



# 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*

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Tuesday, April 12, 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.

#### **8:02 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS**

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

**Absent:** 1 - Supervisor Santiago

#### **9:20 A.M. - RECONVENE TO OPEN SESSION AND CLOSED SESSION REPORTS**

**Present:** 3 - Supervisor Knight, Supervisor Sweeney and Supervisor Briggs

**Absent:** 2 - Supervisor Nutting and Supervisor Santiago

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

Pastor Klatt gave the invocation.

Supervisor Briggs 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 Briggs, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Item 27 is continued off calendar, Item 20 is trailed until the afternoon, and Item 1 is amended to note: "the "Great Bike Ride" on the Forni Road to Missouri Flat section of the El Dorado Trail on Tuesday, May 24, 2011".

**Yes:** 3 - Knight, Sweeney and Briggs

**Absent:** 2 - Nutting and Santiago

#### **OPEN FORUM**

NONE

**BUDGET UPDATE**

NONE

**10:00 A.M. - TIME ALLOCATION**

1. [11-0198](#) Supervisor Nutting recommending the Board adopt a Proclamation recognizing the month of May as "National Bike Month" and encouraging everyone to join the "Great Bike Ride" on the Forni Road to Missouri Flat section of the El Dorado Trail on Tuesday, May 24, 2011.
- A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, to adopt the Proclamation amending the date of the "Great Bike Ride" to May 24, 2011.**

**Yes:** 3 - Knight, Sweeney and Briggs

**Absent:** 2 - Nutting and Santiago

2. [11-0377](#) HEARING - Supervisor Norma Santiago, on behalf of the City of South Lake Tahoe, recommending the Board hold a public hearing and adopt a Resolution approving the issuance of Multi-Family Housing Revenue Bonds, not to exceed \$11,000,000, for the purpose of financing the acquisition, construction and development of the Aspens at South Lake Tahoe, a 48-unit multifamily rental housing project located at 3521 and 3541 Pioneer Trail, South Lake Tahoe, California. (Est. Time: 15 Min.)
- A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to adopt Resolution 058-2011.**

**Yes:** 3 - Knight, Sweeney and Briggs

**Absent:** 2 - Nutting and Santiago

**CONSENT CALENDAR**

3. [11-0378](#) Clerk of the Board of Supervisors recommending the Board approve the Meeting Minutes from the Special Meeting of Monday, April 4, 2011, and the Regular Meeting of Tuesday, April 5, 2011.
- This matter was Approved on the consent calendar.**
4. [10-1332](#) Clerk of the Board of Supervisors recommending the Board appoint the following people to serve as members on the Trails Advisory Committee for terms to expire January 2015:  
1) Lynn Murray; 2) Carolyn Gilmore; 3) Lindell Price; and 4) Michael Kenison. (Refer 1/4/11, Item 17)

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

5. [11-0357](#) Clerk of the Board recommending the Board consider the following regarding the Sacramento-Placerville Transportation Corridor Joint Powers Authority:  
1) Appoint Supervisor Knight as the Representative; and  
2) Appoint Supervisor Nutting as the Alternate. (Cont'd 4/5/11, Item 20)  
**This matter was Approved on the consent calendar.**
6. [11-0367](#) Acting as the Air Quality Management District Board:  
1) Authorize Chair to sign a letter of support for Assembly Bill 146 to add a member to the California Air Resources Board representing the federally-designated Sacramento region non-attainment area; and  
2) Authorize the Interim Air Pollution Control Officer to provide additional letters of support for this bill as needed throughout the legislative process.  
  
**FUNDING: N/A.**  
**This matter was Approved on the consent calendar.**
7. [11-0351](#) Chief Administrative Office recommending Chair be authorized to sign Agreement #422-S1111 with Stephen A. Tapson for indigent defense/conflict panel services from date of execution through June 30, 2011 in an amount estimated at \$11,500 for the remainder of FY 2010-11.  
  
**FUNDING: General Fund.**  
**This matter was Approved on the consent calendar.**
8. [11-0307](#) Development Services Department, Planning Services Division, recommending the Board certify that the Notice of Non-Renewal for Agricultural Preserve No. 322/Roy and Marilyn Rutz (APNs 088-020-79, 088-020-72, and 088-020-81) has been submitted and is consistent with the Board of Supervisors' Policy C-12. (Supervisory District 4).  
  
**This matter was Approved on the consent calendar.**

9. [11-0210](#) Environmental Management Department recommending the Board authorize the Director of said department to sign the first amendment, effective December 15, 2010, to Change Order #015 with Sukut Construction for an increase in the amount of \$775,000 for the total not to exceed amount of \$1,000,000 for additional work required due to a number of issues, errors and omissions with the Final (100%) Remedial Design provided to the County by the U.S. Forest Service for the construction of the Cap System, French Drain and Landfill Gas Emission Control System Operable Unit 1 at the Meyers Landfill (Public Works Contract No. 013-PW-09/10-BOS) and in doing so, find that it is in the public interest to waive competitive bidding for the work described therein.

**FUNDING:** \$750,000 from the CalRecycle Waste Board Grant and \$250,000 from the Meyers Landfill Disbursement Account currently held by the U.S. Forest Service.

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

10. [11-0342](#) Environmental Management Department requesting the Board adopt a Resolution authorizing the Director of said Department to execute and submit an application and all necessary documentation to the Department of Resources Recycling and Recovery (CalRecycle) to secure grant funding in an amount up to \$33,873 for a term of 4/12/11 through 4/15/13 for the enhancement of the Department's Household Hazardous Waste Program (HHW) at Fire Station #86 in El Dorado Hills.

**FUNDING:** Department of Resources Recycling and Recovery (CalRecycle). Household Hazardous Waste Grant, 19th Cycle, FY 2010/2011.

**Resolution 059-2011**

**Adopted Resolution 059-2011 upon approval of the consent calendar.**

11. [11-0332](#) Health Services Department recommending the Board approve and authorize said Department to sign a letter of support for Healthy Kids Healthy Future's grant application for a Children's Health Insurance Program Reauthorization Act (CHIPRA) Outreach and Enrollment grant.

**FUNDING:** This letter of support has no financial implication to the County.

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

12. [11-0046](#) Department of Transportation recommending the Board authorize the Chair to sign retroactive Agreement CTA-10004 and Contractor Certification CCC-307 for same with the California Tahoe Conservancy in the amount of \$3,833 for the term October 12, 2010 through June 30, 2011 for the transfer to El Dorado County of twenty-five percent of the gross income from California Tahoe Conservancy leases to private individuals or groups on lands owned by the California Tahoe Conservancy in El Dorado County.

**FUNDING:** California Tahoe Conservancy.

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

13. [11-0253](#) Department of Transportation recommending the Board adopt a resolution to claim an allocation of \$140,000 of Transportation Development Act, Article 3 funds for the Northside School Bike Path Phase 2, project 72306.

**FUNDING:** Transportation Development Act (TDA) Article 3 Funds.

**Resolution 060-2011**

**Adopted Resolution 060-2011 upon approval of the consent calendar.**

14. [11-0310](#) Department of Human Services recommending the Board approve and authorize the Purchasing Agent to execute Agreement for Services 401-S1111 with the Kinship Center, a foster family agency, for the provision of emergency shelter care and/or foster care placement services on an "as requested" basis. The Agreement allows placement by the Human Services Department and the Probation Department, is effective upon execution, shall continue until terminated and specifies a maximum annual compensation of \$100,000.

**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.**

15. [11-0374](#) Supervisor Nutting recommending the Board adopt a Resolution designating the El Dorado Arts Council as the County's local partner with the California Arts Council.

**Resolution 057-2011**

**Adopted Resolution 057-2011 upon approval of the consent calendar.**

16. [11-0347](#) Supervisor Nutting recommending the Board approve the appointment of Eric Rasbold to serve as District II alternate on the Veterans Affairs Commission for a term to expire January 2013.  
**This matter was Approved on the consent calendar.**
17. [10-0869](#) Supervisor Sweeney recommending the Board appoint Dale Pierce to the Diamond Springs/El Dorado Community Advisory Committee for a term to expire on April 12, 2015.  
**This matter was Approved on the consent calendar.**
18. [11-0379](#) Supervisor Santiago recommending the Board consider the following pertaining to the Child Abuse Prevention Council:  
1) Appoint Ellen Baldwin and Cathie Watson to serve on the Child Abuse Prevention Council for a term to expire 2012; and,  
2) Reappoint Gail Healy, Dee Cutter, David Ashby, Cheryl Warchol, Lorrie Evers, Leanne Wagoner, Wendy David, Suzanne Allen de Sanchez, Alissa Nourse, Michael Ungeheuer and Kim Nida for terms to expire 2013.  
**This matter was Approved on the consent calendar.**

## **END CONSENT CALENDAR**

## **DEPARTMENT MATTERS/NOTICED HEARING**

19. [11-0341](#) HEARING - Acting as the Board of Commissioners of the El Dorado County Public Housing Authority (EDCPHA), adopt a Public Housing Authority Resolution to:  
1) Acknowledge the EDCPHA as a high performing agency exempt from the requirement to submit an annual Agency Plan update;  
2) Approve a required annual amendment to the PHA Administrative Plan for the Section 8 Housing Choice Voucher Program for submittal to the Department of Housing and Urban Development;  
3) Authorize the Chair to sign the accompanying PHA Civil Rights Certification; and  
4) Recognize the contribution of the PHA Participant Advisory Board in assisting with development of the Administrative Plan and amendments. (Est. Time: 15 Min.)

**FUNDING:** N/A

### **Resolution 061-2011**

**A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, to adopt Resolution 061-2011.**

**Yes:** 3 - Knight, Sweeney and Briggs

**Absent:** 2 - Nutting and Santiago

20. [11-0401](#) County Counsel recommending the Board consider authorizing commencement of negotiations for purchase of a portion of the property known as Assessor's Parcel Number 325-300-02, generally located on Gold Nugget Way (Briggs), and approving execution of an Agreement with Grubb and Ellis Commercial Real Estate Services for negotiating and brokerage services, subject to approval by County Counsel. (Est. Time: 10 Min.)

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

- 1) Authorize the commencement of negotiations for purchase of a portion of the property known as Assessor's Parcel Number 325-300-02; and**
- 2) Authorize the Chair to sign the Agreement with Grubb and Ellis Commercial Real Estate Services for negotiating and brokerage services.**

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

**Recused:** 1 - Briggs

**Absent:** 1 - Santiago

21. [11-0400](#) County Counsel recommending consideration of Conflict of Interest Issues associated with the Board's anticipated action to adopt a proposed ordinance approving the City of Placerville's Redevelopment Plan as it pertains to unincorporated County territory included in the plan, including possible random selection of a Board Member having a conflict of interest to make a quorum to take action on the proposed ordinance. (Est. Time: 30 Min.)

**The Board took the following actions:**

- 1) Received and filed the report which discloses the following interests:**
  - a) Supervisor Sweeney and Supervisor Briggs each own property within the proposed redevelopment area. Supervisor Sweeney reports owning property at 621 Placerville Drive, Placerville, California. Supervisor Briggs reports owning properties at 161, 169, 175 and 181 Placerville Drive, 7490 Green Valley Road, and 3100 and 3076 Gold Nugget Way, all in Placerville, California. All of the properties are located within the City of Placerville; and**
  - b) Supervisor Nutting does not own any property in the redevelopment area or within 500 feet of it. He reports, however, that he is the trustee on his brother's trust which does own property in the redevelopment area. The property is located at 50 Main Street, Placerville, California; and**
- 2) Selected by random draw, Supervisor Rob Briggs, to participate in the anticipated action of the Board on April 26, 2011, and subsequent actions, if necessary.**



22. [11-0381](#)

Supervisor Briggs recommending the Board:

- 1) Approve the Board of Supervisors' participation in the establishment and participation in an Indian Gaming Local Community Benefit Committee ("The Committee"), as defined by Government Code Section 12715;
- 2) Approve the appointment of Supervisors Briggs and Sweeney to The Committee; and
- 3) Approve the Chair's signature on letter to City of Placerville to request a recommendation(s) for the appointment of an elected representative from the City of Placerville. (Est. Time: 15 Min.)

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

- 1) Approve the Board of Supervisors' participation in the establishment and participation in an Indian Gaming Local Community Benefit Committee;
- 2) Approve the appointment of Supervisors Briggs and Sweeney to The Committee for term to end on December 31, 2011; and
- 3) Approve the Chair's signature on letter to City of Placerville to request a recommendation(s) for the appointment of an elected representative from the City of Placerville.

**Yes:** 3 - Knight, Sweeney and Briggs

**Absent:** 2 - Nutting and Santiago

23. [11-0370](#)

HEARING - Per the request of South Tahoe Refuse Company, Inc., d/b/a Sierra Disposal Service consider their request to conduct a public hearing for adoption of Resolution increasing the solid waste collection rates by 5.6% effective May 1, 2011. (Est. Time: 30 Min.)

**Resolution 062-2011**

**A motion was made by Supervisor Briggs, seconded by Supervisor Sweeney, to adopt Resolution 062-2011.**

**Yes:** 3 - Knight, Sweeney and Briggs

**Absent:** 2 - Nutting and Santiago

24. [11-0356](#) Development Services Department recommending the Board:
- 1) Receive a report pertaining to the Development Services Long-Range Planning 12-Month Action Plan; and
  - 2) Direct staff to prepare a Fiscal Year 2010/2011 General Plan Implementation plan based on the priorities selected. (Cont'd 4/4/11, Item 4) (Est. Time: 1.5 Hrs.)

**FUNDING:** The cost of implementation is unknown at this time.

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

- 1) Direct the Development Services Department's Director to work with EDAC to work through the issues set forth in the staff memos dated April 4, 2011 and April 8, 2011;
- 2) Ask EDAC to recognize that the DSD Director is responsible to the Board of Supervisors for this workload;
- 3) Note that the purpose of this motion is to work through the issues to find ways to bring differences between the General Plan and the various ordinances, manuals, and tools of planning in this County into a more useful, more beneficial, and consistent format. Also to create a series of changes to our current processes that can be presented to the public in an understandable and acceptable manner to ultimately achieve adoption of a zoning code, design manual, and appropriate General Plan amendment with CEQA treatment for each or cumulatively; and
- 4) Direct that a work scope and project description is to be brought to the Board on July 25, 2011.

**Yes:** 3 - Knight, Sweeney and Briggs

**Absent:** 2 - Nutting and Santiago

25. [11-0209](#) Development Services Department recommending the Board:
- 1) Authorize the Chair to sign Agreement for Services 351-S1111 with Tschudin Consulting Group to prepare an Environmental Impact Report (EIR) for the Zoning Ordinance update effective upon final execution for one (1) year with the option to extend for two (2) additional one (1) year periods at a not to exceed amount of \$221,580 on a time and material basis; and
  - 2) Authorize the Chair to sign a budget transfer decreasing General Fund Contingency by \$221,580 and increasing appropriations in Development Services by \$221,580 to fund the Agreement. (4/5 vote required) (Cont'd 4/5/11, Item 23)(Est. Time: 1 Hr.)

**FUNDING:** General Fund.

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

**Yes:** 3 - Knight, Sweeney and Briggs

**Absent:** 2 - Nutting and Santiago

**11:30 A.M. Supervisor Nutting arrived.**

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

**Absent:** 1 - Supervisor Santiago

26. [11-0330](#)

Development Services Department recommending the Board:  
1) Receive and file the Draft Option Report for Phase II of the Integrated Natural Resources Management Plan (INRMP); and  
2) Concur with direction for the development of Phase II of the INRMP. (Est. Time: 1 Hr.)

**FISCAL IMPACT:** None at this time. Future costs to be determined with Phase II.

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

**1) Receive and file the Draft Option Report for Phase II of the Integrated Natural Resources Management Plan (INRMP); and  
2) Direct staff to return with the RFP on May 24, 2011.**

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

**Absent:** 1 - Santiago

27. [10-1269](#)

Department of Transportation recommending the Board:  
1) Approve the recommendation of the Department of Transportation to allow two crossing easements on the Sacramento Placerville Transportation Corridor Joint Powers Authority Parcel located in Shingle Springs;  
2) Approve and authorize the Chair to sign the Easement Agreement with Norman Partners LLC; and  
3) Approve and authorize the Chair to sign the Easement Agreement with Ginney-Campoy LLC. (Cont'd 3/15/11, Item 12)

**This matter was continued off calendar upon approval of the consent calendar.**

**CAO REPORTS**

**NONE**

[11-0280](#)

**ITEMS TO/FROM SUPERVISORS**

**Supervisor Nutting reported that the suction dredging bill only received one vote and therefore did not get out of committee.**

**CLOSED SESSION**

28. 11-0382 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: United States of America (USA) v. El Dorado County and City of South Lake Tahoe. Civil Action No. S-01-1520 x-ref: (Meyers Landfill Site). (Est. Time: 15 Min.)  
**No Action Reported.**
29. 11-0389 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 07CS00059. (Est. Time: 10 Min.)  
**No Action Reported.**
30. [11-0385](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: County Service Area (CSA) No. 3 Ambulance Services Issues. Number of potential cases: (1). (Est. Time: 15 Min.)  
**The Board by a unanimous vote with Supervisor Nutting and Supervisor Santiago absent, directed the County's EMS Agency Administrator to re-file the corrected EMS Plan Update Zone Summary information, including the Ambulance Zone Summary forms, for both CSA No. 3 and CSA No. 7, to accurately reflect the Board of Supervisors duly adopted 2000 EMS Plan, as amended in 2001-2002.**
31. [11-0386](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: County Service Area (CSA) No. 7 Ambulance Services Issues. Number of potential cases: (1). (Est. Time: 15 Min. )  
**The Board by a unanimous vote with Supervisor Nutting and Supervisor Santiago absent, directed the County's EMS Agency Administrator to re-file the corrected EMS Plan Update Zone Summary information, including the Ambulance Zone Summary forms, for both CSA No. 3 and CSA No. 7, to accurately reflect the Board of Supervisors duly adopted 2000 EMS Plan, as amended in 2001-2002.**
32. 11-0398 Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as a portion of APN: 325-300-02. The person or persons with whom the negotiator may negotiate John Briggs and/or Brian Briggs. Instructions to negotiator will concern both price and term of payment. Shelly Sandoval, Grubb & Ellis Commercial Real Estate, and Louis B. Green, County Counsel, will be the negotiators on behalf of El Dorado County. (Est. Time: 15 Min.)  
**No Action Reported.**

33. 11-0397 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation**: Title: Chief Administrative Officer. (Est. Time: 30 Min.)  
**No Action Reported.**
34. 11-0322 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.**

**ADJOURNED AT 12:35 P.M.**