

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES April 22 19 80

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 Todd presided.

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127 The Invocation was offered by Reverend Read Chatterton of the Historic Mother Lode Church in Coloma.

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

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The Agenda was adopted, on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, with the removal of item number 21, at the request of the Public Works Department, and item number 39, at the request of the applicant; and with the addition of one item regarding the termination of a Lighting Maintenance Agreement with Modern Lighting Maintenance Company of Sacramento.

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The Minutes of April 15 and 17, 1980, were approved as submitted, on motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried.

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

507 The Community Action Council Claims were approved and allowed for payment.

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157-13 RESOLUTION NO. 137-80 was adopted Authorizing an Action for the Recovery of County Funds Paid Out for Western Slope Ambulance (County Service Area No. 7); Lake Tahoe Ambulance; and Public Defender Departments.

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217 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>	
Patricia Elizabeth Callahan	1604	156
Peter M. & Mary Jo Casper	79-01-25	994
Robert Dela Rosa	1665	705
Leslie Williams	1245	129

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STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES April 22 19 80

At the recommendation of County Counsel, the Board approved for payment, a statement from Kronick, Moskovitz, Tiedemann & Girard, Attorneys at Law, in the amount of \$859.50, for services rendered.

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At the request of Mr. Harold S. Prescott, Jr., project engineer, the Board approved a reduction of the Subdivision Improvements Letter of Credit, in the amount of \$35,181.00, for Springfield Meadows Unit No. 1.

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At the request of the Director of Public Works, the Purchasing Agent was authorized to purchase a Leitz/Sakkisha Automatic Level from Phototech, Inc., the sole source of procurement, at a cost of \$594.66, to replace one which is broken and is 25 years old and too costly to repair.

* * * *

At the request of the Assistant District Attorney, the Chairman was authorized to sign a Contract with Xerox Corporation to replace an existing Xerox 3100 copy machine, at the District Attorney's Office at South Lake Tahoe, with a Xerox 4000 copy machine as approved in the 1979-80 budget.

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The County Surveyor certified that the survey monuments for Camino Woods Subdivision have been set in compliance with the County Ordinance Code, and the Board authorized release of the cash bond for same, in the amount of \$500.00, to Dorothy Brubaker, subdivider.

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Bid No. 093, glass spheres for the Public Works Department, was awarded to the low bidder, Whittaker Corporation, Bauer Coatings and Chemicals Division of Los Angeles, in the amount of \$7,687.12.

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The Board reviewed the request of the County Fire Chief's Association, that the Board adopt a Resolution establishing an El Dorado County Fire Advisory Board to assume a formal advisory role in planning, evaluating, and making recommendations on fire and fire-related matters in the County. Chief Bob Cima, of the El Dorado Hills Fire Department, was present and spoke in favor of the proposal. Supervisor Johnson suggested changes to the proposed Resolution to establish the Fire Advisory Board. Chief Cunha, of the Diamond Springs Fire Protection District, stated the Fire Chiefs would withdraw the proposal if they had to work under "conditions" of the Board of Supervisors as suggested by Supervisor Johnson. Chief John Williamson, of the Pleasant Valley Fire Protection District, attempted to summarize the reason for the proposal, stating that the 17 fire districts are attempting to bring their voices together to one by forming this Fire Advisory Board. He stated that the California Division of Forestry is one entity with one voice, and the Pioneer Voluntary Fire Department is really the only active volunteer fire department and has one voice, but there are 17 fire districts throughout the County and they are attempting to unite for the purpose of expediency and efficiency in working together and working with other County entities.

Continued next page

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES April 22 19 80

At the request of the Chairman, Supervisors Walker and Stewart (with Supervisor Flynn an alternate) agreed to meet with the Fire Chiefs, and representatives of the California Division of Forestry and the Pioneer Volunteer Fire Department, to work out the problems in this matter. Therefore, on motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried, the Board continued the matter off calendar until these problems can be resolved.

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At the recommendation of the Community Programs Director, the Chairman was authorized to sign the Statement of Community Services Administration Grant, in the amount of \$150,000.00, for operation of El Dorado County Community Action Council programs during the period March 1, 1980 through February 28, 1981, on motion of Supervisor Flynn, seconded by Supervisor Walker, and carried by the following vote: Ayes: Supervisors Johnson, Walker, Flynn, and Todd; No: Supervisor Stewart.

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The Purchasing Agent had placed on the Board's agenda, a recommendation that the Chairman be authorized to sign a five-year Lease Purchase Agreement with International Business Machines (IBM) for the IBM Copier II in use at the Health Department on Spring Street. At the request of the Purchasing Agent, and on motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried, the matter was continued to April 29, 1980, as IBM had just notified the Purchasing Agent, this date, that there has been a decrease in the dollar amount of the proposed contract, so he wanted to re-write his request.

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The Board considered AB8 negotiations with the City of Placerville. Mr. Dan Huntley was present and spoke requesting the Board reach a compromise settlement with the City today. Mr. Huntley submitted a written summary of his testimony. Mr. Tom Sullivan, Placerville City Councilman, was also present to speak on behalf of the City.

At the recommendation of Mr. Larry Ames, County Assistant Auditor-Controller, and on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried by those present, the Board voted to adhere to the single rate method of property allocations, and offered the City of Placerville 7.6% on improved and unimproved property.

Councilman Sullivan stated he could not speak for the City Council, in response to the offer, until the Council meets, considers the offer, and takes a vote on its position.

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At the request of the Board, representatives of the State Department of Transportation (CALTRANS) were present to answer questions of the Board and public, regarding CALTRANS' proposed closure of westbound Highway 50 from Kyburz to Echo Summit, during the period July 1, 1980 to August 1, 1980, to repair storm-damaged portions of same. Present on behalf of CALTRANS were Mr. Howard Payne and Mr. Bob Coleman.

Mr. Payne submitted a letter dated April 22, 1980, from Mr. Leo J. Trombatore, District Director of Transportation, wherein he responds to five specific questions of the Board regarding this matter, as relayed in the Board's letter to Mr. Trombatore, dated April 16, 1980.

Continued next page

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES April 22 19 80

The following persons were present and spoke in opposition to the closure as proposed, and the fact that CALTRANS made its plans without consulting any of the many citizens of the County who will be greatly affected by same: Mr. Tom Sullivan, Placerville City Councilman and part owner of a local business; Mr. Ed Murray, President of the Hangtown Chamber of Commerce; Mr. Jerry Klovee, President of the Highway 50 Association; Mr. Sherm McKissick, presenting the South Lake Tahoe Chamber of Commerce; Ms. Jere Ellis, of Citizens for Sensible Growth, representing various businesses that run delivery trucks and vans to and from the Lake daily; Mr. Rick Oakley, Placerville City Manager; Mr. Bruce Brown, owner of Echo Chalet on Echo Summit; Mr. Bill Mullen, owner of a business at South Lake Tahoe; Ms. Norma Newman, owner of a business at South Lake Tahoe; Ms. Althea Reeg, President of Sierra/El Dorado Title Company; Mr. Vern Sprock, owner/operator of the Sierra Ski Ranch; Mrs. Dorothy Ingram, Board of Directors of the County Chamber of Commerce; Mr. Jay Masters, local businessman, Mr. Jerry Martin, owner/operator of campground at South Lake Tahoe; Mr. Rich Petino, representing a hotel/casino at South Lake Tahoe; Mr. Gerald Thomas of Thomas' Art Gallery at South Lake Tahoe; Mr. Rudy Bassinger, citizen; Mr. Tom Davis, Board of Directors of South Lake Tahoe Chamber of Commerce; Mrs. Mary Jane Battaglia, citizen; and Mr. Frank Benevento, South Lake Tahoe City Councilman, President of ABLE (Alliance of Business and Lodging Enterprises) and owner of a motel at South Lake Tahoe.

The Board also received letters of protest from the Highway 50 Association, the El Dorado County Chamber of Commerce, and the Alliance of Business and Lodging Enterprises. The Board also is in receipt of a copy of a letter from Lt. Governor Mike Curb, dated April 18, 1980, to Adriana Gianturco, Director of the Department of Transportation, urging her to reconsider the proposed closure and recommending the work schedule be split to perform part of the resurfacing between June 1st and 15th and the balance of work following Labor Day, September 1, 1980.

After much discussion, two facts became apparent:

1. The closure of Highway 50, a major highway, under the circumstances involved in this case, is unprecedented; and
2. CALTRANS will not reconsider its decision to close the highway as described in its letter of April 22, 1980, even though the decision was made without input from citizens and interested organizations who will be severely affected by the closure.

Therefore, the following motion of Supervisor Johnson was seconded by Supervisor Stewart, and unanimously carried:

"The El Dorado County Board of Supervisors recognizes the need for resurfacing Highway 50 east of Kyburz to the Lake Tahoe Basin.

"We have been informed by CALTRANS, District III, that its plan is to close Highway 50 from 7:00 a.m. to 7:00 p.m., Monday through Thursday - 7:00 a.m. to 3:00 p.m. on Friday, westbound traffic, and such westbound traffic will be re-routed on Highways 88 and 89 to 80.

"The County of El Dorado feels that the economic impact upon the County and its citizens, by this action, will be so severe that dire economic consequences will result.

Continued next page

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES April 22 19 80

"In past years, as resurfacing work has been done, only minimal inconvenience to traffic and business has resulted. We see no reason why the California Department of Transportation cannot develop a plan which would have less impact.

"We petition the Legislature of California to intervene on our behalf with the California Department of Transportation to correct this situation."

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Supervisor Walker exited the meeting room.

246-4
(0 out-14)
The Board considered a request of County Counsel, that the Board designate a source of funds, in the amount of \$750.00, and direct a warrant be drawn in that amount, to be deposited with the Superior Court for probable compensation arising from eminent domain proceedings against Rubicon Tahoe Owners, Inc.

The Board received 14 letters, 9 mailgrams, and 4 telegrams from Rubicon property owners who are opposed to the proceedings.

Mr. Neil H. McCabe, attorney representing a group of property owners along North Lane, was present and spoke on behalf of same, stating they are appealing the negative declaration that has been filed on this project, and requesting that the environmental review process be completed on the project as soon as possible.

At the recommendation of County Counsel, and on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried by those present, the Board continued the matter to May 20, 1980, at 11:30 a.m., to allow the Rubicon Tahoe Owners an opportunity to present justification for requesting an Environmental Impact Report on this project.

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The Board recessed for lunch, and all members of the Board returned for the afternoon session.

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SPECIAL ORDERS

PLANNING MATTERS

57
At the time the agenda was adopted, the Board removed from same, at the request of the applicant, a request for rezoning of lands in the Pollock Pines area from Agricultural zone to Estate Residential Five Acre zone, consisting of 21.28 acres, petitioned by Ernest N. Marini and Larry Gugliemelli.

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285-23-80
39090
Hearing was held as duly advertised to consider rezoning of lands in the Shingle Springs area from Estate Residential Five Acre zone to Single Family One Acre Residential zone, consisting of 4.675 acres, petitioned by Georgia M. Barrowcliff. Planning Commission recommended approval for Parcel No. 86-360-28 only; and the Board approved a General Plan Amendment for Parcel No. 86-360-28 only on March 24, 1980.

Continued next page

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES

April 22

19 80

The Planning Director enumerated the following findings of the Planning Commission, on which it based its recommendation for approval:

1. The property to the north and east is bordered by 1 acre and larger parcels;
2. There are three additional E.I.D. hookups to this parcel as the applicant had intended to gift deed property to children;
3. Adequate services can be provided as follows: Water - E.I.D.; Sewer - septic tanks; and Fire Protection - Shingle Springs Fire Department.

The applicant was present to answer any questions the Board members might have.

There were no written or verbal protests, and the hearing was closed.

On motion of Supervisor Johnson, seconded by Supervisor Walker, 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 for Parcel No. 86-360-28, consisting of 4.675 acres, was approved and adopted by ORDINANCE NO. 2080, which amends the County Zoning Ordinance accordingly.

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Hearing was held as duly advertised to consider rezoning of lands in the American Flat area from Exclusive Agricultural zone to Estate Residential Ten Acre zone, consisting of 106.2 acres, petitioned by Ralph and Elaine Cole. The General Plan amendment was approved by the Board on March 24, 1980. The Planning Commission recommended approval, and the Planning Director enumerated the following findings of the Commission:

1. The request is in compliance with the Goals and Policies of the General Plan;
2. The project site is within a fire protection district;
3. The request for rezoning from AE, Exclusive Agricultural to A, Agricultural, is supported by the area's Citizen Advisory Committee. (Note: Staff recommended that the A, Agricultural zone as requested by the applicant, be changed to RE-10, Estate Residential Ten Acre zone; the reason being that the Agricultural zone has been historically used as a holding zone.)

The applicant was present to answer any questions of the Board members. When asked by Supervisor Walker, Mr. Cole stated he had no objection to changing his request to RE-10, Estate Residential Ten Acre zone as recommended by the Planning staff.

There were no written or verbal protests, and the hearing was closed.

On motion of Supervisor Flynn, seconded by Supervisor Johnson, 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. 2081, which amends the County Zoning Ordinance accordingly.

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STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES April 22 19 80

Hearing was held as duly advertised to consider rezoning of lands in the Greenwood area from Single Family Two Acre Residential zone to General Commercial zone and Single Family Two Acre Residential zone, consisting of 5 acres, petitioned by John D. Loeblein. At the recommendation of the Planning Commission, the General Plan Amendment to allow this rezoning was denied by the Board on March 24, 1980. The Planning Commission recommended denial of the rezoning, and the Planning Director enumerated the following findings of the Commission:

- 785-26-80
1. The request is not in compliance with the General Plan;
 2. The request is considered spot zoning and the uses permitted under the Commercial zone may not be compatible to surrounding (future and present) residential uses;
 3. The request is not considered to be in the best interest of the County.

The applicant was not present.

There were no written or verbal protests, and the hearing was closed.

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board denied the requested rezoning based on finding number one: "The request is not in compliance with the General Plan."

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423 Diamond Development J. Johnson

At the recommendation of the Planning Director, on motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the Agreement to make subdivision improvements in the Diamond Development Subdivision in the El Dorado/Diamond Springs area was approved, and the Chairman was authorized to sign; and the Final Map of Diamond Development Subdivision was approved, and the Clerk authorized to endorse such approval on said Final Map.

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423 Indian Springs Rural

At the recommendation of the Planning Director, on motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the Agreement to make subdivision improvements in the Indian Springs Rural Subdivision in the Pilot Hill area was approved, and the Chairman was authorized to sign; and the Final Map of Indian Springs Rural Subdivision was approved, and the Clerk authorized to endorse such approval on said Final Map.

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57 (2) 340

At the recommendation of the Planning Director, and on motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried, the Chairman was authorized to sign a Joint Powers Agreement with the City of Placerville, to establish the El Dorado County Joint Transit Agency, consisting of three Board members and two City Council members, to provide and maintain a public transportation system on the Western slope.

On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, the Board appointed Supervisors of Districts I, III and IV (Western slope) to the Joint Transit Agency.

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STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES April 22 19 80

GENERAL ORDERS

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On motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried, the Board directed that copies of a letter to the Board from Supervisor Keneth Hahn of Los Angeles County, regarding Senate Bill 1236, "Rob a Home, Go to Jail", and the fact that it was signed into law by Lt. Governor Curb on March 18, 1980, be forwarded to all judges within El Dorado County.

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(326)
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On motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the Board, at the request of County Counsel, expressed its support of Assembly Bill 3172 relating to attorney fee awards in public interest litigation.

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24
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At the recommendation of the Director of Public Works, and on motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried, the Chairman was authorized to sign Contract Change Order No. 2, Supplement No. 1, with Delta Construction Company, for the Latrobe Road Project, which will decrease the contract total in the amount of \$13,855.27.

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1/4
After being advised by the Director of Public Works that the County Engineer Budget for Fiscal Year 1979-80 will be insufficient, due to heavy subdivision construction, the Board authorized the Auditor-Controller to make the necessary budget transfer, in the amount of \$20,000.00, for said budget, on motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried.

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12
At the time the agenda was adopted, the Board, at the request of the Public Works Department, removed from the agenda, the request of said Department that the Board adopt a Resolution establishing the County-maintained portion of Vacation Boulevard in the Outingdale Subdivision.

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22-7
At the recommendation of the Director of Health Services, and on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Chairman was authorized to sign a Request for Approval of a Psychiatric Health Facility, to be submitted to the State Department of Mental Health for approval of this County's psychiatric health facility.

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22
At the request of the State Department of Health Services, the Chairman was authorized to sign the Standard Agreement for County Health Services for Fiscal Year 1979-80, whereby the County will be reimbursed an amount not to exceed \$701,703.00, on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried. (In accordance with the Health Care Services Plan and Budget adopted by the Board on January 2, 1980.)

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STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES April 22 19 80

(50)
340
2
The Board reviewed the request of the Community Programs Director that the Purchasing Agent be authorized to purchase two buses, equipped with wheelchair lifts and radios, at a cost of approximately \$36,000 each; and that any unused funds in the Transportation budget, including \$50,000 reserved by the Local Transportation Commission for this program, and \$25,350 allocated by the City of Placerville for this program, be reserved for the 1980-81 budget to cover the purchase of said buses.

On motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried, the Board referred the matter to the Chief Administrative Officer to obtain from Mr. Robert Amburn, Community Programs Director, justification for this request.

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132
390-10
ORDINANCE NO. 2082 was adopted, as an Urgency Ordinance to become effective immediately, pertaining to the Building Permit Allocation System at South Lake Tahoe, to allow the transfer of sewer connections within the areas served by the South Tahoe Public Utility District under circumstances specified therein, on motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, with Supervisor Johnson reading into the record, the following last three paragraphs of said Ordinance:

"This is an urgency ordinance necessary for the preservation of the public peace, health and safety and shall take effect immediately.

"The facts constituting such urgency are that persons who have been allocated a sewer connection have a limited time to apply for building permits and start construction.

"This ordinance should become effective at the earliest possible date so that no person would lose the right to start and complete construction."

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104-6
The request of the Placerville Fire Protection District, that the Board appoint Mr. Wilbur Howe to the District's Board of Directors for a term ending November, 1981, to fill the vacancy created by the resignation of Albert M. Brown, was referred back to the District, at the recommendation of County Counsel, for said District to make the appointment as authorized by Section 1780 of the Government Code, on motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried.

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354
The El Dorado County Drug Abuse Advisory Board submitted a recommendation from the El Dorado County Talent Bank Referrals Committee that Terry Holm be appointed to fill one of two vacancies on said Board. On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board referred the matter back to the Drug Abuse Advisory Board for additional candidates and recommendations.

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STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES

April 22

19 80

22-9a
At the recommendation of the El Dorado Health Planning Council, and on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried, the Board appointed the following persons to said Council: Charles Ferris, Nancy Fox, Barbara Lohmeyer, and Ray Negrete for terms ending May, 1980; and Barbara Morris, Dorothy Cordell, and Virginia Terry for terms ending May, 1982.

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(124-B)
124
The Board again considered the request of Mr. and Mrs. Clarence E. Nichols, that the Board consider selling them 0.74 acre of County-owned land in Lotus which is occasionally used by the Public Works Department for equipment storage. (This matter continued from April 15, 1980.) The Nichols' property joins the property in question on two sides. The County fencing around the 0.74 acre is completely covered with blackberries, which causes stock to climb over into neighborhood yards. The over-growing blackberry bushes are a problem for the Nichols to control on their property. The Nichols seemed to feel that the only way to solve the problems created by the County not properly maintaining this piece of property, is for them to purchase same.

Supervisor Flynn stated he has talked with Mrs. Nichols and came to an agreement on what needed to be done. Therefore, on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board directed the Department of Public Works to install a gate and repair the fence.

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23
A request of the City of South Lake Tahoe, that the Board consider releasing the unincorporated area funds for undergrounding of utilities along Ski Run Boulevard at South Lake Tahoe, was continued to April 29, 1980, on motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried.

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(424)
12-11
At the recommendation of the Chief Administrative Officer, and on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried, the Board authorized termination of the County's Lighting Maintenance Agreement with Modern Lighting Maintenance Company of Sacramento, which was entered into on August 17, 1978, for the purpose of having 331 energy-saving light bulbs installed in the District Attorney's Office at an installation and maintenance cost of \$45 per month; said termination of contract recommended by the County Energy Coordinator as the service is not producing the anticipated savings and therefore is not economically feasible to maintain.

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51
On motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried, the Board referred to the Planning Director, a letter from the El Dorado Builders Exchange, dated April 18, 1980, wherein the Exchange notes its concern regarding the problem of persons conducting commercial enterprises in the construction trades without benefit of use permits attached to the premises from which they work; and the Board requested the Planning Director review the matter and respond to the Builders Exchange.

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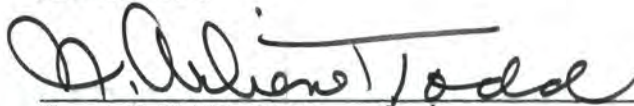
STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES April 22 19 80

There being no further business to be conducted this date, the meeting was continued to April 23, 1980, to consider matters which time did not permit consideration this date.

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APPROVED:


N. ARLIENE TODD, Chairman

ATTEST:

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

By 
Deputy Clerk