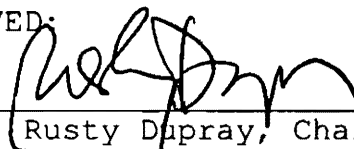


Original Minutes of the Regular Meeting of the Board of Supervisors on September 28, 2004, attached hereto and approved by the Board on October 5, 2004.

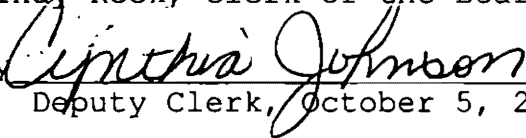
APPROVED:



Rusty Dupray, Chairman
October 5, 2004

ATTEST:

Cindy Keck, Clerk of the Board

By  _____

Deputy Clerk, October 5, 2004

✓

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, September 28, 2004 - 8:00 A.M.

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
Cindy Keck

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. - CLOSED SESSION REPORTS

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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 7 pulled from Consent Calendar for Presentation; items 8 and 19 pulled from Consent Calendar for separate action; items 54 and 55 continued to October 12, 2004 upon adoption of the Agenda. Consent Calendar approved as modified. 35124

PRESENTATION recognizing Randy Pesses, Deputy Director of the Department of Transportation, for his ten years of exemplary service to the County of El Dorado.

OPEN FORUM

CONSENT CALENDAR

1. Approval of the Board of Supervisors Conformed Agenda (Minutes) of the Regular Meeting of September 21, 2004.
RECOMMENDED ACTION: Approve.
2. Release of Lien (on file with Clerk).
RECOMMENDED ACTION: Approve.
3. Public Health Department recommending Resolution be adopted recognizing September 2004 as National Alcohol and Drug Addiction Recovery Month.
RECOMMENDED ACTION: Adopt Resolution 293-2004.

4. Public Health Department recommending Chairman be authorized to sign Retroactive Amendment 002 to Agreement COUNTY09 with the State Department of Alcohol and Drug Programs (ADP) increasing compensation by \$16,972 for fiscal year 2003/2004 for alcohol/drug treatment and prevention programs. (Funding: fiscal year 2003-2004 AOD Grant - included in the fiscal year 2004-2005 Addenda Budget)
RECOMMENDED ACTION: Approve, noting retroactive as to term, Department received Agreement from State retroactively.

5. Public Health Department recommending Chairman be authorized to sign Certification Statement approving the Children's Medical Services combined Child Health and Disability Prevention (CHDP)/California Children Services (CCS)/ and Foster Care proposed Administrative Budget and Work Plan for fiscal year 2004/2005 in the total amount \$647,672 for the Children's Medical Services Division Programs. (Funding: General Fund and the annual State Children's Medical Services Allocation. Includes CCS Administration budget required County match of \$50,092.)
RECOMMENDED ACTION: Approve.

6. Mental Health Department recommending the Board find that it is more economical and feasible to obtain an outside contractor for the provision of selected janitorial services in accordance with County Ordinance 3.13.030; and authorize Chairman to sign Amendment 001 to Agreement 251-S0410 with Mother Lode Rehabilitation Enterprises, Inc. increasing compensation by \$7,560 to an amount not to exceed \$15,120 for the term October 1, 2003 through September 30, 2005 for janitorial services for the Mental Health Department Day Care Facility located at 2808 Mallard Lane, Suites C and D, Placerville, CA. (Funding: Non-General Fund - Realignment Sales Tax)
RECOMMENDED ACTION: Approve.

7. Human Services Department recommending October 2004 be proclaimed National Domestic Violence Awareness Month in El Dorado County.
RECOMMENDED ACTION: Adopt Proclamation. 43125
8. Human Services Department recommending approval of the El Dorado County Child Welfare System Improvement Plan (SIP) required by the Child Welfare System Improvement and Accountability Act (Assembly Bill 636). (Continued 9/21/2004, item 4)
RECOMMENDED ACTION: Approve, noting the self-assessment notes the need for a comprehensive data tracking system, the need to improve outcomes concerning the preservation of family relationships (where appropriate) and the need to support emancipated **foster care** youth as they transition to adulthood. 35124
9. Information Technologies requesting advance step placement of Timothy Longo at Step 5 of the salary range for the position of Telecommunications Technician. (Funding: General-Fund)
RECOMMENDED ACTION: Approve.
10. Sheriff recommending Chairman be authorized to sign Amendment 006 to Agreement 382-S0210 with ChoicePoint Business and Government Services, Inc. extending the term through April 30, 2005 with no change in the monthly charge for online investigative services. (Funding: General Fund)
RECOMMENDED ACTION: Approve, noting vendor only engages in six-month contracts.
11. Sheriff recommending Chairman be authorized to sign Amendment 001 to Agreement 355-09911 with Mountain Cellular extending the term through September 30, 2009 for mutual use of each party's radio vaults.
RECOMMENDED ACTION: Approve, noting a five-year extension is an option in the original agreement.

12. Sheriff recommending Chairman be authorized to sign Retroactive Agreement 519-S0411 with the County of Sacramento in an amount not to exceed \$45,000 for the term July 1, 2004 through June 30, 2005 for autopsy and morgue services; and Auditor-Controller be authorized to pay any invoices for services provided during the period July 1, 2004 through September 28, 2004. (Funding: General Fund)
RECOMMENDED ACTION: Approve, noting the contract renewal process began in April and delayed due to Sacramento County's slow response time.
13. Sheriff requesting authorization to execute Retroactive Agreement with TransCor America, LLC for the term July 22, 2004 through July 21, 2005 for transportation of prisoners; and Auditor-Controller be authorized to pay for services provided during the period July 22, 2004 through September 28, 2004. (Funding: General-Fund)
RECOMMENDED ACTION: Approve.
14. General Services Department recommending Chairman be authorized to sign Amendment 001 to Lease 056-L0511 with The Caso Trust changing the suite to Suite H for office space located at 550 Main Street, Placerville for occupancy by the Law Library. (Funding: Non-General Fund - Victim Witness and MDIC Program)
RECOMMENDED ACTION: Approve.
15. Transportation Department recommending Resolution authorizing the Chairman to sign the El Dorado County Disadvantaged Business Enterprise Program document for Federal fiscal year 2004/2005.
RECOMMENDED ACTION: Adopt Resolution **294-2004**.
16. Transportation Department requesting authorization to execute Amendment 002 to Agreement PSS 241 with the Sacramento Area Council of Governments extending the term from September 30, 2004 to September 30, 2005, with no change in the not to exceed dollar amount. (Funding: Regional Surface Transportation Program)
RECOMMENDED ACTION: Approve.

17. Transportation Department recommending Resolution summarily vacating (AOE 2004-08) two twenty-five foot wide road and public utilities easements located on the common lot lines of APNs 112-610-39-100 and 112-610-40-100, Lots 39 and 40 of Crown Valley, Unit No. 1, requested by Darren James Nill, Pamela Jo Nill, John Navarro and Mary Navarro, eliminating unnecessary encumbrances on subject lots.

RECOMMENDED ACTION: Adopt Resolution 295-2004.

18. Transportation Department recommending Chairman be authorized to sign a Grant Deed transferring the fee simple title to the State of California for the area where the new Latrobe eastbound off-ramp has been constructed (El Dorado Hills Boulevard/Highway 50 Interchange Project 71350, Phase 0).

RECOMMENDED ACTION: Approve.

19. Chief Administrative Office recommending extension of award of Bid 04-207-008 to En Point Technologies, Inc. of El Segundo, California, in the amount of \$50,000 including sales tax for a twelve month term for Hewlett Packard print toner cartridges and related items for use County-wide. (Funding: General Fund and Non-General Fund)

RECOMMENDED ACTION: Approve, and authorize an increase to the blanket purchase order on an "as needed" basis during the awarded period if funding is available within the requesting Department's budget.
Continued to October 5, 2004. 32145

20. Chief Administrative Office recommending award of Bid 05-680-022 to the lowest qualified bidder, A.L.D. Company, Inc. of Sparks, Nevada, in the amount of \$12,812.93 including sales tax, for Taser Stun Gun accessories for the Sheriff's Department. (Funding: General Fund)

RECOMMENDED ACTION: Approve, and authorize an increase to the blanket purchase order for same.

21. Chief Administrative Office recommending the following:

(1) Find that it is more economical and feasible to contract out for services in accordance with County Ordinance 3.13, Section 3.13.030;

(2) Award Request for Proposal 04-918-125 to the sole qualified respondent, Lilliput Children's Services of Sacramento for adoption promotion and supportive services; and

(3) Authorize the Chairman to sign Agreement with same in an amount not to exceed \$39,698.10 upon approval by County Counsel and Risk Management. (Funding: Non-General Fund/Promoting Safe and Stable Families)

RECOMMENDED ACTION: Approve.

22. Environmental Management Department recommending the new Franchise Agreement with South Tahoe Refuse Co. incorporating the new Mixed Solid Waste Facility be **continued off calendar**. (Continued 5/25/2004, item 47)

RECOMMENDED ACTION: Approved.

23. Public Health Department recommending Resolution approving the Substance Abuse and Crime Prevention Act of 2000 County Plan for fiscal year 2004/2005 describing how County services funded by the Act will be coordinated.

RECOMMENDED ACTION: Adopt Resolution **296-2004**, noting page 12 of the County Plan outlines changes from the fiscal year 2003/2004 Plan.

24. County Service Area 010 recommending award of Bid 05-100-014 to the lowest qualified bidder, Kettle Creek Corporation of Kempton, PA, in the amount of \$80,571.25, including sales tax for recycling receptacles for the Environmental Management Department. (Funding: Non-General Fund/California Department of Conservation, Division of Recycling and Beverage Container Recycling Grant)
RECOMMENDED ACTION: Approve, and authorize Purchasing Agent to issue purchase order for same.
25. County Service Area 010 recommending the Board dispense with competitive bidding procedures in accordance with County Ordinance Section 3.12.130E; and authorize purchase order to Zalreich Chemical Company of Oakdale, CA in the amount of \$12,000 for a twelve month term for the purchase of proprietary polymer chemicals for use at the Union Mine Septage Treatment Facility. (Funding: Non-General Fund/CSA 10)
RECOMMENDED ACTION: Approve, and authorize an increase to said purchase order on an "as needed" basis if funding is available within the requesting Department's budget.
26. Chief Administrative Office recommending Purchasing Agent be authorized to utilize the extended bid with Western States Contracting Alliance (WSCA) for the acquisition of computer hardware and related peripherals. (General Fund - funding is available within each requesting department's fixed asset or minor equipment budget.)
RECOMMENDED ACTION: Approve and Purchasing Agent be authorized to execute purchase orders on an "as requested" basis with WSCA authorized contractors through December 31, 2004, noting this will ensure that the County's authority to use the WSCA bid and the term of the WSCA contract run concurrently.

27. Supervisor Sweeney recommending Chairman be authorized to sign a Certificate of Acceptance for the public road easement for the Ellis Tie to the Rubicon Trail.
RECOMMENDED ACTION: Approve and file said document with the Recorder-Clerk.

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. Hearing to consider Community Development Block Grant Economic Development Planning and Technical Assistance application in the amount of \$70,000; and adoption of Resolution **297-2004** authorizing submission of said proposal to the State Department of Housing and Community Development, authorizing the Chairman to execute the Statement of Assurances, and the Director of Human Services to act on behalf of the County in all matters pertaining to said application and to execute an Agreement and Amendments that do not affect the dollar amount or term if the application is funded. (Funding: If application is funded, cash match is included in 2004 Budget for both Housing and Economic Development)
BOARD ACTION - Hearing no protests, Resolution **297-2004** adopted accordingly. 32145

51. Transportation and Planning Departments reporting on information necessary to satisfy new requirements mandated under the 2004 General Plan:

(1) Check list of required items to be provided with a tentative parcel or subdivision map under the new General Plan;

(2) Summary of changes between the Writ constrained 1996 General Plan and the 2004 General Plan for standards and other requirements that are likely to be applied to land divisions and other discretionary projects, including the Level of Service (LOS) Standards and the Cross-Sectional Standards;

(3) Check list of submittal information for building permit applications necessary to comply with policy 2.2.5.20, requiring a General Plan consistency findings for many ministerial permit applications; and

(4) Priority list of implementation measures and an implementation strategy for fiscal year 2004/2005, including the number of staff and hours to be allocated to specific implementation measures. (Continued 8/24/2004, item 57)

BOARD ACTION - Staff directed to proceed as proposed in the report presented this date; and further directed to return to the Board in March, 2005 with a reassessment after the March 8, 2005 election. 32145

52. Transportation Department recommending the following pertaining to the General Plan Traffic Impact Mitigation Fee (TIM) Program:

(1) Staff to continue with preparation of the 2004 General Plan Traffic Impact Mitigation Fee (GP/TIMF) Program;

(2) Staff to prepare a fee program, compliant with all Government Code 66000 nexus requirements, that encourages future growth in areas that are near existing infrastructure and encourages non-residential development;

Continued to Page 11

Continued from Page 10

(3) Staff to create one Countywide TIM fee program that includes the existing El Dorado Hills/Salmon Falls Area Road Improvement Fee (RIF) program area as one district, and minimizes the number of other districts while maintaining equity between those paying the fee and maximizing flexibility to fund projects, including some portion of functionally obsolete facilities, and continues the differentiation of fees based on the size of the dwelling unit; and

(4) Staff to return to the Board on **November 2, 2004** with a 50% progress report on the GP/TIMF that incorporates the policy direction provided and addresses the impact of the referendum on the adoption of the program, including any impact to schedule.

No formal action taken; however, by consensus, staff was directed to proceed with the preparation of the 2004 General Plan Traffic Mitigation Fee Program as discussed this date with additional direction to return to the Board prior to the mid-term report on November 2, 2004 with a valid list, including references, of assessor's parcels that can be developed.

53. County Counsel recommending the Board take a position on Proposition 70, the Tribal Fair Share Act of 2004 that is set for the November State-wide ballot.

BOARD ACTION - Board took the position to **oppose** Proposition 70. 2413 5(np)

54. Chief Administrative Officer reporting on the proposed reorganization of Fleet Management and Special District Administration functions. (Continued 8/31/2004, item 65)

BOARD ACTION - Continued to **October 12, 2004** at the request of the Chief Administrative Officer. 35123

55. Chief Administrative Officer presenting proposed policy on delegated signature authority on contracts and limitations pertaining to same. (Continued 8/31/2004, item 64)

BOARD ACTION - Continued to **October 12, 2004** at the request of the Chief Administrative Officer. 35124

56. Supervisor Baumann recommending the Board adopt the Position Statement "white paper" highlighting the successful application of the designation of 15% of the annual allocation of funds under H.R. 2389 for the Title III provisions in the secure Rural Schools and community Self-Determined Act of 2000 to fulfill the national goals and objectives intended by Congress and to deliver substantial, on-the-ground project results that immediately benefit rural constituents and the two U.S. Department of Agriculture Forest Services agencies located within El Dorado County. (Continued 9/14/2004, item 60)

BOARD ACTION - Approved, with the caveat that Supervisor Baumann formulate a letter from the Board of Supervisors representing those issues as outlined in the "white paper". 24135

57. Supervisor Baumann recommending Chairman be authorized to sign a Web Service Agreement with the Association of Oregon and California Counties to promote successful El Dorado County Title III projects funded through the Secure Rural Schools and Community Self-Determination Act of 2000 (H.R. 2389), pending Risk Management and County Counsel approval. (Continued 9/14/2004, item 61)

BOARD ACTION - Approved. 24135

58. Supervisor Dupray submitting request from El Dorado Irrigation District (EID) that two members of the Board of Supervisors be appointed to meet with the EID Board of Directors to discuss the development of a Habitat Conservation Plan (HCP) or a Section 7 consultation addressing environmental issues relating to the construction of infrastructure necessary to support the newly approved General Plan.
BOARD ACTION - Supervisors Baumann and Sweeney appointed to represent the Board of Supervisors as a fact finding sub-committee to meet with the EID Board of Directors. 15234
59. Supervisor Dupray recommending County Counsel be directed to review provisions and proposed Amendments to the Lease Agreement between the House Committee of the Veterans Memorial Building and the County and report back to the Board with said information.
BOARD ACTION - Supervisors Dupray and Paine, County Counsel, and General Services staff to review provisions and proposed amendments to said Lease Agreement. 32145
60. Supervisor Dupray recommending County Counsel and/or appropriate staff be directed to review the Agreement with the El Dorado County Fair Association which expires December 31, 2004.
BOARD ACTION - Supervisors Dupray and Paine, County Counsel, and General Services staff to review said Agreement. 25134
61. Adoption of Resolution **298-2004** adopting the fiscal year 2004/2005 Budget.
BOARD ACTION - Board adopted Resolution **298-2004** adopting the fiscal year 2004/2005 County Budget as presented. 35124

62. Sheriff and District Attorney recommending expenditure of funds from the Citizens Option for Public Safety (COPS) Program and approval of Budget Transfers 25005 and 25006 increasing estimated revenues adding COPS funds to the Sheriff and District Attorney's budgets, noting the Sheriff budgets for nine months of COPS funding to ensure staffing continuity and returns to the Board for approval of three months of appropriation in compliance with the statutorily required September public hearing. (4/5 vote required) (Funding: State funds)
BOARD ACTION - Approved. 54123

TIME ALLOCATION - 10:00 A.M.

70. Chief Administrative Office recommending award of the Promotions Fund Request for Proposal funded from the Promotions allocation of the Hotel/Motel Tax to the following organizations and Chairman be authorized to sign Agreements with same, upon approval by County Counsel and Risk Management:

(1) El Dorado Arts Council in the amount of \$60,000;

(2) El Dorado County Chamber of Commerce, Film Commission in the amount of \$100,000;

(3) El Dorado County Chamber of Commerce, Visitor's Authority Council in the amount of \$172,333; and

(4) Friends of El Dorado County Veterans Memorial Monument in the amount of \$ 37,667. (Funding General Fund)

BOARD ACTION - Approved award of the Requests for Proposal as presented. 45123

TIME ALLOCATION - 10:30 A.M.

71. Public Health Department presenting proposed changes to Ambulance service rates for County Service Areas 003 and 007.

BOARD ACTION - Board accepted rate changes as presented and recommended a public hearing be set for **October 5, 2004** to ratify same. 12345

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

TIME ALLOCATION - 2:00 P.M.

80. Hearing to consider adoption of Ordinance **4655** rezoning (Z04-0007) 10.45 acres (APN 070-270-20) from One-acre Residential (R1A) to Commercial-Planned Development (C-PD) in the Shingle Springs area, requested by Wilson Family Partners. (District IV)
BOARD ACTION - Hearing no protests, the Board adopted the Negative Declaration as prepared and waived reading, read by title only and adopted Ordinance **4655** approving the rezone, based on the findings of the Planning Commission. 4213 5 (np)
81. Hearing to consider adoption of Ordinance **4656** rezoning (Z04-01) (APNs 319-260-65 and -66) from Estate Residential Five-acre (RE-5) to Industrial-Planned Development (I-PD) in the Diamond Springs area, requested by Ben Tresser. (District III)
BOARD ACTION - Hearing no protests, the Board adopted the Negative Declaration as prepared and waived reading, read by title only and adopted Ordinance **4656** approving the rezone, based on the findings of the Planning Commission. 3214 5(np)
82. Hearing to consider adoption of Ordinance **4657** rezoning (Z03-11) 6.13 acres (APN 319-260-52) from Residential Five-acre (RE-5) to Industrial-Planned Development (I-PD) in the Diamond Springs/El Dorado area, requested by Irv Christensen, American Legion Post 119. (District III)
BOARD ACTION - Hearing no protests, the Board adopted the Negative Declaration as prepared and waived reading, read by title only and adopted Ordinance **4657** approving the rezone, based on the findings of the Planning Commission. 3214 5(np)

83. Hearing to consider adoption of Ordinance **4658** rezoning (Z03-12) 6.0 acres (APN 319-260-51) from Residential Five-acre (RE-5) to Industrial-Planned Development (I-PD) in the Diamond Springs/El Dorado area, requested by Dave Rathkamp/Doug Roeca. (District III)

BOARD ACTION - Hearing no protests, the Board adopted the Negative Declaration as prepared and waived reading, read by title only and adopted Ordinance **4658** approving the rezone, based on the findings of the Planning Commission. 3214 5(np)

ADJOURNMENT

CLOSED SESSION ROSTER

Regular Meeting of the Board of Supervisors

September 28, 2004 - 8:00 A.M.

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

Section 54956.9(b), Anticipated Litigation:

- Significant exposure to litigation. Title: Legal issues associated with adoption of Department of Transportation impact fees.

No action reported.

Section 54956.9(a), Existing Litigation:

- Sadeghi, Thomas v. El Dorado County, El Dorado County Superior Court Case #PC20030275.

No action reported.

Section 54956.8, Conference with Real Property Negotiator:

- Instructions to negotiator regarding real property described as APNs 069-040-37 and 069-040-38. The person with whom the negotiator may negotiate is Andre Capella. Instructions to negotiator will concern price and terms of payment.

No action reported.

BOARD OF SUPERVISORS TO CONVENE AS THE BOARD OF DIRECTORS OF THE IN-HOME SUPPORTIVE SERVICES FOR THE FOLLOWING:

Section 54957.6, Conference with Labor Negotiator:

- County Negotiator: Robert Muszar, Negotiator, Industrial Employers and Distributors Association and Principal Personnel Analyst.
- Employee Organization: United Domestic Workers of America. (Continued 9/14/04)

No action reported.