

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES May 24, 1977

The Board convened in regular meeting. Present: Supervisors Arliene Todd, Lloyd R. Kutter, and Thomas L. Stewart. Absent: Supervisors W. P. Walker and William V. D. Johnson. Ann R. Macy, Board of Supervisors Clerk, was also present. First Vice Chairman Stewart presided in Chairman Johnson's absence.

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The Invocation was offered by Reverend Victor Blakemore, Community Baptist Church.

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The Pledge of Allegiance to the Flag was led by Amelia McAnnally, County Auditor/Controller.

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The Minutes of May 17, 1977, were approved as submitted, on motion of Supervisor Kutter, seconded by Supervisor Todd, and unanimously carried by those present.

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On motion of Supervisor Kutter, seconded by Supervisor Stewart, and unanimously carried by those present, the following "Consent Calendar" matters were considered and acted upon as follows:

Warrant Register Claims for El Dorado County, and Community Action Council Claims, were approved and allowed for payment.

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Budget Transfer were approved as follows:

Budget Transfer No. 131 for the Assessor's Department in the amount of \$490.00 to purchase fixed assets: Drafting head arm and two drafting chairs.
Budget Transfer No. 132 - Placerville Justice Court in the amount of \$2,729 for purchase of four IBM Selectric II's without self-correct feature.
Budget Transfer No. 137 - Building & Grounds (Public Works) in the amount of \$275.00 for purchase of a Clark Nap-Sac Vacuum for new County office buildings

Budget Transfer No. 138 - Public Defender in the amount of \$1,000.00 for Transportation & Travel to end of fiscal year.

Budget Transfer No. 139 - Environmental Health Department in the amount of \$1,035.00 needed for remainder of fiscal year.

Budget Transfer No. 140 - Recreation Department in the amount of \$125.10 for scraper rental for Bayley House to prevent fire danger.

Budget Transfer No. 141 - Health Department in the amount of \$2,466.00 needed for remainder of fiscal year.

Budget Transfer No. 142 - Animal Control in the amount of \$1,489.00 to cover requirements for balance of fiscal year.

Budget Transfer No. 143 - Child Health-Disability Prevention in the amount of \$165.00 for balance of fiscal year.

(Continued)

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Budget Transfer No. 144 - Health Family Planning in the amount of \$473.00 to cover estimated requirements for balance of fiscal year.

Budget Transfer No. 145 - Health Training Program in the amount of \$72.00 as needed for remainder of fiscal year.

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287
Chairman was authorized to execute Releases of Lien discharging all property encumbered by the Agreements to Reimburse the County for Public Assistance as recorded in the Official Records of El Dorado County as follows:

<u>Name</u>	<u>Volume and Page</u>	
Weston Lyons	1256	199
Nathaneal Worth and Mary Worth	814	229

* * * *

Board denied the Claim submitted by Attorney Carl Till on behalf of Marton Mitchem, a minor, in the amount of \$300,000.00 for personal injuries, as recommended by County Counsel.

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At the request of the Purchasing Agent, the Board approved the specifications and authorized advertising for bid opening on June 6, 1977, with award by the Board on June 14, 1977, for the following:

21-7)
207
Bid No. 867 - Walk-in Freezer for Senior Nutrition Program

Bid No. 872 - Alterations to Senior Nutrition Kitchen

and for bid opening June 13, 1977, with award by Board on June 28, 1977, for:

21-7)
1079
110
47
Bid No. 868 - Fencing, Gates and Posts for South Lake Tahoe Airport

Bid No. 869 - Secured Tax Statement and Tax Payment Card for Tax Collector

Bid No. 870 - Asphalt Mix for Public Works

Bid No. 871 - Pressure Treated Wood for Public Works

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21-80
At the recommendation of the Airports Director, on motion of Supervisor Kutter, seconded by Supervisor Todd, and unanimously carried by those present, the Chairman was authorized to sign Advertising Space Lease with the Sierra House Inn for advertising space in the Lake Tahoe Airport Terminal Building at an annual rental of \$810.00.

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21-9
Airports Director submitted letter requesting that the Chairman be authorized to sign an Addendum to the Lease with APCOA, Inc. for removal of parking meters at the Lake Tahoe Airport, and requesting approval of the revised parking plan for the Lake Tahoe Airport.

On motion of Supervisor Kutter, seconded by Supervisor Todd, and unanimously carried by those present, the Board set a Policy Review Session on the matter for June 8, 1977, at 3:00 p.m.

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Director of Public Works submitted letter requesting the Chairman be authorized to sign a Petition to the California Department of Transportation requesting approval of the Annual Revision of County Maintained Mileage for 1977: total revised mileage being 1,052.45 miles.

On motion of Supervisor Kutter, seconded by Supervisor Todd, and unanimously carried by those present, the Chairman was authorized to sign the Petition, and RESOLUTION NO. 120-77 was adopted approving mileage as shown on Exhibits "A" and "B".

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Department of Public Works, Right-of-Way Division, submitted letter requesting the Chairman be authorized to sign Construction Agreement for County Road purposes with Adele C. and Robert D'Agostini for Mt. Aukum Road, wherein the County agrees to: Grade an unpaved agricultural access road approximately 12 feet wide x 500 feet long; allow owner to move agricultural equipment across paved portion of Mt. Aukum Road at Engineers Station 64+05 left, in a manner not to damage road; remove existing fencing between Station 55+00 and Station 57+00; pay \$390 in lieu of reconstruction of said fence; and pay \$275 for five walnut trees.

On motion of Supervisor Todd, seconded by Supervisor Kutter, and unanimously carried by those present, the Chairman was authorized to sign said Agreement.

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Director of Health Services submitted a letter requesting approval of the Alcoholism Plan and Preliminary Budget for Fiscal Year 1977-78.

On motion of Supervisor Kutter, seconded by Supervisor Todd, and unanimously carried by those present, RESOLUTION NO. 121-77 was adopted approving said Plan and Program Budget.

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Director, Community Programs, submitted a request of the County Commission on Aging that the Board recommend that the State Legislature consider appointing Frederick Duey as the County's representative to the State Commission on Aging.

On motion of Supervisor Todd, seconded by Supervisor Kutter, and unanimously carried by those present, the Board approved the request.

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Executive Director, Community Action Council, submitted a letter requesting the Chairman be authorized to sign Amendment No. 1, increasing salaries and allowable administrative costs, to the Contract that provides CETA funds to staff El Dorado County's Energy Conservation Program.

On motion of Supervisor Kutter, seconded by Supervisor Stewart, and unanimously carried by those present, the Chairman was authorized to sign, as requested.

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County Librarian submitted a letter requesting approval of an Amendment to the Reciprocal Borrowing Agreement extending the period of time of said Agreement indefinitely.

On motion of Supervisor Kutter, seconded by Supervisor Stewart, and unanimously carried by those present, the Chairman was authorized to sign the Amendment, and the County Librarian was requested to set a review date for every two years thereafter.

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Service Unit Supervisor submitted letter requesting authorization to sign a Maintenance Agreement with Bell and Howell Company to cover their microfilm reader-printer.

On motion of Supervisor Todd, seconded by Supervisor Kutter, and unanimously carried by those present, the Chairman was authorized to sign the Agreement.

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117
On motion of Supervisor Stewart, seconded by Supervisor Todd, and unanimously carried by those present, the draft Tree Trimming Policy for the Public Works Department was referred to Supervisor Kutter to be brought back at his discretion.

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(M1)
325
County Counsel submitted the necessary documents to enter the National Institute of Municipal Law Officers' lawsuit against Public Law 94-566 which makes unemployment insurance mandatory for local entities.

On motion of Supervisor Kutter, seconded by Supervisor Todd, and unanimously carried by those present, the Board authorized that the documents be forwarded to said National Institute, together with a check in the amount of \$5,000.00 payable to the NIMLO Federal Unemployment Compensation Tax Litigation Trust Fund to be placed in the Trust Fund for use for the expenses, legal fees, economists and other experts of the litigation attacking the constitutionality of the Federal Unemployment Compensation Amendments, Public Law No. 94-566 and Acts made applicable against States, Cities and Counties.

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(303)
325-1
Board considered a request for inspection of the section of the El Dorado Irrigation District ditch proposed for pipeline installation; and consideration of withholding the transfer of project funds until the public interest has been determined.

Numerous residents of the Pollock Pines area where the proposed pipeline is to be installed were present, together with their attorney Gorman Silem, who has filed a class action suit on behalf of the property owners on the properties abutting the canal wherein they claim the action of El Dorado Irrigation District is unlawful in that they have not filed an Environmental Impact Report.

(Continued)

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Those property owners who were present and spoke in opposition to the canal were: Bob Jackson, Mr. O'Connor; Gary Geisler; Jesse Poe; and Dave Wheldon.

Supervisor Kutter moved that the \$179,000 allocated to E.I.D. for drought projects be held in suspension until one of the following actions occur: (1) An E.I.R. is filed on the proposed pipeline project; (2) The Board of Supervisors inspects the proposed pipeline project and holds a public hearing; (3) E.I.D. develops a written public policy regarding future use and operation of the ditch proposed to be by-passed by the pipe, and such policy is mutually agreeable between the Board of Supervisors and E.I.D. Supervisor Stewart seconded the motion for discussion purposes, but it failed to carry by reason of the following vote: Aye: Supervisor Kutter; Noes: Supervisors Stewart and Todd; Absent: Supervisors Johnson and Walker.

Supervisor Todd then moved that a letter be directed to the El Dorado Irrigation District Board of Directors requesting that they contact those affected citizens in the Pollock Pines area and make every effort to resolve their concerns. Supervisor Kutter seconded the motion, and it was unanimously carried by those present.

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Supervisor Kutter moved that the Board firmly commit the first \$11,000.00 received from Anti-Recessionary Funds to the Child Care Centers for expenses incurred during the 1976-77 budget year; however, the motion failed for a lack of a second.

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County Counsel submitted the suggestion of the Placer County Counsel contained in a letter dated May 9, 1977, that El Dorado County agree to pay half the cost of the study for the annexation of an area of El Dorado County to Placer County, provided that the 50% does not exceed \$12,500.00 for the study in the event the annexation is not completed.

On motion of Supervisor Stewart, seconded by Supervisor Todd, and unanimously carried by those present, the Board agreed to the request that El Dorado County pay half the cost, so long as it does not exceed \$12,500.00, and subject to the right of this County to audit the expenditures.

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County Counsel submitted comments on the Heritage Association's request for a determination of whether or not inactive parcel cards in the Assessor's Office are public information. (Continued from 5/10/77)

On motion of Supervisor Kutter, seconded by Supervisor Stewart, and unanimously carried by those present, County Counsel's comments to the effect that the County preserve the records at a specific location, and a custodian be designated, were referred to the Assistant to the Board to submit a proposal back to the Board.

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At the recommendation of the Purchasing Agent, on motion of Supervisor Kutter, seconded by Supervisor Todd, and unanimously carried by those present, the Board awarded bids to the low bidder for each of the following bids:

133-2
117-7
133-6
114-3
114-3
Bid No. 847 - Safety Equipment for the Sheriff's Office, to Cake/Davis Company, Berkeley, in the amount of \$817.64.

Bid No. 848 - Pathological Services for the Coroner, to the sole source bidder, Laboratory Medicine Consultants, Reno, Nevada, in the amount of \$36,000.00, and the Chairman was authorized to sign the Agreement.

Bid No. 851 - Slurry Seal Aggregate for Public Works Department, to H-B Investment Co., Sacramento, for \$7.07 per ton.

Bid No. 852 - Aggregate Chips for Public Works Department, to Teichert Aggregates, Sacramento, for \$5.15 per ton

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114-2
At the recommendation of the Drug Abuse Advisory Board, on motion of Supervisor Todd, seconded by Supervisor Kutter, and unanimously carried by those present, the Board removed Lewis Tuttle from the Drug Abuse Advisory Board since he had not attended a meeting since February 24, 1976, and Shirley Wells was appointed to fill the vacancy, and the Board Clerk was requested to send a Certificate of Appreciation to Mr. Tuttle.

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114-2
At the request of the Mental Health Advisory Board, on motion of Supervisor Kutter, seconded by Supervisor Todd, and unanimously carried by those present, Dr. Angela Curiale was removed from said Advisory Board inasmuch as she has not attended a meeting since August 19, 1976, and no longer resides in El Dorado County.

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114-38(1-2)
Communication was received from the City Engineer, City of Placerville, stating that street lights must be installed on the Government Center Access Road before the City will accept the street for maintenance.

On motion of Supervisor Stewart, seconded by Supervisor Kutter, and unanimously carried, the correspondence was placed on file.

(Director of Public Works advised the Board that this should not be considered under the contract that the County is presently getting ready to go to bid on at this time -- and further, the Board desired to wait until they had a full Board present to consider this latest request of the City.)

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114-3
The Blue Ribbon Commission which had been selected for the preparation of the proposed Tahoe County submitted the proposed Final Draft of a Charter for the Proposed County of Tahoe.

At the recommendation of the Assistant to the Board, on motion of Supervisor Stewart, seconded by Supervisor Kutter, and unanimously carried by those present, the Draft was acknowledged and placed on file,
(Continued)

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and the Clerk was instructed to send a letter commending the Commission for an outstanding job.

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Executive Director, Sonoma State Hospital, submitted a letter requesting that Mrs. Georgia Horn be nominated to serve on the State Hospital Advisory Board, and on motion of Supervisor Kutter, seconded by Supervisor Kutter, seconded by Supervisor Stewart and unanimously carried by those present, the request was approved.

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SPECIAL ORDERS

PLANNING MATTERS

Hearing was held as duly advertised on the rezoning of lands in the Salmon Falls area from Agricultural to Three Acre Single Family Residential zone, consisting of 28.41 acres, initiated by the Planning Commission on lands owned by Ralph LaRue, etux; John Hannan, etux; and Mrs. DeVries; and Edward Fletcher, etux.. Planning Commission recommended approval, and the Planning Director enumerated the following findings of the Commission:

1. The proposal is in conformance with the General Plan
2. The area is suitable for the density proposed; and,
3. Adequate services can be provided: Water - El Dorado Irrigation District; Sewage Disposal - Septic Tank; and, Fire Protection - California Division of Forestry.

There were no protests, and the Hearing was closed.

On motion of Supervisor Todd, seconded by Supervisor Kutter, and unanimously carried by those present, the Negative Declaration was approved, the Board concurred in the Planning Commission's findings; the rezoning was approved; and ORDINANCE NO. 1788 was adopted amending the El Dorado County Zoning Ordinance to rezone said lands accordingly.

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Hearing was held as duly advertised on the rezoning of lands in the Greenstone area from Agricultural to Estate Residential Five Acre zone consisting of 45 acres, petitioned by John H. Raymond, Terrance Farro, and Frank Bueno, etal. Planning Commission recommended approval, and the Planning Director enumerated the following findings of the Commission:

1. The existing General Plan designation calls for a higher density;
2. An Environmental Impact Report for the area has been reviewed and accepted; and,
3. Adequate services can be provided as follows: Water - El Dorado Irrigation District; Sewage Disposal - Septic Tanks; and, Fire Protection - El Dorado Fire Protection District.

There were no protests, and the Hearing was closed.

(Continued)

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On motion of Supervisor Todd, seconded by Supervisor Kutter, and unanimously carried by those present, the Board concurred in the Planning Commission's findings, the rezoning was approved; and ORDINANCE NO. 1789 was adopted amending the El Dorado County Zoning Ordinance to rezone said lands accordingly.

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46-080-69
A Petition was filed by Robert D'Agostini, son and Administrator of the Estate of John D'Agostini, to remove County Assessment Parcel No. 46-080-69 consisting of 127.147 acres in the name of John; Adele, Rosie, Robert and Lydia D'Agostini, from Agricultural Preserve No. 65; thereby cancelling 127.147 acres from the Preserve.

Planning Commission recommended approval by the Board of the request based upon the following reasons: (1) The parcel in question is not necessary for the continued production of food and fiber in the County; (2) The parcel has natural boundaries, severed by a road; (3) The cancellation would not be incompatible with the Williamson Act since the remaining portion of the land would be kept intact; and, (4) The Commission recognizes the need to pay inheritance taxes by the family due to the death of John D'Agostini as this would allow his son to carry on the primary agricultural operations; a turkey ranch and walnut orchard.

The Agricultural Commission recommended that the Petition be denied based upon their policy that the Commission views arbitrary cancellation of portions of preserves, or preserves, as contrary to the intent of the California Land Conservation Act, and that if this practice is continued, the entire Land Conservation Act as it applies to El Dorado County will be destroyed.

The County Assessor advised that the full cash value of the land would be \$70,000.00, and that the cancellation value of said land is \$17,500.00, and that the cancellation fee is 50% of this value, or \$8,750.00.

Notices having been sent to owners of other preserves within one mile, Hearing was held. Mr. Robert D'Agostini was present and explained the reason for his Petition for cancellation of a portion of the Preserve (as explained in item 4, 2nd paragraph of this matter, above). There were no oral protests, and the Hearing was closed.

Supervisor Stewart, seconded by Supervisor Todd, moved to allow the 127.147 acres to be removed from the Agricultural Preserve No. 65 based upon the following findings: (1) the portion to be cancelled is not necessary for the continued production of food and fiber; (2) Cancellation would not be incompatible with the Williamson Act as the remaining portion would be kept intact and continued in operation as a ranch: these factors altogether make it clear to affect cancellation. The motion failed to carry by reason of the following vote: Ayes: Supervisors Stewart and Todd; No: Supervisor Kutter; Absent: Supervisors Johnson and Walker.

The Chairman then directed that the matter be reagendaized for June 7, 1977, at 2:00 p.m. (when there will be at least four Board members present).

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(57)
57-9
37A-9
Hearing was held as duly advertised to consider a change to the Zoning Regulations for Exclusive Agricultural Districts to allow the use of one mobilehome for the property owner within the Agricultural Preserve, provided, however, that the location of the mobilehome shall be subject to the approval of the Zoning Administrator in the same manner and subject to the same review as applicable to approvals of the Zoning Administrator relating to special use permits.

There were no protests, and the Hearing was closed.

On motion of Supervisor Kutter, seconded by Supervisor Todd, and unanimously carried by those present, the Board approved the change to the Zoning Regulations, and ORDINANCE NO. 1790 Amending Regulations for Exclusive Agricultural Districts was adopted accordingly.

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382-5-77
Hearing was held as duly noticed to consider an Appeal filed by John and Helen Luts on Planning Commission's approval of a Special Use Permit for Peggy Posten to allow a tax office, as a home occupation, and including two employees in an Unclassified zone, consisting of .796 acre at the Oak Hill/Pleasant Valley Road intersection.

Mr. Rex Smith, the prospective buyer of Mrs. Posten's property, was present and stated that he was a licensed real estate broker, tax accountant, and notary public, and his wife was a real estate broker; that his wife was considered legally as an "employee" in her capacity as a real estate broker; and that the 2nd employee would be at the residence/office only when he and his wife were traveling.


A Petition containing 52 signatures of citizens in the Pleasant Valley area opposing the Planning Commission's decision, and recommending denial of the Special Use Permit to Peggy Posten, was received. Also, a letter from Mr. and Mrs. Dominic Calicura opposing the Special Use Permit was received.

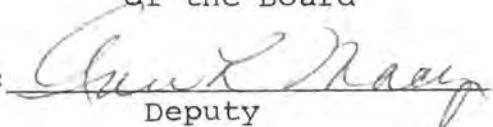
On motion of Supervisor Kutter, seconded by Supervisor Todd, and unanimously carried by those present, the Board upheld the Appeal and denied the Special Use Permit.

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There being no further business, the Board adjourned to Tuesday, May 31, 1977, at 10:00 a.m.

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

APPROVED: 
Chairman Pro Tem

By: 
Deputy