



# 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, September 11, 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.

#### **9:02 A.M. - CALLED TO ORDER**

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

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

Dr. Pattie Weber from the Spiritual Center for Positive Living in Cameron Park provided the Invocation.

Supervisor Sweeney 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 changes: Items 9 and 21 were pulled from the Consent Calendar and acted upon separately; Items 3 and 27 were continued to Tuesday, September 18, 2012.

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

#### **12-0003**

#### **OPEN FORUM**

J. Harper RE: Acknowledged Supervisors Santiago and Nutting for "National Night Out" in Pollock Pines.

S. Taylor RE: Capital Improvement Projects.

#### **12-0009**

#### **BUDGET UPDATE**

The Chief Administrative Officer reported that on Monday, September 17, 2012 the Board will hear the 2012/2013 Budget.

**CONSENT CALENDAR**

- 1. [12-0002](#) Acting Clerk of the Board recommending the Board approve the meeting minutes from the Regular Meeting on Tuesday, September 4, 2012.

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

- 2. [12-1106](#) Assessor's Office recommending the Board approve the advanced step hiring at step 4 of the salary range for Steve Mord hired as an Appraiser II on May 5, 2012. This step 4 salary range is requested retroactively to the hire date of May 5, 2012.

**FUNDING:** General Fund.

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

- 3. [12-1090](#) Chief Administrative Office recommending the Board consider the following:
  - 1) Authorize a \$2,000,000 loan out of the Department of Transportation (DOT) Road Fund to the City of Placerville to advance the initial outlay for the Western Placerville Interchange Phase 1A improvements contingent upon an agreement between the County and City that ensures repayment and minimizes the County's risk on the project;
  - 2) Authorize the Chief Administrative Office to work with County Counsel, the County Auditor and other departments on the appropriate loan agreement and safeguards; and
  - 3) Authorize the Chair to sign the loan agreement once completed, contingent upon County Counsel review and approval. (Cont'd. 8/28/12, Item 2)

**This matter was continued to September 18, 2012 upon approval of the consent calendar.**

- 4. [12-1129](#) Chief Administrative Office recommending the Board consider the following:
  - 1) Approve the California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Project Agreements for a total of \$492,804;
    - a) G11-03-06-G03 for Ground Operation-Annual Operations and Maintenance in the amount of \$83,428;
    - b) G11-03-06-S01 for Education and Safety in the amount of \$55,846;
    - c) G11-03-06-G01 for Phase III-Buck Island Outlet to the Private Property in the amount of \$353,530; and
  - 2) Authorize the Chief Administrative Officer to execute Agreements and any amendments that do not change the dollar amount of said Agreement.

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

- 5. [12-1147](#) Chief Administrative Office recommending the Board approve the budget transfer authorizing the Auditor Controller to transfer fund balances, revenues and appropriations from the Trial Court Security Account (Index 7777002), the Local Community Corrections Account (Index 7777001), the Local Law Enforcement Services Account (Index 7777006), the District Attorney and Public Defender Account (Index 7777003), the Health and Human Services Account (Index 7777005) and the Juvenile Justice Account (Index 7777004) to appropriate successor accounts and department operating index codes in order to comply with recent changes to the California Government Code (4/5 Vote).

**FUNDING:** Realignment Funds.

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

- 6. [12-1101](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board declare a service weapon as surplus and approve the sale of the weapon to retiring Sheriff Officer, Sergeant Morton.

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

7. [12-1083](#) Chief Administrative Office, Procurement and Contracts, on behalf of the Department of Transportation, recommending the Board approve the following:
- 1) Award Bid No. 13-288-008 for the purchase of Polymer Modified Rejuvenating Emulsion to the low qualified bidder, Telfer Oil Company of Martinez, CA;
  - 2) Authorize the Purchasing Agent to issue a blanket purchase order in the amount of \$270,797 for a one-year (1-year) period following Board approval; and
  - 3) Authorize the Purchasing Agent to increase the blanket purchase order on an "as needed" basis during the awarded period as long as funding is available within the requesting department's budget.

**FUNDING:** Road Fund Discretionary.

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

8. [12-0920](#) Chief Administrative Office, Procurements and Contracts Division, recommending the Board consider adoption (Second Reading) of Ordinance **4981** repealing Chapter 3.12 of Title 3 of the El Dorado County Ordinance Code (Procurement); and adding a new Chapter 3.12 of Title 3 to said Code (Procurement) for the revised County Purchasing Ordinance and Procurement Policy. (Cont'd. 8/21/12, Item 17)

**Ordinance 4981 was adopted upon approval of the consent calendar.**

9. [12-1097](#) Chief Administrative Office, Risk Management Division, recommending the Board consider the following:
- 1) Approve the Health Plan Published Rates based on adopted and proposed MOUs effective January 1, 2013 through December 31, 2013.
  - 2) Approve the 2013 overall rate increase of 3.98% in the employee health vendor rates, published rate cards, and projected funding,
  - 3) Authorize Kim Kerr, Assistant Chief Administrative Officer, or her designee, to sign health carrier contracts subject to the approval of County Counsel.

**FUNDING:** Internal Service Fund - Risk Management Health Fund.

*PUBLIC COMMENT*

*K. Newell*

*M. Lane*

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

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

10. [12-1119](#) Child Support Services and the Health and Human Services Agency recommending the Board approve the purchase of equipment, fixed assets and services in an amount not to exceed \$56,355 that are necessary to accommodate the relocation of Child Support Services and Revenue Recovery staff to 3883 Ponderosa Road, Building A, in Shingle Springs.
- FUNDING:** Tobacco Settlement Funds.
- This matter was Approved on the consent calendar.**
11. [12-1030](#) Development Services and County Counsel recommending the Board consider the adoption (second reading) of Ordinance **4982** rescinding Ordinance 4771 removing Chapter 17.73 of the County Code pursuant to the July 10, 2012 Judgment in *Center for Sierra Nevada Conservation v. El Dorado County* issued by Judge Bailey. (Cont'd. 9/4/12, Item 17)
- Ordinance 4982 was adopted upon approval of the consent calendar.**
12. [09-1542](#) Environmental Management Department recommending the Board authorize the Chair to sign a letter to Waste Connections of California, Inc., d/b/a El Dorado Disposal Services, notifying them that the County of El Dorado is exercising their option to extend the term of the Solid Waste Services Agreement for a period of one year to December 31, 2013. (Refer 1/12/10, Item 24)
- This matter was Approved on the consent calendar.**
13. [12-0987](#) Health and Human Services Agency recommending the Board adopt Resolution **124-2012** increasing the Imprest Cash Account for the Public Health Division in Placerville and in South Lake Tahoe to \$250 each, to provide sufficient cash on hand for daily business operations.
- FUNDING:** Public Health Realignment.
- Resolution 124-2012 was adopted upon approval of the consent calendar.**

14. [10-0394](#) Health and Human Services Agency, Community Services Division, recommending the Board adopt Resolution **125-2012** authorizing the Chair to sign the amended Medi-Cal Targeted Case Management Provider Participation Agreement 09-0713A2 with the California Department of Health Care Services, extending the term from July 1, 2012, to June 30, 2013 for Claiming Federal Financial Participation and reimbursement for Targeted Case Management (TCM) Services. The resolution further authorizes the Agency Director, or successor, or the Chief Assistant Director, or successor, to continue to administer Agreement 09-0713A2, as amended and execute subsequent documents relating to said Agreement, including amendments thereto, contingent upon County Counsel and Risk Management approval, that do not affect the dollar amount or the term, and any subsequent required fiscal and programmatic reports. (Refer 5/4/10, Item 7)

**FUNDING:** Federal Medicaid Reimbursement.

**Resolution 125-2012 was adopted upon approval of the consent calendar.**

15. [12-1137](#) Health and Human Services Agency and Human Resources recommending the Board adopt Resolution **128-2012** revising the job specification and salary range for the Chief Deputy Public Guardian/Public Conservator classification.

**Resolution 128-2012 was adopted upon approval of the consent calendar.**

16. [12-1108](#) Health and Human Services Agency, Mental Health Division, recommending the Board approve and authorize the Chair to sign three (3) retroactive Agreements to provide Specialty Mental Health Services for minors with serious emotional problems as follows:
- 1) Agreement for Services 114-S1311 with New Morning Youth and Family Services, Inc., for the term July 1, 2012 through June 30, 2013, with a not-to-exceed amount of \$675,000;
  - 2) Agreement for Services 132-S1311 with Sierra Child and Family Services, Inc., for the term July 1, 2012 through June 30, 2013, with a not-to exceed amount of \$655,000;
  - 3) Agreement for Services 131-S1311 with Summitview Child and Family Services, Inc., for the term July 1, 2012 through June 30, 2013, with a not-to-exceed amount of \$405,000.

**FUNDING:** Medi-Cal; Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), as well as Mental Health Realignment as appropriate for each client.

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

17. [12-1068](#) Health and Human Services Agency, Public Health Division, recommending the Board authorize the Chair to sign retroactive funding Agreement No. 073-F1311 (1213-90063-36-411) with First 5 El Dorado Children and Families Commission (First 5) in the amount of \$170,000, for the term July 1, 2012, through June 30, 2013. The funding is to provide outreach to the community for access to medical and dental care for children ages 0 - 5 years.

**FUNDING:** First 5 El Dorado Children and Families Commission.

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

18. [11-0822](#) Health and Human Services Agency, Public Health Division, recommending the Board approve and authorize the Chair to sign Amendment III to Memorandum of Understanding 483-O0190 (No. 801-PHD1008) with Marshall Medical Center, extending the term through May 3, 2014, to coincide with the American College of Surgeons certification that Marshall successfully completed the Focus Review and is confirmed as a Level III trauma center. (Refer 5/1/12, Item 13)

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

19. [12-1122](#) Health and Human Services Agency, Social Services Division, recommending the Board authorize the Chair to sign Agreement for Services 135-S1311 with Jill Gustafson, LCSW, for the provision of therapeutic counseling and therapeutic visitation services on an "as requested" basis, for the term of September 24, 2012 through September 23, 2015 in the not-to-exceed amount of \$200,000.

**FUNDING:** 85% Federal/State Social Services Allocation with 15% County match met primarily with realignment resources.

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

20. [12-1148](#) Information Technologies recommending the Board authorize the Chair to sign Agreement No. 175-S1310 with Comcast Phone, LLC in the amount of \$860 per month for the period October 1, 2012 through September 30, 2015. Total not to exceed amount is \$30,960 for internet and telephone services between County Information Technologies and the new Child Support Services facility on Ponderosa Road in Shingle Springs.

**FUNDING:** State and Federal.

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



21. [12-1125](#) Sheriff's Office recommending that the Board authorize the Sheriff to sign Contract No. 12-204-767 with the State of California Department of Boating and Waterways in the amount of \$47,300 for the purchase of dive equipment that will be used to enhance public safety on the lakes and waterways in El Dorado County.

**FUNDING:** State of California Boating and Waterways Equipment Grant.

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

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

22. [12-0893](#) Department of Transportation recommending the Board authorize the Chair to sign the Exchange Fund Transfer Agreement No. 12-53513 with the Tahoe Regional Planning Agency allowing direct transfer of \$205,256 of the Federal/State Exchange funds with the Tahoe Regional Planning Agency for Fiscal Years 2010/2011 and 2011/2012 cycles of Regional Surface Transportation Program Exchange Funds.

**FUNDING:** Regional Surface Transportation Program Exchange Funds.

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

23. [12-0981](#) Department of Transportation recommending the Board authorize the Chair to sign Cooperative Agreement No. 03-0490 and Funding Summary Number 1 with the State of California Department of Transportation for the construction and maintenance of the Northside School Class I Bike Path - Phases 1 and 2 Project, CIP No. 72304 (Phase 1, SR193) and CIP No. 72306 (Phase 2, SR49).

**FUNDING:** Federal and State Safe Routes to School Grant Funds, Regional Surface Transportation Program Rural Exchange Funds, Transportation Development Act Funds from the El Dorado County Transportation Commission and Congestion Mitigation Air Quality Funds.

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

24. [12-1015](#) Department of Transportation recommending the Board adopt Resolution **126-2012** sanctioning the closures of Main Street and South Street in Georgetown between Highway 193 and Harkness Street. Additionally, road barricades will be located at the intersections of Main Street/Placer Street, Main Street/Orleans Street and Main Street/School Street between 7:00 a.m. and 7:00 p.m. on Sunday, September 23, 2012, for the "Georgetown Founder's Day Event," subject to conditions set forth in Resolution No. 110-79 and subject to conditions set forth in the "Application for Road Closure."  
**Resolution 126-2012 was adopted upon approval of the consent calendar.**
25. [12-1036](#) Department of Transportation recommending the Board adopt Resolution **127-2012** sanctioning the closures of Main Street and South Street in Georgetown between Highway 193 and Harkness Street. Additionally, road barricades will be located at the intersections of Main Street/Placer Street, Main Street/Orleans Street and Main Street/School Street between 12:00 p.m. and 9:00 p.m. on Saturday, December 1, 2012, for the annual Georgetown "Parade of Lights," subject to the conditions set forth in Resolution No. 110-79 and subject to conditions set forth in the "Application for Road Closure."  
**Resolution 127-2012 was adopted upon approval of the consent calendar.**
26. [08-1322](#) Supervisor Knight recommending the Board adopt a Proclamation recognizing September 11, 2012 as "Lest We Forget Day" to remember the victims of September 11, 2001, and to honor and thank our local firefighters, law enforcement personnel, emergency rescue workers, military servicemen and women, and volunteers in these fields who work diligently to ensure that we may live our lives in safety and freedom.  
**This matter was Approved on the consent calendar.**
27. [12-0624](#) Supervisor Briggs recommending the Board authorize the Auditor-Controller to pay the Local Agency Formation Commission \$5,000 out of the remaining funds associated with the Grassy Run Community Services dissolution, thereby correcting a clerical mathematical error.  
**FUNDING:** Grassy Run Community Services District (CSD) fund balance.  
**This matter was continued to September 18, 2012 upon approval of the consent calendar.**

**END CONSENT CALENDAR**

**DEPARTMENT MATTERS/NOTICED HEARING**

- 28. [11-1303](#) Chief Administrative Office recommending the Board receive and file an update from the Information Technologies, Economic Development and Risk Management Investment Teams. (Est. Time: 45 Min.)  
**Received and Filed.**

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

- 29. [12-1120](#) Supervisors Knight and Nutting recommending the Board present the Proclamation recognizing "The Welcome Home El Dorado Slow Ride" to the Welcome Home Slow Ride Committee. (Refer 9/4/12, Item 15) (Est. Time: 10 Min.)  
**A motion was made by Supervisor Knight, seconded by Supervisor Briggs to adopt the Proclamation.**  
**Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago
  
- 30. [12-1149](#) Supervisor Sweeney recommending the Board adopt a Proclamation for Marshall Medical Center to celebrate the ribbon cutting for the new patient care wing which includes the new birth center, emergency department and additional parking. (Est. Time: 10 Min.)  
**A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs to adopt the Proclamation.**  
**Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago

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

31. [12-1056](#) Chief Administrative Office recommending the Board consider the following:
- 1) Adopt the Final Draft Response to the 2011/2012 Grand Jury Final Report; and
  - 2) Authorize the Chairman to sign transmittal letter to the Presiding Judge. (Refer 8/28/12, Item 28) (Est. Time: 5 Min.)

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

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

**Absent:** 1 - Santiago

32. [12-1084](#)

HEARING - Consider the recommendation of the Planning Commission on General Plan Amendment A07-0018/Rezone Z07-0054/Planned Development PD07-0034/Parcel Map P08-0017/Diamond Dorado Retail Center on property identified by APNs 051-250-12, 051-250-46, 051-250-51, and 051-250-54, consisting of 27.61 acres, in the Diamond Springs area, submitted by Leonard Grado/GGV Missouri Flat, LLC; and recommending the Board take the following actions:

- 1) Certify the Environmental Impact Report (EIR) (SCH No. 2008012004) for the proposed Diamond Dorado Retail Center, subject to CEQA Findings and Statement of Overriding Consideration;
- 2) Adopt the Mitigation Monitoring Reporting Program in accordance with CEQA Guidelines Section 15074(d) incorporated as Conditions of Approval listed in Attachment 1 and separated out in the Staff Report as Attachment 3-Exhibit B;
- 3) Approve General Plan Amendment A07-0018 amending the land use designation for APNs 051-250-12, 051-250-46, 051-250-51, and 051-250-54 from Industrial (I) to Commercial (C) based on the Findings listed in Attachment 1;
- 4) Approve Z07-0054 rezoning APNs 051-250-12, 051-250-46, 051-250-51, and 051-250-54 from Industrial (I) to General Commercial-Planned Development (CG-PD) based on the Findings listed in Attachment 1;
- 5) Approve Preliminary Planned Development PD07-0034 *Alternate 5, Existing MRF Access Plan* for the Diamond Dorado Retail Center, based on the Findings, subject to the Mitigation Monitoring Reporting Program and the Conditions of Approval listed in Attachment 1;
- 6) Continue formal action on Tentative Parcel Map P08-0017 off-calendar;
- 7) Adopt Resolution for said General Plan Amendment;
- 8) Adopt Ordinance for said Rezone; and
- 9) Development Services Director recommending revision to Conditions of Approval 16 (Attachment 1), as identified in the Legistar text. (Supervisorial District 3)

*PUBLIC COMMENT*

*H. Drury  
D. Murillo  
B. Randall  
L. Dobson  
M. Kobus  
A. Marinaccio  
M. Lindeman*

**A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs to approve this matter as follows:**

- 1) Certify the Environmental Impact Report (EIR) (SCH No. 2008012004) for the proposed Diamond Dorado Retail Center, subject to CEQA Findings and Statement of Overriding Consideration;**

- 2) Adopt the Mitigation Monitoring Reporting Program in accordance with CEQA Guidelines Section 15074(d) incorporated as Conditions of Approval listed in Attachment 1 and separated out in the Staff Report as Attachment 3-Exhibit B;
- 3) Approve General Plan Amendment A07-0018 amending the land use designation for APNs 051-250-12, 051-250-46, 051-250-51, and 051-250-54 from Industrial (I) to Commercial (C) based on the Findings listed in Attachment 1;
- 4) Approve Z07-0054 rezoning APNs 051-250-12, 051-250-46, 051-250-51, and 051-250-54 from Industrial (I) to General Commercial-Planned Development (CG-PD) based on the Findings listed in Attachment 1;
- 5) Approve Preliminary Planned Development PD07-0034 Alternate 5, Existing MRF Access Plan for the Diamond Dorado Retail Center, based on the Findings, subject to the Mitigation Monitoring Reporting Program and the Conditions of Approval listed in Attachment 1;
- 6) Continue formal action on Tentative Parcel Map P08-0017 off-calendar;
- 7) Adopt Resolution 132-2012 for said General Plan Amendment;
- 8) Adopt Ordinance 4983 for said Rezone; and
- 9) Approve and adopt the revision to Conditions of Approval 16 (Attachment 1), as identified in the Legistar text.

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

#### 12-0006

#### **CAO REPORTS**

None.

#### 12-0005

#### **ITEMS TO/FROM SUPERVISORS**

Supervisor Sweeney reported that he, Supervisor Knight and two members of the Placerville City Council went with Presiding Judge Kingsbury to San Francisco to make the County's place in front of the Judicial Review Council. It was recommended to the Judicial Council that El Dorado County proceed with probably a 10 percent reduction in the amount of money available for the whole project. The outcome of the trip was very positive.

#### **ADJOURNMENT**

**CLOSED SESSION**

- 33. 12-1141 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b). Title: Deputy Sheriffs' Association v. El Dorado County Number of potential cases: (1). (Est. Time: 10 Min.)  
**No Action Reported.**

**NEW BUSINESS**

**The following matter came to the Board's attention by County Counsel and by a unanimous vote of the Board was added to the Agenda.**

- 34. 11-0662 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: In re: South Tahoe Area Transit Authority Debtor, and related adversary proceedings, United States Bankruptcy Court for the District of Nevada, Case No. 10-53666.  
**On a unanimous vote, the Board authorized County Counsel to defend the second amended counter-claim and third party complaint of David Thompson Trustee and Liquidating Agent.**