



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA OCTOBER 6, 1998

Time Description

9:05 a.m. Meeting Called to Order with Supervisor Reilly excused due to illness.

Pledge of Allegiance

Blaine Shultz, Fire Chief;

Resolution Recognizing Captain John Faleski for his Efforts to Provide CPR to a Citizen in Murphys, California, which Resulted in Successful Resuscitation

BOARD ACTION: (M)Stewart, (S)Parker, Res. 98-365 adopted and presented to Captain John Faleski/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. It was noted that the following persons were present for the presentation: Pat Murphy/Fire Chief for Murphys Fire Protection District, Art Laursen/Greeley Hill Fire Company; and Chief John Robbins/CDF.

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

- Supervisor Stewart reported on the YARTS meeting he attended on Monday and advised that the MOU and JPA issues will be scheduled on the Board's agenda for further discussion.
- Supervisor Pickard advised that AB 473 (gas tax legislation) was signed by the Governor on September 30, 1998, and that new legislation will need to be introduced next year asking for permanence of the tax, and he presented a document with the historical accounting of legislation. He further recognized the efforts of Dale Wagerman/Wagerman & Associates, for lobbying for this legislation on behalf of the County.

Approval of Minutes of 9/1/98 and 9/8/98 Regular Meetings; 9/9/98, 9/10/98 and 9/11/98 Continued Regular Meetings; 9/15/98 and 9/22/98 Regular Meetings

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Parker, (S) Stewart, to approve all items was amended, agreeable with maker and second, to exclude item 7 – item 7 was pulled by Supervisor Stewart for discussion later this date with Public Works/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Larry Mack;

Discussion Relative to the Benefits of Retirees in Mariposa County

BOARD ACTION: Larry Mack presented his findings resulting from his research relative to the benefits of retirees living in the County. He noted that Shirley Schmelzer was also doing some research on this matter. He requested that the County review this further and see if retirees should be enticed to move here. Discussion was held, and the Board thanked Mr. Mack for his presentation.

Steve Hayes, Visitor's Bureau Director;

- A) Proclaim the Month of October 1998 as "Domestic Violence Awareness Month"

(Mountain Crisis Services)

BOARD ACTION: (M)Parker, (S)Stewart, proclamation was approved/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

B) Permit Use of Mariposa County Courthouse Grounds, October 8, 1998, 7:00 p.m. to 8:30 p.m. by the Mariposa County Mountain Crisis Services for a Candlelight Ceremony Called "Take Back the Night," in Celebration of Survivors of Domestic Violence, to Remember Those Who have Died, and to Honor Those Who Work in the Field to Prevent Domestic Violence

BOARD ACTION: Discussion was held. (M)Stewart, (S)Balmain, Res. 98-370 adopted approving request, with direction that someone from the County be present during the event/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Doug Balmain, District II Supervisor;

Discussion and Possible Action Relative to Opposing the Anti-Trapping Initiative (Prop 4)

BOARD ACTION: Jan Sherbo, Executive Vice President of the California Wool Growers Association and with "No on 4 Campaign," reviewed the list of agencies opposing Proposition 4, and she discussed the various uses of the traps for protecting agriculture, endangered species, and disease management. Brian Archuleta, Supervisory Wildlife Biologist with the United States Department of Agriculture, advised that the costs will rise dramatically if the padded leghole trap is banned. Dana Finney/Fish and Game Warden, advised that he was present for the discussion and to answer any questions. Supervisor Pickard suggested that they may also want to give a presentation at the next RCRC meeting. (M)Balmain, (S)Stewart, Res. 98-371 adopted opposing Proposition 4/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

10:00 a.m. Recess

10:14 a.m. Consent Agenda item 7:

LOCAL TRANSPORTATION COMMISSION

Resolution Authorizing Chair to Sign Memorandum of Understanding Between State of California Department of Transportation and Mariposa County Transportation Commission Regarding Project Delivery of Regional Improvement Program Projects on State Highways (Planning and Building)

BOARD ACTION: Discussion was held with Dave Walker/Transportation Planner, relative to the downsizing of the passing lane project on Highway 140 at Smith Road to a left-turn pocket. Jeff Green, County Counsel, advised that he felt that this discussion is an off-agenda item and is not related to Consent Agenda item 7. Mike Edwards, Public Works Director, advised of the accelerated STIP program this year and of the need for CalTrans to have direction if this project is to be included. Discussion was held relative to the urgency of this matter. (M)Parker, (S)Pickard, Board waived rules requiring 72 hours agenda noticing to consider this matter finding it is a matter of urgency as direction needs to be given to CalTrans prior to the next Board meeting if this project is to be included in the upcoming STIP process/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Discussion was held relative to the project. (M)Pickard, (S)Stewart, direction was given to staff to send a letter to CalTrans to move forward with the revised PSR for the left-turn pocket project, and to further review the project costs/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Supervisor Parker requested that staff also work with the neighboring property owners relative to access concerns.

(M)Pickard, (S)Stewart, LTC Res. 98-7 adopted approving Consent Agenda item 7 authorizing Chair to sign the MOU/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

10:40 a.m. Mike Edwards, Public Works Director;

A) Status Report Relative to the Yosemite West Maintenance District Wastewater Treatment Project Emergency Work (no folder)

BOARD ACTION: Mike Edwards gave a status report on the emergency work and advised that the pond is nearly complete and they are working on finishing the lining and the infiltration repairs. He advised of the receipt of a letter from the Regional Water Quality Control Board relative to hookups for the current permit holders. They are working on long-range plans for the system, but that portion may take a couple of years. Clif Price/PWD-Facilities Maintenance Manager, noted that there have been no interruptions in service for the existing connections.

B) Discussion and Direction Relative the Board's Action of August 12, 1997, to Direct Staff to Negotiate a Draft Countywide Franchise Agreement for Solid Waste Collection (Supervisor Pickard)

BOARD ACTION: Supervisor Pickard initiated discussion relative to the situation with trash collection in Wawona and his concerns relative to addressing solid waste flow control. Mike Edwards and Tom Starling/PWD-Solid Waste Coordinator, provided input. Supervisor Parker requested that the subcommittee be allowed to continue with its investigation of the co-compost facility and solid waste issues before considering a separate action for the Wawona area. No action was taken.

11:18 a.m. Recess

11:36 a.m. Ed Johnson, Planning Director;

Consideration of Response to Draft Analysis of Impacts on Local Economies for the Proposed Yosemite Valley Housing Plan

BOARD ACTION: Board concurred with continuing this matter to October 13, 1998.

John Swanson, Groveland Ranger District/U.S. Forest Service;

Discussion Relative to the Sierra/Nevada Conservation Framework (Supervisor Balmain)

BOARD ACTION: John Swanson introduced himself and gave a presentation on the proposed Sierra/Nevada Conservation Framework, and presented additional information relative to Stanislaus Forest activities. Supervisor Balmain commented on the fee demonstration project and changes in the allocation of the day use fees. Steve Hayes, Visitors' Bureau Director, commented on the proposed regional plan and potential impacts on recreational uses and tourism and stated he would like to see the economy and preservation work together.

12:02 p.m. CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Sheriff's Management Association (MSMA), Deputy Sheriff's Association (DSA), and Service Employees International Union (SEIU) (Administration); and CLOSED SESSION Regarding Conference with Legal Counsel Relative to Existing Litigation Pursuant to Government Code 54956.9(a) (**County of Mariposa vs. National Park Service, et al**) (County Counsel)

BOARD ACTION: (M)Balmain, (S)Stewart, closed sessions were held, with Rick Bolanos/labor negotiator, to be present for portion of session relative to labor negotiations/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

12:30 p.m. Board reconvened in open session with direction given to staff as a result of closed session issues.

12:31 p.m. Lunch

1:34 p.m. Jeff Green, County Counsel/Personnel;
Resolution Amending Work Schedule for Assessor's and Auditor's Offices
BOARD ACTION: Following discussion, (M)Parker, (S)Stewart, Res. 98-372
adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Christine Johnson, District Attorney;
Resolution Ratifying the Submission of the 1998-99 Application for Funding (\$160,668)
for the Continuation of the Drug Enforcement Grant Administered by the Office of
Criminal Justice Planning (OCJP), and Upon Grant Award, Authorizing the District
Attorney (Grant Program Director) to Execute Grant Award Agreement, Including
Extensions or Amendments Thereto

BOARD ACTION: Discussion was held with Christine Johnson, Jim Moffett/Chief
Probation Officer, and Pelk Richards/Undersheriff, relative to the grant application and
the implement of the drug court program. Pelk Richards reviewed the history of the
grant. Judge McMechan/Superior Court, provided input relative to potential impacts on
the Court. Supervisor Parker requested that the Board be kept informed on the progress
and success of the program. Supervisor Pickard requested that grant applications receive
approval by the Board in advance of submittal in the future. (M)Balmain, (S)Parker, Res.
98-373 adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Waive First Reading and Introduce Ordinance Allowing Long-Term Vehicle Parking at
the Mariposa/Yosemite Airport (County Counsel)

BOARD ACTION: Discussion was held. Supervisor Balmain asked about the
definition of long-term parking, whether this ordinance would apply to hangar usage,
whether it will result in a reduced usage of the Airport facilities, and as to the current
problem if there is one. Matter was continued for Public Works to reschedule.

Supervisor Balmain commented on the current Airport improvement project and the skill
of the truck drivers that are applying the seal coat.

Resolution Directing that the Meeting of the Board of Supervisors for
October 20, 1998, Commence at 2:00 p.m. at the Courthouse, Board Room (Board)

BOARD ACTION: Following discussion, (M)Balmain, (S)Stewart, Res. 98-374
adopted directing that the meeting commence at 1:00 p.m./Ayes: Balmain, Stewart,
Parker, Pickard; Excused: Reilly.

Board Information and Announcements

- Supervisor Balmain commented on the slate plaque being prepared for the new
Government Center and the mounting.
- Janet Hogan, County Administrative Officer, advised that Dale Wagerman will be
in town this evening for dinner and in the morning for meetings. She also
announced that this is Supervisor Bob and Grace Stewart's 35th wedding
anniversary. She asked about recognizing Supervisor Harness' retirement from the
Tulare County Board of Supervisors – Board concurred with sending a Courthouse
book. She also commented on the scheduled move date of October 22, 1998, to
the new Government Center.
- Jeff Green, County Counsel, advised of the proposals received in the RFP process
for a table for the Board conference room and a County map for the meeting room
to go behind the Board dais, and advised they also received a proposal for a
painted mural reflecting the history of the County. He advised that this matter,
with the subcommittee's recommendation, will be scheduled on the next agenda.
The proposals are available for review in his office.

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

CONSENT

- CA-1 Accept Resignation of Walter Reeves from the Fish Camp Community Planning Advisory Council (Supervisor Pickard)
- CA-2 Accept Resignations of Carl Brownless, Michaelyn Knowles and Marianne Hunter from the El Portal Town Planning Advisory Committee (Supervisor Reilly)
- CA-3 Resolution Approving Transfer of \$2,000 from Account Tech I Salary to Extra Help Salary (Tax Collector); Res. 98-366
- CA-4 Resolution Authorizing Chair to Sign an Order of the Board to Reject Claim No. C98-16 in the Amount of \$2,243.68 (County Counsel); Res. 98-367
- CA-5 Resolution Authorizing Chair to Sign an Order of the Board to Reject Claim No. C98-17 in the Amount of \$6,000 (County Counsel); Res. 98-368
- CA-6 Resolution Approving Revised Class Specification for Housing and Eligibility Specialist I/II Including Name Change to Housing Specialist I/II (County Counsel); Res. 98-369
- CA-7 **LOCAL TRANSPORTATION COMMISSION**
Resolution Authorizing Chair to Sign Memorandum of Understanding Between State of California Department of Transportation and Mariposa County Transportation Commission Regarding Project Delivery of Regional Improvement Program Projects on State Highways (Planning and Building); LTC Res. 98-7

2:47 p.m. Adjournment in memory of Robert M. Bramson, Ruth Eutsler, Leroy Wilson, Helen Tedrow, Violet Reddick, Sue Ann Bettis, and Christopher Earl Turmes.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA OCTOBER 13, 1998

Time Description

9:00 a.m. Meeting Called to Order with Supervisor Stewart excused.

Pledge of Allegiance

Chair Reilly advised that Supervisor Stewart and his wife, Grace, were in an automobile accident on Monday and are recovering.

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

Resolution Proclaiming the Week of October 23 Through 31, 1998 as Red Ribbon Week (Chair Reilly)

BOARD ACTION: (M)Pickard, (S)Parker, Res. 98-375 adopted and was presented to Kathy Delaney/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Pickard, (S)Balmain, Consent Agenda was approved/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

Jim Archer, Child Care Coordinator;

A) Resolution Authorizing Chair to Sign Ratification Approving By Laws for the Mariposa County Local Child Care Planning Council

BOARD ACTION: Discussion was held relative to the request and County responsibility for the program. Supervisor Balmain advised of typographical errors in the by-laws. (M)Pickard, (S)Parker, Res. 98-378 adopted/Ayes: Reilly, Parker, Pickard; Noes: Balmain; Excused: Stewart.

B) Resolution Authorizing Chair to Sign Priorities for the Local Child Care Planning Council

BOARD ACTION: Discussion was held with Jan Stutsman, consultant. (M)Pickard, (S)Parker, Res. 98-379 adopted designating the entire County as a priority No. 1/Ayes: Reilly, Parker, Pickard; Noes: Balmain; Excused: Stewart.

9:40 a.m. Recess

9:54 a.m. Marian Spacke/Treasurer-Investment Officer, appeared on behalf of Don Z. Phillips, Treasurer;

Presentation by Seidner and Company and Staff from the Treasurer's Office Relative to County Treasurer's Investment Report for Year Ending June 30, 1998

BOARD ACTION: Alan Seidner advised that the activity in the financial market has been positive for the County's portfolio; and he advised that his organization combined with Fiduciary Trust International. He introduced Charles Beck/Chief Executive Officer, and Eric Reynolds/Vice-President, for Fiduciary Trust International. They provided a status report on the third quarter activities and discussion was held. They also discussed their investment experience and personal backgrounds. Supervisor Balmain requested

that future reports include the cost information with the portion containing the Treasurer's report.

10:20 a.m. Chair Reilly announced that the hearing for Resolution of Necessity for the acquisition of land necessary for the Airport construction project will be held after the following item.

Gary Estep, Assessor/Recorder;

Resolution Authorizing the Closure of the Northside County Office of Assessor-Recorder

BOARD ACTION: Following discussion, (M)Balmain, (S)Parker, Res. 98-380 adopted/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

10:22 a.m. Mike Edwards, Public Works Director;

Hearing for Resolution of Necessity for the Acquisition of Land Necessary for the Airport Construction Project

BOARD ACTION: Discussion was held with Mike Edwards and Bruce Atkinson/PWD-Special Projects Coordinator, relative to the status of this matter.

Input from the public was provided by the following:

Janet Bibby, speaking as an individual and representing herself, requested that the Board not take action today to adopt a resolution of necessity for acquisition of the land. She stated she did not know about the last meeting, and feels she should have been notified as an heir. She advised that the property has been in her family for generations and she feels that this will set a precedent for future actions. She asked if the Airport project is optional and requested information supporting the statements made in the notice relative to the project and the Airport. She also expressed concern with conditions placed on the remaining property because of the location of the Airport.

Betty Mankins, co-executor for the estate, advised that they do not have their appraisal ready. She noted that this project has been discussed for ten years, and in May, 1998, it was decided to proceed, and she does not feel that they have been given enough time. She stated that with the change in acreage being requested, that she does not have the final offer from the County, and she expressed concern with the proposal to relocate the spring. She stated they are using the land for cattle grazing and she feels it could be more valuable in the future for other purposes.

Deanna Williams, heir to the estate, stated she agrees with Janet Bibby's comments and expressed concern with the notification process for the heirs. She stated she feels they need more time to review this matter, and also expressed concern with the relocation of the spring.

Discussion was held with Mike Edwards relative to the notification process and his contacts with the family, his efforts to resolve the issues with the relocation of the spring, and relative to the need for the project and the Master Plan for the Airport. Jeff Green, County Counsel, provided input relative to the notification process for the executors and the heirs to the estate.

Deanna Williams asked about the public need for the Airport.

Betty Mankins stated that she advised Public Works in the beginning that all of the heirs would need to be involved and not just the executors.

Janet Bibby asked what the consequences would be if the project is delayed, and asked about total costs for the project.

Discussion was held relative to costs and impacts if the project is delayed. Jeff Green advised that the County could continue to notify all of heirs of the land acquisition process; however, negotiations would be held with the executors.

(M)Pickard, (S)Balmain, to adopt a resolution of necessity, with direction to staff to move forward with the condemnation process. Further discussion was held. Ayes: Reilly, Balmain, Pickard; Noes: Parker; Excused: Stewart. (It was later determined that the motion failed.)

Deanna Williams asked if there is any personal gain or conflict of interest for Supervisor Balmain since he is a pilot and uses the Airport. Supervisor Balmain stated he uses the Airport as a pilot; however, it is not a conflict of interest.

Betty Mankins asked why this condemnation process is being pursued against their property and not with others.

Jeff Green advised that he feels the State statutes may require a 2/3rds vote on this matter, and he needs to review whether the motion passed – he will report back after lunch. Mike Edwards commented on the negotiation process in regard to the appraisal value.

Robert C. Stewart, Supervisor District III

Discussion and Possible Action Relative to Gas Tank Removals

BOARD ACTION: Matter was continued to October 27, 1998.

Jeffrey G. Green, County Counsel;

Discussion and Direction Relating to the Government Center's Art Decoration Sub-Committee's Recommendations for the Conference Room Table and Representation Map

BOARD ACTION: Discussion was held, and Jeff Green advised of the subcommittee's recommendation for the following:

- \$5,000 for a polished granite table with wood trim and twisted metal legs for the conference room from McGrath and Johnson.
- \$700 for a representation map of the County to go behind the Board dais, with slate for the County and polished granite for the Yosemite area, with major roads in gold leaf and the rivers painted blue, and with a compass of mariposite, granite and obsidian, from McGrath and Johnson, and
- \$5,000 for a painted mural depicting the history of the County from Jamey Brzezinski.

Cathy Collier, subcommittee member and Executive Director of the Arts Council, was present and provided input. Discussion was held relative to the status of the budget for decorations and furniture. (M)Parker, (S)Balmain, Res. 98-381 adopted accepting the recommendations of the subcommittee and authorizing contracts with the respective artists, with direction to staff to circulate the final details for the mural to the Board members prior to finalization and to review the inclusion of a protective cover and to authorize funding if it is necessary; and with direction that the legs for the table be moved in/Ayes: Balmain, Parker, Pickard; Abstained: Reilly; Excused: Stewart. Supervisor Reilly asked about the décor of the telephone in the lobby. It was noted that the subcommittee will review this and see if there are any other areas of concern. Jeff Green thanked the subcommittee members for their work on this project.

Ed Johnson, Planning Director;

Consideration of Response to Draft Analysis of Impacts on Local Economies for the Proposed Yosemite Valley Housing Plan (Continued from 10/6/98)

BOARD ACTION: Discussion was held with Ed Johnson and Jay Pawlek/Senior Planner, relative to the response. Supervisor Reilly advised that she will also try to set up a meeting as previously discussed.

Input from the public was provided by the following:

Art Baggett stated he would like to see more details, especially for El Portal residents. He noted that when the dormitory employees move from the Valley to El Portal and the facilities are shared, it could create problems with integrating with the local children and residents by changing the social dynamics. He also stated that he feels more detail should be included relative to the seventeen lots in El Portal that will be opened to housing as to whether it will be dormitory or family housing. He feels the school impacts could be positive with bringing in additional enrollment so that they can maintain their existing teaching staff; however, he asked if development fees will be paid and whether

they will comply with County regulations. He feels they will need to provide a facility for medical services with the increase in population. He stated they already have problems with animal control, and he asked if a site will be dedicated for a Sheriff/Animal Control substation – they will need to have a presence with the changes in the area.

Discussion was held relative to addressing transportation issues for employees when they are moved from the Park; isolation of the Canyon and evacuations when a disaster occurs; future consideration of improving Foresta Road; coordinating response with the School District relative to impacts on the schools; requesting departments that may be impacted to study and provide input on the Plan; and reevaluation of moving the employees from the Valley and location of the administration function.

(M)Parker, (S)Balmain, Res. 98-382 adopted approving response, with direction to staff to incorporate the comments made today into the letter/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

12:18 p.m. Lunch

1:30 p.m. Select the 1999 California State Association of Counties (CSAC) Director and Alternate (Supervisor Stewart)

BOARD ACTION: (M)Parker, (S)Pickard, Supervisor Stewart was selected as Director and the other four Supervisors were selected as alternates/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

Resolution Establishing a Public Hearing Date to Inform the Public of the County's Intention to Purchase Real Property (Supervisor Parker)

BOARD ACTION: Discussion was held relative to future use of the vacant real property owned by Zeora S. Wommack as a parking lot in conjunction with the County Park and Mariposa Creek project. (M)Parker, (S)Pickard, Res. 98-383 adopted, with the Public Hearing scheduled for November 10, 1998, at 9:15 a.m./Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

Direction Regarding Contract Renewal with Wagerman Associates, Inc. (County Administrative Officer)

BOARD ACTION: Discussion was held relative to the benefits of the services. Supervisor Reilly requested that the monthly reports be more specific. No action was necessary.

Resolution Authorizing the Move of Archival Records from the Courthouse Vault to the Government Center Vault by Volunteer Historians, a County-Sponsored Activity for Insurance Purposes (County Counsel)

BOARD ACTION: Discussion was held. Jeff Green, County Counsel, requested that the action approving the resolution also include the moving of the records at Public Works that belong to the Assessor/Recorder. Direction was given for Public Works to designate someone in their department to work with Scott Pinkerton/historian, and the Assessor/Recorder and the Clerk of the Board to move the records. (M)Pickard, (S)Balmain, Res. 98-384 adopted authorizing the move of archival records from the Courthouse vault and at Public Works to the Government Center vault as requested. Supervisor Reilly asked about the status of review of the vault and resolving the issue of accessing the high shelving. Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

1:55 p.m. Recess

2:12 p.m. CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Sheriff's Management Association (MSMA), Deputy Sheriff's Association

(DSA), and Service Employees International Union (SEIU) (Administration)

BOARD ACTION: Closed session was not held.

Mike Edwards, Public Works Director;

Status Report and Presentation Regarding Solid Waste Composting Project and Authorization to Begin Preliminary Negotiations with the Selected Private Vendor

BOARD ACTION: Mike Edwards advised that they will report on their last trip to Toronto to visit the HUWS/Herhof facility and bring the Board up-to-date on the status of the project. George Eowan, Integrated Recycling, Inc., reported on the composting team's visit to Toronto and the co-composting facilities in Minnesota. He reviewed questions the team asked, the team's conclusions and recommendations, and a preliminary drawing of components for a proposed facility. Ed Walls/Yosemite National Park Service, provided input relative to their work on this project. Discussion was held.

(M)Pickard, (S)Balmain, direction was given for the Committee to begin preliminary negotiations with HUWS/Herhof, and for the County Administrative Officer and County Counsel to participate, with approval of the final negotiations to be brought back to the Board/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

(M)Parker, (S)Pickard, direction was given to staff to develop an urgency ordinance to be brought back as soon as possible to prohibit any new waste haulers in the County. Janet Hogan, County Administrative Officer, requested that Health Department be included in this matter. Brian Hodge/Environmental Health, commented on the status of the pending permit. Ayes: Balmain, Parker, Pickard; Noes: Reilly; Excused: Stewart.

Discussion was held with Ed Walls relative to continued cooperation with the Park Service on this project. Roger Formanek, California Waste Management Board, noted that to get funding from the State for this project would take another effort at the State level, and he advised that he has been assigned to assist the team and with "red tape" issues. He stated he feels that this project is on-track and is consistent with goals of the Solid Waste Management Board.

3:55 p.m. Recess

4:05 p.m. Board reconvened. Jeff Green advised that the State statute requires a 2/3rds vote for the resolution of necessity for the Airport land acquisition, which means more than three members need to vote in favor for the motion to pass. Thus, the previous motion failed. Mike Edwards advised that he and Bruce Atkinson met with the family members after this morning's session and they reached a better understanding and feel that perhaps the best option is to negotiate a settlement. Jeff Green provided input relative to the court process for sale of property in an estate.

(M)Balmain, (S)Pickard, Res. 98-376 adopted for the acquisition of land necessary for the Airport construction project, with direction for County Counsel not to commence any formal process until after the close of business on November 24, 1998, to allow time for the matter to be resolved in the interim/Ayes: Reilly, Balmain, Pickard; Abstained: Parker; Excused: Stewart. Motion passed.

Board Information and Announcements

- Supervisor Pickard advised that RCRC will be co-hosting the Sierra Business Council conference on "Planning for Prosperity" on October 29 – 30. He also advised of plans to recognize Assemblyman House and Senator Monteith on October 27, 1998, for their efforts to secure funding for Mariposa County for the Mariposa Creek project, Mining and Mineral Museum, and the gas tax legislation; and to visit the Mariposa Creek project and the Mining and Mineral Museum.
- Supervisor Reilly advised that she attended a conference on Gateway Community Concepts in Tacoma, Washington, while on vacation.

- Janet Hogan advised that she will be out of the office this Thursday through Monday.

CONSENT

CA-1 Resolution Authorizing GAIN Employment Management System (GEMS)
Upgrade for CalWORKs Data Collection and Processing (Human Services);
Res. 98-377

4:34 p.m. Adjournment in memory of Jason Sochor, Sue Kahl Kelsey and William
Bishop.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA OCTOBER 20, 1998

Time Description

1:03 p.m. Meeting Called to Order with Supervisor Stewart excused as he was still recovering from an automobile accident.

Pledge of Allegiance

Chair Reilly advised that she invited Leroy Radanovich (former County Supervisor and photographer and historian) to speak about the history of the Courthouse and the Board meetings in the building. This is the last meeting scheduled in the Courthouse, as the new Government Center will be complete for the Board's next meeting. Leroy Radanovich reviewed the history leading to the selection of the town of Mariposa as the County seat and the construction of the Courthouse. He talked about the history of previous Boards and County officials. He also commented on the vision for the County civic center.

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

Approval of Minutes of 10/6/98 Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

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

Pelk Richards/Undersheriff, appeared on behalf of Roger Matlock, Sheriff;
Resolution Authorizing Waiving Hiring Freeze for Sergeant's Position

BOARD ACTION: Following discussion, (M)Parker, (S)Pickard, Res. 98-391 adopted/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

Marita Green/DA-Family Support Division, appeared on behalf of Christine Johnson,
District Attorney;

Resolution Authorizing the District Attorney Family Support Division to Fill a Deputy
District Attorney Vacancy

BOARD ACTION: Following discussion, (M)Pickard, (S)Parker, Res. 98-392 adopted/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

Robert C. Stewart, Supervisor District III;

Discussion and Possible Action Relative to Gas Tank Removals (Continued from
10/6/98)

BOARD ACTION: Matter was continued to October 27, 1998.

Mike Edwards, Public Works Director;

A) Status Report Relative to the Yosemite West Maintenance District Wastewater
Treatment Project Emergency Work (No Folder)

BOARD ACTION: Mike Edwards and Clif Price/PWD-Facilities Maintenance
Manager, provided a status report. The infiltration problem is corrected and they are
working on the in-line structure; the rough wiring is installed; and they are close to

completing the project, and expect to stay within the budget. Future phases of the project will be scheduled for discussion. Discussion was held relative to notifying the property owners of the status of the project. Supervisor Reilly requested that updated information be posted at the Post Office.

B) Approve Resolution Pursuant to Mariposa County Ordinance 934 Allowing Specified Permit Holders to Connect to the Yosemite West Maintenance District Sewer System and to Receive Water Service

BOARD ACTION: Following discussion, (M)Pickard, (S)Balmain, Res. 98-393 adopted/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

C) Resolution Approving Specifications for Purchasing All-Terrain Vehicle for Winter Access to the Yosemite West Maintenance District Wastewater Treatment Facility, Public Works Project No. PW 93-09; Authorize Informal Bids and Authorize Public Works Director to Purchase All-Terrain Vehicle from the Lowest Responsible Bidder

BOARD ACTION: Following discussion with Mike Edwards and Clif Price, (M)Pickard, (S)Balmain, Res. 98-394 adopted authorizing informal bids and approving the purchase of the all-terrain vehicle and the budget change/Ayes: Reilly, Balmain, Pickard; Noes: Parker; Excused: Stewart.

Consider and Approve the Participation of Mariposa County in the Address List Review for the 1999 Phase of Census 2000 and Designate a Contact Person (Administration)

BOARD ACTION: Discussion was held with Janet Hogan, County Administrative Officer, relative to participation and designation of staff. Direction was given to staff that the Board is interested in participating in the program, but more information is needed relative to designation of staff – matter was continued to November 10, 1998.

2:10 p.m. Recess

2:30 p.m. Resolution Approving an Application for Destruction of Records by the Administration Office in Accordance with California Government Code Sections 26201 and 26202 (Administration)

BOARD ACTION: Discussion was held with Janet Hogan relative to the proposed process for introducing requests to destroy records and relative to the specific application to destroy records. Supervisor Parker suggested that the process include a policy for the Historical Sites and Records Preservation Commission to be involved, and asked about other options for storing the records. Supervisor Reilly stated she felt that the chronological files for Board members should be retained for more than two years, and noted that a better archival or disc storage system is needed. Board concurred with the County Administrative Officer meeting with the Chair of the Historical Sites and Records Preservation Commission to bring back a recommendation.

Resolution Approving New Memorandum of Understanding Between Mariposa County and the Mariposa County Deputy Sheriff's Association, Represented by Operating Engineers Local Union NO. 3, and Authorizing Auditor to Transfer Appropriations to Each Affected Budget Unit in Order to Implement Provisions of the MOU (County Counsel/Personnel); and

Resolution Approving New Memorandum of Understanding Between Mariposa County and the Mariposa County Sheriff's Association, Represented by Operating Engineers Local Union NO. 3, and Authorizing Auditor to Transfer Appropriations to Each Affected Budget Unit in Order to Implement Provisions of the MOU (County Counsel/Personnel)

BOARD ACTION: (M)Pickard, (S)Balmain, Res. 98-395 adopted approving Memorandum of Understanding with the Mariposa County Deputy Sheriff's Association as recommended; and Res. 98-396 adopted approving Memorandum of Understanding with the Mariposa County Sheriff's Association as recommended/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Sheriff's Management Association (MSMA), Deputy Sheriff's Association (DSA), and Service Employees International Union (SEIU) (Administration)

BOARD ACTION: Closed Session was not held.

Board Information and Announcements

- Supervisor Balmain advised of his visit to a solid waste site in Madera.
- Supervisor Reilly advised that she will be attending the Regional Transportation Conference at the Tenaya Lodge next week.

2:55 p.m. Recess

3:06 p.m. Ed Johnson, Planning and Building Director;

A) PUBLIC HEARING to Consider Request for Temporary Use in Yosemite West, Frank and Beverly Hutchinson; APN 006-100-061

BOARD ACTION: Ed Johnson advised that there are two hearings scheduled for this afternoon. Chair Reilly reviewed the hearing procedures. Sarah Williams, Planning Manager, presented the staff report and reviewed the project site characteristics. She advised that the property owners are requesting that the County allow a temporary rental service center use (for transient rentals) to remain in an existing garage which is located in the Zoning Ordinance front yard setback area. She also advised that they hope the Yosemite West Community Planning Advisory Committee will deal with issues of transient rentals in the area and bring recommendations back to the Board which will address the long-term issues of this type of use.

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

Beverly Hutchinson, property owner, advised that until the Community Advisory Committee can be established and make recommendations, they have applied to the Planning Commission and the Board for consideration of their request. She advised that over four years ago, she secured a permit to convert the garage into a workshop. Subsequent to that, they became represented by Yosemite's Scenic Wonders and they felt that this change in use of their garage would be of service to the community – they did not change any features of the workshop except to add a small bathroom. She presented a photograph showing the parking area reflecting adequate parking spaces for this use, and commented on the laundry facilities. She advised that Ken LeBlanc is the operator of Yosemite's Scenic Wonders. This facility serves as a co-op for thirteen properties. The facility houses a residential style washer and dryer, a small desk, fax, and videos, and is only open from 4 to 8 p.m. During the summer months, they pass out keys to guests and no paperwork or money is handled. They feel that this is the best facility for the guests and the area. She requested a waiver of the regulations in this case for a temporary operating permit until the Specific Plan is adopted for Yosemite West. She advised that they were not aware of the easement in the setback, and commented on the setbacks and location of the facility, and advised that the neighboring property owners approve of their use and are a member of their co-op. She stated the street setback is a problem. She introduced Ken LeBlanc and requested a waiver of the residential setback requirement for this operation.

Ken LeBlanc, Yosemite's Scenic Wonders, stated he is a member of the community and has been in operation since 1991 and has used this facility since 1994. They have never had an automobile accident or a personal injury and they feel that this is a safe

location for this operation. He also noted that they have not received any complaints about their operation. He represents eight families and thirteen properties, five of which are his, and they have paid over \$52,000 in transient occupancy taxes to date. They want to comply with the County codes. They received the memorandum from the Planning Department relative to their use of this facility and were shocked to see that their request was recommended to be denied. During their discussion with the Planning staff, they were under the impression that the best procedure would be to apply for a temporary use permit, until the adoption of the Specific Plan. He requested that if the Board denies this use, they be allowed at least six months to find another location or apply for a variance. He stated that this location is perfect for this type of operation and creates the least impact versus individual operation of each rental. He stated he feels that every operation has some code violation due to the environment of the area. He requested that all offices and operations be inspected before a negative decision is made.

Staff responded to a question from the Board relative to clarification of request for a temporary use versus a temporary use permit.

Public portion of the hearing was closed. Staff reviewed their recommendation and responded to questions from the Board relative to alternatives that will enable the operation to continue; setback allowances for garages; whether the residence on this site is used for transient occupancy; consideration of a variance request; whether it would make any difference if the owner of the business lived on-site; whether the operation could be done from within the house itself; and whether a permit was issued for the conversion of the facility. Board commenced with deliberations. (M)Parker, (S)Pickard, Res. 98-397 adopted denying the property owners' request for a temporary use; and directing that staff work with the applicant to bring the property into compliance with current regulations, with six months to be allowed. Request to amend the motion to allow time until the adoption of the Specific Plan was not acceptable to the maker of the motion. Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart. Hearing was closed.

4:14 p.m. Recess

4:23 p.m. Chair Reilly initiated discussion relative to the remaining agenda schedule and the need to be finished to meet at the Best Western Conference room for the 6:00 p.m. hearing. Board concurred with continuing with the following hearing.

B) PUBLIC HEARING to Consider Request by Jack Andrews for Agreement to Allow Residential Structure to Remain in the Zoning Ordinance Front Yard Setback Area; APN 014-150-036

BOARD ACTION: Ed Johnson advised that the structure in question is located within the setback area, and was constructed without a permit – in order to correct the problem, the entire structure would need to be moved and relocated. Sarah Williams, Planning Manager, presented the staff report, and advised that a deck has also been added and a request has been received for an addition to the existing structure. They received a letter on Monday indicating that the setback may be different than what they presented in their written report. Staff responded to questions from the Board relative to the proposed agreement in regard to the possibility of a future change in the road; possibility of doing a lot line adjustment and how that process would work in this matter; relative to other issues associated with the residence, such as the septic system and the proposed system for the expansion of the structure.

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

Jack Andrews, property owner, presented a drawing of the site and improvements and discussed the location of the road. He advised of his contacts with the County when they first constructed the tent structure and their reasons for choosing the location of the dwelling. He advised that his eldest son is a California registered contractor and they followed his instructions for the construction, and the building inspector did not see any

problems with the structure being in compliance with the building codes. He advised that when the structure was originally built, they were operating on very limited funds and did not have funding available to obtain a permit, and he requested that the Board members visit the site. He commented on his son's situation and the need for him to have housing for his son and grandson. He referred to the setback measurements that were provided, and he stated that the neighboring property owner is a land preserver and not a developer and he does not feel that the road will need to be changed in the future.

Eric Andrews, occupant of the dwelling in question, advised that since they requested a building permit, a registered engineer has put his stamp on the house as it stands. He stated that he felt the easement for the road is 55 feet from the center of the easement for the "old road" and he feels he is more than that.

Jack Andrews stated that when Mr. Camacho (Planner II) originally inspected the house, he said it was okay. Later Mr. Camacho phoned him and advised that the easement is in a different location than the road, and the location of the easement is what would be used to determine the setback requirements.

Eric Andrews responded to questions from the Board relative to the location of the fence line and utility easements and the road and driveway.

Jack Andrews advised that the existing septic system consists of two-55 gallon barrels set in a septic tank mode with leach lines, and they are planning to install a system that will meet the codes with the permit to add to the house. He advised of the proposed location in relation to the property setbacks.

Eric Andrews advised that during a site inspection this morning, the Health Department staff could not find any problem, and he knew this situation would change with this permit process.

Jack Andrews apologized for building the house without a permit and stated he felt that he needed to do this in order for his family to have a place to live, and they are working to correct the problem.

Discussion was held relative to continuing with the hearing this date or scheduling time on another date. Supervisor Reilly requested that the matter be continued to allow staff to provide information on any other outstanding issues that may exist in regard to being able to obtain the necessary permits. Board concurred with continuing with the hearing at this time, and with continuing the 6:00 p.m. Public Hearing to after this matter.

The following provided additional public input.

Michael Noriega, neighboring property owner on Blackberry Creek Road, stated he is also representing John Alger. He stated he understands that someone's house is on the line; however, he is very upset with the County that he has to be involved to this degree in a dispute with a neighbor over something that the County regulates. He clarified his understanding of the easement and location of the road and stated he did not feel that anyone is considering the affect that this odd-shaped and illegal dwelling has on property values. The dwelling started as a tent, a \$4,000 to \$5,000 Yurt on a permanent foundation with a sizeable deck, and their real estate agent advised them that this was temporary when they purchased their property. There is no screenage and it is an imposition of their privacy and affects their plans to build a barn. He stated that he feels they are actually in the setback area by thirteen feet according to an engineer's plan, and this divides the house in half. The original site plan shows a square structure versus a round structure and an incorrect easement. He discussed the road, advising that it is narrow and dirt, and a real road has not been established. As a neighbor, he stated he did not observe the son (Eric Andrews) living in the tent, only visiting – he stated he lived in Merced. The original complaint was for a two-room expansion at the back and the foundation is already there, so he feels they have funding available. He stated he does not feel that the \$2,500 the property owners say was spent reflects an accurate investment in the actual improvements. He noted they have been friends; however the Andrews built without a permit and were aware of the process. In his investigation, he feels that there is frustration with the County as people do not expect for anything to happen in situations

like this. He stated that this structure as a tent existed before 1994, and was made permanent in 1995. He referred to the Planning staff's written report, and challenged the statement that there will be no adverse effect on the rural community due to having a dwelling so close to the road. He stated he feels that any proposed agreement is unfair to the citizens of the County. In his personal request for a barn permit, he requested an additional nine feet to be within the setback area which would be a similar situation as exists with this subject structure, and he was refused the same consideration while trying to go through the proper process. He presented photographs of the structure and surrounding area. He noted that development was planned for the area previously and Jack Andrews was able to stop it. He questioned if engineered drawings for the structure exist, and he questioned the weight on the center pole of the structure and the Andrews' precaution with using cable. He asked if the well met code requirements. He stated he feels the Andrews have knowingly and admittedly broken the law. He moved his family here to have a little space and for their asset (property) to increase in value. He noted that Jack Andrews ran for County Supervisor and knows the system and requirements for permits. He stated that he feels that claiming illness and poverty is no excuse. He stated that he feels that the proposed agreement places the family in a bad position; but he knows they want to stay and will sign anything. With the agreement, he feels that they may not feel good about making improvements as the structure may need to be moved in the future if property in the area is developed. He further stated that he feels it would be a cruel joke to make the Andrews pay all fees and taxes on something that may need to be torn down. He stated that he does not feel that a homeless situation will be created as Eric and his son could move back to the house with his family where they lived during construction; and he noted that his parents raised three children in the home. He stated he feels the Andrews should go through a process of compliance – that a negotiated agreement sends a negative message to the community. He feels the County could become vulnerable to legal action and it would set a negative precedent. He noted that he is in advertising and it would be his intent to make every resident aware if an agreement is approved – he stated everyone is watching this case. He stated he feels it is up to the Board to enforce the law and follow through with its obligation to citizens. He requested that the portion of the structure within the setback area be removed, and he stated he is not opposed to a lot line adjustment. He posed the following questions: has there been an electrical inspection, a County engineer inspection, a septic inspection; why occupancy of the structure is being allowed if it has been red-tagged; whether previous law-breakers have been allowed to continue in this type of situation; what will happen if an agreement is approved and the Andrews do not pay; and whether back property taxes will need to be paid. He reiterated a previous statement that he does not want to be put in this situation – he feels an anonymous complaint should have been handled by staff or an enforcement agency. He commented on petitions that were presented.

Wilford VonDerAhe, neighboring property owner, stated he does not want to be here and he wishes the County was enforcing its laws. He asked what the criteria would be for the County to grant a waiver or abandon a setback requirement. He stated the 60-foot easement along the Andrews parcel is lined up to his 114 acres and he has plans to bring his parcel map back up-to-date. He stated he feels the Andrews know and are familiar with the County's system and requirements should have been complied with. He discussed the topography of the area. He stated he feels it could be a problem with having the dwelling so close to the road without screening if he develops in the future, and he stated he feels the hardship involved.

Amy Ehrman, property owner in the area, stated she is surprised at the selection of the site for this dwelling as the Andrews own eleven acres. She questioned his concern for his neighbors with the installation of the septic system that he described. She stated she does not feel this is a hardship case.

Brenda Archibald read a letter into the record from herself and her husband. She objected to the construction of the dwelling without a permit and within the setback area

and requested prompt enforcement of the building codes. She stated she feels that this was knowingly done and if this is allowed to continue, others will build in the same manner and worry about it later. She stated they have paid extra for their assessment for road maintenance and the Andrews have raised questions and have not contributed. She noted that Jack Andrews is a builder and a developer and knows the rules. She feels that this is unfair to others who abide by the rules.

Laura Noriega asked why the letter noticing this hearing did not go to all property owners in the area. Sarah Williams responded relative to the noticing requirements.

Kenneth Rather, resident of the area – lives on Buckskin Road, stated he feels that people should follow the rules and build properly.

Rebuttal by the applicant.

Jack Andrews referred to the construction of the septic system and stated it is the same as their cement system, and it is within the County requirements for location. Just the 55-gallon barrels do not meet the code requirements, but they are functioning well.

Eric Andrews stated this is not a standard built structure and he has submitted plans to the Building Department, and he commented on the placement of the septic system.

Jack Andrews commented on their selection of the dwelling site, and advised that it was based on the view from their house and improvements. He stated the two houses are 214 feet apart, and he asked that a representative of the Board look at the area and the structures.

Public portion of the hearing was closed. Staff reviewed their recommendation and options. Staff and Jeff Green, County Counsel, responded to questions from the Board relative to the disagreement over the actual location of the road and easement. Ed Johnson advised that they know the location of the easement and the location of the road does not make a difference. Board commenced with deliberations. Staff responded to additional questions from the Board relative to timeframes for completing a lot line adjustment and process to move the easement. (M)Pickard, (S)Balmain, Res. 98-398 adopted allowing two months for agreement to be reached and the process to be initiated for a lot line adjustment; if agreement is not reached, the request is denied and direction is given for the structure to be removed; and direction was given for the Health Department to conduct an inspection immediately. Motion was amended, agreeable with maker and second, to include direction that the structure will be removed within six months if agreement is not reached. Further discussion was held. Jeff Green, County Counsel, clarified that if at the end of the two months agreement is not reached and all conditions are met for occupancy, the structure should be unoccupied until removal, and that six months would be allowed for removal. Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart. Hearing was closed.

Ed Johnson advised that displays are set up for the public to review for the Public Hearing to consider the Industrial/Commercial Zone Code revisions and the schedule is to begin the formal hearing at 6:30 p.m.

6:15 p.m. Dinner

7:10 p.m. Board reconvened at the Best Western Conference Room.

Ed Johnson, Planning and Building Director;
PUBLIC HEARING to Consider the Industrial/Commercial Zone Code Revisions
(General Plan/Zoning Amendment No. 97-1) (Continued from 9/22/98)

BOARD ACTION: Chair Reilly reviewed the hearing format, and she advised it will be in a workshop format. Supervisor Balmain commented on the information in the newspaper that was provided by Chair Reilly relative to this hearing. Chair Reilly advised that Supervisor Stewart is excused. Ed Johnson and Jay Pawlek/Senior Planner, presented staff report. Ed Johnson explained that Title 17 consists of procedures and he

reviewed the procedures: permitted, conditional uses, variances, legislative, and appeals. He also reviewed the zones: Neighborhood Commercial (CN), General Commercial (CG), Resort Commercial (CR), Agricultural Commercial (CA), Business Park (BP). He noted that the Business Park replaces Manufacturing 1 and the Special Use (SU) zone replaces Manufacturing 2. He advised that development standards have been added to the Zone Code to make sure uses are compatible with the surrounding uses. He stated each zone has variations with conditional and permitted uses, and he reviewed a graph with examples of the concept and how this would work and the process involved.

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

Barry Brouillette asked about the minimum parcel size for TPA 1.

Jim Eskra asked whether permitted uses could be granted at the same time a zone change is requested on a CG twenty-acre parcel. He also asked for clarification of permitted uses. Staff advised that an applicant could request the permitted uses at the same time. Jim Eskra asked if the County is going to designate this property. Staff advised that the Board will look at procedures, and go back to the review of the industrial zoning applications and the commercial zoning applications.

Carol Davis asked about the appeal procedures and whether a neighbor could appeal. Staff responded relative to the appeal procedures and advised that permitted uses would not be subject to appeal. Supervisor Parker noted that there would be opportunity to appeal during the process that would grant permitted uses.

Steve Fortner commented on permitted uses.

Ken Melton asked if the town area would be considered TPA 2 and whether a specific plan needs to exist to have a TPA 2. Staff responded by advising that some town planning areas have their own adopted procedures and they are their own entity, and that a specific plan does not need to exist to have a TPA 2.

Gene Mickel asked how we get to a point where a person can come to Mariposa and a real estate agent can show them where they can build what they want. Staff advised that this is the next step in the process.

Ken Melton asked if it is 100% up to a landowner to choose to ask for a re-zone, that the Board will not make a decision on its own. Staff advised that it is up to the landowner. Ken Melton stated he feels this will lead to having scattered zones.

Ruth Sellers noted that property is available at this time for development, and there is some Industrial-zoned property in the County.

Brenda Archibald stated she does not feel there is enough property zoned for development.

Liz Skelton, resident of El Portal, stated she is concerned with the River canyon being built up more and more – she feels we could end up with something like Sonora. She asked if there is any way to determine to not further develop the area. Staff responded affirmatively, and advised that there are other zones in the Code which were not addressed such as Agricultural Exclusive, General Forest, and Public Domain.

Ed Johnson commented on the possibility of entertaining the concept of transferring development rights to a concentrated area of a parcel.

Supervisor Reilly asked if open space could be required as a trade-off for concentrated development. Staff advised that this could be required.

Shirley Schmelzer commented on setback requirements for construction within the corridor of the Merced River.

Liz Skelton stated she is concerned, as an artist type-person, about the aesthetics of things built along the River, such as the sewer project for Cedar Lodge. Staff advised that there are visual standards.

Barry Brouillette commented on neighborhood businesses and types of businesses that require a Countywide customer base – stated he feels CN zoning should serve the neighborhood and not the County. He cited an example of possibly having an appliance repair facility in Lushmeadows and noted people would drive from other areas of the County to use this type of business.

Charles Lammers stated he feels that Barry Brouillette made a good point relative to the neighborhood type uses and stated he feels a “trip generator” versus a “trip saved” should be considered. He asked about permitted and conditional uses. Staff advised that once the applicant submits an application for twenty acres and it is approved, that everything from that point on occurs under the example concept and there are no appeals.

Supervisor Pickard stated in regard to neighborhood business uses and saving a trip, he feels people should be given credit for selecting a location for a business that will make their business successful.

Kathleen Pfeffer expressed concern with urban sprawl. She noted that previously businesses would contain a residence on the top floor. Staff advised that they will review each zone in regard to residential use and employee housing.

Steve Fortner asked how to give zoning to existing businesses with the open window period application process.

Carol Davis expressed concern with rural home industry and rural home enterprise uses and noted the County roads, public roads and private roads are not referenced, and that they are dusty. She feels that allowing uses that can have up to twenty employees will impact private roads that are being paid for and maintained by residences served by the road. Staff advised that the rural home industry and rural home enterprise issues will be the next item of review and that this document does not address these issues.

Supervisor Parker noted that the idea through this zoning process was to get zoning for these uses to have a place to go.

Liz Skelton asked how this will affect their existing lot and plans for its use.

Helen Fowler asked what will happen in the interim in areas such as Midpines that do not have a specific plan. Staff advised that existing rules are being followed.

Gene Mickel asked if there are any permitted uses in the County at this time, other than residential. Staff responded that there are some CN zones that exist with permitted uses; Mariposa and Coulterville Specific Plans allow for some uses, and there are some permitted agricultural uses.

Barry Brouillette commented that in thinking of planning for changes, he feels that eleven TPAs have provisions for things to be done; he suggested that the notion of urban sprawl is a loaded gun and should have a cap on it. He stated that encouraging development along the highways is promoting strip development. He suggested that a limited number of businesses be allowed, with a review to follow in the future.

Shirley Schmelzer stated she agrees with Barry Brouillette, and she feels that by reducing parcel size requirements, strip development will be encouraged.

Ruth Sellers stated she agrees with Barry Brouillette – she feels the initial minimum parcel size for BP was good planning, and now it has been reduced and leads to spot development.

Barry Brouillette stated he does not feel acreage is the issue, he feels the pattern of development and how people get to and from the development is the issue.

Jim Eskra asked if it would be better to identify the land for development.

Ken Melton asked if development standards are being reviewed at this time. Staff advised that they are being reviewed. He stated he feels regulations are getting out of hand, especially with the tree cutting provisions, grading and drainage requirements – that these requirements restrict people relative to the use of property. In regard to landscaping requirements, he stated he feels consideration should be given to deregulation. He cited problems with the adult detention facility and the landscaping. He stated he feels that most people will do a good job on their own and do not need government telling them how to do everything. He stated he feels that the standards were patterned after the Mariposa Town Specific Plan and are too restrictive. He feels the Board should take another look at those development standards and should not tell private property owners what to do.

Brenda Archibald stated she feels there should be some kind of standard to protect the neighbors.

Supervisor Parker urged everyone to correspond with the Board and Planning staff on the issues raised and their thoughts.

Jim Eskra commented on the workshop format and asked whether input will be accepted through adoption of the document. It was noted that input would be accepted until the public portion of the hearing is closed for deliberation.

Liz Skelton commended the Board for trying to accommodate the rights of individuals and the rights of the County. She stated she agrees with being able to have a small home business and this balance/compromise is being worked out.

Gene Mickel stated he feels the overall nemesis of planning is that people keep doing what they want and go where they want.

Shirley Schmelzer stated that if we are going to be scenic and attract tourists, we need to be concerned with the aesthetics.

Charles Lammers asked for a description of the parcel/zoning that would not necessarily be subject to the criteria that addresses Ken Melton's concerns. Staff advised that is yet to be decided.

Discussion was held relative to continuing the hearing and the process. Supervisor Balmain asked whether the description of a mobile home park has been corrected in the document. Staff advised they they will use the description from the State law and that is what is currently being enforced by the Building Department.

Barry Brouillette advised that if mobile homes are on a permanent foundation, they are considered real estate. Staff clarified the issue with using the term of manufactured housing.

Supervisor Pickard commented on the need to get information from those who have an interest in this matter to make sure that this concept will work and he urged citizens to stay involved in this process.

Ken Melton thanked the Board for this process and workshop format.

Jay Pawlek thanked everyone for their input to correct errors in the document and noted the corrections are being made.

Barry Brouillette asked whether general or agricultural research facilities would be permitted in the agriculture zones. Staff advised that they would clarify this issue.

Jim Eskra asked that for future hearings, the portion of the document to be considered be listed on the agenda.

Discussion was held relative to continuation of the hearing. Chair Reilly asked about meeting in the evenings versus the daytime – will need to further address this issue. Hearing was continued to December 1, 1998, at 2:00 p.m. at the new County Government Center Board Chambers, at which time the process for the continued hearing will be determined.

CONSENT

- CA-1 Resolution Authorizing Chair to Sign the Amended Standard Agreement for Fiscal Years 1998-2001 (#89-97911) with the State of California for the Health Education Grant (Tobacco Education) and Approve Budget Change (\$21,441) (4/5ths Vote Required) (Health); Res. 98-385
- CA-2 Appoint Supervisor Stewart, Mark Gallegher, and Mary Kay Kirn to the Independent Hearing Panel for the Local Enforcement Agency (Health)
- CA-3 Resolution Authorizing Chair to Sign Emergency Medical Services (EMS) Hospital Contract for Reimbursement to the Hospital of Twenty-Five Percent of the EMS Fund for Emergency Medical Care Services Rendered to the Indigent from July 1, 1997 Through June 30, 1999 (Health); Res. 98-386

- CA-4 Reappoint Herman Spranz to the Area Agency on Aging PSA-12 Advisory Board (Supervisor Pickard)
- CA-5 Resolution Authorizing the Chair to Sign Letter of Support to CalTrans for Chamber of Commerce's Annual Holiday Banner Display (Chamber of Commerce); Res. 98-387
- CA-6 Resolution Authorizing the Upgrade of the Cost Accounting Software for the Public Works Department to Windows 95 and for the Chair to Execute the Contract with Cascade Software Systems, Inc. (Public Works); Res. 98-388
- CA-7 Resolution Authorizing Human Services Director to Submit Application to the State Department of Housing and Community Development for Emergency Homeless Program (\$10,000) (Human Services); Res. 98-389
- CA-8 Resolution Adopting the Revised "Exhibit A", the Appendix to the Conflict of Interest Code (Elections); Res. 98-390

8:49 p.m. ADJOURNMENT

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA OCTOBER 27, 1998

Time Description

9:00 a.m. Meeting Called to Order at the Mariposa County Government Center, with Supervisor Reilly excused to attend the Regional Transportation Conference at the Tenaya Lodge, and Supervisor Stewart excused as he was still recovering from an automobile accident.

Pledge of Allegiance

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

Resolution Recognizing the Mariposa County Pioneer Wagon Train's Participation in the California's Sesquicentennial Wagon Train from June 17 Through June 27, 1999
(Supervisor Stewart)

BOARD ACTION: (M)Parker, (S)Balmain, Res. 98-399 adopted and presented to Ron Wilson on behalf of the Mariposa County Pioneer Wagon Train/Ayes: Balmain, Parker, Pickard; Excused: Reilly, Stewart.

Approval of Consent Agenda (See End of Minutes)

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

Dieter Dubberke;

Discussion and Possible Action Relative to Requiring Proof of Selective Service Registration on Job Applications (Supervisor Stewart)

BOARD ACTION: Discussion was held with Dieter Dubberke. Supervisor Parker requested the matter be referred to County Counsel for review in regard to the County's personnel practices and for wording of the requested resolution. Supervisor Balmain requested that the matter be brought back when a full Board is present. Board concurred with continuing the matter as requested.

Robert C. Stewart, Supervisor District III;

Discussion and Possible Action Relative to Gas Tank Removals (Continued from 10/20/98)

BOARD ACTION: Supervisor Pickard introduced Jim Page with the State Energy Commission, and advised that he spoke at a recent RCRC meeting relative to the study being conducted.

Marvin Good, The Oasis, read his letter into the record and requested the Board's assistance with this issue.

Dr. Mosher, County Health Officer, responded to a question from the Board and advised that he is not aware of any extension being considered by the State for the gas tank replacements.

Bob Willis, Woodland Market, stated he has been trying for a year to get a loan and has been unsuccessful. He noted there are a large number of businesses that cannot afford to upgrade, and they and the County cannot afford to be without gasoline and related businesses while waiting for a possible extension. He noted his SBA loan will default in March if he does not meet the tank removal requirements.

Dr. Mosher commented on the confusion between the extension for the heating oil tanks in New Jersey versus the underground fuel tanks being discussed.

Jim Page advised that they have no regulatory authority or funding to contribute – they have legislative responsibility to study fuel shortages and to prepare contingency plans for emergencies and shortages. He advised that they started receiving reports last year relative to possible shortages and began studying the problem. They have focused on rural areas where they felt the problems would be most severe. He stated he is here to learn more about our situation and will report back to his manager on this situation here, and he commented on available funding sources. He also advised that their report will be available.

Discussion was held with Dr. Mosher relative to the status of the gas stations' compliance with the regulations.

Following discussion, (M)Balmain, (S)Parker, direction was given for a letter to be sent to the Governor relative to the concerns expressed and pointing out the Lawrence-Livermore Laboratory determination, the economic hardship on businesses in rural counties, the limited number of fueling places available in Mariposa, and noting that the cost of the regulations is passed on to the consumer and this places a hardship on our citizens. The letter is to be copied to our legislators and other jurisdictions including CSAC and RCRC. Supervisor Parker noted that even if funding is available, there is a shortage of tanks at this time that comply with the regulations. Supervisor Pickard requested that the motion be amended to include a request for the financing programs to be reviewed to see if they could be changed to make it work for small businesses to qualify, with a suggestion that perhaps the term for repayment could be extended from the ten to fifteen or twenty years – Board concurred that this request should be made by a separate letter. Bob Willis commented on the changes in price for gas tank removals over the last couple of years and stated he feels businesses are being taken advantage of. Ayes: Balmain, Parker, Pickard; Excused: Reilly, Stewart.

Adopt an Interim Urgency Ordinance Restricting Issuance of Solid Waste Disposal Permits Within the County of Mariposa (County Counsel)

BOARD ACTION: Discussion was held. (M)Balmain, (S)Parker, to adopt the ordinance, failed by the following vote/Ayes: Balmain, Parker, Pickard; Excused: Reilly, Stewart. (Note: It was later determined that a 4/5ths vote is necessary to adopt this urgency ordinance.)

CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Service Employees International Union (SEIU) (Administration)

BOARD ACTION: Closed session was not held.

Board Information and Announcements

- Supervisor Pickard advised of the plans for the remainder of the agenda for this date.
- Supervisor Balmain stated it is exciting to be meeting in the new Chambers and to have the Government Center offices. The other Supervisors agreed.
- Janet Hogan, County Administrative Officer, advised that the official dedication for the Government Center will be held on November 17, 1998, at 11:00 a.m. with the Board meeting to follow at 2:00 p.m., and photographs at 9:30 a.m. She also advised that she will be out of the office on Friday and Monday. On Tuesday, she will be in Merced with Supervisor Reilly for a YATI meeting to discuss signage.

It was determined that a 4/5ths vote was necessary to adopt the urgency Ordinance restricting issuance of solid waste disposal permits within the County of Mariposa, and the matter was continued to November 10, 1998.

10:08 a.m. Recess

12:00 p.m. Lunch at High Country Café (NOTE: No County business was conducted during lunch.)

On the way to the Mariposa Creek Parkway project, the proposed site for the Mining and Mineral Museum (at the corner of Highway 140 and 49) was brought to everyone's attention

1:17 p.m. Board reconvened at the Mariposa Creek Parkway project at 5th Street and Mariposa Creek.

Resolutions Recognizing Assemblyman George House and Senator Dick Monteith for Their Support of Mariposa County (Supervisor Pickard)

BOARD ACTION: (M)Balmain, (S)Parker, Res. 98-400/Monteith and Res. 98-401/House were adopted and presented to Senator Monteith and Assemblyman House/Ayes: Balmain, Parker, Pickard; Excused: Reilly, Stewart.

Rich Begley, PWD-Deputy Director for Parks and Recreation, gave a presentation on the Mariposa Creek Parkway project.

Assemblyman House introduced David Pegos, Legislative Assistant, and advised that he assisted with the gas tax legislation for the County.

Supervisor Pickard thanked John McCamman, Chief of Staff for Congressman Radanovich, for his and the Congressman's efforts on the Creek project.

1:39 p.m. A tour was given of the Creek project.

1:58 p.m. A tour was given of the California State Mining and Mineral Museum by Shirley Mitchell. Steve Hayes, Visitors' Bureau Director, gave a presentation on the plans for the Museum at the proposed site, and responded to questions. Jason Mason, with the Department of Conservation, was also present.

CONSENT

- CA-1 Resolution Authorizing Health Officer to Sign Amended State Standard Agreement #97-10921 for Provision of Public Health Services (Health); Res. 98-402
- CA-2 Resolution Authorizing Public Works to Purchase the Following Fixed Assets Approved During Budget Hearings for Fleet Maintenance:
- Accessories for 15,000 lb. Lift \$ 3,500
 - Tire Racks 2,168
 - Shop Scanner 2,100
 - Air Compressor for Service Truck 2,200
 - Crane for Service Truck 1,800
- (Public Works); Res. 98-403
- CA-3 Resolution Recognizing Assemblyman Rico Oller for his Outstanding Service in the State Legislature (Supervisor Pickard); Res. 98-404
- CA-4 Resolution Approving a 9/80 Work Schedule for an Employee of the Family Support Division of the District Attorney's Office (District Attorney); Res. 98-405

2:44 p.m. Adjournment in memory of Ralph Bayless and Laura Bradford.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA NOVEMBER 10, 1998

Time Description
9:08 a.m. Meeting Called to Order
Pledge of Allegiance

Leota Striplin

Request to Proclaim November 9 through 14, 1998, as "National Women Veterans Recognition Week;" and

Resolution and County Tile Plaque Recognizing Robert "Bob" Johnson upon his Retirement as Public Works/Deputy Director of Roads (Public Works Director)
BOARD ACTION: (M)Parker, (S)Balmain, Proclamation was approved for "National Women Veterans Recognition Week," and Res. 98-406 adopted recognizing Bob Johnson/Ayes: Unanimous.

The proclamation was presented to Leota Striplin on behalf of the women veterans. Leota introduced Pam Lassetter, the new Veterans Service Officer.

The resolution and County tile plaque were presented to Bob Johnson. Mike Edwards, Public Works Director, commended Bob for his work with the County, for implementing a safety program, contracting out areas of work where feasible, and for his progressive management system. Chair Reilly noted that Bob and his wife, Linda, have also been an integral part of the annual Storytelling Festival. Supervisor Stewart commended Bob for his ability to work with difficult constituents.

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda
- Scott Adelsbach, Ahwahnee Orchards and sponsor of the annual apple peeling contest at the County Fair, presented the Board with the perpetual plaque, and he noted that the Board members peeled an unprecedented 359 $\frac{3}{4}$ inches this year.

Janet Hogan, County Administrative Officer, advised of an off-agenda request to approve recognition for Gary Gilbert upon his retirement from California Department of Forestry and Fire Protection. (M)Stewart, (S)Parker, Board waived rules requiring 72 hours agenda noticing to consider this request, finding it was not known about at the time the agenda was prepared and it is a matter of timeliness/Ayes: Unanimous. (M)Stewart, (S)Parker, Res. 98-407 adopted recognizing Gary Gilbert upon his retirement/Ayes: Unanimous.

Supervisor Stewart thanked everyone who sent cards and flowers to him and his wife following their automobile accident.

Supervisor Reilly advised that in regard to a news article relative to her absence at the October 24th Board meeting, she attended the Transportation Conference at Tenaya Lodge and will report on that meeting later.

Approval of Minutes of 10/13/98 Regular Meeting
BOARD ACTION: Approved.

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

Joan Coolidge, Chamber of Commerce;
Discussion and Possible Action Relative to Closing Off Bullion Street, Between 9th and 10th Streets for Holiday Bonfires and Other Activities During the “Mariposa Christmas Festival Parade” on December 12, 1998

BOARD ACTION: Supervisor Pickard provided input relative to plans for the event. Following discussion, (M)Pickard, (S)Parker, Res. 98-410 adopted approving the program, including closure of Bullion Street, as requested/Ayes: Unanimous.

9:42 a.m. Jeffrey G. Green, County Counsel;
PUBLIC HEARING to Discuss the Board of Supervisor’s Intention to Consummate the Purchase of Real Property Owned by Zeora S. Wommack
BOARD ACTION: Jeff Green presented the staff report. Public portion of the hearing was opened. There was no public input. Public portion of the hearing was closed and the Board commenced with deliberations. (M)Parker, (S)Stewart, Res. 98-411 adopted approving the purchase/Ayes: Unanimous. Hearing was closed.

9:30 a.m. Garry R. Parker, District IV Supervisor and
Bob Pickard, District V Supervisor;
Discussion and Possible Action Relative to the California Mining and Mineral Museum
BOARD ACTION: Matter was continued to November 24, 1998.

Jeffrey G. Green, County Counsel;
Resolution Authorizing Chair to Execute a Personal Services Agreement with John L. Plaxco and Associates for Services Relating to the Mining and Mineral Museum
BOARD ACTION: Matter was continued to November 24, 1998.

Mike Edwards, Public Works Director;
A) Resolution of Acceptance of the Completion of the Government Center
BOARD ACTION: Matter was continued to November 17, 1998.

Adopt an Interim Urgency Ordinance Restricting Issuance of Solid Waste Disposal Permits Within the County of Mariposa (4/5ths Vote Required) (County Counsel)
(Continued from 10/27/98)
BOARD ACTION: Discussion was held. County Counsel to review whether this will require updates to the Board on the status of the urgency. (M)Pickard, (S)Stewart, Ord. No. 938 adopted/Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly.

9:58 a.m. Recess

10:09 a.m. LOCAL TRANSPORTATION COMMISSION (LTC)
Mike Edwards, Public Works Director;
Presentation by CalTrans Regarding the Highway 49S/Old Highway Project and Selection of the Preferred Alternative
COMMISSION ACTION: Discussion was held with Mike Edwards and Chris Seabury/CalTrans, relative to the project and alternatives. It was noted that they are checking on the historical significance of the existing bridge and that the County has expressed an interest in having the bridge for the Mariposa Creek parkway project. Sydney Chai/CalTrans, provided input relative to the type of rock surfaces that are available for the retaining wall. Supervisor Parker asked about the status of the Highway 49S/Darrah Road project – Public Works will check on it. (M)Stewart, (S)Parker, Board approved the selection of Alternative 3A, as recommended/Ayes: Unanimous.

11:02 a.m. Recess

11:20 a.m. Mike Edwards, Public Works Director;

B) Resolution of Intention and Other Related Actions to Initiate a Solid Waste Collection Service Within the Wawona County Service Area 2-W, and to Establish and Implement a Fee for Said Service and Approve Budget Change (4/5ths Vote Required)

BOARD ACTION: Discussion was held, and Mike Edwards advised that he and Supervisor Pickard met with property owners in Wawona on Saturday on this matter. Mike Edwards advised that staff is recommending that the billing be done on a quarterly basis. (M)Pickard, (S)Stewart, Res. 98-412 adopted with intent to initiate a solid waste collection service within the Wawona County Service Area 2-W, and implement a fee for said service; a public hearing was scheduled for December 15, 1998, at 10:00 a.m. at the Wawona-Bassett Memorial Library to consider the solid waste collection service; first reading was waived and an ordinance introduced establishing a mandatory solid waste collection service; direction was given to staff to notify all affected property owners; \$3,000 was appropriated from the Wawona CSA 2-W unallocated fund balance to cover the cost associated with the establishment of this service and fee; and direction was given to staff to negotiate an exclusive solid waste collection contract for this service with Mariposa County Total Waste Systems, Inc., and bring the contract back to the Board for approval on the same date as the public hearing. Further discussion was held relative to the proposed service area and fees. Supervisor Balmain requested information on the costs of the service to be provided. Ayes: Reilly, Balmain, Stewart, Pickard; Abstained: Parker.

Resolution Directing that the Meeting for the Board of Supervisors for December 15, 1998, Commence at 10:00 a.m. at the Wawona-Bassett Memorial Library (Supervisor Pickard)

BOARD ACTION: (M)Pickard, (S)Stewart, Res. 98-413 adopted/Ayes: Unanimous. Jeff Green, County Counsel, requested that the notices for the solid waste collection service hearing in Wawona indicate the change in the location of the Board's meeting.

Patti A. Reilly, District I Supervisor and
Garry R. Parker, District IV Supervisor;

Report and Discussion Regarding First Meeting with Yosemite National Park Staff Related to the El Portal Road/Highway 140 Construction Project

BOARD ACTION: Janet Hogan, County Administrative Officer, reviewed the notes from the meeting. It was noted that the flood recovery issues would be included with these meetings. Supervisor Parker expressed concern with the decision for working on Saturdays versus Sundays.

Input from the public was provided by the following:

Barry Brouillette asked if the Board has a copy of the contract between Kiewit and the government, and stated he felt the contract should be reviewed in regard to the Saturday versus Sunday work issue.

Ron Mackie thanked the Board for the action it tried to take. He advised that he contacted the Denver office and has a copy of the contract being sent to him. He stated they have concerns for the citizens and businesses, and they have environmental concerns. He stated that some of the trees being cut down are over 230 years old and that is not in compliance with the FONSI. He clarified that he is representing the Tehipite Chapter of the Sierra Club. They are supportive of the repairs on the Highway and of the Board's efforts to work with the Park. They have concerns with the environmental aspects relative to the current construction standards for the repairs and hope that the Park Service will consider some reduction of the standards.

Adopt an Interim Urgency Ordinance Restricting Issuance of Solid Waste Disposal Permits Within the County of Mariposa (4/5ths Vote Required) (County Counsel)
(Continued from 10/27/98)

BOARD ACTION: Discussion was held. County Counsel to review whether this will require updates to the Board on the status of the urgency. (M)Pickard, (S)Stewart, Ord. No. 938 adopted/Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly.

12:17 p.m. Lunch

2:11 p.m. Mike Edwards, Public Works Director;

A) Resolution Approving Pre-Application for \$2.4 Million of Federal Aviation Administration Funds for Projects at the Mariposa-Yosemite Airport; Tentative Commitment of \$149,600 Matching Funds for FY 1999/2000; and Authorizing the Public Works Director to Execute all Necessary Documents and Assurances

BOARD ACTION: Discussion was held with Mike Edwards and Gwen Foster/PWD-Engineer, relative to the application, commitment for the County's match for funding the projects, and relative to the projects themselves. Discussion was held relative to future land acquisition plans. (M)Balmain, (S)Stewart, Res. 98-414 adopted approving the pre-application, with conditions as discussed relative to commitment of the County's match and being able to reach agreement with the landowners for funding land acquisition for the projects/Ayes: Unanimous. Maria Liddle/Airport Manager and Gwen Foster provided input relative to the possible availability of land surrounding the Airport.

B) Status Report Relative to the Yosemite West Maintenance District Wastewater Treatment Project Emergency Work (No Folder)

BOARD ACTION: Mike Edwards advised that the emergency work has been completed to make the system operational, and they are working on the expansion project. He advised that he does not feel that that updates need to be scheduled on future agendas – Jeff Green, County Counsel, stated he will research this issue.

INFORMATION - No action was necessary on the following:

A) Notice of Intent to Advertise for Sealed Bids for Road Division Materials (Public Works) – Mike Edwards, Public Works Director, responded to questions from Supervisor Pickard relative to the timing for soliciting bids for this material.

B) Board Hearing Schedule (Clerk of the Board)

Consider and Approve the Participation of Mariposa County in the Address List Review for the 1999 Phase of Census 2000 and Designate a Contact Person (County Administrative Officer) (Continued from 10/20/98)

BOARD ACTION: Discussion was held. Janet Hogan, County Administrative Officer, advised that she discussed the workload involved with this project with Ed Johnson/Planning and Building Director, and with Becky Crafts/Supervising Appraiser. (M)Balmain, (S)Stewart, Board approved recommendation to authorize the County to participate and designated the Planning Director to be the contact person with staff to be the liaison/Ayes: Unanimous.

Discussion Relating to the Re-Evaluation of John, Isabella, and Barbara Garber's Request to Increase the 6th Street Parking Lot Lease Payment (County Counsel)

BOARD ACTION: Discussion was held, including future use of the Wommack property that is being purchased and parking needs for the downtown area. Motion by Balmain to direct County Counsel to advise the Garbers that the County is neither willing nor able to increase the rent on the contract, was withdrawn. (M)Parker, (S)Balmain, direction was given for County Counsel to send a letter to the Garbers advising them that

the Board reviewed their request and is not in a position to increase the rent as requested; and to inform them that the County would be interested, if they agree, to negotiate a different contract, perhaps with a shorter term and with a termination clause/Ayes: Unanimous.

Resolution Directing that the Meeting for the Board of Supervisors for November 17, 1998, Commence at 2:00 p.m. (Clerk of the Board)

BOARD ACTION: (M)Parker, (S)Balmain, Res. 98-415 adopted/Ayes: Unanimous.

Don Phillips, County Clerk, updated the Board on the status of the election results relative to the District Attorney – he advised that they have about 304 absentee and provisional ballots to count and the counting is scheduled to occur on Thursday. He responded to questions from the Board, as a member of the Board of Directors for the Hospital, relative to the failure of the ballot measure to provide funding for the Hospital and advised an ad hoc committee was appointed to look at cost-saving measures and that finding someone to do a buy-out would be a last resort.

Board Information and Announcements – None.

3:40 p.m. CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Service Employees International Union (SEIU) (Administration)

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

4:00 p.m. Board reconvened in open session with direction given to staff as a result of closed session.

FORTHCOMING POLICY

Resolution Approving a Revised Recreational Facilities Use Policy, Including New Policy Recommendations of Public Use of the Government Center (Public Works) (Scheduled for Action on 11/17/98)

CONSENT AGENDA

- CA-1 Appoint Ted Aldershof and Karen Bergh to the Fish Camp Community Planning Advisory Council (Supervisor Pickard)
- CA-2 Appoint Denise Ludington and Bahia Barry to the El Portal Town Planning Advisory Committee (Supervisor Reilly)
- CA-3 Resolution Approving Holiday Hours for the Mariposa County Libraries (Library); Res. 98-408
- CA-4 Resolution Authorizing Alternate Designee, Catherine Adams, to Attend Monthly San Joaquin Valley Library System Director's Meetings when the County Librarian is Unable to Attend (Library); Res. 98-409

4:01 p.m. Adjournment in memory of Ruth Morse, Milton Westfall, Ivar Bennett, Shirley Bennett Wilson and Robert Seastrom.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA **NOVEMBER 17, 1998**

Time Description
2:07 p.m. Meeting Called to Order
Pledge of Allegiance

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

- Pelk Richards, Undersheriff, invited the Board members to attend a Narcotics Enforcement Workshop to be held at the Best Western Conference room on Wednesday to educate Mariposa area law enforcement professionals on the chemicals and equipment used in methamphetamine laboratories.
- Supervisors Balmain and Pickard advised of the holiday activities scheduled in Mariposa for December 12th and in Coulterville for December 4, 5, and 6th.

Consent Agenda (See End of Minutes)

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

Pelk Richards, Undersheriff, appeared on behalf of Roger Matlock, Sheriff;
Demonstration of the Departments' New Narcotic Detecting K-9

BOARD ACTION: Deputy Kim Edner and Deputy Brandy (the K-9 dog) gave a demonstration and discussed the program.

Pelk Richards, Undersheriff, appeared on behalf of Roger Matlock, Sheriff;
Resolution Authorizing Medical Contract for the Jail Facility with John C. Fremont Healthcare District

BOARD ACTION: Following discussion, (M)Pickard, (S)Stewart, Res. 98-418 adopted/Ayes: Unanimous.

Steve Hayes, Visitors Bureau Director;

- Presentation of the Activities and Promotions Linking Mariposa County to the State's Sesquicentennial Celebration of Gold Discovery
- Presentation by Debra Holmes, State Sesquicentennial Commission, Relative to Sesquicentennial Commission Activities

BOARD ACTION: Steve Hayes introduced Debra Holmes from the State Sesquicentennial Commission. Steve gave a presentation on the activities and promotions, and he noted there is a possibility of having the State Gold Panning Championship event in Mariposa in 1999, a heritage parade, and they are working to get the schools involved.

Debra Holmes advised that she is the liaison for Mariposa County for the sesquicentennial, and she provided information relative to the State's activities and planning, including the wagon train event and the county legacy project. She introduced Frank Long, who will serve as the Wagon Master for the State event.

Frank Long commented on the program planned for the wagon train event.

Discussion was held relative to forming a steering committee to coordinate the sesquicentennial activities for the County – direction was given for the Visitors' Bureau Director to bring this issue back for action.

3:09 p.m. Recess

3:30 p.m. Janet Hogan, County Administrative Officer;
Review and Approve Conceptual Proposal for a Memorial to Former County Supervisor Gertrude R. Taber

BOARD ACTION: Discussion was held relative to the proposal. Frank Long, former County Supervisor, stated he agrees with recognizing former Supervisor Taber. (M)Balmain, (S)Stewart, Board approval the conceptual proposal as presented for a memorial to former County Supervisor Taber, and direction was provided to establish a subcommittee to look at creating a memorial for former Board members. Further discussion was held. Ayes: Reilly, Balmain, Stewart, Pickard; Noes: Parker.

Mike Edwards, Public Works Director;

A) Resolution Approving a Revised Recreational Facilities Use Policy, Including New Policy Recommendations of Public Use of the Government Center (Continued from 11/10/98)

BOARD ACTION: Discussion was held with Mike Edwards and Rich Begley/PWD-Parks and Recreation relative to the recommendations for public use of the Government Center. Discussion was held relative to the status of the accordion door for the Board dais in the Chambers, proposed fees, County employee staffing requirements for after hour's use, and coordination of reserving the facilities. Supervisor Balmain pointed out typographical errors and requested clarification of admission charges and removal of signs and bulletins in the Policy. (M)Balmain, (S)Parker, Res. 98-419 adopted approving the revised Recreational Facilities Use Policy, with changes as requested by Supervisor Balmain. Further discussion was held relative to the proposed Policy. Ayes: Balmain, Stewart, Parker; Noes: Reilly, Pickard.

B) Resolution of Acceptance of the Completion of the Government Center (Continued from 11/10/98)

BOARD ACTION: Following discussion with Mike Edwards and Dave Tucker/PWD-Engineer, (M)Parker, (S)Balmain, Res. 98-420 adopted/Ayes: Unanimous.

Mary Williams, Community Services Director;
Resolution Authorizing Position Change from Fifty Percent Permanent Part Time to Extra Help for the Greeley Hill Nutrition Cook Position Due to Lack of Congregate Meal Participation

BOARD ACTION: Following discussion, (M)Pickard, (S)Parker, Res. 98-421 adopted/Ayes: Unanimous. Discussion was held relative to other options for provided the service. Supervisor Balmain requested that the deficiencies in the Greeley Hill facilities be corrected.

Jeffrey G. Green, County Counsel;
Resolution Requiring Evidence of Registration with the Selective Service System for Qualifying New Employees

BOARD ACTION: Discussion was held relative to the request.

Input from the public was provided by the following:

Dieter Dubberke, Selective Service Board member, stated the requested action does not change any laws, and he noted the State would not hire an employee for a peace officer position unless the employee was registered.

Ken Melton stated there is not a law that requires the County to be involved in this matter. He feels the federal government is known for trying to get local jurisdictions to get involved. He feels the requested action creates a penalty for County citizens -- this would punish citizens at a local level for a federal law. He feels the County could be sued for requiring evidence of registration and that it is discrimination. On a personal level, he

has a son that is 18 and he does not know if he has registered; and if he chose not to, he would support him in that decision. He stated the federal government is not prosecuting those who do not register, they are only withholding student loans. He stated he feels liability is an issue and asked the Board to consider who would be responsible if someone did not report non-registration as a felony. He referred to changes with the United Nations (UN) and potential problems with our people serving in the UN uniform. He stated he does not feel the Board should want to get involved.

Bill Smith stated he is a veteran and served because he was subject to the draft and he wanted to choose his branch of the service, so he joined the Navy. He feels this is a great thing, but he disagrees with local people being responsible for discharging a federal government responsibility. He also stated he feels there are inequities – women should also be included. He stated he disagrees with the request.

Dieter Dubberke stated he feels Ken Melton was using scare tactics, and he noted the State and other counties have adopted these rules. He stated the government is not interested in punishing people who do not register, it wants them to comply.

Chuck Samson stated he agrees that this should not be the County's responsibility, and he feels that this could lead to checking for valid driver's licenses and as to whether taxes are paid, etc.

Leonard Harris asked why Mariposa would want to be involved in a federal law. He feels it will cost time, effort and perhaps money to enforce this. He asked which citizens would benefit and whether County government would benefit.

Dave Biggins stated he feels this is an important issue. He advised that he registered for the draft in 1955. He referred to changes in the military with reductions and retention of the active draft. He stated he does not feel the County wants to be in this role – it is a federal and not a County issue. He stated he feels it is discriminatory that females are not included.

Discussion was held relative to this matter and the input that was received. Dieter Dubberke requested that the Board not take action at this time to allow him to obtain additional information. No action was taken.

Ken Melton commented on the High School's designation of a wall for memorials and suggested that this might be considered for recognition of former Board members.

Waive First Reading and Introduce Ordinance Rescinding Ordinance No. 808 which Established Fee Schedules for County Departments (County Counsel)

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

CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Service Employees International Union (SEIU) (Administration)

BOARD ACTION: Closed session was not held.

Board Information and Announcements

- Supervisor Pickard commended Chair Reilly and staff and those who participated to make the dedication ceremony for the Government Center this morning successful. Supervisor Reilly noted she had received positive comments and commended staff, County Administrative Officer and Supervisor Parker for their efforts with the ceremony.
- Supervisor Balmain reported on the Bio-Diversity Council meeting he attended in Susanville last Wednesday and Thursday.
- Janet Hogan, County Administrative Officer, advised that the Board's solid waste committee will be meeting in Sacramento on Wednesday and with HUWS on Thursday relative to the co-composting project.

- Supervisor Pickard advised that he and Supervisor Reilly attended the Sierra Business Council breakfast last Friday.
- Supervisor Parker commended Chair Reilly for her part in the dedication ceremony this morning.

INFORMATION - No action was necessary on the following:
Status of Mariposa County Achieving the AB 939 Waste Diversion Mandate
(PublicWorks)

CONSENT AGENDA

- CA-1 Resolution Approving Children's Medical Services (CMS) Plan and Budget Justification for Fiscal Year 1998-1999 in the Amount of \$18,071 for California Children's Services (CCS) and \$47,290 for Child Health and Disability Program (CHDP) (Public Health); Res. 98-416
- CA-2 Resolution Authorizing Transfer of Funds from Fixed Assets Under \$1,000 and Software to Fixed Assets for Purchase of New Computer Systems (\$4,306) (Public Works); Res. 98-417

4:18 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA NOVEMBER 24, 1998



Time Description
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 – none

Approval of Consent Agenda (See End of Minutes)

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

Garry R. Parker, District IV Supervisor and
Bob Pickard, District V Supervisor;

Discussion and Possible Action Regarding the Recommendations of the Mining and Mineral Museum Committee Relative to the California Mining and Mineral Museum (Continued from 11/10/98)

BOARD ACTION: Supervisors Parker and Pickard reviewed the committee's recommendations, and advised that when the State removed the gold specimens for display at the State Fair, the State Department of Conservation received a request from the City of Sacramento to keep the specimens there. Supervisor Pickard requested that the Board send a letter to the State Department of Conservation and request that by the end of this fiscal year that the gold be returned to complete the California Mining and Mineral Museum's collection. Discussion was held with Ed Johnson, Planning and Building Director, relative to the status of the CDBG revolving loan funding and process. Board concurred with continuing this matter to be considered with the following items.

Jeffrey G. Green, County Counsel;

A) Resolution Authorizing the Chair to Execute a Personal Services Agreement with John L. Plaxco and Associates for Services Relating to the Mining and Mineral Museum (Continued from 11/10/98); and

B) Discussion of the Five-Year Business Plan Prepared by Ed Hardy for the Support of the State Mining and Mineral Museum

BOARD ACTION: Discussion was held and Jeff Green advised of request to change the effective date of the agreement with John L. Plaxco and Associates to December 1st, with a termination date of May 30, 1999. (M)Parker, (S)Pickard, the following actions were taken:

- Res. 98-423 adopted approving agreement with John L. Plaxco and Associates with the change in dates as requested;
- The Five-Year Business Plan was approved in concept; and
- The following committee recommendations were approved:
 - 1) direction was given to Bruce Daniels and Ed Johnson to prepare the CDBG grant application for a revolving loan versus an outright grant;
 - 2) to approve the Personal Services Agreement with John Plaxco and Associates;
 - 3) to approve the Five-Year Business Plan submitted by Ed Hardy, in concept;
 - 4) appoint the Planning Director as the lead County official regarding coordination of all matters relative to the Mining and Mineral Museum;

- 5) to go forward with the concept which the Board previously approved for the Gloor family to construct a retail project at the corner of Highways 49 and 140 in Mariposa for relocation of the Museum; and
- 6) to send a letter to the State Department of Conservation and request that by the end of this fiscal year that the gold be returned to complete the California Mining and Mineral Museum's collection.

Discussion was held and it was agreed that the final Five-Year Business Plan would be brought back for adoption. Ayes: Balmain, Stewart, Parker, Pickard; Abstained: Reilly. Jeff Green, County Counsel, requested that the Five-Year Business Plan be scheduled for the December 1st agenda in case an extension is not granted. Ed Hardy provided input relative to pending issues, and advised that he does not feel that it is necessary at this time to send a letter requesting the return of the gold specimens. Matter was continued for the following hearing to be opened.

10:00 a.m. Public Hearing to consider the approval of Agricultural Preserve Applications 98-1 (William C. and Lisa McKay, Applicants), and 98-2 (Erik and Frieda Roen, Applicants) was opened and continued to after the following matter.

Further discussion was held relative to Mining and Mineral Museum matters. (M)Parker, (S)Pickard, the previous motion was amended to delete the request to send a letter to the State Department of Conservation requesting the return of the gold specimens; and direction was given for a letter to be sent to the State thanking them for their cooperation/Ayes: Balmain, Stewart, Parker, Pickard; Abstained: Reilly.

10:12 a.m. Recess

10:32 a.m. Ed Johnson, Planning and Building Director;

A) PUBLIC HEARING to Consider the Approval of Agricultural Preserve Applications 98-1 (William C. and Lisa McKay, Applicants), and 98-2 (Erik and Frieda Roen, Applicants)

BOARD ACTION: Ed Johnson advised of the request for approval of the applications. Jean Clark/Assistant Planner, presented the staff report and responded to questions from the Board relative to historical parcels and review for underlying parcels. Staff responded to questions from County Counsel relative to the policy for determining acreage that is not contiguous and contains historical parcels. Staff responded to additional questions from the Board relative to accepting multiple owners within a contract and breach of contract if a portion of land within the contract is sold. Sarah Williams, Planning Manager, responded to a question relative to requirements to file a certificate of compliance. Staff responded to questions from the Board relative to the status of these parcels if the policy is changed relative to the certificate of compliance and as to whether the applicants agree with the recommended conditions.

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

Becky Crafts, Supervising Appraiser in the Assessor's Office, provided input relative to historical parcels and advised that the property owners need to initiate a change if the property does not meet agricultural use requirements, and reviewed the process. Becky Crafts responded to questions from the Board relative to this matter.

Public portion of the hearing was closed and Board commenced with deliberations. Staff responded to additional questions from the Board as to changes in the existing policy and ability to improve a large parcel with construction. (M)Parker, (S)Stewart, Res. 98-424 adopted approving the applications/Ayes: Unanimous. Hearing was closed.

B) Initiation of Review and Amendment to Mariposa County's Policies for Agricultural Preserves and Williamson Act Contracts

BOARD ACTION: Discussion was held relative to the policies and workload and priorities of the Department. Jeff Green, County Counsel, advised that he would make his memorandum to Planning relative to the penalty assessments available to Board members. (M)Pickard, (S)Balmain, Board expressed an interest in pursuing the review and amendment to the policies, and gave direction for the matter to come back before staff works on the policies with the workload priorities for the Department/Ayes: Unanimous.

Resolution Authorizing the Transfer of an Additional 40.2 Square Feet of the 7th Street Right-of-Way to the Owners of the Adjacent Property (County Counsel)

BOARD ACTION: Following discussion, (M)Parker, (S)Balmain, Res. 98-425 adopted/Ayes: Unanimous.

Supervisor Stewart requested that the discussion regarding the YARTS JPA be held this afternoon after the public hearings.

Discussion and Direction Relative to Possibly Canceling the Regularly Scheduled Board Meeting for December 22, 1998 (Clerk of the Board)

BOARD ACTION: Following discussion, (M)Parker, (S)Pickard, Res. 98-426 adopted canceling the December 22nd meeting/Ayes: Unanimous.

Resolution Approving the 1999-2000 Head Start Program Grant Application and Authorizing the County Administrative Officer to Sign Application Documents (County Administrative Officer)

BOARD ACTION: Following discussion, (M)Pickard, (S)Balmain, Res. 98-427 adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Noes: Parker.

CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Service Employees International Union (SEIU) (Administration)

BOARD ACTION: Closed session was not held.

Board Information and Announcements

- Supervisor Pickard advised that the resolution the Board adopted for Assemblyman Oller will be presented on December 10th at the RCRC meeting during lunch, and he invited Board members to attend. He also advised that he plans to take Dale Wagerman and Mike Kelly, Wagerman and Associates, to dinner in Sacramento that evening and he invited Board members to attend.
- Janet Hogan, County Administrative Officer, advised of correspondence received from Madera County announcing a recognition ceremony on December 15th for their three departing supervisors: Patty Logoluso, Harry Baker and Alfred Ginsberg. Board concurred with presenting the outgoing supervisors with a Courthouse book and pin, and Supervisor Stewart offered a Courthouse mug for each.

11:35 a.m. Lunch

2:03 p.m. Ed Johnson, Planning and Building Director;

A) PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 98-1 and Commercial, Industrial, Manufacturing Plan No. 98-1; Introduction of Ordinance Amending Zoning Designation on APN 014-430-042 from Mountain Home to Resort Commercial; Kay Barber, Applicant

BOARD ACTION: Ed Johnson advised of the two matters scheduled for public hearing this afternoon. Chair Reilly reviewed the hearing procedures. Jay Pawlek, Senior Planner, presented the staff report. Staff responded to questions from the Board relative to the condition relating to the picnic area; area of the gold demonstration project/activity; zoning for the parcel; and relative to the process for recommending the conditions to the Board.

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

Mr. and Mrs. Barber were present and stated they appreciate the Board's consideration of this matter, and advised they will be happy to answer any questions.

Clifford Wenchel stated he has an easement which he feels may cross the parcel and feels his property value would decrease as he only has two building sites on his property; and he would like to keep this parcel as residential. Mr. Wenchel responded to questions from the Board relative to the location of his parcel in relation to this project, and he responded that he is up-hill and across the highway. Jay Pawlek advised of the conditions for exterior lighting to address concerns of neighboring properties.

Public portion of the hearing was closed. Staff responded to additional questions from the Board relative to signage location and size; CDF fire clearance standards; encroachment conditions; terrain of the area; location of the Wenchel's parcel; area of fencing or improvements to direct guests to the creek area; recommendation for access; setbacks along the creek; conditions for solid waste removal; location of the parcels owned by people who wrote letters of concern; relative to parking requirements; and conditions for colors of the buildings. The Board commenced with deliberations. (M)Parker, (S)Balmain, first reading was waived and an ordinance introduced amending the zoning designation on APN 014-430-042 from Mountain Home to Resort Commercial, with adoption of the ordinance and Negative Declaration and resolution approving the General/Plan Zoning Amendment scheduled for December 1, 1998; item 13 for the signage condition was changed to a maximum of 64 square feet; item 18 was amended to read that the applicant shall control guests from trespassing on neighboring property; solid waste disposal condition was amended to reflect that the applicant shall provide adequate facilities for solid waste disposal; setback regulations shall comply with current County standards; and site disturbance was amended to delete the sentence recommending that all areas not included within the proposed plan shall remain undisturbed (deletion of condition No. 10). Further discussion was held. Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly. Supervisor Parker noted that the applicants started the process with the open window period application process and subsequently followed through on their own. Hearing was closed.

3:29 p.m. Recess

3:42 p.m. B) PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 98-2, Commercial, Industrial, Manufacturing Plan No. 98-1, and Variance No. 98-4; Introduction of Ordinance Amending Zoning Designation on APN 008-310-001 from Mountain Preserve to Resort Commercial; Caroline McGrath LLC, Applicant

BOARD ACTION: Jay Pawlek, Senior Planner, presented the staff report. Staff responded to questions from the Board relative to access to the development and requirements for improvements; signage size and reason for variance and existing signage; requirement to improve the bridge; size of the developed portion of the property; neighboring uses; location in relation to Barry Brouillette's project and setback requirements.

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

Douglas Shaw, member of the Yosemite Bug LLC, and Caroline McGrath LLC, applicants, stated they agree with staff's findings and understand that there is a high cost with the proposed development. Their desire for the project is to use the property as

appropriate. They try to make sure that their guests keep coming back, and they feel that they have the support of the locals.

Bill McMurry stated his mother owns a parcel above the subject site, and he stated they received a letter advising that there would not be any new units and he asked about the proposed "new" employee units. Staff advised of the conversion and relocation of existing units and advised that there would not be an increase in the number of units. Mr. McMurry expressed concern with lighting and signing impacts and asked what the exterior lighting requirements would be. Staff responded as to the requirements. He further expressed concern with fire danger and asked whether the water storage requirements would be adequate. Staff responded to the question relative to water storage requirements. Mr. McMurry asked if there would be potential problems with the septic system due to the terrain of the property and whether there could be a drainage problem to the creek. Staff advised that an engineered septic system is required. He further expressed concern with trespass problems and asked about requirements to mark the property boundaries. He responded to a question from the Board relative to the location of his property in relation to the subject project.

Rebuttal was provided by Douglas Shaw. He advised that they have put up signs relative to the boundaries and they hand out maps to their guests for the circular trail.

Public portion of the hearing was closed. Staff responded to questions relative to the recommended action; whether the structures will be compatible; making the same changes to the recommendations as for the previous hearing; site disturbance conditions; and relative to the six-year project timeline. Board commenced with deliberations. (M)Pickard, (S)Balmain, first reading was waived and an ordinance introduced amending the zoning designation on APN 008-310-001 from Mountain Preserve to Resort Commercial; with changes in the conditions to be consistent with those made for the previous public hearing this date on the Barber application; and with direction that the ordinance be scheduled for adoption on December 1st, along with the adoption of the Negative Declaration and resolution to approve the General Plan/Zoning amendment/Ayes: Unanimous. Hearing was closed.

4:32 p.m. Recess

4:43 p.m. Discussion Regarding Yosemite Area Regional Transportation System (YARTS) Joint Powers Agreement (JPA) (Supervisor Stewart)

BOARD ACTION: Supervisor Stewart reported on the YARTS JPA meeting, and he advised that the Board needs to determine what direction it wants to go. He further stated that it is the intent to limit this discussion to the JPA issues, with a more detailed discussion of YARTS issues on December 8th. Discussion was held relative to the JPA and involvement of the Park Service.

Mark Thornton, District IV Supervisor for Tuolumne County, complimented the County on the new Government Center. He noted that he is here on his own and is not representing the Tuolumne County Board of Supervisors. He expressed concern with YARTS Management Board actions and the JPA. He commented on the current YARTS structure and the status of the Memorandum of Understandings (MOUs), and stated he is trying to ensure that all five-member counties are aware of YARTS actions and plans. He stated he has tried to stay in contact with people in his district, and he feels there are fundamental questions that need to be asked relative to YARTS and the National Park Service. He stated he advised Merced County Association of Governments (MCAG) that the latest MOU had expired and he feels that needs to be addressed as YARTS has received funding for a project. He further stated that he feels the YARTS Management Board should hire its own director to manage this project, and he objects to Jesse Brown's (MCAG's Executive Director) involvement. He stated he feels that even though Tuolumne County contains 58% percent of Yosemite National Park within its boundaries, that Mariposa County has the most at stake due to the visitor use of the County and access

to the Park. He has urged Tuolumne County to wait and see what actions Mariposa takes. He suggested that perhaps the 1980 Yosemite Management Plan should be reviewed to determine what is driving YARTS, although he feels the Plan is outdated and should be updated. He expressed concern with indirect costs and asked whether the federal government will follow-through with maintaining the system. He stated he feels that all of the businesses in the counties surrounding Yosemite have been building based on tourism to the Park and the Park needs to address the socio-economic and environmental impacts if the Plan is changed. He feels MCAG has been moving counties into the environmental process with the negative declaration process, and he does not want to see the counties get in harms way. He stated he feels the Sierra Club's lawsuit against the Yosemite Lodge project also affects the Valley Implementation Plan (VIP). He noted they are looking at a seven-month delay with the court process and he does not feel we should rush into this project. He advised that Tuolumne County has concerns with the Park policy, and they want to work with Mariposa County. He hopes to be able to reform YARTS and have an executive director that he feels will care about all five counties. He also noted that in other counties the Local Transportation Commission is not the Board of Supervisors.

Supervisor Reilly advised that the next YARTS Board meeting is December 7th in Merced.

CONSENT AGENDA

- CA-1 Accept Resignation of Forrest Barriger from the Coulterville Town Planning Advisory Committee (Supervisor Balmain)
- CA-2 Resolution Authorizing the Chair to Sign an Order of the Board to Reject Claim No. C98-21 in the Amount of \$188.65 (County Counsel); Res. 98-422
- CA-3 A) Accept Resignation of Tom Ohmer and Parker McCarthy from the Alcohol and Drug Advisory Board (Supervisors Reilly and Stewart)
B) Accept Resignation of Leona Smith from the Mental Health Board (Supervisor Pickard)

5:23 p.m. Adjournment in memory of Margarita Amaya, Eugene Lawrence, George A. Murphy, Buddy Ellis, John Pearce, Kenneth Ray Walker, and Ulysses Lee Litsey.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA DECEMBER 1, 1998



Time Description
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

- Larry Salinas, Governmental Relations Manager for P. G. & E., presented a package of information being distributed by P. G. & E. relative to preparing for winter storms.
- Ed Hardy, Mining and Mineral Museum consultant, advised that an extension was received to December 31, 1998, for submitting the Five-Year Business Plan. Matter to be scheduled on the December 15th agenda.
- Supervisor Parker noted a formal request was received to re-open the hearing on the Jack Andrews matter – work has been done to bring the septic system into compliance and there is still an issue with the setbacks. Jeff Green, County Counsel, suggested that Mr. Andrews exhaust all attempts to obtain a lot-line adjustment and then make his request to re-open the hearing. Board concurred with County Counsel's recommendation and with County Counsel writing Mr. Andrews a letter to advise him of the process.

Approval of Minutes of 10/20/98 Regular Meeting and 10/27/98 Regular Meeting
BOARD ACTION: Approved, with change to clarify the zoning classifications for the industrial/commercial zoning text amendments.

Approval of Consent Agenda (See End of Minutes)

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

Robert C. Stewart, District III Supervisor;

Discussion and Possible Action Regarding Holding Board of Supervisors Meetings
During Evening Hours

BOARD ACTION: Supervisor Stewart advised of requests received for the Board to hold meetings during the evening hours.

Input from the public was provided by the following:

Ron Iudice presented petitions, which he said contained approximately 1300 signatures that were obtained in the downtown area.

Don Starchman, speaking as an individual, advised that the signatures on the petitions were gathered in less than one week, and he feels that this gives a good indication that citizens in the County would like to see evening meetings. He advised that the Business Forum was behind the petition drive, and the Forum is a group of business people who have been meeting for nine months and are interested in the economic future of the County. He stated business people and those with specialized backgrounds would like to be able to attend the Board meetings and cannot do that during the daytime meetings. He suggested starting the meetings at 3:00 p.m. with public presentation and consent items, and with timed items that are of interest to the public to be scheduled at 6:00 p.m. He stated the public may not always attend the meeting, but he feels it is important for the working person to have the opportunity to attend. He suggested starting the evening meetings with the first meeting in January and trying it for 60 to 90 days, and then hold an evening meeting to review the schedule.

Discussion was held relative to the request and scheduling to maximize public participation, as well as consideration of impacts on support staff and residents in outlying areas. Concerns were also expressed relative to taking into consideration the El Portal Road/Highway 140 construction schedule and winter driving conditions. It was noted that the Board has scheduled evening meetings when there are requests for specific items.

Don Starchman stated he feels there are more items than just land use which the public has an interest in, and he agrees that items relating to outlying areas could be held in the afternoon if the citizens so desire.

Further discussion was held relative to scheduling alternatives.

Bill Yaley responded to a question from the Board relative to the request for evening meetings, and he advised that as a businessman, it is difficult for him to attend a day meeting. He feels the petitions represent a sampling of people who are interested in evening meetings.

Ron Iudice stated he feels a three-month trial period will allow an opportunity for the bugs to be worked out. He suggested that their group work with the Chamber of Commerce to get word out to make people aware that the meetings will be held at night and to get the community involved.

(M)Stewart, (S)Parker, Res. 98-431 adopted agreeing to hold one meeting a month in the evening, starting in February with the fourth Tuesday, with the public to be notified. Further discussion was held relative to commencing the meetings at 2:00 p.m., with the evening portion to commence at 6:00 p.m., and being flexible depending on the agendas versus establishing a consistent schedule. Motion was amended, agreeable with maker and second, to include direction for the evening meetings to be held on the 2nd and 4th Tuesdays of February, March and April, and with direction that the schedule be further reviewed at the end of the trial period. It was also clarified that this scheduling change does not affect meetings that may be scheduled for other areas of the County on the 1st or 3rd Tuesdays. Ayes: Reilly, Balmain, Stewart, Parker; Noes: Pickard.

10:30 a.m. Recess

10:48 a.m. Patti A. Reilly, District I Supervisor and
Garry R. Parker, District IV Supervisor;

Report and Discussion Regarding November 23, 1998, Meeting with Yosemite National Park Staff Related to the El Portal Road/Highway 140 Construction Project

BOARD ACTION: Janet Hogan, County Administrative Officer, provided a report of the meeting, and she advised that a videotape relative to the construction project is available for review. Supervisor Reilly commended the staff at the Visitors' Bureau for their efforts in dealing with the public during this construction period. Shirley Schmelzer asked about changes at the Park entrance gate for using a pass – Supervisor Reilly stated they will add this to the list of concerns to be discussed.

11:02 a.m. Board recessed to view the video of the El Portal Road/Highway 140 construction project.

11:14 a.m. Jeffrey G. Green, County Counsel;

A) Resolution Adopting Specification for the Flex Classification of Elections Clerk I/II at Salary Ranges of 102 (\$1,571-\$1,910) and 122 (\$1,736-\$2,110), Respectively, Abolishing the Existing Classification of Elections and Jury Clerk, and Reclassifying the Incumbent Elections and Jury Clerk to the New Classification of Elections Clerk II at Range 22, Step 5;

B) Resolution Approving Revised Class Specification for Associate Engineer;
C) Resolution Approving New Class Specification and Salary Range for Classification of Road Superintendent and Eliminating the Class Specification for the Deputy Director, Road Division; and

D) Resolution Approving New Class Specification and Salary Range for Classification of Assistant Director, Public Works

BOARD ACTION: (M)Parker, (S)Stewart, the following resolutions were adopted approving the recommended actions:

- Res. 98-232 adopted/Elections Clerk;
- Res. 98-233 adopted/Associate Engineer;
- Res. 98-234 adopted/Road Superintendent; and
- Res. 98-235 adopted/Assistant Director, Public Works.

Discussion was held. Mike Edwards, Public Works Director, provided input. Ayes: Unanimous.

Ed Johnson, Planning and Building Director;

Discussion and Possible Action Relating to the Five-Year Business Plan Prepared by Ed Hardy for the Support of the State Mining and Mineral Museum (Continued from 11/24/98)

BOARD ACTION: Matter was continued to December 15, 1998.

Resolution Authorizing Chair to Execute a Cooperative Agreement with the Mariposa Rotary Club for the Stage Project at the Mariposa Park (County Counsel)

BOARD ACTION: Following discussion, (M)Pickard, (S)Parker, Res. 98-436 adopted/Ayes: Unanimous.

11:34 a.m. Janet Hogan, County Administrative Officer;

CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Service Employees International Union (SEIU)

BOARD ACTION: (M)Pickard, (S)Stewart, closed session was held with Rick Bolanos, labor negotiator, to be present/Ayes: Unanimous.

12:21 p.m. Lunch

2:14 p.m. Ed Johnson, Planning and Building Director;

PUBLIC HEARING to Consider the Industrial/Commercial Zone Code Revisions (General Plan/Zoning Amendment No. 97-1) (Continued from 10/20/98)

BOARD ACTION: Ed Johnson presented staff report. Discussion was held relative to the suggested schedule and review of the document from the attorney concerning the environmental issues. Jeff Green, County Counsel, advised that when a final document is obtained from the attorney, it will be made available to the public. He further advised that the environmental work for the open window period applications was done under the existing ordinance and will need to be re-done with the adoption of the zoning ordinance.

Input from the public was provided by the following:

Robert Schmelzer advised that until they have a chance to review the document from the attorney, they do not have any input.

Shirley Schmelzer stated the public does not know where to begin, and she suggested that articles be placed in the newspapers describing what the topics are and then the public would have a reason to come to particular portions of the hearing.

Board concurred with continuing the hearing to January 26, 1999. Jeff Green advised that he will work with Planning and agreed with suggestion for some special advertising, and with having the documents available in the Planning office. Hearing was continued to January 26, 1999, at 2:00 p.m.

Chair Reilly announced that as a result of closed session earlier this date, direction was given to staff.

Consider Initiation of Amendment to Zoning Ordinance Standards for Junk Yards
(Supervisor Pickard)

BOARD ACTION: Supervisor Pickard initiated discussion and advised of a situation in his district.

Input from the public was provided by the following:

Mr. and Mrs. Negrin, residents on Woodview Lane, advised of a neighboring property owner with assorted vehicles, pictures on buildings that are unsightly, and large signs, and requested that something be done to prevent this type of nuisance – perhaps restrict the location of such materials so that they are not visible from the road.

Shirley Schmelzer advised that she has a nice neighbor with numerous motors and vehicles stored on the property. She feels that this affects the value of neighboring properties and impacts the view. She also expressed concern about water pollution if oil leaked from the vehicles.

Mr. Negrin commented further on the junk and debris stored on their neighbor's property and advised that when the Planning staff inspected the site, the owner came out with a chainsaw. Mrs. Negrin expressed concern with junk storage creating a habitat for rodents and a subsequent health hazard. She feels they should be entitled to an attractive and pleasing environment. Mr. Negrin advised that Planning staff has photos of the situation.

Board concurred with referring this matter to the Planning Commission for review and recommendation for further consideration. Supervisor Balmain requested that consideration be given to areas with town planning areas versus the larger parcels.

Discussion and Direction Relating to Jamey Brzezinski's Mural for the Board of Supervisors Meeting Chambers (County Counsel)

BOARD ACTION: Jeff Green, County Counsel, reviewed the amended proposal. Discussion was held and input was provided, including the suggestion of adding a cannonball stage coach to the mural. (M)Parker, (S)Pickard, Res. 98-437 adopted approving the amended proposal and increased cost as recommended/Ayes: Unanimous.

Waive Second Reading and Adopt an Ordinance Amending the Zoning on APN 014-430-042; Kay Barber, Applicant, from Mountain Home to Resort Commercial; Adopt a Negative Declaration with Mitigation Measures on the Project; and Adopt a Resolution Approving the General Plan/Zoning Amendment, Approving the Commercial, Industrial, Manufacturing Plan with Conditions, and Amending the General Plan Designation Affecting the Project Site from Mountain Home to Resort Commercial to be Effective the Same Dates as the Effective Date of the Ordinance (Planning)

BOARD ACTION: (M)Parker, (S)Pickard, Ord. 940 and Res. 98-438 were adopted. Ed Johnson, Planning and Building Director, provided input relative to the changes that were included at the Board's direction. Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly.

Waive Second Reading and Adopt an Ordinance Amending the Zoning on APN 008-310-001; Caroline McGrath LLC, Applicant, from Mountain Preserve to Resort Commercial; Adopt a Negative Declaration with Mitigation Measures on the Project; and Adopt a Resolution Approving the General Plan/Zoning Amendment, Approving the Variance with Conditions, and Amending the General Plan Designation Affecting the Project Site from Mountain Preserve to Resort Commercial to be Effective the Same Date as the Effective Date of the Ordinance (Planning)

BOARD ACTION: Following discussion with Ed Johnson, Planning and Building Director, (M)Parker, (S)Pickard, Ord. 941 and Res. 98-439 were adopted/Ayes: Unanimous.

Board Information and Announcements

- Supervisor Reilly noted that a week earlier, Mariposa and other areas outside of Yosemite National Park were featured on the Bay Area Backroads program. The portion relating to Mariposa included Leroy Radanovich and local retail stores.

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

CONSENT AGENDA

CA-1 Resolution Approving the Name Tenaya Trail for a New Road and Renaming a Portion of Mariposa Creek Circle to Tenaya Trail (Planning); Res. 98-428

CA-2 Resolution Changing the Road Name for a Portion of Fairview Street to Vine Street (Planning); Res. 98-429

CA-3 Resolution Changing the Road Name Romero Way to Van Campen Way (Planning); Res. 98-430

CA-4 Waive Second Reading and Adopt Ordinance Rescinding Ordinance No. 808 which Established Fee Schedules for County Departments (County Counsel); Ord. 939

3:34 p.m. Adjournment in memory of Ronald E. Chase, Eileen J. Bumgarner, Paul Cramer, Jr., Bill Adams and Ken Meriam.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA DECEMBER 8, 1998

Time Description
9:15 a.m. Meeting Called to Order
Pledge of Allegiance

Chair Reilly advised that students from the Mariposa High School leadership class were present for a portion of the meeting. The students present were: Jesse Bloom, Holly Stewart and John Klein.

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

- Supervisor Pickard advised of an off-agenda request to consider support for the Scottish Games and Gathering event for May, 1999. Following discussion relative to the urgency of the matter, (M)Stewart, (S)Balmain, Board waived rules requiring 72 hours agenda noticing to consider this request, finding it is a matter of timeliness as the Fairgrounds needs to be reserved by January 1, 1999, and this is the last meeting scheduled in the Government Center for this calendar year (the meeting for December 15th is scheduled in Wawona)/Ayes: Unanimous. Discussion was held relative to the request. Supervisor Pickard advised that the Chamber of Commerce is committed to obtaining sponsorships, and the Fair Board will be discussing sponsorship at its next meeting. Joan Coolidge, Chamber of Commerce Executive Assistant, advised that the event is planned for May 22nd, and she advised that the Visitors' Bureau is willing to assist with promotion, but not with funding for the event. (M)Pickard, (S)Stewart, Res. 98-440 adopted supporting the Scottish Games event; and direction was given that should it become necessary for the County to contribute to the financial sponsorship, up to \$1933.33 is to be funded from the Visitors' Bureau budget. Chair Reilly asked that the County Administrative Officer make the Board's direction known to the Visitors' Bureau Director. Ayes: Unanimous.
- Jeff Green, County Counsel, advised of an off-agenda request relative to scheduling for the Board's January 26, 1999, meeting. (M)Parker, (S)Balmain, Board waived rules requiring 72 hours agenda noticing, finding this is a matter of timeliness in order to be able to give proper notice for the Public Hearing for the Industrial/ Commercial Zoning Text Amendments/Ayes: Unanimous. (M)Parker, (S)Balmain, Res. 98-441 adopted directing that the Board's meeting for January 26, 1999, commence at 2:00 p.m. for normal business to be conducted, with a dinner break, and the Public Hearing for the Industrial/Commercial Zoning Text Amendments to be held at 6:00 p.m./Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

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

Pelk Richards, Undersheriff, appeared on behalf of Roger Matlock, Sheriff; Resolution Awarding the Bid for the Purchase of a New Emergency Communications Center Recorder to the Lowest Bidder, Dictaphone (\$22,377.15)

BOARD ACTION: Following discussion, (M)Balmain, (S)Stewart, Res. 98-446 adopted/Ayes: Unanimous.

Jeffrey G. Green, County Counsel;

A) Resolution Approving New Class Specification and Salary Range for Classification of 4H Coordinator

BOARD ACTION: Following discussion, (M)Parker, (S)Balmain, Res. 98-447 adopted/Ayes: Unanimous.

B) Resolution Approving Revised Class Specification for Classification of Sheriff's Captain

BOARD ACTION: Discussion was held. Pelk Richards, Undersheriff, provided input relative to the POST certification requirements. (M)Balmain, (S)Parker, Res. 98-448 adopted/Ayes: Unanimous.

Discussion and Possible Action Relative to a Request for Legislative Proposals from the Regional Council of Rural Counties (RCRC) (Supervisor Pickard)

BOARD ACTION: Supervisor Pickard advised of the Farm Advisor's proposal for noxious weed abatement and Supervisor Balmain's proposal relative to the timber yield tax exemption. Discussion was held. Wain Johnson, Farm Advisor, provided input relative to the intent of the weed abatement proposal. (M)Balmain, (S)Stewart, both proposals were approved to be submitted to RCRC with the understanding that the legislation be sensitive to the private property owners/Ayes: Unanimous.

10:13 a.m. Recess

10:24 a.m. Ed Johnson, Planning and Building Director;
Resolution Approving Issuance of a Letter of Public Convenience and Necessity Related to Request to Exchange Existing Liquor Licenses Between Meadows Ranch Café and Claire's Saloon

BOARD ACTION: (M)Pickard, (S)Balmain, to adopt resolution approving the issuance of a letter of public convenience and necessity related to request to exchange existing liquor licenses as requested, failed by the following vote - Ayes: Balmain, Pickard; Noes: Stewart, Parker; Abstained: Reilly. Claire Felix, applicant, provided input relative to her request. Discussion was held. Supervisor Parker changed his vote from "no" to "aye" and the motion passed and Res. 98-449 was adopted.

10:37 a.m. LOCAL TRANSPORTATION COMMISSION

Ed Johnson, Planning and Building Director;

Discussion and Action Regarding Current Yosemite Area Regional Transportation System (YARTS) Activities Including:

- YARTS Memorandum of Understanding (MOU)
- YARTS Technical Assistance Funds
- Proposed Highway 140 Bus Stops
- YARTS Joint Powers Authority

COMMISSION ACTION: Chair Reilly called for public input and the following persons spoke:

Paul Ratchford, Tenaya Lodge, stated he feels this issue is of significant economic concern and he is uncomfortable with the progress of the momentum of YARTS. He feels the questions are who pays and who benefits – he feels the taxpayers will pay and the Park Service will benefit. He expressed concern with the removal of parking spaces in the Park without public comment. He feels that if visitation to Yosemite continues to be disrupted, it will severely impact Mariposa and other gateway communities. He stated he feels the Park is supporting this project to eliminate vehicles from the Park, and the visitation levels will drop significantly and this will impact all of us and be detrimental to long-term economic growth. He requested that the MOU be repealed. Mr. Ratchford responded to questions from the Commission relative to his concern that the period of

“choice” for using a regional transportation system will become mandatory, and what assurances could be made that this is only an option; and as to whether he feels there is a need for a transit service on Highway 41.

Louis Aceto referenced a letter he received from a former employee of the Park which states there are only about one-third of the parking spaces left in Yosemite from what was available in the 1960's. Chair Reilly requested that a copy of the letter be provided.

Erik Bruun, resident and School Board member, commented on the location for the YARTS Management Board meetings and asked why they are not held in Mariposa. He also questioned why Merced County was included on the YARTS Board and not Fresno as he feels they meet the same criteria. He referenced the YARTS Management Board meeting held on Monday, and he stated that he felt many meetings have been held, but with no results. In regard to the fuel choices for the buses, he stated he feels that the diesel exhaust is a pollutant and a health risk; the diesel buses take up space and cross over the centerlines and create an impatience, which results in hazards. He also feels this will be bad news for businesses as buses originating in Merced will not add to the County's economy. He stated he feels the County would be abrogating local control if the MOU is signed. He stated the 1980 General Management Plan for Yosemite is eighteen years old and things have changed. He stated that he was Principal for the Yosemite Elementary School from 1959 to 1963, and he has noticed the change in parking spaces and use. He urged a “no” vote on the requested actions.

Barbara Taylor, resident of Fish Camp, referred to her letter relative to the MOU and request for amendment, and stated she opposes the change for Merced County Association of Governments (MCAG) to manage versus administer the project. She questioned why MCAG is involved in this process as she feels they have nothing to lose, but everything to gain. She feels that if the County signs the MOU it will be committing to a bus system that will not stop. She commented on other options such as replacing YARTS with a county alliance comprised of those counties who touch the Yosemite Park boundary. She felt a new General Management Plan could be called for, and that our County staff could be used to work on this project. She expressed concern with the use of diesel fuel as she feels it is toxic to the environment and referred to the changes in the passenger vehicles that have occurred. She stated she feels consideration needs to be given to why the Park eliminated parking spaces and advocates the buses.

Dora Bruun expressed concern with impacts to the environment if diesel fuel is used, and stated she does not feel that the Commission should place people in danger. She stated she feels the air quality is better here than in the valley and cited the situation with moving her mother here because of health problems due to the valley air quality. She also stated that she does not feel that residents here have been informed of this project, and she does not feel that the business people realize that they will lose business because the buses will only be picking up visitors and will not stop for shopping.

Louis Aceto, Oakhurst, stated he feels that YARTS is controlling the process and our money – that this is public funding and he feels the County is selling its soul to get a piece of the pie when the pie should not be there. He stated he feels that YARTS must be fixed, diesel fuel is a hazard, and the project needs to be economically viable. He expressed concern with how the YARTS Management Board meeting was conducted on Monday and with comments made by a Technical Advisory Committee (TAC) member. He stated he feels we should move to a true gateway alliance if there is a need for a regional transportation program and we should not need to be subsidized. He encouraged a “no” vote on the requested actions.

Steve Fortner stated he did not take offense and feels Mr. Aceto was taking the TAC member's comments out of context. He provided input relative to the choice of fuels that are available, stating that with the elimination of the single-wall tanks gasoline stations in the Valley have closed; diesel is a dinosaur and should not be used; and he feels that liquid and compressed natural gases will be the fuels of choice. He commented

on the State's participation in these programs and federal requirements and stated he will provide information relative to fuels.

Art Baggett referred to correspondence dating back to his term as a Mariposa County Supervisor and he explained the history of the formation of YARTS. He stated he feels strongly that a group needs to be kept together for communication purposes. He commented on the parking spaces and noted that there is an increased use of the Merced River Canyon. He further noted that Merced County was once a part of Mariposa County and there has been an historic relation with Merced and various functions have been shared such as the library system, Lake McClure, and ambulance services. He stated Madera County had concerns with Fresno County being so big and that is why Fresno was not included. MCAG volunteered in the beginning and they had a close relationship with CalTrans and they were able to obtain grants. He referred to the establishment of the VIA system in the County and cooperation with the Park Service, and he noted that buses are using propane. He urged keeping YARTS together, and he advised that before this group, there were three different lines of communication with CalTrans between the East Side, Fresno and the Stockton offices. He noted that things change, especially with changes in the Park Superintendent and Secretary of Interior and he feels there needs to be a stable group to keep lines of communication open and YARTS is the only group with some institutional memory. A big concern is the FONSI report on the Highway 140 project and a line in the report that could potentially cause more concern to this County than the construction itself, and that is the mitigation on how this new construction will affect travel. Previously the Park Service said it would institute a day-use reservation system or some controlling method for visitation – perhaps YARTS is an alternative to work on this.

11:48 a.m. Recess

12:07 p.m. Chair Reilly noted that Jesse Brown/MCAG Executive Director, and Margie Steigerwald/Yosemite National Park Superintendent's Office, were present for this discussion. Input from the public continued.

Robert Hunt, representing Tenaya Lodge and he noted he is a County Fire Captain, commented on the two YARTS meetings he attended recently in Oakhurst and Merced – he feels there were a lot of questions with no answers. He stated he felt that we needed to step away from the MOU and YARTS as he does not feel that the Park can be trusted. He feels that continuing with the YARTS program as it presently exists, would be supporting the Valley Implementation Plan (VIP) and the elimination of parking in the Park. He stated he felt an alliance of communities needed to be formed and we should be on the offensive. He also stated he feels the leadership of the Park needs to be changed as it is not representing us. He urged the Commission to not sign the MOU – he feels the counties can form an alliance and take on the Park.

Robert Keller asked for clarification that the Local Transportation Commission versus the Board of Supervisors is considering this matter. He asked what is being ratified in regard to the MOU. He referred to materials he distributed relative Park plans and vehicle count statistics. He urged the Commission to seriously consider the MOU and to not sign it. He referred to previous comments made by Supervisor Thornton of Tuolumne County and Leroy Radanovich relative to the system.

Louis Aceto commented on Art Baggett's input relative to the JPA signatures and changes in the Park administration.

The Commission held discussion.

Jesse Brown, MCAG Executive Director, advised that the MOU before the Commission today is the third MOU for YARTS and he does not believe that the substance has changed. He advised that they have gone through a lot of technical information and come up with plans and local decisions will be required; however, none of those decisions or commitments have been made up to this point. He feels the role of

his agency is to administer the program and he feels the YARTS Board has been productive for the County and the entire region. He also stated he feels that Mariposa County is the key to this program and the process. He responded to questions from the Commission relative to the proposed MOU and the status of the two prior MOUs. Members of the Commission commended Jesse Brown for his efforts.

Following discussion, the Commission concurred with continuing this matter to January 12, 1999, at 10:00 a.m., with ample time to be allowed for further consideration. Supervisor Parker asked Margie Steigerwald what the Park Service is doing for their transportation plan within the Park boundaries and how it will tie together with a regional plan.

Supervisor Pickard announced that the Old Jail was decorated for the holidays and that it would be open for the Board members and staff to view during the lunch hour.

1:08 p.m. Lunch

2:15 p.m. Ed Johnson, Planning and Building Director; and
Mike Edwards, Public Works Director;

PUBLIC HEARING to Consider the Following for Richard and Marcia Long, Property Owners:

- Request for Temporary Off-Site Parking Lot Use in Yosemite West; APN 006-130-006 (7459 Henness Circle, Lot 36, Yosemite West Subdivision)
- Request to Allow Placement of Fuel Storage Tanks at the Yosemite West Maintenance District Yard

BOARD ACTION: Chair Reilly reviewed the hearing process and advised that both issues would be considered together. Ed Johnson advised that his staff would provide the staff report for the temporary off-site parking lot use and Public Works would provide the report for the placement of fuel storage tanks at the Yosemite West Maintenance District yard; and he presented additional written material that was just received.

Sarah Williams, Planning Manager, presented the staff report on the off-site parking lot use, and responded to questions from the Board relative to the number of existing parking spaces on Lot 35; and status of a transient rental permit. Sarah Williams advised that they received a number of phone calls in the last twenty-four hours that question the legality of the home enterprise operation, and she advised that staff still needs to research those issues before a determination can be made. Staff responded to additional questions from the Board relative to residency requirements; on-site parking facility requirements for a home enterprise; proceeding with the hearing without having information in regard to the legality of the home enterprise operation; location of existing parking use; and whether there is parking available on Lot 36.

Mike Edwards presented the staff report on the request for placement of fuel storage tanks at the Yosemite West Maintenance District yard.

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

Mara Solomon, consultant for the applicant, reviewed her written material relative to the applications; advised that the Longs have been operating since the early 1980s on Lot 35; stated the number of parking spaces could be reduced on Lot 36; their intent is to use gravel and fill, with no permanent parking lot surface and they are agreeable with including landscaping; and she reviewed the existing parking uses. Mara Solomon continued with review of the request for placing fuel storage tanks at the Yosemite West Maintenance District yard; advised of her discussions with Blaine Schulz, County Fire Chief, relative to a emergency response team for Yosemite West and stated the fuel could be used for emergencies; as an alternative, they could have the tanks registered with the State agencies to have them permitted as mobile, or perhaps the tanks could remain on Lot 36 with regular inspections, or allow replacement with permanent tanks.

Staff responded to questions from the Board relative to existing fuel facilities in the area; existing zoning on Lot 36; parking uses and locations; length of the transient rental operation at this site; and status of existing fuel tanks. Richard Long, applicant, advised that the existing tanks are on unlicensed trailers.

3:12 p.m. Recess

3:24 p.m. Input was provided by the following in opposition to the applications:

Pete Ulyatt, Yosemite West resident, stated he feels the request for parking supports a prohibited business activity that is a commercial operation in Yosemite West; stated he believes the applicant lives at 7455 Yosemite Parkway – a half-mile away from the rental operation and he does not feel that he meets the home enterprise criteria; and stated he feels that approval of the parking lot use will not solve the problem. He stated that currently there is a graded area and people prefer to park on the street where it is convenient, and the parking area is filling with employee parking and operational vehicles related to the business operation – there are four to five vehicles parked at all times. He feels this is illegal and is not permitted under the existing code regulations. He expressed concern that a temporary use would become permanent and it may take longer than a year for the Specific Plan to be adopted. With adoption of the Specific Plan, if the use does not become permitted, he feels that a plea will be made to make it a grandfathered use, and he encouraged the Board to deny the request. He expressed similar concerns with the fuel tank request – stated he feels the tanks are needed because of the commercial operation. He expressed concern with having the fuel storage in a community due to the explosive and fire issues. He noted that his son has provided assistance in emergencies and the County has said they would be willing to supply the fuel.

Harry Hagen, neighboring resident in Yosemite West, stated the neighbors want to see the fuel tanks out of the neighborhood and they do not feel they should be allowed in a neighborhood-type zone as they are a safety and fire hazard. He urged the Board to deny the request. He stated he agrees with Mr. Ulyatt in regard to the parking issues, and he stated the proposed parking is not large enough to solve the problem – there are always cars parked in the street. He urged the Board to deny this request, and he stated that if it is approved he would like to see the no parking regulations for the street enforced.

Don Pitts, Yosemite West resident and owner-operator of Yosemite Peregrine Bed and Breakfast and owner of a transient rental facility, stated he feels the parking request should be denied. With his experience, he feels people are going to park in the street and not in a parking lot across the street. He asked why parking on the street has become an issue. He presented photographs of parking uses in the area and suggested a fee for vehicles that park overnight. He stated he feels if the request is allowed, there will be no motivation to change, and he asked about liability. He noted that a combination for a lock to a box could be given to the guests for them to obtain keys and an office would not be necessary. He does not feel that all of the traffic to Four Seasons is necessary. Relative to the fuel storage, he noted that the Chevron station in Wawona has gas and diesel available twenty-four hours a day. He stated if the applicant is purchasing the diesel in bulk to save on the tax for off-road use, he could purchase it at the Chevron and apply to IRS for a refund. He stated he feels it is unlawful to have fuel storage in Yosemite West. He also stated that Odgers Petroleum would be willing to deliver 50 to 100 gallons of fuel to Yosemite West.

Mr. Ulyatt encouraged the Board members to read the entire staff report on this matter.

Rebuttal was provided by the following:

Mara Solomon reiterated that the transient operation has existed since 1983-84 and is a grandfathered use; stated she feels that any fuel storage tanks in the area have the potential to be hazardous and any inspection requirements should pertain to everyone. She stated she understands that there are other fuel storage tanks in the area as well. She

also stated the applicant is willing to consider other options and suggestions for the parking problem; however, any restriction for home business operations (transient rental and for the applicant's lot) should be considered in light of other businesses in Yosemite West and should be consistent.

Richard Long, applicant, stated the fuel storage is a matter of convenience and he could use 55-gallon drums for fuel and withdraw his request for placement of the tanks. If he is unable to store fuel, then he feels the tanks should also be removed in Wawona, and he noted there is another 500-gallon underground storage tank in Yosemite West that he feels is a "time bomb." He commented on the number of tanks serviced by Odgers and Chase Petroleum in the county. He also provided information relative to the history of their business operations in Yosemite West and he stated he feels the rentals should not be stopped, but have a code of conduct for operation. Mr. Long responded to questions from the Board relative to withdrawal of his request for the fuel storage tanks, and advised that he formally withdraws this request. He also responded to questions from the Board relative to the location of his transient rental office and temporary parking; original use of the residence and status of his current residence; when the facility became a transient check-in office; and relative to other rental facilities he has in Yosemite West.

Staff responded to a question from the Board relative to the change in requirements for a owner to live on-site for a home business operation.

Mr. Long responded to a questions from County Counsel and staff as to when he first started doing business on Lot 35 as a check-in business for off-site rentals, and he advised that it was 1990-91.

Mr. Hagan asked if the existing operation was grandfathered and if the owner moved out, whether the non-conforming use could be reestablished by moving back in.

Mr. Long continued with his rebuttal and commented on problems in Yosemite West with people trying to stop his business, and he presented information on the number of homes, rentals, and condos/rentals in the area. He stated if a plan is going to work, he feels it needs to be flexible.

Mara Solomon asked about the 1994 regulations and whether written notification was given to property owners by the County that permanent residence was necessary for home businesses.

Don Pitts provided information on the number of homes and rentals that he feels exists in the area, and he stated the future of Yosemite West depends on the National Park Service and the day-use reservation system. If enough commercial use develops, the area will not remain residential.

Public portion of the hearing was closed and Board commenced with deliberations. Staff responded to questions from the Board relative to the status of violations by the applicant and requests for investigations; and whether the hearing should be continued to obtain additional information and whether that would change the recommendation presented by staff. Jeff Green, County Counsel, responded to a question from the Board relative to the process for continuing the hearing for additional information. Staff responded to additional questions from the Board relative to the location of the deck and the retaining wall in relation to each other and to the right-of-way; whether the parking regulations affect the right-of-way; reason for recommendation to deny the request for parking in the right-of-way and whether allowance could be made for other parking patterns. Jeff Green responded to additional questions from the Board relative to use of the site based on the applicant's testimony that he is living off-site.

(M)Pickard, (S)Stewart, Res. 98-450 adopted denying the request for temporary off-site parking lot use on Lot 36 (request for placement of fuel storage tanks was formally withdrawn by the applicant during the hearing)/Ayes: Reilly, Stewart, Parker, Pickard; Noes: Balmain. Hearing was closed.

Patti A. Reilly, District I Supervisor and
Robert C. Stewart, District III Supervisor;
Appoint Supervisor Stewart, with Supervisor Reilly as Alternate, to Represent the County
on Yosemite Area Regional Transportation System (YARTS)

BOARD ACTION: (M)Pickard, (S)Balmain, Board approved the appointment of
Supervisor Stewart, with Supervisor Reilly as alternate, to represent the County on
YARTS/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Supervisor Stewart
asked for clarification of the vote on the motion. Supervisor Parker returned and
discussion was held relative to the status of the motion. (M)Parker, (S)Balmain, to keep
Supervisor Reilly as representative until consideration of agency representation in
January, 1999, was determined to be out of order based on input from County Counsel.
Supervisor Stewart clarified that he voted “aye” on the original motion. Supervisor
Parker voted “no.”

CLOSED SESSION Relative to Public Employee Performance Evaluation for
Planning/Building Director (County Administrative Officer)

BOARD ACTION: Matter was continued to be rescheduled on January 5, 1999.

CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to
Service Employees International Union (SEIU) (County Administrative Officer)

BOARD ACTION: Closed session was not held.

Board Information and Announcements

- Supervisor Pickard commended Coulterville residents on their Victorian Christmas
Tree Lighting event over the weekend; advised that on December 9th he will
testify on the timber yield tax issue; on Thursday at the RCRC dinner, he will
present Assemblyman Oller with the resolution the Board previously adopted;
December 12th is the Chamber of Commerce’s Christmas Parade and events; and
the Board’s meeting for December 15th is scheduled to be held in Wawona.
Discussion was held relative to lunch arrangements.
- Supervisor Stewart advised that he and Supervisor Reilly attended the YARTS
meeting on Monday.

CONSENT AGENDA

- CA-1 Resolution Approving Statement of All Votes Cast as Certified to the
Secretary of State on November 16, 1998, and Declare Elected Those Persons
in Local Races as Set Out in the Statement (Elections); Res. 98-442
- CA-2 Resolution Declaring Elected Christine Kleiman-Chapman to the Mariposa
County Unified School District Board of Trustees Pursuant to Election Code
10515 (Elections); Res. 98-443
- CA-3 Resolution Appointing Tolley Gorham to Mariposa County Unified School
District Board of Trustees, and Don Z. Phillips and Sherry Marie Gamble to
the John C. Fremont Healthcare District Board of Directors Pursuant to
Election Code 10515 (Elections); Res. 98-444
- CA-4 Resolution Authorizing Sheriff to Submit Application for Vault Space at
Pinon Blanco (Sheriff); Res. 98-445

5:20 p.m. Adjournment in memory of Robert Kundert, Ernest Verley and Shirley Penrose.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA DECEMBER 15, 1998



Time Description

10:10 a.m. Meeting at Bassett Memorial Library in Wawona at 7971 Chilnualna Falls Road

Meeting Called to Order
Pledge of Allegiance

Chair Reilly conveyed holiday greetings and wishes to everyone and advised that the Board was pleased to be able to meet in Wawona.

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

Approval of Minutes of 11/10/98 Regular Meeting
BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)
BOARD ACTION: Jeff Green, County Counsel, continued item 3 to January 5, 1999. (M)Parker, (S)Pickard, balance of items were approved/Ayes: Unanimous.

Mike Edwards, Public Works Director;
PUBLIC HEARING on the Matter of Establishing a Solid Waste Collection Service within the Wawona County Service Area 2-W, and to Establish and Implement a Fee for Said Service, and Approve Contract with Total Waste Systems, Inc.
BOARD ACTION: Mike Edwards advised that the Public Hearing has been rescheduled for January 5, 1999, at 2:00 p.m. at the Mariposa County Government Center, Board Chambers, due to public noticing time constraints relative to new regulations put into effect with Proposition 218. However, since this matter was noticed, he recommended that the staff report be presented and that the Board take public input and discuss the issue, but not to the point of taking action. He also advised that for those who were present and wished to file a protest, that it could not be accepted verbally at this time; however, forms were available for filing it in writing. Chair Reilly clarified that the process for protest will be addressed in the staff report. Mike Edwards advised that staff is recommending that action be taken today to adopt the ordinance establishing a mandatory solid waste collection service within the Wawona County Service Area 2-W. Staff responded to questions from the Board relative to the recommendation to adopt the ordinance. Mike Edwards continued with the staff report and reviewed the hearing procedures, responses received, and the protest process. Staff responded to additional questions from the Board relative to the staff report; clarification of the protest numbers; and relative to concerns expressed in the letter of December 11, 1998, from the Wawona Area Property Owners Association (WAPOA).

Pierce Loberg, WAPOA, responded to questions from the Board and clarified that their objective is for 100% participation and to solve the trash collection problem. They feel the inclusion of the Seventh Day Adventist Camp is important because it is a large facility. In regard to the Yosemite Concession Services' employees that reside in Section 35 in houses owned by the government, the Association would like to have the Board's assurance that its objective is to work toward including them. He thought a local advisory group would recommend the rates and requested that this be included in the ordinance, along with review before the end of the fiscal year versus eighteen months.

Pierce Loberg responded to a question from the Board and clarified that their recommendation to use the advisory committee as a resource in looking at any rate adjustments.

Jeff Green, County Counsel, responded to questions from the Board relative to jurisdictional issues between the Park Service and the County for Wawona, and jurisdiction of Yosemite Concession Services in this matter.

Oly Olson, National Park Service – Wawona District Ranger, stated the jurisdictional agreement in Wawona is for the private property and excludes federal property.

Chair Reilly reminded everyone that the public hearing was rescheduled for January 5, 1999; however, anyone who would like to provide input at this time may do so. Input from the public was provided by the following:

Autumn Christianson expressed concern with the proposed fee rates and stated she feels 100% participation should be required – the Park Service should not be excluded.

Mary Jane Koller, speaking on behalf of Joyce Koller and the Redwoods, advised that in speaking with others in the area, they felt they only needed to communicate with the Board if they were opposed. She feels the lack of communication is an implied approval of the proposal.

Dr. Ralph Harder stated he is a member of the Town Planning Advisory Committee and understands the reason for delaying this process; however, this is not an elective matter. They have been told that garbage service will cease unless something happens and he hopes that this proceeds as quickly as it can. He feels it is necessary and there is not an option.

Mike Edwards provided input relative to the number of residences occupied by Yosemite Concession Services' employees and those owned and occupied by the Park Service and employees and their garbage collection services. He also advised that to include the Seventh Day Adventist Camp would require another hearing.

Bruce Atkinson/Public Works Special Projects Coordinator, provided input relative to the possible inclusion of the Seventh Day Adventist Camp and the Yosemite Concession Services and the Park Service with a zero assessment at this time.

Oly Olson noted that the Seventh Day Adventist Camp has Total Waste Systems as a contractor for their garbage collection at this time. Mike Edwards noted that this is a long-term arrangement, and if the contract is cancelled, they would propose to include them in this service.

Tony Christianson asked if there is any downside to including the Seventh Day Adventist Camp at this time. Mike Edwards advised that they have a service that is working at this time and it is a large use and it would take time to determine a fee.

Pierce Loberg stated he agrees with the idea of including all of the property and placing a zero assessment on the ones that are recommended for exclusion at this time, and he feels that would provide the vehicle to include them at a future date. He reiterated that he feels the objective should be to have a single trash collection service.

Jeff Green, County Counsel, responded to questions from the Board and advised that appropriate notice has not been given to include the Camp and Yosemite Concession Services at this time, even with a zero assessment; relative to Proposition 218 requirements for setting fees; and whether the County is required to provide solid waste collection services. Mike Edwards provided additional input relative to Proposition 218 processes and solid waste collection services. Discussion was held by the Board relative to the issues raised, including consideration of pro-rating the fees for vacation rentals and other seasonal uses.

Oly Olson noted that the sewer service is a flat rate and is not adjusted if a home is not occupied – it is based on the number of bedrooms in the house.

Tony Christianson noted there is an exception to the sewer rates if they are hooked to the Park Service water system.

Pierce Loberg suggested that the electrical meter could be used as proof of non-occupancy to provide relief with the rates.

Further discussion was held by the Board relative to options for the rate structure during non-occupancy, and relative to the continuity of service. Stu Katte, Total Waste Systems, indicated there would not be a lapse in service as long as the County is continuing with the process and it does not drag out.

Paul Desantis, Pine Tree Market, stated he agrees with comments relative to the need for disposal services for private homes that are rented – over the last ten years, many people have come to the Market with bags of trash and asked where to dispose of it.

Discussion was held relative to including the Advisory Committee in the fee structure review, and Mike Edwards advised that an amendment to the scope of duties for the Advisory Committee could be brought back to the Board for approval.

Larry Williams, Chairman of the Advisory Committee, stated he feels that most members of the Committee would be in favor of scrutinizing this operation on a regular basis. He does not see any reason why modifications can't be made from time-to-time – what is needed now is a program for collecting trash in Wawona.

(M)Pickard, (S)Stewart, second reading was waived and Ordinance No. 942 adopted establishing a mandatory solid waste collection service within the Wawona County Service Area 2-W. Discussion was held relative to requiring 100% participation and notification requirements. Ayes: Reilly, Stewart, Pickard; Noes: Balmain, Parker.

11:47 a.m. Recess

12:02 p.m. Pelk Richards, Undersheriff, appeared on behalf of Roger Matlock, Sheriff;

A) Resolution Authorizing the Sheriff to Purchase a Computer Based Multimedia Training System from the Recommended Peace Officers Standards and Training (POST) Vendor, Compu-Com Systems, Inc. and Approve Budget Action (\$2,600) (4/5ths Vote Required)

BOARD ACTION: (M)Stewart, (S)Balmain, Res. 98-454 adopted/Ayes: Unanimous.

B) Resolution Authorizing the Use of Unanticipated Revenue as a County Match to Hire Two Additional Deputy Sheriff's, Using the United States Department of Justice Universal Hiring Grant and Approve Budget Action (\$62,216) (4/5ths Vote Required)

BOARD ACTION: Discussion was held concerning the request. Janet Hogan, County Administrative Officer, reviewed her memorandum and recommendation. (M)Parker, (S)Balmain, Res. 98-455 adopted:

- 1) allocating two additional Deputy Sheriff positions (Fund 327, Supplemental Law Enforcement) with the understanding the positions are grant funded and will be eliminated when grant funding ends; and
- 2) approving the Budget Action increasing appropriations, anticipating federal revenue and releasing designated funds/Ayes: Unanimous.

Ed Johnson, Planning and Building Director;

Discussion and Possible Action Relating to the Five-Year Business Plan Prepared by Ed Hardy for the Support of the State Mining and Mineral Museum (Continued from 12/1/98)

BOARD ACTION: Discussion was held. Supervisor Pickard advised of discussions with the State Department of Conservation and stated the State will accept a \$102,000 commitment. (M)Parker, (S)Pickard, Res. 98-456 adopted approving letter to the State Department of Conservation with the recommended changes to reflect the conversation between Supervisor Pickard and State Department of Conservation Director Goldzband/Ayes: Unanimous.

12:18 p.m. Supervisor Parker was excused for the rest of the meeting.

Bob Pickard, District V Supervisor;

Discussion and Direction Relative to Handling Applications for Transient Rental Permits in Wawona with Direction to Staff to Contact Congressman Radanovich Regarding a Memorandum of Understanding (MOU) with the National Park Service Regarding the Wawona Specific Plan and Approval by Congress

BOARD ACTION: Discussion was held. Jeff Green, County Counsel, advised of the status of the MOU with the Park Service for concurrent jurisdiction, and requested authorization to continue to pursue this matter so that the Specific Plan could be fully implemented. He further advised that the Specific Plan clearly requires the County to issue permits for bed and breakfast and transient rental operations. The Park Service sent a letter to residents stating its intent to regulate these businesses and they are concerned about the process. He has discussed this issue with the Park Service and with Oly Olson/National Park Service – District Ranger, and they are willing to not pursue the permits if the County will provide assurance that it will handle the permits as required by the Specific Plan. He requested direction for staff to determine how many operations are in Wawona and which ones are grandfathered uses. Once this information is obtained, they can come back to get the permit process in place, which will probably include a recommendation for annual inspections for health and safety issues.

Input from the public was provided by the following:

Larry Williams, Chairman of the Wawona Town Planning Advisory Committee, stated he feels the County is equipped to handle the permit process.

Oly Olson commented on the number of business uses associated with the Redwoods and those operating independently, with only a small portion having applied for permits and he noted that some of the uses are non-conforming and would be grandfathered if they were in operation prior to adoption of the Specific Plan in 1987 – they are happy to let the County take the lead with the permits. He encouraged the County to look at a consistent re-inspection procedure. Jeff Green noted the Specific Plan does not contain language to require follow-up inspections and would need to be amended, and he would appreciate input from the Park Service on this matter.

Larry Williams stated he feels the Advisory Committee would like to monitor the development of the permit process.

Pierce Loberg feels it is good news that the Park Service will allow the County to handle the permit process, and he feels they would be opposed to codifying the Specific Plan at this time if it is in the process of being amended.

Discussion was held. Board concurred with proceeding to get the information for the permit process.

Jeffrey G. Green, County Counsel;

Resolution Approving New Class Specification and Salary Range for Classification of Airport Operations Supervisor

BOARD ACTION: Discussion was held and Jeff Green advised of a correction in the job description to clarify rental of parking space and to correct typographical error in the minimum qualifications. (M)Pickard, (S)Balmain, Res. 98-457 adopted, with the recommended changes/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Board Information and Announcements

- Supervisor Pickard thanked Supervisor Parker for the idea of having the Open House at the Government Center during the Christmas Festival on Saturday, and he stated the events had a good attendance.
- Supervisor Stewart stated he felt the violin music provided by Mrs. Small and her students really added a touch of class to the Open House.
- Supervisor Balmain commented on the Greeley Hill Community Club Christmas party and noted the youth did a great skit.

Larry Williams, Chairman of the Wawona Town Planning Advisory Committee, thanked the Board and staff for coming to Wawona for the meeting.

INFORMATION - No action was necessary on the following:

- A) Notice of Award of Sealed Bids, PWB 98-04, for Road Division Materials (Public Works)
- B) Change of Operating Hours for the Fish Camp Transfer Station

CONSENT AGENDA

- CA-1 Resolution Authorizing Transfer of \$2,000 from Account Tech I Salary to Extra Help (Tax Collector); Res. 98-451
- CA-2 Resolution Authorizing Chair to Sign the Certificate of Compliance and the Medi-Cal Agreement for Fiscal Year 1998-99 Veterans Services Programs (Community Services); Res. 98-452
- CA-3 Resolution Authorizing Chair to Sign an Order of the Board to Reject Claim No. C98-23 (County Counsel); Matter was continued to January 5, 1999
- CA-4 Resolution Authorizing Chair to Sign an Order of the Board to Reject Claim No. C98-25 in the Amount of \$1,005 (County Counsel); Res. 98-453

12:46 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board