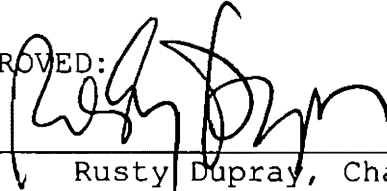


Original Minutes of the Regular Meeting of the Board of Supervisors on October 12, 2004, attached hereto and approved by the Board on October 19, 2004.

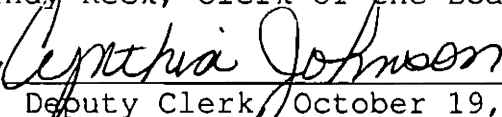
APPROVED:



Rusty Dupray, Chairman
October 19, 2004

ATTEST:

Cindy Keck, Clerk of the Board

By 

Deputy Clerk, October 19, 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, October 12, 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 items 51 and 53 added to the Consent Calendar for approval; Consent Calendar approved as modified. 32145

PRESENTATION of Certificate of Recognition to Dave Schulze on the occasion of his retirement from El Dorado County.

PRESENTATION by Dick Williams, Superintendent of Pioneer Union School District, acquainting the Board and members of the public with the accomplishments, exciting activities and plans for said District.

OPEN FORUM

CONSENT CALENDAR

1. Approval of the Board of Supervisors Conformed Agenda (Minutes) of the Regular Meeting of October 5, 2004 and Special Meetings of September 13 and 21, 2004.

RECOMMENDED ACTION: Approve.

2. Agricultural Commissioner, Weights and Measures recommending Chairman be authorized to sign Retroactive Agreement 03-0771 with the State Department of Food and Agriculture in the amount of \$21,277 for the term March 1, 2004 through February 28, 2005; and Budget Transfer 25007 increasing estimated revenue by \$21,277 for implementation of Statewide Emergency Response activities for El Dorado and Alpine Counties. (4/5 vote required)

RECOMMENDED ACTION: Approve, noting Department received Agreement on September 7, 2004.

3. Auditor-Controller recommending adoption of Resolution ordering judicial foreclosure of delinquent assessments pursuant to the Improvement Bond Act of 1915 and ordering that the Treasurer/Tax Collector be credited with said assessments.
RECOMMENDED ACTION: Adopt Resolution 303-2004.

4. Auditor-Controller recommending Chairman be authorized to sign Agreement 009-S0511 with Public Resource Management Group LLC in an amount not to exceed \$23,900 for a one year term for cost claiming services. (Funding: Compensation for this agreement will be budgeted in the Auditor-Controller's professional and specialized services budget contingent upon reimbursement from the State.)
RECOMMENDED ACTION: Approve.

5. Probation Department submitting the annual Juvenile Justice Crime Prevention Act Progress Report for the County's Alliance to Reduce Truancy (C.A.R.T.) Program.
RECOMMENDED ACTION: Receive and file, noting the State requires an annual report on the achievements by the Probation Department with Juvenile Justice Crime Prevention funds.

6. Sheriff recommending Chairman be authorized to sign Amendment 001 to Agreement 187-S0411 with Evan B. Sundby, Ph.D. in an amount not to exceed \$25,000 for the term December 8, 2004 through December 7, 2005 for pre-employment and post-employment "fitness for duty" psychological examinations on an "as-requested" basis for said Department. (Funding: General Fund)
RECOMMENDED ACTION: Approve, noting Government Code 3031(f) requires Deputy Sheriffs, Correctional Officers, and Dispatchers undergo psychological screening prior to an offer of employment.

7. Environmental Management Department recommending Resolution authorizing the Director of said Department to sign and submit the Reuse Assistance Grant Application for fiscal year 2004/2005 to the California Environmental Protection Agency, California Integrated Waste Management Board to promote and apply the reuse of non-hazardous materials. (Funding: County Service Area 010)
RECOMMENDED ACTION: Adopt Resolution **318-2004**, noting matching requirements are the value of staffing time equal to 50% of requested grant amounts to be met through County Service Area 010 grant administration support.
8. Transportation Department recommending the following pertaining to Sierra View Estates, Unit 002:
(1) Adopt Resolution of Vacation terminating and abandoning (AOE 2004-32) rejected Offer of Dedication for a drainage easement located on (APNs 116-641-19, -20 and -21) Lots 14, 15, and 16, as requested by GSJ Company LLC; and
(2) Adopt Resolution acknowledging, but rejecting said Offer of Dedication (IOD 2004-57) for a replacement drainage easement located on said Lots.
RECOMMENDED ACTION: Adopt Resolutions **319-2004** and **320-2004**.
9. Transportation Department recommending the following pertaining to Watermark Subdivision (TM98-1348):
(1) Accept the subdivision improvements as complete;
(2) Reduce Performance Bond 103699080 to \$170,837 to guarantee against any defective work, labor done, or defective materials furnished and release one year after acceptance, if no claims are made; and
(3) Hold previously posted Laborers and Materialsmen Bond 103699080 in the amount of \$854,184 to guarantee payment to persons furnishing labor, materials or equipment, and release six months after acceptance, if no claims are made.
RECOMMENDED ACTION: Approve

10. Transportation Department recommending the following pertaining to Black Oak Estates, Unit 002, Lots 44 and 45:

(1) Adopt Resolution of Vacation abandoning (AOE 2004-35) portions of two five-foot wide public utilities easements located on the existing common boundary line of (APNs 116-750-04-100 and 116-760-01-100) Lots 44 and 45, requested by GSJ Company, LLC to satisfy a condition of approval for a pending boundary line adjustment; and

(2) Adopt Resolution accepting said offer (IOD 2004-59) from said Company for replacement public utilities easements located on the future common lot line of said Lots.

RECOMMENDED ACTION: Adopt Resolutions **321-2004** and **322-2004**.

11. Transportation Department recommending Resolution summarily vacating (AOE 2004-38) one five-foot wide public utilities easement located along the side lot line, and a ten-foot wide public utilities easement located along the rear lot line of (APN 112-380-15-100) Lot 15 of Governor Village, Unit 11, requested by Wayne and Sandra Montwheeler for planned construction of a swimming pool.

RECOMMENDED ACTION: Adopt Resolution **323-2004**.

12. Transportation Department recommending Resolution accepting road improvements along Serrano Parkway Station 181+23.45 to 192+50 (from the intersection of Penniman and Greenview Drives to a point 1126.55 feet east) into the County Maintained Mileage System.

RECOMMENDED ACTION: Adopt Resolution **324-2004**.

13. Transportation Department recommending Resolution sanctioning the closure of Harvard Way between Tah-Nee Way and Silva Valley Drive, Clermont Way between Harvard Way and Brisbane Circle, Brisbane Circle between Clermont Way and St. Andrews Drive, St. Andrews Drive between Brisbane Circle and Brisbane Circle and the complete closure of Rochampton Place, Holleston Place, Normanton Place, Fitzroy Place, Teally Place, Springburn Way, Forbes Place, Ranken Place, Pemberton Way, Northam Way, Murrell Place, Williston Way, Hediano Place, Canberra Place, Alburn Place, and Ravenshoe Way, on Friday, October 15, 2004 between 3:45 p.m. and 5:00 p.m. for the Oak Ridge High School Homecoming parade.
RECOMMENDED ACTION: Adopt Resolution **325-2004**.

14. Transportation Department recommending Resolution amending Resolution 252-81 sanctioning the installation of a NO STOPPING ANYTIME sign on the southbound shoulder of Silva Valley Parkway at the intersection with Harvard Way south for 75 feet. (Funding: Road Fund Discretionary)
RECOMMENDED ACTION: Adopt Resolution **327-2004**.

15. Planning Department recommending Chairman be authorized to sign Avigation and Noise Easements and Certificates of Acceptance from John Barton and Susan Barton, Stephen F. Patterson and Lynda F. Patterson, Stephen F. Patterson, Jr., Clinton Schue, Pat Snyder and Eva Snyder, and Karl Turner and Patricia Turner for property located in the vicinity of the Lake Tahoe Airport.
RECOMMENDED ACTION: Approve.

16. Planning Department recommending Chairman be authorized to sign Avigation and Noise Easements and Certificates of Acceptance from Mark Bassler, Robert Craven, Dennis Crozier, Devin C. Harris Trustee, Pansy Rea Hocker, James Owens, and Alex Prokop, for property located in the vicinity of the Cameron Park Airport.
RECOMMENDED ACTION: Approve.

17. Planning Department recommending Chairman be authorized to sign Avigation and Noise Easement and Certificate of Acceptance from Richard L. Petersen and Joan V. Petersen for property located in the vicinity of the Placerville Airport.
RECOMMENDED ACTION: Approve.

18. District Attorney recommending Resolution authorizing him to file a Grant Application and execute an Agreement with the Office of Emergency Services (OES) or any extension thereto for the term October 1, 2004 through September 30, 2005 for the Elder Abuse Program. (Funding: Federal funds)
RECOMMENDED ACTION: Adopt Resolution **328-2004**, costs are budgeted in the Victim Witness Division.

19. Supervisor Dupray recommending Sunny L. Culy be appointed to the Library Commission representing District I.
RECOMMENDED ACTION: Approve.

20. Supervisor Baumann, at the request of the El Dorado Hills Town Center East Owners Association, recommending introduction of Ordinance to provide for the application of the provisions of the California State Vehicle Code to the streets within Town Center East.
RECOMMENDED ACTION: Board waive reading, read by title only, and introduce Ordinance for adoption on **October 19, 2004**.

21. Chief Administrative Office recommending adoption of Resolution supporting Proposition 1A, "The Protection of Local Government Revenues"; said Proposition is set for the November 2004 statewide ballot.
RECOMMENDED ACTION: Adopt Resolution **330-2004** noting after a decade of State raids on local government revenues Proposition 1A provides protection from future raids via a "revenue fence".

END OF 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 the 2004 Home Investment Partnerships Program (HOME) Rehabilitation Application with the California Department of Housing and Community Development in the amount of \$600,000 to rehabilitate 12 to 15 owner-occupied residences of low-income households in the unincorporated areas of El Dorado County; and adoption of Resolution **329-2004** authorizing submission of said Application, and if funded, Director of Human Services or his designee be authorized to execute the Standard Agreement and any amendments thereto that do not affect the dollar amount, term, or scope contingent upon review and approval of County Counsel and Risk Management. (Funding: HOME Grant, if funded)

BOARD ACTION - Approved.

53124

51. Auditor-Controller recommending Chairman be authorized to sign Amendment 001 to Agreement 002-S0410 with Maximus, Inc. increasing compensation to an amount not to exceed \$5,000 for the term September 9, 2004 through September 9, 2005 for preparation of an additional cost allocation plan. (Funding: General Fund)

ADDED TO CONSENT CALENDAR: Approved.

32145

52. Clerk of the Board submitting request of the California State Association of Counties (CSAC) that the Board elect its representative and an alternate to serve on the CSAC Board of Directors in the year 2004.

BOARD ACTION - Board reappointed Supervisor Solaro as its representative and Supervisor Baumann as alternate to serve on the CSAC Board of Directors.

31245

53. Sheriff recommending the Chairman be authorized to sign Retroactive Agreement 119-S0511 with Appriss, Inc. in the amount of \$11,130 per year for the term July 1, 2004 through June 30, 2007 for an automated victim notification service, noting the vendor wanted to increase rates on a perpetual contract, however the Department re-negotiated a fixed term agreement with assistance from County Counsel and Purchasing for fixed costs for the term. (Funding: Inmate Welfare Trust Fund)

ADDED TO CONSENT CALENDAR: Approved. 32145

54. Transportation Department recommending the following pertaining to the National Pollution Discharge Elimination System:

(1) Approve the Proposed Final August 2004 El Dorado County Western Slope Storm Water Management Plan; and

(2) Approve the submittal of said Plan to the Central Valley Regional Water Quality Control Board. (Funding: General Fund and Road Fund - included in the fiscal year 2004-2005 budget) (Continued 9/14/2004, item 51)

BOARD ACTION - Approved. 34125

55. Chief Administrative Officer providing an update on the Request for Proposal for the fuel management package. (Continued 9/14/2004, item 56)

BOARD ACTION - Continued off calendar. 31245

56. Chief Administrative Officer (CAO) submitting proposed criteria for delegated signature authority on contracts and limitations pertaining to same. (Continued 9/28/2004, item 55)

BOARD ACTION - Board approved in concept the criteria delegating signature authority as outlined in the CAO's memorandum dated October 8, 2004; and directed this item be brought back to the Board with the Purchasing Ordinance on **November 2, 2004.** 32145

57. Chief Administrative Officer reporting on the proposed reorganization of Fleet Management and Special District Administration functions. (Continued 9/28/2004, item 54)

BOARD ACTION - Board approved the transfer of Central Services to the General Services Department; responsibilities for zones of benefit administration to the Department of Transportation; and responsibilities for assessment district and impact fee reviews to the Chief Administrative Office. 45123

58. Supervisor Baumann recommending adoption of Resolution **326-2004** supporting House Resolution 236 (Honda) encouraging each United States air carrier to establish reduced airfares comparable to the lowest airfare for ticketed flights for all members of the Armed Forces on active duty; and offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees and penalties.

BOARD ACTION - Board adopted Resolution **326-2004** formally supporting House Resolution 236. 24135

59. Supervisor Baumann recommending the Board oppose Proposition 66 which proposes to amend the existing "Three Strikes Law"; and Chairman be authorized to sign a letter of opposition to Governor Schwarzenegger.

BOARD ACTION - Board authorized Chairman to sign a letter formally opposing Proposition 66. 25134

60. Chief Administrative Officer recommending the Board find that it is necessary for the Fire Safe Council to contract with several vendors in addition to Mother Lode Rehabilitation Enterprises (M.O.R.E.) in order to perform the scope of services set forth in the program description for the Senior/Disabled Assistance for Defensible Space Program, as approved by the Board in Amendment III to its Agreement with the Fire Safe Council; and Auditor-Controller be authorized to pay claims for these services to vendors not named in the program description, at those vendors' current, published rates, noting that the rates may be higher than those specified in the contract, retroactive to April 1, 2004, until such time as the contract and program description are amended. (Funding: Non-General Fund. This is the entire amount of Federal Forest Reserve funds budgeted for this program) (Continued 10/5/2004, item 57)

BOARD ACTION - Approved contract amendment provided this date. 42135

BOARD OF SUPERVISORS TO CONVENE AS THE AIR QUALITY MANAGEMENT DISTRICT BOARD TO CONSIDER THE FOLLOWING:

70. Air Quality Management District recommending the Chairman be authorized to sign First Amendment to Agreement 025-DMV2004-01 with El Dorado County Transit Authority extending the expiration date to May 31, 2005 for the "Cleaire Longview Retrofit", noting retrofitting the remaining buses will be scheduled after the completion of "Apple Hill Season".

BOARD ACTION - Approved. 34125

AIR QUALITY MANAGEMENT DISTRICT BOARD TO ADJOURN.

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION ROSTER

Regular Meeting of the Board of Supervisors

October 12, 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(a), Existing Litigation

- El Dorado County Air Quality Management District v. Loring Brunius, Thelma Brunius, Sierra Rock, El Dorado County Superior Court, Case No. PC20030622; Boyd Sears, Loring Brunius, Thelma Brunius, Sierra Rock v. Calif. Air Resources Board et al, El Dorado County Superior Court, Case No. PC20030168 (CA ATCM 93105), and El Dorado County Superior Court, Case No. PC20010457 (CA ATCM 93106)

BOARD ACTION - On a unanimous vote of 4-0, Supervisor Solaro being absent, the Board approved settlement of this case.