

County of El Dorado

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Minutes - Final Board of Supervisors

Rusty Dupray, Chairman, District I Ron Briggs, First Vice Chairman, District IV Norma Santiago, Second Vice Chairman, District V Helen K. Baumann, District II James R. Sweeney, District III

Cindy Keck, Clerk of the Board of Supervisors
Laura S. Gill, Chief Administrative Officer Louis B. Green,
County Counsel

Tuesday, January 29, 2008

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.

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.

The Board of Supervisors 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.

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

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

Present: 2 - Supervisor Sweeney and Supervisor Briggs

Absent: 1 - Supervisor Santiago

9:00 A.M. - RECONVENE TO OPEN SESSION AND CLOSED SESSION REPORTS

Present: 3 - Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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

Approval of the Consent Calendar

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt the Agenda and approve the Consent Calendar with the following exceptions: Items 13, 17 and 18 pulled for separate action; Item 23 added to the Consent Calendar and approved; Item 14 continued to February 5, 2008; and Item 22 continued to February 12, 2008.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

BUDGET UPDATE

OPEN FORUM

CONSENT CALENDAR

1. 08-0122 Approval of Board of Supervisors Conformed Agenda (Minutes) of the Regular Meeting of Tuesday, January 15, 2008.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

2. 08-0013 Human Services Department, Area Agency on Aging, recommending Chairman be authorized to sign a letter to Senator Don Perata, President pro Tempore California Senate Rules Committee to support the confirmation of the appointment of Lynn Daucher as Director of the California Department of Aging.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

3. 08-0022

Human Services Department, Community Services Division, recommending Resolution authorizing the Chairman to sign Amendment 1 to Agreement AP-0708-29 with the California Department of Aging, increasing the maximum grant amount by \$32,938 to \$1,262,490 for the term July 1, 2007 through June 30, 2008 for the provision of Senior Services during Fiscal Year 2007/2008; authorize the Area Agency on Aging Director or his/her successor to execute said Contract as amended and any subsequent documents relating to, including amendments thereto, contingent upon approval of County Counsel and Risk Management, that do not affect the dollar amount or the term; and execute required fiscal and programmatic reports related to same. **RECOMMENDED ACTION:** Adopt Resolution **16-2008.**

FUNDING: Federal One-Time-Only Grant Funds from California Department of Aging.

This matter was Approved on the consent calendar

4. <u>08-0019</u>

Human Services Department, Social Services Division, recommending Chairman be authorized to sign Amendment I to Agreement for Services 201-S0711 with Maxim Healthcare Services, Inc. increasing compensation by \$30,000 to a not to exceed amount of \$70,000 for the term December 1, 2006 through November 30, 2008 to provide supplemental licensed health care provider services on an "as needed" basis for clients of said Division.

RECOMMENDED ACTION: Approve.

FUNDING: Funding sources are State SB163 Wraparound Program Allocation Savings (40%) with County match (60%). This annual allocation is expected to be ongoing.

This matter was Approved on the consent calendar

5. 08-0093

General Services Department recommending Chairman be authorized to sign a Notice of Completion with D G Granade, Inc. for the remodel and expansion of the Western Slope Temporary Animal Shelter facility. **RECOMMENDED ACTION:** Approve.

FUNDING: This project was funded from Community Enhancement funds and General Fund Contribution to the Accumulative Capital Outlay fund.

This matter was Approved on the consent calendar

6. <u>08-0089</u>

General Services Department recommending award of Bid for the Cameron Park Courthouse ADR Modular Building - Building Package Project in the amount of \$404,219 to the lowest qualified and responsive bidder Design Space Modular Buildings; and Chairman be authorized to execute Agreement for same.

RECOMMENDED ACTION: Approve.

FUNDING: ADR - Special Revenue Fund.

This matter was Approved on the consent calendar

7. 08-0090

General Services Department recommending award of Bid 08-1005 to the lowest qualified and responsive bidder R. T. English Construction Company, Inc. in the amount of \$218,709 for the Cameron Park Courthouse ADR Modular Building - Sitework Package Project 06-48; and Chairman be authorized to sign Agreement for same.

RECOMMENDED ACTION: Approve.

FUNDING: ADR - Special Revenue Fund.

This matter was Approved on the consent calendar

8. 08-0110

General Services Department recommending the Board find that competitive propposals would not produce any advantage and that it is infeasible to obtain the services required through competitive bidding, rather increase the current "as requested" cabling services agreement with Dunn-Wright Communications, Inc. by \$36,296.64 to complete the existing work orders; and authorize the Chairman to execute Change Order #1 to Agreement 222-C0875 to an amount not to exceed \$117.056.64 for same.

RECOMMENDED ACTION: Approve.

FUNDING: Within individual requesting departments FY 07/08 budgets.

This matter was Approved on the consent calendar

9. 07-1973

Law Library Administrator recommending Jennifer K. Nelson be reappointed to serve as a Law Library Trustee representing the Bar Association for a term to expire January 2009.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

10. 08-0069

Sheriff's Department recommending Resolution declaring a local emergency in the County of El Dorado due to severe winter storms beginning on January 3, 2008. (Cont'd 1-15-08, Item 16)

RECOMMENDED ACTION: Adopt Resolution **15-2008**.

This matter was Approved on the consent calendar

11. 08-0083

Probation Department recommending the promotion of Steve Heggen from Supervising Probation Officer to Deputy Chief Probation Officer at Step 3 of the salary range effective December 22, 2007 (Pay period 1-2008).

RECOMMENDED ACTION: Approve.

FUNDING: Probation - General Fund

This matter was Approved on the consent calendar

12. <u>08-0065</u>

Information Technologies Department recommending Chairman be authorized to sign a Master Agreement with SBC Global Services, Inc. dba AT&T Global Services for a five-year period for the installation and implementation of ten (10) high speed fiber-based Ethernet (Opt-e-man) connections between various remote departmental locations and the I.T. Data Center. Opt-e-man circuits will replace multiple, low speed T1 based circuits currently providing connectivity and provide greater bandwidth and through-put, enhancing productivity for the affected departments.

RECOMMENDED ACTION: Approve.

FUNDING: General Fund and departmental grants.

This matter was Approved on the consent calendar

13. 08-0009

Human Resources Department recommending Resolution amending the Salary Schedule establishing the salary range, classification and modification of bargaining unit designation for the position of Supervising Information Technology Department Coordinator job specification; adoption of revisions for the position of Senior Information Technology Department Coordinator; and modification of the appropriate bargaining unit from Professional (PL) to Supervisory (SU) for the classification of Associate Land Surveyor.

RECOMMENDED ACTION: Adopt Resolution 21-2008.

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt the Resolution as amended this date to only modify the appropriate bargaining unit from Professional (PL) to Supervisory (SU) for the classification of Associate Land Surveyor.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

14. 08-0066

Human Resources Department recommending revision of the County's Notice of Privacy Practices; said revision to reflect the Board's November 6, 2007approval to participate in the ACCEL (Access El Dorado) Care Pathways Program.

RECOMMENDED ACTION: Approve.

This matter was continued to February 5, 2008 upon adoption of the Agenda.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

15. 08-0055

Chief Administrative Office, Procurement and Contracts Division, recommending award of Bid 08-863-062 for the purchase of automotive and light truck tires and related services for the East Slope Fleet Management Division; authorize the Purchasing Agent to issue a blanket purchase order to Sierra Nevada Tire and Wheel of Placerville, CA in the amount of \$131,430 including sales tax, for a twelve-month period; and authorize an increase to same on an "as needed" basis during the awarded period if funding is available within the requesting department's budget.

RECOMMENDED ACTION: Approve.

FUNDING: Fleet Management's Internal Service Fund (Non-General Fund)

This matter was Approved on the consent calendar

16. 08-0044

Chief Administrative Office, Procurement and Contracts Division, recommending Chairman be authorized to sign Agreement 628-S0811 with Roger Ernst and Associates, Inc. for a term to expire December 10, 2010 to provide auctioneer services for the disposal of personal property declared surplus by the County.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

17. 08-0056

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.

RECOMMENDED ACTION: Approve.

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to approve this matter with direction that the request for donation of the 1992 Kawasaki Bayou 220 2WD vehicle to Tahoe Paradise Park in Meyers be brought back to the Board for approval.

18. 08-0049

Chief Administrative Office recommending Chairman to be authorized to sign retroactive Agreement for Services 549-S0811 with Peterson Consulting, Inc. in an amount not to exceed \$60,000 for a two year term for state legislative advocacy services; and adopt recommended findings pertaining to same..

RECOMMENDED ACTION: Approve.

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

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

19. 08-0047

Chief Administrative Office recommending the Board make findings that federal advocacy services are more economically and feasibly performed by outside independent consultants in accordance with El Dorado County Charter, Section 210 (b) (6); and Chairman be authorized to sign retroactive Agreement for Services 548-S0811 with Potomac Partners, LLC in an amount not to exceed \$120,000 for the period January 2, 2008 through January 1, 2009 to provide legislative advocacy services.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

20. <u>07-1954</u>

Chief Administrative Office recommending the status report on negotiations with Granite Grado Ventures referred by the Board on December 11, 2007 (Item 50) be continued to February 5, 2008.

RECOMMENDED ACTION: Approve.

FUNDING: West Slope Traffic Impact Mitigation Fee program.

This matter was Approved on the consent calendar

END CONSENT CALENDAR

DEPARTMENT MATTERS

21. 08-0038

Transportation Department recommending adoption of proposed 2008 Capital Improvement Program for Fiscal Years 2007/2008 through 2011/2012.

No formal action taken; however, by consensus, the Board directed that the Capital Improvement Program, including those options discussed this date, be brought back for consideration and adoption at the special meeting scheduled for 1:30 p.m., Monday, February 11, 2008.

22. <u>08-0134</u>

Human Resources Department recommending the Board receive and file the Fiscal and Analytical Job Class Evaluation report and provide direction to staff on proceeding with evaluation of certain fiscal and analytical classifications. (Refer 11-27-07, Item 5, File 07-1893)

This matter was continued to February 12, 2008 upon adoption of the Agenda.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

23. 08-0095

Information Technologies Department recommending Chairman be authorized to sign retroactive Amendment IV to Agreement 048-S0311 with Xerox Corporation increasing compensation by \$20,034.99 to \$82,264.99 and extending the term through July 31, 2010 to provide equipment maintenance and supporting software license and support for the DP90 production printer used by said Department.

FUNDING: General Fund.

This matter was added to the Consent Calendar and approved upon adoption of the Agenda.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

24. <u>07-1783</u>

Chief Administrative Officer responding to those issues raised by the Board on December 4, 2007 pertaining to Supervisor Santiago's recommendation to establish an Angora permitting center to exclusively process building permits within the Angora Fire burn area through December 31, 2008. (Cont'd 1/8/08, Item 39)

No formal action taken; however, by consensus, this matter was continued to February 5, 2008.

10:00 A.M. - TIME ALLOCATION

25. 07-1576

Office of Economic Development providing report to the Board on those issues raised at the meeting of October 2, 2007 (Item 26) including recommendations on how to improve the County's processes relating to economic development.

FUNDING: None

After hearing staff report and public testimony, a motion was made by Supervisor Sweeney, seconded by Supervisor Dupray to continue this matter to March 25, 2008 for report back from the Chief Administrative Office.

2:00 P.M. - TIME ALLOCATION

26. 08-0045 Presentation of the preferred alternative for the 56-Acre Recreation Area in South Lake Tahoe by Royston Hanamoto Alley and Abey.

No action required.

27. 08-0107 Hearing to consider, under County Ordinance 15.14.270, an appeal by

West Valley, LLC and Lennar Communities, Inc. of the stop work order

issued by the Department of Transportation.

This matter was withdrawn.

28. <u>08-0105</u> Hearing to consider rezone (Z07-0046) of 0.84 acre (APN 043-226-30) from Commercial (C) to Commercial-Planned Development (C-PD);

development plan (PD07-0032) to allow for the creation of five lots with less than the minimum parcel width of 50 feet; tentative parcel map (P07-0015) to create five commercial parcels ranging in size from 5,429 to 7,122 square feet in the Camino area; and adoption of Ordinance

4761 for said rezone. Applicant: BOW Enterprises (District III)

Hearing no protests, a motion was made by Supervisor Sweeney, seconded by Supervisor Briggs to adopt the negative declaration as prepared; adopt Ordinance 4761 to approve said rezone; adopt the development plan as the official development plan, based on the findings, subject to the conditions; and approve tentative map, based on the findings, subject to the conditions.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

29. <u>08-0112</u> Hearing to consider adoption of Resolution **20-2008** to establish a new

Agricultural Preserve (No. 314/Williamson Act Contract 07-0001) in the Somerset area, and Ordinance **4760** to rezone APN 046-041-17 from Residential Agricultural Twenty-acre (RA-20) to Exclusive Agricultural

(AE), requested by Tammy Isaak. (District II)

Hearing no protests, a motion was made by Supervisor Baumann, seconded by Supervisor Briggs to find that WAC07-0001 is categorically exempt pursuant to Section 15317 of the California Environmental Quality Act Guidelines; adopt the mitigated negative declaration for said rezone based on the findings; adopt the mitigation monitoring program; adopt Resolution 20-2008 approving WAC07-0001; and adopt Ordinance 4760 to rezone said property based on the findings, subject to conditions.

30. <u>08-0121</u>

Hearing to consider adoption of Resolutions **17-2008**, **18-2008** and **19-2008** dividing existing Agricultural Preserve 119 into three separate preserves (No. 315/Williamson Act Contract 07-0002, No. 119/Williamson Act Contract 07-0003, and No. 317/Williamson Act Contract 07-0004) consisting of APN 046-740-04 (160 acres - Osborn), APN 046-740-01 (160 acres - Shaver and Rump) and APNs 046-740-02 and -03 (320 acres - Reed) in the Somerset area requested by Kenneth and Jane Osborn, Guy Shaver and Sarah Rump, and Milburn and Barbara Reed. (District II)

Hearing no protests, a motion was made by Supervisor Baumann, seconded by Supervisor Santiago to find the projects categorically exempt pursuant to Section 15317 of the California Environmental Quality Act Guidelines; and adopt Resolution Nos. 017-2008, 018-2008 and 019-2008 approving WAC07-0002, WAC07-0003, and WAC07-0004 based on the findings.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

31. 08-0101

Hearing to consider an appeal on the approval of Special Use Permit S07-0011/PD95-0016R3 to allow the conversion of an existing sports complex into an automobile body shop with 16 service bays on property consisting of three acres (APN 070-280-64) in the Shingle Springs area; Appellant: Rich Solis. Applicant: Richard P. Kniesel. (District IV)

After hearing public testimony, a motion made by Supervisor Briggs to deny the appeal, thereby upholding the action of the Planning Commission, failed due to a lack of a second.

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to uphold the appeal.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

Noes: 1 - Briggs

32. <u>07-1022</u>

Development Services Department providing a status report on the Oak Woodlands Management Plan and requesting direction regarding policy issues to be addressed in the Final Oak Woodlands Management Plan; and recommending staff be authorized to begin providing a choice to applicants regarding payment of Option B fee, or providing on-site retention.

(1) Amount of the Conservation Fund In-Lieu Fee: A motion was made by Supervisor Sweeney, seconded by Supervisor Baumann to direct staff to examine a range in the California Environmental Quality Act (CEQA) document of \$3,250 - \$14,000 in order for the Board to have the opportunity to choose a suitable option when the policy is adopted.

- (2) Optional Payment into Conservation Fund In Lieu of On-Site Replacement Under Option A: A motion was made by Supervisor Sweeney, seconded by Supervisor Dupray to use the 1:1 ratio.
- Yes: 5 Dupray, Baumann, Sweeney, Briggs and Santiago
 - (3) Definition of "Agricultural Cultivation": A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs to use the Public Resources Code definition.
- Yes: 5 Dupray, Baumann, Sweeney, Briggs and Santiago
 - (4) Measurement of Oak Woodland: A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to use "oak canopy" as the terminology for the measurement of oak woodland.
- Yes: 4 Dupray, Baumann, Sweeney and Santiago
- Noes: 1 Briggs
 - (5) Application of the OWMP to Defensible Space Requirements for New Construction: A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to approve staff's recommendation.
- Yes: 5 Dupray, Baumann, Sweeney, Briggs and Santiago
 - (6) Establishing a Threshold for Road Projects: A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs to direct County Counsel, Department of Transportation, and Planning Division to review the reasonableness of the application of these policies as it relates to road projects and to bring back potential exemption language.
- Yes: 5 Dupray, Baumann, Sweeney, Briggs and Santiago
 - (7) Interim Application of Option B to Current Planning Projects: A motion was made by Supervisor Sweeney, seconded by Supervisor Baumann to direct that staff be allowed to condition maps to use Option A; however, if Option B has been put in place and the same maps are still in process, then the applicant could select Option A or Option B.
- Yes: 5 Dupray, Baumann, Sweeney, Briggs and Santiago

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

| 33. | 08-0152 | Pursuant to Government Code Section 54957, Public Employee Performance Evaluation: Title: Director of Human Resources. |
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| | | No action reported. |
| 34. | 08-0042 | Pursuant to Government Code Section 54956.9(a), Existing Litigation: U.S.A. v. El Dorado County, City of South Lake Tahoe, et al., U.S. District Court Case No. S-01-1520-MCE GGH (ED CA). |
| | | No action reported. |
| 35. | 08-0132 | Pursuant to Government Code Section 54956.9(b), Anticipated Litigation: Significant exposure to litigation. One (1) potential case. |
| | | No action reported. |
| 36. | <u>08-0151</u> | Pursuant to Government Code Section 54956.9(b), Anticipated Litigation: Significant exposure to litigation. |
| | | No action reported. |
| 37. | <u>08-0148</u> | Pursuant to Government Code Section 54956.9(b), Anticipated Litigation: Significant exposure to litigation. No action reported. |
| 38. | <u>08-0149</u> | Pursuant to Government Code Section 54956.9(b), Anticipated Litigation: Significant exposure to litigation. Title: Lennar Communities, Inc. and West Valley, LLC Appeal Under Ordinance Code Section 15.14.270. No action reported. |
| 39. | <u>08-0130</u> | Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator: Instructions to negotiator regarding real property described as APN 327-130-35. The entity with whom the negotiator may negotiate is Real Estate Holdings, II, LLC A Delaware Limited Liability Company. Instructions to negotiator will concern price and terms of payment. Negotiator on behalf of the County will be Pete Feild, Right-of-Way Program Manager. No action reported. |
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| 40 . <u>08-0124</u> | Pursuant to Government Code Section 54957.6, Conference with Labor Negotiator: County Negotiator: Industrial Employees and Distributors Association. Employee Organization: United Domestic Workers of America (UDW)/AFSCME. No action reported. |
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| | No action reported. |
| 41 . <u>08-0125</u> | Pursuant to Government Code Section, 54957.6, Conference with Labor Negotiator: County Negotiator: Director of Human Resources. Employee Organization: El Dorado County Management Association (MA). No action reported. |
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| 42 . <u>08-0126</u> | Pursuant to Government Code Section 54957.6, Conference with Labor Negotiator: County Negotiator: Director of Human Resources. Employee Organization: El Dorado County Law Enforcement Management Association (LEMA). No action reported. |
| 43 . <u>08-0127</u> | Pursuant to Government Code Section 54957.6, Conference with Labor Negotiator: County Negotiator: Director of Human Resources. Employee Organization: El Dorado County Sheriff's Association. No action reported. |
| 44 . <u>08-0128</u> | Pursuant to Government Code Section 54957.6, Conference with Labor Negotiator: County Negotiator: Director of Human Resources. Employee Organization: El Dorado County Employees Association, Local No. 1 (EDCEA). No action reported. |
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| 45 . <u>08-0129</u> | Pursuant to Government Code Section 54957.6, Conference with Labor Negotiator: County Negotiator: Director of Human Resources. Employee Organization: El Dorado County Criminal Attorney Association (CA). No action reported. |

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. South Lake Tahoe - Charter Cable 21, Daily - Time varies