



County of El Dorado

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Minutes - Final Board of Supervisors

Norma Santiago, Chair, District V
Ray Nutting, First Vice Chairman, District II
John R. Knight, Second Vice Chairman, District I
James R. Sweeney, District III
Ron Briggs, District IV

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

Tuesday, March 2, 2010

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.

8:03 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSION

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

9:03 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORT

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Items 1 and 9 will be heard together, Item 4 will be continued to March 16, 2010, Item 13 was added to the Consent Calendar, and Item 16 will be heard before Item 15.

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

OPEN FORUM

BUDGET UPDATE

PRESENTATION

1. [10-0202](#) **PRESENTATION** of Proclamation by Supervisor Nutting declaring March 2010 "March Against Wildfire" month in the County of El Dorado.

A motion was made by Supervisor Briggs, seconded by Supervisor Santiago, to adopt the proclamation.

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

CONSENT CALENDAR

2. [10-0193](#) Approval of Board of Supervisors Meeting Minutes from the Special Meeting of Monday, February 22, 2010 and the Regular Meeting of Tuesday, February 23, 2010.

This matter was Approved on the consent calendar.

3. [10-0109](#) Air Quality Management District (AQMD) recommending the Board authorize the Chair to sign Memorandum of Understanding (MOU) No. 016-MOU-09/10-BOS (301-M1011) with Sacramento Municipal Utility District (SMUD) to provide funding in the amount of \$5,000 for the term of March 1, 2010 to June 30, 2010 to support the regional Mow Down Air Pollution Program.

This matter was Approved on the consent calendar.

4. [10-0156](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board:
- 1) Award Bid 10-393-037 for the purchase of Dairy Products as a secondary vendor to the low qualified bidder, Francis Distributing, Inc. of Diamond Springs, CA for the West Slope;
 - 2) Authorize the Purchasing Agent to issue a blanket purchase order in the amount of \$30,000 for a period through October 14, 2010; following Board approval; and
 - 3) Authorize the Purchasing Agent to increase the blanket purchase order on an "as needed" basis during the awarded period as long as funding is available within the requesting department's budget.

FUNDING: Individual departmental budgets.

Continued this matter to March 16, 2010 upon approval of the consent calendar.

5. [10-0183](#) Health Services Department recommending the Board approve advanced placement of Gretchen Bailey at Step 5 of the salary range for the position of Extra Help Fiscal Administrative Manager for the Health Services Department - Public Health Division effective pay period six.

FUNDING: Public Health Realignment.

This matter was Approved on the consent calendar.

6. [10-0157](#) Human Resources Department, Risk Management Division, requesting the Board approve Budget Transfer 2010049 increasing revenues and appropriations in the amount of \$735,000 for the Retiree Health Program. (4/5 vote required)

FUNDING: Risk Management Internal Service Fund, Retiree Health Sub-fund.

This matter was Approved on the consent calendar.

7. [09-1294](#) Transportation Department recommending the Board authorize the Chair to sign Agreement for Services 215-S1011(09-52818) with Pape Machinery, Inc. in the amount of \$72,234.04 for a term of one year to provide and install portable diesel powered engines in four units of Department of Transportation equipment in accordance with the requirements of the California Air Resources Board.

FUNDING: Road Fund.

This matter was Approved on the consent calendar.

8. [10-0065](#) Transportation Department recommending the Board authorize the Chair to sign the Notice of Acceptance with PBM Construction, Inc. for the El Dorado Trail Improvement Project Forni Road to Missouri Flat Road (JN 71380) in Placerville.

FUNDING: This Project was funded with State Proposition 40 funds, State and Federal Transportation Enhancement grant funds, Community Enhancement funds, Transportation Enhancement Activities exchange funds from the El Dorado County Transportation Commission, State Bicycle Transportation Account grant funds and a General Fund contribution. The requested Board action has no associated fiscal impact.

This matter was Approved on the consent calendar.

9. [10-0167](#) Supervisor Knight requesting the Board adopt Proclamation in recognition of California Arbor Day March 7, 2010.

A motion was made by Supervisor Knight, seconded by Supervisor Santiago, to adopt the proclamation.

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

10. [10-0182](#) Supervisor Knight requesting the Board appoint Joy Knight-Fujii to serve as a member on the Fair Association Board of Directors representing District 1 for a term to expire on January 1, 2013.

This matter was Approved on the consent calendar.

11. [10-0196](#) Supervisor Santiago requesting the Board reappoint Dr. RS Lynn to serve as a member on the South Lake Tahoe Mental Health Council of the El Dorado County Mental Health Commission for a term to expire January 1, 2013.

This matter was Approved on the consent calendar.

12. [10-0179](#) Supervisor Santiago requesting the Board adopt Resolution approving the use of State Highways 50 and 89 between the County line at Tahoma and South Lake Tahoe through Stateline between the hours of 8:00 p.m. on Friday, June 3, 2011 and 3:00 a.m. Saturday, June 4, 2011 for the 7th Annual Reno- Tahoe Odyssey Relay Run Adventure.
Resolution 020-2010

Adopted Resolution 020-2010 upon approval of the consent calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS

13. [09-1462](#) Probation Department requests the Chair to receive and sign the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Award in the amount of \$220,447; said grant is funded by the American Recovery and Reinvestment Act (ARRA) and administered by the California Emergency Management Agency (Cal EMA) for the purpose of an Evidence-Based Probation Supervision Program (EBPSP); adopt Resolution amending the Authorized Personnel Allocation Resolution 158-2009 by adding one (1) FTE Deputy Probation Officer I/II (Grant Funded); and approve the corresponding Budget Transfer 2010048. (Est. Time: 5 Min.)

FUNDING: Edward Byrne Memorial Justice Assistance Grant (JAG).
Resolution 021-2010

Adopted Resolution 021-2010 upon approval of the consent calendar.

14. [10-0172](#) Chief Administrative Office recommending the Board consider the following:
1) Receive and file Fiscal Year 2009-2010 Mid-Year report;
2) Approve Resolution amending the authorized personnel resolution;
3) Take action on any related recommendations or discussion associated with the Mid-Year report relative to managing the County budget in the current fiscal year. (Est. Time: 30 Min.)
Resolution 022-2010

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

- 1) Receive and file; and
- 2) Adopt Resolution 022-2010.

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

15. [10-0173](#) Chief Administrative Office and Development Services recommending the following:
- 1) Receive status update on the operations related to the Development Services Department and reasons for projected revenue shortfalls in Fiscal Year 2009-2010;
 - 2) Adopt resolution amending the authorized personnel allocation to delete 2 FTE Building Inspectors (filled), 1 FTE Assistant/Associate Planner (vacant) and 1 FTE Sr. Planner (filled);
 - 3) Authorize the Chair to sign the budget transfer decreasing Development Services revenues and decreasing General Fund Contingency (4/5 vote required); and
 - 4) Provide direction regarding changes to Development Services fee structure and funding for program priorities; and
 - 5) Take action on any related recommendations or discussion associated with the Development Services budget in the current fiscal year or subsequent fiscal year. (Est. Time: 1 Hr.)

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

- 1) Receive status update; and
- 2) Authorize the Chair to sign the budget transfer decreasing Development Services revenues and utilizing Prop 1A funds.

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

A motion was made by Supervisor Briggs, seconded by Supervisor Knight, to continue the rest of this matter to April 6, 2010 at 1:30 p.m.

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

16. [10-0198](#) District Attorney advising Board pursuant to Board Policy B-1 of potential Fiscal Year 2009-2010 budget shortfall.

FUNDING: District Attorney General Fund Budget.

Received and Filed.

2:00 P.M. - TIME ALLOCATION

17. [10-0047](#) HEARING - Consider the appeal by Liz Muckerman and Sten Seemann of a decision by the El Dorado County Code Enforcement Unit and the administrative hearing officer regarding case number CE 192902. (Est. Time: 15 Min.)

NO PUBLIC COMMENT

A motion was made by Supervisor Santiago, seconded by Supervisor Nutting, as follows:

- 1) Direct staff that the Board is exercising its prosecutorial discretion to not pursue this as a code violation, finding that the ten chickens as they are currently kept do not pose a danger to the neighborhood; and**
- 2) Direct staff to take up the issue of chickens and other animals as part of the zoning ordinance update to make the rules more clear.**

Yes: 4 - Knight, Nutting, Briggs and Santiago

Noes: 1 - Sweeney

18. [10-0126](#) Hearing to consider the recommendation of the Planning Commission on General Plan Amendment A09-0002 on property identified by APN 061-071-26, consisting of 105 acres, in the Georgetown area, submitted by John and Mark Paye; and recommending the Board take the following actions:

- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff;
- 2) Approve General Plan Amendment A09-0002 amending the land use designation for APN 061-071-26 from Open Space (OS) to Low Density Residential (LDR) based on the Findings listed in Attachment 1; and
- 3) Adopt Resolution for said General Plan amendment. (Supervisory District IV) (Est. Time: 10 Min.)

Resolution 023-2010

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

- 1) Adopt the Negative Declaration;**
- 2) Approve General Plan Amendment A09-0002; and**
- 3) Adopt Resolution 023-2010 for said General Plan amendment.**

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

CAO REPORTS**ITEMS TO/FROM SUPERVISORS****ADJOURNED AT 3:45 P.M.**

CLOSED SESSION

19. [10-0136](#) 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 & Crafts, Probation, and Corrections Bargaining Units; 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.
No Action Reported.
20. [10-0204](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator:** Instructions to its negotiator regarding the real property described as APN 069-340-01. The person or persons with whom the negotiator may negotiate are Paul V. Richardson and Patricia E. Richardson, Co-Trustees of the Richardson Living Trust Dated March 5, 2006. Instructions to negotiator will concern price and terms of payment. Pete Feild will be the negotiator on behalf of El Dorado County.
No Action Reported.
21. [10-0206](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Paul Sayegh v. County of El Dorado.
The Board by a unanimous vote authorized the defense of this action, authorized County Counsel to retain the firm of Scharff, Brady and Vinding, and return with the contract in open session.