



County of El Dorado

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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

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

Tuesday, November 4, 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

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 Santiago, to adopt the Agenda and approve the Consent Calendar with the following exception: Item No. 18 continued to December 9, 2008.

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

OPEN FORUM

BUDGET UPDATE

[08-1712](#)

BUDGET UPDATE

A motion was made by Supervisor Sweeney, seconded by Helen Baumann, to direct the CAO to identify the 100 positions for potential elimination; to appoint the CAO as the final arbiter; to direct the CAO to look at the use of the discretionary revenue as may be required in the 09/10 budget; and direct the CAO to give notice to the fire districts of the potential for future termination of financial support.

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

CONSENT CALENDAR

1. [08-1670](#)

Approval of Board of Supervisors Conformed Agendas (Minutes) of the Special Meeting of Monday, October 27, 2008 and the Regular Meeting of Tuesday, October 28, 2008.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

2. [08-1652](#) Approval of Board of Supervisors Conformed Agenda (Minutes) of the Regular Meeting of Tuesday, October 21, 2008. (Cont'd 10/28/08, Item 1)
RECOMMENDED ACTION: Approve.
This matter was Approved on the consent calendar
3. [08-1594](#) Transportation Department recommending Chairman be authorized to sign Amendment I to Agreement VET-06-0103A (06-1153) with the Sacramento Metropolitan Air Quality Management District extending the term through December 31, 2013 for the Heavy-Duty Low Emission Vehicle Incentive Program.
RECOMMENDED ACTION: Approve.
FUNDING: None required.
This matter was Approved on the consent calendar
4. [08-1167](#) Transportation Department recommending Chairman be authorized to sign the Assignment and Amendment of Airport Land Use Lease 760-L0811 between Robert McClurg dba, Mac Investments and Steven C. Lesak for the Hangar Space TP-20 at the Placerville Airport.
RECOMMENDED ACTION: Approve.
FUNDING: Placerville Airport Enterprise Fund - Fee Revenue.
This matter was Approved on the consent calendar
5. [08-1170](#) Transportation Department recommending Chairman be authorized to sign the Assignment and Amendment of Airport Land Use Lease 376-L0711 between William Wilson and Tom Halsey for Hangar Space H-34 at the Placerville Airport.
RECOMMENDED ACTION: Approve.
FUNDING: Placerville Airport Enterprise Fund - Fee Revenue.
This matter was Approved on the consent calendar
6. [08-1169](#) Transportation Department recommending Chairman be authorized to sign the Assignment and Amendment of Airport Land Use Lease 873-L0811 between Jerry Baugh and William L. Wilson for the Hangar Space H-35 at the Placerville Airport.
RECOMMENDED ACTION: Approve.
FUNDING: Placerville Airport Enterprise Fund - Fee Revenue
This matter was Approved on the consent calendar

7. [08-1390](#) Transportation Department recommending Chairman be authorized to sign Notice of Completion with Doug Veerkamp General Engineering, Inc. for the Marshall Road Roadway Improvements Project (JN 73357).
RECOMMENDED ACTION: Approve.
- FUNDING:** This project was funded with Federal Highway Safety Improvement Program/High Risk Rural Roads, Proposition 1B, and Regional Surface Transportation Program (RSTP) funds. The requested Board action has no associated fiscal impact.
- This matter was Approved on the consent calendar**
8. [08-1449](#) Transportation Department recommending Chairman be authorized to sign Traffic Signal Appurtenances Easement Agreement and Certificate of Acceptance with Arrowest Properties, Inc. (Grantor) and Montano Ventures, I, LLC, (Lessee), for a portion of APN 118-010-12 for White Rock Road and Post Street Signalization Project 73310.
RECOMMENDED ACTION: Approve.
- FUNDING:** 2004 General Plan Traffic Impact Mitigation (TIM) Fee Program.
- This matter was Approved on the consent calendar.**
9. [08-1214](#) Transportation Department recommending adoption of Resolution **236-2008** accepting the Irrevocable Offer of Dedication from M. H. Mohanna, for road right of way, including the underlying fee, along with landscape and public service easements, located on the property identified as APN 119-080-15-100 in El Dorado Hills, necessary to accommodate construction of Bass Lake Road Reconstruction Project 66109. (Cont'd 8/19/08, Item 10)
RECOMMENDED ACTION: Continue to December 16, 2008 Board meeting.
- This matter was continued to December 16, 2008 upon adoption of the Agenda.**
10. [08-1209](#) Transportation Department recommending adoption of Resolution **235-2008** accepting the Irrevocable Offer of Dedication from M. H. Mohanna, for road right of way, including the underlying fee, along with landscape and public service easements, located on the property identified as APN 119-080-16-100 in El Dorado Hills, necessary to accommodate construction of Bass Lake Road Reconstruction Project 66109. (Cont'd 8/19/08, Item 9)
RECOMMENDED ACTION: Continue item to December 16, 2008 Board meeting.
- This matter was continued to December 16, 2008 upon adoption of the Agenda.**

- 11. [08-1622](#) Sheriff's Department recommending Chairman be authorized to sign retroactive Amendment 4 to Agreement 703-S0311 with The Regents of the University of California at Davis, extending the term one (1) additional year through September 30, 2009, for the provision of evidentiary examination services for said Department.
RECOMMENDED ACTION: Approve.

FUNDING: General Fund.

This matter was Approved on the consent calendar

- 12. [08-1597](#) Human Resources Department recommending Chairman be authorized to sign Amendment II to Agreement for Services 251-S0711 with Renne, Sloan, Holtzman & Sakai, LLP increasing compensation amount by \$25,000 to an amount not to exceed \$60,000 and extending the term through November 6, 2009 to provide professional legal services on an "as needed" basis in support of the county in matters involving the California Public Employment Relations Board (PERB). (4/5 vote required)
RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

- 13. [08-1627](#) Human Resources Department, Risk Management Division, advising the Board of Long Term Disability (LTD) vendor Jefferson Pilot's merger with Lincoln Financial Group.
RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

END CONSENT CALENDAR

DEPARTMENT MATTERS

14. [08-1624](#) Human Services Department presenting information regarding potential budget shortfalls and recommending the Board:
- (1) Adopt a Resolution **296-2008** authorizing the Senior Day Care Program to return to fewer hours of program operation and implement a new fee structure reflecting increased fees effective January 1, 2009 with provisions for care-related surcharges and the option for further biannual fee increases as needed and as approved by the Director of Human Services; and
 - (2) Adopt Resolution **297-2008** amending the Department's authorized Personnel Allocation, deleting 1.0 Seniors' Daycare Program Supervisor, 1.0 Senior Activity Coordinator and 2.81 Program Aides; and
 - (3) Delay opening the second site at the El Dorado Hills facility until said opening is determined to be fiscally feasible; and
 - (4) Approve budget transfer within Fund 11-107 Community Services Special Revenue Fund for Senior Day Care and Alzheimer's Day Care Resource Center (ADCRC) decreasing revenues and appropriations by \$301,040. (4/5 vote required) (Cont'd 10/27/08, Item 2)

FUNDING: Program is primarily funded from fees for service, State ADCRC and Medi-Cal Administration Activities (MAA), donations and occasional grants.

A motion was made by Supervisor Santiago, seconded by Supervisor Baumann, to 1) Adopt resolution 296-2008 as amended; 2) Adopt resolution 297-2008 as amended deleting the position of Health Program Manager instead of the Seniors' Daycare Program Supervisor; 3) Delay opening of the El Dorado Hills facility; and 4) Approve the amended budget transfer decreasing revenues and appropriations by \$309,040.

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

15. [08-1388](#) Transportation Department recommending the following pertaining to the US 50 HOV Lanes, Phase 1 - El Dorado Hills to Bass Lake Grade Project (JN 53110):
1. Award the Construction Contract to the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for October 30, 2008;
 2. Authorize the Chairman 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;
 4. Authorize the Director of Transportation to execute Contract Change Orders with an individual value up to \$150,000, provided the cumulative total of all Contract Change Orders is within the contingency budget established for the Project;
 5. Authorize the Chairman to sign Contract Change Orders in the total amount of \$2,689,000 for the County's share of certain supplemental Items of Work; and,
 6. Authorize the Director of Transportation to sign the Dispute Review Board Agreement with the Contractor, the County, and the Dispute Review Board Members for the purpose of assisting in the resolution of disputes and/or potential claims. (4/5 vote required)

FUNDING: Funding will be from the Corridor Mobility Improvement Account; Congestion Mitigation and Air Quality Program; Regional Surface Transportation Program; and, Traffic Impact Mitigation Fee Programs.

A motion was made by Supervisor Briggs, seconded by Supervisor Baumann, to close the protest period on Monday, November 10, 2008 at 5:00 p.m. and continue this matter to November 18, 2008.

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

16. [08-1623](#) Transportation Department presenting budget information and reorganization options and asking the Board for direction related to implementation of department changes. (Cont'd 10/27/08, Item 1)

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to approve this matter as follows: 1) approve realignment of Engineering functions; 2) delay consideration of Chief Engineer position; 3) eliminate Division of Administration: a) delete Deputy Director of Administration, b) delete Administrative Services Officer, and c) add Senior Department Analyst; 4) eliminate 6 vacant positions; and 5) target a 30% decrease in indirect cost rate.

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

17. [08-1664](#) Chief Administrative Office recommending adoption of Resolution **299-2008** making payment elections under the Secure Rural Schools and Community Self-Determination Act of 2000, as amended.
- A motion was made by Supervisor Briggs, seconded by Supervisor Santiago, to adopt resolution 299-2008.**
- Yes:** 5 - Dupray, Baumann, Sweeney, Briggs and Santiago
18. [08-1476](#) Chief Administrative Office and Information Technology Department recommending the Board of Supervisors adopt a website policy. (Cont'd 10/28/08, Item 23)
- This matter was continued to December 9, 2008 upon adoption of the Agenda.**
- Yes:** 5 - Dupray, Baumann, Sweeney, Briggs and Santiago
19. [08-1617](#) Chief Administrative Office recommending the Board receive and file the notice of intent to provide two years of additional service credit benefits to specified classifications; and provide public notice in accordance with Public Employees Retirement System (PERS) requirements. (Cont'd 10/28/08, Item 36)
- A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to approve this matter.**
- Yes:** 3 - Dupray, Sweeney and Santiago
- Noes:** 2 - Baumann and Briggs
20. [08-1628](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board award Bid 09-863-038 for the purchase of West Slope Truck Tires and related services to the low qualified bidder, Brannon Tire of Stockton, California, noting that a letter of protest has been received; authorize the Purchasing Agent to issue a blanket purchase order in the amount of \$55,000 for a twelve month term following Board approval; and authorize the Purchasing Agent to increase the blanket purchase order on an "as needed" basis during the awarded period as long as funding is available within the requesting Department's budget.
- FUNDING:** Department of Transportation Road Fund.
- A motion was made by Supervisor Briggs, seconded by Supervisor Baumann, to approve this matter.**
- Yes:** 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

10:00 A.M. - TIME ALLOCATION

- 21. [08-1665](#) Presentation by Alissa Nourse, Executive Director, of the Tahoe Youth and Family Services on Mental Health Wraparound Services at South Lake Tahoe.

No formal action required.

2:00 P.M. - TIME ALLOCATION

- 22. [08-1612](#) Hearing to reconsider Design Review DR00-0011, following an appeal, on property consisting of 0.64 acres (APN 090-430-42) for a proposed 2,976 square foot Circle K mini-mart; and 76 gas station, with 6 fuel stations, for a total of 12 fueling positions, under a 4,000 square foot canopy, in the Shingle Springs area. Applicant: ConocoPhillips. District II (Environmental Impact Report prepared)

A motion was made by Supervisor Baumann, seconded by Supervisor Briggs, to refer this matter to the Planning Commission.

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

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

- 23. [08-1667](#) Pursuant to Government Code Section 54957.6, **Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources.
Employee Organization: El Dorado County Criminal Attorney Association.
No action reported.
- 24. [08-1666](#) Pursuant to Government Code Section 54956.9(b), **Anticipated Litigation:**
Title: Settlement with El Dorado County Employee's Association Local No. 1 representing Employees in the General, Professional and Supervisory Bargaining Units.
No action reported.
- 25. [08-1668](#) Pursuant to Government Code Section 54956.9(b), **Anticipated Litigation:**
Significant exposure to litigation. Title: Discussion of Rare Plant Issues.
No action reported.
- 26. [08-1626](#) Pursuant to Government Code Section 54957: **Public Employee Appointment:**
Title: Director of Health Services (Interviews to fill the position).
By unanimous vote of the Board, Neda West was appointed to the position of Director of Health Services at step 3 of the salary range effective November 22, 2008 subject to a contract returning on November 18, 2008 providing for one year bump back rights.

ADDENDUM

DEPARTMENT MATTERS:

- 27. [08-1680](#) Supervisor Dupray recommending the Board direct the Chief Administrative Officer and the Acting Health Services Director to bring a written report to the Board on November 18, 2008 listing the specific steps that have been taken to reverse the adverse cash flow in the Mental Health Special Revenue Fund.

No formal action taken.

CLOSED SESSION:

- 28. [08-1688](#) Pursuant to Government Code Section 54957.6: **Conference with Labor Negotiator.**
County Negotiator: Chief Administrative Officer.
Unrepresented Employee: Health Services Director.

No action reported.

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