

Calaveras County BOS Meeting - 03.08.2022

Staff Announcements

- **Lisa Medina - Environmental Management Agency Director** - thanked volunteers, in February they spent 322 hours of their time to walk dogs. February had 12 dogs adopted. First free rabies and vaccine clinic to be held next Saturday from 9 a.m. to noon.

Recognition and Acknowledgments

2. Informational Item - Agriculture (ID # 6565) Receive the annual Calaveras 4-H presentation.

- **Clerk** - removed item and will bring back at another date (see general comments).

3. Proclamation - Economic & Community Development (ID # 6529) Approve a Proclamation designating March 2022 as Arts Education Month in Calaveras County.

- **Supervisor Callaway** read proclamation.

Public Comment

- **Kathy Mazzaferro - Executive Director** - I love all our programs, invited all students of all high schools to see the displays. We celebrate all these kids especially what it means to them over the past two years. Thanked the BOS for all their support and encouragement.

Motion to approve Proclamation - Passed - 5 - 0.

4. Proclamation - Clerk of the Board of Supervisors (ID # 6530) Adopt a Proclamation recognizing March 2022 as American Red Cross Month in Calaveras County.

- **Chair Folendorf** agreed to remove item at the request of **Marti Crane** due to changing it from the beginning of the meeting to the end of the meeting and will bring back at another date (see general comments).

5. Proclamation - Health and Human Services Agency (ID # 6567) Adopt a proclamation declaring March 2022 as Social Work Appreciation Month in Calaveras County.

- **Mary Johnson - Deputy Director of Child Welfare of Calaveras County** - March is the month we celebrate social workers in all they do everyday in Calaveras County and the vulnerable people they help everyday. Read a letter from a former Foster Youth who is now a young adult.
- **Supervisor Tofanelli** read proclamation.

Public Comment

- **Cori Allen - HHSA Director** - want to acknowledge work is heart led but is so challenging and we want to make sure they are supported.

Motion to approve Proclamation - Passed - 5 - 0.

General Public Comment

- **Female Bonnie** - Double Springs is a peaceful community under duress. Appreciates attempt to stem traffic but it has been ineffective. Someone has marked all the trees on Double Springs to cut the trees down. I want my Supervisor to look into this because it is very disconcerting. About 30 to 40 trees are set to be destroyed. Would like to see a proclamation to support the people of Ukraine. Important that all Americans take a stand. **Supervisor Tofanelli** - are their electrical lines where they plan to cut the trees. **Bonnie** - no, trees that are marked on the other side of the road. There are no power lines.
- **Male** - some things the BOS have done has been bothering me. The fact that the BOS forms a union and gives yourself a raise is foreign to me. When growing up, I had to talk to my

boss, prove my value, and make sure he had the money. You should have to put it on a ballot and tell us why you need a raise and let the people decide because the answer is not always yes.

- **Marti Crane** - can you put the Red Cross item to the next meeting because putting it at the end of this meeting is not working for them. **Chair Folendorf** - yes, will do. **Clerk** - will need to move item 2 to another day as well.

Consent Agenda

6. Resolution - Clerk of the Board of Supervisors (ID # 6578) Adopt a resolution finding that the COVID-19 pandemic state of emergency continues to present imminent risks to the health or safety of attendees without a teleconference participation option.

7. Action Item - Clerk of the Board of Supervisors (ID # 6583) Appointment of applicants to serve on various Committees, Commissions, Advisory Boards and County Service Areas.

8. Agreement - Public Works (ID # 6563) 1) Award Invitation to Bid 21-1200-06-912 for construction services for the Schadd Road over Forest Creek Bridge Project; and 2) Authorize the Board Chair to execute an Agreement for construction of Schadd Road over Forest Creek Bridge Project between Calaveras County and Viking Construction Company, Inc. in an amount not to exceed \$2,489,867.

9. Action Item - County Clerk-Recorder & Registrar of Voters (ID # 6581) Make a public benefit finding and approve Supervisor Tofanelli's request to redistribute the District 1 Travel Fund allocation of \$2,500 to San Andreas Fire Protection District (\$1,000), Calaveras Consolidated Fire Protection District (\$1,000), and the Valley Springs Boosters (\$500). Requires a 4/5 vote of the Board.

Motion to approve consent agenda items 6 - 9 - Passed 5 - 0.

Regular Agenda

10. Action Item - Administrative Office (ID # 6593) Provide direction to staff regarding recommendations for Congressionally Directed Spending Requests.

- **Chair Folendorf** - moving to another date.

11. Action Item - Division of Cannabis Control (ID # 6584) Adopt an Uncodified Ordinance Reducing the Cannabis Cultivation Tax Rates Specified in Section 3.56.050(B)(1)-(3) By 60% on a Temporary Basis as Authorized by Section 3.56.070; Authorize Summary Publication. Requires Affirmative 4/5 Vote.

- **Doug Oliver - interim Director of Cannabis Control** - heard the first reading in February. Nothing to add but recommends BOS adopt this ordinance.
- **Supervisor Tofanelli** - I can't agree with this at all. I will be voting no for this item.
- **Supervisor Callaway** - will support for several reason. It is in Measure G that allows us to do this. Cannabis was legal at one time in Calaveras then decided it was not legal anymore then BOS said it was banned than BOS said it is legal now and you have to pay these fees and they develop their properties. Not like any other ag commodities in the county. If we made commitment to keep this industry whole, this is one mechanism to do it and we have an obligation to help them. I understand what has been said and I will make motion to support this.

Public Comment

- **Male** - for many years we warned the BOS not to get into a criminal enterprise in the county; taxes not being paid, etc. and it is finally happening. Is there an inability to pay taxes or unwillingness to pay taxes. No other business comes and cries to the BOS to reduce their taxes. Businesses have to pay all their taxes timely. This is creating a hole in the general fund which the taxpayers will have to foot the bill and they don't deserve to be in that position.
- **Female** - the first statement out of this man's mouth was it was an illegal activity which is not true. What other business in Calaveras has such a high tax rate - none which is why they are asking for relief.
- **Alice Montgomery D3** - we are all in this together. Not sure how lowering taxes for 45 people is helpful to our county but I don't think the voters would appreciate this. I think Supervisor Folendorf's dad is renting to growers. Doesn't that create a conflict of interest for you, doesn't that put the county at risk for liability. Supervisor Callaway, didn't you get a big donation from these folks which would compromise your ability to vote objectively. Supervisor Garamendi, how can you continue to encourage these people, when they are losing money. Not against them but I just have these questions.
- **Jennifer** - cannabis growers are asking to be in parity with like counties, not asking not to pay taxes. We need a sustainable, legal industry. We can't compete with illegal growers.
- **Vicky Reinke - Calaveras Residents Against Commercial Marijuana** - people felt strongly that if we have marijuana we would tax it but now we want to reduce it and that is just wrong. We need to make sure we are getting more revenues to our accounts. Ask that you reconsider this.
- **Susan Moore D4** - here to speak in opposition - my concern is a complete financial audit should be conducted re money received from Measure G and the general fund. In voter's guide for 2020 election, described measure G - she read the measure. Stated annual audits - we have not seen an audit or any documentation despite many requests by residents. 68 permitted growers; 30 failed to pay taxes and are in arrears. Request a financial audit before any vote today.
- **Jennifer Stewart D2** - in ballot it said there would be an audit which has not been done. You are being disloyal, dishonest and criminal to the voters of this county.

Motion to approve - Passed 4- 1 (Supervisor Tofanelli - no).

12. Action Item - Administrative Office (ID # 6591) Receive the FY 2021-22 Mid-Year Budget presentation; approve the Mid-Year Budget adjustments and Capital Asset List included in Attachments A, B and C. Requires a 4/5th affirmative vote of the Board.

- **Christa Von Lotta - CAO - presented power point presentation and lengthy discussion. Please review for detailed information.**
- **Budgeted vs Actual Expenses** - we were conservative; budgeted expenses high and revenues low; wanted to make sure we had enough to pay for what we needed. Did this in large part due to Covid. **General fund** - have several vacant positions so that is why the number is so high.
- **Salaries & Benefits** - largest GF Expenditures - \$16.5 million; 43.2% spent vs budget.
- **Services & Supplies** - Second largest category - \$11.4 million; 43.8% spent vs budget.
- **Overtime Costs** - 52.8% of Budget - \$721,600; up from 46.2% over prior year; FY 2020-21 at \$586,200.
- **RIM Loans/Transfers** - Budgeted approximately \$6.2 million; As of 12/31/21 - \$2.9 RIM loans; Status update from OES to be provided to BOS on outstanding revenues at March 22, 2022 meeting.
- **Revenues** - remain to trend high; caution that two things are true; sales tax - we are over our projection but partially because of inflation with gas and oil, for example; paying more for same services. Revenues are up as a result of taxes generally.

- **Revenues - General Fund** - approximately \$34 million (\$31.5 million in prior year). 47.6% of budgeted revenue. **All Funds** - overall at 47.1% of budgeted revenue. Overall revenue collection is strong.
- **Excise Tax Revenues** - Total budget: \$3,209,702. Total received as of 12.31.21 - \$1,929,009. **Excise Taxes - Dispensaries** - \$284,341 (14.7%) as of 12.31.21. **Excise Taxes - Cultivation** - \$1,644,668 as of 12.31.21.
- **Mid-Year Summary** - Key Areas Impacting Mid-Year Position - Excise Tax; FY 2021-22 5.3% reduction and salary savings; increased revenue projections; budgeted teeter transfer of \$4 million, no transfer anticipated as of 6.30.22; Budgeted RIM Loans and Disaster Budgets; ARPA Funding. Anticipating a \$6.5 million fund balance which is a conservative fund balance.
- **Supervisor Callaway** - re Teeter - normally we do a fixed amount and then do more. You don't anticipate anything from Teeter. **Christa Von Lotta - CAO** - not anticipating making any transfer.
- **Supervisor Tofanelli** - page 117 of board packet there is a chart re revenue. License permits and franchise fees at 30.9% which is a substantial amount of money still out there that we haven't collected. **Christa Von Lotta - CAO** - waiting for 600 franchise fees which are being reduced for building permits. Cannabis permits have been reduced.
- **Supervisor Callaway** - my recommendations based on what we have heard, we support the purchase of the last two items (5 & 6). Recommend the DA be allowed to do what they are requesting because it is within their existing budget.
- **Supervisor Stopper** - for the most part agree with Supervisor Callaway but confused with DA's request. Fine with excess amount being for outfitting and wait for recommended purchase of the vehicle. **Michael Hatfield** - anticipates \$60,000 would be big enough line item and should be enough to outfit the vehicle or they can use the money to purchase another vehicle. Could delay if needed but would be an additional item at recommended budget. Re outfitting item - it would be whomever could get us in, may have to take out of state.
- **Supervisor Garamendi** - we are 2 1/2 months from budget, re DA request understand but feels this could wait and we always made the Sheriff's office wait. If idea is to pass item 5 and 6 as a forwarded money, I can agree but the other items are not life saving.
- **Supervisor Stopper** - would be in favor of outfitting amount at this time. The other purchase of vehicle, not in favor at this time. IWM - has had structural issue for years. Will be requesting changes to be made in budget, been far too long to address things over there.
- **Chair Folendorf** - supports moving items 5 and 6.

Public Comment

- **Susan Moore D1** - looking at mid-year document on page 9 re vacant positions - if these positions are going to be deleted how is the work going to get done. We have a regulation and the work needs to get done. **Christa Von Lotta - CAO** - these positions are not needed at this time but the work is getting done with current existing positions.
- **Vicky Reinke** - request that BOS put together another presentation now that we have lost Greg Wayland so the public knows where we are heading and cutting the department way down and how you are going to continue to do the inspection and the program will be followed.
- **Michael Hatfield - Calaveras DA's Office** - requested to use some of our existing funds to purchase a vehicle or vehicle outfitted with lights. We have had trainings cancelled but trying to see if we could get it added to capital asset list so we could buy a vehicle while money is available. BOS approved F150 and we received it but company is backed up to outfit it. Would like some flexibility to outfit this vehicle to get done this fiscal year. Add to capital asset list to either get this vehicle outfitted or get another vehicle, We are not asking for more money. **Christa Von Lotta - CAO** - items on attachment D - no issue re rationale for these items. BOS didn't want to see new capital requests at mid-year but during regular budget year process. We spoke with departments re this. Not appropriate to make these recommendations at this time but defer to regular budget but up to the Sheriff's Department

and BOS. **Rick DiBasilio - Sheriff** - re vehicles - put four vehicles in and since talked to vendor that 4 vehicles purchased in this year's budget will not receive until August 2022 and will have to be encumbered in next year budget. Ford Dealer allowed us to order now without paying for them but will be delivered in August in next year's budget. Gas and oil can absorb into his budget this year.

- **Undersheriff Jim Macedo** - GCMS - test for fentanyl and variety of substances, body scanner - appear to be the only jail that does not have one. We can scan the body to see if anything is in the body and prevent injury and illness and death to inmates and staff. These are life saving tools. Don't like to delay purchase. This fentanyl issue is an emerging event and we want to prevent the illness and injuries that have occurred in the past due to lack of having a scanning machine. **Supervisor Callaway** - does it detect what it is. **Undersheriff Jim Macedo** - will detect a foreign object and then they will be taken to the hospital for removal from a surgeon or the inmate will remove it. Tool can be taken in the field as well. The hospital does not have one of these devices to test for fentanyl and doesn't have the means for the testing. Had recent cases where this equipment would have been useful in the jail and out in the field. Fentanyl is a huge issue because it is so deadly and the hospital had to shut down the ER for hazmat to go over before they could reopen the ER. This has a big array of uses. Have had three incidents in the past three months.
- **Sheriff DiBasilio - Sheriff** - Trying to keep some AB 443 monies to fund deputies if the economy tanks. **Undersheriff Jim Macedo** - don't want to consistently supplant AB 443 with county funds. **Rick DiBasilio - Sheriff** - described what they have used AB 443 monies for.
- **Sam Leach - Probation** - want to support the Sheriff and Undersheriff's comments. Fentanyl is a unique epidemic, it is a behavioral problem. We in probation are trying to do our part to make sure we are part of the strategy to combat fentanyl. This request could be lifesaving and I wanted to highlight the importance and seriousness of this issue.
- **Judy Hawkins - HR and Risk Management** - re insurance - Workers Comp - there is no amount of money that can replace the life of an employee. Having the proper technology to prevent injury to our employees will help keep our insurance rates down.

Motion to approve and include items #5 and 6 - Passed 5 - 0.

Supervisor Announcements

- **Supervisor Callaway** - had CSAC meeting last week, the Board voted to oppose a potential ballot measure - the taxpayer protection government accountability act and it was also opposed by the League of California Cities. Would have a significant impact to city, county, schools, special districts; would amend constitution; would have to send fees to the voters and require 2/3rd vote; would limit agencies from raising revenues; stringent enough that CSAC has taken an opposition to the potential ballot measure.
- **Supervisor Garamendi** - tomorrow will be going to RCRC regular meeting and installation of officers and awards. Would like to thank other BOS for their blue and yellow colors in support of Ukraine as the people fight for their freedom and democracy.
- **Chair Folendorf** - four BOS and staffers went to COG groundbreaking for Phase 1 of the Wagon Trail project. Was impressed with Robert Pachinger's words at this event and Supervisor Tofanelli was the MC and did a great job. There will be a Copper Cove Rocky Road CSD meeting this Thursday at 6 p.m. at Black Creek that I will be attending. Today is International Women's Day - shout out to all the females that we work and collaborate with.