Stopper and Administration to look at various options.
- **Stephanie Hammer - Engineer with Geo-Logic - Consultant - presented power point presentation - please review for detailed information.** Will construct Phase 3A and B. **Phase 3A Design Considerations** - surface water conveyance structures, concrete channels, settlement basis. Leachate collection system, temporary sumps, gravel collection

- layer. Erosion Control. Stockpiling, Soil balance. **Permitting and Regulatory Interaction** - engage regional water quality control board during design. **Submit design report to Water board** - Phase 3A and B, clean closure work plan, surface impoundment design. **Joint Technical Document (JTD) and Waste Discharge Requirements (WDRs)** - prepare and submit JTD, receive WDRs. **Phase 3A Design Timeline** - submit design report to water board in May, submit JTD in Summer 2022, then construct next year. **Construction timeline** - construct next year. Can go out for Phase 3A construction to be built in 2024. Want to break up projections - clean closure next year and then construction following year. **Costs** - Earthwork - approximately \$300,000 CY of Cut; approximately \$25,000 CU of Engineered Fill; LCRS Drainage Layer; Impoundment Clean Closure. Geosynthetics - Geomembrane, geotextile, GCL, Geocomposite. \$7 million for Phase 3A construction and \$1.5 million for clean closure/produced impoundment.
- **Supervisor Stopper** - what is timeline to move forward on clean closure. **Stephanie Hammer** - would be constructed in 2024, start in May and finish in October and could start to fill in late October 2024.
 - **BOS had lengthy discussion regarding cost of project, lack of project being fully funded, where any additional fees will come from.**

Public Comment

- **Greg Sessions** - Assistant Arbor Controller and previous property tax manager - want to offer my research, solid waste fee was established in 1997, not a tax although it may feel like a tax, but it is a separate fee. Ordinance 2510 dated May 19, 1997. **Sarah Edwards - County Counsel** - the laws and recent case law have changed so my office is happy to get back to the board with information on this.

Informational Item Only

27. Action Item - Economic & Community Development (ID # 6558) Find exempt from CEQA; Authorize and approve the 1) application for and acceptance of Federal Aviation Administration (FAA) Airport Improvement Program Grants in the amount of \$235,534 for airfield geo-technical, topographic, and drainage studies, and \$467,939 for runway rehabilitation; 2) pre-approve FAA's proposed grant contract terms; and 3) direct the County Administrative Officer, or designee, to administer the grant, approve the advertisement for competitive bidding on the pavement rehabilitation project, and sign and submit all required documents for a period ending January 31, 2023.

- **Kathy Gallino - Economic and Community Development Director** - we have an opportunity to apply for two grants now and a third grant in a couple years to complete runway projects. Hasn't been done in several years. Needed to be reconditioned in 2013 and no funding for it. We did a patching project in 2013 and it really needs to be redone. We have a strategy to address this. FAA wants a series of surveys be conducted. Will come back when study is completed. Will open bid on the 25th to get contractor to do the patch work.

Public Comment

- None

Motion to approve - Passed 5 - 0.

28. Informational Item - Public Works (ID # 6564) 1) Receive a presentation and informational memo regarding County Service Areas (CSAs) and Community Services Districts (CSDs) within Calaveras County; 2) Direct Public Works staff to solicit input from CSA property owners for a period of 30 days utilizing an online survey tool; and 3) Direct Public Works staff to provide Board of Supervisors with findings from the surveys and recommendations at a future meeting.

- **Robert Pachinger - Director of Public Works, Kelly Zahniser - PW Project Manager, and Jacob Lile - PW Analyst - presented power point presentation - please review for detailed information.**
- **Overview of CSAs** - Governance; Financing; Operations.
- **How does the County work with CSAs?** Road Advisory Committee (CSA 12) - only one currently, meets at least one time per year. Without CSAs - community meetings/on-line survey too. County website - county service area plan and can be accessed through the public works website. Press releases/Community Bulletin Boards. My Calaveras County/ Accela Service Requests.
- **How is road work programmed in CSAs?** Public workshop held in each CSA annually. Engineers report created for each CSA and posted for public comment. CSA Improvement plans are included in the capital improvement program and presented to the BOS annually.
- **CSA Administration Challenges.** Substandard roads. CSA roads are public but not publicly funded. Revenue realities. CSA Roads and Revenues: Rancho Calaveras (D5) - 47 miles of maintained road, current annual assessment - \$19 -36, Annual Revenue - \$249,898, Fund Balance as of 12/31/21 - \$495,729. Bar XX (D4) - 7.5 miles of maintained road, current annual assessment - \$280-360, Annual Revenue - \$26,067, Fund Balance as of 12/31/21 - \$94,504. Diamond XX (D4) - 18.2 miles of maintained road, current annual assessment - \$300-350, Annual Revenue - \$68,433, Fund Balance as of 12/31/21 - \$480,980. Spring Hills (D2) - 1.8 miles of maintained road, current annual assessment - (property taxes), Annual Revenue - \$17,647, Fund Balance as of 12/31/21 - \$76,691. Golden Hills (D2) - 3.8 miles of maintained road, current annual assessment - \$240 - 360, Annual Revenue - \$22,526, Fund Balance as of 12/31/21 - \$113,321. Most CSAs roads were built in late 1960s or early 1970s. Fees for CSAs 1, 2 and 4 were established in 1969, CSA 8 was 1979, CSA 12 was 1984. Revenues have not kept pace with inflation or increase in costs.
- **CSA Service Levels:** Expectations v. Reality - Roads in our sample CSA are all unpaved. Roads are graded two times per year - Fall & Spring. Annual revenue is approximately \$26,000. Cost to pave entire CSA (7.5 miles of road) is approximately \$2.7 million, includes: engineering, administration, construction. Annual assessments are insufficient to meet residents expectations. Reality - CSA must save up assessments for 103 years to be able to afford to pave those 7.5 miles of road.
- **Assessment Increase Process:** Engineer's Report; Estimated costs of improvements; proposes assessments required to complete improvements. Identify parcels and notify owners of amount of increase; basis for fee calculation and reason for the fee/increase, date, time and location of a public hearing. Public hearing: held 45 days after notice, receive written notices of protest, if majority of property owners oppose the fee it shall not be imposed. Election: conducted 45 days after public hearing, approved by a majority vote of property owners or a 2/3 vote of the electorate in the affected area.
- **Request to gauge CSA resident interest:** prior attempts to increase assessments have failed. In order to increase CSA fees, BOS would need to direct Public Works staff to prepare and present engineer's report to property owners and conduct a vote of CSA residents. Efforts to increase assessments are estimated at \$10,000 per CSA. PW requests to survey CSA residents for 30 days to gauge residents interest before committing funds. PW will present findings to BOS for further direction.
- **Supervisor Stopper** - CSA 1 has biggest disparity per dollar per resident. Two-thirds is a hard number to come by. Is there a way we can legally put it to a vote that it is a higher fee once the house sells or does it need to be a blanket fee across the board to all residents. **Robert Pachinger** - we have to follow rules stated in CSA rules. Mello Roos would have to be voted on by property owners as well. **Sarah Edwards** - does not believe a deferral fee is an option but will look into it.
- **Supervisor Callaway** - engineering cost to get it ready for a vote is that paid for by the CSA. **Robert Pachinger** - those costs are paid for by the CSA. **Supervisor Callaway** - how is it managed without Board for a CSA. **PW** - part is from information received from residents and

part is dictated from information received from pavement index study that assessed work needed.

- **Supervisor Garamendi** - how does one become a CSA. **PW** - process that eventually goes through local agency commission that establishes CSA and boundaries of work to be done. CSA may be initiated by BOS or petition by 10% of registered owners in that area.
- **PW** - want to survey CSAs for 30 days to see if they would consider increase in fees and get a better idea on which CSAs would consider an increase. I don't think it is universal that all CSAs will want to increase fees.
- **Chair Folendorf** - if the CSA no longer wants to be a CSA or unhappy with County, how do they get out of system and what other alternatives do they have.
- **PW** - LAFCo - Local Agent Formation Commission, Nine CSD's within Calaveras County; All of the CSD's provide road maintenance services; CSD's are independent of County Government; CSD's have their own elected Board of Directors; the CSD report LAFCo recently prepared does not include Coppery Valley (Saddle Creek). No problems with Copper Valley. CSDs are in just as much dismal shape as CSAs and they are all over the board. No capital improvement planned. Major problems are getting people on the board and inadequate revenue.
- **PW** - CSD - rate restricting opportunities; districts obtain the majority of revenue from property assessments; Board of Directors of the CSD can restructure the assessments; Board of Directors of small CSDs may consider dissolution of some CSDs and in their place the formation of a permanent road division; dissolution may alleviate many of the governmental requirements they currently face. PRDs are managed by PW. PRDs are not an independent entity.
- **PW** - Options to provide Road Services with the Existing CSD's: a permanent road division; convert a CSD to a CSA (or create homes within a countywide CSA); dissolve a CSD and establish a road association or HOA. No more taxes. Dissolve a CSD and do nothing for road maintenance; Ask the landowners to raise revenue via a Prop 218 process; Fund road CSD's from the General Find (infeasible but an alternative).
- **PW** - Changes that have taken place over the years: The CSD's were formed between 1984 and 1999. Prop. 218 was passed in 1996. CA CSD law took effect on January 1, 2006. Major changes in CSA laws occurred.
- **PW** - LAFCo can recommend a dissolution of CSDs but who will be the successor. Best thing is to work with the homeowners to determine what they want to do. Participation is the biggest challenge. If LAFCo initiated a dissolution, the property owners could stop dissolution by a protest proceedings.
- **Supervisor Stopper** - asked County Counsel re improved and unimproved lots are separated - can you bring back definitions to discuss later on how they apply. Will want to continue this discussion off line.
- **Chair Folendorf** - HOA fees - Prop 218 doesn't apply. CSA and CSD are looking to dissolve - if there are multiples that want to do this, can there be one cost for them or does PW charge each of them \$5,000. **PW** - fee is time and material, if not, negligible cost, it depends. **Chair Folendorf** - what are options to keep going if they are having recruitment issues for their Boards. **PW** - usually, CSA or CSD provide a recommendation to the BOS to appoint a board member. If no Board, then the BOS of that district would become the board.
- **Supervisor Callaway** - if CSA or CSD wants to become an HOA, does their money transfer to the HOA. **PW** - a lot of time the money is reverted back to the person who paid or goes to the County general fund. It does not go to the HOA. Would need to check with County Counsel.
- **Chair Folendorf** - Bar XX - if they have external traffic because of only access to infrastructure, how do they recuperate loss due to easements which increase traffic and equipment on the road. **PW** - does not know.
- **Supervisor Callaway** - issues come up with utilities going to cell towers, etc. and go through these developments and not part of CSAs or CSDs, can they charge them. **PW** - I guess the could charge them. **Sarah Edwards - County Counsel** - the problem is these are public

roads, these folks do have the right to traverse them. Can impose on permits but otherwise, they have a right to drive on them.

- **Robert Pachinger** - permanent road division option is similar to CSA option, still has to be engineered and work has to be spread amongst the lot. Not cheaper option. Do you want us to proceed to solicit input from CSA residents to change services or raise fees. Once we get that information, would come back to the BOS before proceeding further.
- **BOS - yes, would like PW to solicit input from CSA residents.**
- **Public Comment**
- **Shelvin Tolsville ? - Copper Cove Rocky Road Service District** - we are in serious need of you help and appreciate your comments today and look forward to talking to some of you to get answers. Also, on your slide, I would go with item F.

Informational Item Only

Supervisor Announcements

- **Supervisor Garamendi** - had a good meeting at Railroad Flat last week and good momentum and good spirit.
- **Supervisor Tofanelli** - PW put together a public meeting tomorrow night at 5:30 p.m. re safe route to schools project in Valley Springs.