



# 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*

*Suzanne Allen de Sanchez, Clerk of the Board of Supervisors*  
*Terri Daly, Chief Administrative Officer*    *Louis B. Green, County Counsel*

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Tuesday, April 3, 2012

8:00 AM

Board of Supervisors Meeting Room

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#### 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](http://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. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS**

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

#### **9:03 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS**

#### **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

Pastor Dave Cooke from Cold Springs Community Church provided the invocation.  
Supervisor Nutting 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.

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

#### **12-0003**

#### **OPEN FORUM**

#### **PUBLIC COMMENT**

J. Baradin RE: Medical Marijuana.

#### **12-0009**

#### **BUDGET UPDATE**

None.

**CONSENT CALENDAR**

1.     [12-0002](#)         Clerk of the Board of Supervisors recommending the Board approve the meeting minutes from the Special Meeting of Monday, March 26, 2012 and the Regular Meeting of Tuesday, March 27, 2012.  
  
          **This matter was Approved on the consent calendar.**
  
2.     [11-0417](#)         Acting as the Board of Directors for the Air Quality Management District:  
  
          Air Quality Management District recommending the Board authorize the Chair to sign Amendment II to Agreement for Services 483-M1111 with the Sacramento Metropolitan Air Quality Management District extending the term of the Agreement to a total of three years and changing the name of the Agreement Administrator upon adoption of the Boards of Directors for both air districts.  
  
          **FUNDING:** No additional funding required due to amendment. Funding for original agreement remains available in Air Quality Management District operations budget.  
  
          **This matter was Approved on the consent calendar.**
  
3.     [12-0401](#)         Chief Administrative Officer recommending the Board authorize the appointment of Bobbi Bennett to the position of Human Resources Manager at Step 5 of the salary schedule.  
  
          **FUNDING:** General Fund.  
  
          **This matter was Approved on the consent calendar.**
  
4.     [12-0366](#)         Chief Administrative Office recommending the Board approve the authorization of Discharge of Responsibility for the collection of Debts listed on the Discharge of Accountability Report submitted by the Superior Court. All debts are uncollectable due to the debtor being deceased.  
  
          **This matter was Approved on the consent calendar.**

5. [12-0365](#) Chief Administrative Office recommending the Board, in accordance with Board of Supervisors Policy B-14:
- 1) Make a finding that specific projects will provide significant community benefit by providing housing that is affordable to very low-, low-and/or moderate-income households; and,
  - 2) Award Traffic Impact Mitigation (TIM) Fee Offsets totaling \$777,900.

**FUNDING:** Traffic Impact Mitigation Fees.

**This matter was Approved on the consent calendar.**

6. [12-0396](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board:
- 1) Make findings that it is more economical and feasible to contract out the requested services in accordance with Chapter 3.13, Section 3.13.030, of the County Ordinance;
  - 2) Authorize the Purchasing Agent to execute Amendment II to Agreement for Services No. 279-S1010 with Mother Lode Van & Storage of Rancho Cordova, Sacramento for the provision of design, reconfiguration and installation of County surplus systems furniture, and departmental relocations on an "as requested" basis for departments County wide, extending the term for two additional years and amending the compensation to increase the total not to exceed amount by \$100,000 for a total not to exceed amount of \$157,470, and to reflect the cost of additional items necessary for the protection and preservation of County personal property during departmental moves; and
  - 3) Authorize the Purchasing Agent to execute any subsequent amendments increasing the not to exceed amount during the term of the contract subject to County Counsel and Risk Management approval.

**FUNDING:** General Fund and Non-General Fund.

**This matter was Approved on the consent calendar.**

7. [11-0373](#) Environmental Management Department recommending the Board authorize continuance of the Department's perpetual Agreement for Services 008-E-A-10/11-BOS with The Law Offices of Thomas M. Bruen.

**FUNDING:** Special Revenue Funds.

**This matter was Approved on the consent calendar.**

8. [12-0353](#) Health and Human Services Agency, Health Services Department, recommending the Board authorize the Chair to sign this Use of Facilities Agreement 413-O1210 with El Dorado County Office of Education, for the term effective on signature until terminated by either party, with an annual not-to-exceed amount of \$2,500.

**FUNDING:** Public Health Realignment, Mental Health Realignment and Public Health Preparedness grant as approved by the State.

**This matter was Approved on the consent calendar.**

9. [12-0262](#) Health and Human Services Agency, Public Health Division, recommending the Board authorize the Chair to sign Memorandum of Understanding 005-162-P-R2011 with the County of Alpine in the amount of \$50,000 for a term to expire June 30, 2012, to reimburse the County of El Dorado for providing Preparedness Coordinator services to Alpine County.

**FUNDING:** County of Alpine with funds received from the California Department of Public Health.

**This matter was Approved on the consent calendar.**

10. [12-0364](#) Health and Human Services Agency, Social Services Division, recommending the Board authorize the Chair to sign Budget Transfer 2012074 establishing revenue and appropriations for the CalWORKs Maintenance of Effort (MOE) Subaccount to be used to pay the County's share of CalWORKs assistance grant costs. (4/5 vote required)

**FUNDING:** 2011 Realignment.

**This matter was Approved on the consent calendar.**

11. [12-0236](#) Recorder-Clerk-Registrar of Voters recommending the Board approve a budget transfer increasing revenue and appropriations in the Elections Division in the amount of \$20,000 to account for receipt of a Help America Vote Act Grant. (Refer 2/28/12, Item 15).

**This matter was Approved on the consent calendar.**

12. [12-0168](#) Sheriff's Office recommending the Board authorize the Chair to sign retroactive Reimbursement Agreement 360-F1211 between the County and the El Dorado County Emergency Services Authority Joint Powers Authority during the period August 30, 2011 through April 30, 2012, for electronic patient care recording and tracking software in an amount not to exceed \$87,000.

**FUNDING:** 2009 and 2010 Homeland Security Grant Funds.

**This matter was Approved on the consent calendar.**

13. [09-1405](#) Department of Transportation recommending the Board authorize the Chair to sign Amendment II to Lease Agreement 379-L0211 with Emerald Bay Properties, LLC, in the amount of \$9,000 per month commencing on April 15, 2012 and ending on September 30, 2012 and in the amount of \$4,536 per month commencing on October 1, 2012 and ending on September 30, 2014 for office space located at 924 Emerald Bay Road, South Lake Tahoe for engineering staff located in South Lake Tahoe. This is a reduction of \$0.97 per square foot, from \$2.47 to \$1.50 per square foot and a cost savings of \$14,580 for the current fiscal year. (Refer 12/15/09, Item 17)

**FUNDING:** Road Fund, recovered through overhead rates charged to Federal, State and local Grants.

**This matter was Approved on the consent calendar.**

14. [12-0404](#) Supervisor Briggs recommending the Board adopt **Resolution 033-2012:**
- 1) Designating the El Dorado Arts Council to serve as the County's local partner with the California Arts Council; and,
  - 2) Approving the El Dorado Arts Council to submit a proposal to the California Arts Council for the State-Local Partnership Program; and,
  - 3) Authorizing the El Dorado Arts Council to execute the grant contract, if awarded.

**Adopted Resolution 033-2012 upon approval of the consent calendar.**

**END CONSENT CALENDAR**

**DEPARTMENT MATTERS/NOTICED HEARING**

15. [12-0372](#) HEARING - Consider for introduction (First Reading) of an amendment to Sections 3.14.040, 3.14.050, and 3.14.070 of Chapter 3.14 of Title 3 of the El Dorado County Ordinance Code increasing bidding thresholds for public projects as defined in Public Contract Code; and recommending this amendment be continued to April 10, 2012 for final adoption. (Est. Time: 10 Min.)
- A motion was made by Supervisor Sweeney, seconded by Supervisor Nutting, as follows:**
- 1) Read title, waived reading of Ordinance 4976 in its entirety;
  - 2) Approved introduction; and
  - 3) Set adoption (Second Reading) for April 10, 2012.
- Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago
16. [12-0296](#) HEARING - Public Housing Authority recommending the Board, acting as the Governing Board of the El Dorado County Public Housing Authority, adopt a Public Housing Authority **Resolution 034-2012** to:
- 1) Acknowledge the El Dorado County Public Housing Authority as a high performing agency exempt from the requirement to submit an annual Agency Plan update;
  - 2) Approve a required annual amendment to the Public Housing Authority Administrative Plan for the Section 8 Housing Choice Voucher Program for submittal to the Department of Housing and Urban Development;
  - 3) Authorize the Chair to sign the accompanying Public Housing Authority Civil Rights Certification; and
  - 4) Recognize the contribution of the Public Housing Authority Participant Advisory Board in assisting with development of the Administrative Plan and amendments. (Est. Time: 15 Min.)
- A motion was made by Supervisor Santiago, seconded by Supervisor Briggs to adopt Resolution 034-2012.**
- Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago
17. [11-1303](#) Chief Administrative Office recommending the Board receive and file an update on the activities of the Strategic Investment Teams. (Refer 2/14/12, Item 26) (Est. Time: 20 Min.)
- Received and Filed.**

18. [12-0400](#) Chief Technology Officer, Auditor-Controller, Information Technology Steering Committee, Information Technology Investment Team, and the Chief Administrative Officer recommending the Board:
- 1) Authorize staff to issue a Request for Proposals (RFP), for the replacement of the Financial, Payroll and/or HR systems;
  - 2) Adopt **Resolution 035-2012** establishing the job classification of Sr. Departmental Systems Analyst, approving the job classification specification, establishing the bargaining unit, and adopting the salary range; and
  - 3) Approve changes to the Authorized Personnel Allocation Resolution to provide staffing for projects associated with the replacement of countywide systems. (Est. Time: 30 Min.)

**A motion was made by Supervisor Santiago, seconded by Supervisor Briggs to approve this matter, and adopt Resolutions 035-2012 and 036-2012.**

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

#### **2:00 P.M. - TIME ALLOCATION**

19. [12-0224](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z10-0009/Planned Development PD10-0005/Parcel Map P10-0012/Creekside Plaza on property identified by APNs 327-211-14, 327-211-16, and 327-211-25, consisting of 4.1 acres, in the Placerville area, submitted by Grado Equities VII, LLC; and recommending the Board take the following actions:
- (1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
  - (2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines Section 15074(d) incorporating the Mitigation Measures in the Conditions of Approval listed in Attachment 1;
  - (3) Approve Z10-0009 rezoning APNs 327-211-14, 327-211-16, and 327-211-25 from One-Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) and Open Space-Planned Development (OS-PD) based on the Findings listed in Attachment 1;
  - (4) Approve Planned Development PD10-0005, adopting the Development Plan as the official Development Plan, based on the Findings and subject to the Conditions of Approval listed in Attachment 1;
  - (5) Approve Tentative Parcel Map P10-0012 based on the Findings and subject to the Conditions of Approval listed in Attachment 1;
  - (6) Find the project consistent with General Plan Policy 7.1.2.1 to allow development and disturbance on slopes of 30 percent or greater gradient;

- (7) Find the project consistent with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to zero, with a portion of the development area within the required setback;
- (8) Acknowledge the Planning Commission Finding that the General Vacation of portions of the Forni Road Right-of-Way is consistent with the General Plan in accordance with Government Code 65402(a);
- (9) Staff recommendation to find that a reasonable use determination can be made regarding oak tree retention and General Plan Policy 7.4.4.4; and
- (10) Adopt Ordinance for said rezone. (Supervisorial District 3) (Est. Time: 1 Hr.) (Cont'd 2/28/12, Item 25)

**A motion was made by Supervisor Sweeney, seconded by Supervisor Nutting to approve this matter as follows:**

- 1) Adopt the Revised Mitigated Negative Declaration based on the Initial Study prepared by staff with the following corrections:**
  - a) The Revised Mitigated Negative Declaration is found at Legistar page 12-0224.I.78 through I.122;**
  - b) Corrections to Transportation/Traffic section identified in the March 27, 2012 Memorandum (Legistar 12-0224.2A); and**
  - c) Corrections to the project description to reflect the reduction in project size as shown in Attachment 1 of this Memorandum;**
- 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines Sections 15074(d) incorporating the Mitigation Measures in the Conditions of Approval listed in Attachment 1 (Legistar File 12-0224.D as modified by Staff Memo dated March 27, 2012 [ Legistar 12-0224.2A]);**
- 3) Approve Z10-0009 rezoning APNs 327-211-14, 327-211-16, and 327-211-25 from One-Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) and Open Space-Planned Development (OS-PD) based on the Findings listed in Attachment 1 (Legistar File 12-0224.D);**
- 4) Approve Planned Development PD10-0005, adopting the Development Plan as the official Development Plan, based on the Findings and subject to the Conditions of Approval listed in Attachment 1 (Legistar File 12-0224.D as modified by Staff Memo dated March 27, 2012 [Legistar 12-0224.2A]);**
- 5) Approve Tentative Parcel Map P10-0012 based on the Findings and subject to the Conditions of Approval listed in Attachment 1 (Legistar File 12-0224.D as modified by Staff Memo dated March 27, 2012 [Legistar File 12-0224.2A]) with the following replacement conditions:**
  - a) Condition No. 8: Tentative Parcel Map Expiration: The Parcel map shall be filed prior to issuance of any building permit if the proposed building is to be constructed over an existing property line. As an alternative, the parcels may be merged or a lot line adjustment processed, prior to issuance of any building permit. The tentative map shall remain in effect for three years from the date of approval. If the map has not been filed within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.**
  - b) Condition No. 29: Drainage Zone of Benefit: The proposed project must form an entity for the maintenance of the drainage facilities to include the maintenance of the existing creek. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map or issuance of a building permit for Building B or C whichever comes first.**

- 6) Find the project consistent with General Plan Policy 7.1.2.1 to allow development and disturbance on slopes of 30 percent or greater gradient;
- 7) Find the project consistent with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to zero, with a portion of the development area within the required setback;
- 8) Acknowledge the Planning Commission Finding that the General Vacation of portions of the Forni Road Right-of-Way is consistent with the General Plan in accordance with Government Code 65402(a); and
- 9) Adopt Ordinance 4977 for said rezone.

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

#### 12-0006

#### **CAO REPORTS**

The Chief Administrative Officer reported that the El Dorado Hills Library will be closed for recarpeting on Saturday, April 14, 2012 through Sunday, April 29, 2012. In addition, the Cameron Park Library will be open Monday, Wednesday, and Friday from 10:00 a.m. to 5:00 p.m., and Tuesday and Thursday from 12:00 noon to 7:00 p.m.

#### 12-0005

#### **ITEMS TO/FROM SUPERVISORS**

Supervisor Nutting reported the following:

- 1) Good news with regard to the Federal Planning Rule and the Forest Plan; and
- 2) Attendance at workshops with Mountain Counties Water Resources Board and the Department of Water Resources in regard to a broad solution to the Bay Delta, and other statewide water issues.

Supervisor Santiago reported information with regard to the Golden Sierra Consortia Broadband workshop. And, possibly developing a really strong strategic plan for Broadband in El Dorado County.

Supervisor Briggs reported that a larger bridge will be built across the South Fork of the American River, containing both bike and pedestrian paths. Caltrans may begin construction on the bridge in May of 2016.

**ADJOURNED AT 3:45 P.M.**

**CLOSED SESSION**

20. 12-0398 Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**  
Title: Claim of Robert Moccio v. County of El Dorado, Worker's  
Compensation Claim Settlement, York Insurance Services Group, Inc.,  
Claim No. 2011114954. (Est. Time: 10 Min.)  
**No Action Reported.**
21. 12-0416 Conference with Legal Counsel - **Existing Litigation** pursuant to  
Government Code Section 54956.9(a): Title: Charles Sutton and  
Patricia Sutton v. County of El Dorado, et al., El Dorado County Superior  
Court Case No. PC20120130. (Est. Time: 20 Min.)  
**No Action Reported.**
22. 12-0417 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.**

23. 12-0418

Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as follows:

- 1) APN 121-160-03, 121-120-22, 122-590-01 Serrano Assoc. LLC, a Delaware Limited Liability Company;
- 2) APN 122-720-03, 121-280-01, 118-170-01 El Dorado Hills Investors, Ltd., a California Limited Partnership;
- 3) APN 121-280-12, 118-170-04 Huddinge Partners, a Nevada Limited Partnership;
- 4) APN 122-720-07, 118-170-02 Vilma Bricolla as to an Undivided 4% and Robert Steven Hardy, Trustee of the Hardy Community Property Trust U/A Dated 02/01/99 as to an Undivided 96% interest;
- 5) APN 122-720-06 Ruminson Grado Ventures LLC, a California Limited Liability Company;
- 6) APN 122-720-05 Presbytery of Sacramento, a California non-profit corporation;
- 7) APN 122-720-09 (approx. 50+ acres H50 North) EDH 52, a California General Partnership; and
- 8) APN 122-720-09 (approx. 6.26 acres, south of H50) Douglas Grant Line Assoc. Ltd., a Limited Partnership as to an undivided 45.6% interest; and Sacramento Realty Investors - El Dorado Ltd., a Limited Partnership as to an undivided 45.6% interest, and Sacramento Realty Investors - Clarksville, Ltd., a Limited Partnership as to an undivided 8.8% interest.

Instructions to negotiator will concern price and term of payment. Bender Rosenthal will be the negotiator on behalf of El Dorado County. (Est. Time: 25 Min.)

**No Action Reported.**