

# PLACER COUNTY BOARD OF SUPERVISORS MINUTES

The Placer County Board of Supervisors met in a regular session at 9:00 a.m., Tuesday, February 7, 2006, in the County Administrative Center, 175 Fuhweller Avenue, Auburn. Supervisors Santucci, Weygandt, Holmes, and Kranz present. Supervisor Gaines absent. Chairman Santucci presiding; Ann Holman, Clerk of the Board. Also present were County Executive Thomas Miller and County Counsel Anthony J. La Bouff.

**PUBLIC COMMENT** - Rosemary Frieborn, Friends of Placer County Animal Shelters, questioned why Animal Control staff did not attend the seminar that was funded by her organization. She asked the Board to appropriate emergency funding to send staff to upcoming seminars. Michael Murphy, Libertarian Party, requested a spreadsheet of issues and how each supervisor voted be provided on the County website. Kathy Martins, Auditor-Controller, provided the Placer County 2005 Citizens' Report, a summary of financial and economic conditions in Placer County. Michelle Buhar, Friends of Placer County Animal Shelters, asked Supervisor Holmes if changes had been made to the recording of animal services. Supervisor Holmes advised County Executive Office has established a committee to look into that. Rich Colwell, Chief Assistant County Executive, stated the County Executive has set in place a comprehensive effort to review management of Animal Control and discussions with various jurisdictions and non-profit organizations. He said staff did not attend the seminar because management did not have enough time to review issues of due diligence, liability, staff expenses and shift coverage.

**SUPERVISOR'S COMMITTEE REPORTS** - Chairman Santucci and Supervisor Holmes thanked Commander Rick Ward, Newcastle California Highway Patrol, for inviting the Supervisors to participate in a patrol car or airplane ride along.

**CONSENT AGENDA** - Item #13 moved for discussion. Consent agenda approved as amended with action as indicated. MOTION Holmes/Weygandt/Unanimous VOTE 4:0 (Gaines absent)

**1. ORDINANCES - Second reading:**

- a. Civil Service Commission - Ordinance 5396-B adopted amending Chapter 3, affecting classification, compensation and allocation of position for Community Development Resource Agency/Building Department, creating the position of Building Division Manager and to reclassify one Supervising Building Inspector position to a Building Division Manager.

**2. BOARD OF SUPERVISORS** - Approved minutes of November 29, December 6, and 13, 2005.

**3. CLAIMS AGAINST THE COUNTY** - Rejected the following claims, as recommended by County Counsel:

- a. 05-077, Jackson, Judi, \$25,000 + (Personal Injury).
- b. 06-006, Jackson, Judi, \$25,000 + (Personal Injury).

**4. COMMITTEES & COMMISSIONS:**

- a. In-Home Supportive Services Advisory Committee - Approved appointment of Eula Marshall to Seat #2 (Service Recipient), Diane Lester to Seat #5 (Service Recipient) and Karen Boal to Seat #9 (Service Recipient), as requested by the In-Home Supportive Services Advisory Committee.
- b. Newcastle, Rocklin, Gold Hill Cemetery District - Approved reappointment of Gordon Takemoto to Seat 3, Wayne W. "Wes" Naylor to Seat 4 and Gene D. Gleck to Seat 5.
- c. Sheridan Municipal Advisory Council - Approved appointment of Adam Carpineta to Seat 2, as requested by Supervisor Weygandt.
- d. Solid Waste Independent Hearing Panel - Approved appointment of Gerald Brentnail to Seat 3 (At-Large).
- e. Tahoe Cemetery District - Approved reappointment of James R. O'Brien to Seat 1, Robert B. Scoville to Seat 2, Steve M. Glazer to Seat 4 and Randal Pomin to Seat 5 and appointment of Donald A. Hale to Seat 3, as requested by Supervisor Kranz.

**5. COMMUNITY DEVELOPMENT RESOURCE AGENCY/TERRACINA PLANNED DEVELOPMENT TRACT #928** - Approved the Final Map, Subdivision Improvement Agreement and authorized the recording.

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## 6. COUNTY EXECUTIVE:

- a. Ordinance introduced, first reading waived, amending Chapter 3, Section 3.12.030, Unclassified Service, Schedule of Classifications, Salary Plan and Grade Unclassified Service, relating to the Auditor-Controller Department, Managing Accountant Auditor positions.
- b. Authorized the travel of Supervisors Holmes, Santucci and Weygandt to Washington DC from February 14 to 17, 2006, to meet with elected or appointed officials of the United States to discuss legislative and regulatory issues affecting the County, and over which the Federal officials have jurisdiction.
- c. Approved a merit increase for Mary George, Assistant Director of Library Services, from Step 2 to Step 3, retroactive to January 21, 2006.

## 7. COUNTY EXECUTIVE/EMERGENCY SERVICES:

- a. Placer Hills Fire Protection District - Resolution 2006-24 adopted approving the FY 2005/06 Capital Facilities Plan update, retaining its existing mitigation fee schedule.
- b. South Placer Fire Protection District - Resolution 2006-25 adopted approving the 2005/06 Capital Facilities Plan update, reflecting a 4.3% Consumer Price Index base increase in Mitigation Fees.

## 8. FACILITY SERVICES:

- a. Historic Courthouse Fire Alarm System, Project #4754 - Accepted a progress report and approved continuation of the project, pursuant to Section 22050 of the Public Contract Code and Section 1.3 (m) of the Purchasing Policy Manual.
- b. Sewer Maintenance District #1 - Resolution of Intention 2006-28 adopted setting the time and date to hold a public hearing to consider the annexation of property owned by Dunmore Communities, APN 052-080-012-510, into the district. Subject property is located on New Airport Road, Auburn.

## 9. HEALTH & HUMAN SERVICES/ENVIRONMENTAL HEALTH - Approved a budget revision, in the amount of \$11,500, for Animal Services licensing, dispatch and adoption software and adding them to the Master Fixed Asset List.

## 10. PERSONNEL:

- a. Ordinance introduced, first reading waived, amending Chapter 3, Section 3.12.010, Appendices DSAS-3, DSAN-4, and MGTS-8, relating to the salaries for the classifications covered by Proposition F and other associated law enforcement classifications, effective February 03, 2006, 5:01 p.m.
- b. Approved the Placer County Equal Employment Opportunity Program Plan from January 01, 2006 through December 31, 2006.

## 11. PROCUREMENT SERVICES - Authorized the Purchasing Manager to sign the following:

- a. Bid #9520, Mobile Data Computers/Sheriff - Awarded to Compucom Systems, Inc., in the amount of \$82,575.16.

## 12. PUBLIC WORKS/PLACER HILLS FIRE PROTECTION DISTRICT - Resolution 2006-27 adopted approving and authorizing the Chairman to execute a Quitclaim Deed with the Placer Hills Fire Protection District, quitclaiming an un-used portion of right-of-way in front of the fire station. Subject property is located on Comble Road at Placer Hills Road in Meadow Vista.

## 13. MOVED FOR DISCUSSION/REVENUE SHARING - Approve appropriation of \$500 in Revenue Sharing monies to the Lincoln Rotary Club for a training program, as requested by Supervisor Weygandt.

## 14. TREASURER/TAX COLLECTOR - Resolution 2006-28 adopted delegating the authority to invest certain funds under the control of the Board of Supervisors to the Treasurer.

\*\*\* End of Consent Agenda\*\*\*

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The following item was moved for discussion:

13. **REVENUE SHARING** - Approved appropriation of \$500 in Revenue Sharing monies to the Lincoln Rotary Club for a training program, as requested by Supervisor Weygandt.  
MOTION Holmes/Weygandt VOTE 3:1:0 (Kranz No, Gaines absent)

Michael Murphy, Libertarian Party, claimed this was a redistribution of wealth and was opposed to any revenue sharing.

**COUNTY EXECUTIVE/EMERGENCY SERVICES** - Ordinance introduced, first reading waived, amending Chapter 2, Articles 2.16 and 2.88 to reflect (1) the County Executive Officer as the Director of Emergency Services, (2) the County Executive Officer as the Chairman of the Disaster Council, (3) granting the Board authority to appoint other members of the Disaster Council, and (4) amending Chapter 3, Article 3.08, using the term "Emergency Services" in lieu of "Civil Defense."  
MOTION Weygandt/Holmes/Unanimous VOTE 4:0 (Gaines absent)

Rui Cunha, Office of Emergency Services, explained this ordinance assigns the responsibilities of the Director of Emergency Services and Chairman of Disaster Council to the County Executive Officer, allows the Board to appoint additional members of the Disaster Council, and changes terminology to reflect the current usage of the term Emergency Services Civil Defense.

**HEALTH & HUMAN SERVICES/CHILDREN'S SYSTEM OF CARE** - Approved agreement with Gerald Brody, M.D., from January 1, 2006 through December 31, 2006, in the amount of \$123,048.19, for psychiatric services as a contract employee.  
MOTION Kranz/Holmes/Unanimous VOTE 4:0 (Gaines absent)

Bob Dunstan, Administrative Services Director of Health and Human Services, explained this is a routine contract renewal.

Michael Murphy, Libertarian Party, asked how many clients Gerald Brody served. Jim Gandley, Assistant Director of Health and Human Services, replied he did not have an exact number, but several hundred people are served each year and Gerald Brody is involved with most of the clients.

**HEALTH & HUMAN SERVICES/COMMUNITY HEALTH** - Adopted the California Department of Health Services' recommendation to expand managed care to Placer County by merging into the existing Sacramento Geographic Managed Care Model, and authorized the Chairman to sign and submit the letter of support. MOTION Kranz/Holmes/Unanimous VOTE 4:0 (Gaines absent)

Dr. Michael Mulligan explained Medi-Cal is a publicly funded program that provides health coverage to 8.8 million low-income children, parents, senior citizens, and disabled Californians. The Governor's proposed Medi-Cal Redesign was part of the 2005 Budget Act and designed to maintain health care coverage for eligible Californians while containing costs and achieving efficiencies. One of the main elements of the proposal is to expand managed care from the current 22 counties to 13 additional counties, including Placer County. In the Sacramento Geographic Managed Care Model, enrollees can select from multiple Health Maintenance Organizations (HMOs). The commercial HMOs negotiate capitation rates directly with the State based on the geographic area they plan to cover. One remaining issue is that there are currently no HMOs operating in the Lake Tahoe region. Thus, it is assumed that acceptance of the State recommendation will include resolution of this issue such that the outcome will be an increase in access to both primary and specialty care for all Medi-Cal recipients residing in Placer County. He described two other possible models that operate in California and how they would be expensive to start up and manage. Staff and the stakeholders support proceeding with the Department of Health Services (DHS) recommendation to merge into the Sacramento Geographic Managed Care Model. He concluded there is no known direct financial impact to Placer County if the State is successful in implementing Geographic Managed Care into Placer County. However, there may be some indirect cost impacts related to changes in the service delivery system.

Supervisor Kranz asked if this is mandated and paid for by the State. Dr. Michael Mulligan replied it is mandated by the State. Jim Gandley, Assistant Director of Health and Human Services, said this is a State run Medi-Cal program, as we enter as a County into Geographic Managed Care, all Medi-Cal patients are paid for with State dollars. The benefit for Placer County is that we go into an existing system with Sacramento that allows better connectivity to specialty care and primary care providers. It is a State Program and there are no additional costs associated with those Medi-Cal services.

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**HEALTH & HUMAN SERVICES/ENVIRONMENTAL HEALTH** - Approved contracts with the City of Colfax, City of Auburn, City of Rocklin and City of Lincoln, for the provision of animal control services from July 1, 2005 through June 30, 2008, and authorized the Health and Human Services Director to execute amendments. MOTION Holmes/Weygandt/Unanimous VOTE 4:0 (Gaines absent)

Bob Dunstan, Administrative Services Director for Health and Human Services, explained the contractual cost allocation to these jurisdictions was established in 1993 and has only increased by the Consumer Price Index annually since that time. These annual adjustments have not kept pace with the costs to provide services to the jurisdictions. Placer County, under the leadership of the County Executive Office, entered into negotiations with representatives from the municipal jurisdictions during the past summer and, together with the cities, contracted with a consulting firm, Maximus, to develop a fair and equitable cost allocation methodology. The current contracts provide \$88,000 per year and the new contracts would be phased in to increase it to \$380,000. This would provide some additional funding for Animal Services.

Supervisor Kranz asked and Bob Dunstan affirmed the new funds would help with some of the current issues. The additional revenues would also help fund bookkeeping software.

Chairman Santucci noted Placer County has subsidized costs and the new allocations will be phased in over three years to cover the expenses of providing services.

Michael Murphy, Libertarian Party, asked about the total costs to supply these services to the other jurisdictions. Bob Dunstan replied the current budget is \$2.5 million for this Fiscal Year.

Rosemary Frieborn, Friends of Placer County Animal Shelter, commented December 2005 the Board approved a \$7.2 million increase to Health and Human Services' budget in which these contracts were mentioned and a Senior Account Clerk position was approved for Health and Human Services. The cities that are paying these fees are not seeing the benefit. She asked if animal shelter's budget would be revised when funds are received. Ms. Frieborn requested that employee training be funded with the increase. Jim Gandley, Assistant Director of Health and Human Services, replied adjustments will be made as funds become available. Ms. Frieborn said the funds would fluctuate depending on the amount of services used by each jurisdiction. Mr. Gandley affirmed the amounts could fluctuate, and explained the new software would help calculate actual utilization for the cities.

Supervisor Kranz asked if the General Fund contributions would remain the same in order to have the new revenue completely benefit animal services. Bob Dunstan explained Health and Human Services has kept Animal Services whole during the shortfalls of the budget. He said the funding approved in December was for a Clerk position at Animal Control and to help fund the bookkeeping software. Supervisor Kranz requested these additional funds stay with Animal Control. Bob Dunstan said he would supply a budget strategy for the supervisors when Health and Human Services presents their budget in the next few months.

**PLANNING BUSHNELL NURSERY REZONING AND APPEAL OF MINOR USE PERMIT (PREAT20040120) MITIGATED NEGATIVE DECLARATION** - Public hearing to consider an appeal from Dave Bushnell of specific conditions of approval for a Minor Use Permit for a retail nursery, including retail sales, and an accessory landscape installation business. The Board will also consider a rezoning request from RS-B-20 (Single Family Residential, Building Site size 20,000 square feet) to F-Dc-B20 (Farm, Building size 20,000 square feet, Design Corridor), for the 15.7 acre project site. The property (APN 048-081-035, 048-081-054, 048-081-055, and 048-081-058) is located at 5255 Douglas Boulevard, approximately 1.5 miles east of Sierra College Boulevard, and is currently zoned RS-B-20 (Single Family Residential, Building Site size 20,000 square feet). MOTION Holmes/Weygandt/Unanimous VOTE 4:0 (Gaines absent), to continue to February 21, 2006 at 9:30 a.m. as requested by the County and the applicant.

## COUNTY COUNSEL/CLOSED SESSION REPORT:

### (A) \$54958.9 - CONFERENCE WITH LEGAL COUNSEL

#### (1) Existing Litigation:

- (a) Cross v. County of Placer, Placer County Superior Court Case No. SCV 27628 - *The Board was advised of the successful completion of the case with the granting of a motion for summary judgment in favor of the County and the named defendants.*
- (b) City of Rocklin v. Yee, Placer County Superior Court Case No. SCV 18727 - *The Board gave direction.*
- (c) City of Rocklin v. Smeccchi, Placer County Superior Court Case No.: SCV 18721 - *The Board gave direction.*

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(d) *Sierra Club, et al. vs. County of Placer/U.S. Home Corporation, et al. vs. Town of Loomis vs. County of Placer/Bickford Holdings, et al., Third District Court of Appeal Case No.: C047630 – The Board received a status report and gave direction to Counsel.*

(B) §54957.6 - CONFERENCE WITH LABOR NEGOTIATOR – *No discussion.*  
Agency negotiator: CEO/Personnel Director.  
Employee organization: PPEODSA.

**BOARD OF SUPERVISORS** – Presentation by Diane Bras, Family Law Facilitator, regarding the Placer County Superior Court Legal Help Center.

Diane Bras, Family Law Facilitator, presented a PowerPoint describing many free services offered to Placer County residents: Legal Helpline, classes, workshops, clinics, referrals, and legal self-help.

Supervisor Holmes said this program is a great benefit for our overburdened Court System, District Attorney's Office and Probation. Chairman Santucci explained it is run on grant funds at no cost to the County.

**FACILITY SERVICES/SEWER MAINTENANCE DISTRICT #1** - Public hearing closed. Resolution 2006-29 adopted annexing the Glenn Templeton property, APN 078-271-009, into the district. Subject property is located on Stanley Drive, Auburn. MOTION Weygandt/Holmes/Unanimous VOTE 4:0 (Gaines absent)

Jim Durfee, Facility Services, explained the annexation fee for this property is \$4,600.

**COUNTY EXECUTIVE** – Resolution 2006-30 adopted authorizing a ballot measure for the June 6, 2008 primary election asking the electorate to consider repeal of Measure F affecting the salaries of Placer County Deputy Sheriffs. MOTION Kranz/Weygandt/Unanimous VOTE 4:0 (Gaines absent)

Mike Boyle, Assistant County Executive Officer, explained Measure F was approved by the voters in 1976 and tied the salaries of Placer County Deputy Sheriffs to the average compensation of deputy sheriff salaries in Sacramento, Nevada and El Dorado Counties. The proposed ballot would allow voters to keep or repeal this ordinance. If the ordinance were repealed, the union would be able to negotiate salaries just like other union salary negotiations.

Sheriff Bonner stated the Placer County deputies are the best in the state and should have the ability to negotiate their own salaries. Many deputies have been lost to higher paying cities.

Randy Padilla, President of the Deputy Sheriff's Association, thanked the Board for its support. He was pleased with how close labor and management have worked together with one common goal.

Each of the Supervisors supported the ballot measure to repeal Measure F. If passed labor negotiations would be easier. The current ordinance is outdated and does not allow us to be competitive. Chairman Santucci noted that Rocky Rockholm, Mayor of Roseville, also supports repealing Measure F. Michael Murphy, Libertarian Party, supported the repeal.

**COUNTY EXECUTIVE/PLACER CONSOLIDATED FIRE PROTECTION DISTRICT** – Resolution 2006-31 adopted integrating the Placer Consolidated Fire Protection District fire protection responsibilities into Placer County Fire upon dissolution of the District. In addition, directed County staff to bring forward establishment of County Service Area #28, Zone of Benefit 193, concurrent with the District's dissolution to fund fire protection operations and capital facilities mitigation within the District area. MOTION Holmes/Weygandt/Unanimous VOTE 4:0 (Gaines absent)

Mike Boyle, Assistant County Executive Officer, said on October 11, 2005, the Board directed staff to proceed with those measures necessary to integrate fire protection responsibilities of the Placer Consolidated Fire Protection District into Placer County Fire.

David Lake, Consolidated Fire District, explained the funding was based on the level of service required in 1978. At that time, most of the employees were volunteers. To meet the current demands, a voluntary force is not feasible. They have not succeeded on different tax measures to fund the necessary positions and some stations had to close. There have been publicly noticed meetings without any opposition to this transition.

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Rui Cunha, Program Manager for the Office of Emergency Services, said this is the last phase of integration that develops a solution that will better serve the public. The end result will be an improved fire protection system that is fiscally viable.

Randy Smith, Fire Chief for Placer Consolidated Fire, explained the attrition problem with Placer Consolidated and the benefits of integrating into Placer County Fire.

Gary Brittner, California Department of Fire (CDF), talked about the transition process that would include examining training records and providing an individual development plan if there are any deficiencies. Staff is currently working with Placer Consolidated staff to ease the transition.

Therese Leonard, County Executive Office Principal Management Analyst, reported that Placer Consolidated is sustainable with ongoing and reliable revenue streams that can continue to fund the operations that are in the transition plan identified by CDF. She is almost certain the district currently has funds for the Public Employees Retirement System (PERS) pension obligation. Since it takes California PERS a year to settle accounting, the County is also setting aside funds to meet the obligation if it materializes.

The Supervisors and Mike Crandall, representing the firefighters of Consolidated Fire, thanked all involved and supported this integration.

Rui Cunha said this integration would be presented to the Local Agency Formation Commission (LAFCO) tomorrow for approval.

**PLANNING/APPEAL PENRYN 76 SIGN PERMIT & VARIANCE (PSIN20040783/ PVAA20050302).**  
The property (APN 043-060-063 and 043-060-064) is comprised of 5 acres, is zoned C1-UP-DC (Neighborhood Commercial, Combining CUP required, Combining Design Scenic Corridor) and is located at 3142 Boyington Road in the Penryn area. (Continued from January 10, 2006)

Conduct a public hearing to consider the following:

- a. Sign Permit (PSIN20040783) appeal by Bobby Rogers of the Planning Commission's denial of a sign permit for the re-facing of two existing canopies.  
MOTION Holmes/Santucci/Unanimous VOTE 4:0 (Gaines absent), to close the public hearing, overturn the decision of the Planning Commission, accept the CEQA Exemption (Page 296 of the agenda package) and direct staff to return with Findings.
- b. Variance (PVAA20050302) appeal by Bobby Rogers of the Planning Commission's denial of a variance for the construction of a 50-foot high freestanding pole sign where the maximum permitted height is 25 feet.  
MOTION Holmes/Weygandt VOTE 3:1:0 (Kranz No, Gaines absent), to deny the variance appeal.

Michael Johnson, Planning Director, presented a PowerPoint showing project location, location of the proposed 50-foot sign, possible colors for fascia and proposed nearby development. Staff identified some conflicting language in the Horseshoe Bar Community Plan. He said the Penryn Parkway guidelines were not specific as to what colors are allowed and it states this area is also to be used by the traveling public. The contact person at Conoco Phillips would not state the likelihood for this station to be approved for the tan colors. Mr. Johnson mentioned a 40-foot tall commercial complex was approved near this station with a 45-foot tower.

Bobby Rogers, applicant, stated he previously applied for the tan colors and was denied and there is no time left to reapply before being de-branded.

Ron Voffe, Penryn Estates Property Owners Association, Mark Aufderberge, Church Pastor at Hope Lutheran Church, and Claudia Starkey, Mike Sasko, Terry Voffe, Sharon Pastana, Laura Ingram, Penryn residents, spoke in opposition to the 50-foot sign. The key items were that: residential is too close with no buffer, it would affect the night sky, land was cheaper because it allowed less volume, bad precedence if allowed, the applicant was not forthright with the community, the community plan needs to be upheld, large corporations should not dictate small community policies, the monument sign was enough to open the business two years ago and should still be adequate, a lighted overhead sign was denied by the Penryn MAC, one business should not be more important than the community, the local church congregation opposed, increased traffic would pose a safety issue for the church and school, there is an adversarial relationship between community and the applicant, and the applicant agreed to the restrictions when business was approved and now wants to change.

Kirk Miller, local Mandarin business owner, spoke in favor of the applicant's requests and to help small business in a commercial area and generate revenue for the County.

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Sandra Elder, Penryn Municipal Advisory Council (MAC), said possibly there is a signal being installed in that area that would help control traffic. September 27, 2005, the MAC moved to recommend the approval of the modification of the turn around area as well as the signage request from 100 to 50 feet (2 in favor, 1 against and 1 abstained).

Supervisor Holmes received clarification from the applicant why he chose 76 branding and information about his average monthly sales. He discussed other gas stations in the area with Michael Johnson.

Supervisor Weygandt did not oppose the color request but was against the pole sign height request. Supervisor Holmes was opposed to the color but not enough to vote against it because of the constraints of the supplier. He said 25-feet should be enough height for the sign. Supervisor Holmes verified that the applicant could apply for a 25-foot sign permit if the 50-foot sign was denied. All that was being denied was the 50-foot height. Michael Johnson explained the applicant could apply for a sign permit application with the Planning Department for a 25-foot sign, consistent with the procedures. Supervisor Kranz disagreed and said a 25-foot sign could not be seen over the 45-foot tower and would be pointless. Michael Johnson explained there was a variance approved for the office complex to allow a 45-foot tower instead of 40-feet.

**ADJOURNMENT** - There being no further business, the Board adjourned. Next regular meeting is Tuesday, February 21, 2006.

**ATTEST:**

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Ann Holman  
Clerk of the Board

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Bill Santucci, Chairman  
Placer County Board of Supervisors

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Melinda Harrell  
Senior Board Clerk

