



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

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

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

Tuesday, May 18, 2010

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

9:04 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Supervisor Knight, seconded by Supervisor Briggs, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Item 2 was added to the Consent Calendar, Item 6 was pulled from the Consent Calendar, and Item 25 was continued off calendar.

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

OPEN FORUM

PUBLIC COMMENT

P. Arnold RE: Child Protective Services Reform in El Dorado County

E. Claudio RE: Child Protective Services Reform

D. Faulkenstein RE: Foster Parents and Child Protective Services

T. Spraike RE: Child Protective Services in the big picture

T. Creston RE: Detox Center

M. Lane RE: COMPAS issues

BUDGET UPDATE

PRESENTATIONS

1. [10-0449](#) Human Services Department, on behalf of the El Dorado County Commission on Aging (COA), recommending the Board consider the following:
 - 1) Adopt a proclamation designating May, 2010 as Older Americans Month in El Dorado County;
 - 2) Present certificate to the nominees, noting their primary contribution to the community;
 - 3) Announce the 2010 Senior of the Year; and
 - 4) Present the perpetual trophy to the nominee selected by the COA to receive this honor.

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

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

2. [10-0467](#) Health Services Department recommending the Board proclaim May 16-22, 2010 as "Emergency Medical Services Week" in the County of El Dorado.

This matter was Approved on the consent calendar.

3. [10-0514](#) Presentation by David Ashby, Executive Director, New Morning Youth and Family Services

No Formal Action Required.

CONSENT CALENDAR

4. [10-0513](#) Approval of Board of Supervisors Meeting Minutes from the Special Meeting of Monday, May 10, 2010 and the Regular Meeting of Tuesday, May 11, 2010.

This matter was Approved on the consent calendar.

5. [10-0461](#) Auditor Controller recommending the Board consider the following:
1) Receive and file the report on "Comparison of Actual Tax Proceeds to Adopted Appropriations Limit." the schedule of Prop 4 Compliance for FY 2008-2009 Actual Revenues, the schedule of Prop 4 Compliance for FY 2009-2010 Adopted Revenues; and
2) Set a public hearing for June 8, 2010 at 9:00 a.m. for the discussion and adoption of the Appropriations Limit for Fiscal Year 2010-2011.

This matter was Approved on the consent calendar.

6. [10-0498](#) Chief Administrative Office recommending the Board authorize the Chair to sign Memorandum of Understanding with the Highway 50 Association to provide funding assistance for the Wagon Train event to be held June 5, 2010 through June 13, 2010.

FUNDING: County Promotions

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

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

7. [10-0460](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board consider the following:
1) Award Bid # 10-760-056 for the purchase of 1 Rubber Tracked Carrier Dump Truck to the sole qualified bidder, Crawler Carrier Sales, LLC., of Lake Oswego, Oregon; and
2) Authorize the Purchasing Agent to issue a purchase order to Crawler Carrier Sales LLC., of Lake Oswego, Oregon in the amount of \$96,000.00 plus applicable sales or use taxes and fees following Board approval.

FUNDING: Grant funding from the Off-Highway Motor Vehicle Recreation (OHMVR) Division of the State Department of Parks and Recreation with matching funds from the Off-Highway Vehicle (OHV) Special Revenue fund.

This matter was Approved on the consent calendar.

8. [10-0505](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board consider the following:
- 1) Authorize the Purchasing Agent to extend bid #09-615-076 with Office Depot and LD Products for office supplies and toner cartridges for up to one additional year; and
 - 2) Authorize the Purchasing Agent to increase existing blanket purchase orders to Office Depot and LD Products on an "as needed" basis during the awarded period as long as funding is available within the requesting department's budget.

FUNDING: General Fund and non-General Fund

This matter was Approved on the consent calendar.

9. [10-0474](#) Chief Administrative Office, Office of Economic Development, recommending the Board consider the reappointment and the appointment of community members to a one-year term on the Economic Development Advisory Committee (EDAC), as follows:
- 1) Reappoint William T. Abraham, District I member, Jim Brunello, District II member, Maryann Argyres, District III member, Roberta Long, District IV member, and Michael Ward, District V member, Gordon Helm, At-large member, Dale Van Dam, At-large member, Charles Downs, At-large member, and Mark Nava, At-large member for one year terms beginning May 19, 2010 and expiring May 18, 2011;
 - 2) Appoint Alexandria Shilin, At-large member and Eric Driever, At-large member for one year terms beginning May 19, 2010 and expiring May 18, 2011; and
 - 3) Extend appreciation to Thalelia Georgiades for her past year of service on the Economic Development Advisory Committee.

This matter was Approved on the consent calendar.

10. [10-0409](#) County Counsel recommending the Board adopt a resolution authorizing the El Dorado Union High School District to issue and sell, on its own behalf, up to \$25,000,000 of general obligation bonds which were authorized by the voters of the District on June 3, 2008.

Adopted Resolution 056-2010 upon approval of the consent calendar.

11. [09-0959](#) District Attorney recommending the Board authorize the Chair to sign Amended Equitable Sharing Agreement and Certification Report for Federal Asset Forfeiture with the Department of Justice and the Treasury for a one year term, July 1, 2009 through June 30, 2010, to receive and share federal asset forfeitures to be used for law enforcement purposes. (9/15/09, Item #13)

This matter was Approved on the consent calendar.

12. [10-0475](#) District Attorney requesting the Board authorize the Chair to sign the budget transfer establishing revenue and appropriations for use of the 2008 JAG grant funding. (4/5 vote required)
- FUNDING:** Justice Assistance Grant Program
- This matter was Approved on the consent calendar.**
13. [10-0468](#) Human Resources, Risk Management Division, recommending the Board consider the following:
- 1) Approve Amendment No. 4 to Prescription Benefit Services Agreement 196-S0811 between Caremark, L.L.C. and County of El Dorado to include an enhanced prescription drug utilization management program, effective July 1, 2010; and
 - 2) Authorize the Human Resources Director to execute the amendment and necessary attachments and forms to implement the utilization management prescription program.
- FUNDING:** Risk Management Internal Service Fund
- This matter was Approved on the consent calendar.**
14. [10-0455](#) Department of Human Services recommending the Board consider the following:
- 1) Approve the 2010-2011 Update to the 2009-2012 El Dorado County (Planning and Service Area 29) Area Plan for Senior Services; and
 - 2) Authorize the Chair to sign a Transmittal Letter for submittal of said Plan Update to the California Department of Aging.
- FUNDING:** N/A
- This matter was Approved on the consent calendar.**
15. [10-0405](#) Department of Human Services recommending the Board authorize the Chair to sign Agreement for Services 012-S1111 with Remi Vista, Inc. in the amount of \$315,360 for the provision of services necessary to operate the Transitional Housing Program-Plus for the Department of Human Services during the term of July 1, 2010 through June 30, 2011.
- FUNDING:** Funding source is 100% State General Fund Allocation
- This matter was Approved on the consent calendar.**

16. [10-0445](#) Health Services Department, Mental Health Division (MHD), recommending the Board authorize the Health Services Director to sign and submit the Fiscal Year 2010/11 Projects for Assistance in Transition from Homelessness (PATH) grant application to the Adult and Older Adult Program Policy Unit of the California Department of Mental Health (DMH) to provide funding in the amount of \$36,651.

FUNDING: Federal funding made available through State DMH

This matter was Approved on the consent calendar.

17. [10-0459](#) Department of Human Services recommending the Board authorize the Chair to sign Amendment 2 to ongoing Agreement for Services 478-S0411 with CompuTrust Software Corporation for the conversion of the current system used by the Public Guardian Office to a web-based application and for the customization of the system to include a caseload management module for Adult Protective Services.

FUNDING: Federal, State, General Fund and Non-General County Match in varying percentages for each program as detailed under Fiscal Impact.

This matter was Approved on the consent calendar.

18. [10-0443](#) Sheriff's Department recommending the Board authorize the Sheriff to sign Agreement 09-204-816 and applicable certifications with the State of California, Department of Boating and Waterways in the amount of \$30,000 for the purchase of miscellaneous equipment for the Boating unit.

FUNDING: State of California Boating and Waterways Equipment Grant

This matter was Approved on the consent calendar.

19. [10-0489](#) Sheriff's Department recommending the Board authorize the Sheriff to sign the Boating Safety and Enforcement Financial Aid Program Contract with California Department of Boating and Waterways in the amount of \$319,546 for the term July 1, 2010 through June 30, 2011 to provide boating safety and enforcement activities on the County's rivers and lakes.

FUNDING: State of California Department of Boating and Waterways.

This matter was Approved on the consent calendar.

20. [10-0236](#) Department of Transportation recommending the Board approve the appointment of new advisory committee members to fill vacancies on advisory committees for various zones of benefit in County Service Area Nos. 2 and 9 as outlined in Exhibit A.

This matter was Approved on the consent calendar.

21. [10-0478](#) Supervisor Briggs recommends the Board consider closing the Finnon Lake Trust Fund, as follows:
1) Approve the closing of the Finnon Lake Trust Fund account 20-514-490, and
2) Authorize the Chair to sign the Budget Transfer that will allow for the transfer of the \$1,477.95 balance to the Mosquito Volunteer Fire Association in support of their ongoing efforts to maintain the Finnon Lake Recreation Area.

This matter was Approved on the consent calendar.

22. [10-0458](#) Department of Veteran Affairs, on behalf of the Veterans Affairs Commission recommending the Board approve a Budget Transfer increasing use of fund balance (revenue) and operating transfers out (appropriations) in the Veterans Affairs Commission special revenue fund and increasing operating transfers in (revenue) and special department expense (appropriation) in the Veteran Affairs Department in the amount of \$300 for the purchase of flower wreaths at the El Dorado County Memorial Monument. (4/5 vote required)

This matter was Approved on the consent calendar.

23. [10-0464](#) District Attorney recommending the Board consider the following:
1) Authorize the submission of a grant application to the California Emergency Management Agency for the Victim Witness Assistance Program for Fiscal Year 2010/2011; and
2) Authorize the Chair to sign the certification pertaining to same.

This matter was Approved on the consent calendar.

24. [10-0484](#) Department of Transportation recommending Board approve a revised project list for use of the 2009-2010 Appropriation of Proposition 1B funding for local road maintenance.

FUNDING: State Proposition 1B Funds

This matter was Approved on the consent calendar.

DEPARTMENT MATTERS/NOTICED HEARING

25. [08-0227](#) Rescind Resolution Nos. 32-2008 through 43-2008 as adopted on the Board of Supervisors' agenda dated February 26, 2008, Item No. 25 (Legistar file 08-0227). (Refer to Legistar file 09-0348, Item 31, 5/19/09 and Item 21, 8/18/09) (Cont'd 4/27/10, Item 36)

This matter was continued off calendar upon approval of the Consent Calendar.

26. [10-0095](#) Chief Administrative Office and County Counsel presenting draft ballot questions relating to the repeal of the County Charter and related measures as directed by the Board on March 15, 2010.

PUBLIC COMMENT

D. Atkinson RE: El Dorado Deputy Sheriff's Association is opposed to repeal the Charter.

K. Mikelson RE: Sacramento DSA, vote no to the issues going on the ballot.

V. Pierson RE:

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to set a workshop to analyze the issues in the reports from the Grand Jury and the Charter Commission with the stated intention that the outcomes will not be placed on the November 2010 ballot.

Yes: 4 - Knight, Sweeney, Briggs and Santiago

Noes: 1 - Nutting

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

1) Direct Chief Administrative Officer to work with staff to compile a report to address the issues and recommendations from the Grand Jury and the Charter Review Committee, that the report be in the same format as the responses to the Grand Jury, and that it contain recommendations on any rewording of the Charter; and

2) Direct the Chief Administrative Officer to work with the Auditor Controller and the District Attorney to compile the responses to issues regarding contracts.

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

27. [10-0462](#) HEARING - Per the request of Waste Connections Inc. and as required by the Franchise Agreement, conduct a public hearing to consider adoption of a Resolution adjusting the solid waste collection and Material Recovery Facility (MRF) rates for Waste Connections, Inc., dba El Dorado Disposal Service by the Consumer Price Index (CPI) of 2.1% effective July 1, 2010. (Est. Time: 30 min.)

Resolution 057-2010

A motion was made by Supervisor Briggs, seconded by Supervisor Knight, to adopt Resolution 057-2010.

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

28. [10-0463](#) HEARING - Per the request of Tahoe Truckee Sierra Disposal, Inc. and as outlined in the amended April 4, 1995 Franchise Agreement, conduct a public hearing to consider adoption of Resolution increasing the solid waste collection rates by either 4% or 5% effective July 1, 2010. (Est. Time 20 min.)

Resolution 058-2010

A motion was made by Supervisor Briggs, seconded by Supervisor Knight, to adopt Resolution 058-2010 with an increase of 4% noting that this is one time only and not setting any standards.

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

29. [10-0518](#) Department of Transportation recommending the Board consider purchase of property at 4461 Business Drive (APN 109-480-21), Shingle Springs, California. Department of Transportation will present a staff evaluation regarding the suitability of the property for County uses, including the permanent location of the West Slope Animal Shelter Facility.

FUNDING: Tobacco Settlement Special Revenue Funds

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to continue this matter one week. After Board discussion Supervisor Sweeney withdrew his motion.

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

1) Direct staff to advise Butte Community Bank the Real Property Purchase Agreement and Deposit Receipt between Butte Community Bank and County of El Dorado regarding property 4461 Business Drive, Shingle Springs will not be ratified due to the following:

- a) The Board cannot remove contingencies 2A, 2B, and 8A2;
- b) New information received regarding the tenant; and
- c) The cost of tenant improvements.

2) Direct staff to bring back an agenda item for discussion regarding Shinn Ranch.

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

12:00 P.M. - INFORMATIONAL LUNCHEON

El Dorado County and Georgetown Divide Resource Conservation Districts hosting an informational luncheon meeting with the Board of Supervisors at the Main Library Meeting Room.

2:00 P.M. - TIME ALLOCATION

30. [10-0388](#) HEARING - Consider the recommendation of the Planning Commission on Rezone Z09-0002/Planned Development PD09-0002/Parcel Map P09-0003/Golden Foothills Condominiums on property identified by APN 117-060-46, consisting of 3.79 acres, in the El Dorado Hills area, submitted by Bahram Morid; and recommending the Board take the following actions:

- 1) Certify that the project is Categorically Exempt from CEQA pursuant to Section 15301(k) of the CEQA Guidelines;
- 2) Approve Z09-0002 rezoning APN 117-060-46 from Research & Development-Design Control (R&D-DC) to Research & Development-Planned Development (R&D-PD) based on the Findings listed in Attachment 1;
- 3) Approve Planned Development PD09-0002 adopting the Development Plan as the official Development Plan based on the Findings and subject to the Conditions of Approval listed in Attachment 1;
- 4) Approve Parcel Map P09-0003 based on the Findings and subject to the Conditions of Approval listed in Attachment 1; and
- 5) Adopt Ordinance 4946 for said rezone. (Supervisory District II)

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

- 1) **Certify that the project is Categorically Exempt from CEQA;**
- 2) **Approve Rezone Z09-0002;**
- 3) **Approve Planned Development PD09-0002;**
- 4) **Approve Parcel Map P09-0003; and**
- 5) **Adopt Ordinance 4946.**

Yes: 4 - Knight, Nutting, Sweeney and Santiago

Absent: 1 - Briggs

31. [10-0392](#) HEARING - Consider the recommendation of the Planning Commission on Williamson Act Contract WAC09-0001 on property identified by APNs 088-020-72, 088-020-79, 088-020-81, and 088-020-82, consisting of 307.51 acres, in the Garden Valley area, submitted by Roy and Marilyn Rutz; and recommending the Board take the following actions:
- 1) Certify that the project is Categorically Exempt from CEQA pursuant to Section 15317;
 - 2) Approve and certify the Notice of Non-renewal of Williamson Act Contract for APN 088-020-82 (10.65 acres);
 - 3) Approve a new Williamson Act Contract WAC09-0001 to include APNs 088-020-72, 088-020-79, and 088-020-81 (consisting of 296.86 acres) based on the Findings listed in Attachment 1; and
 - 4) Adopt Resolution for said Williamson Act Contract. (Supervisory District IV)

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

- 1) Certify the project is Categorically Exempt from CEQA;**
- 2) Approve and certify the Notice of Non-renewal of Williamson Act Contract;**
- 3) Approve Williamson Act Contract WAC09-0001; and**
- 4) Adopt Resolution 059-2010 for said Williamson Act Contract.**

Yes: 4 - Knight, Nutting, Sweeney and Santiago

Absent: 1 - Briggs

CAO REPORTS**ITEMS TO/FROM SUPERVISORS****ADJOURNED AT 5:15 P.M.****CLOSED SESSION**

32. [10-0146](#) 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.
No Action Reported
33. [10-0515](#) Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation:**
Title: Chief Administrative Officer.
No Action Reported
34. [10-0510](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a):
Title: Yubacon, Inc. v. El Dorado County Department of Transportation, Arbitration Case # A-0016-07; Yubacon, Inc. v. El Dorado Irrigation District, et al., El Dorado County Superior Court Case #PC20070379.
No Action Reported

35. [10-0512](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a):
Title: Serrano Claim for CFD Tax Refund
Number of potential cases: (1)
- The Board by a unanimous vote, regarding the Serrano claim for Community Facilities District (CFD) tax refund, due to a potential conflict of interest in County Counsel continuing to represent both the Board of Supervisors and the Auditor Controller in this matter, the Board authorized the County Auditor to obtain outside Counsel and sign a contract with that Counsel, to be paid for by the CFD funds and not General Funds. The Board also authorized retention of independent Counsel to replace County Counsel in representing the Board in this matter with funds to be paid from the CFD funds. County Counsel will return with a recommendation on the selected outside Counsel.**
36. [10-0511](#) Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c):
Number of potential cases: (1)
- No Action Reported**
37. [10-0520](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a):
Title: United States of America (USA) v. El Dorado County and City of South Lake Tahoe. Civil Action No. S-01-1520 x-ref: (Meyers Landfill Site)
- No Action Reported**
38. [10-0521](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b):
Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c):
Number of potential cases: (2)
Title: Legal Issues Concerning Caremark Amendment
- No Action Reported**