

WILLIAM S. BRADLEY.....DISTRICT I  
 RAYMOND J. NUTTING.....DISTRICT II  
 J. MARK NIELSEN.....DISTRICT III  
 WILLIAM N. CENTER.....DISTRICT IV  
 JOHN E. UPTON.....DISTRICT V  
 DIXIE L. FOOTE.....CLERK OF THE BOARD

330 Fair Lane • Placerville, CA 95667  
 Telephone (916) 621-5390



**C O N F O R M E D**  
**A G E N D A**

**Regular Meeting of the Board of Supervisors**

October 18, 1994

8:00 A.M.

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

JOHN E. UPTON, Chairman Dixie L. Foote, Board Clerk  
 SUPERVISORS: BRADLEY, NUTTING, NIELSEN, CENTER AND UPTON  
 All Supervisors 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.

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 HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE  
 INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE  
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CALL TO ORDER AND ADOPTION OF AGENDA

**BOARD ACTION** - Agenda adopted with the addition of one new business item (refer item 60); and the addition of one closed session, pursuant to Government Code Section 54956.9, regarding existing litigation, "John E. Wolfgram v. Walt Miller, et al." (CIV No. S-94-898 EJG/PAN). BNNuCU

**8:00 A.M. - Closed Session (refer to roster attached)**

**9:00 A.M. - PLEDGE OF ALLEGIANCE TO THE FLAG**

**CLOSED SESSION REPORTS (refer Closed Session Roster attached)**

**PRESENTATION** by the Ranch Marketing Community.

**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 Agenda (Minutes) of October 4, 1994 (on file with the Clerk of the Board). ✓  
**RECOMMENDED ACTION:** Approve
2. Chairman be authorized to sign Assessment Roll Changes submitted by the Assessor's Office (on file with the Clerk of the Board). 10737  
**RECOMMENDED ACTION:** Approve
3. Health Department recommending Chairman be authorized to sign two (2) Agreements with Marshall Hospital in the amount of \$21,505 and Barton Memorial Hospital in the amount of \$25,222 for the term July 1, 1994 through June 30, 1995 for uncompensated care costs incurred by local hospitals. 10706  
**RECOMMENDED ACTION:** Approve
4. Health Department recommending Resolution be adopted approving Contract No. 94-20157 and recommending Chairman be authorized to sign said Contract with the State Department of Health Services in the amount of \$221,983 per fiscal year for the term July 1, 1994 through June 30, 1997 for family planning services. 11163  
**RECOMMENDED ACTION:** Adopt Resolution No. 249-94
5. Health Department recommending approval of Budget Transfer No. 517 increasing Estimated Revenues by \$192,762 and transferring said amount to Appropriations for the Rural Health Outreach Grant, and further recommending approval of additional positions as outlined in their memorandum to the Board dated 9/29/94 for same. 11143  
9092  
**RECOMMENDED ACTION:** Approve
6. Health Department recommending approval of the addition of one Prevention Outreach Specialist position for the Teen Court Project. 10900  
**RECOMMENDED ACTION:** Approve
7. Health Department recommending approval of the addition of one Health Education Coordinator position for the AmeriCorps Project. 10898  
**RECOMMENDED ACTION:** Approve

8. Human Resources Department recommending Resolution be adopted amending the Authorized Personnel Allocation Resolution No. 246-94 adding various positions to the Health Department as outlined in their memorandum to the Board dated 10/4/94. **RECOMMENDED ACTION:** Adopt Resolution No. 254-94 11142
9. Mental Health Department recommending Chairman be authorized to sign an Agreement with Amador County for the term July 1, 1994 through June 30, 1995 for reimbursement of inpatient services provided to the residents of Amador County. **RECOMMENDED ACTION:** Approve 10474
10. Mental Health Director requesting authorization to execute documents for a continuing State Department of Rehabilitation Grant for Vocational Services to Mental Health clients. **RECOMMENDED ACTION:** Approve 10532
11. Community Services Department recommending Resolution be adopted authorizing the Chairman to sign Contract No. 94-19672 with the State Department of Health Services in the amount of \$224,615 for fiscal year 1994/95 for the Women, Infants and Children (WIC) Supplemental Food Program; and further authorizing the Director of said Department to execute any documents relating to same. **RECOMMENDED ACTION:** Adopt Resolution No. 250-94 11127
12. County Counsel recommending the following claims be rejected:
- a. Terry and Mark Murchie in an unspecified amount over \$25,000; 11156
- b. Steven Neil Thomas in an unspecified amount; and
- c. Jason Murphy in the amount of \$26.94.  
**RECOMMENDED ACTION:** Reject claims
13. County Counsel reporting payment of the following claims:
- a. Robert Patterson in the amount of \$363.79; and 11156
- b. Robert Ericson in the amount of \$691.96.  
**RECOMMENDED ACTION:** Pay claims
14. Auditor/Controller requesting authorization to pay excess proceeds from the Tax Deeded Land Sale held July 23, 1993, as outlined in his memorandum to the Board dated 10/6/94. **RECOMMENDED ACTION:** Approve 10953

15. General Services Department recommending an increase in the amount authorized for chip seal oil to include the South Lake Tahoe region (Bid award No. 172-090) to the current supplier, Morgan Emultech; and authorize the Purchasing Agent to issue a revised blanket purchase order (BP-00881) in an amount not to exceed \$134,720 including applicable taxes for same. **RECOMMENDED ACTION:** Approve 10396
16. General Services Department recommending the Board declare all items on the Surplus Property Inventory List as surplus; and authorize the Purchasing Agent to sell same at public auction on November 5, 1994. **RECOMMENDED ACTION:** Approve 11133
17. General Services Department recommending Chairman be authorized to sign a Grant of Easement to El Dorado Irrigation District for property described as Assessor's Parcel No. 109-230-091 to supply the water necessary for new development and for expansion of existing improved commercial properties within the Cameron Park South area. **RECOMMENDED ACTION:** Approve 11164
18. General Services Department recommending Chairman be authorized to sign Agreement (No. 039-S9511) with R. Phillip White, President, dba International Cancer Screening Laboratories in an amount not to exceed \$20,800 for a term to expire June 30, 1995 for cancer screening services for the Health Department. **RECOMMENDED ACTION:** Approve 10024
19. Transportation Department recommending the following pertaining to Fairchild Village Unit No. 6 (TM 88-1116):
- a. Adopt Resolution accepting the streets of said Subdivision into the County Maintained Road System;
- b. Release Performance Bond No. 136792S in the amount of \$420,545;
- c. Hold the posted Laborers and Materialsmen Bond No. 136792S in the amount of \$210,273 to guarantee payment for labor, materials or equipment for a period of six months following completion and acceptance of the work; and 8970
- d. Accept Maintenance Bond No. 136792S in the amount of \$42,054.50 to warrant workmanship and materials for a period of one year following completion and acceptance of the work. **RECOMMENDED ACTION:** Adopt Resolution No. 251-94

20. Transportation Department recommending the following pertaining to Fairchild Village Unit No. 7 (TM 88-1116):
- a. Adopt Resolution accepting the streets of said Subdivision into the County Maintained Road System;
  - b. Release Performance Bond No. 136256S in the amount of \$159,660;
  - c. Hold the posted Laborers and Materialsmen Bond No. 136256S in the amount of \$79,860 to guarantee payment for labor, materials or equipment for a period of six months following completion and acceptance of the work; and 8970
  - d. Accept Maintenance Bond No. 136256S in the amount of \$15,966 to warrant workmanship and materials for a period of one year following completion and acceptance of the work.  
**RECOMMENDED ACTION:** Adopt Resolution No. 252-94
21. Transportation Department recommending Resolution be adopted authorizing the Chairman to sign Program Supplement No. 033 to Local Agency-State Agreement for Federal Aid Project (No. 03-5925) in the amount of \$57,400 for the Pat Lowe Memorial Bike Trail Project (No. 95116). 9313  
**RECOMMENDED ACTION:** Adopt Resolution No. 253-94
22. Transportation Department recommending Chairman be authorized to sign the Consent to Assignment of the Consultant Agreement with Meridian Consulting Engineers, Inc. to Psomas and Associates for the Apache Erosion Control Project. 8449  
**RECOMMENDED ACTION:** Approve
23. Transportation Department recommending Resolution be adopted authorizing the Chairman to sign Program Supplement 34 to Local Agency-State Agreement for Federal Aid Program (No. 03-5925) in the amount of \$77,000 for the Lake Tahoe Boulevard Median Barrier Project (No. 71315). 11165  
**RECOMMENDED ACTION:** Adopt Resolution No. 255-94
24. Transportation Department recommending Resolution be adopted sanctioning the closure of Gold Trail Road between Cold Springs Road and State Route 49 between 10:00 a.m. and 11:30 a.m. on Tuesday, October 25, 1994 for the Gold Trail School Bike-a-Thon. 11166  
**RECOMMENDED ACTION:** Adopt Resolution No. 256-94

- 25. Transportation Department recommending Resolution be adopted sanctioning the closure of various County roads, as outlined in their memorandum to the Board dated 9/19/94, on Sunday, November 6, 1994 for the 15th Annual Apple Hill Harvest Run. **RECOMMENDED ACTION:** Adopt Resolution No. 257-94 11166
  
- 26. Transportation Department recommending the following pertaining to Sacramento-Placerville Joint Powers Authority right of way acquisition administration process for the acquisition of the Placerville Branch of the Southern Pacific Railroad: 8206
  - a. Approve Budget Transfer No. 514 transferring \$35,000 from the Contingency Fund; (4/5 vote required) 11143
  
  - b. Authorize Chairman to sign Second Amendment to Agreement to Advance Funds with the Sacramento-Placerville Transportation Corridor Authority in the amount of \$10,000; and 8206
  
  - c. Authorize Chairman to sign Third Amendment to Agreement to Advance Funds with the Sacramento-Placerville Transportation Corridor Joint Powers Authority in the amount of \$25,000. **RECOMMENDED ACTION:** Approve 8206
  
- 27. Transportation Department reporting on the Sacramento-Placerville Transportation Corridor Joint Powers Authority cost sharing acquisition of the Southern Pacific Corridor from Nimbus to Diamond Springs. (Continued 10/4/94, Item 19) **RECOMMENDED ACTION:** Continue to October 25, 1994 (Report received and filed, and the Clerk advised that the practice of placing this matter on the Board's Consent Calendar each week can be suspended.) 8206  
NNuBCU
  
- 28. Planning Department submitting Planned Development 94-03 conditionally approved for the construction of a golf course clubhouse, a tennis/swim clubhouse, gatehouse parking and relating facilities on 10 acres in the El Dorado Hills Specific Plan Area, (District I) Applicant: El Dorado Hills Development Company. **RECOMMENDED ACTION:** Receive and file 7135
  
- 29. Planning Department submitting Tentative Parcel Map 94-04 creating four parcels on 161.80 acres in the Cosumnes River Area, (District II) Applicant: Barbara Eichels. **RECOMMENDED ACTION:** Receive and file 11167

30. Planning Department submitting Tentative Parcel Map 94-09 creating two one-acre parcels, with a design waiver to reduce the road improvement requirement on Muddy Lane from a 24-foot wide gravel road to an 18-foot wide gravel road with one-foot shoulders in the Pleasant Valley Area, (District III) Applicant: Gene Hall. **11168**  
**RECOMMENDED ACTION:** Receive and file NNUU B(n)C(n)
31. Planning Department submitting for approval the final revised Conditions for Tentative Parcel Map 94-01 creating two parcels on 33.5 acres in the South County Area, (District II), Agent: Earl McGuire. (Referred 9/27/94, Item 81) **11155**  
**RECOMMENDED ACTION:** Approve
32. Administration recommending Resolution be adopted for annexation of 4.25 acres into the boundaries of the City of Placerville and detachment of the same lands from County Service Area No. 9 and County Service Area No. 9, Zone of Benefit No. 18 (Pollock Pines/Camino Recreation Zone of Benefit) (Project No. 94-02) petitioned by the City of Placerville. **11169**  
**RECOMMENDED ACTION:** Adopt Resolution No. 258-94
33. Administration recommending Resolution be adopted amending the Authorized Personnel Allocation Resolution No. 246-94 adding one Sheriff's Fiscal Technician position as a result of the Office of Emergency Services transfer to the Sheriff's Department; and further recommending the Auditor/Controller be directed to shift the fiscal year 1994/95 budgeted appropriations from Communications to the Sheriff vis a vis the "reorganization" procedure in the FAMIS system. **11062**  
**RECOMMENDED ACTION:** Adopt Resolution No. 259-94
34. Supervisor Nielsen recommending the appointment of Douglas J. Noble as the District III representative on the County Planning Commission for a term to expire January 1, 1997. **10093**  
**RECOMMENDED ACTION:** Appoint Mr. Noble

**BOARD ACTION** - Consent Calendar matters approved as recommended with the exception of item 27 as noted (item 30 also acted upon separately). NCBNUU

**END MORNING CONSENT CALENDAR**

**DEPARTMENT MATTERS** (At the time the Board acts upon the Consent Calendar, it may select individual Department Matters to be moved to the Consent Calendar for approval, absent objections and/or requests of staff or the public to speak to those matters.)

50. Home Rule Committee submitting a recommended Statement of the County's custom, culture, and economic stability. (Continued 9/27/94, Item 51)

**BOARD ACTION** - Board acted as follows: NuNU B(n)C(n)

- a. Conceptually approved the "majority" Statement with there being an opportunity for modifications to be incorporated in the final draft to be brought back for adoption at a later date;
- b. Directed the Planning Department and Planning Commission to consider the content of the Statement and where it can be inserted in the County General Plan, and forward recommendations to the Board regarding same; 10721
- c. Recommended County Counsel and the Federal General Counsel meet to review the proposed implementation process and potential costs of same; and
- d. Forward all written materials associated with this agenda item to the Education Coalition for discussion.

51. Health Department recommending the following pertaining to the Health Officer position:

- a. Human Resources Department be directed to develop and return to the Board with a job description and salary range for said position;
- b. Full-time equivalent (FTE) designation be adopted for said position, and further direct that recruitment be for a minimum of .4 FTE; and 10911
- c. Human Resources Department be directed to proceed with said recruitment upon approval of the salary range and job description.

**BOARD ACTION** - Approved

NCBNuU



52. Human Resources Department submitting for introduction an Ordinance which allows for amendment of the County's contract with the Public Employees' Retirement System (PERS); and recommending Chairman be authorized to sign the Certification of Compliance certifying that the County has begun the process for said amendment to allow veterans employed with the County to purchase credit for military service time as service time for retirement under PERS; said Ordinance to be agendized for adoption on Tuesday, November 1, 1994. 11144  
BOARD ACTION - Ordinance read by title only, reading thereof waived, and continued to November 1, 1994, for adoption. NNuBCU
53. Information Services Director reporting on his meetings with employee organizations regarding the impacts of personnel cuts in said Department. (Referred 10/4/94, Item 20) 10776  
BOARD ACTION - Continued to October 25, 1994. NuBNCU
54. Chief Administrative Officer recommending the time frame for bidding out "The County Speaks" be extended to mid-November. 9594  
BOARD ACTION - Approved CBNUU
55. California State Association of Counties (CSAC) requesting the Board elect its representative to the CSAC Board of Directors for 1995. 10646  
BOARD ACTION - Supervisor Upton reappointed. NBNUCU
56. Supervisors Bradley and Center requesting policy discussion and action on the issue of requiring the Board to make legal findings that sufficient water presently exists to serve the project being considered, as well as previously approved residential lots, commercial, and agricultural projects and parcels before the creation of any new parcels of land or development projects are approved. 10685  
BOARD ACTION - Motion to approve requested policy failed. BC Nu(n)N(n)U(n)
57. Supervisor Center recommending the Board consider evening schedules for two Board of Supervisors meetings per month, recommending the meetings begin at 1:00 p.m. for Closed Session, with Consent and Department Matters at 2:00 p.m., and Planning Hearings at 7:00 p.m. 11170  
BOARD ACTION - Board approved in concept the evening schedules proposed, with evening meetings to be held the first and third Tuesday of each month beginning in February 1995, and requested the CAO to report back in November or early December on possible budgetary adjustments that such meetings would require at which time the issue may be revisited. CBNUU

58. Supervisor Center recommending Board authorize the payment of the American River Authority (ARA) dues for fiscal year 1994/95 for continued participation in the ARA, with said payment to be made from Contingency funds. 10746  
BOARD ACTION - Approved CBNuNU

59. (Refer Addendum No. 1)

60. (New Business) Chairman was authorized to sign a Deed of Reconveyance of property at 4787 Paso Way, Placerville, California, to Reba Mae Tincher. 11171  
NUBNUC

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

70. Transportation Department recommending the following Resolutions be adopted pertaining to the issuance of Special Tax Bonds in Community Facilities District 1992-1:

(1) Resolution Approving Form of Indenture Providing for the Form, Execution and Issuance of Special Tax Bonds, with the form of Indenture Providing for the Form;  
BOARD ACTION - RESOLUTION NO. 262-94 adopted. BCNuNU

(2) Resolution Approving Form of Purchase Agreement with the Underwriters;  
BOARD ACTION - RESOLUTION NO. 263-94 adopted approving the form of the Purchase Agreement subject to final review and approval by County Counsel and Bond Counsel. BCNuNU 9516

(3) Resolution Approving Form of Preliminary Official Statement;  
BOARD ACTION - RESOLUTION NO. 264-94 adopted approving the form of the Preliminary Official Statement in concept, as modified by County Counsel this date; the final Preliminary Official Statement to be on the Board's Consent Calendar on October 25, 1994, for approval. BCNuNU

(4) Resolution Approving Agreement with Fiscal Agent;  
BOARD ACTION - RESOLUTION NO. 265-94 adopted approving the Agreement with Fiscal Agent subject to finalization of the written agreement. BCNuNU

(5) Resolution Determining Community Facilities District No. 1992-1 will not participate in the Teeter Plan.  
BOARD ACTION - RESOLUTION NO. 266-94 adopted. BCNuNU

TIME ALLOCATIONS - 11:00 A.M.

71. Hearing to consider adoption of Resolution vacating for public road use a portion of the Encina Drive right of way easement, Lot 72 of Lake Hills Estates Subdivision, in the El Dorado Hills Area. (Resolution of Intention adopted 9/27/94, Item 15)

11103

BOARD ACTION - RESOLUTION NO. 267-94 adopted. NCBNuU

72. County Service Area No. 9 Meeting (refer to separate agenda for same) ✓

73. Air Pollution Control Board Meeting (refer to separate agenda for same) ✓

74. Water Agency Meeting (refer to separate agenda for same) ✓

COMMITTEE REPORTS

LUNCH RECESS

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PERSONS INTERESTED IN SERVING ON ANY BOARD OF SUPERVISORS ADVISORY COMMITTEE/COMMISSION ARE ENCOURAGED TO COMPLETE AN APPLICATION FORM (AVAILABLE IN THE OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS) AND SUBMIT SAME TO THE COMMITTEE, THE COUNTY DEPARTMENT WHICH SUPPORTS THE COMMITTEE, OR TO THE CLERK OF THE BOARD OF SUPERVISORS.  
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1:50 P.M. - OPEN FORUM

John Baudendistel re: access to public records

10395

AFTERNOON MATTERS - 2:00 P.M.

80. Hearing to consider the Appeal filed by Olympic Broadcasters, Inc., on denial of Special Use Permit 93-28 for a 198-foot tall radio antenna with accessory building on 214 acres in the Cool Area (District IV). (Hearing continued 9/13/94, Item 80) BOARD ACTION - Board received and filed the applicant's withdrawal of the Appeal. CNBNuU

11080

81. Hearing to consider the Appeal submitted by Roger Vogeler on the imposition of Conditions 2, 17, 18 and 24 imposed on Tentative Parcel Map 94-08 creating four parcels on 15 acres in the Cool Area (District IV) Agent: Masuda Associates. BOARD ACTION - Board conceptually approved Tentative Parcel Map 94-08 subject to conditions as modified this date, directing that said conditions be brought back for approval in final form on the Board's Consent Calendar on November 1, 1994. NuCBNU

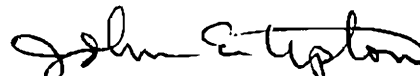
11172

82. Planning Department reporting on the status of the production and release of the General Plan Environmental Impact Report. BOARD ACTION - Board received and filed the Planning Director's report. BNNuCU

9399

MEETING ADJOURNED

APPROVED:



JOHN E. UPTON, Chairman

ATTEST:



DIXIE L. FOOTE, Clerk of the Board

**CLOSED SESSION ROSTER****Regular Meeting of the Board of Supervisors****October 18, 1994****8:00 A.M.**

**Closed Sessions** have been scheduled to discuss the following pursuant to Government Codes cited:

1. **Existing litigation** as follows: (Pursuant to Government Code Section 54956.9)

- a. **Termination of Mark Roland, Civil Service Commission;**  
**BOARD ACTION** - No action reported. ✓

- b. **Kimzey vs Neasham, El Dorado County Superior Court Case No. PV93-3751;**  
**BOARD ACTION** - Outside counsel, Porter, Scott, Weiberg and Delehant, authorized to take all steps it deems reasonable and necessary to seek a judgment in defendants' favor for costs and fees against plaintiffs. CBNuNU

Porter, Scott, Weiberg and Delehant authorized to defend all defendants against any appeal that may be filed, and to cooperate with and provide information to the State Bar as it determines may be appropriate. BNuCU N(n)

Porter, Scott, Weiberg and Delehant authorized to cooperate with and provide information to the State Bar as it determines may be appropriate. BCNuU N(n) 10561

As to issues raised by the County Auditor regarding the contract between the County and outside counsel in this case, Porter, Scott, Weiberg and Delehant, and the bills rendered in this case, the Board modified said contract and waived the 30 day billing requirement and the other technical issues raised by the Auditor, both retroactively and prospectively; the Board found that said outside counsel has substantially complied with the contract provisions under the circumstances of this case; and, acknowledging the bills have been reviewed by the County Counsel's office, the Risk Manager and the Third Party Administrator and have been found to be appropriate for payment, the Board directed that the currently outstanding bill through October 15, 1994, in the amount of \$131,968.77, be paid from the County Risk Management Fund. BNuCU N(n)

c. **CountyWatch vs McCutchen**, El Dorado County Superior Court Case No. PV93-3090;

**BOARD ACTION** - As to issues raised by the County Auditor regarding the contract between the County and outside counsel in this case, Porter, Scott, Weiberg and Delehant, and the bills rendered in this case, the Board modified said contract and waived the 30 day billing requirement and the other technical issues raised by the Auditor, both retroactively and prospectively; the Board found that said outside counsel has substantially complied with the contract provisions under the circumstances of this case; and, acknowledging the bills have been reviewed by the County Counsel's office, the Risk Manager and the Third Party Administrator and have been found to be appropriate for payment, the Board directed that the currently outstanding bill, in the amount of \$24,909.55, be paid.

BUNuC N(n)

d. **United States vs Three 10-Acre Parcels of Real Property Located in El Dorado County - Civ. S-91-1256 LKK/PAN - United States District Court;**

**BOARD ACTION** - County Counsel authorized to enter into a stipulation with the United States Government concerning the recovery of taxes; stipulation to be set forth in the public record once it is fully executed.

BNNuCU

e. **Cable Programming Rate Complaint vs King Videocable Co.** (FCC, CUID CA 0635), George Sawaya Complaint.

**BOARD ACTION** - No action reported.

11173

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WILLIAM S. BRADLEY.....DISTRICT I  
RAYMOND J. NUTTING.....DISTRICT II  
J. MARK NIELSEN.....DISTRICT III  
WILLIAM N. CENTER.....DISTRICT IV  
JOHN E. UPTON.....DISTRICT V  
  
DIXIE L. FOOTE.....CLERK OF THE BOARD

330 Fair Lane • Placerville, CA 95667  
Telephone (916) 621-5390



**A G E N D A    A D D E N D U M    N O .   1**

October 18, 1994

8:00 A.M.

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

**DEPARTMENT MATTERS**

59. Chief Administrative Officer recommending the Board review the issue of County Counsel's (William C. Neasham's) salary in response to questions raised by the Auditor/Controller regarding same.

**BOARD ACTION** - Board acted as follows:

- a. Directed that the overpayment in the amount of \$20,265.26, based on the notion that the salary will be reduced to the proper level effective the current pay period, be recovered by the County within the next 13 months through a payroll deduction system unless another arrangement is devised through Mr. John Driscoll; with Mr. Driscoll given the opportunity to bring the matter back to the Board if a departure in the calculations emerges through his involvement, and/or if he devises a settlement which departs from the confines set forth in this motion; NUBNUC
  
- b. Determined that this event occurred without any active participation or solicitation, direct or indirect, by the County Counsel's Office, i.e, no wrongdoing or culpability on the part of County Counsel; NUBNUC

11174

- c. Adopted the finding set forth on page 3 of County Counsel's memorandum to the Board this date as follows:  
"Neither myself nor any member of my staff were involved in the error being made and, after questioning the pay rate established as well as subsequent salary schedules, the determinations of the departments responsible for these were detrimentally relied upon by me. Additionally, under the policy in effect, had I been evaluated, I would have been entitled to consideration at the time for performance pay increases which may have offset the amounts involved here."  
BCNuU N(n) 11174
- d. Waived any conflict of interest of Mr. Neasham while continuing his duties as County Counsel during the period of Mr. Driscoll's review.  
NUBNuC