



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530-621-5390
FAX 530-622-3645
www.edcgov.us/bos

Minutes - Final 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, June 9, 2009

8:00 AM

Board of Supervisors Meeting Room

Vision Statement

"El Dorado County will remain the leader in supporting our safe, healthy, and vibrant communities, wisely managing our natural resources, and preserving our local heritage."

BOARD MEETING ROOM EQUIPPED WITH AN AUDIO INDUCTION LOOP ASSISTIVE LISTENING SYSTEM.

Public Testimony will be received on each agenda item as it is called. Principal party on each side of an issue (where applicable) is allocated 10 minutes to speak, individual comments are limited to 3 minutes, and individuals speaking for a group are allocated 5 minutes. (Adopted 8/10/93) Matters not on the agenda may be addressed by the general public during the Open Forum. Public comments during Open Forum are limited to three minutes per person. The Board reserves the right to waive said rules by a majority vote.

Materials related to an item on this Agenda submitted to the Board of Supervisors after distribution of the agenda packet are available for inspection during normal business hours in the public viewing packet located in the foyer of Building A, 330 Fair Lane, Placerville or in the Board Clerk's Office located at the same address. Such documents are also available on the Board of Supervisors' website at www.edcgov.us subject to staff's ability to post the documents before the meeting.

The Board of Supervisors is concerned that 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

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

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

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 4, 7, and 9 were pulled from the Consent Calendar, Item 35 was moved to be heard after Item 30, and Item 29 was continued off calendar.

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

PRESENTATION

1. [09-0647](#) **PRESENTATION** of Proclamation recognizing July 4, 2009 through July 17, 2009 as the "Cares and Shares Coordinated Giving" campaign period.

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to approve the proclamation.

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

OPEN FORUM

Public Comment:

E. Claudio addressed the Board RE: CPS reform

A. Hunts addressed the Board RE: CPS reform

A. Amaro addressed the Board RE: Veterans Affairs services

Presentation by Shingle Springs Band of Miwok Indians

Nick Fonseca, Tribal Chairman of the Shingle Springs Band of Miwok Indians presented the Board with a check for the El Dorado County Emergency Services Authority in the amount of \$472,500 .

BUDGET UPDATE

CONSENT CALENDAR

2. [09-0758](#) Approval of Board of Supervisors Minutes for the Special Meeting of Monday, May 18, 2009 and the Regular Meeting of Tuesday, June 2, 2009.

This matter was Approved on the consent calendar

3. [09-0710](#) Agricultural Department, on behalf of the Agricultural Commission, requesting that the Chairman of said Commission be authorized to sign a letter in support of Assembly Bill 1066, legislation that would increase the effective period of a timber harvest plan from 3 years to 5 years.

This matter was Approved on the consent calendar

4. [09-0690](#) Auditor-Controller recommending the Board receive and file the field review of the El Dorado County Cost Allocation Plan prepared by the State Controller's Office for Fiscal Year 2009-2010; and, direct the Chief Administrative Office in partnership with the Auditor-Controller to monitor the implementation of the corrective action to the findings disclosed in the report.

FUNDING: None.

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to receive and file this matter.

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

5. [09-0738](#) Chief Administrative Office recommending the Board approve a request to file an application for the 2009 Justice Assistance Grant (JAG).

FUNDING: Justice Assistance Grant (JAG)

This matter was Approved on the consent calendar

6. [09-0557](#) Environmental Management Department, Air Quality Management District (AQMD), recommending Chairman be authorized to sign Memorandum of Understanding (MOU) No. 031-MOU-08/09-BOS with Sacramento Municipal Utilities District (SMUD) to provide funding in the amount of \$5,000 for the term of March 1, 2009 to June 30, 2009 to support the regional Mow Down Air Pollution Program.

FUNDING: AQMD Emissions Reduction Budget.

This matter was Approved on the consent calendar

7. [09-0511](#) Health Services Department recommending adoption of Resolution establishing a fee of \$250 that may be assessed by the Court as defined in California Penal Code § 1463.27 (a) on crimes of domestic violence, noting these monies would be held in a Domestic Violence Special Revenue Fund and used to support domestic violence prevention programs that focus on assisting immigrants, refugees, or persons who live in a rural community.

FUNDING: Fees assessed at the Court's discretion for crimes of domestic violence.

Public Comment:

B. Johnston: Government should know what the funds will be used for before they approve the implementation of a fee.

A motion was made by Supervisor Sweeney, seconded by Supervisor Nutting, to continue this matter off calendar.

Yes: 3 - Knight, Sweeney and Nutting

Noes: 2 - Briggs and Santiago

8. [09-0665](#) Health Services Department, Mental Health Division (MHD), recommending the Board approve submission of the Fiscal Year 2009-2010 Projects for Assistance in Transition from Homelessness (PATH) grant application to the Adult and Older Adult Program Policy Unit of the California Department of Mental Health (DMH).

FUNDING: Federal funding made available through State DMH.

This matter was Approved on the consent calendar

9. [09-0671](#) Health Services Department, Mental Health Division, recommending Chairman be authorized to sign Non-Financial Memorandum of Understanding 749-M0910 with El Dorado Union High School District for a term through June 30, 2012 to address the provision of mandated school-based mental health services.

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

Yes: 4 - Knight, Nutting, Briggs and Santiago

Noes: 1 - Sweeney

10. [09-0559](#) Health Services Department recommending adoption of Resolution establishing signatory authority of Health Services Department Director for Local Enforcement Agency (LEA) Grant program documents.

Resolution 116-2009

FUNDING: CIWMB LEA Grant.

Resolution 116-2009 was adopted on the consent calendar.

11. [09-0670](#) Health Services Department recommending Chairman be authorized to sign Amendment II to Agreement 534-PHD0606 (230-S0711) with Wittman Enterprises, LLC amending Articles IV, XII, XIX, and replacing Exhibits A* and B** extending the term through June 30, 2009. (*El Dorado County Ambulance Rate Schedule, **Alpine County Ambulance Rate Schedule)

FUNDING: Ambulance billing collections.

This matter was Approved on the consent calendar

12. [09-0732](#) Health Services Department, Mental Health Division (MHD), recommending Chairman be authorized to sign Agreement 656-M0911 with El Dorado County Office of Education (EDCOE) through which MHD will receive \$80,000 for the term of July 1, 2009 through June 30, 2010 to provide mental health services to students with disabilities in accordance with the student's Individualized Education Program.

FUNDING: Federal Individuals with Disabilities Education Act (IDEA) funding will be provided to MHD via this agreement with the EDCOE.

This matter was Approved on the consent calendar

13. [09-0662](#) Human Services Department recommending the Board approve and authorize the Purchasing Agent to sign Amendment I to Agreement for Services 925-S0811 with Environmental Alternatives increasing the maximum annual compensation from \$500,000 to \$750,000 for Fiscal Year 2008-2009 for the provision of emergency shelter care and/or foster care placement services on an "as requested" basis for said Department.

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

This matter was Approved on the consent calendar

14. [09-0675](#) Human Services Department recommending Chairman be authorized to sign ongoing Contract for Services 771-O0911 with Womenspace Unlimited South Lake Tahoe Women's Center (SLT Women's Center) to be effective July 1, 2009 and shall continue until terminated to enable this local service provider to continue to participate in the State Medi-Cal Administrative Activities (MAA) Program.

FUNDING: Federal Medicaid Funds.

This matter was Approved on the consent calendar

15. [09-0678](#) Human Services Department recommending the Board approve and authorize the Purchasing Agent to sign Agreement for Services 163-S0911 with Wynspring Family Resource Center, a foster family agency, with a maximum annual compensation of \$100,000 for a term to continue until terminated for the provision of emergency shelter care and/or foster care placement services on an "as requested" basis.

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

This matter was Approved on the consent calendar

16. [09-0697](#) Human Services Department recommending adoption of Resolution authorizing the Director of Human Services, or successor, to sign all documents necessary to enter into a Contract 09C-1808 with California Department of Community Services and Development, in an anticipated amount of \$168,728, for El Dorado County, for the provision of U.S. Department of Energy American Recovery and Reinvestment Act (DOE ARRA) program services for weatherization during July 1, 2009 through September 30, 2011; and further authorizing said Director, or successor, to execute further documents relating to same, including amendments thereto, contingent upon approval by County Counsel and Risk Management, that do not exceed the \$1,550,962 amount of the projected total allocation or the expected term stated above, to sign subsequent required fiscal and programmatic reports and to perform any and all administrative responsibilities in relationship to said Contract.

Resolution 117-2009

FUNDING: Federal American Recovery and Reinvestment Act DOE Funds.

Adopted Resolution 117-2009 on the consent calendar.

17. [09-0691](#) Information Technologies Department recommending Chairman be authorized to sign perpetual Agreement 803-S0911 with Sacramento County Office of Communications and Information Technologies (OCIT) in the amount of \$92,472, for the initial period of July 1, 2009 through June 30, 2010 for continued access to Criminal Justice data.

This matter was Approved on the consent calendar

18. [09-0742](#) Probation Department recommending adoption of Resolution authorizing the Chief Probation Officer to sign and submit an application to the California Department of Corrections and Rehabilitation, Corrections Standards Authority (CDCR/CSA) in the amount of \$10,536 for the term of July 1, 2009 through June 30, 2010 for the 2009/2010 Juvenile Accountability Block Grant (JABG) Program, including any amendments thereof for purchase of Juvenile Security Surveillance System viewing equipment.

Resolution 118-2009

FUNDING: State funds from this grant will cover \$10,536 of the cost, the remaining 10% required match of \$1,171.00 will be funded by the Probation Department.

Adopted Resolution 118-2009 on the consent calendar.

19. [08-0760](#) Probation Department recommending continuation of Agreements with the Counties of Alpine, Amador, Calaveras, Placer and Plumas in the amount of \$100 per day for providing temporary care to minors of said counties at the El Dorado County Juvenile Detention Facilities.

FUNDING: Other Governmental Agencies.

This matter was Approved on the consent calendar

20. [07-1906](#) Probation Department requesting the Board complete the annual review of the developed rules, regulations and administrative policy of the Electronic Monitoring Program (EMP) as defined by Sections 1203.016 and 1203.017 of the Penal Code.

This matter was Approved on the consent calendar

21. [09-0546](#) Probation Department recommending adoption of Resolution to rescind Resolutions 290-2006, 291-2006, 292-2006, and 293-2006 which established an imprest cash fund (per Government Code Section 29326) for the Placerville Probation Field Office (\$50), Placerville Juvenile Hall (\$200), South Lake Tahoe Probation Field Office (\$100), and the South Lake Tahoe Juvenile Treatment Center (\$200), noting these imprest cash funds are no longer necessary as the Probation Department will utilize County Purchasing cards as authorized by County policy for emergency expenditures.

Resolution 119-2009

FUNDING: General Fund.

Adopted Resolution 119-2009 on the consent calendar.

22. [09-0686](#) Probation Department recommending Chairman be authorized to sign retroactive Agreement 826-M0911 between El Dorado County Office of Education, El Dorado County Board of Education (County Schools), and said Department to fund the Probation Department \$100 per unit of average daily attendance of youth enrolled in the Charter Community School Intervention Program for the term July 1, 2008 through June 30, 2010.

FUNDING: El Dorado County Office of Education.

This matter was Approved on the consent calendar

23. [09-0148](#) Sheriff's Department recommending the Chairman and the Sheriff be authorized to sign Modification No. 3 to Cooperative Law Enforcement Agreement 08-LE-11051360-002 (2009 Operating and Financial Plan for Controlled Substance Operations) with the U.S. Forest Service, Eldorado National Forests increasing the amount from \$5,000 to \$20,000 for the term October 1, 2008 through September 30, 2009.

FUNDING: NA - Revenue from the USDA-USFS.

This matter was Approved on the consent calendar

24. [09-0639](#) Transportation Department recommending the Chairman be authorized to sign Agreement for Services AGMT 09-52636 with Taber Consultants, Inc. in an amount not-to-exceed \$ 200,000 for a three-year term to assist the Department with design geotechnical and geological engineering support services.

FUNDING: 2004 General Plan Traffic Impact Mitigation Fee Program, State and Federal Grants.

This matter was Approved on the consent calendar

25. [09-0753](#) Supervisor Briggs recommending June 18-21, 2009 be proclaimed as "El Dorado County Fair Week;" and, the Fair Manager is extending an invitation to the Board to attend the ribbon cutting on June 18, 2009, at 11:50 a.m. at the Green Gate at the El Dorado County Fairgrounds.

This matter was Approved on the consent calendar

END CONSENT CALENDAR

DEPARTMENT MATTERS/NOTICED HEARING

26. [09-0730](#) Hearing to consider adoption of a Resolution authorizing submittal of a 2009 Neighborhood Stabilization Program Application jointly with the City of South Lake Tahoe (City) to the California Department of Housing and Community Development for up to a \$1,610,096 grant that will assist in the redevelopment of abandoned and foreclosed homes; authorize the Chairman to execute the Joint Agreement and to sign the Statement of Assurances; and, if awarded, authorize the Human Services Director to execute the subsequent grant agreement, contingent upon approval by County Counsel and Risk Management, and other grant-related documents.

FUNDING: State grant funds.

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to deny this matter.

Yes: 4 - Knight, Sweeney, Nutting and Briggs

Noes: 1 - Santiago

27. [09-0617](#) Hearing to consider adoption of Resolution establishing the Fiscal Year 2009-2010 Proposition 4 ("GANN Spending Limit") for the County of El Dorado in the amount of \$158,243,290. (Refer 5/19/09, Item 32)

Resolution 120-2009

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to adopt Resolution 120-2009.

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

28. [09-0728](#) Health Services Department, Mental Health Division, recommending Chairman be authorized to sign Budget Transfer adjusting the Division's revenues and appropriations to be consistent with year-end projections for Fiscal Year 2008-2009. (4/5 vote required) (Cont'd 6/2/09, Item 29)

The proposed Budget Transfer will result in accounting adjustments to: 1) record the Fiscal Year 2007-2008 General Fund advance to Mental Health of \$3,319,000 as a contribution to Mental Health in Fiscal Year 2008-2009; and, 2) transfer \$328,787 from Public Health Division Fiscal Year 2008-2009 realignment funds to the Mental Health Division in accordance with Board Resolution 045-2009, adopted on February 16, 2009. These adjustments are necessary to prevent a negative Fiscal Year 2008-2009 ending fund balance in the Mental Health Special Revenue Fund 11-110-001 (SRF 001).

FUNDING: General Fund \$3,319,000 and Public Health Realignment Funds \$328,787

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to authorize the Auditor-Controller to post journal entry from Mental Health transferring General Fund contribution and Public Health Realignment.

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

29. [09-0656](#) Information Technologies Department requesting the Board approve the updated Computer and Network Usage Guides and incorporate them into Board Policy A-19. (Cont'd 6/2/09, Item 18)

This matter was continued off calendar upon approval of the Consent Calendar.

A motion was made by Supervisor Knight, seconded by Supervisor Santiago, to place this matter back on the agenda.

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

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to continue this matter off calendar.

Yes: 4 - Knight, Sweeney, Nutting and Briggs

Absent: 1 - Santiago

30. [09-0727](#) Supervisor Sweeney requesting a discussion of the activities and structure of the Health Plan Advisory Committee. (Cont'd 6/2/09, Item 36)

Public Comment:

S. Coach RE: Committee Member Committee was formed prior to 1992 when he was appointed. Further discussed functions of the committee. Problems have been with procedures and does not need action by the Board at this time.

B. Johnston RE: DSA Rep and Committee Member, looks out for best interest of the County and employees. There seems to have been a blocking on information from committee to the Board. Working on some changes needed in the By-laws

C. Payne RE: Management Representative and Committee Member Bylaws need to be amended to consider the changes in the County and need to account for these changes. Chair should be elected from within the committee members.

No Formal Action Required.

2:00 P.M. - TIME ALLOCATION

31. [09-0156](#) **This item will be continued and heard during the General Plan window on Tuesday, June 30, 2009.**

Hearing to consider the recommendation of the Planning Commission on General Plan Amendment A08-0001/Ordinance OR08-0001/Mixed Use Development. (Refer 5/11/09, Special Meeting)

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to continue this matter to June 30, 2009.

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

32. [09-0534](#) Hearing to consider the recommendation of the Planning Commission on General Plan Amendment A08-0016/Rezone Z08-0040/El Dorado Mirage Plaza on property identified by APN 327-150-03, consisting of 10 acres, in the Placerville area, submitted by El Mirage Group; and recommending the Board take the following conceptual actions:
- (1) Adopt the Negative Declaration based on the Initial Study prepared by staff;
 - (2) Approve Z08-0040 rezoning APN 327-150-03 from Single-Family Three-Acre Residential District (R3A) to Commercial-Planned Development (C-PD) based on the findings listed in Attachment 1;
 - (3) Approve General Plan Amendment A08-0016 based on the findings listed in Attachment 1;
 - (4) Adopt Ordinance for said rezone; and,
 - (5) Continue item for final action to occur with the adoption of the Resolution approving the General Plan Amendments considered by the Board during the "General Plan Window," tentatively scheduled for June 30, 2009. (Supervisory District 3)

T. Shamma RE: Representing Applicant, Approve this matter.

K. Yates RE: Residents in the area of project. Have shown good faith but neighbors are still concerned.

D. Harder RE: Neighbors would like assurances.

S. Taylor RE: Fiscal costs for environmental impacts.

D. Little RE: easements go through the middle of his property. Not against project but want assurances.

R. Sears RE: Concerned and opposed.

C. Wolf RE: Opposed to County being cut into pieces.

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to conceptually approve this matter and continue to the General Plan Window for final adoption on June 30, 2009.

Yes: 4 - Knight, Sweeney, Nutting and Briggs

Noes: 1 - Santiago

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

33. [09-0680](#) 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, representing employees in the General, Professional, and Supervisory Bargaining Units; Operating Engineers Local No. 3 representing employees in the Trades & Crafts, Probation, and Corrections Bargaining Units; Deputy Sheriff's Association representing employees in the Law Enforcement unit.

No Action Reported

34. [09-0768](#) Pursuant to Government Code Section 54956.9(b), **Anticipated Litigation:** Significant Exposure to Litigation, Title: Office Depot Bid Issues.

No Action Reported

DEPARTMENT MATTERS:

35. [09-0771](#) Chief Administrative Office recommending adoption of Resolution opposing a suspension of Proposition 1A of 2004.
Resolution 121-2009
A motion was made by Supervisor Knight, seconded by Supervisor Santiago, to adopt Resolution 121-2009.

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

NEW BUSINESS

The following matter was brought to the Board's attention by County Counsel and added to the Agenda by a motion made by Supervisors Nutting, and seconded by Supervisors Santiago.

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

CLOSED SESSION

36. [09-0814](#) Pursuant to Government Code Section 54956.9(b), Anticipated Litigation:
Significant Exposure to Litigation

No Action Reported