

# STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES October 30 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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12-1 The Invocation was offered by Reverend Don O. Herman of the First Lutheran Church.

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

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On motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Agenda was adopted with the addition of a request by the Welfare Director to place a male juvenile in an institutional care facility at a cost over \$800.00.

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The Minutes of October 23, 1979, were approved as submitted, on motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried.

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On motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the 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 The Board approved Budget Transfer No.10 for the Superior Court, transferring \$450.00 from Office Expense (2170) to Memberships (2150).

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15-13 RESOLUTIONS NOS. 271-79 and 272-79 were adopted Authorizing an Action for the Recovery of County Funds Paid Out for Western Slope Ambulance (County Service Area No. 7); Library; Welfare; Public Defender; and Probation Departments.

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50-2 The Board approved sixteen (16) Assignments to Northwest Creditors Service from the Collection Department for Claims against those persons named on the Assignments dated October 30, 1979; copies of which are on file in the Board of Supervisors Office, beginning with the name of Donald H. McHugh and ending with the name of Lonnie L. Gorrell.

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298A The Board approved Assessment Roll Changes numbered: 2206, 2207, 7760, and 7762.

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151 RESOLUTIONS NOS. 273-79 and 274-79 were adopted Discharging Unpaid County Welfare Accounts.

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(381) 349 At the recommendation of the Chief Assistant County Counsel, the Board denied a claim filed by Attorney A. I. Weber on behalf of Southern Pacific Transportation Company for refund of property tax paid for Fiscal Year 1978-79.

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(94) 94-2 Chairman was authorized to sign an Agreement Renewal with Georgetown Divide and El Dorado County Resource Conservation Districts for erosion and sediment control during Fiscal Year 1979-80.

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433 72 Marina Village #2 At the recommendation of the Director of Public Works, the Board approved the request of Morton & Pitalo, Inc., for Reduction of Subdivision Improvement Letter of Credit on Marina Village, Unit No. 2, Subdivision; said reduction in the amount of \$127,872.00, leaving a balance of \$1,068,269.00.

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296-4 700 Lake #2 At the recommendation of the Director of Public Works, the Chairman was authorized to sign Contract Change Order No. 7 to the contract with Delta Construction Company for the Latrobe Road Project, increasing said contract in the amount of \$5,000.00.

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233-6 The Sheriff was authorized to purchase a used refrigerator, at a cost of \$106.00, for use in the Coroner's Division to store certain types of evidence.

\* \* \* \*

50-1 At the recommendation of the Community Programs Director, the Chairman was authorized to sign the Community Services Agreement with Voluntary Action of South Lake Tahoe to provide the Meals on Wheels Program at South Lake Tahoe for Fiscal Year 1979-80, at a cost not to exceed \$12,600.00.

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27 At the recommendation of the Principal Analyst, the Chairman was authorized to sign the annual Maintenance Agreement with Simplex Time Recorder Company for the Library fire alarm system, at a cost of \$420.00 per year.

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151-2 At the recommendation of the Welfare Director, the Board authorized placement of a male juvenile in the St. Patrick's Children's Home in Sacramento, at a cost of \$1,295.00 per month, to participate in its residential treatment program.

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214  
At the recommendation of the Chief Probation Officer, and on motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Chairman was authorized to sign an Agreement with Michael and Daryl Radney for Shelter Care and Crisis Resolution Home child placement services for the Western Slope, at a cost of \$50.00 per bed for four beds, and \$10.00 per day per child for care rendered.

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421  
At the recommendation of County Counsel, and on motion of Supervisor Todd, seconded by Supervisor Johnson, and unanimously carried, the Chairman was authorized to sign a Settlement Agreement with John and Helena Schindler pertaining to the retaining wall he constructed in the County road right-of-way in the Rancho Ponderosa Subdivision, and the Board also directed that said Agreement be signed by Mrs. Schindler and any other parties with interest in said property (such as a mortgage company).

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(128)  
433  
At the request of Sheriff Pacileo, and on motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, RESOLUTION NO. 275-79 was adopted requesting State assistance with extraordinary costs incurred during the Chili Bar Fire September 16 through 21, 1979. The Sheriff reported that his personnel worked 1,053.5 hours of overtime until the emergency was quelled, incurring a cost of \$8,348.35.

\* \* \* \*

(101)  
325  
Supervisor Flynn advised the Board that omnibus bills were introduced in the House of Representatives on October 12, 1979, to designate National Forest System roadless areas in California as wilderness and provide additions to existing wilderness. On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board voted to support H.R. 5586, introduced by Congressman Harold Johnson, which agrees with the Administration's RARE II proposals except for a small exclusion in the proposed Mt. Shasta wilderness and for language that would release National Forest System areas proposed for multiple use other than wilderness for management in accordance with the Forest and Rangelands Renewable Resource Planning Act of 1974, as amended.

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(70)  
141  
On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, the Board directed County Counsel to prepare a letter for the Chairman's signature, to Governor Brown with a copy to Lt. Governor Curb, requesting appointments be made to fill the two recently vacated positions on the Tahoe Regional Planning Agency (TRPA).

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233  
The Board set a Policy Review Session with the Sheriff, at his request, for November 7, 1979, at 9:00 a.m., to discuss the future construction of additional office space at the Sheriff's Department, on motion of Supervisor Todd, seconded by Supervisor Walker, and unanimously carried.

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233  
114  
11-11

On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried the Personnel recommendations were acted upon as follows: RESOLUTION NO. 276-79 was adopted, deleting 1.0 Account Clerk II position and adding 1.0 Typist Clerk II position in the Health Department; the job specification for Purchasing Agent was modified to include director and supervisor of the Service Unit; the appointment of a well qualified Social Service Practitioner at the top step in the Tahoe Office of the Welfare Department was approved; RESOLUTION NO. 277-79 was adopted, deleting 1.0 Budget and Account Clerk III position and adding 1.0 Typist Clerk III position in the Welfare Department; RESOLUTION NO. 278-79 was adopted, deleting 1.0 Public Works Inspector position and adding 1.0 Engineering Aide II position in the Public Works Department; and waiver of formal bidding procedure was approved, to allow the purchase of four (4) automobiles from Hertz Rent A Car for the Sheriff's Department.

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124

At the recommendation of the Director of Public Works, and on motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Chairman was authorized to sign an extension of the Agreement with the United States Department of Agriculture, Soil Conservation Service, for testing of plants on County road rights-of-way and airports; and the Director of Public Works was designated as authorized to sign future extensions.

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(11-4-79)  
11-4

On motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried, the Board continued to November 20, 1979, the Local Disaster Council's recommended changes to the County Disaster Ordinance; said continuance to permit County Counsel to re-type the Ordinance with changes recommended by the Board this date.

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208

Supervisor Stewart requested the Board to review a statement from the Public Works Department to Ashurst & Kincade Cable TV Company, in the amount of \$56.82, for inspection fees to install cable TV in the 41 Mile Tract area, as said Company questioned the billing and felt it should not have to pay for the inspection services. On motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Board directed that Ashurst & Kincade Cable TV Company be advised by letter that, after reviewing the file, the request to waive the inspection fees is denied.

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(1-22)  
370-5a

At the recommendation of the Director of Health Services, and on motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, ORDINANCE NO. 2038 was adopted to establish regulations and licensing procedures for operation of public whirlpools, spas, and hot tubs in a safe and sanitary manner to prevent disease transmission; and the Health Department directed to develop an inspection or permit fee to bring back to the Board for approval at a later date.

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59-5  
On motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Board accepted Mr. Kenneth D. Yates' resignation as a member of the El Dorado County Fair Board of Directors, effective October 31, 1979, and directed that a Certificate of Appreciation be forwarded to Mr. Yates.

Also, on motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried, the Board appointed Mrs. Joyce C. Pogue to the Fair Board to fill the vacancy created by Mr. Yates' resignation.

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25  
After reviewing the City of South Lake Tahoe's proposed revision to the license issued to the City, by the County, for a bus passenger shelter to be placed on County property in the immediate vicinity of the City Art Building and Chamber of Commerce at South Lake Tahoe, the Board directed that the license approved on October 2, 1979, be revoked, and the Chairman was authorized to sign the revised license, on motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried.

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Results were received (by telephone) from the opening of bids for Buckeye Union School District 1978 Bonds, Series B, in the amount of \$1,210,000.00, and Latrobe School District 1974 Bonds, Series B, in the amount of \$35,000.00; said bids having been received in the offices of Messrs. Orrick, Herrington, Rowley & Sutcliffe, 600 Montgomery Street, San Francisco, California, at 10:00 a.m. (as advertised).

422  
Int. S.D.  
There were no bids received for the Latrobe School District 1974 Bonds, Series B, in the amount of \$35,000.00, therefore, no action was taken by the Board on same.

422  
Buckeye Union  
The following bids were received for the Buckeye Union School District 1978 Bonds, Series B, in the amount of \$1,210,000.00:

| <u>BIDDER</u>                  | <u>NET INTEREST</u> |
|--------------------------------|---------------------|
| Crocker National Bank          | 6.9744%             |
| United California Bank         | 6.984474%           |
| Bank of America                | 7.0692%             |
| Wells Fargo Bank               | 7.095751%           |
| Security Pacific National Bank | 7.12628%            |

RESOLUTION NO. 280-79 was adopted, awarding the bid to the lowest bidder, Crocker National Bank, on motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried.

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79-20  
On motion of Supervisor Todd, seconded by Supervisor Johnson, and unanimously carried, the Board appointed Supervisor Flynn as its representative on the Golden Chain Council.

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Mr. Edward Baehr of the Meeks Bay Fire Protection District was present and spoke on behalf of said District. Mr. Baehr spoke of the need of an additional access road in and out of Meeks Bay Vista for emergency vehicles, and submitted photographs showing why a crash gate is not a practical solution. Mr. Baehr is also President of the Meeks Bay Homeowners Association.

Lt. Dan Holbrook of the Meeks Bay Fire Protection District also spoke of the need for opening the road to allow passage of emergency vehicles, as the present situation is a definite fire hazard.

The following persons were present and spoke in opposition to the County acquiring the piece of property to connect the two roads, and stated they would prefer a crash gate be installed: Mr. Mashbir, Mr. Dan Boeger, Mr. Ivan Fye, and Mrs. Ann Baehr.

There being no further protests, the Hearing was closed.

On motion of Supervisor Stewart, seconded by Supervisor Johnson, and carried by the following vote: Ayes: Supervisors Johnson, Flynn, Stewart, and Walker; Absent: Supervisor Todd, the Board adopted RESOLUTION NO. 279-79, a Resolution of Necessity to Acquire Property by Eminent Domain for Connection of North Lane and Meeks Bay Avenue in Rubicon Properties.

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## SPECIAL ORDERS

### PLANNING MATTERS

6855-69-79  
390-79  
Hearing was held as duly advertised to consider rezoning of lands in the Kirkwood Area from Agricultural zone to Planned Commercial zone, consisting of 1 acre, petitioned by Douglas M. Smith, Jr. The Planning Commission recommended approval, and the Planning Director enumerated the following findings of the Commission:

1. The modified request is in compliance with the El Dorado County General Plan and, more specifically, it is in compliance with the proposed Master Plan for the Development of Kirkwood Meadows;
2. That adequate facilities are present to service the proposed use, i.e., fire protection, water and sewer for the first phase of the proposed development;
3. The second phase of development will include the service station and two-bay garage. Requirements for fire flow, CALTRANS, and other requirements associated, will be provided.

There were no protests, and the Hearing was closed.

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Supervisor Stewart advised that this County's assessed dues to the Tahoe Regional Planning Agency (TRPA), in the amount of \$60,661.24, for Fiscal Year 1979-80, have not been paid and was not included in the Board's budget for 1979-80. On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unani-

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On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Board introduced an Ordinance to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations, the reading thereof was waived, and the Hearing to consider adoption of same was set for November 20, 1979 at 11:30 a.m.; also, the Board directed that the Planning Department and County Surveyor submit a list of known quarry people in the County to the Board Clerk who will notify them of the Hearing and advise them that said proposed Ordinance is on file in the Clerk's Office for their review.

57-11a

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On motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the Board introduced an Ordinance to establish a Mineral Resource (MR) District for the orderly development and protection of lands containing mineral resources, the reading thereof was waived, and the Hearing to consider adoption of same was set for November 20, 1979 at 11:30 a.m.; also, the Board directed that the Planning Department and County Surveyor submit a list of know quarry people in the County to the Board Clerk who will notify them of the Hearing and advise them that said proposed Ordinance is on file in the Clerk's Office for their review.

57-11a

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Supervisor Todd exited the meeting room for the duration of the morning session.

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Hearing was held as duly advertised to consider adoption of a Resolution of Necessity to Acquire Property by Eminent Domain for Connection of North Lane and Meeks Bay Avenue in Rubicon properties.

(104-14)  
296-4  
Meeks Bay  
296-4  
Meeks Bay

Mr. William Isham, Secretary of the Rubicon Tahoe Owners, Inc., was present and spoke on behalf of said Association. Mr. Isham stated that the Rubicon Tahoe Owners, Inc., does not want this 40' x 60' piece of property acquired by the County in order to open the road through Meeks Bay Vista and Rubicon Properties because of the increase in traffic which will result in an invasion of their privacy and tranquil lifestyle and thereby reduce their property values. The property owners would prefer the installation of a crash gate to be kept locked during the summer months, and left open during the winter.

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On motion of Supervisor Johnson, seconded by Supervisor Flynn, 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. 2039, which amends the County Zoning Ordinance accordingly.

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Hearing was held as duly advertised to consider adoption of the Kelsey Area Land Use Plan, consisting of approximately 7,630 acres, as recommended by the Planning Commission on September 13, 1979.

57-6  
Mr. Arlan Nickel, of the Planning Department, summarized the Environmental Impact Report prepared relative to the Plan.

Mr. Tom Smith, who owns 97 acres in the Kelsey area, spoke in opposition to the ten-acre minimum zoning on property along Bayne Road, as he feels this zoning will prohibit orderly development. He feels five-acre minimum zoning would make it financially possible for most land owners to split and develop their property in an orderly manner.

Mr. James A. Spence, member of the Kelsey Planning Advisory Committee, stated that the Area Land Use Plan was studied very carefully, that he feels it is as good a plan as can be developed, and urged the Board to adopt said Plan.

Mrs. Phyllis Matthews of Sacramento inquired about the future piping of water down Highway 193 to her parents' property in Kelsey. Mr. Spence informed her that it would not be done until property owners in the area vote to do so. The last time the question was before them, the property owners in the area turned it down.

There were no further comments from the audience, and the Hearing was closed.

Supervisor Flynn read into the record, a letter from Mr. James Whitson, Agent, representing Mrs. Gladys Taylor, and requesting five-acre minimum zoning designation on her parcel of land as he feels it agrees with land capability and is transected by Bayne Road. The Planning Staff recommends ten-acre minimum zoning based on land capability and Land Use Development Policy "D" in the proposed Area Land Use Plan.

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board accepted the Environmental Impact Report, certifying that it was prepared in compliance with California Environmental Quality Act requirements; and declared its intent to adopt the Kelsey Area Land Use Plan, based on the Planning Commission's finding that there are no significant impacts as indicated on Page 14 of the Environmental Impact Report which have not been mitigated. (See Minutes for December 5, 1979, Page 519 for Resolution No. 302-79, amending the County General Plan accordingly.)

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The Board considered a request of the Gold Oak Union School District Board of Directors, that the Pleasant Valley/Oak Hill Area Plan Zoning Ordinance, adopted October 2, 1979, be amended to require ten acre minimum parcel size for parcel maps and rural subdivisions within said Area Plan.


County Counsel advised the Board that it cannot, at this time, set aside said Zoning Ordinance, which will become effective November 1, 1979. The School Board would have to apply to the Planning Commission for a rezoning and follow through the normal course of action for a rezoning.

On motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried, the Gold Oak Union School District Board of Directors' request was placed on file; and County Counsel was requested to answer, in writing, the following three questions raised by the Board:

1. What are the rights to initiate referendum proceedings during the thirty-day interval between the time the Ordinance is adopted and the time it goes into effect, and, if there are such rights, could they stay the effective date of the Ordinance? Also, are the rezoning of lands to specific zones an appropriate matter to be placed on the ballot?
2. Can a large group of land owners within the Pleasant Valley/Oak Hill area petition the Planning Commission to rezone their lands as well as lands owned by others?
3. Is an election to raise impact fees for a school district to take place on a County-wide or district-wide basis?

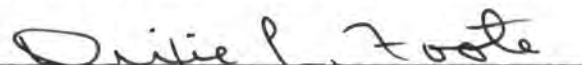
There being no further business, the Board adjourned to Tuesday, November 6, 1979, at 10:00 a.m.

APPROVED:

  
W. P. WALKER, Chairman

ATTEST:

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

By   
Deputy Clerk