

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES August 10, 1976

The Board convened in regular meeting. Present: Supervisors Franklin K. Lane, William V. D. Johnson, W. P. Walker, Lloyd R. Kutter, and Thomas L. Stewart. Also present: Ann R. Macy, Board of Supervisors Clerk. Chairman Lane presided.

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12-7
The Invocation was offered by Reverend Read 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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The Agenda was adopted on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried.

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The New Business Agenda was adopted, with one addition, on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried.

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The Minutes of August 3, 1976, were not completed, and on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, their approval was continued to August 17, 1976.

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GENERAL ORDERS

28
80-1
On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, Warrant Register Claims and Claims submitted by the Community Action Council were approved and allowed for payment.

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115
298-1
On motion of Supervisor Walker, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Lane, Walker, Kutter, and Stewart; Abstain: Supervisor Johnson, the Board waived the Salary Ordinance rules and authorized the appointment of John A. Winner as Assistant Assessor at Step C.

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82-7
On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, the Board set August 24, 1976 at 8:30 a.m. to hear three Department Heads regarding their salary requests.

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(Continued)

August 10, 1976

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115
The Board informally set up a screening committee consisting of Howard Lindgren, Alex Talmant, Art Cort, Richard Milbrodt, and John J. Fitzpatrick to screen 15 applicants for the position of Director of Airports, and to select the top five applicants for interview by the Board on the afternoon of August 16, 1976.

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116
176-1
Later in the day, the following personnel matters were acted upon: On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the Public Defender's Investigator's salary was authorized to be set at the same JCN 6490 as the Sheriff's Investigator's to be effective August 10, 1976.

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116
176-2
On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the Personnel Officer's letter commenting on the Employees Association letter of August 10, 1976, regarding Career Incentive Program viz-a-viz the Merit Step System, was placed on file.

* * * *

The Board then considered a correction to the Career Incentive Program procedure shown as Exhibit "A" to the Salary Increase Schedule which was adopted by the Board on July 13, 1976; said correction to reflect that . . . "each pay range shall consist of three pay grades, the same as Step 1, 3, and 5 of the current Merit Step System".

The motion of Supervisor Lane, seconded by Supervisor Stewart, to amend the Exhibit "A", as presented, to reflect the corresponding letters, i.e. A, C, and E in lieu of the numbers, i.e. 1, 3, and 5 as referred to in each paragraph explaining the Career Incentive Program, as well as other minor clarifying changes, was not carried by reason of the following vote: Ayes: Supervisors Lane and Stewart; Noes: Supervisors Johnson, Walker, and Kutter.

116
176-3
Supervisor Lane then moved, in reference to Exhibit "A", that the Board's position be clarified in that the implementation of the Career Incentive Program was to utilize the three steps, 1, 3, and 5 of the present Merit Step System. Supervisor Johnson seconded the motion and it was carried by the following vote: Ayes: Supervisors Lane, Johnson, Walker, and Stewart; No: Supervisor Kutter.

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116
176-4
Dillingham Development Company submitted Claim for damages in excess of 8 million dollars due to restrictions imposed on their property at Tahoe Keys by the California Tahoe Regional Planning Agency's Land Use Ordinance. County Counsel recommended denial.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the Claim was denied based upon the same reasons the Board denied the Claims and lawsuits filed against the County and the Tahoe Regional Planning Agency, as follows: That the County cannot be responsible for acts of the appointed governing body of the California Tahoe Regional Planning Agency; that the County did file a lawsuit in an attempt to declare the Agency unconstitutional on behalf of the people who have been damaged by the unconstitutional taking of their property by California Tahoe Regional Planning Agency's ordinances, rules and

(Continued)

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regulations; and that El Dorado County has not adopted any of the Agency's rules, regulations and ordinances.

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(288) Department of Public Works, Right of Way Division, submitted a letter requesting the Chairman be authorized to sign Agreement on Acquisition of Easement for Drainage Purposes from Dorado Estates for the Meder Road Project.

On motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried, the Chairman was authorized to sign as requested.

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(291) Director of Public Works submitted for the Chairman's signature, Right of Way Certification for the Meder Road Project.

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

RESOLUTION NO. 204-76

AUTHORIZING CHAIRMAN TO SIGN RIGHT OF WAY CERTIFICATION
(Meder Road Project)

(For contents, see original resolution)

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1123
Cameron
Park
North
Director of Public Works submitted a letter stating that construction of underground electric and telephone facilities in Cameron Park North Unit No. 7 has been completed, and recommending release of Performance Bond in the amount of \$35,749.00.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the Performance Bond was released as requested.

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227 Director of Health Services submitted a letter requesting the Chairman be authorized to sign an Agreement with Alpine County for outpatient mental health services for residents of Alpine County, for maximum amount of \$5,040.00.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the Chairman was authorized to sign the Agreement with Alpine County.

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22-1 Director of Health Services submitted a letter requesting the official removal of Exhibit A(b) from the previously signed swine flu program contract, which exempted the County from liability for damages arising out of the administration of the vaccine. He stated that the new law AB 1135
(Continued)

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automatically exempts public entities from liability.

On motion of Supervisor Lane, seconded by Supervisor Stewart, and unanimously carried, the Director of Health Services was requested to advise the State that this County agrees with the Program, and inquire what possible harm could be derived by leaving Exhibit A(b) attached since AB 1135 already indemnifies the counties from liability.

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50-4a
Administrator, County Mental Health and Substance Abuse Programs, submitted a letter requesting review of the State Office on Alcoholism Guidelines pertaining to the membership of the Alcoholism Advisory Board.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Board authorized a letter be sent to the State Health and Welfare Agency, Office of Alcoholism, apprising them that this County has studied the Conflict of Interest codes and rules pertaining to Advisory Board membership, and it is this County's belief that we do not have any conflict of interest in this regard.

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(50-4)
20-4
Acting Director of Health Services submitted a letter requesting a solution to the manpower and funding deficit, created by Federal funding reductions, at the Sierra Council on Alcoholism at South Lake Tahoe.

The motion of Supervisor Kutter, seconded by Supervisor Stewart, to authorize the Manpower Director to provide a CETA I position to the Sierra Council on Alcoholism, to be supplanted by a CETA II position when available, and authorizing the new monies from the State (\$11,980.00) to be allocated equally to each County Alcoholism Council, and that the County's matching share of \$1,198 (and possibly up to a maximum of \$4500.00) is to be taken from the Contingency Fund, was not carried by reason of the following vote: Ayes: Supervisors Lane, Kutter, and Stewart; Noes: Supervisors Johnson and Walker. (Removing funds from Contingency Fund requires a 4-5 vote).

Supervisor Johnson stated that he would move the same motion excepting that the funds be taken from the Health Department's budget, rather than the Contingency Fund. Supervisor Walker seconded the motion and it was unanimously carried.

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(32-7)
30-4
On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the Board authorized the Chairman to sign an Addendum to existing Agreements with El Dorado and Sierra Councils on Alcoholism which allows advance monthly payments in order to facilitate "cash flow" and eliminate untimely delays in payment for services.

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50.7 Director, Community Programs, submitted a letter requesting the Chairman be authorized to sign a grant proposal for the operation of the Community Food and Nutrition Program in the amount of \$26,565.00, for the period October 1, 1976, through September 30, 1977.

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, the Chairman was authorized to sign.

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55.6
M.C.
9/15/76
12 On motion of Supervisor Johnson, seconded by Supervisor Kutter, and unanimously carried, the Chairman was authorized to sign closeout documents for Title I Program, Reg. No. 7500-5843, Adult Program for Fiscal Year 1975-76, as requested by the Director, County Training Programs.

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229 County Surveyor submitted a letter requesting the Chairman be authorized to sign a revised contract with Homer Banks, Licensed Land Surveyor, in charge of the CETA Re-monumentation Program for the County, decreasing the monthly amount from \$1,150.00 to \$600.00, due to monthly decrease in time.

On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Chairman was authorized to sign the revised Agreement.

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241.24 Director of Public Works submitted results of bid opening held August 5, 1976, for Asphalt Concrete Overlay of portions of Mt. Aukum Road and Cold Springs Road; bids having been received from Teichert Construction, Sacramento; Granite Construction Company, Watsonville; H-B Investment, Inc., Sacramento; Claude C. Wood Co., Lodi; and South Tahoe Construction, Stateline, Nevada.

At the recommendation of the Director of Public Works, on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the contract was awarded to low bidder, Teichert Construction, Sacramento, for the total bid of \$143,400.00.

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123.11 An election having been called and conducted, with a majority of votes cast being in favor of the formation of the Sierra Oaks Community Services District for the purposes of opening, widening, extending, straightening, and surfacing in whole or in part any street in said District in El Dorado County, the Board, on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, adopted the following resolution:

RESOLUTION NO. 198-76

DECLARING THE SIERRA OAKS COMMUNITY SERVICES DISTRICT
DULY ORGANIZED FOR ROAD PURPOSES

(For contents, see original resolution)

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

191-13
RESOLUTION NO. 199-76

AUTHORIZING AN ACTION FOR THE RECOVERY OF WELFARE FUNDS PAID OUT
(Lemos - LaTella)

(For contents, see original resolution)

* * * *

RESOLUTION NO. 200-76

AUTHORIZING AN ACTION FOR THE RECOVERY OF
COUNTY AMBULANCE FUNDS PAID OUT

(For contents, see original resolution)

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230
On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the following resolution was adopted:

RESOLUTION NO. 201-76

DISCHARGING UNPAID COUNTY HOSPITAL ACCOUNTS

(For contents, see original resolution)

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(23)
325
U.S. Department of Housing and Urban Development, Region IX, submitted a letter requesting comments on a proposal for housing assistance to be provided by the California State Housing Finance Agency (Project No. CA39-H113-013) in the South Lake Tahoe area.

On motion of Supervisor Lane, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Lane, Walker, Kutter, and Stewart; Abstain: Supervisor Johnson, the Board declared their intent to make "no comment", and directed that the proposal be forwarded to the City of South Lake Tahoe.

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82-70
On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Board placed on file the letter from the State Fair Political Practices Commission enclosing and approving a resolution adopted by this Board on June 12, 1976, which adopted the Conflict of Interest Code of the Board of Supervisors of El Dorado County, pursuant to the Political Reform Act of 1974.

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22-13 Golden Empire Health Systems Agency submitted a letter requesting El Dorado County's 1976-77 Fiscal Year contribution of \$1,142.00 for support of said Agency.

On motion of Supervisor Johnson, seconded by Supervisor Kutter, and unanimously carried, the request was approved, provided it is a budgeted item.

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73 Tahoe Resource Conservation District submitted their 1975 Annual Report and 1976 Work Program.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the the Report and Work Program were placed on file.

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(45)
896-7 Board considered a Rafting Prohibition Ordinance relating to the use of the waterways on the South Fork of the American River from Chili Bar Dam downstream to Salmon Falls. (Ordinance introduced and read on 7/27/76)

Mr. Jan Stevens of the Attorney General's Office was present and stated that his Office desired to issue an opinion, but the matter came before the Court before they could do so. Attorney John Wagaman was also present and countered some of the remarks made by Mr. Stevens. Also present and opposed to the ordinance -- Mr. Don Favor owner of 43 acres along the River and owner of a rafting company; Bob Harvey; Steve Pokerjack; Bill Center, American River Touring Assn.; and Mary Rivers who questioned the cost of enforcement.

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

ORDINANCE NO. 1675

REGULATING THE USE OF WATERWAYS ON THE AMERICAN RIVER FROM CHILI BAR DAM TO SALMON FALLS

(For contents, see original ordinance)

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285- On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, hearings were set for August 17, 1976, at 2:00 p.m. to consider the rezoning of lands in the following areas; the enabling ordinances having been introduced and the reading thereof waived:

<u>Area</u>	<u>Petitioner</u>	<u>From</u>	<u>To</u>	<u># of Acres</u>
41-76 Gold Hill	Richard J. Wilkinson	A	R3A	35
42-76 Cameron Park	Robert L. Cameron for Highlands Unit No. 2	A	R1	1.586
43-76 Indian Creek	Melvin S. Vukovich	A	RE	20.331

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282-7-76
Hearing having been continued from July 13, 1976, on the Appeal filed on behalf of Sam Gordon on the Planning Commission's denial of a Special Use Permit to place more and larger signs than allowed by County Ordinance on the south side of Highway 50, west of Cameron Park Drive, and the Attorney for the Appellant having been present and stating Mr. Gordon's request for more time to provide more detailed data relating to the Appeal, the Board, on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, continued the Hearing to September 7, 1976, as requested.

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(285-9-76)
340
370-9
Hearing was held as duly advertised to consider regulations for TC, Transportation Corridor Districts for the purpose of protecting and preserving the established and proposed transportation corridors within El Dorado County.

Mr. George Corry, Attorney for the State Department of Transportation, was present and opposed the ordinance.

There were no other protests and the Hearing was closed.

On motion of Supervisor Stewart, seconded by Supervisor Johnson, and carried by the following vote: Ayes: Supervisors Lane, Johnson, Walker, and Stewart; No: Supervisor Kutter, the following ordinance was adopted:

ORDINANCE NO. 1676

RELATING TO REGULATIONS FOR TRANSPORTATION CORRIDOR DISTRICTS (ZONING)

(For contents, see original ordinance)

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61-7
Resolution of Intention No. 172-76 having been adopted to establish a County Service Area for the provision of extended Ambulance Services on the Western Slope of El Dorado County, and a hearing having been held by the Board of Supervisors thereon on this date, with no protests having been received, the Board, on motion of Supervisor Johnson, seconded by Supervisor Kutter, and unanimously carried, adopted the following resolution, with one change that the maximum tax rate be set at 15¢ per \$100.00 assessed valuation, rather than 30¢:

RESOLUTION NO. 202-76

RESOLUTION CONSOLIDATING ELECTION TO ESTABLISH COUNTY SERVICE AREA FOR AMBULANCE SERVICE WITH THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 1976

(For contents, see original resolution)

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252
8-76
Hearing was continued from July 13, 1976, on the Appeal filed by Gordon Firestone on the Planning Commission's denial of a Special Use Permit for
(Continued)

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a 90-space Mobilehome Park, putting greens, and recreation hall on the south side of Mother Lode Drive, El Dorado Wye area.

The Planning Commission had recommended denial, without prejudice, for the following reasons: (1) The Environmental Health Department mandated that the project connect to a public sewer disposal system; (2) El Dorado Irrigation District letter of 5/20/76 advised County Sanitation District No. 2 to Deer Creek to be completed early Spring, 1978. The Planning Commission felt that approximately 24 months allowed for too many contingencies and possible unforeseen circumstances to allow the proposal to go ahead on such a nebulous time schedule; and (3) The Commission did not feel that the zoning or special use was improper, rather that it was premature in light of the uncommitted and unconstructed status of the sewer line which is an absolute necessity for the completion of the project.

Mr. Firestone was present and stated that the State advised him that they would know in approximately two weeks regarding the sewer.

There were no other protests (than those submitted on July 13, 1976), and the Hearing was closed.

On motion of Supervisor Stewart, seconded by Supervisor Kutter, and unanimously carried, the Planning Commission's decision was upheld, and the Appeal was denied, without prejudice.

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Proper notices having been sent, hearings were held on escaped assessments as listed below:

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| a. A. W. Langill, Jr., No. 5842 | j. Maseeb M. Malouf, No. 5822 |
| b. Maxwell V. Gates, No. 6690 | k. Donald W. Jacobs, No. 5821 |
| c. Richard D. Sullivan, No. 6687 | l. Don I. Phillips, No. 5828 |
| d. Bill Hazelwood, No. 6691 | m. Charles W. Brown, No. 5824 |
| e. Clarence L. Dilts, No. 6688 | n. Michael Christensen, No. 5826 |
| f. Marie M. Voegel, Nos. 5829 and 5830 | o. Donald Wagerman, No. 5835 |
| g. Paul H. Michel, No. 5827 | p. Richard E. Richmond, No. 5846 |
| h. Elizabeth Becker, No. 5825 | q. Bill McConnell, No. 6679 |
| i. Robert I. Reynolds, No. 5823 | |

Mr. Michael Christensen (No. 5826) was present and objected to the cancellation of his Homeowner's Exemption. There were no other protests, and the Hearings were closed.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the assessment roll changes were approved as submitted, with the exception of No. 5826 for Michael Christensen which was continued to August 17, 1976. (No. 5826 Assessment Roll Change, was resolved in favor of Mr. Christensen, and a letter was received from the Assessor's Office requesting that the Escaped Assessment Hearing scheduled for the August 17, 1976, Agenda be cancelled.)

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SPECIAL DISTRICTS

COUNTY SANITATION DISTRICT NO. 2

Board adjourned as a Board of Supervisors, to convene as a Board of Directors of County Sanitation District No. 2.

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On motion of Director Johnson, seconded by Director Walker, and unanimously carried, the following resolution was adopted setting a public hearing on the request of William Orava for annexation of 23.549 acres in the El Dorado area for domestic sewer services:

RESOLUTION OF INTENTION NO. 203-76

INITIATING ANNEXATION PROCEEDINGS FOR ANNEXATION OF
TERRITORY TO COUNTY SANITATION DISTRICT NO. 2,
AND SETTING HEARING FOR SEPTEMBER 7, 1976, AT 2:30 P.M.

(For contents, see original resolution)

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Board adjourned as Board of Directors of County Sanitation District No. 2, and reconvened as the Board of Supervisors.

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The Board considered a Petition containing 46 signatures of property owners in the Camino Heights Unit No. 1 requesting that the Chief Building Inspector be requested not to issue building permits or approve final inspection of any structure in said subdivision which does not comply with the Declaration of Tract Restrictions for same.

After consideration, on motion of Supervisor Lane, seconded by Supervisor Stewart, and unanimously carried, the Board requested County Counsel and the Chief Building Inspector to draft an ordinance for consideration by the Board on August 24, 1976, requiring that an applicant for a building permit to either clear through a screening or architectural control committee, or to sign a statement that the plans do not violate any deed restrictions.

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On motion of Supervisor Johnson, seconded by Supervisor Lane, and unanimously carried, the Board directed that letters be sent to each U.S. Senator requesting their support of HR 9719 and S3468 regarding payments in lieu of taxes on Federal lands.

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On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Board directed a letter to the State Senate Finance Committee reconfirming their position on the Tahoe Regional Planning Agency reorganization pertaining to AB 4160 as follows: That the TRPA membership structure be changed to require a dual majority vote of each State for approval, and that upon amendment of said Compact that the California Tahoe Regional Planning Agency (CTRPA) be dissolved and all its plans, rules and regulations, and ordinances be rescinded.

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Supervisor Johnson left the room

526
On motion of Supervisor Lane, seconded by Supervisor Stewart, and unanimously carried by those present, the Chairman was authorized to sign a letter of opposition to AB 3121, which said bill would revise the State Juvenile Court Law to include the provision for holding certain minors in County Jail.

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547
On motion of Supervisor Walker, 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 as recorded in the Official Records of El Dorado County as follows:

<u>Name</u>	<u>Volume and Page</u>	
LaVenia M. Gamble	1357	454
Eugene Gamble	1357	455
LaVenia M. Gamble	1128	37
Bruce Petke	1325	373
Viola F. and George W. Taylor	990	293
John Brent Tannehill	1396	326
Dorothy L. and William M. Provance	837	320
Dorothy L. & William M. Provance	655	252
Dan W. Wooton	1324	255
William Jewett	1074	455
Lynell Timmons	1068	723
Jamie Turk	1312	168
Mary Ann Colley aka Mary Colley	1128	36

Supervisor Johnson returned

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548
On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, Assessment Roll Change Nos. 5843; 5848; and 5849 were approved.

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549
On motion of Supervisor Lane, seconded by Supervisor Walker, and unanimously carried, the following Budget and Fund Transfers were approved:

Fund Transfer No. 1 advancing from the Treasury \$25,000.00 for County Library, and \$25,000.00 for Pollock Pines Fire Protection District as loans until tax money is available.

Budget Transfer No. 2 for Mental Health Department: Decreasing Office Expense (92-2170) and increasing Taxes and Assessments (92-4340) in the amount of \$491.55 to cover personal property taxes on leases through All Car Leasing Service Co.

Fund Transfer No. 3 advancing from the Treasury to Schools \$1,456,000.00 until tax money is available

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250
On motion of Supervisor Walker, seconded by Supervisor Lane, and carried by the following vote: Ayes: Supervisors Lane, Johnson, Walker, and Kutter; Abstain: Supervisor Stewart, the County Health Officer and the Assistant to the Board were authorized to implement the criteria developed by them, and directed that they pursue the possibility of contracting with a qualified agency to achieve the goals outlined for a general medical clinic in the County Hospital, with funding for the physicians guaranteed for a 12-month period. (rather than the 18-month period as suggested in their report).

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7/11/76
On motion of Supervisor Lane, seconded by Supervisor Kutter, and unanimously carried, the Chairman was authorized to sign a letter supporting the Petition filed by Paul Gregg and David Evans with the Federal Communications Commission in Washington, D. C. requesting the assignment of an FM channel to Placerville.

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The meeting was continued to August 11, 1976, at 9:00 a.m.

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

APPROVED: 
Chairman

By: 
Deputy