BOARD OF SUPERVISORS MINUTES February 17

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The Board convened in regular meeting. Present: Supervisors Robert E. Dorr, Patricia R. Lowe, Joseph V. Flynn, and Thomas L. Stewart. Absent: Supervisor W. P. "Dub" Walker. Dixie L. Foote, Assistant Board of Supervisors Clerk, was also present. Chairman Flynn presided.

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The Invocation was offered by Reverend Neville Arroues, First Baptist Church.

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The Pledge of Allegiance to the Flag was led by Mr. Kent Taylor, County Chief Administrative Officer.

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The Agenda was adopted, on motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried by those present, with the addition of three items: (1) a letter for the Chairman's signature to the State Water Resources Control Board regarding "in-stream" uses: (2) a letter from the City of South Lake Tahoe regarding municipal bus service at South Lake Tahoe; and (3) consideration of the re-establishment of biweekly "staff" meetings with the Chief Administrative Officer.

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The Minutes of February 10, 1981, were approved as submitted, on motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried by those present.

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On motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried by those present, the Consent Calendar matters were considered and acted upon as follows:

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

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Budget Transfer No. 65 was approved for the Welfare Department, transferring \$400 from Extra Help (92-1020) to Fixed Assets (92-3370) to purchase three clerical chairs for data entry personnel.

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The Chairman was authorized to execute Release 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:

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RESOLUTION NO. 35-81 was adopted Authorizing an Action for the Recovery of County Funds Paid Out for Western Slope Ambulance (County Service Area No. 7); Public Defender; Probation, Welfare, and Administrative Departments.

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A claim for personal injuries, in the amount of \$100,000.00, submitted by Attorney Michael P. Hambsch on behalf of William John Jarmillo, was denied by the Board, as recommended by County Counsel.

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A claim for personal injuries, in the amount of \$2,500,000.00, submitted by Attorney Walter M. Hunkeler on behalf of Travis Jason and Frances Ann Gassaway, was denied by the Board, as recommended by County Counsel.

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A claim for personal injuries, in the amount of \$25,000.00, submitted by Attorney John R. Olson on behalf of Robert Judon Grant, was denied, as recommended by County Counsel.

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At the request of Community Programs, RESOLUTION NO. 37-81 was adopted, authorizing the Chairman to sign Amendment No. 1 to the Agreement with the State Office of Economic Opportunity, Employment Development Department, for the Low Income Energy Assistance Program, extending the contract period from February 6, 1981, to February 20, 1981.

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At the request of the Probation Department, the Chairman was authorized to sign an Agreement with John and Margaret Spencer for Shelter Care Crisis Resolution Home child placement services on the Western Slope, at \$50 per bed per month, plus \$10 per day per child for care rendered.

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RESOLUTION NO. 39-81 was adopted to provide tax revenues to Diamond Springs-El Dorado Fire Protection District for annexation of lands (DiGiorgio Corporation) to said District where no fire protection services have previously been provided.

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RESOLUTION NO. 36-81 was adopted, at the request of Community Programs, and on motion of Supervisor Lowe, seconded by Supervisor Stewart, and unanimously carried by those present, authorizing the Chairman to sign an Agreement with the State Office of Economic Opportunity, Employment Development Department, for training and technical assistance for implementation of an energy conservation assistance program to weatherize dwellings of low income population, in the amount of \$2,300.00, for the period October 24, 1980 through September 30,1981; said authorization subject to County Counsel's review of the Agreement and determination of the legality of the parties involved entering into such an Agreement.

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RESOLUTION NO. 38-81 was adopted, at the request of Community Programs, and on motion of Supervisor Stewart, seconded by Supervisor Lowe, and unanimously carried by those present, authorizing the Chairman to sign an Agreement with the State Office of Economic Opportunity, Employment Development Department, for operation of on-going energy conservation assistance program to weatherize dwellings of the low-income population in El Dorado County, in the amount of \$20,000.00, for the period February 1, 1981 through June 30, 1981; said authorization subject to County Counsel's review of the Agreement and determination of the legality of the parties involved entering into such an Agreement.

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At the request of the County Administrative Office, and on motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried by those present, the Chairman was authorized to sign a threeyear Agreement with the County Personnel Administrators Association and Reed, Roberts Associates, Inc., for unemployment compensation services, at an estimated annual cost of \$1,854.00.

Capital Outlay Matters were considered and acted upon as follows:

On motion of Supervisor Lowe, seconded by Supervisor Stewart, and unanimously carried by those present, the Board approved additional foundation work, in the amount of \$349.00, for the Sheriff's Office Addition and Remodel, as recommended by the project architect.

On motion of Supervisor Stewart, seconded by Supervisor Lowe, and unanimously carried by those present, the Board authorized Mr. Dick Zeiner, of Nopp, Zeiner, Atchinson & Associates, Inc., architects for the Cultural Education Center (Library) at South Lake Tahoe, to send a letter to the South Tahoe Public Utility District requesting the assignment of eight sewer units from the public service category to this project, and directed that the matter of engineering contracts and cost of sewer units for same be placed on the Board's agenda for February 24, 1981.

The Board set the following Policy Review Sessions (P.P.S.):

P.R.S. with the Area Agency on Aging, regarding funding for the 1981-82 Fiscal Year, set for Thursday, February 19, 1981, at 9:00 a.m., on motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried by those present: by those present;

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P.R.S. with the Health Department, regarding the expanded Psychiatric Health Facility, set for Wednesday, March 4, 1981, at 9:00 a.m., on motion of Supervisor Lowe, seconded by Supervisor Flynn, and unanimously carried by those present;

P.R.S. with the Public Works Department, regarding road impact fees, set for Wednesday, March 4, 1981, at 10:00 a.m., on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried by those present;

P.R.S. regarding drainage problems in Cameron Park, set for Wednesday, March 4, 1981, at 10:30 a.m., on motion of Company March 4, 1981, at 10:30 a.m., on motion of Supervisor Dorr, seconded by Supervisor Lowe, and unanimously carried by those present.

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RESOLUTION NO. 40-81 was adopted, at the request of Community Programs, and on motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried by those present, authorizing the Chairman to sign a Community Services Grant for funds, in the amount of \$160,000.00, for operation of the Community Action Agency and Local Initiative Programs in El Dorado County, for the period March 1, 1981, through February 28, 1982.

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The Board considered for adoption, an Ordinance amending the County Ordinance Code regarding grading and site drainage, and adding Chapter 9 to same, to be used in lieu of Chapter 70 of the Uniform Building Code, to provide a base for the County Building Department's supervision of all grading work which is done pursuant to building construction. proposed Ordinance was introduced on January 27, 1981.

Mr. Tom Bullock, County Chief Building Official, was present and reviewed the proposed Ordinance for the Board.

The following persons were present and spoke to the Ordinance, stating it is needed, but suggesting revisions to the Ordinance as written: Homer Banks and Gordon (last name unclear).

The following persons were present and spoke in opposition to the Ordinance, citing the increased construction costs that will be incurred: John Wetzel and Ken Sherrod.

The following persons were present and spoke in favor of the Ordinance: Lyn Brooks, Soil Conservation Service; Frank Cunha: and Sid Davis, Georgetown Divide Resource Conservation District.

The Board members, too, expressed concerns with the Ordinance as presently written.

On motion of Supervisor Dorr, seconded by Supervisor Lowe, and unanimously carried by those present, the matter was referred to the County Chief Administrative Officer to coordinate the re-writing of the proposed Ordinance, and present to Board members individually to determine whether a Policy Review Session will be necessary, or whether it can be agendized for introduction.

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visor Dorr, seconded by Supervisor Lowe, and unanimously carried by those present, ORDINANCE NO. 3099 was adopted, amending the County Ordinance Code regarding roofing requirements, to conform with the recommendations of the Fire Advisory Committee. (Sponsor: Supervisor Flynn/Introduced January 27, 1981) At the recommendation of the Building Department, and on motion of Super-January 27, 1981)

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

- George Barton and Dolores Christine Vance (APN 60-660-21)
- Robert L. Echeverria (APN 41-601-09)
- 3. Levert Investment Ent., Inc. (APN 49-250-19)
- Thomas G. and Alice Guercio (APN 23-646-10) Vickie L. and James C. Mechem (APN 79-140-06)
- William and Cathleen Capogeannis (APN 22-311-11)
- John and Margaret Lovasz (APN 9-527-01) 7.
- Carlos R. and A. Albuquerque, et al (APN 50-432-31) Mabel E. Berry (APN 72-123-01)
- 10. Raymond H. Palmer (APN 33-720-27)
- 11. Dale L. and Phyllis McDivitt (APN 58-500-55)
- 12. Nancy R. Nicholas; Stanley H. and Karen Green (APN 31-114-10) 13. Deane Marsh; Jon C. and Sandra Thush (APN 32-343-07) 14. Ronald Scott and Karen Rose Criswell (APN 331-352-02)

- 15. Theodore D. Sherman; Margaret A. Collings (APN 66-614-02)

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Hearing was held as duly advertised to consider the Appeal of Cynthia Ormiston, on behalf of Josephine E. Soliday, on Assessment Roll Change No. 1168, canceling homeowner's exemption. Ms. Ormiston was present and spoke on her own behalf.

On motion of Supervisor Stewart, seconded by Supervisor Lowe, and unanimously carried by those present, the Board upheld the action of the Assessor's Office, and approved cancellation of the homeowner's exemption.

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SPECIAL ORDERS

- PLANNING MATTERS

Hearing was held as duly advertised to consider the establishment of Agricultural Preserve No. 233, in the Pilot Hill area, consisting of 31.23 acres, petitioned by Earl W. and Jacqueline Chapman. The Planning Commission recommended denial of the request, based on the finding that approval would be contrary to Resolution No. 116-76 (criteria for inclusion in the Williamson Act) in that the property meets only one of the four criteria; specifically, the property consists of 31.23 acres, where 20 acres is the minimum for inclusion; it does not meet the other three criteria.

The applicants were not present, there were no verbal protests, and the hearing was closed.

On motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried by those present, the Board denied the request for establishment of Agricultural Preserve No. 233, based on the finding of the Planning Commission.

Hearing was held as duly advertised to consider the Appeal of Dr. August Rademacher on the Planning Commission's denial of Special Use Permit No. 80-149 to allow persons other than residents as employees, two days per week, in an established home occupation, on 8.48 acres of land zoned Estate Residential Five-Acre, in the Shingle Springs area,

Mr. Patrick Riley, attorney, was present and spoke on behalf of the appel-Nlant. Mr. Riley explained that Dr. Rademacher is a dentist and has been practicing dentistry at his resident/office since 1976, at which time a Special Use Permit for same was not required. As a Special Use Permit is now a requirement, Mr. Riley stated that Dr. Rademacher would like the Permit to "go with the home", so that if he becomes ill, a substitute dentist could work there on a temporary basis; also, if he should leave the area, he could sell his home and practice together. Dr. Rademacher was also present and spoke on his own behalf, explaining further the points made by Mr. Riley.

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

On motion of Supervisor Dorr, seconded by Supervisor Lowe, and unanimously carried by those present, the Board reversed the decision of the Planning Commission and granted the issuance of the Special Use Permit, based on the finding that, in light of the apparent public support of the use, there would be no detriment to the neighborhood incurred by the issuance of the Permit, and with the following conditions (to which the appellant agreed): (1) There will be no expansion of the practice, building, or dentistry employees, with the hours of operation limited to 8:30 a.m. to 5:30 p.m., with the exception of emergencies; (2) Two or three patients will be the maximum number at the site at any one time; and (3) Only the owner is permitted to practice dentistry at the site, with the exception of a substitute during temporary periods of disability.

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The Board again considered arequest for rezoning of lands in the Cool area from Estate Residential Five-Acre Zone to Residential Agricultural Forty-Acre Zone, consisting of 38 acres, petitioned by the El Dorado County Planning Commission for KAHI Towers. A public hearing was held on this request on August 12, 1980, at which time the Board delayed action on same, and the hearing was closed.

Mr. Ken Milam, Planning Director, and Mr. Ken Cunningham, General Manager of KAHI Radio, were present and explained that the concerns of the residents in the area, as expressed by them on August 12, 1980, were addressed and resolved through meetings between the residents and Mr. Cunningham.

Chairman Flynn re-opened the public hearing, however there were no verbal protests, and the hearing was closed.

On motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried by those present, the Board concurred in the Planning Commission's finding of July 10, 1980, that the rezoning of the site to RA-40, Residential Agricultural, Forty-Acre Zone, is a follow-up action on Special Use Permit No. 79-101 (issued to KAHI Radio); 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. 3100, which amends the County Zoning Ordinance accordingly.

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Hearing was held as duly advertised to consider an eight-month extension of the interim zoning in the American River Canyon area. The interim zoning was imposed on the American River Canyon area on November 12, 1980, by the Board's adoption of Ordinance No. 3058, and will expire on March 12, 1981. The Planning Department is still in the process of developing a new General Plan and subsequent zoning of the area, but the Plan has not been completed, therefore the extension of the interim zoning is needed.

Supervisor Flynn read into the record, letters from Gordon and Peggy Winlow, and James and Sally Wood, who favor the extension of the interim zoning; and John A. Cost, who is opposed to same.

The following persons were present and spoke in opposition to the interim zoning: Dean and Peggy Jennings, Dr. John Cupaters, and Mel Smothers.

The following persons were present and spoke in favor of the interim zoning: Anthony Baccarella; Jean Ansley, representing her brother, Frank Sieger; Rosemary Sheldon, representing the Strawberry Improvement Association Board of Directors; Harold Putski; Mary Jane Battaglia, representing the American Association of University Women; and Ruth Loefelbein, representing the Environmental Planning and Information Council.

The following persons were present and spoke to the matter, without expressing a definite stand for or against: Ray Lumley; Bonnie Roper, representing her brother, David Allen; Robert Labella; and Trevor Thomas. These persons questioned the effect of the interim zoning on their particular properties and asked general questions about the future of the area.

There were no further comments from the public, and the hearing was closed.

On motion of Supervisor Stewart, seconded by Supervisor Lowe, and unanimously carried by those present, <u>ORDINANCE NO. 3101</u> was adopted, extending the Interim Zoning in the American River Canyon area for a period of eight months, to expire November 12, 1981.

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The Board was 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. On December 30, 1980, the Board held a public hearing on the matter and, at that time, the Planning Department was directed to file a Negative Declaration and the hearing was closed.

On motion of Supervisor Dorr, seconded by Supervisor Lowe, and unanimously carried by those present, the matter was continued to March 17, 1981, at 2:30 p.m., at the request of the applicants' legal counsel.

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The Board again considered the rezoning of lands in the Cool/Pilot Hill area from Estate Residential Five-Acre Zone and Unclassified Zone to Single Family Three-Acre Residential Zone, consisting of 674+ acres, petitioned by Universal Contractors, Inc., for Cool Properties Subdivision. A public hearing was held on this matter on January 6, 1981, and the hearing was closed on that date.

Also before the Board for consideration was the Tentative Map and Design Waivers for Cool Properties Subdivision in the Cool/Pilot Hill area, consisting of 674+ acres, comprising 126 lots; Subdivider: Universal Contractors, Inc.

The Planning Director also submitted the Environmental Impact Report for Cool Properties Subdivision, stating said Report complies with the requirements of the California Environmental Quality Act.

Mr. Jake Raper of the Planning Department reviewed the Environmental Impact Report (E.I.R.) for the Board. Upon being questioned by Supervisor Dorr, Mr. George Wheldon, project geologist, spoke to the matter of septic systems for said subdivision. Mr. Chuck Gireau of the Georgetown Divide Public Utility District also spoke to the issue of septic systems.

On motion of Supervisor Dorr, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Dorr, Stewart, and Flynn; No: Supervisor Lowe; Absent: Supervisor Walker, the Board certified the Environmental Impact Report as being in compliance with requirements of the California Environmental Quality Act of 1970, as amended, and the County's procedures for the implementation of C.E.Q.A.

On motion of Supervisor Lowe, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Stewart, Lowe, and Flynn; No: Supervisor Dorr; Absent: Supervisor Walker, the Board denied the rezoning of the 674+ acres in the Cool/Pilot Hill area for Cool Properties Subdivision, based on the finding that insufficient evidence is available to the Board to establish a need to amend the zoning at this time.

On motion of Supervisor Stewart, seconded by Supervisor Lowe, and unanimously carried by those present, the Board denied the Tentative Map and Design Waivers for Cool Properties Subdivision due to inconsistency with the current zoning of the land.

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The Board again considered the request for rezoning of lands in the Greenstone area from Estate Residential Ten-Acre Zone to Single Family Residential Three-Acre Zone, consisting of 43 acres, petitioned by Horst Bendzulla for Black Forest Estates Rural Subdivision. A public hearing was held on this request on November 18, 1980, November 25, 1980, and January 20, 1981, with the public hearing closed at the conclusion of the hearing on the latter date. The Planning Commission recommended approval of the rezoning, based on the following findings:

1. Adequate services are available to serve the increase in density;

The property is suitable to the requested three-acre minimum density: The proposed zoning is in compliance with the Greenstone Area Plan Land Use Designation, Goals and Policies;

The surrounding zoning is as follows: south - RE-5; west - RE-5;

east - RlA; and north RE-5.

On motion of Supervisor Lowe, seconded by Supervisor Flynn, and carried by the following vote: Ayes: Supervisors Lowe, Stewart, and Flynn;
No: Supervisor Dorr; Absent: Supervisor Walker, 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. 3102, which amends the County Zoning Ordinance accordingly.

The Planning Director submitted the Tentative Map and Design Waiver for Black Forest Estates Rural Subdivision in the Greenstone area, consisting of 43 acres, comprising 12 lots; Subdivider: Horst Bendzulla. The Planning Commission recommended approval of the Tentative Map, with twelve conditions, based on the following findings:

1. The site is physically suited to the proposed density;

The project is in conformance with the Greenstone Area Plan; 2.

Public water is to be provided by E.I.D. and structural fire protection is available from the Diamond Springs/El Dorado Fire District.

The Design Waiver requested is on Lot 8, to exceed 3:1 length to width standard, and the Planning Commission recommended approval of same based on the following findings:

The design waiver will not be detrimental to the health, safety, or welfare of the public;

The waiver is justified by the placement of the access road to the east side of the property;

Strict application of the design standard would cause unnecessary hardship in developing the property;

Such a waiver would not nullify the objectives of County Ordinances.

On motion of Supervisor Lowe, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Lowe, Stewart, and Flynn; No: Supervisor Dorr; Absent: Supervisor Walker, the Board approved the Tentative Map, subject to the twelve conditions proposed by the Planning Commission, based on the findings of the Planning Commission; and approved the Design Waiver based on the findings of the Planning Commission.

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CENERAL OPDERS

At the recommendation of the Chief Administrative Officer, and request of Mr. Les Cohen, Legislative Advocate for the Regional Council of Rural Counties, the Board directed a telegram be sent to U.S. Interior Secretary James Watt, Budget Director David Stockman, Congressman Shumway, Senator Hayakawa and Senator Cranston, requesting President Peagan's Administration fully restore the Payment In-Lieu of Taxes Program in its 1982 Budget Proposal.

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Mr. Dan Weinberg was appointed to the El Dorado County Drug Abuse Advisory Board, for a term to expire January 1, 1982, on motion of Supervisor Dorr, seconded by Supervisor Lowe, and unanimously carried by those present.

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Ms. Violet Hembrow was appointed as District II representative to the El Dorado County Planning Commission, on motion of Supervisor Lowe, seconded by Supervisor Stewart, and unanimously carried by those present.

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Mr. George Perusits was appointed to the Happy Homestead Cemetery District, for a term to expire January 7, 1983, on motion of Supervisor Lowe, seconded by Supervisor Stewart, and unanimously carried by those present.

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In a letter to the Board, dated February 5, 1981, the Mayor of Placerville advised that the City would like to become involved in providing input for the reapportioning of the Supervisorial Districts of El Dorado County. On motion of Supervisor Dorr, seconded by Supervisor Lowe, and unanimously carried by those present, the Board set a workshop on adjustment of the boundaries of Supervisorial Districts for Wednesday, March 11, 1981, at 10:00 a.m.

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At the request of Supervisor Flynn, and on motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried by those present, the Chairman was authorized to sign a letter to the State Water Resources Control Board requesting the South Fork of the American River, or any portion thereof, not be included as one of the streams to be studied for "in-stream" uses.

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In response to a letter from Mr. Richard Milbrodt, City Manager of South Lake Tahoe, dated February 5, 1981, requesting formal discussion with County staff regarding the possible extension of municipal bus service tion and maintenance of the Community Action Program Dial-A-Ride service; the Board, on motion of Supervisor Love recorded to to Meyers and other destinations, as well as possible changes in the operathe Board, on motion of Supervisor Lowe, seconded by Supervisor Stewart, and unanimously carried by those present, authorized Supervisors Lowe and Stewart to meet with representatives of the City of South Lake Tahoe, the County Public Works Department, and any other interested agencies in regard to same.

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At the request of Supervisor Stewart, and on motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried by those present, the Board re-established its practice of bi-weekly "staff" meetings with the County Chief Administrative Officer: said meetings to be held on the first and third Mondays of each month, beginning in March as follows: Monday, March 2, 1981, at 10:00 a.m., and Monday, March 16, 1981, at 1:30 p.m.

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At the request of Supervisor Dorr, the Board informally referred to the Recreation Commission, a letter from Carilyn Lee, dated January 23, 1981, accompanied by a petition signed by 603 persons, requesting the improvement of Pony Express Trail, to include the construction of sidewalks along same. On January 27, 1981, the Board first considered said letter, and referred same to the Department of Public Works to respond to Mrs. Lee. The Director of Public Works did so, with a copy to the Board, advising her that the County does not have sufficient funds to provide the requested improvements.

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The Board informally discussed a letter from Mr. John H. Thorne, County Assessor, dated February 6, 1981, wherein he advised the Board that the estimated full market value of the Bayley House, located in Cool, (land and building) is \$265,000.00. Supervisor Flynn stated he would hope the Planning Department would merely use this as a guideline and come up with a purchase price in the lease arrangement that is reasonable considering the historic drawbacks of the property. Mr. Kent Taylor, County Chief Administrative Officer, advised that he would so inform the Planning Department.

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There being no further business to come before the Board this date, the meeting adjourned to Wednesday, February 18, 1981, at which time the Board will convene as the Board of Directors of County Service Area No. 3.

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APPROVED:

OGEPH W WIVNN Chairman

ATTEST:

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

By Deputy Clerk