



County of El Dorado

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Minutes - Final 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

Tuesday, September 17, 2013

8:00 AM

Board of Supervisors Meeting Room

Vision Statement

"El Dorado County will remain the leader in supporting our safe, healthy, and vibrant communities, wisely managing our natural resources, and preserving our local heritage."

BOARD MEETING ROOM EQUIPPED WITH AN AUDIO INDUCTION LOOP ASSISTIVE LISTENING SYSTEM.

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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.

8:05 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS

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

9:08 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

**Pastor Mark Cowles from the Highway Bible Church provided the Invocation.
Supervisor Mikulaco led the Pledge of Allegiance to the Flag.**

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

Approval of Consent Calendar 1

A motion was made by Supervisor Nutting, seconded by Supervisor Mikulaco to Approve Consent Calendar 1.

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

Approval of Consent Calendar 2

PUBLIC COMMENT: M. Lane

A motion was made by Supervisor Santiago, seconded by Supervisor Briggs to Adopt the Agenda and Approve Consent Calendar 2.

Yes: 4 - Briggs, Santiago, Mikulaco and Veerkamp

[13-1188](#)**OPEN FORUM**

PUBLIC COMMENT - K. Payne, M. Lane

[13-1189](#)**CAO UPDATE**

The Chief Administrative Officer reported to the Board on the following subjects:

- 1) Generator Replacement Project;
- 2) County's Appeal of the Record of Decision by the U.S. Forest Service; and
- 3) Road Closure of Francisco Drive between El Dorado Hills Boulevard and Embarcadero Drive/Cambria Way, in El Dorado Hills.

CONSENT CALENDAR 1

1. [13-1163](#) Chief Administrative Office recommending the Board adopt Resolution **142-2013** revising the salary for the position of Chief Probation Officer, effective the first pay period that begins after the adoption of the Resolution.

FUNDING: General Fund.

Resolution 142-2013 was Adopted upon Approval of Consent Calendar 1.

2. [13-0673](#) Community Development Agency, Transportation Division, recommending the Board approve Memorandum of Understanding No. 13-53632 between the County of El Dorado and the City of Folsom for the maintenance of the portion of Sophia Parkway that crosses into and out of both jurisdictions.

This matter was Approved on Consent Calendar 1.

3. [11-1349](#) Community Development Agency, Environmental Management Division, recommending the Board adopt Resolution **141-2013**, superseding Resolution 121-2013, authorizing the Division to act as a regional applicant to submit used Oil Payment Program Regional applications on behalf of itself as Lead Agency and that this authorization is effective for three (3) years from the date of adoption of this resolution. This resolution is a requirement of the grantor.

FUNDING: California Oil Recycling Enhancement Act.

Resolution 141-2013 was Adopted upon Approval of Consent Calendar 1.

CONSENT CALENDAR 2

4. [13-0007](#) Clerk of the Board of Supervisors recommending the Board approve the Regular Meeting Minutes from Tuesday, September 10, 2013.

This matter was Approved on Consent Calendar 2.

5. [13-1154](#) Chief Administrative Office recommending the Board consider the following:
- 1) Approve a short sale settlement offer and agreement to release a County lien securing a First-Time Homebuyer Loan;
 - 2) Authorize the Assistant Chief Administrative Officer to negotiate subsequent short sale settlement offers for this transaction, if necessary; and
 - 3) Authorize the Assistant Chief Administrative Officer to execute documents related to the short sale and, upon receipt of payment, issue a full Reconveyance and complete the necessary steps to internally discharge the remainder of the loan balance.

FUNDING: Federal CDBG Grant Funds.

This matter was Approved on Consent Calendar 2.

6. [13-1012](#) Chief Administrative Office, Procurement and Contracts, recommending the Board consider the following:
- 1) Authorize the Purchasing Agent to extend blanket purchase orders, awarded as a result of Invitation to Bid No. 13-345-007, to Bob Barker Company and Robinson Textiles for an additional twelve month term to expire on September 24, 2014 for the purchase of Institutional Clothing, Bedding and Toiletries; and
 - 2) Authorize the Purchasing Agent to increase the blanket purchase orders on an "as needed" basis during the awarded period as long as funding is available within the requesting department's budget.

FUNDING: General Fund.

This matter was Approved on Consent Calendar 2.

7. [13-0942](#) District Attorney recommending the Board consider the following:
- 1) Adopt Resolution **138-2013** authorizing the District Attorney to execute a Grant Award Agreement with the Department of Insurance for the Automobile Insurance Fraud Program for Fiscal Year 2013/2014 in the amount of \$275,000; and
 - 2) Adopt Resolution **139-2013** authorizing the District Attorney to execute a Grant Award Agreement with the California Department of Insurance for the Workers' Compensation Insurance Fraud Program for Fiscal Year 2013/2014 in the amount of \$251,615.

FUNDING: California Department of Insurance.

Resolution 138-2013 and 139-2013 were Adopted upon Approval of Consent Calendar 2.

8. **13-1096** Health and Human Services Agency, Mental Health Division, recommending the Board consider the following:
- 1) Authorize the Chair to sign retroactive Memorandum of Understanding 141-F1310 between the El Dorado County Office of Education, Lake Tahoe Unified School District, and County of El Dorado Health and Human Services Agency for the term July 1, 2012 through June 30, 2014 that defines the roles and responsibilities of all parties with regard to the El Dorado County Special Education Local Plan Area; and
 - 2) Authorize the Chief Administrative Officer or their designee to execute further documents relating to Memorandum of Understanding 141-F1310, including amendments thereto, contingent upon approval by County Counsel and Risk Management, which do not affect the maximum dollar amount or term of the Agreement.

FUNDING: Federal and State funding; reimbursement from El Dorado County Special Education Local Plan Area ("SELPA") for services not covered by Medi-Cal, Healthy Families, or Early and Periodic Screening, Diagnosis and Treatment ("EPSDT") funding.

This matter was Approved on Consent Calendar 2.

9. [13-0939](#) Health and Human Services Agency, Community Services Division, recommending the Board adopt Resolution **135-2013**, thereby:
- 1) Authorizing the Chair to sign Amendment 1 to Agreement A3-1314-29 with the California Department of Aging to increase the total Agreement amount by \$10,999, from \$203,445 to \$214,444, for the provision of Older Americans Act Title III/VII senior services during the term July 1, 2013 through September 30, 2013; and
 - 2) Authorizing the Chief Administrative Officer, or designee, to execute any future amendments thereto, contingent upon approval by County Counsel and Risk Management, that do not affect the total dollar amount or the term, and further authorize the Director of the Health and Human Services Agency, or designee, to continue to administer Agreement A3-1314-29 and execute any subsequent documents relating to the administration of said Agreement including required fiscal and programmatic reports.

FUNDING: State and Federal Funding.

Resolution 135-2013 was Adopted upon Approval of Consent Calendar 2.

10. [13-0095](#) Health and Human Services Agency Public Health Division, recommending the Board consider the following:
- 1) Authorize the Chair to sign retroactive Amendment 1 to Agreement for Services 222-S1311 with Sierra Foothills AIDS Foundation, Inc. for the provision of medical case management and supportive care services for persons living with Human Immunodeficiency Virus or Acquired Immunodeficiency Syndrome with no change to the term and no change to the maximum compensation of \$450,074; and
 - 2) Authorize the Chief Administrative Officer or their designee to execute further documents relating to Agreement for Services 222-S1311, including amendments thereto, contingent upon approval by County Counsel and Risk Management, which do not affect the maximum dollar amount or term of the Agreement.

FUNDING: Federal (100%) via Ryan White Comprehensive Acquired Immunodeficiency Syndrome Resources Emergency Act ("CARE Act") through Agreement for Services 223-F1311 with the County of Sacramento.

This matter was Approved on Consent Calendar 2.

END CONSENT CALENDAR

10:00 A.M. - TIME ALLOCATION 1

11. [13-1158](#) Supervisor Santiago recommending the Board adopt a Proclamation recognizing the 2nd annual "Welcome Home El Dorado Slow Ride" event on Saturday, September 21, 2013, encouraging community appreciation and awareness of our El Dorado County Veterans and current Armed Forces Personnel. (Est. Time: 5 Min)

A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to adopt the proclamation.

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

10:00 A.M. - TIME ALLOCATION 2

12. [13-1131](#) HEARING: Community Development Agency, Transportation Division, recommending the Board conduct a Hearing to consider adoption of Resolution of Necessity **140-2013** authorizing the commencement of eminent domain proceedings to acquire a portion of Assessor Parcel Number 122-720-09 owned by Douglas Grant Line Associates, Ltd., a Limited Partnership; and Sacramento Realty Investors-El Dorado Ltd., a Limited Partnership; and Sacramento Realty Investors-Clarksville, Ltd., a Limited Partnership needed for the construction of the proposed U.S. Highway 50/ Silva Valley Parkway Interchange - Phase 1 Project, CIP No. 71328 on State Highway Route 50, finding that:
- 1) The Public interest and necessity require the proposed Project;
 - 2) The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
 - 3) The Property sought to be acquired is necessary for the Project;
 - 4) The Offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record; and
 - 5) Authorizing outside Counsel, Meyers Nave, with cooperation as needed from County Counsel, to proceed with the necessary steps to acquire the required property. (4/5 Vote Required)

FUNDING: El Dorado Hills Traffic Impact Mitigation Fees - Silva Valley Interchange Set Aside Fund.

PUBLIC COMMENT - None.

A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to adopt Resolution 140-2013 and approve the findings as follows:

- 1) Adopt Resolution 140-2013 authorizing the commencement of eminent domain proceedings to acquire a portion of Assessor Parcel No. 122-720-09 owned by Douglas Grant Line Associates, Ltd., a Limited Partnership; and Sacramento Realty Investors-El Dorado Ltd., a Limited Partnership; and Sacramento Realty Investors-Clarksville, Ltd., a Limited Partnership needed for the construction of the proposed U.S. Highway 50/ Silva Valley Parkway Interchange - Phase 1 Project, CIP No. 71328 on State Highway Route 50;
- 2) The Public interest and necessity require the proposed Project;
- 3) The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- 4) The Property sought to be acquired is necessary for the Project;
- 5) The Offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record; and
- 6) Authorize outside Counsel, Meyers Nave, with cooperation as needed from County Counsel, to proceed with the necessary steps to acquire the required property.

Yes: 4 - Briggs, Santiago, Mikulaco and Veerkamp

DEPARTMENT MATTERS

- 13. **13-1162** The FENIX Executive Committee providing the Board with an update on the progress of our new Enterprise Resource Program.

Received and Filed.

2:00 P.M. - TIME ALLOCATION

- 14. [13-1153](#) Supervisor Briggs recommending Board:
 - 1) Receive a presentation provided by the Drug Free Divide Coalition on their efforts to protect young people on the Georgetown Divide from exposure to environments that encourage the use of marijuana; and,
 - 2) Adopt a Proclamation in recognition and support of the Drug Free Divide Coalition's efforts to create healthy environments for youth in their homes, schools and community.

A motion was made by Supervisor Nutting, seconded by Supervisor Veerkamp, to adopt the proclamation.

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

ITEMS TO/FROM SUPERVISORS

Supervisor Santiago reported on the following subjects to the Board:

- 1) **Bringing forward the detailed minutes of the Governor's Plan regarding the release of prisoners due to overcrowding;**
- 2) **Vote to support Restoring Healthy Forests for Healthy Communities Act (HR 1526); and**
- 3) **Updated the Board on the Meyer's Area Plan.**

OPEN SESSION WAS ADJOURNED AT 2:30 P.M.

CLOSED SESSION

- 15. 12-1301 **Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(a). Title: Bruce and Claudia Wade v. County of El Dorado, American River Conservancy, et al., El Dorado County Superior Court Case No. PC 20120264 (Est. Time: 15 Min.)

The Board voted unanimously to authorize County lawyers to seek appellant relief if deemed advisable depending on the result of a pending motion.

- 16. 13-1164 **Conference with Legal Counsel - Initiation of Litigation** pursuant to Government Code Section 54956.9(d)(4). Title: Potential Litigation. Number of potential cases: (1). (Est. Time: 10 Min.)

See the Addendum for this action.

- 17. 11-1362 **Conference with Legal Counsel - Initiation of Litigation** pursuant to Government Code Section 54956.9(d)(4): Title: West Valley, LLC: Silva Valley Parkway Interchange Project. Number of potential cases: (1). (Est. Time: 15 Min.)

Supervisor Nutting voluntarily recused himself on this closed session.

No Action Reported.

- 18. 11-1363 **Conference with Legal Counsel - Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(d)(2): Title: West Valley, LLC: Silva Valley Parkway Interchange Project. Number of potential cases: (1). (Est. Time: 15 Min.)

Supervisor Nutting voluntarily recused himself on this closed session.

No Action Reported.

- 19. 13-1107 **Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator:** County Negotiator: Director of Human Resources and/or designee. Unrepresented Employees. (Est. Time: 30 Min.)

Supervisor Nutting voluntarily recused himself on this closed session.

No Action Reported.

- 20. 13-1082 **Pursuant to Government Code Section 54957- Public Employee Appointment.** Title: Chief Probation Officer. (Est. Time: 20 Min.)

No Action Reported.

ADDENDUM

CLOSED SESSION

A correction has been made to Agenda Item No. 16.

- 16. 13-1164** **Conference with Legal Counsel - Initiation of Litigation** pursuant to Government Code Section 54956.9(d)(4). Title: Potential Litigation by County vs. Leonard Grado and associated entities. Number of potential cases: (1). (Est. Time: 10 Min.)

No Action Reported.