



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

James S. Mitrisin, Clerk of the Board of Supervisors
Terri Daly, Chief Administrative Officer *Edward Knapp, County Counsel*

Tuesday, December 11, 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 listed under Department Matters 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' Meeting Agenda webpage 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 SESSION

Present: 3 - Supervisor Knight, Supervisor Nutting and Supervisor Sweeney

Absent: 2 - Supervisor Briggs and Supervisor Santiago

9:02 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

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

Board Members, staff and members of the public may request an item be pulled from the Consent Calendar for discussion. Items requested to be removed from the Consent Calendar shall be removed from Consent Calendar and heard by the Board. The Board will make any necessary additions, deletions, or corrections to the Agenda, determine matters to be added to or removed from the Consent Calendar, and with one motion adopt the Agenda and approve the Consent Calendar.

OPEN FORUM

K. Mackey

B. Diley

T. Hardy

BUDGET UPDATE

No update.

CONSENT CALENDAR

Approval of the Consent Calendar

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

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

1. [12-0002](#) Clerk of the Board recommending the Board approve the Meeting Minutes from the Regular Meeting on Tuesday, December 4, 2012.
This matter was Approved on the consent calendar.

2. [12-1512](#) Clerk of the Board of Supervisors recommending the Board consider the adoption of the 2013 Board of Supervisors' schedule of meeting dates.
This matter was Approved on the consent calendar.

3. [12-1409](#) Chief Administrative Office recommending the Board approve the attached budget transfer increasing revenues and appropriations in Department 15 by \$2,600,000 for revenues received through the amended Memorandum of Understanding (MOU) and Intergovernmental Agreement between the County and Shingle Springs Band of Miwok Indians. (4/5 vote required) (Refer 11/13/12, Item 31)

FUNDING: Shingle Springs Band of Miwok Indians.
This matter was Approved on the consent calendar.

4. [12-1485](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board declare one (1) 2001 Dodge Ram, serial number 1B7HF16Y21S676931 (County Tag No. 514855), as surplus 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.
This matter was Approved on the consent calendar.

5. [12-1441](#) Chief Administrative Office, Risk Management Division, recommending the Board approve the Medical Malpractice Extended Participation Agreement through the California State Association of Counties - Excess Insurance Authority (CSAC-EIA) committing the County to the program for two years, beginning October 1, 2012 through October 1, 2014, and authorize the Assistant Chief Administrative Officer to sign the agreement upon approval by County Counsel.

FUNDING: Risk Management Liability Insurance Fund, Medical Malpractice Insurance Program is funded by charges to the related departments including Public Health, Mental Health, Animal Control, CSA 7 Ambulance Services, Social Services and Community Services.

This matter was Approved on the consent calendar.

6. [12-1454](#) Health and Human Services Agency recommending the Board authorize a proposed change to the El Dorado County Emergency Services Authority System Status Management Policy, eliminating one half-time medic unit from the system to allow the Emergency Services Authority to close a projected budget deficit, and approve the revised System Status Management Policy attached hereto as Attachment A, identifying the plan for redistribution of anticipated workload among full time medic units to accommodate the removal of the half-time Medic Unit(M- 26) from the system.

FUNDING: County Service Area (CSA) 7 Special Tax, Property Tax, and fee-for-service.

This matter was Approved on the consent calendar.

7. [11-1263](#) Health and Human Services Agency, Mental Health Division, recommending the Board authorize the Chair to sign Amendment III to Agreement 011-S1111 with Crestwood Behavioral Health, Inc., increasing the not-to-exceed amount by \$450,000 to \$1,475,000, with no change to the term of July 1, 2010 through June 30, 2013. This Agreement provides long-term 24-hour inpatient special treatment programs for adults with serious mental disorders on an "as requested" basis. (Refer 7/17/12, Item 7)

FUNDING: Medi-Cal and Mental Health Realignment as appropriate for each client.

This matter was Approved on the consent calendar.

8. [11-0073](#) Health and Human Services Agency, Public Health Division, recommending the Board authorize the Chair to sign Amendment II to Agreement 164-S1211 (017-111-P-E2011) with California Tahoe Emergency Services Operations Authority (Cal Tahoe), which amends the compensation methodology to define and compensate for long distance patient transports, revises Cal Tahoe's audit responsibilities, and updates the Notice to Parties and Administrator provisions. There is no change to the monthly compensation amount of \$166,500 or the termination date of August 31, 2016. The County, as the ambulance service provider under a public utility model, contracts with Cal Tahoe to provide basic and advanced life support services. (Refer 05/01/12, Item 14)

FUNDING: County Service Area 3 - Benefit Assessment (South Shore Area), Special Tax (West Shore Area), and fee for ambulance services.

This matter was Approved on the consent calendar.

9. [11-1251](#) Sheriff's Office recommending the Board consider the following:
1) Authorize the continuation of the perpetual Agreement No. 874-S0910 with Trans Union LLC retroactive to November 1, 2012 through October 31, 2013, with no additional funding, and
2) Authorize the Chair to sign the Pricing Addendum which establishes the Standard Price for the term November 1, 2012 through November 25, 2014, amending the starting and ending dates with no changes to the amounts. (Refer 11/6/12, Item 11)

This matter was Approved on the consent calendar.

10. [12-0192](#) Sheriff's Department recommending the Board consider adoption (second reading) of Ordinance **4989** amending Chapter 2.42 of Title 2 of the El Dorado County Ordinance Code pertaining to the Office of Emergency Services - Disaster Council. (Cont'd 12/4/12, Item 5)

Ordinance 4989 was Adopted upon approval of the consent calendar.

11. [08-1388](#) Department of Transportation recommending the Board receive and file information on the closeout of the US 50 HOV Lanes, Phase 1 - El Dorado Hills to Bass Lake Grade Project, CIP No. 53110. (Refer 6/5/12, Item 8)

FUNDING: This Project was funded with State Proposition 1B Corridor Mobility Improvement Account Funds, Congestion Mitigation and Air Quality Program Funds, Regional Surface Transportation Program Funds, Traffic Impact Mitigation Fee Program Funds and Casino Funds.

This matter was Approved on the consent calendar.

12. [12-0325](#) Department of Transportation recommending the Board authorize the Chair to sign Contract Change Order No. 5 with DeSilva Gates Construction, L.P. in the amount of \$300,000 to provide payment for construction acceleration during the 2013 construction season for the U.S. 50 HOV Lanes Phase 0 Project, CIP No. 53124. (Refer 8/7/12, Item 12)

FUNDING: State Corridor Mobility Improvement Account Funds and Local Transportation Funds.

This matter was Approved on the consent calendar.

13. [12-1363](#) Department of Transportation recommending the Board consider the following:
- 1) Authorize the Chair to sign the Possession and Use Agreement with Presbytery of Sacramento, a California Non-Profit Corporation, for a portion of Assessor's Parcel Number 122-720-05; and
 - 2) Authorize the Interim Director of Transportation or designee to execute the escrow instructions and any other related escrow documents pertaining to the transaction, including the payment of title and escrow fees, for the U.S. 50/Silva Valley Parkway Interchange - Phase 1 Project, CIP No. 71328.

FUNDING: El Dorado Hills Traffic Impact Mitigation Fees - Silva Valley Interchange Set Aside Fund.

This matter was Approved on the consent calendar.

14. [12-1508](#) Department of Transportation recommending the Board authorize the Chair to sign the Memorandum of Agreement with the United States Army Corps of Engineers and the California State Historic Preservation Officer, Clarksville Region Historical Society, and Lincoln Highway Association, pursuant to Section 404 of the Clean Water Act, as necessary for the construction of the U.S. 50/Silva Valley Parkway Interchange - Phase 1 Project, CIP No. 71328, subject to minor modification and County Counsel approval.

FUNDING: El Dorado Hills Traffic Impact Mitigation Fees - Silva Valley Interchange Set Aside Fund, 2004GP TIM-Silva Valley Set Aside, Developer Advanced Funds, and State-Local Partnership Program Grant Funds.

Public Comment:

K. Bone

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

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

15. [12-1393](#) Department of Transportation recommending the Board authorize the Chair to sign the retroactive Local Agency - State Agreement for Bicycle Transportation Account Project Grant Agreement No. BTA 12/13-03-ELD-01 between the County of El Dorado and the State of California effective July 1, 2012 through June 30, 2018, for Bicycle Transportation Account funding in the amount of \$288,000 for the Green Valley Road Class II Bikeway Project, CIP No. 72307.

FUNDING: State Bicycle Transportation Account Funds.

This matter was Approved on the consent calendar.

16. [12-1374](#) Treasurer-Tax Collector recommending the Board adopt Resolution **174-2012** authorizing the Auditor-Controller to establish a non-interest bearing fund for the Treasurer-Tax Collector's Department for the receipt and disbursement of the mandatory state imposed fee established by SB 1186 effective January 1, 2013 as per California Government Code Section 4467(a).

Resolution 174-2012 was adopted upon approval of the consent calendar.

17. [10-0154](#) Supervisor Knight recommending the Board authorize the Chair to sign the Second Extension and Amendment to Settlement and Release with El Dorado Development Partnership Group, LLC aka Stable Development, LLC, and accompanying Amendment to Promissory Note, based on the attached memo to Board members dated December 3, 2012.

This matter was continued to December 18, 2012 upon approval of the consent calendar.

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

18. [11-1418](#) Supervisor Knight recommending the Board adopt a proclamation commemorating December 15, 2012 as Bill of Rights Day in the County of El Dorado.

This matter was Approved on the consent calendar.

19. [12-1474](#) Supervisor Sweeney requesting the Board of Supervisors approve placement of Kathy Witherow at step five of the salary schedule for Supervisors Assistant.

This matter was Approved on the consent calendar.

Yes: 3 - Knight, Sweeney and Briggs

Abstained: 2 - Nutting and Santiago

20. [12-1498](#) Supervisor Briggs recommending the Board approve the ratification of the Chair's signature on a Proclamation presented to Lou Green in recognition of his career of over 16 years of exemplary service as County Counsel.

This matter was Approved on the consent calendar.

21. [12-0668](#) Supervisor Santiago recommending the Board approve the Amended Bylaws for the First 5 El Dorado Children and Families Commission.

This matter was Approved on the consent calendar.

24. [12-1442](#) County Counsel recommending the Board consider the following:
1) Adopt Resolution **175-2012** amending the Fiscal Year 2012/2013 adopted personnel resolution adding one Deputy County Counsel and one Legal Secretary I/II to the County Counsel Department; and
2) Approve the attached budget transfer increasing salaries and benefits appropriations in County Counsel by \$106,500 and decreasing general fund contingency by the same amount. (4/5 vote required)

Funding: General Fund.

Resolution 175-2012 was adopted upon approval of the consent calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS/NOTICED HEARING

22. [12-1392](#) Hearing to consider the recommendation of the Planning Commission on Development Agreement DA11-0003/Diamond Dorado Retail Center for property identified by APNs 051-250-12, 051-250-46, 051-250-51, and 051-250-54, consisting of 27.61 acres, in the Diamond Springs area; and recommending the Board execute the Development Agreement. (Supervisory District 3) (Est. Time: 10 Min.) (Cont'd 11/13/12, Item 33)

Public Comment:

S. Taylor

A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, to Approve this matter.

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

23. [12-1263](#) HEARING: Acting as the Board of Directors of the El Dorado County Air Quality Management District:

Air Quality Management District (EDCAQMD) recommending the Board adopt the following resolutions to approve Negative Declarations for each of the following U.S. Environmental Protection Agency (EPA) Control Techniques Guidelines (CTG) indicating there are no sources within El Dorado County subject to these guidelines, in order to comply with Section 182(b)(2) of the Federal Clean Air Act, subject to minor revisions by County Counsel:

- 1) Resolution **177-2012** for Miscellaneous Metal Parts and Products CTG (EPA 450/2-78-015);
- 2) Resolution **178-2012** for Solvent Metal Cleaning CTG (EPA 450/2-77-022); and
- 3) Resolution **179-2012** for Graphic Arts - Rotogravure and Flexography CTG (EPA 450/2-78-033)

Adoption of these Negative Declarations will allow the United States Environmental Protection Agency (EPA) to fully approve the 2006 Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Update. No changes would be made to any existing EDCAQMD rules. (Est. Time: 5 Min.)

A motion was made by Supervisor Briggs, seconded by Supervisor Nutting, to Adopt Resolutions 177-2012, 178-2012 and 179-2012

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

25. [12-1274](#) Department of Transportation presentation on Roadway Maintenance, Pavement Management, and One-Time Infrastructure Investment Opportunities. (Est. Time: 30 Min.)

Public Comment:

S. Taylor

J. Copeland

Direction to return in early 2013 with specific recommendations on annual roadway maintenance spending and identified funding sources.

26. [12-1493](#) Supervisor Briggs recommending the Board consider the following:
- 1) Receive and file presentation by the Department of Transportation on the Revised Draft National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water from Phase II Small Municipal Separate Storm Sewer Systems (MS4) as released for comment by the State Water Quality Control Board;
 - 2) Discuss the Revised Draft Phase II Small MS4 Permit mandated by the California State Water Resources Control Board; and,
 - 3) Authorize the Chair to sign a letter to the California State Water Resources Control Board containing the County of El Dorado's comments on the Revised Draft Phase II Small MS4 Permit. (Est. Time: 20 Min.)

A motion was made by Supervisor Briggs to work with Supervisor Santiago and Department of Transportation staff to update the comment letter to the California State Water Resources Control Board for transmittal by December 17, 2012, seconded by Supervisor Knight.

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

TIME ALLOCATION 10:00 A.M.

27. [12-1455](#) Health and Human Services Agency, Mental Health Division recommending the Board consider the following;
- 1) Approve the elimination of the Mental Health Services Act, Community Services and Supports Work Plan No.3 "Crisis Residential Treatment Facility" effective to December 1, 2012; and
 - 2) Authorize the Director of the Health and Human Services Agency, or designee, to apply to the California State Department of Social Services for an increase in capacity of the Psychiatric Health Facility from ten (10) beds to sixteen (16) beds. (Est. Time 45 Min.)

FUNDING: The Crisis Residential Treatment facility is funded by the Mental Health Services Act fund and Medi-Cal reimbursement. The Psychiatric Health Facility is funded by Realignment, Managed Care, and Medi-Cal reimbursement.

Public Comment:
B. Diley

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

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

TIME ALLOCATION 11:00 A.M.

- 28. [12-1496](#) Environmental Management Department recommending the Board adopt Resolution **176-2012** establishing a fee schedule in accordance with AB 1616 Food Safety: Cottage Food Operations Program, effective January 1, 2013. (Est. Time 20 Min.)

Public Comment:

B. Schernoff
V. Zentner
B. MacFarland
C. Thayer

A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to adopt Resolution 176-2012 with direction to bring the item back in 6 months to provide the Board with a status report.

Yes: 4 - Nutting, Sweeney, Briggs and Santiago

Absent: 1 - Knight

- 29. [12-1500](#) Supervisor Briggs and County Counsel recommending the Board consider the first reading of the attached Local Food and Community Self-Governance Ordinance **4990**. (Est. Time: 20 Min.)

Public Comment:

P. Chelsa
V. Zentner
S. Taylor
S. Wanterick
K. Martinelli
E. Cope
B. MacFarland

A motion was made by Supervisor Briggs, seconded by Supervisor Santiago, to Approve this matter for second reading on December 18, 2012 with direction to Counsel to provide an update to the Board in December 2013.

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

TIME ALLOCATION 11:30 A.M.

- 30. [11-1236](#) Presentation by Pastor Craig Klatt from United Outreach of El Dorado County regarding homeless sheltering efforts. (Est. Time: 5 Min.)

Received and Filed

TIME ALLOCATION 2:00 P.M.

31. [12-1464](#) Hearing to consider the recommendation of the Planning Commission on Williamson Act Contract WAC12-0002/Dan Varozza Preserve and Williamson Act Contract WAC12-0003/Modification to Agricultural Preserve No. 36 on property identified by APNs 087-021-20, 087-021-27, 087-021-28, 087-021-30, 087-021-42, 087-040-35, 087-040-89, 087-040-91, 087-123-01, 091-020-07, 091-020-21, 091-030-21, 091-040-14, 091-140-01, 091-140-03, 091-200-13, and 091-200-14, consisting of 226 acres (WAC12-0002) and 1,852 acres (WAC12-0003), in the Latrobe area, submitted by Dan Varozza; and recommending the Board take the following actions:
- 1) Certify that the projects are Categorically Exempt from CEQA pursuant to Section 15317;
 - 2) Approve Williamson Act Contract WAC12-0002, Agricultural Preserve No. 324, for APN 087-021-30, consisting of 226 acres, based on the Findings listed in Attachment 1;
 - 3) Approve Williamson Act Contract WAC12-0003, modifying Agricultural Preserve No. 36, for APNs 087-021-20, 087-021-27, 087-021-28, 087-021-42, 087-040-35, 087-040-89, 087-040-91, 087-123-01, 091-020-07, 091-020-21, 091-030-21, 091-040-14, 091-140-01, 091-140-03, 091-200-13, and 091-200-14, consisting of 1,852 acres, based on the Findings listed in Attachment 1;
 - 4) Adopt Resolution **172-2012** for Williamson Act Contract 12-0002 and Resolution **173-2012** for Williamson Act Contract 12-0003; and
 - 5) Direct applicant to submit 3 signed, notarized Williamson Act Contracts that are to include the signatures of all deeded owners of APNs 087-021-27, 087-021-28, and 091-020-21. (Supervisorial District 2) (Est. Time 30 Min.)

Public Comment:**V. Zentner**

A motion was made by Supervisor Nutting, seconded by Supervisor Sweeney, to adopt Resolutions 172-2012 and 173-2012 and further approved the modifications to action item #3 as stated by Roger Trout, Planning Services to read as follows:

3) Approve Williamson Act Contract WAC12-0003, modifying Agricultural Preserve No. 36, for APNs 087-021-27, 087-021-28, and 091-020-21 consisting of 485.57 acres, based on the Findings listed in Attachment 1;

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

CAO REPORTS

Congratulations to Laura Roth, Director of Child Support Services on her collaboration with the California Department of Corrections and Rehabilitation on the implementation of the Justice Exchange database.

ITEMS TO/FROM SUPERVISORS

Supervisor Nutting commented on his attendance at the December RCRC meeting.

Supervisor Sweeney commented on his attendance at the California Regional Water Board.

Supervisor Briggs commented on last Wednesdays LAFCO meeting on the subject of the annexation for the Indian Rancheria regarding access to water. Also reminded the Board and public that Thursday is collection day for the Toys for Tots program.

Supervisor Santiago commented on the TRPA Governing Board and Advisory Planning Commission as they consider the adoption of the Regional Plan Update and transportation documents.

ADJOURNMENT

CLOSED SESSION

32. 12-0443 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: United States of America (USA) v. El Dorado County and City of South Lake Tahoe, Civil Action No. S-0101520 x-ref: (Meyers Landfill Site). (Est. Time: 10 Min.)
No Action Reported.
33. 12-1418 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a).
Title: El Dorado County Sheriff's Association v. County of El Dorado, et al., El Dorado County Superior Court Case No.PC20120637. (Est. Time: 10 Min.)
No Action Reported.
34. 12-1509 Pursuant to Government Code Section 54956.9(a), **Existing Litigation.** Title: Claim of Lisa Hoaas v. County of El Dorado, Worker's Compensation Claim Settlement. York Risk Services Group, Inc., Claim No. ELAB-547854. (Est. Time: 10 minutes)
No Action Reported.
35. 12-1519 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b). Title: Cross-Complaint, Dellinger v. El Dorado County Number of potential cases: (1). (Est. Time: 10 Min.)
No Action Reported.
36. 12-1490 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation** Title: Public Defender (Est. Time: 10 Min.)
No Formal Action Required
37. 12-1465 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation** Title: Chief Administrative Officer (Est. Time: 30 Min.)
Action Reported to place Terri Daly, Chief Administrative Officer at Step 5 of the salary range.
38. 12-1468 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation** Title: Director of Air Quality Management District (Est. Time: 30 Min.)
Action Reported to place Dave Johnston, Air Quality Management District Director at Step 4 of the salary range.