

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES July 29, 1975

The Board convened in regular meeting. Present: Supervisors William V.D. Johnson, W. P. Walker and Thomas L. Stewart. Absent: Supervisor Franklin K. Lane. (Supervisorial District IV position is vacant.) Assistant County Counsel David Whittington was present for the morning session, and Deputy County Counsel Jean Klotz was present for the afternoon session. Also present: Connie A. Peterson, Assistant Board of Supervisors Clerk. Chairman Walker presided.

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12-7 The Invocation was offered by Reverend Reed Chatterton, El Dorado Community Church.

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

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On behalf of the Board the Chairman presented a plaque to Harry S. McGilvray in recognition of his retirement from County service as a Public Works Inspector, from September 1964 to July 1975.

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The Agenda was adopted on motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present.

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On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, the New Business Agenda was adopted with one addition; consideration of appointments to a Committee to work with the Planning Department to revise subdivision and parcel map ordinances, and to consider new grading ordinance for the Western slope of the County.

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The minutes of July 22, 1975 were approved as submitted, on motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present.

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GENERAL ORDERS

28
50-1 Warrant Register Claims for El Dorado County and Claims as submitted by Community Action Council, Inc., were approved and allowed for payment, on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present.

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7/29/75

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58¹ Claim was resubmitted by Gale E. Peck, Attorney, on behalf of Wunschel and Small, Inc., for damages in the amount of \$26,158.85. (Rejected by the Board 7/8/75)

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present, the Board reaffirmed their decision of July 8, 1975, as recommended by County Counsel, which was to reject the claim as not having been presented within one year after accrual of the cause of action.

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115
416-3 Board's Assistant was informally authorized to schedule interviews for the position of Constable, El Dorado Justice Court for August 5, 1975, at 4:00 p.m.

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(115)
341
187 On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, the Board approved that a position be budgeted for Executive Director, Transportation Commission and Local Agency Formation Commission, and also approved the job specifications for said position.

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(115)
341
187 On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, Elvis R. Ferguson, Collection Officer, was appointed Treasurer-Tax Collector for the County of El Dorado, replacing the late C. A. Steves, Jr., for a term ending when a successor is elected and qualifies; Press Release stated that the appointment is for approximately a year and one half since the position, an elected office, will appear on the primary ballot in June 1976, and the general election in November.

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124
13
(326) Director of Public Works submitted a letter recommending the Board support Assembly Bill 2294, which would authorize the State Department of Parks and Recreation to use money from the State Park Highway Account for the construction and improvement of County Highways providing access to units of the State Park System, further this would enable the State to contribute funds for improvement of County roads such as Lime Quarry Road which is recognized as being inadequate to serve as access to the Peninsula Campground in Folsom Lake State Park.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present, the Chairman was authorized to sign letters in support of Assembly Bill 2294 to appropriate legislators.

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(34-1)
124
Director of Public Works submitted a letter recommending that the Board approve participation in the Federal Aid Safer Road Demonstration Program to the full amount of allocation, approximately \$72,000.00 - Federal Funds, and County to contribute approximately \$9,000.00 from County Road Fund, which will provide for financing automatic gates at railroad-highway crossings on Non-Federal Aid Highways, and requesting Board approve construction of the following projects in order listed: Forni Road, South Shingle Road and Greenstone Road.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present, the Board approved participation in the Program as recommended.

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197-1
County Clerk submitted request of Harry Wilcock, Cubic Productron, Inc., that 1975-76 Service Contract, to provide election support services, with Cubic Industrial Corporation be transferred to Cubic Productron, Inc.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present this item was continued to August 5, 1975.

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198-5
The Final Report of the El Dorado County Grand Jury for 1974 was submitted to the Board of Supervisors.

On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, receipt of the Report was acknowledged, and the Board's Assistant requested to have the Department Heads respond to report where applicable, and the complete report to be brought back to the Board on August 26, 1975, at 9:00 a.m., further both outgoing and incoming Grand Jury members invited to be present.

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22-16a
County of Sacramento submitted for the Chairman's signature a Joint Powers Agreement between the Counties of El Dorado, Placer, Sierra, Nevada, Sacramento and Yolo for implementation, operation and management of an Emergency Medical Service Communications System.

On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, the Agreement was referred to the Director of Health Services, Communications Officer and County Counsel to make changes as discussed, further the Communications Officer was requested to submit estimated cost to the County under this Agreement, and the matter continued to August 12, 1975.

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3411
Agricultural Commissioner submitted a letter requesting the Chairman be authorized to sign Addendas, renewing Leases with Placer, Nevada, and Amador Counties for use of El Dorado County's weight truck, for inspecting and certifying weighting and measuring devices for 1975-76 fiscal year.

On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, the Chairman was authorized to sign the Addendas after changes are made to reflect a 20% increase in rental fees to each County.

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114-9
Purchasing Agent submitted specifications for Bid No. 688, Envelope Requirements for various County Departments, with request that bid opening be set for August 11, 1975, with award by the Board on or after August 26, 1975. On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, the specifications were approved as submitted and the Purchasing Agent authorized to advertise for bids as requested to be opened August 11, 1975, with award by the Board on or after August 26, 1975.

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22-7
Communication received from John C. Sullivan, M. D., Chairman of the El Dorado County Emergency Medical Care Committee, recommending that additional appointments be made to enlarge said committee, specifically to include organizations directly concerned with the success of emergency medical care; American Red Cross, the Ski Patrol and local police bodies.

On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present the Board approved that membership be enlarged, and the following resolution was adopted, listing composition of the present membership and additional representation as requested:

RESOLUTION NO. 310-75

COUNTY EMERGENCY MEDICAL CARE COMMITTEE MEMBERS

(For contents, see original resolution)

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50-7
On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present, Dorothea Engstrom was appointed to fill a vacancy on the Area 4 Agency on Aging Advisory Council for a term ending June 30, 1977.

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137-1 ✓
On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present, the item submitted by El Dorado Hills County water District requesting Board levy a bond tax, pursuant to Section 31,703.8 of the State Water Code, for 1975-76 Fiscal Year on land in said district, was removed from the Agenda. (This is an automatic procedure that the Auditor takes care of.)

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117 On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried by those present the following Budget and Fund Transfers were approved:

<u>No. 2</u>	<u>Superintendent of Schools</u>	<u>Fund Transfer</u>		
<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Purpose</u>	
Advance from Treas.	General Schools and Lake Tahoe Comm. College	\$1,456,000	Loan until tax money received	

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<u>No. 151</u>	<u>Auditors</u>	<u>Budget/Fund Transfer</u>		
<u>Decrease Budget Account</u>	<u>Increase Budget Acct</u>	<u>Amount</u>	<u>Purpose</u>	
007 Contingency 92-9900 Approp.	008 ACO 1801 92-3369	Adm. Bldg. Lake \$55,700	Needed for Lake Tahoe Adm. Office	

<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Purpose</u>
Contingency	Accum. Cap. Outlay	\$55,700.00	

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<u>No. 152</u>	<u>Public Works Department</u>	<u>Fund Transfer</u>		
<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Purpose</u>	
Road District Tax	3-100 Road Fund	\$217,625.26	Road Dist. Tax used as of June 30, 1975.	
			Misc. Roadside drainage	\$ 3,987.11
			Minor Construc	129,820.79
			Snow Removal	45,824.96
			Major Maint.	37,992.40

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(continued)

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117
No. 153 Auditors Office Fund Transfer
Transfer From Transfer To Amount Purpose of Transfer
General Fund Grant Programs \$105,000.00 Loan until July 1975

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No. 154 Auditors Office Budget Transfer

End of 1974-75 fiscal year adjustments - Complete list attached to Budget Transfer

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247
On motion of Supervisor Johnson, seconded by Supervisor Stewart, 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, for George B. Collette, recorded in the Official Records of El Dorado County Volume 979, Page 169.

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50-6
Board's Assistant submitted for Chairman's signature, Subgrant Signature Sheet, Program Operating Plan and Assurances and Certifications for CETA Title I Summer Youth Recreation Program, for the period July 1, 1975 to August 30, 1975, allocating \$3,768.00 which will allow the Manpower section to provide recreational activities for approximately 100 disadvantaged youths who reside within the County.

On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, the following resolution was adopted authorizing the Chairman to sign documents, as submitted:

RESOLUTION NO. 311-75

AUTHORIZING THE CHAIRMAN TO SIGN DOCUMENTS FOR
CETA TITLE I SUMMER YOUTH RECREATION PROGRAM FOR
JULY 1, TO AUGUST 30, 1975

(For contents, see original resolution)

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On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, the Board authorized that a committee be established to work with the Planning Department to revise the subdivision and parcel map ordinances and to consider a new grading ordinance for the Western slope of the County, and each of the following listed organizations to be requested to appoint one person to the committee; El Dorado County Association of Engineers, Surveyors and Geologists; El Dorado Land Developers Association; Title Company; EPIC; Fire Chief's Association; County Bar Association; County Taxpayers' Association; American Association of University Women; County Board of Realtors; and County Chamber of Commerce, further, representatives from the following County Departments to serve in an advisory capacity to the Committee: Planning, Public Works, Health, Civil Defense, Surveyor, Assessor, County Counsel and County Superintendent of Schools, and an organizational meeting for the committee was scheduled for August 18, 1975, at 2:00 p.m. in the Planning Commission Meeting Room.

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SPECIAL ORDERS

PLANNING MATTERS

At the recommendation of the Planning Commission, on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the tentative map of Char Mar Estates Unit No. 1 was approved subject to the following conditions: (Reapplication)

1. Easement on easterly boundary of Lot 43 to be shown on final map;
2. Conditions placed by the Commission January 11, 1973 on the tentative map application as follows:
 - (a) Approval of construction drawings and specifications by the Director of Public Works, obtaining road encroachment permits from the Public Works Department, completion of road improvements, lot accesses where excessive cuts and fills present a problem, drainage systems, water systems, sewage system and setting of final monuments in accordance with the requirements of the Department of Public Works, Health Department, County Surveyor and the El Dorado County Subdivision Ordinance or execution of an agreement secured by bond or cash deposit in conformity to Section 9341(d) of the Subdivision Ordinance;
 - (b) Centerline striping of major and collector streets and installation of stop signs as required by the Director of Public Works;
 - (c) Use of lots subject to developer petitioning for appropriate zoning;

(continued)

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- (d) Subject to the requirements of the Department of Public Works as contained in their letter of December 15, 1972;
- (e) Subject to providing at the time the final map is approved, a 10 foot public utility easement (5 ft.) on each contiguous side of Lots 44 and 45, 62 and 63, 64 and 65, and 81 and 82 as requested by the Pacific Telephone and Telegraph Company; and
- (f) Subject to providing a 50 foot road easement on the easterly boundary of Lot 43 as contained in the agreement with Mrs. Jacqueline Marliave, dated March 14, 1972.

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(46)
59
147
Planning Director submitted a memorandum recommending that the initial application fee for Agricultural Preserves, paid to the Planning Department, be reduced from \$135.00 to \$125.00, as the \$10.00 increase was established January 2, 1973 in order to include in one payment the complete processing fee and recording fee, and in some instances the fee is less than \$10.00 and in other instances more, therefore the fees should be paid separately.

On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, the following resolution was adopted rescinding Resolution No. 2-73, and allowing recording fees for Agricultural Preserve matters to be paid separately:

RESOLUTION NO. 312-75

RESCINDING RESOLUTION NO. 2-73
ALLOWING SEPARATE PAYMENT OF RECORDING FEES
ON AGRICULTURAL PRESERVE MATTERS

(For contents, see original resolution)

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423
Cameron
Oaks
Adult
Community
Communication received from Louis E. Gonzales, developer, Cameron Oaks Adult Community, requesting the Board approve removal of portion of Conditions 6 and 7 to the Tentative Map regarding the medical clinic construction. Planning Director submitted proposed changes to Conditions 6 and 7 as recommended by the Planning Commission.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present, the Board approved the following changes to Conditions 6 and 7 as recommended by the Planning Commission and contained in letter dated 7/28/75 from the Planning Director:
(continued)

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6. Subject to the first unit containing some of the recreational facilities and provision of an alternate facility consisting of the services of a physician in a room to be provided on the premises of the Cameron Oaks Adult Community, twice a week;
7. Subject to the medical clinic being provided at the time Unit No. 2 is finalized; and, that the Planning Commission, prior to finalization of the second unit, review and approve the proposed clinic site plan and architecture.

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282-2-75
Hearing was held on the Appeal of Otto Carstens, et al, on the decision of the Planning Commission to deny acceptance of Negative Declarations on 13 parcel maps in the Volcanoville Area and request that an Environmental Impact Report be submitted.

Letters were received from the following persons whose parcel maps were included in this action: Newt Hardman, Hazel Maier, Floyd F. Phelps, John Schlobohm, Ray and Marie Snider.

Letters in favor of the project were received from James E. and Pamela Bowen and James G. Clark.

Telephoned message in opposition was received from Mrs. Teresa Lengyel.

Copy of letter addressed to the Chairman and Members of the Board of Supervisors was submitted by Mr. Otto Carstens, relating background information on the properties, together with attached documents marked Exhibits A, B, B-2, C, D, E, F(1), F(2), F(3), G, H and I.

In his letter Mr. Carstens stated that the maps were submitted to the Planning Commission on February 13, 1975, and they were held over for a 45 day study. The parcel maps were then placed on the Planning Commission's Agenda of April 10, 1975, for review of negative declarations and the Commission's main concerns at that time were roads and fire protection, and that request was made that a representative of the property owners work with the Planning Department to resolve these matters. Mr. Carstens further stated that the parcel maps were then placed on the Planning Commission's Agenda of July 10, 1975, and at that time no new requirements were added, but the parcel maps were denied, and an Environmental Impact Report was requested on the basis that the group had not completely complied with the original requests of the Commission. He further stated the group is in the process of meeting all of the Planning Commission's original requests, and since they are not in violation of any ordinance they are appealing the decision of the Planning Commission.

Mr. Carstens was present and stated that this appeal was filed on behalf of the following property owners who had submitted parcel maps: Ray C. Snider, Otto H. Carstens, Gale W. Petty, John C. Schlobohm, Hazel Maier, Lafe C. Fain, Newton Hardman, Russell L. Potts, Joseph Rucker, Floyd F. Phelps, Alma F. Waggoner and Dean C. Learned.
(continued)

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272-275
The following persons were present and spoke in favor of acceptance of Negative Declarations: Otto Carstens, Ray Snider, N. F. Hardman, Hazel Maier, and representative speaking on behalf of Alma Waggoner.

Mr. William Fleck was present and spoke in opposition to the Appeal.

Mr. Charles Smay, District Ranger, U. S. Forest Service, Georgetown, was present and answered questions relating to access roads and regulations on reduction of fire hazard around buildings.

In answer to a question, the Deputy County Counsel advised that Negative Declarations could be approved if solutions could be proposed at this time that would mitigate significant environmental impact.

After discussion was held, the public hearing was closed.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present, the following action was taken:

Resolution No. 313-75 was adopted overruling the decision of the Planning Commission which was to deny acceptance of Negative Declarations on subject parcel maps and to request that an Environmental Impact Report be submitted, and the Board voted to accept Negative Declarations for the parcel maps subject to conditions as listed below, and subject to review by the Planning Commission as to conformity with stated conditions, prior to recording of the final parcel maps:

1. Restore Kentucky Flat Road to be usable for private passenger vehicles with adequate signing. At the time of recording of the final parcel maps that proof be furnished of attempt to obtain right of way from Mr. Maurice Indursky, and if not acquired a continued effort will be maintained to do so. Assure right of way over the road between Volcanoville Road and Wentworth Springs Road to each subsequent purchaser.
2. Requirement of Tunnel Hill Road access.
3. Homeowner or Property Owner Association agrees to maintain Kentucky Flat and Tunnel Hill escape routes in usable condition for private passenger vehicles for fire season period as defined by the U. S. Forest Service.
4. Requirement to annex to Georgetown Fire Protection District.
5. Requirement to annex to the Georgetown Divide Public Utility District and request water service, or assure that water can be located on each parcel by licensed well driller or registered geologist.
6. Deed Restriction to require removal of dead woody material and undergrowth as outlined by Charles Smay, District Ranger U. S. Forest Service, Georgetown, listed as follows:

(continued)

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382-2-75
(a) Any structure placed on the parcel that would require clearance as defined in Section 4291 of the Public Resource Code (copy attached hereto as Page 344a) shall be located at least 100 feet from the property line; or will contain easement on adjacent lots to permit fuel modification for the 100 foot distance.

7. Adequate right of way for public services be provided to each parcel, dedicated to public use, and clearly marked at each entrance and intersection that they are not County maintained.

RESOLUTION NO. 313-75

OVERRULING THE DECISION OF THE PLANNING COMMISSION
AND ACCEPTING NEGATIVE DECLARATIONS ON PARCEL MAPS OF O. CARSTENS ETAL
VOLCANOVILLE AREA

(For contents, see original resolution)

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2780
Proper notices having been sent, hearings were held on the following Assessment Roll Changes for Escaped Assessments:

Brian P. Whitlock, No. 5416; Benny Jack Thomas No. 3849;

No protests were presented, and the hearings were closed. On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, the Board approved the Assessment Roll Changes as presented.

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282-1-75
On June 17, 1975, the Board of Supervisors considered the appeal of James Shiery and Everett Lee on the denial of the Planning Commission for a Special Use Permit to allow furniture manufacturing in an existing building located one mile west of Oak Hill Road on the north side of Pleasant Valley Road in the Placerville Area.

The vote on the motion to deny the appeal was 2-2 therefore under Section 9450, County Ordinance Code, failure of the Board to determine the appeal within 30 days, except as provided shall constitute the sustaining of the Planning Commission's action, thereto, which was to deny the Special Use Permit.

Prior to the above-mentioned 30 day period Mr. Shiery and Mr. Lee submitted petitions in favor of the proposed business, containing 236 signatures and requested that the Board set a re-hearing on their appeal.

(continued)

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§ 4291. Firebreaks; trimming of trees; chimney screens; variance or exemption by regulations of state forester

Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush-covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

(a) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This subdivision does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

(b) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the State Forester if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

(c) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.

(d) Maintain any tree adjacent to or overhanging any building free of dead or dying wood.

(e) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.

(f) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than one-half inch in size.

(g) The State Forester may adopt regulations exempting structures with exteriors constructed entirely of nonflammable materials, or conditioned upon the contents and composition of same, he may vary the requirements respecting the removing or clearing away of flammable vegetation or other combustible growth with respect to the area surrounding said structures.

No such exemption or variance shall apply unless and until the occupant thereof, or if there be no occupant, then the owner thereof, files with the State Forester, in such form as the State Forester shall prescribe, a written consent to the inspection of the interior and contents of such structure to ascertain whether the provisions hereof and the regulations adopted hereunder are complied with at all times.

(Added by Stats.1965, c. 1144, p. 2833, § 5.6. Amended by Stats.1969, c. 638, p. 1356, § 1.)

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Supervisor Walker advised that he had requested Messrs. Shiery and Lee to contact some of the people who had signed the petition opposing their operation, which was presented at the June 17, 1975 hearing, and have them sign a petition indicating they were no longer in opposition, and after research he did not find signatures on Shiery/Lee petition that were on the petition of opposition, further that of the names on the petition submitted this date, 94 could not be located by checking through the Assessor's records and many signatures were of people who did not live in the immediate area.

After discussion was held, the motion of Supervisor Walker to deny the request for a re-hearing was seconded by Supervisor Johnson, and unanimously carried by those present.

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At the recommendation of the County Counsel, on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present, the County Counsel was authorized to allow a one week extension, to August 8, 1975, on the writ of mandamus compelling the Governor to make an appointment to fill vacancy in Supervisorial District IV.

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There being no further business, the Board adjourned to Tuesday, August 5, 1975, at 10:00 a.m.

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APPROVED: W. P. Walker
W. P. Walker, Chairman

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

By: Connie A. Peterson
Deputy