



County of El Dorado

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Minutes

Board of Supervisors

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

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

Tuesday, February 7, 2012

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.

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

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

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

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor Cooke from Cold Springs Community Church gave the Invocation.
Supervisor Nutting 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 Santiago, to adopt the Agenda and approve the Consent Calendar with the following exception: Item 5 is corrected to change the reference "Health and Safety Code 24001" to read "Government Code 24001".

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

12-0003 PUBLIC COMMENT

J. Baradin RE: Medical Marijuana

12-0009 BUDGET UPDATE

NONE

CONSENT CALENDAR

1. [12-0002](#) Clerk of the Board of Supervisors recommending the Board approve the meeting minutes from the Regular Meeting of Tuesday, January 31, 2012.

 This matter was Approved on the consent calendar.

2. [11-0468](#) Clerk of the Board of Supervisors recommending the Board receive and file the FY 11/12 Second Quarter Expenditures report for the Board of Supervisors District Budgets. (Refer 11/15/11, Item 4)

 This matter was Approved on the consent calendar.

3. [12-0089](#) Chief Administrative Office recommending the Board authorize the Chair to sign Amendment I to Agreement for Services #115-F1011 with the El Dorado County Fire Safe Council for fire prevention and planning services as described in Title III of Public Law 110-343.

 FUNDING: Federal Title III Funds through the Secure Rural Schools and Community Self Determination Act.

 This matter was Approved on the consent calendar.

4. [09-0882](#) Chief Administrative Office, Office of Economic Development, recommending the Board approve and authorize the Chair to sign Contract Modification No. 4 to Contract K178658-031 with Golden Sierra Workforce Investment Board to modify the contracts as July 1, 2010 - April 30, 2012 for the Vital Assets grant. (Refer 6/30/09, Item 43)

 FUNDING: Grant Funding.

 This matter was Approved on the consent calendar.

5. [12-0175](#) Health and Human Services Agency requesting the Board consider the following:
- 1) Authorize the Chair to sign Agreement No. 417-S1210 with Robert Hartmann, M.D., for Interim Health Officer services for a period of not more than one year, with a not-to-exceed amount of \$36,000, contingent upon review and approval by County Counsel and Risk Management;
 - 2) Appoint Robert Hartmann, M.D. to serve as the Interim Public Health Officer/Local Registrar for Vital Statistics in accordance with Agreement No. 417-S1210 approved by the Board; and
 - 3) Find it in the best interest of the County to waive the requirements of Government Code § 24001 pertaining to an individual's eligibility for appointment as County officer.

FUNDING: Public Health Realignment.

This matter was Approved on the consent calendar.

6. [12-0137](#) Health and Human Services Agency, Community Services Division, recommending the Board adopt **Resolution 012-2012** authorizing the Chair to sign Agreement 11C-1807 with the California Department of Community Services and Development in the amount of \$39,418 for provision of Department of Energy Weatherization Assistance Program (WAP) services during the period of December 1, 2011 through June 30, 2012. The Resolution further authorizes the Director of Health and Human Services, or successor, or the Chief Assistant Director, or successor, to execute subsequent documents relating to said Agreement, including one or more amendments thereto, contingent upon approval by County Counsel and Risk Management, that do not affect the dollar amount or the term, to sign subsequent required fiscal and programmatic reports and to perform any and all administrative responsibilities in relationship to said Agreement.

FUNDING: Federal WAP Grant Funds.

Adopted Resolution 012-2012 was adopted upon approval of the consent calendar.

7. [12-0051](#) Health and Human Services Agency, Public Health Division, recommending the Board authorize the Chair to sign Agreement 322-F1211 (11-10405) with the California Department of Public Health in the amount of \$60,000 for the term July 1, 2011 through June 30, 2014, for the purpose of providing State funding for the Childhood Lead Poisoning Prevention Program.

FUNDING: State funding.

This matter was Approved on the consent calendar.

8. [12-0132](#) Health and Human Services Agency, Social Services Division, recommending the Board authorize the Chair to sign Agreement for Services 308-S1211 with James N. Hardwick dba New Leaf Counseling Services in the not-to-exceed amount of \$100,000 during the term of February 28, 2012 through February 27, 2015 for the provision of therapeutic counseling, in-patient and out-patient substance abuse treatment services, substance abuse testing and other related services, on an "as requested" basis for clients referred by the Health and Human Services Agency, Social Services Division.

FUNDING: 85% Federal/State Social Services funding with required 15% County share of costs met primarily with realignment resources.

This matter was Approved on the consent calendar.

9. [12-0095](#) Sheriff's Office recommending the Board:
- 1) Adopt **Resolution 013-2012** authorizing the Sheriff to act as the agent to execute the Agreement with the City and County of San Francisco for receipt of Interoperable Emergency Communications Grant Program funds from the Bay Area Urban Area Approval Authority for the purchase of interoperable communications equipment retroactive for the term November 1, 2011 through December 31, 2012 , and
 - 2) Approve a budget transfer establishing revenue and expenses for use of the Interoperable Emergency Communication Grant Program grant funds. (4/5 vote required)

FUNDING: Homeland Security Grant Funds.

Adopted Resolution 013-2012 upon approval of the consent calendar.

10. [09-0147](#) Sheriff's Office, in conjunction with the District Attorney's Office, recommending the Board authorize the Chair to sign Amendment IV to Agreement #714-S0811 with TracNet Corporation modifying the software to work in conjunction with an interface between the Sheriff's Office and the District Attorney's Office, and increase the maximum obligation of the agreement by \$14,000. (Refer 6/14/11, Item 25)

FUNDING: AB109 Prison Realignment Funds.

This matter was Approved on the consent calendar.

11. [11-1140](#) Department of Transportation recommending the Board authorize the Chair to sign the Right of Way Contract - State Highway Contract with the State of California Department of Transportation, the Easement Deed and the Temporary Easement Deed for APN 331-171-23 for a drainage improvement project which is located on County-owned property in the Townsite of El Dorado.
This matter was Approved on the consent calendar.
12. [12-0184](#) Supervisor Sweeney recommending the Board appoint Betty Linville to the Commission on Aging for a term ending January 2013.
This matter was Approved on the consent calendar.
13. [12-0182](#) Supervisor Santiago recommending the Board adopt **Resolution 014-2012** approving the use of State Highways 89 and 50 for the 8th annual Reno-Tahoe Odyssey Relay Run Adventure June 1 and 2, 2012.
Adopted Resolution 014-2012 upon approval of the consent calendar.
14. [12-0181](#) Supervisor Santiago and the South Lake Tahoe Mental Health Commission representatives recommending the Board appoint Michael Pickens to the El Dorado County Mental Health Commission for a term to expire January 1, 2015.
This matter was Approved on the consent calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS/NOTICED HEARING

15. [12-0026](#) County Counsel recommending a hearing to consider the best course of action that meets the needs and interests of the County with regard to West Valley Village Subdivision Improvement Agreements, Units 1B, 3A, 3B, 4, 5A, 6A, 6B, 6C, and 7B, which are currently outside the performance period contained in the agreements. (Est. Time: 5 Min.) (Cont'd 1/10/12, Item 17)
A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to direct staff to return to the Board with an amendment extending the Subdivision Improvement Agreements, updating the Engineers estimate and surety rider.
Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

16. [12-0045](#) Health and Human Services Agency, Community Services Division, requesting the Board consider the following recommendations regarding the 40-unit affordable workforce rental housing project known as Sunset Lane Apartments, proposed by Mercy Housing California 55, a California Limited Partnership, division of Mercy Housing California:
- 1) Authorize the Director of the Health and Human Services Agency, or successor, to execute the Loan Agreements, Development Agreements, Promissory Notes, Regulatory Agreements, Deeds of Trust With Assignment of Rents, and all other documents necessary to issue the loan to, service the loan for, and collect loan repayments from Mercy Housing California 55 for the development of the Sunset Lane Apartments in Shingle Springs, California up to \$483,000 from Community Development Block Grant Loan 10-STBG-6711 and up to \$3,000,000 from Home Investment Partnership Grant Loan 11-HOME-6952, pending County Counsel and Risk Management approval; and
 - 2) Authorize the Auditor-Controller's Office to process check requests to disburse funds which will be offset by corresponding amounts from the above loan grants. (Cont'd 1/24/12, Item 21)(Est. Time: 15 Min.)

Note:

The CDBG and HOME loan documents are currently under review by County Counsel. However, all lenders and the equity investor associated with the Sunset Lane project have the opportunity to review the loan documentation of all other lenders. It is possible that the County may receive comments about its loan documents prior to close of escrow on the property and execution of the loan documents. Any necessary changes to the loan documents would be provided to County Counsel and Risk Management for review and approval prior to execution.

FUNDING: Community Development Block Grant and Home Investment Partnership Grant Loan.

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to continue this matter off calendar to allow the sub-committee including Supervisor Sweeney, Supervisor Knight, and staff to obtain the documents and assurances necessary to minimize the risk to the County's general fund.

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

17. [12-0037](#) Acting as the Board of Directors for the El Dorado County Public Housing Authority:

The El Dorado County Public Housing Authority requesting the Board consider the following recommendations regarding the 40-unit affordable workforce rental housing project known as Sunset Lane Apartments, proposed by Mercy Housing California 55, a California Limited Partnership, division of Mercy Housing California:

- 1) Authorize the Executive Director of the El Dorado County Public Housing Authority (EDCPHA), or successor, to execute the Loan Agreement, Promissory Note, Deed of Trust With Assignment of Rents, and all other documents necessary to issue the loan to, service the loan for, and collect loan repayments from Mercy Housing California 55 for the development of the Sunset Lane Apartments in Shingle Springs, California up to \$1,400,000 under the California Housing Finance Authority Loan Agreement HELP-022607-02; and
- 2) Authorize the Auditor-Controller's Office to process check requests to disburse funds which will be offset by corresponding amounts from the above loan grant. (Cont'd 1/24/12, Item 22) (Est. Time: 15 Min.)

Note: The CalHFA loan documents have been approved by County Counsel and Risk Management. However, all lenders and the equity investor associated with the Sunset Lane project have the opportunity to review the loan documentation of all other lenders. It is possible that the EDCPHA may receive comments about its loan documents prior to close of escrow on the property and execution of the loan documents. Any necessary changes to the EDCPHA's loan documents would be provided to County Counsel and Risk Management for review and approval prior to execution.

FUNDING: California Housing Finance Authority Housing Enabled by Local Partnerships funds.

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to continue this matter off calendar to allow the sub-committee including Supervisor Sweeney, Supervisor Knight, and staff to obtain the documents and assurances necessary to minimize the risk to the County's general fund.

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

18. [12-0187](#) Supervisor Santiago and the Economic Development Advisory Committee (EDAC) recommending the Board approve and authorize Chair's signature on a posthumous Proclamation honoring Gene E. Thorne, Civil Engineer, February 20, 1945 - January 10, 2012. (Est. Time: 5 Min.)

A motion was made by Supervisor Santiago, seconded by Supervisor Nutting, to adopt the Proclamation.

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

19. [11-1452](#)

Hearing to:

1) Consider introduction (First Reading) of an Ordinance pertaining to Chapter 9.55 of the El Dorado County Ordinance Code: Prohibition of Registered Sex Offenders From Entering County Parks, Schools, and Other Areas Where Children Congregate. Ordinance sponsored by Dr. Vickie Barber, Superintendent, El Dorado County Office of Education, John D'Agostini, Sheriff, El Dorado County, and Vern Pierson, District Attorney, El Dorado County and;

2) Continue the item to the next regular meeting for the second reading of the Ordinance. (Est. Time: 15 Min.)

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

1) Read title, waived reading of ordinance 4972 in its entirety;

2) Approved introduction; and

3) Set adoption (Second Reading) for February 14, 2012.

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

12:00 NOON - 2:00 P.M. - LUNCH

Board of Supervisors attended an informational luncheon and presentation with the El Dorado County Fair Board of Directors at the El Dorado County Fairgrounds at 100 Placerville Drive in Placerville, California.

2:00 P.M. - TIME ALLOCATION

20. [08-1466](#)

Hearing to consider the adoption of a Resolution amending the 2004 General Plan Traffic Impact Mitigation Fee Program and Revised Traffic Impact Mitigation Fee Rates. (Est. Time: 5 Min.)

A motion was made by Supervisor Briggs, seconded by Supervisor Knight, to continue this matter to February 14, 2012.

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

21. [12-0138](#)

Hearing to consider a request submitted by Dena Kohutek appealing the Development Services Department Hearing Officer's Administrative Order rescinding the Administrative Citation issued on November 1, 2011 (C #202530/Olmstead) dated December 15, 2011 on property identified by APN 093-200-05, consisting of 0.62 acre, in the Somerset area, Supervisorial District 2. (Est. Time: 5 Min.)

A motion was made by Supervisor Nutting, seconded by Supervisor Sweeney, to continue this matter to May 22, 2012.

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

12-0006

CAO REPORTS

The Chief Administrative Officer reported the following:

1) Daniel Nielson, Executive Director of the Public Housing Authority, reports that the El Dorado County Housing Authority was selected from among the 20 small Public Housing Authorities in California for recognition as the 2011 Housing Choice Voucher Program of the Year - Smaller Public Housing Authority Division. The award was a result of maintaining high utilization while complying with all HUD requirements; and

2) Director of the Department of Transportation Jim Ware submitted his resignation to the Board, effective February 10th, to take a position with another employer. I'd like to thank Mr. Ware for his years of dedication and service and wish him well in his future endeavors.

12-0005

ITEMS TO/FROM SUPERVISORS

Supervisor Nutting reported his Coordination Group has been making progress and should be ready to present their information to the Board in the near future.

CLOSED SESSION

22. 12-0178 Pursuant to Government Code Section 54957: **Conference with Labor Negotiator:** Director of Human Resources and/or designee.
Employee Organizations: El Dorado County Deputy County Counsel Association and El Dorado County Law Enforcement Managers Association. (Est. Time: 20 min.)
No Action Reported.
23. 12-0190 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a):
Title: Center for Sierra Nevada Conservation, et al., v. County of El Dorado, et al., El Dorado County Superior Court Case #PC20080336.
(Est. Time: 20 Min.)
No Action Reported.
24. 12-0197 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation:** Title: Director of Health and Human Services. (Est. Time: 30 Min.)
No Action Reported.
25. 12-0200 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b):
Number of potential cases: (1). (Est. Time: 30 Min.)
No Action Reported.
26. 12-0199 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.)
No Action Reported.
27. 12-0198 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Pereira v. El Dorado County, et al., U.S. District Court, Case #S:12-CV-00252-WBS-JFM.
(Est. Time: 15 Min.)
No Action Reported.

ADJOURNED AT 2:22 P.M.