



County of El Dorado

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Minutes - Final Board of Supervisors

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

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

Tuesday, September 15, 2009

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.

8:00 A.M. - CALL TO ORDER AND RECESS TO CLOSED SESSIONS

- Present:** 4 - Supervisor Knight, Supervisor Nutting, Supervisor Briggs and Supervisor Santiago
- Absent:** 1 - Supervisor Sweeney

9:00 A.M. - RECONVENE TO OPEN SESSION AND CLOSED SESSION REPORTS

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Supervisor Knight, seconded by Supervisor Santiago, to adopt the Agenda and approve the Consent Calendar with the following exceptions, Items 29, 35, 40, and 47 were amended to the Consent Calendar and Items 5, 19 and 25 were pulled from the consent calendar.

- Yes:** 4 - Knight, Nutting, Briggs and Santiago
- Absent:** 1 - Sweeney

OPEN FORUM

PUBLIC COMMENT

B. Johnston RE: Inappropriate behavior of disposal company employees.

PRESENTATIONS

1. [09-1128](#) Chief Administrative Office recommending the Board receive presentation of needlepoint artwork of the Great Seal of California from the Native Daughters of the Golden West, Marguerite Parlor No. 12, and authorize Chairman to sign letter acknowledging loaned status of said artwork.

This matter was Approved on the consent calendar.

10:00 A.M. - TIME ALLOCATION

2. [09-1030](#) Chief Administrative Office recommending the Board consider the following:
- 1) Adopt the Final Draft Response to the 2008-2009 Grand Jury Final Report; and
 - 2) Authorize the Chairman to sign a letter for the submittal of the Final Response to the presiding Judge of the Superior Court.

PUBLIC COMMENT

R. Van Asten RE: Grand Jury Concur with the Chief Administrative Officer's report.

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

- 1) Adopt Final Draft Response to the 2008-2009 Grand Jury Final Report; and**
- 2) Authorize the Chairman to sign the letter.**

Yes: 4 - Knight, Nutting, Briggs and Santiago

Absent: 1 - Sweeney

BUDGET UPDATE

CONSENT CALENDAR

3. [09-1154](#) Approve the Board of Supervisors Meeting Minutes for the Special Meeting of Monday, August 24, 2009 and the Regular Meeting of Tuesday, August 25, 2009.

This matter was Approved on the consent calendar.

4. [09-1155](#) Auditor-Controller recommending the Board adopt a Resolution establishing the Secured Property Tax Roll Tax Rates for Fiscal Year 2009/2010, for the County of El Dorado.

Resolution 202-2009

Adopt Resolution 202-2009 upon approval of the consent calendar.

5. [09-1130](#) Chief Administrative Office, Procurement and Contracts Division presenting a list of property surplus to the needs of the County; and recommending the Board declare and authorize disposal of same in accordance with the procedures outlined in the County's Purchasing Ordinance, Chapter 3.12 and Section 3.12.220 thereof.

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

Yes: 4 - Knight, Nutting, Briggs and Santiago

Absent: 1 - Sweeney

6. [09-1158](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board consider the following:
- 1) Award Bid # 10-725-003 for the purchase of Telephone Switch Upgrade in South Lake Tahoe to the low qualified bidder, Quagga, Inc. of Folsom, CA; and
 - 2) Authorize the Purchasing Agent to execute an agreement for the purchase and installation of the equipment in the amount of \$104,421.36, plus applicable sales tax, subject to approval by County Counsel and Risk Management.

FUNDING: General Fund

This matter was Approved on the consent calendar.

7. [09-1104](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Chairman be authorized to sign Amendment I to Agreement for Services 425-S0811 with Jani-King of California, Inc. extending the term for one additional one year period and increasing the compensation by \$25,992.00 for a total not to exceed amount of \$77,976.00 for selected janitorial services for the Health Services Department, Mental Health Division's Psychiatric Health Facility.

FUNDING: Medi-Cal, Mental Health Services Act and Realignment.

This matter was Approved on the consent calendar.

8. [09-1098](#) Chief Administrative Office, Procurement and Contracts Division, recommending Chairman be authorized to sign Amendment I to Agreement for Services 216-S0911 with Legalese Attorney Services, Inc. extending the term for two additional one year periods from September 16, 2008 through September 15, 2011 to provide service of process on an "as requested" basis for Departments County wide.

FUNDING: Funding is available within each requesting department's professional services budgets.

This matter was Approved on the consent calendar.

9. [09-1047](#) Child Support Services Department, Revenue Recovery Division, recommending Chairman be authorized to sign Memorandum of Understanding 032-M1011 with the Superior Court of California, County of El Dorado to allow the Court to obtain the services and benefits of a Comprehensive Collection Program pursuant to California Penal Code Section 1463.007 from the County Revenue Recovery Division.

FUNDING: Revenue-generating agreement funded by the Superior Court of California, County of El Dorado.

This matter was Approved on the consent calendar.

10. [09-1137](#) Child Support Services Department, Revenue Recovery Division, recommending adoption of Resolution establishing a registration fee in the amount of twenty five dollars (\$25.00) for every defendant who requests representation by court appointed counsel in order to offset the costs of administering the indigent defense collection system, as allowed under Penal Code section 987.5.

FUNDING: Registration Fees.

Resolution 203-2009

Adopted Resolution 203-2009 upon approval of the consent calendar.

11. [09-1178](#) Clerk of the Board of Supervisors requesting the Board approve an amendment to the minutes for the June 9, 2009 Board of Supervisors meeting to clarify the action of the Board of Supervisors, to read as follows: *(additional material italic)*

Item #28: A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to authorize the Auditor-Controller to post journal entry from Mental Health transferring General Fund contribution and Public Health Realignment *as outlined in Option 3 of the Chief Administrative Officer's memo dated June 8, 2009.*

Option 3 is as follows:

<i>Transfer 10 % of FY 2008-09 Public Health realignment revenues</i>	<i>\$328,787</i>
<i>Retain prior year advance as a loan on the books</i>	<i>\$3,319,000</i>
<i>Transfer from General Fund Contingency</i>	<i>\$3,060,643</i>
	<i>\$6,708,430</i>

Steps:

- Transfer Public Health Realignment funds to Mental Health.*
- Reduce General Fund Contingency (amount currently appropriated for Contingency is \$5,458,878).*
- Transfer \$3,060,643 from General Fund as a contribution to Mental Health.*

Impact:

- Restores Mental Health fund balance to \$0 at fiscal year end.*
- Reduces FY 2008-09 General Fund from \$5,458,878 to \$2,398,235.*
- Transfers an additional \$3,060,643 cash from the General Fund to Mental Health.*
- Creates a positive cash balance in Mental Health sub fund 001 and begins to address ongoing cash requirements.*
- Retains the FY 2007-08 loan of \$3,319,000 on the books.*
- Reduces FY 2008-09 carry over fund balance for FY 2009-10 Proposed Budget by \$3,060,643 and requires a corresponding reduction to FY 2009-10 appropriations.*

A motion was made by Supervisor Briggs, seconded by Supervisor Santiago, to approve the amended action as listed with the additional change to the wording as follows: "authorize the Auditor-Controller" to read "direct the Auditor-Controller".

Yes: 4 - Knight, Nutting, Briggs and Santiago

Absent: 1 - Sweeney

12. [09-1112](#) County Counsel advising the Board of current perpetual Agreements for Services with Sterling Codifiers and Computer Works, Inc., and recommending the Board authorize continuation of same; and authorize the Purchasing Agent to establish blanket purchase orders as necessary for payment of Fiscal Year 2009-2010 agreements for services.

This matter was Approved on the consent calendar.

13. [09-0959](#) District Attorney recommending Chairman be authorized to sign Equitable Sharing Agreement and Certification Report for Federal Asset Forfeiture with the Department of Justice and the Treasury for a one year term to receive and share federal asset forfeitures to be used for law enforcement purposes.

This matter was Approved on the consent calendar.

14. [09-1097](#) Health Services Department recommending Chairman be authorized to sign retroactive Agreement for Services 843-PHD0509 with El Dorado Union High School District (EDUHSD) for the term July 1, 2009 through June 30, 2010, in the amount of \$23,000 to provide on-site Public Health Nurse Services at EDUHSD for what is commonly known as the "Healthy Start Program."

FUNDING: Incoming Funding from El Dorado Union High School District.

This matter was Approved on the consent calendar.

15. [09-1140](#) Health Services Department recommending the Board consider the following:
- 1) Authorize the Chairman to sign retroactive grant Agreement with First 5 El Dorado Children and Families Commission in the amount of \$234,078 for the term July 1, 2009 through June 30, 2010 for the ACCEL program; and
 - 2) Authorize the Chairman to sign retroactive grant Agreement with First 5 El Dorado Children and Families Commission in the amount of \$35,000 for the term July 1, 2009 through June 30, 2010 for the Oral Health Access program.

FUNDING: First 5 El Dorado Children and Families Commission.

This matter was Approved on the consent calendar.

16. [09-1114](#) Human Resources Department, Risk Management Division, recommending Chairman be authorized to sign retroactive Amendment 3 to Agreement for Services 146-S0611, Groups 6178, 6179 and 6180 with Managed Health Network (MHN) in the amount of \$350,000 for a one year term extending the term through June 30, 2010 and a rate increase for Group 6180 for the provision of the County's Employee Assistance Program (EAP).
This matter was Approved on the consent calendar.
17. [09-1120](#) Human Resources, Risk Management Division is recommending the Chairman be authorized to sign Agreement 040-S1010 and associated electronic file agreement with United HealthCare Insurance Company (UHC) in an amount not to exceed \$23,000 for the term July 1, 2009 through June 30, 2010 to provide vision benefits to County employees.
FUNDING: Risk Management Internal Service Fund.
This matter was Approved on the consent calendar.
18. [09-1163](#) Human Resources Department recommending adoption of Resolution amending Resolution 195-2009 to approve a change to the Memorandum of Understanding between the County of El Dorado and Operating Engineers, Local No. 3, representing employees in the Corrections (CR) bargaining unit as reflected in the Letter of Agreement between same effective January 1, 2009 through June 30, 2010.
FUNDING: Not Applicable.
Resolution 204-2009
Adopted Resolution 204-2009 upon approval of the consent calendar.
19. [09-1164](#) Human Resources Department recommending adoption of Resolution amending Resolution No. 188-2009 to add additional wording to Article 7 Section 2.B of the Modified Last, Best and Final Offer to the Operating Engineers, Local No. 3, representing employees in the Trades and Crafts bargaining unit effective January 1, 2009 through June 30, 2010.
Resolution 205-2009
Adopted Resolution 205-2009 upon approval of the consent calendar.

20. [09-1127](#) Human Services Department recommending the Board approve and authorize the Purchasing Agent to execute Agreement for Services 754-S0911 with Provo Canyon School, Inc., a group home, in an amount not to exceed \$100,000 for the provision of emergency shelter care and/or foster care placement services on an "as requested" basis.

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

This matter was Approved on the consent calendar.

21. [09-1141](#) Human Services Department recommending the Board adopt the Proclamation designating September 20-26, 2009 as "Adult Day Services Week" in the County of El Dorado, recognizing the 20th anniversary of the El Dorado County Senior Day Care Center and inviting the public to attend a celebratory open house at said Center on September 23, 2009.

This matter was Approved on the consent calendar.

22. [09-1067](#) Probation Department recommending Chairman be authorized to sign Agreement 095-S1011 with Elsan Associates, Inc., in the amount of \$105,000 for the term October 1, 2009 through September 30, 2012 to provide to Corrections Standards Authority (CSA) the required evaluation research element on each minor in the Department's Juvenile Justice Crime Prevention Act (JJCPA) program, Community Alliance to Reduce Truancy (CART).

FUNDING: California Department of Corrections and Rehabilitation (CDCR), CSA, JJCPA program.

This matter was Approved on the consent calendar.

23. [09-0990](#) Transportation Department recommending the Board consider the following:
- 1) Find pursuant to Article II, Section 210b(6) of the El Dorado County Charter that there are specialty skills required for the work performed under the this Agreement that are not expressly identified in County classifications; and
 - 2) Authorize the Chairman to sign Agreement for Services AGMT 09-52632 with Environmental Stewardship & Planning, Inc. in an amount not to exceed \$300,000 for a three-year term or upon the completion of all issued task orders, whichever is later, to provide professional environmental review services.

FUNDING: Traffic Impact Mitigation Fee Program, Developer Time and Materials billings, grants, and Road Fund.

This matter was Approved on the consent calendar.

24. [09-0998](#) Transportation Department recommending the Board consider the following:
- 1) Approve the continuation of two current perpetual contracts, No. 428-S0110 with Caltrans to provide signal maintenance service and No. 821-S0710 with Squarerigger, Inc. to provide annual software support and maintenance; and
 - 2) Authorize the Purchasing Agent to establish blanket purchase orders to process associated payments for Fiscal Year 2009/2010.

FUNDING: Road Fund.

This matter was Approved on the consent calendar.

25. **09-1101** Transportation Department recommending the following pertaining to the U.S. 50 /Missouri Flat Road Interchange Improvements - Phase 1B Project No. 71336:
- 1) Adopt and approve the plans and contract documents, and authorize the Chairman to sign the plans for said project;
 - 2) Authorize advertisement for construction bids;
 - 3) Authorize the Director of said Department to make minor changes, and to issue addenda, as necessary, during the advertisement process;
 - 4) Authorize the utilization of County-owned property in the project area for temporary contractor staging, materials storage and field offices to facilitate construction of the project; and
 - 5) Authorize Director of said Department to approve temporary road closures and detours to accommodate construction staging.

FUNDING: State Transportation Improvement Program regional grant funds; State Highway Operations and Protection Program state operation funds; American Recovery and Reinvestment Act Transportation Enhancement federal grant funds; Transportation, Community and System Preservation federal grant funds; Congestion Mitigation and Air Quality regional grant funds and Missouri Flat Master Circulation and Funding Plan local funds.

PUBLIC COMMENT

S. Taylor RE: Inclusion of Webber Creek. Lower bridge could be a bike path. Geo-tourism.

This matter was Approved on the consent calendar.

26. [09-1106](#) Transportation Department recommending Chairman be authorized to sign Agreement for Services AGMT 09-52651 (870-S0911) with Sycamore Environmental Consultants, Inc. in an amount not-to-exceed \$240,000 for a three-year term to assist said Department with environmental review services for the Rubicon Trail Area projects including Wentworth Springs at Gerle Creek and Rubicon Trail at Ellis Creek - Bridge Replacement Projects and adopt recommended findings.

FUNDING: Highway Bridge Program funds with local match from an Off Highway Vehicle Grant.

This matter was Approved on the consent calendar.

27. [09-1117](#) Transportation Department recommending the following pertaining to the Durock Road/Business Drive Intersection Signalization Project, No. 73354:

- 1) Authorize the Director of Transportation to approve temporary road closures and detours to accommodate construction staging;
- 2) Determine that the proposed preliminary work required for utility pole relocation and road surface repair of Shingle Lime Mine Road may be accomplished pursuant to Public Contract Code, Section 20395(c) in that the County shall perform the work by purchasing the materials and having the work performed by day labor, in which case advertising for bids is not required; and
- 3) Authorize the Director of Transportation to perform the proposed preliminary work required for utility pole relocation and/or detour road surface repair using County staff/maintenance workers as day labor.

FUNDING: 2004 General Plan Traffic Impact Mitigation Fee Program.

This matter was Approved on the consent calendar.

28. [09-0960](#) Transportation Department recommending the Board authorize the Chairman to sign Lease Agreement 070-L1011 with James Cole Beverly and Clayton Stephen Allison, DBA PLA in the annual amount of \$1,810 for rent payments commencing October 1, 2009 and ending on September 30, 2010 for the 540 square foot building adjacent to Joe's Skate Park to operate a skateboard shop and provide vending machine access for patron's using the Skate Park. Cost of the 540 square feet facility for the period of September 1, through May 31, is \$.14 per square foot. Cost for the period of June 1, through August 31, is \$.27 per square foot.

FUNDING: Not Applicable.

This matter was Approved on the consent calendar.

BOARD OF SUPERVISORS - CONSENT ITEMS

29. [09-1179](#) Supervisor Santiago requesting the Board approve and authorize the Chairman to sign the Letter of Support for the South Lake Tahoe/Truckee California Highway Patrol's Grant Application to Reduce Accidents and Fatalities Caused by Drunk Driving

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

- 1) Approve and authorize the Chairman to sign the Letter of Support; and**
- 2) Direct staff to return in a year with a program report.**

Yes: 4 - Knight, Nutting, Briggs and Santiago

Absent: 1 - Sweeney

END CONSENT CALENDAR

DEPARTMENT MATTERS/NOTICED HEARING

30. [09-1096](#) Sheriff's Department recommending Chairman be authorized to sign retroactive Agreement 875-S0911 with Keefe Commissary Network, LLC an affiliate of The Keefe Group, a Missouri Corporation, whose local place of business is Sparks, NV, for a term April 30, 2009 through April 29, 2014 to provide commissary goods to the inmates housed in the Placerville and South Lake Tahoe Jails. (Est. Time: 5 min.)

FUNDING: Non General Fund - Inmate Welfare Fund.

This matter was added to the Consent Calendar and approved.

31. [09-1145](#) Sheriff's Office recommending Chairman be authorized to sign retroactive Memorandum of Understanding 006-S1010 with Placer County District Attorney's Office for the term July 1, 2009 through June 30, 2010 for the purpose of providing a Sexual Assault Response Team (SART) in Placer County at Sutter Auburn Faith Hospital or Sutter Roseville Medical Center for El Dorado County victims and suspects when there is not El Dorado County Forensic Examiner available to provide these services. (Est. Time : 5 min.)

FUNDING: General Fund.

This matter was added to the Consent Calendar and approved.

32. [09-0714](#) Consider the adoption (second reading) of Ordinance **4827** amending the El Dorado County Building Code and the El Dorado County Grading Ordinance to grant a two-year extension on building and commercial grading permits that were active on May 30, 2009, and were issued for the construction of new "primary use" buildings on properties in El Dorado County. (Refer 8/25/09, Item 31) (Est. Time: 5 min.)

FUNDING: No net funding required. Potential loss of permit renewal and reactivation fee revenues.

This matter was added to the Consent Calendar and adopted Ordinance **4827**.

33. [09-1150](#) Environmental Management Department updating the Board on the Solid Waste Services Franchise Agreement negotiations with Tahoe Truckee Sierra Disposal and requesting the Board provide further direction related to continued negotiations. (Est. Time: 30 min.)

PUBLIC COMMENT

B. Johnston RE: 25% rate increase over the next 5 years is too much. Mandatory services are ridiculous.

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

- 1) Receive report; and
- 2) Direct staff to move forward with negotiations including the areas presented as well as a discussion regarding the \$300,000 minimum revenue base.

Yes: 4 - Knight, Nutting, Briggs and Santiago

Absent: 1 - Sweeney

34. [09-1151](#) Environmental Management Department recommending adoption of Resolution authorizing the Director of said Department, or her designee, to submit the Solid Waste Disposal and Codisposal Site Cleanup Program Matching Grant Application, Fiscal Year 2009/2010, to the State of California for financial assistance related to the Meyers Landfill cleanup project. (Est. Time: 20 min.)

FUNDING: State of California Solid Waste Disposal Site Cleanup Trust Fund.

Resolution 206-2009

This matter was added to the Consent Calendar and adopted Resolution 206-2009.

2:00 P.M. - TIME ALLOCATION

35. [09-0051](#) HEARING: Consider the following formal actions on Rezone Z08-0020 which was tentatively approved by the Board on January 27, 2009, on property identified by APN 098-160-44 consisting of 5.31 acres, in the Pleasant Valley/Oak Hill area, submitted by Randolph Fulp:
- 1) Find the project is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA guidelines;
 - 2) Approve Z08-0020 rezoning APN 098-160-44 from Timberland Preserve Zone (TPZ) to Estate Residential Five-acre (RE-5) based on the findings listed in Attachment 1;
 - 3) Adopt Ordinance **4807** for said rezone; and
 - 4) Approve a tax recoupment fee waiver, consistent with Resolution 102-2009, for the amount of \$1,318.33 in accordance with the Government Code Provision Article 5, Section 51142. (Supervisorial District III) (4/5 vote required) (Refer 1/27/09, Item 36) (Est. Time: 5 min.)

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

- 1) Find the project is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA guidelines;
- 2) Approve Z08-0020 rezoning APN 098-160-44 from Timberland Preserve Zone (TPZ) to Estate Residential Five-acre (RE-5) based on the findings listed in Attachment 1;
- 3) Adopt Ordinance 4807 for said rezone; and
- 4) Approve a tax recoupment fee waiver, consistent with Resolution 102-2009, for the amount of \$1,318.33 in accordance with the Government Code Provision Article 5, Section 51142.

Yes: 4 - Knight, Nutting, Briggs and Santiago

Absent: 1 - Sweeney

36. [08-0101](#) HEARING: Consider a request submitted by Rich Solis appealing the Planning Commission's approval of Special Use Permit S07-0011/Planned Development Revision PD95-0016-R-3/ Kniesel's Auto Collision Center on property identified by APN 070-280-64, consisting of 3 acres, in the Shingle Springs area; and Planning Services recommending the Board take the following actions:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and
 - 2) Deny the appeal, thereby upholding the approval of S07-0011/PD95-0016-R-3 by the Planning Commission based on the findings listed in Attachment 1, subject to the conditions listed in Attachment 2. (Supervisory District IV) (Cont'd 8/25/09, Item 5) (Est. Time: 1 hr.)

PUBLIC COMMENT

C. Anderson RE: 25 neighbors are affected by this permit. None of them were notified. She lives within 275 feet from the proposed business. The fumes, noise and traffic are going hurt her health as well as her children's health.

A. Marinaccio RE: Need for a study of the traffic on Wild Chaparral not in regards to this project. The issue is that the neighborhood was changed by decisions made many years ago.

D. Kouple RE: Gave a handout with distances of residences from the site. Problems for the neighborhood and children include fumes, traffic, and noise. Was not notified of hearing. Heard about hearing from Mr. Solis.

B. Zeller RE: Should stand by prior decision and deny the Special Use Permit.

G. Myers RE: Owns two properties to the west. In favor of the applicant.

M. Canoa RE: No way to hide the shop from the highway. Large shop could put smaller local businesses out of business.

L. Parland RE: Original error was to approve the Sports Complex. Regular commercial is okay but not industrial.

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

- 1) **Adopt the Negative Declaration based on the Initial Study prepared by staff; and**
- 2) **Deny the appeal, thereby upholding the approval of S07-0011/PD95-0016-R-3 by the Planning Commission based on the findings listed in Attachment 1, subject to the conditions listed in Attachment 2 except as amended modifying Condition No. 2 to increase the maximum square feet from 40 to 84.5.**

Yes: 3 - Knight, Nutting and Briggs

Noes: 1 - Santiago

Absent: 1 - Sweeney

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

- 37. [09-1131](#) 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 Sheriff’s 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.
This matter was No Action Reported

- 38. [09-1160](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code section 54956.9(b):
Title:
Number of potential cases: (1).
This matter was No Action Reported

- 39. [09-1168](#) Pursuant to Government Code Section 54957, **Public Employee Performance Evaluation:** Title: Director of Development Services.
This matter was No Action Reported

- 40. [09-1180](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a):
Title: Friends of Shingle Springs Interchange, Inc. (FSSI) v. County of El Dorado, et al, El Dorado County Superior Court Case #PC20090555
The Board by a unanimous vote, with Supervisor Sweeney absent, authorized County Counsel to defend the lawsuit and authorized the retention of the firm Scharfe, Brady and Binding.

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

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

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

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

ANNOUNCEMENTS

Thursday, September 17, 2009, 9:00 a.m. - Open Budget Hearings

Monday, September 21, 2009, 9:00 a.m. - Budget Hearings

Monday, September 28, 2009, 9:00 a.m. - Budget Hearings

Tuesday, September 29, 2009, 9:00 a.m. - Adoption of Fiscal Year 2009-2010 Budget

Monday, October 5, 2009, 6:00 p.m. - Special Meeting - El Dorado Hills Community Service District