



County of El Dorado

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

Minutes - Final Board of Supervisors

Ron Briggs, 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, October 20, 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: 5 - Supervisor Knight, Supervisor Sweeney, Supervisor Nutting, Supervisor Briggs and Supervisor Santiago

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 Sweeney, seconded by Supervisor Santiago, to adopt the Agenda and approve the Consent Calendar.

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

OPEN FORUM

PUBLIC COMMENT

A. Edwards RE: United Outreach. Perk's Court. Zoning requirements limit services to six people. Day program is not allowed in the lease.

B. Smart RE: Saturday celebrated the opening of the trail from Forni Road to Missouri Flat. Thanks to the many people who supported the trail's creation.

PRESENTATIONS

1. [09-1265](#) Presentation of Certificate of Appreciation to Robert A. Brown, Chief Investigator, in recognition of his dedicated and loyal service to the people of the State of California, the El Dorado County District Attorney's Office and El Dorado County Sheriff's Office from November 29, 1977 through October 23, 2009.

Sheriff Neves, District Attorney Pierson, and Supervisor Briggs presented the Certificate of Appreciation to Robert A. Brown.

2. [09-1306](#) Supervisor Sweeney presenting a resolution congratulating Warabi City, our sister city, on it's 50th Anniversary Celebration and a 1851 circa drawing of Sutter's Mill to Myrna Hanses, of "People to People" to be taken to Japan along with a draft letter to be approved by the Board expressing disappointment in not attending the Celebration.

Resolution 232-2009

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

- 1) Adopt Resolution 232-2009;
- 2) Approve and authorize the Chairman to sign the letter.

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

BUDGET UPDATE

CONSENT CALENDAR

3. [09-1302](#) Approval of Board of Supervisors Meeting Minutes for the Regular Meeting of Tuesday, October 13, 2009.
This matter was Approved on the consent calendar.

4. [09-1292](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board receive and file the third and fourth quarterly reports of procurement activity for the periods ending March 31, 2009 and June 30, 2009 respectively for Fiscal Year 2008/2009.
This matter was Approved on the consent calendar.

5. [09-1305](#) Chief Administrative Office recommending the Board adopt the following;
1) Award the Promotions Program RFP's as follows: El Dorado County Chamber of Commerce Film Commission in the amount of \$113,601; El Dorado Arts Council in the amount of \$108,750; El Dorado County Chamber of Commerce Visitor's Authority Council in the amount of \$202,973; El Dorado Hills Chamber of Commerce in the amount of \$84,405 (full funding award contingent upon securing California Welcome Center designation); and the Lake Tahoe South Shore Chamber of Commerce in the amount of \$90,272;
2) Authorize the Chief Administrative Officer, or designee, to establish agreements with the above organizations in the amounts specified, noting that the contracts with the El Dorado County Chamber of Commerce for Film and Visitor's Authority, El Dorado Arts Council, El Dorado Hills Chamber of Commerce, and the Lake Tahoe South Shore Chamber of Commerce will all be retroactive to October 1, 2009; and
3) Authorize the Chairman to sign the agreements subject to review, minor revisions and approval by County Counsel. (Non-General Fund)
This matter was Approved on the consent calendar.

6. [09-1230](#) Chief Administrative Office recommending the Board approve the employees eligible to receive the County's Early Retirement Incentive Plan. (Refer 10/13/09, Item 30)
This matter was Approved on the consent calendar.

7. [09-1312](#) Chief Administrative Office recommending the Board accept donation of a 1986 Custom Coach Modular Office Trailer from El Dorado Irrigation District on behalf of the Environmental Management Department; and authorize the Purchasing Agent to execute a donation agreement, subject to approval by County Counsel.

This matter was Approved on the consent calendar.

8. [08-1318](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board:
- 1) Authorize the Purchasing Agent to increase the blanket purchase order BP290213 (Bid 09-863-019), for the purchase of automotive light truck tires for the West Slope with Sierra Nevada Tire and Wheel of Placerville, California by \$50,000 for a total of \$149,750 for the period of August 26, 2008 through January 31, 2010; and
 - 2) Authorize the Purchasing Agent to increase the blanket purchase order on an "as needed" basis during the contract period if funding is available within the requesting Department's budget.

FUNDING: Fleet Management's Internal Service Fund (Non-General Fund).

This matter was Approved on the consent calendar.

9. [09-1289](#) Human Services Department recommending the Board authorize the Chairman to sign TALX Corporation Standard Social Services Membership Agreement 129-S1010 to enable said Department to obtain employment and/or income verification of clients applying for or receiving public assistance, at no cost to the County, for an ongoing term that commences retroactive to October 1, 2009, and renews annually unless terminated by either party.

This matter was Approved on the consent calendar.

10. [09-1251](#) Human Services Department recommending the Board authorize the Chairman to sign Amendment 2 to Agreement for Services 652-S0810 with Family Connections El Dorado, Inc. reducing the allowable charge for "as requested" equine-assisted therapy to the current Drug MediCal Reimbursement standard therapy rate, noting the not-to-exceed amount of \$180,000 and the term February 1, 2008 through January 31, 2011 remain unchanged for the continued provision of therapeutic counseling and related services for clients of said Department on an "as requested" basis.

FUNDING: 85% Federal/State Social Services Allocation with 15% County match. This annual Federal/State Social Services allocation is expected to be ongoing.

This matter was Approved on the consent calendar.

11. [09-1267](#) Human Services Department, on behalf of the El Dorado County Area Agency on Aging, recommending approval of the Fiscal Year 2008-2009 Area Plan Year-End Report; and the Board authorize the Chairman to sign the corresponding transmittal letter for submittal of said Report to the California Department of Aging.

This matter was Approved on the consent calendar.

12. [09-1273](#) Human Resources Department recommending adoption of Resolution approving the Letter of Agreement to amend the Memorandum of Understanding (MOU) between the County of El Dorado and the El Dorado Criminal Attorney Association (EDCCA) to suspend the cash out provision of management leave until July 1, 2011 and to modify the management leave distribution for the term May 12, 2009 through June 30, 2010.

Resolution 233-2009

Adopted Resolution 233-2009 upon approval of the consent calendar.

13. [09-1243](#) Surveyor advising the Board of perpetual Contract C34-013 with Environmental Systems Research Institute, Inc. in the amount of \$40,076.66 for Fiscal Year 2009-2010 for Geographic Information System (GIS) software licenses and maintenance and recommending continuation of same; and requesting authorization to request additional purchase orders as may be necessary to acquire additional licenses in Fiscal Year 2009-2010, if funding is available within said Department's budget.

FUNDING: General Fund and Non General Fund.

This matter was Approved on the consent calendar.

14. [09-1139](#) Transportation Department recommending the Board authorize the Chairman to sign the First Amendment to Agreement AGMT 07-1630 (641-S0810) with Neff Rental, Inc., increasing compensation by \$50,000 to an amount not to exceed \$100,000 for a term through February 28, 2011 to provide road maintenance equipment rentals for said Department.

FUNDING: Road Fund.

This matter was Approved on the consent calendar.

15. [09-1286](#) Transportation Department recommending the Board authorize the Chairman to sign Lease Agreement 182-L1011 with United Outreach of El Dorado County in the amount of \$1.00 per annum for the term commencing November 1, 2009 and ending October 31, 2014, for the property identified as APN 327-130-18, located at 6940 Perks Court in Placerville, upon approval by County Counsel and Risk Management.

FUNDING: United Outreach of El Dorado County.

Authorized the Chairman to sign Lease Agreement 182-L1011 with minor changes by County Counsel upon approval of the consent calendar.

16. [09-0558](#) Transportation Department recommending the Board authorize the Chairman to sign Lease Agreement 251-L0911 with Diamond Springs Holding Company, LLC in the amount of \$1,326 per annum, commencing upon full execution of the Lease Agreement by both parties for the encroachment on the Southern Pacific Transportation Corridor right of way adjacent to APN 329-240-51 located in Diamond Springs; and approve the request of Diamond Springs Holding Company, LLC to make bi-monthly payments in the amount of \$1,326, totaling \$6,630, for payments currently in arrears.

FUNDING: Diamond Springs Holding Company, LLC.

This matter was Approved on the consent calendar.

17. [09-0973](#) Transportation Department recommending the Board authorize the Chairman to sign Agreement for Services AGMT 09-52745 (104-S1011) with Sycamore Environmental Consultants, Inc. in an amount not to exceed \$245,000 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.

18. [09-0684](#) Transportation Department recommending the following pertaining to Cameron Park Congregate Care, The Duets:
- 1) Accept the subdivision improvements as substantially complete;
 - 2) Reduce Performance Bond No. 780045S to \$286,753.06, which is 10% of the total cost of improvements to guarantee against any defective work, labor done, or defective materials furnished, and release the remainder after one year if no claims are made; and
 - 3) Hold the Laborers and Materialsmen Bond No. 780045S in the amount of \$1,433,765.34 to guarantee payment to persons furnishing labor, materials or equipment, and release the bond in six months if no claims are filed.

FUNDING: Developer funds, Pacific Oak Development, Inc.

This matter was Approved on the consent calendar.

19. [09-1147](#) Transportation Department recommending the Board approve the substitution of Performance and Labor and Materialsmen Bonds for Subdivision Improvement Agreements for West Valley Village Unit 3A, AGMT No. 07-1459, West Valley Village Unit 4, AGMT No. 07-1458, and West Valley Village Unit 6C, AGMT No. 07-1495; and authorize the Board Clerk to release the existing bonds for these Agreements.

FUNDING: Developer funds; Lennar Communities, Inc.

This matter was Approved on the consent calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS/NOTICED HEARING

20. [09-1301](#) Hearing to consider adoption of Resolution approving submittal of a Community Development Block Grant, General Allocation Planning and Technical Assistance application for up to \$35,000, under the Fiscal Year 2009-2010 Notice of Funding Availability (NOFA) to the California Department of Housing and Community Development to complete a housing conditions study; committing \$1,750 in budgeted general funds for in-kind staff support to meet cash match requirement; and authorize the Chairman to sign the Statement of Assurances; and if awarded, authorize the Director of Human Services, or successor, to execute the grant agreement and subsequent amendments thereto that do not affect the dollar amount or the term, contingent upon approval by County Counsel and Risk Management, and to sign other grant-related documents. (Est. Time: 5-10 Min)

FUNDING: Application for \$35,000 in Federal CDBG Grant Funds with County match of \$1,750 from the Department's General Fund appropriations.

Resolution 234-2009

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to adopt Resolution 234-2009.

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

21. [09-1274](#) Hearing to consider adoption of Resolution approving the Georgetown Divide Recreation District Park Impact Fee Study and Park and Recreation Impact Fees. (Est. Time: 5-10 Min)

FUNDING: Development and Impact Fees.

A motion was made by Supervisor Briggs, seconded by Supervisor Sweeney, to continue this matter one week to October 27, 2009.

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

22. [09-1115](#) Development Services Department recommending adoption of a Resolution establishing the Diamond Springs and El Dorado Community Advisory Committee and setting forth the duties and responsibilities of the Committee. (Cont'd 9/22/09, Item 33) (Est. Time: 20 Min)

Resolution 235-2009

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

- 1) Adopt Resolution 235-2009 changing the number of members for the committee to be reduced from nine to seven; and
- 2) Approve the appointments of the following members, Bob Smart, Kathleen McCoy, Laurel Stroud, Brenda Bailey, Larry Patterson, Mike Speegle, and Todd Cunningham for terms ending October 30, 2011.

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

23. [09-1271](#) Chief Administrative Office recommending the Board make a finding that specific projects will provide a significant community benefit by providing housing that is affordable to very low-, low-and/or moderate-income households and award Traffic Impact Mitigation (TIM) Fee Offsets totaling \$1,488,850 in accordance with Board Policy B-14. (Est. Time: 5-10 Min)

FUNDING: Traffic Impact Mitigation Fees.

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

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

24. [09-0657](#) Clerk of the Board of Supervisors recommending the Board consider recommendations regarding Policies for Departmental Budget and Expense Reimbursement, as follows:
- 1) Delete Policy D-3 - Board of Supervisors Travel Expenses in its entirety;
 - 2) Delete Section 3D of Policy D-1 - Travel; and
 - 3) Adopt Policy D-5 - Board of Supervisors Departmental Budget and Expense Reimbursement (Refer to File 09-0152, Cont'd 6/8/09, Item 2) (Est. Time: 20 Min)

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

- 1) Delete Policy D-3;
- 2) Delete Section 3D of Policy D-1; and
- 3) Adopt Policy D-5 as amended.

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

25. [09-1256](#) Clerk of the Board of Supervisors requesting the Board consider the County representatives for the California State Association of Counties (CSAC) as follows:
- 1) Elect a representative and an alternate to the CSAC Board of Directors for the term from November 1, 2009 to October 31, 2010;
 - 2) Consider who will be attending the CSAC annual conference;
 - 3) Consider which expenses will be reimbursed from the Clerk of the Board's budget. (Cont'd 10/6/09, Item 22) (Est. Time: 15 Min)

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

- 1) **Reaffirm Norma Santiago as the representative and Ray Nutting as the alternate for CSAC;**
- 2) **Approve sending the CSAC Representative to the CSAC Annual Conference;**
- 3) **Approve travel and conference expenses for an amount not to exceed \$1,700 of which are to come out of the Clerk of the Board's budget.**

Yes: 4 - Knight, Nutting, Briggs and Santiago

Noes: 1 - Sweeney

2:00 P.M. - TIME ALLOCATION

26. [09-1167](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z08-0004/Tentative Map TM08-1466/Blackhawk Estates on property identified by APNs 078-200-70 and -71, consisting of 77.42 acres, in the Pleasant Valley area, submitted by Bruce Wirtanen; 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 and Mitigation Measures listed in Attachment 1;
 - 3) Approve Z08-0004 rezoning APN 078-200-70 (3.04 acres) from Exclusive Agricultural (AE) to Estate Residential Five-Acre (RE-5) and rezoning APN 078-200-71 (74.38 acres) from Exclusive Agricultural (AE) to Estate Residential Five-Acre (RE-5) and Estate Residential Ten-Acre (RE-10) based on the findings listed in Attachment 1;
 - 4) Approve Tentative Map TM08-1466 for APN 078-200-71 based on the findings and subject to the conditions listed in Attachment 1;
 - 5) Approve design waiver requests to: (a) Allow the creation of parcels with a length in excess of three times the width for Lots 4 and 5; and (b) Reduce the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual; and
 - 6) Adopt Ordinance **4830** for said rezone. (Est. Time: 1/2 hour) (Supervisory District II) (Cont'd 9/29/09, Item 25)

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

- 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 and Mitigation Measures listed in Attachment 1 adding condition 48;**
- 3) **Approve Z08-0004 rezoning APN 078-200-70 (3.04 acres) from Exclusive Agricultural (AE) to Estate Residential Five-Acre (RE-5) and rezoning APN 078-200-71 (74.38 acres) from Exclusive Agricultural (AE) to Estate Residential Five-Acre (RE-5) and Estate Residential Ten-Acre (RE-10) based on the findings listed in Attachment 1;**
- 4) **Approve Tentative Map TM08-1466 for APN 078-200-71 based on the findings and subject to the conditions listed in Attachment 1;**
- 5) **Approve design waiver requests to: (a) Allow the creation of parcels with a length in excess of three times the width for Lots 4 and 5; and (b) Reduce the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual; and**
- 6) **Adopt Ordinance 4830 for said rezone.**

Yes: 4 - Knight, Sweeney, Nutting and Santiago

Noes: 1 - Briggs

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNED

CLOSED SESSION

27. [09-1238](#) 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 and 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.
No Action Reported.
28. [09-1307](#) Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c): Number of potential cases: (1).
The Board by a unanimous vote authorized County Counsel to initiate litigation. Details of the Board's Action will be available upon request upon the filing of the action.
29. [09-1310](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator:** Instructions to its negotiator regarding the real property described as APN 033-524-01. The person or persons with whom the negotiator may negotiate is Patrick B. Hennessey, Trustee of the Patrick B. Hennessey Trust Dated July 18, 2008. Instructions to negotiator will concern price and terms of payment. Pete Feild will be the negotiator on behalf of El Dorado County.
No Action Reported.
30. [09-1318](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Johnny R. Ribeiro v. County of El Dorado, et al., El Dorado County Superior Court Case PC20050591.
No Action Reported.