



County of El Dorado

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Minutes - Final Board of Supervisors

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

Suzanne Allen de Sanchez, Clerk of the Board of Supervisors
Gayle Erbe-Hamlin, Chief Administrative Officer Louis B.
Green, County Counsel

Monday, December 22, 2008

9:00 AM

Board of Supervisors Meeting Room

Special Meeting

CALL TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG

Present: 2 - Supervisor Sweeney and Supervisor Briggs

Absent: 1 - Supervisor Santiago

DEPARTMENT MATTERS:

1. [08-1852](#) Human Resources Department recommending adoption of Resolution **344-2008** amending the established salary ranges for covered classes in the Sheriff's Department, in accordance with El Dorado County Charter Section 504, effective January 3, 2009, noting this resolution will supercede Resolution 343-2008. (Refer 12/16/08, Item 77)

FUNDING: General Fund - Department 15.

A motion was made by Supervisor Sweeney, seconded by Supervisor Baumann, to adopt Resolution 344-2008.

Yes: 4 - Dupray, Baumann, Sweeney and Briggs

Absent: 1 - Santiago

CLOSED SESSION:

2. [09-0009](#) Pursuant to Government Code Section 54956.9(b), **Anticipated Litigation:**
Significant exposure to litigation: Title: U.S. Highway 50 High Occupancy Vehicle (HOV) Lanes (Phase 1 Project) - Funding and Contract Issues. One (1) potential case.

We have been notified that the State has suspended the disbursement of Prop 1B funds. That effects the highway 50 HOV lanes project where we were to receive 20 million dollars. The status of the money is unknown at this time. We are hopeful that it will be released in a matter of months. However, we have awarded a contract for that project and we had to make a decision as to whether to proceed or to terminate the contract.

The Board in closed session decided:

- 1) To proceed with the project using our own TIM fees which are programmed for the project. The Board recognizes that if Prop 1B funds are ultimately not disbursed, the TIM fee moneys spent on the project are at risk if alternate funding is not found and the project is abandoned. In that case, the County may also have restoration costs under the cooperative agreement with Caltrans.
- 2) This course of action is calculated to best preserve the right to those Prop 1B funds when and if they become available
- 3) Directed staff to negotiate with the contractor change orders to minimize the restoration cost if restoration is required as a result of the Prop 1B funds not being disbursed. The Board by a unanimous vote authorized change orders of up to \$300,000 dollars to be negotiated with the contractor to reorder the order of construction to minimize restoration costs if necessary.
- 4) We will revisit the issue in February, or sooner if there is a change in conditions, for further action. Although the TIM monies that are being spent are at risk if the project does not go ahead, the Board feels that this is a prudent risk in light of the likely funding of the project and the importance of the project.

ADJOURNMENT