



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

Norma Santiago, Chair, District V
Ray Nutting, First Vice Chairman, District II
John R. Knight, Second Vice Chairman, District I
James R. Sweeney, District III
Ron Briggs, District IV

Suzanne Allen de Sanchez, Clerk of the Board of Supervisors
Gayle Erbe-Hamlin, Chief Administrative Officer *Louis B.*
Green, County Counsel

Tuesday, August 10, 2010

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) 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' website at www.edcgov.us 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.

8:01 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS

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

9:20 A.M. - RECONVENED 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 Knight, seconded by Supervisor Briggs, to adopt the Agenda and approve the Consent Calendar, with the following exceptions: Items 4 and 11 were pulled from the Consent Calendar, Item 26 was added to the Consent Calendar, and Items 14 and 15 were continued to August 24, 2010.

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

PRESENTATIONS

1. [10-0871](#) Supervisor Santiago recommending the Board receive a presentation by Chief Probation Officer, Greg Sly, on services provided to youth in the County of El Dorado by the Probation Department. (Est. Time: 15 Min.)

Presented.

2. [10-0820](#) Supervisor Briggs recommending the Board receive a presentation regarding the Sierra Nevada Forest and Community Initiative. (Est. Time: 15 Min.)

Presented.

OPEN FORUM**PUBLIC COMMENT**

K. Bone RE: Sustainable Forest Act.

L. Brent-Bomb RE: Red Team, El Dorado County Chamber of Commerce discount cards.

R. Lind RE: Bio Mass Projects.

K. Weiland RE: Mosquito Bridge Closures.

V. Zentner RE: Forest Health.

J. Griffith RE: Sierra Nevada Conservancy Grant applications for Prop 84.

BUDGET UPDATE**CONSENT CALENDAR**

3. [10-0867](#) Clerk of the Board recommending the Board approve the Board of Supervisors Meeting Minutes for the Regular Meeting of Tuesday, August 3, 2010.
- This matter was Approved on the consent calendar.**
4. [10-0879](#) Chief Administrative Office recommending the Board authorize the Chair to sign Budget Transfer recognizing Fiscal Year 2009-2010 actual revenues for Realignment Vehicle License Fee (VLF) and Sales Tax revenues for the affected Health and Human Services Departments. (4/5 vote required)

FUNDING: Realignment

NO PUBLIC COMMENT

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

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

5. [10-0830](#) Chief Administrative Office recommending the Board approve employees eligible to receive the County's Early Retirement Incentive Plan, noting said plan was approved by the Board of Supervisors on July 20, 2010, Item No. 30. (Cont'd 8/3/10, Item 6)

Adopted and continued to August 17, 2010 upon approval of the consent calendar.

6. [10-0848](#) District Attorney recommending the Board adopt a Resolution authorizing him to execute a Grant Award Agreement including any extensions and amendments thereof for the Workers's Compensation Insurance Fraud Program for Fiscal Year 2010-2011.

Resolution 130-2010

Adopted Resolution 130-2010 upon approval of the consent calendar.

7. [10-0864](#) District Attorney requesting the Board approve Budget Transfers increasing the Departments revenue and appropriations for Fiscal Year 09/10 to accommodate transfers from special revenue funds for respective programs within the Department. (4/5 vote required).
- FUNDING:** Various Grants - Automobile Insurance Fraud Grant, Worker's Compensation Fraud Grant, Proposition 64 Grant, Real Estate Fraud Grant
- This matter was Approved on the consent calendar.**
8. [10-0877](#) Recorder-Clerk-Registrar of Voters recommending the Board adopt a Resolution supporting the proposal of legislation to hold the January 4, 2011 Special General Election for the State Senate seat for District I by All Mail In Ballot.
- Resolution 131-2010**
- Adopted Resolution 131-2010 upon approval of the consent calendar.**
9. [10-0619](#) Department of Transportation recommending the Board adopt a Resolution supporting the Department of Transportation's Grant Application for National Infrastructure Investments TIGER II Discretionary Grant funding for the U.S. 50 HOV Lanes, Phase 2A - Bass Lake Road to Cameron Park Drive Project, CIP # 53113.
- FUNDING:** US Department of Transportation's National Infrastructure Investments under the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for 2010
- Resolution 132-2010**
- Adopted Resolution 132-2010 upon approval of the consent calendar.**
10. [10-0557](#) Department of Transportation recommending the Board consider the following pertaining to the Asphalt Concrete Overlay 2010 - Latrobe Road Project, Contract No. PW 09-30492/CIP No. 72182:
- 1) Adopt and approve contract documents; and
 - 2) Authorize advertisement for construction bids.
- FUNDING:** American Recovery & Reinvestment Act, General Fund Contribution and Regional Surface Transportation Program funds from the El Dorado County Transportation Commission.
- This matter was Approved on the consent calendar.**

BOARD OF SUPERVISORS - CONSENT

11. [10-0869](#) Supervisor Sweeney recommending the Board appoint Chris Gaither to the Diamond Springs/El Dorado Community Advisory Committee for a term to expire on October 30, 2011.

PUBLIC COMMENT:

R. Boyland

C. Gaither

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

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

12. [10-0878](#) Supervisor Briggs recommending the Board authorize the Chair to sign a letter to the U.S. Department of Agriculture in support of the Shingle Springs Band of Miwok Indians' loan application for the construction of a new Health Clinic facility.

This matter was Approved on the consent calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS/NOTICED HEARING

13. [10-0450](#) HEARING - Consider adoption (Second Reading) of **Ordinance 4948** revising County Ordinance Code Title 2 and Title 15 to bring into compliance with current building codes and terminology, to streamline permit processes, and to remain consistent with Tahoe Regional Planning Agency regulations. (Est. Time: 30 Min.)

PUBLIC COMMENT

V. Zentner

A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, as follows:

- 1) Continue this matter to August 24, 2010; and**
- 2) Direct staff to work with the Farm Bureau and the new Agricultural Commissioner to mutually agree on the wording for section 15.16.060.**

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

14. [10-0364](#) Consider Serrano Associates, LLC request for refund of Mello-Roos taxes. (Cont'd 7/20/10, Item 32) (Est. Time: 20 Min.)

Continued this matter to August 24, 2010 upon approval of the consent calendar.

15. [10-0886](#) Consider options for future levy of special district taxes in Community Facilities District No. 1992-1, uses of available CFD funds, and direction to be given to the County Auditor-Controller. (Est. Time: 20 Min.)

Continued this matter to August 24, 2010 upon approval of the consent calendar.

2:00 P.M. - TIME ALLOCATION

16. [10-0782](#) HEARING - Consider Planning Commission's recommendation that the Board take the following action regarding Ordinance OR10-0001/Grading Ordinance:
- 1) Adopt the ~~Mitigated~~ Negative Declaration based on the Initial Study prepared by staff;
 - 2) Approve Ordinance OR10-0001 amending the Grading, Erosion and Sediment Control Ordinance, Section 15.14 of the County Code, with the revised language as presented in Attachment 2, based on the Findings listed in Attachment 1; and
 - 3) Adopt **Ordinance 4949**.
- (Est. Time: 20 Min.)

A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, as follows:

- 1) Adopt the Negative Declaration;
- 2) Approve Internal Ordinance OR10-0001; and
- 3) Adopt County Ordinance 4949.

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

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNED AT 2:15 P.M.

CLOSED SESSION

17. [10-0824](#) **Conference with Legal Counsel - Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Serrano Claim for CFD Tax Refund. Number of potential cases: (1). (Est. Time: 15 Min.)
No Action Reported.
18. [10-0876](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator:** Instructions to its negotiator regarding the real property described as APN 117-160-19, 44, 45, 57, 60 and 61. The person or persons with whom the negotiator may negotiate is El Dorado Hills Investors, Ltd., Anthony Mansour, General Partner. Instructions to negotiator will concern price and terms of payment. Pete Feild and Matt Smeltzer will be the negotiator on behalf of El Dorado County. (Est. Time: 15 Min.)
No Action Reported.
19. [10-0697](#) Pursuant to Government Code Section 54957.6. **Conference with Labor Negotiator:**
County Negotiator: 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 Sheriffs Association representing employees in the Law Enforcement Unit; El Dorado County Criminal Attorney Association; El Dorado County Deputy County Counsel Association; El Dorado County Managers Association; El Dorado County Law Enforcement Managers Association; and Unrepresented Employees. (Est. Time: 10 Min.)
No Action Reported.
20. [10-0840](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Cameron Park Community Services District v. El Dorado County, et al., Sacramento County Superior Court Case No. 07CS00059. (Est. Time: 15 Min.)
No Action Reported.
21. [10-0860](#) **Conference with Legal Counsel - Initiation of Litigation** pursuant to Government Code Section 54956.9(c): Number of potential cases: (1). (Est. Time: 15 Min.)
No Action Reported.

22. [10-0885](#) Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c):
Number of potential cases: (1) (Est. Time: 20 Min.)

No Action Reported.

23. [10-0883](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a):
Title:
1. MV Transportation, Inc. v. South Tahoe Area Transit Authority, et al., El Dorado County Superior Court Case #SC20100154; and
2. MV Transportation, Inc. v. El Dorado County, et al., 9th Judicial District Court of the State of Nevada, County of Douglas, Case #10-CV-0240. (Est. Time: 20 Min.)

No Action Reported.

24. [10-0880](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a):
Title: Daniel Harkin, et al., v. County of El Dorado, et al., El Dorado County Superior Court Case #PC20090530 (Est. Time: 10 Min.)

The Board by a unanimous vote approved the proposed settlement with Daniel and Michelle Harkin in the amount of \$650,000.

ADDENDUM

CONSENT CALENDAR

25. [10-0892](#) District Attorney recommending the Board adopt a Resolution authorizing him to execute grant award agreements with the California Emergency Management Agency (CalEMA)

Resolution 134-2010

Adopted Resolution 134-2010 upon approval of the consent calendar.

DEPARTMENT MATTERS

26. [10-0382](#) Department of Transportation recommending the Board consider the following:
- 1) Authorize the Chair to sign the State of California, Department of Transportation Master Agreement for State Funded Projects, Agreement No. 00314S; and
 - 2) Adopt a Resolution allowing the Director of Transportation to execute program supplements associated with this Master Agreement.

FUNDING: N/A

Resolution 133-2010

Adopted Resolution 133-2010 upon approval of the consent calendar.

CLOSED SESSION

27. [10-0894](#) Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c):
Number of potential cases: (1)

The Board by a unanimous vote authorized the initiation of litigation.