

County of El Dorado

BOARD OF SUPERVISORS

ROBERT E. DORR.....DISTRICT I
VERNON F. GERWER.....DISTRICT II
JAMES R. SWEENEY.....DISTRICT III
WILLIAM N. CENTER.....DISTRICT IV
JOHN E. UPTON.....DISTRICT V

DIXIE L. FOOTE.....BOARD CLERK

330 Fair Lane • Placerville, CA 95667
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C O N F O R M E D

A G E N D A

March 24, 1992

8:00 A.M.

BOARD OF SUPERVISORS MEETING ROOM
330 Fair Lane, Building A, Placerville

VERNON F. GERWER, Chairman Dixie L. Foote, Board Clerk
SUPERVISORS: DORR, GERWER, SWEENEY, CENTER AND UPTON
All members present

Public testimony will be permitted on each agenda item as it is called. Anyone wishing to speak on a Consent Calendar item must advise the Clerk prior to 9:00 a.m. Speakers are encouraged to limit comments to three minutes. Matters not on the agenda may be addressed by the general public during the Open Forum at 1:50 p.m., providing a request to do so is presented to the Board Clerk prior to the lunch recess. Public comments during Open Forum are limited to five minutes per person.

CALL TO ORDER AND ADOPTION OF AGENDA

BOARD ACTION - Agenda adopted with the addition of one closed session, pursuant to Government Code Section 54956.9, regarding litigation initiated formally entitled "Binion v. Blair"; said closed session scheduled for 3:00 p.m. this date. DSGCU

Closed Session (Personnel) Board of Supervisors meeting to give direction to its authorized representatives regarding Operating Engineers, County Employees Association, Deputy Sheriff's Association and Unrepresented Employees.

Closed Session to consider the evaluation of performance of Public Employees pursuant to Government Code Section 54957.

Closed Session concerning pending litigation, pursuant to Government Code Section 54956.9 regarding Swickard vs Ameral, et al.

9:00 A.M. INVOCATION - Reverend Dean Kokjer, Foothills United Methodist Church

PLEDGE OF ALLEGIANCE

CONSENT CALENDAR (All Matters on the Consent Calendar are to be approved by one motion unless a Board member requests separate action on a specific item.)

1. Approval of Conformed Agendas (Minutes) of March 16 and 17, 1992. ✓

RECOMMENDED ACTION: Approve

2. Releases of Liens (5) submitted by County Counsel. 9266

RECOMMENDED ACTION: Approve

3. Award of Bid No. 250-096 for eleven (11) land mobile radios and vehicular repeaters for the Sheriff's Department. 9478

RECOMMENDED ACTION: Award to low bidder Motorola C & E, Inc; and authorize the Purchasing Agent to issue a purchase order for \$49,584.89 including sales tax for same.

4. Welfare Department recommending Resolution be adopted amending the Authorized Personnel Allocation Resolution No. 322-91 increasing the current Social Worker III allocation from 6.5 to 7.5. 9329

RECOMMENDED ACTION: Adopt Resolution No. 87-92

5. Health Department recommending approval of Budget Transfer No. 216 increasing Estimated Revenue by \$23,000 and transferring said amount to Appropriations for voluntary vaccination against Hepatitis B to all employees who could reasonably be expected to come into contact with the virus. 9310
(4/5 vote required)

RECOMMENDED ACTION: Approve

6. Health Department recommending the Board approve in concept an application to establish an alcohol forensic testing site in the Public Health Laboratory; authorize the Director of the Health Department to submit said grant application to Office of Traffic Safety; and authorize other County Departments to write letters of support pertaining to said application. 9479

RECOMMENDED ACTION: Approve

7. Health Department recommending Chairman be authorized to sign a Declaration of Intent to contract with the State Department of Health Services for operating the County Medical Services Program for fiscal year 1992/93. 9480

RECOMMENDED ACTION: Approve

8. Health Department recommending the Board approve in concept an application for Healthy Start Program funds to implement coordinated health, mental health, social and other services for children and their families at or near school sites; and further recommending County Departments be authorized to write letters of support pertaining to said application. **9481**
RECOMMENDED ACTION: Approve
9. Senior and Family Services recommending Proclamation be adopted expressing gratitude and appreciation for the individuals who volunteer their time and energy to Senior and Family programs. **9316**
RECOMMENDED ACTION: Adopt Proclamation
10. Auditor/Controller recommending Resolution be adopted establishing an imprest cash fund in the amount of \$100 for the Welfare - Child Protective Services in Placerville. **9482**
RECOMMENDED ACTION: Adopt Resolution No. 88-92
11. Mental Health Department recommending Chairman be authorized to sign an Agreement with Tahoe Human Services, Inc. in an amount not to exceed \$45,128 for the term July 1, 1991 through June 30, 1992 for counseling and shelter care for juvenile status offenders in the South Lake Tahoe area. **9483**
RECOMMENDED ACTION: Approve **SUDGC**
12. Mental Health Department recommending Chairman be authorized to sign an Agreement with New Morning, Inc. in an amount not to exceed \$133,170 for the term July 1, 1991 through June 30, 1992 for counseling and shelter care for juvenile status offenders on the Western Slope. **9483**
RECOMMENDED ACTION: Approve
13. Mental Health Department recommending Chairman be authorized to sign an Agreement with Voluntary Action in an amount not to exceed \$10,000 for the term September 30, 1991 through October 1, 1992 for an alternative sentencing program in the Tahoe Basin for juvenile and adult offenders. **9484**
RECOMMENDED ACTION: Approve
14. Sheriff's Department requesting Captain Allen Hunt be authorized to attend the 169th session of National FBI Academy in Quantico, Virginia from March 28 through June 12, 1992. **9485**
RECOMMENDED ACTION: Approve **DCGSU**

- 15. Auditor/Controller requesting authorization to pay excess proceeds to the following:
 - a. Peter B. Henderson, from Tax Sale No. 02, in the amount of \$1,097.69 for APN 035-152-0210;
 - b. H.D.H. Company, from Tax Sale No. 03, in the amount of \$3,989.05 for APN 035-171-0810;
 - c. David E. Farrow, from Tax Sale No. 12, in the amount of \$1,021.31 for APN 015-302-2710;
 - d. Julie Shular, from Tax Sale No. 13, in the amount of \$1,889.98 for APN 016-531-1210;
 - e. Tahoe Keys Property Owners Association, from Tax Sale No. 14, in the amount of \$854.49 for APN 022-162-0310; and
 - f. Diane P. McNulty-Calloway, from Tax Sale No. 23, in the amount of \$4,489.09 for APN 034-542-2010.

RECOMMENDED ACTION: Approve

9486

- 16. County Counsel recommending Chairman be authorized to sign Quit Claim Deeds to be held and recorded simultaneously with the Record of Survey for certain portions of land in the Latrobe Townsite. (Referred 10/8/91, Item 33)
RECOMMENDED ACTION: Approve DUGSC
- 17. General Services Department recommending Resolutions (2) be adopted superseding Resolution No. 215-73 pertaining to cemeteries designated as "Pioneer Memorial Parks" and Resolution No. 216-73 pertaining to "Active Cemeteries".
RECOMMENDED ACTION: Adopt Resolution Nos. 89-92 and 90-92 DUGSC

9070

9358

- 18. Building Division recommending Resolution be adopted amending the Authorized Personnel Allocation Resolution No. 322-91 deleting one Chief Code Compliance Officer position and adding one Senior Environmental Health Specialist position for the Local Enforcement Agency.
RECOMMENDED ACTION: Adopt Resolution No. 91-92

9487

- 19. Planning Division recommending Resolution be adopted authorizing the Chairman to sign Grant Deeds transferring the Open Space Easement for Assessor's Parcel Nos. 33-492-15, 34-154-12, and 34-665-12 to the United States Forest Service.
RECOMMENDED ACTION: Adopt Resolution No. 92-92

9488

20. Transportation Department recommending the Board adopt a Policy relating to Encroachment Permits.

RECOMMENDED ACTION: Approve (Referred back to staff to look at the specific problem and attempt to cure that problem using a "rifle" rather than a "shotgun" approach; with the specific problem being identified as encroachments being put into place onto roads and, after some period of time, the roads changing substantially in nature thereby creating a need for those encroachments to be reviewed.) SDGCU

9489

21. Transportation Department recommending Resolution be adopted sanctioning the closure of Amber Trail, Hazel Street, and a portion of Ridgeway Drive on Saturday, April 4, 1992 between 9:30 a.m. and 10:30 a.m. for the "Run of the Pines, contingent upon the organizer's compliance with Resolution No. 110-79 and the conditions set forth in the memo dated March 2, 1992 from said Department.

RECOMMENDED ACTION: Adopt Resolution No. 93-92

9490

22. Personnel Division recommending approval of the revision to the listing of designated classifications which are covered by the Conflict of Interest Code.

RECOMMENDED ACTION: Approve (List approved as revised with the exception of the addition of "consultants", and staff requested to report back on April 7, 1992, regarding the issue of including consultants.) SUDGC

9491

23. Personnel Division recommending Resolution be adopted amending the Authorized Personnel Allocation Resolution No. 322-91 deleting one Municipal Court Clerk I/II position in the South Lake Tahoe Branch of the Municipal Court and adding one Supervising Municipal Court Clerk position for the South Lake Tahoe Traffic/Small Claims Complex.

RECOMMENDED ACTION: Adopt Resolution No. 94-92

9492

24. Chief Administrative Officer recommending Resolution be adopted providing for annexation of lands to the El Dorado Irrigation District (Project No. 91-17) petitioned by Tom Smiley in compliance with Section 99.1 of the Revenue and Taxation Code.

RECOMMENDED ACTION: Adopt Resolution No. 95-92 CSDGU

9493

(Supervisor Center requested a report from staff on the number of LAFCO applications in the "pipeline" and the revenue impacts of same.)

- 25. County Legislative Liaison recommending the Board oppose Senate Bill No. 1355 (L. Greene) which would, notwithstanding any other provision of law, prohibit a county that collects or administers a qualified special tax imposed by a school district from recovering from that school district the county's cost of collecting or administering that tax.
RECOMMENDED ACTION: Oppose said Bill and County Legislative Liaison forward letters to the County's delegation and appropriate legislative community chairpersons.

9494

- 26. Chief Administrative Officer submitting report on credit card usage.
RECOMMENDED ACTION: Receive and file CSDGU

8986

- 27. Supervisor Gerwer recommending Proclamation be adopted proclaiming the week of March 22 - 28, 1992 as Mediation Week and urging local organizations and associations to adopt similar proclamations expressing appreciation to citizens who are working diligently assisting fellow citizens and businesses in the resolution of conflict and the settlement of disputes.
RECOMMENDED ACTION: Adopt Proclamation

9316

BOARD ACTION - Consent Calendar matters approved as recommended with the exception of items 20 and 22 as noted (and with items 11, 14, 16, 17, 24, 26 & 27 also acted upon separately). CUDGS

END MORNING CONSENT CALENDAR

TIME ALLOCATIONS - 9:30 A.M.

- 28. Hearing to consider public comment on Source Reduction and Recycling, Household Hazardous Waste Elements, and negative declaration pertaining to same. (Continued 2/25/92, Item 28) (County Waste Management Task Force requesting said Hearing be continued to April 7, 1992.)
BOARD ACTION - Hearing continued to April 7, 1992, at 9:30 a.m. UCDGS

8590

- 29. Hearing to consider adoption of Resolutions (2) authorizing a Joint Powers Agreement and endorsing installment purchase financing to be undertaken by the California Statewide Communities Development Authority to benefit Gold Country Health Center, Inc. (Continued 3/10/92, Item 38)
BOARD ACTION - RESOLUTIONS NO. 96-92 and 97-92 adopted. SDGCU

9456

DEPARTMENT MATTERS

30. Transportation Department recommending Chairman be authorized to sign Plans and Specifications for Miller Hill School Playfields construction project; and said Department solicit and obtain bids as outlined in said Plans and Specifications. (Continued 3/10/92, Item 19)

BOARD ACTION - Board authorized up to \$275,000 for this project with guidance that only one field will be accomplished at this time and the Department of Transportation will use its best judgement on cost allocations. DCGSU

8961

31. Personnel Division recommending the Board review the terms and conditions of the Chief Administrative Officer's (CAO) contract and his concerns; and further recommending staff be directed on the final language for said contract and Chairman be authorized to sign same.

BOARD ACTION - Board approved the draft Agreement and Contract of Employment with the CAO and the draft letter to Paul McIntosh, CAO, regarding same; with revisions to both draft documents as approved by the Board this date. DSGCU

9495

32. Environmental Management advising that the following members have resigned from the El Dorado County Waste Management Task Force: Lorraine Burgess, John Bonnet, Ossie Scariot and John Wynn; and recommending the following be appointed to said Task Force: Dave Dutra, James Kimmel, Linda Shoemake, Ray Griffiths, Jeff Phipps, Craig Thomas, Jeff Tillman, Dickson Schwartzbach, Kenneth Progue, James Hadley and Penny Howard.

BOARD ACTION - Approved SDGCU

9496

33. Building Department recommending Resolution be adopted amending Resolution No. 65-90 to designate the Building Department as the Local Enforcement Agency to implement applicable provisions of the California Integrated Solid Waste Management Act of 1989 for the County and all cities contained within the County, and designating an independent hearing panel as the hearing panel pursuant to Subsection (b) of Section 44800 of the Public Resources Code; and recommending appointments to said panel for two-year terms. (Continued 3/10/92, Item 24)

BOARD ACTION - RESOLUTION NO. 98-92 adopted, and the following persons were appointed as members of the independent hearing panel for terms to expire in March 1994: Wayne Pearce, solid waste expert (provided there is no conflict of interest with Mr. Pearce's appointment); Sue Allen, public at large; and Craig Thomas, public at large. DUGSC

8277

34. County Counsel recommending the following relating to the issue of minor land divisions recorded between March 4, 1972, and January 6, 1992, which created parcels of 40 or more acres or not less than a quarter of a quarter section:

a. Urgency Ordinance be adopted establishing a procedure under which affected land owners may apply for a permit allowing them to obtain development entitlements, such as a building permit, subject to any and all conditions which attach to such entitlement; and

b. Ordinance be introduced amending Section 16.36.030(A) to repeal language contained in that section which is in conflict of the Subdivision Map Act.

BOARD ACTION - Continued to April 7, 1992, and staff requested to bring back a process whereby certificates of compliance will be issued on said parcels that meet the following two requirements: (1) access road with minimum width of 18 feet; and (2) consistency with the General Plan in place at the time the parcel was created. CDGSU

9263

35. County Counsel recommending Urgency Ordinance be adopted replacing Resolution No. 6-86 which established procedures for filing vesting tentative maps. (Continued 3/10/92, Item 27)

BOARD ACTION - ORDINANCE NO. 4216 adopted with revision of paragraph 4 on page 2 of same as recommended by the Planning Division this date. DSGCU

9108

36. Local Agency Formation Commission recommending the Board appoint a County representative to said Commission to serve a four-year term to expire the first Monday in May, 1996.

BOARD ACTION - Supervisor Robert E. Dorr reappointed. SUDGC

9497

37. Planning Division requesting direction on Condition No. 35 on Tentative Map 88-1131 for Emerald Meadows which requires preservation of wetlands on Parcels A, B, and C and development of a maintenance entity for said preservation; Lewis Homes proposing to grant the parcels to the County and fund maintenance through the zone of benefit established for maintenance of drainage and other facilities.

BOARD ACTION - Board approved the proposal of Lewis Homes to grant the parcels to the County and fund maintenance of same through the zone of benefit established; and directed that the workshop scheduled for May 11, 1992, on rare and endangered plant species, include discussion of wetlands preservation and protection. DUGS C(n)

6734

38. Chief Administrative Officer recommending Resolution 71-92 be adopted providing for annexation of lands to the El Dorado Irrigation District and El Dorado County Water District (Project No. 90-22) petitioned by Palisades Development in compliance with Section 99.1 of the Revenue and Taxation Code. (Continued 3/10/92, Item 22)

BOARD ACTION - Approved

SDGCU

9450

39. Supervisor Sweeney requesting determination of whether a Certificate of Compliance is required for a 21-acre parcel (APN 089-190-07) created by Parcel Map 8-126 in 1975 and now owned by Kenneth M. Deibert.

BOARD ACTION - Board directed that the applicant be refunded fees paid for said Certificate of Compliance, and directed the Building Department to proceed to issue, in compliance with building regulations, a building permit for subject property.

SCGU D(n)

9498

40. Supervisor Upton recommending Resolution be adopted supporting the designation of the Tahoe Regional Planning Agency as the Metropolitan Planning Organization for the Lake Tahoe Basin. (Continued 3/17/92, Item 35)

BOARD ACTION - Continued off calendar.

UCDGS

9477

41. Supervisor Dorr submitting request of the Latrobe Fire District for a refund of its Property Tax Administration Fee for 1989/90 in the amount of \$2,347.

BOARD ACTION - Request for refund approved, and the County Auditor-Controller was requested to bring back before the Board the process of making similar refunds to the other fire districts entitled to same.

DSGCU

9499

COMMITTEE REPORTS

1:50 P.M. - PUBLIC FORUM/PUBLIC COMMENT

LUNCH RECESS

AFTERNOON SESSION - 2:00 P.M.

42. Hearing to consider an Appeal filed by Keith Flaherty on the denial of Boundary Line Adjustment No. 92-26.
BOARD ACTION - Hearing continued to Tuesday, May 5, 1992, at 2:00 p.m., at the request of the appellant. SGDCU

9419

43. Hearing to consider an Appeal filed by Timothy J. Daly on the denial of Variance 91-20 by the Zoning Administrator for property consisting of 0.51 acre in the Pollock Pines Area.
BOARD ACTION - Hearing continued to Tuesday, April 7, 1992, at 2:00 p.m., and staff requested to look at previous applications for such variances, and develop some standards for same. SGDCU

9501

44. Hearing to consider Tentative Map 90-1216 for Milton Ranch Estates Subdivision, Unit No. 2 creating 35 residential lots and two remainders on 287 acres in the Barnett Ranch Area. (Rezoning approved 3/17/92, Item 32)
BOARD ACTION - Board approved the Negative Declaration and approved Tentative Map 90-1216, subject to conditions proposed by the Planning Commission with one additional condition to read as follows: " Trails shall be provided in the project to the fullest extent possible, in order to provide circulation throughout the project; and access to South Shingle Road and shall be offered with an irrevocable offer of dedication to the Homeowners Association"; based on the findings of the Planning Commission on 2/13/92. CDGSU

9475

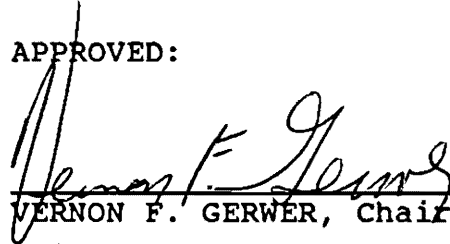
45. (Continued from March 23, 1992) At a noticed hearing on March 23, 1992, at 4:00 p.m., the Board considered the request of Allen Bender, Inc., General Contractor for the South Lake Tahoe Jail Expansion Project, to substitute the fireproofing subcontractor; said substitution being protested by the subcontractor, Ross/Western, Inc. At that hearing the Board found there is sufficient evidence to justify said substitution, under the provisions of Public Contract Code Section 4107 but, in consideration of the timing of the setting of that hearing, said decision was an intended decision to take effect at 4:00 p.m. this date pending receipt of no additional information.

8090

At 4:00 p.m. this date, General Services Division staff submitted a letter received dated March 24, 1992, from Ross/Western, Inc., protesting the proposed subcontractor substitution; and the Board continued the hearing for consideration of same to April 7, 1992, at 9:30 a.m. SGDCU

BOARD OF SUPERVISORS ADJOURNED TO 1:00 P.M., MONDAY, MARCH 30, 1992
AT THE BOARD OF SUPERVISORS MEETING ROOM, 330 FAIR LANE,
PLACERVILLE.

APPROVED:


VERNON F. GERWER, Chairman

ATTEST:


DIXIE L. FOOTE, Clerk of the Board