BOARD OF SUPERVISORS MINUTES November 22, 1977

The Board convened in regular meeting. Present: Supervisors Arliene Todd, William V. D. Johnson, W. P. Walker, Lloyd R. Kutter (who arrived late), and Thomas L. Stewart. Also present: Ann R. Macy, Board of Supervisors Clerk. Chairman Johnson presided.

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

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Mr. Ed Mathews, on behalf of Wells Fargo Bank, presented the County with a copy of the book "I Remember": Stories and pictures of El Dorado County pioneer families.

On motion of Supervisor Todd, seconded by Supervisor Walker, and unanimously carried by those present, the Agenda was adopted with one addition to add a Hearing to consider a cancellation request for a portion of Agricultural Preserve No. 5.

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The Minutes of November 14 and November 15, 1977, were approved as submitted, on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present.

#### GENERAL ORDERS

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

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

Budget Transfers were approved as follows: DECREASE INCREASE AMOUNT PURPOSE Budget Transfer No. 58 for Public Works Department To purchase a 92-2230 Spl. Dept. Expense 92-3370 Fixed Assets \$500.00 Grinder Kit Budget Transfer No. 57 for Mental Health Department 92-4180 Prof.&Spl. Serv. 92-4180 Prof. Serv. To complete 76-77 applicable to prior yrs. Contract No. 5065, \$2,083.11 Alcoholism Program Budget Transfer No. 56 for Mental Health Department To complete 1976-77 92-2189 Prof.Serv.applica- Cont. No. 5034, Mental 92-2180 Prof.& Spl. Serv. ble to prior years Health Program \$2,904.25 (Continued)

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Budget Transfer No. 55 - Sheriff-Coroner-Public Administrator

INCREASE

DECREASE

227121121

2-201 Sheriff 92-3370 Fixed Assets (Surplus) Purchase of investigative equipment (\$500.00)

PURPOSE

AMOUNT

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Claim submitted by Mrs. Susan Knutson, Tahoe Paradise, for damages to her car (oil splashed on car), was referred to County Counsel.

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The following bids, as a result of bid opening held November 14, 1977, were awarded as reflected below:

- Bid No. 919 Portable Radio for Sheriff's Department was awarded to the only acceptable bidder: Motorola, Inc., Sacramento, in the amount of \$1,225.95
- Bid No. 921 Roll Film Duplicator for the Service Unit, was awarded to the only bidder, GAF Corporation, South San Francisco, in the amount of \$6,990.70
- Bid No. 922 Roofing Material for County Service Area III, was awarded to low bidder, Wholesale Roofing & Drywall Supply, South Lake Tahoe, in the amount of \$1,817.37
- Bid No. 923 Localizer and D.M.E. Equipment for South Lake Tahoe Airport, was awarded to low bidder, Wilcox Electric, Inc., Kansas City, Mo., in the amount of \$89,798.00.

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On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Chairman was authorized to sign an Agreement with the County Chamber of Commerce wherein the County agrees to participate to the extent of \$47,800.00 for costs of publication of the book, "I Remember"; Stories and Pictures of El Dorado County Pioneer Families, and the Chamber agrees to publish, promote and sell the book and from the revenues generated to repay the County in said amount.

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On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board authorized the addition of a Deputy District Attorney II and a Legal Stenographer to the District Attorney's Department in the South Lake Tahoe Office, and RESOLUTION NO. 244-77 Amending the Authorized Personnel Resolution was adopted accordingly.

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County Clerk submitted the Canvass and Statement of Result of Election held November 8, 1977, for East China Hill Road Community Services District Formation and Tax Rate, and also for the Mosquito Fire Protection District Formation and Tax Rate, and requesting that appropriate resolutions be adopted declaring the districts duly organized, and authorizing the County Clerk to do all acts necessary to complete the formation of said districts.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Statements were placed in the Board's records, and <u>RESOLUTION NO. 245-77</u> was adopted <u>Declaring</u> East China Hill Community Corvices Distance of the statements were placed in East China Hill Community Services District duly organized, and Authorizing County Clerk to do all acts necessary to complete the formation of said District, and RESOLUTION NO. 246-77 was adopted Declaring the Mosquito Fire Protection District duly organized and naming the Board of Directors who were elected to serve said District.

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Airports Director submitted a letter requesting consideration of changes 21.800 to the Instantcall Space Lease as requested by the General Manager of Instantcall.

The motion of Supervisor Stewart, seconded by Supervisor Walker, to approve the changes proposed, excepting their request for an exclusive clause, was not carried by reason of the following vote: Ayes: Supervisor Stewart; Noes: Supervisors Walker, Todd, and Johnson; Absent: Supervisor Kutter.

On motion of Supervisor Johnson, seconded by Supervisor Todd, and carried by the following vote: Ayes: Supervisors Walker, Todd, and Johnson; No: Supervisor Stewart; Absent: Supervisor Kutter, the Board directed that the contract stand as was originally adopted on October 18, 1977.

Pitcevient (mil # 3 At the recommendation of the Department of Public Works, Right of Way Division, on motion of Supervisor Todd, seconded by Supervisor Walker, and unanimously carried by those present, the Chairman was authorized to sign a Certificate of Acceptance of Grant of Sewer Easement from Pacific States Development Corporation for Ridgeview Village No. 3 Subdivision, with no funds involved.

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At the recommendation of the Director of Public Works, on motion of Supervisor Walker, seconded by Supervisor Todd, and unanimously carried by those present, a parcel of land on Forni Road was declared surplus and authorization was granted to offer said land for sale, and that bidding procedure be waived and said parcel to be sold to Aubrey C. Renshaw and Viola M. Renshaw, as Joint Tenants, at a cost of \$930.00 inasmuch as it adjoins the Renshaw property and is too small to be sold as an individual parcel.

At the recommendation of the Welfare Director, on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Chairman was authorized to sign a contract with the State Department of Health designating the County as the licensing and approval agency for community care facilities within the County.

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On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the request of the Chief Building Inspector for direction on the implementation of Assembly Bill 1316 requiring review and inspection by the Building Department of new residential and nonresidential buildings for compliance with energy insulation standards, was continued to December 6, 1977, at 11:30 a.m.

#### Supervisor Kutter arrived

Assistant to the Board submitted letter recommending the following actions be taken regarding the Special Transportation System for the elderly and the handicapped:

The Chairman be authorized to sign a contract with Mother Lode Rehabilitation Enterprises for implementation and operation of said Program, for the period July 1, 1977 through November 30, 1977, and agree to apply for funds in the amount of \$6,126.63 from the Local Transportion Commission, including a County match in said amount; and

Consolidate the entire Program under the Director of Community Programs effective December 1, 1977, approve the budget and recommend to the Local Transportation Commission an allocation of \$29,426.00 to support the program from December 1, 1977, through June 30, 1978.

On motion of Supervisor Walker, seconded by Supervisor Todd, and unanimously carried, the Board agreed to the recommendations as submitted, and the Chairman was authorized to sign the contract with Mother Lode Rehabilitation Enterprises, after the addition to line 20 of the contract, to reflect that all revenues "up to \$6,126.63" would be returned to the County General Fund on a monthly basis. (See Budget Transfer No. 83)

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On motion of Supervisor Walker, seconded by Supervisor Todd, and unanimously carried, <u>RESOLUTION NO. 247-77</u> was adopted <u>Authorizing Closure of Pleasant</u> <u>Valley Road</u> in El Dorado from 10:00 a.m. to 5:00 p.m. on December 10, 1977, for the annual El Dorado Jackass Races.

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Mr. Ed Krowder was present representing the Sundown Ski Resort and advised the Board that he and his partners had just taken over the Resort; that they were located on Highway 88 near Carson Pass, 12 miles west of Kirkwood Meadows. He stated that they just completed 30 days of cat work removing stumps, etc. from the slopes, and that they were hopeful of opening up with their two lifts by mid-December. No action was required of the Board, and none was taken.

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Mr. Bob O'Hara, Chairman of the Placerville Airport Advisory Committee, (an ad hoc advisory committee to Airports Director) submitted a Petition signed by 67 persons recommending that the Board postpone for a period of six months any commitment to enter a contract with a Fixed Base Operator at the Placerville Airport inasmuch as a succession of fixed base operators have found it economically impossible to provide public services at the Placerville Airport. The Petition also recommended that during the six month's period that the County provide basic services at the Airport, and that a group of individuals who utilize the services investigate the various options available to the County for operations at the Airport and provide a report of their findings to the Board.

On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried, the Board declared their intent to take no action toward a contract for the Placerville Fixed Base Operation until the County receives further recommendation from the Placerville Airports Advisory Committee, for a period not to exceed six months, and authorized additional expenditures, if necessary, subject to Board approval.

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On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried, the Architect was requested to meet immediately with the Chairman of said Advisory Committee regarding the pilots' lounge site; due to the Committee's adverse comments on the location of the pilots' lounge.

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#### SPECIAL ORDERS

#### PLANNING MATTERS

Hearing was held to consider rezoning of lands in the Camino area from estate Residential Five Acre to Single Family One the Camino area from estate Residential Five Acre to Single Family One Acre Residential, consisting of 9.884 acres, petitioned by Joe F Commission Commission recommended approval and the Planning Director enumerated the following findings of the Commission.

- 1. The proposal is in conformance to the existing General Plan;
- 2. The proposal conforms to the proposed Camino/Fruitridge Area Plan;
- 3. The existing General Plan designation calls for a higher density (Medium Density Residential - 1 to 5 dwelling units/acre) than is proposed.
- Public water (E.I.D.) is available. 4. (Continued)

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There were no protests and the Hearing was closed.

On motion of Supervisor Todd, seconded by Supervisor Stewart, and unanimously carried, the Board concurred in the Planning Commission's findings; they found the land to be in conformity with the General Plan; the Negative Declaration was accepted, and the rezoning was approved and adopted by ORDINANCE NO. 1835 which amends the County Zoning Ordinance accordingly.

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Hearing was held as duly advertised on the rezoning of lands in the Diamond Springs area from Limited Multi-Family Residential to Commercial, consisting of .708 acre, petitioned by Thomas Snider, et al. Planning Commission recommended rezoning to Planned Commercial; the applicant having concurred with this recommendation, and the Planning Director enumerated the following findings of the Commission:

- The proposal is in conformance to the existing General Plan; 1.
- Public sewer (Sanitation District No. 2); piped water (E.I.D.); and 2. structural fire protection (Diamond Springs Fire Protection District) are available.

There were no protests and the Hearing was closed.

On motion of Supervisor Walker, seconded by Supervisor Todd, and unanimously carried, the Board concurred in the Planning Commission's findings; they found the land to be in conformity with the General Plan; the Negative Declaration was accepted, and the rezoning was approved and adopted by ORDINANCE NO. 1836 which amends the County Zoning Ordinance accordingly.

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Rescue area from Estate Residential Ten Acre to Estate Residential Five Acre, consisting of 72.66 acres, petitioned by Title Acre, consisting of 72.66 acres, petitioned by Richard Burkhart, et al. Planning Commission recommended approval, and the Planning Director enumerated the following findings of the Commission:

- The zoning proposal is in conformance to the Rescue Area Plan; 1.
- 2. Piped water (E.I.D.) and structural fire protection (Rescue Fire Department) are available.

There were no protests and the Hearing was closed.

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On motion of Supervisor Todd, seconded by Supervisor Kutter, and unanimously carried, the Board concurred with the Planning Commission's findings; the Negative Declaration was accepted, and the rezoning was approved and adopted by ORDINANCE NO. 1837 which amends the County Zoning Ordinance accordingly.

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Hearing was held as duly advertised to consider the establishment of Agricultural Preserve No. 223, and if approved, the attendant rezoning thereto, in the Camino area, Parcel No. 7-200-21, consisting of 25.26 acres, petitioned by Marvin W. Brigham. Favorable recommendations were received from Planning and Agricultural Commissions and the County Assessor; the Preserve having satisfied 4 of the 4 established criteria, and being found to be in conformance with the County General Plan.

There were no protests to the establishment of the Preserve, and the Hearing was continued to consider the resultant rezoning of said lands from Agricultural to Exclusive Agricultural, and there being no protests to the rezoning, the Chairman closed the hearing.

On motion of Supervisor Todd, seconded by Supervisor Walker, and unanimously carried, the Board concurred in the findings of the aforementioned Commissions, the Chairman was authorized to sign the Williamson Act Contract, and <u>RESOLUTION NO. 248-77</u> was adopted <u>Establishing</u> <u>Agricultural Preserve No. 223</u>, and <u>ORDINANCE NO. 1838</u> was adopted amending the El Dorado County Zoning Ordinance accordingly.

Proper notices having been posted, hearing was held on the proposal to change the name of Zee Drive to Hidden Bridge Road in Zee Estates Subdivision.

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On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, ORDER NO. 249-77 was adopted changing the street name of Zee Drive to Hidden Bridge Road; said Order No. 249-77 being attached hereto and incorporated herein as Page 477A.

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Planning Director submitted a letter requesting direction on the possibility of forming a Tri-County Special District with Amador, Alpine, and El Dorado Counties for fire protection at Kirkwood Meadows.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the Board instructed the Planning Director to continue pursuing the concept of forming a Tri-County Special District to care for the varying needs in the Kirkwood area.

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Hearing was held as duly noticed to consider a request of Richard S. Snider for cancellation of a portion (40 acres) of his Agricultural Preserve No. 5: the entire Preserve comprises 175 acres M/L. The Agricultural Commission recommended denial based upon their conclusion that the request would tend to further weaken the agricultural exclusive zoning in the County. The Planning Commission recommended approval of the request, and the Planning Director enumerated the following findings (Continued)

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of the Commission:

- The parcel in question is no longer needed for the production of food and fiber in the County;
- Removal of the parcel would not result in premature urbanization of the area;
- 3. Removing the parcel will not alter the balance of the Preserve.

The County Assessor certified the full cash value of the parcel to be in the amount of \$52,000.00, and that the cancellation valuation of said land to be \$13,000.00, with the cancellation fee being 50% of this value, or \$6,500.00.

Mr. Warren Snider was present and stated that the 40 acres which he desires to have cancelled from the Preserve is at the extreme south end of the 178 acres and is approximately one mile from the house, and that due to vandalism and fence cutting by motor bike riders, it is impossible to pasture his registered breeding stock of Hereford cattle on this parcel. He further stated that without the burden of this 40-acre piece of property and with the revenue derived from its sale, it is his intent to improve the rest of the property.

There were no protestors present, and the Hearing was closed.

On motion of Supervisor Walker, seconded by Supervisor Todd, and carried by the following vote: Ayes: Supervisors Stewart, Kutter, Walker, and Todd; No: Supervisor Johnson, the Board upheld the recommendation of the Planning Commission to approve the cancellation based upon their findings (a change in finding No. 1 of the Planning Commission (see above) was discussed earlier and informally agreed to by all Board members that the word "needed" be changed to "used" . . for the production of food and fiber . . .), plus the testimony given this date by Mr. Snider that the revenue from the sale of the property would be used to enhance the balance of the Preserve; therefore, allowing for a fourth finding by the Board that this would be in the public interest.

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Hearing was held as duly noticed to consider the Appeal filed by Auburn Lake Development Company on the Planning Commission's denial of Parcel Map No. 77-360, consisting of 641.38 acres located approximately three miles east of Georgetown on Wentworth Springs Road. (Continued from October 18, 1977).

Attorney Roger Bennett was present representing Auburn Lake Development Company and stated that Parcel Map No. 77-360 was filed on May 11, 1977, for the purposes of splitting said parcel of property into twenty acre parcels, and that it was denied by the Planning Commission on September 22, 1977, on the basis that the land had four years yet to run under its contract with the County pursuant to the Williamson Act; a Notice of Non-Renewal having been filed on November 19, 1970. He stated that land may be split into smaller parcels under the Williamson Act, and (Continued)

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that each subsequent owner is bound by that contract and all the rules and regulations under it when they purchase it, and that the only restriction being that the use of the property continue under the contract after the lot split as it was before the split.

Mr. Richard Wheeler, Registered Forester, was present on behalf of Auburn Lake Development Company and explained the various soil types in the area, and stated that it was his professional opinion that the 20-acre parcels would be capable of returning to each owner a value of \$3,000.00 per year.

The Chairman, at this point, requested to know if the information presented by Mr. Wheeler had been supplied to the Planning Commission when this matter was before them for consideration, and he was advised that it was not. Deputy County Counsel advised that in order for the hearing to continue, it must now be considered a hearing de novo. The Chairman announced that the hearing would continue as a hearing de novo.

Mr. Raymond Aushinko, President of Auburn Lake Development Company, was present and stated that each purchaser of the 20-acre lots will be required to sign a contract which will be almost verbatim from the Williamson Act Contract: That on the issue of the requirement of a \$10,000.00 agricultural improvement, that they will be required to put in improved roads which will cost about \$15,000.00 a lineal foot; therefore, the road will cost approximately \$11,000.00 for each lot (or parcel). Also, he stated that there is an average of over 100 trees on every acre of ground, so that should be approximately \$10,000.00 worth of trees on each 20-acre parcel.

Mr. Bennett then summarized the Company's position to the effect that they are still bound by the Williamson Act Contract, and that the only issue presented is whether they can still function as a Preserve once the lots have been sold. He stated that they have shown that the parcels can stand alone as Agricultural Preserves; therefore, legally, the Parcel Map can be approved, with the land remaining under the Preserve and subject to the conditions required for agricultural pursuits.

Mr. Chuck O'Motto stated that one of the conditions of approval of the Parcel Map would be that they join a fire district. The Chairman advised Mr. O'Motto that the Local Agency Formation Commission (LAFCO) has a policy that there will be no annexation to any Fire District unless the lands are contiguous, and these lands are some distance from the closest Fire District.

Mr. Milam, County Planning Director, stated that the contract which the Company would be utilizing would simply be just an informational disclosure to the new buyers, and would not legally insure anything; and that the matter pertaining to the roads as referred to by Mr. Aushinko, would be stretching the intent of the Williamson Act -- the fact that roads could be considered agricultural improvements, or furthermore, that the trees already standing on the property would consitute any portion of the requirement for "agricultural improvements" in the amount of \$10,000.00; also, Mr. Milam stated that the Georgetown Fire Protection District is not contiguous to the properties, and LAFCO's policy would prevent the (Continued) arm

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the annexation of the lands to their District. In summary, Mr. Milam stated that in reinforcing the Planning Commission's action, divisions of this type are outside the intent of the Williamson Act: that those parcels may not be used for individual home sites until the Notice of Non-Renewal and zoning have been changed -- that if the Company is not creating home sites, then they are creating something else, and even though they claim they are for agricultural or timber purposes, the gross income of \$3,000.00 which it has been stated can be derived from each 20-acre parcel does not make an economic unit, and therefore, would be outside the intent of the Williamson Act Contract, and the whole section (640 acres) is not a unit by itself.

Mr. Robert Flynn advised that in the northeast corner of the property there is a spring, and that over a period of years the public must have acquired some prescriptive use thereof, and he was of the opinion that if this property were to be split, then there should be some sort of a deed restriction because the public should have a prescriptive right.

Theresa Lengyel was also present and protested the peacemeal destruction of El Dorado County's most valuable and needed resources. She stated the idea of a tree farm for each 20-acre parcel is a subterfuge; and that Christmas tree farms would be a frivolous use of the land, and that she doubted if any profit could be derived from them as proposed.

The Chairman called for any further comments from the audience; there were none, and the Hearing was closed.

The Chairman asked Mr. Bennett if he wished to make a summation of his position, he agreed, and stated the following:

- 1. The fact that it is Williamson Act property and all that has to be shown is that it can be broken into small parcels and the property can still continue to function under the original contract.
- 20-acre parcels by themselves may be established as Agricultural 2. Preserves on their own.
- Regarding the contract with purchasers, they are simply trying to 3. put people on notice that the property is subject to the Williamson Act and regardless of what people do with that property, the County can bring action to prevent any violation of that contract.

Mr. Milam stated that he had no further comments.

On motion of Supervisor Kutter, seconded by Supervisor Stewart, and unanimously carried, the Board upheld the decision of the Planning Commission to deny Parcel Map P77-360 based upon the following three Planning Staff recommendations contained in the Planning Commission's Minutes of September 22, 1977, plus the fourth finding of the Board as reflected below:

Due to the concern regarding loss of timber resources and the danger 1. to continued forest management that small parcelling and ultimate home building creates, the Agricultural Commission recommended this P Parcel Map be denied;

The land is not located within a structural fire protection district 2. (Continued) - 481 arm

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and is not located adjacent to an established district, and;

- The land is presently in an established Agricultural Preserve although a Notice of Non-Renewal has been filed (approximately four years until expiration); and
- 4. This land division does not fall within the intent of the Williamson Act.

The Board adjourned to reconvene as the Board of Directors of the Diamond Springs Lighting District

On motion of Director Walker, seconded by Director Stewart, and unanimously carried, the Board directed that Pacific Gas & Electric be notified that from December 1, 1977, the Diamond Springs Lighting District should be billed for the street light located in front of 193 Argonaut Drive, Diamond Springs.

The Board of Directors adjourned and reconvened as the Board of Supervisors

#### GENERAL ORDERS

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On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the Board reappointed the following to the Civil Service Commission: Ralph King for District II, and Leo M. Walker for District III, for terms to expire November 27, 1981.

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On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, the Board accepted the resignation of Mrs. Crystal M. Delaney from the El Dorado County Alcoholism Advisory Board for District V.

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The Board considered a request from Mrs. Larry Kleinhesselink to install a separate temporary septic system on her property to accommodate a mobilehome being installed for a hardship case.

On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried, the Board directed that the applicant work with the Health Department regarding an alternate septic system, and if it is found that a separate system is necessary, then the Board authorized the waiving of Ordinance Code Section 10,333(b) to allow it.

City Manager, City of South Lake Tahoe, submitted a letter requesting that the Board adopt a Policy Statement regarding local government functions and responsibilities within the Lake Tahoe Basin. (Continued)

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No formal action was taken, but the Clerk was requested to prepare the two Policy Statements discussed, for presentation at the meeting of the Tahoe Basin Local Governments to be held on November 28, 1977.

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Tammi & Sanders, Certified Public Accountants, submitted the Annual Audit Report for grants administered by the Community Action Council as of February 28, 1977.

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On motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Audit Report was acknowledged and placed on file.

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Executive Director, Community Action Council, Inc., submitted request for allocation of funds in the amount of \$5,750.00 to perform a County-wide Needs Assessment Survey, approved in concept by the Board on June 7, 1977.

On motion of Supervisor Kutter, seconded by Supervisor Todd, and carried by the following vote: Ayes: Supervisors Stewart, Kutter, and Todd; Noes : Supervisors Walker and Johnson, the request was referred to the Assistant to the Board for comments.

On motion of Supervisor Johnson, seconded by Supervisor Todd, and 1 unanimously carried, the Board approved and ratified the action taken by County Counsel this date regarding the Placerville Fixed Base Operator.

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On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried, the Board requested the Agricultural Commission to recommend three names for consideration by the Board to fill an existing vacancy on said Commission.

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There being no further business, the Board adjourned to Tuesday, November 29, 1977, at 10:00 a.m.

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

By: Char & Mary Deputy