



County of El Dorado

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

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

William E. Schultz, Acting Clerk of the Board of Supervisors
Gayle Erbe-Hamlin, Chief Administrative Officer *Louis B.*
Green, County Counsel

Tuesday, October 7, 2008

8:00 AM

Board of Supervisor 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

Present: 3 - Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago

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 Baumann, seconded by Supervisor Santiago to adopt the Agenda and approve the Consent Calendar with the following exceptions: Items 11, 28, and 29 were added to the Consent Calendar and approved.

Later in the day, an additional motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to pull Item 11 from the Consent Calendar for separate action.

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

OPEN FORUM

BUDGET UPDATE

CONSENT CALENDAR

1. [08-1524](#) Approval of Board of Supervisors Conformed Agendas (Minutes) of the Special Meeting of Tuesday, September 23, 2008 (Budget) and the Regular Meeting of Tuesday, September 30, 2008.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

2. [08-1439](#) Probation Department submitting the annual Juvenile Justice Crime Prevention Act (JJCPA) progress report for the El Dorado County's Alliance to Reduce Truancy (CART) program.

RECOMMENDED ACTION: Receive and file report.

This matter was Approved on the consent calendar

3. [08-1463](#) Transportation Department recommending adoption of Resolution **273-2008** amending Resolution 198-2008, authorizing the Director of Transportation, or the Chief Administrative Officer, to sign on behalf of the County of El Dorado all necessary documents required to submit grant applications.
RECOMMENDED ACTION: Approve.
This matter was Approved on the consent calendar
4. [08-1309](#) Transportation Department recommending the Board accept the donation of a petroleum storage tank from the USDA Forest Service, Eldorado National Forest, for a term of six months to be used for storage of emulsion used in road maintenance operations; and Chairman be authorized to sign Memorandum of Understanding and Report of Transfer or other Disposition or Construction of Property with USDA Forest Service, Eldorado National Forest, for the removal of said storage tank.
RECOMMENDED ACTION: Approve.
FUNDING: Donation, Road Fund.
This matter was Approved on the consent calendar
5. [08-1426](#) Transportation Department recommending Chairman be authorized to sign Amendment I to Agreement for Services AGMT 06-1294 with CBC Surveys, Inc. increasing the compensation amount by \$150,000 to a total not-to-exceed amount of \$225,000, extending the term through January 8, 2010, revising the requirements for Task Orders including an unanticipated grant funding provision, adding a new fee schedule for the extended term, and amending other articles of the contract to conform to current contract standards to provide "on-call" surveying services in support of projects included in the County's Capital Improvement Program (CIP).
RECOMMENDED ACTION: Approve.
FUNDING: 2004 General Plan Traffic Impact Mitigation Fee Program (TIM) and various State and Federal Grant Funding
This matter was Approved on the consent calendar

6. [08-1011](#) Transportation Department recommending Chairman be authorized to sign Agreement for Services AGMT 08-1772 with CALTROP Corporation in an amount not to exceed \$2,500,000 for a term commencing October 7, 2008 to the later of County's recordation of the Notice of Completion for the Project or resolution of all construction claims, if any, associated with the Project, to provide construction support services for the U.S. 50 High Occupancy Vehicle Lanes (HOV), Phase 1 - El Dorado Hills to Bass Lake Grade Project (JN 53110).

RECOMMENDED ACTION: Approve.

FUNDING: Traffic Impact Mitigation (TIM) Fee Program.

This matter was Approved on the consent calendar

7. [08-1462](#) Chief Administrative Office, Procurement and Contracts Division, recommending award of Bid 09-393-028 for food products and kitchen supplies for use County-wide; authorize four blanket purchase orders to Strauss Food Service of Placerville, CA in the amount of \$900,000 for the West Slope and \$300,000 for the East Slope; Mad Butcher Meat Company of Sacramento, CA in the amount of \$50,000 and Crystal Dairy Foods of South Lake Tahoe, CA in the amount of \$50,000 respectively; and authorize an increase to the blanket purchase orders 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

8. [08-1520](#) Auditor-Controller recommending the Board receive and file the report of allocation of funds from El Dorado County's Supplemental Law Enforcement Funds (SLESF) for Fiscal Year 2007/2008 and the annual SLESF report to the State Controller.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

9. [08-1530](#) Supervisor Baumann recommending Chairman be authorized to sign a letter to Mary Nichols, Chairman of the California Air Resources Board, expressing concern that the issue of wildfires and their impact upon California was not adequately addressed in the Assembly Bill 32 (AB 32) Scoping Plan.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

END CONSENT CALENDAR

DEPARTMENT MATTERS

10. [08-1440](#) Mental Health Department recommending Chairman be authorized to sign retroactive Memorandum of Understanding 037-M0911 with El Dorado County Office of Education for the term July 1, 2008 through June 30, 2009 to provide Federal funding for mental health related services required by students with disabilities who are identified within the Individualized Education Program (IEP).

FUNDING: Federal Individuals with Disabilities Education Act (IDEA) funds.

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

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

11. [08-1506](#) Human Resources Department recommending adoption of Resolution **271-2008** amending Authorized Personnel Allocation Resolution implementing changes resulting from the Fiscal Year 2008-2009 Budget process and incorporating amendments previously approved by the Board of Supervisors.(Cont'd 9/30/08, Item 28)

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt Resolution 271-2008.

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

12. [08-1409](#) Development Services Department, Planning Services Division, recommending introduction of Ordinance amending the El Dorado County Building Code and the El Dorado County Grading Ordinance; and further recommending the Board waive reading, read by title only, and continue for adoption of said Ordinance to **October 14, 2008**. (Refer 9/23/08, Item 32)

A motion was made by Supervisor Baumann, seconded by Supervisor Sweeney to continue this matter to October 14, 2008 for adoption, noting said Ordinance shall be brought back to the Board in July 2009 for review and reconsideration.

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

13. [08-1519](#) Development Services Department, Planning Services Division, recommending adoption of Resolution **274-2008** of Intention to initiate a General Plan amendment to revise Land Use Element policies relating to mandatory open space and planned developments; and recommending staff be directed to process said amendment through the Planning Commission.

A motion was made by Supervisor Sweeney, seconded by Supervisor Baumann to direct staff that: (1) Planned Developments are to comply with the provisions of General Plan Policies 2.2.3.1, 2.2.3.2 and 2.2.4.1 where applicable; (2) Policy 2.2.4.1 C shall be interpreted to recognize that public benefit is derived from commonly owned or publicly dedicated lands that are set aside for open space areas, parks and wildlife habitat areas, whether or not those lands are directly accessible to the general public. Open space areas may be used to provide physical and visual separation between adjacent land uses, to buffer adjacent agricultural operations or be incorporated as greenbelt areas in fire safe plans. Preservation of land as wildlife habitat supports resident and migratory bird and animal populations, and may also provide opportunities for corridors or connections between existing protected lands. Both open space and wildlife habitat lands benefit regional water quality by reducing soil erosion and sedimentation, increasing infiltration rates and reducing the volume of nutrients leaching into rivers and streams. These benefits are "made available" to the public, within the meaning of this Policy, when the lands are protected from further development, which in and of itself, constitutes a bona fide public benefit; and to adopt Resolution 274-2008 with changes to paragraph 5 line 3 after ...Policies 2.2.3.1 striking " 2.2.4.1" and paragraph 5 line 7 afterRural Centers adding a new sentence, "Specifically to review and propose changes to 2.2.3.1 as to the percentage open space requirement and 2.2.5.4 as to the baseline number of lots and affect on developments over 50 lots and to be able to place the open space offsite to the project."

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

14. [08-1542](#) 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 \$329,920 in accordance with Board Policy B-14.

FUNDING: Traffic Impact Mitigation Fees.

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

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

10:00 A.M. - TIME ALLOCATION

15. [08-1458](#) Treasurer-Tax Collector recommending the Board approve, in concept, amendments to County Ordinance Code Chapter 5.56 for Vacation Home Rentals in the Lake Tahoe Basin; and proposed County Ordinance Code Chapter 5.57 for the West Slope of El Dorado County.

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

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

Noes: 1 - Briggs

2:00 P.M. - TIME ALLOCATION

16. [08-1446](#) Hearing to consider Rezone (Z07-0036) of 1.6 acres (APN 325-220-36) from One-acre Residential (R1A) to Multifamily Residential-Design Community (RM-DC) for General Plan consistency, located in the Placerville area; and adoption of Ordinance **4792** for said rezone. Applicant: Danielle Buda (District III).

After hearing public testimony, a motion was made by Supervisor Sweeney, seconded by Supervisor Briggs to deny the rezone.

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

17. [08-1447](#) Hearing to consider the following pertaining to 80.27 acres (APN's 087-190-22 and -18) in the Labrobe area; Applicant: Donald and Ruth Gilman (District II):
(1) Approve Rezone (Z07-0035) of property from Residential Agricultural-20 Acre (RA-20) to Estate Residential Ten Acre (RE-10);
(2) Approve Tentative Map (TM07-1449) to create eight single-family ten-acre lots, a design waiver has been requested to allow a maximum road grade of up to 15% for the proposed Cordero Ranch Road; and
(3) Adopt Ordinance **4793** for said rezone.
- Hearing no protests, a motion was made by Supervisor Baumann, seconded by Supervisor Sweeney to adopt the mitigated negative declaration as prepared; adopt the mitigation monitoring program in accordance with California Environmental Quality Act (CEQA) guidelines; adopt Ordinance 4793 approving said rezone; approve A07-0035/TM07-1449 with a design waiver allowing a maximum road grade of up to 15% for the proposed Cordero Ranch Road based on findings proposed by staff to include new findings 5.0, 5.1.1, 5.1.2, 5.1.3, and 5.1.4 subject to conditions as modified.
- Yes: 4 - Dupray, Baumann, Sweeney and Santiago
- Noes: 1 - Briggs
18. [08-1364](#) Adoption of County Zoning Ordinance **4790** incorporating a section pertaining to Lot Line Adjustments. (Introduced 9/23/08, Item 34, Cont'd 9/30/08, Item 34)
- A motion was made by Supervisor Sweeney, seconded by Supervisor Baumann to continue this matter to October 21, 2008.
- Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago
19. [08-1531](#) Environmental Management Department recommending adoption of Resolution **275-2008** implementing increased recycling service levels within the El Dorado Disposal Service Franchise area and to conceptually approve the associated program rate increase. (Refer File 08-1293, Spec. Mtg. 8-18-08)
- A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt Resolution 275-2008; and direct Environmental Management Department to return to the Board on November 18, 2008 to hold a public hearing regarding a rate increase for the new service level.
- Yes: 4 - Dupray, Baumann, Sweeney and Santiago
- Noes: 1 - Briggs

20. [08-1532](#) Environmental Management Department recommending adoption of Resolution **276-2008** implementing increased recycling service levels within the Amador Disposal Service Company, Inc. Franchise Area and to conceptually approve the associated program rate increase and general rate increase inclusive of the fuel surcharge. (Refer File 08-1293, Spec. Mtg 8-18-08)

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt Resolution 276-2008; and direct Environmental Management Department to return to the Board on November 18, 2008 to hold a public hearing regarding the rate increase for the new service level, and general rate increase inclusive of the fuel surcharge.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

Noes: 1 - Briggs

21. [08-1533](#) Environmental Management Department recommending adoption of Resolution **277-2008** implementing increased recycling service levels within the Sierra Disposal Service Franchise area and to conceptually approve the associated program rate increase of 9.38% and general rate increase of 4.03%. (Refer File 08-1293, Spec. Mtg. 8-18-08)

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt Resolution 277-2008; and direct Environmental Management Department to return to the Board on November 18, 2008 to hold a public hearing regarding the rate increase for the new service level and general rate increase.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

Noes: 1 - Briggs

22. [08-1534](#) Environmental Management Department recommending adoption of Resolution **278-2008** implementing increased recycling service levels within the American River Disposal Service Franchise Area. (Refer File 08-1293, Spec. Mtg. 8-18-08)

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt Resolution 278-2008; and direct Environmental Management to move forward with the implementation of the enhanced recycling program.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

Noes: 1 - Briggs

23. [08-1535](#) Environmental Management Department recommending adoption of Resolution **280-2008** implementing increased recycling service levels within the South Tahoe Refuse Company, Inc. Franchise Area and to conceptually approve the requested 8% general rate increase. (Refer File 08-1293, Spec. Mtg. 8-18-08)

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt Resolution 280-2008; and direct Environmental Management Department to return to the Board on November 18, 2008 to hold a public hearing regarding a general rate increase.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

Noes: 1 - Briggs

24. [08-1536](#) Environmental Management Department recommending adoption of Resolution **279-2008** promoting existing recycling services and implementing a seasonal green waste collection event within the Tahoe Truckee Sierra Disposal Franchise Area. (Refer File 08-1293, Spec. Mtg 8-18-08)

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt Resolution 279-2008.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

Noes: 1 - Briggs

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

- 25. [08-1290](#) 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.

- 26. [08-1540](#) Pursuant to Government Code Section 54957.6, **Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources.
Employee Organization: Coalition including El Dorado County Employees Association Local No. 1, General, Professional, and Supervisory Bargaining Units; Operating Engineers Local No. 3, Trades and Crafts Bargaining Unit; El Dorado County Managers' Association; El Dorado County Criminal Attorney Association.
No action reported.

- 27. [08-1541](#) 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.

ADDENDUM

DEPARTMENT MATTERS

28. [08-1559](#) Human Resources Department recommending adoption of Resolution **285-2008** amending the Salary Schedule, and ~~establishing~~ assigning a bargaining unit for the position of Chief Fiscal Officer.

This matter was added to the Consent Calendar and approved.

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

29. [08-1527](#) Chief Administrative Office recommending Chairman be authorized to sign Amendment II to Agreement to Provide Funding for Fire Protection and Emergency Medical Services entered into August 28, 2001 and amended October 9, 2001, noting said amendment would require Districts to provide audited financial statements in specified circumstances.

This matter was added to the Consent Calendar and approved.

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

30. [08-1561](#) Chief Administrative Office recommending the Board conceptually approve a restructuring plan for the Public Health and Mental Health Departments.

A motion was made by Supervisor Santiago, seconded by Supervisor Baumann to direct the Chief Administrative Officer to return to the Board on October 14, 2008 with a plan to restructure the Public Health and Mental Health Departments.

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

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