

# PLACER COUNTY BOARD OF SUPERVISORS MINUTES

The Placer County Board of Supervisors met in a special session at 1:30 p.m., Wednesday, November 7, 2007, at the Community Development Resource Agency, Planning Commission Chambers, 3091 County Center Drive, Dewitt Center, 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** -- None received.

**COMMUNITY DEVELOPMENT RESOURCE AGENCY/PLANNING/CHEVREAUX AGGREGATES, INC./APPEAL OF PLANNING DIRECTOR'S DETERMINATION REGARDING LDA-786 (CHEVREAUX AGGREGATES ASPHALT PLANT)** - Public hearing to consider an appeal from Richard J. Goodwin of the denial by the Planning Commission of an appeal of the Planning Director's Determination dated May 18, 2007, regarding Placer County Zoning Ordinance 17.58.160(B)(2) and LDA-786 (ChevreauX Aggregates Asphalt Plant). The Board of Supervisors may affirm, affirm in part, or reverse the decision, or provide further direction to the Planning Director.

**MOTION Rockholm/Uhler/Unanimous, to deny the appeal and uphold the Planning Director's interpretation of the ordinance, finding that his interpretation is a fair and reasonable reading of Section 17.58.160.**

Michael Johnson, Planning Director, said staff is recommending the Board deny the appeal and uphold the Planning Commission's denial as well as the Planning Director's determination regarding the legal status of LDA 786. In February of this year, the County received a letter requesting the Planning Director's determination regarding whether or not a permanent intermittent use can lapse, as set forth under section 17.58.160(B)(2) of the Placer County Code. The letter also requested confirmation regarding the status of LDA 786 which was granted in 1972 to allow for the operation of an asphalt plant at the sites current location. Asphalt operations have occurred at ChevreauX Meadow Vista site since 1946. In 1965 a Conditional Use Permit was approved LD 1030 which was approved for the operation of a shot quarry including crushing, screening, and washing of grading materials. Joseph ChevreauX subsequently purchased the property that was operated under the approval of LD 1030. In 1971 the Zoning Administrator approved LDA 691, which was a Conditional Use Permit to authorize asphalt use on that site. The approval was subject to the implementation of 11 conditions of approval, and in 1972, County staff concluded that all conditions had been complied with. In 1972, the Zoning Administrator approved LDA 786, a Conditional Use Permit that allowed the previously approved asphalt plant to be relocated to an adjoining property. LDA 786 continues to be the operative permit for the current asphalt activities on the project site. In 1987, after concerns were raised regarding the status of LDA 786, the County concluded that all conditions of approval associated with the permit had been implemented and complied with and the permit was deemed exercised. A letter from the County recommended on-going consultation with the Placer County Air Pollution Control District to assure that continued compliance of air quality regulations were met. These consultations are still going on today.

Mr. Johnson advised, based on his review of the extensive record associated with the property, he issued a Planning Director's determination which concluded that based on the language in the Placer County Code that once exercised, a use, such as the ChevreauX facility, does not lapse due to a discontinuation of use for a 12 month period. Based on that finding, he determined that asphalt operations are a legally permitted use, as set forth under LDA 786. On May 25, 2007, an appeal of the Planning Director's determination, regarding the status of LDA 786, was filed by Richard Goodwin. The appeal was heard by the Planning Commission at its July 12, 2007 meeting. After receiving public testimony, the Planning Commission noted that many of the issues raised were not within the purview of the action required by the Planning Commission. Following discussion, the Planning Commission took action to adopt a motion to deny the third party appeal and uphold the Planning Director's determination, regarding the status of LDA 786.

Mr. Johnson stated on July 20, 2007, Richard Goodwin filed a third party appeal, challenging the Planning Commissions denial of the previous appeal regarding the status of LDA 786. Seven specific issues were raised in the letter of appeal. After review and public testimony, the Planning Commission concluded there was no merit to any of the seven issues raised by Mr. Goodwin. The Planning Commission analyzed the determination reached by the Planning Director and concluded that the determination was reasonable and fair. Consistent with action taken by the Planning Commission, staff recommends the Board deny the appeal and uphold the Planning Directors determination as set forth in the letter dated May 18, 2007.

Scott Finley, Deputy County Counsel, explained that this is an appeal of the Planning Director's interpretation. The Board is here to exercise its own independent discretion to determine whether or not Mr. Johnson's interpretation is a fair and reasonable interpretation under our code. There are a number of issues that are not before the Board today.

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Mr. Finley said the Board is here to evaluate how it will interpret the lapse provision in our ordinance 17.58.160(B)(2) that states, once a project has been implemented the permit that authorized the use shall remain valid and in force and shall run with the land, including any conditions of approval adopted with the permit, unless one of the follow occurs; the question is whether the use has been discontinued for more than 12 consecutive months. Our ordinance provides if a use has been discontinued for more than 12 consecutive months it is deemed to have been lapsed. The use that was permitted in 1972 was for an asphalt plant and as Mr. Johnson has indicated it is the Planning Director's determination that that use, when permitted, was an intermittent use and an intermittent use does not necessarily occur within every 12 month period. At the time this permit was granted use had not occurred during 12 month periods, subsequently there have been 12 month periods where it may not have occurred. Therefore, under Mr. Johnson's interpretation of our ordinance this has not necessarily lapsed. The word *intermittent* is not in the code but is a reasonable interpretation to find that a use does not lapse if it is intermittent. That was the basis upon which the use was granted. The Board is interpreting the section of the code which applies to lapse.

Richard Goodwin, appellant, requested a transcript of the Planning Commission proceedings be included in the permanent file. His appeal to the Planning Commission was prompted by noise created by the plant. He said the issues involved go beyond noise; the real issue is about the rule of law. He quoted a portion of County Code, Section 17.58.160(B)(2) b. "After use has been established and/or operated as approved, the use (if no appurtenant structure is required for its operation) is discontinued for more than 12 consecutive months, or (if an appurtenant structure is required for the conditionally-permitted use) the structure is removed from the site for more than twelve consecutive months." Section 17.58.160(B)(3) "If one of the foregoing events occurs, the permit shall be deemed to have lapsed. No use of land, building or structure for which a permit has lapsed shall be reactivated, re-established or used unless a new permit is first obtained." So a clear reading of the code means that the permit has already lapsed. The County cannot do a thing, it is lapsed by definition. There is no exception defined for "intermittent" use of a permit or a provision for a permit holder to become vested other than to make use of a conditional permit at least annually. There is a provision for filing an extension, or an option to file a new permit. The one instance of asphalt production in the past 30 years might be labeled intermittent but for the fact that the one instance in 2001 was conducted under a permit that had long since lapsed. The one-time operation was un-permitted and illegal and an accidental spill occurred at the site. He said the Planning Director's determination letter makes much of a 1987 memorandum issued by Thomas McMahan, that he believes should serve as precedent for the current opinion. McMahan also believed that "intermittent" operation is some kind of category that is time-honored. He said that Dean Prigmore, former Assistant Planning Director under Mr. McMahan, testified at a prior hearing that he and the rest of the County staff involved opposed the issuance of that letter. He said it is time to start following the law as written. He said the Planning Director and the County Counsel advised the Planning Commission to rule solely on the correctness of the Planning Director's opinion and ignore all other input. In other words, ignore the input of all those who fear for the health of their families, or who are uneasy about the future value of their property, even though the decision at hand will result in damage to the communities of Meadow Vista and Weimar and probably expose the County to damage suits.

Mike Fleming, Western Planning and Engineering, on behalf of Chevreaux, spoke to a letter from Michael Graf, an attorney on behalf of Meadow Vista Protection (MVP) and the appellant. Mr. Graf stated in his letter that presently there is no evidence in the record that the asphalt permit was ever implemented pursuant to Placer County Code 17.58.160(B)(1)(b). There is a 1987 memo from Tom McMahan, then Planning Director, to Joe Chevreaux, where he states that he has complied with all conditions and exercised LDA 786. He said the statement that there is no evidence in the record is either un-researched or a lawyerly strangulation of the facts. The letter also imputes some relationship between that vesting and Placer County Code Section 17.58.60(B)(1)(b); this code section did not come into play until 1995. The permit was issued in 1972 so that is not the code section that would be used to determine if that permit was vested, you would use code section then in force which was the 1972 Zoning Code. Mr. Fleming said the permit language in contest today is a permanent location for an asphalt plant and Mr. Johnson's determination is that what was approved is a location. Before the permit was issued in 1972, Tom McMahan wrote a letter to one of the supervisors and classified the use as intermittent. In 1984, the County Mineral Resource Plan and Environmental Impact Report (EIR) were approved and in that plan it mentions Chevreaux asphalt operations. There was no plant at that time and the concept of intermittent was being applied by the County in the 1984 document. In 1987 the permit was noted as in good standing, there was no plant at that time. In 1996 the Meadow Vista Community Plan and EIR was approved and in that document Chevreaux asphalt operations are mentioned with no plant in place. In 2004, Chevreaux applied for an asphalt plant permit with the Air Pollution Control District, entitlements were found to be in good standing and California Environmental Quality Act (CEQA) was found to be satisfied. The Air Pollution Control District was authorized by the Planning Department to issue that permit. In 2006, Chevreaux applied for and received a permit with the same set of circumstances. There is 35 years of continuous history and the determination by Mr. Johnson is nothing more than a compilation of the facts.

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Public comment was received from residents and members of Meadow Vista Protection in opposition to the Planning Director's determination. Concerns included air pollution, truck spills, accidents, traffic, and pollutants, expansion of use, noise, quality of life, the environment, and the health and safety of residents and children at Meadow Vista schools. Bob Snyder spoke in favor of the asphalt plant being essential to our economy. Mike Fleming spoke to issues of concern.

Tom Christofk, Air Pollution Control Officer, provided information regarding emissions from open burning, wood burning and wood stoves.

Supervisor Uhler asked for data on truck export. Mr. Fleming said the value of a quarry is determined to a significant extent by gravity, affected by competitive factors. The next nearest asphalt plant is in Truckee and the market area for this plant is Kingvale to Newcastle and Nevada County. Supervisor Uhler said building materials respond to demand and if a plant is not operated in Meadow Vista, asphalt would have to be transported.

Dr. Jim Gandley, Health & Human Services, said Health and Human Services has been engaged to assure the well being of residents of Placer County. After review of standards they are confident that this operation falls within the levels that deal with air quality and in compliance with the Air Quality Act. In 2005, the Board of Supervisors asked the Health Officer to convene a voluntary group of physicians in Placer County to review the Meadow Vista area due to its geographic and atmospheric uniqueness. The group found there needed to be more research to determine impacts. Dr. Burton was directed to seek an independent comprehensive report and found the single most contributing factor is the burning of wood products. They will continue to keep a close eye on all issues that affect the air quality. Subsequently, they are trying to develop a program with UCLA to develop a web base model to provide more information. We are the only county that is moving forward with this kind of evolving education information process. He said there is an administrative issue on the table and with the information they have, these types of operations are going to be in compliance with the regulatory standards.

Tom Christofk, Air Pollution Control Officer, said particulate matter issues are gaining in terms of health. In Meadow Vista, particulate matter loads caused the District to install a monitoring station. He will work with the community regarding burning in the Meadow Vista area. He also discussed reduction of truck emissions. They will continue to enforce complaints. He said the Chevreaux Plant requires an air quality permit from the Air Pollution Control District. He introduced Dan Duffy, who issued the permit.

Dan Duffy, Air Pollution Control District, said there are rules and regulations that define limits on air pollution. After receiving an application from Chevreaux the maximum allowable output was determined to be 48,000 tons of asphalt per quarter. There were also a number of conditions in the permit that would allow Air Pollution Control District to assure that they did not violate conditions. There are emission limits in the permit for every ton of asphalt produced. Chevreaux would be required to hire a third party testing company to measure the emissions from the plant at a full production capacity, in tons per hour, to make sure that emissions coming out of the plant would comply and be less than the maximums allowed by the permit. Additional safeguards in the permit allow unrestricted access to the plant. In the future they will conduct unannounced inspections to check equipment, visual emissions of dust, and the required records. If the permit is violated or in excess of the permit, corrective action would be required with appropriate measures/penalties applied to punish the violations of the permit.

Supervisor Uhler said he could not see how we are doing anything to enhance air quality in our areas by requiring greater travel distances for materials that are being used in this area. Supervisor Weygandt said there are a myriad of permits under which this operation is regulated and this facility is not going to be operating without watchful eyes looking at it to guarantee that public hearing and safety are being considered. Chairman Kranz said the Board is concerned with air pollution and have been aggressive with various programs.

Scott Finley, County Counsel, said he understood the Board is finding that Mr. Johnson's interpretation is a fair and reasonable reading of Section 17.58160 and upholding his interpretation of the ordinance.

**ADJOURNMENT** - There being no further business, the Board adjourned. Next regular meeting is Tuesday, November 27, 2007.

**ATTEST:**

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Ann Holman  
Clerk of the Board

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Bruce Kranz, Chairman  
Placer County Board of Supervisors

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Melinda Harrell  
Senior 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, January 22, 2008, in the County Administrative Center, 175 Fulweiler Avenue, Auburn. Supervisors Rock, Weygandt, Holmes, Uhler and Kranz present. Chairman Holmes presiding; Ann Holman, Clerk of Board. Also present were County Executive Thomas Miller and County Counsel Anthony J. La Bouff.

**AGENDA APPROVAL** – Removed Item 7a. MOTION Rockholm/Weygandt/Unanimous  
**PUBLIC COMMENT** – None received.

**SUPERVISOR'S COMMITTEE REPORTS** – Supervisor Uhler advised Supervisor Holmes attended Joint Powers Authority (JPA) of the Golden Sierra Job Training Agency meeting on his behalf. JPA discussed Nevada County's intent to withdraw from the JPA. A letter was written to the county saying if Nevada County wants to join another JPA that's fine; however, we want the State to understand we will pursue any existing obligation that the JPA has and acknowledge the long obligation to employees for pensions and long term health care benefits. Supervisor Rock advised he attended the SACTO meeting in Supervisor Uhler's absence. Chairman Holmes attended the Newcastle/Ophir Municipal Advisory Committee meeting and thanked Facility Services for providing area sewer analysis information. He read a letter from Lynn Howe thanking Animal Services in re to a lost dog and the care received.

**CONSENT AGENDA (Items 11-22)** – Removed Item 12 and moved Item 14 for discussion. Consent Agenda approved as amended with action as indicated. The Board adjourned as the In-House Supportive Services Public Authority Board for Item #13c and the Redevelopment Agency Board for Item #21. MOTION Rockholm/Weygandt/Unanimous

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- a. Resolution 2008-14 adopted commending Rick Dondro, assistant Public Works Director, his retirement for 30 years of dedicated public service.
- b. Resolution 2008-15 adopted commending the Auburn Placer Performing Arts Committee support of the State Theatre Performing Arts Center Project.
- c. Approved five commendations recognizing selected individuals and local businesses honored by the Sacramento Metro Chamber for their significant contributions to the Sacramento region during the 2007 "Distinguished Business Awards" dinner to be held on January 25, 2008.
- d. Confirmed the Board of Supervisors 2008 Boards and Commissions Assignment designated at the January 8, 2008 meeting.

Air Pollution Control District Board (Holmes, Uhler, Weygandt); American River Authority (Kranz, Weygandt Alternate); Area 4 Agency on Aging Advisory/Governing/JPA Board (Holmes Alternate, Alice Gonzales Primary Member); Auburn City Council/Placer County Liaison Committee (Holmes); Auburn Dam Council (Kranz, Holmes Alternate); City Council Committee for Regional Development Issues (Rockholm, Weygandt, Uhler Alternate); Community Services Commission (Holmes); Criminal Justice Policy Committee (Rockholm); CSAC/Board of Directors (Holmes, Rockholm Alternate); CSAC/Sacramento Mother Lode Supervisors Assn (Holmes, Rockholm Alternate); Economic Development Board (Weygandt, Kranz); First Five Children & Families Commission (Holmes); First Time Homebuyer Mortgage Revenue Bond Program (Kranz); Flood Control & Water Conservation District Board of Directors (Weygandt, Rockholm); Foothills Airport Land Use Commission (Kranz); Golden Sierra Job Training Agency governing Board (Uhler, Holmes Alternate); High Sierra Resource Conservation & Development Area (Kranz); Highway 65 Joint Powers Authority (Weygandt, Rockholm Alternate); Investment Oversight Committee (Weygandt); Local Agency Formation Commission (Rockholm, Weygandt, Holmes Alternate); Mental Health Alcohol & Drug Advisory Board (Holmes); Middle Fork Project Finance Authority (Holmes, Weygandt, Kranz Alternate); Mountain Counties Air Basin (Holmes, Kranz Alternate); Mountain Counties Water Resources Council (Kranz, Holmes Alternate); National Association of Counties (Kranz, Rockholm Alternate); National Association of Counties Western Interstate Region (Kranz, Rockholm Alternate); Older Adult Advisory Commission (Holmes); Placer County In-House Gaming Local Community Benefit Committee (Weygandt, Kranz); Placer County Transportation Planning Agency (Holmes, Uhler, Rockholm Alternate); Placer County Transportation Planning Agency Countywide Steering Committee (Weygandt); Placer County Water Resource Council (Weygandt, Rockholm Alternate); Placer Mosquito & Vector Control District (Galen Clothier); Placer/Nevada Wastewater Authority JPA (Weygandt, Holmes Alternate); Placer Parkway Policy Advisory Committee (Weygandt, Rockholm); Regional Council of Rural Counties (Kranz, Holmes Alternate); Sacramento Area Commerce & Tourism Organization (Uhler, Rockholm Alternate); Sacramento Area Council of Governments (Rockholm, Uhler Alternate); Sacramento Area Council of Governments Advisory Committee (Rockholm); Rancho Cordova-South Placer Connector (Rockholm); Sacramento Area Council of

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Governments Capital Valley Regional Service Authority (Rockholm, Uhler Alternate); Sacramento Valley Air Pollution Control Council (Weygandt Alternate); Sierra Economic Development District (Kranz); Sierra Nevada Conservancy (Weygandt); Sierra Planning Organization (Kranz); Sierra Sacramento Valley Emergency Medical Services Agency (Holmes, Rockholm Alternate); Solid Waste Independent Hearing Panel (Kranz); Solid Waste Local Task Force (CEO); South Placer Regional Transportation Authority (Uhler, Rockholm Alternate); Subcommittee Policy Advisory Committee (Uhler, Rockholm); South Placer Regional Wastewater Authority (Rockholm, Weygandt); Tahoe Air Basin (Kranz); Tahoe Conservancy (Larry Sevison, Kranz Alternate); Tahoe Regional Planning Agency (Kranz, Larry Sevison Alternate); Tahoe Regional Planning Agency Advisory Planning Commission (Jennifer Merchant, Leo Poppoff Alternate); Tahoe Transportation District (Kranz); Tribal County Advisory Committee (Weygandt, Kranz); Veterans Memorial Hall Board (Rockholm, Weygandt, Holmes, Kranz); Water Resources & Energy Committee (Holmes, Weygandt); Western Placer Waste Management Authority (Weygandt, Rockholm).

e. Approved minutes of January 8, 2008.

12. ~~REMOVED CHILD SUPPORT SERVICES/BLANKET PURCHASE ORDER #14518 -- Approved issuing a change order to increase the existing Blanket Purchase Order with LexisNexis by an additional \$26,000 and authorized the Purchasing Manager to sign the resulting Change Order.~~

13. COMMITTEES & COMMISSIONS:

a. Area 4 Agency on Aging Advisory Council - Approved reappointment of Alice Gonzales to Seat 1, representing the Board of Supervisors.

b. CSA 28, Zone 165 Dry Creek Area Fire Service Community Advisory Committee - Approved reappointment of Noe Fierros to Seat 2, Richard Glaser to Seat 5, and Terry Dee Webb to Seat 6.

c. In-Home Supportive Services (IHSS) Advisory Committee - Approved reappointment of Michael Fletcher to Seat #8, representing the California IHSS Consumer Alliance.

d. North Lake Tahoe Resort Association Board of Directors - Approved reappointment of Roger Beck to Seat 1 representing the Resort at Squaw Creek.

e. Placer County Older Adult Advisory Commission - Approved reappointment of Helen Tierney-Bale to Seat 8 (Public-at-Large).

f. Placer Sierra Fire Safe Council - Approved reappointments of John Fee to Seat 1 and Karen Calvert to Seat 5.

g. Tahoe City Design Review - Approved appointment of Michael Bernard to Seat 3, Gary McKelvey to Seat 4, Clare Walton to Seat 8 and reappointment of Gary Davis to Seat 1, Sherry Guzzi to Seat 5, Nancy Dodge to Seat 7 and Don Fulda to Seat 8, as requested by Supervisor Kranz.

h. Wastewater Advisory Committee - Approved appointment of Kevin Bell to Seat 4, representing Facility Services.

14. ~~MOVED FOR DISCUSSION COMMUNITY DEVELOPMENT RESOURCE AGENCY /ENGINEERING & SURVEYING - Northstar Northside, PSUB-T20060278 Project #DPN 8440 "Village Walk Townhomes Phase 1" aka "The Northside Phase 1", Tract #950 - Accept the project as complete and authorize Faithful Performance to be set at 25% immediately upon Board approval and Labor and Materials at 50% or the total of all claims, whichever is higher, for six months or longer if claims exist.~~

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

16. COUNTY EXECUTIVE:

a. Administration - Approved a merit increase for Ken Grehm, Director of Public Works from Grade 667 Step 4 to Grade 667 Step 5, at \$74.06 per hour, retroactive to January 5, 2008.

b. Administration - Approved a merit increase for Shirley K. Johnson, Assistant County Clerk for Clerk-Recorder-Elections, from Grade 459 Step 1 to Grade 459 Step 2 at \$49.87 per hour, which includes longevity, retroactive to November 10, 2007.

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- c. Administration – Approved the North Lake Tahoe Resort Association's proposed expenditure of budgeted infrastructure funds for a Soccer and Parking Facility, in the amount of \$50,000 and a North Lake Tahoe Regional Wayfinding Signage Program Guidelines Manual, in the amount of \$138,000.
- d. Emergency Services – Ratified Ordinance 2007-05 Automatic Sprinkler Code of the Squaw Valley Public Service District.
- e. Emergency Services – Approved appointment of Brad Harris, Chief, Nevada-Yuba-Placer Ranger Unit, CAL FIRE to serve as the Placer County Fire Warden.
- f. Emergency Services – Resolution 2008-16 adopted terminating the Declaration of Local Emergency made by the Board on January 8, 2008.

## 17. FACILITY SERVICES:

- a. Museums/Collections Management Policy - Resolution 2008-17 adopted approving the Museums Division Collections Management Policy to acquire, maintain, conserve and display objects which are significant to the people, history and culture of Placer County.
- b. Property Management/Tahoe City Library - Approved the expenditure by Facility Services of \$20,027.68 for the County's pro-rata share of the cost for replacement of the Tahoe City Library roof and approved a Budget Revision appropriating Library funds in the Building Maintenance budget.
- c. Capital Improvements/100 Ramp Remodel Project #4744B – Approved a Consultant Services Agreement with Madsen, Flathmann, Dameron & Babcock (MFDB) Architects Inc., to provide architectural and engineering services for the project located in the Placer County Government Center in north Auburn and authorized the Chairman to execute the agreement in an amount not-to-exceed \$188,150.

## 18. HEALTH AND HUMAN SERVICES:

- a. Community Health & Clinics - Approved the FY 2007-08 cooperative agreement with Sutter Roseville Medical Center Foundation (SRMC) to reimburse Placer County for providing parenting classes to pregnant and parenting teenagers in Placer County in the amount of \$22,325, and authorized the Director of Health and Human Services to sign the agreement and subsequent amendments up to 10% of the total contract amount.
- b. Children's System of Care - Approved award of Request for Proposals #9719 for a Kinship Support Services Program and the resulting FY 2007-08 contract in the amount of \$180,000 to the Child Abuse Prevention Council of Placer County, and authorized the Director of Health and Human Services to sign the contract and subsequent amendments up to 10% of the total contract amount and approved a budget revision in the amount of \$180,000 to appropriately budget expenditures under this agreement.
- c. Adult System of Care - Approved a contract employee agreement with Carlos Solis, M.D. for the provision of psychiatric services from January 22, 2008 through January 21, 2009 ( 55 FTE and including 10 weeks of after hours on-call), to replace another full-time contract that expired on December 31, 2007, for a total compensation package of \$194,591, and authorized the Director of Health and Human Services to sign the agreement and subsequent amendments up to 10% of the original contract amount.

## 19. PUBLIC WORKS:

- a. Abandonment - Resolution 2008-18 adopted abandoning the public road easement rights on Mandarin Hill Court in the Newcastle area, reserving a private road easement, emergency vehicle access easement and public utility easement.
- b. Fixed Assets – Amended the FY 2007/08 Master Fixed Asset List to reflect three (3) Sheriff Unmarked Sedans @ \$26,000, three (3) Intermediate Sedans @ \$18,500, and five (5) Hybrid Sedans @ \$26,000 for a total of \$263,500 to eleven (11) Hybrid Sedans at the same dollar amount, \$263,500 and one Full-size Pickup for \$23,500 to one (1) ¾ Ton Cargo Van for \$23,500 for Facilities, Building Maintenance.
- c. Fixed Assets – Approved a Budget Revision increasing Fleet Services' Fixed Asset Account #4451 by \$173,197.50 for seven Toyota Prius vehicles and amending the FY 2007/2008 Master Fixed Asset List.

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20. **PROCUREMENT SERVICES** - In accordance with County Policy, non-contested competitively awarded bids under \$250,000 are placed on the Consent Agenda. Authorized the Purchasing Manager to sign the following:
- a. Purchase Order/Three Starcraft Allstar Type III Paratransit Buses/Public Works/Fleet Services - Approved award of a Purchase Order awarded from a State of California, Department of General Services Competitive Contract with Buswest in the aggregate amount of \$163,063.14.
  - b. Competitive Bid #9765/Local Equipment Rentals/Public Works/Facility Services - Awarded to Placer Equipment Rentals and United Rentals, Inc., in the maximum aggregate amount of \$151,000.
  - c. Blanket Purchase Order #14421/Forensic Toxicology Laboratory Services/Sheriff - Approved renewal with National Medical Services in the maximum amount of \$70,000.
21. **REDEVELOPMENT AGENCY** - Resolution 2008-19 adopted approving the Design Plans and Specifications of the Kings Beach Gateway Monument Sign, and authorizing advertising the project for bids.
22. **REVENUE SHARING** - In approving the following appropriations, the Placer County Board of Supervisors makes the finding that each and every approved contribution serves a public purpose by promoting the general welfare of the County and its inhabitants; therefore, the County benefits.
- a. Approved appropriation of \$900 in Revenue Sharing monies to The Gathering Inn, as requested by Supervisor Rockholm (\$150), Supervisor Holmes (\$500) and Supervisor Uhler (\$250).
  - b. Approved appropriation of \$750 in Revenue Sharing monies to the PEACE for Families "Have a Heart for PEACE" Black Tie Gala, as requested by Supervisor Rockholm, Supervisor Holmes (\$250) and Supervisor Uhler (\$250 each).
  - c. Approved appropriation of \$650 in Revenue Sharing monies to the Placer Land Trust Conservator Dinner and Award Ceremony, as requested by Supervisor Rockholm (\$150), Supervisor Weygandt (\$250) and Supervisor Holmes (\$250).
  - d. Approve appropriation of \$250 in Revenue Sharing monies to the Lincoln High School Sober Grad Night 2008 as requested by Supervisor Weygandt (\$250).
  - e. Approved appropriation of \$400 in revenue sharing monies to the Child Advocates of Placer County Court Appointed Special Advocates (CASA) Program as requested by Supervisor Rockholm (\$200) and Supervisor Holmes (\$200).
  - f. Approved appropriation of \$250 in Revenue Sharing monies to the PlacerGROWN 13<sup>th</sup> Annual Food and Farm Conference as requested by Supervisor Holmes (\$250).
  - g. Approved appropriation of \$400 in Revenue Sharing monies to the Ride to Walk Therapeutic Horseback Riding Program as requested by Supervisor Rockholm (\$150) and Supervisor Uhler (\$250)

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

#### THE FOLLOWING ITEM WAS MOVED FOR DISCUSSION:

14. **COMMUNITY DEVELOPMENT RESOURCE AGENCY/ENGINEERING & SURVEYING** - Northstar Northside, PSUB-T20060278 Project #DPN 8440 "Village Walk Townhomes Phase 1" aka "The Northside Phase 1", Tract #950 - Conditionally accepted the project as complete and authorized Faithful Performance to be set at 25% immediately upon Board approval and Labor and Materials at 50% or the total of all claims, whichever is higher, for six months or longer if claims exist, subject to Placer County receiving verification from the North Star Community Service District Board that the improvements for sewer and water are complete.  
MOTION Kranz/Rockholm/Unanimous

Wes Zicker, Director of Engineering and Surveying, stated the North Star Community Service District (CSD) Board had not yet accepted the water and sewer improvements as complete. He requested the item be conditionally approved subject to verification from the North Star CSD Board that the improvements for sewer and water are complete. The developer is aware of this.

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**BOARD OF SUPERVISORS** – Presentation of resolution 2008-14 commending Rick Dondro, Assistant Public Works Director, upon his retirement for 30 years of dedicated public service.

**BOARD OF SUPERVISORS** – Presentation of Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year ending June 30, 2006, by Placer County Board of Supervisors and Christine Vuletich, Director of Finance, City of South Lake Tahoe to Kathy Martinis, Auditor-Controller

**AGRICULTURE** – Informational presentation on the October 2007 Placer Farm and Barn Tour.

**COMMUNITY DEVELOPMENT RESOURCE AGENCY/ADMINISTRATION/LAND DEVELOPMENT**

**FEES** - Closed the public hearing to consider fee revisions for land development applications: Ordinance 5498-B adopted amending Placer County Code Section 18.04.30 (Definitions) to change the definition of a "Major Project" to include Tentative Subdivision Maps, Conditional Use Permits, Development Agreements, Design Review Types A&B, General Plan Amendments, Rezoning and Zoning Text Amendments, Specific Plans and commercial structures greater than 10,000 square feet; and Placer County Code Section 17.58.015 to discontinue application of the fee for pre-development meetings toward the first environmental document and also to charge the same fee for elective meetings; and

Resolution 2008-20 adopted approving fee changes to applications for certain entitlements including Conditional Use Permits, Design Review Type A&B, Development Agreements, General Plan Amendments, Rezoning and Zoning Text Amendments and Specific Plans to require a deposit equal to the current application fee and allow billing of actual hours spent reviewing the project. The associated fee schedule also includes a CPI increase of 3.4%.

MOTION Uhler/Weygandt/Unanimous

John Marin, Director of Community Development Resource Agency (CDRA), advised CDRA has collected data and determined the actual cost to process a project from inception to completion within the County process. He recommended that a time and material method be used in charging applicants. Michael Johnson, Planning Director, explained what would be done to assure a project is moving forward. Tom Miller, County Executive, said departments have put in internal tools to cover Board concerns.

**COMMUNITY DEVELOPMENT RESOURCE AGENCY/ENGINEERING & SURVEYING/SURVEY DOCUMENT REVIEW FEES** – Public hearing closed. Ordinance 5499-B adopted revising Article 2.18 Community Development/Resource Agency; Article 16.16 Final Maps; and Article 16.20 Minor Subdivisions of the County Code to provide for increasing fees charged for review of Final Subdivision Maps, Final Parcel Maps and Records of Survey. MOTION Uhler/Weygandt/Unanimous

Wes Zicker, Director of Engineering and Surveying, advised staff proposes to revise the fee structure for both types of final maps to require full cost recovery for project review and a fixed fee of \$300 for Record of Survey review. Net impact to the County budget will be an increase in revenue of approximately \$70,000. They will make sure charges are appropriate.

Emerson Smith, a licensed surveyor, recommended the Record of Survey fee stay at \$200. Dann Gail, North State Business Industry Association, was in favor of the proposed fee revisions and requested billing be done in a timely manner.

**COUNTY EXECUTIVE OFFICE** – Accepted the Mid-Year Review and 2008-09 Proposed Budget.

Jeff Bell and Linda Oakman, County Executive Office, provided a power point presentation of the Mid-Year Review and the 2008-09 Proposed Budget. There will be budget shortfalls and the county is proactively positioning itself to best address impending budget constraints. Supervisor Uhler said, at some point, ability to provide service will need to be discussed with the union.

# PLACER COUNTY BOARD OF SUPERVISORS MINUTES

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

- a. **Competitive Bid #9750/Eleven Gas Electric Hybrid Vehicles/Public Works/Fleet Services** - Awarded to Longo Toyota, in the amount of \$259,582.26. MOTION Rockholm/Uhler/Unanimous  
Supervisor Rockholm asked why the vehicles were not being purchased in Placer County and was advised by Jim Boggan that no bids were received from local vendors.
- b. **Competitive Bid #9756/Asphalt Concrete/Public Works** – Awarded to Baldwin Contracting (Lincoln), Teichert Aggregates (Truckee), and Vulcan Materials (Roseville & Grass Valley), in the maximum aggregate amount of \$942,300. MOTION Rockholm/Weygandt/Unanimous

**REMOVED FACILITY SERVICES/CAPITAL IMPROVEMENTS Architectural Space Program/South Placer Adult Correctional Facility** – ~~Approved and authorized the Chairman to sign the amendment to the consultant services agreement with Jay Farbstein & Associates, Inc. Amendment includes a fee proposal increase of \$99,000, for a revised not to exceed contract amount of \$197,000.~~

**FACILITY SERVICES/DESIGN BUILD DELIVERY PHASE I, SOUTH PLACER ADULT CORRECTIONS FACILITY, PROJECT #4764** - Approved an agreement with Vanir Construction Management, Inc., to provide project and construction management services for the project located in Roseville and authorized the Chairman to execute the agreement in an amount not-to-exceed \$450,000. MOTION Weygandt/Rockholm/Unanimous

**HEALTH & HUMAN SERVICES/CHILDREN'S SYSTEM OF CARE** - Approved the FY 2007-08 cooperative agreement with Placer County Office of Education (PCOE) to jointly meet the federal Individuals with Disabilities Education Act (IDEA) and State/County mental health mandates, with PCOE to reimburse Placer County for providing mandated mental health services in the amount of \$1,603,647, and Placer County to reimburse PCOE for facility, administrative, and staffing costs related to the programs in the amount of \$578,398 and approved a budget revision in the amount of \$1,586,465 to appropriately budget expenditures under this agreement.  
MOTION Uhler/Weygandt VOTE 4 0 (Holmes abstained)

Chairman Holmes said he has a remote interest in this contract, even though he does not work in a capacity that is affected by this contract so he abstained from voting and turned the gavel over to the Vice Chairman.

Richard Knecht, Children's System of Care, explained this agreement allows the Health & Human Services Department to leverage fully reimbursable County allocation into nearly \$6 million of mandated mental health services for Placer County children. This allows Placer County to mitigate the unfunded mandates that are present in Children's Mental Health.

**PUBLIC WORKS/PROPOSITION 1B TRANSIT PROJECT LIST** – Resolution 2008-21 adopted approving project list totaling \$1,001,615 for Proposition 1B Transit Funding for 1) Six (6) Dial-A-Ride buses; 2) Revenue Collection System-PCT; 3) Data Server-TART; and 4) Tahoe City Transit Center.  
MOTION Rockholm/Weygandt/Unanimous

## COUNTY COUNSEL/CLOSED SESSION REPORT:

### (A) §54956.9 - CONFERENCE WITH LEGAL COUNSEL

1. Existing Litigation:
  - (a) Lisabeth Armstrong vs. County of Placer, et al., Placer County Superior Court Case No.: SCV-22150 – *The Board provided the defense to the named employee with the standard reservations directing County Counsel's Office to handle the matter.*
  - (b) Walter Fickewirth and Robyn Fickewirth vs. County of Placer, et al., Placer County Superior Court Case No.: SCV-16643 - *The Board was advised of the status of the satisfaction of the judgment in that matter.*
  - (c) Meadow Vista Protection vs. County of Placer, et al., Placer County Superior Court Case No.: SCV-22244 – *The Board authorized the retention of Rick Crabtree to provide the defense to the County in that matter and received a report from Counsel and gave further direction.*

### (B) §54957.6 - CONFERENCE WITH LABOR NEGOTIATOR – *The Board met with its Labor Negotiators to discuss DSA issues.*

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

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# PLACER COUNTY BOARD OF SUPERVISORS MINUTES

## ITEMS FOR INFORMATION:

### AUDITOR-CONTROLLER:

- a. Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2007
- b. Miscellaneous refunds, other than taxes, of \$1,000 or less deposited in error into the County Treasury.

**ADJOURNMENT** – Next regular meeting is Tuesday, February 5, 2008.

### ATTEST:

\_\_\_\_\_  
Ann Holman  
Clerk of the Board

\_\_\_\_\_  
Jim Holmes, Chairman  
Placer County Board of Supervisors

\_\_\_\_\_  
Melinda Harrell  
Supervising Board Clerk

