



County of El Dorado

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Minutes - Final Board of Supervisors

Tuesday, October 3, 2006

8:00 AM

Board of Supervisors Meeting Room

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 CLOSED SESSIONS

Present: 2 - Supervisor Sweeney and Supervisor Santiago

A Closed Session was added when the Board convened at 8:02 a.m.

9:00 A.M. - CLOSED SESSION REPORTS

See Item No. 26

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 Santiago to approve the Consent Calendar. The motion carried by the following vote:

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

OPEN FORUM**CONSENT CALENDAR**

1. [06-1586](#) Approval of Board of Supervisors Conformed Agenda (Minutes) of the Regular Meeting of Tuesday, September 26, 2006.
RECOMMENDED ACTION: Approve.
This matter was Approved on the consent calendar

2. [06-1547](#) Agriculture, Weights and Measures Department recommending Chairman be authorized to sign retroactive Agreement 06-0484 with the California Department of Food and Agriculture compensating El Dorado County in the amount of \$90,292 for the term July 1, 2006 through June 30, 2007 for the provision of services for the survey, inspection and treatment of the Glassy-winged Sharpshooter in El Dorado County.
RECOMMENDED ACTION: Approve.
FUNDING: State of California.
This matter was Approved on the consent calendar

3. [06-1593](#) General Services Department recommending Resolution authorizing staff to submit an application for Grant Funding for the Proposition 50 California River Parkways Program to acquire the Chili Bar put-in facility on the South Fork of the American River, noting the application is due to the State on October 17 and this action is consistent with prior Board direction to pursue Proposition 50 grants for eligible activities.
RECOMMENDED ACTION: Adopt Resolution **311-2006**.
FUNDING: Proposition 50 California River Parkways Program.
This matter was Approved on the consent calendar

4. [06-1574](#) Transportation Department recommending Resolution sanctioning the closure of Harvard Way between Tah-Nee Way and Silva Valley Parkway; Clermont Way between Harvard Way and Brisbane Circle; Brisbane Circle West between Clermont Way and St. Andrews Drive; St. Andrews Drive between Brisbane Circle (West) and Brisbane Circle (East); Brisbane Circle East between St. Andrews Drive and Clermont Way; Springburn Way east of Brisbane Circle and complete closure of Rochampton Place, Holleston Place, Normanton Place, Fitzroy Place, Teally Place, Springburn Way, Forbes Place, Ranken Place, Pemberton Way, Northam Way, Murrell Place, Williston Way, Hediano Place, Canberra Place, Alburn Place, and Ravenshoe Way on Friday, October 20, 2006, between 4:00 p.m. and 5:00 p.m. for the "2006 Oak Ridge High School Homecoming Parade".
RECOMMENDED ACTION: Adopt Resolution **306-2006**.

This matter was Approved on the consent calendar

5. [06-1575](#) Transportation Department recommending the Board accept the Church Mine Road Storm Damage Repair Contract No. 78657 as substantially complete; and Chairman be authorized to sign Notice of Completion for same under contract with Joe Vicini, Inc.
RECOMMENDED ACTION: Approve.

FUNDING: Federal Emergency Management Agency (FEMA), State of California Office of Emergency Services (OES), Transportation Road Fund.

This matter was Approved on the consent calendar

6. [06-1578](#) Transportation Department recommending the Board accept the El Dorado Hills Boulevard Interchange Enhancements, Phase 1.2b Contract No. 71322 as substantially complete; and Chairman be authorized to sign Notice of Completion for same under construction with Yubacon, Inc.
RECOMMENDED ACTION: Approve.

FUNDING: El Dorado Hills Road Impact Fee (RIF) and California Department of Transportation (Caltrans).

This matter was Approved on the consent calendar

7. [06-1579](#) Transportation Department recommending the Board accept the Cosumnes Mine Road Storm Damage Repair Project No. 78658 as substantially complete; and Chairman be authorized to sign Notice of Completion for same under construction with Yubacon, Inc.
RECOMMENDED ACTION: Approve.

FUNDING: Federal Emergency Management Agency (FEMA), State of California Office of Emergency Services (OES) and Department of Transportation Road Fund.

This matter was Approved on the consent calendar

8. [06-1581](#) Transportation Department recommending Chairman be authorized to sign Purchase and Sale Agreement with Jesus Lemus and Maria Gonzalez and Certificate of Acceptance for Deed for the purchase of APN 327-130-18 in the total amount of \$698,300 for the US Highway 50/Missouri Flat Road Interchange Project 71317; and authorize Director of said Department, or designee, to execute Escrow Instructions and any other related escrow documents pertaining to the transaction, including the payment of title and escrow fees and relocation assistance program benefits.

RECOMMENDED ACTION: Approve.

FUNDING: 2004 General Plan Traffic Impact Mitigation Fee Program, Regional Improvement Program Funds, Master Circulation and Funding Plan program.

This matter was Approved on the consent calendar

9. [06-1582](#) Transportation Department recommending Resolution summarily vacating (AOE 2006-13) a portion of a 20-foot wide public utility easement located along the south boundary line of APN 034-662-04 in Tahoe Paradise, Unit No. 45, requested by Judith C. Igoe and Shawn M. Igoe to allow for the construction of a garage and additional dwelling space on Lot 27; and accept the Notice of Deed Restriction and Covenant to Indemnify the County.

RECOMMENDED ACTION: Adopt Resolution **309-2006**.

This matter was Approved on the consent calendar

10. [06-1583](#) Transportation Department recommending Resolution summarily vacating (AOE 2006-11) a 20-foot wide public utility easement located along the front boundary line of APN 032-341-02 in Angora Highlands, Unit No. 2, Lot 80 requested by Timothy G. Cronin, Yvonne H. Cronin, Benjamin L. Fagan and Kathleen M. Fagan to accommodate construction of additional dwelling space over a garage on subject lot; and accept the Notice of Deed Restriction and Covenant to Indemnify the County.

RECOMMENDED ACTION: Adopt Resolution **310-2006**.

This matter was Approved on the consent calendar

11. [06-1587](#) Transportation Department recommending the following pertaining to the Pleasant Valley Road Two-Way Left Turn Lane, Project 73318:
- (1) Award construction contract work to the lowest responsive bidder Lorang Brothers Construction, Inc. in the amount of \$1,563,579;
 - (2) Authorize Chairman to sign contract agreement with Lorang Brothers Construction, Inc., subject to review and approval of final contract documents by County Counsel and Risk Management; and
 - (3) Authorize Chairman to sign Budget Transfer 27047 which exchanges Traffic Impact Mitigation (TIM) Fees for \$2,026,838 in new Hazard Elimination Safety (HES) grant funds. (4/5 vote required)

RECOMMENDED ACTION: Approve.

FUNDING: Hazard Elimination Safety, Traffic Impact Mitigation Fees, El Dorado Irrigation District Reimbursement.

This matter was Approved on the consent calendar

12. [06-0125](#) Transportation Department recommending the following:
- (1) Find that a state of emergency continues to exist and authorize said Department to proceed under Public Contract Code Sections 20395, 22035 and 22050 to immediately stabilize and repair roads severely damaged by recent storms including Mosquito Road, Church Mine Road, and Cosumnes Mine Road;
 - (2) Find based upon the substantial evidence in the record regarding the conditions of the road and bridge approach facilities at said roads, that the emergency will not permit a delay resulting from competitive solicitation for bids, and that immediate action is necessary to stabilize and repair the roads and bridge approach to prevent further damage to, or failure of, the facilities, and to provide for access for public services to populated areas served by these roads;
 - (3) Authorize the Department to dispense with competitive bidding requirements to immediately secure assistance from outside contractors and consultants to perform the necessary emergency repairs pursuant to written contract and authorize the Chairman of the Board to execute those contracts; and
 - (4) Continue to the **October 17, 2006** Board Meeting for status review. (Continued 9/26/06, Item 23) (4/5 vote required)

RECOMMENDED ACTION: Approve.

FUNDING: Road Fund, seeking OES funds for 75% of costs. FEMA funding unknown, funding plan to be presented.

This matter was Approved on the consent calendar

13. [06-0814](#) Environmental Management recommending the following:
(1) Find that a state of emergency continues to exist at the Union Mine Wastewater Treatment Plant as a result of the 2005/2006 wet weather season;
(2) Find that, based on substantial evidence, immediate action is still necessary to stabilize said Plant;
(3) Authorize said Department to continue to dispense with competitive bidding requirements to immediately secure assistance from outside contractors and consultants to perform the necessary emergency work pursuant to written contracts and to authorize the Chairman to execute same; and
(4) Continue this matter to **October 17, 2006** for review of the emergency action. (Continued 9/26/06, Item 22 (4/5 vote required))
RECOMMENDED ACTION: Approve.
This matter was Approved on the consent calendar
14. [06-0234](#) Sheriff's Department recommending adoption of Resolution continuing the state and local emergency declared on December 31, 2005 if it is found that conditions of extreme peril to the safety of persons and property exists. (4/5 vote required)
RECOMMENDED ACTION: Adopt Resolution **308-2006**.
This matter was Approved on the consent calendar
15. [06-0611](#) Sheriff's Department recommending adoption of Resolution continuing the state of emergency declared on April 12, 2006 if it is found that conditions of extreme peril to the safety of persons and property exists. (4/5 vote required)
RECOMMENDED ACTION: Adopt Resolution **307-2006**.
This matter was Approved on the consent calendar
16. [06-1594](#) Sheriff requesting authorization to sign Application No. CEDAP-14791 with the Department of Homeland Security for Commercial Equipment Direct Assistance Program (CEDAP) funding to acquire specialized law enforcement equipment through a direct transfer program administered by the United States Department of Homeland Security (DHS).
RECOMMENDED ACTION: Approve.
FUNDING: Department of Homeland Security.
This matter was Approved on the consent calendar

17. [06-1580](#) Auditor-Controller recommending Chairman be authorized to sign Amendment 1 to Agreement 392-S0611 with Larry D. Klaus in the amount of \$15,000 and extending the term, after approval by County Counsel and Risk Management, to provide programming services to said Office.
RECOMMENDED ACTION: Approve.
- FUNDING:** General Fund.
- This matter was Approved on the consent calendar
18. [06-1592](#) Recorder-Clerk recommending Chairman be authorized to sign Amendment 1 to Memorandum of Understanding 384-M0610 with the Department of Justice in the amount of \$6,188.22 to finalize the proportionate share of costs for development and implementation of regulations and the cost for regulation and oversight for the electronic recording delivery system to comply with the Electronic Recording Delivery Act of 2004 (ERDA).
RECOMMENDED ACTION: Approve.
- FUNDING:** Micrographic Trust.
- This matter was Approved on the consent calendar
19. [06-1584](#) Supervisor Sweeney recommending the week of October 9, 2006 through October 16, 2006 be proclaimed as Childhood Cancer Awareness Week in El Dorado County.
RECOMMENDED ACTION: Adopt Proclamation.
- This matter was Approved on the consent calendar
20. [06-1529](#) Chief Administrative Office, Procurement and Contracts Division, recommending award of Bid 07-760-028 for the purchase of various cutting edges to be used on snow plows and graders for snow removal operations throughout the County for the Department of Transportation to the low qualified bidders, Holt of California of Pleasant Grove, CA for the west slope in the amount of \$28,351 and Acme Rigging & Supply Co. of Ukiah, CA for the east slope in the amount of \$43,793 including sales tax, and authorize the Purchasing Agent to issue a purchase order to each qualified bidder for same.
RECOMMENDED ACTION: Approve.
- FUNDING:** Road Fund
- This matter was Approved on the consent calendar

END CONSENT CALENDAR

NOTICED HEARING/DEPARTMENT MATTERS

21. [06-1573](#) Hearing to consider Resolution **313-2006** for the formation of the Hawk View Zone of Benefit 98613 within County Service Area 09 to provide road and drainage facility improvement and maintenance services.

FUNDING: Zone of Benefit Assessments.

Hearing no protests, a motion was made by Supervisor Dupray, seconded by Supervisor Baumann to adopt Resolution 313-2006.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

22. [06-1571](#) Transportation Department recommending Resolution **305-2006** calling for a mailed ballot landowner election to be set for November 3, 2006 for the establishment of a special tax for the purpose of providing road and drainage facility maintenance services for the Hawk View Zone of Benefit 98613 within County Service Area 09.

FUNDING: Zone of Benefit Assessments.

A motion was made by Supervisor Dupray, seconded by Supervisor Santiago to adopt Resolution 305-2006.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

23. [06-1588](#) Sheriff's Office and General Services Department recommending the following pertaining to the emergency replacement of security system at the South Lake Tahoe Jail:
- (1) Find that a state of emergency exists at the South Lake Tahoe Jail as a result of the failure of the closed circuit television and intercom communication systems;
 - (2) Find that in accordance with County Ordinance Code 3.14.060, the County may dispense with competitive bidding requirements to immediately secure assistance from an outside vendor to perform the necessary emergency work; and
 - (3) Authorize Purchasing Agent to issue a purchase order in an amount not to exceed \$175,000 to Tri-Signal Integration of Sylmar, California for "like" replacement of equipment and installation. (4/5 vote required)

FUNDING: Accumulated Capital Outlay Fund and Criminal Justice Special Revenue Fund.

A motion was made by Supervisor Santiago, seconded by Supervisor Dupray to approve this matter as amended this date: (2) Find that in accordance with County Ordinance Code 3.14.060, the County may dispense with competitive bidding requirements to immediately secure assistance from an outside vendor to perform the necessary emergency work pursuant to written contracts and to authorize the Chairman to execute same; and (3) Continue this matter to October 17, 2006 for review of the emergency action.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

- 24.** [06-1385](#) Pursuant to Government Code Section 54956.9(a): **Existing Litigation:**
Title: El Dorado County v. Gale A. Norton, et al., United States District Court, Eastern District Case #CIV.S-02-1818 GEB DAD; and El Dorado County v. California Department of Transportation, et al., Superior Court of California-County of Sacramento. Case No. 03CS00003.
No action reported.

- 25.** [06-1585](#) 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.
On a unanimous vote, the Board authorized County Counsel to defend the matter.

- 26.** [06-1601](#) At the recommendation of County Counsel and by a unanimous vote of the Board, the following closed session was added to the Agenda when the Board convened at 8:02 a.m.:

Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: David Mintz, et al, vs County of El Dorado, et al, El Dorado County Superior Court Case No. PC20050381.
No action reported.