



County of El Dorado

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Minutes - Final Board of Supervisors

Ron Briggs, Chair, District IV
Norma Santiago, First Vice Chair, District V
Ray Nutting, Second Vice Chair, District II
Ron Mikulaco, District I
Brian K. Veerkamp, District III

James S. Mitrisin, Clerk of the Board of Supervisors
Terri Daly, Chief Administrative Officer Edward Knapp,
County Counsel

Tuesday, October 29, 2013

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.

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Public Testimony will be received on each agenda item listed under Department Matters 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) Except with the consent of the Board, individuals shall be allowed to speak to an item only once. Upon completion of public comment the matter shall be returned to the Board for deliberation. Members of the public shall not be entitled to participate in that deliberation, or be present at the podium during such deliberation, except at the invitation of the Board for a point of clarification or question by the Board. 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' Meeting Agenda webpage 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.

8:02 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS

Present: 4 - Supervisor Briggs, Supervisor Santiago, Supervisor Mikulaco and Supervisor Nutting

Absent: 1 - Supervisor Veerkamp

9:33 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

Present: 5 - Supervisor Briggs, Supervisor Santiago, Supervisor Mikulaco, Supervisor Veerkamp and Supervisor Nutting

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Retired Sheriff's Chaplain Tim Thomson gave the Invocation.
Supervisor Santiago led the Pledge of Allegiance to the Flag.

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

APPROVAL OF CONSENT CALENDAR 1

A motion was made by Supervisor Mikulaco, seconded by Supervisor Veerkamp, to adopt the agenda and approve Consent Calendar 1 with the following change:
Move Item 13 from Consent Calendar 1 to Consent Calendar 2.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

APPROVAL OF CONSENT CALENDAR 2 (Supervisor Nutting did not participate)

A motion was made by Supervisor Veerkamp, seconded by Supervisor Mikulaco, to approve Consent Calendar 2 with no changes.

Yes: 4 - Briggs, Santiago, Mikulaco and Veerkamp

The Board may make any necessary additions, deletions or corrections to the agenda including moving items to or from the Consent Calendar and adopt the agenda with one single vote. A Board member may request an item be removed from the Consent Calendar for discussion and possible action, and the item will be moved from Consent and heard as a separate item with Department Matters. Any member of the public may ask to address an item on the Consent Calendar prior to Board action.

OPEN FORUM

Public Comment: S. Taylor, K. Payne

CAO UPDATE

No Update.

CONSENT CALENDAR 1

1. [13-0280](#) Chief Administrative Office recommending the Board authorize the Chair to execute Agreement No. 287-F1411 with the El Dorado Community Foundation to distribute Transient Occupancy Tax (TOT) funds in the amount of \$97,400 for Veterans programs in accordance with the Board's direction on August 27, 2013 (Item 35).

FUNDING: Transient Occupancy Tax.

This matter was Approved on Consent Calendar 1.

2. [13-1360](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board receive and file a report on procurement and contracting activity for Fiscal Year 2012-13.

This matter was Approved on Consent Calendar 1.

3. [13-1190](#) Chief Administrative Office, Risk Management Division, recommending the Board consider the following:
- 1) Approve the implementation plan for the 2014 Health Benefit program;
 - 2) Approve the Operating Engineers Local 3 Trust Contribution rates for 2014; and
 - 3) Authorize the Purchasing Agent to execute the contract with HealthEquity Inc. for the administration of the Health Savings Account (HSA) and the Flexible Spending Account (FSA) programs.

FUNDING: Internal Service Fund - Risk Management Health Fund.

This matter was Approved on Consent Calendar 1.

4. [13-1310](#) Clerk of the Board recommending the Board receive and file the Fiscal Year 2013/2014 Board of Supervisors district expenditures summary report for the period of July 1, 2013 through September 30, 2013.

This matter was Approved on Consent Calendar 1.

5. [13-1291](#) Community Development Agency, Transportation Division, recommending the Board adopt Resolution **160-2013** sanctioning the closure of roads in the Apple Hill area of Camino on Sunday, November 3, 2013, between 7:00 a.m. and 11:15 a.m., for the 34th Apple Hill Harvest Run Event, subject to conditions set forth in Resolution No. 110-79 and conditions set forth in the Application for Road Closure.

Resolution 160-2013 was Adopted upon Approval of Consent Calendar 1.

6. [13-0917](#) Community Development Agency, Transportation Division, recommending the Board consider the following:
- 1) Make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter that there are specialty skills required for the work to be performed under this Agreement that are not expressly identified in County job classifications; and
 - 2) Authorize the Chair to sign the Agreement for Services No. 157-S1411 with Mark Thomas & Company, Inc. in an amount not to exceed \$338,000 to provide design support services during construction for the U.S. 50/Silva Valley Parkway Interchange - Phase 1 Project, CIP No. 71328, for a term commencing upon execution of the Agreement to the latter of the County's recordation of Notice of Acceptance for the Project or the resolution of all construction claims, if any, associated with the Project.

FUNDING: 2004 General Plan Silva Valley Interchange Set-Aside, Silva Valley Interchange Set-Aside, Highway 50 TM 99-1359 fees, El Dorado Irrigation District Reimbursement, and Developer advanced funds. Developer advanced funds shall be provided by West Valley, LLC, in accordance with the Conditions of Approval for West Valley Village Tentative Map TM 99-1359, Condition of Approval No. 26 dated January 22, 2004.

This matter was Approved on Consent Calendar 1.

7. [10-1202](#) Health and Human Services Agency, Public Health Division, recommending the Board consider the following:
- 1) Authorize the Chair to sign retroactive funding Agreement No. 108-F1411(CDPH Grant Contract Number 13-20125) with the California Department of Public Health in the amount of \$37,893 to provide Human Immunodeficiency Virus or Acquired Immunodeficiency Syndrome surveillance activities for a term of July 1, 2013 through June 30, 2016; and
 - 2) Authorize the Chief Administrative Officer or designee to execute further documents relating to Agreement No. 108-F1411, including amendments thereto, contingent upon approval by County Counsel and Risk Management, which do not affect the maximum dollar amount or term of the Agreement and further authorize the Director of the Health and Human Services Agency, or successor, to continue to administer Agreement for Services No. 108-F1411 and execute any subsequent documents relating to said Agreement including required fiscal and programmatic reports.

FUNDING: State General Funds through the California Department of Public Health, Office of AIDS.

This matter was Approved on Consent Calendar 1.

8. [11-1400](#) Health and Human Services Agency recommending the Board consider the following:
- 1) Receive and file the Annual Domestic Violence Shelter Based Program Annual Certification Reports in accordance with Welfare and Institutions Code Section 18293 (h); and
 - 2) Receive and file the Domestic Violence Support Services Reports from Live Violence Free, Inc., and The Center for Violence-Free Relationships, Inc., in accordance with Welfare and Institutions Code Section 18300 for Fiscal Year 2012-13.

FUNDING: County marriage license revenue (\$23 per license) in accordance with Welfare and Institutions Code Section 18293 (d) plus a portion of payments made by persons granted probation for crimes against victims of domestic violence.

This matter was Approved on Consent Calendar 1.

9. [13-0474](#) Health and Human Services Agency, Public Health Division, recommending the Board consider the following:
- 1) Authorize the Chair to sign Amendment I to Agreement 034-S1411 with California Forensic Medical Group to provide health care services in the County jails and juvenile detention facilities, revising language in Article III "Compensation" and add Article XXVIV "Access to Records," with no change to the term July 1, 2013 through June 30, 2018 nor to the maximum contractual obligation of \$3,086,493 for fiscal year 2013-14; and
 - 2) Authorize the Purchasing Agent or designee to execute further documents relating to Agreement for Services 034-S1411, including amendments thereto, contingent upon approval by County Counsel and Risk Management, which do not affect the maximum dollar amount or term of the Agreement.

FUNDING: General Fund.

This matter was Approved on Consent Calendar 1.

10. [13-1205](#) Surveyor's Office recommending the Board adopt Resolution of Vacation ~~159-2013~~ **179-2013** for Abandonment of Easement (AOE) No. 2013-009 to abandon a portion of the public utility & drainage easements on Lot 157 of Village H, Unit No. 6B recorded at Book I of Subdivisions at Page 78, identified as Assessor's Parcel No. 123-200-08, requested by Terry Andersen and Tracy Ann Harris.

Resolution 159-2013 was Adopted upon Approval of Consent Calendar 1.

11. [13-1298](#) Treasurer-Tax Collector's Office recommending the Board authorize the issuance of a business license to Sandra L. Helms operating a fortunetelling/psychic reading business in the Placerville area.
This matter was Approved on Consent Calendar 1.
12. [13-1321](#) Treasurer-Tax Collector recommending the Board approve Amendment II to Agreement for Services No. 030-S0211 to correct the name of the vendor from PCI, Inc. to PCI, LLC.
This matter was Approved on Consent Calendar 1.
13. [13-1377](#) County Counsel recommending the Board authorize the Chair to sign an amendment to its existing legal services contract with the law firm of Hanson Bridgett to clarify the scope of services for advisory and litigation legal services related to ethics and conflicts of interest. The contract is not being amended in any other way.
This matter was Approved on Consent Calendar 2.

CONSENT CALENDAR 2 (Supervisor Nutting did not participate)

14. [13-0007](#) Clerk of the Board of Supervisors recommending the Board approve the Minutes for the regular meeting of Tuesday, October 22, 2013.
This matter was Approved on Consent Calendar 2.
15. [13-0005](#) District Attorney's Office recommending the Board consider the following:
1) Adopt Resolution **162-2013** authorizing the District Attorney to execute Grant Agreement No. DI1406 with the Office of Traffic Safety for the Alcohol and Drug Impaired Vertical Prosecution Program for the Federal Fiscal Year 2013-14 in the amount of \$344,003 with no matching requirement; and
2) Adopt Resolution **163-2013** authorizing the District Attorney to execute Grant Agreement No. AL1421 with the Office of Traffic Safety for the DUI Avoid Campaign for the Federal Fiscal Year 2013-14 in the amount of \$88,257 with no matching requirement.
Resolution 162-2013 was Adopted upon Approval of Consent Calendar 2.

16. [13-0596](#) District Attorney recommending the Board authorize the Chair to sign the following Memorandums of Understanding (MOU) for the term October 1, 2013 thru September 30, 2014 in support of the Holiday Driving Under the Influence Program - "Avoid the 6 Program", a cooperative effort to reduce alcohol related injury and fatal traffic collisions in El Dorado County:
- 1) MOU No. 237-M1411 between the District Attorney and the Probation Department;
 - 2) MOU No. 238-M1411 between the District Attorney and the El Dorado County Sheriff's Office;
 - 3) MOU No. 239-M1411 between the District Attorney and the South Lake Tahoe Police Department; and
 - 4) MOU No. 240-M1411 between the District Attorney and the Placerville Police Department.

FUNDING: California Office of Traffic Safety - Grant No. AL1396.

This matter was Approved on Consent Calendar 2.

END CONSENT CALENDAR

10:00 AM - TIME ALLOCATION

17. [13-0546](#) Supervisor Briggs recommending the Board receive a presentation provided by representatives of the Sierra Nevada Conservancy on the Sierra Nevada Conservancy Proposition 84 Grant Program and the projects within the County of El Dorado that received grant awards. The presentation will include information on other Sierra Nevada Conservancy initiatives, including the Sierra Nevada Forest and Community Initiative; Geotourism; and the Great Sierra River Clean Up.

Public Comment: F. DuChamp, M. Egbert

Received and Filed

DEPARTMENT MATTERS

18. [12-0078](#) Hearing to consider the recommendation of the Planning Commission on General Plan Amendment A13-0007/2013-2021 Housing Element; and recommending the Board consider the following:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff;
 - 2) Approve General Plan Amendment A13-0007 amending the General Plan to incorporate the 2013-2021 Housing Element Update based on Findings listed in Attachment 1; and
 - 3) Adopt Resolution **161-2013** for said General Plan Amendment.

FUNDING: General Fund.

Public Comment: K. Payne, S. Taylor, F. DuChamp

A motion was made by Supervisor Santiago, seconded by Supervisor Veerkamp, to Approve this matter and Adopt Resolution 161-2013.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

19. [13-1218](#) Community Development Agency, Long Range Planning Division, providing the Board with a Long Range Planning update.

Public Comment: S. Taylor, F. DuChamp, K. Payne, L. Parlin

A motion was made by Supervisor Santiago, seconded by Supervisor Nutting, to direct staff, in consultation with County Counsel, outside Counsel and Environmental consultant to come back to the Board in advance of the Targeted General Plan Amendment and Zoning update Draft Environmental Impact Report, with a recommendation regarding changing the Pollock Pines-Camino Community Region to three (3) rural centers as defined by the Resolution passed in 2009.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

2:00 PM - TIME ALLOCATION

20. [13-1340](#) Supervisor Nutting recommending the Board consider the following:
- 1) Direct the CAO to bring back a status report on the motion that was approved by the Board on October 18, 2011, Item 11-1184, on the adoption of a policy regarding bullying and workplace violence;
 - 2) Direct the CAO to craft a confidential feedback mechanism, including but not limited to willing/voluntary interviews or surveys with former and current County employees to determine if there is an underlying systemic problem; and
 - 3) If it is determined a problem exists, direct the CAO to bring back a corrective action plan to address this problem. (Refer 10/22/13, Item 33)

Public Comment: S. Koch, D. Dillinger, J. Copeland, G. Post, J. Steltzmler, F. DuChamp, S. Taylor, P. Chelseth, R. Smith, W. Nagel, K. Greenwood

A motion was made by Supervisor Veerkamp, seconded by Supervisor Nutting to direct the Chief Administrative Officer to work with the Human Resources Strategic Investment team to identify any systemic issues relating to bullying in the workplace.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

21. [13-0024](#) Community Development Agency, Development Services Division, providing findings for denial of Zone Change Z11-0007 and Tentative Map TM11-1504, Wilson Estates based on the conceptual action of the Board of Supervisors on October 22, 2013. (Cont. 10/22/13, Item 36)

A motion was made by Supervisor Veerkamp , seconded by Supervisor Briggs, to Approve the findings for denial of Zone Change Z11-0007 as amended.

Yes: 4 - Briggs, Mikulaco, Veerkamp and Nutting

Abstained: 1 - Santiago

22. [13-1303](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z12-0005/Thomson on property identified by APN 325-080-16, consisting of 27.68 acres, in the Placerville Periphery area, submitted by Alex Thomson and recommending the Board take the following actions:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff;
 - 2) Approve Z12-0005 rezoning APN 325-080-16 from One-Acre Residential (R1A) to Planned Agriculture (PA) based on the Findings listed in Attachment 1; and
 - 3) Adopt Ordinance **5002** for said rezone. (Supervisorial District 4) (Est. Time: 30 Min.)

A motion was made by Supervisor Nutting, seconded by Supervisor Santiago, to Approve this matter and Adopt Ordinance 5002.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

23. [13-1068](#) Community Development Agency, Development Services Division and Transportation Division, recommending the Board consider the following regarding the Bass Lake Hills Specific Plan Public Facilities Financing Plan:
- 1) Receive an update from staff; and
 - 2) Direct staff to continue working with the applicant and return with the Public Facilities Financing Plan (PFFP) for the Bass Lake Hills Specific Plan (BLHSP) on November 12, 2013 for possible action.

Public Comment: G. Carpenter, K. Greenwood

Received and filed. A motion was made by Supervisor Santiago, seconded by Supervisor Nutting to continue this matter to November 12, 2013.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

ITEMS TO/FROM SUPERVISORS

Supervisor Santiago – Attended CleanTech and AgTech showcase sponsored by Sarta on technologies that aid agricultural activities, air quality and water quality. Attended a roundtable meeting regarding Broadband Technology that was attended by state and local government officials with representation from several rural counties.

ADJOURNED AT 4:21 P.M.

CLOSED SESSION

24. [13-1322](#) **Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator:**
County Negotiator: Jack Hughes of Liebert, Cassidy, Whitmore; Director of HHS and/or designee.
Non-employee organization: In-Home Supportive Services (IHSS).
(Est. Time: 20 Min.)
No Action Reported. (Supervisor Nutting did not participate).
25. [13-1357](#) **Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources and/or designee and Jack Hughes of Liebert, Cassidy, Whitmore.
Unrepresented Employee: Unrepresented Employees covered under the Salary and Benefits Resolution for Unrepresented Employees, No. 323-2001, and all amendments thereto. (Est. Time: 20 Min.)
No Action Reported. (Supervisor Nutting did not participate).
26. [13-1358](#) **Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources and/or designee and Jack Hughes of Liebert, Cassidy, Whitmore.
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. (Est. Time: 20 Min.)
No Action Reported. (Supervisor Nutting did not participate).
27. [13-1382](#) **Conference with Legal Counsel - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2). Conference with Legal Counsel - Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4). Title: Retention of law firm Hanson Bridgett to represent County in any litigation concerning testimony of County Counsel regarding communications with County staff. Number of potential cases: (1). (Est. Time: 5 Min.)**
The Board voted 4-0 to retain the law firm of Hanson Bridget to represent the county and present or former county employees in relation to any litigation involving them, related to conflicts of interest. (Supervisor Nutting did not participate)

28. [13-1375](#) **Pursuant to Government Code Section 54957- Public Employee Performance Evaluation.** Title: Human Resources Director
(Est. Time: 15 Min.)

This matter was continued off-calendar.