

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES May 10, 19 83

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 Stewart presided.

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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 Ann Macy.

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On motion of Supervisor Walker, seconded by Supervisor Dorr, and unanimously carried, the Agenda was adopted, with the addition of two New Business items: Georgetown Downtown Merchants Association request to close Main Street for Annual Youth Association Day on May 14, 1983; and the Airports Director's request for approval of Ground Transportation with Gray Line Scenic Tours, Inc.

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The Minutes of May 3, 1983, were approved as submitted, on motion of Supervisor Walker, seconded by Supervisor Lowe, and unanimously carried.

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

117
Budget Transfer No. 186 was approved for Data Processing/Assessor transferring \$400.00 from Data Processing Fixed Assets (3-370) to Assessor's Fixed Assets (3-370) for the purchase of a printer.

117
Budget Transfer No. 191 was approved for County Service Area No. 7, transferrring \$3,000 from Diamond Springs Fire Protection District (4302) to Pollock Pines Fire Protection District (4303).

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2989
The Board approved Assessment Roll Changes numbered: 1313 through 1316; 8065; 8066; 8071 through 8074.

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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>	
Bonnie Von Gray	2118	434
Richard L. Smart	1327	265

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58
At the recommendation of County Counsel, the Board denied the Claim submitted by Attorney Peter M. Fonda for indemnification, equitable apportionment of fault and/or equitable contribution for such sums as Farmer Brothers Coffee may be held responsible to Barry C. and Kay J. Dow, by means of a judgment or settlement, in connection with damages sought against Farmer Brothers Coffee in Los Angeles Superior Court case No. C433602.

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58-1
At the recommendation of County Counsel, the Board denied the Claim submitted by Robert J. Menacho for Property Damage in an undetermined amount.

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58
At the recommendation of County Counsel, the Board denied the Claim submitted by Attorney Ned Telford for indemnity as to any and all damages which may be awarded against Ann Barry Mulvey in favor of plaintiff, in an undetermined amount.

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151-12
At the recommendation of the Welfare Department, RESOLUTION NO. 106-83 was adopted authorizing the Charman to sign an Application for Adoption Agency License, to be submitted to the State Department of Social Services, for renewal of El Dorado and Alpine Counties' license; and RESOLUTION NO. 107-83 was adopted extending the Agreement with Alpine County for Inter-County Adoption Services for Fiscal Year 1983-84.

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214
At the recommendation of the Probation Department, RESOLUTION NO. 108-83 was adopted authorizing the Probation Officer to submit to the State Office of Criminal Justice Planning, a Grant Application for funds in the amount of \$12,000 for continuation of the Sexual Crime Victim Assistance Program for Fiscal Year 1983-84.

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27-3
At the recommendation of the Librarian and the Deputy Purchasing Agent, the Chairman was authorized to sign an Agreement with Michael Sebastian Lengyel for lease of the Georgetown Branch Library premises, for the period May 1, 1983, through April 30, 1984, at a cost of \$160.00 per month; plus \$60.00 per month to Mary Helen Murphy for janitorial services.

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326 (87)
At the recommendation of the Planning Director, the Chairman was authorized to sign a letter of appreciation, to be sent to the County Supervisors Association of California for Legislative Advocate Victor Pottorff's assistance at the Assembly Local Government hearing on April 26, 1983, relating to the passing of Assembly Bill 1609 (Waters).

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164
At the request of the Office of Emergency Services, the Board reaffirmed its action of April 12, 1983, wherein Resolution No. 88-83 was adopted declaring a local emergency due to the earth and rock slides in the American River Canyon and the closure of State Highway 50 resulting from same.

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349
(201)
At the recommendation of the Treasurer/Tax Collector, the Board awarded the audit of the 1911 Bond Debt Service fund for the period May 1, 1982 - April 30, 1983, to low bidder, John H. Williams of Shingle Springs in the amount of \$2,350.00; and the Chairman was authorized to sign an Agreement with Mr. Williams.

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354
As requested by the County's Combined Advisory Board on Alcohol, Drug Abuse and Mental Health Services, the Board reappointed Supervisor Robert E. Dorr and Mary Lou Mosbacher as members of said Board, for a term expiring April 30, 1986.

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21-90
At the recommendation of the Airports Department, on motion of Supervisor Flynn, seconded by Supervisor Lowe, and unanimously carried, the Chairman was authorized to sign one year leases with the following for advertising space at the Lake Tahoe Airport; both leases to include the Indemnification and Hold Harmless clause as recommended by County Counsel:

- a. Sahara Tahoe, at a cost of \$100.00 per month,
- b. Tahoe Keys Marina, at a cost of \$178.75 per month.

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114-7
At the recommendation of the General Services Division, on motion of Supervisor Dorr, seconded by Supervisor Lowe, and unanimously carried, the Chairman was authorized to sign an Agreement with Family Affair Cleaning Service for janitorial services for the El Dorado Justice Court, Mental Health Department, and County Training, at a cost of \$6,792.00 for Fiscal Year 1983-84; said lease to also include the Indemnification and Hold Harmless clause as recommended by County Counsel.

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114
(74-318)
At the recommendation of the General Services Division, on motion of Supervisor Lowe, seconded by Supervisor Flynn, and unanimously carried by those present, the Chairman was authorized to sign a Letter Agreement with Nacht & Lewis Architects of Sacramento for professional services to complete the repair of seven existing showers and install ten new toilet fixtures in El Dorado County Jail cells, at a cost not to exceed \$3,000.00.

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113
On motion of Supervisor Walker, seconded by Supervisor Lowe, and unanimously carried, the Chief Administrative Officer was requested to schedule a Staff Meeting with the Board of Supervisors for Monday, May 16, 1983, at 1:30 p.m.

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(198-2)
115
At the request of the County Clerk, on motion of Supervisor Walker, seconded by Supervisor Lowe, and unanimously carried, the Board waived the 30-day waiting period requirement, to allow the vacant Legal Process Clerk position to be filled immediately: The Chief Administrative Officer recommended approval since the position is included in the 1983-84 proposed budget.

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(115)
1474
At the request of the County Recorder, on motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried, the Recorder was authorized to fill a vacant contractual employee position which is financed by Assembly Bill 3332, as the position is in the 1983-84 proposed budget.

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(115)
50
Community Programs advised that Margaret Wagner, Program Assistant II at South Lake Tahoe, is resigning effective June 10, 1983, and requesting exemption from the 30-day waiting period prior to filling said position in order that Community Program services and the South Lake Tahoe Dial-A-Ride Program may not be interrupted. On motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried, the request was approved.

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(115)
132-1
On motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried, the Board approved the Building Department's request for waiver of the Furlough Plan for the one employee at its Lake Tahoe Office to allow full-time staffing of same with minimal support from the main office.

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132
Letter was received from Michael Martuscell, MBM Construction, expressing concern relating to the workload of the one employee at the Building Department's Lake Tahoe Office, and suggested the addition of a full-time office person. On motion of Supervisor Walker, seconded by Supervisor Flynn, and carried by the following vote: Ayes: Supervisors Dorr, Walker, Flynn and Stewart; No: Supervisor Lowe, the letter was accepted and placed on file, and directed that the matter be discussed at the Budget hearings.

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(115)
21-A
At the recommendation of the Personnel Director, on motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried, the Board adopted RESOLUTION NO. 110-83 amending Resolution No. 30-83 to increase the Airport Maintenance Operations Technician I, II, and III positions at the Lake Tahoe Airport and Placerville Airport.

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(115)
223-1
Personnel Director recommended Board establish the window period of May 10 through August 26, 1983, during which employees for the following classifications in the Sheriff's Department who elect to retire may receive the additional two years of service credit under Section 20818 of the Government Code: Captain, Clerk II, Supervising Clerk, and Accounting Technician; and the Chairman be authorized to sign Certificate of Compliance relating to same.

On motion of Supervisor Walker, seconded by Supervisor Lowe, and unanimously carried, the Board approved the recommendation as submitted.

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(115)
221-17
Public Works submitted a letter recommending that the Chairman be authorized to sign an Agreement with the Latrobe Elementary School District and the State Department of General Services, Office of Local Assistance, for road improvements on South Shingle Road from Latrobe Road to the new Miller's Hill School, approximately 0.5 of a mile in length, at an estimated cost of \$75,000.00; said amount to be funded among the three entities.

(Continued on next page)

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After due consideration, Supervisor Lowe moved to deny the request; Supervisor Walker seconded the motion, and it was carried by the following vote: Ayes: Supervisor Lowe, Walker, and Stewart; Noes: Supervisors Dorr and Flynn.

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Airports Director submitted a one-year Airport Use Agreement with Air California, dba Air Cal, for the operation of a scheduled airline service to and from the Lake Tahoe Airport, and recommended that the Chairman be authorized to sign same.

Mr. Ken Williams, representative of the State Attorney General's Office, was present and submitted a letter signed by Andrea Sheridan Ordin, Chief Assistant Attorney General. The purpose of said letter, as stated in the letter, being "to emphasize the need for compliance with the California Environmental Quality Act on the review process".

A discussion ensued around the point of whether or not the Use Agreement with Air Cal was a "project".

A letter from the Chief of the Project Reveiw Division of the Tahoe Regional Planning Agency to the Airports Director was submitted to the Board for consideration. Said letter concluded that based on the findings enumerated, the "Agency staff has determined that initiation of the proposed jet air carrier service by Air Cal is exempt from TRPA review and approval under Seciton 3.41(3) of TRPA Ordinance 81-1 as 'ordinary administrative and operational functions of governments and public agencies operating or having jurisdiction in the Region'".

On motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried, the Airports Director was authorized to sign TRPA's letter (hereinabove mentioned) dated May 9, 1983. (Said signature being an acknowledgement that the findings of TRPA were true and accurate, and agreement to the stipulations contained in the findings.)

On motion of Supervisor Flynn, seconded by Supervisor Lowe, and unanimously carried, the Chairman was authorized to sign the Agreement; said Agreement to include language pertaining to a 30-day notice; and the findings are: That California Environmental Quality Act does not apply to counter space/landing fee contract with Air Cal; The history of the airport is such that contracts have been entered into with scheduled airlines on a non-discriminatory basis as required by Federal law and regulations; in fact, Air Cal previously operated scheduled flights to and from the Lake Tahoe Airport; Regulations relating to the environment, to the extent the County is allowed by Federal law and regulations to make the same, are not being changed or altered to allow Air Cal's flights; Air Cal will be subject to those regulations, including curfew and noise limitations; The Board may well be found to be treating Air Cal in a discriminatory manner if it attempted to refuse scheduled service, and therefore, is not in a position to exercise discretion to enter into its standard counter space/landing fee contract where flights will not exceed those historically allowed; There are no physical alterations of the airport nor of the terminal building; and further, County Counsel was directed to amend the Agreement to include the findings submitted by the Tahoe Regional Planning Agency in their letter of May 9, 1983, addressed to the Airports Director.

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The Board considered an Amendment to the Agreement with the City of South Lake Tahoe for lease of the building which, currently serves as the South Lake Tahoe City Administration Center, whereby the City would be allowed to sublease same to the South Lake Tahoe Visitors Bureau for the duration of said Agreement. (Continued from 4/26/83)

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Upon the advice of County Counsel that the City can consign the Lease without the consent of the County, Supervisor Lowe moved to receive the correspondence and place it on file. Supervisor Stewart seconded the motion and it was carried by the following vote: Ayes: Supervisors Lowe, Walker, Flynn, and Stewart; No: Supervisor Dorr. ("Correspondence" from City of South Lake Tahoe to Board of Supervisors requesting approval of their sub-leasing said premises to the Visitors Bureau).

22-7
23
The Board then considered the letter from the Health Department advising that the premises of the Mental Health's Outpatient Clinic at South Lake Tahoe have been sold and the new owner wishes to occupy same; and requesting that the Board make an early decision as to whether or not the Clinic can be housed in the County building being vacated by the City of South Lake Tahoe Administration.

On motion of Supervisor Flynn, seconded by Supervisor Lowe, and unanimously carried, the Board acknowledge receipt of the letter and placed it on file.

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Department of Agriculture submitted letter requesting establishment of a policy regarding who will be the principle contact and negotiator for all contracts and agreement between El Dorado County and the Lake Tahoe Humane Society.

341-5
On motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried, the Board designated the Agricultural Commissioner to negotiate with the South Lake Tahoe Humane Society and come back in Policy Review Session with a policy and updated ordinances on the subject.

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341-5
Communication was received from the El Dorado County Humane Society requesting a letter of endorsement, to be submitted to the State Department of Justice, relating to the placement of a humane officer in the field to serve the Western Slope of El Dorado County.

341-5
After consideration, on motion of Supervisor Lowe, seconded by Supervisor Walker, and carried by the following vote: Ayes: Supervisors Lowe, Walker, and Stewart; Noes: Supervisors Dorr and Flynn, the request was granted. (Supervisor Walker in seconding the motion, stated that he did so with the stipulation that he, in seconding the motion, did not want himself, or the Board, to be put in a position of settling arguments between the Humane Society and the Animal Control Department.)

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21-5
At the recommendation of the Airports Department, on motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried, the Chairman was authorized to sign an Amendment to the Airport Land Use Agreement with Executive Aero Systems, Inc., to provide passenger security screening at the Lake Tahoe Airport.

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21-9
At the request of the Airports Department, on motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried, the specifications for proposals for the auto rental concession at the Lake Tahoe Airport were approved, and authorization was granted to solicit bids relating to same.

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21-9
On motion of Supervisor Flynn, seconded by Supervisor Dorr, and unanimously carried, the Chairman was authorized to sign, after approval of County Counsel and the Airports Director, a one-year Ground Transportation Agreement with Gray Line Scenic Tours, Inc., dba California-Nevada Golden Tours, for the transportation (including loading and unloading) of persons and their belongings to and from the South Lake Tahoe Airport, at a fee of five per cent (5%) of the carrier's gross receipts for each pick-up.

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21-9
At the recommendation of the Airports Department, on motion of Supervisor Lowe, seconded by Supervisor Flynn, and unanimously carried, the Chairman was authorized to sign a five-year Lease with Tahoe Keys Marina for advertising booths at the Lake Tahoe Airport, at a cost of \$200.00 per month; said Lease to contain the Indemnification and Hold Harmless clause as recommended by County Counsel.

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24-4
Cameron
Park Dr.
On motion of Supervisor Flynn, seconded by Supervisor Dorr, and unanimously carried, the Board continued off calendar the recommendation of the Public Works Department that a resolution be adopted authorizing the Chairman to sign an Agreement with Earl D. Ancker for construction of road improvements on Cameron Park Drive in front of his commercial development, Executive Air-Park Center.

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Supervisor Flynn left the room

423
Cameron
Park Dr.
Communication was received from Marv Bukema Realty requesting the County accept for maintenance, Cameron Air Drive in Cameron Park North Unit No. 7 Subdivision.

Public Works Department recommended that if the Board of Supervisors approves the request in concept, the Department of Public Works will prepare a road improvement agreement for approval by the Board and the developer to accept the street for maintenance, subject to the terms and conditions in Resolution 114-74, "A Resolution Establishing Policy of Acceptance of Roads by El Dorado County for Maintenance".

On motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried by those present, the request was approved, in concept, with the word "acceptable" to precede the word "material", in Item 3 of the suggested conditions to be included in the Agreement, as suggested by the Public Works Department.

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337
On motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried by those present, ORDINANCE NO. 3359 was adopted amending the County Ordinance Code governing the County Fish and Game Committee, increasing the membership of same from five to seven, with two additional members to represent the County at large and serve at the pleasure of the Board. (Introduced 5/3/83)

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Supervisor Flynn returned to the Chambers

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Hearing was held as duly advertised to consider rezoning of lands in the Somerset/Fairplay/Mt. Aukum area from Estate Residential Ten-Acre Zone to Estate Residential Five-Acre zone, consisting of 10.002 acres, petitioned by Merrill G. and Rita D. Tompkins. The Planning Commission recommended denial based on the following reasons:

1. The property is not in a structural fire district.
2. The rezoning could create a safety hazard.
3. The property has poor access via a series of dirt roads from Sand Ridge Road, which is also considered inadequate in alignment, width and surfacing, in this area.

The Planning Director reviewed the history of the rezoning request.

Mr. Tompkins was present and stated that it was their intent to split the property and build a residence on each parcel; one for themselves and one for his mother-in-law. He stated also that his well produces at the rate of 75 gallons per minute, and that a 3,000 gallon water storage tank would be located on the site for use of both homes.

Mr. Gene Thorne was present and spoke on behalf of the Tompkins. He stated that until such time as they can become a part of a fire district, it was his considered opinion that they would be better protected with the large water storage tank and the sprinkler system that will be in the proposed residences, than if they were in a fire district.

Since there were no others who wished to be hear on the subject, the Chairman closed the hearing.

On motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried, the Negative Declaration was accepted; the rezoning was found to be consistent with the General Plan, and the rezoning was approved and adopted by ORDINANCE NO. 3360, to become effective upon the filing of the parcel map.

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Hearing was held to consider the Appeal by Rita D. Tompkins on the Planning Commission's denial of Parcel Map 83-14, which divides into two parcels, 10.002 acres zoned Estate Residential Ten-Acre in the Somerset/Fairplay/Mt. Aukum area. (See Rezoning on this same property above)

There were no protests and the hearing was closed.

On motion of Supervisor Lowe, seconded by Supervisor Walker, and unanimously carried, the Appeal was granted based on the following conditions:

1. Subject to the conditions set forth by Public Works;
2. Subject to compliance with Code Section 12.28.010, Ordinance 3092, Road Fees;
3. Subject to Environmental Health approval;
4. The applicant shall provide a letter from the El Dorado High School District indicating that this project will not impair their ability to provide service;
5. The zoning will become effective upon the recordation of the final map;
6. The Parcel Map when filed will show an easement which allows either party access to the water storage tank used for fire protection

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On motion of Supervisor Lowe, seconded by Supervisor Walker, and unanimously carried, the design waiver was approved on the condition that the applicant install the necessary water storage facilities in order to provide adequate structural fire protection measures for the two resulting residences, for the reasons that:

1. There are special conditions peculiar to the property proposed to be subdivided which would justify the waiver, in that this parcel is not adjacent to a structural fire protection district and the rules and regulations of L.A.F.C.O. prohibit non-contiguous parcel annexations;
2. Strict application of the design requirements of this chapter would cause unnecessary hardship in developing the property for annexation to a fire district cannot be achieved at this time;
3. Such a design waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public in that only one additional parcel would be created;
4. Such a design waiver would not have the effect of nullifying the objectives of this chapter or any other law or ordinance applicable to the subdivision in that the applicant is proposing to install fire safe measures on site; and further

that the access road, on site, be reduced to a 30-foot easement, with a 14 foot A.B. travelway, with one foot shoulders, which is approved for the following reason: the request is in compliance with Section 16.44.120, Item E, and Standard Example No. 7 of the Minor Land Division Ordinance.

Supervisor Dorr departed

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Planning Director reported as to the feasibility of the Planning Department processing the "Hiking and Equestrian Trails Master Plan" in the current fiscal year, and the costs involved to accomplish same. (Continued from 4/26/83)

Vern Sayles, El Dorado County Board of Realtors, Inc., reaffirmed the content of his letter to the Board in which he concurred with the redirection of the Planning Department.

A letter from Environmental Planning and Information Council (EPIC) dated May 6, 1983, regarding the inadvisability of taking private land for access to "Parkways" was read into the record.

Maxine Stahl, representing Mother Lode Trails Council, was present and reiterated that there was never any intention whatever to take any private property. They were requesting that the study be completed so that they can go ahead with the Plan.

John Lampson, Recreation Commissioner, mentioned the difference between the equestrian trail and the River Management Plan.

Larry Griffith stated that horsemen do not plan to take over private property. He asked that they be allowed to go ahead with the Plan.

Bill Cotton stated that he owns property along the river, and wanted it understood that in the plan there is no private property to be taken.

Dorie Noel, representing the El Dorado Horsemen Assn., was present and in favor of the Plan.

On motion of Supervisor Lowe, seconded by Supervisor Walker, and unanimously carried by those present, the matter was referred to Budget Hearings for consideration at that time.

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57
(95)
Planning Department submitted letter requesting establishment of a policy strongly discouraging all general plan amendment, rezoning, and special use permit applications for parcels adjacent to the South Fork of the American River until the River Management Plan is adopted by the Board of Supervisors; and recommending that permits already in some stage of processing be accepted.

On motion of Supervisor Flynn, seconded by Supervisor Walker, and carried by the following vote: Ayes: Supervisors Walker, Flynn, and Stewart; No: Supervisor Lowe; Absent: Supervisor Dorr, the Planning Director was instructed to bring back to the Board a Minute Order reflecting his recommendation.

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(61-3)
6-1-7
On motion of Supervisor Lowe, seconded by Supervisor Walker, and unanimously carried by those present, the Board approved payment of an invoice for \$750.00 submitted by the Planning Department, which is one-half of the total State Board of Equalization filing fee for the reorganization of County Service Areas Nos. 3 and 7.

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132
On motion of Supervisor Flynn, seconded by Supervisor Lowe, and unanimously carried by those present, the Board continued to May 17, 1983, Urgency Ordinance relating to sewer allocations and building permits within the jurisdiction of South Tahoe Public Utility District.

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212
On motion of Supervisor Flynn, seconded by Supervisor Lowe, and unanimously carried by those present, the Board approved the Georgetown Downtown Merchants Association request to close Main Street between Highway 193 and Orleans Street between 9:00 a.m. and 4:00 p.m. on May 14, 1983, and also waived the insurance requirement.

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10418
(04-1)
On motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried by those present, the Board requested that LAFCO initiate a public hearing pertaining to the sphere of influence between Pioneer Fire District and El Dorado/Diamond Springs Fire District, as it refers to the area on Sandridge Road in the Mother Lode School District.

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350-2
(117)
On motion of Supervisor Flynn, seconded by Supervisor Lowe, and unanimously carried by those present, the Board accepted the resignation of James Bartley, Data Processing Manager, effective June 10, 1983; and wished him success in his future endeavors, and directed that the Board determine this date to reorganize the Data Processing Department as a division of the Auditor/Controller's Office; appointed Larry Ames as the Acting Director of the division, effective immediately, and requested Mr. Ames to begin working with the Data Processing staff to bring about a smooth transition.

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& copy of 115)

On motion of Supervisor Walker, seconded by Supervisor Lowe, and unanimously carried by those present, the Board directed staff to draft a letter for the Chairman's signature to all County employees to explain the County's lay-off procedures, the employees rights, and the County's financial condition.

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There being no further business, the Board adjourned to Tuesday, May 17, 1983, at 10:00 p.m.

APPROVED: 
Thomas L. Stewart, Chairman

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

By: 
Board Clerk