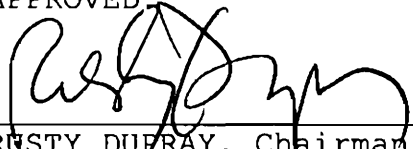


Board of Supervisors Meeting of February 3, 2004 attached hereto and approved by the Board on February 10, 2004.

APPROVED:



RUSTY DUFRAY, Chairman

ATTEST:

Dixie L. Foote, Clerk of the Board

By 

Deputy Clerk

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

**Regular Meeting of the Board of Supervisors
County of El Dorado**

February 3, 2004 - 8:00 A.M.

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

CLOSED SESSION pursuant to Government Code Section 54956.8,
Conference with Real Property Negotiator:

- Instructions to negotiator regarding real property described as 1357 Boren Way (APN 081-152-01). The persons with whom the negotiator may negotiate are Chris and Sydney Erdle. Instructions to negotiator will concern price and terms of payment.
No action reported.
- Instructions to negotiator regarding real property described as 1347 Boren Way (APN 081-152-15). The persons with whom the negotiator may negotiate are Stephen Swartz and Edna Swartz. Instructions to negotiator will concern price and terms of payment.
No action reported.
- Instructions to negotiator regarding real property described as 1140 Onnontioga Street (APN 033-801-07). The persons with whom the negotiator may negotiate are Ernesto R. Tigmo and Adora D. Tigmo, Trustees of the Tigmo Revocable Family Trust of August 11, 1999. Instructions to negotiator will concern price and terms of payment.
No action reported.
- Instructions to negotiator regarding real property described as 1348 Boren Way (APN 081-153-04). The person with whom the negotiator may negotiate is John P. Grady. Instructions to negotiator will concern price and terms of payment.
No action reported.
- Instructions to negotiator regarding real property described as 1316 Boren Way (APN 081-153-09). The persons with whom the negotiator may negotiate are Steven P. Carnevale and Mary Ann Carnevale, Trustees of the Carnevale Revocable Trust of August 11, 1995. Instructions to negotiator will concern price and terms of payment.
No action reported.

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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
El Dorado County, California**

Tuesday, February 3, 2004

BOARD OF SUPERVISORS MEETING ROOM
330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
co.el-dorado.ca.us/bos

RUSTY DUPRAY
First District
Chairman

HELEN K. BAUMANN
Second District

JAMES R. SWEENEY
Third District

CHARLIE PAINE
Fourth District
First Vice Chairman

DAVID A. SOLARO
Fifth District
Second Vice Chairman

Clerk of the Board
Dixie L. Foote

Chief Administrative Officer
Laura S. Gill

County Counsel
Louis B. Green

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 speaking for a group are allocated 5 minutes. (Adopted 8/10/93) 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.

For purposes of the Brown Act (Government Code Section 54954.2(a)), the numbered items on this Agenda give a brief general description of each item of business to be transacted or discussed. The recommendations of the staff, as shown, do not prevent the Board of Supervisors from taking other action.

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE

The Board of Supervisors is concerned that large amounts of written information submitted to the Board the day of the Board meeting may not receive the attention it deserves. To ensure timely delivery, written information from the public must be received by the Board Clerk by Monday prior to the meeting. The Board Clerk cannot guarantee that any FAX or mail received the day of the meeting will be delivered to the Board prior to action on the subject matter.

8:00 A.M. - CALL TO ORDER AND CLOSED SESSIONS

**9:00 A.M. - INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG
CLOSED SESSION REPORTS**

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

At this time the Board will make any necessary additions, deletions, or corrections to the Agenda; determine matters to be added to or removed from the Consent Calendar; and with one motion adopt the Agenda and approve the Consent Calendar.

BOARD ACTION - Agenda adopted with item 24 pulled from the Consent Calendar for separate action, and item 50 added to the Consent Calendar for approval. Consent Calendar approved as modified. 45123

PRESENTATION of Certificate of Commendation to Scott Donald Mosbacher who has attained the rank of Eagle Scout, Boy Scouts of America. 34125

OPEN FORUM**CONSENT CALENDAR**

1. Approval of Board of Supervisors Conformed Agendas (Minutes) of the Special Meeting on January 26, 2004 and the Regular Meeting on January 27, 2004.

RECOMMENDED ACTION: Approve.

2. Public Health Department recommending Agreement with Health Management Systems in the amount of \$19,435 for the term February 4, 2004 through June 30, 2004 for the continued support of said Department's Clinic Management Software while testing is completed on the new Insight clinic management system.

RECOMMENDED ACTION: Authorize Chairman to sign.

3. Mental Health Department recommending Agreement 179-S0411 with Rupp Medical Corporation in an amount not to exceed \$111,100 for the term November 23, 2003 through November 22, 2004 for psychiatric services to children who are residents of the South Lake Tahoe area. (Retroactive as to term due to a lapse of vendor's corporate designation.)

RECOMMENDED ACTION: Authorize Chairman to sign.

4. Human Services Department recommending Amendment 002 to Memorandum of Understanding 593-M0311 between said Department and the County Mental Health Department reducing the amount from \$330,000 to \$224,735 for non-medical mental health services to CalWORKs participants with identified barriers to employment resulting from mental illness.

RECOMMENDED ACTION: Authorize Chairman to sign and Director of said Department to execute subsequent documents necessary to complete the scope of work following approval by County Counsel and Risk Management, not to include increases or decreases in overall funding or extension of the original term.

5. Probation Department recommending Agreement 373-S0411 with Evan B. Sundby, Ph.D, not to exceed \$16,200 for term March 13, 2004 through March 12, 2005 for pre-employment and post-employment fitness for duty psychological examinations for said Department.

RECOMMENDED ACTION: Authorize Chairman to sign.

6. Probation Department recommending Agreement 067-S0411 with Susan Wilcox dba Elsan Associates, in amount of \$150,000 for term October 1, 2003 through September 30, 2006 for a relational database in MS Access to comply with Board of Corrections mandated information on each subject in the Juvenile Justice Crime Prevention Act Program in said Department. (Retroactive as to term - information delayed from the consultant.)

RECOMMENDED ACTION: Authorize Chairman to sign.

7. Agriculture, Weights and Measures Department recommending Amendment A-1 to Agreement 03-0067C with the State Department of Pesticide Regulation increasing the amount by \$3,466 to \$17,740 for the term July 1, 2003 through June 30, 2004 for evaluations on Restricted Materials Permits, reviewing Notices of Intent, and performing pre-application site inspections for the State on behalf of the County.

RECOMMENDED ACTION: Authorize Chairman to sign, noting said increase is due to greater appropriation of funds in the 2003/2004 State Budget.

8. Auditor/Controller recommending Board find it is more economical and feasible to "contract out" services in accordance with County Ordinance Code 3.13.030; and Chairman be authorized to sign Amendment 003 to Agreement 473-S0111 with NBS Government Finance Group increasing the amount from \$115,000 to \$150,000 and extending the term through April 30, 2005 for a "close out" for 1915 Act Assessment Districts, the preparation of the Continuing Disclosure report for the Lease Revenue Refunding Bonds, Series 1997.

RECOMMENDED ACTION: Approve.

9. Transportation Department recommending the following pertaining to the El Dorado Hills Boulevard - Latrobe Road/U.S. Highway 50 Interchange Construction of the El Dorado Hills Interchange Improvements Project, Phase 1.1 Soundwalls:

(1) Find that due to the construction cost exceeding \$25,000, State law requires that construction may be performed by an independent contractor through the use of a competitive bid process;

(2) Set the Disadvantaged Business Enterprise goal at zero percent for same;

(3) Approve the Plans and Contract Documents and authorize the Chairman to sign the Plans; and

(4) Authorize advertisement for bids and schedule the bid opening for March 2, 2004 and award of bid on **March 9, 2004**, pending required right-of-way certification.

RECOMMENDED ACTION: Approve.

10. Transportation Department recommending Resolution summarily vacating (AOE 2003-38) a ten-foot wide portion of a twenty-foot wide public utility easement, and terminating and abandoning a rejected offer for a ten-foot wide portion of a twenty-foot wide drainage easement located along the front boundary line of APN 107-810-06-100 in El Dorado Hills, requested by Morrison Homes, Inc.

RECOMMENDED ACTION: Adopt Resolution 035-2004.

11. Transportation Department recommending the following:
 - (1) Make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter, that the ongoing aggregate of the work performed is not sufficient to warrant the addition of permanent staff; and
 - (2) Approve and authorize Chairman to sign Agreement for Services AGMT 03-498 with Larry Jenkins Trucking, Inc., not to exceed \$144,000, inclusive of all expenses, for as-needed hauling services, noting this work may be classified as bargaining unit work; however, said agreement will only be used where the quantity and size of road materials are larger than said Department's equipment capacity. (Road Fund)
RECOMMENDED ACTION: Approve.

12. Transportation Department requesting authorization to submit a claim to the El Dorado County Transportation Commission for \$500,000 of Regional Surface Transportation Program (RSTP) Exchange funds for road rehabilitation projects.
RECOMMENDED ACTION: Approve.

13. Transportation Department recommending the following pertaining to La Ventana Oeste, Phase 2 (Units 2 and 3) Subdivision (TM86-1053):
 - (1) Accept the subdivision improvements as complete;
 - (2) Adopt Resolution accepting the streets into the County Maintained Mileage System;
 - (3) Reduce Performance Bond 876234S by \$672,119.02 to \$74,679.89 to guarantee against any defective work, labor done, or defective materials furnished and release one year after acceptance if there are no defect or warrantee claims; and
 - (4) Hold posted Laborers and Materialsmen Bond 8762345 in the amount of \$746,798.91 to guarantee payment to persons furnishing labor, materials or equipment and release in six months after acceptance if no claims are made.
RECOMMENDED ACTION: Approve and adopt Resolution 036-2004.

14. Planning Department recommending Avigation and Noise Easements and Certificates of Acceptance from Mark Bartschi, Gene Fowler, David Paul Kihn, and Leu Enterprises Custom Homes, Inc./Merlin R. Leu for property in the vicinity of the Cameron Park Airport.
RECOMMENDED ACTION: Approve.

15. Risk Management recommending the HIPAA (Health Insurance Portability and Accountability Act) Business Associate Agreement with Vision Service Plan (VSP) which assures that VSP's use of health information will be in accordance with Federal health information privacy regulations.
RECOMMENDED ACTION: Authorize Chairman to sign.

16. Chief Administrative Office recommending a one-year extension, for a term to expire March 25, 2005, of Bid 03-675-066 with Western Farm Service, Inc. of Fresno, California for herbicides.
RECOMMENDED ACTION: Approve and authorize an increase to the blanket purchase order in the amount of \$20,000 from the Department of Agriculture's budget funded by the State Food and Agriculture Weed Abatement Program on an "as needed" basis during the awarded period if funding is available within the department's budget. (Non General Fund)

17. Chief Administrative Office recommending a one-year extension, for a term to expire February 3, 2005, of Bid 03-675-067 with Western Farm Service, Inc. of Fresno, California for herbicides.
RECOMMENDED ACTION: Approve and authorize and increase to the blanket purchase order in the amount of \$30,000 from the Department of Transportation's Road Fund on an "as needed" basis during the awarded period if funding is available within the department's budget. (Non General Fund)

18. Chief Administrative Office recommending award of Bid 04-845-070 for one new NCAP asphalt furnace for the Department of Transportation (DOT).
RECOMMENDED ACTION: Authorize purchase order to Avatar Automation Supply of Oakland, California in the amount of \$10,590 including sales tax from the DOT Road Fund. (Non General Fund)
19. Chief Administrative Office recommending the Board dispense with competitive bidding procedures in accordance with Section 3.12.130E of the County Ordinance Code and authorize a sole source purchase with SensIR Technologies of Danbury, CT in the amount of \$56,373 for a hazardous materials chemical identifier for the Sheriff's Department. (Non General Fund/Homeland Security Grant)
RECOMMENDED ACTION: Approve.
20. Chief Administrative Office recommending the Board dispense with competitive bidding procedures in accordance with Section 3.12.130E of the County Ordinance Code and authorize a sole source purchase with Roche Diagnostic Corporation of Indianapolis, IN in the amount of \$65,790.35 for a Lightcycler (laboratory testing equipment) for use by the Public Health Department and purchased by the Sheriff's Department. (Non General Fund/Homeland Security Grant)
RECOMMENDED ACTION: Approve.
21. Supervisor Dupray recommending ratification of Certificates of Recognition for John Mueller and Nils C. Neklason on the occasion of their respective retirements from the Building Department.
RECOMMENDED ACTION: Approve.
22. Supervisor Dupray advising of difficulties in finding a location in District One for the March 16, 2004 offsite Board of Supervisors Meeting.
RECOMMENDED ACTION: Said Board Meeting be held in the Board's Meeting Room at 330 Fair Lane in Placerville, and the District One offsite meeting be rescheduled when a suitable location can be found.

23. Supervisors Dupray and Baumann recommending appointment of Peter Maurer of the Planning Department to serve as the Board's designee to the Mather Airport Aircraft Noise Committee and Craven Alcott, Planning Director, serve as the alternate.

RECOMMENDED ACTION: Approve appointments.

24. Supervisor Baumann recommending February 15 - 21, 2004 be proclaimed "National Patriotism Week" in El Dorado County.

RECOMMENDED ACTION: Approve. 24135

25. Supervisor Baumann recommending appointment of Kenneth A. Meibert, Interim Mental Health Director, to the First 5 El Dorado Children and Families Commission.

RECOMMENDED ACTION: Approve.

26. Supervisor Baumann recommending, pursuant to Revenue and Taxation Code 5108 and County Policy J-4, rebate of property taxes collected from Output Technology Solutions of California (DST Output) in the amount of \$40,196.10 for fiscal year 2001.

RECOMMENDED ACTION: Approve.

27. Supervisor Baumann recommending, pursuant to Revenue and Taxation Code 5108 and County Policy J-4, rebate of property taxes collected from Output Technology Solutions of California (DST Output) in the amount of \$14,589.80 for fiscal year 2002.

RECOMMENDED ACTION: Approve.

END CONSENT CALENDAR

CAO REPORT/COMMENTS

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. Human Services Department recommending Chairman be authorized to sign Agreement 072-S0410 with Womenspace Unlimited, South Lake Tahoe Women's Center in an amount not to exceed \$9,500 for the term January 1, 2003 through June 30, 2003 for education programs in South Lake Tahoe; and Director of said Department be authorized to execute documents necessary to complete its scope of work following approval by County Counsel and Risk Management, not to include increases or decreases in overall funding or extension of the term, noting Agreement is retroactive for services rendered in 2003 and County Counsel recommends agreement in order to process payment.

ADDED TO CONSENT CALENDAR: Approved. 45123

51. Supervisor Dupray recommending the Board discuss hosting the Second Annual Student Council Government Day, and, if approved, set the date for March 30, 2004.

BOARD ACTION - Approved. 32145

52. Supervisor Baumann advising that the Regional Council of Rural Counties (RCRC) has announced the availability of one \$1,000 scholarship or two \$500 scholarships for each of the RCRC member counties; and recommending two Board members be appointed to review the nominees and return to the Board on March 30, 2004 with a recommendation for the El Dorado County recipient or recipients of same.

BOARD ACTION - Supervisors Baumann and Paine appointed to review the nominees and make recommendations to the Board on **March 30, 2004.** 41235

53. Adoption of Ordinance 4647 amending Ordinance Code Section 2.57.030 deleting the pay differential of five percent (5%) of the base salary for the Board of Supervisors Chairman. (Introduced 1/27/04, Item 32)
BOARD ACTION - Ordinance 4647 adopted. 34125

54. Public Health Department submitting a multi-year forecast for County Service Area 7 (CSA 7) and recommending Chairman be authorized to sign Budget Transfer 24075 increasing professional services appropriations by \$500,000 in fiscal year 2003/2004 to purchase five new ambulances to serve the Western Slope of the County, noting the Chief Administrative Officer, Auditor/Controller, and Public Health staff be directed to work with affected agencies in providing appropriate planning for CSA 7 funds. The multi-year forecast indicates that fund balance will substantially decrease by fiscal year 2006/2007. (4/5 vote required)
BOARD ACTION - Approved. 34125

**BOARD OF SUPERVISORS CONVENED AS COUNTY SERVICE AREA 7
BOARD OF DIRECTORS TO CONSIDER THE FOLLOWING:**

60. Director Baumann recommending, pursuant to Revenue and Taxation Code 5108 and County Policy J-4, rebate of property taxes collected from Output Technology Solutions of California (DST Output) in the amount of \$2,415.25 for fiscal year 2001.
BOARD ACTION - Approved. 24135
61. Director Baumann recommending, pursuant to Revenue and Taxation Code 5108 and County Policy J-4, rebate of property taxes collected from Output Technology Solutions of California (DST Output) in the amount of \$877.31 for fiscal year 2002.
BOARD ACTION - Approved. 24135

**COUNTY SERVICE AREA 7 BOARD OF DIRECTORS ADJOURNED AND
BOARD OF SUPERVISORS RECONVENED.**

TIME ALLOCATION - 11:00 A.M.

70. Hearing to receive and consider sealed bids for the sale of real property identified as APN 027-364-24 located at 1021 Takela Drive in South Lake Tahoe, California.

BOARD ACTION - Board accepted the bid of John Cefalu in the amount of \$196,797.00, and authorized staff to open escrow. 45123

ITEMS TO/FROM SUPERVISORS

BOARD OF SUPERVISORS ATTENDED THE ANNUAL LUNCH HOSTED BY THE COUNTY FAIR BOARD OF DIRECTORS IN THE BOARD ROOM AT THE FAIRGROUNDS IN PLACERVILLE.

ADJOURNMENT

CLOSED SESSION ROSTER**Regular Meeting of the Board of Supervisors****February 3, 2004 - 8:00 A.M.**

Board to meet in Closed Session to confer with or receive advice from Counsel on the following pursuant to Government Code Section cited:

Section 54956.9(a), Existing litigation:

- El Dorado County vs Gale A. Norton et al, United States District Court, Eastern District Case CIV.S-02-1818 GEB DAD; and El Dorado County vs California Department of Transportation, et al, Superior Court of California - County of Sacramento, Case No. 03CS00003. (Continued 1/27/04)
No action taken.

Section 54956.8, Conference with Real Property Negotiator:

- Instructions to negotiator regarding real property described as APN 081-141-28. The persons with whom the negotiator may negotiate are Eddie and Marian P. Banuelos. Instructions to negotiator will concern price and terms of payment.
No action taken.

Section 54957, Public Employee Performance Evaluation:

- Title: County Counsel
No action taken.

Section 54957.6, Conference with Labor Negotiator:

- County Negotiator: Employee Relations Officer and Robert Muszar, Chief Negotiator
Employee Organization: Welfare Fraud Investigators - Deputy Sheriff Association.
No action taken.