



County of El Dorado

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Minutes - Final Board of Supervisors

*Norma Santiago, Chair, District V
Vacant, District II*

*Brian K. Veerkamp, Second Vice Chair, District III
Ron Mikulaco, District I
Ron Briggs, District IV*

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

Tuesday, May 20, 2014

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.

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

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

9:45 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

By a 4-0 vote (Supervisor Nutting did not participate), the Board took the following action(s):

The Board of Supervisors met with legal counsel and discussed whether Supervisor Nutting was suspended by operation of law under Gov't. Code section 1770.2 by the jury verdict on May 14, 2014 which found him guilty of six (6) misdemeanors. At the sentencing scheduled on June 6, 2014, Judge Buckley will decide whether or not the misdemeanor convictions result in Supervisor Nutting's removal from office under Gov't. Code sections 1770(h) and 1771.

Since the Board does not want to influence the Judge's decision at sentencing, and does not want to take actions that could be subject to attack if the Judge decides that Supervisor Nutting was automatically suspended on May 14th, the Board has decided to recess today's meeting after the presentations and the ceremonial items and Closed Sessions 41 and 42. Supervisor Nutting will be allowed to participate in those items. The Board will hear all other items scheduled for today at their meeting scheduled for June 10, 2014. The Board is cancelling the June 3, 2014 meeting.

The Board of Supervisors directed legal counsel to file papers with the Superior Court requesting that Judge Buckley let the Board of Supervisors know promptly whether the convictions in People v. Nutting result in a suspension or vacancy pursuant to Gov't. Code sections 1770, 1770.2 and 1771.

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

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor Mark Cowles of the Highway Bible Church gave the Invocation.
Supervisor Mikulaco led the Pledge of Allegiance to the Flag.

ADOPTION OF THE AGENDA

A motion was made by Supervisor Briggs to Adopt the Agenda as proposed to include Item 31.

Motion failed due to a lack of a second.

ADOPTION OF THE AGENDA

Public Comment: K. Payne, B. Smiley

A motion was made by Supervisor Veerkamp, seconded by Supervisor Mikulaco to Adopt the Agenda hearing only items 28, 29 and 35 and Continuing all other Agenda items to June 10, 2014.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

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: W. Nagle, J. Neau, K. Payne

CAO UPDATE

No update.

CONSENT CALENDAR 1

1. **14-0644** Chief Administrative Office recommending the Board consider the following:
1) Receive and file a development impact mitigation fee report for the Diamond-El Dorado Fire Protection District fee program; and
2) Order payment in the amount of \$90,000 for reimbursement to the Diamond-El Dorado Fire Protection District from their development impact mitigation fee account for a Type 1 Ladder Truck.
- FUNDING:** Payment for the claim will come from the Diamond-El Dorado Development Fee Trust Fund.
- This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.**
- Yes:** 4 - Santiago, Mikulaco, Veerkamp and Nutting
- Noes:** 1 - Briggs
2. **14-0684** Chief Administrative Office, Parks Division, recommending the Board approve and authorize the Chair to sign Memorandum of Understanding No. 610-M1411 with the Cameron Park Community Services District in the amount of \$30,000 to assist with the Summer 2014 Aquatic Facility operation and programs, pending County Counsel review and approval.
- Funding:** General Fund.
- This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.**
- Yes:** 4 - Santiago, Mikulaco, Veerkamp and Nutting
- Noes:** 1 - Briggs
3. **13-0438** Chief Administrative Office, Parks Division, recommending the Board approve and authorize the Chair to sign Memorandum of Understanding No. 048-M1511 with the City of Placerville, in the amount of \$20,000 to be used to extend aquatic operating hours from August 1, 2014 through September 15, 2014 and assist with operating costs for the 2014 Summer Season at the Aquatics Center, pending County Counsel review and approval.
- FUNDING:** General Fund.
- This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.**
- Yes:** 4 - Santiago, Mikulaco, Veerkamp and Nutting
- Noes:** 1 - Briggs

- 4. 13-0464** Chief Administrative Office, Procurement and Contracts, recommending the Board consider the following:
- 1) Authorize the Purchasing Agent to extend BP20130919 and BP20130920 for an additional 12 month term to expire on 05/31/2015 for the purchase of Fleet Tires to the low qualified bidders, Sierra Nevada Tire and Wheel of Placerville, CA and US Tire Sales and Service of Sacramento, CA; and
 - 2) Authorize the Purchasing Agent to increase the blanket purchase orders on an "as needed" basis during the awarded period as long as funding is available within the requesting department's budget.

FUNDING: Fleet Internal Service Fund - Operations.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 5. 14-0647** Chief Administrative Office, Procurement and Contracts Division, presenting a list of County surplus property and recommending the Board consider the following:
- 1) Declare the items as surplus and no longer required for public use;
 - 2) 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; and
 - 3) Authorize the Purchasing Agent to execute an agreement of the donation of computer equipment and accessories to Mother Lode Rehabilitation Enterprises, Inc. for a three year term.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

6. **14-0654** Chief Administrative Office, Procurement and Contracts on behalf of Community Development Agency, Transportation Division, recommending the Board approve the following:
- 1) Award Bid No. 14-863-060 for the purchase of Equipment / Truck Tires, Tubes, and Related Products and Services to the low qualified bidder, Sierra Nevada Tire and Wheel of Placerville, CA;
 - 2) Authorize the Purchasing Agent to issue two blanket purchase orders, one for the East Slope (Category I) in the amount of \$80,000 and one for the West Slope (Category II) in the amount of \$135,000 for a twelve month (12-month) award period following Board approval;
 - 3) Authorize the Purchasing Agent to increase the blanket purchase orders on an "as needed" basis during the awarded period as long as funding is available within the requesting department's budget; and
 - 4) Authorize the Purchasing Agent to extend both blanket purchase orders for one additional twelve-month (12-month) award period at the same terms and conditions, if determined to be in the County's best interest upon expiration of the current term. (Cont. 5/20/14, Item 6)

FUNDING: Non-General Fund (Road Fund Discretionary).

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

7. **13-1190** Chief Administrative Office, Risk Management Division, recommending the Board approve the following:
- 1) A revision to the 2014 rates for the Kaiser HMO for active employees and early retirees with implementation of the new rates beginning pay period 12 (starts on 5/17/14), 2014;
 - 2) A refund of overpayment to current employees via a one-time payment in pay period 13 (starts on 5/31/14), 2014, to active early retirees via a one-time credit on the June 2014 Retiree Billing statement or via a one-time accounts payable check to employees or early retirees who have separated from the County who participated in the County Kaiser HMO plan in 2014; and
 - 3) No change to the approved County contribution rate for the OE3 Trust Kaiser Plan participants.

FUNDING: Internal Service Fund - Risk Management Health Fund.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

8. **14-0726** Chief Administrative Office recommending the Board approve and authorize the Chair to sign a retroactive Letter of Agreement with the Superior Court of California, County of El Dorado as a side letter to the Joint Occupancy Agreement with the Administrative Office of the Courts for Building C to allow the Court to compensate the County for custodial services provided by the County to the Court's Exclusive-Use Area in Building C.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

9. **14-0605** Community Development Agency, Administration and Finance Division, recommending the Board receive and file the State Controller's Office Audit Report dated March 21, 2014 for the County of El Dorado, Transportation Division's Indirect Cost Rate Proposals for Fiscal Years 2009/2010, 2010/2011 and 2011/2012.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

10. **14-0291** Community Development Agency, Development Services Division, submitting for approval Final Map (TM10-1496-F-4) for Serrano Village K5, Phase 2, Unit 5 creating 21 residential lots on property identified by Assessor's Parcel Number 123-590-02, located on the south side of Greenview Drive, approximately 1,000 feet east of the intersection with Orsay Way, within the El Dorado Hills Specific Plan Area (Serrano Master Planned Community), in the El Dorado Hills area; and recommending the Board take the following actions:

- 1) Approve the Final Map for Serrano Village K5, Phase 2, Unit 5;
- 2) Approve and authorize the Chair to sign the Agreement to Make Subdivision Improvements;
- 3) Approve and authorize the Chair to sign the Agreement on Conditions for Acceptance of Roads; and
- 4) Approve and authorize the Chair to sign the Agreement on Conditions for Drainage Easements. (Supervisorial District 1)

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 11. 14-0292** Community Development Agency, Development Services Division, submitting for approval Final Map (TM10-1496-F-3) for Serrano Village K5, Phase 2, Unit 6 creating 19 residential lots on property identified by Assessor's Parcel Number 123-590-03, located on the south side of Greenview Drive, approximately 1,000 feet east of the intersection with Orsay Way, within the El Dorado Hills Specific Plan Area (Serrano Master Planned Community), in the El Dorado Hills area; and recommending the Board take the following actions:
- 1) Approve the Final Map for Serrano Village K5, Phase 2, Unit 6;
 - 2) Approve and authorize the Chair to sign the Agreement to Make Subdivision Improvements;
 - 3) Approve and authorize the Chair to sign the Agreement on Conditions for Acceptance of Roads; and
 - 4) Approve and authorize the Chair to sign the Agreement on Conditions for Drainage Easements. (Supervisory District 1)

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 12. 14-0293** Community Development Agency, Development Services Division, submitting for approval Final Map (TM10-1496-F-2) for Serrano Village K5, Phase 2, Unit 7 creating 10 residential lots on property identified by Assessor's Parcel Number 123-590-04, located on the south side of Greenview Drive, approximately 1,000 feet east of the intersection with Orsay Way, within the El Dorado Hills Specific Plan Area (Serrano Master Planned Community), in the El Dorado Hills area; and recommending the Board take the following actions:
- 1) Approve the Final Map for Serrano Village K5, Phase 2, Unit 7;
 - 2) Approve and authorize the Chair to sign the Agreement to Make Subdivision Improvements;
 - 3) Approve and authorize the Chair to sign the Agreement on Conditions for Acceptance of Roads; and
 - 4) Approve and authorize the Chair to sign the Agreement on Conditions for Drainage Easements. (Supervisory District 1)

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 13. 14-0463** Community Development Agency, Transportation Division, recommending the Board approve and authorize the Chair to sign Grant Agreement CTA 13 008 with the California Tahoe Conservancy for the Lake Tahoe Boulevard Erosion Control/Stream Environment Zone Projects (CIP Nos. 95163/95175) in the amount of \$211,613 for direct construction costs.

FUNDING: California Tahoe Conservancy (No Federal Funds).

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 14. 10-0901** Community Development Agency, Transportation Division, recommending the Board consider the following:
- 1) Approve and authorize the Chair to sign Amendment 3 to Subdivision Improvement Agreement AGMT 05-999 with Toll Land XXIII Limited Partnership for Promontory Village No. 5 - Unit 2 extending the performance period to April 25, 2012, and increasing the amounts of the associated Performance Bond and Labor & Materialmens Bond;
 - 2) Direct staff to prepare Amendment 4 to extend the performance period to April 25, 2015; and
 - 3) Approve and authorize the Chair to sign Amendment 4 following preparation by the Transportation Division, execution by the Owner, and review and approval by County Counsel.

FUNDING: Developer funds - (No Federal funds).

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 15. 10-0902** Community Development Agency, Transportation Division, recommending the Board consider the following:
- 1) Approve and authorize the Chair to sign Amendment 3 to Subdivision Improvement Agreement AGMT 06-1047 with Toll Land XXIII Limited Partnership for Promontory Village No. 5 - Unit 3 extending the performance period to August 22, 2012 and decreasing the amount of the Performance Bond, and increasing the amount of the Labor and Materialmens Bond
 - 2) Direct staff to prepare Amendment 4 to extend the performance period to August 22, 2015; and
 - 3) Approve and authorize the Chair to sign Amendment 4 following preparation by the Transportation Division, execution by the Owner, and review and approval by County Counsel.

FUNDING: Developer Funds (No Federal Funds).

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 16. 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 March 31, 2014.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 17. 14-0455** District Attorney's Office in partnership with the Sheriff's Office recommending the Board approve and authorize the Chair to sign the following:
- 1) Memorandum of Understanding No. 571-M1411 in the amount of \$164,198 with the State of California Department of Justice for forensic DNA services effective June 1, 2014 through May 31, 2015; and
 - 2) Budget transfer utilizing \$10,000 of special revenue funds for one month's worth of payment to the Department of Justice in Fiscal Year 2013-14 (4/5 vote required).

FUNDING: Proposition 69.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 18. 14-0655** Library Director recommending the Board approve and authorize the Chair to sign a budget transfer increasing revenues and appropriations for library materials by \$11,679 as a result of donations received from the community and the Friends of the Library. (4/5 vote required)

FUNDING: Donations.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 19. 14-0585** Health and Human Services Agency recommending the Board approve and authorize the Chair to sign a Proclamation designating May 2014 as "Foster Parent Appreciation Month" in the County of El Dorado.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 20. 14-0637** Treasurer-Tax Collector's Office recommending the Board authorize the issuance of a business license to Ashley R. Stevens, doing business as Psychic Readings, a fortunetelling / psychic reading business in the Placerville area.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 21. 14-0708** Supervisor Santiago recommending the Board consider moving the June 4, 2014, County Budget Workshop date to June 5, 2014, so that she may attend two special board meetings of the Golden Sierra Job Training Agency and Sierra Economic Development Corporation to be held at Meyers, Lake Tahoe, hosted by El Dorado County on June 4th.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 22. 14-0729** Supervisor Santiago requesting the Board approve her attendance at the Annual El Dorado County Chamber Study Mission from July 17th - 20th, 2014, at an approximate cost of \$2,700 from the Clerk of the Board of Supervisors' budget.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

CONSENT CALENDAR 2

- 23. 14-0722** Clerk of the Board recommending the Board approve the Minutes from the regular meeting of the Board of Supervisors on May 13, 2014.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 24. 14-0575** Community Development Agency, Transportation Division, recommending the Board consider the following:
- 1) Approve and authorize the Chair to sign the Easement Acquisition Agreement for Public Purposes with El Dorado Hills Community Services District, for Assessor's Parcel Number 124-010-12;
 - 2) Approve and authorize the Community Development Agency Director, or designee, to execute the escrow instructions and any other related escrow documents pertaining to the transaction, including payment of title and escrow fees; and
 - 3) Approve and authorize the Community Development Agency Director, or designee, to extend the date of closure of escrow upon mutual agreement of both parties, for the Francisco Drive Right-Turn Pocket Project, CIP No. 71358.

FUNDING: RSTP Exchange Funds-Caltrans and RSTP Federal Funds-Urban (Federal Funds).

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 25. 13-0727** Health and Human Services Agency, Mental Health Division, recommending the Board consider the following:
- 1) Approve and authorize the Chair to sign Amendment II to Agreement for Services 132-S1311 with Sierra Child and Family Services, Inc., increasing the maximum obligation to \$2,566,000, for the term to cover the period July 1, 2012 through June 30, 2015, for the provision of specialty Mental Health Services for children on an "as requested" basis; and
 - 2) Authorize the Purchasing Agent to execute further documents relating to the above noted Agreement, 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: MHSA, Medi-Cal, and Federal and State Funding.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 26. 13-0771** Health and Human Services Agency recommending the Board consider the following:
- 1) Approve and authorize the Chair to sign retroactive Agreement 396-F1311 with Solano County for use of the County of El Dorado Psychiatric Health Facility services for a term of September 25, 2011 until both parties agree in writing to terminate, with no maximum obligation;
 - 2) Approve and authorize the Chair to sign retroactive Admission Agreement for Acute Psychiatric Treatment Services (AA-3805) with Solano County to complete the formality of the admission and discharge of Solano County's client to the El Dorado Psychiatric Health Facility in September 2011;
 - 3) Authorize the Chief Administrative Officer, or designee, to execute further documents relating to Agreement 396-F1311, including amendments thereto and contingent upon approval by County Counsel and Risk Management, which do not affect the term or compensation; and
 - 4) Authorize the Health and Human Services Agency Director, or designee, to execute further Admission Agreement for Acute Psychiatric Treatment Services.

FUNDING: Federal and State Funding.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 27. 14-0629** Health and Human Services Agency, Mental Health Division, recommending the Board consider the following:
- 1) Approve and authorize the Chair to sign Amendment I to Agreement for Services 242-S1410 with Community Recovery Resources, for the provision of alcohol and drug treatment services, extending the term from December 2, 2013 through June 30, 2014 to an end term date of June 30, 2016, and increasing the contractual obligation by \$63,000 for a maximum contractual obligation of \$125,000; and
 - 2) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement for Services 242-S1410, including amendments thereto and contingent upon approval by County Counsel and Risk Management, which do not affect the maximum dollar amount or term of the Agreement.

FUNDING: Federal and State Funding.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

END CONSENT CALENDAR

10:00 AM - TIME ALLOCATION

- 28. 14-0650** Health and Human Services Agency, Community Services Division on behalf of the El Dorado County Commission on Aging, recommending the Board consider the following:
- 1) Adopt a Proclamation designating May 2014 as Older Americans Month in the County of El Dorado;
 - 2) Present a certificate to each Senior of the Year nominee, mentioning as noted on the certificate their primary contribution to the community; and
 - 3) Announce the 2014 County of El Dorado Senior of the Year and present the perpetual trophy to the nominee selected by the Commission on Aging to receive this honor. (Est. Time: 15 Min.)

FUNDING: Federal and State Grant Funding.

A motion was made by Supervisor Nutting, seconded by Supervisor Veerkamp to Adopt the Proclamation.

Supervisor Santiago presented the Proclamation. Certificates were awarded to each Senior of the Year Nominee.

The 2014 Senior of the Year was awarded to Penny Huber!

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

- 29. 14-0707** Supervisor Santiago recommending the Board:
- 1) Approve and authorize the Chair's signature on a Proclamation Recognizing the El Dorado County Library and the importance of early childhood literacy; and
 - 2) Present the Proclamation to the El Dorado County Library and First Five El Dorado. (Est. Time: 5 Min.)

A motion was made by Supervisor Santiago, seconded by Supervisor Nutting to Adopt the Proclamation.

Supervisor Santiago presented the Proclamation.

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

30. 12-0896

Supervisor Briggs recommending the Board:

- 1) Provide conceptual approval of the proposed Elder and Dependent Adult Protection Ordinance, adding Chapter 5.30 of Title 5 to the El Dorado County Ordinance Code; and
- 2) Direct County Counsel to prepare the Elder and Dependent Adult Protection Ordinance for introduction (first reading) on June 3, 2014. (Est. Time: 30 Min.)

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

11:00 AM - TIME ALLOCATION

- 31. 14-0323** In support of Marshall Medical Center's efforts to expand the availability of cancer treatment services to county residents, Supervisor Briggs recommending the Board direct the Chief Administrative Officer to develop a grant funding agreement with Marshall Medical Center for \$800,000 to be included as part of the County's Fiscal Year 2014-15 Budget consideration and approval process that:
- 1) Is funded in part or fully by the 10 percent of the annual Tobacco Settlement Fund revenues as designated per Ordinance 4585 for health related expenditures, and/or from: Transient Occupancy Tax revenue funds; revenues received through the amended Memorandum of Understanding and Intergovernmental Agreement between the County and the Shingle Springs Band of Miwok Indians; and/or the General Fund; and,
 - 2) Includes that the funds shall be specifically limited to the building renovation, construction, and/or the purchase of new equipment for the Marshall Cancer Center in Cameron Park. (Est. Time: 30 Min.)

FUNDING: Tobacco Settlement Funds/Transient Occupancy Tax/MOU-Intergovernmental Agreement Shingle Springs Band of Miwok Indians.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

DEPARTMENT MATTERS

- 32. 14-0727** Chief Administrative Office requesting direction regarding the recent request of the Court Appointed Conflict Panel Attorneys for a 10 percent increase in compensation.

The Board has the following options related to the request for increased compensation:

- 1) Approve the request and direct staff to return with contract amendments effective July 1, 2014. This option would equate to an increase in General Fund expenditures of \$133,459 over the remainder of the contract terms;
- 2) Place the request on hold pending the conclusion of the Fiscal Year 2014/15 Recommended Budget Hearings;
- 3) Approve an increase amount at the Boards discretion; or
- 4) Deny the request in its entirety.

FUNDING: General Fund.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 33. 14-0716** The River Management Advisory Committee and the Chief Administrative Office, Parks Division, recommending the Board consider the following:

- 1) Introduction (First Reading) of Ordinance 5007 amending Chapter 5.50 of the El Dorado County Ordinance Code to include;
 - a) Prohibition of any glass bottle, jar, tumbler or vessel of any nature within 100 feet from the waterline on the South Fork of the American River on County Property including but not limited to Henningsen Lotus Park and Chili Bar Park, and
 - b) Ban any glass bottle, jar, tumbler or vessel of any nature on the South Fork of the American River, and Fork of the American River; and
- 2) Authorize the Parks Division Manager to write a letter to the State of California requesting that the State ban any glass bottle, jar, tumbler or vessel on State Property within 100 feet from the waterline of the South Fork of the American River.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

2:00 PM - TIME ALLOCATION

- 34. 14-0603** Auditor-Controller recommending the Board receive and file the following:
- 1) Report on "Comparison of Actual Tax Proceeds to Adopted Appropriations Limit";
 - 2) Schedule of Prop 4 Compliance for Fiscal Year 2012-2013 Actual Revenues;
 - 3) Schedule of Prop 4 Compliance for Fiscal Year 2013-2014 Adopted Revenues; and
 - 4) Set a public hearing for June 17, 2014 at 10:00 a.m. for the discussion and adoption of the Appropriations Limit for Fiscal Year 2014-2015.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 35. 12-0559** PRESENTATION - In conjunction with the Board of Supervisors having proclaimed May 18, 2014 through May 24, 2014 as "Emergency Medical Services Week" in the County of El Dorado, the El Dorado County Emergency Services Authority, the City of South Lake Tahoe Fire Department, and the Lake Valley Fire Protection District will recognize certain emergency medical services nominees for their outstanding contributions and dedication to their respective organizations. (Est. Time: 1 Hr.)

Received and Filed.

2:30 PM - TIME ALLOCATION

- 36. 14-0532** Supervisor Veerkamp recommending the Board receive a presentation from the El Dorado County Youth Commission on their activities, goals and accomplishments for the 2013-2014 term, and a preview of ongoing activities for 2014-2015. (Est. Time: 30 Min.)

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

3:00 PM - TIME ALLOCATION

- 37. 13-0907** Chief Administrative Office, Facilities Division, recommending the Board:
- 1) Receive and file a presentation regarding progress on the Animal Shelter Project;
 - 2) Approve and authorize the Chair to sign Amendment No. 3 to Agreement for Services No. 218-S1310 with Architectural Nexus, Inc., doing business as Anova Nexus, Inc., to increase compensation by \$15,000 and to expand the scope of work to include animal surgery center design services as related to work for the new Animal Shelter project; and
 - 3) Authorize Facilities to perform additional parking lot and clinic work provided there is no impact to project budget.

FUNDING: Tobacco Settlement Funds.

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 38. 14-0141** Community Development Agency, Long Range Planning, recommending the Board receive information and provide direction on the proposed 2014 Capital Improvement Program and Transportation Work Plan.

FUNDING: Various Federal, State, Local and ACO Funding Sources (Federal Funds).

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

ITEMS TO/FROM SUPERVISORS

Supervisor Mikulaco attended the Capital Southeast Connector Joint Powers Authority meeting last week. The meeting dealt with "phasing" and a Sacramento Area Council of Governments grant of two million dollars. Some of the grant money was initially allocated to El Dorado County, however now it looks like that will not happen. Supervisor Mikulaco voiced his objections to this proposal at the meeting.

Supervisor Santiago attended the Capitol-to-Capitol conference in Washington D.C. and was part of the Food and Agriculture Policy Team. One of the key issues addressed was the implementation of the new Farm Bill. The issue of water was addressed throughout the conference.

Supervisor Santiago attended the California State Association of Counties conference last week. During the conference, Governor Brown was very clear in his commitment about bringing down the wall of debt. The Governor spoke of reimbursing the counties for some of the money spent for unfunded mandates, which is estimated at one hundred million dollars. Further negotiations will center around how the money will be spilt between the counties, how it will be spent within the counties and the impact on Health and Human Services as this agency received most of the unfunded mandates. It was announced that funding for AB109 (Prison Realignment) is going to be significantly less this year. There was a presentation concerning AB109 and the relationship between the Probation Department, AB109 programs and Mental Health. Supervisor Randy Hanvelt from Tuolumne County gave an update as to the aftermath of the Rim Fire. An environmental document was completed which allowed for only 25% of the logs to be removed from the burn area. Supervisor Santiago stated that this is unfortunate for several reasons: there is a lot of marketable timber still available in the burn area, there is a threat of insect infestation and a threat of blue mold. An environmental group may bring litigation regarding the hauling out of the logs. Supervisor Santiago stated that this demonstrates the need for El Dorado County to work with and build relationships with the United States Forest Service with regards to land and cleaning up those lands.

Supervisor Veerkamp will report on the Transportation Bill in several weeks. Supervisor Veerkamp also attended the Capitol-to-Capitol conference in Washington D.C. and had a conversation with a staff member from the United States Department of Agriculture's office regarding logging and importing timber. Supervisor Veerkamp also spoke to Supervisor Hanvelt from Tuolumne County regarding the Rim Fire and most of the private land has been logged, it is the public land that is at issue.

Supervisor Briggs along with the El Dorado Air Quality Management District will report to the Board of Supervisors in about forty-five to sixty days with a proposal to encourage the United States Forest Service and large private land owners to use smaller woods for biomass, shipping and logging. The intent behind this proposal is to encourage logging and discourage burning. Supervisor Briggs spoke that when wood is burned, it increases the fire danger and the smoke produced is not good for the health or welfare of the residents of the County.

Supervisor Nutting stated that when you get to the desired outcome of the forest regime you have to recognize that fire is part of the landscape. Low intensity controlled burns are the only way to economically maintain property. The goal is

to put the forests back to their historical natural conditions, which is what has happened in Angora and the Tahoe Basin. However, both these projects are highly subsidized. Moving biomass in a truck with the desire to reduce pollution needs to be balanced against the cost of fuel and the exhaust produced from the trucks. The overall objectives should be increased water quality and wild life. The goal is not to have another Rim Fire.

ADJOURNED AT 2:52 PM

CLOSED SESSION

- 39. 14-0735 Pursuant to Government Code Section 54957- Public Employee Performance Evaluation.** Title: Chief Administrative Officer. (Est. Time: 20 Min.)

This matter was Continued to June 10, 2014 upon Adoption of the Agenda as modified by the Board.

Yes: 4 - Santiago, Mikulaco, Veerkamp and Nutting

Noes: 1 - Briggs

- 40. 14-0736 Conference with Legal Counsel - Initiation of Litigation** pursuant to Government Code Section 54956.9(d)(4). Title: Legal Issues Resulting from Jury Verdicts in *The People of the State of California vs. Raymond James Nutting*; El Dorado Superior Court Docket Nos. P13CRF0294 and P13CRM0744. (Est. Time: 20 Min.)

Public Comment: S. Tyler, S. Ferry, L. Columbo, J. Fraymen, R. Henny, K. McCoy, B. Bakke, K. Tyler, J. Nutting, J. Steltzmler, V. Misch, R. Smith

By a 4-0 vote (Supervisor Nutting did not participate), the Board took the following action(s):

The Board of Supervisors met with legal counsel and discussed whether Supervisor Nutting was suspended by operation of law under Gov't. Code section 1770.2 by the jury verdict on May 14, 2014 which found him guilty of six (6) misdemeanors. At the sentencing scheduled on June 6, 2014, Judge Buckley will decide whether or not the misdemeanor convictions result in Supervisor Nutting's removal from office under Gov't. Code sections 1770(h) and 1771.

Since the Board does not want to influence the Judge's decision at sentencing, and does not want to take actions that could be subject to attack if the Judge decides that Supervisor Nutting was automatically suspended on May 14th, the Board has decided to recess today's meeting after the presentations and the ceremonial items and Closed Sessions 41 and 42. Supervisor Nutting will be allowed to participate in those items. The Board will hear all other items scheduled for today at their meeting scheduled for June 10, 2014. The Board is cancelling the June 3, 2014 meeting.

The Board of Supervisors directed legal counsel to file papers with the Superior Court requesting that Judge Buckley let the Board of Supervisors know promptly whether the convictions in *People v. Nutting* result in a suspension or vacancy pursuant to Gov't. Code sections 1770, 1770.2 and 1771.

41. 14-0737

Conference with Legal Counsel - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2). Title: Legal Issues Resulting from Jury Verdicts in *The People of the State of California vs. Raymond James Nutting*; El Dorado Superior Court Docket Nos. P13CRF0294 and P13CRM0744. (Est. Time: 20 Min.)

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