

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES May 5, 19 81

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

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12-7 The Invocation was offered by Pastor Norm Parker, Cameron Park Community Church.

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

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The Agenda was adopted on motion of Supervisor Walker, seconded by Supervisor Lowe, and unanimously carried, with the following additions: Final Map for Bela Vista Subdivision (this was later withdrawn from the Agenda at the request of the subdivider); Request for authorization to hire two temporary persons to conduct the Mediterranean Fruit Fly trapping program; Request for extension to the May 8, 1981, deadline to secure bids for an enlarged post office in Georgetown; Authorization for Chief Administrative Officer to have County contracts with City of South Lake Tahoe analyzed as to value of those rental properties; and request for authorization for Chairman to sign a contract with Tidy Town Janitorial for services for County buildings at South Lake Tahoe.

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The Minutes of the April 28, 1981, and April 30, 1981, were approved as submitted, on motion of Supervisor Walker, seconded by Supervisor Lowe, and unanimously carried.

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422 Latrobe On motion of Supervisor Walker, seconded by Supervisor Dorr, and unanimously carried, the Board continued the bid opening for the Latrobe School District 1974 School Bonds, Series B, in the amount of \$35,000.00, inasmuch as there was no bid submitted: County Counsel advised that there was apparently a communication breakdown between the School and the Farmers Home Administration (the only known potential bidder.) (Matter continued to May 12, 1981)

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On motion of Supervisor Stewart, seconded by Supervisor Walker, 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. 85 was approved for the Auditor/Controller in the amount of \$1,150 for Fixed Assets for the purchase of two programable calculators.

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247 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>	
Duane D. Atkins	885	451
Duane D. Atkins	1082	455

151-12 RESOLUTION NO. 130-81 was adopted Authorizing an Action for the Recovery of County Funds Paid Out for Ambulance (County Service Area No. 7); Welfare Department; Library; Public Defender, and Lake Valley Jidicial Court.

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151-2 At the request of the Welfare Department, the Chairman was authorized to sign an amended Agreement with the State Department of Social Services, reflecting the County's licensing obligations for the period July 1, 1980-February 28, 1981, and remaining obligations (foster family home category) from March 1, 1981 - June 30, 1981, in the amount of \$79,343.00.

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95 The Board deferred to budget hearings, the recommendations for the development of a Comprehensive River Management Plan submitted by the Planning Director and Chief Administrative Officer. (Referred 4/21/81)

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341 At the request of the Agricultural Commissioner, the Board continued to May 19, 1981, Introduction of Ordinance relating to beekeeping as an agricultural enterprise.

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The Board approved the abatement of penalties for failure to file Change in Ownership Statements for the following:

- 298
1. Wayne and Jean Varozza (APN 91-020-31)
  2. Donald G. Allie and James G. Gardner (APN 31-331-05)
  3. Lawrence L. Mosbacher (APN 36-491-04)
  4. Caglar M. Caglayan and John Silberman (APN 27-241-22)
  5. Richard Christensen (APN 60-050-24)
  6. Dennis E. and Jesse T. Buhler (APN 86-690-25)
  7. John E. and Sally A. Spinola (APN 33-523-01)
  8. Kenneth D. Domingos FN 25-251-08)
  9. Sigurd Jordahl and Paul F. Mausz, Jr. (APN 25-756-07)
  10. Lake Tahoe Associates (Oscar B. Snyder, Jr.) (APN 16-221-14)
  11. Nicola and Beatrice M. Chiurlia (APN 25-854-01)
  12. Helen Zafiras (APN 16-324-04)
  13. John H. Hubbell (APN 23 -251-25)
  14. Timothy J. Lunc (APN 82-024-06)
  15. Rosetta Brohman (APN 22-344-09)
  16. Georg P. Schulze, etal (APN 31-102-04)

\* \* \* \*

by  
FOX RIVER

STATE OF CALIFORNIA, COUNTY OF EL DORADO

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298  
The Board denied Applications for Abatement of Penalty for the following persons who, according to the County Assessor, had not submitted the required Change of Ownership Statements:

1. James P. and Jacqueline Hammett c/o Better Home Realty (APN 92-440-19)
2. Carolyn D. Slobe (APN 34-441-09)
3. William J., Jr. and Linda M. Crader (APN 26-031-06)

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211  
(178-1)  
At the request of Patrick Sabelhaus, Consultant for Mother Lode Rehabilitation Enterprises, Inc., the Board adopted RESOLUTION NO. 131-81 authorizing the County Clerk to hold a special mail ballot election in July 1981, in Precinct 053 to provide voters an opportunity to approve or disapprove the use of public funds for the construction of housing for the developmentally disabled.

\* \* \* \*

22-9  
At the request of the Golden Empire Health Systems Agency, RESOLUTION NO. 132-81 was adopted supporting the continued funding of the current health planning system at a reduced level commensurate with the proportionate cuts in programs included in the block grants. (Continued from 4/18/81)

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341  
At the request of the Agricultural Commissioner, the Board authorized the hiring of two temporary persons to conduct the Mediterranean Fruit Fly trapping program, and the addition to the Agricultural Commissioner's budget for 1980-81, of \$10,755.00: said funds having been allocated to El Dorado County by Assembly Bill 498.

\* \* \* \*

129  
Misc  
Comp  
The Board directed that a letter be sent to the District Manager, United States Postal Service, Sacramento, California, requesting an extension of the May 8, 1981 deadline to receive bids for an enlarged postal facility in Georgetown; said extension of the deadline would serve to allow the concerned citizens of Georgetown time to select a suitable site within the "preferred zone".

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22-5  
150  
50  
On motion of Supervisor Stewart, seconded by Supervisor Walker, and carried by the following vote: Ayes: Supervisors Dorr, Walker, Flynn, and Stewart; No: Supervisor Lowe, the Chairman was authorized to sign a letter contract for architectural services for the reroofing of the El Dorado County Community Center and Health Department building in Placerville, and at the recommendation of the Chief Administrative Officer, the Board approved modifications to the ventilation system of said building, and authorized funding in the amount of \$3,300.00 from the Roof Replacement Project budget. (Letter contract is with Nopp Zeiner Atchinson & Assoc.)

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326  
On motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried, the Board voted to support AB 86, as recommended by the County Risk Manager, inasmuch as current law is such that when a plaintiff receives an indivisible injury as a result of the conduct of two or more tort-feasors and he prevails in a lawsuit, he may recover the entire judgment from any one of the defendants; consequently, governmental entities are often enjoined in lawsuits on the basis of the most insubstantial facts: this Bill would permit each defendant in a lawsuit to pay only its share based on its actual negligence.

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On motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried, the Board directed a letter of support of Assembly Bill 649 (Bates) which would continue indefinitely the waiver of the 10% County match for Mental Health funding.

\* \* \* \*

At the recommendation of the County Supervisors Association of California (CSAC), on motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried, the Board voted to support the following Assembly Bills and directed letters be sent to the Committee Chairman as well as to CSAC and our legislators:

- AB 1282 - To make the publication requirement of Delinquent Taxpayer Notices permissive for those counties which do notify the taxpayer in other ways as specified
- AB 1283 - Would eliminate the "invitation" to taxpayers to request a receipt
- AB 1710 - Would raise the property tax delinquency penalty rate from 6% to 10%, and raise the redemption penalty rate from 1% to 1-1/2%
- AB 2138 - Would amend requirement that all property owners of one parcel be enrolled on the Assessment Roll
- AB 2188 - Would allow the availability of the Bi-lingual Home Owners Exemption form, rather than the actual mailing requirement

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At the recommendation of the Personnel Officer, on motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried, the Board approved the appointment of Staff Psychiatrist (Dr. Walworth R. Slenger, M.D. F.A.P.A.) at Step E of the Staff Psychiatrist class.

\* \* \*

At the recommendation of the Personnel Officer, on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Board approved the deletion of Surveyor's Technician I position and the addition of Surveyor's Technician II position, with the stipulation that when the Surveyor Technician II position becomes vacant that it revert back to Surveyor Technician I, and RESOLUTION NO. 135-81 was adopted amending the Authorized Personnel Resolution.

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Public Works Departments Road Fund Revenue Shortfall was considered by the Board, and at the recommendation of the Chief Administrative Officer, on motion of Supervisor Dorr, seconded by Supervisor Stewart, and unanimously carried, the Board anticipating a \$300,000.00 contribution to the department's budget; an amount comparable to what was recently appropriated to "bail out" the road fund in the current year, the Board approved in principal the concept of making no greater contribution to the road fund in 1981-82 than is being made in the current year; Determined that a specific layoff of employees in the road department is necessary due to a lack of funds; and Directed the Personnel Office, in conjunction with the Public Works Department, to begin the process of computing layoff points within the department as required by the adopted policy on Reduction in Force; and the Chief Administrative Officer was directed to bring to the Board an Organization Chart reflecting a list of specific positions to be deleted.

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(296-4)  
298  
Public Works Department submitted a letter stating that two acres of County property (Parcel No. 84-17-15) on Mosquito Road, about one-half mile north of Union Ridge Road, is surplus and should be disposed of at a public sale.

On motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried, the Board directed that the Assessor be instructed to appoint an appraiser to appraise said property for the purpose of establishing a minimum acceptable bid.

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(340)  
83  
Supervisor Dorr moved to adopt a resolution authorizing the Chairman to sign Local Transportation Fund Claim in the amount of \$14,355.81 for a Class II Bike Trail from Park Drive to Francisco Boulevard in El Dorado Hills, after the words, "and jogging" have been deleted from the resolution. Supervisor Lowe seconded the motion. Supervisor Flynn then amended the motion to substitute the words "from Safeway Store west on Pony Express Boulevard" for "from Park Drive to Francisco Boulevard in El Dorado Hills". Supervisor Walker seconded the motion. The Chairman called for the question on the amendment to the motion, and it failed to carry by reason of the following vote: Ayes: Supervisors Walker and Flynn; Noes: Supervisors Dorr, Lowe, and Stewart. The Chairman then called for the vote on the original motion, and it was carried by the following vote: Ayes: Supervisors Dorr, Lowe, and Stewart; Noes: Supervisors Walker and Flynn, and RESOLUTION NO. 133-81 was adopted accordingly.

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80-4  
On motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried, the Board introduced an Ordinance amending Section 14,281 of the County Ordinance Code, extending the franchise agreement of South Tahoe Refuse Company to July 1, 1992; waived the reading thereof; and continued it for adoption to May 12, 1981.

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(44-4)  
132  
Mr. William S. Briner, Manager, Tahoe City Public Utility District, was present and reiterated the contents of his letter of April 22, 1981, to the Board wherein he requested that Ordinance No. 3109 be amended to extend the deadline for payment of sewer connection fees to July 31, 1981; and allow transfers from high-capability lands which, he stated, are denied a building privilege due to lack of available sewer capacity within said District at the present time.

After discussion, Supervisor Lowe advised Mr. Briner that the Building Code states that delays caused by official acts of governmental agencies or public utilities may act to extend time periods for permit issuance specified within the Code, and that the applicant shall provide with his written request for permit, evidence of such official acts.

A lengthy discussion followed among the Board members and Mr. Briner and Mr. James Cofer, Manager/Engineer, South Tahoe Public Utility District. Mr. Briner stated he felt the only question still remaining was -- will the people in the low capability lands be allowed to transfer from Tahoe City Public Utility District to South Tahoe Public Utility District. Mr. Cofer of STPUD stated that transfers are permitted from TCPUD to STPUD; clarifying that STPUD did have the capacity to handle those 12 low capability lots, but could not handle any of those remaining from the 1980 drawing. Mr. Cofer further clarified for Mr. Richard Roll that if he paid his sewer connection fee to TCPUD and then chose to transfer to STPUD, the ordinance reads that one has 30 days from assignment to STPUD to make a deposit to said District, and until transfer is approved by the County to STPUD, the clock would not start on his 30 days.

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Finally, on motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried, the Board referred to County Counsel to be placed on the Agenda May 12, 1981, the question of interpretation of extension of delays for clarification as to whether or not Section 10,718 --Delays in Construction, should be included in the current ordinance.

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## SPECIAL ORDERS

### PLANNING MATTERS

*423  
Diamond  
Meadow  
Estates  
Subdiv*  
At the recommendation of the Planning Director, on motion of Supervisor Walker, seconded by Supervisor Dorr, and unanimously carried, the Agreement to make Subdivision Improvements in the Diamond Meadow Estates Subdivision in the Diamond Springs area, was approved and the Chairman was authorized to sign, and the Final Map of Diamond Meadow Estates Subdivision was approved, and the Clerk authorized to endorse such approval of said Map.

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## GENERAL ORDERS

*354*  
On motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried, the Board accepted the resignation of Mary Reade as a member of the El Dorado County Drug Abuse Advisory Board, and the Clerk was instructed to send a Certificate of Appreciation to Ms. Reade.

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*349*  
On motion of Supervisor Stewart, seconded by Supervisor Lowe, and unanimously carried, the Board denied the request of John B. Hartzell for waiver of penalty on delinquent taxes for his property in Tallac Park (APN 23-782-1410).

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*(92)  
1240*  
Communication was received from the State Department of Parks and Recreation advising that the quitclaim deed for the transfer of the Coloma Pioneer Cemetery from El Dorado County to the State of California, to become part of the Marshall Gold Discovery State Historic Park was disapproved by the State Department of Finance. (County relinquished to State on 1/30/79)

On motion of Supervisor Flynn, seconded by Supervisor Dorr, and unanimously carried, the Board directed a response indicating its disappointment that the area which is obviously of historical nature and belongs in a park is not acceptable to the State of California in the furtherance of their park aims.

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### PLANNING MATTERS

*96281*  
Hearing was held as duly noticed, on the Appeal submitted by William N. Center on the Planning Commission's denial of River Use Permit No. 81-32 for operation of trips on the South Fork of the American River, and the Appeal filed by American River Touring Association, Inc. (ARTA) on the Planning Commission's denial of River Use Permit No. 81-66 for river rafting on the South Fork of the American River.

Mr. Center advised the Board that he and ARTA, Inc. had reached an agreement to merge the two Applications so that the Permit can be issued under the name of ARTA, Inc., with William Center as Agent.

Mr. Ken Milam, Planning Director, advised the Board that the Planning Commission could not determine which applicant had the right of permit allocation. He stated that Permit No. 81-66 was not properly filed because some of the documents were inaccurate; e.g. Mr. Jim Kain, owner of Chili Bar, said that Mr. Cutright was not authorized to put-in there; and that.

CONTINUED ON NEXT PAGE

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needed to be clarified.

Assistant County Counsel, Bob Laurie, advised that the appropriate action for the Board to take, since there are allegations that some of the documentation submitted by Mr. Cutright in his Application No. 81-66 is defective, would be to amend River Use Permit No. 81-32 to read as follows: The name of the Company seeking the Application would be ARTA, Inc.; the name of the Applicant would be ARTA, Inc., Stephen L. Cutright, President; the name of the local Agent would be William N. Center, P.O. Box 617, Lotus, Ca., 95651; the average user days would be 6314; and River Use Permit No. 81-66 should be withdrawn.

Upon the advice of Assistant County Counsel, and at the request of the Chairman, Messrs. Cutright and Center both stipulated to the above.

Chairman Flynn asked if any environmental statements had been prepared for the use which had been applied for; or had a Negative Declaration been filed that indicated that any environmental impact had been mitigated. Mr. Milam, Planning Director, said he would have to check to see if a Negative Declaration was filed on the Interim River Plan; but, he said, he believed it was adopted without environmental documents under Category 17 and 18 of the Exemptions and California Environmental Quality Act (CEQA) guidelines which allows for environmental protection that emergency regulations may be adopted on an interim basis.

Supervisor Lowe then asked Mr. Center if he hadn't just received yesterday (May 4, 1981) 300 user days from the Planning Commission. Mr. Center responded that that was for California River Tours which, he stated, after extensive questioning and review by the Planning Department it was made very clear that none of those user days in any way overlapped the user days involved with the Permit now before the Board. He explained that those user days were involved with community service trips and as such, pursuant to his original contract with ARTA, were under a non-competitive clause, and they ran under California River Trips rather than ARTA, California. He stated that in no way were they a part of either one of the two Applications presently before the Board; he further stated that this was attested to by the Planning Department and agreed to by the Planning Commission.

Supervisor Flynn then asked Mr. Center if he had made application for two different companies originally under the same ownership. Mr. Center agreed the owner was the same.

Supervisor Lowe then asked Mr. Center if his proposal to the Planning Commission had suggested 6300 user days as part of his allocation. Mr. Center responded that that was the application for ARTA California. Supervisor Lowe then asked if Mr. Center and Mr. Cutright had decided to share those 6300 user days, and Mr. Center stated that the way County Counsel put the proposal would be the way the permit originally filed under ARTA California would be amended and filed under ARTA, Inc. Mr. Center further explained the difference between the 3500 user days and the 6300 user days on the two different applications; being that when the original permit application was written up by the Planning Department they had the number of passengers, when actually the Planning Department had intended the number of user days. When ARTA filed they had written 3500 passengers, and that since most trips are two day trips, the total number of user days is 6300.

Supervisor Flynn queried Mr. Center about a comment in a newspaper to the effect that this particular permit before the Board was worth \$250,000.00; recalling that when this matter involving the "value" of permits was before the Board, it was the Board's opinion that no values of this nature would be created. Mr. Center stated that this was not his "quote".

EXCELEBASE

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FOX RIVER

Assistant County Counsel suggested that the Board now receive the information that Planning Commission would have received as an Application for a River Use Permit; i.e. that the matter before the Board now is whether or not the amended Application 81-32 is complete as to County requirements and as stipulated. He further stated that if following the presentation of the evidence presented by the Assistant Planner, Jake Raper, the Board determines that in light of the amended Application that the permit should be granted, then the Board will grant the Appeal for River Use Permit 81-32 and accept the withdrawal of River Use Permit 81-66.

Jake Raper, Principal Planner, reviewed ARTA's documentation on file reflecting their ability to meet the necessary requirements, and recommended that the Application be approved subject to the following conditions:

1. All private lands used for passenger and bus parking shall be properly zoned and/or have a valid special use permit;
2. All operators using public lands for put-in, take-out camping or lunch or rest stops, shall secure the proper permits from the agency having jurisdiction over those lands. The river use permit shall not be valid until those permits are approved;
3. All commercial operators shall observe the quiet zone designated from the residential area above Coloma to rivers bend, below Camp Lotus;
4. All insurance must be kept in force throughout the season in the minimum amounts, as required by El Dorado County;
5. All commercial operators must comply with the provisions of the adopted Interim Management Plan;
6. All rafts or other floating devices must be clearly identified by the company's name that is visible from either shore of the river;
7. Conditions 1 through 8 must be met prior to operation.
8. Adequate documentation necessary for user day.

Mr. Bob Harvey questioned the over-use of the River. He stated he felt a full Environmental Impact Report should be prepared; that to accept a Negative Declaration was ridiculous.

Nyron Smith suggested that the Board be very careful when they enter into an agreement with these applicants.

Robin Center, wife of Mr. William Center, stated they had worked very hard to run good river trips.

Ralph Layo stated he felt the decision should be strictly on the merits of Mr. Center's application and not on Mr. Center's involvement in the South Fork of the American River (SOFAR) Project.

There being no other proponents or opponents, the Chairman closed the Hearing.

On motion of Supervisor Lowe, seconded by Supervisor Walker, and carried by the following vote: Ayes: Supervisors Lowe, Walker, Flynn, and Stewart; No: Supervisor Dorr, the matter was continued to May 12, 1981, and the Board requested that the applicant bring to them at that time a consolidated application for River Use Permit No. 81-32, as well as the contract that now exists between ARTA, Inc. and American River Tours, with other documentation that goes with the completed application. It was further requested informally that County Counsel and the Planning Director come back to the Board next week with an amendment to either the ordinance or the resolution, whichever is necessary, whereby these permits will have no value.

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25% COTTON

EXCELEBASE



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Hearing was held as duly noticed to consider the formation of the Greenstone Country Community Services District.

123-16  
Mr. James Thompson, Attorney with Kronick, Moskovits, Tiedemann & Girard, and representing the DiGiorgio Development, Inc., developers of the Greenstone Country Subdivision, was present. He stated the legal questions before the Board this date were: (1) whether or not the District is in the public interest; (2) whether or not the District is financially feasible; (3) whether or not the boundaries are appropriate; and (4) whether or not there are 80% of the registered voters in the District who have signed the petition. Mr. Thompson then affirmed that all these questions were factual. He further stated that the public utility companies have requested the deletion of Paragraph (L) of Pages 3 and 4; said paragraph being (according to the utility companies) unnecessary and of no need at the present time. Mr. Dave Seibert of Pacific Gas & Electric Company was present, and stated that his company felt that the paragraph was unnecessary, and that it could be added at a later date.

There were no protests, and the Hearing was closed.

On motion of Supervisor Lowe, seconded by Supervisor Walker, and unanimously carried, RESOLUTION NO. 134-81 was adopted, as written, Dispensing with an Election and Declaring the Greenstone Country Community Services District Duly Organized, Stating District Purposes, Fixing the District Boundaries and Designating the Board of Directors.

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(114-9)  
233  
At the request of the County Sheriff, on motion of Supervisor Dorr, seconded by Supervisor Flynn, and unanimously carried, the Board waived formal bidding procedure, and authorized the Purchasing Agent to purchase, on a sole source basis, a Dictaphone 4102, 10-channel recorder, with accessories, for the Sheriff's Department at South Lake Tahoe, at a cost of \$14,291.90.

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(113)  
(23)  
On motion of Supervisor Walker, seconded by Supervisor Dorr, and unanimously carried, the Chief Administrative Officer was authorized to utilize whatever personnel is necessary to analyze the County's contracts with the City of South Lake Tahoe pertaining to the public buildings that they are now using, and apprise the Board of the value of those buildings as rental properties, so that the Board may commence negotiations with the City.

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(114)  
124-2  
On motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried, the Chairman was authorized to sign a contract with Tidy Town Janitorial to provide janitorial services for specific County buildings at South Lake Tahoe.

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(23-4)  
340  
On motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried, the Board acknowledged and placed on file the request of the Tahoe Basin Transit Authority submitted by Local Transportation Commission, that El Dorado County be aware of the proposed shuttle bus service, operated by Sandpiper Whitewater Guides for its clients, from the Presbyterian Conference Grounds at Zephyr Cove to the raft trip from Chili Bar.

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EXCELERASE

There being no further business, the Board adjourned to Tuesday, May 12, 1981.

25% COTTON  
by  
FOX RIVER  
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APPROVED:

*Joseph V. Flynn*  
Joseph V. Flynn, Chairman

ATTEST:

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

By: *Ann R. Macey*  
Deputy

25% COTTON  
EXCELERASE  
by  
FOX RIVER