



# 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*

*Terri Daly, Acting Clerk of the Board of Supervisors*  
*Terri Daly, Chief Administrative Officer    Louis B. Green, County Counsel*

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Tuesday, August 7, 2012

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.

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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 Nutting, Supervisor Briggs and Supervisor Santiago

**Absent:** 1 - Supervisor Sweeney

#### **9:15 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 Dave Cooke from Cold Springs Community Church provided 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 Briggs, to adopt the Agenda and approve the Consent Calendar with the following changes: Items 4 and 12 were pulled from the Consent Calendar and acted upon separately; Item 27 was added to the Consent Calendar; and Item 18 was heard after Item 21.

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

[12-0003](#)

#### **OPEN FORUM**

None.

[12-0009](#)

#### **BUDGET UPDATE**

None.

**CONSENT CALENDAR**

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

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

2. [10-1335](#) Assessor's Office recommending the Board authorize the Purchasing Agent to execute a purchase order with LoopNet in the amount of \$2,395.20 for an online subscription used by said Department to review recent local and regional sales of comparable commercial property.

**FUNDING:** General Fund.

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

3. [12-0974](#) Chief Administrative Office recommending the Board consider payment and revenue distribution options under the reauthorized Secure Rural Schools and Community Self-Determination Act and:
- 1) Elect to receive a share of the State Payment;
  - 2) Allocate the County's share of the State Payment as described in the staff report; and
  - 3) Authorize the Chair to sign payment election and distribution transmittal letter to the U.S. Forest Service.

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

4. [12-0591](#) Development Services Department and County Counsel presenting a Status Report on Progress of the Conservation Strategy for Gabbro Soils Rare Plants, and requesting Board authorization to issue a Notice to Proceed to Science Applications International Corporation (SAIC) to begin work on an Impact Analysis and Mitigation Plan to form the basis of an application for a Section 2081 Permit. (Cont'd 7/31/12, Item 7)

*PUBLIC COMMENT*

*None.*

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

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

5. [12-0944](#) Environmental Management 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 to be performed under this Agreement that are not expressly identified in County classifications, and that the ongoing aggregate of work to be performed under this Agreement is not sufficient to warrant the addition of permanent staff; and
  - 2) Authorize the Chair to sign Agreement No. 088-S1311 with NewPoint Group, Inc. in the not-to-exceed amount of \$79,000 for assistance with the negotiations for potential new franchise agreement terms and conditions with the County's current solid waste haulers for a three (3) year period from the date of signature by the Chair.

**FUNDING:** County Service Area No. 10 Solid Waste Budget.

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

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

**Noes:** 1 - Nutting

6. [12-0839](#) Probation Department recommending the Board authorize the Chair to sign Agreement No. 453-S1211 with CHI Monitoring, LLC., for rental of electronic and alcohol monitoring equipment and related services; this agreement will not exceed \$75,000 for a three year term of July 24, 2012 through July 23, 2015. (Cont'd 7/24/12, Item 11)

**FUNDING:** AB 109 and General Fund.

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

7. [12-0383](#) Sheriff's Office recommending the Board authorize the Chair to sign Amendment III to Agreement No. 125-S1210 with Madeira Group International (MGI) increasing the maximum obligation of the contract from \$80,317 to \$240,317 to provide detailed professional pre-employment background investigations for candidates for employment with the Sheriff's Office; and amend the term of the contract to August 4, 2011 through August 3, 2014.

**FUNDING:** Sheriff's Operating Budget.

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

8. [12-0924](#) Sheriff's Office recommending the Board authorize the Chair to sign Service Agreement No. 434-S1210 with Cassidian Communications to provide Internet Reverse 911 hosted service in an amount not to exceed \$59,300 for the period effective when fully executed by both parties ("Effective Date") and ending three (3) years after such date.
- FUNDING:** Fiscal Years 2010 and 2011 Homeland Security Grants.
- This matter was Approved on the consent calendar.**
9. [12-0927](#) Sheriff's Office recommending the Board adopt Resolution **108-2012** authorizing the Sheriff, or his designee, on behalf of the County, to sign and submit grant applications for various local, State and Federal competitive funding opportunities in Fiscal Year 2012/2013 to augment the Sheriff's Office funding in order to improve law enforcement services in El Dorado County.
- Resolution 108-2012 was adopted upon approval of the consent calendar.**
10. [12-0968](#) Sheriff's Office recommending the Board authorize the Chair to sign a perpetual Agreement with Shasta County to provide jail services at the Jail facilities operated by the El Dorado County Sheriff's Office in South Lake Tahoe and Placerville at the rate of \$90.00 per inmate per day.
- This matter was Approved on the consent calendar.**
11. [12-0323](#) 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 to be performed under this Agreement that are not expressly identified in County classifications, and that the ongoing aggregate of work to be performed under this Agreement is not sufficient to warrant the addition of permanent staff; and
  - 2) Authorize the Chair to sign Agreement for Services No. AGMT 061-S1311 with ICF Jones & Stokes, Inc. in an amount not to exceed \$489,007.02 to provide environmental review services for three bridge replacement projects for a term commencing upon execution of the Agreement to County's recordation of the Notices of Acceptance for all three projects.
- FUNDING:** Regional Surface Transportation Program Exchange Funds-Guaranteed and Highway Bridge Program Funds.
- This matter was Approved on the consent calendar.**

12. [12-0325](#) Department of Transportation recommending the following pertaining to the U.S. 50 HOV Lanes Project, (Contract No. PW 12-30639, CIP No. 53124):
- 1) Award the Construction Contract to the lowest responsive, responsible bidder, DeSilva Gates Construction L.P.;
  - 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 Interim 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;
  - 4) Authorize the Interim Director of Transportation to execute Contract Change Orders with an individual value up to \$210,000, provided the cumulative total of all Contract Change Orders is within the funding limits for the Project; and
  - 5) Authorize the Interim Director of Transportation to sign the Dispute Review Board Agreement with the Contractor, the County, and the Dispute Review Board Members for the purpose of assisting in the resolution of disputes and/or potential claims. (Refer 6/19/12, Item 13)

**FUNDING:** State Corridor Mobility Improvement Account Funds and Local Transportation Funds.

*PUBLIC COMMENT*

*None.*

**Hearing no protests, a motion was made by Supervisor Briggs, seconded by Supervisor Knight, to approve this matter.**

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

- 13. [09-0463](#) Supervisors Briggs and Sweeney recommending the Board authorize the Chairman to sign a letter in support of the renegotiated compact between Governor Edmund G. Brown and the Shingle Springs Band of Miwok Indians.

This matter was Approved on the consent calendar.

**END CONSENT CALENDAR**

**DEPARTMENT MATTERS/NOTICED HEARING**

- 14. [12-0816](#) Chief Administrative Office recommending the Board adopt a policy delegating authority to the Chief Administrative Officer or designee to execute non-financial Memoranda of Understanding (MOU's). (Cont'd. 7/24/12, Item 2)

*PUBLIC COMMENT*

*None.*

**A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to approve this matter with a restriction on the type of contract called, "Interdepartmental Memorandum of Understanding (MOU)."**

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

- 15. [12-0965](#) Supervisors Knight and Briggs recommending the Board receive an update from the Chief Administrative Office regarding Property Assessed Clean Energy (PACE) program options. (Est. Time: 20 Min.)

*PUBLIC COMMENT*

*P. Chelseth*

**No Formal Action Required.**

16. [11-0384](#) Human Resources recommending the Board:
- 1) Authorize the Chair to sign a Resolution of Intention **109-2012** superseding Resolution 068-2011 adopted by the Board April 26, 2011 to approve an amendment to the contract between the Board of Administration of the California Public Employers' Retirement System (CALPERS) and the County of El Dorado; and
  - 2) Consider the introduction (First Reading) of County Ordinance **4979**, an Amendment to the Contract Between the Board of Supervisors of the County of El Dorado and the Board of Administration of the California Public Employees' Retirement System, as follows: "To provide Section 20475 (Different Level of Benefits), Section 21362 (2% at 50 Full formula), and Section 20037 (Three-Year Final Compensation) are applicable to local safety members entering membership for the first time in the safety classification after the effective date of this amendment to contract;" and "Section 20475 (Different Level of Benefits), Section 21353 (2% at 60 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract." (Est. Time: 10 Min.) (Refer 4/26/11, Item 25)

*PUBLIC COMMENT*

*None.*

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

- 1) **Adopt Resolution 109-2012;**
- 2) **Waive reading of Ordinance 4979, read by title only;**
- 3) **Approve the introduction of said Ordinance; and**
- 4) **Set adoption of said Ordinance (Second Reading) for August 14, 2012.**

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



**2:00 P.M. - TIME ALLOCATION**

17. [12-0921](#) HEARING: Consider a request submitted by Darin Billerbeck to amend Recorded Map H-29 and Planned Development TM85-1020, Hacienda De Estrellas Unit 2, Lot 50, to allow a five-foot side yard setback for a trellis-mounted solar photovoltaic system (TM85-1020-C-2 ) on property identified by APN 090-473-02, consisting of 1.16 acres, in the Shingle Springs area; and staff recommending the Board take the following actions:
- 1) Find that TM85-1020-C-2 is Exempt from the requirements of CEQA pursuant to Sections 15268(b)(3) and 15305(a) of the CEQA Guidelines; and
  - 2) Approve TM85-1020-C-2 amending recorded map H-29 and Planned Development TM85-1020 for Lot 50, subject to the Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2. (Supervisory District 2)

*PUBLIC COMMENT*

*None.*

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

- 1) Find that TM85-1020-C-2 is Exempt from the requirements of CEQA pursuant to Sections 15268(b)(3) and 15305(a) of the CEQA Guidelines; and**
- 2) Approve TM85-1020-C-2 amending recorded map H-29 and Planned Development TM85-1020 for Lot 50, subject to the Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2.**

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

18. [11-1020](#) HEARING: Consider adoption of Urgency Ordinance **4978** imposing a 45-day moratorium on the acceptance of new applications and the processing for any freestanding signs that exceed 80 square feet in size and/or exceed 15 feet in height. This moratorium shall apply to all zone districts in the unincorporated areas of El Dorado County. Planning Services recommends the Board take the following actions:
- 1) Find that adoption of the ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations);
  - 2) Adopt Temporary Moratorium on freestanding signs (4/5 vote required to adopt Temporary Moratorium); and
  - 3) Direct staff to process a Request for Proposals to update the County Sign Ordinance. (Est. Time: 30 Min.) (Refer 5/8/12, Item 12)

*PUBLIC COMMENT*

*A. Marinaccio  
T. DeVille  
K. Greenwood  
D. Schneider  
J. Aran*

**A motion was made by Supervisor Knight, seconded by Supervisor Briggs, to approve this matter and adopt Urgency Ordinance 4978 as amended.**

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

19. [12-0373](#) HEARING: Consider Special Use Permit S11-0005/Mother Lode Drive Off-Premise Advertising Sign on property identified by APN 090-430-15, consisting of 0.46 acre, in the Shingle Springs area, submitted by John David Pereira; and Planning Services recommending the Board take the following actions:
- 1) Adopt the Negative Declaration based on the Initial Study; and
  - 2) Approve Special Use Permit S11-0005 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2. (Supervisory District 4) (Est. Time: 30 Min.) (Refer 3/27/12, Item 23)

*PUBLIC COMMENT*

*B. Wheatley  
A. Marinaccio  
A. Tressor  
J. Pogue  
L. Parlin  
K. Greenwood*

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

- 1) Adopt the Negative Declaration based on the Initial Study;**
- 2) Approve Special Use Permit S11-0005 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and**
- 3) Delete the last sentence in Condition No. 1 of Attachment 1 of the Conditions of Approval, dated August 7, 2012.**

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

**Noes:** 1 - Nutting

**Abstained:** 1 - Santiago

20. [12-0368](#) HEARING: Consider Special Use Permit Revision S11-0004-R/Sunset Lane Off-Premise Advertising Sign on property identified by APN 090-430-09, consisting of 1.22 acres, in the Shingle Springs area, submitted by John David Pereira; and Planning Services recommending the Board take the following actions:
- 1) Find that pursuant to Section 15162 of the CEQA Guidelines no subsequent Negative Declaration shall be prepared for the project; and
  - 2) Approve Special Use Permit Revision S11-0004-R removing Condition 2, as well as minor corrections to some conditions for clarification only, as listed in Attachment 1, based on the Findings listed in Attachment 2.
- (Supervisory District 4) (Est. Time: 30 Min.) (Refer 4/17/12, Item 29)  
*PUBLIC COMMENT*

*A. Marinaccio  
K. Greenwood  
A. Tressor  
J. Pogue*

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

- 1) Find that pursuant to Section 15162 of the CEQA Guidelines no subsequent Negative Declaration shall be prepared for the project;**
- 2) Approve Special Use Permit Revision S11-0004-R removing Condition 2, as well as minor corrections to some conditions for clarification only, as listed in Attachment 1, based on the Findings listed in Attachment 2; and**
- 3) Delete the last sentence in Condition No. 1 of Attachment 1 of the Conditions of Approval, dated August 7, 2012.**

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

**Abstained:** 1 - Santiago

21. [12-0380](#) HEARING: Consider Special Use Permit S11-0006/Coach Lane Off-Premise Advertising Sign on property identified by APN 109-211-03, consisting of 0.87 acre, in the Cameron Park area, submitted by John David Pereira; and Planning Services recommending the Board take the following actions:
- 1) Adopt the Negative Declaration based on the Initial Study; and
  - 2) Approve Special Use Permit S11-0006 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2. (Supervisorial District 2) (Est. Time: 30 Min.) (Refer 3/27/12, Item 24)

*PUBLIC COMMENT*

*K. Greenwood*

*A. Marinaccio*

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

- 1) Adopt the Negative Declaration based on the Initial Study;**
- 2) Approve Special Use Permit S11-0006 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and**
- 3) Delete the last sentence in Condition No. 1 of Attachment 1 of the Conditions of Approval, dated August 7, 2012.**

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

**Noes:** 1 - Nutting

**Abstained:** 1 - Santiago

[12-0006](#)

**CAO REPORTS**

The Chief Administrative Officer reported that the County has made an Administrative change in the way that the El Dorado County Fair will be reimbursed by the County for water and electricity usage by the Skate park.

[12-0005](#)

**ITEMS TO/FROM SUPERVISORS**

Supervisor Briggs reported that on behalf of the Board of Supervisors he accepted from the El Dorado County Arts Council a Bennett Sculpture, in thanks for our partnership with the Arts Council.

**ADJOURNED AT 5:02 P.M.**

**CLOSED SESSION**

22. 12-0989 Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c): Number of potential cases: (1). (Est. Time: 15 Min.)  
**No Action Reported.**
23. 12-0971 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation.** Title: Director of Environmental Management. (Est. Time: 30 Min.)(Cont'd 7/31/12, Item 20)  
**No Action Reported.**
24. 12-0970 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation.** Title: Acting Clerk of the Board of Supervisors. (Est. Time: 45 Min.) (Refer 7/31/12, Item 21)  
**No Action Reported.**
25. 12-0976 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation.** Title: Chief Administrative Officer. (Est. Time: 1 Hr.)  
**No Action Reported.**
26. 12-0994 Pursuant to Government Code Section 54957: **Public Employee Appointment:** Title: County Counsel. (Est. Time: 20 Min.)  
**No Action Reported.**

**ADDENDUM****DEPARTMENT MATTERS**

27. [12-1004](#) Chief Administrative Office recommending the Board authorize the Chair to sign a Budget Transfer adjusting the Fiscal Year 2011/2012 budget to recognize actual Realignment Vehicle License Fee (VLF) and Sales Tax revenues for the affected Health and Human Services Departments. The net effect of the budget transfer increases revenues and appropriations in Public Health by \$42,000 and increases revenue and decreases Net County Cost in Human Services by \$1,386,000 and increases the General Fund Contingency by \$1,386,000 for Fiscal Year 2011-12. (4/5 vote required)

**FUNDING:** Realignment.

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

28. [12-0997](#) Department of Transportation recommending the Board authorize the acquisition of two vehicles (fixed assets) prior to the adoption of the Fiscal Year 2012-2013 budget.

*PUBLIC COMMENT*

*None.*

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

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

**Noes:** 1 - Sweeney

29. [12-1000](#) Department of Transportation recommending the Board authorize the Chair to sign a Budget Transfer for fiscal year 2011/2012 increasing appropriations and revenues in the Capital Improvement Program by \$500,000; decreasing the appropriations and revenue in the Road Fund by \$500,000; increasing appropriations and revenue in the Traffic Impact Fee Funds by \$823,000; increasing appropriations and revenue in the HOV Project Special Revenue Fund by \$60,000; decreasing appropriations in various Special Districts by a total of \$4,721; increasing appropriations and revenue in the OES DR 1628 Special Revenue Fund by \$15,903; increasing appropriations and revenue in the Placerville Airport Operations Enterprise Fund by \$15,000. (4/5 vote required)

**FUNDING:** Local Transportation Funds, Silva Valley Interchange Set Aside, Caltrans SHOPP Grant Funding, Special District Funds, OES Funds, Interest Earnings, and Placerville Airport Fuel Sales.

*PUBLIC COMMENT*

*None.*

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

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