



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, March 17, 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.co.el-dorado.ca.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

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 Knight, seconded by Supervisor Sweeney, to adopt the agenda and approve Consent Calendar with the following exception: Item 22 was amended to the consent calendar.

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

PRESENTATION

1. [09-0332](#) **PRESENTATION** of Proclamation recognizing David Nicolls for his 27 years of service to the citizens and community of the County of El Dorado.

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

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

10:00 A.M. - TIME ALLOCATION

2. [09-0346](#) **PRESENTATION** by El Dorado Union High School District Superintendent, Sherry Smith and District Board President, Mary Muse updating the Board on Bennett Park.

Received and Filed

OPEN FORUM

BUDGET UPDATE**CONSENT CALENDAR**

3. [09-0335](#) Approval of Board of Supervisors Conformed Agendas (Minutes) for the Special Meeting of Monday, March 9, 2009 and the Regular Meeting of Tuesday, March 10, 2009.

This matter was Approved on the consent calendar

4. [09-0317](#) Chief Administrative Office recommending the Board authorize the Chairman to sign Amendment I to Agreement 1043-S0811 with Lori G. London Esq., to change the business name and structure to Lori G. London, Attorney at Law, Ltd. for the period July 1, 2008 through June 30, 2011 in the amount of \$238,032.

Funding: No Change - General Fund.

This matter was Approved on the consent calendar

5. [09-0321](#) County Counsel recommending the Board authorize the Chairman to sign the First Amendment to the Joint Exercise of Powers Agreement creating the South Lake Tahoe Recreation Facilities Joint Powers Authority with the City of South Lake Tahoe, the County of El Dorado and the Tahoe Paradise Resort Improvement District.

This matter was Approved on the consent calendar

6. [09-0282](#) Health Services Department recommending the Board authorize the Chairman to sign Amendment I to Agreement for Services 812-S0811 (710-PHD0308) with New Morning Youth & Family Services, amending Article 2.1 Administrator and Article 2.2 Notice to Parties to reflect staffing changes; amending Articles 3.3 Amount of Funding, and 3.4 Standardized Billing Rates, to reflect State of California Drug Medi-Cal rates; and replacing Exhibit B Standardized Rate Structure with an amended Exhibit B, Standardized Service Definitions.

FUNDING: El Dorado County Alcohol and Drug Program receives State and Federal funding for this Alcohol and Other Drug Counseling Services program.

This matter was Approved on the consent calendar

7. [09-0323](#) Human Resources Department recommending the Board adopt a Resolution amending Resolution 343-2008, previously heard by the Board on December 16, 2008, establishing salary ranges for the Sheriff's Department to correct the title of Sr. Investigator (DA) to Supervisory Investigator (DA).
Resolution 057-2009
Resolution 057-2009 was adopted upon approval of the consent calendar.
8. [09-0204](#) Transportation Department recommending the Board authorize the Chairman to sign an Agreement Regarding Proposed Stream Alteration AGMT 09-52605 between the County of El Dorado and the State of California, Department of Fish and Game for the U.S. 50/ Missouri Flat Road Interchange Improvements - Phase 1B Project 71336 for the period through December 31, 2013.
FUNDING: 2004 General Plan Traffic Impact Mitigation Fee Program.
This matter was Approved on the consent calendar
9. [09-0207](#) Transportation Department recommending the Board authorize the Chairman to sign a Notice of Completion with A. Teichert & Son, Inc. dba Teichert Construction for the Asphalt Concrete Overlay of Cold Springs Road Project (JN 72174) in the Placerville area.
FUNDING: Proposition 1B and Regional Surface Transportation Program Funds.
This matter was Approved on the consent calendar
10. [08-1762](#) Supervisor Knight recommending the Board approve the reappointment of Jack Winhall to serve as an alternate member on the Veterans Affairs Committee for a term to expire January 2013, First District.
The reappointment of Jack Winhall to serve as an alternate member on the Veterans Affairs Committee for a term to expire January 2013, First District was approved on the consent calendar.

END CONSENT CALENDAR**DEPARTMENT MATTERS**

11. [09-0246](#) Human Services and Probation Departments recommending the Board review and approve the 2009 Child Welfare Services County Self Assessment for submittal as required to the California Department of Social Services.

FUNDING: N/A.

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

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

12. [09-0342](#) Chief Administrative Office recommending the Board submit language clarifying the Board's policy role and relationship to the Chief Administrative Office to the Charter Review Committee as stated in the Strategic Direction Framework adopted on February 24, 2009. (Refer to file 09-0086, Item 45)

Received and Filed

13. [09-0341](#) Chief Administrative Office recommending the Board approve an initial permanent assignment and overnight retention of County owned vehicles that meet the criteria set forth in Policy D-4, the Vehicle Use, Standards, Procurement and Disposal policy.

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

- 1) Approve the permanent assignment and overnight retention list as presented by the Chief Administrative Officer; and**
- 2) Direct staff to report back on the status during budget hearings.**

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

14. [09-0210](#) Chief Administrative Office recommending the Board:

- 1) Authorize the Chairman to sign the budget transfer revising the Fiscal Year 2008-2009 budget reducing revenue in Department 15, adjusting contingency and revising various department budgets to account for mid-year projections;
- 2) Support Chief Administrative Officer recommendations setting parameters for department FY 2009-10 proposed budget submissions; and
- 3) Take action on any related recommendations or discussion relative to managing the County budget in the current fiscal year or subsequent fiscal year. (Refer 3/2/09, Item 3)

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

- 1) Continue the budget transfer to March 24, 2009;
- 2) Approve the parameters for the departmental FY 2009-10 proposed budget submissions; and
- 3) Direct staff to return on March 24, 2009 with information on the Board of Supervisors department's budget. (File 09-0152)

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

15. [09-0348](#) Supervisor Sweeney requesting the Board direct staff to bring back, at a date to be determined, a discussion of when the requirements for fire safe roads are to be imposed on building permits.

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to direct staff to return on May 5, 2009 with an overview for a workshop to be presented no sooner than July 27, 2009.

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

2:00 P.M. - TIME ALLOCATION

16. [09-0255](#) Hearing to consider recommendations regarding General Plan Amendment A08-0006 and Rezone Z08-0015 on property identified as APN 054-431-15, consisting of 0.5 acres, in the Diamond Springs area, Supervisorial District III, as follows:
1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
 2. Approve A08-0006 changing the land use designation for APN 054-431-15 from High Density Residential (HDR) to Multifamily Residential (MFR), based on the findings listed in Attachment 1;
 3. Approve Z08-0015 rezoning APN 054-431-15 from One-Half Acre Residential District (R20K) to Multifamily Residential-Design Community (RM-DC), based on the findings listed in Attachment 1; and
 4. Adopt Ordinance for said rezone.

A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, to deny the application. The motion FAILED.

Yes: 2 - Sweeney and Briggs

Noes: 3 - Knight, Nutting and Santiago

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

- 1. Adopt the Negative Declaration;**
- 2. Approve General Plan Amendment A08-0006;**
- 3. Approve Rezone Z08-0015; and**
- 4. Adopt Ordinance 4814.**

Yes: 3 - Knight, Nutting and Santiago

Noes: 2 - Sweeney and Briggs

17. [09-0256](#) Hearing to consider recommendations regarding General Plan Amendment A07-0017, Rezone Z07-0053, Parcel Map P07-0048 and Parcel Map Amendment P76-0466-C on property identified by APNs 102-070-17, -29, and -30, consisting of 42 acres, in the Rescue area, Supervisorial District IV, as follows:
1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
 2. Adopt the Mitigation Monitoring Program in accordance with California Environmental Quality Act Guidelines, Section 15074 (d) as incorporated in the Conditions of Approval and Mitigation Measures as proposed by staff;
 3. Approve A07-0017 changing the land use designation for APN 102-070-17 (20 acres) from Rural Residential (RR) to Low Density Residential (LDR) based on the findings listed in Attachment 1;
 4. Approve Z07-0053 rezoning APN 102-070-17 (20 acres) from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5) based on the findings listed in Attachment 1;
 5. Conditionally approve P07-0048 for APN 102-070-17 (20 acres) and conditionally approve map amendment P76-0466-C, amending Parcel Map PM12-119 for APNs 102-070-29 and 102-070-30, based on findings and subject to conditions listed in Attachment 1; and
 6. Approve the following design waivers since appropriate findings have been made:
 - (a) Reduction in the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual;
 - (b) Allow a hammerhead "T" at road terminus in lieu of a cul-de-sac; and
 7. Adopt Ordinance for said rezone.

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

- 1) Adopt the Mitigated Negative Declaration;**
- 2) Adopt the Mitigation Monitoring Program;**
- 3) Approve General Plan Amendment A07-0017;**
- 4) Approve Rezone Z07-0053;**
- 5) Conditionally approve Parcel Map P07-0048 and conditionally approve Map Amendment P76-0466-C;**
- 6) Approve design waivers; and**
- 7) Adopt Ordinance 4815.**

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

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

18. [09-0324](#) Pursuant to Government Code Section 54957, **Public Employee Discipline/Release.**
By unanimous vote of the Board, Thomas Heck, Director of General Services, was terminated effective March 27, 2009. The Board requested that it be reported that the termination was in no way performance related. It was related to the reorganization of General Services into the Department of Transportation. This is a reduction in force. The position will continue to exist for some time during the transition but there is no need for his services at this time.
19. [09-0334](#) Pursuant to Government Code Section 54957.6, **Conference with Labor Negotiator:**
County Negotiator: Governing Board Public Authority Negotiator, Bruce Heid, Industrial Employees and Distribution Association (IEDA);
Labor Organization: United Domestic Workers of America (UDW)/AFSCME, representing Independent Providers.
No Action Reported
20. [09-0350](#) Pursuant to Government Code Section 54957, **Public Employee Appointment:**
Title: Director of Transportation.
By unanimous vote of the Board, Jim Ware was appointed to the position of Director of the Department of Transportation at step 5 of the salary range effective immediately.
21. [09-0370](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: No Gridlock Committee v. El Dorado County Board of Supervisors, et al., El Dorado County Superior Court Case No. PC20060502.
By unanimous vote of the Board, the Board settled the case of No Gridlock Committee v. El Dorado County Board of Supervisors, the case will be dismissed with the payment of \$55,000 in attorney's fees.

DEPARTMENT MATTERS

22. [09-0368](#) Supervisor Nutting recommending the Board approve the appointment of Dave Pratt to serve as Commissioner on the Planning Commission representing District II for a term to expire January 2013.
This matter was amended to and approved upon adoption of the consent calendar.

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.

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 1:00 P.M. (day after Tuesday meeting) and Tuesday at 7:00 A.M. (One week after previous Tuesday Meeting)
South Lake Tahoe - Charter Cable 21, Daily - Time varies

ANNOUNCEMENTS

Monday, March 16, 2009 - 11:00 a.m. - Special Meeting of the Board of Supervisors to discuss future planning for Solid Waste Management in El Dorado County.

Monday, March 23, 2009, 9:00 a.m. – General Plan/Agriculture Issues.

Monday, March 30, 2009, 9:00 a.m. – Aid to Fire Contracts

Monday, April 6, 2009, 9:00 a.m. – Strategic Direction/Prioritization of core functions and projects/activities plus Planning for FY 09/10 Budget Hearing Process

Monday, May 4, 2009, 9:00 a.m. - General Plan/Economic Development.

Monday, May 18, 2009, 9:00 a.m. - General Plan/5 Year Review and Update/Health Services Department Update

Monday, June 22, 2009, 9:00 a.m. - General Plan/Other Topics.