



County of El Dorado

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Minutes - Final Board of Supervisors

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

Suzanne Allen de Sanchez, Clerk of the Board of Supervisors
Gayle Erbe-Hamlin, Chief Administrative Officer *Louis B.*
Green, County Counsel

Tuesday, October 5, 2010

8:00 AM

Board of Supervisors Board 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) 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.

8:02 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS

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

9:06 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Item 11 was pulled from the consent calendar, Items 27 and 28 are to be heard at 11:00 A.M., and Item 4 was trailed to the end of the meeting.

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

PRESENTATIONS

1. [10-1033](#) Supervisor Santiago recommending the Board adopt a Proclamation recognizing the month of October as "Domestic Violence Awareness Month" in the County of El Dorado. (Est. Time: 10 Minutes)

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

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

2. [10-1060](#) Supervisor Santiago recommending the Board receive a Presentation by Matt Huckabay, Executive Director, on the Efforts of The Center for Violence-Free Relationships. (Est. Time: 10 Min.)

Received the presentation.

3. [10-1041](#) Supervisors Nutting and Santiago recommending the Board consider the following:
- 1) Receive a Presentation by Carol Anne Ogdin regarding bringing Broadband Internet Services to rural El Dorado County; and
 - 2) Adopt a Resolution declaring support for "Get Connected" to close the Digital Divide. (Est. Time: 45 Minutes)

Resolution 162-2010

PUBLIC COMMENT

*B. Smith
V. Zentner
J. Paul
W. Wiley
C. Emerson*

A motion was made by Supervisor Santiago, seconded by Supervisor Nutting, as follows:

- 1) Receive presentation; and
- 2) Adopt Resolution 162-2010 declaring support for "Get Connected" to close the Digital Divide, amending the second to last paragraph to read as follows:
"BE IT FURTHER RESOLVED that the Board of Supervisors for the County of El Dorado requests the Information Technologies (IT) Department to review scopes of responsibilities, work plans, and services to identify and report back to the Board on the strategic actions that will promote the deployment and adoption of broadband among residents, customers, and recipients of public services."

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

OPEN FORUM

PUBLIC COMMENT

*K. Greenwood RE: Sheriff's Department
D. Faulkenstein RE: Sheriff's Department
T. Soike RE: Claim Against County*

BUDGET UPDATE

CONSENT CALENDAR

4. [10-1049](#) Clerk of the Board of Supervisors recommending the Board approve the Meeting Minutes from the Special Meeting of Monday, September 13, 2010, Wednesday, September 15, 2010 and Monday, September 20, 2010.

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

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

5. [10-1068](#) Clerk of the Board recommending the Board approve the Meeting Minutes from the Regular Meeting of the Board of Supervisors on Tuesday, September 28, 2010.
- This matter was Approved on the consent calendar.**
6. [10-0993](#) Air Quality Management District recommending Chairman be authorized to sign Amendment IV to Funding Agreement No. 013-DMV-05/06-11 with El Dorado County Department of Transportation extending the term eighteen (18) additional months through June 30, 2012, to complete the Diesel Fleet Retrofit Project.
- FUNDING:** Air Quality Management District Special AB 2766 Department of Motor Vehicle Funding.
- This matter was Approved on the consent calendar.**
7. [10-0994](#) Air Quality Management District recommending Chairman be authorized to sign Amendment II to Funding Agreement No. 010-DMV-08/09-BOS with El Dorado County Department of Transportation extending the term twelve (12) additional months through December 31, 2011 to complete the El Dorado Hills SMUD Corridor Class I Bike Path Project.
- FUNDING:** Air Quality Management District Special AB 2766 Department of Motor Vehicle Funding.
- This matter was Approved on the consent calendar.**
8. [10-1035](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board consider the following:
- 1) Approve Amendment I to Agreement for Services 035-S1111 amending the term with 21st Century Environmental Management, a wholly-owned subsidiary of Phillips Services Company, of Benicia, California for the transport and disposal of household hazardous waste for the Environmental Management Department; and
 - 2) Authorize the Chair to execute same upon County Counsel and Risk Management review and approval.
- FUNDING:** Non-General Fund/County Service Area 10/Household Hazardous Waste Parcel Assessments.
- This matter was Approved on the consent calendar.**
9. [10-0830](#) Chief Administrative Office recommending the Board approve employees eligible to receive the County's Early Retirement Incentive Plan, noting said plan was approved by the Board of Supervisors on July 20, 2010, Item No. 30. (Cont'd 9/28/10, Item 9)
- This matter was approved and continued to October 12, 2010 upon approval of the consent calendar.**

10. [10-1064](#) Chief Administrative Office recommending the Board make a finding that specific projects will provide a significant community benefit by providing housing that is affordable to very low-, low-and/or moderate-income households and award Traffic Impact Mitigation (TIM) Fee Offsets totaling \$62,380 in accordance with Board Policy B-14.

FUNDING: Traffic Impact Mitigation Fees.

This matter was Approved on the consent calendar.

11. [10-1057](#) Chief Administrative Office recommending the Board consider the following:
- 1) Award the Promotions Program RFP as follows (all amounts are for year one of contract): Lake Tahoe South Shore Chamber of Commerce in the amount of \$92,770 (one year funding requested); El Dorado Arts Council in the amount of \$99,450 (multi-year funding requested); El Dorado Hills Chamber of Commerce in the amount of \$92,420 (multi-year funding requested); El Dorado Lake Tahoe Film and Media Office (EDC Chamber of Commerce) in the amount of \$89,140 (multi-year funding requested) ; El Dorado County Visitors Authority Council (EDC Chamber of Commerce) in the amount of \$166,220 (multi-year funding requested);
 - 2) Authorize the Chief Administrative Officer, or designee, to negotiate agreements with the above organizations, noting that the contracts with the Lake Tahoe South Shore Chamber of Commerce, El Dorado Arts Council, El Dorado Hills Chamber of Commerce, El Dorado Lake Tahoe Film and Media Office (El Dorado County Chamber of Commerce), El Dorado County Visitors Authority Council (El Dorado County Chamber of Commerce) will be retroactive to October 1, 2010; and
 - 3) Authorize the Purchasing Agent to execute said agreements, subject to County Counsel and Risk Management approval.

FUNDING: (General Fund): Hotel and Motel Tax (HMT).

PUBLIC COMMENT

C. Sullivan

L. Brent-Bumb

C. Chaplin (also representing B. Gorman)

D. Johnson

G. Harter

A motion was made by Supervisor Santiago, seconded by Supervisor Knight, as follows:

- 1) Award the Promotions Program Requests for Proposal as presented;**
- 2) Authorize the Chief Administrative Officer, or designee, to negotiate agreements; and**
- 3) Authorize the Purchasing Agent to execute said agreements.**

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

12. [10-1056](#) Chief Administrative Office, Department of Transportation and Human Resources recommending the Board consider the following:
- 1) Adopt the revised job specification for the Assistant Director of Transportation;
 - 2) Adopt the salary schedule for the Assistant Director of Transportation;
- and
- 3) Adopt the amended personnel allocation resolution deleting one Deputy Director of Engineering and adding one Assistant Director of Transportation.

Adopted Resolution 163-2010 upon approval of the consent calendar.

13. **10-0594** Health Services Department recommending the Board authorize the Chair to sign Agreement 101-162-P-N2010 with the County of Sacramento for the term July 13, 2010 through June 30, 2013 to provide Health Officer coverage in the event that either Health Officer is temporarily absent or unavailable.

This matter was Approved on the consent calendar.

14. [10-1002](#) Health Services Department recommending the Board authorize the Chair to sign Memorandum of Understanding (MOU) 120-162-P-N2010 with California Superior Court of El Dorado County for the term July 1, 2010 through June 30, 2011 to provide continued Teen Court services.

FUNDING: Substance Abuse Prevention and Treatment (SAPT).

This matter was Approved on the consent calendar.

15. [10-1036](#) Health Services Department recommending the Board authorize the Chair to sign retroactive Agreement for Services 049-162-P-R2010 with El Dorado Union High School District in the amount of \$23,000 for the term July 1, 2010 through June 30, 2011 to provide on-site Public Health Nurse Services at El Dorado Union High School District for what is commonly known as the "Healthy Start" Program.

FUNDING: Incoming funding from El Dorado Union High School District.

This matter was Approved on the consent calendar.

16. [10-0972](#) Health Services Department, Mental Health Division and Department of Human Services recommending the Board authorize the Chair to sign non-financial Memorandum of Understanding 093-M1011 with the El Dorado County Office of Education County for a term through June 30, 2011 setting forth the roles of each agency in providing mental health services to students with disabilities in accordance with the student's Individualized Education Program.

This matter was Approved on the consent calendar.

17. [10-1030](#) Department of Human Services recommending the Board authorize the Chair to sign Contract No. K178658-05 with Golden Sierra Job Training Agency in the amount of \$877,073 for the term July 1, 2010 to June 30, 2012 for provision of Workforce Investment Act Program job training activities by El Dorado County as Area Partner Consortium Operator of the Golden Sierra Job Training Agency Consortium; and the Director of Human Services, or successor, be authorized to execute subsequent documents relating to said contract, including amendments thereto that do not affect the dollar amount or the term, contingent upon approval by County Counsel and Risk Management, and required fiscal and programmatic reports.

FUNDING: Federal Annual Workforce Investment Act Allocation.

This matter was Approved on the consent calendar.

18. [10-1009](#) Department of Human Services recommending the Board approve the use of a boilerplate CalWORKs Work Experience Program Worksite Agreement ("WEP Agreement") for provision of Welfare-to-Work ("WtW") program services to be utilized with various public, private or non-profit entities to enable eligible clients participating in County's WtW WEP activities gain training and/or work experience to improve their employability in the open job market; and further authorize the Department's Director or Assistant Director to sign said WEP Agreements and subsequent associated documents, including amendments thereto, on behalf of County and perform related administrative responsibilities in relationship to said WEP Agreement.

FUNDING: Non-financial Agreement.

This matter was Approved on the consent calendar.

19. [10-1014](#) Department of Human Services recommending the Board authorize the Chair to sign non-financial Operational Agreement 134-M1111 with New Morning Youth and Family Services, Inc. ("NMYFS") for a term of October 1, 2010 through September 30, 2013 setting forth the roles of New Morning Youth and Family Services and the Department of Human Services in providing maximum available assistance to youth residing in the County who are in at-risk environments.

FUNDING: Non-financial Operational Agreement.

This matter was Approved on the consent calendar.

20. [10-1037](#) Sheriff's Department recommending the Board approve and authorize the Sheriff to sign Memorandum of Understanding 523-M1011 with the South Lake Tahoe Police Department for the term March 1, 2010 through September 30, 2012 in support of the South Lake Tahoe Police Department's program "Avoid the Six," a cooperative effort to reduce alcohol related injury and fatal traffic collisions in El Dorado County.

FUNDING: South Lake Tahoe Police Department, State of California Office of Traffic Safety Grant No. AL10120.

This matter was Approved on the consent calendar.

21. [09-1040](#) Sheriff's Department recommending the Board approve a perpetual Agreement 874-S0910 with TransUnion LLC for Fiscal Year 2010-11 to extend the term of the blanket purchase order through August 2011 for the provision of credit reporting capability to the Department for applicant background investigations.

FUNDING: General Fund.

This matter was Approved on the consent calendar.

22. [10-0930](#) Department of Transportation recommending the Board approve appointments of new Advisory Committee members to fill vacancies on the West Green Springs Road Zone of Benefit Advisory Committee in County Services Area No. 9, as outlined in Exhibit A.

This matter was Approved on the consent calendar.

Board of Supervisors - Consent

23. [10-1070](#) Supervisor Briggs appoints Danny Marquis as District IV's representative to the Integrated Natural Resources Management Plan Stakeholders Advisory Committee (ISAC) replacing Art Marinaccio.

This matter was Approved on the consent calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS

24. [10-0764](#) Department of Transportation recommending the Board consider the following pertaining to the Silva Valley Parkway Widening South of Entrada Drive Project, Contract No. PW 09-30472/CIP No. 72370:
- 1) Award the Construction Contract to the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for September 10, 2010;
 - 2) Authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management; and,
 - 3) Authorize the Director of Transportation to execute Contract Change Orders consistent with the Public Contract Code limits, provided the cumulative total of all Contract Change Orders is within the contingency budget established for the Project. (Est. Time: 5 Min.) (Cont'd 9/28/10, Item 25)

FUNDING: State and Local Partnership Program Grant Funds, Blackstone Pre-Paid Account.

NO PUBLIC COMMENT

Noted by Supervisor Knight: The Board has received a letter from MJM Properties, LLC, dated August 26, 2010, referring to discussions between MJM and Department of Transportation regarding possible changes to project conditions. Those potential changes would be considered by the Board on their own merits if brought forward. The Board is not approving those changes, nor indicating they will be approved, as a result of the developer's stated agreement with the use of a portion of the prepaid Traffic Impact Mitigation fees as the local match on these projects. The Board reserves its position that the use of the prepaid Traffic Impact Mitigation fees for any Zone 8 Capital Improvement Program project is unrestricted.

A motion was made by Supervisor Knight, seconded by Supervisor Nutting, as follows:

- 1) Award the Construction Contract to DeSilva Gates Construction, L.P. who submitted the lowest responsive, responsible bid of \$567,567.00;
- 2) Authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management; and,
- 3) Authorize the Director of Transportation to execute Contract Change Orders with an individual value up to \$40,878, consistent with the Public Contract Code limits, provided the cumulative total of all Contract Change Orders is within the contingency budget established for the Project.

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

25. [10-0765](#) Department of Transportation recommending the Board consider the following pertaining to the White Rock Road Widening and Signalization Project, Contract No. PW 09-30493/CIP No. 72372:
- 1) Award the Construction Contract to the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for September 10, 2010;
 - 2) Authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management;
 - 3) Authorize the Director of Transportation to sign an Escrow Agreement, if requested by the Contractor and in accordance with Public Contract Code Section 22300, for the purpose of holding Contract retention funds; and
 - 4) Authorize the Director of Transportation to execute Contract Change Orders consistent with the Public Contract Code limits, provided the cumulative total of all Contract Change Orders is within the contingency budget established for the Project. (Est. Time: 5 Min.) (Cont'd 9/28/10, Item 26)

FUNDING: State and Local Partnership Program Grant Funds, Blackstone Pre-Paid Account.

Noted by Supervisor Knight: The Board has received a letter from MJM Properties, LLC, dated August 26, 2010, referring to discussions between MJM and Department of Transportation regarding possible changes to project conditions. Those potential changes would be considered by the Board on their own merits if brought forward. The Board is not approving those changes, nor indicating they will be approved, as a result of the developer's stated agreement with the use of a portion of the prepaid Traffic Impact Mitigation fees as the local match on these projects. The Board reserves its position that the use of the prepaid Traffic Impact Mitigation fees for any Zone 8 Capital Improvement Program project is unrestricted.

A motion was made by Supervisor Knight, seconded by Supervisor Nutting, as follows:

- 1) Award the Construction Contract to Granite Construction Company who submitted the lowest responsive, responsible bid of \$358,358.00;
- 2) Authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management;
- 3) Authorize the Director of Transportation to sign an Escrow Agreement, if requested by the Contractor and in accordance with Public Contract Code Section 22300, for the purpose of holding Contract retention funds; and,
- 4) Authorize the Director of Transportation to execute Contract Change Orders with an individual value up to \$30,418, consistent with the Public Contract Code limits, provided the cumulative total of all Contract Change Orders is within the contingency budget established for the Project.

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

26. [10-0450](#) Consider introduction (First Reading) of **Ordinance 4948** revising County Ordinance Code Title 2 and Title 15 to bring into compliance with current building codes and terminology, to streamline permit processes, and to remain consistent with Tahoe Regional Planning Agency regulations. (Est. Time: 30 Min.)(Cont'd 9/21/10, Item 28)

PUBLIC COMMENT

*C. Shafer
B. Carlson
V. Zentner
D. Miller*

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, as follows:

- 1) Read title, waived reading of ordinance 4948 in its entirety;**
- 2) Approved introduction with the following correction;**
 - a) Correct Section 15.64.130C to be 15.16.020;**
- 3) Set adoption (second reading) for October 19, 2010;**
- 4) Direct staff to find a way to create phases to address the issues of well and septic in section 15.16.070;**
- 5) Direct staff to revise section 15.16.020 to address the jail issue and to verify if it is better to have infractions as opposed to misdemeanors; and**
- 6) Direct the Director of the Department to work with the CAO to identify funds and methods to put together a workshop on the zoning codes.**

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

27. [10-0364](#) Consider Serrano Associates, LLC claim for refund of Mello-Roos taxes. (Est. Time: 20 Min.)(Cont'd 8/24/10, Item 37)

A motion was made by Supervisor Santiago, seconded by Supervisor Knight, as follows:

Whereas, Serrano Associates LLC submitted a claim on August 17, 2009, for refund of an unspecified amount of special taxes paid for their property in CFD 1992-1;

Whereas, Serrano presented written arguments and made oral presentations in support of their claim at a hearing held and closed on July 20, 2010;

Whereas, on August 24, 2010, the Board received additional oral and written presentations from Serrano, and the Board requested that Serrano provide further information in writing;

Whereas, pursuant to the request of the Board, Serrano specified the amount of their claim in materials filed on September 24, 2010;

Whereas, based on our review of the information and legal analysis submitted by Serrano and counsel to the Board, the Board does not believe that Serrano has demonstrated that the County has incorrectly applied the Rate and Method of Apportionment of the special taxes for CFD 1992-1, except for those cases in which the County has already made refunds to Serrano;

Now, therefore, the Board hereby denies the balance of the claim submitted by Serrano Associates LLC.

Yes: 4 - Knight, Nutting, Sweeney and Santiago

Noes: 1 - Briggs

28. [10-0886](#) County Counsel recommending the Board receive and file an update on a proposal method to reduce the account balance in regard to the future levy of special district taxes in Community Facilities District No. 1992-1. (Cont'd 10/5/10, Item 28) (Est. Time: 20 Min.)

A motion was made by Supervisor Knight, seconded by Supervisor Sweeney, to direct County Counsel to work with outside counsel, County Auditor/Controller, and Serrano representatives to come back in two weeks, October 19, 2010, with a proposal or update on an agreed upon method to reduce the account balance.

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

2:00 P.M. - TIME ALLOCATION

29. [10-1061](#) Chief Administrative Office, Office of Economic Development, recommending the Board of Supervisors receive and file two reports commissioned as economic development tools: Buxton and Center for Strategic Economic Research (CSER) reports.

Received and Filed.

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

CLOSED SESSION

- 30. [10-1065](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: MJM Properties' letter regarding SLPP projects. Number of potential cases: (1).
No Action Reported.

- 31. [10-1075](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Serrano Claim for CFD Tax Refund. Number of potential cases: (1).
No Action Reported.

- 32. [10-1073](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: MV Transportation, Inc. v. El Dorado County, et al., 9th Judicial District Court of the State of Nevada, County of Douglas, Case No. 10-CV-0240.
No Action Reported.

ADJOURNED AT 5:02 P.M.