



County of El Dorado

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Minutes

Board of Supervisors

John R. Knight, Chair, District I
Ron Briggs, First Vice Chair, District IV
Norma Santiago, Second Vice Chair, District V
Ray Nutting, District II
James R. Sweeney, District III

Terri Daly, Acting Clerk of the Board of Supervisors
Terri Daly, Chief Administrative Officer Louis B. Green, County Counsel

Tuesday, June 19, 2012

8:00 AM

Board of Supervisors Meeting Room

Vision Statement

"El Dorado County will remain the leader in supporting our safe, healthy, and vibrant communities, wisely managing our natural resources, and preserving our local heritage."

BOARD MEETING ROOM EQUIPPED WITH AN AUDIO INDUCTION LOOP ASSISTIVE LISTENING SYSTEM.

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Public Testimony will be received on each agenda item as it is called. Principal party on each side of an issue (where applicable) is allocated 10 minutes to speak, individual comments are limited to 3 minutes, and individuals speaking for a group are allocated 5 minutes. (Adopted 8/10/93) Except with the consent of the Board, individuals shall be allowed to speak to an item only once. Upon completion of public comment the matter shall be returned to the Board for deliberation. Members of the public shall not be entitled to participate in that deliberation, or be present at the podium during such deliberation, except at the invitation of the Board for a point of clarification or question by the Board. Matters not on the agenda may be addressed by the general public during the Open Forum. Public comments during Open Forum are limited to three minutes per person. The Board reserves the right to waive said rules by a majority vote.

Materials related to an item on this Agenda submitted to the Board of Supervisors after distribution of the agenda packet are available for inspection during normal business hours in the public viewing packet located in the foyer of Building A, 330 Fair Lane, Placerville or in the Board Clerk's Office located at the same address. Such documents are also available on the Board of Supervisors' website at www.edcgov.us subject to staff's ability to post the documents before the meeting.

The Board of Supervisors is concerned that written information submitted to the Board the day of the Board meeting may not receive the attention it deserves. The Board Clerk cannot guarantee that any FAX, email, or mail received the day of the meeting will be delivered to the Board prior to action on the subject matter.

The Board meets simultaneously as the Board of Supervisors and the Board of Directors of the Air Quality Management District, In-Home Supportive Services, Public Housing Authority, Redevelopment Agency and other Special Districts.

For Purposes of the Brown Act § 54954.2 (a), the numbered items on this Agenda give a brief description of each item of business to be transacted or discussed. Recommendations of the staff, as shown, do not prevent the Board from taking other action.

8:00 A.M. - CALL TO ORDER AND RECESS TO CLOSED SESSIONS

Present: 4 - Supervisor Knight, Supervisor Nutting, Supervisor Sweeney and Supervisor Briggs

Absent: 1 - Supervisor Santiago

9:04 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

Present: 5 - Supervisor Knight, Supervisor Nutting, Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor Philip Flaming from the Highway Bible Church provided the invocation. Supervisor Briggs led the Pledge of Allegiance.

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs to adopt the Agenda and approve the Consent Calendar with the following changes: Items 12 and 14 were pulled off of the consent calendar and acted upon separately, Items 17 and 18 were heard together, and Item 15 was continued off-calendar.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

12-0003

OPEN FORUM

None.

12-0009

BUDGET UPDATE

None.

CONSENT CALENDAR

1. [12-0002](#) Acting Clerk of the Board recommending the Board approve the meeting minutes from the Regular Meeting of Tuesday, June 12, 2012, and the Special Meeting of Tuesday, June 12, 2012 at 2:00 P.M.

This matter was Approved on the consent calendar.

2. [12-0473](#) Chief Administrative Office recommending the Board receive and file a report on the status of emergency water heater replacement at the Placerville jail. (Refer 5/22/12, Item 6)

This matter was Approved on the consent calendar.

3. [12-0660](#) Environmental Management Department recommending the Board authorize the Chair to sign Funding Agreement No. 001E-F-12/13-BOS (245-F1311) with the Clean Tahoe Program for the term July 1, 2012 through June 30, 2015 to provide litter abatement services in the County of El Dorado portion of the Lake Tahoe Basin.

FUNDING: Parcel fees, calculated and determined each fiscal year and actually collected by the County in accordance with an annual Resolution establishing waste management fees for the County portion of the Lake Tahoe Basin.

This matter was Approved on the consent calendar.

4. [12-0681](#) Environmental Management Department recommending the Board adopt Resolution **082-2012** authorizing the Director of said Department to execute Agreement 12-002-250 with the State of California State Water Resources Control Board, in the amount of \$99,745 for the term July 1, 2012 through June 30, 2013 to provide services for the Local Oversight Program. (Est. Time: 5 Min.)

FUNDING: California State Water Resources Control Board.

Resolution 082-2012 was adopted upon approval of the consent calendar.

5. [12-0651](#) Human Resources recommending the Board:
- 1) Authorize the Chair to sign a Memorandum of Understanding (MOU) between the County of El Dorado and El Dorado County Deputy County Counsel Association (EDCDCCA) representing employees in the El Dorado County Deputy County Counsel Association bargaining unit, and noting the MOU would be effective upon ratification by the Board of Supervisors through June 30, 2014; and
 - 2) Adopt Resolution **079-2012** approving the successor MOU between the County of El Dorado and El Dorado County Deputy County Counsel Association (EDCDCCA). (Est. Time: 15 Min.)

FUNDING: General Fund.

This matter was approved and Resolution 079-2012 was adopted upon approval of the consent calendar.

6. [12-0728](#) Human Resources and County Counsel recommending the Board:
- 1) Adopt Resolution **083-2012** to approve the job specifications and salary ranges for Associate Deputy County Counsel, Deputy County Counsel, Senior Deputy County Counsel, and Principal Assistant County Counsel; and
 - 2) Adopt Resolution **084-2012** amending the adopted personnel allocation resolution to delete eight Deputy County Counsel I-IV positions and add three Senior Deputy Counsel positions and five Deputy County Counsel positions to the County Counsel's office.

FUNDING: General Fund.

Resolutions 083-2012 and 084-2012 were adopted upon approval of the consent calendar.

7. [12-0693](#) Sheriff's Office recommending the Board authorize the Chair to sign a Memorandum of Understanding between the County of El Dorado and the State of California Campaign Against Marijuana Planting Program for the term July 1, 2012 through October 15, 2012.

This matter was Approved on the consent calendar.

8. [12-0694](#) Sheriff's Office recommending the Board authorize the Chair to sign the Reimbursement Agreement between the County and the City of Placerville for In-Car Digital Mobile Video Systems and Video Storage Components in an amount not to exceed \$69,000.

FUNDING: FY 2010 Homeland Security Grant funds.

This matter was Approved on the consent calendar.

9. [12-0701](#) Sheriff's Office recommending the Board authorize the Chair to sign Agreement No. 321-M1210 with the County of Alpine to provide personnel and facilities for housing of Alpine County prisoners who are arrested by officers of the Alpine County's Sheriff's Department in an amount not to exceed \$55,000 per fiscal year. This agreement is perpetual until terminated by either party.
- This matter was Approved on the consent calendar.**
10. [12-0634](#) Department of Transportation recommending the Board adopt Resolution **078-2012** sanctioning the closure of Jacquier Road between Camellia Lane and Smith Flat Road from 7:00 a.m. to 10:00 a.m.; Forni Road between Berg Lane and Gold Nugget Way in the Placerville area from approximately 11:00 a.m. to 1:00 p.m.; and closure of a portion of the parking lot at the trailhead of the El Dorado County Trail, located at Missouri Flat Road between 7:00 a.m. until approximately 3:00 p.m. on Saturday, June 23, 2012, for the "1st Annual Hangtown Cranker Classic - Hand Cycle Bike Ride," subject to conditions set forth in Resolution No. 110-79 and conditions set forth in the "Application for Road Closure."
- Resolution 078-2012 was adopted upon approval of the consent calendar.**
11. [12-0298](#) Department of Transportation recommending the Board:
- 1) Approve the changes to road zone of benefit Advisory Committees in County Service Area No. 9, as outlined in Exhibit A, Zone of Benefit Advisory Committee Changes; and
 - 2) Confirm the appointments of Advisory Committee members who will be continuing their participation on road zone of benefit Advisory Committees in County Service Area No. 2 and County Service Area No. 9 as outlined in Exhibit B, Zone of Benefit Continuing Advisory Committee Participants.
- This matter was Approved on the consent calendar.**

12. [11-0772](#) Department of Transportation recommending the Board:
- 1) Make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter that there are specialty skills required for the work to be performed under this Agreement that are not expressly identified in County job classifications and that the ongoing aggregate of the work to be performed is not sufficient to warrant the addition of permanent staff; and
 - 2) Authorize the Chair to sign Agreement for Services No. AGMT 10-53038 with Dokken Engineering in an amount not to exceed \$832,631 for a term to commence upon execution and expire upon the County's award of bid for the Project to provide project delivery support services pertaining to the Bucks Bar Road at the North Fork Cosumnes River - Bridge Rehabilitation Project, CIP No. 77116.

FUNDING: Highway Bridge Program Grant Funds and Regional Surface Transportation Program Exchange Funds.

A motion was made by Supervisor Nutting, seconded by Supervisor Sweeney to approve this matter.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

13. [12-0325](#) Department of Transportation recommending the Board approve the following pertaining to the U.S. 50/HOV Lanes - Phase 0 Project, Contract No. PW 12-30639, CIP No. 53124:
- 1) Adopt and approve the plans and contract documents;
 - 2) Authorize the Board Chair to sign the plans;
 - 3) Adopt Resolution **085-2012** authorizing the Interim Director of Transportation to order the temporary closure of sections of El Dorado Hills Boulevard and Latrobe Road during construction of the Project;
 - 4) Adopt the findings that the Beta LED Pendant Luminaire soffit lighting in the contract bid documents are brand-specific materials to use in a public improvement either completed or in the course of completion;
 - 5) Adopt the findings that the SHORTRAAC and CAT brand crash cushions are the brand-specific materials found to match other products in use in a public improvement either completed or in the course of completion; and
 - 6) Authorize advertisement for construction bids, pending County Counsel review and approval.

FUNDING: State Corridor Mobility Investment Account (CMIA) Funds and Local Transportation Funds.

This matter was approved and Resolution 085-2012 was adopted upon approval of the consent calendar.

14. [11-1324](#) Department of Transportation recommending the Board adopt the Department's proposed 2012 Capital Improvement Program.
A motion was made by Supervisor Briggs, seconded by Supervisor Knight to adopt the 2012 Capital Improvement Program.
Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago
15. [12-0529](#) Treasurer-Tax Collector recommending the Board authorize the Chair to sign the El Dorado County Deferred Compensation Plan, including revisions to comply with changes in law and a revision to vest responsibility for approving emergency withdrawals with the plan administrator.
This matter was continued off-calendar upon approval of the consent calendar.
Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago
16. [12-0755](#) Supervisor Knight recommending Susan Mickus be appointed to serve as the District 1 representative on the Cemetery Advisory Committee for a term to expire January 1, 2013.
This matter was Approved on the consent calendar.
17. [12-0711](#) Supervisor Nutting recommending Janet Saitman be appointed to serve as the District II representative on the First 5 El Dorado Children and Families Commission for a term to expire January 1, 2017.
A motion was made by Supervisor Nutting, seconded by Supervisor Santiago to approve this matter.
Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

END CONSENT CALENDAR

DEPARTMENT MATTERS/NOTICED HEARING

18. [12-0668](#) Supervisor Knight recommending the Board:
1) Receive a presentation on the 2012-17 First 5 El Dorado Strategic Plan by Kathleen Walker, Director of the First 5 El Dorado Children and Families Commission; and
2) Approve the Commission's 2012-17 Strategic Plan and amended Bylaws. (Est. Time: 15 Min.)
A motion was made by Supervisor Nutting, seconded by Supervisor Santiago to approve this matter.
Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

19. [12-0537](#) HEARING - Environmental Management Department recommending the Board adopt Resolution **071-2012** establishing fees for mosquito abatement and snow removal equipment within County Service Area No. 3 (City of South Lake Tahoe) for Fiscal Year 2012-2013, noting the \$20 snow removal and \$6 mosquito abatement benefit assessment remain unchanged. (Est. Time: 5 Min.)

FUNDING: Zone of benefit assessments.

A motion was made by Supervisor Briggs, seconded by Supervisor Sweeney to adopt Resolution 071-2012.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

20. [12-0536](#) HEARING - Environmental Management Department recommending the Board consider the following:
- 1) Adopt Resolution **072-2012** establishing Waste Management Fees for the West Slope of El Dorado County including the unincorporated area and County Service Area No. 10 for Fiscal Year 2012/2013;
 - 2) Adopt Resolution **073-2012** establishing Waste Management Fees for the El Dorado County portion of the Lake Tahoe Basin including the unincorporated area and County Service Area No. 10 for Fiscal Year 2012-2013; and
 - 3) Adopt Resolution **074-2012** establishing an appeal process for County Service Area No. 10 Waste Management Parcel Fees for Fiscal Year 2012-2013. (Est. Time: 5 Min.)

FUNDING: Parcel Fees.

A motion was made by Supervisor Briggs, seconded by Supervisor Sweeney to adopt Resolutions 072-2012, 073-2012, and 074-2012.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

21. [12-0578](#) HEARING - Per the request of Waste Connections of California, Inc. dba El Dorado Disposal Service, pursuant to the amended August 23, 2004 Solid Waste Services Franchise Agreement, consider their request to conduct a public hearing and adopt Resolution **075-2012** increasing the solid waste collection and Material Recovery Facility (MRF) rates by 2.4 percent, effective July 1, 2012. (Est. Time: 5 Min.)

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt Resolution 075-2012.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

22. [12-0654](#) HEARING - Per the request of Tahoe Truckee Sierra Disposal, Inc. and as outlined in the amended April 4, 1995 Franchise Agreement, consider their request to conduct a public hearing and adopt Resolution **081-2012** increasing the comprehensive solid waste collection rate schedule by one percent (1%), effective July 1, 2012. (Est. Time: 5 Min.)

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt Resolution 081-2012.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

23. [12-0512](#) Hearing - Department of Transportation recommending the Board consider adoption of Resolution **076-2012** confirming the annual benefit assessments for the 2012/2013 tax year for the Zones of Benefit within County Service Area No. 2, noting this is a continuation of benefit assessments with no increase over current levels. (Est. Time: 10 Min.)

FUNDING: Benefit assessments.

A motion was made by Supervisor Briggs, seconded by Supervisor Sweeney to adopt Resolution 076-2012.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

24. [12-0513](#) Hearing - Department of Transportation recommending the Board consider adoption of Resolution **077-2012** confirming the annual benefit assessment for the 2012/2013 tax year for snow removal services in the unincorporated areas within County Service Area No. 3, noting this is a continuation of benefit assessments with no increase over current levels. (Est. Time: 10 Min.)

A motion was made by Supervisor Briggs, seconded by Supervisor Sweeney to adopt Resolution 077-2012.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

25. [12-0514](#) Hearing - Department of Transportation recommending the Board consider adoption of Resolution **080-2012** confirming the annual benefit assessment for the 2012/2013 tax year for Zones of Benefit within County Service Area No. 9, noting this is a continuation of benefit assessments with no increase over current levels. (Est. Time: 10 Min.)

FUNDING: Zone Benefit Assessments.

A motion was made by Supervisor Briggs, seconded by Supervisor Sweeney to adopt Resolution 080-2012.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

26. [12-0772](#) Supervisor Briggs recommending the Board authorize the Chair to sign a letter in support of Senate Bill (SB)1306 (Blakeslee) State Water Resources Control Board.

A motion was made by Supervisor Santiago, seconded by Supervisor Sweeney to approve this matter.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

TIME ALLOCATION 10:00 A.M.

27. [11-0912](#) PRESENTATION - Supervisor Briggs recommending the Board adopt a Proclamation to present to Emily Gudeman, member of the County of El Dorado 4-H/Labo International Exchange Program, to present to her Japanese host family when she travels to Nagoya, Japan this summer as part of the 2012 4-H/Labo International Exchange Program. (Est. Time: 5 Min.)

A motion was made by Supervisor Nutting, seconded by Supervisor Santiago to adopt the proclamation.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

28. [12-0708](#) PRESENTATION - Chief Administrative Office presenting the first graduating class of the County of El Dorado Supervisors' Training Academy, Spring 2012 session. (Est. Time 15 min.)

Received and Filed.

TIME ALLOCATION 2:00 P.M.

29. [12-0757](#) Supervisor Sweeney recommending the Board receive a presentation on the 4-H Youth Robotics Program. (Est. Time: 45 Min.)

Received and Filed.

TIME ALLOCATION 3:00 P.M.

30. [12-0756](#) Supervisor Sweeney recommending the Board present a Certificate of Appreciation to Tom Celio recognizing his retirement as the Deputy Director of Transportation, Maintenance Division and his continued commitment to the citizens of El Dorado County for over 32 years. (Est. Time: 20 Min.)

A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs to approve this matter.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

[12-0006](#)**CAO REPORTS**

The Chief Administrative Officer apprised the Board of three agenda items that needed further clarification. They are as follows: 1) Promotions Contracts with South Shore Chamber of Commerce and American River Music, Inc., brought before the Board on Tuesday, February 28, 2012 as Item Number 6, Legistar File 12-0248; 2) Amendment to the District Attorney's current contract with Constellation Justice Systems, brought before the Board on Tuesday, December 13, 2011 as Item Number 2, Legistar File 11-1393; and 3) Agreement with Lexis Nexis brought before the Board on Tuesday, July 21, 2009 as Item Number 30, Legistar File 09-0893. (Attachment 12-0006 13A 1 of 2, CAO Notes)

[12-0005](#)**ITEMS TO/FROM SUPERVISORS**

Supervisor Nutting reported on a proposal by the Governor to add a one percent sales tax to lumber sold in the State of California.

In addition, he reported on guest speaker, Sunne McPeak, at the Regional Council of Rural Counties (RCRC) meeting last week and her efforts to connect citizens with Broadband by 2017. He also reported that he would like to send a letter to Ms. McPeak regarding the possibility of using of El Dorado County as a pilot project for the State of California with regard to Broadband.

Supervisor Santiago reported that the Board of Supervisors' meeting this week was a great, feel good meeting. She also reported that she has also been working with Sunne McPeak in the efforts to use El Dorado County as a possible pilot project for the State of California with regard to Broadband.

ADJOURNED AT 3:46 P.M.

CLOSED SESSION

31. 12-0761 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a). Title: Hughes v. County of El Dorado, et al., El Dorado County Superior Court Case No. SC20110188. (Est. Time: 10 Min.)
- The Board on a unanimous vote approved authorization of payment in the amount of \$30,000 in settlement of this matter.**
32. 12-0770 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a). Title: Pereira v. El Dorado County, et al., U.S. District Court Case No. S:12-CV-00252-WBS-JFM (Est. Time: 15 Min.)
- No Action Reported.**
33. 12-0763 Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as 4130 Product Drive (APN 109-401-01). The person or persons with whom the negotiator may negotiate is Greg Redman, Broker. Instructions to negotiator will concern price and term of payment. Russ Fackrell will be the negotiator on behalf of El Dorado County. (Est. Time: 15 Minutes)
- No Action Reported.**