



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA October 2, 2001



Time Description

9:13 a.m. Meeting Called to Order, with Supervisor Stewart excused.
Pledge of Allegiance
Introductions

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

- Guy Spurlin, speaking as a citizen and father in the community and as a Skate Park member, stated he and his children are encouraged by the recent actions of the Board to fund the skate park and to pursue the sports complex. He stated he feels the "field of dreams" should now be called the "field of reality." Supervisor Reilly noted that these projects still need a great deal of participation by citizens for the projects to come to fruition.

- Jeff Green, County Counsel, advised of a conversation he had with individual Board members relative to the redistricting issues. He stated that if there is no objection from the Board that staff will bring back the redistricting matter for action on October 9th, with a formal public hearing to be held on October 23rd.

Board Information

- Supervisor Parker advised of a letter received from the Morningstar Lane Road Maintenance Association acknowledging the excellent road work on Carlton Road by Public Works, with special mention to Kent Woolsey/Road Superintendent and crew for taking care of an encroachment issue. He gave the letter to Kent and thanked him for his hard work on the road maintenance issues.

- Supervisor Reilly advised that she plans to attend the Sierra Business Council conference at the end of the week, and then the CalTIA conference. She advised of a phone call she received from the Arts Council relative to the Obata exhibit – this is a prominent art exhibit scheduled to come to the County. She stated she will work with staff on the details of the exhibit.

- Supervisor Balmain also commended Kent Woolsey and his crew, with special mention to Keith Keenom, for work on Dogtown Road. He advised that he attended the National Resource Summit on Friday, and he met Dale Bosworth, the new Chief of the US Forest Service.

- Supervisor Pickard advised that he attended the Noxious Weed Alliance meeting and they reviewed proposals. He plans to attend the CalTIA conference on Sunday and Monday.

Susan Crain, Arts Council;

Presentation of a Proclamation to the Mariposa Arts Council Recognizing "California Arts Day"

BOARD ACTION: (M)Parker, (S)Reilly, Board proclaimed Arts Day, and presented the Proclamation to Susan Crain who was present on behalf of the Arts Council/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart. Susan invited everyone to an upcoming reception at the Art Gallery. Supervisor Reilly commended the Arts Council for the work its does in the community.

Approval of Minutes 9-11-01 Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

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

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

A) Authorize the Public Works Director to Exceed 10% Limit in Change Orders for the STIP Paving Project, PW 00-36

BOARD ACTION: Following discussion, (M)Parker, (S)Pickard, Res. 01-267 adopted/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

B) Authorize Public Works to Purchase One (1) New 9,000 lb. Two-Post Lift for \$6,000 and One (1) 72,000 lb. Four Column Mobile Lift for \$31,100 from the California State Contract CMAS #4-97-49-0002A from a Mohawk Resources LTD Dealer

BOARD ACTION: (M)Parker, (S)Pickard, Res. 01-268 adopted/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

C) Authorize the Public Works Director to Solicit Bids and Award to the Lowest Responsible Bidder, One (1) New Heavy Haul Tractor-Trailer Combination per Bid Specifications

BOARD ACTION: (M)Pickard, (S)Parker, to authorize solicitation and award of bid, was withdrawn by maker following discussion. Discussion was held relative to the proposed trailer and the purchase price being higher than the amount allocated in the budget. Dana Hertfelder advised that the sales tax was not included in the amount submitted during the final budget hearing. Joe Halencak, Interim Equipment Mechanic Supervisor, provided input on the price information he received for different types of trailers. Board concurred with having Supervisor Balmain work with Public Works on this matter, with the matter to come back for action.

D) Authorize the Public Works Director to Enter into a Contract with Roger Ernst and Associates to Provide Off-Site Auction Services to the County of Mariposa to Dispose of Surplus County Property for a Period of One Year with Two Additional Year Renewal Options

BOARD ACTION: Following discussion with Marty Allan, PWD-Fleet Fiscal Manager, (M)Reilly, (S)Parker, Res. 01-269 adopted/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

E) Adopt a Resolution Authorizing the Public Works Director to Execute an Agreement with Roger Stephens Engineering for Additional Engineering Design for the Mariposa Town Highway Pedestrian Facility in the Amount of \$26,300

BOARD ACTION: Following discussion, (M)Parker, (S)Pickard, Res. 01-270 adopted/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

F) Authorize the Public Works Director to Solicit Bids and Award to the Lowest Responsible Bidders the Following: (4) Mid-Size, 4WD, 4DR, SUV (PW 01-12); (1) Full-Size, 4WD, 4DR, SUV (PWB-01-13); (1) Super-Size, 4WD, 4DR, SUV (PWB 01-14); (2) Full-Size, 4DR, V-8, Patrol Sedans (PWB 01-15); (4) 1 ½ Ton Cab & Chassis with Utility Box (PWB 01-16); (1) Full-Size 4WD, V-8, SUV (PWB 01-17); (1) Mid-Size, 4DR, V-6, Sedan (PWB 01-18); (1) Mid-Size, 2WD, Manual Trans, V-6 Pickup (PWB 01-19); (1) Mid-Size, 2WD, Auto Trans, V-6, Pickup (PWB 01-20); (1) ½ Ton,

4WD, V-8, Xtra Cab Pickup (PWB 01-21); (4) 1 Ton Heavy Duty, 4WD, V-10, Super Cab Pickups (PWB 01-22)

BOARD ACTION: Discussion was held with Dana Hertfelder and Marty Allan. Howard Davies, Assistant Sheriff, responded to questions from the Board relative to the status of the take-home vehicle program, grant funding for vehicles for the Department, purchase versus leasing, and relative to the vehicle purchases being requested. Discussion was held relative to replacement costs, operation costs and rates being charged to the departments – direction was given during the final budget hearing for information to be brought back to the Board. Supervisor Balmain suggested that there be a review of how departments are using their vehicles and relative to replacement.

Input from the public was provided by the following:

Dick Kunstman expressed concern with the proposal to purchase Ford Explorers given the history of those vehicles – he feels they are a high-risk vehicle.

(M)Pickard, (S)Parker, Res. 01-271 adopted. Further discussion was held, and Supervisor Parker suggested that the Sheriff review the possibility of replacement costs for vehicles within the grant funding mechanism, where applicable. Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

Christine Johnson, District Attorney;

Approve the Establishment of a District Attorney's Child Advocacy and Resource Center for Utilization During Child Abuse, Sexual Assault and Domestic Violence Victim-Interviews and Resource Services; Authorize the Chairman to Execute the Center's Lease Agreement with Marc and Tracy Lingenfelter Supported through the District Attorney's Supplemental Law Enforcement Fund and Donations; Authorize the Auditor to Process Monthly Rental Payments in Accordance with Said Lease Agreement; and Authorize the Establishment of a Revenue Account for the Deposit of Donations in the District Attorney's Prosecution Budget; Approve Budget Action Recognizing Donation(s) and Increasing Appropriation Accordingly (4/5th's Vote Required)

BOARD ACTION: Following discussion with Janet Bibby, DA/Paralegal, (M)Pickard, (S)Parker, Res. 01-272 adopted as recommended by the County Administrative Officer, with authorization for the Auditor to establish an interest bearing Trust Fund to collect donations for the Center/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

Greg Iturria, County Administrative Officer and Jeff Green, County Counsel;
Adopt a Resolution Approving and Authorizing the Chairman to Sign a Long-Term Legal Services Agreement with Current Providers of the Indigent Legal Services in Mariposa County

BOARD ACTION: (M)Pickard, (S)Parker, Res. 01-273 Adopted/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

10:15 a.m. Recess

10:36 a.m. Chairman Balmain;

Board Discussion and Approval of Response to Draft Environmental Impact Reports for Merced County and University of California Merced

BOARD ACTION: Discussion was held. Jeff Green, County Counsel, advised that the Planning Director was unable to be present, and that a number of comments have been received to soften the tone of the letter. He asked for Board input relative to the substantive issues, and for any changes to be submitted as soon as possible so that the final letter could be delivered on Thursday (the deadline to respond). Further discussion was held relative to addressing LaPaloma Road, and potential impacts to the County. (M)Pickard, (S)Parker, Res. 01-274 adopted approving the letter to be submitted, with changes as discussed/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

10:43 a.m. CLOSED SESSION: Regarding Conference with County Labor Negotiator Relative to Service Employees International Union (County Administrative Officer); and CLOSED SESSION: Regarding Public Employee Performance Evaluation for County Administrative Officer (Supervisor Parker)

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

12:17 p.m. Lunch

2:01 p.m. Board reconvened in closed session.

2:50 p.m. Board reconvened in open session and Chairman Balmain announced that direction was given to staff as a result of the closed sessions.

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

CONSENT AGENDA

- CA-1 Proclamation Recognizing “National Women Veterans” (Leota Striplin, Women Veterans)
- CA-2 Proclamation Recognizing “Alzheimer’s “Memory” Walk Day” (Chairman Balmain)
- CA-3 Proclamation Recognizing The Mariposa Hotel and Bertken Cottage on Celebrating Their 100th Anniversary (Supervisor Parker)

2:51 p.m. Adjournment in memory of Keith E. Brown, Susan Rowan, Marigene Adelsbach, Dr. Robert John Evans, and Hatti DePauli.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA October 9, 2001



Time Description

9:08 a.m. Meeting Called to Order. Chairman Balmain advised that the County Administrative Officer is excused to attend the CalTIA Conference.

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda
- Yvonne Bennett asked if the public would be able to provide input on the redistricting issue scheduled for later this date, and Chairman Balmain advised that input would be accepted when the issue is discussed.

Board Information

- Supervisor Pickard advised that he attended the Mariposa County High School football game on Friday evening, and he commented on the patriotism that was shown and the commitment to stay united, and the appreciation for the men and women who risk their lives in emergency situations. He advised that he attended the CalTIA Conference and tourism workshop, and that he will attend the RCRC Conference this week.

- Supervisor Reilly advised that she attended the Sierra Business Council annual conference last weekend, and the focus was on economic development. She advised that she received, on behalf of the County, the 2001 Vision 20/20 award in recognition of the Government Center plaza project at the conference. She advised that she attended the CalTIA conference on tourism, and the last session was on promotion through the arts. She also advised that it was announced that the National Park Service is going to offer free admission to the Parks over Veterans Day weekend in honor of the veterans and those who are serving our country.

- Supervisor Parker advised that he plans to attend the Mountain Valley Emergency Medical Services Agency meeting in Tuolumne County on Wednesday.

Approval of Consent Agenda (See End of Minutes)

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

Gary Hickman, Farm Advisor;

Proclamation Recognizing October 7-13, 2001 as "National 4-H Week"

BOARD ACTION: (M)Parker, (S)Pickard, Proclamation was approved and presented to Gary Hickman, Donna Wice/4-H Coordinator, Marcus Hollan/4-H All Star/Ayes: Unanimous. Donna Wice thanked the Board for its support of the 4-H program and the "ag in the classroom" project, and she advised that she attended the California Center of 4-H Camp Conference and plans to get a camp going in Mariposa County. She introduced 4-H members and leaders who were present: Rachelle Broomfield/4-H member, Marcus Hollan/4-H All Star, Rob Broomfield/leader, Kathy Hollan/leader, Becky Crafts/leader, and Jim Allen/former woodworking leader. Rachelle Broomfield thanked everyone for their support of 4-H and advised of their new beautification

project. Marcus Hollan commented on the leadership conference he attended, and the experiences and skills he has gained from being involved in the 4-H program.

Ken Hawkins, Auditor;

Approve Year-End Budget Adjustments and Contingency Transfers Effective June 30, 2001

BOARD ACTION: Discussion was held. (M)Pickard, (S)Reilly, Res. 01-278 adopted. Supervisor Reilly advised that she has questions relative to policy issues that are included in this matter, and she requested that further discussion be held with the Auditor and the County Administrative Officer at a future date. She agreed with approving the budget adjustments at this time. Ayes: Unanimous.

Pelk Richards, Sheriff;

Presentation on the Cellular Assistance for Rural Emergencies Program (CARE)

BOARD ACTION: Pelk Richards advised that the following individuals were present and participating in the program: Dennis Baker/CYA Superintendent, Dave Paris/Lieutenant of the California Highway Patrol, and Mary Williams/Community Services Director. Dennis Baker commented on the program and advised that they are accepting old cell phones to distribute to seniors for use in emergencies. Mary Williams commented on the benefit the program has already been to the seniors, and of her contact with the Area 12 Agency on Aging, and hope to see the program go nationwide. She introduced the following seniors that are carrying the phones: Bernie and Theresa Herman, Chuck Darcy, and Della Rose.

Jacque Meriam, County Librarian;

Authorize the Change of Hours of Operation for the Mariposa County Library, Main Library

BOARD ACTION: Chairman Balmain advised that the Librarian would be unable to be present until later this morning, and that the matter could be continued if the Board has any questions. The Board concurred with proceeding to take action at this time. (M)Parker, (S)Stewart, Res. 01-279 adopted approving the request. Supervisor Reilly requested that the Library keep the Visitor Center informed of changes in the hours. Ayes: Unanimous.

Marjorie Wass, Assistant Treasurer, appeared on behalf of Don Z. Phillips, Treasurer; Approve the Purchase of Sympro Software and License Agreement and Approve Budget Transfer of \$4,740 (4/5th's Vote Required) (Continued from 9-25-01)

BOARD ACTION: Following discussion, (M)Pickard, (S)Parker, Res. 01-280 adopted/Ayes: Unanimous.

Discuss and Provide Direction to Staff Concerning the Requests from the California State Association of Counties (CSAC) Relative to Scheduling of the Board Meeting on November 27, 2001 (Clerk of the Board)

BOARD ACTION: Discussion was held. No action was taken. Staff was requested to bring back an item to consider canceling the meeting on November 20th due to the Thanksgiving holiday.

9:50 a.m. Recess

10:08 a.m. Greg Iturria, County Administrative Officer, and Jeff Green, County Counsel;

Discussion and Direction to Staff Regarding Proposed Boundary Changes for Supervisorial Districts

BOARD ACTION: Input from the public was provided by the following:

Yvonne Bennett commented on her efforts to obtain census information. She stated she does not feel that the Board should have anything to do with the redistricting at this time, that someone else could do a better job. She advised that Planning kept telling her that the census information was not available.

Ruth Sellers stated she feels that she got the run-around from the County and she got upset. She advised that she took a neighbor with her to the Elections Department and they were told to come to the Board office for census information. The Board office told them to go to Planning, and Planning sent them to the County Administrative Officer. She went home and called Bart Brown and asked how to get information. They made an appointment with the County Administrative Officer at the end of August, and then they received a call that the County Administrative Officer had no reason to meet with them. She noted that Bart went through the same procedure trying to obtain information. She feels that the proposal is questionable as to its legality given the timeliness of the action, and she feels it is time to hold the Board accountable for redistricting within the timeframes. She feels that no proposals were provided to the public and the agenda item was calendared at the end of the timeline. She stated she sees no alternative, but to form a commission with the District Attorney. She stated that this is not a personal issue with anyone; but she feels that when the public tries and expects a response, they should be provided with information. She stated she tries to show respect and she feels they deserve the same, but does not feel that she has received any respect from the County.

Bart Brown stated he agrees with everything that has been said relative to trying to obtain information. He stated he has not been able to get information on how the numbers were reached. Eventually, Planning told him they would not talk to them about this issue, and that they needed to meet with County Counsel. They met with County Counsel, and he did not have the information they wanted. Later they found out about a map on Supervisor Balmain's office wall. They received information from elsewhere, and he feels there has been a major lack of activity on the part of the County in this matter. He advised that he hasn't received an answer to his questions presented at the September 18th meeting, and that County Counsel wrote a response to others within a week. He stated he still wants the answers. He stated he has some information from Merced County and that their information was provided to the public in May. He commented on their redistricting process and asked why this type of process was not followed here, and he commented on the consequences with the upcoming election. He referred to County Counsel's memorandum relative to the commission and he stated he feels that this further confuses the issue. He stated he feels the commission should conduct its process as required. He opposes appointing two Supervisors to the ad hoc committee. He urged the Board to support the law and carry out its duties.

Supervisor Balmain noted that he did not receive any requests for information, and he responded to the input that was provided, advising that he feels the Board followed the proper procedures. Supervisor Reilly asked for clarification of the effective date of the new boundaries, and County Counsel responded that the statute calls for adoption prior to November 1st, and that there is a window period issue with adoption of an ordinance after that time. Supervisor Stewart advised that he is taking a copy of the map with census information to each of his district meetings to share the information. Supervisor Reilly stated she feels that mistakes have been made and they were not done for a deceitful purpose. She feels the issue now is how to best go about dealing with the situation, to involve the public, and to move forward with a goal of having supervisorial districts that have the best representation for each of the districts.

Jery Lacayo stated many people rely on the Board for representation, and when she received a call saying the Board was not redistricting, she felt that since the Board "shall" redistrict, that the Board was going through that process. She stated that the public expects the Board to follow the law. She advised that she was a census

supervisor for half of the County this past year, and that people do care. She also noted that both the Chair of the Republican and Democratic committees are present today.

Mary Lou Tiner, resident of Mykleoaks, commented on her request to be redistricted. She stated she agrees with the Board appointing the District Attorney to get a commission established to take care of the redistricting.

Dick Kunstman stated he does not feel that it is a question of the public having to come to the Board to remind them that they shall do something. He stated he feels that some Board members knew this situation earlier and probably said something and it did not get done. He feels it is the Board's obligation to find out the requirements of the law and to comply. He feels that now there is a problem with some voters having their options foreclosed for the upcoming election. He stated he feels that the Board has done a disfavor to the County by not getting this done in a timely fashion.

Jeff Green, County Counsel, advised of options for Board action: 1) do nothing and the commission would act under the statute; 2) approve recommendation of staff to involve the public to the extent possible; and have an ad hoc committee meet and bring back maps with options for changing the boundaries for the Board's consideration, and public hearing on October 23rd. In regard to the letter from Bart Brown, he advised that he was asked to respond and he does not have personal knowledge of some of the questions that were asked – he is working on obtaining answers and will respond. He further advised that, from a staff perspective, he feels this was not pursued diligently and he apologized because he feels the Board is getting public criticism for reasons staff could have prevented. He advised that the Planning Director is present with a copy of the map reflecting the existing boundaries for the public to review.

Dick Kunstman clarified that it is the Assessor versus the Auditor that is a member of the commission.

Discussion was held relative to the statutes and the process. Supervisor Parker noted that the process and action taken by the Board was a public process with a formal public hearing, although no changes were made.

10:47 a.m. Recess

11:10 a.m. Continued discussion was held. Eric Toll, Planning Director, responded to input relative to the problems in obtaining information – he advised that the original census data provided in March contained just total counts and was not useful. In June, they received a CD-ROM from Merced County Association of Governments with population data and it was not usable; however, they did print the information. They later obtained an ArcView software and then an extension called Redistricting at the end of June. It took himself and the County Administrative Officer several weeks to understand how to use the software. On July 18th, they were able to make a map and that information has been available. He stated he felt that this was a County Administration project. If people asked Planning for census data, they only had total population counts. Reapportionment issues for roads are referred to the Public Works Department. He stated he did not withhold information from the public; and he made the data available on CD-ROM, but they could not use it because they did not have the right software.

Further discussion was held relative to the process. Supervisor Pickard stated he would like to see the boundary reviewed for the Jerseydale/Mariposa Pines area.

Marjorie Wass, Assistant County Clerk, advised that for election purposes, the office will have to stay with the present supervisorial district boundaries throughout the 2002 elections.

Dick Kunstman stated he does not see how the Board will be able to accomplish the requirements of the statutes within the timeframe that has been discussed, including holding a public hearing on a proposal before the public hearing to adopt a proposal. He suggested the second public hearing be held on October 30th. Jeff Green responded that

the statutes require two public hearings; however, not two separate dates. He stated he believes that both public hearings could be held on October 23rd. Dick responded that he does not feel that gives the public time to review the information from the first hearing and provide input at the second hearing.

Mary Lou Tiner clarified that the Board does not participate in the commission's process.

Bart Brown stated he feels that since the impacts cannot be ameliorated for the people who will lose their opportunities as a result of the timeframes, that there is no solution. He stated he feels the commission should take over and allow the public an opportunity to provide input on the options.

Further discussion was held. Jeff Green advised that the Board could go through the recommended public process and have that be the recommendation to the commission.

Dick Kunstman referred to the statute that allows the County to conduct a census and redistrict at any time. He stated he feels the County could accept the 2000 census as its own and adjust the boundaries in the future.

(M)Pickard, (S)Reilly, Board concurred with moving through the recommended process and getting public input and with looking at all options; and with providing a recommendation to the commission. Supervisor Pickard suggested that the three commission officers be invited to be involved in this process and that the Board appoint a member of the public and two Board members. Further discussion was held relative to this process. Supervisors Pickard and Parker offered to serve. Supervisor Parker clarified with the Assistant County Clerk that there would be no change for this coming election; and he stated he feels this is the best effort to try to correct an error. Further discussion was continued for the Board to discuss the rest of the meeting schedule.

Discussion was held relative to the balance of the Board's agenda. Board concurred with addressing the rest of the items in the afternoon and excused Public Works staff.

Supervisor Reilly commented on providing every possible opportunity for the public to participate in the process. It was noted that the commission has until December 31st to take action. Motion was amended, agreeable with maker and second, to include Dick Kunstman as a representative of the public – Dick Kunstman stated he would be willing to serve. Ayes: Unanimous. Chairman Balmain stated he would like to have information on the staff time and costs involved in this process. Eric Toll advised that he will track this information.

Further discussion was held relative to the Board's schedule and handling the remaining items on the agenda. The Board concurred with proceeding with the following items.

Jim Petropulos, Public Works Director;

A) Information Regarding Alternatives and Recommendation from Staff Regarding the Hall of Records Re-Roofing Project; and

B) Approve Appropriation for the Repair, Cleaning and Upgrade of the Hall of Records Air Ducts and Waive Competitive Bidding Requirements: Approve Budget Action Increasing Facilities Building Maintenance Line in the Amount of 9,310 from General Fund Contingency (4/5th's Vote Required)

BOARD ACTION: (M)Pickard, (S)Stewart, Board approved staff's recommendation (alternative #1) to remove the existing roof tiles on the Hall of Records and replace them with roof tiles similar in appearance to those used for the new Library; and Res. 01-281 adopted approving staff's recommendation (option #2) to remove and replace the air duct system in the Hall of Records and approving budget action/Ayes: Unanimous.

12:03 p.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;

Approve Transportation Enhancement Activities (TEA) Application
COMMISSION ACTION: Following discussion, (M)Parker, (S)Balmain, LTC Res. 01-15 adopted/Ayes: Unanimous. It was clarified that the project is to be known as the “Arts Park.”

12:05 p.m. Discuss the Trolley Car Project (Supervisor Stewart)

BOARD ACTION: Matter was continued to be rescheduled.

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

BOARD ACTION: Jeff Green, County Counsel, advised that the closed session is not necessary.

Jeff Green., County Counsel, clarified that Supervisors Pickard and Parker are serving on the committee relative to proposed boundary changes, as discussed earlier this date.

CONSENT AGENDA

- CA-1 Proclaim the Month of October as “Domestic Violence Awareness Month” (Supervisor Parker)
- CA-2 Declare the List of Vehicles and Equipment as Surplus; Authorize the Public Works Department to Dispose of, Through the Off-Site Auction Process and Authorize the Chairman to Sign Off on the Vehicle Titles (Public Works); Res. 01-275
- CA-3 Authorize Public Works to Solicit Bids and Award to the Lowest Responsible Bidder One (1) Commercial Riding Lawnmower and Trailer as Approved in the Budget for Facilities Maintenance (Public Works); Res. 01-276
- CA-4 Authorize the Chairman to Sign the 2001/2002 Pierce’s Disease Control/Glassy-Winged Sharpshooter Program Contract No. 01-0301 and Designate the Mariposa County Agricultural Commissioner as the Project Manager for the County GWSS Program (Agriculture Commissioner); Res. 01-277

12:06 p.m. Adjournment in memory of Thelma McLain, Leroy Steele and Marjelle Brizzolara.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA October 16, 2001



Time Description

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

Chairman Balmain advised that staff would like to hold the closed session at 1:30 p.m.

Greg Iturria, County Administrative Officer;
Approve Request for Use of Fish and Game Fine Monies for an Educational Display at the Gateway Mountain Center (\$1000)

BOARD ACTION: Chairman Balmain advised that this matter was pulled for review and the issue of processing these types of requests will be scheduled at a later date.

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

- Candy O'Donel-Browne thanked the Board for the recent advertising/promotion campaign of the County. She advised that this is her last day as Economic Development Corporation Executive Director, and she suggested that the Board may want to give consideration to having the Director of Tourism serve as coordinator for the EDC group.
- Blaine Shultz, Fire Chief, advised that he has been working with the Sheriff and other department heads on terrorism issues and mail handling plans. Chairman Balmain commended the Chief for his efforts. Chief Shultz thanked the Sheriff for his work on this matter. Chief Shultz advised of a fire on Monday, north of Susanville that was started as an objection to changes in the wild horse program – Monday was National Wild Horse Day.
- Chairman Balmain commented on the flags that have been stolen in the County, and he advised that Congressman Radanovich sent a replacement flag for the Government Center that was flown over the Capitol.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Consent Agenda item No. 2 – (M)Pickard, (S)Parker, Res. 01-282 was adopted proclaiming the week of October 22 – 31, 2001, as Red Ribbon Week/Ayes: Unanimous. The Proclamation was presented to Sheriff Pelk Richards and members of the Red Ribbon Committee. Following discussion, (M)Stewart, (S)Reilly, item 1 was approved/Ayes: Unanimous.

Jacque Meriam, County Librarian;

B) Accept the San Joaquin Valley Library System YA Grant Money for the Mariposa County Library Young Adult Materials (\$600) (4/5th's Vote Required)

BOARD ACTION: Following discussion, (M)Reilly, (S)Parker, Res. 01-284 adopted/Ayes: Unanimous.

Discuss and Give Direction to Staff Regarding County Payment of Increased Health Insurance Costs for Employees Effective January 1, 2002 (County Administrative Officer)

BOARD ACTION: Discussion was held. Input from the public was provided by the following:

Debra Rockwood, SEIU Field Representative, thanked the Board for this proposal on behalf of the Union and its members, and stated they support this proposal.

(M)Pickard, (S)Parker, Res. 01-285 adopted covering the increased cost of medical insurance, as recommended/Ayes: Unanimous. Supervisor Stewart stated he would like to encourage the Auditor in his efforts to pursue a major health insurance carrier in the Valley to help solve the problem of health care for the County. Greg Iturria stated he will convey this request to the Auditor.

Jacque Meriam, County Librarian;

A) Accept Million Penny Donation to the Library (\$13,756) (4/5th's Vote Required)
BOARD ACTION: Jacque Meriam and Susan Robinson, Mariposa Elementary School Principal, were present, along with the following students: Joey Radanovich, McKenna Johnson, Danny Cade, and Laurel Allen. Jacque advised of the donation of \$13,756 that was collected with the Million Penny project, including interest earned on the deposits. Susan Robinson noted that Don Sawtelle and Tom Dowlan with Yosemite Bank were very supportive and involved in the success of the project. Joey Radanovich noted that every time they collected pennies, they had to take the wagon to carry them to the bank. Danny Cade recollected walking the pennies to the bank. McKenna Johnson commented on the Pajama Parade that was held to solicit the donation of pennies. Laurel Allen advised they sorted the pennies for deposit. Susan Robinson commented on the parade and thanked everyone involved for their donations; and she noted the intent of the donation to purchase books for students. (M)Parker, (S)Reilly, Res. 01-285(a) adopted accepting the donation/Ayes: Unanimous. Supervisor Reilly thanked the youth and those that worked on this project for taking time to be involved in local government.

Allocate a Legal Secretary for Child Welfare/Child Protection that was Inadvertently Deleted from the 2001/02 Fiscal Year Budget; (2) Appropriate \$14,476 to Fund the Position; and (3) Authorize the Human Services Director to Fill the Position (Human Services) (4/5th's Vote Required)

BOARD ACTION: Cheryle Rutherford-Kelly, Human Services Director, provided input. (M)Pickard, (S)Stewart, Res. 01-286 adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Abstained: Parker.

Approval of Minutes 9-12-01, 9-13-01, 9-17-01, and 9-18-01 Regular Meetings

BOARD ACTION: Supervisor Balmain pulled the minutes for 9-18-01 to be rescheduled. The rest of the minutes were approved.

Board Information

- Supervisor Balmain advised that a basket was received in the raffle at the RCRC Conference in partner with Siskiyou County. He advised that he and Supervisor Pickard will attend a Community Action Agency meeting in Coulterville on Thursday, and they will discuss a lawsuit El Dorado County filed against the State relative to the appropriation of funds, and will bring information back to the Board.

- Supervisor Pickard commented on the recent conferences hosted by Tenaya Lodge: RCRC, CalTIA, Bio-Diversity Council, and Resource Conservation Development Area.

Select the California State Association of Counties (CSAC) Director and Alternate for 2002 (Chairman Balmain)

BOARD ACTION: (M)Parker, (S)Pickard, Supervisor Stewart was selection to remain as the Director, with the other four Board members to serve as Alternates/Ayes: Unanimous.

Discuss and Consider a Resolution Supporting the Efforts of the California State Association of Counties' (CSAC), the League of California Cities' and the California

Special Districts Association's Jointly Sponsored Constitutional Amendment to Protect Local Revenues (County Administrative Officer)

BOARD ACTION: Discussion was held with Greg Iturria, County Administrative Officer, and he advised of typographical error(s) to be corrected in the resolution. (M)Pickard, (S)Reilly, Res. 01-287 adopted/Ayes: Unanimous.

Jim Petropulos, Public Works Director;

A) Accept a Donation from Yosemite Bank in the Amount of \$2,100 for a Mobile Sound System/PA to be Used in the Mobile Recreation Program; Authorize the Public Works Director to Purchase the Unit for Parks and Recreation (4/5th's Vote Required)

BOARD ACTION: (M)Parker, (S)Stewart, Res. 01-288 adopted/Ayes: Unanimous. Board members acknowledged the presence of Lorelei Begley representing Yosemite Bank, and thanked the Bank for its donation of the PA system and for its support of the Million Penny project for the Library.

B) Approve a Personal Services Agreement with Mr. Fred Solomon for the Pre-Construction and Construction Phases of the History Center Archival Vault for the Amount of \$10,000; and Authorize the Chairman to Sign the Personal Service Agreement

BOARD ACTION: (M)Parker, (S)Pickard, Res. 01-289 adopted/Ayes: Unanimous.

10:10 a.m. Recess

10:31 a.m. Authorize the Public Works Director to Enter into a Personal Service Agreement with Fred Solomon for the Proposed Development of the Human Services Facility; and Authorize the Chairman to Sign the Personal Service Agreement (\$9,500) (Public Works); and

Authorize the Public Works Director to Enter into a Personal Service Agreement with Fred Solomon for the Proposed Development of the Mariposa County Sports Complex; and Authorize the Chairman to Sign the Personal Service Agreement (\$15,000) (Public Works)

BOARD ACTION: (M)Parker, (S)Pickard, Res. 01-290 adopted/agreement for Human Services facility; and Res. 01-291 adopted/agreement for sports complex, as recommended. Following discussion, motion was amended, agreeable with maker and second, to title the sports complex project as the "recreational/sports complex." Supervisor Reilly requested that the County Administrative Officer assist Public Works with developing a project schedule for projects. Discussion was held relative to the scope of duties for the recreational/sports complex. Motion was further amended, agreeable with maker and second, to include the Parks and Recreation Commission, the general public, the consultant, and other committees to work on issues relative to developing the recreational/sports complex. Ayes: Unanimous.

Supervisor Stewart thanked Public Works and the road crews for brush clearing on Sullivan and Silver Bar Roads. He noted that the Department has an ambitious road program and capital improvement project list. Supervisor Parker thanked Fred Solomon for his assistance with the projects.

10:42 a.m. Greg Iturria, County Administrative Officer and Jeff Green, County Counsel;

Discuss and Give Direction to Staff Regarding Proposed Boundary Changes for Supervisorial Districts (Continued from 10-9-01)

BOARD ACTION: Greg Iturria commented on the ad hoc committee meeting, and he advised that four options for redistricting will be presented to facilitate discussion. He suggested that the maps containing the options be reviewed and that public comment be

solicited. Supervisor Reilly requested that the description of the option include the thought process that went into choosing each scenario.

Eric Toll, Planning Director, reviewed the four options, with the Board and the public gathered around the maps. Eric advised that there are two maps for reference purposes that show the population numbers in most of the census blocks. He noted that the population numbers on the maps are plus or minus the actuals because some of the supervisorial district lines cross census block lines. The following options were reviewed:

- 1) map with the existing boundaries;
- 2) Option No. 1 map – uses Highway 49 and 140 to divide Districts III and IV. It divides the East side of Whitlock Road from Mount Bullion to Highway 49 from District II to IV; places Yosemite Oaks subdivision from District IV to I; places Jerseydale and Mariposa Pines from District I to V; places the area joined by Triangle, Tip Top and Highway 49 from District V to IV; and places all of Midpines area residents in District 1, including those previously in District II;
- 3) Option No. 2 map – generally the same as the Option No. 1 map, with Highways 49/140 split and East of Whitlock, except this area goes from District III to District V and from District II to District V. District IV is altered to be South of Highway 49, South of Darrah, South of Triangle Road, East of Darrah and divides Ponderosa Basin and Lushmeadows areas with District IV. District IV basically goes from the town of Mariposa to Jerseydale, Mariposa Pines to Ponderosa Basin and includes Fish Camp and Wawona; and
- 4) Option No. 3 map – would place Yosemite West, Fish Camp, Wawona, and El Portal in District I.

Discussion was held and input from the public was received.

Yvonne Bennett stated the people in District II want their old (previous to 1990) boundaries back, so that the district stops at the River.

Eric Toll advised of telephone calls he received relative to splitting Yosemite Valley, and relative to Yosemite West area.

Yvonne Bennett commented on future growth in the Lake Don Pedro area.

Dick Kunstman stated the ad hoc committee agreed that the primary purpose is to diminish disparity, and the secondary purpose is to maximize the convenience of people in getting to the voting areas. He stated the committee did not recommend a preferred option, as it was felt that the Board should do that to forward a recommendation to the Redistricting Commission.

Supervisor Balmain asked which option comes the closest to making all districts equal in population. He was advised that was option No. 3. He asked about the geographic convenience for the public, and he was advised that was option No. 1, with a four percent spread. Eric Toll stated he feels there are problems with the census information provided for the Yosemite area.

Jan Davidson asked about the availability of the maps, especially in a smaller version. Eric Toll advised that the large maps are available at County cost of \$45.00 each, and that smaller versions are not available.

Dick Kunstman commented on the census inaccuracy that they feel exists in the Yosemite area.

Susan Crain asked if it has been determined that there must be a change in the boundaries. Jeff Green, County Counsel, advised of the statute in California that says if the boundaries are not adjusted, it is up to the Redistricting Commission. Susan asked about the interpretations of “spread.” Jeff Green advised that his interpretation of “spread” is the difference from each side of the mean, and not the total of the two differences.

Dick Kunstman cited examples in the guidelines from the State Election Board relative to determining percentages of spread.

Supervisor Reilly commented on the requirement to change boundaries and her review of the statutory language and the process held in other counties. She stated some counties have been able to keep their existing boundaries, and she asked if that was a process issue. Jeff Green commented on the statutes and alternative process for the Commission to adjust the boundaries.

Dick Kunstman noted that the statutes state a county “shall” redistrict, and he feels that an optional action by the Board could be to redistrict to the same boundaries. He also stated that for the counties that kept the same boundaries, the population spread was maintained at less than ten percent.

Candy O’Donel-Browne asked about the cost of this process. Greg Iturria advised that costs would consist of staff time and materials. Chairman Balmain referred to his previous request for staff to keep track of costs.

Susan Crain asked whether the community wanted changes. Supervisor Balmain stated he felt the Board took the action the public wanted. Supervisor Reilly commented on input received from her district, mostly relative to the Midpines area and the community being split – this creates confusion for the citizens especially when a community is split.

The Board returned to the dais. The following public input was provided.

Yvonne Bennett advised of people who are planning to be present for the public hearing on October 23rd.

Dick Kunstman commented on his input at the ad hoc committee meeting that was held on Monday – if there is input relative to disparity in the preferred alternative, District II should be the lower value because of the expectation that it will grow as a result of UC Merced. He noted that Eric Toll pointed out at the meeting that it could be District III that gains the population because of LaPaloma Road; and that redistricting is based on the snapshot of the population on April 1st of the decennial year. There is also the realization that perhaps the population number identified in Yosemite on April 1st is very different from that at another time of the year. Now he does not feel that a decision could be made based on possible future growth.

Susan Crain stated she feels that if we are within the allowed ten percent spread, then she does not support changing the boundaries as it will be costly. She also noted that the County is in the middle of a General Plan Update and other projects and the redistricting would take staff time away from those projects. She stated she supports keeping the existing supervisorial boundaries.

Discussion was held relative to the input provided and the options presented. Supervisor Reilly stated she feels a response needs to be provided to the citizens asking about this process and how to provide input. Supervisor Parker stated he feels the public hearing process on October 23rd should be used to gather input and to forward a recommendation to the Redistricting Commission. Supervisor Stewart stated he does not feel the Ben Hur community should be split. Supervisor Reilly stated she feels option No. 3 should not be considered because it would place communities that have high issues and require a lot of time in one district. Supervisors Parker and Pickard agreed and suggested that this option be removed from consideration. Supervisor Reilly noted that using roads to define boundaries divides areas, and she asked if there are options for further refining the maps to address Supervisor Stewart’s concern relative to Ben Hur Road. Eric Toll advised that parcel lines as boundaries would be too irregular due to the various parcel sizes. Supervisor Balmain asked about doing maps that reflect the actual proposed boundaries for the options versus using the census tract lines; and he requested that the Planning Director attend his District II meeting on November 7th to discuss the maps. Supervisor Stewart stated he is okay with moving the boundary to Highway 140 in the downtown area. Supervisor Reilly commented that cost is not a consideration of redistricting in the statutes; however, she requested that the County not spend a lot of money trying to determine the cost of this process. The Board concurred with removing the option No. 3 map from consideration; with reviewing the following

options during the public hearing on October 23rd: existing boundaries, option No. 1 map and option No. 2 map. Dick Kunstman was thanked for his work with the ad hoc committee; and Supervisor Parker stated he feels that there is no further need for the ad hoc committee to meet.

Discuss and Give Direction to Staff Relative to a Written Counter-Counter Offer that has Been Received from the Sellers of the Milburn Property (County Counsel)

BOARD ACTION: Discussion was held with Jeff Green, County Counsel. Board concurred with submitting a counter offer to accept the counter-counter offer for a cash purchase price of \$200,000, and with all other terms to remain the same, but no commitment on the naming of the park at this time.

12:06 p.m. CLOSED SESSION: Regarding Public Employee Performance Evaluation for County Administrative Officer (Supervisor Parker) (Continued from October 2, 2001); and

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

BOARD ACTION: (M)Parker, (S)Pickard, closed sessions to be held following lunch, and with Rick Bolanos, labor negotiator, to be present for a portion of the session/Ayes: Unanimous.

12:07 p.m. Lunch

1:00 p.m. Board convened in closed session.

3:45 p.m. Clerk of the Board announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA

CA-1 Approve and Authorize the Chairman, Clerk of the Board and County Counsel to Sign the Contract between the County of Mariposa and the Superior Court for Court Security Services (Sheriff); Res. 01-283

CA-2 Proclaim the Week of October 22 through October 31, 2001 as Red Ribbon Week (Human Services); Res. 01-282

3:46 p.m. Adjournment in memory of Patrick Carry.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA October 23, 2001



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

Introductions – Supervisor Balmain acknowledged the presence of his wife, Theran.

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

- Dr. Mosher, County Health Officer, introduced Glyn Scharf, the new medical services liaison for the County. Dr. Mosher provided an update on three episodes relative to Anthrax concerns in the County that occurred the previous week: 1) a letter that was mangled; 2) powder found in a letter; and 3) powder found in a hotel room. He advised that there is a web page under the County's site to help keep citizens informed. He further advised that there have been no creditable cases of Anthrax in California.
- Jacque Meriam, Librarian, advised of an off-agenda request to accept donations of canned goods for Manna House as payment for overdue fines for the Thanksgiving holiday during the week of November 5th. (M)Stewart, (S)Reilly, Board waived rules requiring 72 hours agenda noticing to consider this request finding it is a matter of timeliness and was not known about at the time the agenda was prepared/Ayes: Unanimous. Following discussion, (M)Pickard, (S)Reilly, Res. 01-292 adopted approving request/Ayes: Unanimous.
- Supervisor Stewart advised of an off-agenda request to approve a Certificate of Recognition and Congratulations to Bud and Clare Swift for their sixty years of marriage on October 22, 2001. (M)Parker, (S)Reilly, Board waived rules requiring 72 hours agenda noticing to consider this request finding it is a matter of timeliness and the matter was not known about at the time the agenda was prepared, and due to Bud's ill health/Ayes: Unanimous. (M)Parker, (S)Reilly, Certificate of Congratulations was approved for Supervisor Stewart to present/Ayes: Unanimous.

Board Information

- Supervisor Pickard advised that he will attend the California Invasive Weed Action Coalition meeting on Friday.
- Supervisor Reilly advised that she attended a meeting on Thursday that was convened by Planning Commissioner Crain to follow up on information provided at the CalTIA Conference.
- Supervisor Balmain advised that he and Theran are willing to attend the UC Merced/University annual fundraiser dinner.

Approval of Minutes 9-18-01 (Approval Continued from 10-16-01) and 9-25-01 Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

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

Greg Iturria, County Administrative Officer;
Discussion and Direction on Issues to Include in the 2002 Mariposa County
Legislative/Regulatory Platform

BOARD ACTION: Greg Iturria advised of three issues that were suggested by departments: 1) Planning suggested pursuing some cost reimbursement for the General Plan Update process due to the development of UC Merced campus; 2) Auditor suggested a rails-to-trails or some similar funding for converting the Merced River rail trail to a hiking trail; and 3) Public Works suggested pursuing an increased amount in funding for road projects as was provided by AB2928 last year.

Dale Wagerman, County's legislative advocate, reviewed the legislative history for the State thus far this fiscal year. He reviewed the status of legislation affecting the County, and the problem with the deficit in the State budget this year and the impact that may have.

Discussion was held relative to the status of the issues in the platform for the previous year and updating them and adjusting the priorities. Supervisor Parker stated his number one priority is the solid waste compost project, and funding for roads is very important, and he commented on the use of Park Bond funds for the recreational/sports complex. Supervisor Reilly noted that the Merced River Trail project has been in some degree of planning for a number of years, and that the Merced River Watershed Management Coordinator is looking at the issues, along with others that have been discussing the rails-to-trails issues. She requested that the platform not lose site of locally determined priorities. Supervisor Stewart commented on the need to find a steady funding source for YARTS. Further discussion was continued for the following hearing to be opened.

10:00 a.m. Public hearing to discuss proposed boundary changes for supervisorial districts was opened and continued to after the following matter.

Further discussion was held relative to the County's legislative/regulatory platform. Supervisor Pickard stated he would be willing to work with Dale Wagerman to bring back a draft platform for review in November. Dale stated he would like to have a final document in early December.

Supervisor Balmain advised of a meeting he had with Donna Ross, School Board member, and a former School Board member from Delhi, Jim Bledsoe. He advised that they toured their sports complex. He suggested that the Board meet with the School Board relative to the recreation/sports complex and the General Plan Update. Further discussion was held later this date.

10:06 a.m. Recess

10:26 a.m. Greg Iturria, County Administrative Officer and Jeff Green, County Counsel;

PUBLIC HEARING: Discuss Proposed Boundary Changes for Supervisorial Districts

BOARD ACTION: Chairman Balmain advised that the Board has been working on this matter for some time with the County Administrative Officer and the Planning Director. He noted that the census triggers redistricting, and the census taken in the County was done with a high technology data process and it was not simple to read. He further noted that the census was taken within blocks and those lines straddle supervisorial district lines. He advised that the Board's determination was that the count was close enough to not change the boundaries. That decision was challenged and rather than fight it, the Board decided to take public input and provide a recommendation to the Redistricting Commission, which is comprised of the District Attorney, Treasurer/County Clerk and the Assessor. He advised that the hearing today will consist of a staff presentation and then the hearing will be opened for public comment. He

asked that the citizens speak to the issue as to whether boundaries should be changed, where and why. He thanked the citizens for being present.

Greg Iturria presented the staff report, providing more detail. He advised that two weeks earlier the Board established an ad hoc committee to develop a number of options to help facilitate discussion. The committee was comprised of Dick Kunstman, representing the public, and Supervisors Parker and Pickard. He briefly reviewed the options that were presented and discussed on October 16th, and he noted that public input was also taken at that time. After today's hearing, it is intended that the Board will make a recommendation to the Redistricting Commission, and the Commission has until the end of December to set the boundaries. He responded to a question from the Board as to the effective date of the boundaries; and advised that they would not affect the coming election, but would be in effect thereafter.

Eric Toll, Planning Director, reviewed in detail the options that were developed by the ad hoc committee, with everyone gathered around the maps.

Staff responded to questions from the Board relative to the population counts for each of the options.

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

Carol Davis, Midpines resident, advised that for ten years she has listened to people complain about the way the lines were drawn in the last census, splitting the Midpines area. She noted that Midpines is a community and should be kept together.

Candy O-Donel-Browne, speaking as an individual, stated it seems like a good idea to keep neighborhoods together, but that is not the way our population settles. She also commented on the cost issue for changing boundaries. She stated it does not seem like everyone's idea can be satisfied. She referred to questions she presented earlier to the Planning Director relative to trying to keep road areas together, and she was advised that it would be difficult to use property lines for boundaries.

Yvonne Bennett stated the people have a problem with the lack of information and not the lines. She feels that is why this issue is going to the Commission. She noted that this will not affect her.

Eric Toll stated information was not withheld when requests were made. He advised that pursuant to the Public Records Act, he offered to produce the information at County costs and those offers were declined due to the costs.

Gail Brundage, Coulterville resident, noted that her community has nine less people at this time than when the census was taken – five people passed away and four people moved, and they are now minus one from the mean for the district. She referred to rumors that a coalition is bent on changing District II and moving the boundaries into Yosemite. She asked about the connection MERG has with this matter, what will they stand to gain, how many people want change, and whether there is a list of which districts the members reside in. She stated she feels that this issue affects few people and costs so much. She suggested that those that are not satisfied could move to another district. She noted that several people are present today in support of keeping the existing boundaries. She supports the Board.

Jery Lacayo stated she is not part of any organized group having to do with this matter and she does not care where the lines go – just that it makes sense to the County. She commented that we are at war now in defense of the Constitution of the United States, and the Constitution provides for redistricting every ten years. She stated that every County is expected to use the census figures and balance their representation. She stated this process does not have anything to do with any organization or cost. She stated she feels we should get as close to zero in balancing the population of each supervisorial district as possible, and redistrict every ten years. She referred to her work with the census and noted that her crew was dedicated, and they did one-half of the County. The other half did not go as smooth, and that impacts District 4 and 5. She feels a recount could be ordered for District 4 and 5. She noted that this is a constitutional issue.

Richard Luedtke stated he lives in the Lake Don Pedro area and has a Coulterville address. He stated he has lived there for eleven years and finds that everything is going along just fine. He stated he is satisfied with the existing boundaries. He is happy with the Supervisor for his district and he feels the others have been doing a good job, or they would not be here. He also reminded the Board that there are other issues, like fixing the roads.

Dick Kunstman commented on the census count taken for April 1st, and he stated if it was taken on July 1st, there would be a large number in Yosemite because of the seasonal employees. He noted that a decision has to be made based on the April 1st population. He stated he feels there is a 12.7 percent spread in the existing boundaries. He referred to an Equal Population document, Chapter 3, relative to the overall range between the most and least populated districts. The County Administrative Officer said the acceptable boundaries are acceptable if between a five and ten percent spread. Dick stated he feels the range is 12.7 percent. He advised that MERG has two members that would be affected by the changes shown on the option No. 2 map. They want to see the Board follow the law.

Mary Lou Tiner read a letter from Ruth Sellers requesting that consideration be given to Division 19, Section 35000, regarding boundaries. The letter indicated that prior to 1990, she felt the boundaries were more realistic to the factors described in the stated Code. She requested that the residents located south of the Merced River and west of Midpines be aligned with District 3 or 4. Speaking as an individual, Mary Lou Tiner asked that the Mykleoaks area be taken out of District 2, along with the area south of the Merced River. She stated the reason is that District 2's population will increase with UC Merced, and she feels it will place the communities back into districts where they have more things in common.

Janie Sturtevant, Coulterville resident, stated if she understands the situation correctly, they are within legal limits to not redistrict. She referred to financial conditions following the recent events in the nation, and she stated she feels it is unwise to commit the funding for redistricting. She stated she does not agree with everything the Board does, but the members were elected and need to be trusted that they will do what is in the best interest of the County. She stated she feels this is one of the best Boards we have had.

Don Davidson, resident of Fish Camp, stated he feels the census figures of ten years ago had less changes than the recent census, and it prompted changes in the lines. He stated he feels that this public hearing should have occurred a long time ago. He stated he feels that this is meaningless because now this matter is turned over to the Commission. He feels the Commission should make an impartial decision. He also stated he does not feel that the topographical conditions of the County have been reviewed. He feels a redistricting plan should allow for the higher mountain areas to be in the same district – they have common needs that differ from other needs of the County, i.e., Yosemite West, Fish Camp, and Wawona areas.

Jery Lacayo asked where we are now in the process and where we go from here, and whether the Board has any decision-making authority on this issue. She was advised that the information from the hearing today is just advisory to the Commission. Jeff Green advised that the purpose of the public hearing today is to obtain input and for the Board to make a recommendation to the Commission. The Commission is not bound by any recommendations that comes to it.

Yvonne Bennett stated she feels this is an effort in futility and that this process should have occurred in June or July.

Public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Pickard noted that if the Board knew about the statute that said you "shall" redistrict at the beginning of this process, it would have had a different bearing on this issue. He commented on the Board's efforts on this matter. Supervisor Stewart commented on the public hearing held earlier on this matter and he advised that

he shared the map information at his district meeting. Supervisor Reilly stated the mission today is to take input and provide a recommendation to other elected officials (the Commission), who will be making the decision. She noted that options were not included in earlier discussions. She stated she cannot support the status quo because she is not convinced it is legally defensible. She noted that some comments have been from communities versus groups; i.e., Midpines has had concerns since the last redistricting process. She noted that there is a boundary description for the Midpines area that was used for the Zone of Benefit and for the town planning area. She stated she feels that boundaries should take into consideration the location of roads that serve the areas. She stated she supports the option No. 1 map. Supervisor Reilly also noted that there was a map option considered on October 16th that put all of the higher mountain communities in one district – she feels that would put all of the issues related to those communities with one supervisor, the issues are highly charged and involve a lot of time and there is not a large population in those communities. She requested that the reasons for recommendation of each option should be listed for consideration by the Commission and that the correspondence received by the Board on this matter should be forwarded to the Commission. Supervisor Balmain stated he feels the Board is going the extra mile in this process, and he feels the earlier determination is defensible. However, he stated he will go along with the Board's direction. He noted that the Board is now in a position of being advisory to the Commission.

(M)Parker, (S)Pickard, matter consisting of all three remaining options was referred to the Redistricting Commission, composed of the District Attorney, Tax Collector/County Clerk, and Assessor, and they have until December 31st to report back with their action to the Board. Discussion was held. Jeff Green responded to questions from the Board relative to the process involving codifying the boundaries in the County Code. Supervisor Reilly stated she feels the problem needs to be corrected in Midpines and that a specific option should be recommended to the Commission. She thanked the citizens for being present and encouraged them to stay involved. Motion was amended, agreeable with maker and second, to include direction to send the Board minutes to the Commission/Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly. Hearing was closed.

11:53 a.m. Lunch

2:09 p.m. Discuss and Possible Action Relative to Canceling the Board's Regularly Scheduled Meeting of November 20, 2001 (Clerk of the Board)

BOARD ACTION: Following discussion, (M)Pickard, (S)Stewart, Res. 01-295 adopted canceling the Board's regularly scheduled meeting of November 20th/Ayes: Balmain, Parker, Pickard; Noes: Reilly, Stewart.

Candy O'Donel-Browne, Executive Director, Chamber of Commerce;
Authorize and Allow a Detour of Traffic from State Routes to Utilize the Mariposa County Roadways for the Duration of the "Merry Mountain Christmas Parade" on December 8, 2001

BOARD ACTION: Discussion was held with Candy O'Donel-Browne and Joy Shultz, President of the Chamber of Commerce. (M)Reilly, (S)Pickard, Res. 01-296 adopted approving the request. Jeff Green, County Counsel, requested that the letter indicate that this event is sponsored by the Chamber of Commerce – motion was amended, agreeable with maker and second to include this change/Ayes: Unanimous.

Greg Iturria, County Administrative Officer and Stephanie Espinoza, PG&E;
Presentation on PG&E Bankruptcy Reorganization

BOARD ACTION: Greg Iturria introduced Stephanie Espinoza and advised that the Board's RCRC representative would like direction for their meeting on the proposed reorganization. Stephanie Espinoza advised that they are proposing to split their electric and gas distribution from their transmission operations and become four companies. This will allow them to enter into long-term contracts with each other. She reviewed the proposed payment schedule for their creditors and advised that property tax payments would be made. She also noted that this would change them from being under the PUC to FERC.

Discussion was held, and the Board thanked Stephanie for her presentation. The matter was continued to later this date.

Howard Davies, Assistant Sheriff, appeared on behalf of Pelk Richards, Sheriff; Authorize the Sheriff to Spend \$5,000 from the Animal Control CIP Fund to Complete Additional Modifications to the Facility at 5012 Fair Grounds Drive

BOARD ACTION: (M)Parker, (S)Stewart, Res. 01-297 adopted/Ayes: Unanimous. Supervisor Parker commended the Department for its work on the animal shelter issues. Supervisor Pickard requested that long-term information also be provided.

Jim Petropulos, Public Works Director;

A) Authorize an Upgrade to the County-Owned Kingsview Building to Allow Human Services to Relocate a Portion of Their Staff to that Facility and Approve Budget Actions (\$38,689) (4/5th's Vote Required)

BOARD ACTION: Following discussion, (M)Pickard, (S)Stewart, Res. 01-298 adopted/Ayes: Unanimous.

B) Approve and Authorize the Public Works Director to Purchase .42 Acres Adjacent to the Mariposa County Landfill from Dr. Robert Northway, DVM and Approve Budget Action (\$11,000)

BOARD ACTION: Discussion was held. (M)Reilly, (S)Pickard, Res. 01-299 adopted/Ayes: Reilly, Parker, Pickard; Noes: Balmain, Stewart.

Supervisor Pickard initiated further discussion relative to scheduling discussion on the PG&E bankruptcy reorganization on November 6th, and he advised that he will obtain additional information/opinions for consideration. The Board concurred.

C) Authorize the Public Works Director to Apply for a \$500,000 Grant Recognizing the Mariposa Regional Sports Complex as the Highest Priority Unmet Recreation Need and Listing Available Matching Funds in the Amount of 30% of the Requested Amount

BOARD ACTION: Following discussion, (M)Parker, (S)Stewart, Res. 01-300 adopted/Ayes: Unanimous.

Supervisor Balmain initiated discussion relative to the earlier suggestion of scheduling a joint meeting with the School Board to discuss the recreational/sports complex and General Plan Update issues. Supervisor Parker suggested that the meeting occur after the County is back on track with the General Plan Update process. Supervisor Balmain suggested that Planning could bring this matter back to schedule the meeting.

Supervisor Reilly suggested that it be a focused discussion. A suggestion was made to have two Board members from each Board meet with staff first. The Board concurred with the County Administrative Officer working with the Planning Director to work out the details.

Discuss and Request Direction to Staff to Pursue a Trolley Car System and Possible Grant Funding (Supervisor Stewart)

BOARD ACTION: Supervisor Stewart initiated discussion, and stated he feels there is a need for a transportation system in the County in the evenings, especially during the summer months and weekends the rest of the year.

Input from the public was provided by the following: Trudy Williams asked if this could work out as a partnership with the business community.

The Board concurred with having staff, Public Works Transportation Planner, obtain more information on such a system and relative to possible grant funding.

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

BOARD ACTION: Jeff Green, County Counsel, advised that this closed session is not necessary.

3:42 p.m. **CLOSED SESSION:** Regarding Existing Litigation – California Government Code Section 54945.9(a); Nadine Peterson v. County of Mariposa (Case No. 8218) (County Counsel)

BOARD ACTION: (M)Reilly, (S)Parker, Board to convene in closed session following a short recess/Ayes: Unanimous.

4:02 p.m. Board reconvened in open session, and Chairman Balmain announced that direction was given to staff as a result of the closed session.

INFORMATION – No action was necessary on the following this date:
Discuss the Proposed Policy for the Use of the Mariposa County Library Community Room (Scheduled for Action on 11-06-01) (County Librarian)

CONSENT AGENDA

- CA-1 Adopt a Resolution Recognizing and Honoring the Mariposa County Volunteer Firefighters (Supervisor Stewart); Res. 01-293
- CA-2 Dissolve the Mariposa County Library Committee (County Librarian); Res. 01-294
- CA-3 Accept the Resignations of Gene Sanders from the Mental Health Board and Joe Sherry and Sue Overstreet from the Alcohol and Drug Advisory Board (Human Services)

4:03 p.m. Adjournment in memory of Kathy Borgstahl and Harold Thornton.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA November 6, 2001

Time Description

9:08 a.m. Meeting Called to Order, with Supervisor Reilly excused.

Pledge of Allegiance
Introductions

Chairman Balmain;

Presentation of Certificate of Recognition and Congratulations to Brian Anthony Moczygemba for Achieving the Level of Eagle Scout

BOARD ACTION: (M)Pickard, (S)Stewart, Certificate was approved and presented to Brian Moczygemba/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

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

- Pelk Richards, Sheriff, provided a status report on the Department's removal of cats and dogs in a rescue effort named "Operation Wildcat," that was conducted as a part of a criminal investigation. He commended Lieutenant Brian Muller, Assistant Sheriff Howard Davies, the animal control officers, the animal control staff that assisted in this effort from the surrounding counties, staff from the SPCA, and the local veterinarians and volunteers.

- Pelk Richards advised that he has been working with other department heads on a preparedness plan for the County for terrorism. He stated he does not see the County as having any targets. He commented on the recent "high alerts" and the Federal Government's notification process. He commended Dr. Mosher for his efforts in this matter. Board members thanked Sheriff Richards for his efforts and communication on these matters.

Board Information

- Supervisor Stewart advised that he and Supervisor Parker attended the San Joaquin Valley Supervisors Association conference last week, and water and water storage issues were discussed. He advised that he attended the YARTS JPA meeting on Monday that was held in Mariposa; and he noted that there are now scheduled flights from Las Vegas to Merced and back, and YARTS is connecting with those flights and it is planned to include tour groups to Yosemite. He referred to a letter from Madera County Supervisor Gilbert that discusses YARTS issues and recommends that the Secretary of the Interior not fund the program – he stated he will try to obtain a clearer copy of the letter to distribute to the Board members. He stated he feels that these efforts oppose Mariposa County's transportation plan that we have with YARTS.

- Supervisor Balmain advised that he attended the CAL LAFCo conference in Fish Camp on Thursday and the new laws and changes were reviewed.

Approval of Minutes 10-02-01, 10-09-01, 10-16-01 and 10-23-01 Regular Meetings

BOARD ACTION: Minutes were approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Parker, (S)Pickard, all items were approved. Supervisor Parker asked about sponsorship of the holiday banners in item 2. Supervisor Stewart asked for an explanation of item 1 so that the Board and the public would be fully aware of the costs. Greg Iturria, County Administrative Officer, provided information for item 1. Motion was amended, agreeable with maker and second, to include direction for the letter supporting the holiday banners in item 2 to clearly indicate that this is not a County sponsored event. Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Jacque Meriam, County Librarian;

A) Accept and Approve the Policy for the Use of the Mariposa County Library Community Room (Continued from 10-23-01)

BOARD ACTION: Following discussion, (M)Pickard, (S)Parker, Res. 01-303 adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

B) Approve the Change in the Mariposa County Branch Library Hours

BOARD ACTION: Following discussion, (M)Stewart, (S)Pickard, Res. 01-304 adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Cheryle Rutherford-Kelly, Human Services Director;

A) Approve the Alternative Work Schedule in the Children's System of Care, Child Welfare, Community Action and Housing Programs

BOARD ACTION: Discussion was held, and Cheryle Rutherford-Kelly advised that the Unions are in agreement with this request. Supervisor Balmain asked about the monitoring of services in Calaveras County for the Community Action Agency. (M)Stewart, (S)Pickard, Res. 01-305 adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

B) (1) Authorize the Human Services Director to Submit an Application to the State Department of Housing and Community Development for Emergency Housing and Assistance Program (EHAP) Funding, Round IX; (2) Authorize the Human Services Director to Administer this Funding; (3) Authorize the Human Services Director, with Approval from County Counsel and the County Administrative Officer to Execute Subsequent Amendments to this Agreement with the State Department of Housing and Community Development

BOARD ACTION: Following discussion, (M)Pickard, (S)Stewart, Res. 01-306 adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

C) (1) Authorize the Human Service Director to Submit a Notice of Intent and Application to the State Department of Social Services (Office of Child Abuse Prevention) for Child Abuse Prevention, Intervention and Treatment (CAPIT) and Community Based Family Resource and Support (CBFRS) Funding for the 2002-2005 Grant Cycle; (2) Authorize the Human Service Director to Release the Request for Proposals in Spring 2001 for Community Organizations to Apply for these Funds; (3) Authorize the Human Service Director to Administer these Prevention Programs; (4) Authorize the Human Service Director to Develop a Three Year Plan that Administratively Integrates CAPIT and CBFRS, as Required by the Office of Child Abuse Prevention, in Conjunction with the Family Preservation and Support Program Planning Group; and (5) Authorize the Human Service Director, with Approval from County Counsel and the County Administrative Officer to Execute Subsequent Amendments to this Agreement with the State Department of Social Services, Office of Child Abuse Prevention (Human Services)

BOARD ACTION: Following discussion, (M)Pickard, (S)Stewart, Res. 01-307 adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

10:06 a.m. Recess

10:29 a.m. Greg Iturria, County Administrative Officer;

Discussion and Direction to Staff Regarding PG&E Bankruptcy Reorganization

BOARD ACTION: Greg Iturria advised that this matter was being brought back for Board discussion following the presentation by PG&E on October 23, 2001. The discussion will assist Supervisor Pickard with RCRC's consideration of this matter.

Stephanie Espinoza, PG&E, advised of a meeting held recently and issues that were raised and addressed.

Supervisor Pickard advised that additional information was included in the agenda material for consideration. Discussion was held. Supervisor Parker expressed concern with the change from the CPUC to FERC that is proposed with the reorganization plan. The Board concurred with not taking any action and with remaining neutral on this matter.

10:46 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;

Presentation and Discussion with the CalTrans Staff Regarding the 2002 (STIP) State Transportation Improvement Program

COMMISSION ACTION: Jim Petropulos advised that staff from CalTrans is present to discuss the Old Highway bridge and Darrah left-turn lane projects. No action is being requested at this time. Dana Cowell, CalTrans Planning Manager, introduced the following staff: Ram Narayan/Project Manager, and Akm Tareque, Design Engineer, for the bridge project. Akm reviewed design options for the bridge project, and stated they recommend Option No. 2 at a cost of 4.3 million dollars. Ram provided additional input on the bridge project. Discussion was held relative to the options and costs, and consideration of this project along with other pending projects.

Dana Cowell advised that based on further traffic investigation, the left-turn lane project at Darrah Road qualifies for safety funding, and that will not affect funding for other projects in the County. Commissioner Pickard requested that the design information for this project be provided to the Board. Commissioner Parker requested information on the timeframe. Dana advised that he will get the requested information to the Commission.

Further discussion was held relative to the Old Highway bridge project and potential impacts that project may have on the Stockton Creek bridge. Dana advised that CalTrans is also working on designing improvements for the Stockton Creek bridge, and they will make sure that two projects are compatible.

Discussion was held relative to the status of funding available to the County for these projects. Dana noted that if the bridge project is delayed, it would result in increased costs and a re-evaluation of the environmental work. Jim Petropulos advised that the project is scheduled for further consideration on November 27, 2001. Dana requested that the Commission provide direction on the preferred alternative for this project.

Dana Cowell advised that they are working with staff on other projects and would like to bring information on their review of the Highway 49 North/Highway 140 intersection and Highway 140/Smith Road intersection improvement to the Board. He also advised of a proposition being planned for the March 2002, ballot relative to allocation of the gasoline tax.

11:36 a.m. Dr. Mosher, Public Health Officer;

Approve a Variance from Statutory Setback Distance of 200 Feet between Lake and

Septic Leachfield in APN 008-010-001, Merced Irrigation District, Bagby Recreation Area

BOARD ACTION: Following discussion, (M)Pickard, (S)Stewart, Res. 01-308 adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

11:38 a.m. CLOSED SESSION: Regarding Conference with County Labor Negotiator Relative to Service Employees International Union (County Administrative Officer)

BOARD ACTION: (M)Pickard, (S)Parker, closed session held with Rick Bolanos, County labor negotiator, to be present/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

12:44 p.m. Lunch

2:07 p.m. Board reconvened. Jeff Green, County Counsel, asked for clarification that the Board's action earlier this date relative to the variance from the statutory setback for a septic leachfield at Bagby Recreation Area includes a finding of exemption from CEQA for replacement of the facilities. Supervisor Pickard advised that his motion includes this clarification, and that was agreeable with Supervisor Stewart as the second to the motion.

Jim Petropulos, Public Works Director;

A) Adopt a Resolution Accepting the Offer of a Public Outdoor Art Piece to be Located at the Mariposa Park Near the Rotary Outdoor Theater

BOARD ACTION: Donna Brownell, Arts Council Executive Director, advised of the art program at Spring Hill High School, and she introduced Tom Brownell, Principal of Spring Hill High School (and noted that he was no relation). Susan Crain, Arts Council Board Member, commented on her work with the art program in the school and hopes for expansion, and she introduced Donovan Peterson, an renowned artist that assisted with this project. Susan asked that the Board review the pieces being shown and select one to be placed at the Mariposa Park. Donovan Peterson commented on his experience in working with the students on this project and asked each student to explain their art sculpture pieces. He advised that the size of the final piece would depend on the materials – probably cast concrete.

Amy Martinez explained her cowboy/Indian model – they are sitting back-to-back to support each other.

Ben Brooksher explained his model of a snail sitting on the turtle's back.

Jamie Main named her piece “moment”/”unity” showing two people united.

Aron Covington called his piece “temple” – a hand supported by pillars holding a crystal ball with a worm.

Janice Churchill, teacher, assisted Candace Smith in explaining her three pieces reflecting emotion, sculpture and an all-around model.

Chelena Gann explained her open space piece and the emotion she was creating.

Patrick Vieira showed various designs that he felt was a never-ending pathway.

Heather Bixler showed four pieces reflecting sculpture, two women and two men showing inner and outer beauty, a creative piece called “teepee/vase” with a flower, and a model with two faces showing inner and outer beauty.

Donovan Peterson thanked Janice Churchill for her assistance with this project.

Board members reviewed the pieces of artwork that were presented.

Tom Brownell commented on the impact art and music has on the learning process for the students and he invited the Board members to tour the school.

Discussion was held.

2:59 p.m. Recess

3:06 p.m. Further discussion was held, and it was suggested that direction be given to Public Works to review the proposed location and maintenance issues and a policy to deal with displays of this type and locations, and for County Counsel to review liability issues. Rich Begley/PWD-Deputy Director Parks and Recreation, advised that the Parks and Recreation Commission reviewed the concept and they felt this would be appropriate. Susan Crain stated she felt some of these issues would be addressed in the General Plan Update process, and she noted that they have a short time frame for this particular display due to the class schedule. Donovan Peterson advised that the sculpture would be built at the school and moved to the site. Supervisor Parker suggested that the Board select a piece that the class can begin work on, and the County can work on the policy issues and determine the location.

3:28 p.m. Board recessed for members to further review the pieces and choose a first and second option.

3:36 p.m. Board reconvened and Chairman Balmain announced that the cowboy/Indian piece designed by Amy Martinez was the Board's choice.

B) Authorize the Public Works Director to Expend \$9,990 from the General Fund Contingency to Complete a Geotechnical Investigation at the Old Mariposa County Jail Located at 10th Street and Old Highway and Approve Budget Action (4/5th's Vote Required)

BOARD ACTION: Following discussion, (M)Stewart, (S)Parker, Res. 01-309 adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

The rest of the Public Works items were continued to after the following matter.

Discuss and Approve the Personnel/Risk Management Transition Plan and Approve Budget Actions (\$24,854) (Supervisor Stewart and Supervisor Parker)

BOARD ACTION: Following discussion, (M)Pickard, (S)Stewart, Res. 01-310 adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

C) Authorize the Public Works Director to Complete CalTrans Aeronautics Loan Application; Award the T-Hangar Bid to Nunno Construction in the Amount of \$241,000 Contingent on Approval of the Loan Application

BOARD ACTION: (M)Pickard, (S)Stewart, Res. 01-311 adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

3:49 p.m. Supervisor Parker was excused to attend another meeting.

Jim Petropulos advised of upcoming work on the Hall of Records building to reroof and replace the ductwork, and he noted that some of the work may occur on the weekends to not disrupt employees.

D) Presentation by Public Works Staff and Fred Solomon on the Status of the Co-Composting Project Including Proposal by (ECS) Engineered Compost System

BOARD ACTION: Discussion was held with Jim Petropulos. Fred Solomon advised of the Committee's review of the proposal by ECS – it was felt that the proposal does not comply with the goals that have been established for this project. Jim Petropulos advised that he plans to come back to the Board shortly with design plan options and costs for proceeding with the Herhof proposal.

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

CONSENT AGENDA

- CA-1 Approve Budget Action to Create a Separate Account for the Public Records Act Transactions (\$5,000) (4/5th's Vote Required) (Planning); Res. 01-301
- CA-2 Approve a Request for Support to Have Holiday Banners Attached to the Existing Brackets on Power Poles in Downtown Mariposa on Highway 140 (Tourism & Economic Development); Res. 01-302, with direction that the letter include information that this is a Chamber sponsored activity.
- CA-3 Approve a Certificate of Recognition and Congratulations to the Lake Don Pedro Gold Chain Lions Club on their 15th Anniversary (Chairman Balmain)
- CA-4 Approve the Reappointment of Ted Aldershof to the Fish Camp Community Planning Advisory Council (Supervisor Pickard)

4:19 p.m. Adjournment in memory of Margaret Conway, Robert Schmelzer, Irvin Duncan, C. E. "Bud" Swift, Anita Naftel, Manuel P. Souza, Kenneth Lott, B. A. "Smokey" Heyne, Eleanor Hunt, and Rosemary Delorme.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA November 13, 2001



Time Description

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

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda
- Candy O'Donel-Browne, Chamber of Commerce Executive Director, commented on the great tourism weekend, and she stated she feels the media blitz paid off with the increase in tourism.

- Yvonne Bennett stated she was advised that the Northside (Coulterville) transfer station no longer accepts bulk items, and she suggested that this information be disseminated to the public. She read an article that was printed about two years ago, called "The Road to Tenaya" which referred to the conditions of the Priest-Coulterville Road. She noted that Tuolumne County has striped the road and she stated she feels that Mariposa County needs to improve its portion. She also presented a copy of petitions requesting improvements to the Road.

- Supervisor Stewart commented on his observations of the increase in tourism over the weekend.

Board Information

- Supervisor Pickard stated he plans to attend the RCRC meeting on Wednesday and there is a Resource Conservation Development Executive Board meeting on Wednesday, as well.

- Supervisor Balmain advised that he presented the Certificate of Recognition and Congratulations to the Lake Don Pedro Gold Chain Lions Club for their fifteen anniversary.

- Supervisor Reilly announced that she is a grandmother for the third time, her daughter, Elizabeth gave birth to Anika Rose Fluharty and everyone is doing fine.

Cheryle Rutherford-Kelly, Human Service Director;

Authorize Dorothy Langworthy, a Social Worker in Child Welfare, to Temporarily Accrue More than 240 Hours of Vacation

BOARD ACTION: Discussion was held and Cheryle Rutherford-Kelly recommended a cap of 340 hours and advised that the employee will begin taking vacation time in January, 2002, when there is better staff coverage. (M)Stewart, (S)Pickard, Res. 01-312 adopted approving the request with a cap of 340 hours for this one situation/Ayes: Unanimous. Supervisor Parker requested that future requests be made in advance of exceeding the vacation limit.

Adopt Resolutions Approving the Revised Set of Bylaws for the Joint Powers Authorities Associated with Regional Council of Rural Counties that Mariposa County is a Member of – California Rural Home Mortgage Finance Authority (CRHMFA) and Environmental Services Joint Powers Authority (ESJPA) (County Administrative Officer)

BOARD ACTION: Following discussion with Greg Iturria, County Administrative Officer, (M)Pickard, (S)Stewart, Res. 01-313 adopted for the CRHMFA and Res. 01-314 for the ESJPA/Ayes: Unanimous.

Discussion and Direction to Staff on a Formal Process for Requesting Funding from the Fish & Game Fund (County Administrative Officer)

BOARD ACTION: Greg Iturria, County Administrative Officer, initiated discussion relative to options for processing requests for funding from the Fish and Game Fund. Board concurred with establishing a process whereby anyone requesting funds would fill out a form; the request would be forwarded to the Fish and Game Association for a recommendation, it is not mandatory that the Association provide a recommendation, and any recommendation provided would be considered advisory; to the Chief Game Warden for comment; and then scheduled for Board consideration. Requests would need to meet the parameters set forth in the Fish and Game Code for the use of the funds. All requests would be forwarded to the Board following this process unless withdrawn by the applicant.

10:00 a.m. Public hearing to consider approval of Agricultural Preserve Applications was opened and continued to after the following matter.

Authorize the Chairman to Sign a Letter Commenting on the Findings and Recommendations Pertaining to Citizen Complaint 010004 in the 2000-01 Mariposa County Grand Jury Final Report (County Administrative Officer)

BOARD ACTION: Following discussion with Greg Iturria, County Administrative Officer, (M)Reilly, (S)Stewart, Board authorized the Chairman to sign the letter/Ayes: Unanimous.

10:02 a.m. Recess

10:20 a.m. Eric Toll, Planning Director;

A) PUBLIC HEARING: Consider Approval of Agricultural Preserve Applications No. 2001-1 (Mable L. Cree, applicant), No. 2001-2 (Thomas L. Jenkins, Wilma Jenkins, and Alice Joy Jenkins, applicants), No. 2001-3 (Joe Simon, applicant), No. 2001-4 (W. Blaine and Janie Sturtevant, applicants), and No. 2001-5 (Mel Hultgren, applicant)

BOARD ACTION: Eric Toll presented the staff report and responded to questions from the Board relative to conditions on a couple of the applications concerning parcel mergers. Public portion of the hearing was opened. There was no public input and the public portion was closed. The Board commenced with deliberations. (M)Parker, (S)Stewart, Res. 01-315 was adopted approving the applications as presented/Ayes: Unanimous. Supervisor Stewart requested that better maps be presented for the projects in the future. Hearing was closed.

B) Discussion and Possible Action to Introduce the First Reading an Ordinance Adding Chapter 2.50 to the Mariposa County Code to Establish Uniform Administrative Procedures for Citizen Planning Advisory Committees

BOARD ACTION: Discussion was held with Eric Toll, and he reviewed the proposed changes. Supervisor Balmain asked that allowance be included for the boundaries for the membership for town planning areas such as Coulterville. Discussion was held relative to membership requirements and the term “resident elector” and just using the term “resident.” Supervisor Reilly suggested that the boundaries for each committee be addressed in the separate resolutions and that the membership not be specific in the ordinance. Discussion was held relative to the proposal to not allow members to continue to serve when their respective terms expire – that they need to be reappointed or replaced. Eric noted that all committee members serve at the pleasure of the Board,

and that the committees are advisory to the Board, and he proposed that appointments be made on an annual basis at a set time. Supervisor Balmain asked about the status of the current membership with implementing the proposed changes – if adopted, the proposed changes would supercede the existing terms for the committee members. Supervisor Pickard initiated discussion relative to providing for allowance for direct mailing of agendas to citizens in an area when deemed necessary. Supervisor Parker suggested that citizens be allowed to provide self-addressed, stamped envelopes to be notified of meetings if they wish. Supervisor Pickard stated he prefers to use town planning advisory committee in the name versus citizen advisory committee. Supervisor Reilly noted that some of the committees are for communities without town planning areas and suggested that planning advisory committee be used for those. Eric advised that he will make the suggested changes to the document, circulate it to the affected committees, and bring it back to the Board for further consideration.

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

BOARD ACTION: Jeff Green, County Counsel, advised that the closed session is not necessary this date.

Jim Petropulos, Public Works Director;

A) Adopt a Resolution of Intention of Summary Abandonment of a Portion of Henness Circle, a Dedicated Street within Yosemite West Unit I Subdivision (Continued from 9-25-01)

BOARD ACTION: Chairman Balmain advised that this matter has been pulled from the agenda. Supervisor Reilly asked if this would be rescheduled. Jeff Green, County Counsel, responded and advised that the matter was pulled at the request of Don Pitts to allow an opportunity for him to meet with his neighbor and Attorney Starchman, and then it will be determined whether to reschedule the matter on the agenda. Supervisor Reilly requested that if the matter comes back to the Board, that more information be included. Supervisor Stewart noted that the affected lot is numbered differently on the maps that were included in the materials.

B) Presentation by the Public Works Staff on the Status of the Yosemite West Wastewater Facility Project

BOARD ACTION: Jim Petropulos provided input. Dana Hertfelder, Assistant Public Works Director, reviewed the details of the status of the project and costs. Discussion was held relative to the Proposition 218 process and what would happen if the measure for the assessment fees fails. Jeff Green, County Counsel, stated he feels the County will be looking to the ratepayers, if the Proposition 218 process fails for this project, to be reimbursed for any expenditures that are required. Supervisor Parker asked about the status of the County funds that are already committed to this project, and it was noted that a determination would need to be made prior to the Proposition 218 process. Jim Petropulos stated he will bring back assessment breakdown information, and he will keep the Board informed of the status of this project. Discussion was held relative to setting a limit on the allowed water usage for each lot.

11:40 a.m. Adjournment in memory of Phyllis L. Pacheco.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA NOVEMBER 27, 2001



Time Description

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

Introductions

Supervisor Robert Stewart;

Presentation of Letter of Recognition and Congratulations to Michelle Forsythe for Receiving the American Farmer Degree

BOARD ACTION: (M)Stewart, (S)Parker, letter of recognition and congratulations was approved and presented to Michelle Forsythe/Ayes: Unanimous.

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

- Greg Iturria, County Administrative Officer, advised that Chairman Balmain received a letter from the Office of Planning and Research regarding a meeting on December 4th at the Calaveras County Library in San Andreas for representatives of local governments to provide input during a round table discussion. Board members concurred with having Chairman Balmain and/or the County Administrative Officer attend the meeting. Chairman Balmain asked about having the Planning Director attend, and Greg Iturria stated he will check with Eric Toll to see if it works with his schedule.

- Supervisor Parker advised that a presentation from Rod Goss, Fish and Game, has been scheduled on the Board's agenda for December 11th at 9:00 a.m. relative to proposed hunting regulations.

- Dana Hertfelder, Assistant Public Works Director, advised that they are planning to remove the roof on the Hall of Records this weekend, weather permitting, and complete the project the following week. He further noted that a joint press release has been issued with the Health Officer and posting of the notice will occur to advise the public of this project and of the removal of asbestos materials.

Approval of Minutes of 11/6/01 and 11/13/01, Regular Meetings

BOARD ACTION: Approved.

Board Information

- Supervisor Reilly advised that Camille Capo was hired as the Executive Director for the Children and Families First Commission, and she will invite her to a future meeting for introduction. She also advised that there will be public outreach efforts and a workshop for the request for proposal process to apply for funds.

- Supervisor Balmain advised that he has been gathering information relative to the acquisition of a lowboy trailer and tractor for Public Works.

- Supervisor Stewart noted that the CSAC Conference begins today in Sacramento, and he plans to attend the rest of the Conference beginning on Wednesday.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Stewart thanked Public Works for taking time to explain their requests and for answering his questions. (M)Stewart, (S)Parker, all items were approved. Motion was amended, agreeable with maker and second, to pull item 5 at Supervisor Parker's request. Supervisor Pickard asked about item 1 – Supervisor Parker clarified that the tile plaque is for presentation at the open house for the MPUD

Fire Station on December 1st and that the Masons are conducting the cornerstone ceremony for the Fire Station on November 29th; and that a proclamation is being requested in item 2 to present to the Masons in recognition of the Lodge's 150th celebration on November 28th. Supervisor Stewart introduced Pauline Brawley, appointee in item 8 to the Area Agency on Aging PSA-12 Advisory Council, and he advised of her community service and her concern for seniors in the County. Ayes: Unanimous. Supervisor Parker initiated discussion relative to item 5. Marty Allan, PWD/Fleet-Fiscal Manager, provided input relative to the status of payment of the invoice and the late charge. Jeff Green, County Counsel, suggested that the Board authorize payment of the original invoice, without the late charges. (M)Parker, (S)Stewart, item 5 was approved with the original invoice amount of \$799.80/Ayes: Unanimous. Supervisor Parker requested that the Auditor be notified of this action as soon as possible – County Administrative Officer to contact the Auditor.

Cheryle Rutherford-Kelly, Human Services Director;
Resolution Authorizing the Social Services Division of the Human Services Department to Offer CalWORKs Clients the Option to Receive their Monthly Cash Aid Payments by Direct Deposit

BOARD ACTION: Following discussion, (M)Pickard, (S)Stewart, Res. 01-322 adopted/Ayes: Unanimous.

Bill Flaherty, Victim Witness Coordinator, appeared on behalf of Christine Johnson, District Attorney;
Resolution Authorizing Acceptance of an Augmentation by the Office of Criminal Justice Planning in the Amount of \$5,000 to the Mariposa County Victim Witness Program Grant No. VW00080220, to Allow Additional Funding and Authorize the Victim Witness Advocate to go to a Full Time Position from an 80% Permanent Part-Time Position from December 1, 2001, to the Remainder of the 2001-2002 Grant Year Ending June 30, 2002 (4/5ths Vote Required)

BOARD ACTION: Discussion was held relative to the request and status of the grant funding, and Bill Flaherty advised that the employee is aware of the interim change with the position and is okay with no guarantee that the position will remain permanent. (M)Stewart, (S)Reilly, Res. 01-323 adopted/Ayes: Unanimous.

9:45 a.m. Recess

9:58 a.m. Jim Petropulos, Public Works Director;

A) Resolution Approving the FY 2001-02 Disadvantaged Business Enterprise Program

BOARD ACTION: (M)Parker, (S)Pickard, Res. 01-324 adopted/Ayes: Unanimous.

B) Resolution Approving Major Subdivision Map, Phase II, Application No. 3-1-96, per Mariposa County Code, Title 16.20.232; Medlicott, Applicant

BOARD ACTION: (M)Parker, (S)Pickard, Res. 01-325 adopted. Jerry Freeman/PWD-Surveyor, responded to questions relative to the requested action, and he advised that this action will accept the map and authorize the Clerk of the Board to sign the map. Ayes: Unanimous.

C) Resolution Authorizing the Chairman to Execute the CalTrans Loan Agreement for the Mariposa/Yosemite Airport T-Hangar Project

BOARD ACTION: Following discussion with Jim Petropulos, (M)Stewart, (S)Pickard, Res. 01-326 adopted/Ayes: Unanimous.

Resolution Authorizing the Chairman to Execute a Lease Agreement between the County of Mariposa and William A. Freeman for the Premises Housing an Animal Impound Facility Located at 5012 Fairgrounds Road (County Counsel)

BOARD ACTION: Discussion was held. (M)Parker, (S)Stewart, Res. 01-327 adopted. Discussion was held with Pelk Richards, Sheriff, relative to the status of a permanent facility. Ayes: Unanimous.

10:15 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;

A) Discussion and Direction to Staff Regarding Projects to be Funded with the 2002 State Transportation Improvement Program Allocation, with Adoption Scheduled for December 4th

COMMISSION ACTION: Jim Petropulos advised that Amy Roberts/PWD-Transportation Planner, and Roy Briese/PWD-Traffic Technician, were present to respond to questions; and that Jane Perez and Leigh Gamble from CalTrans were also present. Commissioner Balmain stated he feels that consideration needs to be given to including improvements to East Whitlock Road.

Jane Perez encouraged the Commission to proceed with the Old Highway bridge project. Supervisor Stewart initiated discussion relative to coordinating the Stockton Creek bridge improvement project with the Old Highway bridge project.

Discussion was held relative to options, including delaying the Old Highway bridge project and funding other projects in the interim. Commissioner Balmain reiterated his request relative to improving East Whitlock Road. Jim Petropulos advised that this project could be considered with another portion of the Road Department program. Discussion was held relative to the status of funding available for bridges.

Commissioner Pickard asked about the status of the passing lane on Highway 49 South at Streeter Mountain Road.

(M)Parker, (S)Stewart, Commission concurred with selecting the following alternative for consideration at the public hearing scheduled for December 4, 2001: set aside one million dollars of STIP funding for the Old Highway bridge project, and use the rest of the allocation for road improvements on eleven local roads. Jim Petropulos again responded to the concern relative to improving East Whitlock Road and stated he will work with tying this project into the Road Department budget program. Commissioner Stewart asked that a list of all of the different types of road projects and their funding and status be provided for consideration when these issues are discussed in the future. Ayes: Unanimous.

Jane Perez suggested that the Commission consider writing a statement of intent to CalTrans of moving forward with the Old Highway bridge project in 2004. Discussion was held. (M)Pickard, (S)Stewart, Commission agreed with sending a statement of intent to move forward with the Old Highway bridge project in 2004, contingent on the availability of financing/Ayes: Reilly, Stewart, Pickard; Noes: Parker; Abstained: Balmain.

B) Resolution Approving and Authorizing the Executive Director to Release the Transit Market Plan Request for Proposals

COMMISSION ACTION: (M)Pickard, (S)Stewart, LTC Res. 01-16 was adopted. Discussion was held with Jim Petropulos and Amy Roberts/PWD-Transportation Planner. Commissioner Stewart asked about the UC Berkeley transportation study and what that would accomplish for the County; and he stated he feels the different transit systems in the County need to be coordinated. Jeff Green, County Counsel, suggested that the request for proposals not include information on the available funding for the study. Motion was amended, agreeable with maker and second, to include County Counsel's suggestion that the request for proposals not include information on the available funding for the study/Ayes: Reilly, Stewart, Parker, Pickard; Noes: Balmain.

11:09 a.m. Recess

11:28 a.m. Dr. Mosher, County Health Officer;
Resolution Authorizing the Chairman to Sign and the Health Department to Submit
Application for CUPA (Certified Unified Program Agency) Status

BOARD ACTION: Discussion was held with Dr. Mosher, and he advised that
consideration may be given in the future to having a position that deals with air
pollution, hazardous waste, and bio-terrorism type programs. Dave Conway/Health-
Environmental Health Specialist, provided input and responded to questions.
(M)Stewart, (S)Reilly, Res. 01-328 adopted/Ayes: Reilly, Stewart, Pickard; Noes:
Balmain; Abstained: Parker.

Eric Toll, Planning Director;
Request for Board Authorization for the County Administrative Officer to Execute a
Contract with the Merced County Association of Governments for Preparation of the
Geographic Information System Base Map and Authorizing the County Assessor,
Information Systems, and Planning Departments to Provide In-kind Services Valued at
\$11,250 to Match \$45,000 in Funds from the California Department of Transportation

BOARD ACTION: Following discussion, (M)Parker, (S)Reilly, Res. 01-329
adopted/Ayes: Unanimous.

Resolution Authorizing the Chairman to Execute an Amended Lease Agreement
between John Stone and Mariposa County for the Premises Housing the Greeley Hill
Branch Library in Greeley Hill (County Counsel)

BOARD ACTION: (M)Pickard, (S)Stewart, Res. 01-330 adopted/Ayes: Unanimous.

Discussion and Possible Action Relative to the Current Status of the PG&E Bankruptcy
as it Relates to Local Governments (County Counsel)

BOARD ACTION: Jeff Green, County Counsel, initiated discussion. Stephanie
Espinosa, P.G. & E., advised of a meeting that was held on Monday with CSAC and the
County Counsel's Association relative to these issues. She stated she feels the letter
from San Luis Obispo County contains some misinformation, and she advised that
CSAC is remaining neutral. Discussion was held. Board concurred with having County
Counsel respond that Mariposa County is taking a neutral position; however, we would
appreciate being kept apprised of the issues and status of the counties' involvement.

Resolution Granting Preference in Hiring to Veterans of the United States Armed Forces
(County Counsel)

BOARD ACTION: Following discussion, (M)Parker, (S)Pickard, Res. 01-331
adopted/Ayes: Unanimous.

Discuss a Proposed Fire Station Site in the Bridgeport Area and Provide Direction to
Allow Supervisor Stewart and the County Administrative Officer to Commence
Discussions with the Mariposa County Unified School District Relative to Obtaining
Land for a Fire Station Site in the Bridgeport Area (Space Needs Committee/Supervisors
Stewart and Parker)

BOARD ACTION: (M)Parker, (S)Stewart, request was approved/Ayes: Unanimous.

Discuss and Consider Canceling the Board Meeting for January 2, 2002 (Supervisor
Stewart)

BOARD ACTION: Following discussion, (M)Stewart, (S)Parker, Res. 01-332
adopted/Ayes: Unanimous.

Resolution Opposing the Regionalization of Mariposa County's Child Support Services Department and Direct Staff to Send Copies of the Resolution to State Representatives and the Director of Child Support Services (Child Support Services/County Administrative Officer)

BOARD ACTION: (M)Stewart, (S)Parker, Res. 01-333 adopted. Supervisor Pickard commented on the status of the Governor's appointment to work as a liaison on these issues. Ayes: Unanimous.

Review and Approve the 2002 Mariposa County Legislative/Regulatory Platform (County Administrative Officer)

BOARD ACTION: Discussion was held. Supervisor Pickard advised of suggested wording changes. (M)Pickard, (S)Reilly, Res. 01-334 adopted approving the Platform with the suggested wording changes/Ayes: Unanimous.

Discuss and Accept Donation of a Sequoia Tree for Placement at the Government Center (Supervisor Reilly)

BOARD ACTION: Supervisor Reilly initiated discussion concerning policy for accepting donations and whether this type of tree would be suitable for this location in the long-term. (M)Pickard, (S)Stewart, the Board accepted the donation of a Sequoia tree from Supervisor Balmain/Ayes: Unanimous.

12:30 p.m. CLOSED SESSION: Regarding Conference with County Labor Negotiator Relative to Service Employees International Union (County Administrative Officer)

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

1:06 p.m. Recess

1:26 p.m. Chairman Balmain announced that direction was given to staff as a result of the closed session.

CONSENT AGENDA:

- CA-1 Approve a Tile Plaque to be Presented at the Cornerstone Ceremony for the New Fire Station No. 1, Located at 5373 Highway 49 North in Mariposa (Supervisor Parker) – Supervisor Parker clarified that the tile plaque is for presentation at the open house for the MPUD Fire Station on December 1st and that the Masons are conducting the cornerstone ceremony for the Fire Station on November 29th; and that a proclamation is being requested in item 2 to present to the Masons.
- CA-2 Proclaim November 29, 2001, as Mariposa Masonic Lodge No. 24 F. & A.M.'s 150th Sesquicentennial Celebration (Supervisor Parker)
- CA-3 Approve Intrabudget Transfer of \$1,000 to Allow for the Proper Allocation of Funds for Food Purchases in the Facilities Budget (Public Works); Res. 01-316
- CA-4 Approve Intrabudget Transfer of \$2,000 to Allow for the Proper Allocation of Funds for Employee Drug Testing in the Road Budget (Public Works); Res. 01-317

- CA-5 Approve Intradudget Transfer of \$850 to Cover the Emergency Purchase of a Submersible Pump for Yosemite West Wastewater Facility (Public Works); Res. 01-321, with approval to pay the invoice in the amount of \$799.80
- CA-6 Accept Resignation of Harter Bruch and Sally Uribe from the Area Agency on Aging PSA-12 Advisory Council (Supervisors Balmain and Stewart)
- CA-7 Accept Resignation of Edward Fitzpatrick and Appoint James W. Johnson to the Airport Advisory Committee (Supervisors Balmain and Stewart)
- CA-8 Appoint Pauline Brawley to the Area Agency on Aging PSA-12 Advisory Council (Supervisor Stewart)
- CA-9 Accept Resignations of Tammie Guenthart and Gloria Palmer from the Catheys Valley Town Planning Advisory Committee (Supervisor Stewart)
- CA-10 Accept Resignation of Martha O. Acevedo from the Mariposa County Children and Families First Commission, and Appoint Paul Jacobs to the Commission (Health)
- CA-11 **HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA**
Resolution Accepting Grant in the Amount of \$2,565 from the Community Action Agency for the Purchase of a Laptop Computer, Allocating that Amount to Fund 332, and Authorizing Expenditure from the Appropriate Line Item for Said Purchase (4/5ths Vote Required) (Human Services); HA Res. 01-5
- CA-12 Resolution Designating the Option Under which Appropriation Limits Shall be Computed for Fiscal Year 2000-2001 (Auditor); Res. 01-318
- CA-13 Resolution Establishing Appropriation Limits for Fiscal Year 2000-2001 (Auditor); Res. 01-319
- CA-14 Resolution Authorizing the Chairman to Sign an Order of the Board to Reject Claim No. C01-6 in the Amount of \$50,000 (County Counsel); Res. 01-320
- CA-15 Appoint Margaret Essary as an Alternate to the Mariposa Local Child Care Planning Council (Jim Archer, LCCPC Coordinator)

1:27 p.m. Adjournment in memory of Joseph Martinez, Dr. Harold Larsen, Mary "Mamie" Newell, Joanne Wilson, Frances E. Hiemforth, and Mabel Keller.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA DECEMBER 4, 2001



Time Description

9:12 a.m. Meeting Called to Order

Supervisor Stewart advised that Congress has called for this to be the “National Day of Reconciliation” with a time of prayer; and he asked that our service men who are fighting and dying for our way of life be prayed for, and that we be mindful of these things as we recite the Pledge of Allegiance.

Pledge of Allegiance

Introductions

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

- Greg Iturria, County Administrative Officer, advised of a letter received from Gloria Cortez Keene, Chair of the Merced County Board of Supervisors, relative to an interagency coordination group being formed for the UC Merced project. They are asking if we would support such a group and meeting with other agencies and cities. Board concurred with directing staff to prepare a letter for the Chairman’s signature advising that the County would like to be involved.

- Pelk Richards, Sheriff, advised that there is another heightened alert request from the Governor’s Office, and he will be obtaining additional information and they may determine to go to a code red staffing.

Board Information:

- Supervisor Balmain advised that he has completed his investigation into the request Public Works made for a lowboy trailer and tractor, and he will forward that information to Public Works to proceed.

- Supervisor Stewart advised that Supervisor Parker participated in the opening ceremony for the new MPUD Fire Station on Saturday, and that he is proud of the station and the citizens that volunteer. He advised that he attended the Broadband Task Force meeting on Monday in Kern County, and they were able to tour the criminal justice lab and computer facilities. He attended the CSAC Conference last week and he commented on the quarter cent sales tax issue that CSAC is supporting.

- Greg Iturria commented on the CSAC Conference and the maintenance of effort requirements with the sales tax proposal.

Greg Iturria, County Administrative Officer;

Discussion and Direction to Staff Relative to the Unit Modification Appeal Received from the Sheriff’s Dispatchers and Animal Control Officers to Move from the SEIU Bargaining Unit to the Deputy Sheriffs’ Association Bargaining Unit

BOARD ACTION: Discussion was held with Greg Iturria relative to processing the appeal, and his recommendation to refer the matter to a third party, an expert in the field of personnel matters. Jeff Green, County Counsel, advised that the matter is on the agenda today to discuss processing the appeal and not the merits of the issue.

Input was provided by the following:

Pelk Richards, Sheriff, stated he was asked to speak for the dispatchers and animal control officers – he advised that he supports the Board hearing this appeal versus

contracting out to a third party. He noted that the two bargaining units agree with the change in representation.

Debra Rockwood, SEIU representative, requested that the matter be heard in a timely manner. She asked how long it would take if the matter was referred to a third party.

Further discussion was held relative to the process for hearing the appeal and options for contracting out to a third party, costs and timeframes, and whether there is any other information available on this matter. Motion by Pickard to contract with a third party to hear this matter died for lack of a second.

Lisa Edelheit, SEIU representative, stated they need to have this issue resolved to proceed with their agency shop and other bargaining issues. She suggested the third party option based on the technical issues.

Fred Paige, representing the Deputy Sheriff's Association, responded to questions relative to their position on this matter, and he advised that the negotiations for the probation officers are pending this matter being resolved.

Jeff Green advised that the decision relative to the change in bargaining units for the probation officers is final, but this issue needs to be resolved to complete negotiations with the individuals involved.

Luciano Beltran, representative of Operating Engineers/Local No. 3, advised that the probation officers have been unable to complete paperwork to change bargaining units in the interim.

Mark Mellon, Deputy Probation Officer, stated he has been trying to submit paperwork to sign up with the new bargaining unit as agreed to, and the paperwork is not being accepted in this interim.

Jeff Green stated he will correct the misunderstanding with the Auditor's Office – the decision relative to the bargaining unit for the probation officers has been made and the paperwork should be accepted.

Further discussion was held relative to processing the appeal, whether the decision will be based on technical issues or is a judgment call. (M)Pickard, (S)Stewart, to contract with a third party, failed by the following vote - Ayes: Stewart, Pickard; Noes: Reilly, Balmain, Parker. The appeal will be heard by the Board, and it agreed with the following dates for processing: if the Association desires to file additional papers, the information must be received by December 14, and the County will have until December 21st to respond; and the appeal will be heard on January 8, 2002, at 2:00 p.m. Supervisor Parker asked if any of the information would be considered confidential, and he was advised that it is public information.

Approval of Consent Agenda (See End of Minutes)

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

Eric Toll, Planning Director;

Approve the Planning Director to Acquire the H.T.E. "Planning and Zoning Module" for the Planning Department Permit Automation; and Approve Budget Action (\$7,200) (4/5th's Vote Required)

BOARD ACTION: Following discussion, (M)Pickard, (S)Parker, Res. 01-340 adopted/Ayes: Unanimous.

Cheryle Rutherford-Kelly, Human Services Director;

Authorize an Adjustment of the Human Services Administration Unit Budget for Fiscal Year 2001-02 to Fund an Extra-Help Position and Increase Expenditure Lines for Communications and County Vehicle Expense (\$11,283) (4/5th's Vote Required)

BOARD ACTION: Following discussion, (M)Pickard, (S)Stewart, Res. 01-341 adopted/Ayes: Unanimous.

10:27 a.m. Bill Flaherty, DA/Victim-Witness Coordinator, appeared on behalf of Christine Johnson, District Attorney;
Authorize the Mariposa County District Attorney Statutory Rape Vertical Prosecution Program Advocate to Become a Full-Time Position with Benefits from December 1, 2001 to June 30, 2002; Continued Full-Time Employment as Opposed to 80% Permanent Part-Time for the Following Grant Year 2002-2003 Will be Determined by the Continuation of Grant Funding and the Amount of the Grant Funds Available (\$4,650) (4/5th's Vote Required)
BOARD ACTION: Following discussion, (M)Stewart, (S)Reilly, Res. 01-342 adopted/Ayes: Unanimous.

Blaine Shultz, Fire Chief;
Approve the Budget Actions to Appropriate Un-Anticipated Revenue of \$114,325 (4/5th's Vote Required)
BOARD ACTION: (M)Stewart, (S)Parker, Res. 01-343 adopted/Ayes: Unanimous.

10:29 a.m. Recess

10:55 a.m. Approve the Response of the Board of Supervisors to the 2000-2001 Mariposa County Grand Jury Final Report and Direct the County Administrative Officer to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court (County Administrative Officer)
BOARD ACTION: (M)Pickard, (S)Stewart, Res. 01-344 adopted/Ayes: Unanimous.

Jim Petropulos, Public Works Director;
Approve Intrabudget Transfers and Budget Actions for Facilities, Airport Operations, Roads and Fleet to Cover Projected Expenses over the Original Budget Allocations (\$20,000; \$1,744; \$8,300; and \$73,480)
BOARD ACTION: Jim Petropulos pulled the portion of the request for budget action on the Airport operations, and he advised that this issue has been taken care of. Following discussion, (M)Pickard, (S)Reilly, Res. 01-345 adopted approving the remaining budget actions/Ayes: Unanimous.

11:00 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;
PUBLIC HEARING: Adopt the Regional Transportation Plan
COMMISSION ACTION: Chair Reilly advised that the agenda incorrectly shows this as a hearing on the Regional Transportation Plan and it should be for the Regional Transportation Improvement Plan. She suggested that the staff report be given and public input taken and the hearing continued to December 11th for final action. Amy Roberts/PWD-Transportation Planner, advised of corrections to the draft letter to CalTrans relative to the intent to proceed with the Old Highway bridge project in 2004, to reflect that the cost will raise with inflation.

Public portion of the hearing was opened. There was no input. Public portion of the hearing was closed and the Commission commenced with deliberations. Hearing was continued to December 11, 2001, at 10:00 a.m.

Chair Reilly asked if there was any input on the Regional Transportation Plan that is shown on the agenda, and scheduled for action on December 11th. Amy Roberts advised of a request received from CalTrans to add a section relative to the YARTS staging areas. Commissioner Pickard asked whether the potential projects with respect to circulation, such as the bridge project for Wawona, are included – staff will check and correct as necessary.

11:07 a.m. CLOSED SESSION: Regarding Conference with County Labor Negotiator Relative to Service Employees International Union (County Administrative Officer)
BOARD ACTION: Chairman Balmain advised that the closed session is not necessary.

Jeff Green, County Counsel, provided input on the status of funding issues for the trapper.

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

CONSENT AGENDA

- CA-1 Approve the Appropriation of Funds for a Special Assessment Program for the Benefit of the Auditor and Tax Collector (\$1,000) (4/5th's Vote Required) (Auditor); Res. 01-335
- CA-2 Approve Appropriating the Salary Savings in the Amount of \$5,500 into the Extra Help Line Item of the Health Department Budget to Provide Extra-Help Personnel During an Employee's Leave of Absence (Health); Res. 01-336
- CA-3 Approve the Statement of Votes Cast as Certified to the Secretary of State on November 19, 2001 and Declare Elected Under the Uniform District Election Law Those Persons in Lake Don Pedro Community Services District Whose Names Appear on the Ballot and as Certified in the Statement (Elections); Res. 01-337
- CA-4 Appoint Jack P. Hoover, Charles Barry Green, and Karen J. Glendenning to the Yosemite Alpine Community Services District (YACSD) Board of Directors, Pursuant to the Elections Code (County Clerk); Res. 01-338
- CA-5 Appoint Robert W. McKnight, Craig Konklin, David Radonovich, and Brian E. Muller to the Mariposa Public Utility District (MPUD) Board of Directors, Pursuant to the Elections Code, Section 10515 (a3) (County Clerk); Res. 01-339

11:10 a.m. Adjournment in memory of Flora McNally, Luke Bernard Murphy, and Ethel Neiggemann.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA December 11, 2001



Time Description

9:07 a.m. Meeting Called to Order

Chairman Balmain noted that this is the anniversary of the third month since our nation came under attack by the terrorists, and he suggested that we be mindful of this as we recite the Pledge of Allegiance.

Pledge of Allegiance

Introductions

Supervisor Reilly introduced Camille Capo, new Executive Director for the Children and Families First Commission, and she advised that her office is located with the Local Child Care Planning Council, near the Head Start program facilities – phone number is 742-KIDS. Camille Capo advised that they are beginning the request for proposal process to begin making decisions about issuing grants, and a workshop will be held on January 3, 2002. Supervisor Reilly noted that County departments are eligible to apply for grant funds and a letter of intent is due soon. Greg Iturria, County Administrative Officer, stated he could send a letter to departments advising of this opportunity, with direction that before any commitment is made, it would require Board authorization – the Board concurred.

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

Board Information

- Supervisor Pickard advised that he attended the Area 12 Agency on Aging meeting last week and the Area Plan for 2002 was approved. He advised that they are working on the needs assessment, and they have an “info” van that will go to senior centers and communities to increase awareness to the seniors of the services that are available. He advised that he plans to attend the RCRC meeting and the Community Action Agency meeting on Wednesday.

- Supervisor Parker advised of phone calls he has received relative to a proposed wilderness area in the County – he is trying to obtain more information and will bring the matter back to the Board.

Supervisor Parker and Rod Goss, Senior Biologist Supervisor for Fish and Game, Region IV;

Discussion Regarding Proposed Changes that Would Affect Mariposa County in D-6 Hunting Regulations if Adopted by the Fish and Game Commission

BOARD ACTION: Supervisor Parker introduced Rod Goss. Rod explained the process for consideration of proposals to change Fish and Game regulations. He noted that the Fish and Game Commission produces the regulations and the Department handles the enforcement. Discussion was held, and Rod responded to a question from the Board relative to the County’s veto rights for hunting within a specific County, especially antlerless hunting.

Input from the public was provided by the following:

Woody Woods, Fish and Game Association, commented on the noticing of the Commission's meeting for consideration of proposals. He stated the "local notice" was in the Fresno Bee, and that is even a different zone from Mariposa County. He stated he feels notice should be provided to a Mariposa County newspaper.

Rod Goss advised that the notices are sent to all newspapers, and it is up to each individual newspaper as to whether to publish the notice.

Chairman Balmain asked if the Commission would be willing to send the County notices of future meetings so that we could provide notice to the newspaper. Rod advised that the County could make this request.

Board members thanked Rod Goss for being present and discussing these issues.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Stewart, (S)Pickard, item 1 was approved/Ayes: Unanimous.

Greg Iturria, County Administrative Officer;

Consider and Discuss Pursuing the National Heritage Area Designation of Highway 49 North and Direct Staff to Forward Comments to Congress Member George Radanovich; Designate a Contact Person for the Project if the Board Desires to Pursue Designation

BOARD ACTION: Greg Iturria advised that staff has been informed that the Congressman is proposing that a feasibility study be performed for designating a corridor versus an area, and that they are requesting a point of contact for this community. Discussion was held concerning the request.

Dana Jones, Mining and Mineral Museum Director, provided input relative to heritage corridors and this proposal. She stated she feels this area would be prime for heritage tourism.

Further discussion was held. Supervisor Parker suggested moving forward with an emphasis on private property rights. Supervisor Pickard suggested the County Administrative Officer serve as the contact person until the Economic Development and Tourism director's position is filled. Further discussion was continued for the following hearing to be opened.

10:01 a.m. LOCAL TRANSPORTATION COMMISSION

Public hearing to consider adopting the 2002 Regional Transportation Improvement Program was opened and continued to after the following matters.

Further discussion was held relative to the National Heritage designation. Dana Jones stated she would be interested in working with the County on behalf of the State Parks on this project. She feels a partnership could be the managing entity for this project. Supervisor Reilly stated she feels that more information needs to be obtained as to what it means for the County to participate and what will be asked; and she stated legislation has already been introduced and she feels the legislators should work closer with the Board earlier in the process on these matters. She requested that a report be provided to the Board as to what is going to be required of the County for the feasibility study. She suggested that consideration be given to including the History Center and possibly the Highway 140 Merced River corridor. Supervisor Balmain requested information on the existing National Heritage areas and how well they are received. He expressed concern with protecting private property rights; and as a taxpayer, with the costs for these programs without knowing more information.

(M)Pickard, (S)Parker, Res. 01-347 adopted approving the sending of a letter, to be signed by the Chairman, supporting the legislation for a feasibility study and designating the County Administrative Officer as the contact person until further notice. Supervisor Parker requested that the County Administrative Officer work with others that are interested in this project. Supervisor Reilly stated she would like to see the letter indicate that the County is willing to take this first step, but that more information is

requested. Ayes: Unanimous. Dana Jones advised that she has corridor studies and management plans for other areas available for review.

Supervisor Reilly asked Dana Jones about the status of the Visitor Center/Mining and Mineral Museum complex, and she requested that a presentation be scheduled at the beginning of the year. Dana advised that she will work with Ed Hardy to give a presentation on the status of the complex and fundraising efforts. She gave a brief update and advised that the property across the street from the Visitor Center has been acquired and they are working on plans and funding efforts.

10:24 a.m. Recess

10:34 a.m. Public hearing to consider appeal of County Counsel's decision relative to the appeal of Ordinance No. 934 of the Planning Director's determination; Mark Chapman, c/o Attorney Jamison, Appellant, was opened and continued to after the following matters.

Pelk Richards, Sheriff;

Authorize the Sheriff to Over-Hire Two Deputy Sheriffs for a Four Month Period

BOARD ACTION: (M)Pickard, (S)Stewart, Res. 01-348 adopted. Discussion was held with Pelk Richards relative to the status of overtime expenditures with the heightened security alerts. Ayes: Unanimous.

Jim Petropulos, Public Works Director;

A) Authorize the Public Works Director to Issue a Purchase Order for the Amount Not-To-Exceed \$75,000 for the Purchase of Landfill Cover Material from Allison Construction and Transfer Funds (\$75,000) (4/5th's Vote Required)

BOARD ACTION: Discussion was held with Jim Petropulos. He advised that they will not proceed until the permit is issued by the landowner, and the project will be depend on the weather. Tom Starling, Solid Waste Coordinator, provided input relative to the status of the Solid Waste Contingency budget. (M)Stewart, (S)Parker, Res. 01-349 adopted waiving the formal bid process and approving the recommendation/Ayes: Unanimous. Supervisor Parker thanked Chairman Balmain for his efforts with the matter.

B) Approve the Plans and Specifications and Authorize the Public Works Director to Bid the History Vault Project, Award the Bid and the Contract to the Lowest Responsible Bidder

BOARD ACTION: Discussion was held with Jim Petropulos. Fred Solomon, project manager, advised that the plans and specifications are complete; however, the costs are higher than originally anticipated. Discussion was held relative to the status of the project, costs, timeframes, and bidding the project with alternatives for the electrical, alarm, fire suppression system, mechanical systems, and shelving. Don Weston, President of the Board of Directors for the History Center, provided input relative to their fundraising efforts and their efforts to obtain grants. Supervisor Reilly commented on the possibility of applying for Park Bond funding. (M)Reilly, (S)Parker, Res. 01-350 adopted approving the plans and specifications as recommended, with direction for the award of the bid to come back to the Board for review of the alternative portions and further action/Ayes: Unanimous. Supervisor Reilly initiated further discussion relative to providing assistance with the grant application – Board concurred with the County Administrative Officer pursuing this matter and bringing a recommendation back to the Board.

11:17 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;

A) PUBLIC HEARING: Adopt the 2002 Regional Transportation Improvement Program (RTIP) (Continued from 12-04-01)

COMMISSION ACTION: Chair Reilly advised that this hearing was continued from December 4th due to a mix-up on the agenda. Public portion of the hearing was reopened. There was no input. Public portion was closed and the Commission commenced with deliberations. (M)Balmain, (S)Stewart, LTC Res. 01-17 adopted approving the 2002 RTIP/Ayes: Unanimous. Hearing was closed.

B) Adopt the Regional Transportation Plan and Mitigated Negative Declaration
COMMISSION ACTION: Amy Roberts/PWD-Transportation Planner, advised of corrections to the Plan. (M)Pickard, (S)Stewart, LTC Res. 01-18 adopted approving a mitigated Negative Declaration and approving the RTP with the changes as discussed/Ayes: Unanimous.

11:24 a.m. Supervisor Stewart was excused for a portion of the meeting.

Jeff Green, County Counsel;

PUBLIC HEARING: Appeal of County Counsel's Decision Relative to the Appeal of Ordinance No. 934 of the Planning Director's Determination; Mark Chapman, c/o Attorney Jamison, Appellant

BOARD ACTION: Jeff Green provided the staff report and responded to a question from the Board relative to the Board's determination in another appeal relative to reducing sewage flow amounts and whether that is related to this appeal.

Public portion of the hearing was opened. Input was provided by the following:

John Jamison, Attorney at Law and representing the appellant, stated he agrees with County Counsel that there needs to be some determination relative to the intent of Ordinance No. 934. He referred to the history of building and transient occupancy permits the appellant obtained, and of contact with the Tax Collector's office in 1994, to find out if anything else was required. He stated he feels the Ordinance addresses the addition of flow to the sewer system. He stated he disagrees with the application of Section 3-B in the Ordinance to this situation – they do not have any new construction and they are not converting, they have used this facility as a rental since 1994 and they have been paying their transient occupancy taxes.

Jeff Green stated he feels it is the Planning Department's position that this is a conversion of a single family residence to a bed and breakfast, and that is the dispute. He responded to questions from the Board relative to the status of the issuance of permits by the County for this facility, and he advised that the use issue is the subject of a future appeal on this matter. He further explained the bifurcation of this appeal, and that if the Board determines that the intent of the Ordinance is only for an increase in the sewer flow, he feels any illegal transient rental operator could come to the Board for a permit.

Eric Toll, Planning Director, advised that in terms of the second part of the appeal issue, staff is recommending in support of the appeal based on information that has been provided by the appellant.

Jeff Green advised that based on the Planning Director's change in recommendation, the appellant doesn't have anything further to appeal to the Board. He responded to a question from the Board as to whether the Board still needs to make a determination on the intent of the Ordinance, and advised that he would like the Board to resolve the intent issue.

Attorney Jamison stated he is willing to withdraw the second portion of the appeal based on the Planning Director's input and allow the Board to make a decision on the intent issue.

Chairman called for input from the public in support or in opposition to the appeal. None was received.

Public portion of the hearing was closed and the Board commenced with deliberations. (M)Parker, (S)Reilly, Res. 01-351 adopted upholding Ordinance 934 as written, with the finding that the intent of the Board is that there shall be no transient occupancy or bed and breakfast permits issued, either for new construction or conversion from single family dwelling to rental; Section 3 is a stand-alone section and not conditioned upon flow issues/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart. Hearing was closed.

Approve Revising the Class Specification of Kitchen Aide (Extra-Help Position) to a Kitchen Assistant (Permanent Part-Time Position) and Setting the Salary at Range 50 (\$1,213 - \$1,474) (Personnel)

BOARD ACTION: (M)Pickard, (S)Reilly, Res. 01-352 adopted/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

Authorize the Chairman to Sign a Personal Services Agreement with Dennis Patrick for Specialized Services to the Data Processing Department and Approve a Budget Transfer for the Agreement (\$5,000) (County Administrative Officer)

BOARD ACTION: (M)Pickard, (S)Reilly, Res. 01-353 adopted with the change suggested by County Counsel to modify Section 3.01 for services to be provided on an "as needed" basis, and with the contract to only be invoked by the County Administrative Officer/Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart.

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

BOARD ACTION: Chairman Balmain advised that the closed session is not necessary.

11:50 a.m. Lunch

2:07 p.m. Board reconvened with all members present.

Eric Toll, Planning Director;
Joint Meeting of the Planning Commission and the Board of Supervisors to Discuss the General Plan Update

BOARD ACTION: Planning Commission Chairman Radanovich called the Planning Commission to order with all Commissioners present. Eric Toll and Andy Hauge, Parsons Vice-President, were present to provide input and respond to questions.

Eric Toll advised that he is providing the Board members and Commissioners with a complete set of the existing General Plan, Land Development Code, and Town Planning Area documents so that everyone is working from the same documents. He advised that he is looking at having more planning fairs in March, 2002, and he will bring cost information for consideration at mid-year. He reviewed the status of the community plans for Catheys Valley, Wawona and Yosemite West, and the status of the General Plan Update and timelines.

Eric gave a summary presentation on the Regional Housing Needs Assessment from the Department of Housing and Community Development, and what the numbers mean in terms of housing units and the County General Plan. Discussion was held, and it was noted that housing availability would need to be reviewed, as well as impacts considered on other entities such as the School District and the Hospital; and that other issues would need to be considered such as Yosemite National Park housing issues and relocation; and transportation. Supervisor Parker suggested that the Commission address the issues that have been raised for the housing element and bring information back to the Board for

further consideration. Discussion was held relative to “market area” allocation – Eric advised that Planning will bring back an item for the Board to allocate housing.

Eric advised of the status of the Commission’s work on the General Plan Update, and he noted they are working on reducing the existing 32 land use classifications to five.

3:27 p.m. Recess

3:42 p.m. Commissioner Radanovich initiated discussion on the following issues: economic development and consideration of other opportunities, including tourism; definition of rural character and how it applies to agri-business and future protection of agriculture and the right-to-farm; development of light industry; short-term and long-term goals for development and development of the County as a destination; rezoning issues; continuation of home enterprise in residential areas; and consideration of allowing major subdivisions with lots of varying sizes. A roundtable discussion was held on these issues.

4:36 p.m. The Planning Commission adjourned its meeting.

CONSENT AGENDA

CA-1 Authorize the Sheriff to Award the Contract for the Inmate Phone System to Evercom and Authorize the Chair of the Board and the Sheriff to Sign a Three (3) Year Contract with Evercom for the Inmate Phone System at the County Jail (Sheriff); Res. 01-346

4:37 p.m. Adjournment in memory of Zona MacBeath Milmore, Elizabeth Sturm, Hazel Lawler, Gladys Baldock, and Harold Johnson.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA December 18, 2001

Time Description

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

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

- Jim Petropulos, Public Works Director, advised they are making an emergency purchase of a sanding unit today as the sander broke down this morning while sanding the roads. He advised that the maximum cost of the unit is \$6,000 and it should be available for use tonight. He will bring back an agenda item to ratify this purchase.

- Jim Petropulos advised that the light fixture crossbars for the light poles at the ballfield between the High School and Elementary School are deteriorating, and he is having the facilities staff investigate the situation and they may be removed as a safety measure. They plan to replace the poles and light fixtures this next spring. Discussion was held relative to the status of the project, and Board members requested that the project be planned as to not disrupt spring recreational programs.

- Eleanor Keuning, resident on Leonard Road advised of her requests for maintenance on Leonard Road. She showed photographs reflecting the condition of the Road and expressed her concern with its maintenance. Chairman Balmain advised that the matter will be looked into.

Debra Freitas, Coordinator/Science Specialist, Rural Schools and Community Connections, Mariposa County Unified School District;

Presentation and Update on the Rural Schools and Community Connections Program

BOARD ACTION: Debra Freitas advised that this program started with the Annenberg Challenge Grant, and the current funding source for this program expires in June, 2002. She presented a video reflecting the benefits of the program, which is a blend of place and service learning – connecting the communities and the schools. She asked the Board to consider whether there is any way the County could support this type of program.

Input from the public was provided by the following:

Barry Brouillette stated he feels this program has an ability to connect people in ways they have become separated. He stated he will work to raise private funding to help keep this program; and if they are successful, he would like to be able to ask the County to assist for a couple of years, until the schools are financially able to fund the program. He feels this is a valuable teaching method and gets students connected to their place.

Candy O'Donel-Browne stated she supports the program. She stated she feels that in this community we tend to take our children and hand them to the school board and hope that it all works out and hope that they learn to come back to the community after they have finished with them. She stated she feels that this program makes a great attempt to connect those children with the community while they are growing up so that they can visualize the future so that they can work out what they want to do. She stated that she feels this is the time for a community discussion to come up with something creative so that we can keep this going.

Discussion was held relative to the program. Supervisor Reilly expressed concern that these types of programs are considered non-essential and that funding has to be sought to continue them. She stated she feels these types of programs should be supported and considered essential, especially with the work on the General Plan. She stated she feels there are ways to encourage our youth such as recognizing them when they participate in the community, and she suggested that an honor cord at graduation be considered, and she noted that would not be a costly item. She noted that discussion is often held relative to things that are not offered, and she hopes that more emphasis is placed on what is here and can be done for our children.

Debra Freitas stated she feels one way the Board could assist is to let the School Board know that it feels these programs are a good idea.

Supervisor Pickard commented on his work with these programs and their importance. Board members thanked Debra for sharing the information.

9:57 a.m. Recess

10:22 a.m. Board Information

- Supervisor Parker commended Public Works, especially the Road Division for their maintenance work on Triangle Road.

- Supervisor Balmain advised that he attended the UC Merced Interagency Coordination meeting on Thursday with the County Administrative Officer and the Planning Director. He stated he feels we should make sure that we have a representative at each meeting, and he advised that he pointed out the concerns relative to LaPaloma Road and the affect the campus will have on Mariposa County. They plan to meet monthly and Supervisor Stewart plans to attend the next meeting.

- Supervisor Pickard advised that he will attend the Resource Conservation and Development Area meeting on Wednesday in Fresno. The meetings will rotate between the counties. He also advised that with the assistance of the RCD, the Mariposa Fire Safe Council received a grant of \$53,000 to help fund a coordinator. He stated he agrees with the comments commending Public Works/Road Division for its work.

- Supervisor Stewart advised that he attended the Foreign Trade Zone meeting. He also advised of an E-Commerce meeting scheduled for January 16th in Merced. The purpose is to discuss issues such as business, agriculture, utility, investment, and education in community organizations in the San Joaquin Valley.

- Greg Iturria, County Administrative Officer, advised that the California Historical Society recently published a book on courthouses in California, and the Mariposa County courthouse is on the cover page and in the book. The book is available for review.

Approval of Minutes 11-27-01 and 12-04-01 Regular Meetings

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

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

Jim Petropulos, Public Works Director;

A) Approve and Authorize the Environmental Services Joint Powers Authority to Apply for a California Integrated Waste Management Board Local Government Used Oil Opportunity Grant

BOARD ACTION: (M)Reilly, (S)Stewart, Res. 01-356 adopted/Ayes: Unanimous.

B) Authorize the Public Works Director to Solicit Bids and Award to the Lowest Responsible Bidder, One (1) New Heavy Haul Tractor and Trailer per Attached Bid Specifications

BOARD ACTION: Discussion was held with Jim Petropulos, and he advised that Joe Halencak/PWD-Interim Equipment Mechanic Supervisor, was present to respond to technical questions concerning the request. Supervisor Balmain requested that the purchase of used equipment not be excluded if it meets the specifications. (M)Parker, (S)Pickard, Res. 01-357 adopted, with the change requested to include the possibility of used equipment as long as it meets specifications/Ayes: Unanimous.

Sarah Williams, Planning Manager, appeared on behalf of Eric Toll, Planning Director; Waive Second Reading and Adopt an Ordinance Approving a Change in the Official County Zoning Map from Mountain General to Timber Exclusive; Zoning Amendment No. 2001-4; Alan and May Grupe, Applicants (Continued from 07-10-01)

BOARD ACTION: Sarah Williams advised that they have received the executed owner's declaration. (M)Pickard, (S)Stewart, second reading was waived and Ordinance No. 968 was adopted/Ayes: Unanimous.

10:44 a.m. Cheryle Rutherford-Kelly, Human Services Director; Authorize the Director of Human Services (Community Action) to (1) Apply for Capacity Building Funds to Purchase a New Weatherization Van through the State Department of Community Services and Development (CSD); (2) Accept Approximately \$23,000 of Unanticipated Revenue from the State; and (3) Approve the Purchase of a Van for the Community Action's Weatherization Program (4/5th's Vote Required)

BOARD ACTION: Following discussion, (M)Stewart, (S)Pickard, Res. 01-358 was adopted. Further discussion was held relative to the program and use of the vehicle. Ayes: Unanimous.

Authorize the Chairman to Execute an Agreement with Liebert Cassidy Whitmore to Provide Legal Services for the County of Mariposa (County Counsel)

BOARD ACTION: (M)Reilly, (S)Pickard, Res. 01-359 adopted/Ayes: Unanimous.

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

BOARD ACTION: Chairman Balmain advised that the closed session is not necessary this date.

10:49 a.m. Recess and Lunch

2:16 p.m. Jim Petropulos, Public Works Director; Presentation of the Draft Engineering Assessment Report for the Yosemite West Wastewater Treatment Facility Improvements Project by the Public Works Staff and Ed Wilson of Wilson and Associates

BOARD ACTION: Jim Petropulos advised that Dana Hertfelder/Assistant Public Works Director, Marty Allan/PWD-Fleet/Fiscal Manager, and members of the Yosemite West Advisory Committee were present for this report.

Ed Wilson, Assessment Engineer, advised of the following objectives for this project:

- 1) correct operational problems of the existing treatment plant;
- 2) provide in correcting those problems a capacity for build-out of the vacant lots in the subdivision; and

- 3) provide for management of connections and connections in the future of new development within the subdivision so that the vacant lots have build-out capability.

Ed recommended the following implementation plan:

- 1) complete the funding process for the project and construction of the facility;
- 2) proceed with updating the sewer user ordinance to implement a new connection management program and set connection fees; and
- 3) consider investigating the community's interest in planning for the development of a separate off-site facility for treatment of wastewater capacity in excess of the one hundred thousand gallons per day.

Ed reviewed the assessment spread summary for the wastewater facilities project. Discussion was held relative to the information that was presented; costs; water and sewer capacities at full build-out; whether undeveloped parcels of land have been accounted for; whether the facility would be able to handle other services for the area such as a restaurant or a convenience store in the future and it was noted that this information does not deal with land use, just fixtures; the limited reserve allowed for in the project; and relative to the process from here. Ed advised that he will finish the work on the assessment to allocate costs and complete the report to present to the Board, and that the following will need to occur: initiate proceedings for the hearing and authorize ballots, advertise bids for construction of the project, and notice the property owners as required. Discussion was held relative to doing a door-to-door review of the existing facilities to obtain complete information to finalize the data for the assessments. Jim Petropulos advised that he will be bringing back an amendment to the contract with Psomas, and he advised that they plan to go to bid early in the process to obtain accurate cost information. Supervisor Reilly commented on the need to deal with water and sewer usage conservation issues in this process, and the need to obtain information on costs to be allocated and how the reserve will be handled.

Input from the public was provided by the following:

Kay Pitts, Yosemite Peregrine Bed and Breakfast and Falcon's Nest, stated she has a problem with how the equivalent dwelling units are calculated, and she asked how the duplex units are calculated. Ed Wilson explained the calculation process. Supervisor Reilly noted the on-site visits would help in the final determinations.

Pierce Loberg asked how the condominium units are being calculated. Ed Wilson explained the process.

John Bonner stated he owns a vacant, buildable lot, and he would like to see this process proceed.

No action was necessary at this time.

INFORMATION – No action was necessary on the following:

Rose Garden and Plaque, in Memory of Gertrude Rose Taber (Supervisor from 1979 to 1996) Have Been Installed at the Government Center/Library Plaza Pursuant to Previous Board Direction (Librarian)

CONSENT AGENDA

- CA-1 Re-Appoint Arthur Mimler to the Mariposa County Coordinating Council for the Developmentally Disabled (Supervisor Stewart)
- CA-2 Approve the Budget Transfer in Roads from Materials – Sign Shop to Computer Equipment in the Amount of \$4,250; Authorize the Public Works Director to Purchase Computers (Public Works); Res. 01-354
- CA-3 Accept and Adopt Exhibit A – Amendment-2001, Which Constitutes the Mariposa County Conflict of Interest Code (County Clerk); Res. 01-355

3:36 p.m. Adjournment in memory of Leon Lawler and Fresno County Supervisor Deran Koligian.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board