MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO:    RESOLUTION FILE
FROM:  MARGIE WILLIAMS, Clerk of the Board
SUBJECT:  Off Agenda Items from September 17, 2002
Resolution No. 02-352, 02-353, 02-354, -02-355, and 02-356

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on September 17, 2002

ACTION AND VOTE:

**Off agenda items:** Supervisor Pickard advised of request for off-agenda action to approve letters supporting AB 1282/health care services, and AB2630/airport project funding. Supervisor Stewart advised of request for off-agenda action to approve letters relative to S.2640/YARTS, advising that he had scheduled this matter for September 24th; however, he just found out that a hearing was scheduled for Congress this week on this matter. Supervisor Balmain advised of a request for off-agenda action to approve a letter opposing SB1828/Native American tribe’s veto power over the use of non-tribal lands. (M)Pickard, (S)Balmain, the Board waived rules requiring 72 hours agenda noticing to consider these requests, finding action is a matter of timeliness as the legislation is pending consideration of the Governor and Congress. Discussion was held relative to the request to waive the rules. Supervisor Reilly expressed concern with taking action to waive the rules to consider these matters as the legislation has been in process since January, and she feels it should be noticed to the public. Ayes: Balmain, Stewart, Parker, Pickard; Abstained: Reilly.

- Supervisor Pickard initiated discussion relative to AB1282 (Cardoza), which would require the Department of Managed Health Care to adopt regulations that establish an extended geographic accessibility standard for access of health care providers served by a health care service plan in counties with a population of less than 500,000, and would require a health service plan to hold a public meeting if it intends to withdraw coverage from that county. Trudy Williams, speaking as a citizen, urged the Board to support this legislation as the health insurance situation affects the citizens, and has personally affected her family’s coverage. (M)Pickard, (S)Balmain, Res. 02-352 was adopted supporting AB1282, with direction for a letter to be sent to the Governor/Ayes: Unanimous.

- Supervisor Pickard initiated discussion relative to AB2630 (Cogdill), which may be able to assist the County in further developing our rural airport security projects through the Federal Aviation Administration...
Grant Funds. (M)Pickard, (S)Balmain, Res. 02-353 was adopted supporting AB2630, with direction for a letter to be sent to the Governor/Ayes: Unanimous.

- Supervisor Stewart initiated discussion relative to S.2640 (Feinstein), which would allow Yosemite National Park the same funding considerations for transportation systems as those allowed Zion National Park. Supervisor Reilly noted that this legislation is also for the school funding which the Board previously took action on. (M)Reilly, (S)Pickard, Res. 02-354 was adopted supporting S.2640, with direction for letters to be sent to Senator Murkowski and Senator Bingaman/Ayes: Reilly, Balmain, Stewart, Pickard; Abstained: Parker.

- Supervisor Balmain initiated discussion relative to SB1828 (Burton), which would provide Native American tribes veto power over the use of non-tribal lands. (M)Parker, (S)Balmain, Res. 02-355 was adopted opposing SB1828, with direction for a letter to be sent to the Governor requesting his veto of this bill/Ayes: Balmain, Stewart, Parker, Pickard; Abstained: Reilly.

- Supervisor Balmain advised of request for another off-agenda item to approve a letter supporting AB1776, which would give local governments in specified small counties the ability to fill vacancies on their Board of Supervisors by appointment or special election 180 days after the date the vacancy occurred if the Governor has not made an appointment. (M)Balmain, (S)Pickard, Board waived rules requiring 72 hours agenda noticing to consider this matter finding action is a matter of timeliness as this legislation is pending the Governor’s consideration/Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly. Discussion was held relative to the request to waive the rules. Supervisor Reilly expressed concern with waiving the rules to consider this matter. Motion by Balmain to support AB1776, was held for the following input. Trudy Williams, speaking as a constituent, stated she feels that as a voter and as a taxpayer of the County, the best way is to hold an election. However, she questioned how expensive that would be. She further stated that speaking as a private citizen, she does not support the legislation. (M)Balmain, (S)Pickard, Res. 02-356 was adopted supporting AB1776, with direction for a letter to be sent to the Governor. Supervisor Reilly expressed concern that the legislation goes beyond providing for an opportunity for a special election. Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly.

cc: File
September 17, 2002

The Honorable Gray Davis
Governor of California
State Capitol, First Floor
Sacramento, CA 95814

Re: Request for Signature on AB 2630 (Cogdill)

Dear Governor Davis

The Mariposa County Board of Supervisors is writing to you in support of AB 2630. This bill if approved can assist Mariposa County in further developing our rural airport security projects through the Federal Aviation Administration Grant Funds.

Through the approval of the California Transportation Commission, CalTrans may pay a jurisdiction the 10 percent match required for a Federal Airport Improvement Program Grant for airport security projects. Mariposa County believes it is important to provide safe and properly secure airports in the rural areas of our State and AB 2630 can help improve these facilities and avoid unnecessary risks.

On behalf of the Mariposa County Board of Supervisors, I respectfully ask for your approval of AB 2630 in order to utilize millions of dollars in federal airport security grants to improve airport safety in some of this State's smallest airports. Thank you for your thoughtful consideration in this matter.

Sincerely,

ROBERT C. STEWART
Chairman

cc: Senator Chuck Poochigan
Assembly Member Dave Cogdill
Mariposa County Board of Supervisors
Dale Wagerman, Wagerman & Associates Inc.
Brent Harrington, Regional Council of Rural Counties
AB 2630, as amended, Harman Cogdill

Income and corporation taxes: conservation easements: farming: Airport security: airport improvement grants

Under the Federal Aviation Administration Authorization Act of 1994, airport sponsors may submit applications to the Secretary of Transportation for financial assistance for airport improvement projects. Under the act, upon approval by the Secretary of Transportation, the United States Government may pay for certain project costs.

Existing law establishes the Aeronautics Account in the State Transportation Fund. Existing law requires that funds in the account be paid to certain public entities owning and operating an airport for projects for airport and aviation purposes, as defined, or operation and maintenance purposes, as defined. Existing law authorizes any balance remaining in the fund to be used as a portion of the local match for federal Airport Improvement Program grants for general aviation airports, as defined, or reliever airports, as defined. Existing law prohibits the California Transportation Commission from allocating funds until the federal grant offer is accepted by the public entity. Existing law authorizes the Department of Transportation, upon allocation of the funds by the commission, to pay a public entity 5% of the amount of a federal Airport Improvement Program grant.

This bill would authorize the department, until December 31, 2006, upon allocation of the funds by the commission, to pay a public entity 10% of the local matching share of a federal Airport Improvement Program grant for security projects, as defined, at small general aviation airports, as defined.

The bill would declare that it is to take effect immediately as an urgency statute.

The Personal Income Tax Law and the Bank and Corporation Tax Law, in specified conformity to federal income tax law, allow a deduction for a charitable contribution of a qualified conservation easement, as defined, but, among other things, provide that any excess contribution may be a carryover only to the succeeding 5 taxable years.

This bill would delete that 5 year limitation and allow a carryover to the 10 succeeding taxable years until used.
This bill would take effect immediately as a tax levy.

Vote: majority 2/3.


THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 17251.6 is added to the Revenue and Taxation Code, to read:

17251.6. (a) In the case of a qualified conservation contribution as described in Section 170(h)(2)(C) of the Internal Revenue Code, made on or after January 1, 2002, with respect to real property in this state used in a farming business, as defined in subdivision (b), Section 170(d)(1) of the Internal Revenue Code, relating to the carryover of excess contributions, as modified to provide that the carryover of any excess contribution shall not be limited to five years but, instead, may be a carryover to the ten succeeding taxable years.

(b) For purposes of this section, "farming business" means those lines of business properly classified in Codes 0111 to 0291, inclusive, of the Standard Industrial Classification Manual published by the United States Office of Management and Budget, 1987 edition.

SECTION 2. Section 24357.11 is added to the Revenue and Taxation Code, to read:

24357.11. (a) In the case of a qualified conservation contribution, as described in clause (iii) of paragraph (2) of subdivision (a) of Section 24357.7, made on or after January 1, 2002, with respect to real property in this state used in a farming business, as defined in subdivision (b), Section 170(d)(2) of the
Internal Revenue Code, relating to carryovers of excess contributions, is modified to provide that the carryover of any excess contribution shall not be limited to five years but, instead, may be a carryover to the 10 succeeding taxable years.


SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.