

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES January 24 1984

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. Dixie L. Foote, Assistant Board of Supervisors Clerk, was also present. Chairman Lowe presided.

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The Invocation was offered by Supervisor Joseph V. Flynn.

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The Pledge of Allegiance to the Flag was led by Supervisor Flynn.

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The Agenda was adopted, on motion of Supervisor Flynn, seconded by Supervisor Dorr, and unanimously carried.

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The Minutes of January 17, 1984, were approved as submitted, on motion of Supervisor Flynn, seconded by Supervisor Dorr, and unanimously carried.

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

117 Budget Transfer No. 102 was approved, transferring funds from the General Services Division (1-930) to establish a Communications Budget (1-605). ✓

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117 Budget Transfer No. 97 was approved, transferring \$13,390.00 from General Fund Appropriation for Contingency (9900) to Federal Unemployment Insurance (1130) for all General Fund Departments, to increase the rate from .1% to .2%, as adjusted by the State.

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117 Budget Transfer No. 99 was approved, increasing expenditures in the Building Department's budget by \$42,514.00, and balancing that with an increase of like amount in estimated revenues of accounts as outlined in the Building Official's memorandum dated January 10, 1984, pursuant to direction of the Board on October 4, 1983.

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2457 The Board approved Assessment Roll Changes numbered 8317 and 8318. ✓

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2447 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>	
Dalphine Foster	1060	148
Gillin R. Olson	1674	238
Gillin Olson	2137	450
Gillin Olson	2181	622

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151-13
RESOLUTIONS NOS. 21-84 and 22-84 were adopted discharging unpaid County Welfare Accounts.

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58
As recommended by County Counsel, the Board denied the claim for personal injuries, in an undetermined amount, submitted by Rod Woodrow on behalf of Scott Eugene Woodrow.

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60-8
RESOLUTION NO. 23-84 was adopted authorizing the Chairman to sign Amendment No. 1 to the Agreement (No. 83-844-188) with the State Office of Economic Opportunity for funds for the Energy Crisis Intervention Program, reflecting an increase in same, in the amount of \$118,140.00, for a new total of \$163,385.00.

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115
113-5
The Board approved establishment of a new budget unit, entitled "Communications" (1-605); and RESOLUTION NO. 24-84 was adopted amending Authorized Personnel Resolution No. 228-78 to reallocate the position of Communications Director from Central Dispatch (2-605) to Communications (1-605).

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The Board approved the transfer of a surplus 1979 Dodge Ram Charger four-wheel drive vehicle from the Sheriff's Department to the Agricultural Commissioner's Office.

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74-36
114
At the recommendation of the General Services Division, the Chairman was authorized to sign a letter, to be submitted to the State Department of Transportation, stating El Dorado County's willingness to provide the required ten per cent matching funds to upgrade the Forni Road railroad crossing between Diamond International Corporation and Gold Nugget Way, which will be used as an access to the new jail to be located on County property south of Highway 50.

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22-90
The Board accepted the resignation of Margaret Jennings-Severe as member of the El Dorado Health Planning Council, and directed that a Certificate of Appreciation be forwarded to same.

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178-1
The Board authorized the posting and filing of the Governor's Proclamation declaring a Statewide Direct Primary Election will be held on Tuesday, June 5, 1984, pursuant to Section 2553 of the Elections Code.

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53
On motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried, the Chairman was authorized to sign an Agreement with the El Dorado County Chamber of Commerce whereby County funds, in the amount of \$18,446.80, will be advanced to the Chamber for promotion of tourism in El Dorado County for period ending June 30, 1984.

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On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, the Board took the following actions:

- 308-3
- a. Concurred with the Sierra Planning Organization's "favorable" comment on the application of El Dorado County Head Start, El Dorado County Office of Education, for program expansion for 1984-85;
 - b. Concurred with the Sierra Planning Organization's comment of "no comment" on the preapplication of John P. Casper for Diamond Springs II Apartments, which consist of 13 two- and three-bedroom low/moderate income units in the Diamond Springs area.

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74-13
At the request of the General Services Division, and on motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried, the Board authorized the Building Department to provide a resident construction inspector for the Ponderosa Justice Court Building Project, at a cost of \$702.00 per pay period for six months.

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12-14
(34)
The Board approved a Policy Review Session on March 21, 1984, at 10:00 a.m., to introduce Carol Ewing, Deputy Director of the State Department of Transportation, on motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried.

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(147-1)
The Board denied the County Recorder's request for authorization to hire one full-time employee due to the increase in workload in the Recorder's Office, on motion of Supervisor Dorr, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Dorr, Walker, Stewart, and Lowe; No: Supervisor Flynn.

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115
(229)
In response to the County Surveyor's request for authorization to hire one full-time clerical employee and reclassify one Surveyor Technician II to Deputy County Surveyor, the Board took the following action:

- a. The Surveyor was directed to negotiate with the Planning Department for clerical assistance to be provided by the Planning Department and, if an agreement cannot be reached, the Surveyor is to bring the matter back before the Board on January 31, 1984, on motion of Supervisor Walker, seconded by Supervisor Dorr, and unanimously carried; and
- b. The request to reclassify one Surveyor Technician II to Deputy County Surveyor was denied at this time, with the understanding the Board will consider the request during hearings on the County's 1984-85 budget, on motion of Supervisor Stewart, seconded by Supervisor Dorr, and carried by the following vote: Ayes: Supervisors Dorr, Stewart, and Lowe; Noes: Supervisors Walker and Flynn.

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115
(22-3)

RESOLUTION NO. 25-84 was adopted, amending the Authorized Personnel Allocation Resolution to add two FTE Continuing Care Worker positions in the Mental Health Division of the Health Department to provide case management services for said Division's clients, and adopting the classification specification and salary for same, on motion of Supervisor Flynn, seconded by Supervisor Dorr, and carried by the following vote: Ayes: Supervisors Dorr, Walker, Flynn, and Stewart; No: Supervisor Lowe.

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114-4
(23-2)

On motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried, the Board waived formal bidding procedure, and authorized the Deputy Purchasing Agent to purchase two used rental automobiles from Avis Rent-A-Car Systems, Inc., of San Francisco, at a total cost, including tax, of \$12,876.88, to be used as undercover vehicles by the Sheriff's Department; said waiver based on the finding that competitive bidding would not be in the public's interest because the unique nature of the property precludes receiving bids.

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104-2
(43-5)
Public
Meeting

Attorney A. L. Hamilton's request that the Board again consider the matter of mitigation fees requested by the Shingle Springs Fire Department for Barnett Industrial Park to provide projected additional needs for fire service and facilities within same, was continued to February 7, 1984, on motion of Supervisor Dorr, seconded by Supervisor Walker, and unanimously carried.

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(23-14)
370-7
Public
Meeting

ORDINANCE NO. 3418 was adopted repealing Chapter 9.20, "Ski Lift Ticket Fraud", of the County Ordinance Code, and adding Chapter 9.20 entitled "The Skier Responsibility Code"; said Ordinance adopted as an urgency measure, to become effective immediately; on motion of Supervisor Stewart, seconded by Supervisor Lowe, and unanimously carried.

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SPECIAL ORDERS

PLANNING MATTERS

A.D.
K. Brown
Village
Unit
705A

On motion of Supervisor Dorr, seconded by Supervisor Flynn, and unanimously carried, the Board approved, in concept, the request of the developers of Ridgeview Village Unit No. 5A Subdivision for use of 1911 Improvement Bond Act proceedings for improvements to said Subdivision; and staff was authorized to hire bond counsel, underwriter, and engineer for preparation of necessary Resolutions which they are to bring back to the Board for adoption; and the Board approved the request of the County Treasurer/Tax Collector that his estimated cost for servicing said bonds be increased to \$14,250.00 (\$150.00 per bond).

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At the recommendation of the Planning Department, and on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board approved the transfer of River Use Permit No. 83-68 from Ken Brunges, Mother Lode River Trips, to Scott Underwood, Scott Free River Expeditions, subject to the 4 conditions proposed by the Planning Department and revised by the Board this date.

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95 At the recommendation of the Planning Department, and on motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried, the Board approved the transfer of River Use Permit No. 83-09 from Eric Grunseth, Pacific Northwest Expeditions, to Alan Ehrgot, Pacific Adventures, subject to the 3 conditions proposed by the Planning Department and revised by the Board this date.

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782-10-83 The Board again took up the matter of Appeals filed by Attorney James D. Zupancic on behalf of Bruce Ashwill; Kenneth R. Stemmle, Coordinator - Mother Lode Alliance; and Jeff Freitag and Janice Marques on the Planning Commission's granting of Special Use permit No. 83-48 to Gold Fields Mining Corporation to allow the establishment of mineral exploration operations on approximately 1,000 acres zoned Estate Residential Ten-Acre, Residential Agricultural Forty-Acre, and Exclusive Agricultural in the Shingle Springs, Diamond Springs, El Dorado, and Latrobe areas.

A motion by Supervisor Dorr, seconded by Supervisor Lowe, to deny the special use permit, did not carry by the following vote: Ayes: Supervisors Dorr and Lowe; Noes: Supervisors Walker, Flynn, and Stewart.

On motion of Supervisor Stewart, seconded by Supervisor Flynn, and carried by the following vote: Ayes: Supervisors Walker, Flynn, and Stewart; Noes: Supervisors Dorr and Lowe; the Board approved the mitigated Negative Declaration as amended and approved by the Planning Commission, and approved Special Use Permit No. 83-48, subject to those 37 conditions approved by the Planning Commission, based on the following findings:

A. This Board hereby adopts and approves those findings made by the Planning Commission and further specifically finds as follows:

Findings

1. All concerns and issues noted in the Initial Study and identified during the public review process will be mitigated by the modification of the operation of the project as well as conditions approved by the Planning Commission to be incorporated into the project.
2. The exploration operation, as shown on the site plan on the Special Use Permit application and as described in the Environmental Assessment, is found to be an acceptable temporary land use within the existing land patterns and uses. The conditions contained in the Negative Declaration insure the protection of the environment and surrounding land uses.
3. The exploration operation is authorized by Section 17.70.100(B) of the RE-10 zone district and by Section 17.36.080(B) of the AE zone district, and Section 17.30.090 of the RA-40 zone district which allows any uses as approved by the Planning Commission.
4. The Agricultural Commission recommended the Planning Commission find the project is compatible with the Land Conservation Act of 1965.
5. The request is in compliance with the Long Range Plan, Section III - Agricultural Goals and Policies (B6) and Section III - Rural Residential Goals and Policies (B9), which read as follows:

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B) Agricultural Policies

- 6) In the designated agricultural areas, the extraction of valuable mineral resources is considered to be compatible with most agricultural land uses. At the time an existing Area Plan is updated or a new plan is proposed, the County will investigate and recommend those mineral resource areas that have value and should be protected. Where this finding is made, mineral resource zoning shall be utilized to protect those areas.

B) Development Policies (Rural Residential)

- 9) In the designated Rural Residential areas, the extraction of mineral resources shall be considered as compatible with most Rural Residential uses. Where an application is made, the Planning Commission and Board of Supervisors shall favorably consider the utilization of these lands for mineral extraction purposes. The following General Plan and Zoning categories shall be recommended as being most appropriate for these uses:

- a) General Plan Designation: Open Space/Conservation
- b) Zoning: Mineral Resources.

6. Exploration and documentation of valuable resources are in the interest of El Dorado County and the State of California.
7. The established conditions will insure that the exploration will not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

B. The Board further found that a fair argument has not been presented, based upon substantial evidence in the record, that the project, as conditioned, may have a significant impact upon the environment.

C. In regard to the issue that a serious public controversy has been created over the potential impacts of the project on the environment, the Board found that, based upon the evidence in the record, much of the public controversy stems from concerns over the potential impacts of a full scale mining operation, and not the impacts associated with the exploratory drilling project and the conditions thereto. Additionally, the Board found that the concerns over the project itself are not supported by substantial evidence in the record.

D. In regard to the issue that an E.I.R. is required due to conflicting expert testimony, the Board found that the testimony of the experts was not reasonably related to the project as conditioned and that the mitigation measures of the Negative Declaration mitigate the potential of any significant impacts upon the environment.

E. The Board further found that the changes made in the project from the conditions initially proposed, as listed in Exhibit "D", are not substantial in nature and are primarily ministerial in nature.

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On motion of Supervisor Walker, seconded by Supervisor Flynn, and carried by the following vote: Ayes: Supervisors Walker, Flynn, Stewart, and Lowe; No: Supervisor Dorr, Supervisor Stewart's motion was amended to include approval of the indemnification agreement by Gold Fields Mining Corporation, as submitted by County Counsel this date, required by condition number 36; and approval of revisions to the conditions as recommended by members of the Board this date, based on the finding that the changes made in the conditions of the permit by the Board from the conditions initially proposed as set forth in Exhibit "D" and from the conditions approved by the Planning Commission are not substantial in nature and further, that such changes were not made as a result of a finding that without such changes the project may have a significant effect upon the environment, but were made to address some of the concerns raised by the appellants and to address various issues raised by this Board.

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141 At the recommendation of County Counsel, and on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried, the Board approved settlement of the case Thomas v. El Dorado County in accordance with the terms and conditions negotiated by County Counsel: (1) Highway 50 sign to be reduced by new owner, 3M Company, to original size and structure (12' x 20') by July 31, 1984; (2) Pending litigation to be dismissed with prejudice by plaintiff Thomas; (3) Written settlement agreement executed by all parties (County, 3M Company, and Thomas) to be prepared and submitted to Board, and Chairman authorized to sign if recommended by County Counsel.

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(229) On motion of Supervisor Flynn, seconded by Supervisor Dorr, and unanimously carried, the Board requested the County Auditor/Controller to audit and assist the County Surveyor's Department in management of its cash receipts and revenues.

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12-14
(69) On motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried, the Board scheduled a Policy Review Session for February 8, 1984, at 9:30 a.m., or as soon thereafter as the Board of Equalization hearings adjourn, regarding the Regional Water Quality Control Board's (Lahanton Region) proposed wastewater discharge requirements and its cease and desist orders against El Dorado County.

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233
(74-38) Regarding the overcrowded conditions in El Dorado County jails, as shown in the recently completed Jail Needs Assessment Study, the Board appointed a committee consisting of Supervisors Lowe and Flynn, the Chief Administrative Officer, Sheriff, Chiefs of Police of Placerville and South Lake Tahoe, and representatives of the Courts, to discuss immediate jail alternatives, on motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried.

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213 In discussing the Chief Administrative Officer's proposed schedule for adoption of a 1984-85 County budget, the Board determined that it will consider adoption of the proposed County budget for 1984-85 on July 3, 1984, and the public hearings on the County budget for 1984-85 will commence on July 16, 1984, on motion of Supervisor Flynn, seconded by Supervisor Dorr, and unanimously carried.

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There being no further business, the Board adjourned to Tuesday, January 31, 1984, at 10:00 a.m.

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APPROVED:



PATRICIA R. LOWE, Chairman

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

By 

Deputy Clerk