

Original Minutes of the Regular Meeting of the Board of Supervisors on March 8, 2005, attached hereto and approved by the Board on March 15, 2005.

APPROVED:

Charlie Paine

Charlie Paine, Chairman
March 15, 2005

ATTEST:

Cindy Keck, Clerk of the Board

By *Cynthia Johnson*
Deputy Clerk, March 15, 2005

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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, March 8, 2005 - 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

CHARLIE PAINE
Fourth District
Chairman

RUSTY DUPRAY
First District

HELEN K. BAUMANN
Second District

JAMES R. SWEENEY
Third District
Second Vice Chairman

DAVID A. SOLARO
Fifth District
First 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 8 and 9 pulled from Consent Calendar for separate action, item 50 continued to **March 15, 2005**; and Consent Calendar approved as modified. 13245

PRESENTATION by Bob Fletcher, Senior Marketing Manager of Vanir Construction Management, Inc., acknowledging the successful completion of the South Lake Tahoe Juvenile Treatment Center Project and the great working relationship with the Project Team members.

OPEN FORUM**CONSENT CALENDAR**

1. Approval of the Board of Supervisors Conformed Agenda (Minutes) of the Regular Meeting of Tuesday, March 1, 2005.

RECOMMENDED ACTION: Approve.

2. Public Health Department, in collaboration with Department of Human Services and El Dorado County Superior Court, recommending Chairman be authorized to sign Budget Transfer 25094 increasing revenue and expenditures for Fiscal Year 2004/2005 by \$51,477 due to receipt of the Comprehensive Drug Court Implementation 2004/2005 Dependency Drug Court Grant in the amount of \$102,954 for the term December 29, 2004 through December 28, 2005 to provide substance abuse services to eligible participants in El Dorado County, noting the remainder of Grant will be included in Fiscal Year 2005/2006 budget process. (Funding: Department of Alcohol & Drug Programs) (4/5 vote required)

RECOMMENDED ACTION: Approve.

3. Public Health Department recommending Chairman be authorized to sign retroactive Agreement 415-PHD0105 with EDCA Lifeskills in the amount of \$23,402 for the term December 29, 2004 through December 28, 2005 to provide juvenile drug court services funded by the Comprehensive Drug Court Implementation Grant. (Funding: Department of Alcohol and Drug Programs)
RECOMMENDED ACTION: Approve, noting retroactive due to late receipt of State agreement.

4. Human Services Department recommending Chairman be authorized to sign Amendment 02 to Agreement 665-S0311 with CUSA AWC, LLC, dba All West Coachlines increasing the amount from \$260,000 to \$335,000 for a two year term to continue to provide charter motorcoach transportation, coordination and reservation services on an "as requested by the Department of Human Services" basis for groups of seniors attending various activities. (Funding: Participants donations cover all costs)
RECOMMENDED ACTION: Approve, noting increase in contract with requested action is \$75,000, said increase is driven by participant demand.

5. Human Services Department recommending Chairman be authorized to sign Budget Transfer 25095 in the amount of \$150,000 in Tobacco Settlement Funding to establish an inter-fund transfer between Special Revenue Funds from the Public Health Department to the Human Services Department, Community Services Division Fund for the expansion/renovation of the leased facility at 3057 Briw Road to accommodate consolidation with the Home of Elder Adult Resource Team (HEART) programs currently housed on Main Street. (Funding: Tobacco MSA Funding)
RECOMMENDED ACTION: Approve, contingent upon Board approval of an anticipated 3057 Briw Road lease extension.

6. Human Services Department, Social Services Division, recommending Chairman be authorized to sign Agreement 336-S0511 with Early Childhood Counseling Center in the amount of \$60,000 for a two year term for therapeutic counseling services on an "as requested" basis for participants of CalWORKs and Child Protective Services. (Funding: General Fund, Sales Tax Realignment - \$30,000 budgeted for each fiscal year)
RECOMMENDED ACTION: Approve.

7. Human Services Department, Social Services Division, recommending Chairman be authorized to sign Agreement 338-S0511 with Good Samaritan Ministries and Agreement 358-S0511 with Laura Arevalo in the amount of \$20,000 each for a two year term for therapeutic counseling services on an "as requested" basis for clients of Child Protective Services. (Funding: General Fund, Sales Tax Realignment - \$20,000 budgeted for each fiscal year)
RECOMMENDED ACTION: Approve.

8. Mental Health Department requesting authorization to submit a funding request in the amount of \$96,324 to the State Department of Mental Health for Proposition 63 - Mental Health Services Act (MHSA) funds to support the initial Community Program Planning efforts to develop a three-year plan to identify and prioritize areas of need and to propose new and/or expanded services to meet those needs. (Funding: Proposition 63 - MHSA funds)
RECOMMENDED ACTION: Approve. 23145

9. Mental Health Department recommending Chairman be authorized to sign an Amendment to Agreement 294-09611 with Glenn County increasing compensation by \$16,915.95 to an amount not to exceed \$80,994.73 for attorney and vendor search services for said Department. (Funding: Mental Health Realignment Funds)
RECOMMENDED ACTION: Approve. 21345

10. Fair Manager recommending Chairman be authorized to sign the El Dorado County Fair 2005 Budget in the amount of \$1,487,675 approved by the Fair Board of Directors and the Department of Food & Agriculture Divisions of Fairs and Expositions.

RECOMMENDED ACTION: Approve, noting operating appropriations equal operating revenues plus the local allocation and County funds/mil flex. There is a net loss of \$120,000 due to depreciation expense.

11. General Services Director requesting authorization to sign Change Order 003 to Agreement 544-C0499 with Sacramento Cooling Systems, Inc., dba L & H Airco increasing scope of services and compensation by \$29,470 for a total contract amount of \$537,599 and extending the term to June 9, 2005 for Buildings A & B HVAC control upgrades (Project 04-13B). (Funding: PG&E Loan/ACO Fund)

RECOMMENDED ACTION: Approve, contingent upon approval by County Counsel, noting Change Order 003 includes the addition of 7 control damper actuators, an exhaust fan, controls to auxiliary boilers, and added controls on existing equipment.

12. Transportation Department requesting authorization to carry out the Apalachee Phase 2 Erosion Control Project; and recommending the Board certify the Addendum to the Mitigated Negative Declaration is adequate.

RECOMMENDED ACTION: Approve and authorize the Director of said Department, or designee, to execute said Addendum.

13. Transportation Department recommending the following pertaining to Pioneer Place, Unit 4 Subdivision (TM 86-1051-4):

(1) Approve the Agreement to Make Subdivision Improvements with Warmington Travois Associates, L.P. for improvements to said subdivision;

(2) Authorize Chairman to execute said Agreement;

(3) Authorize the Clerk of the Board to rescind Agreement to Make Subdivision Improvements executed January 6, 2004; and

(4) Release Performance Bond No. SU5002996 and Laborers and Materialmen Bond No. SU5002996 to Travois Limited Partnership.

RECOMMENDED ACTION: Approve, noting actions necessary to recognize change in ownership and increased cost of scope of developer improvements.

14. Transportation Department recommending the following to satisfy Mitigation Measure 4.5.1A of the Promontory Specific Plan for a segment of Sophia Parkway in El Dorado Hills:

(1) Adopt Resolution accepting an Irrevocable Offer of Dedication (IOD 2005-02) from Russell-Promontory, LLC for a road right of way, in fee, along with public utilities and pedestrian easements; and

(2) Adopt Resolution acknowledging, but rejecting Irrevocable Offer of Dedication at this time for landscape maintenance, slope and drainage easements.

RECOMMENDED ACTION: Adopt Resolution Nos. 052-2005 and 053-2005.

15. Sheriff's Department recommending Chairman be authorized to sign Amendment 02 to Agreement 407-S0411 with Marshall Medical Center extending the term to April 19, 2006 with no increase in compensation for evidentiary examinations and laboratory analyses on an "as-requested" basis for said Department. (Funding: General Fund)

RECOMMENDED ACTION: Approve.

16. Sheriff's Department recommending the Board accept with thanks, donations of \$1000 from Wal-Mart Foundation, \$500 from Gold Country Bail Bonds, \$500 from Nor-Cal Beverage Company, \$300 from Accurate Tax Service, \$1000 from T.L. Stigall, Inc. and \$500 from Western Sign Company to purchase equipment for said Department's exercise room; authorize Chairman to sign Budget Transfer 25098 increasing Sheriff's operating budget for same; and authorize the Auditor/Controller to pay the invoice in the amount of \$7,685 from The Fitness Outlet, Inc. for said equipment. (Funding: Donations)

RECOMMENDED ACTION: Approve.

17. Chief Administrative Office, Procurement and Contracts Division, recommending the following:

(1) Dispense with formal bidding procedures in accordance with Purchasing Ordinance 3.12.132, Section C;

(2) Authorize the Purchasing Agent to utilize the State of California's competitively bid Contract No. 1-04-80-01 for traffic beads for the Department of Transportation;

(3) Authorize a blanket purchase order in the amount of \$33,000, including sales tax, to Potters Industries, Inc. of Valley Forge, PA for a term to expire April 30, 2006; and

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(4) Authorize an increase to blanket purchase order for traffic beads on an "as-needed" basis during the awarded period if funding is available within the requesting Department's budget. (Non-General Fund/Road Fund)

RECOMMENDED ACTION: Approve.

18. Chief Administrative Office, Procurement and Contracts Division, recommending the Board find that is more economical and feasible to obtain an outside contractor to provide vehicle rental services in accordance with County Ordinance Chapter 3.13, Section 3.13.030; and authorize the Chairman to sign Agreement 444-S0511 with Dave's Rent-A-Car, Inc. in an amount not to exceed \$20,000 for the term March 4, 2005 through March 3, 2006 to provide vehicle rentals on an "as-requested" basis Countywide. (Funding: General Fund, and Non-General Fund)

RECOMMENDED ACTION: Approve.

19. Chief Administrative Office, Procurement and Contracts Division, submitting list of property surplus to the needs of the County and recommending Board so declare and authorize disposal of same in accordance with the procedures outlined in County's Purchasing Ordinance, Chapter 3.12.

RECOMMENDED ACTION: Approve.

20. Chief Administrative Office, on behalf of the County Chamber of Commerce, submitting California State Fair Counties Exhibits Authorization and Appointment form designating the Chamber as the organization responsible for the County's exhibit at the 2005 State Fair.

RECOMMENDED ACTION: Authorize Chairman to sign and any award money to be paid to the Chamber.

21. Chief Administrative Office recommending Chairman be authorized to sign Revised Amendment 01 to Funding Agreement for Federal Forest Reserve Title III Projects with Cameron Park Community Services District increasing funding by \$40,000 for a total not to exceed amount of \$115,000 for the term April 1, 2003 through June 30, 2006. (Funding: Title III Federal Forest Reserve)
RECOMMENDED ACTION: Approve, noting agreement previously approved by the Board on February 1, 2005, however, the "not to exceed amount" was understated by \$10,000.
22. County Counsel recommending Resolution amending the Conflict of Interest Code to account for changed circumstances, including creations of positions or change of duties assigned to existing positions.
RECOMMENDED ACTION: Adopt Resolution No. 054-2005, noting additions of the following: Assessor's Office, Development Services, Environmental Management, Public Health, Human Resources, Sheriff, Department of Transportation, Treasurer/Tax Collector, and reflects organizational shifts in Treasurer/Tax Collector, Human Services, and Development Services.
23. Supervisor Dupray, on behalf of the El Dorado County Chapter of the "People to People" Program, requesting the Board adopt a Proclamation recognizing the 30th Anniversary of the establishment of the Sister City Program between Warabi, Japan and El Dorado County.
RECOMMENDED ACTION: Adopt Proclamation.
24. Supervisor Baumann requesting the Board of Supervisors Meeting on Tuesday, April 5, 2005, convene at **10:00 a.m.** to allow members of the Board who will be attending the 35th annual Capitol-to-Capitol Conference to attend a "kick-off" breakfast scheduled this date with the Sacramento Metropolitan Chamber of Commerce from 7:00 a.m. to 9:00 a.m. in Sacramento.
RECOMMENDED ACTION: Approve.

25. Supervisor Paine recommending Hilde Schweitzer be appointed as the Non-Commercial Boater Representative to the River Management Advisory Committee for a term to expire in January 2009.

RECOMMENDED ACTION: Approve.

26. Supervisor Solaro recommending adoption of Resolution rescinding Resolution 314-2004 amending the El Dorado County Zoning Code, Chapter 17.20 to reduce the rear setback allowances within the Tahoe Basin portion of El Dorado County to allow the Planning Department to proceed with alternative solutions for issues relating to same.

RECOMMENDED ACTION: Adopt Resolution 051-2005.

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. Chief Administrative Office recommending Chairman be authorized to sign Amendment 001 to Agreement 569-S0411 with Fox Lawson & Associates with no increase in compensation and extending the term from May 24, 2004 through March 31, 2005 for the compensation study; and Auditor/Controller be directed to process the claim in the amount of \$39,000 for services rendered. (Funding: General Fund) (Continued 3/1/05, item 52)
Continued to March 15, 2005 upon adoption of the Agenda at the request of the Auditor/Controller. 13245

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

60. Hearing to consider adoption of the amended District-wide Rule 523, New Source Review by the Air Quality Management District and recommending the following actions:

(1) Make findings of Authority, Necessity, Clarity, Consistency, Nonduplication, and Reference as required by Health and Safety Code Sections 40703 and 40727 for amended Rule 523 - New Source Review which establishes permitting requirements for all new and modified stationary sources; and

(2) Adopt amended Rule 523, noting said Amendment incorporates new State ozone transport mitigation regulations that decrease offset threshold levels for ozone precursors.

BOARD ACTION - Hearing no protests, Board adopted amended Rule 523. 35124

AIR QUALITY MANAGEMENT DISTRICT BOARD TO ADJOURN.

TIME ALLOCATION - 10:00 A.M.

70. Hearing to consider the following pertaining to the formation of El Dorado County Community Facilities District No. 2005-1 - Blackstone (Valley View Specific Plan)

(1) Adoption of Resolution of Formation;

BOARD ACTION - Hearing no protests, Resolution No. 056-2005 adopted. 12345

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(2) Adoption of Resolution Deeming it Necessary to Incur Bonded Indebtedness;

BOARD ACTION - Hearing no protests, Resolution No. 057-2005 adopted. 12345

(3) Adoption of Resolution Calling Special Mailed-Ballot Election;

BOARD ACTION - Hearing no protests, Resolution No. 058-2005 adopted. 12345

(4) Adoption of Resolution Declaring Election Results;

BOARD ACTION - Hearing no protests, Resolution No. 059-2005 adopted. 12345

(5) Execution of Acquisition and Disclosure Agreement; and

BOARD ACTION - Hearing no protests, Chairman was authorized to sign the Acquisition and Disclosure Agreement, upon approval by County Counsel, Chief Administrative Officer, and Auditor/Controller, subject to minor changes in the acquisition and disclosure section relating to the sequence of potential projects. 12345

(6) Introduction of Ordinance Levying a Special Tax for Fiscal Year 2005/2006 and Following Years to Community Facilities District 2005-1; and recommending reading of said Ordinance be waived, read by title only, and continue adoption of same to **March 15, 2005**.

(Resolution of Intention adopted 2/1/2005, item 70)

BOARD ACTION - Hearing no protests, the Board waived reading, read by title only, and continued adoption of said Ordinance to **March 15, 2005**. 12345

TIME ALLOCATION - 10:30 A.M.

71. Youth Commission presenting report on the results of the Skatepark Survey and the Forum discussion held on February 22, 2005.

BOARD ACTION - Board accepted the Youth Commission's Final Report on "Joe's Skate Park" and requested the establishment of an Advisory Committee based on the guidelines of said Report; and directed that the ratification of said Committee be brought back to the Board on **March 29, 2005.** 15234

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

The Board of Supervisors adjourned in memory of Dennis Machida, Director of the California Tahoe Conservancy, who passed away March 4, 2005. The Tahoe Basin, El Dorado County, and the State of California lost a true friend of the environment.

CLOSED SESSION ROSTER**Regular Meeting of the Board of Supervisors****March 8, 2005 - 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 54957.6, Conference with Labor Negotiator:

- County Negotiator: Human Resources Director
Employee Organization: Operating Engineers, Local 3: Corrections, Probation, Trades & Crafts; Deputy Sheriff's Association; Local 1: General, Supervisory, Professional; Criminal Attorney's Association.
Unrepresented Employee: Unrepresented Management; Confidential; Elected; Unrepresented Department Heads.

No action reported.

Section 54956.8, Conference with Real Property Negotiator:

- Instructions to negotiator regarding real property described as APN 033-691-05. The persons with whom the negotiator may negotiate are Victoria Brown Heiberg, aka Victoria J. Heiberg; Daniel Hall Brown; Lana Sakura Brown, aka Lana Frick Brown, aka Lana Frick; and Tyrone Joe Brown, aka Tyrone Joey Frick Brown, aka Joey Frick. Instructions to negotiator will concern price and terms of payment.

No action reported.

Section 54956.9(c), Anticipated Litigation:

- Initiation of Litigation. Title: County of El Dorado v. Serrano Associates LLP

BOARD ACTION - On an unanimous vote, the Board authorized the commencement of litigation proceedings with regard to property acquisition and eminent domain; and authorized the retention of Erickson, Beasley, Hewitt and Wilson LLP to act as counsel in said litigation.

Section 54957, **Public Employee Appointment:**

- Title: General Services Director
No action reported.

Section 54956.9(a), **Existing Litigation:**

- Title: Sacramento Municipal Utility District (SMUD) FERC Project 2101 (FERC Administrative Proceeding)
No action reported.
- Stargazer Ranch LLC v. County of El Dorado
No action reported.