



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530-621-5390
FAX 530-622-3645
www.edcgov.us/bos

Minutes - Final Board of Supervisors

Rusty Dupray, Chairman, District I
Ron Briggs, First Vice Chairman, District IV
Norma Santiago, Second Vice Chairman, District V
Helen K. Baumann, District II
James R. Sweeney, District III

Cindy Keck, Clerk of the Board of Supervisors
Laura S. Gill, Chief Administrative Officer *Louis B. Green,*
County Counsel

Tuesday, May 6, 2008

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.

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) 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.co.el-dorado.ca.us subject to staff's ability to post the documents before the meeting.

The Board of Supervisors is concerned that large amounts of 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: 3 - Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago

9:00 A.M. - RECONVENE TO OPEN SESSION AND CLOSED SESSION REPORTS

Present: 2 - Supervisor Sweeney and Supervisor Briggs

Absent: 1 - Supervisor Santiago

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

At this time the Board will make any necessary additions, deletions, or corrections to the Agenda; determine matters to be added to or removed from the Consent Calendar; and with one motion adopt the Agenda and approve the 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 exceptions: Items 8 and 9 pulled from the Consent Calendar for separate action; Items 18, 19, 20 and 21 added to the Consent Calendar and approved; and Item 14 continued to May 20, 2008.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

PRESENTATIONS

1. [08-0536](#) **PRESENTATION** proclaiming May 2008 as Mental Health Month in the County of El Dorado.

A motion was made by Supervisor Baumann, seconded by Supervisor Briggs to adopt the Proclamation.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

2. [08-0538](#) **PRESENTATION** of Proclamation to El Dorado County Foster Parents' Association proclaiming May 2008 as Foster Parent Recognition Month in the County of El Dorado.

A motion was made by Supervisor Sweeney, seconded by Supervisor Baumann to adopt the Proclamation.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

BUDGET UPDATE

JAIL FACILITY UPDATE

OPEN FORUM

CONSENT CALENDAR

3. [08-0679](#) Approval of Board of Supervisors Conformed Agenda (Minutes) of the Regular Meeting of Tuesday, April 29, 2008.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

4. [08-0569](#) Public Health Department recommending Budget Transfer 28166 increasing estimated revenues and appropriations for the MediCal Administrative Activities (MAA) Program to allow the transfer of fund balance from Fund Type 20 to the new fund type 11 budget established as part of the Department's FY2007-2008 fund restructuring process. (4/5 vote required)

RECOMMENDED ACTION: Approve.

FUNDING: Public Health Special Revenue Funds.

This matter was Approved on the consent calendar

5. [08-0583](#) Public Health Department recommending Chairman be authorized to sign retroactive Amendment I to Agreement 07-65047 with California Department of Public Health increasing compensation amount by \$107,491 to \$224,968 for the term of July 1, 2007 through June 30, 2010; and Amendment I to the Memorandum of Understanding PREV 07-9/1, A01 increasing maximum amount payable to \$172,468 for a term to expire June 30, 2010 for expansion of services for the HIV Prevention Program.

RECOMMENDED ACTION: Approve.

FUNDING: California Department of Public Health.

This matter was Approved on the consent calendar

6. [08-0587](#) Public Health Department recommending Chairman be authorized to sign Amendment I to agreement 588-PHD0407 with California Forensic Medical Group, Inc., increasing compensation amount by \$20,000 annually (prorated to \$3,333 for FY 2007-08) to compensate contractor for increasing contractor's hospital financial liability limit from \$15,000 to \$20,000 per inmate/ward per episode beginning May 1, 2008.
RECOMMENDED ACTION: Approve.

FUNDING: General Fund.

This matter was Approved on the consent calendar

7. [08-0436](#) Human Services Department, Community Services Division, recommending May 2008 be proclaimed Older Americans Month in the County of El Dorado.
RECOMMENDED ACTION: Adopt Proclamation.

This matter was Approved on the consent calendar

8. [08-0571](#) Public Housing Authority (PHA) recommending Resolution amending an application previously submitted by El Dorado County to the California Housing Finance Agency (CalHFA), substituting the PHA for the County as the applicant to participate in the Housing Enabled by Local Partnerships (HELP) Program to obtain a \$1,500,000 loan that will initially be lent in support of acquisition of property and construction activities for affordable rental housing development and authorizing the Department Director, as the Executive Director of the PHA, to execute the loan agreement, contingent upon approval by County Counsel and Risk Management, and any other documents required by CalHFA for participation in the HELP Program, and to take other actions necessary to facilitate the proposed program.
RECOMMENDED ACTION: Adopt Resolution **PHA 2-08**.

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

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

9. [08-0228](#) Sheriff and Probation Departments recommending Chairman be authorized sign Amendment 4 to the Public Communications Services Inmate Phone Management Agreement with Public Communication Services, Inc. (PCS) extending the term through May 15, 2013 to provide reasonable telephone access to inmates in custody of the County.
RECOMMENDED ACTION: Approve.

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

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

10. [08-0522](#) Transportation Department recommending the following pertaining to West Valley, LLC:
- (1) Accept as complete the traffic signal and road improvements located at White Rock Road and Valley View Parkway;
 - (2) Reduce Performance Bond No. 08821694 by \$142,582.50 to \$15,842.50 to guarantee against defective work, labor done or defective materials furnished and release after one year if no claims are made; and
 - (3) Hold Payment Bond No. 08821694 in the amount of \$79,212.50 to guarantee payment to persons furnishing labor, materials or equipment and release in six months if no claims are made.
- RECOMMENDED ACTION:** Approve.

This matter was Approved on the consent calendar

11. [08-0512](#) Transportation Department recommending the following pertaining to Green Valley Marketplace LLC:
- (1) Accept as complete the constructed improvements on Francisco Boulevard (to include a new signal at the intersection of Francisco Boulevard and the Market Place entrance), the intersection improvements at Green Valley Road and Francisco Drive, and the intersection improvements at Francisco Drive and Village Center Drive;
 - (2) Reduce Performance Bond No. 2171064 by \$2,001,540.60 to \$222,393.40 to guarantee against defective work, labor done or defective materials furnished and release after one year if no claims are made; and
 - (3) Hold Payment Bond No. 2171064 in the amount of \$2,223,934 to guarantee payment to persons furnishing labor, materials or equipment and release in six months if no claims are made.
- RECOMMENDED ACTION:** Approve.

This matter was Approved on the consent calendar

12. [08-0472](#) Transportation Department recommending appointment of new members as outlined in Exhibit A.1 for County Service Area 2 and Exhibit A.2 for County Service Area 9 to fill vacancies on various Zone of Benefit Advisory Committees.
- RECOMMENDED ACTION:** Approve.

This matter was Approved on the consent calendar

13. [08-0612](#) General Services Department recommending Chairman be authorized to sign Notice of Completion with Golden Bay Fence plus Iron Works for construction of a security fence at the Georgetown Airport AIP NO. 3-06-0093-06 & 07.

RECOMMENDED ACTION: Approve.

FUNDING: This project was funded with a combination of State and Federal Grants and a 2.5% contribution from the Georgetown Airport Enterprise Fund. The requested Board action has no associated fiscal impact.

This matter was Approved on the consent calendar

14. [08-0555](#) Human Resources Department recommending Chairman be authorized to sign amended Rules of Procedure for the County of El Dorado, Civil Service Commission; said amendments to the Rules of Procedures were adopted unanimously by the Civil Service Commission and reviewed by El Dorado County Bargaining Units.

RECOMMENDED ACTION: Approve.

This matter was continued to May 20, 2008 upon adoption of the Agenda.

15. [08-0654](#) General Services Department recommending Chairman be authorized to sign addendum to Fixed Base Operator, Airport Property Lease Agreement No. 560-L0311 with Steven P. Bonak for a 30-year term commencing September 15, 2003 through September 15, 2033.

RECOMMENDED ACTION: Approve.

FUNDING: Revenue.

This matter was Approved on the consent calendar

16. [08-0568](#) Chief Administrative Office, Procurement and Contracts Division, submitting the third quarter report of procurement activity for the period ending March 31, 2008 for Fiscal Year 2007-2008.

RECOMMENDED ACTION: Receive and file.

This matter was Approved on the consent calendar

17. [08-0657](#) Supervisor Dupray recommending adoption of proclamation recognizing "Farm Day in El Dorado County."

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

END CONSENT CALENDAR

DEPARTMENT MATTERS

18. [08-0617](#) Mental Health Department recommending Chairman be authorized to sign retroactive Amendment I to Agreement 543-S0811 with Colorado Boys Ranch amending the term to commence November 30, 2007 through March 31, 2010 to provide mental health treatment services to seriously emotionally disturbed children and adolescents and placement in out-of-state residential care programs.

FUNDING: State funds. Handicapped and Disabled Students Mandate Funding collected through the S.B. 90 claiming process.

This matter was added to the Consent Calendar and approved.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

19. [08-0531](#) Adoption of Ordinance **4769** amending Section 2.18.030 of Title 2, Ex-Officio Members and amendments to Agricultural Commission By-Laws Section 5(g) Officers regarding a Registered Professional Forester as an ex officio member whenever the Forest and Related Industries representative is not a Registered Professional Forester. (Introduced 4/29/08, Item 17)

This matter was added to the Consent Calendar and adopted.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

20. [08-0585](#) Human Services Department recommending Program Guidelines for Deed Restrictions and Affordable Housing Projects and relevant Program documents to assist the County in working with developers of market rate units to provide Deed Restricted affordable units in the unincorporated areas of El Dorado County and with buyers of said units during the period of affordability.

This matter was added to the Consent Calendar and approved.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

21. [08-0627](#) Human Services Department recommending Chairman be authorized to sign retroactive Amendment III to Agreement for Services 386-S0511 with New Morning Youth and Family Services, Inc. increasing compensation by \$25,000 to \$150,000 and extending the term through June 30, 2008 to provide continued therapeutic counseling services on an "as requested" to clients of said Department.

FUNDING: Funding sources are 85% Federal/State Social Services Allocation with a 15% County match.

This matter was added to the Consent Calendar and approved.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

22. [08-0689](#) Chief Administrative Office recommending approval of Traffic Impact Mitigation fee offset for eligible affordable housing projects.

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

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

23. [08-0134](#) Human Resources Department recommending the Board receive and file the Fiscal and Analytical Job Class Evaluation report and provide direction to staff on proceeding with evaluation of certain fiscal and analytical classifications. (Cont'd 5/6/08, Item 23)

A motion was made by Supervisor Dupray, seconded by Supervisor Sweeney to continue this matter to June 3, 2008.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

10:00 A. M. - TIME ALLOCATION

Present: 3 - Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago

24. [08-0656](#) **PRESENTATION** of Proclamation honoring Moni Gilmore.

A motion was made by Supervisor Baumann, seconded by Supervisor Dupray to adopt this Proclamation.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

25. [08-0575](#) Mental Health Department recommending the Board receive a report on County mental health services, funding issues, and recommendations to address funding issues.

No formal action taken; however, by consensus, staff (Mental Health, Public Health, Human Services and General Services) to meet to discuss the feasibility of restructuring the Public Health Facility (PHF) and return to the Board on May 20, 2008 with an update regarding this proposal; and Mental Health Department to submit an action item pertaining to the proposed recommendations discussed this date.

Lunch - 12:00 - 1:30 P.M. - Board of Supervisors to participate in a Bike Ride in recognition of Bike Commute Month

2:00 P.M. - TIME ALLOCATION

26. [07-1022](#) Hearing to consider the Oak Woodland Management Plan (Final), Negative Declaration, and Implementation Ordinance (including fees). (Cont'd 4/22/08, Item 61)

After hearing public testimony, a motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to approve the findings of March 18, 2008, certify the environmental document, adopt the Oak Woodland Management Plan with changes made this date, and adopt Ordinance 4771 with changes made this date.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

Noes: 1 - Briggs

27. [07-1802](#) Hearing to consider to rezone (Z07-0016) of 13.13 acres (APN 331-620-04) from Residential Agricultural Twenty-acre (RA-20), Estate Residential Ten-acre (RE-10), and One-family Residential (R1) to One-family Residential-Planned Development (R1-PD) in the El Dorado area (Shinn Ranch); and waive reading, read by title only, and continue to May 13, 2008 the adoption of Ordinance to ~~replace and rescind~~ Ordinance 4750 to include **rezone** APN 331-620-04 which was omitted in Ordinance 4750; Applicant: Rancho Cortina Properties. (District III)

Hearing no protests, a motion was made by Supervisor Sweeney, seconded by Supervisor Baumann to waive reading, read by title only, and continue to May 13, 2008 the adoption of the Ordinance to rezone APN 331-620-04 from Residential Agricultural Twenty-acre (RA-20), Estate Residential Ten-acre (RE-10), and One-family Residential (R1) to One-family Residential-Planned Development (R1-PD); and certify that the previously adopted mitigated negative declaration addressed potential environmental impacts of such action and that further environmental review is not necessary.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

28. [08-0027](#) Hearing to consider rezone Z07-0048/Planned Development PD05-0006/Tentative Subdivision Map TM05-1393/Serrano, Village M/Phase 4 submitted by Serrano Associates, LLC for the following: (1) Amendment of the El Dorado Hills Specific Plan Land Use Map to reconfigure a 16.81 acre portion of Open Space adjacent to Village M/Phase 4 and re-designation of the property to Residential Estate, and reconfiguration of 0.42 acre of Residential Estate and re-designating the same to Open Space; (2) Amendment of the El Dorado Hills Specific Plan Zone Map to reconfigure a 16.81 acre portion of Open Space adjacent to Village M/Phase 4 and re-designation to One-Family Residential/Planned Development (R1-PD), and reconfiguration of 0.42 acre of One-Family Residential and re-designation to Open Space; (3) Class 1 tentative subdivision map subdividing 69 acres of Village M/Phase 4 into 38 custom residential lots, ranging from 0.46 acre to 4.84 acres in size, and one open space lot totaling 15.68 acres; (4) Planned development permit for the proposed residential subdivision, and to allow modifications to the following One-Family Residential (R1) Zone District development standards; (5) Request for design waivers of the El Dorado County Design and Improvement Standard Manual standards has been submitted to allow the following: A) Reduction of road right-of-way to conform to actual street width improvements of 50 feet to 46 feet for Western Sierra Way and 50 feet to 36 feet for I Court; and B) Reduction in cul-de-sac turnaround standard from 100 feet to 80 feet improved surface in a right-of-way from 47 feet radius (94 feet diameter) on property identified as APNs 123-260-06, -07 and a portion of APN -05 consisting of 69.03 acres in the El Dorado Hills area; and (6) Adoption of Ordinance **4759** for said rezone. App:Serrano Assoc (4/22/08, #60)

Hearing no protests, a motion was made by Supervisor Sweeney, seconded by Supervisor Baumann to find the project statutorily exempt pursuant to Section 15182 of the California Environmental Quality Act (CEQA) Guidelines; amend the El Dorado Hills Specific Plan Land Use Map to change a 9.98 acre portion of Open Space adjacent to Village M/Phase 4 to Residential Estate, and change a 0.42 acre of Residential Estate to Open Space, based on the findings; adopt Ordinance 4759 rezoning a 9.98 acre portion of APN 123-260-05 from Open Space (OS) to One-family Residential-Planned Development (R1-PD) and a 0.42 acre portion of APN 123-260-07 from One-family Residential-Planned Development (R1-PD) to Open Space (OS); approve PD05-0006, adopting the development plan as the official development plan, based on the findings, subject to conditions, including the additional revisions presented May 6, 2008; and approve TM05-1393, subdividing 69 acres of Village M/Phase 4 into 38 custom residential lots, ranging from 0.46 acre to 5.29 acres in size, and one open space lot totaling 22.93 acres, based on the findings, subject to conditions, including the additional revisions presented May 6, 2008, including design waivers to allow the reduction of road right-of-way to conform to actual street width improvements of 50 feet to 46 feet for Westsern Sierra Way and 50 feet to 36 feet for I Court, and reduction in cul-de-sac turnaround standards from 100 feet to 80 feet improved surface in a right-of-way from 47 feet radius (94 feet diameter).

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

NEW BUSINESS

The following matter came to the Board's attention by County Counsel and by unanimous vote was added to the Agenda.

[08-0717](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: Yubacon, Inc. vs El Dorado County Department of Transportation.

No action reported.

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

29. [08-0652](#) Pursuant to Government Code Section 54957, **Public Employee Performance Evaluation:** Title: Library Director.
No action reported.
30. [08-0662](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:** Title: U.S.A. v. El Dorado County, City of South Lake Tahoe, et al., U.S. District Court Case No. S-01-1520-MCE GGH (ED CA).
On an unanimous vote, the Board ratified a final settlement agreement in the amount of \$1.2 million with certain parties.
Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

On August 19, 2003, the Board adopted the following protocol: It is a requirement that all speakers, County staff and the public, when approaching the podium to make a visual, Power Point or transparencies presentation to the Board of Supervisors, must provide the Clerk with the appropriate number of hard copies of the presentation for Board members and the audience. Only those speakers that provide this required number of hard copies will be permitted to proceed with a visual presentation.

Persons interested in serving on any Board of Supervisors ADVISORY BOARD, COMMITTEE, OR COMMISSION are encouraged to complete an application form (available in the office of the Clerk of the Board of Supervisors, or on line) and submit same to the board, committee or commission, to the County Department which supports the board, committee or commission, or to the Clerk of the Board of Supervisors.

VIDEO TAPES of regular, Tuesday Board of Supervisors meeting are BROADCAST ON CABLE TV as follows:

West Slope - Comcast - Channel 2, Wednesday at 1:00 P.M. (day after Tuesday meeting)
and Tuesday at 7:00 A.M. (One week after previous Tuesday Meeting)
South Lake Tahoe - Charter Cable 21, Daily - Time varies

ADDENDUM**CLOSED SESSIONS**

31. [08-0698](#) Pursuant to Government Code Section 54956.9(a), Existing Litigation:
Title: Bobby S. Dutta vs County of El Dorado, et al, El Dorado County
Superior Court Case No. PC20070464.
No action reported.
32. [08-0701](#) Pursuant to Government Code Section 54956.9(a), Existing Litigation:
Title: El Dorado County vs California Department of Transportation, et
al, Superior Court of California-County of Sacramento, Case No.
03CS00003, Third District Court of Appeal Nos. C054596 and C054597.
No action reported.
33. [08-0702](#) Pursuant to Government Code Section 54956.9(a), Existing Litigation:
Title: Richard Kniesel vs County of El Dorado, et al, El Dorado County
Superior Court Case No. PC20080259.
On an unanimous vote, the Board authorized defense of this matter.