

I have 2 things to share with you this morning.

First, this week is Sunshine Week, which advocates for open and transparent government. This topic has come up a lot at Board meetings over the last few years and there is still room for improvement. The agendas would be a good place to start. On February 24, two huge community issues were scheduled for the same afternoon, the Red Hawk Casino shooting range and the Community Region Lines. Each of these items is a hot topic in the community and large crowds should have been anticipated. Requests have been made for years now to have these kinds of items in the late afternoon or evening so that working citizens can attend. That turned out to be such a long day that everyone got a little crabby and emotions ran pretty high by the end of it. And then the following week there was very little on the agenda. Remember, these meetings are the public's opportunity to voice their concerns and be heard. We are all here because you are doing the public's business. Please schedule community topics so that the community can attend and make sure that the public is included in decisions that affect our quality of life.

Second, I also have an item to bring to your attention. The community is doing a lot of research into the shooting range issue. We have found numerous documents stating that the land was brought into trust with the intent of being developed for a health facility and residential housing. That is all. One document shows that EID asked for very clear verbiage to make sure that the Tribe would not abuse the application process and change the use of the land later. I can email copies of the documents to you for your reference. It is fair to say that the Tribe did indeed abuse that trust process by proposing a shooting range on land that they said they would use for a health clinic and residential housing.

With that said, I would like to alert you to the fact that the Tribe is going to be filing more applications to bring land into trust. They have been purchasing more land in Shingle Springs and many residents are concerned that the Tribe will spread like a cancer with incompatible projects if you do not take action. Now that we have seen that they are willing to abuse the land trust process and not follow through with the intended use of the land, please use this knowledge to leverage with the Tribe to stop the shooting range. Tell them that you will not support bringing any more land into trust for them until they follow the intentions they made in the trust application. The community is looking to you to support us in standing up to the bullying tactics of the Tribe.

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EL DORADO COUNTY BOARD OF SUPERVISORS MEETING 12-02-2014

Agenda Item 38 12-1483

NORMA SANTIAGO: Ok so we'll take up item 38 first. Then what I'd like to do if we have time we'll take up Item 40 after that.

RON BRIGGS: Madame Chair?

NORMA SANTIAGO: Yes?

RON BRIGGS: I don't have a conflict with Item 38. All that property I owned is gone, but I'm still going to recues myself just for the appearance of what my presence means.

NORMA SANTIAGO: Thank you I appreciate that.

RON MIKULACO: Do we want to wait until 10:00? It's listed as a...

NORMA SANTIAGO: No no no. We've got way too much of a [not clear]. So let's take up Item 38.

MS. DAWSON: Item 38. Chief Administrative Office recommending the Board considers the following:

1. Exercise option agreement for real property between the county and John V. Briggs on behalf of the Briggs family Trust;
2. Authorize staff to open a 60-day escrow;
3. Direct & authorize the staff to determine that the contingencies are satisfied, and to authorize the close of escrow; and,
4. Authorize staff to prepare & the Chair to execute an appropriate Grant Deed to convey the County property a certificate of acceptance for the option property and all other easements and documents as needed to facilitate the needs of the option ARM, the County & the Judicial Council.

NORMA SANTIAGO: Miss Webb, good morning!

MS. WEBB: So this item comes before you today as the result of several years worth of work by both the county and the Judicial Council to secure a land parcel in Placerville for the new courthouse, so over the past couple years we've had a couple option agreements. We've finally reached a point in our negotiations where we feel it's time to move this item forward and we brought this forward for you today for your consideration. I'm not sure what kind of questions you might have at this point.

NORMA SANTIAGO: Supervisor Mikalaco.

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RON MIKULACO: This item itself is pretty self-explanatory. Let's say we vote on this and move forward, what would be the next step in getting this done?

WEBB: The escrow is the next step as far as this piece is concerned, but we are continuing our negotiations with the AOC, or the judicial council, they've kind of changed their name recently. There's a couple steps on their side that they need to do. They have to take a package to the Dept of Finance so this is getting packaged as part of that; and ultimately the goal is to take a package to the state public works board for acquisition approval. We're hoping at this point to have that done by the end of this fiscal year, June 30th.

RON MIKULACO: Ok. So let's say all these things occur and there's no major hiccups, when can we expect to "break ground", if you will, on this, to get this project moving along, just as an estimate?

WEBB: Well, assuming that they acquire the property from us, their goal is to go out and get their funding in the summer. That would hopefully put them on track to break ground in 2016-2017ish.

RON MIKULACO: Ok Miss Webb, thank you very much.

WEBB: You're welcome.

NORMA SANTIAGO: Supervisor Franzen did you have a question?

SHIVA FRANZEN: Yes. I just want to make sure, it seems we have to make some improvements on that road if the county is going to put the money forward. Is there anywhere in our contracts, or future contracts, that the property owners in that area are going to share the cost?

WEBB: There is a parcel of land that surrounds that and the owner has to work through the city of Placerville for their site plan & so basically that would include some discussion about the road. How that actually comes together in the end, I don't have that information today; but our intent as of today is to only do the portion of the road that would service the Court and nothing beyond that. So any future improvement to that would have to be done either by the adjoining land owner or perhaps in conjunction with the city or something like that.

SHIVA FRANTZEN: So is, theoretically, the County may get 'stuck' by all the development we are doing – the million dollars?

WEBB: I don't really see it as the County getting stuck. I mean our obligation at this point is to only put in the portion of the road that would service the new courthouse, and we don't have any additional obligation beyond that.

SHIVA FRANTZEN: But that new road is going to benefit all the other parcels in that area.

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WEBB: It could in the future but only if it's built out. We're only taking it to the entrance – where it would access the courts actual parking. So beyond that, it would not provide any access to the rest of the property beyond that.

SHIVA FRANTZEN: But that's the majority of the road.

BRIAN VEERKAMP: It's really a very minor piece, but, what we've talked about, and what we'll be very adamant about proposing, and the City's in with us too, is cost sharing agreements on any improvements that are made there so the County doesn't get left holding the bag, and we've participated well on the interchange as well. That's the main thing is that we make sure we put those cost sharing agreements in there so anybody that future develops has to pay their share.

SHIVA FRANTZEN: So is there any way that we can put that in writing right now?

BRIAN VEERKAMP: It's not a piece of this particular piece. It's a piece of any future development. That's my understanding, Kelly.

SHIVA FRANTZEN: So in theory, if the agreement is not there for cost sharing the County may be the one paying for that part of the bill.

BRIAN VEERKAMP: At this point, but we're the ones that hold the card- this being the City and us- to approve any projects. That'd be a condition of approval, a cost sharing agreement, for them to pay their share.

CHRIS PAYNE, Diamond Springs: I would refer to the Department of Transportation for anything more specific than what I'm going to tell you. In answer to your question, Supervisor Frenzen, the Ray Lawyer extension to Highway 49 is a long standing capital project that has been part of our planning. In order to build that road all the way through from Highway 50 to Highway 49: It would connect just north of the Weber Creek Bridge just North of Highway 49. So essentially, it would (unclear) another route from this area. That is the government's (unclear) in general in the Placerville area, to Highway 49, and then to the South County. So this is a much broader – if you talk about the road – discussion of planning of capital projects. Second, the judicial council walked the ground. They walked everywhere around the jail area. They saw the County's property - which there is a bridge there – and determined that did not meet their needs. They walked adjacent to the County's property and found something that would meet their needs. In wanting to have it in that particular area, which they've chosen that's where they want to have it, they found this property which is before you today. So now we've had step-through things. The routed option between Placerville and the County occurred in the late 70s, so there's a Route Option to Highway 49, meaning that you can't build on it: It's a route adopted so therefore you can't build on it. The County's had to acquire a few parcels – somewhere around 5 or 6 parcels – in order for people to be able to get out from their investments by being paid to not build...and now we own the property, so there is a lot more to this that you need to gather – and this is just part of – a big part of – what's going on. Thank you.

KIRK SMITH; Placerville; Founder of Compass to Obscurity, devoted to truth, justice & helping to insure that I get an extra two minutes to speak: What I wanted

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to point out is that, at best, on this project, you are putting the cart before the horse. In other words, there are a lot of questions that are unanswered. For example, you're in the midst of having an Environmental Impact Report done about this project. There are several proposals for site location for the proposed Courthouse. One of them is a much smaller project & entails only the criminal cases. If you had that map up there right now, you'd see that the swap is not comparable. You're not talking about transferring property that would be comparable because one's landlocked, the one is not landlocked.

Mr. Mikalaco ran for office successfully by pointing out how the public was bamboozled in another similar situation where you bought some landlocked property that was underwater and nobody could use it. So if you look at this now, you have a study that's not even completed; in addition, you have a committee that you're proposing where you look at the economic consequences; so you're putting the cart before the horse. It's like the case of the rabbit in Alice in Wonderland, "Now we're going to have the verdict and then you're going to have the trial." You're going to look at the facts afterwards.

The economic impact of closing the downtown courthouse would be absolutely devastating. You haven't looked at those things. Have any of you ever asked merchants on Main Street what the economic impact is of that courthouse? I have. It ranges between 5 and 20 percent. It's not just the obvious watering holes: The restaurants, the bars, the coffee shops. It's people like John Sanders, who has the Old Town Grille. He's been there for a dozen years. He says that he'd be out of business if you close that courthouse.

Talk to Mary Duffy at the Placerville Newsstand and talk to Albert and David Fousel at the Placerville Hardware Store. Those are businesses that have been on Main Street for almost 300 years. Those are people who will tell you that they are impacted by the courthouse.

So right now you have now is a lot of different proposals on the table, and the real reason you're taking it up now happens to be that John Briggs' options are about to expire. They expire this month. He came before you a few months ago & told you that. Now you're all fiscally conservative politicians, who tell us about how you're not going to bail out the auto industry, the banks & things like that. Well don't bail out the Briggs family. I've heard politicians like Tom McClintock tell people who were on the brink of having their properties foreclosed on, that it's part of the free enterprise system, you know, you have winners & losers. Well, you're going to have some losers in the case of Briggs.

Ok so his options expire. He can come back and renegotiate them next year when you finally have the Environmental Impact Report done. You don't have a site plan. They haven't made any decision like that. So that's no different – than the same things you campaigned, among other things, about before, where you bought a property and you didn't look at it closely. So that's what I think you ought to look at, look at the facts very closely. If you had that map up there now & went with some colored pencils – highlighters – on all the property owned by Supervisors, past and present, as well as

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friends and family, it'd start to look like a Christmas tree. These are the kind of facts you need to look at first before you make any decision. That's what I respectfully suggest. If anything you should table it, so that you have a chance to look at these facts.

You've got a stack – if you're able to go through all that every week it's amazing and I commend you; but the public doesn't have a chance to really know about the consequences of something like this that's going to have a major adverse impact on the city of Placerville. That's why I suggest that you look at the facts before you make a decision. One of them would be to wait for the Environmental Impact Report to be done because one of the options has to do with site planning that's dramatically different than what you're proposing with the land swap. Again, don't bail out the Briggs family. Let the free enterprise system work. Thank you.

NORMA SANTIAGO: Any further public comment on this item?

SUE TAYLOR, Save Our County: I feel like I'm here to defend the culture and community of Placerville. 1. When I looked at this item, I wondered, it seems it's a CAO-driven project. I never saw discussion from the Board unless it's somewhere and I didn't see it. So I'm wondering how this ever came to be on the agenda in the first place because if you look at the two previous years we adopted these options it was on the consent calendar. So I don't see where the Board actually directed anybody to put this item on the agenda. 2. The other issue on that is that this takes a 4/5ths vote to approve this, and when you look at last year's option there was only three votes that approved this item. So I'm wondering how this option is even legal right now. 3. I agree that swapping these projects is "putting the cart before the horse". The State Court is offering in their EIR an alternative 2, as a superior alternative for this project, is a smaller courthouse; and if it could be built we could retain the existing historical courthouse. Why not take this better option?

The alternative 2 would not require a land swap. So I just feel like the public is constantly being in a position of being the enemy in these projects, when all we're asking for is to follow the rules that you have on the books & work with the public. You could do a much better project. You could retain the historic building that they have downtown that is the economic driver of so much that happens down there; and not put this massive building in. The parcel that's being proposed that it go on, that the Board, and the City (& it seems like everybody's promoting) is going to require 85% of that land to be graded. It's going to require a massive retaining wall and a huge 88,000 square foot building right as you are coming into the face of Placerville.

I don't know if you can envision that, but that's pretty massive. The EIR says "This is not going to cause a visual blight on the scenic corridor". It's not that it's not going to cause a visual blight it's just not on the scenic corridor. So you go through these reports – they manipulate the facts, the public doesn't understand what they're reading & it's up to you to really defend the culture that we have in this county and the city. So lastly, I would encourage the smaller building. Let me just read you a couple of things really quick:

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"The land transfer in Chapter II, project description, would not occur. Instead the Judicial Council would, this is from the alternatives for the EIR, would purchase the courthouse property from El Dorado County. Council would vacate its' office space in Building C but would retain control of the Main Street courthouse," I read the wrong thing. So what it's basically saying is that you would retain the Main Street courthouse & you wouldn't swap properties. The other thing I have bookmarked is that the city has rules and regulations in its' policies: "The City will encourage all efforts, both public & private, to preserve & promote Placerville's historic heritage for economic benefits associated with increasing tourist trade."

Keeping that courthouse is not only important for tourism but also for the locals. We're down there all the time working on our building on Main Street. People are there 24/7, and that's why I brought this really cool relic from underneath our building. I was really excited that I'd found this one. We've been finding some bottles under there and what's significant about this one is not that it's from the 1800s but it's the only unbroken Coke bottle that I could find under the building; and stamped on the bottom it says "Placerville". That means it was actually made in Placerville. To me, this has a lot of significance. People are excited about this stuff. We get it 24/7 in front of our building & we hear all kinds of stories right outside of our wall & some of them are kind of funny, but people love downtown.

It's getting so busy – it's taken a long time for that to come back, and I'd hate to see action that this Board takes, for that to be lost again. I would ask that you protect the culture of the city of Placerville; and have an open mind about working with something less impacting than this massive courthouse. Take a 'time out' and work with the people. Get outside of this office & go talk to the people on Main Street & check it out. Thank you.

NORMA SANTIAGO: Thank you, Ms. Taylor. Is there any further public comment on this item?

JACKIE DAVENPORT; Asst CEO for El Dorado Court: I just wanted to comment that the court, the county and the Judicial Council have been working for a number of years to get a new courthouse in this county. Although I understand the concerns with the downtown I think that that has been addressed in looking for a new site for the courthouse. There is, mu understanding, a committee together is looking at alternatives for the use of the downtown courthouse. I think that it's a disservice to this community if we don't move forward with this new courthouse site and the plan for the new courthouse. We've been at it for a very long time and the court has been championing this project & fighting to make sure we get a court facility that will benefit our community and I hope that we can move forward with that project.

NORMA SANTIAGO: Thank you Ms Davenport. Any further public comment on this item?

LORI PARLIN, Shingle Springs: I've been up here many times and I've told you that I grew up in El Dorado County and I went to El Dorado High School, so when you go to El Dorado High School you hang out in downtown Placerville. I've been hanging around

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downtown again as the Hangman Tree building is being redone and it's very fun to be down there right now. People are very excited about reviving that building and the stories you hear outside that fence – people really enjoying being there.

I was going through the draft EIR last night – actually all weekend – it's quite a big document – and reading the Alternative II, the smaller sized project actually seems like the superior project because it helps keep a functioning courthouse downtown & gets us a newer facility by the jail. So I'm very concerned about this land swap moving forward when the bigger – huge – courthouse may not be the preferred alternative according to environmental documents. We're in the middle of that environmental process, this does seem premature to do this right now. Also now I have more questions since Chris Payne brought up some things about the history of that land. I've heard there has been some questions about the history of that land and I think those things have to be addressed. Also, there have been concerns about the future of the existing courthouse, that beautiful, **historical** building. We've seen what happens when government agencies take over and are supposed to be responsible for maintaining and renovating these beautiful buildings.

The Bailey House is the best example we have. I believe the county owns that home now. It's deteriorating & falling apart because we don't have the money to maintain it. If we maintain that little courthouse downtown on our own, the State, that's my understanding, the judicial council will still maintain that building and keep its value. So I agree with everything that Kirk Smith & Sue Taylor said. There's a lot of questions left here. Also I was looking at the two pieces of property that are going to be swapped. I know the appraisal said they're of equal value but I really question that. I just looked at it with common sense & said that one's on frontage & one's landlocked. Common sense says that those aren't of equal value.

The infrastructure of getting to the landlocked one would be a lot more and who's going to be responsible for that? So there are a lot of questions about this & there's no reason that we can't let those options expire and revisit them when things are more clear in the Environmental Impact Report process. Also Sue asked me to give these to you. So please let's let these options expire and let's take a look at alternative 2 and maybe do the smaller reduced size that's a win for both a new courthouse and downtown Placerville. Thank you.

NORMA SANTIAGO: Any further public comment on this item? There being none, I'll close public comment. Miss Webb, there seems to be a lot of, confusion about the process that we've gone through over the last, I think, three or four years.

BRIAN VEERKAMP: (interrupting) Longer than that.

NORMA SANTIAGO: Exactly. Could you explain exactly what this process is, and who is the Lead on this project, and what our role is? Could you just give us a brief primer on this so that we can let the public know; and then I have Supervisor Veerkamp, Supervisor Franzen and Supervisor Mikalaco.

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WEBB: So the County of El Dorado is not the lead on this project. This is a Judicial Council project. Actually, several years ago, when Supervisor Santiago was the Chairman of the Board, four years or so ago, the administrative office of the courts solicited the county & requested an opportunity to look at properties that were available to look at that would be suitable for the courthouse. At the same time that they did that, they also ran a public notice in the paper, and they hired a real estate firm and through the public notice, the number that comes to mind right now is they got a hundred different properties throughout the county, and they went through a very extensive process to review all of those properties to determine what would be best suited. There was one right over here that backs up off of Ray Lawyer and looks down on Home Depot. There was the one on the corner of Fairlane.

There was several in different business parks. There was also Ponderosa Road, and a number of different properties. And then at one point, they actually brought in members of the community: Real estate, the BAR association – all different members. It was a diverse group and went through a review process. Actually Supervisor Knight was on that, representing the county at that time. After going through an extensive review, it was determined the two properties that – the AOC had to come up with a first property and a second property before they could go to the public works board for approval to continue. After doing this extensive review, they determined that the property that we're talking about right now, up by the jail, and was the preferred property and the secondary property would potentially be Ponderosa Road., but it came with a number of different issues as well.

BRIAN VEERKAMP: (interrupting) Traffic being one...

WEBB: Yes, traffic definitely being one. So we went through that process and the package was taken to the public works board, and approval was given to move forward with reviewing and acquiring the property up by the jail which is what we've been engaged in for the last three years or so. From a variety of different perspectives, there have been stalls in the project which is why we're on our second option agreement. We had hoped to be further along a year ago but because of some different things that came up along the way – budgets and potential conflicts – we postponed. So the courts, in the meantime, fought hard with the AOC to keep this project on the top of the list. I don't know if you're aware that throughout California there are many, many jurisdictions that are vying for position to get new courthouses. We have been fortunate in this whole process to stay in the top twelve or so.

There's been a couple of times where we were pretty convinced we were just going to drop off the list. This is actually a pivotal point in this for us right now with this particular item that you're hearing. I think it's good that there's a lot of input because you really do – some of you who are newer to the Board – you don't know all of the issues so I'm trying to summarize this for you, but it's really not a county project. Our role, at this point, is to facilitate a piece of property and to work with them. Once they acquire the property, beyond putting in the driveway portion that we are required to do, and some utility infrastructure, it's not our project anymore. The CEQA document that's actually closed to public comment – the public comment was closed, yesterday was the 45th day, and I am aware that a couple of public agencies did provide responses so I

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know that there's going to be some review and response that's going to need to come from the Judicial Council, but that is their document. They're required to do that and so we have the opportunity to review. The other thing that I know is that at this point the county was required through legislation to transfer all of their court facilities to the state back in, I think we completed our process in about 2008.

Because of different aspects of each building the only building that we have been able to fully transfer to the state at this point has been Cameron Park and the state now owns that. Building C is a shared facility. Johnson building up in Tahoe has its own set of issues. We have the Juvenile Court underneath the Probation Dept that's a shared facility at this point; and then Main Street had some seismic issues that have precluded us from being able to transfer that building – to deed it over to the state, so right now, the county actually still owns that building and I think the Board and the City Council have made their desire known to preserve the downtown area and to make sure that that building is taken well care of and that the community is taken care of; so there's been a lot of efforts over the years that have gone into this whole process. This particular transaction we're trading two equal pieces of property at about 2.5 acres each doesn't really change future decisions that you will make as a Board with regard to this project. It doesn't really change anything. It's just transferring two parcels of property.

As far as the CEQA document talking about a smaller facility the three and some odd acres that the county would be adding to this 5.2 acres is not enough to even build the smaller facility at this point so that would probably not be a viable option in the bigger scheme of things once the architect actually sat down and actually looked at that, and maybe they have. I haven't seen that document. The AOC has their own whole set of architects that they're using and I'm sure they probably reviewed it but I don't have that particular information at this moment. So I mean I think at this point, I mean I'm sure for you it's a difficult decision but doing this transaction doesn't mean that, I mean there's still things that could fall through the cracks. The county would have a continuous piece of property that's a little over eight acres at that point and the other property owner would have 5.2 acres as well.

BRIAN VEERKAMP: (interrupting) That's fairly landlocked.

WEBB: Yeah, that's fairly landlocked so I also wanted to comment, there was a comment made about changing from one location on the property to another, and even on at that point back in those discussions the property still wasn't large enough. We were still having to do a boundary line adjustment or some other property shift in order to make a piece of property that was large enough. Part of the problem with that original configuration was really the topography of the land being much steeper and the different options of getting a road to it or driveway and that kind of thing. We have been at this for years and trying to come up with the best alternative but ultimately it is the state's project and our role is just to provide the property. So I don't know if that helps you or not.

BRIAN VEERKAMP: To the county as well...the benefit also to the county is that we will get Building C back at 20,000 per square feet to be able to bring back some lease space and utilize that at a major cost savings to the county which is taxpayer money.

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WEBB: So early on in this process we did appraisals on both properties. We did Main Street and the property by the jail and at that particular point in time, the value of Building C and the property were equal. We're going to be doing new appraisals to insure that we're still equal in value, and if for some reason we're not, then our negotiations obviously will include a remedy for that, and I don't know how that's going to turn out because those appraisals haven't been done yet. We're in the process of doing that so there's still work to be done. Our option agreement expires on December 18th so part of the reason for bringing this to you today was to hopefully get approval but if not, it does give us a couple more Board meetings where we could continue our discussions so that was planned in to this process.

NORMA SANTIAGO: Thank you. Supervisor Veerkamp?

BRIAN VEERKAMP: I'll try to make this as quick as I can. Just before Thanksgiving I did my civil duty and went to do jury duty, awww shucks. So just left and the bailiffs and the judges standing joke is that you "can't drink the water", or that seismically it's got its issues or the mechanical systems are beyond repair, but given all that, the county wants us working with its Blue Ribbon Committee to maintain it, and keep it for the historical value and make something of it. Kelly is absolutely right. This has been going on for years. It's probably one of the better plans that the county's been involved with the city and other outside agencies for quite some time. It does tie in some infrastructure for this county.

Mr. Smith we certainly have respect as well as concern for the businesses downtown, which by the way with all due respect, your family owns a majority of those properties. Your talk about a Supervisor, I took offense to that. I don't own a thing downtown so looking at this from a global look, this has been a well-vetted plan. Change is hard to accept – I get that; but this is part of the plan to keep the courthouse in El Dorado County because otherwise I don't think it will occur. With that, Madame Chairperson, I know we've got some other comments, I'll move approval of item 38 to exercise our option.

NORMA SANTIAGO: And I will second and take in some additional discussion. Supervisor Franzen and then Supervisor Mikalaco.

SHIVA FRANTZEN: Thank you for the input.

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