



County of El Dorado

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Minutes - Final Board of Supervisors

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

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

Tuesday, January 26, 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. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS

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

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

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 to adopt the Agenda and approve the Consent Calendar with the following exceptions: Items 18 and 19 were amended to the Consent Calendar, Items 9 and 16 were pulled from the Consent Calendar, Item 17 was continued to February 23, 2010, and Item 5 was continued to February 2, 2010.

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

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.

OPEN FORUM

CAO REPORT

BUDGET UPDATE

PRESENTATIONS

- 1. [09-1428](#) **PRESENTATION** by Alex Ivanovsky, Chair and Carol Keates, Co-Chair of the In-Home Supportive Services Advisory Committee, of the Fiscal Year 2008-2009 In-Home Supportive Services Public Authority Annual Report. (Est. Time: 10 Min.)

This matter was received and filed.

- 2. [10-0052](#) **PRESENTATION** by Neda West, Director of Health Services Department providing an overview to the Board in regard to Children's Health programs. (Est. Time: 15 Min.)

This matter was received and filed.

3. [09-1471](#) **PRESENTATION** by Karen Russell, of Lilliput Children's Services, recognizing November 2009 as National Adoption Month and acknowledging the services provided by Lilliput Children's Services to The County of El Dorado. (Cont'd off-calendar 12-8-09, Item 2) (Est. Time: 10 Min.)

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

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

4. [10-0050](#) **PRESENTATION** of Proclamation by Supervisor Ron Briggs, District IV, in recognition of the 100th Anniversary Celebration of the Boy Scouts of America for the month of February 2010, and proclaiming February 8, 2010, as the Anniversary Day. (Est. Time: 10 Min.)

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

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

CONSENT CALENDAR

5. [10-0053](#) Approval of Board of Supervisors Meeting Minutes from the Regular Meeting of Tuesday, January 19, 2010.

This item was continued to February 2, 2010 upon approval of the consent calendar.

6. [10-0044](#) Chief Administrative Office recommending the Board appoint Gary Hudgeons at Step 1 of the salary range for the position of Interim Chief Probation Officer as approved by the Judges of the El Dorado County Superior Court, effective January 30, 2010.

FUNDING: Probation Department Budget.

This matter was Approved on the consent calendar.

7. [10-0040](#) El Dorado County Fair Board of Directors inviting the Board of Supervisors to attend an informal luncheon and presentation on Tuesday, February 9, 2010 at 12:00 noon at the El Dorado County Fairgrounds.

This matter was Approved on the consent calendar.

8. [10-0014](#) Human Services Department recommending the Chair be authorized to sign a grant application for submittal to the Alzheimer's Foundation of America, requesting \$5,000 to partially offset the Senior Day Care Center's loss of Fiscal Year 2009-2010 State Alzheimer's Day Care Resource Center funding, and help enable the Center to continue providing comprehensive support services to El Dorado County's vulnerable residents with Alzheimer's and related disorders and their caregivers.

FUNDING: Alzheimer's Foundation of America Grant.

This matter was Approved on the consent calendar.

9. [09-1522](#) Human Services Department recommending the Board authorize the Chair to sign a non-financial Memorandum of Understanding (MOU) 263-M1011 with CASA El Dorado (CASA) for a three-year term commencing upon execution of the MOU to locate a CASA employee at the Human Services Department Briw Road office to assist abused or neglected children and at-risk youth referred by the Department to access age-appropriate and necessary services to meet the widely varied needs of each individual child.

A motion was made by Supervisor Nutting, seconded by Supervisor Briggs, to approve this matter.

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

10. [09-1326](#) District Attorney recommending the Board authorize the continuation of a perpetual contract with LexisNexis for a period of one year to provide public and commercial data base searches, noting this contract renews on an annual basis for successive one year periods unless either party provides written notice of termination at least sixty days prior to the expiration of the initial term.

FUNDING: General Fund.

This matter was Approved on the consent calendar.

11. [09-1548](#) Environmental Management Department recommending the Board make a findings that an outside independent consultant can more economically and feasibly perform work in accordance with County Ordinance Chapter 3.13, Section 3.13.030; and authorize the Chair to sign Agreement No. 015-A-09/10-BOS with Field Solutions, Incorporated, to provide ongoing, extensive analysis, monitoring and monthly reporting of the landfill gas control system, landfill surface gas, and perimeter probe testing at and around the Union Mine Disposal site as required by the annual Air Quality Management District Permits in compliance with State and Federal regulations.

FUNDING: County Service Area No. 10 Solid Waste.

This matter was Approved on the consent calendar.

12. [09-1543](#) Environmental Management Department recommending award of Bid for the construction of the Cap System, French Drain and Landfill Gas Emission Control System Operable Unit 1 Meyer's Landfill to the lowest responsive, responsible bidder, Sukut Construction Inc., subject to review and approval of the final contract documents by County Counsel and Risk Management. (Cont'd 1/19/10, Item 13)

FUNDING: Non General Fund Insurance.

This matter was Approved on the consent calendar.

13. [09-1544](#) Environmental Management Department recommending award of Bid for the Meyers Landfill Cap Construction Quality Assurance Services to the lowest responsive, responsible bidder, Geosyntec Consultants Inc., subject to review and approval of the final contract documents by County Counsel and Risk Management. (Cont'd 1/19/10, Item 14)

FUNDING: Non General Fund Insurance.

This matter was Approved on the consent calendar.

14. [10-0031](#) Human Resources Department recommending adoption of Resolution amending the Salary and Benefits Resolution for Unrepresented Employees, Section 1804, changing the definition of overtime.

Resolution 006-2010

Adopted Resolution 006-2010 upon approval of the consent calendar.

15. [10-0029](#) Human Resources Department recommending adoption of Resolution amending the Salary and Benefits Resolution for Unrepresented Employees, Section 1509, reducing retiree health coverage benefits for newly hired or re-hired employees.

Resolution 007-2010

Adopted Resolution 007-2010 upon approval of the consent calendar.

16. [10-0013](#) Human Services Department recommending adoption of a Resolution authorizing the Chair to sign a Contract 10F-4010 with the California Department of Community Services and Development (CSD), for the period January 1, 2010 through December 31, 2010 for 2010 Program Year Community Services Block Grant funds in the initial amount of \$21,675; and further authorizing the Director of Human Services, or successor, to sign required fiscal and programmatic reports and execute subsequent documents relating to this contract, including one or more amendments thereto, contingent upon approval by County Counsel and Risk Management, that collectively increase the dollar amount by up to \$233,800 to the total estimated 2010 grant allocation of \$255,475, and other amendments thereto that do not affect the dollar amount or the term.

FUNDING: Federal CSBG Grant Funds - Ongoing Annual Allocation.

Resolution 008-2010

A motion was made by Supervisor Nutting, seconded by Supervisor Knight, to adopt Resolution 008-2010.

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

END CONSENT CALENDAR

DEPARTMENT MATTERS

17. [10-0060](#) Hearing to consider Serrano Associates, LLC request for refund of Mello-Roos taxes - Revenue and Taxation Code Section 5096.

This matter was continued to February 23, 2010 upon approval of the Consent Calendar.

18. [09-1340](#) Air Quality Management District (AQMD) recommending the Board reappoint the following members and alternates to serve on the AQMD Hearing Board: Jean Klotz, Bruce Nixon, Thomas Fashinell, David Sederquist, and Nadia Burleson (alternate); and appoint Mark Copple, Don Nicodemus, Jr. (alternate) and Robert Hollis (alternate). (Cont'd 12/10/09, Item 13)

This matter was Approved on the consent calendar.

19. [10-0017](#) Chief Administrative Office recommending the Board receive and file a status report on recommendations made by the Grand Jury in its 2006-07 Final Report, 2007-08 Final Report and 2008-09 Final Report.

This matter was Approved on the consent calendar.

20. [09-0415](#) Chief Administrative Office recommending the Board receive an update on Fire and Emergency Services Study from the Local Agency Formation Commission (LAFCO) and staff. (Cont'd 6/2/09, Item 32)

FUNDING: General Fund.

A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, to direct staff to meet with the sub committee to review the first draft and return to the Board with comments.

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

21. [09-0506](#) Supervisor Santiago recommending the Board consider recommendations regarding the South Lake Tahoe Recreation Area, as follows:

- 1) Receive an update from the Transportation Department;
- 2) Find that Board, as a responsible agency, has considered the Negative Declaration (2009042035) prepared and adopted by the City as lead agency (May 14, 2009), and has considered the environmental effects of the project shown in the Negative Declaration (CEQA Guidelines Section 15096 (f));
- 3) Approve an amended Lease Agreement for the El Dorado Recreation Area with the City of South Lake Tahoe; and
- 4) Approve and execute a Memorandum of Understanding with the City of South Lake Tahoe for the cooperative construction of improvements to a County-owned portion of the South Lake Tahoe Recreation Area commonly known as the "El Dorado Beach" (APN 026-050-06) (Est. Time: 15 Min.) (Cont'd 1/19/10, Item 17)

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

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

22. [10-0056](#) County Counsel recommending the Board consider recommendations regarding the Carriage Hills Property, as follows:
- 1) Find that the purchase of the subject property is categorically exempt from California Environmental Quality Act (CEQA) as a Class 25 Exemption and direct that a Notice of Exemption be filed;
 - 2) Find that the purchase of the subject property is consistent with the General Plan;
 - 3) Approve the Purchase Agreement for the property at a purchase price of \$675,000 and authorize the Chair to execute the Purchase Agreement or other authorizing documents;
 - 4) Authorize the Chair to execute an Acceptance of Deed for the property;
 - 5) Authorize County Counsel to execute escrow instructions and other documents necessary to complete the transaction, consistent with the Purchase Agreement; and,
 - 6) Authorize the Chair to sign the Budget Transfer increasing revenues and appropriations in the Department of Transportation. The subject property is approximately 20.11 acres of land commonly known as 3615 Palmer Drive and 4021-41 Loma Drive in Cameron Park, California. Assessor's Parcel Nos. 070-261-77, 070-261-79, 070-261-80, and 070-261-81. (Carriage Hills Property)

After hearing public testimony, a motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, to approve this matter.

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

23. [10-0036](#) Board of Supervisors appointments to Statewide and Regional Organizations:

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

1) Approve the following appointments and reappointments:

California Rural Home Mortgage Finance Authority

Supervisor	Role	Term End	
Ray Nutting	Member	01/01/2011	Appointed
Jack Sweeney	Alternate	01/01/2012	Appointed

Regional Council of Rural Counties

Supervisor	Role	Term End	
Ray Nutting	Member	01/01/2011	Appointed
Jack Sweeney	Alternate	01/01/2011	Appointed

California State Association of Counties

Supervisor	Role	Term End	
Norma Santiago	Member	01/01/2011	Reappointed
John Knight	Alternate	01/01/2011	Appointed

Evelyn Horn Scholarship Committee

Supervisor	Role	Term End	
Norma Santiago	Chair	01/01/2011	Appointed
Ray Nutting	Vice Chair	01/01/2011	Appointed

Local Agency Formation Commission - LAFCO

Supervisor	Role	Term End	
Ray Nutting	Alternate	05/01/2014	Reappointed
Ron Briggs	Member	05/01/2014	Reappointed

National Association of Counties (NACo)

Supervisor	Role	Term End	
Ray Nutting	Alternate	01/01/2011	Reappointed
Norma Santiago	Member	01/01/2011	Reappointed

Transit Authority

Supervisor	Role	Term End	
Ray Nutting	Alternate	No term	No Changes
Jack Sweeney	Member	No term	No Changes
John Knight	Member	No term	No Changes
Ron Briggs	Member	No term	No Changes

2) Water Agency changes have been continued off calendar for clarification of legislation regarding membership.

Water Agency

Current Year	Role	Term End
Norma Santiago	Member	01/31/2010
Jack Sweeney	Member	01/31/2012
Ron Briggs	Member	01/31/2012

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

2:00 P.M. - TIME ALLOCATION

24. [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. (Supervisory District V) (Est. Time: 1 Hr.) (Cont'd 1/12/10, Item 26)

After hearing testimony, a motion was made by Supervisor Santiago, seconded by Supervisor Briggs, as follows:

- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and
- 2) Conceptually uphold the appeal of the denial of Parcel Map P08-0006 by the Zoning Administrator;
- 3) Amend the Conditions of Approval to eliminate conditions 11, 20, 21, 22, 23, 24, 26, 27, 28, 30, and 31; and
- 3) Continue this matter to February 9, 2010 for final approval.

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

25. [10-0049](#) Transportation Department recommending the Board select a preferred Rubicon Trail location from the options listed in the staff report, in order to comply with the requirements of the Cleanup and Abatement Order ("CAO") No. R5-2009-0030 issued to the County by the Central Valley Regional Water Quality Control Board (CVRWQCB) on April 30, 2009.

After hearing public testimony, a motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, as follows:

- 1) Adopt Option 2 but reduce the rocks in Little Sluice, use 1.8 around Little Sluice until the rocks can be reduced, and do not use the old trail at Buck Island Lake; and
- 2) Direct staff to work with the United States Forest Service to obtain and designate some camping areas along the trail.

Yes: 3 - Nutting, Sweeney and Briggs

Noes: 1 - Santiago

Absent: 1 - Knight

A motion was made by Supervisor Nutting, seconded by Supervisor Sweeney, recognize the Rubicon Trail route recognition process is exempt from CEQA pursuant to the Categorical Exemptions contained in CEQA Guidelines sections 15301(c), 15307 and 15308.

Yes: 4 - Nutting, Sweeney, Briggs and Santiago

Absent: 1 - Knight

ITEMS TO/FROM SUPERVISORS**ADJOURNED****CLOSED SESSION**

26. [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). (Cont'd 1/12/10, Item 33)
- No Action Reported.**
27. [10-0037](#) Pursuant to Government Code Section 54957 - **Public Employee Performance Evaluation**: Title: Public Defender.
- This matter was continued to February 2, 2010.**
28. [10-0058](#) 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.**
29. [10-0061](#) Pursuant to Government Code Section 54957 - **Public Employee Performance Evaluation**: Title: Chief Administrative Officer.
- No Action Reported.**
30. [10-0062](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as APN No. 109-480-21-10. The person or persons with whom the negotiator may negotiate: Brea Roundtree or other representative with Butte Community Bank. Instructions to negotiator will concern price and terms of payment. John Knight, District 1 Supervisor and Louis B. Green, County Counsel, will be the negotiators on behalf of El Dorado County.
- No Action Reported.**

- 31. [10-0070](#) Conference with Legal Counsel - **Existing Litigation**: Pursuant to Government Code Section 54956.9(a): Title: Claim of Melissa Meekma Estate v. County of El Dorado, Workers' Compensation Claim Settlement, Bragg and Associates, Inc., Workers' Compensation Appeals Board No. ADJ6813543.
No Action Reported.

- 32. [10-0074](#) Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c): Number of potential cases: (1).
No Action Reported.

- 33. [10-0076](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Serrano Claim for CFD Tax Refund.
No Action Reported.