



County of El Dorado

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

Minutes - Final Board of Supervisors

Brian K. Veerkamp, Chair, District III
John Hidahl, First Vice Chair, District I
Lori Parlin, Second Vice Chair, District IV
Shiva Frentzen, District II
Sue Novasel, District V

Kim Dawson, Clerk of the Board of Supervisors
Don Ashton, Chief Administrative Officer
David Livingston, County Counsel

Tuesday, July 14, 2020

9:00 AM

VIRTUALLY - See Below

PUBLIC PARTICIPATION INSTRUCTIONS: To comply with physical distancing requirements and the stay at home order from the Governor, the Board Chambers will be closed to members of the public and all public participation will be handled remotely.

The public should call into 530-621-7603 or 530-621-7610. The Meeting ID is 923 3755 8254.

To observe the live stream of the Board of Supervisors meeting go to <https://zoom.us/j/92337558254>.

If you are joining the meeting via zoom and wish to make a comment on an item, press the "raise a hand" button. If you are joining the meeting by phone, press *9 to indicate a desire to make a comment. The clerk will call you by the last three digits of your phone number when it is your turn to speak. Speakers will be limited to 3 minutes.

To view Board of Supervisors meetings via Facebook Live, go to <https://www.facebook.com/EIDoradoCountyNews>. Please note the Board will not be using this function and therefore will not see any comments posted during the livestream.

By participating in this meeting, you acknowledge that you are being recorded.

If you choose not to observe the Board of Supervisors meeting but wish to make a comment on a specific agenda item, please submit your comment via email by 4:00 p.m. on the Monday prior to the Board meeting. Please submit your comment to the Clerk of the Board at edc.cob@edcgov.us. Your comment will be placed into the record and forwarded to the Board of Supervisors.

The Clerk of the Board is here to assist you, please call 530-621-5390 if you need any assistance with the above directions to access the meeting.

Vision Statement

**Safe, healthy and vibrant communities, respecting our natural resources
and historical heritage**

This institution is an equal opportunity provider and employer.

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<http://eldorado.legistar.com/Calendar.aspx>

The County of El Dorado is committed to ensuring that persons with disabilities are provided the resources to participate in its public meetings. Please contact the office of the Clerk of the Board if you require accommodation at 530-621-5390 or via email, edc.cob@edcgov.us, preferably no less than 24 hours in advance of 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.

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 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' Meeting Agenda webpage subject to staff's ability to post the documents before the meeting.

PROTOCOLS FOR PUBLIC COMMENT

Public comment will be received at designated periods as called by the Board Chair.

Public comment on items scheduled for Closed Session will be received before the Board recesses to Closed Session.

Except with the consent of the Board, individuals shall be allowed to speak to an item only once.

On December 5, 2017, the Board adopted the following protocol relative to public comment periods. The Board adopted minor revisions to the protocol on February 26, 2019, incorporated herein:

Time for public input will be provided at every Board of Supervisors meeting. Individuals will have three minutes to address the Board. Individuals authorized by organizations will have three minutes to present organizational positions and perspectives and may request additional time, up to five minutes. At the discretion of the Board, time to speak by any individual may be extended.

Public comment on certain agenda items designated and approved by the Board may be treated differently with specific time limits per speaker or a limit on the total amount of time designated for public comment. It is the intent of the Board that quasi-judicial matters have additional flexibility depending upon the nature of the issue. It is the practice of the Board to allocate 20 minutes for public comment during Open Forum and for each agenda item to be discussed. (Note: Unless designated on the agenda, there is no Open Forum period during Special Meetings.)

Individual Board members may ask clarifying questions but will not engage in substantive dialogue with persons providing input to the Board.

If a person providing input to the Board creates a disruption by refusing to follow Board guidelines, the Chair of the Board may take the following actions:

- Step 1. Request the person adhere to Board guidelines. If the person refuses, the Chair may turn off the speaker's microphone.
- Step 2. If the disruption continues, the Chair may order a recess of the Board meeting.
- Step 3. If the disruption continues, the Chair may order the removal of the person from the Board meeting.

9:00 A.M. - CALLED TO ORDER

Present: 5 - Supervisor Veerkamp, Supervisor Frentzen, Supervisor Novasel, Supervisor Hidahl and Supervisor Parlin

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor David Cooke of the Cold Springs Community Church gave the Invocation. Supervisor Veerkamp led the Pledge of Allegiance to the Flag.

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

**A motion was made by Supervisor Frentzen, seconded by Supervisor Hidahl to Adopt the Agenda and Approve the Consent Calendar with the following changes:
Pull items 1 and 8 for discussion.**

Yes: 5 - Veerkamp, Frentzen, Novasel, Hidahl and Parlin

The Board may make any necessary additions, deletions or corrections to the agenda including moving items to or from the Consent Calendar and adopt the agenda and the Consent Calendar with one single vote. A Board member may request an item be removed from the Consent Calendar for discussion and separate Board action. At the appropriate time as called by the Board Chair, members of the public may make a comment on matters on the Consent Calendar prior to Board action.

OPEN FORUM

Public Comment: K. Greenwood, M. Lane, Ross, J. Gainsborough

20-0958 Open Forum (See attachment)

Open Forum is an opportunity for members of the public to address the Board of Supervisors on subject matter that is not on their meeting agenda and within their jurisdiction. Public comments during Open Forum are limited to three minutes per person. Individuals authorized by organizations will have three minutes to present organizational positions and perspectives and may request additional time, up to five minutes. The total amount of time reserved for Open Forum is 20 Minutes.

CONSENT CALENDAR

1. **20-0876** Clerk of the Board recommending the Board Approve the Minutes from the Regular Meeting of the Board on June 30, 2020.

A motion was made by Supervisor Parlin, seconded by Supervisor Hidahl to Approve this matter with a change to item 8 in the June 30, 2020 Board Minutes to include "The Auditor-Controller will return to the Board in eighteen (18) months with a report of the total number of policy exceptions by Department under Board Policy B-18."

Yes: 5 - Veerkamp, Frentzen, Novasel, Hidahl and Parlin

GENERAL GOVERNMENT - CONSENT ITEMS

2. **20-0833** Chief Administrative Office recommending the Board order the Auditor-Controller to disburse \$26,152.09 from the Cameron Park Community Services District ("District") Parks and Recreation Impact Mitigation Fee account to the District, or to a District account as designated by the District, for projects to expand the District's capabilities to serve new development that has occurred within the District.

FUNDING: Cameron Park Community Services District Development Impact Mitigation Fees.

This matter was Approved on the Consent Calendar.

3. **20-0702** Chief Administrative Office, Emergency Medical Services and Emergency Preparedness and Response Division, recommending the Board approve and authorize the Chair to sign Amendment I to Agreement 4432 with Wittman Enterprises, LLC to provide additional ambulance billing services on behalf of El Dorado County for the transfer of existing billings from former billing provider Advanced Data Processing.

FUNDING: Ambulance Service Fees.

This matter was Approved on the Consent Calendar.

4. **20-0799** Chief Administrative Office, Procurement and Contracts Division, presenting a list of County surplus property 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.

FUNDING: Various.

This matter was Approved on the Consent Calendar.

5. **20-0803** Chief Administrative Office, Procurement and Contracts Division, recommending the Board declare a service weapon as surplus and approve the sale of the weapon to retired Sheriff's Deputy Mike Ford.

FUNDING: Funding received from the sale will be deposited into the General Fund.

This matter was Approved on the Consent Calendar.

6. **20-0751** Human Resources Department, Risk Management Division, recommending the Board approve and authorize Amendment I to Agreement 4136 with Christensen Hsu Sipes LLP for professional legal services to increase the total not-to-exceed by \$85,000 for a total not-to-exceed amount of \$145,000.

FUNDING: General Fund.

This matter was Approved on the Consent Calendar.

7. **20-0851** Human Resources Department, Risk Management Division, recommending the Board approve insurance coverage and programs for an estimated total amount of \$7,176,731 and authorize the Human Resources Department, Risk Management Division, to sign and approve all documents required to secure continued insurance coverage and programs for Fiscal Year 2020-21 in order to avoid lapse of coverage, including the following:

- 1) PRISM - insurance and program participation in the following: Excess General Liability; Excess Workers' Compensation; Primary Workers' Compensation; Property; Medical Malpractice; Employee Assistance Program, Pollution; Cyber Liability; Master Crime; Catastrophic Inmate Medical Insurance; Underground Storage Tank; Watercraft; and Optional Excess Liability;
- 2) Special Liability Insurance with Alliant; and
- 3) Airport Operations Liability with Old Republic; and
- 4) Volunteer Blanket Insurance with WellFleet.

FUNDING: Risk Management Internal Service Fund.

This matter was Approved on the Consent Calendar.

8. **20-0862** Human Resources Department recommending the Board adopt and authorize the Chair to sign the negotiated Letter of Agreement to the Memorandum of Understanding between the County of El Dorado and El Dorado County Employees' Association, Local No. 1, American Federal of State, County and Municipal Employees Council 57, representing the General, Professional, and Supervisory bargaining units.

FUNDING: Various.

A motion was made by Supervisor Hidahl, seconded by Supervisor Novasel to Approve this matter.

Yes: 5 - Veerkamp, Frentzen, Novasel, Hidahl and Parlin

9. **20-0847** Human Resources Department recommending the Board:
- 1) Approve and adopt the revised Health and Human Services Agency department-specific class specification: Health Educator (Title change from Health Education Coordinator);
 - 2) Approve and adopt the revised Department of Transportation department-specific class specification: Fleet Superintendent (Title change from Equipment Superintendent);
 - 3) Approve and adopt the revised Sheriff's Office department-specific class specification of Sheriff's Records/Property Manager (Title change from Sheriff's Records Manager);
 - 4) Approve and adopt the revised Sheriff's Office department-specific class specification of Sheriff's Public Safety Dispatch Manager (Title change from Manager of Public Safety Dispatching); and
 - 5) Adopt and authorize the Chair to sign Resolution **112-2020** to approve the above mentioned title changes.

FUNDING: N/A

This matter was Approved and Resolution 112-2020 was Adopted upon Approval of the Consent Calendar.

10. **20-0825** Information Technologies Department recommending the Board:
- 1) Authorize the County to continue utilizing the competitively bid U.S. Communities Agreement 4400006644 with Insight Public Sector, Inc. for the purchase of Amazon cloud storage solutions (County agreement 2191); and
 - 2) Authorize the Purchasing Agent to increase the Not-to-Exceed amount for Agreement 2191 by \$75,000, from \$60,000 to \$135,000, for cloud storage through April 30, 2021, with no change in the agreement term.

FUNDING: General Fund with partial recovery from the A-87 Cost Plan.

This matter was Approved on the Consent Calendar.

- 11. 20-0772** Treasurer-Tax Collector Department recommending the Board Approve the **Final Passage** (Second Reading) of Ordinance **5125** amending Chapter 3.28 of Title 3 of the El Dorado County Ordinance Code to adjust fees, that are not mandated by statute, to recover the cost to provide the service; to add additional fees to cover the cost to provide additional services; to remove fees for services not within this department's jurisdiction; to update language for consistency with Megabyte nomenclature; and to incorporate the Business License Fee Schedule, formerly adopted by resolution.

FUNDING: General Fund.

Ordinance 5125 was Adopted upon Approval of the Consent Calendar.

- 12. 20-0892** Supervisor Novasel recommending the Board make the following District V appointment to the Parks and Recreation Commission:
Appoint Jeanne Harper, Interim Member District V (Vacant), Term Expiration 1/1/2023.

This matter was Approved on the Consent Calendar.

HEALTH AND HUMAN SERVICES - CONSENT ITEMS**13. 20-0792**

Health and Human Services Agency recommending the Board:

- 1) Approve the Permanent Local Housing Allocation Plan prior to submission to the California Department of Housing and Community Development, consistent with the requirements for funding;
- 2) Adopt and authorize the Chair to sign Resolution **114-2020**, which authorizes the County to participate in the Permanent Local Housing Allocation funding, administered by California Department of Housing and Community Development (HCD);
- 3) Delegate authority to the Director of the Health and Human Services Agency to accept funding and execute any resulting grant agreements, if awarded, over the next five years, with a cumulative total amount estimated to be \$2,879,974, with a term to be determined, contingent upon County Counsel and Risk Management approval; and
- 4) Authorize the Director of Health and Human Services Agency, or the Chief Fiscal Officer, to administer any agreement or subsequent administrative documents related to said award, including any required fiscal and programmatic as well as any amendments to the agreement that do not increase the total award amount, contingent upon County Counsel and Risk Management approval.

FUNDING: State Funds are administered through the California Department of Housing and Community Development. Permanent Local Housing Allocation funds are collected by HCD by way of fees imposed through California Senate Bill (SB) 2 (2017), which establishes permanent funding to meet unmet housing needs in local communities.

This matter was Approved and Resolution 114-2020 was Adopted upon Approval of the Consent Calendar.

LAND USE AND DEVELOPMENT - CONSENT ITEMS

- 14. 20-0784** Department of Transportation recommending the Board approve and authorize the Chair to sign First Amendment to Road Improvement Agreement for Saratoga Way, Offsite Improvements Agreement 18-54843 with Elliott Homes, Inc., extending the performance period to May 14, 2021.
- FUNDING:** Developer Funded.
- This matter was Approved on the Consent Calendar.**
- 15. 20-0785** Department of Transportation recommending the Board approve and authorize the Chair to sign First Amendment to Road Improvement Agreement for Wilson Blvd, Offsite Improvements Agreement 18-54839 with Elliott Homes, Inc., extending the performance period to May 14, 2021.
- FUNDING:** Developer Funded.
- This matter was Approved on the Consent Calendar.**
- 16. 20-0155** Department of Transportation recommending the Board take the following actions related to the San Bernardino Class 1 Bike Trail Project, Capital Improvement Program Project 95117:
- 1) Adopt the California Environmental Quality Act Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan; and
 - 2) Approve the San Bernardino Class 1 Bike Trail Project as described in the Initial Study and Mitigated Negative Declaration.
- FUNDING:** Tahoe Regional Planning Agency Air Quality Mitigation Funds (6%), Congestion Mitigation and Air Quality Program (25%), Surface Transportation Block Grant (69%).
- This matter was Approved on the Consent Calendar.**
- 17. 20-0912** Department of Transportation recommending the Board authorize the Chair to sign a letter of support for the SB 1 Solutions for Congested Corridors Program (SCCP) Grant Application for the U.S. Highway 50 Safety Improvements Project in Camino.
- FUNDING:** SB 1 Solutions for Congested Corridors Program (SCCP) Grant.
- This matter was Approved on the Consent Calendar.**

18. 20-0682

Planning and Building Department, Airports Division, recommending the Board approve and authorize the Chair to sign County of El Dorado Airport Ground Lease Agreements for Portable Hangars located at the Placerville and Georgetown Airports, which require a rental fee to be paid at commencement of the Lease Agreement and annually thereafter, based on fees established by Board Resolution in effect at the time each lease payment is due, and provides upon Board execution for an initial lease term of ten years with two additional ten-year lease options, as follows:

1) Lease Agreement 2005, between the County and Lessee, Mark A. Moss and Valerie A. Baker, for a Single "T" Hangar located on Space SP-29, representing use of 812 square feet of ground at the Placerville Airport, with a commencement rental fee due of \$792 (Attachment B); and
2) Lease Agreement 2006, between the County and Lessee, Matthew and Michaela Johnson, for a Single "T" Hangar located on Space SP-05, representing use of 812 square feet of ground at the Georgetown Airport, with a commencement rental fee due of \$792 (Attachment D). (4/5 vote required)

FUNDING: Placerville and Georgetown Airport Enterprise Funds - Fee Revenue.

This matter was Approved on the Consent Calendar.

19. 20-0824

Planning and Building Department, Planning Division, recommending the Board authorize the Purchasing Agent, or designee, to sign the First Amendment to Agreement for Services 947 with ICF Jones and Stokes, Inc., for the Update to the Ecological Fee Program and Environmental Impact Report, increasing the maximum obligation amount by \$115,978 for a total not-to-exceed amount of \$414,593; extending the term of the Agreement for Services 947 an additional three years for a new expiration date of July 17, 2023; updating the consultant's fee schedule; changing the Contract Administrator; and amending the scope of work to cover additional work needed, including exploration of a regional incidental take permit, in order to complete the update to the fee program.

FUNDING: Ecological Preserve (Rare Plant) Endowment Fund.

This matter was Approved on the Consent Calendar.

LAW AND JUSTICE - CONSENT ITEMS

- 20. 20-0767** District Attorney and Information Technologies recommending the Board adopt and authorize the Chair to sign Resolution **111-2020**, amending the Authorized Personnel Allocation to:
- 1) Delete a vacant 1.0 FTE IT Customer Support Specialist I/II position from Information Technologies (IT);
 - 2) Add 1.0 FTE Department Systems Analyst to the District Attorney (DA); and
 - 3) Provide authorization to the Director of Human Resources, to make, if needed, any technical corrections to the authorized personnel allocations for IT and the DA.

FUNDING: General Fund.

Resolution 111-2020 was Adopted upon Approval of the Consent Calendar.

- 21. 20-0583** Probation Department recommending the Board:
- 1) Make findings in accordance with El Dorado County Ordinance Code, Chapter 3.13.030 (B) that specialty skills and qualifications are not expressly identified in County classifications are involved in the performance of the work;
 - 2) Approve and authorize the Chair to sign Agreement 4889 with AutoMon, LLC in the amount of \$195,535.23, with a term of July 24, 2020, through July 23, 2021, with the option to extend for two (2) additional one-year terms with written notice by the Chief Probation Officer, for the maintenance and support of the Probation Department's case management software; and
 - 3) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement for Services 4889, including amendments which do not increase the maximum dollar amount or term of the Agreement, contingent upon approval by County Counsel and Risk Management.

FUNDING: General Fund 100%.

This matter was Approved on the Consent Calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS (Items in this category may be called at any time)

- 22. 20-0526** Chief Administrative Office recommending the Board receive an update from County Departments on the operational impacts of COVID-19. (Cont. 6/30/2020, Item 29)

FUNDING: N/A

Public Comment: J. Gainsborough, K. Greenwood

The Board received an update from County Departments on the operational impacts of COVID-19.

- 23. 20-0830** Probation Department recommending the Board:
- 1) Receive a Presentation on Probation Supervision Week; and
 - 2) Approve and authorize the Chair to sign a Proclamation recognizing July 19 through 25, 2020, as Pretrial, Probation, and Parole Supervision Week in the County of El Dorado.

FUNDING: N/A

Supervisor Veerkamp read the Proclamation.

A motion was made by Supervisor Veerkamp, seconded by Supervisor Frentzen to Approve this matter.

Yes: 5 - Veerkamp, Frentzen, Novasel, Hidahl and Parlin

- 24. 20-0853** Chief Administrative Office recommending the Board create an Ad Hoc committee to participate in discussions with other Community Choice Aggregate Joint Powers Authorities and pursue energy acquisition options in collaboration with the City of Placerville.

FUNDING: N/A

A motion was made by Supervisor Frentzen, seconded by Supervisor Novasel to:

- 1) **Create an Ad Hoc committee to participate in discussions with other Community Choice Aggregate Joint Powers Authorities and pursue energy acquisition options in collaboration with the City of Placerville; and**
- 2) **Appoint Supervisors Hidahl and Parlin to the Ad Hoc committee.**

Yes: 5 - Veerkamp, Frentzen, Novasel, Hidahl and Parlin

25. 20-0899

Chief Administrative Office recommending the Board consider the Draft Board of Supervisors Responses to the 2019-20 Grand Jury Reports 19-03, County Credit Cards, and 19-04, Policing Those with Behavioral Health Issues, both issued May 8, 2020; providing any final direction to staff regarding any changes to include with the Final Response for these reports; recommending approval of the report as the Final Responses and respective letter of transmittal to the Presiding Judge if no changes are recommended.

FUNDING: N/A

Public Comment: No name given

A motion was made by Supervisor Hidahl, seconded by Supervisor Novasel to Approve this matter with a change to #19-03: County Credit Cards R2 to The Chief Administrative Officer should stress to County department heads that P-Card transactions must be processed in a timely fashion according to Board Policy B-8.

Yes: 5 - Veerkamp, Frentzen, Novasel, Hidahl and Parlin

11:00 A.M.- TIME ALLOCATION (Items will not be heard prior to time stated)

- 26. 20-0870** Planning and Building Department, Economic Development Division, recommending the Board receive a presentation from Kathleen Dodge of the El Dorado County Chamber of Commerce - Film Commission on activities completed for Fiscal Year 2019-20, pursuant to the existing Funding Agreement that has a term from July 1, 2019 through June 30, 2021 in an amount not to exceed \$301,500 for the two-year term.

FUNDING: Transient Occupancy Tax. (General Fund)

The Board received a presentation from the El Dorado County Chamber of Commerce - Film Commission on activities completed for Fiscal Year 2019-20, pursuant to the existing Funding Agreement that has a term from July 1, 2019 through June 30, 2021 in an amount not to exceed \$301,500 for the two-year term.

2:00 P.M. - TIME ALLOCATION (Items will not be heard prior to time stated)

27. 20-0866

HEARING - To consider separate requests by the Divide Preservation Society and Cool Pilot Hill Advisory Committee appealing the Planning Commission's May 28, 2020 approval of Design Review DR19-0006/Cool General Retail to allow the construction of a 9,100 square foot commercial retail building and associated driveway, parking lot, utilities, signage, and landscaping improvements. The property, identified by Assessor's Parcel Number 071-500-037, consisting of 1.69 acres, is located on the east side of California State Highway 49, south of the intersection with Northside Drive, in the Cool Rural Center; and staff recommending the Board take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
- 2) Adopt the Mitigation Monitoring Reporting Program in accordance with the California Environmental Quality Act Guidelines Section 15074(d), incorporated as Conditions of Approval; and
- 3) Deny the appeals, thereby upholding the Planning Commission's May 28, 2020, approval of Design Review DR19-0006/Cool General Retail based on the Findings (Attachment C) and subject to the Conditions of Approval (Attachment D). (Supervisory District 4)

FUNDING: Privately-funded appeal for Developer-funded project.

Public Comment: C. Knisley, J. Gray, B. Deitchman, K. O'Brien, S. Taylor, C. Dickerson, J. Mciver, T. Commuty, A. Adams, L. Gunnensen, R. Besotes, T. Knolton, S. Hueller,

CREDIBILITY DETERMINATIONS

Find that, as detailed in the staff memo and supporting analysis and as discussed throughout the hearing today, the opinions expressed about the project in the written comments and public comment today stating that the project will have a significant effect on the environment are not credible. Specifically, this finding as to credibility extends to:

First, comments that the project will have a significant impact to traffic. Most of the comments by public and the licensed traffic engineer related to Level of Service, which is no longer an impact under CEQA. The expert analysis in the record, including the written response received today from K.D. Anderson that the Board finds credible, demonstrates that the project will not affect Level of Service and statements regarding congestion and traffic lack a factual basis that are not supported by the traffic analysis in the record. The opinion by an engineer received yesterday that the offsetting of the driveways will cause an increased risk of collisions lacks a factual basis and is not credible. Fourth, lay opinions about pedestrian and generalized concerns about safety related to traffic and speculation about weekend conditions lack a factual basis and lack the necessary expertise.

Second, this finding of credibility extends to the lay opinions about the economic effects and public safety risks of the project and neighborhood lack a factual basis and require expertise and are not made by a qualified expert. Articles relied on about the economic and public safety impacts of Dollar

General are unique to the areas in which those stores were located and the operations decisions of the management of those stores and there is not expert opinion stating that those same effects or management decisions will be experienced in Cool and therefore lack a factual basis to support them and conflict with the expert analysis offered on these issues.

After the main motion was made, a substitute motion was made by Supervisor Veerkamp, seconded by Supervisor Hidahl to Approve this matter and Deny the appeals, thereby upholding the Planning Commission's May 28, 2020, approval of Design Review DR19-0006/Cool General Retail based on the Findings (Attachment C) and subject to the Conditions of Approval (Attachment D). The motion was amended to include credibility determinations as read into the record by County Counsel.

Motion Failed.

Yes: 2 - Veerkamp and Hidahl

Noes: 3 - Frentzen, Novasel and Parlin

A motion was made by Supervisor Frentzen, seconded by Supervisor Novasel to grant a partial approval of the appeal and direct the applicant to conduct a focused Environmental Impact Report (EIR) pertaining at least to the impact of the project on traffic and public safety risks. After completion of the EIR, the project is to return to the Planning Commission for further consideration.

Yes: 3 - Frentzen, Novasel and Parlin

Noes: 2 - Veerkamp and Hidahl

3:00 P.M. TIME ALLOCATION (Items will not be heard prior to time stated)

28. 20-0828 Department of Transportation recommending the Board receive and file a presentation regarding the Diamond Springs Parkway Project, CIP 72375/36104025 and 72334/36105011, and provide additional direction to staff as determined by the Board.

FUNDING: Tribe Funds (40%), Utility Agencies (<1%), Traffic Impact Mitigation Fees (15%), Master Circulation and Funding Plan (29%), State Highway Operation and Protection Program (2%), Regional Surface Transportation Program Exchange Funds - EDCTC (<1%), Road Fund (<1%), and to be determined anticipated grant funds (12%). (Local and State Funds).

Public Comment: K. Payne, L. Brent-Bumb, S. Taylor

A motion was made by Supervisor Hidahl, seconded by Supervisor Frentzen to direct staff to continue moving forward with the Diamond Springs Project, CIP 72375/36104025 and 42334/36105011, and be prepared to discuss future funding options.

Yes: 5 - Veerkamp, Frentzen, Novasel, Hidahl and Parlin

ITEMS TO/FROM SUPERVISORS

Supervisor Hidahl reported on the following:
Cooperative COVID-19 meeting.
El Dorado Hills Chamber panel.
CAL Office of Emergency Services COVID-19 meeting.
Planning and Building Director meeting.
Homelessness Task Force meeting.
El Dorado Hills Area Planning meeting.
FENIX Executive Steering Committee meeting.
El Dorado Hills Transit meeting.
Special Board meeting.
Planning Commission Good Governance meeting.
Greater Sacramento Economic Council meeting.
Long Range Planning meeting.
El Dorado Hills Community Council meeting.

Supervisor Frentzen reported on the following:
Constituent and Department meetings.
Water Agency meeting.
El Dorado Disposal meeting.
CalTrans meeting.

Supervisor Parlin reported on the following:
Vehicle Miles Traveled Town Hall webinar.
El Dorado Disposal meeting.
Tax Payers Association meetings.
Rural County Representative of California meeting.
Mosquito Fire Safe Council meeting.
Human Rights Commission discussions.
Agricultural Commission meeting.
Congressman McClintock meeting.
Director of Transportation meeting.
Volcanoville Fire Wise Community Council meeting.
Budget Ad Hoc meeting.
Republican Central Committee meeting.

Supervisor Novasel reported on the following:
California Association of Councils of Government meeting.
Human Rights Commission discussions.
Tahoe Transportation Board meeting.
Tahoe Conservancy meeting.
Parks and Recreation Commission appointment.
American Century Celebrity Golf Championship Tournament.

Supervisor Veerkamp reported on the following:
Health Department COVID-19 meeting.
Interim Police Chief meeting.
El Dorado Hills Fire and Mountain Enterprises meeting.
Water Agency meeting.
Transit Special meeting.
Agenda Review meetings.
Forest Management Task Force meeting.
Budget Ad Hoc meeting.

CAO UPDATE

Don Ashton, Chief Administrative Officer, reported on the following:
Requested the Board to adjourn today's meeting in honor of Bill Chiat.

ADJOURNED AT 6:14 P.M. in honor of Bill Chiat.

CLOSED SESSION

- 29. 20-0849** **Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(d)(1). Title: Amber Peters v. El Dorado County, et al., El Dorado County Superior Court Case Number PC20190001. (Est. Time: 20 Min.)
- On a 5-0 vote all five Supervisors participated, the Board authorized settlement in the matter of Amber Peters v. El Dorado County. The primary terms of the settlement are a total release of all claims against the County in exchange for \$195,000.
- 30. 20-0888** **Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(d)(1). Title: County of El Dorado v. General Reinsurance Corporation, United States District Court for the Eastern District of California, Case No. 2:20-CV-00099-KJM-AC, Number of potential cases: (1). (Est. Time: 10 Min.)
- On a 5-0 vote all five Supervisors participated, the Board authorized the law firm Christensen Hsu Sipes LLP to pursue litigation on the County's behalf in the matter of County of El Dorado v. General Reinsurance Corporation. Additionally, the Board ratified any prior litigation action taken by the firm in this subject matter.
- 31. 20-0906** **Conference with Legal Counsel - Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(d)(2). Number of potential cases: (1). (Est. Time: 10 Min.)
- No Action Reported. All five Supervisors participated.

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 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.