



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA JANUARY 9, 2001

Time Description

9:05 a.m. Meeting Commenced at the County Courthouse, Superior Court Room

Judge McMechan, Superior Court, conducted swearing-in ceremony for newly elected Judge F. Dana Walton.

Judge Walton, Superior Court, conducted the swearing-in ceremony for re-elected Supervisors: Doug Balmain, Garry R. Parker and Bob Pickard.

Chairman Parker presented a resolution to Richard McMechan recognizing him for his Services to the County as Superior Court Judge.

9:17 a.m. Refreshment Break in the Government Center Lobby

9:50 a.m. Board Meeting Resumed at the Government Center Board Chambers

(M)Stewart, (S)Balmain, Res. 01-1 adopted recognizing Richard McMechan for his services to the County as Superior Court Judge/Ayes: Unanimous.

Pledge of Allegiance

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

- Congressman George Radanovich advised that he was present to discuss issues with the Board, including the following: Yosemite West, solid waste, Mariposa Creek Project, Mineral and Mining Exhibit support, the shortfall for the Unified School District in El Portal due to the loss of visitorship in Yosemite as a result of the flood damage in the Park, and the completion of the Highway 140 project into Yosemite. He also suggested that perhaps a teleconference could be arranged with the Board in the future to discuss issues since time is limited today. Supervisor Reilly advised that Public Works is prepared to give a brief status report on the Yosemite West waste water system and any assistance that could be provided to fix the problems would be appreciated.
- Jim Petropulos, Public Works Director, gave a status report on Yosemite West waste water system. He advised that they are operating under a Cease and Desist Order from Regional Water Quality Control Board; about \$800,000 (loan funding from the County) of improvements have been made. A consultant has been hired to do a full investigation of the waste water system, along with a second consultant to review the opinions and recommendations. They are looking at the Proposition 218 process and they are trying to obtain grants – the total cost is preliminarily estimated to be between three and four million dollars. Congressman Radanovich asked for cost estimate information to be provided as soon as possible. Dana Hertfelder, Assistant Public Works Director, advised of efforts to obtain grant funding – based on the median household income for the area, they do not qualify for State funding. Congressman Radanovich asked whether there is a threat to the Merced River if the system is not operating properly.

- Supervisor Balmain suggested that consideration also be given to providing assistance with the Lake Don Pedro waste water system.
 - Chairman Parker thanked Congressman Radanovich for his efforts on behalf of the County with obtaining funding for the landfill.
 - Supervisor Stewart commented on the need to identify stable funding for the YARTS program.
 - Supervisor Pickard commented on Wawona issues and transportation planning for road and bridge improvements.
 - Supervisor Reilly asked that Congressman Radanovich carry a message to the Valley Methamphetamine Summit scheduled in Fresno this afternoon that the problems also exist in the rural areas that bound the valley.
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- Masella Rowe stated she is 85 years old and she would like to see Mariposa known as the “health town.” She commented on information contained in Rodale publications relative to known cures for sicknesses and disease. She stated she would like to see a gardening program started for the children, with assistance to obtain seeds and solid waste compost materials.
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- Supervisor Balmain suggested the Board send condolences to Supervisor Kay Bryan’s family (Siskiyou County Supervisor), and he advised that the family requested donations be made to the Fire Departments in her district.

Selection of Chairman for 2001

BOARD ACTION: (M)Stewart, (S)Pickard, Supervisor Balmain was selected as Chairman/Ayes: Unanimous.

Presentation of Gavel Plaque to Supervisor Parker for Serving as Chair for 2000

BOARD ACTION: Chairman Balmain presented the gavel plaque to Supervisor Parker.

10:32 a.m. Recess

10:48 a.m. Supervisor Balmain thanked the Board for selecting him as Chairman and staff for support.

Supervisor Parker thanked staff and department heads for their support and assistance during his tenure as Chairman.

Selection of Vice-Chairman for 2001

BOARD ACTION: (M)Parker, (S)Pickard, Supervisor Stewart was selected as Vice-Chairman/Ayes: Unanimous.

Approval of Minutes of 12/12/00 and 12/1900, Regular Meetings

BOARD ACTION: Approved

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Pickard, (S)Reilly, all items were approved (including the addition to item 5 for a transfer of \$2,500 in the Mental Health budget)/Ayes: Unanimous.

Becky Crafts, Interim Assessor/Recorder;

Approve Budget Action Transferring Funds from Salary Savings to Purchase Computer

and Work Station (\$3,300)

BOARD ACTION: Discussion was held with Becky Crafts. (M)Stewart, (S)Reilly, Res. 01-7 adopted. Supervisor Reilly commented on the need to have a replacement policy in place for data processing equipment. Supervisor Pickard asked about deferring this matter to the mid-year budget process. Greg Iturria, County Administrative Officer, provided input on the timeframes for the mid-year budget process – information will be disseminated to departments this week and the report will be presented to the Board in February. Ayes: Unanimous. Supervisor Balmain suggested that the carpet needs for the Assessor’s Office be discussed with the mid-year report.

Jeffrey G. Green, County Counsel;

A) Waive First Reading and Introduce Ordinance Amending Section 12.08.030 entitled “Obstructions” of the Mariposa County Code

BOARD ACTION: Following discussion, (M)Parker, (S)Stewart, first reading was waived and the Ordinance introduced/Ayes: Unanimous.

B) Authorize Revising the Employee Allocation Schedule by Approving a New Classification of Social Worker Supervisor II, Setting the Salary at Range 261 (\$3,465-\$4,212) and Adding One Allocation to the Human Services Department; and Adding Two Social Worker IV Allocations (Salary Range 219); and Approve Budget Action Transferring Unanticipated Revenue to Fund the Requested Positions (\$27,000) (4/5ths Vote Required) (Continued from 12/19/00)

BOARD ACTION: Following discussion, (M)Stewart, (S)Pickard, Res. 01-8 adopted. Cheryle Rutherford-Kelly, Human Services Director, provided input relative to the request and status of positions. Ayes: Unanimous.

Cheryle Rutherford-Kelly, Human Services Director;

Authorize the Human Services Director to Accept and Appropriate \$96,000 from the California Department of Mental Health for: 1) the Children’s System of Care; 2) to Strengthen the Existing Program and Provide Additional Services as Requested by Related Agencies; and, 3) to Add a Social Worker Supervisor II Allocation at Salary Range 261 as a Clinical Supervisor (4/5ths Vote Required) (Continued from 12/19/00)

BOARD ACTION: Discussion was held with Cheryle-Rutherford-Kelly. Pete Judy, Chief Probation Officer, provided input relative to the program. (M)Reilly, (S)Stewart, Res. 01-9 adopted/Ayes: Unanimous.

Jim Petropulos, Public Works Director;

A) Resolution Authorizing the Public Works Director and County Counsel to Apply for and Execute State Grant for FAA Airport Improvement from the State of California – Department of Transportation Aeronautics

BOARD ACTION: Discussion was held. Supervisor Parker asked about the timeframes and noticing for closing the Airport for this improvement, and as to whether there are any alternatives for keeping the Airport open on a restricted basis. (M)Reilly, (S)Pickard, Res. 01-10 adopted, with direction given for Public Works to come back with more detail on working out the logistics of runway use during the construction/Ayes: Unanimous.

B) Resolution Authorizing the Chairman to Execute a Personal Services Agreement with Belinda Green to Provide Solid Waste Consulting Services for the County

BOARD ACTION: Jeff Green, County Counsel, advised of his discussion with Tom Starling, PWD-Solid Waste Coordinator, relative to the contract – the California Rural Water Association approved the agreement with the use of the Association’s name versus Ms. Green. (M)Parker, (S)Pickard, Res. 01-11 authorizing Chairman to execute an Agreement with California Rural Water Association/Ayes: Unanimous.

11:25 a.m. Recess

11:32 a.m. Eric Toll, Planning Director;

A) Workshop Discussion for Purposes of Seeking Board Concurrence on the Proposed Structure of the General Plan Related to Regions of the County, the Approach to Town Planning Areas, and Proposed Inclusion of Optional Elements

BOARD ACTION: Eric Toll presented the proposed approach to regionalizing the General Plan and the changes in approaches to Town Planning Areas and proposed elements to be included in the Plan. Discussion was held relative to the criteria for the proposed boundaries for the regions and advantages/disadvantages to regionalization. Further discussion was continued to this afternoon.

B) Discuss Changes to the Local Agency Formation Commission (LAFCo) (No Folder)

BOARD ACTION: Matter was continued to January 16, 2001.

12:09 p.m. Lunch

2:06 p.m. Board Information:

- Supervisor Stewart advised of information received from Supervisor Crookham, Merced County, relative to “A Valley Thank You to the State” rally scheduled for January 12, 2001, recognizing the many allocations for the San Joaquin Valley in the Governor’s budget. Clerk to check on the time the rally is scheduled for.
- Supervisor Reilly advised of a meeting she and Supervisor Pickard held with the Mariposa Arts Council relative to potential space near the Creek Park for a community events center. Board concurred with further reviewing this matter.

Dana Hertfelder, Assistant Public Works Director, appeared on behalf of Jim Petropulos, Public Works Director;

PUBLIC HEARING to Amend the Saint Andrews Road Maintenance Zone of Benefit (Continued from 12/19/00)

BOARD ACTION: Dana Hertfelder presented the staff report. Dan Gibbs, PWD-Senior Civil Engineer, and Ed Wilson, Wilson and Associates, were present to respond to questions. Dana Hertfelder advised of the ballot process and results pursuant to the Proposition 218 requirements to amend the Zone of Benefit. Jeff Green, County Counsel, provided input relative to the property owners involved in the ballot process and the Proposition 218 process. Staff responded to questions from the Board relative to the clarification of the ballot process and how future increases in assessments would be handled. Public portion of the hearing was opened and there was no public input. Public portion of the hearing was closed and the Board commenced with deliberations. Barry Brouillette responded to a question from the Board relative to the reason one of the property owners voted in opposition to the amendment of the Zone of Benefit – the property owner was hoping the assessment fee would decrease. Ed Wilson responded to a question from the Board relative to the intent of Proposition 218 for situations like this. Staff responded to questions from the Board relative to the location of parcel “A” and the project, relative to parcels adjoining the road that are not included in the Zone of Benefit, and relative to the distribution of the maintenance costs. (M)Pickard, (S)Parker, Res. 00-12 adopted approving the amendment of the Saint Andrews Road Maintenance Zone of Benefit; Res. 00-13 adopted amending the previously established assessment fees for the Zone of Benefit; authorization was given for the Chairman to sign the Statement(s) of Zone Creation and Notice of Formation; and authorization was given for the recordation of the Notice of Termination, as provided in the conditions. Jeff Green advised of corrections to the resolutions. Ayes: Unanimous. Hearing was closed.

Further discussion was held with Eric Toll, Planning Director, relative to the proposed structure of the General Plan. Eric further reviewed their recommendation and rationale for establishing regions. Board members expressed concern with having consistency in the regional approach and relative to establishing boundaries. Supervisor Stewart asked about the status of town planning areas that have worked on specific plans and are now being recommended to have community plans. Supervisor Parker requested that County Counsel research the regionalization concept and potential for different standards and whether that is allowed. Supervisor Pickard suggested that perhaps the schools could be involved in the General Plan Update process with items such as inventory. It was noted that the planning efforts should overlap with neighboring counties and agencies. Supervisor Balmain requested that Planning review Modoc County's work with the Forest Service for the management of land. Eric also advised of recommendation to use the term "shall" versus "should" throughout the document.

3:47 p.m. MARIPOSA COUNTY PUBLIC FINANCE CORPORATION

Conduct Annual Meeting and Select Officers for 2001

BOARD ACTION: (M)Parker, (S)Reilly, the Chair and Vice-Chair for Board of Supervisors were selected to serve as President and Vice-President respectively/Ayes: Unanimous.

CLOSED SESSION Relative to Public Employee Performance Evaluation for Human Services Director (Continued from 12/19/00) (County Counsel)

BOARD ACTION: Jeff Green, County Counsel, advised that he will reschedule this matter when additional information is obtained.

3:50 p.m. Recess

3:58 p.m. Steve Fortner, Catheys Valley, provided the following comments relative to the General Plan process. He feels regionalization is divisive and it does not accomplish anything. He feels every area is unique and they should not be lumped together. He referenced his letter he submitted to the Board and stated he was concerned that he would have to start over on his specific plan efforts for the Catheys Valley area and he may have over reacted in his letter – he did not understand the town plan and community plan concepts. He stated that he does not feel there needs to be a lot of change to address the findings of internal inconsistencies contained in the Jones and Stoke report. He referred to a guide for specific plans and commented on the differences between specific plans and area plans. He further stated that he feels that since the County does not accept any offers of dedication, that the town will be not created in a normal manner as far as development goes.

Tracy Guenthart, member of the Catheys Valley Town Planning Advisory Committee, stated they would prefer that Steve Fortner throw his specific plan documents away. She advised that the committee members agree with the community concept as proposed by Planning. They want a small town area and not the large town planning area, and they want to retain a five-acre minimum. She feels that the Hornitos residents would like the same type of planning. She further stated they feel the Planning Director understands what they want; however, they are concerned that they have worked hard on their specific plan document and their work is not being productive. Supervisor Reilly stated she feels their work is productive and will assist with planning efforts.

INFORMATION – No action is necessary on the following:
Board Hearing Schedule (Clerk of the Board)

CONSENT AGENDA

- CA-1 Resolution Authorizing an Extension of the Mariposa County District Attorney Statutory Rape Vertical Prosecution Unit 1999-2000 Office of Criminal Justice Planning Grant from an End Date of August 31, 2000 to January 31, 2001, in Order to Utilize Previously Budgeted Funds Amounting to \$8,428 (District Attorney); Res. No. 01-2
- CA-2 Approve Budget Action Transferring Funds from Probation Salaries Account Clerk III, to Probation Salaries Extra-Help (\$3500) (Probation); Res. No. 01-3
- CA-3 Approve Budget Action Transferring Funds from Probation Medical, Dental, Lab to Juvenile Detention Profession Services (\$1,650) (Probation); Res. No. 01-4
- CA-4 Approve Budget Action Transferring Funds from Contract Administrator to Extra-Help in the Amount of \$6,000 Within the Community Services Block Grant Budget (Human Services); Res. No. 01-5
- CA-5 Approve Intrabudget Transfers for the Following Departments: Surveyor/Engineer (\$2,000), Boating Safety (\$3,354), and DA-Family Support (\$2,400) (Administration); Human Services Department/Mental Health (\$2,500); Res. No. 01-6

4:11 p.m. Adjournment in memory of Ruth Baity, Edward Shaw, Edna James, Andrew M. Lester, Salle Saint, Del "Taterbug" Tate, Lilly Mae Stroud, Nina Strawser, and the Honorable Kay Bryan/Siskiyou County Supervisor.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA JANUARY 16, 2001

Time Description
9:09 a.m. Meeting Called to Order
Pledge of Allegiance
Introductions

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

Board Information:

- Supervisor Pickard advised of a meeting he attended on Wednesday in Sacramento with RCRC to discuss the legislative platform, and a transportation meeting to discuss the gas tax issues, and the STIP. Supervisor Parker requested that the Board be provided with a report on the status of the gas tax issues in order to be able to make a determination on moving forward with vehicle license fee legislation.

Approval of Consent Agenda (See End of Minutes)

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

Barry Brouillette and Candy O'Donel-Browne;

Discussion of Parameters for an Economic Development Corporation Ad Hoc Committee to Fully Explore the Possibility of Pursuing a Zone of Benefit to Raise Funds for Contracting Public Transportation

BOARD ACTION: Candy O'Donel-Browne, Executive Director of the Economic Development Corporation, advised they were present to discuss the funding deficit issues for YARTS and the status of participation by Yosemite Concession Services (YCS). Supervisor Reilly excused herself from this discussion since it involves YCS and is a potential conflict of interest for her, as her husband is employed by YCS. Candy provided information on the funding status. Barry Brouillette, Vice-President of Yosemite Motels, stated they would like to call a meeting of all businesses in the tourism industry to explore the possibility of pursuing a zone of benefit to raise funds for the transportation system, and to determine whether the industry has an interest in focusing on the Highway 140 corridor. Candy advised that the Park Service has an interest in participating in this also. Discussion was held. Barry advised that once they determine the commitment of the industry, they will come back to the Board to pursue the actual structure. Candy advised that if other funding sources are located, this avenue will not be pursued.

9:34 a.m. Doug Balmain, Board of Supervisors District II;

Discussion and Direction to Staff Regarding the Possible Abandonment of Fields Road by Merced County

BOARD ACTION: Supervisor Balmain advised of his visit to the area and the problems he observed. Greg Iturria, County Administrative Officer, presented a map of the layout of the area and alternatives for closing the area and proposed location of gates.

(M)Parker, (S)Pickard, direction was given to staff to move forward with this issue. Further discussion was held. Supervisor Stewart asked about accessibility for people who want to see the marker where the four counties meet – Tuolumne, Stanislaus, Merced and Mariposa, whether there would be any road maintenance, and whether there are any residences in the area that would be affected. Tom Gookin stated he owns the parcel with the four-county corner marker; and he commented on the problems in the area with people dumping trash, partying, racing, and causing vandalism. Ayes: Unanimous. Jeff Green, County Counsel, provided input relative to the timeframes for noticing a public hearing for this matter.

Jim Petropulos, Public Works Director;

A) Resolution Authorizing Public Works to Purchase a Second Vehicle from the State of California Contract #1-00-23-20 in the Amount of \$30,000 from Downtown Ford Sales for the Sheriff's Department

BOARD ACTION: Following discussion with Marty Allan, PWD/Fleet-Fiscal Manager, Res. 01-17 adopted approving the request/Ayes: Unanimous.

B) Resolution Approving Plans and Specifications; Authorizing the Public Works Director to Advertise for Bids and Set Bid Opening Date; and Authorizing Public Works Director to Execute an Agreement for Installation of Phase II of Mariposa Creek Parkway Project between 5th and 8th Street

BOARD ACTION: Following discussion with Jim Petropulos, (M)Parker, (S)Stewart, Res. 01-18 adopted/Ayes: Unanimous. Supervisor Parker thanked Supervisor Pickard for his efforts to obtain funding for the Creek Project.

10:00 a.m. Recess

10:14 a.m. Eric Toll, Planning Director;

A) Approval to Initiate an Amendment to Chapter 17.144 of the Mariposa County Code, Enforcement, to Reduce the Violation from a Class B Misdemeanor to an Infraction and to Permit the Issuance of Citations

BOARD ACTION: Discussion was held relative to the request and relative to handling policy matters of this nature in the future. Eric requested direction on whether to proceed with the decriminalization of the Zoning Code and whether the Board wishes to retain the appeal process. Supervisor Stewart stated he would like to see a comparison of the existing system with what is being proposed, and he stated he may want to review individual items to determine if they should be misdemeanors or infractions.

Input from the public was provided by the following:

Don Starchman, Starchman Law Offices, stated he feels we should be mindful that we are not looking at criminals when considering violations – things happen in error. He stated he feels decriminalization of the Code is very important. He also stated he feels that enforcement should include County projects as well as the private sector. He stated he feels the appeal system that is in place is excellent. It was noted that once a citation is issued, the matter goes to the District Attorney.

Louise Bond, Yosemite West, stated she is not clear on the difference between an infraction and a misdemeanor. She stated she feels there is little reason to enact an ordinance if there is there is not much of a penalty. She stated that she feels that most people are law-abiding citizens; however, some will do things for personal gain. She feels that if we have rules, they should be enforced.

Pete Ulyatt, Yosemite West, stated he understands the problems and frustrations, however, he does not feel that the existing system works, and he feels it needs to be improved. He cited an example of a house in Yosemite West that has had four different complaints filed against it and the extremely slow enforcement process.

Carol Meisner, Cozy Bear Rentals in Yosemite West, stated she agrees with the need for enforcement. She expressed concern with how enforcement will take place, and she stated she wants protection for her guests. She cited an example of the enforcement of the removal of a basketball hoop, and noted that other violations have not been enforced.

Mike Bird stated he would like to see a clear process of how enforcement would take place. He would like to see enforcement, the appeal process retained and that violations remain as misdemeanors. He stated we should “walk softly and carry a big stick.”

Harry Hagen, Yosemite West, stated he feels the efficiency of zoning enforcement needs to be improved. He noted that zoning violations affect the community. He asked that the system be fixed.

Carol Davis, Midpines, stated she does not feel that this is just a Yosemite West problem. This issue has been discussed at the Midpines Advisory Committee meetings for years. She is pleased that this issue is being addressed.

Jeff Hornacek stated he supports strong enforcement of willful violations, and he commented on the side affect of the lack of enforcement.

Ken Melton stated he feels that some of the problem lies with County personnel in getting issues addressed and with past conflicts with County employees. He stated he does not feel that we need a “zoning cop.”

Yvonne Bennett stated that she feels that without enforcement of the codes, regulations and policies, there will be no civil law in the County.

Eric Toll advised that staff will review the input received and come back with this matter on February 6, 2001.

B) Approval to Initiate an Amendment to Title 17 of the Mariposa County Code, Zoning, Amending 17.108.130 to Permit Septic Tanks and Underground/Partially In-ground Components of Individual Onsite Sewage Disposal Systems to be Located Within Building Setbacks

BOARD ACTION: Discussion was held. (M)Parker, (S)Stewart, the request to initiate an amendment was approved. Supervisor Pickard requested that more information be provided on how this will affect a neighboring parcel in the future when trying to site a well. Ayes: Unanimous. Dr. Mosher, County Health Officer, provided input relative to their review of the size and terrain of the adjacent parcel. Supervisor Stewart asked about the installation of other utilities within the setbacks.

C) Approval to Initiate an Amendment to Title 17 of the Mariposa County Code, Zoning, Adding 17.108.095 to the Mariposa County Code, Requiring Mobile Homes Installed on Individual Parcels of Land to be Certified by the Department of Housing and Urban Development (HUD); and a Prohibition on Installation of Non-HUD Standard Mobile Homes on Individual Parcels

BOARD ACTION: Following discussion, (M)Pickard, (S)Reilly, direction was given to staff to initiate an amendment/Ayes: Unanimous.

D) Discuss Changes to the Local Agency Formation Commission (LAFCo) (No Folder) (Continued from 1/9/01)

BOARD ACTION: Eric Toll advised of changes to LAFCo as a result of recent legislation. LAFCo becomes a separate organization, with changes in the budget procedure and hearing schedule. He advised that in counties without cities, it is optional for special districts to be a part of the Commission.

11:29 a.m. CLOSED SESSION Relative to Anticipated Litigation, Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)

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

11:42 a.m. Lunch

2:04 p.m. Direction was given to staff as a result of the closed session.

Jeff Green, County Counsel/Interim Personnel Director;

Interview of Candidates for Assessor/Recorder Position (Continued from 12/12/00)

BOARD ACTION: Jeff Green advised that this is the second group of applicants to be interviewed for the Assessor/Recorder position and the same questions will be asked.

The following applicants were interviewed: Michael Austin, John Kelley, Robert Matheney and Raymond Tsang. The applicants responded to questions relative to their experience, their understanding of the Assessor's responsibilities, experience in managing an office with numerous employees, experience in dealing with personnel matters, experience in the preparation of and monitoring a budget, and experience with assessing possessory interests. John Kelley responded to an additional question from the Board relative to his employment history since 1988. All applicants responded to an additional question from the Board relative to this being an elected position and how they would face the outcome of the election.

3:21 p.m. Recess

3:37 p.m. Discussion was held and the Board concurred with continuing this matter to January 23, 2001, at 9:00 a.m. Chairman Balmain advised that the successful candidate will be subject to a background check and being able to pass a physical examination.

CONSENT AGENDA

- CA-1 Appoint Jim Crane to the Mariposa County Alcohol and Drug Advisory Board (Supervisor Pickard)
- CA-2 Appoint Gary Ingram, Karen Keyser-Shank and Joseph R. Troy to the Mariposa County Alcohol and Drug Advisory Board and Accept the Resignation of Laura Philips from the Mental Health Board (Supervisors Reilly and Stewart)
- CA-3 Resolution Authorizing Chair to Sign Memorandum of Understanding with Yosemite National Park Service for Provision of Emergency Medical Service in the El Portal Corridor (Health Department); Res. No. 01-14
- CA-4 Approve Intrabudget Transfers for the Fire Department (\$3,000), Social Services (\$15,000), and Community Services Block Grant (\$4,500) (Administration); Res. No. 01-15
- CA-5 Resolution Authorizing the Human Services Director to Execute the Low-Income Energy Assistance Program-Emergency Contingency Fund (LIHEAP-ECF) Agreement (Contract #00E-1275) and Approve Budget Action Transferring Unanticipated Revenue in the Amount of \$18,268 (Human Services Department) (4/5ths Vote Required); Res. No. 01-16

3:40 p.m. Adjournment in memory of Helen Oylar and Wayne Greeley.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA JANUARY 23, 2001

<u>Time</u>	<u>Description</u>
9:07 a.m.	Meeting Called to Order Pledge of Allegiance Introductions

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

Board Information:

- Supervisor Pickard advised of the status of SB 1824 (Kelly) and funding for CUPA.
- Supervisor Balmain advised of a request received from the Board of Forestry and Fire Protection for membership on the Range Management Advisory Committee.

Supervisors Pickard and Parker;

Discussion and Direction Regarding an Update on the History Center Agreement with the County; Consider the History Center's Request for New Carpeting and Approve Budget Action Reducing General Fund Contingency \$5,000 (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Don Weston, History Center, relative to the request for carpeting. Greg Iturria, County Administrative Officer, provided input relative to the request for direction to update the agreement. (M)Parker, (S)Pickard, Res. 01-19 adopted approving the request for carpeting and budget action, and providing direction to staff to review the agreement/Ayes: Unanimous. Don presented a copy of their budget for FY 2000-01. Supervisor Parker requested that Don discuss the timeframes for moving the furniture from the Library side of the building with the Public Works Director. Don noted that several docents and directors of the History Center were present, and he thanked the Board of their behalf for it support of the museum.

Approval of Minutes of 1/9/01, Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Pickard pulled item 2. Supervisor Reilly pulled item 4. (M)Parker, (S)Stewart, balance of the items were approved/Ayes: Unanimous. Supervisor Pickard advised that his request in item 2 is for Tom Miller to be appointed to the Fish Camp Planning Advisory Council, and that Ron Young's name was used in error. (M)Pickard, (S)Stewart, item 2 was approved with the appointment of Tom Miller/Ayes: Unanimous. Supervisor Reilly initiated discussion relative to item 4 and the status of receiving data from the census. Greg Iturria, County Administrative Officer, advised that the County should receive information this spring, and he will bring back information and a rough timeline for the redistricting process. (M)Reilly, (S)Parker, item 4 was approved/Ayes: Unanimous.

Jeff Green, County Counsel/Interim Personnel Director;
Discussion and Direction Relative to Appointment of Assessor/Recorder (Continued from 1/16/01)

BOARD ACTION: Discussion was held relative to appointment of an Assessor/Recorder, and the applicants that were interviewed. (M)Stewart to appoint Raymond Tsang, died for lack of a second. (M)Parker, (S)Pickard, to appoint Robert “Bob” Lowrimore, failed by the following vote - Ayes: Parker, Pickard; Noes: Reilly, Balmain, Stewart. Jeff Green advised of the State statute requirements for the Board to fill the vacancy of an elected position, and options for the Board. Board concurred with continuing the matter to February 6, 2001.

Jim Petropulos, Public Works Director;
Approval and Resolution Authorizing State Loan Application for 12 Nested T-Hangars at the Mariposa-Yosemite Airport and Permission to Proceed with Vendor Estimates and Submit Application to State

BOARD ACTION: Following discussion, (M)Stewart, (S)Parker, Res. 01-24 adopted/Ayes: Unanimous. Supervisor Parker requested that information on these projects be disseminated to the Airport users. Supervisor Reilly requested that future agenda items indicate that the Airport Advisory Committee’s recommendation and whether the project is included in the Master Plan.

Appointment of Planning Commissioner to Represent District V (Supervisor Pickard)

BOARD ACTION: Supervisor Pickard commended Pierce Loberg for his services to the County as a Planning Commissioner. (M)Pickard, (S)Reilly, Susan T. Crain was appointed as Planning Commissioner/Ayes: Unanimous.

9:52 a.m. Recess

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

PUBLIC HEARING to Authorize the Chairman of the Board of Supervisors to Sign a Resolution Approving the Execution and Delivery of a Joint Exercise of Powers Agreement and a Resolution Approving the Execution and Delivery of a Purchase and Sale Agreement, a Trust Agreement, an Escrow Agreement and Related Documents with Respect to the Sale of the County’s Tobacco Settlement Revenues, once the Agreements have been Finalized and Reviewed by County Counsel (Continued from 12/19/00 Meeting)

BOARD ACTION: Greg Iturria provided the staff report, advising of the delayed status of the securitization program and changes in the revenue stream – it is anticipated that the bonds will be sold in April or May, and the projected revenue to the County has decreased.

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

Foster Fell requested that consideration be given to funding a pulmonary/cardiac facility to treat those that have been affected by tobacco use.

Public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Reilly commented on the need to have a process to hear from the public before making a decision on the use of the funds, and she suggested that this process start before the final budget hearings, with a decision to be considered during the hearings. Greg Iturria advised that he will keep the Board informed relative to the status of funding. No action was taken at this time, and the hearing was closed.

10:29 a.m. Recess

10:40 a.m. Jim Petropulos, Public Works Director;
Administrative Practices Session on Co-Composting Project

BOARD ACTION: George Eowan, solid waste consultant, discussed the three options for handling the County's waste needs and the diversion rate that could be achieved, as well as cost information for each: 1) Herhof co-composting facility with a 50% diversion; 2) implement Source Reduction Recycling Element (SRRE) with a 50% diversion; and 3) maintain current diversion with the rate of 31%. Discussion was held. Tom Starling, PWD-Solid Waste Coordinator, provided input relative to the cost for cover material for the options. (M)Parker, (S)Pickard, direction was given to staff to negotiate directly with Herhof Corporation and come back with a detailed project for further Board action/Ayes: Unanimous. Chairman Balmain urged caution to the Board members in efforts to obtain government financing for this project until further information is known relative to the costs and timeframes for the project. Supervisor Pickard commented on timeframes for introducing legislation if the Board so desires. Supervisor Balmain stated he felt it would be okay to explore funding avenues without making any commitments. Supervisor Parker suggested that the Committee meet with the Park Service and discuss funding issues and come back to the Board with a recommendation.

11:20 a.m. Lunch

2:08 p.m. Board reconvened with Supervisor Parker excused for the rest of the meeting.

Eric Toll, Planning Director;

A) **PUBLIC HEARING** to Consider Appeal of Planning Commission's Conditions of Approval for Land Division Application No. 1519 Regarding Access Easements, Lack of Road Maintenance Association and Paving for Coyote Court, and Lack of Assurance of Water for LDA 1519; Tomlin, Applicants; Brower, Appellants

BOARD ACTION: Eric Toll advised that the only area of discretion that the Board has in the appeal is relative to issues associated with the road. Jean Clark, Associate Planner, presented the staff report and reviewed the issues raised in the appeal, as well as the Planning Commission and staff's recommendation for changes in the width of the easement. Staff responded to questions from the Board relative to whether the 60-foot easement allows adequate access for the Browsers; which parcels are in the existing Zone of Benefit and options for the homeowners association; and change in the location of the cul de sac from the preliminary map to the recorded map. Jerry Freeman, PWD/Surveyor, provided input relative to the survey and calculations for the cul de sac and the existing access for the parcel. Staff responded to additional questions from the Board relative to the location of existing residences and the driveway to the parcel in question; status of the subdivision and size of the parcels; and the location of the cul de sac.

Public portion of the hearing was opened. Input was received from the following:

Appellants:

John Jamison, Attorney at Law representing the appellants, stated the appellants are asking for access to their parcel. He feels that when the subdivision was first created, it did not provide for adequate access to the Brower parcel. He advised that they have a declaration from the previous property owner (Vaughn) relative to the intent to provide access, and that this subject driveway has been used to access his clients property since 1984. He stated they are asking for a 30-foot easement along the boundary line between parcels "A" and "B" which he feels is consistent with the use of the property. Attorney Jamison responded to a question from the Board relative to the Planning Commission's approval of a 30-foot easement. Attorney Jamison continued with his appeal presentation citing a notation on the subdivision map relative to the existing road. He stated he does not feel that what is being recommended can comply with the Fire Safe Standards for the grade for a driveway. Attorney Jamison responded to a question from the Board relative

to the recommendation that allows the applicant access to the property, and he stated he still does not feel they could comply with the regulations restricting the steepness of a driveway. He stated he feels the problem needs to be corrected in a manner that allows the applicant to construct a driveway that meets all requirements. He stated he felt conditions should have been met for access before approving the final map. He stated they are not asking for the type of access required to subdivide the property, just a 30-foot easement where the driveway currently exists.

Frank Tena commented on dust problems with the road and impacts increased density would have with a subdivision. However, he feels the people that have been using the road should be allowed to continue to do so.

Barbarann Thompson stated she is not opposed to the subdivision, just to trying to keep the appellants from access to their property. She stated the road was in existence when the applicant purchased the property and it does not affect the usefulness of the property. She stated that constructing another road near the existing driveway may cause drainage problems. She also stated that she does not understand why the appellants would be denied access on the driveway at this time to their property – she feels that is unneighborly.

Applicants:

Don Starchman, Starchman Law Offices, stated he is representing the Tomlins/applicants. He stated access to the appellants has never been denied. The appellants have been there a couple of years and his clients have owned the property for eight years, and they have allowed access. This became a problem when they wanted to raise horses. He noted that the existing driveway goes into the Tomlin property up to 30 and 40 feet in places, and it does not always parallel the property boundary. He referred to the location of the easement versus the existing roadway on the map. He noted that there is an easement, but there is no reservation for a roadway in the grant deed. He presented documents to County Counsel relative to the easement on the parcel maps. He stated the appellants were aware of the problem before they took title, and it is his understanding that the seller because of this made compensation. He stated this is not a part of the parcel map, and this is correcting a problem from when the original map was created. He noted that if this map does not go forward, the appellants will not get a solution to an existing problem that his clients had nothing to do with. He stated there is no provision for the Board to make a requirement that the appellants have access on the existing roadway – there is no provision in the law for a public taking for a private good. He noted that the appellant is quoted in the Planning Commission minutes as not having a problem with the project as long as she is not landlocked, and he noted that it is his understanding that there is also access to the property from the backside. He stated he does not feel that his clients can be forced to meet the State Fire Safe Standards requirements that were not in affect at the time this map was recorded. He noted the Planning Commission previously approved the map and the time ran before it was recorded, and they have resubmitted it. He commended staff for their work on the project and for their presentation on this appeal. He stated they are in agreement with staff recommendations and they will meet all requirements and conditions, and they will go along with the additional recommendation by staff for the easement, which is above and beyond what the Commission required for access. Attorney Starchman responded to questions from the Board relative to the location of the parcels involved in this project; the original subdivision and the creation of the Coyote Court cul de sac being short of parcel “A” and their offer to extend the easement to reach parcel “A.”

Helen Kwalwasser, mother of Debbie Tomlin/applicant, stated she originally purchased the property from Ken Vaughn in the original subdivision. She disagreed with having the driveway in question shown on the parcel map and the seller agreed to remove it. After awhile, use of the driveway was discontinued for two years, and it eroded and washed out part of driveway which her daughter had to correct. She stated there is another access off of Silva Road to the property. She noted that she did not create this

mess, and that when the Browers purchased the property they were aware that this was not an access. She feels that the County should not force them to grant access.

Appellant's Rebuttal:

Attorney Jamison referred to the reservation of the easement and the documents that Attorney Starchman provided to County Counsel, and he referred to the grant deed from Vaughn to Kwalwasser and the easement wording. He also referred to the last correspondence received from the applicant and he stated he does not feel there is very much room for negotiation. He stated a 75-foot turn-around will not solve the problem. He offered to indemnify and hold the County harmless if a 30-foot easement is offered along the driveway, and they would pay for a survey of the easement. Attorney Jamison responded to a question from the Board as to whether a lot line adjustment has been discussed with the applicant. He requested a recess to discuss these issues with Attorney Starchman, and he responded to another question from the Board relative to the assertion that the parcel is landlocked. Eric Toll stated if the attorneys reach an agreement, it would not have an impact on the appeal, because the County can not require the easement.

Public portion of the hearing was closed.

3:15 p.m. Recess

3:34 p.m. The Board was advised that the attorneys did not reach an agreement. Staff responded to a question from the Board relative to clarification of the options for modifying the easement. Board commenced with deliberations. (M)Pickard, (S)Stewart, Res. 01-25 adopted denying the appeal, upholding the Planning Commission's approval of Land Division Application No. 1519, and modifying condition No. 3 to provide for a 75-foot easement for access to the adjacent (appellants') parcel as recommended by staff. Jeff Green, County Counsel, responded to a question from the Board as to whether there is any change in his opinion from the Planning Commission's hearing on this matter. Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Hearing was closed.

B) Discussion and Board Direction on Possible Change in Title 17 Related to Accessory Units, Bed and Breakfast Facilities, and Transient Occupancy Rentals
BOARD ACTION: Discussion was held. Jeff Green, County Counsel, stated it was the intent of the Board during the Title 17 hearings that these types of uses not become businesses. Supervisor Balmain initiated discussion relative to looking at these changes as a part of the General Plan Update process. Supervisor Pickard stated he feels the Board needs to determine during the General Plan Update process where the County should head – if tourism is still the dominant factor, our regulations should reflect that to some degree. Understanding the situation in Yosemite West, he still feels we should look at the context of the rest of the County, especially the areas without a Specific Plan. Supervisor Pickard further stated that he feels, in the interim, things could be fixed as we proceed. Supervisor Balmain suggested that the Board be reminded of these issues during the process. Eric Toll suggested that the Board consider an interim measure related to accessory units so they comply during the General Plan Update process. Supervisor Reilly stated she feels that some of these regulations should be implemented countywide and could be considered during the General Plan Update process.

Public input was provided by:

Dave Deto stated he has a duplex that was built in 1995, and he feels it has minimal impact on the infrastructure. However, the financial impact is important to his family. They have planned to move closer to town for their son to attend high school and to rent both sides of the duplex as a transient rental. He feels the rental will create less of an impact as the units will not be occupied everyday. He noted that their plans have been based on the direction they felt the County was taking relative to transient rentals. He agrees that these issues need to be addressed on a countywide basis and that we need to

be more consistent. He stated he supports requiring water saving devices and linen services. He referred to the Advisory Committee's discussion on these issues, and he urged the Board to carefully consider changes that will affect duplexes.

C) General Plan Update:

- Review of Board Consensus on Guiding Principles;
- Request for Board Consensus on General Plan Structure; and
- Deferral of Action on Optional Elements

BOARD ACTION: Discussion was held. Board concurred with staff's presentation of the consensus that was reached on January 9, 2001, on guiding principles. Board concurred with a community emphasis versus regionalization for the structure to present at the Planning Fairs. Eric urged Board members to attend as many of the Planning Fairs as they can to get the most exposure countywide of how the citizens feel. Board concurred with deferring the optional elements until after the Planning Fairs, with the exception of the economic development, which will be included at this time. Eric Toll stated he feels the following three issues will drive the General Plan Update process: economic development, housing and character. He advised that the Farm Bureau is working with their state organization to provide input into the process.

Input from the public was provided by:

Bart Brown asked about the definition of economic development and character, and he was advised that all input from the Planning Fairs would be considered in developing the definitions.

D) Discussion of how to Schedule the Ongoing General Plan Workshops with the Board of Supervisors

BOARD ACTION: Eric Toll advised that he would like to present General Plan items at every meeting, or have the Board consider scheduling extra meeting days for these issues. Supervisor Reilly suggested that consideration be given to having joint workshops with the Planning Commission for some of the issues. Eric advised that the Commission requested a workshop on statutory requirements. Board concurred with trying to schedule most of the issues on its regular agenda; meeting additional days when necessary due to the Tuesday scheduling; and with holding joint workshops with the Commission for some of the issues.

E) Report on Implementation of the Paul Zucker Management Recommendations to Improve Planning Department Service to the Community

BOARD ACTION: Discussion was held. Board concurred with the mission statement as recommended.

F) Approval of a Budget Transfer from General Contingency to the Planning Department Budget to Cover Moving Costs for the Planning Director (\$3,000) (4/5ths Vote Required)

BOARD ACTION: (M)Reilly, (S)Stewart, Res. 01-26 adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Supervisor Stewart asked about handling these types of expenses in a different manner in the future. Greg Iturria, County Administrative Officer, advised that the budget action should be presented immediately following Board direction in the future.

CONSENT AGENDA

- CA-1 Resolution Authorizing the Placement of a Monument by E. Clampus Vitus Commemorating the Rededication of the Historic Catheys Valley Schoolhouse (Public Works); Res. No. 01-20
- CA-2 Appoint Ron D. Young to the Fish Camp Planning Advisory Council (Supervisor Pickard); Tom Miller was appointed.
- CA-3 Reappoint Leroy Radanovich to the Mariposa County Planning Commission to Represent District IV (Supervisor Parker)
- CA-4 Approve Intrabudget Transfer for the Elections Department (\$1,300) (Administration); Res. No. 01-23
- CA-5 Resolution Authorizing the Visitors' Bureau Director to Execute an Agreement with the Film Club of Mariposa, a California Non-Profit Corporation, for \$2,500 (Visitors' Bureau); Res. No. 01-21
- CA-6 Resolution Authorizing the Chairman to Sign the County Exhibit Entry Form for the 2001 State Fair (Visitors' Bureau); Res. No. 01-22
- CA-7 Waive Second Reading and Adopt Ordinance Amending Section 12.08.030 Entitled "Obstructions" of the Mariposa County Code (County Counsel); Ord. 960

4:47 p.m. Adjournment in memory of John C. Jansen and Bret Clay Staples.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA FEBRUARY 6, 2001

<u>Time</u>	<u>Description</u>
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9:06 a.m.	Meeting Called to Order, with Supervisor Reilly excused to arrive later.
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Pledge of Allegiance

Introductions

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

- Supervisor Parker advised that Lowell Young/Kiwanis, and Candy O'Donel-Browne/Economic Development Corporation Executive Director, were present to discuss a pending grant opportunity for the Darrah schoolhouse renovation. They advised that the State Historic Fund is withdrawing the grant monies awarded for a downtown project, and they have an opportunity to apply for those funds to be used for the Darrah schoolhouse. Discussion was held relative to the timeframes and the State's request for the schoolhouse to be declared a local historic significant structure to be eligible. Board concurred with scheduling the matter on February 13, 2001, for further consideration and possible action.

- Pelk Richards, Sheriff, advised of a meeting with a coalition of sheriffs that he plans to attend on Friday to fight for additional funding from the Methamphetamine Fund from state and federal agencies for neighboring counties to the central valley. He requested input and/or concerns from the Board members to take to the meeting.

- Pelk Richards advised of the Governor's Emergency Order No. D-19-01 relative to the energy shortage, and of Sheriffs' meetings to review the intent and to work on plans for implementation to conserve energy. At this time, compliance is voluntary, with a mandatory compliance date of March 15th. Another meeting is planned for this Friday, and he requested that the Board adopt a resolution encouraging voluntary compliance by retail establishments to the Governor's Order. (M)Parker, (S)Stewart, Board waived rules requiring 72 hours agenda noticing to consider this matter, finding it is a matter of timeliness and it was not known about at the time the agenda was prepared/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. (M)Parker, (S)Stewart, Res. 01-27 adopted encouraging voluntary compliance by retail establishments to the Governor's Order. Supervisor Parker suggested a task force be established, comprised of the Public Works Director, law enforcement and perhaps a Board member to form a countywide plan. Sheriff Richards suggested including the Chamber of Commerce to represent the business interests. Supervisor Stewart requested that CSAC be kept informed relative to the County's plan. Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Sheriff Richards commented on energy savings measures the County has implemented over the past few years for County facilities, and he commended the Board for these efforts.

- Supervisor Parker commented on the methamphetamine issues and the impact on private property owners for clean up. Supervisor Pickard suggested that a letter could be sent from the Chair urging support of funding for the neighboring counties – Board concurred and direction was given for the County Administrative Officer to draft a letter in cooperation with the Sheriff for the upcoming meeting.

Board Information:

- Supervisor Balmain advised that Meagan Riddle has been nominated to the Miss California Scholarship Pageant, and that she needs sponsorship. Information was forwarded to Lowell Young for consideration by the Kiwanis.

- Supervisor Stewart advised that he attended a CSAC meeting last week and an idea of a constitutional amendment was proposed to deal with ERAF. He advised that he has scheduled this matter on the agenda for February 13th for the Board's consideration. He advised that CSAC is also asking counties to reduce energy usage, and the issues relative to power generation were discussed.

Approval of Minutes of 1/16/01 and 1/23/01, Regular Meetings

BOARD ACTION: Supervisor Balmain pulled the minutes for 1/16/01 for clarification and approval later this date. Minutes of 1/23/01 were approved.

Approval of Consent Agenda (See End of Minutes)

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

Pelk Richards, Sheriff;

Approve Budget Transfer from General Fund Contingency to Boating Safety for a Computer (\$2,000) (4/5th Vote Required)

BOARD ACTION: Discussion was held with Howard Davies, Assistant Sheriff. (M)Pickard, (S)Stewart, Res. 01-31 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

9:43 a.m. Public hearing for the closure and abandonment of a portion of Hayward Road was opened and continued to after the following item.

Jeff Green, Interim Personnel Director;

Authorize an Amendment to the Family Support Officer Class Specification, Revising the Employee Allocation Schedule by Adding an Additional Family Support Officer Allocation to the District Attorney/Family Support Division, and Increasing Revenue and Appropriations to Accommodate the Additional Position (\$38,911) (4/5th Vote Required)

BOARD ACTION: Following discussion, (M)Pickard, (S)Stewart, Res. 01-32 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

9:45 a.m. Recess

9:59 a.m. Jim Petropulos, Public Works Director;

A) **PUBLIC HEARING** for the Closure and Abandonment of a Portion of Hayward Road

BOARD ACTION: Jim Petropulos presented the staff report.

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

Tom Gookin, one of the property owners in the area, stated he feels that if Hayward Road is left open, it will dead-end into Fields Road and the problems will continue that are being experienced on Fields Road. He stated he supports this closure.

Lyle Turpin commented on the vandalism and illegal dumping problems, and he stated there are no residences in this area. He asked how much county-maintained road mileage is included in this action. Jim Petropulos stated it may be as much as two miles; however, they have other candidates that could be included. Lyle stated he supports the recommendation.

Public portion of the hearing was closed and the Board commenced with deliberations. (M)Parker, (S)Stewart, Res. 01-33 adopted authorizing the abandonment

of the portion of Hayward Road that lies west of Ranchito Road, northeast of Fields Road and northwest of the Don Pedro Subdivision, with the finding that the abandonment is consistent with the goals, policies, and general land uses of the Mariposa County General Plan/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Hearing was closed.

B) YARTS Short-Range Plan Recommendations and Concurrence for YARTS JPA
BOARD ACTION: Amy Roberts, PWD/Transportation Planner, advised of the draft Plan that was accepted by the YARTS JPA Board on Monday. Margie Kirn, MCAG/YARTS Planner, reviewed the services that have been provided during the demonstration project, and she reviewed the draft Plan. Supervisor Stewart advised that Bob Concienne/YCS-Director of Transportation, was present for this discussion, and he provided input relative to the direct run to Badger Pass. Supervisor Pickard asked about changing the Wawona route to an in-Valley type of shuttle. Henrietta DeGroot/YNP-Transportation Program Manager, advised that they are being asked to assume that route as a part of their in-Park shuttle service. Amy Roberts clarified the action taken by the YARTS JPA to end the demonstration project, with direction to solicit request for proposals for a provider to begin a permanent service without an interruption in transit service. Discussion was held relative to increased costs and staffing for the program. Board concurred with proceeding with the draft Plan.

Supervisor Stewart;

Presentation from Kings County on GIS System, presented by Kevin McAlister, Chief Engineer and Harry Verhuel, Public Works Director

BOARD ACTION: Supervisor Stewart introduced Greg Gatzka, GIS Coordinator and Planner III, and Kevin McAlister, Chief Engineer, from Kings County. Supervisor Reilly arrived at 10:36 a.m. Greg and Kevin gave a presentation on how Kings County got to where they are with the GIS system, costs, and they presented examples of how they use the system, and where they are headed in the future. Discussion was held. Greg offered to serve as a contact to provide reference information for Mariposa County. Wain Johnson, Farm Advisor, commented on use of the GIS system for mapping noxious weed areas and potential for agricultural use. Eric Toll, Planning Director, commented on the system and placing information on the Internet. Board concurred with moving forward with planning for a pilot project, with costs and detailed information to be brought back to the Board. Greg Iturria, County Administrative Officer, stated he could meet with Department heads and put together a description of what the process would look like to develop a system for the County, with resources to be further reviewed in the budget process. Supervisor Reilly suggested that the possibility of obtaining grant funding be pursued. The Board thanked Kevin and Greg for sharing the information.

11:29 a.m. Recess

11:40 a.m. Steve Hayes, Visitors' Bureau Director;

B) Request and Recommend that the Board of Supervisors Accept the Mariposa County Visitors Bureau Report for the First Half of Fiscal Year 2000-2001

BOARD ACTION: Discussion was held with Steve Hayes relative to the report.

A) Request and Recommend that the Board of Supervisors Approve the Marketing Plan for Fiscal Year 2001-2002

BOARD ACTION: Discussion was held with Steve Hayes relative to the Marketing Plan. It was clarified that funding for the amphitheater events is contingent on completion of the stage to a usable point. The funding previously allocated for the Arts Council Blue Grass Festival is now earmarked for music festivals. Supervisor Parker

suggested that approval of the Plan be held pending receipt of the report from the marketing consultants and that the budget be kept at the same level as approved for last year. Steve advised that he is comfortable with waiting for the consultant's report.

Minutes of 1/16/01, regular meeting, were approved with clarification of the LAFCo changes.

12:10 p.m. Lunch

2:11 p.m. Eric Toll, Planning Director;

A) Initiation of an Amendment to Chapter 17.144 of the Mariposa County Code, Enforcement, to (1) Decriminalize Zoning Enforcement to an Infraction; (2) Accommodate an Appeal to the Board of Supervisors when a Notice of Violation is First Sent to a Property Owner; and (3) Require the Zoning Enforcement Officer to Prepare Written Procedures for Board Review

BOARD ACTION: Discussion was held with Eric Toll. Eric reviewed the current procedures and what he is trying to accomplish, and he requested the Board's direction for rewriting the ordinance. He presented the proposed Enforcement Guiding Principle. Discussion was held relative to decriminalizing zoning and consideration of infractions versus misdemeanors, current procedures and options, the appeal process, and relative to how the counts of violation and fines are determined. Board concurred with having staff make changes to the ordinance so that it reflects current practice. Supervisor Parker requested that staff work with County Counsel on drafting the language, and that it be written to apply to all departments. Eric advised that he will route the draft to departments for review. Supervisor Parker initiated discussion relative to the process for bringing these types of issues to the Board in the future – he suggested that the item be first presented to the Board to determine whether to pursue it, and then more detailed information could be prepared if the Board so directs. Chairman Balmain advised that the County Administrative Officer is working on an item for the Board to deal with policy type issues.

Input from the public was provided by the following:

Ken Melton stated he appreciates the direction the Board is taking. He stated he still feels a lot of the problems resulted from the way the Planning Department processed complaints in the past. He asked if the process being proposed by Planning will be included in the ordinance – he suggested that it be kept separate from the ordinance change. He further suggested that the Board Chair, County Counsel and the Planning Director draft a procedure for the Board's review when the ordinance change is brought back.

Dick Kunstman suggested that the language in the ordinance be changed to reflect that the fine could be set by a judge up to a maximum amount. He further stated that he feels it is the role of the Board to review whether there is a violation when hearing appeals, and not to decide if a person should get away with a violation.

3:45 p.m. Recess

3:58 p.m. B) General Plan Update: Planning Horizons in the General Plan and the Use of "Shall" and "May"

BOARD ACTION: Matter was continued to February 13, 2001.

3:59 p.m. **CLOSED SESSION** for Conference with County Labor Negotiator With the Deputy Sheriff's Association (DSA) and Sheriff's Management Association (SMA) (Personnel); and

CLOSED SESSION Relative to Existing Litigation, California Government Code Section 54956.9(a), Kathryn Carpenter v. County of Mariposa, et al.; Case No. CIVF 00

5232 (Personnel)

BOARD ACTION: (M)Parker, (S)Pickard, closed sessions were held with all Board members present, and with Rick Bolanos/County labor negotiator, to be present for a portion of the session/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

5:46 p.m. Board reconvened in open session. Chair Balmain announced that direction was given to staff as a result of the closed session items.

Discussion and Direction Relative to Appointment of Assessor/Recorder (Continued from 1/23/01) (County Counsel)

BOARD ACTION: Discussion was held relative to considering this matter at this time or continuing it for further consideration. (M)Pickard, (S)Parker, to appoint Bob Lowrimore as Assessor/Recorder, failed by the following vote after additional discussion/Ayes: Parker, Pickard; Noes: Reilly, Balmain, Stewart. Discussion was held as to whether to notify the candidates that the Board has been unable to reach a decision on this matter, and relative to options for continuing this matter or re-recruiting. (M)Stewart, (S)Reilly, direction was given for staff to notify the candidates that the Board is unable to reach a conclusion, and that this matter will be further discussed in a month. Further discussion was held relative to the intent of the motion and whether the current candidates would continue to be considered, and relative to the timeframes for making a decision. Supervisor Stewart restated his motion, agreeable with the second, to direct staff to notify candidates that the Board is unable to reach a decision. Following further discussion, Board concurred with rescheduling this matter in a month. Motion was withdrawn by maker.

Approve Increasing the Employer's Contribution for Appointed and Elected Officials' Health Insurance Benefit to coincide with Mariposa County Managerial/Confidential Organization's (MCMCO) Benefit (\$369), Permanently Tie the Contribution to at Least Equal the Health Insurance Benefits Granted to MCMCO, and Adopt a Resolution Fixing the Employer's Contribution Under the Public Employee's Medical and Hospital Care Act (County Counsel)

BOARD ACTION: (M)Parker, (S)Reilly, Res. 01-34 was adopted/Ayes: Unanimous.

Discussion and Possible Action Relative to Providing Office Space on a Periodic Basis to State and Federal Elected Representatives (Supervisor Parker)

BOARD ACTION: (M)Parker, (S)Stewart, Board approved the concept and direction was given for the County Administrative Officer to review and bring back details on potential space. Discussion was held relative to the request and what would be provided. Ayes: Unanimous.

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

CONSENT AGENDA

CA - 1 Resolution Granting Authority to the Planning Director, to Execute Agreements with the Mariposa County Fair Grounds and Other Entities for Rental Space for Mariposa County General Planning Fairs and Other Similar Future Planning Department Activities Subject To County Counsel Approval (Planning); Res. No. 01-28

CA – 2 Resolution Designating the Court Executive Officer as a Management and Confidential Position (Personnel); Res. No. 01-29

CA – 3 Approve the Annual Certification Statement Regarding Composition of Local Planning Council Membership for the Mariposa Local Child Care Planning Council (Child Care Coordinator); Res. No. 01-30

6:24 p.m. Adjournment in memory of Richard Woo, Robert C. King, Reverend Dr. Alfred Glass, and Agnes Dorathy Vanderveer.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA FEBRUARY 13, 2001



Time Description

9:06 a.m. Meeting Called to Order, with Supervisors Reilly and Parker excused.
Pledge of Allegiance
Introductions

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

- Jim Petropulos, Public Works Director, provided a report on efforts his staff made during the winter storm over the weekend, including efforts to clear accesses for emergency services and for P. G. & E. to reach downed power lines. He advised that the road crews are still working in Fish Camp and they are getting equipment to Wawona to assist with snow removal. He noted that they depend on independent contractors to haul the equipment, and they would like to be able to obtain a lowboy for the County to be able to haul their own equipment.

- Pelk Richards, Sheriff, commended the road crews for their efforts and he stated they worked hand-in-hand with law enforcement to access those with medical needs. Pelk updated the Board on the status of the Implementation Plan for the Governor's energy conservation program. Supervisor Pickard suggested that less lighting could be used at the Government Center. Pelk also advised that 34 sheriffs attended a meeting in Sacramento and recommended that OCJP place additional funding in the Central Valley Methamphetamine project for the neighboring areas. He further advised that they are looking into applying for a federal grant to establish a countywide wireless computer linkage.

Board Information:

- Supervisor Pickard updated the Board on the possibility of have a video conference call with Congressman Radanovich – the Technical Services Director is working with Congressman Radanovich's Office and SierraTel to determine what is necessary to accomplish such a meeting. Board concurred with pursuing this.

- Supervisor Balmain advised that he attended the Sierra Cascade Logging Conference in Redding last week, and it was not as upbeat as in past years – the industry is struggling.

Approval of Consent Agenda (See End of Minutes)

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

Eric Toll, Planning Director;

Introduction of General Plan Team

BOARD ACTION: Eric Toll introduced the consulting team for the General Plan Update. A brief discussion was held relative to the attendance at the Planning Fairs.

Don Phillips, Treasurer/Tax Collector;

A) Recommend Purchase of New Mail Machine for Hall of Records and Approve

Budget Action Transferring Funds from Tax Collector Cost Fund (\$1,190) (4/5th Vote Required)

BOARD ACTION: Discussion was held with Don Phillips relative to the request and recommendation. Wayne Day, Pitney Bowes, provided input relative to the costs for the equipment and maintenance and software updates. Discussion was held as to how these costs compare with the existing equipment. Further discussion was continued for the following hearing to be opened.

9:49 a.m. Public hearing to consider the use of a portion of the County's State Transportation Improvement Program (STIP) Funds for purchase of two (2) transit buses was opened and continued to after the following matters.

Further discussion was held relative to the request to purchase a new mail machine and comparison of purchase costs to lease costs. Board concurred with continuing the matter for staff to come back with more specific information on the lease and purchase costs.

Supervisor Stewart commended Don Phillips for his efforts to keep up with technology, especially with the election equipment changes.

B) Request to Purchase "Election Worker Management System" Software and Authorize Chairman to Sign Addendum to the Agreement with Election Systems & Software, Inc. (ES&S)

BOARD ACTION: Don Phillips stated he felt that action had previously been taken on this matter. No action was taken at this time.

9:54 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director

A) Selection of Chair and Vice-Chair

COMMISSION ACTION: (M)Pickard, (S)Stewart, Commissioners Reilly and Balmain were selected to continue to serve as Chair and Vice-Chair respectively/Ayes: Balmain, Stewart, Pickard; Excused: Reilly, Parker.

B) Public Hearing to Consider the Use of a Portion of the County's State Transportation Improvement Program (STIP) Funds for Purchase of Two (2) Transit Buses, and Appropriate Funding from the Transit Bus Replacement Fund (\$12,000) for Matching Funds (4/5th Vote Required)

COMMISSION ACTION: Jim Petropulos presented the staff report and advised that the Board could conduct the hearing and continue the budget request portion to a future meeting when four or more members are present. Jim Petropulos and Marty Allan/PWD-Fleet Fiscal Manager, responded to questions from the Commission relative to the funding sources; dial-a-ride services; and relative to the availability of transportation from the Airport to town. Public portion of the hearing was opened and there was no public input. Public portion of the hearing was closed and the Commission commenced with deliberations. Staff responded to questions from the Commission relative to the amount of the County's match for the funding, and the status of building a replacement fund for future purchases if grants become unavailable. Hearing was continued to February 20, 2001, at 9:00 a.m.

C) Adoption of Proposed Amendments to the Mariposa County Regional Transportation Improvement Program

COMMISSION ACTION: Discussion was held with Jim Petropulos, and he advised that he will bring back additional information on February 20, 2001, relative to the RTIP and adjustments and efforts to coordinate projects with CalTrans. Commissioner Stewart commented on efforts to try and get projects done and to track costs.

Commissioner Balmain noted he has received requests from citizens for a left-turn lane on Highway 132 and Hidalgo Way. Jim Petropulos advised that they will be meeting with CalTrans staff on the projects and any support the Commissioners could provide would help. He advised of safety issues with the intersections at each end of town, and he noted that CalTrans is reviewing the situation and may come back and ask the County to contribute toward the cost of the project. Commissioners concurred that they do not support the installation of traffic signals at this time, but prefer to look at alternative options. Commissioner Balmain initiated discussion relative to maintenance of dirt roads and whether they can be protected from unnecessary damage, and he stated he would like to see the Commission address this issue in the future. He suggested that consideration could be given to restricting travel in areas where unnecessary damage is being caused; perhaps speed could be restricted to address safety and dust concerns, and he suggested that dust abatement programs be reviewed. Commissioner Pickard asked about the status of passing lane improvements on Highway 49 South. Matter was continued to February 20, 2001.

Jim Petropulos, Public Works Director;
Resolution to Approve and Authorize Public Works Director to Execute a Purchase Order to Purchase Soil as Cover Material for the Mariposa County Landfill that is in the Best Interest of the County from Mark Long; and Approving Budget Action Transferring Funds in the Solid Waste Budget (\$27,500)

BOARD ACTION: Discussion was held with Jim Petropulos. (M)Stewart, (S)Pickard, Res. 01-37 adopted approving request, with the budget action as revised/Ayes: Balmain, Stewart, Pickard; Excused: Reilly, Parker.

10:00 p.m. Supervisor Bob Stewart;
Discussion and Possible Direction for CSAC Representative Relative to Exploring a ERAF Constitutional Amendment for California

BOARD ACTION: Supervisor Stewart initiated discussion relative to this matter and the complexity of the issues. Board concurred with not exploring this matter at this time.

Lowell Young, Kiwanis Club, and Candy O'Donel-Browne, Economic Development Corporation Executive Director;

Discussion and Possible Action Relative to Grant for Darrah School

BOARD ACTION: Chairman Balmain advised that Lowell Young informed the office that no action is necessary at this time.

10:56 a.m. Recess

11:19 a.m. Eric Toll, Planning Director;
General Plan Update: Planning Horizons in the General Plan and the Use of "Shall" and "May" (Continued from 2/6/01)

BOARD ACTION: Discussion was held relative to the use of "shall" and "may" and recommendations for short, intermediate and long-term planning periods during the lifespan of the General Plan. Discussion was also held relative to the possibility of holding planning fairs throughout the process.

General Plan Update: Board Approval of the Public Participation Program

BOARD ACTION: Following discussion with Eric Toll, (M)Stewart, (S)Pickard, Res. 01-38 adopted approving and authorizing the Planning Director to execute contracts for facilities and equipment rental related to the General Plan Update, subject to the approval of County Counsel and the County Administrative Officer/Ayes: Balmain, Stewart, Pickard; Excused: Reilly, Parker.

Further discussion was held relative to the planning fairs and attendance and the additional costs involved. Matter to be scheduled on the agenda for February 20, 2001, for further consideration.

12:08 p.m. Lunch

2:45 p.m. Eric Toll, Planning Director;
General Plan Update: The IssueTrinity-Housing, Economy, and Character - Discussion with Board and Presentation by Parsons Team on Key General Plan Issues. No Action Required.

BOARD ACTION: Eric Toll introduced the following members of the Parsons team: Andy Hauge/Vice-President, Jeff Goldman/Principal Planner, Shant Agajanian/Principal of Agajanian and Associates, and Mike Notestine/Planning Principal of Mogavero Notestine Associates. Mike Notestine reviewed input received at the planning fairs concerning character issues. Shant Agajanian reviewed economic aspects. Jeff Goldman reviewed housing issues. Discussion was held.

Supervisor Pickard initiated discussion relative to the existing power outages throughout the County as a result of the weekend storms, and he suggested that the Board consider taking action to give direction to staff. (M)Pickard, (S)Stewart, Board waived rules requiring 72 hours agenda noticing to consider this matter finding it was not known at the time the agenda was prepared and finding it is a matter of urgency/Ayes: Balmain, Stewart, Pickard; Excused: Reilly, Parker. Following discussion, (M)Pickard, (S)Stewart, direction was given to staff to continue to provide assistance to citizens during the power outages as reasonable and necessary/Ayes: Balmain, Stewart, Pickard; Excused: Reilly, Parker.

CONSENT AGENDA

- CA-1 Resolution Authorizing Chairman to Sign Mutual Aid Agreement Between Tuolumne County, Mariposa County and Mercy Medical Transport (Public Health); Res. No. 01-35
- CA-2 Approve Intrabudget Transfer for Planning Department (\$1990) (Administration); Res. No. 01-36

3:55 p.m. Adjournment in memory of Wallace E. Heyne and Dick Odgers.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA FEBRUARY 20, 2001



<u>Time</u>	<u>Description</u>
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9:11 a.m.	Meeting Called to Order, with Supervisor Parker excused.
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Pledge of Allegiance

Introductions – Chairman Balmain recognized the presence of his wife, Theran Balmain.

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

- Supervisor Reilly commented on the legislative package received from Senator Monteith and the 45-foot bus issue. She requested that this matter be scheduled on the agenda for discussion with the Senator or his staff on the specifics of the legislation.

Discussion was held.

- Leota Striplin advised that she and Arlene Eutsler are coordinating the local Daffodil Days fundraiser for the American Cancer Society, and she requested that the Board approve a proclamation – matter was scheduled on the Board's agenda for February 27, 2001.

Board Information:

- Supervisor Pickard advised that there is a Noxious Weed Oversight Committee meeting today, and since he is unable to attend due to the Board meeting, he will provide his input relative to issues that are important to Mariposa County such as the funding allocation formula.

- Supervisor Balmain advised of a Solid Waste Committee meeting held with representatives of the National Park Service, and he stated the Park Service is very supportive of the co-compost project and encouraged the Board to pursue legislation for funding to support this effort. He advised that the Committee will work with Supervisor Pickard on the legislation.

Approval of Minutes of 2/06/01 Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Stewart, (S)Reilly, all items were approved/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Board members commended the volunteers that work with the Sheriff's Department for their dedication.

Jim Petropulos, Public Works Director;

A) Resolution Requesting the Environmental Services Joint Powers Authority to Represent Mariposa County's Rural Position Regarding the Bureau of State Auditors' Report on the California Integrated Waste Management Board

BOARD ACTION: Following discussion, (M)Pickard, (S)Stewart, Res. 01-45 adopted. Further discussion was held. Tom Starling/PWD-Solid Waste Coordinator, provided input relative to the process and the changes the State is requesting. Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

B) Resolution Approving the Acceptance of a \$12,500 Grant of CSBG Funds from the Calaveras/Mariposa Community Action Agency to Operate a Mobile Recreation Program and Approve Budget Action (4/5th Vote Required)

BOARD ACTION: Discussion was held with Rich Begley/PWD-Deputy Parks Director, and he advised that they hope to be able to begin the program this summer. (M)Pickard, (S)Reilly, Res. 01-46 adopted accepting the funding, and giving direction to staff to make a request for funding for the cargo trailer during the mid-year budget process later this date/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

C) Resolution Accepting the Completion of the Mariposa County Library (PW 95-38) and to Release any Funds Held as Retention to the Contractor

BOARD ACTION: Jim Petropulos commended Fred Solomon for his services to the County as project manager for the construction of the library, and he stated he would like to have Fred's assistance with future projects. Board members also thanked Fred for his services.

Fred Solomon gave a presentation on the costs incurred for the library project that were beyond the scope of the original contract, and of the status of the budget for this project – project was completed within the budgeted amount. Board members also noted the efforts of Craig Scott, architect, and Tech Four, contractor, for making this a successful project.

(M)Reilly, (S)Stewart, Res. 01-47 adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

10:05 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;

A) Public Hearing to Consider the Use of a Portion of the County's State Transportation Improvement Program (STIP) Funds for Purchase of Two (2) Transit Buses, and Appropriate Funding from the Transit Bus Replacement Fund (\$12,000) for Matching Funds (4/5th Vote Required) (Continued from 2/13/01) (Deliberation Phase)

COMMISSION ACTION: Marty Allan/PWD-Fleet Fiscal Manager, presented the staff report. Public portion of the hearing was opened and there was no public input. Public portion of the hearing was closed and the Commission commenced with deliberations. (M)Stewart, (S)Pickard, LTC Res. 01-1 adopted. Commissioner Pickard suggested that staff review having a formula for depreciation and replacement of the buses. Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Hearing was closed.

B) Adoption of Proposed Amendments to the Mariposa County Regional Transportation Improvement Program (Continued from 2/13/01)

COMMISSION ACTION: Discussion was held with Jim Petropulos and Amy Roberts/PWD-Transportation Planner, and they advised of correction with funding for Silverbar and Carleton Roads. Commissioner Balmain requested that consideration be given to adding Whitlock Road during the next RTIP process. (M)Pickard, (S)Balmain, LTC Res. 01-2 adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

10:18 a.m. Board reconvened and recessed.

10:34 a.m. Greg Iturria, County Administrative Officer;

A) Receive the Fiscal Year 2000-2001 Mid-Year Budget Report and Approve Recommended Budget Actions (4/5th Vote Required)

BOARD ACTION: Discussion was held, and Greg Iturria noted the additional request from this morning relative to the cargo trailer for the mobile recreation program, and he provided input relative to the request to replace the carpeting in the Assessor's office. Supervisor Reilly initiated discussion relative to the PWD/Facilities Maintenance request for additional funding for Yosemite West – County Administrative Officer to

work with the Public Works Director to further review this request. Following discussion relative to increased utility costs, Greg Iturria advised that he will review this matter with departments and bring it back, if necessary. It was also requested that the County Administrative Officer review what the consequences would be if the County chooses to not pay the penalty for late remittance of the 1998-99 trial court Maintenance of Effort. Supervisor Balmain provided input relative to the Visitors' Bureau Director's request for funding, as he was unable to be present due to illness. Becky Crafts, Interim Assessor/Recorder, provided input relative to the request for replacement of the carpet and relative to the continuing problems with the leaking roof, and discussion was held. Board concurred with directing staff to bring back options and cost estimates and timeframes to address the roof concerns for the Hall of Records. Further consideration of the mid-year budget was continued to later this date for additional information to be obtained.

B) Review the Fiscal Year 2001-2002 Proposed Budget Schedule and Provide Staff with General Direction on the Budget Development and Preparation

BOARD ACTION: Following discussion, (M)Pickard, (S)Reilly, the schedule was approved and direction was given to staff as recommended for the budget development and preparation/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Pete Judy, Chief Probation Officer;

A) Approve Changes in the Mariposa Juvenile Justice Coordinating Council (JJCC) as follows:

- 1) Appoint Judge F. Dana Walton to replace Judge McMechan,
- 2) Appoint Beverly Nowlin to Replace Kathy Delaney, Representing Drug and Alcohol Services,
- 3) Delete Special Project Director for Mariposa County Unified School District, and
- 4) Appoint Bob Allen to Represent the Community

BOARD ACTION: (M)Pickard, (S)Stewart, changes were approved as recommended/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

B) Resolution: Approving the Schiff-Cardenas Crime Prevention Act (CPA) 2000 Plan and Authorizing Execution of the Plan by the Chairperson Upon Approval of the CAO and County Counsel; Approve Budget Action Transferring Unanticipated Revenue (\$16,107) AB1913 CPA 2000 Funds Through 6/02; Approve Budget Action Transferring Sheriff's Asset Forfeiture Funds to Cover the Costs Associated with the New Employee (\$2730) (4/5^{ths} Vote Required)

BOARD ACTION: Discussion was held with Pete Judy. Pelk Richards, Sheriff, provided input relative to the funding for these programs and pending legislation. (M)Pickard, (S)Stewart, Res. 01-48 adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Discussion was held relative to the locations used for placement of our juveniles. Judge Dana Walton, Superior Court, commented on his experiences since the first of the year with juveniles, and he advised that they are not always able to use the County's facility.

11:45 a.m. Recess

11:47 a.m. Bob Pickard, District V Supervisor;
Discussion and Possible Action to Approve a Resolution to Support the Resource Conservation and Development Program

BOARD ACTION: Supervisor Pickard advised that in January, 2001, the federal government recognized the Yosemite/Sequoia Resource Conservation and Development Area. Present for discussion were: Jerry Progner, USDA Natural Resources

Conservation Services, and Skip Skyrud, Mariposa County Resource Conservation District Director. Supervisor Pickard advised of wording changes in the documents, and discussion was held relative to future financial commitments for this program. (M)Pickard, (S)Stewart, Res. 01-49 adopted, with changes as requested. Supervisor Reilly commented on the ceremony event for the creation of this program and she requested that there be better communication with Board members in the future on these types of items. Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

11:54 a.m. Lunch

2:08 p.m. Eric Toll, Planning Director;

A) Discussion Regarding Planning Fair and Public Participation (Continued from 2/13/01)

BOARD ACTION: Eric Toll presented a question and answer sheet on the most frequently asked questions relative to the General Plan Update. Discussion was held relative to the planning fairs and public participation. Board members requested that more information be included in the agenda packages for these items. Discussion was held relative to scheduling another planning fair in Mariposa – Board concurred with scheduling the next fair on Thursday, March 22, 2001, at the Government Center, from 6:00 to 9:00 p.m. Discussion was held relative to scheduling mini-planning fairs in other locations – Board concurred. Supervisor Reilly suggested that areas be targeted to also get the youth involved, and that Public Works be involved relative to the Master Plan for recreational facilities in the next fair.

B) Further Discussion of Economy, Housing and Character Issues (Continued from 2/13/01)

BOARD ACTION: Discussion was held, and Eric Toll asked that Board members provide input relative to future topics they would like to discuss. Supervisor Stewart suggested that the Sierra Business Council be scheduled to give a presentation to the Board as to what their organization is about, and for consideration of their involvement in this process.

3:08 p.m. Recess

3:21 p.m. Chairman Balmain advised that the Treasurer/Tax Collector's request from last week for a new mail machine would be rescheduled for March.

Greg Iturria, County Administrative Officer, provided additional information relative to the mid-year budget report and a revised request for Facilities Maintenance – the increased overtime expenses for Yosemite West maintenance will be reimbursed by the District, and he recommended \$1,600 to come from the General Contingency for carpeting for the Assessor office. He noted that Yosemite West costs are increasing at a greater rate than the revenues. Becky Crafts, Interim Assessor/Recorder, provided information on the quotes obtained for replacing the carpet. Jim Petropulos, Public Works Director, provided input relative to pending maintenance projects. (M)Pickard, (S)Stewart, Res. 01-50 adopted approving the mid-year budget actions as recommended, and with changes to include PWD/Facilities Maintenance (\$18,978); carpet for the Assessor office (\$1,600 from General Contingency); and cargo trailer for the mobile recreation program (\$5,800 from General Contingency)/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

CONSENT AGENDA

- CA-1 Resolution Adopting Section 731.1 and Section 796 of the Welfare and Institution Code Applicable to the County of Mariposa to Send Youth to the Turning Point Academy (Probation); Res. No. 01-39
- CA-2 Approve an Increase in the Estimated Revenue and Appropriations to the Library Budget (\$6072.00) (4/5th Vote Required) (Library); Res. No. 01-40
- CA-3 Approve Intrabudget Transfer for the Hazardous Material Clean-Up Capital Improvement Project (\$1,483) (Administration); Res. No. 01-41
- CA-4 Authorize Chair to Sign Amended Negotiated Net Amount Contract with the State of California Alcohol and Drug Programs for Provision of Services in Mariposa County for Fiscal Year (FY) 2000-01 (Human Services); Res. No. 01-42
- CA-5 Resolution Recognizing Sheriff's Department and their Volunteers (Chairman Balmain); Res. No. 01-43
- CA-6 Resolution Recognizing Glenn "Pat" Michael Upon His Retirement from California Department of Forestry and Fire Protection (Supervisor Stewart); Res. No. 01-44

3:39 p.m. Adjournment in memory of Dennis Ray Foley, Byron Johnson, and Jeffery Earl Falke.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA **FEBRUARY 27, 2001**

Time Description
9:11 a.m. Meeting Called to Order
Pledge of Allegiance
Introductions

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

- Supervisor Parker advised of a letter and Certificate of Appreciation that were prepared for presentation to Dennis Buck for his services in repairing the water tender for the Fish Camp Fire Station. Board concurred with making the presentation later this date.

- Supervisor Parker advised of a letter of appreciation that was prepared for Cathy Collier for her services to the community as Executive Director of the Arts Council. Board concurred with presenting this at a special event planned for later in the week.

- Blaine Shultz, Fire Chief, advised of an off-agenda request to submit a grant to OES to fund a terrorism assessment program, and he advised that the second part of the grant proposal will be for the purchase of specialized equipment. (M)Parker, (S)Reilly, Board waived rules requiring 72 hours agenda noticing to consider this matter, finding it is a matter of timeliness as the grant submission deadline was moved from April 1st to March 1st/Ayes: Unanimous. (M)Parker, (S)Stewart, Res. 01-51 adopted approving the grant application/Ayes: Unanimous.

Board Information:

- Supervisor Reilly advised that the 45-foot bus issue was dropped from Senator Monteith's legislative platform. Supervisor Balmain stated he feels that portions of Highway 120 in the County could handle 45-foot buses; however, they are still restricted and he hopes that this can be resolved in the future.

Proclaim February 12 through March 9, 2001 as "Daffodil Days" in Recognition of the American Cancer Society

BOARD ACTION: Matter was continued to later this morning.

Cherlye Rutherford-Kelly, Human Services Director;

Resolution and Tile Plaque Recognizing Carol Stephens upon her Retirement

BOARD ACTION: (M)Parker, (S)Reilly, Res. 01-50 adopted and was presented to Carol Stephens along with a tile plaque/Ayes: Unanimous.

Pete Judy, Chief Probation Officer;

Cheryle Rutherford-Kelly, Human Services Director;

It is Respectfully Recommended that the Board:

- 1) Accept \$101,793 of Unanticipated Proposition 36 Revenue and Direct the Auditor to Place the Entire Amount into a Trust Fund;
- 2) Appropriate \$80,667 this Fiscal Year and Use the Remainder, \$21,126 next Fiscal Year;
- 3) Designate Human Services to Act as the Lead Agency;
- 4) Authorize Your Alcohol and Drug Advisory Board to Act as the Task Force and Continue Program Planning with Other Agencies Providers;

- 5) Allocate a Deputy Probation Officer III Position to the Probation Department and Grant the Probation Officer Authority to Fill the Position;
- 6) Contract with Mariposa Counseling Center for Expanded Alcohol and Drug Services and Authorize Your Chairman to Execute the Contract upon Approval by the County Administrative Officer and County Counsel;
- 7) Agree to Comply with Provisions of the Law;
- 8) Forward Your Board Resolution to the State Director of the Department of Alcohol and Drug Programs no Later than March 1, 2001

(4/5ths Vote Required)

BOARD ACTION: Pete Judy was unable to be present. Discussion was held with Cheryl Rutherford-Kelly, and she advised that Beverly Nowlin, Alcohol and Drug Director, was present. Supervisor Parker noted the County's policy that grant funded positions only exist during the period of the grant. Pelk Richards, Sheriff, provided input relative to the funding for this program. (M)Pickard, (S)Reilly, Res. 01-52 adopted approving the requested actions/Ayes: Unanimous. Supervisor Parker suggested that the County Administrative Officer review the program on an annual basis to determine the stability of the funding.

Leota Striplin;

Proclaim February 12 through March 9, 2001 as "Daffodil Days" in Recognition of the American Cancer Society

BOARD ACTION: (M)Stewart, (S)Reilly, proclamation was approved and presented to Leota Striplin and Arlene Eutsler, coordinators for the local program/Ayes: Unanimous.

The letter of thanks and Certificate of Appreciation were presented to Dennis Buck commending him for his efforts in repairing the tank on the water tender for the Fish Camp Fire Station.

Greg Iturria, County Administrative Officer;

Review the Concept of Family Support Regionalization and Consider Adopting a Resolution Opposing Consolidation of Mariposa County Child Support Program with Another County or Counties. Discussion and Direction to Staff Regarding the Recruitment for the Family Support Director

BOARD ACTION: Greg Iturria advised that he received a phone call from the State requesting that the Board delay taking action on the concept of regionalization pending further review and discussion – Board concurred and the matter was continued to March 6th.

9:56 a.m. Jeff Green, County Counsel, was excused for the following discussion due to a potential conflict of interest, as his spouse is the Family Support Division Manager. Discussion was held relative to the transition of the Family Support Division and recruitment for a Director. Greg Iturria advised that the County will need to have a department head in place by July 1, 2001, the transition deadline date, and that most counties have appointed their director to the position. Discussion was held. The Board concurred with scheduling an interview with the Family Support Division Manager, and after the interview determining whether an appointment is appropriate; and if an appointment is not made, to determine the process to use to fill the department head position.

Marian Spacke, Investment Officer, appeared on behalf of Don Z. Phillips, Treasurer; County Treasurer's Investment Report by Fiduciary Trust International

BOARD ACTION: Alan Seidner, Fiduciary Trust International, presented the investment report. Discussion was held, and Board members thanked Mr. Seidner for including their cost information in the report.

Discussion and Request for Direction Relative to Sending a Letter in Support of AB 62 (Migden), a Bill that Provides State Funding to Address the Problem of Sudden Oak Death (SOD) (Supervisor Pickard)

BOARD ACTION: Following discussion, (M)Reilly, (S)Stewart, Board approved sending the letter/Ayes: Unanimous.

10:39 a.m. Jeff Green, County Counsel/Personnel;
CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Deputy Sheriff's Association (DSA) and Sheriff's Management Association (SMA); and
CLOSED SESSION for Public Employee Performance Evaluation for the Planning Director (County Counsel/Interim Personnel Director)

BOARD ACTION: (M)Pickard, (S)Stewart, closed sessions were held with Rick Bolanos, labor negotiator, to be present for the morning session, and with the Planning Director to be present for the afternoon session/Ayes: Unanimous.

11:55 a.m. Lunch

2:12 p.m. Board reconvened in closed session.

3:32 p.m. Board reconvened in open session. Chairman Balmain announced that direction was given to staff as a result of the closed sessions.

3:33 p.m. Adjournment.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA MARCH 6, 2001

Time Description
9:09 a.m. Meeting Called to Order
Pledge of Allegiance
Introductions

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

- Kent Woolsey, PWD-Road Superintendent, gave an overview of the damage that occurred to County roads as a result of the recent storms, and advised that he will keep the Board informed.

- Linda Gast stated she is a free-lance photographer and works on the web page for the SPCA; however, she is speaking as an individual today. She advised of her research relative to the animal impound program and facilities that the County is currently using in Merced. She stated that she found the Merced facilities to be overcrowded and the pen set-up does not allow for isolation of animals with illnesses. She also advised of her discussions with Assistant Sheriff Davies on this matter. She urged the County to advise the public that our animals can be taken to a local veterinarian versus an impound facility if the vaccinations are up-to-date. She suggested that the County look at the possibility of using the facilities being vacated by Dr. Rosebrock's retirement and his equipment. She also noted that in discussing this matter with a SCOPE volunteer, it was felt that SCOPE might be willing to assist with staffing a local impound facility. She presented photographs taken at the Merced facility showing the overcrowding and the animals that are euthanized if they can't be placed or become diseased.

- Howard Davies, Assistant Sheriff, provided information on the number of animals impounded from Mariposa County, and he advised of his conversation and planned meeting with Dr. Rosebrock relative to the possibility of leasing the facilities and obtaining the equipment for the County's use. He advised that there would be a need for additional personnel and that this is a high maintenance facility, and he recommended that the County still work with Merced County if we have an overcrowding situation and for euthanasia. He urged the Board to proceed with obtaining a permanent facility for the County. Discussion was held. Supervisor Parker suggested that the Board's liaison committee work with the Sheriff and review the options and come back next week with a recommendation.

- Dana Hertfelder, Assistant Public Works Director, provided a status report on the evaluation of two sites being considered for the County's impound facilities: the landfill area and the adult detention facility property. He advised that they are looking at the feasibility of pre-fabricated facilities. Supervisor Pickard commented on the history of the legislation and implementation that impacted the animal impound program.

- Pelk Richards, Sheriff, commented on the responsibility of the owners of animals. He stated he feels they will need a facility manager with training and experience to begin a local animal impound program. Howard Davies advised that they are working with a retired veterinarian to provide the rabies clinics, and they hope to be able to conduct those in April.

- Becky Crafts, Interim Assessor/Recorder, thanked the Board for funding the replacement carpet for their offices and advised that it should be installed later this month.

Board Information:

- Supervisor Parker advised of correspondence received from Senator Feinstein's office and her request to work with the County on issues. He noted that he discussed the co-compost project with Kevin Cann/Yosemite National Park Service, this morning and they are encouraged that we can work together and they have been in contact with Senator Feinstein's office on this matter. He further requested that the County Administrative Officer call a solid waste subcommittee meeting as soon as possible to pursue discussing this project with Senator Feinstein. Board concurred with directing staff to prepare and send a letter to Senator Feinstein describing the co-compost project and requesting financial support.

- Supervisor Pickard provided an update on the Yosemite/Sequoia Resource Development Conservation Area meeting held on Wednesday – recruitment has begun for a coordinator/administrative staff, they are reviewing sites to locate the office, and they are developing a non-profit organization and working on adopting their by-laws. They plan to rotate meeting locations between the four counties in the area.

Jan Mennig;

Proclaim the Month of March as “Demolay Month” in Mariposa County

BOARD ACTION: (M)Parker, (S)Stewart, proclamation was approved and presented to Jan Mennig, Zack Fisher/Demolay member, and Bob Litke/Chapter Dad/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Reilly asked about item 1, and it was clarified that the savings in the furniture purchase is being requested to upgrade the computer system. (M)Reilly, (S)Pickard, all items were approved/Ayes: Unanimous.

Don Phillips, Mariposa County Clerk;

Request approval to purchase “Election Worker Management System” Software from Election Systems & Software, Inc. (ES&S) (Continued from 2/13/01)

BOARD ACTION: Following discussion, (M)Stewart, (S)Parker, Res. 01-54 adopted/Ayes: Unanimous.

Jeff Green, County Counsel;

Adopt an Electronic Mail and Internet Access Policy to Establish Guidelines for the Proper Handling and Processing of Computer Generated Functions Relating to Use of E-mail and Internet When Accessed from County Owned Computers

BOARD ACTION: Discussion was held. (M)Parker, (S)Stewart, Res. 01-55 adopted/Ayes: Unanimous.

Jim Petropulos, Public Works Director;

Resolution Authorizing the Public Works Director to Extend Contract with Thunder Ridge Company, Year to Year, Up to Four Years, for Fish Camp Snow Removal Services and to Approve Justifiable Rate Increases

BOARD ACTION: Following discussion, (M)Pickard, (S)Reilly, Res. 01-56 adopted/Ayes: Unanimous.

10:08 a.m. Recess

10:26 a.m. Selection of Board Member Representation on Agencies (Clerk of the Board)

BOARD ACTION: Discussion was held. Board concurred with updating the CSAC EIA alternate position to Greg Iturria; with deleting YATIS, Inc., SJVSA/Regional

Leadership and Legislative Committee; and with adding Yosemite/Sequoia Resources Conservation and Development Area with Supervisor Balmain as the representative and Supervisor Pickard as the alternate. (M)Parker, (S)Pickard, Board approved keeping the same representation on agencies, with the changes as discussed/Ayes: Unanimous.

10:30 a.m. Supervisor Stewart, District III;

Discussion and Direction to Staff Concerning Letters Received from Residents of Catheys Valley Seeking a Temporary Moratorium on Major Projects Until the General Plan and Catheys Valley Community Plan are Adopted

BOARD ACTION: Supervisor Stewart advised of input received from the community. Eric Toll, Planning Director, reviewed the requests received from the community and options available to the Board for addressing these concerns, including the imposition of a temporary moratorium and using the citizen advisory committee and the work that has been done on the Specific Plan as guidance for project review. Eric advised that there are two projects currently being processed in the Catheys Valley area. Discussion was held relative to timeframes for developing a community plan for the area and processing the pending projects in relation to the General Plan Update timeframes.

Input from the public was provided by the following:

- Janet Bibby noted that other communities in the County may want to consider these options. She further stated that she feels the community wants to research huge projects that will impact the area and make sure that they are consistent with the General Plan and the Plan for Catheys Valley.

- Steve Fortner commented on the number of parcels in the town planning area, and he stated his project covers about 20% of the area. He referred to the Government Code regulating moratoriums and stated he does not feel that the required findings can be made. He stated he feels that if his project works its way through the process, staff will review and comment, the Planning Commission will hold a hearing and then the matter will be submitted to the Board for a hearing. By then, there will be a full environment impact report and opportunities for hearings to consider his project, and he urged the Board to allow this process to continue. He stated he has been working on his project since 1995, and he stated he does not feel that the community plan will create any zoning for specific uses. He further stated he feels that Title 17 will need to be updated as well.

Discussion was held relative to the request, further reviewing the options, and contacting landowners in the town planning area to obtain input on this matter.

- Joe Simon stated he asked for a moratorium about 18 months ago when the gas station/restaurant was planned for the area. He stated that he does not feel that the gas station project turned out the way the residents wanted; i.e., lack of trees. He stated they still want five-acre minimums, and he does not feel that Mr. Fortner has cooperated with what people in the community want.

- Steve Fortner responded to Mr. Simon's comment relative to his efforts to cooperate.

Further discussion was held. Board concurred with directing staff to prepare a notice to the landowners advising of the request for a temporary moratorium, outlining the options and the resulting impacts for County Counsel and County Administrative Officer's review, with a copy to be provided to the Board members. Eric Toll advised that he will try to bring this matter back the first part of April.

- Steve Fortner provided additional information relative to his proposed project and stated he plans to develop about six of the one hundred acres with construction. He feels that the environmental review process is more appropriate for this project versus a popularity contest within the community.

11:32 a.m. Greg Iturria, County Administrative Officer;
CLOSED SESSION to Conduct Interview of Family Support Administrator and
Discussion Relative to Public Employee Appointment for Child Support Services
Director

BOARD ACTION: (M)Pickard, (S)Parker, closed session was held, with County
Counsel excused due to a potential conflict of interest as his spouse is the Family
Support Administrator/Ayes: Unanimous.

12:26 p.m. Lunch

2:10 p.m. Eric Toll, Planning Director;
Public Participation Program: Key Milestones, Phases, the Legacy Forum, Assistance
from Sierra Business Council for the Legacy Forum. Discussion with General Plan
Consultant About the Results of the Planning Fair; and Presentation by Sierra Business
Council

BOARD ACTION: Discussion was held with Eric Toll relative to the public
participation process in the General Plan Update process and options. Andy Hauge and
Jeff Goldman/Parsons, were present to respond to questions relative to the planning
fairs. Eric Toll advised of the advertisement for the upcoming fair on March 22nd. He
also advised of his contact with the Sierra Business Council relative to assisting with
facilitating the Legacy Forum, and he stated the Council would have no involvement in
writing the plan. The costs could be covered through grants obtained by the County and
the Council. Elizabeth Carmel, Sierra Business Council, gave a presentation on the
history of the Council and the projects they have been involved with. Discussion was
held with Elizabeth Carmel as to whether the Council has any involvement with the
United Nations, and relative to their foundation support and influence on their decision
making. Kathleen Mallory advised of her work with the Council.

Input from the public was provided by the following:

- Susan Crain, Planning Commissioner, asked about the difference between the
citizen advisory committee proposed for the Legacy Forum versus the option of such a
committee for the General Plan Update process.

- Barry Brouillette commented on the planning process.

Further discussion was held relative to costs and funding options for the Legacy
Forum, and relative to participation by the Sierra Business Council and concerns raised
in the community. Supervisor Parker suggested that consideration be given to asking the
Chamber of Commerce and the Economic Development Corporation to provide
assistance with the Forum. Board concurred with staff developing a memorandum of
understanding with the Sierra Business Council to facilitate the Legacy Forum; and the
Board concurred with staff meeting with a citizen advisory group to prepare the agenda
for the Forum. Board members thanked the Council for their presentation and
willingness to assist in this matter.

Chairman Balmain announced that as a result of the closed session held this morning,
the Board appointed Marita Green as Child Support Services Director, effective
immediately.

3:45 p.m. Recess

4:04 p.m. Review and Provide Direction Relative to Selection of Board Member
Liaison to Policy Areas (Clerk of the Board)

BOARD ACTION: (M)Parker, (S)Stewart, the Board approved keeping the same
representation on the policy areas/Ayes: Unanimous.

Discussion and Direction Relative to Appointment of Assessor/Recorder (Continued from 2/06/01) (County Counsel/Interim Personnel Director)

BOARD ACTION: Discussion was held relative to making an appointment, the difficulty the Board has had in reaching a decision, and options available. (M)Parker, (S)Pickard, Bob Lowrimore was appointed as Assessor-Recorder/Ayes: Balmain, Pickard, Parker; Noes: Reilly, Stewart. Supervisor Reilly changed her vote to “not voting.” Following further discussion, (M)Parker, (S)Pickard, motion was amended to make the appointment effective April 1, 2001/Ayes: Balmain, Pickard, Parker; Noes: Stewart; Not Voting: Reilly.

Recommendations Relative to the Secure Rural School and Community Self Determination Act of 2000 (H.R. 2389):

- 1) Adopt Resolution to Participate in the Safety Net Provided by H.R. 2389;
- 2) Adopt Resolution Designating the Minimum Amount (15%) of the Safety Net to be Used for Projects;
- 3) Adopt Resolution Recommending the County Boundaries as Boundaries of the Resource Advisory Committee in Which the County Will Participate;
- 4) Adopt Resolution Designating That 100% of the Safety Net Project Funds Will be Allocated to Fund Title III Projects (Administration)

BOARD ACTION: Discussion was held and Board members commended Greg Iturria, County Administrative Officer, on his staff report. (M)Reilly, (S)Stewart, the Board adopted the following resolutions as recommended: Res. 01-57/participation in the safety net; Res. 01-58/designation of minimum amount; Res. 01-59/boundaries; and Res. 01-60/designation of funds allocated to Title III projects/Ayes: Unanimous.

Jeff Green, County Counsel/Personnel;

CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Deputy Sheriff's Association (DSA) and Sheriff's Management Association (SMA)

BOARD ACTION: Chairman Balmain advised that this closed session is not needed.

4:31 p.m. CLOSED SESSION Regarding Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel/Interim Personnel Director)

BOARD ACTION: (M)Parker, (S)Stewart, closed session was held/Ayes: Reilly, Balmain, Stewart, Parker; Noes: Pickard.

4:59 p.m. Board reconvened in open session and Chairman Balmain announced that direction was given to staff as a result of the closed session.

Greg Iturria, County Administrative Officer, advised that information was just received relative to the Congressional Oversight Committee hearing to be held in Washington, D.C., on March 27th on the Yosemite Valley Plan. Board concurred with scheduling this matter on the agenda for March 13th for staff to obtain additional information.

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

CONSENT AGENDA

CA-1 Approve Budget Action Transferring Funds in the Public Works Department in the Amount of \$3600 (County Administrative Officer); Res. No. 01-53

CA-2 Accept Resignation of Rebecca Jonasky From the Yosemite West District Advisory Committee (Reilly)

CA-3 Accept Resignation of William Bondshu from Regional Advisory Committee of the Mountain Valley Emergency Medical Services Agency (Health)

CA-4 Appoint Jesse Figueroa to the Regional Advisory Committee of the Mountain Valley Emergency Medical Services Agency (Health)

CA-5 Appoint Dr. Malcolm Parker as a Member of the Emergency Medical Care Committee (EMCC) Representing Medical Director, John C. Fremont Emergency Department (Health)

5:06 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA MARCH 13, 2001



Time Description
9:07 a.m. Meeting Called to Order
Pledge of Allegiance

Introductions – Chairman Balmain welcomed the home-school students who were present to observe the Board meeting.

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

Board Information:

- Supervisor Reilly advised that the annual Storytelling Festival was very successful, and she noted they are quickly outgrowing the size of the facilities that are available. She thanked everyone involved for their efforts with this event. She also noted that the spring colors are beautiful this week in the River Canyon.

- Margie Williams, Clerk of the Board, introduced Patricia Moretti, Deputy Clerk of the Board.

- Supervisor Pickard advised of AB 1400 (Cogdill) relative to funding for the co-compost project, and he advised that he will travel with the Public Works Director on Friday to discuss AB 608, relative to the estimates and costs of state highway projects that contain local funding, with legislators and CalTrans. He advised of information he received on Friday relative to the upcoming Congressional Oversight hearing on the Yosemite Valley Plan – matter to be further discussed later this date.

- Supervisor Balmain advised of information received from Tulare County relative to the Sierra Nevada Conservancy. Discussion was held, and he advised that he will schedule this matter on the agenda. He advised that he plans to attend the Bio-Diversity Council meeting on Wednesday.

Approval of Minutes of 2/13/01 Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Reilly, (S)Pickard, all items were approved, including the change on item 1 to include the resignation of Marlene Frutuozo from the Historic Sites and Records Preservation Commission (representing the Butterfly Garden Club) and the appointment of David Marks as a regular member representing the Butterfly Garden Club/Ayes: Unanimous.

Don Z. Phillips, Treasurer/Tax Collector;

Recommend Lease Purchase of New Mail Machine from Pitney Bowes for the Hall of Records, and Approve Budget Action (4/5th Vote Required) (Continued from 2/13/01)

BOARD ACTION: Discussion was held with Don Phillips relative to a lease purchase versus purchase of the mail machine. Don advised that after reviewing the costs, including maintenance and software upgrades, he is recommending a lease at this time for five years. Wayne Day, Pitney Bowes, was present to respond to questions relative to this matter. (M)Parker, (S)Stewart, Res. 01-63 adopted approving the lease agreement

with Pitney Bowes as recommended/Ayes: Reilly, Balmain, Stewart, Parker; Noes: Pickard.

Pelk Richards, Sheriff, advised that Jim Allen will make the presentation on his behalf on March 20th for the COPS More 2001 technology grant for the GIS system, as he will be attending another meeting.

Pelk Richards, Sheriff;

Mariposa County Sheriff's Office Annual Report Presentation

BOARD ACTION: Pelk Richards presented his report and gave a presentation showing the history of the department, including past Sheriffs. Deputy Verley was thanked for his efforts in putting together the historical presentation.

10:08 a.m. Recess

10:27 a.m. Pelk Richards, Sheriff; and Jim Petropulos, Public Works Director; Discussion and Possible Action Relative to County Animal Impound

BOARD ACTION: Discussion was held with Pelk Richards and Howard Davies/Assistant Sheriff, relative to the possibility of using the facilities being vacated by Dr. Rosebrock for animal impound. Discussion was held relative to the equipment that is available for purchase and what could be used in a permanent facility in the future, the costs involved for using the facility in the interim of constructing a permanent facility, and relative to negotiating some of the costs. (M)Parker, (S)Reilly, Res. 01-64 adopted authorizing the Sheriff to work with County Counsel and County Administrative Officer to move forward with securing the facilities based on the information provided, with funding up to \$20,000 approved to be used from the \$50,000 that was budgeted for animal impound facilities. Further discussion was held relative to negotiating the costs. Ayes: Unanimous.

10:30 a.m. Jim Petropulos, Public Works Director;

A) Approve and Authorize the Environmental Services Joint Power Authority of the Regional Council of Rural Counties to Apply for a Household Hazardous Waste Grant from the California Integrated Waste Management Board on Behalf of Mariposa County

BOARD ACTION: (M)Pickard, (S)Parker, Res. 01-65 adopted/Ayes: Unanimous.

B) Status Report Regarding Skate Park; Request for Direction from the Board of Supervisors

BOARD ACTION: Discussion was held with Jim Petropulos relative to skate park issues and options.

Input from the public was provided by the following:

Kathy Delaney advised of the "gift brick program" fundraiser that was held for this project.

Further discussion was held relative to possible locations for a skate park without impacting the existing lawn area at the Mariposa Park; funding; operation; planning for a future recreational complex; addressing security, noise and liability issues; status of the youth support group; and whether this is considered a county project. Supervisor Stewart advised that the space needs committee has a meeting scheduled for Wednesday and perhaps they could review some of these issues. Supervisor Reilly requested that the Board members be provided with information that shows how the Mariposa Park site could be used to accommodate a skate park without impacting the parking or lawn area. Supervisor Parker suggested that the schools be contacted to see how they could assist with this project, perhaps with site location, and that the skate committee could be involved in helping to resolve the issues. Board concurred with directing Public Works to bring back more information based on the discussion held. Supervisor Pickard

suggested that the possibility of leasing a site be explored, as well as what the project would look like using the available funds.

Kathy Delaney presented a letter from Janette Uebner and advised that others in the community are willing to provide support to this project when the issues are resolved.

Discussion and Direction to Staff Regarding Providing County Office Space for Legislative Representatives for Meeting Purposes (County Administrative Officer)

BOARD ACTION: Following discussion, (M)Parker, (S)Stewart, Board agreed with selecting the Library community room for these meeting purposes/Ayes: Unanimous. Supervisor Reilly requested that all of our elected delegation be advised of the availability of the meeting space.

Discussion and Possible Action Relative to Upcoming Congressional Hearing on the Yosemite Valley Plan (County Administrative Officer)

BOARD ACTION: Greg Iturria, County Administrative Officer, advised of information received for the upcoming Congressional oversight hearing on implementation of the Yosemite Valley Plan scheduled for March 27th in Washington, D.C. He advised that, with the Board's concurrence, he could assist in pulling together background information and draft the testimony for the Board to review on March 20th. Discussion was held relative to points to include in the testimony. Supervisor Stewart stated he feels the cooperation of the National Park Service with surrounding communities should be emphasized. Supervisor Parker suggested transportation and the partnership for the co-composting project, and that housing and permitting issues be included. Chairman Balmain suggested that authorization be given for the County Administrative Officer to accompany him to Washington, D.C., and that extra time be spent to meet with Senators Boxer and Feinstein and Congressman Radanovich and their staffs to pursue other issues on the County's behalf such as funding for the co-compost project – Board concurred. Greg Iturria advised that no action is planned to be taken at the hearing, and he suggested that flexibility be given to Chairman Balmain in providing the oral testimony depending on the other testimony that is given. Supervisor Reilly asked about sharing our testimony with our legislative representatives – the Board agreed with sharing the final document. Discussion was held relative to holding the regularly scheduled Board meeting on March 27th – this issue is to be scheduled on the Board's agenda for March 20th for the Board to consider canceling the meeting.

12:20 p.m. CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Deputy Sheriff's Association (DSA) and Sheriff's Management Association (SMA) (Personnel)

BOARD ACTION: (M)Parker, (S)Pickard, closed session to be held at 1:30 p.m./Ayes: Unanimous.

12:21 p.m. Lunch

1:37 p.m. Closed Session held.

1:50 p.m. Board reconvened in open session with direction given to staff as a result of closed session.

Greg Iturria, County Administrative Officer, advised that staff could notify departments that the Board will likely cancel its meeting for March 27th – the Board concurred with providing this notification.

CONSENT AGENDA

CA-1 Appointment of David Marks as Alternate to the Historic Sites & Records Preservation Commission, Representing the Butterfly Garden Club (Supervisor Parker); appointment was approved, with the inclusion of the resignation of Marlene Frutuozo from the Historic Sites and Records Preservation Commission (representing the Butterfly Garden Club) and the appointment of David Marks as a regular member representing the Butterfly Garden Club

CA-2 Appointment of Lee Shackleton as Alternate to the Historic Sites & Records Preservation Commission, Representing Mariposa Museum and History Center, Inc. (Supervisor Pickard)

CA-3 Appointment of Carolyn Feroben as At-Large Member to the Historic Sites & Records Preservation Commission (Supervisor Stewart)

CA-4 Appointment of Les James as Alternate to the Historic Sites & Records Preservation Commission, Representing the American Indian Community (Supervisor Stewart)

CA-5 Accept the Resignation of Inez Terra from the Mariposa County Commission on Aging, Representing District IV (Supervisor Parker)

CA-6 Update and Renew Application for the Federal Surplus Property Program for the Department of General Services, State Agency for Surplus Property (Public Works); Res. No. 01-61

CA-7 Approve Intrabudget Transfer for Public Works – Yosemite West Water (\$7,432) (Administration); Res. No. 01-62

1:52 p.m. Adjournment in memory of Louise Morris.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA MARCH 20, 2001

Time Description
9:10 a.m. Meeting Called to Order
Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda
- Jim Archer, Local Child Care Planning Council Coordinator, came before the Board requesting the Board to confirm his appointment as the Mariposa County Local Planning Council (LPC) representative to the California Department of Education's team that reviews and scores proposals for child care services funded through the California Department of Education. Jim stated that confirmation must be made by the two agencies that govern the LPC which are the Board of Supervisors and the Superintendent of Schools in the county. He needs to advise the state as to who our representative is by March 28, 2001. (M) Stewart, (S) Reilly, Board waived rules requiring 72-hours notice of the agenda item due to the time element in responding to the State's deadline. Ayes: Unanimous. (M) Reilly, (S) Stewart, Board appointed Jim Archer as the Mariposa County Local Planning Council representative to the California Department of Education team. Further discussion was held. Ayes: Unanimous.

Board Information:

- Supervisor Stewart advised that he attended a task force on technology in the Central Valley and he handed out literature.
- Supervisor Balmain reported that he attended a Bio-Diversity Council meeting and they toured the Deer Creek Conservation Easement, and he advised of issues that have been raised. He stated he feels it is important to balance the protection of the environment and agriculture.

Lyle Turpin, Mariposa Farm Bureau President;
Proclaim the Week of March 18th through 24th, 2001, as "National Agriculture Week"
BOARD ACTION: (M) Stewart, (S) Pickard, Proclamation was approved and presented to Lyle Turpin/Ayes: Unanimous.

Approval of Minutes of 2/20/01 Regular Meeting
BOARD ACTION: Approved

Approval of Consent Agenda (See End of Minutes)
BOARD ACTION: Supervisor Stewart asked that item 7 be pulled until Cheryle Rutherford-Kelly could be heard from for clarification after 2 p.m. today. (M) Stewart, (S) Pickard, balance of items were approved/Ayes: Unanimous. Supervisor Parker initiated discussion relative to item 5 and asked for more information from Cheryle Rutherford-Kelly, and then he withdrew his request. Supervisor Stewart said that even though the item had been voted on, he still would like to discuss it with the Human Services Director. Supervisor Parker changed his vote for item 5 to abstained.

Jeff Green, County Counsel;
Resolution Rescinding Resolution No. 85-296 and Establishing the Amount of Deposits for Printing and Handling Candidate's Statement of Qualifications to be Included with the Sample Ballot Mailing at a Sum of \$300 for a District Election and a Sum of \$450 for a Countywide Election

BOARD ACTION: (M) Stewart, (S) Pickard, Res. 01-71 adopted/Ayes: Unanimous.

Jim Allen, Assistant Sheriff, appeared on behalf of Pelk Richards, Sheriff;
COPS More 2001 Technology Grant

BOARD ACTION: Jim Allen made the presentation saying that they were looking for permission to apply for a grant for a Mapping Program for the County. Supervisor Parker noted that this grant requires matching funds from the County. Jim advised that if the grant application is funded, they will come back to the Board for further action. Supervisor Reilly asked how this project would help with the countywide GIS system, and she was advised that it creates a base map for the whole County and could serve many areas and departments, including a law enforcement component. Supervisor Parker asked about the grant for the GIS system that the library received. Greg Iturria, County Administrative Officer, responded that the library had received some GIS software. Jim Allen said the Sheriff is looking for federal funding to do the "Base Map" and a full time GIS coordinator would be the second step. (M) Stewart, (S) Pickard, Res. 01-72 adopted approving the submission of the grant application as requested/Ayes: Unanimous.

9:51 a.m. Chairman Balmain opened the Public Hearing to consider Zoning Amendment No. 2000-9 – Model Homes, and continued it until after the following items.

9:52 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;
Request Surplus CalTrans Property from YATI (Yosemite Area Transportation Information) Project to be Assigned to the Department of Public Works

BOARD ACTION: Discussion was held with Jim Petropulos, and he advised that the computer equipment could be used at the Airport to provide tourist information and weather information for flight plans. (M) Stewart, (S) Parker, LTC Res. 01-3 adopted. Supervisor Pickard asked what department would the equipment be assigned to, and he was advised that Public Works would be responsible for it. Ayes: Unanimous.

9:55 a.m. Resolution Canceling the Board's Regularly Scheduled Meeting for March 27, 2001 (County Administrative Officer)

BOARD ACTION: (M) Reilly, (S) Stewart, Res. 01-73 adopted/Ayes: Unanimous.

Discussion and Recommendation Directing Staff to Proceed with Publicizing the Board's Intent to Lease Grazing Property in the Lake Don Pedro 1M Area (County Counsel)

BOARD ACTION: Following discussion, (M) Parker, (S) Stewart, Board approved recommendation to proceed with publicizing the availability of leasing the property for grazing. Supervisor Balmain advised that the Pedestrian and Equestrian Trails Committee has asked about the possibility of selling the property to help cover expenses for the Amador engine with Tuolumne County and trail maintenance. Discussion was held. Ayes: Unanimous.

10:00 a.m. Recess

10:20 a.m. Eric Toll, Planning Director;
PUBLIC HEARING to Consider Zoning Amendment 2000-9 – Model Homes; County of Mariposa, Applicant

BOARD ACTION: Eric Toll presented the staff report and he advised that this zoning amendment will allow model homes to be used as real estate sales offices. He also recommended that 100-lot minimum requirement be deleted. He responded to questions from the Board relative to the condition requiring approval of the office by the California Department of Real Estate; as to why the ordinance is being proposed and what is trying to be accomplished; and whether an ordinance is required to allow for model homes.

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

Gene Mickel, owner of Century 21-Sierra Gold Real Estate, addressed the Board and said that he is neither for this nor against this but he feels it is good to have regulations for conducting commercial activity in a residential area. He said that the bigger developers build a “cookie-cutter” type house, but a good house, and in his opinion better than the mobile homes that we see. He said that this may impact his business but he would recommend the Board approve it. Gene responded to a question from the Board relative to the condition for the State to license the office.

Public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to additional questions from the Board as to whether the model home would be intended for residential use; whether this amendment would be exclusive to one real estate office; what would happen to the model home once the subdivision is sold out; whether the proposed ordinance has been provided to the town planning areas for review; and relative to addressing rural character issues. (M) Pickard, (S) Parker, first reading was waived and an ordinance introduced amending the zoning ordinance pursuant to Zoning Amendment No. 2000-9 with the recommended findings to allow model homes and model homes with real estate sales offices within residential zoning districts, with the change to delete the minimum number of lots; and a Negative Declaration was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly. Hearing was closed.

Eric Toll provided information regarding zoning and the State law for a residential care facility and limitation of the number of residents to six. He advised that he will schedule this matter on the Board’s agenda.

Jim Petropulos, Public Works Director;

A) Resolution to Approve the Disadvantaged Business Enterprise Program

BOARD ACTION: Following discussion with Jim Petropulos and Amy Roberts/PWD-Transportation Planner, (M) Stewart, (S) Reilly, Res. 01-74 adopted/Ayes: Unanimous.

B) Direction Regarding Selection of Herhof as Vendor for Solid Waste Co-Composting Project and Authorize Staff to Proceed with Negotiating an Agreement with Herhof

BOARD ACTION: (M) Parker, (S) Pickard, Res. 01-75 adopted selecting Herhof as vendor and authorizing staff to proceed with negotiations as recommended. Supervisor Reilly requested that staff proceed with their presentation and that discussion be held prior to taking action due to the size of this project, and she advised that she had questions relative to the financial portion. Discussion was held. Supervisor Parker stated he feels the Board needs to move forward with the project, but that it needs to be affordable, and he advised that Chairman Balmain and the County Administrative Officer will speak with legislators in Washington, D.C. next week to try and secure additional funding, and that Supervisor Pickard is working with State legislators on this issue. Supervisor Pickard noted that these efforts should be coordinated between the state and federal processes. Supervisor Reilly asked about funding issues, and what is being considered if state funding is not available due to the energy crisis. Greg Iturria,

County Administrative Officer, commented that there have been no specific discussions at staff level regarding the financial portion. Those discussions have been delayed until later so it can be put in context with the budget process. Supervisor Reilly asked for a guarantee that the master settlement money from the tobacco companies would not be used to fund this project, and that other funding, including long-term, low interest loans would be pursued if funding does not come through. Supervisor Parker stated the Board has not had any discussion on the use of the tobacco settlement funds, and Supervisor Balmain stated the use of those funds would be discussed in the future. Ayes: Unanimous. Board members thanked staff for their efforts on this project. Tom Starling, PWD/Solid Waste Coordinator, presented an artist rendition of the project, and he advised of the presence of individuals involved in this project.

11:35 a.m. Recess

11:44 a.m. Discussion and Direction Relative to Approving Testimony to be Given before the Subcommittee on National Parks, Recreation, and Public Lands for the Oversight Hearing on the Yosemite Valley Plan and its Final Supplemental Environmental Impact Statement on March 27, 2001, in Washington, D.C.; and Approve Budget Action Transferring Funds in Administration and Board of Supervisors to Cover Travel Expenses (\$5,500) (County Administrative Officer)

BOARD ACTION: Discussion was held with Greg Iturria, County Administrative Officer, relative to the draft testimony. He advised of input received thus far on the draft document: request to include discussion of supplemental education funding for the transition of the Plan; consideration of pointing out flaws in the plan that the County sees; communicating concerns relative to the lack of public input during the development of the Plan by the federal staff; and relative to the location of the administrative offices and residences. He advised that he could incorporate additional comments from Board members during the lunch break and have the testimony in the mail this afternoon to meet the submission deadline. He noted that Chairman Balmain will also give an oral testimony, which is limited to five minutes. Board concurred with distributing the final testimony to our legislators and the Yosemite National Park Superintendent, as soon as it is approved. Board members provided the following comments for consideration: issues relative to employee and work site relocation; commitment for the YARTS program and funding; joint planning efforts for Wawona, El Portal, and Foresta and funding to dovetail with the County's General Plan Update process; and relative to the tenor of the comments and protecting the constituency and cooperating with the Park Service. (M) Parker, (S) Stewart, Res. 01-76 adopted approving the testimony, with the input provided, and approving the budget action. Supervisor Stewart suggested that consideration be given to including a request that changes be made to allow the Park Service to join in joint powers agreements for projects such as YARTS. Ayes: Balmain, Stewart, Parker, Pickard; Abstained: Reilly.

12:22 p.m. Lunch

2:12 p.m. Eric Toll, Planning Director;

A) Request for Issuance of a "Letter of Public Convenience and Necessity" to the Department of Alcoholic Beverage Control to Allow an Upgrade of On-Sale Beer and Wine License to a Full Liquor License for 5026 Highway 140 (49er Bar)

BOARD ACTION: (M)Pickard, (S)Parker, Res. 01-77 adopted approving the request/Ayes: Balmain, Parker, Pickard; Noes: Reilly, Stewart.

B) Initiation of an Amendment to Chapter 17.144 of the Mariposa County Code, Enforcement, to (1) Decriminalize Zoning Enforcement to an Infraction; (2) Accommodate Appeals to the Planning Commission or Board of Supervisors when a

Notice of Violation is Sent to a Property Owner; and (3) Require the Zoning Enforcement Officer to Prepare Written Procedures for Board Review

BOARD ACTION: Discussion was held with Eric Toll relative to the proposed changes, and he advised that they will print a large notice in the newspaper advising the public of the hearing schedule for this issue.

Input from the public was provided by the following:

Dick Kunstman stated he feels a 20-day appeal period seems generous until you take into account appointments and commitments and weekends and holidays, etc. He suggested that information be posted on the County's website so that it is available on weekends and holidays.

Ken Melton stated he agrees that it can be difficult to put together an appeal within 20 days, and he suggested that the point at which the time period to file an appeal be clarified – he suggested that it begin when there is an impasse with the department on resolving an issue. He reviewed several sections of the proposed amendment and suggested clarifications. He requested that notification be given to the affected property owner prior to staff visiting the site for an investigation.

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CONSENT AGENDA

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- CA-7 **HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA**
Resolution Adopting the Annual Plan for the Housing Authority of the County of Mariposa; Authorizing Signature of the Executive Director on the Annual Estimate of Total Required Contributions (Budget and Requisition) and Required Certifications, for the Fiscal Year Ending June 30, 2002; and Increasing the Voucher Payment Standard to 110% of the Federal Government Published FMR for Mariposa County (Human Services); HA Res. No. 01-1

3:32 p.m. Adjournment in memory of Charles Douglas Record, Velma Boyer Gordon, Ivan P. Gossage, Daisy B. Wolfsen, and Obie O'Bannon.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA MARCH 20, 2001



Time Description
9:10 a.m. Meeting Called to Order
Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda
- Jim Archer, Local Child Care Planning Council Coordinator, came before the Board requesting the Board to confirm his appointment as the Mariposa County Local Planning Council (LPC) representative to the California Department of Education's team that reviews and scores proposals for child care services funded through the California Department of Education. Jim stated that confirmation must be made by the two agencies that govern the LPC which are the Board of Supervisors and the Superintendent of Schools in the county. He needs to advise the state as to who our representative is by March 28, 2001. (M) Stewart, (S) Reilly, Board waived rules requiring 72-hours notice of the agenda item due to the time element in responding to the State's deadline. Ayes: Unanimous. (M) Reilly, (S) Stewart, Board appointed Jim Archer as the Mariposa County Local Planning Council representative to the California Department of Education team. Further discussion was held. Ayes: Unanimous.

Board Information:

- Supervisor Stewart advised that he attended a task force on technology in the Central Valley and he handed out literature.
- Supervisor Balmain reported that he attended a Bio-Diversity Council meeting and they toured the Deer Creek Conservation Easement, and he advised of issues that have been raised. He stated he feels it is important to balance the protection of the environment and agriculture.

Lyle Turpin, Mariposa Farm Bureau President;
Proclaim the Week of March 18th through 24th, 2001, as "National Agriculture Week"
BOARD ACTION: (M) Stewart, (S) Pickard, Proclamation was approved and presented to Lyle Turpin/Ayes: Unanimous.

Approval of Minutes of 2/20/01 Regular Meeting
BOARD ACTION: Approved

Approval of Consent Agenda (See End of Minutes)
BOARD ACTION: Supervisor Stewart asked that item 7 be pulled until Cheryle Rutherford-Kelly could be heard from for clarification after 2 p.m. today. (M) Stewart, (S) Pickard, balance of items were approved/Ayes: Unanimous. Supervisor Parker initiated discussion relative to item 5 and asked for more information from Cheryle Rutherford-Kelly, and then he withdrew his request. Supervisor Stewart said that even though the item had been voted on, he still would like to discuss it with the Human Services Director. Supervisor Parker changed his vote for item 5 to abstained.

Jeff Green, County Counsel;
Resolution Rescinding Resolution No. 85-296 and Establishing the Amount of Deposits for Printing and Handling Candidate's Statement of Qualifications to be Included with the Sample Ballot Mailing at a Sum of \$300 for a District Election and a Sum of \$450 for a Countywide Election

BOARD ACTION: (M) Stewart, (S) Pickard, Res. 01-71 adopted/Ayes: Unanimous.

Jim Allen, Assistant Sheriff, appeared on behalf of Pelk Richards, Sheriff;
COPS More 2001 Technology Grant

BOARD ACTION: Jim Allen made the presentation saying that they were looking for permission to apply for a grant for a Mapping Program for the County. Supervisor Parker noted that this grant requires matching funds from the County. Jim advised that if the grant application is funded, they will come back to the Board for further action. Supervisor Reilly asked how this project would help with the countywide GIS system, and she was advised that it creates a base map for the whole County and could serve many areas and departments, including a law enforcement component. Supervisor Parker asked about the grant for the GIS system that the library received. Greg Iturria, County Administrative Officer, responded that the library had received some GIS software. Jim Allen said the Sheriff is looking for federal funding to do the "Base Map" and a full time GIS coordinator would be the second step. (M) Stewart, (S) Pickard, Res. 01-72 adopted approving the submission of the grant application as requested/Ayes: Unanimous.

9:51 a.m. Chairman Balmain opened the Public Hearing to consider Zoning Amendment No. 2000-9 – Model Homes, and continued it until after the following items.

9:52 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;
Request Surplus CalTrans Property from YATI (Yosemite Area Transportation Information) Project to be Assigned to the Department of Public Works

BOARD ACTION: Discussion was held with Jim Petropulos, and he advised that the computer equipment could be used at the Airport to provide tourist information and weather information for flight plans. (M) Stewart, (S) Parker, LTC Res. 01-3 adopted. Supervisor Pickard asked what department would the equipment be assigned to, and he was advised that Public Works would be responsible for it. Ayes: Unanimous.

9:55 a.m. Resolution Canceling the Board's Regularly Scheduled Meeting for March 27, 2001 (County Administrative Officer)

BOARD ACTION: (M) Reilly, (S) Stewart, Res. 01-73 adopted/Ayes: Unanimous.

Discussion and Recommendation Directing Staff to Proceed with Publicizing the Board's Intent to Lease Grazing Property in the Lake Don Pedro 1M Area (County Counsel)

BOARD ACTION: Following discussion, (M) Parker, (S) Stewart, Board approved recommendation to proceed with publicizing the availability of leasing the property for grazing. Supervisor Balmain advised that the Pedestrian and Equestrian Trails Committee has asked about the possibility of selling the property to help cover expenses for the Amador engine with Tuolumne County and trail maintenance. Discussion was held. Ayes: Unanimous.

10:00 a.m. Recess

10:20 a.m. Eric Toll, Planning Director;
PUBLIC HEARING to Consider Zoning Amendment 2000-9 – Model Homes; County of Mariposa, Applicant

BOARD ACTION: Eric Toll presented the staff report and he advised that this zoning amendment will allow model homes to be used as real estate sales offices. He also recommended that 100-lot minimum requirement be deleted. He responded to questions from the Board relative to the condition requiring approval of the office by the California Department of Real Estate; as to why the ordinance is being proposed and what is trying to be accomplished; and whether an ordinance is required to allow for model homes.

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

Gene Mickel, owner of Century 21-Sierra Gold Real Estate, addressed the Board and said that he is neither for this nor against this but he feels it is good to have regulations for conducting commercial activity in a residential area. He said that the bigger developers build a “cookie-cutter” type house, but a good house, and in his opinion better than the mobile homes that we see. He said that this may impact his business but he would recommend the Board approve it. Gene responded to a question from the Board relative to the condition for the State to license the office.

Public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to additional questions from the Board as to whether the model home would be intended for residential use; whether this amendment would be exclusive to one real estate office; what would happen to the model home once the subdivision is sold out; whether the proposed ordinance has been provided to the town planning areas for review; and relative to addressing rural character issues. (M) Pickard, (S) Parker, first reading was waived and an ordinance introduced amending the zoning ordinance pursuant to Zoning Amendment No. 2000-9 with the recommended findings to allow model homes and model homes with real estate sales offices within residential zoning districts, with the change to delete the minimum number of lots; and a Negative Declaration was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly. Hearing was closed.

Eric Toll provided information regarding zoning and the State law for a residential care facility and limitation of the number of residents to six. He advised that he will schedule this matter on the Board’s agenda.

Jim Petropulos, Public Works Director;

A) Resolution to Approve the Disadvantaged Business Enterprise Program

BOARD ACTION: Following discussion with Jim Petropulos and Amy Roberts/PWD-Transportation Planner, (M) Stewart, (S) Reilly, Res. 01-74 adopted/Ayes: Unanimous.

B) Direction Regarding Selection of Herhof as Vendor for Solid Waste Co-Composting Project and Authorize Staff to Proceed with Negotiating an Agreement with Herhof

BOARD ACTION: (M) Parker, (S) Pickard, Res. 01-75 adopted selecting Herhof as vendor and authorizing staff to proceed with negotiations as recommended. Supervisor Reilly requested that staff proceed with their presentation and that discussion be held prior to taking action due to the size of this project, and she advised that she had questions relative to the financial portion. Discussion was held. Supervisor Parker stated he feels the Board needs to move forward with the project, but that it needs to be affordable, and he advised that Chairman Balmain and the County Administrative Officer will speak with legislators in Washington, D.C. next week to try and secure additional funding, and that Supervisor Pickard is working with State legislators on this issue. Supervisor Pickard noted that these efforts should be coordinated between the state and federal processes. Supervisor Reilly asked about funding issues, and what is being considered if state funding is not available due to the energy crisis. Greg Iturria,

County Administrative Officer, commented that there have been no specific discussions at staff level regarding the financial portion or looking at the County's budget – those discussions have been delayed until knowing the context of the budget process. Supervisor Reilly asked for a guarantee that the master settlement money from the tobacco companies would not be used to fund this project, and that other funding, including long-term, low interest loans would be pursued if funding does not come through. Supervisor Parker stated the Board has not had any discussion on the use of the tobacco settlement funds, and Supervisor Balmain stated the use of those funds would be discussed in the future. Ayes: Unanimous. Board members thanked staff for their efforts on this project. Tom Starling, PWD/Solid Waste Coordinator, presented an artist rendition of the project, and he advised of the presence of individuals involved in this project.

11:35 a.m. Recess

11:44 a.m. Discussion and Direction Relative to Approving Testimony to be Given before the Subcommittee on National Parks, Recreation, and Public Lands for the Oversight Hearing on the Yosemite Valley Plan and its Final Supplemental Environmental Impact Statement on March 27, 2001, in Washington, D.C.; and Approve Budget Action Transferring Funds in Administration and Board of Supervisors to Cover Travel Expenses (\$5,500) (County Administrative Officer)

BOARD ACTION: Discussion was held with Greg Iturria, County Administrative Officer, relative to the draft testimony. He advised of input received thus far on the draft document: request to include discussion of supplemental education funding for the transition of the Plan; consideration of pointing out flaws in the plan that the County sees; communicating concerns relative to the lack of public input during the development of the Plan by the federal staff; and relative to the location of the administrative offices and residences. He advised that he could incorporate additional comments from Board members during the lunch break and have the testimony in the mail this afternoon to meet the submission deadline. He noted that Chairman Balmain will also give an oral testimony, which is limited to five minutes. Board concurred with distributing the final testimony to our legislators and the Yosemite National Park Superintendent, as soon as it is approved. Board members provided the following comments for consideration: issues relative to employee and work site relocation; commitment for the YARTS program and funding; joint planning efforts for Wawona, El Portal, and Foresta and funding to dovetail with the County's General Plan Update process; and relative to the tenor of the comments and protecting the constituency and cooperating with the Park Service. (M) Parker, (S) Stewart, Res. 01-76 adopted approving the testimony, with the input provided, and approving the budget action. Supervisor Stewart suggested that consideration be given to including a request that changes be made to allow the Park Service to join in joint powers agreements for projects such as YARTS. Ayes: Balmain, Stewart, Parker, Pickard; Abstained: Reilly.

12:22 p.m. Lunch

2:12 p.m. Eric Toll, Planning Director;

A) Request for Issuance of a "Letter of Public Convenience and Necessity" to the Department of Alcoholic Beverage Control to Allow an Upgrade of On-Sale Beer and Wine License to a Full Liquor License for 5026 Highway 140 (49er Bar)

BOARD ACTION: (M)Pickard, (S)Parker, Res. 01-77 adopted approving the request/Ayes: Balmain, Parker, Pickard; Noes: Reilly, Stewart.

B) Initiation of an Amendment to Chapter 17.144 of the Mariposa County Code, Enforcement, to (1) Decriminalize Zoning Enforcement to an Infraction; (2)

Accommodate Appeals to the Planning Commission or Board of Supervisors when a Notice of Violation is Sent to a Property Owner; and (3) Require the Zoning Enforcement Officer to Prepare Written Procedures for Board Review

BOARD ACTION: Discussion was held with Eric Toll relative to the proposed changes, and he advised that they will print a large notice in the newspaper advising the public of the hearing schedule for this issue.

Input from the public was provided by the following:

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