



# County of El Dorado

330 Fair Lane, Building A  
Placerville, California  
530-621-5390  
FAX 530-622-3645  
www.edcgov.us/bos

## Minutes

### Board of Supervisors

*Ron Briggs, Chair, District IV*  
*Norma Santiago, First Vice Chair, District V*  
*Ray Nutting, Second Vice Chair, District II*  
*Ron Mikulaco, District I*  
*Brian K. Veerkamp, District III*

*James S. Mitrisin, Clerk of the Board of Supervisors*  
*Terri Daly, Chief Administrative Officer Edward Knapp, County Counsel*

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Tuesday, May 7, 2013

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 listed under Department Matters 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' Meeting Agenda webpage 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 Briggs, Supervisor Santiago, Supervisor Mikulaco, Supervisor Veerkamp and Supervisor Nutting

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

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

The Invocation was provided by Pastor Dave Cooke from the Cold Springs Community Church.

The Pledge of Allegiance was led by Supervisor Santiago.

#### **ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR**

Approval of the Consent Calendar

A motion was made by Supervisor Veerkamp, seconded by Supervisor Nutting, to adopt the Agenda and approve the Consent Calendar with the following changes: Item No. 4 was pulled off of the Consent Calendar and acted upon separately; and Item No. 22 was added to the Consent Calendar.

**Yes:** 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

[13-0008](#) OPEN FORUM

D. Weiner  
D. Faulkenstein  
S. Tyler  
V. Yorty  
L. Columbo  
R. Eddy  
S. Taylor

[13-0010](#) CAO UPDATE

The Chief Administrative Officer reported that there is a correction to Agenda Item No. 3 on the Consent Calendar. The Funding portion of the item shows that it is from the "Accumulated Capital Outlay Fund." It should show that it is from the "General Fund."

**CONSENT CALENDAR**

1. [13-0007](#) Clerk of the Board of Supervisors recommending the Board approve the Meeting Minutes from the Regular Meeting of Tuesday, April 30, 2013.  
**This matter was Approved on the consent calendar.**
  
2. [13-0446](#) Chief Administrative Office recommending the Board approve the authorization of Discharge of Responsibility for the collection of infraction, misdemeanor and felony debts listed on the Discharge of Accountability Report submitted by the Superior Court.  
**This matter was Approved on the consent calendar.**
  
3. [13-0438](#) Chief Administrative Office recommending the Board authorize the Chair to sign Memorandum of Understanding 537-M1311 with the City of Placerville, in the amount of \$20,000 to be used to extend aquatic center hours from August 12, 2013 through September 2, 2013.  
  
**FUNDING:** Accumulative Capital Outlay Fund.  
**This matter was Approved on the consent calendar.**

4. [10-0474](#) Chief Administrative Office recommending the Board consider the reappointment of community members to a one-year term on the Community and Economic Development Advisory Committee (CEDAC) as follows:
- 1) Reappoint member Roberta Long, District IV, to a one (1) year term effective May 11, 2013, expiring on May 10, 2014;
  - 2) Reappoint the following At-Large Members: Mark Nava and Danny Shilin to a one (1) year term effective May 11, 2013, expiring on May 10, 2014;
  - 3) Reappoint Jeanne Harper, District V, to a one (1) year term effective June 27, 2013 to June 26, 2014; and
  - 4) Reappoint Michael Ranalli, At-Large Member, to a one (1) year term effective June 27, 2013 to June 26, 2014.

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

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

**Noes:** 1 - Mikulaco

5. [13-0290](#) Chief Administrative Office, Procurement and Contracts Division on behalf of the Community Development Agency's Transportation Division, recommending the Board approve the following:
- 1) Award Request For Proposal No. 13-405-039 for the purchase of Aviation Fuel and Related Services to the low qualified bidder, EPIC Aviation, LLC of Salem, OR.; and
  - 2) Authorize the Chairman to execute an agreement for services in the amount of \$2,260,000 for a five year award period subject to approval and minor revisions by County Counsel and Risk Management.

**FUNDING:** Airport Enterprise Fund.

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

6. [13-0501](#) District Attorney's Office recommending the Board approve the advanced step hiring at Step 4 of the salary range for Melissa Banda hired as a Deputy District Attorney II effective May 4, 2013. This Step 4 salary range is requested retroactively to the hire date of May 4, 2013.

**FUNDING:** General Fund.

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

7. [10-1035](#) Community Development Agency, Environmental Management Division, recommending the Board authorize the Chair to sign the Second Amendment to Agreement No. 035-S1111 with 21st Century Environmental Management of California, LP, a wholly-owned subsidiary of PSC, LLC:
- 1) Increasing the compensation by \$200,000, for a total compensation of \$440,000; and
  - 2) Extending the term by 19 months to expire on December 31, 2014, for services including the collection, processing, transport, and disposal of household hazardous waste.

**Funding:** Non-General Fund/County Service Area No. 10/Household Hazardous Waste Parcel Assessments.

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

8. [11-1256](#) Community Development Agency, Environmental Management Division, recommending the Board authorize the Chair to sign the Fifth Amendment to Agreement No. 443-S1011 with Bryan A. Stirrat and Associates, increasing the compensation by \$105,930 for services related to the Meyers Landfill cap closure project.

**FUNDING:** Non General Fund Insurance.

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

9. [11-1397](#) Community Development Agency, Environmental Management Division, recommending the Board authorize the Chair to sign the Sixth Amendment to Agreement No. 017-A-09/10-BOS with Geosyntec Consulting Inc., increasing the compensation by \$72,828, for a total contract not to exceed amount of \$855,200.02, for services related to the Meyers Landfill cap closure project.

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

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

10. [11-1399](#) Community Development Agency, Environmental Management Division, recommending the Board authorize the Director to:
- 1) Sign Amendments to Change Orders 11-13, 15, 22, 27, 28 and 30-33 (See attached list) for a combined reduction of \$368,207.61 and reallocate funds to Change Order No. 36 (\$181,191.36), Change Order No. 37 (\$8,258.25) and remaining funds (\$178,758) to other contracts associated with the Meyers Landfill closure project;
  - 2) Sign Amendment 1 to Change Order No. 36 increasing the amount \$181,191.36 for a not to exceed amount of \$431,191.36 for additional erosion and repair work required post closure but prior to Forest Service certification that the Remedial Action is complete; and
  - 3) Sign Change Order No. 37 increasing bid schedule Item No. 15 in the amount of \$8,258.25 with Sukut Construction (Public Works Contract No. 013-PW-09/10-BOS) resulting in a cumulative net decrease of \$178,758 in the total not to exceed amount of \$8,314,832.84, resulting in the new not to exceed amount of \$8,136,074.84, to be effective May 7, 2013, and in doing so, find that it is in the public interest to waive competitive bidding for the work described therein.

**Funding:** General Fund Contingency Appropriation/Non General Fund Insurance.

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

11. [13-0472](#) Health and Human Services Agency recommending the Board adopt a Proclamation designating May 2013 as "Foster Parent Appreciation Month" in the County of El Dorado.

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

12. [13-0379](#) Health and Human Services Agency recommending the Board authorize the Chair to sign Amendment I to Agreement 224-S1310 with Danilo and Gloria Ibanez dba Grace Home, a licensed residential care facility, for the provision of supplemental residential care services for adults with serious mental illness on an "as requested" basis, increasing the not-to-exceed compensation of the Agreement by \$63,656 to \$125,000 and extending the term through June 30, 2014.

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

13. [12-0544](#) Health and Human Services Agency, Community Services Division, recommending the Board consider the following:
- 1) Approve the 2013-2014 Update to the 2012-2016 El Dorado County (Planning and Service Area 29) Area Plan for Senior Services; and
  - 2) Authorize the Chair to sign a Transmittal Letter for submittal of said Plan Update to the California Department of Aging.

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

14. [13-0164](#) Health and Human Services Agency, Public Health Division, recommending the Board authorize the Chair to sign an "Acceptance of Allotment" form as required by the California Department of Public Health, Tuberculosis Control Branch in order for the County to receive additional allotment funds in the amount of \$8,016 for a total allotment of \$13,885 for core tuberculosis control and prevention activities performed during Fiscal Year 2012-2013.

**FUNDING:** California Department of Public Health, Tuberculosis Control Branch, and Federal funds.

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

15. [13-0465](#) Library Director recommending the Board authorize the Chair to sign a budget transfer increasing revenues and appropriations for library materials by \$42,328 as a result of donations received from the community and the Friends of the Library. (4/5 vote required)

**FUNDING:** Donations.

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

16. [11-0606](#) Sheriff's Office recommending the Board authorize the Chairman and the Sheriff to sign a new Cooperative Law Enforcement Agreement, 13-LE-11051360-008, between the El Dorado County Sheriff's Office, the United States Department of Agriculture, US Forest Service EIDorado National Forest, and the US Forest Service Lake Tahoe Basin Management Unit for the enforcement of State and local laws related to the administration and regulation of National Forest Service (NFS) lands, for a term commencing on the date when the Agreement is fully executed until September 30, 2017.

**FUNDING:** United States Forest Service.

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

17. [13-0389](#) Transportation recommending the Board consider the following:
- 1) Authorize the Chair to sign the Easement Acquisition Agreement for Public Purposes and the Certificate of Acceptance for the related documents from Ernest S. Watson and Suanne M. Watson, Husband and Wife, As Joint Tenants, for Assessor's Parcel Number 325-450-03; and
  - 2) Authorize the Interim Director of Transportation or designee to execute the escrow instructions and any other related escrow documents pertaining to the transaction, including payment of title and escrow fees, for the Green Valley Road at Weber Creek - Bridge Replacement Project, CIP No. 77114.

**FUNDING:** Highway Bridge Program Grant Funds, Regional Surface Transportation Program Rural Exchange Funds and Traffic Impact Mitigation Fees.

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

18. [13-0268](#) Transportation recommending the Board authorize the Department to proceed with ordering and payment of title reports and certified appraisals to commence the acquisition process for the Cold Springs Road Realignment Project, CIP No. 73360, affecting portions of the following subject parcels:
- 1) APN 089-060-23, Gary W. Ritz and Wendy M. Ritz;
  - 2) APN 321-230-06, Joseph Thomas Sexton, Jr. and Lisa Sexton;
  - 3) APN 089-060-01, Linda E. Shoemake, Marilyn J. Gastaldi, Polly Ann Gastaldi, Sonia M. Gastaldi-Ward, and Joseph Gastaldi; and
  - 4) APN 321-050-02, Lilia L. Harding.

**FUNDING:** Highway Safety Improvement Program Funds and Regional Surface Transportation Program Exchange Funds.

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

19. [13-0440](#) Treasurer-Tax Collector recommending the Board adopt Resolution **047-2013** to grant the authority to accept partial payments from the taxpayer to pay for delinquent unsecured taxes.

**Resolution 047-2013 was adopted upon approval of the consent calendar.**

20. [13-0516](#) Supervisor Nutting recommending the Board appoint Vicky Neibauer to serve as a Resident Member on the Cameron Park Design Review Committee for a term to expire January 1, 2014.

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

**END CONSENT CALENDAR**



**9:30 A.M. - TIME ALLOCATION**

21. [12-0552](#) Board of Supervisors presenting awards to winners of the 19th Annual Student Map Drawing Contest hosted by the County and sponsored by the local organization of professional Surveyors, Architects, Geologists and Engineers (S.A.G.E.). (Est. Time: 1 Hr.)

**No Formal Action Required.**

22. [13-0447](#) Human Resources recommending the Board adopt Resolution **048-2013** superseding Resolutions 228-84 and 227-84 to consolidate policies and provisions found in numerous documents into a single location, eliminate inconsistencies among those documents and to provide a source document for use by the Board of Supervisors, Human Resources and other departments to administer personnel matters.

**Resolution 048-2013 was adopted upon approval of the consent calendar.**

**DEPARTMENT MATTERS**

23. [13-0517](#) Health and Human Services Agency, Mental Health Division, recommending the Board authorize the Chair to sign Lease Agreement 576-L1311 with Steven & Laura Abel Nevada Family Trust Dated 10/29/2009 for 13,770 square feet of space located at 768 Pleasant Valley Road, Diamond Springs for the term beginning the date of Lessor's delivery of premises to the County (anticipated on or around August 1, 2013) through May 2024, with a total maximum obligation of \$2,602,524 during the term of the lease, for space to provide mental health west slope outpatient services.

**FUNDING:** Medi-Cal clinical funding, EPSDT reimbursements, Utilization Review funding, MHSA administration and clinical services allocations, Medi-Cal administrative reimbursements and realignment/fund balance dollars.

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

**Yes:** 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

**1:00 P.M. - CLOSED SESSION**

24. **11-0017**      **Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Nicole Sahaj-Myers, et al. v. County of El Dorado, et al., U.S. District Court, Eastern District of California, Case No. 2:10-CV-01974-KJM.
- No Action Reported.

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

25.      **13-0510**      Supervisor Nutting recommending the Board have a discussion regarding the possible removal of the Community Region Boundary Line in Shingle Springs.
- No formal action was required, however, Supervisor Veerkamp provided direction to staff as follows;
- 1) Analyze the effects of removing the Shingle Springs Community Region and all other community regions; and
  - 2) Consider initiating a time specific stay on projects that do not conform to the adopted land use element of the general plan.
- Noting: Development Services will return on June 11, 2013 with a "white paper" report to aid the Board in determining next steps based on Board direction. The Board will hold a special meeting on June 24, 2013 for a workshop on this subject matter.

**13-0011****ITEMS TO/FROM SUPERVISORS**

Supervisor Santiago reported that last week she participated in a review of the Upper Truckee River by the Tahoe Conservancy to make recommendations for restoration project priorities along the Reach. Also, there will be a Tahoe Conservancy meeting in June to review the recommendations.

Supervisor Briggs reported that Sierra Nevada Conservancy is lobbying the Nevada state legislature to procure funding for river restoration projects.

**NEW BUSINESS**

The following matter came to the Board's attention by County Counsel and by a unanimous vote was added to the Agenda per Government Code 54954.2(B)2.

- 13-0567      **Pursuant to Government Code Section 54957- Public Employee Performance Evaluation.** Title: Acting Chief Probation Officer.
- No Action Reported.

**ADJOURNED AT 5:45 P.M.**

**CLOSED SESSION**

26. 13-0307 **Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator:**  
County Negotiator: Director of Human Resources and/or designee Jack Hughes of Liebert, Cassidy, Whitmore.  
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: 60 Min.)  
**No Action Reported.**
27. 13-0515 **Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(d)(1). Title: In the Matters of Nicholas G. and Felix G., Superior Court Case #SDP20120027 and SDP20120028. Number of potential cases: ( ). (Est. Time: 30 Min.)  
**On a unanimous vote, the Board authorized County Counsel to defend this matter.**
28. 12-0835 **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator:** Instructions to its negotiator regarding the real property described as APN 121-280-12, 118-170-04 Huddinge Partners, a Nevada Limited Partnership. The person or persons with whom the negotiator may negotiate is Bradley Rotter.  
  
Instructions to negotiator will concern price and term of payment. Pete Feild of Bender Rosenthal will be the negotiator on behalf of El Dorado County. (Est. Time: 10 Min.)  
**No Action Reported.**
29. 13-0402 **Pursuant to Government Code Section 54957- Public Employee Appointment.** Title: Interim Director of Health and Human Services Agency. (Est. Time: 5 Min.)  
**The Board on a unanimous vote, clarified the appointment of Jan Walker-Conroy to serve as the Interim Director of the Health and Human Services Agency, effective April 20, 2013.**

**ADDENDUM**

**CLOSED SESSION:**

- 30. 13-0102 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b). Title: LAFCO Agency CalPERS Matter update (Est. Time: 15 Min.)  
**No Action Reported.**