

PLACER COUNTY BOARD OF SUPERVISORS MINUTES

The Placer County Board of Supervisors met in a regular session at 9:00 a.m., Tuesday, October 20, 2009, in the County Administrative Center, 175 Fulweiler Avenue, Auburn. Supervisors Rockholm, Weygandt, Holmes, Uhler and Montgomery present. Chairman Rockholm presiding; Ann Holman, Clerk of the Board. Also present were County Executive Thomas Miller and County Counsel Anthony J. La Bouff

SUPERVISOR'S COMMITTEE REPORTS – Chairman Rockholm advised he and Supervisor Uhler opened the Economic Development Summit meeting in Roseville to talk about ways to collaboratively work together to revitalize our economy. Supervisor Holmes attended the first Placer County Youth Commission meeting. Supervisor Holmes said it was great to see young people excited about getting involved in community service.

CONSENT AGENDA (Items 8-20) - Item 10b moved for discussion and Item 13a. removed. Consent Agenda approved as amended with action as indicated. The Board convened as the Redevelopment Agency Board for Items 20a, 20b, 20c & 20d.

MOTION Weygandt/Uhler/Unanimous **VOTE 4:0** (Montgomery temporarily absent)

8. ORDINANCE – Second Reading:

- a. **Personnel/Civil Service Commission** – Ordinance 5575-B adopted, as submitted by the Civil Service Commission, to create the new classification of Dispatch Services Manager, salary grade 427 (\$5989-\$7278 monthly) to be allocated to the Sheriff's Department and abolishment of the classification of Communications Services Manager, salary grade 437 (\$6614-\$8039 monthly) from the allocation to the Sheriff's Department.

9. **ASSESSOR** - Approved Change Order #1 to Blanket Purchase Order #090180 with the firm Berliner, Kidder & Tish, for continued appraisal services to resolve decline in value assessment appeals filed by NEC Electronics USA, Inc., located in Placer County. The purchase order increase is in the amount of \$50,000 for a revised amount of \$99,900, and authorizes the Purchasing Manager to sign.

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- a. Approved a contract with Paula David to provide Secretarial services to the Foresthill Forum Municipal Advisory Council.
- b. **MOVED FOR DISCUSSION** - Approve minutes of September 15, 2009 and September 22, 2009.

11. **CLAIMS AGAINST THE COUNTY** – Rejected the following claims, as recommended by the offices of County Counsel and Risk Management:

- a. 09-093, Bullock, Penelope, Unstated, (Bodily Injury)

12. COMMITTEES & COMMISSIONS:

- a. **Assessment Appeals Board** – Approve the reappointment of Kevin Eckard to Seat 3, as requested by Supervisor Holmes.
- b. **Colfax Veterans Memorial Hall Board** – Approved the appointments of Bob Candler to Seat 1, Joe Hagerty (alternate) to Seat 2 and the reappointments of John Hannigan to Seat 2, Eric Blackmun to Seat 3, Charles Gray to Seat 4 and Thomas Mason Jr. (alternate) to Seat 4, as requested by Supervisor Montgomery.
- c. **Placer Sierra Fire Safe Council** – Accepted letter of resignation from Karina Silvas Seat 1 representing the Greater Colfax Area, effective October 5, 2009 and approved the appointment of Karina Silvas to Seat 4 representing Placer Hills Fire Protection District as requested by Supervisor Montgomery.
- d. **Placer Sierra Fire Safe Council** – Approved the appointment of Matthew Brown to Seat 1 representing the Greater Colfax Area, as requested by Supervisor Montgomery.

13. COUNTY EXECUTIVE:

- a. **REMOVED Personnel** – It is recommended that your Board approve the following actions:
 1. Confirm the provisions of the Placer County Work Reassignment Program as it applies to classified management and confidential employees.
 2. Approve the resolution delegating details of the Board's authority to direct layoffs under Chapter 3 of the Placer County Code to the County Executive Officer for FY 2009-10 in the event that a classified management and/or confidential employee refuses a reassignment.

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- b. Merit Increase - Approved a 5% merit increase for Tim Wegner, Assistant Chief Building Official from Grade 445 Step 3 to Grade 445 Step 4 at \$47.83 per hour, retroactive to September 12, 2009.
- c. Merit Increase - Approved a 5% merit increase for Margaret E. Nickle, Treasurer Tax Manager from Grade 453 Step 1 to Grade 453 Step 2 at \$46.98 per hour, retroactive to September 26, 2009.
- d. Merit Increase - Approved a 5% merit increase for Diane Y. Handy, Treasurer Tax Manager from Grade 453 Step 1 to Grade 453 Step 2 at \$46.98 per hour, retroactive to September 26, 2009.
- e. Proposition 1A Securitization:
 - 1 Resolution 2009-284 adopted approving and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of Placer County's Proposition 1A receivable from the state; and directing and authorizing the required actions in connection with that sale and;
 - 2 Resolution 2009-285 adopted approving and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of Placer County Service Area 28 (All Zones of Benefit) Property Tax receivable from the state; and directing and authorizing the required actions in connection with that sale

14. COUNTY EXECUTIVE/EMERGENCY SERVICES:

- a. North Tahoe Fire Protection District - Resolution 2009-286 adopted approving the North Tahoe Fire Protection District 2009 Capital Facilities and Mitigation Fee Expenditure Plan that contains a \$0.01 decrease in all fees.
- b. Truckee Fire Protection District - Resolution 2009-287 adopted approving the Truckee Fire Protection District Capital Facilities Plan and Mitigation Fee Plan for the Year 2009 which maintains unchanged its current fee structure.
- c. Proclamation of Local Emergency - Resolution 2009-288 adopted continuing the 49 Fire Proclamation of Local Emergency made on August 30, 2009 and ratified in a special meeting on September 2, 2009.

15. FACILITY SERVICES:

- a. Manhole Lining Rehabilitation, Project #40233 - Resolution 2009-289 adopted accepting the project as complete and authorized the Director of Facility Services to execute and record the Notice of Completion
- b. Sewer Maintenance District #1 - Ratified payment of an Administrative Civil Liability to the State Water Pollution Cleanup and Abatement Account in the amount of \$6,000 for violations of permit discharge standards at the Sewer Maintenance District #1 Wastewater Treatment Plant, (Plant 1).
- c. Historic Courthouse Entrance Paving, Project #9438 - Approved and ratified a Contract Change Order with Koch Excavating, Inc., in the amount of \$48,198, and authorized the Director of Facility Services to execute
- d. Health & Human Services 113-115 Improvements/Carpet Project, Project #4836 - The Board took the following actions associated with the Health and Human Services 113 -115 Improvements, Carpet Project, Project #4836, located in the Placer County Government Center in north Auburn:
 - 1. Approved Plans and Specifications and authorized staff to solicit bids; and
 - 2. Resolution 2009-290 adopted authorizing the Director of Facility Services to award and execute a contract in an amount not-to-exceed \$80,000, upon review and approval by County Counsel and Risk Management, and delegating authority to approve any necessary change orders consistent with the County Purchasing Manual & Section 20142 of the Public Contract Code.

16. HEALTH & HUMAN SERVICES.

- a. Administrative Services/County Service Area 28, Zone 27 Ambulance Advisory Committee - The Board took the following actions
 - a. Approved a Budget Revision for \$184,086 that adjusts appropriations and cancels the remaining reserves of \$89,855; and
 - b. Approved equal payments of all remaining funds to each of the six fire agencies operating within the zone in the amount of \$14,956.50 to each agency for the purposes of emergency medical services. No County General Funds are associated with this action.

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- b. Adult System of Care - Approved a contract employee agreement with Donna Schindler, M.D. as staff psychiatrist from October 16, 2009 through October 15, 2010 with direct compensation of \$108,556, for a total compensation package not to exceed \$174,811, and authorized the Chairman to sign subsequent amendments up to 10 percent of the original contract amount. This amount reflects the total cost of salary, benefits, and employer payroll contribution with the amount remaining the same as last year. The required County General Fund contribution for this contract is \$52,443. These costs are included in the Department's FY 2009-10 Final Budget.
- c. Environmental Health - Resolution 2009-291 adopted reaffirming the Proclamation of a Local Health Emergency made by the County Health Officer on September 1, 2009.
- d. In-Home Home Supportive Services (IHSS) Fraud Investigations Plan - Approved the In-Home Supportive Services Fraud Investigations Plan and authorized its submission to the California Department of Social Services. The County is requesting \$253,963 which would include a required County General Fund share of \$41,142. Funds are not included in the Department's 2009-10 Budget. Once the Plan is approved by the State, a budget revision will be required.

17. PERSONNEL:

- a. 2010 CALPERS Health Insurance Contribution Rates/Employees & Retirees - Approved annual resolutions (4) 2009-292, 2009-293, 2009-294, 2009-295, for the California Public Employees Retirement System, Health Benefits Division, which adopts the 2010 employer health insurance contribution levels effective January 1, 2010 for all Placer County employees and retirees.
- b. Side Letter Agreement:
 - 1. Approved Side Letter Agreement with Placer Public Employee's Organization. This agreement will implement revisions to the County's Disciplinary Action policies and practices as required by the current Memorandum of Understanding between the Placer County and the Placer Public Employee's Organization for the period July 1, 2006 through June 30, 2010.
 - 2. Extended the same Disciplinary Action rules to classified management and confidential employees.
 - 3. Ordinance introduced, first reading waived, amending Chapter 3 to reflect the side letter changes and extension of these provisions to classified management and confidential employees.

18. PROCUREMENT SERVICES - In accordance with County Policy, non-contested competitively awarded bids under \$250,000 are placed on the Consent Agenda. Authorized the Purchasing Manager to sign the following:

- a. Ratified the award of contracts to various contractors for emergency lot cleanup and debris removal services to abate Public Health hazards resulting from the 49 Fire.

19. PUBLIC WORKS:

- a. Maintained Mileage Records - Resolution 2009-296 adopted certifying the Maintained Mileage Records which results in a new total County maintained mileage of 1056,286.
- b. Local Transportation Fund (LTF) Claim Placer County Transit, Fiscal Year 2009/10 - Resolution 2009-297 adopted authorizing the execution of the 2009/10 Local Transportation Fund Claim for Placer County Transit, Tahoe Area Regional Transit, and Road Maintenance in the amount of \$3,555,465.
- c. Local Transportation Fund (LTF) Claim from Tahoe Regional Planning Agency (TRPA) for Tahoe Area Regional Transit, Fiscal Year 2009/10 - Resolution 2009-298 adopted authorizing the Chairman to execute the 2009/10 Local Transportation Fund Claim for Tahoe Area Regional Transit in the amount of \$464,312.
- d. Nevada County Transit Service Agreement - Authorized the Chairman and Public Works Director to execute an agreement to reimburse Nevada County for providing transit service between Auburn and Grass Valley in the amount of \$58,189 for FY 2009/10. This Agreement will automatically renew each July 1.
- e. State Transit Assistance Funds Claim for Tahoe Area Regional Transit, Fiscal Year 2009/10 - Resolution 2009-299 adopted authorizing the Chairman to execute the 2009/10 State Transit Assistance (STA) Claim for Tahoe Area Regional Transit in the amount of \$17,500 plus any accrued interest to date in carryover STA funds from previous years.

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20. REDEVELOPMENT AGENCY BOARD:

- a. Resolution 2009-300 adopted approving the Relocation Plan for eligible tenants and the Replacement Housing Plan for 325, 348, and 385 Deer Street, 265 Fox Street, and 200 Chipmunk Street, Kings Beach, CA, and authorized the Chief Assistant CEO-Redevelopment Director or designee to sign all related documents and issue relocation benefits pursuant to the approved Relocation Plan.
- b. Resolution 2009-301 adopted authorizing the Redevelopment Director or designee to execute an amendment to the Owner Participation Agreement (OPA) with Auburn Plaza, LLC and to the Payment Guaranty (Guaranty) with Bernard L. Magnussen for the Auburn Plaza Shopping Center to extend the job creation requirements for one year, and authorized the Redevelopment Director or designee to execute a maximum of two additional one-year extensions for the same.
- c. Resolution 2009-302 adopted authorizing the Chief Assistant CEO-Redevelopment Director or designee to execute a services agreement between the Redevelopment Agency and the North Tahoe Business Association in the amount of \$65,000.
- d. Resolution 2009-303 adopted authorizing the Chief Assistant CEO-Redevelopment Director or designee to execute a services agreement between the Redevelopment Agency and the Tahoe City Downtown Association in the amount of \$65,000.

End of Consent Agenda

The following item was moved for discussion:

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- b. Approved minutes of September 15, 2009 and September 22, 2009.
MOTION Holmes/Uhler VOTE 3:0 (Weygandt abstained, Montgomery temporarily absent)

FACILITY SERVICES/SEWER MAINTENANCE DISTRICT #3 DE-NITRIFICATION PROJECT 04822

The Board took the following actions:

1. Approved the Plans and Specifications and authorized staff to solicit bids.
 2. Adopted Resolution 2009-304 authorizing the Director of Facility Services to award and execute the resulting construction contract, in an amount not to exceed \$1,144,000, upon review and approval by Risk Management and County Counsel, and approve any required change orders consistent with the County Purchasing Manual and Section 20142 of the Public Contract Code
 3. Authorized the Director of Facility Services or his designee to file a Notice of Exemption for the work associated with the proposed project.
 4. Approved a Budget Revision to shift \$270,000 in appropriations from the FY 2009/10 Applegate Sewer Improvements Capital Project Budget to the SMD 3 De-nitrification Capital Project Budget
- MOTION Uhler/Weygandt/Unanimous

HEALTH & HUMAN SERVICES/ANIMAL SERVICES - Approved revenue agreements with the City of Colfax and the City of Lincoln for the provision of animal control services from July 1, 2009 through June 30, 2012, and authorized the Director of Health and Human Services to execute any subsequent amendments. The revenue to be generated during the first year of these agreements is included in the Department's FY 2009-10 Final Budget. MOTION Uhler/Weygandt/Unanimous

COUNTY COUNSEL/CLOSED SESSION REPORT:

- (A) \$54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *The Board met with its negotiators, got a report and gave direction.*
- (a) Property: APNS: 094-200-026, 027, 029, 037, 050, and 051; and, 090-133-006, 007, 008, 009, 010, 011, and 012
Agency Negotiator(s): Tom Miller, Jim Durfee, Mary Dietrich, Anthony J. La Bouff
Negotiating Parties: County of Placer; B.B. LLC; and John and Leslie Hyche
Under Negotiation: Price, terms of payment, or both
- (B) \$54957.6 - CONFERENCE WITH LABOR NEGOTIATORS - *There was no labor discussions.*
- (a) Agency designated representatives: Tom Miller, Nancy Nittler, Mike Boyle, Gerald O. Carden, Anthony J. La Bouff
Employee organization: PPEO. DSA.

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COMMUNITY DEVELOPMENT RESOURCE AGENCY/PLANNING/CEMEX PATTERSON SAND AND GRAVEL MINE EXPANSION PROJECT REZONING (PCPA 20070552) CATEGORICAL EXEMPTION

- Public hearing closed to consider a request from the Placer County Planning Department to rezone certain properties within the Cemex Patterson Sand and Gravel Mine Expansion Project to remove the -SP (Special Purpose) and -MR (Mineral Reserve) combining districts. The Board will also consider making a finding that this project is categorically exempt from review under CEQA pursuant to Section 15061.b.3 (general rule of CEQA). The parcels proposed for rezone are: 018-010-001-510, 018-031-051-510, 018-031-052-510 and 018-031-053-510

MOTION Weygandt/Uhler/Unanimous to approve staff recommendations. Ordinance 5676-B adopted to rezone certain properties within the Cemex Patterson Sand and Gravel Mine Expansion Project and made a finding that the project is categorically exempt from review under CEQA pursuant to Section 15061 (b)(3).

PUBLIC WORKS/LAKE TAHOE TOTAL MAXIMUM DAILY LOAD PRESENTATION – Informational item only; no action requested.

PUBLIC WORKS/TRUCKEE RIVER WATER QUALITY MONITORING PROGRAM

IMPLEMENTATION - Authorized the Director of Public Works to prepare and deliver to the Lahontan Regional Water Quality Control Board (Lahontan) an implementation plan for water quality monitoring within the Truckee River watershed; negotiate and sign a cost-sharing agreement with stormwater permittees in Squaw Valley for implementation of bioassessment monitoring in Squaw Creek; and, Resolution 2009-305 adopted authorizing the Director of Public Works to negotiate and award a water quality monitoring contract with the top-ranked consulting firm for up to a three year term, not to exceed a single year cost of \$460,000. **MOTION Montgomery/Weygandt/Unanimous**

COMMUNITY DEVELOPMENT RESOURCE AGENCY/PLANNING/APPEAL/ENCLAVE AT GRANITE BAY (PSUB T20080329) - GENERAL PLAN AMENDMENT, REZONE, VESTING TENTATIVE SUBDIVISION MAP, CONDITIONAL USE PERMIT, TREE PERMIT, AND MITIGATED NEGATIVE DECLARATION - Public hearing to consider:

1. A request from Pastor Land Development, Inc. for a General Plan Amendment to change the Granite Bay Community Plan Land Use Designation from Rural Residential (2.3-4.6 ac.min.) and Rural Low Density Residential (0.9-2.3 acre minimum) to Low Density Residential (0.4 - 0.9 acres per dwelling unit). Rezone from RA-B-100 (Residential Agriculture combining a minimum building size of 100,000 square feet or 2.3 acres minimum) and RS-AG-B-40 (Residential Single Family combining Agriculture minimum building site of 40,000 square feet) to RS-AG-B-X (17,424 min. lot size) PD 2.6 (Residential Single Family combining Agriculture building site of 17,424 minimum lot size, combining Planned Development 2.6 units per acre) on the Subject Property. The Planning Commission recommended denial of the request.
2. An appeal by Pastor Land Development, Inc., of the Planning Commission's decision to deny a Vesting Tentative Subdivision Map; Conditional Use Permit; and Tree Permit (removal of Landmark cottonwood trees) which would have allowed for the subdivision of 12.07 acres into a 27 lot residential Planned Development (age-restricted for persons age 55 and older) on the Subject Property.
3. Adoption of a mitigated negative declaration for approval of the foregoing actions.

The Subject Property is located on the North Side of Elmhurst Drive, at the intersection of Swan Lake Drive, in the Granite Bay area of Placer County and consists of Assessor Parcel Numbers 050-020-009, 050-020-010, 050-020-011, 466-080-013.

Applicant/Appellant is requesting a continuance to a date in the future yet to be determined)

MOTION Uhler/Holmes/Unanimous to continue the public hearing to a date in the future.

COUNTY EXECUTIVE – Health Insurance Benefits:

1. Received a presentation on Health Insurance Benefits from the County Executive Office.
2. Provided policy direction regarding the payment of a stipend to DSA retirees in order to provide a transition period for the new 80/20% health insurance cost sharing formula for benefit year 2010.

MOTION Holmes/Uhler/Unanimous to approve the recommended stipend formula and the conditions by which a DSA retiree would be eligible to receive the stipend as outlined on Page #28 of the staff report (Items 1-5). Staff directed to further look at less than 10 years of service retirements, particularly with regards to industrial disability retirements, and come back with a conclusion.

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ITEMS FOR INFORMATION:

21. Treasurer-Tax Collector - Treasurer's Statement for the Month of September 2009

ADJOURNMENT - Next regular meeting is Tuesday, November 3, 2009.

ATTEST:

Ann Holman
Clerk of the Board

F C Rockholm, Chairman
Placer County Board of Supervisors