

# STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES October 31, 1972

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

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

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The Invocation was offered by Reverend Walter P. Brock, El Dorado Community Church.

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On motion of Supervisor Goodloe, seconded by Supervisor Lawyer, and unanimously carried by those present, the Agenda was adopted with the addition of an 11:00 a.m. Time Slot for the Agricultural Commissioner to appear regarding the Horticultural Farm Advisor's position, and also an addition to Page 3 as Item D. 2 regarding a request of the Sheriff's Department to lease a Xerox 4000 copy machine.

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## GENERAL ORDERS

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50-1  
On motion of Supervisor Goodloe, seconded by Supervisor Stewart, and unanimously carried by those present, Warrant Register Claims for El Dorado County, and Claims submitted by the Community Action Council, were approved pending Board review later in the day, and any claims not approved by 5:00 p.m. may be withheld until the following week.

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38-1  
On motion of Supervisor Lawyer, seconded by Supervisor Goodloe, and unanimously carried by those present, the two estimates submitted by Mr. C. A. Rickard for repair of his automobile which was involved with an El Dorado County vehicle, were referred to County Counsel for recommendation.

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115  
On motion of Supervisor Goodloe, seconded by Supervisor Lawyer, and unanimously carried by those present, all personnel matters on the Personnel List dated October 31, 1972, submitted by the County Administrative Officer were approved as recommended by him with the exception of Item 1 (Assessor's request) which was referred to the Board's Administrative Committee for report on November 8, 1972; also, the Board approved an additional personnel matter; the regular help appointment of Charles W. Norgard as Chief Building Inspector, effective November 6, 1972.

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115  
(124-3) G. Arthur Cort, Director of Public Works, submitted a letter dated October 31, 1972, in response to a request of him by the Board that his resignation be turned in by November 8, 1972. Mr. Cort's letter, which he read to the Board, stated that he had been given no reason(s) for the request for his resignation and he, therefore, could not submit to the Board's request, and he would not tender his resignation to the Board.

On motion of Supervisor Goodloe, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Goodloe, Stewart, and Caswell; Abstain: Supervisor Lawyer; Absent: Supervisor Johnson, a Public Hearing was set for November 21, 1972, at 11:00 a.m., pursuant to Streets & Highways Code, Section 2006.

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115  
423  
10-11-71 11-2-72  
Department of Public Works, Right-of-Way Division, requested that the Chairman be authorized to sign Certificate of Acceptance of Grant Deed from Rubicon Properties, Inc., for real property described as Parcel D of Rubicon Properties Unit No. 2, Section 2.

On motion of Supervisor Lawyer, seconded by Supervisor Stewart, and unanimously carried by those present, the Chairman was authorized to sign the Certificate of Acceptance of Grant Deed.

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115  
296-11  
10-11-71 11-2-72  
Department of Public Works, Right-of-Way Division, submitted a request that the Chairman be authorized to sign Certificate of Acceptance of Grant of Easement from Michigan-California Lumber Company on portion of Wentworth Springs Road.

On motion of Supervisor Lawyer, seconded by Supervisor Goodloe, and unanimously carried by those present, the Chairman was authorized to sign the Certificate of Acceptance of Grant of Easement.

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151-10  
On motion of Supervisor Goodloe, seconded by Supervisor Lawyer, and unanimously carried by those present, Board determined in favor of the request of Rockwood L. Moulton, Sr. to be relieved of the responsibility to support his mother on the basis of abandonment during his childhood.

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351-2  
On motion of Supervisor Lawyer, seconded by Supervisor Goodloe, and unanimously carried by those present, the Board approved the request of the Data Processing Manager to declare eight card file cabinets surplus equipment, trade in six card file cabinets to Tab Products at \$75.00 each to be applied toward the purchase of one disk cabinet and one tape cabinet from Tab Products.

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114-7 Purchasing Agent submitted results of Bid No. 419 - Three Insulated File Cabinets for the Assessor's Office, and bids were received from Sears Roebuck & Co., Sacramento; Carpenters Typewriter, Placerville; California Office Equipment, South Lake Tahoe; E. F. Corbin Company, Sacramento; H. S. Crocker Co., Sacramento; and Beier & Gunderson, Oakland. (Original bids are on file in the Board of Supervisors Office)

On motion of Supervisor Lawyer, seconded by Supervisor Goodloe, and unanimously carried by those present, Bid No. 419 was awarded to low bidder, Sears Roebuck & Company, Sacramento, for total bid of \$866.25, as recommended by the Purchasing Agent.

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118 Placer County Counsel submitted letter advising the Board that certain conditions have been added to the Condition of Sale of Weimar Medical Center to James T. Ralph, and requesting that the Board ratify same by resolution.

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

RESOLUTION NO. 550-72

AMENDING RESOLUTION NO. 509-72 ACCEPTING BEST PROPOSAL FOR  
THE SALE OF WEIMAR MEDICAL CENTER

(For contents, see original resolution)

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80-1  
80-2  
80-3  
80-4  
80-6  
80-7  
80-8  
390 On motion of Supervisor Lawyer, seconded by Supervisor Stewart, and unanimously carried by those present, the following ordinance was adopted setting forth garbage franchise boundaries in the following areas: Placerville Perimeter; Union Valley; Tahoe-West Shore; South Tahoe; South Side; Georgetown; and Placerville:

ORDINANCE NO. 1242

AMENDING EL DORADO COUNTY ORDINANCE CODE  
RELATING TO GARBAGE FRANCHISE BOUNDARIES

(For contents, see original ordinance)

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249-3 On motion of Supervisor Stewart, seconded by Supervisor Goodloe, and unanimously carried by those present, Mr. Louis DeLulio was appointed to the Happy Homestead Cemetery District as Trustee, to fill the unexpired term of Stanton H. Meyer who resigned on August 29, 1972: Term expires on January 6, 1975.

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211  
On motion of Supervisor Goodloe, seconded by Supervisor Lawyer, and unanimously carried by those present, the Chairman was authorized to execute Release of Lien, discharging all property encumbered by the Agreement to Reimburse County for Public Assistance rendered Dennis W. Davis and Roberta Davis, as recorded in Volume 944, Page 368 of Official Records of El Dorado County.

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298a  
On motion of Supervisor Goodloe, seconded by Supervisor Lawyer, and unanimously carried by those present, Assessment Roll Change No. 4199 was approved.

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306  
On motion of Supervisor Lawyer, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Lawyer, Stewart, and Caswell; No; Supervisor Goodloe; Absent: Supervisor Johnson, authorization was granted for the payment of Sacramento Regional Planning Commission's invoice in the amount of \$1,661.00, for El Dorado County's contribution to said Commission for 1972-73.

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295-5772  
Communication received from Russell B. Huffman, Camino Heights Mobile Village, requesting that the Board confirm that their zoning Ordinance No. 1206, adopted May 2, 1972, was issued in accordance with the existing Environmental Act Laws at that time and stating this confirmation is needed to submit to their financial institution prior to construction.

On motion of Supervisor Goodloe, seconded by Supervisor Stewart, and unanimously carried by those present, the matter was referred to County Counsel for recommendation to the Board as promptly as possible.

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(22)  
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32  
County Administrative Officer was present and gave a verbal report on the trailer problem at Shoo Fly Ridge as it relates to health violations and infractions of both State and County ordinances. He stated that all of the original health violations referred to the District Attorney's Office have been taken care of; however, those not yet taken care of are land use violations, and within the next two weeks a list will be submitted to the District Attorney's Office for handling.

On motion of Supervisor Goodloe, seconded by Supervisor Lawyer, and unanimously carried by those present, the Acting Director of Sanitation and Environmental Health was directed to develop a more definitive ordinance as it relates to trailers and land use, which the County can accept and enforce. The Board informally stated that they expected another Progress Report on the subject on November 21, 1972, and directed that the Health and Medical Director as well as the Acting Director of Sanitation be present at that time.

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On motion of Supervisor Stewart, seconded by Supervisor Goodloe, and unanimously carried by those present, the County Auditor was authorized to transfer funds as necessary to cover the County payroll for the Public Employment Program (PEP); said request is due to the irregular cash flow from the State Human Resources Development Agency; and in the same motion the Board approved the following Budget Transfer, as requested by the Auditor:

Budget Transfer No. 5502

<u>Decrease</u>	<u>Increase</u>	<u>Amount</u>	<u>Purpose</u>
1-911 Insurance			Difference in Compensation Ins. billing for 1971-72 above total amounts previously charged to departments
2-101 Workmens Comp		(\$1124.15)	
	205 Payroll Revolving		
	51-0160 Workmens Comp. Ins.	\$1124.15	

<u>Fund Transfer</u>	<u>Transfer to</u>	<u>Amount</u>
<u>Transfer from</u> General Fund	Payroll Revolving	\$1124.15

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Communication was received from the Chairman of the El Dorado County Agricultural Commission stating that the California Agricultural Extension Service had proposed to change the position of the Horticultural Farm Advisor position to include the use of his services by not only El Dorado County but by the counties of Placer and Nevada.

At the recommendation of the County Agricultural Commissioner, on motion of Supervisor Goodloe, seconded by Supervisor Lawyer, and unanimously carried, the Chairman was authorized to sign a letter to Dr. Alcorn of the California Agricultural Extension Service in response to said State Extension Service's proposal requesting that the Horticultural Farm Advisor be permitted to remain on his present full-time position for El Dorado County, and the Board Clerk was directed to forward copies of said letter to Assemblyman Eugene Chappie and Senator Stephen Teale.

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The Board considered the following verbal suggestions of William E. Fleck submitted by him at the regular Board meeting held on October 24, 1972:

That the Board of Supervisors either by resolution or by motion, reaffirm the Board's previous action of adopting the specific maps of the various areas, particularly of course, Shingle Springs; reaffirming that action which the Board took in 1967 and left unchanged in 1969, and

That the Board possibly include in that resolution or official motion a policy declaration that any conflicts between these area maps and the County General Map, be resolved in favor of the adopted area maps.

The Board was in possession of a letter from the Assistant County Counsel regarding the conflict between the County General Plan which was adopted by the Board on September 28, 1969, and the Shingle Springs General Plan which  
(Continued)

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was adopted by the Board on January 30, 1967, in which Mr. McKenzie advised that . . . "it is fundamental law that the latest act of a legislative body is controlling."

Supervisor Goodloe moved to reaffirm the Board's action in adopting the General Plan Map of 1969, and that, as a matter of policy, conflicts between written portions of the General Plan and the County General Map be resolved in favor of the Map.

Mr. William Fleck was present and spoke at length regarding alleged map inconsistencies, and in favor of the adopted area maps.

Attorney Patrick Riley was present on behalf of Dorado Estates, and stated that the 1969 Map was properly adopted after proper notice, and even if there wasn't proper notice, the Statute of Limitations to invalidate the act of the Board in 1969 in adopting the General Plan has run out.

The Vice Chairman requested that the matter be continued to the afternoon session.

The Board reconvened at 2:00 p.m.

Supervisor Johnson was present and presided as Chairman for the balance of the meeting.

Attorney Riley continued with his presentation.

The Chairman then announced that there was a motion on the floor; called for the Clerk to read the motion; and then called for the vote on the motion, which was as follows: Ayes: Supervisors Goodloe and Lawyer; No: Supervisor Caswell; Abstain: Supervisors Stewart and Johnson.

Supervisor Johnson stated that he felt it was necessary for him to abstain since he was not present to hear all the presentations on the subject. He was advised by County Counsel that this was not a public hearing, and he therefore was not restricted as to testimony; it being his prerogative to determine whether or not he was aware of all the facts in the case.

Supervisor Goodloe reiterated his motion to: reaffirm the Board's action in adopting the General Plan Map of 1969 and that, as a matter of policy, conflicts between written portions of the General Plan and the County General Map be resolved in favor of the Map. Supervisor Lawyer seconded the motion; the Chairman called for the question, and the motion was carried by the following vote: Ayes: Supervisors Goodloe, Lawyer, and Johnson; No: Supervisor Caswell; Abstain: Supervisor Stewart.

On motion of Supervisor Johnson, seconded by Supervisor Caswell, and unanimously carried, the Planning Commission was instructed to immediately institute area General Plan Hearings to reconsider the area plans publicly in Cameron Park; El Dorado Hills, and other area, in the same manner as was done originally, to reconsider water and sewer studies, open space elements, and density, and consider zoning to comply with these plans when they are completed.

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285-31 72  
Hearing was scheduled for 2:00 p.m., having been continued from October 17, 1972, on the Rezoning of lands in the Diamond Springs area from Industrial and Unclassified to Mobilehome Park zone, petitioned by Missouri Flat Development corporation, consisting of approximately 55.0 acres. Planning Commission recommended approval.

Supervisor Goodloe moved to deny the rezoning, and Supervisor Johnson seconded the motion; however, before the question was called, Supervisor Goodloe withdrew his motion, which was agreed to by Supervisor Johnson.

On motion of Supervisor Caswell, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Caswell, Lawyer, and Stewart; Noes: Supervisors Goodloe and Johnson, the Hearing was continued until such time as the County's General Plan for the Diamond Springs area has been amended.

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(57)  
101  
57-8  
The Planning Director submitted a report on the U. S. Forest Service's Environmental Statement on the Kirkwood Winter Sports Development located in adjoining portions of Alpine, Amador, and El Dorado Counties. The report reflected that the Statement was primarily concerned with the environmental impact of the ski areas which are all being located within Amador and Alpine Counties, and that the major portion of the development will be in adjacent counties. Also, the report pointed out that the main concern of El Dorado County would be with water quality and sewage disposal, and that every effort in that direction has been made by the developers and the Forest Service to assure water quality and that sewage effluent will be treated and stored and then trucked out of the area for processing.

On motion of Supervisor Stewart, seconded by Supervisor Caswell, and unanimously carried, the Board declared their intent to make no comments at this time.

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(13-56)  
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1144  
On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, the presentation by representatives of the City of South Lake Tahoe on the plan for the Recreation Center at the Lake Tahoe-El Dorado Recreational area, was continued to November 8, 1972, at 2:00 p.m.

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2782  
Proper notices have been sent, hearing was held at 2:30 p.m. on escaped assessment for Phillip E. Murray. No protests were presented and the hearing was closed.

On motion of Supervisor Lawyer, seconded by Supervisor Goodloe, and unanimously carried, Assessment Roll Change No. 4171 was approved as presented.

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*(28-4)*  
*minutes*  
*File in*  
Bid opening was held at 2:30 p.m. on the sale of surplus road right-of-way property on Mother Lode Drive (formerly State Highway 50) in Shingle Springs, and bids were received from Arthur C. Oetting in the amount of \$1501.00; and from Marlon Ginney in the amount of \$1200.00.

*12-1*  
On motion of Supervisor Goodloe, seconded by Supervisor Caswell, and unanimously carried, the bid was awarded to the highest bidder, Mr. Arthur C. Oetting in the amount of \$1501.00, and the Chairman was authorized to sign Quitclaim Deed to Mr. Oetting.

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*7-1-72*  
On motion of Supervisor Caswell, seconded by Supervisor Lawyer, and unanimously carried, the Board Clerk was directed to place a letter from General Services Administration offering the old Post Office Building to El Dorado County for a reduced price of \$74,500.00, on the Agenda for November 8, 1972, at 2:30 p.m.

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*12-13*  
*m-p.*  
On motion of Supervisor Stewart, seconded by Supervisor Caswell, and unanimously carried, the regular help appointment of Paul A. Baer as Highway Foreman, Public Works Department, at Range 50, Step 1, was approved effective November 1, 1972.

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*(28)*  
*250*  
On motion of Supervisor Johnson, seconded by Supervisor Lawyer, and unanimously carried, the following Warrants payable to the Mother Lode Medical Center which were held by the Board October 24, 1972; Warrant Nos. 63468; 63467; 36538; and 63637, were approved and allowed for payment.

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*G.P.*  
*Johal*  
*Wells*  
*#2*  
County Counsel advised that Resolution No. 546-72 adopted by the Board on October 24, 1972, should be rescinded, inasmuch as it authorized the Auditor to transfer \$1495.17 from the General Fund to the Clerk's Trust Fund for the purpose of securing immediate possession of certain lands in the Tahoe Hills Unit No. 2 Assessment District which were taken by a condemnation action -- County of El Dorado vs Farley (LaForge Parcel - No. 17144). County Counsel stated that the Auditor should have been directed to withdraw the sum of \$1,190.00 from remaining funds in Tahoe Hills Unit No. 2 Assessment District; and \$305.17 from the County General Fund; and deposit said funds into the Clerk's Trust Fund.

On motion of Supervisor Caswell, seconded by Supervisor Johnson, and unanimously carried, the following resolutions was adopted:

RESOLUTION NO. 551-72

AUTHORIZING COUNTY AUDITOR TO TRANSFER FUNDS TO PAY  
FOR LAND TAKEN IN A CONDEMNATION ACTION  
(Rescinding Resolution No. 546-72)

(For contents, see original resolution)

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M 50-1 (30-5)  
Mr. John Weidman, Attorney, was present and submitted a proposal to effectively provide legal services to the poor and near-poor through a Judicare System; i.e. (1) The use of attorneys in private practice to serve the needs of the poor; and (2) A system whereby those attorneys will be compensated at a reasonable rate for the services they perform. In an attempt to meet this need for legal services among the poor, the Office of Economic Opportunity is funding experimental programs to determine more effective means by involving the private bar in delivery of legal services. The El Dorado County Legal Services Experimental Program is one such attempt. The preliminary intake would be through OEO Offices at Placerville and Lake Tahoe. Eligibility and particular category of aid will be determined at OEO Offices by a McGeorge Law School Student, and the target date for operation is January 1, 1973. Mr. Weidman further stated that the majority of the lawyers in El Dorado County were in favor of the Experimental Program.

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, the Board approved Mr. Weidman's proposal by approving in principle the El Dorado County Legal Services Experimental Program, and authorized an appropriate communication to the State Office of Economic Opportunity conveying the Board's action.

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18 m-p  
On motion of Supervisor Lawyer, seconded by Supervisor Caswell, and unanimously carried, the Board continued to November 8, 1972, the matter of the proposed Georgetown Airport Property Lease for light industrial development.

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423  
Planning Commission submitted request from Mr. Ray Levert, Subdivider for Diamond Springs Estates Unit No. 1, Rural Subdivision, to modify Tentative Map conditions approved by the Board on June 27, 1972. (Continued from 10/24/72)

On motion of Supervisor Goodloe, seconded by Supervisor Stewart, and unanimously carried, the Board removed the requirement that the portion of North Circle Drive (0.2 mile) be brought up to County standards, and that portion was then accepted into the County-maintained road system

On motion of Supervisor Stewart, seconded by Supervisor Caswell, and unanimously carried, the Board approved the Planning Commission's recommendations that additional footage on road right-of-way easement not be required, and that Mr. Levert be allowed to finalize Unit No. 1 with existing easement, and that Mr. Levert should provide a performance bond to insure that the 8" water main will be installed in the future along the northerly right-of-way easement. (Board in their motion did approve the Planning Commission's recommendations, but inadvertently overlooked the Planning Commission's request that the Board specify as to time limit for such water main installation).

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

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

By Ann L. Tracy  
Deputy

APPROVED John M. Larson  
First Vice Chairman

APPROVED William D. Johnson  
Chairman