



# County of El Dorado

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## 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, April 9, 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.

#### **8:01 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS**

**Present:** 5 - Supervisor Briggs, Supervisor Santiago, Supervisor Mikulaco, Supervisor Veerkamp and Supervisor Nutting

#### **9:10 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS**

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

Pastor Craig Klatt from Camino Adventist Church provided the Invocation.  
Supervisor Nutting led the Pledge of Allegiance.

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

Approval of the Consent Calendar

A motion was made by Supervisor Veerkamp, seconded by Supervisor Santiago, to adopt the Agenda and approve the Consent Calendar with the following changes: Items 7, 8, 13, 18, and 23 were pulled from the Consent Calendar and acted upon separately; Supervisor Nutting recused himself on Items 2 and 21; and, Supervisor Briggs recused himself on Item 6.

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

#### **13-0008**

#### **OPEN FORUM**

**B. Lee RE: Wakamatsu Farm Festival**

**E. VanDyke RE: Green Valley Road Corridor**

**K. Kyle RE: Green Valley Road Corridor**

**S. Taylor RE: South East Connector JPA Contract**

13-0010

## CAO UPDATE

The Chief Administrative Officer reported that Sacramento County is scaling back their proposal for Mather Air Field, based on changes in the air cargo industry. In response to the scaling back, Sacramento County Airport System will be taking a revised proposal back to the Sacramento County Board on May 23, 2013. In addition, she reported that the scaled-down plans will be available to the public via the County's website.

**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 2, 2013.  
  
This matter was Approved on the consent calendar.
2. 12-0622 Clerk of the Board of Supervisors recommending the Board accept an invitation from the El Dorado County and Georgetown Divide Resource Conservation Districts to attend the Annual Board of Supervisors Informational Workshop Luncheon to be held on Tuesday, May 7, 2013 from 12:00 noon to 2:00 p.m. at the El Dorado County Main Library Conference Meeting room at 345 Fair Lane, Placerville.  
  
This matter was Approved on the consent calendar.  
  
Yes: 4 - Briggs, Santiago, Mikulaco and Veerkamp  
  
Recused: 1 - Nutting
3. 13-0375 Auditor-Controller recommending the Board authorize the Auditor-Controller to remove the fixed assets listed on the attached schedule from the County's fixed asset inventory.  
  
This matter was Approved on the consent calendar.
4. 13-0377 Auditor Controller advising the Board of the current perpetual agreement and recommending the continuation of the agreement between El Dorado County and Hinderliter, deLlamas & Associates (HDL). Hinderliter, deLlamas & Associates provides the County with services in regards to the monitoring, report preparation, and data analysis relating to current sales tax disbursements.  
  
This matter was Approved on the consent calendar.
5. 13-0378 Auditor-Controller recommending the Board authorize the transfer of \$2,600 accumulated from FY 2011-12 from the County's Cash Overage Fund to the General Fund.  
  
This matter was Approved on the consent calendar.

6. [13-0386](#) Chief Administrative Office recommending the Board consider the following:
- 1) Authorize the Department to enter into negotiations with the California Administrative Office of the Courts regarding County-owned parcel APN 325-300-32-100 as the site for the new El Dorado County Court Facility; and
  - 2) Appoint Kelly Webb as the real estate negotiator on behalf of the County for the negotiation.

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

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

**Recused:** 1 - Briggs

7. [13-0371](#) Chief Administrative Office recommending the Board retroactively approve the letter of support from the Cameron Park Design Review Committee to the El Dorado County Transportation Commission for its 2013 Community Based Transportation Planning grant application for development of the Cameron Park Area Community Transportation Plan.

**FUNDING:** El Dorado County Transportation Commission.

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

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

8. [12-1184](#) Chief Administrative Office recommending the Board approve the annual payment of \$27,500 to pay El Dorado County's contribution for the Sacramento Placerville Transportation Corridor Joint Powers Authority (SPTC JPA) Fiscal Year 2012/13 operating budget. (Cont'd 3/26/13, Item 2)

**FUNDING:** General Fund.

*PUBLIC COMMENT*

*J. Harville*

*S. Taylor*

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

- 1) Approve the matter;
- 2) Refer the item back to the El Dorado County Parks and Recreation Commission to examine the Joint Powers Authority (JPA) budget, and look at alternate ways of staffing and participation; and
- 3) Direct staff to report back to the Board with recommendations on same.

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

9. [11-1231](#) Chief Administrative Office, Risk Management Division, recommending the Board authorize the Chair to sign Amendment IV to Agreement for Services No. 288-S111 with Occu-Med, LTD., increasing compensation by \$150,000 to \$510,000 and extending the term an additional one year through March 31, 2014. Occu-Med, LTD. provides occupational health services, specifically in the areas of pre-employment (post-offer) physical evaluations, immunizations and fitness for duty examinations.

**FUNDING:** Risk Management Internal Services Fund.

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

10. [13-0367](#) District Attorney recommending the Board authorize the Chair to sign a Lease Agreement (Contract No. 491-L1311) with Mark D. Zinser and Kathryn Fae Zinser Trust, for property located at 532 Main Street, Placerville, CA for a five (5) year, 3 month term commencing June 15, 2013 through September 14, 2018 in an amount not to exceed \$349,604 for the term of the lease.

**FUNDING:** A combination of Grant Funding and General Fund.

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

11. [11-0373](#) Environmental Management recommending the Board consider the following:
- 1) Authorize continuance of the Department's perpetual Agreement No. 396-S1111 between the County of El Dorado and The Law Offices of Thomas M. Bruen; and
  - 2) Authorize the Chair to sign Amendment I to Agreement No. 396-S1111 between the County of El Dorado and The Law Offices of Thomas M. Bruen to increase the billing rates without increasing the total amount of the Agreement.

**FUNDING:** Special Revenue Funds.

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

12.     [13-0356](#)     Health and Human Services Agency recommending the Board authorize the Purchasing Agent to sign the following two Agreements for the provision of audit services, contingent upon approval by County Counsel and Risk Management:
- 1) Agreement with Robert Johnson, C.P.A., to provide auditing services for County Service Area No. 3, with a maximum obligation of \$25,000 for each Fiscal Year (FY) 2011-12 and FY 2012-13, for a total Not-to-Exceed amount of \$50,000; and
  - 2) Agreement with Goodell, Porter, Sanchez and Bright, LLP to provide auditing services for County Service Area No. 7, with a maximum obligation of \$35,000 for each FY 2009-10, FY 2010-11, FY 2011-12 and FY 2012-13, for a total Not-to-Exceed amount of \$140,000.

Additionally, Health and Human Services Agency recommending the Board authorize Procurement and Contracts to include a provision for a change order process, thereby allowing modification to the Scope of Services as well as the Not-to-Exceed amounts to ensure flexibility during the audit process.

**FUNDING:** Fee for Service and Tax Revenue to County Service Areas No. 3 and No. 7.

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

13.     [13-0105](#)     Health and Human Services Agency, Community Services Division, recommending the Board conduct a public hearing and adopt Resolution **036-2013** authorizing the following:
- 1) The submittal of a Fiscal Year 2013-14 Community Development Block Grant Application to the California Department of Housing and Community Development in an amount up to \$1,060,000 to provide additional resources for the County's ongoing Homeownership Loan Programs and Business Assistance activities;
  - 2) The Chair to sign the Statement of Assurances; and
  - 3) If the grant is awarded, the Director of Health and Human Services Agency, or successor, contingent upon approval by County Counsel and Risk Management, to execute the Standard Agreement and subsequent amendments thereto that do not affect the dollar amount or the term and to sign other grant-related documents.

**FUNDING:** Federal CDBG Grant Funds.

*PUBLIC COMMENT*

*L. Brent-Bumb*

**A motion was made by Supervisor Veerkamp, seconded by Supervisor Nutting, to adopt Resolution 036-2013.**

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

14.     [13-0272](#)     Human Resources Department recommending the Chair sign Amendment I to Agreement 394-S1211 with the law offices of Meyers, Nave, Riback, Silver and Wilson extending the term for one additional year, and increasing the compensation amount by \$109,000 to a not to exceed amount of \$134,000 for a term of two years, May 1, 2012 through April 30, 2014, for the continued provision of professional legal services to the Civil Service Commission on an "as requested" basis.

**FUNDING:** General Fund.

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

15.     [13-0267](#)         Sheriff's Office recommending the Board adopt Resolution **038-2013** approving the submission of an application to California State Parks, Off Highway Vehicle (OHV) Division Grant Program in the amount of \$203,613 for law enforcement services on the Rubicon Trail during Fiscal Year 2013/14.
- FUNDING:** OHV Grant Funds with a required County match of 25% through the use of Sacramento Municipal Utility District (SMUD) Upper American River Project (UARP) Federal Energy Regulatory Commission (FERC) monies.
- Resolution 038-2913 was adopted upon approval of the consent calendar.**
16.     [13-0269](#)         Transportation recommending the Board authorize the department to proceed with ordering and payment of title reports to commence the acquisition process for the Lake Tahoe Blvd. Enhancement Project, Capital Improvement Project No. 95186, which potentially affects a portion of a City of South Lake Tahoe parcel (APN 032-302-02).
- FUNDING:** Tahoe Regional Planning Agency Air Quality Mitigation Funds.
- This matter was Approved on the consent calendar.**
17.     [12-1363](#)         Transportation recommending the Board consider the following:  
1) Authorize the Chair to sign the Acquisition Agreement for Public Purposes and the Certificates of Acceptance for the related documents from Presbytery of Sacramento, a California Non-Profit Corporation for Assessor's Parcel Number 122-720-05; 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 U.S. 50/Silva Valley Parkway Interchange - Phase 1 Project, CIP No. 71328.
- FUNDING:** El Dorado Hills Traffic Impact Mitigation Fees - Silva Valley Interchange Set Aside Fund.
- This matter was Approved on the consent calendar.**



18. [12-1551](#) Transportation recommending the Board authorize the Chair to sign cost reimbursable subcontract Agreement No.12-53616 with the Texas Southern University for work associated with the research project titled "Evaluation of Alternative Abrasives and Snow Plowing Practices and Road Sweeping/Vacuuming as Source Control BMPs for Load Reduction of Fine Sediment Particles and Particles Associated Phosphorus in Urban Roadway Storm Water" in the amount of \$39,339.

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

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

19. [13-0278](#) Transportation recommending the following pertaining to the Rubicon Trail at Ellis Creek - Bridge Replacement Project, Contract No. PW 11-30572, CIP No. 77117, P&C No. 515-C1375:
- 1) Approve plans and contract documents and authorize the Chair to sign the plans; and
  - 2) Authorize advertisement for construction bids, subject to authorization of federal funding for construction and subject to County Counsel and Risk Management review and approval.

**FUNDING:** Highway Bridge Program.

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

20. [13-0363](#) Supervisor Mikulaco recommending Wendi-Mae Davis be appointed to the Assessment Appeals Board to serve as a member for District 1 with a term to expire September 1, 2016; and to appoint Janette Rogers-Booth to the Cemetery Advisory Committee to serve as a member for District 1 with a term to expire January 1, 2015.

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

21. [13-0381](#) Supervisor Veerkamp recommending the Board authorize the chair to sign a letter of support for Assembly Bill 350 Forest Fire Prevention Act. Current law allows for trees less than 18 inches in stump diameter to be cleared and in special circumstances trees less than 24 inches in stump diameter to be cleared. AB350 would raise the diameter of a tree that qualifies under Forest Fire Prevention Exemption (FFPE) to 28 inches in most instances and 34 inches where it is necessary to achieve the State's fuel reduction goals.

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

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

**Recused:** 1 - Nutting

22. [12-0404](#) Supervisor Briggs recommending the Board adopt **Resolution 039-2013**:  
1) Designating the El Dorado Arts Council to serve as the County's local partner with the California Arts Council;  
2) Approving the El Dorado Arts Council to submit a proposal to the California Arts Council for the State-Local Partnership Program; and  
3) Authorizing the El Dorado Arts Council to execute the grant contract, if awarded.  
**Resolution 039-2013 was adopted upon approval of the consent calendar.**
23. [13-0401](#) Supervisor Briggs recommending the Board approve direction to the Chief Administrative Officer to:  
1) Work with appropriate county staff on the development of a County "Anti-Bullying" Personnel Policy; and  
2) Return to the Board with a draft policy on or before May 21, 2013.  
*PUBLIC COMMENT*  
  
*M. Lane*  
**A motion was made by Supervisor Veerkamp, seconded by Supervisor Santiago, to approve this matter.**  
**Yes:** 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting
24. [13-0388](#) Supervisor Santiago recommending the appointment of Patricia Charles-Heathers to fill the Public Health Official seat on the First 5 El Dorado Commission.  
**This matter was Approved on the consent calendar.**
25. [13-0407](#) Supervisor Santiago recommending the Board authorize the Chairman's signature on a Letter of Support for Tahoe Transportation District's Grant Application to receive Caltrans New Freedom funding for transit-dependent low income, disabled and older citizens within the Tahoe Basin.  
**This matter was Approved on the consent calendar.**

**END CONSENT CALENDAR****9:30 A.M. - TIME ALLOCATION**

26. [13-0390](#) Supervisor Briggs recommending the Board receive a presentation provided by the County of El Dorado Health and Human Services Agency Assistant Director and the Public Guardian on the history of elder and dependent adult protection efforts in the county. (Est. Time: 20 Min.)  
**Received and Filed.**

27.     [13-0393](#)     Supervisor Santiago recommending the Board approve a Proclamation honoring Daniel Nielson as the Director of the El Dorado County Health and Human Services Agency. (Est. Time: 10 Min.)
- A motion was made by Supervisor Nutting, seconded by Supervisor Mikulaco, to approve this matter.**
- Yes:**   5 -   Briggs, Santiago, Mikulaco, Veerkamp and Nutting

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

28.     [13-0336](#)     Supervisor Briggs recommending the Board receive a presentation provided by the El Dorado County Fire Chiefs' Association on the current status and future outlook of fire and emergency medical services within the County. (Est. Time: 15 Min.)
- A motion was made by Supervisor Veerkamp, seconded by Supervisor Nutting, as follows:**
- 1) Move forward with the formalization of the Fire Advisory Committee which will be comprised of two (2) Members of the Board of Supervisors, two (2) Members from the Commission for Collaborative Fire Departments (CCFD), two (2) Fire Chiefs, and a Representative from the Local Agency Formation Commission (LAFCO);**
  - 2) Agree that the Charter of that committee will be to find a permanent solution for sustainable fire and Emergency Medical Services (EMS) funding throughout all of El Dorado County Fire Districts; and**
  - 3) Report back to the Board of Supervisors in eight (8) weeks with an outline of said Charter.**
- Yes:**   5 -   Briggs, Santiago, Mikulaco, Veerkamp and Nutting

**DEPARTMENT MATTERS**

29. [13-0329](#) Chief Administrative Office recommending the Board conduct a public hearing and adopt Resolution **037-2013** to declare that the operation of a carnival at Town Center in El Dorado Hills by Butler Amusements, Inc. on March 21, 2013 through March 24, 2013 did not endanger the public health, safety and welfare, and that such operation did not violate any zoning or health laws or regulations. The resolution is required for the retroactive approval of the business license submitted by Butler Amusements, Inc. prior to the commencement of the carnival.

**A motion was made by Supervisor Santiago, seconded by Supervisor Veerkamp, to adopt Resolution 037-2013.**

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

30. [13-0340](#) Supervisor Santiago recommending the Board approve the appointment of Harold Singer to the Tahoe Resource Conservation District Board of Directors. (Cont'd 4/2/13, Item 13)

**A motion was made by Supervisor Santiago, seconded by Supervisor Veerkamp, to continue this matter to Tuesday, April 23, 2013.**

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

**Recused:** 1 - Nutting

[13-0011](#)**ITEMS TO/FROM SUPERVISORS**

**Supervisor Veerkamp reported that the El Dorado County Youth Commission's Shadow Day will be April 30, 2013.**

**Supervisor Santiago reported that El Dorado County received two "Best in Basin" Awards from the Tahoe Regional Planning Agency (TRPA). In addition, the TRPA filed a motion to dismiss a lawsuit that was filed against the Regional Plan Update (RPU) on April 4, 2013. She also reported on Senate Bill 630 which would dissolve the bi-state compact, and recreate the California TRPA, effective January 2014.**

**Supervisor Nutting reported on the Trestle Forest Health Project with regard to the fire danger in the Grizzly Flat Community region; and the practice of piling and burning slash and the tops of trees.**

**ADJOURNMENT**

**CLOSED SESSION**

31.     09-0427     **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator:** Instructions to its negotiator regarding the real property described as APN 325-300-32-100. The person or persons with whom the negotiator may negotiate are the State of California Administrative Office of the Courts. Instructions to its negotiator will concern both price and terms of payment. Kelly Webb will be the negotiator on behalf of El Dorado County.
- No Action Reported.**
32.     12-0443     **Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(d)(1): Title: United States of America (USA) v. El Dorado County and City of South Lake Tahoe, Civil Action No. S-0101520 x-ref: (Meyers Landfill Site). (Est. Time: 15 Min.) (Cont'd 4/2/13, Item 23)
- No Action Reported.**
33.     13-0305     **Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator:**  
County Negotiator: Director of Human Resources and/or designee and 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: 30 Min.)
- No Action Reported.**
34.     12-1322     **Conference with Legal Counsel - Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(d)(2). Title: Complaint of Employee re: Discrimination, Harassment and Hostile Work Place. Number of potential cases: (1). (Est. Time: 5 Min.)
- No Action Reported.**
35.     12-0892     **Conference with Legal Counsel - Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b). Number of potential cases: (1). (Est. Time: 10 Min.)
- No Action Reported.**

36. 13-0355 **Conference with Legal Counsel - Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(d)(2). Title: ACT Associates, Inc., dba Snows Quarry Products. (Est. Time: 20 Min.)  
**No Action Reported.**
37. 13-0403 **Conference with Legal Counsel - Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(d)(2). Title: Conflict of Interest, Abbott and Kindermann. Number of potential cases: (1 ). (Est. Time: 5 Min. )  
**The Board on a 5-0 vote, authorized the Chairman to sign a conflict of interest waiver with Abbott and Kindermann.**
38. 13-0402 **Pursuant to Government Code Section 54957- Public Employee Appointment.** Title: Interim Director of Health & Human Services Agency. (Est. Time: 15 Min.)  
**No Action Reported.**
39. 13-0400 **Pursuant to Government Code Section 54957- Public Employee Performance Evaluation.** Title: Chief Administrative Officer. (Est. Time: 30 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.

40. 13-0347 **Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(d)(1). Title: Cathy A. Monaghan v. El Dorado County Water Agency, et al. U.S. District Court Case No. 2:10-CV-0434 FCD GGH Number of potential cases: (1). (Est. Time: 15 Min.)  
**No Action Reported.**