

MARIPOSA COUNTY BOARD OF SUPERVISORS

**CONFORMED AGENDA**  
**JULY 2, 1996**

Recorded in Minute Book 2 II  
Page 19 Mariposa County Records  
Entered July 16, 1996

<u>Time</u>	<u>Description</u>
9:03 a.m.	Meeting Called to Order Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Ed Johnson, Planning and Building Director, advised the Board that, as previously discussed, he would be bringing several Planning items before the Board this Summer. He further stated that following finalization of the agenda, the Winterberg Appeal was accepted and therefore, asked that the Board consider waiving the rules and having a Board meeting in Fish Camp. (M) Taber, (S) Stewart, Board waived its rules requiring 72 hours agenda noticing to consider this matter, finding it was not known about at the time the agenda was prepared and time must be allowed for noticing the date and time of appeal hearing/Ayes: Unanimous. Ed Johnson further stated that he anticipates approximately 75 people to attend this meeting, considering 75 people were present for the Planning Commission Hearing held in Fish Camp. He recommended the Board conduct their meeting in Fish Camp on July 23, 1996, at 4:00 p.m. to allow individuals interested in attending an opportunity to get off work. Following further discussion, (M) Taber, (S) Parker, Res. 96-303 adopted. Conduct meeting of July 23, 1996, in Fish Camp and begin the Winterberg Hearing at 2:00 p.m./Ayes: Unanimous. Mr. Johnson then presented the Board with a tentatively calendared Summer schedule of Planning items to come before the Board.
- Supervisor Stewart commented on the travel brochure received by Steve Hayes, Visitors Bureau, as being very well done and thought-out.

Approval of Minutes of 6/17/96 (Continued Meeting of 6/11/96) and 6/18/96 Regular Meeting

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Agenda)

**BOARD ACTION:** Following discussion of item 3, (M) Reilly, (S) Stewart, all items were approved/Ayes: Unanimous.

Glenn Franklin, Mariposa County Resource Conservation District;  
Requesting Mariposa County to Cover Worker's Compensation for an Employee that was Injured on the Job

**BOARD ACTION:** Glenn Franklin, explained to the Board the circumstances that lead the Resource Conservation District to believe that Ms. Weaver, an employee of RCD, was covered under Mariposa County for Workman's Compensation benefits. Discussion was held concerning the unfortunate misunderstandings that took place at the time of Ms. Weaver's hire by RCD. Following further discussion, the Board concurred that information provided by Mr. Franklin clearly indicated that Ms. Weaver was hired by the RCD Board of Directors and was in no way receiving County funds

Ed Johnson, Planning and Building Director;  
Consider 6 Month Extension of Personal Service Agreement Between the County Building Department and County Resource Conservation District, for a Term Extending from July 1, 1996 to December 31, 1996, and Compensation of \$4,000 to Provide Grading Inspection Services

BOARD ACTION: (M) Taber, (S) Stewart, following further discussion with Ed Johnson and Jerry Progner relative to erosion control, Res. 96-304 adopted/Ayes: Unanimous.

CLOSED SESSION to Discuss Applicants for Fire Chief Position (Continued from June 25, 1996) (County Counsel)

BOARD ACTION: Mike Coffield, County Administrative Officer, advised that Closed Session would not be necessary due to the hiring of Blaine Shultz as our new County Fire Chief. He further advised that the auditor has been given direction to begin procedures.

INFORMATION - No action was necessary on following:  
Board Hearing Schedule (Clerk of the Board)

CONSENT AGENDA

- CA-1 Resolution Adopting Bid and Specification Documents for a 24 Hour Above-ground Fueling System at the Mariposa/Yosemite Airport Public Works Project Number PW 95-36, Authorizing Advertisement for Bids, Set a Bid Opening Date for Thursday, July 25th, at 10:00 a.m. and Authorizing the Public Works Director to Execute a Contract with the Lowest Responsible Bidder (Public Works); Res. 96-301
- CA-2 Resolution Ratifying the Department's Decision to Tag-On to the County Overlay Project (with Tiechert Construction) for an Overlay with 0.1 Foot Asphalt Concrete in the Broncho Hollow Subdivision Zone of Benefit Roads, Public Works Project Number PW 294-03 (Public Works); Res. 96-302
- CA-3 Authorize Chairman to Execute Agreement with the State Fire Marshall for Fire Prevention Services for the 1996/1997 Fiscal Year; Res. 96-305 (County Counsel)
- CA-4 Waive Second Reading and Adopt Ordinance Establishing Standards for the Utilization of Straw-Bale Technology in Structures (County Counsel); Ord. No. 902

9:52 a.m. ADJOURNMENT in memory of William Fitzpatrick and James Simpkins.

Respectfully submitted,

MARGIE WILLIAMS,  
Clerk of the Board

By:



Deputy Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA  
JULY 9, 1996

Recorded in Minute Book ZII  
Page 20 Mariposa County Records  
Entered July 23, 1996

Time Description  
9:02 a.m. Meeting Called to Order  
Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda  
- Supervisor Reilly presented a Letter of Recognition to Cruz Garcia, Boy Scout Troop 50, for receiving the Eagle Rank. It was noted that this matter is scheduled on the agenda for July 16, 1996, along with recognition for other Scouts; however, Cruz Garcia will be unable to be present next week.

Approval of Minutes of 6/25/96 Regular Meeting  
**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)  
**BOARD ACTION:** (M)Parker, (S)Stewart, all items were approved/Ayes: Unanimous.

Ken Hawkins, Auditor;  
Resolution to Adopt New Administrator for Section 125 (Flex Benefit Plan)  
**BOARD ACTION:** Following discussion, (M)Stewart, (S)Parker, Res. 96-310 adopted/Ayes: Unanimous.

Pelk Richards, Undersheriff, appeared on behalf of Roger Matlock, Sheriff;  
Request Resolution Authorizing the Sheriff to Execute the Cops More Award Contract #96-CM-WX-0228, a Grant Award for the Purchase of Laptop Computers and a Video Arraignment System for the Sheriff's Department  
**BOARD ACTION:** Discussion was held with Pelk Richards. Dennis Patrick/Data Processing, provided input relative to maintenance and future replacement of the computer equipment. (M)Parker, (S)Stewart, Res. 96-311 adopted. Following further discussion, motion was amended by maker, agreeable with second, to include authorization for the Sheriff Department to purchase these fixed assets prior to adoption of the Final Budget for FY 1996-97/Ayes: Unanimous.

Sarah Williams, Planning Manager, appeared on behalf of Ed Johnson, Planning and Building Director;  
Request for Issuance of a "Letter of Public Need and Necessity" to the Department of Alcoholic Beverage Control to Allow Issuance of an On-Sale Beer License to 5026 Highway 140  
**BOARD ACTION:** Discussion was held with Sarah Williams and Jay Pawlek, Associate Planner. Randy Freitas, applicant, stated he has fulfilled the requirements of the Department of Alcoholic and Beverage Control and presented information on his proposed business. Discussion was held with regards to the County's role in responding to the requests for licenses. (M)Taber, (S)Parker, Res. 96-312 adopted/Ayes: Bal main, Parker, Taber; Noes: Reilly, Stewart.

**FORTHCOMING POLICY**

Presentation and Discussion Regarding the Zone of Benefit (ZOB) Program, and Soliciting Board Direction Regarding this Program (Scheduled for Action on 07/16/96) (Public Works)

**INFORMATION** - No action was necessary on the following:  
Information Regarding Costs of Recent Capital Projects (Public Works)

**CONSENT AGENDA**

- CA-1 Resolution Authorizing the Director of Public Works to Negotiate and Sign Agreements for Geotechnical Services for the Government Center (Public Works); Res. 96-306
- CA-2 Contract Between the Mariposa County Human Services Department and U.C. Davis to Provide Training for FY 1996-97 (Human Services); Res. 96-307
- CA-3 Resolution Approving Contract Renewal with Freese & Gianelli Claim Services to Continue Liability Claims Administration for the 1996/1997 Fiscal Year (County Counsel); Res. 96-308
- CA-4 Resolution Consolidating Mariposa Unified School District Election and John C. Fremont Healthcare District Election with the State of California General Election to be Held November 5, 1996 (County Clerk); Res. 96-309

**9:52 a.m.** ADJOURNMENT in memory of Victor Husbands, Albert Koprivnikar, Myrtle McSwain, Mildred Cardoza, Dorothy Paden, and Herb Davis (former Supervisor for District I).

Respectfully submitted,

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MAR LLIAMS  
Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

**CONFORMED AGENDA**  
**JULY 16, 1996**

Recorded in Minute Book ZII  
Page 21 Mariposa County Records  
Entered August 10, 1996

<u>Time</u>	<u>Description</u>
<u>9:04 a.m.</u>	<u>Meeting Called to Order</u> <u>Pledge of Allegiance</u>

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda  
- Pelk Richards/Undersheriff, stated he had an off-agenda request and matter was continued to after the following presentations.

Special Recognition to Adam Finney for Receiving the Eagle Rank (Supervisor Parker); Special Recognition to Cruz Garcia for Receiving the Eagle Rank (Supervisor Reilly); and Special Recognition to Steven Mercer for Receiving the Eagle Rank (Supervisor Stewart)  
**BOARD ACTION:** (M)Parker, (S)Taber, letters of recognition were approved, and presented to Adam Finney and Steven Mercer/Ayes: Unanimous. It was noted that the letter for Cruz Garcia was presented at the previous Board meeting.

Pelk Richards/Undersheriff, advised of the opportunity to submit a grant application for Federal Law Enforcement funds to supplement the D.A.R.E. program by adding one position for one year to bring the program down to the fifth grade level. (M)Parker, (S)Stewart, Board waived its rules requiring 72 hours agenda noticing finding this matter was not known about at the time the agenda was prepared and the deadline for review by the State Clearinghouse is prior to the next Board meeting/ Ayes: Unanimous. Following discussion, (M)Parker, (S)Stewart, Res. 96-313 adopted approving the submission of the Local Law Enforcement Block Grant Program application/Ayes: Unanimous.

Mike Coffield/County Administrative Officer, introduced and welcomed the County's new Fire Chief - Blaine Shultz.

Approval of Minutes of 7/2/96 Regular Meeting  
**BOARD ACTION:** Approved, with change as discussed.

Jim Eutsler, Community Services Director;  
Resolution Authorizing Chairman to Sign the Request for Proposal for Supportive Services and Nutrition Under Title III/VII of the Older Americans Act, Amended December 31, 1992, Fiscal Year 1996-97  
**BOARD ACTION:** Discussion was held with Jim Eutsler. (M)Parker, (S)Stewart, Res. 96-314 adopted, with direction for clerical errors to be corrected in the proposal and with the understanding that approval is subject to final determination during the Final Budget hearing process/Ayes: Unanimous.

Randa Strickfaden;  
Presentation Regarding Request to Place Vending Snack Machine in Hall of Records (County Administrative Officer)  
**BOARD ACTION:** Discussion was held with Randa Strickfaden. (M)Taber, (S)Parker, to approve the request, died when second was withdrawn following further discussion. Mike Edwards/Public Works Director, responded to question from the Board relative to the soda vending machine in his department, advising that the Employees' Union operates

the machine. Discussion was held relative to bid requirements to allow an opportunity for all private vendors to submit a proposal; and relative to working with the Employees' Association to sponsor the requested vending machine. (M)Reilly, (S)Parker, request was denied, based on bid requirements to allow a private vendor to operate the machine/Ayes: Reilly, Stewart, Parker; Noes: Balmain, Taber.

9:49 a.m. LOCAL TRANSPORTATION COMMISSION

A) Resolution Supporting SB 1505, State Transportation Improvement Program (STIP) Reform

COMMISSION ACTION: Discussion was held with Ed Johnson/Planning and Building Director, and Mike Edwards/Public Works Director, relative to the status of this legislation.

9:58 a.m. Local Transportation Commission recessed for the Board to reconvene and continue the Public Hearings scheduled for 10:00 a.m. to after the Local Transportation Commission's agenda.

9:59 a.m. Local Transportation Commission reconvened. Continued discussion was held concerning SB 1505. Further consideration was continued to after the following items.

B) Resolution Opposing SB 457 and AB 1720, Rail Transportation; and

C) Resolution Supporting a High Speed Rail Transit Stop in Merced County

COMMISSION ACTION: Discussion was held with Ed Johnson/Planning and Building Director. (M)Parker, (S)Balmain, LTC Res. 96-12 adopted opposing SB 457 and AB 1720; and LTC Res. 96-13 adopted supporting a high speed rail transit stop in Merced County. Discussion was held. Ken Gosting provided input on the proposed legislation - stated he feels it needs to be a State program to continue and advised that it is on the Governor's desk for consideration, and expressed concern with language that he felt could make Mariposa County liable for costs for services received. Ed Johnson suggested that the County's lobbyist be requested to follow these issues. Motion was amended by maker, agreeable with second, to include direction for staff to review the potential economic concern; and to consult with the County's lobbyist and if something needs to be done, to authorize whatever appropriate action. Motion was further amended, agreeable with maker and second, to include support of the transit stop along the Highway 99 corridor in Merced/Ayes: Unanimous. Ken Gosting stated he felt the transit stop action should be clarified with regards to connector trains, etc. It was noted that this could be clarified in the letter accompanying the resolution.

A) It was agreed that continued review of SB 1505 be scheduled for August 6, 1996. Chairman Reilly requested that members be kept apprised of any changes in the proposed legislation.

10:13 a.m. Board reconvened and recessed.

10:26 a.m. Ed Johnson, Planning and Building Director;

A) PUBLIC HEARING to Consider an Appeal of Violation/Enforcement Section 17.144.040A.2. of Mariposa County Code Regarding Time for Complainant to Conform to County Code; Request for Additional Time to Comply; Fourth Street Tea Room & Antique Store, 4993 4th Street/Hignite; Applicant and Appellant

BOARD ACTION: Ed Johnson advised that this is a request for an extension of time for the applicants to comply with the parking requirements or obtain a variance. Jean Clark/Assistant Planner, presented staff report. Jean Clark and Ed Johnson responded to questions from the Board relative to a possible variance and consideration of changes to the Mariposa Specific Plan which may reduce the parking requirements; whether any other

permits were required for this business and their status; whether this matter was heard by the Planning Commission; allowances for a business to operate without following all regulations; existing number of parking spaces and whether street spaces could be used toward meeting the requirements; whether the required number of spaces could be obtained on the lot where the business is located; and the affect any action today would have on the building permit. Public portion of the hearing was opened. Input was received from the following: Mike Hignite, applicant, stated he knows that he needs to increase the size of the parking lot for his business and plans to do that when financially able to do so and feels he can obtain the necessary spaces on his lot; currently as many as eight vehicles have been parked on the lot without any problem; however, he objects to paying a variance permit fee when he feels other businesses have not had to pay a fee to operate. Mr. Hignite responded to questions from the Board clarifying his objection to applying for a variance; and relative to continuing with his business operations in the interim of being able to comply with the parking standards. There was no other public input in support or in opposition to this matter. Public portion of the hearing was closed. Staff responded to the input received and to questions from the Board as to whether a variance would be required if the parking standards change and lessen the requirements within the Town Planning Area. Board commenced with deliberations. Staff responded to additional questions as to whether there were any problems with safety at this point and as to how long the business has been in operation and the proposed timeframes for considering changes to the Mariposa Specific Plan. (M)Reilly, (S)Parker, Res. 96-315 adopted granting a four month extension for compliance with all parking requirements or to obtain a variance if necessary/ Ayes: Reilly, Balmain, Stewart, Parker; Noes: Taber. Hearing was closed.

**10:56 a.m.** B) PUBLIC HEARING to Consider a Notice of Exemption (from Environmental Review) and the Approval or Denial of General Plan/Zoning Amendment No. 95-36; Meherana Inc., Applicant

**BOARD ACTION:** Ed Johnson advised that the issue before the Board today is consideration of the General Plan/Zoning Amendment and the Use Permit matter will be a separate hearing before the Planning Commission. Jay Pawlek/Associate Planner, presented staff report, advising request will increase parcel from 5 acre minimum size to 40 acres. Ed Johnson requested that if the Board feels there is no way that this project could happen, the applicant should be apprised of that at this time. Staff responded to questions from the Board relative to difference between church use and retreat use and whether the proposed use would be tax exempt; previous re-zoning of the property; whether there would be a fee for use; processing procedures for the General Plan Amendment and Use Permit; and relative to the surrounding land uses. Public portion of the hearing was opened and input was received from the following. Persons speaking in support of the zoning amendment: Christine Pearson/President of Meherana, Inc., advised of their previous contacts with Planning staff and their search for property that would be suitable for their proposed use; this parcel has direct access to Highway 140 and is in a good area that is sparsely populated with various types of zonings surrounding it; they do not know if they fit the criteria for tax exempt status; there will be a charge for guests to stay at the retreat and she felt that would be subject to transient occupancy tax; stated she feels this project is in the public interest; and advised they are working on the Forest Stewardship Plan. Greg Dunn/Vice-President of Meherana, Inc., stated they are prepared to just address the zoning change or address all issues that have been raised relative to the proposed use. Chairman Balmain advised they should just address the zoning change. Mr. Dunn stated they cannot respond to the previous zoning change for the parcel; stated that under existing zoning the parcel could be reasonably divided into 15 to 20 or more parcels and that would increase the water and sewer use and traffic impacts for the area; they are looking for an ultimate capacity of 200 - 300 people for a gathering a couple of times a year and anticipate 40 -50 people on weekends; commented that an adjoining

parcel had previously been granted a permit for motorcycle assembly; advised that the Countywide Economic Development Committee singled out the subject parcel and the one next to it for M-2 zoning/heavy industrial use and commented on permitted uses for that zoning; and requested approval of their zoning change. Mr. Dunn responded to questions from the Board relative to location of neighboring residents; consideration of zone change for reforestation plan; anticipated timeframes for completing the project; and size of parcel. Ralph Bayless commented on his personal experiences as a neighbor to this group and stated activities are held within a reasonable hour of the day and without a lot of traffic impacts; and he does not feel their operation is environmentally bad or obnoxious. Mary Craig stated she does not belong to the group, but has a daughter that does; through the years she has never met a person who was not very gentle and behavior-wise they do very well; she visited a large retreat in South Carolina and was very impressed and stated the community is proud to have the retreat and has not had any problems; and stated she supports the rezoning and feels it would be good for the community. Persons speaking in opposition to the zoning amendment: Dennis Schoedl presented a map of the area with parcels marked to indicate who supported the project and who did not, and showing parcels he felt were associated with the project; asked why the zoning should be changed if they can't get a conditional use permit; stated he would prefer to see residences versus a camp as he feels people would take better care of their homes versus a place they visit; felt the guest ranch and number of structures that could be built should be taken into consideration; and stated he does not support the zoning change. Mr. Schoedl responded to questions from the Board relative to zoning and access for his parcel and clarified that his objection to the zoning amendment is due to the proposed use. Renate Schoedl stated she is concerned with the proposed use permit because of the amount of people it will bring to the area; they have a travel trailer now and would like to build a residence in the future; expressed concern with fire danger; stated she would like the Board to consider the reason for the zoning request and presented a letter relative to her concerns. William Gorton stated he lives about two miles west of the proposed project and is opposed; and stated it was a lengthy process to change the zone of the property previously and he does not see any reason to change it again. Larry Mack, neighboring property owner, stated he does not feel that all of the information presented in the written material is correct; stated he feels that the problem is the definition of mountain rural lifestyle - he thinks of this in terms of a community, neighborliness and sharing from the garden and farm produce, and does not feel this will occur with people who come and go; stated he has no problem with changing the zoning, but is opposed to the proposed use; and commented on a recent Ag Alert story relative to fire danger and is concerned with the potential impact. Mark Schrieber stated he lives at the end of Guadalupe Creek Road and he has a lot of concerns; and asked if this project does not work out financially, will it be proposed to change the zoning back. Mary Good stated she is opposed to this project due to the end product and will give reasons at that time. Larry Gonzales, neighboring property owner, stated he feels the real issues are country living, noise and fire; commented on an incident which occurred to him earlier in the day when he was traveling down the road and an oncoming vehicle would not give him room to pass and the driver flicked a cigarette out the window - stated he felt this reflects an attitude that is not compatible; expressed concern with potential impacts on police and fire services, and noise impacts; stated he does not feel the group has been up-front about their plans for the property because he was told in the beginning that they were having a gathering for a school party; and stated he opposes the zoning change. Thomas Canton, Guadalupe Creek Road, stated he moved here in 1989 from the big city and wants to be away from that environment and opposes the zone change. Jim Ingleston, speaking for his mother, stated they purchased property and are building a home and want the area to remain rural without impacts of this project; and is opposed to the zoning change. Mr. Ingleston responded to questions from the Board relative to access to his parcel. Applicants rebuttal: Christine Pearson commented on the surrounding parcels, stating an individual who purchased property next to them is not



"associated" with their proposed development; stated the County General Plan allows for development and they have taken great care as had been intimated by Mr. Schoell to develop within those perimeters. Greg Dunn stated that with regards to concerns expressed relative to fire danger, they have invested 3,000 man hours taking fire preventive measures; they joined the Resource Conservation District plan for fire prevention; stated he feels they are in more danger of a neighbor starting a fire; and they will have people who will have a commitment to return repeatedly. Public portion of the hearing was closed. Staff responded to the testimony received and reviewed the action taken by the Planning Commission; and responded to questions from the Board relative to number of residences that would be allowed on the 40 acre minimum zoning; density allowed under the current zoning versus potential density under the requested zoning; location of the property in relation to the Catheys Valley Town Planning Area; and relative to allowable uses with a 40 acre minimum zoning with a conditional use permit. Board commenced with deliberations. (M)Parker, to approve zoning amendment request contingent upon final outcome of the use permit process was changed following discussion with Jeff Green, County Counsel. Jeff Green advised that the Board can not legally conditionally zone a piece of property. Further discussion was held relative to processing a use permit conditionally. (M)Parker, (S)Taber, first reading was waived and an ordinance introduced amending the Mariposa County Zoning Map to modify the zoning designation for APN 12-160-067 from Mountain Home to Mountain General; and direction was given to staff to defer second reading and adoption of the ordinance and adoption of a resolution approving the zoning amendment pending action on the Use Permit/Ayes: Unanimous. Hearing was closed.

**12:23 p.m.** Lunch

**2:05 p.m.** Mike Edwards, Public Works Director;

A) Resolution Approving and Authorization for Director of Public Works to Execute a Contract with Einarson, Fowler and Watson (Formerly Einarson Geoscience, Inc.), for Special Geologic and Hydrogeologic Services at the Mariposa County Landfill for Fiscal Year 1996-97

**BOARD ACTION:** Following discussion, (M)Parker, (S)Reilly, Res. 96-316 adopted/Ayes: Unanimous.

B) Presentation and Discussion Regarding the Zone of Benefit (ZOB) Program, and Soliciting Board Direction Regarding this Program (Continued from Forthcoming Policy 7/9/96)

**BOARD ACTION:** Discussion was held with Mike Edwards/Public Works Director, and Dave Tucker/PWD-Senior Civil Engineer, relative to the zone of benefit program, administration costs, requirement to advance two years of maintenance costs and pay prevailing wages, and requirement to have an existing road brought up to standards. Mike Edwards advised of Planning Commission's recommendation for land division applications - have the developer pay to establish the zone and cover two years of maintenance costs, and have the homeowner's association maintain the zone. If maintenance declines under the association, the County would have the option of activating the zone of benefit to handle maintenance. Discussion was held relative to options to the zone of benefit program; problems with private roads being maintained by the residents and used by the public; and the expense of the filing fees with the State. Board concurred with having the citizens committee currently reviewing the circulation policy and standards review the zone of benefit program and issues raised and make recommendations for further consideration relative to changing the policy to allow the option of a homeowners association with lien rights and to look at the possibility of having the developer set up a zone of benefit and pay the up-front maintenance costs. Supervisor Balmain stated he agrees with holding meetings throughout the County to explain the process to the citizens.

Board concurred with continuing funding requests relative to the program for consideration during the Final Budget process. Mike Edwards commented on the status of the improvements to Bronco Hollow Road under the zone of benefit program.

C) Resolution Rejecting Bid for a Heated/ Agitated 2000 Gallon Oil Emulsion Tank for the Ben Hur Yard, Public Works Project Number PW 95-35, Direct the Public Works Director to Prepare New Plans and Specifications and Authorize the Public Works Director to Seek Informal Bids and Execute a Contract with the Lowest Responsible Bidder

**BOARD ACTION:** (M)Reilly, (S)Parker, Res. 96-317 adopted/Ayes: Unanimous.

3:52 p.m. Recess

4:07 p.m. Jeff Green, County Counsel;

Adoption of Mariposa County's Family and Medical Leave (FMLA) Policy Procedures and Approval of the Leave Request Form, Health Care Provider Certification Form, and Employer Response to Employee's Request for Leave (Continued from 6/25/96)

**BOARD ACTION:** Discussion was held with Jeff Green. Lisa Edelheit/SEIU, provided input relative to their requests for changes. (M)Reilly, (S)Parker, Res. 96-318 adopted with changes as discussed in Section C/deletion of last sentence in first paragraph, and Section J/change "required" to "shall have option" for use of vacation leave balances/Ayes: Unanimous.

Waive First Reading and Introduce Ordinance which Amends the Existing Vicious Dog Ordinance by Establishing a Method to Identifying Vicious/Dangerous Dogs in Mariposa County (County Counsel)

**BOARD ACTION:** Jeff Green/County Counsel, advised that this ordinance has been reviewed and approved by the Sheriff, District Attorney and County Veterinarian. Peggy Shainberg/Deputy District Attorney, provided input and responded to questions from the Board relative to request for the amendments. (M)Stewart, (S)Reilly, first reading was waived and the ordinance introduced/Ayes: Unanimous.

5:15 p.m. Recess

5:22 p.m. Approval of 1995-96 Budget as 1996-97 Proposed (County Administrative Officer)

**BOARD ACTION:** Following discussion, (M)Parker, (S)Reilly, Res. 96-319 adopted approving FY 1995-96 Final Budget as the FY 1996-97 Proposed Budget; authorizing department heads to execute contracts as recommended; authorizing the Arts Council to bill for the first quarter in advance of adoption of the Final Budget; approving request from Labor Day Parade Committee in the amount of \$750.00; and accepting recommendation to consider overexpenditure of funds for Courthouse guide program in the Final Budget process, with the Advertising Fund to cover the costs in the interim/Ayes: Unanimous.

Appointment of Betty Wheeler to the Coulterville Service Area No. One Advisory Board and Consideration of Appointment to Fill Second Vacancy (Supervisor Balmain); and Consideration of Appointment to Fill Vacancy on the Coulterville Town Planning Advisory Council (Supervisor Balmain)

**BOARD ACTION:** (M)Parker, (S)Reilly, Betty Wheeler was appointed to the Coulterville Service Area No. 1 Advisory Board; and Jim Harrison was appointed to the Coulterville Town Planning Advisory Council/Ayes: Unanimous.

Discussion Relative to Setting Interviews for Tourism Director (No Folder) (County Counsel)

**BOARD ACTION:** Jeff Green/County Counsel, advised that the screening committee will meet on July 23, 1996. Board concurred with scheduling interviews on August 20, 1996, at 1:30 p.m.

**5:35 p.m.** CLOSED SESSION Relative to Threatened Litigation (County Counsel)

**BOARD ACTION:** (M)Parker, (S)Stewart, closed session was held/Ayes: Unanimous.

**5:44 p.m.** Board reconvened in open session with direction given to staff as a result of closed session.

ADJOURNMENT in memory of Dessie Spiller.

Respectfully submitted,

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**M** ELLIAMS  
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MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA Roocmlk.id in Minute Book L71  
JULY 23, 1996

Page 22 Mariposa County Records  
Entered AUGUST 6, 1996

Time                      Description

2:00 p.m. Meeting Called to Order at Tenaya Lodge/Fish Camp by the Clerk of the Board; and it was announced that an amended agenda was posted and distributed which moved the meeting to the Board meeting room at the Mariposa County Courthouse.

2:00 p.m. Meeting was called to order by Vice-Chairman Stewart at the Courthouse with Supervisors Balmain and Taber excused.

Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda - None.

Approval of Minutes of 7/9/96

BOARD ACTION:

Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Parker, (S)Reilly, all items were approved/Ayes: Reilly, Stewart, Parker; Excused: Balmain, Taber.

Ed Johnson, Planning and Building Director;

PUBLIC HEARING to Consider Appeal of Planning Director's Use Determination Appeal (APN 10-371-01 and 10-371-03); Winterberg, Applicant/Appellant

BOARD ACTION: Discussion was held with Ed Johnson, Planning and Building Director, relative to continuing the Hearing. (M)Parker, (S)Reilly, Res. 96-322 adopted continuing the Public Hearing until August 19, 1996, at 10:00 a.m. in Fish Camp at the Tenaya Lodge; and direction was given to the Planning Director to notify all parties involved of this new date and time/Ayes: Reilly, Stewart, Parker; Excused: Balmain, Taber.

Discussion and Possible Action Regarding a Request from the Coulterville Community Club for County Sponsorship of the Youth Program (Housing and Community Development Agency) ( Supervisor Balmain)

BOARD ACTION: Following discussion, the Board concurred to continue this matter until August 6, 1996, when the other two Board members would be present as well as Jim Evans, HCD Director, to provide further information.

Report on Clean Water Grant Overpayments - Community Concept (County Administrative Officer)

BOARD ACTION: Mike Coffield, County Administrative Officer, presented information relative to research he and staff had completed which suggested that Community Concepts does not owe the County \$1,000.

CONSENT

- CA-1 Resolution Accepting Resignation of Vicki McMichael from the Yosemite West District Advisory Committee (Supervisor Reilly); Res. 96-320
- CA-2 Resolution Authorizing the Chairman to Sign a Personal Service Agreement with Paul Beard to Provide Tours of the County Courthouse to Schools and Other Groups (Housing and Community Development Agency); Res. 96-321

2:13 p.m. ADJOURNMENT

Respectfully submitted,

MARGIE WILLIAMS

Clerk of the Board

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By:

Deputy Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA  
AUGUST 6, 1996

Recorded in Minute Book 2 II  
Page 83 Mariposa County Records  
Entered August 20, 1996

Time                      Description  
9:00 a.m. Meeting Called to Order  
Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Pat Michaels, California Department of Forestry, commended all of the County agencies that were involved with the fires this past weekend. The Board expressed appreciation to California Department of Forestry, Office of Emergency Services, Volunteer Fire, Sheriff's Department, Red Cross, and all of the other numerous organizations and private citizens that put forth effort to help.

- Blaine Shultz, County Fire Chief, provided the Board with a verbal report together with pictures of the Hunters Valley fire and the Usona fire. He discussed the difficult terrain, structural damage and loss, and the estimated dollar amounts of damage from the fires. Supervisor Stewart interjected that he also had photos of the Usona fire to display with those of the Fire Chiefs'. Chief Shultz commented on the outstanding job that the volunteer fire fighters did, as well as CDP, Sheriff's Office, Animal Control, Public Works, and the numerous others that helped. He also gave special mention to In-and-Out Burger for coming and delivering free hamburgers. Chief Shultz answered questions from the Board and advised that the cause of both fires is still unknown.

- Roger Matlock, Sheriff, provided the Board with a short report of the Sheriff's Department's efforts during the fires. He praised members of his department, Animal Control, Sheriff's Posse, Public Works, SCOPE members, and expressed his admiration of the fire fighters who made some very crucial decisions. He informed the Board that his department has learned from this fire and will be working with County Fire on plans to make large evacuations faster.

- Jim Landis, Red Cross, provided the Board with a short report of what Red Cross offered during the fire and informed the Board that a written report would be submitted at a later date. He further stated that many citizens donated food, water, clothing, and money. Mr. Landis informed the Board that the Red Cross also found areas that they plan to improve on.

- Supervisor Taber stated that the Red Cross contacted her and informed of an organization that would like to clean up the yards of the fire victims. The organization is requesting that the Board waive the solid waste disposal fees. Stuart Tanner, Red Cross, informed the Board that it is a church group that would like to help and that he will obtain the name and number of this group for Supervisor Taber. The Board concurred with Public Works staff looking into this matter.

9:47 a.m. Recess

10:07 a.m. Approval of Minutes of 7/16/96 Regular Meeting and 7/23/96 Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Stewart, (S)Reilly, all items were approved/Ayes: Unanimous.

Roger Matlock, Sheriff;

Resolution Authorizing the Sheriff to Execute the Inmate Telephone Contract with Sierra Telephone

BOARD ACTION: Following discussion, (M)Reilly, (S)Parker, Res. 96-324 adopted authorizing the Sheriff to execute the Inmate Telephone Contract with Sierra Telephone/Ayes: Unanimous.

Tom Archer, Human Services Director;

A) Resolution Approving the Department of Human Services Fiscal Year 1996/97 Budget Program Adjustments for Implementation of the State Automated Welfare System and State Automated Child Welfare Information System; and

B) Resolution Authorizing Chairman to Sign the Application and Assurances Form in Order to Obtain 1995 Federal Community-Based Family Resources Grant Funds

BOARD ACTION: Discussion was held with Tom Archer, Human Services Director, relative to whether there would be continued funding from the State as well as discussion on the impact the Welfare Reform could have on Mariposa County. (M)Parker, (S)Reilly, Res. 96-325 and Res. 96-326 adopted/Ayes: Unanimous.

Jim Evans, Housing and Community Development Agency Director;

Discussion and Possible Action Regarding a Request from the Coulterville Community Club for County Sponsorship of the Youth Program (Continued from 7/23/96)

BOARD ACTION: Discussion was held with Jim Evans, Housing and Community Development Agency Director, relative to the activities that the Coulterville Community Club Youth Group would be taking part in. Additionally, the potentially high risk factor was discussed regarding insurance coverage. Alternative ideas for covering the youth activities were discussed. The majority of the Board concurred that they could not support insuring this youth program due to the high County liability exposure.

#### LOCAL TRANSPORTATION COMMISSION

Ed Johnson, Planning and Building Director;

Resolution Supporting SB 1505, State Transportation Improvement Program (STIP) Refonn (Continued from 7/16/96)

COMMISSION ACTION: Discussion was held with Mike Edwards, Public Works Director relative to supporting SB 1505. (M)Balmain, (S)Stewart, to direct staff to write a letter opposing SB 1505 and take a position that legislation provide more funds for rural road maintenance as is necessary/Ayes: Stewart, Balmain, Taber; Noes: Reilly, Parker.

Mike Edwards, Public Works Director;

A) Discussion and Direction Regarding Useful Life Expectancy of Vehicles in the County Fleet and Usage Charges for Depreciation/ Replacement Funding

BOARD ACTION: Discussion was held with Mike Edwards, Public Works Director, and Marty Allen, Fleet-Fiscal Manager, regarding keeping vehicles for more than 120,000 miles when the vehicle is still in good condition; the possibility of a leasing program; discussion on reducing fleet; and discussion of concentrating on higher use of pool vehicles. The Board concluded with consensus that staff recommendations were appropriate.

B) Resolution Authorizing the Public Works Director to Negotiate an Architectural Contract with McCabe-Pressey/ Architects and Issue Contracts Based on the Informal Bid Process with Qualified Contractors as Necessary, Upon Review by County Counsel, to Repair and Rehabilitate the Roof Over the 1861 Vault at the County Courthouse, and Approve the Necessary Expenditures from the Courthouse Construction Fund (\$30,000)

BOARD ACTION: (M)Parker, (S)Reilly, Res. 96-327 adopted/Ayes: Unanimous.

12:00 p.m. Mr. Roger Kunz;

Formal Request to Rescind the County Rental Agreement for Tie Down at the Mariposa/Yosemite Airport

BOARD ACTION: Discussion was held with Mr. Roger Kunz relative to his belief that the rental agreement for tie down at the Mariposa/Yosemite Airport reflects airport rules and regulations which are out of date. He advised the Board that until this lease agreement is amended the County should rescind the present lease agreement. Mr. Kunz further informed the Board that he could not sign the present lease agreement knowing there were violations within it. The Board advised Mr. Kunz that should he choose not to sign the tie down rental agreement he would need to remove his craft from the airport due to lack of required insurance coverage. Further discussion was held with

Mike Edwards, Public Works Director and Jeff Green, County Counsel, regarding the efforts underway by the Airport Advisory Committee to update the rules and regulations. The Board concurred to direct staff, by Minute Order, to change the language of #4 in the Mariposa County Rental Agreement for tie down space at the Mariposa/Yosemite Airport, to reflect future changes by adding "as amended from time to time".

**12:25 p.m.** Lunch

**2:03 p.m.** C) Resolution Authorizing the Public Works Director to Execute a Contract with the Lowest Responsible Bidder for 24-Hour Aboveground Fueling System at the Mariposa/Yosemite Airport and to Apply for an Increase in State Loan Funds from \$145,000 to \$164,000

**BOARD ACTION:** Discussion was held with Mike Edwards, Public Works Director, regarding the two lowest bids received from Ramos and Valley Trenching, in addition to the problem of accepting the lowest bid from Ramos, due to the incorrect manner in which the bid was submitted. Mr. Edwards requested that the Board grant him flexibility to award to the lowest responsible bidder. He further discussed the need to apply for an increase of \$19,000 in State loan funds due to the higher cost of the project. There was further discussion relative to raising the price of fuel and amending the State loan to include 12 years in place of the 10 year loan originally applied for. (M)Parker, (S)Taber, Res. 96-328 adopted with direction to award the Base Bid only (neither option) to Ramos if their \$77,000 price is valid, or to Valley Trenching, contingent on them holding their bid until Budget and the Board providing the additional funding during Budget/Ayes: Unanimous.

D) Discussion and Direction on the California Integrated Waste Management Board's (CIWMB) Financial Assurance Requirements for the Closure of the Mariposa County Landfill

**BOARD ACTION:** Discussion was held with Mike Edwards, Public Works Director and Tom Starling, Solid Waste Coordinator, relative to options for meeting the financial assurance requirements for the closure of the Landfill. Further discussion was held regarding the fines and penalties that could be implemented if Mariposa opted not to comply. One Board member suggested informing our legislature of the taxation that is occurring at the State level, without representation. (M)Parker, (S)Taber, to authorize expenditure of \$30,000 of a one time payment and notify CIWMB that this is in good faith and that the remaining amount will be amortized over 10 years/Ayes: Parker, Taber; Noes: Reilly, Balmain, Stewart. Motion failed. (M)Reilly, (S)Stewart, Res. 96-329 adopted accepting alternative #1 given by Public Works, to direct staff to seek a Notice and Order be issued by the CIWMB and to negotiate a stipulated agreement for the best payment terms as possible/Ayes: Reilly, Balmain, Stewart; Noes: Parker, Taber. It was noted that Supervisor Parker's motion should be kept in mind. Mr. Edwards informed the Board that he would send a Minute Order with the letter seeking a Notice and Order. Staff was directed to outline a complete scenario to include what Mariposa's standing is.

E) Resolution Approving a Request for Qualifications (RFQ) for a Mixed Solid Waste Composting Facility at the Mariposa County Landfill; Authorize the Director of Public Works to Issue the RFQ; and Consider Funding for the Drafting of a Request for Proposal for the Same Facility (\$50,000)

**BOARD ACTION:** Following discussion with Mike Edwards, Public Works Director, (M)Parker, (S)Stewart, Res. 96-330 adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Taber.

Resolution Authorizing Chairman to Execute Agreement with Yosemite National Park for Structural Fire Protection and Emergency Assistance (County Counsel)

**BOARD ACTION:** (M)Parker, (S)Reilly, Res. 96-338 adopted/Ayes: Unanimous.



Appointment of Sylvia Owens to the Yosemite West District Advisory Committee and Consideration of Appointment to Fill Vacancy (Supervisor Reilly)

BOARD ACTION: (M)Parker, (S)Reilly, Appointment of Sylvia Owens approved/Ayes: Unanimous.

Resolution Approving an Amendment to the Joint Powers Agreement Creating the CSAC Excess Insurance Authority and Authorize Chair to Execute (County Counsel)

BOARD ACTION: (M)Parker, (S)Stewart, Res. 96-331 adopted/Ayes: Unanimous.

Resolution Approving Amendment #2 of Contract with Chamber of Commerce for Visitors Center Activities Through December 1996 (County Administrative Officer)

BOARD ACTION: (M)Stewart, (S)Taber, following further discussion motion was amended, agreeable with maker and second, Res. 96-332 adopted, to approve contract with Chamber of Commerce for Visitors Center activities for a 12 month period with a 30 day termination clause/Ayes: Unanimous.

Off Agenda - Mike Coffield, County Administrative Officer, requested a Resolution proclaiming existence of a local emergency due to the fires. (M)Parker, (S)Taber, Board waived its rules of regular 72 hours agenda noticing, finding this matter was not known at the time the agenda was prepared and is an emergency action/Ayes: Unanimous. (M)Taber, (S)Stewart, Resolution Number 96-323 adopted/Ayes: Unanimous.

CLOSED SESSION Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)

BOARD ACTION: Mike Coffield, County Administrative Officer advised that Closed Session would be trailed one week.

#### FORTHCOMING POLICY

A) Resolution Adopting Policy for Operation of Ultralights at Mariposa/Yosemite Airport (Scheduled for Action on August 13, 1996) (Public Works)

B) Take Necessary Action to Dissolve the Catheys Valley, Coulterville, and Mariposa Town Cemetery Ad Hoc Committees and Direct County Counsel to Amend the County Ordinance Accordingly; and Dissolve the Mariposa Cemetery and Chapel Advisory Committee (Scheduled for Action on August 13, 1996) (Community Services)

INFORMATION - No action was necessary on the following:

A) Status Report of Activities by the Public Works Department During the Second Quarter of 1996 (Public Works)

B) Board Hearing Schedule (Clerk of the Board)

#### CONSENT AGENDA

- CA-1 Accept Resignation of Pat Rickert from the Mariposa County Commission on Aging Representing District IV (Community Services)
- CA-2 Appoint Sue Overstreet to the Mariposa County Child Abuse Prevention Coordinating Council (Human Services)
- CA-3 Accept Resignation of Gladys Bradford from the Mariposa County Commission on Aging Representing District II (Community Services)

- CA-4            Appoint Anne Cullison to the Mariposa County Commission on Aging as a Member-At-Large (Community Services)
- CA-5            Resolution Authorizing an Encroachment Permit for the Annual Labor Day Parade (Labor Day Parade Committee); Res. 96-333
- CA-6            Appoint Barbara Kerns to the Mariposa County Commission on Aging as a Member-At-Large (Community Services)
- CA-7            Appoint Robert Mason to the Catheys Valley Town Planning Advisory Committee (Planning)
- CA-8            Accept Resignation of Pete Brooks from the Catheys Valley Town Planning Advisory Committee (Planning)
- CA-9            Accept Resignation of Karl Baumann from the Catheys Valley Town Planning Advisory Committee (Planning)
- CA-10           Resolution Adopting Bid and Specification Documents for Anti-Corrosion Coating of Bridge, Oak Grove Road at Striped Rock Creek, Public Works Project Number PW 92-33, Authorizing Advertisement for Bids, Set a Bid Opening Date for Thursday, August 29, at 2:00 p.m. and Authorizing the Public Works Director to Execute a Contract with the Lowest Responsible Bidder (Public Works); Res. 96-334
- CA-11           Waive Second Reading and Adopt Ordinance which Amends the Existing Vicious Dog Ordinance by Establishing a Method to Identifying Vicious/Dangerous Dogs in Mariposa County (County Counsel); Ord. 903
- CA-12           Resolution Authorizing the Chairman to Sign Amendment No. A-4 to the Multi-Year Agreement with the State of California Alcohol and Drug Programs for Fiscal 1995-96 (Human Services); Res. 96-335
- CA-13           Revised Resolution Authorizing Application for State Aeronautics Program Funding (\$381,000) for Runway Safety Improvements and Runway & Taxiway Slurry Seal and Certifying the Availability of Matching Funds (\$42,333) (Public Works); Res. 96-336
- CA-14           Resolution Authorizing Chairman to Sign an Order of the Board to Reject Claim No. C96-12 for an Undetermined Amount (County Counsel); Res. 96-337

**4:18 p.m.** ADJOURNMENT in memory of Robert Stickles and Phoenix Phillips.

Respectfully submitted,

**Ewtt**

Clerk of the Board

By:    RHONDA SCHERF  
Deputy Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA R@corcl@d in Mil'.luelaook .£-Jt- ||  
AUGUST 13, 1996 Pa g ,:;,llf.leri 111  
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Time Description

9:02 a.m. Meeting Called to Order, with Supervisor Taber arriving at 9:08 a.m.

Pledge of Allegiance

Special Recognition to Tom Williams for Receiving the 4-H Diamond Star (Supervisors Parker and Taber)

**BOARD ACTION:** (M)Parker, (S)Stewart, letter of recognition was presented to Tom Williams/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Taber.

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Ann Sparks, Executive Director for the Chamber of Commerce, requested that the Board adopt resolutions recognizing their selection of Businessman and Businesswoman of the year. (M)Parker, (S)Taber, Board waived its rules requiring 72 hours agenda noticing to consider this request, finding that the request was not received in time to be scheduled on the agenda and a special event is planned to recognize these individuals prior to the next Board meeting/Ayes: Unanimous. (M)Parker, (S)Reilly, Res. 96-339 adopted recognizing Bill Bondshu as Businessman; and Res. 96-340 adopted recognizing Marguerite Collins as Businesswoman/Ayes: Unanimous.

- Charles Taylor, representing residents of the Bronco Hollow area, referred to chronology of events for the Stumpfield Fire and stated they feel they were overlooked in the initial stages of the fire and expressed concern with communications. He was advised of a meeting scheduled for August 20th at 7:00 p.m. at the High School Auditorium with California Division of Forestry for discussion relative to the fire.

- Supervisor Parker requested that the Board continue its meeting next Tuesday to include the public meeting at the High School Auditorium at 7:00 p.m. with California Division of Forestry for discussion relative to the Stumpfield Fire so that all Board members could be present - Board concurred with this request.

- Mike Edwards, Public Works Director, asked if the Board wanted to consider the issue of waiving the solid waste disposal fees for the fire debris from the Stumpfield Fire. (M)Parker, (S)Taber, Board waived its rules requiring 72 hours agenda noticing to consider this matter, finding the fire was an emergency and a timely response to the public on this matter is necessary/ Ayes: Unanimous. Discussion was held; and Mike Edwards advised of coordination with the Health Department to have the maximum per-day tonnage at the landfill condition waived to accept this debris, and further advised that they are trying to divert scrap metal and autos to dealers. Blaine Shultz, Fire Chief, commented on the request to Office of Emergency Services for reimbursement of costs as a result of the fire emergency. (M)Parker, (S)Taber, Res. 96-341 adopted directing Public Works to move forward with accepting fire debris at the landfill with the understanding that the costs not covered by insurance coverage will be submitted to OES, and any costs not reimbursed by OES will be covered by the County (from Contingency Reserve); further direction was given to include bin charges by Total Waste Systems in the eligible costs; this waiver of fees is good through the existence of the local emergency or the 120 days from when claim was first made of OES, whichever occurs first/Ayes: Unanimous.

- Leota Striplin advised that Saturday is Anned Forces Day and the State Fair is planning special events in recognition.

- Supervisor Parker asked about concerns received relative to the availability of water at the Bootjack Fire Station during the fire emergency. Blaine Shultz, Fire Chief, stated he is working on this issue to resolve the concerns for the future. Supervisor Parker requested that the Board be informed of the status of this matter.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Taber pulled item 1. (M)Reilly, (S)Stewart, balance of items were approved/Ayes: Unanimous. Discussion was held with Jim Evans/Housing and Community Development Agency Director, relative to item 1. Supervisor Taber asked about the number of residents served and statistics for those remaining to be served, and referred to concerns she has received relative to the efficiency of the program. (M)Reilly, (S)Parker, item 1 was approved/Ayes: Reilly, Balmain, Stewart, Parker; Noes: Taber.

Randa Strickfaden;

Presentation Regarding Request to Place Vending Snack Machine in Hall of Records (Continued from 7/16/96)

**BOARD ACTION:** Discussion was held with Randa Strickfaden. (M)Taber, (S)Stewart, to allow the request to place the vending snack machine in the Hall of Records, with an agreement to be worked out, died after the second was withdrawn. Further discussion was held relative to the request and possibly submitting this out to bid. It was noted that the Employees Association placed soda vending machines in County facilities without authorization from the Board. Consensus of the Board was to refer this matter to Public Works Director for review and recommendation.

Supervisor Stewart;

Discussion and Consideration of Adoption of a County Flag (Continued from 6/25/96)

**BOARD ACTION:** Jeff Blalock presented his idea for a flag. John Pearce requested that people be invited to submit ideas, and he presented his idea for a flag. Supervisor Stewart clarified with Mr. Pearce, for the record, that the previous information he presented for the flag matter was presented to the Board and returned to Mr. Pearce. Supervisor Stewart reviewed all of the suggestions that have been presented and information obtained from his research with other counties and their status with regards to having a county flag. Discussion was held concerning possibility of having a contest and how and where the proposed flag would be displayed. John Pearce suggested the Art Department at UCLA be contacted to judge the proposed designs. Further discussion was continued for the following hearing to be opened.

**10:30 a.m.** PUBLIC HEARING to Consider the Approval or Denial of Mariposa Town Planning Area Specific Plan/Zoning Amendment Application No. 95-1; County of Mariposa, Applicant - Hearing was opened and continued to after the following items, and the Board recessed.

**10:47 a.m.** Further discussion was held concerning a County flag. Board concurred with pursuing the adoption of a County flag. Supervisor Stewart mentioned that consideration needed to be given to usage of the flag - will it be displayed on County buildings, used in parades and ceremonies, etc. Matter was referred back to the Board committee for further review and consideration of the display issues.

Jim Evans, Housing Community Development Director;

Resolution Authorizing the Chairman to Sign an Agreement with Madera County Action Committee (\$268,839) Regarding Operation of the Mariposa County Head Start Program for the Period 8/19/96 Through 2/28/97

**BOARD ACTION:** Discussion was held and Board requested that a status report be brought back to the Board prior to the next cycle of the program. (M)Parker, (S)Stewart, Res. 96-346 adopted/Ayes: Reilly, Balmain, Stewart, Parker; Noes: Taber.

**11:04 a.m.** Ed Johnson, Planning and Building Director;  
**PUBLIC HEARING** to Consider the Approval or Denial of Mariposa Town Planning Area Specific Plan/Zoning Amendment Application No. 95-1; County of Mariposa, Applicant

**BOARD ACTION:** Ed Johnson advised that there are five amendments proposed and Board concurred with considering one amendment at a time.

- Amendment No. 1/review requirements for demolition of identified historically significant structures which are outside of the Historic Design Overlay District, but within the Town Planning Area (TPA) - Ed Johnson presented staff report and responded to questions from the Board relative to whether other changes in the code would be required to enact this and whether this would affect the whole County or other areas/TPAs. Public portion of the hearing was opened. There was no public input on this amendment. Public portion was closed and Board commenced with deliberations. (M)Parker, (S)Reilly, Board approved this amendment as recommended and introduced portion of the ordinance for this amendment/Ayes: Unanimous.

- Amendment No. 2/parking standards in the Mariposa TPA - Ed Johnson presented staff report and reviewed the proposed changes from existing standards; and he and Sarah Williams/Planning Manager, responded to questions from the Board relative to allowance for bus versus automobile parking in the requirements; requirements for barber/beauty shops and consideration of using square footage basis; allowances for on-street parking spaces for meeting parking requirements; library/museum parking requirements; whether the proposed standards would increase the demand for pedestrian walkways; and responsibility for maintenance of on-street parking that is developed and whether signing would be allowed to reserve spaces for a business. Public portion of the hearing was opened. There was no public input on this amendment. Public portion was closed and Board commenced with deliberations. Staff responded to additional questions from the Board relative to whether sufficient parking spaces exist in the current standards; and whether this would affect areas within the Parking District, and relative to TPA and Parking District boundaries. Supervisor Parker expressed concern with the number of "No Parking" and restricted parking signs within the TPA. (M)Parker, (S)Stewart, Board approved this amendment as recommended and introduced portion of the ordinance for this amendment, with direction to staff to further review the requirements for barber/beauty shops using a square footage basis; and with no reduction to be made from existing requirements for senior citizen centers parking. Motion was amended, agreeable with maker and second, to delete portion relative to the barber/beauty shops and directing that when on-street parking spaces are required, that specific parking signs will be prohibited. Following further discussion, motion was further amended, agreeable with maker and second, to include direction that on-street parking spaces may be counted to enable a business to develop if approved by the Planning Commission following a noticed public hearing with appropriate findings to be made; and to specify 1.5 parking spaces for barber/beauty shops for each station and/or chair, plus one per operator. Ayes: Reilly, Balmain, Stewart, Parker; Noes: Taber.

- Supervisor Parker advised of receipt of a letter from Mr. and Mrs. Johnson relative to the drive-thru windows issue. Board concurred with referring this issue to Planning for a noticed hearing by the Planning Commission and recommendation to the Board. Ed Johnson advised they would review timeframes for existing projects and determine if this issue could be included.

- Hearing was recessed and continued to after lunch.

**12:41 p.m.** Lunch

1:35 p.m. - Amendment No. 3/sign standards in the Mariposa TPA (relative to specific informational signs) including inside window signs - Ed Johnson presented staff report. Ed Johnson and Sarah Williams responded to questions from the Board relative to interpretation of the proposed standards and how they would apply to a glass door; enforcement of the regulations; the proposed requirement that interior signs be twelve inches from the window if they are not to count toward the allowable window space, consideration of displays that block the windows with signs on the back, and whether the twelve inch requirement includes lit signs. Public Portion of the hearing was opened. There was no public input on this amendment. Public portion was closed and Board commenced with deliberations. Staff responded to additional questions from the Board relative to impact of proposed standards on "sale" advertising signs; consideration of establishing a formula for the size criteria; and whether the proposed standards would cause a problem for fast food establishments who post their menus and prices. (M)Parker, (S)Stewart, Board approved this amendment as recommended with the removal of the twelve inch limitation for interior signs from the window, with direction that interior signs that are not attached to the window cannot be visible and readable from the outside; and introduced portion of the ordinance for this amendment/Ayes: Unanimous.

- Amendment No. 4/relocation of nonconforming signs in the TPA and the length of life of those signs - Ed Johnson presented staff report and responded to questions from the Board relative to the proposed regulations; and ability to move existing signs if ownership of the business changes. Public portion of the hearing was opened. There was no public input on this amendment. Public portion was closed and Board commenced with deliberations. (M)Parker, (S)Taber, Board approved this amendment as recommended with the amortization period for the sign to be 50% of the existing amortization period and to clarify that the owner of the sign is able to relocate it; and introduced portion of the ordinance for this amendment/ Ayes: Unanimous.

-Amendment No. 5/permit streamlining (to coincide with other Countywide amendments which will come before the Planning Commission and Board of Supervisors) - Ed Johnson advised that the Planning Commission is still reviewing this matter and requested that this amendment be continued to be considered with the whole package to be presented to the Board in a few weeks - Board concurred with this recommendation.

- Res. 96-347 adopted by the above actions and votes approving Mariposa TPA Specific Plan/Zoning Amendment No. 95-1 with modifications as recommended by the Planning Commission and with changes made by the Board in the above actions; and finding that the project is exempt from environmental review. Hearing was closed.

2:29 p.m. Donn Harter;

Request by Fish Camp Fire Rescue Engine Company #33 and Auxiliary to Reconsider Hanging their Banner Across the Highway

BOARD ACTION: (M)Taber, (S)Stewart, Res. 96-348 adopted directing Public Works to apply for an encroachment permit for the banner for this function. Discussion was held concerning this matter and the action taken by the Board last year. Donn Harter advised that he felt he could obtain a rider to his insurance coverage for Thunder Ridge Company for hanging the banner and requested that authorization also be given for next year to meet the permit processing timeframes; and it was clarified that the banner could be installed at no cost to the County. Motion was amended, agreeable with maker and second, to include direction that a rider from the insurance company be obtained for hanging and removing the banner, holding the County harmless, subject to the approval of County Counsel, for each year of the event. Mike Edwards/Public Works Director, responded to question from the Board relative to the permit application process. Ayes: Unanimous.

2:41 p.m. Mike Edwards, Public Works Director;

E) Resolution Adopting Policy for Operation of Ultralights at Mariposa/Yosemite Airport (Continued from Policy 8/6/96)

BOARD ACTION: Discussion was held with Mike Edwards and he advised of change in item 3 of the proposed policy to reflect that the Federal Aviation Administration part 103,

is incorporated in the policy by reference versus being attached. Roger Kunz stated he did not feel that the ultralight operators had a chance to review the proposed policy. Mike Edwards advised that the policy has been available and on the Advisory Board's agenda several times for discussion. (M)Parker, (S)Reilly, Res. 96-349 adopted, with change as requested relative to the FAA Part 103 reference/Ayes: Unanimous.

A) Presentation of Results of County-wide Traffic Model by Crane Transportation Group

**BOARD ACTION:** Gwen Foster/PWD-Junior Civil Engineer, noted that for this item, the Mariposa Town Transportation and Parking Advisory Committee is holding its meeting jointly with the Board, and introduced the following members of the Committee who were present: Joan Gloor, Barry Brouillette, June Johnson and Dana Walton. Carolyn--CSU and Mark Crane/Crane Transportation Group, presented the results of the study, presented charts reflecting existing traffic activity, projected activity in ten years and recommendations for road improvements, and activity if there was a total build-out of each parcel according to existing zoning and General Plan designation. General discussion was held concerning the presentation, possible funding sources for improvements as build-out occurs and the need for this Board to discuss these issues further, and relative to the statistics presented. Dana Walton commented that as build-out occurs, additional revenue would be received to cover the financial impacts of the growth. No action was requested on this matter. Gwen Foster noted that she would be scheduling discussion of the traffic model for the town of Mariposa on October 1st, and will be requesting an evening meeting to discuss sidewalks for the town of Mariposa.

**3:44 p.m.** Recess

**3:53 p.m.** B) Presentation by Staff and Nolte & Associates Regarding the Status of the Don Pedro Sewer Zone Wastewater Treatment Facility (WWTF) Rehabilitation and Resolution Approving the Revised Design Approach to the Project and Modified Scope and Cost of Engineering Design Contract

**BOARD ACTION:** Mike Edwards introduced Pete Campa/Manager of the Don Pedro Community Services District, who was present for the discussion. Wally Sandelin/Nolte and Associates, gave the presentation. Discussion was held, and concerns expressed with the costs of this project and relative to the discharge proposal. Supervisor Parker requested that all other alternatives be reviewed prior to taking action on this matter. Board concurred with Supervisors Balmain and Parker working with the consultant and staff to meet with the Regional Water Quality Control Board relative to this project and the concerns and possible alternatives for this project. Consultant agreed to work with Public Works to provide information on all alternatives that are available and related cost information.

C) Resolution Authorizing the Purchase of Utility Billing Software for Yosemite West, Coulterville, Mariposa Pines and Don Pedro Sewer Special Districts and Proportionately Appropriating \$4,162 from the Utility Capital Funds from Each District (4/5ths Vote Required); and

F) Resolution Ratifying Emergency Purchase of a Replacement Component at the Coulterville Wastewater Treatment Facility at a Cost of \$4941.44 and Repair of Vandalism Damage at a Cost of \$599.71 from the Coulterville CSA Utility Capital Fund (4/5ths Vote Required)

**BOARD ACTION:** Following discussion, (M)Reilly, (S)Parker, Res. 96-350 and 96-351 adopted respectively/ Ayes: Unanimous.

D) Resolution Authorizing County Employees to Take Home County Vehicles Per County Code Chapter 2.76

BOARD ACTION: Board concurred with continuing this matter to August 27, 1996, for consideration with the request that is forthcoming relative to take-home of vehicles for the Sheriff's Department.

G) Resolution Adopting Bid and Specification Documents for Runway and Taxiway Slurry Seal at the Mariposa/Yosemite Airport, Public Works Project Number PW 96-93; Authorizing Advertisement for Bids; Setting a Bid Opening Date for Thursday, September 5, at 2:30 p.m.; Authorizing the Public Works Director to Execute a Contract with the Lowest Responsible Bidder; and Appropriate Funds from the Airport Taxiway Fund (4/5ths Vote Required)

BOARD ACTION: (M)Parker, (S)Stewart, Res. 96-352 adopted/Ayes: Unanimous.

Discussion of Possible Purchase of Two Parcels of Real Property Located in the Vicinity of the Proposed Government Center (County Counsel)

BOARD ACTION: Board concurred with directing staff to proceed with appraisals for both parcels.

5:18 p.m. Jim Eutsler, Community Services Director;

A) Authorize the Department of Community Services to Allow the Erection of Mausoleums in Public Cemeteries

BOARD ACTION: Matter was continued to August 20, 1996.

B) Take Necessary Action to Dissolve the Catheys Valley, Coulterville, and Mariposa Town Cemetery Ad Hoc Committees and Direct County Counsel to Amend the County Ordinance Accordingly; and Dissolve the Mariposa Cemetery and Chapel Advisory Committee (Continued from 8/6/96)

BOARD ACTION: Matter was continued to August 20, 1996.

#### LOCAL TRANSPORTATION COMMISSION:

Jim Eutsler, Community Services Director;

Resolution Authorizing the Chairman to Sign the Federal Transportation Act Section 18 Application

COMMISSION ACTION: Matter was continued to August 20, 1996.

5:19 p.m. CLOSED SESSION Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)

BOARD ACTION: (M)Reilly, (S)Parker, closed session was held/Ayes: Unanimous.

5:35 p.m. Board reconvened in open session with direction given to staff as a result of closed session.

#### CONSENT

CA-I Resolution Authorizing the Housing and Community Development Agency Director to Execute an Amendment to the Existing Professional Services Agreement (\$5,668) with the Amador-Tuolumne Community Action Agency to Provide Department of Energy Weatherization Services in Mariposa County (Housing and Community Development Agency); Res. 96-345

CA-2 Resolution Authorizing Human Services Director to Sign Service Agreement and Pay for Service from Digital Equipment Corporation (Human Services); Res. 96-342



- CA-3 Resolution Authorizing Continuation of Grant Funding for the Mariposa County Victim/Witness Program (District Attorney Nictim Witness); Res. 96-343
- CA-4 Resolution Adopting Bid and Specification Documents for the Community Leachfield for Mariposa Pines Sewer Zone, Public Works Project Number PW 94-31, Authorizing Advertisement for Bids, Set a Bid Opening Date for Thursday, September 5, at 2:00 p.m. and Authorizing the Public Works Director to Execute a Contract with the Lowest Responsible Bidder (Public Works) ; Res. 96-344

5:36 p.m. Meeting was continued to Monday, August 19, 1996, at 10:00 a.m. at Tenaya Lodge, Fish Camp for Public Hearing to consider appeal of Planning Director's Use Determination Appeal (APN 10-371-01 and 19-371-03); Winterberg, Applicant/Appellant (Continued from 7/23/96)

Respectfully submitted,

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MARGI IAMS  
Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFIRMED AGENDA  
AUGUST 19, 1996

(Meeting Continued from 8/13/96)  
Held at Tenaya Lodge/Fish Camp  
1122 Highway 41

10:05 a.m. Ed Johnson, Planning and Building Director;  
PUBLIC HEARING to Consider Appeal of Planning Director's Use Determination  
Appeal (APN 10-371-01 and 10-371-03); Winterberg, Applicant/Appellant (Continued  
from 7/23/96)

BOARD ACTION: Chairman Balmain explained the hearing process.

Ed Johnson advised that the issue of the appeal is what non-conforming rights exist on the subject property (two parcels) - if there is a use in existence and the ordinance is changed to no longer allow that use, the use can continue as long as it does not significantly change from the original use. If the camping use existed prior to 1971, then it is okay. After 1971, the camping use would require a permit and no permit exists. Today, the Fish Camp Specific Plan does not allow camping on these parcels.

Greta Hudak/Associate Planner, presented staff report - reviewed details of the appeal and submitted a list of Mariposa County documents submitted for this hearing. She reviewed a summary of the Planning Director's and Planning Commission's actions and background on this matter, and reviewed the status of zoning regulations for the subject property. She reviewed the prior use of the parcels and intensity of the use based on information they were able to obtain.

Staff responded to questions from the Board as to whether existing improvements are still subject to today's standards required by the Health and Safety Codes; and relative to the status of building permits to bring existing structures up to code.

Public portion of the hearing was opened.

Presentation by appellant - John Jamison, Attorney at Law representing Bill Winterberg/applicant-appellant, stated he generally concurs with most of the factual matters stated by staff. However, he differs with the dates presented. He stated that prior to 1983, there were no ordinances that dealt with non-conforming uses being expanded. He mentioned that Ordinance No. 345 was not effective until thirty days after its adoption on September 28, 1971; and referenced section 4 which stated that said ordinance shall not affect land use commenced prior to the effective date of the ordinance. He interpreted the Ordinance to mean that there was no prohibition for uses if they were the same uses as occurred prior to adoption of the ordinance. He referenced a letter from Bob Borchard/former Planning Director, of September 1979, relative to camping on the property with a copy of the ordinance attached which contained Mr. Borchard's handwriting relative to the "grandfather clause" and stated he feels that is a determination by Mr. Borchard that the camping use was non-conforming as nothing was ever brought to the Planning Commission or the Board of Supervisors. He referred to a later letter from Larry Red/former Planning Director, of August 1988, with a copy of the Planning Commission's resolution identifying how the Commission would determine if a non-conforming use is grandfathered, and giving thirty days for compliance or the matter

would be scheduled for enforcement action before the Board of Supervisors - stated this matter was never scheduled. He further stated he disagrees that the Planning Director has the jurisdiction as enforcement officer to make use determinations or that he has the power to make determinations imposing conditions. He referenced a letter of May 14, 1996, to the Building Department relative to their statement of authority over the issue of campgrounds and stated he feels the Health and Safety Code gives authority to the State over these issues versus the Planning Director; and delegation in local codes gives authority to the health official; and land use is in the jurisdiction of the State. He further stated that he feels that if this matter does not get resolved today, the County documents violate the State Constitution as the County's ordinances deal with criminal procedure and specifically require that Mr. Winterberg "prove" that he has a non-conforming use - that should be the duty of someone else, not the accused. He requested names and addresses of those who have submitted complaints and the County has a policy that prohibits the divulgence of that information - he feels provisions in the Constitution gives the right to know accusers. He disagrees with Planning's analysis for limited use as both the Planning Commission and Director made findings that there was camping use on the property before 1971. With regards to the "Crowell" parcel, he stated he disagrees with the Planning Director and referenced an exhibit he submitted, entitled "Appraisal Worksheet" which specifies five different structures on the parcel, with a date of April 1, 1971, and stated he feels this establishes the non-conforming camping use. With regards to the date for acquisition of this parcel, he stated that Mr. Winterberg acquired it prior to 1971. With regards to the north parcel, he referenced letters he introduced into the record that contained statements relative to the camping use. He further stated that his declarations were prepared under penalty of perjury and the others were not, so they should weigh more heavily in the decision process. With regards to actions taken by staff concerning building violations, he stated he felt that no local ordinances could take precedence over the Health and Safety Code. He stated the adjacent Forest Service property was also used for camping. He stated he felt the Planning Director incorrectly applied provisions of the Uniform Building Code relative to establishing the permitted number of camp sites with the available facilities at 50 - they have two toilets, two leach systems and no showers; plus there were a large number self-contained recreational vehicles on the property which did not make use of the facilities. He presented a map of the area. He advised that Mrs. Sambueso testified previously that she owned her property in 1971; however, the deed reflects a date of April 1972 which is inconsistent with her testimony. He feels the documentation shows a use of 175 - 200 people, with some people staying the summer in self-contained units. In summary, he stated it is Mr. Winterberg's position that he has a vested right to operate a campground on his property - it is not a money making operation and no fees are charged, but he makes the property available to the public and groups. He does not dispute the County's right to health and safety measures, and does not feel the County has a right with respect to the bridge; but they hired an engineer and included his opinion in the information presented for the record. Mr. Jamison stated that it tested to a 28,000 pound load and that a Planning Commissioner mentioned that with a skid plate modification, the bridge would be okay. He stated the building permit requests and code compliance related to structures on the Crowell parcel, and stated he feels they have complied with all of the County's requests.

Mr. Jamison responded to questions from the Board and staff relative to available shower facilities - only available on the Crowell parcel; date of construction for the bridge - 1968 or 1969 and advised that they have no problem modifying the bridge as suggested by the engineer; and if Winterberg acquired the Crowell parcel in 1971 and Crowell remained under a life estate, when did actual possession occur - Mr. Crowell retained rights to one of the structures and possession took place about two weeks before the date of the ordinance and prior to close of escrow.

Bill Winterberg/applicant-appellant, narrated a video film by responding to questions from Mr. Jamison. The film showed construction of the bridge and traffic, including a recreational vehicle entering the property over the bridge. Mr. Winterberg stated the only change to the bridge since its construction in 1968 or 1969 has been to add new planks; construction was by a licensed contractor and the beams are from railroad cars.

Mr. Winterberg responded to questions from the Board relative to year of the vehicle shown in the film - does not know; sequence of events in the film - it is not in chronological order as the best parts of old film was cut and spliced to make this presentation; and relative to the period of time the film was taken - at the same time.

Mr. Winterberg responded to additional questions from Mr. Jamison - they began making use of the north parcel as soon as the snow melted in 1968, they had a tent floor made and walked across the creek to get to the parcel and then constructed the bridge; the bridge has never been reconstructed, they just added new planks and installed a railing. On August 2, 1968, they obtained a permit from the State to construct the private disposal systems; they used pit toilets until Monterey Bay constructed the new toilet facilities and brought them to the property in the spring of 1971 - Mr. Webb was in charge. Prior to 1971, the following types of organizations used this property for camping: Harmona School, youth groups, YMCA, San Diego Square Dance, Pathfinders Club from Madera and Harmona, and the Monterey Bay Academy. The facilities would be used two times a month during the summer (May to October) by organized groups, with between 100 - 200 people in each group. Others making use of the property included family, his mother, and his partner, which consisted of eight to nine trailers prior to October 28, 1971. Some used tents originally and then recreational vehicles and accessed the property by using the bridge. Usage remained relatively constant. Water for the toilets was obtained by pumping water from the creek with a generator. When he purchased the Crowell parcel September 7, 1971, he ran a power line and pumped out of the creek. Usage did not increase after connecting to the Keller water system. He stated that following his meeting with Mr. Borchard, Mr. Borchard said he would investigate the camping use matter; and a short time later, Mr. Borchard advised him that the use was grandfathered. When he received the letter from Mr. Red, he gave him the same information as he did for Mr. Borchard relative to the camping use existing prior to 1971, and he never received notification from the County relative to the initiation of any action as referenced in the letter. He made the Crowell purchase deal on September 7, 1971 and escrow closed November 3, 1971, and he took possession shortly after. Mr. Crowell retained life estate rights to one cabin and one cook house. There were six buildings on the parcel at the time, and a lodge that was in disrepair. His use of the property since 1971 has included friends, his Certified Public Accountant, and family with trailers.

Mr. Winterberg and Mr. Jamison responded to questions from the Board as to whether donations are accepted in lieu of fees - yes; camping on the property before the construction of the bridge - they forded the river at another location on the Warner property which not very deep; whether a school type vehicle has crossed the bridge - yes; relative to clarification of the location of the Warner and Bergh property - it was pointed out on the map; whether it was his position based on the County ordinances that even if one family camped on the property prior to 1971, that any number of persons can camp there now - no; whether he felt that if a group of ten people camped before 1971, could it be prohibited today - no, he feels the ordinance did not prohibit expansion of the use between 1971 and 1983; location of the two septic systems and use - used for the two toilets; whether the pit toilets still exist - no; use by the Boy Scouts - one group; and whether there were two septic systems or two tanks on one system - two systems.

Jeff Green, County Counsel, advised that prior to the commencement of the hearing, Attorney Jamison requested that copies of the cassette tapes from the Planning Commission hearing and a package of information that he presented be entered as a part of the record.

11:17 a.m. Board recessed.

11:35 a.m. Board reconvened.

Jeff Green responded to questions from the Board relative to clarification of dates that were presented; advised that he disagrees with Attorney Jamison's statement relative to the ordinance - if a campground existed prior to 1971, they would be entitled to continue with the use, but could not expand that use, he does not feel that you can expand unless the law gives authority to do so; and stated he feels the 1971 date is extremely important in today's decision.

Persons speaking in support of the applicant - Bill Winterberg, son of the applicant, stated he spent a lot of time in Fish Camp while growing up; they started using the property in 1968 and he was here most weekends and usually there were groups with fifty plus people; the bathrooms came up before 1971 and he remembers working on them and can remember the year because he did not have a driver's license at the time; they had a lot of different groups use the property such as YMCA, square dance, parents without partners and church before 1971.

Bill Winterberg responded to questions from the Board as to whether they had to ford the creek - the groups started coming after the bridge was installed; relative to bathroom facilities and construction timeframe - there were two flush toilets that were installed pre-1972, which is the year he received his driver's license.

Kathleen Lutz stated they were among the friends that Winterberg invited to come and camp and they purchased a trailer and she remembers going across the bridge with their family of five in 1970. They purchased a house trailer in 1969 and continued to come on a regular basis that summer and the next year. They left their trailer parked there and since they were self-contained, they used their own facilities. They liked the area and later purchased a motorhome and continued to come to the property. After that, they purchased property that neighbored Winterberg's and now they are part-time residents. They brought Pathfinder groups up from the Seventh Day Adventist Church. When Monterey Bay Academy and Alumni attended, their daughter was involved; groups of 150 - 200 people would be there; their local church from Madera would come up for weekends with 75 - 100 people - this usage is not as heavy now for their group. Their church group came in the late 70's and early 80's. Monterey Bay was a large group. There were many self-contained vehicles when they visited.

Harvey Voth stated his last assignment was as Principal of Monterey Bay Academy from 1970 to 1989. Mr. Winterberg was one of the first graduates and through his association with the Alumni Association, they began camping in Fish Camp on the property. The toilets were constructed on their campus during the 1970-71 school year and the two teachers responsible for this project were Mr. Webb and Mr. Edgars. The toilet facilities were then trucked to Fish Camp during the school year. He knows that camp was being used frequently by other organizations, because when the school wanted to schedule a weekend event, they would contact Mr. Winterberg to see if the facilities were available. Mr. Winterberg would inform them, generally with a written card, if the dates were available; and there were times when other groups had already reserved them.

Generally, the teacher or sponsor would bring a recreational vehicle. He came with his trailer and did not use the facilities that were for those with tents.

Mr. Voth responded to questions from the Board and staff as to when he was Principal in 1970, if the school used the property prior to that - he stated he did not know, but believes the Alumni Association used it before; relative to the number of people in the groups - believes about 100 plus.

Eugene Warner stated he lives across the creek from the property. When he was young, he was a Boy Scout - the Pathfinder group is a boy/girl scout organization and he visited this property; with his six children, they visited this property a number of times. In 1972, they purchased their property. He helped build the bridge. Since he and Mr. Winterberg were in the same class, they were friends. He never camped on the property by going across the water without a bridge. He questioned whether a commercial venture of any type takes precedence over private use of his property - stated he has three lots and has had 20 - 30 people in his cabin. The U. S. Forest Service allows camping in the area with a permit for fourteen days. He stated he has seen as many as 200 to 220 people at the property, but can not remember the dates as his memory is not that good. He expressed concern with retaining individual property rights.

Mr. Warner responded to questions from the Board relative to clarification of his use of the subject property for camping before he purchased his property in 1972 - he camped in 1968, 1969 and 1971; and whether the Forest Service land was being used to accommodate the large number of people - yes.

12:05 p.m. Board recessed for lunch.

1:24 p.m. Board reconvened and continued with the hearing.

Persons speaking in opposition to the appeal - Art Baggett, Attorney at Law representing the residents of the area, stated he feels the issue is clear and questioned whether there is evidence that shows established use of the northern parcel for camping; and presented Ordinance No. 345 and subsequent documents relative to land use zoning for Fish Camp. He referred to Mr. Borchard's letter of August 15, 1996, stating there are no vested rights for any type of campground use on the site. With regards to the letter from Mr. Red in 1988, he stated the issue was more than grandfathered use, it dealt with recreational vehicles parked in violation of the County ordinance - people were living in recreational vehicles versus building a house. He further stated that he felt enforcement did not occur after the letter because Mr. Red left the County shortly after the letter and it was a tumultuous time for the Planning Office. He referred to a letter from Mr. Winterberg to Kendrick; stated in place was a campground mentioned with the Fish Camp Town Planning Advisory (TPA) Committee meetings, and Mr. Winterberg was an active member of the TPA and was well aware of the issues. The Forest Service letter from Waxdahl recognizes use by a group of less than 25 people. He referred to a letter of April 24, 1996, from the Acting District Ranger, which addresses the removal of improvements from the public land (Forest Service land). He presented a map of the area showing those lots who support the Planning Commission's action and stated there are 93 letters on file in support of this action versus 3 in opposition; and he presented a summary of the list of witnesses from the Commission's hearing. He stated the Forest Service does not allow unlimited use, and dates relative to the bridge changed during testimony, as well as the number of people who camped on the property. He stated he does not feel that camping use was established for the Crowell parcel; and he presented charts showing the north parcel and computations relative to the number of vehicles and tents that could fit on the site, stating he feels the charts show that a large number of people would not fit. He

presented an aerial photograph of the site taken in 1972 which shows a bridge; and an aerial photograph taken September 9, 1970 (EWA 13 18D) which does not show a bridge; stated the video does not give any collaborative dates and Planning staff was not given an opportunity to analyze the video as requested after the Commission's hearing. He further stated that citizens in the community have worked hard to come up with rules to live by, and stated he felt it needed to be determined whether the use was a commercial use, a business use, or just a bunch of friends; and referred to an advertisement relative to the availability of the camping facilities. He requested that the Planning Commission's action to allow fifty people be rescinded. The dump station has not been identified anywhere. He does not feel that there is any evidence to establish any use or non-conforming use, and today's decision should be enforced. He stated that confidentiality with regards to complainants is not uncommon, and requested that Health and Public Safety Codes be enforced. He expressed concern that a fire truck could not cross the bridge in case of an emergency. He presented additional photographs from the Forest Service, dated May 13, 1976, which showed a bridge, and stated the photographs dispute the previous testimony.

William Nelson stated he was executor of the Henry Crowell estate - that his grandfather was a naturalist and built the property in the form of a Montana Ranch. His grandfather built a cabin for each purpose. He would chase people off, the property was never used as a campground. If there was camping on the adjacent parcel at that time, his grandfather would not have sold the property. It was after the September 7th sale, but before November when the escrow closed, that he helped his grandfather move his things. He checked the water lines, turned the water off, and went along Big Creek to see the old swimming hole. There was no bridge at that time, or recreational vehicles or trailers on the Winterberg parcel. There was a tent base. He stated he feels the use of these two parcels changed after 1971 and not before. There was no evidence of toilets installed at that time and they forded the river.

Mr. Nelson responded to questions from the Board as to clarification of the year and time when he checked the water lines - it was 1971, probably around the first of October; whether it would be common to see campers in Fish Camp at that time - no, and he saw no evidence of them being there; why the water was turned off - so it would not freeze the pipes during the winter; and as to whether a septic system or cesspool existed - not to his knowledge.

Donald Abshire stated he owns lots No. 9 and I O of Block B. In September, 1970, he started building his house in the first part of September and finished it November 9, 1970. He helped Winterberg put planks on the bridge in 1972. He put abutments in late the year before for the bridge. Winterberg stayed at the Bergh house in the 1970's. He does not ever remember seeing Lutz or others on the property, and has known Lutz since the 1950's. The water line was not installed until 1976 and that is when the flush toilets were installed. There was no bridge in 1970 on the property. He met Winterberg in 1971.

Mr. Abshire responded to questions from the Board relative to completion of the bridge - 1972; and whether the property could be accessed further to the north - yes, by driving through Forest Service land which is north of the existing bridge.

Ed Capps, lot 27, stated he purchased his lot in 1969 and started building in September and finished in 1970. He got a snowmobile in the summer of 1970 and in 1970, he and others would cross north of the existing bridge as there was no bridge to cross. He does not remember seeing any tents or campers and traveled where the existing road is constructed.

Mr. Capps responded to question from County Counsel to clarify time period for use of snowmobile - winter of 1971 and 1970.

Lois Capps added to Ed Capps' testimony, stating they were married in August 1971, and the area was new to her and she spent a lot of time walking the property - this is the area they spent their honeymoon. She had to wade the creek as there was no bridge.

John Henderson, an electrician in Fresno, stated they had a cabin at 7760 White Chief Mountain Road since 1951 - he was ten years old at the time. During this time, they would check out the property because Crowell was not there to chase them off and the buildings were of interest. They had to ford the creek as there was no crossing. He married in 1966, and he and his wife came to Fish Camp a lot and brought their friends. They would go fishing, starting at the bridge on Highway 41 and go to Summerdale during 1968-69 and never saw anyone at the Crowell property. They had a daughter in February 1973, and brought her up on weekends and visit the swimming hole in the creek and it was private, even in the summer. He went deer hunting and there were no bridges to cross the creek. Late in the 1970's and 1980's, he started coming to the area again and fishing and noticed about 10 - 15 assorted recreational vehicles - that was the first time he noticed people camping on the property. He advised of a trip to Mariposa to obtain a building permit for his house, and the Building Department said no permits has been taken out for the property in question. He advised that he felt the property was unsafe to occupy, especially with regards to the wiring. He was told that "there are politics" in Mariposa, and he questioned himself as to why he took the time to get his own permit. He cited an example of a house in Fig Garden with an electrical problem and the quick response to have the matter taken care of or the power turned off

Mr. Henderson responded to questions from County Counsel, clarifying that the year he hunted the deer was in 1968 or 1969; and he does not know when he first saw the bridge installed.

Robert Keller showed the location of property he and his wife own in Fish Camp; stated he visited with Henry Crowell in 1948-49; he has owned property in Fish Camp since 1962; and his father-in-law bought property in 1943. He stated that when Berry sold to Crowell in 1928-29, there was a water line covered by the deed to take water from the spring, with limitations for use only during frost free months of the year. He referenced his letter of February 4, 1996, relative to development of the water system - after the system was completed in 1977, they installed additional pipeline and a new steel water storage structure and Winterberg helped to trench for the lines. Water was not available to the Crowell parcel due to the frost conditions until March/April 1978 from the upgraded system. In trade for Winterberg helping, they agreed to provide water for no more than two family residences for the north property. Then they started to observe recreational vehicles on the parcel. Before that, there were no stall toilet facilities there. He presented photographs of two stalls and a 1977 photograph showing a dump station for recreational vehicles. That is when the septic installations were made. He assists the Community Water District Manager with their systems and they watch for each other, and have had occasions to visit the site with regards to water issues. He advised that the dates of the commodes are shown on the underside of the tank cover and the photograph shows a date of February 5, 1976. He read his letter of July 11, 1996, relative to water availability and referred to other letters entered into the record.

Mr. Keller responded to question from the Board relative to the water for the north parcel - it is an extension of a water line from the spring on Forest Service land.



Attorney Jamison requested that Mr. Keller draw the location of this water line on the map.

Mr. Keller responded to question from the Board relative to status of an agreement for the water service - it was just a handshake, and he commented on the Quiet Title action.

2:44 p.m. Board recessed

3:04 p.m. Board reconvened

Attorney Jamison offered rebuttal stating October 1971, is the effective date for the ordinance and the Planning Director does not have authorization to take action. With regards to Mr. Borchard's letter, he stated he spoke with him last week and gave Mr. Borchard an opportunity to participate in a handwriting analysis if he felt that it was not his notes on the document, and he declined. With regards to the Forest Service/government photographs and his past experience with them, he feels the dates are not always correct. With regards to Mr. Keller's comments, he again requested that Mr. Keller show on the map where the water line is that he testified to that runs through his property.

Mr. Keller stated he has a problem and suggested that Mr. Winterberg show the location on the map.

Attorney Jamison drew a line from the Forest Service land through the Keller property to the Crowell property, and labeled it "Jamison's belief offline." He stated he feels the testimony from the executor of the estate conflicts with other testimony. He stated he feels that Keller is biased - the Quiet Title action came from a complaint by Keller relative to Winterberg's use of water, and Keller lost this case. He further mentioned that Keller did not raise any of these issues in 1985 during the trial. He stated he feels that Keller is the subject of the complaint for the letters from Borchard and Red. With regards to Abshire's testimony relative to the construction of the bridge - you can not do piling in the middle of winter and Mr. Capps stated that in the same winter, he did not observe anything. In a letter of November 18, 1982, Winterberg stated the north parcel was purchased in 1967 and used as a guest ranch. The Crowell parcel has been used for guests, etc. He referred to "laches" a separate and independent theory beyond the rights of limitation - since the 1970's, Winterberg has used the property and if anyone is guilty of "laches", it is the County. Either the Planning Director was negligent; or as Winterberg testified, he supplied the necessary information and there was no violation. With regards to the 1977 installation, he stated the dump station was installed at that time and the toilets were there before. Winterberg testified that the facilities themselves were replaced.

Public portion of the hearing was closed. Ed Johnson highlighted the key points and advised that 1971 is a key date; advised that the ordinance did not anticipate unlimited expansion of any uses. Relative to imposing specific conditions on the project, he referenced the original determination and stated there are no conditions. He stated two parcels are involved. It was their determination that with regards to the Crowell parcel, there were no camping uses on the site prior to 1971. There is no evidence of a sign-off or inspection of the septic systems and staff gave them the benefit of the doubt that they exist. Relative to the campground calculations, they used the summer and seasonal figures versus figures with central facilities. He reviewed staff's recommendation, and advised that the sixty days for compliance has been held in abeyance pending the outcome of this appeal. They have not had a chance to analyze the engineering certificate relative to the bridge as it was received today.

Board commenced with deliberations and staff (Ed Johnson, Greta Hudak and Sarah Williams/Planning Manager) responded to questions from the Board relative to the effective date of the ordinance and whether any existing activity would be grandfathered - effective date is October 28, 1971, and any activity before the ordinance would be grandfathered, any activity afterwards, would not; procedure for inspection of the septic system - typically the State would follow-up, however, there is no evidence in the record that this occurred and there are no permits for any electrical except for the residence; whether inquiry was made of the State with regards to the septic permit - yes and the State said they did not have anything else in their files; whether a legal grandfathered use assumes that all State and County requirements are being met - yes and there is no evidence that these standards have been met; allowance of the sixty day period recommended by the Planning Commission for electrical and plumbing permits requirements to be met - if the Board concurs with the appellant, the sixty days would start with the determination; whether the standards are the same today for the septic system and whether it meets those requirements - staff researched that matter, but it is the burden of the applicant to present evidence on this matter and advised that a health representative visited the site and could not tell anything; whether any special permits are required by the Forest Service for the construction of the bridge as it encroaches on public land - nothing was required at that time; whether there are any conditions placed on the parcel as a result of it being designated a "tree farm" - do not know of any; whether the advertisement for camping was intended for a specific group or a general public notice - do not know, it was found on a tree; and what water system was used for flushing toilets if they were installed prior to the water company providing service - do not know as there is no record.

Mr. Winterberg responded to a question from the Board as to how he got the septic tanks across the creek - the company hauled them across the bridge and he dug the holes with a backhoe for installation, and the paper tag okaying them after inspection hung on a tree and rotted; and he stated he was never asked about the leach lines, just the capacity of the tanks.

Supervisor Parker requested that the Board be provided with better verification of the dates of the aerial maps and whether one exists for 1971, and more detailed information on the septic systems; and requested that the hearing be continued for this information to be researched. Supervisor Balmain stated he would like to know if an extension was requested for the septic permit and if an invoice exists for its installation.

Attorney Jamison stated he would be willing to research these requests. Attorney Baggett stated he would be willing to research the dates for the maps issues.

Discussion was held relative to a reasonable timeframe for research and continuing the hearing. Attorney Jamison requested a letter from staff indicating the documents that are being requested and stated he can have them available by October 1, 1996.

Jeff Green advised that if additional evidence is presented, the public portion of the hearing will be reopened to allow public input on the new evidence; and requested that both attorneys agree to provide any new information to each other and to staff by October

1st - both parties concurred. He also advised the applicant that he is to bring the video tape that was shown during the hearing back for the record.

Hearing was continued to October 15, 1996, at 10:00 a.m. in the Mariposa County Courthouse,

4:22 p.m. ADJOURNMENT

Respectfully submitted,

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**MARLIAMS**  
Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA  
AUGUST 20, 1996

Recorded in Minute Book Z II  
Page 96 Mariposa County Records  
Entered September 3, 1996

<u>Time</u>	<u>Description</u>
<u>9:06 a.m.</u>	Meeting Called to Order Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda  
- Pat Michael/California Division of Forestry and Fire Protection, stated he spoke with Blaine Shultz and the strike team of County fire engines are on their way back to the County; and Blaine requested that the emergency declaration be extended for a couple of weeks. Mike Coffield/County Administrative Officer, advised that it does not take any action to extend the emergency declaration, just to terminate it. Pat Michael advised of the status of CDF engine coverage and the status of the fires.

Approval of Minutes of 8/6/96 Regular Meeting  
**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)  
**BOARD ACTION:** (M)Reilly, (S)Stewart, Consent Agenda was approved/Ayes: Unanimous.

Roger Matlock, Sheriff;

A) Resolution Authorizing the Chairman to Execute the Contract for Veterinary Services with Dr. Rosebrock, DVM  
**BOARD ACTION:** Following discussion, (M)Parker, (S)Reilly, Res. 96-354 adopted, with direction for typographical errors to be corrected/ Ayes: Unanimous.

B) Resolution Creating a Supplemental Law Enforcement Service Fund (SLESF) Under the New Provisions of AB3229 and Recognize the Oversight Committee Consisting of the Sheriff, District Attorney, and the County Administrative Officer. Additionally, Approve programs and Expenditures as Recommended by Said Committee and Request that the State Controller Disperse the County Share (\$49,600) into the Created SLESF Fund

**BOARD ACTION:** Discussion was held with Roger Matlock/Sheriff; Pelk Richards/Undersheriff, and Bill Flaherty/Victim-Witness Coordinator, relative to the proposed programs and use of the funding. Supervisor Parker requested that the Board's liaison committee be included in future program discussions. Discussion was held concerning costs for the program that would not be covered by the grant funding; and the request to relocate the Victim-Witness office, and whether the application needed to be site specific - Bill Flaherty concurred that the site does not have to be specified in the grant. (M)Parker, (S)Stewart, Res. 96-355 adopted approving requested actions/Ayes: Reilly, Balmain, Stewart, Parker; Noes: Taber.

Jim Eutsler, Community Services Director;

B) Take Necessary Action to Dissolve the Catheys Valley, Coulterville, and Mariposa Town Cemetery Ad Hoc Committees and Direct County Counsel to Amend the County Ordinance Accordingly; and Dissolve the Mariposa Cemetery and Chapel Advisory Committee (Continued from 8/13/96)  
**BOARD ACTION:** Discussion was held relative to request and having cemetery committees address long-range planning issues versus day-to-day activities. (M)Stewart

to approve request, died for lack of a second. Board concurred with referring this matter back to the Community Services Director to establish a regular meeting schedule for the committees; prepare documents to restructure the committees to deal with long-term issues versus day-to-day matters and serve as advisory committees to Community Services; and Supervisor Parker requested that the vacancies be filled.

A) Authorize the Department of Community Services to Allow the Erection of Mausoleums in Public Cemeteries

**BOARD ACTION:** Jim Eutsler advised that the Building Department can handle the permitting process for mausoleums. Matter was referred back to Community Services Director for review and recommendation from the cemetery advisory committees.

10:42 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Eutsler, Community Services Director;

Resolution Authorizing the Chairman to Sign the Federal Transportation Act Section 18 Application (Continued from 8/13/96)

**COMMISSION ACTION:** (M)Parker, (S)Balmain, LTC Res. 96-14 adopted, and the Commission recommended approval to the Board of Supervisors/Ayes: Unanimous.

10:43 a.m. **BOARD ACTION:** (M)Parker, (S)Stewart, Res. 96-356 adopted authorizing Chairman to sign the Federal Transportation Act Section 18 Application as recommended by the Local Transportation Commission/Ayes: Unanimous.

10:44 a.m. Recess

11:00 a.m. Deane Swickard, Area Manager for the Bureau of Land Management (BLM); Presentation on the BLM Permitting Process, and the History of the Lepetich Matter

**BOARD ACTION:** Deane Swickard gave presentation and reviewed the history of the Lepetich matter, advising that there was a road off Sherlock to Whiskey Flat and the six conditions placed on the road were never complied with. The permit expired in 1977 and was not renewed, nor was any request received to renew it. In 1989 the road had deteriorated due to faulty construction and erosion was occurring and they were receiving frequent complaints from citizens and those using the road. BLM had an engineer and law enforcement personnel review the situation and it was determined to close the road with a berm. BLM reviewed an application for right-of-way and rejected it, but they agreed to grant a right-of-way over public land on an alternative route that was used prior to the 1972 route. Permits can be issued for up to 30 years and are renewable. Joe Lepetich stated he paid for the road construction and it was accepted by BLM at the time; BLM would not tell him who they had received complaints from and he cannot control those who use the road; stated they requested two years in a row for authorization to repair the road and were denied authorization; he feels the information supplied by BLM is incorrect; and stated he feels destruction of the road constitutes a "taking" under terms of the fifth amendment, and presented Deane Swickard with an invoice for costs for the road. Dennis Cole stated he was owner of record at the time the action took place; and stated that the road was closed on May 10, 1989, with the order to close it occurring on May 18, 1989, and that the engineer surveyed the road after the action was taken. Deane Swickard reiterated that their offer still stands to grant a right-of-way on the alternative route; however, an easement would also need to be acquired through a private parcel.

Deane Swickard further updated the Board on the following: status of the Federal land exchange with Merced Irrigation District; the suspension bridge easement negotiations for the Merced River Trail - they have been unable to obtain an easement and are waiting for a counter-offer to purchase the property involved; fuel break funding; other land

exchanges affecting parcels within the County; renovation work on their camping facilities; and relative to the Saxon Creek project.

Discussion and Direction on Preparation of Comments on the Yosemite National Park Housing Plan (Supervisor Reilly)

**BOARD ACTION:** Discussion was held. Supervisor Parker requested that all Board members receive a copy of the Plan when it is released and suggested that the Board hold a workshop for general discussion, and then work with staff to formulate comments. Board concurred with reviewing the plan and with Supervisor Reilly working with staff to draft comments for the Board's review and approval.

11:42 a.m. Lunch

1:34 p.m. CLOSED SESSION to Interview Applicants for Visitors Bureau Director (County Counsel)

**BOARD ACTION:** (M)Stewart, (S)Taber, closed session was held/Ayes: Unanimous.

5:06 p.m. Board reconvened in open session with direction given to staff as a result of closed session.

5:07 p.m. Recess

7:08 p.m. Workshop and Presentation by California Department of Forestry and Fire Protection (CDF) to Discuss Wildland Fire Protection and Disaster Management in Context of the Stumpfield Fire - Held at the Mariposa County High School Auditorium  
**BOARD ACTION:** Chairman Balmain explained that the purpose of this workshop with CDF is to discuss wildland fire protection and management in context with the Stumpfield Fire, that a presentation would be given and the audience would have an opportunity to ask questions and provide input; and he introduced Brian Weatherford/CDP Chief for the Madera-Mariposa-Merced Ranger Unit.

The following representatives of agencies and key people that participated in the fire were introduced and commended for their cooperation and support:

Pat Michael/CDP-Mariposa Division Chief  
Pete Marquez/CDP-Fire Prevention Officer  
Jamie Crabtree/CDP-Coulterville Station and in charge of the Hunters Valley fire  
Anna Smith/CDP-Fire Prevention Technician  
Carol Robbins/CDP-Volunteer Fire Prevention Technician  
Blaine Shultz/Mariposa County Fire Chief/Emergency Services Office Coordinator  
Bill Bondshu/Mariposa Public Utility District (MPUD) Fire Chief  
Dan Tinnel/Office of Emergency Services (OES) Regional Chief, and former Mariposa County Fire Chief

Lt. George Rosenburg/California Highway Patrol (CHP)

Roger Matlock/Mariposa County Sheriff

Pelk Richards/Mariposa County Undersheriff

Jim Allen/Captain with Mariposa County Sheriff 's Department - unable to be present

Jim Boynton/Supervisor for Sierra National Forest (USPS)

Terri Drivas/Acting District Ranger - Oakhurst

Clyde Mackie/Fire Prevention Detection

Jack Lee/Assistant Fire Prevention Office - Sierra National Forest

Caltrans personnel - no one was able to be present

Linda Sinclair/Fair Manager - unable to be present

National Park Service (NPS) personnel - unable to be present due to fires in Yosemite

Jim Landis/Red Cross

Carolyn Solomon/Red Cross  
Mike Coffield/Mariposa County Administrative Officer  
Maria Little/Airport Manager  
Cheryl Lanning/Representative from Senator Monteith's Office  
Bureau of Land Management (BLM) personnel - unable to be present  
Diane Bondshu/Mariposa County Human Services Department  
Mark Lux/P. G. & E. Manager  
Mike Edwards/Mariposa County Public Works Director - unable to be present  
Bob Coulombe/Salvation Army

Chief Weatherford requested that each agency describe their role for this incident; advising there are three jurisdictions: wildland responsibilities, structural, and disaster management. For wildland, there are federal, state and local responsibilities - all of Mariposa County is State responsibility outside the boundaries of government lands. Madera, Merced, and Mariposa counties are within the State Ranger Unit and he commented on the resources available within the Unit. Structural responsibility lies with the County Fire Department.

Jim Boynton commented on the U. S. Forest Service responsibilities and their available resources, including an air tanker facility shared with CDF.

Chief Weatherford advised that for the most part, the BLM lands are small scattered parcels and it is not economically efficient for BLM to protect their own parcels, so BLM contracts with CDF for this service. He advised that the National Park Service is a cooperater in this role and has exclusive jurisdiction over Park lands (the same as for a military base). The Park Service is responsible for both wildland and structural property in Yosemite, and advised of their available resources, and that we received mutual aide resources from the Park Service in this incident. CDF, USFS, NPS, and BLM have a very organized and cooperative system. Structural fire protection jurisdiction is assigned to the local government and the County has a choice as to whether or nor to accept the responsibility - in Mariposa County, the County accepts the responsibility.

Chief Shultz talked about the County Fire Department and its resources - they are also a part of the cooperation that exists between agencies and provide mutual aide. The Fire Department is also responsible for mitigating medical emergencies and vehicle fires, etc. CDF also responds to structural fires and medical aid calls when their resources are available.

Chief Weatherford advised that disaster management includes such events as earthquakes, bad fires, and hazardous fuel spills, etc., and the Governor's Office of Emergency Services is responsible.

Dan Tinnel advised that OES is responsible for the availability of mutual resources and during a disaster emergency, they go through a process of making available strike teams of engines (five engines to a team), and go through Chief Weatherford's emergency command system. In this incident strike teams came from Kern to Yolo Counties. This is neighbors helping neighbors with available resources.

Chief Weatherford advised that the following divisions exist within OES: fire and rescue, earthquake, law enforcement, and hazardous materials. Each County has a local OES Office and Blaine Shultz is Coordinator for Mariposa County.

Blaine Shultz advised that the County adopted an Emergency Operations Plan in 1977-78 to deal with issues that may arise during an emergency; commented on planning efforts

for the Plan; and advised that during this incident the evacuation of livestock was a new issue. The Standardized Emergency Management System (SEMS) is a law that requires agencies to adopt an organized plan to handle disasters - this is a way to plan mutual aid for disasters in the same way as fire and law enforcement groups have in the past.

Lt. Rosenberg advised of the role of CHP in disaster management - they work closely with Fire, Road and Caltrans personnel. In this case, their role was minor and dealt with road closures. The roads were closed for emergency vehicle access and for the Sheriff's evacuation efforts. They assist with evacuation and other law enforcement duties as needed. In this case, the Sheriff started with the road closures and they assisted.

Sheriff Matlock advised their role is to see to the safety of the area, evacuate residents and be responsible for property and animals, and keep it clear for fire personnel to do their job. In this type of incident, they take their direction from CDP to know the status of the fire. He advised of their available resources with personnel, Search and Rescue and SCOPE. Occasionally, they have to make an arrest for the safety of the people, and they always have outstanding support from CHP. They have the option of calling OES for additional manpower - that was not necessary this time.

Jim Landis stated Red Cross' primary role is to provide relief for victims - on this fire they had a shelter set up at the High School by 5:00 p.m. and staffed it until Sunday afternoon. They had about 35 people supporting their operation and an emergency response vehicle from Fresno. They went to the fire line and provided meals for people working the incident.

Bob Coulombe stated that during a disaster, the Salvation Army offers canteens. In this incident there was a mix-up between the Fresno Office and locals; however, they offered food to people working the fire. Their emergency response is immediate financial assistance, and they have had a difficult time finding those who lost their homes in this incident. They have had cash contributions to assist people who suffered damages.

Diane Bondshu advised that the Department of Social Services is mandated to provide victims with shelter and food. In 1982, the local Red Cross Chapter was formed to provide this service. They coordinate services with the Red Cross, Salvation Army, Manna House and other individuals who assist. They coordinate with the Red Cross a welfare inquiry system so when inquiries are received about victims, they know where the victims are located. For special shelter needs for the aged and disabled, they work with the Hospital, convalescent facilities and facilities outside of the County. They are responsible for the security of placements in group homes and foster homes. They are still working with victims and hope they have identified everyone who lost a home. They fed County crews, Sheriff and Road Department and citizens who were working on the fire. She urged anyone with small children to watch for emotional problems and contact her for a referral to someone who could assist.

Chief Weatherford reviewed the scenario of the fire incident which began August 1, 1996. Giving some background, he stated fire season usually starts in April or May. This was not a draught year and there were late spring rains. About July 29 - 30, CDF started noticing fire behavior which meant that the fire season started. He advised that CDP has in this Ranger Unit 40 to 75 emergency incidents a day and 5 to 10 or 12 of those are for vegetation fires. In an average year, there will be 500 to 600 wildland fires. With the start of this fire season, CDP geared up and the Forest Service implemented fire restrictions.

On August 1st, the fire danger was high, temperatures were well above 100 degrees; humidity was low (10-15%); relative humidity was extra low and fuel moisture in the



woods was low. They started off the morning with all resources being available. At about 12:45 p.m., fire alarms started coming in - the first was coming from Bailey Flats, where they controlled that fire at 15 acres. Later, they received a report of a fire in Hunters Valley and made a full response as the fire had a rapid rate of spread.

Jamie Crabtree gave a brief scenario of what happened on the Hunters Valley fire. There was a strike team out-of-county and on its way back. Just before the Bailey Flats fire, Tuolumne broke a fire and we provided assistance as it was close to the County boundary - that took the remaining Coulterville and Hornitos engine. The Coulterville bulldozer was working out-of-county and the Mariposa dozer started to Tuolumne, along with significant aircraft coverage. For the Hunters Valleyf 'Cotton" Fire, they were able to get the bulldozer that was canceled and in the Hornitos area; and they were able to get some air resources quickly. By the time the first engine responded, they had significant spotting and the fire was making a run to the top of the ridge where there were residences. They brought in strike teams and they were able to save the structures due to defensible space; and they received one hand crew. When the Stumpfield Fire started, resources were diverted from Hunters Valley. They had a successful firing operation and were able to contain the Hunters Valley fire at 10:00 p.m. at 720 acres.

Chief Weatherford advised that at approximately 3:35 p.m., after resources had been committed elsewhere, the Stumpfield Fire was reported from the Forest Service Miami Mountain Lookout. It was a delayed report because the fire started at Wildcat/Hirsch area and the smoke had to rise before the lookout could see it and they could not place the exact location - they thought it was at the back of Stumpfield Mountain. CDF made immediate dispatch of all available remaining resources and diverted resources on their way to the Hunters Valley fire. The first response of an engine to Hirsch Road was within seven minutes of the first report of the fire and the fire had already consumed 10 to 15 acres with a rapid rate of spread. Barry Olson had resources come around the bottom of the fire and up each side to try and pinch it off - they were able to keep the fire's path narrow this way. He referred to a map of the area and showed locations of where the fire started and its runs.

Chief Weatherford stated he personally went out to the fire and began to assess the situation from Usona Road and became aware of the structure protection problems - equipment was immediately ordered for structural protection. The fire quickly changed directions at the top of the hill and turned toward Sharp Lane/Usona Road/Usona Ridge Road area. With CDF's assistance, the Sheriff's personnel warned the residents of the danger to make sure that people were out of the way of the fire's path. They had two helicopters which began immediately making water drops which saved several houses. They got an air tank drop early on, but by itself was not enough. As the fire impacted houses on Usona and Usona Ridge Roads, people left. On Usona Ridge Road, he found one road with a cul-de-sac where an engine could turn around and they were able to protect three new houses that had good clearance with non-combustible roofs, even with flames reaching 80 to 120 feet tall. Hundreds of spot fires were occurring and contributed to the spread of the fire. In many instances where new construction had occurred, the brush was left piled and when the piles caught fire, the embers would go up to one-half mile away and start new fires. It was a dangerous situation and he cited an example of driving through Usona Road with flames crossing the hood of his vehicle from both sides of the Road due to brush piles. He mentioned that after two to three years, the brush piles become less valuable to the wildlife habitat and create a severe wild fire hazard, and urged residents to burn them in the winter. Once a house burns, it creates energy and also throws burning embers.

Chief Weatherford stated they received additional resources from neighboring counties to assist in protecting residences and commended all of the people who made an effort to protect the homes. A total of fifteen homes were lost, along with several out buildings - most of the losses occurred within the first hour to hour and one-half of the fire. Then they were able to better manage things and the fire moved toward the River in an area where there were less homes. In the evening, they placed dozers and engines at Leonard Road and the Chowchilla River and made an effort to clear around the front of the fire. This effort was nearly successful, but the fire crossed at the River. They tried to hold the fire at the top of Stumpfield Mountain - they got a line in, but could not get it blackened and experienced a major flare-up in large brush patches. They tried to hold a secondary line; however, the wind on the second day pushed it to the river canyon. They became very concerned that the fire might cross the drainage area and cited their experience with previous disaster fires in the area: the Nelson Cove fire in 1958 and the Harlow fire in 1961. At this point, they had hundreds of engines, several bulldozers, hand crews and air support. They made contingency plans with the Forest Service and Madera resources in case the fire made a run for Ponderosa Basin and the County line. They brought in additional engines and began positioning them to prepare for the protection of Ponderosa Basin and Ahwahnee.

Chief Weatherford advised that the weather cooled the next day (Saturday) and the wind did not blow and the fire line was completed and held - 2,770 acres burned. He advised that statistics and a display were available at the back of the room. Estimated damage was 1.2 million dollars; suppression costs were 3.2 million dollars; and they saved more than 100 homes and structures. Mop-up included putting the fire out and repairing damages from the fire suppression efforts - further repair of damages is suspended as the resources have been dispatched to other big fires.

Chief Weatherford stated the following contributed to this fire: fuel loading in the forest; dead and down vegetation from the drought; winter storms; disease; building new homes; and weather conditions and high temperatures led to extreme fire danger. He further advised that he has a report available showing a lot of fire activity for the western United States. During this period, resources were drawn down - of the 17 engines in the County, 15 were sent to these fires, leaving two reserve engines and three others available to cover the County. Under mutual aide, they received engines from Merced and Madera Counties to cover behind the engines. With the high fire danger, he wanted to keep the County engines in their stations for additional protection.

Chief Weatherford talked about the changes with development - 30 years ago a drip torch and pickup could have been used to backfire and stop this fire on the first night. With the number of residences constructed in the area, they do not have the space to backfire. He advised that the following are important for protection from wildland fires: good access to developed areas - many driveways are not wide enough to get a fire engine up and there is no turn-around space; good water supplies - helicopters can use ponds; and availability of fire resources and having those resources being compatible, i.e., able to use the same radio frequencies. As to what could be done by residents, he advised of the availability of brochures that explain how to make your residence safe, availability of videos and their public education program. He advised of Public Resources Code 4290 which establishes minimum standards for fire safe construction - provides for adequate access, house numbering, drive-way construction, and water supplies. It is the individual property owner's responsibility to make their property safe - the government exists to assist. CDF can only use the hand crews for brushing and chipping for public projects. Community groups have the ability to form associations, service areas, or districts to improve roads, create fuel breaks and develop community water systems. With the formation of a district, the residents agree to tax themselves for these services. He further

advised that there are federal and state grants available, and mentioned that a Madera County group is working on a fuel break. CDF is willing to cooperate in going after additional funding sources and willing to work with community groups and government officials.

An opportunity was given for members of the audience to speak, and the following provided input:

Thom Brusoe/Secretary for Vietnam Veterans, advised that on Saturday, they went to the Fairgrounds and offered their groups assistance to various agencies; however, they were told there was nothing they could do. But they continued to hear various types of needs over the scanner, and asked who they should contact in the future.

Chief Weatherford thanked them for their willingness to assist; stated they have an inability to cope with a flood of volunteer service during an emergency situation; requested that the group become a part of the effort to develop the disaster plan to see how they could be used effectively in the future. He further advised that regulations prohibit citizens from volunteering to fight fires, but they could use support to run supplies and deliver food, etc. In the early stages, they do not have time to eat and generally do not release fire fighting personnel for a meal until after midnight or the next morning.

Charles Taylor, representing Bronco Hollow Estates, noted they are not mentioned on the map showing the fire activity, and presented his map of the Estates area. He stated they have worked with County government to improve the roads through the formation of an association - they have 13 dwellings in the Estates with 2,500 gallon minimum-sized water tanks; their roads are clear and fire clearances exist; and the brush from new construction has been burned; and there are 31 homes in the area. At 3:29 p.m., his wife called and reported the fire and it was not until 6:00 - 6:30 p.m. that it burned on the ridge. Residents continued to call 9-1-1 for help with the fire - the fire swept through between 7:30 and 10:30 p.m.; however, the first fire truck did not show until 11:00 p.m. and five trucks showed at 3:15 a.m. Friday. He commented that the Sheriff's Office did a great job with evacuating the livestock.

Ricardo Davila added to Mr. Taylor's input, advising that a deputy told his wife that their house burned just after they left at 8:15 p.m. when they were evacuated. He came into Mariposa and noticed 5 - 10 engines sitting at the Fairgrounds and when he went to get fuel at 10:30 - 11:00 p.m., there were more engines, and asked why these resources were not out on the fire.

Chief Weatherford responded to the input, advising that in the initial stages of the fire they were concentrating their efforts in the direction of the major spread which was going in the direction away from Bronco Hollow. It was a back fire that came to Bronco Hollow with not as much threat to the structures with clearances. The engines at the Fairgrounds may not have been checked in and they may not have known they were there at that time.

Charles Taylor further commented on the fire resources that did come to the Bronco Hollow Estates area - two dozers were in the area and the operators advised him that they had to stop after some work to wait for further orders. He worked with them to get permission to break line to the River Haven Estates. When speaking to the dozer operators' boss, he was informed that he needed to be on site to make a decision and did not have any transportation, so Mr. Taylor gave him transportation. Mr. Taylor stated he feels there was a lack of communication relative to the fire for this area and asked who is responsible for the 9-1-1 calls and response.

Chief Weatherford stated he is responsible for the 9-1-1 calls for fire dispatch and he is in charge of CDF dispatch, and he believes that the Battalion Chief in charge of resources on that part of the line received those calls. He further stated that with regards to the engines that were at the Fairgrounds, they ordered sixteen strike teams and they came from all over central California. Until they go through the check-in process, CDF does not know what department the strike teams are from or who their leaders are or what radio frequency capability they have. Following the check-in process, they are given assignments. During this process, the communication system can become overloaded. He stated that as soon as it is known that the strike teams have arrived, they go through the check-in process.

Mike Muter asked about the situation in Bootjack where water was allegedly refused to the fire fighting personnel for the water tenders.

Chairman Balmain stated this is a County issue and it is being investigated.

Supervisor Parker reiterated that the results will be made public after the investigation is complete.

A lady from Wildcat Road asked if it was known what caused the fire; about response time from Bootjack; and why it took nearly two hours from the first borate drop for additional aircraft activity.

Chief Weatherford stated the cause was an electrical wiring problem going to a resident's pump. The Bootjack engines were in or on their way to the Hunters Valley fire. The first engine on scene was a Forest Service engine that was moving to cover Mariposa at the time of dispatch to the fire. Next, two CDF engines from Fresno responded - they were on their way to Hunters Valley. A total of eight or nine engines responded on the first alarm.

A lady stated it took about one-half hour for response and normal response from Bootjack or Usona CDF station is ten minutes.

Chief Weatherford stated the Bootjack and Usona stations were not manned at that time. He further commented on the first air attack and stated the aircraft had to go back to reload after the first drop. The other aircraft were on the Hunters Valley fire and it took some time to get additional tanker resources. When they arrived, they were assigned to the Usona Ridge area.

Phyllis Tate thanked everyone for their efforts; stated they choose to live in the mountain area and are not in a big city with the fire department next door; commented that the County Fire Department consists of volunteers which have to travel to the engines before they can respond; stated she and her sister's house burned and they were next to the road; however, homes of other family members were saved.

Chief Weatherford stated the loss of homes are taken very personally.

Wain Johnson, County Farm Advisor with University of California, stated his office has post fire resources available; advised of a workshop that he put on recently for "living among oaks" and developing defensible space; offered their resources for future workshops; commented that he also works with the 4-H program and that would be a good source for livestock evacuation; he introduced Wayne Forsythe, the new Ag instructor for Mariposa County, and stated Future Farmers of America (FFA) could be of

assistance; advised of a couple of research projects he is working on; and that the Resource Conservation District is participating with the University in a regeneration of the oak project.

Chief Weatherford advised that they have a video available for check-out relative to fire protection.

Susan Costa stated her place on Usona Road was saved and she appreciates it; however, her friends - the Skatells lost everything and she asked if there is any funding other than what Red Cross provides.

Diane Bondshu commented that a member from their staff has tried to contact everyone in this situation and advise them of available assistance; advised that Jim Evans/Housing and Community Development Agency Director, received a grant that will provide some assistance once information is known relative to available insurance coverage for the victims; they are working on obtaining low interest funding sources; Yosemite Bank has offered low interest funding and is willing to work with the victims; Housing and Community Development and Human Services Department are working with the Board of Supervisors and looking for any available funding sources; and suggested that victims contact Human Services and ask to speak with a social worker - they coordinate assistance with Red Cross and Salvation Army.

Chief Weatherford commented on the requirements to qualify for Federal Emergency Management Agency (FEMA) funding and the declaration of emergency process - this incident may not meet the base costs for losses for big sources of funding to be available.

Mike Coffield, County Administrative Officer, commented that OES has advised that this did not meet the disaster threshold to qualify for a Governor's declaration which would be a prerequisite for FEMA funding - the minimum threshold is 25 homes. They are still calculating figures relative to the losses and will attempt to get the Governor to declare a disaster.

Chief Weatherford advised that the Board of Supervisors took immediate action to declare a local emergency and information is being gathered relative to the losses and the Board will be presented with a final recap.

Susan Costa advised that they suffered some losses in the fire; however, no one has contacted her yet.

Chief Shultz stated they are in the second phase of trying to account for the losses and the Small Business Administration may provide funding if we qualify.

A lady in the audience asked about rehabilitation for private property where fire roads were installed.

Chief Weatherford requested that she contact Pat Michaels.

Lynne Rosebrock, Mariposa Veterinary Service, volunteered to assist in organizing for future livestock evacuation efforts; commented that training and certification would be good; commented on the problems with large stock trailers trying to get down driveways with no turn-around space; stated she feels the Horse Club and Dog Club would be available to assist with these efforts; suggested that people interested in helping should leave their names with the Sheriff/Animal Control or with Mariposa Veterinary Service;

and further commented that she has requested information from other areas relative to livestock evacuation procedures.

Sheriff Matlock stated the Sheriff's Posse has trailers and is trained to handle evacuations, and would like to be at the front end of evacuations and planning efforts.

Chief Weatherford stated he was impressed with the animal evacuation efforts.

Ralph Mendershausen stated they lost their home, but not another building ten feet away; asked about the evacuation procedures - when they called to check on his father-in-law early during the fire (about 4:00 p.m.), they were told he had been evacuated. The people who had been staying at their place were told they could not return to the residence and that there was a fire truck at every house. At 7:00 p.m., they reported his father-in-law missing. He was finally evacuated at 2:30 a.m. and is 92 years old and had stayed and tried to stamp the fire out with his feet when it reached their residence - there were no firefighters there and he had cleared five acres around the residence. He expressed concern that the Sheriff and CHP kept people out of the area and there was misinformation relative to the status of evacuation. He further stated he had 5,000 gallons of water storage on the hill that could have been used. He does not know if CDF did their annual clearance inspection, but has a feeling that during this incident, CDF did not know his house was there. The house burned around 7:00 p.m. with his father-in-law watching. There was a fire truck in the cul-de-sac within site of his father-in-law's house and he asked when that truck left the cul-de-sac. He stated that upon inspection, there is no sign that CDF was ever near his residence - there is an outbuilding with a McCloud mark, but no borate. He knows his house could have easily been saved and if he had been home, he could have saved it. His father-in-law should have been evacuated, and CDF needs to know about available water supplies.

Chief Weatherford stated he understands the concerns and feels the frustration, and stated there were many houses they did not get to. They did not have enough engines and could not get down there because of the flames. They do not have an inventory of every house or maps showing drives and structures. There are hand drawn maps in the trucks. He hopes the agencies doing the disaster plan can gather information to create a better data base and mapping system.

Supervisor Parker stated he agrees that there must be a better way and that is what tonight's meeting is about - cooperation with all agencies and reviewing what occurred.

Chief Shultz stated he has only been here since July 12, 1996, and is working on the plan and putting data together.

Sheriff Matlock stated unverified information is a problem and they are looking at Search and Rescue to verify and tag residences upon evacuation and get a better system; suggested everyone obtain a reflective sign with their house numbers and display it; and they need to establish "safe havens" for fires that move fast.

Lt. Rosenberg stated he gave directions relative to keeping residents out of the closed areas and understands the frustrations. He advised of their efforts with the Sheriff's personnel to evaluate each situation and stated that in the future he could request additional resources to assist.

Chief Weatherford stated it takes some time to make sure an evacuated area is safe for the people to return - need to check for such things as downed power lines and trees that may fall.

Margee Brusoe stated they care-take a property with two addresses - they used the address that they understood would be used for emergency response, but it is not the address for the residence due to a subdivision. She is concerned that could be a safety hazard and asked how to remedy it.

Sheriff Matlock advised that he needs to contact his department and they can get it changed. This has to do with the phone line for the 9-1-1 system and it needs to be corrected for emergency response.

Chief Weatherford stated they need to have correct addresses for the system to work and the addresses need to be properly posted for response.

Dwayne Garland stated they are on the border of Mariposa and Madera County lines across the Miami Mountain basin and saw the smoke from the fire and became concerned. Prior to this incidence, they had a meeting with Mr. Olson with CDP and established a "Neighborhood Watch" a week earlier, and they were ready for evacuation. With the formation of Neighborhood Watch, they learned who their neighbors were. He stated he watches at the Miami Mountain lookout.

Chief Weatherford stated that any kind of organized homeowner group can be a big help in situations like this.

Bill Rumin asked if when CDP removes water if they are obligated to replenish it, i.e., from a pond.

Chief Weatherford stated that CDP is not legally obligated, but morally obligated. The Department will try to replenish the water, especially in cases where it is a necessity for the resident, but they do not pay for it; and they are willing to work with him.

Jim Landis stated they appreciated the offer from Mr. Brusoe for assistance on behalf of the Vietnam Veterans, but they did not need assistance at the time and had no way to keep the food that was offered. He further advised that Yosemite Bank and Mariposa Title opened an account at Pioneer Market for \$1,000 for them to get food.

Joe Carbaugh stated they were in town when the fire broke and when they returned, there were pink ribbons tied around their airstrip. They did not realize they were for marking a designated safe zone - their airstrip could be used for helicopter evacuations. He commented that in Ponderosa Basin, there are an estimated 270 homes and expressed concern with the condition of Harris Road in the event of an evacuation. Harris Road is dirt and he requested that the Board develop this road as an escape route.

Supervisor Taber stated she never votes in support of a subdivision without a through road that is wide enough for fire equipment.

Chief Weatherford stated the marking of the airstrip was a part of the contingency planning for the worse case scenario. They were also identifying homes and water sources. In looking at the contingency plan, if the fire was on both sides of the drainage, they felt they had about two days before the fire would reach Ponderosa Basin. He feels the Nipinnawasee area would have been impacted first. He advised they will stay after the meeting to discuss specific questions with anyone. He further advised that it is important to clear around vehicles. If a vehicle catches fire, it produces enough heat to ignite a residence.

A lady from the audience thanked everyone for their efforts during this disaster.

Chief Weatherford thanked everyone for their cooperation and efforts.

Chairman Balmain thanked CDF and the other agencies and the audience for their participation on this matter; and advised that Board members can be reached at the Supervisors Office or in writing.

**CONSENT**

CA-I Resolution Accepting Resignation of Garrett DeBell from the Yosemite West District Advisory Committee (Supervisor Reilly); Res. 96-353

**10:05 p.m.** ADJOURNMENT in memory of Benjamin Figueredo.

Respectfully submitted,

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ILLIAMS  
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA  
AUGUST 27, 1996

Recorded in Minute Book Z II  
Page 27 Mariposa County Record  
Entered September 10, 1996

Time Description

9:03 a.m. Meeting Called to Order with Supervisor Taber excused.  
Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda  
- Supervisor Balmain advised of his visit to the Ackerson Complex fire on Sunday afternoon.

Approval of Minutes of 8/13/96 Regular Meeting  
BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Parker, (S)Reilly, Consent Agenda was approved/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Taber.

Marty Allan/Fleet-Fiscal Manager, appeared on behalf of Mike Edwards, Public Works Director;

Resolution Authorizing County Employees to Take Home County Vehicles per County Code Chapter 2.76 (Continued from 8/13/96)

BOARD ACTION: Discussion was held with Marty Allan relative to the requested changes and cost impacts and affect on the maintenance program. Roger Matlock/Sheriff, provided input relative to request for take-home of vehicles in his department. (M)Parker, (S)Stewart, Res. 96-358 adopted, subject to funding in the adoption of the Final Budget. Mike Coffield/County Administrative Officer, asked for clarification of the approval - approval is contingent upon knowing what the proposed trade-off is for funding this request within the affected budgets; and/or action on request for additional funding. Supervisor Parker requested that future consideration be given to reviewing an "on-call" policy. Ayes: Reilly, Balmain, Stewart, Parker; Excused: Taber.

Marty Allan/Fleet-Fiscal Manager, appeared on behalf of Mike Edwards, Public Works Director and Roger Matlock, Sheriff;

Request Authorization to Implement a Personalized Patrol Vehicle Program for the Mariposa County Sheriff's Department

BOARD ACTION: Discussion was held with Marty Allan, Roger Matlock and Pelk Richards/Undersheriff, concerning this request. Marty Allan reviewed the cost analysis information. Discussion was held concerning the costs to implement the program, and Roger Matlock advised that AB 3229 funding could be used to offset a portion of the costs; and implementation of the requested program would equal about 3/4ths of a deputy on a countywide basis. He feels that this program would be okay with the State for use of these funds, and stated he feels a portion of the balance of the shortfall could be covered by salary savings. Pelk Richards advised that whenever a deputy is off work for three or more days, the assigned vehicle will be parked at Vehicle Maintenance so it is available as needed; he advised that he is drafting internal policies and guidelines relative to the change; and preliminary discussions with the Deputy's Association indicate that they have no problem with this change - but it is a meet-and-confer matter. Jeff Green/County Counsel, stated he would like to review FLSA standards with regards to the overtime

isse and this proposed policy. Matter was continued to September 3, 1996, for further reView.

Request to Schedule Evening Meeting for 6 p.m., September 24th, 1996 for Presentation on Alternatives for Highway 140 Sidewalks in the Town of Mariposa and Solicit Public & Board Input (Public Works)

**BOARD ACTION:** Following discussion, (M)Parker, (S)Stewart, Res. 96-359 adopted changing the Board's regularly scheduled meeting for October 1, 1996, to commence at 2:00 p.m.; and scheduling the evening session for presentation on alternatives for Highway 140 sidewalks for 6:00 p.m. on October 1, 1996/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Taber.

Supervisor Balmain initiated discussion relative to the upcoming apple peeling contest with the Fair Board members during the Fair. Supervisor Stewart presented each Board member with a peeler to practice for this contest.

#### FORTHCOMING POLICY

Recommendation Regarding Process to Allow Vending Machines in County-Owned Buildings (Scheduled for Action on September 3, 1996) (Public Works)

10:52 a.m. CLOSED SESSION Relative to Interview of Applicants for Visitors Bureau Director (Continued from 8/20/96) (County Counsel)

**BOARD ACTION:** (M)Parker, (S)Stewart, closed session was held following a short recess/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Taber.


11:56 a.m. Board reconvened in open session with direction given to staff as a result of closed session.

#### CONSENT AGENDA

CA-I Resolution Authorizing Chairman to Renew the Service Contract with Standard Office Systems, for the Period of June 22, 1996 through June 22, 1997, in the Amount of \$1,134.05 (Public Health); Res. 96-357

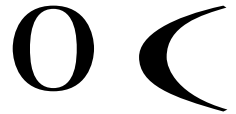
11:57 a.m. ADJOURNMENT in memory of Charles Jacobsen, Charles Adams, and Doris Walters.

Respectfully submitted,



MARGIE WI AMS  
Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS



SEPTEMBER 3, 1996  
CONFORMED AGENDA

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Time                      Description

9:02 a.m. Meeting Called to Order with Supervisors Reilly, Balmain, Stewart and Parker present.

Pledge of Allegiance

Chairman Balmain advised that the County suffered a great loss last Friday night with the passing of Supervisor Gert Taber, and extended condolences to the Taber family. Jim Evans/Housing and Community Development Agency Director, advised that memorial services are scheduled for September 20, 1996, at 1:30 p.m. at the Courthouse square, and he will schedule use of the facilities for the Board's consent agenda on September 17th. Leota Striplin stated that on behalf of herself and those she worked with in little league and youth activities, Gert will be missed. Ralph Bayless, on behalf of MERG, extended condolences to the family and commented that Gert always had the County of Mariposa's interest in mind. Supervisor Stewart commented on Gert's ability to recognize young people and she was always giving cards and things to the children - she will be missed by all and he will miss her wisdom. Supervisor Reilly stated she respected the way Gert did things and her caring was always evident, and will remember her for her character, integrity and kindness.

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda  
- Blaine Shultz/County Fire Chief, advised of a request for the Board to take action requesting the Office of Emergency Services' concurrence in the local fire emergency, and advised that they are joining efforts with other Counties to meet the benchmark required for a declaration of emergency. (M)Parker, (S)Stewart, Board waived its rules requiring 72 hours agenda noticing to consider this matter, finding that the information was not available at the time the agenda was prepared/ Ayes: Unanimous. Following discussion, (M)Parker, (S)Stewart, Res. 96-360 adopted requesting the State Director of OES' concurrence in local emergency/Ayes: Unanimous.

- Supervisor Reilly advised of a lengthy power outage to the Yosemite West area, and thanked everyone for their efforts during this time.

Approval of Minutes of 8/19/96, Regular Meeting (Continued from 8/13/96); and 8/20/96 Regular Meeting

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** (M)Parker, (S)Stewart, all items were approved/Ayes: Unanimous.

Chairman Balmain asked about flying the flags at half-mast in memory of Supervisor Taber - Board concurred with keeping the flags at half-mast through the memorial service on September 20th.

9:21 a.m. Recess

9:33 a.m. Mike Edwards/Public Works Director, introduced Mark Fehse, their new Associate Engineer, and he was welcomed.

Mike Edwards, Public Works Director;

A) Recommendation Regarding Process to Allow Vending Machines in County-owned Property (Continued From Policy 8/27/96)

**BOARD ACTION:** Discussion was held. (M)Parker, (S)Stewart, Res. 96-362 adopted approving recommendation with change to direct the Public Works Director to handle the request for proposal process versus a committee and that County Counsel be conferred with on this matter; directing that the Airport be excluded from this process; and directing that no vending machines be allowed in the Courthouse/Ayes: Unanimous.

9:50 a.m. Jim Evans, Housing and Community Development Director; and Mike Edwards, Public Works Director;

Presentation and Discussion Regarding Needs and Requests for Park Facility and Recreation Programs to Better Serve the County's Youth

**BOARD ACTION:** Discussion was held, and Board reviewed the upcoming budget proposals for Capital Improvement Projects related to park facilities. Steve Dahlem/Mariposa Youth Sports Association President, encouraged the Board to consider the needs of the youth and advised that they also understand the budget constraints and the need to maintain existing facilities. Jim Evans advised that with regards to the teen drop-in program, he is withdrawing the request at this time and he will discuss this idea with the High School student body. No action was necessary.

B) Resolution Approving and Authorization for the Public Works Director to Contract with Total Waste Systems to Purchase Soil as Cover Material, at the Best Available Price, for the Mariposa County Landfill for FY 96/97

**BOARD ACTION:** Following discussion with Mike Edwards and Tom Starling/PWD-Solid Waste Coordinator, (M)Parker, (S)Reilly, Res. 96-363 adopted/Ayes: Unanimous.

10:22 a.m. CLOSED SESSION Relative to Interview of Applicants for Visitors Bureau Director (Continued from 8/27/96) (County Counsel)

**BOARD ACTION:** (M)Parker, (S)Reilly, closed session was held following a short recess/Ayes: Unanimous.

10:58 a.m. Board reconvened in open session with direction given to staff as a result of closed session.

11:00 a.m. Jeff Green, County Counsel;

Resolution Authorizing Chair to Sign an Agreement with the National Park Service to Provide a County Public Library in Wawona

**BOARD ACTION:** Jeff Green advised that Maurie Hoekstra/Librarian, and Oly Olson/Wawona District Ranger, were present for discussion on this matter. Discussion was held and Oly advised that he feels there will be support from the community to offset the increased costs for operation of this branch facility. Maurie advised of the status of the various issues that have been raised with regards to snow removal, maintenance of the facility, use of the facility, and furnishings for the facility. Oly advised that they have a separate agreement with the Bassetts for the construction period and this agreement will hinge on the facility being completed. Frank Yost stated he was a part of the committee and commented on the need for a new facility. Discussion was held concerning naming the facility and including Wawona in the name. Pat Sischo advised that in her discussions with the Bassett family, she felt that adding Wawona to the name would be okay. Additional costs for maintaining the new facility will be considered during the Final Budget hearing. (M)Reilly, (S)Parker, Res. 96-364 adopted, with change in the contract

to reflect that future funding levels will be determined during the annual budget process/Ayes: Unanimous.

Maurie Hoekstra, Librarian;

Resolution to Authorize Chairman to Sign Agreement for LSCA Title II Mariposa County Library Project

**BOARD ACTION:** Following discussion with Maurie Hoekstra concerning the status of the agreement with School District and the status of other pending issues relative to the plans and parking, (M)Parker, (S)Stewart, Res. 96-365 adopted/Ayes: Balmain, Stewart, Parker; Abstained: Reilly. Board concurred with holding off on designating the project coordinator and fiscal official pending discussion with the School District; however, in the event that the information is necessary to submit at this time, the CAO is to be designated as the fiscal coordinator and Public Works Director as the project coordinator, for the interim.

**11:32 a.m.** Recess

**11:39 a.m.** Ed Johnson, Planning and Building Director;

Discuss and Provide Direction on Alternatives for Elimination of Building Department Budget Deficit

**BOARD ACTION:** Ed Johnson reviewed recommendations and alternatives. John Davis, Chief Building Inspector, provided input. Discussion was held relative to considering a combination of the recommendations - lay off/furlough staff and increase revenues through fees; consideration of imposing fees for violations; possibility of recovering costs resulting from complaint investigations; consideration of privatizing field services; and consideration of whether any of the staff would be eligible for a golden handshake. Board concurred with referring this matter back to staff for further consideration and with further reviewing this matter during the Final Budget hearing.

**12:50 p.m.** Lunch

**2:07 p.m.** Mike Edwards, Public Works Director; and Roger Matlock, Sheriff;  
Request Authorization to Implement a Personalized Patrol Vehicle Program for the Mariposa County Sheriff's Department (Continued from August 27, 1996)

**BOARD ACTION:** Discussion was held. Roger Matlock advised that they have reviewed the proposal and have eliminated any period of time that the deputies would be off the clock while on duty. Pelk Richards/Undersheriff, and Marty Allan/PWD Fleet-Fiscal Manager, provided input, advising that they felt the medical transport revenue should go into the Vehicle Maintenance Fund versus the General Fund, and relative to funding the projected shortfall to implement the program. Jeff Green/County Counsel, advised that under the revised proposed plan, this is not a meet-and-confer matter. It was acknowledged that this program would be a major benefit to the deputies and that it should be a six year commitment. (M)Parker, (S)Stewart, Res. 96-366 adopted implementing the personalized patrol vehicle program as requested, with the commitment that the shortfall will be funded from Reserve for Contingency during the Final Budget process, and with the expectation that the Sheriff will reimburse the Contingency/ Ayes: Balmain, Stewart, Parker; Noes: Reilly.

**2:40 p.m.** (M)Parker, (S)Reilly, Board reconvened in closed session/Ayes: Unanimous.

**3:24 p.m.** Board reconvened in open session with further direction given to staff as a result of the closed session.

Mike Coffield/County Administrative Officer, announced that he has accepted an offer for the position of Resource Management Director in Tulare County, with an expected date of October 7, 1996, as his first day there. Following discussion, Board concurred with directing staff to begin recruitment to fill the position.

INFORMATION - No action was necessary on the following:  
Board Hearing Schedule (Clerk of the Board)

CONSENT AGENDA

- CA-1 Accept Resignation of Dwight Oliver from the Catheys Valley Town Planning Advisory Committee (Planning Department)
- CA-2 Resolution Adopting Bid and Contract Documents for the 1996 Raised Marker Program on Various County Roads, Public Works Project Number PW 95-32, Authorizing Advertisement for Sealed Bids, Set a Bid Opening Date for Thursday, October 3, at 2:00 P.M. and Authorizing the Public Works Director to Execute a Contract with the Lowest Responsible Bidder (Public Works); Res. 96-361

3:28 p.m. Board recessed in honor and memory of the Honorable Gertrude "Gert" Taber.

And the Board recessed in memory of Heloise Drake, Earl Sellers and Doris Turner; and continued the meeting for PUBLIC HEARING on Final Budget for Fiscal Year 1996/97 to September 9, 1996, at 9:00 a.m., and Continuing to September 10, 11, 12, 13, 16, 17, 18, 19, and 20, 1996, Until Adoption of Said Budget (County Administrative Officer); and Wednesday, September 11, 1996, at 2:00 p.m., PUBLIC HEARING to Consider Fees Proposed with Implementation of Mariposa County Final Budget and Zones of Benefit Fees.

Respectfully submitted,



MARGIE LIAMS  
Clerk of the Board

**MARIPOSA COUNTY BOARD OF SUPERVISORS**

**CONFORMED AGENDA**

**September 9, 1996**

**(Continued Meeting from September 3, 1996)**

Recorded in Minutes Book ZII  
Page 29 Mariposa County Record  
Entered September 24, 1996

9:00 a.m. Meeting Called to Order

Swearing in Ceremony

Oath of Office to be Administered to Bob Pickard as Supervisor Representing District V  
**BOARD ACTION:** Judge Carlos LaRoche/Municipal Court, administered the Oath of Office to Supervisor-elect Bob Pickard, who was appointed by the Governor on September 4, 1996, to fill the vacancy left by the late Supervisor Taber.

9:05 a.m. Recess

9:21 a.m. Supervisor Pickard was congratulated and welcomed as a member of the Board; and stated he was pleased with the appointment and looks forward to working with everyone.

Chairman Balmain asked Board members to check their calendars with regards to scheduling the screening of applications for the County Administrative Officer position - further consideration to scheduling this matter was continued to September 10, 1996.

**PUBLIC HEARING** on Final Budget for Fiscal Year 1996-97

**BOARD ACTION:** Ken Hawkins/Auditor, and Chris Ebie/Assistant Auditor, were present for hearing and responded to questions from the Board. Mike Coffield/County Administrative Officer, presented staff report, reviewed proposed revenues and options for covering the shortfall in the projected fund balance; and reviewed issues referred to the Final Budget hearing process: funding for drafting an RFP for mixed solid waste composting facility, additional appropriations for "take home" vehicles and the personal patrol vehicle program, and for the Wawona Library; and reviewed corrections for fund balances, reduction in revenue estimate for investment fees in the Treasurer's budget, and transfer of funding for rental costs for the Victim-Witness office. Staff responded to questions from the Board relative to the shortfall in the Treasurer's budget; the options presented for covering the shortfall in projected fund balance - cut programs in baseline, appropriate "accrual fund balance" and reduce contribution to the trial courts; reviewing baseline budget requests along with the program adjustment requests during the hearing process; general changes in the baseline budgets; and proposed budget for operating Contingency Reserve. Mike Edwards/Public Works Director, and Marty Allan/PWD Fleet-Fiscal Manager, responded to questions relative to the solid waste RFP process and status of timeframe for the Park Service to make decisions relative to their funding for this

project; and relative to status of budgeting in Capital Improvement Projects for the acquisition of property in the proposed Government Center area.

10:12 a.m. Recess

10:27 a.m. Mike Edwards and Marty Allan responded to additional questions relative to the Contingency fund balance in the Solid Waste budget and the possibility of utilizing these funds for the solid waste RFP process. Board concurred with reviewing each budget. County Administrative Officer to revise the Consent Budget list and pull those budgets out for further consideration that contain anything other than negotiated salary increases.

There was no public comment.

The following budgets were reviewed and Board concurred with baseline changes unless otherwise noted:

Administrative Office: Discussion was held with Mike Coffield. Request to add an administrative analyst position was not funded. Supervisor Stewart recommended that membership (\$800) be dropped in the Water Agency Budget to the Mountain Counties Water Resources Association due to the duplication of effort with the Regional Council of Rural Counties water efforts - Board concurred. It was noted that the County would be hosting the San Joaquin County Supervisors Association meetings and the Association has a budget to cover those costs. Wain Johnson/Farm Advisor, asked if dropping the Water Association membership would affect the County's origin of water efforts - it was felt that it would not.

Data Processing: Discussion was held with Dennis Patrick/Technical Service Director. Board concurred with utilizing accumulated and budgeted funds in the Capital Improvement Project budget for data processing to fund the upgrade to the AS-400 processor and disk storage; with funding the automated courts system from the Courthouse Construction Fund (\$55,000) and Municipal Court Automation Fund (\$15,000) as concurred with by the Judges; and with not funding the requested increase for travel, network infrastructure and LAN cabling requests. Supervisor Reilly requested that planning for the Government Center include computer needs.

Grand Jury: Discussion was held with Mike Coffield and Mickie Romeike/Administrative Court Clerk, relative to budget requests. Board concurred with not funding request for legal representation with the understanding that should a situation arise, the Jury can come to the Board and request this funding; and with not funding request for part-time secretary/court reporter staffing; and with reducing the Professional Services line item back to baseline of \$3,200.

Interfund Transactions: Discussion was held with Mike Coffield. Direction was given for staff to review the School Service Contribution and discrepancies among the various



counties; and for staff to review the Mariposa Parking District Contribution funding issues and come back with recommendations.

Auditor: Discussion was held with Ken Hawkins concerning travel request for HTE training. Supervisor Reilly reiterated her request that travel accounts be reviewed for equity between departments. Board concurred with not funding the requested travel increase; and with funding the request for shelving from existing Office Expenses (\$620).

Farm Advisor: Discussion was held with Wain Johnson/Farm Advisor. Board concurred with not funding request for full time Youth Coordinator, and with restoring 1/2 time position; with not funding request to replace a laserjet printer; with funding request for a replacement answering machine (\$100), with half of the cost funded in the Agricultural Commissioner's budget; and with not funding request for carpet replacement.

Agricultural Commissioner: Discussion was held with Don Cripe/Agricultural Commissioner, and he advised of corrections to their revenues. Board concurred with funding the other half of the replacement answering machine (\$100), with half funded in Farm Advisor's budget; and with funding the computer upgrade with one-time subvention funds.

Public Health: Discussion was held with Dr. Mosher/County Health Officer. Board concurred with replacing the extra help position and creating an AIDS Coordinator permanent part-time position to be funded by the AIDS grant; and concurred with funding the increase in Regional EMS Agency charges (\$2,100) from salary savings and taking the balance of the salary savings (\$12,900) from the Registered Environmental Health Specialist position which is currently being filled by extra help due to the decrease in workload; with the understanding that if the workload increases, Health Officer may request to fill the position and have the funding returned.

12:39 p.m. Lunch

2:05 p.m. Fire Protection: Discussion was held with Blaine Shultz/Fire Chief, with Marty Allan present for discussion concerning the request for additional engine maintenance funds. Discussion was held relative to status of revenues from equipment rental during fires and possible revenues from participation in the SEMS plan. Board concurred with further reviewing requests for additional engine maintenance funds and replacement funds if County revenues come in higher than projected this fiscal year; with obtaining more information and further reviewing the command and control function proposal versus contracting with CDF; and with not funding the one-time double payment for the NPS contract.

Planning/Building Permits and Inspections: Discussion was held with Ed Johnson/Planning and Building Director, concerning options for decreasing the budget and for increasing revenues. Ed Johnson advised of his investigation into the option of contracting and for privatizing field inspection services and plan checks; the projected

deficit of \$50,000 annually; options to charge for various "free services" and for violations; projected revenues from pending one-time projects; updating the valuation chart used to determine fees for construction; and layoff and furlough of staff. It was noted that the General Fund contributed \$25,000 last year and the baseline budget contained the same contribution for this year. Board concurred with directing Planning Director to bring back the following information for further consideration prior to the fee hearing to consider fees for the Building Department: more specific information on the proposed increase in valuation revenue; identify "free services" that are proposed to have a fee; identify proposed fee adjustments for services provided; further information on the possibility of staff reduction for one or both positions (office assistant and inspector) and options including consideration of utilizing extra help and consideration of transferring any laid-off employee to another position within the County; further information on a furlough and options and whether existing employees have any interest in this option; reduction of General Fund contribution; status of expenses that are already incurred for this fiscal year; timeframe for retirement of an inspector; and consider a permit fee for construction for buildings under 400 square feet. Mary Dayhoff, Executive Officer for the Board of Realtors, stated her husband is a contractor; however, she is speaking on behalf of herself - asked about reinstating a permit fee for buildings under 400 square feet; asked for a break down of the "free services"; agreed with cutting staff when revenues are down; disagrees with privatizing services as she feels it is the Building Department's job to do inspections; agrees that the valuation chart is low and should be updated; and commented that if fees are waived, taxpayers pay for it.

**3:52 p.m.** Recess

**4:12 p.m.** Mike Coffield presented the Board with a list of departments recommended to stay on the consent calendar, and those recommended to be scheduled for discussion pursuant to the Board's direction earlier this date.

**Planning Division:** Discussion was held with Ed Johnson, Planning Director, and he withdrew request for laptop computer to accommodate a Workers Compensation injury as they were able to borrow the equipment from Administration. Board concurred with establishing a trust fund for microfilm professional services to collect money to begin the process of microfilming, with direction that various methods of document storage be reviewed, including CD disk. Board concurred with addressing request for professional services increase for Building staff services with the Building budget shortfall.

**Air Pollution:** Discussion was held with Ed Johnson, and he withdrew request for rollover of computer equipment fixed asset since it had been purchased prior to the end of the fiscal year; and Board concurred with using salary savings to cover any increased advanced entry level costs for the Air Pollution Specialist if the position cannot be filled at Step 1.

Transportation Planning: Discussion was held with Ed Johnson and Board concurred with using salary savings to cover any increased advance entry level costs for the Transportation/ Air Pollution Specialist.

Local Agency Formation Commission/LAFCo: Discussion was held with Ed Johnson, Executive Director. No changes were made.

Community Services/Veterans Services: Discussion was held with Jim Eutsler/Community Services Director, relative to budget requests and shifts in workload activities. Request for conversion of extra help to permanent part-time was not funded at this time; and request for weed abatement/erosion control at Mariposa cemetery was withdrawn due to budget constraints.

Community Services/Senior Nutrition and Senior Services: Discussion was held with Jim Eutsler concerning these budgets and requests for changing staff allocation between programs; and conversion of extra help to permanent part-time and possible sources revenue to cover the increased costs. Further discussion was continued to Monday, September 16, 1996, with direction given for staff to bring back additional information clarifying relative to the budgets.

5:22 p.m. Hearing was continued to September 17, 1996, at 2:00 p.m.; and the Board adjourned.

Respectfully submitted,

MAR LLIAMS  
Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

SEPTEMBER 10, 1996

Time -- Description

9:07 a.m. Meeting Called to Order with Supervisor Pickard excused to arrive later this date.

Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Discussion was held relative to scheduling the screening of applications for the County Administrative Officer position. Board concurred with scheduling October 18, 1996. (Note: this date was changed later in the meeting to October 22, 1996.)  
- Supervisor Parker initiated discussion relative to releasing employees to attend the Memorial Service for the late Supervisor Taber. (M)Reilly, (S)Stewart, Board waived its rules to consider this matter finding the matter was not known about at the time the agenda was prepared and this is a matter of timeliness/ Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard. Following discussion, (M)Parker, (S)Stewart, Res. 96-367 adopted directing department heads to coordinate with employees who wish to take time off to attend the Memorial Service, with the time taken to be either vacation, comp time that has been earned, or unpaid leave/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard. Mike Edwards/Public Works Director, asked about using personal necessity/sick leave, and was advised that the Board did not want to set a precedent with use of this time for such activities.

Approval of Minutes of 8/27/96 Regular Meeting

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Jeff Green/County Counsel, pulled item 4 for the claimant to make a presentation to the Board. Supervisor Balmain pulled item 3. Supervisor Reilly pulled item 5. Supervisor Parker pulled item 11. Action was taken on these items later this date. Supervisor Stewart excused himself for item 4 due to a potential conflict.

- Discussion was held concerning item 4 - Johnnie Phillips/claimant, stated he does not feel that the road work was done in an acceptable manner, and he feels that people are getting cracked windshields from the pea gravel that is left on the roadway. Mike Edwards/Public Works Director, advised of the process the Department uses for chip seals and patching. (M)Parker, (S)Reilly, item 4 was approved/Ayes: Reilly, Balmain, Parker; Excused: Stewart, Pickard.

- (M)Parker, (S)Reilly, balance of consent agenda was approved/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Supervisor Parker;

Discussion Regarding the Pending Sale of the Old Masonic Hall and Possibility of County Attaining Building

**BOARD ACTION:** Discussion was held relative to the status of the County's contract for leasing this facility. Lowell Young/President of Economic Development Corporation, advised that one of their prime goals is to develop and bring about better facilities for community use; he feels that the Old Masonic Hall should be looked at very strongly to see if there is a way for the building to remain available for community use - he agrees with the County purchasing the building and with Mr. Fox's recommendation as outlined

in his letter. Joe Fox stated that in talking with the Realtor, people have been looking at the building for commercial use and he disagrees with losing a community facility and with using a historic facility for commercial activity; commented on Lee Stetson's proposal for a repertory facility, and stated he feels this facility would compliment an outdoor theater at the Park. Discussion was held relative to timeframes and consideration of formation of a non-profit foundation under the Arts Council, with an independent Board of Directors, to purchase the facility, and relative to financing the purchase. Tony Radanovich stated he has been trying for two years to find a venue to show films and had just received permission to use the upstairs of this facility and made commitments when he found out that the facility was on the market; stated he does not want the County to purchase or facilitate the purchase for his interest as that is short-termed; commented that this is the most used multi-purpose facility in the County and that the sales price is reasonable, and the facility is being looked at a lot by potential buyers. Lee Stetson/performing artist, stated there is a lack of space for people to perform and this is one of the best. Lowell Young further stated that he was told that if the facility were to remain available for community service, the price could be less. Kay Mickel stated this is a lovely, historic building and she would like to have input from the Building Department relative to changes that may need to be made to the building to preserve it. Barry Brouillette stated the idea of performing arts strengthens the County as a destination and he agrees with the formation of a foundation to work with the Masons relative to the building; and further suggested that the carryover in the Advertising budget could be a potential funding source. Kay Mickel further suggested that the County look at having the first right of refusal for other buildings that are leased to protect the County's interest; stated she agrees with a lease-option for this property in order to allow sufficient time for fundraising efforts; that we need to be in the first position for option to purchase this facility with formation of the foundation as a contingency. Pat Moon stated she has been involved with the Arts Council for the past twelve years; and in 1990, the Arts Council had an interest as an organization to use the facilities, but it was being used by the County for meetings due to the restoration of the Courthouse project. Joe Fox further commented that relative to the terms of sale being requested as all cash, the foundation would not be able to raise that amount of money right now. Lowell Young further commented that commercial financing would be extremely expensive. Marilyn Rudzik/ Arts Council, stated they polled their members and they support the request to keep the facility available for community use, and they will meet tomorrow and take formal action. Joe Fox stated the property is listed with Coldwell Banker and suggested that the rental dollars budgeted by the County and the current rent being paid by the Arts Council for facilities could be used to assist with financing a purchase. Board concurred with directing Supervisor Parker to begin negotiations for the purchase of the property (further direction was given later this date). Jim Evans/Housing and Community Development Agency Director, stated he would be happy to assist in any way possible.

**10:08 a.m.** Dr. Mosher, Health Officer;

Resolution Modifying Previously Granted Variance from Statutory Setback Distance of 100 Feet Between Well and Septic System Leachfield for APN 06-160-013, Robert and June Manly

**BOARD ACTION:** Following discussion, (M)Reilly, (S)Stewart, Res. 96-373 adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Mike Edwards, Public Works Director;

Direction Regarding Purchase of Portion of Mariposa/Yosemite Airport Runway Protection Zone Property

**BOARD ACTION:** Discussion was held with Mike Edwards and Gwen Foster/PWD-Junior Civil Engineer, relative to the availability of this property. Board concurred with

directing staff to contact the FAA to see about available grant funding and timeframes, and with continuing this for further consideration with the Airport budget discussion.

Consent Agenda item 3 - Discussion was held concerning the proposed Agreement Amendment. Mike Edwards/Public Works Director, commented on the benefits of the program with the grant opportunities and stated he would like to see the Authority take more action relative to legislative issues. (M)Reilly, (S)Parker, item 3 was approved/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Consent Agenda item 5 - Discussion was held concerning this contract. Jim Eutsler/Community Services Director, provided input. (M)Balmain (who passed the gavel), (S)Parker, item 11 was approved/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Consent Agenda item 11 - Discussion was held relative to the possibility of reorganizing the cemetery committees to create a countywide committee. Jim Eutsler/Community Services Director, provided input. Board concurred with staying with the existing policy of allowing members to continue to serve until they resign on the existing cemetery committees pending recommendation and establishment of a countywide committee.

10:50 a.m. CLOSED SESSION Relative to Interview of Applicants for Visitors Bureau Director (Continued from 9/3/96) (County Counsel)

BOARD ACTION: (M)Parker, (S)Reilly, closed session was held following a short recess/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

11:58 a.m. Board reconvened in open session with closed session continued to later in this meeting.

11:59 a.m. Lunch

2:07 p.m. Board reconvened with all members present.

Supervisor Parker initiated further discussion relative to the pending sale of the Old Masonic Hall and the County's interest to work with a non-profit organization, and advised of his meeting with the agent. (M)Reilly, (S)Pickard, Res. 96-376 adopted authorizing Supervisor Parker, contingent upon review by County Counsel, to enter into a proposal for acquiring the Old Masonic Hall with the following conditions: 1) financing being available; 2) formation of a non-profit organization to acquire and oversee the property; and 3) the Masons allowing six months to pull this together/Ayes: Unanimous.

2:23 p.m. CONTINUED PUBLIC HEARING on Final Budget for Fiscal Year 1996/97 (Continued from 9/9/96)

BOARD ACTION: Ken Hawkins/Auditor, and Chris Ebie/Assistant Auditor, were present for the hearing and responded to questions from the Board. There was no public comment.

Advertising Fund: Steve Hayes/Visitors Bureau, introduced Catherine Collier, the new Executive Director for the Arts Council, and additional information concerning the budget request was presented to the Board.

2:26 p.m. Recess

2:42 p.m. Ken Hawkins noted that the fund balance carryover for the Advertising budget was \$73,797. Steve Hayes reviewed the funding requests. Board concurred with the funding for the Chamber of Commerce to meet current contract obligations (\$95,881). Discussion was held relative to the Courthouse tour guide program and consideration of asking for donations for the tours - possibly putting a sign on the box itself Jim Evans/Housing and Community Development Agency Director, commented on past donations; and it was noted that in the absence of a Visitors Bureau Director, the donation box needed to be checked. Board concurred with staying with the baseline budget plus the additional expenses through the summer. Staff to return for funding Courthouse Tours in the Spring. Mike Coffield/County Administrative Officer, advised that the funding request for Mariposa Park improvements is included in the Capital Improvement Project budget for discussion. Board concurred with the funding for the Labor Day Parade (\$750). Catherine Collier presented request for additional funding for the Arts Council (\$45,000). Discussion was held concerning the various programs and funding levels. Marilyn Rudzik provided input relative to the Chrysalis Youth Programs and the proposed expansion of the program. Pat Moon commented on previous expense costs. Further consideration was continued after review of the following requests. Discussion was held concerning the request from Yosemite Renaissance and consideration of advising programs such as this that it is the Board's intention that the programs need to become self-supporting. Jim Evans provided input relative to his previous review of their budget. Board concurred with funding Yosemite Renaissance at a reduced level (\$10,000). Discussion was held relative to funding request for the Northside History Center - Supervisor Balmain stated he would look into the suggestion of combining activities of the Visitor Center with this function to save County costs. Board concurred with funding at baseline (\$5,150). Discussion was held concerning funding request for Transit and it was noted that GAIN has proposed to drop its contribution. Board discussed negotiating with VIA to drop GAIN runs and it was noted that we are approaching the end of the contract and could review all issues. Board concurred with funding Transit (\$139,000). Board concurred with deleting \$4,695 for sponsorship of Foothill Radio from the membership budget and for this sponsorship. Board concurred with funding request leases for equipment funding. Discussion was held concerning the Lodging Council matching grant program, giving sufficient notice for terminating the program, further reviewing the matter when a new Visitors Bureau Director is hired and consideration of continuing the program to assist small businesses in getting started - it was noted that the funds budgeted in last year's budget were just expended. Board concurred with budgeting the funds (\$70,000) and freezing them, and immediately beginning to review those that will be affected by this decision in the discussions. Board concurred with funding promotional activities (\$123,740); with moving funding (\$80,000) for personnel to salaries and benefits; with funding transportation and travel (\$6,500); with funding private vehicle use (\$3,000); and with not funding computers. Board concurred with increasing the funding to the Arts Council (\$38,400).

4:37 p.m. Recess

4:50 p.m. Housing and Community Development/Recreation:

Discussion was held with Jim Evans/Housing and Community Development Agency Director, and he stated that in light of the budget constraints, he is willing to pull all requests for additional funding. Board concurred with funding increase in summer day camp program at no net cost. Requests for removing diving platform, aluminum tables, robotic/automatic pool cleaner, and basketball hoop/pole at Mariposa Park were withdrawn.

Contingency Reserve: Discussion was held with Mike Coffield. Direction was given for the Auditor to adjust the salary line items to reflect the office assistant position created as

a result of the deletion of the County Clerk position at the end of the calendar year. Board concurred with funding (\$13,372) for the Sheriff's Vehicle Program with the understand that their \$29,000 SLEP grant fund for next fiscal year would be used to repay this funding and cover the projected shortfall for next fiscal year.

**Probation:** Discussion was held with Jim Moffett/Chief Probation Officer, and he advised that they did not fill the additional deputy probation officer position that was approved last fiscal year until this fiscal year. No changes were made.

**Probation/Juvenile Hall:** Discussion was held with Jim Moffett concerning the budget and program activity and his offer to reduce extra help by \$10,000 based on the current activity level. Board concurred with reducing extra help by \$10,000. Discussion was held concerning the CYA sliding scale issue and relative to the meal costs. Jim Moffett stated he will investigate ways to save on food costs.

Public Hearing was continued to September 11, 1996, at 9:00 a.m.

Further discussion was held relative to scheduling screening of the applications for the County Administrative Officer position. Board concurred with scheduling review on October 22, 1996, in the afternoon.

**5:44 p.m.** Board reconvened in continued closed session

**6:14 p.m.** Board reconvened in open session with closed session continued to September 11, 1996.

### **FORTHCOMING POLICY**

Notice of intent to Condemn and Resolution of Intent to Purchase Real Property for the Mariposa Pines Wastewater Treatment Plant Rehabilitation Project (Public Works) (Scheduled for Action on 10/1/96)

### **INFORMATION** - No action was necessary on the following:

Inform Board of Results of the Recent Bid Opening of Public Works Project PW 92-33 - Anti-Corrosion Coating of Bridge, Oak Grove and Striped Rock Creek (Public Works)

### **CONSENT AGENDA**

- CA-1 Accept Resignation of Scott Pinkerton from the Mariposa Town Cemetery Ad Hoc Committee (Community Services)
- CA-2 Accept Resignation of John Campbell from the Mariposa Town Cemetery Ad Hoc Committee (Community Services)
- CA-3 Resolution Authorizing Chairman to Sign Amended and Restated Joint Powers Agreement Creating the Regional Council of Rural Counties Authority for Environmental Services (Public Works); Res. 96-374
- CA-4 Resolution Authorizing the Chair to Sign an Order of the Board to Reject Claim No. C96-16 in the Amount of \$327.90 (County Counsel); Res. 96-368



- CA-5 Resolution Authorizing Chairman to Sign the Lease Agreement with the Greeley Hill Community Club to Use the Senior Annex as a Senior Nutrition Meal Site (Community Services); Res. 96-375
- CA-6 Resolution Designating Fresno Community Hospital, Cedar Vista Hospital, Tuolumne General Hospital, and Merced Psychiatric Facility as Mental Health Evaluation and Intensive Treatment Facilities (5150) (Human Services); Res. 96-369
- CA-7 Resolution Authorizing Public Works to Advertise for Bids for Roadside Herbicide Spraying and for the Public Works Director to Execute a Contract with the Lowest Responsible Bidder (Public Works); Res. 96-370
- CA-8 Resolution Authorizing Chair to Sign a Personal Service Agreement with Janet K. Stutzman to Continue Activities as Planning Consultant (Human Services); Res. 96-371
- CA-9 Special Recognition and Congratulations to Odile Howell on Celebrating her 103rd Birthday (Chairman Balmain)
- CA-10 Authorize Chairman to Sign the Administrative Match Agreement Between the County of Mariposa and Area 12 Agency on Aging (Community Services); Res. 96-372
- CA-11 Reappoint Der Greeley, Alan Haigh and William Shimer to the Coulterville Cemetery Ad Hoc Committee (Community Services); Board concurred with staying with the existing policy of allowing members to continue to serve until they resign on the existing cemetery committees pending recommendation and establishment of a countywide committee.

**6:14 p.m.** Board recessed and continued the meeting to September 11, 1996, at 9:00 a.m.

Respectfully submitted,

**MARGIAMS**

Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

Recorded in Minute Book 211  
Page 31 Mariposa County Records  
Entered October 1, 1996

**CONFORMED AGENDA**

September 11, 1996

(Continued Meeting from September 10, 1996)

9:03 a.m. Meeting called to order with Supervisor Pickard excused to arrive later.

Continued PUBLIC HEARING on Final Budget for Fiscal Year 1996-97

BOARD ACTION: Ken Hawkins/Auditor, and Chris Ebie/Assistant Auditor, were present for hearing and responded to questions from the Board. There was no public comment.

The following budgets were reviewed and Board concurred with baseline changes unless otherwise noted:

PWD/Solid Waste: Discussion was held with Mike Edwards/Public Works Director, and Marty Allan/Fleet-Fiscal Manager, and they presented proposed revisions to the budget to adjust for the decrease in projected fund balance. Request for one-time funding of closure-post closure fund shortfall was withdrawn; and it was noted that the request for funding for design and debt service for AB 939 compliance was included for discussion - request was not funded. It was suggested that consideration be given to including the Park Service in the total funding needs for the co-composting project and not just the consultant fees. Supervisors Balmain and Parker advised that they have been meeting relative to the transfer station issues and options - Board requested that discussion of solid waste issues and the transfer stations be scheduled following the budget hearing process. Board concurred with funding additional costs for cover soil (\$15,000) from Solid Waste Contingency; with setting aside \$10,000 for Closure Fund with direction that the Auditor not transfer it to the Fund pending a negotiated settlement; with funding the RFP project (\$50,000) from the liner fund balance and the requested budget, with further consideration of funding the liner fund to be considered during the mid-year budget review; and with not funding request for solid waste portion of the cost of proposed Assistant Director.

PWD/Coulterville Community Service Area: Discussion was held with Mike Edwards and Marty Allan, and they advised of a change in the fund balance, with the increase being added to the budgeted reserve. Mike advised that they are working with the new committee and will come back with a special fee hearing. No changes were made.

PWD/Don Pedro IM: Discussion was held with Mike Edwards and Marty Allan and they presented proposed revisions to the budget, and they advised of the committee's proposed annual assessment for fire protection that will be considered during the Fee Hearing. Supervisor Balmain expressed concern with three existing overlapping districts for the area and stated he felt it would be better to have one district. Ken Hawkins advised of the Auditor's charges for processing assessment fees and advised that Planning may also have a charge. Board concurred with approval of the budget without the assessment revenue. Board concurred with funding request (\$500) for a chain saw from the fund balance to be designated for use by CYA on brushing trails.

10:50 a.m. Recess

11:10 a.m. PWD/Don Pedro Sewer: Discussion was held with Mike Edwards and Marty Allan, and they advised of a change in the fund balance, and withdrew request to adjust fee revenues.

PWD/Mariposa Lighting: Discussion was held with Mike Edwards and Marty Allan, and they presented revisions to the budget. Board concurred with funding (\$110,000) for the ballfield (\$60,000) and sidewalk (\$50,000) projects requested in the Capital Improvement Project budget. Discussion was held concerning the funding for the utility payments for the ballfield lights and for Mariposa Park lights. Clif Price/Facilities Maintenance Manager, provided input. Board concurred with funding the utility costs from this budget and reducing the Facilities Maintenance budget by \$2,400.

PWD/Yosemite West: Discussion was held with Mike Edwards and Marty Allan concerning revisions to the budget. Board concurred with requested program adjustments - appropriating the fund balance for Phase I and part of Phase II of the water system rehabilitation project; with contribution to reserves for proposed fee adjustments; and with funding toward completion of Phase III of water system rehabilitation project.

PWD/Mariposa Parking: Discussion was held with Mike Edwards and Marty Allan. Mike Coffield reminded the Board of the \$9,304 funded in Interfund Transactions which was necessary to balance this budget. Discussion was held relative to the budget shortfall and utilization of the unpaved parking lot on Sixth Street - Mike Edwards advised that the Transportation and Parking Committee is reviewing parking issues and will present recommendations. Board concurred with funding request to seal coat and restripe Lot No. 1 (\$4,000) from the Advertising Fund. Clif Price/Facilities Maintenance Manager, commented on existing drainage problems with Lot No. 1 due to the deteriorating asphalt.

Water Agency: Correction to the fund balance was presented, and it was noted that the membership for Mountain Counties Water Association was not funded.

PWD/Administration: Discussion was held with Mike Edwards and Marty Allan. Mike Coffield advised of revenue reductions leaving a baseline difference of \$18,268. In light of the budget constraints, revenue request for Assistant Director position and all related expense requests were withdrawn.

PWD/County Engineer: Discussion was held with Mike Edwards and Marty Allan. Dave Tucker/Senior Civil Engineer, provided input relative to the Tuolumne-Mariposa boundary resolution project and required hearing and State legislative process to define the boundary - project was not funded as requested and staff advised they will continue to work on the project as they can. Request for Cadastral Accuracy Geographical Positioning System was withdrawn. Board concurred with funding (\$5,500) for large-format drawing scanner and related software related request for other half in Assessor's budget).

PWD/Facilities Maintenance: Discussion was held with Mike Edwards and Marty Allan. Board concurred with deleting \$10,446 from professional services; with not funding request for two extra help maintenance workers; with funding request for rotary mower attachment from existing budget; with funding a 48" mower (\$3,500); and with funding pool cover (\$2,200) from baseline. In response to question from the Board, staff advised that they are still reviewing the suggestion to allocate rent costs for the Northside office to those who use the facility.

advised that they are still reviewing the suggestion to allocate rent costs for the Northside office to those who use the facility.

Final Budget hearing was continued to later this date.

12:32 p.m. Lunch

2:03 p.m. PUBLIC HEARING to Consider Fees Proposed with Implementation of the Final Budget for Fiscal Year 1996-97

BOARD ACTION: Chris Ebie/Assistant Auditor, and Barbara Powell/Auditor's Office, were present for the hearing. The following fee requests were considered:

Library: Maurie Hoekstra/Librarian, presented staff report. There was no public input. Board concurred with revising fees for colored copies from the Multimedia Computer to \$.50 to cover copy costs.

PWD/Airport: Mike Edwards/Public Works Director, presented staff report, and advised that staff does not agree with the Airport Advisory Committee's recommendation for a monthly fee for transient tie down space.

Supervisor Pickard arrived at 2:06 p.m.

There was no public input. Board concurred with staff recommendation to increase the tie down space for overnight use to \$3.00.

PWD/Assessor-Recorder: Mike Edwards/Public Works Director, and Gary Estep/Assessor-Recorder, presented staff report. Public input was provided by the following: Mary Dayhoff expressed concern with the proposed increase for 18" x 24" maps, asked how proposed fee change information can be obtained, and stated that the Board of Realtors is trying to be more involved in changes that affect them. Supervisor Reilly suggested that future hearing notices be more specific relative to the proposed fee changes. Board concurred with increase to \$10.00 per map and transferring the responsibilities of provided such maps and collecting the fee to the Public Works Department.

PWD/Don Pedro IM: Mike Edwards/Public Works Director, withdrew request for fee for fire protection services based on previous discussion during the Final Budget hearing. There was no public input.

PWD/Don Pedro Sewer Zone: Mike Edwards/Public Works Director, withdrew request for fee increase for sewer services. There was no public input.

PWD/Mari posa Pines Sewer Zone: Mike Edwards/Public Works Director, presented staff report. There was no public input. Board concurred with approving a zero fee amount for the repayment of the costs for the wastewater treatment facility rehabilitation project not paid by the CDBG funds, and directing that the County Water Agency grant pay those costs, as recommended.

PWD/Solid Waste: Mike Edwards/Public Works Director, withdrew requests for fee increases based on previous discussion during the Final Budget hearing. There was no public input.

FWD/County Transportation Permits: Mike Edwards!Public Works Director, presented staff report. There was no public input. Board concurred with increase in fee for single-trip and rider permits to \$17.00, and annual and repetitive permits to \$90.00.

FWD/Yosemite West Maintenance District Water Service: Mike Edwards!Public Works Director, presented staff report. There was no public input. Board concurred with implementing the block rate schedule.

(M)Parker, (S)Stewart, Res. 96-377 adopted approving all of the fee changes as concurred with by the Board/ Ayes: Unanimous. Consideration of fees for the Building Department was continued to after the following matter.

2:45 p.m. PUBLIC HEARING to Consider Fees for Zones of Benefit  
BOARD ACTION: Mike Edwards!Public Works Director, presented staff report and advised that the map for the subdivision for Granite Dome Road has been recorded and that staff recommends that the Board adopt the recommended rate. There was no public input. (M)Parker, (S)Pickard, Res. 96-378 adopted approving revised assessment fees in Mariposa Countywide County Service Area No. 1, Zones of Benefit as recommended/Ayes: Unanimous. Hearing was closed.

2:50 p.m. Recess

3:07 p.m. Continued Final Budget and Fee Hearing to consider the Building Division. Ed Johnson!Planning and Building Director, presented possible fee increase proposals and estimated revenue that would be generated by such increases, along with possible service reduction alternatives. Supervisor Pickard stated he would like to be able to get input from people in the industry relative to the proposals. Gary Estep/Assessor, responded to question relative to assessing to determine a valuation. Input from the public was provided by the following: Mary Dayhoff commended the department for work on the fees; suggested the agricultural building exemption and exemption for buildings under 400 square foot in size be eliminated; feels plans should be allowed to go back a forth with the department a couple of times before additional fees are charged; and supports proposed fees for extensions of permits to discourage renewals over a long period of time. Lisa Edelheit/SEIU, stated she recently built a 2,000 square foot home and the department was efficient and on a personal level, she would be willing to pay for increased fees due to the service level provided; and she referred to her letter submitted to the Board on behalf of SEIU. The Fee Hearing was continued to September 16, 1996, at 2:00 p.m. for further consideration of this budget.

Planning Department: Ed Johnson!Planning Director, requested that \$5,000 be moved from salaries to professional services to cover salary costs for a temporary person filling in for an employee that is out on Workers Compensation - Board concurred.

3:51 p.m. Recess

4:00 p.m. FWD/Airport: Mike Edwards!Public Works Director, and Marty Allan/Fleet-Fiscal Manager, presented requested budget revisions and advised of additional revenue and of additional costs for the 24-hour fueling system due to the bids received. Clif Price!PWD-Facilities Maintenance Manager, provided input relative to the fueling system project. Board concurred with revisions, proceeding with the fueling system project (additional \$19,000) and with funding the HVAC project (\$6,000), resulting in a net savings to the General Fund of \$25,525 with this budget. Mike Edwards advised that they

are contacting the FAA to determine whether there are grant funds available for purchasing property in the runway protection zone.

PWD/Roads: Mike Edwards and Marty Allan presented revisions to the budget, and withdrew requests for patching unit and loader. Discussion was held relative to the other program adjustment requests. Bob Johnson/PWD-Deputy Director Roads, provided input relative to radio communications capabilities for the road crews. Board concurred with further reviewing the request to reinstate a Senior Maintenance Worker position at a later date of revenues increase; with not funding request to increase General Fund contribution for overlays; and with not moving forward with implementing a sale tax increase for roads.

PWD/Fleet Maintenance: Mike Edwards and Marty Allan presented budget revisions. Board concurred with the revisions.

PWD/Heavy Equipment Replacement: Discussion was held with Mike Edwards and Marty Allan. Board concurred with funding requests for brake drum and hub dolly (\$2,000), clutch caddy (\$1,300), and truck tire/wheel work station (\$900), at no net cost to the General Fund.

PWD/Vehicle Replacement: Discussion was held with Mike Edwards and Marty Allan relative to request to fund equipment purchases from this budget. Board concurred with continuing this budget for further consideration later in the hearing.

5:28 p.m. Board recessed and continued the Final Budget hearing and the meeting to September 12, 1996, at 9:00 a.m.

Respectfully submitted,

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**MARLIAMS**  
Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

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CONFIRMED AGENDA

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(Continued Meeting from September 11, 1996)

9:05 a.m. Meeting called to order with Supervisor Pickard excused to arrive later.

Continued PUBLIC HEARING on Final Budget for Fiscal Year 1996-97

BOARD ACTION: Ken Hawkins/Auditor, and Chris Ebie/Assistant Auditor, were present for hearing and responded to questions from the Board. There was no public comment.

The following budgets were reviewed and Board concurred with baseline changes unless otherwise noted:

Assessor-Recorder: Discussion was held with Gary Estep/Assessor-Recorder, concerning program adjustment requests. Discussion was held relative to request for records preservation and options - Gary advised of his work with the Sheriff relative to using the Old Jail (Old Hwy); however, the suitable space is not big enough to accommodate all of the records in the storage container. It was noted that the container would need to be moved for construction of the government center - Board concurred with using Trust Funds for this project. Board concurred with not funding requests for contribution to Trust Funds; and travel and training for HTE - funding to come from existing budget if employees attend. Board concurred with referring request for HTE training for the land base system to the County Administrative Officer to meet with the affected departments (Building/Planning, Treasurer/Tax Collector, Auditor, Assessor, and Data Processing), and see if this request could be funded from existing budgets. Board concurred with funding request for drawing scanner (\$5,500) from the Micrographics Fund, with the other half funded in the Engineer budget.

Library: Discussion was held with Maurie Hoekstra/Librarian, and she advised that opening of the new Wawona branch library is planned for November-December, and the community would like to have more hours and phone line. She feels they could fund utilities for the Wawona branch out of the current budget due to energy efficient changes at the main branch; requested funding for custodial services be approved from salary savings for this fiscal year and that custodial supplies be furnished by Public Works; and is hoping that the community will supply necessary cleaning equipment. Board concurred with not funding request for additional costs at Wawona branch at this time - costs to be covered within existing budget. Board concurred with funding additional \$720.00 for vehicle use; and with further considering automated circulation system purchase when actual cost information is known and/or in the context of the new library facility.

10:02 a.m. Recess

10:13 a.m. Treasurer-Tax Collector: Discussion was held with Don Z. Phillips Treasurer-Tax Collector, relative to program adjustment requests - travel and training costs for HTE conference and out-of-state travel; and new document monitor for scanner and replacement printer. Board concurred with not funding the travel request, and with funding equipment request from Tax Collector's Cost Fund.

Human Services Department: Discussion was held with Tom Archer/Human Services Director, and he advised the Board of the status of revenue and workload activities and changes over the last five years, and their efforts to reduce General Fund costs for the programs. Board concurred with funding implementation of Statewide automated welfare system and child welfare system programs at no net costs to the County; and with purchase of portable radios and cellular phones to be made without a County match (all State and Federal funding).

Capital Improvement Projects: Discussion was held with Mike Edwards!Public Works Director, and Marty Allan!PWD Fleet-Fiscal Manager, relative to the list of projects presented. Board concurred with adding net balances of one-time projects (\$4,088) to the General Fund. Mike Edwards advised that the Sheriff requested that consideration be given to repairing the roof on the old jail/dispatch center. Request for remodel storage/old jail project for Assessor's records was withdrawn and it was noted that this issue would be dealt with the construction of the vault in the new government center. In the interim, the storage container would be moved to Public Works. Mike Edwards further advised that the Sheriff would like to use his funds and labor resources to enclose the old Sally Port area for storage space and reroofing work is included with the request to use the fund balance carryover from the Adult Detention Center project - Board concurred with returning the fund balance (\$18,027) to the General Fund. Board concurred with adding the fund balance for the Woodland Library to the library development project. Other requests that were considered included: contribution for the Old Masonic Hall; possibility of land purchase for the Mariposa Cemetery; Mariposa parking lot seal coat; and purchase of property in the government center square block and for parking. Ken Hawkins provided input relative to previous funding arrangements for zones of benefit. Dave Tucker provided input relative to the Mariposa parking lot seal coat project. Board concurred with funding land acquisition for the government center square and parking from the Accrual Fund balance pending further consideration later during this hearing. Further consideration relative to this budget and the Old Masonic Hall was continued to this afternoon.

Marty Allan advised of the possibility of preserving Caprice vehicles for the Sheriff's Department providing notice of intent to purchase is submitted before the available inventory is depleted - Board concurred with proceeding with intent to purchase.

12:11 p.m. Lunch

2:10 p.m. Board reconvened with all members present.

Continued discussion was held concerning Capital Improvement Projects. Supervisor Parker advised of his meeting with the Realtor relative to the facility - they are going to begin a proposal for the Masons and Counsel's review and for the Arts Council's review - they are requesting six months, but feel that only four may be acceptable with the possibility of a renewal; offer will be contingent upon financing being available and the formation of a non-profit organization, advised that it was suggested that a \$1,000 deposit accompany the offer, and within thirty days after inspection by the Building Division, they



will request \$9,000 more. Discussion was held relative to this matter and relative to request for improvements at Mariposa Park.

Supervisor Reilly was excused at 2:38 p.m. for the rest of the meeting.

Lee Stetson commented on the proposal to improve Mariposa Park and add a stage - suggested that something be built that could be expanded and would be permanent; feels that the performances could be taken to other areas of the County versus the stage; and mentioned the upcoming sesquicentennial as being a great opportunity to promote the County. Discussion was held relative to the Rotary's offer to assist with building a theatre, and it was requested that the Public Works Director discuss this matter with the Rotary. Board concurred with funding the Mariposa sidewalk project, Airport apron expansion, and Catheys Valley restroom project from the Advertising Fund carryover balance (\$83,982). Board concurred with funding land acquisition for the government center square and parking from the Accrual Fund balance. Board concurred with funding (\$10,000) for Hall of Records reroof project. Discussion was held relative to options for funding the zone of benefit revolving fund. Further consideration was continued to later during the hearing. Other requests for funding in this budget were not funded.

Final Budget hearing was continued to September 16, 1996, at 9:00 a.m.

**3:46 p.m.** Recess

**3:51 p.m.** Board reconvened in continued closed session.

**4:19 p.m.** Board reconvened in open session with direction given to staff as a result of closed session.

Meeting was recessed and continued to September 16, 1996, at 9:00 a.m.

Respectfully submitted,

MAR LIAMS  
Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

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CONFORMED AGENDA

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September 16, 1996

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(Continued Meeting from September 12, 1996)

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9:05 a.m. Meeting called to order with Supervisor Pickard excused to arrive later.

Continued PUBLIC HEARING on Final Budget for Fiscal Year 1996-97

BOARD ACTION: Ken Hawkins/Auditor, and Chris Ebie/Assistant Auditor, were present for hearing and responded to questions from the Board. The following public input was provided: Ron Iudice requested the Board establish a zone of benefit revolving fund, stating he feels the neighborhood on Woodview Lane would benefit from such a program, and expressed concern with dust pollution with dirt roads, and further suggested that the County set aside ten percent of the Reserves for this program. Frank Bartholomew/member of Board of Directors of Morningstar Lane Association, supported the zone of benefit program, especially the revolving fund for up front costs, and stated they are looking at under \$100,000 for their project. It was agreed that this issue would be further considered later in the hearing process.

The following budgets were reviewed and Board concurred with baseline changes unless otherwise noted:

District Attorney/Family Support: Discussion was held with Christine Johnson/District Attorney, and Marita Green/Family Support Division, relative to collection of excess incentives and they reported that automated system is working well. Board concurred with funding two 80% pennant family support officer positions (\$50,324) and with funding FAX machine purchase (\$700) at no net cost to the County.

District Attorney/Criminal Division: Discussion was held with Christine Johnson and Janet Bibby/DA-Paralegal, and they advised of receipt of a \$50,000 State Rape Vertical Prosecution grant from OCJP and that ratification of this grant application by the Board will be requested on October 1, 1996. Following discussion, Board concurred with not funding request for additional office assistant I position; and with funding for deputy district attorney I - child abduction position (\$7,192) due to the SB90 revenues for this program. Discussion was held relative to proposed baseline budget - Board concurred with reducing professional services by \$1,500; communications by \$3,600; and jury and witness by \$3,000; and with funding transportation and travel related to OCJP grant from existing budget.

10:26 a.m. Recess

10:40 a.m. Sheriff: Discussion was held with Roger Matlock/Sheriff, and Pelk Richards/Undersheriff, concerning the baseline budget and program adjustment requests. Rod Sinclair/Commander, provided input relative to the 9-1-1 system costs. Marty Allan/PWD-Fleet Fiscal Manager, provided input relative to vehicle costs. Board concurred with increasing revenues for POST training (\$9,000) to correspond with increased expenses that will be reimbursed; with deleting extra help (\$8,000) and funding 60% permanent office technician position (\$19,185); with reducing overtime by \$8,900;

with reducing communications by \$5,793; and with reducing education by \$1,000 - resulting in a net savings of \$13,508 in the budget.

Sheriff/Boating Safety: No changes were made.

Sheriff/Jail: Discussion was held with Roger Matlock and Pelk Richards. Board concurred with recommendation to delete revenue and expenses for Emergency 9-1-1 Fund until the funding is received, resulting in a net savings of \$342. Rod Sinclair provided input relative to the budget. Board concurred with not funding request for two new jail officers at this time.

County Counsel/Personnel: Discussion was held with Jeff Green/County Counsel, relative to recommendations for program adjustments as an alternative to creating an administrative analyst position in Administration. Board concurred with not funding requests for increased extra help, overtime, and transportation and travel.

Law Library: Discussion was held with Jeff Green. Board concurred with baseline budget as recommended, and with not funding the additional \$2,100 to cover projected shortfall in 1996-97 revenue.

Liability Set Aside: Discussion was held with Jeff Green and Mike Coffield. Board concurred with not funding additional contribution as recommended in the actuarial study.

County Counsel: Discussion was held with Jeff Green, and he responded to letter from the Auditor relative to under-realized revenue for his budget last fiscal year - advising that revenue was budgeted from the Water Agency for his work on special projects and work was not required last year. Mike Coffield noted that a similar situation exists in the Treasurer/Tax Collector's budget, with under-realized revenues of \$22,000. Board concurred with decreasing estimated revenues in County Counsel's budget (\$7,000).

Superior Court: Discussion was held with Mickie Romeike/ Administrative Court Clerk-Jury Commissioner. Board concurred with reducing interpreter by \$2,000 and transportation and travel by \$1,000.

Advertising Fund: Supervisor Parker advised of receipt of a request from the Mining and Mineral Exhibit Association to print a flyer advertising the attraction - Board concurred with funding this within the existing budget and including it as a baseline expense.

12:45 p.m. Lunch

2:09 p.m.: Continued PUBLIC HEARING to consider Final Budget and Fee Hearing for Building Division: Discussion was held with Ed Johnson/Planning and Building Director, concerning the budget shortfall and alternatives and recommendations, and an example of budget assumptions for the next few years which included a combination of staff layoffs, fee increases, and a loan from the General Fund. Mary Dayhoff, on behalf of Bob Dayhoff/General Building Contractor, stated her husband has reviewed the proposal and asked how many permits it would take to operate the current staffing level - feels fees should not be raised to keep existing staffing level; suggested zero-base budgeting for this department; noted that costs exceed the \$1,000 maximum allowed for agricultural structures under 400 square feet to be exempt from a permit; she noted that fees for parcel maps are less in other areas than proposed by the Board during

the Fee Hearing; stated government needs to be creating and innovative and she feels that the one service the building industry cannot afford is furlough; and on her own behalf, she noted that the approval stamp on permits contains a disclaimer; and asked if the plan checker and inspector could be cross-trained. Lisa Edelheit/SEIU, asked if this budget is really an enterprise fund, and stated she does not think so. Board concurred with using the dangerous building fund revenue balance toward balancing this budget (\$10,000 one time).

Supervisor Pickard arrived at 3 :45 p.m.

Board concurred with balancing this Division's budget by using six months of salary savings that will exist by deleting an office assistant and inspector position effective January 1, 1997, and depending on what happens with fees, adjustments to the salary savings could be made; and with having Supervisors Pickard and Stewart meet with the Planning Director and come back to the Board with recommendations for fees. Board concurred with scheduling continued fee hearing for November] 9, 1996, at 10:00 a.m. for Building Division.

4: 19 p.m. Recess

4:31 p.m. Community Services/Veterans/Senior Services/Senior Nutrition/Transit: Discussion was held with Jim Eutsler/Community Services Director, relative to budget revisions and proposal to split salaries between four programs. Further discussion was continued to September 17, 1996, at 2:00 p.m. for additional information to be provided.


HTE Upgrade Training: Mike Coffield advised of his meeting with the departments involved in the requested travel and training, and the reluctance of the Treasurer/Tax Collector to use Cost Funds to offset budgeted costs, so that a portion of this training could be covered within his budget, and he recommended that the Data Processing budget not be used to cover these types of requests for departments. It was noted that the training will be necessary by 1998. Board concurred with not funding request this fiscal year.

Fire Protection: Discussion was held with Blaine Shultz/Fire Chief, relative to funding impacts to the budget due to the increase in the proposed CDF dispatch and command/control contract, and alternative for the Fire Chief to assume the command and control responsibilities during the undeclared fire season. Blaine advised that he has requested a breakdown of the costs from CDF. Board concurred with funding additional \$15,000 for equipment maintenance offset by unanticipated revenue. Decision on the command/control costs was deferred pending final negotiations with CDF on the contract.

Mike Coffield presented the Board with a list of revised fund balances

Final Budget hearing and Fee hearing were continued to September 17, 1996, at 2:00 p.m.

5:50 p.m. ADJOURNMENT in memory of Yvonne Brower and Edward Robertson.

Respectfully submitted,  
  
M. WILLIAMS  
Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA  
SEPTEMBER 17, 1996

Recorded in Minute Book 2#  
Page 34 Mariposa County Records  
Entered October 1, 1996

Time Description

9:04 a.m. Meeting Called to Order with Supervisor Reilly excused due to illness, and Supervisor Pickard excused to arrive later.

Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda - none.

Approval of Minutes of 9/3/96 Regular Meeting

BOARD ACTION: Approved

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Balmain pulled item 1. (M)Parker, (S)Stewart, balance of items were approved/Ayes: Balmain, Stewart, Parker; Excused: Reilly, Pickard. Following discussion, (M)Parker, (S)Stewart, item I was approved/Ayes: Balmain, Stewart, Parker; Excused: Reilly, Pickard.

Further Discussion Concerning the Pending Sale of the Old Masonic Hall (Continued from 9/10/96) (Supervisor Parker)

BOARD ACTION: Supervisor Parker initiated discussion relative to his conversation with the Broker who is handling the sale for the Old Masonic Hall and advised that a contract has been drafted for County Counsel 's review with the contingencies previously discussed. He further advised that since that time, a couple of individuals have expressed concern about who is representing the buyer and questions have been raised relative to commissions, and the individuals want to make an offer on their own behalf; thus, he recommended that the County not take any further action relative to this matter.

Jeff Green, County Counsel;

Resolution Amending Policy for Permanent Part Time Employment

BOARD ACTION: Discussion was held with Jeff Green concerning this matter, and he advised that the only response received from employee bargaining units was from SEIU. Lisa Edelheit/SEIU, expressed their concern with the changes relative to allowing for a 90% position, allowing for more than one permanent part time position in a department, and relative to mandatory benefits. Jeff Green advised that any positions created require the approval of the Board and due to different grant programs and funding sources, flexibility in the percentage of the position and number of positions will better facilitate the use of grant and County funds. Mike Coffield/County Administrative Officer, advised that a task force is trying to secure benefits with a lower rate and with benefits being an option for employees versus the existing vision and dental plans. (M)Parker, (S)Stewart, Res. 96-383 adopted/Ayes: Balmain, Stewart, Parker; Excused: Reilly, Pickard.

(M)Parker, (S)Stewart, Board waived its rules requiring 72 hours agenda noticing to consider acting on a proclamation for Constitution Week, finding the request was not received until after the agenda was prepared and it is a matter of timeliness/Ayes: Balmain, Stewart, Parker; Excused: Reilly, Pickard. (M)Stewart, (S)Parker, Board proclaimed September 17 -23, 1996, as Constitution Week, and presented the

Folder	Time	Description
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Proclamation to Ruth Womack/Ayes: Balmain, Stewart, Parker; Excused: Reilly, Pickard.

9:32 a.m. Mike Edwards, Public Works Director;

Discussion and Direction to Determine if the County is Interested in the Possible Purchase of Approximately 5.90 Acres of Land Adjacent to the Existing Mariposa Cemetery for Expansion of Same

**BOARD ACTION:** Discussion was held concerning the matter, possible future expansion needs for Highway 49 North right-of-way, and the need to consider long-term cemetery planning. Jim Eutsler/Community Services Director, commented on the status of available space at the existing facility. Board concurred with having staff further review the status of the sliver portion next to the cemetery.

Resolution Authorizing the Chairman to Sign a Letter of Support for the Economic Development Corporation of Mariposa County Application to the California Heritage Fund for Renovation of Two Historic Buildings in Mariposa (Supervisor Stewart)

**BOARD ACTION:** Discussion was held. (M)Parker, (S)Stewart, Res. 96-384 adopted, with change in letter as discussed/Ayes: Balmain, Stewart, Parker; Excused: Reilly, Pickard.

10:00 a.m. CLOSED SESSION Relative to Public Employee Discipline/Dismissal/Release (County Administrative Officer); and  
CLOSED SESSION Relative to Interview of Applicants for Visitors Bureau Director (Continued from 9/10/96) (County Counsel)

**BOARD ACTION:** (M)Parker, (S)Stewart, closed session was held following a short recess, with Blaine Shultz/Fire Chief, to be present for a portion of the session/Ayes: Balmain, Stewart, Parker; Excused: Reilly, Pickard.

11:35 a.m. Board reconvened in open session with direction given to staff as a result of closed session.

12:36 p.m. Lunch

2:05 p.m. Board reconvened with Supervisor Pickard present.

CONTINUED PUBLIC HEARING on Final Budget for Fiscal Year 1996/97; and  
CONTINUED PUBLIC HEARING to Consider Fees Proposed with Implementation of the Final Budget

**BOARD ACTION:** Mike Coffield/County Administrative Officer, advised of the pending issues. Ken Hawkins/Auditor, and Chris Ebie/Assistant Auditor, were present and responded to questions from the Board.

The following budgets and issues were reviewed:

**Community Services Department:** Discussion was held with Jim Eutsler/Community Services Director, relative to the revisions. The Transit Vehicle depreciation costs and consideration of adding a portion of the fund balance to Roads for materials was continued to later today for further consideration. Board concurred with the budget revisions as submitted, and with not funding request to convert extra help to permanent part time.

**Map Fees:** Discussion was held with Mike Edwards/Public Works Director, relative to the information presented during the Fee Hearing concerning the fees for copying maps

Folder	Time	Description
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with the transfer of the function from the Assessor. Board requested that Public Works Director review the information that was submitted and scheduled further consideration of this matter on September 24, 1996, at 10:00 a.m.

Zones of Benefit Revolving Fund: Discussion was held with Mike Edwards and various financing options. Direction was given to staff to further review funding options.

Mariposa Park Improvements: Discussion was held with Mike Edwards and he advised of his meeting with the Rotary subcommittee relative to their desire to build an amphitheater at the Park - they have approximately \$25,000 for materials for a stage project, and he proposed that the Board approve \$10,000 from the Mariposa Lighting District Fund balance for improvements to the electrical and lighting service for the area. Supervisor Parker advised that the Lions' group would like to do a cover over the picnic area and that may tie into this project. Board concurred with funding for the amphitheater as proposed.

Capital Improvement Project: Discussion was held with Mike Edwards concerning request to do the Hall of Records reroof project in conjunction with the Courthouse vault reroof project to get a better price. (M)Pickard, (S)Stewart, Res. 96-385 adopted approving and authorizing Public Works Director to award and sign a contract for the Hall of Records reroof project, subject to County Counsel 's review/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

3:10p.m. Recess

3:21 p.m. Discussion was held relative to the status of balancing the budget. Board concurred with utilizing the remaining on-going general revenues (\$94,455) to fund land acquisition in the government center square area, with the difference of approximately \$106,000 to come from accrual fund balance. Board concurred with deleting \$50,000 from the Transit Vehicle depreciation and adding it to Roads budget for materials. Mike Edwards provided input, advising that this contribution will offset the salary increases and revenue reductions from the previous fiscal year for the Road Department. Board concurred with funding request for a scope (\$5,800) from the Vehicle Replacement fund. Board concurred with taking the remainder necessary to balance the budget (approximately \$20,000) from the accrual fund balance.

Public Hearings for the Final Budget and for Fees were continued to September 24, 1996, at 10:00 a.m.

#### FORTHCOMING POLICY

Notice of intent to Condemn and Resolution of intention to Purchase Real Property for the Mariposa Pines Wastewater Treatment Plant Rehabilitation Project (Public Works) (Scheduled for Action on 10/8/96)

#### CONSENT AGENDA

CA-I Resolution Approving Children's Medical Services (CMS) Plan and Budget Justification for Fiscal Year 1996-1997 in the Amount of \$20,422 for California Children Services (CCS) and \$46,363 for Child Health and Disability Program (CHDP) (Public Health); Res. 96-382

Folder	Time	Description
CA-2		Resolution Authorizing a Memorial Service for Supervisor Gert Taber on the County Courthouse Lawn at 1:30 p. m. on Friday, September 20, 1996 (Housing and Community Development Agency); Res. 96-381
CA-3		Resolution to be Presented at Special Ceremony Recognizing Mariposa Lutheran Church on September 22, 1996 (Chairman Balmain); Res. 96-379
CA-4		Memorial Resolution to be Presented at the Memorial Service for Gertrude Taber Recognizing her Outstanding Service to Mariposa County (Chairman Balmain); Res. 96-380

**3:34 p.m.** ADJOURNMENT

Respectfully submitted,

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Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDARscored in Minute Book Z II  
SEPTEMBER 24, 1996

Page 35 Mariposa County Records  
Entered October 8, 1996

Time Description

9:05 a.m. Meeting Called to Order, with Supervisor Parker excused.

Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda  
- Blaine Shultz/Fire Chief, requested that the Board adopt a resolution for signature authorization for submission of invoices to Office of Emergency Services for the Emergency Management Assistance Program due to the recent fire emergency. (M)Reilly, (S)Stewart, Board waived its rules requiring 72 hours agenda noticing to consider this request, finding this matter was not known at the time the agenda was prepared and action is reqmred before the end of September 1996, in order to submit the invoices timely to the State for processing for reimbursement/ Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. (M)Reilly, (S)Stewart, Res. 96-386 adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

- Mike Edwards/Public Works Director, requested that the Board give authorization to begin the Mariposa Pines Wastewater Treatment project in advance of land acquisition through right of entry on the subject property. Dave Tucker/PWD-Senior Civil Engineer, advised that most of the project involves underground leach field work and cannot be done when the rains begin. (M)Reilly, (S)Stewart, Board waived its rules requiring 72 hours agenda noticing to consider this request, finding that waiting until the Public Hearing on October 8, 1996, will delay the project and getting into the winter weather will create problems with this project. Jeff Green/County Counsel, advised that he has met with Mr. Hall and staff and that Mr. Hall is a willing seller and has agreed to a right of entry for this project to begin. Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Following discussion, (M)Reilly, (S)Stewart, Res. 96-387 adopted authorizing Public Works Director to sign an agreement for right of entry and proceed with construction ahead of the actual land acquisition/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

- Mike Edwards/Public Works Director, requested that the Board authorize execution of an agreement with the National Park Service to transfer the \$50,000 funding contribution from the Federal Government for the RFP process for the co-composting project.

9:17 a.m. Recess

9:22 a.m. (M)Stewart, (S)Reilly, Board waived its rules requiring 72 hours agenda noticing to consider this request, finding the matter was not known about at the time the agenda was prepared and notice was received that the process must occur in September for the funds to be released/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Following discussion, (M)Stewart, (S)Pickard, Res. 96-388 adopted authorizing Public Works Director to sign the Agreement, with changes as discussed/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

- Chairman Balmain initiated discussion relative to requests received for doing a memorial for the late Supervisor Taber; suggested that those who have ideas contact the Historical Sites and Records Preservation Commission for review and for the Commission to present recommendations to the Board; and requested that Sarah Williams/Planning Manager, contact the garden club who expressed interest in doing something with the landscaping and see if she could add anything to their ideas with the memorial in mind. Sarah Williams commented on the status of the Courthouse landscaping project. Board concurred with the suggestions. Supervisor Pickard stated his preference would be to include something in the design for the new Government Center landscaping.

Approval of Minutes of 9/9/96 (Meeting Continued from 9/3/96); 9/10/96 Regular Meeting; 9/11/96 (Meeting Continued from 9/10/96); and 9/12/96 (Meeting Continued from 9/11/96)

**BOARD ACTION:** Minutes of 9/9/96 and 9/10/96 were approved; and minutes of 9/11/96 and 9/12/96 were continued to October 1, 1996, for approval.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Stewart pulled item 3, and pulled item 7 for discussion with Human Services Director - action was taken on this item later this date. (M)Reilly, (S)Pickard, balance of items were approved/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Following discussion, (M)Stewart, (S)Pickard, item 3 was approved/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Mike Edwards, Public Works Director;

Presentation to Review the Final Schematic Drawings Prior to Preparation of Construction Drawings for the Government Center

**BOARD ACTION:** Mike Edwards and Craig Scott/DuPertuis-Scott Architects, reviewed the final schematic drawings with changes to reflect a two-story building and an at-grade parking facility, with 11th Street to be closed at Jones. Brian Anthony asked about the ability to remove heating/cooling units from the roof for repair, and was advised that they are designed to be repaired in place. Craig Scott commended the late Supervisor Taber for her efforts with this project and suggested that consideration could be given to including a memorial tribute inside the building.

10:20 a.m. Public Hearings on the Final Budget and Fees were opened and continued to after this matter.

Craig Scott reviewed the proposed timeframe for this project - wants to do plan check before Christmas, then bid the project, and start construction in March/April 1997. No action was necessary.

10:28 a.m. Recess

10:39 a.m. B) Continued PUBLIC HEARING to Adopt Fees Proposed with Implementation of Mariposa County Final Budget (Continued from 9/17/96)

**BOARD ACTION:** Mike Edwards/Public Works Director, presented information he obtained in further reviewing the cost for producing maps - for map plotter prints (from scanned maps on CD) and map blueline prints (from original maps), and for various sizes of maps; and presented information on the copy price survey they conducted. Staff responded to questions from the Board relative to long-term plan to move away from providing blueprints and relative to staff time included in the proposed fees.

**11:02 a.m.** PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 95-37, Mariposa-Yosemite Airport Overlay Zone was opened and continued to after the following matters.

Further discussion was held concerning the map fees. Gary Estep/Assessor-Recorder, provided input relative to the transfer of this function to Public Works. There was no public input. Board commenced with deliberations. (M)Stewart, (S)Pickard, Res. 96-396 adopted rescinding the \$10.00 map fee previously adopted; and adopting the optional fees as recommended by Public Works, along with the extra fee for larger sizes, for both types of maps/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Fee Hearing was continued to October 15, 1996, at 2:00 p.m. for further consideration of Building Division fees.

**11:13 a.m.** A) Continued PUBLIC HEARING to Adopt Final Budget for Fiscal Year 1996-97 (Continued from 9/17/96)

**BOARD ACTION:** Mike Coffield/County Administrative Officer, advised of the status of balancing the budget and pending issues. Board concurred with making decision relative to funding govt handshake for Building Division employee versus layoff on October 15, 1996, during the continued fee hearing. Board concurred with adding the \$12,100 identified as additional savings in balancing the budget to the accrual fund balance for General Reserve and reducing the Contingency Reserve by that amount. There was no public input. Following discussion, (M)Stewart, (S)Pickard, Res. 96-397 adopted adopting the 1996/97 Fiscal Year Final Budget, with amendments as discussed, and authorizing certain actions in order to implement said budget/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Hearing was closed.

**11:27 a.m.** Ed Johnson, Planning and Building Director;

A) PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 95-37, Mariposa-Yosemite Airport Overlay Zone

**BOARD ACTION:** Ed Johnson presented staff report and responded to questions from the Board relative to the noise standards and why they were mandatory. Public portion of the hearing was opened. Public input was provided by the following: Bart Brown stated he felt there is still an ongoing problem relative to the density allowed by the current zoning for the town planning area next to the Airport and the long-term survival of the Airport. Public portion of the hearing was closed and Board commenced with deliberations. (M)Pickard, (S)Reilly, first reading was waived and an ordinance introduced approving General Plan/Zoning Amendment No. 95-37 with the recommended findings and direction for staff to file a Notice of Exemption on the project/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Hearing was closed.

B) Waive Second Reading and Adopt Ordinance Amending Title 17 of County Code in Accordance with Mariposa TPA Specific Plan/Zoning Amendment Application No. 95-1; County of Mariposa TPA Specific Plan Amendments

**BOARD ACTION:** Following discussion, (M)Reilly, (S)Stewart, Ord. 904 adopted/Ayes: Reilly, Balmain, Stewart; Excused: Parker; Not Voting: Pickard, as he was not present for the Public Hearing on this matter.

C) Clarification of Board Direction on Mariposa TPA Specific Plan Amendments

**BOARD ACTION:** Discussion was held and Board concurred with directing staff to proceed with agendaizing a policy discussion on enforcement practices, and with not proceeding on the other issues raised at this time. Bart Brown applauded the Board for agendaizing the enforcement discussion - stating he feels this will improve morale for employees and the consistency will be welcomed.

Resolution Approving an Amendment to the Mercy Ambulance Agreement and Authorizing the Administrative Officer to Sign (County Counsel)

**BOARD ACTION:** Following discussion, (M)Stewart, (S)Pickard, Res. 96-398 adopted/Ayes: Reilly, Balrnain, Stewart, Pickard; Excused: Parker.

Discussion and Possible Action Concerning Support of Proposition 213 --Known as the Personal Responsibility Act of 1996, which Will Protect Local Governments from Huge and Unfair Lawsuits (Chairman Balrnain)

**BOARD ACTION:** Following discussion, (M)Stewart, (S)Pickard, Res. 96-399 adopted supporting Proposition 213/Ayes: Balrnain, Stewart, Pickard; Abstained: Reilly; Excused: Parker.

Consent Agenda item 7 - Discussion was held with Torn Archer/Human Services Director. (M)Stewart, (S)Reilly, item 7 was approved/Ayes: Reilly, Balrnain, Stewart, Pickard; Excused: Parker.

Select a Board Member to the California State Association of Counties (CSAC) Board of Directors for 1997 and Name Remaining Board Members as Alternates (County Administrative Officer)

**BOARD ACTION:** Following discussion, (M)Reilly, (S)Pickard, Supervisor Stewart was selected, with remaining Board members as alternates/Ayes: Reilly, Balrnain, Stewart, Pickard; Excused: Parker.

Resolution Adopting the Response to the 1995/96 Grand Jury Report and Directing the County Administrative Officer to Transmit the Response to the Judge of the Superior Court (County Administrative Officer)

**BOARD ACTION:** Following discussion, (M)Stewart, (S)Reilly, Res. 96-401 adopted, with change to delete the paragraph in the action form as discussed/Ayes: Reilly, Balrnain, Stewart, Pickard; Excused: Parker.

CLOSED SESSION Relative to Public Employee Discipline/Dismissal/Release (Continued from 9/17/96) (County Administrative Officer)

**BOARD ACTION:** Matter was continued to October 1, 1996.

CLOSED SESSION Relative to Interview of Applicants for Visitors Bureau Director (Continued from 9/17/96) (County Counsel)

**BOARD ACTION:** Jeff Green/County Counsel advised that closed session is not necessary on this matter; and further advised that he met with the Tourism Advisory Council last week and discussed the possibility of privatization of this function. The Council requested that the Board appoint an ad hoc committee (two Board members) to work with the Council on this matter, and to report back to the Board. (M)Stewart, (S)Pickard, Supervisors Reilly and Pickard were selected to work with the Council on these issues/Ayes: Reilly, Balrnain, Stewart, Pickard; Excused: Parker.

### **FORTHCOMING POLICY**

A) Resolution Amending the Complaint Procedure Policy Against Appointed Department Heads or Miscellaneous Employees and Discussion of Adopting a Policy Relative to Complaints Involving Elected Officials (County Counsel) (Scheduled for Action on 10/8/96)

B) Dissolve the Catheys Valley, Coulterville, and Mariposa Town Cemetery Ad Hoc Committees and the Mariposa Cemetery and Chapel Advisory Committee. Replace These Committees with one (01) County-wide Committee with One (01) Representative from Each Supervisorial District (Community Services) (Scheduled for Action on 10/1/96)

C) Notice of Intent to Condemn and Resolution of Intention to Purchase Real Property for the Mariposa Pines Wastewater Treatment Plant Rehabilitation Project (Public Works) (Scheduled for Action on 10/8/96)

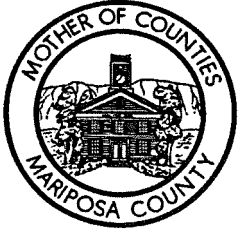
### CONSENT AGENDA

- CA-1 Resolution Authorizing Public Works Director to Execute Documents for State Aeronautics Program Funding (\$381,000) for Runway Safety Area Improvements and Runway & Taxiway Slurry Seal (Public Works); Res. 96-389
- CA-2 Resolution Approving and Authorizing Chairman to Sign Agreement with Merced County to Provide a Household Hazardous Waste Program for the County of Mariposa (Public Works); Res. 96-390
- CA-3 Resolution Extending the Small Claims Legal Advisors' Agreement Through the 1996/97 Fiscal Year (County Counsel); Res. 96-395
- CA-4 Resolution Authorizing Implementation of the Statewide Automated Welfare System (ISAWS) Memorandum of Understanding (Human Services); Res. 96-391
- CA-5 Resolution Approving Acceptance of Fiscal Year 1996-97 Renewal Application for the Substance Abuse and Mental Health Services Administration (SAMHSA) Block Grant for "All Tribes" Counseling Center (Human Services); Res. 96-392
- CA-6 Resolution Approving and Accepting McKinney Homeless-PATH Grant to Provide Services for the Homeless Mentally Ill Dual Diagnosis Residents of Mariposa County (Human Services); Res. 96-393
- CA-7 Resolution Approving the 1996/97 and 1997/98 Biennial GAIN Plan (Human Services); Res. 96-400
- CA-8 Resolution Authorizing Chairman to Sign Rental Agreement with 35-A District Annual Fire Fighter Appreciation Barbecue on September 29, 1996 (Fire); Res. 96-394

12:28 p.m. ADJOURNMENT

Respectfully submitted,

MARG AMS  
Clerk of the Board



**COUNTY OF MARIPOSA**  
 P.O. Box 784, Mariposa, CA 95338 (209) 966-3222



DOUG BALMAIN, CHAIRMAN	DISTRICT II
ROBERT C. STEWART, VICE-CHAIRMAN	DISTRICT III
PATTI A. REILLY	DISTRICT I
GARRY R. PARKER	DISTRICT IV
BOB PICKARD	DISTRICT V

## AGENDA of the Board of Supervisors

Meetings convene at 9:00 a.m., the first four Tuesdays of each month, at the Mariposa County Courthouse.

Board may take action sitting as the Board of Supervisors, and as the governing body of: County Service Area 1M (Don Pedro); Mariposa Pines Sewer Zone; Sewer Zone (Don Pedro); Coulterville Sewer and Water Zone; Mariposa Parking District; Wawona County Services Area 2-W; Hornitos Lighting District; Mariposa Lighting District; Coulterville Lighting District; Mariposa Air Pollution Control District; Yosemite West Maintenance District; Mariposa County Water Agency; Local Transportation Commission; Housing and Community Development Agency; Countywide Service Area; and the Redevelopment Agency of Mariposa County.

Citizens wishing to schedule matters for Board consideration or to appear before the Board must contact the Clerk of the Board in writing stating the action requested. Appropriate requests will be scheduled before the Board as time allows. The deadline for submission of written materials is on Friday prior to noon (11 days in advance of meeting), so the Agenda can be processed and packages available on Tuesday for the following week's meeting. An original and 11 copies of all supporting materials must be submitted.

Public Presentations: The law provides the opportunity for the public to be heard on any item within the subject matter jurisdiction of the Board, before or during the consideration of that item by the Board. For items on the timed agenda, this will be at the time the item is called by the Chairman. For all other items, including items not on the Agenda, the public presentation time at the start of each meeting is appropriate. The Chairman may set time limits as appropriate to manage the Agenda. State law does not allow action to be taken on any item not appearing on the Agenda.

Agendas and supporting documentation are available for review on Wednesday at the Board office. Mailed requests for Minutes and Agendas must be accompanied by self-addressed, stamped envelopes.

### SEPTEMBER 24, 1996

Folder	Time	Description
	<u>9:00 a.m.</u>	Meeting Called to Order Pledge of Allegiance Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda
1		Approval of Minutes of 9/9/96 (Meeting Continued from 9/3/96); 9/10/96 Regular Meeting; 9/11/96 (Meeting Continued from 9/10/96); and 9/12/96 (Meeting Continued from 9/11/96)
2		Approval of Consent Agenda (See End of Agenda)
3		Mike Edwards, Public Works Director; Presentation to Review the Final Schematic Drawings Prior to Preparation of Construction Drawings for the Government Center

Folder	Time	Description
	<u>10:00 a.m.</u>	A} Continued PUBLIC HEARING to Adopt Final Budget for Fiscal Year 1996-97 (Continued from 9/17/96) B} Continued PUBLIC HEARING to Adopt Fees Proposed with Implementation of Mariposa County Final Budget (Continued from 9/17/96)
		<u>NOTE:</u> Fees Relating to Building Department are Continued to 11/19/96 at 10:00 a.m.
4	<u>11:00 a.m.</u>	Ed Johnson, Planning and Building Director; A} PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 95-37, Mariposa-Yosemite Airport Overlay Zone B} Waive Second Reading and Adopt Ordinance Amending Title 17 of County Code in Accordance with Mariposa TPA Specific Plan/Zoning Amendment Application No. 95-1; County of Mariposa TPA Specific Plan Amendments C) Clarification of Board Direction on Mariposa TPA Specific Plan Amendments
		<u>ATTENTION</u>
5		Resolution Approving an Amendment to the Mercy Ambulance Agreement and Authorizing the Administrative Officer to Sign (County Counsel)
6		Discussion and Possible Action Concerning Support of Proposition 213 -- Known as the Personal Responsibility Act of 1996, which Will Protect Local Governments from Huge and Unfair Lawsuits (Chairman Balmain)
7		Select a Board Member to the California State Association of Counties (CSAC) Board of Directors for 1997 and Name Remaining Board Members as Alternates (County Administrative Officer)
8		Resolution Adopting the Response to the 1995/96 Grand Jury Report and Directing the County Administrative Officer to Transmit the Response to the Judge of the Superior Court (County Administrative Officer)
9		CLOSED SESSION Relative to Public Employee Discipline/Dismissal/Release (Continued from 9/17/96) (County Administrative Officer)
10		CLOSED SESSION Relative to Interview of Applicants for Visitors Bureau Director (Continued from 9/17/96) (County Counsel)

Folder            Time            Description

FORTHCOMING POLICY

A)        Resolution Amending the Complaint Procedure Policy Against Appointed Department Heads or Miscellaneous Employees and Discussion of Adopting a Policy Relative to Complaints Involving Elected Officials (County Counsel} (Scheduled for Action on 10/8/96)

B)        Dissolve the Catheys Valley, Coulterville, and Mariposa Town Cemetery Ad Hoc Committees and the Mariposa Cemetery and Chapel Advisory Committee. Replace These Committees with one (01) County-wide Committee with One (01) Representative from Each Supervisorial District (Community Services) (Scheduled for Action on 10/1/96)

C)        Notice of Intent to Condemn and Resolution of Intention to Purchase Real Property for the Mariposa Pines Wastewater Treatment Plant Rehabilitation Project (Public Works)  
(Scheduled for Action on 10/8/96)

CONSENT AGENDA

- CA-1        Resolution Authorizing Public Works Director to Execute Documents for State Aeronautics Program Funding (\$381,000) for Runway Safety Area Improvements and Runway & Taxiway Slurry Seal (Public Works)
- CA-2        Resolution Approving and Authorizing Chairman to Sign Agreement with Merced County to Provide a Household Hazardous Waste Program for the County of Mariposa (Public Works)
- CA-3        Resolution Extending the Small Claims Legal Advisors' Agreement Through the 1996/97 Fiscal Year (County Counsel)
- CA-4        Resolution Authorizing Implementation of the Statewide Automated Welfare System (ISAWS) Memorandum of Understanding (Human Services)
- CA-5        Resolution Approving Acceptance of Fiscal Year 1996-97 Renewal Application for the Substance Abuse and Mental Health Services Administration (SAMHSA) Block Grant for "All Tribes" Counseling Center (Human Services)
- CA-6        Resolution Approving and Accepting McKinney Homeless-PATH Grant to Provide Services for the Homeless Mentally Ill Dual Diagnosis Residents of Mariposa County (Human Services)
- CA-7        Resolution Approving the 1996/97 and 1997/98 Biennial GAIN Plan (Human Services)
- CA-8        Resolution Authorizing Chairman to Sign Rental Agreement with 35-A District Annual Fire Fighter Appreciation Barbecue on September 29, 1996 (Fire)