

DEPARTMENT: Administration

BY: Greg Iturria

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes \_\_\_ No X)

Set the Supervisorial Districts.

Please see attached staff report.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

After the 1990 Census, the Board considered and took action regarding setting the Supervisorial boundaries.

**LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Not applicable

<b>COSTS:</b> ( ) Not Applicable	
A. Budgeted current FY	\$ _____
B. Total anticipated costs	\$ _____
C. Required additional funding	\$ _____
D. Internal transfers	\$ _____

**SPECIAL INSTRUCTIONS:**  
List the attachments and number the pages consecutively:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<b>SOURCE:</b> ( ) 4/5ths Vote Required	
A. Unanticipated revenues	\$ _____
B. Reserve for contingencies	\$ _____
C. Source description:	_____
Balance in Reserve for Contingencies, if approved: \$	_____

**CLERK'S USE ONLY:**

Res. No.: 01-263 Ord. No. \_\_\_\_\_

Vote - Ayes: 4 Noes: \_\_\_\_\_

Absent: \_\_\_\_\_ Abstained: Ritly

Approved ( ) Denied

( ) Minute Order Attached ( ) No Action Necessary

**COUNTY ADMINISTRATIVE OFFICER'S RECOMMENDATION:**  
This item on agenda as:

\_\_\_\_\_ Recommended

\_\_\_\_\_ Not Recommended

\_\_\_\_\_ For Policy Determination

\_\_\_\_\_ Submitted with Comment

\_\_\_\_\_ Returned for Further Action

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

Comment: \_\_\_\_\_

\_\_\_\_\_

C.A.O. Initials: AA

MARIPOSA COUNTY RESOLUTION NO. 01-263

A RESOLUTION SETTING THE SUPERVISORIAL BOUNDARIES

WHEREAS, results from the 2000 Census detailing the population amount in each supervisorial district has been reviewed and considered; and

WHEREAS, the topography of the County and distribution of communities throughout the County has been considered and found to be reasonably close to "equal"; and

WHEREAS, a public hearing was held on August 28, 2001, to discuss and give direction to staff regarding keeping the existing boundaries; and public input, both oral and written, consisting of one person who spoke and two letters (signed by three individuals) was considered; and

WHEREAS, a public hearing was held on September 18, 2001, to set the supervisorial boundaries, and public input, both oral and written, was considered. It was noted that boundaries need to be set by September 28, 2001, when candidates for office may begin to take out papers to run for office; and election precincts need to be established; and legal descriptions prepared for the boundaries and precincts; and

WHEREAS, the Board determined that there will be a need to redistrict in the future as the County's population grows; and because the districts are reasonably close to equal in population, it does not feel the cost is warranted at this time to prepare legal descriptions for precincts and boundaries, etc.

NOW, THEREFORE, BE IT RESOLVED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, that the existing supervisorial boundaries be retained.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 18th day of September, 2001, by the following vote:

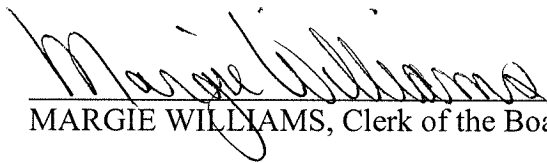
AYES:	BALMAIN, STEWART, PARKER, PICKARD
NOES:	NONE

Mariposa County Resolution No. 01-263

ABSENT: NONE  
ABSTAINED: REILLY

  
\_\_\_\_\_  
DOUG BALMAIN  
Chairman

ATTEST:

  
\_\_\_\_\_  
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFFREY G. GREEN, County Counsel



# COUNTY of MARIPOSA

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

DOUG BALMAIN, CHAIRMAN

ROBERT C. STEWART, VICE-CHAIRMAN

PATTI A. REILLY

GARRY R. PARKER

BOB PICKARD

DISTRICT II

DISTRICT III

DISTRICT I

DISTRICT IV

DISTRICT V



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: GREG ITURRIA, County Administrative Officer  
FROM: MARGIE WILLIAMS, Clerk of the Board  
SUBJECT: Supervisorial Boundaries  
Res. -01-263

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on September 18, 2001

#### ACTION AND VOTE:

**10:12 a.m.** Greg Iturria, County Administrative Officer;

**PUBLIC HEARING:** The Purpose of This Hearing is to Set the Supervisorial Boundaries (Continued from 8-28-01)

**BOARD ACTION:** Greg Iturria presented the staff report and advised of the public hearing held on August 28th. He also advised that he requested the presence of the Planning Director for this hearing.

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

Ruth Sellers read her statement into the record. She asked about the redistricting process and whether the first and second reading of an ordinance was provided, and whether the timelines were adhered to. She asked several other questions about the process, including the definition of the ten-percent guidelines. She stated she has experienced disappointment in the lack of cooperation with the County government in trying to obtain information on this matter, and she requested a written response to her questions.

Bart Brown commented on his efforts to gather information from County staff and local, state and federal government agencies. He noted that last Friday he was advised of a map with information that was available – he stated that, apparently, the County has had this map for a long time. He commented on previous data and decisions to redistrict and the percentage of population changes since that time. He quoted from code sections relative to boundary adjustments, and advised of his research on these issues and the ten-percent rule. He read a list of questions and requested that answers be given verbally at the hearing so that the public is aware.

Jeff Green, County Counsel, advised of his contact with an election attorney in the Secretary of State's Office, and of his discussion relative to the population spread in the County and his experience regarding the law that governs these matters. He advised that there is no statutory scheme that describes the spread – just that the Board shall reapportion as even as possible. He referred to the case law and decisions the courts have made relative to the percentages of spread.

Dick Kunstman stated he feels the proposed spread is 12.7 percent and that is not allowable based on the staff report. He feels that if the Board keeps the present boundaries, it will be an arbitrary and capricious decision and in violation of the Constitution.

Joan Conlan, resident of Midpines, stated she is very disturbed that the questions posed by the public are not being answered. She feels they are important to the situation. She stated she feels there has been a dereliction of duty in this matter. She feels there are timelines and this process should have been handled in a way to serve the County better.

Ron Mackie stated he is a resident of supervisorial district five, and he was a census taker and has experience with this process. He stated he feels it is a goal of equal representation. Speaking as a member of MERG, he agreed with Bart Brown's request.

Bart Brown requested information on the election attorney that County Counsel spoke with to verify the information that was provided, and he asked whether answers would be given to his other questions.

Jeff Green responded to Bart Brown's question and advised that he spoke with Steven Trout, elections counsel for the Secretary of the State of California.

Public portion of the hearing was closed and the Board commenced with deliberations. Greg Iturria responded to questions from the Board relative to the staff work on this matter; and regarding timelines and options available to the Board. Jeff Green and Greg Iturria responded to questions from the Board as to what will happen if the Board does not meet the deadline for setting the boundary for the next election, and whether changes could be made in the future. Greg Iturria responded to an additional question relative to the twelve-percent spread that Dick Kunstman referred to. (M)Pickard, (S)Parker, Res. 01-263 adopted approving the existing supervisorial boundaries. Jeff Green advised that if any changes were made in the boundaries, it would require action by ordinance as the legal descriptions for the boundaries are included in the County Code. Staff responded to additional questions from the Board relative to future opportunities to change boundaries. Supervisor Reilly stated she feels the questions that were asked about the process should be answered, that the process should be defined as well as what was done, as this is an important matter. Supervisor Parker referred to a suggestion he made earlier in the process for a committee to be formed, perhaps with Supervisors Reilly and Pickard, to review these issues. Ayes: Balmain, Stewart, Parker, Pickard; Abstained: Reilly. Chairman Balmain requested that staff prepare a written response, as requested during the hearing. Hearing was closed.

cc: Jeff Green, County Counsel  
Eric Toll, Planning Director  
Bob Lowrimore, Assessor/Recorder  
Don Z. Phillips, County Clerk/Elections  
File