



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530-621-5390
FAX 530-622-3645
www.edcgov.us/bos

Minutes - Final Board of Supervisors

Ron Briggs, Chair, District IV
Norma Santiago, First Vice Chair, District V
Ray Nutting, Second Vice Chair, District II
Ron Mikulaco, District I
Brian K. Veerkamp, District III

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

Tuesday, October 22, 2013

8:00 AM

Board of Supervisors Meeting Room
330 Fair Lane, Building A
Placerville, CA 95667

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.

Live Web Streaming of the Board of Supervisors Meetings, Agendas, Supplemental Materials and Minutes of the Board of Supervisors are available on the internet at:
<http://eldorado.legistar.com/Calendar.aspx>

The County of El Dorado is committed to ensuring that persons with disabilities are provided the resources to participate in its public meetings. Please contact the office of the Clerk of the Board if you require accommodation at 530-621-5390 or via email, edc.cob@edcgov.us.

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.

8:03 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS

Present: 3 - Supervisor Briggs, Supervisor Mikulaco and Supervisor Nutting

Absent: 2 - Supervisor Santiago and Supervisor Veerkamp

9:23 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

Present: 4 - Supervisor Briggs, Supervisor Mikulaco, Supervisor Veerkamp and Supervisor Nutting

Absent: 1 - Supervisor Santiago

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor John Lukas of the Calvary Chapel of the Foothills gave the Invocation.
Supervisor Veerkamp led the Pledge of Allegiance to the Flag.

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

APPROVAL OF CONSENT CALENDAR 1

Public Comment: S. Taylor, K. Payne

A motion was made by Supervisor Veerkamp, seconded by Supervisor Mikulaco to adopt the agenda and approve Consent Calendar 1 with the following changes: Pull items 5, 7, 8, and 19.

Yes: 4 - Briggs, Mikulaco, Veerkamp and Nutting

Absent: 1 - Santiago

[13-1386](#) Approval of Consent Calendar 2

Public Comment: S. Taylor, J. Harn, K. Payne, M. Lane

A motion was made by Supervisor Veerkamp, seconded by Supervisor Mikulaco, to approve Consent Calendar 2 with no changes.

Yes: 3 - Briggs, Mikulaco and Veerkamp

Absent: 1 - Santiago

APPROVAL OF CONSENT CALENDAR 2

Public Comment: S. Taylor, J. Harn, K. Payne, M. Lane

A motion was made by Supervisor Veerkamp, seconded by Supervisor Mikulaco, to approve Consent Calendar 2 with no changes.

Yes: 3 - Briggs, Mikulaco and Veerkamp

Absent: 1 - Santiago

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 with one single vote. A Board member may request an item be removed from the Consent Calendar for discussion and possible action, and the item will be moved from Consent and heard as a separate item with Department Matters. Any member of the public may ask to address an item on the Consent Calendar prior to Board action.

[13-1388](#) OPEN FORUM

Public Comment: K. Payne, L. Parlin, M. Lane, S. Wylie, S. Taylor

[13-1384](#) CAO Update

The Chief Administrative Officer reported on the following topics:

Congratulations to Sheriff's Captain Randy Peshon on his appointment to the Judicial Council Collaborative Justice Courts Advisory Committee by Tani G. Cantil-Sakauye, Chief Justice of California and Chair of the Judicial Council. Captain Peshon was nominated for this prestigious position by El Dorado County Superior Court Presiding Judge Suzanne N. Kingsbury.

Letter to the El Dorado County Fire Protection District from Auditor-Controller Joe Harn regarding a cash advance to the County Fire Protection District.

Press release from Health and Human Services Agency regarding the relocation of the Mental Health Division and Alcohol and Drug Program Services to 768 Pleasant Valley Road in Diamond Springs. The move will take place over the weekend of October 25, 2013. As a result of meeting the November 1, 2013 deadline for moving out of the current facility, the county saved \$48,000 in lease payments.

CONSENT CALENDAR 1

1. [13-1275](#) Chief Administrative Office recommending the Board consider the following:
- 1) Adopt Resolution **155-2013** closing the General Services Division imprest cash fund and rescinding Resolutions 228-82 and 224-91, which established the imprest cash fund in the amount of \$50;
 - 2) Discharge accountability to recover a cash shortage in the fund in the amount of \$50; and
 - 3) Approve the Auditor-Controller to debit the Chief Administrative Office, Facilities Division, Special Department Expense in the amount of \$50 to restore the cash shortage.

FUNDING: General Fund.

Resolution 155-2013 was Adopted upon Approval of Consent Calendar 1.

2. [13-1346](#) Chief Administrative Office recommending the Board approve the authorization of Discharge of Responsibility for the collection of infraction, misdemeanor and felony debts listed on the Discharge of Accountability Report submitted by the Superior Court.

This matter was Approved on Consent Calendar 1.

3. [13-1324](#) Chief Administrative Office, Facilities Division, recommending the Board authorize the Chair to sign the Easement Acquisition Agreement for Public Purposes No. 291-O411 and the Certificate of Acceptance with the Steven and Laura Abel Nevada Family Trust Dated 10/29/2009 for the purpose of constructing a bus stop at the new Mental Health location of 768 Pleasant Valley Road, Diamond Springs.

This matter was Approved on Consent Calendar 1.

4. [12-1163](#) Chief Administrative Office recommending the Board, in accordance with Board of Supervisors Policy B-14, consider the following:
- 1) Make a finding that specific projects will provide significant community benefit by providing housing that is affordable to very low-, low-and/or moderate-income households; and
 - 2) Award Traffic Impact Mitigation (TIM) Fee Offsets totaling \$17,340.

FUNDING: Traffic Impact Mitigation Fees.

This matter was Approved on Consent Calendar 1.

5. [10-1057](#) Chief Administrative Office, Economic Development Division, recommending the Board authorize the Purchasing Agent to sign Amendments to the following Promotions Contracts extending terms by 12 months to September 30, 2014 and increasing compensation by 15 percent over FY 2012-13 contract amounts:
- 1) Agreement No. 524-F1211, Amendment I - American River Music, Inc. \$44,237.28;
 - 2) Agreement No. 305-F1111, Amendment II - El Dorado Arts Council \$140,909.82;
 - 3) Agreement No. 245-F111, Amendment II - El Dorado County Chamber of Commerce, Visitors Authority \$235,515.64;
 - 4) Agreement No. 247-F1111, Amendment II - El Dorado Hills Chamber of Commerce \$130,949.07;
 - 5) Agreement No. 246-F1111, Amendment IV - El Dorado County Chamber of Commerce, El Dorado Lake Tahoe Film and Media Office \$143,551.67; and
 - 6) Agreement No. 527-F1211, Amendment I - Lake Tahoe South Shore Chamber of Commerce \$85,833.34 plus retroactive payments in the amount of \$500 for the 2013 South Shore Economic Forum and \$750 for the October 2012 State of the South Shore Economy.

FUNDING: General Fund/Transient Occupancy Tax (TOT).

Public Comment: J. Harn, S. Taylor, K. Payne, L. Brent-Bumb

A motion was made by Supervisor Briggs, seconded by Supervisor Veerkamp, to approve this matter with the following exception:

At the recommendation of staff, the Board continued action item number 6 (Amendment I - Lake Tahoe South Shore Chamber) to November 5, 2013.

Yes: 3 - Briggs, Veerkamp and Nutting

Noes: 1 - Mikulaco

Absent: 1 - Santiago

6. [12-0920](#) Consider final passage (Second Reading) of Ordinance **5001** repealing Chapter 3.12 of Title 3 of the El Dorado County Ordinance Code (Procurement) thereby adding a new Chapter 3.12 of Title 3 to said Code for the revised County Purchasing Ordinance and Procurement Policy. (Cont. 10/8/13, Item 22)

Ordinance 5001 was Adopted upon Approval of Consent Calendar 1.

- 7. [13-1247](#) Chief Administrative Office, Risk Management Division, recommending the Board approve a \$5,958,968 Health Fund return to excess funds in pay period 24, 2013 affecting departments (\$4,689,351), employees (\$1,251,990) and retirees (\$17,627) in the Health Benefit Program, and direct staff to return to the Board with the final calculations for approval. (Cont. 10/1/13, Item 5)

FUNDING: Health Fund.

Public Comment: K. Payne, R. Boyd

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

Yes: 4 - Briggs, Mikulaco, Veerkamp and Nutting

Absent: 1 - Santiago

- 8. [13-1278](#) Community Development Agency, Development Services Division-Planning, is submitting for approval a Large Lot Final Map (TM08-1479-F) for Serrano Village J5 and J6 creating four large lots for phasing purposes on property identified by APNs 123-040-07, 123-040-09, and 115-400-13, located east of the intersection of Serrano Parkway and Bass Lake Road, within the El Dorado Hills Specific Plan Area (Serrano Master Planned Community), in the El Dorado Hills area. (Supervisorial District 2 1)

Public Comment: S. Taylor

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

Yes: 4 - Briggs, Mikulaco, Veerkamp and Nutting

Absent: 1 - Santiago

9. [11-1441](#) Chief Administrative Office recommending the Board authorize the Purchasing Agent to execute Amendment II to Agreement for Services No. 396-S1211 with Kimley-Horn and Associates, Inc. revising the scope of services to add two additional tasks under Component 2 - Environmental Impact Analysis for Targeted General Plan Amendment (TGPA) and Zoning Ordinance Update and adding one additional task under Component 4 - Rural Area Land Use Forecasting and Iterative Analysis, increasing the contract amount by \$33,940 for a total contract amount of \$485,477.50, and extending the term through July 31, 2014, contingent upon review and approval of the Amendment by County Counsel and Risk Management.

FUNDING: The total contract is funded by a combination of Traffic Impact Mitigation (TIM) Fees, Road Fund, and General Fund. Amendment II is specifically funded by General Fund.

Public Comment: S. Taylor

This matter was Approved on Consent Calendar 1.

10. [13-0983](#) Community Development Agency, Transportation Division, recommending the Board authorize the Chair to sign the retroactive Agreement CTA 13 003 and Contractor Certification CCC-307 for same with the California Tahoe Conservancy in the amount of \$6,800 for the term July 1, 2013 through June 30, 2014 to be allocated to soil erosion control projects in the Lake Tahoe region.

FUNDING: California Tahoe Conservancy.

This matter was Approved on Consent Calendar 1.

11. [13-1192](#) Community Development Agency, Transportation Division, recommending the Board adopt Resolution **156-2013** sanctioning the closure of Church Street between Highway 193 and School Street, and partial closure of Harkness Alley, Orleans Street, and Placer Street where they intersect with Church Street in Georgetown, on Thursday, October 31, 2013, between 5:00 p.m. and 8:00 p.m. for the 2013 Georgetown "Safe Halloween" Event, subject to conditions set forth in Resolution No. 110-79 and conditions set forth in the "Application for Road Closure."

Resolution 156-2013 was Adopted upon Approval of Consent Calendar 1.

12. [13-1193](#) Community Development Agency, Transportation Division, recommending the Board adopt Resolution **157-2013** sanctioning the closures of Main Street and South Street in Georgetown between Highway 193 and Harkness Street. Additionally, road barricades will be located at the intersections of Main Street/Placer Street, Main Street/Orleans Street and Main Street/School Street between 3:00 p.m. and 8:00 p.m. on Saturday, December 7, 2013, for the annual Georgetown "Parade of Lights," subject to the conditions set forth in Resolution No. 110-79 and subject to conditions set forth in the "Application for Road Closure."

Resolution 157-2013 was Adopted upon Approval of Consent Calendar 1.

13. [13-0864](#) Clerk of the Board recommending the Board approve the following pertaining to appointments to the First 5 El Dorado Children and Families Commission:
- 1) Accept the resignation of retired El Dorado County Office of Education Superintendent, Dr. Vicki Barber and appoint Jeremy Meyers, Superintendent of Schools, to replace Dr. Barber; and
 - 2) Accept the resignation of Clint Collins and approve the appointment of Dr. Earl Washburn to replace Mr. Collins.

This matter was Approved on Consent Calendar 1.

14. [11-1122](#) Health and Human Services Agency recommending the Board consider the following:
- 1) Receive and file reports for special taxes for County Service Area 3 and County Service Area 7, specific to the County of El Dorado ambulance services for Fiscal Year 2012-13; and
 - 2) Receive and file the attachments to those reports demonstrating the amount of funds collected and expended pursuant to Government Code Section 50075.3. (Refer 10/30/12, Item 14)

FUNDING: Special tax and penalties.

This matter was Approved on Consent Calendar 1.

15. [12-0773](#) Chief Administrative Office, Procurement and Contracts Division, on behalf of Human Resources recommending the Board authorize the Chair to sign Amendment I to Agreement No. 080-S1311 with Valentina Reiner, doing business as The Law Offices of Valentina Reiner to provide professional employment legal services, including but not limited to, investigations, trainings, and services related to other various employment relations subjects as requested by Human Resources for the period of July 1, 2012 through June 30, 2015, increasing the not to exceed amount by \$100,000 for a total not to exceed amount of \$200,000, and adding ARTICLE XXIV - Audit by California State Auditor.

FUNDING: General and non General Fund.

This matter was Approved on Consent Calendar 1.

16. [11-1083](#) Recorder/Clerk recommending the Board authorize the Chair to sign Amendment VIII to Memorandum of Understanding No. 384-M0610 with the California Department of Justice (DOJ) in the amount of \$1,321.07 for Fiscal Year 2013/2014 for continued Electronic Recording Delivery System (ERDS) services.

FUNDING: ERDS Special Revenue 7728306.

This matter was Approved on Consent Calendar 1.

17. [13-1283](#) Veteran Affairs Department recommending the Board consider the following:
- 1) Authorize the Chair to sign the California Department of Veteran Affairs County Subvention Program Certificate of Compliance and the Medi-Cal Cost Avoidance Program Certificate of Compliance for Fiscal Year 2013-2014 for participation in each of these programs; and
 - 2) Authorize the County Veteran Services Officer to actively participate in the promotion of the California Veterans License Plate Program.

Funding: State Revenue.

This matter was Approved on Consent Calendar 1.

18. [13-1296](#) Veteran Affairs Department recommending the Board authorize the Chair to sign the California Department of Veteran Affairs (Cal-Vet) Special Certificate of Compliance for One Time Funding Subvention Program for Fiscal Year 2013-2014.

This matter was Approved on Consent Calendar 1.

19. [11-1184](#) Supervisor Briggs recommending Board adopt a Proclamation recognizing October 20-26, 2013, as "Freedom From Workplace Bullies Week" in the County of El Dorado.

Public Comment: K. Payne, S. Taylor

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

Yes: 4 - Briggs, Mikulaco, Veerkamp and Nutting

Absent: 1 - Santiago

20. [13-1345](#) Supervisor Veerkamp and the El Dorado County Office of Education recommend the Board make appointments and/or reappointments to the 2012/14 El Dorado County Youth Commission.

This matter was Approved on Consent Calendar 1.

CONSENT CALENDAR 2 (Supervisor Nutting did not participate)

21. [13-0007](#) Clerk of the Board of Supervisors recommending the Board approve the Minutes for the following;
- 1) The Special meeting of Monday, September 30, 2013;
 - 2) The Regular meeting of Tuesday, October 1, 2013;
 - 3) The Special meeting of Monday, October 7, 2013 10:00 A.M.;
 - 4) The Special meeting of Monday, October 7, 2013 1:30 P.M. ; and
 - 5) The Regular meeting of Tuesday, October 8, 2013. (Cont. Item 12, 10/8/13)

This matter was Approved on Consent Calendar 2.

22. [13-0938](#) Community Development Agency, Transportation Division, recommending the Board authorize the Chair to sign the Exchange Fund Transfer Agreement No. 13-53733 with the Tahoe Regional Planning Agency allowing direct transfer of \$147,016 of the Federal/State Exchange funds with the Tahoe Regional Planning Agency for Fiscal Years 2011/2012 and 2012/2013 cycles of Regional Surface Transportation Program Exchange Funds.

FUNDING: Regional Surface Transportation Program Exchange Federal/State Grant Funds.

This matter was Approved on Consent Calendar 2.

23. [13-1187](#) Community Development Agency, Transportation Division, recommending the Board approve requests for Cooperative Work Agreements with California Department of Transportation to extend funding expiration dates from June 30, 2014 to June 30, 2015 for the Northside School Class I Bike Path (CIP No. 72306) and the US 50 Missouri Flat Road Interchange Phase 1B (CIP No. 71336) projects.

FUNDING: State Safe Routes To School (SR2S), Transportation Community & System Preservation (TCSP).

This matter was Approved on Consent Calendar 2.

24. [13-0677](#) Community Development Agency, Transportation Division, recommending, upon finding that the requisite Developer Shortfall Funds have been deposited and the partially executed Implementation and Indemnity Agreements have been delivered to the County by West Valley, LLC. (Refer 9-30-13, Item 7), the Board take the following actions pertaining to the U.S. 50 / Silva Valley Parkway Interchange - Phase 1 Project, Contract No. PW 12-30647, CIP No. 71328, P&C No. 078-C1499:

- 1) Award the Construction Contract to Myers and Sons Construction, L.P., who submitted the lowest responsive, responsible bid of \$29,715,154.70; and
- 2) Authorize the Chair to sign the Implementation Agreement Regarding Processing of Set Aside Portions of Pre-Paid El Dorado Hills TIM Fees, with West Valley, LLC and the accompanying Indemnity and Defense Agreement, with West Valley, LLC.

FUNDING: State and Local Partnership Program (SLPP) Grant, 2004 General Plan Silva Valley Interchange Set-Aside, Silva Valley Interchange Set-Aside, Highway 50 TM99-1359 fees, Highway 50 TIM fees, El Dorado Irrigation District Reimbursement, and Developer advanced funds. Developer advanced funds shall be provided by West Valley, LLC, in accordance with the Conditions of Approval for West Valley Village Tentative Map TM99-1359, Condition of Approval No. 26 dated January 22, 2004.

This matter was Approved on Consent Calendar 2.

25. [13-1060](#) Community Development Agency, Transportation Division, recommending the Board consider the following:
- 1) Make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter that independent contractors can more economically and feasibly perform work than County employees; and
 - 2) Authorize the Chair to sign the Agreement for Services No. AGMT 202-S1499 with Vali Cooper and Associates, Inc. in an amount not to exceed \$3,000,000 to provide construction support services for the U.S. 50 / Silva Valley Parkway Interchange - Phase 1 Project, CIP No. 71328, for a term commencing upon execution of the Agreement to the later of County's recordation of the Notice of Acceptance for the Project or the resolution of all construction claims, if any, associated with the Project.

FUNDING: 2004 GP Silva Valley Interchange Set-Aside funds, Silva Valley Interchange Set-Aside Highway 50 TM 99-1359 fees, El Dorado Irrigation District Reimbursement, and Developer advanced funds. Developer advanced funds shall be provided by West Valley, LLC, in accordance with the Conditions of Approval for West Valley Village Tentative Map TM 99-1359, Condition of Approval No. 26 dated January 22, 2004.

This matter was Approved on Consent Calendar 2.

26. [13-0164](#) Health and Human Services Agency recommending the Board consider the following:
- 1) Authorize the Chair to sign documents required by the California Department of Public Health, Tuberculosis Control Branch, that will allow the County to receive retroactive reimbursement in the amount of \$3,290 for core tuberculosis control and prevention activities performed during the period of July 1, 2013 through June 30, 2014; and
 - 2) Adopt Resolution **154-2013** authorizing the Chair to sign any revised Real-Time Allotments and authorizing the Health and Human Services Agency Director, or Chief Assistant Director, or Chief Fiscal Officer to administer the Real-Time Allotment and to execute invoices submitted for reimbursement and required fiscal and programmatic reports.

FUNDING: Realignment Funding.

Resolution 154-2013 was Adopted upon Approval of Consent Calendar 2.

27. [13-1280](#) Sheriff's Office recommending the Board accept the FY 2013 Homeland Security Grant Program award totaling \$219,253. Funds were included in the Sheriff's FY 2013-14 approved budget.

FUNDING: Fiscal Year 2013 Homeland Security Grant Funds.

This matter was Approved on Consent Calendar 2.

28. [13-1289](#)

Sheriff's Office recommending the Board approve the request for relief from accountability for a cash shortage of \$970 in the Placerville DOJ Fingerprints Agency Trust Account, and \$663 in the South Lake Tahoe DOJ Fingerprints Agency Trust Account, pursuant to Government Code Section 29390 due to delays in reconciling cash differences over a period of multiple fiscal years.

FUNDING: Sheriff's FY 13/14 budget.

This matter was Approved on Consent Calendar 2.

END CONSENT CALENDAR

10:00 A.M. - TIME ALLOCATION

29. [13-1299](#) Chief Administrative Office, Economic Development Division, recommending the Board receive a presentation from El Dorado Arts Council providing an annual status report for promotional funding. (Est. Time: 15 min)

Received and Filed

DEPARTMENT MATTERS

30. [13-1327](#) Chief Administrative Office recommending the Board consider the following related to the policies of the Board of Supervisors:
- 1) Approve the structure and approach to the Board of Supervisors Policy Manual with the approval of the proposed Introduction, Board of Supervisors Policy Template, Policy A-1, and Policy A-1.1;
 - 2) Approve the establishment of a Legislative Audit Committee, comprised of a representative from the Auditor-Controller's Office, Chief Administrative Office, Clerk of the Board, County Counsel and the Board of Supervisors;
 - 3) Appoint Supervisor Veerkamp as the Board's representative to the Committee; and
 - 4) Provide direction to the Chief Administrative Office to continue the project to update the Board of Supervisors Policy Manual.

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

(Motion Failed)

Yes: 2 - Briggs and Veerkamp

Noes: 1 - Mikulaco

Absent: 2 - Santiago and Nutting

31. [13-1318](#) Supervisor Nutting recommending the Board submit a letter to the California Air Resource Board (CARB) requesting changes to the implementation of the Truck and Bus Regulation, Title 17 California Code of Regulations Section 2025, to reduce the economic impact of compliance on trucking companies.

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

Yes: 4 - Briggs, Mikulaco, Veerkamp and Nutting

Absent: 1 - Santiago

32. [13-1337](#)

Supervisor Nutting and Supervisor Veerkamp recommending the Board have a discussion on amending the El Dorado County Building Code and the El Dorado County Grading Ordinance to grant an extension on building permits for the construction of new buildings and all grading permits active as of May 31, 2013.

A motion was made by Supervisor Nutting, seconded by Supervisor Veerkamp to approve a 1 year extension on building permits for the construction of new buildings and all grading permits active as of May 31, 2013.

Yes: 4 - Briggs, Mikulaco, Veerkamp and Nutting

Absent: 1 - Santiago

33. [13-1340](#)

Supervisor Nutting recommending the Board:

- 1) In the spirit of transparency and openness, have a discussion on inviting the former Director of El Dorado County Health and Human Services to disclose publically the reasons why he resigned. The discussion and Formal Board action on this item shall not be taken until October 29, 2013.
- 2) Have a discussion on the waiving of Closed Session privilege. The Board Members present at the former Director of El Dorado County Health and Human Services exit interview could then openly discuss the content of that meeting. The discussion and Formal Board action on this item shall not be taken until October 29, 2013.
- 3) Further reach out to other past department heads to receive feedback as to circumstances that led to their departure. The discussion and Formal Board action on this item shall not be taken until October 29, 2013.
- 4) Take action to determine if there are similar underlying systemic problems within the County departments. The discussion and Formal Board action on this item shall not be taken until October 29, 2013.

Public Comment: J. Harn, K. Payne, W. Nagle, V. Chelseth

No Action Taken.

2:00 P.M. - TIME ALLOCATION

34. [13-1253](#) Hearing to consider Williamson Act Contract WAC13-0001/Hobbs Agricultural Preserve on property identified by APN 088-020-72, consisting of 101.48 acres, in the Garden Valley area, submitted by Susan D. Hobbs; and staff recommending the Board take the following actions:
- 1) Certify that the project is Categorical Exempt from CEQA pursuant to Section 15317 of the CEQA Guidelines;
 - 2) Approve a new Williamson Act Contract WAC13-0001, Agricultural Preserve No. 326, for APN 088-020-72 (consisting of 101.48 acres) based on the Findings in Attachment 1 of the Staff Report; and
 - 3) Adopt Resolution **159-2013** for said Williamson Act Contract. (Supervisorial District 4) (Est. Time: 10 Min.)

A motion was made by Supervisor Nutting, seconded by Supervisor Mikulaco, to Approve this matter and adopt Resolution 159-2013.

Yes: 4 - Briggs, Mikulaco, Veerkamp and Nutting

Absent: 1 - Santiago

35. [13-1232](#) Hearing to consider Williamson Act Contract WAC13-0002/Boundary Line Adjustment BLA13-0025/Surfside Hawaii on property identified by APNs 087-021-37 and 087-021-38, consisting of 122.4 acres, in the Latrobe area, submitted by Surfside Hawaii, Inc/Carolee C. Brownstein, C. Richard Clarke, Gary R. Clarke, and Deborah C. McGrath; and staff recommending the Board take the following actions:
- 1) Certify that the project is Categorical Exempt from CEQA pursuant to Sections 15305 and 15317;
 - 2) Approve Boundary Line Adjustment BLA13-0025 based on the Findings in Attachment 2 of the Staff Report;
 - 3) Approve a new Williamson Act Contract WAC13-0002, Agricultural Preserve No. 325, for APN 087-021-37 (consisting of 98 acres) based on the Findings in Attachment 2 of the Staff Report and subject to the Conditions of Approval in Attachment 1 of the Staff Report; and
 - 4) Adopt Resolution **158-2013** for said Williamson Act Contract. (Supervisorial District 2) (Est. Time: 15 Min.)

A motion was made by Supervisor Nutting, seconded by Supervisor Veerkamp, to Approve this matter and adopt Resolution 158-2013.

Yes: 4 - Briggs, Mikulaco, Veerkamp and Nutting

Absent: 1 - Santiago

36. [13-0024](#) Hearing to consider the recommendation of the Planning Commission (December 13, 2012 meeting) and staff's minor modifications (Staff Memo dated September 9, 2013) to reflect the applicant's proposed revisions on Rezone Z11-0007/Tentative Map TM11-1504/Wilson Estates on property identified by APNs 126-070-22, 126-070-23, and 126-070-30, consisting of 28.18 acres, in the El Dorado Hills area, submitted by Ann Wilson, Lisa Vogelsang, Catherine Ryan, and Julie Ryan; and recommending the Board take the following actions:
- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
 - 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the Revised Conditions of Approval and Mitigation Measures listed in Attachment 4;
 - 3) Approve Z11-0007 rezoning approximately 12.7 acres from One-Acre Residential (R1A) to One-Family Residential (R1) and approximately 10.9 acres from One-Acre Residential (R1A) to One-Half Acre Residential (R-20,000) for APNs 126-070-22, 126-070-23, and 126-070-30 based on the Revised Findings listed in Attachment 4;
 - 4) Conditionally approve Tentative Map TM11-1504 based on the Revised Findings and subject to the Revised Conditions of Approval listed in Attachment 4;
 - 5) Approve the request for a Design Waiver to allow the utilization of road-side ditches and asphaltic concrete (AC) dikes in lieu of curbs and gutters based on the Revised Findings listed in Attachment 4; and
 - 6) Adopt Ordinance **4993** for said rezone. (Supervisory District 1) (Est. Time: 1.5 Hrs.)

Public Comment: Z. Aliwan, P. Kriz, G. Crochure, M. Elling, J. Garcia, S. Otwell, D. VanDyke, H. Broadbent, A. Wilson, A. Daly, J. Bawalda, B. Center, S. Ferry, W. Justin, Derek, L. Vogalsang, B. Welty, L. Parlin, K. Payne, T. McCann, G. Elliopolis, J. Nash, K. Ryan, G. Boone, S. Taylor, S. Niesham, D. Larson, Julie Beacher, K. Garcia, Jim Beacher, C. Sandberg, C. LaBravera.

A motion was made by Supervisor Briggs, seconded by Supervisor Mikulaco, to:

- 1) **Conceptually deny the rezone without prejudice;**
- 2) **Direct staff to consult with the applicants to bring back an alternate map reflecting 28 parcels;**
- 3) **Direct staff to return to the Board on October 29, 2013 with a report on relieving sewer requirements and discuss the potential for interior road design waivers and estimation of fees for a new map for the Board to consider waiving.**

Yes: 4 - Briggs, Mikulaco, Veerkamp and Nutting

Absent: 1 - Santiago

ITEMS TO/FROM SUPERVISORS

Supervisor Mikulaco – Beginning in January 2014, Supervisor Mikulaco plans to walk District I to visit people who do not typically attend meetings to see what their issues are as well as hold a Town Meeting and report his findings to the Board.

ADJOURNMENT

CLOSED SESSION

- 37. 13-1332 Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources and/or designee, Chief Administrative Officer and/or designee, and Jack Hughes of Liebert, Cassidy, Whitmore.
Employee Organization: El Dorado County Employees Association Local No.1 representing employees in the General, Professional, and Supervisory Bargaining Units. (Est. Time: 20 Min.)
No Action Reported. Supervisor Nutting did not participate.
- 38. 13-1333 Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources and/or designee, Chief Administrative Officer and/or designee, and Jack Hughes of Liebert, Cassidy, Whitmore.
Unrepresented Employee: Unrepresented Management Employees covered under the Salary and Benefits Resolution for Unrepresented Employees, No. 323-2001, and all amendments thereto. (Est. Time: 20 Min.)
No Action Reported. Supervisor Nutting did not participate.
- 39. 13-1336 Conference with Legal Counsel - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2). Conference with Legal Counsel - Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4). Title: Potential litigation regarding expected subpoena for County Counsel to testify in People v. Nutting, El Dorado County Superior Court Nos. P13CRF0294 and P13CRM0744. Number of potential cases: (1). (Est. Time: 30 min.)**
The Board voted 3-0 to not take any affirmative action to waive any privileges that may have attached to communications between counsel and county employees. Supervisor Nutting did not participate.
- 40. [13-1292](#) Conference with Legal Counsel - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2). Title: Water Agency Employment Issues. Number of potential cases: (1). (Est. Time: 20 Min.)**
No Action Reported.
- 41. 13-1295 Pursuant to Government Code Section 54957- Public Employee Appointment. Title: Chief Probation Officer. (Est. Time: 30 Min.) (Cont. 10/08/13, Item 27)**
The Board voted 4-0 (Supervisor Santiago was absent) to appoint Brian Richart as Chief Probation Officer at Step 5 of the salary range effective Dec. 2, 2013.

- 42. 13-1326** **Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(d)(1). Title: Government Code section 54956.9(d)(1) State Personnel Board Appeal of Kathleen Edwards;
- Conference with Legal Counsel - Significant Exposure to Litigation** Government Code Section 54956.9(d)(2) Edwards v County of El Dorado.
- Number of potential cases: (1). (Est. Time: 10 min.)
- No Action Reported.**

- 43. 13-1329** **Conference with Legal Counsel - Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(d)(2). Title: Number of potential cases: (1). (Est. Time: 10 min.)
- No Action Reported.**