



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA April 2, 2002



Time      Description

**9:05 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 – none.

#### Board Information

- Supervisor Balmain advised that he had a constituent ask about State legislation relative to governing ground water. He presented information from RCRC. Discussion was held. The Board concurred with sending a letter to Art Baggett, Chairman of the State Water Resources Control Board, inviting him to make a presentation to the Board relative to water issues in the State and how the County might be affected.

- Supervisor Reilly advised that she attended the luncheon for the California Main Street Programs, and it was well attended by the downtown business people. She stated she feels it would be good to have the Tourism and Economic Development Director follow up on opportunities for the town with this program. She also commented that with the projects planned by CalTrans at each end of town at the intersections this might be an opportunity to plan for some entrance improvements.

Approval of Minutes 03-19-02 Regular Meeting

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

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

Blaine Shultz, Fire Chief;

A) Authorize the Chair to Sign a Rural Community Fire Protection Agreement for Distribution of Funds and Approve Budget Action to Accept Unanticipated Revenues in the Amount of \$16,239 (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Following discussion, (M)Balmain, (S)Parker, Res. 02-91 was adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

B) Approve the Budget Action to Utilize the Salary Savings from Deputy Chief and Increase Funding for the Extra Help and Volunteer Training (\$13,600)

**BOARD ACTION:** Discussion was held with Blaine Shultz relative to the request and the status of recruitment for the Deputy Chief position. (M)Reilly, (S)Balmain, Res. 02-92 was adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

C) Accept the Unanticipated Revenues of \$32,694 from the State of California Office of Emergency Services Domestic Preparedness (Weapons of Mass Destruction) Grant and Appropriate Expenditures (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Following discussion, (M)Parker, (S)Balmain, Res. 02-93 was adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Discuss and Provide Direction Relative to the Agricultural Commissioner/Sealer for Mariposa County (Chairman Stewart)

**BOARD ACTION:** Chairman Stewart initiated discussion relative to this matter, and he advised of his discussion with Don Cripe relative to possibly having him continue on a contractual basis with the County after he retires from Stanislaus County. Discussion was held relative to the options for filling the position. Greg Iturria, County Administrative Officer, provided input relative to his discussions and research on this matter, and he advised that Stanislaus County currently covers the training and meeting expenses for the position with an estimated cost of \$4,000 to \$6,000 a year. He advised that the Executive Officer for Stanislaus County is interested in continuing with the current arrangement, with an option for having a direct contract with the County and this would cover gaps with changes in the position. Supervisor Balmain suggested contracting with Stanislaus County directly, with the condition that the Board knows who the Agricultural Commissioner is and has some knowledge of the Commissioners skills. Board concurred with directing the County Administrative Officer to work with Stanislaus County to continue providing this service. Discussion was held relative to the upcoming retirement event for Don Cripe. (M)Parker, (S)Balmain, Res. 02-94 was adopted recognizing Don Cripe upon his retirement, with direction given for the Clerk to prepare the retirement resolution and the Chairman to present the resolution and tile plaque/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Approve the Participation of Mariposa County in the “Regional Council of Rural Counties and Rural Alliance, Incorporation Rural Scholarship Program;” Review and Approve Selection Committee, Application and the Selection Criteria and Process in Determining the Annual Scholarship Recipients (Supervisor Pickard)

**BOARD ACTION:** Greg Iturria, County Administrative Officer, initiated discussion on behalf of Supervisor Pickard. Supervisors Parker and Reilly stated they would prefer that the funds be administered and allocated by the School Foundation or another existing process for the schools. (M)Parker, (S)Balmain, Res. 02-95 was adopted accepting the scholarship program from RCRC, with direction for staff to see if this could be handled through the school organization. Greg Iturria advised that if there is more than one school organization, this could come back to the Board for further determination. Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Discuss and Review the Purchase of Sabotage and Terrorism Coverage for Certain County-Owned Locations with a Premium Not to Exceed \$2,500 for a One-Year Period (Personnel)

**BOARD ACTION:** Discussion was held with Jeff Green, Interim Personnel Director, relative to this insurance coverage, and he advised that the coverage has been adjusted to reflect \$3,400 for 14 million dollars worth of coverage. (M)Parker, (S)Balmain, Res. 02-96 was adopted approving the purchase of the insurance coverage in the amount of 14 million dollars, at a cost not to exceed \$3,400/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Approve the Elimination of the Solid Waste Coordinator Class Specification and Replace it with the Proposed Class Specification of Solid Waste Manager, Set the Salary at Range 261, and Assign the New Class to MCMCO (Personnel)

**BOARD ACTION:** Discussion was held with Jeff Green, Interim Personnel Director, relative to the request. (M)Parker, (S)Balmain, Res. 02-97 was adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Waive Second Reading and Adopt an Ordinance Amending Section 2.44.020 of Chapter 2.44 Entitled “Board of Law Library Trustees” of the County Code (County Counsel)

**BOARD ACTION:** (M)Balmain, (S)Reilly, second reading was waived and Ordinance No. 971 was adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Discuss and Give 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 with Jeff Green, County Counsel. Supervisor Reilly stated she feels information needs to be provided relative to the projected parking needs for downtown. Supervisor Parker provided input relative to the current rental rate of this parking lot and relative to the status of the Parking District budget. He also commented on the status of the creation of the task force to review town issues. Discussion was held relative to possibly referring this matter to the space needs committee to discuss with Public Works or the Transportation Committee, and relative to establishing a deadline for Public Works to respond. Supervisor Reilly requested that information from previous studies be reviewed and presented to the Board. The Board concurred with setting June 25, 2002, as the deadline for Public Works to bring back information on the projected parking needs for downtown so that further direction can be given relative to this lease agreement.

**10:24 a.m.** Recess

**10:37 a.m.** Eric Toll, Planning Director;

**PUBLIC HEARING:** (1) Adopt a Negative Declaration; (2) Adopt a Resolution Amending the General Plan Classification of APN 014-430-026; (3) Adopt an Ordinance Amending the Zoning Designation of the Same Parcel Pursuant to GP/ZA 2001-7 from Mountain Home Zone to the Neighborhood Commercial Zone-2; Menzing, Applicant

**BOARD ACTION:** Skip Strathearn, Planner, presented the staff report, and he responded to questions from the Board relative to the proposed use of the parcel as a restaurant and the Planning Commission's recommendations for conditions/findings for the banquet use.

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

- Roger Stephens, Roger Stephens Engineering, on behalf of the applicant, stated they are happy with the staff recommendation. He stated they should be able to move forward with their project and to use Woodland Drive as their access, if possible.

- Robert Barber, owner of Little Valley Inn, referred to his concerns that he previously presented to Planning on this matter. He recommended that a development agreement be required with Woodland Drive to be used as the address and access for the project due to safety concerns with the narrowness of Brooks Road and the one-lane bridge. He asked if other restaurant requests like this one would fall under a similar use determination. He stated he is not opposed to this project, but he would like to see the concerns addressed.

- Roger Stephens offered rebuttal, and stated he does not feel that it is appropriate at this time to define where the address will be. He noted that both roads were addressed in the staff report as being adequate. He stated the applicants are in favor of using Woodland Drive if that can be done, but the design work has not been done for the project to establish the feasibility of that access.

- Robert Barber stated he feels the access issue is important, and he suggested that perhaps this project should be held pending the design of a plan.

The public portion of the hearing was closed and the Board commenced with deliberation. Skip Strathearn and Eric Toll responded to questions from the Board relative to location and access from Highway 49 South to the subject parcel and the location of the bridge; relative to parking concerns raised in the letter from the Oldales; and relative to agencies that will review the project. Jeff Green, County Counsel, responded to questions relative to the ability to require Woodland Drive access and address. Staff responded to questions relative to the current zoning of the two parcels owned by the applicant and the change in the request to rezone one of the parcels; relative to the uses that would be allowed in Neighborhood Commercial 2; whether the proposed banquet use is site specific and relative to the accessory use determination; relative to the use of a development agreement as a tool to better define the project and whether that is appropriate; where the building permit falls in this process and as to how staff carries out the intent of the proposed findings to address the concerns that have been raised; relative to ability to address the noise, parking and access concerns that were raised; clarification of the use of the new software that allows Planning staff the ability to place conditions on building permits; and relative to the re-zone and use determination process being used for this application. Further deliberation was held relative to conditions/findings and the re-zone process, and relative to continuing the hearing for further

consideration. Eric Toll responded to a question from the Board as to Planning's recommended action.

(M)Parker, (S)Balmain, the following motion failed: 1) to adopt a Negative Declaration; 2) to adopt a resolution amending the General Plan classification of APN 014-430-026 from Mountain Home to Neighborhood Commercial pursuant to General Plan/Zoning Amendment No. 2001-7 as amended on February 26, 2002, and approving a determination that a banquet/catering use is an accessory use to a primary restaurant use with the recommended findings; and 3) to adopt an ordinance amending the zoning designation of the same parcel pursuant to General Plan/Zoning Amendment No. 2001-7 from the Mountain Home zone to the Neighborhood Commercial Zone – 2, as recommended; and adding a finding that access occur off of Woodland Drive, based on the weight limit of the Bridge and the narrowness of Brooks Road. Jeff Green clarified that the access is a requirement of the re-zone versus a finding – the motion was amended, agreeable with maker and second. Supervisor Reilly requested that this matter be referred back to the Planning Commission to make sure the issues were addressed. Ayes: Balmain, Parker; Noes: Reilly, Stewart; Excused: Pickard. Motion failed. Eric Toll advised that there are General Plan policy issues that he will discuss in the future with the Board. Discussion was held relative to continuing the hearing, and it was continued to 2:00 p.m.

**11:57 a.m.** Recess

**12:09 p.m.** Jim Petropulos, Public Works Director;  
Progress Report from Staff Regarding the Composting Project

**BOARD ACTION:** Jim Petropulos advised that a series of public meetings are scheduled to provide information to the public on this project. He introduced Dr. Eberhard Gruneklee from the German composting company Herhof. George Eowan provided a status report on the project. Dr. Gruneklee gave a slide presentation on a similar facility they have in Spain to what is being proposed for the County. Discussion was held.

**12:27 p.m.** Lunch

**2:05 p.m.** The Board reconvened with Supervisor Reilly excused for the rest of the meeting.

Continued public hearing was held relative to General Plan/Zoning Amendment No. 2001-7/Menzing. The Board continued with the deliberation phase. Jeff Green clarified that the re-zone is the issue before the Board at this time, and not the project; and he responded to questions from the Board relative to being able to appeal decisions on building permits for the project. Skip Strathearn advised of the public attendance and input at the Planning Commission's hearing on this project, and he responded to questions as to the concerns that were expressed relative to the re-zone request. Eric Toll responded to questions from the Board relative to the project application and re-zone process, and he suggested changes to the recommended action to delete reference to specific uses.

(M)Parker, (S)Balmain: 1) a Negative Declaration was adopted; 2) Res. 02-98 was adopted amending the General Plan classification of APN 014-430-026 from Mountain Home to Neighborhood Commercial pursuant to General Plan/Zoning Amendment No. 2001-7 as amended on February 26, 2002; and 3) Ordinance No. 972 was adopted amending the zoning designation of the same parcel pursuant to General Plan/Zoning Amendment No. 2001-7 from the Mountain Home zone to the Neighborhood Commercial Zone – 2, and requiring primary access and address of any commercial use on the subject property to be from Woodland Drive only, and deleting the Planning Commission's findings relative to an accessory use/Ayes: Balmain, Stewart, Parker; Excused: Reilly, Pickard. The hearing was closed.

Mr. Barber stated he is completely satisfied with the action the Board took during the public hearing.

CLOSED SESSION: Conference with County Labor Negotiator Relative to the Sheriff's Management Association/Probation Officers Sub-Unit (County Administrative Officer)  
**BOARD ACTION:** Jeff Green, County Counsel, advised that this closed session is not necessary.

**2:37 p.m.** CLOSED SESSION: Public Employee Performance Evaluation; County Administrative Officer (Continued from 03-21-02) (County Administrative Officer)  
**BOARD ACTION:** (M)Parker, (S)Balmain, closed session was held/Ayes: Balmain, Stewart, Parker; Excused: Reilly, Pickard.

**3:17 p.m.** The Board reconvened in open session with direction given to staff as a result of the closed session.

### **CONSENT AGENDA**

CA-1 Authorize the Chair to Sign the Contract with the California Department of Food and Agriculture (CDFA) for the Integrated Weed Management Plan #01-0576 for Noxious Weed Control/Management and Monitoring in Mariposa County; Authorize the Chair to Sign Personal Service Agreements with: John Hardaway, Wain Johnson, and Custom Weed Control after Approval of County Counsel and Approve the Budget Action Accepting Unanticipated Revenues of \$6, 520 (4/5<sup>th</sup>'s Vote Required) (Agriculture Commissioner); Res. 02-90

**3:18 p.m.** Adjournment in memory of Raymond "Dick" Talley, Phillip James Brower, Anthony J. Anton, and Joshua Barrett.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA April 9, 2002



Time      Description

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

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

#### Board Information

- Supervisor Balmain advised that he attended a roundtable meeting with Assemblyman Cogdill and Congressman Radanovich on Wednesday in Turlock. He advised them that the County still needs financial assistance with the compost facility project, and he advised they were supportive. He also noted that other concerns were voiced on the Wilderness Area issues and Forest Service land management.

- Greg Iturria, County Administrative Officer, advised that at this point Stanislaus County is no longer interested in contracting with Mariposa County for Agricultural Commissioner services. He advised that Merced County's Agricultural Commissioner is planning to retire in the near future. Board concurred with directing staff to research the possibility of continuing the contract with Don Cripe, and with beginning the research as to State requirements relative to this matter. Chairman Stewart advised that he attended the retirement event for Don Cripe in Modesto and presented him with the Resolution and tile plaque, on behalf of Mariposa County.

Supervisor Pickard and Pelk Richards, Sheriff;

Proclaim the Week of April 22 through April 27, 2002 as "Mariposa – Clean and Proud" Week in Recognition of "Earth Week" and Encourage Residents and Organizations to Participate in the Activities and Efforts to Clean and Beautify Mariposa County

**BOARD ACTION:** (M)Pickard, (S)Parker, Proclamation was approved and presented to Pelk Richards, and Chris Todd and Norm Murrell/co-chairpersons for the project/Ayes: Unanimous. Supervisor Pickard thanked Chris Todd for spearheading this project, and Norm Murrell for his work, including the banner for the event. He stated he feels that this is the beginning of a good program, and he thanked the Sheriff for his assistance. Chris Todd thanked the Board and Sheriff for their support. Norm Murrell noted that April is "Keep California Beautiful" month, and he thanked the newspapers for the publicity. Chris Todd also thanked the unnamed citizens who pick up trash along the roads, and the volunteers that participate in the CalTrans clean highway program. Pelk Richards asked the Board to take action as a part of this proclamation to support the roadside clean up efforts through the Sheriff's Department volunteer SCOPE program. He noted that each of the volunteers will be asked to sign a waiver for liability insurance purposes. Jeff Green, County Counsel, advised that in order for the County's liability policy to cover this activity, the Board should officially designate this program through SCOPE as a County program. (M)Pickard, (S)Parker, Res. 02-99 was adopted designating this program as a County-sponsored event through the Sheriff's SCOPE program, with the volunteers to sign waivers/Ayes: Unanimous. Pelk Richards commented that this would also be a good week to paint and beautify homes, etc.

Approval of Minutes 3-21-02 (continued from 3-19-02) Regular Meeting

**BOARD ACTION:** Approved.

Jacque Meriam, County Librarian

Authorize the Mariposa County Library to Accept the Proposition 10-Mariposa County and Families First Grant and Approve Budget Action Appropriating Unanticipated Revenue (\$7,084) (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Discussion was held with Jacque Meriam relative to the grant application process. (M)Pickard, (S)Reilly, Res. 02-100 was adopted. Further discussion was held relative to the allocation of the grant over this and next fiscal year, relative to the development of a contract for the grants – it was noted that the contract would be brought back to the Board for approval. Ayes: Reilly, Balmain, Stewart, Pickard; Abstained: Parker. Supervisor Reilly advised that she serves on the Mariposa County Families First Commission, and she discussed with County Counsel whether it is legal for her to take action as a Board member on this matter, and she was advised that there is no conflict. Jeff Green, County Counsel, advised that the Commission is a non-profit organization; and both, the Commission and the County, are government agencies, and he does not feel there is any conflict of interest.

Jeff Green, Interim Personnel Director;

Authorize the Chair to Execute a Host Agency Agreement with *Experience Works* (formerly known as Green Thumb) to Employ Individuals Who are 55 or Older

**BOARD ACTION:** Discussion was held with Jeff Green. Barbara Brown, Field Operation Coordinator for Area 4 for this program, advised that she was recently notified that changes can not be made to the face of the contract, but that a codicil can be added. (M)Pickard, (S)Reilly, Res. 02-101 was adopted, and County Counsel advised that he will make the recommended changes as a codicil/Ayes: Unanimous.

Pelk Richards, Sheriff;

Approve the Budget Action (\$62,000) for Jail Medical Expenses (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Following discussion, (M)Parker, (S)Balmain, Res. 02-102 was adopted/Ayes: Unanimous.

**9:52 a.m.** Recess

**10:04 a.m.** Jim Petropulos, Public Works Director;

A) Approve the Contract with Valley Oil for Sales and Services for Aviation Fuel at the Mariposa-Yosemite Airport

**BOARD ACTION:** Matter was continued for two weeks at the Public Works Director's request.

B) Workshop Regarding Various Issues Concerning the Mariposa-Yosemite Airport

**BOARD ACTION:** Jim Petropulos advised that Blaine Shultz/Fire Chief, was present to give a presentation on this matter, also. He introduced the following members of the Airport Advisory Board that were present: Bill Foschaar/Chair, David Gerken, Jim Johnson, and Char Wilson; and he advised that Maria Liddle/Airport Operations Supervisor, was also present. Jim reviewed the budgets and revenue associated with the Airport. Discussion was held relative to hangar construction – public and private participation. Discussion was held relative to continuing the workshop and allowing more time for discussion of Airport issues. Supervisor Stewart commented on the recent improvements at the Airport – maintenance and accessibility to the restrooms. Blaine Shultz advised that his presentation includes discussion of the fire fighting helicopter and future plans for fire operations at the Airport. Further discussion relative to issues concerning the Airport was continued to be rescheduled.

**10:51 a.m.** Public hearing to consider appeal of Planning Director's determination denying Rural Home Industry use; Spacke, appellant, was opened and continued to after the following items.

**10:52 a.m.** Recess

**11:00 a.m.** Eric Toll, Planning Director;  
Waive Second Reading and Adopt an Ordinance to Add 2.50.100 to the Mariposa County Code,  
Planning Advisory Committees

**BOARD ACTION:** Discussion was held with Eric Toll.

Input from the public was provided by the following:

- Pierce Loberg referred to previous discussions and scheduling of this matter. He questioned whether this ordinance is necessary, and he noted that there are individual resolutions for the committees. He stated he feels there are conflicts between the proposed ordinance and the existing structure of the committees.

- Mike Stephens, Stephens Planning Group, stated he represents the Fortner Trust. He referred to his previous correspondence to Planning and the Board relative to concerns regarding the proposed ordinance. He requested that consideration be given to requiring ten days notice versus fourteen. He provided comment on the role of the advisory committees once a Specific Plan is approved.

Eric Toll advised that consideration was given to the changes that have been requested, and some changes were made to the ordinance when it was submitted for introduction.

- Pierce Loberg again referred to previous discussion on this matter, and he stated he was unable to provide input due to the scheduling of the matter. He also noted that Larry Williams has concerns, but could not be present today.

Further discussion was held with Eric Toll relative to addressing the comments that have been made. Jeff Green, County Counsel, responded to a question from the Board and advised that if changes are made to an ordinance between the first and second reading, the process would need to start over. (M)Reilly, (S)Stewart (who passed the gavel), second reading was waived and Ordinance No. 973 was adopted. Discussion was held relative to the by-laws and possibly changing the resolutions for each committee. Ayes: Reilly, Balmain, Stewart; Noes: Pickard; Abstained: Parker.

**11:41 a.m.** Eric Toll, Planning Director;

**PUBLIC HEARING:** Appeal of Planning Director's Determination Denying Rural Home Industry Use; Spacke, Appellant

**BOARD ACTION:** Eric Toll presented the staff report, and advised that the question is whether it is the intent of the Board that self-storage units could be constructed as a Rural Home Industry use in a residential zone. He advised that a project has not been submitted, and the appellant requested a letter for a pending buyer of the subject property stating a mini-storage would be a permitted use on five acres of property in the Mountain Home zoning district if the property owner lived onsite – he does not feel that he can provide that letter and the applicant is appealing that decision. He advised of correspondence that was received relative to this matter. He responded to a question from the Board as to whether the appellant was provided a copy of the information submitted to the Board.

The public portion of the hearing was opened. Persons speaking in favor of the appellant:

- Jim Spacke, appellant, stated he feels the staff report covered the issues. He advised that he proposes to eliminate the back ten units on the floor plan due to constraints of the property. He stated the units would be contained in one building and the use could be changed in the future. He further stated he is asking for the letter authorizing this use to sell the property. He commented on his first discussions with Planning concerning this matter, and stated he was advised that this is a permitted use and he would just need to take out permits. He referred to other self-storage projects in the County, and stated he is just asking for what he feels is currently allowed. He responded to a question from the Board and advised that he feels this is allowed pursuant to the Rural Home Industry document.

- Gene Mickel, Real Estate Broker, stated he has the property offered for sale. A condition of the sale is that the property could be used for self-storage. He stated he feels it is difficult to write a document and plan for everything in the future, but he feels the issue is whether mini-storage is going to be allowed in Mountain Home zoning; and if so, are there any standards. He noted the use has been allowed. He stated he feels this is a good location for a Rural Home Industry that



generates traffic, and he noted that this parcel has a CalTrans approved encroachment. He stated he feels the appellant has relied on the ability to do this.

- Tom Will stated he is the executor for the Les Will Estate which owns the mini-storage in Oak Park across the highway from the proposed project. He stated he was present because he would like to add to their existing storage facilities, and he supports allowing this use in the Mountain Home zone. He agrees with the requirement that the owner must reside on the property.

Persons speaking in opposition to the appellant:

- Steve Joseph, a neighboring property owner, referred to a service road and changes in its use with subsequent sales of the parcels. He stated he feels these types of units turn into junkyards, and that there is already a traffic hazard at this intersection.

- Ruth Sellers stated she has the Archie's storage facility next to her, and that project was an issue – the neighbors opposed it, and at the time Mr. Archibald did not reside on the property. She understands the change that now requires the owner to reside on the property for a Rural Home Industry use. She referred to the Open Window Period process and Archie's application to be considered Light Industrial, and she stated it was determined that this was a commercial operation. She stated she is providing this input because she feels these things should be put on the record, but she is not necessarily opposed.

- Janet Bibby stated she is a member of the Catheys Valley Town Planning Advisory Committee; however, she is speaking as an individual. She stated she is not necessarily opposed to this project. She stated she feels the facility on Trower Road is smaller. She noted there are concerns with safety at the intersection and visual impacts. She stated she feels that this project would subject neighboring residents to lighting impacts, a 24-hour intersection and increased traffic flow. She also noted that there are two applications for this type of use in process and this could continue to increase.

- Dick Kunstman, a resident of Midpines, stated he is not certain that he is opposed to this project, but he has concerns. He stated that with 15,000 square feet of storage, it implies there could be a large volume of material to be stored and the consequences need to be considered. He expressed concern with the lack of standards for things like landscaping for these uses, and suggested that consideration be given to developing standards.

- Debbie Peters stated she is a neighbor with two children, and she referenced her letter to the Board. She expressed concern with the increase in traffic and the hours of operation that this type of business would bring to the neighborhood. She stated she feels this will take away the free run her children have on her property, and they will need to be monitored more closely. She noted that the facility across the highway is full of weeds and has abandoned vehicles. She stated they purchased their property because it was a residential area. She feels that a mistake was made with the storage unit in the area and that no more should be allowed.

- Beverly Worden stated she is a neighboring property owner, and she referred to her letter to the Board. She stated she could not find why the first storage facility was allowed in the area. She stated she feels the road coming through the area is a pleasant road, with the exception of the existing facility. She stated she does not see why the landowner would have any problem selling the parcel for residential use.

Rebuttal by the appellant:

- Jim Spacke stated that Steve Joseph is five acres away and can not see this site. He feels the Peters would only see the top of the building, and he commented on the visual impacts from the highway. He stated he agrees with the need for landscaping. He noted that he has a buyer, with the sale contingent on approval of a mini-storage use. He advised that he closed the service road that Mr. Joseph referred to, to avoid eminent domain. Jim responded to questions from the Board relative to the individual storage units being under one roof, and relative to his request for a letter stating self-storage is a permitted use.

The public portion of the hearing was closed. Staff responded to questions from the Board relative to zoning for the existing facility across the highway and requirements for the owner to reside on the property. Jeff Green, County Counsel, responded to questions from the Board relative to conditions placed on Archie's project, and relative to being able to place similar conditions on this project. Staff responded to questions relative to the affect the direction being requested at this

time would have on future decisions; ability for discretionary determinations; and relative to the decision that would be made on a permit application at this time for this type of use, and the changes in requirements since the adoption of Title 17. The Board commenced with deliberations. Staff responded to additional questions relative to suggestions for processing these Rural Home Industry use requests; and as to whether the property is located within the Catheys Valley town planning area. Jeff Green responded to questions from the Board and advised that the way Title 17 and Rural Home Industry/Enterprise is drafted, there is nothing required to conduct the operation of these businesses, just a building permit; and he responded as to other types of uses that could be conducted on this property. Eric Toll reviewed the options available to the Board for taking action: 1) uphold or overturn the findings of the Director; 2) direct staff to come back with another approach; or 3) have the buyer submit a project application. Jeff Green responded to a question from the Board relative to the Planning Director making a determination on these requests based on the existing code.

(M)Pickard, (S)Reilly, to deny the appeal and uphold the Planning Director's determination, with direction for staff to come back with a process for addressing this use and other uses that may come up, continuing with the Rural Home Industry/Enterprise designation/Ayes: Reilly, Pickard; Noes: Balmain, Stewart, Parker. The motion failed. Further deliberation was held. Staff responded to additional questions relative to the ability of the buyer to submit an application for this project and whether it would be approved; and relative to the Planning Director's determination on these matters.

(M)Balmain, (S)Parker, Res. 02-103 was adopted upholding the appeal, finding the process is not being side-stepped as the appellant still needs to comply with the County's ordinances; and directing that staff send a letter advising that self-storage is a permitted use if it complies with our current ordinances. Staff responded to questions from the Board as to what this motion would do relative to allowing self-storage facilities anywhere in the County; and relative to imposing design standards for appearance.

**1:58 p.m.** Lunch

**2:24 p.m.** Further discussion was held relative to the proposed motion. Jeff Green stated he interprets the motion to give the Planning Director the ability to determine whether a project for this use would be detrimental for any reason under Title 17, section 080. Ayes: Balmain, Stewart, Parker; Noes: Reilly; Abstained: Pickard. Jeff Green stated he feels that with this action, the Board is saying that there needs to be a project and application before a decision is made on a project in the future. Discussion was held relative to the needs to address the issues that have been raised in the future. The hearing was closed.

**2:39 p.m.** Eric Toll, Planning Director;

**PUBLIC HEARING:** Consider Appeal No. 2001-1; an Appeal of the Planning Director's Notice of Violation Regarding the Density on a Parcel in Yosemite West; Mark Chapman, Property Owner and Appellant

**BOARD ACTION:** The hearing was opened and continued to May 14, 2002, at 2:00 p.m. at the request of the appellant. Supervisor Reilly commented on issues involved with continuing a hearing: costs and publications, staff time, and the ability to continue a use that has been determined to be in violation. She suggested that staff review and bring back a recommendation to address these issues in the future – the Board concurred.

Jeff Green, County Counsel;

Discussion and Possible Action Relative to a Citizen's Request for the Right of Access to Monte Vista Lane

**BOARD ACTION:** Discussion was held with Jeff Green. Supervisor Parker asked about the issue of road maintenance with the homeowners' association and access by the applicant.

Don Starchman, Starchman Law Offices, stated he was representing the applicant. He referenced previous Board actions relative to offers of dedication and relinquishment. He noted that he

discussed this matter with the Planning Director, and he does not know what the issue is. He advised that neighboring properties have not been required to participate in the homeowners associations in these types of situations before, but there is a code that allows for responsibility of the maintenance to be shared.

Richard Radanovich stated he is the property owner making the request, and he provided input relative to his request for the access to complete his road with the grading permit. He stated there is no legal requirement for him to join the homeowners' maintenance association; however, it is his intent to participate in that process. But he does not feel that it would be appropriate to require his participation.

Jeff Green advised that the Planning Department notified the developer of this request and no response was received. (M)Parker, (S)Pickard, Res. 02-104 was adopted granting the access; with direction for staff to initiate the process to abandon the easement. Jeff Green advised that he will need to check on the process for this type of abandonment. Ayes: Unanimous.

Jeff Green, County Counsel, and Eric Toll, Planning Director;  
Discussion and Direction to Staff Regarding LaPaloma Road

**BOARD ACTION:** Matter was continued.

Approve Section 7 of the Superior Court/Service Employees International Union Memorandum of Understanding Which Would Give a Court Employee a Window of Opportunity for Transfer to a County Department (County Counsel)

**BOARD ACTION:** Following discussion with Jeff Green, County Counsel, (M)Parker, (S)Pickard, Res. 02-105 was adopted/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator Regarding the Sheriffs Management Association/Probation Officers Sub-Unit (County Administrative Officer)

**BOARD ACTION:** Jeff Green, Interim Personnel Officer, advised that the closed session is not necessary this date.

**3:11 p.m.** CLOSED SESSION: Public Employee Performance Evaluation: Public Works Director (County Administrative Officer) (Continued from 02-26-02)

**BOARD ACTION:** (M)Pickard, (S)Stewart (who passed the gavel), closed session to be held following a recess, with the Public Works Director to be present for a portion of the session/Ayes: Reilly, Stewart, Pickard; Noes: Balmain, Parker.

**4:51 p.m.** Board reconvened in open session with direction given to staff as a result of the closed session, and with the closed session continued to April 16, 2002, at 2:00 p.m.

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

**4:52 p.m.** Adjournment in memory of Patricia L. Mervis, Calvin Carter Thomas, and Frank Ives.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA April 16, 2002



Time      Description

**9:04 a.m.** Meeting Called to Order with Supervisor Reilly excused due to illness.

Pledge of Allegiance  
Introductions

Chairman Stewart noted that butterflies have been added to the mural in the Board Chambers.

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

- Ann Pope, Chairperson for the Mariposa County Child Abuse Prevention Coordinating Council, requested Certificates of Appreciation for volunteers for the Safe at Home event. (M)Parker, (S)Pickard, 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 as presentation of the certificates is scheduled on Wednesday at their Board meeting/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Following discussion, (M)Pickard, (S)Parker, the Board approved Certificates (using the County's certificate form) to be presented to the following volunteers: Karen Rust and Terry O'Rourke of Healthy Start, Denise Conway of Mountain Crisis Services, Ellen Jones of the Mariposa Counseling Center, and Bill Flaherty from the Victim-Witness Program/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

- Jerry Irwin, CalTrans – District 10, thanked the Board for its support of the YARTS program, and he stated they are looking forward to continuing their relationship with the County on this program into the next season.

Board Information

- Supervisor Pickard advised that he plans to attend the RCRC Conference this week.  
- Supervisor Stewart advised that he plans to attend the San Joaquin Valley Supervisors Association Conference in Fish Camp this week.

Trudy Williams, Managing Editor for the Mariposa Tribune, introduced her and Kevin Bowman's son, Jason Bowman. She advised that Jason is attending college at Merced Junior College and uses the YARTS system for transportation.

Approval of Minutes 03-26-02 and 04-02-02 Regular Meetings

**BOARD ACTION:** The minutes of 3-26-02 were approved; and the minutes of 4-2-02 were continued to April 23, 2002, for approval.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Pickard pulled item 5. (M)Pickard, (S)Parker, balance of the items were approved/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Cheryle Rutherford-Kelly, Human Services Director;

Approve the Budget Action Accepting \$27,736 in Revenue for the Mental Health Department, Alcohol and Drug Unit from the Comprehensive Drug Court Implementation Program (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Parker, Res. 02-110 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Gail Neal, Chief Probation Officer;

Authorize the Chair to Sign an Amendment to the Juvenile Justice Crime Prevention Act (JJCPA)  
Grant Modifying the Program Description

**BOARD ACTION:** Following discussion, (M)Parker, (S)Balmain, Res. 02-111 was adopted/Ayes:  
Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Jim Petropulos, Public Works Director;

A) Authorize the Public Works Director to Execute a Lease Agreement with Kansas State Bank  
of Manhattan to Lease Eight Vehicles that Replace Previously Leased Vehicles Through Another  
Leasing Company Upon Approval of County Counsel

**BOARD ACTION:** Following discussion with Marty Allan, PWD/Fleet-Fiscal Manager,  
(M)Pickard, (S)Balmain, Res. 02-112 was adopted/Ayes: Balmain, Stewart, Parker, Pickard;  
Excused: Reilly.

B) Discuss and Approve a Modification of Tracking of Depreciation and Replacement Funds in  
Fleet Operations Budget

**BOARD ACTION:** Following discussion with Marty Allan, PWD/Fleet-Fiscal Manager,  
(M)Pickard, (S)Parker, Res. 02-113 was adopted/Ayes: Balmain, Stewart, Parker, Pickard;  
Excused: Reilly.

Supervisor Stewart;

Information and Discussion Relative to Allowing the Blacksmith Historic Project at the Catheys  
Valley Park

**BOARD ACTION:** Supervisor Stewart advised that Caroline Wenger Korn was present to provide  
information on the request.

Caroline Wenger Korn advised that George Gordo, a member of the Catheys Valley Historical  
Society Board of Directors, and Bob Ringrose, a volunteer blacksmith, were present to support this  
project. She presented their request for constructing a blacksmith shop at the Catheys Valley Park.

Jeff Green, County Counsel, suggested the appropriate action would be to approve the project in  
concept with more information to be brought back, including the following: consultation with the  
Fire Department on the location, Building Department review of the plans, Planning's review for  
CEQA and environmental review, and review by Public Works and County Counsel to determine  
whether this is a public project. Supervisor Parker asked about the status of the policy for accepting  
donated items, and whether this would become County property. Following discussion, (M)Parker,  
(S)Balmain, the Board accepted this project in concept, with direction for staff to review the details  
that were raised and to come back to the Board with recommendations from the appropriate County  
departments for final approval/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Authorize the Chair to Sign a Letter of Support for AB 1798 Relative to the Confidentiality of  
Veteran's Service Form DD214 (County Counsel)

**BOARD ACTION:** (M)Parker, (S)Balmain, Res. 02-114 was adopted/Ayes: Balmain, Stewart,  
Parker, Pickard; Excused: Reilly.

**CLOSED SESSION:** Conference with County Labor Negotiator Regarding the Sheriffs'  
Management Association/Probation Officers Sub-Unit (County Administrative Officer)

**BOARD ACTION:** Jeff Green, Interim Personnel Officer, advised that this closed session is not  
needed.

**9:51 a.m.** Recess

**10:33 a.m.** Dr. Mosher, Health Officer;

Approve Budget Action Authorizing Changes in Budgeted Expenditures for One-Time Bioterrorism  
Prevention Funds (\$56,783)

**BOARD ACTION:** Discussion was held with Dr. Mosher. (M)Pickard, (S)Parker, Res. 02-115 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

**10:34 a.m.** Greg Iturria, County Administrative Officer;

**CLOSED SESSION:** Public Employee Performance Evaluation: Public Works Director  
(Continued from 04-09-02)

**BOARD ACTION:** (M)Parker, (S)Pickard, closed session was held/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Chairman Stewart advised that the Board would adjourn at the conclusion of the closed session.

### **CONSENT AGENDA**

- CA-1 Approve Budget Action to Cover Overtime Needed for Vacant Equipment Mechanic Position in Fleet (\$5,464) (Public Works); Res. 02-106
- CA-2 Approve Budget Action Transferring Funds Within the Recreation Program (\$1,500) (Public Works); Res. 02-107
- CA-3 Approve the Statement of All Votes Cast for the March 5, 2002 Direct Primary Election as Certified to the Secretary of State on April 2, 2002, and Declare Elected Those Persons in Local Races as Set Out in the Statement (Elections); Res. 02-108
- CA-4 Authorize the Health Officer to Submit Enforcement Assistance Grant Application (\$30,000) for Solid Waste Management for Fiscal Year 2002-2003 (Health); Res. 02-109
- CA-5 Appoint L. Pierce Loberg and Eugene Spindler to the Wawona Town Planning Advisory Committee (Supervisor Pickard); Matter was pulled.
- CA-6 Appoint Sergeant Sam Samra, California Highway Patrol, as Representative to the Emergency Medical Care Committee (Health)
- CA-7 Appoint Maureen Spacke, Hospital Administration, as Representative to the Emergency Medical Committee to Replace Karen Striplin (Health)
- CA-8 Appoint Jesse Figueroa, as Representative of Mercy Medical Transport to the Emergency Medical Care Committee (Health)

**11:15 a.m.** Adjournment in memory of Flossie Thomas, Catherine Ann "Kay" Gorman, Virginia Specht, Marie Wainwright, and Robert Lynn Jacobs, Jr.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA April 23, 2002



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

Greg Iturria, County Administrative Officer;

Approve the Use of Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 for the Planning Phase of the Construction of the Jordan Creek Bridge; Authorize the Chairman to Sign the Collection Agreement with the United States Department of Agriculture Forest Service; Approve the Budget Action Increasing Revenue and Appropriations (\$91,428) (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Discussion was held. Supervisor Reilly noted the email that was received from Nancy McConnell, School Board member, suggesting that the funding be considered to continue with the coordinator position for the Rural Challenge program in conjunction with the School District versus starting a new program. Supervisor Reilly also commented on her work with Supervisor Balmain and the Fire Safe Council relative to identifying community projects. (M)Balmain, (S)Pickard, Res. 02-117 was adopted approving the recommended action/Ayes: Unanimous. Supervisor Balmain asked Blaine Shultz, Fire Chief, to provide input relative to a possible project for this funding. Blaine advised that, in addition to the Fire Safe Council items that will need funding, the SWIFT project on the Northside of the County may have a shortfall in funding for the coordinator position for an interim period.

Chairman Stewart;

Presentation of Resolution and Tile Plaque Recognizing Greg Iturria for his Dedicated Service as County Administrative Officer

**BOARD ACTION:** (M)Parker, (S)Balmain, Res. 02-116 was adopted and presented, along with the tile plaque, to Greg Iturria/Ayes: Unanimous.

**9:22 a.m.** Recess

**9:44 a.m.** Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda – none.

Board Information

- Supervisor Balmain reported on a meeting with the Forest Service and discussion on the Sierra Nevada Framework.

- Supervisor Pickard advised that he attended the Mountain Counties Air Basin Control Board meeting on Wednesday, and he provided an update on the ozone transport and legislation issues (AB2637). He also reported on SB 1521, relative to the Office of Planning and Research developing a model for cities and counties for planning – he advised that he will bring an agenda item forward for the Board to take action opposing this legislation as he feels the County should preserve its ability to do its own land use planning. Supervisor Stewart commented that he feels the air quality control issues should be monitored for potential impacts to the County.

- Supervisor Stewart commented on Assemblyman Cogdill's community meeting scheduled for Thursday. Supervisor Pickard stated he could attend.

Chairman Stewart announced that direction was given to staff as a result of the Closed Session held on April 16, 2002, relative to the performance evaluation for the Public Works Director.

Approval of Minutes 04/02/02 Regular Meeting

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

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

Mary Wyly, Elections Clerk, appeared on behalf of Don Z. Phillips, Elections;  
Approve Budget Actions Within Budget and From Contingency for Election Expenses (\$12,877)  
(4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Discussion was held with Mary Wyly relative to the request. Chuck Rivera, Sequoia Voting System, explained the additional costs for printing the books and ballots for the primary election, and he congratulated the Board for being one of the first counties in the State to update its voting system. (M)Pickard, (S)Reilly, Res. 02-121 was adopted/Ayes: Unanimous. Supervisor Pickard requested that more detailed information be provided for these types of requests in the future.

Nancy Bell, Human Services/Program Assistant, appeared on behalf of Cheryle Rutherford-Kelly, Human Services Director;

Authorize the Human Services Director to Contract with Sierra Tel Business Systems to Replace the Existing Voice Mail System for the Social Services Division

**BOARD ACTION:** Discussion was held with Nancy Bell and Cathy Albright, Human Services/Staff Services Manager, relative to the request. Discussion was held with Rick Peresan, Technical Services Director, relative to looking at the whole County versus individual department requests for phone services. Rick advised that he feels this would be a savings to the County, and he also feels that a better rate could be obtained for long distance costs – the Board concurred with having Rick bring back an agenda item for further consideration. (M)Parker, (S)Reilly, Res. 02-122 was adopted approving the Human Services' request, with direction for staff to work closely with the Technical Services Director on this project/Ayes: Unanimous.

Jim Petropulos, Public Works Director;

A) Authorize the Chair to Execute a Statement on the Map Entitled "Record of Survey for Cunningham Ranch"

**BOARD ACTION:** Following discussion with Jerry Freeman, PWD/Surveyor, (M)Parker, (S)Reilly, Res. 02-123 was adopted/Ayes: Unanimous. Supervisor Balmain noted they are still working to resolve boundary issues on the Northside.

B) Approve Contract with Valley Oil for Sales and Services for Aviation Fuel at Mariposa-Yosemite Airport (Continued from 04/09/02)

**BOARD ACTION:** Jim Petropulos advised he will reschedule this matter.

Approve an Industrial Disability Retirement for Deputy Sheriff Ronnie D. Fisher Effective March 22, 2002 (Personnel)

**BOARD ACTION:** Following discussion with Jeff Green, County Counsel, (M)Parker, (S)Pickard, Res. 02-124 was adopted/Ayes: Unanimous.

**10:27 a.m.** Recess

**10:42 a.m.** Dr. Mosher, Health Officer;

Authorize Specific Modifications to the County C.U.P.A. (Certified Unified Program Agency) Application in Response to State Requests



**BOARD ACTION:** Discussion was held. (M)Pickard, (S)Balmain, Res. 02-125 was adopted/Ayes: Unanimous.

Approve a Resolution Requesting the Establishment of a Formal Collaborative Process Between Mariposa County and the National Park Service Relative to County/National Park Interrelated Planning Issues Including But Not Limited to Land Use Planning; and Appointing a Board Committee (Supervisor Reilly)

**BOARD ACTION:** Supervisor Reilly initiated discussion. Discussion was held relative to Board member appointments and designating a County contact person. (M)Balmain, (S)Reilly, Res. 02-126 was adopted, and the Board designated the Executive Secretary for Administration to be the contact person to assist with scheduling meetings/Ayes: Unanimous. Further discussion was held relative to appointing a Board member committee, and Supervisor Pickard requested that Board members be kept informed of discussions. (M)Balmain, (S)Parker, Supervisors Reilly and Pickard were appointed as the advisory committee/Ayes: Unanimous.

Adopt a Resolution Supporting HR 3421 (Radanovich) Relative to Yosemite National Park Schools and the Students Within Those Schools, at the Request of the Mariposa Unified School District and the Bass Lake Joint Union Elementary School District (Supervisors Reilly and Pickard)

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Reilly, Res. 02-127 was adopted/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator Relative to the Sheriffs Management Association/Probation Officers Sub-Unit (County Administrative Officer)

**BOARD ACTION:** Chairman Stewart advised that the closed session was not necessary.

**11:03 a.m.** Recess

**11:30 a.m.** Jim Petropulos, Public Works Director;  
Presentation and Ribbon Cutting Ceremony for the Mariposa Creek Parkway Phase II, 5<sup>th</sup> to 8<sup>th</sup> Street Project

**BOARD ACTION:** The Board reconvened at the Creek Parkway for the ribbon cutting ceremony to open the pedestrian bridge at 5th Street.

**11:40 a.m.** Lunch

**2:00 p.m.** Jim Petropulos, Public Works Director;  
Presentation of the Engineering Assessment Method for the Yosemite West Wastewater Treatment Facility Improvements Project by Public Works Staff and Ed Wilson of Wilson and Associates;  
Discussion and Action Regarding the Status of the County Financial Advances to the Yosemite West Wastewater Treatment Facility Improvements Project

**BOARD ACTION:** Ed Wilson, Wilson and Associates, reviewed the assessment-spread summary. Discussion was held relative to the cost estimates that were previously provided and the changes to date. He also reviewed the recommended methodology of using equivalent dwelling unit (EDU). Discussion was held with Jeff Green, County Counsel, relative to the County's financial advances to the project and the changes it would make in the assessment rates if these advances are not charged to the project. Discussion was held relative to the status of conducting on-site investigations. Jeff Green advised that, upon further review, it was determined that the County does not have statutory authority to conduct on-site inspections unless voluntary access is granted or legal action is taken to gain access. He stated he agrees with the need to make a commitment with this process that all violations will be vigorously pursued. Ed Wilson advised that the assessments are based on lawfully permitted improvements.

Input from the public was provided by the following:

- Pete Ulyatt stated he serves on the Yosemite West Planning Advisory and Maintenance Committees, but he is speaking as an individual. He stated he feels this is a very complex issue, and

there is no way to be absolutely fair and make everyone happy. He stated he feels the EDU methodology is about as fair as you can get. He stated he was a strong advocate of on-site inspections. He stated he feels a number of the County's records were incorrect and some situations have been corrected on the Assessor's rolls. So he feels a fair amount of the permitted uses have been corrected, but there are still some unpermitted uses. He stated he is not as comfortable that the County will enforce the non-permitted uses. He urged the Board to not charge the District for the financial advances, and he feels that this will be a big issue when the vote is taken.

- Don Pitts, Yosemite West resident, stated he is a member of the Yosemite West Planning Advisory Board. He strongly suggested that the Board carefully consider going forward and that it makes sure the "i's" are dotted and the "t's" are crossed. He stated if a "no" vote occurs, we will be here next year going through the same things. He stated he feels the Assessor's records are not accurate. He stated he disagrees with using the EDU methodology. He also stated that he feels that the people that are fairly assessed will be paying more than those that are not. He stated he feels a surcharge does not mean anything to the lodging operators. He stated he endorsed Mr. Ulyatt's remarks about enforcement in the County, he feels it is a joke in Yosemite West. He referred to a proposal from Debbie Hagen suggesting that everyone sign a certificate under penalty of perjury as to the number of fixtures they have. He stated he would like to see the sewer project move forward so that people with vacant lots can build. He stated that if this moves forward as proposed and there are unfair assessments, he feels there could be liability and suits. He noted that Jarvis-Gann monitors these processes and has been known to sue.

- Helen Yates stated she is a member of the Yosemite West Maintenance District Advisory Committee and is President of the Homeowners Association. She stated she would like to see the physical count of EDU's done if there is a legal or non-accusatory way to do so. She also stated the Homeowners Association would like to see the certificate signed under penalty of perjury as to number of fixtures for each lot as a part of the ballot.

(M)Parker, (S)Reilly, Res. 02-128 was adopted accepting the EDU methodology presented to the Board by Mr. Wilson; with direction given to Mr. Wilson and Public Works to not include the financial advances provided by the County to the District in the assessments; further directing staff to come back to the Board with a method to resolve the funding issue of the financial advances; and directing that staff and Mr. Wilson move forward with this process for the Proposition 218 vote as quickly as possible. Discussion was held relative to the amount of the financial advances, what has been expended and is expected to be expended through this process. Supervisor Reilly requested that all appropriate action be taken to verify that the data is correct for this process. Ayes: Unanimous.

### **3:36 p.m.** Recess

**3:49 p.m.** (M)Parker, (S)Reilly, direction was given to staff to come back to the Board with a method and process as to how we might be successful in identifying the appropriate number of EDUs that exist in Yosemite West, and to include in that report the resources necessary to ensure this success. Discussion was held, and it was noted that this action is to make every effort possible to ensure that everyone pays their fair share. It was also clarified that the resources in the report includes financial and/or manpower and/or alternatives. Ayes: Unanimous.

- Helen Yates responded to a question from the Board relative to the Homeowners Association's suggestion that a certificate be placed on the ballots for signature under penalty of perjury that the assessment contains the correct information. Supervisor Parker encouraged the Homeowners Association to work with the County to be successful in this process. Supervisor Stewart requested that information come back with the report on whether the certificate could be placed on the ballot.

Supervisor Reilly commended the advisory committees and homeowners association for their efforts on this project.

### **YOSEMITE WEST MAINTENANCE DISTRICT BOARD OF DIRECTORS**

Jeff Green, County Counsel;

Recommend the Board of Supervisors Adopt an Ordinance Adding a New Chapter 13.28 to the Mariposa County Code Entitled "Yosemite West Maintenance District Flow Control"

**BOARD ACTION:** Discussion was held with Jeff Green, and he requested direction to bring the draft ordinance back on May 7th, with changes to reflect the comments his office has received. He stated he plans to have the revised draft available on Monday and to have it redistributed to Yosemite West residents for review. He reviewed the comments he received and the revisions to the draft.

Input from the public was provided by the following:

- Pete Ulyatt commented on allocating water usage based on the EDUs.
- Don Pitts stated he was appearing for Harry Hagen, and he requested that the ordinance provide for no exporting of water from Yosemite West, or from one lot to another.

The Board concurred with direction County Counsel to bring the ordinance back with the changes.

Jeff Green, County Counsel;

Waive First Reading and Introduce an Ordinance Adding a New Chapter 13.28 to the Mariposa County Code Entitled "Yosemite West Maintenance District Flow Control"

**BOARD ACTION:** Matter was continued to May 7, 2002.

### **CONSENT AGENDA**

- CA-1 Authorize the Chair to Sign a Contract with the California Department of Food and Agriculture (CDFA) for the Integrated Weed Management Plan #01-0603 for Noxious Weed Control/Management and Monitoring at the McCauley Ranch; and Approve Budget Action Accepting Unanticipated Revenues of \$4,767 (4/5<sup>th</sup>'s Vote Required) (Agriculture); Res. 02-118
- CA-2 Approve Budget Action to Transfer Overtime Funds from the Sheriff's Budget to the Jail's Budget (Sheriff); Res. 02-119
- CA-3 Approve a Resolution Authorizing the Sale at Public Auction and Sealed Bid Sale, Tax-Defaulted Property Subject to the Power to Sell, per Revenue and Taxation, Chapter 7, Part 6, Division 1, at Sale Scheduled for August 23, 2002 (Tax Collector); Res. 02-120
- CA-4 Approve a Certificate of Recognition for Hosanna Ludwig on Her Receiving the Girl Scout Gold Award, the Highest Possible Award in Girl Scouting (Supervisor Pickard)
- CA-5 Appoint Chuck Jones and Eugene Spindler to the Wawona Town Planning Advisory Committee (Supervisor Pickard)
- CA-6 Appoint Robert Woolard to the Yosemite West Planning Advisory Committee (Supervisor Reilly)

**4:18 p.m.** Adjournment in memory of Bonnie L. McElligott, earthmother freeborn, and Raymond E. Winkle.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA May 7, 2002



**9:07 a.m.** Meeting Called to Order with Supervisor Parker excused.

Pledge of Allegiance  
Introductions

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

#### Board Information

- Supervisor Balmain advised of a check the County received as a result of the settlement of a class action lawsuit with Toshiba. He advised that he visited the PG&E compressed natural gas facility in Merced, and he commented on the increased fuel mileage for the vehicles. He noted that he plans to testify before the Stanislaus National Forest Review Team on Thursday. He also advised of a visit he made with staff to a compost facility in Los Gatos. He stated he does not feel we should abandon our plans; however, he suggested the options be further looked at and that perhaps the Solid Waste Committee could review the matter.

Chairman Stewart advised of two off-agenda requests relative to: 1) recognition of Teachers' Appreciation Week, and 2) AB 2673, which would establish a Conservation Camp in Chowchilla. (M)Pickard, (S)Balmain, Board waived rules requiring 72 hours agenda noticing to consider these requests, finding they were not known about at the time the agenda was prepared and they are a matter of timeliness – the Chamber of Commerce requested the recognition of Teachers' Appreciation Week for an event being held on Thursday; and Supervisor Pickard is requesting action on AB 2673 as it is scheduled to be heard by the Assembly Appropriations Committee on Wednesday/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. (M)Pickard, (S)Balmain, Res. 02-129 was adopted supporting AB 2673/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. (M)Reilly, (S)Pickard, the proclamation was approved in recognition of Teachers' Appreciation Week/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Approval of Minutes 04/09/02 and 04/16/02 Regular Meetings

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Pickard pulled item 5. (M)Pickard, (S)Balmain, balance of the items were approved/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Supervisor Pickard advised that it was folder 5A that he wished to discuss, and not the consent agenda item. (M)Pickard, (S)Reilly, item 5 was approved/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Skip Strathearn, Planner, appeared on behalf of Eric Toll, Planning Director;  
Authorize the Planning Director to Issue a "Letter of Public Convenience and Necessity" to the State of California Department of Alcoholic Beverage Control (ABC) to Allow the Transfer of an Existing Off-Sale (Type 20) Beer and Wine License from the Coulterville General Store to the Greeley Hill Grocery & True Value

**BOARD ACTION:** (M)Balmain, (S)Reilly, Res. 02-136 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Authorize the Chair to Sign the Agreement for Agricultural Commissioner Services with Donald O. Cripe (County Counsel)

**BOARD ACTION:** (M)Balmain, (S)Pickard, Res. 02-137 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Approve the Proposed Class Specification of Deputy Fire Chief and Setting the Salary at Range 235 (\$3,045 - \$3,701) (Personnel)

**BOARD ACTION:** (M)Pickard, (S)Reilly, Res. 02-138 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Approve Revising the Hourly Rates for Certain Extra-Help Hourly Scheduled-Specialized Classes and Implement a Methodology to Provide for Future Hourly Rate Increases for Those Classes (Personnel)

**BOARD ACTION:** (M)Balmain, (S)Reilly, Res. 02-139 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Approve the Proposed Class Specification and Designation of Fiscal Officer and Set the Salary Range at 255 (\$3,364 - \$4,088 monthly); Approve the Revised Class Specification and Designation of Staff Analyst and Change the Title to Administrative Analyst and Adjust the Salary from Range 206 (\$2,636 - \$3,204 monthly) to Range 235 (\$3,045 - \$3,701 monthly) (Personnel)

**BOARD ACTION:** (M)Balmain, (S)Pickard, Res. 02-140 was adopted. Discussion was held. Ayes: Balmain, Stewart, Pickard; Abstained: Reilly; Excused: Parker.

Jim Petropulos, Public Works Director;

A) Approve the Budget Action to Transfer Funds to Consolidate the Capital Improvement Project Fund 523 (\$19,956)

**BOARD ACTION:** Following discussion with Dana Hertfelder, Assistant Public Works Director, (M)Pickard, (S)Balmain, Res. 02-141 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

B) Approve a Personal Service Agreement with Fred Solomon for an Analysis and Recommendation on Compensation for Psomas Engineering

**BOARD ACTION:** Following discussion with Dana Hertfelder, Assistant Public Works Director, (M)Balmain, (S)Reilly, Res. 02-142 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

CLOSED SESSION: Conference with County Labor Negotiator Relative to the Sheriffs Management Association/Probation Officers Sub-Unit (County Administrative Officer)

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

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

**10:05 a.m.** Skip Strathearn, Planner, appeared on behalf of Eric Toll, Planning Director;

**PUBLIC HEARING:** Adopt a Notice of Exemption and Approve Lot Line Adjustment No. 636; Adopt an Ordinance Modifying the Boundaries of Planned Development Zone (PDZ) 84-1 Pursuant to Zoning Amendment 2002-1

**BOARD ACTION:** Skip Strathearn presented the staff report, reviewed the history and processing of the lot line adjustment request. He advised that he will revise the draft ordinance to reflect the new legal description of the Planned Development Zone, which will supercede the previous description. Public portion of the hearing was opened, and there was no input. Public portion of the hearing was closed, and the Board commenced with deliberations. (M)Balmain, (S)Reilly, Res. 02-143 was adopted approving a Notice of Exemption and approve Lot Line Adjustment No. 636 with the recommended findings; and Ordinance No. 974 was adopted modifying the boundaries of Planned Development Zone (PDZ) 84-1 pursuant to Zoning Amendment 2002-1 with the

recommended findings/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. The hearing was closed. Mr. Gile, applicant, withdrew his appeal on this matter. Jeff Green, County Counsel, advised that the appeal is nullified as a result of the action taken.

**10:14 a.m.** Recess

**11:05 a.m. LOCAL TRANSPORTATION COMMISSION**

Jim Petropulos, Public Works Director;

A) Authorize the Public Works Director to Exchange 2001-2002 Transportation Enhancement Activity Funds for State Transportation Funds

**COMMISSION ACTION:** Discussion was held with Jim Petropulos. (M)Balmain, (S)Stewart, LTC Res. 02-4 was adopted. Further discussion was held relative to the funding and potential projects. Chair Reilly stated she feels that we should do a better job of providing information to the public relative to these funds. Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

B) Report from Staff and Discussion Regarding the California Transportation Commission (CTC) Staff Recommendations for the State Transportation Improvement Program (STIP)

**COMMISSION ACTION:** Jim Petropulos advised that the CTC staff is recommending delays for projects due to the statewide cash flow reductions. He advised of the impacts this will have on the County's projects. Discussion was held.

**11:30 a.m. YOSEMITE WEST MAINTENANCE BOARD OF DIRECTORS**

Jeff Green, County Counsel;

Recommend the Board of Supervisors Adopt an Ordinance Adding a New Chapter 13.28 to the Mariposa County Code Entitled "Yosemite West Maintenance District Flow Control"

**BOARD ACTION:** Discussion was held. (M)Reilly, (S)Balmain, action was taken to recommend that the Board adopt the Ordinance/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Jeff Green, County Counsel;

Waive First Reading and Introduce an Ordinance Adding a New Chapter 13.28 to the Mariposa County Code Entitled "Yosemite West Maintenance District Flow Control"

**BOARD ACTION:** (M)Reilly, (S)Balmain, first reading was waived and the Ordinance was introduced/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Chairman Stewart and Jeff Green, Interim Personnel Officer;

CLOSED SESSION: Interview for County Administrative Officer Vacancy

**BOARD ACTION:** (M)Balmain, (S)Reilly, closed session to be held at 2:00 p.m./Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

**11:41 a.m.** Lunch

**2:04 p.m.** The Board convened in closed session.

**4:30 p.m.** Chairman Stewart announced that direction was given to staff as a result of the closed session.

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

**CONSENT AGENDA**

CA-1 Authorize the Budget Action Appropriating Unanticipated Revenue Received for

CPR/First Aid Training Fees Donated for Use in Purchasing CPR/First Aid Supplies (\$379) (4/5<sup>th</sup>'s Vote Required) (Public Works); Res. 02-130

- CA-2 Ratify the Emergency Purchase (\$5,668) of a Sander Unit for the Road Division (Public Works); Res. 02-131
- CA-3 Approve the Budget Action Transferring Funds (\$690) to Cover the Rental Cost of a Temporary Container in Case of Possible Wastewater Overflow (Public Works); Res. 02-132
- CA-4 Approve the Budget Action Transferring Funds (\$1,500) to Cover Additional Advertising in the Solid Waste Budget (Public Works); Res. 02-133
- CA-5 Approve the Budget Action Transferring Funds (\$1,488) to Cover the Emergency Purchase of a Sand Spreader for Yosemite West (Public Works); Res. 02-135
- CA-6 Approve the Budget Action Transferring Funds (\$10,441) to Correct Budget Appropriations Changed at Mid-Year in Error (Human Services); Res. 02-134
- CA-7 Appoint Gale Banks to the Wawona Town Planning Advisory Committee (Supervisor Pickard)
- CA-8 Appoint Jeffrey Harsha to the Parks and Recreation Commission (Supervisors Stewart and Parker)

**4:30 p.m.** Adjournment in memory of Ruth Elvera Conway, Andrew “Andy” Cummings, Kristen Schumacher, James C. Elsegood, and Melvin Wass.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA May 14, 2002



**9:09 a.m.** Meeting Called to Order with Supervisor Parker excused to arrive later.

Pledge of Allegiance  
Introductions

Chairman Stewart;

Proclaim the Week of May 12<sup>th</sup> through May 18<sup>th</sup>, 2002 as National Hospital Week

**BOARD ACTION:** (M)Pickard, (S)Reilly, proclamation was approved and presented to Don Phillips/Hospital Board member, Elnora George and Carol Williams/representing the Hospital/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda  
- Eleanor Keuning thanked the Board for the recent grading work on Leonard Road.

Board Information

- Chairman Stewart advised that some information items will be handled later in the day.  
- Joe Halencak/PWD-Fleet, advised that the new tractor-trailer is available in the parking lot for the Board to see.

**9:18 a.m.** The Board recessed to look at the tractor-trailer.

**9:40 a.m.** The Board reconvened with all members present.

Cheryle Rutherford-Kelly, Human Services Director;

A) PUBLIC HEARING: Discuss the Final Grantee Performance Report for the 1999 Community Development Block Grant (CDBG) Native American Allocation Housing Rehabilitation Program (99-STBG-1397) and Possible 2003 Applications for CDBG Funds

**BOARD ACTION:** Cheryle Rutherford-Kelly 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 and the Board commenced with deliberations. Cheryle and Jen Garcia/HSD-Contract Administrator, responded to questions from the Board relative to timeframes for the 2003 applications and dovetailing the housing survey with this process. It was clarified that no action is being requested, and that the purpose of the hearing is to provide an opportunity for citizens to review and comment on the Report. The hearing was closed.

B) (1) Authorize the Human Services Director to Advertise and Invite Interested Community Members to Submit Their Names for Consideration of Appointment to an In-Home Support Service (IHSS) Advisory Committee as Required Under AB 1682; (2) Authorize the Human Services Director to Expend and Claim \$53,571 in State and Federal Money Allocated for the Expenses Related to the Committee; and (3) Work with RCRC and CSAC to Decrease the Impact of AB 1682 to the Greatest Extent Possible

**BOARD ACTION:** Discussion was held with Cheryle Rutherford-Kelly. (M)Pickard, (S)Reilly, Res. 02-144 was adopted approving the recommended actions. Further discussion was held relative to the costs and make-up of the Advisory Committee. Matter was continued for the following hearing to be opened.



**10:01 a.m. LOCAL TRANSPORTATION COMMISSION**

Jim Petropulos, Public Works Director:

**PUBLIC HEARING:** To Consider Unmet Transit Needs

**COMMISSION ACTION:** Hearing was opened and continued to June 11, 2002 at 10:00 a.m.

Further discussion was held relative to the In-Home Support Service program. Ayes: Unanimous.

Jacque Meriam, County Librarian;

A) Approve the New Mariposa County Library Internet Policy

**BOARD ACTION:** Following discussion, (M)Reilly, (S)Balmain, Res. 02-145 was adopted/Ayes: Unanimous.

B) Authorize the Mariposa County Library to Sign a Contract with the Mariposa County and Families First Commission for a Grant Fund Agreement

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Reilly, Res. 02-146 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Abstained: Parker.

Howard Davies, Assistant Sheriff, advised that Sheriff Richards is doing well after his quadruple by-pass surgery.

Howard Davies, Assistant Sheriff, appeared on behalf of Pelk Richards, Sheriff; Information Report on *Sandy's Fund* (Spay/Neuter Assistance Program) and Discussion Regarding Future County Involvement

**BOARD ACTION:** Howard Davies advised of the success of the spay/neuter assistance program, and he introduced the following people to give a report on the Sandy's Fund: Pat Stacy, Linda Gast, and Delores Tuttle.

Pat Stacy, President of the Board of Directors for the SPCA, thanked the Board for the matching grant for the *Sandy's Fund* program. She stated the program has made a tremendous impact on preventing unwanted animal births, and she advised that they have issued 725 vouchers at a cost of over \$37,800. She also thanked the Board for its efforts with the animal impound facilities. She advised that Delores Tuttle is the donor of the original funding, and that she is requesting an additional amount of \$20,000 be matched to continue with the second phase of the program. She noted that they plan to change the second phase of the program to a "low cost" versus "no cost" and charge a small co-pay. They have also applied for a grant that they hope will provide future funding. She referred to the Haden legislation relative to the animal adoption program and noted that the SPCA spent about \$77,000 last year to provide this service, including about \$1,500 for rabies vaccinations. She advised that they are asking for an increase in the license fee and fines for animals running at large that are not spayed or neutered.

Discussion was held relative to the information provided. Jeff Green, County Counsel, noted that this item is listed on the agenda as an informational report and that no action was requested. He suggested that the matter come back with a specific program and budget request. Supervisor Parker suggested that Assistant Sheriff Davies work with the SPCA to bring the request back. He stated he would like to see the program structured so that participants are asked to donate what they can, and that no one is denied participation because they can not afford a small co-pay. He also suggested that the SPCA check with the Health Department to see if the department can cover the costs for the rabies vaccinations.

Pat Stacy advised that other counties are asking for information on this program so that they can implement a similar program, and she commended the Board for making this program possible.

Supervisor Stewart requested that statistical information be included with the request when it is brought back. He also suggested that it would be helpful to have better information for the public relative to the requirements for rabies vaccinations and licenses and how to obtain them. Howard Davies commented on the proposed expansion of the rabies clinic program.

Linda Gast provided input on the cost savings to the County by preventing unwanted births.

Supervisor Stewart advised of a recent tour he took of the GIS facility for the Merced County Association of Governments, and he passed out examples of the mapping process.

Rick Peresan, Technical Services Director;  
Authorize the Technical Services Director to Inventory and Audit Phone Usage for Mariposa County Government Telephones

**BOARD ACTION:** Following discussion, (M)Parker, (S)Balmain, Res. 02-147 was adopted/Ayes: Unanimous.

**10:52 a.m.** Jim Petropulos, Public Works Director;

A) Authorize the Public Works Director to Contract with Sierra Tel Business Systems to Replace the Existing Phone System and Approve Budget Action Reducing Contingency by \$27,792 (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Discussion was held with Jim Petropulos, and he advised of his discussions with the Technical Services Director concerning this request. Discussion was held relative to moving forward with the system at this time or holding it for further consideration in the final budget hearing process. Rich Peresan, Technical Services Director, advised that this request will not be affected by the telephone audit, and that this system is needed for the program. (M)Balmain, (S)Reilly, Res. 02-148 was adopted/Ayes: Reilly, Balmain, Stewart, Parker; Noes: Pickard.

B) Allocate a Fiscal Officer Position in Public Works Administration and Request to Direct Personnel to Develop a Job Description and Conduct a Salary Survey for a Proposed Safety Officer Position

**BOARD ACTION:** (M)Parker, (S)Pickard, Res. 02-149 was adopted/Ayes: Unanimous.

C) Approve the Budget Action to Transfer \$37,000 in Order to Proceed with the Relocation of the Scale at the Mariposa County Landfill

**BOARD ACTION:** Discussion was held with Jim Petropulos. Supervisor Parker asked about options, including renting or leasing a scale and averaging the weights, until the permanent location can be determined in conjunction with future plans for the landfill. (M)Parker, (S)Reilly, Res. 02-150 was adopted approving the removal of the scale from its current site, with more information to be brought back to the Board before the scale is reinstalled. Supervisor Reilly suggested that staff work with the Solid Waste Committee to bring back a recommendation for reinstalling the scale. Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

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

Approval of Minutes 04-23-02 Regular Meeting

**BOARD ACTION:** Approved.

**11:20 a.m.** Recess

**11:30 a.m.** The Board reconvened with Supervisor Reilly excused for the rest of the morning session.

Authorize the Chair of the Board of Supervisors to Sign a Letter of Support for AB 1282 Extending the Geographic Accessibility Standard for a Commercial Health Care Service Plan in Counties with a Population of Less Than 500,000 or with Less Than Two Plans (Supervisor Pickard)

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Parker, Res. 02-153 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Authorize the Chair of the Board of Supervisors to Sign a Letter of Support for AB 2637 Extending Smog Check II to the Bay Area (Supervisor Pickard)

**BOARD ACTION:** Discussion was held with Supervisor Pickard. (M)Pickard, (S)Balmain, to approve the request failed by the following vote after further discussion/Ayes: Pickard, Excused: Reilly, Noes: Balmain, Stewart, Parker.

Authorize the Chair of the Board of Supervisors to Sign a Letter of Opposition to SB 1521 Regarding a State Model Zoning Ordinance (Supervisor Pickard)

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Parker, Res. 02-154 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Award the Bid for the County's Classification and Internal Salary Study to HDC & Associates, Directing Staff to Prepare a Contract, and Authorize the Chair to Sign the Contract (Personnel)

**BOARD ACTION:** Following discussion with Jeff Green, Interim Personnel Officer, (M)Balmain, (S)Parker, Res. 02-155 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Adopt a Resolution Giving the Chairman of the Board of Supervisors the Authority to Act as County Administrative Officer, When Necessary, During Any Vacancy of the County Administrative Officer Position (County Counsel)

**BOARD ACTION:** (M)Parker, (S)Balmain, Res. 02-156 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

**11:54 a.m.** Lunch

**2:09 p.m.** Eric Toll, Planning Director;

**PUBLIC HEARING:** Consider Appeal No. 2001-1; an Appeal of the Planning Director's Notice of Violation Regarding the Density on a Parcel in Yosemite West; Mark Chapman, Property Owner and Appellant (Continued from 04/09/02)

**BOARD ACTION:** Hearing was opened and continued to after the following matters.

Blaine Shultz, Fire Chief, advised of a structure fire incident in the Coulterville area over the weekend and lengthy attempts to extinguish the fire before the Fire Department was called. He also advised that he assisted with reviewing the grant applications at the National Fire Academy in Washington, D.C., but he does not know how the County's application fared.

Chairman Stewart advised of an off-agenda request relative to projects eligible for Proposition 40 funds. (M)Parker, (S)Pickard, Board waived rules requiring 72 hours agenda noticing to consider this request, finding it was not known about at the time the agenda was prepared and it is a matter of timeliness/Ayes: Unanimous. (M)Parker, (S)Reilly, Res. 02-157 was adopted approving projects to be submitted for funding with Proposition 40 funds/Ayes: Unanimous.

Continued public hearing to consider Appeal No. 2001-1; an appeal of the Planning Director's Notice of Violation regarding the density on a parcel in Yosemite West; Mark Chapman, property owner and appellant

**BOARD ACTION:** Eric Toll, Mark Chapman and his attorney, John Jamison, were present. Jeff Green, County Counsel, advised that the parties agree to the following: the appellant will admit for purposes of this hearing that the third unit is physically a tri-plex and the only issue to resolve is the tri-plex so that it is not a stand-alone unit. The parties have agreed to go back to try and resolve this issue; and if they are unable to, it will be brought back to the Board in three weeks to hear the matter to rectify the third dwelling unit issue. Supervisor Parker requested that the Board make it clear that there will be no more continuances in this matter. The hearing was continued to June 4, 2002, at 9:00 a.m.

Supervisor Balmain advised of the receipt of an invitation from Herhof to the International Trade Show for Waste Technology in Munich – he will ask the Solid Waste Coordinator to thank Herhof for the invitation.

Supervisor Pickard advised that three-third grade classes from Woodland Elementary School visited the Government Center on Thursday, and he thanked Rhonda Scherf/Executive Secretary for County Counsel, and Margie Williams/Clerk of the Board, for their assistance with the tours.

**CONSENT AGENDA**

- CA-1 Appoint Robert C. Stewart, Supervisor, District III, Mark Gallagher, Member at Large, and Mary Kay Kim, Technical Expert to the Independent Hearing Panel for the Local Enforcement Agency (Health)
- CA-2 Approve the Budget Action for the Grant-Drug Task Force, for Safety Equipment, Training and Office Supplies (\$3,982) (4/5<sup>th</sup>'s Vote Required) (Probation); Res. 02-151
- CA-3 Approve an Increase in Summer Hours for Bassett Memorial Library at Wawona (Library); Res. 02-252

**2:28 p.m.** Adjournment in memory of Dorothy Marie Luper and Wallace “Wally” Peterson.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA May 21, 2002



#### Time      Description

**9:10 a.m.** Meeting Called to Order with Supervisor Reilly excused due to the closure of Highway 140 as a result of a rockslide.

Pledge of Allegiance, and Chairman Stewart asked for a moment of silence to remember the price paid by the men and women of our Country in observance of the upcoming Memorial Day.

#### Introductions

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

#### Board Information

- Supervisor Balmain asked if any of the Board members were planning to attend the meeting on June 7th in Fresno with Senator Poochigian and Assemblyman Cogdill.
- Supervisor Parker noted the invitation to participate in the Memorial Day ceremony on May 27th.

#### Approval of Minutes 05/07/02 Regular Meeting

**BOARD ACTION:** Approved.

#### Approval of Consent Agenda (See End of Minutes)

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

Supervisor Pickard commented on the Governor's May revision to the State budget and potential impacts to the County. Jeff Green, County Counsel, advised that he and the Staff Analyst have requested that departments that may be affected by the revision provide information on what impacts this may have on their department, and they will schedule an item on the agenda for the Board for next week. Supervisor Parker stated he would also like to have information on the potential impact this may have on the schools.

#### Jim Petropulos, Public Works Director;

A) Authorize the Chair of the Board to Sign the Agreement to Allow the County to Participate in the 2001/2002 Optional Federal Apportionment Exchange and State Match Program for Regional Surface Transportation Program (RSTP) Funds

**BOARD ACTION:** Following discussion, (M)Parker, (S)Balmain, Res. 02-166 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

B) Authorize Abandoning Two, Five-Foot Wide Dedicated Utility Easements in Lake Don Pedro Subdivision Unit 3-M

**BOARD ACTION:** Following discussion with Jerry Freeman/PWD-Surveyor, (M)Balmain, (S)Parker, Res. 02-167 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

C) Approve Budget Action to Transfer Funds Within the Road Budget to Maximize Available Funds (\$44,456)

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Parker, Res. 02-168 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Eric Toll, Planning Director;

A) Approve the Lease of a Color Copier from Spriggs Business Machines and Approve the Budget Action Reducing the Contingency Fund by \$500 (4/5<sup>th</sup>'s Vote Required)

**BOARD ACTION:** Discussion was held with Eric Toll concerning the request. (M)Pickard, (S)Parker, Res. 02-169 was adopted approving the request, with direction for the funding to come from the Planning budget versus General Fund Contingency, and with further direction that approval is contingent upon County Counsel's review of the agreement/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

B) Discussion and Direction to Staff Concerning Its Willingness to Consider Centralized Check-In on County-Owned Land at Yosemite West

**BOARD ACTION:** Matter was continued to May 28th.

Approve the Revised Class Specification for the Director of Tourism and Economic Development, Directing that the Position Reports To, is Appointed By and Serves at the Pleasure of the Board of Supervisors (Personnel)

**BOARD ACTION:** Discussion was held with Jeff Green, Interim Personnel Director. (M)Pickard, (S)Parker, Res. 02-170 was adopted. Dennis Hermanson, Director of Tourism and Economic Development, stated he is looking forward to working with the Board. Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Discussion and Possible Direction Relative to Holding the Board's Regularly Scheduled Meeting on July 2, 2002 (Chairman Stewart)

**BOARD ACTION:** Discussion was held. (M)Pickard, (S)Parker, Res. 02-171 was adopted canceling the meeting for July 2nd/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

**9:42 a.m.** Jeff Green, Interim Personnel Officer;

**CLOSED SESSION:** Relative to County Administrative Officer Vacancy

**BOARD ACTION:** (M)Pickard, (S)Parker, closed session was held following a short recess/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Chairman Stewart announced that the Board would adjourn at the conclusion of the closed session, and he reminded the Board members that they are scheduled to serve lunch at the Senior Center.

**9:58 a.m.** The Board convened in closed session.

**10:34 a.m.** The Board concluded with closed session.

### **CONSENT AGENDA**

CA-1 Waive Second Reading and Adopt an Ordinance Adding Chapter 13.28 to the Mariposa County Code Entitled "Yosemite West Maintenance District Flow Control" (County Counsel); Ord. 975

CA-2 Authorize the Human Services Director on Behalf of the Mental Health Department, Alcohol and Drug Programs, to Accept Contract Amendment #1 with the State Department of Alcohol and Drug Programs to Decrease the Funds Available for the Alcohol and Drug Programs by \$16,417 (Human Services); Res. 02-162

CA-3 Approve the Budget Action in Mental Health Budget to Purchase a Computer System (\$1,500) (Human Services); Res. 02-163

- CA-4 Approve and Authorize the Chair of the Board of Supervisors to Execute an Agreement for Personal Services with Long Beach Genetics for Genetic Testing to Determine Paternity (Child Support Services); Res. 02-164
- CA-5 Approve the Budget Action Transferring Funds to Cover Expenses for Several Workshops Scheduled in June (\$3,080) (Child Support Services); Res. 02-165
- CA-6 Adopt Resolutions Recognizing Bernie Knoll, Linn Seeley, Jacqueline Aseltine, and Bill Krause as Senior Volunteers of the Year for 2002 (Community Services); Res. 02-158, 159, 160, and 161

**10:34 a.m.** Adjournment in memory of Dorothy L. William-Blevins, Norm E. Ross, Jr., and Kurtis Requarth.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA May 28, 2002



Time      Description

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

Chairman Stewart welcomed the presence of Sheriff Pelk Richards.

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

- Dana Jones, State Mining and Mineral Museum Director, invited everyone to the Chamber of Commerce “mixer” planned for this evening at the Museum, and noted that they will be celebrating “May as State Park Month” and recognizing Sweetwater Clyde. She also advised that she accepted another position with the State Parks at Carnegie Off-Road Vehicle Park and that June 7th will be her last day here. She introduced Peggy Ronning, Museum Curator, and advised that Peggy will serve as acting interim director.

- Jim Baker expressed concern with the handling of an incident on Monday evening. He advised that dynamite was found on Lakeside Drive, and the Merced Bomb Squad unit was called in and determined that it needed to be detonated on-site. This was near his residence and caused quite an explosion and there was no notification. (Later this date, the Assistant Sheriff provided information on this incident.)

Chairman Stewart announced that direction was given to staff as a result of the closed session held on May 21st relative to the County Administrative Officer vacancy.

#### Board Information

- Supervisor Stewart advised he attended a GIS conference in Sonora with the Technical Services Director, and he advised of the status of our GIS mapping project with Merced County Association of Governments. He advised that he and Supervisor Parker participated in the Memorial Day services on Monday, and they are working on a special presentation for the Board to carry on that celebration a little longer.

Approval of Consent Agenda (See End of Minutes)

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

Jim Petropulos, Public Works Director;

A) Adopt a Negative Declaration Relative to the Installation of Four Light Poles with Fixtures or Pre-Cast Foundations at the Catheys Valley Park

**BOARD ACTION:** This matter was continued to June 18, 2002 at 10:00 a.m.

B) Adopt a Negative Declaration Relative to the Installation of Six Light Poles with Fixtures or Pre-Cast Foundations at the Woodland Park

**BOARD ACTION:** This matter was continued to June 18, 2002 at 10:00 a.m.

C) Adopt a Negative Declaration Relative to the Installation of a Reinforced Concrete Facility That Has Been Designated as a Skate Park at the Mariposa Park Complex

**BOARD ACTION:** This matter was continued to June 18, 2002 at 10:00 a.m.



Supervisor Parker;

Discuss and Possible Direction to Staff Relative to Determining the County's Participation in the Proposed New Visitors' Bureau Center and the California State Mining and Mineral Museum Facilities

**BOARD ACTION:** Supervisor Parker initiated discussion relative to consideration of determining the future location of the County's Tourism and Economic Development office.

Dennis Hermanson, Tourism and Economic Development Director, stated he has been advising Ed Hardy of potential funding sources for the new facility, and he commented on the plan to move everyone from the current site to the new museum facility and the estimated timeframes. He stated he feels the question is whether the Chamber of Commerce itself and the Tourism and Economic Development offices move to the new museum facility. He agrees that the visitor's center belongs in the new facility, but he is not sure about the offices. He feels rent and other costs should be considered.

Discussion was held relative to this matter. Supervisor Reilly suggested that more information is obtained relative to the options and costs and what would work best operationally. Supervisor Stewart suggested that the Space Needs liaison committee review the options and come back with a recommendation.

Candy O'Donel-Browne advised that the breakdown of the costs for the various agencies using the current facility is available.

Dana Jones, State Mining and Mineral Museum Director, provided input and advised that they requested information from the various agencies relative to their needs in the new facility to proceed with the design phase.

It was agreed that further consideration would need to be given to this matter.

Jacque Meriam, County Librarian;

Approve the Budget Action Transferring Funds for the Mariposa County Library to Offset Extra Help Hours (\$9,267)

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Balmain, Res. 02-173 was adopted/Ayes: Unanimous,

Pelk Richards, Sheriff;

Authorize the Sheriff to Work with the Public Works Director and Purchase a Vehicle with Funds Saved From the Rural Counties Grant for the DARE Program Vehicle; and Authorize the Sheriff to Retain the Current DARE Vehicle to be Used for a Crime Scene Response Vehicle

**BOARD ACTION:** Following discussion with Howard Davies, Assistant Sheriff, (M)Balmain, (S)Parker, Res. 02-174 was adopted/Ayes: Unanimous.

Jim Allen, Assistant Sheriff, provided information on the incident that occurred on Monday evening that Jim Baker addressed earlier this date. He advised that the Sheriff's Office was notified that juveniles had found some dynamite. The Department investigated and contacted the Merced Bomb Squad as a part of their normal routine in these matters. The Squad determined that due to the unstable nature of the dynamite that it needed to be detonated on-site. Nearby neighbors were contacted as time allowed. He noted that with the implementation of the reverse 9-1-1 system in the near future, notification can be expanded for these types of situations. He advised that the department did receive some calls, but they were not aware of any damages as a result of the explosion. Supervisor Parker requested that the Squad be thanked for its assistance in this matter. Supervisor Stewart noted that the GIS system would also be helpful in these situations.

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

**10:15 a.m.** Jim Petropulos, Public Works Director;

Approve a Lease Agreement with the United States Department of Agricultural, Forest Service for the Helibase at the Mariposa/Yosemite Airport

**BOARD ACTION:** Following discussion, (M)Parker, (S)Balmain, Res. 02-175 was adopted/Ayes: Unanimous.

Authorize the Chair to Sign an Agreement with Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority (JPA) to Continue Providing Round Trip Transit Services from Mariposa County to Merced Junior College as Well as Providing Transportation for CalWORKs Participants (County Counsel)

**BOARD ACTION:** (M)Reilly, (S)Parker, Res. 02-176 was adopted/Ayes: Unanimous.

Approve a Revision to the Literacy Program Coordinator Class Specification and Set the Salary at Range 206 (\$2,636 - \$3,204) (Personnel)

**BOARD ACTION:** (M)Parker, (S)Pickard, Res. 02-177 was adopted/Ayes: Unanimous.

Cheryle Rutherford-Kelly, Human Services Director;

Authorize the Human Services Director to Sign the Following Five Agreements with Kings View Corporation: Mental Health Agreement, Including Children's System of Care, Substance Abuse/Alcohol and Drug Services Agreement, Proposition 36, Substance Abuse and Crime Prevention Act Agreement, Child Abuse Prevention, Intervention and Treatment Agreement, and CalWORKs Mental Health and Alcohol & Drug Agreement

**BOARD ACTION:** Discussion was held with Cheryle Rutherford-Kelly. (M)Pickard, (S)Balmain, Res. 02-178 was adopted/Ayes: Unanimous.

Information and Discussion Relative to the Governor's May Revision of the State's Budget (County Counsel)

**BOARD ACTION:** Jeff Green, County Counsel, advised that Mary Hodson, Administration/Staff Analyst, and Ken Hawkins, Auditor, were present to respond to questions. Discussion was held. Mary Hodson advised that the State's Budget Conference Committee will begin meeting on June 3rd and more changes are likely.

Input was provided by the following relative to the potential impacts the May Revision may have to their departments: Jacque Meriam/Librarian, Jim Allen/Assistant Sheriff, Gail Neal/Chief Probation Officer, Janet Bibby/District Attorney-Paralegal, and Cheryle Rutherford-Kelly/Human Services Director.

Eric Toll, Planning Director;

Discussion and Direction to Staff Concerning Its Willingness to Consider Centralized Check-In on County-Owned Land at Yosemite West (Continued from 05/21/02)

**BOARD ACTION:** Supervisor Reilly provided input relative to this matter. Eric Toll provided input relative to the issue and Yosemite West Advisory Committee's review. Discussion was held relative to options to rezone private property for this use; relative to the status of the policy for placing private items on County property; the County's future needs for the parcel; and liability concerns and other issues. The Board concurred with directing staff that this option not be pursued.

**11:12 a.m.** CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; 1 Case to be Discussed (County Counsel)

**BOARD ACTION:** Jeff Green, County Counsel, advised that there was a typographical error and that there are two anticipated litigation cases to be discussed. (M)Balmain, (S)Reilly, closed session was held to discuss two cases/Ayes: Unanimous.

**11:36 a.m.** Chairman Stewart announced that direction was given to staff as a result of the closed session.

**CONSENT AGENDA**

- CA-1 Approve a Request for a Tile Plaque to be Presented to the First Mariposan Who Completes the 50-Miler in the Annual Mariposa “Run for the Gold” Endurance Ride (Chairman Stewart); Res. 02-172
- CA-2 Appoint Carl Loeffler and Re-Appoint Joan Conlan and the Honorable Carlos LaRoche to the Mental Health Board (Human Services)

**11:36 a.m.** Adjournment in memory of Lance Scardino.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA

June 4, 2002



Time      Description

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

Chairman Stewart advised of a change in the order of some of the agenda items.

Chairman Stewart;

Presentation of Resolution Recognizing Bryan Brouhard for His Service to Mariposa County's Emergency Care System as a Paramedic

**BOARD ACTION:** (M)Parker, (S)Balmain, Res. 02-179 was adopted and presented to Bryan Brouhard/Ayes: Unanimous. Dr. Mosher, Health Officer, commended Bryan for his service.

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

- Rich Begley, PWD/Deputy Director Parks and Recreation, advised of notice received that the recreational sports complex has been selected for funding under the Roberti-Z'berg Harris Urban Open Space and Recreational Need Basis Competitive Grant Program in the amount of \$500,000.

Board Information

- Supervisor Balmain advised that he toured the Sierra Tel facilities in Oakhurst and he was very impressed with the facilities and the morale of the staff. He noted that they provided a map of the County showing the areas where DSL is available, and he commented on their work with GIS.

- Supervisor Pickard provided an update on the status of the State's budget and commented on meetings held between urban and rural counties relative to the Governor's proposed cuts. He suggested that a letter be sent to our legislative representatives explaining the impact the proposed cuts will have on the County, and requesting that the cuts not be permanent, but that they be restored when the revenue allows.

- Supervisor Stewart advised that Mono County Supervisor Joann Ronci is the new Chairperson for the YARTS Board of Directors. He also advised that the contract between the YARTS JPA and Yosemite National Park has been postponed for further review. Supervisor Pickard commended Supervisor Stewart for his service as Chair of YARTS under some difficult circumstances.

Dr. Mosher, Health Officer;

Discussion and Possible Direction to Staff Relative to Creating a Fee Schedule for Certified Unified Program Agency (CUPA) Programs

**BOARD ACTION:** Discussion was held with Dr. Mosher, relative to implementing a fee schedule for CUPA permit/inspection activities and at what level the fees should be set, i.e., to cover all costs or a portion of the actual costs. Jeff Green, County Counsel, advised that a public hearing will need to be held to adopt the fees. Matter to be brought back for a public hearing with options for the mid-level and full fee proposal.

Authorize the Chairman to Sign an Extra-Help Agreement with Greg Wellman for Temporary County Administrative Officer Services and Approve Budget Action (\$4,500) (County Counsel)

**BOARD ACTION:** Chairman Stewart read a letter from Greg Wellman into the record requesting that this matter be pulled from the agenda; and he advised of his discussion with Mr. Wellman following a recent newspaper story. He advised that Mr. Wellman felt that it is important to have

the support of other elected officials and senior staff and he did not feel that he had that; thus, he requested that the matter be pulled.

Janet Bibby asked how effective a County Administrative Officer (CAO) would be if hired on a part-time basis. She stated she feels that hiring a CAO that is employed by another county might create conflicts as we may have different interests. She asked about the rate of pay for this position for other counties, and stated she feels we should have an open recruitment for the long-term interests of the community. She suggested that incentives be considered such as longevity pay to be successful in retaining a person on this position.

Chairman Stewart addressed Janet's comments and advised that the Board is looking for assistance and is trying to avoid the "revolving door" situation and having to pay a high salary for this position. He stated that with Mr. Wellman's years of experience, he was hoping he could provide administrative assistance to the County in these matters. Mr. Wellman wanted to help the County, but does not want to get into a political fray. Chairman Stewart stated he felt that having someone one day a week was better than not having anyone at all as is the current situation, and he noted the Board had discussed the concerns raised by Janet. He also noted that there is a shortage of individuals with County administrative experience.

Janet Bibby noted there was a six-month vacancy after Janet Hogan left, and she urged the Board to not panic with this vacancy.

Jeff Green, County Counsel, clarified that this contract was intended to be an interim agreement, and he noted that the County has an open recruitment at this time for the CAO position.

Supervisor Parker noted that the Board is not in any state of hysteria, that it was looking at very specific projects for Greg Wellman. He further encouraged citizens to ask questions of the Board relative to these issues. Supervisor Reilly stated she feels that perhaps the Board has not done a good enough job of letting the public know the complexities of this job and the issues. She stated she feels that good, professional staff is needed. Supervisor Pickard stated he agreed with the other Board members, and he noted it is critical to have oversight of the state programs in the County.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Item 8 was pulled for members of the public to provide input. An amendment was provided for item 4. (M)Balmain, (S)Reilly, all of the items, except item 8, were approved/Ayes: Unanimous.

Consent Agenda item 8: Jeff Green, County Counsel, advised of recommendation to deny the claim based on the accident report by the California Highway Patrol. Supervisor Balmain provided input relative to the road construction work at the subject site and gravel that was left on the right side.

Input from the public was provided by the following:

Arden Finch, claimant, stated the time of the accident was the first time he had been on that section of the road since the pavement was removed for the roadwork, and he slid off of the road. He advised that he went back to the accident site and videotaped and photographed the site. He also stated he used a level and determined that the curve was level and not sloped before the culvert as he feels it should be. He also stated he feels that the slope was reversed after the pavement was laid, and he feels that it creates a worse condition. He also noted that there were tire tracks from other vehicles going off of the road; however, they missed the culvert.

Motion by Balmain to approve the claim, died for lack of a second. Further discussion was held relative to the accident report and the claimant's ability to file suit in small claims court. (M)Parker, (S)Pickard, Res. 02-188 was adopted denying the claim. Arden Finch again advised of information that he has relative to the accident and of his discussion with the CHP Sergeant, and he noted he has letters from seven other individuals who have lost control on the subject turn. Supervisor Balmain suggested that the Board not take action and let the claim run its time, and then the claimant could pursue the matter in court. Ayes: Reilly, Stewart, Parker, Pickard; Noes: Balmain.

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

**10:00 a.m.** Gail Neal, Chief Probation Officer;

A) Authorize the Chairman to Sign an Interagency Agreement Between the 35-A District Agricultural Association and the Probation Department to Allow Use of the Shooting Range by Members of the Mariposa County Probation Department

**BOARD ACTION:** Discussion was held with Gail Neal relative to the program and costs for the contract. (M)Parker, (S)Pickard, Res. 02-189 was adopted/Ayes: Unanimous.

B) Adopt a Resolution Accepting Funding for the Fiscal Year 2002-2003 in the Amount of \$72,001 for the Continuation of the Jail Removal Grant Administered by the Office of Criminal Justice Planning

**BOARD ACTION:** Gail Neal advised that the typographical errors will be corrected in the document. (M)Pickard, (S)Reilly, Res. 02-190 was adopted/Ayes: Unanimous.

C) Approve the Budget Action for Probation and the Juvenile Detention Budget in the Amount of \$41,424

**BOARD ACTION:** Gail Neal advised of corrections to the line item titles for the budget action. (M)Pickard, (S)Reilly, Res. 02-191 was adopted/Ayes: Unanimous.

Rick Peresan, Technical Services Director;

Authorize the Technical Services Director to Confirm the Application to Reserve the “mariposacounty-ca.gov” Domain Name with the US Government, General Services Administration Domain Name Registration Service

**BOARD ACTION:** (M)Parker, (S)Pickard, Res. 02-192 was adopted/Ayes: Unanimous.

**10:44 a.m.** Eric Toll, Planning Director;

**PUBLIC HEARING:** Consider Appeal No. 2001-1; an Appeal of the Planning Director’s Notice of Violation Regarding the Density on a Parcel in Yosemite West; Mark Chapman, Property Owner and Appellant (Continued from 05/14/02)

**BOARD ACTION:** Eric Toll advised of the previous stipulation by the appellant and his attorney on May 14, 2002, that the tri-plex that exists is a zoning violation; and of the Board’s direction to resolve the violation. He advised of staff’s recommendation for alterations to combine unit one and three to one-single family dwelling, and he advised that the appellant agrees with the recommendation with the exception of issues with the solarium area. Now the appellant is requesting that he remove the locks on the doors that separate the dwelling units versus the alterations. Staff responded to questions from the Board relative to the recommended abatement to restore the solarium to its original size and eliminate the bathroom.

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

Mark Chapman, appellant, stated the abatement is a financial issue for him. He stated that he started building the house prior to Title 17, and he commented on the abatement options that were discussed – he stated they do not work for him financially and there are energy efficiency concerns. As a builder, he does not feel there is enough room to have an exit door and have an L-stairway, especially with the windows. He advised of his discussion with the Building Director relative to the abatement options and complying with the building codes. He stated that by removing the locks on the doors he feels it would bring his home into compliance.

Staff responded to questions from the Board relative to Mr. Chapman’s request and how that differs from staff’s recommendation. Eric Toll further advised of construction that was done without building permits when the solarium was altered, and that they have extensive staff time and costs accrued with this matter. He noted they are not asking for any penalties. He does not feel that removing the locks on the doors solves future potential problems of this being used as a tri-plex.

Mark Chapman offered rebuttal and commented on plans for another dwelling that he had approved, but were not issued due to the sewer moratorium and the financial cost impact he has suffered. He reiterated that he can not afford the abatement recommended by staff.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the recommendations and options for abatement. Jeff Green, County Counsel, responded to questions relative to being able to resolve this matter

without having to bring it back to the Board. (M)Parker, (S)Balmain, Res. 02-193 was adopted denying the appeal and upholding the Planning Director's determination; directing that the kitchen area will be removed as proposed in the letter; the bathroom area will be removed because there has been no provision of evidence that it was timely constructed; that the wall will be changed so that the stairway leads directly from the top to bottom for one dwelling unit as if it was originally designed that way; with the timeframes for accomplishing this to be as set forth in the recommended resolution, and with the other terms and conditions set forth in the recommended resolution relative to having a written agreement for occupancy and that the Assessor's Office be allowed to conduct inspections of the renovated structure for purposes of assessment. Staff responded to additional questions from the Board as to whether the bathroom and kitchen amenities would have been allowed in the original construction. Ayes: Unanimous. The hearing was closed.

Approval of Minutes 05/14/02 and 05/21/02 Regular Meetings

**BOARD ACTION:** Approved.

Authorize the Chairman to Sign a Letter Requesting the California Department of Forestry and Fire Protection to Reduce their Fees to Allow Golden State Cellular to Establish a Cellular Phone Site on Penon Blanco (Supervisor Balmain)

**BOARD ACTION:** (M)Parker, (S)Balmain, Res. 02-194 was adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

Authorize the Chairman to Sign an Agreement with Abbott and Kindermann, LLP to Provide Legal Services Relative to the Silver Tip Project and the General Plan Issues Together with Other Land Use Law Issues as Needed (County Counsel)

**BOARD ACTION:** Following discussion with Jeff Green, County Counsel, (M)Parker, (S)Reilly, Res. 02-195 was adopted/Ayes: Unanimous.

Adopt a Resolution Naming Mark Scott and Kim Forsythe as the Regional Council of Rural Counties (RCRC) and Rural Alliance, Incorporation (RAI) Rural Scholarship Program Recipients for 2002; Authorize Staff to Send a Letter With the Resolution Directing RCRC to Route the Scholarship Checks Through the Mariposa School Foundation (Administration)

**BOARD ACTION:** (M)Parker, (S)Pickard, Res. 02-196 was adopted/Ayes: Unanimous.

Jeff Green, County Counsel, advised of an off agenda request to cover behind an unexpected medical leave for the attorney in the Child Support Services Department. (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 it is a matter of timeliness as court appearances are scheduled/Ayes: Unanimous. (M)Parker, (S)Pickard, Res. 02-197 was adopted authorizing County Counsel to enter into an agreement with a qualified attorney to make court appearances for the Child Support Services Department during the absence of the attorney/Ayes: Unanimous.

**11:34 a.m.** CLOSED SESSION: Public Employee Performance Evaluation; Director of Tourism and Economic Development (County Counsel/Interim Personnel Director); and

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; 1 Case to be Discussed (County Counsel)

**BOARD ACTION:** (M)Reilly, (S)Parker, closed sessions to be held at 1:00 p.m./Ayes: Unanimous.

**1:07 p.m.** The Board convened in closed session.

**3:47 p.m.** The Clerk of the Board announced that direction was given to staff as a result of the closed session matters.

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

**CONSENT AGENDA**

- CA-1 Approve the Budget Action to Purchase a Back-Up Label Printer for Recording and to Pay Sales Tax on Map Cabinet (\$1,455) (Assessor/Recorder); Res. 02-180
- CA-2 Approve the Budget Action Transferring Funds Within the Don Pedro Sewer Budget to Allow for Additional Unanticipated Costs for Temporary Container Necessary for Possible Wastewater Overflow for the Remainder of the Fiscal Year (\$835) (Public Works); Res. 02-181
- CA-3 Approve the Budget Action Transferring Funds Within the Yosemite West Wastewater Budget to Allow for Additional Maintenance Expenses (\$1,000) (Public Works); Res. 02-182
- CA-4 Approve the Budget Action Transferring Funds Within the Solid Waste Special Projects Budget to Cover Unanticipated Travel Expense (\$700) (Public Works); Res. 02-183
- CA-5 Approve the Budget Action Transferring Funds Within the Fleet Department to Cover Utility Expenses for the Remainder of the Fiscal Year (\$2,800) (Public Works); Res. 02-184
- CA-6 Approve the Budget Action Transferring Funds Within the Coulterville Sewer Service Area Fund to Allow for Unanticipated Costs for State Mandated Bacteria Testing Expenses for the Remainder of the Fiscal Year (\$2,500) (Public Works); Res. 02-185
- CA-7 Adopt a Resolution Declaring Vehicles to be Surplus; Authorize the Public Works Director to Dispose of These Vehicles Through the Off-Site Auction Process as Per Contract with Roger Ernst Auctions and Authorize the Public Works Director to Sign Off on the Vehicle Titles as the Mariposa County Representative (Public Works); Res. 02-186
- CA-8 Authorize the Chair to Sign an Order of the Board to Reject Claim No. CO2-5 in the Amount of \$3,000 (County Counsel); Res. 02-188
- CA-9 Authorize the Chair to Sign an Order of the Board to Reject Claim No. CO2-6 in the Amount of \$2,215.50 (County Counsel); Res. 02-187
- CA-10 Appoint Anita Hopman and Gail Neal to the Alcohol and Drug Advisory Board (Supervisors Stewart and Parker)

**3:47 p.m.** Adjournment in memory of Ellen Bronson and Benn Volkel.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board





## MARIPOSA COUNTY BOARD OF SUPERVISORS



### CONFORMED AGENDA June 11, 2002

**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 stated she wanted to speak on the Don Pedro 1-M budget issue for fire services later this morning.

- Supervisor Balmain introduced Mark Luster, Sierra Pacific Industries, and advised that he made a donation to the Friends of the Red Cloud Library branch to help with shelving. Mr. Luster presented Jacque Meriam, Librarian, a check to assist with the restoration project at the library branch. Supervisor Pickard thanked Mr. Luster and noted that he has been at RCRC meetings, as well.

- Supervisor Pickard advised of two off-agenda requests. (M)Pickard, (S)Parker, Board waived rules requiring 72 hours agenda noticing to consider the following requests, finding that they were a matter of timeliness and were not known about at the time the agenda was prepared: 1) draft letter to Assemblyman Cogdill expressing concern relative to proposed State budget cuts; and 2) draft letter opposing SB 910, which requires a local government's General Plan to be dictated by a state agency with no voter accountability/Ayes: Unanimous. It was agreed that these two items would be further considered later this date.

- Supervisor Parker advised of an off-agenda request to recognize Marguerite Campbell on her 90th birthday at a special event planned for this coming Saturday. (M)Parker, (S)Reilly, Board waived rules requiring 72 hours agenda noticing to consider this matter, finding it is a matter of timeliness and was not known about at the time the agenda was prepared/Ayes: Unanimous. (M)Parker, (S)Reilly, Res. 02-198 was adopted recognizing Marguerite Campbell/Ayes: Unanimous.

Approval of Minutes 05-28-02 Regular Meeting

**BOARD ACTION:** Approved.

Board Information

- Supervisor Pickard reported on the Health Care Summit 2002 that he attended on Friday in Fresno, and he advised that this was co-hosted by Assemblyman Cogdill and Senator Poochigian. He advised that staff from the Hospital and Auditor's office also attended and there was discussion on the nurse shortage issues.

Approval of Consent Agenda (See End of Minutes)

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

Don Cripe, Agricultural Commissioner;

Presentation of the 2001 Mariposa County Agricultural Crop Report

**BOARD ACTION:** Don Cripe presented the report, and discussion was held relative to the changes in production and market forecast. Discussion was also held relative to the Governor's proposed change in the State budget relative to the Williamson Act subvention. Chairman Stewart thanked Don for continuing to provide service to the County.

Jim Allen, Assistant Sheriff, appeared on behalf of Pelk Richards, Sheriff;  
Adopt a Resolution Authorizing Sheriff's Department Personnel to Donate Vacation Hours to an Injured Deputy Sheriff

**BOARD ACTION:** Discussion was held with Jim Allen and he requested an 80-hour cap on the hours to be donated; and he advised that he would come back to the Board, if necessary, to request additional hours. (M)Parker, (S)Pickard, Res. 02-205 was adopted approving the request, and no cap was set/Ayes: Unanimous.

Gail Neal, Chief Probation Officer;

Adopt a Resolution to Accept Funding for the Fiscal Year 2002-2003 in the Amount of \$158,836 for the Continuation of the Mariposa County Drug Task Force Grant Administered by the Office of Criminal Justice Planning

**BOARD ACTION:** Following discussion with Gail Neal, (M)Parker, (S)Pickard, Res. 02-206 was adopted/Ayes: Unanimous.

Jim Petropulos, Public Works Director;

A) Approve Budget Action Transferring Funds Within the Don Pedro 1-M Budget to Cover a Larger Than Anticipated Increase in Fire Protection Service Provided Under the "Amador Plan" (\$2,190)

**BOARD ACTION:** Discussion was held with Jim Petropulos. Marty Allan, PWD/Fleet-Fiscal Manager, provided input relative to the increase in the cost of the contract due to California Department of Fire Protection's decision to staff the Amador engines with two persons and due to salary increases. Supervisor Balmain advised of discussions with the 1-M Advisory Committee and with the Fire Chief relative to the future of "Amador Plans." He noted that this is the only fire company in the County that pays for its own fire protection services, and he requested that Public Works bring this matter back for direction for the next contract, with consideration of establishing a volunteer fire company in the Lake Don Pedro area. Supervisor Reilly requested that information relative to the history of the arrangement and financial costs be provided when the matter is brought back. Further discussion was continued for the following hearing to be opened.

**10:02 a.m.** The public hearing to consider unmet transit needs was opened and continued to after the following matter.

Further discussion was held relative to the "Amador Plan" for fire protection services for Don Pedro 1-M.

Input from the public was provided by the following:

Yvonne Bennett provided input on a community meeting that was held and relative to the Board's actions to have an appraisal done on the 1-M property. She commented on the history of the subdivision and the donation of the land and funds for a landfill, with subsequent revenues from the interest and cattle grazing lease. She stated equipment was purchased with the District's funds and has subsequently disappeared. She referred to the transfer station and the different fees for Mariposa and Tuolumne County residents. She stated she felt the 1-M funds were used for the Sheriff's substation and the equestrian trails. She further stated that she feels the County should pay for the fire protection services versus the 1-M District.

Jo Day stated she agrees with Yvonne Bennett, and she feels that the funds are being taken from the 1-M budget to pay for the County's share of fire protection services and it should be the County paying for the services.

Supervisor Balmain commented on the research County Counsel did on the transfer station and Sheriff's substation agreements. He requested that direction be given to Public Works and the Fire Chief to bring the Amador Engine contract issue back for consideration for next year. (M)Balmain, (S)Pickard, Res. 02-207 was adopted approving the requested action/Ayes: Unanimous. Supervisor Reilly requested that direction to staff to bring information back, include information on all of the issues that have been raised relative to this matter and why the decisions were made. Supervisor

Pickard requested that CDF be a part of the discussion with Public Works and the Fire Chief when the contract issue comes back to the Board.

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

**10:34 a.m.** The Board reconvened and continued the rest of the Public Works items to after the following matter.

**LOCAL TRANSPORTATION COMMISSION**

Jim Petropulos, Public Works Director;

A) **PUBLIC HEARING:** To Consider Unmet Transit Needs for 2002-2003

**COMMISSION ACTION:** Jim Petropulos presented the staff report, and he advised that no new requests have been received. He also advised that the appeal from last year's hearing has been resolved. Chair Reilly recognized the presence of Tom Dumas, CalTrans District 10. Mr. Dumas commented on the appeal from last year's hearing and the process. Jim responded to questions from the Commission relative to clarifying the unmet needs definition and the reasonableness criteria.

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

Trudy Williams suggested that if YARTS is more user friendly for residents of the County to go to Merced, that the ridership revenue may increase enough to help with more runs to El Portal. She advised of her discussion with Dick Wittington, YARTS representative, relative to coordinating YARTS with the Merced City bus schedules. She asked if a survey has been done at the High School of student planning to attend Merced College and whether they would use YARTS. She stated she was surprised that new requests were not presented, as she feels there are unmet transit needs. Chair Reilly advised of the recommendation made last year by the Social Services Transportation Committee and the One-Stop Advisory Committee for a survey to obtain more information on how to best meet the overall transit needs and how to get more information out on the transit services that are available. She noted that the contract was recently approved for that survey, and surveys were sent to residents last week.

The public portion of the hearing was closed and the Commission commenced with deliberations. Commissioner Parker commented on the transit brochures being available at the Visitor's Center, and he asked whether it would be reasonable to have them available on the buses, including the Merced transit buses for connections and schedules. Commissioner Pickard commented on funding needs for the system. Commissioner Stewart commented on the current ad campaigns to increase ridership. (M)Parker, (S)Stewart, LTC Res. 02-5 was adopted finding there are no new unmet transit needs. Mr. Dumas suggested that the word "new" not be used to avoid the interpretation that there are old unmet transit needs that need to be met. The motion was amended, agreeable, with maker and second, to delete the word "new"/Ayes: Unanimous.

B) Adopt a Resolution Allocating State Transit Assistance (STA) Funds for the 2001-2002 Fiscal Year

**COMMISSION ACTION:** Following discussion, (M)Stewart, (S)Parker, LTC Res. 02-6 was adopted/Ayes: Unanimous.

**11:01 a.m.** The Board reconvened and continued with the following Public Works items:

B) Authorize an Increase of \$1,400 to the Current Personal Services Agreement with Fred Solomon for the Remainder of the Fiscal Year; Authorize a New Personal Services Agreement with Fred Solomon to Commence on July 1, 2002 for Additional Pre-Construction Services for the Compost Facility Project, at a Monthly Rate of \$1,200 Subject to Review and Approval by County Counsel

**BOARD ACTION:** Discussion was held with Jim Petropulos. (M)Pickard, (S)Parker, Res. 02-208 was adopted/Ayes: Unanimous. Supervisor Parker thanked Fred for continuing to provide his services to the County.

C) Approve the Budget Action Transferring Funds Within the Facilities Budget for Household Expenses (\$8,100)

**BOARD ACTION:** (M)Parker, (S)Pickard, Res. 02-209 was adopted/Ayes: Unanimous.

D) Approve the Contract with Valley Oil for Sales and Services for Aviation Fuel at the Mariposa-Yosemite Airport (Public Works)

**BOARD ACTION:** Following discussion, (M)Balmain, (S)Reilly, Res. 02-210 was adopted/Ayes: Unanimous.

E) Authorize the Public Works Director to Sign the Program Supplement for all Regional Transportation Improvement Program Projects (Public Works)

**BOARD ACTION:** Following discussion, (M)Parker, (S)Pickard, Res. 02-211 was adopted/Ayes: Unanimous.

Supervisor Pickard initiated discussion relative to the two off-agenda items that he advised of earlier this date.

Discussion was held relative to the letter concerning the proposed State budget issues. (M)Pickard, (S)Reilly, Res. 02-212 was adopted approving the letter, with copies to be sent to our legislators, members of the Joint Budget Conference Committee and others as requested/Ayes: Unanimous.

Discussion was held relative to the draft letter opposing SB 910. (M)Reilly, (S)Pickard, Res. 02-213 was adopted opposing SB 910, which requires a local government's General Plan to be dictated by a state agency with no voter accountability, with direction for the draft letter to be condensed/Ayes: Unanimous.

Supervisor Pickard provided an update on the status of SB 1521, the statewide modeling ordinance.

**11:21 a.m.** CLOSED SESSION: Public Employee Performance Evaluation; Planning Director (County Counsel/Interim Personnel Director)

**BOARD ACTION:** (M)Reilly, (S)Pickard, closed session to be held at 1:15 p.m. with the Planning Director to be present/Ayes: Unanimous.

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

**1:19 p.m.** The Board convened in closed session with Supervisor Parker excused for the afternoon.

**2:48 p.m.** Recess

**3:08 p.m.** Art Baggett, State Water Resources Control Board Chair; Discussion Relative to the Statewide Water Supply and Demand Issues

**BOARD ACTION:** Discussion was held with Art Baggett. Art reviewed the history of the State Water Resources Control Board and the staffing and budget, including the programs and grants. He advised of their review of issues pertaining to water rights and water quality. He clarified that they do not regulate percolating ground water. He also noted that he does not feel that proposed legislation to regulate septic standards on a statewide basis will impact the County as we currently meet the proposed standards. Discussion was held relative to major water projects in the State and water issues.

Input from the public was provided by the following:

Sue Overstreet stated she was interested in the discussion and is a member of the Upper Merced River Watershed District.

Mark Rowney, MPUD General Manager, asked about the threshold for trash in the Los Angeles River.

Art Baggett advised of the professional staff hired by the District, and he noted the importance of professional staff and a County Administrative Officer for the County.

**4:05 p.m.** Chairman Stewart advised that direction was given to staff earlier this date as a result of the closed session.

**CONSENT AGENDA**

- CA-1 Approve the Budget Action Transferring Funds Within the Facilities Budget to Allow for the Additional Extra Help and Over-Time Expense for the Remainder of the Fiscal Year (\$11,000) (Public Works); Res. 02-199
- CA-2 Approve the Budget Action Transferring Funds Within the Agriculture Commission Budget to Replace the Temporary Bookcases with Permanent Bookcases for Safety Issues (Agriculture Commission); Res. 02-200
- CA-3 Authorize (1) the Human Services Director on Behalf of the Mental Health, Alcohol and Drug Unit, to Accept \$35,666 in Revenue from the State Alcohol and Drug Program’s SAPT Block Grant; (2) the Human Services Director on Behalf of Mental Health to Accept and Expend \$95,340 in Revenue from the State Mental Health EPSDT Allocation; and (3) Approve the Budget Action Accepting the Unanticipated Revenue (\$95,340) (4/5<sup>th</sup>’s Vote Required) (Human Services); Res. 02-201
- CA-4 Approve the Budget Action Transferring Funds Within the Planning Department Budget to Cover Extra Advisory Committee Meetings and the General Planning Fairs ( \$1,750) (Planning); Res. 02-202
- CA-5 Authorize the Chair to Sign an Order of the Board to Reject Claim No. CO2-7 in the Amount of \$466.48 (County Counsel); Res. 02-203
- CA-6 Adopt a Resolution Accepting \$50,000 Funding Through the Office of Criminal Justice Planning for the Mariposa County District Attorney Statutory Rape Vertical Prosecution 2002-2003 Grant (District Attorney); Res. 02-204
- CA-7 Proclaim the Yosemite Valley Elementary Students as the Official Ambassadors to Represent the County of Mariposa at the Historic Opening of Loch Lomond and the Trossachs National Park in Scotland (Supervisor Reilly)
- CA-8 Accept the Resignation of Barbara Kerns from the Mariposa County Commission on Aging (Supervisor Parker)

**4:05 p.m.** Adjournment in memory of Everett “Bud” Bronson and Marlin Walker.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA June 18, 2002



#### Time      Description

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

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

- Jacque Meriam, Librarian, presented a photograph display of the Friends of the Red Cloud Library working on their expanded facilities. She advised of a retirement party planned for this Saturday for Ellen Fiske to recognize her for her services to the library. She also advised that the donated crystal was on display.

- Supervisor Pickard initiated discussion regarding an off-agenda request relative to sending a letter to the Governor concerning the funding allocation for the Community Action Agency. (M)Pickard, (S)Balmain, 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. Supervisor Pickard advised that Agencies in the rural areas and small municipalities in the State have not had an increase in their core anti-poverty funding for 21 years, even though CSBG funds have increased by almost 90%, and the language in the State Budget Trailer Bill will provide for an increase. Cheryle Rutherford-Kelly, Human Services Director, provided input relative to the request. (M)Pickard, (S)Balmain, Res. 02-214 was adopted approving sending a letter to the Governor as requested/Ayes: Unanimous.

-Supervisor Balmain advised of an off-agenda request to recognize Ellen Fiske upon her service to the Red Cloud Library at a retirement event planned for this weekend. (M)Balmain, (S)Pickard, Board waived rules requiring 72 hours agenda noticing to consider this request, finding it was not known about at the time the agenda was prepared and it is a matter of timeliness/Ayes: Unanimous. (M)Balmain, (S)Reilly, Res. 02-215 was adopted recognizing Ellen Fiske/Ayes: Unanimous.

Board Information – None.

Kathy Delaney, Mariposa Youth Council;

Presentation of the Results of a Survey of Young People Recently Conducted on Youth Involvement in the Community

**BOARD ACTION:** Kathy Delaney introduced the following Mariposa Youth Council members who gave the survey presentation: Sarah Sanchez, Amy Gunderson, Ali Palisca and Alicia Sebastian. Steve DeLouiz provided the technical support for the power point presentation. The members advised of the program in Tulare City, which gives youth an opportunity to serve on governmental and community boards and commissions. They also suggested that the County have a representative on their Council. They commented on the recent transportation survey that was mailed to residents and suggested ways the youth could have been involved in providing responses. Discussion was held. Chairman Stewart presented each of the youth with a County pin in appreciation of their presentation.

Chairman Stewart called for a moment of silence in memory of the crew of the air tanker that crashed fighting the Cannon Fire and to remember all of the fire fighting personnel.

**9:38 a.m.** Recess

**9:51 a.m.** Approval of Minutes 06-04-02 Regular Meeting

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Parker pulled item 1. (M)Pickard, (S)Reilly, balance of items were approved/Ayes: Unanimous. Discussion was held with Jim Petropulos/Public Works Director, and Howard Davies/Assistant Sheriff, relative to item 1 and the status of the animal shelter project and the vault project. (M)Parker, (S)Reilly, Res. 02-218 was adopted transferring \$14,500 from General Fund Contingency/Ayes: Unanimous.

**10:02 a.m.** Jim Petropulos, Public Works Director;

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)

**BOARD ACTION:** Dana Hertfelder, Assistant Public Works Director, requested that this matter be continued to July 9, 2002, due to environmental concerns that are being reviewed. Supervisor Balmain asked about the timeframes for the project. Supervisor Reilly asked staff to review whether every aspect of the project is consistent with the Master Plan for the Airport since there is a statement in the Negative Declaration that this project is covered under the Master Plan. Matter was continued to July 9, 2002, at 2:00 p.m.

B) Adopt a Negative Declaration Based on No Significant Impacts Found from the Initial Study and Approve the Purchase of Lights from Musco for the Catheys Valley Ball Field Lighting Project (PW 02-12) (\$40,262) (Continued from 05-28-02)

**BOARD ACTION:** Discussion was held with Dana Hertfelder, Assistant Public Works Director. Supervisor Reilly asked whether the conditions for the hours of use and type of lights warranted a Negative Declaration or a mitigated Negative Declaration. There was no public input. (M)Parker, (S)Pickard, Res. 02-219 was adopted adopting a Negative Declaration/Ayes: Unanimous.

C) Adopt a Negative Declaration Based on No Significant Impacts Found from the Initial Study and Approve the Purchase of Lights from Musco for the Woodland Ball Field Lighting Project (PW 02-13) (\$53,378.32) (Continued from 05-28-02)

**BOARD ACTION:** Discussion was held with Dana Hertfelder, Assistant Public Works Director. There was no public input. (M)Parker, (S)Pickard, Res. 02-220 was adopted/Ayes: Unanimous.

D) 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 05-28-02)

**BOARD ACTION:** Discussion was held with Dana Hertfelder, Assistant Public Works Director, and he requested that this matter be continued to July 9, 2002, due to environmental concerns that are being reviewed. Discussion was held relative to taking comments on this project at this time.

Input from the public was provided by the following:

Eleanor Keuning stated she is not opposed to the skate park project, and she stated she is speaking as an individual and is not representing any group. She expressed concern with the location of the skate park in relation to the amphitheater project, and she stated she does not feel that they are compatible uses. She feels the skate park belongs with the sports complex. She stated she does not feel there is sufficient parking at the Mariposa Park for both activities if they are holding events at the same time.

Gordon Dulcich stated he is opposed to the location of the skate park; however, he is not against the project. He noted it is an amazing sport that defies gravity. He stated the proposed location is next to his residence and he feels there are other alternative locations. He expressed concern with increased trespass problems as his property is the shortest route and the stairway

behind the Best Western is not maintained. He also commented on the Mariposa Creek project and the pedestrian bridge and impacts that project has had on his residence, and he questioned the environmental process for that project. He expressed concern with noise impacts, fire hazards, and supervision. He also commented on his family's history with his property. Supervisor Parker requested that he provide the Board with a copy of his statements, and he agreed to do so.

Sue Overstreet stated she has been involved in this project from the beginning, and she stated she supports Public Works and noted their hard work in trying to please the community in creating this project. She stated she appreciates the neighboring property owner's concerns, and she urged the Board to move ahead with the project.

Kathy Delaney stated she has also been involved in this project from the beginning. She asked why the swimming pool has not been a problem with noise as it is closer to the amphitheater. She stated she respects the concerns of the adjoining property owner; however, she advised of 532 signatures that were collected on a petition in 1998 supporting this project. She commented on their fundraising efforts and referred to the earlier presentation by the Mariposa Youth Council requesting that this project move forward.

Jeanette Uebner stated her children are grown; however, she would like to see a place for the youth to be able to skate. She stated she has contributed funds to this project and will contribute more when she sees the project moving forward.

Guy Spurlin stated he has been involved with the project for four years, and specifically with the design work with Roger Stephens, Engineer. He commented on the frustration of spending so much time designing the project for the proposed site and now hearing that there could be consideration of another site.

Paul Chapman stated he does not feel the proposed site is the best location. He stated he feels it should be placed with the sports complex.

Amy Gunderson stated she feels there is no place in town where everyone will be completely happy with a location. She urged the Board to move forward with the project.

Discussion was held relative to the input that was provided concerning the proposed location. Supervisor Stewart suggested that this matter be referred to the Planning Commission to review the issues that have been raised in relation to the Park location, parking, noise, location in relation to the amphitheater and the swimming pool, and whether this location would alter the planned use of the area. Supervisor Reilly noted that the matter was being continued for review of environmental concerns, and she stated she feels the issues of noise and incompatibility need to be addressed. She also commented on her frustration in trying to get projects finished, and noted that she started working on this project before she became a Board member. Supervisor Parker commented on projects, such as this, that are started by private efforts and become County projects and programs.

The matter was continued to July 9, 2002, at 2:00 p.m.

E) Approve the Agreement Between the Lions Club and the Public Works Department to do Volunteer Work on the Woodland Ball Field Lighting Project (PW 02-13) and for the Catheys Valley Ball Field Lighting Project (PW 02-12)

**BOARD ACTION:** Following discussion with Dana Hertfelder, Assistant Public Works Director, (M)Parker, (S)Pickard, Res. 02-221 was adopted/Ayes: Unanimous.

F) Authorize the Public Works Director to Remove Assessor's Parcel Number 017-610-024 and 017-610-025 from the Yosemite Views Estates Zone of Benefit (Z92-08) and Direct the County Auditor to Refund Payments with Appropriate Interest Made by These Parcels to Zone of Benefit for Maintenance of Wilbur's Way

**BOARD ACTION:** Following discussion with Dana Hertfelder, Assistant Public Works Director, (M)Pickard, (S)Parker, Res. 02-222 was adopted/Ayes: Unanimous.

G) Approve Plans and Specifications and Authorize the Public Works Director to Advertise,



Award and Execute a Contract with the Lowest Responsible Bidder for the Asphalt Placement on Silver Bar Road (PW 00-23), Clouds Rest (PW 00-25), Harris Cutoff and Harris Road (PW 00-26), Jerseydale Road (PW 00-28) and East Westfall Road (PW 99-06)

**BOARD ACTION:** (M)Pickard, (S)Parker, Res. 02-223 was adopted/Ayes: Unanimous.

Jeff Green, County Counsel;

Waive First Reading and Introduce Ordinance Creating Chapter 16.36 Entitled “Indemnification Agreements” to the County Code

**BOARD ACTION:** Discussion was held with Jeff Green, County Counsel, relative to this matter. He advised that the recommended action would involve a judgment call as to when to require the agreement; however, it would not apply to most applications. Motion by Pickard to introduce the ordinance, died for lack of a second. Further discussion was held. Supervisor Parker asked if a threshold could be included in the Ordinance as to when it would apply. (M)Parker, (S)Pickard, to introduce the ordinance, with the inclusion of a threshold, was withdrawn by maker following further discussion relative to defining “threshold.” Matter to be further considered on July 9th.

Approve the Fiscal Year 2001-2002 Adjusted Budget as Mariposa County’s Operating Budget and Extending Contracting Authority Granted to Department Heads by Resolution No. 01-260 from July 1, 2002, Until Adoption of the Fiscal Year 2002-2003 Final Budget (Administration)

**BOARD ACTION:** (M)Parker, (S)Pickard, Res. 02-224 was adopted/Ayes: Unanimous.

**11:24 a.m. LOCAL TRANSPORTATION COMMISSION**

Jim Petropulos, Public Works Director;

Adopt the 2002-03 Transportation Planning Overall Work Program and Authorize the Executive Director to Sign the Overall Work Program Agreement with CalTrans

**COMMISSION ACTION:** Discussion was held with Jim Petropulos and Amy Roberts/PWD-Transportation Planner. Commissioner Reilly asked about the integration of community planning in the Work Plan. (M)Pickard, (S)Stewart, LTC Res. 02-7 was adopted, with direction for language to be added relative to the integration of community planning/Ayes: Unanimous.

**11:31 a.m. CLOSED SESSION:** Public Employee Performance Evaluation: Director of Tourism and Economic Development (County Counsel/Interim Personnel Director)

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

**12:49 p.m.** The Board reconvened in open session. Chairman Stewart announced that direction was given to staff as a result of the closed session.

**CONSENT AGENDA**

- CA-1 Approve the Budget Action Transferring Funds for the Animal Shelter Project in the Amount of \$14,500 to Cover Balance of Expenses for this Project (Public Works); Res. 02-218 with funds transferred from General Fund Contingency
- CA-2 Approve the Budget Action Transferring Funds in the Sheriff’s Jail Budget to Cover Overtime Expenses (\$3,465) and Transferring Funds in Sheriff’s Budget from Fixed Assets (\$1,550) (Sheriff); Res. 02-216
- CA-3 Adopt a Resolution Recognizing Kary Weaver on Her Service to the Mariposa County Resource Conservation District (Supervisor Pickard); Res. 02-217

**12:50 p.m.** Adjournment in memory of Ruth Womack, Steve Wass, Johnny Clark and Carol Adamcik.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA June 25, 2002



Time      Description

**9:10 a.m.** Meeting Called to Order

Pledge of Allegiance  
Introductions

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

-Supervisor Pickard said that he had an off agenda item to present. Chairman Stewart asked that the item be held and discussed later.

Board Information

-Supervisor Pickard attended the Regional Council of Rural Counties meeting and provided an update on the status of Rule 28 Funding. PG&E is desiring to change the criteria and to do away with the program all together. Mariposa has utilized this funding for undergrounding of the power lines around the downtown area. The Regional Council of Rural Counties has petitioned to intervene and to have this program restored to its original form including restoring the criteria of esthetic value as an acceptable reason for the funding.

Also discussed was the pending PUC ruling which if approved would increase the baseline rate for those that have wells and would keep electric costs down. If approved this would go into effect as of July, 2003.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Parker asked that Item 4 be pulled for discussion. Chairman Stewart announced that Item 9 was being pulled by the Planning Director and Supervisor Reilly asked to comment on Item 10. (M)Parker, (S)Pickard, all of the items, except Item 4 and Item 9 were approved/Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain.

Consent Agenda Item 4: Supervisor Parker had a question to the Board regarding the time restriction since the reason for this request is due to the coordinator being in San Jose for the Stayner trial and there is no way to anticipate the duration of the trial. Janet Bibby from the District Attorney's office addressed the subject and stated that the reason for the request was a combination of Victim/Witness having the funding for the position and coverage during the duration of the trial. County Counsel Jeff Green suggested that the December 31, 2002 date be removed from the item. (M)Parker, (S)Reilly, Res. 02-227 was adopted authorizing the Mariposa County District Attorney's Victim/Witness Program Advocate to remain 100% fulltime based on available funding. Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain.

Consent Agenda Item 10: Supervisor Reilly suggested that the library hours be brought before the Board only as information items in the future as she is confident of the County Librarian's decisions. (M)Reilly, (S)Parker, Res. 02-246 was adopted authorizing the library hours be brought before the Board only as informational as long as it remains within the approved budget. Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain.

Ken Hawkins, Auditor;

A) Authorize the Auditor to Request the State of California to Continue to Advance Payment for the Sund-Pelosso Homicide Prosecution Costs for the Fiscal Year 2002-03 in the Monthly Amount of \$278,818

**BOARD ACTION:** Ken Hawkins reported that this was the third year the County has made this request and as of June 24, 2002, the State said the funding was available. Ken stated that these funds go into a trust and then are drawn on as needed. (M)Parker, (S)Pickard, Res. 02-235 was adopted/Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain.

B) Notification of Increase in Compensation of Superior Court Judges During the Fiscal Year 2001-02 and Effect on Board of Supervisors' Salaries

**BOARD ACTION:** Ken Hawkins informed the Board that the Superior Court Judges' compensation was increased 2.4% or \$136,224, effective July 1, 2002. The Board of Supervisor's salary is equal to 25 percent of the Mariposa County Superior Court Judge's salary. There is no action required on this item.

C) Authorize the Auditor to Establish a Separate Internal Service Fund for Fire Department Vehicles

**BOARD ACTION:** Ken Hawkins reported that the staff of the Fire department and his department have worked together to reconcile the Fire department's assets in order to hold them separate and present a clearer picture for the budget process. (M)Parker, (S)Pickard, Res. 02-236 was adopted/Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain. Supervisor Reilly asked that Ken relay to his staff that their work was greatly appreciated.

**9:35 a.m.** Dr. Mosher, Health Officer;

**PUBLIC HEARING:** Adopt a Fee Schedule for Businesses Regulated under the Certified Unified Program Agency (CUPA) Program

**BOARD ACTION:**

Dr. Mosher introduced Dave Conway, Environmental Health Specialist and Larry Matz from the State of California Environmental Protection Agency to answer any questions or concerns.

The public portion of the hearing was opened There was no public input. The public portion of the hearing was closed. (M)Reilly, (S)Pickard to adopt Fee Schedule B and to have staff return in one year to provide the Board with an update on the effectiveness of the program and the fee structure. Discussion followed with the Supervisors expressing their displeasure at having to pass along these State mandated fees to businesses. Supervisor Reilly acknowledged Supervisor Pickard's hard work to minimize these costs to the businesses. Res. 02-225 was adopted/Ayes: Reilly, Parker, Stewart, Pickard; Excused: Balmain.

Blaine Shultz, Fire Chief;

(A) Approve the Budget Action to Transfer Funds from Special Department Expense to Safety Clothing, Volunteer Firefighters and Unanticipated Increase in the CDF Dispatch Contract (\$13,100); (B) Approve Budget Action Transferring Funds to Fund 702 to Assist in Actual Accounting for Capital Items on Fire Equipment (\$37,219)

**BOARD ACTION:** Following discussion with Fire Chief Blaine Shultz, (M)Pickard, (S)Reilly, Res. 02-238 was adopted/Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain.

Supervisors Patti Reilly and Robert Stewart;

Discussion and Possible Action Regarding Salary Adjustments for Elected Department Heads (Excluding the Board of Supervisors) and Authorize the Auditor to Make Necessary Budget Adjustments if Applicable

**BOARD ACTION:** Chairman Stewart reported that Supervisor Reilly and he were assigned as the committee to review the elected department heads salary adjustments. The recommendation of the committee is to give elected department heads the same increase as employees, a three percent adjustment and the County Auditor to receive a \$6,000 adjustment. The Tax Collector's adjustment

would be effective as of January 1, 2003. (M)Parker, (S)Reilly, Res. 02-237 was adopted accepting the committee's recommendation/Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain.

**9:55 a.m.** Howard Davies, Assistant Sheriff appearing on behalf of Pelk Richards, Sheriff; Approve Budget Change Sheet Placing \$20,000 in the FY 2002-03 Recommended Budget for Sandy's Fund (Spay/Neuter Program) and Authorize Use of \$5,000 Prior to Adoption of Final Budget

**BOARD ACTION:** Following discussion with Assistant Sheriff Davies, (M)Reilly, (S)Parker, Res. 02-239 was adopted authorizing the reduction of the General Fund Contingency for the full \$20,000 and transfer to the Sandy's Fund Trust Fund/Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain.

Cheryle Rutherford-Kelly, Human Services Director;

A) Authorize the Continuation of a Contract for FY 2002-03 Between the County of Mariposa and the California Mental Health Directors Association (CMHDA), with Administrative Services Organization (ASO) Which Activates Medi-Cal Counseling for Foster Children Placed Out of County

**BOARD ACTION:** (M)Pickard, (S)Reilly, Res. 02-240 was adopted/Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain. Supervisor Stewart advised that there were laws before the State legislature right now which may require certain subject matters to be taught by foster parents. He is concerned that these requirements may reduce the number of people willing to be foster parents. Cheryle said she would look into this and report back to the Board on the subject.

B) Authorize the Human Service Director to Continue Contracting with Betty Massey, LCSW for Six Months, Starting July 1, 2002 With the Option to Extend the Contract Until CWS/CPS Unit is Fully Staffed

**BOARD ACTION:** (M)Reilly, (S)Pickard, Res. 02-241 was adopted/Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain.

C) Authorize the Human Service Director to Enter into a Personal Service Agreement with Cathy Rohrbaugh to Provide Learning Disabled Evaluations for Individuals in the CalWORKS Program and Authorize the Chair to Sign the Agreement

**BOARD ACTION:** (M)Reilly, (S)Pickard, Res. 02-242 was adopted/Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain.

Supervisors Stewart and Parker, Space Needs Committee;

Approval of \$10,000 in Additional Funding for the Fiscal Year 2002-03 Grand Jury Budget for the Rental of Private Office Space, Necessary Office Equipment, and Utilities; Authorize the Chair to Execute a Lease Agreement for Office Space Upon Approval by County Counsel; and Authorize the Purchase of Necessary Office Equipment

**BOARD ACTION:** (M)Reilly, (S)Parker, Res. 02-243 was adopted/Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain.

Authorize the Public Works Director to Enter into an Agreement with a Qualified Consultant to Conduct a Facilities Needs Assessment Study for County Offices; Approve the Budget Action Reducing the Contingency by \$10,000 for a Space Needs Assessment Study (4/5<sup>th</sup>'s Vote Required) (Supervisors Stewart and Parker, Space Needs Committee)

**BOARD ACTION:** Janet Bibby from the District Attorney's office advised the Board of the District Attorney's interest in the Rock House and the former Kingsview office space. If in fact a consultant is to be brought in, the District Attorney would like to stay local to the courthouse and would also like to bring the records that are currently housed in a storage facility more local. County Counsel Jeff Green informed all that the departments would be contacted directly by the consultant to assess their needs. Supervisor Reilly said that she would like to see this item deferred to a later date. She felt that the Space Needs Committee had done a good job but she felt that hiring

a consultant at this point would be premature as there were long term questions that the Board was not in a position to answer yet. She noted that with the General Plan there were still issues in the air and questions regarding which programs the State was going to continue to fund. Supervisor Parker said the intention was to identify the funding for the consultant and move it into the Capitol Improvement Project Fund and not to move forward with the consultant until the Board was ready. Supervisor Pickard agreed with Supervisor Reilly and felt this item should be brought back at budget time as there was not enough support for the 4/5<sup>th</sup>'s vote required. Chairman Stewart agreed that it needs to come back at budget time. Supervisor Reilly also noted that it would be useful to have a County Administrative Officer to guide this effort.

Authorize the Chair to Sign a Letter Addressed to the State of California that the Child Support Attorney Position is Exempt from Merit System Services (County Counsel)

**BOARD ACTION:** (M)Parker, (S)Pickard, Res. 02-244 was adopted/Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain.

Approve the Proposed Class Specification of Senior Development Services Technician, Set the Salary at Range 166 (\$2,160 - \$2,626), Allocate it to the Building Department Effective July 1, 2002, and Assign the New Class to SEIU (Personnel)

**BOARD ACTION:** Following discussion with Interim Personnel Director, Jeff Green, (M)Parker, (S)Pickard, Res. 02-245 was adopted/Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain.

**10:40 a.m.** Recess

**10:50 a.m.** The Board reconvened and Chairman Stewart called on Supervisor Pickard to address the off agenda item that was referred to earlier in the morning. Supervisor Pickard advised of a bill AB1130 that was amended last Wednesday after the Board meeting. This bill would establish a Sierra Nevada Conservancy including Mariposa County. The bill is expected to move out of committee today and into appropriations. RCRC took a position of opposed unless amended. Supervisor Pickard informed the Board that there were amendments being discussed today and the nature of the amendments are currently not known so his recommendation would be to take a position the same as RCRC, opposed unless amended. (M)Parker, (S)Pickard to waive the rules requiring 72 hours agenda noticing to consider the request based upon the time constraint and the fact that there is no meeting on July 2, 2002. Supervisor Reilly commented that the Board was being asked to take action on something they were unclear of and asked to move the question. Ayes: Parker, Stewart, Pickard; Noes: Reilly; Excused: Balmain. County Counsel requested a recess so that he could review the Brown Act to advise as to whether they could discuss and take action on an off agenda item with only a 3/5<sup>th</sup>'s vote. County Counsel felt that the 3/5<sup>th</sup>'s vote was sufficient to waive the rules. Supervisor Parker suggested they adjourn into closed session and give County Counsel the opportunity to review the Brown Act.

**11:05 a.m. CLOSED SESSION:** Public Employee Performance Evaluation: Public Works Director (County Counsel/Interim Personnel Director) and **CLOSED SESSION:** Public Employee Performance Evaluation: Director of Tourism and Economic Development (Continued from 06-18-02) (County Counsel/Interim Personnel Director)

**BOARD ACTION:** (M)Parker, (S)Pickard, to recess into closed session/Ayes: Parker, Reilly, Stewart, Pickard; Excused: Balmain.

**12:30 p.m.** Recess

**12:45 p.m.** Board reconvened in open session. Chairman Stewart announced that direction was given to staff as a result of the closed sessions.

Chairman Stewart continued with the off agenda item since the vote was taken to waive the rules. Supervisor Pickard noted that he had received a fax with the proposed amendments during the

break. Supervisor Pickard said that he is opposed to this bill AB1130 and would recommend a letter signed by the Chair opposing this bill. Supervisor Parker noted that there has not been any public discussions regarding the conservancy issue and he felt that the Board needed to receive feedback from its constituents. Discussion followed. County Counsel Jeff Green clarified that because it is an off agenda item, according to the Brown Act it would require 4 votes to take any action at all. There was consensus among the Board members that this was not the time to take action and that more information was needed. Supervisor Parker asked that Supervisor Pickard keep the Board informed and bring the item back on the next available agenda.

### **CONSENT AGENDA**

- CA-1 Authorize the Budget Action Transferring Funds to Cover Unanticipated Expenses in Professional Services and Other Equipment (\$46,795) (Human Services); Res. 02-228
- CA-2 Authorize the Budget Action Transferring Funds from CalWORKSs Cash Aid to Cover Anticipated Year End In Home Supportive Services Expenditures (\$35,000) (Human Services); Res. 02-229
- CA-3 (1) Authorize the Human Services' Director to Receive Additional Federal Funding for the Independent Living Skills/Emancipated Youth Stipends Programs; (2) Authorize the Auditor to Accept the Money; and (3) Authorize the Funds to be Spent on Computers and Other Services for Youths Participating in These Programs (\$13,300) (4/5<sup>th</sup>'s Vote Required) (Human Services); Res. 02-230
- CA-4 Authorize the Mariposa County District Attorney's Victim/Witness Program Advocate to Remain 100 Percent Full-Time Until December 31, 2002. On January 1, 2003, the Advocate Position Will Revert Back to an 80 Percent Permanent Part-Time Position (District Attorney); Res. 02-227
- CA-5 Approve the Budget Action Transferring Funds Within the District Attorney's Sund-Pelosso Budget for the Purchase of a Canon Elmo Visualized Rd-350 for Presentations During Court Proceedings (\$1,544) (District Attorney); Res. 02-226
- CA-6 Authorize the Chair to Execute a Lease Agreement Amendment Between the Mariposa Golden Ageds, Inc. and Mariposa County for the Purpose of Leasing the Senior Center Building Located on Spriggs Lane (County Counsel); Res. 02-231
- CA-7 Approve the Budget Action Transferring Funds Within the Board of Supervisors' Budget Unit (\$800) (Board); Res. 02-232
- CA-8 Approve the Budget Action Transferring Funds Within the Planning Budget Unit for General Plan Expenses (\$1,550) (Planning); Res. 02-233
- CA-9 Approve the Budget Action Transferring Funds From the Silver Tip Trust Fund to the Planning Budget Unit for EIR Consultant Fees (\$5,963) (4/5's Vote Required) (Planning); Item pulled by Planning Director.
- CA-10 Approve the Change of Hours of Operation for the El Portal Library (Library); Res. 02-234 and Res. 02-246

**1:04 p.m.** Adjournment of the Board of Supervisors in memory of Virginia Clark Connor, Leola Parsons, and Ken Peterson, Kern County Supervisor.

Respectfully submitted,

MARGIE WILLIAMS,  
Clerk of the Board

By: Patricia Moretti,  
Deputy Clerk of the Board