



County of El Dorado

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Minutes - Final Board of Supervisors

Helen K. Baumann, Chairman, District II
Rusty Dupray, First Vice Chairman, District I
Ron Briggs, Second Vice Chairman, District IV
James R. Sweeney, District III
Norma Santiago, District V

Cindy Keck, Clerk of the Board of Supervisors
Laura S. Gill, Chief Administrative Officer *Louis B. Green,*
County Counsel

Tuesday, October 23, 2007

10:00 AM

District Board Room, Room L104

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."

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 § 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.

The Board of Supervisors 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.

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.

10:00 A.M. - CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Present: 3 - Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago

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 adopt the Agenda and approve the Consent Calendar with the following exceptions: Item 22 pulled from the Consent Calendar for separate action; Item 25 added to the Consent Calendar and approved; Item 2 continued to November 6, 2007; and Item 26 continued off calendar.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

OPEN FORUM

CONSENT CALENDAR

- 1. [07-1689](#) Approval of Board of Supervisors Conformed Agendas (Minutes) of the Special Meetings of Tuesday, October 9, 2007 and the Regular Meeting of Tuesday, October 16, 2007.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

- 2. [07-1600](#) Mental Health Department recommending Chairman be authorized to sign Agreement 097-S0811 with Pacific Graduate School of Psychology in an amount not to exceed \$143,784 for a one year term to collaborate with said Department in the design and implementation of an evaluation and outcomes assessment center necessary to determine clients needs and treatment outcomes.

RECOMMENDED ACTION: Approve.

FUNDING: Mental Health Services Act.

This matter was continued to November 6, 2007 upon adoption of the Agenda.

3. [07-1605](#) Human Services Department, Community Services Division, recommending the Director of said Department, or successor, be authorized to sign Amendment I to the Affordable Housing Agreement (Developer's Agreement) with Lesarra Attached Homes, LP to reduce the down payment required by the affordable home buyer from 5 percent to 3 percent and to change the property tax rate from a not to exceed amount of 1.04% to a not to exceed amount of 1.25% of the purchase price.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

4. [07-1619](#) District Attorney recommending advanced step placement of a specific candidate at Step 5 of the salary range for the position of Deputy District Attorney III.

RECOMMENDED ACTION: Approve.

FUNDING: Department salary savings from vacancies

This matter was Approved on the consent calendar

5. [07-1611](#) District Attorney recommending Resolution amending the Authorized Personnel Allocation Resolution by **deleting** one (1) Legal Office Assistant I/II position and **adding** one (1) Fiscal Assistant I/II position for the District Attorney's office.

RECOMMENDED ACTION: Adopt Resolution **265-2007**.

FUNDING: Salary savings from position vacancies.

This matter was Approved on the consent calendar

6. [07-1532](#) Environmental Management Director requesting ratification of her signature on Change Order No.1 to contract 027-PA-06/07-BOS with Joe Vicini, Inc. to provide additional vegetative cover material for the Union Mine Landfill 13.6 Acre Final Closure project.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

7. [07-1538](#) Environmental Management Department recommending the Board accept the supplying and hauling of soil for the Vegetative Cover, Union Mine Landfill, 13.6-Acre Class III Old Landfill Area, Contract No. 027-PA-06/07-BOS as substantially complete; and Chairman be authorized to sign Notice of Completion for same under contract with Joe Vicini, Inc.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

8. [07-1537](#) Environmental Management Director requesting ratification of her signature on Change Order No.1 to contract 032-PW-06/07-BOS with RJ Gordon Construction Inc. to provide additional earthwork for the construction of the Final Cover, Union Mine Landfill 13.6 Acre Final Closure project.
RECOMMENDED ACTION: Approve.
This matter was Approved on the consent calendar
9. [07-1540](#) Environmental Management Department recommending the Board accept the construction of the Final Cover, Union Mine Landfill, 13.6-Acre Class III Old Landfill Area, Contract No. 032-PW-06/07-BOS as substantially complete; and Chairman be authorized to sign Notice of Completion for same under contract with RJ Gordon Construction, Inc.
RECOMMENDED ACTION: Approve.
This matter was Approved on the consent calendar
10. [07-1542](#) Environmental Management Department recommending the Board accept the purchase and installation of the Geosynthetics for the Final Cover, Union Mine Landfill, 13.6-Acre Class III Old Landfill Area, Contract No. 031-PW-06/07-BOS as substantially complete; and Chairman be authorized to sign Notice of Completion for same under contract with D&E Construction, Inc.
RECOMMENDED ACTION: Approve.
This matter was Approved on the consent calendar
11. [07-1591](#) Environmental Management Director recommending her signature be ratified on Change Order No.2 to Contract 031-PW-06/07-BOS with D&E Construction, Inc. to supply and install additional LLDPE geosynthetic liner and geocomposite drainage layer material for the construction of the Final Cover, Union Mine Landfill 13.6 Acre Final Closure project.
RECOMMENDED ACTION: Approve.
This matter was Approved on the consent calendar
12. [07-1514](#) Transportation Department advising the Board of a current perpetual agreement with the California Department of Transportation for signal maintenance services and recommending continuation of same; and Purchasing Agent be authorized to establish a blanket purchase order to process associated payments for Fiscal Year 2007-2008.
RECOMMENDED ACTION: Approve.
FUNDING: Road Fund.
This matter was Approved on the consent calendar

13. [07-1518](#) Transportation Department recommending Resolution acknowledging, but rejecting at this time, Irrevocable Offer of Dedication 07-0017 from GHC Company 5, LLC, for drainage easements across the rear portion of Lots 61, 62 and 64 Serrano Village J3B Unit 2 (APNs 123-420-01, -02, and -04), along the northerly boundary of Lot 3 of Serrano Village K-5 Unit 2 (APN 123-440-03), centrally for Lot 23, Serrano Village J3B-Unit 2 (APN 123-410-13), and across the southeasterly corner of Lot 36, 3P Serrano Village J3B-Unit 2 (APN123-430-06), necessary due to recent grading and the installation of new drainage facilities.

RECOMMENDED ACTION: Adopt Resolution **263-2007**.

This matter was Approved on the consent calendar

14. [07-1603](#) Transportation Department recommending Chairman be authorized to sign the Certificates of Acceptance for temporary construction easements for the Angora Fire Emergency Rehabilitation Zone C Project (JN 97678) on APNs 033-453-13 (Hallam), 033-451-05 (Coplen/Walker), and 033-501-01 (Warren); and Certificates of Acceptance and Easement Acquisition Agreements for the permanent easements on APNs 033-453-13 (Hallam), 033-462-02 (Delariva), 033-462-03 (Laporte/Pette), 033-451-04 (Gainor) and 033-451-05 (Coplen/Walker) subject to County Counsel review and approval.

RECOMMENDED ACTION: Approve.

FUNDING: California Tahoe Conservancy

This matter was Approved on the consent calendar

15. [07-1608](#) Transportation Department requesting authorization to proceed with ordering and payment of a title report and certified appraisal to commence with the acquisition process for the Cameron Park Drive/La Canada Drive Intersection Improvements Project 72366, affecting a portion of APN 116-151-08 owned by Donald Buchanan.

RECOMMENDED ACTION: Approve.

FUNDING: Funding for the project will come from the Traffic Impact Mitigation Fee Program (TIM).

This matter was Approved on the consent calendar

16. [07-1604](#) Sheriff's Department recommending Budget Transfer 28039 increasing revenue and appropriations in the amount of \$5,000 for the purchase of three (3) desktop computers and accessories for said Department.

RECOMMENDED ACTION: Approve.

FUNDING: Civil Equipment Special Revenue Fund.

This matter was Approved on the consent calendar

17. [07-1670](#) County Counsel recommending Chairman be authorized to sign Agreement with Renne, Sloan, Holtzman & Sakai, LLP in the amount of \$40,000 for a term commencing October 23, 2007 to assist the County with legal services in connection with personnel litigation. (4/5 vote required)
RECOMMENDED ACTION: Approve.
This matter was Approved on the consent calendar
18. [07-1704](#) Auditor-Controller recommending Resolutions ordering judicial foreclosure of delinquent special taxes pursuant to Community Facilities District No. 1992-1, 2001-1 and 2005-2 Mello Roos Bonds Indenture and ordering the Tax Collector be credited from collecting those special taxes; and recommending the Board receive and file the reports of Special Tax Delinquencies for Community Facilities Districts 1992-1, 2001-1, 2005-1 and 2005-2.
RECOMMENDED ACTION: Adopt Resolutions **266-2007**, **267-2007** and **268-2007**.
This matter was Approved on the consent calendar
19. [07-1678](#) Chief Administrative Office, Economic Development Division, recommending Chairman be authorized to sign a letter of support to the Beale Enhancement Team in its effort to attract the CyberSpace Command to Beale Air Force Base.
RECOMMENDED ACTION: Approve.
This matter was Approved on the consent calendar
20. [07-1533](#) Supervisor Sweeney recommending Proclamation acknowledging the 150th Anniversary of the existence of the El Dorado Community Church-Congregational.
RECOMMENDED ACTION: Adopt Proclamation.
This matter was Approved on the consent calendar
21. [07-1660](#) Supervisor Briggs recommending James Hardy be appointed to serve as a member for the Kelsey Cemetery District for a term to expire January 2011.
RECOMMENDED ACTION: Approve.
This matter was Approved on the consent calendar
22. [07-1620](#) Supervisor Santiago recommending Resolution establishing a revised penalty schedule for violations of Vehicle Code Section 22507.8, "Parking in spaces designated for disabled persons".
RECOMMENDED ACTION: Adopt Resolution **264-2007**.
A motion was made by Supervisor Santiago, seconded by Supervisor Dupray to adopt Resolution 264-2007.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

END CONSENT CALENDAR

DEPARTMENT MATTERS

23. [07-1701](#) Presentation by Kathy Murphy, United States Forest Service Regional Fuels Specialist, on the Assessment of Fuels Treatment Effects relating to the Angora Fire.

No action required.

24. [07-1618](#) Environmental Management Department presenting an update to the Board on the radon-screening study recently conducted by the California Department of Public Health and the California Geological Survey in the Tahoe basin area of El Dorado County.

No action required.

25. [07-1665](#) Chief Administrative Office recommending the Board receive and file the quarterly status report on recommendations made by the Grand Jury in its 2003-04 Final, 2004-05 Final, 2005-06 First Mid-term, 2005-06 Final, 2006-07 First Mid-term and 2006-07 Second Mid-term reports.

This matter was added to the Consent Calendar and approved upon adoption of the Agenda.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

26. [07-1690](#) Development Services Department recommending Chairman be authorized to sign the following pertaining to the Angora Fire:
- 1) Memorandum of Agreement with Tahoe Regional Planning Agency in the amount of \$424,000 for the term October 23, 2007 through December 31, 2009 to administer funding related to Tahoe Regional Planning Agency review of development applications, issuing permits and conducting building inspections for the rebuilding of homes and structures destroyed or damaged by the Angora Fire, contingent upon review and approval by County Counsel;
 - 2) Budget Transfer increasing revenues and appropriations in said Department by \$212,000 for said Agreement; and
 - 3) Resolution **269-2007** amending the Fiscal Year 2007-2008 Authorized Personnel Allocation Resolution 249-2007 by **adding** one (1) Building Inspector I/II position for said Department for a limited term. (4/5 vote required)

FUNDING: Tahoe Regional Planning Agency (TRPA).

This matter was continued off calendar upon adoption of the Agenda.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

27. [07-1614](#) Transportation Department recommending the following pertaining to the White Rock Road Realignment and Widening Project 72401 (Manchester Drive to Latrobe Drive):
- 1) Award construction contract to the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for October 11, 2007;
 - 2) Authorize Chairman to sign said contract with the lowest responsive, responsible bidder, subject to review and approval of the final contract documents by County Counsel and Risk Management; and
 - 3) Authorize the Director of said Department to sign change orders for necessary items of work identified in the supplemental funds summary.

FUNDING: The provisions of the Funding, Credit, and Reimbursement Agreement between West Valley, LLC and the County of El Dorado require that the developer of West Valley advance fund the construction of the White Rock Road Project through the prepayment of El Dorado Hills Traffic Impact Mitigation (TIM) fees. A bond was issued and a portion of the proceeds were used to prepay \$23 million in El Dorado Hills TIM fees. These prepaid fees are held in a segregated fund and will be utilized to fund the Latrobe Road and White Rock Road improvements, which include this project.

A motion was made by Supervisor Briggs, seconded by Supervisor Dupray to award the contract to A. Teichert & Son, Inc. dba Teichert Construction in the amount of \$3,147,026; authorize the Chairman to sign the contract with same subject to review and approval by County Counsel and Risk Management; and authorize the Director of said Department to execute Contract Change Orders with an individual value up to \$150,000, provided the cumulative total of all change orders is within the contingency budget established for said project.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

28. [07-1624](#) Clerk of the Board submitting request of the California State Association of Counties (CSAC) that the Board elect its representative and an alternate on the CSAC Board of Directors in the Year 2008.

A motion was made by Supervisor Dupray, seconded by Supervisor Briggs to reappoint Supervisor Sweeney as the representative and Supervisor Baumann as alternate on the CSAC Board of Directors.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

29. [07-1613](#) Supervisor Briggs recommending the County withdraw from the El Dorado Water and Power Authority and staff providing options pertaining to same. (Cont'd 10-2-07, Item 29)

A motion was made by Supervisor Sweeney, seconded by Supervisor Dupray that it is the intent of the El Dorado County Board of Supervisors to withdraw from the El Dorado Water and Power Authority unless there is an agreement that would satisfy the "pay to play" position of the Board of Supervisors at the next El Dorado Water and Power Authority meeting scheduled for November 7, 2007.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

- 30. [07-1469](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: U.S.A. v. El Dorado County, City of South Lake Tahoe, et al., U.S. District Court Case No. S-01-1520 MCE GGH (ED CA).
No action reported.

- 31. [07-1700](#) Pursuant to Government Code Section 54957, **Public Employee Performance Evaluation:**
Title: Public Defender.
No action reported.

- 32. [07-1692](#) Pursuant to Government Code Section 54957.6, **Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources.
Employee Organization: EDCEA, Local No. 1, General, Professional, Supervisory Units.
No action reported.

ADDENDUM

CLOSED SESSION:

- 33. [07-1722](#) Pursuant to Government Code Section 54956.9(a), **Anticipated Litigation:**
Significant exposure to litigation. One (1) potential case.
No action reported.

DEPARTMENT MATTERS:

- 34. [07-1716](#) Supervisor Santiago requesting the Affordable Housing Special Meeting scheduled for November 5, 2007 commencing at 9:00 a.m. be rescheduled due to a District V conflict.
No action taken; the special meeting for affordable housing will remain as scheduled.
- 35. [07-1711](#) Treasurer/Tax Collector providing brief overview report pertaining to Vacation Home Rentals.
No action required.

2:00 P.M. TIME ALLOCATION - Board of Supervisors to reconvene at the Debris Removal Operations Center, Elks Lake Tahoe Lodge, 1635 Elks Club Drive, South Lake Tahoe

- 36. [07-1717](#) Presentation by Todd Thalhamer, California Integrated Waste Management Board, on the Angora Fire Burn Area Recovery Plan, noting tour of the burn site will follow presentation.
No action required.

On August 19, 2003, the Board adopted the following protocol: It is a requirement that all speakers, County staff and the public, when approaching the podium to make a visual, Power Point or transparencies presentation to the Board of Supervisors, must provide the Clerk with the appropriate number of hard copies of the presentation for Board members and the audience. Only those speakers that provide this required number of hard copies will be permitted to proceed with a visual presentation.

Persons interested in serving on any Board of Supervisors ADVISORY BOARD, COMMITTEE, OR COMMISSION are encouraged to complete an application form (available in the office of the Clerk of the Board of Supervisors, or on line) and submit same to the board, committee or commission, to the County Department which supports the board, committee or commission, or to the Clerk of the Board of Supervisors.

VIDEO TAPES of regular, Tuesday Board of Supervisors meeting are BROADCAST ON CABLE TV as follows:

West Slope - Comcast - Channel 2, Wednesday at 4:00 P.M.
South Lake Tahoe - Charter Cable 21, Daily - Time varies