



County of El Dorado

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Minutes - Final Board of Supervisors

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

Suzanne Allen de Sanchez, Clerk of the Board of Supervisors
Terri Daly, Chief Administrative Officer *Louis B. Green, County Counsel*

Tuesday, January 25, 2011

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.

8:03 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSION

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

9:03 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor Lucas gave the invocation.
Supervisor Knight lead the Pledge of Allegiance.

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Supervisor Knight, seconded by Supervisor Santiago, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Item 18 was pulled from the Consent Calendar, Items 6 and 28 were continued to February 1, 2011, Item 9 was continued to February 8, 2011, and Items 25 and 26 were continued off calendar.

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

10:00 A.M. - PRESENTATIONS

1. [11-0063](#) Supervisor Knight recommending the Board approve a Certificate of Recognition for Fire Chief Brian K. Veerkamp. Chief Veerkamp is retiring from the El Dorado Hills Fire Department after 17 years with a total of 30 years of dedicated service to the citizens of the County of El Dorado. (Est. Time: 5 Min.)
Presented.

- 2. [11-0049](#) Presentation by the Child Support Services Director regarding the new Incarcerated Obligor Video. (Est. time: 20 Min.)
Received and Filed.

11:00 A.M. - TIME ALLOCATION

- 3. [11-0072](#) Supervisor Briggs recommending the Board receive a presentation by Clark Peri, Project Manager with Caltrans regarding the State Route 49, South Fork of the American River Bridge Seismic Retrofit and Bridge Rail Upgrade Project. (Est. Time 1 Hr.)

No formal action was taken however it was decided that Supervisor Briggs will coordintate meetings with Caltrans, the County and the constituents to review options for the bridge.

OPEN FORUM

BUDGET UPDATE

CONSENT CALENDAR

- 4. [11-0071](#) Clerk of the Board of Supervisors recommending the Board approve the Meeting Minutes of the Special Meetings of Monday, January 10, 2011, Thursday, January 13, 2011, and the Regular Meeting of Tuesday, January 11, 2011.

This matter was Approved on the consent calendar.

- 5. [10-1306](#) Clerk of the Board of Supervisors recommending the Board approve the following appointments to the Regional Council of Rural Counties.

Regional Council of Rural Counties

Supervisor	Role	Term End	New Term End
Ray Nutting	Member	01/01/2011	01/01/2013
Jack Sweeney	Alternate	01/01/2011	01/01/2013

This matter was Approved on the consent calendar.

- 6. [10-1332](#) Clerk of the Board of Supervisors recommending the Board approve the appointments to the El Dorado Solid Waste Advisory Committee. (Est. Time: 15 Min.)

This matter was continued to February 1, 2011 upon approval of the consent calendar.

7. [10-1258](#) District Attorney's Office recommending the Board approve a budget transfer establishing budget and appropriations within Department FY 2010/2011 budget for purchase and installation of TAB System (4/5's vote required).
- FUNDING:** Special Revenue Fund.
- This matter was Approved on the consent calendar.**
8. [11-0058](#) District Attorney recommending the Board authorize the continuation of Departments perpetual agreements with the following for a period of one year:
- 1) Accurint;
 - 2) Lexipol, Agreement 640-S0911;
 - 3) Department of Justice, Agreement 01-098-01; and
 - 4) Constellation Justice Systems, Agreement 317-S0111.
- FUNDING:** General Fund.
- This matter was Approved on the consent calendar.**
9. [10-0886](#) County Counsel recommending the Board continue to Tuesday, February 8, 2011 the update on a proposal method to reduce the account balance in regard to the future levy of special district taxes in Community Facilities District No. 1992-1, and consider adoption. (Cont'd 1/11/10, Item 6)
- This matter was continued to February 8, 2011 upon approval of the consent calendar.**
10. [11-0065](#) Elections Department recommending the Board consolidate the Tahoe Truckee Unified School District Election with the upcoming State Assembly District 4 Special Primary Election to be held Tuesday, March 8, 2011.
- Resolution 015-2011**
- Adopted Resolution 015-2011 upon approval of the consent calendar.**
11. [11-0045](#) El Dorado County Fair Board of Directors inviting the Board of Supervisors to attend an informal luncheon and presentation on Tuesday, February 1, 2011 at 12:00 noon at the El Dorado County Fairgrounds.
- This matter was Approved on the consent calendar.**

12. [11-0040](#) Health Services Department recommending the Board:
- 1) Authorize the Chair to sign Agreement 101-162-P-R2011 (DHA\CS-ELD-01-11) with Sacramento County Department of Human Assistance for the term January 1, 2011 through December 31, 2011, for Housing Opportunities for Persons with AIDS (HOPWA) funding in 2011; and
 - 2) Adopt Resolution authorizing the Health Services Department Director, and specified subordinates, to submit claims and other financial documentation for said Agreement.

FUNDING: Grant funding through Sacramento County.

Resolution 008-2011

Approved and Adopted Resolution 008-2011 upon approval of the consent calendar.

13. [11-0003](#) Department of Human Services recommending the Board authorize the Chair to sign Operational Agreement 287-M1010 with the Economic Development Corporation of El Dorado County for the enhancement of workforce and business services in El Dorado and Alpine counties. This Agreement is effective upon execution and shall continue until terminated.

This matter was Approved on the consent calendar.

14. [11-0030](#) Department of Human Services recommending the Board authorize the Chair to sign a grant application for submittal to the Alzheimer's Foundation of America, requesting \$5,000 in funding for the Senior Day Care Services University program which provides information and support services to adults who are functionally or cognitively impaired due to Alzheimer's and related disorders and their caregivers.

FUNDING: Alzheimer's Foundation of America Grant.

This matter was Approved on the consent calendar.

15. [11-0044](#) Department of Human Services recommending the Board adopt a Resolution authorizing the Chair to sign Agreement 11F-4210 with the California Department of Community Services and Development , for the period January 1, 2011 through December 31, 2011 for 2011 Program Year Community Services Block Grant funds in the initial amount of \$47,449. The Resolution further authorizes the Director of Human Services, or successor, to sign required fiscal and programmatic reports and execute subsequent documents relating to this Agreement, including one or more amendments thereto, contingent upon approval by County Counsel and Risk Management, that collectively increase the dollar amount by up to \$208,367 to the total estimated 2011 grant allocation of \$255,816, and other amendments thereto that do not affect the dollar amount or the term.

FUNDING: Federal CSBG Grant Funds.

Resolution 009-2011

Adopted Resolution 009-2011 upon approval of the consent calendar.

16. [11-0036](#) Human Resources, Risk Management Division, recommending the Board approve and authorize the Principal Risk Management Analyst to complete and sign all necessary documents to bind and renew the Placerville and Georgetown Airport liability insurance with Ace Property and Casualty Insurance Company in the amount of \$16,177 for the period of February 5, 2011 through February 5, 2012 which is a 2% increase from the previous year.

Funding: Airport Enterprise Fund.

This matter was Approved on the consent calendar.

17. [10-0816](#) Sheriff's Department recommending the Board approve a Budget Transfer adding \$457,414 to said Department's operating budget for the Fiscal Year 2010 Homeland Security Grant Program, and additions to the Fixed Asset List . (4/5's vote required). (Refer 8/3/10, Item 13)

FUNDING: Fiscal Year 2010 Homeland Security Grant.

This matter was Approved on the consent calendar.

18. [11-0053](#) Department of Transportation recommending the Board adopt and authorize the Chair to sign a Resolution Transferring Type II Paratransit Buses to Tahoe Transportation District for continued transit services to the unincorporated area of the County.
- Resolution 010-2011**
- A motion was made by Supervisor Santiago, seconded by Supervisor Knight, to adopt Resolution 010-2011 as amended to add a reversionary clause so that if the buses are permanently removed from service before the end of their useful life, they will revert back to the County and TTD will take all necessary and appropriate steps to transfer title.**
- Yes:** 5 - Knight, Nutting, Briggs, Santiago and Sweeney
19. [11-0014](#) Department of Transportation recommending the Board authorize the use of the El Dorado-Sacramento Municipal Utility District Cooperation Agreement Fund (Index 8803311), in the amount of \$30,000 to provide matching funds for two (2) Federal Highway Bridge Program grants for the Rubicon Trail at Ellis Creek - Bridge Replacement Project (CIP No. 77117) and Wentworth Springs Road at Gerle Creek - Bridge Replacement Project (CIP No. 77118).
- FUNDING:** El Dorado-Sacramento Municipal Utility District Cooperation Agreement Fund (Index 8803311).
- This matter was Approved on the consent calendar.**
20. [10-1001](#) Department of Transportation recommending the Board take the following actions:
- 1) Approve and authorize the Chair to sign retroactive Facility Use Agreement No. 207-O1111 with the Garden Valley Fire Protection District for the term November 1, 2010 through October 31, 2012 in the amount of \$150 per month;
 - 2) Authorize the Auditor to pay the arrears amount due under Facility Use Agreement No. 207-O1111 to the Garden Valley Fire Protection District; and
 - 3) Approve and authorize the Chair to sign retroactive Facility Use Agreement No. 209-O1111 with the El Dorado County Fire Protection District for the term December 1, 2010 through November 30, 2012 at no charge to the County.
- FUNDING:** General Fund.
- This matter was Approved on the consent calendar.**
21. [11-0059](#) Supervisor Santiago recommending the Board appoint Nancy Owen-Hazard, Ellen Vaughn and Lisa Daly to the El Dorado County Early Care and Education Planning Council.
- This matter was Approved on the consent calendar.**

22. [11-0051](#) Supervisor Santiago recommending the Board consider meeting at 12:00 p.m. for lunch at the El Dorado Community Foundation on February 8, 2011, to meet Foundation Board Members and hear a Presentation by Bill Roby, Executive Director.
This matter was Approved on the consent calendar.
23. [10-0179](#) Supervisor Santiago requesting the Board adopt a Resolution approving the use of State Highways 50 and 89 between the County line at Tahoma and South Lake Tahoe through Stateline between the hours of 8:00 p.m. on Friday, June 3, 2011 and 3:00 a.m. Saturday, June 4, 2011 for the 7th Annual Reno-Tahoe Odyssey Relay Run Adventure.
Resolution 012-2011
Adopted Resolution 012-2011 upon approval of the consent calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS

24. [11-0067](#) Clerk of the Board of Supervisors recommending the Board consider the following:
- 1) Receive the information regarding the creation and procedures of the Assessment Appeals Board; and
 - 2) Appoint Matthew Brozek to the Assessment Appeals Board to fill a vacancy in District IV for a term to expire September 1, 2012. (Est. Time: 15 Min.)(Refer 1/4/11, Item 17)
- A motion was made by Supervisor Nutting, seconded by Supervisor Sweeney, as follows:**
- 1) Receive information;
 - 2) Appoint Mathew Brozek to the Assessment Appeals Board; and
 - 3) Direct staff to return in a couple of months with operation procedures for the process of choosing the three members of the Assessment Appeals Board to attend the yearly Board of Equalization hearings. Noting that the Assessment Appeals Board is to continue to operate under current procedures.
- Yes:** 5 - Knight, Nutting, Briggs, Santiago and Sweeney
25. [10-1177](#) Department of Transportation recommending Board provide clarification of Section 7.5 of the "County of El Dorado Department of Transportation Guidelines for Road Impact Fee / Traffic Impact Mitigation Fee Reimbursement Projects" and direct the Department of Transportation to;
- 1) Allow for the reimbursement of project soft costs for non-publicly bid construction projects and base the 20% soft cost limit on the lower of: the non-publicly bid price, publicly bid price, negotiated contract price, or the engineer's estimate (bond amount) for construction costs; only if the soft costs would have otherwise been allowed if eligible construction was publicly bid; and
 - 2) Exclude right-of-way acquisition costs from the 20% soft cost limit and allow reimbursement of right-of-way acquisition as a hard cost not to exceed the appraised value. (Est. Time: 10 Min.) (Cont'd 12/14/10, Item 33)
- This matter was continued off calendar upon approval of the consent calendar.**
26. [10-1123](#) Department of Transportation recommending the Board receive and file the Impact Fee Program Report for Fiscal Year 2009/2010. (Cont'd 12/7/10, Item 23) (Est. Time: 15 Min.)
- This matter was continued off calendar upon approval of the consent calendar.**

27. [11-0015](#) Development Services Department recommending the Board adopt a Resolution of Intention authorizing the Development Services Department to proceed with the recommendations of the Agricultural Commission and prepare a draft revision to the agricultural district boundaries, as required under General Plan Measure AF-J. (Est. Time: 15 Min.)

Resolution 013-2011

A motion was made by Supervisor Knight, seconded by Supervisor Sweeney, to adopt Resolution 013-2011.

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

28. [11-0069](#) Supervisor Briggs recommending the Board adopt a Resolution concerning the future management of the Auburn State Recreation Area. (Est. Time: 20 Min.)

This matter was continued to February 1, 2011 upon approval of the consent calendar.

29. [08-1466](#) Department of Transportation and Development Services Department reporting back to the Board on options for updating the County's Land Use Forecast and Traffic Impact Mitigation Fee Program in order to adopt an age-restricted fee program. (Refer 12/6/10, Item 2) (Est. Time: 1 Hour)

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

- 1) Direct County Counsel to work with the developer's representative to formulate an agreement which would allow for the advancement of age restrictive housing with the full payment of fees acknowledging that if the fees are reduced, there would be a plan for restitution reimbursement;**
- 2) Direct staff to define the uniqueness of Zone 8 to allow a study of a TIM fee reduction program for age restricted housing, including cost and timing; and**
- 3) Schedule a closed session to discuss possibility of litigation.**

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

2:00 P.M. - TIME ALLOCATION

30. [10-1338](#) HEARING - Consider the recommendation of the Planning Commission on Rezone Z10-0001 on property identified by APNs 096-120-45 and 096-120-46, consisting of 21.7 acres, in the Fort Jim/Newtown area, submitted by James E. Wainscott; and recommending the Board take the following action:
- 1) Find the project is Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines;
 - 2) Approve Z10-0001 rezoning APNs 096-120-45 and 096-120-46 from Timberland Preserve Zone (TPZ) to Estate Residential (RE-10) based on the Findings listed in Attachment 1, becoming effective 10 years from the date of approval; and
 - 3) Adopt Ordinance for said rezone. (Supervisorial District II) (Est. Time: 10 Min)

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

- 1) Find the project is Exempt from CEQA;
- 2) Approve Rezone Z10-0001; and
- 3) Adopt Ordinance 4956.

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

31. [11-0052](#) HEARING - Consider an appeal from Mr. David Holtry regarding the decision made on December 15, 2010 by the El Dorado County Code Enforcement Unit and the Administrative Hearing Officer pertaining to case number C187939, a setback violation of trellis in the Four Seasons. (Est. Time: 30 Min.) (District 2)

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

- 1) Uphold the appeal; and
- 2) Direct staff to not pursue this matter.

The motion was withdrawn.

A motion was made by Supervisor Nutting, seconded by Supervisor Briggs, to direct the Code Enforcer to not pursue this matter until the new Zoning Ordinance is adopted.

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

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

32. 10-1128 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). (Cont'd 1/11/11, Item 14) (Est. Time: 15 Min.)
No Action Reported.
33. 11-0084 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Department of Transportation Fee Program. Number of potential cases: (1).
No Action Reported.
34. [11-0082](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Cunningham Engineering Corporation Professional Services Agreement. Agreement for Services 066-S0811 and Amendments. Number of potential cases: (1).
The Board on a 5-0 vote approved the payment of \$15,126 for extra services upon receipt of a release of all claims from the consultant.
35. 11-0074 Conference with Legal Counsel - Initiation of Litigation pursuant to Government Code Section 54956.9(c). Number of potential cases: (1).
No Action Reported.
36. 11-0083 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: McLaughlin, et al., v. El Dorado County, et al., U.S. District Court, Eastern District of California, Case #S:10-CV-02551-LKK-GGH.
Continued off calendar.
37. 11-0085 Pursuant to Government Code Section 54957.6. **Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources.
Employee Organization: El Dorado County [All Bargaining Units], Retiree health Benefits. (Est. Time: 15 Min.)
No Action Reported.
38. 11-0086 Pursuant to Government Code Section 54957: **Public Employee Appointment:** Title: Air Pollution Control Officer.
No Action Reported.