



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA October 14, 2003



Time Description

9:14 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance
Introductions

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

- Yvonne Bennett provided input relative to Consent Agenda item 1, and she stated she disagrees with the recommendation for the County to compensate the Forest Service for the removal of the trees. She advised of efforts to obtain documentation on this matter, and she referred to a 1980 road maintenance agreement with the Forest Service. She requested that the Board provide detailed information for the public relative to this matter.
- Dick Kunstman provided input relative to Consent Agenda item 1 and the Board's previous action to not pay for the trees that were cut, and he referred to the Forest Service regulations.
- Kathy Delaney, Prevention Specialist with Alcohol and Other Services, advised that she was present for the proclamation of "Red Ribbon Week."

Consent Agenda item 9 – (M)Bibby, (S)Stetson, Res. 03-351 was adopted proclaiming "Red Ribbon Week" and was presented to Kathy Delaney, representing the Committee, and Jim Allen, Sheriff/Ayes: Unanimous.

Board Information

- Supervisor Stetson advised of a planning committee meeting scheduled for this evening in El Portal.
- Supervisor Pickard advised of the Yosemite/Sequoia Resource Conservation and Development fall conference he attended at Lake Arrowhead. He commented on the tour of the San Bernardino National Forest and problems with the trees dying as a result of the draught. He advised that tourism and agri-tourism was the topic of a keynote speaker. He also showed a plaque that was presented to the Yosemite/Sequoia RC&D for outstanding performance by the California Resource Conservation and Development Association of Councils. He further advised that he was elected as Vice-President of the Governing Board to the State RC&D Association. He advised that he attended the farewell party for Jim Boynton/Forest Supervisor, in Fresno on Saturday; and he presented him with a *Mariposa County Courthouse* book.

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

BOARD ACTION: Supervisor Bibby pulled items 1, 2, 11 and 14. Action was taken on item 9 earlier. (M)Stetson, (S)Bibby, the balance of the items were approved/Ayes: Unanimous.

- **Consent Agenda item 2** - Supervisor Bibby requested that a report be given on the status of the recruitment for the County Counsel position. Rich Inman, County Administrative Officer, advised that at this time there are two qualified applicants, and he has scheduled an executive session with the Board on October 21st to discuss how to proceed. (M)Bibby, (S)Stetson, item 2 was approved/Ayes: Unanimous.
- **Consent Agenda item 1** – Supervisor Balmain provided input relative to the work that was done along Smith Station Road, and he advised that local citizens picked up the trimmings for fire wood. Rich Inman, County Administrative Officer, advised of a meeting held with the Forest Service – he advised that it was understood that the current agreement is outdated and they will work on an update. Discussion was held. Supervisor Bibby asked about the agreements that have been referenced; and she asked about the policy Public Works uses when cutting trees – whether

the wood is left in a safe place for the public to pick it up, and how it is cut, etc. Supervisor Balmain noted that one citizen was cited for picking up the wood in question, and the case was dismissed by the Magistrate. They have discussed how to handle this type of situation in the future with the Forest Service.

Input from the public was provided by the following:

- Dick Kunstman noted that the Forest Service requires permits for collecting fire wood, and he asked what is done with the slash which constitutes a fuel hazard. He also noted that the Board made a previous decision to not pay the Forest Service; and he is not aware of any authorization given for negotiations to be held with the Forest Service on this matter.

- Yvonne Bennett presented photographs of the area before the trees were cut.

(M)Balmain, (S)Parker, Res. 03-359 was adopted approving the recommendation to pay \$437.36 to the United States Department of Agriculture. Supervisor Balmain advised that the intent of the motion is to solve a problem and not to create a problem. Supervisor Parker clarified that the authorization to make payment is contingent upon review of the matter by County Counsel. Ayes: Unanimous.

- **Consent Agenda item 14** – Supervisor Bibby initiated discussion and advised of the Board’s previous action to authorize an accumulation of vacation time for the employee to 360 hours. She expressed concern as to whether the vacation time was accumulated during the homicide trial; and she requested that the matter be reviewed to determine whether it is appropriate that the payment come from the Sund-Pelosso Fund. She also stated that she feels the employee needs to be able to take vacation time. Rich Inman advised of his discussion with the District Attorney on this matter.

- Bob Brown, District Attorney, provided input relative to the request, and he advised that his office, particularly this employee, continued to work on the homicide project until June, 2003 by preparing the files to turn over to the Attorney General. He advised that he would be willing to evaluate whether all of the requested payment should come from the Sund-Pelosso account, or whether a portion should come from his budget. He also took this opportunity to publicly thank Kim Fletcher/Deputy District Attorney, for her work on the homicide case.

Following discussion, (M)Parker, (S)Stetson, item 14 was approved/Ayes: Stetson, Balmain, Parker, Pickard; Noes: Bibby.

- **Consent Agenda item 11** – Supervisor Bibby initiated discussion relative to the amount requested for the monitors.

- Becky Crafts, Assessor/Supervising Appraiser, provided input relative to the request and of discussions with the Technical Services Director, and she advised that the requested monitors are ergonomically correct.

Following discussion, (M)Bibby, (S)Balmain, item 11 was approved. Chairman Pickard requested that more information be included in these types of requests in the future and that the requests include a recommendation from Technical Services. Ayes: Balmain, Bibby, Parker, Pickard; Noes: Stetson.

Approval of Minutes 8-26-03, Regular Meeting;
Approval of Minutes 9-2-03, Regular Meeting;
Approval of Minutes 9-9-03, Regular Meeting;
Approval of Minutes 9-16-03, Regular Meeting; and
Approval of Minutes 9-23-03, Regular Meeting

BOARD ACTION: Supervisor Balmain referred to the minutes for August 26th relative to Dick Kunstman’s comments on the Sierra Nevada Forest Plan and the closure of the North Fork plant which generated energy from biomass. He stated the co-gen plant provided electricity for the sawmill plant and an excess for the citizens; and the reason the plant could not continue to operate is because it was using the by-product from the sawmill; and the sawmill went out of business because the raw resource was dried up by the environmental movement. Supervisor Bibby referred to the minutes for September 9th relative to public presentations on the late buses for the schools. She clarified that the only action the Board was being asked to look at was the away bus and late bus funding; that there was no specific request regarding regular bus runs. Chairman Pickard noted that the Clerk advised of grammatical corrections to the minutes. The minutes for 8-26-03, 9-2-03, 9-9-03, 9-16-03, and 9-23-03, were approved.

10:34 a.m. Recess

10:52 a.m. John Davis, Building Director;

A) Presentation Relative to the Questys Document Imaging System; Approve a Document Imaging System that will Provide an Important Link Between Existing Data in the HTE System and Existing Historical Documents; Authorize an Office Assistant I/II Position to Implement the Process of Scanning, Filing, and Retrieval Research Requests for the Department; and Approve Budget Action Reducing the Building Fund Contingency to Fund the Imaging System and a New Position (\$75,546) (4/5ths Vote Required)

BOARD ACTION: John Davis reviewed their need for a document imaging system; and he introduced Charlene Webber/Vice-President of Sales and Marketing for Decision Management Company (DMC), Inc.-Questys; and he advised that Eileen Collins of the Building Department was present. Charlene Webber gave information on the background of their company and reviewed the Questys Document Imaging System. Discussion was held with John Davis relative to the request to fund a position, and whether the position would be necessary to maintain the system once all of the old records are entered. Supervisor Parker stated he would like to see the position used for implementing the system in other departments. (M)Stetson, (S)Bibby, Res. 03-362 was adopted approving the recommended actions for a position and document imaging system and related budget actions. Supervisor Bibby clarified that the action does not include designating the position at this time to assist other departments, which will be revisited in the future. Charlene noted that there is a local vendor that could provide document imaging service. Ayes: Unanimous.

B) Authorize the Purchase of a Four-Wheel Drive Pick-Up for the Building Department and Approve Budget Action Reducing the Building Fund Contingency for the Purchase and Operating Expenses of the Vehicle (\$32,043) (4/5ths Vote Required)

BOARD ACTION: Following discussion, (M)Balmain, (S)Stetson, Res. 03-363 was adopted. Chairman Pickard noted that the budget action includes fuel and maintenance costs, as well as the vehicle purchase cost. Ayes: Unanimous.

Jeff Green, County Counsel;

A) Waive First Reading and Introduce an Ordinance Increasing the Transaction and Use Tax by One-Quarter of One Percent for the Benefit of the Mariposa County Unified School District for a Period Not to Exceed Four Years and Placing the Ordinance Before the Electorate of Mariposa County

BOARD ACTION: Discussion was held with Jeff Green. Supervisor Stetson asked about the wording in the Ordinance relative to using the funds for augmentation of revenues of the School District. Patrick Holland, Superintendent of Schools, clarified that the funding would only be used for purchase of school buses, pursuant to their existing bus replacement schedule, if the voters adopt the tax increase. Supervisor Stetson asked about the wording in the term of the Ordinance that would require a two thirds vote of the electorate to extend the tax, and whether pending legislation that would change the two thirds vote requirement would impact this requirement in the future. It was agreed to clarify the language in the Ordinance to reflect the use of the funding for the purchase of school buses and to delete the two thirds vote requirement wording for future extension(s). (State law requirements would need to be met for the percentage of vote to adopt an extension of the tax.) Discussion was held relative as to whether there would be any costs associated with placing this on the ballot. Discussion was held relative to the percentage that the sales tax is capped at.

Input was provided by the following:

- Julia Richard commented on the Board's previous actions and consideration to fund the late bus and sports bus programs for the School, and she noted that the School just received funding from the State for transportation costs, and now the District is making a request for a sales tax increase. She asked about the status of transportation for the children in the outlying areas that still do not have home-to-school transportation during the regular transportation runs. She asked the Board to not adopt this Ordinance.

Discussion was held. Chairman Pickard clarified that the Board has not taken action to fund the late buses, just the sports bus program; and he commented on the transportation funding the District receives from the State. (M)Parker, (S)Bibby, the first reading was waived and the Ordinance was introduced with the changes discussed; direction was given that any costs associated with placing this matter on the ballot will be paid by the School District; and direction was given for information to be brought back with the second reading and adoption of the

ordinance relative to the cap on sales tax/Ayes: Unanimous. Jeff Green clarified that the adoption of the tax increase will require a two thirds vote.

B) Waive First Reading and Introduce an Ordinance Amending County Code Chapters 2.12, to Reflect the Current Job Description of the County Counsel Position; 2.92, to Reflect the Current Job Description of the County Administrative Officer Position; 8.16, to Reflect the Current Definitions and Requirements for Controlled Burns; and 8.52, to Reflect the Current Definitions and Requirements for Operation of Ambulance Services and for the Local Emergency Services (EMS) Agency

BOARD ACTION: Discussion was held with Jeff Green, and suggestions were made to clarify the section relative to notice of intent to conduct a controlled burn.

Input from the public was provided by the following:

- Lyle Turpin asked about receiving a complete document relative to control burns.

Supervisor Balmain requested that the information be provided, as well as the burn policy information that was submitted to the Board by the Health Department previously.

(M)Stetson, (S)Parker, first reading was waived and the Ordinance was introduced with the suggested changes/Ayes: Unanimous.

C) Adopt a Resolution Authorizing the Chairman to Sign an Agreement Between County of Mariposa and David and Kay Mickel and Richard Radanovich Enterprises for Owners to Improve the County Right-of-Way on Jessie Street to the Same Standards of Sidewalks, Curbs, and Gutters as the County is Constructing on Highway 140 and 10th Street

BOARD ACTION: Discussion was held with Jeff Green. Don Starchman, Starchman Law Offices, stated he was representing the applicants, and they agree with the agreement. Discussion was held relative to the timeframe for completing the project. Don Starchman stated they agree to construct the improvements, at the latest, at the time the 10th and Highway 140 improvements are constructed. Jim Petropulos, Public Works Director, provided input relative to the status of the sidewalk improvement project, and he advised that they plan to start the project next week.

(M)Parker, (S)Stetson, Res. 03-364 was adopted, with the change relative to timeframes for the project/Ayes: Unanimous.

Jim Allen, Sheriff;

Approve a Reorganization of the Sheriff's Office Effective November 10, 2003, Eliminating the Two Assistant Sheriff Allocations and Adding One Undersheriff in its Place; Eliminating the Patrol Lieutenant Position and Adding a Captain Allocation in its Place; Adding a Second Captain Position; Approve the Job Descriptions for Undersheriff and Captain Positions; and Approve Budget Action Transferring Funds within the Sheriff's Budget and Reducing Revenue (\$77,647) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Sheriff Allen. (M)Parker, (S)Balmain, Res. 03-365 was adopted. Supervisor Bibby advised that she has a family member employed by the Sheriff's Department, and she does not have a conflict in this matter based on her consultation with County Counsel. Further discussion was held relative to the request and the status of the Sandy Fund for the spay/neuter program. Ayes: Unanimous.

Approve Budget Action in the Sheriff's Budget Unit, Reducing Revenue and Corresponding Appropriations (\$426,575) and Unallocate Two Deputy Sheriff Positions (County Administrative Officer)

BOARD ACTION: Discussion was held with Jim Allen, Sheriff. Sheriff Allen noted that special events impact his overtime budget and he commended the salaried staff for their effort in these matters. Supervisors Pickard and Parker requested that the Sandy Fund be separated from the budget issues and brought back for further consideration. (M)Parker, (S)Stetson, Res. 03-366 was adopted approving the budget actions, with direction for the Sandy Fund to be brought back/Ayes: Unanimous.

Jim Petropulos, Public Works Director;

A) Authorize Public Works to Purchase Two Lay-Mor Sweepmaster Motorized Street Sweepers for an Amount Not to Exceed \$78,121 from the California State Bid List

BOARD ACTION: Discussion was held and the matter was continued to after the following recess.

12:30 p.m. Recess

12:38 p.m. (M)Parker, (S)Stetson, Res. 03-367 was adopted approving the purchase of the street sweepers/Ayes: Unanimous.

B) Approve Budget Action Transferring Funds from the General Contingency into the Facilities Division's Fixed Assets Account to Cover the Costs Incurred for the Emergency Purchase and Installation of Two New Heating/Ventilation/Air Conditioning Units (HVAC) for Catheys Valley McCay Hall (\$7,588) (4/5ths Vote Required)

BOARD ACTION: Discussion was held. Supervisor Bibby asked about the status of the repairs at the time the budget was considered for this year. (M)Bibby, (S)Stetson, Res. 03-368 was adopted/Ayes: Unanimous.

Authorize the County Administrative Officer to Settle Liability and Workers' Compensation Claims Against the County up to a Maximum of \$10,000 (County Administrative Officer)

BOARD ACTION: (M)Parker, (S)Stetson, Res. 03-369 was adopted/Ayes: Unanimous.

Adopt a Resolution Authorizing Richard H. Inman, County Administrative Officer, to Sign on Behalf of the County of Mariposa all Rural Utilities Services (RUS) Documents, Security Instruments, and Any Other Required Documents to Properly Close or Secure the RUS Financing (County Counsel); and

Adopt a Resolution Authorizing the Chairman to Sign a Legal Services Agreement with David Oster, Esq. of Jones Hall as Bond Counsel, as Required by the United States Department of Agriculture (USDA), for Partial Payment of the Loan for the Co-Composting Project (County Counsel)

BOARD ACTION: Following discussion, (M)Stetson, (S)Balmain, Res. 03-370 was adopted authorizing the County Administrative Officer to sign RUS documents as recommended; and Res. 03-371 was adopted authorizing the Chairman to sign the Legal Services Agreement as recommended/Ayes: Unanimous.

Discussion and Possible Action Relative to Canceling the Board's Regularly Scheduled Meeting for Wednesday, November 12, 2003, as Tuesday, November 11th is a Holiday in Observance of Veterans Day (Clerk of the Board)

BOARD ACTION: (M)Balmain, (S)Bibby, Res. 03-372 was adopted canceling the meeting for November 12th/Ayes: Unanimous.

Waive Second Reading and Adopt an Ordinance Approving General Plan Amendment #2002-527, a Proposal to Change the General Plan Land Use Designation on APN 015-280-010 (a 21.22 Acre Parcel Located Approximately 1/8 of a Mile from the Intersection of Chowchilla Mountain Road and Highway 49 S.) from Mountain General to Mountain Home (Planning Director)

BOARD ACTION: (M)Bibby, (S)Stetson, the second reading was waived and Ordinance No. 995 was adopted/Ayes: Stetson, Balmain, Bibby, Pickard; Abstained: Parker.

Reappoint Mark Gallagher and Mary Kay Kirn and Appoint a Board Member to the Independent Hearing Panel for the Local Enforcement Agency (Health Officer)

BOARD ACTION: Discussion was held. (M)Balmain, (S)Parker, the reappointments were approved and Supervisor Bibby was selected as the Board member. The motion was amended, agreeable with the maker and second, to include the selection of Supervisor Balmain as an alternate Board member on the Hearing Panel/Ayes: Unanimous.

1:54 p.m. Lunch

2:10 p.m. Eric Toll, Planning Director;

A) Board Action Relative to the Certification of the Environmental Impact Report (EIR) and Deliberations and Final Action on the SilverTip Resort Village Planned Development: Specific

Plan Amendment (SPA) 99-1; Zoning Amendment (ZA) 99-1; Conditional Use Permit (CUP) 267; Planned Development Permit (PD) 99-1; and Land Division Application (LDA) 1511

BOARD ACTION: Eric Toll presented a letter that was received from CalTrans at the end of the day on Friday relative to issues on the design of the Highway 41 interchange for the project. He recommended that this matter be continued to November 4th to allow time for staff to review the impacts of this information. Attorney Bill Abbott, special counsel, provided input relative to CalTrans' review of the project and impacts. Discussion was held and it was noted that the new information has a different design approach – versus fixing an existing road, the information calls for designing a new road to current CalTrans requirements. Attorney Abbott advised that the continuance is being requested to allow staff time to meet with CalTrans, County and project engineers and the environmental consultant. Supervisor Pickard clarified that the continuance will allow staff time to determine whether the environmental document covers the CalTrans' requirements for improvements. The matter was continued to November 4, 2003, at 2:00 p.m.

2:21 p.m. Recess

2:32 p.m. B) Adopt Resolutions Affirming Composition, Areas of Responsibility, and Mission; and Rescinding Prior Planning Advisory Committee Resolutions of the Catheys Valley, El Portal, Midpines, and Yosemite West Planning Advisory Committees; and Adopt a Resolution Establishing the Greeley Hill Planning Advisory Committee

BOARD ACTION: Eric Toll advised that Supervisor Bibby requested that the resolution for Catheys Valley be withdrawn. Discussion was held. The Board concurred with deleting reference to the draft General Plan in the resolutions. Discussion was held relative to using the existing maps for the boundaries versus the maps proposed in the General Plan Update, and relative to consideration of using an area map for committee membership and a different map for the geographic boundary. It was clarified that the number of members for the Greeley Hill Planning Advisory Committee is nine.

Input was provided by the following:

- Don Starchman referred to the original resolution establishing the Catheys Valley Planning Advisory Committee and the use of sphere of influence. He stated he feels the Greeley Hill Advisory Committee could be set up the same way – some members would come from the town planning area and others from the community area. He also noted that in his conversation with Planning Commissioner Leroy Radanovich, there was no recollection of the Planning Commission taking any action on the maps.

Discussion was held relative to the use of community plan and town plan. (M)Balmain, (S)Parker, direction was given to staff to make the changes, as discussed, in the resolution for the Greeley Hill Planning Advisory Committee, and the matter was continued to October 21, 2003/Ayes: Unanimous.

(M)Stetson, (S)Parker, direction was given to staff to make the changes, as discussed, in the resolution for the Midpines Planning Advisory Committee, and the matter was continued to October 21, 2003. Discussion was held relative to the use of the Fire District boundary as the boundary for the town planning area. Ayes: Unanimous.

(M)Stetson, (S)Parker, direction was given to staff to make the changes, as discussed, in the resolution for the El Portal Planning Advisory Committee, and the matter was continued to October 21, 2003. Ayes: Unanimous.

(M)Stetson, (S)Parker, direction was given to staff to make the changes, as discussed, in the resolution for the Yosemite West Planning Advisory Committee, and the matter was continued to October 21, 2003. Ayes: Unanimous.

Eric Toll advised that staff would like to work through the Introduction and Settings chapters of the General Plan Update at the workshop on October 21st; and he advised that information has been received from the State on the organizational structure of General Plans that he will present. Supervisor Bibby requested that information be presented in advance to allow for an opportunity to read the material.

3:17 p.m. CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Administrative Officer);

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel); and
CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (County Counsel)

BOARD ACTION: (M)Bibby, (S)Stetson, the closed sessions were held/Ayes: Unanimous.

4:05 p.m. The Board reconvened in open session and Chairman Pickard announced that direction was given to staff as a result of the closed session matters.

INFORMATION - No action was necessary on the following:

- A) Information Hearing Schedule (Clerk of the Board)
- B) Winter Hours for the El Portal, Bassett Memorial Library at Wawona, and Red Cloud Library Branches (Librarian)

CONSENT AGENDA:

- CA-1 Authorize the Payment of \$437.36 to the United States Department of Agriculture for Timber Removed from National Forest Land along Smith Station Road (County Administrative Officer); Res. 03-359
- CA-2 Approve Extra Help Employment Agreement with Jeff Green for Part-Time County Counsel Services and Approve Budget Action Transferring Funds within the County Counsel Budget from County Counsel to Extra-Help (\$10,000) (County Administrative Officer); Res. 03-358
- CA-3 Appoint Mary Ann Visher to Fill a Vacancy on the Parks and Recreation Commission (Supervisor Bibby)
- CA-4 Approve Certificate of Appreciation for Der and Lavona Greeley for their Service to the County (Supervisor Balmain)
- CA-5 Waive Second Reading and Adopt an Ordinance Amending Section 2.104.050 of Chapter 2.104 of the County Code, so that the Language is Consistent with the Language Contained in the California Children and Families First Act (County Counsel); Ord. 494
- CA-6 Approve a Continuing Contract with the California State Department of Mental Health for the Mariposa County Human Services Department to Provide Specialty Mental Health Services for Mariposa County Medi-Cal Beneficiaries During Fiscal Year 2003-04 (Human Services Director); Res. 03-352
- CA-7 Approve a Continuing Contract with the California State Department of Mental Health for the Mariposa County Human Services Department to Provide Mental Health Services for Mariposa County for Fiscal Year 2003-04 (Human Services Director); Res. 03-353
- CA-8 Authorize the Human Services Department to Submit an Application for a \$5,000 Proposition 10 Mini-Grant for Specialized Training of Mariposa Counseling Center Therapists to Work with Children 0-5 Years of Age and Their Families (Human Services Director); Res. 03-354
- CA-9 Adopt a Resolution Proclaiming October 22nd through 31st, 2003 as “Red Ribbon Week” (Human Services Director); Res. 03-351
- CA-10 Authorize the County Librarian to Accept the Target Stores 2003 Community Giving Program Grant and Approve Budget Action Increasing Revenue and Appropriations in

the Library Budget in the Amount of \$1,200 to be Used for the Young Adult Program (4/5ths Vote Required) (Librarian); Res. 03-355

- CA-11 Approve Budget Action Transferring Funds within the Recorder's Budget to Computer Equipment from Modernization Funds to Purchase Two Flat Screen Monitors for Recording (\$2,992) (4/5ths Vote Required) (Assessor/Recorder); Res. 03-361
- CA-12 Approve Budget Action Transferring Funds within the Health Department's Budget from Senior Office Assistant to Extra Help to Cover a Vacant Senior Office Assistant Position (\$8,400) (Health Officer); Res. 03-356
- CA-13 Approve Budget Action Transferring Funds within the Public Works Budget from Fixed Assets to Professional Services to Cover Biological Reconnaissance, Mitigation and Change in Vendor (\$17,000) (Planning Director); Res. 03-357
- CA-14 Authorize the District Attorney to Pay the Accumulated Vacation Time of 62 hours, to a Deputy District Attorney Incurred During the Sund-Pelosso Investigation and Subsequent Trial and Approve Budget Action Transferring Funds within the Sund-Pelosso Budget from Special Department Expense to Deputy DA and Benefits (\$2,050) (District Attorney); Res. 03-360

4:06 p.m. Adjournment in memory of Louise C. Hill, Barbara Ann Thompson, Lucille Elliott, Bill Donahue, Harry M. Schoch, David Myron Spaulding, Louise A. Cook, June H. Manly, and James Linhares.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA October 21, 2003



Time Description

9:08 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance
Introductions

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

- Pam Waylan, SEIU Local 250, advised that she and home health care workers were present this morning because they had anticipated that the In-Home Supportive Services ordinance would be on the agenda. After notification to their members, they were notified that the matter was not scheduled. However, they are here today to meet the Board and urge the Board to move forward on this important item as soon as possible.

Board Information

- Supervisor Pickard advised that he plans to attend the County Medical Services Program (CMSP) meeting in Sacramento on Thursday.
- Supervisor Balmain advised that he plans to attend the San Joaquin Valley Regional Association of California Counties conference this week.

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

Supervisors Bibby and Parker pulled item 1, and advised that no action is needed at this time.

Supervisor Bibby pulled item 4 for discussion. (M)Bibby, (S)Stetson, the balance of the items were approved/Ayes: Unanimous. Following discussion, (M)Balmain, (S)Bibby, item 4 was approved/Ayes: Unanimous.

Rich Inman, County Administrative Officer;

Introduction of Susan Crain for Update of Sesquicentennial Celebration Events

BOARD ACTION: Rich Inman noted that the Board previously took action to sponsor the Sesquicentennial celebration and that a committee was formed. He also advised that he executed a Personal Services Agreement with Susan Crain to provide services for the event and related events. Susan Crain advised that the first event is planned for January 24, 2004, and she reviewed the schedule of events being planned for the year. Supervisor Bibby requested that the Highway Patrol and Sheriff's Department be kept informed of the events for planning law enforcement coverage; and that County Counsel be kept informed for reviewing contracts and for insurance purposes. Board members requested that Susan provide periodic updates.

Jacque Meriam, Librarian;

Authorize the County Librarian to Close the Mariposa Main Library Friday, November 14, 2003 and Saturday, November 15, 2003 in Order to Bring the New Circulation System Online, Check in all Items, Return Items to the Shelves, Enter New Patron Library Card Applications, Catalog New Books, and Allow Staff to Practice Using the New Circulation System

BOARD ACTION: Discussion was held. Supervisor Bibby requested that the closures be advertised in the papers and that notices be sent to the schools. (M)Stetson, (S)Bibby, Res. 03-382 was adopted approving the request/Ayes: Unanimous.

9:42 a.m. Recess

10:21 a.m. Eric Toll, Planning Director;

A) Approve Resolutions Amending the Charters for the El Portal, Midpines, and Yosemite West Planning Advisory Committees; and Adopt a Resolution Chartering the Greeley Hill Planning Advisory Committee (Continued from 10-14-03)

BOARD ACTION: Discussion was held with Eric Toll, and he advised that the Greeley Hill citizens brought in a revised map on Friday. Supervisor Balmain stated he would like to see the revised map used for the boundaries. (M)Balmain, (S)Stetson, Res. 03-383 was adopted for the El Portal Planning Advisory Committee; Res. 03-384 was adopted for the Midpines Planning Advisory Committee; Res. 03-385 was adopted for the Yosemite West Planning Advisory Committee; and Res. 03-386 was adopted for the Greeley Hill Planning Advisory Committee, with the change in the map for the planning area.

Input from the public was provided by the following:

- Yvonne Bennett asked if Coulterville was advised of the change for Greeley Hill and what the response was.

Ayes: Unanimous.

B) Appoint Tom Duetsch, Jennifer Housler, Shirley Kendrick and Margaret Wilcox to the Greeley Hill Planning Advisory Committee to a Term that Expires February 28, 2005. Appoint Gary Balmain, Lee Eddy, Rob Jensen, Norm Ross, and Sharon Tucker to the Greeley Hill Planning Advisory Committee to a Term that Expires February 28, 2006

BOARD ACTION: (M)Balmain, (S)Stetson, the appointments were approved as recommend/Ayes: Unanimous.

10:29 a.m. Recess

10:33 a.m. C) Board Workshop on Introduction and Setting of the General Plan Update

BOARD ACTION: Eric Toll advised that the plan is to review the Introduction and the Mariposa County Setting portions of the Update at this workshop. Chairman Pickard advised that the public would be allowed an opportunity to provide input at the end of each section. Eric Toll advised that the deadline for adopting the Housing Element is the end of the year.

The Board reviewed the following sections of the **Introduction**:

1.1 The General Plan's Purpose – Supervisor Balmain questioned whether this information needs to be included in the document. Discussion was held. The Board concurred with keeping the Introduction in the Update.

1.2 General Plan Consistency – No changes were made.

1.3 Relation to Other Land Use Laws – No changes were made.

1.4 The General Plan and the Rights and Responsibilities of Holding Property –

Don Starchman stated he feels the Board should be careful with this section, especially relative to property rights. He feels this could be placing a neighbor's rights above your own. He noted that there are references throughout the document relative to property rights and feels the whole document needs to be considered. He stated he is not pushing for development; however, he feels the Board needs to be careful relative to the type of development that can occur as it goes through the document.

Dick Kunstman stated he agrees with Don Starchman relative to being careful and fully cognizant of property rights. But he also stated he feels it is important that we do not prescribe rights to property owners without responsibility for other people's rights and values.

Gene Mickel asked about the difference between "holding" property versus "ownership."

Eric stated the wording could be changed to just use "own" and the Board concurred. Discussion was held relative to getting copies of the Updates with consistent formatting for each of the Board members for review. Eric advised that he would print each section to be reviewed in advance.

Bob Rudzik stated the paragraph numbers are consistent throughout the document. Eric stated he could add line numbers when he reprints the document.

1.5 Elements of the General Plan –

Don Starchman referred to area plans, and he stated he feels the Board needs to keep an open mind; and that there needs to be a fair amount of discussion as to where we want to go with the town planning areas.

Ken Melton commented on the growth of the planning areas over the years. He stated he feels that by making the area so large, you have a committee making decisions for the land and perhaps it should be covered by the General Plan/zoning documents.

Dick Kunstman stated he agrees with Don Starchman and Ken Melton. He stated he does not see how this is relevant to this section.

Yvonne Bennett asked how subdivisions in town plans work. She thought the town plan was to plan for commercial area and the town center, and not subdivisions and ranches.

Supervisor Parker stated he feels the Board should keep the boundaries in mind, and he feels the Board should make decisions on the mandatory elements so they drive the General Plan. Then the Board could consider the optional elements and determine whether to make them a part of the General Plan or place them in another supporting document. Discussion was held relative to the process. Supervisor Balmain clarified that the citizens in Greeley Hill requested the change in the map for the town planning area for a general region to draw membership from, and not to down-zone parcels. Eric advised that he would add a footnote on area planning that Wawona is a separate document. He noted that as a part of the process, changes will be made throughout the document, and he could just highlight sections that the Board will come back to – the Board concurred.

Ken Melton commented on area plans and stated he does not feel that the down-zone can be controlled by a huge area. He also clarified that he has never proposed that the optional elements be trashed. He feels they should be reviewed the same as the mandatory elements; however, he feels the mandatory elements should be in place first, and then the optional elements.

Dick Kunstman asked whether schools or education should be included in an optional element. Chairman Pickard advised that because the schools are regulated by a separate set of codes, there was collaboration in drafting the document.

1.6 History of General Planning in Mariposa –

Ken Melton stated he feels the history should be in the County Setting portion. He also stated that he feels that when this is adopted as an ordinance, just the regulatory section should be included and not this section. Eric clarified that this is adopted by a resolution as policy and not by ordinance.

1.7 Structure of the General Plan – Supervisor Bibby stated she feels the annotation No. 1-1: Change in Language, needs to be clarified. Eric advised that language needs to be drafted for this section and the annotation removed, and he highlighted the section.

Dick Kunstman asked when specific plans refer to projects and whether town plans can be amended after adoption. Chairman Pickard advised that specific plans are adopted by ordinance. Eric advised that relative to town plans/community plans/special plans, any person could apply and there is a process through the Planning Commission and the Board.

1.8 General Plan Terminology – No changes were made.

1.9 Organization – Rich Inman, County Administrative Officer, commented on the implementation action for each policy and goal. He stated he is not sure that measurement standards are statutorily required or should be included in the General Plan. He cited economic development as an example with implementation plans. Eric advised that this section was written when there was no director for economic development and the County Administrative Officer position was vacant. Supervisor Stetson suggested that when these elements are being discussed, that the goals and policies be reviewed first and then the implementation. Rich again questioned whether each goal and policy should have an implementation plan. Eric advised that the flexibility is with the extent of the implementation that the Board wants to commit to.

Don Starchman commented on the use of “may” and “shall” and stated he feels “may” should be used in some areas as funding will not be known and future actions of the Board cannot be controlled. He cited the future arts center as an example. He referred to the use of “may” and “shall” in the previous Housing Element document that he worked on. He stated there are some good goals, but questioned whether we can afford them. He stated he feels the fiscal analysis should be reviewed by the Auditor and the County Administrative Officer before that element is included.

Susan Crain, speaking as an individual, noted that the implementation measures were included because the County Administrative Officer and Economic Development Director positions were vacant at the time, and the Commission felt that it was important to include because we do not have a strategic plan. It would be okay with her to place the implementation measures in a strategic plan.

Supervisor Parker stated he feels it okay to reference things in the Update, but feels the remaining information should be placed in another document. If the items are placed in this document, it will

create an expectation and be more difficult to remove or change. He stated he does not see removing and changing things in the document on an annual review. Supervisor Pickard stated he feels the Board could make these decisions as it goes through the document.

Susan Crain, speaking as an individual, reiterated her support for placing the implementation measures in a strategic plan versus the General Plan.

Chairman Pickard advised that the Board would begin review of the chapter on The Mariposa County Setting at 2:00 p.m.

Ken Melton asked where the goals are in this document.

The workshop was continued to after lunch.

12:01 p.m. Lunch

2:13 p.m. Eric Toll, Planning Director;
General Plan Workshop, Continued from Morning Session

BOARD ACTION: Chairman Pickard advised that the section of the Update being reviewed was reprinted so that the formatting would be the same for everyone. Eric Toll presented a chart that was just received from the State which lists the statutorily required content and the elements for the preparation of general plans. Supervisor Parker asked the Board to consider placing the optional elements under a master plan/strategic plan document. Discussion was held relative to this option and whether the optional elements would be mandatory to implement. Supervisor Pickard stated he feels consideration could be given to combining economic development and tourism into one element, and that further discussion could be held when the Board gets to that point in the document.

The Board reviewed the following sections of **The Mariposa County Setting**:

1.1 Introduction – Supervisor Balmain stated he feels the first sixteen pages of this chapter are a repeat of the Introduction chapter. Eric stated he feels this gives people a foundation when reading the General Plan of what the perspective was when the policies were first written. He agreed that the Native American and history of the County portions could go in the appendix or be condensed. He stated the Planning Commission used sections 1.1 through 1.7 to create a platform of where they were coming from and these tie to the guiding principles. He advised that some of the information like the population growth is required to be in the document. Discussion was held and the Board concurred with leaving the information in the document.

Ken Melton suggested that the necessary (required) information be placed in the previous chapter and that the rest of the information be placed in an addendum. That would eliminate one chapter.

Dick Kunstman commented on section 1.3 and stated he feels the population projections and acreage are misleading.

Eric advised that the population projection figures were developed by the Department of Finance. Supervisor Bibby suggested that a disclaimer be added to show that the projections are based on information received from the State. Eric stated that could be added and that the projections may vary depending on economic conditions, and the Board concurred. Supervisor Stetson advised of a typographical error on page 1-12: “carnage” should be “carriage”; and he advised that section 1.9.01 refers to two issues limiting the UC Merced growth impact, however, only one issue is cited.

1.2 Where we Are –

Bart Brown stated he feels the 45 minutes is optimistic to reach the destinations listed. No changes were made.

1.3 Who we Are – No changes were made.

1.4 Where we Live – No changes were made.

1.5 Why we Live, Work, and Play Here – No changes were made.

1.6 Our Place in the World: An International Destination – No changes were made.

1.7 Our Human and Natural Environment – No changes were made.

1.8 The Cultural Traditions and Written History of Mariposa County – Supervisor Bibby advised of inconsistency with the use of “weren’t” and “were” relative to Mariposa’s natives being affected.

Dick Kunstman stated he feels it would be more productive for everyone to make note of the spelling and grammatical errors and send them to the Planning Director.

1.9 Population Growth –

Dick Kunstman referred to his earlier comments relative to the calculations for population projections.

Chairman Pickard advised that the Board would continue with review of this section at the next workshop on October 28th, and work on Chapter 2.

Ken Melton asked whether the Board would consider having staff pull the important/mandatory portions out of the document and place the remaining portions in a separate addendum for the next meeting.

Don Starchman asked for clarification of what is planned to be reviewed at the next workshop; and he was advised that the plan is to finish Chapter 1 and work on Chapter 2. Don referred to the map prepared by Planning showing the zoning changes, and stated he would like to see a map that shows any changes to the Timber Preserve Zone. Eric advised that would involve hours of work until the GIS information is updated. Discussion was held. Don asked for clarification that no Williamson Act properties are being up-zoned. Supervisor Balmain clarified that notification would be given to property owners when discussions are scheduled for sections that involve consideration of zoning changes.

Supervisor Balmain advised of a typographical error on page 1-12, "burring" should be "burning." The workshop was continued to October 28, 2003.

3:10 p.m. Recess

3:29 p.m. Bob Pickard, Chair;

Presentation by Dale Wagerman, Strategic Local Government Services LLC, Relative to Current Legislation

BOARD ACTION: Dale Wagerman provided an update on the status of legislative issues and the State budget process. Discussion was held. Dale advised of his retirement and reviewed issues that his firm has worked on for the County, and he advised that Paul Yoder will take over. Paul reviewed State budget issues and projected shortfalls, and he advised that revenues are running ahead of projections. Discussion was held relative to the Vehicle License Fee (VLF) issue. Paul commented on the changes that are occurring in the leadership of the legislature. Supervisor Bibby asked about the California Department of Forestry and Fire Protection parcel fee and the agriculture pond fee, and discussion was held. She also asked about the status of auditing the courts for collections.

Bob Pickard, Chair;

Presentation of a Resolution to Dale Wagerman of Strategic Local Government Services LLC upon his Retirement, for Providing Legislative/Regulatory Services to Mariposa County

BOARD ACTION: (M)Parker, (S)Bibby, Res. 03-373 was adopted and presented to Dale Wagerman/Ayes: Unanimous.

Jeff Green, County Counsel, advised that as a result of complaints relative to odor problems at the landfill during the project to relocate waste, the project has been shut down temporarily and a meeting is scheduled for Wednesday to discuss mitigation steps.

4:01 p.m. CLOSED SESSION: Discussion and Provide Direction Relative to Interviews for the County Counsel Position (County Administrative Officer); and

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (Continued from 10-14-03) (County Administrative Officer)

BOARD ACTION: (M)Stetson, (S)Bibby, the closed sessions were held/Ayes: Unanimous.

4:25 p.m. The Board reconvened in open session and Chairman Pickard announced that direction was given to staff as a result of the closed session matters.

INFORMATION - No action was necessary on the following item:
Mental Health Board 2002-03 Annual Report (Human Services Director)

CONSENT AGENDA:

- CA-1 Accept the Resignation of Darlene Miles from the Mariposa Town Advisory Task Force (Supervisor Bibby and Supervisor Parker); No action was taken.
- CA-2 Accept the Resignation of Leroy Radanovich from the Planning Commission, Representing District IV (Supervisor Parker)
- CA-3 Adopt a Resolution Authorizing the Health Officer to Apply and Accept, if Awarded, a Mini-Grant from the County’s First Five Commission for the Printing of the Fifth Edition of “Resource Guide for Mothers, Their Children and Families” (Health Officer); Res. 03-374
- CA-4 Authorize the Chair to Sign a Personal Services Agreement (PSA) with Zephyr/cvbTV, LLC (cvbTV.com) in the Amount of \$32,000 for Development of the Mariposa County Visitors Bureau Website Pending County Counsel’s Final Approval (Technical Services Director); Res. 03-381
- CA-5 Authorize the Technical Services Director to Move the Existing Visitors Bureau Website Hosting from Sierra Tel Internet to Zephyr/cvbTV, LLC (cvbTV.com) (Technical Services Director); Res. 03-375
- CA-6 Approve Budget Action Transferring Funds within the Facilities Budget from Salary Savings in the Maintenance Foreman, Senior Maintenance Worker and Maintenance Worker I/II Positions to Cover Hours Accrued and Hours Needed for Extra Help Employees (\$19,300) (Public Works Director); Res. 03-376
- CA-7 Approve Budget Action Transferring Funds within the Yosemite West Maintenance District – Wastewater Division from Contingency to Utilities to Help Cover the Cost of Electricity Charges Billed Late by Pacific Gas & Electric (PG&E) (\$4,000) (4/5ths Vote Required) (Public Works Director); Res. 03-377
- CA-8 Authorize the Chair to Accept and Sign for a Volunteer Fire Assistance Grant Distributed through the California Department of Forestry (CDF) for the Federal Government and Approve Budget Action to Reflect the Amount of \$15,000 as Unanticipated Revenue. This Grant Requires a 50% Cost Share and Expenditures Currently Budgeted Meet that Requirement. (4/5ths Vote Required) (Fire Chief); Res. 03-378
- CA-9 Approve Budget Action to Accept \$39,915 as Unanticipated Revenue from Federal Emergency Management Agency (FEMA) through the National Firefighters Assistance Grant for Purchase of Three Slide-In Pump Assemblies for Patrol Vehicles in Catheys Valley, Fish Camp, and Ponderosa Basin. This Grant Requires a 10% Cost Share of \$4,434, which is Available in the Fire Equipment Fund. (4/5ths Vote Required) (Fire Chief); Res. 03-379
- CA-10 Authorize the Fire Chief to Accept and Sign for a Grant Funding Agreement for a Mobile Fire Safety Trailer with the Mariposa County Children and Family First Commission. No Match Required (\$63,678) (Fire Chief); Res. 03-380

4:25 p.m. Adjournment in memory of Marian Pierson and Sally Steed.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

October 28, 2003

Time Description

9:08 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance
Introductions

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

- Jim Allen, Sheriff, advised that a rabid dog was found in the area of Buckeye and Digger Pine Roads. He also advised that animal control is working to collect feral cats.
- Blaine Shultz, Fire Chief, updated the Board on the status of firefighters and equipment that have been sent to the fires in Southern California.
- Supervisor Balmain advised that he had a request from a citizen to continue the public presentations to 2:00 p.m. when the citizen can be present, and the Chairman continued the public presentation portion to 2:00 p.m.

Board Information

- Supervisor Balmain advised that he attended the San Joaquin Valley Regional Association of California Counties conference at Tenaya Lodge last week, and he advised of legislation that was discussed.
- Supervisor Stetson advised that he plans to attend the Gateway Conference in Yosemite on Wednesday. Supervisor Pickard stated he also plans to attend.

Dick Kunstman asked about Consent Agenda item 2 and what the changes are in the control burn portion of the County Code. Chairman Pickard, Jeff Green, County Counsel, and Blaine Shultz, Fire Chief, responded and advised that the changes reflect changes in State law.

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

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

Rick Peresan, Technical Services Director;

Authorize the Chair to Sign a Personal Services Agreement (PSA) with Titan Systems to Begin Work on the Mariposa Enterprise Geographic Information System (GIS) and Authorize the Technical Services Director to Issue a Purchase Order to Titan Systems in the Amount of \$29,090.32 to Complete Base Map Coordinate Changes

BOARD ACTION: Following discussion, (M)Balmain, (S)Bibby Res. 03-388 was adopted/Ayes: Unanimous.

Adopt a Resolution Authorizing the Assignment of County Vehicles as Take Home Vehicles (County Administrative Officer)

BOARD ACTION: Discussion was held with Rich Inman, County Administrative Officer. Supervisor Bibby asked for clarification relative to the recommendation for the vehicles assigned to the senior maintenance workers at Public Works. It was noted that the District Attorney wanted to discuss the recommendation for his department. (M)Parker, (S)Bibby, Res. 03-389 was adopted approving the recommendation, with the exception of the District Attorney and Public Works

departments. Discussion was held. Gail Neal, Chief Probation Officer, stated she was anxious for the action to be taken for the vehicles assigned to her department. Rich Inman suggested that Exhibit "A" be amended to exclude vehicles assigned to the Public Works and District Attorney departments, and the Board concurred. Ayes: Unanimous. Direction was given to staff to bring back the portion relative to Public Works and the District Attorney with additional information.

9:58 a.m. CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)
BOARD ACTION: (M)Stetson, (S)Bibby, the closed session was held following a short recess, with the Sheriff and Human Services Director to be present for a portion of the session/Ayes: Unanimous.

11:37 a.m. Lunch

1:06 p.m. The Board reconvened in closed session.

1:52 p.m. Recess

2:14 p.m. The Board reconvened in open session, and Chairman Pickard announced that direction was given to staff as a result of the closed session.

Continued public presentations:

- Lyle Turpin, rancher from Coulterville, stated he feels there needs to be fuel load information available for the different areas of the County for consideration of fire danger when development is proposed. He also commented on California Department of Forestry and Fire Protection's (CDF) parcel fees for providing fire protection; and he noted that the Department of Water Resources held a meeting in Sacramento on Monday and is proposing a fee for stock water ponds. He stated he objects to the stock water pond fee as CDF draws water out of these ponds for fire suppression. He noted that November 3rd is the deadline to comment on this matter.

Eric Toll, Planning Director;

A) Appoint Three Mariposa County Board of Supervisors Board Members as Commissioners to the Local Agency Formation Commission (LAFCo) and One as an Alternative

BOARD ACTION: Eric Toll advised that the terms of appointment are for four years and that successor Board members would fill any remaining term(s) for Board members that are appointed and do not remain as Board members for the four years. Following discussion, (M)Balmain, (S)Stetson, Supervisors Balmain, Parker and Pickard were appointed, with Supervisor Stetson as the alternate, to LAFCo/Ayes: Unanimous.

B) General Plan Workshop Relative to Continuing Chapter One, The Mariposa County Setting (Beginning with Section 1.9); Chapter Two, Issues of the General Plan; and Schedule Future Workshops. Staff is Seeking Board Direction on Changes to General Plan Content

BOARD ACTION: Eric Toll advised that he reprinted the portions of the General Plan Update that are being reviewed during this workshop so that everyone will have the same format.

The Board continued with review of the following section from October 21st - **The Mariposa County Setting:**

1.9 Population Growth – No changes were made.

1.9.01 Growth Influences on Mariposa County – Eric advised of a correction to Table 1-1 for the percentage of population change projected for Mariposa in 2020.

Don Starchman questioned the change in the percentage for the County being higher than the projected change for neighboring counties. Eric advised that the information was obtained from the Department of Finance and is based on a number of factors. He also noted that the percentage is higher because the base population is lower here.

Supervisor Stetson asked about the reference to “two” significant issues limiting the UC Merced growth impact, and he noted that only one issue is cited. Eric added the second issue relative to the acreage under Williamson Act contract.

Dick Kunstman questioned the validity of the Department of Finance projections. He stated he feels that people that own larger acreage will not divide and create the opportunity for the projected population increases.

Supervisor Parker asked about the affect the population projections will have on the Housing Element, and Eric responded.

Lyle Turpin commented relative to concentrated subdivisions.

Gene Mickel commented on the projected percentage of growth for the County for 2020.

Yvonne Bennett stated there is not an economic basis here for growth to occur, and she feels we will be a bedroom community.

1.9.02 Mariposa Growth Patterns – The Board concurred with changing the location of growth from the movement of employees and services out of Yosemite National Park from “eastern and central” to “throughout” Mariposa County.

Don Starchman asked about the sentence relative to Fresno and Madera’s projected growth, and the Board concurred with deleting the sentence.

Dick Kunstman commented on the calculations used for determining the percentage of growth.

1.9.03 Projections –

Don Starchman stated he feels the Board should highlight and come back to the use of the term “working landscape” for Williamson Act lands.

1.10 The Governance of Mariposa

1.10.01 Mariposa County Government – Supervisor Bibby noted that the titles of the County officials need to be updated to reflect current job titles. Supervisor Parker suggested that it be clear that the Chief Probation Officer is appointed by the Superior Court Judge versus the Board.

1.10.02 Planning Roles and Responsibilities in Mariposa County – Rich Inman, County Administrative Officer, expressed concern with the delegation of decision making authority to the Planning Commission and Planning staff. Eric advised that this section refers to authority delegated by Ordinance and that decisions are subject to appeal. The Board concurred with adding “planning” to clarify the responsibility being delegated. Supervisor Pickard commented on terminology that is being used for the first time in this document, and he referred to the reference to the Agriculture Advisory Committee. He suggested that this section be clarified to reflect that it is the Board’s desire to create the Agriculture Advisory Committee. Eric clarified that this Committee was created by a previous Ordinance, and advised that he plans to bring a resolution to the Board in three weeks to establish the membership on the Committee. Discussion was held, and the Board concurred that this should be flagged for further review.

1.10.03 Volunteerism in Mariposa County of Mariposa – The Board with correcting the title to read Volunteerism in the County of Mariposa.

Supervisor Bibby referred to the previous section for the Mariposa Public Utilities District (MPUD) and questioned the terminology used for depleting water rights for the Saxon Creek project. The Board concurred with deleting the sentence. Lyle Turpin stated he agreed with the deletion of the sentence. Ken Melton referred to the water rights discussions while he was a member of the Board for MPUD.

Supervisor Stetson referred to the previous section and questioned the use of the term “latent” powers to provide services for the Yosemite-Alpine Community Services District. Supervisor Balmain stated the County Service Area 1M (Lake Don Pedro) and Lake Don Pedro Sewer Zone sections need to be corrected relative to their jurisdictions. Eric advised that he will clarify these sections.

1.11 Mariposa County’s Government Partners – No changes were made.

1.11.01 Yosemite National Park – No changes were made.

1.11.02 United States Forest Service –

Dick Kunstman advised that the Mariposa-Minarets District is now called the Bass Lake District.

Lyle Turpin stated he feels the 100,000 acres between the two forests is conservative. Eric will review the acreage figure.

1.11.03 Bureau of Land Management – No changes were made.

1.11.04 Yosemite Area Regional Transportation System (YARTS) – No changes were made.

1.11.05 Resource Conservation District – Supervisor Stetson suggested that consideration be given to including information on how the District is guided, and the Board concurred. Discussion was held.

- Lyle Turpin provided input relative to the role that Jerry Progner has with the District.
- Gene Mickel suggested the wording reflect that the District is “served” versus “staffed” by a Soil Conservationist.

- Susan Crain agreed with the wording change.

- Gene Mickel referred to the previous section and asked about the YARTS service from Merced to Mammoth.

1.11.06 Merced Irrigation District – Supervisor Stetson suggested that a sentence be added to each of the irrigation districts indicating their operation under a board of directors. Discussion was held and the Board concurred with adding the following sentence: “The District has an independently elected board of directors.”

- Dick Kunstman questioned whether MID’s water rights to the Merced River should be indicated in this section.

1.11.07 Chowchilla Irrigation District – No changes were made.

1.11.08 Mariposa County Water Agency – Supervisor Balmain questioned the sentence relative to the County’s water rights, and the Board concurred with deleting the sentence.

- Ken Melton stated water rights are only available when you have a project.

- Dick Kunstman noted that there is a contract with Merced Irrigation District, and Chairman Pickard clarified that the contract is with the County versus the Water Agency.

1.11.09 Turlock Irrigation District – A sentence was added to reflect that the District has an independently elected board of directors.

1.12 Education in Mariposa County

1.12.01 Primary and Secondary Education – Supervisor Pickard asked that language be added to clarify the high school education for the Wawona students after elementary school, and the Board concurred..

1.12.02 Post Secondary Education – Supervisor Balmain advised of information shared by Larry Salinas, Director of Governmental Relations for UC Merced at the San Joaquin Valley Regional Association of California Counties’ fall conference relative to the progress of UC Merced.

- Don Starchman noted that there are off-site classes being held now, and the on-campus classes are now planned for 2005 versus 2004. The Board concurred with correcting this section to reflect the change.

- Dick Kunstman questioned the time estimates given for travel distances.

Supervisor Stetson referred to the previous section relative to home schooling and suggested that if there is only one home school organization in the County that perhaps it should be named. The Board concurred with deleting the last sentence and with changing the wording for this section to reflect that: “There are children throughout the County that are schooled at home under California regulations supporting home schooling.”

1.13 Mariposa County’s Regional Neighbors – Supervisor Stetson suggested that wording be added to reflect the Native American cultural ties that we share with Mono County. Supervisor Pickard suggested that consideration be given to adding the other agencies/joint powers authorities that the County participates in. Discussion was held relative to identifying each affiliation. The Board concurred with deleting the last sentence relative to sharing in the operation of YARTS with Mono County, and with not identifying each affiliation, but noting that the County works collaboratively with other counties. No changes were made in the rest of the chapter which lists neighboring counties.

Discussion was held relative to scheduling additional workshops to review the draft General Plan Update. The Board concurred with the following schedule:

- November 25, 2003 at 2:00 p.m. – workshop on the Housing Element
- December 2, 2003 at 11 a.m. and 2:00 p.m. – workshop to work through Chapters 2, 3 and 4; and complete review of the Housing Element, if necessary
- December 9, 2003 at 10:00 a.m. – Public hearing on the Housing Element
- December 9, 2003 at 2:00 p.m. – continue with workshop on Chapters 2, 3 and 4
- December 16, 2003 – available if additional time is needed to finish Chapters 2, 3 and 4

Supervisor Bibby requested that the Housing Element portion be distributed for review well in advance of the workshop.

CONSENT AGENDA:

- CA-1 Waive Second Reading and Adopt an Ordinance Increasing the Transaction and Use Tax by One-Quarter of One Percent for the Benefit of the Mariposa County Unified School District for a Period Not to Exceed Four Years and Placing the Ordinance Before the Electorate of Mariposa County (County Counsel); Ord. 996
- CA-2 Waive Second Reading and Adopt an Ordinance Amending County Code Chapters 2.12, to Reflect the Current Job Description of the County Counsel Position; 2.92, to Reflect the Current Job Description of the County Administrative Officer Position; 8.16, to Reflect the Current Definitions and Requirements for Controlled Burns; and 8.52, to Reflect the Current Definitions and Requirements for Operation of Ambulance Services and for the Local Emergency Services (EMS) Agency (County Counsel); Ord. 997
- CA-3 Authorize the County Librarian to Close the Mariposa County Library System Saturday, November 29, 2003 following the Thanksgiving Holiday and Friday and Saturday, December 26 and 27, 2003 following the Christmas Holiday (Librarian); Res. 03-387
- CA-4 Resolution Recognizing the Lions Club for Their Contributions with the Ballfield Lights (Supervisor Parker and Supervisor Pickard); Res. 03-383

3:52 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA November 4, 2003

Time Description

9:07 a.m. Meeting Called to Order at the Mariposa County Government Center

VFW Commander Larry Todd led in the Pledge of Allegiance

Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

- Chairman Pickard clarified that this is the time for the public to provide input on non-timed agenda items, including the Attention, Information and Consent Agenda items, and for items that are not on the agenda.
- Dick Kunstman asked if there will be an opportunity for public comment before the Board begins consideration of the 2:00 p.m. agenda item on the SilverTip Resort. Chairman Pickard advised that the Board is in deliberations on this matter and will not take public input as the public input portion has been closed.
- Dr. Mosher, Health Officer, provided an update on the domestic dog that was found with rabies. He advised that they have been working with the Sheriff's Department, and he thanked Assistant Sheriff Davies and staff, and he stated they have been collaborating with the State on this case. He advised of the number of people that came in contact with the dog and those that are receiving the vaccination. He also advised of the Sheriff's Department efforts to track animals that have been in contact with the dog. He stated they will use this as an opportunity to remind everyone of the vaccination law.
- Rich Inman, County Administrative Officer, advised that the United States flag that is on display in the Board Chambers is a replica of the flag for 1854, and it will be displayed throughout the Sesquicentennial celebration.

Bob Pickard, Board of Supervisors, Chair;

Presentation of a Resolution and Tile Plaque Recognizing Howard Davies upon his Retirement from Mariposa County Sheriff's Department

BOARD ACTION: (M)Balmain, (S)Bibby, Res. 03-390 was adopted and presented to Assistant Sheriff Davies, along with a tile plaque/Ayes: Unanimous. Assistant Sheriff Brian Muller, on behalf of Sheriff Allen, presented Howard with his retirement badge and wallet and thanked him for his 35-years of service in law enforcement.

Bob Pickard, Board of Supervisors, Chairman;

Proclaim the Week of November 9th through 15th, 2003 as "National Veterans Awareness Week"

BOARD ACTION: (M)Stetson, (S)Bibby, the Proclamation was approved and presented to Dennis Blessing/Veterans Service Officer, VFW Commander Larry Todd, and American Legion member Jim Meyer/Ayes: Unanimous. Dennis advised that there are approximately 2,700 veterans in the County, and he advised of their annual ceremony at Mariposa Elementary School to recognize Veterans Day. He also advised of the VFW spaghetti dinner event on November 11th. He further noted that the 59th Army Band will be here to play at the Fairgrounds for July 4, 2004. He presented the Board with a poster to display that honors those who have served our country.

Board Information: None.

Approval of Minutes 10-14-03, Regular Meeting

BOARD ACTION: Supervisor Bibby asked that the record be reviewed and that it be clarified in the minutes that she requested that the Sund-Pelosso Fund be reviewed to determine if it is appropriate to pay accrued vacation time for the Deputy District Attorney from that Fund. Approval of the minutes was continued to November 18th.

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

BOARD ACTION: Supervisor Balmain, pulled items 4 and 6 for discussion. (M)Stetson, (S)Balmain, the balance of the items was approved/Ayes: Unanimous. Supervisor Balmain initiated discussion relative to items 4 and 6, and expressed concern with the workload for Public Works. Jim Petropulos, Public Works Director, advised that due to the change in weather, he authorized the rebuilding of the well house in Yosemite West and that the project is complete. Following discussion, (M)Stetson, (S)Balmain, items 4 and 6 were approved. Supervisor Balmain asked about reviewing the status of the workload of the department and prioritizing projects. Chairman Pickard asked the County Administrative Officer and Public Works to review and come back to address concerns. Ayes: Unanimous.

Discussion and/or Action Concerning Process Used to Provide Adequate Time for Review and Comment on Issues Before the Board of Supervisors (Supervisor Stetson)

BOARD ACTION: Supervisor Stetson initiated discussion, and he requested that the Board consider a process that would allow for a Board member to pull an item when there is insufficient time to review the information or insufficient material for an item on the agenda. He acknowledged that there may be rare and urgent circumstances where an action would be required in this situation, but stated otherwise he doesn't feel it is fair to the Board and the public. Supervisor Bibby asked about working on a policy manual as mentioned in the job description for the County Administrative Officer, and allowing Board members to pull an item like is done for the Consent Agenda. Supervisor Parker stated he feels the current practices are sufficient; and stated he agrees that the information should be available. Further discussion was held relative to specific incidences that have occurred. Supervisor Pickard agreed with the current practices being sufficient and noted that items are properly noticed on the agenda; however, material sometimes arrives after the agenda packages are distributed. Discussion was held relative to handling requests for certificates for special occasions that are not known about at the time the agenda is prepared. No action was taken on this matter.

10:27 a.m. Recess

10:52 a.m. Sarah Williams, Deputy Planning Director, appeared on behalf of Eric Toll, Planning Director;

PUBLIC HEARING to Consider Specific Plan/Zoning Amendment No. 2002-371 as Amended to Change the Land Use and Zoning Designation of Certain Parcels in the Mariposa Courthouse Area to Professional Office, and to Add Art Studios to the List of Conditionally Permitted Uses in the Professional Office Land Use and Zoning Designation; Mariposa County, Project Proponent

BOARD ACTION: Sarah Williams presented the staff report and reviewed the history of this application, and she advised that the Matlock and Uruburu parcels were added to the amendment. Sarah responded to questions from the Board relative to clarifying that the Lingenfelter property consists of one parcel with multiple structures; existing zoning for the property where the Health Department is located; status of the Evans' parcel and relocation of a historic structure, and Sarah advised that she will remove reference to the relocation of the historic structure; and how parking and circulation will be dealt with when the land use on the affected parcels change to professional office use. Supervisor Balmain advised that he has marked typographical errors in the package that he will forward to Planning. Supervisor Parker requested that relocation of historic structures still be allowed.

The public portion of the hearing was opened and there was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Parker, (S)Bibby, Res. 03-395 was adopted approving Specific Plan/Zoning Amendment No. 2002-371 as amended with the recommended findings; and the first reading was waived and an Ordinance introduced approving an amendment to the Professional Office Zone text, and an amendment to the Mariposa Town Planning Area Zoning Map/Ayes: Unanimous. The hearing was closed.

11:03 a.m. CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (Continued from 10-28-03) (County Counsel)

BOARD ACTION: (M)Balmain, (S)Bibby, the closed session was held, with the Human Services Director to be present for a portion of the session/Ayes: Unanimous.

12:10 p.m. Lunch

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

Board Action Relative to the Certification of the Environmental Impact Report (EIR) and Deliberations and Final Action on the SilverTip Resort Village Planned Development: Specific Plan Amendment (SPA) 99-1; Zoning Amendment (ZA) 99-1; Conditional Use Permit (CUP) 267; Planned Development Permit (PD) 99-1; and Land Division Application (LDA) 1511 and Indemnity Agreement (Continued from 10-14-03)

BOARD ACTION: Eric Toll presented additional information showing corrections/additions to the findings; new maps (Exhibits 2 and 3 to Attachment A) for the Specific Plan Amendment and Zoning Amendment showing a sliver of Fish Camp Lane that was inadvertently left off; and an Environmental Impact Report (EIR) Addendum prepared by Quad Knopf, Inc., that contains an analysis by Gene Smith after the on-site meeting with CalTrans. He reviewed the recommended actions if the Board determines to approve the project. He advised that the Board could reach consensus on portions of the project before taking action on the project as a whole. He advised that staff would need time to make changes that the Board may request before final action is taken. Eric advised that on October 28, 2003, Gene Smith/Quad-Knopf, Inc., met with CalTrans, the applicant and the applicant's engineer to review the left-turn lane situation; and they arrived at a conceptual design plan for the left-turn lane to the west. He advised that the development area is covered in the EIR. He also advised that correspondence has been received after the public portion was closed and legal counsel has reviewed it and determined that there is nothing in the correspondence that was not covered in the EIR, and he noted that the correspondence was not distributed to the Board.

Eric responded to questions from the Board relative to the left-turn lane, and whether the change creates any impact, including parking, to the front property owners such as the store; whether the owner of the store is aware of the findings; and relative to the additional information showing corrections/additions to the findings and the fact that the pages and sections referenced do not match. Attorney Bill Abbott, special counsel, advised that he is responsible for the errors with the additional information not matching the pages and sections of the original document, and he advised that he has a clean set of the text showing each of the changes and he will make that available. Attorney Abbott also advised that the Board could make the final policy decisions and review the final document with the changes at a future date. He advised of the issues for the Board to decide today relative to the height limit and the number of units. Attorney Abbott advised that the Board could take action as a motion of intent today and direct staff to return with the final package for final action.

Eric and Attorney Abbott responded to additional questions from the Board relative to the differences between "performance zoning" and "bubble zoning" and whether the site plan can be amended; whether action to certify the EIR would be by consensus or vote at this time; and relative to the process for taking action on this project, including consideration of the findings after certification of the EIR. Attorney Abbott clarified that the Board could take action to certify the EIR and not take related actions on the findings and mitigation measures; and that the action would not obligate the Board to approve the project.

(M)Parker, (S)Balmain, Res. 03-396 was adopted certifying the EIR for the SilverTip Resort project, without the related actions. Discussion was held. Attorney Abbott responded to a question from the Board as to whether this vote to certify the EIR would need to be rescinded if the Board chooses not to approve the project, and he advised that the action would not need to be rescinded. Ayes: Balmain, Bibby, Parker, Pickard; Abstained: Stetson.

Discussion was held relative to approving the Specific Plan Amendment, including the 45-foot height versus the allowed 35-foot, change in the size of the parcel to be zoned Resort Commercial for the project, and the number of rooms – 125 versus 137. Staff responded to questions from the Board relative to the amount of acreage that would be necessary to zone as Resort Commercial for 125 rooms and for 137 rooms and the location; whether the height limit would affect the density;

relative to open space; relative to the number of cabins that would be allowed; and relative to the affect “performance” and “bubble” zoning would have. Supervisor Pickard expressed concern with the proposed amendment and stated he supports the community’s desire to retain the 35-foot height limit and he supports the 125 rooms. Supervisor Stetson noted that a great many people support this project; however, in listening to the citizens of Fish Camp, he feels the ten objectives of the Specific Plan should be honored; and he stated he cannot support this project. Further discussion was held. Staff responded to questions from the Board relative to providing water and sewer services; whether prohibiting development in the Big Creek flood zone is covered; relative to the portion of the project the existing nine acres of Resort Commercial would accommodate; and whether a parking district could be established. The Chairman polled the Board members to determine support for the 35 and 45-foot height and for the 125 and 137 number of rooms and the related increase in Resort Commercially zoned acreage. Board members concurred that the parking should be in the back of the project. Eric responded to questions from the Board relative to the 20-dedicated employee rooms and what those consists of. The majority of the Board members agreed with the 45-foot height and with 137 rooms with approximately 15.75 Resort Commercial acreage. Eric responded to questions from the Board relative to the reduction in the number of cabins that would occur as a result of the increase in the Resort Commercial acreage; whether any of the changes discussed would affect the EIR or the findings; and relative to the other proposed amendments to the Specific Plan. Eric advised that because this is a Planned Development overlay, the Board has the option to set different standards than the 5,000 square foot currently required, and that could reduce the size of the acreage. Supervisor Parker requested that this be presented as an alternative option when the project is brought back for final action. Attorney Abbott provided input relative to the flexibility on the size of the acreage and stated they could prepare an option for this without increasing the cabin area.

Discussion was held relative to approving the Zoning Amendment, and Eric advised that this is a mirror of the Specific Plan Amendment. The Board concurred with giving the same direction as given for the Specific Plan Amendment.

Discussion was held relative to the Use Permit. Eric responded to questions from the Board relative to housing options and clarifying what the units will be all about and whether they will serve employees in the Fish Camp area; and whether they will be living units or dorms. Attorney Abbott advised that there are statutory requirements for housing, and he advised that they could get input from the applicant relative to the parameters; however, staff usually does not set them. Supervisor Bibby asked that the language for the fair market rent for six months to allow for turnover in the housing be clarified. Eric responded to additional questions from the Board relative to the location of the employee housing; and whether some of the hotel rooms would be available for emergency employee housing. Eric provided a reminder of CalTrans’ request to be the monitoring agent for condition No. 66/monitoring by an archeologist during the initial grading and construction activities for the access and existing roads. Eric responded to a question from the Board relative to condition No. 55 regarding the left-turn lane.

Discussion was held relative to the Planned Development Permit. Eric advised that there were minor changes in the conditions and they are the same as in the Use Permit. Supervisor Pickard noted that he stills supports the 35-foot height and the 125 rooms.

Discussion was held relative to the Land Division Application. Eric responded to questions from the Board relative to the cabins; water and waste water service; and road maintenance.

Eric requested a recess to allow staff time to recap the actions/directions of the Board for bringing the matter back for final action.

3:57 p.m. Recess

4:45 p.m. Eric reviewed the proposed motion of intent to approve the project based on the direction given by the Board, and advised that direction could be given to staff to prepare final documents for action at a future meeting. Further discussion was held relative to the height limit and the number of rooms; and relative to aesthetics with parking in the front versus the rear of the project. Eric advised that a larger footprint could be allowed and it could be specified that the parking remain in the rear.

4:55 p.m. Recess

4:59 p.m. Further discussion was held. Eric advised that a revised site plan would need to come back to the Board if the Board chose the 35-foot height limit with the layout of the 45-foot plan to have the parking in the rear. Eric responded to questions from the Board relative to revising the footprint and whether it would affect the environmental work for the project; and he advised of options and advised that he could present more information when the matter comes back for final action. Gene Smith advised that taking environmental concerns into consideration, there could be trade-offs for grading and topographical impacts for the aesthetic impact of having a 45-foot structure. Attorney Abbott responded to questions from the Board and advised that the environmental documentation and staff report and findings in the package are for 137 rooms and 45-foot height. He advised that under the Building Code for a Planned Development project, there would need to be a site plan for the 35-foot height if that is what the Board determines is appropriate. He stated that if the Board concurs with 137 rooms and 35-foot height, it should direct staff to generate an alternative site plan for conformity with the environmental analysis.

(M)Balmain, (S)Parker, Res. No. 03-397 was adopted approving the following motion of intent for the SilverTip Resort - approve Specific Plan Amendment, approve rezoning Amendment, approve Planned Development Permit and Use Permit, and approve the Land Division application, all subject to the following changes: 15.73 acres of Resort Commercial; 29.07 acres of Residential 1-Acre; 137 rooms in the hotel; 30 cabins with transient occupancy certificates; 45-foot height for the hotel; employee housing with rent restrictions for 20 employees, with clarification on preference for the employees and rent management formula for employee affordability; and direction was given to staff to return to the Board on December 2, 2003, at 2:00 p.m. with final documents for adoption, including a redline and strikethrough set for each alternative, including CEQA findings and a Mitigation Monitoring Program. Further discussion was held relative to the number of rooms. Eric clarified that the original request contained 137 rooms. Ayes: Balmain, Bibby, Parker; Noes: Stetson, Pickard. The matter was continued to December 2, 2003, at 2:00 p.m. for final action on the project.

Chairman Pickard announced that direction was given to staff as a result of the Closed Session that was held earlier this date.

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

CONSENT AGENDA:

- CA-1 Appoint Lee Shackelton as a Member, and Tom Phillips as an Alternate, to the Mariposa County Historic Sites and Records Preservation Commission, Representing the Mariposa Museum and History Center, Inc. (Supervisor Parker)
- CA-2 Accept the Resignation of Linda Sinclair from the Tourism Advisory Council (Supervisor Parker)
- CA-3 Authorize Unallocating the Literacy Coordinator Position, Effective 11-30-03, as Additional Grant Funding is Not Available to Support the Read2Succeed Program (Librarian); Res. 03-391
- CA-4 Authorize the Purchase of a Metal Building and Approve Budget Action Transferring Funds from the Building Contingency to Metal Building to Cover the Cost of the Building and the Materials to Construct the Building for the Building Department (\$18,000) (4/5ths Vote Required) (Public Works Director); Res. 03-393
- CA-5 Authorize the Public Works Director to Award the Bid for Installing Six Monitoring Wells in Yosemite West to the Lowest Responsible Bidder, Yosemite Falls Welling Drilling, for the Amount of \$35,400 (Public Works Director); Res. 03-392

CA-6 Approve Budget Action Transferring Funds Within the Yosemite West Maintenance (Water Division) from Contingency to Maintenance of Equipment to Cover the Cost of Rebuilding the Well House (\$1,600) (4/5ths Vote Required) (Public Works Director); Res. 03-394

5:26 p.m. The Board continued the meeting to Thursday, November 6, 2003, at 1:00 p.m. for a Closed Session to conduct interviews for the County Counsel position, and the Board recessed in the memory of the following: Chris Hayes and Lucille Wilson.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA
November 6, 2003
(Meeting Continued from 11-4-03)

1:03 p.m. The Board met in continued meeting from November 4, 2003

CLOSED SESSION: Matter Relating to Public Employee Employment, Conduct Interviews for County Counsel Position (County Administrative Officer)

BOARD ACTION: The Board convened in closed session.

5:10 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA
November 6, 2003
(Meeting Continued from 11-4-03)

1:03 p.m. The Board met in continued meeting from November 4, 2003

CLOSED SESSION: Matter Relating to Public Employee Employment, Conduct Interviews for County Counsel Position (County Administrative Officer)

BOARD ACTION: The Board convened in closed session.

5:10 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA November 18, 2003

Time Description

9:05 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

- Gwen Foster asked for the Board's support and attendance at the Mariposa County Employees and Guest End of the Year Celebration scheduled for December 12th. She asked that the Board consider contributing \$500 and a raffle prize of a vacation day or two. She also noted that each department is being asked to provide a basket or wreath for a centerpiece and the centerpieces will be used in the raffle.

- Gail Neal, Chief Probation Officer, provided a status report on the community services program, and introduced the supervisors: Bill Nance and Cathy Wallace. She also advised of a letter received from Rich Begley/PWD-Deputy Director of Parks and Recreation, thanking them for their work on the Mariposa Creek Parkway. She thanked the Board for funding this program.

Board Information

- Supervisor Balmain advised that he attended a public meeting on November 12th with the Groveland Ranger District relative to the Larsen/Anderson Valley area reforestation project.

- Supervisor Bibby advised that she attended the Mother Lode Job Training Board meeting and they are planning to eliminate a position in the Mariposa office. She also advised that there was a rabies clinic held on Saturday, and she thanked everyone for their participation and assistance. She advised that the Catheys Valley Town Planning Area Planning Advisory Committee is scheduled to meet this evening at McCay Hall, and they will take input on the proposed Catheys Valley Plan.

- Supervisor Stetson advised that he plans to attend the California State Association of Counties (CSAC) Conference in Monterey this week.

- Supervisor Pickard advised that he attended an oversight committee meeting last week relative to the noxious weeds. He advised that he attended the Yosemite/Sequoia Resource Conservation and Development meeting that was held at the Chukchansi Casino, and they are moving forward on the agri-niche tourism.

Chairman Pickard announced that as a result of the closed session held on November 6, 2003, (continued meeting from November 4th) that direction was given to staff.

Approval of Minutes from 10-14-03, Regular Meeting (Approval Continued from 11-04-03)

Approval of Minutes from 10-21-03, Regular Meeting

Approval of Minutes from 10-28-03, Regular Meeting

BOARD ACTION: Approved

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

BOARD ACTION: Supervisor Stetson pulled item 1. Supervisor Bibby pulled items 11 and 15. (M)Stetson, (S)Bibby, the balance of the items were approved/Ayes: Unanimous.

Supervisor Stetson initiated discussion relative to item 1, and he asked whether equipment could be purchased versus rented for the concert for the Sesquicentennial Celebration. Rich Inman, County Administrative Officer, and Susan Crain, Sesquicentennial Celebration Coordinator, provided input relative to the budget for the event. Supervisor Bibby initiated discussion relative

to item 11, and she asked how long it would be before going to scanning equipment. Dana Hertfelder, Assistant Public Works Director, provided input. Supervisor Bibby asked about coordination with the Assessor's Office. Supervisor Bibby initiated discussion relative to item 15. Dana Hertfelder and Joe Halencak/PWD-Fleet Superintendent, responded to the questions and provided input. (M)Stetson, (S)Parker, items 1, 11 and 15 were approved/Ayes: Unanimous.

Rich Inman, County Administrative Officer;

A) Approve the Transfer of the Catheys Valley Schoolhouse from the Catheys Valley Historical Society to the County of Mariposa and Authorize the Chair to Sign an Agreement between Catheys Valley Historical Society and the County of Mariposa

BOARD ACTION: Discussion was held. Caroline Korn, Executive Director of the Catheys Valley Historical Society, provided information relative to the history of the schoolhouse, and she introduced members of the Catheys Valley Historical Society and volunteers that were present, and thanked everyone involved in the project for their efforts. (M)Bibby, (S)Parker, Res. 03-412 was adopted approving the recommended action. Following further discussion, the motion was amended, agreeable with the maker and second, to include a change in the agreement to clarify that the County will provide upkeep and maintenance for repairs which exceed \$500 per project/Ayes: Unanimous.

9:46 a.m. Recess

9:58 a.m. B) Adopt a Resolution Authorizing the Assignment of County Vehicles for the Public Works and the District Attorney Departments (Continued From 11-04-03)

BOARD ACTION: Rich Inman presented his recommendation, and discussion was held. Supervisor Balmain stated he feels the policy should include a condition that vehicles are not allowed to go out-of-County on a take-home basis. He also stated he feels that the vehicles should be parked in a secure location when they are taken home; especially those assigned to Public Works with tools. Bob Brown, District Attorney, advised that he has an understanding with the Sheriff, CHP and Fish and Game that the investigator in his department is available to assist, and he cited recent incidences where assistance was provided. (M)Parker, (S)Bibby, Res. 03-413 was adopted approving the assignment of County vehicles for Public Works as recommended by the County Administrative Officer. Further discussion was held. Supervisor Pickard suggested that an inventory of items assigned to each vehicle be required and monitored. Dana Hertfelder, Assistant Public Works Director, responded to questions relative to the assignment of call-outs. Rich Inman stated he would further review the inventory and parking location security issues. Ayes: Unanimous. (M)Balmain, (S)Bibby, Res. 03-414 was adopted authorizing the investigator in the District Attorney's Office to take the vehicle home/Ayes: Stetson, Balmain, Bibby, Pickard; Noes: Parker.

Jeff Green, County Counsel;

A) Waive First Reading and Introduce an Ordinance Amending Section 2.08.020 Consolidating the Offices of Sheriff, Coroner, and Public Administrator; Rescinding Chapter 2.28 of the County Code, as it has been Superseded with Job Descriptions and Memorandums of Understanding with Bargaining Units; Rescinding Chapter 2.32 of the County Code, due to the State of California Consolidating the Justice Court with the Superior Court; Amending Chapter 2.76 of the County Code, to be Consistent with the Current Policies and Procedures of County Vehicle Use; and Amending L. in Section 3.56.020 of the County Code, to Make this Section Consistent with the Board's Previous Action to Rescind the Mariposa County Redevelopment Agency

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

B) Adopt a Resolution Authorizing the Chair to Sign an Agreement between Olive Pool and the Mariposa County Pioneer Wagon Train, Inc., Allowing the Wagon Train to make an Additional Overnight Stop During the Annual Mariposa County Wagon Train Event

BOARD ACTION: Following discussion, (M)Parker, (S)Stetson, Res. 03-415 was adopted/Ayes: Unanimous.

Ken Hawkins, Auditor;

Approve Five-Year Contract with Smith and Newell, Certified Public Accountants, to do the Annual Countywide Audit as Prescribed by State Law

BOARD ACTION: (M)Balmain, (S)Bibby, Res. 03-416 was adopted/Ayes: Unanimous.

10:28 a.m. Recess

10:42 a.m. Approve Budget Action Reducing General Contingency for the Relocation Costs of Moving the Methodist Church Fellowship Hall on 6th Street to Christian Science Society Property on 4th Street to be Utilized as a Community Facility (4/5ths Vote Required) (\$18,000) (Supervisor Parker)

BOARD ACTION: Supervisor Parker initiated discussion.

Input was provided by the following:

- Cameron Burley, Co-Chair of the Building Committee for the Methodist Church, provided input relative to the history of the building.
- Bob Mullen, Christian Science Society, stated they are grateful for receiving the building and they want to make the community proud of this project. He noted they plan to restore the Hall and place it beside the original Church.

(M)Parker, (S)Bibby, Res. 03-417 was adopted approving the budget action, with direction for County Counsel to prepare an agreement between the County and the Methodist Church for the new Hall to be used as a community facility/Ayes: Unanimous. Lee Miller, Co-Chair of the Building Committee for the Methodist Church, stated they have prepared a policy statement pledging the community's use of the new building.

10:48 a.m. Sarah Williams, Deputy Planning Director, appeared on behalf of Eric Toll, Planning Director;

A) PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 2003-154 for Gary Balmain, Applicant to Change the General Plan Land Use Map and County Zoning Map by Changing the Zoning Designation of a 10.78 Acre Parcel (APN: 3-040-014) from the Mountain Home (MH - 5 Acre Minimum Parcel Size) to the Mountain General (MG - 40 Acre Minimum Parcel Size); and to Apply the Timber Exclusive Overlay Zone over this Parcel and a 160 Acre Parcel (APN: 03-010-016) that is Located Adjacent and South of the 10.78 Acre Parcel.

Requested Board Action Includes the Adoption of a Resolution and Waiving of the First Reading and Introduction of an Ordinance Approving the Change in Zoning

BOARD ACTION: Supervisor Balmain advised that since his son is the applicant for this project, he is excusing himself from participating in this hearing, and he joined the audience. Sarah Williams introduced the project, and Bill King, Senior Planner, presented the staff report, and he advised of the lot line adjustment that was approved as a part of this project. Staff responded to questions from the Board relative to the timber stocking standards and the current inventory; relative to the nexus for the overlay and the zoning of the 171 acres; and what would happen if the timber stocking standards are not met, especially relative to the tax payments.

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. Staff responded to a question from the Board as to whether the parcels should be merged if there is a question relative to each parcel being able to meet the timber stocking standards. Supervisor Bibby asked if the Assessor's Office had anything to add to this discussion; and Becky Crafts, Supervising Appraiser, said there was nothing to add. Discussion was held relative to directing staff to obtain additional information from the Forester prior to the second reading of the Ordinance, or whether to place conditions in the Ordinance as to whether each parcel would stand on its own or whether it is the whole of the property that meets the timber stocking standards. (M)Parker, (S)Stetson, Res. 03-418 was adopted adopting a Notice of Exemption and approving General Plan/Zoning Amendment No. 2003-154; and first reading was waived and an Ordinance introduced approving a change in the Official County Zoning Map in accordance with the General Plan Amendment; and with direction given to staff to obtain additional information from the Forester as to whether

each parcel would stand on its own or whether it is the whole of the property that meets the timber stocking standards. Staff responded to an additional question from the Board as to whether today's standards or standards that may be required in five years would be imposed if it is determined that the requirements are not met in five years. Ayes: Stetson, Bibby, Parker, Pickard; Excused: Balmain. The hearing was closed.

11:08 a.m. Supervisor Balmain rejoined the Board.

B) PUBLIC HEARING Relative to Considering Approving and Adopting a Resolution Approving Agricultural Preserve Application Nos. #2003-105 for Mabel L. Cree, Applicant; #2003-181 for Ronald Enos, Applicant; #2003-195 for Frank Berlogar, Applicant; and #2003-207 for Russell M. Bryson, Applicant with the Respective Findings and Conditions Set Forth in Planning Commission Resolution Nos. 2003-044, 045, 046, and 047 and Authorizing the Chair to Sign the Williamson Act Contracts

BOARD ACTION: Bill King, Senior Planner, presented the staff report. Sarah Williams and Bill King responded to questions from the Board relative to requirements for Agricultural Preserve applications; relative to portions of the Bryson and Berlogar properties that are in a separate Williamson Act agreement; relative to historic parcels and applications; relative to requirement for individual parcels to continue to be a viable agricultural use; statement relative to merger of the Berlogar parcels to create a single unit; whether further subdivision of the parcels could occur; and relative to provisions for conveyance of land, less than 100 acres, to family members. Sarah Williams advised that the Agricultural Advisory Committee is reviewing issues that have been raised and the Committee plans to come back with recommendations.

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

- Don Starchman, Starchman Law Offices, representing Frank Berlogar, advised that each of the parcels meet the requirements of the Agriculture Exclusive Zone and the Williamson Act. He commented on questions relative to the merger language and the underlying historic parcels and Subdivision Map Act requirements.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Parker, (S)Bibby, Res. 03-419 was adopted approving the Agricultural Preserve applications as recommended/Ayes: Unanimous. The hearing was closed.

C) Adopt a Resolution Affirming the Composition, Areas of Responsibility, and Mission of the Catheys Valley Planning Advisory Committee; and Rescinding Prior Catheys Valley Planning Advisory Committee Resolutions

BOARD ACTION: Discussion was held with Sarah Williams, Deputy Planning Director, relative to the size of the planning area and references to the General Plan Update, and having consistent wording in the resolutions for the planning areas. Supervisor Bibby provided input and invited the Board members to attend their meeting this evening.

Don Starchman, representing Bob Benson, referred to the letter that Mr. Benson previously submitted; and he stated that he feels that if his property is included in the planning area, it will be a change of philosophy. He stated he agrees with having consistent wording like was used in the resolution for Greeley Hill and Midpines. He stated he has no problem with the highway frontage portion being included, but he does not feel the whole parcel, working ranch, should be included in the planning area. He noted that Cathie Adams was given an option of whether or not to be included in the town planning area. He also noted that at one of the first meetings relative to the General Plan Update that when the Planning Director's recommendation was discussed for different areas, the Board wanted to stay with countywide rules. He referred to the General Plan and a statement in the first revision that he feels is important, relative to this being one county; and he stated he feels it was not the intent of the original General Plan or the Catheys Valley Town Planning Area Advisory Committee to have a separate set of rules for Agriculture Exclusive.

Bob Rudzik commented on his involvement in this process, and the direction he heard from the Board four years ago and the direction of the Planning Commission.

The Board concurred with having staff revise the resolution so that it is consistent with the other resolutions and delete reference to the General Plan Update, and with bringing it back. Supervisor Balmain requested that staff distribute the Committee's minutes from its last meeting

to the Board members, and he expressed concern with the proposed boundary for the planning area. Supervisor Bibby requested that staff send the Committee's minutes to the Board members in the future.

Approve the Construction of a Barbeque in the Government Center Plaza for a Cost Not to Exceed \$1,000 and Approve Budget Action Transferring Funds from the General Contingency to the Board of Supervisors Budget (\$1,000) (4/5ths Vote Required) (County Administrative Officer)

BOARD ACTION: Following discussion, (M)Bibby, (S)Parker, Res. 03-420 was adopted/Ayes: Unanimous.

Discussion and Direction to Staff Relative to Proceeding with Re-Publicizing the Grazing Lease for the Lake Don Pedro 1M Property for a Three Year Period (County Counsel) (Complete Appraisal – Summary Report is Available for Review at the Clerk of the Board's Office)

BOARD ACTION: (M)Parker, (S)Bibby, Res. 03-421 was adopted/Ayes: Unanimous.

12:18 p.m. CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (Continued from 11-04-03) (County Counsel);

CLOSED SESSION: To Discuss Filling the County Counsel Position (County Administrative Officer); and

CLOSED SESSION: Regarding Conference with County Labor Negotiator Relative to SEIU Local 250 Representing In-Home Supportive Service (IHSS) Providers (County Administrative Officer)

BOARD ACTION: (M)Parker, (S)Bibby, the closed sessions were held, with the following persons present for a portion of the session: Joseph Lepara/Liebert, Cassidy & Whitmore; Nancy Bell/Deputy Director Social Services; and Mary Hodson/Administrative Analyst/Ayes: Unanimous.

1:50 p.m. Lunch

2:11 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed sessions.

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

A) Approve the Use of the Midpines Community Center for Church Services for the Midpines Bible Church

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the request, and he advised that the Church is trying to find a place that is more suitable. Rich Begley/Deputy Director of Parks and Recreation, noted that a request for this type of use requires Board approval pursuant to the Facility Use Policy. Discussion was held relative to limiting the use to six months and the hours to 9 to 12, especially if there is a request for an afternoon use of the facility, and relative to utility costs. Jeff Green, County Counsel, advised that proof of liability insurance is necessary. (M)Stetson, (S)Balmain, Res. 03-422 was adopted approving the lease as discussed, subject to the agreement being approved by County Counsel/Ayes: Unanimous.

2:21 p.m. Supervisor Bibby left the room for the following item as the property owner is a relative.

B) Adopt a Resolution Authorizing the County to Pay a Portion of the Costs Associated with the Removal of an Underground Storage Tank Located at 2916 Bear Valley Road in Hornitos (\$8,898)

BOARD ACTION: (M)Parker, (S)Stetson, Res. 03-423 was adopted/Ayes: Stetson, Balmain, Parker, Pickard; Excused: Bibby.

2:23 p.m. Supervisor Bibby rejoined the Board.

CONSENT AGENDA:

- CA-1 Approve Expenditure of \$9,000 for Concert by Sons of the San Joaquin for Sesquicentennial Celebration on Saturday, July 10, 2004 and Authorize the County Administrative Officer to Negotiate and Execute Agreements for Entertainment, and Other Staging Requirements (County Administrative Officer); Res. 03-410
- CA-2 Authorize the Chair to Sign an Order of the Board to Reject Claim No. C03-10 for an Undisclosed Amount (County Counsel); Res. 03-399
- CA-3 Reappoint Carla Shelton to the Local Child Care Planning Council (Supervisor Pickard)
- CA-4 Adopt a Resolution Approving Statement of All Votes Cast as Certified to the Secretary of the State on October 30, 2003 (Elections); Res. 03-400
- CA-5 Authorize the Chair to Sign a Letter of Support to CalTrans Approving the Detour of Traffic from State Routes to Utilize the Mariposa County Roadways for the Duration of the Merry Mountain Christmas Parade Sponsored by the Mariposa County Chamber of Commerce on December 13, 2003 (Tourism & Economic Development); Res. 03-401
- CA-6 Authorize the Chair to Sign a Letter of Support for the Mariposa County Chamber of Commerce to Include with their Application to CalTrans regarding the Display of the Holiday Banners on the Existing Power Poles along Highway 140, from December 12, 2003 through January 2, 2004 (Tourism & Economic Development); Res. 03-402
- CA-7 Approve Budget Action Transferring Funds within the Technical Services Budget from Software to Maintenance Equipment for IBM Maintenance and Support for the AS400 (\$3,854) (Technical Services Director); Res. 03-403
- CA-8 Approve Budget Action Transferring Funds within Probation's Budget from Senior Office Assistant's Salary to Probation Services/Training and Seminars (\$2,800) (Chief Probation Officer); Res. 03-404
- CA-9 Approve Budget Action Increasing the Emergency Planning Grant by \$5,604 and Approve Budget Action Allocating the Funds to Extra Help within the Fire Department's Budget (4/5ths Vote Required) (Fire Chief); Res. 03-405
- CA-10 Waive Second Reading and Adopt an Ordinance Amending Zoning Map and Zoning Ordinance Text in Accordance with Specific Plan/Zoning Amendment No. 2002-371. The Project Proposes a Specific Plan Land Use and Zoning Designation Map Amendment, to Change the Land Use and Zoning Designation of Certain Parcels in the Mariposa Courthouse Area to Professional Office. The Project also Proposes a Text Amendment to Add Art Studios to the list of Conditionally Permitted Uses in the Professional Office Land Use and Zoning Designation; County of Mariposa, Project Proponent (Planning Director); Ord. 998
- CA-11 Adopt a Resolution Authorizing the Replacement of a Microfiche Reader for the Public Works Engineering/Roads Division and Approve Budget Action Transferring Funds within the Public Works Budget from Software to Fixed Assets for the Purchase of Said Item (\$3,500) (Public Works Director); Res. 03-411
- CA-12 Authorize Public Works/Fleet Services to Waive the Formal Bid Process to Purchase a 2004 Toyota Prius Hybrid Vehicle in the Amount of \$22,000 from the State Bid List on behalf of the Health Department and Approve Budget Action Increasing Revenue and Appropriations from the Grant received by the Health Department to

Purchase the Clean Air Vehicle (\$22,000) (4/5ths Vote Required) (Public Works Director); Res. 03-406

CA-13 Authorize the Acceptance of a Portion of Cuneo Road and Stout Lane into the County Maintained Road System in Exchange for the Previous Closure and Abandonment of a Portion of Hayward Road (Public Works Director); Res. 03-407

CA-14 Approve Plans and Specifications for the Remodel of the Rock House; Authorize Public Works to Advertise and Award the Necessary Contracts to Complete the Work at an amount Not to Exceed the Cost of \$119,000 (Public Works Director); Res. 03-408

CA-15 Authorize Public Works/Fleet Services to Purchase a 1995 Peterbilt Water Truck at a Cost of \$53,924 Using Funds Currently Budgeted in the Heavy Equipment Replacement Fund #704 (Public Works Director); Res. 03-398

CA-16 Adopt a Resolution Authorizing Reduced Funding in the amount of \$27,650 through the Governor's Office of Criminal Justice Planning (OCJP) for the Mariposa County District Attorney Statutory Rape Vertical Prosecution Program 2003/2004 Grant Year and Approve Budget Action Transferring Funds within the District Attorney's Budget to Cover the Remaining Funds Necessary (\$19,000) (4/5ths Vote Required) (District Attorney); Res. 03-409

2:24 p.m. Adjournment in memory of Nettie Lucille Kay, Bill Denton, Helen Fowler, and Millie Wolslayer.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA November 25, 2003

Time Description

9:10 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions – Rich Inman, County Administrative Officer, advised that as a result of the interviews held for the County Counsel position, that an appointment is scheduled for December 2nd on the agenda. Chairman Pickard introduced Tom Guarino, the new County Counsel. Tom introduced his wife, Carrie, and their children: Thomas, Rachel, and Jessica.

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

- Tony Landen, SEIU 250 representing the home care workers, asked about the status of the In-Home Supportive Services Ordinance, and stated they hope it can be scheduled quickly.

Board Information

- Supervisor Stetson advised that he attended the California State Association of Counties Conference in Monterey, and advised of major issues that were discussed.
- Supervisor Pickard advised that he attended the California Invasive Weed Coalition on Friday and they discussed legislation to pursue funding.

Approval of Minutes from 11-04-03, Regular Meeting; and
Approval of Minutes from 11-06-03, Continued Regular Meeting (From 11-04-03)

BOARD ACTION: Approved

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

BOARD ACTION: Supervisor Pickard pulled item 2. Supervisor Balmain pulled item 1 for comment. Supervisor Stetson pulled items 3, 4 and 5 for comment.

Supervisor Balmain advised of a typographical error on item 1.

Supervisors Pickard and Balmain initiated discussion relative to item 2, and expressed concern that there was no notification or justification received from the State relative to this rate increase; thus, local governments were unable to anticipate and budget for the costs that get passed on to the citizens. It was requested that a letter be sent with the payment, and copied to our legislators. Supervisor Bibby requested that the letter include the pond fee issue. Supervisor Stetson suggested the letter question what the increase in service would be to the districts and the costs involved. Jim Petropulos, Public Works Director, noted that the rates were raised last year, also.

Supervisor Stetson asked about the process for items 3, 4 and 5.

(M)Balmain, (S)Parker, all items, except item 2, were approved/Ayes: Unanimous.

(M)Bibby, (S)Balmain, to approve item 2, with direction to staff to prepare a letter as discussed, failed by the following vote – Ayes: Stetson, Bibby, Pickard; Noes: Balmain, Parker (4/5ths vote was required). Supervisor Parker requested that this vote/action be reflected in the letter submitted with the payment. Following further discussion, Supervisors Stetson and Pickard changed their votes to “No”. (M)Balmain, (S)Bibby, item 2 was approved, with direction to staff to prepare a letter as discussed, including the fact that this rate increase creates a hardship on the citizens that pay these fees/Ayes: Unanimous.

9:37 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;

CalTrans Project Update Relative to Darrah Road Intersection; Smith Road Intersection; Four-Way Stop Statistics; and Miscellaneous Maintenance Projects

COMMISSION ACTION: Jim Petropulos advised that Jane Perez and Annette Clark/CalTrans were present to give an update on the status of various projects. Jane reviewed the status of the following projects:

- Darrah Road/Highway 49 South intersection – design and environmental studies are being completed and it will be about three years before construction. Because it is a safety project, it should not be impacted by the budget situation.
- Highway 49/140 four-way stop – they do not have any statistics yet; however, maintenance monitored the intersection over Labor Day and no significant issues have been identified. She advised that the signal light plans have been deferred indefinitely.
- Smith Road intersection – they are still trying to keep it a safety project, but the design is getting costly.
- Recessed markers on Highway 49 South (from Madera County line toward town) – the project is in the Office of Engineers being prepared for bid, with an estimate construction date of June, 2004. Commissioner Bibby asked about the status of Highway 140 from Catheys Valley to town, and Jane advised that she would check.

Jane advised of staffing changes in the CalTrans district office; and she reviewed the budget shortfall impacts; and she advised that they are accepting applications for grants for federal dollars in their planning office.

Commissioner Parker asked about the status of the Old Highway bridge project and the Commission's previous request to be able to redirect the funding set aside for this project. Jim Petropulos advised that funds were expended on design and environmental work for the project. Discussion was held. Commissioner Parker requested that the Commission schedule discussion on this matter before the end of this year, and review the previous actions taken. Jane advised that she will include this issue in the December 11th meeting with CalTrans management.

Relative to the possible grant application for federal funding, Jim suggested that consideration be given to applying for a planning grant for the Highway 49 intersections study.

10:07 a.m. The public hearing to consider the solid waste tip fee increase was opened and continued to after the recess.

10:08 a.m. Recess

10:27 a.m. Jim Petropulos, Public Works Director;

A) PUBLIC HEARING to Consider and Approve an Increase to the Solid Waste Tip Fee from \$64 Per Ton to \$70 Per Ton in Order to Cover the Increased Costs for the Operations of the Landfill, Composting Facility, and Associated United States Department of Agriculture (USDA) Loan Debt Service

BOARD ACTION: Jim Petropulos presented the staff report. Jim and Steve Engfer, PWD/Solid Waste Manager, responded to questions from the Board relative to impacts on the residential rates.

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

- Fred Youngren, Operations Manager for Total Waste Systems of Mariposa, stated he understands the need for the fee increase; however, he feels they and Yosemite Concession Services should have received better notification.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to notification to Total Waste and Yosemite Concession Services; relative to consideration of awarding the commercial rate payers for separating the recyclable items; timeframes for implementing the fee increase; and change of tonnage to cubic yardage issues with the fee structure. Rich Inman, County Administrative Officer, responded to a question from the Board relative to the timeframes for implementing the increase to satisfy the USDA requirements for the compost project.

(M)Parker, (S)Balmain, Res. 03-429 was adopted approving the increase as recommended, effective December 1, 2003. Jeff Green, County Counsel, responded to a question from the Board relative to the contractor passing the rate increase to the customer and the provision in the contract. Staff responded to questions from the Board relative to the status of receiving information from Total Waste relative to their cost of providing service in Wawona, and clarified that this action only allows Total Waste to pass on the cost of the tip fee and not the operation costs to the customer. Ayes: Unanimous.

Following further discussion, (M)Balmain, (S)Parker, direction was given to require Total Waste to justify the portion of their fee that is the tip fee prior to any increase in their rates for their customers. Fred Youngren commented on their rates. Ayes: Unanimous. The hearing was closed.

B) Adopt a Resolution by the Board of Supervisors of the County of Mariposa, Approving, Authorizing and Directing Execution of Certain Installment Sale Financing Documents, and Authorizing and Directing Related Actions for the Composting Project
BOARD ACTION: Discussion was held with Jim Petropulos, and it was noted that there are typographical errors that need to be corrected in the documents. (M)Parker, (S)Balmain, Res. 03-430 was adopted as recommended, subject to final review by County Counsel/Ayes: Unanimous.

C) Approve Budget Action Transferring Funds from General Fund Contingency to Facilities Maintenance Fixed Assets to Replace a Failing Pump at the Catheys Valley Park (\$4,500) (4/5ths Vote Required)
BOARD ACTION: Discussion was held, and Jim Petropulos advised of the option of transferring funds within the Facility Maintenance budget to cover the costs. Rich Inman, County Administrative Officer, recommended that the funds be taken from the Facility Maintenance budget. (M)Bibby, (S)Parker, Res. 03-431 was adopted transferring funds within the Facility Maintenance budget as recommended by the County Administrative Officer/Ayes: Unanimous.

11:15 a.m. MARIPOSA COUNTY PUBLIC FINANCING CORPORATION

Jim Petropulos, Public Works Director;
Adopt a Resolution by the Board of Directors of the County of Mariposa Public Financing Authority, Approving, Authorizing, and Directing Execution of Certain Installment Sale Financing Documents, and Authorizing and Directing Related Actions for the Composting Project

CORPORATION ACTION: Discussion was held with Jim Petropulos. (M)Balmain, (S)Stetson, Public Financing Auth. Res. 03-1 was adopted/Ayes: Unanimous.

11:17 a.m. CLOSED SESSION: Regarding Conference with County Labor Negotiator Relative to SEIU Local 250 Representing In-Home Supportive Service (IHSS) Providers (Continued from 11-18-03) (County Administrative Officer); and
CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (Continued from 11-18-03) (County Counsel)

BOARD ACTION: (M)Bibby, (S)Parker, the closed sessions were held following a short recess, with the Human Services Director present for a portion of the session/Ayes: Unanimous.

11:53 a.m. Lunch

2:11 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed session matters.

Eric Toll, Planning Director
General Plan Workshop Relative to the 2003 Update to the County of Mariposa Housing Element

BOARD ACTION: Eric Toll provided input relative to the State's approval process; and he advised that the Element needs to be updated every five years, and the current update needs to be adopted by December 31, 2003. He also noted that changes requested by the State to the Planning Commission's version is shown on the draft in red and double underline.

The Board reviewed the following sections, and the Chairman called for input from the public on each section.

8. Housing -

8.1 Introduction – No changes were made.

8.2 Scope and Revision of this Element – No changes were made.

8.3 Public Participation – No changes were made.

8.4 Housing Market Analysis – Eric advised that the dollars for the rent data is out of date; however, they are required to use the information provided by the State.

8.4.01 Population

A. Trends and Projections – No changes were made.

B. Population Composition – Ken Melton commented on the different packages that have been distributed for the Housing Element.

C. Age Distribution – Supervisor Bibby requested that the text for Figure 8-2 be clearer. Eric advised that the text line numbers will be dropped when the editing is complete.

D. Household Characteristics

D(1) Number of Households – Gene Mickel asked about the origin of the data. Supervisor Bibby requested that the source of data be noted.

D(2) Household Size – Gene Mickel asked if the figures in this section are for the County, and he was advised that they are.

D(3) Tenure – Supervisor Bibby asked about clarifying the language in the last sentence. Eric advised that he will review and bring something back.

Gene Mickel commented on the percentage of owner occupied and renter occupied housing in the County versus the rest of the State, and he stated he feels this will be germane when discussing the rest of the plan.

8.4.02 Economy

A. Employment – The Board concurred with deleting the last sentence of the first paragraph relative to implementation of the economic development element.

B. Income – Supervisor Parker noted that many of the retirees are people that come here from other areas versus people that retire from here. Eric advised that he will draft language to reflect that. Supervisor Bibby noted that “that” needs to be removed from the Explanation 8-1 box; that reference to Table 7-4 should be 8-4 in the fifth paragraph; and suggested that line 220 reflect “(80 percent or below...)” versus “(80 percent or less...)” – the Board concurred with these changes.

8.4.03 Housing Profiles

A. Housing Stock – Discussion was held relative to considering a policy change to require mobile homes to meet minimum Housing and Urban Development standards. Eric advised that the Board’s previous direction was to consider this policy as a part of the General Plan Update process. The Board concurred with deleting the last sentence in the second paragraph and merging the remainder of the paragraph with the first paragraph; and with deleting the last sentence in the third paragraph and merging the remainder of that paragraph with the fourth paragraph.

B. Housing Costs – Discussion was held. The Board concurred with changing the following sentence to read, “It therefore is difficult to ascertain the “true market rent” for apartments.”

C. Vacancy Rates – The Board corrected the typographical error on line 326 to reflect “experienced.”

Don Starchman questioned the figures in Table 8-5 for a 2 bedroom home for sale on five acres or more. Eric advised that the data may be skewed by the sale of an expensive home; however, he will double check this information.

Ken Melton commented on this information.

8.5 Housing Needs

8.5.01 Housing Construction Need – Table 8-6 was inserted as the reference in line 358.

Ken Melton questioned the plan to accommodate an average of 216 dwelling units per year, and whether that creates a commitment.

8.5.02 Low and Moderate Income Housing Need - Don Starchman questioned the use of “must” and stated he feels it should be an option to create the number of additional housing units.

8.5.03 Rehabilitation and Replacement Needs – The Board concurred with deleting “probably” on line 405; and with adding El Portal on line 387. Eric advised that he will rewrite this section to reflect the housing survey the Board adopted.

8.5.04 Overcrowding – “Adequate” on line 413 was corrected to reflect “inadequate.”

Staff responded to Supervisor Balmain and advised that they will prepare a document showing the changes that are being made.

8.5.05 Overpayment – The reference source needs to be included.

8.5.06 Special Housing Needs – The reference source needs to be included.

Ken Melton questioned the definition of “seasonal employee.”

A. Elderly Households – “In” on line 495 was deleted.

B. Housing for the Disabled – No changes were made.

C. Female-Headed Households – Bob Rudzik suggested “Female-Head of Household” be used, and the Board concurred with this change throughout the section.

D. Large Families – The Board concurred with deleting “were” on line 635. Supervisor Bibby questioned whether we have a number of vacation homes.

E. Farm Workers – Eric advised of a correction on line 655 to change “employee” to “farm worker.”

F. Emergency and Homeless Housing - No changes were made.

8.5.07 Publicly Assisted Rental Housing – Supervisor Stetson questioned whether anyone is living at the Cascades/Arch Rock dwelling units.

8.6 Land Availability – Don Starchman noted that Table 8-8 shows some designations of land use that are in the proposed General Plan Update, and he stated he feels they should be reviewed closely. Eric advised that the General Plan Update does not propose to change the zoning district, only the land use classification; and he advised that the Land Use column should be removed from the chart for the Single-Family (aggregate). The Board concurred with deleting the last two sentences in the first paragraph in this section. Supervisor Balmain questioned the use of topographical maps to identify available acreage that can be built on. “As” was corrected to “a” in the second footnote.

8.7 Governmental Constraints – Rich Inman, County Administrative Officer, asked whether this section is required, and staff advised that it is. Rich suggested that perhaps timber practices, interest rates, etc., could be referenced. Eric advised that he will work with Rich to draft language to bring back to the Board.

Don Starchman stated he feels the Board should address lessening the constraints, and he stated he feels the General Plan will increase the cost and price of homes in the County.

Gene Mickel commented on the high costs of the sidewalk construction for his project in town due to prevailing wages. He stated he does not feel that the government helps development, but makes it more expensive. Supervisor Bibby suggested that “to” be added on line 807.

3:40 p.m. Recess

4:00 p.m. 8.7.01 Permit Process – Supervisor Pickard asked about the timelines in this section. Patrick Holland, Superintendent of Schools, commented on this section.

Don Starchman suggested deleting “Only” on line 816; and Supervisor Parker suggested adding “may” to the sentence – the Board concurred with the changes.

8.7.02 Permit Fees – No changes were made.

A. Permit Fees for Site-Built Homes – Line 841 was clarified to reflect that the County does not currently charge development impact fees.

Patrick Holland advised that line 850 should be updated to reflect the current school impact fee of \$2.14 per square foot. Supervisor Parker questioned whether the current fee should be shown, or just show that fees are charged by the School District – the Board concurred with just showing that the fees are charged.

Gene Mickel noted that the school impact fee applies to mobile homes.

Ken Melton agreed with not showing the specific fee amount, and he questioned the fee being based on cost versus square footage.

Gene Mickel questioned the permit fee percentage for homes being higher than for mobile homes. Eric advised that he will check and clarify this section.

It was agreed to clarify line 854 to reflect that “In summary, building permit, planning review, and school impact fees...”

B. Permit Fees for Mobile Homes – Don Starchman stated this section does not address the school impact fee. Eric advised that he will include language from the previous section relative to the fee in this section. Supervisor Balmain noted that when a mobile home is moved within the County, there is no impact fee.

8.7.03 Zoning and Other Land Use Regulations – Eric deleted the last sentence of the first paragraph.

Don Starchman suggested that the paragraph beginning on line 901 relative to Title 17 setback requirement be deleted, and the Board concurred. This matter can be further discussed in context with the Title 17 section.

The Board concurred with adding “uses” to the end of the sentence on line 873.

8.7.04 Subdivision Map Act and Standards – No changes were made.

8.7.05 Condominium Conversions – The Board concurred with changing “no” to “few” on line 916.

8.7.06 Building Construction Standards – Supervisor Parker questioned whether it would be appropriate to have a requirement for the County to do a follow-up on building completions. Eric advised that he will check to see where this can be included.

Gene Mickel cited a recent example of a house that was in escrow that had been under construction for seventeen years and never finalized.

8.7.07 On and Offsite Requirements – Eric advised that this section needs to be rewritten, and include references for the road policy, well and septic approvals.

Ken Melton stated he feels this section should be removed in its entirety.

8.7.08 California Environmental Quality Act (CEQA) – Eric advised that he needs to rewrite this section to reference the 1981 plan.

8.7.09 Williamson Act – Supervisor Bibby initiated discussion relative to historic parcels in relation to Williamson Act contracts.

Don Starchman provided input relative to historic parcels, secondary residences, and employee housing, and asked whether this is all addressed.

8.7.10 Forest Taxation Reform Act – No changes were made.

8.7.11 “Proof of Water” Legislation – The Board concurred with deleting this section.

8.7.12 “Prevailing Wage” Requirement for Project Involving Public Funds – The Board concurred with deleting this section.

8.7.13 Federal, State and Local Government Land Ownership – The Board concurred with adding this section to 8.6 Land Availability.

The workshop was continued to December 2, 2003, at 11:00 a.m.

Ken Melton noted that the information in the next section to be reviewed relative to MPUD is outdated and that staff may want to update the information for review.

Discussion was held relative to the workshop and public hearing schedule for the Housing Element. The Board concurred with keeping the public hearing scheduled for December 9th and with working from the interim version, dated November 25th.

CONSENT AGENDA:

- CA-1 Adopt a Resolution Authorizing the District Attorney’s Office to Utilize Travis Robison as an Intern to Assist Deputy District Attorneys and/or the District Attorney Investigator (District Attorney); Res. 03-424
- CA-2 Approve Budget Action Transferring Funds within Yosemite West, Don Pedro, Mariposa Pines, and Coulterville Wastewater Utility Districts to Cover the Increased Costs for Waste Discharge Requirement Fees (\$9,966) (4/5ths Vote Required) (Public Works Director); Res. 03-428, with direction for a letter to be sent
- CA-3 Adopt a Resolution Appointing Dana Finney to the Mariposa Public Utility District Board of Directors, as Having Filed a Declaration of Candidacy Pursuant to Election Code 10515(a3); and Appointing William H. Bondshu to the Mariposa Public Utility District as Recommended by the District, to Fill an Open Position Not Filed For Pursuant to Election Code 10515 b (Elections); Res. 03-425
- CA-4 Adopt a Resolution Appointing Peter R. Leinau and Richard W. Ryon to the Yosemite Alpine Community Services District (YACSD) Board of Directors (Elections); Res. 03-426
- CA-5 Adopt a Resolution Accepting the Statement of Votes Cast for the Lake Don Pedro Community Services District Special District Election Held Under the Uniform District Election Law, November 4, 2003, as Certified to the Secretary of State and Declare Elected Those Persons as Set Out in the Statement (Elections); Res. 03-427

4:56 p.m. Adjournment in memory of Marian Kalp, Miriam McNitt and Bill Kyle.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA December 2, 2003



Time Description

9:07 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

- Dr. Mosher, Health Officer, provided a status report on the flu vaccination program.

Board Information

- Supervisor Balmain advised that he plans to attend the Mental Health Board meeting scheduled for noon this date.
- Supervisor Bibby advised of an invitation from First 5 to attend a community meeting on Wednesday to share information and ideas around a Family Resource Center.
- Supervisor Pickard advised that he plans to attend the County Medical Service Program (CMSP) meeting on Wednesday and Thursday.

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

BOARD ACTION: Supervisor Pickard commented on item 1, and welcomed Tom Guarino. (M)Parker, (S)Stetson, item 1 was approved/Ayes: Unanimous. (M)Bibby, (S)Parker, the balance of the items were approved/Ayes: Unanimous.

Jeff Green, County Counsel;

Adopt a Resolution Approving an Avigation and Hazard Easement with David and Sharon Moore in the Amount of \$68,200 Contingent on Receipt of Technical Information Being Provided by the Public Works Department

BOARD ACTION: Discussion was held. Jeff Green recommended that the easement be approved conditioned upon receiving the technical information from Public Works; and he advised that no monies would be paid until the information is obtained and the agreement is complete. (M)Balmain, (S)Stetson, Res. 03-437 was adopted, as recommended by County Counsel. Don Starchman, Starchman Law Offices representing the Moore's, asked if there could be a 45-day limit for Public Works to submit the information. The motion was amended, agreeable with the maker and second, directing that the information be submitted within 45 days/Ayes: Unanimous.

Eric Toll, Planning Director;

Adopt a Resolution Re-Chartering the Catheys Valley Planning Advisory Committee in Conformance with Mariposa County Code Section 2.50.100 (Continued from 11/18/03)

BOARD ACTION: Discussion was held with Eric Toll. Chairman Pickard advised of correspondence that was received relative to this matter.

Input from the public was provided by the following:

Joe Simon, Chairman of the Committee, read his letter into the record which advised of the Committee's efforts to obtain input from the community.

James Kidd read his letter into the record which discussed planning for the area and growth impacts and the planning process.

Gloria Palmer stated she was a member of the Committee and reinforced Joe Simon's comments relative to the Committee's efforts to do what the community wants.

Lou Cordero advised that the Committee always takes input from the public, and he thanked Eric and Sarah Williams for their efforts with the Committee. He responded to a question from Supervisor Bibby and advised that their plan is to leave the existing zoning that is in place today.

Robin Brockman stated he supports the plan. He responded to a question from Supervisor Bibby and advised that the Committee takes public input and includes it in their consideration of the plan.

Debra Salonen stated she feels it is important that the Board hear from the people of the community. She noted that their meetings occur in the evenings and are well attended and input is taken.

Discussion was held. Supervisor Parker advised that he does not feel that this action has anything to do with work the Committee is doing – the Board's previous direction to staff was to remove language referring to the proposed General Plan as it has not been adopted. This is the same direction that was given for the resolutions for the other town planning advisory committees. Supervisor Bibby advised that she provided each Committee member with a copy of the tape from the Board's previous discussion of this matter. (M)Bibby, (S)Stetson, Res. 03-438 was adopted, with the typographical correction to be made/Ayes: Unanimous.

9:43 a.m. Recess

10:06 a.m. Jim Petropulos, Public Works Director;

PUBLIC HEARING Relative to Fees for Ground Leases, Tie-Downs, and Hangars at the Mariposa/Yosemite Airport; and Adopt a Resolution Approving the Proposed Fee Schedule
BOARD ACTION: Supervisor Balmain excused himself from the Board for this item as he rents a hangar. Jim Petropulos presented the staff report, and he advised that the Airport Advisory Committee unanimously supported this proposal. He also advised of a subsequent email that was received relative to the fee increase. He responded to questions from the Board relative to the reasons for different fees for the various hangars. Carl Casey/PWD-Fiscal Officer, advised that most of the rates are based on the square footage size of the hangar. He noted that some hangars are privately owned and there is only a ground lease. He also noted that some of the accesses are not paved and those rates are different. Staff responded to questions from the Board as to whether the door for hangar No. 50 could be altered so that it could be used for aircraft and relative to use of the storage hangars. Carl reviewed how the proposed rates were reached, and he advised of a correction to the list of hangars to reflect No. 58 versus 57 for the nested metal T-hangars. Jim responded to a question from the Board and advised of the comparison of the rates to other areas.

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

Ron Obernolte stated he rents a hangar and paid his rent even when the Airport was closed for the improvement construction, and he suggested that there be a break in the rent. He stated he feels the AWAS is still not operative. Jim Petropulos advised that the AWAS is operational. Ron questioned whether there is a profit/loss statement available for the Airport operations that justify the fee increase; and he commented on sources of revenue generated by the Airport operations; i.e., personal property tax assessments on the aircraft, fuel sales, and rental of facilities to the fire personnel. He asked about the status of the penalties imposed on the recent contractor for the improvement project. He asked if there is a contract to clean the facility, and he noted that the restrooms were locked recently. He stated he feels that the \$4.00 transient tie-

down fee is low versus other areas. He stated he feels the new hangars should have pavement around them to avoid the dirt problems.

Paul Chapman commented on the solid waste fee increase action taken the previous week, and he stated people support the Airport. He also noted that the rate for the storage hangar is less than rates for other storage facilities.

The public portion of the hearing was closed and the Board commenced with deliberations. Carl Casey responded to the input provided relative to the revenue and expenses for the Airport. Staff responded to questions from the Board relative to maintenance of the Airport; relative to keeping the outside restroom unlocked; property tax assessments for the hangars and not the tie-downs; considering an increase in the transient tie-town rate; relative to fuel rates; relative to the balance and interest rates on the hangar loans; and relative to the email from Julia Richard and whether she attended the Airport Advisory Committee meeting. (M)Parker, (S)Stetson, Res. 03-439 was adopted approving the recommended fee schedule. Public Works was asked to prepare a response to the email from Julia Richard. Ayes: Stetson, Bibby, Parker; Pickard; Excused: Balmain. The hearing was closed.

10:53 a.m. Supervisor Balmain rejoined the Board.

Approve the Contract Extension for Copy Machine Service with Spriggs, Inc., and Minolta Corporation; and Authorize the Chairman to Sign the Contract Extension (County Administrative Officer)

BOARD ACTION: (M)Parker, (S)Stetson, Res. 03-440 was adopted approving the contract extension. Discussion was held and it was noted that the contract extension was not included in the packages. The motion was amended, agreeable with the maker and second, to include direction that the extension is approved subject to review by County Counsel/Ayes: Unanimous.

Authorize the Chairman to Sign a Letter Declining Participation in the Operation Clean Air Committee (Supervisor Pickard)

BOARD ACTION: (M)Parker, (S)Balmain, Res. 03-441 was adopted. Supervisor Bibby asked whether membership should continue with the San Joaquin Regional Study Agency. Supervisor Stetson asked about participation in the Mountain Counties Air Basin. Discussion was held, and it was agreed that Supervisor Bibby would work with Dr. Mosher/Air Pollution Control Officer to schedule a discussion of these memberships and to present a status report on air pollution issues. Ayes: Unanimous.

11:03 a.m. Recess

11:19 a.m. Eric Toll, Planning Director;
Board of Supervisors Public Workshop Relative to the Final General Plan Covering Chapters 2, 3, and 4; Guiding Principles; Administration; and Continuation, if Needed of Chapter 8; Housing. Possible Board Direction Setting Future Workshop Schedule

BOARD ACTION: Chairman Pickard advised that the Board would continue with its review of Chapter 8/Housing Element, and that public input would be taken with the review of each section. The following sections were reviewed:

8.8 Non Governmental Constraints

8.8.01 Environmental Features – No changes were made.

A. Geologic Hazards – No changes were made.

B. Soils with Low Permeability Rates – Ken Melton suggested that septic systems be clarified to reflect “standard” septic systems. Jeff Green, County Counsel, suggested that “conventional” be used, and the Board concurred.

C. Excessive Slope – Discussion was held.

Don Starchman stated he feels the 15 percent slope limitation would have an affect on the field of dreams project. He commented that driveways do not go straight up hillsides, but follow the terrain.

The Board concurred with deleting “Excessive” from the title; and with changing the end of the first sentence to read “...site preparation and sewage disposal become more difficult than usual.”

Ken Melton stated he feels this section could be written better and clarified that 15 percent is excessive for multi-family and not single-family construction. He cited the Campbell Tract subdivision as an example of single-family homes on 20-25 percent slope, and Terrace View on 18-20 percent slope.

8.8.02 Interest Rates and Availability of Financing – The Board concurred with changing line 1070 to read “In the County there is no evidence that home financing...”

8.8.03 Land and Construction Costs – No changes were made.

A. Land Costs – Supervisor Bibby asked about the accuracy of the data. Eric will try to obtain current data. Supervisor Parker suggested that the section reference the data as being current as of a specific time period.

Ken Melton commented and stated he feels the language is unclear in the last sentence. Eric advised that “lot” should be replaced with “acre.”

B. Construction Costs – Eric advised that he will update the data in this section.

Don Starchman questioned whether governmental incentives will be available in the future. Supervisor Pickard requested that reference to the Proposition 42 funding incentive program be included, along with the Proposition date and title.

8.8.04 Services

A. Water Supply – No changes were made.

A(1) Mariposa Town Planning Area – Supervisor Stetson questioned the information on the water supply and pressure zones. Eric advised that he will rewrite this information. On line 1182, “swells” was corrected to read “wells.”

A(2) Coulterville Town Planning Area – On line 1202, “wells” was corrected to read “well.”

A(3) Ponderosa Basin – No changes were made.

A(4) Yosemite West – No changes were made.

A(5) Fish Camp/[a]Yosemite Alpine Village Community Services District and [b]Fish Camp Mutual – No changes were made.

A(6) Mariposa Pines – No changes were made.

B. Community Sewer Service – Following discussion, direction was given for Eric to check and verify the information in this section. On line 1250, “server” was corrected to reflect “sewer.”

Don Starchman noted that the timeframe for the Yosemite West wastewater treatment plant needs to be updated; and he questioned the language for the Lake Don Pedro sewage disposal facility – Board concurred with updating the timeframe information for Yosemite West, and with stating that “Programs are underway for the Lake Don Pedro sewage disposal facility.”

Ken Melton clarified that the paragraph relative to MPUD will be rewritten in cooperation with the MPUD Manager.

The workshop was continued to the afternoon.

CLOSED SESSION: Regarding Conference with County Labor Negotiator Relative to SEIU Local 250 Representing In-Home Supportive Service (IHSS) Providers (Continued from 11-18-03) (County Administrative Officer)

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

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (Continued from 11-18-03) (County Counsel)

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

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Robert E. Cooper and John J. Swenson v. County of Mariposa et al (County Counsel)

BOARD ACTION: (M)Balmain, (S)Parker, the closed session is to be held at 1:30 p.m. with Attorney Bill Abbott, special counsel, present/Ayes: Unanimous.

11:59 a.m. Lunch

1:32 p.m. The Board convened in closed session.

1:57 p.m. Recess

2:14 p.m. The Board reconvened in open session, and Chairman Pickard announced that direction was given to staff as a result of the closed session.

Eric Toll, Planning Director;

A) Board Action on the SilverTip Resort Planned Development, Specific Plan Amendment #99-1, Zoning Amendment #99-1, Planned Development #99-1, Conditional Use Permit #267, Land Division Application #1511 for a 15.73 Acres of RC-PD Zoning, 29.07 Acres of SFR-1-PD, 137 Hotel Units, 30 Cabin Units, 30 Transient Occupancy Use Approvals, 4 Parcels (Continued from 11-4-03) (**NOTE:** agenda was corrected on December 1, 2003, to reflect 137 hotel units versus 125)

BOARD ACTION: Eric Toll advised of three pages of errata that were distributed to add to this package to correct a typographical error and to correct the acreage labels for the land use classification maps. Eric reviewed the seven recommended actions. Eric and Attorney Bill Abbott, special counsel, responded to questions from the Board relative to certifying the Environmental Impact Review (EIR); and relative to the Conditional Use Permit only referencing an exterior swimming pool – however, there is language in the documents relative to draining an exterior and interior pool. Ron Coleman, applicant, advised that there is an interior pool and an exterior pool planned for the project. Staff responded to additional questions from the Board as to whether there are any existing septic systems to be removed or abandoned, and relative to the process; and relative to the status of the Board's request for more detailed information on the employee housing. Eric advised that details of housing for twenty employees will be included in the development agreement which will come back to the Board for ratification. Staff responded to a question from the Board relative to the parking requirements. The Board took the following actions relative to the SilverTip Resort.

(M)Parker, (S)Balmain, Res. 03-442 was adopted certifying the EIR and adopting findings, a Mitigation Monitoring and Reporting Program, and Statements of Overriding Consideration/Ayes: Balmain, Bibby, Parker, Pickard; Noes: Stetson.

(M)Parker, (S)Balmain, Res. 03-443 was adopted approving Specific Plan Amendment No. 99-1 amending the Fish Camp Town Planning Area Specific Plan to change its land use classification map, as recommended. Supervisor Bibby read a portion from the Fish Camp Specific Plan relative to the guiding principles and the goals and objectives to support the goals for planning for the community. Supervisor Stetson stated he felt there could be different points of view. Supervisor Pickard stated he supports a SilverTip Resort project, but can't support this project as proposed. He stated he feels the community is looking for a scaled down version and one that is viable and sustainable; and he advised that these same concerns apply for each of the following actions. Ayes: Balmain, Bibby, Parker; Noes: Stetson, Pickard.

(M)Parker, (S)Balmain, reading was waived and Ord. 1000 was adopted approving Zoning Amendment No. 99-1 amending the uncodified ordinance implementing the Fish Camp Town Planning Area Specific Plan to change its zoning district map as recommended/Ayes: Balmain, Bibby, Parker; Noes: Stetson, Pickard.

(M)Parker, (S)Balmain, Res. 03-444 was adopted conditionally approving Use Permit No. 267 for the SilverTip Resort Village, as recommended/Ayes: Balmain, Bibby, Parker; Noes: Stetson, Pickard.

(M)Parker, (S)Balmain, Res. 03-445 was adopted conditionally approving the Planned Development Permit No. 99-1 for the SilverTip Resort Village, as recommended/Ayes: Balmain, Bibby, Parker; Noes: Stetson, Pickard.

(M)Parker, (S)Balmain, Res. 03-446 was adopted conditionally approving the Land Division Application No. 1511 to create four parcels as shown on the tentative map, as recommended/Ayes: Balmain, Bibby, Parker; Noes: Stetson, Pickard.

(M)Stetson, (S)Parker, Res. 03-447 was adopted approving and authorizing the Chairman to sign the Indemnification Agreement with PacificUS for the SilverTip Resort Village project/Ayes: Unanimous.

Eric Toll advised that there are over 11,000 pages in the administrative record for this project that is being cataloged for the attorneys involved in this matter, and he commended the Board for its efforts.

2:38 p.m. Recess

3:15 p.m. Review and Approve the Proposed 2004 Mariposa County Legislative/Regulatory Platform (Supervisor Pickard)

BOARD ACTION: Supervisor Pickard initiated discussion, and he advised of an addendum that includes the following issues: California Youth Authority programs and States Water Resources Control Board fees. Board members provided input to staff for changes to the proposed platform. Rich Inman, County Administrative Officer, clarified that adoption of this platform gives authority to sign letters concerning the Board's position on issues that are included in the platform without further Board action. Mary Hodson, Administrative Analyst, responded to questions relative to the status of the restoration of the funding for the field offices for the Future Farmers of America program and relative to the Farm Advisor/4-H program funding. The matter was continued to December 9th for the changes to be incorporated in the proposal.

Discussion and Possible Action Relative to Canceling the Board's Regularly Scheduled Meeting for December 23, 2003 (Supervisor Pickard)

BOARD ACTION: (M)Balmain, (S)Bibby, Res. 03-448 was adopted canceling the meeting for December 23rd/Ayes: Unanimous.

B) Continued General Plan Workshop from Morning Session

BOARD ACTION: The workshop was continued to December 9, 2003 at 10:00 a.m.

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

CONSENT AGENDA:

CA-1 Appoint Thomas Guarino as County Counsel for a Four Year Term, Effective January 5, 2004; Set County Counsel Salary at \$94,250 Per Year; and Waive the Residency Requirement for Six Months from Date of Hire (County Administrative Officer); Res. 03-432

CA-2 Waive Second Reading and Adopt an Ordinance Amending Section 2.08.020 of the County Code, Consolidating the Offices of Sheriff, Coroner, and Public Administrator; Rescinding Chapter 2.28 of the County Code as it has been

Superseded with Job Descriptions and Memorandums of Understanding with Bargaining Units; Rescinding Chapter 2.32 of the County Code due to the State of California Consolidating the Justice Court with the Superior Court; Amending Chapter 2.76 of the County Code to be Consistent with the Current Policies and Procedures of County Vehicle Use; and Amending L. in Section 3.56.020 of the County Code to make this Section Consistent with the Board's Previous Action to Rescind the Mariposa County Redevelopment Agency (County Counsel); Ord. 999

- CA-3 Approve an Increase to the SilverTip Environmental Impact Report (EIR) Contract with Quad Knopf, Inc. in the Amount of \$17,000 due to a Number of Revisions, Additional Meetings that Increased the Scope of Work, and the Amount of Time Required to Complete the Project Exceeding the Contract Amount (Planning Director); Res. 03-433
- CA-4 Authorize the Mariposa County Librarian to Sign a Contract with the Mariposa County and First 5 of Mariposa County for a Grant Fund Agreement, Focusing on the Emotional Health and Development of Children Between the Ages of 0-5, and Approve Budget Action Increasing Revenue and Corresponding Appropriations (\$5,000) (4/5ths Vote Required) (Librarian); Res. 03-434
- CA-5 Adopt a Resolution Designating the Method by Which the Appropriation Limits will be Calculated for Fiscal Year 2002-03 (Auditor); Res. 03-435
- CA-6 Adopt a Resolution Establishing Appropriation Limits for Fiscal Year 2002-03 Pursuant to Article XIII B of the California Constitution and Government Code Section 7902 and 7910 (Auditor); Res. 03-436

3:45 p.m. Adjournment in memory of Mary Jane Ehrman.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA December 9, 2003

Time Description

9:07 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

- Eleanor Keuning requested that Leonard Road be graded. She also referred to a story in the Los Angeles Times relative to the actions on the SilverTip Resort and use of the cottages.
- Dianne Fritz, President of the Chamber of Commerce, reminded everyone that the Merry Mountain Christmas Parade is scheduled for this weekend.
- Supervisor Balmain read an email from Bill Dennison, Plumas County Supervisor, relative to the closure of the Wetsel-Oviatt sawmill and problems businesses in California are encountering, especially sawmills.

Board Information

- Supervisor Bibby referred to a Fresno Bee article that was provided by Paul Chapman, relative to the County's air pollution status. She advised that she has asked Dr. Mosher to give a presentation to the Board on air pollution issues. She also advised that the Catheys Valley Town Planning Advisory Committee meeting is scheduled for this evening at McCay Hall. She plans to attend the Foreign Trade Zone and First 5 meetings this week.
- Supervisor Stetson advised that the El Portal Town Planning Advisory Committee meeting is scheduled for this evening in El Portal.
- Supervisor Pickard advised that he will give an update on the County Medical Services Program and Regional Council of Rural Counties meetings at a coming Board meeting.

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

BOARD ACTION: Supervisor Bibby pulled items 1, 3 and 5. (M)Stetson, (S)Bibby, the balance of the items were approved/Ayes: Unanimous. Supervisor Bibby initiated discussion relative to item 1, job classification requirements, open recruitment, and whether there are any compaction issues or input from the Union. (M)Bibby, (S)Stetson, item 1 was approved/Ayes: Unanimous. Supervisor Bibby initiated discussion relative to item 3 and approval for signing the agreement and relative to the number of hours. Supervisor Parker clarified that the costs is offset by revenue. (M)Bibby, (S)Stetson, item 3 was approved and authorization was given for the County Administrative Officer to sign the contract, with the provision that the costs be offset by revenue/Ayes: Unanimous. Supervisor Bibby initiated discussion relative to item 5, and whether consideration should be given to paying the employee versus extending the time for the vacation accrual amount. The matter was continued to later this date for discussion with the Planning Director.

Bob Pickard, Board of Supervisors, Chair;
Presentation by Barbara Milazzo of the Mariposa County Kiwanis Club Relative to the Young Children's Developmental Playground Being Installed at the Historic Darrah School

BOARD ACTION: Barbara Milazzo gave a presentation on the playground project and advised of grant funding received from the First 5 of Mariposa. Her presentation included a review of the equipment that was selected and the planned education component, and recognition of individuals and businesses that have contributed to the project.

9:44 a.m. Recess

10:01 a.m. B) Public hearing relative to the 2003 Update of the County of Mariposa Housing Element was opened and continued to after the following items.

Rich Inman, County Administrative Officer;

A) Discuss and Provide Direction to Staff Regarding the Mariposa County Fire Safe Council's Proposal for the Use of Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) Funds

BOARD ACTION: Rich Inman presented the staff report. Supervisor Balmain commented on the chipping program. (M)Balmain, (S)Stetson, Res. 03-455 was adopted directing staff to notice the proposal and begin the 45-day public comment period/Ayes: Unanimous. Jan Hamilton, Chair of the Fire Safe Council, thanked the Board for pursuing this program, and she advised that she would work with Supervisor Balmain relative to implementing the chipping project.

B) Waive First Reading and Introduce an Ordinance Adding Chapter 2.112 to the Mariposa County Code, Establishing the Mariposa County In-Home Supportive Services Public Authority

BOARD ACTION: Supervisor Balmain advised of a typographical error on the bottom of page six of the ordinance relative to service delivery. Pam Whalen, SEIU 250, thanked the Board and staff for working with them, and she clarified that they would be able to raise the training requirement issue during negotiations. (M)Stetson, (S)Bibby, the first reading was waived and the Ordinance was introduced/Ayes: Unanimous.

Jim Allen, Sheriff;

Approve Proposal Authorizing the Mariposa County Road Department to Change Traffic Flow on 7th Street Between Bullion Street and Jones Street to One-Way Traffic Only

BOARD ACTION: Discussion was held with Brian Muller, Undersheriff, relative to the request; and he advised of support received from the neighboring residents, CHP, Public Works, and the School. He advised that they plan to make the change during the holiday season and to give the public notification. He thanked Deanna Clinkenbeard/PWD-Engineering Technician Trainee, for her work on this project. Supervisor Pickard asked about notification to MPUD and the Fire Department, and discussion was held. (M)Parker, (S)Bibby, Res. 03-456 was adopted approving the request as recommended/Ayes: Unanimous.

Jacque Meriam, Librarian;

Authorize the Mariposa County Library to Change Their Hours for a Six-Month Trial Period Beginning January 5, 2004 to Monday and Saturday, 10:00 a.m. – 2:00 p.m.; Tuesday and Thursday, 9:30 a.m. – 6 p.m.; and Wednesday and Friday, 9:30 a.m. – 5:00 p.m. to Improve Service to Library Patrons

BOARD ACTION: Discussion was held with Jacque Meriam relative to the request. (M)Stetson, (S)Bibby, Res. 03-457 was adopted approving the request for the trial period/Ayes: Unanimous. Supervisor Parker requested that statistics on usage be provided when this matter comes back at the end of the six-month trial period. Supervisor Balmain asked for statistics on the Red Cloud Library branch.

Review and Approve the Proposed 2004 Mariposa County Legislative/Regulatory Platform (Continued from 12-2-03) (Supervisor Pickard)

BOARD ACTION: The matter was continued to after the following item for copies to be made available for the public.

Consent Agenda item 5 – Following discussion with Eric Toll, Planning Director, (M)Bibby, (S)Parker, item 5 was approved, with direction that the employee be allowed to continue to accrue vacation at the normal rate, but the accumulated amount must be below the 240 limit by the end of June, 2004/Ayes: Unanimous.

Review and Approve the Proposed 2004 Mariposa County Legislative/Regulatory Platform (Continued from 12-2-03) (Supervisor Pickard)

BOARD ACTION: Supervisor Pickard advised of the changes that were made based on the Board's direction on December 2nd. Discussion was held and the Board concurred with changes to the draft platform. (M)Stetson, (S)Balmain, Res. 03-459 was adopted approving the Platform, with the changes as discussed/Ayes: Unanimous.

10:41 a.m. Supervisor Balmain was excused for the following item.

Waive Second Reading and Adopt an Ordinance Amending General Plan/Zoning Amendment No. 2003-154, Gary Balmain, Applicant Amending the General Plan Land Use Map and County Zoning Map by Changing the Zoning Designation of a 10.78 Acre Parcel (APN: 3-040-014) from the Mountain Home (MH - 5 Acre Minimum Parcel Size) to the Mountain General (MG – 40 Acre Minimum Parcel Size); and Applying the Timber Exclusive Overlay Zone over this Parcel and a 160 Acre Parcel (APN: 03-010-016) Located Adjacent and South of the 10.78 Acre Parcel (Planning Director)

BOARD ACTION: (M)Parker, (S)Bibby, second reading was waived and Ordinance No. 1001 was adopted/Ayes: Stetson, Bibby, Parker, Pickard; Excused: Balmain.

10:43 a.m. Recess

11:12 a.m. Eric Toll, Planning Director;

A) Board of Supervisors Public Workshop Relative to the Final General Plan, Chapter 8 – Housing Element. Possible Board Direction Setting Future Workshop Schedule (Continued from 12-2-03)

BOARD ACTION: Chairman Pickard advised that the Public Hearing on the Housing Element is continued until after the conclusion of the workshop, and he advised that section 8.11 is being deferred to the end of the workshop. Supervisor Balmain expressed concern with the workshop process and the new materials that were handed out prior to the workshop that show the changes that have been made to this point, as well as a memorandum from Planning concerning differences between the proposed version and the 1995 version, as his notes are on the original draft interim version dated November 25, 2003. Discussion was held relative to the timeframes for adopting the Housing Element, and potential consequences if the timeframes are not met. Supervisor Balmain also commented on the number of typographical and grammatical errors that are in the document. Chairman Pickard announced that copies of the new materials are available for the public on the table in the back of the Chambers.

The Board reviewed the following sections of the Housing Element, and the Chairman called for input from the public at the end of each section.

8.9 Housing Issues

8.9.01 Mariposa County Housing and Community Development Agency – Supervisor Bibby noted that there is a period on line 1264 that needs to be deleted.

Gene Mickel stated he learned today, from reading this document, who and what the Housing and Community Development Agency (HCDA) is, and he noted that they are supposed to work closely with the real estate industry. He noted that in his nearly twenty years in real estate, that there has been no communication.

Al Handy, President of the Board of Realtors, stated he would like to invite a representative of the HCDA to their next meeting.

The Board concurred with changes to the last paragraph of the section to reflect that the goal of HCDA is to continue to improve services, and to interface/interact with other agencies like the Board of Realtors.

8.9.02 Economic Development – Rich Inman suggested that the sentence on line 1284 reflect that the County recognizes the disparity between affordable housing and low paying jobs; and that the following sentence be deleted. The Board concurred with these changes.

Don Starchman stated he agreed with the recommended changes. He also stated he feels the last paragraph in the section should be deleted, and the Board concurred.

8.10 Energy Conservation – The Board concurred with changing natural gas to propane; and with correcting “differential” to read “different on line 1328. The Board concurred with deleting the sentence on line 1339.

Chairman Pickard provided a reminder that section 8.11 would be considered later in the workshop, and the next section to be reviewed is 8.12. Eric advised that 8.11 is a review of what has occurred since the 1995 Update. Discussion was held relative to the materials that are being presented for the workshops.

11:54 a.m. Lunch

2:07 p.m. The Board continued with the workshop on the Housing Element and reviewed the following sections. Chairman Pickard again announced that copies of the materials being reviewed are available at the back table.

8.12 Housing Goals, Policies, and Programs

8.12.01 Introduction – The Board concurred with adding “and construction” to line 1728.

Don Starchman commented on watching as the document is being reviewed relative to the existing town planning area and five-acre zoning, and stated he does not feel there will be any affordable sites between Mariposa and the County line in the future.

8.12.02 Finding Unique to the County of Mariposa – The Board concurred with changing the wording of the sentence on line 1744 to read “Housing issues with great importance to Mariposa County include:...” The board concurred with changing the following bullets to read: “Housing and University of the California/Merced; and “Housing Inspections.”

8.12.03 Mariposa County’s Housing Goal – Discussion was held.

Gene Mickel asked whether this section needs to try and cover everything, referring to the end of the first paragraph.

The Board concurred with changing the sentence to read “...all future residents of the County.”

8.12.04 Mariposa County’s Housing Policies – Rich Inman questioned the use of “ensure” and suggested that the wording be changed to “make every effort to ensure.” The Board concurred with the following changes:

“Make every effort that the following policies guide the objectives and programs necessary to fulfill the County’s housing goals:

- A. Adequate number of housing sites to meet the needs of its citizens.
- B. Housing that is affordable to all economic segments of the community.
- C. Adequate facilities available to support future housing needs.
- D. Housing units available to serve persons with special housing needs.
- E. Rehabilitation of its housing stock to replace housing units in need of replacement.
- F. Promoting regular maintenance of housing as a means of conserving existing housing stock.
- G. Strategies and actions to increase homeownership...
- H. Assistance to citizens in need of short-term emergency housing.
- I. Prevention of discrimination housing.
- J. Citizen participation as part of the housing element...
- K. Collaborate with the National Park Service and its concessionaires...”

Gene Mickel provided a suggestion for wording of the first sentence; and he noted that the County may not be responsible for accomplishing the goals, but just to assist with reaching them.

8.12.05 Housing Objectives and Programs

A. Objective One: Accommodate the County's Housing Allocation – The Board concurred with deleting “to” on line 1795; and with deleting the following wording from the end of the first paragraph “the County must enable during the coming five-year period.”

Ken Melton stated he feels this is a duplication of wording that exists in section 8.11.03, and he questioned why it should be in this section.

A(1) Findings – Don Starchman commented on “fair share” and diversity of the County – he stated he feels there needs to be a more fair and equitable distribution of housing in the County, but he is not requesting a change at this time.

A(2) Programs – Discussion was held. Jeff Green asked about including other affected departments as the responsible agency. Eric Toll advised that Health and Public Works should be included. The Board concurred with changing the wording in section 1.1 to read as follows, “The County development departments shall annually review their permit procedures to reduce the cost and time of processing development of housing.” The Board concurred with showing the responsible agency as County Administration.

Don Starchman stated he does not feel that it does any good to shorten the permit processing timeframes if the whole project cannot get done, and he also commented on addressing the cost of development impacts. Discussion was held relative to the costs of processing zone of benefit permits, etc.

3:00 p.m. Recess

3:24 p.m. Chairman Pickard initiated discussion concerning issues that have been raised with Board members relative to processing documents and finalization of maps, etc. He suggested that he work with Supervisor Parker and the County Administrative Officer, with staff assistance, to prepare a workshop for the Board and the public in the near future. Discussion was held. Don Starchman stated he would be okay with meeting with the Board members and the County Administrative Officer; however, if the committee is expanded to include the department heads, then he would like for himself and Ken Melton to be included. Chairman Pickard asked the County Administrative Officer to prepare an agenda item for discussion on how to deal with this matter. Ken Melton noted that he feels there is a long list of issues, and he suggested that the Board may want to choose two or three items to work on at a time.

Further discussion was held relative to using “annually” versus “regularly” in section 1.1. The Board concurred with using “annually.” The Board concurred with deleting section 1.2. Discussion was held relative to section 1.3, and the Board concurred with the following wording: “The County of Mariposa should make every effort to collaborate with the National Park Service and its concessionaires, the lodging industry, and private enterprise, to leverage authority and funding to assist in building housing units to house their employees.” Discussion was held relative to using “shall” versus “should.”

Bob Rudzik stated he agrees with the use of “shall.”

Ken Melton suggested that the lodging industry and private enterprise be deleted.

Gene Mickel suggested the use of “may” versus “should.”

B. Objective Two: Providing Affordable Housing – The Board concurred with the following wording for the second sentence, and with deleting the last sentence – “There is a limited inventory of available and affordable housing in all categories.”

B(1) Findings – The Board concurred with changing “provided” on line 1848 to “identified” and with changing “by” on line 1852 to “be.”

B(2) Programs – Following discussion, the Board concurred with deleting section 2.1. Supervisor Stetson questioned the term “density bonuses” in section 2.2 and suggested included a box with information. Rich Inman suggested adding Administration as a responsible agency, and the Board concurred. Jeff Green, County Counsel, noted that the 25 percent density bonus could be amended in the next five years before this element is revised. The Board

concurrent with changing section 2.3 to read "The County shall continue to allow density bonuses pursuant to Government Code Section 65913.4, et. seq." Discussion was held relative to section 2.4. Eric Toll advised of changes in the law relative to secondary/accessory units.

Ken Melton suggested that the rest of the paragraph after the first sentence in section 2.4 be deleted, and the Board concurred.

Don Starchman stated he does not see any reason to limit secondary residences on five-acre parcels. He stated he does not feel that the County needs to control things for the sake of control, and he does not feel the secondary residences are a problem. He noted that someone may own a 1200 square foot home and want to build a larger home on their parcel.

Gene Mickel commented on the need for rentals in the County, and he stated the secondary homes help fulfill that need. He stated he agrees with Don Starchman that the size of the residences should not be limited. He questioned whether the last part of the first sentence relative to "in conformance with state law" should be left in the element.

No changes were made to section 2.5. The timeframes in section 2.6 were updated to reflect July 2003 and December 2004, and it was clarified that the special housing needs assessment has been completed. Following discussion, no changes were made to section 2.7.

C. Objective Three: Providing Adequate Sites and Services – The Board concurred with deleting reference to "performance zoning regulations" and the footnote, and with clarifying "Town Planning Areas" as requested by Don Starchman.

Gene Mickel cited Tavis and CKC Enterprises as job centers that are not within town planning areas.

C(1) Findings – Supervisor Parker questioned whether sufficient land has been designated by the County to accommodate its 2003-2008 housing allocation, and Eric Toll advised that there is.

Gene Mickel suggested using the term "identified."

Ken Melton asked if the second paragraph would be a part of the Planning Director's discussion with MPUD. Eric Toll advised that the second paragraph could be deleted, and the Board concurred.

C(2) Programs – The Board concurred with changes suggested by Eric Toll to end the first sentence after "development"; to delete the third sentence; and to change "update" on line 1958 to "review."

4:29 p.m. Recess

4:53 p.m. Discussion was held relative to the workshop schedule. The Board concurred with completing section "C" at this time. Supervisor Parker suggested that the Board consider scheduling another date to meet, and he stated he feels that enough time needs to be given between completing the review for Planning to provide the Board with a corrected and clean package before the public hearing is held on the Housing Element next Tuesday. Eric Toll advised that there are only two issues that have an impact on the County in the next three to four months, until further review could be given on the document. He advised that Chapter 8.14 is not required for certification of the Housing Element; however, Chapter 8.13 is required. The Board continued with review of the document.

The Board concurred with adding "Town" in front of Planning Areas, and with changing "Planning Department" on line 1968 with "County" in section 3.2. In section 3.3, the Board concurred with adding "with" on line 1976.

Further discussion was held relative to the workshop schedule and the public hearing schedule. Eric Toll provided a reminder that section 8.14 could be eliminated without affecting the certification of the Housing Element. He further noted that the Deputy Planning Director could be present for review of the rest of the draft document on December 16th; that section 7.1 could be deleted, and that section 5.8 would require employee housing unless changed by the Board. The Board concurred with continuing the workshop to December 16, 2003; and with

continuing the Public Hearing on the Housing Element to December 16, 2003, at 1:00 p.m. to be further continued to January 6, 2004, for adoption. It was agreed that this schedule would allow sufficient time for Planning to provide a corrected package for review by the Board and the public prior to adoption.

B) **PUBLIC HEARING** Relative to the 2003 Update of the County of Mariposa Housing Element.

NOTE: The Public Hearing will commence immediately upon completion of the workshop on the Housing Element

BOARD ACTION: The Public Hearing was continued to December 16, 2003, at 1:00 p.m., to be further continued to January 6, 2004, for adoption.

CLOSED SESSION: Regarding Conference with County Labor Negotiator Relative to SEIU Local 250 Representing In-Home Supportive Service (IHSS) Providers (Continued from 11-25-03) (County Administrative Officer)

BOARD ACTION: Closed session was not held.

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (Continued from 11-25-03) (County Counsel)

BOARD ACTION: Closed session was not held.

CONSENT AGENDA:

- CA-1 Approve the Proposed Job Description of Assistant Director of Public Works – Support Services; Set the Salary at Range 330 (\$4,885 - \$5,938/Month); and Assign the Position to the Mariposa County Managerial and Confidential Organization (MCMCO) (County Administrative Officer); Res. 03-453
- CA-2 Approve the Administrative Assistant – District Attorney’s Office Class Spec; Set the Salary at Range 196 (\$2,508 - \$3,048/Month); and Eliminate the Paralegal Allocation Effective July 1, 2003 (County Administrative Officer); Res. 03-449
- CA-3 Approve the Hire of an Extra-Help Associate Planner at Range 241, Step 5 (\$21,9986/Hour), to Assist Mariposa Planning with Current Planning and Special Project Workload (Planning Director); Res. 03-454 with authorization for the County Administrative Officer to sign the Agreement, and with the provision that the costs are offset by revenue
- CA-4 Adopt a Resolution Approving the Road Name, “Royal Ridge Road”, Application #2003-252 (Planning Director); Res. 03-450
- CA-5 Authorize the Deputy Planning Director to Carry Accrued Vacation Time, Earned While Interim Planning Director, Until June 30, 2004 (Planning Director); Res. 03-458 with direction
- CA-6 Adopt a Resolution Declaring a List of Fire Vehicles to be Surplus; Authorize Fleet Services to Dispose of these Vehicles Through the Off-Site Auction Process as per Contract with Roger Ernst Auctions and Authorize Fleet Services to Sign-Off on Vehicle Titles as the County Representative (Public Works Director); Res. 03-451

- CA-7 Accept Resignation of Officer Sam Samra, of the California Highway Patrol (CHP) for his Service on the Emergency Medical Care Committee (EMCC) (Health Officer)
- CA-8 Appoint California Highway Patrol Officer Chris Michaels to the Emergency Medical Care Committee (EMCC) (Health Officer)
- CA-9 Adopt a Resolution Approving the Memorandum of Understanding Between Mariposa County Mental Health Agency and Mariposa County Office of Education, to Provide Specific Mental Health Service to Eligible Students (Mariposa County Unified School District Superintendent); Res. 03-452

5:17 p.m. Adjournment in memory of Doris Mae Vegely, Nora Lent, and Eduardo “Wally” Flores.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA December 16, 2003

Time Description

9:10 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

- Jim Allen, Sheriff, advised that the Merced Bomb Unit will be in the County today to detonate old blasting caps in the 4800 block of Hirsch Road, and he stated they will notify neighboring residents this morning. He also advised that the U. S. Department of Justice awarded a grant to "Project Child Safe" for cable gun locks, and they will be distributed through various events.
- Harvey Ferrier asked about the status of speed bumps on Harris Cut-Off Road. He also referred to the December 2nd meeting relative to the Airport fees and complaints about the condition of the Airport which he did not feel were warranted. He reviewed changes and improvements that he has observed at the Airport over the last several years, and he noted that the pilots are very helpful at the Airport and he feels the Airport is an asset to the County.

Board Information

- Supervisor Bibby advised that she plans to attend the San Joaquin Air Resources meeting on Thursday in Fresno.

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

BOARD ACTION: Chairman Pickard read the title of the IHSS Ordinance for item 2 into the record. (M)Parker, (S)Stetson, all of the items were approved/Ayes: Unanimous.

Ken Hawkins, Auditor;

Approve Budget Action to Increase Appropriations to the Amphitheater Project (\$4,061) (4/5ths Vote Required)

BOARD ACTION: Ken Hawkins advised that this action corrects an error made in the transfer of funds in the FY 2002-03 budget. (M)Stetson, (S)Parker, Res. 03-463 was adopted/Ayes: Unanimous.

Jim Petropulos, Public Works Director;

Approve Budget Action for the Amphitheater Project, Appropriating \$30,000 in Grant Revenue and Transferring \$150 from the Public Works Administration Budget to the Amphitheater Project to Cover the Remaining Costs (\$30,150) (4/5ths Vote Required)

BOARD ACTION: Following discussion, (M)Parker, (S)Stetson, Res. 03-464 was adopted/Ayes: Unanimous. Jim provided a brief status report on the Amphitheater project and advised that they plan to have a final inspection in a couple of weeks. Supervisor Parker asked about the status of the use policy and was advised that the policy is being worked on.

9:27 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;

Discussion and Direction Relative to the State Transportation Improvement Funds (STIP)
COMMISSION ACTION: Discussion was held with Jim Petropulos, and he advised of the results of a meeting with CalTrans held the previous week. Due to the State budget situation, the County will not receive any STIP dollars for the next several years; and the projects that are currently budgeted will be delayed to the future. He advised that the County has approximately one million dollars that is still unallocated that was being held to use toward the Old Highway bridge project. Commissioner Parker asked about reprioritizing the list of projects and including the unallocated funding. Supervisor Pickard noted that these dollars are separate from the State's General Fund, as these revenues are from gasoline taxes – he stated he feels the State needs to identify these funds separate from its General Fund fix. He further stated he would like to advocate for proceeding with projects that have been approved by the Local Transportation Commission and the California Transportation Commission; and with submitting an amendment to the STIP project list including the allocation of the one million dollars for projects. Commissioner Balmain asked about the possibility of using the STIP funds for weed control/abatement to save damage the weed encroachment causes on the roads. Dana Hertfelder, Assistant Public Works Director, provided input and advised of the status of the weed spray program. Commissioner Bibby commented on safety hazards with roads, and noted that roads are not wide enough for striping, and development is adding to the problem. Discussion was held as to whether there could be justification for using Title III funds for weed control as a part of fire prevention. The Commission concurred with the need to prioritize the projects, and with scheduling a workshop to address the one million dollar reserve (unallocated) funds for projects. The Commission concurred with having the County Administrative Officer draft a letter for the Chairman's signature asking that whatever steps are necessary be taken to advocate for our STIP dollars.

9:55 a.m. Public hearing to consider increase in the Mariposa Franchise Service Rates was opened and continued to after the following recess.

9:56 a.m. Recess

10:22 a.m. Jim Petropulos, Public Works Director;

PUBLIC HEARING: Accept the Findings of the Hilton Farnkopf & Hobson, LLC "Review of Mariposa County Total Waste Systems Results of Operations" and Authorize Total Waste Systems (TWS) to Increase Mariposa Franchise Service Rates by Four Percent with an Additional Three Percent Consumer Price Index (CPI) Increase as Requested by TWS, for a Total Increase of Seven Percent

BOARD ACTION: Jim Petropulos introduced the matter, and Steve Engfer, Solid Waste Manager, presented the staff report. Staff responded to questions from the Board relative to the status of the franchise fee for Wawona; and relative to tires and whether the scrapers and loaders are considered a part of the franchise.

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

- Jim Salyers, Total Waste Systems, advised that they have not had an increase since the franchise agreement was put in place. He advised that the service received in Wawona is for bins versus the 4-can residential service. He noted that the Farnkopf study separated out landfill costs from Total Waste Service costs. He responded to a question from Supervisor Bibby and advised that he does not know what amount of refuse the average household produces.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board as to whether the four percent rate increase and three percent CPI increase are compounded, and it was clarified that the total increase of seven percent will be applied; relative to the chart reflecting the increase; relative to the status of Total Waste Systems providing the information the County requested on its expenses and revenues and baseline costs; relative to the implementation date; relative to the exclusion of dozers in the study and the inclusion of other heavy equipment; and relative to services provided by Total Waste Systems. The Solid Waste Committee's efforts with solid waste issues were

acknowledged. Steve Engfer responded to a question relative to the December deadline and an email that was received. Supervisor Bibby requested that she be provided with a copy of the email.

(M)Balmain, (S)Stetson, Res. 03-465 was adopted accepting the findings of the study with the corrections as discussed; and approving the increase in the Mariposa Franchise Service Rates by a total of seven percent, effective January 1, 2004. Supervisor Bibby asked if staff is comfortable with the management fees shown on page 21 of the package. Ayes: Unanimous. The hearing was closed.

Approve the First Round of Proposed Job Descriptions which Includes the Accounting and Clerical Positions Prepared by HDC & Associates, the Consultant Hired to Perform the Classification and Internal Compensation Study, to be Effective Immediately (County Administrative Officer)

BOARD ACTION: Discussion was held with Rich Inman, County Administrative Officer, and he advised that the compensation is not being discussed at this time.

Marjorie Wass, Treasurer/Tax Collector/County Clerk, encouraged the Board to adopt the findings of the study. She noted that approval of these job descriptions affects the accounting position in her department by creating a accounting I/II flex position, and there would be a cost of about \$850 for the remainder of this fiscal year.

Discussion was held. Supervisor Balmain advised that the last line on page 30 of the job classification for the Development Services Technician does not contain a complete sentence (page two of the description was missing from the package); and he recommended that “removes” be used versus “weeds” for taking out-dated material from the collection on page 47 of the job classification for the Library Assistant I/II. Supervisor Bibby noted that there are spacing errors and bold text corrections that need to be made in the text of the descriptions. She also questioned the different requirements and options for the Secretary, Executive Secretary and Legal Secretary descriptions and whether they are consistent. Discussion was held. (M)Parker, (S)Bibby, Res. 03-466 was adopted approving the job descriptions for the accounting and clerical positions with the noted corrections, effective this date; and with the exception of the Executive Secretary and the Legal Secretary positions, with direction for the County Administrative Officer to further review these and bring them back/Ayes: Unanimous.

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (Continued from 12-2-03) (County Counsel)

BOARD ACTION: Closed Session was not held.

11:00 a.m. CLOSED SESSION: Regarding Conference with County Labor Negotiator Relative to SEIU Local 250 Representing In-Home Supportive Service (IHSS) Providers (Continued from 12-2-03) (County Administrative Officer); and

CLOSED SESSION: Public Employee Discipline Pursuant to Government Code Sections 54957 and 54954.5 (County Counsel)

BOARD ACTION: (M)Balmain, (S)Stetson, the closed sessions were held with the following persons present for one of the matters: Attorney Joseph Lepara/Liebert, Cassidy & Whitmore; Cheryle Rutherford-Kelly/Human Services Director; Nancy Bell/Deputy Director Social Services; Sandi Laird/Personnel-Risk Management Technician; and Mary Hodson/Administrative Analyst/Ayes: Unanimous.

12:13 p.m. Lunch

1:14 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed session matters.

Sarah Williams, Deputy Planning Director, appeared on behalf of Eric Toll, Planning Director;

A) Board of Supervisors Public Workshop Relative to the Final General Plan, Chapter 8 – Housing Element. Possible Board Direction Setting Future Workshop Schedule (Continued from 12-9-03)

BOARD ACTION: Susan Crain, Planning Commission Chair, was present to help respond to questions. The Board reviewed the following sections of the Housing Element, and the Chairman called for input from the public at the end of each section.

D. Objective Four: Maintenance, Rehabilitation, and Replacement of Existing Housing Stock – No changes were made.

D(1) Findings – Line 1993 was changed to reflect “...housing in a five-year period.”

D(2) Programs – Section 4.2 was updated to reflect that the housing condition survey has been conducted to estimate the current rehabilitation and replacement needs. Supervisor Stetson asked about moving section 4.2 to the findings, and Sarah advised that she will check to see if a survey will be required in the interim timeframe of updating the Housing Element, and the language will be clarified accordingly. Rich Inman, County Administrative Officer, questioned the need to include how things will be accomplished in the document. The Board concurred with deleting the second sentence in section 4.3. Rich Inman commented on section 4.4 and noted that the codes need to be enforced and questioned why the language needs to be in the document.

Bob Rudzik recommended that the language be left in the document.

The Board concurred with leaving the language in the document. Sarah Williams noted that Fire and Health should be added to the responsible agencies. Discussion was held, and the Board concurred with the following language for section 4.5: “Collaborate with the National Park Service and its concessionaires to obtain long-term ground lease status enabling homeowner loans for remodeling, rehabilitation, or replacement of housing in Old El Portal.”

Gene Mickel questioned whether there are owners, other than just the homeowners in Old El Portal that this should include. Sarah Williams advised that staff will check to see if there is a similar component for businesses in another element of the General Plan.

Ken Melton stated he does not feel that this should be confined to ground leases, as there may be other types of leases; and he stated he feels “homeowner” should be removed to cover other uses; and he also stated he feels that this should include Wawona.

Jeff Green explained the situation and the reasoning for the recommended language. The Board concurred with keeping the language as stated above.

E. Objective Five: Fulfilling Special Housing Needs – No changes were made.

E(1) Findings – No changes were made.

E(2) Programs – The Board concurred with deleting the second sentence in section 5.1, and with updating the timeframe to 2004.

The Board concurred with deleting “and” on line 2084 in section 5.2 and on line 2094 in section 5.3, and with changing “groups” to “organizations” in both sections.

The Board concurred with deleting the second sentence in section 5.4.

The Board concurred with deleting section 5.5.

Discussion was held relative to section 5.6.

Barry Brouillette stated he feels the goal should be to encourage child day care and not just low cost.

Gene Mickel asked whether child day care would be allowed in residential areas.

Sarah Williams advised that the State law allows for six children and less, as well as six adults and less in elderly care homes. She also advised that the timeframes will be corrected throughout the document. The Board concurred with section 5.6 reading as follows: “The County will encourage nonprofit, for-profit organizations and individuals to provide child day care facilities in appropriate areas of the County.”

The Board concurred with the first sentence in section 5.7 reading as follows: “The County shall make every effort to collaborate with the National Park Services (NPS) and other agencies to solve common housing problems” and with deleting the last sentence of the section.

Discussion was held relative to section 5.8 concerning employee housing, along with alternatives for restructuring the section. Supervisor Stetson provided suggested language for the section.

Ken Melton stated he strongly objects to this section. He stated he does not feel the government should be involved in mandating employee housing. He noted that the housing could start out to be for employees and turn to rentals, and he asked how this would be enforced.

Barry Brouillette provided information on the history of Yosemite Motels and employee housing. He stated he feels that affordable housing is going to become a more difficult issue for the County, and he stated he feels this section needs to be in the Housing Element as housing is an issue for the lower paid employees.

Discussion was held. Jeff Green advised that the legislative body has the right to require employee housing if it can be shown that there is a need. Sarah Williams referred to wording in the General Plan. Supervisor Bibby asked about keeping the incentives.

Gene Mickel asked how you would police a business that starts out small and grows and hires more employees relative to the housing needs. He stated he feels that when employee housing is made mandatory, it creates another reason for people not to bring their business to the County.

Ken Melton stated he agrees with Supervisor Bibby's suggestion to keep the incentives.

Barry Brouillette stated he feels the issue is confused when identified with freedom of business – he stated he feels this Housing Element is about keeping the community healthy. He cited an example of when they expanded Cedar Lodge and created employee housing through the urging of the Planning Department. He stated he does not feel that the business person will necessarily know enough to create the housing if it is needed.

Further discussion was held, and it was noted that this issue could be further reviewed in the future.

Ken Melton stated he feels the section should be removed from this element, and placed in a regulatory section such as the Land Development Code as that is where a developer will look for the requirements.

Sarah Williams responded to the Board and advised that location and scale of development will make the decisions relative to employee housing requirements. Jeff Green stated the language should be clear that this is only required for businesses that require a discretionary permit from the County.

Bob Rudzik suggested that there be a brief recognition made in this section that the program is important and specify the intent in another location of the General Plan.

The Board concurred with deleting section 5.8. Supervisor Pickard noted that this issue could be further reviewed in the next update of the Housing Element, and with the review of projects on a case-by-case basis. Supervisor Bibby asked about reviewing this again, perhaps annually.

2:44 p.m. Recess

3:03 p.m. **F. Objective Six: Minimizing Housing Costs by Reducing Energy Use** – No changes were made.

F(1) Findings – The typographical error was corrected on line 2168.

F(2) Programs – Sarah Williams advised that staff will check and revise all of the timeframes, to 2004-2009 if that is appropriate, to conform to the Housing Element update timeframe.

G. Objective Seven: Increasing Home Ownership Opportunities – The Board concurred with the section reading as follows: “The County shall make every effort to increase home ownership opportunities by encouraging economic development.”

Gene Mickel stated he feels the sentence should end after “opportunities.”

G(1) Findings – No changes were made.

G(2) Programs – The Board concurred with deleting the second sentence in section 7.1. The Board concurred with deleting the first and last sentence in section 7.2; with correcting “provide” to “providing” on line 2206; and with deleting reference to the joint powers agreement under the timeframe.

H. Objective Eight: Facilitate Emergency Housing – Gene Mickel questioned whether the County has a contract with the Red Cross. The Board concurred with deleting the second sentence of the section.

H(1) Findings – The Board concurred with adding “a” on line 2223.

H(2) Programs – The Board concurred with deleting section 8.3.

I. Objective Nine: Eliminating Housing Discrimination – No changes were made.

I(1) Findings – The Board concurred with deleting “already” in both places in this section, and with changing “deal” to “address.”

I(2) Programs – Supervisor Bibby questioned whether the information is posted at all of the locations listed. Supervisor Stetson noted that the language makes it look like a County mandate versus a State mandate, and he asked that Planning staff review to see if this can be clarified.

Discussion was held relative to the workshop and public hearing timeframes for completing the Housing Element. Supervisor Parker requested that the corrected version of the Housing Element be available as soon as possible for review. Supervisor Pickard clarified that it needs to be available for the Board and for the public.

8.13 Quantified Objectives – Supervisor Balmain requested that staff confirm the accuracy of footnote “b” for Conservation in Table 8-11 and whether that program exists.

The Board returned to section 8.11 for review.

8.11 Housing Element Review

8.11.01 Analysis of the County’s Progress in Implementing the Housing Element – No changes were made.

8.11.02 Achieving the 1995 Housing Element Goal – No changes were made.

8.11.03 Progress in Implementing Housing Element Programs – Ken Melton noted that section 7.9 was already removed relative to mandatory housing, and he stated he feels that this section should be adjusted accordingly.

Sarah Williams advised that section 7.9 is in the existing Plan. Rich Inman asked whether this would apply to the requirements for the SilverTip Resort project. Susan Crain provided input relative to the number and types of units required for the project.

Supervisor Balmain advised that he would submit his list of typographic corrections for this section to the Planning staff.

The Board concurred with changing the title for section 7.9 to read the same as was in the adopted 1995 Plan, and with deleting the second sentence of the response.

Ken Melton asked how the County will encourage all new major subdivisions to be laid out with a solar efficient and energy saving design as stated in section 8.2 on five acres. Sarah Williams advised that this language is taken from the Subdivision Map Act.

The Board concurred with changing the response in section 9.1 to: “The County has continued to support an economic diversification program.”

Line 1402 in section 1.1 was changed to reflect “eight to twelve” weeks.

Sarah Williams advised that all references to Building Division will be changed to Building Department.

The last sentence in section 2.3 was deleted as a project at the end of St. Andrews Road involved a density bonus.

The Board concurred with deleting the second and third sentences in section 3.1.

In section 3.3, the typographical error for “sewer” on line 1505 was corrected, and Yosemite West was added at the end of the section.

In section 3.4, reference to the updated General Plan was deleted.

Section 7.1 was changed to reflect that the HCDA did undertake a special housing needs study in 2003.

Discussion was held relative to section 10.1 and whether the CAA provides funding to Mountain Crisis Services for assistance to the victims of domestic violence. Sarah Williams advised that she will have Housing and Community Development review this section to check for accuracy.

Supervisor Bibby asked that section 4.1 be clarified to reflect whether the unused funding was returned.

Supervisor Bibby initiated discussion relative to section 2.4 and tracking secondary units.

Bob Rudzik noted that the County is more liberal than the State law in this area.

The Board concurred with deleting all but the first sentence in section 2.4.

Direction was given to staff to make the changes the Board discussed during the workshops held to review the Housing Element, and to make the corrected copies available as soon as possible for the Board and the public.

B) Continued Public Hearing to Adopt a Negative Declaration and a Resolution Adopting the Statutorily Required Five Year Update to the General Plan Housing Element (Continued from 12-9-03)

BOARD ACTION: The Public Hearing was continued to January 6, 2004, at 2:00 p.m.

Supervisor Parker asked about placing a “seasons greetings” in the local newspapers from the Board. Direction was given for the County Administrative Officer to place something in the papers.

Chairman Pickard recognized this as being the last official meeting for Jeff Green, County Counsel; and he thanked him and wished him and Marita a happy retirement.

Board members wished everyone happy holidays.

CONSENT AGENDA:

- CA-1 Approve Budget Action Transferring Funds within the Personnel Budget from Professional Services to Publications/Legal Notices to Cover Ongoing Advertising Expenses after Extensive Advertising Costs for the County Counsel Position (\$3,500) (County Administrative Officer); Res. 03-460
- CA-2 Waive Second Reading and Adopt an Ordinance Adding Chapter 2.112 to the Mariposa County Code, Establishing the Mariposa County In-Home Supportive Services Public Authority (County Administrative Officer); Ord. 1002
- CA-3 Approve Budget Action Transferring Funds within the Sheriff’s Budget from Boating Safety Salaries to Maintenance of Equipment to Cover Unexpected Repairs to Patrol Vessels Number One and Two (\$14,500) (Sheriff); Res. 03-461
- CA-4 Approve Budget Action Transferring Funds within the Social Services Budget from Social Services to Software to Purchase Software Not Included with Computer Hardware (\$2,000) (Human Services Director); Res. 03-462

CA-5 **HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA**
Adopt a Resolution Authorizing the Chairman to Sign the Annual Section Eight
Management Assessment Program (SEMAP) Certification (Human Services
Director); Hous. Auth. Res. 03-2

3:59 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board