



# County of El Dorado

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## Minutes - Final Board of Supervisors

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

*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, March 31, 2009

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.co.el-dorado.ca.us](http://www.co.el-dorado.ca.us) subject to staff's ability to post the documents before the meeting.

The Board of Supervisors is concerned that large amounts of 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 Sweeney, Supervisor Nutting, 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**

At this time 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.

Approval of the Consent Calendar

**A motion was made by Supervisor Knight, seconded by Supervisor Santiago, to adopt the agenda and approve the Consent Calendar with the following exceptions: Items 1, 6 and 17 were pulled from the consent calendar and Item 21 was continued to April 21, 2009.**

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

**OPEN FORUM**

**BUDGET UPDATE**

**CONSENT CALENDAR**

1. [09-0418](#) Approval of Board of Supervisors Conformed Agendas (Minutes) for the Special Meeting of Monday, March 23, 2009 and the Regular Meeting of Tuesday, March 24, 2009.

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

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

2. [09-0361](#) Health Services Department recommending Chairman be authorized to sign funding Agreement 804-PHD1108 with Health Net of California, Inc., in the amount of \$92,911 for a term through June 30, 2010; and Budget Transfer for \$35,571 increasing revenues and expenditures for FY 2008-09, noting these funds will be utilized to provide improved access to dental services for children and adolescents in the unincorporated rural areas of El Dorado County.  
(4/5 vote required)

**FUNDING:** Health Net Grant.

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

3. [09-0343](#) Health Services Department recommending the Board approve, in concept, the submittal of an application to the National Association of County and City Health Officials (NACCHO) for grant funding in the amount of \$100,000 for the term April 1, 2009 through September 29, 2009 to be used to fund the development of an operational process for warming/cooling center sites.

**FUNDING:** Grant funding.

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

4. [09-0325](#) Health Services Department recommending Chairman be authorized to sign retroactive Agreement DHA\CS-ELD-01-09 with Sacramento County Department of Human Assistance for the term January 1, 2009 through December 31, 2009 for Housing Opportunities for Persons with AIDS (HOPWA) funding in 2009; and recommending adoption of Resolution authorizing Health Services Department Director to sign the "Certificate Regarding Lobbying and Contractor Certification of Compliance - Enclosure I" form and submission of claims and other financial documentation for Agreement DHA\CS-ELD-01-09.

**Resolution 069-2009**

**FUNDING:** Grant funding through Sacramento County.

**Resolution 069-2009 was adopted upon approval of the consent calendar.**

5. [09-0363](#) Health Services Department, Mental Health Division, recommending the Board authorize the Chairman to sign Amendment I to Agreement 761-S0711 with California Institute for Mental Health (CIMH) increasing compensation by \$2,100 to \$72,350 to provide training services for clinical and/or contract staff on an "as requested" basis for said Department.

**FUNDING:** State Mental Health Services Act (MHSA).

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

6. [09-0381](#) County Counsel recommending the Board authorize the Chairman to sign Amendment 1 to Agreement for legal services with Downey Brand LLP for litigation representation concerning the El Dorado Hills Blvd. Interchange Project.

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

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

7. [09-0316](#) Human Services Department recommending the Board authorize the Purchasing Agent to execute Agreements for Services with four (4) group home/foster family agencies (Changing Generations Group Home 130-S0911, Devereux Foundation 408-S0911, Jasper Mountain 414-S0911 and TLC Child and Family Services 159-S0911) for the provision of emergency shelter care and/or foster care placement services on an "as requested" basis, all four (4) Agreements shall continue until terminated and specify a maximum annual compensation of \$100,000.

**FUNDING:** Federal and State Social Services Allocation with required County Share of Cost met primarily with realignment resources.

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

8. [09-0115](#) Human Resources Department recommending adoption of Resolution establishing the salary range and designating the bargaining unit for the new classification of Sr. Property/Evidence Technician.

**Resolution 063-2009**

**Adopted Resolution 063-2009 upon approval of the consent calendar.**

9. [09-0336](#) Recorder-Clerk-Registrar of Voters recommending the Board authorize the Chairman to execute Agreement 685-S0911 with Premier Election Solutions for ballot printing services on an "as needed" basis for a period through November 30, 2012 in the amount of \$300,000.

**FUNDING:** General Fund.

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

10. [09-0288](#) Transportation Department recommending adoption of Resolution summarily vacating (09-0004) two ten-foot wide public utility easements located along the common boundary line of Lots 164 and 165, on property identified as APN's 110-313-01 and 110-313-02 for The Summit Unit No. 2, in El Dorado Hills, requested by Michael L. Whitcomb and Linda Kate Pennington-Whitcomb, Trustees of the Whitcomb Family Trust.

**Resolution 064-2009**

**Adopted Resolution 064-2009 upon approval of the consent calendar.**

11. [09-0201](#) Transportation Department recommending adoption of Resolution to terminate and abandon the rejected offer for drainage easements located on APN 117-100-30 as requested by GHS Academy, in order to eliminate unnecessary encumbrances.

**Resolution 065-2009**

**Adopted Resolution 065-2009 upon approval of the consent calendar.**

12. [09-0200](#) Transportation Department recommending adoption of Resolution to terminate and abandon the rejected Offer of Dedication for an easement for road, public utility/public service, and drainage purposes located on the common boundary lines of APN's 117-100-30 and 117-100-31 as requested by GHS Academy, in order to accommodate construction of a soccer field.

**Resolution 066-2009**

**Adopted Resolution 066-2009 upon approval of the consent calendar.**

13. [09-0106](#) Transportation Department recommending the Board authorize the Chairman to sign Notice of Completion with AC General Engineering, Inc. for the Fairchild Village Drainage Inlets Project (JN 33404) on Fairchild Drive in the El Dorado Hills Area.

**FUNDING:** Road Fund, no associated fiscal impact.

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

14. [09-0327](#) Treasurer-Tax Collector recommending the Board approve perpetual Agreement 472-S0911 with SymPro Inc. for software license and maintenance in the amount of \$4,050 for Fiscal Year 2008-2009, noting this contract is being converted from an annual contract to a perpetual contract.

**FUNDING:** General Fund.

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

15. [09-0337](#) Treasurer-Tax Collector recommending the Board authorize the Chairman to sign Amendment 1 to Agreement for Services 250-S0711 with Allen Haim to increase compensation by \$10,000 to an amount not to exceed \$30,000 and extending the term one (1) additional year to provide review for current deferred compensation plans and advise the El Dorado County Deferred Compensation Committee regarding 457 plan issues on an "as requested" basis.

**FUNDING:** General Fund.

This matter was Approved on the consent calendar

16. [09-0420](#) Supervisor Sweeney recommending the Board ratify the Chairman's signature on a Proclamation to ANOVA Architects for the Giebernhein-Fausel Professional Building, noting this proclamation was presented at the Ribbon Cutting on March 26, 2009.

This matter was Approved on the consent calendar

17. [09-0400](#) Supervisor Knight, on behalf of The Promontory Owners' Association, recommending adoption of Resolution applying the provisions of the Vehicle Code of the State of California to the private streets within The Promontory development.

**Resolution 067-2009**

A motion was made by Supervisor Knight, seconded by Supervisor Briggs, to adopt Resolution 067-2009.

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

18. [09-0421](#) Supervisor Knight recommending the Board approve the appointment of John Zetner to serve as a member on the Integrated Natural Resources Management Plan Stakeholders Advisory Committee (INRMP ISAC).

This matter was Approved on the consent calendar

**END CONSENT CALENDAR**

**DEPARTMENT MATTERS**

19. [09-0428](#) Supervisor Nutting requesting the Board discuss the permanent closure of the Camino Division of Sierra Pacific Industries.

**No formal action was taken, however, after hearing discussion, the Board directed staff to return on April 21, 2009 with a Resolution and talking points to be presented to Federal legislators regarding support for issues surrounding the closure and future reopening of the Camino Division of Sierra Pacific Industries.**

20. [07-1830](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board 1) exempt the purchase of 40 In-Car Camera System (ICS) units for the Sheriff's Office from competitive bidding pursuant to County Purchasing Ordinance 3.12.160 (B), finding that the "unique nature of the property or services required precludes competitive bidding"; and 2) authorize the Purchasing Agent to issue a purchase order in the amount of \$275,900, plus applicable taxes and fees, to Digital Safety Technologies, Inc. for the purchase of the ICS units. (Refer 4/29/08, Item 37)

**FUNDING:** Rural County Grant Funding.

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

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

21. [09-0152](#) Clerk of the Board of Supervisors requesting the Board consider recommendations regarding the Board of Supervisors budgets for Fiscal Year 09/10, as follows:  
1) Approve the District 5 differential.

**This matter was continued to April 21, 2009 upon approval of the agenda.**

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

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

22. [09-0322](#) Hearing to consider Planning Commission's recommendation that the Board take the following actions on Ordinance OR06-0006/Affordable Housing Density Bonus:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff;
  - 2) Approve OR06-0006, Affordable Housing Density Bonus Ordinance, amending the Zoning Ordinance, Title 17, addressing requirements of Chapter 4.3 §65915 of California Code requiring local governments to provide incentives that will encourage developers to build affordable housing in the form of both: 1) a density bonus, and 2) exceptions from normally applicable zoning and other development standards; and
  - 3) Adopt Ordinance for same. **(Ordinance 4816)**

**Hearing no protests, a motion was made by Supervisor Santiago, seconded by Supervisor Nutting, as follows:**

- 1) Adopt the Negative Declaration;**
- 2) Approve Ordinance OR06-006; and**
- 3) Adopt Ordinance 4816.**

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



23. [09-0333](#) Hearing to consider Planning Commission's recommendation that the Board take the following actions on Rezone Z06-0002/Planned Development PD06-0002/Parcel Map P06-0001/Sunstone Business Park submitted by El Dorado Development Partnership Group on property identified as APN 117-100-32, consisting of 33.18 acres, in the El Dorado Hills Area, Supervisorial District II:
- 1) Adopt the Negative Declaration based on the initial study prepared by staff;
  - 2) Approve Rezone Z06-0002 based on the findings listed in Attachment 1;
  - 3) Approve Planned Development PD06-0002 adopting the Development Plan, as modified, as the official development plan, based on the findings and subject to the conditions listed in Attachment 1;
  - 4) Approve Parcel Map P06-0001, based on the findings and subject to the conditions as listed in Attachment 1;
  - 5) Approve Design Waiver request to reduce the right-of-way width requirement from 70 feet to 50 feet except at the project entrances based on the findings proposed by staff;
  - 6) Deny Design Waiver request to omit the sidewalks along the proposed 'Road A' and 'Road B', since the required findings cannot be made; and
  - 7) Adopt Ordinance for same. **(Ordinance 4818)**

After hearing testimony, a motion was made by Supervisor Nutting, seconded by Supervisor Santiago, as follows:

- 1) Adopt the Negative Declaration;
- 2) Approve Rezone Z06-0002;
- 3) Approve Planned Development PD06-0002;
- 4) Approve Parcel Map P06-0001;
- 5) Approve Design Waiver request to reduce the right-of-way width requirement from 70 feet to 50 feet except at the project entrances based on the findings proposed by staff;
- 6) Deny Design Waiver request to omit the sidewalks along the proposed 'Road A' and 'Road B', since the required findings cannot be made; and
- 7) Adopt Ordinance 4818.

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

24. [09-0234](#) Hearing to consider adoption of Ordinance **4812** amending Section 17.38.062, Chapter 17.38 of Title 17 of the El Dorado County Ordinance Code entitled Avigation and Noise Easement Required and recommending the following:
- (1) Certify the project is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA guidelines; and
  - (2) Adopt Ordinance 4812 amending Ordinance Section 17.38.062 as proposed. (Cont'd 3/24/09, Item 22)

**Hearing no testimony, a motion was made by Supervisor Sweeney, seconded by Supervisor Knight, as follows:**

- 1) Certify the project exempt of the CEQA guidelines; and**
- 2) Adopt Ordinance 4812.**

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

25. [09-0173](#) Hearing to consider General Plan Amendment A07-0014/Rezone Z07-0045/Planned Development PD07-0031/Tentative Subdivision Map TM07-1459/Red Robin Subdivision submitted by Just Two Guys, Inc. (Agent: Matt Rodgers) for a General Plan amendment to include the subject site within the Pollock Pines Community Region planning concept area and to amend the land use designation from Low Density Residential (LDR) to Medium Density Residential (MDR); rezone from Single-family Two-Acre Residential (R2A) to Single-family Two-Acre Residential-Planned Development (R2A-PD); development plan to allow clustering of lots and a reduction in the minimum parcel size of two acres in the R2A zone district; and phased tentative subdivision map to create 20 residential lots ranging in size from 0.58 to 2.94 acres and three lettered lots as open space (totaling 13.9 acres) with Phase I encompassing Lots 1 and 2, Phase II encompassing Lots 3-12, and Phase III encompassing Lots 13-20. The properties, identified by Assessor's Parcel Numbers 079-010-49 and 079-151-27, totaling 45 acres, are located on the west side of Sly Park Road at the intersection with Terbekah Way, in the Pollock Pines area, Supervisorial District II. (Mitigated negative declaration prepared)

**A motion was made by Supervisor Nutting, seconded by Supervisor Briggs, to deny the General Plan Amendment A07-0014 and Rezone Z07-0045.**

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

26. [09-0265](#) Development Services Department, Planning Services Division, recommending adoption of Resolution approving General Plan amendments considered by the Board during the March 2009 "General Plan Window."

**Resolution 068-2009**

A motion was made by Supervisor Santiago, seconded by Supervisor Knight, to adopt Resolution 068-2009.

**Yes:** 3 - Knight, Nutting and Santiago

**Noes:** 2 - Sweeney and Briggs

**CAO REPORTS**

**ITEMS TO/FROM SUPERVISORS**

**ADJOURNMENT**

**CLOSED SESSION**

27. [09-0413](#) Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation:** Title: Interim Director of Human Resources.  
**No Action Reported**
28. [09-0270](#) Pursuant to Government Code Section 54957.6, **Conference with Labor Negotiator:**  
County Negotiator: Interim Director of Human Resources and/or designee.  
Employee Organization: El Dorado County Employee 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, Probation, and Corrections Bargaining Units; El Dorado County Criminal Attorney Association; El Dorado County Deputy County Counsel Association; El Dorado County Managers Association; Deputy Sheriff Association; El Dorado County Law Enforcement Managers Association.  
**No Action Reported**
29. [09-0387](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**  
Title: California Shock Trauma Air Rescue v. State Compensation Insurance Fund, United States District Court Case No. 2:09-CV-00090-MCE-KJM.  
**No Action Reported**
30. [09-0419](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**  
Title: *Richard Kniesel v. County of El Dorado, et al.*, El Dorado County Superior Court Case No. PC20080259.  
**No Action Reported**
31. [09-0423](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**  
Title: *Patrick Michael Hamer and Donna Lee Hamer, et al., v. El Dorado County, et al.*, U.S. District Court, Eastern District of California, Case: 08-CV-2269 MCE EFB PS.  
**No Action Reported**

32. [09-0404](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as Durock Road/Business Drive Intersection Signalization Project 73354, APN 109-030-21, APN 109-030-22, APN 109-030-23 and APN 109-240-03 Cameron Park Associates, a California joint venture. The person or persons with whom the negotiator may negotiate is Bobbie Lebeck, P.E. Instructions to negotiator will concern price and terms of payment. Pete Feild will be the negotiator on behalf of El Dorado County.

**No Action Reported**

On August 19, 2003, the Board adopted the following protocol: It is a requirement that all speakers, County staff and the public, when approaching the podium to make a visual, Power Point or transparencies presentation to the Board of Supervisors, must provide the Clerk with the appropriate number of hard copies of the presentation for Board members and the audience. Only those speakers that provide this required number of hard copies will be permitted to proceed with a visual presentation.

Persons interested in serving on any Board of Supervisors ADVISORY BOARD, COMMITTEE, OR COMMISSION are encouraged to complete an application form (available in the office of the Clerk of the Board of Supervisors, or on line) and submit same to the board, committee or commission, to the County Department which supports the board, committee or commission, or to the Clerk of the Board of Supervisors.

VIDEO TAPES of regular, Tuesday Board of Supervisors meeting are BROADCAST ON CABLE TV as follows:

West Slope - Comcast - Channel 2, Wednesday at 1:00 P.M. (day after Tuesday meeting) and Tuesday at 7:00 A.M. (One week after previous Tuesday Meeting)  
South Lake Tahoe - Charter Cable 21, Daily - Time varies

**ANNOUNCEMENTS**

**Monday, April 6, 2009, 9:00 a.m. – Strategic Direction/Prioritization of core functions and projects/activities plus Planning for FY 09/10 Budget Hearing Process**

**Monday, May 4, 2009, 9:00 a.m. - General Plan/Economic Development.**

**Wednesday, May 6, 2009, 9:00 a.m. to Noon – Economic Stimulus Event - Connecting contractors to stimulus programs and government construction contracts.**

**Monday, May 18, 2009, 9:00 a.m. - General Plan/5 Year Review and Update/Health Services Department Update**

**Monday, June 22, 2009, 9:00 a.m. - General Plan/Other Topics.**

**Monday, June 8, 2009 through Thursday, June 18, 2009, 9:00 a.m. – Budget Hearings.**