



County of El Dorado

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Minutes - Final 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
Supervisor 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, February 15, 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: 4 - Supervisor Nutting, Supervisor Briggs, Supervisor Santiago and Supervisor Sweeney

Absent: 1 - Supervisor Knight

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

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Supervisor Nutting gave the invocation.

Supervisor Santiago lead the Pledge of Allegiance.

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Supervisor Briggs, seconded by Supervisor Santiago, to adopt the Agenda and approve the Consent Calendar.

Yes: 4 - Nutting, Briggs, Santiago and Sweeney

Absent: 1 - Knight

11:00 A.M. - PRESENTATION

1. [11-0080](#) Supervisor Sweeney recommending the Board receive a presentation by the Apple Hill Growers Association regarding their December 2010 SACOG (Sacramento Area Council of Governments) award. (Est. Time: 15 Min.)
Received and Filed.

OPEN FORUM

None

BUDGET UPDATE

No budget update.

CONSENT CALENDAR

2. [11-0147](#) Clerk of the Board recommending the Board approve the Meeting Minutes of the Regular Meeting of Tuesday, February 8, 2011.
This matter was Approved on the consent calendar.

3. [10-0598](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board authorize the Purchasing Agent to sign PO201111017 for the purchase of two additional Three Axle Dump Trucks with Dump Body in accordance with Bid No. 10-760-075 to the sole qualified bidder, Riverview International Trucks, LLC of West Sacramento, CA in the amount of \$331,645.89 plus all applicable taxes and fees to replace current trucks that do not meet air quality standards and do not qualify for retrofits or repowers for the Department of Transportation.

FUNDING: Non-General Fund, Road Fund.
This matter was Approved on the consent calendar.

4. [11-0095](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board approve and authorize the Chair to sign Amendment II to Agreement for Services 631-S0910 with Viking Shred of Sacramento increasing the not to exceed amount of the Agreement by \$42,530 for a total not to exceed amount of \$100,000 for a two-year period through April 30, 2012 for the destruction of confidential documents, e-waste, and other media for County departments located on the western slope.

FUNDING: General Fund and Non-General Fund.
This matter was Approved on the consent calendar.

5. [11-0149](#) Chief Administrative Office on behalf of the Superior Court of California recommending the Board authorize the Auditor Controller to establish Trust Fund 8803979 pursuant to GC76000.10 (d) - Emergency Medical Air Transportation Fund (EMATF).

FUNDING: Court collection penalties.
This matter was Approved on the consent calendar.

6. [11-0070](#) **Development Services Department requesting the continuance of the following matter for 30 days to Tuesday, March 15, 2011** for the Board's adoption of a policy to extend Tentative Maps expiration dates to at least three years or longer.
- This matter was continued to March 15, 2011 upon approval of the consent calendar.**
7. [11-0117](#) Environmental Management Department recommending the Board adopt a Resolution authorizing the Director, or his/her designee, to execute and submit an application and all necessary documentation to the Department of Resources Recycling and Recovery (Cal Recycle) to secure grant funding in the amount of \$29,197 for the Local Government Waste Tire Cleanup and Amnesty Event Grant Program Fiscal Year 2010-11 to help divert waste tires from landfills.
- FUNDING:** Department of Resources Recycling and Recovery (Cal Recycle). Grants.
- Resolution 023-2011**
- Adopted Resolution 023-2011 upon approval of the consent calendar.**
8. [10-0222](#) Fair Manager recommending the Board approve and authorize the Chair to sign the El Dorado County Fair 2011 Budget, previously approved by the Fair Board of Directors at their October 27, 2010 meeting, and the California Department of Food and Agriculture, Division of Fairs and Expositions on January 24, 2011.
- A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, as follows:**
- 1) Approve this matter; and
2) Direct staff to attach the email from Laura Schwartz.
- Yes:** 4 - Nutting, Briggs, Santiago and Sweeney
- Absent:** 1 - Knight

9. [11-0114](#) Health Services Director recommending the Board ratify her signature on an extension application to the California Emergency Management Agency grant for Recovery Act - Justice Assistance Grant (JAG) funding to extend the end date of the grant term from March 31, 2011 to September 30, 2011 with no increase to the original grant amount of \$293,654 to provide continued substance abuse treatment for adult criminal offenders convicted of nonviolent drug offenses in the Offender Treatment Program (OTP) in conjunction with a drug court model.

FUNDING: American Recovery and Reinvestment Act of 2009 (ARRA) funds via California Emergency Management Agency (CalEMA) and the California Alcohol and Drug Program.

This matter was Approved on the consent calendar.

10. [10-1326](#) Health Services Department, Mental Health Division, and Department of Human Services recommending the Board authorize the Chair to sign retroactive Memorandum of Understanding 048-162-M-R2011 with the El Dorado County Office of Education as the Administrative Unit of the El Dorado County Special Education Local Plan Area "SELPA" and the Lake Tahoe Unified School District as the Lake Tahoe Unified SELPA, (jointly referred to herein as the "SELPAS"), in the amount of \$525,000 for the term January 1, 2011 through June 30, 2011 to set forth the roles of each agency in providing mental health services to students with disabilities in accordance with the student's Individualized Education Program.

FUNDING: SELPAS.

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

Yes: 4 - Nutting, Briggs, Santiago and Sweeney

Absent: 1 - Knight

11. [11-0127](#) Health Services Department and Department of Human Services recommending the Board approve and authorize said Departments to each sign a letter of support for El Dorado County Community Health Center to submit with their application for a CMSP Local Health Connections Pilot Project implementation grant, noting that this grant, if received, is intended to address the need for access and linkage to health care services for the homeless population in our community.

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

- 1) **Authorize the Directors of the Health Services Department and Department of Human Services to sign the letter of support; and**
- 2) **Authorize the Chair to sign a similar letter.**

Yes: 4 - Nutting, Briggs, Santiago and Sweeney

Absent: 1 - Knight

12. [11-0107](#) Department of Human Services requesting the Board consider the following:
- 1) Approve the use of Subsidized Employment Program boilerplate agreements and one-page amendment form; and
 - 2) Authorize the Director or Assistant Director of Human Services, or successors, to sign on behalf of the County said agreements and one-page amendment form with various governmental and community entities to enable eligible clients participating in the Department's federally funded Subsidized Employment Program (SEP) to gain paid work experience to improve their employability in the open job market.

FUNDING: Annual CalWORKs grant covered under the Single Allocation formula.

This matter was Approved on the consent calendar.

13. [11-0115](#) Department of Human Services recommending the Board, as the Governing Board of the In-Home Supportive Services Public Authority (IHSS PA), authorize the Chair to sign a second Amendment to Interagency Agreement 384-O1111 with the El Dorado County IHSS PA that defines the responsibilities of the parties relative to the administration of the In-Home Supportive Services Program, adds language to accommodate the recently legislated waiver process for employing individual providers with certain criminal convictions, and adds language regarding the county, state and IHSS PA's immunity of liability resulting from granting such a waiver.

FUNDING: 85% Federal/State In-Home Supportive Services Public Authority Funds with 15% required County Match met with realignment funds.

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to direct County Counsel to ask State Legislative Counsel the ramifications of the Board not approving the inclusion of the waiver process in the agreement.

Yes: 4 - Nutting, Briggs, Santiago and Sweeney

Absent: 1 - Knight

14. [11-0089](#) Department of Transportation recommending the Board consider the following:
- 1) Review and approve the California Energy Commission - Energy Efficiency and Conservation Block Grant Agreement CBG-09-177, County AGMT 11-53140, in the amount of \$812,423 for a term through June 14, 2012, to provide funding for El Dorado County's proposed energy efficiency and conservation projects throughout County-owned facilities; and
 - 2) Authorize the Director of Transportation to sign amendments to the agreement containing non-substantive changes such as milestone dates in the Scope of Work provided those dates do not extend past the term of the agreement. Amendments containing substantive changes will be brought to the Board for approval.

FUNDING: American Recovery and Reinvestment Act and Accumulated Capital Outlay Funds.

This matter was Approved on the consent calendar.

END CONSENT CALENDAR

15. [09-0307](#) Supervisor Santiago recommending Alan Tolhurst be reappointed to serve as a member on the Tahoe Regional Planning Agency's Advisory Planning Commission.

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

- 1) **Appoint Alan Tolhurst as a member on the Tahoe Regional Planning Agency's Advisory Planning Commission for a term ending March 31, 2011; and**
- 2) **Direct staff to return with a discussion on how appointments to this commission are made.**

Yes: 4 - Nutting, Briggs, Santiago and Sweeney

Absent: 1 - Knight

10:14 A.M. - Supervisor Knight arrived.

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

DEPARTMENT MATTERS

16. [11-0010](#) Department of Transportation recommending the following pertaining to the Access Control/CCTV/Intrusion Alarm System Project for the Departments of Human Services, Child Support Services, and Health Services (Contract No. PW 10-30566; CIP No. 90400):
- 1) Award the Construction Contract to the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for February 3, 2011; and
 - 2) Authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management. (Est. Time: 5 Min.)

FUNDING: California Department of Child Support Services, Federal Department of Health and Human Services, State Realignment Funds and Tobacco Settlement Funds.

Upon hearing no protests, a motion was made by Supervisor Santiago, seconded by Supervisor Sweeney, as follows:

- 1) **Adopt the factual findings as stated in Department of Transportation's February 9, 2011 letter responding to 3D DATACOM's bid protest, and based thereon;**
- 2) **Deny the bid protest.**

Yes: 4 - Knight, Nutting, Santiago and Sweeney

Absent: 1 - Briggs

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

- 1) Waive the irregularities in which Security and Asset Management, LP dba Sonitrol of Sacramento failed to sign the Bidder's Bond and inserted the incorrect Contractor's license number on its bid Proposal; find that incomplete execution of the Equal Employment Opportunity Certification at the time of bid submittal is not an irregularity;
- 2) Award the Construction Contract and the Monitoring and Maintenance Agreement for Services to Security and Asset Management, LP dba Sonitrol of Sacramento who submitted the lowest responsive, responsible bid of \$390,937;
- 3) Award both Bid Schedule A and Bid Schedule B work;
- 4) Authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management; and
- 5) Authorize the Chair to sign Agreement for Services AGMT 10-53124 with Security and Asset Management, LP dba Sonitrol of Sacramento in a maximum not-to-exceed amount of \$92,160 for a term of three (3) years for Monitoring and Maintenance Services, subject to review and approval of the final Agreement by County Counsel and Risk Management.

Yes: 4 - Knight, Nutting, Santiago and Sweeney

Noes: 1 - Briggs

17. [10-1324](#)

Health Services Department (HSD), Mental Health Division, recommending the Board adopt a resolution authorizing the Director, or designee, to execute a Joint Exercise of Powers Agreement (JPA) for the purpose of participation in CalMHSA in order to jointly develop and fund mental health services and education programs as determined on a regional, Statewide, or other basis; and to sign all ancillary documents required to join and participate in CalMHSA JPA Agreement 373-162-M-E2010. (Est. Time: 15 Min.)

A motion was made by Supervisor Briggs, seconded by Supervisor Knight, to adopt Resolution 024-2011 as amended adding language to the resolution that all future ancillary documents are contingent upon concurrence of County Counsel and approval of the Chief Administrative Officer.

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

18. [10-1306](#) Clerk of the Board of Supervisors recommending the Board consider the following pertaining to the Board appointment to the Mental Health Commission:
- 1) Receive information regarding the Board appointment to the Mental Health Commission;
 - 2) Rescind the Board's action taken on January 4, 2011 of the appointments of Norma Santiago and Ron Briggs; and
 - 3) Appoint one (1) Board member to the Mental Health Commission for a term ending January 1, 2014. (Est. Time: 10 Min.)

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

- 1) **Approve staff recommendations; and**
- 2) **Appoint Ron Briggs to the Mental Health Commission for a term ending January 1, 2014.**

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

19. [11-0143](#) Chief Administrative Office recommending the Board authorize Chair to sign Agreement 344-F1111 a contract to provide funding to the Garden Valley, Georgetown, Latrobe, Mosquito, Pioneer and Rescue Fire Protection Districts for emergency medical services and equipment, as directed by the Board at the June 9, 2010 budget workshop as an alternative to Aid to Fire. (Est. Time: 10 Min.)

FUNDING: County Service Area No. 7

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

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

20. [11-0019](#) Chief Administrative Office in conjunction with Development Services, Department of Transportation and the Economic Development Advisory Committee (EDAC) returning to the Board with a draft Resolution of Intention to initiate a General Plan Amendment. (Cont'd 1/10/11, Item 1) (Est. Time: 1 Hr.)

A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs to set a hearing to consider a report from staff on the General Plan implementation and have a discussion of potential General Plan amendments including the proposals made by EDAC.

Yes: 4 - Knight, Nutting, Briggs and Sweeney

Noes: 1 - Santiago

A motion was made by Supervisor Knight, seconded by Supervisor Briggs, to set the hearing for April 4, 2011 at 9:00 A.M. for all day. Noting that this matter may also need April 25, 2011.

Yes: 4 - Knight, Nutting, Briggs and Sweeney

Abstained: 1 - Santiago

21. [11-0148](#) Chief Administrative Officer recommending the Board receive information and provide direction regarding the strategic direction and plans for the County. (Est. Time: 30 Min.)
Received and Filed.

LUNCH - 12:00 NOON

Board of Supervisors to attend an information luncheon and presentation by Bill Roby, Executive Director of the El Dorado Community Foundation located at 3097 Cedar Ravine Road, Placerville.

2:00 P.M. - TIME ALLOCATION

22. [11-0121](#) Human Resources Risk Management Division, recommending the Board of Supervisors approve the migration of the Blue Shield Self-funded PPO to the CSAC-EIAHealth pooled program. (Est. Time: 45 Min.)
- A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, as follows:**
- 1) Approve Option 1 - EIAHealth; and**
 - 2) Authorize the Director of Human Resources to sign the Memorandum of Understanding to join CSAC-EIAHealth Program**
- Yes:** 5 - Knight, Nutting, Briggs, Santiago and Sweeney

CAO REPORTS

**Terri Daly reported that the Director IT has resigned due to personal reasons and Kelly Webb will be the Acting Director; and
The West Slope animal shelter was closed today but will be open tomorrow.**

ITEMS TO/FROM SUPERVISORS

Supervisor Santiago noted that she attended a conference in Washington D.C. on behalf of the Golden Sierra Job Agency and she will also be returning to Washington D.C. on March 4, 2011.

Supervisor Briggs reported that the Sierra Nevada Conservancy will be in El Dorado County on March 2-3, 2011. They will be touring on March 2nd from 1:15 p.m. - 5:00 p.m. and there will be a reception at El Dorado Arts Council starting at 5:30 p.m. Their monthly meeting will be held the next day at Placerville Town Hall at 9:00 a.m. (Note: Information is available at http://www.sierranevada.ca.gov/docs/BM_2011_mar/MarchBoardAgenda.pdf)

Supervisor Knight reported that the Program EIR for the South East Connector will be out in April and for general circulation in the summer and that he attended the SACOG meeting.

Supervisor Nutting will be attending the Sustainable Communities meeting. There is a Congressional hearing in Sacramento that he will be attending. Agenda item in March regarding the El Dorado National Forrest and their travel management plan.

CLOSED SESSION

23. 11-0112 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: CSA No. 7 Ambulance Services Issues. Number of potential cases: (1). (Est. Time: 1 Hr.) (Cont'd 2/1/11, Item 23)
No Action Reported.
24. 11-0156 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Cameron Park Community Services District v. El Dorado County, et al., Sacramento County Superior Court Case No. 07CS00059. One (1) potential case. (Est. Time: 15 Min.)
No Action Reported.
25. 11-0157 Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c): Number of potential cases: (1). (Est. Time: 10 Min.)
No Action Reported.
26. 11-0158 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: U.S. 50 HOV Lane Project and Missouri Flat Road Interchange Project Construction Claims. Number of potential cases: (1). (Est. Time: 10 Min.)
No Action Reported.

27. 11-0159 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Award of Bid for Access Control/CCTV/Intrusion Alarm System for the Human Services/Child Support Services/Health Services Departments. Number of potential cases: (1). (Est. Time: 10 Min.)
No Action Reported.
28. 11-0164 Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c): Title: El Dorado County Air Pollution Control District v. Big Cut Mine. Number of potential cases: (1). (Est. Time: 10 Min.)
Continued this matter to March 1, 2011.
29. 11-0176 Pursuant to Government Code Section 54957: **Public Employee Discipline/Release.**
No Action Reported.

ADJOURNED