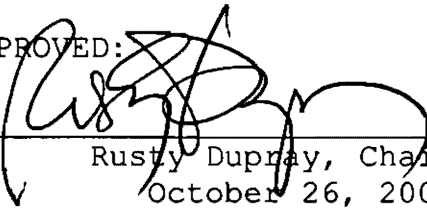


Original Minutes of the Regular Meeting of the Board of Supervisors on October 19, 2004, attached hereto and approved by the Board on October 26, 2004.

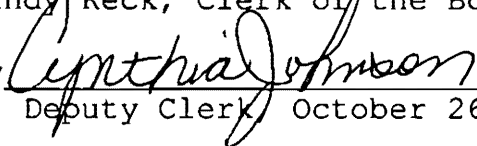
APPROVED:



Rusty Dupray, Chairman
October 26, 2004

ATTEST:

Cindy Keck, Clerk of the Board

By 

Deputy Clerk October 26, 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 19, 2004 - 10:00 A.M.

PACIFIC RANGER STATION
Eldorado National Forest
7887 Highway 50
Pollock Pines, California

Meeting relocated to:
BOARD OF SUPERVISORS MEETING ROOM
330 Fair Lane
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.

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.

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 two new business items added (refer agenda items 52 and 53) 3415 2(np)

Agenda adopted with items 17 and 18 pulled from the Consent Calendar for separate action; Consent Calendar approved as modified. 5413 2(np)

PRESENTATION of Certificate of Recognition to the Parent Teacher Club of Pollock Pines for its efforts in refurbishing the Pinewood Elementary School playground.

PRESENTATION by Molly Helms, Superintendent of both the Pollock Pines Elementary School District and the Silver Fork Elementary School District acquainting the Board and members of the public with exciting activities and upcoming events for said Districts.

Continued off calendar.

PRESENTATION of an overview of the Search and Rescue Program by El Dorado County Sheriff Search and Rescue.

Continued off calendar.

OPEN FORUM

CONSENT CALENDAR

1. Approval of Board of Supervisors Agenda (Minutes) of Regular Meeting of October 12, 2004.
RECOMMENDED ACTION: Approve.

2. Public Health Department recommending Chairman be authorized to sign Retroactive Agreement with the El Dorado County Office of Education, through its School Attendance Review Board (SARB) in an amount not to exceed \$5,928 for the term September 1, 2004 through June 30, 2005 reimbursing said Department for case management, family advocacy, referral, and other services to the SARBs in South Lake Tahoe and on the West Slope. (Funding: Incoming from Office of Education)
RECOMMENDED ACTION: Approve.
3. Public Health Department recommending Chairman be authorized to sign Agreement with Marshall Medical Center authorizing the County Public Health Laboratory to perform tuberculosis testing for the hospital at a flat rate of \$24.68 per specimen on an "as-needed" basis. (Funding: Incoming in an undetermined amount)
RECOMMENDED ACTION: Approve.
4. Public Health Department recommending Chairman be authorized to sign Retroactive Agreement 394-A-PHD0904 with Daou Systems, Inc. in an amount not to exceed \$46,000 effective October 12, 2004, for a six month term, for grant funded technical services for the El Dorado County Safety Net Provider Project/ One-e-App Feasibility Study. (Funding: California Healthcare Foundation One-e-App Grant)
RECOMMENDED ACTION: Approve, noting retroactive as to term, County and initial vendor were unsuccessful in reaching agreement; grant requires a contract be in place by 10/31/04 and all work completed by 12/31/04.
5. Public Health Department recommending Chairman be authorized to sign Agreement 359-PHD0904 with John F. Warden, Jr., CPA in an amount not to exceed \$19,700 for fiscal year 2004/2005 for independent audits of County Service Areas (CSA) 3 and 7 ambulance services: Western Slope Joint Powers Authority \$6,500, Cal Tahoe Joint Powers Authority \$3,800, County Service Area 7 and Ambulance Billing \$3,550, County Service Area 3 \$5,850 including Tahoe West Shore area, and compliance audits of Cal Tahoe Joint Powers Authority and North Tahoe Fire Protection District. (Funding: CSA 3 and 7)
RECOMMENDED ACTION: Approve.

6. Public Health Department requesting authorization to co-sponsor an educational seminar to be held November 5, 2004 at the Alpine County Learning Center; and recommending Auditor-Controller provide payment in the amount of \$3,000 to Capri of the Sierras for same. (Funding: Public Health Realignment)
RECOMMENDED ACTION: Approve.

7. Mental Health Department recommending appointment of Marbri Carroll to the Mental Health Commission-Western Slope Council. (Funding: Federal grant application)
RECOMMENDED ACTION: Approve.

8. Transportation Department recommending Chairman be authorized to sign Certificate of Acceptance accepting Grant Deed from El Dorado Hills County Water District for a road right of way located along a segment of existing Bass Lake Road (APN 108-130-07-100) necessary to accommodate construction of the Bass Lake Road Interim Improvements Project 71353.
RECOMMENDED ACTION: Approve.

9. Transportation Department recommending Resolution acknowledging but rejecting Irrevocable Offer of Dedication (IOD 2004-56) from Morrison Homes, Inc. (APNs 107-800-05 through -13) for a drainage easement in Creekside Greens, Unit 002, Lots 5 through 13 in El Dorado Hills to accommodate recent grading and the installation of new drainage facilities.
RECOMMENDED ACTION: Adopt Resolution **331-2004**.

10. Transportation Department recommending Resolution sanctioning closure of Church Street between Highway 193 and School Street and partial closure of Harkness Alley, Orleans Street, and Placer Street where they intersect with Church Street, in Georgetown, on Sunday, October 31, 2004, between 5:00 p.m. and 8:00 p.m. for the 2004 Georgetown "Safe Halloween" event.
RECOMMENDED ACTION: Adopt Resolution **332-2004**.

11. Sheriff Department recommending the Board accept, with thanks, the donation of a 1994 utility trailer (VIN CA636818) from the El Dorado County Mineral and Gem Society for use by the Sheriff's Search and Rescue volunteers.

RECOMMENDED ACTION: Approve.

12. Sheriff Department recommending Budget Transfer 25010 increasing estimated revenue by \$133,000 in asset seizure revenue to the Sheriff's fiscal year 2004/2005 operating budget for the purchase of ergonomic workstations, re-carpet the South Lake Tahoe office, replace a sniper rifle, and fund a special joint agency operation.

RECOMMENDED ACTION: Approve, noting expenditure of asset seizure revenue should be spent on one time costs such as the fixed assets identified in this item.

13. Chief Administrative Office recommending Chairman be authorized to sign Letter Agreement with the Deputy County Counsel Association approving a one-time lump-sum amount equivalent to \$839, less necessary and customary deductions required by law, for each permanent employee employed by the County who was represented by said bargaining unit on September 2004, excluding extra help employees or temporary employees, subject to any California Public Retirement System requirements or restrictions, and not affiliated with any permanent salary increase either now or in the future. (Funding: Department 15)

RECOMMENDED ACTION: Approve.

14. Supervisor Baumann and Dupray recommending Certificate of Appreciation welcoming Applebee's to El Dorado County and recognizing its \$4,000 donation to the Ponderosa High School Foundation.

RECOMMENDED ACTION: Approve.

15. Supervisor Sweeney recommending Mary Lou Hall be appointed to the Library Commission representing District III.

RECOMMENDED ACTION: Approve.

16. Supervisor Paine recommending Bonnie Wurm be appointed to the Cemetery Advisory Commission representing District IV.

RECOMMENDED ACTION: Approve.

17. Chief Administrative Office recommending adoption of Resolution establishing the new salary range for the Treasurer/Tax Collector and the Assistant Treasurer/Tax Collector as a result of the merging of the County Collections Unit into the Treasurer/Tax Collector's Office; said salary to be increased by 5%.

RECOMMENDED ACTION: Adopt Resolution **333-2004**.

4315 2(np)

18. Chief Administrative Office recommending advance step placement of Mark Gregersen at Step 4 of the salary range for the position of Human Resources Director effective October 30, 2004. (Funding: salary savings)

RECOMMENDED ACTION: Approve.

534 1(n) 2(np)

19. Supervisor Dupray recommending Chairman be authorized to sign letter supporting JOB ONE's efforts in providing business services on behalf of Golden Sierra Job Training Agency throughout El Dorado County.

RECOMMENDED ACTION: Approve.

20. Supervisor Solaro recommending Proclamation recognizing Harrah's and Harvey's Lake Tahoe for generous contributions to the community and for its participation in the El Dorado County Juvenile Treatment Center "Gala under the Stars" grand opening event on September 17, 2004.

RECOMMENDED ACTION: Adopt Proclamation.

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. County Counsel recommending adoption of Interim Ordinance **4659** extending the previous 45-day moratorium to 180 days, effective immediately, pertaining to the establishment or operation of medical marijuana dispensaries. (4/5 vote required)
(Continued 10/5/2005, item 59)
BOARD ACTION - Ordinance 4659 adopted. 3415 2(np)

51. Adoption of Ordinance **4660** applying the provisions of the California Vehicle Code to the streets within Town Center East. (Introduced 10/12/2004, item 20)
BOARD ACTION - Ordinance 4660 adopted. 3415 2(np)

NEW BUSINESS

52. At the recommendation of the Sheriff the Board added an urgency item to the Agenda: Resolution to declare a state of emergency which began at 8:56 a.m. on Sunday, October 17, 2004; and Chairman be authorized, in his capacity as Director of Emergency Services, to request the Governor to proclaim a state of emergency, to apply for and secure emergency program services from the Governor's Office of Emergency Services, and to execute any and all consultant services contracts and purchase orders for goods and services in connection with said emergency.
BOARD ACTION - Resolution **334-2004** adopted. 3514 2(np)

53. At the recommendation of County Counsel the Board added an urgency item to the Agenda: Agreement for Legal Services with Mary A. Roth and Mary Jane Hamilton in an amount not to exceed \$5,000 each for a total amount of \$10,000 for each Attorney to advise, assist, and represent the County as co-counsel with County Counsel with respect to appellate proceedings in the case of *County of El Dorado v. Elisa B.*, El Dorado County Superior Court No. PFS20010244; *Elisa B. v Superior Court (Emily B.)*, Third District Court of Appeal No. C042077; and *B. (Elisa) v. Superior Court (Emily B.)*, California Supreme Court No. S125912.

BOARD ACTION - Chairman authorized to sign said Agreement. 5314 2(np)

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION ROSTER

Regular Meeting of the Board of Supervisors

October 19, 2004 - 10:00 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 Child Support Services v. Elisa Maria B. Superior Court Case No.: PFS2001-0244. Additional Court Case References: Court of Appeal-Third Appellate District (El Dorado). Case No. C042077. In the Supreme Court of the State of California. Case No. S125912.

No action reported.

- El Dorado County v. Gale A. Norton, et al., United States District Court, Eastern District Case #CIV.S-02-1818 GEB DAD; and El Dorado County v. California Department of Transportation, et al., Superior Court of California-County of Sacramento. Case No. 03CS00003.

No action reported.

Section 54956.9(c), Anticipated Litigation:

- Initiation of litigation. Title: 77 Acre Fee-to-Trust Project - Bureau of Indian Affairs.

No action reported.

Section 54956.8, Conference with Real Property Negotiator:

- Instructions to negotiator regarding real property described as APN 083-211-11. The person with whom the negotiator may negotiate is James W. Taylor. Instructions to negotiator will concern price and terms of payment.

No action reported.

NEW BUSINESS

At the recommendation of County Counsel the following closed session was added to the Agenda per Government Code Section 54954.2(b)(2): 3415 2(np)

Section 54956.9(c), Anticipated litigation: Title: Fred's Fire Local Emergency.

- Initiation of litigation.

No action reported.

Section 54956.9(b), Anticipated litigation: Title: Fred's Fire Local Emergency.

- Significant exposure to litigation.

No action reported.