



County of El Dorado

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

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, August 4, 2009

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 large amounts of 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: 5 - Supervisor Knight, Supervisor Sweeney, Supervisor Nutting, Supervisor Briggs and Supervisor Santiago

9:00 A.M. - RECONVENE 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 by Supervisor Sweeney, seconded by Supervisor Knight, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Item 15 was continued to August 11, 2009, Item 25 was continued to October 13, 2009, and Item 26 was continued off calendar.

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

PRESENTATIONS

1. [09-0977](#) **PRESENTATION** of a Certificate of Recognition to Joe Herrlie upon the occasion of his retirement from the County of El Dorado.
This matter was Received and Filed on the consent calendar

2. [09-1015](#) **PRESENTATION** of a Certificate of Recognition to Dale Young upon the occasion of his retirement from the County of El Dorado.
This matter was Received and Filed on the consent calendar

3. [09-1038](#) **PRESENTATION** of video by Supervisor Nutting on the rapidity, of a burn, in the forest.
PUBLIC COMMENT
K. Greenwood RE: Fire Safe helped him clean up his land.
G. Copeland RE:
This matter was Approved on the consent calendar

10:00 A.M. - TIME ALLOCATION

- 4. [09-0615](#) Hearing to conduct an assessment ballot proceeding of the property owners within the Creekside Drive Road Zone of Benefit 98127 within County Service Area No. 9 to consider the levy of an increased benefit assessment and, if no majority protest is heard, adopt Resolution establishing the annual benefit assessment. (Refer File 09-0512, 6/16/09)

Resolution 180-2009

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

- 1) Conducted assessment ballot proceeding with no protests; and
- 2) Adopted Resolution 180-2009.

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

OPEN FORUM

PUBLIC COMMENT

K Greenwood RE: Forum for Sheriff at the Fairgrounds on August 27, 2009. Concealed weapons policy. Constitutional right to self defense is primary reason we have fire arms.

B Johnston RE: Prayer at public meetings.

BUDGET UPDATE

PUBLIC COMMENT

B. Johnston RE: Rainy day is here. Use Animal Shelter funds to cover the 6.2 million that the State is borrowing from the County.

CONSENT CALENDAR

- 5. [09-1035](#) Approval of Board of Supervisors Meeting Minutes for the Special Meeting of Monday, July 27, 2009, and the Regular Meeting of Tuesday, July, 28, 2009.

This matter was Approved on the consent calendar

- 6. [09-0993](#) Auditor-Controller recommending the Board approve Budget Transfer 29184 for Fiscal Year 2008-2009 increasing Timeshare Assessment revenues and Operating Transfers Out appropriations in the Time Share Assessment Fund by \$27,409 so that these funds can be transferred to the Auditor-Controller, Assessor, Treasurer-Tax Collector and Assessment Appeals Board (Board of Supervisors (BOS)), respectively. (4/5 vote required)

This matter was Approved on the consent calendar

7. [09-0964](#) County Counsel recommending the Board review and approve the attached revised Conflict of Interest Code received from Showcase Ranches Community Services District.
- This matter was Approved on the consent calendar**
8. [09-0963](#) District Attorney recommending adoption of Resolution authorizing him to execute a Grant Award Agreement including any extensions and amendments thereof for the Worker's Compensation Insurance Fraud Program for Fiscal Year 2009-2010.
- FUNDING:** Department of Insurance.
Resolution 181-2009
- Adopted Resolution 181-2009 upon adoption of the Consent Calendar.**
9. [09-1020](#) Environmental Management Department recommending the Board receive and file the Request for Qualifications (RFQ) for the construction of the Meyers Landfill final closure project and delegate the RFQ appeal Hearing Officer responsibilities to the Director of Environmental Management.
- This matter was Approved on the consent calendar**
10. [09-0956](#) Health Services Department recommending Chairman be authorized to sign Amendment I to Agreement 763-PHD0508 with Sierra Foothills AIDS Foundation increasing the not-to-exceed amount from \$42,371 to \$67,831.82 and extending the term through December 31, 2009 to correlate with the term of the Housing Opportunities for People with AIDS (HOPWA) funding agreement.
- FUNDING:** Federal Funding administered through Housing Opportunities for People with AIDS (HOPWA) Funding Agreement with Sacramento County.
- This matter was Approved on the consent calendar**
11. [09-0948](#) Health Services Department, Mental Health Division, recommending Chairman be authorized to sign Agreement 675-S0911 with Milhous Children's Services in the amount of \$100,000 for the term July 1, 2009 through June 30, 2010 to provide specialty mental health services for seriously emotionally disturbed minors on an "as requested" basis for said Department.
- FUNDING:** Funding is provided by Medi-Cal/EPSDT, AB 3632, and Realignment, as determined by the funding sources available and appropriate for each youth placed in this facility.
- This matter was Approved on the consent calendar**

12. [09-0434](#) Health Services Department recommending Chairman be authorized to sign Agreement 799-PHD1008 with Koefran Industries and Sacramento Rendering Company in the amount of \$90,000 for a term through June 30, 2012 for the removal and disposal of all small animal carcasses collected by the East Slope and West Slope Animal Services facilities, removal and disposal of sharps containers and bagged medical waste; and the disposal of all large animal carcasses delivered to Contractor's location.

FUNDING: County General Fund.

This matter was Approved on the consent calendar

13. [09-0975](#) Health Services Department recommending Olivia Kasirye, M.D. be appointed to serve as the Public Health Officer-Local Registrar for Vital Statistics effective August 5, 2009.

FUNDING: Public Health Realignment Fund.

This matter was Approved on the consent calendar

14. [09-0937](#) Human Resources Department, Risk Management Division, recommending the Board accept the renewal offer from Symetra Life Insurance Company at the current specific stop loss level of \$175,000; and authorize the Human Resources Director to sign all required implementing insurance documents to maintain continuous insurance coverage for the Blue Shield Health Plan, noting the estimated annualized premium cost is \$1,406,294 and is comprised of individual stop loss of \$1,375,735 and aggregate excess of \$30,559.

FUNDING: Risk Management Cost Applied Fund.

This matter was Approved on the consent calendar

15. [09-0855](#) Human Resources Department, Risk Management Division, recommending Chairman be authorized to sign Agreement 035-S1011 with Kaiser Foundation Health Plan, Inc. for the term July 1, 2009 through June 30, 2010 to provide group health benefits for County employees and retirees who elect this plan.

This matter was continued to August 11, 2009.

16. [08-0803](#) Probation Department recommending Chairman be authorized to sign the First Amendment to Agreement 088-S0911 with the County of Del Norte for the increase in the "space available" bed rate from \$3,350 to \$3,500 per ward, per month, retroactive for the term July 1, 2009 through June 30, 2010, to provide housing for juvenile court wards at the Bar-O-Boys Ranch on an "as requested" basis.

FUNDING: General Fund.

This matter was Approved on the consent calendar

17. [09-0976](#) Sheriff's Office advising the Board of perpetual Agreement with Sirron Software Corporation and recommending continuation of same; and further recommending the Purchasing Agent be authorized to establish a blanket purchase order for the periods November 23, 2008 through November 22, 2009 and November 23, 2009 through November 22, 2010 to provide the annual maintenance of a specialized software program for the Department's Civil Section.

FUNDING: Civil Special Revenue Fund 7724301.

This matter was Approved on the consent calendar

18. [09-0911](#) Transportation Department recommending the Board approve appointments of new Advisory Committee members to fill vacancies on the Meadowview Acres Road Zone of Benefit Advisory Committee in County Service Area No. 9 as outlined in Exhibit A.

This matter was Approved on the consent calendar

19. [09-0894](#) Transportation Department recommending Chairman be authorized to sign Budget Transfer establishing appropriations and revenue for Fiscal Year 2009-2010. (4/5 vote required)

FUNDING: Transportation Development Act (TDA) - Local Transportation Fund (LTF)

This matter was Approved on the consent calendar

20. [06-1560](#) Supervisor Sweeney recommending the Board approve building fees for Wesley Fischer, APN 100-100-54, at the 1980 fee structure.

This matter was Approved on the consent calendar

END CONSENT CALENDAR

DEPARTMENT MATTERS

21. [09-0677](#) Transportation Department recommending the following pertaining to the 2009 Asphalt Concrete Overlay of Forni Road and Pony Express Trail, Contract PW 09-30415
- 1) Award the Construction Contract to the lowest responsive, responsible bidder; said bidder to be determined after bid opening scheduled for July 22, 2009;
 - 2) Authorize the Chairman to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management.

FUNDING: American Recovery and Reinvestment Act of 2009-Regional Surface Transportation Program

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

- 1) Award the Construction Contract to the lowest responsive bidder; and
- 2) Authorize the Chairman to sign the Construction Contract.

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

22. [09-0995](#) Supervisor Knight requesting the Board consider credit for payment of all building permit fees in the amount of \$37,747.75 paid by Rudy and Jackie Rosen on property located at 2069 Chateau Montelana in El Dorado Hills, and to allow the County District Attorney's office to continue to pursue restitution from the contractor for fraudulently written checks passed to the County. (Cont'd 7/28/09, Item 22)

PUBLIC COMMENT

R Rosen RE: trying to move forward and make things right.

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to continue this matter to Tuesday, August 11, 2009.

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

2:00 P.M. - TIME ALLOCATION

23. [09-1017](#) Hearing to consider a request submitted by Friends of Shingle Springs Interchange, Inc. appealing the approval of Design Review DR00-0011/76 Gas Station/Circle K Mini Mart and certification of the Environmental Impact Report (EIR) by the Planning Commission on June 25, 2009, on property identified by APN 090-430-42, consisting of 0.64 acres, in the Shingle Springs area; and Planning Services recommending the Board take the following actions:
- 1) Certify that the EIR, as based on the findings in Attachment 3 of the staff report:
 - (a) Has been completed in compliance with California Environmental Quality Act (CEQA);
 - (b) Was presented to the Commission and that the Commission reviewed and considered the information contained in the Final EIR prior to approving the project; and
 - (c) That it reflects Planning Services' independent judgment and analysis;
 - 2) Adopt the Mitigation Monitoring and Reporting Program in Attachment 4 of the staff report; and
 - 3) Deny the appeal and uphold the conditional approval of the Design Review application DR00-0011 by the Planning Commission on June 25, 2009, subject to the conditions of approval in Attachment 1, based on the findings in Attachments 2 of the staff report. (Supervisory District II)

NO PUBLIC COMMENT

A motion was made by Supervisor Nutting, seconded by Supervisor Sweeney, to approve this matter as follows:

- 1) **Certify that the EIR, as based on the findings:**
 - (a) **Has been completed in compliance with California Environmental Quality Act (CEQA);**
 - (b) **Was presented to the Commission and that the Commission reviewed and considered the information contained in the Final EIR prior to approving the project; and**
 - (c) **That it reflects Planning Services' independent judgment and analysis;**
- 2) **Adopt the Mitigation Monitoring and Reporting Program; and**
- 3) **Deny the appeal and uphold the conditional approval of the Design Review application DR00-0011 by the Planning Commission on June 25, 2009, subject to the amended findings/conditions of approval.**

Yes: 4 - Knight, Sweeney, Nutting and Briggs

Absent: 1 - Santiago

24. [09-1018](#) Hearing to consider a request submitted by Dyana Anderly appealing the approval of Design Review DR00-0011/76 Gas Station/Circle K Mini Mart and certification of the Environmental Impact Report (EIR) by the Planning Commission on June 25, 2009, on property identified by APN 090-430-42, consisting of 0.64 acres, in the Shingle Springs area; and Planning Services recommending the Board take the following actions:
- 1) Certify that the Final EIR, as based on the findings in Attachment 3 of the staff report:
 - (a) Has been completed in compliance with California Environmental Quality Act (CEQA);
 - (b) Was presented to the Commission and that the Commission reviewed and considered the information contained in the Final EIR prior to approving the project; and
 - (c) That it reflects Planning Services' independent judgment and analysis;
 - 2) Adopt the Mitigation Monitoring and Reporting Program in Attachment 4 of the staff report; and
 - 3) Deny the appeal and uphold the conditional approval of the Design Review application DR00-0011 by the Planning Commission on June 25, 2009, subject to the conditions of approval in Attachment 1, based on the findings in Attachments 2 of the staff report. (Supervisory District II)

A motion was made by Supervisor Nutting, seconded by Supervisor Sweeney, to approve this matter as follows:

- 1) Certify that the EIR, as based on the findings:
 - (a) Has been completed in compliance with California Environmental Quality Act (CEQA);
 - (b) Was presented to the Commission and that the Commission reviewed and considered the information contained in the Final EIR prior to approving the project; and
 - (c) That it reflects Planning Services' independent judgment and analysis;
- 2) Adopt the Mitigation Monitoring and Reporting Program; and
- 3) Deny the appeal and uphold the conditional approval of the Design Review application DR00-0011 by the Planning Commission on June 25, 2009, subject to the amended findings/conditions of approval.

Yes: 4 - Knight, Sweeney, Nutting and Briggs

Absent: 1 - Santiago

25. [09-0156](#) Development Services Department, Planning Services Division, recommending adoption of General Plan Amendment A08-0001/Ordinance OR08-0001/Mixed Use Development; and recommending the following:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff;
 - 2) Approve A08-0001 amending General Plan Policies 2.1.1.3; 2.1.2.5; 2.2.1.2; and 2.2.1.3 Table 2-2 Land Use Densities and Residential Population Ranges; as shown in Attachment 2, based on the findings contained in Attachment 1;
 - 3) Approve OR08-0001 amending Zoning Ordinance Chapter 17.32 to include Mixed-Use Development as a permitted use in Commercial Districts (C), Professional Office Commercial Districts (CPO), and Planned Commercial Districts (CP) with a maximum residential density of 24 dwelling units per acre within Community Regions and a maximum residential density of 4 units per acre in Rural Centers as shown in Attachments 3 thru 5, based on the findings contained in Attachment 1;
 - 4) Approve regulations for Mixed-Use Development as set forth in Zoning Ordinance Chapter 17.14 with the addition of section .220 as shown in Attachment 6, based on the findings contained in Attachment 1. (Cont'd 6/30/09, Item 63)

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to continue this matter to Tuesday, October 13, 2009.

Yes: 4 - Knight, Sweeney, Nutting and Briggs

Absent: 1 - Santiago

26. [09-0910](#) Treasurer-Tax Collector recommending introduction of Ordinances amending County Ordinance Code Chapters 5.56 and 5.57 for Vacation Home Rentals in the Lake Tahoe Basin and the West Slope of El Dorado County; and recommending second reading and final adoption of proposed Ordinances be set on Tuesday, August 11, 2009.

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

- 1) **Set the introduction (first reading) of the Ordinance for Home Rentals in the Lake Tahoe Basin to Tuesday, August 11, 2009;**
- 2) **Set the adoption (second reading) for Tuesday, August 18, 2009; and**
- 3) **Schedule a workshop for the Ordinance for Home Rentals in the West Slope in the future.**

Yes: 4 - Knight, Sweeney, Nutting and Briggs

Absent: 1 - Santiago

CAO REPORTS

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

27. [09-0965](#) 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 and Crafts, Probation, and Corrections Bargaining Units; Deputy Sheriff Association representing employees in the Law Enforcement Unit.
No Action Reported
28. [09-1011](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: Kathleen Pastula v. County of El Dorado, et al., U.S. District Court, Eastern District of California, Case No. 2:09-CV-01574-FCD-EFB.
No Action Reported
29. [09-1026](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: 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.

Pursuant to Government Code Section 54956.9(c), **Anticipated Litigation:** Initiation of litigation. Title: Petition of U.S. Forest Service to State Water Board, No. SWRCB/OCC File A-2017.
No Action Reported
30. [09-1033](#) Pursuant to Government Code Section 54956.9(b), **Anticipated Litigation:** Title: Significant Exposure to Litigation.
No Action Reported

31. [09-1034](#) 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 is Randy Caldwell of Temecula Valley Bank. Instructions to negotiator will concern both price and term of payment. Louis B. Green, County Counsel, Peter Maurer, Principal Planner, and Pete Feild, Right-of-Way Program Manager, will be the negotiators on behalf of the County of El Dorado.

No Action Reported

ADDENDUM

CLOSED SESSION

32. [09-1043](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:** Title: El Dorado County v. Loring Brunius, et al., El Dorado County Superior Court Case No. PC20010482.

No Action Reported