



County of El Dorado

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Minutes - Final Board of Supervisors

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

Suzanne Allen de Sanchez, Clerk of the Board of Supervisors
Terri Daly, Chief Administrative Officer *Louis B. Green, County Counsel*

Tuesday, March 15, 2011

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.

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) 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' website at 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.

8:02 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS

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

9:12 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor Cowles gave the invocation.
Supervisor Santiago lead the Pledge of Allegiance.

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Items 11 and 12 were pulled from the Consent Calendar and Item 6 was amended correcting the Budget Transfer to transfer \$8,621.76 from the General Fund Contingency account.

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

OPEN FORUM

NO PUBLIC COMMENT

BUDGET UPDATE

SEE ITEM 17 - Mid Year Budget Update.

10:00 A.M. - TIME ALLOCATION

1. [11-0263](#) Department of Transportation recommending the Board consider the following:
 - 1) Approve the Department of Transportation's reorganization proposal;
 - 2) Approve and authorize the Chair to sign a Resolution which amends Resolution 089-2011, the Authorized Personnel Allocation for the Department of Transportation; and
 - 3) Approve a deviation in the order of layoff from retention points in accordance with Article 12, Section E., of the Memorandum of Understanding between the County and the El Dorado County Employee's Association, Local No. 1 for the classification of Sr. Civil Engineer. (Est. Time: 1.5 Hrs.)

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, as follows:

- 1) Direct the Chief Administrative Officer to return in two weeks with a proposed request for services for a consultant to analyze the structure and processes within the Department of Transportation with the consultant to bring back a recommendation for an appropriate revision to the structure and processes; and
- 2) Direct staff to bring back in two weeks a revised employee allocation resolution with an explanation as to why specific employees can be separated out.

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

CONSENT CALENDAR

2. [11-0251](#) Clerk of the Board recommending the Board approve the Meeting Minutes from the Regular Meeting of Tuesday, March 8, 2011.

This matter was Approved on the consent calendar.
3. [11-0249](#) Clerk of the Board of Supervisors requesting the Board accept an invitation from the El Dorado County and Georgetown Divide Resource Conservation Districts to attend the Annual Board of Supervisors Luncheon/Workshop to be held on Tuesday, May 3, 2011 from 12:00 noon to 2:00 p.m. at the El Dorado County Library Conference Room located in Placerville.

This matter was Approved on the consent calendar.

4. [10-1057](#) Chief Administrative Office recommending the Board take the following actions regarding funding for the El Dorado Lake Tahoe Film and Media Office based on the Board action taken March 1, 2011:
- 1) Approve and authorize the chair to sign the Budget Transfer 2011052 moving \$5,250 out of general fund contingency to the Promotions budget for the El Dorado Lake Tahoe Film and Media Office (4/5 vote required); and
 - 2) Approve and direct staff to create an amendment to Contract 246-F1111 with the El Dorado Lake Tahoe Film and Media Office that will increase the total contract amount by \$5,250, to be paid in equal monthly installments over the remainder of the contract, utilizing General Fund contingency funds; and
 - 3) Authorize the Purchasing Agent, upon concurrence of County Counsel and Risk Management, to execute the amendment.

This matter was Approved on the consent calendar.

5. [10-0225](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board consider the following:
- 1) Authorize the Purchasing Agent to extend award of Bid No. 10-863-030 to Sierra Nevada Tire and Wheel of Placerville, CA. for the purchase of Goodyear Fleet vehicle tires, and US Tire Sales and Service of Sacramento, CA for the purchase of Bridgestone/Firestone Fleet vehicle tires, for an additional twelve month period, expiring on March 21, 2012, under the same pricing conditions, and terms and conditions of the original bid; and
 - 2) Authorize the Purchasing Agent to increase the blanket purchase orders for Sierra Nevada Tire and Wheel of Placerville, CA. and US Tire Sales and Service of Sacramento, CA. on an "as needed" basis during the awarded period as long as funding is available within the requesting department's budget.

FUNDING: Fleet internal service fund and recovered through charges to both non-general fund and general fund departments.

This matter was Approved on the consent calendar.

6. [11-0193](#) District Attorney recommending the Board approve Budget Transfer 2011049 to establish budgets in the Automobile Insurance Fraud and Workers Compensation Insurance Fraud general fund and special revenue accounts to address audit findings from fiscal year 2009/10. (4/5 vote required).

FUNDING: Grant Funding.

The Budget Transfer was approved as amended to transfer \$8,621.76 from the General Fund Contingency account upon approval of the consent calendar.

7. [11-0203](#) Human Resources Department recommending the Board authorize the Chair to sign Agreement for Services 418-S1110 with Renne, Sloan, Holtzman & Sakai, LLP, effective upon final execution by both parties, expiring March 31, 2012 with a not to exceed amount of \$25,000 to provide professional legal services on an "as requested" basis in support of the County in matters involving the California Public Employment Relations Board. (4/5 Vote Required)

FUNDING: General Fund.

This matter was Approved on the consent calendar.

8. [11-0207](#) Department of Human Services recommending the Board authorize the Chair to sign Amendment II to Agreement for Services 089-S1010 with Jim Jonas, Inc. dba Jonas Heating and Cooling, increasing the compensation by \$31,495 to a not-to-exceed amount of \$90,000 based on the projected need for services through the end of the three-year contract term of August 12, 2009 to August 11, 2012 for continued provision of heating and air conditioning system design, installation and repair services for clients of the Department on an "as requested" basis.

FUNDING: 100% Federal Funding.

This matter was Approved on the consent calendar.

9. [11-0192](#) Library Department recommending the Board consider the following:
- 1) Accept Grant Award LSTA 40-7770 with the California State Library providing funds in the amount of \$11,000 for the term of February 16, 2011 through August 31, 2011 to provide extra-help staffing and equipment and supplies for implementing a Homework Center and Teen Council at the El Dorado Hills Library;
 - 2) Authorize the Chair to sign related grant documents; and
 - 3) Authorize the Chair to sign Budget Transfer 2011048 appropriating the funds for same. (4/5 vote required)

FUNDING: Federal Library Services and Technology Act (LSTA) funding through the California State Library.

This matter was Approved on the consent calendar.

10. [11-0206](#) Sheriff's Department recommending the Board adopt a Resolution approving the submission of an application to California State Parks, Off Highway Vehicle Division Grant Program in the amount of \$96,235 for law enforcement on the Rubicon Trail.

Resolution 031-2011

Adopted Resolution 031-2011 upon approval of the consent calendar.

11. [10-1081](#) Department of Transportation recommending the Board approve and authorize the Chair to sign the Right of Way Contract - State Highway with the State of California Department of Transportation (Caltrans) and the Highway Easement for APN 098-171-001 for Caltrans' erosion control project which is located on County-owned property in Placer County.

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

- 1) Approve and authorize the Chair to sign the Right of Way Contract; and
- 2) Direct staff to return with information regarding the property in Placer County.

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

12. [10-1269](#) Department of Transportation recommending the Board consider the following:
- 1) Approve the recommendation of the Department of Transportation to allow two crossing easements on the Sacramento Placerville Transportation Corridor Joint Powers Authority Parcel located in Shingle Springs;
 - 2) Approve and authorize the Chair to sign the Easement Agreement with Norman Partners LLC; and
 - 3) Approve and authorize the Chair to sign the Easement Agreement with Ginney-Campoy LLC.

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

- 1) Continue this matter for four weeks, April 12, 2010; and
- 2) Direct staff to return with necessary easements for one intersection aligned to allow a four way signal in the future.

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

13. [11-0039](#) Department of Transportation recommending the Board:
- 1) Make findings pursuant to Article II, Section 210b (6) of the El Dorado County Charter that the ongoing aggregate of the work performed under this Agreement is not sufficient to warrant the addition of permanent staff; and
 - 2) Authorize the Chair to sign Agreement for Services AGMT 11-53128 (366-S1111) with Five Star Automotive in an amount not-to-exceed \$150,000 for a one year term to provide automotive maintenance and repair services for fleet vehicles located in the South Lake Tahoe Basin.

FUNDING: Fleet Operations Internal Service Fund.

This matter was Approved on the consent calendar.

14. [08-0178](#)

Department of Transportation recommending the following:

- 1) Make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter that there are specialty skills required for the work performed under this Amendment that are not expressly identified in County job classifications; and
- 2) Authorize the Chair to sign the First Amendment to Agreement for Services 625-S0811, AGMT 08-52526 with Reinard W. Brandley, Consulting Airport Engineer, extending the expiration date of the Agreement from March 20, 2011 to December 31, 2011 with no change to the not-to-exceed compensation amount of the original Agreement, acknowledging the change from General Services to the Department of Transportation and to add or clarify Articles in the Agreement to provide airport planning, design and construction management engineering services for the County airports.

FUNDING: Federal Aviation Administration and State Grant Funds and Airport Enterprise Funds.

This matter was Approved on the consent calendar.

15. [10-0299](#) Department of Transportation recommending the following pertaining to the Green Valley Road at Tennessee Creek - Bridge Replacement Project (Contract No. PW 09-30407, CIP No. 77109):
- 1) Award the Construction Contract to the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for February 18, 2011;
 - 2) Authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management;
 - 3) Authorize the Director of Transportation to execute Contract Change Orders consistent with the Public Contract Code limits, provided the cumulative total of all Contract Change Orders is within the contingency budget established for the Project;
 - 4) Authorize the Director of Transportation to sign an Escrow Agreement, if requested by the Contractor and in accordance with Public Contract Code Section 22300, for the purpose of holding Contract retention funds; and
 - 5) Authorize the Director of Transportation to sign the Dispute Review Board Agreement with the Contractor, the County, and the Dispute Review Board Members for the purpose of assisting in the resolution of disputes and/or potential claims.

FUNDING: Highway Bridge Program grant funds, Highway Safety Improvement Program grant funds, Transportation and Community and System Preservation Program funds, El Dorado Irrigation District funds, 2004 General Plan Traffic Impact Mitigation Fees and Regional Surface Transportation Program funds.

This matter was Approved on the consent calendar.

16. [11-0137](#) Treasurer-Tax Collector is recommending approval of modifications to the El Dorado County Investment Policy, pursuant to California Government Code Section 27133.

This matter was Approved on the consent calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS

17. [11-0240](#) Chief Administrative Office recommending the Board consider the following regarding Fiscal Year 2010/2011 as follows:
- 1) Receive and file Fiscal Year 2010-11 Mid-Year report;
 - 2) Adopt **Resolution 030-2011** amending the authorized personnel resolution;
 - 3) Take action on any related recommendations or discussion associated with the Mid-Year report relative to managing the County budget in the current or future fiscal year. (Est. Time: 30 Min.)
- A motion was made by Supervisor Knight, seconded by Supervisor Sweeney, as follows:**
- 1) Receive and file Fiscal Year 2010-11 Mid-Year report; and
 - 2) Adopt Resolution 030-2011 amending the authorized personnel resolution.
- Yes:** 4 - Knight, Nutting, Sweeney and Briggs
- Noes:** 1 - Santiago
18. [10-0656](#) Supervisors Sweeney and Briggs recommending the Board consider the following:
- 1) Discuss the proposed approval of the Amendment to the Basin Plan by the State Water Resources Control Board, comments to be received by March 18, 2011; and
 - 2) Authorize the Chair to sign a comment letter to State Water Resources Control Board, noting said Amendment relates to the clarity of Lake Tahoe. (Refer 11/15/10, Item 24; 10/12/10, Item 2; Legistar File 09-1402, 1/19/10, Item 18; Legistar File 08-0687, 6/24/08, Item 3) (Est. Time: 15 Min.)
- A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to approve this matter.**
- Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago

19. [11-0268](#) Chief Administrative Office requesting direction from the Board of Supervisors pertaining to redistricting. (Est. Time: 15 Min.)
- A motion was made by Supervisor Santiago, seconded by Supervisor Sweeney, as follows:**
- 1) Direct the Chief Administrative Officer to use the Proposed Approach for the 2011 Board Redistricting Process; and
 - 2) Direct staff to add a fifth factor to county code: "1.08.010.A.5 Existing miscellaneous districts".
- Noting the Board by consensus agreed to the following time frames:
- March - Surveyor analyzes new Census data, applies guiding principle adopted by the Board, develops 3-6 map alternatives.
- 1st or 2nd week April - Surveyor previews map alternatives to the Board of Supervisors before public forums are scheduled.
- May - At least three well-advertised public forums conducted on the map alternatives to receive public comments.
- June - Board of Supervisors holds first formal public hearing on map alternatives.
- July - Board of Supervisors holds second public hearing where a map alternative is adopted via ordinance.
- Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago
20. [11-0070](#) Development Services Department recommending the Board consider the draft ordinance to provide a three-year extension to currently valid tentative maps. (Cont'd 2/15/11, Item 6) (Est. Time: 20 Min.)
- A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, as follows:**
- 1) Direct staff to return as soon as possible with an amendment to County Code 16.74.030 Section A; and
 - 2) Bring back a proposed amendment to Section D at a later date.
- Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago
21. [10-0886](#) County Counsel recommending an update on a proposal method to reduce the account balance in regard to the future levy of special district taxes in Community Facilities District No. 1992-1, and consider adoption. (Cont'd 3/1/11, Item 13) (Est. Time: 10 Min.)
- A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, as follows:**
- 1) Continue this matter off calendar; and
 - 2) Direct staff to move into a tolling agreement.
- Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago

2:00 P.M. - TIME ALLOCATION

22. [11-0177](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z10-0006/Tentative Map TM10-1497/Diamond View Estates on property identified by APN 329-201-65, consisting of 30.95 acres, in the Diamond Springs area, submitted by Jeannie Llewellyn/Habenaria Repens LLC, Tim Vi Tran/Ivy RE Investments LLC, and Lin Yang/Bloomfield Business LLC; 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 Conditions of Approval listed in Attachment 1;
 - 3) Approve Z10-0006 rezoning a two-acre portion of APN 329-201-65 from One-Family Residential-Planned Development (R1-PD) to One-Acre Residential (R1A) based on the Findings in Attachment 1;
 - 4) Approve Tentative Map TM10-1497 based on the Findings and subject to the Conditions of Approval listed in Attachment 1;
 - 5) Approve the request for a Design Waiver to allow a driveway standard and no roadway frontage for access for Lot 17; and
 - 6) Adopt **Ordinance 4957** for said rezone. (Supervisory District 3) (Est. Time 30 Min.)

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, as follows:

- 1) Adopt the Mitigated Negative Declaration;
- 2) Adopt the mitigation monitoring program in accordance with CEQA Guidelines;
- 3) Approve Rezone Z10-0006;
- 4) Approve Tentative Map TM10-1497;
- 5) Approve the request for a Design Waiver; and
- 6) Adopt Ordinance 4957.

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

CAO REPORTS

NONE

[11-0280](#)**ITEMS TO/FROM SUPERVISORS****ITEMS TO/FROM SUPERVISORS**

Supervisor Santiago reported about Constitutional Amendments, Impacts of HR1 on the Counties, Realignment, and US Forest.

Supervisor Knight reported that the draft of the Capital South East Corridor is available in his office.

Supervisor Nutting reported that on April 23rd there will be a Spaghetti Western event at the Pollock Pines Community Center to raise funds for the Wagon Train.

CLOSED SESSION

23. 11-0260 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Serrano Claim for CFD Tax Refund. Number of potential cases: (1). (Est. Time: 15 Min.)
No Action Reported.
24. 11-0265 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation**: Title: Chief Administrative Officer. (Est. Time: 30 Min.)
No Action Reported.
25. [11-0267](#) Pursuant to Government Code Section 54957: **Public Employee**: Title: Director of Information Technologies. (Est. Time: 20 Min.)
By unanimous vote, the Board appointed Kelly Webb as the acting IT Director effective retroactively to March 12, 2011.
26. 11-0266 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation**: Title: Director of Transportation. (Est. Time: 30 Min.)
No Action Reported.
27. 11-0275 Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c). Number of potential cases: (1).
No Action Reported.
28. 11-0277 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Cunningham Engineering Corporation Professional Services Agreement for Services No. 066-S0811 and Amendments. Number of potential cases: (1).
No Action Reported.

ADJOURNED AT 5:30 P.M.