



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA July 9, 2002



Time      Description

**9:05 a.m.** Meeting Called to Order  
Pledge of Allegiance

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

Jim Petropulos, Public Works Director, introduced Susan Avery, the new Solid Waste Manager.

#### Board Information

- Supervisor Balmain advised of the possibility of applying for a BLM grant for a chipper for the Fire Safe Council's brushing program. He also commented on a recent newspaper story relative to pay raises for County officials, and the reference of "eradication of the County" with one of the raises. He reported on his trip to the El Dorado Forest with the Interagency Team to review the Sierra Framework and issues.

- Supervisor Pickard advised of the Board liaison committee's meeting with the Economic Development Corporation relative to tourism and economic development issues.

- Supervisor Stewart advised of the E-Commerce and Connecting Mariposa meeting held on Monday, and advised that issues concerning high-speed internet were discussed.

Approval of Minutes 06-11-02 and 06-18-02 Regular Meetings

**BOARD ACTION:** Approved

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Stewart pulled items 3, 7, 8, and 10. (M)Pickard, (S)Reilly, balance of the items were approved/Ayes: Unanimous. Discussion was held with Marjorie Wass/Assistant Treasurer-Tax Collector, relative to item 3. It was clarified that item 7 was placed on the agenda by the Planning Department versus the Public Works Department. Discussion was held with Jim Petropulos, Public Works Director, relative to items 8 and 10. Supervisor Balmain commented on the closure of businesses in Coulterville and the impact this will have on the revenue for the Coulterville Sewer system. Discussion was held with Jeff Green, County Counsel, relative to item 7. (M)Parker, (S)Pickard, items 3, 7, 8, and 10 were approved/Ayes: Unanimous.

Mary Williams, Community Services Director;

Authorize the Chair to Sign the Amended Agreements for Reduced Funding from Area 12 Agency in All Three Nutrition Programs Fiscal Year 2001-02 and Approve the Budget Action Reducing the Contingency Fund by \$9,197 (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Discussion was held with Mary Williams relative to the request. Ken Hawkins, Auditor, responded to a question relative to the General Fund Contingency balance. (M)Parker, (S)Balmain, Res. 02-261 was adopted approving the request/Ayes: Unanimous.

Jim Petropulos, Public Works Director;

A) Authorize the Public Works Director to Waive the Formal Bid Process to Purchase a Caterpillar D-6R Dozer, Currently Leased from Holt of California (\$59,415)

**BOARD ACTION:** Jim Petropulos was present with Kent Woolsey/PWD-Road Superintendent and Joe Halencak/PWD-Interim Equipment Mechanic Supervisor. (M)Pickard, (S)Parker, Res. 02-262 was adopted/Ayes: Unanimous.

B) Authorize the Public Works Director and County Counsel to Execute a Cooperative Agreement Modification No. 002 Between the National Park Service and Mariposa County to Provide an Additional \$100,000 for Development of a Mixed Solid Waste Composting Facility; and Authorize the Public Works Director to Complete and Execute the Application for Federal Assistance SF-424 as Required by the National Park Service to Accompany the Cooperative Agreement Modification No. 002

**BOARD ACTION:** Following discussion with Jim Petropulos, (M)Pickard, (S)Balmain, Res. 02-263 was adopted/Ayes: Unanimous.

C) Authorize the Public Works Director to Apply the Cost Savings Utilized from the Vault Project Towards the Construction of a Halon Fire Suppression System for the Vault Facility with the Estimated Construction Cost of \$40,000

**BOARD ACTION:** Discussion was held with Jim Petropulos, Fred Solomon/Project Manager, and Don Weston/Mariposa Museum and History Center, relative to the request and the status of shelving for the project. Supervisor Stewart asked about the amount of County records that would be placed in the vault, and he requested that consideration of the shelving costs be given during the Final Budget hearing. (M)Parker, (S)Pickard, Res. 02-264 was adopted approving the request for the Halon fire suppression system/Ayes: Unanimous. Don Weston thanked everyone for their work on this project.

**9:59 a.m.** Recess

**10:13 a.m.** Jeff Green, County Counsel;

B) Authorize the Chair to Execute a Telecommuting Agreement with Mariposa County Transportation Planner for an Initial Period of Six Months

**BOARD ACTION:** Discussion was held with Jeff Green relative to the request. Supervisor Balmain expressed concern with allowing an employee to telecommute from a management standpoint and with having a part-time position during the term of the agreement. Further discussion was held relative to the pros and cons of this arrangement. (M)Reilly, (S)Pickard, Res. 02-265 was adopted approving the request. Further discussion was held. Ayes: Reilly, Stewart, Pickard; Noes: Balmain; Abstained: Parker. Supervisor Parker requested that a report come back to the Board in six months, and that the contract not be extended without further action of the Board. Following further discussion, Jeff Green advised that it would be personnel's intention to bring this back in six months to see how it worked.

A) Waive First Reading and Introduce Ordinance Creating Chapter 16.36 Entitled "Indemnification Agreements" to the County Code (Continued from June 18, 2002)

**BOARD ACTION:** Discussion was held with Jeff Green, and he advised of a requested revision from Supervisor Balmain to add language to Section 16.36.030 to state that any requirement by the Planning Commission for an indemnity agreement shall have an automatic review for approval by the Board of Supervisors. Eric Toll, Planning Director, provided input relative to the request. (M)Pickard, (S)Parker, first reading was waived and the Ordinance was introduced with the additional language as requested/Ayes: Unanimous.

Eric Toll, Planning Director;

Authorize the Planning Director to Hire an Extra Help Planner for FY 2002-03 Prior to Adoption of the Final Budget

**BOARD ACTION:** Discussion was held with Eric Toll. (M)Parker, (S)Pickard, Res. 02-266 was adopted/Ayes: Unanimous.

Supervisors Parker and Pickard;

Authorize the Chair to Sign an Agreement with Huell Howser Productions for Sponsorship of a Public Television Production in Order to Encourage Visitation to Yosemite National Park and Mariposa County

**BOARD ACTION:** Supervisor Parker initiated discussion relative to the request. Supervisor Balmain requested that the County's portion cover the entire County. (M)Pickard, (S)Parker, Res. 02-267 was adopted approving the request. Further discussion was held. Supervisor Reilly stated she feels other projects should be considered for funding such as the County's website and that consideration should be given to using local talent for these projects. Supervisor Stewart advised of a telephone call he received from Channel 30 relative to doing something in the County, and of a telephone call he received from a local film company. Jeff Green, County Counsel, advised that nothing was found that would indicate that a legal, binding commitment was made on the part of the County by the previous Tourism and Economic Development Director relative to this agreement. Further discussion was held. Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly.

Authorize the Chairman of the Board of Supervisors to Sign a Letter of Opposition to AB1130 Which Would Establish the Sierra Nevada Conservancy to Acquire and Direct the Management of Public Lands Within the Sierra Nevada Region and Cascade Mountain Region (Supervisor Pickard)

**BOARD ACTION:** Discussion was held. (M)Parker, (S)Balmain, Res. 02-268 was adopted approving the letter of opposition to AB1130. Following further discussion, motion was amended, agreeable with maker and second, to include direction for the letter to be copied to our legislative representatives/Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly.

Approve the Statement of Purpose for the California State Fair Exhibit (Tourism & Economic Development)

**BOARD ACTION:** (M)Parker, (S)Pickard, Res. 02-269 was adopted. Supervisor Balmain advised of a request from his constituents that the information be accurate in the exhibit. Ayes: Unanimous.

The Board considered the following Public Works matters:

A) Adopt a Negative Declaration Based on No Significant Impacts Found from the Initial Study; Authorize the Public Works Director to Advertise and Award Bid for Mariposa/Yosemite Airport Improvements Phase II, (AIP 3-06-0147-04) (Continued from 06-18-02)

**NOTE:** Matter to be Continued

**BOARD ACTION:** Matter was continued to August 6, 2002, at 11:00 a.m. Discussion was held relative to the continuance and timeliness issues of this project.

B) Adopt a Negative Declaration Based on No Significant Impacts Found from the Initial Study; Approve the Plans and Specifications for the Mariposa Skate Park Project (97-11); and Authorize the Public Works Director to Advertise the Project and Award to the Lowest Responsible Bidder (Continued from 06-18-02)

**NOTE:** Matter to be Continued

**BOARD ACTION:** Matter to be rescheduled and renoticed for consideration. Discussion was held relative to the continuance. Jeff Green, County Counsel, advised that Planning staff feels that substantial issues were raised relative to noise and siting for this project and further work needs to be done on the environmental review.

## **CONSENT AGENDA**

CA-1 Authorize the Chair to Sign an Order of the Board to Reject Claim No. CO2-8 in the Amount of \$2,031.15 (County Counsel); Res. 02-247

- CA-2 Approve the Budget Action Transferring Funds Within the Sheriff's Budget Unit for Fiscal Year 2001-02 to Increase Medical, Dental, Lab Appropriations (\$4,000) (Sheriff); Res. 02-248
- CA-3 Approve the Budget Action Increasing Unanticipated Revenue in Investment Fees and Increasing Appropriations in Banking Fees For Fiscal Year 2001-02 (\$10,000) (4/5<sup>th</sup>'s Vote Required) (Treasurer); Res. 02-257
- CA-4 Approve the Budget Action Transferring Funds Within the Community Service Budget for Veterans' Extra Help Hours Fiscal Year 2001-02 (\$600) (Community Services); Res. 02-249
- CA-5 Approve the Budget Action Transferring Funds Within the Planning Unit Due to Additional General Plan Workshops and General Plan Sneak Peak (\$960) (Planning); Res. 02-250
- CA-6 Approve the Budget Action Transferring Funds Within the Planning Unit for Planning Publications/Notices (\$705) (Planning); Res. 02-251
- CA-7 Approve the Budget Action Increasing Revenue and Corresponding Account for Yosemite View Unit for Parking Consultant Fees (\$1,290) (4/5<sup>th</sup>'s Vote Required) (Public Works); Res. 02-258
- CA-8 Approve the Budget Action Transferring Funds Within the Yosemite West Maintenance District Budget to Cover Lease/Purchase Payment for the Snow Blower (\$14,144) (Public Works); Res. 02-259
- CA-9 Approve the Budget Action Transferring Funds Within the Yosemite West Road Budget to Cover Additional Equipment Expenses for Fiscal Year 2001-02 (\$900) (Public Works); Res. 02-252
- CA-10 Approve the Budget Action Transferring Funds Within the Coulterville Sewer Budget to Cover Additional Expenses Incurred for Emergency Sewer Repair (\$4,900) (4/5<sup>th</sup>'s Vote Required) (Public Works); Res. 02-260
- CA-11 Approve the Budget Action Transferring Funds Within District Attorney's Victim/Witness Budget to Benefits Account for Full Time Position (\$1,323) (District Attorney); Res. 02-253
- CA-12 Authorize the Extension of the 2001-02 Mariposa County District Attorney Statutory Rape Vertical Prosecution Program Grant From an Ending Date of June 30, 2002 to an Ending Date of July 31, 2002, Allowing the Grant to Expend Unused Funds in the Amount of \$3,800 (District Attorney); Res. 02-254
- CA-13 Authorize the Human Service Director on Behalf of the Mental Health Department to Continue to Contract with the State Department of Mental Health to Receive Funds for the Delivery of Community Mental Health Services, Including Managed Care for the Entire County (Human Services); Res. 02-255
- CA-14 Approve the Budget Action Transferring Within the Mental Health Unit to Cover the Purchase of Computer Software for Children's System of Care (\$185) (Mental Health); Res. 02-256
- CA-15 Accept the Resignation of Pete Judy form the Alcohol and Drug Advisory Board

(Human Services)

**11:33 a.m.** Adjournment in memory of Robert C. LeConte, Blanche A. Phillips, Irene Wallner, Wilfred Von Der Ahe, and Mollie Suh Yaley.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA July 16, 2002



Time      Description

**9:07 a.m.** Meeting Called to Order, with Supervisor Reilly excused to arrive later this morning.

Pledge of Allegiance  
Introductions

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

- Pelk Richards, Sheriff, advised that Monday was his first day back at work following his quadruple heart bypass surgery. He stated the department re-instituted its toll free telephone number for citizens in outlying areas – the number is 1-800-774-8314. He advised that the reverse 9-1-1 system is in operation. He also thanked Jim Allen/Assistant Sheriff and Howard Davies/Assistant Sheriff, for an outstanding job in keeping the department running while he was out.

- Supervisor Stewart advised that he attended the recent graduation at the State Center Training facility, and that two of our Sheriff's deputies were in the graduating class – Jeremy Dobson and Sean Land.

- Supervisor Parker advised of an off-agenda request relative to the charges for the draft General Plan Update documents. Planning is charging the printing cost of \$28.00 for the document, and he expressed concern that the charge may prevent some citizens from reviewing the document. He feels this is the County's most important issue at present. Jeff Green, County Counsel, noted that if the Board desires to consider changing this charge, the request is a matter of timeliness, as the Planning Commission is in the process of holding a number of workshops and public hearings on the document. (M)Parker, (S)Pickard, Board waived rules requiring 72 hours agenda noticing to consider this matter finding it was not known about at the time the agenda was prepared and that it is a matter of timeliness as the Planning Commission is in the process of taking input on this document/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Discussion was held concerning the request, and it was noted that the document is available on the Internet and at the library branches, and that a CD-ROM is also available for a nominal fee. The request was continued to later today for discussion with the Planning Director.

Board Information

- Supervisor Stewart advised of the receipt of an email from Assemblyman Cogdill announcing the National Resource Summit scheduled for August 16th to discuss forest issues.

Supervisor Pickard;

Proclaim the Week of July 14<sup>th</sup> through July 20<sup>th</sup>, 2002 as Harmful, Non-Native Weeds Awareness Week

**BOARD ACTION:** (M)Pickard, (S)Balmain, the Proclamation was approved and Gary Hickman/Farm Advisor, accepted it on behalf of those involved in the noxious weed project/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Gary advised that a weed management seminar is scheduled for Wednesday in Midpines.

Supervisor Pickard;

Present Assemblyman Dave Cogdill with a Certificate of Appreciation for His Dedicated Work on Assembly Resolution No. 218 – Relative to Harmful, Non-Native Weeds Awareness Week

**BOARD ACTION:** Supervisor Pickard commended Assemblyman Cogdill's efforts on weed management issues. (M)Pickard, (S)Balmain, the Certificate was approved and presented to Mia Peichoto, staff representative for Assemblyman Cogdill/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Gail Neal, Chief Probation Officer;

Proclaim the Week of July 14<sup>th</sup> through July 20<sup>th</sup>, 2002 as Probation, Parole & Community Supervision Officers' Week

**BOARD ACTION:** (M)Parker, (S)Pickard, the Proclamation was approved and presented to Gail Neal/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Gail introduced the following Probation Officers: Ryan Oliphant, Monique Hall, Connie Pearce, Bryce Johnson/Chief Deputy Probation Officer, Jennifer Diaz, Mark Mellon, and Anita Hopman.

**9:39 a.m.** Recess

**9:50 a.m.** The Board reconvened with Supervisor Reilly present, and with Supervisor Balmain returning at 9:54 a.m.

Approval of Minutes 06-25-02 Regular Meeting

**BOARD ACTION:**

Approved.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Stewart advised that the questions he received from citizens relative to item 1 have been answered. (M)Balmain, (S)Parker, item 1 was approved/Ayes: Unanimous.

Chairman Stewart advised that the public hearing to approve text amendments to Section V.B.6.a. of the Fish Camp Town Planning Area Specific Plan will be continued to July 23, 2002, at 2:00 p.m.; and that further discussion relative to the fee for the General Plan Update document will be discussed at 10:30 a.m. this morning with the Planning Director.

Pelk Richards, Sheriff;

Authorize the Acceptance of the Grant Award for the Bureau of Justice Assistance Grant in the Amount of \$35,575 to Pay for One DARE Deputy for Fiscal Year 2003-04

**BOARD ACTION:** Following discussion with Jim Allen/Assistant Sheriff, (M)Parker, (S)Pickard, Res. 02-271 was adopted/Ayes: Unanimous.

Michael Berest, Court Executive Officer;

Authorize the Mariposa Superior Court to Withdraw from Coverage Under the County of Mariposa Worker's Compensation Policy Without the 90-Day Notice Required by G.C. 772212(b)

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Balmain, Res. 02-272 was adopted/Ayes: Unanimous.

**10:00 a.m.** Supervisor Reilly was excused and returned at 10:05 a.m.

Marita Green, Child Support Services Director;

Authorize the Director of Child Support Services to Expend Fixed Asset Funds to Replace Outdated Computer Equipment Prior to Adoption of the Final Budget for Fiscal Year 2002-03; and Authorize the Director of Child Support Services to Purchase Ten Workstations, One Server, and Two Printers Utilizing a Vendor Through the California Master Purchase Agreement (CMAS) in an Amount Not to Exceed \$30,931

**BOARD ACTION:** Following discussion, (M)Balmain, (S)Parker, Res. 02-273 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Jeff Green, County Counsel;

Discussion and Possible Direction to Staff Relative to a Request to Purchase a Portion of a Parcel of Real Property from the County, Located in Hornitos, California

**BOARD ACTION:** Discussion was held. (M)Parker, (S)Balmain, direction was given to staff to proceed with processing the request. Supervisor Stewart requested that information relative to the location of the transfer station be included in consideration of this matter. Ayes: Unanimous.

Marjorie Wass/Assistant County Clerk, appeared on behalf of Don Phillips, County Clerk/Elections; Approve the Allocation of Elections Clerk I/II (Range 126-146) to the County Clerk Budget Unit and Remove the Allocation of the Account Clerk I/II (Range 84-104)

**BOARD ACTION:** Following discussion, (M)Parker, (S)Reilly, Res. 02-274 was adopted/Ayes: Unanimous.

Cheryle Rutherford-Kelly, Human Services Director;

Authorize the Chair to Sign a Personal Services Agreement with Karen Rust for Services to the Children's System of Care Program

**BOARD ACTION:** Discussion was held. Jeff Green, County Counsel, advised of a correction to the agreement in Section 5.02 to reflect that the County shall not provide working space. (M)Balmain, (S)Pickard, Res. 02-275 was adopted approving the agreement with the correction/Ayes: Unanimous.

Supervisors Stewart and Parker;

Adopt a Resolution Establishing the Mariposa Advisory Task Force

**BOARD ACTION:** Discussion was held relative to the establishment of the task force, membership, and whether the task force efforts need to be coordinated with the General Plan Update process. Eric Toll, Planning Director, provided input on coordination of the General Plan Update process and the task force efforts. Further discussion was continued for the following hearing to be opened.

**10:35 a.m.** The public hearing to approve text amendments to Section V.B.6.a. of the Fish Camp Town Planning Area Specific Plan was opened and continued to July 23, 2002, at 2:00 p.m.

The Board continued discussing the establishment of the Mariposa Advisory Task Force, whether it should be a town advisory committee versus a task force, membership, and relative to suggested changes. (M)Parker, (S)Pickard, Res. 02-276 was adopted establishing the Mariposa Advisory Task Force with the suggested changes to include the option of volunteer members serving on the Task Force; to reflect three members representing the business community and one member residing in the geographic boundary of the town planning area; deleting the sentence calling for the Board to appoint a replacement in the absence of the Planning Director; and adding the Tourism and Economic Development to provide support/Ayes: Unanimous.

Eric Toll, Planning Director;

**PUBLIC HEARING:** Adopt a Resolution Approving Text Amendments to Section V.B.6.a. of the Fish Camp Town Planning Area Specific Plan; Specific Plan Amendment No. 2002-109; Mariposa County, Applicant

**BOARD ACTION:** Chairman Stewart advised that this hearing was continued to July 23, 2002, at 2:00 p.m. Supervisor Reilly provided input relative to the continuances of hearing and items that have been noticed, and stated she feels that we need to find a better way to make sure that when an item is noticed, that the matter will be heard. Supervisor Pickard advised that a member of the public was present and asked if the Board would consider taking input at this time so that he would not have to appear on the 23rd. Jeff Green, County Counsel, advised that the public comment



portion of the hearing could be opened for purposes of taking input from the member of the public, and then continue the hearing. It was clarified that public input would also be taken during the hearing on July 23rd. Chairman Stewart opened the public hearing and called for public input. The following input was provided:

Ron Young stated he is in the process of planning an addition to his residence. He started working with Public Works over a year ago relative to abandoning Second Street behind his property, and there have been many complications. An abandonment would save the need for a variance from the setbacks. He stated he hopes that the Specific Plan can be improved in the future. He further stated that he is not aware of any concerns of allowing for variances for setbacks for residential properties.

The public hearing was continued to July 23, 2002, at 2:00 p.m.

Discussion was held with Eric Toll, Planning Director, relative to the fee for distribution of the General Plan Update document. Eric advised that the fee was set at \$28 for the document and \$5 for the CD-ROM to cover the printing costs pursuant to Board policy. (M)Balmain, (S)Reilly, Res. 02-277 was adopted setting the fee at \$5 for the document and with no charge for the CD-ROM/Ayes: Unanimous. Eric advised that the department would handle refunds for those copies that have been purchased.

Eric Toll advised that Todd Lewis/Planner I will be returning to the office in a few weeks, following his recent surgery.

**11:21 a.m.** Jeff Green, County Counsel/Interim Personnel Director;

A) CLOSED SESSION: Conference With County Labor Negotiator in Regards to the Sheriffs' Management Association/Probation Officers Sub-Unit; and

B) CLOSED SESSION: Public Employee Appointment; Review County Administrative Officer Applications

**BOARD ACTION:** (M)Balmain, (S)Reilly, Board to convene in closed session at 1:00 p.m., with Rick Bolanos, labor negotiator, to be present for labor negotiations/Ayes: Unanimous.

**11:22 a.m.** Lunch

**1:06 p.m.** The Board convened in closed session.

**1:36 p.m.** Recess

**1:55 p.m.** The Board reconvened in closed session.

**3:09 p.m.** The Board reconvened in open session. Chairman Stewart announced that direction was given to staff as a result of the closed session items.

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

### **CONSENT AGENDA**

CA-1 Approve the New Road Name of Guadalupe Mountain Road (Planning); Res. 02-270

**3:10 p.m.** Adjournment in memory of Priscilla Katherine Graves, Vivian Alice Horstmeyer, Vicki Ann Almarode, Russell Fiske, Tony Gaetani, and Joe Mitcham.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA July 23, 2002



#### Time      Description

**9:12 a.m.** Meeting Called to Order with Supervisor Parker excused due to illness.

Pledge of Allegiance

Introductions

- Laura Phillips, *Gazette* Reporter, introduced her daughter Daisy Phillips.

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

- Chairman Stewart advised of a request received from Frank Long to provide input at 2:00 p.m. This item was continued to 2:00 p.m.

Board Information

- Supervisor Pickard advised that he plans to attend the Biomass for Energy and a Better Environment Conference on Wednesday and Thursday in Tulare.

Approval of Minutes 07-09-02 Regular Meeting

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Balmain pulled items 12 and 13. (M)Pickard, (S)Reilly, balance of the items were approved/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Discussion was held with Dana Hertfelder/Assistant Public Works Director, relative to items 12 and 13. Barbara Carrier/Public Works, provided input relative to item 13 and the payments on the D-6 dozer. (M)Balmain, (S)Pickard, items 12 and 13 were approved/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

**INFORMATION:**

Donation of Children's Books from Sierra Telephone and the Baker Family (County Librarian)

**BOARD ACTION:** Jacque Meriam, Librarian, advised of the donation of children's books. Chairman Stewart requested that a letter of appreciation be sent to the Baker family thanking them for the donation.

Cheryle Rutherford-Kelly, Human Services Director;

Change the Allocation of a Permanent Part-Time Account Clerk III Position (0.50) in the Community Programs – CAA Budget Unit to Full Time (1.0) Effective 08-01-02; Approve the Budget Action Increasing Revenue and Corresponding Expenditure Accounts (\$5,957) (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Balmain, Res. 02-288 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Jeff Green, County Counsel;

A) Waive Second Reading and Adopt an Ordinance Creating Chapter 16.36 Entitled "Indemnification Agreements" to the County Code

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Reilly, second reading was waived, and Ordinance No. 976 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

B) Recommend Mariposa County Enter Into an Agreement with James Bardini and Authorize the Chair to Sign the Agreement Wherein Mr. Bardini Will Provide Water to Mariposa County for Use at the Mariposa Landfill

**BOARD ACTION:** Following discussion, (M)Balmain, (S)Pickard, Res. 02-289 was adopted. Fred Solomon/PWD-consultant, provided input relative to maintenance of the water line. Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Authorize Temporary Out-of Class Pay to the Senior Office Assistant in the Department of Tourism and Economic Development in the Amount of \$579 Per Month (Step 1 of Range 187/\$2,398 Month) Effective June 12, 2002 (Personnel)

**BOARD ACTION:** Discussion was held with Jeff Green, County Counsel; and he advised that the Board's liaison committee (Supervisors Pickard and Parker) are meeting weekly with the Senior Office Assistant relative to the operation of the department, and final decisions are being brought to the Board. (M)Reilly, (S)Pickard, Res. 02-290 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Supervisor Reilly initiated discussion relative to the status of direction for recruitment for the Director for the department. Supervisor Pickard noted there is extra help to assist with the projects in the department, and that it was the committee's feeling that once they are caught up on the projects, they will look at options for the department. Supervisor Reilly requested that an agenda item be scheduled to discuss policies and procedures for committee structure, and she stated she feels there should be discussion relative to future organization of the department.

Authorize the Chair to Enter into a Five-Year Agreement with the Mariposa County Unified School District to Utilize the High School Athletic Fields for Community Recreational Purposes (County Counsel)

**BOARD ACTION:** Following discussion, (M)Balmain, (S)Reilly, Res. 02-291 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

**9:55 a.m.** Recess

**10:05 a.m.** Lowell Young introduced his granddaughter, Katie Young.

Eric Toll, Planning Director;

A) PUBLIC HEARING: Appeal of Planning Commission Action to Deny Appeal of Planning Director Determination that Self-Storage is Not Similar in Nature to Neighborhood Commercial Zone-2 Uses: Applicant, Lowell Young

**BOARD ACTION:** Eric Toll presented the staff report and responded to questions from the Board relative to staff's recommendation for processing the requested use after the General Plan Update process and following amendments to Title 17; whether there is an option to conduct this business under a conditional use permit; and whether this request could be approved at this time. Lowell Young responded to a question relative to the location of the existing facilities in relation to the proposed project. Eric further responded to questions from the Board relative to aesthetic issues, relative to this type of use not be allowed in the Neighborhood Commercial Zone, and as to whether any other correspondence was received for this hearing.

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

Lowell Young, applicant, provided input relative to the setback requirements for General Commercial and Light Industrial; and he stated he feels he is being held to a higher standard than other businesses in the County, and he cited the recent action for self-storage projects for Mr. Spacke and for a project in Greeley Hill. He referred to Section 17,108.030 relative to similar uses, and Section 17.08.120 relative to other permitted uses. He referred to average daily traffic counts for surrounding uses in the area. He also noted that the self-storage operation is not a warehouse, that he is renting space for the use of others. He stated he would like to expand his facility and sell

the business, and the potential buyers would like to have the facility expanded. He further stated he is willing to meet the aesthetic standards for Light Industry, and he advised of his continuing efforts to correct a current problem with landscaping on one side of his business. He stated he is asking if there is any way to process the expansion.

Eric Toll responded to a question from the Board relative to the process for the previous requests for self-storage facilities from Mr. Spacke and in Greeley Hill. He advised that the Greeley Hill project was a change in the zoning code and Mr. Spacke's request was as a rural home industry, and these issues were not applicable to Mr. Young's situation.

The public portion of the hearing was closed and the Board commenced with deliberations. Eric Toll responded to questions from the Board relative to options for action on this project. Lowell Young responded to a question from the Board relative to the location of the proposed expansion in relation to the former plant nursery business. Jeff Green, County Counsel, and Eric Toll responded to questions from the Board relative to similar uses. Eric responded to questions from the Board relative to the timeframes for processing a General Plan amendment to change the zoning code to add this type of use. (M)Pickard, (S)Balmain, Res. 02-292 was adopted denying the appeal and upholding the Planning Commission's action of May 3, 2000 to deny the appeal of the planning Director determination with the recommended findings; and direction was given to staff to forward the self-storage use issue to the Planning Commission to begin the process of a change in the zone code. Eric responded to a question from the Board and clarified that this would be a County-initiated amendment. Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. The hearing was closed.

**11:09 a.m.** Recess

**11:23 a.m.** B) Authorize the Planning Director to Purchase an Infocus Systems Projector, Portable Projector Screen and Two ESRI Arcview v.8.2 Licenses Prior to the Adoption of the 2002-03 Final Budget with Funds Received from the Merced County Association of Governments Geographical Information Systems Grant; Approve the Budget Action Appropriating Revenue and Expenses Within the Planning Budget for This Purchase (\$6,422) (4/5<sup>th</sup>'s Vote Required) (Planning)

**BOARD ACTION:** Discussion was held with Eric Toll concerning the request, coordination and administration of GIS project efforts, licenses, and grants with Technical Services and other departments. Supervisor Reilly suggested that the Technical Services Department be designated as the department for the licensing. Eric Toll advised that if the Board approves this request, he would request that this be handled as an internal transfer with the Auditor. (M)Pickard, (S)Reilly, Res. 02-293 was adopted approving the request, with the understanding that an internal transfer would be processed/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Eric Toll, Planning Director, advised that some comments have been received on the General Plan Update document, and he requested that Board members forward any comments they receive to the Planning Commission and staff. He noted that the Commission has been very receptive to input and that changes are being made. Supervisor Reilly noted that encouragement should be given to obtaining the broadest amount of participation. Eric further noted that the public comment period has been extended to September 12, 2002, and of the scheduling of out reach meetings. Supervisor Reilly asked about the process for correcting typographical errors, and Eric requested that they be advised of any errors that are found so that they can be corrected.

**CLOSED SESSION:** Conference with County Labor Negotiator Regarding the Sheriffs' Management Association/Probation Officers Sub-Unit (County Counsel/Interim Personnel Director)

**BOARD ACTION:** (M)Pickard, (S)Balmain, closed session to be held at 1:00 p.m./Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

**11:46 a.m.** Lunch

**1:03 p.m.** The Board convened in closed session.

**1:34 p.m.** Recess

**2:08 p.m.** The Board reconvened in open session.

The public hearings relative to retail car sales and amendments to the Fish Camp Town Planning Area Specific Plan were continued to after the following.

Continued public presentation:

- Frank Long provided comment on the following items:

1) In regard to the Huell Howser advertising project, he stated he feels the County should be spending more advertising the County outside of Yosemite National Park versus in the Park. He stated he feels the project is a good deal for the County, but it needs more emphasis on the County; i.e., the Courthouse, Jeffery Hotel, Highway 132, J32, and Highway 120, etc.

2) He expressed concern with the lack of enforcement of the parking time limits in the downtown area, and he noted specific areas and entrances to the parking lots.

3) He advised that he has requested an executive summary of the Wilderness Area study, and he feels the Board should continue to oppose legislation to designate wilderness areas, and that reasons should be given for consideration at the upcoming committee hearing(s).

Frank continued with his request that the County reconsider the contract with Huell Howser to focus the advertising on the County. Supervisor Reilly noted that the County asked to see the shooting schedule, but is not sure what changes can be made at this time as the contract is signed.

**2:44 p.m.** Eric Toll, Planning Director;

**PUBLIC HEARING:** Appeal 2002-124; Appeal of Planning Director Determination that Retail Car Sales is Not Similar to the Neighborhood Commercial Zone-2 Uses; Rick Britton, Appellant

**BOARD ACTION:** Hearing was continued to August 13, 2002, at 2:00 p.m.

Chairman Stewart advised that direction was given to staff as a result of the closed session.

B) **PUBLIC HEARING:** Adopt a Resolution Approving Text Amendments to Section V.B.6.a. of the Fish Camp Town Planning Area Specific Plan; Specific Plan Amendment No. 2002-109; Mariposa County, Applicant (Continued from July 16, 2002)

**BOARD ACTION:** Eric Toll presented the staff report, recommending an amendment to the Fish Camp Specific Plan to allow property owners of lots and parcels in effect prior to July 1, 2002, to apply for a variance from residential building setback standards with conditions. He advised that the department received two variance applications; and upon further review, they realized that the Specific Plan does not allow for a variance. He referred to correspondence that was submitted by Pierce Loberg and to his response. He responded to questions from the Board relative to obtaining variances from the General Plan and Specific Plan.

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

Ron Young noted that he had provided input on July 16th, and he had nothing to add.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Pickard, (S)Balmain, Res. 02-294 was adopted approving the text amendments to the Fish Camp Town Planning Area Specific Plan as recommended/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. The hearing was closed.

Authorize the Chair to Sign a Letter of Support for AB1400, Authored by Assemblyman Dave Cogdill Regarding Co-Composting Funding (Supervisor Pickard)

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Balmain, Res. 02-295 was adopted approving a letter, to be signed by the Chairman, in support of AB1400 to be sent to the Senate Appropriation Committee's Chair/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

**2:51 p.m.** Recess

**3:01 p.m.** Jim Petropulos, Public Works Director;

A) Authorize the Public Works Director to Advertise and Award the Bid for the Mariposa/Yosemite Airport Improvements Phase II, and to Execute the Application for State Division of Aeronautics Matching Funds (\$122,400)

**BOARD ACTION:** Following discussion with Dana Hertfelder, Assistant Public Works Director, (M)Pickard, (S)Balmain, Res. 02-296 was adopted. Supervisor Reilly advised that she supports the Airport improvements, but she has concerns about the process. Ayes: Balmain, Stewart, Pickard; Abstained: Reilly; Excused: Parker.

B) Approve the Budget Action Reducing the General Contingency and Increasing the Hazardous Materials Clean Up Fund for Unanticipated Expenses Incurred in Fiscal Year 2001-02 (\$1,050) (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Discussion was held with Dana Hertfelder, Assistant Public Works Director, relative to the status of reimbursement for hauling water. (M)Pickard, (S)Balmain, Res. 02-297 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

C) Approve the Budget Action Reducing the General Contingency and Increasing the Communications Line Item in the Public Works Administration Budget Unit for Unanticipated Expenses Incurred in Fiscal Year 2001-02 (\$1,030) (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Following discussion with Dana Hertfelder, Assistant Public Works Director, (M)Balmain, (S)Pickard, Res. 02-298 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

D) Approve the Budget Action Transferring Funds and Reducing the Contingency in the Don Pedro Sewer Fund for Unanticipated Expenses Incurred During Fiscal Year 2001- 02 (\$8,078) (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Following discussion with Dana Hertfelder, Assistant Public Works Director, (M)Balmain, (S)Pickard, Res. 02-299 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Supervisor Reilly asked about having better maintenance at County facilities on weekends, especially the public restrooms. Jim Petropulos, Public Works Director, advised that they are working on revising schedules to improve coverage on the weekends to resolve these types of concerns.

**3:20 p.m. LOCAL TRANSPORTATION COMMISSION**

Jim Petropulos, Public Works Director;

Project Update from CalTrans Staff Regarding Status of Local Projects

**COMMISSION ACTION:** Jim Petropulos advised that he invited Jane Perez, Chief of Office of System Planning for CalTrans/District 10, to come to the Commission meetings to keep current on the status of projects and issues that CalTrans is working on.

Jane Perez reviewed CalTrans' vision and mission statement and goals. She also advised of the implementation of the Director's policy for context sensitive solutions. Commissioner Reilly commented on the possible grant funding that may be available for implementation and about getting more information. Commissioner Stewart commented on the recent site clearance improvement at the Highway 140 and Yaqui Gulch intersection with moving the embankment back, and he thanked CalTrans for doing this work.

Discussion was held relative to the status of the following projects:

- Highway 140/49 North intersection signal-stop sign project – CalTrans is waiting until the summer season is over (late September or early October) to lessen the impact on traffic interruptions, and they will send a letter with more scheduling information or coordinate with Public Works. Commissioner Stewart asked whether a “round-about”/traffic circle could be considered

versus a signal light given the fact that the County does not have any signal lights. He also asked for consideration of adding reflectorized markings at the Joe Howard Street intersection in this area.

- Highway 140/Smith Road intersection – CalTrans is working on the conceptual report for a safety project, and they need to do an engineering study for the retaining wall.

- Stockton Creek and Old Highway bridge projects – CalTrans has completed the conceptual report for the Stockton Creek improvements, and they need to coordinate the two projects. They have a target date of March, 2003, for the plans and specifications. They need to finish the environmental document, it is being reviewed by Fish and Game. She also noted that there is a Project Development Team meeting in Fresno on Wednesday relative to this project.

- Highway 49/Darrah Road intersection left-turn/right-turn channelization – they plan to add this to the safety projects and move forward.

- Highway 49/Streeter Mountain Road intersection – they plan to install intersection warning signs in each direction. Commissioner Pickard noted there is the same situation at the Boyer Road intersection. Discussion was held relative to safety concerns in this area.

- Highway 49/Ashworth Road intersection – Jane suggested that CalTrans be provided with a detailed letter on these types of situations so that they can follow-up. Commissioner Pickard suggested that the PWD/Transportation Planner prepare the letter.

- Jane advised of the Trans Sierra Mobility Improvement Committee's work on a study to improve access in the Sierra Nevadas, and she stated she will keep the Commission posted on the status of this project. Their next meeting is later in August in Yosemite Valley. Commissioner Reilly requested that staff provide information on this meeting to the Commissioners.

- Commissioner Stewart asked about applying the context sensitive solutions to the downtown sidewalk situation. He also asked about the status of two maintenance districts serving Highway 140.

- Highway 140/Trower Road intersection – CalTrans is planning to install reflectors at this intersection.

- Commissioner Pickard asked about having recessed reflectors installed on Mariposa County's portion of Highways 49 and 140 as has been done in neighboring counties. Jane advised that this might be a request to add to the letter to CalTrans along with the intersection issues.

- Jane advised that she will try to have answers to the questions that were raised for the meeting next month with the Commission.

## **CONSENT AGENDA**

CA-1 Authorize the Accumulation of Vacation Time to a Maximum of 360 Hours for the Deputy District Attorney Position Currently Assigned to the Special Homicide Project (District Attorney); Res. 02-278

CA-2 Approve the Budget Action Within the District Attorney's Budget Unit to Cover the Sales/Use Tax and Finance Charges on the Purchase of the Canon Visualized RD-350 (\$267) Incurred During Fiscal Year 2001-02 (District Attorney); Res. 02-279

CA-3 (1) Authorize the Human Services Director to a Sign Contract Accepting \$5,011 in Department of Energy (DOE) Funding from the Department of Community Services and Development, (2) Authorize the Human Services Director to Coordinate with the Public Works Department for the Program Delivery, and (3) Authorize the Human Services Director to Execute Subsequent Amendments to this Agreement with the State Department of Community Services and Development (Human Services); Res. 02-280

CA-4 Approve Budget Actions Transferring Funds Within the Sheriff's Budget (\$5,100) and in the Sheriff's Jail Budget (\$9,050) for Year-End Clean Up Budget Adjustments for Fiscal Year 2001-02 (Sheriff); Res. 02-281



- CA-5 Approve the Budget Action Transferring Funds Within the Fire Department's Budget to Increase Communication and Office Expense for Unanticipated Expenses Incurred During Fiscal Year 2001-02 (\$2,800) (Fire); Res. 02-282
- CA-6 Approve the Budget Action Transferring Funds Within the Library Budget to Increase Private Vehicle Use (\$557) for Unanticipated Expenses Incurred During Fiscal Year 2001-02 (Library); Res. 02-283
- CA-7 Approve the Request for Proposal Cover Letter, Specifications and Guidelines to be Mailed to Various Printers Soliciting a Proposal to Print the New Mariposa County Vacation Planner (Tourism & Economic Development); Res. 02-284
- CA-8 Approve Certificates of Recognition for Christina Cavallaro, Stephanie Resa, and Kevin Turk to Congratulate Them on Receiving Awards at the Youth Awards Ceremony (Supervisor Reilly)
- CA-9 Re-Appoint Fire Chief Blaine Shultz, to Regional Advisory Committee (RAC) of the Mountain Valley EMS as an Alternate Member (Health)
- CA-10 Re-Appoint Jesse Figueroa to the Regional Advisory Committee (RAC) of the Mountain Valley EMS Agency (Health)
- CA-11 Approve the Budget Action Transferring Funds Within the Fleet Budget To Increase Administrative Services for Unanticipated Expenses Incurred During Fiscal Year 2001-02 (\$9,733) (Public Works); Res. 02-285
- CA-12 Approve Budget Actions in the Yosemite West Maintenance, Coulterville Service Area and Mariposa Pines Sewer Funds for Unanticipated Expenses Incurred During Fiscal Year 2001-02 (\$7,457) (Public Works); Res. 02-286
- CA-13 Approve the Budget Action Transferring Funds Within the Road Fund to Increase Training & Seminars, Equipment Rental and Professional Services for Unanticipated Expenses Incurred During Fiscal Year 2001-02 (\$19,424) (Public Works); Res. 02-287

**3:58 p.m.** Adjournment in memory of Viola L. Hart, Marguerite H. Pulver, and Frances W. Gillen.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA August 6, 2002



Time      Description

**9:04 a.m.** Meeting Called to Order with Supervisor Pickard excused.

Pledge of Allegiance  
Introductions

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

- The following persons provided input relative to the lack of maintenance on Old Highway:

- Don Woolf, Old Highway resident, expressed concern with the lack of maintenance on Old Highway. He stated he does not feel that the middle third of the road is paved properly and it requires a lot of patching and is very hard on the vehicles.

- Ted Strawn stated there are a lot of nice homes on Guadalupe and their road has not been improved. He stated he feels that the County should start doing improvements.

- Denny Gunnels advised that the school bus refuses to come all of the way up the hill because of the bad condition of the road. He stated he feels that the road needs to be improved.

- Skip Emerson stated he feels the road needs fixing, and he asked why it has not been fixed in all of these years. He stated the lack of maintenance results in expensive automobile repairs. He suggested that the road be oiled.

Supervisor Stewart provided input relative to the funding received from the State under the STIP program for maintaining roads, and he noted that the cost to replace the Old Highway Bridge exceeds the current allocation, as well as the Highway 49/140 intersection improvements. Further, with the State's budget shortfall, it is unknown if the County's allocation will be reduced. There are many roads that need to be repaired and there is not enough funding; however, the County is doing as many projects as it can.

Dana Hertfelder, Assistant Public Works Director, stated they looked at improving the section of Old Highway from Mormon Hills to Highway 49 South because of the traffic count. However, they are waiting to see what the State is planning relative to the alignment of the Old Highway bridge. He explained the prioritization process the department uses in recommending road maintenance projects.

Supervisor Balmain commented on the road oil program and he stated it is his understanding that the oil is not available like it used to be.

- Don Woolf commented on the four-miles of chip-seal they have on the portion of road that serves their property, and he stated it has held up well. He suggested that consideration be given to chip-sealing Old Highway and that other alternatives be reviewed.

Supervisor Reilly noted that the County places a large amount of General Fund dollars in the road maintenance fund.

- Michael Miklenda stated they were promised ten years ago that the road would be fixed, and he stated he feels the work could be contracted out for a reasonable cost.

- Ted Strawn asked if they could have a reply in writing as to the plans for improving the road.

Dana Hertfelder agreed to respond.

Board Information

- Supervisor Balmain requested that the Board give consideration to rescheduling the Final Budget Hearings for FY 2002-03. Further discussion to be held later this date. He reported on the Biomass for Energy and a Better Environment Conference that was held on Wednesday and

Thursday in Tulare – he attended on Thursday and Supervisor Pickard attended on Wednesday. There was a lot of discussion of reducing fuel loads in the Sierras. He attended the National Fire Plan Alliance in Sacramento, and he presented information on the Fire Safe Program in Nevada County. He also commented on the Huell Howser Production filming in the County and changes to the schedule, and he commended Leroy Radanovich for his assistance with this program.

- Supervisor Stewart advised that he presented a letter of recognition to the CHP Explorer Post 555. He advised that he attended the YARTS meeting in Lee Vining on Monday, and he reported on the success of the program – some of the buses are running at and over capacity.

Marita Green, Child Support Services Director;

Proclaim the Month of August as Child Support Awareness Month and Presentation by Sue Hughes, Regional Administrator for the State Department of Child Support Services, to the Local Child Support Services Staff in Recognition of Excellence in Serving Our Children and Families as One of the Top Ten Performing Child Support Agencies in California

**BOARD ACTION:** (M) Balmain, (S) Parker, Proclamation was approved and presented to Marita Green/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard. Chairman Stewart thanked staff for their efforts with this program.

Marita Green thanked the Board for its support, and introduced the following staff that was present: Tammie Guenthart (and her son, Rocky), Ginny Arebalo, Rosalie Muller, Helen Parrish, Debbie Walton, Johnny Wackerman, and Kathy Binon.

Marita introduced Sue Hughes, Regional Administrator for the State Department of Child Support Services. Sue Hughes presented Marita with a plaque in recognition of the department being one of the top performers in the State for Federal Fiscal Year 2000, and she applauded Marita and her staff for their outstanding accomplishment.

Ginny Arebalo, Child Support Services public outreach, advised of the essay contest on “how my parents work together to support me financially and emotionally” and she thanked those who participated in the contest, along with their families. She introduced the following youth that read their winning essays: Sarah Coffman and Brittney Beighey, and they were presented with prizes. Chairman Stewart also presented them with a Courthouse pin.

**9:56 a.m.** Recess

**10:07 a.m.** Nancy McConnell and Holly Warner, Coordinators, Upper Merced River Watershed; Adopt a Resolution Supporting the Application for a Phase II Planning Grant for the Upper Merced River Watershed Project

**BOARD ACTION:** Nancy McConnell and Holly Warner thanked the Board for its support of Phase I, and presented their request for support of the application for Phase II. (M)Reilly, (S)Parker, Res. 02-300 was adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Approval of Minutes 07-16-02 Regular Meeting

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

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

**10:10 a.m. THE HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA**

Cheryle Rutherford-Kelly, Human Services Director;

Approve Implementation of a Section 8 Homeownership Plan for Mariposa County and Authorize the Human Services Director to Submit a Grant Application to Operate a Family Self Sufficiency Program When the Housing Urban Development Releases its Notice of Funding Availability

**COMMISSION ACTION:** Discussion was held with Cheryle Rutherford-Kelly and Blanche Day/HSD-Senior Housing Specialist, relative to the request. (M)Reilly, (S)Balmain, Hous. Auth. Res. 02-4 was adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Cheryle Rutherford-Kelly, Human Services Director;

A) Authorize the Human Services Department (Community Action) in Conjunction with the Planning Department to Execute a Contract with Parsons for the Planning and Technical Assistance Community Development Block Grant (PT/A CDBG) to Conduct a Housing Conditions Survey and Needs Assessment

**BOARD ACTION:** Following discussion, (M)Balmain, (S)Reilly, Res. 02-310 was adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard. Cheryle said she would ask the contractor to contact each Board member as a part of the survey and needs assessment process.

Cheryle Rutherford-Kelly, Human Services Director, introduced Robin Wheat, the new Child Prevention Coordinator, for the Department.

B) (1) Review the Community Proposals Submitted for the Child Abuse Prevention, Intervention & Treatment (CAPIT) and Community Based Family Resources Support (CBFRS) Three-Year Funding Cycle and the Respective Recommendations Made by Both the Child Abuse Prevention Council (CAPV) and the Human Services Director for Distribution of these Funds; (2) Approve Funding Allocations for July 1, 2002 to June 30, 2005; (3) Approve the County's CAPIT/CBFRS Three-Year Plan to be Submitted to the State Department of Social Services Office of Child Abuse Prevention (OCAP) for the 2002-2005 Funding Cycle; (4) Authorize the Human Services Director to Execute this Agreement and any Subsequent Amendments with the State and to Enter into Service Agreements with Approved Subcontractors; and (5) Allow the Human Services Director to Award Unspent Funds to the Child Abuse Prevention Council, Up to the Amount of the Original Request

**BOARD ACTION:** Discussion was held with Cheryl Rutherford-Kelly and Jen Garcia/HSD-Contract Administrator, relative to the proposals and recommendations for funding, and relative to obtaining more detailed information on the proposal from the Gathering of Native Americans (NONA). (M)Balmain, (S)Reilly, Res. 02-311 was adopted approving the recommendations of the Human Services Director for funding the proposal requests, with the exception of the NONA proposal; and direction was given for more detailed information to come back on that proposal. Further discussion was held. Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Supervisor Stewart advised of an inquiry he received, and he asked Cheryle Rutherford-Kelly to check on payments to foster care parents to ascertain whether they are being made timely.

**10:00 a.m.** Dana Hertfelder, Assistant Public Works Director, appeared on behalf of Jim Petropulos, Public Works Director;

A) Authorize the Public Works Director to Contract with PG&E to Relocate the Power Lines at the Mariposa County Landfill at a Cost of \$68,155.08

**BOARD ACTION:** Supervisor Reilly expressed concern with being asked to take action on this and the following budget items prior to the final budget hearing.

**10:47 a.m.** Recess

**11:00 a.m.** The Board reconvened and discussed the action to relocate the power lines at the Landfill with Dana Hertfelder. (M)Balmain, (S)Parker, approval was given for the request. Supervisor Parker requested that the easements be researched for relocating the lines. Ayes: Balmain, Stewart, Parker; Noes: Reilly; Excused: Pickard. Discussion was also held relative to accommodating the co-compost facility with this project. (Note: Later in the meeting it was determined that this request requires a 4/5th vote and that this motion failed.)

B) Authorize the Public Works Department to Purchase a Replacement Plotter prior to Adoption of the Fiscal Year 2002-03 Budget, and Approve Budget Action Transferring Funds within the Road Budget to Allow for the Purchase (\$9,255)

**BOARD ACTION:** Discussion was held with Dana Hertfelder relative to the request, and Supervisor Reilly stated she feels that decisions on these types of requests should be made in the context of the final budget hearing. (M)Parker, (S)Balmain, Res. 02-312 was adopted/Ayes: Balmain, Stewart, Parker; Noes: Reilly; Excused: Pickard.

C) Approve a Personal Services Agreement in the Amount of \$75,000 with Fred Solomon for Project Management of the Don Pedro Wastewater Facility Reconstruction; and Approve Budget Action Transferring Funds from Water Agency to Don Pedro Wastewater Facility (\$75,000) (4/5ths Vote Required)

**BOARD ACTION:** Discussion was held with Dana Hertfelder relative to the request. (M)Balmain, (S)Parker, to approve the request was withdrawn by maker and second following further discussion. Discussion was held relative to the status of the project in regard to the selection of the type of treatment facility and disposal system. Fred Solomon provided input relative to the project and timeframes – he advised that the treatment system is pretty much decided; and a determination needs to be made on the disposal system as to whether to provide for current needs or full build out at this time. Supervisor Parker asked when recommendations would come to the Board relative to the type of systems, and Dana advised that they are planning for September. Supervisor Parker requested that the information be presented prior to the commencement of the final budget hearing if possible. Jeff Green, County Counsel, asked for clarification as to whether the requested funds will be considered a loan; and if so, whether the funds would need to be repaid if the Proposition 218 process fails. The maker and second to the motion, clarified that it was their intent that this be considered a grant of funds. Supervisor Reilly expressed concern with adding this project to Fred Solomon’s workload of other contracts that he has with the County. Mary Hodson, Administrative Analyst, advised that she previously discussed the 4/5ths versus 3/5ths vote requirement with the Auditor for these types of matters, and it was determined that this action requires a 4/5ths vote because more dollars are being given to the fund. The Board recessed for further clarification to be obtained from the Auditor.

**11:35 a.m.** Recess

**11:45 a.m.** Chairman Stewart advised that the previous motion relative to relocation of the power lines at the Landfill did not pass as it was the Auditor’s determination that a 4/5ths vote was required. The motion to replace the plotter passed as only a 3/5ths vote was required.

Further discussion was held relative to the Personal Services Agreement with Fred Solomon for the Don Pedro wastewater facility. Supervisor Balmain reported on the status of contracts with Fred Solomon and requested that the Board move forward with this contract. Discussion was held. Supervisor Balmain withdrew his motion, and Supervisor Parker withdrew his second, and requested that the matter be continued to August 13th. (Note: Further action was taken later this date on this request.)

D) Approve the Budget Action Appropriating Unanticipated Revenue in the Road Budget to Cover Vehicle and Equipment Usage Charges for the Month of June for Fiscal Year 2001-02 in the Amount of \$58,665 (4/5<sup>th</sup>’s Vote Required)

**BOARD ACTION:** Discussion was held with Dana Hertfelder. Supervisor Reilly stated she will work with Supervisor Pickard, as the Board’s liaison on fiscal matters, to discuss processing year-end budget adjustments with the Auditor. Motion by Reilly, to approve this request, was withdrawn after a second was not forthcoming. (M)Parker, (S)Balmain, Res. 02-313 was adopted approving the request/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

(M)Parker, (S)Balmain, to approve the Personal Services Agreement with Fred Solomon for the Don Pedro wastewater facility, failed by the following vote/Ayes: Balmain, Stewart, Parker; Noes: Reilly; Excused: Pickard. It was requested that the matter be rescheduled for August 13th.

Jim Petropulos, Public Works Director;

Adopt a Negative Declaration Based on No Significant Impacts Found From the Initial Study for the Mariposa/Yosemite Airport Improvements Phase II (AIP 3-06-0147-04) (Continued from July 9, 2002)

**BOARD ACTION:** (M)Parker, (S)Balmain, Res. 02-314 was adopted. There was no public input. Discussion was held with Dana Hertfelder, Assistant Public Works Director, relative to this process in relation to the process for the Master Plan, and whether the Master Plan for the Airport would need to be amended accordingly. Dana provided input on the timeframes for completing this project. Jeff Green, County Counsel, and Sarah Williams, Planning Manager, provided input relative to the process and advised that this action is making an environmental determination on the proposed project. Ayes: Balmain, Stewart, Parker; Noes: Reilly; Excused: Pickard.

Discussion was held relative to the rest of the meeting schedule.

**CLOSED SESSION:** Conference with County Labor Negotiator Regarding the Sheriff's Management Association/Probation Officers Sub-Unit (County Counsel/Interim Personnel Director)

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

**CLOSED SESSION:** Conference with Legal Counsel Regarding Existing Litigation: California Government Code Section 54956.9(a); Joshua Guenthart, et al v. County of Mariposa; (Case No. 7991) (County Counsel); and

**CLOSED SESSION:** Conference with Legal Counsel Regarding Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; One Case to be Discussed (County Counsel)

**BOARD ACTION:** (M)Parker, (S)Balmain, closed sessions to be held at 1:30 p.m./Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

**12:06 p.m.** Lunch

**1:36 p.m.** The Board convened in closed session.

**1:47 p.m.** Recess

**2:06 p.m.** Jeff Green, County Counsel;

Appeal of Tom and Eva Kroon of County Counsel's Decision to Not Process an Appeal by Tom and Eva Kroon of a Planning Director Decision

**BOARD ACTION:** Jeff Green presented the staff report, and he advised that the issue today is whether he followed the procedures adopted by the Board for processing this appeal. If his decision is overturned, the hearing would be scheduled for the Board to hear the appeal of the Planning Director's determination concerning the lack of appropriate permits for their transient rental operations. He responded to questions from the Board relative to confirmation of the letter that he faxed advising of the deadline for providing information to process the appeal of the Planning Director's determination; and whether the appellants or their attorney made any attempt to respond to the letter itself.

Input from the public was provided by the following:

- Oliver Saunders, Attorney at Law, stated he is a friend of the appellants, and he advised that the Kroons have been operating a transient rental business since 1972. He stated the Kroons were the first to operate such a business in the area and did so for several years before there were other operations. He stated he feels the issue is whether they are grandfathered for their use or whether they will be put out of business at this time. He stated he has had many meetings with County Counsel and they do not agree on the issues and he feels County Counsel is their enemy. He referred to Ordinance No. 375, which redefined a hotel as to include transient rentals, and he noted the Kroons had already been in business at the time of adoption of that Ordinance. He referred to a

letter from 1983 from Bob Borchard, Planning Director, which advised the Kroons that they were considered grandfathered as they were in business since 1972, and the Ordinance was not adopted until 1973. He stated he did not receive the letter that was faxed from County Counsel's office requesting additional information, and stated he feels that the code requires a hard copy to be mailed with a proof of service. He questioned the authority for County Counsel to be able to set deadlines. He stated he sent a letter in January, 2002, to the County, and there was no response until April, and now they are being given deadlines. He stated he feels they complied with submitting information prior to the 25-day deadline before the hearing. He noted that in 2000, an Ordinance was adopted requiring all transient rentals to have a separate certificate for each unit. Since the Kroons had a blanket certificate, they were not in compliance and should be grandfathered on that issue. He further stated that they are law-abiding citizens and they might have complied; however, there is a moratorium for giving new permits. In affect, this says they would be put out of business, and that is what they are appealing. He noted that the Kroons voluntarily paid taxes back to 1972. He also noted he had a binder, which is encyclopedic on this matter that was compiled by Debra Kroon.

Jeff Green responded to questions from the Board clarifying the issue before the Board today as to whether the appeal was timely rendered and whether the proper information was provided, with the transient rental use being a separate issue; relative to the fax transmission and follow-up with a hard copy and proof of service requirements; and the issue of whether the fax or hard copy was received.

- Attorney Saunders responded to questions from the Board and advised that he did not receive the fax, and that was his correct fax number that the letter from County Counsel was faxed to.

#### **2:42 p.m.** Recess

**2:50 p.m.** Attorney Saunders responded to additional questions from the Board relative to his lack of receipt of the fax and the letter from County Counsel requesting addition information for his appeal of the Planning Director's determination. He stated he wanted Debra Kroon to speak on why the Board should hear the appeal.

Jeff Green responded to a question from the Board and clarified the purpose of this matter and the fact that the appeal of the transient use is a separate issue.

-Debra Kroon stated she feels this matter is a case of "Murphy's Law" in that if anything can go wrong, it will. She referred to the "Cease and Desist" Order and noted that both issues were identified in this appeal. She also referred to the information, contained on pages 24 – 44 in the package that was provided to the Planning Department on May 25th. She referred to the requirements for statement of grounds of an appeal and stated she feels what was submitted in the appeal should be sufficient. She responded to questions from the Board relative to the date the information was submitted to the Planning Department and the deadline date for submitting information.

Sarah Williams, Planning Manager, responded to questions from the Board relative to the date of the original notice of violation and notices of intent, and as to what has transpired since those notices. She stated he submitted the appeal (for the matter to be heard before the Planning Commission) and subsequently paid the \$25.00 appeal filing fee. The appeal was sent to County Counsel to determine if there was sufficient information and whether it was timely filed. The appellants were given until May 28th by 5:00 p.m. to provide the information that was requested. On May 24th, she received letters and receipt information and had a telephone conversation with Debra Kroon, and she advised Debra that she wished she had included what she was telling her in the additional information for the appeal.

- Attorney Saunders stated he requested an appeal hearing in his letter in January and it was April before Planning responded by sending him the appeal form.

Jeff Green responded to additional questions from the Board relative to the fax and letter he sent and timeframes for the appellant to provide additional information; he advised that the fax and letter were not sent directly to the appellant since they were represented by an attorney and that this is common practice.

Discussion was held. Supervisor Parker stated he feels Attorney Saunders should be held responsible for not representing his clients as best as he could; and he referred to a conversation he had with Miss Kroon relative to rights to appeal prior to his knowledge of this situation.

Debra Kroon stated they received a letter from the County around Christmas of 2001, and their attorney responded in January, 2002, and the County did not respond back until April, 2002.

Jeff Green responded to questions from the Board relative to waiving the appeal process conditions to be able to hear the appeal of the Planning Director's determination. Discussion was held on this matter, as well as whether the appeal would be heard if no additional is received.

Debra Kroon asked whether the "Cease and Desist" Order would be held in abeyance until the hearing.

Sarah Williams responded to a question from the Board and advised that when a decision is appealed, everything is stayed until the hearing; she also noted that the appeal was made to the Planning Commission versus the Board; and she asked whether information presented during this discussion would be used during the hearing.

Following discussion, (M)Parker, (S)Balmain, Res. 02-315 was adopted upholding County Counsel's decision to not process the appeal by Tom and Eva Kroon of the Planning Director's decision; the Board waived it's appeal processing conditions to hear the appeal of the Planning Director's determination concerning the lack of appropriate permits for their transient rental operations and set the appeal hearing for October 1, 2002, at 10:00 a.m. before the Board of Supervisors, with September 6 at 5:00 p.m. set as the deadline for submitting any additional information; and direction was given for staff to be able to use the information that was presented today in the appeal hearing/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Discussion was held relative to scheduling the Final Budget Hearings. The Board concurred with commencing with the hearing on Monday, September 9th at 9:00 a.m., and continuing with the hearing on September 10, 16 and 17th, until the conclusion.

Chairman Stewart announced that as a result of the closed session, the conference with legal counsel regarding anticipated litigation was continued to August 13, 2002; and in the case of Joshua Guenthart, et al versus the County of Mariposa (Case No. 7991), the Board took action to settle the matter in the amount of \$12,500 for injuries sustained by the minor.

Chairman Stewart advised of information received from Total Waste Systems relative to their status of reimbursing for recyclable items. Susan Avery/PWD-Solid Waste Coordinator, is reviewing the matter and more information will be forthcoming.

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

### **CONSENT AGENDA**

- CA-1 Approve the Encroachment Permit Application for the Annual Labor Day Parade on August 31, 2002 (Lions Club); Res. 02-301
- CA-2 Adopt a Resolution that (1) Consolidates John C. Fremont Healthcare District Election, Mariposa County Unified School District Election, and for the Wawona Precinct Only (of Which Wawona-Fish Camp Area are a Part of the Following School Districts) Bass Lake School District, and Yosemite Union High School District Elections with the November 5, 2002 General Election, Pursuant to EC 10401; (2) Directing the County Clerk to Canvas Returns of Said Election Pursuant to EC 10411 and 15301; (3) Directing the County Clerk to Bill the Healthcare District, and the Madera County



Office of Education in Full for the Cost of Services Performed in the Conduct of the Portion of the Election Relating to Each of Their Respective Districts (Elections); Res. 02-302

- CA-3 Approve the Budget Action Transferring Funds between the Sheriff and Public Works' Departments to Cover the Over Mileage Lease Payment for the Remainder of Fiscal Year 2001-02 in the Amount of \$3,000; and Approve Budget Action Transferring Funds in the Sheriff Budget for Equipment (\$600) (Sheriff); Res. 02-303
- CA-4 Approve the Budget Action Transferring Funds in the Human Services Community Action Fund to Cover Additional Expenses Incurred by the Weatherization Program for Material Costs for FY 2001-02 (\$8,000) (Human Services); Res. 02-304
- CA-5 Authorize (1) the Human Service Director to Continue to Accept Money on a Three Year Basis from the State Department of Social Service, Promoting Safe and Stable Families Unit; and (2) Authorize the Department to forward a Resolution regarding Approval of this Plan to the State (Human Services); Res. 02-305
- CA-6 Approve the Budget Action Transferring Funds within the Social Service Division Budget Unit to Cover Year End Vehicle Maintenance Expenses for Fiscal Year 2001/02 (\$3,470) (Social Services); Res. 02-306
- CA-7 **HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA**  
Authorize the Chairman to Sign the Annual Section 8 Management Assessment Program (SEMAP) Report (Human Services); Hous. Auth. Res. 02-3
- CA-8 Approve the Personal Service Agreement with David Apilado for Services Delivered to the Independent Living Program (ILP) (on Behalf of the Probation Department and Child Welfare Services (CWS/CPS)) for Fiscal Year 2002-03 (Human Services); Res. 02-307
- CA-9 Authorize the Chair to Sign an Order of the Board to Reject Claim No. C02-9 for an Undisclosed Amount (County Counsel); Res. 02-308
- CA-10 Approve Claim No. C02-10 and Authorize Payment in the Amount of \$2,980 (County Counsel); Res. 02-309

**3:35 p.m.** The Board recessed in memory of James C. Hamon, Kathryn J. Burris, John J. Cullinan, John "Jack" R. Nolan, Brad Emery, Walter "Red" McFarland, and Alfred "Gus" A. Curtis II. The meeting was continued to Monday, August 12, 2002, at 8:30 a.m. for closed session to conduct interviews for the County Administrative Officer position.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



**MARIPOSA COUNTY BOARD OF SUPERVISORS**

**CONFORMED AGENDA**

**August 12, 2002**

**(Meeting Continued from August 6, 2002)**



Time      Description

**8:42 a.m.** The Board convened, in continued meeting from August 6, 2002, in closed session to conduct interviews for the County Administrative Officer position.

**12:26 p.m.** Lunch

**1:36 p.m.** The Board reconvened in closed session.

**3:20 p.m.** Adjournment

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA August 13, 2002



Time      Description

**9:13 a.m.** Meeting Called to Order  
Pledge of Allegiance  
Introductions

Chairman Stewart referred to a recent story in the *Merced Sun Star*, entitled, “Wilderness Area Attracts their Share of Crazies.”

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

Eric Toll, Planning Director, presented a request for an off-agenda item relative to SB910, the Housing Element Reform Act, advising that he has been asked to be a lead presenter before the Assembly Housing and Transportation Committee meeting on Wednesday relative to this legislation. He noted that he gave the Board members a copy of the presentation he plans to make. (M)Pickard, (S)Parker, the Board waived rules requiring 72 hours agenda noticing to consider this request, finding it was not known about at the time the agenda was prepared and it is a matter of timeliness/Ayes: Unanimous. Discussion was held concerning the request and the potential impacts this legislation would have. (M)Pickard, (S)Parker, direction was given for the Planning Director to oppose SB910. The motion was amended, agreeable with the maker and the second, to include direction for a copy of the Board’s previous action to be sent with Eric/Ayes: Unanimous.

Chairman Stewart advised that only a couple of items were received for the August 20th Board agenda, and he initiated discussion relative to canceling the meeting and moving those items to August 27th. (M)Parker, (S)Pickard, the Board waived rules requiring 72 hours agenda noticing to consider this matter, finding it was not known about at the time the agenda was prepared and it is a matter of timeliness/Ayes: Unanimous. Following discussion, (M)Parker, (S)Pickard, Res. 02-316 was adopted canceling the Board’s regularly scheduled meeting for August 20, 2002/Ayes: Unanimous.

#### Board Information

- Supervisor Balmain advised that Assemblyman Cogdill is hosting the Natural Resource Summit in Sonora on Friday. Supervisor Pickard noted that Congressman Radanovich and Senator Poochigian are co-hosting this event.

- Supervisor Reilly suggested that the Auditor provide input relative to the budget issues that were raised at the last meeting. She also advised that she discussed processing “clean-up” items from the past fiscal year with the Auditor, and it was agreed that these items are “over expenditures” and need Board approval.

- Ken Hawkins, Auditor, provided input relative to processing the budget changes to cover the over expenditures from the past fiscal year. Supervisor Parker asked whether the department head is personally liable for expenditures that exceed their budget; and he suggested that this liability be conveyed to departments. Ken noted that larger counties have a purchasing office, but he does not feel that the cost of having that function here is warranted, and he feels the Board’s current policy relative to the \$1,000 transfer authority helps. Chairman Stewart urged staff to take the time necessary to review items that are presented for the agenda prior to scheduling the items.

Approval of Minutes 07-23-02 Regular Meeting

**BOARD ACTION:** Approved.

Chairman Stewart announced that direction was given to staff as a result of the closed session to interview applicants for the County Administrative Officer position held on August 12, 2002.

Dave Martin, District Ranger – United States Forest Service, Bass Lake Ranger District;  
Introduction and Discussion of Forest Issues

**BOARD ACTION:** Dave Martin was unable to be present and the matter was continued to August 27th.

Ken Hawkins, Auditor;

Authorize the Auditor to Waive the Penalty and Interest Transient Occupancy Tax (TOT) Payment in the amount of \$4,438 for the Ahwahnee Hotel Based on the Outside Audit Firm's Annual Report

**BOARD ACTION:** Supervisor Reilly advised of her intent to declare a conflict of interest on this matter due to her husband's employment; however, she was advised by County Counsel that the Board may not hear this request today. Jeff Green, County Counsel, advised of a procedure issue, noting the penalties and interest on transient occupancy taxes are regulated by County Ordinance and it does not have a section giving the Board the statutory authority to waive or adjust the fees and interest when an applicant has a good cause for requesting a waiver. He suggested that the Board might want to consider directing staff to bring back an amendment to the Ordinance to allow for waivers. The Board concurred with providing direction to staff that would allow it to consider waivers. Jeff Green advised that this specific request for waiver of penalty and interest and a subsequent request that was received from Yosemite Management Group would be held for the Board's consideration until the amendment is processed.

Jacque Meriam, County Librarian;

A) Authorize the Chair to Sign the Memorandum of Understanding with the Mariposa County Unified School District (MCUSD) Which Allows the Mariposa County Library to Expand the Operating Hours at the Red Cloud Branch Library by Ten Hours Per Week, 36 School Weeks a Year; Approve the Budget Action Accepting \$3,512 from MCUSD to Fund the Additional Extra Help Hours at the Red Cloud Library (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Discussion was held with Jacque Meriam, and she advised of changes requested by the School District to the MOU. (M)Parker, (S)Balmain, Res. 02-317 was adopted approving the MOU as revised, with the budget portion of the request deferred until the Final Budget Hearing/Ayes: Unanimous.

B) Authorize the Chair to Sign a Contract with Ande Schweiker to Provide Services for the Mariposa County Library Digitization Project; Approve the Budget Action Increasing Estimated Revenue and Appropriations to Accept the Donation of \$3,328 from the San Joaquin Valley Library System – Digitization Grant (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Discussion was held with Jacque Meriam. (M)Parker, (S)Balmain, Res. 02-318 was adopted approving the Contract, with the budget portion of the request deferred until the Final Budget Hearing/Ayes: Unanimous.

**9:54 a.m.** Recess

**10:12 a.m.** Jim Petropulos, Public Works Director;

A) PUBLIC HEARING: Regarding the "Report of Delinquent Fees" and Confirmation by Resolution of the Addition of Delinquent Fees to the Appropriate Property Tax Roll for Collection of Water and Sewer Standby Fees and Water, Sewer, and Road Fees in Several County Special Districts

**BOARD ACTION:** Marty Allan, PWD/Fleet-Fiscal Manager, presented the staff report. The public portion of the hearing was opened. There was no public input. The public portion of the

hearing was closed. The Board commenced with deliberations. (M)Reilly, (S)Parker, Res. 02-319 was adopted/Ayes: Unanimous.

B) Direction to Staff Regarding the Priority of Yosemite Area Regional Transportation System (YARTS) Staging Areas Located in Mariposa County

**BOARD ACTION:** Discussion was held with Amy Roberts/PWD-Transportation Planner. She advised that they are still working on obtaining funding for the construction phase, and that funding has been secured for the design and engineering phase.

Trudy Williams asked if the Triangle Road staging area replaces the County Park in Midpines, and she was advised that is the plan if the Triangle area is successful.

The Board concurred with directing staff to proceed as recommended.

C) Authorize the Public Works Director to Contract with PG&E to Relocate the Power Lines at the Mariposa County Landfill at a Cost of \$68,155.08 (4/5<sup>th</sup>'s Vote Required) (Continued from 08-06-02)

**BOARD ACTION:** Discussion was held with Dana Hertfelder/Assistant Public Works Director. Supervisor Pickard asked whether there is any issue with the easements for relocating the lines and about the status of relocating the scales in relation to this project. Dana advised that he will review the easement situation. Supervisor Reilly suggested that since the costs are estimates, that staff be directed to bring back more detailed cost information for consideration during the Final Budget Hearing. Discussion was held relative to the safety concerns with the existing location of the lines and the area of the landfill that is currently being used. (M)Parker, (S)Pickard, direction was given to staff to provide a letter of intent to PG&E to proceed with the project so that the engineering can be done and the cost information obtained for further consideration by the Board/Ayes: Unanimous. Direction was given for Public Works to draft the letter for review by County Counsel and signature by the Chairman.

D) Approve a Personal Services Agreement in the Amount of \$75,000 with Fred Solomon for Project Management of the Don Pedro Wastewater Facility Reconstruction; and Approve Budget Action Transferring Funds from Water Agency to Don Pedro Wastewater Facility (\$75,000) (4/5<sup>th</sup>'s Vote Required) (Continued from 08-06-02)

**BOARD ACTION:** Discussion was held with Dana Hertfelder/Assistant Public Works Director. (M)Balmain, (S)Pickard, Res. 02-320 was adopted with direction for the funding to be paid from the Water Agency Fund. Further discussion was held. The motion was amended, agreeable with the maker and second, to include direction that this be a grant funded directly from the Water Agency. Supervisor Reilly asked for clarification of the budget issue and processing this prior to adoption of the Final Budget. Supervisor Parker clarified that approval of this agreement will bring the project to the construction phase. Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly.

**10:53 a.m.** Recess

**11:06 a.m.** Dr. Mosher, Health Officer;

Authorize the Chair to Sign the State Standard Agreement for Bio-Terrorism Preparedness Funding for the Health Department

**BOARD ACTION:** Discussion was held with Dr. Mosher, and he gave a power point presentation relative to this matter. He advised that the Fire Chief, Sheriff and his office are working together to coordinate the Bio-Terrorism Preparedness Plan. (M)Pickard, (S)Reilly, Re. 02-321 was adopted/Ayes: Unanimous.

Supervisor Pickard;

Approve the Use of the Funding in the Fish & Game Fund for the Mariposa Unified School District's Rural Schools and Community Connections Fish and Wildlife Conservation Public Education Project

**BOARD ACTION:** Supervisor Pickard initiated discussion relative to the request, and he advised that the following representatives of the School District were present for this matter: Dr. Patrick Holland/Superintendent; Debbie Freitas/Director of Rural Schools and Community Connection Program; and Judy Eppler/Director of Curriculum and Instruction for the District. Dr. Holland gave an overview of the program, and he advised that the requested funding will sustain the project for its sixth year and bridge a funding gap that they have this year. Debbie Freitas provided detailed information on the program. (M)Reilly, (S)Pickard, Res. 02-322 was adopted. Further discussion was held relative to the Fish and Game Fund balance and this request. Supervisor Balmain noted the importance of working together to enhance the environment and support humanity. Ayes: Unanimous. Debbie Freitas advised that they plan to list the sponsors on the van for the program, and she asked if she could add the County's name. The Board concurred with this request.

Jeff Green, County Counsel;

A) Discussion and Possible Direction to Staff Relative to the Garber Lease (6<sup>th</sup> Street Parking Lot) Which Will Expire on November 7, 2002

**BOARD ACTION:** Discussion was held with Jeff Green. Supervisor Parker noted that the Womack property could be improved to assist with parking needs in the downtown area. Supervisor Reilly suggested that the Garbers be contacted to see if a short-term lease could be arranged to allow time to pursue other alternatives to meet the parking needs. Jim Petropulos, Public Works Director, provided input relative to the status of the parking lot study previously requested by the Board; and he noted that with the addition of facilities in town (i.e., amphitheater and arts park), the parking needs will increase. It was also noted that the lease agreements on the other parking lots are coming due. The Board concurred with asking County Counsel to contact the property owner to see if the parcel can be acquired and to see if a short-term lease agreement (for another year or so) can be negotiated; and with asking Public Works to bring back information on what it would take to develop the Womack property, and with obtaining information on what it would take to obtain a loan for the development of the property; and the Board will further consider this matter when the information is brought back.

B) Approve an Amendment to the Existing Agreement with Wagerman Associates for Professional Services for Legislative/Regulatory Services to Include Strategic Local Government Services, L.L.C. as an Additional Contractor

**BOARD ACTION:** Discussion was held. (M)Parker, (S)Pickard, Res. 02-323 was adopted/Ayes: Unanimous.

Adopt a Resolution Designating 100 Percent of the Available Funding for Local Projects from the Secure Rural Schools and Community Self-Determination Act of 2000, (HR 2389) be Allocated to Fund Title III Projects (Supervisors Reilly and Balmain)

**BOARD ACTION:** Following discussion, (M)Parker, (S)Pickard, Res. 02-324 was adopted/Ayes: Unanimous.

Adopt a Resolution of Recognition for Doralee "Dodie Heiny for Services to the Community, Especially the Northside Ambulance Association (Supervisor Balmain)

**BOARD ACTION:** (M)Balmain, (S)Parker, Res. 02-325 was adopted/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator Regarding the Sheriffs' Management Association/Probation Officers Sub-Unit (County Counsel/Interim Personnel Director)

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

CLOSED SESSION: Conference with Legal Counsel Regarding Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; One Case to be Discussed (Continued from 08-06-02) (County Counsel)

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

**12:26 p.m.** Lunch

**1:48 p.m.** The Board convened in closed session.

**2:52 p.m.** The Board reconvened. Chairman Stewart announced that direction was given to staff as a result of the closed session.

**INFORMATION** – No action was necessary on the following:

**PUBLIC HEARING:** Appeal 2002-124; Appeal of Planning Director Determination that Retail Car Sales is Not Similar to the Neighborhood Commercial Zone-2 Uses; Rick Britton, Appellant  
(Continued from 07-23-02) (Planning)

**NOTE:** Appeal was withdrawn by appellant on 08-01-02

**2:53 p.m.** Adjournment in memory of Barbara and Galen Rowell.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA

August 27, 2002



Time      Description

**9:11 a.m.** Meeting Called to Order  
Pledge of Allegiance

Introductions

Supervisor Stewart;

Introduce California Highway Patrol Lieutenant Dave Paris, Sergeant Samra, and Gary Pilcher, Explorer Advisor to Discuss California Highway Patrol (CHP) Staffing, Territory Changes and Explorer Program

**BOARD ACTION:** Lt. Paris updated the Board on plans to increase staffing and coverage in the Mariposa and Eastern Madera areas. He advised of the increase in accidents on Highway 41; and he noted that when the new Indian gaming casino near Coarsegold opens, it is expected to increase the traffic count on Highway 41 by 7,000 vehicles. He advised that they moved their substation facility from the Ahwahnee area to the CalTrans maintenance area in Coarsegold, and they are planning for permanent facilities in the Oakhurst area with the Madera Sheriff and with DMV. He further announced that he is leaving the Mariposa office on Thursday and an interim Commander will be assigned. He responded to a question from the Board and advised they are working on coverage issues for the Northside of the County to better serve the area. He asked that information on vehicle violations be reported to the CHP to assist them with their enforcement efforts. He introduced Officer Gary Pilcher. Officer Pilcher provided information on the Explorer POST program and activities.

Dave Martin, District Ranger – United States Forest Service, Bass Lake Ranger District;  
Introduction and Discussion of Forest Issues (Continued from 08-13-02)

**BOARD ACTION:** Dave Martin updated the Board on the name change for the District to the Bass Lake Ranger District. He advised that the Forest Service will continue its presence in the Mariposa Office. Supervisor Reilly commented on quarterly meetings that former Supervisor Taber initiated with the various agencies to discuss organizational changes, plans and programs and funding issues; and she suggested that consideration be given to scheduling these meetings again if there is interest on the part of the other agencies. Dave Martin provided input on their fire management plan, noting their increase in fire support and equipment. He commended the County's Fire Chief for his efforts and support, as well as the Fire Safe Council. He provided a status report on the Sweetwater Mine – the Forest Service has taken possession of the items that could be moved and hope to arrange for a permanent loan perhaps with the new Mining and Mineral Exhibit facility. He further advised of the detonation of unstable dynamite that was found at the Mine, and he thanked the Sheriff's Department for assistance.

**10:11 a.m.** Recess

**10:30 a.m.** Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda – none. The off-agenda item requests were continued to later this date.



**10:32 a.m. LOCAL TRANSPORTATION COMMISSION**

Jim Petropulos, Public Works Director;  
Project Update from the CalTrans Staff

**COMMISSION ACTION:** Jane Perez, Chief of Office of System Planning for CalTrans/District 10, thanked Public Works for sending a letter relative to intersection safety concerns, and she advised that a response from CalTrans would be forthcoming. She provided a status report on the following projects:

- Darrah Road/Highway 49 South left-turn lane – there is a Project Development Team meeting scheduled for September 18th, and she noted that they will coordinate this project with the County’s maintenance project for Darrah Road. Discussion was held relative to the timeframes for this project, competition with other projects in the State; and Commissioner Parker provided a reminder that CalTrans was going to send a letter to the County relative to this project.

- Highway 140/49 North intersection stop sign project – CalTrans will send the County a letter with timeframes and information on this project. She noted that it is an interim safety project, pending the signal light project. She further advised that they plan to hold a public meeting on the signal light project and a meeting with the Commission – perhaps in October. Commissioner Pickard requested that more discussion be held on this project and that it be listed as a specific project for discussion on the agenda. Discussion was held relative to this proposed project and consideration of taking stronger action opposing the signal lights, perhaps by letter to CalTrans. Jane advised that the roundabout option was investigated and CalTrans did not proceed with this option due to the grade of Highway 140 and icy conditions during the winter. Commissioner Reilly suggested that if the project moves forward after holding a public meeting, that the community be involved in the design phase of the project. She also suggested that the public meeting be held prior to the meeting with the Commission so that the Commission would have the public’s input when considering this matter. The Commission concurred with having the Chair work with staff to send a letter to CalTrans relative to this project.

- Recessed reflectors on the highways – The Safety Branch Chief is investigating this and plans to work on this as funding allows.

- Commissioner Pickard requested that these updates include information on the portions of Highway 41 in the County – Jane advised that she will work with District 6 on this request.

- Commissioner Stewart expressed concern that the amount of the STIP funding that is available to the County does not cover the Old Highway/Highway 49 South bridge project. Plus, the intersection needs to be improved at Highway 140/49 South; and if the County chooses to do these projects, it leaves the County in the hole with this funding and it does not leave any STIP funding for County road projects.

Jim Petropulos, Public Works Director;

A) Approve the Conceptual Design Drawings Prepared by HMA Landscape Architects; and Authorize the Public Works Director to Enter into an Agreement Not-To-Exceed \$15,500 with HMA Landscape Architects to Prepare the Construction Documents to the Arts Park

**BOARD ACTION:** Discussion was held with Jim Petropulos. Kay Hutmacher, HMA Landscape Architects, reviewed the overall design proposal for the Arts Park. Fred Solomon, project manager, reviewed the proposed budget for the project. (M)Parker, (S)Reilly, Res. 02-326 was adopted/Ayes: Unanimous.

Chairman Stewart initiated discussion relative to the agenda schedule and possibly moving some items to the afternoon. The rest of the Public Works items were continued to after the following matters.

Mary Williams, Community Services Director;

Approve the Budget Action Transferring Funds Within the Transit Fund for Fiscal Year 2001-02 for Unanticipated Costs Associated with the Construction of a Cement Retaining Wall and Fence to Create a Safe Parking Area for the Transit Buses at the Senior Center (\$3,322)

**BOARD ACTION:** (M)Parker, (S)Pickard, Res. 02-327 was adopted/Ayes: Unanimous.

Cheryle Rutherford-Kelly, Human Services Director;

Authorize the Chair to Sign a Personal Services Agreement with Renee Roper, LMFT for Six Months, Starting August 26, 2002 Through February 28, 2003 with the Option to Extend the Contract Until Such Time as the Children's System of Care Unit is Fully Staffed

**BOARD ACTION:** (M)Pickard, (S)Balmain, Res. 02-328 was adopted/Ayes: Unanimous.

**11:22 a.m.** Recess

**11:31 a.m.** The Board reconvened and took up the following Public Works matters.

B) Authorize the Public Works Director to Contract with Pacific Gas and Electric Company in the Amount of \$64,590 to Relocate the Power Lines at the Mariposa County Landfill

**BOARD ACTION:** Discussion was held. Susan Avery/PWD-Solid Waste Manager, advised that she will research the definition of ITCC, an acronym that was used in the contract. (M)Parker, (S)Pickard, Res. 02-329 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Abstained: Reilly.

C) Approve the Plans and Specifications and Authorize the Public Works Director to Advertise and Award the Bid for the Mariposa Town Sidewalks Adjacent to State Highways and County Roads , Project Number 95-42

**BOARD ACTION:** (M)Parker, (S)Balmain, Res. 02-330 was adopted. Supervisor Balmain commented on the status of the sidewalk project in Greeley Hill. Ayes: Unanimous.

Marjorie Wass, Assistant Treasurer/Tax Collector/County Clerk, appeared on behalf of Don Z. Phillips, Treasurer/County Clerk;

A) Investment Report by Fiduciary Trust

**BOARD ACTION:** Eric Reynolds, Senior Vice-President with Fiduciary Trust, reviewed the Investment Report and responded to questions.

B) Authorize the County Clerk to Apply for Funding Consideration with the Voting Modernization Board to Reserve Funds for Upgrading Mariposa County's Voting System

**BOARD ACTION:** Following discussion with Marjorie Wass, (M)Balmain, (S)Parker, Res. 02-331 was adopted. Further discussion was held relative to the application for three personal computers and upgrade to accommodate the functions of the voting system, and it was clarified that this portion of the request is only in the application to the State for funding. Ayes: Unanimous.

**12:13 p.m.** Recess

**12:27 p.m.** Eric Toll, Planning Director;

Approve the Use of 2002-03 Extra Hire Funds of \$20,000 for On-Call Hourly Personnel to Assist with Citizen Complaint Zoning Enforcement Investigations

**BOARD ACTION:** Discussion was held with Eric Toll relative to the proposal. Jeff Green, Interim Personnel Officer, advised that the job description needs to come back to the Board for the extra help employees. (M)Pickard, (S)Reilly, Res. 02-332 was adopted. Further discussion was held relative to the proposal. Ayes: Reilly, Stewart, Pickard; Noes: Balmain; Abstained: Parker.

Discussion and Possible Action Relative to Providing a Response to the Judicial Council of California's Request for Comments on Their Proposed Model for Chief Probation Officer Appointment, Evaluation, Discipline, and Removal (County Counsel)

**BOARD ACTION:** Discussion was held with Jeff Green, County Counsel. Gail Neal, Chief Probation Officer, and Bryce Johnson, Deputy Chief Probation Officer, provided input relative to the proposed changes. Further discussion was held relative to the proposed model and the way the County has handled this matter. (M)Balmain, (S)Pickard, Res. 02-333 was adopted approving a letter to be sent to the State advising that we do not want a change, that a bifurcated personnel

system will not work and will create more problems than our current system where the Presiding Judge deals with the personnel issues of the Chief Probation Officer/Ayes: Balmain, Stewart, Parker, Pickard; Abstained: Reilly.

Approval of Consent Agenda (See End of Minutes)

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

#### Board Information

- Supervisor Stewart advised of Supervisor Pickard's participation and graduation from the Great Valley Leadership Institute that was held recently at the Tenaya Lodge. He also noted his rock-climbing ability in wing-tipped shoes and presented him with a certificate from Tenaya Lodge.

- Supervisor Balmain advised he attended the National Resource Summit meeting in Sonora, and he noted that they visited the Co-generation plant in Yosemite Valley.

#### **1:14 p.m.** Recess

**1:20 p.m.** Supervisor Balmain commented on the success of the senior restaurant meal program in Coulterville, and he noted they have run out of vouchers for the program for August and the Federal money for the nutrition programs is being held up at the State level with the budget impasse. Discussion was held.

- Supervisor Pickard commented on his nomination by Congressman Radanovich to attend the Leadership Institute.

- Supervisor Pickard initiated discussion relative to responding to the draft Yosemite Fire Management Plan/Environmental Impact Statement. (M)Pickard, (S)Balmain, the Board waived the rules requiring 72 hours agenda noticing to consider this matter finding it is a matter of timeliness as the deadline for responding is today and information was received after the deadline for the agenda process/Ayes: Unanimous. Following discussion, (M)Pickard, (S)Balmain, Res. 02-336 was adopted approving the letter of response to the draft Yosemite Fire Management Plan, with comments to be included as requested by Supervisor Reilly, and with a copy of the letter to be sent to the Wawona Town Planning Advisory Committee/Ayes: Unanimous.

- Supervisor Pickard initiated discussion relative to sending a letter to the Governor supporting AB1400, the County's Co-compost project legislation. (M)Pickard, (S)Balmain, the Board waived the rules requiring 72 hours agenda noticing to consider this matter finding it is a matter of timeliness due to the legislative process timeframes and that it was not known about at the time the agenda was prepared/Ayes: Unanimous. Following discussion, (M)Pickard, (S)Balmain, Res. 02-337 was adopted approving a letter to be signed by the Chairman to the Governor supporting AB1400. Further discussion was held. Ayes: Unanimous.

Approval of Minutes 08-06-02 and 08-12-02 (Continued from 08-06-02) Regular Meetings

**BOARD ACTION:** Approved.

#### **CONSENT AGENDA**

- CA-1 Approve the Budget Actions for Fiscal Year 2001-02 Final Budget Adjustments Within the Public Works Budget Unit to Clean Up Year End Variances (\$63,723) (Public Works); Res. 02-334
- CA-2 Approve the Budget Action Transferring Funds Within the Sheriff's Budget for Fiscal Year 2001-02 to Cover Expenses Incurred for Services Provided by Dr. Northway for an Inspection and Report on the Animal Control Facility (\$1,950) (Sheriff); Res. 02-335
- CA-3 Accept the Resignation of Tony DiStefano from and Appoint Brian Grogan to the El Portal Town Planning Advisory Committee (Supervisor Reilly)

**1:46 p.m.** Adjournment in memory of Oliver “Tom” Hayes, Jerry E. Newton, Nathan Rosenfeld, James “Ron” Clubb, Michael Johnson, LeeAnn C. Stanley, Donald E. Ontis, and Rita Croucher.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### **CONFORMED AGENDA** **September 3 and 4, 2002**

Time      Description

**9:08 a.m.** Meeting Called to Order  
Pledge of Allegiance  
Introductions

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

- Yvonne Bennett commented on the following matter which is scheduled for later this date: request to initiate the process of a Specific Plan/Zoning Amendment to change the land use and zoning designation on certain parcels in the Courthouse area of town. She stated she feels that because homes have been moved from the area, that the area should be taken off of the National Historic Register. She also stated she feels the Historical Society should have more prestige in the County in their efforts to preserve our historical structures.

- Blaine Shultz, Fire Chief, advised of the program planned for September 11th in recognition of the victims of the 9-11 attacks.

Board Information

- Supervisor Balmain advised that he attended the Bio-Diversity Council meeting in Alturas on Wednesday and Thursday, and the encroachment of the juniper into the rangeland was discussed.

Approval of Minutes 08-13-02 Regular Meeting

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

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

Nancy Bell, Deputy Director, appeared on behalf of Cheryle Rutherford-Kelly, Human Services Director;

(1) Appoint an Advisory Committee to Comply with AB 1682, In-Home Supportive Services; (2) Authorize the Human Services Director to Staff the Committee in Terms of Providing Caseload and Financial Information and Responding to Questions; and (3) Stipulate that Two Members of the Board of Supervisors Continue to Review the Program Development

**BOARD ACTION:** Discussion was held with Nancy Bell.

Input from the public was provided by the following:

- Mark Scalzo, Field Representative for SEIU 250, applauded the Board for setting up the advisory committee and reminded the Board of the timeframes for this process. He further noted that there are 300 home care providers in the County, and they provide services to the seniors and the disabled. They currently make minimum wage and the State will reimburse the County for setting up this program and the wages will increase to \$8.50/hour. He also stated he would be happy to provide information on organizations for other counties to assist here.

- Heidi Vitiker stated she just moved here and has been in the health care profession for awhile. She stated she feels the current wage here of \$6.75 is very low for this type of job, and she requested the Board's support of the request.

- Esther Tilton stated she agrees with the input that has been provided; and she noted that this is not easy work, physically or mentally.

Discussion was held, and Supervisor Pickard noted that he has been working with Supervisor Reilly on this matter. (M)Pickard, (S)Reilly, the following were appointed to the Advisory Committee: Jim Archer, Suzan Banchemo, Janice Haag, Linda Lefforge, Dante Skatell, Barry Smith,

Les Wenger, Patricia Bell, and Pamela Reason; Human Services to staff the committee; and Supervisors Reilly and Pickard are to continue to represent the Board on these matters/Ayes: Unanimous.

Supervisor Parker;

Initiate the Process of Specific Plan/Zoning Amendment to Change the Land Use and Zoning Designation on Certain Parcels in the Courthouse Area of the Mariposa Town Planning Area (TPA)

**BOARD ACTION:** Supervisor Parker initiated discussion and clarified that the request is to initiate the process. Eric Toll, Planning Director, provided input relative to the process, and he advised that the Historical Sites and Records Preservation Commission will review and have an opportunity to make recommendations on the proposed amendment. Discussion was held relative to the request and it was clarified that it is requested that this be a County-sponsored amendment.

Input from the public was provided by the following:

- Yvonne Bennett added to her earlier comments and stated she feels the Historic District should be dissolved because three homes have been moved away and she does not feel we are technically a District.

Eric Toll advised that we are still on the National Register and the relocation of buildings does not undermine that status. Further discussion was held relative to dealing with these types of requests. Eric Toll advised that the recommended action does not require action by resolution.

(M)Parker, (S)Balmain, direction was given for staff to initiate the process as requested/Ayes: Unanimous.

Chairman Stewart welcomed Leota Striplin back after a brief hospital stay.

**10:00 a.m.** Jacque Meriam, County Librarian;

**PUBLIC HEARING:** Authorize the Mariposa County Librarian to Update and Establish a New Extended Use Fee Schedule for the Mariposa County Library System

**BOARD ACTION:** Jacque Meriam presented the staff report and reviewed the requested revisions to the fee schedule. She responded to questions from the Board relative to the application of the fees at the branch libraries; and relative to covering the costs to replace books that are not returned. The public portion of the hearing was opened. There was no public input. The public portion was closed and the Board commenced with deliberations. (M)Pickard, (S)Parker, Res. 02-339 was adopted approving the new fee schedule/Ayes: Unanimous. The hearing was closed.

Authorize the Chairman to Sign an Administrative Match Agreement Between Mariposa County and Area 12 Agency on Aging (County Counsel)

**BOARD ACTION:** Discussion was held with Jeff Green, County Counsel. (M)Pickard, (S)Reilly, Res. 02-340 was adopted/Ayes: Unanimous.

Discuss and Provide Direction Relative to the Following Regularly Scheduled Meetings of the Board of Supervisors: November 19, 2002, November 26, 2002 and December 24, 2002 (Chairman Stewart)

**BOARD ACTION:** Supervisor Stewart initiated discussion relative to the request received from CSAC to cancel the November 19th meeting, and relative to the holiday meeting schedule. Supervisor Pickard noted the RCRC Conference starts on October 8th, and he requested that the meeting be kept short. Following discussion, (M)Parker, (S)Reilly, Res. 02-341 was adopted canceling the meetings for November 26th and December 24th/Ayes: Unanimous. Following further discussion, (M)Balmain, (S)Parker, Res. 02-342 was adopted rescheduling the meeting for November 19th to Monday, November 18th/Ayes: Unanimous.

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

**CONSENT AGENDA**

- CA-1 Authorize the Chair to Sign an Order of the Board to Reject Claim No. C02-11 for an Amount of \$240.59 (County Counsel); Res. 02-338
- CA-2 Approve a Letter of Congratulations to Harry Steed Upon His Retirement as a Ranger with Yosemite National Park (Chairman Stewart)
- CA-3 Re-Appoint Robert Rose, M.D. to the Mental Health Board (Mental Health)
- CA-4 Re-Appoint Susan Johnson, Liz Wilcox, Nancy Bell, Marna Klinkhammer, David Conway, Gwen Nitta, Nancy Damm, and Lee Jorgenson to the Mariposa Local Child Care Planning Council (Mariposa Local Child Care Planning Council)

**10:18 a.m.** Jeff Green, County Counsel/Interim Personnel Director

CLOSED SESSION: Public Employee Performance Evaluation: Public Works Director (Continued from 06-25-02); and

CLOSED SESSION: Public Employee Appointment; County Administrative Officer Position Vacancy

**BOARD ACTION:** (M)Reilly, (S)Balmain, closed sessions to be held following a recess, with staff and Jim Petropulos, Public Works Director, to be present for portions of the closed session/Ayes: Unanimous.

**10:45 a.m.** The Board convened in closed session.

**11:55 a.m.** Lunch

**1:35 p.m.** The Board reconvened in closed session.

**4:37 p.m.** The Board reconvened and continued the closed session matters and the meeting to Wednesday, September 4, 2002, at 9:00 a.m.

**Wednesday, September 4, 2002**  
**(Meeting continued from 9-3-02)**

**9:00 a.m.** The Board reconvened in continued closed session (meeting continued from 9-3-02).

**12:12 p.m.** The Board recessed in memory of the following and continued the meeting to Monday, September 9, 2002, at 9:00 a.m. for Final Budget Hearings for Fiscal Year 2002/03: Lorene Imogene Grammer and Josh Dordan.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### CONFORMED AGENDA

September 9, 2002

(Meeting Continued from September 3 and 4, 2002)

Time      Description

**9:05 a.m.** Meeting Called to Order, continued from September 3 and 4, 2002.

Chairman Stewart noted that California became a State of the Union on this date in 1850; and that President Bush has called for each day this week to be a National Day of Prayer in memory of the victims of the September 11, 2001, terrorism attacks.

Pledge of Allegiance

Ken Hawkins, Auditor and Mary Hodson, Administrative Analyst;

**PUBLIC HEARING:** Final Budget for Fiscal Year 2002/2003

**BOARD ACTION:** Ken Hawkins/Auditor, Chris Ebie/Assistant Auditor, Mary Hodson/Administrative Analyst, were present to respond to questions and to track the budget changes. Ken Hawkins provided input relative to the status of the State budget and stated that he doesn't feel it is impacting the County's budget at this time.

Public comment:

Lee Miller, Co-Chairman of the Methodist Church Building Committee, discussed their request for financial support to move the **Old Parish Hall** so that the Church can construct new facilities. He advised that Bob Evans has indicated an interest in the building; however, assistance is being requested with the moving costs. He commented on the history of use of the Hall by the various non-profit, community organizations; and he stated that the new facility will also be made available for these organizations; however, they are concerned with the availability of facilities in the interim. He commented on a zoning issue with moving the Hall to the Evans property. He referred to moving route options and the need for some of the trees to be trimmed. He stated they estimate the moving costs to be \$13,000 (this could be reduced if trees can be trimmed for an alternate route), and \$3,000 for PG&E to relocate power lines. Discussion was held relative to the request.

Dick Clark, member of the Methodist Church Building Committee, provided input on the request and relative to the estimate from PG&E.

Further discussion was held concerning the request. The Board concurred with adding \$16,000 to the list for further consideration later in the hearing process.

Lee Miller thanked the Board for its consideration and advised of their efforts to preserve the building. Dick Clark commented on upcoming fundraising efforts.

Ken Hawkins advised that the beginning fund balance is \$699,708; and he reviewed revenue estimates for transient occupancy taxes. He also reviewed the increase in insurance costs and recommended that the General Fund Contingency be increased so that funding is available if necessary, and he suggested that this be further reviewed at mid-year. Ken provided input relative to the status of retirement rates for PERS – he noted they are increasing, and with the changes allowing for earlier retirements, that will further increase the costs.

Discussion was held relative to the hearing process. The Board concurred with reviewing the recommended changes in context with the individual budgets.



The Board reviewed the following budgets:

**General Purpose Revenue:** Following discussion, the Board concurred with the recommended changes.

**Board of Supervisors:** Supervisor Pickard asked for consideration of funding the membership for the Yosemite/Sequoia Resource Conservation District in the amount of \$500. The Board concurred with the recommended changes and with adding the \$500 for membership to the list for further consideration later in the budget process.

**Administration:** The Board concurred with the recommended change.

**Audits:** Ken Hawkins noted that this is the last year of the contract with the current auditing firm. There were no recommended changes to the budget.

**Assessment Appeals:** There were no recommended changes to the budget.

**Auditor:** Ken Hawkins provided input on staffing changes in his department, and he requested authorization to use salary savings for overtime. Discussion was held relative to the budget requests. The Board concurred with funding \$7,650 for the fixed asset software for further consideration later in the hearing process; and with adding \$3,000 for overtime, with an adjustment to the salary savings to be considered at mid-year.

**Assessor/Recorder:** The Board concurred with the recommended change.

**County Counsel:** There were no recommended changes to the budget.

**Personnel:** Mary Hodson provided input relative to consideration of adding a Personnel Officer/Risk Manager position, with the classification and salary range to come back to the Board for approval. The Board concurred with the recommended change to add \$39,000 to fund the position for half of the fiscal year.

**Forest Reserve HR2389:** The Board concurred with the recommended change to balance to the actual fund balance.

**Child Support Services:** Marita Green, Child Support Services Director, was present and provided input. There were no recommended changes to the budget.

**Grand Jury:** Mary Hodson noted that the recommended budget includes rental of facilities for the Grand Jury. There were no recommended changes to the budget.

**Law Library:** Mary Hodson advised of the request by the Court for extra help funds to manage this function. Discussion was held. The Board concurred with the budget as recommended with the extra help.

**Indigent Defense:** There were no recommended changes to the budget.

Christine Johnson, District Attorney, was present for the following District Attorney budget units:

**District Attorney/SRVP Grant:** Discussion was held with Bill Flaherty, Victim Witness Coordinator, relative to the status of the advocate position, and he requested that it be moved back to an 80% position effective October 1, 2002. He noted that any budget adjustment that is necessary as a result of this change can be made in the mid-year process. The Board concurred with the budget as recommended, and with the adjustment to the advocate position.

**Sund-Pelosso:** Mary Hodson advised that the investigator position is not recommended to be filled in this budget unit. Janet Bibby/DA-Paralegal, asked about the status of the State's reimbursement of costs relative to the ten- percent match. Ken Hawkins advised that the ten-percent is not included in the budget and he will obtain more information. Mary Hodson suggested that the matter come back at mid-year.

**District Attorney/Domestic Violence Grant:** Janet Bibby/DA-Paralegal advised that they have not received a response relative to their grant award and they will advise the Board when the status is known. It was clarified that no personnel are assigned at this time. Mary Hodson noted that the Domestic Violence deputy sheriff position is currently being funded by Rural County Crime Prevention money until the status of this grant is known.

**District Attorney/Prosecution:** Mary Hodson advised that the investigator position is being recommended for the last three months of the fiscal year so that the District Attorney-elect can fill the position.

**District Attorney/Drug Enforcement Grant:** There were no recommended changes to the budget.

**Victim-Witness:** Discussion was held with Bill Flaherty, Victim Witness Coordinator, relative to the advocate position and the status of their grant funding. Again, it was agreed that the advocate position would return to an 80% position and that any adjustment that would be necessary could be made during the mid-year budget process. Supervisor Reilly thanked Bill Flaherty for the services provided during the Sund/Pelosso trial.

**Children's Advocacy Center:** The Board concurred with the budget with the recommended change to balance to the actual fund balance.

**10:37 a.m.** Recess

**10:52 a.m.** The Board reconvened.

Gail Neal, Chief Probation Officer, was present for the following two Probation budgets:

**Juvenile Detention:** The Board concurred with the recommended changes, including the two new permanent part-time positions.

**Probation:** The Board concurred with the recommended changes to the budget.

**Fire:** Mary Hodson advised of a recommended change to the budget for benefits, and she advised that the grant revenue was not included as the award status is not known at this time. Discussion was held with Blaine Shultz, Fire Chief, relative to his request for additional funding for small tools; to replace the water tenders for Greeley Hill and Catheys Valley; and funding for the patrol program. Supervisor Reilly asked about the status of the Midpines Zone of Benefit Assessment District, and she noted they purchased their water tender and patrol vehicle from their assessment fund. She also asked about the status of filling the Deputy Fire Chief position. The Board concurred with funding two refurbished water tenders in the amount of \$168,000 for further consideration later in the hearing process. The Board concurred with the recommended change for benefits.

Pelk Richards, Sheriff-Coroner, was present for the following budgets:

**Sheriff-Coroner:** Howard Davies, Assistant Sheriff, provided input on the request for an evidence dryer. Pelk Richards advised that he will bring the CLEEP funding (\$17,800) that was approved in the State budget back for consideration to use in the upgrade of the dispatch center. The Board concurred with the recommended changes in the budget.

**Boating Safety:** The Board concurred with the recommended change in the budget.

**Jail:** The Board concurred with the recommended changes in the budget.

**COPS Grant:** Discussion was held with Pelk Richards relative to changes in the status of positions with the grant funding. The Board concurred with the recommended changes in the budget.

**SLESF:** The Board concurred with the recommended changes in the budget.

**Agricultural Commissioner:** Cathi Boze, Deputy Agricultural Commissioner, was present and responded to questions. The Board concurred with the recommended changes in the budget. Supervisor Balmain asked about the status of the restructuring request. Mary Hodson advised that the request will be forwarded to the County Administrative Officer/Personnel function when filled to further review. Discussion relative to the trapper function was continued to 2:00 p.m.

**Farm Advisor:** Discussion was held with Gary Hickman, Farm Advisor, relative to expansion of the facilities. The Board concurred with the recommended change in the budget.

**11:40 a.m.** Recess

**11:52 a.m.** The Board reconvened.

**Library:** Discussion was held with Jacque Meriam, Librarian, relative to the Public Library funding status and she advised that she will come back in the mid-year budget process to address the impacts. The Board concurred with the recommended changes in the budget.

**Library Literacy Program:** There were no recommended changes in the budget.

**Fish and Game:** Mary Hodson advised of the recommended change to balance to the actual fund balance and to fund the Board approved School's request for the wildlife education program. Supervisor Parker initiated discussion relative to information he received from the Fish and Game Protective Association concerning this request; and he requested that the Board backfill the Fish and Game account and consider funding the School's request from another source. Following discussion, the Board concurred with not changing the funding source for the School's program. The Board concurred with the recommended changes in the budget.

**Building:** Discussion was held with John Davis, Building Department Director, relative to the request to replace the fax machine and relative to staffing requests for extra help and overtime in the total amount of \$14,000. The Board concurred with funding the requests for the fax machine and staffing and with the recommended change to balance to the Building Contingency fund balance.

**Risk Management:** Mary Hodson and Ken Hawkins reviewed the recommended changes in the General Insurance, Workers Compensation and Liability accounts. The Board concurred with the recommended changes. Following discussion, the Board concurred with adding \$100,000 as a separate line item in the General Fund Contingency as a reserve if additional funding is needed for insurance purposes.

**12:37 p.m.** Lunch

**2:06 p.m.** The Board reconvened.

**Agricultural Commissioner/Trapper:** Discussion was held with Brian Archuleta/Wildlife Services District Supervisor, and Don Simms/Wildlife Services Assistant Supervisor, relative to the status of the budget and wildlife services (trapper) program. Discussion was held relative to options for filling behind the reduction of funding by the California Department of Food and Agriculture for this program. The Board concurred with adding \$10,195 to keep the program at its current level in the County for the balance of this fiscal year, and as one-time funding. Supervisor Stewart suggested that the County work with the legislators on this issue. Brian advised that they would be willing to assist with providing information.

**Planning:** The Board concurred with adding \$20,000 for the zoning enforcement function and with the recommended changes to the budget. Eric Toll, Planning Director, requested that funding be added for a laptop computer. The Board concurred with adding \$2,900 for a laptop computer for further consideration later in the hearing process.

**Local Agency Formation Commission (LAFCo):** Budget to be rescheduled later in the hearing process for discussion with the Planning Director.

**Community Development Block Grant:** The Board concurred with the recommended changes in the budget.

**Parks and Recreation/Red Cloud Park, and Community Club Building in Greeley Hill:** Supervisor Balmain initiated discussion relative to replacing the restrooms at the Red Cloud Park and relative to structural repair work that needs to be done on the community club building in Greeley Hill. Issues to be further discussed later in the hearing process.

Supervisor Parker initiated further discussion relative to possibly reconsidering the source of funding for the School District's wildlife education program and using the Fish and Game funds for the trapper program. He asked that this issue have further consideration in the hearing process.

**2:49 p.m.** The final budget hearing was continued to September 10, 2002, at 2:00 p.m., and the meeting was adjourned.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### CONFORMED AGENDA September 10, 2002

9:07 a.m. Meeting Called to Order

Chairman Stewart advised of several ceremonies planned in the community for Wednesday, and that President Bush has called for each day this week to be a National Day of Prayer in memory of the victims of the September 11, 2001, terrorism attacks.

Pledge of Allegiance  
Introductions

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

Board Information

- Supervisor Pickard advised of the passage of AB1400, relative to the County's co-compost project and meeting the solid waste diversion requirements.

Chairman Stewart announced that direction was given to staff as a result of the closed session matters held on September 3 and 4, 2002, relative to evaluation of the Public Works Director and the County Administrative Officer position vacancy.

Approval of Minutes 08-27-02 Regular Meeting

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** (M)Parker, (S)Reilly, Consent Agenda was approved/Ayes: Unanimous.

Judie Beliera, Tourism & Economic Development;

B) Authorize the Chair to Sign the Agreement with Morrison Printing to Print the Mariposa County Vacation Planner (\$30,380)

**BOARD ACTION:** Following discussion, (M)Parker, (S)Pickard, Res. 02-343 was adopted/Ayes: Unanimous.

A) Approve the Department of Tourism and Economic Development Marketing Plan for Fiscal Year 2002-2003

**BOARD ACTION:** Discussion was held with Judie Beliera relative to the Marketing Plan and development of a website. (M)Parker, (S)Pickard, the Marketing Plan was approved as presented, with consideration of the funding requests to be considered during the Final Budget Hearing process/Ayes: Unanimous. Supervisor Stewart thanked Judie for her work in the absence of a department head.

Jeff Green, County Counsel;

Waive First Reading and Introduce an Ordinance Amending Chapter 3.36 of the Mariposa County Code Regarding the Ability of the Board to Waive Penalties on Transient Occupancy Tax

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

Approve a Letter of Appreciation to the Docents and Staff of the Mariposa Museum and History Center that Participated in the Huell Howser Day in Mariposa (Chairman Stewart)

**BOARD ACTION:** (M)Reilly, (S)Parker, letters were approved/Ayes: Unanimous. Supervisor Balmain requested that those individuals that assisted with the Northside Museum portion of this project also be sent a letter – the Board concurred.

Approve Certificates of Recognition for Each of the Following for Presentation at the Public Safety Recognition Dinner Being Sponsored by the Chamber of Commerce on September 11, 2002: Mariposa County Health Department, Mariposa County Fire Department, Mariposa County Sheriff's Department, Mariposa County Division of the California Highway Patrol, Mercy Ambulance, California Department of Forestry & Fire Protection and the California Youth Authority (Chairman Stewart)

**BOARD ACTION:** Discussion was held concerning the request from the Chamber of Commerce for recognition to those involved in public safety. Supervisor Stewart noted that the Mariposa Public Utility District needs to be added to the list, and that there may be others. Candy O'Donel-Browne advised that the Chamber's intent is to thank all public safety departments/agencies. Supervisor Parker suggested that, in order to not overlook anyone or any agency, that the Chairman represent the Board at the event and recognize all agencies involved in public safety versus individual recognition – the Board concurred.

**10:02 a.m.** Recess

**10:20 a.m.** Jim Petropulos, Public Works Director;

A) Authorize the Chair to Sign a Cooperative Agreement Between the National Park Service, Yosemite National Park and Mariposa County in the Amount of \$1,712,000 to Fund Construction of the Co-Compost Facility

**BOARD ACTION:** Discussion was held with Jim Petropulos relative to the agreement, and he advised that the Park Service generates a third of the waste brought to the landfill; thus, the Cooperative Agreement for this project. It was noted that a ceremony for presentation of the check for this funding is being coordinated with the Park Service, Congressman Radanovich and the County. Susan Avery, PWD-Solid Waste Coordinator, provided input relative to scheduling the ceremony. (M)Pickard, (S)Parker, Res. 02-344 was adopted approving the Cooperative Agreement. Supervisor Pickard commented on the passage of AB 1400 relative to this project. Ayes: Unanimous. Jim thanked Jeff Harsha, Yosemite National Park, for his assistance with this process.

B) Requested Action is to Set a Public Meeting for September 24, 2002 at 11 a.m. Regarding the Intent to Acquire Property by Eminent Domain for the Expansion of and the Improvement of the Existing Mariposa/Yosemite Airport and Adopt a Resolution of Necessity Pursuant to CCP Sec 1245.235 for Acquisition of the Property of George Meyer, Betty Mankins, Tracy Jay, Deanna Williams, Julie Baxley, Garnet Turner, Tim Mankins, Mike Mankins, Janet Bibby, and Millicent June Meyer

**BOARD ACTION:** Jeff Green, County Counsel, reviewed the eminent domain process. Jim Petropulos, Public Works Director, provided input on the request to set a public meeting regarding the intent to acquire property by eminent domain for the project at the Airport. He advised that Terry Allen, consultant Attorney, was present to answer questions, and that several of the property owners were also present. He further advised that they met on Monday and did not reach agreement, but they want to meet again and continue to try to reach a solution. Discussion was held relative to the timeframes for the project.

Input from the public was provided by the following:

- Janet Mankins-Bibby stated she is an heir and owner of the subject property. She reviewed the history of actions relative to the Airport and related projects and contact with her family. She stated that she does not feel that contact was made with the family as directed when Phase I began in 1994. She stated she feels there was a good faith negotiation for an earlier settlement agreement and no discussion was held relative to the County wanting additional land in the future. She requested that the Board reconsider proceeding with the eminent domain process.

- Betty Mankins stated she is a lifetime estate owner of the property and resents what the Public Works Department is calling negotiations. She stated they met about a year ago and all that was discussed was the terms of the earlier agreement that had not been complied with on the part of the County. She stated she feels that Public Works was aware of the deadlines for this project and they waited until this Spring to begin complying with the requirements for this phase of the project; and she stated phase I has not been finished. She noted that the first time a price has been discussed was at the meeting held on Monday evening. She stated she feels there should be more discussion prior to going into condemnation proceedings. She stated the County pays for the appraiser with their tax dollars and they have to use their own funds to do a counter appraisal. She requested that the matter be postponed for further discussion and for them to obtain an appraisal.

- Joel Bibby stated he has no vested interest in the property; just for his children. He noted that in his job with the County he has had opportunities to fly in a helicopter, and he noted there are landing pads in Jerseydale, Groveland and Oakhurst. He feels if the Forestry needs a landing pad, they should use their own. He stated he feels the eminent domain proceedings are wrong. This will take property away from his fifteen-year old son and five-year old daughter; i.e., this is taking property from kids. He questioned the public need. He commented on the use of the Airport and stated the large helicopter is being kept in Fresno this year. He stated he feels the "old golf course" area could be used for these improvements. He also stated that just because the County wants to use the grant funds, that is a wrong reason for doing this project. It is the citizens' tax dollars and he would prefer to see the funding used for a ballpark. He asked whether there are any studies on how many planes use the Airport. He feels the proposed action will take away the rights of something that a family member, four generations ago, bought and paid for.

- Deanna Williams, heir and speaking for herself and her other three sisters, advised of their requests for a meeting time that would fit with their schedules, as two sisters are out of town and she and her other sister drive bus. She asked the Board members to consider how they would feel if someone wanted their property. She questioned how this project is benefiting the community. She also asked why a piece at a time of the property is being taken versus what is needed in its entirety. She stated she feels the roads need major work in the County and that is where Public Works should put their efforts. She also asked how many planes land at the Airport.

- Jane Eld stated she works for the School District and just moved here about ten-years ago and acquired property. She stated she feels the proposed action is scary to her, as a child she experienced this type of proceeding. She stated she did not know that the Airport existed until about a year ago.

- George Meyer stated he feels they were very easy to negotiate with, and that Public Works was incorrect in their comments relative to this matter. He stated he feels that progress is progress. He further stated that he and his mother made an offer during the meeting on Monday, which he feels was reasonable. He stated he feels the condemnation process will cost a lot more, but they will not back down and be bullied into something.

- Janet Bibby asked, if in the history of the County, whether condemnation action has been taken against a private citizen.

Discussion was held relative to the appraisal process used by the County and the input that was provided.

- Attorney Allen stated he is consulting with the County on this matter, and he provided input on the meeting held on Monday. He advised that through this process, the discussion could continue for a long time as to the purchase price. He noted that he advised the family that they would meet with them whenever it works with their schedule. He stated he wants to continue discussing this matter with the family to try and resolve the issues.

The Board held further discussion relative to the issues and the process.

- Janet Bibby stated that if time is of the essence, she questioned why all of the land that was needed for the entire project wasn't taken at one time. She stated she would like to find out exactly what is planned for the Airport area, and what is planned for the industrial/commercial zoned land.

Further discussion was held. Board members requested that information be provided relative to the Airport Master Plan and future plans for the Airport, and relative to the timeframes for this process and the project. Staff was requested to address each of the findings, in detail, that need to

be made for the eminent domain proceedings, as well as each of the issues and questions that have been raised. It was clarified that to proceed with an eminent domain proceeding would require a 4/5ths vote of the Board versus a 3/5ths vote to set the public meeting to initiate this process.

- Joel Bibby asked about the Federal grant being used for a transient helicopter pad and the public necessity need.

Discussion by the Board continued. Attorney Allen was urged to continue to negotiate with staff and the family to reach a settlement. It was also noted that the public meeting could be continued, if necessary. (M)Balmain, (S)Pickard, Res. 02-345 was adopted setting the public meeting for September 24, 2002, at 11:00 a.m./Ayes: Balmain, Parker, Pickard; Noes: Reilly, Stewart.

Eric Toll, Planning Director;

Authorize the Planning Director to Execute a Contract with URS Corporation to Prepare an Environmental Impact Report/Environmental Assessment for the County of Mariposa Composting Facility in an Amount not to Exceed \$180,000

**BOARD ACTION:** (M)Pickard, (S)Balmain, Res. 02-346 was adopted/Ayes: Unanimous.

Approve a New Extra-Help Job Description Entitled "Code Compliance Technician" at Range 209, Step 1 (Personnel)

**BOARD ACTION:** (M)Reilly, (S)Pickard, Res. 02-347 was adopted/Ayes: Reilly, Stewart, Pickard; Noes: Balmain, Parker.

**11:52 a.m.** Lunch

**2:07 p.m.** Ken Hawkins, Auditor and Mary Hodson, Administrative Analyst;

**PUBLIC HEARING:** Final Budget for Fiscal Year 2002/2003 (Continued from 09-09-02)

**BOARD ACTION:** Ken Hawkins/Auditor, Chris Ebie/Assistant Auditor, and Mary Hodson/Administrative Analyst, were present to respond to questions and to track the budget changes.

Chairman Stewart called for public comment: there was none.

Mary Hodson provided a status report on the General Fund balance at this point in the hearing process. Ken Hawkins clarified that his comments on Monday relative to the State's budget, advising that he did not see any significant affect on the County; however, there were some minor changes.

The Board reviewed the following budgets:

**Health:** Dr. Mosher, County Health Officer, was present. The Board concurred with the recommended changes , including staffing changes, in the budget.

Cheryle Rutherford-Kelly, Human Services Director, was present for discussion relative to the following budgets:

**Mental Health:** Discussion was held with Cheryle Rutherford-Kelly relative to the Children System of Care program and impacts with the State's budget. The Board concurred with the recommended changes to the budget.

**Social Services:** Discussion was held with Cheryle Rutherford-Kelly relative to the State budget impacts on the programs. The Board concurred with the recommended changes to the budget.

**Social Services Programs:** There were no changes to this budget.

**Human Services Administration:** There were no changes to this budget.



**Community Family Resources:** The Board concurred with the recommended changes to the budget to balance to the actual fund balance.

**Housing Development:** The Board concurred with the recommended changes to the budget to balance to the actual fund balance.

Chairman Stewart advised of information just received from the Fire Chief relative to a fire on Highway 140 near Trower Road, moving toward Guadalupe.

**Housing Authority Choice Voucher:** Mary Hodson advised that additional positions were requested that were not recommended. Discussion was held with Cheryle Rutherford-Kelly relative to the request for the additional positions. The Board concurred with further considering the request for positions with the Community Programs – Community Action Agency (CAA) budget portion of the hearing. The Board concurred with the recommended changes to the budget to return unused funds to HUD.

**2:47 p.m.** Recess

**3:00 p.m. Community Programs – CAA:** Discussion was held with Cheryle Rutherford-Kelly relative to the request for a half-time account clerk III for this function and half-time for the Housing Authority function, and the request for a deputy position. The Board concurred with approving the account clerk III position, and with directing that the deputy position be held pending further review by the Personnel Officer and/or County Administrative Officer of a more detailed analysis of the request. The Board concurred with the recommended changes to the budget to balance to the actual fund balance.

**Proposition 36 – Drug Court:** The Board concurred with the recommended changes to the budget to balance to the actual fund balance.

Mary Williams, Community Services Director, was present for discussion relative to the following budgets:

**Veterans Services:** Discussion was held with Mary Williams relative to the upcoming Veterans' Conference being hosted by the County. The Board concurred with the recommended changes to the budget to cover utility costs.

**Senior Services:** Discussion was held with Mary Williams relative to budget adjustments. Supervisor Pickard requested that consideration be given to planning for training behind the Director for the future. The Board concurred with the recommended changes to the budget.

**Senior Nutrition:** The Board concurred with the recommended changes to the budget.

**Transit:** Discussion was held with Mary Williams relative to the budget. The Board concurred with the recommended changes to the budget.

Chairman Stewart announced that information was just received that the fire on Highway 140 is contained.

## **CONSENT AGENDA**

CA-1 Accept the Resignation of Robert McKnight from the Mental Health Board (Mental Health)

**3:26 p.m.** The Board recessed in memory of George S. Miller, and continued the final budget hearing and the meeting to Monday, September 16, 2002, at 9:00 a.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA

September 16, 2002

(Meeting Continued from September 10, 2002)



Time \_\_\_\_\_ Description \_\_\_\_\_

**9:10 a.m.** Meeting Called to Order, continued from September 10, 2002.

Ken Hawkins, Auditor and Mary Hodson, Administrative Analyst;

PUBLIC HEARING: Final Budget for Fiscal Year 2002/2003 (Continued from 9-10-02)

**BOARD ACTION:** Ken Hawkins/Auditor, Chris Ebie/Assistant Auditor, and Mary Hodson/Administrative Analyst, were present to respond to questions and to track the budget changes.

Public comment:

Cameron Burley, Methodist Church Building Committee, asked about the status of their request for financial support to move the **Old Parish Hall** so that the Church can construct new facilities. He was advised that this request would be further considered later in the hearing process during deliberations to balance the budget.

Supervisor Balmain advised that an estimate of \$44,600 was received from a local contractor to repair the **Greeley Hill Community Club** facilities, and he requested that the Board consider approving \$25,000 to assist with these repairs. Jim Petropulos, Public Works Director, provided input. Discussion was held relative to treating this request like is done for a County project. The Board concurred with further considering funding \$45,000 for this project later in the hearing process.

Ken Hawkins reviewed the status of the fund balance.

The Board reviewed the following budgets, and Jim Petropulos/Public Works Director, and Marty Allan/PWD-Fleet Fiscal Manager, were present for discussion:

**Facilities Maintenance:** Discussion was held with Jim Petropulos relative to requested changes. Further discussion was continued for the following introduction.

Supervisor Parker recognized the presence of Paul Caruso, Supervisor from Stanislaus County, and introduced him. Supervisor Stewart noted that Supervisor Caruso was present for the Broadband Task Force meeting.

Further discussion was held relative to the Facilities Maintenance budget. Supervisor Parker suggested that the request for the new program for pest control treatment be further considered during the mid-year budget process. Supervisor Reilly requested that staff review this budget in context with the budgets for the special districts relative to adjustments in the overtime line item. The Board concurred with funding an additional \$12,500 for overtime, and concurred with the rest of the budget as recommended.

**Airport Operations:** The Board concurred with the recommended change to the budget to reflect the correct balance for the CAAP project.

**Special Aviation:** The Board concurred with the budget as recommended.

**Airport Hangar Project:** The Board concurred with the recommended changes to the budget.

**Airport Fuel System:** Discussion was held relative to the General Fund contribution to the budget and relative to the status of the loan for the fuel system.

**9:56 a.m.** Recess

**10:17 a.m.** Further discussion was held relative to the status of the loan for the fuel system. Ken Hawkins advised of the loan payoff amount. Supervisor Parker suggested that direction be given to staff to come back with a recommendation for getting this budget to an enterprise fund situation. The Board concurred with funding \$120,000 to pay off the loan for further consideration later in the hearing process.

**Public Works Administration:** The Board concurred with the budget as recommended with the addition of an Assistant Public Works Director position effective 1/1/03.

**Regional Transit Services:** The Board concurred with the budget as recommended. Supervisor Stewart commented on the increase in ridership for the YARTS service and of the fare box return.

**Parks and Recreation:** Discussion was held relative to the requested changes for an additional recreation program coordinator position and additional funding for cemetery beautification. Supervisor Balmain requested that \$65,000 be considered to fund the restroom replacement at the Red Cloud Park. Rich Begley/PWD-Deputy Director Parks and Recreation, provided input relative to the cemetery maintenance, and he advised of a request for maintenance of the historic headstones. Discussion was held relative to the status of the Cemetery Advisory committees. The Board concurred with funding \$5,000 for the cemetery maintenance for further consideration later in the hearing process, and it was requested that a recommendation be obtained from the Parks and Recreation Commission relative to this matter. The Board concurred with the recommended changes to the budget for the overtime for summer activities.

**Local Transportation:** The Board concurred with the recommended changes to the budget to balance to the actual fund balance.

**State Transit Assistance:** The Board concurred with the recommended changes to the budget to balance to the actual fund balance.

**Transportation Planning:** The Board concurred with the recommended changes to the budget to balance to the actual fund balance.

**Pedestrian Bikeway:** The Board concurred with the recommended changes to the budget to balance to the actual fund balance.

**11:12 a.m.** Recess

**11:31 a.m. Roads:** Mary Hodson advised of recommended changes to the budget, including staffing changes. Discussion was held with Jim Petropulos relative to the request for additional funding for materials and for overtime. Supervisor Reilly asked about future maintenance of effort requirements with the additional funding recommended for the budget. Supervisor Parker stated he feels the request for additional funding for road maintenance is one-time and should not be rolled over into the baseline budget. The Board concurred with the recommended changes to the budget, including the addition of an associate civil engineer position effective January 1, 2003; the deletion

of a senior civil engineer position effective retroactive to July 1, 2002; with the salary savings to be added to materials, in addition to the \$150,000; and with the increase in overtime of \$25,000.

**Roads – Special Projects:** The Board concurred with the recommended changes to the budget to balance to the actual fund balance.

**Solid Waste:** The Board concurred with the recommended changes to the budget.

**Solid Waste Closure:** The Board concurred with the recommended changes to the budget to balance to the actual fund balance.

**Solid Waste Liner Replacement:** The Board concurred with the recommended changes to the budget to balance to the actual fund balance.

**11:58 a.m.** Lunch

**1:09 p.m. Solid Waste Special Project:** Discussion was held. Supervisor Parker asked for consideration of dedicating one million dollars from the General Fund General Reserve for the co-composting project to be used for actual construction of the facility. Discussion was held relative to the request and other options. Jeff Green, County Counsel, advised that funds could be taken from the General Fund General Reserve during the budget hearings by a 3/5ths vote; however, action at any other time would require a 4/5ths vote and findings would need to be made. Supervisor Reilly requested that additional information be presented relative to cost information for the project and options for other sources of financing before action is taken to commit funds from the General Fund General Reserve. (M)Parker, (S)Balmain, the Board directed that one million dollars be taken from the General Fund General Reserve and placed in a special line item, to be determined by the Auditor, for construction of the co-compost facility; with further direction that the funding not be used until all information is available for the project. Further discussion was held concerning this matter, and relative to consideration of using the funding that was set aside in the Zone of Benefit Revolving Fund. The motion was amended, agreeable with maker and second, to include direction for the one million dollars to be placed in the General Fund Contingency budget as a separate line item, to only be used by a 4/5ths vote of the Board, and where the General Fund would earn the interest/Ayes: Balmain, Stewart, Parker; Noes: Reilly, Pickard. The Board concurred with the recommended changes to the budget.

**Fleet Maintenance:** The Board concurred with the recommended changes to the budget, including a loan; the addition of a fleet superintendent position effective 11/1/02, and the deletion of an equipment mechanic supervisor position effective 10/31/02. There was discussion relative to a recommendation from Mike Coffield, following his review of this function, that to avoid a negative fund balance at the end of this fiscal year, there will need to be an increase in fleet charges of approximately \$100,000. Individual department fleet charges will be adjusted at mid-year and it was recommended that \$100,000 be set aside in Interfund Transfers to accommodate this increase in fleet charges to General Fund departments. Jim Petropulos advised that the rates are being raised to compensate for the shortfall in maintenance and operations; and he advised that he is planning to bring back to the Board a fleet management policy that will deal with the budget issues. The Board concurred with adding \$100,000 to Interfund Transfers as requested.

**2:05 p.m.** Recess

**2:14 p.m. Fire Vehicle Replacement:** The Board concurred with the recommended changes to the budget to balance to the actual fund balance.

**Vehicle Replacement:** Discussion was held with Jim Petropulos and Marty Allen relative to the budget shortfall situation, and options for resolving the issue. Marty noted the increase in the size

of the fleet from 199 vehicles in 1995, to 283 in 2002. Ken Hawkins suggested an option would be to place the funds into a contingency line item in this budget so that each vehicle replacement would require review and Board action. The Board concurred with adding \$175,000 to offset the shortfall in the budget, with direction for staff to bring back a policy addressing these issues for this function.

**Heavy Equipment Replacement:** The Board concurred with the recommended changes to the budget to balance to the actual fund balance.

Chairman Stewart called for public comment for the budgets scheduled for the afternoon session: none was received.

**Water Agency:** Jim Petropulos suggested that consideration be given to using \$150,000 of Water Agency funds for the Don Pedro Waste Water Treatment Plan Capital Improvement Project (CIP) budget request for the design phase of the project. Discussion was held relative to the fund balance. The Board concurred with further considering this request during the review of the CIP budget.

**Coulterville Lighting, Don Pedro Service Area 1M, Don Pedro Sewer, Hornitos Lighting, Mariposa Lighting, Mariposa Pines Sewer, Wawona Service Area, and Yosemite West Maintenance:** The Board concurred with the recommended changes to these budgets to balance to the actual fund balance.

**Mariposa Parking:** The Board concurred with the recommended change to the budget for the General Fund contribution to balance to the actual fund balance.

**Coulterville Service Area:** Supervisor Balmain asked staff about plans for the reduction in use and the resulting reduction in revenue for this budget. The Board concurred with the recommended changes to the budget to balance to the actual fund balance.

**Government Center:** The Board concurred with the recommended changes to the budget to move to a debt service fund versus a CIP fund.

**3:02 p.m.** Recess

**3:14 p.m. Capital Improvement Projects:** The Board concurred with the recommended adjustments to the budget. Discussion was held relative to the status of the budget for the skatepark project; request for replacement of the drinking fountain at the Coulterville Park due to ADA and health and safety issues; removal of the playground equipment from Darrah School as it doesn't meet the new standards; status of the retaining wall project at the Sheriff's Department; and relative to the status of the hazardous materials clean-up projects. Rich Begley/PWD-Deputy Director Parks and Recreation, provided input relative to the Proposition 12 grant funds. Jim Petropulos advised that \$150,000 of Proposition 12 grant funds will be available for projects. The Board concurred with deferring the requests for the Coulterville drinking fountain replacement, storm drain repair at the Mariposa Park; with funding the replacement sewer pump at Stag Hall (\$6,800); with deferring the request for new HVAC units at the Mariposa Museum; with funding the deck replacement (\$10,000) and rain gutters (\$3,000) at the Mariposa Museum; and with deferring the requests for a covered wash facility for fleet at Public Works and the Mariposa pool deck replacement. Discussion was held relative to the playground equipment removal and minor repairs and whether these items should be in the CIP budget. The Board concurred with funding \$4,000 for removal of playground equipment at Darrah School; \$4,000 for improving the playground equipment at Woodland Park; \$2,800 for playground equipment at Catheys Valley Park; and with \$4,000 for drainage repair/bark for the Mariposa Park. Supervisor Reilly requested that consideration be given to funding the rest of the amphitheater stage project so that it can be finished.

**4:04 p.m.** The final budget hearing was continued to Tuesday, September 17, 2002, at 9:00 a.m., and the Board adjourned.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA September 17, 2002



Time      Description

**9:07 a.m.** Meeting Called to Order

Chairman Stewart introduced Deputy Carl Verley, who gave a power point presentation that he prepared and presented for the Chamber of Commerce's dinner to honor Mariposa County's safety personnel. The presentation honored the victims and heroes of September 11, 2001.

Leota Striplin, a Veteran, led in the Pledge of Allegiance.

#### Introductions

- Jacque Meriam, County Librarian, introduced Steve Hirahara, the new Literacy Coordinator. Steve stated he is looking forward to implementing this program. Supervisor Reilly noted that the Families First Program is sponsoring this program.

Jeff Green, County Counsel, advised of an off-agenda item relative to use of the Courthouse lawn area for a memorial luncheon for Judge Carlos LaRoche. (M)Parker, (S)Pickard, Board waived rules requiring 72 hours agenda noticing to consider this request, finding it was not known at the time the agenda was prepared and it is a matter of timeliness as the memorial service is scheduled prior to the next meeting/Ayes: Unanimous. (M)Parker, (S)Pickard, the Board approved the request for use of the South lawn at the Courthouse, with direction given for County Counsel to contact the necessary people, and with direction for a memorial certificate to be prepared for the LaRoche family/Ayes: Unanimous.

Continued Final Budget Hearing for fiscal year 2002-03 was opened and continued to later this morning.

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

Chairman Stewart advised that he and Supervisor Pickard have off agenda items to approve letters, and they will be presented later this date.

#### Board Information

- Supervisor Stewart advised of the increase in ridership for the YARTS transit system; he advised of the second annual "Connecting Stanislaus: A Business meets Technology Celebration" event scheduled for October 11th; and he presented Supervisor Pickard with a formal certificate from the Tenaya Lodge for his rock climbing feat in wing-tipped shoes.

#### Approval of Minutes 09-03-02 and 09-04-02 Regular Meetings

**BOARD ACTION:** Approved.

#### Cheryle Rutherford-Kelly, Human Services Director;

A) (1) Review and Approve the Substance Abuse and Mental Health Services Administration Block Grant Application for Fiscal Year 2002-2003, and (2) Approve the Human Services' Director's Signature on the Grant Application

**BOARD ACTION:** Following discussion, (M)Reilly, (S)Pickard, Res. 02-348 was adopted/Ayes: Unanimous.



B) Authorize the Human Services' Director to Submit and Sign the Grant Application for the Safe and Drug Free Schools and Communities Grant for \$200,000

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Reilly, Res. 02-349 was adopted/Ayes: Unanimous. The Board requested that it be provided with a copy of the grant application when it is finalized.

C) Authorize the Human Services' Director to Sign a Contract with the Tulare County Superintendent of Schools to Continue the California Friday Night Live Partnership Mentoring Program

**BOARD ACTION:** Following discussion, (M)Reilly, (S)Pickard, Res. 02-350 was adopted/Ayes: Unanimous.

**9:48 a.m.** Recess

**10:00 a.m.** Eric Toll, Planning Director;

Discussion and Direction to Staff Regarding the Resolution of the Staffing Shortage in the Planning Department

**BOARD ACTION:** Discussion was held with Eric Toll relative to the status of staffing for the department and options for filling the vacancies; i.e., hiring contract planners to work on billable projects, re-recruit for the Planner III position, and handling the Planning Department first in the reclassification study to address the salary issues for recruitment.

Leroy Radanovich, Planning Commissioner, stated he was speaking as an individual, and he provided input relative to the activities of the Department and the Planning Commission. He urged the Board to support the request for hiring contract planners on a short-term basis, and to continue with resolving the long-term issues.

Further discussion was held. The Board concurred with establishing an ad hoc committee of the Board (Supervisors Stewart and Parker were selected), with staff to be used as needed, to look at these issues and to bring back more detailed information, including budget information, and a recommendation for meeting the staffing needs.

**11:05 a.m.** Recess

**11:26 a.m.** Authorize a Salary Increase for the Extra-Help Nurse Practitioner Classification from \$28.14/Hour to \$35.00/Hour Effective July 1, 2002 (Personnel)

**BOARD ACTION:** Following discussion, (M)Parker, (S)Reilly, Res. 02-351 was adopted/Ayes: Unanimous.

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

- Supervisor Pickard initiated discussion relative to AB1282 (Cardoza), which would require the Department of Managed Health Care to adopt regulations that establish an extended geographic accessibility standard for access of health care providers served by a health care service plan in counties with a population of less than 500,000, and would require a health service plan to hold a public meeting if it intends to withdraw coverage from that county. Trudy Williams, speaking as a

citizen, urged the Board to support this legislation as the health insurance situation affects the citizens, and has personally affected her family's coverage. (M)Pickard, (S)Balmain, Res. 02-352 was adopted supporting AB1282, with direction for a letter to be sent to the Governor/Ayes: Unanimous.

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

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

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

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

The final budget hearing was continued to 1:30 p.m.

#### **12:20 p.m.** Lunch

**1:38 p.m.** Ken Hawkins, Auditor and Mary Hodson, Administrative Analyst;

**PUBLIC HEARING:** Final Budget for Fiscal Year 2002/2003 (Continued from 09-16-02)

**BOARD ACTION:** Ken Hawkins/Auditor, Chris Ebie/Assistant Auditor, and Mary Hodson/Administrative Analyst, were present to respond to questions and to track the budget changes.

Mary Hodson provided a status report of the fund balance.

The Board continued with the review of the following budgets with Jim Petropulos, Public Works Director, and Marty Allan, PWD/Fleet-Fiscal Manager, present for discussion:

- **Capital Improvement Projects (CIP):** The Board reviewed the following requested projects:
  - History Center vault – the Board concurred with deferring the request for additional funding;
  - Sheriff retaining wall – no changes were made;
  - Darrah School project – no changes were made;
  - Coulterville pool deck – no changes were made;

- Hall of Records bathroom – no changes were made;
- Arts Park – Discussion was held relative to request for \$125,000 to complete the project and relative to consideration of using grant funding for this project. Further consideration was continued to later in the hearing process;
- Mariposa Creek project – Jim Petropulos advised that there is a possibility of using Pedestrian Bikeway funding for continuing with this project, and he will bring more information back at a later time. Additional funding was not added at this time;
- Supervisor Reilly requested that discussion be held relative to available grant funding and the amphitheater seating and the Arts Park projects;
- Adult Detention Facility landscaping project – no changes were made;
- Bridgeport Fire Station – Discussion was held relative to the status of the project, and Supervisor Stewart requested that funding be added to bring the balance to \$100,000. Jim Petropulos provided input relative to the status of the percolation tests and survey. The Board concurred with adding \$26,274 to bring the fund balance to \$100,000 for further consideration later in the hearing process;
- Hazardous Material Clean Up – The Board concurred with adding \$50,000 to continue efforts with this project for further consideration in the hearing process.
- Don Pedro Waste Water Treatment Project – Jim Petropulos advised that the additional funding is needed to complete the design phase and get the bid documents for the Proposition 218 process. Discussion was held relative to possibly using Water Agency funds. The Board concurred with adding \$150,000 to the project, with the source of funding to be determined later in the hearing process;
- Hall of Records re-roof – The Board concurred with returning \$10,652 of unused funds for this project to the fund balance;
- Yosemite West Waste Water Treatment Project – Discussion was held, and Jim Petropulos advised that he will check on the status of funding for this project and bring information back for further consideration later in the hearing process;
- Mariposa Pines Waste Water Treatment Project – no changes were made. It was noted that the balance of funds is from a grant;
- Youth Facilities – It was noted that the balance is from miscellaneous projects. No changes were made;
- Skateboard Park – Jim Petropulos advised that they will combine the noise study for this project with other project(s), resulting in a lower cost. No changes were made;
- Middle School Ballfield – Jim Petropulos advised that they are waiting for the School District to install the well and then they will do the irrigation system;
- Lower Ballfield Restroom – no changes were made;
- Mariposa Ballfield Lights – Jim Petropulos advised that they are waiting for the State Architect to approve the project. No changes were made;
- Catheys Valley Ballfield Lights – Jim Petropulos advised that they are drilling the footings and then they will go to Woodland. No changes were made;
- Woodland Ballfield Lights – no changes were made;
- Airport Projects – no changes were made;
- Mariposa Stage Improvement/seating – request for funding to be further reviewed with the available grant funding;
- Mariposa Stage Improvements/lighting and electrical – no changes were made;
- Land Acquisition – Supervisor Reilly commented on the possibility of available land adjacent to the Midpines Park. No changes were made;
- Catheys Valley School – no changes were made;
- Catheys Valley Park Expansion – no changes were made;
- Greeley Hill Library – no changes were made;
- Field of Dreams – Discussion was held relative to the status of funding for this project, and relative to the status of the project. Jim Petropulos advised that they are in the process of reviewing two parcels that are being considered for this project. They will present information to the Space Needs Committee and then come to the Board for additional direction;

Discussion was held relative to the available grant funding and the projects that the funding could be used for: Proposition 12 funds in the amount of \$150,000 as a one-time grant; and a 1.2 million dollar grant that the County will be eligible for in January, 2003. Supervisor Pickard noted the Tobacco Settlement payment may also be considered for these projects. Further discussion was continued to later in the hearing process.

**2:26 p.m.** Recess

**2:45 p.m.** Yosemite West Wastewater Treatment Project – Jim Petropulos adjusted the request for additional funding to \$25,000 to cover the installation of monitoring wells, if they are required.

Chairman Stewart called for public comment: there was none.

The Board reviewed the following budgets:

**Tourism and Economic Development:** Mary Hodson advised of recommended changes to the budget, and of requested changes to fund the vacation planner (costs may be offset by revenue) and membership in the National Tourism Association. Discussion was held relative to the budget that the Board previously approved for the Marketing Plan and the status of funding in relation to the department's budget. Mary also advised of requests from the Rural Media Arts Education Center (Film Commission) and the Arts Council for additional funding, as well as the funding request for website development. Discussion was held relative to the requests.

Judie Beliera, Tourism and Economic Development Department, provided input relative to the request for \$1,500 for membership in the National Tourism Association. She advised that the grant was not received from PG&E for website development. Supervisor Parker urged that caution be used when applying for grants on behalf of the County for programs.

Rick Peresan, Technical Services Director, provided input relative to the website development project, and he advised that the initial funding may help the County to determine what is desired for the website and with getting input from the businesses and others.

Donna Brownell, Arts Council Executive Director, provided input relative to their request for additional funding. She advised that the State has cut the arts education program and organizational funding for their programs. However, they hope to be able to maintain current staffing. She feels the impacts of these cuts will be long-term and they expect cuts to continue at the State level given the current budget situation.

Tony Radanovich, Rural Media Arts Education Center, provided input relative to their request for additional funding to expand their program. He also suggested that consideration be given to pursuing grants, such as CDBG, for website development.

The Board concurred with the recommended budget changes and with the request for the vacation planner funding; with funding \$1,500 for the National Tour Association membership dues; \$11,000 additional funding for the Arts Council; \$15,000 for website development, with direction to look at the possibility of obtaining a CDBG grant; and with furthering considering funding \$15,000 additional for the Rural Media Arts Education Center program.

**3:47 p.m.** Recess

**4:06 p.m. Data Processing:** The Board concurred with the recommended change to the budget to include standby (\$8,760). Discussion was held with Rick Peresan, Technical Services Director, relative to requested changes and inclusion of the central broadband connection. The Board concurred with adding \$36,500, and with adjusting the budget as requested.

Discussion was held relative to the hearing schedule. The Board concurred with proceeding with the following budgets and with continuing the hearing to Wednesday to finish.

**Treasurer/Tax Collector:** There were no changes.

**County Clerk:** The Board concurred with the recommended changes to the budget to reflect the allocation of an election clerk I/II position.

**Elections:** There were no changes.

**LOCAL AGENCY FORMATION COMMISSION (LAFCo):** Discussion was held with Eric Toll, LAFCo Executive Director, relative to the status of this budget. He advised that this function is independent and it is not a part of the County budget unit. The Commission will meet and set their budget and submit it to the County, and it is anticipated that it will be at the same level as for the previous fiscal year. Discussion was held relative to identifying funding and relative to the anticipated activity level of the Commission. The Board concurred with setting aside \$2,500 for this function.

**Interfund Transfers:** The Board concurred with the recommended changes to the budget.

**General Fund Contingency:** The Board concurred with further reviewing this budget at the end of the hearing process.

The following budgets were considered further:

**Solid Waste Special Project:** The Board concurred with the recommended change to move \$100,000 to Professional Services to cover the Environmental Impact Report costs.

**Personnel:** Mary Hodson suggested that the Board consider setting aside funding (\$10,000) for sound proof panels for an office and a computer for the Personnel Officer function. The Board concurred with having the Space Needs Committee reviewing this request, and with possibly considering funding this request with salary savings from the County Administrative Officer position.

**Administration:** Discussion was held relative to re-recruiting for the County Administrative Officer position. Mary Hodson advised that in her discussions with the Auditor, it was agreed that the salary could be left as is shown in the recommended budget, with savings used to pay for any increase; and with the salary to be adjusted in the budget for the next fiscal year. (M)Reilly, (S)Pickard, Res. 02-357 was adopted setting the salary for the County Administrative Officer position at \$90,000 to \$102,000, depending upon qualifications, to have some flexibility in filling the position, and with direction given to staff to begin recruitment/Ayes: Reilly, Stewart, Parker, Pickard; Noes: Balmain.

**Mental Health – Alcohol and Drug:** The Board concurred with the recommended change to increase the contract and revenue by \$21,000 pursuant to the action taken earlier this date to approve the contract.

**Administration:** Supervisor Parker initiated discussion relative to the salary range set for the County Administrative Officer versus setting the salary as “dependent on qualifications.”

**Building:** Mary Hodson advised of an agenda item scheduled for September 24th to change a class specification and allocation in the Building Department. The Board concurred with reducing the Building Department Contingency by \$1,770 for the increase in salary and benefits associated with this change.

**Housing Authority Choice Voucher/Community Programs – CAA:** The Board concurred with the recommended adjustment to the budgets to reflect the half-time account clerk III position for each of these budgets; and with adjusting the budget for the full-time position that was approved on July 23, 2002.

**4:52 p.m.** Recess

**5:02 p.m. Capital Improvement Projects:** Further discussion was held relative to the Arts Park, Amphitheater Stage project, Red Cloud Park restrooms, and the Field of Dreams Recreational Complex, and funding. Jim Petropulos advised that the Parks and Recreation Commission recommended that the Proposition 12 funding in the amount of \$150,000 be applied to the Amphitheater Stage project. and they did not consider the 1.2 million allocation that will become available in January, 2003. Discussion was held relative to the allocating the Tobacco Settlement funds for projects. Mary Hodson advised that there is a balance of approximately \$132,000 in the Tobacco Settlement Fund, and there will be another payment received this fiscal year. She also advised that the Technical Services Director will be making a presentation to the Board in October relative to the GIS system, and funding will be required if the Board determines to pursue that project (up to \$150,000).

**5:22 p.m.** The Board recessed and continued the Final Budget hearing and the meeting to Wednesday, September 18, 2002.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA

September 18, 2002

(Meeting Continued from September 17, 2002)



Time      Description

**9:09 a.m.** Meeting Called to Order, continued from September 17, 2002.

Ken Hawkins, Auditor and Mary Hodson, Administrative Analyst;

PUBLIC HEARING: Final Budget for Fiscal Year 2002/2003 (Continued from 9-17-02)

**BOARD ACTION:** Ken Hawkins/Auditor, Chris Ebie/Assistant Auditor, and Mary Hodson/Administrative Analyst, were present to respond to questions and to track the budget changes.

Mary Hodson reviewed the status of the fund balance.

Further discussion was held relative to the following budgets:

**Capital Improvement Projects and PWD/Facilities:** Mary Hodson advised that Public Works agreed with funding \$12,000 in the Facilities budget versus the Capital Improvement Project budget for the playground equipment projects at Darrah School, Woodland and Mariposa Parks. The Board concurred with this recommendation. Jim Petropulos, Public Works Director, provided input relative to the Woodland Park changes.

Ken Hawkins reviewed suggestions for possible funding options and sources to fund the requests that are being further considered. Discussion was held. Marty Allan, PWD/Fleet-Fiscal Manager, suggested that the hazardous cleanup projects could be funded from the Water Agency. Supervisor Reilly suggested that Water Agency funds be used for the Yosemite West Waste Water Treatment Project versus the Yosemite West Utility Capital Fund. Discussion was held relative to placing maintenance projects in the Facilities budget versus the CIP budget. The Board concurred with moving the replacement sewer pump for Stag Hall and the additional equipment for the Catheys Valley Park to the Facilities budget.

Discussion was held relative to the Arts Park and the Amphitheater Stage Improvement and funding options. The Board concurred with funding the Arts Park from the Tobacco Settlement Funds in the amount of \$125,000.

Discussion was held relative to the Bridgeport Fire Station project. The fund balance for the project was increased to \$100,000.

Discussion was held relative to the Hazardous Material Cleanup project and consideration of funding this with Water Agency funds. The Board concurred with adding \$50,000 from the Water Agency Fund; with \$25,000 to be a loan for the MTBE cleanup project at Public Works, as reimbursement of the costs will be requested; and \$25,000 to be a grant for ground water monitoring.

The Board concurred with funding \$175,000 from the Water Agency Fund, as a grant, for the Don Pedro Waste Water Treatment Project.

The Board concurred with closing out the Hall of Records Re-roof fund balance as the project is completed.

The Board concurred with funding \$25,000 from the Water Agency Fund, as a grant, for the Yosemite West Waste Water Project.

The Board concurred with funding \$150,000 from the Proposition 40 Grant Fund for the Mariposa Amphitheater/Stage Improvement project.

Discussion was held relative to the Zone of Benefit Revolving Loan Fund and activity. Supervisor Reilly suggested that consideration be given to using this fund balance toward the Co-Compost project versus taking funds from the General Fund General Reserve given the financial uncertainty of the State.

**9:53 a.m.** Recess

**10:08 a.m.** Ken Hawkins advised that the County has continued to provide services to the Courts and the costs have not been reimbursed. The amount owed is \$129,916. The Board concurred with having the Auditor and County Counsel further review the situation, and with bringing the matter back as a separate agenda item. Supervisor Reilly suggested that the reimbursement be shown as revenue in the appropriate budget. The Board further concurred with having the Board's Justice System Services Liaison Committee meet on this issue, with staff as appropriate, before the matter is brought back to the Board.

Supervisor Stewart initiated discussion relative to the fund balance for the Land Acquisition line item, and he noted there is land in the Midpines area that the County may have an interest in for the Midpines Park; however, it is currently in escrow with another party. The Board concurred with leaving the \$588 in the fund balance. The Board held discussion relative to establishing a procedure for being able to make a deposit on property that the County may have an interest in, pending action. Supervisor Reilly offered to work with Supervisor Stewart on this matter and to bring something back for further discussion – the Board concurred.

The Board reviewed the items that were continued for further review later in the hearing process:

- Parish Hall moving costs – Supervisor Pickard suggested that the County try to assist with trimming the trees if they are on County property/right-of-way. Discussion was held concerning the request; and given the current budget constraints, the Board concurred with not funding this request.
- Yosemite/Sequoia Resource Conservation District – The Board concurred with funding the membership for the year, as a one-time expense, in the amount of \$500.
- Auditor/software – Ken Hawkins advised that he needs to further research the costs; and given the current budget constraints, agreed to bring this matter back during the mid-year budget review. The Board concurred with having this matter brought back at the mid-year process, if not before.
- Fire/water tenders – Discussion was held with Blaine Shultz, Fire Chief, relative to the request to purchase refurbished water tenders and the possibility of replacing the tanks on the existing tankers. Jim Petropulos, Public Works Director, provided input and expressed concern with replacing the tanks, given the usage and type of the existing trucks. The Board concurred with funding \$84,000 for one refurbished water tender.
- Planning/laptop computer – The Board concurred with not funding the request at this time.
- Greeley Hill Community Club/repairs – Discussion was held and the request was further considered later this date.
- Airport/fuel system loan – Discussion was held. The Board concurred with funding \$120,000 to pay off the loan.



- Red Cloud Park/restrooms – Discussion was held. Supervisor Reilly requested that a comprehensive review be made of County facilities for maintenance and repairs. She referred to the Midpines Park restrooms and restrooms in El Portal and the need for maintenance.

Discussion was held relative to the status of the hearing schedule. Supervisor Reilly noted that she had another commitment and would need to be excused shortly. She requested that additional funds not be allocated to the Rural Media Arts Education Center at this time; and she requested that every effort be made to provide for funding for the Co-compost facility from other sources versus the General Fund General Reserve.

**11:35 a.m.** Supervisor Reilly was excused for the rest of the meeting.

Discussion was held relative to the following issues:

- Red Cloud Park/restrooms – The Board concurred with funding \$65,000 for this project.
- Parks and Recreation/cemetery – Supervisor Stewart stated he feels the Board should further discuss planning for the future of the cemeteries. Following discussion, the Board concurred with funding the request for an additional \$5,000.
- Rural Media Arts Education Center – Following discussion, the Board concurred with not funding the request for additional funds. Supervisor Parker requested that Mary Hodson check with the Human Services Director to see if the County could assist with a CDBG grant application for this program.

**11:49 a.m.** Recess

**12:08 p.m.** Discussion was held with Ken Hawkins and Mary Hodson relative to the status of balancing the budget. The Board concurred with staff making the necessary budget adjustments to pay off the loan for the Airport fuel system. Further discussion was held relative to the Zone of Benefit Revolving Fund balance and other fund balances. The Board concurred with increasing the Transient Occupancy Tax revenue by \$200,000, with removing the \$100,000 that the Board had originally considered placing in Contingency for insurance set aside, and with adding the remaining unallocated fund balance of approximately \$27,803 to the Greeley Hill Club Building repair project.

Supervisor Stewart initiated discussion relative to the lack of use of the Zone of Benefit Revolving Loan program, and stated he would like to see if there is something that could be done to encourage its use. Jim Petropulos provided input relative to the changes with the assessment district process required by the State and the increased costs. He advised that one application is in process. Discussion was held relative to the use of the funds from this program, and consideration of dissolving the program. The Board concurred with not making any changes this year, and with further reviewing the program in the budget hearing for the next fiscal year.

The Board concurred with giving the Auditor the authority to make minor adjustments to balance the budget based on the directions given during the hearing. Mary Hodson advised that they will bring back the resolution to adopt the final budget on the next agenda.

**General Fund Contingency:** The Board concurred with a budget of \$316,000, with minor adjustments to be made from this budget if necessary for balancing the overall budget.

**Interfund Transfers:** The Board concurred with moving \$48,874 for CIP projects to the appropriate budgets as previously discussed.

The hearing was closed.

**12:45 p.m.** Adjournment in memory of Dorothy Jean Bennett, Paul O. Hall, Sr., Janet Moffett, Cindy Lou Brooks, William A. Haynes, Rock Lyn Clements, and the Honorable Carlos LaRoche.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA September 24, 2002



Time      Description

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

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

- Yvonne Bennett asked whether the public would be allowed to speak on the Airport issue scheduled for 11:00 a.m., and she was advised that public input would be accepted.

- Supervisor Reilly initiated discussion relative to taking action on items that have not been scheduled on the agenda. She requested that the Board develops a clear, consistent policy for handling off-agenda requests, and she suggested that the Chairman and County Counsel work on this issue and bring an item back for discussion. She further suggested that the requests for off-agenda items be identified and action taken to consider waiving the rules at the beginning of the meeting, so that the public that is present will be aware. Discussion was held. Supervisor Balmain referred to the Local Transportation Commission's direction on September 10th for its Chair (Supervisor Reilly) to write a letter to CalTrans relative to the Highway 140/49 North signal light project; and he stated he feels the letter was addressed to the wrong person, and further that he takes offense at the way the letter was written. Supervisor Reilly noted that a review of the minutes of the September 10th meeting did not provide clear language for the letter, and she worked with the Transportation Planner and the Chair of the Board in finalizing the letter. She further noted that the matter scheduled before the Commission was for informational purposes. It was felt that the letter reflected the direction of the Commission, and no specific direction was given as to who the letter should be addressed to. Supervisor Stewart suggested that a policy be established whereby when direction of this nature is given, there is a process to add it to the agenda for a draft letter to be reviewed by the Board. Balmain suggested that draft letters be shared with other Board members before they are sent.

Board Information – none.

Chairman Stewart;

Proclaim the Week of September 22<sup>nd</sup> through September 28<sup>th</sup>, 2002 as *5 A Day Week* in Mariposa County and Encourage All Citizens to Increase Their Consumption of Fruits and Vegetables to at Least 5 a Day

**BOARD ACTION:** (M)Pickard, (S)Reilly, Proclamation was approved and presented to Gary Hickman, Farm Advisor/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

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

Jacque Meriam, County Librarian;

Establish a Policy for Exhibits, Display Cases and Bulletin Boards for the Mariposa County Library System

**BOARD ACTION:** Discussion was held. (M)Reilly, (S)Balmain, Res. 02-359 was adopted/Ayes: Unanimous.

Jacque Meriam advised that the Friends of the Red Cloud Library held a successful fundraiser over the weekend.

Authorize the Chair to Sign a Letter Commenting on the Findings and Recommendations Pertaining to Case Number 4 and the Action: Establishment of Grand Jury Office Space in the 2001-2002 Mariposa County Grand Jury Report (Administration)

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Reilly, the letter was approved/Ayes: Unanimous.

Discussion and Possible Direction to Staff Relative to the Garber Lease (6<sup>th</sup> Street Parking Lot) Which Will Expire on November 7, 2002 (County Counsel)

**BOARD ACTION:** Discussion was held relative to options for the lease; the status of the budget for the Parking District; and improvement of the Womack parcel that the County purchased for parking.

**9:57 a.m.** Recess

**10:12 a.m.** (M)Stewart (who passed the gavel to Supervisor Pickard), (S)Reilly, direction was given to staff to send a letter to the Garbers advising that the County is interested in extending the current lease for 24-months at the current rate/Ayes: Reilly, Stewart, Pickard; Noes: Balmain, Parker.

Approve the Reinstatement of the Plan Checker/Inspector Class Specification as Revised at a Salary Range of 208 (\$2,662 - \$3,236), Allocate it to the Building Department and Eliminate One Building Inspector Allocation Effective October 1, 2002 (Personnel)

**BOARD ACTION:** Following discussion, (M)Parker, (S)Pickard, Res. 02-360 was adopted/Ayes: Unanimous.

Resolution Adopting the Fiscal Year 2002-2003 Final Budget (Board of Supervisors)

**BOARD ACTION:** (M)Parker, (S)Balmain, Res. 02-361 was adopted. Supervisor Pickard thanked staff for the work in preparing the recommended budget for the Board. Supervisor Reilly expressed her concern with the action taken during the final budget hearing to take a portion of the General Fund General Reserve for the co-compost project; and she requested that when specifics are brought to the Board on the project, that every attempt be made to minimize the use of those funds so that they can be returned to the Reserve. Ayes: Unanimous.

**INFORMATION** – No action was necessary on the following:

New Winter Hours for the Branch Libraries of El Portal, Red Cloud, Wawona, and Yosemite Effective Immediately (Library)

**10:22 a.m.** Recess

**11:12 a.m.** Jim Petropulos, Public Works Director;

Public Meeting to Accept Public Comment and Adopt a Resolution of Necessity for Authorization to Institute Eminent Domain Proceedings to Acquire Property for the Expansion and Improvement of the Existing Mariposa/Yosemite Airport Pursuant to CCP Sec 1245.235 for Acquisition of the Property of George Meyer, Betty Mankins, Tracy Jay, Deanna Williams, Julie Baxley, Garnet Turner, Tim Mankins, Mike Mankins, Janet Bibby, Millicent June Meyer

**BOARD ACTION:** Jim Petropulos presented the staff report, reviewed the process for this public meeting and the efforts on the part of the Board and all of the parties to resolve the issues. He advised that an agreement was reached, and he requested that Attorney Terry Allen provide information on the details of the agreement.

Attorney Allen advised that two meetings were held on Monday with members of the family, and he thanked Supervisor Parker for his efforts in this matter and the landowners whom came to the meetings. He advised that he and Jim Petropulos recommend the agreement, and he reviewed its details: the County would purchase three plus or minus acres of the 8.67 acre parcel; Dave Giomi, appraiser, will appraise the property for the landowners and all parties agree to be bound by his appraised fair market value; since agreement was reached for the three acres, it was agreed to not proceed with the public meeting set for this date for the two parcels; and it was agreed to continue to negotiate for at least 90-days, with extension for a reasonable period of time, to resolve this matter. Attorney Allen asked the landowners that were present to indicate their agreement with this, and he requested that other comments be held until later in this discussion. The following landowners provided input.

- George Meyer stated he was speaking for himself and his mother. They are in agreement as long as the parcel size does not exceed three acres. Jim Petropulos stated he was in agreement with the three acres.

- Betty Mankins stated she agreed with George Meyer, three acres only. She said that, as she understands it, the County has no exact plans for what it wants to do with the extra land. She feels that until the County has completed the heliport and has its future plans defined, they should not be bothered. She stated she feels that the County just wants this land.

- Janet Bibby stated she agrees with Betty Mankins and George Meyer relative to the limit of three acres. But, she requested more time than the ninety days proposed in the tentative agreement to negotiate the final agreement given the upcoming holidays. She also stated she can not commit herself to the remaining parcels in question.

- Tim Mankins stated he agrees with the three acres and the extension of the ninety days.

- Mike Mankins – was not present.

- Deanna Williams stated she was also representing her sisters, Tracy Jay, Julie Baxley, and Garnet Turner. They are in agreement with the three acres and with the extension of time.

Attorney Allen requested that Public Works explore what the three-acre parcel consists of.

Jim Petropulos advised that the three-acre parcel will allow for completion of the construction portion of the Airport Grant project for three helipads on the South side of the Airport. He further advised that they have received a valid bid for the construction project and are prepared to award that bid. He advised that the helipads are important to the project as they will provide dedicated parking with an appropriate design for helicopters. He noted that the helipads will be mostly used for medi-flights, fire-fighting activities, the USDA, an occasional tourist, and by dignitaries.

Gwen Foster/PWD-Engineer, provided more details on the project, location, and relative to definition of terms used for helipads, heliports, and helibase.

Discussion was held relative to the project and the proposed agreement.

Attorney Allen advised that if the Board approves the purchase of the three acres, as proposed, he will open an escrow at the title company, with no time limit on the escrow period. He also clarified that Public Works can meet the grant requirement with the three acres. He advised that they are pulling the rest of this agenda item, and will start over if that portion needs to come back.

Further discussion was held. Board members thanked members of the family for their efforts and recognition for the need for this type of facility.

(M)Parker, (S)Pickard, Res. 02-362 was adopted agreeing to the terms and conditions as outlined in the Agreement Letter from Attorney Allen, with the acreage to be no more than three acres and the timeframes are to be left open; and direction was given for the escrow to be opened and for the Auditor to draw warrants as necessary for this purchase. Supervisor Reilly asked about taking public input. The Board concurred with holding the motion to receive public comment on the acquisition of the three acres. The Chairman requested that the comments be relative to the three-acre parcel issue, as the rest of the matter is not being considered this date.

Input from the public was provided by the following:

- Bart Brown stated he feels there is a question about doing a limited evaluation of a large project, and he asked when the public will know the total picture. He noted that there are discussions in the Airport Plan and the General Plan, and he feels that all of this needs to be pulled together for the public to know what is planned. He further stated that he feels the Federal grant

was obtained with information that was inaccurate, and he feels future grants will be at risk if the funding is used for this project. He feels the flight numbers are not accurate and he referred to the statements in the Plan and the zoning.

Jim Petropulos commented on the FAA's involvement in this process and relative to changes to the grant information. He advised that the FAA has been kept up-to-date and has reviewed the project plans, and that there is some discretion with their staff in changing things; i.e., if during the construction phase it is found that the soil conditions are different than what they thought, they can adjust the grant.

- Yvonne Bennett, as a citizen and resident of the County, stated she is outraged by what she has found in her research relative to the Airport. She feels the Expansion Plan has no documentation showing the need; and according to the CDF contact she made, there is no need. She stated she feels the Board has been providing false information. She referred to a statement in the Airport Plan relative to runway extension.

Chairman Stewart advised that a runway extension is not being discussed, and requested that the input be kept to the three-acre issue. Discussion was held relative to accepting public input on other Airport issues.

- Yvonne Bennett continued with her input. She referred to the accident statistics and the runway extension issue. She referred to the condemnation process and stated she does not feel there is any reason to pursue this process. She stated she feels the statistics are conflicting for the number of operations. She further stated she will provide a copy of this information and a letter that was written to the FAA.

- Dick Kunstman stated he hopes that the family has an attorney of their own during these negotiations because he would never sign anything prepared by another attorney unless his attorney advised that there is nothing to come back and bite him later.

- Bob McHugh stated he is a resident and bases his airplane at the Airport. He spoke in support of the Airport and developing a general use plan so that the Airport and the community can live in harmony in the future. He stated he is not aware of plans to extend the runway, and he does not feel that this will become a large airport. However, he feels the Airport could be used to stimulate the economy.

- Joe Carbaugh stated he was an original member of the Airport Advisory Committee and has experience with airport management. He noted that with living in the mountains with all of the vegetation a firestorm could occur and he feels we need the protection of the fire fighting equipment. He stated he feels the current Public Works Director is doing a good job, and he feels the Airport is needed and well-deserved.

- Janet Bibby stated she wants it known that she does not necessarily agree that this is a public need. She does not feel that it has met that need, and she reviewed issues that she asked the Board to consider. She stated she does not feel that property should be taken, and she referenced a previous presentation by the Fire Chief. She stated she feels there should be a study to determine the need. She questioned the additional needs of the County after this project is constructed. She stated she finds it offensive that her and her children's inheritance will go for others to enjoy. She referred to the housing provided for the Airport Manager, who is a County employee, and she noted that this benefit is not provided to others. She also referred to their flight counts and the statistics that the County gathered.

Supervisor Reilly referred to the process for adopting the Airport Master Plan, and she noted that she feels the Airport is an important part of the County and has a great benefit to more than just those that use it.

- Betty Mankins stated she has not been able to discuss this matter with her mother, and they need to get her approval before the agreement is binding. She stated she hopes they can have a formal agreement to sign, and she noted there will be a few things that will need to be clarified such as fencing, etc.

Attorney Allen noted that until everyone signs the agreement, it is not a done deal.

Ayes: Unanimous..

**CONSENT AGENDA**

- CA-1 Waive Second Reading and Adopt an Ordinance Amending Chapter 3.36 of the Mariposa County Code Regarding the Ability of the Board to Waive Penalties on Transient Occupancy Tax (County Counsel); Ord. 977
- CA-2 Establish the Tax Rate on the Yosemite High School Bond for the Secured Property Tax Roll of 2002-03 (Auditor); Res. 02-358
- CA-3 Accept the Resignation of Garrett DeBell from the Yosemite West Town Planning Advisory Committee (Supervisor Reilly)
- CA-4 Appoint Peter Mayfield and Gail Dreifus to the El Portal Town Planning Advisory Committee (Supervisor Reilly)

**12:27 p.m.** Adjournment

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board