



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, May 8, 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."

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 (Government Code Section 54954.2 (a), the numbered items on this Agenda give a brief general description of each item of business to be transacted or discussed. The recommendations of the staff, as shown, do not prevent the Board of Supervisors from taking other action.

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE

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 Briggs

Absent: 1 - Supervisor Santiago

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

Present: 2 - Supervisor Sweeney and Supervisor Briggs

Absent: 1 - 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 exceptions: Items 16, 17, and 19 pulled from Consent Calendar for separate action; Items 25, 26, 27, and 28 added to Consent and approved.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs to add one Closed Session Item No. 38.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

PRESENTATION

1. [07-729](#) **PRESENTATION** proclaiming May, 2007 as Mental Health Month in the County of El Dorado.

A motion was made by Supervisor Dupray, seconded by Supervisor Briggs, to adopt the Proclamation.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

2. [07-751](#) **PRESENTATION** of Certificate of Appreciation to Marbri Carroll in recognition of her many years of dedication to the clients of the Mental Health Department and for her service as a Mental Health Commissioner.

No action required.

OPEN FORUM**CONSENT CALENDAR**

3. [07-722](#) Approval of Board of Supervisors Conformed Agendas (Minutes) of the Special Meetings of Monday, April 30, 2007 and the Regular Meeting of Tuesday, May 1, 2007.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

4. [07-620](#) Public Health Department, in collaboration with the El Dorado County Superior Court, recommending Chairman be authorized to sign retroactive Comprehensive Drug Court Implementation Notice of Grant Award Agreement with the California Department of Alcohol and Drug Programs in the amount of \$70,849 for the term January 1, 2007 through December 31, 2007 to support juvenile and adult Drug Court services provided by the County; and recommending Budget Transfer 27214 increasing revenues by \$21,395 for same. (4/5 vote required)

RECOMMENDED ACTION: Approve.

FUNDING: State Comprehensive Drug Implementation grant.

This matter was Approved on the consent calendar

5. [07-606](#) Public Health Department recommending Chairman be authorized to sign Amendment 1 to Agreement NNA09 with the State of California Department of Alcohol and Drug Programs increasing funding amount by \$143,829 to \$1,559,269 for the term July 1, 2004 through June 30, 2008 for various alcohol and drug prevention and treatment programs for said Department; and recommending Budget Transfer 27213 increasing revenue by \$131,050 for same. (4/5 vote required)

RECOMMENDED ACTION: Approve.

FUNDING: Net Negotiated Amount and Drug Medi-Cal funding from the State.

This matter was Approved on the consent calendar

6. [07-627](#) Transportation Department recommending Chairman be authorized to sign Acquisition Agreement for Public Purposes with Jose Morales Villanueva in the total amount of \$6900 and Certificate of Acceptance for the related deed for a portion of APN 083-253-04; and authorize the Director of said Department or designee to execute escrow instructions and any other related escrow documents pertaining to same, including the payment of title, reconveyance, and escrow fees for the Cameron Park Drive and Oxford Road Project.

RECOMMENDED ACTION: Approve.

FUNDING: Traffic Impact Mitigation Fees.

This matter was Approved on the consent calendar

7. [07-619](#) Transportation Department recommending adoption of Resolution acknowledging, but rejecting at this time, Irrevocable Offer of Dedication 2007-05 from Warren W. Grimes and Charlene E. Grimes for road right of way and public utilities easements (APN 074-280-15) necessary to meet a condition of approval for a Certificate of Compliance.

RECOMMENDED ACTION: Adopt Resolution **100-2007**.

This matter was Adopted on the consent calendar

8. [07-491](#) Transportation Department recommending adoption of Resolution authorizing the Director of said Department, the Deputy Director of Engineering, West Slope Division, and the Right Of Way Program Manager to execute certifications that right of ways have been acquired for local and federally funded transportation projects in accordance with state and federal regulations.

RECOMMENDED ACTION: Adopt Resolution **106-2007**.

This matter was Adopted on the consent calendar

9. [07-646](#) General Services Department recommending Chairman be authorized to sign Amendment 2 to Agreement 539-S0611 with Environmental Stewardship and Planning, Inc. increasing compensation by \$14,880 to \$106,692 and extending the term through June 30, 2008 to prepare a Draft Environmental Impact Report for the Rubicon Trail Master Plan, subject to approval by County Counsel and Risk Management.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

10. [07-648](#) General Services Department recommending Chairman be authorized to sign Bid Documents GS 07-001 for the El Dorado Trail Eastern Extension Parkway Drive to Los Trampas Drive Projects 04-05, 04-06A, 04-06B, 07-05; and requesting said Department be authorized to advertise for said project with Bids due no later than 2:00 p.m. on Monday, June 4, 2007.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

11. [07-663](#) General Services Department recommending Budget Transfer increasing appropriations by \$50,000 for the purchase of diesel fuel for vehicles and equipment for the Department of Transportation. (4/5 vote required)

RECOMMENDED ACTION: Approve.

FUNDING: Department of Transportation.

This matter was Approved on the consent calendar

12. [07-608](#) Sheriff requesting authorization to sign retroactive Agreement 2007-20 with the United States Department of Justice Drug Enforcement Administration in the amount of \$22,000 for the period January 1, 2007 through December 31, 2007 to defray the cost relating to the eradication and suppression of illicit marijuana; and recommending Budget Transfer 27219 increasing revenue and appropriations for same. (4/5 vote required)

RECOMMENDED ACTION: Approve.

FUNDING: United States Department of Justice Drug Enforcement Administration.

This matter was Approved on the consent calendar

13. [07-634](#) Sheriff, Mental Health and Probation Departments recommending approval of a Memorandum of Understanding between said Departments setting forth each agency's roles, responsibilities and expectations as they relate to the Mentally Ill Offenders Crime Reduction Grant Program (MIOCR) and the associated expansion of the County's Behavioral Health Courts in South Lake Tahoe and Placerville.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

14. [07-611](#) Sheriff's Department recommending Budget Transfer 27202 increasing revenue and appropriations by \$5,250 for the purchase of a computer server for the Civil Section of said Department. (4/5 vote required)
RECOMMENDED ACTION: Approve.

FUNDING: Civil Special Revenue Fund.

This matter was Approved on the consent calendar

15. [07-659](#) Information Technologies (IT) Department recommending continuation of all current perpetual software license agreements as outlined on list dated March 21, 2007 for on-going maintenance fees administered by said Department.
RECOMMENDED ACTION: Approve.

FUNDING: Funding for all of the mentioned Perpetual Licenses and the associated maintenance is in the I.T. FY 07/08 budget request.

This matter was Approved on the consent calendar

16. [07-686](#) Treasurer-Tax Collector recommending the Board order the return of a erroneous deposit to Wittman Enterprises, LLC in the amount of \$28,730.61; and recommending Auditor-Controller be authorized to issue a check for same.
RECOMMENDED ACTION: Approve.

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

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

17. [07-652](#) Auditor-Controller recommending the Board receive and file the results of the audits performed by Bartig, Basler and Ray, Certified Public Accountants, of the County financial statements for the year ended June 30, 2006. (Cont'd. 5/1/07, Item 33)
RECOMMENDED ACTION: Approve.

A motion was made by Supervisor Briggs, seconded by Supervisor Baumann to approve this matter, with direction to update the Board during Budget Hearings.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

18. [07-691](#) Fish and Game Commission requesting authorization to establish a separate fund for the deposit and disbursement of donations made in support of the Sawmill Pond Stocking Project, and recommending Chairman be authorized to sign Budget Transfer 27226 establishing estimated revenues and appropriations in the amount of \$2,000 for Fiscal Year 2006-2007. (4/5 Vote Required)
RECOMMENDED ACTION: Approve.

FUNDING: Donations.

This matter was Approved on the consent calendar

19. [07-523](#) Human Resources Department recommending Resolution amending the Salary Range Schedule to establish a bargaining unit and salary range for the position of Consulting Professional Extra- Help to be used County-wide to assist departments with the hiring of specialists for limited term projects as they occur. (Cont'd 5/1/07, Item 36)
RECOMMENDED ACTION: Adopt Resolution **098-2007**.

FUNDING: N/A

A motion was made by Supervisor Briggs, seconded by Supervisor Baumann to adopt Resolution **098-2007**.

Yes: 3 - Dupray, Baumann and Briggs

Noes: 1 - Sweeney

Absent: 1 - Santiago

20. [07-755](#) Supervisor Baumann recommending introduction of Ordinance amending Section 8.65.020 of Chapter 8.65 of Title 8 of the County Ordinance Code to reflect changes to allow the First 5 Children and Families Commission to comply with the First 5 California State matched programs.
RECOMMENDED ACTION: Waive reading, read by title only, and continue to May 15, 2007 for adoption of same.

This matter was Approved on the consent calendar

21. [07-746](#) Supervisor Santiago recommending Resolution supporting the 12th Annual Lake Tahoe Marathon to be held between September 25 and September 30, 2007, around Lake Tahoe and between Tahoe City and South Lake Tahoe from approximately 6:45 a.m. to 1:30 p.m. on State Highway 89.
RECOMMENDED ACTION: Adopt Resolution **105-2007**.

This matter was Adopted on the consent calendar

END CONSENT CALENDAR**DEPARTMENT MATTERS/NOTICED HEARINGS**

- 22. [07-679](#)** Hearing to consider adoption of Resolution **101-2007** establishing a Building Fee Schedule to become effective July 7, 2007, superseding Resolution 057-2006 that sets forth the current fees.

Continued

- 23. [07-675](#)** Hearing to consider adoption of Resolution **102-2007** increasing solid waste collection rates by 10.74% based on the annual Consumer Price Index (CPI), effective July 1, 2007 for Sierra Disposal Service.

Clarification: This item is **not** based on the Consumer Price Index.

Hearing no protests, a motion was made by Supervisor Briggs, seconded by Supervisor Sweeney to adopt Resolution 102-2007.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

- 24. [07-591](#)** Hearing to consider adoption of Resolution **103-2007** clarifying previous Board action on August 22, 2006 and ratifying all rates in the El Dorado Disposal fee structure effective October 1, 2006.

Hearing no protests, a motion was made by Supervisor Sweeney, seconded by Supervisor Dupray to ratify the comprehensive list of service rates as of October 1, 2006, and adopt Resolution 103-2007.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

- 25. [07-664](#)** Environmental Management Department recommending award of bid for supplying and hauling soil contract work for the Vegetative Cover, Union Mine Landfill Project (027-PA-06/07-BOS) to the lowest responsive, responsible bidder, noting said Department will make a specific recommendation regarding the contract award in a staff letter to the Board of Supervisors.

This matter was added to Consent Calendar and approved.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

26. [07-649](#) General Services Department recommending Chairman be authorized to sign retroactive Amendment II to Lease Agreement 223-L9611 with Peggy A. Andruss Surber Revocable Trust in the amount of \$3,910.41 per month for office space located at 2808 Mallard Lane, Suites C & D in Placerville for the Mental Health Department, noting the intent of this amendment is to convert to a month to month lease.

FUNDING: State and Federal Funding

This matter was added to the Consent Calendar and approved.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

27. [07-609](#) Sheriff recommending Board accept Agreement No 06-7783 with the State Department of Justice for the purchase of computer hardware associated with the department's mug shot photo imaging system to interface with the Department of Justice Cal Photo System; **and recommending Chairman be authorized to sign Budget Transfer 27203 for same.**

FUNDING: State Department of Justice.

This matter was added to the Consent Calendar and approved.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

28. [07-715](#) Chief Administrative Officer recommending the Board set budget workshop dates for review and discussion of the FY 2007-08 Proposed Budget and Workplan commencing June 11, 2007 with approval of same on June 26, 2007 and Final Budget hearings to commence September 10, 2007.

This matter was added to the Consent Calendar and approved.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

29. [07-701](#) Supervisor Briggs requesting, on behalf of Frank and Pat Matagrano, Administrative Relief from Agricultural Setbacks for the proposed construction of a 1200 square foot residence and garage located on APN 105-100-11. (Cont'd 5/1/07, Item 47)

A motion was made by Supervisor Briggs, seconded by Supervisor Sweeney to grant administrative relief from a 200 foot setback to a 75 foot setback for the construction of a residence and garage.

Prior to the approval of the Conformed Agenda (Minutes) on Tuesday, May 15, 2007, the Board Action was corrected to read: "A motion was made by Supervisor Briggs, seconded by Supervisor Sweeney to grant administrative relief from a 200 foot setback to a 75 foot setback for the construction of a 1200 square foot granny flat and a 5000 square foot garage/shop."

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

BOARD OF SUPERVISORS CONVENED AS THE AIR QUALITY MANAGEMENT DISTRICT BOARD TO CONSIDER THE FOLLOWING:

30. [07-192](#) Air Quality Management District Board recommending update regarding the Particulate Matter (PM) Reduction Program be continued to June 26, 2007. (Refer 2/6/07, Item 27)

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

Yes: 3 - Dupray, Baumann and Sweeney

Absent: 2 - Briggs and Santiago

AIR QUALITY MANAGEMENT DISTRICT BOARD ADJOURNED

10:00 A.M. - TIME ALLOCATION

31. [07-497](#) **PRESENTATION** by Carol Bly, Superintendent of the Rescue Union School District, providing an update to the Board and public on recent activities and future plans for the school district.

No action required.

32. [07-740](#) **PRESENTATION** by the Lake Tahoe South Shore Chamber of Commerce.

No action required.

11:00 A.M. - TIME ALLOCATION

33. [07-718](#) **PRESENTATION** proclaiming May 12-20, 2007 as "National Tourism Week" in El Dorado County.

A motion was made by Supervisor Dupray, seconded by Supervisor Briggs to adopt the proclamation.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

34. [07-717](#) **PRESENTATION** proclaiming May 10, 2007 as "Farm Day" in El Dorado County.

A motion was made by Supervisor Briggs, seconded by Supervisor Sweeney to adopt the proclamation.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

35. [07-680](#) Chief Administrative Office recommending the Board of Supervisors adopt the Final Draft Response to the 2006-07 Grand Jury Second Mid-term Report and authorize submittal of the Response to the Presiding Judge of the Superior Court.

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

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

36. [07-720](#) 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.

37. [07-738](#) Pursuant to Government Code Section 54957, **Public Employee
Performance Evaluation:**
Title: Library Director.

No action reported.

38. [07-820](#) **NEW BUSINESS**

At the recommendation of County Counsel and by a 4-0 vote of the Board, with Supervisor Santiago being absent, the following Closed Session was added to the agenda:

Pursuant to Government Code Section 54956.9(b), **Anticipated
Litigation:**

Title: Exposure to Litigation.

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