

# County of El Dorado

BOARD OF SUPERVISORS

WILLIAM S. BRADLEY ..... DISTRICT I  
RAYMOND J. NUTTING ..... DISTRICT II  
J. MARK NIELSEN ..... DISTRICT III  
WALTER L. SHULTZ ..... 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

April 4, 1995

8:00 A.M.

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

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**Closed Session existing litigation pursuant to Government Code Section 54956.9 regarding the following:**

- a. Bernard Carlson vs County of El Dorado Case No. PV94-0161; and  
**BOARD ACTION** - County Counsel advised Closed Session is not completed yet; no action to report out. ✓
- b. Dondus Holman vs County of El Dorado, WCAB (Unassigned).  
**BOARD ACTION** - County Counsel advised Board met and received information and report from its staff, and gave further direction to its staff. ✓

**Closed Session pursuant to Government Code Section 54956.9(b) regarding significant exposure to litigation.**

**BOARD ACTION** - Board ratified and released for public record, County Counsel's letter to the Board dated June 27, 1994, regarding Term Limits on the County Charter. NuUBNS 10721

### CONSENT CALENDAR

- 15. Transportation Department recommending Chairman be authorized to sign the Designation of Applicant's Agent Resolution designating agents within said Department to provide assurances and required agreements to the State Office of Emergency Services for all matters pertaining to state disaster relief and emergency assistance for flood damage to the County Road System. 11258

**RECOMMENDED ACTION:** Approve

SUBNuN

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C O N F O R M E D

A G E N D A

## Regular Meeting of the Board of Supervisors

April 4, 1995

8:00 A.M.

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

J. MARK NIELSEN, Chairman                      Dixie L. Foote, Board Clerk  
 SUPERVISORS: BRADLEY, NUTTING, NIELSEN, SHULTZ AND UPTON  
 Supervisors Shultz and Nutting absent for part of meeting

Persons wishing to speak on a Consent Calendar item are requested to so advise the Chairman or Clerk prior to 9:00 a.m. Public testimony will be received on each agenda item 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 representing a group are allocated 5 minutes. (Adptd 8/10/93) Matters not on the agenda may be addressed by the general public during the Open Forum at 9:00 a.m. Public comments during Open Forum are limited to five minutes per person. The Board reserves the right to waive said rules by a majority vote.

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 HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE  
 INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE  
 \*\*\*\*\*

8:00 A.M. - CALL TO ORDER AND ADOPTION OF AGENDA  
BOARD ACTION - Agenda adopted, with Addendum No. 1.                      BUNuN S(a)

Closed Session (refer Closed Session Roster attached)

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

PRESENTATION by the El Dorado County Farm Trails Association

OPEN FORUM - Tom Skelly, et al, re: proposed Golden Bear Park

10395

**CLOSED SESSION REPORTS - (Refer Closed Session Roster attached)**

**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 March 28, 1995, on file with Clerk of the Board. ✓  
**RECOMMENDED ACTION:** Approve
2. Health Department recommending Proclamation be adopted proclaiming April 3 - 9, 1995 as "Public Health Week" in El Dorado County. 11222  
**RECOMMENDED ACTION:** Adopt Proclamation UBNU NS
3. Community Services Department recommending Proclamation be adopted proclaiming April 23 - 29, 1995 as National Volunteer Week. 11222  
**RECOMMENDED ACTION:** Adopt Proclamation
4. Auditor/Controller recommending Resolution be adopted establishing an imprest cash account in the amount of \$50 for the Health Department's Divide Wellness Center (Georgetown Clinic). 11267  
**RECOMMENDED ACTION:** Adopt Resolution No. 80-95
5. Superior Court recommending Resolution be adopted accepting the Court Appointed Special Advocate Grant award from the Judicial Council. 8339  
**RECOMMENDED ACTION:** Adopt Resolution No. 81-95
6. Transportation Department recommending Chairman be authorized to sign Certificate of Acceptance and Easement Acquisition Agreement (APN 025-301-03) with Genifer D. Foley, Frank M. Boseman, Jr. and Gail S. Boseman for the Black Bart Erosion Control Project. 9465  
**RECOMMENDED ACTION:** Approve
7. Transportation Department recommending approval of plans and specifications for Airport Improvement Project, Placerville Airport (Project 3-06-0188-06); and requesting authorization to advertise for bids to be received until 3:00 p.m., Wednesday, May 10, 1995. 10495  
**RECOMMENDED ACTION:** Approve
8. County Counsel recommending Chairman be authorized to sign Releases of Lien (4). 11224  
**RECOMMENDED ACTION:** Approve

9. County Counsel recommending the claim of Arthur L. Cecil and Betty J. Cecil in an amount in excess of \$10,000 be rejected. **11312**  
**RECOMMENDED ACTION:** Reject claim
10. County Counsel reporting out that the Board of Supervisors agreed to refer the matter of Gerald Daniel Swift vs Sheriff Don McDonald, et al, U.S. District Court No. CIV S-94-1301 DFL GGH P to the outside firm of Mason and Thomas and to sign a waiver of service during the closed session on March 14, 1995. **11263**  
**RECOMMENDED ACTION:** Approve
11. Human Resources Department recommending Resolution be adopted amending Authorized Personnel Allocation Resolution No. 246-94 reclassifying positions as outlined in memorandum to the Board dated 3/19/95. **11282**  
**RECOMMENDED ACTION:** Adopt Resolution No. 82-95 (Continued to April 11, 1995.) **UBNuNS**
12. Human Resources Department recommending Chairman be authorized to sign Amendment No. 6 with U.S. Behavioral Health Plan, California in the approximate annual fee amount of \$206,170 for the term February 1, 1995 to January 31, 1996 for the employee assistance plan. **8267**  
**RECOMMENDED ACTION:** Approve **USBN Nu(a)**
13. El Dorado County and Georgetown Resource Conservation Districts requesting a joint meeting with the Board of Supervisors on Tuesday, May 2, 1995, at 12 noon, to discuss current and proposed District activities. **10376**  
**RECOMMENDED ACTION:** Approve joint meeting
14. Supervisor Nielsen recommending Resolution be adopted amending Resolution No. 70-95, more specifically third sentence of No. 3 of said Resolution, regarding use of County Library facilities being approved by the Library Services Branch Manager instead of Board of Supervisors. **10381**  
**RECOMMENDED ACTION:** Adopt Resolution No. 83-95
15. (refer Addendum No. 1)

**BOARD ACTION** - Consent Calendar matters approved as recommended with the exception of Item 11 as noted (items 2 and 12 acted upon separately).

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END 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. Auditor/Controller requesting authorization to study the feasibility of charging "non-emergency" Special Districts fees for services currently being provided by the Auditor/Controller; and recommending proposed fee schedule be brought back to the Board for final approval.

**BOARD ACTION** - Board authorized Auditor/Controller to conduct said study, with further direction that all involved districts be notified, and said study is to be brought back to the Board.  
SNU B(ab) Nu(n)

11313

51. Chief Administrative Officer submitting request of Shingle Springs Community Center for a waiver of fees in the amount of \$2,500 for bath and snack bar.

**BOARD ACTION** - Request for waiver approved, as recommended by the Interim Chief Administrative Officer.  
SUBNuN

11268

52. Supervisor Nutting recommending that the collection of the Fish and Game fees pursuant to Section 753.5, Title 14, CCR be suspended based on the outcome of the case brought by Albert Mills and heard in Sacramento County.

**BOARD ACTION** - The Board took the following action:

1) Approved the implementing of the "paid under protest" option for applicants in the payment of said fees immediately; directed Planning Department staff to continue collecting said fees; however, the collecting entity staff was directed to advise the applicants of their right to pay said fees "under protest"; and for those applicants electing to pay said fees "under protest", staff is directed to place those fees in an identified trust (escrow) account established by the Auditor/Controller, to be released either to the State Department of Fish & Game; or returned to the applicant, with interest, upon final disposition in the courts of this issue;

8067

2) Chairman be authorized to sign a letter to the Governor advising of this County's action regarding this issue; and

3) County Counsel to bring a status report and recommendation back to the Board **within thirty days** regarding this issue.

NuSBNU

- 53. Discussion of closed session meetings being moved from Tuesday morning to Monday afternoons at 2:00 p.m. and regular Board of Supervisor's meetings be scheduled to begin at 8:30 a.m. on Tuesday. (Referred 1/10/95, Item 62)  
BOARD ACTION - Referred to County Counsel, Board Clerk and Interim Chief Administrative Officer to refine closed session process. 11245  
SNuBNU

- 54. Supervisor Nutting recommending the discussion of the Management of the California Spotted Owl Habitat in the Sierra Nevada National Forests of California be continued to **Tuesday, April 18, 1995.** (Continued 3/7/95, Item 81) 9402  
BOARD ACTION - Board continued said issue as recommended, to April 18, 1995. NNuBNS

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

**County Service Area No. 10** (refer separate agenda for same)

**Water Agency** (refer separate agenda for same)

**TIME ALLOCATION - 11:00 A.M.**

- 70. Hearing to consider adoption of an Urgency Ordinance amending Ordinance Code Chapter 5.48 regarding commercial rafting permits.  
BOARD ACTION - Board adopted the Negative Declaration based on the three findings outlined in County Counsel's memorandum to the Board dated March 27, 1995; and adopted ORDINANCE NO. 4362, as an urgency ordinance, effective immediately, amended to add wording as Section 6: "This ordinance shall expire of its own terms and be of no further force or effect when the County of El Dorado certifies an environmental impact report regarding the contemplated update to the River Management Plan or three years from the effective date of this ordinance, whichever comes first. If this ordinance does expire, Chapter 5.48 shall revert to its form as codified on April 3, 1995." 9638

UBNS Nu(a)

Additionally, in separate motion, the Board directed County Counsel to draft an ordinance for introduction on **April 11, 1995**, committing the County to certification of an Environmental Impact Report (E.I.R.) on the River Management Plan update within three years and establish a review process by which staff will submit progress reports to the Planning Commission at least every six months, with the Planning Commission to forward said report with its comments and recommendations to the Board within thirty days thereafter.

UBNS Nu(a)

71. County Counsel recommending Board waive reading, read by title only, and introduce Ordinance amending Title 5, Chapter 5.48 of the County Ordinance Code regarding commercial rafting permits.

BOARD ACTION - Reading waived, read by title, and Ordinance introduced, to be adopted on April 11, 1995, with wording added as Section 5, identical to the added wording to urgency Ordinance No. 4362, adopted under item no. 70 this date.

9638

UBNS Nu(a)

COMMITTEE REPORTS

LUNCH RECESS

BOARD OF SUPERVISORS TO RECESS UNTIL 7:00 P.M. FOR A CONTINUED HEARING FROM MARCH 28, 1995.

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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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PLANNING MATTERS - 7:00 P.M.

80. Hearing to consider the following for 18.5 acres in the Cameron Park/Rescue Area (District IV), Applicant: Clifford Shaw (Starbuck Ranch):

a. Rezoning (Z93-16) from RE-10, Estate Residential Ten-acre zone and RE-5, Estate Residential Five-acre zone to R1, One-family Residential;

b. Tentative Map (TM93-1282) creating 49 parcels ranging in size from 10,000 to 30,400 square feet; and

11310

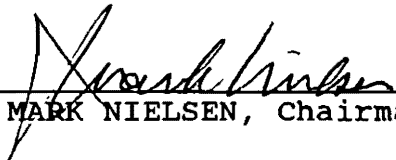
c. Waive reading, read by title only, and adopt Ordinance to effect said rezoning. (Continued 3/28/95, Item 81)

BOARD ACTION - Board conceptually approved the rezoning and tentative map, and staff directed to bring back to the Board on April 25, 1995, findings and conditions in accordance with Board direction this date.

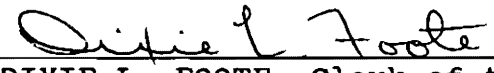
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**MEETING ADJOURNED**

APPROVED:

  
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J. MARK NIELSEN, Chairman

ATTEST:

  
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DIXIE L. FOOTE, Clerk of the Board



**CLOSED SESSION ROSTER**

Regular Meeting of the Board of Supervisors

April 4, 1995

8:00 A.M.

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

1. **Existing litigation** pursuant to Government Code Section 54956.9 regarding the following:
  - a. Wayne Saylor vs County of El Dorado, WCAB Case No. SAC 195399; and  
**BOARD ACTION** - County Counsel advised Board met and gave instructions to its attorneys and staff; and further noted for the record that Supervisor Bradley absented himself and abstained from this matter. ✓
  - b. Pittman vs Bittenberger (sic), et al, Case No. PV-000723. ✓  
**BOARD ACTION** - No action to report out.
2. **Conference with labor negotiator** to confer with or receive advise pursuant to Government Code Section 54957.6:
  - a. Director of Human Resources and Principal Personnel Analyst are County negotiators and employee organization is Deputy Sheriff's Association; and
  - b. Director of Human Resources and Principal Personnel Analyst are County negotiators and employee organizations are Local 1 and OE Local 3 (severance issues). ✓  
**BOARD ACTION** - No report.