



County of El Dorado

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

Minutes - Final Board of Supervisors

Shiva Frentzen, Chair, District II
Michael Ranalli, Vice-Chair, District IV
Sue Novasel, Second Vice-Chair, District V
John Hidahl, District I
Brian K. Veerkamp, District III

James S. Mitrisin, Clerk of the Board of Supervisors
Don Ashton, Chief Administrative Officer
Michael J. Ciccozzi, County Counsel

Tuesday, January 10, 2017

9:00 AM

Building C Hearing Room
2850 Fairlane Court
Placerville, CA

ADDENDUM

There have been changes made to the text in Items 2, 5 and 22.

Item 2 is hereby moved from the Consent Calendar to Department Matters.

Item 31 is hereby added to the 10:00 A.M. - TIME ALLOCATION.

Vision Statement

**Safe, healthy and vibrant communities, respecting our natural resources
and historical heritage**

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Public comment will be received on each agenda item listed under Department Matters or Time Allocation as called by the Chair. Where applicable, the principal party on each side of an issue 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. The Board reserves the right to waive said rules by a majority vote.

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 and the total amount of time reserved for Open Forum may be limited. Public comment on items scheduled for Closed Session will be received before the Board recesses to Closed Session.

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 Building A, 330 Fair Lane, Placerville (Temporary Building #2) or in the Board Clerk's Office located at the same address. Such documents are also available on the Board of Supervisors' Meeting Agenda webpage 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.

9:00 A.M. - CALLED TO ORDER

Present: 5 - Supervisor Veerkamp, Supervisor Frentzen, Supervisor Ranalli, Supervisor Novasel and Supervisor Hidahl

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

**Pastor Craig Klatt of the Camino Adventist Church gave the Invocation.
Supervisor Veerkamp led the Pledge of Allegiance to the Flag.**

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

B. Lower, Transportation Division Director, gave an update on the condition of the roads.

A motion was made by Supervisor Ranalli, seconded by Supervisor Veerkamp to Adopt the Agenda and Approve the Consent Calendar with the following changes:

Pull item 9 for discussion.

Add item 32 to the Agenda under California Government Code Section 54954.2(b)(1) and 54954.2(b)(2) which means an emergency exists as defined by California Government Code Section 54956.5 and 54954.2(b)(2). The need to add the item arose after the posting of the Agenda and also that it is an emergency. Item 32 will declare a county-wide State of Emergency based on the Findings that an immediate need to take action came after the posting of the Agenda and an emergency exists. (4/5 vote required to add the item to the Agenda)

Yes: 5 - Veerkamp, Frentzen, Ranalli, Novasel and Hidahl

The Board may make any necessary additions, deletions or corrections to the agenda including moving items to or from the Consent Calendar and adopt the agenda and the Consent Calendar with one single vote. A Board member may request an item be removed from the Consent Calendar for discussion and separate Board action. At the appropriate time as called by the Board Chair, members of the public may make a comment on matters on the Consent Calendar prior to Board action.

OPEN FORUM

Open Forum is an opportunity for members of the public to address the Board of Supervisors on subject matter that is not on their meeting agenda and within their jurisdiction. Public comments during Open Forum are limited to three minutes per person. The Board reserves the right to impose a reasonable limit of time afforded to any topic, individual speaker or the total amount of time reserved for Open Forum.

CONSENT CALENDAR

- 1. **17-0041** Clerk of the Board recommending the Board approve the Minutes from the regular meeting of January 3, 2017.

This matter was Approved on the Consent Calendar.

GENERAL GOVERNMENT - CONSENT ITEMS

- 2. **17-0017**

Chief Administrative Office, Facilities Division, recommending the Board:

- 1) Make findings in accordance with Ordinance 3.13.030 that it is more economical and feasible to contract out for legal services due to the need for additional resources to perform the necessary legal work within the timeframes and schedules ~~in which to perform the work and the ability to satisfy these timeframes and schedules of the project~~; and
- 2) Authorize the Purchasing Agent to sign the attached agreement for legal services for assistance with the drafting of the Request for Qualifications, Request for Proposal and Services Agreement for the design-build contractor for the Public Safety Facility. (Cont. 1/3/17, Item 31)

FUNDING: Public Safety Facility budget, ACO Fund.

This item was moved from the Consent Calendar to Department Matters. A motion was made by Supervisor Veerkamp, seconded by Supervisor Ranalli to Approve this matter.

Yes: 5 - Veerkamp, Frentzen, Ranalli, Novasel and Hidahl

- 3. **17-0054** Chief Administrative Office recommending the Board authorize staff to take the necessary steps, including working with local State Assembly members, to request amendments to Government Code Section 66906.1, et seq. which sets the membership of the California Tahoe Conservancy and states one member will be appointed by the El Dorado County Board of Supervisors, one by the Placer County Board of Supervisors and one by the South Lake Tahoe City Council.

This matter was Approved on the Consent Calendar.

4. 16-1014 Chief Administrative Office is recommending the Board consider the following:
- 1) Accept a grant from the State of California, Department of Forestry and Fire Protection (CAL FIRE), which provides approximately \$200,000 to remove dead and dying trees that threaten the homes of senior citizens with limited incomes, with a performance period through March 15, 2019;
 - 2) Authorize the Chair to sign the terms and conditions of the grant agreement; and
 - 3) Authorize the Chief Administrative Officer, or designee, to execute further documents relating to the State of California, Department of Forestry and Fire Protection (CAL FIRE) grant, which do not include amendments to the grant that would change the dollar amount or term, and contingent upon approval by County Counsel and Risk Management.

FUNDING: State (81%) and General Fund (19%).

This matter was Approved on the Consent Calendar.

5. 17-0002 Clerk of the Board recommending the Board make the following **District specific** appointments to various Boards, Commissions or Committees for the terms stated. (Refer: 1/3/17, Item 6)
- District I**
- Cemetery Advisory Committee: Appoint Melinda Peak, District Nominee, Term Expiration 1/1/2019
- Community and Economic Development Advisory Committee: Appoint Larry Brilliant, Member, Term Expiration 1/1/2019
- Library Commission: Appoint Ruth Self, Member, Term Expiration 1/1/2021
- Planning Commission: Appoint Jeff Haberman, Member, Term Expiration 1/1/2021
- Veterans Affairs Commission: Appoint Michaeleen Mason, Alternate, Term Expiration 1/1/2021
- Fair Association Board of Directors: Reappoint Christopher Whitaker, Member, Term Expiration 1/1/2021
- Fish and Game Committee: Reappoint Dennis F. Bryne, Member, Term Expiration 1/1/2021
- Local Disaster Council: Reappoint Dion Nugent, Member, Term Expiration 1/1/2021 (reorganizing in early 2017 - appointment will roll over)
- Parks and Recreation Commission: Reappoint Josh Morgan, Member, Term Expiration 1/1/2021
- Veterans Affairs Commission: Reappoint Todd R. Smith, Member, Term Expiration 1/1/2021

This matter was Approved on the Consent Calendar.

6. **16-1263** Information Technologies recommending the Board consider the following:
1) Approve a Purchase Order to Softerra, Inc. in the amount of \$11,653.20 for the purchase of Adaxes software license (perpetual) that will provide network access management functionality, and associated software maintenance for an initial one year period; and
2) Authorize the Purchasing Agent to sign a purchase order for same.

FUNDING: General Fund.

This matter was Approved on the Consent Calendar.

7. **17-0032** Supervisor Frentzen recommending the Board approve and authorize the Chair to sign a Proclamation in recognition of the 30th Anniversary of Lend A Heart (LAH) Animal Assisted Therapy, Inc. LAH is an all-volunteer organization providing animal-assisted therapy services throughout the Greater Sacramento area.

This matter was Approved on the Consent Calendar.

8. **17-0033** Supervisor Frentzen recommending the Board approve and authorize the Chair to sign a Proclamation recognizing January 22-28, 2017 as School Choice Week in El Dorado County. El Dorado County will join dozens of city and county leaders across the country in officially acknowledging School Choice Week to simply raise awareness of the K-12 education options.

This matter was Approved on the Consent Calendar.

9. **17-0049** Supervisor Frentzen recommending the Board approve and authorize the Chair to sign Resolution **007-2017** to change the scheduled start time of regular Board meetings from 8:00 a.m. to 9:00 a.m.

Public Comment: J. Copeland

A motion was made by Supervisor Novasel, seconded by Supervisor Veerkamp to Adopt Resolution 007-2017.

Yes: 5 - Veerkamp, Frentzen, Ranalli, Novasel and Hidahl

10. **16-0305** Supervisor Ranalli recommending the Board find that a state of emergency continues to exist in El Dorado County as a result of unprecedented tree mortality due to drought conditions and related bark beetle infestations. (Cont. 1/3/17, Item 11)

This matter was Approved on the Consent Calendar.

HEALTH AND HUMAN SERVICES - CONSENT ITEMS

- 11. 11-0758** Health and Human Services Agency recommending the Board receive and file the California Tahoe Emergency Services Operations Authority’s Financial Audit Reports for Fiscal Year 2013/14 and for Fiscal Year 2014/15.

FUNDING: Fee-for-service and local tax revenue to County Service Area 3.

This matter was Approved on the Consent Calendar.

- 12. 15-0580** Health and Human Services Agency, Community Services Division, recommending the Board accept a grant award in the amount of \$400 from the Marshall Foundation for Community Health for costs related to hosting a community Alzheimer’s education program to be held in El Dorado Hills on February 11, 2017.

FUNDING: Grant from Marshall Foundation for Community Health.

This matter was Approved on the Consent Calendar.

- 13. 16-1271** Health and Human Services Agency, Social Services Division, recommending the Board:
- 1) Approve and authorize the Chair to sign Agreement for Services 299-S1711 with Donelle Anderson, for the provision of therapeutic counseling and related services on an “as requested” basis, for the term January 26, 2017 through December 31, 2020, with a maximum contractual obligation of \$200,000; and
 - 2) Authorize the Purchasing Agent, or their designee to execute further documents relating to Agreement for Services 299-S1711, including amendments which do not increase the maximum dollar amount or term of the Agreement, and contingent upon approval by County Counsel and Risk Management.

FUNDING: Federal and State Funding.

This matter was Approved on the Consent Calendar.

14. 16-1277

Health and Human Services Agency, Community Services Division, recommending the Board:

- 1) Approve and authorize the Chair to sign Amendment 1 to Agreement for Services 277-S1411 with Conforti Plumbing, Inc., for the provision of plumbing services, for the term ending January 13, 2019, and increase the not-to-exceed by \$71,500 for a maximum contractual obligation of \$171,500; and
- 2) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement for Services 277-S1411, including amendments which do not increase the maximum dollar amount or term of the Agreement, and contingent upon approval by County Counsel and Risk Management.

FUNDING: Federal and State Funding.

This matter was Approved on the Consent Calendar.

15. 17-0019

Health and Human Services Agency, Social Services Division, recommending the Board:

- 1) Adopt and authorize the Chair to sign Resolution **005-2017**, which increases the Social Services Social Worker I/II/III/IV personnel allocation by 1.0 full time equivalent to oversee and facilitate the Child and Family Team program; and
- 2) Approve and authorize the Chair to sign a Budget Transfer Request increasing Child Welfare Services funding by \$82,376 State General Fund, and \$47,587 in Federal Funding; there are sufficient appropriations in Social Services Realignment contribution of \$13,232 for a total amount of \$143,195. (4/5 vote required)

FUNDING: Federal, State General Fund allocation and Social Services Realignment.

This matter was Approved and Resolution 005-2017 was Adopted upon Approval of the Consent Calendar.

16. 17-0036

Health and Human Services Agency, recommending the Board:
1) Delegate authority to the Health and Human Services Agency Director to accept grant funding from the California Emergency Medical Services Authority for the Data Quality Improvement Project grant program, if awarded. The grant is for the purchase of electronic mobile devices, in an estimated amount of up to \$62,000 with no required match obligation; and
2) Authorize the Health and Human Services Agency Director to execute the grant agreement contingent upon County Counsel approval.

FUNDING: State Funding.

This matter was Approved on the Consent Calendar.

LAND USE AND DEVELOPMENT - CONSENT ITEMS

- 17. 12-0076** Community Development Agency, Development Services Division, recommending the Board approve and authorize the Chair to sign the Second Amendment to Agreement for Services 087-S1511 with LSA Associates, Inc., for the Dixon Ranch Project (Tentative Map TM11-1505), extending the term an additional two (2) years with a new expiration date of January 23, 2019 for the purposes of preparation of an Environmental Impact Report.

FUNDING: N/A (Developer Funded Agreement).

This matter was Approved on the Consent Calendar.

- 18. 14-0588** Community Development Agency, Development Services Division, recommending the Board approve and authorize the Chair to sign the Certificate of Acceptance for the 30.54 acres of Conserved Property identified in the off-site oak mitigation Conservation Easement Agreement for The Crossings at El Dorado, formerly Sundance Plaza (Planned Development PD97-0011), that was approved by the Board on November 17, 2015. (Supervisorial District 3)

FUNDING: N/A (Developer Funded Agreement).

This matter was Approved on the Consent Calendar.

- 19. 16-0454** Community Development Agency, Transportation Division, recommending the Board consider the following:
- 1) Approve and authorize the Chair to sign the Notice of Acceptance with Doug Veerkamp General Engineering, Inc., for the Alder Drive at El Dorado Irrigation District Canal - Bridge Replacement Project, CIP 77123, Agreement 15-31110, P&C 146-C1699; and
 - 2) Authorize the Clerk of the Board to release the Payment and Performance Bonds to the Surety upon notification from the Community Development Agency, Transportation Division, after the one-year guarantee period.

FUNDING: Highway Bridge Program (98% - Federal) and Regional Surface Transportation Program Exchange Funds (2% - State).

This matter was Approved on the Consent Calendar.

LAW AND JUSTICE - CONSENT ITEMS

- 20. 14-1417** El Dorado County Sheriff's Office of Emergency Services recommending the Board find that a state of emergency continues to exist in El Dorado County as a result of drought conditions. (Cont. 1/3/17, Item 22)

This matter was Approved on the Consent Calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS

21. 16-0209 Ad Hoc Medical Marijuana Advisory Committee, in coordination with the Chief Administrative Office, recommending the Board give conceptual approval to amend County Ordinance Code, Chapter 09.02 - Code Enforcement, and Chapter 130.14.260 - Outdoor Medical Marijuana, to focus on civil enforcement procedures for outdoor medical marijuana.

FUNDING: N/A

Public Comment: A. VanHorn, L. Phillips

A motion was made by Supervisor Veerkamp, seconded by Supervisor Ranalli to Approve this matter and direct the Ad Hoc Medical Marijuana Advisory Committee to continue their efforts.

Yes: 5 - Veerkamp, Frentzen, Ranalli, Novasel and Hidahl

22. 17-0004 Clerk of the Board recommending the Board make **Board Member** appointments to various Boards, Commissions or Committees for 2017:

~~El Dorado Water and Power Authority
 Appoint John Hidahl, Director District I, No Term~~

Tahoe Conservancy

Appoint one (1) Member (Current: Supervisor Novasel, since 2015)
 Appoint one (1) Alternate Member (Current: Supervisor Mikulaco, since 2014) (Cont. 1/3/17, Item 30)

A motion was made by Supervisor Veerkamp, seconded by Supervisor Frentzen to Appoint Supervisor Novasel as a Member to the Tahoe Conservancy. After further discussion with Supervisor Novasel and County Counsel, this motion was withdrawn.

A motion was made by Supervisor Novasel, seconded by Supervisor Veerkamp to:

- 1) Temporarily Appoint Sr. Deputy County Counsel Paula Frantz as a Member to the Tahoe Conservancy; and**
- 2) Direct staff to pursue a legislative clarification indicating the existing state of the law that local entities on the Tahoe Conservancy can appoint their elected members in which to sit.**

Yes: 5 - Veerkamp, Frentzen, Ranalli, Novasel and Hidahl

ITEMS TO/FROM SUPERVISORS

Supervisor Hidahl reported on the following:
Budget Hearings.

Supervisor Veerkamp reported on the following:
2017 Heroes Night for the Boys and Girls Club.
MORE Art and Wine event.
El Dorado County Search and Rescue Crab Feed.

Supervisor Novasel reported on the following:
Tahoe Conservancy.
Snow in Tahoe.

Supervisor Ranalli reported on the following:
Mountain Counties Water Resource Association.
State Tree Mortality Task Force.

Supervisor Frentzen reported on the following:
Sierra Economic Development Corporation.
Sierra Planning Organization.
Pioneer Volunteer Firefighter's Association Crab Feed.

CAO UPDATE

Don Ashton, Chief Administrative Officer, reported on the following:
No meeting next week.
The Strategic Plan - Good Governance and CalPers investment returns
discussions will take place at the regular meeting on January 24, 2017 meeting.

ADJOURNED AT 3:13 P.M. in honor of William "Bill" Van Dyke Johnson

CLOSED SESSION

- 23. 16-1238 Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator:**
County Negotiator: Interim Director of Human Resources and/or designee.
Employee Organization: El Dorado County Employees Association Local No.1 representing employees in the General, Professional, and Supervisory Bargaining Units; Operating Engineers Local No. 3 representing employees in the Trades & Crafts and Corrections Bargaining Units; El Dorado County Probation Officer's Association; Deputy Sheriffs Association representing employees in the Law Enforcement Unit; El Dorado County Criminal Attorney Association; El Dorado County Deputy County Counsel Association; El Dorado County Managers Association; El Dorado County Law Enforcement Managers Association; and Unrepresented Employees. (Est. Time: 30 Min.)
No Action Reported. All five Supervisors participated.
- 24. 16-1258 Conference with Legal Counsel - Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(d)(2); and **Initiation of Litigation** pursuant to Government Code section 54956.9(d)(4). Number of potential cases: (1). (Est. Time: 15 Min.)
No Action Reported. All five Supervisors participated.
- 25. 15-0618 Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(d)(1). Title: The Ramona L. Gilmore Revocable Trust, El Dorado County Superior Court Case No. PP20150094 Number of potential cases: (1). (Est. Time: 15 Min.)
No Action Reported. All five Supervisors participated.
- 26. 16-0943 Conference with Legal Counsel - Initiation of Litigation** pursuant to Government Code Section 54956.9(d)(4). Number of potential cases: (1). (Est. Time: 10 Min.)
By an unanimous 5-0 vote, the Board authorized the retention of Robert Holderness as Counsel for the Auditor on the Diamond Springs matter.
- 27. 16-1181 Conference with Legal Counsel - Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(d)(2). Title: El Dorado Hills Community Services District v. El Dorado County. Number of potential cases: (1). (Est. Time: 15 Min.)
By an unanimous 5-0 vote, the Board authorized the retention of Robert Holderness as Counsel for the Auditor on the El Dorado Hills Community Services District matter.

- 28. 17-0008** **Pursuant to Government Code Section 54957- Public Employee Performance Evaluation.** Title: Clerk of the Board of Supervisors (Est. Time: 20 Min.)

By an unanimous 5-0 vote, the Board approved increasing Mr. Mitrisin's salary from step 3 to step 4 effective January 21, 2017.

- 29. 17-0009** **Pursuant to Government Code Section 54957- Public Employee Performance Evaluation.** Title: County Counsel (Est. Time: 20 Min.)

No Action Reported. All five Supervisors participated.

- 30. 17-0025** **Pursuant to Government Code Section 54957- Public Employee Appointment.** Title: Director of Community Development Agency. (Est. Time: 20 Min.)

No Action Reported. All five Supervisors participated.

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 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 and submit an Application Form to the Clerk of the Board of Supervisors. The application is available online at: <http://www.edcgov.us/BOS/Forms.aspx> or at the Board of Supervisor's office, 330 Fair Lane, Placerville, CA.

Digital Recordings of regular, Tuesday Board of Supervisors meeting are BROADCAST ON CABLE TV as follows:

West Slope - Comcast - Channel 15, Wednesday at 1:00 P.M. (day after Tuesday meeting) and Tuesday at 7:00 A.M. (One week after previous Tuesday Meeting)

ADDENDUM

10:00 A.M. - TIME ALLOCATION

- 31. 17-0056** Supervisor Veerkamp recommending the Board authorize the Chair to sign a Proclamation to declare January "National Mentor Month" in El Dorado County.

Supervisor Veerkamp read the Proclamation.

A motion was made by Supervisor Frentzen, seconded by Supervisor Ranalli to Approve this matter.

Yes: 5 - Veerkamp, Frentzen, Ranalli, Novasel and Hidahl

EMERGENCY ITEM ADDED 01/10/17

By a 5-0 vote, the Board added item 32 to today's agenda pursuant to the following Government Code sections:

54954.2 (b)(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5; and

54954.2 (b)(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).; and

54956.5 (a) For purposes of this section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

32. 17-0071

Community Development Agency, Transportation Division, recommending the Board find that a local state of emergency exist in El Dorado County due to the effects of severe rainstorms throughout Northern California bringing high winds, substantial precipitation, high and fast flowing streams, creeks and rivers, and general flooding.

FUNDING: N/A

A motion was made by Supervisor Veerkamp, seconded by Supervisor Frentzen to Approve this matter.

Yes: 5 - Veerkamp, Frentzen, Ranalli, Novasel and Hidahl