

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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Minutes of the Plant and Wildlife Technical Advisory Committee June 9, 2009

Members in Attendance:

Jeremiah Karuzas
Mahala Young
Jim Davies
Bill Frost
Todd Gardner
Ray Griffiths
Jim Gibson
Sue Britting
Jim Brunello
Dan Corcoran

Others in Attendance:

Peter Maurer, staff
Art Marinaccio
Kathye Russell
Cindy Shaffer

Members Absent:

Alan Ehr Gott
Craig Thomas
Dan Hinrichs
Valerie Zentner

The meeting was called to order at 9:05 by staff facilitator, Peter Maurer.

Mr. Maurer announced that the bid submittal for the INRMP closes on Wednesday, June 10 and that the bids will be opened at 3:00 on Thursday, June 11. The bid opening is public and will be held in the Purchasing office in Building A.

Mr. Maurer also announced that Phil Mosbacher has tendered his resignation.

Item 1. Mr. Maurer provided a brief overview of how the Brown Act affects PAWTAC. The committee must hold all of its meetings in public, and must be careful to avoid serial meetings. A brief discussion ensued but no formal action was taken.

Item 2. Mr. Maurer reviewed how ISAC chose to organize itself, and suggested different way in which PAWTAC could organize, addressing how action could be taken, what constitutes a quorum, and how information would be presented, including dissenting opinions or minority reports to the Board of Supervisors. Jim Brunello reviewed how the TIM Fee Working Group (TFWG) handles its meetings and note-taking, suggesting that this model would work well for PAWTAC. No formal votes are taken, but a record of the discussion is made by staff during the meeting. Mr. Maurer noted that the TFWG is not subject to the Brown Act. Mr. Brunello suggested that minority reports can be prepared by anyone who had a different opinion than that of the majority, and they have the right and ability to present that to the Board of Supervisors. Jim Davies asked if ISAC will be preparing

minority reports. Kathy Russell described ISAC decisions, stating that the minutes will reflect sufficient detail to describe the various positions and opinions of different members as stated during the discussion.

Bill Frost suggested that a quorum be a simple majority of the active members of the committee. Art Marinaccio suggested that the committee may wish to make the quorum higher than a simple majority, as it limits the number of members that may engage in side conversations on committee issues due to a potential Brown Act violation. Mr. Frost stated that he preferred that any discussion be held during the meetings so that all could benefit from the discussion. While no formal motion was made, all members concurred that a simple majority would constitute a quorum, and a majority of those present could take action on an item.

Discussion was held regarding methods for reporting minority or dissenting opinions. Mr. Maurer stated it was recommended by Counsel, and agreed upon by ISAC, to have minority views made as a motion in the minutes, to clearly reflect the breakdown of opinions by committee members. Mr. Maurer stated that the minutes would be a summary of key points made by individuals at the meeting, and a verbatim record of actions taken by votes. Ray Griffiths asked if someone could be appointed, on an ad hoc basis, to write up dissenting opinions. Sue Britting supported a provision for having minority reports prepared. Mr. Griffiths stated that differing opinions needed to be expressed. Mr. Frost asked if timing could be an issue to which Mr. Maurer responded affirmatively. There could be a very short turn-around time for a recommendation prior to Board action, and that would not provide time for the committee to review a draft minority report before being sent on to the Board. Jim Brunello reiterated that anyone can appear before the Board as an individual to present a differing opinion from that of PAWTAC.

Mr. Griffiths moved that PAWTAC utilize Roberts Rules of Order to run its meetings, seconded by Mr. Davies. The motion passed unanimously.

Sue Britting suggested that the minutes include a task list of assignments for members to bring back to the next meeting. There was general consensus that this was a good idea.

Item 3. Jim Brunello nominated Sue Britting as chair. Ms. Britting asked what the full responsibilities of the chair would be. Dan Corcoran suggested that the committee define the responsibilities at this meeting, then appoint the chair and vice chair at the beginning of the next meeting. He moved that the role of the chair be limited to running the meetings and that the vice chair would serve in his/her absence. Peter Maurer stated that staff would continue to set the agendas, based on input from committee member, and provide all notification. The motion was seconded by Jim Davies and carried unanimously. Ms. Britting added that if a presentation to the Board was necessary, the committee could appoint a spokesperson as an action item.

Item 4. Mr. Maurer stated that staff would continue to take minutes, and that a recording secretary was not necessary. No further action was taken on this item.

Item 5. Ray Griffiths stated that an RSVP to the meetings is encouraged and expected, so that those coming from out of town could know if there was going to be a quorum. There was

general discussion about alternates. Mr. Maurer said he would look into the Board action establishing the committee to see how that was addressed. Todd Gardner pulled out the list of appointees that identifies two alternates, one for the American Rive Conservancy and one for the Farm Bureau. Mahala Young asked if members could participate by conference call. Art Marinaccio noted that the Brown Act handout provided to members stated that could only occur if the location of the participants was accessible to the public and properly noticed. It was generally accepted that conference calls would be inappropriate.

The committee then discussed repeated absences and how replacement members would be appointed. Jeremiah Karuzas suggested that members missing three consecutive meetings be replaced. Dan Corcoran suggested that after the third meeting, the member be contacted by staff, and find out if there were extenuating circumstances. This would be reported back to the committee and the subsequent meeting, at which time the committee could recommend to the Board that a replacement be found if appropriate. This was generally agreed to.

Item 6. Mr. Maurer reviewed the process and timeline for opening and reviewing the bids for the INRMP. Generally, after bid opening, staff will begin review of the proposals and intends to provide an opportunity for members of both ISAC and PAWTAC to review them. Mr. Marinaccio suggested that County Counsel weigh in with a written memo describing what portions of the bids might be proprietary. Todd Gardner asked how the selection process worked. Dan Corcoran described that the process was different between construction projects, which have to go to the low bidder, than for professional services where more discretion can be used in how they responded to the RFP and the level of qualifications. In many instances, the price is kept sealed and separate. Sue Britting suggested that staff develop a time frame for the process, so that members could schedule time to review the proposals. If the intent is to have PAWTAC weigh in on the selection process, the members will need sufficient time to review the documents. Mr. Maurer responded that staff intends to accommodate the needs of the members. Jim Brunello recommended that staff look at the difference between the legal requirements for the selection process and the staff generate process. Mr. Corcoran asked what PAWTAC's opinion was regarding a recommendation on the primary choice of staff. Mr. Marinaccio suggested we go back to the original direction of the Board, and the purpose for which PAWTAC was established. He believes it to be to select a methodology for the approach to the INRMP. Ms. Britting stated she has a different opinion of the committee's purpose, and that perhaps the committee needed to go back to the Board of Supervisors for clarification. She is comfortable in providing technical assistance to staff. Mr. Brunello felt it was fair to ask the Board for direction.

Mr. Corcoran asked if the County planned on holding a workshop with the Board to discuss methodologies, etc. before the consultant was selected. Mr. Maurer responded that staff had not planned on doing so, but could if it was determined to be necessary.

Other items not on agenda: Members discussed alternate meeting days. It was narrowed down to the third Thursday or the second or fourth Friday of the month. Meetings would continue to be held on the second Tuesday through August, pending a decision on a different day starting in September.

Ray Griffiths distributed a copy of an article from New Scientist on mega-corridors. Mr. Maurer said he would scan it and distribute it to all members of PAWTAC and ISAC.

The next meeting is scheduled for Tuesday, July 7, 2009. Election of Chair and Vice-chair, and discussion of consultant selection process will be on the agenda.

Action Items:

1. Peter Maurer to review with Counsel legal parameters of consultant selection/proposal review process to determine level of involvement that is permitted by members of advisory committees.
2. All members to identify and e-mail staff the preferred day for meetings beginning in September.