



# County of El Dorado

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## Minutes - Final Board of Supervisors

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Tuesday, September 19, 2006

8:00 AM

Board of Supervisors Meeting Room

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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) 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.

For purposes of the Brown Act (Government Code Section 54954.2(a)), the numbered items on the Agenda give a brief general description of each item of business to be transacted or discussed. The recommendations of the staff, as shown, do not prevent the Board of Supervisors from taking other action.

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE

The Board of Supervisors is concerned that large amounts of written information submitted to the Board the day of the Board meeting may not receive the attention it deserves. To ensure timely delivery, written information from the public must be received by the Board Clerk by Monday prior to the meeting. The Board Clerk cannot guarantee that any FAX or mail received the day of the meeting will be delivered to the Board prior to action on the subject matter.

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

**Present:** 2 - Supervisor Sweeney and Supervisor Santiago

### **9:00 A.M. - CLOSED SESSION REPORTS**

**When the Board reconvened at 9:30 a.m. the following members were present:**

**Present:** 2 - Supervisor Sweeney and Supervisor Santiago

### **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

At this time the Board will make any necessary additions, deletions, or corrections to the Agenda; determine matters to be added to or removed from the Consent Calendar; and with one motion adopt the Agenda and approve the Consent Calendar.

Approval of the Consent Calendar

**A motion was made by Supervisor Dupray, seconded by Supervisor Baumann to adopt the agenda and approve the Consent Calendar with the following exceptions: Items 27 and 28 added to the Consent Calendar and approved. The motion carried by the following vote:**

**Yes:** 4 - Dupray, Baumann, Sweeney and Santiago

**PRESENTATIONS**

1. [06-1510](#) Laurel Brent-Bumb, Chief Executive Officer, El Dorado County Chamber of Commerce, presenting to the Board the award El Dorado County received for its exhibit at the 2006 California State Fair and providing a brief presentation on the economic development efforts of the Fabulous 50 event.

**No action required.**

**OPEN FORUM**

**CONSENT CALENDAR**

2. [06-1516](#) Approval of Board of Supervisors Conformed Agenda (Minutes) of the Regular Meeting of September 12, 2006.

**RECOMMENDED ACTION:** Approve.

**This matter was Approved on the consent calendar**

3. [06-1424](#) Public Health Department recommending Chairman be authorized to sign retroactive Amendment 2 to Agreement NNA09 with the State Department of Alcohol and Drug Programs decreasing the amount by \$48,161 to \$1,554,803 in Substance Abuse Prevention and Treatment (SAPT) Block Grant funding for FY05/06.

**RECOMMENDED ACTION:** Approve.

**FUNDING:** State Department of Alcohol and Drugs.

**This matter was Approved on the consent calendar**

4. [06-1495](#) Human Services Department, Social Services Division, recommending Chairman be authorized to sign Agreement 029-S0711 with Jennifer Hayes, LCSW in an amount not to exceed \$20,000 for a two year term for therapeutic counseling services on an "as requested" basis for clients of the Child Protective Services Program.

**RECOMMENDED ACTION:** Approve.

**FUNDING:** Federal/State/County-General Fund.

**This matter was Approved on the consent calendar**

5. [06-1496](#) Recorder-Clerk/Registrar of Voters recommending the Board declare the results of the votes cast at the special mailed ballot election held August 29, 2006 for Texas Hill Zone of Benefit No. 98112.

**RECOMMENDED ACTION:** Approve.

**This matter was Approved on the consent calendar**

6. [06-1497](#) Recorder-Clerk/Registrar of Voters recommending the Board declare the results of the votes cast at the special mailed ballot election held August 29, 2006 for Ryan Ranch Zone of Benefit No. 98102.

**RECOMMENDED ACTION:** Approve.

**This matter was Approved on the consent calendar**

7. [06-1498](#) General Services Department recommending Chairman be authorized to sign Amendment 1 to Lease Agreement 088-L0410 with Epic Aviation, LLC dba Air BP Aviation Services increasing the amount by \$4,059 to an amount not to exceed \$33,210 and extending the term to December 15, 2006 for the lease of a 1999 Ford Avject Refueler, Unit No. R-30006 for refueling aircraft, noting retroactive as to term due to a delay in receiving required insurance documents from the vendor.

**RECOMMENDED ACTION:** Approve.

**FUNDING:** Airport Enterprise Fund.

**This matter was Approved on the consent calendar**

8. [06-1428](#) Information Technologies recommending Chairman be authorized to sign Amendment 1 to Agreement 411-S0610 with Liebert Global Services, Inc. increasing compensation by \$6,359 to an amount not to exceed \$12,415 and extending the term through October 20, 2007 to provide maintenance for the Uninterruptible Power Supply (UPS) equipment.

**RECOMMENDED ACTION:** Approve.

**FUNDING:** General Fund.

**This matter was Approved on the consent calendar**

9. [06-1441](#) Information Technologies recommending Chairman be authorized to sign Amendment 2 to Agreement 048-S0311 with Xerox Corporation increasing compensation by \$10,000 to an amount not to exceed \$50,000 for a term to expire December 31, 2006 to provide equipment maintenance and supporting software license and support for Xerox DP90 printer and DPCTRL 10 A Controller, noting amendment needed to correct the not-to exceed amount by \$10,000.  
**RECOMMENDED ACTION:** Approve.
- FUNDING:** General Fund.
- This matter was Approved on the consent calendar
10. [06-1487](#) Information Technologies recommending Chairman be authorized to sign Agreement 242-S0711 with Learning Tree International USA, Inc. in an amount not to exceed \$39,350 for a one year term to provide on-site technical training classes entitled "Project Management: Skills for Success" for County Project Managers.  
**RECOMMENDED ACTION:** Approve.
- FUNDING:** General Fund.
- This matter was Approved on the consent calendar
11. [06-1418](#) Probation Department recommending adoption of Resolutions (4) establishing an imprest cash fund (per Government Code Section 29326) for the Placerville Probation Field Office (\$50), Placerville Juvenile Hall (\$200), South Lake Tahoe Probation Field Office (\$100), and the South Lake Tahoe Juvenile Treatment Center (\$200); said funds to be used to purchase services or materials which are a legal charge against the County and making change when necessary in carrying out official County duties.  
**RECOMMENDED ACTION:** Adopt Resolution Nos. 290-2006, 291-2006, 292-2006 and 293-2006 respectively.
- FUNDING:** General Fund.
- This matter was Approved on the consent calendar
12. [06-1500](#) Environmental Management Department recommending adoption of Resolution authorizing said Department to apply for the City/County Funding Fiscal Year 2006/2007 grant sponsored by the California Department of Conservation to place recycling bins at schools, parks and businesses throughout the County that do not currently have any active recycling programs or collection bins on their property.  
**RECOMMENDED ACTION:** Adopt Resolution 294-2006.
- This matter was Approved on the consent calendar

13. [06-1501](#) Transportation Department recommending Chairman be authorized to sign Agreement 06-1069 with Schools Financial Credit Union to preapprove the annexation of the Schools Financial Credit Union, Placerville Branch, Office and Retail Development into the Missouri Flat Area Community Facilities District 2002-01.

**RECOMMENDED ACTION:** Approve.

This matter was Approved on the consent calendar

14. [06-0234](#) Sheriff's Department recommending adoption of Resolution continuing the state and local emergency declared on December 31, 2005 if it is found that conditions of extreme peril to the safety of persons and property exists. (4/5 vote required)

**RECOMMENDED ACTION:** Adopt Resolution **295-2006**.

This matter was Approved on the consent calendar

15. [06-0611](#) Sheriff's Department recommending adoption of Resolution continuing the state of emergency declared on April 12, 2006 if it is found that conditions of extreme peril to the safety of persons and property exists. (4/5 vote required)

**RECOMMENDED ACTION:** Adopt Resolution **296-2006**.

This matter was Approved on the consent calendar

16. [06-0814](#) Environmental Management recommending the following:
- (1) Find that a state of emergency continues to exist at the Union Mine Wastewater Treatment Plant as a result of the 2005/2006 wet weather season;
  - (2) Find that, based on substantial evidence, immediate action is still necessary to stabilize said Plant;
  - (3) Authorize said Department to continue to dispense with competitive bidding requirements to immediately secure assistance from outside contractors and consultants to perform the necessary emergency work pursuant to written contracts and to authorize the Chairman to execute same; and
  - (4) Continue this matter to **September 26, 2006** for review of the emergency action. (Continued 8/29/06, Item 14) (4/5 vote required)

**RECOMMENDED ACTION:** Approve.

This matter was Approved on the consent calendar

17. [06-0125](#) Transportation Department recommending the following:
- (1) Find that a state of emergency continues to exist and authorize said Department to proceed under Public Contract Code Sections 20395, 22035 and 22050 to immediately stabilize and repair roads severely damaged by recent storms including Mosquito Road, Church Mine Road, and Cosumnes Mine Road;
  - (2) Find based upon the substantial evidence in the record regarding the conditions of the road and bridge approach facilities at said roads, that the emergency will not permit a delay resulting from competitive solicitation for bids, and that immediate action is necessary to stabilize and repair the roads and bridge approach to prevent further damage to, or failure of, the facilities, and to provide for access for public services to populated areas served by these roads;
  - (3) Authorize the Department to dispense with competitive bidding requirements to immediately secure assistance from outside contractors and consultants to perform the necessary emergency repairs pursuant to written contract and authorize the Chairman of the Board to execute those contracts; and
  - (4) Continue to the **September 26, 2006** Board Meeting for status review.

(Continued 8/29/06, Item 13) (4/5 vote required)

**RECOMMENDED ACTION:** Approve.

**FUNDING:** Road Fund, seeking OES funds for 75% of costs. FEMA funding unknown, funding plan to be presented.

**This matter was Approved on the consent calendar**

18. [06-1502](#) Development Services Department recommending the Board find that it is more economical and feasible to obtain outside contractors for the provision of plan review services for building permit applications in accordance with Government Code 31000 and pursuant to County Charter section 210(b)(6); and Chairman be authorized to sign Agreement 194-S0711 with Building Department Services, Inc., Agreement 195-S0711 with Charles Abbott Associates, Inc., and Agreement 196-S0711 with NAFFA International, Inc. in an amount not to exceed \$20,000 each for a one year term for the provision of plan review services on an "as requested" basis for said Department.

**RECOMMENDED ACTION:** Approve.

**FUNDING:** General Fund.

**This matter was Approved on the consent calendar**

19. [06-1503](#) Chief Administrative Office, Human Resources Division, recommending adoption of Resolution amending the Salary Schedule by adding a new classification of Supervising Information Technology Analyst and establishing the salary range and bargaining unit for same.  
**RECOMMENDED ACTION:** Adopt Resolution **297-2006**.  
**This matter was Approved on the consent calendar**
20. [06-1452](#) Chief Administrative Office, Procurement and Contracts Division, recommending (1) award Bid 07-475-019 for the purchase of disposable gloves for use County-wide to the low qualified bidder, Advanced Custom Packaging "Plus" Inc. of Placerville, CA; (2) authorize the Purchasing Agent to issue a blanket purchase order in the amount of \$12,397 for a twelve (12) month period following Board approval; and (3) authorize an increase to same on an "as needed" basis during the awarded period if funding is available within each requesting department's budget.  
**RECOMMENDED ACTION:** Approve.  
**FUNDING:** General Fund.  
**This matter was Approved on the consent calendar**
21. [06-1457](#) Chief Administrative Office, Procurement and Contracts Division, recommending Board declare property surplus to the needs of the County and authorize disposal of same in accordance with the procedures outlined in Purchasing Ordinance, Chapter 3.12. (Continued from 9/12/06, Item 34)  
**RECOMMENDED ACTION:** Approve.  
**This matter was Approved on the consent calendar**
22. [06-1505](#) Supervisor Baumann recommending the Board, acting in lieu of the Agricultural Commission, approve applicant's (Mott) request to reduce the Agricultural Setback requirement for APN 092-021-26, noting applicant would still be required to meet all other requirements of the permit process.  
**RECOMMENDED ACTION:** Approve.  
**This matter was Approved on the consent calendar**
23. [06-1506](#) Supervisor Baumann recommending waiver of rental fees in the total amount of \$180 for the Pioneer Volunteer Firefighters Association for use of the Pioneer Community Park Center and kitchen for the Association's 2007 Crab Banquet Fundraising events.  
**RECOMMENDED ACTION:** Approve.  
**This matter was Approved on the consent calendar**

**END CONSENT CALENDAR**

**NOTICED HEARING/DEPARTMENT MATTERS**

24. [06-1507](#) Development Services Department, Planning Services Division, recommending the Board find in accordance with Government Code 31000 and pursuant to County Charter Section 210(b)(6) that it is more economical and feasible to obtain an outside consultant for the preparation of the Oak Woodland Management Plan (OWMP) as set forth by General Plan Implementation Measure CO-P, including Fee Studies to Implement Policy 7.4.4.4 Option B; and Chairman be authorized to sign Agreement PLS-06-02 with EN2 Resources, Inc. in an amount not to exceed \$346,981 for a one year term to prepare an Oak Woodland Management Plan to serve as the "oak woodland portion" of the Integrated Natural Resources Management Plan in accordance with General Plan Policy 7.4.2.8, General Plan Implementation Measure CO-P, and implementing Option B of General Plan Policy 7.4.4.4 (oak tree mitigation fees), including any related fee studies and implementing ordinances.

**A motion was made by Supervisor Sweeney, seconded by Supervisor Baumann to approve staff's recommendation with direction that staff provide the Board with a bi-weekly progress report.**

**Yes:** 4 - Dupray, Baumann, Sweeney and Santiago

25. [06-1514](#) Environmental Management Department recommending the Board consider and take appropriate action with regard to the bid protest letter of Yubacon Inc. received after the award of the bid for the Union Mine Site Final Cover.

**A motion was made by Supervisor Dupray, seconded by Supervisor Santiago to reconsider this matter.**

**Yes:** 4 - Dupray, Baumann, Sweeney and Santiago

**A motion was made by Supervisor Dupray, seconded by Supervisor Baumann to reject all bids; and staff directed to re-bid the project.**

**Yes:** 4 - Dupray, Baumann, Sweeney and Santiago



26. [06-1517](#) General Services Department and the Parks and Recreation Commission recommending the following pertaining to Proposition 12 Project Application and Reallocation of Funding:

(1) Authorize said Department to submit a Project Application package to the State, identifying improvements to the El Dorado Trail from Parkway Drive to Los Trampas Drive; said project to receive funding in the amount of \$564,000; and

(2) Approve and authorize said Department to internally reallocate this funding from Project No. 04-02 (Bass Lake Park) to the El Dorado Trail, noting this project is the only Parks and Recreation project that is ready to advertise for bids and will be completed by March 2008.

**FUNDING:** Proposition 12 - State

**A motion was made by Supervisor Baumann, seconded by Supervisor Dupray to approve this matter; and staff directed to return to the Board on October 17, 2006 with a current list of capital improvement projects and the status for same, including a report on financial gaps and strategies to minimize said gaps.**

**Yes:** 4 - Dupray, Baumann, Sweeney and Santiago

27. [06-1508](#) Chief Administrative Officer recommending the Board receive and file status report on recommendations made by the Grand Jury in its 2003-04 Final, 2004-05 Final, and 2005-06 Mid-Session reports..

**This matter was added to the Consent Calendar and approved.**

**Yes:** 4 - Dupray, Baumann, Sweeney and Santiago

28. [06-1509](#) Chief Administrative Officer recommending the Board adopt the Final Draft Response as the Board of Supervisors Final Response to the 2005-2006 Grand Jury Report; authorize submittal of said Response to the Presiding Judge of the Superior Court; and direct staff with regard to distribution and publication of same.

**This matter was added to the Consent Calendar and approved.**

**Yes:** 4 - Dupray, Baumann, Sweeney and Santiago

29. [06-1515](#) Chief Administrative Officer recommending the following pertaining to the Fiscal Year 2006/2007 Budget Adjustment:

(1) Receive and file report regarding the financial position of the General Fund at June 30, 2006;

(2) Authorize the Auditor-Controller to increase designations for Capital Projects in the General Fund by \$4,723,336.35; and

(3) Approve Budget Transfer to increase revenues and appropriations in General Fund Department 15 - Special Projects by \$4,723,336.35 and transfer \$1,303,504 from Department 15 - Special Projects to another account in Department 15 to reappropriate funds from fund balance for activities funded but not completed in Fiscal Year 2005/2006. (4/5 vote required).

**A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to approve this matter with the caveat that the Departments of Transportation and Development Services provide a staffing analysis comparing staffing to building inspection obligation.**

**Yes:** 4 - Dupray, Baumann, Sweeney and Santiago

#### **TIME ALLOCATION - 10:00 A.M.**

30. [06-1463](#) Board to consider the following pertaining to the Pine Hill Preserve:

(1) Development Services Department providing program elements relating to said Preserve; and

(2) General Services Department recommending the Board take the following actions pertaining to acceptance of title to real property (APNs 102-010-32 and -34) in the Pine Hill Preserve:

(a) Ratify the findings of the Planning Commission;

(b) Authorize the Chairman to sign escrow instructions specific to said acquisition;

(c) Approve Budget Transfer in the amount of \$46,500 from funds specifically set aside for the acquisition of rare plant preserve parcels;

(d) Authorize Auditor/Controller to issue a check to First American Title Company in the amount of \$580,000; and

(e) Authorize General Services Department to deposit said escrow instructions and monies with First American Title Company. (4/5 vote required) (Continued and referred 9/12/06, Item 45)

**FUNDING:** Ecological Preserve Fee Trust Account.

**A motion was made by Supervisor Sweeney, seconded by Supervisor Baumann to continue this matter to October 31, 2006; and staff directed to schedule a meeting with the appropriate parties to discuss issues raised this date.**

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

**BOARD OF SUPERVISORS CONVENED AS THE AIR QUALITY MANAGEMENT DISTRICT BOARD TO CONSIDER THE FOLLOWING:**

- 31. [06-1511](#) Chairman be authorized to sign Budget Transfer 27035 adjusting the Fiscal Year 2006/2007 budget for the Air Quality Management District, noting the change to revenues and appropriations is \$51,390 with no net change to the District budget. (4/5 vote required)

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

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

**AIR QUALITY MANAGEMENT DISTRICT BOARD ADJOURNED.**

**CAO REPORTS**

**ITEMS TO/FROM SUPERVISORS**

**ADJOURNMENT**

**CLOSED SESSIONS**

- 32. [06-1385](#) Pursuant to Government Code Section 54956.9(a): **Existing Litigation:**  
Title: El Dorado County v. Gale A. Norton, et al., United States District Court, Eastern District Case #CIV.S-02-1818 GEB DAD; and El Dorado County v. California Department of Transportation, et al., Superior Court of California-County of Sacramento. Case No. 03CS00003.  
  
No action reported.
- 33. [06-1483](#) **Public Employee Appointment** pursuant to Government Code Section 54957: Appointment of Mental Health Director.  
  
No action reported.
- 34. [06-1513](#) **Conference with Legal Counsel - Anticipated Litigation** pursuant to Government Code 54956.9(b) - regarding Significant Exposure to Litigation.  
  
No action reported.