



# County of El Dorado

330 Fair Lane, Building A  
Placerville, California  
530-621-5390  
FAX 530-622-3645  
www.edcgov.us/bos

## Minutes - Final Board of Supervisors

*Ray Nutting, Chair, District II*  
*John R. Knight, First Vice Chair, District I*  
*Ron Briggs, Second Vice Chair, District IV*  
*James R. Sweeney, District III*  
*Norma Santiago, District V*

*Suzanne Allen de Sanchez, Clerk of the Board of Supervisors*  
*Terri Daly, Chief Administrative Officer*   *Louis B. Green,*  
*County Counsel*

---

Tuesday, December 20, 2011

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) Except with the consent of the Board, individuals shall be allowed to speak to an item only once. Upon completion of public comment the matter shall be returned to the Board for deliberation. Members of the public shall not be entitled to participate in that deliberation, or be present at the podium during such deliberation, except at the invitation of the Board for a point of clarification or question by the Board. 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](http://www.edcgov.us) subject to staff's ability to post the documents before the meeting.

The Board of Supervisors is concerned that 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.

**8:02 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS**

**Present:** 5 - Supervisor Knight, Supervisor Nutting, Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago

**9:06 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS**

**INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

Pastor Cowles from the Highway Bible Church gave the invocation.  
Supervisor Santiago led the Pledge of Allegiance.

**ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR**

Approval of the Consent Calendar

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Item 6 was commented on, Items 20 and 21 were pulled from the Consent Calendar and Items 28 and 29 were amended to the Consent Calendar.

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

**OPEN FORUM**

None

[11-0055](#)

**BUDGET UPDATE**

The Chief Administrative Officer reported that the State will impose the mid-year trigger cuts. The proposed cuts contain nothing that is not expected. The majority of the cuts will begin January 2012. Further information can be seen in attachments 7A and 7B to the legislative file.

**CONSENT CALENDAR**

1. [11-1428](#)

Clerk of the Board of Supervisors recommending the Board approve the meeting minutes for the Special Meeting of Monday, December 12, 2011 and the Regular Meeting of Tuesday, December 13, 2011.

**This matter was Approved on the consent calendar.**

2. [11-1419](#) Auditor-Controller recommending the Board:  
1) Adopt **Resolution 201-2011** accepting the Annual Reports for Community Facilities District 1992-1, 2000-1, 2001-1, 2005-1 and 2005-2  
2) Receive and file the reports  
**Adopted Resolution 201-2011 upon approval of the consent calendar.**
3. [11-1381](#) Chief Administrative Office recommending the Board authorize Kim Kerr, Assistant Chief Administrative Officer to sign perpetual Professional Services Agreement 234-S1211 with Employee Benefits Specialists beginning May 9, 2011 with an estimated annual cost of \$65,500 subject to County Counsel's approval.  
**FUNDING: Internal Service Fund**  
**This matter was Approved on the consent calendar.**
4. [11-1386](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board:  
1) Award Bid # 12-070-021 for the purchase of one Toyota 4Runner Limited V6 4x4 to the sole qualified bidder, Cardinale Way Toyota of South Lake Tahoe, CA;  
2) Authorize the Purchasing Agent to issue a purchase order in the amount of \$43,304.95 for a one time purchase following Board approval; and  
3) Authorize the Sheriff's Department to enter into a reimbursement agreement (MOU) with SLEDNET to recoup the difference in the grant amount of \$40,700.00 and the purchase price of \$43,304.95 for a balance of \$2,604.95 to be paid by SLEDNET.  
**FUNDING: California Methamphetamine Multi-Jurisdictional Enforcement Task Force Grant (CaMMET)**  
**This matter was Approved on the consent calendar.**
5. [11-1434](#) Human Resources and Chief Administrative Office recommending the Board adopt **Resolution 202-2011** designating the job classification of CAO Administrative Technician, created by adoption of Resolution 130-2011 on July 26, 2011, as exempt within the meaning of the Fair Labor Standards Act (FLSA).  
**FUNDING: No Change to Net County Cost**  
**Adopted Resolution 202-2011 upon approval of the consent calendar.**

6. [11-1369](#) Health and Human Services Agency recommending the Board authorize the Chair to sign Community Mentor Agreement S11-00243T for Graduate Nursing Students with The Regents of the University of California, a California Constitutional Corporation, on behalf of its University of California Davis Health System to provide a field experience component for graduate nursing student trainees. The term of the Agreement is August 1, 2011 through July 31, 2012 and there is no remuneration associated with the agreement.

**FUNDING:** Not applicable.

**This matter was Approved on the consent calendar.**

7. [11-1359](#) Health and Human Services Agency (HHS) recommending the Board authorize the Chair to sign Agreement for Services 516-S1111 with Sierra Foothills AIDS Foundation, in the amount of \$124,708.12 for the term March 1, 2011 through December 31, 2011, to provide medical case management services for individuals and families living with AIDS in the County of El Dorado.

**FUNDING:** Federal Ryan White Comprehensive AIDS Resources Emergency (CARE) Act grant funding administered by Sacramento County.

**This matter was Approved on the consent calendar.**

8. [11-1201](#) Health and Human Services Agency, Public Health Division, recommending the Board approve a grant application to the Health Resources and Services Administration for their Rural Health Care Services Outreach Program grant.

**FUNDING:** Health Resources and Services Administration (HRSA) grant.

**This matter was Approved on the consent calendar.**

9. [11-1377](#) Health and Human Services Agency, Department of Human Services, recommending an amendment to the By-Laws that govern the El Dorado County Commission on Aging (COA) which acts as an Advisory Council to the Board of Supervisors and the Area Agency on Aging. This amendment reorders and groups existing sections within the By-Laws, makes revisions for clarification and allows officers of the Commission to serve an unlimited number of terms.

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

**This matter was Approved on the consent calendar.**

10. [11-1378](#) Health and Human Services Agency, Mental Health Division, recommending the Board authorize the Chair to sign retroactive Memorandum of Understanding 048-162A-M-R2011 with the El Dorado County Office of Education as the Administrative Unit of the El Dorado County Special Education Local Plan Area "SELPA" and the Lake Tahoe Unified School District as the Lake Tahoe Unified SELPA, (jointly referred to herein as the "SELPAS"), for the term July 1, 2011 through June 30, 2012 to set forth the responsibilities of each agency in providing mental health services to students with disabilities in accordance with the student's Individualized Education Plan (IEP).

**FUNDING:** Medi-Cal/Early and Periodic Screening, Diagnosis and Treatment (EPSDT), Healthy Families, State funding per AB 100, and compensation from SELPAS.

**This matter was Approved on the consent calendar.**

11. [11-1396](#) Health and Human Services Agency, Public Health Division, recommending the Board authorize the Chair to sign Amendment V.1 to Agreement 10-NNA10 (035-162-P-R2010) with the State of California, Department of Alcohol and Drug Programs reducing the total not-to-exceed amount from \$3,144,735 to \$2,965,122 to reflect the transition of funding for various programs from State General Fund to County Realignment 2011, with no change to the original term of July 1, 2010 through June 30, 2013.

**FUNDING:** California Department of Alcohol and Drug Programs

**This matter was Approved on the consent calendar.**

12. [11-1382](#) Sheriff, on behalf of the Cal-ID Remote Access Network Board, recommending the Board;
- 1) Approve a Budget Transfer authorizing the transfer of \$14,000 in penalty assessment funds collected in FY 2009/10 and FY 2010/11 from the Temporary Courthouse Construction Fund to the Automated Fingerprint Identification Fund pursuant to Resolution 392-91; and
  - 2) Authorize the purchase of an Automated Fingerprint Identification System, a replacement Livescan machine for the El Dorado County Office of Education and a RECON Facial Recognition System totaling \$43,500. (4/5 vote required)

**FUNDING:** Penalty Assessment Revenue.

**This matter was Approved on the consent calendar.**

13. [11-1385](#) Sheriff, on behalf of the Cal-ID Remote Access Network Board, recommending the Board authorize the Chair to sign a Budget Transfer authorizing the transfer of \$258,000 from the Fingerprint Identification Trust Fund to the Sheriff's operating budget to cover expenditures relative to the purchase of equipment that will be used to assist in the identification of individuals suspected of a crime and to offset personnel costs currently covered by the General Fund resulting in a decrease in Net County Cost of \$50,000 and a corresponding increase in General Fund Contingency. (4/5 vote required)

**FUNDING:** Vehicle License Fee Revenue

This matter was Approved on the consent calendar.

14. [11-1402](#) Sheriff's Office recommending the Board adopt **Resolution 203-2011** for the 2010 El Dorado County Multi-Jurisdictional Hazard Mitigation Plan for the purpose of increasing safety for citizens of the County during natural hazard events, while reducing the risk of loss of life and property.

Fiscal Impact/Change to Net County Cost: None.

Adopted Resolution 203-2011 upon approval of the consent calendar.

15. [10-0962](#) Department of Transportation recommending the Board adopt **Resolution 204-2011** accepting the 0.2 mile section of Boulder Mountain Drive into the County of El Dorado Maintained Mileage System.

Adopted Resolution 204-2011 upon approval of the consent calendar.

16. [11-1278](#) Department of Transportation recommending the Board authorize the Chair to sign Amendment III to Lease Agreement 046-L9611 with Briw Office Investors in the amount of \$33,050.36 per month commencing January 1, 2012 and ending December 31, 2013 exercising the second and third options for two additional one-year terms for the Health and Human Services Agency located at 3057 Briw Road, Suite A, in Placerville. The monthly cost for 29,819 square feet is \$1.11 per square foot.

**FUNDING:** State and Federal funds with County match met primarily from Realignment funds.

This matter was Approved on the consent calendar.

17. [11-1268](#) Department of Transportation recommending the Board authorize the Chair to sign Lease 279-L1211 with Raymond C. and Patricia J. Presgrave in the amount of \$4,806 per month for a one-year term commencing on January 1, 2012 and ending on December 31, 2012 with the option for one additional one-year term for the Public Defender's Office located at 630 Main Street in Placerville. The monthly cost for 5,340 square feet is \$0.90 per square foot.

**FUNDING:** General Fund.

This matter was Approved on the consent calendar.

18. [11-1162](#) Department of Transportation recommending the Board authorize the Chair to sign the following County of El Dorado Airport Ground Lease for Portable Hangars:
- 1) No. 11-53317 for Hangar Space No. SP-20 with Doug and Mary Jo Walter in an amount of \$636 per year for ten years with two additional ten-year lease options;
  - 2) No. 11-53318 for Hangar Space No. SP-22 with S. Dennis Holland in an amount of \$636 per year for ten years with two additional ten-year lease options;
  - 3) No. 11-53320 for Hangar Space No. SP-06 with David M. and Marina Ramacciotti in an amount of \$636 per year for ten years with two additional ten-year lease options; and
  - 4) No. 11-53341 for Hangar Space No. SP-21 with Corydon G. Edgecomb in an amount of \$636 per year for ten years with two additional ten-year lease options, all four hangars are located at the Placerville Airport. (4/5 vote required per Ordinance Code §3.08.021)

**FUNDING:** Placerville Airport Enterprise Fund - Fee Revenue.

This matter was Approved on the consent calendar.

19. [11-1179](#) Department of Transportation recommending the Board consider the following:
- 1) Approve the termination of the County of El Dorado Airport Land Use Agreement for Hangars Lease No. 396-L0711 dated September 25, 2007 with Jim Lang for Hangar Space No. H-30 and the County of El Dorado Airport Ground Lease For Portable Hangars No. AGMT 09-52862 dated April 13, 2010 with Steven C. Lesak for Hangar Space No. TP-20; and
  - 2) Authorize the Chair to sign the County of El Dorado Airport Ground Lease for Portable Hangars No. 11-53315 for Hangar Space No. H-30 with James Foerster in an amount of \$817 per year for ten years with two additional ten-year lease options and the County of El Dorado Airport Ground Lease for Portable Hangars No. 11-53340 for Hangar Space No. TP-20 with Donald R. Bates in an amount of \$720 per year for ten years with two additional ten-year lease options, located at the Placerville Airport. (4/5 vote required per Ordinance Code §3.08.021)

**FUNDING:** Placerville Airport Enterprise Fund - Fee Revenue.

**This matter was Approved on the consent calendar.**

20. [11-1439](#) Supervisor Sweeney and the Auditor-Controller recommending the Board direct County Counsel to prepare a report defining what methodologies would be required to allow the County and the various bargaining units to enter into negotiations to lower the retirement benefit vesting rates in future years for current County employees and any legalities that might be obstacles thereto.

*PUBLIC COMMENT*

*G. Copeland*

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

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



21. [11-1440](#) Supervisor Briggs recommending Board direct County Counsel, in consultation with the CAO, Risk Management, and County Auditor-Controller, to develop a County Policy that will allow for the consideration of requests to "Name or Designate" a County owned building or facility in recognition of an individual, family, business, or entity, and that this Policy shall include, but not be limited to, a defined procedure to process such requests that provides for:
- 1) The review by the appropriate county departments,
  - 2) The determination of associated cost(s) as well as identified funding source(s),
  - 3) A process to insure that the funds to cover identified costs are transferred or deposited into the correct County account,
  - 4) The ability and process for the County to remove a previously approved "Name or Designation" under defined conditions.

Supervisor Briggs additionally recommending that Board direct Counsel to return to the Board with a draft of such Policy on January 10, 2012.

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

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

22. [11-1411](#) Supervisor Santiago recommending Board approve the appointment of Kevin Brown and Tanya Walker to the El Dorado County Child Abuse Prevention Council and receive resignations from Wendy David, Suzy McLoed and Dee Cutter and approve Supervisor Santiago's signature on the required paperwork as the Board liaison representative.

**This matter was Approved on the consent calendar.**

**END CONSENT CALENDAR**

**DEPARTMENT MATTERS/NOTICED HEARING**

**10:00 A.M. - TIME ALLOCATION**

23. [11-1370](#) Supervisor Nutting recommending the Board receive a presentation by Karen Owen recognizing El Dorado County's Ag in the Classroom and its latest accomplishments in serving the community. (Est. Time: 10 Min.)

**Received and Filed.**

24. [11-1216](#)

County Counsel recommending the Board consider the following:

- 1) Adopt an ordinance extending the moratorium, adopted by the Board by **Ordinance 4968**, on the outdoor cultivation of medical marijuana in the unincorporated areas of El Dorado County for ten months and 15 days;
- 2) Adopt an ordinance extending the moratorium, adopted by the Board by **Ordinance 4969**, on the establishment of new medical marijuana distribution facilities, including all "dispensaries," "cooperatives" and "collectives" for a period of ten months and 15 days; and
- 3) Direct staff to develop, with the community advisory group, zoning and other appropriate permanent regulations governing the cultivation of medical marijuana and medical marijuana distribution facilities, and return to the Planning Commission and Board of Supervisors for consideration. (Est. Time: 1 Hr.) (Item 37, 11/15/11)

*PUBLIC COMMENT*

*D. Sisin  
B. Smith  
D. Bishop  
W. Howe  
J. Bariden  
M. Brown  
M. Midel  
??  
D. Girshner  
B. Catts  
B. Eisenburg  
R. Ferrera  
A. Onfeldt  
T. Wan  
P. Morgan  
K. Tashano  
J. Frank  
P. Vankner  
J. Vine  
P. Zimmerman*

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

- 1) Adopt Ordinance 4970 extending the moratorium, adopted by the Board by Ordinance 4968 (Version H), on the outdoor cultivation of medical marijuana in the unincorporated areas of El Dorado County for ten months and 15 days as amended to include an exemption for outdoor cultivation within a 100 square foot area surrounded by a 6 to 8 foot fence for personal medical purposes;**
- 2) Adopt Ordinance 4971 extending the moratorium, adopted by the Board by Ordinance 4969 as presented by staff, on the establishment of new medical marijuana distribution facilities, including all "dispensaries," "cooperatives" and "collectives" for a period of ten months and 15 days (no changes); and**
- 3) Direct staff to develop, with the community advisory group, zoning and other appropriate permanent regulations governing the cultivation of medical marijuana and medical marijuana distribution facilities, and return to the Planning Commission and Board of Supervisors for consideration.**

**The Board Recessed into Closed Session.**

**A motion was made by Supervisor Nutting, seconded by Supervisor Santiago, to amend the motion to increase the area permitted for outdoor cultivation to 200 square feet.**

**Yes:** 3 - Nutting, Sweeney and Santiago

**Noes:** 2 - Knight and Briggs

**The original motion as amended was approved.**

**Yes:** 4 - Nutting, Sweeney, Briggs and Santiago

**Noes:** 1 - Knight

**2:00 P.M. - TIME ALLOCATION**

25. [11-1445](#)

Chief Administrative Office recommending the Board:

- 1) Approve in concept a proposed organizational strategy for the Human Resources, Risk Management and Labor Relations function;
- 2) Adopt **Resolution 205-2011** establishing job classifications, salary ranges and bargaining unit designation for the positions of Human Resources Manager and Risk Manager; and
- 3) Adopt **Resolution 206-2011** amending the Authorized Personnel Allocation for the Human Resources Department adding 1.0 FTE Human Resources Manager and 1.0 FTE Risk Manager.

**Funding:** General Fund and Risk Management Internal Service Fund

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

- 1) Approve in concept the proposed organizational strategy for the Human Resources, Risk Management and Labor Relations function;
- 2) Adopt **Resolution 205-2011** establishing job classifications; and
- 3) Adopt **Resolution 206-2011** amending the Authorized Personnel Allocation.

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

26. [11-1438](#)

Chief Administrative Office recommending the Board:

- 1) Approve the creation of a centralized Finance and Administrative unit within the Chief Administrative Office that will provide finance and administrative support for the following functions; Human Resources, Risk Management, Information Technologies, Chief Administrative Office, Facilities, Public Defender, Indigent Defense and Surveyor; and
- 2) Adopt Personnel **Resolution 207-2011** amending Resolution 106-2011 deleting an Office Assistant (vacant), Fiscal Technician (filled) and Clerical Operations Manager (filled) in Human Resources and a Fiscal Assistant (filled) in Information Technologies and add a Fiscal Administrative Manager, Sr. Department Analyst, Department Analyst, Accountant, Fiscal Assistant and Office Assistant in the Chief Administrative Office.

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

- 1) Approve the creation of a centralized Finance and Administrative unit within the Chief Administrative Office; and
- 2) Adopt **Resolution 207-2011** amending Resolution 106-2011.

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

[11-0270](#)**CAO REPORTS****CAO REPORTS**

The Chief Administrative Officer reported regarding some moves the County is making to save money. Mental Health Division of Health and Human Services Agency HHSA will be moving to the County owned facility at 1360 Johnson Blvd. which will save the County \$168,000 annually.

The HHSA is also negotiating with the City of South Lake Tahoe for joint use of the Senior Center at 3050 Lake Tahoe Blvd.

Also the Veterans Affairs office will be moving to the Senior Center.

(More detailed information can be found on the legislative file attachment 33A.)

**Spirit of the Holidays**

HHSA and Child Support Services employees donated 80 gifts to Placerville Pines Convalescent Hospital yesterday. Making many happy.

Upper Room - Child Support Services Director, Laura Roth coordinated donations from County employees to put together 80 gift bags for distribution.

[11-0280](#)**ITEMS TO/FROM SUPERVISORS****TO/FROM**

Supervisor Santiago wished everyone a Merry Christmas.

Supervisor Briggs reported that he had helped with an elder abuse case where there had been no available beds to place the person. He was later talking to the Executive Director of Ponté Palermo who informed him that they had two emergency short term beds available for El Dorado citizens.

Supervisor Knight wished everyone a Merry Christmas.

Supervisor Sweeney wished everyone a Feliz Navidad y Feliz Año Nuevo.

Supervisor Nutiing reported that his son has been accepted into the Air Force.

**CLOSED SESSION**

27. 11-1442

Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Lahontan Water Board Administrative Hearing Re: NPDES Permit. Number of potential cases: (1) (Est. Time: 10 Min.)

The Board on a unanimous vote with all members present authorized the County to file an appeal to the State Water Resources Control Board of the issuance of the permit by the Regional Board subject to County Counsel review; Authorized County Counsel to sign the legal services agreement with Kronik, Moskovich, Tiedemann and Girard in an amount not to exceed \$20,000 dollars for the filing of the appeal;

Authorized County Counsel to enter into Cautionary Agreements with the City of South Lake Tahoe and Placer County should they decide to join in the appeal; and

Authorized County Counsel to joint defense agreement with any parties who wish to join the appeal.

**CONSENT CALENDAR**

- 28. [11-1443](#) County Counsel recommending the Board of Supervisors approve the attached contract for legal services with Abigail L. Roseman and authorize the Chair to sign the Agreement.  
  
This matter was Approved on the consent calendar.

**DEPARTMENT MATTERS**

- 29. [10-1235](#) Chief Administrative Office recommending the Board continue the discussion regarding the west Slope Animal Shelter to January 31, 2012.

FUNDING: Tobacco Settlement Funds

This matter was continued to January 31, 2012 upon approval of the consent calendar.

- 30. 11-1412 Pursuant to Government Code Section 54957, **Conference with Labor Negotiator:**  
County Negotiator: Director of Human Resources and/or designee.  
Employee Organizations: El Dorado County Deputy County Counsel Association and El Dorado Criminal Attorneys' Association. (Cont. 12/19/11) (Est. Time: 20 Min.)  
  
No Action Reported.

**ADJOURNED AT 2:17 P.M. IN MEMORY OF JOHN WARD.**