



Jim Mitrising <jim.mitrising@edcgov.us>

Fwd: Agenda clarification request

3 messages

EDC COB <edc.cob@edcgov.us>

Wed, Mar 18, 2015 at 2:03 PM

To: Jim Mitrising <jim.mitrising@edcgov.us>

FYI.

Office of the Clerk of the Board
 El Dorado County
 330 Fair Lane, Placerville, CA 95667
 530-621-5390

----- Forwarded message -----

From: **Ellen Van Dyke** <vandyke.5@sbcglobal.net>

Date: Wed, Mar 18, 2015 at 1:06 PM

Subject: Agenda clarification request

To: Brian Veerkamp <bosthree@edcgov.us>, Ron Mikulaco <bosone@edcgov.us>, Shiva Frentzen <bostwo@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, Michael Ranalli <bosfour@edcgov.us>, Jim Mitrising <edc.cob@edcgov.us>

Cc: sue-taylor@comcast.net, John Hidahl 2 <hidahl@aol.com>, Shingle Springs Community Alliance <info@shinglespringscommunityalliance.com>

Dear Supervisors-

Yesterday's regular meeting of the Board, held in EDH, included a staff update on the General Plan update. I have two fairly serious issues with what occurred during the meeting. The first regards the Brown Act and the effort to restrict public comment during the hearing. A copy of both the 3/17/15 agenda page and California Gov Code (CGC) 54954.3 are attached below.

I would like clarification as to

- 1) why this update was not considered to be 'on the agenda'
- 2) why a staff update would not qualify as "an item of interest to the public" per CGC
- 3) how the public was to 'know' that they would not be allowed to comment on the issue. It was after all, listed on the agenda and we are asked not to comment during Open Forum on items *on the agenda*.

Second, during this update, a number of VERY misleading statements were made by staff. Without the opportunity for the public to comment, those misconceptions just 'hang' out there, breeding misinformation on an already controversial issue. This occurred previously during discussion of Measure Y, the TDM, and traffic Levels of Service, and the misconceptions were never corrected in public. Here are a few of the points made in hearing yesterday and subsequently refuted by Sue Taylor and John Hidahl:

- 1) '*The TGPA/ZOU update does not increase density*' – note that the RDEIR itself refutes this, as has been pointed out in submitted public comments
- 2) '*no new entitlements are being granted*' - over 37,000 parcels are being rezoned; there are entitlements being granted whether parcels are created or not.
- 3) '*This update is not changing the General Plan – we're just amending it*' which was

repeated about 5 times by Supervisor Mik and confirmed by staff's Dave Defanti. Regardless of the fact that '*to amend*' something IS to change it, the TGPA/ZOU is a massive overhaul and 'targeted' or not, the policy changes are sweeping.

While the Board eventually relented under pressure and allowed a few insistent people to comment (thank you), more residents would have commented if not for your suppression. I would like to know if this manner of placing things on the agenda will continue, and would like to request greater clarity in the future.

You have been informed of the way staff is misrepresenting the facts to both you and the public.

Please include this comment in the administrative record for the General Plan and Zoning Ordinance update.

Thank you-

Ellen Van Dyke

from Ca Gov Code 54954.3:

54954.3. (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

Agenda page 6:

8. [15-0263](#) Surveyor's Office recommending the Board consent to, but reject an Irrevocable Offer of Dedication (IOD 15-002) from Blackstone Master Association, A California Non-Profit Mutual Benefit Corporation, for a drainage easement located on a portion of Assessor's Parcel Numbers 118-570-08 and 118-160-14.
- FUNDING:** N/A
9. [15-0264](#) Surveyor's Office recommending the Board adopt Resolution of Vacation 037-2015 for Abandonment of Easement 15-002 (AOE 15-002) to abandon a portion of the drainage easement on Lot 2 of "Plat of Green Valley Acres Unit No. 1," recorded at Book C of Subdivisions at Page 72, identified as Assessor's Parcel Number (APN) 126-211-11, requested by Bill Martinelli.
- FUNDING:** N/A
10. [15-0350](#) Supervisor Veerkamp recommending the Board approve and authorize the Chair to sign a letter of support for the El Dorado Winery Association's effort to secure a Specialty Crop Block Grant from the California Department of Food and Agriculture.

END CONSENT CALENDAR**9:30 A.M. - TIME ALLOCATION****MONTHLY STAFF UPDATE - GENERAL PLAN UPDATE**

11. [15-0341](#) Supervisor Mikulaco recommending the Board receive a presentation from Fire Chief Dave Roberts of the El Dorado Hills Fire Department. (Est. Time 30 Min.)

DEPARTMENT MATTERS

12. [15-0332](#) Chief Administrative Office, Economic Development Division, recommending the Board consider the following:
- 1) Receive and file a presentation on the Economic Development Division Program; and
 - 2) Provide preliminary direction to staff on future priorities for the Program.

FUNDING: N/A

A quorum of the Board may be present for lunch at the El Dorado Hills Firehouse (same location as the meeting).

A quorum of the Board may attend a tour of the Senior Center at 990 Lassen Lane in El Dorado Hills.