



County of El Dorado

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Minutes - Final Board of Supervisors

Ron Briggs, Chairman, District IV
Norma Santiago, First Vice Chairman, District V
Ray Nutting, Second Vice Chairman, District II
John R. Knight, District I
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 3, 2009

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.edcgov.us subject to staff's ability to post the documents before the meeting.

The Board of Supervisors is concerned that written information submitted to the Board the day of the Board meeting may not receive the attention it deserves. The Board Clerk cannot guarantee that any FAX, email, or mail received the day of the meeting will be delivered to the Board prior to action on the subject matter.

The Board meets simultaneously as the Board of Supervisors and the Board of Directors of the Air Quality Management District, In-Home Supportive Services, Public Housing Authority, Redevelopment Agency and other Special Districts.

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

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

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

9:20 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

NEW BUSINESS

Approve the placement of nonagenda item 09-1143 on the agenda.

A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to add Item 30 (09-1143) to the Departmental Agenda.

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

ADOPTION OF AGENDA AND APPROVAL OF 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 exceptions: Item 15 is to be continued to December 8, 2009, Items 6,11,12, 14, and 17 were pulled from the consent calendar and Item 19 will be presented after Item 2.

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

OPEN FORUM

PRESENTATIONS

- 1. [09-1367](#) **PRESENTATION** of Certificate of Appreciation to Rod Barton, County Veterans Service Officer, for his many years of service to El Dorado County and El Dorado County Veteran's and their families.

Presented the Certificate of Appreciation.

- 2. [09-1366](#) **PRESENTATION** by Supervisor Sweeney of a Certificate of Recognition to Terry Tawney upon his retirement from the County of El Dorado.

Presented the Certificate of Recognition.

BUDGET UPDATE

CONSENT CALENDAR

3. [09-1370](#) Approval of Board of Supervisors Meeting Minutes for the Special Meeting of Monday, October 26, 2009 and the Regular Meeting of Tuesday, October 27, 2009.
- This matter was Approved on the consent calendar.**
4. [09-1230](#) Chief Administrative Office recommending the Board approve the employees eligible to receive the County's Early Retirement Incentive Plan. (Refer 10/27/09, Item 6)
- This matter was Approved on the consent calendar.**
5. [09-1320](#) District Attorney recommending the Board authorize the Chairman to sign the Certification document pertaining to the Grant Award Agreement with the State of California, Governor's Office of Emergency Services for the Elder Abuse Program.
- FUNDING:** State of California Office of Emergency Services.
- This matter was Approved on the consent calendar.**
6. [09-1321](#) District Attorney recommending the Board receive and file the Fifth Annual Report on Real Estate Fraud for Fiscal Year 2008-2009.
- FUNDING:** Real Estate Fraud Prosecution Trust.
- A motion was made by Supervisor Nutting, seconded by Supervisor Briggs, to receive and file the report.**
- Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago
7. [09-1233](#) Health Services Director requesting authorization to execute revenue-generating agreements on behalf of the County with other agencies for the provision of acute inpatient psychiatric treatment for individuals referred by the those agencies, contingent upon approval by County Counsel and Risk Management.
- FUNDING:** Revenues from Other Agencies.
- This matter was Approved on the consent calendar.**

8. [09-1324](#) Health Services Department recommending the Board receive and file the following Freedom of Information Act reports for special taxes for County Service Areas 3 and 7, specific to El Dorado County ambulance services for Fiscal Year 2008-09:
- 1) Statement outlining Government Code § 50075.1 (a), (b), (c) and (d) indicating the specific purpose of the special tax; the requirement that proceeds be applied pursuant to subdivision (a); the creation of an account into which the proceeds are deposited; and
 - 2) Annual report pursuant to § 50075.3 that details revenue and expenditure data based on El Dorado County FAMIS accounting system for each tax year.

This matter was Approved on the consent calendar.

9. [09-1335](#) Human Services Department recommending the Board authorize the Chairman to sign a grant application to be submitted to Marshall Foundation for Community Health, requesting \$5,000 in grant funding for support services to vulnerable elderly residents and their caregivers at the County's Senior Day Care center.

FUNDING: Marshall Foundation for Community Health Grant.

This matter was Approved on the consent calendar.

10. [09-1299](#) Sheriff's Department recommending the Board approve Budget Transfer adding \$453,415 to said Department's operating budget for the Fiscal Year 2009 Homeland Security Grant Program, and additions to Fixed Asset List. (4/5's vote required).

FUNDING: Fiscal Year 2009 Homeland Security Grant.

Adopt Budget Transfer upon approval of the consent calendar.

11. [09-1323](#) Sheriff's Department requesting relief of accountability for a cash shortage of \$100 in the Placerville Jail Inmate Trust Account due to a counterfeit \$100 bill accepted by staff.

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

Yes: 4 - Knight, Nutting, Briggs and Santiago

Noes: 1 - Sweeney

12. [09-1280](#) Transportation Department recommending the Board authorize the Chairman to sign Annexation Agreement AGMT 09-52624 with Granite Grado Ventures - Project II, LLC to provide for the future annexation of the Forni Retail Plaza development into the Missouri Flat Area Community Facilities District No. 2002-01.

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

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

13. [09-1276](#) Transportation Department requesting authorization to exercise the first option to extend Lease Agreements 230-L0511 and 231-L0511 with Marlon R. Ginney and Bernitta A. Kovach, both Lease Agreement payments shall be combined for an annual amount of \$8,027.28 (\$668.94 per month) for an additional five (5) year term commencing November 1, 2009 through October 31, 2014 for the County-managed real property located within the boundaries of the Sacramento-Placerville Transportation Corridor, (Southern Pacific Transportation Corridor Right of Way) both Lease Agreements have been adjusted to reflect the five (5%) percent per extension increase.

FUNDING: Lease revenue from Marlon R. Ginney and Bernitta A. Kovach.

This matter was Approved on the consent calendar.

14. [07-1529](#) Transportation Department recommending the Board authorize the Chairman to sign the First Amendment to Funding Agreement AGMT 07-1491 with the El Dorado County Transportation Commission for the Camino Area Corridor Project Study Report, subsequent to review and approval by County Counsel, which amends the Agreement to extend the expiration date from November 5, 2009 to February 26, 2010, and acknowledges a change in the County Officer or employee named as Contract Administrator.

FUNDING: 2004 General Plan Highway 50 Traffic Impact Mitigation Fee Program.

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

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

ADDENDUM

CONSENT CALENDAR:

- 15. [09-1350](#) Supervisor Knight recommending reimbursement/liquidation of Funding Agreement 209-FO611 dated August 30, 2005 between County of El Dorado and Cameron Park Community Services District for the County's Community Enhancement Program; and direct the Auditor-Controller to reimburse Cameron Park Community Services District the approximate remaining balance of \$322,554, thereby closing out the account of said Agreement pertaining to Invoices dated August 26, 2009 and September 16, 2009; **and further recommending approval of Budget Transfer 2010020 for same.**

FUNDING: County's Community Enhancement Program - \$322,554.

This matter was continued to December 8, 2009 upon approval of the consent calendar.

- 16. [09-1136](#) Supervisor Nutting recommending waiver of rental fees in an amount not to exceed \$280 for the Pioneer Volunteer Firefighters Association for use of the Pioneer Community Center and kitchen for the Association's 12th Annual 2009 Crab Banquet Fundraising events to be held on January 9, 16, 23, and 30, 2010.

This matter was Approved on the consent calendar.

- 17. [09-1374](#) Supervisor Santiago requesting the Board direct the Auditor-Controller to pay El Dorado County Chamber of Commerce promotional funding in the amount of \$1,385 for the County portion of the United States Forest Service National Environmental Policy Act Analysis costs.

A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to authorize the Chief Administrative Officer to expedite the payment of \$1,385.

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

END CONSENT CALENDAR

DEPARTMENT MATTERS/NOTICED HEARING

18. [09-1325](#) Hearing to consider adoption of a Resolution by the Public Housing Authority (PHA) to:
- 1) Authorize submittal of a consolidated application to the Department of Housing and Urban Development (HUD) to allow the El Dorado County Public Housing Authority (PHA) to participate in the Continuum of Care (CoC) Homeless Assistance Programs to receive renewal funding in the amount of \$13,339 under the Supportive Housing Program allocation to continue to support the dedicated Homeless Management Information System (HMIS) project implementation and ongoing administration and maintenance; authorize the PHA, as lead CoC agency, to include in said application a funding request on behalf of the proposed grantee, Womenspace Unlimited South Lake Tahoe Women's Center, for a one-year grant of up to \$163,462 for supportive services to transitional housing participants;
 - 2) Approve a required cash match in the amount of \$3,176 from the Housing Element Implementation General Fund contribution for the El Dorado County HMIS renewal project; and
 - 3) Authorize the Assistant Director of Human Services, as the Executive Director of the PHA, to sign and submit the application and accompanying documents, including the Applicant Certification, the Application for Federal Assistance Declaration, Certification of Consistency with the Consolidated Plan and the Applicant/Recipient Disclosure Report, and, if the application is funded, to execute, contingent upon approval by County Counsel and Risk Management, the HMIS grant agreement and any amendments thereto that do not affect the dollar amount or the term and all other documents required by HUD for participation in the CoC Homeless Assistance Programs, and to take other actions necessary to facilitate same.

FUNDING: Primarily Federal funds with required cash match of \$3,176 from General Fund.

Resolution 248-2009

After hearing public testimony, a motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to adopt Resolution 248-2009 as amended noting the Executive Director of the Public Housing Authority is the Assistant Director of Human Services.

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

19. [09-1377](#) District Attorney presenting Certificate of Appreciation to Nancy L. Hayes, Legal Secretary, in recognition of her dedicated and loyal service to the people of the State of California and the El Dorado County District Attorney's Office from 1984-2009.

Presented the Certificate of Appreciation.

20. 09-1101

Transportation Department recommending the following pertaining to the U.S. 50/Missouri Flat Road Interchange Improvements - Phase 1B Project, Contract No. 71336:

- 1) Award the Construction Contract to the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for October 21, 2009;
- 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 \$550,000 for the County's share of certain supplemental items of work (4/5 vote required per PCC 20137); 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.

FUNDING: State Transportation Improvement Program regional grant funds; State Highway Operations and Protection Program state operation funds; American Recovery and Reinvestment Act Transportation Enhancement federal grant funds; Transportation, Community, and System Preservation federal grant funds; Congestion Mitigation and Air Quality regional grant funds and Missouri Flat Master Circulation and Funding Plan local funds.

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

- 1) Continue the Board action on the award of the contract to Monday, November 9, 2009 at 2:00 p.m. in the Board chambers;
- 2) Delegate to DOT UDBE compliance officer Janel Gifford and Deputy Director, Bob Slater the responsibility to review and determine the responsiveness of the low bidder, DeSilva Gates/Viking Joint Venture's, UDBE good faith effort submission and in the event that the staff determines that the low bidder failed to meet the Good Faith Effort, provide DeSilva Gates/Viking Joint Venture an opportunity for administrative reconsideration before the designated officer under the program, Tim Prudhel, in accordance with specification 2-1.04 prior to the Board hearing on November 9. The date for UDBE reconsideration and deadline for submission of materials for reconsideration to be determined by staff after discussion with DeSilva Gates/Viking;
- 3) Direct staff to evaluate the remaining bids for responsiveness and irregularity and conduct any UDBE administrative reconsideration on remaining bids it

deems appropriate;

4) In order to give the Board and staff time to evaluate any additional submissions, request that bidders have any written materials it wishes the Board to consider relative to the Nehemiah bid protest and/or any other bid issues relative to award submitted no later than Thursday, November 5 at 3:00 p.m.; and
5) Direct staff to return to the Board on Monday, November 9 with a recommendation on bidders compliance, responsiveness, and award. Bidders will have an opportunity to present oral testimony at the Board hearing.

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

21. [09-1309](#)

Chief Administrative Office, Procurement and Contracts Division, and the Environmental Management Department recommending the Board:
1) Award request for proposal (RFP) 09-961-119 for the development of a landfill gas utilization project at the Union Mine Landfill to STI Engineering of Silverado, California; and,
2) Authorize the Director of Environmental Management, or her designee, upon County Counsel and Risk Management approval, to execute a contract for same; said contract will include onsite electricity generation, usage and revenue sharing agreements.

FUNDING: No County/CSA No. 10 funding will be required to obtain, install and operate the landfill gas to electricity system. This is a revenue generating project.

NO PUBLIC COMMENT

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

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

22. [09-1364](#) Chief Administrative Office recommending the Board take the following actions:
- 1) Receive and file the Economic Development Advisory Committee (EDAC) quarterly report consistent with General Plan Measure ED-A and Board action taken May 18, 2009;
 - 2) Authorize the Chairman to execute an agreement with Buxton for the provision of a targeted retail retention and expansion development tool. El Dorado County's share of the cost will be provided through the County's Promotion Program. The \$90,000 expense will be shared among El Dorado County, the City of Placerville and Marshall Medical Center over a two-year period. Subject to approval and minor revisions by County Counsel and Risk Management, consistent with General Plan Measure ED-U, ED-KK; and
 - 3) Authorize the Chairman to execute an agreement with Center for Strategic Economic Research (CSER formerly SRRI) for an economic base analysis and six quarterly industry sectors reports. This econometric analysis is directly related to the retention, expansion and establishment of new businesses, (Funding of \$32,500 to be provided from the Promotions Program, over a 2 year period offset with a \$10,000 investment from the El Dorado Hills Community Foundation.) Subject to approval and minor revisions by County Counsel & Risk Management, Consistent with General Plan Measure ED-T, ED-U, ED-W, ED-Y, ED-Z, ED-GG.

PUBLIC COMMENT

G. Helm RE: Board needs to look at job creations. Need to grow business in El Dorado County.

N. Brillo RE: Supports the studies.

S. Taylor RE: Quality of life of citizens.

After hearing public testimony, a motion was made by Supervisor Nutting, seconded by Supervisor Santiago, to receive and file the Economic Development Advisory committee quarterly report.

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

A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to authorize the Chairman to execute an agreement with Buxton for the provision of a targeted retail retention and expansion development tool.

Yes: 4 - Knight, Sweeney, Briggs and Santiago

Noes: 1 - Nutting

A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to authorize the Chairman to execute an agreement with Center for Strategic Economic Research (CSER formerly SRRI) for an economic base analysis and six quarterly industry sectors reports.

Yes: 4 - Knight, Sweeney, Briggs and Santiago

Noes: 1 - Nutting

CAO REPORTS**ITEMS TO/FROM SUPERVISORS****CLOSED SESSION**

23. [09-1322](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Tax Refund Claim of Robert Bayer. Number of potential cases: (1).
This matter was No Action Reported
24. [09-1361](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Waste Connections of California, Inc., dba El Dorado Disposal Services v. County of El Dorado, et al., El Dorado County Superior Court Case No. PC20090649.
This matter was No Action Reported
25. [09-1376](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Number of potential cases: (1).
This matter was No Action Reported

ADDENDUM**DEPARTMENT MATTERS:**

26. [09-1386](#) Board of Supervisors to hold a discussion regarding the appointment of a Sheriff to serve the remainder of the current Sheriff's term.
ON DECEMBER 10, 2009 UNDERSHERIFF MANFRED KOLLAR WAS APPOINTED AS SHERIFF EFFECTIVE DECEMBER 27, 2009, TO COMPLETE THE TERM OF RETIRING SHERIFF JEFF NEVES. (SEE FILE 09-1432)
- PUBLIC COMMENT*
- S. Perez RE: Undersheriff has already been acting sheriff. Look at options which will save funds.*
- B. Johnston RE: Everyone surprised by the resignation. Can the Undersheriff just run the Department for a year? Applauds Sweeney's recommendation to not appoint any of the candidates.*
- L. Hennick RE: Recommends that the Board do the same as was done in 1996. Should consider the candidates. If appoint from within the Department, they could choose to run for office.*
- A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to agree not to make a selection from the seven candidates.**
- Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to continue this matter to Tuesday, January 12, 2010.

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

CLOSED SESSION:

27. [09-1384](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Protest of Award of US 50/Missouri Flat Road Interchange Improvements Phase 1B (Contract No. 71336). Number of potential cases: (1).

This matter was No Action Reported

28. [09-1387](#) Pursuant to Government Code Section 54957.6; **Conference with Labor Negotiator:**
County Negotiator: 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 and Crafts, Probation, and Corrections Bargaining Units; Deputy Sheriff's 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.

This matter was No Action Reported

29. [09-1394](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Collection of California Building Standards Commission Fees Under Health and Safety Code Section 18931.6. Number of potential cases: (1).

This matter was No Action Reported

30. [09-1143](#) **NEW BUSINESS**
Human Resources Department recommending adoption of Resolution amending Article 6, Section 1, Salaries; and Article 10, Section 1, Paragraph B.3 of the Modified Last, Best and Final Offer with Operating Engineers Local Union No. 3, Probation Bargaining Unit. (Approved 9/22/09, Item 15)

A motion was made by Supervisor Briggs, seconded by Supervisor Knight, to adopt Resolution 249-2009.

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

ADJOURNED AT 3:45 PM