BOARD OF SUPERVISORS MINUTES December 27, 197

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

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The Invocation was offered by Reverend Don Herman, First Lutheran Church.

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

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The Chairman presented Mr. Robert Nordgren with a plaque in appreciation for his nine years of service as a member of the El Dorado County Planning Commission; seven of which he served as Chairman of the Commission.

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

Warrant Register Claims for El Dorado County were approved and allowed for payment.

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The following Budget Transfers were approved:

as approved by Board on November 22, 1977

<u>Fund Transfer</u> - Board of Supervisors From Contingency Fund to General Fund the sum of \$6,126.63 <u>Budget Transfer No. 72</u> -Board of Supervisors - Increasing Contributions to Other Agencies (92-4280) in the amount of \$6,126.63 for the operational expenses of a Transportation System for the Elderly and the Handicapped

Budget and Fund Transfer No. 76 - China Hill Road Community Services District Transferring \$500.00 from General Fund to said Services District, and increasing Fund #367 Spl. Dept. Exp. (92-2230) by \$500.00 as advance to pay State Board of Equalization fee - loan to be repaid in 2 years.

Budget Transfer No.	77 - Surveyor/Planning	Departments	
DECREASE	INCREASE	AMOUNT	PURPOSE
2-706 Planning Dept	•		
92-2230 Spl. Dept.	Exp.	(\$8,895.00)	
	1-914 Surveyor	6y	
	92=1010 Reg. Empl.	6,852.00	
	92-1100 OASDI	415.00	
	92-1110 PERS	724.00	
	92=1120 Health Ins.	204.00	
Ballanda para s	92-2250 Trans.&Trvl	. 700.00	

(Continued)

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Budget Transfer No. 78 - Treasurer/Tax Collector

DECREASE	INCREASE	AMOUNT
	1-202 Treas/Tax Coll.	
	92-3370 Fixed Assets	\$232.14

PURPOSE To use savings from Validater for purchase of Monroe Calculator

Budget Transfer No. 79 - Superior Court

92-1010 Reg. Empls. 92-1020 Extra Help

For part-time Legal \$2,700.00 Research Assistant

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The Board approved 56 Assignments to the Credit Bureau of El Dorado County from the Collection Department for Claims against those persons named on the Assignments dated December 27, 1977; copies of which are on file in the Board of Supervisors Office, beginning with the name of Jim Lynn Mooney and ending with the name of Thomas H. Tefft.

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RESOLUTION NO. 262-77 was adopted Authorizing an Action for Recovery of County Funds Paid Out by the Welfare and Probation Departments.

\* \* \* \*

RESOLUTION NO. 263-77 was adopted Authorizing Replenishment of the Tax Collector's Cash Difference Fund in the amount of \$50.30.

(A) At the recommendation of the Purchasing Agent, the Board approved the specifications and authorized advertising for bid opening on January 16, 7 with award by the Board on January 24, 1978, for Bid No. 932 - Noise

Monitors for South Lake Tahoe Airport.

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At the recommendation of the Purchasing Agent, the Board awarded Bid No. 929 for Lockers for the County Jail to low bidder, Office Industrial Furnishers, Sacramento, in the amount of \$1,743.91. Other bids were received from: California Office Furniture, Inc., Sacramento, and E. F. Corbin Company, Sacramento.

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On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present, Personnel Matters were approved as follows: RESOLUTION NO. 264-77 was adopted Amending the Pay Range Schedule for County Court Reporters, and for the following Assessor's Personnel: Appraiser III; Standards Control Evaluator; Supervising Appraiser; Supervising Auditor Appraiser; Assistant Assessor; and Auditor Appraiser; also, RESOLUTION NO. 265-77 was adopted Deleting Job (Continued)

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Specifications for Senior Building Inspector and adopting Specifications for Assistant Building Inspector, and amending the Classification Schedule and Pay Range Schedule accordingly; and further, the Salary Ordinance was waived to permit appointments of four Senior Transportation Drivers for the Senior and Handicapped Transportation Program.

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Airports Director submitted a Claim in the amount of \$4,496.43 in payment of services rendered by William F. Pillsbury, Inc., for Phase I Engineering for Taxiway Reconstruction Project at the Lake Tahoe Airport. On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried by those present, the Claim was authorized for payment.

Airports Director submitted a Letter recommending the Chairman be authorized to sign an Outlay Report and Request for Reimbursement for Construction Programs in the amount of \$33,267.06 from the Federal Aviation Administration for the Taxiway Project (ADAP-5-06-0249-04) at the Lake Tahoe Airport.

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

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Assistant Director of Public Works submitted a letter recommending the Chairman be authorized to sign an Agreement with Mr. Joseph Ronzone to construct street improvements for County maintenance and to abandon a portion of County Road No. 34I; costs of construction and inspection to be borne by Mr. Ronzone.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Chairman was authorized to sign the Agreement, as recommended. --//--

Assistant Director of Public Works submitted letter recommending the completion date for improvements in Royal Heights Townhouses Unit No. 2 be extended to June 30, 1978.

On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present, the completion date was extended, as recommended.

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Chairman, Agricultural Commission, submitted a letter recommending that the Board support the Agricultural Stabilization and Conservation (ASCS) County Committee of the Sierra Foothill counties in their attempt to have the State Committee reconsider their position and allow permanent-set (Continued)

BOARD OF SUPERVISORS MINUTES December 27, 1977

irrigation sprinklers and drip-irrigation systems as a cost-sharing program under the Agricultural Stabilization and Conservation Service water and soil conservation programs.

On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried by those present, the Board directed that a letter of support be sent to the State Agricultural Stabilization and Conservation Service Committee, as recommended.

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Agricultural Commissioner submitted a letter recommending the designation of the Senior Gleaners, Sacramento; a non-profit organization organized pursuant to Senate Bill 199 to collect agricultural products to be utilized by senior citizens, as the surplus food collection and distribution agency for El Dorado County.

On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried by those present, the Board referred the matter to the Commission on Aging, El Dorado County.

Agricultural Commissioner submitted a request on behalf of the Golden West Paradise Property Owner's Association that the roads in their subdivision be sprayed for weed and brush control at the same time the County's roads are sprayed; the cost of which will be paid to the County by the Association.

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On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the request was approved and the Agricultural Commissioner was authorized to draw up a standard contract that may be used for this purpose (but not necessarily limited to this particular Association), and reagendize for Board approval.

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Chairman, Agricultural Commission, recommended a letter be sent to legislative representatives concerning this County's view on the possible federal reorganization removing the Forest Service and Soil Conservation Service from the U. S. Department of Agriculture to some other department in the federal government structure.

On motion of Supervisor Walker, seconded by Supervisor Johnson, and carried by the following vote: Ayes: Supervisors Stewart, Walker, and Johnson; No: Supervisor Kutter; Absent: Supervisor Todd, the Chairman was authorized to sign a letter, with copies to distribution list provided, plus copies to the National Resource Committee of the County Supervisors Association of California and to Supervisor Arch G. Mahan, Mono County. (Said letter will recommend that the Forest Service and Soil Conservation Service be in a department responsible for soil, water and vegetation and renewable resources and that has authority and responsibility to make decisions at a local level.)

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Director of Health Services submitted a letter recommending the Chairman be authorized to sign a contract with the Regents of the University of California at Davis for staff services for the Health Department's Prenatal Care Program at South Lake Tahoe.

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

Secretary/Manager, El Dorado County Fair Association, submitted letter recommending the Chairman be authorized to sign an Agreement with the Fair Association for the operation of the annual County Fair, effective January 1, 1978, and ending December 31, 1978.

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

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On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried by those present, the Board authorized County Counsel and Attorney Edward J. Tiedemann's Office to enter into the Stipulation.

Assistant to the Board submitted Agreements with McFarlane and Wilson Mortuaries in South Lake Tahoe and Chapel of the Pines and Memory Chapel in Placerville for the transportation and storage of Coroner's cases, and recommended that the Chairman be authorized to sign said Agreements. (Continued from December 20, 1977)

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On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, the Board directed that the existing contracts for Coroner's services be amended effective January 1, 1978, according to the proposals submitted by the Tahoe area mortuaries on December 23, 1977, and the Western area mortuaries on November 28, 1977, with the exception of the service area boundary change as requested by the Tahoe Basin mortuaries, and County Counsel was directed to prepare the amendments, and the Chairman was authorized to sign.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present, the budget transfer in the amount of \$28,250.00 from the Contingency Fund to the Coroner's budget to cover cost of the contracts from January 1, 1978 through June 30, 1978; the purchase of two mortuary refrigerators; and the cost of pathologist contracts, was approve.

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Communication was received from Ruth B. Martorana requesting a waiver of the ordinance requirements and authorization to install a woodburning stove in her home.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Stewart, Walker, and Johnson; No: Supervisor Kutter; Absent: Supervisor Todd, the Building Department was instructed to inspect this stove for compliance with requirements, and if found to be safe, to allow the installation.

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Hearing was held as duly advertised to consider the request of Communications Systems, Inc. for an increased in the monthly subscriber rate from \$10.00 to \$11.00 for Cable TV Systems, in the Meeks Bay Tahoma area.

Mr. Livergood, Chief Engineer for Communications Systems, Inc., was present and explained the reasoning for their request, and stated that the installation of their own microwave was extremely costly, plus the maintenance of the system which was also expensive. Also, he stated that they did wish to standardize the rate charged their customers in the Tahoe City and Placer County areas with those in the Meeks Bay/Tahoma area. There were no protests, and the Hearing was closed.

The motion of Supervisor Stewart, seconded by Supervisor Kutter, to deny the request, was not carried by reason of the following vote: Ayes: Supervisors Stewart and Kutter; Noes: Supervisor Walker and Johnson; Absent: Supervisor Todd.

Supervisor Johnson then moved to request that the company provide a financial statement to reflect the amount of money. expended on new equipment; the amount invested in the entire system and amount derived from both North Tahoe and South Tahoe companies; County Counsel was requested to extend the time for performance under the franchise Section 14,544; and the matter was continued to January 31, 1978. Supervisor Stewart seconded the motion, and it was unanimously carried by those present. --//--

Communication was received from Clarence A. Lane requesting action be taken to improve the dangerous road conditions on Webber Creek Bridge at the junction of Newtown Road.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board postponed action on this matter to January 10, 1978, in order to reagendize the matter to not only reflect the request relating to the bridge, but also the request for funds to reopen and complete the study on the Newtown Road Improvement Project, which was dropped last year.

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BOARD OF SUPERVISORS MINUTES December 27, 1977

Mr. Frank Nachtman, Administrator for Marshall Hospital, submitted a letter requesting that the Board financially participate in a study to identify El Dorado County's true hospital bed needs in connection with the Hearing to be held by the National Health Advisory Council on February 22, 1978.

On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present, Mr. Nachtman was requested to contact Barton Memorial Hospital regarding participation in this study, and that the two hospitals, Marshall and Barton, return to the Board on January 10, 1978, at 11:00 a.m. with proposals from three independent professional firms to conduct this study.

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The Board adjourned to an Executive Session to discuss matters concerning the 2:00 p.m. Hearing on the proposed rezoning of State-owned lands to the Transportation Corridor Zone.

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SPECIAL ORDERS

#### PLANNING MATTERS

Hearing was held as duly advertised to consider rezoning of lands owned by the State of California to Transportation Corridor Zone District, within the proposed right-of-way for Freeway Route ED-50 between Echo Summit and the California/Nevada State Line.

Mr. Douglas Noble representing the Planning Department pointed out the lands proposed for rezoning on the Map before the Board, whereupon the State-owned lands were depicted in red, and the private lands were shown in green.

Mr. George Corey, attorney for the State of California, was present and stated that the State's opposition was based upon the premise that the County was using its zoning power to acquire property rights -- he said serious questions were raised as to whether or not this is a "taking" of property rights: he said that if this route is deleted by the Highway Commission and these lands are sold back into private ownership, with the proposed zoning, they would be very difficult to sell, and he believed the lands would be greatly devalued. He further stated, that at that point in time, the State could raise the issue that the County had by the rezoning to TPC, effected an inverse condemnation of these lands. Mr. Corey went on to say that the ordinance would be discriminatory, as it only singled out the State lands in the corridor: he said the law in this area is clear that a public body cannot use zoning powers in a discriminatory manner such as this. He reiterated that the route might be deleted and the department might be placed in the position of wanting to sell the property; and the rezoning would place in jeopardy the several million dollars that is invested in the lands. (Continued)

BOARD OF SUPERVISORS MINUTES December 27, 1977

Supervisor Stewart asked Mr. Corey why the State did not voice an objection at the time that the Tahoe Regional Planning Agency's Plan referred to these lands as a Transportation Corridor. Mr. Corey answered that attitudes change with a change of administration.

There were no other protests, and the Hearing was closed.

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Board directed that those properties purchased by the State of California for the express purpose of a right-of-way for a freeway route between Echo Summit and the California Nevada State Line be zoned Transportation Corridor Zone (said properties being those shown in red on the Map), based upon the following findings of the Planning Commission:

- 1. That the proposed rezoning is necessary to implement the transportation corridor shown on the El Dorado County General Plan;
- 2. The rezoning is necessary to carry out the intent of the signed freeway agreement between the State and County;
- 3. These lands lie within the adopted transportation corridor and are lands acquired by the public for transportation purposes;
- 4. The rezoning will insure the present uses are not inconsistent with the future uses contemplated by the County;
- This proposal will preserve future transportation options for integrated transportation systems varying from fixed rail transit to riding and hiking trails.
- and ORDINANCE NO. 1848 was adopted accordingly.

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On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Board directed that those private lands within the alignment and depicted in red on the Map, be referred to the Planning Commission to hold public hearings to consider the rezoning of said lands to the Transportation Corridor Zone.

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Hearing was held to consider rezoning of lands in the Cameron Park area from Tourist Residential to Limited Multi-Family Residential, consisting of 11.8 acres and initiated by the Planning Commission. The Planning Commission recommended approval, and the Planning Department's representative, Mr. Noble, enumerated the following findings of the Commission:

- 1. The rezoning is in conformance with the General Plan;
- The R2 zoning is more compatible with the proposed subdivision and will eliminate further splitting of parcels;
- Adequate services can be provided and are conditions of approval of the proposed subdivision.

There were no protests, and the hearing was closed.

On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried by those present, the rezoning was approved; the Board having concurred with the planning Commission's findings, and having accepted the Negative Declaration; ORDINANCE NO. 1849 was adopted accordingly.

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BOARD OF SUPERVISORS MINUTES December 27, 1977

Hearing was held as duly advertised on the rezoning of lands in the Diamond Springs area from Unclassified to Single Family One Half Acre Residential (R-20,000) consisting of 45 acres, and initiated by the Planning Commission. Planning Commission recommended approval, and the Planning Department's representative, Mr. Noble, enumerated the following findings of the Commission:

- 1. The proposal is in compliance with the existing General Plan;
- 2. This area is suitable for the density proposed;
- 3. The rezoning is on lands within the Diamond Heights Subdivision which are within County Sanitation District No. 2.

There were no protests, and the Hearing was closed.

On motion of Supervisor Stewart, seconded by Supervisor Johnson, and carried by the following vote: Ayes: Supervisors Stewart, Kutter, and Johnson; Abstain: Supervisor Walker (owns property in the area); Absent: Supervisor Todd, the Board concurred with the Planning Commission's findings; accepted the Negative Declaration, and approved the rezoning, and ORDINANCE NO. 1850 was adopted accordingly.

A letter having been received from the Environmental Planning & Information Council, Inc. (E.P.I.C.), Shingle Springs, calling to light the fact that the Hearing on the cancellation request of Mr. Richard Snider, of 40 acres from his Agricultural Preserve No. 5 in the Rescue area, had not been advertised. Consequently, in order to meet the legal advertising requirements, the Board scheduled a re-hearing on the request for cancellation for this date.

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Mr. Snider was present, and reiterated the problems due to vandalism and fence cutting by motor bike riders on this 40-acre piece of property which lies at the extreme south end of his 178-acre Preserve. (See Pages 478 and 479 of the November 22, 1977, Minutes on this matter.)

Ruth Loeffelbein, Secretary for EPIC, was present and read a letter to the Board opposing Mr. Snider's request for cancellation, by stating that the removal of the 40 acres from Ag Preserve No. 5 would serve to weaken exclusive agricultural zoning in the County.

There were no other protests, and the Hearing was closed.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Stewart, Kutter, and Walker; No: Supervisor Johnson; Absent: Supervisor Todd, the Board confirmed their previous action of November 22, 1977, which authorized the cancellation of the 40 acres from Agricultural Preserve No. 5.

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BOARD OF SUPERVISORS MINUTES December 27, 19.77

The Board considered a request of Mr. Tom Shinn for a waiver of the requirements of the Minor Land Division Ordinance pertaining to road improvements, as it relates to his proposed parcel split, and which would require him to improve approximately 800 feet of Kingvale Lane (in the El Dorado Y area), which is an old roadway that runs for approximately four miles from beginning to end. Mr. Shinn could see no reasoning for the requirement that he bring 800 feet of that roadway up to standards.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board authorized the Planning Department to process Mr. Shinn's Parcel Map, based on the finding that it is not in conflict with the County's Minor Land Division Ordinance. (In this instance, the Board clarified the intent of the Ordinance to mean that if there is a road already existing that is serving people, then it does not have to be improved.)

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On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present, the Board approved the Tentative Map of Deer Valley Oaks Unit No. 1, consisting of 171 acres; 17 lots, and subdivided by Deer Valley Oaks Investment Group, subject to the following conditions:

- 1. Construction drawings and specifications are to be developed by the project engineer and are to be approved by the El Dorado County Planning Director after review and favorable recommendation by the Public Works Director;
- 2. The developer must have completed improvements, including roads, drainage systems, in accordance with the El Dorado County Major Land Division Ordinance and/or conditions imposed by the Board of Supervisors, with the approval of the tentative map or the developer must have executed an agreement to complete construction secured by bond, cash deposit, or letter of credit from a financial institution. Completion of improvements, or improvements to be completed, must be certified by the project engineer, and the El Dorado County Environmental Health Department with the presentation of the Final Map to the Planning Director for submittal to the Board of Supervisors for approval;
- 3. Survey monuments must be set in accordance with the El Dorado County Major Land Division Ordinance and requirements of the El Dorado County Surveyor; or the developer must have executed an agreement securing the work to be done by bond, cash deposit, or letter of credit from a financial institution with the presentation of the Fimal Map to the Planning Director for submittal to the Board of Supervisors for approval;
- 4. Lots #5 and #6 are separated from Deer Oaks Drive by a drainage way. A driveway or driveways should be constructed to these lots by the subdivider to provide reasonable access and the C C & R's modified, if a single driveway is chosen, to provide for common maintenance of that driveway by the lot owners of #5 and #6;
- Those areas disturbed during construction, including cuts and fills 5. should be revegetated. Revegetation is to be accomplished to the (Continued)

BOARD OF SUPERVISORS MINUTES December 27, 1977

satisfaction of the El Dorado County Resource Conservation District, or the developer must have executed an agreement securing the work to be done by bond, cash deposit, or letter of credit from a financing institution, submitted with the Final Map for approval by the Board of Supervisors. The release of such securities would be made upon verification in writing from the Resource Conservation District;
6. Minimum structural setbacks should be increased to 30 ft. from all

property lines due to the lack of public water or a large volume of water for use in structural fire protection.

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The Board considered the Final Map of Huckleberry Ridge Estates Subdivision consisting of 14 acres; 6 lots; subdivided by E. B. Ellsworth, in the Echo Summit area.

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Final Map was approved, the Letter of Credit in the amount of \$21,000.00 was found to be sufficient; the recommendations of the Planning Commission in their letter of December 23, 1977, were approved; the Clerk was authorized to sign the Final Map after the Planning Director had ascertained that the miscellaneous items are taken care of, and the Chairman was then authorized to sign the Agreement.

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Board adjourned as a Board of Supervisors and reconvened as a Board of Directors of El Dorado County Service Area No. 2.

On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried by those present, the Board removed from the Agenda the matter concerning the adoption of a Resolution appointing a six-member Advisory Committee to the Board of Directors of said Service Area for the remainder of Fiscal Year 1977-78 and Fiscal Year 1978-79, until such time as they receive more information on the subject.

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#### GENERAL ORDERS

211-

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Chairman was authorized to sign the Agreement with Mother Lode Rehabilitation Enterprises for consolidation of the Transportation System for Seniors and the Handicapped of El Dorado County.

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At the recommendation of the Mental Health Advisory Board, on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board removed Mr. James Bauer from said Advisory Board as he was unable to attend most meetings due to his employment six months (Continued)

BOARD OF SUPERVISORS MINUTES \_\_\_\_\_ December 27, 1977

of the year out of the County, and the Clerk was instructed to send Mr. Bauer a Certificate of Appreciation.

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On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, Supervisor Johnson was nominated for appointment by the Juvenile Court Judge to serve as a member of the Board of Supervisors on the Juvenile Justice Commission.

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Sierra Planning Organization submitted a request for comments on the Placerville Fruit Grower Association's request for federal grant in the amount of \$45,333.00 to install 1,060 square feet of solar panel collectors to provide water and space heating for their office.

On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried by those present, the Board commented favorably.

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On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Board adopted <u>ORDINANCE NO. 1851</u> relating to Embalming Fees for bodies which have been taken into custody of the County Coroner.

There being no further business, the Board adjourned to Tuesday, January 3, 1978, at 10:00 a.m.

APPROVED :

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

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By: Charles Deputy