

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA
OCTOBER 1, 1996

Recorded in Minute Book ZII
Page 36 Mariposa County Records
Entered October 15, 1996

Time Description
2:05 p.m. Meeting Called to Order
Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda
- Supervisor Reilly advised that she attended the Western Summit on Tourism and Public Lands last week and commented on the great attendance by several agencies, State and Federal, and Federal Highway Administration officials, and the need was recognized for cooperation on public lands for the tourism industry to benefit.

Accept Resignation; Resolution and Tile Plaque Commending V. Michael "Mike" Coffield for his Service to Mariposa County as County Administrative Officer (Chairman Balmain)
BOARD ACTION: (M)Parker, (S)Stewart, Res. 96-402 adopted and resignation was accepted with regret - resolution and tile plaque were presented to Mike Coffield/ Ayes: Unanimous.

2:18 p.m. Recess

2:26 p.m. Approval of Minutes of 9/ 11/96 (Meeting Continued from 9/10/96); 9/12/96 (Meeting Continued from 9/11/96); 9/16/96 (Meeting Continued from 9/12/96) and 9/ 17/96 Regular Meeting
BOARD ACTION: Approved.

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

Mike Edwards, Public Works Director;
Presentation of Results of Mariposa Town Traffic Model and Mariposa Town Transportation and Parking Advisory Committee Recommendations
BOARD ACTION: Mike Edwards and Gwen Foster/PWD-Junior Civil Engineer, were present for discussion. Carolyn Cole/Crane Transportation Group, gave presentation relative to the traffic study, and advised of recommendations from the Mariposa Town Transportation and Parking Advisory Committee for routes within the Town of Mariposa, and advised that the recommendations are not by-pass alternatives. Dave Tucker/PWD-Senior Civil Engineer, provided input relative to the traffic counts. Discussion was held concerning the recommendations and options, and relative to possible funding sources. Mike Edwards advised that they need to take the next step to do an analysis for preliminary engineering to find the best alternative and bring it back to the Board with a recommendation; and then try to find the funds to address the right-of-way acquisition. The Committee was commended for its work on this matter. Mike Edwards further advised of possible cost savings on the Highway 49 North continuous left turn lane project and his letter, drafted at Caltrans' request, suggesting that the savings be used toward the town traffic improvements. Board concurred with having staff come back with more information on alternatives uses of the cost savings for further consideration.

3:41 p.m. Ed Johnson, Planning Director;

Initiation of Specific Plan/Zoning Ordinance Amendment to Eliminate the Drive-Thru Prohibition in the Mariposa Town Planning Area
BOARD ACTION: Board concurred with not initiating this amendment at this time.

3:45 p.m. Christine Johnson, District Attorney;
Resolution Ratifying the Submission of the Application for Funding (\$50,000) for the Office of Criminal Justice Planning (OCJP) Statutory Rape Vertical Prosecution (SRVP) Program and Authorizing the District Attorney, Program Director, to Execute the Grant Award Agreement, Including Any Extensions or Amendments Thereof
BOARD ACTION: (M)Parker, (S)Stewart, Res. 96-411 adopted/Ayes: Unanimous.

Waive First Reading and Introduce Ordinance Revising the Title of the Fire Chief's Function from Emergency Services Officer to Emergency Planning Coordinator (County Counsel)
BOARD ACTION: Following discussion, (M)Parker, (S)Stewart, ordinance was introduced/ Ayes: Unanimous.

Resolution Renaming the Position of "Fire Chief/Emergency Services Officer" to "Fire Chief/Emergency Planning Coordinator" and Approving the Attached Revised Class Specification for this Position (County Counsel)
BOARD ACTION: (M)Parker, (S)Stewart, Res. 96-412 adopted/Ayes: Unanimous.

Resolution Approving Settlement Agreement with Constable (County Administration Officer)
BOARD ACTION: Following discussion, (M)Parker, (S)Reilly, Res. 96-413 adopted/Ayes: Unanimous.

3:55 p.m. CLOSED SESSION Relative to Public Employee Discipline/Dismissal/Release (Continued from 9/24/96) (County Administrative Officer)
BOARD ACTION: (M)Reilly, (S)Parker, closed session was held with Blaine Shultz/Fire Chief to be present for portion of session/Ayes: Unanimous.

5:40 p.m. Board reconvened in open session and noted that as a result of closed session, the Board determined the matter was a personnel issue and informed the Fire Chief to treat the matter accordingly, as an employee at-will issue.

5:41 p.m. Dinner

6:14 p.m. Mike Edwards, Public Works Director;
Presentation and Adoption of Mariposa Town Transportation and Parking Advisory Committee Recommendations for Sidewalks Along State Highway 140 in Mariposa
BOARD ACTION: Gwen Foster/PWD-Junior Civil Engineer, gave presentation and reviewed recommendations; and introduced the following Committee members who were present: June Johnson, Dana Walton and Barry Brouillette, and commended the Committee for its work on this matter. Public input was provided by the following: Mr. Ansley stated he is in favor of taking out the curb; suggested that if parallel parking is installed, there should be an hourly parking restriction; and asked when this project will happen. Staff responded that they plan to be sensitive to affecting peak business periods with this project, and are hoping for the end of next summer. Art Baggett suggested that consideration be given to continuing the improvement of the sidewalk in front of his law office to the adjoining property. Dave Tucker provided input relative to prioritizing the downtown portions over the interior sidewalks on County roads and relative to the ADA handicapped compliance for the portion of the sidewalk in front of the Coakley building. Supervisor Balmain requested that staff further review the status of the sidewalk project

for Greeley Hill. Supervisor Parker advised that Mr. VonDerAhe was unable to be present for this meeting and that he had suggested that the Board consider not allowing parking in front of the Trabucco Warehouse building when the rehabilitation effort is accomplished. Dana Walton/Committee member, commented on the recommended improvements. Art Baggett further commented, that from a tourist's prospective, he wondered why the sidewalk is proposed to go around with Jessie Street versus continuing along the Highway. Jeff Hupp/Pay Streak Mining, stated his business will be affected by the project and he feels it should go along the Highway and not around some of the businesses. Mr. Ansley asked if consideration had been given to routing the sidewalks on the east side of the Highway so that the businesses would not be affected. Mike Edwards and Gwen Foster responded to questions. Discussion was held relative to the Highway 49 North widening project and whether any consideration has been given to pedestrian traffic in that area - staff will further review. (M)Parker, (S)Reilly, Board adopted the Committee's recommendations /Ayes: Unanimous.

FORTHCOMING POLICY

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

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

C) Resolution Amending Section VI: Mariposa County Selection Procedures, to Policy and Program of Mariposa County Employment (County Counsel) (Scheduled for Action on 10/8/96)

D) Dissolve the Catheys Valley, Coulterville and Mariposa Town Cemetery Ad Hoc Committees, and the Mariposa Cemetery and Chapel Advisory Committee. Replace these Committees with one (01) County-wide Committee with One (01) Representative from Each Supervisorial District (Community Services) (Scheduled for Action on 10/8/96)

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

CONSENT AGENDA

CA-1 Resolution Authorizing the Chairman to Execute the Agreement for the 1996 Exchange and State Match Program with Caltrans in the Amount of \$236,753 (Public Works); Res. 96-403

CA-2 Resolution Authorizing Public Works Director to Execute Agreement with State for Funding of Raised Marker Project (Public Works); Res. 96-404

CA-3 Resolution Authorizing Chairman to Sign Mariposa Section 18 Contract 6031 for FY 94/95 and 95/96 Funds (Community Services); Res. 96-405

CA-4 Resolution Approving Fiscal Year 1996-97 Exhibit "C" of the three Year Mental Health Service Contract with KingsView Corporation (Human Services); Res. 96-406

- CA-5 Resolution Authorizing Chairman to Sign the 1996-97 FY Contract with KingsView Corporation for Alcohol, Drug and Perinatal Services for Mariposa County (Human Services); Res. 96-407

- CA-6 Resolution Authorizing Chair and Mental Health Director to Sign Fiscal Year 1996-97 Mental Health Service Contracts with KingsView Corporation for the County Child Abuse Prevention Program (AB 1733) and the American Indian Community Mental Health Program (Human Services); Res. 96-408

- CA-7 Resolution Amending Membership of the Coulterville Town Planning Advisory Committee (Planning); Res. 96-409

- CA-8 Resolution Proclaiming Existence of a Local Emergency and Requesting Governor to Proclaim a State of Emergency and Request a Presidential Declaration (Fire); Res. 96-410

7:15 p.m. ADJOURNMENT in memory of Matt Maczko and Aaron Livingston.

Respectfully submitted,

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MARLIAMS
Clerk } **h**ard

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA
OCTOBER 8, 1996

Recorded in Minute Book 211
Page 37 Mariposa County Records
Entered October 22, 1996

Time Description
9:06 a.m. Meeting Called to Order
Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda
- Supervisor Stewart advised that he has been selected to serve as President of the San Joaquin Valley Supervisors Association and of a perpetual plaque for the Counties that participate.

Approval of Minutes of 9/24/96 Regular Meeting

BOARD ACTION: Chairman Balmain initiated discussion relative to the Board's action on September 24, 1996, to appoint an ad hoc committee to work with the Tourism Advisory Committee concerning the possibility of privatizing the visitor bureau function, and advised that it was brought to his attention that an ad hoc committee had previously been selected with different membership. (M)Stewart, (S)Pickard, Board waived its rules requiring 72 hours agenda noticing to consider this matter, finding it is a matter of timeliness as activities have been scheduled to occur prior to the next Board meeting/Ayes: Unanimous. (M)Stewart, (S)Parker, Board rescinded its action of September 24, 1996, relative to the ad hoc committee membership, and directed that the previous committee (Supervisors Parker and Reilly) continue to serve/Ayes: Unanimous. Minutes were approved.

Caroline Wenger Korn and Betty McRee;

Proposal to Save and Restore the Catheys Valley School House as a Pioneer School Museum and Living History Center

BOARD ACTION: Caroline Korn presented their proposal and request for financial assistance, and a list of comments in support of the project from the community.

9:16 a.m. Public Hearing relative to the Mariposa Pines Wastewater Treatment Plant Rehabilitation project was opened and continued to after the following matter.

Further discussion was held concerning the proposal to save and restore the Catheys Valley School House. George Gordo urged support for this project. Betty McRee voiced her concern that the School be saved. Jim Evans/Housing and Community Development Agency Director, stated he would be willing to work with the Committee to submit funding proposals to foundations for this project. (M)Stewart, (S)Parker, Res. 96-414 adopted appropriating \$5,000 from Reserve for Contingencies for moving costs (\$4,500) and to cover building permit fees (\$500); with the on-going costs not considered at this time; and with direction for the Housing and Community Development Agency Director to assist with foundation grants/Ayes: Unanimous. Further direction was given for the Housing and Community Development Agency Director to be responsible for overseeing this project with regards to the expense of County funds.

Discussion and Possible Direction Regarding the Proposed New Area Code Boundaries (Chairman Balmain)

BOARD ACTION: Supervisor Pickard advised of the public meeting he attended relative to this matter. Doug Hescox/Pacific Bell Technology Consultant, stated he works for the California Code Administration and is neutral in this matter and represents the

industry. He explained the service area districts and proposed change and advised that they will be meeting the middle of next month to recommend a final plan to the Public Utilities Commission (PUC). Discussion was held concerning the proposal and the alternative being considered for recommendation to the PUC which would divide the County and its potential impacts. Supervisor Pickard suggested the boundary be changed to include Eastern Madera County and Mariposa County in the 209 code area and the Board concurred with this recommendation. Supervisor Reilly advised of action taken by YATI relative to this matter. Frank Long stated he disagreed with the proposal presented to the Board to split the County. (M)Pickard, (S)Reilly, Res. 96-415 adopted urging retention of the 209 area code throughout the entire County and the Yosemite Region/ Ayes: Unanimous. Dave Folsom/Sierra Telephone, stated they are interested in considering all suggestions, and introduced Linda Burton and Roger Mohrbacher/Sierra Telephone, who were also present for this discussion. A member of the audience asked about the difference between permissive and mandatory dialing.

10:18 a.m. Mike Edwards, Public Works Director;

A) PUBLIC HEARING to Consider Notice of Intent to Condemn and Resolution of Intention to Purchase Real Property from the Mariposa Pines Wastewater Treatment Plant Rehabilitation Project (Continued from Forthcoming Policy 10/1/96)

BOARD ACTION: Mike Edwards presented staff report. There was no public input. (M)Reilly, (S)Stewart, Res. 96-416 adopted as recommended/Ayes: Unanimous. Hearing was closed.

B) Resolution Approving an Agreement with Integrated Recycling, Inc. (IRI) for a Mixed Solid Waste (MSW) Composting Facility and Authorizing the Public Works Director to Sign Such Agreement

BOARD ACTION: (M)Parker, (S)Reilly, Res. 96-417 adopted/Ayes: Unanimous.

C) Direction to Public Works and Planning Staff to Develop an Application for Environmental Enhancement and Mitigation Program Funds for Projects Within the Town of Mariposa

BOARD ACTION: Discussion was held. Gwen Foster/PWD-Junior Civil Engineer, provided input. (M)Parker, (S)Stewart, Res. 96-418 adopted/Ayes: Unanimous.

D) Resolution to Approve and Authorization for the County Auditor to Issue a Warrant for \$500 to the SWANA Legislative Task Force for Solid Waste Legislative Advocacy

BOARD ACTION: (M)Reilly, (S)Parker, Res. 96-419 adopted/Ayes: Unanimous.

10:30 a.m. Public hearing to consider Industrial Open Window Period General Plan/Zoning Amendment Applications was opened and continued to after the following items.

-) Mike Edwards advised of the Assembly Natural Resources hearing on AB 939 and stated staff could present information to the Board in a workshop format - Board concurred with holding a workshop on this matter.

-) Mike Edwards advised of his conversation with Caltrans relative to reallocating the savings from the Highway 49 North project and their concern that if the funds were not reallocated right away, they could be allocated to another area; and he advised that he discussed this matter with the Chair of the Board of Supervisors and of the Local Transportation Commission and with the Executive Director of the Local Transportation Commission, and it was agreed to proceed with requesting that the savings be used for the

Highway 40/140 intersection design project. Further discussion will be scheduled with the Board in the future and changes could be made at that time.

E) Approve Recommended Revisions in Liability Insurance Requirements for Aircraft Based on Tie-Down Space at the Mariposa/Yosemite Airport

BOARD ACTION: It was noted that this matter was supposed to be scheduled as a policy matter for this date, with action to be scheduled for October 15, 1996. Board concurred with hearing the staff presentation and public input this date. Mike Edwards reviewed the recommended revisions. Discussion was held and the following provided input: Bill Leidenroth/ultralight instructor, stated that he felt the revisions to the insurance requirements would cause the ultralights to leave the Airport as there is no insurance available to meet the proposed requirements; he further stated that ultralights are the largest and fastest growing aircraft activity and noted that there are few accident incidences involving ultralights; stated he feels the County is only liable for their activity when they are on the ground and they are similar to a go-cart on the ground. Tom Hoskins stated he owns an ultralight and stated he felt there is an attitude at the Airport relative to this type of aircraft; and further stated that he has spent ten years to get to this point in his flying career with an ultralight and the proposed insurance requirements would end his flying. Roger Kunz stated he has been at the Airport for over ten years and has ultralights and finds them more affordable and satisfying than the standard aircraft; and he presented statistical information relative to ultralights, and stated he has been unable to obtain the required insurance coverage. Matter was continued to October 15, 1996, for further consideration and action.

11:08 a.m. Recess

11:20 a.m. Jeff Green, County Counsel;

Resolution Amending Section VI: Mariposa County Selection Procedures, to Policy and Program of Mariposa County Employment (Continued from Forthcoming Policy 10/1/96)

BOARD ACTION: Matter was continued to October 15, 1996.

10:30 a.m. Ed Johnson, Planning and Building Director;

PUBLIC HEARING, to Consider Industrial Open Window Period General Plan/Zoning Amendment Applications:

No. 95-2A and 3A/Robert Northway, Applicant;

No. 95-4/Gary Balmain, Applicant;

No. 95-7A/Wilfred Von DerAhe, Jr., Applicant;

No. 95-8/Richard Doscher, Applicant;

No. 95-9/Dennis Seastrom, Applicant; and

No. 95-1 I/James Spacke, Applicant

BOARD ACTION: Chairman Balmain explained the hearing procedures. Ed Johnson presented staff report; reviewed the history of processing these applications; reviewed the issues raised in the Commission's hearing; advised that on November 12, 1996, the procedures, including what impacts will be created as a result of these industrial uses, will be considered; and recommended that the Board conduct the hearing today and continue it to November 12th for consideration with the procedures. Supervisor Balmain advised that he will not vote on his son's application (Gary Balmain) and will exclude himself from any discussion on that portion of the hearing. Staff responded to questions from the Board relative to the connection between this application process and the permit streamlining process and relative to performance standards issue; and relative to environmental impacts for each project. Each of the following applications were reviewed and slides were shown of the areas:

No. 95-2A and 3A/Robert Northway, Applicant - Jay Pawlek/Associate Planner,

reviewed the applications, and responded to questions from the Board relative to the reduction in acreage and portion of property requested for light industrial and heavy industrial zoning. Public portion of the hearing was opened and the following provided input. Dr. Northway/applicant and owner of the subject property, stated he feels a decision needs to be made on whether the Board wants planned and controlled use of the property; stated the current zoning is Mountain General and cited rural home industry uses that could occur today along with the attendant noise, dust, traffic and visual impacts. He further commented on allowed agricultural uses that could include harvesting all of the wood on the property; stated the portion that he is requesting be rezoned could not be seen from the Highway, Mykleoaks Subdivision, or surrounding properties; stated the property could be used for mining operations under existing zoning; stated he agrees with the concerns of the neighbors, but feels those concerns relate to existing allowed uses; and added that the site was included in the Countywide Economic Development Committee's recommendation. Ruth Sellers/Mykleoaks Subdivision, commented that the Bardini development is a Planned Development Zone and not Industrial Zoning; stated they were told on August 2nd before the Planning Commission that standards are in place to protect the citizens and on September 21st during a tour of the Northway site, the standards were presented to them in draft form, and stated she does not feel these applications should be considered without infrastructure in place; all seven sites are in rural locations and she strongly opposes any industrial use in the County; stated this whole thing has become complicated for them and they do not understand why the standards are not in place prior to approving the zoning; and commented that through the Earth Island Institute and David Brower they have funding available, and the Kitchen Table Brigade was formed to oppose these applications. Richard Taylor of Shute, Mihaly & Weinberger/Attorneys at Law, presented a letter and exhibits and later testified on behalf of the Kitchen Table Brigade. Bob McKnight/MERG, read his letter into the record relative to pros and cons of the projects; stated he feels consideration needs to be given to the procedures and enforcement problems; and asked about reference to the preliminary analysis of water in the staff report. Daniel Wilson stated he was born in Yosemite and graduated from the local High School; commented on his family's background in the area and referred to his letter that he submitted; stated he felt previous documents from Planning showed that the property was zoned Agricultural Exclusive and not Mountain Home; expressed concern with potential impacts: air pollution, waste, water, noise and road improvements; presented photographs of the site showing a family of hawks living in the area and the installation of a telephone cable through the property; stated he felt the neighboring property owner (Bomprezzi) would receive water run-off from any operation on this property, and the water would run downhill through two streams into the San Joaquin Valley; and stated he feels this highway (Highway 49 North) brings visitors to the County and the earlier travelers used it and it should be preserved. Mr. Wilson responded to questions from the Board relative to clarification of his opposition to light industry. Richard Taylor/Attorney at Law, referred to his letter and exhibits that were presented after Mrs. Sellers' testimony; stated he does not see how an Environmental Impact Report (EIR) can be avoided for these projects and he feels staff should be directed to come up with a plan to look at all issues in an EIR; feels the projects need to be reviewed together and not separately; does not feel the negative declarations are clear as to the mitigations; and expressed concern with impacts on air pollution and presented a Cruise Survey of Oxidant Air Pollution Injury. Mr. Taylor responded to questions from the Board as to where he is from and whether his appearance before the Board was being paid by the Earth Island Institute; clarification of their opposition to the applications; and whether he is aware of the concerns of the County only having one industry (tourism to Yosemite) and that industry could be a detriment to Yosemite. David Radanovich commented on the project on Slaughterhouse Road with regards to the water reservoir (Application 95-7A) and this project (95-2A and 3A) which borders his in-law's property (Bomprezzi); stated he felt that being able to mitigate any industrial development would be impossible; and

they are concerned about what would go in the mitigation. Lyn Maccarone/Mykleoaks Subdivision property owner and owner of a tourism lodging industry in town; stated she is concerned about the possibility of changing our lifestyle in the County if heavy industry is allowed; stated she would enjoy looking at a farm in the area; stated she feels that Mykleoaks would be impacted by this application - they can hear the noises and see the wildlife; expressed concern with pollution, toxins, traffic and air quality impacts; our brochures advertise that the County does not have any pollutants; stated she feels we should coordinate with UC Merced relative to planning for businesses for the County; we should protect the environment and we need industries that would support tourism and not detract or conflict; questioned why an existing business is being included in the same process as those who want to develop heavy industry; stated she feels the impacts should be further reviewed; she supports the grape/wine and olive oil type things and does not support heavy industry here; and stated she feels there are a lot of other residents who feel this same way. Mrs. Maccarone responded to question from the Board relative to whether she has any problem with light industry. Marsh Pitman, retired instructor of Botany and other life sciences at Merced Junior College, commented on his background serving as a naturalist for Parks and other affiliations; reviewed his letter, stating he feels there is no basis for the initial study by the County Planning Department to conclude that there will be no environmental impacts; commented on three impacts: biological resources, earth geologic, and cultural resources; and advised of a letter from Walter Tordoff, Professor of Biological Resources at California State University, Stanislaus, urging that an EIR be required. Bill Bomprezzi, neighboring property owner, commented on the drainage from the Northway property to his property and lake; and stated he relies on the lake for drinking water for his cows. Mary Lou Tiner, with the Kitchen Table Brigade, President of Homeowners Association of Mykleoaks, stated they moved here ten years ago from the Los Angeles area and expressed concern that they feel the quality of life here will change with these applications; she presented a page from Pine Tree Better Homes and Gardens Realty advertisement that mentions the "quality of life" amenities in the County; stated when Mykleoaks Subdivision began, only the landfill existed in the area and she does not feel that it will always be there; does not see any reason to add more pollution to the area; questioned if heavy industry attracts the appropriate types of jobs; referred to a list of activities that could be allowed in heavy industrial zoning; stated she feels the County needs to zero in on tourism and home enterprise; referred to existing acreage (270) and sites for light industry; and asked if smokestacks are what we want for the town of Mariposa. Phyllis Heine stated she lives behind the subject area and is concerned about air, noise, traffic, and wildlife impacts; and does not want to see any drastic changes. Larry Laity stated he lives on the Mount Bullion ridge overlooking the subject area and questioned how the visual impact and air pollutants would be mitigated. Wayne Parker, member of Kitchen Table Brigade, commented that half of the County is public land and includes Yosemite Valley; he became an employee of the Fish and Game and worked in the Sierras and managed fish hatcheries; stated we get a westerly wind in the day and a northerly wind at night - anything put in the County will head to Yosemite and he is concerned with the potential impacts; and stated he feels we need to keep the County beautiful and a lovely place to live. Dr. Northway provided rebuttal to the input - he advised that Sierra Telephone came to him to put a cable line across his property, it is a main trunk line and he donated the right-of-way for citizens to enjoy the fruits of modern communication; with regards to drainage to the Bomprezzi property, he stated that less than ten percent of his property drains that way and most of that part of his property is not being developed; the larger portion of the property will be saved for wildlife; and stated he feels the existing Outback operation is a heavy industrial use. Mr. Northway responded to questions from the Board as to whether he has any plans for development. Discussion was held relative to the hearing procedures - whether deliberation would occur after public input on each application today or whether it would be continued to November 12th.

1:37 p.m. Lunch

2:40 p.m. Ed Johnson responded to the procedural questions raised relative to the EIR process and requirements, advising that these projects bear no relevance to the court case cited by Attorney Taylor and that he feels an EIR is not necessary; and advised that they did request information from other agencies relative to the issues raised by Mr. Pitman.

No. 95-4/Gary Balmain, Applicant - Chairman Balmain passed the gavel and excused himself for this application. Ed Johnson advised that no public input or comments have been received on this application. Sarah Williams, Planning Manager, reviewed the application. Public input was provided by the following: Ruth Sellers advised that the Kitchen Table Brigade is a group of citizens that live basically in the Mykleoaks Subdivision who had input today; and requested that the concerns they expressed during the Northway application that relate to all sites be considered for the other sites. Richard Taylor, on behalf of the Kitchen Table Brigade, requested that the testimony presented earlier that was not site specific, be incorporated by reference; and requested that all of their documentation be reviewed thoroughly. Mary Lou Tiner asked if something else could come in and take the place of the existing business and cause pollution. Supervisor Pickard responded that the County is trying to protect the lifestyle and develop industrial standards; he feels that if the sawmill operation changes, that changes the use and that will be discussed in the future as to what the procedures will be; and that we need to do planned growth. John McCarthy, Le Grand, asked what will happen to the County's major industry (tourism) and stated he felt that needed to be addressed in an EIR; as well as consideration of the fact that people will want to come back here and live. Ruth Sellers asked if when heavy industrial zoning is in place, whether the zoning remains with the land. Ed Johnson responded that uses will be subject to standards.

No. 95-7A/Wilfred Von DerAhe, Jr., Applicant - Sarah Williams reviewed the application. Ed Johnson advised that one letter from the applicant was submitted for this application. Staff responded to questions from the Board relative to the location of this site with regards to the Stockton Creek Reservoir; whether the site is in the watershed; whether there were earlier applications that dropped out of the process because they were in the watershed area; and relative to visual impacts. Public input was provided by the following. Wilfred Von der Ahe, applicant, stated his two other applications were withdrawn because they were in the watershed; this site is outside of the drainage into the reservoir; the proposed site has several good features: close to town and its services and is near a pool of workers; the current zoning of Agricultural Exclusive is not viable and there is no sustainable agricultural use for this land; the site is about one mile from Highway 140 and would be able to be screened from the Highway; he has put a lot of time and work into this application; and appreciates the work done by staff and supports their recommendations. Mary Lou Tiner stated she is against heavy industry; feels this is the most beautiful piece of property and presented a photograph of the area.

No. 95-8/Richard Doscher, Applicant - Sarah Williams reviewed the application. Ed Johnson advised that two letters were received with regards to this application. Staff and the applicant responded to questions from the Board relative to the location of this project. Public input was provided by the following. Richard Doscher, applicant, stated this process has been going on for several years and stated they were invited to participate in this process when it began; they are not looking for heavy industrial uses, just light industry for boat repair and a cabinet shop to compliment their existing boat storage facility; he is environmentally concerned about issues and feels some of the concerns expressed are extreme; he feels his application is a well, thought out proposal; commented that we are being impacted by air pollution by things outside of the County regardless of

what we do; supports Planning's decision to modify the proposal; and commented on the process required for him to expand his boat storage facility. Richard Taylor stated they are working off of the same set of documents and yet there are differences of opinions as to what can be done on the properties - there is a broad range of uses; and citizens are expressing concerns as to what could be legally allowed. Mr. Taylor responded to questions from the Board relative to his concern with this project and stated he has not seen any environmental analysis of the standards and is criticizing the absence of standards for this project. John McCarthy commented that the applicant may be environmentally concerned; however, if something happens to the applicant, he is concerned with what could be allowed. Norm Fast, Vintage Ventures, Ltd., stated he owns the neighboring parcel and he was offered to participate in this process and did not respond; and they are not opposing Doscher's application, they just feel that a better use of the property would be resort or resort commercial.

No. 95-9/Dennis Seastrom, Applicant - Sarah Williams reviewed the application. Ed Johnson advised that two letters were received in opposition to the existing use. Staff responded to questions from the Board as to whether the existing concrete batch plant operation is a permitted use. Public input was provided by the following. Don Starchman, Starchman Law Offices, advised that the existing use is only two to three years old and was developed when Tony Lashbrook was Planning Director; property is zoned Mountain General and it was designated for industrial type uses; stated he felt uses of this type needed to be allowed in the County to serve the citizens and create jobs and he feels this is more environmentally sound than trucking everything into the County; advised that the applicant intends to live on this site and is pulling permits to do so; and they would like to have this application approved. Mary Lou Tiner stated that they did not speak against the Von der Ahe application as they heard about it just three days before the Planning Commission meeting and they were just fighting the Northway applications at that time - now they are fighting everything; and commented that no one had to be notified of the Von der Ahe applications as he owned so much acreage around the proposed site.

No. 95-1 I/James Spacke, Applicant - Sarah Williams reviewed the application. Ed Johnson advised that no public comments or letters were received. Staff responded to questions from the Board relative to location of the site and whether the site contains two parcels. Public input was provided by the following. James Spacke, applicant, stated he was approached by former Supervisor Erickson to submit an application for the cabinet shop and adjoining parcel; he had a use permit which required a commercial encroachment and engineered sewer system and these conditions have been met; and commented that people are trying to create more jobs and tax base for the County. John McCarthy asked if a grocery store was on the parcel.

Staff responded to additional questions from the Board relative to allowing changes for existing uses; grandfathering existing uses and structures; determining a better measurement for setbacks for grading from the high water mark; list of allowable industrial uses; process for considering each application individually versus the current processing; consideration of permit streamlining with the current processing of the

applications; and consideration of performance standards. Hearing was continued to November 12, 1996, at 2:00 p.m.

4:31 p.m. Recess

4:41 p.m. Jim Eutsler, Community Services Director;
Dissolve the Catheys Valley, Coulterville and Mariposa Town Cemetery Ad Hoc Committees, and the Mariposa Cemetery and Chapel Advisory Committee. Replace These Committees with One County-wide Committee with One Representative from Each Supervisorial District (Continued from Forthcoming Policy 10/1/96)

BOARD ACTION: Discussion was held concerning the recommendation and input received from committee members and alternatives. Motion by Parker to delete the cemetery committees was withdrawn following further discussion. Direction was given for Community Services Director to bring back the mausoleum matter as soon as possible; and to bring back the committee issues on a future agenda following further review of this matter.

4:55 p.m. Steve Hayes, Tourism Assistant;
Proposal of Tourism Advisory Council for Elimination of Matching Grant Program and Moving Frozen Funds to the Promotion Line of the Visitors Bureau

BOARD ACTION: Discussion was held concerning the recommendation and changes in the administration of the matching grant program from the Chamber of Commerce to the County. (M)Parker, (S)Stewart, to approve the proposal, died after second was withdrawn following further discussion. Discussion was held concerning having a tracking method to determine success of the recommended expenditures and timeframes involved and further reviewing the requests. (M)Stewart, (S)Pickard, Res. 96-420 adopted approving \$10,000 for advertising in the State publications. Motion was amended, agreeable with maker and second, to include direction that the matching grant program is done away with and those funds will be spent as follows: \$10,000 for the State publication advertising and \$60,000 frozen until further order of the Board. Supervisor Reilly requested that the \$60,000 be held until further consideration and input by the Tourism Advisory Council. Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

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

Discussion and Direction Relative to the Board's Regularly Scheduled Meetings for November 19, 1996, and December 24, 1996 (Board)

BOARD ACTION: Discussion was held concerning this matter and possibility of continuing the November 12th meeting to later in the week if necessary to handle the agenda. (M)Pickard, (S)Parker, Res. 96-424 adopted canceling the regularly scheduled meetings for November 19, 1996, and December 24, 1996/Ayes: Unanimous.

Resolution in Support of Congressional Bill which Instructs the Forest Service to Implement Quincy Library Group Proposal (Chairman Balmain)

BOARD ACTION: Matter was continued to October 22, 1996.

Resolution Approving Hourly Rate Increases for Certain Specialized Classes; Deleting Certain Specialized Classes which are No Longer Utilized; Approving a Methodology to Address the Requirement for Future Increases in Hourly Rates for Extra-Help Specialized Classes; and Appropriating Funds from Reserve for Contingency for Minimum Wage Increase for Recreation Aide I (\$300) (4/5ths Vote Required) (County Counsel)

BOARD ACTION: (M)Reilly, (S)Pickard, Res. 96-425 adopted approving hourly rate increases for certain specialized classes and appropriating funds/Ayes: Reilly, Balmain, Parker, Pickard; Noes: Stewart. Following discussion, (M)Parker, (S)Pickard, Board approved deletion of certain specialized classes which are no longer used/Ayes: Unanimous. Discussion was held concerning the development of a methodology to address future increases in hour rates for extra-help specialized classes - Board concurred with staff reviewing and bringing this matter back with alternatives for consideration.

6:00 p.m. Supervisor Reilly was excused.

Resolution Authorizing Chairman to Sign an Order of the Board to Reject Claim No. C96-17 in the Amount of \$335.83 (County Counsel)

BOARD ACTION: (M)Stewart, (S)Parker, Res. 96-426 adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Waive Second Reading and Adopt Ordinance Approving General Plan/Zoning Amendment No. 95-37, Mariposa - Yosemite Airport Overlay Zone (Planning)

BOARD ACTION: (M)Stewart, (S)Pickard, Ordinance 905 adopted/Ayes: Balmain, Stewart, Pickard; Excused: Reilly; Not Voting: Parker, as he was not present for the hearing on this matter.

Resolution Amending the Complaint Procedure Policy Against Appointed Department Heads or Miscellaneous Employees and Discussion of Adopting a Policy Relative to Complaints Involving Elected Officials (Continued from Forthcoming Policy 10/1/96) (County Counsel)

BOARD ACTION: Following discussion, (M)Pickard, (S)Stewart, Res. 96-427 adopted amending the complaint procedure policy against appointed department heads or miscellaneous employees/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Discussion was held concerning the recommendation from the County Administrative Officer for the Board Chairman to have administrative and signature authority over the Tourism Assistant in the interim of filling the County Administrative Officer and Visitor Bureau Director's positions. Jeff Green, County Counsel, suggested that the Board should take formal action for the Tourism Assistant to handle the direction given earlier this date relative to promotional activities. (M)Parker, (S)Stewart, Board waived its rules requiring 72 hours agenda noticing, finding it is a matter of timeliness and the County Administrative Officer position is vacant/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Supervisor Reilly returned at 6:10 p.m. and was present for discussion concerning this matter, and expressed concern with the change in direction for a Board member having direct authority or being able to authorize expenditures versus assigning that authority to a department head. (M)Parker, (S)Stewart, Res. 96-428 adopted directing the Chairman to be the oversight individual to provide signature and

administrative direction for Steve Hayes/Tourism Assistant, during the vacancy of the County Administrative Officer position. Supervisor Reilly was excused at 6: 17 p.m. Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Board concurred with recommendation for Supervisor Parker to assist with agenda matters.

FORTHCOMING POLICY

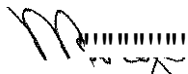
Ordinance Amending Chapter 2.96 Entitled "Mariposa County Fire Department" of the Mariposa County Code (Scheduled for Action on October 15, 1996) (Fire Chief)

CONSENT AGENDA

- CA-1 Resolution Appointing Peter Ulyatt to the Yosemite West District Advisory Committee (Supervisor Reilly); Res. 96-421
- CA-2 Resolution Authorizing Health Officer to Sign Agreement Between Central San Joaquin Valley HIV Care Consortium and Mariposa County Health Department for Fiscal Year 1996-97 (Public Health); Res. 96-422
- CA-3 Resolution Authorizing Chairman to Sign Contract with Regional Emergency Medical Services (EMS) Agency (Public Health); Res. 96-423

6:19 p.m. ADJOURNMENT in memory of Kathryn Gann, Kay McNally and Gerald Decker III.

Respectfully submitted,


MARGIE WILLIAMS
Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

OCTOBER 15, 1996

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

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda
- Discussion was held relative to scheduling the continued Public Hearing for the Open Window Period Industrial Zoning applications/Permit Streamlining Hearing/Mariposa TPA Specific Plan Amendments Hearing on November 12th - Board concurred with commencing the hearings at 2:00 p.m. on November 12, 1996, at the Senior Citizens Center, with a dinner break and continuing to 9:00 p.m.; and with recessing and continuing the hearings to November 13, 1996, at 9:00 a.m. at the Old Masonic Hall.

Approval of Minutes of 10/1/96, Regular Session

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

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

Christine Johnson, District Attorney;

A) Resolution Ratifying the Submission of the Application for Funding (\$152,734) for the United States Department of Justice Grant to Encourage Arrest Policies (Authorized by the Violence Against Women Act); and Upon Grant Award, Authorizing the District Attorney, Program Director, to Execute Grant Award Agreement, Including Any Extension or Amendments Thereof

BOARD ACTION: Following discussion, (M)Reilly, (S)Stewart, Res. 96-429 adopted/Ayes: Unanimous.

B) Resolution Authorizing Chairman to Execute Lease Agreement with Robert Evans, Jr., Concerning Shared Office Space by the Mariposa County District Attorney's Office and Victim/Witness Office, and Authorizing Auditor to Process Monthly Rental Payments in Accordance with Lease

BOARD ACTION: Following discussion, (M)Parker, (S)Reilly, Res. 96-430 adopted, with changes to reflect that the Agreement is with Dr. Robert and Mrs. Evans/Ayes: Unanimous.

Jeff Green, County Counsel;

Resolution Amending Section VI: Mariposa County Selection Procedures, to Policy and Program of Mariposa County Employment (Continued from 10/8/96)

BOARD ACTION: Discussion was held and Jeff Green advised of concerns expressed by SEIU. (M)Parker, (S)Pickard, Res. 96-431 adopted. Motion was held in abeyance for Lisa Edelheit/SEIU to provide input relative to the amendments. Ayes: Unanimous.

Blaine Shultz, Fire Chief;

Waive First Reading and Introduce Ordinance Amending Chapter 2.96 Entitled "Mariposa County Fire Department" of the Mariposa County Code (Continued from Forthcoming Policy 10/8/96)

BOARD ACTION: Discussion was held with Blaine Shultz and Jim Wilson/President of the Chiefs Association. (M)Pickard, (S)Reilly, Res. 96-432 adopted approving the Administrative and Operational Policies. Following further discussion, motion was amended, agreeable with maker and second, to include direction that it is the policy of the County Board of Supervisors that the Chiefs' Association be consulted by the County Fire Chief regarding major policy as it affects the Mariposa County Fire Department. Further discussion was continued for the following hearing to be opened.

10:04 a.m. Continued PUBLIC HEARING on Appeal No. 96-5; Planning Director Use Determination (APN 10-371-001 and 10-371-003); William Winterberg, Appellant, was opened and continued to after this item.

Further discussion was held concerning the policies and the internal appeals process. Ayes: Unanimous. (M)Pickard, (S)Reilly, Ordinance was introduced/Ayes: Unanimous.

10:14 a.m. Recess

10:20 a.m. Ed Johnson, Planning and Building Director;

A) Continued PUBLIC HEARING on Appeal No. 96-5; Planning Director Use Determination (APN 10-371-001 and 10-371-003); William Winterberg, Appellant (Continued from 8/19/96)

BOARD ACTION: Supervisor Pickard advised that he listened to the tapes and reviewed the record of the hearing. Ed Johnson presented updated staff report; reviewed chronology of events and new information that was presented and issues that were raised. He advised that at the previous Board hearing on this matter, the Board requested verification of aerial photo date and information about the septic. The date of the aerial photo has been verified as September, 1970, showing no bridge. Also, new photos have been submitted showing the bridge in place in June, 1971, which staff have verified as authentic. With regards to the septic, stamped plans were submitted showing it in place; and he presented a memorandum from the Health Department which cited concerns about the plans and system. Staff's original determination was based on bridge and septic being in place prior to October, 1971. He further advised that the testimony on frequency of use and number of users relative to camping is still inclusive. Therefore, staff feels this new information substantiates staff's original determination. Staff responded to questions from the Board relative to establishment of the camping as a legal or lawful use; lack of a sign-off of inspection on the septic system; non-conforming and grandfathered uses; and relative to the responsibility of the appellant to submit evidence. Public portion of the hearing was reopened and Chairman advised that input would be received on the new evidence that was submitted. Persons speaking in support of the appellant: John Jamison, Attorney at Law representing the appellant, introduced Mr. Goldman/Outback, who supplied the materials for the septic system. Mr. Goldman advised that he delivered the materials and wrote the check number on the receipt when payment was received; and he remembers doing this project. John Jamison presented additional photographs of activity in the area and responded to questions raised by the Board - 25 years have passed and a lot of changes have occurred and they have had to reconstruct what the law was and determine individual rights in 1971; he reviewed the new evidence that he submitted: a business card with notations on the back relative to the septic system and procedures at that time for permit processing; timeframes for material delivery for the bridge construction; photos taken at the time the video was taken; advised that campgrounds were regulated by the State Department of Housing, and the regulations that were in existence in 1971 were for public grounds with a fee to be charged, and nothing could be found relative to regulations for private campgrounds and referred to a letter from the State Department of Health to the Planning Department; advised that with regards to the issue relative to the lack of a building permit for the bridge, the implementing legislation is

Health and Safety Code Section 17897 and that limits the authority for the State Department of Housing to hotels, motels, and residential units and does not grant authority over other incidental things such as bridges; cited Kings County as still not requiring permits or inspections for private bridges; there were no laws relative to construction of bridges at that time; disagreed with Planning's analysis to determine the number of people that could camp on the property and referred to his previous exhibit containing five separate declarations by different users relative to their use of this site; stated the use took place on weekends and people may not have been aware of the camping use if they were there during the week; stated he feels that they have proved that the bridge and septic system were there and that should show that there was activity; he feels all of their evidence and statements are consistent with the fact that there were large numbers of people there; feels the issue of having 200 people is a separate issue and agrees that something would need to be done to accommodate that number now; advised that the septic system is still open and available for inspection by staff, but he does not feel that the system should be an issue before the Board, just whether the property was being used for camping purposes prior to October 1971; stated he feels that if use is established and there is no ordinance which prohibits expansion of the use, the use can change until an ordinance is adopted; the first time the County limited expansion of use was in a resolution in 1983 and a use permit became required; referred to the photographs presented and noted that a generator was in the back of Mr. Winterberg's pick up truck and was used for pumping water from the creek and that there are recreational vehicle units of about 24 feet in length; he does not feel that the restriction of 50 people is supported by the evidence - feels Planning used an inappropriate method of calculation, and without the shower facilities and using 25 gallons/day versus 50 gallons/day, the design capacity of the septic system can handle 100 people; he disagreed with the determination to limit use to two times a year as the evidence shows that different groups used the site two to three times a month during the summer season; agrees with limited use not to exceed three times a month and limited to four consecutive days and during the months of June, July, August and September; stated he feels with respect to the recreational vehicles on the site since 1971 and full time camping, that up to ten units during that period of time should be allowed; and asked for clarification of "large recreational vehicle" and suggested that perhaps the design/weight capacity of the bridge could be used as a definition. Mr. Jamison responded to questions from the Board relative to the photographs that were presented. Robert Benton, friend of Mr. Winterberg, stated he was instrumental in building the bridge and it took six weeks to complete it for Memorial Day weekend in 1972; advised he took the video of the tractor driving through and three of them went across in recreational vehicles; during the summer he observed 20 recreational vehicles on the property and they came up regularly until 1987 when his daughter was injured, and they did not come up very often after that. Mr. Benton responded to questions from the Board relative to date of completion of the bridge; definition of recreational vehicles he referred to; and whether the 20 recreational vehicles were on the property at one time. Dora Rusk stated they came and helped on the bridge and cleaned the property so they could camp and for several years they camped during the summer, and in 1971 there was a big celebration with the completion of the bridge. Persons speaking in opposition to the appellant: Art Baggett, Attorney at Law, referred to the certification obtained relative to the date of the aerial photographs presented and noted that one photograph showed that the bridge was not present on September 9, 1970; agreed that whole issue is whether there is a lawful established use on the site; noted that there is only about one half acre of useable land on the site; requested the appeal be denied as well as staff's determination as there is too much doubt as to whether a lawful established use existed; questioned whether dollars or donations received make this a public campground and stated that should be looked at in the future; agreed that concrete was delivered as evidenced by the receipts; noted that receipts were saved for the septic system but nothing relative to inspections of the system; noted styrene versus PVC pipe was delivered and the rock was delivered after

the notation on the back of Mr. Thompson's business card authorizing the project to proceed; presented a letter from Roger Stephens/Civil Engineer, with regards to the septic system and his opinion that the system could serve 46 people; noted that one leach line shown on the map presented encroaches onto Forest Service property and questioned whether that is legal and questioned whether less than the 100 foot setback from the creek is legal; stated he could not find anything past 1977 on dump station regulations; feels there is no proof or testimony of water and toilet usage; questioned if the month of August 1971 is enough to establish grandfathered use - feels it should take a full season of use or some longer period of time; disagrees with staff's determination that the bridge was complete in 1971 - the receipts for the bridge do not indicate purchase of enough concrete for sufficient footings; referred to the April 24, 1996, letter from Dreyfuss/CT. S. Forest Service, relative to illegal use of Forest Service land and stated he feels the bridge will also be an issue as it encroaches on Forest Service land; referred to the scaled drawings of the site reflecting camping use and stated he does not feel that you could put 20 camp vehicles on the site itself; is not convinced that the video that was brought back is the same that was shown at the Fish Camp portion of the hearing; we do not have original negatives or film and feels some certification should be produced relative to their authenticity as he was required to do for the aerial photographs; stated there was no evidence presented relative to permits for the bridge; stated the June 1971 photograph of the bridge does not show any bolts - just planks laying and he does not feel the bridge should be considered completed until the bolts were installed in the planking and a side rail added; winter records for 1971 show heavy rains and it makes sense that the bridge was not completed until 1972; expressed concern that documentation appears at this time and not when previous Planning Directors requested information; takes exception to Attorney Jamison's interpretation of expansion requirements; and requested the Board rescind allowance of 50 people to camp, that the Sheriff be requested to monitor use, and that activity be limited to day use. Criss Abshire stated he was building his garage in 1972 and that is when the bridge was bolted down; questioned why if the bridge was finished in May, the ribbon cutting ceremony occurred in June; and commented that he felt there were two types of handwriting on the documents/receipts - a separate writing for the date; stated the bridge would not hold 30,000 pounds or the septic tank delivery truck; stated he has known the person who made the septic tank delivery and it was questioned why the Corp of Engineers never got involved since the bridge crosses a public waterway; and noted that there are not 20 campers in any of the photographs. William Nelson, executor of the Crowell estate, noted that the photographs presented today were of his family and is upset that they were not returned to him with his grandfather's belongings; and commented that Mr. Winterberg claimed he would repair and bring the existing buildings back up to standard when he purchased the property and that has not occurred. Wayne Duncan stated he bought his property in October 1971 in Fish Camp and there was not a completed bridge at that time; the bridge was floored in the spring of 1972 and the outhouses were installed one to three years later; referred to previous testimony relative to the bridge construction dates; and he saw gatherings of 20 people, with the biggest gathering of 40 - 50 when his daughter graduated from high school. Robert Keller stated he has owned property in Fish Camp with his wife for a long period of time and referred to his letter to Planning; stated he feels Fish and Game's jurisdiction is missing in the information relative to a structure crossing a streambed; stated John Thompson was in Fish Camp when he took over the Silver Tip Lodge operation and he was quite involved in the construction of septic systems on Winterberg's property and he would not operate by just handing a card to Mr. Winterberg; he has tried unsuccessfully to reach Mr. Thompson for input relative to this matter; noted that in the central part of the campground area where the toilet facilities are located, there is a concrete seal with the inscription of 1977 referring to when it was installed; he does not see how the toilets would operate without a pressurized line and no one can recall hearing a generator running in the area. Mr. Jamison offered rebuttal - stated he does not feel it would make any difference if the

planks were removed and reinstalled on the bridge, the use occurred prior to 1971; noted that Mr. Abshire did not provide any evidence to support his testimony; referred to Mr. Nelson's testimony and stated that members of his family did use the Crowell property for camping purposes and he objects to staff saying that this property cannot be used for any purposes - both Crowells and Winterberg used the property for family and friends; with respect to Mr. Keller's comments, he stated there were no formal procedures for approval by Fish and Game - in this case, the contractor contacted Fish and Game before the work was done and the statutes of limitation have expired. Mr. Jamison responded to question from the Board relative to action he is requesting, and advised that they want camping for immediate family and friends allowed on the Crowell property; on the Winterberg property, they want the ability to use the camping facilities for the public, with the right to have on-site recreational vehicles with a 24 foot maximum length, and limit the use to two to three times per month from Memorial Day to Labor Day weekend, with a maximum length of four days of consecutive usage. Public portion of the hearing was closed and Board commenced with deliberations. Ed Johnson noted conflicts in the evidence that was presented on both sides and stated he felt the bridge was an indicator of how much use was occurring on the site and when. Staff responded to questions from the Board relative to whether inquiry was made of Fish and Game relative to their procedures at the time for the bridge construction; who actually built the bridge; recommendation of the Planning Commission and why there was no distinction between commercial and non-commercial activity and no regulation of time period for allowing camping; whether any discussion occurred with the Planning Commission to define large recreational vehicle; whether there are any other permits and conditions that would need to be met besides the plumbing and electrical, such as streambed alteration, etc., and satisfying health and safety concerns; and date of purchase of the Crowell parcel. Mr. Jamison responded to question from the Board relative to the photographs he presented, and advised that they were taken on the other side of the creek and not on the subject property. Ed Johnson and Sarah Williams responded to additional questions from the Board relative to the photographs and dates and locations; relative to evidence for the bridge construction and dates and dates of use of the property for camping; whether the installation of two septic tanks would indicate a higher use than residential; and suggestion for defining large recreational vehicle. Jeff Green, County Counsel, responded to question from the Board relative to being able to require today's standards if the Board considers this a grandfathered use and advised that the Board would be approving a permitted use and could not require anything unless it is a health and safety issue. (M)Pickard, (S)Stewart, to deny the appeal and uphold the Planning Commission's decision was tabled for a recess.

12:44 p.m. Recess

12:54 p.m. Supervisor Pickard restated his motion to deny the appeal and uphold the Planning Commission's determination with modifications as follows: further define large recreational vehicles as 15 feet in length and as the vehicle that is towed; and the permitted camping applies to both commercial and private use. Motion was amended, agreeable with maker and second, to redefine recreational vehicle as 24 feet in length. Following further discussion, maker of motion withdrew the motion. Motion by Pickard to deny the appeal as well as the recommendations of the Planning Commission and find that no camping use was legally established prior to October 28, 1971, and there are no grandfathered rights, died for lack of a second. (M)Bal main (who passed the gavel), (S)Parker, to uphold the Planning Commission's determination and deny the appeal, with the exception that no vehicles over 24 feet in length would be included, and deleting the restriction of day use for one month for small group activity, was held for further discussion. Mr. Jamison and Mr. Baggett responded to questions from the Board relative to clarification of their requests for Board action. Mr. Jamison requested that camping be allowed from Memorial Day to Labor Day, not to exceed two to three times a month for

large groups and not to exceed a duration of four days; large recreational vehicles be defined as 24 feet in length; that small groups of ten be allowed on a continuous basis in summer months, and agreed to meeting the health and safety criteria relative to electrical and plumbing issues. Mr. Baggett requested that all public use of camping be rescinded. Ayes: Balmain, Parker; Noes: Reilly, Stewart, Pickard. Motion failed. (M)Pickard, (S)Stewart, Res. 96-433 adopted denying the appeal and determining that there is no grandfathered camping use on the property because no camping use was legally established prior to October 28, 1971/Ayes: Reilly, Stewart, Pickard; Noes: Balmain, Parker. Mr. Jamison requested that the Clerk prepare an administrative record containing action taken by the Planning Director, Planning Commission, and the Board of Supervisors, along with copies of tapes of the hearings. Supervisor Reilly commented on the hearing process with the Commission and the Board of Supervisors and mentioned that she does not want everyone to feel like they need to have counsel for a hearing before the Board. Hearing was closed.

1:26 p.m. Lunch

2:00 p.m. Rhonda Scherf, Deputy Clerk, opened the Public Hearing to consider fees for the Building Department and continued the hearing to 2:30 p.m.

2:37 p.m. Ed Johnson, Planning and Building Director;
Continued PUBLIC HEARING to Consider Fees and Further Discussion of Building Department Budget Deficit; Possible Action on Fees, Rescinding Ordinance 721 (400 Square Feet Exemptions), Staff Layoffs, Appropriation from General Fund Contingency Reserve, and Related Direction to Staff and County Counsel (4/5ths Vote Required)
(Continued from 9/24/96)

BOARD ACTION: Ed Johnson presented updated staff report and reviewed the alternatives and recommendation of the Board committee for eliminating the Department's budget deficit over a two year period: layoff two staff (plan checker and office assistant) effective 1/1/97, increase selected fees, provide up to a \$20,000 loan to Enterprise Fund in FY 1996/97 depending on the actual shortfall at the end of the fiscal year, and consider an additional loan of \$20,000 in FY 1997/98 to implement computerized data entry of permits and other County documents; advised that the Plan Checker has resigned creating a vacancy; requested a transfer of \$5,000 from salary savings in the plan checker position to extra help/professional services for assistance over the next couple of months; and advised that the Chief Building Inspector is going out on medical leave for a couple of months. Public portion of the hearing was opened and input was provided by the following: Mary Dayhoff; speaking for J. R. Dayhoff General Building Contractor, commended the committee's recommendation and stated she feels it is in line with what her husband would prefer. Jan Hamilton asked about repayment of the loan from General Contingency and stated she felt that cross-referencing information on the computer system would be a wonderful improvement. Audrey Noel, Century 21-Sierra Gold Realty, stated the whole industry is concerned with possible changes and fee increases and she is here to find out what the intentions are; and commented that she feels our fees are high compared to other counties that she checked with a couple of years ago. Ed Johnson advised that the committee chose not to recommend the \$15.00 research fee. Lisa Edelheit/SEIU, referred to initial discussion of laying off an inspector position and asked who will handle plan checks if the Plan Checker position is not filled. Staff responded that it is the intent that the Chief Building Inspector will handle those duties in the beginning and if activity picks up, they could use the \$15,000 to fill in for the inspector duties, or as a supplement to the plan check duties. Lisa Edelheit recommended that alternative 3 be adopted which would phase two layoffs over two years. Public portion of the hearing was closed and Board commenced with deliberations. Staff responded to questions from the Board relative to elimination of the 400 square foot exemption and advised that the State allows

for a 120 square foot exemption; relative to the proposed 15% accounting fee for work done for other departments and budgeting for that; and number of inspectors currently in the Department. (M)Stewart, (S)Reilly, Res. 96-434 adopted accepting the alternative number 2 proposal as recommended and described in the Planning Department's agenda package, and transferring \$5,000 from salary savings as requested. Further discussion was held. Staff responded to additional questions from the Board relative to the amount of salary savings with the vacancy for the Plan Checker. Motion was amended, agreeable with maker and second, to include direction to delete the 15% accounting fee - the difference for this fiscal year will be absorbed by the unanticipated salary savings. Ayes: Reilly, Balmain, Stewart, Pickard; Noes: Parker. It was noted that with this action the fee increases would be effective January 1, 1997; County Counsel would notify the affected staff of the layoff; the Dangerous Building Fund is eliminated; and staff will bring back Ordinance 721 to be rescinded. (M)Pickard, (S)Stewart, Board waived its usual recruiting procedures for affected staff so that should a comparable position become available prior to their layoff, affected staff could be considered immediately for that opening, as recommended/Ayes: Unanimous. Hearing was closed.

B) Resolution Transferring \$5,000 from Salaries and \$2,000 from Benefits to Professional Services for the Planning Department Budget

BOARD ACTION: Following discussion, (M)Reilly, (S)Stewart, Res. 96-435 adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

4:05 p.m. Recess

4:18 p.m. Mike Edwards, Public Works Director;

Approve Recommended Revisions in Liability Insurance Requirements for Aircraft Based on Tie-Down Space at the Mariposa/Yosemite Airport (Continued from 10/8/96)

BOARD ACTION: Discussion was held concerning this matter and staff's recommendation. Supervisor Balmain advised of his research on this matter with insurance companies. Input was provided by the following: Roger Kunz stated he owns an ultralight and commented on his research with the insurance companies and advised that a policy is only available for heavy ultralights/two seaters and presented letters relative to this matter EAA Aviation Center and U. S. Specialty Insurance Company; and talked about the differences between ultralights and heavy ultralights and standard aircraft. Bill Leidenroth, ultralight pilot, commented on the insurance issues and stated other airports accept the \$100,000 policy; advised of the requirements for a pilots license to operate the ultralights that weight over 254 pounds/two seaters, otherwise, no training is required; presented a news story relative to a New York community encouraging ultralight activity; and suggested there be a mechanism to prevent tie-downs of ultralights without meeting some training requirements. Bill Foschaar stated he has fifty years as a conventional pilot and reviewed the minimum requirements to get a pilots license and advised that there are no requirements to fly an ultralight; commented on landings at the Airport and the flight patterns for Leer jets and ultralights and the potential for a collision; cited a recent incident where an ultralight crashed on take-off and could have hit other aircraft resulting in major damage; advised that he personally carries one million dollars liability insurance on each of his three aircraft; and suggested that a separate facility be considered for the ultralights so they are not mixed with the aircraft. Tom Hoskins stated he flies his ultralight at the Airport and advised of another category of fixed wing aircraft for those who do not want to fly very far from the Airport; advised that ultralights are restricted in the amount of fuel, weight, no passengers and no flying at night; feels he is about to lose his sport because of a catch 22 situation with the proposed insurance requirements that are not able to be obtained; feels they have been self-governing with safe practices; felt a USUA sign-off should be required for tie-down; cited an example in Miami where ultralights sued for discrimination at the airport; stated he feels that the

Airport Manager does not support ultralights; and noted that you cannot fly a two seater for pleasure. Supervisor Stewart requested that evidence be presented to substantiate any claims of discrimination and that accusations not be made without evidence. Roger Kunz commented on the EEA and instruction requirements. Tricia Ball, Mr. Foschaar's daughter, stated she obtained her license and is a private pilot; requested that the ultralights be equally responsible; and noted that she has had problems with ultralights in the traffic patterns when they were not paying attention. Eric Gourley/Chairman of the Airport Advisory Committee and certified flight instructor, commented on requirements to become an instructor; stated he feels the higher insurance coverage is not available because the insurance companies do not want the higher risk; advised of requirements for a recreational pilot certificate and for a pilots license; stated the FAA avoided regulating ultralights and the County should look at that closer; advised there are no records of ultralight accidents as they are not required to be investigated; and suggested that if insurance requirements are lowered for ultralights, that should also happen for other aircraft. Further discussion was held concerning the insurance and liability issues. Maria Liddle/ Airport Manager, commented on her authority at the Airport to ground pilots and relative to ability to regulate flight pattern use. Supervisor Reilly suggested that consideration be given to working with other airports relative to the concerns. Bill Bondshu/Bondshu Insurance, stated they can only obtain insurance in the amount of \$100,000. Supervisor Balmain mentioned the possibility of looking at other sites for the ultralights. (M)Parker, (S)Pickard, Res. 96-436 adopted requiring \$100,000 liability insurance for ultralights and \$300,000 for other aircraft, with the County to be named as first insured; with direction for rules and regulations and policies to be established for ultralight operators; that training requirements be met before ultralights are allowed to operate at the Airport facilities; that ultralights not be allowed to fly around in the traffic pattern and use it only for take-offs and landings; and that insurance requirements will increase if higher amounts of coverage becomes available. Following further discussion, motion was amended, agreeable with maker and second, to include authority for the Airport Manager to take proper measures for any activity that is witnessed of any type of aircraft. Motion was further amended, agreeable with maker and second, to include direction for staff and the Committee to review the flight pattern use as part of the procedures/Ayes: Reilly, Stewart, Parker, Pickard; Noes: Balmain.

Request for Authority to Submit Bid to the Mariposa County Unified School District for the Lease of Real Property to Construct a Public Library Facility (County Counsel)
BOARD ACTION: (M)Parker, (S)Stewart, Res. 96-437 adopted authorizing submission of bid. Following discussion, motion was amended, agreeable with maker and second, to include direction that the school be responsible for site preparation and that the facility be a school/public library as previously discussed in committee meetings/Ayes: Unanimous.

CLOSED SESSION Relative to Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)
BOARD ACTION: Matter was continued to October 22, 1996.

Supervisor Stewart advised of the receipt of sample patches with the Courthouse logo and advised the committee is still working on the County flag matter.

CONSENT AGENDA

CA-I Waive Second Reading and Adopt Ordinance Revising the Title of the Fire Chief's Function from Emergency Services Officer to Emergency Planning Coordinator (County Counsel); Ord. 906

CA-2 Certificate of Recognition and Congratulations to be Presented to Annie Reneau on October 20, 1996 During the Celebration of her 102nd Birthday at the John C. Fremont Ewing Wing (Supervisor Stewart)

CA-3 Appoint Leroy Radanovich to the Mariposa County Planning Commission, Representing Supervisorial District IV (Supervisor Parker)

6:31 p.m. ADJOURNMENT in memory of Gerald Steele.

Respectfully submitted,

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MARLIAMS
Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA
OCTOBER 22, 1996

Recorded in Minute Book 2 II
Page 39 Mariposa County Records
Entered November 12, 1996

Time Description

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

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

- Bart Brown, representing MERG, expressed concern about the public process in regards to the timely availability of complete public documents in general; especially the permit streamlining documents, stating he feels the documents should be available when the hearing is noticed. He further commented on when the document was made available and the number of changes made to the document during the process and stated that he felt any haste to adopt them would be inappropriate.

- Steve Hayes, Tourism Assistant, advised of two out-of-state travel requests. Chairman Balmain advised that he felt the Board should review and give direction concerning the requests as he did not feel they were routine requests. (M)Parker, (S)Stewart, Board waived its rules requiring 72 hours agenda noticing to consider the travel requests, finding the matter was not known about at the time the agenda was prepared and direction is necessary prior to the next Board meeting due to the deadline to register for the conference/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard. Discussion was held concerning the travel requests. (M)Parker, (S)Stewart, Res. 96-439 adopted approving out of state travel requests for the WACVB conference and Media trip/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

- Jim Allen, Sheriff Commander, advised of off agenda request to submit a "COPS More" grant application (M)Parker, (S)Stewart, Board waived its rules requiring 72 hours agenda noticing to consider this request, finding this matter was not known about at the time the agenda was prepared and action is necessary prior to the next Board meeting due to the grant deadline/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard. (M)Parker, (S)Stewart, Res. 96-440 adopted authorizing submission of the "COPS More" grant application/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

- Kathy Rumfelt, Sheriff D.A.R.E. Deputy, advised of Supervisor Stewart's assistance in obtaining a flag for the D.A.R.E. program.

- Ed Johnson, Planning Director, advised of notice received of a Mineral and Geology Board meeting scheduled for October 24, 1996, with a public hearing relative to "farm" definition with regards to mining exemptions, and noted that there is an appeal that will be coming to the Board on this subject. He feels the State is proposing to define what is "farmland of local importance" and has submitted a map with the designations; and the changes may require a mining permit, in addition to the grading permit, for grading work on a farm. He further advised that he has contacted Dale Wagerman/legislative lobbyist, relative to this matter; and he requested direction from the Board relative to attending the hearing. (M)Reilly, (S)Parker, Board waived its rules requiring 72 hours agenda noticing finding this matter was not known about at the time the agenda was prepared and action is necessary prior to the next meeting as the hearing is scheduled for this Thursday/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard. Following discussion, (M)Parker, (S)Stewart, direction was given for the Planning Director to attend the hearing, and be in contact with Dale Wagerman and request that they provide input and support in this

matter. Supervisor Reilly requested that if the comments are prepared and available prior to the hearing, she would like for them to be distributed to the Board. Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

- Bonnie Ferguson introduced a new organization formed on the northside - "Citizens for Safe Mariposan Communities" and read their vision statement, and advised of their plans for community meetings.

- Supervisor Stewart advised of the status of the Calvary reenactment being planned in the County next spring and noted that the Rotary Club is working with the program details.

- Supervisor Balmain advised of memorandum received from Solano County Board of Supervisors requesting support for a special session of the legislature to be called as soon as possible for further investigation of the SMOG CHECK II and that a moratorium be placed on the program. (M)Stewart, (S)Parker, Board waived its rules requiring 72 hours agenda noticing to consider this request, finding it was not known about at the time the agenda was prepared and action is requested prior to the next Board meeting as they want the special session to be held next week/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard. Following discussion, (M)Stewart, (S)Parker, Board approved sending a letter supporting the request. Motion was amended, agreeable with maker and second, to include direction to request that CSAC and RCRC be contacted to notify their member counties to join in this request, and to include our legislative lobbyist/Dale Wagerman in this matter/ Ayes: Balmain, Stewart, Parker; Abstained: Reilly; Excused: Pickard.

Approval of Minutes of 10/8/96, Regular Session

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

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

Ed Johnson, Planning and Building Director;

Discussion and Direction Regarding Process for Allowing Unpaid Volunteer to Work in Planning and Building Department

BOARD ACTION: Discussion was held concerning the request and waiver of Workers Compensation benefits. It was clarified that the request is for the volunteer to work in the Planning Division only. (M)Stewart, (S)Reilly, Res. 96-447 adopted approving request for this particular individual. Following further discussion, motion was amended agreeable with maker and second, to clarify that future requests would be considered on a case-by-case basis, and that this authorization is for twelve months/ Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

FORTHCOMING POLICY

A) Industrial Standards/Permit Streamlining Program, Including Adoption of (1) Negative Declaration, and (2) Resolution and Ordinance Amending (a) the General Plan, (b) Titles 2, 16 and 17 of County Code (c) Appeals Procedures and (d) Environmental Policies and Procedures (Planning) (Scheduled for Action on 11/12/96)

BOARD CONSIDERATION: Ed Johnson asked if the Board wanted to consider holding an administrative practice session for staff presentation on this matter prior to the Public Hearing. Board concurred with not holding an administrative practice session and with proceeding with the Public Hearing on November 12, 1996, at 2:00 p.m.

B) Resolution Authorizing Health Officer to Permit Part Time Staff to Work at Home Under Certain Circumstances (Public Health) (Scheduled for Action on 11/12/96)

Chairman Balmain requested that the Planning Director respond to the input by MERG under Public Presentations this morning.

Jim Eutsler, Community Services Director;

Authorize the Erection of Mausoleums in Public Cemeteries

BOARD ACTION: Discussion was held with Jim Eutsler. (M)Parker, (S)Stewart, Res. 96-448 adopted approving request/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Jeff Green, County Counsel;

Provide Direction to Staff Relative to Maintenance Responsibility of the Emergency Access Road in the John Allen Flat Subdivision

BOARD ACTION: Discussion was held. Ron Iudice stated there was no formal homeowners' association for the John Allen Flat subdivision at present and requested a postponement of this matter so he could speak with Supervisor Pickard when he returns from vacation. Further discussion was held relative to beginning the process to resolve this matter. Jeff Green, County Counsel, advised that he believes there was an association and that CC & Rs were adopted and he will keep Supervisor Pickard informed of the status of this matter, and could give all of the affected property owners information relative to this matter so they can have the background to this matter before they speak with Supervisor Pickard. Ron Iudice further asked if maintenance was going to be enforced throughout the County or if this subdivision was being singled out; and advised that he was working to try and resolve this by forming a zone of benefit and working with Mrs. Moffitt. (M)Parker, (S)Stewart, direction was given for County Counsel to start the process and bring this matter to a closure. Jeff Green advised that with this direction he would send a letter to each homeowner covered under the subdivision and required to maintain the access road with all of the background and relevant information and advising them that they have an obligation to maintain the road and request that they set up a meeting with himself and Supervisor Pickard to try and resolve this matter; and that he will copy all of the information to Ron Iudice as to the affected property owners. Ayes: Balmain, Stewart, Parker; Noes: Reilly; Excused: Pickard.

10:22 a.m. Recess

10:35 a.m. Dr. Mosher, Health Officer;

A) Resolution Proclaiming the Week of October 20 - 26, 1996, as "Pull the Plug on Violence Week"

BOARD ACTION: Dr. Mosher introduced the following public health nurses: Marna Klinkhammer, Jan Staser and Lisa Rhudy; and introduced Bonnie Ferguson/community representative for anti-violence, and advised of the children's programs administered by the Health Department. Following discussion, (M)Reilly, (S)Stewart, Res. 96-438 adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

B) Resolution Authorizing Certain County Volunteer Fire Companies to Initiate a Pilot Program Utilizing Semi-Automatic External Defibrillators in Conjunction with First Responder Activities

BOARD ACTION: Discussion was held with Dr. Mosher, and he reviewed the issues and EMCC's recommendations and noted that this is a policy decision for the Board.

(M)Parker, (S)Stewart, Res. 96-449 adopted and Board waived the policy issue to meet the deadline involved with the paperwork for this program to proceed. Dick Kunstman expressed concern that should he have a heart attack and no one administered CPR and the defibrillator was used to resuscitate him that he could survive with brain damage and would not want that to occur. Dr. Mosher advised that they are trying to address these concerns by doing CPR training throughout the community. Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard. Art Laursen/Greeley Hill Fire Company, thanked Dr. Mosher for his study and work with this matter on behalf of the Fire Companies.

C) Resolution Exempting Mariposa Youth Football Association from Food Facility Fees for Mariposa County Fair

BOARD ACTION: Discussion was held concerning the request; covering the costs involved in the food facility inspections; and relative to treating all of the groups the same. (M)Stewart, (S)Parker, Res. 96-450 adopted denying the request/ Ayes: Balmain, Stewart, Parker; Noes: Reilly; Excused: Pickard.

D) Discussion and Direction to Staff Regarding the HIV Prevention and Education Program and Structure of the AIDS Task Force

BOARD ACTION: Discussion was held concerning the program and recommended changes to include a safe needle disposal program for legitimately used needles and to use the Task Force to administer a mini grant program. (M)Parker, (S)Stewart, Res. 96-451 adopted approving the program with modifications as discussed to direct that the Task Force continue with their existing role and not administer the mini grant program, the Health Officer is to be responsible for any mini grant funding/Ayes: Reilly, Stewart, Parker; Noes: Balmain; Excused: Pickard.

E) Resolution Authorizing Chairman to Sign Standard Agreement with State of California for Health Education Grant (Tobacco Cessation)

BOARD ACTION: Discussion was held and Dr. Mosher reviewed the existing program and proposed changes to work with the D.A.R.E. program and use the Tobacco Coalition to administer mini grants. (M)Parker, (S)Reilly, Res. 96-452 adopted with change as discussed to direct that the Health Officer administer the mini grant program and not the Coalition/Ayes: Reilly, Stewart, Parker; Noes: Balmain; Excused: Pickard.

Resolution in Support of Congressional Bill which Instructs the Forest Service to Implement Quincy Library Group Proposal (Chairman Balmain)
(Continued from 10/8/96)

BOARD ACTION: Discussion was held concerning the request and the status of the Bill, and it was noted that RCRC recommends support. Supervisor Parker noted that RCRC is looking for suggestions and ideas for next year's legislation. Supervisor Balmain agreed to bring this matter back when more information is known relative to the status of the Bill, and will request that the County be kept informed. Dick Kunstman asked to be able to present some general information - Board concurred that the appropriate time to present the information would be when the matter is rescheduled.

Supervisor Reilly mentioned that Dick Kunstman had requested time to discuss forest issues with the Board - Board concurred that Mr. Kunstman could schedule this discussion.

11:53 am. Lunch

1:18 p.m. CLOSED SESSION to Screen Applications for County Administrative Officer Position (County Counsel); and

CLOSED SESSION Relative to Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)
(Continued from 10/15/96)

BOARD ACTION: (M)Reilly, (S)Stewart, Closed Session was held for these matters with Mike Coffield, former County Administrative Officer, to be present/ Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

3:12 p.m. Board reconvened in open session with direction given to staff relative to interviews for the County Administrative Officer position in closed session.

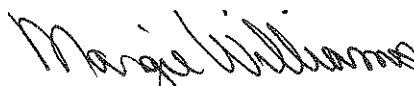
INFORMATION - No action was necessary on the following:
Inform the Board of the Award of the Annual Roadside Herbicide Spraying Contract to the Lowest Responsible Bidder (Public Works)

CONSENT AGENDA

- CA-1 Resolution Recognizing Richard D. Welton, Director of Public Works & Development Services for Fresno County, Upon His Retirement (Public Works); Res. 96-441
- CA-2 Resolution Approving Revised Extra-Help Class Specification for the Position of 4-H and Youth Assistant (County Counsel); Res. 96-442
- CA-3 Resolution Awarding the Contracts for Appraisal Services on Twelve Parcels Associated with Four Separate Projects, to the Thomas Wilkins Company of Merced and Authorizing the Public Works Director to Execute the Contracts (Public Works); Res. 96-443
- CA-4 Resolution Amending the Community Development Block Grant Housing Rehabilitation Program Guidelines to Increase the Maximum Loan/Grant Amount from \$35,000 to \$45,000 per Housing Unit (Housing); Res. 96-444
- CA-5 Resolution Authorizing the Housing and Community Development Agency Director to Submit an Application (\$10,000) and Execute the Standard Agreement Regarding the California Emergency Housing Assistance Program (Housing); Res. 96-445
- CA-6 Resolution Approving Purchase of 5 Patrol Vehicles for Sheriff (Auditor); Res. 96-446

3:13 p.m. ADJOURNMENT in memory of Ernestine "Erni" Gorton, Irene Johnson, Donald Hales, and the Honorable Dean C. Lauritzen/former Superior Court Judge.

Respectfully submitted,



MARGIE WILLIAMS
Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA
NOVEMBER 26, 1996

Recorded in Minute Book 411
Page 41 Mariposa County Record
Entered December 10, 1996

<u>Time</u>	<u>Description</u>
9:05 a.m.	Meeting Called to Order Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda
- Mike Edwards, Public Works Director, advised that a "Boil Water Alert" was issued for the Coulterville Community Service Area No. 1 due to a bacteriological contamination of the water system; and they have complied with all noticing requirements and are retesting and trying to track the source of contamination.

Supervisor Pickard advised of the status of the 209 area code issue and a letter that was received from Pac Bell agreeing to keep all of Mariposa County within the 209 area; and advised of subsequent concern expressed by Fresno County to move the boundary further south. Board concurred with Supervisor Pickard continuing to work on this matter and with supporting the northern boundary,

Approval of Consent Agenda (See End of Minutes)

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

Jim Evans, Housing & Community Development Agency Director;
Resolution Authorizing the Housing and Community Development Agency Director to Submit the Mariposa County Head Start Program Year Five Continuing Application in the Amount of \$381,073

BOARD ACTION: Following discussion, (M)Pickard, (S)Reilly, Res. 96-471 adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Noes: Parker.

Pelk Richards, Undersheriff, appeared on behalf of Roger Matlock, Sheriff;

A) Resolution Waiving the Formal Bid Process for the Laptop Computer Program and Utilizing the State Bid that is in Place; and Waiving the Formal Bid Process for the Interface Software for the Laptop Program

BOARD ACTION: Following discussion, (M)Parker, (S)Stewart, Res. 96-472 adopted/Ayes: Unanimous.

B) Resolution Authorizing the Chairman to Execute the Local Law Enforcement Block Grant Award Forms from the Bureau of Justice Assistance in the Amount of \$43,153

BOARD ACTION: Following discussion, (M)Parker, (S)Stewart, Res. 96-473 adopted/Ayes: Unanimous.

Supervisor Parker advised of a meeting with members of the Kiwanis and of their informal request for agencies to take another look at the possibility of a curfew and other things of that nature, especially with the ongoing problems at the parkway and the rest stop area.

Ken Hawkins, Auditor;

Certification to Receive Funds from the Public Library Fund and Consideration of Resolution to Appropriate Funds from Reserve for Contingency to Match Appropriation to Qualify for Public Library Fund (\$6,628) (4/5ths Vote Required)

BOARD ACTION: Following discussion, (M)Pickard, (S)Reilly, Res. 96-474 adopted appropriating funds and approving Certification to receive funds as requested/Ayes: Reilly, Balmain, Parker, Pickard; Noes: Stewart.

Jim Moffett, Chief Probation Officer;

A) Resolution Authorizing Chief Probation Officer to Sign Agreement with Office of Criminal Justice Planning for Jail Removal Program (Juvenile Detention)

BOARD ACTION: Following discussion, (M)Parker, (S)Pickard, Res. 96-475 adopted/Ayes: Unanimous.

B) Resolution Authorizing Chief Probation Officer to Sign Application for Juvenile Accountability and Challenge Grant and Contract; and Establishing the Juvenile Justice Coordination Council

BOARD ACTION: Following discussion, (M)Stewart, (S)Pickard, Res. 96-476 adopted/Ayes: Unanimous.

C) Resolution Authorizing the Chairman to Execute Contract for Juvenile Hall Bed Space with Lake County

BOARD ACTION: Discussion was held concerning this matter. (M)Parker, (S)Pickard, Res. 96-477 adopted. Following further discussion, motion was amended, agreeable with maker and second, to include direction for amendment to contract for item 8 relative to reimbursement for schooling and education to add "to be approved by the Mariposa County Board of Supervisors"/Ayes: Unanimous.

-) Jim Moffett alerted the Board to a potential shortfall in the budget for the Probation Department due to increased activity in the Juvenile Hall division; stated he has met with the Superior Court Judge and reviewed the costs for operation; and he will come back with a plan.

10:05 a.m. Recess

10:14 a.m. Discussion and Possible Action Relative to Sending a Letter to Caltrans Supporting the Chamber of Commerce's Request for Displaying Holiday Banners (Chairman Balmain)

BOARD ACTION: (M)Parker, (S)Stewart, Res. 96-478 adopted. Following discussion, motion was amended, agreeable with maker and second, to include authorization for the Public Works Director to approve the encroachment permit with Caltrans for this event in future years, with the County assuming no liability for this event/Ayes: Unanimous.

Discuss and Provide Direction Relative to the Invitation Received from Calaveras County to Attend their Board of Supervisors Meeting on Monday, December 16, 1996 (Chairman Balmain)

BOARD ACTION: Following discussion, (M)Stewart, (S)Reilly, Board accepted the invitation to attend the meeting relative to welfare reform issues/Ayes: Unanimous.

Supervisor Parker suggested that the Human Services Director also be invited to attend.

Waive First Reading and Introduce Ordinance Amending Chapter 18.03 Relative to Dredging on County Property (County Counsel)

BOARD ACTION: Following discussion, (M)Parker, (S)Stewart, ordinance was introduced/ Ayes: Unanimous.

Authorize Bond Counsel to Commence with the Formation of a Nonprofit Corporation for the Purpose of Obtaining Financing for the Government Center (County Counsel)

BOARD ACTION: Following discussion, (M)Parker, (S)Pickard, Res. 96-479 adopted/Ayes: Unanimous.

Resolution Appointing Janet Hogan as County Administrative Officer, Effective December 30, 1996 at an Annual Salary of \$70,000 (County Counsel)

BOARD ACTION: (M)Parker, (S)Reilly, Res. 96-480 adopted, with direction for the Chairman to send a letter to Janet Hogan congratulating and welcoming her/Ayes: Unanimous. Board concurred with holding a swearing-in ceremony for Janet and elected Board members on January 7, 1997, and a reception for Janet.

10:30 a.m. Ed Johnson, Planning and Building Director;

PUBLIC HEARING to Consider the Approval or Denial of Agricultural Preserve Applications No. 96-1/Nancy Lint and Ione Grasmoe, Applicants; No. 96-3/Cassacia, et al., Applicants; and No. 96-4/ John and Rosemary Lasgoity, Applicants

BOARD ACTION: Jean Clark, Assistant Planner, presented staff report for Application No. 96-1/Lint and Grasmoe. Staff responded to questions from the Board relative to condition for applicant to obtain Agricultural Exclusive (AE) zoning and what would happen if the applicant is unsuccessful in obtaining the AE zoning within one year. Jean Clark presented staff report for Application No. 96-3/Cassacia, and No. 96-4/Lasgoity. Staff responded to questions from the Board relative to being able to get out of a Williamson Act Contract and whether there are any implications to the County. Public portion of the hearing was opened. There was no public input. Public portion of the hearing was closed and Board commenced with deliberations. Staff responded to additional questions from the Board relative to minimum parcel size for AE zoning and whether that is a concern for entering into a Williamson Act Contract. (M)Reilly, (S)Stewart, Res. 96-481 adopted approving Application Nos. 96-1, 96-3, and 96-4, and authorizing Chairman to sign the Williamson Act Contracts for these applications/ Ayes: Unanimous. Hearing was closed.

10:45 a.m. Recess

11:04 a.m. MARIPOSA COUNTY WATER AGENCY

Water Presentation by Regional Council of Rural Counties (RCRC) and Michael Jackson, RCRC's Water Consultant

AGENCY ACTION: Chairman Parker introduced the following members of the Water Agency Advisory Board who were present for this matter: Leroy Radanovich, Grant Colliver and Bob Rader. Marcia Basque, RCRC Executive Director, introduced Anthony Farrington/RCRC staff member assigned to the water project; Les Cohen/RCRC Legislative Advocate; and Michael Jackson/water attorney and advisor retained by RCRC. Marcia Basque advised that RCRC has also retained Attorney John Mills, and advised of their efforts to assist the rural counties in efforts to preserve the area of origin water rights and of financial request of \$12,000 from each member county. Attorney Jackson gave a presentation on why it was felt that that all of the counties needed to join together in this effort; reviewed activities moving forward in the State to resolve water rights issues including the Bay-Delta proceedings and the CALFED process; and of RCRC's goals to generate revenues for the counties who serve as areas of origin for water. Discussion was held concerning this matter. Leroy Radanovich, Chairman of the Water Agency Advisory Board, stated the Advisory Board would be pleased to review this matter; suggested that former Supervisor Art Baggett be invited to participate as he was actively involved with the Mountain Counties Water Resources Association (MCWRA); stated he would be happy to meet with Board members and give an overview of water issues with regards to the County; and suggested that it be researched as to whether the MCWRA is still active and what their position is on these matters. Board concurred with suggestion to invite Art Baggett to participate with the Advisory Board as a citizen, and with sending this matter

to the Advisory Board for review and recommendation. Director Parker stated he would like to be involved with the Advisory Board's review. Art Baggett noted that the MCWRA started RCRC and they became two separate groups.

12:42 p.m. Lunch

2:06 p.m. LOCAL TRANSPORTATION COMMISSION

A) Transportation Planning Overall Work Program 1996-97 (Planning Director)
COMMISSION ACTION: Discussion was held with Ed Johnson, Planning Director.
(M)Balmain, (S)Stewart, LTC Res. 96-15 adopted/Ayes: Unanimous.

B) Nominate the Next Short-Range State Highway Project for Inclusion for Funding into the Accelerated 1998 State Transportation Improvement Program (STIP); Direct Staff to: Prepare an Amendment (if Necessary) or Reaffirmation of the Regional Transportation Plan (RTP) for Public Hearing and LTC Approval, Coordinate with Caltrans to Assist in a Project Study Report (PSR) Preparation (as Necessary) and Revise the Regional Transportation Improvement Plan (RTIP) for LTC Approval (Public Works Director)

COMMISSION ACTION: Discussion was held with Mike Edwards, Public Works Director, concerning potential projects and their status; and he advised that the STIP process has been accelerated this year. Discussion was held relative to consideration of nomination of one of the following projects for inclusion for funding in the STIP and their safety issues and environmental concerns: Old Highway/Highway 49 South intersection improvements; Darrah Road/Highway 49 South left turn lane and possible realignment; and Smith Road/Highway 140 left turn lane. (M)Parker, to place the Darrah Road/Highway 49 South project as a number one priority in light of the Bootjack TPA Specific Plan; and to direct the Planning Director and Public Works Director to return with whatever amendments and changes are necessary to get a PSR underway; and offer that a couple of Commissioners lobby Caltrans for Smith Road/Highway 140 project to be accomplished as a safety project, died for lack of a second. Following further discussion, (M)Stewart, (S)Pickard, LTC Res. 96-16 adopted nominating Smith Road/Highway 140 project for inclusion in the STIP as the next short-range state highway project/Ayes: Reilly, Stewart, Pickard; Noes: Balmain, Parker.

3:28 p.m. Mike Edwards, Public Works Director;

D) Resolution Authorizing the Expenditure of \$249,000 in Unanticipated Funds for Road Improvements and to Transfer \$15,000 from Fixed Assets to Road Improvements (4/5ths Vote Required)

BOARD ACTION: Following discussion, (M)Reilly, (S)Stewart, Res. 96-482 adopted/Ayes: Unanimous.

A) Resolution Approving Applications for Environmental Enhancement and Mitigation Program Funds and Authorizing Public Works Director to Execute Applications and Assurances: Mariposa Tree Planting and Mariposa Creek Parkway Acquisition

BOARD ACTION: Following discussion, (M)Parker, (S)Reilly, Res. 96-483 adopted/Mariposa Tree Planting; and Res. 96-484 adopted/Mariposa Creek Parkway acquisition/Ayes: Unanimous.

C) Introduction and Resolution Authorizing a 60 Day Public Comment Period for Draft of County Improvement Standards and Road Improvement and Circulation Policy, and Direct Committee to Review Comments and Present a Final Recommended Draft to the Planning Commission and the Board of Supervisors for Approval

BOARD ACTION: Following discussion, (M)Parker, (S)Stewart, Res. 96-485 adopted/Ayes: Unanimous.

B) Presentation and Discussion on the Assembly Natural Resources Committee's Informational Hearing on California's Solid Waste Management Act AB 939

BOARD ACTION: Matter was continued to December 10, 1996.

INFORMATION: No action was necessary on the following -
Notice of Intent to Advertise for Sealed Bids for Road Division Materials (Public Works)

CONSENT AGENDA

- CA-1 Resolution Authorizing Proof of Insurance and Contract for the Use of Building "A" at the Mariposa Fairgrounds Regarding the Mariposa Stars Program (Toys for Tots) from 12/18/96 through 12/20/96 (Sheriff's Department); Res. 96-468
- CA-2 Resolution Authorizing the Chairman to Send a Letter of Appreciation to the Mariposa Tennis Club for Financial Contributions Provided to the Mariposa Park Tennis Court Renovation Project (Housing); Res. 96-469
- CA-3 Resolution Authorizing the Kiwanis Club of Mariposa to Use the Courthouse Lawn for the Christmas Heritage Tree Lighting on Saturday Evening, December 7, 1996 (Housing); Res. 96-470
- CA-4 Waive Second Reading and Adopt Ordinance Amending the Misfortune and Calamity Ordinance Relative to Property Reassessment (County Counsel); Ord. 908

3:58 p.m. ADJOURNMENT in memory of Donald Moore, Rodger Freitas, Faye Willis, Woodrow "Buzz" Flick, Jesus "Jesse" Martinez, and Janis Imbach.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

DECEMBER 3, 1996

Time Description

9:04 a.m. Meeting Called to Order
Pledge of Allegiance

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

- Leota Striplin, on behalf of the American Legion and Veterans organizations, advised of request for support for donations for the Veterans at the Fresno VA Hospital for Christmas.

- Leota Striplin, on behalf of Kiwanis, advised of the caroling and tree lighting ceremony at the Courthouse scheduled for December 7th. Supervisor Parker asked about the possibility of planting a live tree for this annual event - he will check on this.

- Mike Edwards, Public Works Director, provided an update on the status of the Coulterville Community Service Area No. 1 water contamination and stated he believes they have found the source of contamination - an abandoned well that was never destroyed and the cap deteriorated and allowed storm water to flow in. They disinfected and are retesting and continuing to monitor the situation. Supervisor Balmain advised of calls he received from citizens expressing concerns with the water situation.

- Mike Edwards, Public Works Director, advised that the recent rainstorm caused damage and disruption of work in the Hall of Records due to the leaks in the roof, and stated the reroof projects for this facility and the Courthouse vault were delayed with the rejection of the bids. Discussion was held relative to options and consideration of interim repairs - hiring of an outside contractor to lift the air conditioning unit and fix the roof underneath it. Mike Edwards estimated the interim costs to be around \$2,000 and advised that this funding could come from the funds budgeted for the reroof project. (M)Parker, (S)Pickard, Board waived its rules requiring 72 hours agenda noticing to consider this matter, finding it is an urgency issue with the upcoming storms and their potential to cause damage to the offices and equipment/Ayes: Unanimous. (M)Parker, (S)Stewart, Res. 96-486 adopted authorizing Public Works Director to pursue interim repairs as discussed to fix the leak/Ayes: Unanimous.

Approval of Minutes of 11/12/96, Regular Meeting, and 11/13/96, 11/14/96, and 11/15/96, Continued Meetings of Regular Meeting of 11/12/96

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Stewart pulled item 1. Supervisor Parker pulled item 4. (M)Parker, (S)Stewart, balance of items were approved/Ayes: Unanimous. Following discussion, with Mike Edwards, Public Works Director, (M)Stewart, (S)Reilly, item 1 was approved/Ayes: Unanimous. Following discussion, (M)Parker, (S)Reilly, item 4 was approved/Ayes: Unanimous.

Ken Hawkins, Auditor;

A) Request for Direction and Resolution Authorizing Fixed Asset Purchases for Sheriff Vehicles

BOARD ACTION: Discussion was held with Ken Hawkins and Marty Allan/PWD-Fleet Fiscal Manager, concerning this matter and consideration of establishing specific line items for vehicle purchases within the Vehicle Replacement budget. (M)Parker, (S)Stewart, Res. 96-494 adopted authorizing purchase of additional equipment for the five patrol vehicles that were previously authorized, with additional equipment not to exceed \$4,500 per vehicle; and matter was referred to County Administrative Officer, Auditor and Public Works Director to recommend a policy for handling these matters in the future/Ayes: Unanimous.

B) Resolution Appropriating Funds from Reserve for Contingency for Area 12 Agency on Aging Agreement to Pay Match for Services Provided by Area Agency (\$4,459) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Ken Hawkins concerning this matter, and it was noted that the same situation is occurring this fiscal year. Jim Eutsler, Community Services Director, provided input advising that this a contract matter with the JPA. (M)Parker, (S)Stewart, Res. 96-495 adopted appropriating funds/Ayes: Unanimous. Supervisor Balmain advised that he will pursue this matter with the Area Agency Director and report back to the Board as to the options that are available.

Don Z. Phillips, Tax Collector;

Resolution Transferring from Salary Savings to Extra Help and Over-Time (\$7,000)

BOARD ACTION: (M)Parker, (S)Stewart, Res. 96-496 adopted/Ayes: Unanimous.

Steve Hayes, Visitors Bureau Director;

Discussion and Possible Action Regarding Position Clarification Regarding the National Park Fee Demonstration Project

BOARD ACTION: Discussion was held with Steve Hayes on this matter. The following areas of concern were noted with the fee increases: need to increase incentive for utilization of public transit, the proposed increase is dramatic and may not allow for all citizens to be able to afford to enter the Park, need to address peak versus shoulder seasons with the fees, should discuss the proposed fee with regards to seven days versus one day use, the affect the elimination of parking lots and bridges has on congestion in the Valley, providing input on use of the additional revenue - improve transportation and transit issues, process for making the fee increase decision, and the need to closely monitor the fee and its impact. Board concurred with Chairman Balmain and Visitors Bureau Director working with County Counsel to draft a letter, for review and approval by the Board members, to Secretary Babbitt expressing the Board's concern, with direction that a copy be distributed to our legislative representatives. Mary Good provided input and expressed concern with the fee increase.

FORTHCOMING POLICY

Adopt Treasurer's Investment Policy/Guidelines and Appoint Neal O'Donel-Browne to Fill Public Member Position on the Treasury Oversight Committee (Treasurer)

(Scheduled for Action 12/10/96)

BOARD ACTION: Discussion was held relative to the qualifications required for a public member. County Counsel to request that the Treasurer provide documentation relative to the proposed appointee's background meeting the qualifications prior to next Tuesday, and direction was given to include information concerning formation of the Committee in the agenda package.

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

CONSENT AGENDA

- CA-1 Resolution Authorizing Amendment of the Agreement for Providing Emergency Response Services for the Lake Don Pedro Sewer Zone 1 and Authorizing the Chairman to Execute Such Amendment (Public Works); Res. 96-492
- CA-2 Accept Resignation of Nadean Peterson from the Mariposa County Commission on Aging (Community Services)
- CA-3 Resolution Authorizing Chairman of the Board to Sign Amendment No. A-5 to the Multi- Year Agreement with the State of California Alcohol and Drug Programs for Fiscal Year 1996-97 (Human Services); Res. 96-487
- CA-4 Resolution Authorizing Health Officer to Sign State Standard Agreement #96-26008 for Provision of Public Health Services and Appropriate Unanticipated Health Realignment Revenues (\$3,611) (Public Health) (4/5ths Vote Required); Res. 96-493
- CA-5 Resolution Approving the Road Name "Salamander Drive" (Planning); Res. 96-488
- CA-6 Resolution Amending the Committee Representation on the Catheys Valley Town Planning Area Planning Advisory Committee (Planning); Res. 96-489
- CA-7 Resolution Declaring Christine Kleiman-Chapman Elected to the Mariposa County Unified School District, Board of Trustees, Pursuant to E.C. 10515 (County Clerk); Res. 96-490
- CA-8 Resolution Appointing Three Persons to the Mariposa County Unified School District Board of Trustees: Donna Ross, Marguerite Collins, and Robert Bartholomew; Three Persons to the John C. Fremont Healthcare District Board of Directors: Jeffrey Jennrich, Neal O'Donel-Browne, and Becky Bradshaw, Pursuant to Election Code 10515 (County Clerk); Res. 96-491

10:45 a.m. ADJOURNMENT in memory of Marclynn Joy Herron and Joan C. Lawson.

Respectfully submitted,

MARGILLIAMS
Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA
DECEMBER 10, 1996

Recorded in Minute Book ZII

Page 43 Mariposa County Records

Entered January 7, 1997

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

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

- Supervisor Stewart advised of damage with the recent rains to the creeks, especially Burns Creek. He noted that with Burns Creek he has been working with other departments and agencies to determine who has responsibility for taking care of cleaning this Creek. (M)Parker, (S)Pickard, Board waived its rules requiring 72 hours agenda noticing to consider this matter, finding that it is a matter of urgency with the storms and the potential for additional damage/Ayes: Unanimous. Supervisor Stewart presented a video of the storm activity Burn Creek and the work to clear the obstruction of trees and debris. Charles Stidham noted that he has lost about twelve feet of his property in the last few years to the Creek and is concerned with potential damage to his well. Ken Partney commented on the problem caused by the heavy rains and the debris build up that creates islands and reroutes the Creek. Blaine Shultz, Fire Chief, advised of his review of this matter and work with the various agencies to determine who has responsibility - advised that Office of Emergency Services (OES) declared an emergency situation with the additional rains and provided assistance by dispatching the California Conservation Corp. and will cover those costs; Fish and Game and PWD/Road Division have been involved; the County provided a porta potty and sand; sandbags were borrowed from Merced County; and he noted that four creeks have been identified with potential problems due to the rains: Bear Creek in Mid pines, French Camp drainage on Mariposa Creek, Mariposa Creek, and Burns Creek. Supervisor Stewart noted that Mt. Bullion CYA crews have also provided assistance, and that no action is being requested at this time, that the matter is being presented for the Board's information. Mike Edwards, Public Works Director, commented on the matter and expressed concern for potential damage to the bridge downstream if the stream had not been cleared. Charles Stidham presented photographs of the Creek and damage. Chief Shultz advised that Fish and Game has authorized a re-channeling of the Creek in the area where the residences are, and long-term maintenance issues will continue to be investigated.

- Supervisor Balmain advised that through the San Joaquin Valley Supervisors Association, we are members of the California Biodiversity Council, and he has been invited to assist with a regional leadership planning forum relative to Sierra Nevada Ecosystem Project (SNEP). The purpose of the forum is to get all levels of government together so that they can know and participate in decisions.

- Supervisor Balmain advised that the letter to Secretary Babbitt relative to Park entrance fees has been prepared pursuant to the direction given by the Board at the last meeting and he intends to mail it this date. Comments were made on the contents of the letter. (M)Pickard, (S)Parker, Board waived its rules requiring 72 hours agenda noticing to further consider this letter, finding it is a matter of timeliness due to the implementation schedule of the fee increases/Ayes: Unanimous. Discussion was held relative to the contents of the letter and distribution. (M)Parker, (S)Pickard, Res. 96-497 adopted approving the letter to Secretary Babbitt with a change in the percentage of the fee increase to reflect 300%, and with the deletion of two paragraphs relative to the Valley Implementation Plan; and with direction for the letter to be copied to the following: Congressman Radanovich, Congressman Condit, surrounding counties, Yosemite Park

Superintendent, Senator Feinstein, Senator Boxer, Assemblyman House, and Senator Monteith/ Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly.

10:10 a.m. Recess

10:21 a.m. Approval of Minutes of 11/26/96, Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Balmain pulled item 2 and this matter was held for discussion with Public Works Director later this date. (M)Reilly, (S)Stewart, balance of items were approved/Ayes: Unanimous.

Ed Johnson, Planning and Building Director;

Request for Issuance of a "Letter of Public Convenience and Necessity" to the Department of Alcoholic Beverage Control to Allow Issuance of an On-Sale Beer License to 2534 Highway 140, Catheys Valley (Terra Bulls)

BOARD ACTION: Discussion was held with Ed Johnson and Jay Pawlek, Associate Planner. (M)Parker, (S)Stewart, Res. 96-499 adopted approving request/Ayes: Balmain, Stewart, Parker, Pickard; Abstained: Reilly. Discussion was held relative to consideration of delegating authority to Planning relative to issuing letters on these requests. Board concurred with continuing with the existing process of these requests coming to the Board for action.

Don Z. Phillips, Treasurer;

Resolution Adopting Treasurer's Investment Policy/Guidelines and Appointment of Neal O'Donel-Browne, as Public Member to the Treasury Oversight Committee (Continued from Policy of 12/3/96)

BOARD ACTION: Matter was continued to December 17, 1996, as the Treasurer was ill and unable to be present this date.

10:31 a.m. Jim Moffett, Chief Probation Officer;

Discussion and Possible Adoption of the 1997 Legislative/Regulatory Platform Developed by Wagerman and Associates and Ratification of Continuation of the Contract

BOARD ACTION: Discussion was held with Jim Moffett and Dale Wagerman/Wagerman and Associates, concerning the status of legislation and the proposed platform. With regards to the city/county issue, Mike Edwards/Public Works Director, suggested that the dollar benefit be calculated for the County as a complex formula is used for the tax distribution, and commented on issues relative to Public Works. Board concurred with deleting the issue relative to CEQA from the platform as CSAC is working on this issue. Discussion was held as to whether to include the city/county issue in the platform. (M)Parker, (S)Pickard, Res. 96-500 adopted approving the 1997 legislative/regulatory platform with the changes as discussed, and with direction that Wagerman not act on the city/county issue, as modified, until further direction is given by the Board/Ayes: Balmain, Parker, Pickard; Noes: Reilly, Stewart. Supervisor Pickard requested information relative to HR 4339 (Condit) as it affects the County. (Further action was taken later this date relative to the platform.)

Jim Evans, Housing and Community Development Agency Director;

Discussion and Possible Action Regarding the Future Direction of the Housing and Community Development Agency

BOARD ACTION: Jim Evans announced his resignation effective January 31, 1997, commended his staff for their efforts with the Department and advised that he is willing to provide assistance. Tom Archer/Human Services Director, advised that he is willing to

take whatever direction the Board provides; however, he would like an opportunity to do some analysis on the option to transfer duties to his Department. Board concurred with having the Human Services Director and Public Works Director review the proposed options of distributing functions to their Departments versus filling the Housing and Community Services Director position. Jim Evans advised that he would like to contact Self-Help Enterprises to see if they could offer interim assistance with pending projects. Board concurred with referring the matter of the future direction of the Agency to the County Administrative Officer for review and recommendation.

12:07 p.m. Lunch

1:37 p.m. Board reconvened with Supervisor Reilly excused for the rest of the meeting.

Consent Agenda item 2 - Following discussion with Mike Edwards, Public Works Director, (M)Pickard, (S)Parker, item 2 was approved/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Mike Edwards, Public Works Director;

A) Resolution Authorizing Reimbursement from the General Fund Contingency for Damages Incurred from a Lightening Strike that Damaged the Phone and Computer Systems (\$1,973.80) (4/Sths Vote Required)

BOARD ACTION: Discussion was held and Board concurred with holding this matter for further review during the mid-year budget process. Supervisor Balmain requested that County Counsel review the insurance policy and determine whether there is a need for this type of coverage as he noted there are several exclusions in the policy.

B) Resolution Approving the Final Subdivision Map for Brian J. Anthony, Major Subdivision No. 1/13/92

BOARD ACTION: Discussion was held and Mike Edwards advised of the recommendation by a previous Public Works Director for the County to accept the road into the County maintained road system. Some minor repairs need to be made to the road before the map can record. Discussion was held concerning the possibility of requiring a zone of benefit or road maintenance agreement. (M)Parker, (S)Stewart, to adopt a resolution approving the Final Subdivision Map, reject accepting the road into the County system and require the applicant to create and establish a road maintenance agreement and authorize the Clerk of the Board to sign the map was amended following further discussion. Motion was amended, agreeable with maker and second, to include authorization for the establishment of a road maintenance agreement or a zone of benefit. Further discussion was held relative to the financial burden of creating a zone of benefit and relative to continuing the matter to allow the applicant to provide input. Supervisor Parker requested that Public Works come up with a proposal for a zone of benefit with reduced up front costs. Motion was withdrawn by maker and second. Direction was given to Public Works to meet with the applicant and explain the Board's discussion on this matter and bring back a recommendation to the Board.

2:30 p.m. Recess

2:38 p.m. C) Resolution Ratifying the Department of Public Works Recommendation to the Regional Council of Rural Counties on Legislative Agenda to be Adopted in 1997

BOARD ACTION: Discussion was held. (M)Stewart, (S)Parker, Res. 96-502 adopted. Motion was amended, agreeable with maker and second, to include the AB 939 solid waste issue in the legislative platform with Wagerman as proposed in their previous draft platform. Motion was further amended, agreeable with maker and second, to delete the amendment to include AB 939 solid waste issue/ Ayes: Balmain, Stewart, Parker, Pickard;

Excused: Reilly. (M)Pickard, (S)Parker, direction was given to include the AB 939 solid waste issue in the legislative platform with Wagerman as proposed in their previous draft platform/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

D) Presentation and Discussion on the Assembly Natural Resources Committee's Informational Hearing on California's Solid Waste Management Act AB 939 (Continued from 11/26/96)

BOARD ACTION: Discussion was held with Mike Edwards and Torn Starling/PWD-Solid Waste Coordinator, and they presented a video of the Committee's hearing. No action was necessary.

CONSENT AGENDA

- CA-1 Waive Second Reading and Adopt Ordinance Amending Chapter 18.03 Relative to Dredging on County Property (County Counsel); Ord. 909
- CA-2 Resolution Approving the Amended Scope and Schedule for Intercity Bus Stop Improvements Using Federal Transit Assistance (FTA) Section 18 I Funds (Public Works); Res. 96-501
- CA-3 Reappoint the Following Members to the Mariposa County Commission on Aging: Ann Gerhig Representing District II, Max Meadows Representing District IV, Gloria Colclazer & James Allen Representing District V, and Ruth Etier as a Member-At-Large (Community Services)
- CA-4 Resolution Declaring Certain County Assets as Surplus and Authorizing Public Works to Sell at Auction in Modesto by Roger Ernst and Associates/Auctioneers (Public Works); Res. 96-498
- CA-5 Appoint James Eppler to the Catheys Valley Planning Advisory Committee (Planning)
- CA-6 Appoint Judie Huffman to the Catheys Valley Planning Advisory Committee (Planning)

4:52 p.m. Board recessed and continued the meeting to attend the Calaveras County Board of Supervisors meeting on Monday, December 16, 1996 at 2:00 p.m. for discussion of welfare reform.

Respectfully submitted,

>
MARGIILLIAMS
Clerk of the Board

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA
SEPTEMBER 24, 1996

Recorded in Minute Book Z II
Page 35 Mariposa County Records
Entered October 8, 1996

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

Pledge of Allegiance

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

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

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

9:17 a.m. Recess

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

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

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

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

Approval of Consent Agenda (See End of Minutes)

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

Mike Edwards, Public Works Director;

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

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

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

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

10:28 a.m. Recess

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

'FORTHCOMING POLICY

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

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

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

CONSENT AGENDA

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

12:28 p.m. ADJOURNMENT

Respectfully submitted,

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MARG AJvIS
Clerk of the Board