



County of El Dorado

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Minutes

Board of Supervisors

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

Terri Daly, Acting Clerk of the Board of Supervisors
Terri Daly, Chief Administrative Officer Louis B. Green, County Counsel

Tuesday, October 23, 2012

8:00 AM

Board of Supervisors Meeting Room

Vision Statement

"El Dorado County will remain the leader in supporting our safe, healthy, and vibrant communities, wisely managing our natural resources, and preserving our local heritage."

BOARD MEETING ROOM EQUIPPED WITH AN AUDIO INDUCTION LOOP ASSISTIVE LISTENING SYSTEM.

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Public Testimony will be received on each agenda item 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.

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

Present: 4 - Supervisor Knight, Supervisor Nutting, Supervisor Sweeney and Supervisor Briggs

Absent: 1 - Supervisor Santiago

9:07 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor John Lukas from the Calvary Chapel provided the invocation. Supervisor Briggs led the Pledge of Allegiance

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Supervisor Briggs, seconded by Supervisor Sweeney, to adopt the Agenda and approve the Consent Calendar with the following change. Item No. 7 was pulled from the consent calendar and acted upon separately.

Yes: 4 - Knight, Nutting, Sweeney and Briggs

Absent: 1 - Santiago

[12-0003](#)

OPEN FORUM

M. Lane RE: Transparency, Accountability and Retaliation.

[12-0009](#)

BUDGET UPDATE

None.

CONSENT CALENDAR

1. [12-0002](#) Acting Clerk of the Board recommending the Board approve the Meeting Minutes from the Special Meeting on Monday, October 15, 2012, and the Regular Meeting Minutes on Tuesday, October 16, 2012.

This matter was Approved on the consent calendar.

2. [12-1212](#) Agricultural Department recommending the Board approve and authorize the Chair to sign a Budget Transfer increasing revenues and appropriations by \$1,850 for the purchase of wildlife services trapper equipment as a result of donations received from the Southfork Ranch Homeowners' Association for FY 2012-2013. (4/5 vote required)

FUNDING: Donation.

This matter was Approved on the consent calendar.

3. [10-1057](#) Chief Administrative Office recommending the Board authorize the Purchasing Agent to sign Amendment III to Agreement 246-F1111 with the El Dorado County Chamber of Commerce, Lake Tahoe Film and Media Office, revising the scope to provide the County with a booth at the Business Showcase/I Love Film mixer event in Fiscal Year 2012-13 and increasing compensation by \$1,000 for same, and revising compensation language to clarify the calculation for the payment amount for year three of the agreement.

FUNDING: Transient Occupancy Tax (TOT).

This matter was Approved on the consent calendar.

4. [12-1277](#) Chief Administrative Office recommending the Board authorize the Purchasing Agent to issue letters to the following Promotions funding recipients waiving the audit requirements in their respective contracts: El Dorado County Chamber of Commerce Visitors Authority, El Dorado County Chamber of Commerce El Dorado Lake Tahoe Film and Media Office, South Shore Chamber of Commerce, El Dorado Hills Chamber of Commerce, El Dorado Arts Council, and American River Music Festival.

This matter was Approved on the consent calendar.

5. [12-0224](#) Development Services and County Counsel recommending the Board consider adoption (second reading) of Ordinance **4985** rescinding Ordinance 4977 rezoning APNs 327-211-14, 327-211-16, and 327-211-25 from One-Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) and Open Space-Planned Development (OS-PD). (Supervisorial District 3) (Cont'd 10/16/12, Item 45)
- Ordinance 4985 was adopted upon approval of the consent calendar.**

6. [12-1268](#) Recorder-Clerk/Registrar of Voters recommending the Board approve the following appointments of Directors to Special Districts in lieu of the election held on Tuesday, November 6, 2012.

BUCKEYE UNION SCHOOL DISTRICT

(Supervisory District I, II, III & IV)

Vacancies: Two Governing Board Members (full terms) at Large.

RECOMMENDED ACTION: Appoint two nominees that filed: Kirk Seal and Gloria J. Silva.

CAMERON ESTATES COMMUNITY SERVICES DISTRICT

(Supervisory District II)

Vacancies: Two Directors (full terms) at Large.

RECOMMENDED ACTION: Appoint two nominees that filed: George J. Coverick and Kenneth Allen Moonitz.

CAMINO UNION SCHOOL DISTRICT

(Supervisory District III, IV & V)

Vacancies: Two Governing Board Members (full terms) at Large.

RECOMMENDED ACTION: Appoint two nominees that filed: Patrick Joseph Kernan and Ann S. Wofford. Appoint one nominee recommended by the Board of Directors: Robert Van Gilder.

DIAMOND SPRINGS/EL DORADO FIRE PROTECTION DISTRICT

(Supervisory District II, III & IV)

Vacancies: Three Directors (full terms) at Large.

RECOMMENDED ACTION: Appoint three nominees that filed: Pat Dwyer, Charles J. Hoff and Terrence Tawney.

EL DORADO COUNTY BOARD OF EDUCATION

Area 3 (Supervisory District III & IV)

Vacancies: One Governing Board Member (full term) Qualified and Elected by Area.

RECOMMENDED ACTION: Appoint one nominee that filed: Debbie Akin - Area 3.

EL DORADO COUNTY BOARD OF EDUCATION

Area 5 (Supervisory District V)

Vacancies: One Governing Board Member (full term) Qualified and Elected by Area.

RECOMMENDED ACTION: Appoint one nominee that filed: Lyman Eugene Rasmussen - Area 5.

EL DORADO COUNTY FIRE PROTECTION DISTRICT

Division 5 (Supervisorial District II & IV)

Vacancies: One Director (full term) Qualified and Elected by Division.

RECOMMENDED ACTION: Appoint one nominee that filed: Edward W. Courtial - Division 5.EL DORADO RESOURCE CONSERVATION DISTRICT

(Supervisorial District I, II, III, IV & V)

Vacancies: Three Directors (full terms) at Large.

RECOMMENDED ACTION: Appoint three nominees that filed: John C. James II, Charles R. Mitchell and Dale R. Pierce.GARDEN VALLEY RANCH/ESTATES COMMUNITY SERVICES DIST

(Supervisorial Districts IV)

Vacancies: Three Directors (full terms) at Large.

RECOMMENDED ACTION: Appoint two nominees that filed: Barbara Ann Avery and Walt Rivas. Appoint one nominee recommended by the Board of Directors: Francisco Perez.GEORGETOWN DIVIDE RECREATION DISTRICT

Area 1(Supervisorial District IV)

Vacancies: One Director (full term) at Large.

RECOMMENDED ACTION: Appoint one nominee that filed: Eric Keith Clark.GEORGETOWN DIVIDE RECREATION DISTRICT

Area 3(Supervisorial District IV)

Vacancies: One Director (unexpired two year term) at Large.

RECOMMENDED ACTION: Appoint one nominee that filed: Penny S. Scribner (unexpired two year term).GEORGETOWN DIVIDE RESOURCE CONSERVATION DISTRICT

(Supervisorial District III & IV)

Vacancies: Three Directors (full terms) at Large.

RECOMMENDED ACTION: Appoint three nominees that filed: Mary Louise Gorden, Richard W. Milner and Linda Jean Sanford.GEORGETOWN FIRE PROTECTION DISTRICT

(Supervisorial District IV)

Vacancies: One Director (unexpired two year term) at Large.

RECOMMENDED ACTION: Appoint one nominee that filed: Larry Steven Anderson.

GOLD TRAIL UNION SCHOOL DISTRICT

(Supervisorial District III & IV)

Vacancies: Two Governing Board Members (full terms).

RECOMMENDED ACTION: Appoint two nominees that filed: Janet Marie Barbieri and Gary Ritz).

INDIAN DIGGINS UNION SCHOOL DISTRICT

(Supervisorial District II)

Vacancies: One Governing Board Member (full term) at Large.

RECOMMENDED ACTION: Appoint one nominee that filed: Douglas C. Mc Coll.

LAKE VALLEY FIRE PROTECTION DISTRICT

(Supervisorial District II & V)

Vacancies: Three Directors (full terms) at Large.

RECOMMENDED ACTION: Appoint three nominees that filed: Robert J. Bettencourt, Greg Herback and John A. Rice.

PIONEER FIRE PROTECTION DISTRICT

(Supervisorial District II)

Vacancies: Three Directors (full terms) at Large.

RECOMMENDED ACTION: Appoint three nominees that filed: Craig Robert Cooper-Wyble, Ripley Mayo Howe and Russell Winn Sime.

POLLOCK PINES ELEMENTARY SCHOOL DISTRICT

(Supervisorial District II, III & IV)

Vacancies: Two Governing Board Members (full terms) at Large.

RECOMMENDED ACTION: Appoint two nominees that filed: Dennis Cullen and Thomas E. Griffin.

ROLLING HILLS COMMUNITY SERVICES DISTRICT

(Supervisorial District II)

Vacancies: Three Directors (full terms) at Large.

RECOMMENDED ACTION: Appoint three nominees that filed: Gordon Anderson Fawkes, John Blake Kennedy and Donald Mark Magee. Appoint one nominee recommended by the Board of Directors (Unexpired Term): Matthew Sites.

SIERRA JOINT COMMUNITY COLLEGE DISTRICT

Area 4 (Supervisorial District IV)

Vacancies: One Governing Board Member (full term) at Large.

RECOMMENDED ACTION: Appoint one nominee that filed: Bill Halldin.

SIERRA JOINT COMMUNITY COLLEGE DISTRICT

Area 7 (Supervisorial District IV)

Vacancies: One Governing Board Member (full term) at Large.

RECOMMENDED ACTION: Appoint one nominee that filed: Aaron Klein.

SILVER FORK SCHOOL DISTRICT

(Supervisorial District II & IV)

Vacancies: One Governing Board Member (full term) at Large.

RECOMMENDED ACTION: Appoint one nominee that filed: Mary Erba.

TAHOE CITY PUBLIC UTILITY DISTRICT

Seat 5 (Supervisorial District IV & V)

Vacancies: One Director (full term) at Large.

RECOMMENDED ACTION: Appoint one nominee that filed: Ron Treabess.

TAHOE TRUCKEE UNIFIED SCHOOL DISTRICT

Area 2 (Supervisorial Districts V)

Vacancies: One Governing Board Member (full term) at Large.

RECOMMENDED ACTION: Appoint one nominee that filed: Kirsten Brutzman-Livak.

TAHOE TRUCKEE UNIFIED SCHOOL DISTRICT

Area 3 (Supervisorial District V)

Vacancies: One Governing Board Member (full term) at Large.

RECOMMENDED ACTION: Appoint one nominee that filed: Randall W. Hill.

This matter was Approved on the consent calendar.

7. [12-1245](#) Sheriff's Office recommending the Board considering the following:
- 1) Authorize the Auditor/Controller to create a Special Revenue Fund for CalMMET revenue received from the State Controller's Office for methamphetamine investigation purposes;
 - 2) Authorize the Auditor/Controller to create a Special Revenue Fund for future revenue received from various counties for the provision of Custody services at the Sheriff's South Lake Tahoe and Placerville Jails; and
 - 3) Authorize the Chair to sign a Budget Transfer transferring unspent CalMMET revenues received during Fiscal Year 2011/12 from contingency to the special revenue fund, as well as posting Fiscal Year 2012/13 CalMMET revenues to the special revenue fund

FUNDING: CalMMET and other Miscellaneous revenue.

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

Yes: 4 - Knight, Nutting, Sweeney and Briggs

Absent: 1 - Santiago

8. [12-1216](#) Sheriff's Office recommending the Board authorize the Procurement and Contracts Division to issue a Confirming Only Purchase Order to enable the processing of a County Pcard (credit card) charge to Network Solutions LLC., in the amount of \$1,029.42 for software licensing for web addresses: "EDSO-APPS.ORG" and "EDSO.ORG" from December 23, 2011 to December 22, 2014; renewal of "nsWebAddress.ORG" and "nsHosting Shared" from February 8, 2012 to February 7, 2016; and "nsProtect Secure" licensing from March 21, 2012 to March 20, 2016.

This matter was Approved on the consent calendar.

9. [12-1226](#) Department of Transportation recommending the Board accept with thanks, the donation of \$250 from the Gold Country Endurance Riders for maintenance and repairs of the restrooms at the Georgetown Airport.

FUNDING: Donation from the Gold Country Endurance Riders.

This matter was Approved on the consent calendar.

10. [12-1115](#) Department of Transportation recommending the Board direct the Auditor-Controller to:
- 1) Process a journal entry transferring residual funds from the 2004 General Plan (GP) El Dorado Hills (EDH) Traffic Impact Mitigation (TIM) West Valley Prepayment account to the 2004 GP EDH TIM account; and
 - 2) Close the 2004 GP EDH TIM West Valley Prepayment account after the transfer is processed. (Cont'd. 10/16/12, Item 27)

This matter was Approved on the consent calendar.

11. [12-0967](#) Department of Transportation recommending the Board authorize the Chair to sign the retroactive Agreement CTA-12005 and Contractor Certification CCC-307 for same with the California Tahoe Conservancy in the amount of \$7,648 for the term July 1, 2012 through June 30, 2013.

FUNDING: California Tahoe Conservancy.

This matter was Approved on the consent calendar.

12. [11-0787](#) Department of Transportation recommending the Board consider the following:
- 1) Authorize the Chair to sign the Notice of Acceptance with V & C Construction, Inc. for the Montgomery Estates Area 1B Erosion Control Project (PW No. 11-30603, CIP No. 95193) in the Lake Tahoe Basin; and
 - 2) Authorize the Acting Clerk of the Board to release the Payment and Performance Bonds to the Surety upon notification from the Department after the one-year guarantee period.

FUNDING: This Project was funded by the United States Forest Service. The requested Board action has no associated fiscal impact.

This matter was Approved on the consent calendar.

13. [12-1237](#) 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 2012-2013 for participation in each of these programs; and
 - 2) Authorize the County Veterans Service Officer to actively participate in the promotion of the California Veterans License Plate Program.

FUNDING: State Revenue.

This matter was Approved on the consent calendar.

- 14. [12-1310](#) Supervisor Sweeney recommending the Board authorize the Chairman to sign a letter to the United States Forest Service regarding placing a hold on their Placerville Nursery Solar Energy and Greenhouse project.

This matter was Approved on the consent calendar.

END CONSENT CALENDAR

Supervisor Santiago arrived.

10:00 A.M. - TIME ALLOCATION

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

- 15. [12-1187](#) Supervisor Briggs recommending the Board receive a presentation "El Dorado Arts Council - Arts and Culture 2012" provided by the El Dorado Arts Council. (Est. Time: 15 Min.)

Received and Filed.

- 16. [12-1319](#) Presentation by the El Dorado County Economic Development Advisory Committee highlighting "Business Showcase," a brief introduction to one of El Dorado County's unique businesses, StemExpress. (Est. Time: 20 Min.)

Received and Filed.

11:00 A.M. - TIME ALLOCATION

- 17. [12-1274](#) Department of Transportation recommending the Board receive presentations and information on the status of County roads and provide direction regarding the Department's road maintenance and pavement management programs. (Est. Time: 1 Hr.)

PUBLIC COMMENT

M. Lane

No formal action taken.

A motion was made by Supervisor Sweeney, to adjourn the public portion of the meeting.

2:00 P.M. - 3:00 P.M. - TIME ALLOCATION - CLOSED SESSION

- 18. [12-1260](#) Pursuant to Government Code Section 54957: **Public Employment Interviews** - Title: Clerk of the Board of Supervisors. (Est. Time: 1 Hr.)

No Action Reported.

3:00 P.M. - 5:00 P.M. - TIME ALLOCATION - CLOSED SESSION

19. 12-1321 Pursuant to Government Code Section 54957.6. **Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources and/or designee.
Employee Organization: El Dorado County Employees 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; Deputy Sheriffs Association representing employees in the Law Enforcement Unit; El Dorado County Criminal Attorney Association; El Dorado County Deputy County Counsel Association; El Dorado County Managers Association; El Dorado County Law Enforcement Managers Association; and Unrepresented Employees. (Est. Time: 2 Hrs.)

No Action Reported.

12-0006

CAO REPORTS

None.

12-0005

ITEMS TO/FROM SUPERVISORS

None.

ADJOURNMENT

CLOSED SESSION

20. 12-0835 Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as follows:
- 1) APN 121-160-03, 121-120-22, 122-590-01 Serrano Assoc. LLC, a Delaware Limited Liability Company. The person or persons with whom the negotiator may negotiate is Kirk Bone;
 - 2) APN 122-720-03, 121-280-01, 118-170-01 El Dorado Hills Investors, Ltd., a California Limited Partnership. The person or persons with whom the negotiator may negotiate is Anthony Mansour;
 - 3) APN 121-280-12, 118-170-04 Huddinge Partners, a Nevada Limited Partnership. The person or persons with whom the negotiator may negotiate is Bradley Rotter;
 - 4) APN 122-720-07, 118-170-02 Vilma Bricolla as to an Undivided 4% and Robert Steven Hardy, Trustee of the Hardy Community Property Trust U/A Dated 02/01/99 as to an Undivided 96% interest. The person or persons with whom the negotiator may negotiate is Robert Steven Hardy;
 - 5) APN 122-720-06 Ruminson Grado Ventures LLC, a California Limited Liability Company. The person or persons with whom the negotiator may negotiate is Leonard Grado;
 - 6) APN 122-720-05 Presbytery of Sacramento, a California non-profit corporation. The person or persons with whom the negotiator may negotiate are Jung Ryu or Patricia Strand;
 - 7) APN 122-720-09 (approx. 50+ acres H50 North) EDH 52, a California General Partnership. The person or persons with whom the negotiator may negotiate is Robert Holderness, Esq.; and
 - 8) APN 122-720-09 (approx. 6.26 acres, south of H50) Douglas Grant Line Assoc. Ltd., a Limited Partnership as to an undivided 45.6% interest; and Sacramento Realty Investors - El Dorado Ltd., a Limited Partnership as to an undivided 45.6% interest, and Sacramento Realty Investors - Clarksville, Ltd., a Limited Partnership as to an undivided 8.8% interest. The person or persons with whom the negotiator may negotiate is Robert M. Matz.
- Instructions to negotiator will concern price and term of payment. Pete Feild of Bender Rosenthal will be the negotiator on behalf of El Dorado County. (Est. Time: 20 Min.)

No Action Reported.

21. 12-1298 Conference with Legal Counsel - Initiation of Litigation pursuant to Government Code Section 54956.9(c): Number of potential cases: (1). (Est. Time: 15 min.)

The Board by a 4-0 vote, with Supervisor Santiago absent, authorized initiation of one piece of litigation on this matter, with details to be available when the matter is filed.

22. 12-1322 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b). Number of potential cases: (1). (Est. Time: 20 Min.)

No Action Reported.