

DEPARTMENT: Planning

BY: Sarah Williams, Deputy Planning Director
PHONE: (209) 966-5151

RECOMMENDED ACTION AND JUSTIFICATION:

Conduct public hearing, allowing input on the draft Resolution formalizing the Board of Supervisors' action on Appeal No. 2009-161; an appeal of the Planning Director's Determination that Amended Reclamation Plan No. 2009-149 is Incomplete for Processing.

Adopt formal resolution for action on Appeal No. 2009-161 with findings.

Justification is based on the Board of Supervisors' action and direction on Appeal No. 2009-161, which was taken at a public hearing on August 11, 2011. The Board of Supervisors made an interpretation of the Planning Commission's 1982 Vested Rights Action for the Mount Gaines Mine. The Board of Supervisors made a determination regarding the completeness of the application for Amended Reclamation Plan No. 2009-149.

BACKGROUND AND HISTORY OF BOARD ACTIONS

On August 11, 2011, the Board of Supervisors conducted a noticed public hearing on Appeal No. 2009-161. On June 30th, 2011, the Board of Supervisors cancelled a previously scheduled and noticed public hearing for this appeal. On May 10th, 2011, the Board of Supervisors cancelled a previously scheduled and noticed public hearing for this appeal. On February 23, 2010, the Board of Supervisors adopted Resolution No. 10-92 to amend the County's Appeal's Procedure such that an appeal hearing could be held outside of the normal 30 to 90 day time frame (from receipt of a notice of appeal) with the consent of the permit applicant or property owner whose property, development project or business is impacted by the discretionary action being appealed.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Modify text or findings in Resolution.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		1. Draft Resolution with findings
Source:		2. Board Summary of Proceedings for 8/11/11
Internal Transfer _____		continued meeting
Unanticipated Revenue _____ 4/5's vote		
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		
() General () Other		

CLERK'S USE ONLY:

Res. No.: 11-464 Ord. No. _____
 Vote - Ayes: 4 Noes: _____
 Absent: 0 Abstained: _____
 Approved
 Minute Order Attached () No Action Necessary


COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments: _____

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California

By: _____
 Deputy

CAO: 



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

JIM ALLEN, CHAIR
JANET BIBBY, VICE-CHAIR
LEE STETSON
LYLE TURPIN
KEVIN CANN

DISTRICT V
DISTRICT III
DISTRICT I
DISTRICT II
DISTRICT IV



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: KRIS SCHENK, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: PUBLIC HEARING to Consider Adoption of a Resolution Formalizing the Board of Supervisors' Action on Appeal No. 2009-161, an Appeal of the Planning Director's Determination that Amended Reclamation Plan No. 2009-149 is Incomplete for Processing. Amended Reclamation Plan Applicant, Property Owner and Appellant: Jack Bankhead. The Property, the Mount Gaines Mine, is Located at 7176 Mount Gaines Road off of Bear Valley Road. The Subject Appeal and Amended Reclamation Plan Involve APN 007-130-023, a 40 Acre Parcel and APN 007-130-022, a 160 Acre Parcel, Both of Which are in the Agriculture Exclusive (AE) Zone. (Continued from August 11, 2011)

RES. 11-464

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on September 20, 2011

ACTION AND VOTE:

13

Planning

PUBLIC HEARING to Consider Adoption of a Resolution Formalizing the Board of Supervisors' Action on Appeal No. 2009-161, an Appeal of the Planning Director's Determination that Amended Reclamation Plan No. 2009-149 is Incomplete for Processing. Amended Reclamation Plan Applicant, Property Owner and Appellant: Jack Bankhead. The Property, the Mount Gaines Mine, is Located at 7176 Mount Gaines Road off of Bear Valley Road. The Subject Appeal and Amended Reclamation Plan Involve APN 007-130-023, a 40 Acre Parcel and APN 007-130-022, a 160 Acre Parcel, Both of Which are in the Agriculture Exclusive (AE) Zone. (Continued from August 11, 2011)

NOTE: Public input will be allowed only on the draft resolution formalizing the Board of Supervisors' action on the Appeal

BOARD ACTION: Chair Allen provided a reminder that public input will be allowed only on the draft resolution formalizing the Board's action on the appeal. Kris Schenk was present for the hearing and to respond to questions. Sarah Williams advised of correspondence that was received on the formal draft resolution and of two suggested edits, and she distributed the revised draft resolution. Staff responded to questions from the Board relative to finding number 7 and whether it needs to be included; clarifying that the item today is just to resolve the final action of the Board, and Supervisor Bibby noted that she did not support the Board's previous action

based on the finding that the vested rights are for all 200-acres of the property. Steve Dahlem, County Counsel, advised that the issue before the Board today is whether the findings in the draft formal resolution are supported by the record and whether said resolution accurately reflects the decision made at the August 11, 2011, hearing. County Counsel further responded to questions from the Board relative to finding number 7, and advised that this is a decision for the Board to make.

The public portion of the hearing was opened and input was provided by the following:

Scott Castro, Jeffer Mangels Butler & Mitchell LLP, advised that he is appearing on behalf of Jack Bankhead. Attorney Castro further advised that Attorney Kerry Shapiro is ill and could not be present today. He referred to the September 16, 2011, letter they submitted commenting on the findings in the draft formal resolution. He focused on the following issues:

Finding number 9 – He asked for clarification of what this means in the context of what was discussed on August 11th – is the intent of this language to limit the surface mining to the mine tailings and waste rock that existed in 1982. He does not feel that was the intent of the Board – they believe the Board included surface mining operations that are ancillary to the underground mining activities in the vested right. He referred to information that was presented in the report for the hearing to substantiate their interpretation.

Finding numbers 13 and 14 – He stated he does not feel that there is evidence that a surface mining permit was ever obtained for the on-site activities. He referred to their Annual Reports and Reclamation Plan.

Finding number 19 – He clarified “placer mining activities” and stated the issue is whether there is a vested right to conduct surface mining. He does not feel that there is anything that reflects any requirement that the mining activities be conducted continuously in order to avoid potential abandonment or waiver of right to conduct such activities. He referred to the written documents that were submitted for the August 11th hearing; and he asked that this finding be amended to reflect what transpired prior to August 11th; or deleted in full.

Attorney Castro responded to questions from the Board relative to finding number 19 and the recovery of gold and whether that took place on previously undisturbed land or in the tailings.

Heather Bernikoff, resident of Catheys Valley/Hornitos area, referred to the August 11th hearing and testimony, and stated she feels that it is essential that a permit be required for open pit mining.

Ron Hambleton, local contractor, began referring to the current economy and this operation. Chair Allen provided a reminder that input is limited to the draft formal resolution. Mr. Hambleton stated he feels there are things in the draft resolution that are misconstrued as being waste rock; and he noted that waste rock is obtained when following a vein.

The public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Cann referred to the input by Mr. Hambleton and stated he feels that the Board found that the owner has a vested right to process all of the waste rock from the underground mining and whatever is on the surface of the property. Chair Allen asked Planning staff to respond the issues Attorney Castro raised with the findings. Sarah Williams asked for a recess to review the issues.

3:34 p.m. Recess

3:43 p.m. The Board reconvened and continued with the hearing. Sarah Williams provided the following responses:

Finding number 9 – She referred to the question Attorney Castro had about the statement that the vested rights are for mine tailings and waste rock from the underground mining; and she noted the sentence in the finding that “The same evidence does not support a future intent to surface mine the property beyond the

mine tailings and waste rock that existed in 1982.” County Counsel clarified that this sentence is at the top of page 5 of the draft amended resolution. Sarah Williams continued with providing input on the question of what the vested rights include; and she stated it is more than just the mine tailings and waste rock that existed in 1982 on the 200-acres as that referenced statement is in the findings, but also future mine tailings and waste rock from underground mining activity as identified in the Board’s interpretation statement.

Finding numbers 13 and 14 – Kris Schenk noted that finding number 19 also refers to placer mining. Staff feels that the issue is a difference of opinion as to what the evidence consisted of, and they have attempted to reflect an accurate description of the Board’s discussion and findings from the August 11th hearing. Staff does not recommend any changes in the language.

Supervisor Cann referred to his earlier discussion on whether finding number 7 is a finding or is necessary, and he suggested that it be modified to delete everything after the first two sentences. Kris Schenk stated he agrees that it would be okay to modify this finding.

(M)Cann, (S)Stetson, Res. 11- 464 was adopted taking action on Appeal No. 2009-161 regarding vested rights and completeness of the application for Amended Reclamation Plan No. 2009-149 for the Mount Gaines Mine as stated in the draft amended September 20, 2011, formal resolution, and with the modification of finding number 7 to delete everything after the first two sentences. Supervisor Bibby referred to her previous issue with the 200-acres being included in the vested rights, but she agrees with the findings presented. Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. The hearing was closed.

Cc: Steven W. Dahlem, County Counsel
File

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 11-464

A resolution of action on Appeal No. 2009-161 regarding the Mount Gaines Mine; APN 007-130-023 and APN 007-130-022 located at 7176 Mount Gaines Road off Bear Valley Road

WHEREAS, on the 21st day of October 2009 Amended Reclamation Plan Application No. 2009-149 was submitted to the Mariposa Planning Department for processing by Jack Bankhead; and

WHEREAS, Amended Reclamation Plan No. 2009-149 was submitted for the Mount Gaines Mine located at 7176 Mount Gaines Road off Bear Valley Road; and

WHEREAS, there are three parcels at the Mount Gaines Mine including APN 007-130-022, a 160 acre parcel owned by Jack Bankhead; APN 007-130-023, a 40 acre parcel owned by Jack Bankhead; and APN 007-130-024, a 40 acre parcel owned by the Bureau of Land Management or BLM; and

WHEREAS, the Mount Gaines Mine is a mine with “vested rights” as established by the Planning Commission in 1982. The Mount Gaines Mine had a Reclamation Plan approved in 1982 and an amended Reclamation Plan approved in 1996; and

WHEREAS, on the 12th day of November 2009, the Planning Director determined Amended Reclamation Plan No. 2009-149 was incomplete for processing. Mariposa Planning had reviewed the Request for Vested Rights submittal package for the Mount Gaines Mine and the Vested Rights determination and did not find this determination included the proposed mining activity by Amended Reclamation Plan No. 2009-149; and

WHEREAS, on the 25th day of November 2009, an appeal of the Planning Director’s determination was received and that appeal is known as Appeal No. 2009-161; and

WHEREAS, Appeal No. 2009-161 was not immediately processed pursuant to a request from the appellant’s agent; and

WHEREAS, based on a request from the appellant’s agent, the Planning Director provided additional information regarding the incompleteness determination; information was provided in correspondence to the appellant dated the 3rd day of December 2010 and the 8th day of February, 2011; and

WHEREAS, a duly noticed Board of Supervisors public hearing to consider Appeal No. 2009-161 was scheduled for the 28th day of June, 2011; and

WHEREAS, the appellant provided substantial additional information on the 3rd day of June, 2011 entitled "Statement of Grounds and Issues for Appeal"; and

WHEREAS, on the 28th day of June, 2011, the Board of Supervisors cancelled the public hearing in order to give staff adequate time to review the materials submitted on the 3rd day of June, 2011; and

WHEREAS, a duly noticed Board of Supervisors public hearing to consider Appeal No. 2009-161 was scheduled for the 11th day of August, 2011; and

WHEREAS, processing of Appeal No. 2009-161 was conducted pursuant to Mariposa County Resolution No. 10-42; and

WHEREAS, a Staff Report, including Exhibits 1 – 13, addressing the Notice of Appeal was prepared pursuant to local administrative procedures; and

WHEREAS, the Board of Supervisors did hold a public hearing on Appeal No. 2009-161 on the 11th day of August, 2011 and considered all of the information in the public record, including the Staff Report and Exhibits, correspondence and testimony presented by the public, the Notice of Appeal, the Statement of Grounds and Issues for Appeal, the presentations by the appellant's agents, and the comments of the property owner and appellant; and

WHEREAS, on the 11th day of August, 2011, the Board of Supervisors closed the public testimony portion of the public hearing; and

WHEREAS, the Board of Supervisors took actions at the conclusion of the public hearing on the 11th day of August, 2011 and directed staff to prepare a resolution with findings to support their actions; and

WHEREAS, the Board of Supervisors continued the public hearing deliberation phase for the preparation of the resolution and findings for Appeal No. 2009-161 to the 20th day of September, 2011 at 3:00 p.m. or as soon thereafter as possible; and

WHEREAS, the Board of Supervisors did hold and conclude the continued public hearing on Appeal No. 2009-161 on the 20th day of September, 2011 and considered the draft resolution and all input regarding the draft resolution.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of the County of Mariposa does hereby make a formal interpretation of the Planning Commission's 1982 Vested Rights action for the Mount Gaines Mine. The Board's interpretation is that:

- a) the Vested Rights are for all 200 acres of the property, including APN 007-130-023 and APN 007-130-022; and

- b) the Vested Rights are for the processing of mine tailings and waste rock from an underground mine.

BE IT FURTHER RESOLVED THAT, based upon the additional information submitted on the 3rd day of June, 2011, the Board of Supervisors of the County of Mariposa does hereby determine that the application for Amended Reclamation Plan No. 2009-149 is complete for processing, recognizing that the process for the Amended Reclamation Plan No. 2009-149 is affected by the Board's interpretation of the Planning Commission's 1982 vested rights action for the mine; a Mining Permit is required to process Amended Reclamation Plan No. 2009-149 as submitted.

BE IT FURTHER RESOLVED THAT, as a result of these actions by the Board of Supervisors, the activities which may occur at the Mount Gaines Mine are only those which are consistent with the current approved Amended Reclamation Plan Application No. 6-10-82 (approved on the 16th day of July, 1996), Grading Permit No. 16341, and as described in correspondence to Jack Bankhead from Mariposa Planning dated the 13th day of April, 2011 unless modified by the Board of Supervisors as a result of action on Appeal No. 2010-144. Approval of a mining permit and amended reclamation plan is necessary to conduct the mining activities shown on Amended Reclamation Plan No. 2009-149.

BE IT FURTHER RESOLVED THAT, the Board of Supervisors action is based upon the following findings:

1. Based upon the extent of additional information submitted by the appellant on the 3rd day of June, 2011, the scope of the public hearing went beyond the original appeal issue set for Appeal No. 2009-161. The original issue was limited to whether or not Amended Reclamation Plan No. 2009-149 was complete for processing.
2. Based upon the extent of additional information submitted by the appellant on the 3rd day of June, 2011, the Board of Supervisors was able to find the application was complete for processing as there was no other information which could or needed to be provided to staff for the completeness determination. The relevant issue as presented by the appellants and discussed and deliberated by the Board of Supervisors was whether or not the surface mining activities shown on the Amended Reclamation Plan No. 2009-149 application were within the scope of the Vested Rights for the Mount Gaines Mine as established by the Planning Commission in 1982.
3. The Board of Supervisors is obligated and has the responsibility to review and interpret County documents, including the 1982 Planning Commission's Vested Rights action, relative to submittal of the 2009 Amended Reclamation Plan.
4. The action letter from the Planning Commission to then-property owner Joseph Hudson dated June 10, 1982 is a two sentence letter which states,

“At their meeting of June 4, 1982, the Planning Commission acted to establish vested rights and approve the reclamation plan for the Mt. Gaines Mine. This formally closes the Commission’s proceedings on the matter and formalizes the completion of the requirements of the County’s Surface Mining Ordinance and State Law.”

These two sentences do not establish limits nor do they describe what was specifically authorized by the action. In light of all of the evidence, the Board of Supervisors concludes that a reasonable interpretation of these two sentences does not reflect a Planning Commission determination of a vested right for unlimited surface mining extending to the entire 200 acre area, including the Bankhead 160 acre parcel.

5. The Board of Supervisors reviewed what the applicant asked for in his 1982 request for Vested Rights in order to determine what the Planning Commission considered in 1982.
6. The Board of Supervisors reviewed the written record for the 1982 Planning Commission determination on Vested Rights for the Mount Gaines Mine. The record does not show 1) that the Planning Commission was asked to consider a major expansion of mining activities at the Mount Gaines Mine, including an extensive surface mining operation or 2) that the Planning Commission considered a major expansion of mining activities at the Mount Gaines Mine, including an extensive surface mining operation.
7. The Board of Supervisors reviewed the minutes of the 1982 Planning Commission’s public hearing for establishing Vested Rights for the Mount Gaines Mine. There was no public comment at this hearing.
8. The 2009 Amended Reclamation Plan represents a substantial change in the mining operation from that for which Vested Rights were established, considering the 1982 request for Vested Rights materials and the 1982 Reclamation Plan application. The Board of Supervisors considers the mining work shown on the 2009 Amended Reclamation Plan Application to be a change in the vested mining activities and an intensification of the use.
9. The Board of Supervisors considered the 1982 property ownership maps together with the written materials submitted in the 1982 Request for Vested Rights. The written materials and maps support a Vested Rights request and determination for a gold mining operation at Mount Gaines and a reasonable expansion of that operation. A reasonable interpretation of the evidence, as determined by the Board of Supervisors to have been available to the Planning Commission at the time of the Vested Rights determination, supports a future intent to engage in shaft gold mining at a later point in time. The same evidence does not support a future intent to surface mine the property beyond the mine tailings and waste rock that existed in 1982.

10. The Board of Supervisors understands that in 1982, the Planning Commission considered both the Request for Vested Rights and the Reclamation Plan at the same time due to unique circumstances.
11. There is no evidence that the documents or oral testimony offered to the Board of Supervisors by the appellant and his representatives were presented to the Planning Commission or can be reasonably assumed to have been presented to the Planning Commission at the time of the Vested Rights determination. In some cases, the documents were prepared well after the Planning Commission's Vested Rights determination. Therefore, the Board of Supervisors finds that, while these documents are part of this record, that the documents cannot be relied upon as the basis for interpreting the 1982 Vested Rights determination.
12. The current applicant is not seeking reactivation of a gold operation; rather Amended Reclamation Plan Application No. 2009-149 is for a mine of a substantially different character proposing a change in the primary purpose of the operation.
13. There is information in the record, referenced in the staff report and included in the appellant's documents, which refutes the statement made at the public hearing by Mr. Bankhead that Mr. Bankhead relied on the 1982 letter from Planning relative to vested rights when he purchased the Mount Gaines Mine. That information includes an application for a Mining Permit submitted on November 10, 2005 for the subject properties (Surface Mining Permit/Reclamation Plan Application No. 2005-219) and information in Department of Conservation Mining Operation Annual Reports filed by Mr. Jack Bankhead from 2003 to the present. The annual reports, which are filled out and signed by Mr. Jack Bankhead, include Question 13 "Check all that apply". Mr. Bankhead checked and filled in: "Acres Permitted: 40 acres". The option for "Acres Vested" is left blank (not checked). All subsequent annual reports filed by Mr. Jack Bankhead from 2003 to the present report have "NC" checked for Question 13. "NC" is checked for "no changes in the information from the last reporting year."
14. There is information in the record, referenced in the staff report, which refutes the statement made at the public hearing by the appellant's representatives, that Mariposa County never required a surface mining permit. There is December 1989 correspondence from planner Tony Lashbrook responding to a proposal to strip clay. The correspondence reads, "Stripping of clay from the property is mining and subject to a mining permit. This activity would not be covered by your vested rights..." There is February 1989 correspondence in the file from Senior Planner Tony Lashbrook which describes results of an investigation of a complaint regarding mining exploration and dewatering activities at the mine. The correspondence states, "this Department has determined that the Mining exploration recently conducted on your property requires an approved Surface Mining Permit and Reclamation Plan. This determination is based upon the following: 1) The exploration activities exceed the exemption threshold relative to both surface disturbance and maximum cubic yardage; 2) The mining exploration is not covered

by your existing Reclamation Plan or vested rights.” Correspondence from Condor Minerals Management dated October 20, 1988 includes a map showing the location of the drill holes on both of Bankhead’s parcels. There is 2009 correspondence from Deputy Planning Director Sarah Williams which concludes that on-site grading does not comply with the approved reclamation plan. There is the 2010 Annual Mining Inspection Report prepared by Sarah Williams which did not find recent excavation work on-site to be consistent with approved reclamation plan. All of these letters were in regard to activities which did not involve the processing of mine tailings and waste rock from an underground mine.

15. The Board of Supervisors considers documented information in the record to be objective evidence to support its action.
16. The Board of Supervisors finds that the rock products and/or dirt which were sold from the Mount Gaines mine from 1983 to the issuance of a Notice of Violation on the 14th day of September, 2010 were produced from processing of waste rock stockpiled on the site from previous underground mining operations which was within the scope of the Vested Rights established for Mount Gaines Mine.
17. By SMARA definition, reclamation is the process of land treatment following mining activities, so that mined lands are returned to a usable condition which is readily adaptable for alternate land uses. Although the processing and sale of aggregate from an underground mining operation is found to be within the scope of the Vested Rights established for the Mount Gaines Mine, the activity also served as reclamation of the mine site. The Surface Mining and Reclamation Act of 1975 requires the reclamation of all mines, including mines with Vested Rights. Consequently, the activities conducted at the mine site since 1982 also achieved the purpose of site clean up and reclamation in preparation for mine closure at some point in the future. The materials resulting from the historic underground gold operations were simply a readily available source of materials for sale.
18. A professional review of the Holdredge and Kull “Mined Rock Mass Balance” was conducted by Mr. Kit Custis. The review provides a discussion of factors within the Mined Rock Mass Balance document which may cause a large overestimate of the mined material. The Board of Supervisors finds that the Holdredge and Kull estimates are too high.
19. There is evidence that placer mining occurred on the site during the late 1800s (1853 – 1873). The appellant’s presentation concluded that the surface disturbance was to a maximum depth of 3 feet. The placer mining activities occurred more than 100 years prior to the Planning Commission’s establishment of Vested Rights for the Mount Gaines Mine in 1982. There is no written history regarding placer mining following the sinking of the first shaft for shaft mining (underground mining) at Mount Gaines in the “early 1870s”. There is no evidence that the property owner of the Mount Gaines Mine in 1982, at the time of the vesting determination, had met the requirement for vesting for placer mining activities; that he had diligently commenced placer mining operations and incurred

substantial liabilities for work and materials necessary therefore. Alternatively, the Board of Supervisors finds that to the extent placer mining rights existed, there is no evidence of periodic exercise of those rights, and those rights were lost through non-use. There is no evidence that placer mining was occurring at or near the time Vested Rights were established by the Planning Commission in 1982 and there is no mention of placer mining in any of the documents considered by the Planning Commission in 1982 for the Vested Rights determination.

BE IT FURTHER RESOLVED THAT, this action on Appeal No. 2009-161 is based upon the discussion of Appeal Issues as contained in the Staff Report to the Board of Supervisors which is hereby incorporated into this resolution by reference.

BE IT FINALLY RESOLVED THAT, if any section, subsection, sentence, clause, word, phrase or finding of this resolution is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this resolution. The Board of Supervisors hereby declares each section, subsection, sentence, clause, word, phrase or finding is severable.

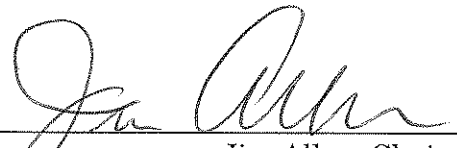
ON MOTION BY Supervisor Cann, seconded by Supervisor Stetson, this resolution is duly passed and adopted this 20th day of September, 2011 by the following vote:

AYES: Stetson, Bibby, Cann, and Allen

NOES: None

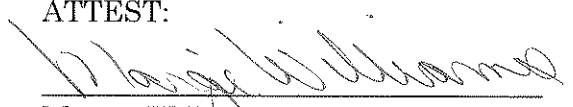
EXCUSED: Turpin

ABSTAIN: None



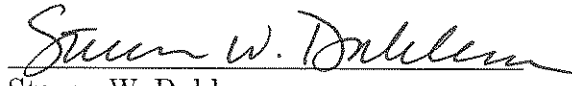
Jim Allen, Chairman
Mariposa County Board of Supervisors

ATTEST:



Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM:



Steven W. Dahlem
County Counsel