



County of El Dorado

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Minutes - Final Board of Supervisors

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

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

Tuesday, February 6, 2007

8:00 AM

Board of Supervisors Meeting Room

The Vision Statement adopted by the Board of Supervisors on November 7, 2006, states "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."

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.

For Purposes of the Brown Act (Government Code Section 54954.2 (a)), the numbered items on this Agenda give a brief general description of each item of business to be transacted or discussed. The recommendations of the staff, as shown, do not prevent the Board of Supervisors from taking other action.

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE

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. To ensure timely delivery, written information from the public must be received by the Board Clerk by Monday prior to the meeting. The Board Clerk cannot guarantee that any FAX or mail received the day of the meeting will be delivered to the Board prior to action on the subject matter.

8:00 A.M. - CALL TO ORDER AND CLOSED SESSIONS

Present: 2 - Supervisor Briggs and Supervisor Santiago

Absent: 1 - Supervisor Sweeney

9:00 A.M. - 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 Dupray, seconded by Supervisor Briggs to adopt the Agenda and approve the Consent Calendar with the following exceptions: Items 7, 8, 9 and 10 pulled for separate action; and Item 24 added to the Consent Calendar and approved.

Yes: 4 - Dupray, Baumann, Briggs and Santiago

Absent: 1 - Sweeney

PRESENTATION

1. [07-214](#) **PRESENTATION** by the El Dorado County Chamber of Commerce Junior Ambassadors on the Battle of the Bands Fundraiser to be held Saturday, March 17, 2007, from 7:00 p.m. to 11:00 p.m. at the El Dorado County Fairgrounds.

No action required.

OPEN FORUM**CONSENT CALENDAR**

2. [07-196](#) Approval of the Board of Supervisors Conformed Agendas (Minutes) of the Special Meeting of Monday, January 29, 2007 and the Regular Meeting of Tuesday, January 30, 2007.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

3. [07-187](#) Mental Health Department recommending Chairman be authorized to sign Amendment 2 to Agreement 113-S0610 with Maxim Healthcare Services, Inc. increasing compensation by \$65,000 to \$100,000 for the term April 11, 2006 through April 30, 2007 to provide personnel to supplement the psychiatric facility on an "as-requested" basis for said Department.

RECOMMENDED ACTION: Approve.

FUNDING: Managed Care Funding and Realignment.

This matter was Approved on the consent calendar

4. [07-188](#) Human Services Department, Community Services Division, recommending Resolution authorizing the Chairman to sign retroactive Agreement 07B-5408 with the California Department of Community Services and Development (CSD) in the amount of \$563,418 for the term January 1, 2007 through December 31, 2007 for the provision of Low-Income Home Energy Assistance Program (LIHEAP) services to eligible residents of El Dorado and Alpine Counties; and authorizing the Director of Human Services to execute all documents relating to said Agreement, including amendments thereto that do not affect the maximum dollar amount or the term and any subsequent required fiscal and programmatic reports and any and all responsibilities relating to said Agreement, upon approval by County Counsel and Risk Management.
RECOMMENDED ACTION: Adopt Resolution **014-2007**.

FUNDING: Federal Grant Funds.

This matter was Approved on the consent calendar

5. [07-222](#) General Services Department recommending Chairman be authorized to sign Lease Agreement 567-L0711 with Ross Groelz in the amount of \$6,370 per month commencing February 7, 2007 for office space located at 924 Emerald Bay Road, South Lake Tahoe, due to an emergency situation at the current Silver Dollar property requiring relocation of the Department of Human Services.
RECOMMENDED ACTION: Approve.

FUNDING: State and Federal Funds.

This matter was Approved on the consent calendar

6. [07-223](#) El Dorado County Fair Board of Directors hosting a luncheon and presentation with the Board of Supervisors to be held Tuesday, February 13, 2007 at noon at the El Dorado County Fairgrounds.
RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

- 7. [06-1997](#) Transportation Department recommending Resolution calling for a mailed ballot election to be set for May 8, 2007 for the establishment of a special tax to provide road improvement and maintenance services for Sundance Trail Zone of Benefit 98109 within County Service Area 9.

RECOMMENDED ACTION: Adopt Resolution **018-2007**.

FUNDING: County Service Area 9.

A motion was made by Supervisor Santiago, seconded by Supervisor Dupray to adopt Resolution 018-2007.

Yes: 4 - Dupray, Baumann, Briggs and Santiago

Absent: 1 - Sweeney

- 8. [07-007](#) Transportation Department recommending Resolution calling for a mailed ballot election to be set for May 8, 2007 for the establishment of a special tax to provide road improvement and maintenance services for Dolly Varden Lane Zone of Benefit 98126 within County Service Area 9.

RECOMMENDED ACTION: Adopt Resolution **019-2007**.

FUNDING: County Service Area 9.

A motion was made by Supervisor Santiago, seconded by Supervisor Dupray to adopt Resolution 019-2007.

Yes: 4 - Dupray, Baumann, Briggs and Santiago

Absent: 1 - Sweeney

- 9. [06-2004](#) Transportation Department recommending Resolution calling for a mailed ballot election to be set for May 8, 2007 for the establishment of a special tax to provide road maintenance and improvement services for the Maverick Road Zone of Benefit 98188 within County Service Area 9.

RECOMMENDED ACTION: Adopt Resolution **020-2007**.

FUNDING: County Service Area 9.

A motion was made by Supervisor Santiago, seconded by Supervisor Dupray to adopt Resolution 020-2007.

Yes: 4 - Dupray, Baumann, Briggs and Santiago

Absent: 1 - Sweeney

10. [06-2002](#) Transportation Department recommending Resolution calling for a mailed ballot election to be set for May 8, 2007 for the establishment of a special tax to provide road maintenance and improvement services and drainage facility maintenance services for Many Oaks Lane Zone of Benefit 98132 within County Service Area 9.
RECOMMENDED ACTION: Adopt Resolution **021-2007**.

FUNDING: County Service Area 9.

A motion was made by Supervisor Santiago, seconded by Supervisor Dupray to adopt Resolution 021-2007.

Yes: 4 - Dupray, Baumann, Briggs and Santiago

Absent: 1 - Sweeney

11. [06-2008](#) Transportation Department recommending Resolution summarily vacating (AOE 2006-25) public utilities and drainage easements located along the rear and side boundary lines of APN 123-200-05 in Village H, Lot 154, Unit No. 6B in El Dorado Hills, requested by John Propst and Debra Coleman to accommodate construction of improvements on subject lot.
RECOMMENDED ACTION: Adopt Resolution **023-2007**.

This matter was Approved on the consent calendar

12. [06-2009](#) Transportation Department recommending Resolution summarily vacating (AOE 2006-24) public utilities and drainage easements located along the rear and side boundary lines of APN 123-200-03 in Village H, Unit No. 6B, Lot 152 in El Dorado Hills, requested by Akbar Shakernia to accommodate construction improvements on subject lot.
RECOMMENDED ACTION: Adopt Resolution **024-2007**.

This matter was Adopted on the consent calendar

13. [06-2005](#) Transportation Department recommending Resolution summarily vacating public utilities and drainage easements located along the rear and side boundary lines of APN 123-200-12 in Village H, Unit No. 6B, Lot 161, in El Dorado Hills, requested by Debra Coleman to accommodate construction of improvements on subject lot.
RECOMMENDED ACTION: Adopt Resolution **025-2007**.

This matter was Adopted on the consent calendar

14. [07-138](#)

Transportation Department recommending the Board:

- 1) Approve and authorize the Chairman to sign the Agreement for Possession and Use for Assessor's Parcel Number 327-130-35, owned by Real Estate Holdings, II, LLC, A Delaware Limited Liability Company, and Jack in the Box Inc., a Delaware Corporation.
- 2) Approve and authorize the Chairman to sign the Agreement For Grant of Temporary Construction Easement and Relocation of Signage, with Jack in the Box Inc., a Delaware Corporation.
- 3) Approve the Temporary Construction Easement from Jack in the Box Inc. a Delaware Corporation, and authorize the Chairman to sign the Certificate of Acceptance for the temporary easement.
- 4) Authorize the Director of Transportation or designee to execute Escrow Instructions and any other related escrow documents pertaining to these transactions, including the deposit of funds into escrow for initial disbursements that owner and tenant are entitled to per said Agreements, and payment for any associated title and escrow fees related to this initial disbursement.

RECOMMENDED ACTION: Approve.

FUNDING: 2004 General Plan Traffic Impact Mitigation Fee Program (TIM) funds.

This matter was Approved on the consent calendar, with clarification that approval is subject to receipt of all fully executed documents and subject to minor modification, if necessary, as approved by County Counsel.

15. [07-185](#)

Transportation Department recommending the Board:

1) Approve the Roadway Construction Easement Agreement and Exhibits "A" through "I" attached thereto, for Assessor's Parcel Numbers (APN) 327-130-35, owned by Real Estate Holdings, II, LLC, A Delaware Limited Liability Company; APN 327-130-54, 55, 56, 60, 62, 77 and 78, owned by DS Placerville, LLC, a California Limited Liability Company and Donahue Schriber Asset Management Coporation, a Delaware Corporation; and APN 327-130-76, owned by Safeway Inc., a Delaware corporation.

2) Approve the Temporary Construction Easements (TCE) with a) Safeway Inc., A Delaware Corporation, b) DS Placerville, LLC, a California Limited Liability Company and Donahue Schriber Asset Management Corporation, a Delaware Corporation, and c) Safeway Inc., A Delaware Corporation, together with DS Placerville, a California Limited Liability Company and Donahue Schriber Asset Management Corporation, a Delaware Corporation.

3) Authorize the Chairman to sign the Roadway Construction Easement Agreement with Exhibits "A" through "I" attached thereto, and the Certificates of Acceptance for the Temporary Construction Easements, referenced above.

4) Authorize the Director of Transportation or designee to execute Escrow Instructions and any other related escrow documents pertaining to these transactions, including the payment of title and escrow fees.

RECOMMENDED ACTION: Approve.

FUNDING: 2004 General Plan Traffic Impact Mitigation Fee Program (TIM) funds.

This matter was Approved on the consent calendar with clarification that approval is subject to receipt of all fully executed documents and subject to minor modification, if necessary, as approved by County Counsel.

16. [07-078](#)

Transportation Department recommending Chairman be authorized to sign Temporary Construction Easement Agreement with Jackson II, LLC and Jackson Sr., LLC and accompanying Certificate of Acceptance; and authorize the Director of said Department or designee to execute internal Escrow Instructions and any other related escrow documents pertaining to the transaction for the Latrobe Road Widening Project Phase 2, Project 66101, including the payment of title and escrow fees, if necessary.

RECOMMENDED ACTION: Approve.

FUNDING: Traffic Impact Mitigation Fees.

This matter was Approved on the consent calendar

17. [07-114](#) Transportation Department recommending the Chairman be authorized to sign Amendment 1 to Disadvantaged Business Enterprise (DBE) Race-Neutral Implementation Agreement for Local Agencies AGMT 06-1105) with California Department of Transportation (Caltrans) to amend Section V: Race-Neutral Means of Meeting the Annual DBE Goal (§26.51) of the Agreement to read identically to the Federal Code of Regulations, 49 CFR, Part 26.51.
RECOMMENDED ACTION: Approve.

FUNDING: Capital Program.

This matter was Approved on the consent calendar
18. [07-086](#) Transportation Director requesting authorization to sign Permit to Enter and Construct with Cameron Park Airport District for land described as APN 083-211-04 for the Cameron Park Drive/Oxford Road Intersection Signalization Project 72365.
RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar
19. [07-179](#) County Counsel recommending Chairman be authorized to sign Amendment 2 to Agreement for Legal Services with Erickson, Beasley, Hewitt & Wilson, LLP amending the name of the Law Firm to Erickson, Beasley & Hewitt, LLP, effective October 11, 2006.
RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar
20. [06-1588](#) Sheriff's Office and General Services Department recommending the following pertaining to the emergency replacement of security system at the South Lake Tahoe Jail:
(1) Find that a state of emergency exists at the South Lake Tahoe Jail as a result of the failure of the closed circuit television and intercom communication systems;
(2) Find that in accordance with County Ordinance Code 3.14.060, the County may dispense with competitive bidding requirements to immediately secure assistance from an outside vendor to perform the necessary emergency work; and
(3) Authorize Purchasing Agent to issue a purchase order not-to-exceed \$175,000 for the "like" replacement of equipment and installation. (4/5 vote required) (Continued 1-30-2007, Item 28)
RECOMMENDED ACTION: Approve and continue for status review.

FUNDING: Accumulated Capital Outlay Fund and Criminal Justice Special Revenue Fund.

This matter was Approved on the consent calendar

21. [07-109](#) Chief Administrative Office, Procurement and Contracts Division, recommending award of Bid 07-645-074 to the low qualified bidder, Office Depot of Fremont, CA in the amount of \$246,642 for the purchase of various types of white bond paper and authorize blanket purchase order for a twenty-four (24) month period; and authorize an increase to same on an "as-needed" basis during the awarded period if funding is available within the requesting department's budget.

RECOMMENDED ACTION: Approve.

FUNDING: General Fund.

This matter was Approved on the consent calendar

22. [07-111](#) Chief Administrative Office, Procurement and Contracts Division, submitting a list of property for donation to the Department of Child Support Services for one (1) Tab filing system in accordance with the County's Ordinance Code Section 3.12.220; and authorize the Purchasing Agent to execute the required surplus property donation agreement with El Dorado County Superior Court.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

23. [07-213](#) Supervisor Baumann, on behalf of the Cameron Estates Community Services District, recommending Dana Murphy be appointed to serve as a Trustee on the Cameron Estates Community Services District for a term to expire December 2008, to fill a vacancy left by the resignation of Mark A. Miller in November 2006.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

END CONSENT CALENDAR

NOTICED HEARING/DEPARTMENT MATTERS

24. [07-195](#) Human Services Department, Social Services Division, recommending Chairman be authorized to sign retroactive Amendment 2 to Agreement 337-S0511 with Family Connections El Dorado, Inc. extending the term through January 31, 2008, adjusting compensation language to reflect the three year term and adding non-discrimination language for provision of therapy on an "as-requested" basis for clients of said Department.

FUNDING: Federal, State and County General Fund.

This matter was added to the Consent Calendar and approved.

25. [07-025](#) Information Technologies recommending Chairman be authorized to sign retroactive Amendment 3 to Agreement 048-S0311 with Xerox Corporation increasing compensation by \$12,230 to \$62,230 and extending the term through December 31, 2007 to provide equipment maintenance and supporting software license and support for said Department.

FUNDING: General Fund.

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

Yes: 4 - Dupray, Baumann, Briggs and Santiago

Absent: 1 - Sweeney

BOARD OF SUPERVISORS CONVENED AS THE AIR QUALITY MANAGEMENT DISTRICT BOARD TO CONSIDER THE FOLLOWING:

26. [06-1915](#) Hearing to consider adoption of Resolution **016-2007** approving the 2006 Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Revisions and Update Analysis Staff Report as required by Sections 182(b)(2) and 182(f) of the Federal Clean Air Act. (Refer 12/5/06, Item 73)

Hearing no protests, a motion was made by Supervisor Santiago, seconded by Supervisor Briggs to adopt Resolution 016-2007.

Yes: 4 - Dupray, Baumann, Briggs and Santiago

Absent: 1 - Sweeney

27. [07-192](#) Chairman be authorized to sign Budget Transfer 27130 for appropriation of penalty revenue in the amount of \$150,000 received for settlement claims relating to air quality violations during construction activities undertaken at the West Valley View development project; and Auditor-Controller be authorized to establish a subfund in the Air Quality Management District fund for the Particulate Matter Program, noting the Air Pollution Control Officer will return to the Board at a later date to provide details on the Particulate Matter Reduction Program. (4/5 vote required)

A motion was made by Supervisor Dupray, seconded by Supervisor Briggs to modify the Budget Transfer to allow funding for a summer intern and the Naturally Occurring Asbestos (NOA) Program with the remaining \$80,000 to be deposited into contingency for future use for the Particulate Matter (PM) Reduction Program; and staff directed to return to the Board on May 8, 2007 with details relating to the PM Reduction Program as discussed this date.

Yes: 4 - Dupray, Baumann, Briggs and Santiago

Absent: 1 - Sweeney

AIR QUALITY MANAGEMENT DISTRICT BOARD ADJOURNED

2:00 P.M. - TIME ALLOCATION

- 28. [07-149](#) Hearing to consider an appeal of the approval of Tentative Parcel Map P99-0003 proposing to create two parcels ranging in size from 3.03 to 4.0 acres on a 7.03 acre site, identified as APN 078-230-39 located on the west side of Silver Ridge Court, approximately 1,000 feet north of the intersection with Silver Ridge Lane, in the Pleasant Valley area (Supervisory District II). Applicant: Garrett Wilkin; Appellants: Jerry and Julie Reffner and Steve and Pam Fortune.

After hearing testimony, a motion was made by Supervisor Baumann, seconded by Supervisor Santiago to continue the hearing to February 27, 2007 with direction to staff to provide clarification to those issues discussed this date.

Yes: 4 - Dupray, Baumann, Briggs and Santiago

Absent: 1 - Sweeney

- 29. [07-178](#) Hearing to consider an appeal of the approval of a revision to Special Use Permit S98-0017R which would allow the expansion of an existing helicopter parts manufacturing facility by 38,850 square feet and relocation of the existing helipad to the eastern edge of property identified as APN 117-081-01, located on the south side of Sandstone Drive, approximately 1,000 feet west of the Golden Foothills Parkway, adjacent to the Four Seasons senior residential development in the El Dorado Hills area (Supervisory District II). Applicant: Aerometals/ Rex Kamphefner; Appellants: William and Linda McCormick.

After hearing testimony, a motion was made by Supervisor Dupray, seconded by Supervisor Baumann to deny the Appeal, thereby upholding the action of the Planning Commission to conditionally approve Special Use Permit S98-0017R.

Yes: 4 - Dupray, Baumann, Briggs and Santiago

Absent: 1 - Sweeney

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

30. [07-197](#) 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).
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.

Notice of any Agenda ADDENDA will be recorded on the "AGENDA HOTLINE" (530) 621-6622 no later than 8:00 A.M. on Saturday preceding the Tuesday meeting.

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 4:00 P.M.

South Lake Tahoe - Charter Cable 21, Daily - Time varies