

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES September 18 19 79

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

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12-7 The Invocation was offered by a Pastor of the First Assembly of God Church.

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

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On motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried, the Agenda was adopted with the addition of one item -- a request submitted by the Department of Public Works, on behalf of John H. Kelly, for a variance to the encroachment standards.

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The Minutes of September 11, 1979, were approved as submitted, on motion of Supervisor Todd, seconded by Supervisor Walker, and unanimously carried.

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

60-1 The Community Action Council Claims were approved and allowed for payment.

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Budget Transfer No. 1, Schools, for \$850,000.00, a loan until tax money is available.

117 Budget Transfer No. 2, Cameron Park Community Services District, for \$30,000.00, a loan until tax money is available.

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193A The Board approved Assessment Roll Changes numbered: 2093, 2094, 2095, 2096, 2098, 2099, 2100, 2101, and 2104.

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151-13 RESOLUTION NO. 240-79 was adopted Authorizing an Action for the Recovery of County Funds Paid Out for Western Slope Ambulance (County Service Area No. 7); Library and Welfare Departments.

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9-17 The Chairman was authorized to execute Release of Lien, discharging all property encumbered by the Agreement 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>	
Louwanna Yeager and Patrick E. Yeager	1769	677

* * * *

3-17 RESOLUTION NO. 237-79 was adopted directing the Auditor/Controller to draw a warrant, in the amount of \$66.76, to replenish the Tax Collector's Cash Difference Fund.

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2-19-79 As recommended by the Director of Public Works, the Chairman was authorized to sign Contract Change Order No. 5 for the contract with Delta Construction Company for the Latrobe Road Project, decreasing the cost by \$5,720.00, as the grades of the centerline profile have been adjusted to accommodate the apparent swell of the excavated material.

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110-1-79 RESOLUTION NO. 238-79 was adopted vacating and abandoning portions of Salmon Falls Road (County Road No. 39), which have been superseded by the SS-25 Construction Project, pursuant to Sections 960.1 and 960.2 of the Streets and Highways Code, and as recommended by the Director of Public Works.

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2-27 Chairman was authorized to sign a Joint Operating and Financial Plan between the El Dorado County Sheriff's Department and the Lake Tahoe Basin Management Unit for patrol and law enforcement services; said Plan for period October 1, 1979, through September 30, 1980.

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59 The Board approved the El Dorado County Fair Association's 1980 proposed budget.

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61-2
At the recommendation of the Purchasing Agent, and at the request of Mrs. Barbara Osucha, County Service Area No. 2 Zone B Representative, the Board approved specifications and authorized advertising for bids for road repairs in County Service Area No. 2, Zone B; with bids to be opened October 1, 1979, and awarded by Board on or after October 9, 1979.

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At the request of the El Dorado County Fair Association, the Board approved the following Budget Transfers:

- 119
No. 529 - Maintenance of Equipment, Supplies and Expense; in the amount of \$1,500.00, due to gasoline prices and added vehicle repairs.
- No. 530 - Maintenance of Building and Grounds, Supplies and Expense; in the amount of \$518.07, for repair in the horse arena and racetrack areas.
- No. 624 - Horse Show Supplies and Expense; in the amount of \$168.95, for sanction of NORCAL and Pinto classes.
- No. 503 - Employees Benefits - Employers Share; in the amount of \$903.42, for dental insurance and increased share to Public Employees Retirement System.
- No. 508 - Postage and Telephone; in the amount of \$220.34.
- No. 509 - Dues and Subscriptions; in the amount of \$5.00, to balance account.
- No. 521 - Maintenance Salaries & Wages - Permanent Employees; in the amount of \$980.80, for more fairtime overtime than anticipated.
- No. 531 - Trash Removal Expense; in the amount of \$168.50, due to inflated costs.

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119
Removed from the Consent Calendar for separate consideration, at the request of Supervisor Todd, the Board approved the proposed apportionment of Special District Augmentation Funds in the amount of \$1,090,000.00, as submitted by the Auditor/Controller; on motion of Supervisor Stewart, seconded by Supervisor Johnson, and carried by the following vote: Ayes: Supervisors Johnson, Flynn, Stewart, and Walker; No: Supervisor Todd.

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Also removed from the Consent Calendar for separate consideration, RESOLUTION NO. 239-79 was adopted amending the foster home care rates to exceed the State average by 15.16%, effective July 1, 1979, as recommended by the Welfare Director.

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On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, the Chairman was authorized to sign a letter to Pacific Telephone and Telegraph Company authorizing same to bill the County for \$9,400.00, a one-time cost for the relocation of telephone facilities for the construction of the Superior Court at South Lake Tahoe.

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On motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the Board ratified the Western Union "night letter" sent to Governor Brown on September 12, 1979, at the request of the Agricultural Commissioner, and signed by the Chairman; said letter urging the Governor to sign Assembly Bill 591 which authorizes 30% funding for local agricultural protection programs, and Assembly Bill 986 which authorizes 30% funding for administration and enforcement of County Sealers' Weights and Measures Programs.

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A Policy Review Session was set for October 1, 1979, at 2:00 p.m., with the County Fire Chiefs, at their request, to discuss sphere of influence planning, on motion of Supervisor Todd, seconded by Supervisor Flynn, and unanimously carried. (Requested by Fire Chiefs' Association)

* * * *

At the request of the Forest Supervisor, and on motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried, the Board set October 29, 1979, at 9:00 a.m., to make a field trip into the Eldorado National Forest to review County and Forest Service roads for discussion of maintenance and assumption of road systems.

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On motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the Personnel matters submitted by the Personnel Officer were acted upon as follows: (1) RESOLUTION NO. 241-79 was adopted, adopting revised Job Specifications for Staff Nurse and Family Support Interviewer in the Health Department and District Attorney's Office respectively; (2) Policy was adopted providing for administrative leave under very restricted and specific circumstances; (3) Policy was adopted relative to employee records and the right to privacy; and (4) Board stated its Policy permitting public or private non-profit corporations to participate in the County's health plan will not be extended to include the recently added dental plan. *(Administrative Leave in this instance pertains to its use when an investigation may be necessary to preclude imposing disciplinary suspension when an employee is required to be absented from his place of work.)

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197-5
The Board reviewed responses from concerned department heads to the 1978-79 Grand Jury Report, and on motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the Board referred the matter to the Chief Administrative Officer and County Counsel to prepare a response from the Board to the Presiding Judge of the Superior Court, in manuscript form, incorporating the department heads' responses.

In a separate action, the Board set an Executive Session with the Director of Public Works, regarding the Grand Jury Report, for September 24, 1979, at 10:00 a.m., on motion of Supervisor Todd, seconded by Supervisor Johnson, and unanimously carried.

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82-1A
(353)
On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Board adopted a Policy which states, "In carrying out its duties and responsibilities to safeguard the public funds and properties entrusted to its care by the citizens of this County, it shall be the policy of the Board of Supervisors to timely investigate, document, and take appropriate action on any and all cases of reported employee misconduct, including but not limited to, falsification of County documents by omission or commission and misuse or theft of County funds or property."

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82-1A
(353)
The Board considered data submitted by the Chief Administrative Officer regarding the distribution of County vehicles other than those classified as heavy equipment, which reflects that 41 vehicles are routinely being driven back and forth to work by department heads and regular employees. On motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Board directed that its Policy relative to the "Utilization of Vehicles While on County Business", dated May 5, 1976, be strictly enforced, and the department heads be given one week to submit justification to the Board for overnight retention of County vehicles; said matter thereby being continued to September 25, 1979.

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22-13
On motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried, the Board accepted the resignation of Ms. Ginger Thelin from the Golden Empire Health Systems Agency's Governing Board, and directed that a Certificate of Appreciation be forwarded to Ms. Thelin.

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SPECIAL ORDERS

PLANNING MATTERS

Hearing was held as duly advertised to consider rezoning of lands in the Pollock Pines area from Single Family Residential zone to Limited Multi-Family Residential zone, consisting of 9,600 square feet, petitioned by John T. Pettyjohn. Planning Commission recommends approval, and the Planning Director enumerated the following findings of the Commission:

- (2-5-6-77)
370-9a
1. The zone change request is in compliance with the General Plan;
 2. The surrounding properties to the north, east and west are zoned R1, Single Family Residential. The property to the south is zoned RM, Multi-Family Residential;
 3. The site has E.I.D. water and is within the Pollock Pines Fire Protection District;
 4. The zone change request does not conflict with the Camino/Pollock Pines Development Policies as adopted in 1969 and the request does comply with Goals and Objectives, No. 13, (see page 3 and 15), of the 1969 General Plan.

Mr. Pettyjohn was present and spoke on his own behalf.

There were no protests, and the Hearing was closed.

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board concurred in the Planning Commission's findings; the rezoning was found to be in conformity with the General Plan; the Negative Declaration was accepted, and the rezoning was approved and adopted by ORDINANCE NO. 2026, which amends the County Zoning Ordinance accordingly.

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(2-5-6-77)
370-9a

Hearing was held as duly advertised to consider rezoning of lands in the El Dorado/Diamond Springs area from Agricultural zone to Single Family One Acre Residential zone, consisting of 7.89 acres, petitioned by John R. Longwill. Planning Commission recommended approval, and the Planning Director enumerated the following findings of the Commission:

1. The current General Plan Land Use Map identifies the area as Medium Density Residential, 1 to 5 dwelling units per acre;
2. The surrounding zoning is R1A, One Acre Residential and R3A, Single Family Three Acre Residential;
3. The site is within the El Dorado/Diamond Springs Fire District, and is served by the El Dorado Irrigation District.

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Mr. George Sanders, Engineer, was present and spoke on behalf of the applicant.

There were no protests, and the Hearing was closed.

On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Board concurred in the Planning Commission's findings; the rezoning was found to be in conformity with the General Plan; the Negative Declaration was accepted, and the rezoning was approved and adopted by ORDINANCE NO. 2027, which amends the County Zoning Ordinance accordingly.

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Hearing was held as duly advertised to consider rezoning of lands in the Salmon Falls area from Agricultural zone to Single Family One-Half Acre Residential zone, consisting of 30.38 acres, petitioned by Jerry Newland for Oak Creek Hills Standard Subdivision. The Planning Commission recommended approval, and the Planning Director enumerated the following findings of the Commission:

1. The proposed zone change from A, Agricultural to R20,000, One-Half Acre Residential is in compliance with the General Plan; (The General Plan identifies the area as medium density, 1 to 5 dwelling units per acre.)
2. The site is required to be annexed to the appropriate districts to provide needed services;
3. The rezoning is to become effective upon approval of the final map.

Mr. Gene Thorne, Agent, was present and spoke on behalf of the applicant.

Mr. Stan Spas, resident of the area, was present and spoke in opposition to the rezoning. Mr. Spas stated that many of the lots in the proposed subdivision are less than one acre in size. Mr. Spas is concerned about increased traffic on their roads and sewage problems. Mr. Spas referred to a letter of opposition from Mr. Piasantini of Uplands Drive, who holds a Masters Degree in Waste Water and has worked in water quality for the last five years. Mr. Piasantini points out future water quality problems he foresees if the rezoning and subsequent subdivision are approved.

Mrs. Myrna Sparks, resident of the area, was present and spoke in opposition to the rezoning. Mrs. Sparks voiced the same concerns as Mr. Spas, and read a petition signed by 74 residents of the area who are opposed to the rezoning.

Mrs. Phyllis Miller, resident of the area, was present and spoke in opposition to the rezoning. Mrs. Miller read a letter dated August 23, 1979, from Mr. Gaylen Freeman, Superintendent of the Rescue Union School District, in which Mr. Freeman expressed concern that approval of the rezoning and subsequent subdivision will result in further impaction of the School District.

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

On motion of Supervisor Todd, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Todd, Johnson, Flynn, and Stewart; No: Supervisor Walker, the rezoning was denied without prejudice based on the following findings:

1. Incompatibility with the surrounding properties, as to anything less than one acre zoning; and
2. Potential for other parcels being created with R20,000, One-Half Acre Residential zoning which would make it further incompatible.

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423
12/1/79
12/1/79
Planning Director submitted the Tentative Map for Oak Creek Hills Standard Subdivision, consisting of 30.38 acres, comprising 27 lots; Subdivider: Jerry Newland. Planning Commission recommended approval subject to conditions (said conditions being on file in the office of the Clerk of the Board of Supervisors).

At the request of the applicant, and on motion of Supervisor Todd, seconded by Supervisor Stewart, and unanimously carried, the matter was continued off calendar, to be referred back to the Planning Commission to review an amended map which will reflect no lots under one acre in size.

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7/10/79
12/1/79
On motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried, the Board proclaimed the Chili Bar Fire, started September 16, 1979, and burning uncontrolled to date, a local emergency; and directed that said proclamation be forwarded to the Governor of the State, through the Director of the Office of Emergency Services, requesting the Governor declare a State of Emergency in El Dorado County and financial assistance be made available.

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2/2/79
Hearing was held as duly advertised to consider an Appeal filed by Mr. Carroll Thomas on the Planning Commission's denial of his Special Use Permit Application No. 79-63, to allow a trout pond in conjunction with an existing art gallery on 1.7 acres of land zoned Commercial in the Mt. Ralston area.

The Planning Director stated that the Planning Commission had received a petition signed by 240 people in favor of the Special Use Permit. Also, the Commission had received five letters in opposition, and six letters in favor.

Mr. Thomas was present, along with his attorney, Mr. Jim Brunello, who spoke on his behalf.

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Mr. Brunello addressed the matters of permits from other agencies, water, sewer, view from surrounding properties, Highway 50 access, and parking. Also, Mr. Brunello emphasized the fact that Mr. Thomas had deleted his request for arts and crafts shows which was a part of his original application for the Special Use Permit. The Permit as now requested would be for the trout pond only.

Mr. Brunello submitted for Board review, a copy of a letter sent to surrounding property owners in the area, by Mr. Thomas, explaining his intentions as to development of the trout pond, and requesting they correspond their position to the Board of Supervisors. Along with this, Mr. Brunello submitted responses from 25 of those property owners -- one of which was opposed to the trout pond.

The following persons were present and spoke in favor of the Special Use Permit: Mr. O'Connor, Jerry Clover, Don Peterson, Sandra Nixon, Ron Karinoff, Tim O'Dommi, Steve Pierce, and Ed Nafus.

Mr. Lester Moulder, President of the Mt. Ralston Property Owners Association, was present to speak in opposition to the Special Use Permit on behalf of said Association. Mr. Moulder stated that no one had notified the Association of Mr. Thomas' deletion of a request for arts and crafts shows to be included in the Permit, and therefore could not speak on behalf of the Association on the revised application for the trout pond only.

Mr. Kenneth Carlson and Mrs. Mary Carlson were present and spoke in opposition to the Special Use Permit, even as revised.

There being no further comments, the Hearing was closed.

On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, the Board continued the matter until October 2, 1979, to afford the Mt. Ralston Property Owners Association an opportunity to reconsider its position in light of the modification to the application that is now evident (the deletion of the arts and crafts shows); and the Board stated its intent to consider the following possible conditions to the Special Use Permit if approved:

1. That the Special Use Permit be for the fish pond only;
2. The activity would comply with the conditions placed by the Environmental Health Department/Water Quality Control;
3. There would be no outside banners or other devices to attract attention other than the signs that would be allowed normally in a Commercial zone;
4. Hours of operation would be from 8:00 a.m. to 8:00 p.m.;
5. Parking to comply with County Ordinance, with a minimum of ten spaces for the trout pond, and the layout subject to Planning Commission approval;
6. Signs would be limited to twelve square feet;

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7. A sufficient number of trees be planted to screen the activity from adjacent property owners to the north;
8. Barriers be placed to control the flow of traffic to two specific points to control ingress and egress;
9. No overnight camping permitted;
10. No outside speakers for music or anything of that nature;
11. No outdoor lighting be permitted which highlight the outdoor activity (security lighting excluded).

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The Board adjourned as the Board of Supervisors, and convened as the Board of Directors of County Service Area No. 2.

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Hearing was held as duly advertised to consider placing an assessment on all parcels of property within County Service Area No. 2 for road purposes.

Representatives of the property owners were present and stated that, at a meeting of the property owners, those present voted unanimously in favor of this assessment, due to their loss of revenue as a result of the passage of Proposition 13.

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

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board approved the assessment of \$50 per parcel to be placed on all parcels within County Service Area No. 2 to be used for road purposes.

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The Board adjourned as the Board of Directors of County Service Area No. 2, and reconvened as the Board of Supervisors.

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At the recommendation of the Planning Director, on motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Agreement to make subdivision improvements in the Deer Valley Oaks Unit No. 2 Rural Subdivision in the Rescue area was approved and the Chairman was authorized to sign, and the Final Map of Deer Valley Oaks Unit No. 2 Rural Subdivision was approved, and the Clerk was authorized to endorse such approval on said Final Map.

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67
On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the Board referred back to the Planning Commission, a proposed Ordinance amending Section 9440 of the Zoning Ordinance, adding Section 9441 to provide for the division of a parcel which is 10% less in size than indicated by government survey, with the Board's request that, under Section 9441, the first sentence, the following be deleted: "R1A, R2A, and R3A" (Supervisors Flynn and Stewart request that "RE-5" also be deleted); and the deletion of Condition No. 3 (Supervisor Walker suggests that perhaps, rather than deleting No. 3, the 50% be changed to 75%); and request that the Commission take another look at Condition No. 4.

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NEW BUSINESS

4211
At the recommendation of the Director of Public Works, and on motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried, the Board approved the request of John H. Kelly for a variance of the encroachment standards to permit him to construct an access road from Salmon Way to his lot in the Sly Park Hills Subdivision with a maximum gradient of 10% for the first ten feet from the edge of pavement on Salmon Way.

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(298)
141-1
The Chairman asked the Board if it wishes to agendize the request of Mr. George Noller for a response to County Counsel's directive from the Board on May 29, 1979, wherein County Counsel was to research the title sufficiently to determine whether at the time Mr. Noller acquired his property, it was two separate legal parcels.

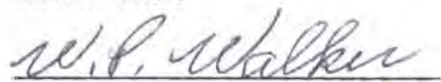
On motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried, the Chairman was authorized to correspond with Mr. Noller, advising him that the Board is satisfied with County Counsel's clarification of the County's position regarding the assessment of his parcels identified as APN 43-330-07 and 43-330-08; and based upon County Counsel's recommendation, the Board intends to take no further action on Mr. Noller's request for a reduction in his assessment.

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There being no further business, the Board adjourned to Tuesday, September 25, 1979, at 10:00 a.m.

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APPROVED:


W. P. WALKER, Chairman

ATTEST:
DOLORES BREDESON, County Clerk
and ex officio Clerk of the Board

By 
Deputy Clerk