



County of El Dorado

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Minutes - Final Board of Supervisors

Ron Briggs, Chair, District IV
Norma Santiago, First Vice Chair, District V
Ray Nutting, Second Vice Chair, District II
Ron Mikulaco, District I
Brian K. Veerkamp, District III

James S. Mitrisin, Clerk of the Board of Supervisors
Terri Daly, Chief Administrative Officer *Edward Knapp,*
County Counsel

Tuesday, September 24, 2013

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.

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Public Testimony will be received on each agenda item listed under Department Matters 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) 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. 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' 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.

8:01 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS

Present: 5 - Supervisor Briggs, Supervisor Santiago, Supervisor Mikulaco, Supervisor Veerkamp and Supervisor Nutting

9:13 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor John Lukas of the Calvary Chapel of the Foothills gave the Invocation.
Supervisor Veerkamp led the Pledge of Allegiance to the Flag.

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

Approval of Consent Calendar 1

A motion was made by Supervisor Nutting, seconded by Supervisor Santiago, to adopt the agenda and approve Consent Calendar 1 with the following change:
Move item 1 to Consent Calendar 2.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

Approval of Consent Calendar 2

A motion was made by Supervisor Veerkamp, seconded by Supervisor Santiago, to approve Consent Calendar 2 with no changes.

Yes: 4 - Briggs, Santiago, Mikulaco and Veerkamp

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 with one single vote. A Board member may request an item be removed from the Consent Calendar for discussion and possible action, and the item will be moved from Consent and heard as a separate item with Department Matters. Any member of the public may ask to address an item on the Consent Calendar prior to Board action.

[13-1260](#) OPEN FORUM

Public Comment: M. Lane

CAO UPDATE

No CAO update.

CONSENT CALENDAR 1

1. [11-0183](#) Chief Administrative Office recommending the Board approve continuation of perpetual Agreement No. 213-S0910 with TransUnion LLC for Fiscal Year 2013-14 for a total amount of \$1,000 for consumer reporting services and for provision of FICO scores for the Department's Housing Rehabilitation and Economic Development loan programs.

FUNDING: Federal Community Development Block Grants funds and County Housing and Economic Development Revolving Loan funds.

This matter was Approved on Consent Calendar 2.

2. [08-0905](#) Chief Administrative Office, Facilities Division, on behalf of the Law Library, recommending Chair be authorized to sign Amendment I to Lease Agreement No. 097-L0911 with Lawrence Caso and Dianne Caso Revocable Trust in the amount of \$2,490.09 per month for the term of October 1, 2013 through September 30, 2016 for 1,667 square feet of space located at 550 Main Street Suite A, in Placerville for the Law Library.

This matter was Approved on Consent Calendar 1.

3. [12-1211](#) Chief Administrative Office, Procurement and Contracts Division, on behalf of Human Resources recommending the Board authorize the Purchasing Agent to sign Amendment I to Agreement No. 220-S1311 with Liebert Cassidy Whitmore to provide employment relations consulting services for the term of October 1, 2012 through September 30, 2014, increasing the not to exceed amount by \$150,000 for a total of \$300,000, and adding Section 15, Audit by California State Auditor.

FUNDING: General Fund.

This matter was Approved on the consent calendar.

4. [13-0512](#) Community Development Agency, Transportation Division recommending the Board adopt Resolution **144-2013** to close Francisco Drive, from Cambria to just north of El Dorado Hills Boulevard for ten (10) weekdays to rehabilitate failed pavement, apply overlay, pave shoulders, and detour traffic; noting adoption of said Resolution supersedes Resolution 064-2013 previously adopted on June 4, 2013, as Item 13.

Resolution 144-2013 was Adopted upon Approval of Consent Calendar 1.

5. [11-0387](#) Health and Human Services Agency, Mental Health Division, recommending the Board authorize the Chair to sign Amendment II to Agreement 606-M1210, and Amendment II to Agreement 607-M1210, both with the Regents of the University of California for loan of telemedicine equipment in the Placerville and South Lake Tahoe Mental Health Division offices, terminating each Agreement effective September 30, 2013 and transferring ownership of said equipment to the County of El Dorado (Refer 5/3/11 Item 6, and 7/24/12 Item 7).

FUNDING: State Proposition 1D, passed by voters in 2006, via a grant by Regents of the University of California.

This matter was Approved on Consent Calendar 1.

6. [13-1173](#) Health and Human Services Agency, Public Health Division recommending the Board consider the following:
- 1) Adopt Resolution **143-2013** in recognition of World Rabies Day on September 28, 2013;
 - 2) Authorize Animal Services to provide free rabies inoculations and waive the one-year license fees for spayed/neutered dogs on September 28, 2013;
 - 3) Authorize an amnesty period of September 28, 2013 through November 30, 2013 to waive late and never-licensed penalty fees for spayed or neutered dogs;
 - 4) Authorize a reduction to the one-year licensing fee for spayed or neutered dogs from \$20 to \$10 beginning September 29, 2013 and continuing through the remainder of the amnesty period to encourage licensing;
 - 5) Accept a donation from Sacramento Valley Veterinary Medical Association of rabies vaccines to provide free rabies inoculations on World Rabies Day 2013;
 - 6) Accept a donation from People for Animal Welfare in El Dorado County in the amount of \$500 for the purchase of 100 microchips; and
 - 7) Authorize Animal Services to implant the microchips and waive the County microchip fee for dogs on September 28, 2013.

Resolution 143-2013 was Adopted upon Approval of Consent Calendar 1.

7. [13-1181](#) Supervisor Santiago recommending the Board approve plans to hold a Special Meeting in South Lake Tahoe on Monday, October 7, 2013, beginning at 9:00 a.m. in the City of South Lake Tahoe City Council Chambers located at 1901 Airport Road, South Lake Tahoe, California.

This matter was Approved on Consent Calendar 1.

8. [13-1204](#) Supervisor Santiago recommending the Board ratify the Chairman's signature on Certificates of Recognition presented to Dan Kikkert, Brendan Ferry and Russ Wigart, Transportation Division, Community Development Agency, Tahoe Engineering Unit, for their representation at the 2013 California Stormwater Quality Association Conference.

This matter was Approved on Consent Calendar 1.

CONSENT CALENDAR 2

9. [13-0007](#) Clerk of the Board of Supervisors recommending the Board approve the Special Meetings Minutes of Monday, August 26, 2013, Monday, September 16, 2013 and Wednesday, September 18, 2013, and the Regular Meeting Minutes from Tuesday, September 17, 2013.
- This matter was Approved on Consent Calendar 2.**
10. [13-0660](#) Chief Administrative Office recommending the Board consider the following:
- 1) Adopt Resolution **147-2013** adopting the County Budget and Budgets for Board Governed Special Districts for Fiscal Year 2013-14; and
2) Adopt Resolution **148-2013** amending the FY 2013-14 personnel allocation to delete 8 FTE's and add 17.77 FTE's for a net increase of 9.77 FTE's.
- (See 10-8-13, item no. 19, file 13-1265)**
- Resolutions 147-2013 and 148-2013 were Adopted upon Approval of Consent Calendar 2.**
11. [13-1203](#) Acting as the Board of Directors of the El Dorado County In-Home Supportive Services Public Authority:
- Chief Administrative Office recommending the Board adopt Resolution **145-2013** adopting Fiscal Year 2013-2014 Budget for El Dorado County In-Home Supportive Services Public Authority.
- Resolution 145-2013 was Adopted upon Approval of Consent Calendar 2.**
12. [13-1202](#) Acting as the Board of Directors of the El Dorado County Public Housing Authority:
- Chief Administrative Office recommending the Board adopt Resolution **146-2013** adopting Fiscal Year 2013-2014 Budget for El Dorado County Public Housing Authority.
- Resolution 146-2013 was Adopted upon Approval of Consent Calendar 2.**
13. [08-1308](#) Chief Administrative Office, Facilities Division, on behalf of the Library, recommending Chairman be authorized to sign Amendment I to Lease Agreement No. 249-L0911 with Richard F. Anderson and Cheryl L. Anderson in the amount of \$1,820.70 per month for the term of October 1, 2013 through September 30, 2016 for 2,666 square feet of space located at 6680 Orleans Street, Georgetown for the Georgetown Library.
- This matter was Approved on Consent Calendar 2.**

14. [12-1077](#) Chief Administrative Office, Housing Community and Economic Development Program, recommending the Board of Supervisors:
- 1) Accept the 2012 Continuum of Care Program Grant in the amount of \$13,339;
 - 2) Approve Grant Agreement No. CA0318L9T251204 with the U.S. Department of Housing and Urban Development and authorize the Director of Health and Human Services Agency, or successor, to sign and submit the Grant Agreement; and
 - 3) Authorize the Assistant Chief Administrative Officer, or successor, to execute all other documents required by the U.S. Department of Housing and Urban Development to transfer the grant from the County to The Center for Violence Free-Relationships, contingent upon approval by County Counsel.

FUNDING: Federal funds of \$13,339 with a commitment of cash and in-kind match of up to \$8,898 from The Center for Violence-Free Relationships.

This matter was Approved on Consent Calendar 2.

15. **12-1020** Health and Human Services Agency recommending the Board consider the following:
- 1) Authorize the Chair to sign retroactive Public Health Emergency Preparedness Comprehensive Funding Agreement 185-F1411 (EPO 13-10) with the California Department of Public Health in the amount of \$478,203 for the term July 1, 2013 through June 30, 2014; and
 - 2) Authorize the Chair to sign an Amendment 1 to Agreement 185-F1411 (EPO 13-10), contingent upon approval by County Counsel and Risk Management, which will increase the funding amount by an estimated \$200,000 for a total funding amount of approximately \$678,203; and
 - 3) Authorize the Chief Administrative Officer or their designee to execute further documents relating to Agreement for Services 185-F1411, including amendments thereto, contingent upon approval by County Counsel and Risk Management, which do not affect the maximum dollar amount or term of the Agreement and further authorize the Director of the Health and Human Services Agency, or successor, to continue to administer Agreement for Services 185-F1411 and execute any subsequent documents relating to said Agreement including required fiscal and programmatic reports.

FUNDING: Federal and State funding managed by the California Department of Public Health.

This matter was Approved on Consent Calendar 2.

- 16. [13-1100](#) Sheriff's Office and the District Attorney's Office recommending the Board authorize the Chair to sign the Fiscal Year 2012/13 Equitable Sharing Agreement and Certification for Federal Asset Forfeiture with the United States Department of Justice and United States Department of the Treasury.

FUNDING: Equitable Sharing (Asset Forfeiture).

This matter was Approved on Consent Calendar 2.

END CONSENT CALENDAR

10:00 A.M. - TIME ALLOCATION 1

- 17. [13-1184](#) Recorder-Clerk-Registrar of Voters recommending the Board recognize September 24, 2013 as National Voter Registration Day.

Received and Filed.

- 18. [13-0336](#) Fire Advisory Group recommending the Board receive a presentation on the financial status of rural fire protection districts and give direction regarding potential funding agreements. (Est. Time: 1 Hr)

FUNDING: There is no funding directly associated with this item.

Public Comment: J. Mulally, D. Roberts, J. Henriquez, J. Hartley, M. Cahill, B. Winn

A motion was made by Supervisor Briggs, seconded by Supervisor Veerkamp, to;
1) Direct the Chief Administrative Office to return to the Board with potential funding contracts allowing dispersal of funds based on agreed financial triggers;
and
2) Direct the Chief Administrative Office to return to the Board with letters from each Fire Protection District Board in the County indicating their intent to participate in a long term, sustainable funding solution.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

DEPARTMENT MATTERS 1

19. [07-0558](#) Community Development Agency, Transportation Division, recommending the Board consider the following:
- 1) Approve the proposed final County of El Dorado Tahoe Basin Storm Water Management Plan; and
 - 2) Authorize the Transportation Division to submit the final County of El Dorado Tahoe Basin Storm Water Management Plan to the California Regional Water Quality Control Board - Lahontan Region.

FUNDING: General Fund and Public Utility Franchise Fees.

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

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

DEPARTMENT MATTERS 2

20. [13-0082](#) Community Development Agency, Long Range Planning Division, recommending the Board:
- 1) Receive and file Capital Improvement Program (CIP) update information per the attached Fiscal Year 2013-2014 CIP Project Status Update table; and
 - 2) Authorize the addition of the following four projects to the 2013 CIP: Cameron Park Class 2 Bike Lane (CIP No. 72307), Ice House Road Rehabilitation project (CIP No. 72187), Placerville Airport Habitat Security Fence and Gates (CIP No. 93124), and U.S. 50/Missouri Flat Road Interchange - Phase 1B (CIP No. 71336).

FUNDING: Various Federal, State and Local Funding Sources.

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

Yes: 3 - Briggs, Santiago and Veerkamp

Noes: 1 - Mikulaco

21. [13-1190](#) Chief Administrative Office, Risk Management Division, recommending the Board consider the following:
- 1) Approve the proposed health plans as modified and corresponding unblended rates effective January 1, 2014 through December 31, 2014;
 - 2) Direct staff to return to the Board with a contract for the third party administration of a Health Savings Account Program; and
 - 3) Authorize Kim Kerr, Assistant Chief Administrative Officer, or her designee, to sign health benefit contracts subject to the approval of County Counsel.
 - 4) Direct Risk Management to work with human Resources to notify the Bargaining Units regarding these changes and provide an opportunity to meet and confer.

FUNDING: Internal Service Fund - Risk Management Health Fund.

Public Comment: T. Abraham, R. Scheiber, M. Zanbari, J. Copeland, B. Benoit.

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

Yes: 4 - Briggs, Santiago, Mikulaco and Veerkamp

2:00 P.M. - TIME ALLOCATION 1

22. [13-1174](#)

Hearing to consider the recommendation of the Planning Commission on Ordinance OR13-0001/Medical Marijuana Distribution Facility and recommending the Board take the following actions:

- 1) Find that the adoption of the proposed ordinance is not subject to CEQA pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines;
- 2) Adopt an amendment to Title 17 of the County Code prohibiting new medical marijuana distribution facilities based on the Findings presented;
- 3) Adopt Ordinance **4999** for said amendment; and
- 4) Direct staff to return to the Board with a Resolution of Intention to amend the ordinance to address the following items: (a) Allow safe access; (b) Establish limitations on new dispensaries; (c) Processing of product; and (d) Capitalize on economic opportunities.

A motion was made by Supervisor Santiago, seconded by Supervisor Nutting, to approve the following;

- 1) Find that the adoption of the proposed ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060 (c)(2) and 15060 (c)(3) of the CEQA Guidelines; and
- 2) Adopt Ordinance 4999 amending Title 17 of the County Code prohibiting medical marijuana distribution facilities as amended.

Yes: 4 - Briggs, Santiago, Veerkamp and Nutting

Noes: 1 - Mikulaco

A motion was made by Supervisor Briggs, seconded by Supervisor Veerkamp, to take no action on recommendation No. 4 of agenda item 22.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

23. [13-1175](#)

Hearing to consider the recommendation of the Planning Commission on Ordinance OR13-0002/Medical Marijuana Outdoor Cultivation and recommending the Board take the following actions:

- 1) Find that the adoption of the proposed ordinance is not subject to CEQA pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines;
- 2) Adopt an amendment to Title 17 of the County Code regulating medical marijuana outdoor cultivation based on the Findings as presented; and
- 3) Adopt Ordinance **5000** for said amendment.

Public Comment: Dr. Denney, D.Hoppy, S. Root, E. Veerkamp, B. Wild, P. Buhele, D. Schultz, S. Buhele, L. Fortress, R. Ferral, A. Wishart, W. Howe, K. Jacobson, J. Anteeep, J. Bariden, J. Koning, B. Briggs, S. Fidell, D. Feits, C. Austin, M. Post, H. Woodward, B. Eisenberg, D. Bishop, P. Zimmerman, R. Naremore, K. Chisano, S. Sweeney, L. Davies, M. Fidell

Following public comment, a motion was made by Supervisor Santiago, seconded by Supervisor Veerkamp, to recess into Closed Session.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

A motion was made by Supervisor Veerkamp, seconded by Supervisor Santiago, to Approve the following;

- 1) Find that the adoption of the proposed ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to Section s15060(c)(2) and 15060 (c) (3) of the CEQA Guidelines; and
- 2) Adopt Ordinance 5000 amending Title 17 of the County Code regulating medical marijuana outdoor cultivation.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

ITEMS TO/FROM SUPERVISORS

No items reported.

ADJOURNED AT 7:27 P.M.

CLOSED SESSION

- 24. 13-1207 Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources or designee and Jack Hughes of Liebert, Cassidy, Whitmore
Employee organization: El Dorado County Employees Association Local No. 1 representing employees in the General, Professional, and Supervisory Bargaining Units and Operating Engineers Local No. 3 representing employees in the Probation Bargaining Units. (Est. Time: 30 Min.)
No Action Reported. Supervisor Nutting did not participate.

- 25. 11-1362 Conference with Legal Counsel - Initiation of Litigation** pursuant to Government Code Section 54956.9(d)(4): Title: West Valley, LLC: Silva Valley Parkway Interchange Project. Number of potential cases: (1). (Est. Time: 15 Min.)
No Action Reported. Supervisor Nutting did not participate.

- 26. 11-1363 Conference with Legal Counsel - Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(d)(2): Title: West Valley, LLC: Silva Valley Parkway Interchange Project. Number of potential cases: (1). (Est. Time: 15 Min.)
No Action Reported. Supervisor Nutting did not participate.

ADDENDUM

CLOSED SESSION

- 27. 13-1225 Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources and/or designee.
Unrepresented Employee: Employees covered under the Salary and Benefits Resolution for Unrepresented Employees, No. 323-2001, and all amendments thereto. (Est. Time: 30 Min.)

This matter was continued to October 1, 2013.

CLOSED SESSION

- 28. 12-1301 Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(a). Title: Bruce and Claudia Wade v. County of El Dorado, American River Conservancy, et al., El Dorado County Superior Court Case No. PC 20120264 (Est. Time: 15 Min.)

County Counsel brought to the Board's attention that a settlement demand and offer to compromise was received in the pending case of Bruce and Claudia Wade vs. County of El Dorado requiring action prior to the September 30, 2013 trial date and recommended this item be added to Closed Session.

A motion was made by Supervisor Santiago, seconded by Supervisor Nutting to add this item to Closed Session for discussion.

By unanimous vote, the Board rejected the written offer to settle made by the plaintiffs.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting