

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES February 1, 1972

The Board convened in regular meeting. Present: Supervisors John M. Caswell, William V. D. Johnson, Thomas M. Goodloe, Jr., Raymond E. Lawyer, and Thomas L. Stewart. Also present: Ann R. Macy, Board of Supervisors Clerk. Chairman Johnson presided.

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The Pledge of Allegiance to the Flag was led by Supervisor Stewart.

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The Agenda was adopted on motion of Supervisor Goodloe, seconded by Supervisor Lawyer, and unanimously carried.

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On motion of Supervisor Goodloe, seconded by Supervisor Lawyer, and unanimously carried, the approval of Minutes of January 25, 1972, was continued to February 8, 1972.

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115
Communication received from Henry A. Nickel, Placerville, requesting that the Board avail themselves of testimony in the matter of David Clinton Lyons vs. Lake Tahoe News, Superior Court Case No. 19375, and that with said testimony at hand, Supervisors John M. Caswell and Raymond Lawyer be barred from voting on personnel matters during their term of office, and further that the County Administrator Mark Nielsen and Purchasing Agent David Lyons be forthwith fired. (Continued from January 25, 1972)

The Chairman advised that he had been informed that the cost of the transcript of testimony, depending upon whether or not it was the first copy, would be between \$360.00 and \$500.00.

Several Board members did not feel it necessary to have a copy of the entire transcript, and requested to know which part of the transcript had a bearing upon Mr. Nickel's request.

Mr. McKinstry, Attorney for David Lyons, was present and stated that he had an Extract of Testimony of Henry Nickel.

Mr. Nickel stated that he felt that Mr. McKinstry's copy of the testimony should be read into the record; at which time Mr. McKinstry offered the copy to the Chairman who, in turn, read from Pages 10 and 11 of the Extract. (Said Extract of Testimony is on file in the Board of Supervisors Office).

On motion of Supervisor Goodloe, seconded by Supervisor Caswell, and carried by the following vote: Ayes: Supervisors Caswell, Goodloe, and Lawyer; Noes: Supervisors Johnson and Stewart, the Board accepted Attorney McKinstry's offer of the Extract of Testimony of Mr. Henry Nickel in El Dorado County Superior Court Case No. 19375.

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28 On motion of Supervisor Lawyer, seconded by Supervisor Goodloe, and unanimously carried, Warrant Register Claims for El Dorado County, were approved for payment.

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50-1 On motion of Supervisor Goodloe, seconded by Supervisor Lawyer, and unanimously carried, Claims as submitted by the Community Action Council were approved for payment.

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(58-1)
74-2 Inter-County Title Company submitted a Claim in the amount of \$57.16 which they stated was not shown on the Escrow Instructions and therefore was not collected with the County Taxes when the Porter property was purchased by the County.

On motion of Supervisor Goodloe, seconded by Supervisor Lawyer, and carried by the following vote: Ayes: Supervisors Caswell, Goodloe, Lawyer, and Stewart; No: Supervisor Johnson, the matter was referred to County Counsel as a Claim, as recommended by County Counsel.

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On motion of Supervisor Lawyer, seconded by Supervisor Goodloe, and unanimously carried, personnel transactions were approved as follows:

1. Demotion of Mary A. Frizzell, Welfare Dept., to Typist Clerk II, Range 24, Step 5, effective February 19, 1972, to fill vacancy; and also approval granted for Welfare Director to recruit and hire a Typist Clerk III as a replacement for Mrs. Frizzell.
- 151-9 2. Leave of Absence for Clarkie D. Wetmore, Welfare Dept., Account Clerk II, Range 30, Step 1, February 12, to April 14, 1972, and Welfare Director's request to hire an extra help replacement while Mrs. Wetmore is on leave.
3. Regular Help appointment of Susan L. Adair, Welfare Dept., as Eligibility Worker II, Range 34, Step 1, effective February 5, 1972.
4. Regular Help appointment of Kenneth W. Purcell, Public Works Dept., as Associate Civil Engineer, Range 61, Step 2, effective February 14, 1972.
- 124-3 5. Extra Help appointment of Harmon A. Elder, Public Works Dept., Student Trainee in County Equipment Shop, Placerville, Range 4, Step 1, effective February 1, 1972.
6. Extra Help appointments of Joyce R. Nichols and Trudy Marie Carbine, Student Trainees, Public Works Department, Placerville, Range 4, Step 1, effective February 1, 1972.
- 119-1 7. Auditor's request to hire an Account Clerk II to fill vacancy due to resignation of Linda Amstutz; and the Extra Help appointment of Linda Amstutz to be available for training of new employee.
- 147-1 8. Regular Help appointment of Marilyn M. Castle, Recorder's Office, as Typist Clerk II, at Range 24, Step 1, effective February 14, 1972.
- 298-1 9. Extra Help appointment of Barbara J. Davenport, Assessor's Office, as General Clerk I, at Range 18, Step 1, effective February 5, 1972.

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On motion of Supervisor Caswell, seconded by Supervisor Lawyer, and carried by the following vote: Ayes: Supervisors Caswell, Lawyer, Stewart, and Johnson; No: Supervisor Goodloe, travel expenses were authorized for the following:

- 341-3
124-2
233-7
147-2
119-2
1. Paul Gieke, Co. Service Area #3, to Berkeley, 2/9-11/72, for Training at Bureau of Vector Control and Solid Waste Management headquarters;
 2. Ralph Sylvester, Public Works, to Auburn, 2/3/72, to attend Maintenance Assn. of Valif. North Central Valley Chapter;
 3. Frank R. Petersen, Sheriff's Dept., to Palo Alto, 2/3-4/72, to attend 1972 Mid-Winter Conf. of Calif. Peace Officers Assn.;
 4. James W. Sweeney, Recorder, to San Francisco, 2/10-12/72, to attend Recorder's Mtg.
 5. Amelia McAnnally, Auditor, to San Rafael, 2/7-11/72, to attend Annual Conference of County Auditors -Executive & Legislative Comte. Mtg.

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58-3
On motion of Supervisor Johnson, seconded by Supervisor Lawyer, and unanimously carried, the Board approved Assignments to the Credit Bureau of El Dorado County from the County Collection Department for claims against the following:

<u>Name</u>	<u>Name</u>
Michael Thomas Kinsey	Vernon & Joan Boyce
Jay and Georgia Cheatwood	Clara Evans Skaggs
Patrick Anthony & Vallery Marie Silva	Glen E. Howard
John Allen & Judith Lynn Reed, Jr.	Harlene Clark
Paulette D. Mann	Charles T. & Betty J. Woods
Renate Mechtold	Shirley Focht
William E. DeVore	Walter Reddig
Ralph M. Schlereth	Charles Dwight & Loris Jackie Brown

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82
390-4
County Clerk submitted his certification that two thousand eight hundred and twenty-two (2,822) qualified electors of the County did sign the referendum petition protesting the adoption by the Board on December 14, 1971, of Ordinance No. 1167 setting forth salaries of the Board of Supervisors; Elective County Officers; and Appointive County Officers, and requesting that said ordinance be entirely repealed or submitted to a vote of the people either at a regular election or a special election called for that purpose.

Due to the number of persons present, on motion of Supervisor Stewart, seconded by Supervisor Goodloe, and unanimously carried, the matter was opened to the public for their comments.

Daryl McKinstry, Attorney for the El Dorado County Sheriff's Association, and Patrick Riley, Attorney for the El Dorado County Employee's Association, were present. Mr. McKinstry stated that he had authorization to bring
(Continued)

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whatever legal action was appropriate against the County Clerk to prevent any salaries set by the electorate, with the exception of the Supervisors' salaries. He stated that it was his analysis that only the Supervisors' salaries could be set by the referendum process and, therefore, the petition was irregular to the extent that it attempts to put to a referendum vote matters that are purely administrative, and that in this case the salaries of the elective and appointive department heads was an administrative matter.

Attorney Riley stated, in essence, the same as did Attorney McKinstry.

At the recommendation of County Counsel, on motion of Supervisor Stewart, seconded by Supervisor Caswell, and carried by the following vote: Ayes: Supervisors Caswell Lawyer, Stewart, and Johnson; No: Supervisor Goodloe, the Board adjourned to Executive Session on the matter.

The Board reconvened.

The motion of Supervisor Goodloe, seconded by Supervisor Johnson, to put the ordinance on the ballot, was lost by reason of the following vote: Ayes: Supervisors Goodloe and Johnson; Noes: Supervisors Caswell, Lawyer, and Stewart.

The motion of Supervisor Caswell, seconded by Supervisor Lawyer, to rescind only that portion of the ordinance dealing with the salaries of the Board of Supervisors; leaving the balance of the ordinance stand as it is, was lost by reason of the following vote: Ayes: Supervisors Caswell and Lawyer; Noes: Supervisors Goodloe, Stewart, and Johnson.

On motion of Supervisor Goodloe, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Goodloe, Lawyer, and Johnson; Noes: Supervisors Caswell and Lawyer, Ordinance No. 1167 was rescinded in its entirety, and the following ordinance adopted:

ORDINANCE NO. 1181

RESCINDING ORDINANCE NO. 1167

(For contents, see original ordinance)

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SPECIAL ORDERS

PLANNING MATTERS

212-3-72
Proper notices having been mailed, hearing was held on the Appeal of Roy R. Long for a Special Use Permit to allow an impound yard to be housed in a 36' x 60' building on the south side of U.S. Highway 50 at the old Silver Fork Lodge site.

Attorney Daryl McKinstry was present representing Mr. Long and stated that there was a necessity for this type of operation in the area, and that he had a Petition favoring the operation signed by 48 residents of said area, as well as letters favoring an impound yard from Sheriff Ernest Carlson and Mr. Al Rimoldi of the California Department of Motor Vehicles.

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Attorney Patrick Riley was present representing the Silver Fork Improvement Club, Inc., and objected to Mr. McKinstry's introduction of the two letters and petition mentioned above, stating that no new evidence can be introduced before the Board other than that that was introduced in the Planning Commission hearing.

On motion of Supervisor Caswell, seconded by Supervisor Lawyer, and unanimously carried, the matter was referred back to the Planning Commission for further hearing.

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Supervisor Johnson departed and handed the gavel to the First Vice Chairman, John M. Caswell

Supervisor Goodloe departed

390-90
Hearing held as duly advertised on rezoning of lands in the Shingle Springs area from A, Agricultural to RE, Estate Residential zone, petitioned by C. R. Lindberg, et al, consisting of approximately 207 acres. Planning Commission recommended approval. No protests were received and the hearing was closed.

On motion of Supervisor Lawyer, seconded by Supervisor Stewart, and unanimously carried by those present, the following ordinance was adopted:

285-18-72
ORDINANCE NO. 1182

AMENDING EL DORADO COUNTY ZONING ORDINANCE
(Changing Section 9405 - Shingle Springs area)

(For contents, see original ordinance)

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80-1
Mr. Vester Wilson, 88 Disposal Service, Jackson, was present and requested that the County award him a franchise for that portion of El Dorado County bordering Highway 88; stating that his company has been providing trash and garbage removal for that area for approximately four years.

Mr. Wilson was informally directed by the Board to schedule a meeting with the supervisor of that area, Supervisor Johnson, and the Acting Director of Environmental Health, Steve Walker.

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Supervisor Goodloe returned

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On motion of Supervisor Lawyer, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Caswell, Lawyer, and Stewart; Abstain: Supervisor Goodloe, the Hearing schedule for 2:30 p.m. this date on the matter of whether the costs of removal of abandoned vehicles located on the property owned by Roy Clint, 7444 Green Valley Road, Placerville, was continued to February 15, 1972.

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75 Pursuant to Section 7801 et seq. of El Dorado County Ordinance Code, proper notice having been sent by Certified Mail to Mr. Phillip Berry, Attorney for property owner, (Estate of Martha H. Thomas), on which is located abandoned, junk automobiles, a hearing was held to determine the responsibility for charges for removal of said vehicle. There were no protests and the hearing was closed.

The attorney for the property owner having shown no objection either by being present, or by means of correspondence, the Board on motion of Supervisor Lawyer, seconded by Supervisor Stewart, and unanimously carried by those present, found that the attorney for the estate consented to said junk vehicles on the property, and therefore said estate will be assessed for costs of removal, as determined by the Purchasing Agent. (Property located at 2819 Alder Drive, Cedar Grove.)

* * * *

78 Pursuant to Section 7801 et seq. of El Dorado County Ordinance Code, proper notice having been sent by Certified Mail to Mr. Russell Stevens, the owner of the property on which is located an abandoned, junk vehicle, a hearing was held to determine the responsibility for charges for removal of said vehicle. There were no protests and the hearing was closed.

The property owner having shown no objection either by being present, or by means of correspondence, the Board on motion of Supervisor Lawyer, seconded by Supervisor Stewart, and unanimously carried by those present, found that the owner consented to said junk vehicle on his property, and therefore said owner will be assessed for costs of removal, as determined by the Purchasing Agent, which costs if not paid will become a lien on said owner's property. (Junk vehicle located at 5905 Pony Express, Pollock Pines)

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2152 Proper notices having been sent, hearing held at 2:30 p.m. on escaped assessment for John J. Maggie. No protests were presented and the hearing was closed.

On motion of Supervisor Lawyer, seconded by Supervisor Goodloe, and unanimously carried by those present, Assessment Roll Change No. 2759 was approved as presented.

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2982 Proper notices having been sent, hearing held at 2:30 p.m. on escaped assessment for Wayne P. Silva. No protests were presented and the hearing was closed.

On motion of Supervisor Lawyer, seconded by Supervisor Goodloe, and unanimously carried by those present, Assessment Roll Change Nos. 2757 and 2758 were approved as presented.

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248a
Proper notices having been sent, hearing held at 2:30 p.m. on escaped assessment for Edmund J. Cotter. No protests were presented and the hearing was closed.

On motion of Supervisor Lawyer, seconded by Supervisor Stewart, and unanimously carried by those present, Assessment Roll Change No. 3255 was approved as presented.

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278a
Proper notices having been sent, hearing held at 2:30 p.m. on escaped assessment for Robert Inzano. No protests were presented and the hearing was closed.

On motion of Supervisor Goodloe, seconded by Supervisor Lawyer, and unanimously carried by those present, Assessment Roll Change Nos. 3253 and 3254 were approved as presented.

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114
On motion of Supervisor Stewart, seconded by Supervisor Lawyer, and unanimously carried by those present, the Purchasing Agent's request that formal bidding procedure be waived and that he be authorized to purchase two Gas Chromatographs from Intoximeters, Inc., Richmond, for \$5,575.00, plus freight, was approved as requested. (Said purchase for the District Attorney's office).

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(114)
314
Chief Probation Officer submitted letter requesting Purchasing Agent be authorized to purchase two 2-drawer file cabinets in addition to the 5-drawer filing cabinet authorized January 4, 1972, to be purchased through the State Office of Procurement, and stating that there are sufficient funds budgeted.

On motion of Supervisor Lawyer, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Caswell, Lawyer, and Stewart; No: Supervisor Goodloe, the request was approved.

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Supervisor Lawyer departed

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2140
#7
Director of Public Works submitted letter stating that the construction of improvements for Governor Village Unit No. 7 has been completed in accordance with Subdivision Ordinance; recommending Subdivision Bond No. 128040 in the amount of \$21,799.00 be released, and upon approval of Maintenance Bond No. 128040-A in the amount of \$2,180.00 the streets be accepted for maintenance.

On motion of Supervisor Goodloe, seconded by Supervisor Stewart, and unanimously carried by those present, the Board approved the recommendations.

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Purchasing Agent submitted letters from Weaver Tractor Company, Sacramento, and Omsteel Products Corporation, Omaha, Nebraska, requesting delivery be delayed for portion of Front End Loader (Bid No. 309) until the first part of February, and stating that the Equipment Supervisors, Public Works Department, stated the delay would be acceptable.

On motion of Supervisor Stewart, seconded by Supervisor Goodloe, and unanimously carried by those present, the request was approved.

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The report of the Board Legislative Committee regarding Los Angeles County's 1972 Legislative Program was informally continued to February 8, 1972.

Supervisor Lawyer returned

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On motion of Supervisor Stewart, seconded by Supervisor Goodloe, and carried by the following vote: Ayes: Supervisors Caswell, Goodloe, and Stewart; Abstain: Supervisor Lawyer, the report to be submitted by Administrative Assistant, Health Department, regarding comprehensive analysis of cost and income for the program of in-hospital care for persons who have psychiatric, emotional and behavioral disorders, was continued to February 8, 1972, at 2:30 p.m.

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On motion of Supervisor Goodloe, seconded by Supervisor Stewart, and unanimously carried by those present, the Board directed that the report submitted by the California State Employees' Association on the Crisis in Mental Health Care in California be forwarded to the American Association of University Women, with the comment that the Board would appreciate receiving a report back from them on the subject in approximately one month.

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On motion of Supervisor Lawyer, seconded by Supervisor Goodloe, and unanimously carried by those present, the Board approved the Agreement between the County and Reinard Brandley, Civil Engineer, for engineering services including preparation of construction plans and specifications for strengthening and paving Runway 16-34, and strengthening and paving Apron Taxiway for Georgetown Airport, wherein fees are not to exceed \$6,000.00, and the First Vice Chairman was authorized to sign.

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The Board considered the Architect's Contract between the County and Marion J. Varner for architectural services for the South Lake Tahoe Civic Center facility, wherein the County agrees to pay said architect a total of 8-1/2% of the total bid price as awarded for construction of the building or buildings of said project actually constructed with architect's plans, engineering and specifications.

(Continued)

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On motion of Supervisor Goodloe, seconded by Supervisor Stewart, and unanimously carried by those present, the Board deleted from the Contract the proposed Addendum submitted by the Architect, and substituted a letter of clarification to the Architect concerning the Architect's supervision during construction of the facility.

On motion of Supervisor Goodloe, seconded by Supervisor Lawyer, and unanimously carried by those present, the Board authorized that a Warrant be drawn in the amount of \$10,300.00, the balance to date of the Architect's fee.

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114-1
On motion of Supervisor Lawyer, seconded by Supervisor Stewart, and unanimously carried by those present, the Purchasing Agent's request for authorization to advertise and approval of specifications for Bid No. 356 - Furnish and Install one Retort-Type Incinerator was continued to February 8, 1972.

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132
Mr. Joe Thoney, Chief Building Inspector for the County; several of the County Fire Chiefs; and a member of the Builder's Exchange group were present and discussed fire retardant roofing. (Continued from January 25, 1972)

390-10
On motion of Supervisor Stewart, seconded by Supervisor Goodloe, and carried by the following vote: Ayes: Supervisors Goodloe, Lawyer, and Stewart; Abstain: Supervisor Caswell; Absent: Supervisor Johnson, the following ordinance was adopted requiring that all woodshake and shingle roofing have a solid decking underneath of not less than 5/8" thickness:

ORDINANCE NO. 1183

AMENDING EL DORADO COUNTY ORDINANCE NO. 1128
(Section 10,221 - Adoption of Uniform Building Code)

(For contents, see original ordinance)

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144
On motion of Supervisor Goodloe, seconded by Supervisor Stewart, and unanimously carried, the matter concerning the proposed ordinance prepared by the State Office of Emergency Services relating to Emergency Organization and functions, was continued to February 15, 1972.

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298
298a
Chief Assessment Clerk submitted letter requesting a Hearing be set to consider escaped assessments for those property owners who filed claims for Homeowners Exemptions for the years 1968 through 1971 while receiving Welfare aid.
(Continued)

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On motion of Supervisor Lawyer, seconded by Supervisor Goodloe, and unanimously carried by those present, the Hearing was set for February 22, 1972, at 2:30 p.m.

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3475 On motion of Supervisor Stewart, seconded by Supervisor Lawyer, and unanimously carried by those present, the following 1971-72 Secured Tax Roll Cancellations - Class 100, Public Agency Acquisitions were approved:

<u>Parcel</u>	<u>Name</u>	<u>Acquired by</u>
31-020-24	Harrah South Shore Corporation	El Dorado County
32-090-09	" " " "	" " "
32-090-10	" " " "	" " "
32-090-08	" " " "	" " "
32-100-07	" " " "	" " "
33-100-16	Maebel Scott & Beatrice Loughridge Kenealy	Division of Highways
33-100-18	Edward J. McCarthy, Ernie C. Orr	" " "
33-201-02	Fidelity Savings & Loan Assn.	" " "
33-201-03	Fidelity Savings & Loan Assn.	" " "

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✓ On motion of Supervisor Lawyer, seconded by Supervisor Stewart, and unanimously carried by those present, Budget Transfers were continued to February 8, 1972.

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178-1
(224) Communication received from Placer County Office of Education advising of their proposed submission of plans and recommendations to the State Board of Education for unification of all territory of Placer County and a portion of El Dorado County and stating elections for the proposals are mandated for June 6, 1972 primary election. (Continued from January 25, 1972)

On motion of Supervisor Goodloe, seconded by Supervisor Lawyer, and unanimously carried, the communication was placed on file.

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181
296-4 Communication received from District Ranger, U. S. Forest Service, Lake Valley Ranger District, submitting recommendations for solution to improvement of drainage from Hekpa Street; stating that all work necessary to correct problem involves National Forest land only, and that the Forest Service will issue a special use permit for the drainage to El Dorado County when an acceptable design for the improvements is submitted by the County.

On motion of Supervisor Stewart, seconded by Supervisor Lawyer, and unanimously carried by those present, the matter was referred to the Public Works Department to coordinate with the U. S. Forest Service.

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18
On motion of Supervisor Lawyer, seconded by Supervisor Goodloe, and unanimously carried, the First Vice Chairman, in the absence of the Chairman, was authorized to sign a joint letter to the Sierra Economic Development District and the Georgetown Divide Public Utility District stating that the County Planning Commission had reviewed the preliminary plans for the Georgetown Buckeye Water System of Georgetown Divide Public Utility District and found them in accordance with the County's General Plan and urgently needed to encourage economic and physical growth within the County, and that said Utility District was legally organized and empowered to finance said water system project.

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83-56
Memorandum was received from Bruce Robinson, Executive Secretary, Planning Commission, stating that the Recreation Commission at their meeting on January 24, 1972, recommended approval of the proposed Master Plan of Development for the South Lake Tahoe - El Dorado County Recreational Area, and that the Planning Commission at their meeting on February 1, 1972, recommended approval of the Master Plan, with the following recommendations:

1. The location of the Tourist Information Center should be considered to be relocated from Rufus Allen Blvd. to the Sheriff's Office when it is vacated because the accessibility by the tourists would be enhanced and the parking already available;
2. At some future date, it is recommended that the City of South Lake Tahoe Maintenance Yard be moved to another location; and
3. The proposed modular type of parking would appear to present problems relating to snow removal and an improved design could be incorporated.

On motion of Supervisor Stewart, seconded by Supervisor Goodloe, and unanimously carried by those present, the Board approved the recommendations submitted by the Planning Commission and directed that they be forwarded to the City of South Lake Tahoe for their comments.

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There being no further business, the Board adjourned to Tuesday, February 8, 1972, at 10:00 a.m.

ATTEST: Carl A. Kelly,
County Clerk and
ex-officio Clerk
of the Board

APPROVED William D. Johnson
Chairman

By Ann K. Tracy
Deputy