

# STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES February 6 19<sup>79</sup>

The Board convened in regular meeting. Present: Supervisors Arliene Todd, William V.D. Johnson, W. P. Walker, Joseph V. Flynn, and Thomas L. Stewart. Mary Anne Kinkade, Assistant Board Clerk, was present. Chairman Walker presided.

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127 The Invocation was offered by Pastor Victor Blakemore of the Community Baptist Church.

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Supervisor Todd led the Pledge of Allegiance to the Flag.

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On motion of Supervisor Todd, seconded by Supervisor Johnson, and unanimously carried, the Agenda was adopted with the addition of several matters to the Personnel requests.

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The minutes of January 30, 1979, were approved as submitted, on motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried.

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## GENERAL ORDERS

On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, "Consent Calendar" matters were considered and acted upon as follows:

50-1 The Community Action Council Claims were approved and allowed for payment.

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117 Budget Transfers were approved as follows:

Budget Transfer No. 47 - Administration - \$7,546.35.

Budget Transfer No. 77 - Placerville Justice Court - \$1,800.00.

Budget Transfer No. 76 - Juvenile Hall - \$5,000.00.

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50-2 The Board approved eighteen (18) Assignments to the Credit Bureau of El Dorado County from the Collection Department for Claims against those persons named in the Assignments, dated February 6, 1979, copies of which are on file in the Board of Supervisors Office, beginning with the name of Jan Roscoe and ending with the name of Tammy Benton.

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295A The Board approved Assessment Roll Changes numbered 7570, 8429, 8430, 8431, 8427, and 8428.

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247 The 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>	
William T. Johnston	1094	162

\* \* \* \*

121-13 RESOLUTION NO. 47-79 and RESOLUTION NO. 48-79 adopted discharging unpaid County Welfare Accounts.

\* \* \* \*

221-3 (422) RESOLUTION NO. 50-79 adopted, being a Resolution and Order of the Board of Supervisors ordering sale of Mother Lode Union School District 1974 School Bonds, Series B, in the amount of \$345,000.00 and setting February 27, 1979, at 10:00 a.m., to receive proposals for the purchase of said bonds, and authorizing preparation of the Notice of Sale.

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76-11 (W. Lee Hall #20) Chairman authorized to sign Certificate of Acceptance of Quitclaim Deed and Agreement on Acquisition of Land owned by Robert E. and Laura L. McCollum, in the amount of \$122, for the Pleasant Valley Road Project, as recommended by the Director of Public Works.

\* \* \* \*

296-4 (Proposed Pleasant Valley Rd. (Deed #20)) Board approved escrow instructions and payment of title fees for lands owned by the following persons, for the Pleasant Valley Road Project:

- (Deed 22-78) a. Lloyd McClain, in the amount of \$126.50;
- (Deed 4-79) b. David C. and Winifred Jeanne Wilkerson, in the amount of \$257.50;
- (Deed 3-79) c. Edward R. and Veda E. Carroll, in the amount of \$740.50;
- (Deed 2-79) d. Christopher E. and Florence D. Daley, in the amount of \$244.50;
- (Deed 7-79) e. Anton L. and Juanita V. Meyer, in the amount of \$555.50; and
- (Deed 6-79) f. William C. and Eleanor E. Ashford, in the amount of \$46.50.

\* \* \* \*

(Continued on following page)



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7+ 37(2)

On motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Board approved escrow instructions and payment of title fees in the amount of \$172.75, for land owned by James W. and Florence Sweeney for the Ray Lawyer Drive Project. (Certificate of Acceptance of Quitclaim Deed approved by Board on 9/12/78)

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423  
Swansboro  
#1

On motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried, the Board continued until February 13, 1979, adoption of a Resolution of Intention to abandon roads in Swansboro Subdivision and sell said roads to the Swansboro Homeowners Association for the sum of \$200.

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(213)  
112  
119

A policy review session was set for February 22, 1979, at 2 p.m., with the Auditor and Board Assistant concerning budget control, on motion of Supervisor Todd, seconded by Supervisor Flynn, and unanimously carried.

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326

The motion of Supervisor Johnson, seconded by Supervisor Flynn, to forward a letter in opposition to passage of SB 98 and SB 17, relating to assessment practices (as recommended by the Assessor), was tabled until February 13, 1979, on motion of Supervisor Todd, seconded by Supervisor Stewart, and unanimously carried.

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326

Concerning correspondence received from the City Council of Gridley, California, requesting support for SB 100 (Johnson), amending the Brown Act, the Board, on motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, directed that no position be taken and that the letter be filed.

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115

On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Board the following recommendations, as set forth in the Personnel letter dated February 2, 1979:

- a) the Board approved a policy relative to the transitioning of CETA employees to regular County positions (a copy of said policy being on file in the Board Clerk's Office);
- b) the Board approved appointment of a Welfare Department prospective employee at Step Five, because of the experience and background of the applicant.

\* \* \*

At this time, Supervisor Johnson informally noted and discussed the placement of the Bayley House in Pilot Hill on the National Register of Historic Places as of December 18, 1978.

\* \* \*

The Board Assistant reported that the Blue Cross Dental Plan (Continued on the following page)



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may not be available for County use because of a computer problem. However, the County is covered until February 28, 1979, and the Board Assistant will know by February 9th whether or not to seek another plan.

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The Airports Manager reported concerning maintenance of the Localizer/DME installed at Lake Tahoe Airport.

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18 Airports Manager advised that Georgetown Divide Public Utility District has withdrawn its request for Grant of Easement for a potable water main to cross the Georgetown Airport property; said easement granted by the Board on November 21, 1978, subject to Federal Aviation Administration approval.

On motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the Board directed that the correspondence be filed.

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21 Airports Manager recommended that the Chairman be authorized to sign an Agreement with The Dory's Oar for advertising space at the Lake Tahoe Airport, at a cost of \$390 per year.

On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Board authorized the Chairman to sign, as recommended.

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21 6 County Counsel submitted a check from Aetna Life and Casualty, in the amount of \$830.00, as settlement and payment in full of California-Nevada Airlines account owing the County Airports Department, and recommended that the Board accept said settlement.

On motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Board accepted the check as settlement and payment in full, as recommended.

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74-39(2)  
Dec 19-79 Director of Public Works advised of cost to install 1,000 feet of 15-inch corrugated aluminum pipe to handle the storm runoff from the Government Center property onto private property of Norman Henningsen. (Said cost estimated by Vicini Construction to be \$8,500.00) (Continued from 1/23/79)

At the previous meeting, the County Counsel recommended that the Board offer the estimated cost to Mr. Henningsen, so that he could have the work done, and the County could avoid having to go to bid, etc., which could be time-consuming. County Counsel advised that this could be accomplished by use of a Settlement Agreement and (Continued on following page)



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by the granting of an easement to the County by Mr. Henningsen.

Therefore, on motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Board authorized the Chairman to sign the Settlement Agreement, (as prepared by County Counsel), and approved the Easement arrangement.

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Director of Health Services recommended that the Chairman be authorized to sign an Agreement with Wilora House of South Lake Tahoe to provide board and care services for mental health patients at a rate of \$5.90 per day per patient, not to exceed six patients per day, and maximum reimbursement not to exceed \$5,000.00.

The Director of Mental Health Services explained that funding for these services would come from the Department's Professional Services Budget from savings effected by withdrawal of use of Midtown Manor, another facility, and further, that no budget transfer would be necessary.

On motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Board authorized the Chairman to sign the Agreement, as recommended, with funding to be obtained as set forth in the above statement.

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Director of Health Services recommended that the Chairman be authorized to sign the Agreement with Crestwood Hospitals, Inc., in Sacramento for provision of special rehabilitation services to referred patients, for period of January 1 to June 30, 1979, at a cost not to exceed \$8,600.00.

On motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Board authorized the Chairman to sign an Agreement, with the addition of Supplemental Exhibit B, dated 2/5/79.

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Treasurer-Tax Collector recommended adoption of a resolution authorizing the County Departments to charge \$10 for each personal check returned by the bank without payment, pursuant to Section 6157 of the Government Code.

On motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried by those present, the Board adopted RESOLUTION NO. 49-79 authorizing the County Departments to charge \$10 for each personal check returned, as recommended.

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19 79

147  
Assistant to the Board recommended approval of a Work Request Form to remove the wall between the Recorder's microfiche room and the former Services Superintendent's office in Building B of the Government Center, said change to allow the Recorder to have her entire filming and map system in one place.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the Board approved the Work Request Form, as recommended.

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250  
Assistant to the Board recommended that the Chairman be authorized to sign an Agreement with John Reed to serve as Auctioneer on March 3, 1979, at the sale of surplus property at the former County Hospital.

On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Board authorized the Chairman to sign the Agreement, as recommended. (Auctioneer will work on a flat sale commission of ten percent (10%) and will act as an independent contractor.)

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18  
On motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, an ordinance amending the rules for reconsideration of actions by the Board of Supervisors, was introduced, the reading thereof was waived, and the Ordinance was continued until February 13, 1979, for adoption.

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57  
Following an explanation of the background of this ordinance by the Director of Public Works, on motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, an ordinance amending Section 9430(c) and deleting Section 9430(d) of the County Ordinance Code pertaining to setback requirements in residential zones, was introduced, reading thereof was waived,, and the Ordinance was continued until February 13, 1979, for adoption.

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22  
At this time, the Board considered the adoption of an Ordinance to establish fees for inspections made and permits issued by the Health Officer of El Dorado County, which had been introduced January 16, 1979 (sponsored by Supervisor Johnson).

The Director of Health Services spoke concerning who should assume the responsibility for the cost of a particular service, when a specific target population will benefit from the service.  
(Continued on following page)



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A letter in opposition to the passage of the ordinance was received from the Mother Lode Restaurant and Tavern Association. Various members of the audience spoke, asking for a continuance, as there appeared to be some confusion concerning the time this ordinance would be considered by the Board today, and other people wished to be present.

Therefore, on motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, this ordinance was continued for adoption until February 20, 1979, at 11 a.m.

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340-7  
On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Board adopted ORDINANCE NO. 1974 being an Ordinance to safeguard the breeding grounds of the Great Basin Canadian Geese at Emerald Bay, Lake Tahoe, by prohibiting boating in said Bay and access to the island by persons during the months of April and May each year. (Continued from 1/30/79)

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22-7a  
Mrs. Cathy Lou Schuster submitted her resignation from the Mental Health Advisory Board, due to increasing family obligations, and on motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, the Board accepted her resignation, and directed that a Certificate of Appreciation be forwarded to Mrs. Schuster.

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354a  
At the request of Terry Price, on motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, the Board appointed Diane Cohan as Terry Price's alternate on the Drug Abuse Advisory Board, for a term ending 1/1/82.

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308a  
Michael Visman was appointed to the Sierra Economic Development District Board of Directors to fill a vacancy created by the resignation of John Weidman on November 7, 1978, on motion of Supervisor Todd, seconded by Supervisor Stewart, and unanimously carried.

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212  
Sacramento Golden Wheelmen requested permission to use a three-mile section of Latrobe Road immediately South of White Rock Road, for their Camelia Festival Bicycle Time Trial on Sunday, March 4, 1979, from 8:00 a.m. to 11:00 a.m.

On motion of Supervisor Todd, seconded by Supervisor Flynn, and unanimously carried, the Board acknowledged receipt of the request. (County Counsel advised that no further action is necessary, as there will be a minimum disturbance, the road will not be closed, and litter disposal, portable toilets, and insurance is being handled by this organization.)

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123-3  
El Dorado Hills Community Services District Board of Directors requested adoption of an ordinance to prohibit parking on District property between the hours of 2:00 a.m. and 6:00 a.m.

On motion of Supervisor Todd, seconded by Supervisor Flynn, and unanimously carried, the Board requested that the County Counsel prepare an ordinance prohibiting parking on District property between the hours of 2:00 a.m. and 6:00 a.m., and submit the ordinance to the Board for consideration on February 20, 1979.

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57  
Frank P. and Danielle Russell requested waiver of the fee, in the amount of \$150.00, (amount in request is incorrect), for a Special Use Permit to allow a mobilehome on their property for a third year, while constructing a permanent residence.

Mrs. Russell was present and spoke of circumstances leading to the request.

Supervisor Stewart's motion to uphold the ordinance and require payment, died for lack of a second.

On motion of Supervisor Walker, seconded by Supervisor Todd, and carried by the following vote: AYES: Supervisors Todd, Walker, and Flynn; NOES: Supervisors Johnson and Stewart, the Board granted a six-month extension to the existing permit, and waived the fee and requirement for a special use permit.

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22  
Director of Health Services recommended that the Chairman be authorized to sign a Joint Powers Agreement with Amador County to allow residents of said County to participate in this County's Post Conviction Drinking Driver Program, which is funded by client fees.

Supervisor Johnson stated his opposition to a "Joint Powers Agreement" of any kind, and stated that in his opinion, this should be a Contract. A representative of the Health Services Department stated that since it was, in this case, just a matter of semantics, he was certain Amador County would agree to the change.

Therefore, on motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the Board approved and authorized the Chairman to sign a contract or agreement to serve the requested purpose (after the document has been redrafted with the requested change.)

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53 The Advertising Council of the County Chamber of Commerce requested funds in the amount of \$2,500.00, to enter into an Agreement with Skidmore Displays, Inc., for El Dorado County's 1979 display for the State Fair at Cal-Expo, National Orange Show, and Los Angeles County Fair.

On motion of Supervisor Stewart, seconded by Supervisor Todd, and carried by the following vote:AYES: Supervisors Todd, Johnson, Walker, and Stewart; ABSTAIN: Supervisor Flynn, the Board authorized payment of funds in the amount of \$2,500.00 from Contingency Fund, as requested.

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El Dorado Council on Alcoholism, Inc., requested office space in the Community Center building, when said building is vacated.

50 On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried, the Board referred the request to the Board Assistant so that a list may be maintained and interested parties may be advised when the building is available; and further, to ascertain who actually has responsibility for the building and what disposition can be made; further, the matter was continued until February 20, 1979.

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74-380 Mr. Arthur C. Oetting requested a boundary line adjustment on County property adjoining his, on the North side of Ray Lawyer Drive, bringing Mr. Oetting's property to the road frontage. (Continued from 12/12/78)

As requested by the County Surveyor, on motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried, the Board continued this matter until March 6, 1979.

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74-20-79 Hearing was held as duly advertised to consider rezoning of lands in the Rescue Area from Agricultural Zone to Single Family Residential Zone, consisting of 22 acres, petitioned by Robert L. Cameron. Planning Commission recommended approval, and the Planning Director enumerated the following findings of the Commission:

1. The proposal is consistent with the General Plan.
2. The proposal is consistent with the previously approved Master Plan for The Highlands.
3. The Commission reviewed the previously approved and certified E.I.R. for the Master Plan, and found it to be in compliance with C.E.Q.A. and the State E.I.R. Guidelines.

There were no protests, and the hearing was closed. (Continued on the following page)



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On motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Board approved the rezoning with the findings that Planning Commission submitted, approved the E.I.R. as being in compliance with C.E.Q.A. and the State Environmental Impact Requirement guidelines, and found that mitigation measures as proposed in the E.I.R. are incorporated into the project and that said measures do mitigate the significant effects which are identified in the E.I.R., and adopted ORDINANCE NO. 1975 which amends the County Zoning Ordinance accordingly.

\* \* \* \*

Planning Director submitted for approval Tentative Map for The Highlands Unit No. 5 Subdivision in the Rescue Area; subdivider: Robert L. Cameron; consisting of 22 acres, comprising 46 lots. Planning Director recommended approval, subject to conditions set forth by the Planning Commission.

There was some discussion by the Engineer representing the Subdivider and the Planning Director presented various letters received from the Division of Forestry, El Dorado Resource Conservation District, and P.G.&E.

Thereafter, on motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Board approved the tentative map for The Highlands Unit No. 5, subject to the conditions proposed by the Planning Commission and recognized the previously approved and certified Final E.I.R. for The Highlands Master Plan, based on the following findings:  
1) The map submitted meets the requirements of the Subdivision Ordinance and Design Manual; 2) The proposed subdivision is consistent with the General Plan and conforms with the Master Plan for The Highlands; 3) The Final E.I.R. is in compliance with C.E.Q.A. and State E.I.R. Guidelines; 4) The development, as proposed and conditioned, will not have a significant impact on the environment; and 5) the letter from El Dorado Irrigation District dated September 28, 1978 is part of the record as a letter of affirmation from said District; further, the Board found that alternatives have been required in the project which mitigate effects of the E.I.R.

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Hearing was held as duly advertised to consider rezoning of lands in the Pleasant Valley Area from Unclassified Zone to Planned Commercial Zone, consisting of 6.25 acres, petitioned by Ralph L. Hainsworth. Planning Commission recommended denial, with the findings that:

1. Proposed sewage disposal is inadequate;
2. The proposed rezoning is premature in light of the unresolved sewage problem;
3. It would not be in the best public interest to rezone this property at this time.

(Continued on following page)



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One letter was received by the Planning Department in opposition to this rezoning. A letter from Earl McGuire, Engineer, concerning poor percolation of the soil in the area, was read into the record.

Mr. Hainsworth was present and stated that during the entire process of application for the rezoning, he had been assured by Staff that there were no problems. A Mr. Gamand and Mr. Paules spoke in favor of the rezoning.

There were no further protests, and the hearing was closed.

On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, the Board reiterated the findings of the Planning Commission, i.e., that the proposed sewage disposal is inadequate, that the proposed rezoning is premature in light of the unresolved sewage problem, that it would not be in the best public interest to rezone this property at this time; further, the Board found there is a sufficient quantity of commercial property already planned in that area, and it is the desire of the Board to protect the minerals in that area; therefore, the petition for rezoning was denied.

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Hearing was held as duly advertised to consider the rezoning of lands in the Pollock Pines Area from Agricultural zone to Single Family Residential zone, consisting of 6.52 acres, petitioned by Leroy Walters and William D. Edwards. Planning Commission recommended approval. (Continued from 1/23/79)

There were no comments from the audience and the Petitioners were not present. A letter was received from William L. Kasper, Jr., Engineer, representing the Petitioners, requesting that this rezoning as well as the proposed Tentative Map for Gold Ridge Condominium Subdivision, be continued off-calendar so that the State of California Regional Water Quality Control Board may have an opportunity to review the proposed sewage disposal systems for this project.

The hearing was closed.

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board continued off-calendar (as requested) the matter of the rezoning of lands, as well as the matter of the Tentative Map for Gold Ridge Condominium Subdivision, which was submitted in conjunction with the proposed rezoning.

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9423  
Gold Ridge  
Condominium  
Subdivision



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Hearing was held to consider an Appeal filed by George Niegel on the Planning Commission's denial of a variance to allow creation of a 2.6 acre parcel in a Single Family Three Acre Residential zone on Sliger Mine Road, in the Cool Area.

122-1-79 Mr. Sanders, Engineer, represented Mr. Niegel, and presented his viewpoint. (There are several parcels in the area and adjacent which run within ten percent of the required 3 acres.)

A Mr. Frank Clark, neighboring property owner, spoke in opposition to the variance. A letter from the Greenwood Civic Organization pointed out that this property is in the Greenwood Area, not the Cool area.

The Planning Director presented the views of the Commission, and the findings which were: 1) The Commission could not grant a variance on a parcel not yet created; 2) The variance is greater than a 10% difference in parcel size and zoning requirement; and 3) Denial would not restrict the use of the property.

After some further discussion, the hearing was closed.

Supervisor Flynn's motion, seconded by Supervisor Stewart, to uphold the Planning Commission's denial as the criteria can not be met, failed by the following vote: AYES: Supervisor Stewart; NOES: Supervisors Todd, Johnson, Walker and Flynn.

On motion of Supervisor Johnson, seconded by Supervisor Flynn, and carried by the following vote: AYES: Supervisors Todd, Johnson, Walker, and Flynn; NOES: Supervisor Stewart, the Board approved the variance, and made the following findings (in compliance with County Ordinances and State Law):

1. There are extraordinary circumstances applying to the land, which circumstances do not generally apply to land or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant; i.e., the Western and Southerly parcels are all less than the amount required for this zoning;
2. The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land allowed for other land in the vicinity and the same zone, as reasonable use is not two separate parcels;
3. The variance is the minimum necessary for the reasonable use of the land, as stated above;
4. The variance is in conformity with the intent of this ordinance, and not detrimental to the public health, safety and welfare, nor injurious to the neighborhood, and access to the property is provided by a road easement to the South, which serves several parcels.

Therefore, the appeal was granted.

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On motion of Supervisor Johnson, seconded by Supervisor Flynn, and carried by the following vote: AYES: Supervisors Todd, Johnson, Walker and Flynn; NOES: Supervisor Stewart, the Board requested that the Planning Commission endeavor to be more consistent and apply the law equally; further, the Planning Commission was requested to develop some sort of Mineral Zoning.

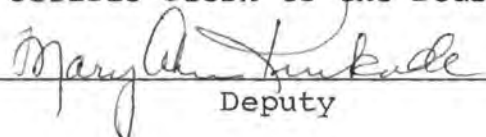
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There being no further business to come before this Board, the meeting was adjourned until February 13, 1979.

APPROVED:

  
W.P. "Dub" Walker, Chairman

Attest:  
Dolores Bredeson, County Clerk  
and ex-officio Clerk to the Board

By   
Deputy