

PLACER COUNTY BOARD OF SUPERVISORS

MINUTES

The Placer County Board of Supervisors met in a regular session at 9:00 a.m., Tuesday, July 27, 2010, in the County Administrative Center, 175 Fulweiler Avenue, Auburn. Supervisors Rockholm, Weygandt, Holmes, Uhler and Montgomery present. Chairman Uhler presiding; Ann Holman, Clerk of the Board. Also present were County Executive Thomas Miller and County Counsel Anthony J. La Bouff.

PUBLIC COMMENT – 1) Dave Snyder, Placer County Economic Development, introduced Jan Decker, Director of the Placer County Visitors Bureau and Welcome Center, who oversaw the design, construction and operation of the Placer County exhibit at the California State Fair. 2) Jan Decker, Placer County Visitors Bureau and Welcome Center, advised Placer County received Best of Show (Golden Bear) for its exhibit at the State Fair and also received an award for Best Technology. 3) Barbara Besana, Auburn Rotary, thanked the Board for its contribution of a Revenue Sharing contribution to the Auburn Rotary and presented the Board tickets to the Spirit of Auburn Community Barbeque. 4) Ron Paitich, requested Placer County consider a change in policy on the use of gray water. 5) Ralph Gibson, Placer County Museum, invited everyone to ride the Heritage Trail Event to the weekend of August 7 and 8, 2010. 6) Angela Tahti, Placer Arts, highlighted upcoming events in Placer County this summer. 7) Tyron Gory, Meadow Vista resident, said he has been involved with the Federal Energy Regulatory Commission relicensing of the Drum Spaulding Yuba Bear and requested Placer County become involved. 8) Don Gould, Vice President of Placer Sportsman, reported on the 63rd Annual Kids Fish Derby held at the Auburn Regional Park. 9) Sharon Broertjes, retired public employee, read two letters from retirees regarding health benefits. 10) Joanne Rutter, read a letter from a retiree regarding health benefits. 11) Dorothy Crasher spoke about retiree health benefits. Chairman Uhler said he would be meeting with members of the retirees group in a few weeks. Chairman Uhler provided historical perspective stating in 1985 the County did not provide anything by way of health insurance to retirees and was prohibited by law to do so. In 1987 legislation was passed to allow retiree health benefits. Thomas Miller, County Executive, advised the Cal Pers health care rates are increases of 4.5% to 17.5% this year and have been posted by Cal Pers depending on the type of coverage and plan.

SUPERVISOR'S COMMITTEE REPORTS – Supervisor Holmes reported on the National Association of Counties Conference in Reno, July 17 and 18, 2010.

CONSENT AGENDA – Consent Agenda approved with action as indicated.
MOTION Rockholm/Holmes/Unanimous

14. ORDINANCE – Second Reading:

- a. County Executive/Personnel – Uncodified Ordinance 5599-B adopted related to the Layoff Impact Side Letter of Agreement with the Placer Employees Organization (PPEO).

15. BOARD OF SUPERVISORS:

- a. Resolution 2010-186 adopted commending Barbara Edwards for over 35 years of dedicated public service as an employee of the Placer County Auditor-Controller's Office.
- b. Approved a Proclamation declaring August 2010 as "Child Support Awareness Month" in Placer County.
- c. Resolution 2010-187 adopted in support of the 8th annual "Tour de Tahoe-Bike Big Blue" to be held on Sunday, September 12, 2010 around Lake Tahoe.
- d. Resolution 2010-188 adopted supporting Product Stewardship and Extended Producer Responsibility (EPR) legislation designed to shift the financial disposal burden of household hazardous waste, universal waste and other problematic products from cities and counties to manufactures and producers of the products.
- e. Resolution 2010-189 adopted posthumously commending Dr. Gordon E. Seck for 30 years of exceptional service to Placer County and 50 years of dedication to his patients and the practice of medicine.
- f. Approved minutes of June 22, 2010.

16. COMMITTEES & COMMISSIONS:

- a. County Parks Commission – Approved the appointment of James Ricker to Seat 5, as requested by Supervisor Montgomery.
- b. Municipal Advisory Council (North Tahoe Regional) – Accepted letter of resignation from David Polivy Seat 3, effective July 8, 2010, as requested by Supervisor Montgomery.

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- c. Placer County Child Care Local Planning Council – Approved the reappointments of Linda Scudder to Seat 3 and Susana Castillo-Lopez to Seat 9.
 - d. Placer County Youth Commission – Approved the appointments of Britney Carino to Seat 2, Josephine Kao to Seat 3, Alex Kludjian to Seat 4, Kent Makishima to Seat 5, Noor Bhangu to Seat 6, Janeth Diaz to Seat 7, Nicole Hutak to Seat 9, Brandon Barry to Seat 10, Connor Puhala to Seat 12, Courtney Shalvis to Seat 14, Jacklyn Trentman to Seat 15 and the reappointments of Andrew Burrows to Seat 1, Ashley Hemming to Seat 8, Daniel Graupensperger to Seat 11 and Derek Ikeda to Seat 13.
17. COUNTY CLERK-ELECTIONS - Resolution 2010-190 authorizing the County Registrar of Voters to Render Election Services for the November 2, 2010 General Election.
18. COUNTY EXECUTIVE/COMMUNITY DEVELOPMENT RESOURCE AGENCY - Directed staff to present comments reflecting Placer County's position on the Tahoe Regional Planning Agency Regional Plan Update related to Conservation Element policies.
19. ECONOMIC DEVELOPMENT:
- a. Resolution 2010-191 adopted authorizing the execution of a Service Provider Subgrant from the Golden Sierra Job Training Agency in the amount of \$18,828 to provide Layoff Aversion Services to Businesses in Placer County during Fiscal Year 2010-2011, and authorize the County Executive Officer to execute any related documents or contracts.
 - b. Resolution 2010-192 adopted amending Resolution 2007-394 adding a Healthcare Industry Representative seat increasing the Economic Development Board from 13 to 14 members.
20. FACILITY SERVICES:
- a. South Placer Adult Correctional Facility (SPAC), Project No. 4764 - Approved the first amendment to the agreement with Steven Reader Enterprises to provide Project Planning and Liaison services for Phase I of the South Placer Adult Correctional Facility (SPAC), Project No. 4764, located in Roseville, and authorized the Chairman to execute the First Amendment in an amount not-to-exceed \$25,000.
 - b. Clerk Recorder Elections Addition, Project #4830 - Resolution 2010-193 adopted accepting the Clerk Recorder Elections Addition, Project #4830, located in the Placer County Government Center in North Auburn, as complete and authorized the Director of Facility Services to execute and record the Notice of Completion.
 - c. Sewer Maintenance District #1 - Approved an Agreement with Owen Psomas for updating and implementing the Sewer Maintenance District 1 Industrial Pretreatment Program (IPT Program) for an amount not-to-exceed \$182,414, and authorized the Chairman to execute the Agreement.
 - d. Sewer Maintenance District #1 - Approved an Agreement with Brown & Caldwell to develop an updated cost estimate for the Sewer Maintenance District 1 Regional Sewer Project and Resolution 2010-203 adopted authorizing the Director of Facility Services to execute the resulting contract, in an amount not to exceed \$170,000, upon Risk Management's and County Counsel's review and approval.
21. LIBRARY - Approved the purchase and implementation of a RFID (Radio Frequency Identification) Materials Theft Detection System and related Self-Check Systems to support the Rocklin Library in the not to exceed amount of \$110,000.
22. PUBLIC WORKS:
- a. Foresthill Road Realignment Project, Contract #1052 – Resolution 2010-194 adopted accepting the Foresthill Road Realignment Project as complete and authorizing the Director of Public Works to execute the Notice of Completion.
 - b. Lake Forest Erosion Control Project, Area A (Dollar Point) Warranty, Contract #KN020943 – Resolution 2010-195 adopted accepting the Lake Forest Erosion Control Project – Area A (Dollar Point) Warranty as complete and approving and authorizing the Director of Public Works to execute the Notice of Completion.

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- c. Standard Caltrans Agreement, Landscape Maintenance within the State Right of Way Along Highways 28 and 89 for Bus Shelters at various locations – Resolution 2010-196 adopted authorizing the Director of Public Works, with County Counsel and Risk Management review and approval, to execute a landscape maintenance agreement to construct and maintain bus shelters in various locations within the State Right of Way along Highways 28 and 89, in the North Lake Tahoe Area for TART operations; and authorized the Director of Public Works or his designee to execute the agreement and future amendments adding transit facilities.
 - d. State Transit Assistance Funds for Placer County Transit and Tahoe Area regional Transit Fiscal Year 2010/2011 – Resolution 2010-197 adopted authorizing the execution of the 2010/2011 State Transit Assistance Claim for Placer County Transit in the amount of \$644,702.
 - e. State Transit Assistance Funds Claim for Tahoe Area Regional Transit Fiscal Year 2010/2011 – Resolution 2010-198 adopted authorizing the Chairman to execute the 2010/2011 State Transit Assistance (STA) Claim for Tahoe Area Regional Transit in the amount of \$149,166.
23. REVENUE SHARING – In approving the following appropriations, the Placer County Board of Supervisors makes the finding that each and every approved contribution serves a public purpose by promoting the general welfare of the County and its inhabitants; therefore, the County benefits.
- a. Approved appropriation of \$200 in Revenue Sharing monies to the Kiwanis Club of Lincoln 5th Annual "Fish n' Kids" Fishing Derby to benefit the annual event, as requested by Supervisor Weygandt (\$200).
 - b. Approved appropriation of \$750 in Revenue Sharing monies to The Gathering Inn to benefit their emergency housing program, as requested by Supervisor Rockholm (\$250) and Supervisor Holmes (\$500).
24. TREASURER-TAX COLLECTOR:
- a. Tax Defaulted Property/Public Auction - Resolution 2010-199 adopted authorizing the Tax Collector to sell at public auction, for the stated minimum price, the tax-defaulted property that is subject to the power of sale as described on the schedule, in accordance with Chapter 7 of Part 6 of Division 1 of the California Revenue and Taxation Code.
 - b. Tax Defaulted Property/Sealed Bid Sale - Resolution 2010-200 adopted authorizing the Tax Collector to sell at a sealed bid sale, for the stated minimum price, the tax-defaulted property that is subject to the power of sale as described on the schedule, in accordance with Chapter 7 of Part 6 of Division 1 of the California Revenue and Taxation Code.

End of Consent Agenda

BOARD OF SUPERVISORS - Presentation of Resolution 2010-188 supporting Product Stewardship and Extended Producer Responsibility (EPR) legislation designed to shift the financial disposal burden of household hazardous waste, universal waste and other problematic products from cities and counties to manufactures and producers of the products.

BOARD OF SUPERVISORS - Presentation of a Commendation to Tad Kitada in recognition of his dedicated service to young people throughout Placer County and the State of California.

BOARD OF SUPERVISORS - Presentation of a Commendation honoring Robert Pelzman for receiving the "2010 California Department of Fish and Game Officer of the Year Award."

BOARD OF SUPERVISORS/COLFAX PUBLIC CEMETERY DISTRICT – Approved the appointments of Otis Wollan to Seat 1, Nancy Hagman to Seat 2 and the reappointment of John Dugan to Seat 3, as requested by Supervisor Montgomery. MOTION Montgomery/Holmes/Unanimous

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TREASURER-TAX COLLECTOR/mPOWER:

1. Resolution 2010-201 adopted formally suspending mPOWER Placer residential application acceptance and processing as long as the July 6, 2010 FHFA Statement is in effect.
MOTION Holmes/Rockholm/Unanimous
2. Resolution 2010-202 adopted in support of PACE (Property Assessed Clean Energy) programs and requesting congressional action to bring a satisfactory resolution to the FHFA situation.
MOTION Rockholm/Holmes/Unanimous
3. MOTION Rockholm to approve a contract amendment with Randle Communications by increasing the contract amount by \$112,000 for public affairs, public relations and marketing services related to the FHFA Statement of July 7, 2010. Contract is dependent upon disposition of mPOWER Placer program. MOTION died for lack of a second.

MOTION Holmes/Montgomery/VOTE 4:1 (Uhler No) to approve a contract amendment with Randle Communications in an amount not to exceed \$60,000 for public affairs, public relations and marketing services related to the FHFA Statement of July 7, 2010. Contract is dependent upon disposition of mPOWER Placer program.

AUDITOR-CONTROLLER – Received the Annual Report of the Placer County Audit Committee, presented by Wayne Nader, Audit Committee Chairman.

COUNTY CLERK/RECORDER – Public hearing closed and Ordinance 5600-B adopted amending Placer County Code Sect. 2.116.150 relating to various fees and fee changes for the County Clerk-Recorder. MOTION Rockholm/Weygandt/Unanimous

PROBATION – Public hearing closed and Ordinance 5601-B adopted amending Section 40 of Article 2.124 of Chapter 2 of the Placer County Code (Section 2.124.040), adjusting Fees for Criminal Justice Services relating to Probation Department Fees. MOTION Holmes/Montgomery/Unanimous

FACILITY SERVICES – County Park Dedication Fees:

- a. **County Park Dedication Fee Program** - Information Only.
- b. **County Park Dedication Fee/Recreation Area #5 (Meadow Vista-Auburn)** - Approved and executed a Use Agreement with the Auburn Recreation District authorizing the use of County Park Dedication Fees from Recreation Area #5, Meadow Vista-Auburn Area, in the amount of \$105,000 for a trail at Recreation Park in Auburn, and approved a Budget Revision appropriating the funds.
MOTION Holmes/Montgomery/Unanimous
- c. **County Park Dedication Fee/Hidden Falls Regional Park** - The Board took the following actions associated with Phase 1 expansion improvements at Hidden Falls Regional Park:
 1. Approved a Budget Revision appropriating County Park Dedication Fees in the amount of \$150,000 from Recreation Area #5, Meadow Vista/Auburn Area; \$109,000 from Recreation Area #6, Lincoln Area; and \$46,000 from Recreation Area #15, Ophir/Newcastle Area, to the Capital Projects Account No. 4717 for Phase 1 expansion improvements at Hidden Falls Regional Park.
 2. Approved expenditures between July 1, 2010, and the adoption of the FY10/11 Final Budget, for the Hidden Falls capital project.
MOTION Weygandt/Rockholm VOTE 4:1 (Montgomery No)

COUNTY COUNSEL/CLOSED SESSION REPORT:

(A) §54956.9 - CONFERENCE WITH LEGAL COUNSEL

1. Existing Litigation:
 - (a) Jerry Bechhold v. Placer County, et al., Placer County Superior Court Case No.: SCV-26835 – *The Board received a status report and gave direction to Counsel.*

With regards to items b & c, Hall v. Placer County Sheriff's Department; Dewitt v. Placer County Sheriff's Department, the Board received a status report and authorized the defense of the County in both of those cases be assigned to the County Counsel Office and that the appropriate individual named defendants be defended by the County Counsel Office with the standard reservations.

- (b) Jama A. Hall v. Placer County Sheriff's, et al., U.S.D.C. Eastern District Court Case No.: 2:10-cv-1152 JAM EFB PS.
- (c) Julie DeWitt v. County of Placer, et al., Placer County Superior Court Case No.: SCV-27318

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(B) **§54956.9 - CONFERENCE WITH LEGAL COUNSEL** – *There were two litigation matters, one of those matters was discussed and direction was given to Counsel. On the second matter, more extensive conversation took place and the Board has authorized Counsel to proceed with the possibility of proceeding with litigation.*

1. Anticipated Litigation:

Initiation of litigation pursuant to subdivision (c) of Government Code §54956.9: two potential cases.

(C) **§54957.6 - CONFERENCE WITH LABOR NEGOTIATORS** – *There was brief discussion about DSA but primarily about PPEO. The Board met and received input and gave directions to its negotiators.*

(a) Agency designated representatives: Tom Miller, Nancy Nittler, Mike Boyle, Gerald O. Carden, Anthony J. La Bouff

Employee organization: PPEO. DSA.

ADMINISTRATIVE SERVICES/PROCUREMENT – Authorized the Purchasing Manager to sign the following:

a. **Purchase Order, Disposable Food Trays/Probation** - Awarded a Blanket Purchase Order based on a San Diego County competitively awarded contract with Allen Packaging Company for disposable food trays for Correctional Food Services in the maximum amount of \$300,000.
MOTION Montgomery/Weygandt/Unanimous VOTE 3:0 (Rockholm/Holmes temporarily absent)

COMMUNITY DEVELOPMENT RESOURCE AGENCY/ENGINEERING & SURVEYING – Ordinance introduced, first reading waived, amending Chapter 16 of the Placer County Code to revise Article 16.08.200 Acceptance of Work and revise Article 16.20.200 Improvements with the replacement of page 99 of the staff report, page 6 of the ordinance, adding Section D1.f.

MOTION Weygandt/Montgomery/Unanimous VOTE 3:0 (Rockholm/Holmes temporarily absent)

COUNTY EXECUTIVE/EMERGENCY SERVICES – Ordinance introduced, first reading waived, amending Chapter 9, Article 9.32, Part 4 (Public Peace, Safety and Welfare) of the Placer County Code regarding readopting the County's Hazardous Vegetation Abatement program for eastern Placer County.

MOTION Montgomery/Weygandt/Unanimous VOTE 3:0 (Rockholm/Holmes temporarily absent).

HEALTH & HUMAN SERVICES/CHILDREN'S SYSTEM OF CARE - Approved a contract with Native Alliance of the Sierra Nevada Foothills to provide culturally specific educational and family services to Native families from August 1, 2010 through September 30, 2011 in an amount not to exceed \$464,337, and authorized the Director of Health and Human Services to sign amendments up to 10 percent of the total contract amount. These services are fully funded with Federal and State funds. \$414,492 of these costs are included in the Department's FY 2010-11 Proposed Budget. The balance will be included in the Department's FY 2011-12 Budget. No County General Fund match is required.

MOTION Weygandt/Montgomery/Unanimous VOTE 3:0 (Rockholm/Homes temporarily absent).

HEALTH & HUMAN SERVICES/ADULT SYSTEM OF CARE –Approved a contract with the State of California Department of Mental Health for required County use of State hospital beds during FY 2009-10 for a total of \$254,338, and authorized the Director of Health and Human Services to sign the resulting contract. These services are funded with \$127,169 in State funds and \$127,169 in required County General Fund match. These costs were included in the Department's FY 2009-10 Final Budget.

MOTION Montgomery/Weygandt/Unanimous VOTE 3:0 (Rockholm/Holmes temporarily absent).

SHERIFF/LAW ENFORCEMENT SERVICES/TOWN OF LOOMIS - Approved amendment #1 to the contract for Law Enforcement Services between the Placer County Sheriff-Coroner-Marshal and the Town of Loomis and authorized the Sheriff to sign the related documents. This amendment is for the second year of the three-year contract for law enforcement services. The annual amount for the Town of Loomis for Fiscal Year 2010/2011 is \$1,344,623. This is an approximate decrease of 2.58% or \$35,630 related to net change in salaries and benefits, building costs, and general liability.

MOTION Montgomery/Weygandt/Unanimous VOTE 3:0 (Rockholm/Holmes temporarily absent).

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SHERIFF/LAW ENFORCEMENT SERVICES/CITY OF COLFAX - Approved Amendment #1 to the contract for Law Enforcement Services between the Placer County Sheriff-Coroner-Marshal and the City of Colfax and authorized the Sheriff to sign the related documents. This amendment is for the second year of the three-year continuation of law enforcement services beginning July 1, 2010 through June 30, 2011. The contract amount for Fiscal Year 2010/2011 is \$538,209, a decrease of \$8,214 or 1.50%. This amendment is included in the FY 2010/2011 Final Budget submitted to your Board for approval. There is no impact to the General Fund.

MOTION Montgomery/Weygandt/Unanimous VOTE 3:0 (Rockholm/Holmes temporarily absent).

ITEMS FOR INFORMATION:

25. Community Development Resource Agency – This item is a follow-up to the January 12, 2010 presentation to your Board on the Community Development Resource Agency Audit. This report highlights the changes to procedures that have been implemented by the Agency to respond to issues raised in the audit. No action is requested.
26. Personnel - Classified Service Merit Increases
27. Treasurer-Tax Collector - Treasurer's Statement for the month of June 2010.

ADJOURNMENT – Next regular meeting is Tuesday, August 10, 2010.

ATTEST:

Ann Holman
Clerk of the Board

Kirk Uhler, Chairman
Placer County Board of Supervisors