



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, January 12, 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.

8:00 A.M. - CALL TO ORDER AND RECESS TO CLOSED SESSIONS

- Present:** 4 - Supervisor Nutting, Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago
- Absent:** 1 - Supervisor Knight

9:00 A.M. - RECONVENE TO OPEN SESSION AND CLOSED SESSION REPORTS

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

1. [10-0003](#) ELECTION OF CHAIRMAN, FIRST VICE CHAIRMAN AND SECOND VICE-CHAIRMAN OF THE BOARD OF SUPERVISORS FOR THE YEAR 2010.

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to appoint Supervisor Santiago as 2010 Chair, Supervisor Nutting as First Vice Chair, and Supervisor Knight as Second Vice Chair.

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

ACKNOWLEDGEMENT FOR OUTGOING 2009 CHAIRMAN

WELCOME FROM THE NEW 2010 CHAIRMAN

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 20 and 25 were continued off calendar, Item 22 was continued to January 19, 2010, Items 26 and 33 were continued to January 26, 2010, and Items 8 and 16 were pulled from the Consent Calendar.

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

OPEN FORUM

PUBLIC COMMENT

- M. Barton RE: El Dorado Disposal rate increase.
- P. Arnolds RE: Child Protective Services and confidentiality.
- D. Barnfield RE: Garbage service changing. Amador Disposal and El Dorado Disposal.
- M. Glasser RE: County purchasing her property.
- J. Butler RE: Widening bridge (Tennessee) County wants to widen roads to 56' from their current 22'.
- E. Blakemore RE: Use of public forum to negatively talk about hard working volunteers. Goal of keeping families together.

BUDGET UPDATE

PRESENTATION

- 2. [10-0007](#) **PRESENTATION** recognizing the El Dorado County Youth Commission and the El Dorado County Department of Transportation as Winners of the Sacramento Area Council of Government Salutes! Awards.

No Formal Action Required

CONSENT CALENDAR

- 3. [10-0001](#) Approval of Board of Supervisors Meeting Minutes from the Regular Meetings of Tuesday, December 8, 2009, Thursday, December 10, 2009, and Tuesday, December 15, 2009 and the Special Meetings of Monday, November 9, 2009 and Monday, December 14, 2009.

This matter was Approved on the consent calendar

- 4. [09-1534](#) Chief Administrative Office, Procurement and Contracts Division, presenting a list of property surplus to the needs of the County; and recommending the Board so declare and authorize disposal of same in accordance with the procedures outlined in the County's Purchasing Ordinance, Chapter 3.12 and Section 3.12.220 thereof.

This matter was Approved on the consent calendar

5. [09-1476](#) Chief Administrative Office, Procurement and Contracts Division recommending the Board:
- 1) Make findings that it is more economical and feasible to contract out for the provision of a commercial card lock fueling program and related services in accordance with County Ordinance 3.13., Section 3.13.030; and
 - 2) Authorize the Chairman to execute Agreement 274-S1011 for a five-year term not to exceed \$5,000,000 for same.

FUNDING: General Fund and Non General Fund.

This matter was Approved on the consent calendar

6. [09-1484](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board:
- 1) Make findings that it is more economical and feasible to contract out for employee benefits consulting services in accordance with County Ordinance 3.13, Section 3.13.030;
 - 2) Award Request for Proposal 10-961-010 for employee benefits consulting services to Alliant Insurance Services, Inc. of Sacramento, California; and
 - 3) Authorize the Director of Human Resources, with assistance from County Counsel, to negotiate a three year agreement.

FUNDING: General Fund.

This matter was Approved on the consent calendar

7. [09-1540](#) County Counsel recommending the Board ratify the appointment of Manfred Kollar to position of Sheriff.

This matter was Approved on the consent calendar

8. [09-1521](#) Development Services Department recommending the Board authorize the Chairman to sign the following Agreements:
- 1) Agreement for Services 245-S2011 with Michael Brandman Associates in the amount of \$167,591 for a period of two years for the preparation of an Environmental Impact Report (EIR) for the proposed development of a 177-acre high-density, mixed-use subdivision (General Plan Amendment A08-0017, Rezone Z08-0041, Planned Development PD08-0027, Tentative Map TM08-1486) located north of Green Valley Road in El Dorado County; and
 - 2) Reimbursement Agreement 246-O1011 for Funding of Consultant Services with GGV Greenwood, LLC for same.

PUBLIC COMMENT

R. Boyland RE: Aganst the proposal.

B. Long RE: Why should the moey go through the County.

C. Marks RE: Concern regarding water.

T. Schwank RE: No neighborhood meetings. Need a design review.

J. Butler RE: Neighbor to Greenstone. Property is near observatory.

Mr. Ceret RE: Public should be part of the process.

S. Taylor RE: Developer should have the funds seperate account. Rural County. Water. Economic Development.

E. Kerr RE: Process is backwards.

A motion was made by Supervisor Briggs, seconded by Supervisor Sweeney, to deny the request for approval of a contract for the presentation of an EIR on the applicants submittal. Further, if the applicant wishes to proceed without the EIR the projects may be brought to the Board through the Planning Commission without the benefit of an EIR for consideration of whether to deny the request by the Board of Supervisors.

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

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

- 1) Clarify that the prior act was conceptually approved, and
- 2) Continue this matter to January 19, 2010 for final approval.

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

9. [09-1499](#) District Attorney recommending the Board approve the establishment of a Special Revenue account for the purpose of providing funding to the Lake Tahoe Unified School District for the 2009 Drug Store Project; and recommending approval of Budget Transfer for the same. (4/5 vote required)

FUNDING: Asset Forfeiture Special Revenue Account.

This matter was Approved on the consent calendar

10. [09-1532](#) Environmental Management Department recommending adoption of Resolution declaring January 1 -31, 2010 as "Radon Action Month" in the County of El Dorado.
Resolution 001-2010
PUBLIC COMMENT
J. Minor RE: Need more action regarding Radon. South Lake Tahoe has a very high Radon level.
Adopted Resolution 001-2010 upon approval of the consent calendar.
11. [09-1505](#) Health Services Department recommending the Board authorize the Chairman to sign the Certification Statements approving the Children's Medical Services (CMS) Programs Budget and Work Plan, comprised of Child Health and Disability Prevention (CHDP) in the amount of \$424,579, and California Children's Services (CCS) in the amount of \$478,872 for a combined total of \$903,451 to provide medical services to children from birth to 21 years of aged afflicted with life threatening and/or severe life altering chronic medical conditions.

FUNDING: Annual Federal and State Children's Medical Services allocation, Health Services Department Public Health (PH) Division Realignment Fund match, and County General Fund match.

This matter was Approved on the consent calendar
12. [09-1531](#) Health Services Department recommending Chairman be authorized to sign retroactive CDC Public Health Emergency Response (PHER) H1N1 Phase III Agreement 228-124A-P-R2009 (EPO P3-10) with California Department of Public Health (CDPH) in the amount of \$361,994 for the term July 31, 2009 through July 30, 2010 to provide planning and response specific to H1N1.

FUNDING: Federal and State Public Health Emergency Response H1N1 Phase III.

This matter was Approved on the consent calendar
13. [09-1470](#) Human Resources Department, Risk Management Division, recommending Chairman be authorized to sign retroactive Agreement for Services 306-S1011 with Occu-Med, LTD., in an amount not to exceed \$96,000 for the period of November 6, 2009 through November 5, 2010 to provide occupational health services, specifically in the areas of pre-employment (post-offer) physical evaluations and fitness-for-duty examinations, subject to approval and/or minor revision by County Counsel.

FUNDING: Risk Management Internal Service Fund.

This matter was Approved on the consent calendar

14. [09-1530](#) Probation Department recommending the Board approve and authorize the Chairman to sign Budget Transfer 2010033 increasing revenue and appropriations for Substance Abuse Treatment and Testing Accountability Act (SATTA) and Offender Treatment Program (OTP). (4/5 vote required)
- FUNDING:** \$20,000 Substance Abuse Treatment and Testing Accountability Act (SATTA) and \$9,000 for OTP (SB 1808).
- This matter was Approved on the consent calendar**
15. [09-1498](#) Recorder-Clerk-Registrar of Voters recommending adoption of Resolution authorizing the Recorder-Clerk-Registrar of Voters to execute Help America Vote Act (HAVA) federal funding agreements in an amount not to exceed \$10,000, subject to approval by County Counsel.
- FUNDING:** Federal HAVA Program grant funding.
- Resolution 002-2010**
- Adopted Resolution 002-2010 upon approval of the consent calendar.**
16. [09-1464](#) Transportation Department recommending the Board approve the following pertaining to the U.S. 50/El Dorado Hills Boulevard Interchange Bicycle / Pedestrian Overcrossing Project:
- 1) Adopt the California Environmental Quality Act Mitigation Negative Declaration;
 - 2) Adopt the Mitigation Monitoring and Reporting Program (Appendix A of the Mitigated Negative Declaration Document;
 - 3) Approve said project as described in the California Environmental Quality Act document; and
 - 4) Authorize Department staff to proceed with any right-of-way acquisitions necessary to construct the project.
- FUNDING:** Air Pollution Control Grant, Regional Surface Transportation Program Grant, Transportation Enhancement Grant, Traffic Impact Mitigation Fee Program, anticipated grants.
- NO PUBLIC COMMENT*
- A motion was made by Supervisor Nutting, seconded by Supervisor Briggs, to approve this matter.**
- Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago
17. [09-1528](#) Treasurer-Tax Collector requesting the Board, pursuant to Section 3.38.040 of the County Code and Section 53607 of the California Government Code, renew delegation of fiduciary authority to her to invest and re-invest County funds.
- This matter was Approved on the consent calendar**

18. [09-1536](#) Treasurer-Tax Collector, on behalf of the Treasury Policy Oversight Committee, recommending approval of the El Dorado County Investment Policy with no changes.
This matter was Approved on the consent calendar
19. [09-1537](#) Treasurer-Tax Collector recommending the Board, pursuant to Section 27131 of the California Government Code, confirm the Treasurer's nominations of Vicki Barber, Superintendent of El Dorado County Schools, Gayle Erbe-Hamlin, Chief Administrative Officer, El Dorado County, and Noelle Mattock, Member, El Dorado Hills Community Services District Board of Directors, to serve on the Treasury Policy Oversight Committee for a two-year term commencing on March 1, 2010.
This matter was Approved on the consent calendar
20. [09-1445](#) Supervisor Santiago recommending Verna Dreisbach be appointed to serve as a member on the El Dorado County Child Abuse Prevention Council for a term to expire January 2012. (Cont'd 12/8/09, Item 49)
This matter was continued off calendar upon approval of the consent calendar.
21. [10-0004](#) Supervisor Santiago recommending Sean McCartney be appointed to serve as a Provider Representative on the El Dorado County Early Care and Education Planning Council for a term to expire January 2013.
This matter was Approved on the consent calendar

END CONSENT CALENDAR**DEPARTMENT MATTERS/NOTICED HEARING**

22. [09-1488](#) Chief Administrative Office recommending the Board authorize the Chairman to sign an agreement pertaining to the collection of park and recreation fees for the Georgetown Divide Recreation District. (Cont'd 12-15-09, Item 7)
PUBLIC COMMENT
M. Lane RE: Why is this itme being continued. Public records request submitted on December 22, 2009.
This matter was continued to January 19, 2010 upon approval of the Consent Calendar.

23. [09-1541](#) Hearing to consider adoption of Resolution adjusting the solid waste collection and Material Recovery Facility (MRF) rates for Waste Connections of California, Inc., dba El Dorado Disposal Service by 3.3% effective January 1, 2010. (Est. Time: 30 Min.)

Resolution 003-2010

PUBLIC COMMENT

B. Long RE: Hope that this will not happen again.

M. Mueller RE: Fuel charge increase. Inefficient. Deny increase.

R. Boyland RE: Settlement provision. 3.3% increase. Does not agree with increase.

M. Barton RE: Waste Management has no customer support. Will call does not meet needs.

Gary RE: Sister company bills every three months which reduces administrative costs.

Smaller totes for seniors. Totes are not good for long driveways.

S. Taylor RE: Plan so there does not have to be another contract with this company.

A motion was made by Supervisor Santiago, seconded by Supervisor Knight, to adopt Resolution 003-2010.

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

24. [09-1542](#) Environmental Management Department recommending the Board consider and authorize the Chairman to sign the First Amendment of the Solid Waste Services Franchise Agreement with Waste Connections of California, Inc. dba El Dorado Disposal Service. (Est. Time: 30 Min.)

NO PUBLIC COMMENT

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

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

25. [09-1360](#) Chief Administrative Office on behalf of the Probation Department requesting the Board approve reinstatement of two (2) take home vehicles for the South Lake Tahoe Probation Office and the Juvenile Treatment Center. (Cont'd 12/10/09, Item 59) (Est. Time: 15 Min.)

FUNDING: Probation Department Budget.

This matter was continued off calendar upon approval of the Consent Calendar.

2:00 P.M. - TIME ALLOCATION

26. [09-1506](#) Hearing to consider a request submitted by Charles B. Ebright appealing the denial of Parcel Map P08-0006 by the Zoning Administrator on November 18, 2009, on property identified by APN 018-320-11, consisting of 10.43 acres, in the South Lake Tahoe area; and Planning Services recommending the Board take the following actions:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and
 - 2) Deny the appeal thereby upholding the denial of Parcel Map P08-0006 by the Zoning Administrator. (Supervisorial District V) (Est. Time: 1 Hr.)

NO PUBLIC COMMENT

This matter was continued to January 26, 2010 upon approval of the Consent Calendar.

27. [09-1508](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z09-0007 on property identified by APN 060-190-41, consisting of 13.53 acres, in the Garden Valley area, submitted by Charles and Kyleen Cornell; and recommending the Board take the following actions:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff;
 - 2) Approve Z09-0007 rezoning APN 060-190-41 from Estate Residential Five-Acre (RE-5) to Select Agricultural (SA-10) based on the findings listed in Attachment 1;
 - 3) In accordance with Board of Supervisors Resolution 079-2007, reduce the 200-foot agricultural setback one hundred percent (100%) (not less than 30 feet) for the following parcels: APNs 060-190-31, 060-190-42, 060-190-21, 060-170-27, 060-170-28, 060-180-04, and 060-180-11; and
 - 4) Adopt **Ordinance 4839** for said rezone. (Supervisorial District IV) (Est. Time: 10 Min.)

NO PUBLIC COMMENT

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

- 1) Adopt the Negative Declaration;
- 2) Approve Rezone Z09-0007;
- 3) Reduce the 200-foot agricultural setback one hundred percent (100%) (not less than 30 feet) for the following parcels: APNs 060-190-31, 060-190-42, 060-190-21, 060-170-27, 060-170-28, 060-180-04, and 060-180-11; and
- 4) Adopt Ordinance 4839.

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

28. [09-1514](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z09-0005/Parcel Map P09-0007/Lakeview Villas on property identified by APN 110-590-54, consisting of 14.22 acres, in the El Dorado Hills area, submitted by Greg Gularte; and recommending the Board take the following actions:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and
 - 2) Deny Rezone Z09-0005/Parcel Map P09-0007 as the finding cannot be made that the project would be consistent with applicable General Plan policies based on slope, site was previously disturbed as pointed out in Finding 2.5, and cannot find that there was a building site on each parcel consistent with the General Plan. (Supervisory District I) (Est. Time: 1 Hr.)

PUBLIC COMMENT:

- D. Roca RE: Questions regarding grading legality.*
- A. Hines RE: Questions regarding grading legality.*
- G. Sandburg RE: CC&R South Point allocated a few more units. New regulations do not allow for construction on higher than 30% grade.*
- C. Clucker RE: top parcel is very different than before.*
- M. Demore RE: South Point Association requires further development to be approved by Association.*

A motion was made by Supervisor Briggs, seconded by Supervisor Knight, to uphold the Planning Commissions recommendations, as follows:

- 1) Adopt the Negative Declaration; and**
- 2) Deny Rezone Z09-0005/Parcel Map P09-0007.**

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

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNED AT 4:31 P.M.

CLOSED SESSION

29. [09-1503](#) Pursuant to Government Code Section 54957: **Public Employee Appointment**. Title: Interim Director of Information Technologies.
Board of Supervisors by a 4-0 vote with Supervisor Knight absent, approved the appointment of Steve Featherston as the Interim Director of Information Technologies effective January 16, 2010 at Step 4 and confirmed his status as Acting Director beginning December 19, 2009 through January 15, 2010 at Step 2.
30. [09-1525](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Central Valley Regional Water Quality Control Board - Clean Up and Abatement Order No. R5-2009-0030 (Rubicon Trail); Petition of U.S. Forest Service to State Water Board, No. SWRCB/OCC File A-2017.
No Action Reported
31. [10-0010](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: 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.
Finalized settlement agreement with Waste Connections. Pursuant to the settlement agreement, the Board will conduct a hearing today to consider an increase in rates effective January 2010.
32. [09-1526](#) Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c). One (1) potential case.
No Action Reported
33. [09-1527](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Pardi v. El Dorado County, Title: Pardi v. El Dorado County. Number of potential cases: (1).
This matter was continued to January 26, 2010 upon approval of the Consent Calendar.

34. [09-1529](#) 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
35. [10-0012](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator:** Instructions to its negotiator regarding the real property described as APNs 070-261-77, 070-261-79, 070-261-80, and 070-261-81. The person or persons with whom the negotiator may negotiate are John Mecklenberg, Peter Fagrell, and Manny Cazares of First Citizens Bank. Instructions to negotiator will concern price and terms of payment. Louis B. Green, County Counsel, Peter Maurer, Principal Planner, and Pete Field, Right-of-Way Program Manager, will be the negotiators on behalf of El Dorado County.
No Action Reported
36. [10-0019](#) Supervisor Santiago recommending adoption of Proclamation acknowledging January 30, 2010 through April 4, 2010 as a "Season for Nonviolence" in the County of El Dorado.
This matter was Approved on the consent calendar