



County of El Dorado

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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, March 23, 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.

8:00 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSION

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

9:13 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORT

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 Knight, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Item 29 was added to the Consent Calendar.

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

OPEN FORUM

PUBLIC COMMENT

E. Claudio RE: Confidentiality in Family Court

P. Arnold RE: Social Workers high work load. Requests Review Committee to help families reunite.

D. Clora RE: The Constitutionality of CPS. Family Court. Ethics of County staff.

D. Burn RE: Incidents ending in arrest of individuals.

L. Evans RE: Services to break through the barrier of denial. Importance of confidentiality. Need for more Judges.

BUDGET UPDATE

PRESENTATION

1. [10-0273](#) **PRESENTATION** by Elizabeth Blakemore from the Child Abuse Prevention Council. (Est. Time: 15 Min.)

Received and Filed.

10:00 A.M. - TIME ALLOCATION

2. [10-0250](#) **PRESENTATION** by Jim Wiltshire from California State Association of Counties to provide a Capitol Update and review of California State Association of Counties Programs and Services. (Est. Time: 30 Min.)

Received and Filed.

CONSENT CALENDAR

3. [10-0265](#) Approval of Board of Supervisors Meeting Minutes from the Special Meeting of Monday, March 15, 2010 and the Regular Meeting of Tuesday, March 16, 2010.
This matter was Approved on the consent calendar.

4. [10-0212](#) Chief Administrative Office, Procurement and Contracts Division, presenting a list of property surplus to the needs of the County; and recommending the Board so 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.
This matter was Approved on the consent calendar.

5. [10-0243](#) 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 \$399,520 in accordance with Board Policy B-14.
FUNDING: Traffic Impact Mitigation Fees.
This matter was Approved on the consent calendar.

6. [10-0110](#) Clerk of the Board of Supervisors recommending the Board receive and file the Board of Supervisors January 2010 Expenditure Report. (Cont'd 2/9/2010, Item 15)
This matter was Approved on the consent calendar.

7. [10-0284](#) County Counsel recommending the Board authorize the Chair to sign an Agreement for Legal Services with the law firm of Scharff, Brady and Vinding for representation of the County in the cases of Sayegh v. County of El Dorado, et al., El Dorado County Superior Court Case No. 20100101, and Alto, LLC, a California Limited Liability Company v. County of El Dorado, et al., El Dorado County Superior Court Case No. PC20100104.
This matter was Approved on the consent calendar.

8. [10-0234](#) Health Services Department recommending the Board authorize the Director of Health Services to submit a Letter of Intent to the Centers for Disease Control and Prevention (CDC) and, if invited to apply by CDC, a full application to host an apprentice in the CDC's Public Health Apprenticeship Program. This apprenticeship program is a two-year workforce development program that provides opportunities for entry-level staff who show promise as future managers to gain broad experience in the day-to-day operation of local Public Health programs.

FUNDING: Federal Centers for Disease Control (CDC).

This matter was Approved on the consent calendar.

9. [10-0184](#) Health Services Department recommending the Board authorize the Chair to sign amendments to two agreements with Progress House, Inc. for Offender Treatment Program (OTP) services as follows:
1) Amendment 2 to Agreement 610-PHD0507 (421-S0811) increasing the not-to-exceed amount by \$7,024.07 to \$102,024.07 for the term July 1, 2007 through November 30, 2007; and
2) Amendment 3 to Agreement 683-PHD1107 (560-S0811) increasing the not-to-exceed amount by \$6,092.61 to \$86,411.69 for the term December 1, 2007 through June 30, 2008.

FUNDING: California Department of Alcohol/Drug Programs (CDADP) - Offender Treatment Program (OTP).

This matter was Approved on the consent calendar.

10. [10-0213](#) Health Services Department recommending the Board authorize the Chair to sign retroactive Amendment 1 to Agreement 07-NNA09 with the State Department of Alcohol and Drug Programs (ADP), decreasing funding amount by \$579,500 to \$1,026,550 for a term July 1, 2007 through June 30, 2010 for Fiscal Year 2009-2010.

FUNDING: California Department of Alcohol and Drug Programs (CDADP).

This matter was Approved on the consent calendar.

11. [10-0185](#) Health Services Department, Mental Health Division, recommending the Board authorize the Chair to sign a non-financial Agreement 281-M1011 with Black Oak Mine Unified School District for the term March 30, 2010 through June 30, 2012 to address the provision of mandated school-based mental health services.

This matter was Approved on the consent calendar.

12. [10-0226](#) Human Services Department recommending the Board consider the following:
- 1) Approve the use of a boilerplate agreement and one-page amendment form; and
 - 2) Authorize the Director or Assistant Director of Human Services, or successors, to sign on behalf of the County said agreement and one-page amendment form with various governmental and community entities to enable individual eligible clients participating in the Department's federally funded Emergency Contingency Fund (ECF) subsidized employment program to gain paid work experience to improve their employability in the open job market.
- FUNDING:** Temporary Assistance for Need Families (TANF) Emergency Contingency Fund (ECF) - 80% Federal American Recovery and Reinvestment Act Funding (ARRA), 20% Employer In-Kind Match.
- This matter was Approved on the consent calendar.**
13. [10-0253](#) Human Resources Department recommending the Board authorize the Chair to sign Amendment 2 to Agreement 067-S0911 with Valentina Reiner, dba The Law Offices of Valentina Reiner, extending the term for one additional year and increasing the compensation amount by \$45,000 to a total not-to-exceed amount of \$130,000 for the period July 1, 2008 through June 30, 2011 for the continued provision of investigative services and other specialized personnel services on an "as-requested basis." (Refer 09-0815, 6/23/09 and 08-0873, 6/24/08)
- This matter was Approved on the consent calendar.**
14. [07-565](#) Information Technologies Department recommending the Board authorize the Chair to sign Amendment 3 to Agreement C23-007 with Computer Associates International, Inc. (CA, Inc.) in the amount of \$62,500 extending the term through June 30, 2011 for System software and license upgrade for the IBM z9 BC server and maintenance for same.
- This matter was Approved on the consent calendar.**
15. [10-0175](#) Transportation Department recommending the Board adopt a Resolution sanctioning the road closure of Harvard Way between the intersections of Silva Valley Parkway and Clermont Lane in El Dorado Hills on Tuesday, April 6, 2010 from 8:00 a.m. to 11:00 a.m. for the "Every 15 Minutes" Safety Presentation at Oak Ridge High School, subject to the conditions set forth in Resolution No. 110-79 dated May 1, 1979 and the Application for Road Closure.
- Resolution 034-2010**
- Adopted Resolution 034-2010 upon approval of the consent calendar.**

16. [10-0063](#) Transportation Department recommending the Chair be authorized to sign Agreement for Services 10-52897 with Five Star Automotive in an amount not-to-exceed \$150,000 for a one year term to provide on-call automotive maintenance and repair services for the Transportation Department, Fleet Services Unit's vehicles in the South Lake Tahoe Basin.

FUNDING: Fleet Operations Internal Service Fund.

This matter was Approved on the consent calendar.

17. [10-0127](#) Transportation Department recommending the Chair be authorized to sign Amendment I to Lease Agreement 159-L1011 with Emerald Bay Properties, LLC to amend a name change in Section 3, Payment.

This matter was Approved on the consent calendar.

18. [09-1266](#) Transportation Department recommending the Board authorize the Chair to sign the Cooperative Agreement with the State of California, Department of Transportation, County AGMT 09-52808, Caltrans District Agreement No. 03-0348, for the U.S. 50 HOV Lanes from west of Bass Lake Road to Ponderosa Road Project.

FUNDING: Shingle Springs Band of Miwok Indians Tribal Agreement.

This matter was Approved on the consent calendar.

19. [09-1420](#) Transportation Department recommending the following pertaining to Green Valley Road Bridge replacement at Tennessee Creek/North Shingle Road Intersection Improvements Project:
- 1) Authorize the Chair to sign the Construction Responsibility and Reimbursement Agreement, AGMT 09-52686 with El Dorado Irrigation District for the relocation of water facilities associated with the new alignment of Green Valley Road estimated at \$309,660; and
 - 2) Consider and adopt the Addendum to the Mitigated Negative Declaration, subject to County Counsel review and approval, for the Green Valley Road Bridge (25C-0038) replacement at Tennessee Creek /N. Shingle Road Intersection Improvements Project.

FUNDING: El Dorado Irrigation District, 2004 General Plan TIM Fee Program, and Highway Bridge Program.

This matter was Approved on the consent calendar.

20. [10-0191](#) Transportation Department recommending the Board authorize the Chair to sign the Notice of Acceptance with DeSilva Gates Construction, LP for the Latrobe Road Realignment, Widening and Bridge Project, Suncast Lane to Golden Foothill Parkway (JN 72403) in El Dorado Hills.

FUNDING: This Project was funded with 2004 General Plan El Dorado Hills Traffic Impact Mitigation West Valley, LLC Prepayment funds, funds from the El Dorado Irrigation District and El Dorado Hills Road Impact Fees. The requested Board action has no associated fiscal impact.

This matter was Approved on the consent calendar.

21. [10-0158](#) Transportation Department recommending the Board authorize the Director of Transportation to sign and submit a "Letter of No Prejudice" request for the Durock Road/Business Drive Intersection Signalization Project 73354; said Project was awarded a \$710,000 State and Local Partnership Program (SLPP) grant. The "Letter of No Prejudice" would allow the use of Zones 1-7 Traffic Impact Mitigation Fee funds in lieu of the SLPP funds to allow the County to advance the construction process that would otherwise be delayed pending the sale of Proposition 1B bonds.

FUNDING: 2004 General Plan Traffic Impact Mitigation Fee Program.

This matter was Approved on the consent calendar.

22. [10-0208](#) Transportation Department recommending the Board take the following actions pertaining to the Pleasant Valley Road at Oak Hill Road Intersection Improvements Project:
- 1) Adopt the California Environmental Quality Act Negative Declaration;
 - 2) Adopt the Mitigation Monitoring and Reporting Program;
 - 3) Approve the project as described in the California Environmental Quality Act document; and
 - 4) Authorize Department staff to proceed with any right-of-way acquisitions necessary to construct the project .

FUNDING: Highway Safety Improvement Program Grant, Traffic Impact Mitigation Fee Program.

This matter was Approved on the consent calendar.

23. [10-0277](#) Supervisor Nutting recommending the Board adopt a Resolution permitting Pyro Spectacular, Inc. to conduct a pyrotechnic display on Saturday, April 24, 2010 on private property, contingent upon full compliance of necessary requirements, insurance, contracts and permits as deemed necessary by fire control authorities.

Resolution 035-2010

Adopted Resolution 035-2010 upon approval of the consent calendar.

24. [10-0276](#) Supervisor Briggs requesting the Board authorize the Chair to sign a Letter to Robert M. Groves, Director, U.S. Census Bureau requesting information that details which data, provided by the U. S. Census Bureau as well as the person completing the form, on the Census Questionnaire be used to determine the County of residence.
- This matter was Approved on the consent calendar.**
25. [10-0272](#) Supervisor Santiago recommending the Board adopt a Resolution approving highway restrictions on State Highway Routes 50 and 89 between Stateline through South Lake Tahoe between the hours of 6:00 a.m. to 9:00 a.m. and closure of northbound Emerald Bay Road (Highway 89) from 6:30 a.m. to 8:30 a.m. on Sunday, June 6, 2010 for the 19th Annual America's Most Beautiful Bike Ride.
- Resolution 036-2010**
- Adopted Resolution 036-2010 upon approval of the consent calendar.**
26. [10-0271](#) Supervisor Santiago recommending the Board adopt a Resolution supporting the 15th Annual Lake Tahoe Marathon to be held between September 22 and September 26, 2010 around Lake Tahoe and between Tahoe City and South Lake Tahoe from approximately 6:30 a.m. to 1:30 p.m. on State Highway 89.
- Resolution 037-2010**
- Adopted Resolution 037-2010 upon approval of the consent calendar.**

END CONSENT CALENDAR

DEPARTMENT MATTERS/NOTICED HEARING

27. [10-0165](#) HEARING - Consider the adoption (Second Reading) of **Ordinance 4942**, an amendment to Section 9.02.380(a) of Chapter 9.02 of Title 9 of the El Dorado County Ordinance Code, Procedures for Requesting an Administrative Hearing, increasing the administrative hearing fee from \$100 to \$200. (Est. Time: 5 Min.) (Cont'd 3/16/10, Item 17)

NO PUBLIC COMMENT

A motion was made by Supervisor Knight, seconded by Supervisor Sweeney, to adopt Ordinance 4942.

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

28. [09-1472](#) HEARING - Consider the adoption (Second Reading) of **Ordinance 4943**, Violation Deemed Misdemeanor, an amendment to Section 1.24.010 of Chapter 1.24 of Title 1 of the El Dorado County Ordinance Code pertaining to criminal penalties for violations of the County Ordinance Code. (Cont'd 3/16/10, Item 18) (Est. Time: 5 Min.)

NO PUBLIC COMMENT

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to adopt Ordinance 4943.

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

29. [10-0282](#) County Counsel recommending the Board authorize staff to enter into negotiations for the acquisition of property identified as Assessor's Parcel Number 327-270-04. (Est. Time: 5 Min.)

This matter was Approved on the consent calendar.

30. [10-0174](#)

Chief Administrative Office recommending the Board take the following actions:

- 1) Approve the restructuring of the fiscal and administrative services of Environmental Management in order to provide support for the fiscal and administrative needs of Development Services; and
- 2) Adopt Resolution amending the Authorized Personnel Allocation Resolution by **adding** one (1) Sr. Department Analyst position and **deleting** one (1) vacant Department Analyst in Environmental Management; **deleting** one (1) vacant Fiscal Technician and **adding** one (1) Sr. Accountant and two (2) Fiscal Assistants I/II to Environmental Management; and doing a Reduction in Force (RIF) **deleting** three (3) Fiscal Technicians in Development Services. (Est. Time: 30 Min.)

Resolution 031-2010

PUBLIC COMMENT

G. Copeland RE: Unions should be notified of reorganization before bringing it to the Board.

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

- 1) **Approve the restructuring; and**
- 2) **Adopt Resolution 031-2010.**

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

31. [10-0256](#) Supervisor Sweeney requesting the Board discuss Special Use Permit No. S09-0018 - Western Sign, previously heard by the Planning Commission on December 10, 2009, Agenda Item No. 7:
- 1) Waive appeal time from the action of the Planning Commission's decision in which they approved the application for the Special Use Permit but excluded the digital message center; and
 - 2) Consider the action of the Planning Commission and determine if the digital message center should be allowed. (Est. Time: 30 Min.)

A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, to refer this matter back to staff for inclusion with the zoning ordinance.

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

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNED AT 1:12 P.M.

CLOSED SESSION

32. [10-0220](#) Pursuant to Government Code Section 54957, **Public Employee Performance Evaluation**: Title: Director of Human Services.
No Action Reported.
33. [10-0138](#) 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.
34. [10-0281](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as APN 327-270-04, (4451 Missouri Flat Road). The person or persons with whom the negotiator may negotiate: The Bahlman Family Trust, represented by Doug Bahlman. Instructions to negotiator will concern both price and term of payment. Louis B. Green, County Counsel, and Jim Ware, Director of Transportation, will be the negotiator on behalf of El Dorado County.
No Action Reported.
35. [10-0283](#) Conference with Legal Counsel, **Existing Litigation**: Pursuant to Government Code Section 54956.9(a): Title: California Native Plant Society, et al. v. County of El Dorado, et al., El Dorado County Superior Court Case No. PC20070021.
No Action Reported.
36. [10-0285](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation**: Title: Estate of Paul Lydick v. County of El Dorado, Workers' Compensation Claim Settlement, Bragg & Associates, Inc., Claim No. 2008071332.
No Action Reported.