



# County of El Dorado

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## Minutes

### 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*

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Tuesday, December 6, 2011

8:00 AM

Board of Supervisors Meeting Room

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#### 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.

#### **8:03 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS**

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

#### **9:16 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS**

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

Pastor Cooke from Cold Springs Community Church gave the Invocation. Supervisor Sweeney led the Pledge of Allegiance.

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

Approval of the Consent Calendar

A motion was made by Supervisor Santiago, seconded by Supervisor Knight, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Item 39 was added to the Consent Calendar, Item 24 was pulled from the Consent Calendar, and changes were read into the record for Item 6.

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

#### **11-1291 PUBLIC COMMENT**

##### **PUBLIC COMMENT**

L. Brent-Bumb RE: Silver Ribbon from the California State Fair.

#### **11-0055 BUDGET UPDATE**

None.

**CONSENT CALENDAR**

1. [11-1296](#) Clerk of the Board of Supervisors recommending the Board approve the Meeting Minutes from the Regular Meeting of Tuesday, November 8, 2011, and the Special Meeting Minutes from Thursday, November 10, 2011. (Cont'd 11/15/11, Item 1)  
**This matter was Approved on the consent calendar.**
  
2. [11-1368](#) Clerk of the Board of Supervisors recommending the Board approve the Meeting Minutes from the Special Meeting of Monday, November 14, 2011, the Regular Meeting of Tuesday, November 15, 2011, and the Special Meeting of Monday, November 21, 2011.  
**This matter was Approved on the consent calendar.**
  
3. [11-1338](#) Auditor-Controller recommending the Board receive and file the report of allocation of funds from El Dorado County's Supplemental Law Enforcement Funds (SLESF) for Fiscal Year 2010/11 and the annual SLESF report to the State Controller.  
**This matter was Approved on the consent calendar.**
  
4. [11-1286](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board:  
(1) Award Bid # 12-405-013 for the purchase of Diesel Fuel to the low qualified bidders, Hunt & Sons, Inc. of Placerville, CA and Flyers Energy of South Lake Tahoe, CA;  
(2) Authorize the Purchasing Agent to issue two 12-month blanket purchases orders in the total amount of \$694,500.00: to Flyers Energy of South Lake Tahoe in the amount of \$680,500.00 and to Hunt & Sons, Inc. of Placerville, CA in the amount of \$14,000.00; and  
(3) Authorize the Purchasing Agent to increase the blanket purchase order to same on an "as needed" basis during the awarded period as long as funding is available within the requesting department's budget.  
  
**FUNDING:** Road Fund Discretionary and the General Fund for all diesel generator tanks.  
**This matter was Approved on the consent calendar.**
  
5. [11-1272](#) Chief Administrative Office, Procurement and Contracts Division, presenting a list of property surplus to the needs of the County and recommending the Board so declare and authorize disposal of same in accordance with the procedures outlined in the County's Purchasing Ordinance, Chapter 3.12 and Section 3.12.220 thereof.  
**This matter was Approved on the consent calendar.**

6. [11-1380](#) Chief Administrative Office recommending the Board authorize the Chair to sign lease agreement #238-L1211 with Ed & Sheryl Hagen owners of the Railroad Park Building located on Oriental Street in El Dorado for the amount of \$1.00 annually with the term of November 1, 2011 to November 1, 2016.
- This matter was Approved on the consent calendar, noting that the lease agreement is for five (5) years.**
7. [11-1333](#) Recorder-Clerk-Registrar of Voters recommending the Board authorize the Chair to sign Amendment I to Agreement #450-S1011 with Premier Election Solutions, Inc. for ballot printing services, changing the Contractor's name to Election Systems & Software LLC for the remaining term of the agreement through March 2013.
- This matter was Approved on the consent calendar.**
8. [11-1354](#) Elections Department recommending the Board declare the results of the official canvas of the November 8, 2011 Consolidated Districts Election conducted by the Recorder-Clerk-Registrar of Voters.
- This matter was Approved on the consent calendar.**
9. [11-1343](#) Environmental Management Department recommending the Board adopt **Resolution 194-2011** authorizing the Director of said Department to execute and submit applications and all necessary documentation to the Department of Resources Recycling and Recovery (CalRecycle) for all grants for which the Environmental Management Department is eligible. Submittal authority shall remain in effect for a term of five (5) years from date of adoption or until rescinded by the Board.
- FUNDING:** Department of Resources Recycling and Recovery (CalRecycle).
- Adopted Resolution 194-2011 upon approval of the consent calendar.**
10. [11-1349](#) Environmental Management Department recommending the Board adopt **Resolution 195-2011** authorizing the Director of said Department to execute and submit annual Used Oil Payment Program Applications to the Department of Resources, Recycling and Recovery (CalRecycle). Submittal authority shall remain in effect until rescinded by the Board.
- FUNDING:** California Oil Recycling Enhancement Act.
- Adopted Resolution 195-2011 upon approval of the consent calendar.**

11. [11-1346](#) Health and Human Services Agency, Department of Human Services, recommending the Board authorize the Chair to sign Amendment I to Agreement for Services 258-S1110 with Fiscal Experts, Inc. for the continued provision of web-based time study services by amending the Scope of Services to add additional web-based time study services, associated training and custom programming services and increasing compensation by \$42,500 for a not-to-exceed amount of \$80,000 for the term of December 28, 2010 to December 27, 2013.
- FUNDING:** Primarily funded with Federal and State funds (85%) with County share of cost or required match (15%) met with realignment or other non-General Fund resources.
- This matter was Approved on the consent calendar.**
12. [11-1347](#) Health and Human Services Agency, Department of Human Services, recommending the Board authorize the Chair to sign Agreement 021-S1210 with Fiscal Experts, Inc. for specialized financial consulting services on an "as requested" basis in the not-to-exceed amount of \$120,000 for a three-year term commencing upon County execution.
- FUNDING:** Primarily funded with Federal and State funds (85%) with County share of cost or required match (15%) met with realignment or other non-General Fund resources.
- This matter was Approved on the consent calendar.**
13. [11-1353](#) Health and Human Services Agency recommending the Board authorize the Chair to sign retroactive Amendment I to Agreement for Services 004-S1211 with Progress House, Inc. for a not-to-exceed amount of \$1,250,000 during the term of July 1, 2011 through June 30, 2014 for the provision of therapeutic counseling, classes, substance abuse testing and treatment, residential treatment and transitional housing services on an "as requested" basis. Amendment I is retroactive to July 1, 2011 to correct rates for services that were inadvertently misstated in the original Agreement. The Amendment also amends other articles to conform to current County language.
- FUNDING:** 85% Federal/State Social Services funding with required 15% County share of costs met primarily with realignment resources.
- This matter was Approved on the consent calendar.**

14. [11-1374](#) Human Resources and Health & Human Services Agency recommends the Board adopt **Resolution 196-2011** adopting the Merit Classification of Program Manager II, with some modifications, with a Job classification number (JCN), salary schedule, and the Managers bargaining unit as previously assigned.
- FUNDING: Health & Human Services Agency's Budget.
- Adopted Resolution 196-2011 upon approval of the consent calendar.**
15. [11-1329](#) Library Director recommending the Board authorize the Chair to sign Budget Transfer 2012029 increasing revenues and appropriations by \$33,973 for the purchase of library materials as a result of donations received from the community and the Friends of the Library for FY 2011-2012. (4/5 vote required)
- FUNDING:** Donations.
- This matter was Approved on the consent calendar.**
16. [11-1352](#) Probation Department recommending the Board authorize the Chair to sign Agreement No. 260-S1211 with the County of Madera Probation, Juvenile Boot Camp, for the space-available rate of \$125 per day/per ward, to provide court-ordered commitments for juvenile court wards on an "as requested" basis; for a term of three years from date of execution, not to exceed a total of \$270,000.
- FUNDING:** Youthful Offender Block Grant.
- This matter was Approved on the consent calendar.**
17. [11-1341](#) County Surveyor recommending the Board adopt **Resolution 197-2011** acknowledging but rejecting the Irrevocable Offer of Dedication from Charles Malsbury Bertollette, Trustee of the 2002 Charles Malsbury Bertollette Trust, and the D. Sack Family Limited Partnership, a California Limited Partnership for; road right of way, public utilities and slope easements across parcels, 096-050-13 and 096-020-46 which are located on a segment of road formerly known as Jimtown Way. This IOD is being executed in order to satisfy Conditional Certificate of Compliance # 97-205.
- Adopted Resolution 197-2011 upon approval of the consent calendar.**

18. [11-0089](#)

Department of Transportation recommending the Board:

- 1) Make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter that there are specialty skills required for the work performed under this Agreement that are not expressly identified in County classifications, and that the ongoing aggregate of work to be performed under this Agreement is not sufficient to warrant addition of permanent staff;
- 2) Authorize the Board Chair to sign Agreement for Services AGMT 11-30623 with Pacific Gas and Electric Company (PG&E) in an amount not to exceed \$328,119 effective December 6, 2011 through December 5, 2016, to provide street light and parking lot light replacement turnkey services for specified projects included in the County's Energy Efficiency and Conservation Block Grant (EECBG); and
- 3) Authorize the Contract Administrator to sign detailed cost breakdown Proposal forms on behalf of the Department of Transportation, thereby initiating a Notice to Proceed With the Work.

**FUNDING:** EECBG Grant Agreement No. CBG-09-177 effective 06/30/10 to 06/14/12

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

19. [11-0873](#)

Department of Transportation recommending the Board authorize the Chair to sign the Exchange Fund Transfer Agreement #11-53286 with the Tahoe Regional Planning Agency allowing direct transfer of \$347,770 of the Federal/State Exchange funds with the Tahoe Regional Planning Agency for Fiscal Years 2005/2006 through 2009/2010 cycles of Regional Surface Transportation Program Exchange Funds.

**FUNDING:** Regional Surface Transportation Program (RSTP) Exchange Funds.

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

20. [11-1181](#) Department of Transportation recommending the Board of Supervisors
- 1) Authorize the Chair to sign the Notice of Acceptance with California Pavement Maintenance Company, Inc. for application of Type II Black Rock Slurry Seal (Agreement No. AGMT 11-53246, 208-S1211) on various County roads in the El Dorado Hills, Cameron Park and Rescue areas of El Dorado County; and
  - 2) Authorize the Clerk of the Board to release the Payment and Performance Bonds to the Surety upon notification from the Department of Transportation after the one-year guarantee period.

**FUNDING:** State Proposition 1B and Road Fund.

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

21. [11-1200](#) Department of Transportation recommending the Board:
- 1) Authorize the Chair to sign the Notice of Acceptance with Doug Veerkamp General Engineering, Inc. for road maintenance services (Contract No, PW 11-30595, #080-S1211) on various roads in the Arrowbee Estates Road Zone of Benefit 98201 within County Service Area No. 2, located in the Lotus-Luneman Area of El Dorado County; and
  - 2) Authorize the Clerk of the Board to release the Payment and Performance Bonds to the Surety upon notification from the Department after the one-year guarantee period.

**FUNDING:** Arrowbee Estates Road Zone of Benefit Assessment Fees.

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

22. [11-1270](#) Treasurer-Tax Collector recommending the Board renew delegation of fiduciary authority to the Treasurer-Tax Collector to invest and re-invest County funds, pursuant to Section 3.38.040 of the County Code and Section 53607 of the California Government Code.

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

23. [11-1356](#) Supervisor Knight recommending the Board adopt **Resolution 198-2011** permitting El Dorado Hills Firefighters' Association to present a fireworks display at El Dorado Hills Town Center on Sunday, December 18, 2011 as part of their 48th annual Santa Run event and parade, contingent upon approval of various agencies as required; and recommending the Chair be authorized to sign a letter to Fire Marshal approving same.

**Adopted Resolution 198-2011 upon approval of the consent calendar.**



24. [11-1367](#) Supervisor Knight recommending the Board adopt a Board of Supervisors Policy allowing a (TIM)Traffic Impact Fee Deferral for Owner Occupied Single Family Home projects.
- A motion was made by Supervisor Briggs, seconded by Supervisor Knight, to adopt Board of Supervisors Policy B-15, Traffic Impact Fee Deferral for Owner Occupied Single Family Home, as amended, Section 1.B. first sentence to read, " New development of an owner-occupied residential unit on which the TIM fee equals \$10,000 or more is eligible to defer the fee."**
- Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago
25. [11-1391](#) Supervisor Knight recommending the Board authorize a step increase for the Chief Administrative Officer from Step 3 to Step 4 effective the first full pay period after authorization.
- This matter was Approved on the consent calendar.**
26. [11-1232](#) Supervisors Santiago and Briggs recommending ratification of Chair Nutting's signature on a comment letter submitted to the California Regional Water Quality Control Board, Lahontan Region, regarding issues relative to the 2011 Draft Municipal National Pollutant Discharge Elimination System (NPDES) Permit and implementation of the Total Maximum Daily Load (TMDL) requirements. (Cont'd 11/1/11, Item 16)
- This matter was Approved on the consent calendar.**

## **END CONSENT CALENDAR**

## **DEPARTMENT MATTERS/NOTICED HEARING**

27. [11-1348](#) Hearing to consider adoption of a Resolution approving the issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds for the Cameron Park Senior Apartments. (Est. Time: 5 Min.)
- A motion was made by Supervisor Knight, seconded by Supervisor Santiago, to approve this matter.**
- Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago

28. [10-0108](#) Department of Transportation recommending the Board authorize the Chair to sign the following:
- 1) Amendment I to Agreement for Services No. AGMT 09-52859 with Bender Rosenthal, Inc. increasing compensation from \$100,000 to \$150,000; and
  - 2) Amendment I to Agreement for Services No. AGMT 09-52877 with Universal Field Services, Inc. increasing compensation from \$100,000 to \$200,000 for real property appraisal, acquisition, and relocation services. (Est. Time: 15 Min.)

**FUNDING:** 2004 General Plan Traffic Impact Mitigation Fee Program, Regional Surface Transportation Program Funds, Federal Highway Administration Funds, Tahoe Regional Planning Agency Mitigation Funds, California Tahoe Conservancy Grant Funds, United States Forest Service Grant Funds and various other Capital Improvement Program (CIP) and Environmental Improvement Program (EIP) funding sources that fund the Department's CIP and EIP projects.

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

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

#### **9:30 A.M. - TIME ALLOCATION**

29. [11-1371](#) Presentation by the El Dorado County Christmas Choir, directed by Kathie Martin. (Est. Time: 15 Min.)
- No Formal Action Required.**

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

30. [11-1366](#) Supervisor Knight recommending the Board adopt **Resolution 193-2011** in recognition of Harry J. Norris for his many years of service to the citizens of El Dorado County. (Est. Time: 10 Min.)
- A motion was made by Supervisor Knight, seconded by Supervisor Santiago, to adopt Resolution 193-2011.**
- Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago
31. [11-1236](#) Presentation from United Outreach of El Dorado County regarding homeless sheltering efforts. (Est. Time: 15 Min.)
- Received and Filed.**
32. [11-1395](#) Presentation by the El Dorado County Arts Council providing an annual status report for promotional funding. (Est. Time: 10 Min.)
- Received and Filed.**

**1:20 P.M. - RECONVENED**

**at the California Regional Water Quality Control Meeting, 4130 Lake Tahoe Boulevard, South Lake Tahoe, California.**

33. [11-1394](#) Board of Supervisors to recess at 11:30 a.m. and reconvene at 1:00 p.m. at the California Regional Water Quality Control Board, Lahontan Region (Lahontan Board) meeting at the Embassy Suites Hotel, Flying Cloud Room, 4130 Lake Tahoe Boulevard, South Lake Tahoe, California, to allow members of the El Dorado County Board of Supervisors to provide public testimony regarding Lahontan Board agenda Item #1 - NPDES Permit - Public Hearing - Updated Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Storm Water/Urban Runoff Discharges from El Dorado County, Placer County, and the City of South Lake Tahoe within the Lake Tahoe Hydrologic Unit, Placer and El Dorado Counties.

At the conclusion of the Lahontan Board meeting, the El Dorado County Board of Supervisors will recess and reconvene at the El Dorado County Board of Supervisors meeting room, 330 Fair Lane, Placerville, California.

Supervisor Santiago accompanied by the Board members, read the letter from the Board into the record.

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

The Chief Administrative Officer reported that the Google email conversion has taken place and is going very well. There was a Google webinar yesterday, December 5, 2011. She gives many thanks to the IT staff, Beta Testers, and ITSSC.

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

Supervisor Knight reported that he attended the CSAC conference last week. He has some great information from the conference for Terri Daly. He won a trip to South Lake Tahoe for two nights.

Supervisor Santiago reported that she too attended the CSAC conference. There will be a special CSAC Board of Directors meeting held in January 2012 to discuss a constitutional amendment to protect county funding for mandated programs.

Supervisor Nutting reported the following:

- 1) Thanks to the Department of Transportation, the Cameron Park Drive ladder fuels reduction has been completed;
- 2) Coordination regarding the forest service plan; and
- 3) There has been a request from a county in Nevada regarding the Travel Management Plan.

**CLOSED SESSION**

34. 11-1360 Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c):  
Title: West Valley, LLC: Silva Valley Parkway Interchange Project.  
Number of potential cases: (1). (Est. Time: 60 Min.)  
**No Action Reported.**
35. 11-1361 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: West Valley, LLC: Silva Valley Parkway Interchange Project. Number of potential cases: ( 1 ). (Est. Time: 60 Min.)  
**No Action Reported.**
36. 11-1372 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b). (Est. Time: 15 Min.)  
**No Action Reported.**
37. 11-1383 Pursuant to Government Code Section 54957.6 **Conference with Labor Negotiator:**  
County Negotiator: Director of Human Resources and/or designee.  
Employee Organization: Deputy County Counsel Association and El Dorado Criminal Attorneys' Association. (Estimated Time: 20 Minutes)  
**Continued to December 13, 2011.**
38. 11-1389 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation:** Title: Chief Administrative Officer.  
**No Action Reported.**

**DEPARTMENT MATTERS**

39. [11-1398](#) Supervisors Knight and Nutting recommending the Board authorize the Chair to sign a letter to the Office of Administrative Law (OAL) and the Board of Forestry regarding the Board of Forestry's proposed emergency (SRA) State Responsibility Area Fee regulations, procedures for implementation, and collection of SRA Fees, with the letter focusing on the process by which the regulations were adopted and the validity of the emergency designation.  
**This matter was Approved on the consent calendar.**

**ADJOURNED AT 5:30 IN SOUTH LAKE TAHOE.**