

Original Minutes of the Regular Meeting of the Board of Supervisors on May 10, 2005, attached hereto and approved by the Board on May 17, 2005.

APPROVED:

Charlie Paine

Charlie Paine, Chairman
May 17, 2005

ATTEST:

Cindy Keck, Clerk of the Board

By *Stephyn Tyler*

Deputy Clerk, May 17, 2005

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, May 10, 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 item 14 continued off calendar and item 55 continued to **May 17, 2005**. Consent Calendar approved as modified. 35124

PRESENTATION proclaiming May, 2005 as Mental Health Month in the County of El Dorado.

PRESENTATION by Mike Kobus from "Ride and Shine" thanking the contestants of the "Koby Fear Factor".

OPEN FORUM**CONSENT CALENDAR**

1. Approval of the Board of Supervisors Conformed Agenda (Minutes) of the Regular Meeting of Tuesday, May 3, 2005.
RECOMMENDED ACTION: Approve.
2. Release of Lien (on file with Clerk).
RECOMMENDED ACTION: Approve.
3. Public Health Department, on behalf of the Emergency Medical Services Agency, recommending Proclamation designating May 15-21, 2005 as Emergency Medical Services (EMS) Week in El Dorado County.
RECOMMENDED ACTION: Adopt Proclamation.
4. Public Health Department recommending advanced step placement of Dr. Vicky Fogelman at Step 5 of the salary range for the position of Public Health Preparedness Division Manager effective May 18, 2005, noting even with changes in the County's compensation system, the candidate will take reduction in pay from accepting this position.
RECOMMENDED ACTION: Approve.

5. Public Health Department recommending Chairman be authorized to sign Declaration of Intent authorizing said Department to contract back the administration of the County's Emergency Medical Services Appropriation (EMSA) Fiscal year 2004/2005 physician's uncompensated care in a hospital setting back to the State to relieve Public Health from providing extensive documentation and staff time.
RECOMMENDED ACTION: Approve.

6. Public Health Department recommending approval of changes to the Business Associate Agreement to comply with privacy and security regulations of the Health Insurance Portability and Accountability Act (HIPAA) delegating authority to Department Heads affected by HIPAA regulations to sign amendments to existing agreements with business associates incorporating said Agreement.
RECOMMENDED ACTION: Approve.

7. Public Health Department recommending Chairman be authorized to sign retroactive Amendment 01 to Agreement 7275-04/05-709 A-1 with the County of Sacramento, Health and Human Services Department, extending the term from March 1, 2004 through June 30, 2005 for AIDS Ryan White Service Funding; and authorize Chairman to sign Budget Transfer 25141 increasing revenue and expenditure appropriations by \$70,455 for a total of \$281,820 in revenue to provide direct emergency services for people living with HIV disease. (4/5 vote required)
RECOMMENDED ACTION: Approve, noting agreement retroactive as to term due to late receipt.

8. Public Health Department recommending Chairman be authorized to sign Amendment 01 to Agreement 345-PHD1103 with Placer County Local Enforcement Agency (LEA) in the amount of \$75,000 with an additional \$4,000 to be made available on an annual basis for legal services, for the period July 1, 2005 through June 30, 2006 and may be extended for one subsequent additional year to provide specified solid waste management services. (Funding: State Grant and Solid Waste Franchise Fees)
RECOMMENDED ACTION: Approve.

9. Public Health Department recommending Chairman be authorized to sign Amendment 01 to Agreement NNA09 with the State Department of Alcohol and Drug Programs (ADP) increasing revenue and expenditures by \$137,554 in Net Negotiated Amount and Drug Medi-Cal Funding for a total amount \$1,552,994 for the term July 1, 2004 through June 30, 2008 for alcohol and drug prevention and treatment programs administered by Public Health. (Funding: Department of Alcohol and Drug Programs)
RECOMMENDED ACTION: Approve.

10. Public Health Department recommending Chairman be authorized to sign Amendment A01 to Memorandum of Understanding 04-35346 with the California Department of Health Services decreasing fiscal year 2005/2006 funding from \$65,382 to \$24,227 and fiscal year 2006/2007 funding from \$65,382 to \$24,227; and Chairman be authorized to sign Amendment A01 to Agreement 04-35346 with California Department of Health Services decreasing total funding by \$82,210 to a maximum amount of \$367,436 for the period July 1, 2004 through June 30, 2007. (Funding: State Office of AIDS Grant)
RECOMMENDED ACTION: Approve.

11. Human Services Department recommending May, 2005 be proclaimed as Older Americans Month in El Dorado County.
RECOMMENDED ACTION: Adopt Proclamation.

12. Human Services Department recommending Resolution authorizing the Chairman to sign Agreement 05C-1562 with the State Department of Community Services and Development in the amount of \$56,429 for the term April 1, 2005 through January 31, 2006 for Department of Energy (DOE) Weatherization Assistance Program services; and Director of said Department be authorized to execute subsequent documents relating to same including amendments that do not affect the term or the dollar amount and fiscal and programmatic reports, noting retroactive due to receipt from State on April 13, 2005.
RECOMMENDED ACTION: Adopt Resolution 117-2005.
13. Human Services Department, Social Services Division, requesting a 30 working day extension of the acting status for the Social Services Supervisor II at the South Lake Tahoe Child Protective Services Unit to maintain continuity of supervision.
RECOMMENDED ACTION: Approve.
14. Human Services Department, Social Services Division, recommending Chairman be authorized to sign Agreement 359-S0511 with Paul J. Kemberling, MFT and Agreement 345-S0511 with Lin Williamson, LMFT dba Williamson Counseling Services, each in the amount of \$20,000 for a two year period to provide "as requested" psychotherapeutic counseling services to participants of CalWORKs and Child Protective Services. (Funding: General Fund, Realignment, \$20,000 budgeted for each fiscal year)
RECOMMENDED ACTION: Approve. Continued off calendar upon adoption of the Agenda. 35124
15. Human Services Department recommending letter in support of Senate Bill 1018 (Simitian and Alquist) and Assembly Bill 1605 (Work, Berg and Evans) which are identical bills to add employees of certain financial institutions as mandated reporters of financial abuse perpetrated against elder and dependent adults; and further direct Peterson Consulting, Inc. to follow and support said legislation.
RECOMMENDED ACTION: Approve.

16. District Attorney recommending Resolution authorizing him to execute a Grant Award Agreement with the State Office of Emergency Services (OES) in the amount of \$172,086 for the period July 1, 2005 through June 30, 2006 to provide funding for the current Victim Witness Assistance Program. (Funding: State OES Grant)
RECOMMENDED ACTION: Adopt Resolution 123-2005.
17. General Services Department recommending the Board exercise the first option to extend Lease Agreement 353-L0011 with Sierra Investment Group, LLC in the amount of \$1,607.54 per month for the term June 1, 2005 through May 31, 2006 for office space located at 3330 Cameron Park Drive, Suite 900 in Cameron Park for the Sheriff's Department. (Funding: General Fund, \$17,683.27 budgeted for fiscal year 2005/2006)
RECOMMENDED ACTION: Approve
18. General Services Department recommending the Board exercise the first option to extend Lease Agreement 607-L0211 with Robert Earl Olson and Martha Waddell Olson in the amount of \$1,234.21 per month for the term June 1, 2005 through May 31, 2007 for 1,320 square feet of office space located at 415 Placerville Drive, Suites M and N in Placerville for the Public Health Department. (Funding: Non-General Fund)
RECOMMENDED ACTION: Approve.
19. General Services Department recommending the following pertaining to the Georgetown Airport Reconstruct and Light Runway 16-34 Project:
- (1) Make findings that said Project was bid in accordance with California Public Contract Code Section 22037;
 - (2) Award bid for same to the lowest responsible, responsive bidder, Vintage Paving Company, Inc. of Winters, California in the amount of \$732,286.31; and
 - (3) Authorize Chairman to sign the contract, subject to County Counsel and Risk Management's approval of contract and Contractor's bonds and insurance. (Funding: FAA and State Grants, Community Enhancement funds)
- RECOMMENDED ACTION: Approve.**

20. Planning Department recommending adoption of the findings and conditions of approval pertaining to the B.O.B. Hereford Ranch Resort (S04-0012B) as directed by the Board. (Referred 4/26/05, Item 80)
RECOMMENDED ACTION: Adopt findings and conditions of approval.
21. Assessor recommending Chairman be authorized to sign Agreement to participate in the State-County Property Tax Administration Grant Program with the State Department of Finance in the amount of \$302,795 for a term to expire on June 30, 2006 to enhance the property tax administration system. (Funding: Grant)
RECOMMENDED ACTION: Approve.
22. Human Resources Department recommending Resolution granting 16 hours of supervisory leave per year to current employees in the Mental Health Program Coordinator IA/IB/II classification who were in the Mental Health Program Coordinator classification series during the first full pay periods of January 2003 and January 2004 for a total of 32 hours; said leave must be utilized by the end of pay period 26, after which any remaining hours will be void. (Funding: Realignment) (Change in Policy)
RECOMMENDED ACTION: Adopt Resolution 122-2005, noting job classification was redesigned from Professional Unit to Supervisory Unit in January 2005.
23. Transportation Department recommending the following pertaining to the Asphalt Concrete Overlay for portions of Forni Road and Pleasant Valley Road Project PW 05-45:
- (1) Find that due to the construction cost exceeding \$25,000 State law requires the work to be performed by an independent contractor through the use of a competitive bid contract;
 - (2) Set the Disadvantaged Business Enterprise (DBE) requirements for this contract to 0%;

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- (3) Approve plan and contract documents and authorize Chairman to sign same;
- (4) Authorize advertisement for construction bids with the bid opening to be held **June 3, 2005**, at 2:00 p.m.; and
- (5) Award construction contract on **June 21, 2005**.
(Funding: Road Fund)

RECOMMENDED ACTION: Approve.

- 24. Chief Administrative Office, Procurement and Contracts Division, recommending award of Bid 05-289-112 for sign sheeting and faces to be used for road sign installation and maintenance for the Department of Transportation. (Funding: Non-General Fund, Road Fund)
RECOMMENDED ACTION: Authorize blanket purchase order to Osburn Associates, Inc. of Logan, Ohio in the amount of \$37,921, including sales tax, for a period of twelve months, and an increase to same on an "as-requested" basis during the awarded period if funding is available within the requesting department's budget.
- 25. Chief Administrative Office, Procurement and Contracts Division, recommending award of Bid 05-070-068 for three cargo trailers to be used by first responders for Homeland Security emergencies. (Funding: Non-General Fund, Homeland Security Grant)
RECOMMENDED ACTION: Authorize blanket purchase order to Vintage Transport of Diamond Springs, California in the amount of \$16,935, including sales tax, from the Sheriff Department's Homeland Security Grant.
- 26. County Service Area 10 consideration of Resolution authorizing the submittal of the Used Oil Recycling Block Grant (11th Cycle) Fiscal year 2005/2006 (UBG11) application to the California Environmental Protection Agency, California Integrated Waste Management Board, to assist in providing opportunities for the recycling of used oil. (Funding: CSA 10 - no County match required)
RECOMMENDED ACTION: Adopt Resolution 124-2005.

27. County Service Area 10 consideration of Amendment 01 to Agreement 031-PW-03/04 with Joe Vicini, Incorporated in the amount of \$100,000 for a not to exceed amount of \$200,000 for continued work at the Union Mine Disposal site. (Funding: CSA 10 Special Revenue Funds, \$50,000 budgeted for fiscal year 2004/2005 and \$50,000 budgeted for fiscal year 2005/2006)
RECOMMENDED ACTION: Authorize Chairman to sign.
28. County Service Area 10 consideration of Amendment 01 to Agreement 013-PW-03/04 with Doug Veerkamp General Engineering, Inc. in the amount of \$125,000 for a not to exceed amount of \$203,000 for a term to expire January 27, 2007 for continued work at the Union Mine Disposal site. (Funding: CSA 10 Special Revenue Funds, \$75,000 budgeted for fiscal year 2004/2005 and \$50,000 budgeted for fiscal year 2005/2006)
RECOMMENDED ACTION: Authorize Chairman to sign.
29. Supervisor Dupray recommending Resolution authorizing Pyro Spectaculars, Inc. to provide a pyrotechnic display at the Serrano Country Club for a private event on May 13, 2005.
RECOMMENDED ACTION: Adopt Resolution 121-2005.
30. Supervisor Dupray, on behalf of the Youth Commission, requesting a luncheon meeting with the Board of Supervisors and the members of the 2005/2006 Youth Commission on Tuesday, **June 7, 2005**, from 12:00 noon to 1:30 p.m., at the Plaza Lawn Area of the Fairgrounds.
RECOMMENDED ACTION: Approve.
31. Supervisor Dupray recommending Chairman be authorized to sign Certificates of Commendation to Miss El Dorado County of 2004, Sarah Reilly and Miss Teen El Dorado County 2004, Chelsea Kramer in recognition and appreciation for their representation of El Dorado County at county and statewide functions, events, and activities throughout the past year.
RECOMMENDED ACTION: Approve.

32. Supervisor Sweeney recommending Proclamation honoring Davy "Doc" Wiser for his many contributions to the citizens and visitors of El Dorado County.
RECOMMENDED ACTION: Adopt Proclamation.
33. Supervisor Solaro recommending Bob Slater be appointed to serve as the Alternate Commissioner on the Tahoe Transportation District/Tahoe Transportation Commission (TTD/TTC) Board and on the Coordinated Transit System Management Company (CTS MCO) Board.
RECOMMENDED ACTION: Approve.

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 recommendation of Auditor-Controller to disburse excess proceeds in the amount of \$5,981.75 to Eric and Sharon D. Weber and \$4,894.15 to Global Discoveries, Ltd. and \$0 to Riblet Tramway Company, Inc. from the sale of tax defaulted property (APN 039-270-17-100) on November 7, 2003.
BOARD ACTION - Hearing no protests, Board approved disbursement as recommended by the Auditor-Controller.
12345
51. Hearing to consider recommendation of Auditor-Controller to disburse excess proceeds in the amount of \$476.80 to Joseph Kristul, President of QM Properties Inc. and \$476.79 to Global Discoveries, Ltd. from the sale of tax defaulted property (APN 050-610-12-100) on November 7, 2003.
BOARD ACTION - Hearing no protests, Board approved disbursement as recommended by the Auditor-Controller.
12345

52. Hearing to consider recommendation of Auditor-Controller to disburse excess proceeds in the amount of \$2,476.80 to Joseph Kristul, President of QM Properties Inc. and \$2,476.79 to Global Discoveries, Ltd. from the sale of tax defaulted property (APN 050-610-10-100) on November 7, 2003.
BOARD ACTION - Hearing no protests, Board approved disbursement as recommended by the Auditor-Controller.
12345
53. Hearing to consider recommendation of Auditor-Controller to disburse excess proceeds in the amount of \$3,476.80 to Joseph Kristul, President of QM Properties Inc. and \$3,476.79 to Global Discoveries, Ltd. from the sale of tax defaulted property (APN 050-610-09-100) on November 7, 2003.
BOARD ACTION - Hearing no protests, Board approved disbursement as recommended by the Auditor-Controller.
12345
54. Planning Department recommending adoption of Ordinance **4669** extending the General Plan urgency ordinance restriction pertaining to the issuance of building and grading permits to **March 29, 2006** unless an analysis of the General Plan is completed. (4/5 vote required)
BOARD ACTION - Ordinance **4669** adopted. 32145
55. Chief Administrative Office recommending approval of release of Request for Qualifications for criminal defense attorneys to serve as contract conflict defense attorneys and change the method of payment for defense services from an hourly rate to a flat monthly rate. (Funding: General Fund - cost increase in fiscal year 2005/2006 for transition costs) (Change in Policy)
ADDED TO CONSENT CALENDAR: Continued to **May 17, 2005**.
35124
56. Supervisor Baumann recommending the Board appoint a Board member to serve as the Board of Supervisors Alternate to the El Dorado County Transportation Commission.
BOARD ACTION - Supervisor Paine appointed as the Board's alternate to said Commission. 25134

57. Staff recommending report on possible sites for the new Western Slope Animal Control Site be continued off calendar. (Continued 3/29/2005, Item 80)

By consensus, the report was continued off calendar.

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION ROSTER

Regular Meeting of the Board of Supervisors

May 10, 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, Conference with Labor Negotiator:

- County Negotiator: Director of Human Resources
El Dorado County Employees Association, Local 1;
Operating Engineers, Local 3; Deputy County Counsel
Association; Criminal Attorney Association; Deputy
Sheriff Association; Sworn Management Association;
Management Association.

No action reported.

Section 54956.8, Conference with Real Property Negotiator:

- Instructions to negotiator regarding real property described as APN 327-130-061. The person with whom the negotiator may negotiate is Mark Perlberger, Agent for Safeway, Inc. Instructions to negotiator will concern both price and terms of payment.

No action reported.

Section 54956.9 (b), Anticipated Litigation:

- Significant exposure to litigation

No action reported.

Section 54957, Public Employee Appointment:

- Title: Interim Public Health Officer

No action reported.

NEW BUSINESS

At the recommendation of County Counsel and by a unanimous vote of the Board, the following closed session was added to the Agenda when the Board convened at 8:00 a.m.: 15234

Section 54956.9(c), **Anticipated litigation:**

- Initiation of litigation.

No action reported.