

PLACER COUNTY BOARD OF SUPERVISORS MINUTES

The Placer County Board of Supervisors met in a regular session at 9:00 a.m., Tuesday, February 20, 2007, in the County Administrative Center, 175 Fulweiler Avenue, Auburn. Supervisors Rockholm, Weygandt, Holmes, Uhler and Kranz present. Chairman Kranz presiding; Ann Holman, Clerk of the Board. Also present were County Executive Thomas Miller and County Counsel Anthony J. La Bouff.

PUBLIC COMMENT – Dr. Burton, Health & Human Services Director, provided an update on the acquisition of Afghans at the Auburn Animal Shelter. Nancy Jo Rieske, Agriculture Marketing Director, addressed Placer County agriculture activity and requested a temporary ordinance allowing wine tasting. Deborah Todd and Astrick Pryor spoke about the Afghan rescue. Anita Wright and Mechelle Buhar addressed concerns about the Auburn Animal Shelter. Pam Plum spoke about Creek Week.

CONSENT AGENDA – Item 19b and 26 were moved for discussion. Consent Agenda (Items 10-27) approved as amended with action as indicated. The Board convened as the Redevelopment Agency Board on Item 25. **MOTION** Rockholm/Holmes/Unanimous

10. ORDINANCE – Second Reading:

- a. Personnel – Ordinance 5453-B adopted amending Placer County Code, Chapter 3, Section 3.12.010 – Appendices 3 (Deputy Sheriffs Association-Sworn), Appendix 4 (Deputy Sheriffs Association-Non-Sworn), and Appendix 9 (Management-Sworn), relating to the salaries for the classifications covered by Proposition F and other associated law enforcement classifications to be effective February 2, 2007, 5:01 p.m. Percentage increases by classification are as follows: Undersheriff 6.94%; Captain 6.76%; Lieutenant 6.77%; Sergeant 6.69%; Chief Deputy Coroner 4.94%, Deputy Sheriff III 4.93%; Investigator 7.07%.
- b. Personnel - Ordinance 5454-B adopted amending the California Public Employees Retirement System Local Safety Member contract to provide \$3,000 Retired Death Benefit in accordance with the existing Memorandum of Understanding, as approved by the Board on July 13, 2004, with the Placer County Deputy Sheriffs Association, for an annual cost of \$23,000.
- c. Health & Human Services – Ordinance 5455-B adopted amending Chapter 2, revising Article 2.78 of the Placer County Code governing In-Home Supportive Services Public Authority Advisory Committee activities.

11. WARRANTS – Week ending January 5, 12, 19, 26 and February 2, 2007.

12. ADMINISTRATIVE SERVICES – Approved budget revision, in the amount of \$26,669, and added a Pitney Bowes DM-1000 mail machine to the Master Fixed Asset List.

13. AGRICULTURAL COMMISSIONER - Resolution 2007-41 adopted authorizing the Agricultural Commissioner/Sealer to sign Contract #06-0493 with the California Department of Food and Agriculture for FY 2006/07, reimbursement up to a maximum of \$79,993, for the Glassy-winged Sharpshooter/Pierce's Disease Control Program.

14. ASSESSOR/ROSEVILLE GEOGRAPHIC INFORMATION SYSTEM - Approved Memorandum of Understanding with the City of Roseville for joint parcel base updating and maintenance.

15. BOARD OF SUPERVISORS:

- a. Commendation honoring Linda Stackpole, retired Lincoln City Clerk, for her contribution to the Lincoln Community as both a lifelong resident and City Clerk for over 22 years.
- b. Commendation honoring PRIDE Industries for their contribution to the population of disabled people in the workforce and for winning the U.S. Secretary of Labor's New Freedom Initiative Award.
- c. Proclamation declaring April 21-28, 2007 as "Creek Week" in Placer County, as requested by Supervisor Rockholm and Supervisor Weygandt.

16. CLAIMS AGAINST THE COUNTY – Rejected the following claims, as recommended by Counsel:

- a. 06-119, Harrell, Joshua, \$50,000 (Personal Injury).
- b. 06-125, Rodriguez, Jonathan, \$100,000 (Personal Injury).
- c. 07-005, Wolfgram, Kristine, \$10,000 (Emotional Distress).
- d. 07-006, Wolfgram, John, \$25,000 (Personal Injury).

17. CLAIMS AGAINST THE COUNTY – Rejected the following applications to present a late claim and their associated claims, as recommended by Counsel.

- a. 06-116, Carpenter, Paul, \$10,000 (Emotional Distress).
- b. 06-129, Christensen, Jerem, Not Stated (Emotional Distress).

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18. COMMITTEES & COMMISSIONS:

- a. Building Appeals Board - Approved reappointment of Bill A. Atchley, Jr. to Seat 6 (Fire Officials) and Randy Smith to Seat 8 (Fire Officials).
- b. County Parks Commission - Approved reappointment of Bill Bisharat to Seat 4 (District 4), as requested by Supervisor Uhler.
- c. County Service Area #28, Zone 27 Advisory Committee - Approved reappointment of Susan Prince to Seat 3 and Robert Dalrymple to Seat 4, as requested by Supervisor Kranz.
- d. Flood Control & Water Conservation District Board of Directors - Approved appointment of Ken Yorde to Seat 9 (Public At-Large)
- e. Foresthill Community Center Advisory Board - Approved appointment of Nancy Hewitt to Seat 3 (Foresthill Community), as requested by Supervisor Kranz.
- f. Foresthill Veterans Memorial Hall Board - Approved appointments of Vicki Haskins Campbell (Primary) and Larry Jordan (Alternate) to Seat 6, as requested by Supervisor Kranz.
- g. Lincoln Veterans Memorial Hall Board - Accepted resignation of Manuel Rivas, Seat 5 (Alternate), and approved appointment of Manuel A. Nevarez to Seat 5 (Alternate), as requested by Supervisor Weygandt.
- h. Loomis Veterans Memorial Hall Board - Approved appointment of Ron "Fuzzy" Jarnagin to Seat 4 (Veteran At Large), as requested by Supervisor Holmes.
- i. Penryn Municipal Advisory Council - Approved appointment of Judy Bennett to Seat 3, as requested by Supervisor Holmes.
- j. Placer County Resource Conservation District - Approved appointment of Scott Harvey to Seat 2 (At Large) and Steve Garcia to Seat 5 (At Large).
- k. Roseville Veterans Memorial Hall Board - Approved appointment of William C. Sneed to Seat 5, as requested by Supervisor Rockholm.
- l. Weimar/Applegate/Coffax Municipal Advisory Council - Approved appointment of Ben Mavy to Seat 4, as requested by Supervisor Kranz.

19. COMMUNITY DEVELOPMENT RESOURCE AGENCY:

- a. Building - Ordinance introduced, first reading waived, revising Chapter 15, Section 15.04.050 Subdivision R., Roof Construction and Fire Retardant Requirements of the Placer County Code which would require application of Class A roofing materials in the unincorporated area on new construction, additions and re-roofing of more than 50% of the roof covering in a one year period.
- b. ~~MOVED FOR DISCUSSION/Engineering & Surveying/Sunset Boulevard and Cincinnati Avenue Accept improvements for Sunset Athens Connector Road, PN 8340; Sunset Bridge, PN 8339; Public Road Name Assignment for Foothills Boulevard North, for roadway, bridge and intersection improvements as complete and approve resolution accepting Sunset Boulevard and Foothills Boulevard North into the County Maintained Mileage System.~~

20. COUNTY COUNSEL - Appointed Anthony J La Bouff, County Counsel, or a designated representative of his office, and Maureen Rodarte, Placer County Bar Association President, to the Law Library Board of Trustees

21. COUNTY EXECUTIVE:

- a. Merit Increase - Approved a 5% merit increase for Joshua Huntsinger, Deputy Agricultural Commissioner, from Grade 427, Step 1, to Grade 427, Step 2, at \$32.90 per hour, retroactive to January 6, 2007.
- b. Merit Increase - Approved a 5% merit increase for Kevin Starkey, Managing Accountant Auditor, from Grade 450, Step 4, to Grade 450, Step 5, at \$47.88 per hour, retroactive to February 3, 2007.

22. FACILITY SERVICES/SEWER MAINTENANCE DISTRICT #1 - Resolution of Intention 2007-43 adopted setting the time and date to hold a public hearing to consider annexation of property owned by Gary and Jennifer Rooker, APN 076-342-018, into the district. Subject property is located on Virginia Drive in Auburn.

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23. **PROCUREMENT SERVICES** - Authorized the Purchasing Manager to sign the following:
- a. Competitive Bid #9647, 12 Mobile Vu Data Computers/Sheriff - Awarded bid to L3 Communications Ruggedized Command and Control Solutions, in the amount of \$94,695.53.
 - b. Blanket Purchase Order #13427, Forensic Toxicology Laboratory Services/Sheriff - Approved a sole-source request to renew the purchase order with National Medical Services, in the maximum amount of \$70,000.
 - c. Blanket Purchase Order #13935, Traffic Signal Maintenance and Repair/Public Works - Approved Change Order #1 with Ferguson Family Enterprises, Inc., Doing Business as Gray Electric Co., Inc. for in the amount of \$40,000. The original blanket purchase order was in the amount of \$75,000, for a total of \$115,000.
 - d. Cancellation of Bid #9631, three 2007 Animal Control Cab & Chassis Trucks/Fleet Services - Approved cancellation of Bid #9631 due to manufacturing cutoff date expiration and approved award of Competitive Bid #9644 for three 2008 model Animal Control cab and chassis.
 - e. Qualified List #9286, Phase I & II Environmental Studies/Redevelopment, Facility Services - Approved a two-year extension on an as-needed basis.
24. **PUBLIC WORKS**
- a. California Tahoe Conservancy Private Lease Revenue Transfer - Resolution 2007-44 adopted authorizing the Chairman to execute an annual agreement with the State of California, in the amount of \$49,680, for erosion control, minor road maintenance and other related purposes.
 - b. Fixed Asset - Approved the addition of one hot pressure washer (replacement) to FY 2006/07 Master Fixed Asset List; approved budget revision to appropriate funding to the Automotive Fixed Asset Account; and authorized the Procurement Officer to issue the purchase order to the vendor with the lowest responsive price quote of \$5,003.21.
 - c. Foresthill Road Slide Repair Project, Contract #73260 - Resolution 2007-45 adopted accepting the project as complete and approving and authorizing the Public Works Director to execute the Notice of Completion. Total original contract with Teichert is \$2,403,912, plus change orders (\$96,588) for a total of \$2,500,500, (4% increase).
 - d. Highway 65 Lincoln Bypass - Resolution 2007-46 adopted authorizing the State of California Department of Transportation (Caltrans) to purchase rights-of-way for the Highway 65 Lincoln Bypass prior to approval of a proposed Freeway Agreement.
 - e. Lake Forest Erosion Control Project (Tahoe City) - Resolution 2007-47 adopted authorizing the Chairman to sign Professional Services Agreement Amendment #2, with Wood Rodgers, Inc., in the amount of \$110,200 and authorizing the Public Works Director to approve and sign future amendments up to \$13,843.
 - f. Minnow Avenue Public Parking Facility Project (Kings Beach) - Approved Resolution 2007-48 adopting a Mitigated Negative Declaration (PDSO T20060685) for the project with the required findings in conformance with the California Environmental Quality Act.
 - g. Salmon Avenue Public Parking Facility Project (Kings Beach) - Approved Resolution 2007-49 adopting a Mitigated Negative Declaration (PDSO T20060649) for the project with the required findings in conformance with the California Environmental Quality Act.
 - h. Traffic Mitigation Fee - Approved a refund, in the amount of \$4,322, to Troy W. and Michelle L. Kuhn, paid in error by the project applicant.
25. **REDEVELOPMENT AGENCY BOARD** - Approved Resolution 2007-50 adopting a revision to the Redevelopment Agency's budget to update proceeds realized through the sale of Tax Allocation Bonds. The Agency's FY 2006/07 Budget will increase from \$26,252,898 to \$42,787,753.
26. **MOVED FOR DISCUSSION/SHERIFF** - ~~Approve the purchase of two vehicles from Cal Met funds, in an amount not to exceed \$80,000, to support the Placer County Meth Program; approve the Master Fixed Asset additions and budget revision and authorize the Purchasing Manager to execute necessary documents to complete the purchase.~~
27. **TREASURER/TAX COLLECTOR:**
- a. Resolution 2007-53 adopted authorizing the Treasurer-Tax Collector to sell tax-defaulted properties at a public auction on May 4, 2007.

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- b. Resolution 2007-54 adopted authorizing the Treasurer-Tax Collector to sell tax-defaulted property at a sealed bid sale on May 2, 2007.

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

Consent Items Moved for Discussion:

26. SHERIFF – Approved the purchase of two vehicles from Cal-Met funds, in an amount not-to-exceed \$80,000, to support the Placer County Meth Program; approved the Master Fixed Asset additions and budget revision and authorized the Purchasing Manager to execute necessary documents to complete the purchase. MOTION Holmes/Rockholm/Unanimous

Supervisor Holmes pointed out the County has the ability to purchase two vehicles to assist in the Placer County Meth Program from Cal-Met funds. He spoke about the Methamphetamine Program at the Auburn Parkside Church scheduled on March 21, 2007.

Barbara Besana, Sheriff Department, explained that the funds allocated for this year are more than sufficient to cover this expense.

Sheriff Bonner spoke about methamphetamines becoming a huge problem. The Department is working with law enforcement from Rocklin, Roseville, Lincoln and Auburn in a collaborate effort to address the problem. Next week, the Department will begin a process to build a comprehensive, collaborative community strategy to deal with drug abuse, sales and use in our community and schools. Everyone who goes to jail will be interviewed and the information will be forward to the Special Investigations Unit.

Chairman Kranz advised he will be bringing a copy of the County's Program DVD to this year's National Association of Counties Meeting. He indicated methamphetamines are a national problem.

- 19b. COMMUNITY DEVELOPMENT RESOURCE AGENCY/ENGINEERING & SURVEYING – Accepted improvements as complete for roadway, bridge and intersection improvements at Sunset Boulevard and Cincinnati Avenue. Resolution 2007-55 adopted approving a road name assignment for "Foothills Boulevard North" to be assigned to a new road located between Sunset Boulevard and Athens Avenue, and Resolution 2007-42 adopted accepting Sunset Boulevard and Foothills Boulevard North into the County Maintained Mileage System. MOTION Weygandt/Holmes/Unanimous

Supervisor Weygandt explained this item is the acceptance from the County of the roads into the road system. The project was built as a result of the United Auburn Indian Community building their casino. He thanked the tribe and Jessica Tavares for the road contribution and stated it is a \$23 million project, connecting Athens to Sunset. He thanked the tribe saying that the mitigations were far beyond the impacts.

Jessica Tavares, United Auburn Indian Community, stated the Tribe values the current partnership it has with the County. The road is a much needed resource in improving the safety of the region. She stated the Tribe is pleased to be able to enhance the region in any way that it can.

Chairman Kranz commented that he and Supervisor Weygandt have served on their committee and the cooperation is remarkable. He thanked the Tribe for all they have done for the County.

BOARD OF SUPERVISORS – Presentation of Commendation honoring Linda Stackpoole, retired Lincoln City Clerk, for her contribution to the Lincoln Community as both a lifelong resident and City Clerk for over 22 years.

BOARD OF SUPERVISORS - Presentation of Commendation honoring PRIDE Industries for their contribution to the population of disabled people in the workforce and for winning the U.S. Secretary of Labor's New Freedom Initiative Award.

BOARD OF SUPERVISORS - Authorized the Chairman to execute a Memorandum of Understanding with PRIDE Industries, for FY 2006/07 transit services consisting of The Dial A Ride for Loomis, Rocklin, Granite Bay and a modified Taylor Road shuttle. Total cost is \$220,490; the County is reimbursed \$115,772 by Rocklin and Loomis. Net cost to the County is \$104,718, which is funded with County Transportation Development Act Funds. MOTION Uhler/Weygandt/Unanimous

Supervisor Uhler inquired what "designated consolidated transportation services" meant. Will Garner, Public Works, replied it is a State designation and that all State counties have a consolidated transportation services agency (CTSA). In this County, the Placer County Transportation Planning Agency (PCTPA) determines the designation. The role of the agency is to serve disabled and elderly

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folks with specialized transportation programs. Mr. Uhler asked if there was an established criteria that other people in the market place may compete. Mr. Garner stated it is up to the Transportation Agency. There can be more than one CTSA's. Mr. Uhler stated the staff report did not contain the number of people served. Will Garner advised that the three programs noted serve approximately 114 passengers per day. This program is the County's lowest ridership due to specialized transport.

FACILITY SERVICES/SEWER MAINTENANCE DISTRICT #1 – Public hearing closed. Resolution 2007-51 adopted annexing the Gordie and Patti Mason property, APN 076-030-057, into the district. Subject property is located on Creekhaven Road, in Auburn. MOTION Holmes/Rockholm/Unanimous

Will Dickinson, Facility Services, advised the annexation fees are in the amount of \$5,500.

FACILITY SERVICES/COUNTY SERVICE AREA #28, ZONE 173 (DRY CREEK SEWER) – Public hearing closed. Resolution 2007-52 adopted annexing the Silver Creek properties, consisting of 28.58 acres into the district. Subject property is located at the corner of PFE Road and Walerga Road, in Roseville. MOTION Rockholm/Holmes/Unanimous

Will Dickinson, Facility Services, indicated a reimbursement agreement, with the Dry Creek-West Placer CFD #1 property owners, for construction of sewer facilities requires payment of a reimbursement fee, in the amount of \$276,666, by properties that did not participate in the agreement.

COUNTY EXECUTIVE/BUDGET – Presentation of mid-year budget review for FY 2006/07

Therese Leonard, County Executive Office, explained the budget cycle steps and elements, and indicated that the full process lasts approximately 10 months. During the months of December and January, the County Executive Officer met with department heads to discuss options for next year. She indicated that the Strategic Planning Session was scheduled for March 27, 2007, and that the proposed budget will be presented to the Board for their consideration of adoption in June. Prior to adoption of a final budget, the Board will have three days of budget workshops where department heads will discuss how they plan to spend allocated funds. The final budget adopted by the Board in September 2006, is balanced and reflects a budget amount of \$688 million. Ms. Leonard provided the following information:

Intergovernmental Revenue is the largest revenue source to the County at approximately 33% of the budget. The next largest source is taxes. Secured property tax plays a major role in the County in terms of funding our services (public safety, health & human services, finance and general government). In the 2006/07 budget, it makes up about \$91 million, \$87 million of which is General Fund. Fund balance and cancelled reserves are also critical in the budget process. This year, cancelled reserves were \$2.6 million, primarily funding two items: the public safety helicopter (\$1.5 million) and the rehabilitation of DeWitt for Health & Human Services (\$1 million). As of December 2006, the revenues are trending on course with where they have been in prior years. Capital infrastructure cash revenue, accounting for construction of roads, reflects a drop over last year. Typically these accounts are reimbursed as project delivery is completed. This time last year, approximately \$12 million in capital infrastructure had flowed in for revenues; we do not have that flow this year. Salary and Benefits make up approximately 36% of the expenditure budget, of which approximately \$155 million is related to salaries, \$33 million for PERS, \$25 million for health insurance and Other Post Employment Benefits (OPEB). The budget is performing well in regard to expenditures, with approximately 43% of budget spent to date versus 42% spent last year in the General Fund.

The County Budget consists of 15 different operating funds. The largest part of the County budget is the General Fund at \$353 million; Public Safety Fund, at \$114 million, Capital Construction, at \$102 million and Road Fund, \$90 million. The General Fund is critical to the County Budget because it provides underlying funding for all other County funds. The health of the General Fund is critical to the health of the County Budget.

There are several items that can impact the building or development of the budget: the State budget process; cost driver increases such as in PERS, health insurance rates, Worker's Compensation and general liability. Other items include: custodial maintenance and utilities and labor agreements, along with anticipated department requests. The challenge is how much revenues can be expected to offset the requests.

Ms. Leonard stated that the Governor has released the January 10th budget, enabling the County to anticipate some impacts that could affect Placer County. Staff anticipates the Governor releasing the May Revise, a reconfiguration of the January 10 budget, which has unknown impacts. The State will bring forward a Final Budget in September. Staff recognizes there will be impacts from the State.

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including cumulative impact of the State not recognizing cost of living adjustments for our Health and Human Services programs. Every year the Department has to absorb between \$5-7 million. The policy established last year by the Board indicated that these costs would not be augmented by the General Fund. The General Fund contribution to Health & Human Services is approximately \$22.9 million, 16% of their total operating budget. The Department is able to leverage \$22 million to provide \$140 million in programs. The continuation of the State not allowing for cost of living adjustments continues to challenge the Department. In addition, the State is considering moving up the Primary Election, at a cost of \$850,000 to \$1.1 million, to the County. Even if the State does reimburse these costs, it will at a reduced rate and will be received in a later year. The last election cost the County \$800,000, the County was reimbursed \$388,000.

New this year, the State budget does not include funding for State mandated reimbursement. This has a huge impact on the County. The costs to provide the programs and services will have to be paid up front by the County, with reimbursement from the State in a later year. Currently, there is \$12 million on the books in reimbursements from State mandates, \$10 million from 2004 and prior. The \$10 million was part of a special arrangement where the County would receive reimbursement over a 15-year period. There is also talk about longer incarceration terms at local levels. This can be extremely costly. The funds from gas tax (Proposition 42) will not be received by the County this year (loss of \$1.6 per year).

PERS pension benefits cost between 20%-34%. Retiree health and dental benefits are approximately \$7 million; next year they are estimated to be \$8.6. Health insurance rates have increased minimally at 4.2%. Due to the efforts of Risk Management, Worker's Compensation rates are down 42%. Other Post Employment Benefits (OPEB) is at 6% (a 100% increase). The County is setting money aside for OPEB at every budget cycle in keeping with the policy that the Board adopted. In FY 2006/07, the amount charged to payroll was \$5 million; the target for 2007/08 is approximately \$10 million. OPEB relates to retiree benefits other than pension, and results in an unfunded liability. Beginning in 2007/08, the County will need to report the obligation in the Comprehensive Annual Financial Report. Based on a 20-year accrual, using a 20 year amortization rate and a 4.5% rate of return, it equates to \$328 million unfunded liability. In order to pay down over 20 or 30 years, it is about a \$35 million contribution. The County is setting aside \$10 million from the budget in order to help fund this obligation. For every new employee allocation added to the budget, the cost will be pre-funded, based on the pay rate of the employee. The funds will be placed in the Treasury, pending the establishment of an irrevocable trust.

There are a number of facilities in various stages of construction planned over the next 10 years. The Auburn Justice Center is scheduled to be housed by March 2007. The South Placer Courthouse and the JB Office Building will be completed and ready for occupancy in fall 2007. The Children's Emergency Shelter occupied later in 2007. Regarding the South Placer Courthouse, originally, half of the funding was to be paid up front and the other half for construction was planned to be funded through debt, or by cancelling reserves. Staff will look at all options. The focus for the next five years is to build a detention facility in South Placer. This is a huge undertaking; it is a \$75 million project. The County owns the land, located next to the Courthouse. The Burton Creek Facility is a \$20 million project and the Animal Shelter in West Placer, a \$17-\$20 million project.

In looking at the County Budget at what is known, we are looking about \$28 million just to sustain current operations. Ms. Leonard spoke about the department requests and additional funding needs, approximately \$20 million and 61 positions. The County would have to pay for the new position OPEB costs up front, costing approximately \$7.5 million to fund all positions. Adding the baseline funding considerations and the new requests would total \$53 million in new requests. Ms. Leonard discussed the General Fund new revenues for FY 2007/08, stating the growth is slow in our secured tax roll. General Purpose VLF will go up approximately 6%, due to State regulations. Sales Tax revenue will provide \$1 to augment next year's budget. Interest income is growing due to the efforts of the Treasurer receiving a higher rate of return. There are areas that are declining due to the housing and construction sectors. We will be on an off election cycle, resulting in a loss of \$750,000, typically received from Special Districts for running elections. These factors result in the \$3.9 million reduction. There is a \$53 million need for funding and \$7.1 million new revenues to offset these costs.

The County continues to grow rapidly. The workforce's average age is 46 years old. There is a 9% vacancy factor on our 2,843 positions. Fifty-five percent of the employees leave the County due so to retire. 37% of employees are over the age of 50. We have an aging workforce and the County will be challenged to bring in the talent base need to sustain the more complex urban levels of service needed.

The challenges for FY 2007/08 include: protecting the budget from State actions, to control cost driver increase; to plan for future facility needs in concert with the County's ability to pay; to implement labor agreements and to work with departments to maintain appropriate levels of service within funding constraints.

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Next steps include: March 27, 2007 Strategic Planning Session; presenting the proposed budget in June; Board Workshops will be conducted in August and the Final budget will be adopted in September. Staff will continue to monitor the State budget for County impacts.

Supervisor Holmes inquired about Proposition 42 funds (gasoline tax). He understood those funds would be starting to come back to the County. Ms. Leonard stated according to Public Works, it was agreed that in 2007/08 that the local governments would not receive Proposition 42 funding. The premise on passing the sales tax was that local governments would receive it. Evidently there was a deal at the State level where the counties would not receive funding in 2007/08. Mr. Holmes asked how much the Rocklin Library would cost and was told it is a \$20 million project.

Supervisor Uhler asked questions about unfunded liabilities not reflected on the balance sheet. Ms. Leonard stated one unfunded liability is with the pension (approximately \$114 million) and has been reflected in the balance sheet. The other is (OPEB), approximately \$328 million, and has never been portrayed in the balance sheet. There was discussion regarding balanced budget issues. Supervisor Uhler asked for clarification regarding position allocations per County population.

Chairman Kranz asked about the Worker's Compensation reduction to 42.7% and if it was due to the Governor's effort. Therese Leonard agreed that the Governor did impact it, along with the accounts being effectively managed by Risk Management. Mr. Kranz inquired if Health & Human Services had the largest unfunded mandate. Ms. Leonard advised that the most significant mandate reimbursement is received for Health & Human Services. Supervisor Kranz stated we need to look at our contributions in all departments that we are not obligated to provide. He stated he had his own priorities. As the Board moves ahead during budget discussions, he would like to discuss priorities. He requested this information be available in March.

Supervisor Uhler and Chairman Kranz discussed unfunded State and Federal mandates.

Chairman Kranz asked for more information regarding OPEB. Therese Leonard explained the OPEB obligation is calculated through an actuary analysis, recalculated every year. The discount rates can vary.

Thomas Miller, County Executive Officer, thanked the budget unit and stated that this is going to be a tough budget year. He indicated that staff will be meeting individually with Board members to find out about their particular interests.

Public Comment - Anita Wright, Loomis, asked for clarification on Page 5, regarding additional facilities identified for construction in the next three to five years. She noted that the Auburn Shelter had been omitted. Her second question had to do with the Capital Facilities Impact Fees collection process and which city had abstained from participating. Thomas Miller, County Executive, advised that the intent was to identify the larger ticket projects. The City of Colfax elected not to adopt fees. Mr. Miller added that whenever the County accepts the funds from the unincorporated or from the cities by transfer, they are placed in interest bearing trust accounts. All interest earned can only be spent on those types of facilities. Ms. Wright requested the paragraph be amended to include the Auburn Shelter, as it is not correctly stated according to other documents. Chairman Kranz replied that if the page were amended, all other minor projects would have to be listed; therefore, he would not amend it.

COUNTY EXECUTIVE/CHARTER REVIEW COMMITTEE - Convened a County Charter Review Committee of seven members, one appointed by each Supervisor, not necessarily from their District, and two At Large members, selected by the consensus of the Board, and directed the Clerk to the Board of Supervisors to post a notice of vacancies for appointments to the Committee.

MOTION Holmes/Uhler/Unanimous

Mike Paddock, County Executive Office, stated the County Charter was approved by the voters in 1980. The Charter serves as an important governing document providing a level of flexibility in local decision making and the organizational structure of the County. The original Charter has a specific provision, Section 601, requiring a periodic review of the Charter document. The review must be conducted within five years of the last review and every five years thereafter. The Charter does not prescribe a specific composition for the number of members on the committee. The Board has the authority to decide. In the past, the committee has worked well with five and seven members. The Charter Review Committee shall review the Charter and after at least two public hearings, make recommendations or revisions and submit a final report to the Board. The Board is not compelled to be bound by any recommendations of the Committee. Any proposed changes or additions to the County Charter must be submitted to the voters of the County in the form of a ballot measure, including the text of the proposed amendments, impartial analysis and arguments. He advised staff is requesting the Board consider appointment of five members selected by each Supervisor or alternatively, an expanded Committee that would also include two additional members selected by the Board. Staff is

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also recommending that the names of selected members be submitted to the Board for final appointment and confirmation

Chairman Kranz asked if there is an early primary, can the County put items on it. Mr. Paddock replied that as long as the ballot material is presented to the Election Department within 125 days of the election. Anthony La Bouff, County Counsel, added that he heard there is a possibility of two primaries; the early primary would be very limited. If the Legislature determines to just have a January primary, as opposed to a March primary, the Charter scheduled.

Chairman Kranz stated when he served on this Charter Review Committee, there were seven members. He felt it worked well and recommended there be seven members. Supervisor Rockholm felt that either number of members would work, but stated the fewer the number the more work would get accomplished and the report would be completed sooner. Supervisor Holmes stated that seven members would be best because there are issues that need to be addressed that probably would not be best addressed by Board appointees.

HEALTH & HUMAN SERVICES/CHILDREN'S SYSTEM OF CARE - Approved FY 2006/07 cooperative agreement with Placer County Office of Education (PCOE), in the amount of \$1,990,995, to jointly meet the Federal Individuals with Disabilities Education Act (IDEA) and State/County mental health mandates to provide mental health services for severely emotionally disturbed children.
MOTION Uhler/Holmes/Unanimous

Richard Knecht, Children's System of Care Systems Director, explained this partnership, approved by the Board one year ago, allows the County to continue efforts to provide the least restrictive and most timely and effective mental health services possible. Over 70% served in the special education schools return to regular schools within two years. Prior year waiting lists numbering up to 90 children now reflect only 26 children pending services. The significant reduction waiting list means earlier treatment, shorter length of stay and savings of depend services. The total program cost is \$5.7 million, with a net County cost of \$275,000 paid for with County realignment dollars. The investment is recoverable through SB 90 claiming processes to the State. Although reimbursement from State and Federal sources may cross fiscal years, all County costs are expected to be covered through this agreement with PCOE

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 in the amount of \$250 in Revenue Sharing monies to the Dry Creek Conservancy for the 11th Annual Creek Week Celebration, as requested by Supervisor Rockholm.
MOTION Uhler/Weygandt VOTE 4:1 (Kranz No)
- b. Approved appropriation in the amount of \$500 in Revenue Sharing monies to the Markham Ravine Neighborhood Committee for the 4th Annual Lincoln Creek Week Event, as requested by Supervisor Weygandt. MOTION Uhler/Weygandt VOTE 4:1 (Kranz No)

COUNTY COUNSEL/CLOSED SESSION REPORT:

(A) §54956.9 - CONFERENCE WITH LEGAL COUNSEL

(1) Existing Litigation:

- (a) County of Placer vs. Nacht and Lewis Architects, Inc., Placer County Superior Court Case No.: SCV-17993. *The Board received a report from Counsel and gave direction with regards to that matter.*

(2) Anticipated Litigation:

- (b) Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9: one potential case *The Board extended the contract for special counsel assisting in the HCP NCCP process by another \$100,000.*

(B) §54957.6 - CONFERENCE WITH LABOR NEGOTIATOR - *The Board received an update with regards to DSA matters from its negotiators and took no further action.*

- (a) Agency negotiator: CEO/Personnel Director
Employee organization: PPEO/DSA/Management

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ITEMS FOR INFORMATION:

AUDITOR/CONTROLLER - Comprehensive Annual Financial Report for FY ending June 30, 2006.
U.S. BUREAU OF RECLAMATION - Auburn Folsom South Unit Special Report, December 2006.

ADJOURNMENT - Next regularly scheduled meeting is March 6, 2007.

ATTEST:

Ann Holman
Clerk of the Board

Bruce Kranz, Chairman
Placer County Board of Supervisors

Kathy Zick
Supervising Board Clerk

PLACER COUNTY BOARD OF SUPERVISORS MINUTES

The Placer County Board of Supervisors met in a regular session at 9:00 a.m., Tuesday, March 6, 2007, in the County Administrative Center, 175 Fulweiler Avenue, Auburn. Supervisors Rockholm, Weygandt, Holmes and Uhler present; Chairman Kranz absent. Vice-Chairman Holmes presiding; Ann Holman, Clerk of the Board. Also present were County Executive Thomas Miller and County Counsel Anthony J. La Bouff

PUBLIC COMMENT – Vince Procopio suggested placing a caution sign reading "check turn indicator" at Wise Road and Old Highway 40. Beth De Caprio, Grace Foundation of Northern California, spoke about a rescued horse and thanked Placer County for saving its life. Robert & Deborah Todd, Northern California.

SUPERVISOR'S COMMITTEE REPORTS - Supervisor Holmes reported on his attendance at the Saint Patrick's Dinner for the Lazarus Project and the Williamson Act Workshop. Supervisor Holmes, Rockholm and Weygandt reported on their advocacy trip to Washington, D.C.

CONSENT – Consent Agenda (Items 12-25) approved with action as indicated.

MOTION Uhler/Rockholm/Unanimous VOTE 4:0 (Kranz absent)

12. ORDINANCE – Second Reading:

- a. Community Development Resource Agency/Building – Ordinance 5456-B adopted revising Chapter 15, Section 15.04.050 Subdivision R., Roof Construction and Fire Retardant Requirements of the Placer County Code which would require application of Class A roofing materials in the unincorporated area on new construction, additions and re-roofing of more than 50% of the roof covering in a one year period.

13. AUDITOR/CONTROLLER - Resolution 2007-56 adopted removing fixed assets from the County's financial records, based on annual inventories submitted by County departments.

14. BOARD OF SUPERVISORS – Approved minutes of January 9, 2007.

15. CLAIMS AGAINST THE COUNTY – Rejected the following claims as recommended by Counsel:

- a. 07-013, Tarascio, John, Not Stated, (Property Damage).

16. COMMITTEES & COMMISSIONS:

- a. Greater Auburn Area Fire Safe Council – Approved reappointment of Paula Celick to Seat 3 and Randall Fee to Seat 4, as requested by Supervisor Holmes.
- b. Library Advisory Board – Approved appointment of Francine Yorde to Seat 2 (District 2), as requested by Supervisor Weygandt.
- c. North Tahoe Regional Advisory Council - Approved appointment of David Polivy to Seat 3, as requested by Supervisor Kranz.
- d. Penryn Municipal Advisory Council - Accepted resignation of Sandra Elder, Seat 5, and approved appointment of Gayle Russell to Seat 5, as requested by Supervisor Holmes.
- e. Veterans Advisory Council - Recognized the Placer Bulldogs Detachment #1247 of the Marine Corps League and accepted appointment of Service Officer, Kathleen Schance, as a member of the Veterans Advisory Council.

17. COMMUNITY DEVELOPMENT/ENGINEERING & SURVEYING:

- a. Coyote Ridge Subdivision, Tract #923, Project #FF 1175 – Accepted improvements as complete, reduced the Faithful Performance to 25% and Labor & Materials to 50%, or the total of all claims, whichever is higher, for six months or longer if claims exist.
- b. Coyote Ridge Subdivision, Tract #923 – Approved the final map, warranty agreement and authorized the recording of the project, located west of and adjacent to Bell Road, approximately 500 feet northerly of Joeger Road, in the north Auburn area.

18. COUNTY EXECUTIVE:

- a. Merit Increase - Approved a 5% merit increase for Ken Grehm, Director of Public Works, from Grade 667, Step 3, to Grade 667, Step 4, at \$67.19 per hour. This merit increase is retroactive to January 6, 2007.
- b. Placer County Fair Association - Approved the 2007 Operating Budget for the Placer County Fair Association. Operating expenditures will total \$1,474,854, which is an increase of 5% from 2006. Operating revenues are projected to increase by 6.8% to \$1,353,400. The Fair also receives a local allocation from the State, in the amount of \$124,000, and revenue from other funds, in the amount of \$25,000, to balance the budget.

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19. COUNTY EXECUTIVE/REDEVELOPMENT – Ordinance introduced, first reading waived, amending Chapter 10 Vehicles and Traffic; Article 10 12 Parking; 10.12.120 Limitations imposed in the County Code prohibiting overnight parking to include Redevelopment Agency owned parking lots (Jack Pine/Tahoe City and Brooke Avenue/Kings Beach) subject to County Counsel review.
20. FACILITY SERVICES:
 - a. Clean Air Grant Application/2007 – Resolution 2007-57 adopted authorizing the Department of Facility Services to apply for grant funds, in the amount of \$102,000, from the 2007 Clean Air Grant Program, and appointed the Facility Services Director as agent to execute documents.
 - b. Government Center Wetland Mitigation Plan, Project #4770 - Resolution 2007-58 adopted accepting the project, located in the Placer County Government Center, as complete and authorized the Facility Services Director to execute and record the Notice of Completion.
 - c. Granite Bay Parks, Trails & Open Space Assessment District/FY 2007/08 - Resolution 2007-59 adopted directing the preparation of the Engineer's Report for the district.
21. HEALTH & HUMAN SERVICES/CHILDREN'S SYSTEM OF CARE - Approved the Placer County Child Welfare Services System Improvement Plan and authorized the Health & Human Services Director to submit the plan to the California Department of Social Services.
22. PERSONNEL – Ordinance introduced, first reading waived, amending Placer County Code, Chapter 3, Section 3.12.010, Appendix 3–DSAS, correcting the salary schedule for Grade 701 - District Attorney Investigator classification. The amounts should have read \$28,9638 to \$35,1396 instead of \$28,8693 to \$35,1404.
23. PROCUREMENT SERVICES - Authorized the Purchasing Manager to sign the following:
 - a. Blanket Purchase Order #13561, Oil & Lube Products Public Works - Approved Change Order #4 with Hunt and Sons, Inc., in the amount of \$4,800.
 - b. Competitive Bid #9658, Heating, Ventilation & Air Conditioning Units - Awarded to Valair, in the maximum amount of \$85,000.
24. PUBLIC WORKS:
 - a. Abandonment – Resolution 2007-60 adopted abandoning a pedestrian access easement on Lot 14, Meadow Estates, Phase 1, located in North Auburn.
 - b. Barton Road Bridge Project - Resolution 2007-61 adopted approving the Right-of-Way Contract, in the amount of \$60,900, and accepting the Highway Easement Deed from Jonathan Long.
 - c. Barton Road Bridge Project – Resolution 2007-62 adopted approving the Right-of-Way Contract, in the amount of \$60,400, and accepting the Highway Easement Deed from Dallas and Mark Maniord.
25. TREASURER/TAX COLLECTOR – Resolution 2007-63 adopted approving the Treasurer's Statement of Investment Policy for year 2007 and Resolution 2007-64 adopted delegating the authority to invest certain funds under the control of the Board to the Treasurer.

End of Consent Agenda

PUBLIC WORKS/NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM - Approved the Placer County Neighborhood Traffic Management Program and directed staff to implement the program and make it available to the public. MOTION Uhler/Rockholm/Unanimous VOTE 4:0 (Kranz absent)

Richard Moorehead, Public Works, explained the advisory committee held a workshop last month to help develop a plan that manages high volume traffic and speeds on residential streets. This plan had input from a consultant, the communities, staff and emergency service providers. He said speed humps were a concern and explained options. Speed humps could be removed from the program, the community support requirement could be raised prior to installation, or temporary devices could be installed and the area could be resurveyed for support. Speed humps are not conducive for all types of roads. The cost of speed humps would be funded by a 75% financial contribution from the residents. Supervisor Uhler said speed humps can be an effective tool and should be available if supported by the community. He is cognitive that speed humps could result in higher speeds if improperly located. Supervisor Rockholm supported having speed humps but did not think they solve the problem. He said if a particular community wants to have speed humps, they need to be aware that it does hinder public safety response and could cause accidents.

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FACILITY SERVICES/SOUTH PLACER ADULT DETENTION FACILITY, PHASE 1 - Authorized staff to proceed with the design-build project delivery method for Phase I, planned for the South Placer Justice Center in Roseville. MOTION Uhler/Rockholm/Unanimous VOTE 4:0 (Kranz absent)

Rob Unholz, Facility Services Capital Improvements Manager, said on July 24, 2006 the Board approved the ten-year Capital Projects Financing Plan and Phase I was identified as the next project on the list of priorities. Phase I would provide 350 – 450 adult beds, administration, support, food services and program space to support the plan build out of 980 beds. The estimated total project cost of Phase I is \$75 million. One of the Conditions of the Use Permit, approved by the City of Roseville, is that Phase I must be occupied by November 2013. Staff recommends the design-build project delivery method be utilized to meet the requirements.

Dennis Saller, Facility Services, presented a PowerPoint that reviewed the two most common project delivery methods, Design-Bid-Build and Design-Build. Design-Bid-Build is traditionally how projects are completed. Recent Legislation has extended the authorization to employ Design-Build to Placer County. The Design-Build contract structures the request for proposals and contains performance, costs and schedule details to which the successful Design-Builder must perform. This process integrates the designing and construction of the project. The selection process for Design-Build is based on various weighted criteria including technical qualifications, costs, schedule, quality, past performance, experience, team composition and qualifications. The best value process rewards enhanced performance. Cost benefits should be achieved by shifting the liability and risk for cost containment and project completion away from the County to the Design-Build entity. He said there are many benefits to the Design-Build process and the main risks are the County must develop clear performance specifications which adequately describe the desired outcome, realistic and accurate project costs, and schedule.

Rob Unholz said staff recommends the Design-Build process and staff would return to the Board with agreements for the master architect and construction management for the project. These consultants would assist staff to assure the best possible results. Supervisor Uhler said he had been involved in a Design-Build process and gave his full support. Thomas Miller, County Executive Officer, appreciated Senator Cox sponsoring this legislation. He said staff has become more familiar with the process and currently has a cooperative build project that is similar to the Design-Build process. Mr. Miller supported the process. Supervisor Rockholm said he supports the Design-Build process over the lowest bid process.

ADMINISTRATIVE SERVICES/PROCUREMENT:

- a. **Competitive Bid #9654, Library Materials/Library** - Awarded to Baker & Taylor and Ingram Library Services, in the maximum amount of \$490,000.
MOTION Uhler/Rockholm/Unanimous VOTE 4:0 (Kranz absent)

Dave Seward, Purchasing Manager, explained the amount is split evenly between the two firms with \$240,000 each for the main library and \$5,000 for the jail library. The contract period is from March 6, 2007 through March 31, 2008.

- b. **Competitive Bid #9649 & #9650, Aggregate Materials & Hauling/Public Works** - Awarded to various vendors, in the maximum aggregate amount of \$751,500.
MOTION Rockholm/Weygandt/Unanimous VOTE 4:0 (Kranz absent)

Dave Seward, Purchasing Manager, explained this would be for Facility Services and the contract period is from March 6, 2007 through December 31, 2007.

FACILITY SERVICES/COUNTY SEWER MAINTENANCE DISTRICT #1 - Public hearing closed Resolution 2007-65 adopted annexing the Jack and Cathy Williamson property, APN 076-336-006, into the district. Subject property is located on Kenneth Way in Auburn.
MOTION Rockholm/Weygandt/Unanimous VOTE 4:0 (Kranz absent)

Bill Zimmerman, Facility Services Environmental Engineering Manager, said the subject property is a 1.09 acre parcel. Staff supported the annexation request subject to the \$5,243 annexation fee.

FACILITY SERVICES/COUNTY SEWER MAINTENANCE DISTRICT #1 - Public hearing closed. Resolution 2007-66 adopted annexing the Edward and Laura Bonin property, APN 051-090-001, into the district. Subject property is located on Kemper Road in Auburn.
MOTION Rockholm/Weygandt/Unanimous VOTE 4:0 (Kranz absent)

Bill Zimmerman, Facility Services Environmental Engineering Manager, said the subject property is a .085 acre parcel. Staff supported the annexation request subject to the \$4,675 annexation fee.

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ADMINISTRATIVE SERVICES – Viewed staff's demonstration of the Placer County Board of Supervisors Streaming Video Solution via the Internet.

Clark Moots, Administrative Services Director, and Jerry Gamez, Information Technology Division Manager, demonstrated the new technology that gives the public greater access to the Board of Supervisor's meetings live via the internet. Mr. Moots said the website includes video archives, full agenda packets, and summary actions. Workshops, Public Service Announcements, Training Videos, and Informational Videos could also be broadcast on the website.

COUNTY EXECUTIVE/PLACER ANIMAL SERVICES PROGRAM & FACILITY ADVANCE PLANNING UPDATES:

Bekki Riggan, County Executive Office, explained this item is a follow up from the July 11, 2006 meeting where staff was directed to take action related to Animal Services and the development of new animal care facilities in South Placer and Auburn. Consistent with Board direction, County Executive Office, Health and Human Services, and Facility Services staff has had six meetings with the Animal Services Advisory Committee that includes city, not-for-profit and other community representatives, to discuss important animal services issues. On January 23, 2007 a Capital Facility Impact Fee was approved for the unincorporated part of the County. Staff is working with the cities to hold appropriate hearings relative to the adoption of the Capital Facilities Impact Fee within their jurisdiction, and preparing Memorandums of Understanding solidifying the commitment to partnering with the County in the design and construction of new facilities.

- a. **Health & Human Services** - Received a program update from the Health & Human Services Department regarding Placer County Animal Services.

Dr. Jim Gandley, Health and Human Services Assistant Director, presented a PowerPoint highlighting the initiatives and accomplishments that have occurred in Animal Services over the past months under the leadership of Mike Winters and staff's dedicated commitment. This includes the new Chameleon Software, mobile laptop communication installed in vehicles, concrete foundation poured for new shelter barn, over \$30,000 has been granted for Spay and Neuter Non-Profits, an Animal Control Emergency Evacuation Plan has been completed for the Foresthill Divide and Iowa Hill Divide areas (this was used in the Ralston Fire), a comprehensive update has been completed for the Policy and Procedure Manual, Tim Goffa was hired as a Senior Supervising Animal Control Officer, Roberta Peterson was hired as a shelter veterinarian, and there is a Shelter Newspaper that is available hardcopy and online.

Lynn Howe, New Hope Animal Foundation, praised staff from Health and Human Services, County Executive Office, and Animal Services. She said Gray's Foundation has complemented Placer County Animal Services. Ms. Howe commended staff for contracting with UC Davis Medical program to provide medical care for shelter animals at no cost. She said that Placer County Animal Services has provided exemplary service with the recent high profile abuse cases but the prosecution laws need to be changed.

Gail Mackenroth, Placer County Animal Shelter/New Hope Animal Foundation Volunteer, commended Animal Services' staff and said she noticed improvements in the care of the animals over the past few years. She thanked the Board for funding the new shelters in Placer County.

Rosemary Frieborn, Friends of Placer County Animal Shelter, said the issues are too broad. Her organization supports staff that works with the animals. She expressed concern regarding department funding and a lack of understanding for the jobs performed at animal services and requested Animal Services be funded to the level that makes it a safe and effective program. Animal Services now provides field services for the City of Auburn and no staff has been added. The shelter is closed between 1:00 and 2:00 for lunch which insinuates a staff shortage. Ms. Frieborn requested the Auburn Shelter be constructed before 2010, staff be directed to begin plans for repairing the Tahoe Vista Shelter, and the Board separate fact from fantasy and make some decisions.

Supervisor Uhler responded to the comment of separating fact from fantasy made by Ms. Frieborn. He said that he was exposed to pictures published in the newspaper by her organization of a frail and skinny rescued horse that led people to believe this was the current condition of the horse, not that this was the condition the horse when it was rescued. He appreciated Ms. Frieborn's support of staff and services and said that staff believes they have adequate funding and support to fulfill their mission.

Anita Wright, Friends of Placer County Animal Shelter, said the advertisements were because Placer County should prosecute animal abusers like Sacramento County.

Chairman Holmes thanked staff and Mr. Winters for all of the hard work and the service provided.

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- b. **Facility Services** - Approved an architectural services agreement with George Miers & Associates, Inc., in an amount not to exceed \$38,750, to update to the County's existing Animal Services Needs Assessment and authorized the Director of Facility Services to execute the agreement. MOTION Weygandt/Rockholm/Unanimous VOTE 4-0 (Kranz absent)

Rob Unholz, Facility Services Capital Improvements Manager, said the agreement is the next logical step in the co-locating of the South Placer Animal Shelter with Placer County Society for the Prevention of Cruelty to Animals (SPCA). The assessment will result in an updated program, diagram, cost information, and preliminary site analysis to determine if the proposed Sunset Industrial pond site is adequate for the facility. Staff recommends the assessment be completed by George Miers & Associates, Inc because of their extensive experience. Sufficient funding is available in the Capital Projects budget for this agreement.

- c. **County Executive** - Approved a Letter of Intent between Placer County and the Placer Society for the Prevention of Cruelty to Animals (PSPCA) to proceed with joint operational and facility planning discussions. MOTION Rockholm/Weygandt/Unanimous VOTE 4-0 (Kranz absent)

Bekki Riggan, County Executive Office Principal Management Analyst, said the Letter of Intent has been signed by the Society for the Prevention of Cruelty to Animals (SPCA) Board President. It formalizes the intent of both organizations to establish a public-private partnership that blends the strengths and separate missions of each partner agency into a unified service model. Under this model, the publicly-funded Placer County Animal Services facility would provide field and sheltering services for stray and abandoned animals required of Counties and municipalities. The privately-funded, Placer SPCA facility would house animals awaiting adoption and would provide a variety of community education services. She said both organizations would remain independent and continue to fulfill their separate and distinct roles in the community, the joint operational and co-located facilities model has been shown in other jurisdictions to yield greater efficiencies and to enhance overall service quality to the people and animals of Placer County.

Leliam Vierra, Placer County SPCA Chief Executive Officer, said the study brought before the Board fulfills their interest of providing the most effective and highest quality services possible. She supported using George Miers & Associates, Inc., to do the needs assessment.

COMMUNITY DEVELOPMENT RESOURCE AGENCY/PLANNING:

- a. **APPEAL/PLANNING COMMISSION DENIAL OF MODIFICATION TO A CONDITIONAL USE PERMIT (PCMP 2004 0013) SAFE N SOUND STORAGE** - Public hearing to consider an appeal from Mark Correnti of the denial for a Conditional Use Permit Modification requesting that Conditions 13 and 16 be modified as follows: 1) removal of the requirement that an easement be created for the access and maintenance of stormwater collection facilities (Condition 13); and 2) a modification of the frontage improvement requirement to reduce the sidewalk width of 6 feet to 4 feet (Condition 16). The property (APN 052-020-047) is 2.5 acres located at 12381 Locksley Lane, Auburn, and currently zoned INP-Dc (Industrial Park, combining Design Scenic Corridor). The Board will consider adoption of a Mitigated Negative Declaration for the project (EIAQ-3702). Based on the recommendation of the Planning Commission, the Community Development Resource Agency/Planning Department respectfully requests your Board deny the modification of a Conditional Use Permit subject to the findings. Item Continued from 1/23/07. Appellant is requested a 30+ day continuance.

MOTION Rockholm/Weygandt/Unanimous VOTE 4:0 (Kranz absent) to close the public hearing, deny the appeal and uphold the previous actions by the Zoning Administrator and Planning Commission based on findings 1-3 (Page 36).

Anthony LaBouff, County Counsel, left the room. Scott Finley, Supervising Deputy County Counsel, represented Counsel during the appeal hearing.

John Marin, Community Services Resource Agency (CDRA) Director, reminded the Board that this item was continued on two occasions. He distributed a copy of an agreement signed by Mr. & Mrs. Correnti and Risk Management on February 2, 2007, withdrawing the appeal, advising the status of the agreement was unclear. Scott Finley, County Counsel, explained the item was originally scheduled in December 2006, continued to January 2007 and continued again with the understanding that staff and the appellant were close to reaching an agreement. An agreement was made and was submitted for this Board Agenda to accept the withdrawal. Prior to the Agenda being finalized, Mr. Correnti indicated he wanted to withdraw his withdrawal and have his appeal heard. John Marin asked if Mr. Correnti would accept the agreement that was agreed to in February. Mr. Correnti said he would not accept the agreement.

Michael Wells, Planning, presented a PowerPoint that described the location and history of Safe N Sound Storage. In July 2004, the Zoning Administrator approved a Conditional Use Permit (CUP)

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for the operation of a boat and recreational storage yard with 34 conditions. In the time following that approval, the Zoning Administrator held revocation hearings, improvement plans were submitted and reviewed and Mr. Correnti submitted a request to modify two Conditions of the Use Permit and was denied by the Zoning Administrator and Planning Commission. The appeal is now before the Board of Supervisors. He spoke about the agreement that addressed the issue of site access, frontage improvements, tree replacement, Code Enforcement Fees, and appeal withdrawal. Mr. Correnti subsequently rescinded both the agreement and withdrawal request.

Mr. Wells said there are two Conditions of the Conditional Use Permit to be decided. Condition 13 requires the creation of an easement to be offered for dedication to the County for access and maintenance of water collection facilities, advising Mr. Correnti stated an easement would cloud his title. Both the Zoning Administrator and Planning Commission determined it is necessary for the County to have access and the approval of the entitlements increases the value of the property. Condition 16 requires construction of frontage improvements along Locksley Lane, including the installation of a six-foot sidewalk. He said Mr. Correnti stated some of the landscape along the frontage would be lost if the sidewalk were constructed and because there is no sidewalk on a developed parcel across the street; his liability would increase, because more pedestrians would use the sidewalk in front of his property. The County has agreed to provide replacement trees of comparable size to be planted at locations in the frontage area. Staff recommends the Board deny the appeal and uphold the decisions made by the Zoning Administrator and Planning Commission.

Condition 13

Mark Correnti, appellant, said he agreed to the irrevocable license signed for the easement but the County breached the February 2, 2007 agreement. He read his statement that was presented to the Board and advised the matters have had extensive time delays and the summary was incorrect and misleading. He said Condition 13 was not a County, State or Federal requirement but only an anticipated future requirement and it had not been imposed on any other business and could possibly start a class action lawsuit. The easement would restrict use of his property and cloud the title. The current process used is sufficient, and Code Enforcement has already accessed his property without being invited so no easement should be needed.

Supervisor Uhler said the easement is a part of the Conditional Use Permit and if the landowner changed the uses of the property an easement would no longer be needed. Scott Finley agreed. Mr. Correnti said the easement is irrevocable. Supervisor Uhler explained how the easement is attached to the use of the property. Mr. Correnti said other businesses pose more of a threat than his business and he received conflicting information from staff. Supervisor Rockholm asked if Mr. Correnti signed the Conditional Use Permit with the original conditions. Mr. Correnti said he opened his business on a Temporary Conditional Use Permit with landscape and fence requirements. Then, when he received the Conditional Use Permit, it required him to move the landscape and put in a six-foot sidewalk. Supervisor Uhler asked if similar projects being constructed are required to have easements associated with maintenance of water quality services. Wes Zicker said yes and they are irrevocable offers of dedication. Supervisor Uhler asked if the applicant were to change the use of his property if the easement would be removed. Scott Finley said the easement could be removed if it were no longer needed.

Condition 16

Mr. Correnti responded to Condition 16, stating he never contested the installation of the required plate R6 commercial sidewalk and he strongly contests the requirement to correct the County's mistakes. He explained, seven years ago, County staff required him to plant trees in their current location and it should be the County's burden to remove, relocate, and take care of the trees. He opposed this condition because staff had not required this type of sidewalk and handicapped access of any other business on Locksley Lane and some of the required improvements are not on his land. Vice Chairman Holmes asked staff if Mr. Correnti was being required to make improvements on land that does not belong to him. Michael Johnson, Planning Director, said he is not being required to do any off site improvements as noted on page 35. Mr. Correnti interjected that he was told that his plans would not be accepted if he did not put in handicapped access and make improvements on land adjacent to his. Wes Zicker, said three quarters of the land where the handicapped access is being requested is Mr. Correnti's and handicapped ramps were not required at the time of construction. If the Board requested, it would be acceptable to only extend the sidewalk. He said there are other sidewalks on the North side of Locksley Lane and a proposed project across the street will have sidewalk requirements. Thomas Miller, County Executive Officer, pointed out that the six-foot sidewalk was required with the original Permit. Mr. Zicker explained how a roll curb sidewalk would be acceptable to match an adjacent property's sidewalk. Vice Chairman Holmes clarified the adjacent property was developed in the 1970s when the code was different. Supervisor Rockholm asked if Mr. Correnti were allowed to do the sidewalk without a handicapped access, if the County would have to re-cut the sidewalk and install a handicapped access. Mr. Zicker said there were no requirements for the County to do that but in the future it would need to be done at the public's expense.

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Supervisor Uhler reiterated that Condition 16 comprised of off-site improvements and standard of sidewalk. Wes Zicker said that because of the location of the handicapped ramp, part of it would need to be reconstructed. Staff agreed to remove the existing curb return to facilitate construction of a ramp. He added there is no issue of transitioning from a vertical curb to a rolled curb with the other adjoining sidewalk. Supervisor Weygandt received clarification that the replacement trees would be box specimen trees.

Mr. Correnti said he was pressured to sign the Conditions of Approval within one day. Michael Johnson clarified it is common that CUPs have Conditions of Approval and they are implemented in the Design Review Process.

The Findings referenced in the Motion are as follows:

1. The proposed revision to conditions is not consistent with applicable requirements for commercial projects in the County, specifically Plate R6 of the Land Development Manual and the Highway Deficiency Report.
2. The proposed revisions to the project would, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County in that the County would not receive the necessary drainage access easement to insure proper maintenance which could compromise public safety and that the reduced sidewalk width would not match the sidewalk width of adjacent parcels.
3. The proposed project revision would not be consistent with the character of the immediate neighborhood and would be contrary to its orderly development.

- b **APPEAL/CODE VIOLATION FEES/SAFE-N-SOUND BOAT AND RV STORAGE** - The Community Development Resource Agency respectfully requests your Board: 1) Vote to consider waiver of Code Enforcement costs to Mark and Kathy Correnti per County Code Section 17.60.110(D)(3), and 2) Uphold the Chief Building Official's August 17, 2006 decision to require payment of Code Enforcement costs of (\$425) for the time period of October 20, 2004 through January 24, 2006. Item Continued from 1/23/07. Appellant is requested a 30+ day continuance. **MOTION Uhler/Weygandt/Unanimous VOTE 4:0 (Kranz absent) to deny the fee waiver request, in the amount of \$425, in conformance with Placer County Code 17.62.090.**

John Marin, Community Development Resource Agency Director, said staff determined the \$425 Code Enforcement Costs are justified with the amount of time and effort used since 2001 to enforce the Conditions imposed on the project.

Bob Martino, Chief Building Official, explained Code Enforcement spent a considerable amount of time on the project. He said there was a previous bill in 2004 of \$844 that was appealed by Mr. Correnti, lowered to \$423 and paid. The current amount is for an accumulation of time spent since 2004. Mr. Correnti was given the opportunity to appeal these fees and at hearing, the appeal was denied.

Mark Correnti, appellant, said the system is corrupt. He paid all of the fees and had an agreement with Fred Yeager, previous Planning Director, to complete all of the improvements. He said Code Enforcement has trespassed on his property since the fees were paid in full and he was put off by the Planning Department when they tried to get their business license upon completion of the Design Review. He paid for a business license and the County tried to revoke his Use Permit by refusing to issue his business license. Mr. Correnti said the only required improvement not completed to date is the sidewalk. Originally he signed an agreement on February 2, 2007 to waive all of the Code Violation Fees. Later he received a bill for \$970 for alleged Code Violations that occurred in 2003. He believed he did not owe any fees; they were paid off in 2004.

Supervisor Rockholm said that Mr. Correnti should have had counsel represent him. He reiterated that Mr. Correnti signed an agreement and the fees would have been waived. Mr. Correnti said that a private investigator was hired by the Board and found that Mr. Correnti did not owe the fees. Mr. Correnti left the room. Supervisor Uhler asked if the appeal is considered withdrawn because the appellant left the hearing room. Scott Finley, County Counsel, said this item was agendaized and before the Board to take action.

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FACILITY SERVICES/COMMUNITY DEVELOPMENT RESOURCE AGENCY/RESORT AT SQUAW CREEK PHASE II:

- a. **Facility Services/County Service Area 28, Zone of Benefit 162 (Squaw Valley Park)** - Public hearing closed. Resolution 2007-67 adopted imposing an assessment for park maintenance services. MOTION Uhler/Rockholm/Unanimous VOTE 4:0 (Kranz absent)

Albert Richie, Facility Services, said the Resort at Squaw Creek Phase II is tentatively approved for 441 residential units and each residence will be assessed separately once completed. The current assessment is \$21.20 per year.

- b. **Community Development Resource Agency/Resort at Squaw Creek, Phase 2A, 2B & 2C, Tract 957, 958 & 959** - Approved the Final Maps, Subdivision Improvement Agreements and authorized the recording; subject to adoption of a resolution imposing an assessment for park maintenance services within County Service Area 28, Zone 162 and receiving tax certification prior to recording. MOTION Rockholm/Weygandt/Unanimous VOTE 4:0 (Kranz absent)

Wes Zicker, Engineering and Surveying Director, said all but one of the Conditions of Approval had been met for this map; the tax certification had not been received. Staff requested the Board approve recording the Final Maps subject to the applicant presenting the Placer County Surveyor with a Tax Certificate prior to recordation of the map. Anthony La Bouff, County Counsel, concurred with the request.

FACILITY SERVICES/NORTH FORK AMERICAN RIVER TRAIL - Resolution 2007-68 adopted authorizing the Facility Services Director to execute Amendment #1 to agreement with EDAW, Inc., increasing the not-to-exceed amount by \$53,756, for a total of \$254,810, for environmental impact report and permit preparation. MOTION Rockholm/Weygandt/Unanimous VOTE 4:0 (Kranz absent)

Albert Richie, Facility Services, said in the course of evaluating the initial trail alignment it was determined that several sections of the trail would need to be realigned and studied due to unstable geologic conditions and potential conflict with privately owned parcels. The trail was initially proposed as 12.6 miles and should become approximately 17 miles. The detours give the opportunity to connect with two other State Park Trails. The trail will require switchbacks but will remain high enough to avoid conflict with river users and discourage informal trails down to the river that cause erosion.

Supervisor Uhler asked about the intended use for the trail. Mr. Richie said the trail is multi-use non-motorized and there is an extreme demand for this type of trail. Jim Durfee, Facility Services Director, said staff is working with user groups to develop a model for managing these types of trails. Supervisor Uhler received clarification from Albert Richie that the trail maintenance costs have not been calculated because they anticipate using volunteers and minimum security inmates.

FACILITY SERVICES/SHERIDAN INFLOW & INFILTRATION REPAIR PROJECT, PHASE II, P-40192 - Resolution 2007-69 adopted approving and authorizing the Facility Services Director to execute and record the Notice of Completion. MOTION Weygandt/Rockholm/Unanimous VOTE 4:0 (Kranz absent)

Jim Durfee, Facility Services Director, said this is the second project done in Sheridan using Community Development Block Grant Funds. Staff has worked closely with the Redevelopment Agency and more work has been done on the two projects than was anticipated. He thanked Rae James and North Star Construction of Yuba City for their diligent work. The project keeps excess water out of the sewer system.

HEALTH & HUMAN SERVICES/ADULT SYSTEM OF CARE - Approved agreement with the State Department of Mental Health, in the amount of \$447,689, for County use of State hospital beds during FY 2006/07. MOTION Rockholm/Weygandt/Unanimous VOTE 4:0 (Kranz absent)

Maureen Bauman, Adult System of Care Director, explained this contract helps the Systems of Care manage resources and is a reduction from last year's contract. She said Placer County is responsible, by State Statute, to establish a continuum of Mental Health Services. As part of this service, staff is required to evaluate people eligible for services and meet their needs at an appropriate level. The State hospital provides the most restrictive and intensive services and is the most expensive form of treatment. The Systems of Care have managed critical mental health services by establishing targeted populations, reviewing lengths of treatment and identifying persons with the most critical need to serve. Most of the individuals reside in their communities, except for a small number who are so severely disabled that they require long-term treatment and care at State hospitals. Counties are responsible for State Hospital costs and the total amount of the contract is covered in the current budget.

PLACER COUNTY BOARD OF SUPERVISORS MINUTES

COUNTY COUNSEL/CLOSED SESSION REPORT:

(A) §54956.9 - CONFERENCE WITH LEGAL COUNSEL

- (1) Existing Litigation:
- (a) Pacific Gas and Electric Company vs. State Board of Equalization, et al., San Joaquin County Superior Court Case No. CV 026962 CPH – *The Board received a report from Counsel and gave direction.*
- (b) Linda Kent, WCAB Claim, Claim Numbers: SAC 3231715, SAC 325927, and SAC 355799 – *The Board received from Risk Management Division and gave direction.*
- (c) Uphold Our Heritage vs. Town of Woodside, et al., First Appellate District, Division Three, Case No.: A113376, Consideration of Amicus Support – *The Board authorized the County Counsel to send a letter amicus support.*
- (d) County of Placer vs. Nacht and Lewis Architects, Inc., Placer County Superior Court Case No.: SCV-17993 – *The Board received a report and gave direction to Counsel.*
- (e) Walter Fickewirth and Robyn Fickewirth vs. County of Placer, et al., Placer County Superior Court Case No.: SCV-16643 – *The Board received a report from Counsel and gave direction.*

(B) §54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- (a) Property: APNs: 026-120-028 and 026-110-001. Negotiating Parties: County of Placer, Placer Land Trust, and Susan L. Taylor as Sole Successor Trustee of the John M. Taylor Credit Trust. Under Negotiation: Price, terms of payment and conditions of the purchase and sale – *The Board received reports from its negotiators and gave direction to its negotiators.*
- (b) Property: APN: 026-061-013-510. Negotiating Parties: County of Placer, Placer Land Trust, and H. Robert Freiheit and Denise Ann Freiheit, Trustees of the Freedom Trust Created May 25, 1994. Under Negotiation: Price, terms of payment and conditions of the purchase and sale – *The Board received reports from its negotiators and gave direction to its negotiators.*

(C) §54957.6 - CONFERENCE WITH LABOR NEGOTIATOR – *The Board had a labor update with regard to DSA negotiations.*

- (a) Agency negotiator: CEO/Personnel Director
Employee organization: PPEO/DSA/Management

ITEMS FOR INFORMATION:

- 26. AUDITOR/REFUNDS - Report of refunds, \$1,000 or less, issued by the Auditor-Controller from January 1, 2006 to December 31, 2006. Refunds of \$1,000 or less total \$20,054.61.
- 27. TREASURER/TAX COLLECTOR – Treasurer's Statement for the month of January 2007.

ADJOURNMENT – Next regularly scheduled meeting is Tuesday, March 20, 2007.

ATTEST:

Ann Holman
Clerk of the Board

Bruce Kranz, Chairman
Placer County Board of Supervisors

Melinda Harrell
Senior Board Clerk

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