



County of El Dorado

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MEETING AGENDA

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, May 5, 2009

8:00 AM

Board of Supervisor 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 large amounts of 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

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

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.

PRESENTATION

1. [09-0477](#) **PRESENTATION** of Proclamation to El Dorado County Foster Parents' Association proclaiming May 2009 as Foster Parent Recognition Month in El Dorado County.

10:00 A.M. - TIME ALLOCATION

2. [09-0472](#) **PRESENTATION** of Proclamation recognizing May 2009 as Mental Health Month in the County of El Dorado.

OPEN FORUM

BUDGET UPDATE

CONSENT CALENDAR

3. [09-0552](#) Approval of Board of Supervisors Conformed Agenda (Minutes) for the Regular Meeting of Tuesday, April 21, 2009.
4. [09-0492](#) Agriculture, Weights and Measures Department, on behalf of the Agricultural Commission, recommending the Board appoint one member to serve on the Agricultural Commission for the remainder of the term vacated on March 17, 2009, commencing May 13, 2009 until expiration in January of 2013.

FUNDING: General Fund included in FY08/09 budget.

5. [09-0549](#) Chief Administrative Office recommending adoption of Resolution accepting the exchange of property tax increments for the annexation of two parcels (APNs 121-280-03 and 121-280-05) into the El Dorado Irrigation District, Local Agency Formation Commission (LAFCO Project No. 2009-01).
Resolution 084-2009
6. [09-0522](#) Chief Administrative Office recommending the Board authorize the Chairman to sign Memorandum of Understanding with the Highway 50 Association to provide funding assistance for the Wagon Train event to be held June 6, 2009 through June 14, 2009. (County Promotions Fund)
7. [09-0530](#) Chief Administrative Office recommending the Board authorize the Chairman to sign Amendment II to Funding Agreement 776-F0710 with the Fairplay-Aukum Community Hall Association in the amount of \$50,000 for the term September 1, 2007 through December 31, 2009 to assist the Community Hall with its repair project.

FUNDING: Community Enhancement Funds.
8. [09-0528](#) Chief Administrative Office recommending the Board approve a request to file an application for the 2009 Justice Assistance Grant (JAG) in cooperation with the Probation Department.

FUNDING: Justice Assistance Grant (JAG).
9. [09-0416](#) County Counsel recommending adoption of Resolution designating the Chief Administrative Officer as the county officer with the responsibility to make determinations whether a payment made to the county which personally benefits a county official is either a gift to the county or a gift to the county official, and to file a new form with the FPPC listing any such gifts.
Resolution 085-2009
10. [09-0478](#) Development Services Department recommending the Board approve the appointment of Earl McGuire, P.E., to serve as a representative for SAGE (Surveyors, Architects, Geologists and Engineers of El Dorado County) on the Building Industry Advisory Committee.
11. [09-0348](#) Staff to provide an overview for a workshop for the purpose of discussing when the requirements for fire safe roads are to be imposed on building permits. (**Staff recommending this item be continued to Tuesday, May 19, 2009.**) (Cont'd 3/17/09, Item 15)

12. [09-0473](#) Environmental Management Department recommending adoption of Resolution authorizing said Department to submit a grant application to the California Department of Conservation for the City/County Funding for Fiscal Year 2009/2010; and recommending the Director of said Department or her designee be authorized to execute all necessary applications and payment requests for the purposes of securing grant funds for the placement of 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.

Resolution 086-2009

FUNDING: California Department of Conservation City/County Funding Program.

13. [08-1571](#) District Attorney advising the Board of perpetual Agreement 317-S0111 with Constellation Integration Services, Inc. dba Constellation Justice Systems and recommending continuation of same for the DAMION Case Management System.

FUNDING: General Fund.

14. [08-1573](#) District Attorney advising the Board of retroactive Agreement 01-098-01 with the State of California, Department of Justice and recommending continuation of same for a twelve month period commencing March 1, 2009 for court ordered blood draws and urine testing; and Purchasing Agent requesting authorization to establish blanket purchase orders for the process of payments for same.

FUNDING: General Fund.

15. [09-0518](#) Health Services Department recommending continuance of the current perpetual agreement with the California Regional Mental Health Systems Coalition Joint Powers Authority (JPA) in the amount of \$179,975 for Fiscal Year 2008-2009 and approximately \$190,000 for Fiscal Year 2009-2010 for continued electronic billing and clinical management software systems and support for said Department; and further recommending the Purchasing Agent be authorized to encumber funding for same.

FUNDING: Medi-Cal, Early and Periodic Screening, Diagnosis and Treatment (EPSDT), Realignment, and MHSA.

16. [09-0479](#) Health Services Department recommending May 17-23, 2009 be proclaimed as "Emergency Medical Services Week" in the County of El Dorado.

FUNDING: General Fund.

17. [09-0464](#) Health Services Department recommending the Board authorize the Chairman to sign retroactive Memorandum of Understanding 818-PHD0109 (635-F0910) with El Dorado County Superior Court in an amount not to exceed \$20,000 for the term July 1, 2008 through June 30, 2009, to provide funding for a Collaborative Justice Juvenile Drug Court Program.

FUNDING: Judicial Council of California, Administrative Office of the Courts.

18. [09-0484](#) Health Services Department recommending the Board authorize the Chairman to sign retroactive Amendment 2 to the AIDS Master Grant 07-65047 and Amendment I to Memorandum of Understanding (MOU) SP 07-09/3 with California Department of Public Health, decreasing compensation for budget periods July 1, 2008 through June 30, 2009 and July 1, 2009 through June 30, 2010 by \$612 for each year; thereby decreasing the total amount for the entire three-year term of this MOU from \$52,500 to \$51,276, noting the impact of this change to MOU SP 07-09/3 as part of the AIDS Master Grant 07-65047 is an overall decrease of \$1,224.

FUNDING: California Department of Public Health.

19. [09-0469](#) Human Services Department recommending the Board authorize the Purchasing Agent to execute Agreements for Services with three (3) group home/foster family agencies (AASK America, Inc. dba Adopt A Special Kid 677-S0911, Olive Crest Treatment Centers 148-S0911 and St. Patrick's Home for Children 155-S0911) for the provision of emergency shelter care and/or foster care placement services on an "as requested" basis, noting all three (3) agreements shall continue until terminated and specify a maximum annual compensation of \$100,000.

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

20. [09-0524](#) Public Defender recommending the Board approve Budget Transfer in the amount of \$37,000 from contingency for costs associated with trial defense expenses (confidential). (4/5 vote required)

FUNDING: General Fund - Department 15 Contingency.

21. [09-0373](#) Recorder-Clerk/Registrar of Voters recommending the Board approve Budget Transfer 29119 increasing revenues in the Recorder-Clerk/Registrar of Voters budget by \$17,781 and increasing appropriations by \$243,622, and decreasing the appropriation for contingency in the General Fund (Department 15) by \$225,841 to cover costs for the statewide Special Election on May 19, 2009. (4/5 vote required)

22. [09-0481](#) Sheriff's Department recommending the Board approve a Budget Transfer accepting the Fiscal Year 2008/2009 California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET) Program grant in the amount of \$63,000 for the term January 1, 2009 through June 30, 2009. (4/5's vote)
- FUNDING:** California Multi-jurisdictional Methamphetamine Enforcement Team Program FY 2008/2009 Program.
23. [09-0488](#) Sheriff's Department requesting authorization to sign the Boating Safety and Enforcement Financial Aid Program Contract with California Department of Boating and Waterways in the amount of \$319,546 for the term July 1, 2009 through June 30, 2010 to provide boating safety and enforcement activities on the County's rivers and lakes.
- FUNDING:** State of California Department of Boating and Waterways.
24. [09-0403](#) Transportation Department recommending adoption of Resolution accepting the 2008 revisions to the El Dorado County Maintained Mileage System.
- Resolution 087-2009**
25. [09-0437](#) Transportation Department recommending the Board authorize the Chairman to sign the Quitclaim Deeds and Certificates of Acceptance with Elmer D. Stapp and Donnette D. Stapp (APN 101-220-17) and Mark D. Milligan and Maki Ganno (APN 101-220-18) for Right of Way and Public Utilities Easements; and authorize the Director of said Department or designee to execute the escrow instructions and any other related escrow documents for this transaction, including payment of title and escrow fees for the access realignment to the Pollock Pines Park, Project 99564.
- FUNDING:** Accumulated Capital Outlay (ACO) Fund.
26. [09-0171](#) Transportation Department recommending the following pertaining to Lesarra Attached Homes:
- (1) Accept the subdivision improvements as substantially complete;
 - (2) Reduce Performance Bond No. BDS30526 to \$561,733, 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. BDS30526 in the amount of \$1,478,245 to guarantee payment to persons furnishing labor, materials or equipment, and release the bond in six months if no claims are made.
- FUNDING:** Developer funds.

27. [09-0344](#) Transportation Department recommending the following pertaining to the Disadvantaged Business Enterprise Program:
(1) Adopt Resolution approving the California Department of Transportation's Disadvantaged Business Enterprise Program for transportation projects involving the United States Department of Transportation's Federal funding for El Dorado County; and,
(2) Authorize the Chairman to sign the California Department of Transportation's Disadvantaged Business Enterprise Program Implementation Agreement for Local Agencies, AGMT 09-52635.
Resolution 088-2009
28. [08-1853](#) Transportation Department recommending the Board authorize the Chairman to sign the Notice of Acceptance with Nehemiah Construction, Inc. for the Missouri Flat Road Overcrossing Phase 1A Project (JN 71317) at the interchange of U.S. 50 and Missouri Flat Road in Placerville. (Cont'd 4/21/09, Item 15)
- FUNDING:** This Project was funded with Traffic Impact Mitigation Fees and funds from Utility Agencies. The requested Board action has no associated fiscal impact.
29. [09-0435](#) Transportation Department recommending the Board approve appointments of new Advisory Committee members to fill vacancies on various zone of benefit Advisory Committees in County Service Area Nos. 2 and 9 as outlined in Exhibit A.
30. [09-0436](#) Transportation Department recommending the Board authorize the Chairman to sign Amendment III to Agreement for Services AGMT 05-853 with Environmental Stewardship & Planning, Inc. (ESP) extending the term for six (6) additional months through November 30, 2009, to allow for completion of Task Orders that have already been authorized under this Contract.
- FUNDING:** 2004 Traffic Impact Mitigation fees, Grants, Developer Time and Material Billings and Road Fund.
31. [09-0513](#) Transportation Department recommending the Board authorize the Chairman to sign Agreement for Services AGMT 09-52633 (691-S0911) with Dokken Engineering, Inc. in an amount not-to-exceed \$210,711 for a two-year term to assist said Department with engineering services for the Feasibility Study Report for the Bucks Bar Road at the North Fork Cosumnes River-Bridge Rehabilitation Project 77116.
- FUNDING:** Highway Bridge Program (HBP) funds with the local match from Regional Surface Transportation Program (RSTP) funds.

32. [09-0574](#) Supervisor Nutting recommending adoption of Resolution urging the California State Legislature and Governor Arnold Schwarzenegger to enact meaningful, comprehensive lawsuit reform to protect small business, jobs, and consumers.

Resolution 089-2009

33. [09-0551](#) Supervisor Briggs recommending the Board approve an extension of Building Permit No.103424 for the Mother Lode Church with an expiration date of May 13, 2010.

END CONSENT CALENDAR

DEPARTMENT MATTERS

- 34. 09-0482** District Attorney advising the Board of retroactive perpetual Agreement 640-S0911 with Lexipol, LLC and recommending continuation of same for the production and upkeep of the policy manual.

FUNDING: General Fund.

- 35. [09-0490](#)** Sheriff's Department recommending the Board approve the submission of a grant application to the Office of Community Oriented Policing Services (COPS) for funding in the amount of \$1,213,576 over a three-year period to provide services as School Resource Officers under the COPS Hiring Recovery Program (CHRP).

FUNDING: COPS Hiring Recovery Program.

- 36. [09-0454](#)** Transportation Department recommending the Board adopt said Department's proposed 2009 Capital Improvement Program (CIP) including the West Slope 10 Year Road/Bridge CIP, Trail CIP, 5 Year Capital Overlay and Rehabilitation Program (CORP), 5 Year Tahoe Environmental Improvement Program (EIP) and 5-7 Year Airport Capital Improvement Program (ACIP).

- 37. [09-0506](#)** Supervisor Santiago requesting the Board approve and authorize the Chairman to sign a Memorandum of Understanding with the City of South Lake Tahoe for cooperative construction of improvements for Lakeview Commons Project. (Cont'd 4/21/09, Item 38)

2:00 P.M. - TIME ALLOCATION

38. [09-0459](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z06-0018/Planned Development PD06-0016/Parcel Map P06-0018 on property identified by APN 109-480-03, consisting of 4.87 acres, in the Shingle Springs area, submitted by DG Granade; and recommending the Board take the following actions:
- (1) Adopt the Negative Declaration based on the Initial Study prepared by staff;
 - (2) Approve Z06-0018 rezoning APN 109-480-03 from Industrial-Design Control (I-DC) to Industrial-Planned Development (I-PD) based on the findings listed in Attachment 1;
 - (3) Approve Planned Development application PD06-0016, adopting the Development Plan as the official Development Plan, based on the findings and subject to the conditions listed in Attachment 1;
 - (4) Approve Parcel Map P06-0018 based on the findings and subject to the conditions listed in Attachment 1; and
 - (5) Adopt Ordinance for said rezone. (Supervisory District II)
39. [09-0461](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z06-0005/Tentative Subdivision Map TM06-1408/Planned Development PD06-0006 on property identified by APN 126-100-19, consisting of 81.61 acres, in the El Dorado Hills area, submitted by Alto, LLC/Gary Sparks; 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 California Environmental Quality Act (CEQA) Guidelines, Section 15074(d) incorporated as conditions of approval listed in Attachment 1;
 - (3) Approve Z06-0005 rezoning APN 126-100-19 from Exclusive Agriculture (AE) to Estate Residential Five-Acre-Planned Development (RE-5-PD) based on the findings listed in Attachment 1;
 - (4) Approve Planned Development application PD06-0006 adopting the Development Plan as the official Development Plan based on the findings and subject to the conditions listed in Attachment 1;
 - (5) Approve Tentative Subdivision TM06-1408 based on the findings and subject to the conditions listed in Attachment 1; and
 - (6) Adopt Ordinance for said rezone. (Supervisory District IV)

4:00 P.M. - TIME ALLOCATION

40. [08-1218](#) Supervisor Sweeney recommending the following pertaining to Joe's Skatepark and the Skatepark Advisory Committee:
- (1) Receive recommendations from the El Dorado County Youth Commission;
 - (2) Ratify the Board of Supervisors' action on March 29, 2005, Item No. 34 establishing the Skatepark Committee, and determine a method of operation for the store at Joe's Skatepark; and
 - (3) Direct the Chief Administrative Officer and County Counsel to determine the appropriate method for operation of the store at the facility.

CAO REPORTS**ITEMS TO/FROM SUPERVISORS****ADJOURNMENT**

CLOSED SESSION

41. [09-0555](#) Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation:** Title: Library Director.
42. [09-0389](#) Pursuant to Government Code Section 54957.6; **Conference with Labor Negotiator.**
County Negotiator: Interim Director of Human Resources and/or designee
Employee Organization: El Dorado County Employees Association Local No.1, General, Professional, and Supervisory Bargaining Units; Operating Engineers Local No. 3 representing employees in the Trades & Crafts, Probation, and Corrections Bargaining Units; El Dorado County Criminal Attorney Association; El Dorado County Deputy County Counsel Association; El Dorado County Managers Association; Law Enforcement Unit Deputy Sheriff Association; El Dorado County Law Enforcement Unit Sworn Management Association
43. [09-0569](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: Claim of Debra Scott v. County of El Dorado, Worker's Compensation Claim Settlement, WCAB No. ADJ1318209.
44. [09-0577](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: El Dorado County v. Loring Brunius, et al., El Dorado County Superior Court Case PC20010482.
45. [09-0515](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: Central Valley Regional Water Quality Control Board - Draft Clean Up and Abatement Order, Rubicon Trail.
46. [09-0516](#) Pursuant to Government Code Section 54956.9(b), **Anticipated Litigation:**
Significant exposure to litigation: One potential case. Title: Central Valley Regional Water Quality Control Board - Draft Clean Up and Abatement Order, Rubicon Trail.
47. [09-0517](#) Pursuant to Government Code Section 54956.9(c), **Anticipated Litigation:**
Initiation of litigation. One potential case. Title: Central Valley Regional Water Quality Control Board - Draft Clean Up and Abatement Order, Rubicon Trail.

48. [09-0567](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator:** Instructions to its negotiator regarding the real property described as APN 018-340-01 and APN 018-340-03. The person or persons with whom the negotiator may negotiate are Harold R. Ebright Jr. or Successor Trustee and Katherine F. Ebright, Trustees of the Harold R. Ebright Jr. and Katherine F. Ebright 1995 Trust; Charles B. Ebright and Mary C. Ebright, Trustees of the Charles B. Ebright and Mary C. Ebright Revocable Trust dated July 17, 2001; Charlotte Ebright Brooke, also known as Charlotte Brooke, a married woman; Thomas Scott Brooke and Charlotte Brooke as Trustees for the Benefit of Barbara Katherine Ebright also known as Barbara K. Ebright, a married woman; Barbara Katherine Ebright also known as Barbara K. Cowden, a married woman, who took title as Barbara K. Ebright; and Tahoe Cascade, a Nevada LLC. Instructions to negotiator will concern price and terms. Janel Gifford will be the negotiator on behalf of El Dorado County.

ADDENDUM

DEPARTMENT MATTERS:

49. [09-0237](#) Sheriff's Department recommending adoption of Resolution approving the submittal of an Application for Off-Highway Vehicle Grant funds from the State Department of Parks and Recreation by the final filing deadline of May 4, 2009.
- Resolution 090-2009**
- FUNDING:** Off Highway Vehicle Grant.

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

Monday, May 4, 2009, 9:00 a.m. ~ General Plan/Economic Development/Agricultural Issues

Wednesday, May 6, 2009, 8:30 a.m. to Noon ~ El Dorado County Stimulus Funding Summit, located at the Cameron Park Community Center (Assembly Hall)

Monday, May 18, 2009, 9:00 a.m. ~ General Plan/5 Year Review and Update/(Health Services Department Update - continued to Budget Workshops in June)

Monday, June 8, 2009 through Thursday, June 18, 2009, 9:00 a.m. - Budget Workshops

Monday, June 22, 2009, 9:00 a.m. ~ General Plan/Other Topics