



County of El Dorado

MEETING AGENDA

Board of Supervisors

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

Sue Novasel, Chair, District V
Brian K. Veerkamp, First Vice Chair, District III
John Hidahl, Second Vice Chair, District I
Shiva Frentzen, District II
Lori Parlin, District IV

Kim Dawson, Clerk of the Board of Supervisors
Don Ashton, Chief Administrative Officer
David Livingston, County Counsel

Tuesday, September 10, 2019

9:00 AM

330 Fair Lane, Placerville, CA

ADDENDUM

Items 30 and 31 are hereby added to Department Matters.

Vision Statement

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

This institution is an equal opportunity provider and employer.

Live Web Streaming and archiving of most Board of Supervisors meeting videos, all meeting agendas, supplemental materials and meeting minutes are available on the internet at:
<http://eldorado.legistar.com/Calendar.aspx>

To listen to open session portions of the meeting in real time, dial (530) 621-7603. This specialized dial in number is programmed for listening only and is operable when the audio system inside the meeting room is activated. Please be advised that callers will experience silence anytime the Board is not actively meeting, such as during Closed Session or break periods.

The County of El Dorado is committed to ensuring that persons with disabilities are provided the resources to participate in its public meetings. Please contact the office of the Clerk of the Board if you require accommodation at 530-621-5390 or via email, edc.cob@edcgov.us, preferably no less than 24 hours in advance of 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.

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 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.

PROTOCOLS FOR PUBLIC COMMENT

Public comment will be received at designated periods as called by the Board Chair.

Public comment on items scheduled for Closed Session will be received before the Board recesses to Closed Session.

Except with the consent of the Board, individuals shall be allowed to speak to an item only once.

On December 5, 2017, the Board adopted the following protocol relative to public comment periods. The Board adopted minor revisions to the protocol on February 26, 2019, incorporated herein:

Time for public input will be provided at every Board of Supervisors meeting. Individuals will have three minutes to address the Board. Individuals authorized by organizations will have three minutes to present organizational positions and perspectives and may request additional time, up to five minutes. At the discretion of the Board, time to speak by any individual may be extended.

Public comment on certain agenda items designated and approved by the Board may be treated differently with specific time limits per speaker or a limit on the total amount of time designated for public comment. It is the intent of the Board that quasi-judicial matters have additional flexibility depending upon the nature of the issue. It is the practice of the Board to allocate 20 minutes for public comment during Open Forum and for each agenda item to be discussed. (Note: Unless designated on the agenda, there is no Open Forum period during Special Meetings.)

Individual Board members may ask clarifying questions but will not engage in substantive dialogue with persons providing input to the Board.

If a person providing input to the Board creates a disruption by refusing to follow Board guidelines, the Chair of the Board may take the following actions:

Step 1. Request the person adhere to Board guidelines. If the person refuses, the Chair may turn off the speaker's microphone.

Step 2. If the disruption continues, the Chair may order a recess of the Board meeting.

Step 3. If the disruption continues, the Chair may order the removal of the person from the Board meeting.

9:00 A.M. - CALL TO ORDER**INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG****ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR**

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. Individuals authorized by organizations will have three minutes to present organizational positions and perspectives and may request additional time, up to five minutes. The total amount of time reserved for Open Forum is 20 Minutes.

CONSENT CALENDAR

1. [19-1336](#) Clerk of the Board recommending the Board approve the Minutes from the regular meeting of August 27, 2019 and the special meeting of September 6, 2019.

GENERAL GOVERNMENT - CONSENT ITEMS

2. [19-1186](#) Ad Hoc Cannabis Committee, in coordination with the Chief Administrative Office, recommending the Board approve the **Final Passage** (Second Reading) of Ordinance **5107** pertaining to Section 130.14.280 of Title 130, Article 9 of the El Dorado County Ordinance Code entitled "Taxation of Commercial Cannabis Activities" renumbered in Chapter 22 of Title 3, with amendments. (Cont. 8/27/19, Item 46)
3. [16-0305](#) Chief Administrative Office 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. 8/27/19, Item 3)
4. [19-1296](#) Chief Administrative Office recommending the Board:
 - 1) Order the Auditor-Controller to disburse \$147,310.23 to the El Dorado Hills Community Services District from its park and recreation development impact mitigation fee account for fee program administration and expenditures related to the Bass Lake Community Park, Kalithea Park, and Valley View Park; and
 - 2) Order the Auditor-Controller to disburse \$8,250 to the Mosquito Fire Protection District from its fire development impact mitigation fee account as reimbursement for the District's Impact Fee Nexus Study.

FUNDING: Development Impact Fees.

5. [19-1244](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board declare a service weapon as surplus and approve the sale of the weapon to retired Sheriff Deputy Scott Crawford.

FUNDING: The Sheriff's Office Armory will receive the funds paid by the retired employee.

6. [19-1338](#) Director of Human Resources and Chief Administrative Officer recommending the Board approve and authorize the Chair to sign Resolution **147-2019** to increase the Director of Information Technologies salary range, effective the first pay period following adoption.

FUNDING: General Fund with partial cost recovery in future years through the A-87 Cost Plan.

7. [19-1284](#) Human Resources Department recommending the Board:
- 1) Approve the bargaining unit designation change for one Applications Analyst I allocation (position 2583) in the Information Technologies Department from Professional (PL) to Confidential (CO);
 - 2) Approve the bargaining unit designation change for one Applications Analyst II allocation (position 2596) in the Information Technologies Department from CO to PL; and
 - 3) Adopt and authorize the chair to sign Resolution **144-2019** to change the bargaining unit designations as noted above.

FUNDING: N/A

8. [19-1291](#) Human Resources Department recommending the Board:
- 1) Make findings that it is more feasible and economical to engage an outside contractor for the provision of specialized personnel services in accordance with Ordinance 3.13.040;
 - 2) Approve and authorize the Purchasing Agent to execute Agreement 3509 with Weintraub Tobin Chediak Coleman Grodin Law Corporation for personnel investigations and mediation services on an “as requested” basis for a total amount not-to-exceed \$210,000 and for a term of three (3) years from the date of final execution; and
 - 3) Authorize the Purchasing Agent to execute Amendments which do not increase the maximum obligation or term of the Agreement.

FUNDING: General Fund and non-General Fund.

9. [19-1294](#) Human Resources Department recommending the Board adopt and authorize the Chair to sign Resolution **145-2019** to approve the salary increase for the classification of Social Services Supervisor I.

FUNDING: 30% open federal funding, 60% 2011 Realignment, and 10% 1991 Realignment.

10. [19-1287](#)

Human Resources Department recommending the Board consider:

- 1) Make findings that it is more feasible and economical to engage an outside contractor for the provision of specialized personnel services in accordance with Ordinance 3.13.040;
- 2) Approve and authorize the Chair to sign Agreement 4198 with Cooperative Personnel Services dba CPS HR Consulting to provide specialized testing and scoring services for selected personnel recruitments on an "as requested" basis, for the period of three (3) years from October 1, 2019 through September 30, 2022, for a total not to exceed the amount of \$120,000; and
- 2) Authorize the Purchasing Agent to execute Amendments which do not increase the maximum obligation or term of the Agreement.

FUNDING: General Fund.

11. [19-1310](#)

Supervisor Veerkamp recommending the Board make the following appointment to the Diamond Springs-El Dorado Community Advisory Committee:

Appoint Maria Samaniego Taylor, Member, Term Expiration 9/10/2023.

LAND USE AND DEVELOPMENT - CONSENT ITEMS**12. [19-1158](#)**

Department of Transportation recommending the Board consider the following for acquiring right of way for the Industrial Drive/Missouri Flat Road-Signalization Project CIP 73366/36105053 (Project):

- 1) Approve and authorize the Chair to sign the Acquisition Agreement for Public Purposes and the Certificates of Acceptance accepting a Grant Deed, Temporary Construction Easement, and Public Utility Easement from Irene Mazzoni, a single woman, for Assessor's Parcel Number 329-260-01. The Fee and Easement acquisitions provide right-of-way necessary to construct the Project, at a cost of \$31,500;
- 2) Authorize the Director of Transportation, or designee, to execute the escrow instructions and any other related escrow documents pertaining to the transaction, including payment of title and escrow fees, which are estimated to be \$2,500; and
- 3) Authorize the Director of Transportation, or designee to extend the date of closure of escrow upon mutual agreement of both parties if necessary.

FUNDING: Tribe Funds (14%), General Fund (54%), and Accumulative Capital Outlay Funds (32%).

13. [19-1212](#)

Department of Transportation recommending the Board consider the following:

- 1) Approve and authorize the Chair to sign the Notice of Acceptance with MKD Construction, Inc., for the White Meadow Road and Peavine Ridge Road Storm Damage Repair Project, CIP 78711/36102025, Contract 2771; and
- 2) Approve and authorize the Clerk of the Board to release the Payment and Performance Bonds to the Surety upon notification from the Department of Transportation, after the one-year guarantee period.

FUNDING: Federal Emergency Management Agency (FEMA) and California Office of Emergency Services (Cal OES) to fund up to 93.75% of eligible project costs related to initial storm damage (change order five expenses are not FEMA or Cal OES eligible). Contract Change Order Five expenses will be funded by the State Transportation Block Grant Exchange Funds for repairs not related to initial storm damage.

14. [19-1152](#)

Planning Commission recommending the Board approve the **Final Passage** (Second Reading) of Ordinances **5109**, **5110**, and **5111** for proposed amendments (Attachments C, E, and G) to Title 130 Zoning Ordinance for the voter-enacted Measures N, P, Q, R, and S, which authorized the permitting and regulation of commercial cannabis activities in the County (OR19-0001) and adoption and passage of Ordinance **5112** (Attachment 2B). Planning Commission recommending the Board take the following actions:

- 1) Find that the adoption of the proposed amendments to sections 130.14.290 (Measure N), 130.14.300 (Measure P), 130.14.310 (Measure Q), 130.14.320 (Measure R), and 130.14.330 (Measure S) and the corresponding updates to the matrix of allowed uses in the Title 130 Zoning Ordinance are not subject to the California Environmental Quality Act (CEQA) pursuant to Business and Professions Code section 26055(h);
- 2) Recommend approval of the following amendments and ordinances:
 - a) Section 130.14.290 of Title 130, Article 9 of the El Dorado County Ordinance Code entitled "Commercial Cannabis Activities Permitting and Enforcement" renumbered as Section 130.41.100 of Title 130, Article 4, with amendments (Ordinance 5109);
 - b) Section 130.14.300 of Title 130, Article 9 of the El Dorado County Ordinance Code entitled "Outdoor and Mixed-Light Cultivation of Recreational Adult Use Cannabis" renumbered as Section 130.41.200 of Title 130, Article 4, re-titled "Outdoor and Mixed-Light Cultivation of Commercial Cannabis," with amendments (Ordinance 5110); and
 - c) Section 130.14.320 of Title 130, Article 9 of the El Dorado County Ordinance Code entitled "Retail Sale, Commercial Distribution, and Commercial Indoor Cultivation of Cannabis for Medicinal Use" renumbered as Section 130.41.300 of Title 130, Article 4, re-titled "Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis," with amendments (Ordinance 5111); and
 - d) Ordinance 5112, which updates to the matrix of allowed uses in the Title 130 Zoning Ordinance consistent with the amendments in Ordinances 5110 and 5111.
- 3) Recommend repeal of:
 - a) Section 130.14.270 of Title 130, Article 9 of the El Dorado County Ordinance entitled "Commercial Cannabis Activities";
 - b) Section 130.14.310 of Title 130, Article 9 of the El Dorado County Ordinance Code entitled "Outdoor and Mixed-Light Cultivation of Recreational Adult Use Cannabis"; and
 - c) Section 130.14.330 of Title 130, Article 9 of the El Dorado County Ordinance Code entitled, "Retail Sale, Commercial Distribution, and Commercial Indoor Cultivation of Cannabis for Recreational Adult Use." (Cont. 8/27/2019, Item 47)

15. [19-1177](#) Planning Commission recommending the Board approve the Planning Commission Bylaws modified by the Commission on July 11, 2019.

FUNDING: N/A

16. [19-1252](#) Surveyor's Office recommending the Board:
- 1) Approve and authorize the Chair to acknowledge and accept an Irrevocable Offer of Dedication for a Drainage Easement and Road Right of Way subject to the condition that they will not be County maintained unless and until they have been accepted into the County maintained road system by Resolution of the Board of Supervisors;
 - 2) Acknowledge and accept a Drainage Easement and Road Right of Way on behalf of those public entities that will provide services, subject to the purveyor's construction standards; and
 - 3) Authorize the Chair to sign the Consent to Offer of Dedication and Acceptance of Offer and to record the Irrevocable Offer of Dedication with the Consent attached. Authorization for recording said Offer is pursuant to Government Code Section 7050.

FUNDING: Application Fees. (General Fund)

LAW AND JUSTICE - CONSENT ITEMS

17. [19-1278](#) District Attorney (DA) and Sheriff's Office notifying the Board and making available for review and public comment the County's submission of the Edward Byrne Memorial Justice Assistance Grant Program Fiscal Year 2019 application for funding of \$17,544. The DA's Office is requesting training, computer equipment and a small unmanned aircraft system. The Sheriff's Office is requesting training and software enhancements to the Records Management System.

FUNDING: Justice Assistance Grant Program.

18. [19-1265](#) Sheriff's Office recommending the Board authorize the Chair and the Sheriff to sign Exhibits A & B to the Cooperative Law Enforcement Agreement, 18-LE-11051360-002, between the El Dorado County Sheriff's Office, the United States Department of Agriculture, US Forest Service Eldorado National Forest, and the US Forest Service Lake Tahoe Basin Management Unit in the total amount of \$37,000 to provide funding for the Sheriff's patrol services on national forest system roads within the El Dorado County National Forest and Lake Tahoe Basin Management Unit, as well as funding for Sheriff's Office expenditures associated with the detection of locations and activities related to the illegal production and trafficking of controlled substances during Federal Fiscal Year 2019.

FUNDING: United States Forest Service Funding.

19. [19-1280](#) Sheriff's Office recommending the Board accept a Local Community Contribution Grant Award from the Walmart Foundation in the amount of \$1,500 for the purchase of supplies needed for community events hosted by the Sheriff's Office Homeless Outreach Team where various public agencies and private entities gather to provide services to the homeless.

FUNDING: Walmart Foundation Local Community Contribution Grant.

20. [19-1275](#) Sheriff's Office and District Attorney's Office recommending the Board:
- 1) Approve and authorize the Chair to sign the Fiscal Year 2018-2019 Equitable Sharing Agreement and Certification for Federal Asset Forfeiture with the United States Department of Justice and United States Department of the Treasury; and
 - 2) Authorize Sheriff's Office and District Attorney's Office staff to electronically submit, on behalf of the Chair, the Fiscal Year 2018-2019 Equitable Sharing Agreement and Certification for Federal Asset Forfeiture with the United States Department of Justice and United States Department of the Treasury.

FUNDING: Revenue - Equitable Sharing (Asset Forfeiture).

END CONSENT CALENDAR

DEPARTMENT MATTERS (Items in this category may be called at any time)

21. [19-1185](#) Clerk of the Board recommending the Board consider adoption of Board Policy I-1 *Business Cards for Members of Boards, Committees, and Commissions* pursuant to Board direction on May 21, 2019. (Est. Time: 10 Min.)

FUNDING: General Fund.

22. [19-1337](#) Supervisors Novasel and Hidahl, as the Fiscal Year 2019/2020 Budget Adhoc Committee, recommending the Board direct staff to:
- 1) Proceed with a General Plan amendment to remove Section 10.1.6.4 which states, "The majority of transient occupancy tax generated revenue shall be directed toward the promotion of tourism, entertainment, business and leisure travel in El Dorado County"; and
 - 2) Direct staff to return to the Board with an additional budget policy that states, "transient occupancy tax revenue shall be directed toward the impact of tourism and economic development." (Est. Time: 30 Min.)

23. [19-1325](#) Supervisor Parlin recommending the Board authorize the Chair to sign the attached letter to the Bureau of Reclamation, conveying the County's concerns over the Auburn State Recreation Area (ASRA) Preliminary General Plan and the Draft Resource Management Plan. (Est. Time: 15 Min.)

FUNDING: N/A

11:00 A.M. - TIME ALLOCATION

24. [19-1215](#) Chief Administrative Office recommending the Board:
- 1) Receive a presentation on the El Dorado - Sacramento Municipal Utility District (SMUD) Cooperation Agreement special revenue fund as requested at the June 17, 2019, Budget Hearing; and
 - 2) Provide direction to staff on the need to return to the Board with any recommended revisions to the current SMUD fund expenditure practices. (Est. Time: 30 Min.)

FUNDING: SMUD Funds.

1:30 P.M. - TIME ALLOCATION

25. [19-1323](#) Chief Administrative Office, Cemeteries and Airport Division, recommending the Board:
- 1) Approve and authorize the Chair to sign Resolution **148-2019**, Resolution of Intention to Form Western Slope Cemetery Zone of Benefit within County Service Area 9;
 - 2) Direct staff on what cemetery zone of benefit decision points should be included in a ballot measure brought forward to the Board Supervisors in a resolution;
 - 3) Set a public hearing for November 5, 2019, at 10:00 a.m. to consider formation of the zone of benefit; and
 - 4) Approve a budget transfer to increase appropriations in the Chief Administrative Office, Cemeteries and Airport Division, by \$24,000, and reduce the General Fund Appropriation for Contingency by a like amount, to pay for the required mailing of postcards to the parcel owners, in the proposed zone, for the date and time of the public hearing (4/5 vote required to approve budget transfer). (Est. Time: 45 Min.)

FUNDING: General Fund.

2:30 P.M. - TIME ALLOCATION

26. [19-1290](#) HEARING - Ad Hoc Cannabis Committee, in coordination with the Chief Administrative Office, recommending the Board adopt and authorize the Chair to sign Resolution **141-2019** establishing commercial cannabis fees for the unincorporated county for the pre-application, application, monitoring, and renewal process for commercial cannabis. (Est. Time: 1 Hr.) (Cont. 8/27/19, Item 44)

FUNDING: Commercial Cannabis Fees.

ITEMS TO/FROM SUPERVISORS**CAO UPDATE****ADJOURNMENT**

CLOSED SESSION

- 27. [19-1148](#) **Pursuant to Government Code Section 54957- Public Employee Performance Evaluation.** Title: Agricultural Commissioner/Sealer of Weights & Measures. (Est. Time: 15 Min.)

- 28. [19-1253](#) **Pursuant to Government Code Section 54957- Public Employee Performance Evaluation.** Title: Director of Environmental Management. (Est. Time: 15 Min.)

- 29. [19-1350](#) **Pursuant to Government Code Section 54957- Public Employee Appointment.** Title: Interim Director of Information Technologies. (Est. Time: 15 Min.)

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.

ADDENDUM**DEPARTMENT MATTERS (Items in this category may be called at any time)**

30. [19-1357](#) Supervisor Novasel recommending the Board adopt a Proclamation recognizing September 11, 2019, as "Lest We Forget Day" to remember the victims of September 11, 2001, and to honor and thank our local firefighters, law enforcement personnel, emergency rescue workers, military servicemen and women, and the volunteers in these fields who work diligently to ensure that we may live our lives in safety and freedom. (Est. Time: 5 Min.)
31. [19-1364](#) Chief Administrative Office recommending the Board consider, approve, and authorize the Chair to sign the attached comment letter to be submitted to the Judicial Council of California in response to a request for comments regarding the Judicial Council's Court Facilities Advisory Committee's reassessment of court facility projects and resultant revised ranking of courthouse facilities identified for replacement by the State Administrative Office of the Courts. (Est. Time: 20 Min.)

FUNDING: N/A