



# County of El Dorado

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## Minutes

### 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*  
*Norma Santiago, District V*

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

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Tuesday, July 26, 2011

8:00 AM

Board of Supervisors Meeting Room

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#### 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](http://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.

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

**Present:** 4 - Supervisor Knight, Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago

**Absent:** 1 - Supervisor Nutting

#### **9:14 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS**

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

#### **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

Pastor Lukas gave the invocation.

Supervisor Knight led the Pledge of Allegiance.

#### **ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR**

Approval of the Consent Calendar

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to adopt the Agenda and approve the Consent Calendar, with the following exceptions: Items 4 and 5 were pulled from the Consent Calendar, Item 18 will be heard before Item 16, and Items 5 and 20 will be heard together.

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

#### **OPEN FORUM**

##### **PUBLIC COMMENT**

J. Beutler RE: Harrington Park right of way on Highway 49.

#### **BUDGET UPDATE**

NONE

**CONSENT CALENDAR**

1. [11-0846](#) Clerk of the Board of Supervisors recommending the Board approve the Meeting Minutes for the Regular Meeting of Tuesday, July 19, 2011.  
**This matter was Approved on the consent calendar.**
  
2. [11-0837](#) Agriculture Commission recommending the Board authorize the Agriculture Commissioner to sign a letter of support for the California Department of Food and Agriculture (CDFA) to develop an environmental impact report (EIR) for its statewide pest prevention and management program.  
**This matter was Approved on the consent calendar.**
  
3. [11-0780](#) 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 and Section 3.12.220 thereof.  
**This matter was Approved on the consent calendar.**
  
4. [11-0730](#) Chief Administrative Office recommending the Board:  
1) Adopt **Resolution 129-2011** (Attachment A and A1) establishing the job classification, job specification, salary range and bargaining unit designation for a Chief Budget Officer classification; and  
2) Adopt **Resolution 130-2011** (Attachment B and B1) establishing the job classification, job specification, salary range and bargaining unit designation for a CAO Administrative Technician; and  
3) Adopt **Resolution 131-2011**, the amended Personnel Allocation Resolution, deleting a Principal Administrative Analyst and adding a Chief Budget Officer and deleting an Executive Assistant to the CAO and adding a CAO Administrative Technician. (Cont'd 6/28/11, Item 5)  
**A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, as follows:**  
1) Adopt **Resolution 129-2011**;  
2) Adopt **Resolution 130-2011**; and  
3) Adopt **Resolution 131-2011**.  
**Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago

5. [11-0833](#) Chief Administrative Office recommending the Board authorize the Chief Administrative Officer to sign the a Memorandum of Understanding (MOU) between the County of El Dorado (County) and The Marshall Foundation setting forth each entities role and responsibilities relative to the processing of campaign pledges voluntarily made by employees of El Dorado County.

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

**Yes:** 4 - Knight, Nutting, Briggs and Santiago

**Noes:** 1 - Sweeney

6. [11-0861](#) County Counsel recommending the Board approve Amendment No. 4 to the contract with Science Applications International Corporation (SAIC) for biological consulting service to extend the termination date of said contract from July 31, 2011 through July 31, 2012.

**This matter was Approved on the consent calendar.**

7. [11-0636](#) Health Services Department recommending the Board consider the following:
- 1) Authorize the Health Services Director to execute three (3) multi-party Memoranda of Understanding with the American Heart Association, Marshall Medical Center, and each of the following: Mercy General Hospital, Sutter Memorial Hospital, and University of California, Davis Medical Center, on behalf of the County, to implement medical transportation protocols for patients experiencing electrocardiograph-confirmed ST-elevation myocardial infarction. These agreements were developed in accordance with master Memorandum of Understanding provided by the American Heart Association and involve no remuneration for services. Each Agreement has a term effective on final signature with termination upon notice by one of the parties.
  - 2) Authorize the Health Services Director to execute future similar agreements, contingent upon approval by County Counsel and Risk Management, so long as the master document does not materially change, and the agreements involve no remuneration.

**FUNDING:** Not applicable.

**This matter was Approved on the consent calendar.**

8. [11-0836](#) Health Services Department recommending the Board approve and authorize the Chief Animal Control Officer to temporarily discount the adoption fee for cats and kittens due to extreme overpopulation at the Animal Shelter. The proposed discounted fee would be effective upon approval through September 30, 2011 (with the option for the Chief to continue the discount period through October 31, 2011 if overpopulation continues). The proposed discounted fee is \$40 per cat/kitten.

**FUNDING:** Fee for services and penalties.

**This matter was Approved on the consent calendar.**

9. [11-0822](#) Health Services Department recommending the Board authorize the Chair to sign Amendment I to Memorandum of Understanding (MOU) 801-PHD1008 with Marshall Medical Center to extend the term of the MOU through May 3, 2012, to complete the verification process for Marshall Medical Center's Level III Trauma Center that was initiated in May 2011.

**This matter was Approved on the consent calendar.**

10. [11-0640](#) Department of Human Services recommending the Board:
- 1) Authorize the Chair to sign Agreement 063-M1211 with the County of Marin, as Host Entity, for the term July 1, 2011 through June 30, 2013 to enable El Dorado County to participate in and receive federal revenues for Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM) services; and
  - 2) Authorize the Director of Human Services, or successor, to execute documents related to said Agreement, including amendments thereto contingent upon approval by County Counsel and Risk Management, that do not affect the term. (Cont'd 7/19/11, Item 19)

**FUNDING:** Federal Medicaid Funds.

**This matter was Approved on the consent calendar.**

11. [11-0311](#) Department of Transportation recommending the following pertaining to the Contract Overlay - North Upper Truckee Road (2 Miles) Project, Contract No. PW 11-30581/CIP No. 72178:
- 1) Adopt and approve the plans and contract documents and authorize the Board Chair to sign the plans; and
  - 2) Authorize advertisement for construction bids.

**FUNDING:** State Proposition 1B.

**This matter was Approved on the consent calendar.**

12. [11-0637](#) Department of Transportation recommending the Board:  
1) Authorize the Chair to sign the Easement Acquisition Agreement and Certificates of Acceptance for the related documents from George L. Carrere, Trustee of the Lucille H. Lampson Trust dated July 17, 1996, for Assessor's Parcel Number 033-020-12; and  
2) Authorize the Director of Transportation or his designee to execute the escrow instructions and any other related escrow documents pertaining to the transaction, including the payment of title and escrow fees, for the Sawmill 2A Bike Path & Erosion Control Project (JN 95165).

**FUNDING:** Tahoe Regional Planning Agency Mitigation Funds and United States Forest Service Lake Tahoe Basin Management Unit Grant Funds.

**This matter was Approved on the consent calendar.**

13. [11-0751](#) Department of Transportation recommending the Board adopt Resolution of Vacation Abandonment of Easement No. 2011-02 summarily vacating three 10-foot wide public utilities easements located on Assessor's Parcel Number 110-173-10, 3130 Hopkins Place, El Dorado Hills, as requested by Michael C. Malaney and Sandra L. Malaney, Co-Trustees of The Malaney Family Revocable Trust of 2000, Dated May 9, 2000. **Resolution 132-2011**

**Adopted Resolution 132-2011 upon approval of the consent calendar.**

14. [11-0851](#) Chief Administrative Office recommending the Board approve a request to file an application for the 2011 Justice Assistance Grant (JAG).

**FUNDING:** Justice Assistance Grant (JAG).

**This matter was Approved on the consent calendar.**

15. [11-0786](#) District Attorney recommending approval of budget transfer to increase revenue and appropriations within the Automobile Insurance Fraud Program and increase General Fund contingency by \$35,484. (4/5 vote required)

**FUNDING:** Auto Insurance Fraud.

**This matter was Approved on the consent calendar.**

**END CONSENT CALENDAR**

**DEPARTMENT MATTERS**

16. [11-0817](#) Supervisor Sweeney recommending the Board direct County Counsel, as lead, to prepare an appeal from the imposition of the "Fire Prevention Fees" being imposed by the State of California pursuant to ABX1 29 of 2011 (signed by Governor July 7, 2011) on behalf of all affected land owners of the County of El Dorado. Such appeal would be pursuant to Public Resources Code Section 4220 et seq as set forth in the legislation and would be signed by the Board Chair. (Est. Time: 1 Hr.)

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

- 1) **Direct County Counsel to prepare an appeal from the imposition of the "Fire Prevention Fees" being imposed by the State of California pursuant to ABX1 29 of 2011; and**
- 2) **Add to the Basis for Appeal an addition item, as follows: 10.. With an estimated 60,000 parcels affected by the legislation in El Dorado County with a second structure estimate on 50% of the parcels, the yield would be \$13.5 million.**

**Noting: The public can provide written comment regarding the Fire Prevention Fees prior to Monday, August 8, 2011 to the Board of Forestry and Fire Protection, Attention: George Gentry, Executive Officer, P.O. Box 944246, Sacramento, CA 94244-2460 or via fax to 916-653-0989.**

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

17. [11-0853](#) Staff recommends that the Board, with Supervisors Briggs and Sweeney recusing themselves due to a conflict of interest, (1) consider introduction, and waiver for first reading, of an ordinance repealing Ordinance 4952, an ordinance authorizing the redevelopment of certain territory of the County of El Dorado by the City of Placerville ("City") and the Redevelopment Agency of the City of Placerville ("Redevelopment Agency"), and readopting its provisions, and (2) consider introduction, and waiver of first reading of an ordinance approving the Redevelopment Plan for the Placerville Redevelopment Project as it pertains to the unincorporated territory included in the Redevelopment Plan. (Est. Time: 45 Min.) (Refer to Items 11-0400 on 4-12-11 and 10-1046 on 10/26/10.)

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

- 1) **Read title, waived reading of ordinance 4963 in its entirety;**
- 2) **Approved introduction of ordinance 4963 repealing Ordinance 4952, an ordinance authorizing the redevelopment of certain territory of the County of El Dorado by the City of Placerville ("City") and the Redevelopment Agency of the City of Placerville ("Redevelopment Agency"), and readopting its provisions.**

**Yes:** 3 - Knight, Nutting and Santiago

**Recused:** 2 - Sweeney and Briggs

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

- 1) Read title, waived reading of ordinance 4962 in its entirety; and
- 2) Approve introduction of ordinance 4962 approving the Redevelopment Plan for the Placerville Redevelopment Project as it pertains to the unincorporated territory included in the Redevelopment Plan.

Yes: 3 - Knight, Nutting and Santiago

Recused: 2 - Sweeney and Briggs

18. [11-0860](#)

County Counsel recommending the Board consider the following:  
1) Approve the Release of Claims and Settlement Agreement with Serrano Associates, LLC; and  
2) Adopt the Resolution approving the Second Amendment to Indenture and Providing Directions for the implementation of the RMA Relative to Community Facilities District No. 1992-1. (Est. Time: 15 Min.)

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

- 1) Approve the Release of Claims and Settlement Agreement with Serrano Associates, LLC subject to minor changes; and
- 2) Adopt Resolution 133-2011 approving the Second Amendment to Indenture and Providing Directions for the implementation of the Rate and Method of Apportionment, RMA, Relative to Community Facilities District No. 1992-1 subject to minor changes; and
- 3) Continue the matter one week to Tuesday, August 2, 2011 for verification of the EID costs if any.

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

19. [11-0807](#)

Health Services Department recommending the Board :  
1) Receive and file an update on the status of operations at the Psychiatric Health Facility; and  
2) Direct staff regarding the update. (Est. Time: 20 Min.)

**FUNDING:** Mental Health Realignment, Medi-Cal fee for service, and other counties fee for service.

**Received and Filed.**

20. 11-0832

Supervisor Knight recommending the Board adopt a Proclamation recognizing September 15, 2011 through December 31, 2011 as the El Dorado County "Employees for a Healthier Community" Giving Campaign pledge period. (Est. Time: 5-10 Min.)

A motion was made by Supervisor Knight, seconded by Supervisor Santiago, to adopt the proclamation.

Yes: 4 - Knight, Nutting, Briggs and Santiago

Noes: 1 - Sweeney

11-0270 CAO REPORTS

NONE

11-0280 ITEMS TO/FROM SUPERVISORS

Supervisor Nutting reported that Sierra Resource Conservation District has lost their federal funding.

**CLOSED SESSION**

21. 11-0810 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Number of potential cases: (1). (Est. Time: 15 Min.) (Cont'd 7/19/11, Item 50)  
**No Action Reported.**
22. 11-0812 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Number of potential cases: (1). (Est. Time: 10 Min.) (Cont'd 7/19/11, Item 51)  
**No Action Reported.**
23. 11-0859 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Chili Bar River Access Park Ownership Issues. Number of potential cases: (1). (Est. Time: 15 Min.)  
**This matter was continued to Tuesday, August 9, 2011.**
24. 11-0863 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Legal Issues Relating to Rare Plants. (Est. Time: 10 Min.)  
**No Action Reported.**
25. 11-0864 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Serrano Claim for CFD Tax Refund. (Est. Time: 10 Min.)  
**No Action Reported.**
26. 11-0848 Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c): Title: Number of potential cases: (1). (Est. Time: 15 Min.)  
**The Board by a unanimous vote authorized County Counsel to initiate litigation.**

27. 11-0800 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: 30 Min.)  
(Cont'd 7/19/11, Item 52)  
**No Action Reported.**
28. 11-0629 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation:** Title: Director of Child Support Services. (Est. Time: 30 Min.) (Cont'd 7/19/11, Item 54)  
**No Action Reported.**
29. 11-0626 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation:** Title: Director of Transportation. (Est. Time: 30 Min.) (Cont'd 7/19/11, Item 53)  
**No Action Reported.**
30. 11-0797 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation:** Title: Chief Administrative Officer. (Est. Time: 20 Min.) (Cont'd 7/19/11, Item 56)  
**No Action Reported.**
31. 11-0835 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation:** Title: Chief Probation Officer. (Est. Time: 20 Min.)  
**No Action Reported.**

**ADJOURNED AT 1:12 P.M.**