



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*

Tuesday, December 13, 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.

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

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

9:06 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor Craig Klatt, Camino Adventist Church 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 Briggs, seconded by Supervisor Knight, to adopt the Agenda and approve the Consent Calendar with the following exception: Item 19 was continued off calendar.

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

OPEN FORUM

PUBLIC COMMENT

S. Wanturi RE: Food Ordinance.

R. Mikalaco RE: Chief Administrative Officer's pay.

R. Barb RE: Food Ordinance.

BUDGET UPDATE

None

CONSENT CALENDAR

1. [11-1403](#) Clerk of the Board of Supervisors recommending the Board approve the Meeting Minutes from the Regular Meeting of Tuesday, December 6, 2011.
This matter was Approved on the consent calendar.

2. [11-1393](#) The District Attorney's Office in conjunction with the El Dorado County Sheriff's Office and Public Defender recommend the Board:
1) Approve a budget transfer establishing the budget and appropriations for use of funds from the AB 109 Realignment Special Revenue Fund accounts (4/5 vote required)
2) Adopt **Resolution 200-2011** authorizing the District Attorney to sign the Consortium Proposal.

FUNDING: AB 109 Realignment Funds.
Adopted Resolution 200-2011 upon approval of the consent calendar.

3. [11-1258](#) District Attorney requesting the Board authorize the Chair to sign a budget transfer establishing revenue and appropriations for use of the 2011 JAG grant funding. (4/5 vote required)

FUNDING: Justice Assistance Grant Program.
This matter was Approved on the consent calendar.

4. [11-1294](#) Environmental Management Department recommending the Board authorize the Chair to sign the Agreement for Funding of Consultant Services for Environmental Review, in accordance with the California Environmental Quality Act, of the landfill gas utilization project at the Union Mine Landfill with STI Engineering of Silverado, California.

FUNDING: No County funding will be required to permit, obtain, install and operate the landfill gas to electricity system. This is a revenue generating project.
This matter was Approved on the consent calendar.

5. [11-1344](#) Environmental Management Department recommending the Board authorize the Chair to sign Public Works Contract 014-PW-09/10-BOS for the development of a landfill gas utilization project at the Union Mine Landfill to STI Engineering of Silverado, California.

FUNDING: No County funding will be required to permit, obtain, install and operate the landfill gas to electricity system. This is a revenue generating project.

This matter was Approved on the consent calendar.

6. [11-1397](#) Environmental Management Department recommending the Board authorize the Chair to sign Amendment III to Agreement 017-A-09/10-BOS with Geosyntec Consulting Inc., extending the term to December 31, 2012 and increasing compensation for services to be effective October 1, 2011 in the amount of \$52,711.61 for a total contract amount of \$705,552.02 related to the Meyers Landfill Cap Closure project.

FUNDING: Non General Fund Insurance.

This matter was Approved on the consent calendar.

7. [11-1351](#) Sheriff's Office recommending the Board authorize the Chair to sign Agreement for Services #224-S1211 with Legal Research Associates in an amount not to exceed \$90,000 for the period January 1, 2012 through December 31, 2014, to provide legal research copy services for inmates of the Placerville and South Lake Tahoe Jails.

FUNDING: Inmate Welfare Funds.

This matter was Approved on the consent calendar.

8. [11-1337](#) Recorder-Clerk-Registrar of Voters recommending the Board:
- 1) Make findings that it is more economical and feasible to contract for the provision of hardware maintenance and software license for election equipment in accordance with County Ordinance 3.12.040;
 - 2) Authorize the Chair to sign Agreement 307-S1211 with Election Systems & Software, LLC for hardware maintenance and software license, for a total of \$136,950 for the three-year agreement term;
 - 3) Approve a budget transfer increasing revenue and appropriations in the Elections Department in the amount of \$46,650 for year one of the agreement. (4/5 vote required)

This matter was Approved on the consent calendar.

9. [08-0178](#) Department of Transportation recommending the Board:
1) Make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter that there are specialty skills required for the work performed under this Amendment that are not expressly identified in County job classifications; and
2) Authorize the Chair to sign the Second Amendment to Agreement for Services No. AGMT 08-52526 with Reinard W. Brandley, Consulting Airport Engineer, extending the expiration date of the Agreement to the later of June 30, 2013 or the completion of Project No. 93124, with no change to the not-to-exceed compensation amount of the original Agreement, to provide airport planning, design and construction engineering services associated with County Airport facilities. (Refer 3/15/11, Item 14)

FUNDING: Federal Aviation Administration Grants with matching funds from State Aeronautics Grant Funds and Airport Enterprise Fund.

This matter was Approved on the consent calendar.

10. [11-1335](#) Department of Transportation recommending the Board receive and file the Impact Fee Program Report for Fiscal Year 2010/2011.

This matter was Approved on the consent calendar.

11. [11-1384](#) Supervisor Nutting recommending Jane Layton be appointed to serve as a member of the Cameron Park Design Review Committee for a term to expire January 1, 2013.

This matter was Approved on the consent calendar.

12. [11-1418](#) Supervisor Nutting recommending the Board adopt a proclamation commemorating December 15, 2011 as Bill of Rights Day in the County of El Dorado.

This matter was Approved on the consent calendar.

13. [11-1404](#) Supervisor Sweeney recommending the Board approve a Youth Commission/Board of Supervisors' "Shadow Day" on Tuesday, January 31, 2012.

This matter was Approved on the consent calendar.

14. [11-1420](#) Supervisor Sweeney and the Office of Education updating the Board on the transition of the Youth Commission to the Office of Education from the University of California Cooperative Extension (UCCE).

This matter was Approved on the consent calendar.

15. [11-1405](#) Chief Administrative Office, Risk Management recommending the Board approve Memorandum of Understanding between County of El Dorado and Meeks Bay Fire District, pending County Counsel review and approval, to authorize Meeks Bay Fire District employees and board members to participate in the County of El Dorado Employer Health Care Plan.
- FUNDING:** Risk Management Fund - Benefits Health Subfund.
- This matter was Approved on the consent calendar.**

END CONSENT CALENDAR

DEPARTMENT MATTERS

16. [11-1303](#) Chief Administrative Office recommending the Board hear public comment and further discuss the Strategic Investment Plan in follow up to the November 10, 2011 special Board meeting. (Refer 11/10/11, Item 1) (Est. Time: 20 Min.)
- A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to approve the Proposed Major Investment Areas as presented.**
- Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago

17. [10-1146](#) Department of Transportation recommending the Board take the following actions regarding the Sawmill 2A Bike Path and Erosion Control Project (Contract No. PW 10-30557, CIP No. 95165):
- 1) Award the Construction Contract to the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for November 16, 2011;
 - 2) Authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management;
 - 3) Authorize the Director of Transportation to execute Contract Change Orders consistent with the Public Contract Code limits, provided the cumulative total of all Contract Change Orders is within the funding limits for the Project; and
 - 4) Authorize the Director of Transportation to sign an Escrow Agreement, if requested by the Contractor and in accordance with Public Contract Code Section 22300, for the purpose of holding Contract retention funds. (Est. Time: 5 Min.) (Refer 10/11/2011, Item 11)

FUNDING: United States Forest Service, Tahoe Regional Planning Agency Air Quality Mitigation Funds and Congestion Mitigation and Air Quality Improvement Program.

Hearing no protests, a motion was made by Supervisor Santiago, seconded by Supervisor Sweeney, as follows:

- 1) Find V&C Construction, Inc.'s bid non-responsive for using correction fluid in its proposal, failing to submit an Underutilized Disadvantaged Business Enterprise (UDBE) Commitment form, and failing to demonstrate a good faith effort to meet the UDBE goal;
- 2) Find West Coast Asphalt Maintenance, Inc. 's bid non-responsive for failure to submit its Subcontractor Listing with its bid;
- 3) Find that in accordance with Public Contract Code Section 4106 that Don Garcia Excavating and Paving, Inc. must self-perform Bid Item #56 "Removable Bollard";
- 4) Award the Construction Contract to Don Garcia Excavating and Paving, Inc. who submitted the lowest responsive, responsible bid of \$842,260;
- 5) Authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management;
- 6) Authorize the Director of Transportation to execute Contract Change Orders consistent with the Public Contract Code limits, provided the cumulative total of all Contract Change Orders is within the funding limits for the Project; and
- 7) Authorize the Director of Transportation to sign an Escrow Agreement, if requested by the Contractor and in accordance with Public Contract Code Section 22300, for the purpose of holding Contract retention funds.

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

18. [11-1401](#) Chief Administrative Office, on behalf of the Human Resources action team, recommending the Board:
- 1) Approve the Supervisory Training Academy course plan and;
 - 2) Authorize associated expenditures, including facility rental costs, materials, lunches, and reimbursement for mileage for training attendees. (Est. Time: 15 Min.)

FUNDING: General Fund.

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

Yes: 4 - Knight, Sweeney, Briggs and Santiago

Noes: 1 - Nutting

19. [11-1375](#) Environmental Management Department recommends the Board adopt a Resolution superseding Resolutions 34-81 and 247-96 amending current language, fees and penalties for commercial river use on the South Fork American River. Resolution options include the increase to the River Use Fee of \$1.00 per passenger/per day (Option 1), or the increase to the River Use Fee of \$2.00 per passenger/per day (Option 2). (Est. Time: 15 Min.)

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

20. [11-1399](#) Environmental Management Department recommending the Board authorize the Director of said department to sign retroactive Change Order #s 17 - 32 and retroactive amendments to Change Order #s 9 and 14 with Sukut Construction for a combined increase in the amount of \$1,288,401.74 for the total not to exceed amount of \$7,154,832.84 to be effective July 1, 2011 for additional work required due to the extensive 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. (Est. Time: 5 Min.)

FUNDING: General Fund Contingency Appropriation/Non General Fund Insurance.

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

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

9:30 A.M. - TIME ALLOCATION

21. [11-0807](#) Chief Administrative Office and Health & Human Services Agency recommending the Board receive a status report on operations at the Psychiatric Health Facility and provide direction to staff as necessary. (Refer 7/26/11, Item 19) (Est. Time: 20 Min.)
Received and Filed.

10:00 A.M. - TIME ALLOCATION

22. [11-1409](#) Presentation by B. Gorman of the South Lake Tahoe Chamber of Commerce providing an annual status report for promotional funding. (Est. Time: 10 Min.)
Received and Filed.
23. [11-1426](#) Presentation by the El Dorado Hills Chamber of Commerce providing an annual status report for promotional funding. (Est. Time: 10 Min.)
Received and Filed.
24. [11-1407](#) Supervisor Nutting recommending the Board authorize the Chair to sign a Proclamation in recognition of the amazing feat of the Lady Diamondbacks, Union Mine High School's varsity girls volleyball team, to congratulate them on their "Big Win," the 2011 CIF Division IV State Volleyball Championship. (Est. Time: 10 Min.)
A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to adopt the proclamation.
Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

1:30 P.M. - TIME ALLOCATION

25. [11-1373](#) Supervisor Santiago recommending the Board receive a briefing and discussion regarding the South Lake Tahoe Recreation Facilities Joint Powers Authority Mello Roos Bond refinancing proposal by Mark Northcross, Northcross, Hill and Ash. (Est. Time: 45 min.)
A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, as follows:
1) Receive and file; and
2) Direct the Chief Administrative Officer and the Auditor to write a letter to the South Lake Tahoe Recreation Facilities Joint Powers Authority requesting more clarification regarding the refinancing proposal.
Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

[11-0270](#)**CAO REPORTS****CAO REPORTS**

The Chief Administrative Officer reported that the Board had authorized Vern Pierson to sign a contract for Google Mail and Calender for \$200,000. The contract required an amendment with the total cost of \$183,400.

[11-0280](#)**ITEMS TO/FROM SUPERVISORS****TO/FROM**

Supervisor Sweeney reported out that he had attended the Association of California Water Agencies conference which had many interesting topics. There is more information on their web site www.acwa.com

Supervisor Nutting handed out information regarding the water shed. (See Attachment 27A in the legislative file.)

Supervisor Briggs reported out the following:

- 1) At the third Board of Supervisors meeting in January there will be representatives from Bureau of Land Management and Fish and Game for a discussion with the Board.
- 2) The new bridge over the American River in Lotus will have bike lanes and pedestrian lanes thanks to the input from the public.

Supervisor Santiago reported that Tom Brennan has been promoted.

CLOSED SESSION

26. 11-1383 Pursuant to Government Code Section 54957.6 **Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources and/or designee.
Employee Organization: Deputy County Counsel Association and El Dorado Criminal Attorneys' Association. (Est. Time: 20 Min.) (Cont'd 12/6/11, Item 37)
No Action Reported.
27. 11-1425 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation:** Title: Chief Administrative Officer. (Est. Time: 30 Min.)
No Action Reported.
28. 11-1388 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation:** Title: Director of Transportation. (Est. Time: 30 Min.)
No Action Reported.

ADJOURNED AT 2:11 P.M. IN MEMORY OF JOHN WARD.