



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, June 16, 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 Santiago, seconded by Supervisor Knight, to adopt the agenda and approve the Consent Calendar with the following exceptions: Items 4, 6, 11 and 14 were pulled from the Consent Calendar and Item 10 was continued off calendar.

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

10:00 A.M. - TIME ALLOCATION

1. [09-0709](#) **PRESENTATION** by Jan Melnicoe, a member of the Mental Health Commission, presenting the 2009 Annual Report on the needs and performance of the County's mental health system.

Received and Filed

2. [09-0799](#) **PRESENTATION** by Elizabeth Blakemore from the Child Abuse Prevention Council informing the Board on Children's Trust Fund Programs.

Received and Filed

OPEN FORUM

PUBLIC COMMENT:

B. Johnson addressed the Board RE: Transparency in Government

B. VanMurs addressed the Board RE: Denial of Affordable Housing grant

E. Claudio addressed the Board RE: CPS reform

A. Hunts addressed the Board RE: CPS reform

Dr. Boylan addressed the Board RE: Fox News report regarding denial of Affordable Housing grant

CONSENT CALENDAR

3. [09-0795](#) Approval of Board of Supervisors Minutes for the Regular Meeting of Tuesday, June 9, 2009.
- This matter was Approved on the consent calendar**
4. [09-0689](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board authorize the Purchasing Agent to increase purchase order Nos. 2914454, 2914562 and 2914558 by a combined amount of \$5,112.11 for a total combined amount of \$553,578.15 issued for the purchase of County fleet vehicles, noting the increase is necessary in order to reflect the change in sales tax rate.
- FUNDING:** Fleet Management Internal Service Fund.
- A motion was made by Supervisor Sweeney, seconded by Supervisor Nutting, to approve this matter and direct staff to negotiate a possible reduction in the sales tax.**
- Yes:** 5 - Knight, Sweeney, Nutting, Briggs and Santiago
5. [09-0713](#) Chief Administrative Office, Procurement and Contracts Division, presenting two (2) satellite phones for donation to the Barton Healthcare Systems and Alpine County for safety and security purposes associated with public emergencies and recommending the Board so declare and authorize donation of same in accordance with the procedures outlined in the County's Purchasing Ordinance, Chapter 3.12.
- This matter was Approved on the consent calendar**
6. [09-0659](#) 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.
- A motion was made by Supervisor Nutting, seconded by Supervisor Knight, to approve this matter and direct staff to review the policy.**
- Yes:** 5 - Knight, Sweeney, Nutting, Briggs and Santiago
7. [09-0216](#) District Attorney recommending the Board approve a Budget Transfer to reverse Budget Transfer 29087 previously brought before the Board on February 24, 2009 regarding Real Estate Fraud Prosecution and Investigation activity. (4/5 vote required)
- This matter was Approved on the consent calendar**

8. [09-0676](#) Environmental Management Department recommending Chairman be authorized to sign 2009/2010 Fiscal Year Funding Agreement No. 008-A-09/10-BOS with The River Store, Inc. in the amount of \$22,000 for the period of July 1, 2009 through June 30, 2010 for the provision of the river shuttle service on the South Fork of the American River. (River Program)

FUNDING: River Trust fund and in the 2009/2010 River Program budget.

This matter was Approved on the consent calendar

9. [09-0734](#) Sheriff's Department recommending the Board accept, with thanks, the receipt of eight (8) Glock handguns and other law enforcement equipment donated from the Lake Tahoe Community College.

This matter was Approved on the consent calendar

10. [09-0663](#) Sheriff's Department recommending adoption of Resolution approving the revised Disposition Schedule for said Department. (Cont'd 6/2/2009, Item 20)

This matter was continued off calendar upon approval of the consent calendar.

11. **09-0712** Sheriff's Department recommending adoption of Resolution authorizing Jeff Neves, Sheriff; Bryan Golmitz, Lieutenant; or Mary Pierce, Fiscal Administrative Manager to execute necessary documents for the purpose of obtaining Fiscal Year 2009 Homeland Security Grant funds provided by the Federal Department of Homeland Security, and subgranted through the State of California.

Resolution 122-2009

FUNDING: Fiscal Year 2009 Homeland Security Grant Funds.

PUBLIC COMMENT:

Dr. Boylan RE: Compared this grant to the grant which was denied last week.

A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to adopt Resolution 122-2009.

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

12. [09-0512](#) Transportation Department recommending Resolution of Intent to Levy the Benefit Assessment for Creekside Drive Road Zone of Benefit 98127 within County Service Area No. 9; and recommending a public hearing be set for August 4, 2009 at 10:00 a.m. for the assessment ballot proceedings.

Resolution 123-2009

Resolution 123-2009 was adopted on the consent calendar.

13. [09-0667](#) Transportation Department recommending adoption of Resolution of Vacation to abandon the Offer of Dedication for public utilities and drainage easements as shown on PM 48/132, Parcels A and B on property identified by APNs 117-210-33 and 117-210-34 in the El Dorado Hills area, necessary to eliminate unnecessary encumbrances created by the re-configuration of the boundary lines of the subject parcels by previous maps, and to accommodate development of the Carson Creek Corporate Center, as requested by PAC/SIB LLC.

Resolution 124-2009

Resolution 124-2009 was adopted on the consent calendar.

14. [09-0612](#) Transportation Department recommending the Board approve payment to the National Fish and Wildlife Foundation in the amount of \$90,225 to mitigate 0.401 acres of seasonal wetlands impacted by the U.S. Hwy 50/ Missouri Flat Road Interchange Improvements - Phase 1B Project; and authorize the Auditor-Controller to issue a check for same.

FUNDING: The In-Lieu Impact Mitigation fee is funded by the 2004 General Plan Traffic Impact Mitigation Fund.

PUBLIC COMMENT:

Dr. Boylan RE: Open space and land banks within El Dorado County

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

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

15. [09-0620](#) Transportation Department recommending the Board approve a one-year renewal of Facility Use Agreement 744-L0711 with Mother Lode Lions Club in the amount of \$1,560.60 per month commencing on July 1, 2009 through June 30, 2010 for the Department of Human Services, Senior Nutrition Program's continued use of the facility located at 4701 Missouri Flat Road.

FUNDING: State and Federal Grant Funds, Participant Donations, and General Fund.

This matter was Approved on the consent calendar

16. [09-0627](#) Transportation Department recommending the Board approve a one-year renewal of Facility Use Agreement 740-O0610 with Pollock Pines Recreation Unlimited, Inc. in the amount \$478.07 per month commencing July 1, 2009 through June 30, 2010 for the Department of Human Services, Senior Nutrition Program's continued use of the facility located at 5581 Gail Street in Pollock Pines.

FUNDING: State and Federal Grant Funds, Participant Donations, and General Fund.

This matter was Approved on the consent calendar

17. [09-0677](#) Transportation Department recommending the following pertaining to the listed Asphalt Concrete Overlays of Forni Road and Pony Express Trail, Contract PW 09-30415; Lotus Road, Contract PW 09-30416 and Malcolm Dixon Road, PW 09-30417:
- 1) Adopt and approve the contract documents.
 - 2) Authorize advertisement for construction bids upon receipt of authorization for construction from Caltrans.
 - 3) Authorize Director of said Department to sign and submit a claim to the El Dorado County Transportation Commission in the amount of \$58,143 of currently available Regional Surface Transportation Program Rural Exchange funds for an overlay of Malcolm Dixon Road.

FUNDING: American Recovery and Reinvestment Act of 2009-Regional Surface Transportation Program and Regional Surface Transportation Rural Exchange Funds.

This matter was Approved on the consent calendar

18. [09-0474](#) Transportation Department recommending the Board take the following actions pertaining to the Latrobe Road Realignment:
- 1) Adopt the California Environmental Quality Act (CEQA) Negative Declaration;
 - 2) Adopt the Mitigation Monitoring and Reporting Program (Appendix A of the Initial Study/Mitigated Negative Declaration Document);
 - 3) Approve the project as described in the CEQA document; and,
 - 4) Authorize Department of Transportation staff to proceed with any right-of-way; acquisitions necessary to construct the project (Assessor's Parcel Number 117-020-15 and 118-110-03).

FUNDING: High Risk Rural Road (HRRR) federal grant program and the Regional Surface Transportation Program (RSTP).

This matter was Approved on the consent calendar

19. [09-0791](#) Supervisor Knight recommending Resolution permitting the Cameron Park Community Services District to present a fireworks display at Cameron Park Lake on June 27, 2009, as part of their 10th Annual Summer Spectacular event, noting this approval shall be contingent upon approval of various agencies as required.

Resolution 125-2009

Resolution 125-2009 was adopted on the consent calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS/NOTICED HEARING

20. [09-0750](#) Per the request of Waste Connections Inc. and as required by the Franchise Agreement, conduct a public hearing to consider adoption of Resolution adjusting the solid waste collection and Material Recovery Facility (MRF) rate for Waste Connections, Inc., dba El Dorado Disposal Service by the annual Consumer Price Index of 3.4% and adjusting the fuel surcharge from 3.75% to 2.97%, effective July 1, 2009.

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

- 1) Continue this matter to June 23, 2009;
- 2) Direct staff to return with clarification of the CPI; and
- 3) Direct staff to revise the resolution to eliminate the fuel surcharge.

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

21. [09-0652](#) Hearing to consider adoption of Resolution establishing fees for mosquito abatement and snow removal equipment within County Service Area No. 3 (City of South Lake Tahoe) for Fiscal Year 2009-2010, noting the \$20 snow removal and \$6 mosquito abatement benefit assessments remain unchanged.

Resolution 126-2009

FUNDING: Zone of benefit assessments.

A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to adopt Resolution 126-2009.

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

22. [09-0653](#) Hearing to consider adoption of Resolutions establishing West Slope and East Slope waste management fees for Fiscal Year 2009-2010; and adoption of Resolution establishing an appeal process for County Service Area No. 10 waste management parcel fees.
Resolutions 127-2009, 128-2009, and 129-2009
FUNDING: Parcel Fees.
A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to adopt Resolutions 127-2009, 128-2009, and 129-2009.
Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago
23. [09-0560](#) Hearing to consider adoption of Resolution establishing the annual benefit assessment for the 2009/2010 tax year for Road Zones of Benefit within County Services Area No. 2, noting this is a continuation of benefit assessments with no increase over current levels.
Resolution 130-2009
A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to adopt Resolution 130-2009.
Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago
24. [09-0561](#) Hearing to consider adoption of Resolution establishing the annual benefit assessments for the 2009/2010 tax year for snow removal services in the unincorporated areas within County Service Area No. 3, noting this is a continuation of the existing benefit assessments with no increase over current levels.
Resolution 131-2009
FUNDING: Benefit Assessments.
A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to adopt Resolution 131-2009.
Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago
25. [09-0562](#) Hearing to consider adoption of Resolution establishing annual benefit assessments for the 2009/2010 tax year for Road Zones of Benefit within County Service Area No. 9, noting this is a continuation of benefit assessments with no increase over current levels.
Resolution 132-2009
FUNDING: Benefit Assessments.
A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to adopt Resolution 132-2009.
Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

26. [09-0563](#) Hearing to consider adoption of Resolution establishing the annual benefit assessment for the 2009/2010 tax year for Drainage Zones of Benefit within County Service Area No. 9, noting this is a continuation of the existing benefit assessments with no increase over current levels.
Resolution 133-2009
FUNDING: Benefit Assessments.

A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to adopt Resolution 133-2009.

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago
27. [09-0564](#) Hearing to consider adoption of Resolution establishing benefit assessments for the 2009/2010 tax year for Lighting Zones of Benefit within County Service Area No. 9, noting this is a continuation of the existing benefit assessments with no increase over current levels.
Resolution 134-2009
FUNDING: Benefit Assessments.

A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to adopt Resolution 134-2009.

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago
28. [09-0565](#) Hearing to consider adoption of Resolution establishing the annual benefit assessment for the 2009/2010 tax year for Emerald Meadows Zone of Benefit No. 98580 within County Service Area No. 9, noting this is a continuation of the existing benefit assessment with no increase over the current level.
Resolution 135-2009
FUNDING: Benefit Assessments.

A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to adopt Resolution 135-2009.

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago
29. [09-0341](#) Chief Administrative Office requesting the Board consider approving the initial permanent assignment and overnight retention of County owned vehicles for the District Attorney's office; and receive an update on the current status of the 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. (Refer 3/17/09, Item 13)

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

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

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

CONTINUED

The Board continued the meeting to June 17, 2009 at 9:00 a.m. to hear items 30 and 34.

CLOSED SESSION

30. [09-0681](#) Pursuant to Government Code Section 54957.6, **Conference with Labor Negotiator:**
County Negotiator: Interim 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 Sheriff's Association representing employees in the Law Enforcement unit.
Continued to June 17, 2009
31. [09-0756](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: Claim of Rebecca Phillips v. County of El Dorado, Worker's Compensation Claim Settlement, Bragg & Associates, Inc., Claim No. Multiple.
No Action Reported
32. [09-0779](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: Proceeding before the State Mining and Geology Board to determine whether the Big Cut Mine has vested rights to operate under Surface Mining and Reclamation Act.

Pursuant to Government Code Section 54956.9(c), **Anticipated Litigation:** Initiation of Litigation.
Title: El Dorado County v. State Mining and Geology Board.

The Board authorized by unanimous vote the County's participation in the vesting hearing on the Big Cut Mine's surface mining.
33. [09-0794](#) Pursuant to Government Code Section 54956.9(b), **Anticipated Litigation:**
Title: Legal Issues Associated With Rare Plants.

No Action Reported
34. [09-0782](#) Pursuant to Government Code Section 54957, **Public Employee Appointment:**
Title: Director of Human Services.
Continued to June 17, 2009