



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*

Tuesday, October 25, 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 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 John Lukas from Calvary Chapel of the Foothills gave the Invocation. Supervisor Knight 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: Items 7 and 8 were pulled from the consent, Item 1 was trailed to end the end of the meeting, and corrections were read into the record for Item 10.

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

OPEN FORUM

None

BUDGET UPDATE

None

CONSENT CALENDAR

1. [11-1205](#) Clerk of the Board of Supervisors recommending the Board approve the Regular Meeting Minutes from Tuesday, October 18, 2011.
NO PUBLIC COMMENT
A motion was made by Supervisor Briggs, seconded by Supervisor Knight, to approve this matter.
Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

2. [11-1192](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board:
 - 1) Authorize an increase of \$10,682 to BP20110368, for a total of \$71,000, for the purchase of truck tires and related services on the West Slope of El Dorado County to the low qualified bidder, Sierra Nevada Tire and Wheel, of Placerville, CA;
 - 2) Authorize the Purchasing Agent to sign the increased blanket purchase order for a term ending on January 3, 2012 following Board approval; and
 - 3) Authorize the Purchasing Agent to increase the blanket purchase order 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.
This matter was Approved on the consent calendar.

3. [11-1171](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board declare a duty weapon as surplus and approve its sale to retiring Sheriff's Deputy Bradley Tibbs.
This matter was Approved on the consent calendar.

4. [11-1170](#) 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.

5. [11-1191](#) Sheriff's Office recommending the Board authorize the Chair to sign Amendment 1 to an existing contract (107-S1010) with National Medical Services, Inc. to revise the pricing schedule, extend the term one additional year through October 31, 2012, as well as increase the maximum obligation of the contract by \$42,500 from \$57,000 to \$99,500 to continue to provide selected forensic analysis and toxicology services for the Coroner's Office.

This matter was Approved on the consent calendar.

6. [11-1064](#) Sheriff's Office recommending the Board:
- 1) Authorize the Sheriff to sign a retroactive Memorandum of Understanding (MOU) with the Sacramento County Sheriff's Office for participation in the High Technology Theft Apprehension and Prosecution Program Sacramento Valley Hi-Tech Crimes Task Force during the period of July 1, 2011 through June 30, 2013; and
 - 2) Approve a budget transfer accepting additional revenue to offset the costs of participating on this task force. (4/5 vote required)

FUNDING: Grant Funding.

This matter was Approved on the consent calendar.

7. [11-0930](#) Department of Transportation recommending the Board consider the following:
- 1) Approve the termination of the County of El Dorado Airport Land Use Agreement for Portable Hangars Lease dated March 22, 1988 with John D. Emigh; and
 - 2) Authorize the Chair to sign the County of El Dorado Airport Ground Lease for Portable Hangars No. 11-53290 for Hangar Space No. TP-13 with Anthony F. Sica in the amount of \$720 per year for ten years with additional two ten-year lease options, located at the Placerville Airport. (4/5 vote required) (Cont'd 10/18/11, Item 10)

FUNDING: Placerville Airport Enterprise Fund - Fee Revenue.

NO PUBLIC COMMENT

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

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

8. [11-1183](#) Supervisor Nutting recommending the Board adopt Resolution in support of grant application for National Infrastructure Investments under the 2011 Full-Year Continuing Appropriations Act (Transportation Infrastructure Generating Economic Recovery - TIGER III) for the El Dorado County Government and Justice Center Multi-Modal Access Project. (Cont'd 10/18/11, Item 13)

NO PUBLIC COMMENT

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to adopt Resolution 175-2011.

Yes: 4 - Knight, Nutting, Sweeney and Santiago

Abstained: 1 - Briggs

9. [11-1128](#) Recorder-Clerk-Registrar of Voters recommending that the Board approve the budget transfer increasing revenue and appropriations (fixed assets) in the Elections Department in the amount of \$40,917 for the purchase of a Sentio ballot on demand printing system and other support and election services required. (4/5 vote required)

FUNDING: 89% Federal Help America Vote Act Funding and 11% Elections Operating Budget. (General Fund)

This matter was Approved on the consent calendar.

10. [11-1174](#) Health Services Department recommending the Board authorize the Chair to sign Agreement 088-111-P-E2011 with North Tahoe Fire Protection District (NTFPD) for the term November 1, 2011 through August 31, 2016 to sub contract for ambulance transport services on behalf of the County in the designated Tahoe West Shore area of County Service Area No. 3 (CSA 3), subject to modification approved by the Chief Administrative Officer and County Counsel. Estimated cost for year one (1) is approximately \$179,000.

FUNDING: County Service Area (CSA) 3 - Special Tax (Tahoe West Shore area) and fee for ambulance services.

This matter was Approved on the consent calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS/NOTICED HEARING

11. [11-1061](#) Acting as the Public Housing Authority Board of Directors:

Hearing to consider adoption of a Resolution by the Public Housing Authority (PHA) to:

- 1) Authorize submittal of an application to the Department of Housing and Urban Development (HUD) to allow the El Dorado County Public Housing Authority (PHA) to participate in the Continuum of Care (CoC) Homeless Assistance Programs to receive renewal funding in the amount of \$13,339 under the 2011 CoC Homeless Assistance Programs Supportive Housing Program allocation to provide support, administration and maintenance of the dedicated Homeless Management Information System (HMIS) project;
- 2) Approve a required cash match in the amount of \$3,176 from the Housing Element Implementation General Fund contribution for the El Dorado County HMIS renewal project; and
- 3) Authorize the Director of Human Services, as the Executive Director of the PHA, to sign and submit the application and accompanying documents, including the Applicant Certification, the Application for Federal Assistance Declaration, Certification of Consistency with the Consolidated Plan and the Applicant/Recipient Disclosure Report, and, if the application is funded, to execute, contingent upon approval by County Counsel and Risk Management, the HMIS grant agreement and any amendments thereto that do not affect the dollar amount or the term and all other documents required by HUD for participation in the CoC Homeless Assistance Programs, and to take other actions necessary to facilitate same. (Refer 9/27/11, Item 18)

FUNDING: Primarily federal funds with required cash match of \$3,176 from the General Fund.

NO PUBLIC COMMENT

A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, to adopt Resolution 176-2011.

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

2:00 P.M. - TIME ALLOCATION

12. [11-1154](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z09-0009/Parcel Map P09-0013 on property identified by APN 070-131-07, consisting of 10.3 acres, in the Rescue area, submitted by Anthony P. DeVille, Sr. and Linda DeVille; and recommending the Board take the following actions:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff;
 - 2) Approve Z09-0009 rezoning APN 070-131-07 from Estate Residential (RE-10) to Estate Residential Five-Acre (RE-5) based on the Findings listed in Attachment 1;
 - 3) Approve Tentative Parcel Map P09-0013 based on the Findings and subject to the Conditions of Approval listed in Attachment 1; and
 - 4) Adopt **Ordinance 4966** for said rezone. (Supervisory District 4) (Est. Time: 10 Min.)

NO PUBLIC COMMENT

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

- 1) Adopt the Negative Declaration;**
- 2) Approve Z09-0009;**
- 3) Approve Tentative Parcel Map P09-0013; and**
- 4) Adopt Ordinance 4966.**

Yes: 4 - Knight, Nutting, Sweeney and Briggs

Absent: 1 - Santiago

13. [11-1155](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z09-0010/Parcel Map P09-0014 on property identified by APN 070-131-16, consisting of 10.01 acres, in the Rescue area, submitted by Anthony P. DeVille, Jr. and Sharon DeVille; and recommending the Board take the following actions:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff;
 - 2) Approve Z09-0010 rezoning APN 070-131-16 from Estate Residential (RE-10) to Estate Residential Five-Acre (RE-5) based on the Findings listed in Attachment 1;
 - 3) Approve Tentative Parcel Map P09-0014 based on the Findings and subject to the Conditions of Approval listed in Attachment 1;
 - 4) Approve the following Design Waiver since appropriate findings have been made: (a) Allow a driveway to access Parcel A; and
 - 5) Adopt **Ordinance 4967** for said rezone. (Supervisory District 4)
(Est. Time: 10 Min.)

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

- 1) Adopt the Negative Declaration;**
- 2) Approve Z09-0010;**
- 3) Approve Tentative Parcel Map P09-0014;**
- 4) Approve the following Design Waiver; and**
- 5) Adopt Ordinance 4967.**

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

14. [11-1160](#) Hearing to consider a request submitted by Christopher and Elaine Debeau (Agent: Kathye Russell) appealing Condition No. 8 imposed on Parcel Map P11-0002/Debeau when approved by the Zoning Administrator on September 21, 2011. The property is identified by APN 110-460-55, consisting of 3.24 acres, in the north El Dorado Hills area; and Planning Services is recommending the Board take the following actions:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff;
 - 2) Deny the appeal, thereby upholding the approval of Parcel Map P11-0002 by the Zoning Administrator on September 21, 2011 based on the Findings and subject to the Conditions of Approval listed in Attachment 1; and
 - 3) Approve the following Design Waivers as the required Findings have been made as listed in Attachment 1:
 - (a) Allow a reduction from a 28-foot to an 18-foot road surface width for the proposed access roads; and
 - (b) Allow a dead-end road to exceed 1,320 feet and to serve more than 24 existing or potential parcels. (Supervisory District 1) (Est. Time: 45 Min.)

COMMENTS

K. Russell
B. Ballenger
K. Russell

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

- 1) Conceptually grant the appeal, remove condition 8;
- 2) Direct staff to return with findings for the design waivers that did not rely upon the upgrade of the gate required by condition 8; and
- 3) Close public comment.

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

[11-0270](#)

CAO REPORTS

None

[11-0280](#)

ITEMS TO/FROM SUPERVISORS

None

CLOSED SESSION

15. 11-1209 **Conference with Legal Counsel - Initiation of Litigation** pursuant to Government Code Section 54956.9(c): Title: Green Valley Food and Fuel. Number of potential cases: (1). (Est. Time: 10 Min.)
No Action Reported.

16. 11-1212 **Conference with Legal Counsel - Initiation of Litigation** pursuant to Government Code Section 54956.9(c): Number of potential cases: (1). (Est. Time: 10 Min.)
- By unanimous vote, the Board authorized County Counsel to bring in outside counsel. The particulars of the litigation, once formally commenced, will be disclosed upon request.**
17. 11-1215 **Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources to provide negotiations update for the following bargaining units:
Employee Organization: Operating Engineers, Local No. 3, representing employees in the Probation and Corrections Bargaining Units; Deputy County Counsel Association representing employees in Deputy County Counsel Bargaining Unit; El Dorado County Criminal Attorneys' Association representing employees in the Criminal Attorneys' Bargaining Unit; El Dorado County Managers' Association representing employees in the Managers' Association Bargaining Unit; El Dorado County Law Enforcement Managers' Association representing employees in the Law Enforcement Managers' Association. (Est. Time: 15 Min.)
- No Action Reported.**
18. 11-1219 **Pursuant to Government Code Section 54957: Public Employee Performance Evaluation:** Title: Chief Administrative Officer. (Est. Time: 30 Min.)
- No Action Reported.**
19. 11-1217 **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. (Est. Time: 1 Hr.)
- No Action Reported.**
20. 11-1218 **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: 1 Hr.)
- No Action Reported.**

DEPARTMENT MATTERS

21. [11-1232](#) Supervisors Briggs and Santiago recommending Board consider authorizing the Chair to sign a letter in support of the County of Placer's request to the Lahontan Regional Water Quality Control Board to delay the National Pollutant Discharge Elimination System (NPDES) permit adoption process until February 1, 2012.

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

- 1) Approve and authorize the Chair to sign a letter requesting a delay in the implementation of the National Pollutant Discharge Elimination System (NPDES) permit adoption process; and**
- 2) Direct staff to bring back a letter to the Governor regarding CalTrans participate in the TMDL mitigation in the NPDES permit adoption process.**

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

ADJOURNED AT 3:25 P.M.