

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES November 4 19 80

The Board convened in regular meeting. Present: Supervisors Arliene Todd, William V. D. Johnson, W. P. "Dub" 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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12-7 The Invocation was offered by Father James Burnett, Episcopal Church of Our Saviour.

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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 Stewart, seconded by Supervisor Walker, and unanimously carried, with the addition of an Urgency Ordinance to provide for extension of the deadlines relating to building permits at South Lake Tahoe.

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The Minutes of October 28, 1980, were approved as submitted, on motion of Supervisor Walker, seconded by Supervisor Flynn, and carried by the following vote: Ayes: Supervisors Walker, Flynn, Stewart, and Todd; Noes: None; Abstain: Supervisor Johnson.

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On motion of Supervisor Flynn, seconded by Supervisor Stewart, 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 Budget Transfer No. 26 was approved for the Superior Court, transferring \$3,000.00 from Appropriation for Contingency to Superior Court Fixed Assets, to replace a worn out typewriter.

Budget Transfer No. 27 was approved for the Health Department, transferring \$1,140.00 from Professional and Specialized Services (92-2180) to Fixed Assets (92-3370) for the following: \$325 for a centrifuge needed to conduct hematacrit tests for blood red cell count; and \$815 for a sign to read, "El Dorado County Health Department 931 Spring Street".

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295A The Board approved Assessment Roll Changes numbered 2545 through 2550.

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58-3 The Board approved 43 Assignments to the Omega Collection Agency from the Collection Department for Claims against those persons names on the Assignment dated November 4, 1980, copies of which are on file in the County Collection Office.

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STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES November 4 19 80

Bid Results:

Bid No. 139 - one six-wheel drive motor grader for the Public Works Department, was awarded to the low bidder, Weaver Equipment Company of Sacramento, in the amount of \$80,174.72, plus tax.

Bid No. 140 - three five-yard dump trucks for the Public Works Department, awarded to the low bidder, Suburban Ford of Sacramento, in the amount of \$58,499.01, plus tax.

114-4 Bid No. 141 - one 4 x 4½ pickup for the Public Works Department, awarded to the low bidder, Patterson Motors of Placerville, in the amount of \$8,198.48, plus tax.

Bid No. 142 - two ½-ton pickup trucks for the Public Works Department, awarded to the low bidder, Patterson Motors of Placerville, in the amount of \$13,695.28, plus tax.

Bid No. 143 - one four-wheel drive dump truck for the Public Works Department, awarded to the sole bidder, International Harvester Company of West Sacramento, in the amount of \$37,216.60, plus tax.

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114-7 At the request of the Purchasing Agent, and on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried, the Board accepted the lowest bid for moving the Superior Court and County Clerk facilities from Takela Drive to the new Superior Court Building on Johnson Boulevard at South Lake Tahoe, submitted by Mayflower, in the amount of \$506.56; and the Chairman was authorized to sign an Agreement with Mayflower for said service, upon said Agreement's approval by County Counsel.

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114 The County Deputy Director of Emergency Services, Mr. Vern Peterson, requested a Policy Review Session for discussion of the possible establishment of an Emergency Fund to be utilized for major emergencies when a County or government agency is required to commit or expend funds for the protection of life and property over and above their normal operating costs. On motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried, the Board directed Mr. Peterson to get together with the Acting County Chief Administrative Officer and develop some publicity for the County Ordinance Code that covers this need, and get that information out to the various fire chiefs so they can become aware of the procedures the County Ordinance outlines for same.

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The Personnel Matters were acted upon as follows:

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60 The request of the Community Action Council for funds, in the amount of \$9,328.00, for employing an Accounting Technician for the period December 1, 1980, to June 30, 1981, was continued off calendar, on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, pending submission of a documented departmental accounting procedure demonstrating how an additional Accounting Technician would (1) resolve the current problems, and (2) is necessary to preclude a repetition of those problems.

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STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES November 4 19 80

115
In addition, the following Personnel Matters were acted upon as specified, on motion of Supervisor Flynn, seconded by Supervisor Johnson, and carried by the following vote: Ayes: Supervisors Johnson, Walker, Flynn, and Todd; No: Supervisor Stewart:

80
The Board authorized a position of 1.0 Economic Development Specialist to be allocated to the Grant Programs budget unit, and the following Resolutions were adopted accordingly:

RESOLUTION NO. 316-80, adopting job specifications for Economic Development Specialist; and amending the Classification Schedule, Resolution No. 105-79, to incorporate same;

RESOLUTION NO. 317-80, amending Authorized Personnel Resolution No. 283-80 to incorporate 1.0 Economic Development Specialist;

RESOLUTION NO. 318-80, amending Personnel and Salary Ordinance Section 4111, Resolution No. 183A-80, to incorporate an Economic Development Specialist.

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RESOLUTION NO. 319-80 was adopted, amending Authorized Personnel Resolution No. 282-80 to reflect the number and classification of Comprehensive Employment Training Act (CETA) personnel in County Departments.

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The Board approved the request of the Assessor to advance Mr. Lloyd White, Appraiser III, to Step E of his classification pay scale.

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(101)
233
At the request of the Sheriff's Department, and on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Chairman was authorized to sign Attachment 1 to the Agreement with the U.S. Forest Service, which is the 1980-81 Joint Operating and Financial Plan for reimbursable law enforcement services on Forest Service lands for period October 1, 1980, to September 30, 1981.

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214-2
At the request of the Probation Department, the Board introduced an Ordinance which would add Section 25,703 to the County Ordinance Code to authorize said Department's participation in the State-funded Corrections Training Commission to provide adequate training of local corrections personnel; the reading of said Ordinance was waived, and it was continued to November 12, 1980, for consideration of adoption, on motion of Supervisor Flynn, seconded by Supervisor Walker, and carried by the following vote: Ayes: Supervisors Walker, Flynn, Stewart, and Todd; No: Supervisor Johnson.

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7 p.
(132)
390-10
ORDINANCE NO. 3055 was adopted, on motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, amending Section 10.712 of the County Ordinance Code which states complete building permit applications for South Lake Tahoe must be submitted no later than 5:00 p.m. of the first Monday in November, 1980, and building permits must be issued by and obtained from the Building Department at South Lake Tahoe not later than 5:00 p.m. on the third Friday in December, 1980; said amendment to provide that, upon written application, the El Dorado County Building Official may extend the foregoing deadlines for a period not to exceed 60 days; said Ordinance adopted as an "Urgency Ordinance" to become effective immediately.

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STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES November 4 19 80

132
Mr. Ray Juachon requested approval of the transfer of a sewer permit from Lot 318, Mountain View Estates Unit No. 3 (Parcel No. 33-502-17) to Lot 3, River Park Estates Unit No. 1 (Parcel No. 036-471-0310); and a 60-day extension for making application for his building permit and for filing and issuing plans. The Building Department recommended approval of the transfer request, and extensions to January 3, 1981, and February 19, 1981, respectively.

On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, the Board approved the sewer permit transfer as requested. The Board did not take action on the request for extension of time for making application for a building permit, due to its previous action of adopting Ordinance No. 3055 which relates to same.

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132
The Board took no action on the request of Mr. James V. Carroll for extension of the filing deadline for submitting building plans for his residential lot at Lake Tahoe, due to its previous action of adopting Ordinance No. 3055 which relates to same.

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132
The Board took no action on the request of Mr. Roland A. Thiesen for extension of the November 3, 1980 deadline for making application for his building permit for Lot 840, Mountain View Estates Unit No. 8, due to its previous action of adopting Ordinance No. 3055 which relates to same.

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On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the Board approved the request of the Plumas County Board of Supervisors and expressed its support of Mr. Leonard Ross' candidacy to serve on the Executive Committee of the County Supervisors Association of California (CSAC).

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72-4
The Tahoe Basin Transportation Authority requested payment, in the amount of \$2,815.66, for El Dorado County's portion of said Authority's 1980-81 Budget. On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, the Board approved payment as requested with funds to come from the Board's budget (Contributions to Other Agencies); and approved a budget transfer, transferring funds from the Contingency Fund to the Board's "Contributions to Other Agencies" Account to cover same.

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50-4
The El Dorado Council on Alcoholism, Inc., requested continuance of El Dorado County's Employee Assistance Program (EAP) under the auspices of said Council. On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Board approved the request, with funds for same, in the amount of \$1,008.00 for Fiscal Year 1980-81 (10¢ per month per employee), to come from the Board's budget (Professional and Specialized Services); and the Board urged County Department Heads to cooperate in this program.

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STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES November 4 19 80

Mr. Robert A. Jones, representative of the El Dorado County Employees Association, was present to discuss a proposal for replacement of benefits which will be lost when Social Security is terminated January 1, 1981.

82.2
Supervisor Arliene Todd exited the meeting, and Vice Chairman Flynn presided.

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Board stated its position that the 2.3% savings realized by the County due to a recent amendment to its contract with the Public Employees Retirement System (PERS) for employees' retirement benefits, is not a part of the negotiations for replacement of benefits lost by withdrawal from Social Security; the County's 6.65% savings to be realized by said withdrawal is all that is to be negotiated.

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217
On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board approved Abatement of Penalties for failure to file Change in Ownership Statements with the County Assessor for the following:

- a. Rosario J. and Marie T. Duarte (APN 068-355-01)
- b. Thomas H. Schmall; Jeffrey Sampo (APN 095-020-23)

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233-1
The El Dorado County Sheriff's Association President, Mr. Robert Johnston, was present to speak to their request regarding implementation of Section 4, entitled "Retirement Program", of their Memorandum of Understanding with the Board, in relation to the termination of Social Security benefits effective January 1, 1981.

After much discussion, the Board referred the matter back to the County negotiator, Mr. Gene Bell, in hopes he can work out differences with representatives of the Sheriff's Association, on motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present.

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SPECIAL ORDERS

PLANNING MATTERS

The Board returned from lunch recess to take up the Planning Matters, with Supervisor Johnson absent.

265-79-80
390-92
Hearing was held as duly advertised to consider rezoning of lands in the Garden Valley area from Estate Residential Ten-Acre Zone to Estate Residential Five-Acre Zone, consisting of 17.585 acres, petitioned by James J. Jestes. The Planning Commission recommended denial, and the Planning Director enumerated the following findings of the Commission:

1. The Garden Valley Area Plan Policies F-3 and F-4, Page 10, establishes a ten-acre minimum where public services are lacking. Also, public water has not been extended into the project area and therefore does not qualify for five-acre areas.
2. Policy H, Page 10, also states that "significant buildout" should occur prior to the creation of parcels of ten acres or less."

Continued next page

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES November 4 19 80

Mrs. James Jestes was present to speak on behalf of the project, stating there are many small parcels around their property, and they just wish to be treated equally and allowed to split their property also.

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

Supervisor Johnson entered the meeting room.

On motion of Supervisor Flynn, seconded by Supervisor Walker, and carried by the following vote: Ayes: Supervisors Walker, Flynn, Stewart, and Todd; Noes: None; Abstain: Supervisor Johnson, the Board accepted the Negative Declaration and approved the rezoning, based upon the following findings: (1) Services are available near the vicinity of the property; (2) Significant buildout has occurred within the area; and (3) The rezoning is consistent with the General Plan; and ORDINANCE NO. 3051 was adopted, amending the County Zoning Ordinance accordingly.

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Hearing was held as duly advertised to consider rezoning of lands in the Georgetown Area from Agricultural Zone to Timber Preserve Zone, consisting of 20 acres, petitioned by Michigan California Lumber Company. The Planning Commission recommended approval, and the Planning Director enumerated the following findings of the Commission:

- 265-80-80
390-90
1. The request is in compliance with the General Plan (Timber-Seasonal Recreational-Residential Land Use Designation);
 2. The Agricultural Commission recommends approval of this request.

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 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. 3052

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Hearing was held as duly advertised to consider rezoning of lands in the Placerville Periphery area from Agricultural Zone to Estate Residential Five-Acre Zone, consisting of 27.88 acres, petitioned by Betty L. Rotter (Reed). The Planning Commission recommended approval, and the Planning Director enumerated the following findings of the Commission:

- 265-81-80
390-90
1. The request is in compliance with the General Plan Land Use Map (Medium Density Residential, 1 to 5 dwelling units per acre);
 2. Surrounding zonings: north - RE-5, Estate Residential, Five-Acre; east - R1A, Single-Family, One-Acre; south - R1A, Single-Family, One-Acre; and, west - Unclassified;
 3. The project area is within the Placerville Fire Protection District.

Mrs. Jean Schlappe, of Century 21 Real Estate, was present and spoke on behalf of the applicant.

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

Continued next page

STATE OF CALIFORNIA, COUNTY OF EL DORADO

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. 3053, which amends the County Zoning Ordinance accordingly.

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Hearing was held as duly advertised to consider rezoning of lands in the Somerset/Fairplay/Mt. Aukum area from Unclassified Zone to One-Half Acre Residential Zone, consisting of 5.1 acres, petitioned by Cary B. Porter. The Planning Commission recommended approval, and the Planning Director enumerated the following findings of the Commission:

- 26/10/80
370-70
1. The parcels are currently being considered by the Board of Supervisors for R3A, Single-Family Three-Acre Residential Zone. The Board, in taking its action, left parcels 10 and 11 of the tentative map for Grizzly Park Estates No. 1, zoned Unclassified;
 2. The parcels have public water and fire protection available;
 3. The request is in compliance with the General Plan Land Use Designation of Medium Density Residential, 1 to 5 dwelling units per acre.

Mr. Tom Porter was present and spoke on behalf of the request.

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 was approved and adopted by ORDINANCE NO. 3054, which amends the County Zoning Ordinance accordingly.

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46-190

Hearing was held as duly advertised to consider the request of Archie and Ethel Lawyer and Ethel Tidd for cancellation of a portion of Agricultural Preserve No. 190, consisting of 1,000 acres, in the Pilot Hill-Cool area. The Agricultural Commission recommended denial of the request, on the basis that this preserve and surrounding preserves are primarily devoted toward cattle grazing; the cancellation of the Williamson Act Contract on this preserve would rapidly increase the small parcelling of land in the area, creating an additional burden on the surrounding agriculture operations; and the Land Conservation Act has stabilized the agriculture industry of the County and to cancel the Williamson Act Contract would weaken the contract to where it would be ineffective. The Planning Commission recommended denial, based on the finding that the request is inconsistent with the Open Space Element of the General Plan.

Attorney Gorman R. Silen was present and spoke on behalf of the request, stating the petitioners are entitled to cancellation due to the narrow contractual provisions of the contract itself and the failure of the land to maintain its agricultural profitability. Because the petitioners were forced to sell livestock and the summer grazing range to pay Death Taxes, a profitable cattle grazing business has become impossible; and there is no other compatible agricultural use as defined in the Contract for which the land is suited.

Continued next page

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES November 4 19 80

Mr. Barry Leeson, County Farm and Home Advisor, was present and spoke to support Mr. Silen's statement that the preserve has steadily grown uneconomical as agricultural land, and there is no other compatible agricultural use to which the land can be put.

Mr. Silen further stated that he could see no reason for the cancellation to require an Environmental Impact Report, as they have no plans for the property so there would be nothing to report.

Board members expressed hesitance in approving cancellations of agricultural preserve contracts, and concern over future higher use of the land and the subsequent effect on surrounding agricultural lands. There was also discussion over the definition of "profitable". Supervisor Johnson advised that criteria for qualification for Williamson Act contracts does not spell out a dollar amount of profit, therefore, even a profit of only one dollar is still a profit. Mr. Silen and Mr. Leeson spoke to a profit that would be adequate to support one family.

Mr. Ken Milam, Planning Director, also expressed concern over future higher use of the land in question. Mr. Silen stated that he did not feel that is a matter to be discussed now, that the matter of cancellation of the Williamson Act contract is the point in question, and any future use of the land will be discussed at a later time.

Attorney John Weidman was present and spoke briefly on behalf of Ethel Tidd specifically, and reiterated the fact that the land is simply uneconomical for agricultural use. Mr. Weidman advised that Mrs. Tidd's portion of the preserve is from the estate of Erma Lawyer; said estate still not closed due to Mrs. Tidd's inability to pay the inheritance tax on same.

The question that the Board members would like answered is whether the State of California did not recognize the limitations of the Williamson Act and placed an inheritance tax on the property higher than the land itself can support. Mr. Weidman and Mr. Silen requested a continuance so they could bring in documentation of same. The Board also requested the Planning Director to research previous agricultural preserves for which the Board approved cancellation, and the findings upon which said cancellations were approved.

Therefore, on motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried, the matter was continued to November 18, 1980, at 2:15 p.m., at which time public testimony will be taken.

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On October 28, 1980, the Board heard public testimony on the Proposed Development Plan for Mother Lode Apartments, consisting of 108 units on 8.152 acres of land in the Diamond Springs/El Dorado area, petitioned by Don Dappen - Stanford Building Group; and the public hearing was closed on that date, and the decision of the Board continued to this date.

Supervisor Johnson read into the record, a letter dated October 30, 1980, from Mrs. Sam (Elsie) Worcester, stating her opposition to the project.

Supervisors Flynn and Todd read into the record, a letter dated October 30, 1980, from Richard Coombs of Stanford Building Group, wherein he responds to issues raised at the meeting of October 28, 1980, by those opposed to the project.

Continued next page

433
Ethel
Tidd
Apartment
Development
Plan

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES November 4 19 80

Supervisor Flynn read into the record, a letter dated November 4, 1980, from the Mother Lode Union School District, stating it does not feel the Board should accept a Negative Declaration on the project, because the developer has not provided mitigation of the impact of the project on said school district.

Supervisor Walker read into the record, specific policies in the El Dorado/Diamond Springs Area Land Use Plan regarding public services being a prerequisite for high density, with current users not having a reduction of services. Supervisor Walker stated he can understand the frustrations of the developer, but he feels the property in question was improperly zoned and rezoned without adequate public input, and he is particularly disturbed that almost 100% of the surrounding property owners are opposed to this project, and school and fire districts are not receiving mitigation fees.

Supervisor Flynn stated he is cognizant of Supervisor Walker's point, however feels this County is in need of this type of housing. Supervisor Flynn further stated that such a project is located in his District, above Schnell School, and has been very successful and has not caused the neighborhood to deteriorate. Supervisor Walker pointed out the fact that that project is within the City limits and within walking distance of shopping and related services.

Supervisor Walker made the motion, seconded by Supervisor Stewart, that the project be denied, based on the following findings:

1. The site is not physically suited for the proposed uses, i.e., 108 units could be a detriment to the neighborhood, as it is a rural, single-family residential neighborhood quite a way from any multiple uses;
2. All services are not available, i.e., sewer is not available at this time, schools are a long way from mitigation, and the road problems are not solved;
3. The proposed uses do significantly detract from the natural land and scenic values of the site.

Supervisor Walker's motion did not carry, by the following vote: Ayes: Supervisors Walker and Stewart; Noes: Supervisors Flynn and Todd; Abstain: Supervisor Johnson (as he was not present when public testimony was given on October 28, 1980).

On motion of Supervisor Flynn, seconded by Supervisor Todd, and carried by the following vote: Ayes: Supervisors Walker, Flynn, Stewart, and Todd; Noes: None; Abstain: Supervisor Johnson, the Board determined that the project requires an Environmental Impact Report based upon Section 15084 of the State guidelines which calls for an E.I.R. where there is serious public controversy concerning the environmental effects of a project; said E.I.R. to be filed with the Planning Department, to be heard by the Planning Commission, with fees for same to be waived.

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The Board again considered acceptance of a bid proposal for the restoration of the Bayley House. Mr. Arlan Nickle of the Planning Department reviewed the method of evaluating the proposals submitted. The number-one-rated proposal was the one submitted by Art and Sylvia Ballard.

Continued next page

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES November 4 19 80

In regard to the proposal made by the Ballards, the Board, on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, instructed County Counsel, with the Planning Department's participation and in consultation with the Ballards, draw up a lease agreement incorporating the proposal of the Ballards and also attaching thereto, as an appendix or a part of the lease agreement, that grant deed with suitable reservations to protect the County and public interest in the Bayley House and, upon reaching an agreement with the proponents, bring the legal documents back to the Board for approval. Also, in an informal action, the Board appointed Supervisors Flynn and Walker to work with the aforementioned parties in said negotiations.

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At the request of the Local Transportation Commission, and on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the Board directed that a letter be sent to the State Director of Transportation, concurring with the "now need" designation of the El Dorado County Government Center Interchange and urging its inclusion in the State Transportation Improvement Program (STIP) at the earliest possible date; and the Board further directed that copies of said letter be forwarded to our legislators.

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340
(242-4(A)
King
G.)

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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.

61-2

Mr. Kevin J. DeHennis, Four Corners Land Owners Association, requested \$3,500.00 be authorized for repairs to the roads prior to the winter rains. On motion of Director Flynn, seconded by Director Stewart, and unanimously carried, the Board approved the request, subject to the County Auditor-Controller's certification that sufficient funds are available for same.

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There being no further business, the Board adjourned to Wednesday, November 12, 1980, for its regularly scheduled meeting as the Board of Supervisors.

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APPROVED:
N. Arliene Todd
N. ARLIENE TODD, Chairman

ATTEST:

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

By Daniel Foote
Deputy Clerk