



County of El Dorado

Board of Supervisors
Department
330 Fair Lane, Building A
Placerville, California
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Minutes - Final Board of Supervisors

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

James S. Mitrising, Clerk of the Board of Supervisors
Don Ashton, Chief Administrative Officer
Michael J. Ciccozzi, County Counsel

Tuesday, September 18, 2018

8:00 AM

330 Fair Lane, Placerville, CA

Vision Statement

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

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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:

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 modified.

A total of 20 minutes will be allocated for public comment during Open Forum and for each agenda item to be discussed. 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.

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 ask the Clerk to 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.

8:00 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSION

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

9:00 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

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

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor Craig Klatt of the Camino Adventist Church gave the Invocation.
Supervisors Veerkamp led the Pledge of Allegiance to the Flag.

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

Public Comment: K. Payne

A motion was made by Supervisor Frentzen, seconded by Supervisor Veerkamp to Adopt the Agenda and Approve the Consent Calendar with the following changes:

Pull items 15, 18, 19 for discussion.

Add item 28 which seeks to have the Board authorize the Chair to sign a letter to the Federal Communications Commission (FCC) opposing the FCC's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment to the Agenda. (4/5 vote required)

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

County Counsel requested item 28 (Legistar 18-1492) be added to today's Agenda pursuant to Government Code Section 54954.2 (b)(2) as the need for the item came to the attention of staff after the Agenda was posted and there is a need for immediate action. The Agenda item seeks to have the Board authorize the Chair to sign a letter to the Federal Communications Commission (FCC) with copies to Senators Feinstein, Harris, the California Congressional Delegation and the California State Association of Counties opposing the FCC's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment. (4/5 vote required)

A motion was made by Supervisor Frentzen, seconded by Supervisor Novasel and unanimously passed, the Board authorized item 28 (Legistar 18-1492) to be added to today's Agenda.

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: L. Scott, S. Streath, D. Sullivan

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. **18-1337** Clerk of the Board recommending the Board approve the Minutes from the regular meeting of the Board on September 11, 2018.

This matter was Approved on the Consent Calendar.

GENERAL GOVERNMENT - CONSENT ITEMS

- 2. **18-1369** Committee Application Review Team recommending the Board appoint Brandon Reinhardt to the vacant Member At-Large position on the Community and Economic Development Advisory Committee pursuant to Resolution 177-2017 and Board Policy I-5, Boards, Committees and Commissions - Application Evaluation Policy for Members At-Large.

This matter was Approved on the Consent Calendar.

- 3. **18-1420** TRAKiT Executive Committee recommending the Board receive and file an attached update memo on the TRAKiT system, a planning, permitting, and parcel management software solution.

This matter was Approved on the Consent Calendar.

- 4. **18-1368** Chief Administrative Office recommending the Board approve and authorize the Chair to sign the attached Funding Agreement with the Placerville Downtown Association, authorizing payment of the \$5,000 community funding contribution authorized by the Board as part of the approval of the Fiscal Year 2018-19 Recommended Budget, to support their Festival of Lights event, and finding that a public benefit is derived from supporting this event, which serves to gather the community and draw visitors into the County.

FUNDING: General Fund.

This matter was Approved on the Consent Calendar.

- 5. **18-1353** Chief Administrative Office, Procurement and Contracts Division, recommending the Board declare three (3) service weapons as surplus and approve the sale of the weapons to retiring Sheriff Deputies Walt Thorton, Matt Underhill and Bill Turnbull.

FUNDING: The Sheriff's Office Armory will receive the funds paid by the retiring employees.

This matter was Approved on the Consent Calendar.

6. **18-1241** County Counsel recommending the Board authorize the discharge from accountability in the amount of \$30,082.36 for uncollectible court ordered fees from Public Guardian cases.

FUNDING: General Fund.

This matter was Approved on the Consent Calendar.

7. **18-1364** Human Resources Department recommending the Board:
- 1) Adopt and authorize the Chair to sign Resolution **196-2018** approving the negotiated Memorandum of Understanding (MOU) between the County of El Dorado and the El Dorado County Law Enforcement Management Association representing the Law Enforcement Sworn Management bargaining unit;
 - 2) Authorize the Chair to sign said MOU, noting the MOU will be effective the first full pay period following Association ratification and Board of Supervisors adoption of the MOU; and
 - 3) Direct Human Resources and the Auditor-Controller's Office to administer and implement the MOU provisions.

FUNDING: General Fund.

This matter was Approved and Resolution 196-2018 was Adopted upon Approval of the Consent Calendar.

8. **18-0738** Treasurer-Tax Collector, Revenue Recovery Division, recommending the Board discharge the relevant departments and department heads from further accountability to collect the debts listed on the attached Discharge of Accountability Report in the amount of \$63,220.38, pursuant to Government Code Sections 25257 through 25259. Some of these debts date back to January 24, 1994, and are uncollectible due to expiration of statute of limitations, death or bankruptcy, and consequently are unlikely to be collected.

FUNDING: N/A

This matter was Approved on the Consent Calendar.

9. 18-1381

Supervisor Novasel recommending the Board sponsor the Tahoe Economic Summit which is an effort by the Tahoe Prosperity Center to bring community leaders together around the goal of improving Tahoe's regional economy on October 19, 2018, at a total cost of \$1,000 as a Mt. Tallac sponsor, and approve and authorize the Chair to sign the related Funding Agreement (attached) finding that a public benefit exists from sponsorship of this event. The Summit will provide opportunities for attendees to learn about the "Sharing Economy," and specifically how it impacts housing, entrepreneurship, workforce, and jobs.

FUNDING: Economic Development Special Projects Budget (funded by Transient Occupancy Tax).

This matter was Approved on the Consent Calendar.

10. 16-0305

Supervisor Ranalli recommending the Board find that a state of emergency continues to exist in El Dorado County as a result of unprecedented tree mortality due to drought conditions and related bark beetle infestations. (Cont. 9/11/18, Item 14)

This matter was Approved on the Consent Calendar.

HEALTH AND HUMAN SERVICES - CONSENT ITEMS

- 11. 18-1272** Health and Human Services Agency (HHS) recommending the Board:
- 1) Approve and authorize the Chair to sign Agreement for Services 3221 with Jill Gustafson, LCSW, for the provision of therapeutic counseling and related services, for the term October 1, 2018 through September 30, 2021 with maximum contractual obligation of \$250,000; and
 - 2) Find that in accordance with Ordinance section 3.13.030, it is more economical and feasible to engage an independent contractor for this service; and
 - 3) Authorize the Purchasing Agent, or their designee to execute further documents relating to Agreement for Services 3221, including amendments which do not increase the maximum dollar amount or term of the Agreement, and contingent upon approval by County Counsel and Risk Management.

FUNDING: 28% Federal and 72% Realignment

This matter was Approved on the Consent Calendar.

- 12. 18-1306** Health and Human Services Agency recommending the Board:
- 1) Adopt and authorize the Chair to sign Resolution **186-2018**, which authorizes the County to participate in the one-time Homeless Mentally Ill Outreach and Treatment funding opportunity available as a result of California Senate Bill 840;
 - 2) Designate the Health and Human Services Agency as the primary contact for the Homeless Mentally Ill Outreach and Treatment funding opportunity for the County; and
 - 3) Authorize the Director of Health and Human Services Agency to sign a Letter of Interest as a part of the solicitation for the Homeless Mentally Ill Outreach and Treatment funding opportunity.

FUNDING: State Funding.

This matter was Approved and Resolution 186-2018 was Adopted upon Approval of the Consent Calendar.

LAND USE AND DEVELOPMENT - CONSENT ITEMS

- 13. 18-1308 Air Quality Management District (AQMD) recommending the Board, acting as the AQMD Board of Directors adopt and authorize the Chair to sign Resolution **194-2018** amending the AQMD Fiscal Year 2018-19 approved Personnel Resolution for AQMD:
 - 1) Delete 1.0 full time equivalent (FTE) Development Aide II;
 - 2) Add 1.0 FTE Air Quality Technician;
 - 3) Add 1.0 FTE Senior Air Quality Engineer to AQMD;
 - 4) Provide authorization to the Director of Human Resources to make, if needed, any technical corrections to the authorized personnel allocations for AQMD; and
 - 5) Approve the related budget transfer. (4/5 vote required)

FUNDING: 60% Permit Revenues, 33% State Surcharge Fees and 7% State Subvention.

This matter was Approved and Resolution 194-2018 was Adopted upon Approval of the Consent Calendar.

- 14. 18-1357 Community Development Services, Administration and Finance Division, recommending the Board authorize the Chair to sign the First Amendment to Joint Occupancy Agreement and Transfer Agreement between the Judicial Council of California and the County of El Dorado to update nomenclature and to amend the Exclusive-Use Areas to allow for an exchange of floor space within Building C.

FUNDING: NA

This matter was Approved on the Consent Calendar.

- 15. 18-1177 Community Development Services, Department of Transportation, recommending the Board approve administrative modifications, which include updated titles to reflect County department name changes, to Board of Supervisors Policy G-3, Dead Animal Disposal.

FUNDING: N/A

Public Comment: K. Payne

A motion was made by Supervisor Hidahl, seconded by Supervisor Novasel to Continue this matter off Calendar.

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

16. 18-1291

Community Development Services, Department of Transportation, recommending the Board consider the following:

- 1) Approve and authorize the Chair to sign the Notice of Acceptance with Hooker Creek, Inc., for the Newtown Road Storm Damage Project, CIP 78706/36102012, Contract 2685; and
- 2) Approve and authorize the Clerk of the Board to release the Payment and Performance Bonds to the Surety upon notification from the Department of Transportation, after the one-year guarantee period.

FUNDING: Federal Highway Administration anticipated reimbursement (88.53%), California Disaster Assistance Act anticipated reimbursement (8.60%), Road Fund (2.87%).

This matter was Approved on the Consent Calendar.

17. 18-1253

Community Development Services, Environmental Management Department, recommending the Board consider the following:

- 1) Accept a payment program award funded through the California Beverage Container Recycling and Litter Reduction Act, from the State of California, Department of Resources Recycling and Recovery, Beverage Container Recycling City/County Payment Program, Fiscal Year 2017-18, in the amount of \$38,451, for the term, upon award and acceptance of funds, through June 29, 2020; and
- 2) Delegate authority to the Environmental Management Department Director, or designee, to execute all payment program related documents, including, but not limited to, all reports and associated documents necessary to secure and expend the funds for the purpose of implementing the Beverage Container Recycling City/County Payment Program if the documents do not affect the amount or term.

FUNDING: Non-General Fund / State of California, Department of Resources Recycling and Recovery, Beverage Container Recycling City/County Payment Program, Fiscal Year 2017-18 funds.

This matter was Approved on the Consent Calendar.

18. 18-1208

Community Development Services, Planning and Building Department, Code Enforcement Unit, recommending the Board approve the following:

1) Award Request for Proposal 18-918-065 for the provision of services for On-Call Code Enforcement Hearing Officers to provide services regarding code enforcement issues that arise within the County when property owners appeal penalties that are assessed by the Code Enforcement Section to two proposers:

a) William M. Wright, Attorney at Law and Martin Fine, Attorney at Law; and

b) Silver & Wright, LLP Attorneys at Law;

2) Authorize the Planning and Building Department to negotiate Agreements for Services with the two aforementioned firms, each with a term of three years and a not to exceed amount of \$60,000 each; and

3) Authorize the Purchasing Agent to execute said Agreements for Services.

FUNDING: General Fund, partially reimbursed through fines.

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

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

19. 18-1407

Community Development Services, Planning and Building Department, recommending the Board adopt and authorize the Chair to sign Resolution **197-2018**, which decertifies specific limited components of the Final Program Environmental Impact Report (FEIR) for the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU) as follows: only as to (a) the responses to comments O-1-54 to O-1-58, O-1-62, O-1-70, I-37-14, I-37-16, I-37-23, and I-37-24; and, (b) the Executive Summary Section ES.5 (Potential Areas of Controversy/Issues to be Resolved). The court affirmed the sufficiency of the TGPA/ZOU planning and regulatory documents.

FUNDING: N/A

A motion was made by Supervisor Frentzen, seconded by Supervisor Veerkamp to Adopt Resolution 197-2018.

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

END CONSENT CALENDAR

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

- 20. 18-1146** Community Development Services, Planning and Building Department, Long Range Planning, recommending the Board:
- 1) Adopt and authorize the Chair to sign Resolution of Intention **193-2018** to amend the County General Plan by updating the Housing Element before October 2021 as required by State law, which includes a review of the County’s ability to accommodate its fair share of the region’s housing needs for the 8-year planning period 2021 to 2029, based on the updated Regional Housing Needs Allocation determined by the Sacramento Area Council of Governments; and
 - 2) Direct the Planning and Building Department, Long Range Planning, to take steps necessary, including but not limited to reviewing vacant land inventory, housing capacity, and housing policy analysis, to prepare, in a manner consistent with applicable law, codes and regulations a Housing Element Update with necessary assistance from the Health and Human Services Agency, Department of Transportation, Environmental Management Department, Chief Administrative Office, Economic Development, Sacramento Area Council of Governments, Tahoe Regional Planning Agency, the California Department of Housing and Community Development, and the public. (Est. Time: 10 Min.)

FUNDING: General Fund.

Public Comment: K. Payne

A motion was made by Supervisor Hidahl, seconded by Supervisor Novasel to Approve this matter and Adopt Resolution 193-2018.

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

21. 18-1077

Chief Administrative Office, Parks Division, recommending the Board
1) Approve and sign the Excursion License Agreement between Placerville Sacramento Valley Rail Road (P&SVRR) and the Sacramento Placerville Transportation Corridor Joint Powers Authority (SPTC JPA) for the operation of an excursion rail service on a portion of the SPTC, consenting to excursion rail use on limited portions of the SPTC within El Dorado County for some special events only with prior approval by the County; and
2) Acknowledge that any potential capital improvements requested by P&SVRR would require subsequent Board approval. (Est. 10 Min.)

FUNDING: N/A

Public Comment: K. Payne, M. Rokay

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

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

11:00 A.M. - TIME ALLOCATION

22. 18-1411

Supervisor Ranalli recommending the Board:

1) Receive and file information provided by Patricia Charles-Heathers, Director, Health and Human Services Agency recognizing community volunteers who dedicate their time and talent to support the El Dorado County Wellness Center, Public Health Nursing and Older Adult programs; and

2) Approve and authorize the Board Members to sign proclamations to recognize these volunteers for their service. (Est. Time: 20 Min.)

Supervisor Ranalli read the Proclamation.

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

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

1:00 PM - TIME ALLOCATION

23. 18-1289

Broadband Ad Hoc Committee, in coordination with the Chief Administrative Office, recommending the Board receive and file the final presentation and report from NeoConnect regarding the Broadband Feasibility Study in El Dorado County, focusing on financial analysis and options related to implementing a Broadband strategy in El Dorado County. (Est. Time: 2.0 Hrs.)

FUNDING: 50% Economic Development Administration grant, 50% General Fund.

Public Comment: H. Penn, R. Stewart

Received and Filed.

Direction was given to staff to look into additional grant money/funding for an implementation plan and return to the Board.

ITEMS TO/FROM SUPERVISORS

Supervisor Novasel reported on the following:
California State Association of Counties meeting.
Human Rights Commission.
Pollock Pines meeting with the community.

Supervisor Veerkamp reported on the following:
Web case deposition.
Vegetation Management meeting.
Apple Farms traffic shuttle.
Camino Safety Project meeting.
City County Two by Two meeting.
Sacramento Area Council of Governments Transportation meeting.
49er car race.
World of Outlaws event.
El Dorado Water and Power Authority meeting.
SOFAR meeting.
Vegetation stake holder meeting.
Apple Farm media tour.

Supervisor Frentzen reported on the following:
Transit Authority meeting.
Sample the Sierra event.
Human Rights Commission.
El Dorado Hills Community Service District meeting.
PG&E Wild Fire meeting.
Broadband meeting.
El Dorado Water and Power Authority meeting.
Appreciation Day event.

Supervisor Hidahl reported on the following:
Monthly El Dorado Hills community meeting.
El Dorado Water and Power Authority meeting.
Appreciation Day event.
Veteran's Affairs Commission meeting.
PG&E Wild Fire meeting.
FENIX executive review.
Vegetation stake holder meeting.
CCA follow up meeting.

Supervisor Ranalli reported on the following:
Fire Emergency Preparedness meeting.
Kelsey school house breakfast fundraiser.
Mt. Murphy Bridge meeting.
Garden Valley breakfast fundraiser.
Mosquito consolidation meeting.
Explorer program.
MORE car show and chili cook off.
El Dorado Water and Power Authority meeting.
Rural County Representatives of California annual conference.

CAO UPDATE

Don Ashton, Chief Administrative Officer, reported on the following:
HHSA community open house.
Labor Negotiations manager.
Planning Director finalist interviews.

ADJOURNED AT 2:51 P.M. wishing John Tibbals a happy birthday.

CLOSED SESSION

- 24. 18-1396** **Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator:** County Negotiator: Director of Human Resources and/or designee. Employee Organization: El Dorado County Employees Association Local No.1 representing employees in the General, Professional, and Supervisory Bargaining Units; Operating Engineers Local No. 3 representing employees in the Trades & Crafts and Corrections Bargaining Units; Deputy Sheriffs Association representing employees in the Law Enforcement Unit; El Dorado County Deputy County Counsel Association; El Dorado County Managers Association; and El Dorado County Law Enforcement Managers Association. (Est. Time: 15 Min.)
- All five Supervisors participated. This matter was Continued off Calendar.**
- 25. 18-1346** **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.)
- All five Supervisors participated. No Action Reported.**
- 26. 18-1392** **Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(d)(1). Title:Alliance for Responsible Planning, A California Non-Profit Public Benefit Corporation v. El Dorado County Board of Supervisors, County of El Dorado, Sue Taylor, and Save Our County, El Dorado County Superior Court Case No. PC20160346; Court of Appeal No. C085712. Number of potential cases: (1). (Est. Time:15 Min.)
- All five Supervisors participated. No Action Reported.**
- 27. 18-1442** **Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(d)(1). Title: Rural Communities United v. EDC (Bio) El Dorado County Superior Court Case No. PC20170536; Number of potential cases: (1). (Est. Time: 10 Min.)
- All five Supervisors participated. No Action Reported.**

ADDITIONAL DEPARTMENT MATTER ADDED TO THE AGENDA pursuant to Government Code Section 54954.2 (b)(2) as the need for the item came to the attention of staff after the Agenda was posted and there is a need for immediate action.

28. 18-1492 Supervisor Novasel recommending the Board of Supervisors authorize the Chair to sign a letter to the Federal Communications Commission (FCC), with copies to Senator Dianne Feinstein, Senator Kamala Harris and the California Congressional Delegation, opposing the FCC’s proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment.

FUNDING: There is no funding required for this item.

Public Comment: K. Payne

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

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