



County of El Dorado

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Minutes - Final Board of Supervisors

Helen K. Baumann, Chairman, District II
Rusty Dupray, First Vice Chairman, District I
Ron Briggs, Second Vice Chairman, District IV
James R. Sweeney, District III
Norma Santiago, District V

Cindy Keck, Clerk of the Board of Supervisors
Laura S. Gill, Chief Administrative Officer *Louis B. Green,*
County Counsel

Tuesday, December 4, 2007

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.

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.

The Board of Supervisors 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.

The Board of Supervisors is concerned that large amounts of written information submitted to the Board the day of the Board meeting may not receive the attention it deserves. To ensure timely delivery, written information from the public must be received by the Board Clerk by Monday prior to the meeting. The Board Clerk cannot guarantee that any FAX or mail received the day of the meeting will be delivered to the Board prior to action on the subject matter.

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

Present: 2 - Supervisor Sweeney and Supervisor Santiago

Absent: 1 - Supervisor Briggs

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

Present: 3 - Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

At this time the Board will make any necessary additions, deletions, or corrections to the Agenda; determine matters to be added to or removed from the Consent Calendar; and with one motion adopt the Agenda and approve the Consent Calendar.

Approval of the Consent Calendar

A motion was made by Supervisor Dupray, seconded by Supervisor Sweeney to adopt the Agenda and approve the Consent Calendar with the following exception: Item 30 added to the Consent Calendar and approved.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

BUDGET UPDATE

OPEN FORUM

CONSENT CALENDAR

- 1. [07-1903](#) Approval of Board of Supervisors Conformed Agenda (Minutes) of the Regular Meeting of Tuesday, November 27, 2007.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

- 2. [07-1645](#) Mental Health Department recommending Chairman be authorized to sign Amendment I to Agreement 011-S0611 with Sierra Family Services, a division of Sierra Boys Ranch, increasing compensation by \$75,000 to \$475,000 to provide specialty mental health services to County-authorized minors on an "as requested" basis for said Department .

RECOMMENDED ACTION: Approve.

FUNDING: Med-Cal, State EPSDT and Realignment funding.

This matter was Approved on the consent calendar

3. [07-1828](#) District Attorney recommending Budget Transfer in the total amount of \$54,614.05 appropriating 2005/2006 and 2006/2007 Auto Insurance Fraud special revenue to the 2007/2008 budget.
RECOMMENDED ACTION: Approve.

FUNDING: Auto Insurance Fraud Grant.
This matter was Approved on the consent calendar
4. [07-1685](#) Transportation Department recommending Resolution to support the request to the California Tahoe Conservancy for planning grant funding for proposed work (Boulder Mountain Erosion Control and the Master Planning Grant Projects) in the Tahoe Basin.
RECOMMENDED ACTION: Adopt Resolution **297-2007**.

FUNDING: California Tahoe Conservancy.
This matter was Adopted on the consent calendar
5. [07-1735](#) Transportation Department recommending Resolution summarily vacating (AOE 07-0023) public utilities easements located along the side and rear boundary lines of APN 116-405-16, in Viewpointe, Lot 36, requested by Eric S. Alward and Shannon K. Alward, to accommodate planned construction of a pool and landscape improvements.
RECOMMENDED ACTION: Adopt Resolution **296-2007**.

This matter was Approved on the consent calendar
6. [07-1877](#) Elections Department recommending the Board approve the results of the official canvass of the November 6, 2007 Consolidated Districts Election conducted by the Recorder-Clerk-Registrar of Voters.
RECOMMENDED ACTION: Approve.

FUNDING: Districts will be billed individual costs for their elections. The Registrar of Voters will be reimbursed by said districts.
This matter was Approved on the consent calendar
7. [07-1888](#) Agriculture, Weights and Measures Department recommending the Agricultural Commissioner be authorized to present a work plan to fund scheduled projects for Yellow Starthistle control and eradication projects in our El Dorado and Alpine counties.
RECOMMENDED ACTION: Approve.

FUNDING: National Fish and Wildlife through California Department of Food and Agriculture.
This matter was Approved on the consent calendar

8. [07-1820](#) Human Resources Department recommending Resolution amending the Salary Schedule establishing the salary range designating a bargaining unit for the revised classification of Alcohol/DrugProgram Division Manager, effective the first full pay period following adoption of same.

RECOMMENDED ACTION: Adopt Resolution **300-2007**.

FUNDING: Federal and State Alcohol and Drug Funding.

This matter was Approved on the consent calendar

9. [07-1554](#) Chief Administrative Office, Procurement and Contracts Division, recommending award of Request for Qualifications and Statements of Interest 08-906-016 to William A. Reid dba William A. Reid, AIA, Architects of Sacramento, CA for the provision of architectural services for the Department of Transportation's Vehicle and Equipment Wash Facility; and authorize Chairman to execute an agreement for same in the amount of \$96,700 for a two year term upon County Counsel and Risk Management review and approval.

RECOMMENDED ACTION: Approve.

FUNDING: Non-General Fund. Funding for this work is appropriated in the Road Fund as Project 81134 using discretionary Road Fund sources.

This matter was Approved on the consent calendar

10. [07-1800](#) Chief Administrative Office, Procurement and Contracts Division, presenting a list of vehicles 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.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

11. [07-1915](#) Supervisor Dupray recommending Certificates of Recognition for Michael Ricks, Kevin Farmer and Dustin McCaffree, Boy Scouts of America, acknowledging their hard work and community commitment needed to complete the requirements for the rank of Eagle Scout.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

12. [07-1914](#) Supervisor Briggs recommending Gerald Jackson be appointed to serve as the alternate member for District 4 on the Veteran's Affairs Commission for a term to expire January 2011.
RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

END CONSENT CALENDAR

DEPARTMENT MATTERS

13. [07-1830](#) Sheriff's Department recommending Chairman be authorized to sign Agreement 778-S0711 with Location Technologies, Inc. in an amount not to exceed \$172,478.38 for a term of three years to provide a global positioning based fleet management system for said Department.

FUNDING: Rural County Grant Funding.

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to continue this matter off calendar as requested by Sheriff Neves.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

14. [07-1770](#) Staff providing information to the Board pertaining to standards for the care of vacant properties. (Refer 11/6/07, Item 38)

A motion was made by Supervisor Briggs, seconded by Supervisor Baumann to accept the draft Vacant Building Ordinance and direct County Counsel and Code Enforcement staff to review the document with regard to legality, language, and succinctness, with the emphasis on being succinct; and return to the Board when said review is complete.

Yes: 4 - Dupray, Baumann, Briggs and Santiago

Noes: 1 - Sweeney

15. [07-1783](#) Supervisor Santiago recommending the establishment of an Angora permitting center to exclusively process building permits within the Angora Fire burn area through December 31, 2008. (Cont'd 11/27/07, Item 63)

A motion was made by Supervisor Baumann, seconded by Supervisor Dupray to direct the Chief Administrative Officer to return to the Board on December 11, 2007 with clarification on those issues raised this date with regard to staffing and State reimbursement.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

- 16. [07-1747](#) General Services Department recommending the Chairman be authorized to sign Amendment III to Lease Agreement 159-L9911 with Ernest Fortino and Marie Fortino, Trustees or successors of the 1994 Ernest Fortino and Maria Fortino Revocable Trust in the amount of \$3,112.70 per month for the facility located at 1029 Takela, Suite 5, South Lake Tahoe, to change occupancy from Department of Human Services to the Department of Development Services. (Cont'd 11-27-07, Item 64)

FUNDING: General Fund 25 % and State Office of Emergency Services Fund 75%.

A motion was made by Supervisor Baumann, seconded by Supervisor Dupray to continue this matter to December 11, 2007.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

TIME ALLOCATION - 10:00 A.M.

- 17. [07-1912](#) **PRESENTATION** by Shanda Hahn, Superintendent of the Mother Lode Union School District, updating the Board and members of the public on activities and future plans for the District.

No action required.

TIME ALLOCATION - 2:00 P.M.

- 18. [07-1836](#) Hearing to consider rezone (Z06-0014) of 1.177 acres (APN 054-321-63) in the Diamond Springs area from Professional Office Commercial (CPO) to General Commercial-Planned Development (CG-PD); and adoption of Ordinance **4752** for same; Applicant: Steve Warden (District III).

Hearing no protests, a motion was made by Supervisor Sweeney, seconded by Supervisor Dupray to adopt the negative declaration as prepared; adopt Ordinance 4752 to rezone said parcel based on the findings, with the admonition to staff that the frontage improvements on China Garden Road could be taken care of with a frontage improvement agreement and the sewer line could be delayed until such time, depending upon the results of a percolation test, as there is a community sewer program in the area; and the application fees on the planned development be waived, as well as the fish and game fees, if possible.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

19. [07-1844](#) Hearing to consider rezone (Z06-0023) of 11.03 acres in the El Dorado Hills area (APN 117-081-05) from Research and Development (R&D) to Research and Development-Planned Development (R&D-PD); development plan (PD06-0018) for a commercial condominium development consisting of 11 buildings totaling 152,603 square feet, noting buildings would range in size from 8,920 square feet to 14,593 square feet; tentative parcel map (P06-0020) to subdivide each of the buildings into a total of 88 individual parcels ranging in size from 1,250 to 2,057 square feet, noting one common parcel would be 8.03 acres in size; and adoption of Ordinance **4751** for same; Applicant: Carson Creek Business Park, LLC (District II).

Hearing no protests, a motion was made by Supervisor Baumann, seconded by Supervisor Santiago to adopt the negative declaration as prepared; adopt Ordinance 4751 to rezone said parcel; adopt the development plan as the official development plan, based on the finding, subject to the modified conditions; and approve Tentative Parcel Map based on the finding, subject to the modified conditions.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

20. [07-1841](#) Hearing to consider rezone (Z07-0001) of 537 acres in the Cameron Park area (APNs 109-010-09, -10, -13, -14, and 109-020-01) from Mineral Resource (MR) to Estate Residential Ten-acre/Planned Development (RE-10/PD); and adoption of Ordinance **4753** for same; Applicant: G3 Enterprise (District II).

After hearing public testimony, a motion was made by Supervisor Baumann, seconded by Supervisor Sweeney to adopt the negative declaration as prepared; adopt Ordinance 4753 to rezone said properties based on the findings with the notation that any reference to private roads is to be stricken from the documents associated with this agenda item; and Royal Equestrian Estates, Cameron Estates and other community groups are to be notified of any proposed plans for development.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

21. [07-1802](#) Hearing to consider the following pertaining to 177.7 acres (Shinn Ranch) in the El Dorado area:
- (1) General Plan Amendment (A07-0007) from High Density Residential (HDR) to Medium Density Residential (MDR);
 - (2) Rezone (Z07-0016) APN 319-260-89 from Estate Residential Ten-acre (RE-10) zone to Single-family Two-acre Residential (R2A); APN 331-070-01 from Estate Residential Five-acre (RE-5) to Single Family Residence-Planned Development (R1-PD); APN 331-620-23 from Single Family (R1), RE-10 and Residential Agricultural Twenty acres (RA-20) to R1-PD; APN 331-620-05 from Single-Family Two-acre Residential (R2A), Estate Residential five-acre RE-5 and Estate Residential Ten-acre RE-10 to One-acre Residential-Planned Development (R1A-PD) and one-family Residential-Planned Development (R1-PD); APN 331-620-13 from One-Family Residential (R1), Estate Residential Five-acre (RE-5), Estate Residential Ten-acre (RE-10) and Residential Agricultural Twenty-acre (RA-20) to One-acre Residential-Planned Development (R1A-PD) and One-family Residential-Planned Development (R1-PD); and APN 331-620-18 from Single-family Two-acre Residential (R2A) and Estate Residential Ten-acre (RE-10) to Estate Residential Five-acre (RE-5), and adoption of Ordinance **4750** for same;
 - (3) Planned Development PD07-0012 to adopt the development plan as the official plan; and
 - (4) Tentative Subdivision Map TM07-1441; Applicant: Rancho Cortino Properties (District III).

See Board Action on next page.

After hearing public testimony, a motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt the mitigated negative declaration as prepared; adopt the mitigation monitoring program in accordance with California Environmental Quality Act (CEQA) Guidelines, section 15074(d), as incorporated in the conditions of approval and mitigation measures proposed by staff; approve A07-0007 amending the General Plan land use designation for APN 319-260-89 from High Density Residential (HDR) to Medium Density Residential (MDR); APN 331-070-01 from MDR to HDR; a portion of APN 331-620-30 (previously -23) from Rural Residential (RR) to HDR; a portion of APN 331-620-04 from RR to HDR; a portion of APN 331-620-05 from RR to MDR/HDR; APN 331-620-10 from HDR to Low Density Residential (LDR); a portion of APN 331-620-13 from RR to MDR and HDR; and a portion of APN 331-620-18 from RR to LDR; and modification to the existing Community Region boundary line that bisects the project site to the south to be co-terminus with Shinn Ranch Road, based on the findings proposed by staff; adopt Ordinance 4750 rezoning APN 319-260-89 from Estate Residential Ten-Acre (RE-10) to Single Family Two-Acre Residential (R2A); APN 331-070-01 from Estate Residential Five-Acre (RE-5) to

Single Family Residence-Planned Development (R1-PD); APN 331-620-30 (formerly -23) from Single Family (R1), RE-10 and Residential Agricultural Twenty Acres (RA-20) to R1-PD; APN 331-620-05 from R2A, RE-5 and RE-10 to R1A-PD and R1-PD; APN 331-620-13 from R1, RE-5, RE-10 and RA-20 to R1A-PD and R1-PD; and APN 331-620-18 from R2A and RE-10 to RE-5, based on the findings proposed by staff; approve PD07-0012, adopting the development plan as the official development plan, subject to the conditions as modified and based on the findings proposed by staff; approve TM07-1441, including design waivers for the following: (a) Reduction of the right-of-way for Kingvale Road to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B; (b) Reduction of the right-of-way for Shinn Ranch Road to a 50-foot wide easement with a 24-foot wide paved roadway with no sidewalks rather than the 60-foot wide right-of-way with 36-foot wide paved roadway and sidewalks required under Standard Plan 101B; and (c) Reduction of the right-of-way for proposed on-site Road A to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B, subject to the conditions, as modified, based on the findings proposed by staff; noting the following modifications were made: Condition 8: "Prior to any ground disturbance activity within 50 feet of the site, drip-line fencing should be placed around each of the features, A and B as shown on the grading plan, and monitoring by a qualified archaeologist should occur during all grading or excavation activities near the feature. " Conditions 16 and 17 deleted. Condition 19: "The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map. Credit for dedicated open space shall be provided to a maximum of 50 percent." Condition 22: "At time of map recording of each map phase, all open space lots within that phase shall be dedicated to a Homeowner's Association or similar entity as open space with appropriate maintenance program." Condition 26: "The map shall be recorded and constructed in phases consistent with the phasing plan included within the vesting tentative map, Exhibit F." Conditions 40 and 75 deleted. Condition 105 added: "At time of final map recordation, a 200-foot setback shall be recorded along the southern property boundary of APN 331-620-10 along the common property boundary with APN 090-260-11 to serve as a buffer for Agricultural Preserve No. 50. The following added to 2.0 General Plan Findings - Finding 2.3: "The subdivision of APN 331-620-10, adjoining APN 090-260-11 which is in Agricultural Preserve No. 50, into two parcels is found to be consistent with the intent of General Plan Policy 8.1.3.1 for the following findings of fact: a. Oak woodland exists on the agricultural preserve along the adjoining property boundary between the actual agricultural operation and the proposed parcel boundary; b. The distance from the existing residence is 535 feet from the adjoining agricultural preserve property boundary and approximately 1,070 feet from the actual agricultural operations; c. A 200-foot setback is required to be recorded as part of the map to prevent any encroachment of incompatible uses; d. The parcel configuration results with only partial adjacency to the adjoining agricultural preserve; and e. The subdivision does not increase additional development potential adjacent to the agricultural preserve."

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

22. [07-1821](#) Development Services Department, Planning Services Division, recommending adoption of Resolution **298-2007** approving the General Plan amendment considered by the Board during the December 2007 "General Plan Window".

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt Resolution 298-2007.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

23. [07-1754](#) Pursuant to Government Code Section 54957, **Public Employee Performance Evaluation:**
Title: Director of Information Technologies.
No action reported.
24. [07-1857](#) Pursuant to Government Code Section 54957, **Public Employee Performance Evaluation:**
Title: Director of the Public Health Department.
No action reported.
25. [07-1908](#) Pursuant to Government Code Section 54957.6, **Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources
Employee Organization: El Dorado County Management Association.
No action reported.
26. [07-1918](#) Pursuant to Government Code Section 54957.6, **Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources
Employee Organization: El Dorado County Employees Association, Local No. 1.
No action reported.
27. [07-1909](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: U.S.A. v. El Dorado County, City of South Lake Tahoe, et al., U.S. District Court Case No. S-01-1520 MCE GGH (ED CA).
No action reported.
28. [07-1921](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: California Native Plant Society, et al. v. County of El Dorado, et al., El Dorado County Superior Court Case No. PC20070021.
No action reported.
29. [07-1920](#) Pursuant to Government Code Section 54956.9(c), **Anticipated Litigation:**
Initiation of litigation. One (1) potential case.
No action reported.

ADDENDUM

DEPARTMENT MATTERS:

- 30. [07-1940](#) Supervisor Dupray recommending Tony Rogozinski be appointed to serve as a member representing District I on the Parks and Recreation Commission with a term to expire January 2009.

This matter was added to the Consent Calendar and approved.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

CLOSED SESSION:

- 31. [07-1937](#) Pursuant to Government Code Section 54956.9(b), **Anticipated Litigation:**
Significant exposure to litigation. One (1) potential case.

No action reported.

- 32. [07-1938](#) Pursuant to Government Code Section 54956.9(b), **Anticipated Litigation:**
Significant exposure to litigation. One (1) potential case.

No action reported.

- 33. [07-1939](#) Pursuant to Government Code Section 54956.9(b), **Anticipated Litigation:**
Significant exposure to litigation. One (1) potential case.

No action reported.

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, Power Point or transparencies 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. Only those speakers that provide this required number of hard copies will be permitted to proceed with a visual presentation.

Notice of any Agenda ADDENDA will be recorded on the "AGENDA HOTLINE" (530) 621-6622 no later than 8:00 A.M. on Saturday preceding the Tuesday meeting.

Persons interested in serving on any Board of Supervisors ADVISORY BOARD, COMMITTEE, OR COMMISSION are encouraged to complete an application form (available in the office of the Clerk of the Board of Supervisors, or on line) and submit same to the board, committee or commission, to the County Department which supports the board, committee or commission, or to the Clerk of the Board of Supervisors.

VIDEO TAPES of regular, Tuesday Board of Supervisors meeting are BROADCAST ON CABLE TV as follows:

West Slope - Comcast - Channel 2, Wednesday at 4:00 P.M.

South Lake Tahoe - Charter Cable 21, Daily - Time varies