



# County of El Dorado

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## Minutes - Final Board of Supervisors

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

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

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Tuesday, February 2, 2010

8:00 AM

Board of Supervisors Meeting Room

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### 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) 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](http://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.

**8:00 A.M. - CALL TO ORDER AND RECESS TO CLOSED SESSIONS**

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

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

**INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

**ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR**

Approval of the Consent Calendar

A motion was made by Supervisor Briggs, seconded by Supervisor Knight, a motion was made to adopt the Agenda and approve the Consent Calendar with the following exceptions: Item 15 will be added to the Consent Calendar.

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

**OPEN FORUM**

**PUBLIC COMMENT**

**A. Marinaccio RE:** . Changes in staff affecting regulatory reform issue. Mechanism to get the issues to the Board.

**T. Beers RE:** Waste Connections. El Dorado Disposal. Accounts can't count. 3.88% increase. Customer service at Waster Connections. Round up to the next nickel.

**B. Vaughn RE:** Waste Connections. Increases are different percentages for different customers. Audit their books. How will customers know when that all bills have been corrected.

**L. Stroud RE:** Waste Connections. Charged "additional fuel charge" Average .30 per bill times the 13,500 customers is \$4,050. Board approved the increase under pressure.

**K. Reynolds RE:** Waste Connections. Should not round the amount to the next nickel.

**BUDGET UPDATE**

**PRESENTATIONS**

- 1. [10-0032](#) **PRESENTATION** of Proclamation proclaiming February and March 2010 to be "The Big Read" in El Dorado County. (Est. Time: 10 Min.)

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

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

2. [10-0080](#) **PRESENTATION** from the City of South Lake Tahoe regarding the South Tahoe Redevelopment Project Area No. 2. (Est. Time: 1 Hr.)

**A motion was made by Supervisor Nutting, seconded by Supervisor Sweeney, to direct staff to schedule a joint meeting with the South Lake Tahoe Redevelopment Agency.**

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

## **CONSENT CALENDAR**

3. [10-0053](#) Approval of Board of Supervisors Meeting Minutes from the Regular Meeting of Tuesday, January 19, 2010. (Cont'd 1/26/10, Item 5)

**This matter was Approved on the consent calendar.**

4. [10-0078](#) Approval of Board of Supervisors Meeting Minutes from the Special Meeting of Monday, January 25, 2010 and the Regular Meeting of Tuesday, January 26, 2010.

**This matter was Approved on the consent calendar.**

5. [09-1515](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board declare four (4) handguns as surplus and approve the sale of duty weapons to retiring/former Sheriff's Office employees.

**This matter was Approved on the consent calendar.**

6. [10-0042](#) Chief Administrative Office, Procurement and Contracts Division, presenting a list of property surplus to the needs of the County and recommending the Board so declare 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.**

7. [10-0066](#) El Dorado County Fair Board of Directors recommending the Board of Supervisors appoint Jody Gray, El Dorado County Fair Chief Executive Officer (CEO), to serve as an Alternate Member on the California Construction Association Joint Powers Authority (JPA).

**This matter was Approved on the consent calendar.**

8. [10-0028](#) Health Services Department recommending the Board authorize participation in an application for a Pilot Community Academic Research Award sponsored by the Tobacco-Related Disease Research Program for the purpose of reducing exposure to second-hand smoke in rural California, as co-applicant with University of California, Davis, Department of Public Health Sciences, in the amount of up to \$125,000 for two years and requesting ratification of the Director of said Department's signature on participation documents.

**FUNDING:** State funding through Health Education and Research Accounts of the Tobacco Tax and Health Protection Act of 1988 (Proposition 99).

**This matter was Approved on the consent calendar.**

9. [10-0043](#) Health Services Department recommending the Board authorize the Chair to sign Memorandum of Understanding (MOU) 887-PHD0809 with the County of Alpine in the amount of \$50,000 for a term to expire August 10, 2010, effective upon execution, to reimburse El Dorado County for providing Preparedness Coordinator services to Alpine County.

**FUNDING:** Alpine County.

**This matter was Approved on the consent calendar.**

10. [10-0039](#) Human Services Department recommending adoption of Resolution authorizing the Chair to execute Contract 10B-5608 with the California Department of Community Services and Development (CSD), for the interim term of January 1, 2010 through April 30, 2010 in the initial amount of \$326,434 for 2010 Program Year Low-Income Home Energy Assistance Program; and, further authorizing the Director of Human Services, or successor, to sign required fiscal and programmatic reports and execute subsequent documents relating to said contract, including one or more amendments thereto, contingent upon approval by County Counsel and Risk Management, that collectively increase the dollar amount by up to \$1,733,266 to the total estimated 2010 grant allocation of \$2,059,700 and extending the term to June 30, 2011, and other amendments thereto that do not alter the total projected maximum dollar amount or the term past June 30, 2011.

**FUNDING:** Federal Grant Funds.

**Resolution 009-2010**

**Adopted Resolution 009-2010 upon approval of the consent calendar.**

11. [10-0041](#) Human Resources Department recommending adoption of Resolution approving new job specifications and salary ranges for the positions of Supervising Revenue Recovery Officer and Senior Revenue Recovery Officer; and, amending the authorized personnel allocation in Child Support Services deleting one (1) FTE Administrative Services Officer and adding one (1) FTE Supervising Revenue Recovery Officer.  
**FUNDING:** Revenue Collections from various department and agency sources.  
**Resolution 010-2010**  
**Adopted Resolution 010-2010 upon approval of the consent calendar.**
12. [09-1484](#) Human Resources Department recommending the Board authorize the Chair to sign an Agreement with Alliant Insurance Services, Inc. in an amount not to exceed \$425,000 for the period of February 1, 2010 through January 31, 2013 to provide employee benefits consulting services for the Human Resources Department.  
**FUNDING:** General Fund.  
**This matter was Approved on the consent calendar.**
13. [10-0023](#) Recorder-Clerk-Registrar of Voters recommending the Board authorize the Chair to sign Agreement 329-S1011 with Data Information Management Systems (DIMS) in the amount of \$62,400 for the term August 1, 2009 through July 31, 2010 to provide software license and support for the election data management system.  
**FUNDING:** General Fund.  
**This matter was approved on the Consent Calendar.**
14. [10-0092](#) Supervisor Knight requesting the Chair's signature be ratified on a letter to Ms. Bimla Rhinehart, Executive Director, California Transportation Commission, in support of El Dorado County Transportation Commission's request to use Corridor Mobility Improvement Account (CMIA) project savings, combined with local funds, to extend the El Dorado U.S. Highway 50 High Occupancy Vehicle (HOV) lane project.  
**This matter was Approved on the consent calendar.**

**END CONSENT CALENDAR**

**DEPARTMENT MATTERS**

15. [10-0077](#)

**APPOINTMENTS** to Committees/Commissions that are advisory to the Board of Supervisors.

**Aging Commission** - 2 Year Term for Member at Large

**Appoint** - Member-at-Large, Sharon Balch for a term to expire January 2012.

**Agricultural Commission** - 4 Year Term

**Reappoint** - Representative, Gary Ward from the Livestock Industry, for a term to expire January 2014.

**Building Appeals Board** - 3 Year Term

**Reappoint** - Member, Construction Consultant, Robert Cox, for a term to expire January 2013.

**Reappoint** - Member, Engineer, Neil Moore, for a term to expire January 2013.

**Reappoint** - Member, Community at Large, Kathye Russell, for a term to expire January 2013.

**Reappoint** - Member, Engineer, Gene Thorne, for a term to expire January 2013.

**Cemetery Advisory Committee** - 2 Year Term

**Reappoint** - District 1 Member, Susan Mickus, for a term to expire January 2012.

**Reappoint** - District 2 Member, Lynette Mizell, for a term to expire January 2012.

**Reappoint** - District 4 Member, Frank Clark, for a term to expire January 2012.

**Reappoint** - Native American Rep., Ramona Tripp-Verbeck for a term to expire January 2012.

**Reappoint** - Archaeologist Rep., Douglas A. Walker, for a term to expire January 2012.

**Reappoint** - Fraternal Organization Rep., Joseph "Barney" Noel, for a term to expire January 2012.

**Clean Tahoe Community Task Force** - 2 Year Term

**Reappoint** - Member, Virginia Huber, for a term to expire January 2012.

**Developmental Disabilities Area Board III** - 1 Year Term

**Reappoint** - Member, David Kelly for a term to expire January 2011.

**El Dorado Solid Waste Advisory Committee** - 5 Year Term

**Reappoint** - One (1) Public Member, Nancy Spinella, for a term to expire January 2015.

**Reappoint** - One (1) City of Placerville Member, Gary Pigg for a term to expire January 2015.

**Reappoint** - One (1) City of Placerville Alternate Member, Randy Pesses, for a term to expire January 2015.

**Reappoint** - One (1) Member, El Dorado Disposal, Sue Farris for a term to expire January 2015.

**Reappoint** - One (1) Alternate Member, El Dorado Disposal, Debi Harlow for a term to expire January 2015.

**Appoint** - One (1) Alternate Member, City of South Lake Tahoe, Vacant, for a

term to expire January 2015.

**Historical Museum Commission - 4 Year Term**

**Reappoint** - Member, Jeannette R. Barrett.

**Reappoint** - Member E. Keith Berry.

**Law Library Trustees - 1 Year Term**

**Reappoint** - Trustee, Louis B. Green, County Counsel.

**Reappoint** - Trustee, Jennifer K. (Nelson) Magee, Bar Association.

**Mental Health Commission - 3 Year Term**

**Reappoint** - Member, Robert Bartley, South Lake Tahoe Commission.

**Reappoint** - Member, Pamela Nance, South Lake Tahoe Commission.

**Parks and Recreation Commission - Coterminous with appointing Board Member.**

**Reappoint** - Member, Bob Smart, District 3.

**Trails Advisory Committee - 4 Year Term**

**Reappoint** - Member, Jim McErlane for a term to expire January 2014.

**Reappoint** - Member, Ms. Randy Hackbarth for a term to expire January 2014.

**This matter was Approved on the consent calendar.**



**TIME ALLOCATION - 2:00 P.M.**

16. [09-1516](#) Hearing to consider the recommendation of the Planning Commission on Parcel Map P08-0030/Harris on property identified by APN 101-030-13, consisting of 150 acres, in the Pollock Pines area, submitted by Mary H. Nugent; and recommending the Board take the following actions:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and
  - 2) Approve P08-0030 based on the findings and subject to the conditions listed in Attachment 1.
- (4/5 vote required, pursuant to CA Gov. Code Section 51119.5) (Est. Time: 30 Min.) (Supervisory District II) (Cont'd 1/19/10, Item 19)

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

- 1) **Adopt the Negative Declaration;**
- 2) **Approve the Parcel Map P08-0030 based on the findings and subject to the conditions listed in Attachment 1 amended as follows:**
  - i) **Incorporate all changes listed in the memo dated 1/29/10 from Supervisors Nutting and Sweeney; and**
  - ii) **Amend page 5, line 4 of said memo adding the word "residential" between additional structures to read "additional residential structures".**

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

**CAO REPORTS**

**ITEMS TO/FROM SUPERVISORS**

**ADJOURNED**

**CLOSED SESSION**

17. [10-0085](#) Conference with Legal Counsel - **Initiation of Litigation**: Pursuant to Government Code Section 54956.9(c): Number of potential cases: (1).  
**No Action Reported.**
18. [10-0087](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Number of potential cases: (1).  
**No Action Reported.**
19. [10-0089](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Yubacon, Inc. v. El Dorado County Department of Transportation. (Office of Administrative Hearings Case No. A-0016-07). Number of potential cases: ( 1 ).  
**The Board on a unanimous vote authorized the filing of a motion to vacate the arbitrator's award in Superior Court.**
20. [10-0090](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Yubacon, Inc. v. El Dorado Irrigation District, et al. (El Dorado County Superior Court Case No. 20070379) Number of potential cases: ( 1 ).  
**No Action Reported.**
21. [10-0091](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: M & H Builders, Inc. v. RDCO, Inc., et al. (El Dorado County Superior Court Case No. PC 20070019) Number of potential cases: ( 1 ).  
**No Action Reported.**
22. [10-0037](#) Pursuant to Government Code Section 54957 - **Public Employee Performance Evaluation**: Title: Public Defender. (Cont'd 1/26/10, Item 27)  
**No Action Reported.**
23. [10-0096](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as APN 115-030-16. The person or persons with whom the negotiator may negotiate is the Estate of Carl E. Pohto and Laura E. Pohto, his Wife as Joint Tenants. Instructions to negotiator will concern price and terms of payment. Peter Feild will be the negotiator on behalf of El Dorado County.  
**No Action Reported.**

24. [10-0097](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as APN 115-310-21. The person or persons with whom the negotiator may negotiate is the El Dorado Hills Community Services District. Instructions to negotiator will concern price and terms of payment. Peter Feild will be the negotiator on behalf of El Dorado County.
- No Action Reported.**
25. [10-0098](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as APN 115-030-15. The person or persons with whom the negotiator may negotiate are David L. Rathe and Polly Rathe, Husband and Wife as Community Property. Instructions to negotiator will concern price and terms of payment. Peter Feild will be the negotiator on behalf of El Dorado County.
- No Action Reported.**
26. [10-0099](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as APN 115-030-03. The person or persons with whom the negotiator may negotiate is Kenneth S. Hill, a Married Man as His Sole and Separate Property. Instructions to negotiator will concern price and terms of payment. Peter Feild will be the negotiator on behalf of El Dorado County.
- No Action Reported.**
27. [10-0100](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as APN 115-030-04. The person or persons with whom the negotiator may negotiate is John Nojan Khoshcar, a Married Man as His Sole and Separate Property. Instructions to negotiator will concern price and terms of payment. Peter Feild will be the negotiator on behalf of El Dorado County.
- No Action Reported.**
28. [10-0102](#) Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation**: Title: County Counsel.
- Action Reported.**
29. [10-0105](#) Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c): Number of potential cases: (1).
- No Action Reported.**