



County of El Dorado

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Minutes

Board of Supervisors

John R. Knight, Chair, District I
Ron Briggs, First Vice Chair, District IV
Norma Santiago, Second Vice Chair, District V
Ray Nutting, District II
James R. Sweeney, District III

Suzanne Allen de Sanchez, Clerk of the Board of Supervisors
Terri Daly, Chief Administrative Officer *Louis B. Green, County Counsel*

Tuesday, March 20, 2012

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.

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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.

8:03 A.M. - CALL TO ORDER AND RECESS TO CLOSED SESSIONS

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

9:10 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

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

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor Mark Cowles from the Highway Bible Church provided the Invocation.
Supervisor Briggs 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 Santiago, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Items 8 and 11 were pulled from the Consent Calendar and acted upon separately.

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

12-0003

OPEN FORUM

C. Ball RE: Read a letter addressed to Sheriff D'Agostini and the Board of Supervisors with regard to the reassignment of a training officer.

12-0009

BUDGET UPDATE

None.

CONSENT CALENDAR

1. [12-0002](#) Clerk of the Board of Supervisors recommending the Board approve the meeting minutes from the Regular Meeting of Tuesday, March 13, 2012.
This matter was Approved on the consent calendar.

2. [12-0300](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board:
 - 1) Award Bid 12-425-042 for the design, purchase and installation, and reconfiguration of Maxon Systems Furniture to the low qualified bidder, Sierra Office Systems and Products, Inc. of Sacramento;
 - 2) Make findings that it is more economical and feasible to contract out the requested services in accordance with County Ordinance 3.13, Section 3.13.030;
 - 3) Authorize the Purchasing Agent to execute an agreement for same in the amount of \$300,000 for a three (3) year period subject to County Counsel and Risk Management approval; and
 - 4) Authorize the Purchasing Agent to execute any subsequent amendments increasing the not to exceed amount and/or extending the term for two (2) additional one (1) year term extensions subject to County Counsel and Risk Management approval.
FUNDING: General Fund and Non-General Fund.
This matter was Approved on the consent calendar.

3. [09-0258](#) Chief Administrative Office recommending the Board authorize the Chair to sign Amendment II to Lease Agreement 617-L0711 with Briw Office Investors in the amount of \$10,686.08 per month commencing April 1, 2012 and ending March 31, 2014, exercising the first and second options for two additional one-year terms for the Department of Child Support Services located at 3057 Briw Road, Suite B, in Placerville. The monthly cost for 9,056 square feet is \$1.18 per square foot. (Refer 3/10/09, Item 8)

FUNDING: State and Federal Child Support funding.
This matter was Approved on the consent calendar.

4. [11-1239](#) District Attorney's Office recommending the Board:
1) Approve the expenditure of the State Fiscal Year 2010/2011 Supplemental Law Enforcement Services Fund (SLESF) allocation, including estimated interest; and
2) Authorize the Chair to sign the Budget Transfer. (4/5 vote required)

FUNDING: State Supplemental Law Enforcement Services Fund.

This matter was Approved on the consent calendar.

5. [12-0144](#) District Attorney's Office recommending the Board approve a Budget Transfer increasing appropriations in the District Attorney's budget and decreasing General Fund contingency by \$10,386.59 to return FY 2009-10 Supplemental Law Enforcement Funds (SLESF) back to the State. (4/5 vote required)

FUNDING: General Fund.

This matter was Approved on the consent calendar.

6. [12-0278](#) District Attorney's Office recommending the Board declare a duty weapon as surplus and approve the transfer of said weapon to retired District Attorney Investigator Greg Murphy.

This matter was Approved on the consent calendar.

7. [12-0275](#) Health and Human Services Agency, Social Services Division, recommending the Board adopt **Resolution 030-2012** to amend Resolution 299-91, thereby increasing the Social Services Division imprest cash fund balance from Fifty Dollars (\$50.00) to One Hundred Dollars (\$100.00).

FUNDING: General Fund.

Adopted Resolution 030-2012 upon approval of the consent calendar.

8. [11-1202](#)

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 these Agreements that are not expressly identified in County job classifications;
- 2) Authorize the Chair to sign Agreement for Services No. 11-53293 (359-S1211) with CH2M Hill, Inc. in an amount not to exceed \$300,000, for a term to expire December 31, 2016 to provide on-call structural engineering support services in support of various Capital Improvement Program projects;
- 3) Authorize the Chair to sign Agreement for Services No. 11-53292 (358-S1211) with Dokken Engineering in an amount not to exceed \$300,000, for a term of five years or upon completion of all issued Task Orders or Work Orders, whichever is later, to provide on-call structural engineering support services in support of various Capital Improvement Program projects; and
- 4) Authorize the Chair to sign Agreement for Services AGMT 11-53291 (391-S1211) with Drake, Haglan & Associates, Inc. in an amount not to exceed \$300,000, for a term of five years or upon completion of all issued Task Orders or Work Orders, whichever is later, to provide on-call structural engineering support services in support of various Capital Improvement Program projects.

FUNDING: Highway Bridge Program, Regional Surface Transportation Program, 2004 General Plan Traffic Impact Mitigation Fee Program and various other Capital Improvement Program (CIP) funding sources that fund the Department's CIP projects.

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

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

9. [12-0040](#) Department of Transportation recommending the Board:
1) Make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter that the ongoing aggregate of work to be performed under this Agreement is not sufficient to warrant the addition of permanent staff; and
2) Authorize the Chair to sign Agreement for Services No. AGMT 11-53368 (398-S1211) with Vali Cooper & Associates, Inc. in an amount not to exceed \$600,000 to provide construction support services for the U.S. 50 HOV Lanes (Phase 2A) - Bass Lake Road to Cameron Park Drive Project (CIP No. 53113) for a term commencing upon execution of the Agreement to the later of County's recordation of the Notice of Acceptance for the Project or the resolution of all construction claims, if any, associated with the Project.

Funding: Federal Congestion Mitigation and Air Quality Improvement Program Funds.

This matter was Approved on the consent calendar.

10. [12-0160](#) Department of Transportation recommending the Board authorize the Chair to sign Agreement for Services 12-53388 (412-S1211) with Five Star Automotive for a two year period in an amount not-to-exceed \$150,000 to provide automotive maintenance and repair services for fleet vehicles located in the South Lake Tahoe Basin.

FUNDING: Fleet Operations Internal Service Fund.

This matter was Approved on the consent calendar.

11. [12-0253](#) Department of Transportation recommending the Board authorize the Department to proceed with ordering and payment of title reports and certified appraisals to commence the acquisition process for the Pleasant Valley Road (SR 49)/Patterson Drive Intersection Signalization Project, CIP No. 73320, affecting portions of the following subject parcels:
1) APN 331-331-27, Lloyd Earl Elliott, Jr. and Irene Elliott, Trustees of the Elliott Revocable Trust dated October 21, 2009;
2) APN 329-230-47, Donald E. Praster and Virgene Praster, Trustees of the Praster Family Trust of December 13, 2001; and
3) APN 329-230-48, Thomas E. Rogers and Karen Renee Rogers.

FUNDING: 2004 General Plan Traffic Impact Mitigation Fees.

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

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

12. [12-0255](#) Department of Transportation recommending the Board authorize the Department to proceed with ordering and payment of title reports and certified appraisals to commence the acquisition process for the Diamond Springs Parkway - Phase 1A Project, CIP No. 72375, affecting portions of the following subject parcels:
- 1) APN 051-250-46, GGV Missouri Flat, LLC;
 - 2) APN 051-250-12, Lawrence E. Abel and Jacqueline Abel, Trustees of the 2009 Abel Disclaimer Trust dated October 8, 2009;
 - 3) APN 054-342-37, IRA Services Trust Company, Custodian for Lee Shahinian, Jr.;
 - 4) APN 051-250-11, Martin Murillo and Diane S. Murillo, Trustees of the MDM Trust dated December 18, 2007;
 - 5) APN 051-461-12, Mark Aikin and Roxann Aikin; and
 - 6) APN 051-550-47, Institutional Real Estate Inc. and Pensco Trust Co. Custodian FBO Rudolph Spatenka, L & C Family Partnership and Terri Chang.

FUNDING: 2004 General Plan Traffic Impact Mitigation Fees.

This matter was Approved on the consent calendar.

13. [11-0381](#) Supervisor Briggs recommending the Board approve the re-appointment of Supervisor Briggs and Supervisor Sweeney as the County Board of Supervisors representatives to the Indian Gaming Local Community Benefit Committee. (Refer 4/2/11, Item 22)

This matter was Approved on the consent calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS

14. [12-0326](#) Chief Administrative Office recommending the Board give direction regarding appointments to the South Tahoe Redevelopment Agency Successor Agency Oversight Committee. (Est. Time: 10 Min.)

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

- 1) **Appoint Supervisor Knight to serve as the member and Supervisor Santiago to serve as the alternate member on the South Tahoe Redevelopment Agency Successor Agency Oversight Committee;**
- 2) **Post a Notice of Vacancy for ten days for a Public Member to serve on the South Tahoe Redevelopment Agency Successor Agency Oversight Committee;**
and
- 3) **Report back to the Board on Tuesday, April 17, 2012 with names of qualified applicants.**

Noting: The Notice of Vacancy was posted Tuesday, March 20, 2012.

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

15. [12-0037](#) Acting as the Board of Directors for the El Dorado County Public Housing Authority:

Supervisor Santiago requesting the Board consider the following regarding the 40-unit affordable workforce rental housing project known as Sunset Lane Apartments, proposed by Mercy Housing California 55, a California Limited Partnership, division of Mercy Housing California:

- 1) Authorize the Executive Director of the El Dorado County Public Housing Authority (EDCPHA), or successor, to execute the Loan Agreement, Promissory Note, Deed of Trust With Assignment of Rents, Subordination Agreement, escrow instructions and all other documents necessary to issue the loan to, service the loan for, and collect loan repayments from Mercy Housing California 55 for the development of the Sunset Lane Apartments in Shingle Springs, California up to \$1,400,000 under the California Housing Finance Authority Loan Agreement HELP-022607-02; and
- 2) Authorize the Auditor-Controller's Office to process check requests and the Treasurer-Tax Collector to process wire transfers, if needed, to disburse funds which will be offset by corresponding amounts from the above loan grant. (Refer 3/6/12, Item 19) (Est. Time: 15 Min.)

FUNDING: California Housing Finance Authority Housing Enabled by Local Partnerships funds.

A motion was made by Supervisor Santiago, seconded by Supervisor Knight to approve this matter subject to final review and approval of all necessary loan documents and guaranties by County Counsel and California Housing Finance Authority (CalHFA).

**Noting: The following language should be added to this matter as follows:
"Subject to execution of the Repayment Guaranty by Mercy Housing Inc. as a condition precedent to the execution of the loan documents."**

Yes: 3 - Knight, Briggs and Santiago

Noes: 1 - Nutting

Absent: 1 - Sweeney

16. [12-0045](#) Supervisor Santiago requesting the Board consider the following regarding the 40-unit affordable workforce rental housing project known as Sunset Lane Apartments, proposed by Mercy Housing California 55, a California Limited Partnership, division of Mercy Housing California:
- 1) Authorize the Director of the Health and Human Services Agency, or successor, to execute the Loan Agreements, Development Agreements, Promissory Notes, Regulatory Agreements, Deeds of Trust With Assignment of Rents, Subordination Agreements, escrow instructions and all other documents necessary to issue the loan to, service the loan for, and collect loan repayments from Mercy Housing California 55, subject to execution of the Repayment Guaranty by Mercy Housing Inc. as a condition precedent to the execution of the loan documents, for the development of the Sunset Lane Apartments in Shingle Springs, California up to \$483,000 from Community Development Block Grant Loan 10-STBG-6711 and up to \$3,000,000 from Home Investment Partnership Grant Loan 11-HOME-6952, pending County Counsel and Risk Management approval; and
 - 2) Authorize the Auditor-Controller's Office to process check requests and the Treasurer-Tax Collector to process wire transfers, if needed, to disburse funds which will be offset by corresponding amounts from the above loan grants. (Refer 3/6/12, Item 20) (Est. Time: 15 Min.)

FUNDING: Community Development Block Grant and Home Investment Partnership Grant Loan.

A motion was made by Supervisor Santiago, seconded by Supervisor Knight to approve this matter subject to final review and approval of all necessary loan documents and guaranties by County Counsel and California Housing Finance Authority (CalHFA).

Yes: 3 - Knight, Briggs and Santiago

Noes: 1 - Nutting

Absent: 1 - Sweeney

17. [12-0280](#) Health and Human Services Agency, Community Services Division, recommending the Board:
- 1) Award RFP 12-918-027 for the provision of Administrative Subcontractor Services to Laurin Associates of Sacramento, California; and
 - 2) Authorize the Chair to sign Agreement 424-S1211 with Laurin Associates to provide Administrative Subcontractor Services, funded by the Home Investment Partnerships Program and the Community Development Block Grant Program, relative to the development of the 40-unit affordable workforce rental housing project known as Sunset Lane Apartments, proposed by Mercy Housing California 55, a California Limited Partnership, division of Mercy Housing California, should the Board approve the loans to Mercy Housing California 55, discussed under Board agenda file numbers 12-0037 and 12-0045.

FUNDING: Federal Community Development Block Grant and Home Investment Partnership Program Funds, County General Fund In-Kind Match.

A motion was made by Supervisor Santiago, seconded by Supervisor Knight to approve this matter subject to final review and approval of all necessary loan documents and guaranties by County Counsel and California Housing Finance Authority (CalHFA).

Yes: 3 - Knight, Briggs and Santiago

Noes: 1 - Nutting

Absent: 1 - Sweeney

10:00 A.M. - TIME ALLOCATION

18. [12-0351](#) Supervisor Santiago recommending the Board adopt a Proclamation honoring the distinguished career of Lt. Les Lovell upon his retirement after over 31 years of service with the El Dorado County Sheriff's Department. (Est. Time: 5 Min.)

A motion was made by Supervisor Santiago, seconded by Supervisor Sweeney to adopt the proclamation.

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

2:00 P.M. - TIME ALLOCATION

19. [10-1235](#) Chief Administrative Office recommending the Board receive information and provide direction to staff related to options for the West Slope Animal Shelter project. (Est. Time: 30 Min.) (Cont'd. 2/27/12, Item 1)

FUNDING: Tobacco Settlement Funds.

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

- 1) Move forward with Option 3 to research additional sites;
- 2) Direct staff to come back to the Board on Tuesday, April 17, 2012 with where \$2 million dollars in dedicated funding can be obtained; and
- 3) Appoint a subcommittee of Supervisors Knight and Briggs to negotiate and move through the process.

Yes: 4 - Knight, Sweeney, Briggs and Santiago

Noes: 1 - Nutting

20. [12-0277](#) Supervisor Nutting and El Dorado County Water Agency General Manager, Dave Eggerton, recommending the Board receive a presentation by Dr. Roger Bales, Professor of Engineering at U.C. Merced and Director of the Sierra Nevada Research Institute at U.C. Merced, on the Water in the Sierra Nevada Watershed Ecosystem Enhancement Project. (Est. Time: 2 Hrs.)

Received and Filed.

[12-0006](#)**CAO REPORTS**

The Chief Administrative Officer reported the following:

- 1) Child Support Services Department took in their first payment via credit card last Friday;
- 2) The first El Dorado County Supervisors Academy took place last Friday and it was fabulous; and
- 3) Thanked Department Heads and Board Members for their time and efforts made in bringing together such a great Academy.

[12-0005](#)**ITEMS TO/FROM SUPERVISORS**

Supervisor Sweeney reported on a letter received from Sacramento Wheelman and possibly getting some better management on their activities to avoid any future problems in the County.

Supervisor Nutting reported on criteria that residents of the Cameron Park Community Services District must follow concerning regulations for fire safety. Supervisor Santiago reported on her trip to Washington D.C. with regard to the Transportation Bill, funding for Bridge Projects, the Farm Bill, Food Sovereignty, Membership with NACo, National Association of Workforce Board, Post Office Closures, and forest service lands.

CLOSED SESSION

21. 12-0354 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Charles Sutton and Patricia Sutton v. County of El Dorado, et al., El Dorado County Superior Court Case PC20120130. (Est. Time: 15 Min.)
- The Board on a unanimous vote, instructed the Director of Development Services to rescind the design review approval which is currently on appeal to the Planning Commission, and to begin an environmental review process to incorporate the entirety of the project.
22. 12-0356 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Number of potential cases: (1). (Est. Time: 15 Min.)
- No Action Reported.

ADJOURNMENT