



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

April 1, 2003

Time Description

9:06 a.m. Meeting Called to Order with Supervisor Pickard excused.
Pledge of Allegiance
Introductions

Chairman Bob Pickard;

Presentation of a Resolution and Tile Plaque Recognizing Jennie Verley upon her Retirement as Recreation Program Coordinator (Public Works/Parks and Recreation)

BOARD ACTION: (M)Balmain, (S)Stetson, Res. 03-89 was adopted and presented to Jennie Verley, along with a tile plaque/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Proclaim April 6 Through 12, 2003 as "Week of the Young Child" in Recognition of National Week of the Young Child (Lee Jorgensen, Child Care Resource and Referral)

BOARD ACTION: (M)Balmain, (S)Stetson, the Proclamation was approved and presented to Lee Jorgensen/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard. Lee Jorgensen advised of their provider appreciation barbecue scheduled for May. Phyllis Becker was present with Head Start students and presented the Board with a mural the students made.

9:20 a.m. Recess

9:23 a.m. Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Paul Weiss advised of efforts to raise funds to "rescue the schools" during this budget crisis.
- Knute Kirkeberg referred to an earlier presentation be made on the plasma gasification process for solid waste, and he presented a package of additional information and urged the Board to give consideration to this process.

Board Information

- Supervisor Balmain presented his weekly report on the Airport improvement project, and he advised that even with the good weather, there has been minimal activity. He again expressed concern with the status of the Airport operations during this project, and he advised that he is working with Public Works and County Counsel relative to the contractor's obligations. Jeff Green, County Counsel, responded to questions relative to this matter, and he advised that they are reviewing the contract and will come back to the Board with a report.

- Supervisor Stetson advised that he and Supervisor Bibby attended the YARTS summit on Thursday.

Adopt a Resolution Supporting the President of the United States of America and Military Personnel (Supervisor Pickard)

BOARD ACTION: Vice-Chairman Parker advised that this matter is being continued.

Approval of Minutes of March 11, 2003, Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

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

Jeff Green, County Counsel;

Waive First Reading and Introduce an Ordinance Amending Chapter 2.16, Entitled “Public Administrator and Public Conservator/Public Guardian” of the County Code to Transfer Duties from the Treasurer/Tax Collector/County Clerk to the Sheriff (From Forthcoming Policy March 18 and 25, 2003)

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

Rick Peresan, Technical Services Director;

Approve the Following Recommendations for Network Improvements:

- Waive the Formal Bid Process Pursuant to County Code Section 3.08.070 which Requires a Formal Bid Process for Purchases in Excess of \$3,000;
- Approve Budget Action Transferring Funds from Human Services Budget for their Portion of the Improvements (\$3929) (4/5ths Vote Required); and
- Authorize the Chair to Sign the Sierra Tel Networks Wireless Wide Area Network Equipment Purchase and Service Agreement in the Amount of \$25,302.84, Contingent Upon Approval of the Agreement by County Counsel

BOARD ACTION: Discussion was held with Rick Peresan. (M)Balmain, (S)Stetson, Res. 03-93 was adopted approving the recommendations. Supervisor Parker requested that consideration be given to budgeting all costs related to the network in the Technical Services budget versus individual department budgets. Rick advised that he has a meeting scheduled with the County Administrative Officer to discuss this matter. Supervisor Parker advised that he had a previous business history with the predecessor to Northland Cable; however, he was advised by County Counsel that he does not have a conflict with this matter. The motion was amended by the maker, agreeable with the second, to include the direction for County Counsel to review the agreement to make sure that there are not any unnecessary obligations to the County, especially relative to the clause that the County would be responsible for vegetation and buildings that may block access/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

10:04 a.m. Recess

10:15 a.m. Dr. Mosher, Health Officer;

Request for Variance from Statutory Setback Distance of 100 Feet between the Well and Septic Leachfield in APN 006-160-034; Christian Gallery and Lucy Snyder

BOARD ACTION: (M)Stetson, (S)Balmain, Res. 03-94 was adopted/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Approve Budget Action Transferring Funds in the Form of a Grant From District 3 Travel to the Catheys Valley School Fund to Help Defray the Unexpected Increase in Insurance Premiums (\$900) (4/5ths Vote Required) (Supervisor Bibby)

BOARD ACTION: Discussion was held. (M)Bibby, (S)Balmain, Res. 03-95 was adopted, with direction for the funds to be taken from the General Fund Contingency/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Approve the Safety Officer Class Specification; Assign the Fleet-Fiscal Officer Incumbent as the Safety Officer; Allocate the Position to the Public Works Department and Eliminate the Fleet-Fiscal Officer Allocation; Maintain the Incumbent’s Salary at Range 261; and Assign the Position to MCMCO (Personnel)

BOARD ACTION: Following discussion, (M)Balmain, (S)Stetson, Res. 03-96 was adopted/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

10:29 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)Balmain, (S)Bibby, closed session was held/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

10:56 a.m. Direction was given to staff as a result of the closed session and the Board recessed.

2:11 p.m. Sarah Williams, Deputy Planning Director, appeared on behalf of Eric Toll, Planning Director;

PUBLIC HEARING to Consider Specific Plan Amendment No. 2002-419, a Text Amendment to the Mariposa and Coulterville Town Planning Area Specific Plans to Permit Processing of Variances to the Specific Plans; County of Mariposa, Project Proponent

BOARD ACTION: Sarah Williams presented the staff report, and she responded to questions from the Board relative to allowances for exemption from the CEQA process for projects that will not have any significant effect on the environment; whether there are any pending projects; whether consideration was given to including the Fish Camp Specific Plan; and relative to the Planning Commission's recommendation to allow a higher height for the SilverTip Resort project and how that would work. Sarah clarified that language only allows for variances to be processed and does not guarantee approval. Jeff Green, County Counsel, advised that the Fish Camp community wanted the language that was approved for their Plan, and he clarified that the Planning Commission recommended an exemption versus a variance for the height limit for the SilverTip Resort project.

The public portion of the hearing was opened. There was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Balmain, (S)Stetson, Res. 03-97 was adopted approving the recommended text amendment/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard. The hearing was closed.

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

CONSENT AGENDA:

- CA-1 Resolution Designating the Method by which the Appropriation Limits will be Calculated for Fiscal Year 2001-02 (Auditor); Res. 03-90
- CA-2 Resolution Establishing Appropriation Limits for the 2001-02 Fiscal Year (Auditor); Res. 03-91
- CA-3 Approve Budget Action Transferring Funds in the Parks and Recreation Budget and Approve Over Hire for the Recreation Program Coordinator (\$3,475) (Public Works/Parks and Recreation); Res. 03-92

2:23 p.m. Adjournment in memory of Gene DeArmond "Geno" Riker.

Respectfully submitted,

MARGIE WILLIAMS

Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

April 8, 2003

Time Description

9:07 a.m. Meeting Called to Order

Pledge of Allegiance

Introductions

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

- Jacque Meriam advised of plans to submit a letter of intent to apply for a Workforce Investment Act grant for the literacy program. She advised that she will come back to the Board for authorization to submit the grant application.

Board Information

- Supervisor Balmain gave his weekly report on the status of the Airport improvement project. There has been little activity; however, when he met with the contractor this morning, they estimate that the first contract requirements will be completed by April 16th.

- Supervisor Bibby advised that the Catheys Valley Town Planning Area Planning Advisory Committee is scheduled to meet at 7:00 p.m. this evening at McCay Hall in Catheys Valley and she encouraged the public to attend.

Approval of Minutes of March 18, 2003, Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Stetson pulled item 3, and the matter will be brought back in the future. (M)Balmain, (S)Parker, the balance of the items were approved/Ayes: Unanimous.

Jeff Green, County Counsel;

Waive First Reading and Introduce an Ordinance Amending Section 2.60.010 of Chapter 2.60 of the County Code, Entitled "Board of Supervisors Annual Compensation Rate" to Adjust the Board of Supervisors' Annual Rate of Compensation to Equal Thirty-Five Percent of the Mariposa County Superior Court Judge's Rate of Pay in Effect on July 1, 2003

BOARD ACTION: Jeff Green advised that the proposed Ordinance was drafted at the direction of the Board on March 25th.

Input from the public was provided by the following:

- Bart Brown expressed concern that comparisons were not done for all of the raises, and stated he does not feel there is a systematic program that the public can identify with. He stated he feels the increase should be three-percent.

- Jim Robinson stated he is not against paying a fair wage, but he feels this is not a good time for this proposal given the current economic conditions. He expressed concern with the proposal being made so soon after new terms for the Supervisors began, and he stated he would like to see something for the kids on the agenda.

- Ruth Sellers stated she has reviewed salaries for supervisors on a state-wide level, and she has found that the County is a little above for rural counties. She stated she feels the Board members are fairly paid, and the taxpayers should be realizing a return for their investment. She

further stated she feels the County Administrative Officer should be given the responsibility of reviewing salaries for departments.

- Claudia Cummings stated she feels the proposed increase is absorbent and should be done on a percentage basis like was done for the rest of the County employees.

- Eleanor Keuning expressed appreciation for the recent road work. She asked for clarification of the proposal, and stated she does not understand where the funding will come from. Jeff Green, County Counsel, clarified the proposal.

- Mike Byrd asked for clarification of the proposal and the present salary structure.

- Yvonne Bennett commented on salary averages for Board members and stated she does not feel that the Board deserves this raise. She stated she feels the County's infrastructure needs work.

- Les Marsden stated he does not feel the issue is the percentage, it is the timing and what is facing the County and the School District. He noted that there is so much volunteerism in the County and people are working to improve the quality of life. He urged the Board to not seek the increase at this time.

- Peter DeCaro asked about the proposal and whether it could be deferred. He asked about the cost for the benefits that are provided, and about where the funding would come from. He commented on the School District's budget crisis and the perception with this issue. He stated he feels the raise should be deferred for at least a year.

- Margaret Hartley stated she feels that this is one of the poorest counties in the State, and she does not understand why a raise should be voted on at this time. She stated she opposes this proposal.

Discussion was held. Supervisor Bibby provided salary survey information she had obtained, and stated she feels the Board's salary is adequate and she requested that this item be pulled given the economy. Supervisors Stetson and Balmain reiterated their reasons for the proposal.

Discussion was held relative to consideration of a phased-approach. (M)Parker, (S)Stetson, first reading was waived and an Ordinance was introduced amending Section 2.60.010 of Chapter 2.60 of the County Code, entitled "Board of Supervisors Annual Compensation Rate" to adjust the Board of Supervisors' annual rate of compensation to equal thirty-one percent of the Mariposa County Superior Court Judge's rate of pay in a phased-approach, with a three-percent increase to be in effect on July 1, 2003, and a three-percent increase to be in effect on July 1, 2004; and it was noted that the Board could further consider the issue during the phased process/Ayes: Stetson, Balmain, Parker, Pickard; Noes: Bibby.

9:57 a.m. Recess

10:19 a.m. Resolution Authorizing Chairman to Execute a Lease Agreement Between the County of Mariposa and Robert Chivers for the Premises Housing Social Services, Community Development and Housing Authority Staff Located at 5200 Highway 49 North (County Counsel)

BOARD ACTION: Discussion was held with Jeff Green, County Counsel. (M)Parker, (S)Bibby, Res. 03-107 was adopted/Ayes: Unanimous.

Approve an Additional Maintenance and Construction Supervisor Allocation and Eliminate One Senior Maintenance Worker Allocation in the Roads Division of the Public Works Department (Personnel)

BOARD ACTION: Discussion was held with Jeff Green, County Counsel. (M)Parker, (S)Stetson, Res. 03-108 was adopted/Ayes: Unanimous.

10:23 a.m. Recess

11:11 a.m. Jim Petropulos, Public Works Director;
Presentation by Jesse Brown, Merced County Association of Governments (MCAG) Executive

Director, Relative to Yosemite Regional Transportation System (YARTS) Relative to Program Operation and Budget

BOARD ACTION: Jim Petropulos advised of the recent summit meeting that was held for YARTS. Jesse Brown gave a presentation on YARTS, and he responded to questions from the Board relative to the program. Discussion was held. Supervisor Parker asked whether an analysis could be done to show the funding that is contributed to the program and the benefits that are received accordingly.

Jim Petropulos introduced Annette Clark, from the CalTrans' Stockton office, and advised that she has been providing transportation planning assistance to the County a day a week in the interim of filling the Transportation Planner position.

Input from the public was provided by the following:

- Lou Aceto testified against the YARTS program.

11:35 a.m. The Board recessed and Supervisor Pickard was excused for the rest of the meeting.

11:40 a.m. Supervisor Doug Balmain and Supervisor Lee Stetson; Introduction of John Swanson, United States Forest Service District Ranger for the Stanislaus National Forest, and Tom Quinn, Forest Supervisor for the Stanislaus National Forest

BOARD ACTION: John Swanson and Tom Quinn were introduced and gave a brief background on their philosophy and efforts to work with surrounding communities.

11:53 a.m. Lunch

2:20 p.m. Eric Toll, Planning Director;

A) PUBLIC HEARING to Consider 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 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

BOARD ACTION: Vice-Chairman Parker advised of new requests that were received for consideration of being included in this amendment. Sarah Williams, Deputy Planning Director, presented the staff report. She advised that requests were received from Katherine Uruburu and George Matlock after the Planning Commission's hearing on this matter. Because the properties for these two requests were not noticed to the public to be included in the amendment, she recommended that the Board forward them to the Planning Commission to initiate the re-zoning process. Staff responded to questions from the Board relative to the process for approving the proposed arts studio; and relative to the exclusion of the Lingenfelter residence in the area. Sarah suggested that the Planning Commission reconsider including all of the Lingenfelter property if the Uruburu parcel is included.

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

- Katherine Uruburu asked for clarification. Her son, Paul Aranguena, advised that when they were first notified of the amendment proposal, the map was not clear relative to the affected parcels. Later they received a map that was better, and they want to be included in the amendment.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Stetson, (S)Balmain, Res. 03-109 was adopted approving Specific Plan/Zoning Amendment No. 2002-371 with the recommended findings, including a finding that the project is exempt from environmental review; first reading was waived and an Ordinance was introduced approving an amendment to the Professional Office Zone text, and an amendment to the Mariposa Town Planning Area Zoning Map for the parcels as recommended by the Planning Commission; and Res. 03-110 was adopted initiating an amendment for the Uruburu and Matlock parcels as requested/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard. The hearing was closed.

2:40 p.m. Recess

2:50 p.m. B) Resolution Authorizing the Planning Director to Execute a Revised Personal Services Agreement with Quad-Knopf for Preparation of the SilverTip Resort Village Environmental Impact Report

BOARD ACTION: Following discussion, (M)Bibby, (S)Stetson, Res. 03-111 was adopted/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

2:55 p.m. Eric Toll, Planning Director;

PUBLIC HEARING to Consider Appeal of the Planning Director's Determination that the Approved Tentative Tract Map for Major Subdivision No. 12-07-87, the South Shore Club Project at Lake Don Pedro, Expired; James A. McKelvey, Esq. for South Shore Ranches LLC & JMZ Development Co., Appellant (Continued from March 25, 2003)

BOARD ACTION: Eric Toll presented the staff report, and he advised that as of this date all of the information has now been received to move this project forward, except for the Regional Water Quality Control Board's permit portion and there is allowance under the law for this portion to be extended. Staff responded to questions from the Board relative to the history of the project and whether current conditions need to be met; status of the boundary issue between Mariposa and Tuolumne counties; status of the wastewater treatment plant and the Community Services District; status of the Regional Water Quality Control Board's review of the project; Letter of Credit for the first 28 units and future phases; and relative to the status of the timeframes for meeting requirements.

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

- Jim McKelvey, Attorney for the applicant, stated he will not review the long history of the project since the Board is well-briefed. He advised that Leo Peterson, one of the original partners for the project is present today, with his dream that began sixteen years ago to create this project. He noted that a large period of the delay was due to a portion of the property being under the Williamson Act, and that needed to expire before the State Water Board would look at the application. He reviewed their efforts to meet subsequent requirements and conduct studies for the project. He advised that they have now been accountable to all of the standards, and he asked that the Board find that the application is complete. He also noted that a builder is present that wants to help with this project.

- Leo Peterson, co-manager for the project, stated they have spent seven million dollars on this project, plus the cost of the land. He referred to the success of a neighboring project – the Seven Legends, and he stated they want to move this project along.

- Lester Allens, developer, stated they started the Seven Legends project about three years ago, and it is going well. He advised that they have signed a Joint Venture Agreement with South Shore to complete the project as designed.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the amount of the Irrevocable Letter of Credit; relative to phasing the portion of the project in Tuolumne County; relative to the County's exposure on this project if conditions are not met; and relative to the differences between current standards and the standards that apply to this project. Dana Hertfelder, Assistant Public Work Director, responded to a question from the Board relative to changes in the road standards conditions from when this project was first submitted. Staff responded to additional questions from the Board relative to phasing the project and timeframes; and whether everything is okay with Tuolumne County. Jeff Green, County Counsel, responded to a question from the Board relative to the Board being able to find that there was substantial compliance by the applicant on December 12.

(M)Balmain, (S)Stetson, Res. 03-112 was adopted upholding the appeal and over-turning the Planning Director's determination that the approved Tentative Tract Map for South Shore Club at Lake Don Pedro expired on December 12, 2002. Further discussion was held. The motion was amended, agreeable with the maker and the second, to include approval in concept of the Deferred Improvement Agreement and Letter of Credit that were included with the agenda material. Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard. The hearing was closed.

CONSENT AGENDA:

- CA-1 Reappoint Tony Christianson, Eugene Spindler, Ralph Harder, Edward Mee and Lawrence Williams, for Terms Expiring February 28, 2005; and Reappoint Chuck Jones and Gale Banks, for Terms Expiring February 29, 2004, to the Wawona Town Planning Advisory Committee (Supervisor Pickard)
- CA-2 Resolution and Approval by the Board of Supervisors to Sell at Public Auction Tax Defaulted Property Subject to the Power to Sell, Per Revenue and Taxation Code Chapter 7, Part 6, Division 1, at Sale Scheduled for August 15, 2003 (Tax Collector); Res. 03-100
- CA-3 Appointment of Ernie Lazslo to the Historic Sites and Records Preservation Commission, Representing the Mariposa Museum (Supervisor Stetson); the item was pulled to be rescheduled
- CA-4 Authorize the Expenditure of \$1,638 from the Data Processing Capital Improvement Fund to Replace an Aging Network Printer in the Probation Department (Technical Services); Res. 03-101
- CA-5 Approve Budget Action Transferring Funds within the Child Support Services Budget to Cover the Cost of the Purchase of a Laptop Computer (\$90) (Child Support Services); Res. 03-102
- CA-6 Approve Budget Action Transferring Unanticipated Revenue to the Planning Department Budget for the SilverTip Resort Project (\$117,500) (4/5ths Vote Required) (Planning); Res. 03-103
- CA-7 Waive the Second Reading and Adopt an Ordinance Amending the Neighborhood Commercial Zone-2 to Allow Self-Storage Facilities as a Conditional Use, with the Recommended Development Standards and Definitions (Planning); Ord. 984
- CA-8 Resolution Approving and Authorizing the Environmental Services Joint Powers Authority (ESJPA) to Apply for a California Integrated Waste Management Board 2003/2004 Used Oil Recycling Block Grant and to Implement all of the Terms of the Grant as Designated by the California Waste Management Board (Public Works); Res. 03-104
- CA-9 Approve Budget Action Transferring Funds within the Public Works/Administration Budget from Salary Savings in the Senior Office Assistant Position to Cover Additional Extra Help Needed Due to the Delay in Filling the Vacant Position (\$3,000) (Public Works); Res. 03-105
- CA-10 Resolution Commending Dianne Fritz as the Chamber of Commerce's 2002 Businesswoman of the Year, and Resolution Commending Greg Fritz as the Chamber of Commerce's 2002 Businessman of the Year (Visitors' Bureau); Res. 03-98 and 03-99
- CA-11 Approve Budget Action Increasing Revenue and Corresponding Expenditure in the Senior Services Fund (\$3,630) (4/5ths Vote Required) (Community Services); Res. 03-106

3:40 p.m. Adjournment in memory of Violet E. Thompson, Helen Trabucco, and Ronald Franks.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

April 15, 2003

Time Description

9:06 a.m. Meeting Called to Order with Supervisor Pickard excused.

Pledge of Allegiance

Introductions

Supervisor Pickard, Chairman;

Proclaim the week of April 21 through 27, 2003, as "Mariposa – Clean and Proud" Week

BOARD ACTION: (M)Bibby, (S)Stetson, the Proclamation was approved and presented to Norm Murrell, on behalf of the "Clean and Proud" committee/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard. Norm advised that this is their second annual event and of the activities planned for April 26th.

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

- Chris Hutcheson, representing the Arts Council Board of Directors and the Mariposa Advisory Task Force, advised of their plans to make the downtown area, especially the Southern entrance, look better. He advised that they have a volunteer group and would like to paint the Fremont adobe building, and he asked if the County would provide the funding for the paint. Supervisor Parker provided additional input relative to the request, and he advised of County Counsel's contact with the trustee for the property. It was noted that each volunteer would sign a waiver for liability purposes. (M)Balmain, (S)Stetson, the rules were waived that require 72 hours agenda noticing to consider this matter, finding it was not known about at the time the agenda was prepared and it is a matter of timeliness with the upcoming tourist season and the availability of the volunteer effort/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard. (M)Balmain, (S)Bibby, Res. 03-113 was adopted approving up to \$1,200 in funding from the Tourism and Economic Development budget for this project. Further discussion was held relative to the status of legislation to purchase the property, and relative to plans to clean the windows and decorate the interior for the visitors. Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

- Eleanor Keuning asked for clarification of Congressman Radanovich's efforts for legislation to obtain funding for the purchase of the property. She asked about the transient occupancy tax revenues and allocation of those funds.

- Norm Murrell noted the rates for transient occupancy taxes are higher in other areas, and he suggested that consideration be given to increasing the tax from ten to twelve percent for additional services. Staff advised that an increase would require a vote of the people.

Board Information

- Supervisor Balmain advised that he attended the San Joaquin Valley Regional Association of California Counties spring conference in Bakersfield. He provided his weekly status report on the Airport improvement project.

Approval of Minutes of March 25, 2003, Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled item 4. (M)Stetson, (S)Bibby, the balance of the items were approved/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard. Supervisor Bibby

asked about the account numbers in item 4. (M)Bibby, (S)Stetson, item 4 was approved with the account numbers to be corrected/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Jim Petropulos, Public Works Director;

A) Approve the Formation of the Mariposa County Solid Waste AB939 Local Task Force (LTF) for the Purpose of Reviewing and Commenting on the County Integrated Waste Management Plan (CIWMP) to Provide Solid Waste Programs in Accordance with CCR Title 14, Section 18788; Appoint Board Representation and Authorize Staff to Recruit the Remaining Membership for the LTF

BOARD ACTION: Discussion was held. (M)Bibby, (S)Stetson, Res. 03-116 was adopted forming the Task Force, with the inclusion of a public member, and with the selection of Supervisors Balmain and Parker to represent the Board/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

B) Approve Budget Action Transferring funds from the Catheys Valley Ballfield Lighting Project #02-12, and from the Woodland Ballfield Lighting Project #02-13, into the Mariposa Ballfield Lighting Project #95-20, (\$12,829)

BOARD ACTION: Following discussion, (M)Bibby, (S)Stetson, Res. 03-117 was adopted/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Waive Second Reading and Adopt an Ordinance Amending Section 2.60.010 of Chapter 2.60 of the County Code, Entitled "Board of Supervisors Annual Compensation Rate" to Adjust the Board of Supervisors' Annual Rate of Compensation to Equal Thirty-One Percent of the Mariposa County Superior Court Judge's Rate of Pay in a Phased-Approach, with a Three-Percent Increase to be in Effect on July 1, 2003, and a Three-Percent Increase to be in Effect on July 1, 2004 (County Counsel)

BOARD ACTION: Vice-Chairman Parker advised that it is the intent to continue this matter for a week for the full Board to be present, and he asked for public input.

The following public input was provided:

- Claudia Cummings apologized for the letter she submitted that contained an incorrect statement. She asked for clarification as to whether the Board approved the judges' salary, and relative to the proposed increase for the Board members. She stated she feels that providing community service should be motivation for the position.

Supervisor Stetson reiterated his reasons for supporting this proposal relative to equity and to encourage more participation in government.

- Ruth Sellers stated she is opposed to an increase above the twenty-five percent of the Superior Court Judge's salary, and she asked about the process.

Supervisor Balmain clarified his previous comments relative to the twenty-five percent of the Superior Court judge's salary being set in 1989, and he noted that percentage has not increased. Supervisor Bibby stated she opposes taking this matter up at the Fish Camp meeting on April 22nd, and she requested clarification of the wording in the ordinance and relative to the actual salaries. Matter was continued to April 22, 2003.

9:59 a.m. CLOSED SESSION for Discussion Relative to Pending Vacancy of Agricultural Commissioner Position (County Counsel)

BOARD ACTION: (M)Balmain, (S)Stetson, closed session was held/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

10:16 a.m. The Board reconvened in open session. Vice-Chairman Parker announced that direction was given to staff as a result of the closed session.

10:17 a.m. Recess

10:30 a.m. Eric Toll, Planning Director;
Joint Meeting with the Planning Commission for Presentation of the Draft Update to the General Plan to the Board

BOARD ACTION: The joint meeting was held. Planning Commission Chair Susan Crain called the Commission's meeting to order, with Commissioners Colliver, Turpin, Rudzik and Radanovich present. Each Board member was presented with a copy of the draft Update to the General Plan. Supervisor Parker stated he feels the Board members should have had an opportunity to review the document prior to today's meeting. Commission Chair Crain advised that this matter is scheduled for a presentation from the Planning Commission to the Board; and that the Commissioners want to present highlights of the Plan which they feel will help in the reading of the document and in knowing how and why choices were made. This matter was scheduled for informational purposes. Commissioner Radanovich noted that this is a Planning Commission document versus a document by the Planning Director, and it is based on input received from the community.

Commission Chair Crain reviewed the history of the public meetings and workshops held during the process of drafting the Update.

Commissioner Colliver reviewed the foundation to the Update and what he feels binds it together.

Commissioner Radanovich reviewed the Land Use Element.

Commissioner Rudzik reviewed the Economic Development Element.

Commission Chair Crain reviewed the Arts and Culture Element.

Eric Toll reviewed the Housing Element; and he introduced Bill King, the new Senior Planner for the Department.

Commissioner Rudzik reviewed the Circulation, Infrastructure, and Services Element.

11:55 a.m. Recess

12:12 p.m. Commissioner Turpin reviewed the Agriculture Element, and the Open Space and Conservation Element.

Commissioner Chair Crain reviewed the Local Recreation Element, and the Regional Tourism Element.

Commissioner Radanovich reviewed the Historic and Cultural Resources Element.

Commissioner Turpin reviewed the Safety Element, and the Noise Element.

Eric Toll reviewed the Fiscal Impact Element and the Glossary. He advised that an item will be scheduled for May 6th to discuss timeframes and the review process for the Update with the Board.

Input from the public was provided by the following:

- Jim Thompson stated he would like to see more answers in the Economic Development Element, especially relative to efforts to bring light industry to the County.

Supervisor Balmain stated he would like to see the required elements addressed first.

- Barry Brouillette asked about the availability of the draft Update. Eric Toll advised that it is available on the Department's internet site and printed copies will be available in a week, as well as CD-ROMs.

Supervisor Parker thanked the Commission for its presentation, and he apologized for his earlier statement relative to not having time to review the draft Update prior to the meeting as the presentation was not what he expected. He stated that before the financial analysis is done, he feels the Board and the Commission should have more in-depth discussions. Commissioner Colliver stated that is the Planning Commission's recommendation.

CONSENT AGENDA:

CA-1 Approve Certificate of Recognition for Jheri Wilkerson for Achieving the Level of Girl Scout Gold Award (Supervisor Bibby)

- CA-2 Waive Second Reading and Adopt an Ordinance Amending Chapter 2.16, Entitled “Public Administrator and Public Conservator/Public Guardian” of the County Code to Transfer Duties from the Treasurer/Tax Collector/County Clerk to the Sheriff (County Counsel); Ord. 985
- CA-3 Authorize Public Works to Collect and Use Donations for the Purchase of Play Equipment at Woodland Park and Approve Budget Action Increasing Revenue and Appropriations, (\$2,500). This is part of the Woodland Park Improvements Project #03-03. (4/5ths Vote Required) (Public Works Department – Engineering); Res. 03-114
- CA-4 Approve Budget Action Transferring Funds from Equipment Under \$1,000 to Computer Equipment, (\$1,200), in Human Services Administration Budget. (Human Services); Res. 03-115
- CA-5 Certificate of Appreciation for Betty Lane for her Service to the Community (Supervisor Balmain)

1:27 p.m. Adjournment in memory of Burl Moles, David Ogle Latour, Lylas Ratto Taylor, Ancil “Mike” Michael, Mariella “Mikki” Haney, and the Honorable Carl Borelli/El Dorado County Supervisor.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

April 22, 2003



Time Description

10:07 a.m. Meeting Called to Order at the Tenaya Lodge, Salon I Room, 1122 Highway 41, Fish Camp

Pledge of Allegiance

Introductions – Board members and staff were introduced.

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

Board Information

- Supervisor Balmain advised that when he stopped at the Airport to check on the status of the improvement project, he received a Happy Birthday greeting.

Approval of Minutes of April 1, 2003, Regular Meeting

BOARD ACTION: Approved.

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

BOARD ACTION: Motion was made by Parker to approve all items. Mike Bird cited sections of the Government Code; and stated that he feels it is illegal for the Board to adopt the ordinance in item 4 this date at this meeting, as the meeting is not being held at the County seat. Jeff Green, County Counsel, stated he feels the Board has the ability to move a regularly scheduled meeting to any place in the County with proper notice. He stated he feels that Mr. Bird was giving an incorrect reading of the law. The motion was seconded by Stetson/Ayes: Unanimous. (NOTE: County Counsel later determined that the Ordinance in Consent Agenda item 4 was acted upon outside of the Mariposa County seat and is required by law to be adopted at the County seat, and placed it on the agenda for May 6, 2003, to rectify that action.)

Waive Second Reading and Adopt an Ordinance Amending Section 2.60.010 of Chapter 2.60 of the County Code, Entitled “Board of Supervisors Annual Compensation Rate” to Adjust the Board of Supervisors’ Annual Rate of Compensation to Equal Thirty-One Percent of the Mariposa County Superior Court Judge’s Rate of Pay in a Phased-Approach, with a Three-Percent Increase to be in Effect on July 1, 2003, and a Three-Percent Increase to be in Effect on July 1, 2004 (County Counsel) (Continued from April 15, 2003)

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

- Margaret Hartley stated she objects to the lack of appropriateness in raising the salaries by this amount at this time.

- Les Marsden asked if the Board members intend to run for reelection, and he referred to rumors that this action will “pad their retirement”. He questioned the appropriateness of seeking any raise at this time, and stated he feels a zero increase would be more appropriate.

- Mike Bird repeated his earlier statements that were given relative to Consent Agenda item 4, stating this meeting is not being held at the County seat. He also stated he does not feel that we can afford the raise.

- Angela Wells thanked Supervisor Bibby for asking tough questions and pursuing the answers relative to the pay raise.

- Yvonne Bennett stated this raise issue is not giving the County a very good name.

Discussion was held. Motion by Bibby to pull this matter from the agenda, died for lack of a second. Motion was made by Balmain, (S)Stetson, to waive the second reading and adopt the Ordinance increasing the salary as proposed. Further discussion was held. Ayes: Stetson, Balmain, Parker, Pickard; Noes: Bibby. (NOTE: County Counsel later determined that this Ordinance was acted upon outside of the Mariposa County seat and is required by law to be adopted at the County seat, and placed it on the agenda for May 6, 2003, to rectify that action.)

Eric Toll, Planning Director;

PUBLIC HEARING for the SilverTip Resort Village Project: Planned Development and Zoning Amendment No. 99-1, Planned Unit Development No. 99-1, Conditional Use Permit No. 267, and Land Division No. 1511

BOARD ACTION: Chairman Pickard reviewed the hearing procedures. Eric Toll presented the staff report, and he advised that the SilverTip Resort Village project consists of four applications, and that deliberations will be held on May 6th in Mariposa. (NOTE: At the end of today's meeting, it was determined to hold deliberations on May 13th.) He reviewed the recommended actions and options. Staff responded to questions from the Board relative to the availability of a detailed staff report following this portion of the hearing.

Gene Smith, environmental consultant with Quad-Knopf, reviewed the environmental process. He also reviewed the height issue, water quality issues, and the meeting schedule.

Eric Toll requested that copies of any slide presentations that are given be provided for the administrative record. He reviewed the Planning Commission's recommendations and advised there is a requested change to the Fish Camp Specific Plan for the project.

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

- Ron Coleman, Executive Vice President for PacificUS Real Estate Group/applicant, gave a presentation on their proposed project – the SilverTip Resort Village. He reviewed past land uses for the property, and the topography of the area and surrounding uses. He advised that he has four speakers: 1) Larry Mintier, Mintier & Associates, who will address the proposed Fish Camp Specific Plan amendment for the height limitation issue; 2) Ken Schmidt, a ground water hydrologist, who will address water issues; 3) Dana Ripley, Civil Engineer, who will address the wastewater issues; and 4) Jeff Legossi, PKF consultant, who will present market research information. Mr. Coleman reviewed the request to amend the height limitation, and he reviewed the benefits the project will have.

- Larry Mintier reviewed the request for an amendment to the Fish Camp Specific Plan to address the height limitation issue from thirty-five to forty-five feet. He presented drawings showing the height limits and request in relation to the topography.

- Ron Coleman commented on the height limitation issue, and he reviewed eleven other changes that they are proposing to the Fish Camp Specific Plan, most of which provide additional background information. The proposed changes concern the following: 1) transportation section – to fully describe the road system in Fish Camp; 2) vegetation-rare and endangered species; 3) outdoor recreation area information; 4) government organization services update; 5) water; and 6) noise and agriculture and mineral resources. He advised that the remaining items include some policy changes: 7) proposal to add a table that brings together all of the standards in the Fish Camp Town Plan, and with new information with floor/area ratios; 8) add information to circulation; 9) add a new section for fire protection and response, including the Fire Safe Regulations language; 10) add a new section discussing financing of new facilities and services; and 11) update the bibliography to include the source of all of the information. He stated he feels that these changes are technical and do not change the County policy in any significant way and are necessary for this project.

- Ken Schmidt reviewed his background in hard rock studies for ground water. He presented charts showing the wells and their depths in the area, the geology of the area and their studies. He responded to questions from the Board relative to determinations of the depth of the water and relation of the depth to Big Creek; relative to the issue of the source of the water for the area; pump test results; and relative to the test wells being located in the same basin.

11:37 a.m. Recess

11:50 a.m. Dana Ripley gave a presentation and reviewed the proposed wastewater system facility for the project. He advised of his experience with water recycling facilities in other areas. He responded to questions from the Board as to whether the wells are cased; the diameter of the leach field tubing; and relative to the use of the existing wells at this time.

- Jeff Legossi reviewed the market study for the project, and presented his written report.

12:10 p.m. Lunch

1:45 p.m. Chairman Pickard reviewed the procedure for providing public input, advising that he would receive input from those representing groups first.

- Attorney Jeffrey Dintzer, Gibson, Dunn and Crutcher Law Offices, provided input relative to certifying the Environmental Impact Report (EIR) and the process. He stated they feel the work is inadequate and does not comply with the California Environmental Quality Act (CEQA). He stated that he and the specialists with him will discuss land use, height limitations, the loss of open space and the increase in wildlife mortality. He introduced Tim Durbin, hydrologist.

- Tim Durbin explained the calculations he did and why they are important to this project, including the impacts on Big Creek and the watershed for the area. He reviewed what he called a hydrologic model, and he reviewed the tests and predictions relative to the water issues. He stated he does not feel that there was enough data to construct a mathematical model, a conceptual model, or a quantitative model of the hydrologic system. He expressed concern with the draft EIR in that he does not feel that the collection of the data has gone far enough. He feels the applicant should have developed their own ground water model and that it should have come to the same conclusions that he reached: that there is significant ground water and stream flow impacts. He stated he agrees that the recharge of the water occurs within the watershed or close to it. He feels there are most likely two water systems: 1) a shallow system, and 2) a much deeper system that is isolated from the shallow system. He feels there are different time scales of when the water flows through these systems. He referred to a study that was conducted in Wawona. He discussed options for recharging and discharging water and impacts. He referred to his model to simulate the affects on ground water quality. He stated that based on the basic concept of the geology, he agrees with the work in the draft EIR; however, he does not feel that the revised draft EIR goes far enough and that it is inadequate. He stated water is important for this project, and reiterated that he feels a ground water model should have been included in the report.

- Attorney Dintzer provided input relative to the ground water issues. He stated that Mr. Durbin's views are the conclusion of the California State Water Quality Control Board. He referred to a memorandum that the Water Quality Control Board submitted to the County relative to the revised EIR and the amount of effluent reaching Big Creek. He commented on the water supply wells and water quality issues. He stated his clients, John Swenson and Bob Cooper, own homes in the area and they are not opposed to development. The question is what the appropriate development is, and whether this project is appropriately sited. He advised that when the applicant acquired the property, they understood that the area is zoned and planned for single-family residential use. He stated he feels it is very unusual for a private party to come before a municipal organization to ask for planning documents to be amended so that it would permit their project to go forward, and he noted that this would affect the entire Fish Camp area, especially the change to the height limitation. He stated he feels the planning should be done by the Planning Department to make sure it meets compatible uses and is consistent with other planning and zoning. He asked what change this zoning will have on the Fish Camp community; what impacts the project will have on the density of the area; and what impacts the project will have on services that are needed to support the new density. He referred to the increase in value of property noted by PacificUS, and stated he feels the project will degrade the surrounding property. He referred to a provision in the Fish Camp Specific Plan that permits amendments, and he noted that specific findings must be made. He stated he does not feel that a finding could not be made that this project would not affect

the surrounding property values. He referred to the projected revenue estimates and changes that have occurred in the hospitality industry since 2002. He commented on the number of jobs that will be required to support the project and asked where those employees will come from. He stated he feels consideration needs to be given to the housing impacts and relative to impacts from the new casino being built down from the project on Highway 41. He referred to the proposed occupancy rate information, and he stated he feels the projections are too high. He urged the Board to reject the land use amendment; to require the project applicant to come back and submit a project that is compatible with the charm of the area.

- Gene Glendenning, President of the Yosemite Alpine Association, stated they are across the street from the project and border it on the west and south sides. He stated their water supply comes from ground that is in the middle of the project site. He expressed concern with the water and impacts, and relative to possible contamination. He stated there is no contingency plan if the water table goes down or if there is a contamination problem. There is no where else for them to obtain water. He expressed concern that their water comes from the area where the project plans to discharge its wastewater. He noted their water quality currently exceeds the State's minimum standards and they do not want that to be changed. He stated the Association is a proponent of private property rights, and they have voted unanimously to not object to development of the land as currently zoned. He noted that seven findings need to be made to change the Fish Camp Specific Plan, and requested that each of the findings be documented in writing for each of the eleven amendments that are requested. He also noted that up to this point, the scope of the project did not contain a restaurant; and now they are speaking of a four-star hotel and they usually have restaurants. He asked if this is a change to the project, or if this is just a wedge in the door to come back with more changes in the future. He also noted that a restaurant would have more impacts on the water and waste. He stated he feels the applicant should submit a project that fits the current standards.

2:56 p.m. Recess

3:15 p.m. Roger Wood stated he owns a cabin in Fish Camp and that he is speaking on behalf of Subdivision "D", which consists of 27 cabins and some other structures. He stated they purchased their property because of the quiet and pristine nature. They have concerns with the impacts from the project, especially with their water supply. He stated they believe that the EIR over estimated the availability of water to supply the area. He noted their water supply has always been marginal, and it did not improve after the former lodge burned down. He advised that they worked with the Keller's for water storage, and later well No. 4 was deleted. He stated their previous comments on this matter were not included in the final EIR. He also referred to the suggestion of a new utility to supply water to the SilverTip Resort project and to their area.

- Don Davidson stated he was representing the Fish Camp Property Owners' Association, and he advised that their membership is wholeheartedly against this project. He expressed concern with the lack of due process with the changes proposed for the Fish Camp Specific Plan, and the lack of input by the Fish Camp Town Planning Advisory Committee. He referred to comments made by Ron Young at an "unannounced" meeting in October 2002. He noted that a plant has been found on the project site, and it was not listed on the amended documents. He asked that these comments be reviewed. He referred to the March 21, 2003, Planning Commission meeting and the recommendation from Planning staff to maintain the thirty-five foot height limit, and that the project be accepted. He stated he feels there is a change in this project from a stand-alone project to a synergy of the area – being able to get more conferences in the area. He stated he feels the Board is being asked to take a "leap of faith – build it and they will come", and he does not feel that is dependable. He referred to page 61 of the Planning report relative to the market to support the project, and he stated attachment "B" was not included. He also stated he feels that the data should have been submitted with the market study. He noted that in the original SilverTip Resort proposal, the developer listed seven benefits to the County. He expressed concern with the number of employees proposed for the project (50-60) as the Tenaya Lodge has a similar number of rooms (taking into consideration the cabins) and employs many more people. He noted the uncertainty

relative to the restaurant proposal, and he stated he feels the service needs will still be there, and that they will need about 300 employees. He also noted that the new casino in Coarsegold is offering higher wages and will employ a large number of people. He referred to the proposed financial impacts to the community, and stated he does not feel that the hotel can reach the estimated occupancy. He referenced the section in the General Plan relative to preserving the rural mountain lifestyle, and stated he feels that approval of this project will destroy the preservation of the rural character of the County. He stated he feels the applicant should provide market information on where it plans to draw its service employees.

- Greg Baxter, a property owner in Fish Camp, stated they overlook the creek, pond and meadow. He stated he has been coming to Fish Camp for fifty years and built in 1977. He noted that there has been a lot of input relative to the water issues. He stated it may be time to review the Fish Camp Specific Plan. He stated he feels this project will increase property values and create benefits for the community and services. He feels it will lower costs, such as insurance for him. He stated he could only come up with an emotional reason to not support development. He stated he feels that growth is here, and he would prefer that it be developed by someone with "staying power" and with something that is compatible with the environment. He stated that no one has asked him what he thinks about this project, while some are saying that they represent the community. He stated he would prefer to see the hotel integrated into the landscape versus placement on the nine acres that are currently zoned for this purpose. He stated the height limit of thirty-five or forty-five feet does not matter to him.

Chairman Pickard asked that due to the large number of people that wish to speak, that the input not be duplicated.

- Bart Brown, representing Mariposans for Environmentally Responsible Growth (MERG), noted that Oakhurst is different from Fish Camp because they did not have a Plan. He stated he feels that the Tenaya Lodge never fulfilled its economic promise. He referred to the wastewater treatment problems encountered by the Tenaya Lodge; and other the other impacts such as lighting, noise, and sewer. He stated he does not feel that this project qualifies as environmentally sensitive growth. He stated he feels this project will just dilute the market for lodging. He stated he feels that the wages will be low for most of the employees and they will be required to commute a long distance, perhaps from Madera County, or imported from elsewhere. He asked what the consequences of a failed project will be. He also stated that he feels that if the Specific Plan is casually overturned, it will send a message to other communities that they are at risk for changes to their Plans. He stated it is up to the Board to decide if the project should be designed to fit the community or if the community should be changed to fit the project.

- Candy O'Donel-Browne, stated she was representing Roger Biery/President of the Economic Development Corporation and Dianne Fritz/President of the Chamber of Commerce. She stated that both organizations strongly urge the Board to adopt the findings of the Planning Commission. She stated that because this will be a conference center, it will bring tourism on a shoulder season. She also suggested that the Board might want to consider creating a commission to save land in open space. However, this property has been zoned for commercial and residential uses. She noted that they could develop a hotel close to the Highway and have little houses going up the hill. She addressed the increased height limit as a way to disturb less of the meadow and habitat. She stated they believe that the SilverTip Resort is the highest and best use of this property.

- Ray Standley, Fish Camp property owner and business owner, and as a member of the Fish Camp Advisory Committee, stated they represent forty-two property owners in Fish Camp. He noted that if individual residences are built, they will have individual leach fields and they will cause pollution problems with the ground water. He noted that this project is willing to expand its system to include the community, and he feels that is environmentally sensitive. He stated he is a member of the Yosemite Alpine Association, and that Don Davidson stated he was representing the Fish Camp Property Owners' Association; however, their views are not his. He read a petition that was circulated supporting this project and amendment to the Fish Camp Specific Plan. He urged the Board to vote "yes" for this project.

- Jan Mennig, resident of the County since 1980's and active participant with the Chamber of Commerce, Tourism Advisory Council, and YARTS, etc., stated his family has enjoyed living in

the County. He stated he respects the rights for citizens to make their views known. He stated he feels that this is a destination resort that will happen. He stated he feels that this development and developer will benefit the County.

- Terry Huntsman, property owner, stated he supports this project. He stated he feels the property values will be enhanced.

- Dick Kunstman, representing the Yosemite Area Audubon Chapter, retired PhD engineer, stated he worked for twenty-nine years with Shell Oil. He stated he agrees with the input relative to the lack of quantitative analysis in the EIR. He expressed concern with the accumulation in ground water of the total undissolved solids. He referred to charts concerning the projected increase in transient occupancy taxes (TOT). He commented on the decline in visitation to Yosemite and stated he feels that visitors have a limit on what they will pay. He asked if this project draws from other lodging facilities, whether one of them will fail. He stated he feels the zoning is a contract. He asked about the breakdown of the jobs, types and levels for the employees. Relative to the vegetation management, he noted that some of the trees proposed to be replaced are over seventy-five years old, and it will take a long time to get that tree height again. He also stated that beauty and open space is in the eye of the beholder. He feels this project is an aesthetic obscenity and noted this hearing is being held on Earth Day.

4:15 p.m. Recess

4:31 p.m. The Board and audience agreed to limit speakers to no more than five minutes each.

- Jan Davidson stated she is a full-time resident and property owner in Fish Camp. She clarified that the Fish Camp Property Owners' Association is not representing all owners, just the majority of their membership. She commented on the TOT projected revenues, and she noted that the project may be held up in litigation for five to ten years, or may not ultimately be developed. She stated she does not care about the developer's investors, she cares first and foremost about Fish Camp and the residents of the County. She stated that she feels that a project that fits the community would not have the impacts of what is proposed. She stated she feels a project should comply with the Specific Plan. She urged the Board to vote "no" on the proposed project, and to represent the majority of Fish Camp.

- Barbara Taylor submitted the petitions for which they have been collecting signatures over the last few years, and she stated they encapsulate the feelings of the people who own property and work in Fish Camp – they oppose the project and support their Specific Plan. She noted that there are 133 property owners that live or work in Fish Camp. She also noted that the petitions contain signatures of 46 names from Wawona, Oakhurst and Highway 41 South/their surrounding areas. She stated she has visited Fish Camp since the 1950's and has lived in Fish Camp since the 1980's, and she supports maintaining the Specific Plan as written. She referred to the Specific Plan planning process and the designation of commercial zoning. She stated she feels that this project will change the character of the community forever, and they do not feel that this is the right project for the community. She recommended denial of the project.

- Don Starchman, Starchman Law Offices, stated he finds it interesting that an attorney from Los Angeles is complaining about an out-of-town developer. He stated he has been a resident of the County for twenty-four years and has been very supportive of the Economic Development Corporation, and the Mariposa Business Forum, etc. He stated he does not feel that we can keep exporting our children, and he feels we need to create jobs for them. He stated he discussed the project with the applicants and he had developed projects. He stated he feels this project is environmentally sensitive and it is a good project and it is good for the County. He noted that funding is spent on tourism advertising for the County. He asked if we want a large hotel overlooking the Highway or a master planned project. He stated he feels the future of the tourism industry is destination hotels. He advised that the Pines Resort is being turned into a destination hotel. He noted that Merced County just made a decision to go with a destination hotel versus low cost housing. He commented on pending projects and stated he feels we need to complete them.

- Tom Buck stated he has worked at the Wawona Hotel for twenty years. He stated he agrees with the attorney that opposed this project. He and his wife moved here a year ago with the assurance that the community is protected. He expressed concern with the impacts the project will bring to the meadow and to Big Creek, and concern with impacts to light pollution and the loss of the night sky. He expressed concern with the decline in visitation impacts. He referred to early travels by John Muir and Theodore Roosevelt, and Mr. Roosevelt's comments relative to the treatment of the forest in Santa Cruz. He does not want to see the same occur here.

- Dick Ryan stated he is a part-time resident. He stated he was once a director of a water district in the Bay area, and he agrees with the quantitative input that was previously provided. He stated he feels that Fish Camp is unique and it is the South gateway to Yosemite National Park, and he feels we should do something that is worthy of that. He stated he feels that this needs more work.

- Ginny Carr stated she owns a cabin in the Alpine Village area and teaches in San Luis Obispo. She stated she agrees with the others that spoke about the water problems and not wanting changes to the Specific Plan. She noted that today is Earth Day and that Monday was John Muir's birthday. She stated this is a beautiful project, but it is right next door. She stated that the applicant says they can mitigate the impacts; however, she noted that people who are on vacation make lots of noise, litter, use the resources of the area, and she feels this will impact their water quality. She also noted that the increase in property values only benefit a person if they move. She stated she understands the importance of revenue, but that is just money. She feels this place (Fish Camp) is special, and people will come to Yosemite versus Fish Camp. She also stated that another member of the audience asked her to note the following – that Delaware North had to go to Thailand to recruit people to work in their hotels.

- Bill Winterberg stated he feels that a majority of the people in Fish Camp are “no growth” no matter what project is proposed. He noted that when the Tenaya Lodge was proposed, only two people voted to support it, and he was one of them. He feels that the people are asking for this land to be condemned because they do not want it to be used. He noted that most of the homes in the area were built prior to the planning and building regulations that we have today. He commented on the homes that currently exist along the creek and the individual septic and potential problems. He stated he does not feel it is fair to not let these people have a chance to develop the property.

- Martha VanAman stated she is the manager for the Narrow Gauge Inn. She noted that at the peak of their season, they employ forty people. She stated she does not understand how this project will run with so few people, or where their occupancy will come from.

- Ron Young stated he is a full-time resident of Fish Camp and purchased their cabin in 1960. He stated that he has looked forward to retirement for forty years and coming to Fish Camp because it is a special place. He stated he is an architect and he has worked with developers. He noted that the developers operate on borrowed money and they try to get the zoning changed to enhance their profit, and then they go bankrupt. He noted that he built forty-two public schools in the State and only one had to be finished with a performance bond – that results in a group of lawyers defending the bonding company and the project drags on and everyone waits for funding and lawsuits to settle. He feels the project will never be finished if that happens. As a property owner, he stated there is the proverbial cash cow of Fish Camp, and this has everyone thinking in a box. He stated he feels to be really creative and to really look at the issues, Fish Camp needs to be taken for the wonderful place that it is. He stated he feels that this project will over commercialize Fish Camp and the quality will be eroded away. He stated he feels you need to look at Fish Camp for what it truly is.

- Robert Taylor presented a letter and photographs of projects. He stated he is opposed to the project, mainly because it does not fit the Fish Camp Specific Plan. He does not feel it will benefit the community or the County. He stated that photograph numbers one through eight are what he feels the Board is being asked to burden Fish Camp with. Numbers nine through eleven are of unfinished projects. Numbers twelve to eighteen are in Oakhurst and went bankrupt. He urged the Board to vote “no” and to require the developer to come back with a project that is more suitable. He urged the Board members to drive around Fish Camp to see why they are eager to protect it.

- Lou Aceto stated he feels that visitation is a critical issue. He cited projected declines in visitation from the National Park Service, Denver office. He stated he feels the busing program is changing the face of the visitor. He noted that the SilverTip Resort will include a bus staging area which he feels will be for YARTS. He noted that Yosemite National Park Superintendent Tollefson is proposing to bring this system from Fresno. He stated that Madera and Tuolumne Counties do not want this, they feel it is a tool of the Park Service to remove all day use parking from the Park. He stated he feels that YARTS will still bring tourists and will increase as former Superintendent Mihalic said. But, he feels the “mom and pop” operations will go out of business. He feels this will take the voice from the taxpaying districts; if this Specific Plan is changed, others will also. He stated his observation is that the view in Fish Camp is that those who voice support will benefit from this project; and those outside of Fish Camp that voice support for the project, are saying “not in my backyard.”

- Jeannie Aceto, of Oakhurst, referred to Bart Brown’s comments relative to the lack of a town plan for Oakhurst. She stated he is correct and they have been envious of Fish Camp for having a Specific Plan. She stated that she feels the requested zoning change is the largest in twenty years in the County. She feels this request would be unthinkable in other areas of the County. She urged the Board to vote against this project.

- Angela Wells commented on the input relative to the Chamber of Commerce and the Economic Development Corporation complaining about business and funding. She stated that she feels we should be removing YARTS and the County should stop supporting this project to bring back the TOT dollars. She stated the project is opposed by the community. She referred to the National Park Service requirement for a staging area for the project, and she asked where the traffic study for this is. She stated that she feels if the Yosemite Valley Plan and YARTS are killed, the visitors will come back.

- Pamela Salsbury stated she is a business owner and property owner with a master’s degree in marketing administration. She stated that she feels there was no evidence presented with the market study report. She read notes received from visitors to Fish Camp that were sent by email to her and to the Board relative to the benefits of visiting Fish Camp and concerns with the impacts this project will bring.

- Deborah Hagan stated she is not a resident of Fish Camp; however, she feels this project has implications for the rest of the County. As a homeowner in Yosemite West, she is concerned that their plans for Yosemite West may be ignored in the future. She stated she feels the Board should honor the wishes of the community.

- Susanna Odry stated she agrees with the stated concerns and that she will submit a letter. She stated she is opposed to this project as proposed and to the changes to the Specific Plan. She stated she owns property next to the road that would be the egress for the project, the Carriage House. She expressed concern with noise, pollution and litter impacts. She stated that they see the Tenaya Lodge lights at night, and they are concerned with the light and traffic impacts.

- Bill Winterberg stated he feels this is an appropriate proposal, and he feels that they have a septic facility that can be expanded to the community and will be beneficial in the future. He stated he feels that the wells that have been added to the springs have been beneficial. He stated he feels the water is moving through the soil rapidly or there would not be the change in elevation. He feels the snow-melt recharges the water level. He further stated that he does not feel that there will be an opportunity for this good of a project in the future.

- Karen Glendenning asked the Board to not support this project as proposed. She stated she wants a project that will benefit the community. She wants their Specific Plan respected and the project built accordingly.

- Susie Keller stated she has been coming to Fish Camp since the 1960’s, and that she used to work at the former SilverTip Lodge and now lives in the Bay area. She stated she has known Ron Coleman and PacificUS for over ten years, and she respects them and their reputation. She stated she believes that future generations of the community will enjoy the SilverTip Resort.

- Tony Dixon asked if their Specific Plan is legal. County Counsel responded in the affirmative.

- Chairman Pickard called on the applicant for rebuttal.

- A member of the audience asked if rebuttal is part of the hearing process. Chairman Pickard reviewed the hearing process, and Jeff Green, County Counsel, concurred with the process which allows for rebuttal by the applicant after the public input portion.
- Ron Coleman introduced Jeff Reid, who responded to Mr. Dintzer's presentation.
- Jeff Reid stated an applicant would want to amend a Specific Plan to comply with the law and sustain any legal challenge. He stated he feels the eleven proposed amendments would bring the Fish Camp Specific Plan current, and that each of the amendments are analyzed in the draft EIR. He reviewed the Planning Commission's consideration of the variance to the forty-five foot height limit, and he noted that the Commission felt that perhaps it should be expanded so that more than just the applicant could benefit from it. He referred to findings that need to be made before amending the Specific Plan, and he provided a consultant report that had been entered into the record previously. He advised that under CEQA, a project can be required to be mitigated to less than significant or a statement can be made – the EIR says that impacts can be mitigated satisfactory versus to less than significant. He addressed the issue of Subdivision "D" Block owners and their concerns relative to water. He stated the Board does not need to resolve existing legal disputes over water rights. However, the costs could be adjusted accordingly. He reviewed requirements of mitigation measures for this, and advised that there will not be unfair costs shifted to Block "D".
- Ron Coleman noted that there was a lot of testimony. He advised that they purchased the property knowing the Specific Plan and General Plan. He stated they have planned the project with conditions of the Specific Plan; they have attempted to meet with every major group and with individuals in Fish Camp. He thanked the Board for the long day and for hearing the testimony.

5:57 p.m. Recess

6:07 p.m. Chairman Pickard closed the public portion of the hearing and continued the hearing to May 13, 2003, at 2:00 p.m. in Mariposa at the Government Center.

Eric Toll advised that Attorney Abbott, outside counsel, is scheduled to give a workshop for the Board on CEQA and findings on May 6th.

Jeff Green, County Counsel, reminded the Board that the public hearing and process is in force, and that it is important that testimony and evidence not be taken outside of this process.

CONSENT AGENDA:

- CA-1 Approve Budget Action Transferring Funds in the Mental Health Budget to Cover the Cost of Contract Personnel for the Children's System of Care (\$5,000) (Human Services); Res. 03-118
- CA-2 Approve Budget Action Transferring Funds in the Mental Health Budget to Cover the Increase in Costs for Training and Seminars (\$800) (Human Services); Res. 03-119
- CA-3 Authorize Public Works/Fleet Division to Purchase Five Replacement Vehicles Through the State of California Bid List Vehicles at a Total Cost of \$153,366 Utilizing Vehicle Replacement Fund No. 703; and Authorize the Department to Declare the Existing Vehicles as Surplus and be Sold at Auction (Public Works); Res. 03-120
- CA-4 Waive the Second Reading and Adopt an Ordinance Approving an Amendment to the Professional Office Zone Text, and an Amendment to the Mariposa Town Planning Area Zoning Map for Certain Parcels in the Courthouse Area – Specific Plan/Zoning Amendment No. 2002-372 (Planning); See the discussion earlier under the Consent Agenda. (NOTE: County Counsel later determined that the Ordinance in Consent Agenda

item 4 was acted upon outside of the Mariposa County seat and is required by law to be adopted at the County seat, and placed it on the agenda for May 6, 2003, to rectify that action.)

- CA-5 Resolution Approving and Authorizing Chairman to Sign the Lease Agreement with Ralph Swenson for the Use of the Sheriff's Satellite Office in Greeley Hill for a Five Year Period (Sheriff); Res. 03-121
- CA-6 Approve Certificate of Recognition of Scouts and Leaders at the Greater Yosemite Council Boy Scout Council Camporall Scheduled for May 2-4, 2003 at Lake Don Pedro (Chairman Pickard)
- CA-7 Appoint Dusty Luker to the Alcohol and Drug Advisory Board (Supervisor Pickard)
- CA-8 Approve Resolution and Tile Plaque Recognizing Pelk Richards upon his Retirement as Sheriff/Coroner, for Presentation at a Special Event (Chairman Pickard); Res. 03-122

6:09 p.m. Adjournment in memory of Marjorie D. Kuskie, Helen Novelle Kemp, Willard Reiswig, and Bill Kidwell.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA May 6, 2003

Folder Time Description

9:00 a.m. Meeting Called to Order at the Mariposa County Courthouse by Vice-Chairman Parker. Supervisor Bibby was present. Dick Kunstman asked whether the Board needs to vote to adjourn the meeting to the Government Center. A member of the audience asked where the other Board members were. Jeff Green, County Counsel, referred to the Government Code section that allows for a non-majority of the Board to open and adjourn the meeting. Mike Bird and Margaret Hartley stated they feel that a vote needs to be taken to move the meeting. Supervisor Bibby commented that a vote would not be possible with less than a quorum of the Board members present, as allowed for in the Government Code.

9:05 a.m. Vice-Chairman Parker adjourned the meeting to the Mariposa County Government Center (Government Code Section 54955), Board Chambers, at 5100 Bullion Street to convene at 9:15 a.m.

9:17 a.m. The Board reconvened at the Mariposa County Government Center with all members present. Chairman Pickard advised that procedurally the Board will convene each meeting at the Courthouse and adjourn to the Government Center until the ordinance takes affect that moves the location of the Board's regularly scheduled meeting to the Government Center.

Pledge of Allegiance
Introductions

Bob Pickard, Chairman;

- A) Proclaim May 5 – 11, 2003, as "Wildfire Awareness Week"; and
- B) Proclaim May 2003, as "Friday Night Live and Club Live Month"

BOARD ACTION: (M)Bibby, (S)Stetson, the proclamations were approved/Ayes: Unanimous.

The "Wildfire Awareness Week" proclamation was presented to Bill Hodson/representing the California Department of Forestry and Fire Protection; Blaine Shultz/County Fire Chief; and Jan Hamilton/representing the Fire Safe Council. Bill Hodson provided a reminder relative to the importance of fire clearances and advised that they will begin staffing the stations on Monday.

The "Friday Night Live and Club Live Month" proclamation was presented to Kathy Delaney and the following students: Galina Gleason, Erica Johnson, Kamrin Patterson, Kim Pollard, Alaina Hernandez, Laura Robinson, and Alex Jones. The students gave an update on their activities and plans.

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

- Mike Bird noted that at the previous meeting he warned about pending criminal misconduct and the Board did not heed that warning. He stated he feels that the Board is in three violations of the law. He does not feel that a legal meeting was held at 9:00 a.m. at the Courthouse as a quorum of the Board was not present for action to be taken to move the meeting. He also stated he feels the law calls for a \$500 forfeiture for each time a Board member fails to show for a meeting; which he feels would be for every meeting that the Board has not met at the Courthouse. He further stated that he does not feel that the Chair or Chair pro tem has the authority to move the meeting, only by action of the Board by a vote.

- Gwendolyn Thomas stated that she feels that if Mr. Bird's comments are true, then she moves to adjourn the meeting.
- Betty Lou Cook stated she works for IHSS (In-Home Support Services) and they have had a raise issue for many years, and they are still working for minimum wage; yet the Board is seeking a raise for its members. She stated she feels the Board should realize the benefits the community receives from the IHSS program.
- Robert Gregg noted that the Board members make a higher salary now than when they first took office, except for Supervisors Bibby (and Stetson). He asked if the members plan to leave office at the end of their current term, since the reason given for the requested increase is to attract more competent help.
- Bob Spiers provided input relative to the change not being made in the Code to change the meeting location.
- Jeff Green, County Counsel, advised of an off-agenda request relative to consideration of certifying a disability retirement for Sheriff's Sergeant Phil Rauch. He advised that Sergeant Rauch has a serious illness and had an operation and is in critical condition, and that there is a process through the Public Employees Retirement System (PERS) for retirement in these situations. (M)Parker (S)Bibby, Board waived the rules requiring 72 hours agenda notice to consider this request, finding it was not known about at the time the agenda was prepared and finding that it is a matter of timeliness given the critical condition of Sergeant Rauch/Ayes: Unanimous. (M)Parker, (S)Bibby, Res. 03-123 was adopted certifying a disability retirement for Sergeant Phil Rauch, effective May 5, 2003/Ayes: Unanimous. Mike Bird stated he feels the resolution should be effective this date; and that an invalid action was passed with the May 5th date.

Board Information

- Supervisor Balmain provided his weekly status report on the Airport improvement project, citing minimal activity.

Jeff Green, County Counsel;

A) Waive First Reading and Introduce an Ordinance Amending County Code Section 2.04.010 of Chapter 2.04 to Change the Location of the Board's Regularly Scheduled Meeting from the County Courthouse to the Mariposa County Government Center

BOARD ACTION: Jeff Green reviewed the request and options, and he advised that there has never been a complaint or confusion about where the Board meets. He advised that an opinion could be requested from the Attorney General. Discussion was held. (M)Parker, (S)Stetson, the first reading was waived and the Ordinance was introduced. Further discussion was held relative to this matter and relative to being able to hold meetings in other locations.

Input from the public was provided by the following:

- Dick Kunstman stated he feels the language should be clear relative to the section that says the Board will not meet between Christmas and New Year's.
- Mike Bird agreed that this section needs to be fixed. He stated he is concerned with what the laws are today and the zoning, and he feels this matter needs to be fixed.

Further discussion was held. The motion was amended, agreeable with the maker and second, to include direction for the language to be removed relative to not meeting between Christmas and New Year's.

Additional input from the public was provided by the following:

- Gwendolyn Thomas stated she was a real estate broker for 42 years and it was her obligation to know the law, and she stated she feels the Board should be held to the same obligation and know the law and be accountable.
- Betty Lou Cook asked if there is a requirement that the meetings be held at 9:00 a.m. She stated most people work and asked why evening meetings are not held.
- Peter DeCaro noted that we live in a democracy.

Following further discussion, the vote was taken – Ayes: Unanimous. The Board concurred with directing staff to request an opinion on this issue from the Attorney General.

B) Waive Second Reading and Adopt an Ordinance Amending Section 2.60.010 of Chapter 2.60 of the County Code, Entitled "Board of Supervisors Annual Compensation Rate" to Adjust the Board of Supervisors' Annual Rate of Compensation to Equal Thirty-One Percent of the Mariposa County Superior Court Judge's Rate of Pay in a Phased-Approach, with a Three-Percent Increase to be in Effect on July 1, 2003, and a Three-Percent Increase to be in Effect on July 1, 2004

NOTE: This Ordinance was Acted upon Outside of the Mariposa County Seat and is Required by Law to be Adopted at the County Seat, and is on the Agenda to Rectify that Action.

BOARD ACTION: Jeff Green advised of the status of this matter.

Input from the public was provided by the following:

- Ray Foster provided input relative to the Board members' vote on this matter. He stated he feels the Board members are hired by the people and can be fired by the people. He feels that this is not a good time for the Board to be seeking a raise given the economic situation.

- Gwendolyn Thomas asked how many people know what "rescind" means. She stated she feels that it means that it never happened, and she does not feel that this action should be rescinded; but that it should stand on the record.

- Peter DeCaro referred to Rules of Procedure for the Board and regulations of the Fair Political Practices Commission (FPPC) relative to Board members abstaining from voting on issues that they have a conflict with. He stated he feels that this matter is a conflict for the Board members.

- Betty Lou Cook stated she feels that if the Board gets a pay increase, the lowest paid employees should be brought up to the same level. She also asked why IHSS workers should not be entitled to retirement and health benefits.

Jeff Green clarified the FPPC regulations and laws of the State relative to Board members voting on issues that they have a conflict with. He advised that those regulations/laws prohibit Board members from voting on matters that they have a financial interest in. However, the salary increase is addressed by another code section and the Board is left to act on this matter.

- Peter DeCaro referred to the FPPC regulations, and stated that he feels that if a Board member intends to retire and votes on this, it is a violation.

- Katherine Helms stated she feels that something should be done for the children versus the salary increases.

- Margaret Tuthill presented petitions signed in opposition to the salary increase. She stated she feels it would be good for the Board to reconsider this raise in light of the budget crisis.

- Alice Phipps asked if the County were a personal business whether raises would be given in an economic crisis.

- Barry Brouillette stated he feels the crisis at the State level has been due to mismanagement; however, his sense of the County is that it is well-managed. He stated he often does not agree with the Board, be he feels a raise should be consistent with the job. He stated he feels there should be an understanding of how the schools work and are funded. He stated he believes the Board deserves the raise because of the level of responsibility and the size of the budget.

- Ruth Sellers asked whether action would have to be retaken on the introduction of the Ordinance to approve the pay raise since the original action was taken here and this was not the legal place of the Board's meeting. She stated she is very much against a pay raise. She noted the benefits and expense accounts that are in addition to the salaries.

- Claudia Cummings suggested the matter be placed on a public ballot. She referred to the signatures she obtained from people who oppose the raise. She noted that a referendum process will cost additional funds. She stated she does not think that the Board members came to the position for the money, that it was to serve the people. She asked the Board to reconsider this matter.

- Eleanor Keuning requested that the Board heed the advice of the Auditor, County Administrative Officer, and the citizens in opposing this increase. She asked about future processes and meeting locations.

Rich Inman, County Administrative Officer, stated he has made no recommendations, either for or against, this issue; and he noted he was only on board for one month. He stated he feels this is a policy issue for the Board members to resolve without a recommendation from him.

10:37 a.m. Recess

11:00 a.m. Additional public input:

- Ray Foster stated he feels the Board should just accept the raise that would be in affect without this proposal.

Discussion was held. Supervisor Parker referred to the earlier action to introduce an ordinance to move the designated meeting location of the Board to the Government Center; and he noted that the introduction of this ordinance was done at the Government Center and that could be a challengeable issue. He suggested that the Board wait for the ordinance to be in affect that changes the meeting location before acting on the salary ordinance. He feels that will also give an opportunity for the Board to proceed with the budget hearings in June. He further suggested that the Board rescind the introduction of the ordinance and the action taken on April 22nd in Fish Camp to adopt the ordinance for the salary raise and for the ordinance approving an amendment to the zoning in the Courthouse area. Discussion was held. (M)Parker, (S)Bibby, the Board rescinded the introduction and adoption action taken on April 22nd in Fish Camp on the salary ordinance and the ordinance approving an amendment to the zoning in the Courthouse area (Consent Agenda item 4)/Ayes: Bibby, Parker, Pickard; Noes: Stetson, Balmain. Jeff Green requested that the Board recess to allow an opportunity for him to review whether a 3-2 vote is sufficient for this matter.

11:17 a.m. Recess

11:23 a.m. Jeff Green advised that the action stands, it only required a majority vote.

Approval of Minutes of April 8, 2003, Regular Meeting

BOARD ACTION: Approved.

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

BOARD ACTION: Chairman Pickard noted that action was taken with the last action relative to item 4. (M)Stetson, (S)Parker, the balance of the items were approved/Ayes: Unanimous.

Cathi Boze, Deputy Agricultural Commissioner;

Resolution Authorizing the Chairman to Sign Agreement No. 04-73-06-0260-RA: the Annual Work Plan and Reimbursable Budget Plan for FY 2003/2004 with USDA/APHIS/WS (Wildlife Services)

BOARD ACTION: Following discussion, (M)Balmain, (S)Parker, Res. 03-131 was adopted. Cathi provided input relative to the program and advised of efforts to make the federal funding more equitable for this program. She introduced Brian Archuleta/District Supervisor, and Don Simms/Animal Control Specialist. Cathi also advised of unclaimed gas tax revenue that can help offset the cost in the next fiscal year. Ayes: Unanimous.

Rich Inman, County Administrative Officer;

A) Approve the Proposed Class Specification and Designation of Agricultural Commissioner/County Sealer of Weights and Measures and Set the Salary at \$55,862; Allocate this Position to the Agricultural Commissioner Budget Unit; Appoint Cathi Boze as the Agricultural Commissioner/County Sealer of Weights and Measures Effective May 1, 2003; Approve the Budget Action Unfunding the Deputy of Agricultural Commissioner/Sealer Position and Transferring Funds within the Agricultural Commissioner Budget Unit to Fund the New Position (\$9,815)

BOARD ACTION: Following discussion, (M)Parker, (S)Balmain, Res. 03-132 was adopted as recommended/Ayes: Unanimous. Supervisor Parker acknowledged Don Cripe for his services to the County as Agricultural Commissioner.

B) Approve Issuance of the Visitors Bureau Web Site Update Request for Proposal (RFP)

BOARD ACTION: Rich Inman reviewed the previous direction and recommended RFP. He advised that negotiations have not begun with the Chamber of Commerce because they did not know what the RFP would result in.

- Roger Biery, President of the Economic Development Corporation and a member of the Board of Directors of the Chamber of Commerce, stated he is mostly speaking as a private citizen. He stated he feels the decision today is not between the RFP and the consortium, that those are two different issues. He feels the issue today is whether the County wants a public/private partnership, and he believes the portal is that. He stated he feels the website needs to be improved and the consortium will bring all of the resources together to make it a successful site. He also noted that the Forest Service will decide by May 18th whether to award the grant funding. The grant was written with a match and with a consortium. If the County does not proceed in this manner, he does not feel that the project will be successful.

Discussion was held. Jeff Green, County Counsel, responded to questions from the Board and provided input relative to the process and the Board's previous direction to bring back an RFP. (M)Parker, (S)Stetson, Res. 03-133 was adopted approving the RFP for release as recommended/Ayes: Unanimous. Rick Peresan, Technical Services Director, stated he agrees with the RFP.

11:56 a.m. Supervisor Balmain was excused to attend the Mental Health Board meeting.

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: Motion by Bibby to hold the closed session at 1:00 p.m. was held in abeyance for the following item.

Supervisor Janet Bibby and Supervisor Garry Parker, Mariposa Town Advisory Task Force; Request for Approval of Expenditure of up to \$5,000 for Way finding Signs for Public Parking in Historic Downtown Mariposa for Installation by Memorial Day 2003

BOARD ACTION: Eric Toll, Planning Director, presented the proposal for way finding signs, and he advised that additional signage requests will be brought back as a budget item. He also advised that the design would be transferable to all districts. Discussion was held. (M)Stetson, (S)Parker, Res. 03-134 was adopted approving the request, with direction for the Amphitheatre and Mariposa Creek Parkway to be included in this first phase. Dianne Fritz commented on her work with the Task Force and efforts with painting the Fremont Adobe, and she thanked the Board and the Task Force for its support. Bob and Carol Shockley were also recognized for their design work on this project. Supervisors Bibby and Parker thanked the Task Force members for their work. Supervisor Parker noted that the painting of the Fremont Adobe is scheduled for Saturday and he invited people to assist. Ayes: Stetson, Bibby, Parker, Pickard; Excused: Balmain.

Supervisor Stetson seconded the earlier motion to hold the closed session at 1:00 p.m./Ayes: Stetson, Bibby, Parker, Pickard; Excused: Balmain. Chairman Pickard advised that the Board would reconvene in open session at 1:30 p.m.

12:08 p.m. Lunch

1:07 p.m. The Board convened in closed session with all members present.

1:14 p.m. Recess

1:38 p.m. The Board reconvened in open session. Chairman Pickard announced that direction was given to staff as a result of the closed session.

Request for Direction Relative to the Pre-payment of Property Taxes Prior to Approval of Lot Line Adjustments (County Counsel)

BOARD ACTION: Discussion was held. Jeff Green advised of his memorandum to the Treasurer/Tax Collector in March, 2000, relative to this issue. Keith Williams, Assistant Treasurer/Tax Collector, provided input relative to the request.

Input from the public was provided by the following:

- Claudia VanderBie Cummings stated she does not see the urgency for passing this now. She advised that she has a lot line adjustment application pending and she feels it is a simple procedure. She could see this requirement for subdivisions. She is simply trying to adjust the lines by the road.

Further discussion was held. Keith Williams advised that they do not know what is planned when they receive the requests. Becky Crafts, Supervising Appraiser, provided input and stated they have been trying to resolve this issue for some time. She noted that this is not a new assessment; and she noted an example of where a situation could occur whereby a parcel could be sold with a portion remaining as a result of a lot line adjustment. The remaining portion may be something that doesn't cover the lien.

(M)Bibby, (S)Parker, Res. 03-135 was adopted approving the request to require the pre-payment of property taxes prior to approval of lot line adjustments. Further discussion was held. Claudia Cummings provided further input and stated she feels this results in a pre-payment in these situations. Ayes: Unanimous.

Jim Petropulos, Public Works Director;

A) Resolution Authorizing Public Works to Waive the Formal Bid Process and Utilize Equipment Replacement Fund #704 to Purchase Replacement Rubber-Tire Front End Loader and Forklift Presently being Rented by the Department; and Approve Budget Action Transferring Funds for Said Purchase (\$3,760) (4/5ths Vote Required)

BOARD ACTION: Following discussion, (M)Bibby, (S)Stetson, Res. 03-136 was adopted/Ayes: Unanimous.

B) Authorize the Public Works Director to Execute a Contract for \$426,872 with Agee Construction of Clovis, California, for Construction of the Airport Helicopter Parking Area

BOARD ACTION: Discussion was held with Jim Petropulos, and he advised of additional mobilization costs requested by Agee which he feels are justified. He noted that with the increase of the \$35,000, Agee is still the lowest bidder. (M)Balmain, (S)Stetson, Res. 03-137 was adopted/Ayes: Unanimous.

C) Authorize Public Works/Fleet Division to Consider Other Bids, in Addition to the State of California Bid, for the Purchase of Vehicles Approved on April 22, 2003

BOARD ACTION: Discussion was held with Jim Petropulos, and he advised of another option to purchase the vehicles and realize a savings. Howard Davies, Assistant Sheriff, provided input relative to this matter. Jeff Green, County Counsel, advised that the matter would need to be scheduled to waive the formal bid process, or a formal bid process needs to be followed to consider a bid other than the State of California bid. He noted that the State has gone through a formal bid process. The Board concurred with directing Public Works to bring the matter back for consideration of waiving the formal bid process.

2:22 p.m. Cheryle Rutherford-Kelly, Human Services Director;

A) Request for Authorization to Hire in Interim Eligibility Supervisor through Overfill due to a Long Term Medical Leave of Absence

BOARD ACTION: Following discussion, (M)Balmain, (S)Stetson, Res. 03-138 was adopted/Ayes: Unanimous.

B) Request for Authorization to: 1) Freeze the Position of Contract Administrator in the Housing Authority Fund and 2) Direct the Personnel Department to Develop a Deputy Director of Community Services Class Specification/Designation and to Return the Item for Board of Supervisors Review and Approval

BOARD ACTION: Discussion was held. (M)Balmain, (S)Stetson, Res. 03-139 was adopted approving the request as recommended by the County Administrative Officer to freeze the position of Contract Administrator and to direct Personnel to develop a Deputy Director of Community Services class specification/Ayes: Unanimous.

C) Request for Authorization for the Department of Human Services to Prepare a Small County Initiative (SCI) Grant Application for Funding Currently Available through the State Office of Child Abuse Prevention (OCAP)

BOARD ACTION: Discussion was held. (M)Bibby, (S)Stetson, Res. 03-140 was adopted. Cheryle Rutherford-Kelly advised that she will come back to the Board if the grant is awarded. Ayes: Unanimous.

2:30 p.m. Recess

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

A) Workshop by William W. Abbott, Special Environmental Counsel, on the Responsibilities of the Board of Supervisors Related to the California Environmental Quality Act (CEQA), making Required Findings for Environmental Impact Reports, and Related Issues

BOARD ACTION: Eric Toll introduced Bill Abbott, special legal counsel for environmental projects.

Attorney Abbott, Abbott & Kindermann, LLP, gave a power point presentation on CEQA, reviewing the essentials of CEQA and land use law, blending CEQA with land use approvals and land use litigation.

Discussion was held relative to the information provided in the presentation.

- Dick Kunstman asked hypothetical questions relative to findings, and whether separate motions could be taken on each finding.

B) Request for Board Direction and Scheduling for Hearings, Workshops, and Adoption of the General Plan (Chairman Pickard)

BOARD ACTION: Discussion was held with Eric Toll, and he advised of the availability of the General Plan Update at the Library and branches, and at their office by hard copy or CD-ROM. Supervisor Parker requested that there be public notification of the availability. The Board concurred with recommendations for scheduling hearings and workshops on July 1st.

Approve the Fire Services Assistant Class Specification and Designation and Set the Salary at Range 162 (\$2,118-\$2,574) and Allocate the Position to the Fire Budget Unit; 2) Approve the Reclassification of the Secretary Position in the Fire Budget Unit to Fire Services Assistant with a Wage Increase Retroactive to March 15, 2002 and Eliminate the Secretary Allocation; 3) Approve the Budget Action Using Salary Savings from the Deputy Fire Chief Position to Fund the Reclassification (\$5,085) (Personnel)

BOARD ACTION: Jeff Green, Interim Personnel Director, reviewed the history to this matter. Discussion was held. Blaine Shultz, Fire Chief, provided input. (M)Stetson, (S)Balmain, Res. 03-141 was adopted approving the recommended actions/Ayes: Unanimous.

Resolution Amending Section 6 "Duties and Responsibilities" of Resolution No. 82-82 for the Wawona Town Planning Advisory Committee, to Include Review of the Solid Waste Collection Rates for the Wawona County Service Area (County Counsel)

BOARD ACTION: Following discussion, (M)Balmain, (S)Stetson, Res. 03-142 was adopted/Ayes: Unanimous.

Approve Budget Action Transferring Funds in the County Counsel's Budget for the Purchase of a Replacement Computer (\$1,686) (County Counsel)

BOARD ACTION: (M)Parker, (S)Bibby, Res. 03-143 was adopted/Ayes: Unanimous.

Authorize Chairman to Sign a Letter on Behalf of the Board of Supervisors to Senators Feinstein and Boxer to Seek Support for HR 620 (Radanovich) for School Funding for Yosemite Park Students (County Administrative Officer)

BOARD ACTION: (M)Parker, (S)Stetson, Res. 03-144 was adopted, and direction was given to distribute the letter as appropriate. Rich Inman, County Administrative Officer, suggested that the letter be copied to the other members of the Natural Resources Committee. Ayes: Unanimous.

Discussion/Direction Concerning Possible Presentation by Geometra Phneumaic Energy Recovery Systems, Inc. (GPERS) for Tire Recycling Facility (Supervisor Balmain)

BOARD ACTION: Supervisor Balmain initiated discussion, and the Board concurred with having GPERS give a presentation. Rich Inman, County Administrative Officer, stated he would coordinate scheduling the presentation.

Supervisor Balmain advised that staff is coordinating travel arrangements to visit solid waste facilities for the next week.

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

CONSENT AGENDA:

- CA-1 Authorize a Letter of Support for Merced County to Submit a California Integrated Waste Management Board Application to Expand the Household Hazardous Waste Management Grant to Serve Mariposa County (County Administrative Officer); Res. 03-124
- CA-2 Appoint Don Pucilowski and Diane Albert to the Lake Don Pedro Service Area 1-M Advisory Board; Accept Resignations from Ann Zackery and Dean Gordin; and Reappoint Dwight Mueller, Wesley Snyder, Sally Punte, and Ray Bradford to Said Board (Supervisor Balmain)
- CA-3 Approve the Display of a California State Mining and Mineral Museum Exhibit Valued at \$99.50 at the Mariposa Library and then at the Red Cloud Library for a Two-month Period at Each Library (Librarian); Res. 03-125
- CA-4 Waive the Second Reading and Adopt an Ordinance Approving an Amendment to the Professional Office Zone Text, and an Amendment to the Mariposa Town Planning Area Zoning Map for Certain Parcels in the Courthouse Area – Specific Plan/Zoning Amendment No. 2002-371 (Planning)
NOTE: This Ordinance was Acted Upon Outside of the Mariposa County Seat and is Required by Law to be Adopted at the County Seat, and is on the Agenda to Rectify that Action.
(M)Parker, (S)Bibby, the Board rescinded the introduction and adoption action taken on April 22nd in Fish Camp on the salary ordinance and the ordinance approving an amendment to the zoning in the Courthouse area (Consent Agenda item 4)/Ayes: Bibby, Parker, Pickard; Noes: Stetson, Balmain.
- CA-5 Authorize the Fire Chief to Apply for a Grant for a Mobile Fire Safety Trailer from the Mariposa County Children and Family First Commission, with a Grant Value of \$63,678 (Fire Chief); Res. 03-126

- CA-6 Resolution Empowering the Health Officer to Apply and Execute Documents for the Local Enforcement Assistance Grant Funds for FY 2003-04 and for the Subsequent Four Fiscal Years if Amounts and Conditions Remain Substantially the Same (Health Officer); Res. 03-127
- CA-7 Approve the Purchase of Laptop Computer and Operating Software for the Planning Department from the Computer Replacement Line Item in the Data Processing Capital Improvement Fund (Planning); Res. 03-128
- CA-8 Approve Resource Conservation District 2003/04 Fiscal Year Agreement to Include an Increase of \$3,700 for Grading Services Rendered to the Building Department (Building Director); Res. 03-129
- CA-9 Resolution of Intention to Approve an Amendment to the Contract with the California Public Employees' Retirement System (CalPERS) Board of Administration to Provide Safety Retirement at the 3% @ 50 Formula for Probation Officers (Personnel); Res. 03-130

4:35 p.m. Adjournment in memory of Melanie Dahlem, Hollis Moseley, Clifford Bisbee, and Ray Preston.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

May 13, 2003

Time Description

9:00 a.m. Meeting Called to Order at the Mariposa County Courthouse by Vice-Chairman Parker. Supervisor Bibby was present. Mike Bird stated he does not feel that Government Code Section 54955 permits the Vice-Chair to change the meeting location on his own. Jeff Green, County Counsel, referred to California Attorney General Opinion No. 93102, which he feels clearly gives authority to change the meeting location. Mike Bird stated he feels that this requires action by the Board.

9:03 a.m. Vice-Chairman Parker adjourned the meeting to the Mariposa County Government Center (Government Code Section 54955), Board Chambers, at 5100 Bullion Street to convene at 9:15 a.m.

9:20 a.m. The Board reconvened at the Mariposa County Government Center with all members present.

Pledge of Allegiance

Introductions

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

- Jim Allen, Sheriff, advised that Sergeant Phil Rauch passed away on Friday, and that memorial services are planned for Sunday at the Courthouse lawn area. He thanked his staff, Carol Azevedo of the Auditor's Office, and the Board for support with the legal issues.

- Mike Bird provided input relative to the process the Board is using to convene at the Courthouse and adjourn to the Government Center for its meetings and the Attorney General's opinion. He stated he feels this takes action by the Board versus the Chair or Vice-Chairman. He stated he feels that this and the previous meetings are illegal, and that the ordinance moving the meeting location was introduced and is scheduled for adoption at these illegal meetings. He stated he feels the ordinance needs to be done properly.

- Dick Kunstman referred to Supervisor Balmain's comments at the May 6th meeting relative to the comments by citizens amounting to "contempt." He stated he feels the Board and staff should be familiar with the local Code. He referred to actions taken by the Board in 2002 which he feels were taken without the required findings.

- Don Davidson stated he would like to speak later today when consideration is given to rehearing the SilverTip Resort project.

- Judie Beliera, Tourism and Economic Development Department, presented photographs of the display in their lobby area and commended Don Haag with the Chamber of Commerce for his efforts. She noted that the hotels are booked for this weekend.

- Chairman Pickard, on behalf of Leota Striplin, advised of events planned for May 17th to recognize Armed Forces Day. Eleanor Keuning noted the Special Olympics group in Mariposa will have a bocce ball game as a part of the events. Leota Striplin thanked the Board for the announcement.

Board Information

- Supervisor Balmain gave his weekly status report on the Airport improvement project.

- Supervisor Parker advised that several volunteers assisted with the painting of the Fremont Adobe building over the weekend. He thanked the Board and members of the Mariposa Advisory Task Force for its support.

- Dick Kunstman commented on the Airport improvement project, and he noted that sometimes the runway lights need to be turned off before they are turned back on to operate automatically.

Approval of Minutes 4-15-03, Regular Meeting

BOARD ACTION: Approved.

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

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

Jeff Green, County Counsel;

A) Waive Second Reading and Adopt an Ordinance Amending County Code Section 2.04.010 of Chapter 2.04 to Change the Location of the Board's Regularly Scheduled Meeting from the County Courthouse to the Mariposa County Government Center

BOARD ACTION: Discussion was held relative to the ordinance, ability to meet in other locations, and relative to being able to call special meetings.

Input from the public was provided by the following:

- Mike Bird referred to his previous comments relative to his feeling that this is an illegal meeting.

Jeff Green cited Government Code Section 54955, and stated it appears very clear on its face that the legislative body is allowed to adjourn its meeting to a time and place specified with less than a quorum of the members present. (M)Parker, (S)Stetson, second reading was waived and Ordinance No. 986 was adopted/Ayes: Unanimous.

B) Waive First Reading and Introduce an Ordinance Amending County Code Section 2.52.060 of Chapter 2.52 to Change the Location of the Planning Commission's Regularly Scheduled Meeting from the County Courthouse to the Mariposa County Government Center

BOARD ACTION: Following discussion, (M)Bibby, (S)Parker, first reading was waived and the Ordinance was introduced. Mike Bird stated he has the same objections with this ordinance as he stated for the previous ordinance. Ayes: Unanimous.

C) Authorize the Chairman to Sign an Agreement between the Superior Court of California and the County of Mariposa to Enter into an Agreement for Juvenile Dependency Legal Services

BOARD ACTION: Discussion was held. (M)Bibby, (S)Stetson, Res. 03-159 was adopted/Ayes: Unanimous.

9:53 a.m. Jim Petropulos, Public Works Director;

A) Authorize the Director of Public Works to Enter into an Agreement with Cascade Software Systems, Inc. to Upgrade the Current Cost Accounting Management System (CAMS) Software to the 4.5 Version for an Amount Not to Exceed \$22,000 and Approve the Budget Action to Transfer Funds within the Public Works Administration Budget to Cover the Cost

BOARD ACTION: Discussion was held. Carl Casey, PWD/Fiscal Officer, provided input. Dick Kunstman asked whether the existing data files could be accessed by the new software, and staff assured him that they could. (M)Stetson, (S)Bibby, Res. 03-160 was adopted/Ayes: Unanimous.

10:04 a.m. LOCAL TRANSPORTATION COMMISSION

COMMISSION ACTION: The Commission convened and determined to discuss the Sierra Nevada Region Intelligent Transportation System (ITS) Strategic Deployment Plan before the update on projects.

10:05 a.m. Recess

10:18 a.m. C) Presentation by CalTrans Staff of the Sierra Nevada Region Intelligent Transportation System (ITS) Strategic Deployment Plan

COMMISSION ACTION: Carlos Yamzon, Senior Transportation Planner for CalTrans, District 10, gave a slide presentation on the deployment of the ITS plan. Discussion was held relative to the funding status for projects and relative to maintenance and repairs; and relative to the use of the system for Amber Alerts.

Input from the public was provided by the following:

- Don Davidson asked about the animal identification portion, and relative to incorporating something other than the overhead highway signs into the Amber Alerts.

- Dick Kunstman noted that information relative to issues like Amber Alerts that is transmitted to vehicles via satellite is also available to the perpetrator who is trying to evade apprehension.

The Board thanked Carlos for the presentation.

B) Presentation by Caltrans Staff Regarding Various Projects Throughout the Region, State Transportation Improvement Program (STIP) and Other Caltrans Issues

COMMISSION ACTION: Dana Cowell/CalTrans District 10, introduced staff that was present. He reviewed the status of the State and Federal funding for transportation projects, and the impacts on local projects. Discussion was continued for the following hearing to be opened.

11:00 a.m. The public hearing to consider environmental determination for the Field of Dreams property purchase was opened and continued to after the following matters.

Further discussion was held with Dana Cowell relative to the status of scheduling road improvement projects in the County. Chairman Pickard requested that information be provided on the projects that are moving forward. Discussion was held relative to the status of the Old Highway bridge project and the one million dollars of County allocated funding that is being held in reserve for this project. It was noted that the timeframes for the project have been extended due to the State's budget situation. The Board concurred with directing Public Works to initiate a change with CalTrans to drop the Old Highway bridge project at this time, and allocate the funding to three County road projects. Discussion was held relative to the status of projects that are being processed.

11:37 a.m. The Board reconvened.

D) Resolution Authorizing Public Works to Waive the Formal Bid Process for the Purchase of Vehicles Approved on April 22, 2003

BOARD ACTION: Following discussion, (M)Stetson, (S)Balmain, Res. 03-161 was adopted/Ayes: Unanimous.

11:42 a.m. Recess

11:56 a.m. Eric Toll, Planning Director;

PUBLIC HEARING to Consider Environmental Determination (Proposed Negative Declaration) for Field of Dreams Property Purchase Options in the Town of Mariposa; County of Mariposa, Project Proponent

BOARD ACTION: Eric Toll presented the staff report, and he advised that only two comments were received during the public review period: 1) from Mariposa Public Utility District (MPUD) relative to annexation; and 2) a purchaser of an adjoining parcel to see what information was available. The public portion of the hearing was opened and there was no public input. The public portion was closed, and the Board commenced with deliberations. Jeff Green, County Counsel, responded to a question from the Board relative to the requested action. (M)Parker, (S)Stetson, Res. 03-162 was adopted adopting a Negative Declaration for the property purchase for the recreational sports complex/field of dreams. Supervisor Balmain commented on the number of projects that Public Works is working on, including those that are needed to comply with State law,

and he noted that he receives more input relative to the condition of the roads. Jim Petropulos, Public Works Director, advised that a grant was obtained from the State that is specifically earmarked for property for recreational/parks activities. Ayes: Unanimous.

12:04 p.m. Lunch

1:24 p.m. Jacque Meriam, Librarian;

Approve Proposed Changes to Mariposa County Library Staff Schedule to Allow All Staff Members to be Interchangeable, Flexible and Equitable in working the two (2) Possible Work Shifts

BOARD ACTION: Discussion was held relative to the request. Rich Inman, County Administrative Officer, advised that this matter is being heard as a result of a grievance that was filed.

Debra Rockwood, SEIU Field Representative, noted that there are three full-time staff members affected by this request. She noted that the senior staff member had rotating shifts and recently has had a stable work schedule of 8 to 5. She stated she does not understand the safety issue reasoning for this request as there are currently full-time staff members present until closing. She referred to the grievance hearing that was heard by Dr. Mosher, and she stated the other two employees indicated that they did not mind the current work schedule and they did not want to rotate. Debra responded to questions from the Board relative to the Union's representation of the other employees in the Department, and relative to the flexibility of scheduling with employees represented by the Union in the Park.

Jeff Green, County Counsel, responded to questions from the Board as to whether the County has any policies for seniority in the Memorandum of Understanding with the Union, or any personnel practices.

Debra Rockwood noted that the Librarian did not wait the thirty days for impasse; however, they did not contest that. She stated she feels the proposal is demoralizing to the employee. She also noted that one of the employees had stated that she preferred the evening shift.

Discussion was held. Rich Inman stated he feels the department head should be able to decide on the scheduling for the department. (M)Stetson, (S)Balmain, Res. 03-163 was adopted approving the requested change to the staff schedule/Ayes: Unanimous.

Cheryle Rutherford-Kelly, Human Services;

Approve Budget Action Accepting Unanticipated Revenue (\$56,100) for Start-Up Expenses the Department will Incur on Behalf of the In-Home Support Services (IHSS) Public Authority (PA) and Authorize the Department to Expend those Dollars for Fixed Assets and Supplies that the PA will need to Operate the Program (4/5ths Vote Required)

BOARD ACTION: Discussion was held relative to the request with Cheryle Rutherford-Kelly. Cathy Albright, Human Services Department fiscal operations, provided input relative to the request. (M)Balmain, (S)Stetson, Res. 03-164 was adopted/Ayes: Stetson, Balmain, Bibby, Parker; Abstained: Pickard.

2:00 p.m. Eric Toll, Planning Director;

PUBLIC HEARING to Consider Deliberations and Possible Action on the Certification of the Final Environmental Impact Report and Merits of the Silvertip Resort Village. (1) Specific Plan Amendment #99-1; (2) Zoning Amendment #99-1; (3) Use Permit #267 (4) Planned Development Permit #99-1; (5) Land Division #1511

BOARD ACTION: Hearing was opened and continued until after the following recess.

2:01 p.m. Recess

2:11 p.m. Eric Toll advised that he received a FAX on Friday from the applicant asking for the public hearing to be reinitiated for this project due to legal and technical reasons. He spoke with Attorney Abbott, special counsel, who stated he felt that this was a conservative and prudent move.

He advised of contacts with the other attorneys representing those who oppose the project, and he stated he has been unable to reach the Chair of the Yosemite-Alpine Association Board of Directors, relative to the request. He advised that the legal counsels agreed to stipulate that the April 22, 2003 hearing, which is being transcribed, is a part of the record for the new public hearing. He also advised that it was agreed that Attorneys Abbott and Smith did not need to be present today. He stated that if the Board wished to proceed with this hearing, it would need to be continued for everyone to be present. However, staff is recommending that the hearing be reinitiated as requested, and advised that the hearing would be renoticed.

Attorney Jeffrey Reid, representing the applicants, thanked the Board for its indulgence in this request to reinitiate the public hearing for June 3rd. He advised that this is cautious, but it addresses any possible legal challenges. He advised that all of the testimony given in the prior hearing would be submitted into the administrative record for this project.. He also advised that in the further public hearing process, they would structure their testimony so that it is not repeated.

Chairman Pickard offered the public an opportunity to provide comment on the request to reinitiate and reschedule the public hearing.

- Don Davidson stated he was present to talk about a point of view. He noted that at the conclusion of the public portion of the hearing on April 22nd, that County Counsel admonished the Board to not receive any more public input. He felt that this was unusual; and he feels that those who oppose the project, honored the request. He feels that the developer did not honor the request, and he referred to the letter from Attorney Reid. He noted that he has been present at the Board meetings since April 22nd and has heard County Counsel address the meeting issues. He referred to his conversation with Supervisor Pickard relative to the developer's request to rehear this matter. He referred to the indemnification process for the project, and noted that the agreement has not been signed. He stated he feels that since it wasn't signed, that apparently it invests in the developer the right to manipulate the right of the County relative to the public hearing process. He asked why the indemnification is being required when the project is not approved, and he stated he does not feel it should be required until a decision is made relative to approving the project. He also expressed concern with the request to hold the hearing on June 3rd, which is prior to the ordinance being effective that moves the official meeting location of the Board from the Courthouse to the Government Center. He feels that the hearing should be held in Fish Camp. He also expressed concern with the notification process on Friday to advise people not to come today as it was requested that the hearing be rescheduled. He asked if a special meeting was held or if the Brown Act was violated relative to this matter.

- Dick Kunstman referred to the input provided by Mike Bird earlier this date, and he asked if this is a legal meeting since there was not a quorum at the Courthouse to adjourn the meeting to the Government Center. He also asked if this procedure creates a technical problem with the ordinance that changes the location of the meetings.

- Mike Bird referred to the agenda that was prepared for today's meeting relative to the item for this public hearing, and he stated he does not see anything about reinitiating the public hearing process for this project. He asked if that is what the Board is considering. He stated he does not feel that this is appropriate, as it is not on the agenda. He encouraged anyone who alleges Brown Act violations to contact Deputy Harry Estep who is investigating these allegations.

- Don Davidson asked if the admonishment will be removed if another public hearing is held.

- Eugene Glendenning, Yosemite-Alpine Association President, stated he agrees with reopening the public comment, and he stated there were no objections from those he contacted. He asked for clarification relative to the testimony for the next hearing and relative to the removal of the admonishment to being able to contact the Supervisors. They are also requesting that the hearing be held in Fish Camp.

Discussion was held relative to the request received from the applicant to start the hearing process over and relative to the date and location. Jeff Green noted that the effective date of the ordinance changing the Board's meeting location is June 12th and the next Board meeting would be June 17th.

- Attorney Reid stated that he and PacificUS did not violate any admonishment. He advised that the June 3rd hearing date was based on timeframes for renoticing the new hearing. He advised

that they are comfortable with the process the Board is using by meeting in the Courthouse and adjourning to the Government Center. They would like to move forward as soon as possible, and they do not feel that June 3rd presents any challenges.

Further discussion was held by the Board relative to the meeting date and location.

- Don Davidson asked about the process for the scheduling of a special meeting.

Jeff Green responded relative to the process for scheduling regular and special meetings. He suggested that, since Mr. Bird alleges that the reinitiating of the hearing is not on the agenda today; that to be as cautious as possible, the request could be placed on the agenda for next week for formal action to set the hearing on June 17th. This would also resolve the issue relative to the effective date of the ordinance that changes the Board's official meeting location.

3:00 p.m. Recess

3:15 p.m. Jeff Green advised that since the public process is being reinitiated, the admonishment is removed for Board members to discuss the project. However, he noted that it is the sole discretion of each Board member whether they want to participate in discussion relative to the project. The Board agreed with scheduling reinitiation of the public hearing on May 20th.

Declare the Sesquicentennial Celebration to be a County Sponsored Event at the Request of F. Dana Walton, Presiding Judge (County Administrative Officer)

BOARD ACTION: Following discussion, (M)Parker, (S)Stetson, Res. 03-165 was adopted/Ayes: Unanimous.

Resolution Designating the Government Center as the Hearing Location for the Planning Commission (County Counsel)

BOARD ACTION: Following discussion, (M)Parker, (S)Stetson, Res. 03-166 was adopted/Ayes: Unanimous.

3:19 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 Counsel)

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

3:42 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed session.

CONSENT AGENDA:

CA-1 Approve Budget Action Transferring Appropriations Within the Indigent Defense Budget Unit (\$10,000) (County Administrative Officer); Res. 03-145

CA-2 Approve Budget Action Transferring Funds Within the Board of Supervisors Budget Unit for Unanticipated Overtime Expenses (\$750) (County Administrative Officer); Res. 03-146

CA-3 Approve Budget Action Increasing Revenue for FY 2002-03 from Area 12 Agency on Aging and Corresponding Expenditure in the Senior Nutrition Meals Programs, Congregate (\$3,084); Home Delivered (\$2,800) and Restaurant (\$2,520) (4/5ths Vote Required) (Community Services); Res. 03-147

CA-4 Transfer of Salary Savings from Secretarial Position to General Plan Professional Services to Cover the Cost of a Temporary Secretary from Boyer Temporary Direct Placement (\$2,062) (Planning); Res. 03-148

- CA-5 Approve Budget Action Transferring Funds from Juvenile Detention Extra Help to Standby (\$5,000); (2) Approve Budget Action Transferring Funds from Probation County Vehicle to Professional Services (\$2,000); and (3) Approve Budget Action Transferring Funds from County Vehicle to Electronic Monitoring (\$1,200) (Probation); Res. 03-149
- CA-6 Adopt a Resolution Authorizing Board of Supervisors to Accept Continued Funding for the Juvenile Justice Crime Prevention Act (JJCPA) Grant in the amount of \$57,258 (Probation); Res. 03-150
- CA-7 Approve Budget Action Transferring Funds within the Facilities Budget for the Purchase of a New Heating/Ventilation/Air Conditioning (HVAC) Unit for the Public Works Administration Building (\$9,000) (Public Works, Facilities); Res. 03-151
- CA-8 Approve Budget Action Transferring Funds within the Facilities Budget to Cover the Salary of the Facilities Maintenance Manager and to Cover Hours Needed for Extra Help Employees (\$23,000) (Public Works, Facilities); Res. 03-152
- CA-9 Resolution Authorizing Public Works to Enter into a Lease Agreement (\$23,738.47) for a 4WD Sport Utility Vehicle from the State Vehicle Bid List for Child Support Services, which will Replace their Current Leased Vehicle, as the Term of that Lease Ends in June, 2003 (Public Works/Fleet); Res. 03-153
- CA-10 Approve Budget Action Transferring Funds within the Jail Budget Unit for Unanticipated Increases in Overtime (\$7,000) and Household Janitorial (\$6,000) (Sheriff); Res. 03-154
- CA-11 Request the Chairman to Sign a Letter to Senator Johnson Opposing SB 430, which would Designate September for the Statewide Primary and a Separate March Presidential Primary During the Presidential Election Cycle (Elections); Res. 03-155
- CA-12 Request the Chairman to Sign a Letter to Assemblyman Longville Opposing AB 1531, which would Designate June for the Statewide Primary and a Separate March Presidential Primary During the Presidential Election Cycle (Elections); Res. 03-156
- CA-13 Authorize the Human Services Department to Hire a Social Worker III to Serve in the Independent Living Program Effective July 1, 2003, the Date the Provider Contract Expires (Human Services); Res. 03-157
- CA-14 Approve Budget Action Transferring Funds in the Tourism and Economic Development Budget from Salary Savings of the Director to the Mineral Exhibit to Accommodate the Increase in Rent for FY 2002-03 (\$3,670) (Tourism and Economic Development Department); Res. 03-158

3:43 p.m. Adjournment in memory of Marian Wass, Brian Anthony, Ruth Binning, Lyle Converse, Cary Ray Poteet, George McLean, and Sergeant Phil Rauch.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA May 20, 2003

Time Description

9:00 a.m. Meeting Called to Order at the Mariposa County Courthouse by Vice-Chairman Parker. Supervisors Stetson and Bibby were present.

(M)Bibby, (S)Stetson, the meeting was adjourned to the Mariposa County Government Center (Government Code Section 54955), Board Chambers, at 5100 Bullion Street to convene at 9:15 a.m./Ayes: Stetson, Bibby, Parker; Excused: Balmain, Pickard.

9:20 a.m. The Board reconvened at the Mariposa County Government Center with all members present.

Pledge of Allegiance
Introductions

Bob Pickard, Board of Supervisors, Chairman;
Presentation of a Resolution and Tile Plaque Recognizing Janet "Jan" Mackey upon her Retirement as Appraiser III (Assessor/Recorder)

BOARD ACTION: (M)Bibby, (S)Stetson, Res. 03-167 was adopted and presented to Jan Mackey along with a tile plaque/Ayes: Unanimous.

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

- Mike Bird noted that a quorum of the Board was present at the Courthouse when the meeting was convened this morning. He asked if the Board intends to revisit the actions taken during the last couple of weeks which he feels were taken at illegal meetings. He referred to the code sections that deal with the adjournment of meetings from time to time and from place to place.

- Ruth Sellers entered her letter into the record relative to the request from PacificUS to restart the hearing process, and she requested that the same rehearing process be applied to the solid waste landfill project certification. She requested that the landfill/compost project be postponed, and urged that the proper process be followed.

- Trudy Williams stated the meeting situation is confusing, and she asked whether there will be an opinion forthcoming from the Attorney General, and where will we go from here. Chairman Pickard advised that an opinion has been requested from the Attorney General; however, it will take time.

Board Information

- Supervisor Bibby advised that the Catheys Valley Town Planning Area Planning Advisory Committee meeting that was scheduled for this evening has been canceled. She advised that they are in the process of updating the text for Planning. The next meeting will be posted.

- Supervisor Balmain gave his weekly status report on the Airport improvement project.

Approval of Minutes 4-22-03, Regular Meeting

BOARD ACTION: Minutes were approved with a correction.

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

BOARD ACTION: Supervisor Pickard asked about item 5 and the process for the ordinance. Rich Inman, County Administrative Officer, pulled item 7 for clarification. (M)Parker, (S)Bibby, all items, except item 7, were approved/Ayes: Unanimous. Discussion was held relative to item 7, and Rich Inman clarified the use of the grant funds. Item 7 was continued to May 27th for discussion with the Chief Probation Officer.

Jeff Green, County Counsel;

A) Waive Second Reading and Adopt an Ordinance Amending County Code Section 2.52.060 of Chapter 2.52 to Change the Location of the Planning Commission's Regularly Scheduled Meeting from the County Courthouse to the Mariposa County Government Center

BOARD ACTION: Following discussion, (M)Parker, (S)Stetson, Ord. 987 was adopted.

Input from the public was provided by the following:

- Mike Bird stated he feels the first reading of the Ordinance was done at an illegal meeting; therefore, it is illegal to adopt the Ordinance at this time and he feels it is a Brown Act violation. He also stated that he feels that because the Board has been advised of this, the act could be a misdemeanor with criminal intent.

- Dick Kunstman stated it appears to him that every reading of ordinances, the first and second, are waived by the Board. He stated he does not feel that the people know whether the Board members have read the ordinances. He stated he feels the waiving of the readings is a disservice to the public.

Discussion was held.

- Mike Bird stated he had not heard County Counsel speak on this issue, and he does not feel that ignorance of the law is valid. Supervisor Parker asked Mr. Bird what his purpose is in these matters. Mr. Bird stated he was trying to get the County back on a legal footing.

Further discussion was held. Jeff Green read Government Code Section 54955 into the record again. He also read this section on May 13th.

- Mike Bird stated his interpretation differs from County Counsel's relative to the adjournment process.

Vote on the motion - Ayes: Unanimous.

B) Discussion and Action Relative to Reinitiating the Public Hearing on the Certification of the Final Environmental Impact Report and Merits of the Silvertip Resort Village. (1) Specific Plan Amendment #99-1; (2) Zoning Amendment #99-1; (3) Use Permit #267 (4) Planned Development Permit #99-1; (5) Land Division #1511; to be Held in Fish Camp on June 17, 2003, at 12:30 p.m. (Planning)

BOARD ACTION: Discussion was held relative to the request and whether to hold the hearing in Fish Camp or at the Government Center.

Input from the public was provided by the following:

- Jan Davidson stated she was told at the last meeting that this hearing would be held in Fish Camp, and she has relayed this information to several people who live out of town. She requested that the location of the hearing be clarified.

(M)Stetson, (S)Bibby, Res. 03-175 was adopted reinitiating the public hearing and directing that the hearing be held in Fish Camp on June 17th at 12:30 p.m. Further discussion was held.

- Dick Kunstman stated he feels the hearing should be held at the Government Center; and he suggested that if this hearing is going to be held in Fish Camp that another hearing be held here since there is time.

Ayes: Stetson, Bibby, Pickard; Noes: Balmain, Parker. Jeff Green, County Counsel, advised that the admonishment given at the conclusion of the public portion of the hearing held on April 22nd is removed since the rehearing was granted. He advised that it is not applicable again until the Board completes and closes the public portion of the new hearing.

10:01 a.m. LOCAL TRANSPORTATION COMMISSION

The public hearing to consider unmet transit needs was opened and continued to after the following matter.

Jan Davidson asked for clarification of the Board's action relative to reinitiating the public hearing for the Silvertip Resort Village project. Jeff Green advised that the new hearing would be noticed. Supervisor Parker requested that the notice include information relative to the process for the hearing.

Jim Allen, Sheriff;

Authorize the Sheriff to Apply for the Homeland Security Overtime Grant for the Maximum Grant Amount of \$25,000 with a Local Cash Match of 25% for FY 2003-04; Cash Match will be Paid through the Sheriff's Office Rural Counties Crime Prevention Monies

BOARD ACTION: Following discussion, (M)Balmain, (S)Bibby, Res. 03-176 was adopted/Ayes: Unanimous.

10:07 a.m. Recess

10:29 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;

PUBLIC HEARING: To Consider Unmet Transit Needs

COMMISSION ACTION: Jim Petropulos and Annette Clark/Associate Transportation Planner, presented the staff report. They responded to questions from the Commission relative to the medical transit services. Mary Williams, Community Services Director, responded to questions relative to the medical transit services provided by her department.

The public portion of the hearing was opened. There was no public input. The public portion of the hearing was closed and the Commission commenced with deliberations. Commissioner Parker suggested that the Commission have an opportunity to review all of the unmet needs that are currently being funded to determine whether they are still needed. (M)Parker, (S)Stetson, to adopt the need for medical transportation for non-seniors who are referred by a local medical clinic as an unmet need that meets the definitions of the terms of "unmet transit needs" and is "reasonable to meet", was held pending further discussion. Commissioner Parker suggested that the Commission also review other transit issues in the County especially with the recent financial situation with the schools, i.e., sports busing and late busing to the Northside. Discussion was held relative to the funding timeframes for allocating the transit funds. Commissioner Pickard suggested that the action be held until a review of all of the needs are conducted. The motion was withdrawn by the maker, agreeable with the second. The Commission concurred with continuing the hearing to June 25, 2003, at 9:00 a.m. to be held with the Final Budget Hearings for FY 2003-04.

Jim Petropulos, Public Works Director;

Authorize County to Purchase Approximately 54 Acres of Land from the Mariposa First Baptist Church and Authorize the Chairman of the Board to Execute the Escrow Agreement Subject to Review and Approval by County Counsel

BOARD ACTION: Jeff Green, County Counsel, advised that the recommended action is to adopt a resolution of intent to purchase the property, and that a hearing will be scheduled for final action. Jim Petropulos reviewed the terms and conditions of the purchase, and he noted that Fred Solomon was present to assist in answering questions. Chairman Pickard noted that members of the Parks and Recreation Commission were present.

Input from the public was provided by the following:

- Don Starchman, Starchman Law Offices, as a volunteer representing the Mariposa First Baptist Church, stated they are looking forward to moving ahead and working closely with the Board on this project.

(M)Parker, (S)Bibby, Res. 03-177 was adopted, a resolution of intent to purchase the property as recommended. Supervisor Parker requested that a press release be prepared relative to this matter. Rich Inman, County Administrative Officer, stated he would handle this. Ayes: Unanimous.

11:05 a.m. CLOSED SESSION: Regarding Conference with County Labor Negotiator Relative to Mariposa County Managerial and Confidential Organization (MCMCO) (County Counsel)
BOARD ACTION: (M)Bibby, (S)Stetson, the closed session was held, with the Auditor to be present for a portion of the session/Ayes: Unanimous.

11:53 a.m. Chairman Pickard advised that direction was given to staff as a result of the closed session.

The Board members served lunch at the Senior Center.

CONSENT AGENDA:

- CA-1 Approve Certificates of Recognition to the Arthur B. Schultz Foundation, Rod and Gayle Baker, Richard and Annette Hutton and John Ward for their Donations to the Red Cloud Library (Supervisor Balmain and Librarian)
- CA-2 Approve Budget Action Transferring Funds in the County Library Budget to Cover the Cost of Books and Cataloging Material (\$4,950) (Librarian); Res. 03-168
- CA-3 Approve Resolution Certifying the Disability Retirement of Deputy Sheriff Steven A. Jay, Effective March 1, 2003 (Personnel); Res. 03-169
- CA-4 Approve Budget Action Transferring Funds Within the Personnel Budget Unit for a New Computer and Printer (\$2,000) (Personnel); Res. 03-170
- CA-5 Waive First Reading and Introduce an Ordinance Amending the Contract with the California Public Employees' Retirement System (CalPERS) Board of Administration to Provide 3% @ 50 Safety Retirement for Probation Officers and Authorize the Chairman to Sign the Contract Amendment (Personnel)
- CA-6 Approve an Amended Agreement with Infant/Child Enrichment Services Totaling \$190,000 for FY 2002-03 which will Replace Current Agreement and (2) Authorize Chairman to Sign the Agreement (Human Services Director); Res. 03-171
- CA-7 Authorize the Chief Probation Officer to Apply for the Juvenile Accountability Incentive Block Grant (JAIBG) for 2003-04, in the Amount of \$7,693 with a County Match of \$854 for a Total of \$8,547 (Probation); Matter was continued to May 27th.
- CA-8 Accept the Resignations of Ann Cullison and Ann Gehrig from the Mariposa County Commission on Aging (Community Services Director)
- CA-9 Proclaim the Month of May, 2003 as "Older American's Month" (Community Services Director)
- CA-10 Approve Budget Action Transferring Funds Within the Sheriff's Boating Safety Budget to Cover Patrol Vessel Repairs and Dive Team Equipment Purchase (\$24,900) (Sheriff); Res. 03-172

- CA-11 Authorize the Chairman of the Board of Supervisors to Sign a Letter to Assembly Member Jenny Oropeza and a Letter to Senator Wesley Chesbro Opposing the Proposed Elimination of Funding for the Transaction Based Reimbursement (TBR) in the State Library Budget (Chairman Pickard); Res. 03-173
- CA-12 Authorize the Chairman of the Board of Supervisors to Sign a Letter to Assembly Member Jenny Oropeza and a Letter to Senator Wesley Chesbro Opposing State Budget Cuts to the University of California Extension (UCCE) Programs (Chairman Pickard); Res. 03-174

11:54 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

May 27, 2003

Time Description

9:00 a.m. Meeting Called to Order at the Mariposa County Courthouse by Vice-Chairman Parker. Supervisors Stetson and Bibby were present.

(M)Stetson, (S)Bibby, the meeting was adjourned to the Mariposa County Government Center (Government Code Section 54955), Board Chambers, at 5100 Bullion Street to convene at 9:15 a.m./Ayes: Stetson, Bibby, Parker; Excused: Balmain, Pickard.

9:24 a.m. The Board reconvened at the Mariposa County Government Center with all members present.

Chairman Pickard advised that he attended the Memorial Day service and that it was very nice.

Pledge of Allegiance

Introductions

Bob Pickard, Board of Supervisors, Chairman;

Presentation of a Resolution Recognizing Don Weston for his Service to Mariposa County (Supervisor Parker);

Bob Pickard, Board of Supervisors, Chairman;

A) Proclaim May 30, 2003, as "California Arts Scholars Day"

B) Letter of Congratulations to Carroll Clark Recognizing Acceptance to the California Summer School of the Arts Program

C) Letter of Congratulations to Alaina Hernandez Recognizing Acceptance to the California Summer School of the Arts Program (Mariposa County Arts Council); and

CA-10 Proclaim May 18 – 24, 2003, as "Emergency Medical Services (EMS) Week" (Supervisor Parker)

BOARD ACTION: (M)Parker, (S)Balmain, Res. 03-178 was adopted recognizing Don Weston; Proclamation was approved for "California Arts Scholars Day" and the letters of congratulations were approved; and the Proclamation was approved for "EMS Week"/Ayes: Unanimous.

The resolution was presented to Don Weston.

The "California Arts Scholars Day" Proclamation was presented to the following representatives of the Arts Council: Donna Brownell/Executive Director; Laura Phillips; Susan Crain/Second Vice-President; Carroll Clark; and Alaina Hernandez. The letters of congratulations were presented to Carroll Clark and Alaina Hernandez. Susan Crain commended Carroll and Alaina on their achievement.

The "EMS Week" Proclamation was presented to Dr. Mosher/Health Officer; Blaine Shultz/Fire Chief; Howard Davies/Assistant Sheriff; and Jesse Figueroa and Scott Turpin/representing Mercy Ambulance. Dr. Mosher thanked the Board, departments, agencies, and the community for its support with emergency medical services.

9:44 a.m. Recess

9:57 a.m. Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Mike Bird referred to his previous advisement of the illegality of the meetings being held by the Board, and he stated he doesn't feel that anything has been done. He advised that because there

has been no response from the Board, that today he will file with the Clerk of the Board a demand letter for the Board to correct the ordinance changing the meeting location. Chairman Pickard stated he feels that the Board has addressed this issue. Mike Bird advised that the demand letter gives thirty days to comply, or he will proceed in court.

- Dick Kunstman stated he feels that the purpose of scheduling readings of the ordinances is so that the citizens will be informed; and he stated he has never heard a reading. They are always waived, and he feels that this is a disservice to the community. He stated he would like to see this practice discontinued.

- Ruth Sellers addressed the "North Wind" article from Supervisor Balmain that was recently published in the newspaper relative to emergency responses and average salaries for Boards. She stated she feels the primary function of the Board is to set policy.

- Dianne Fritz, President of the Chamber of Commerce, invited the Board members and the public to the "Business After Hours" event at the Mining and Mineral Exhibit this evening.

Board Information

- Supervisor Balmain gave his weekly status report on the Airport improvement project. The work is progressing, and he encountered a problem with the runway lights.

Approval of Minutes 5-6-03, Regular Meeting

BOARD ACTION: Supervisor Bibby asked that a sentence be added to the minutes relative to County Counsel's clarification that the disability retirement date was selected by the retiree (Phil Rauch) to be effective May 5th. Supervisor Parker asked that the approval of the minutes be held pending further review of this issue. Direction was given for the Clerk of the Board to review the tape.

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

Supervisor Pickard pulled item 9, and he noted that item 10 was acted on previously this morning. (M)Bibby, (S)Stetson, items 1 through 8 were approved/Ayes: Unanimous. Jeff Green, County Counsel, advised that the Ordinance in item 1 is different from other ordinances as it is part of a Memorandum of Understanding with a bargaining unit, and it becomes effective today versus thirty days pursuant to Government Code Section 25123(e). Supervisor Pickard advised that Assistant Sheriff Howard Davies was present to provide input on item 9.

Assistant Sheriff Howard Davies, representing the Sheriff's Management Association, requested that the Board not oppose SB100. He referred to legislative analysis that he feels shows that the increased retirement benefit will not increase the County's cost.

Rich Inman, County Administrative Officer, referred to the actuarial assumption and the opposition by CSAC to SB100, and he stated he agrees with the recommendation. Discussion was held. The matter was pulled from the agenda.

Jeff Green, County Counsel;

Resolution Authorizing Chairman to Sign a Lease Agreement for the Mining and Mineral Museum with the 35-A District Agricultural Association

BOARD ACTION: Following discussion, (M)Balmain, (S)Parker, Res. 03-186 was adopted/Ayes: Unanimous.

Gail Neal, Chief Probation Officer;

Authorize the Chief Probation Officer to Apply for the Juvenile Accountability Incentive Block Grant (JAIBG) for 2003-04, in the Amount of \$7,693 with a County Match of \$854 for a Total of \$8,547

BOARD ACTION: Discussion was held, and it was clarified that the grant is for the implementation of a Juvenile Drug Court program and to be used for the community service program. (M)Balmain, (S)Bibby, Res. 03-187 was adopted approving the grant/Ayes: Unanimous.

10:00 a.m. Bob Pickard, Board of Supervisors, Chairman;
Discussion and Direction to Staff Regarding a Request made by the Yosemite Alpine Community Service District to Purchase Approximately 2/10ths of an Acre Located in Fish Camp, from the County of Mariposa (APN 010-550-044)

BOARD ACTION: The matter was pulled at Supervisor Pickard's request for it to be brought back at another time with additional information.

Jacque Meriam, Librarian;

Authorize the County Librarian to Begin the Mariposa County Library's Homebound Program

BOARD ACTION: Jacque invited the Board to visit the library and see the new exhibit on loan from the Mining and Mineral Exhibit. (M)Balmain, (S)Stetson, Res. 03-188 was adopted/Ayes: Unanimous.

Cheryle Rutherford-Kelly, Human Services Director;

Adopt a Resolution in Opposition of AB 1470/SB 936, to Allow the Wages and/or Benefits of In-Home Supportive Services (IHSS) Providers to be Increased by a Local Voter Initiative and Circumvent the Ability of the Mariposa County IHSS Public Authority to Set and Negotiate Wages with IHSS Providers.

BOARD ACTION: Following discussion, (M)Stetson, (S)Balmain, Res. 03-189 was adopted/Ayes: Unanimous.

Blaine Shultz, Fire Chief;

Authorize the Fire Chief to Apply for Three Weapons of Mass Destruction Grants through the California Department of Homeland Security. The Grants Totaling \$241,995 are Reimbursable and Do Not Require a Match

BOARD ACTION: Following discussion, (M)Balmain, (S)Stetson, Res. 03-190 was adopted. Supervisor Bibby advised of typographical errors that need to be corrected in the grant application. Ayes: Unanimous.

Discussion and Possible Action Relative to Amendment of the Mariposa County Road Policy of 1991 to Allow for the Substitution of a Road that is not in the County Maintained Road System for a Road that is Currently in the System when the Proposed Road to be Included Serves a Higher Public Purpose than the Road to be Removed (Supervisor Balmain)

BOARD ACTION: Supervisor Balmain initiated discussion, and he advised that this is not an attempt to change the policy for bringing new roads into the County maintained road system. He explained the situation with the abandonment of a section of road in the Northside and subsequent efforts to substitute a section of another road into the system. Supervisor Parker stated he does not want to see the Planning Commission taken out of the process, and he suggested that staff work with Supervisor Balmain to find a way to handle this situation versus changing the policy. Supervisor Stetson asked whether the removal of the portion of road has resulted in any cost savings or whether it has resulted in increased maintenance in another location. The Board concurred with Supervisor Balmain working with County Counsel on this matter and bringing it back to the Board for further consideration.

Resolution Authorizing Chairman to Sign a Lease Agreement with Mariposa Unified School District for Real Property for the Future Operation of a Volunteer Fire Station to Service the Bridgeport Area (County Counsel)

BOARD ACTION: Following discussion, (M)Parker, (S)Bibby, Res. 03-191 was adopted. It was clarified that funding would come from the Fire Department budget. Further discussion was held. The motion was amended, agreeable with the maker and second, to include a correction on page two of the agreement, and approving the agreement contingent on the environmental review being completed/Ayes: Unanimous.

Discussion and Possible Action Relative to an Offer by George Greenamyre to Donate Ownership of the Howard Street Bridge to the County (County Counsel)

BOARD ACTION: Following discussion,(M)Parker, (S)Bibby, Res. 03-192 was adopted accepting the offer by George Greenamyre/Ayes: Unanimous.

10:58 a.m. Jim Petropulos, Public Works Director;

A) Authorize the Public Works Director to Contract with Allison Sierra, Inc. for the Relocation of Waste Material at the Mariposa County Landfill for an Amount Not To Exceed \$41,000

BOARD ACTION: Jim Petropulos pulled this matter from the agenda.

B) Approve Budget Action Appropriating Unanticipated Transportation Enhancement Activities (TEA) Exchange Revenue (\$155,096) and AB 2928 Revenue (\$62,896) to the Road Budget and Increasing Appropriations Accordingly (4/5ths Vote Required)

BOARD ACTION: Following discussion, (M)Stetson, (S)Balmain, Res. 03-193 was adopted/Ayes: Unanimous.

11:02 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

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

11:49 a.m. The Board reconvened in open session. Chairman Pickard announced that direction was given to staff as a result of the closed session.

CONSENT AGENDA:

CA-1 Waive Second Reading and Adopt an Ordinance Amending the Contract with the California Public Employees' Retirement System (CalPERS) Board of Administration to Provide 3% @ 50 Safety Retirement for Probation Officers and Authorize the Chairman to Sign the Contract Amendment (Personnel); Ord. 988

CA-2 Approve Budget Action Transferring Funds within the Facilities Budget from Maintenance Equipment to Household to Offset Current and On-Going Expenditures for the Remaining Fiscal Year (\$5,500) (Public Works, Facilities); Res. 03-179

CA-3 Approve Budget Action Transferring Funds within the Public Works Administration Budget for Furniture and Two Personal Computers (\$4,250) (Public Works, Administration); Res. 03-180

CA-4 Approve Budget Action Transferring Funds within the Sheriff's Budget from Professional Services to Training to Cover the Expense of Sending Two Additional Deputies to the Basic Police Academy (\$9,000) (Sheriff); Res. 03-181

CA-5 Approve Budget Action Transferring Unanticipated Revenue from the Juvenile Justice Crime Prevention Act (JJCPA) Fund to the Probation Budget (\$560) (4/5ths Vote Required) (Probation); Res. 03-182

CA-6 Approve Budget Action Transferring Funds within the Board of Supervisors Budget from Salary Savings for the Purchase of Software Upgrades for the Clerk of the Board's Staff (\$564) (Clerk of the Board); Res. 03-183

CA-7 Approve Budget Action Transferring Funds from Elections Expense to Training and Seminars to Cover Expense of Attendance to the Year-End and Bi-Annual Meetings of the County Clerks and Election Officials Annual Conference (\$1,161) (Elections); Res. 03-184

- CA-8 Approve Budget Action Transferring Appropriations to Cover Additional Costs incurred when the Assistant Cook had to Work Additional Hours to Cover an Extended Medical Leave for the Cook (\$533) (Community Services); Res. 03-185
- CA-9 Authorize the Chairman to Sign a Letter to Assemblyman Dave Cogdill, Opposing SB 100 that would Extend the Cap on Public Safety Retirement to 100% of Pay (Auditor); Matter was pulled.

11:50 a.m. Adjournment in memory of Olive Bass-Berberich-Tallman, and Tom Grissom.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

June 3, 2003

Time Description

9:00 a.m. Meeting Called to Order at the Mariposa County Courthouse by Vice-Chairman Parker. Supervisors Stetson and Bibby were present.

(M)Bibby, (S)Stetson, the meeting was adjourned to the Mariposa County Government Center (Government Code Section 54955), Board Chambers, at 5100 Bullion Street to convene at 9:15 a.m./Ayes: Stetson, Bibby, Parker; Excused: Balmain, Pickard.

9:21 a.m. The Board reconvened at the Mariposa County Government Center with all members present.

Pledge of Allegiance
Introductions

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

- Ruth Sellers questioned the Board's decision to consider action to certify the Environmental Impact Report for the Composting Facility project on June 10th for the same reasons cited by PacificUS for the Silver Tip Resort project. She suggested that the Composting Facility project be delayed until the issues are resolved.
- Jim Petropulos, Public Works Director, updated the Board on the status of the following projects: Airport improvement project, amphitheater project, and the Arts Park project.

Board Information

- Supervisor Balmain provided his weekly status report on the Airport improvement project, and he advised that Public Works is working on the problem with the pilot activated runway lights.
- Supervisor Stetson commented on the progress with the amphitheater project, and he thanked everyone for their involvement in this project.
- Supervisor Pickard advised that he has a District V meeting scheduled for this evening at the Bootjack Fire Station to discuss the General Plan Update, and other district meetings are scheduled.

Approval of Minutes 5-13-03, Regular Meeting; and 5-6-03 Regular Meeting (Approval Continued from 5-27-03)

BOARD ACTION: Approved with typographical corrections to the minutes for May 13th. Supervisor Bibby commented on the minutes for May 6th in regard to her conversation with County Counsel relative to how the retirement date was arrived at for the disability retirement resolution for Phil Rauch, and she advised that she would enter such conversations into the record in the future.

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

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

Michael Berest, Court Executive Officer;

Presentation by Court Facilities Steering Committee and Ron Taylor of Omni Group, Inc. concerning Issues Raised at the June 2, 2003 Committee Meeting

BOARD ACTION: Mike Berest advised that the Steering Committee has been discussing planning options for court facilities, including the possibility of purchasing property that has become available. He advised that Ron Taylor of Omni Group, Inc., and Pat Bonderud from the Administrative Office of the Courts, were present to discuss the options and the Master Plan.

Ron Taylor advised that all of the options being considered have a prerequisite that includes continued use of the Courthouse and no construction on the Courthouse Park area. He advised that they have reviewed the Juanita Moore-Dawson property and the First Baptist Church property for meeting future court facility requirements. He advised of the advantages and disadvantages of each site for this use. Discussion was held relative to the status of funding for a new facility and for property acquisition.

Input from the public was provided by the following:

- Jan Davidson asked whether there is a projected timeframe for this project, and whether the State's budget situation will affect the plans.

Ron Taylor advised that no timeframe has been established, and he suggested that it would be helpful for the County to complete its long-range planning process before the State moves forward on this matter.

9:55 a.m. Recess

10:15 a.m. Jim Petropulos, Public Works Director;
Authorize Termination of the Contract with Herhof and Issue a Request For Proposal (RFP) to Design, Supply, Install and Test Composting Equipment and Train Personnel for the Mariposa Compost Facility

BOARD ACTION: Discussion was held with Jim Petropulos relative to the recommendation to terminate the contract with Herhof and issue a RFP. Jim advised that Herhof was unable to meet the bonding requirements of the contract.

Input from the public was provided by the following:

- Ruth Sellers asked several questions relative to the project, process and consideration of options, and presented her letter for the record. She stated she is not in favor of building a compost facility, and she suggested that the County apply for the permanent rural diversion program, concentrate on a recycling program, transport the waste, and watch for new technology.

Discussion was held.

- Mike Bird asked whether the Board will answer Ruth Seller's questions. Chairman Pickard stated he feels her concerns have been addressed, and he advised that he would be happy to meet with her to review any issues; and he advised that the staff report addresses the bio plasma issue.

- Knute Kirkeberg stated he feels the compost technology is outdated, and he referred to information he previously provided relative to the plasma gasification technology. He urged the Board to reconsider the direction it is proceeding in.

Following discussion, (M)Balmain, (S)Parker, Res. 03-203 was adopted approving the recommended action/Ayes: Stetson, Balmain, Parker, Pickard; Noes: Bibby.

10:49 a.m. CLOSED SESSION: Regarding Conference with County Labor Negotiator Relative to Mariposa County Managerial and Confidential Organization (MCMCO) (County Counsel); and CLOSED SESSION: Public Employee Performance Evaluation; County Administrative Officer (County Counsel)

BOARD ACTION: (M)Parker, (S)Balmain, the closed sessions were held, following a short recess/Ayes: Unanimous.

12:02 p.m. 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:
Information Hearing Schedule (Clerk of the Board)

CONSENT AGENDA:

CA-1 Designate the County Chief Probation Officer as the Correctional Administrator for the Home Detention Program as spelled out in Penal Code Section 1203.016 (County Administrative Officer); Res. 03-194

CA-2 Adopt a Resolution naming Marcus Holland and Josh Boucher as the Regional Council of Rural Counties (RCRC) and Rural Alliance, Incorporation (RAI) Rural Scholarship Program

Recipients for 2003 and Authorize staff to Send a Letter with the Resolution Directing RCRC to Route the Scholarship Checks through the Mariposa County Schools Foundation (Chairman Pickard); Res. 03-195

- CA-3 Appoint Denise Ludington as the Planning Commissioner for District 1 (Supervisor Stetson)
- CA-4 Reappoint Angela Heiss to the Mental Health Board (Human Services)
- CA-5 Approve Budget Action Transferring Funds within the Social Services Budget from Building Maintenance to Equipment Under \$1,000 to Cover the Cost of Shelving Units for File Storage (\$10,000) (Human Services); Res. 03-196
- CA-6 Accept the Substance Abuse & Crime Prevention Act (SACPA Proposition 36) Program Plan for FY 2003-04 (Human Services); Res. 03-197
- CA-7 Adopt a Resolution Authorizing the Health Officer to Execute a Contract with the State Department of Health Services for Local Public Health Services Activities for FY 2002-2003 through FY 2004-05(Health Officer); Res. 03-198
- CA-8 Authorize the County Librarian to Close the Mariposa County Library System on Saturday, July 5, 2003 (Library); Res. 03-199
- CA-9 Authorize a Petty Cash Fund of \$30.00 for the Mariposa County Library System (Library); Res. 03-200
- CA-10 Approve Budget Action Transferring Funds from within the Sheriff's Budget from Professional Services to Software to Cover the Expense of Computer Software Upgrades (\$4,400) (Sheriff); Res. 03-201
- CA-11 Approve the Revised Minimum Bid List for Sale/Auction of Tax Defaulted Property Scheduled for August 15, 2003 (Tax Collector); Res. 03-202

12:03 p.m. Adjournment in memory of Kenneth "Buck" Jones.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA June 10, 2003

Folder Time Description

9:00 a.m. Meeting Called to Order at the Mariposa County Courthouse by Vice-Chairman Parker. Supervisors Stetson and Bibby were present.

(M)Stetson, (S)Bibby, the meeting was adjourned to the Mariposa County Government Center (Government Code Section 54955), Board Chambers, at 5100 Bullion Street to Convene at 9:15 a.m./Ayes: Stetson, Bibby, Parker; Excused: Balmain, Pickard.

9:21 a.m. The Board reconvened at the Mariposa County Government Center with all members present.

Pledge of Allegiance

Introductions – Chairman Pickard recognized the presence of Patti Reilly, former Supervisor for District I.

Bob Pickard, Board of Supervisors, Chairman;

Presentation of a Resolution and Tile Plaque Recognizing Gary Colliver for his Services as Planning Commissioner; Presentation of a Resolution from the Planning Commission; and Presentation from Planning Staff (Planning Director)

BOARD ACTION: (M)Stetson, (S)Bibby, Res. 03-204 was adopted and presented to Gary Colliver, along with a tile plaque/Ayes: Unanimous. Susan Crain, Chair of the Planning Commission, gave a presentation to Gary on behalf of the Commission. Eric Toll, Planning Director, gave a presentation to Gary on behalf of staff. Patti Reilly commended Gary for his service as a Commissioner.

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

- Fred Solomon read his letter into the record as a response to comments made by Ruth Sellers at the June 3rd meeting concerning the issuance of a Request for Proposal for a composting system.
- Becky Crafts, representing Mariposa Mountain Riders, thanked the Board and County staff for its continuous support of the annual historic Wagon Train event, and she invited the Board members to attend.
- Edward Mee, a Wawona resident, advised of a recent clean-up event held in Wawona, and he thanked the County for its support.
- Mike Bird stated he intends to speak on the item relative to the Declaration he served on the Board when that matter is addressed.
- Frank Long, representing the Historical Sites and Records Preservation Commission, asked the Board to reconsider the issue relative to moving the Parish Hall from the Methodist Church property. He advised that the Commission would like to see the building moved to the Womack property on Jessie Street and become a part of the Mariposa Creek Parkway project, and they would like to see the County assist with funding. They would also like to keep a brick fireplace and the entrance steps with the structure. Frank also provided input on the composting project, and he stated he feels that other options for disposal of solid waste in the County should be considered. He stated he does not feel that the composting project will work for the long-term.

Board Information

- Supervisor Balmain gave his weekly status report on the Airport improvement project. He advised that there is still a problem with the voice-activated runway lights, so they are being left on at night. He stated he would confer with County Counsel and Public Works to try to resolve this matter.
- Supervisor Bibby advised that the Catheys Valley Town Planning Area Planning Advisory Committee is scheduled to meet this evening at 7:00 p.m. at the McCay Hall and she encouraged the public to attend.
- Supervisor Pickard advised that a District V meeting has been scheduled for this evening at the Lushmeadows Fire Station to discuss the General Plan Update.

Approval of Minutes 5-20-03, Regular Meeting

BOARD ACTION: Approved.

Chairman Pickard reviewed the scheduling of agenda items, including the items listed on the addendum to the agenda.

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

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

10:00 a.m. Recess

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

Board Direction on the Use of Specific Plans in the General Plan Update, in particular, the Wawona Specific Plan with Discussion of Specific Plans for Mariposa, Coulterville and Fish Camp

BOARD ACTION: Discussion was held with Eric Toll relative to consideration of area plans versus specific plans and the advantages and disadvantages, particularly for Wawona.

Input from the public was provided by the following:

- Gary Ingram, Yosemite National Park, read a letter from Mike Tollefson, Superintendent, relative to the Wawona Specific Plan.

Discussion was held. Board members pointed out typographical errors and corrections that they would like to see made to the draft of the Wawona Specific Plan with the proposed amendments.

- Edward Mee stated the Wawona Town Planning Advisory Committee is extremely concerned with the possibility of replacing the Wawona Specific Plan with an area plan, and he advised of their efforts to update the Specific Plan. He stated the Specific Plan is an important document for their community.
- Gene Spindler, President of Wawona Area Property Owners Association and Wawona Town Planning Advisory Committee, advised that they want to retain the Wawona Specific Plan.
- Don Davidson commented on the Fish Camp Specific Plan, and he urged the Board to proceed with caution when considering changing Specific Plans. He noted that the 35' foot height limit is only relevant to Specific Plans.
- Dick Kunstman provided input on government processes, and he cited differences that he sees between Specific Plans and area plans.
- Edward Mee noted that the Advisory Committee adopted a motion to ask the Board to direct that a legally defensible plan for Wawona's Specific Plan be prepared.

Following further discussion, (M)Parker, (S)Stetson, direction was given to staff and the Wawona Town Planning Advisory Committee to continue to do the necessary updates to the Wawona Specific Plan in concurrence with the National Park Service/Ayes: Unanimous.

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)Parker, (S)Bibby, the closed session was held following a short recess/Ayes: Unanimous.

12:21 p.m. The Board reconvened in open session. Chairman Pickard advised that the Board would recess for lunch and reconvene at 1:30 p.m.

12:22 p.m. Lunch

1:39 p.m. The Board reconvened. Chairman Pickard announced that direction was given to staff as a result of the closed session.

Bob Pickard, Board of Supervisors, Chairman;

Discussion, Direction to Staff, and Possible Action Regarding: 1) The Declaration Served on the Board of Supervisors by Michael Bird on May 27, 2003, Regarding the Validity of County Ordinance No. 986; and 2) County Ordinance No. 986, which Changes the Regular Meeting Place of the Board of Supervisors from the County Courthouse to the County Government Center.

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

- Mike Bird read his letter into the record advising that he does not feel that Ordinance No. 986, which changes the location of the Board's meetings from the Courthouse to the Government Center, was properly adopted. Therefore, he feels the Ordinance is void and needs to be rescinded this date and redone. Without taking that action, he feels that future meetings will not be valid.

Discussion was held. Mr. Bird wished to speak again on two different occasions during the Board's discussion, and the Chairman did not recognize him. Supervisor Pickard stated he feels that the Board has followed the proper process in adopting Ordinance 986 to change the location of the Board's regular meetings from the Courthouse to the Government Center. Supervisor Parker stated he does not believe that there has been any violation of Government Code Section 54955.

(M)Parker, (S)Balmain, to direct the initiation of declaratory relief against Michael Bird for his allegations, and request that the Court render a decision. Further discussion was held. Supervisor Stetson stated he agrees with the requested action; however, he is not willing to go to that level at this time. Supervisor Bibby stated she feels the text error in the County Code has been corrected, and that the Board should reaffirm its position versus seeking declaratory relief. The motion failed by the following vote: Ayes: Balmain, Parker; Noes: Stetson, Bibby, Pickard.

(M)Bibby, (S)Stetson, Res. 03-210 was adopted directing staff to respond to Michael Bird's Declaration in writing by reaffirming the Board's position that the text error has been corrected to move the Board's meetings from the Courthouse to the Government Center/Ayes: Stetson, Bibby, Pickard; Noes: Balmain, Parker.

Jim Petropulos, Public Works Director;

Authorize the Public Works Director to Sign and Submit a Loan Application in the Amount of \$2.7 Million to the United States Department of Agriculture, Rural Development and Sign the Letter of Conditions and Associated Loan Application Documents for the Yosemite West Wastewater Treatment Facility Improvements Project

BOARD ACTION: Following discussion, (M)Stetson, (S)Parker, Res. 03-211 was adopted/Ayes: Unanimous.

2:06 pm. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;

Adopt the 2003-2004 Transportation Planning Overall Work Program (OWP) and Authorize the Executive Director of the Local Transportation Commission (LTC) to Sign the Overall Work Program Agreement and the Transportation Planning Process Certification, which are both Required by Caltrans

COMMISSION ACTION: Discussion was held with Jim Petropulos and Annette Clark/Associate Transportation Planner. Commissioner Balmain requested that the Work Program include something to abate the air quality and safety issues associated with dirt roads. He also asked why Native American groups were singled out in the work element for public participation and outreach and not other groups. Kathleen McClafin/CalTrans, advised that she will review this matter. Supervisor

Balmain also requested that the Lake Don Pedro trail system be included in the Work Program. (M)Pickard, (S)Stetson, LTC Res. 03-1 was adopted approving the recommended actions, with the amendments as requested/Ayes: Unanimous.

2:20 p.m. Discussion and Provide Direction to Staff Relative to Conducting a Recruitment for the Position of County Counsel (County Administrative Officer)

BOARD ACTION: Discussion was held. (M)Parker, (S)Stetson, the County Administrative Officer's recommendation was approved for recruitment. Supervisor Bibby suggested that consideration also be given to contacting the following relative to recruitment: State Bar Association, California Lawyers Association, District Attorney Offices, and if there is a Federal association that would be appropriate. Ayes: Unanimous.

Jeff Green, County Counsel;

Waive First Reading and Introduce an Ordinance Superseding Ordinance No. 988, Amending the Contract with the California Public Employees' Retirement System (CalPERS) Board of Administration to Provide 3% @ 50 Safety Retirement for Probation Officers and Includes the Certification of Employee Election and Authorize the Chairman to Sign the Contract Amendment (Personnel)

BOARD ACTION: Following discussion, (M)Parker, (S)Balmain, first reading was waived and the Ordinance was introduced superseding Ordinance No. 988/Ayes: Unanimous.

2:24 p.m. Recess

2:42 p.m. Eric Toll, Planning Director; and Jim Petropulos, Public Works Director; Board Action to (1) Certify an Environmental Impact Report (EIR); (2) Adopt Findings and Approve a Mitigation Monitoring Program for the Composting Facility Application for a United States Department of Agriculture (USDA) Rural Utilities Loan and (3) Authorize the Director of Public Works to Proceed with the Loan Application

BOARD ACTION: Eric Toll reviewed the staff report. John Larson/URS Corporation, described the project and highlights of the major points from the environmental review process, and the composition of the final EIR. Supervisor Bibby advised of a letter that was received from Ken Gosting. Discussion was held. Input from the public was provided by the following:

- Ruth Sellers stated she feels that this EIR is predicated on the Herhof project and the Board terminated the contract with Herhof and issued a Request for Proposal. She stated she feels this process violates CEQA.
- Bart Brown, on behalf of MERG, read a statement and provided a list of what they feel are shortcomings in the EIR in responding to the comments that were provided. He advised that MERG is concerned with the environmental issues and the EIR, and they have concerns and questions relative to the costs, tipping fees and hauling costs, and timeframes and costs to develop the existing facility. He stated they feel the recently appointed Task Force should review this matter before proceeding with the Request for Proposal. He also stated he has been told by people in Yosemite that more separation of the solid waste could occur in the Park, as well as some composting of the green waste.
- Trudy Williams, on behalf of MERG, presented photos showing samples of recycling containers that could be used in the County. She asked that a community effort like this be adopted.
- Ruth Sellers asked if the County takes credit for recycling that is done in the Park, and she was advised that it does.
- Mike Bird read his letter relative to concerns with the EIR, including lack of information on emissions of pollutants and the amount of decomposition that will be achieved. He expressed concern with the proposal. Eric Toll advised that the public comment period has closed for the EIR. The Board allowed Mr. Bird to finish reading his letter.

Discussion was held. Supervisor Balmain expressed concern with restricting the project to the use of pneumatic nailers, etc., during the construction phase; and he asked that this restriction be removed. The Board concurred with removing this restriction. Further discussion was held relative to this

process and the final project that is selected. Eric Toll explained that there is a time element involved with the USDA loan; and he advised that the certified EIR could be attached to the Request for Proposal and would allow an opportunity for vendors to address the areas of impacts and controversy issues that have been identified. Eric stated he reviewed the list of concerns submitted by MERG relative to the final EIR, and he advised that five or six items were related to the EIR and he feels those items have been addressed in the record adequately.

(M)Balmain, (S)Parker, Res. 03-212 was adopted approving the recommended actions, as amended. Supervisor Parker noted that the County will continue to look at recycling efforts such as the ideas submitted by Trudy Williams. Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Approve a Certificate Recognizing and Congratulating Lloyd and Elizabeth Graham on Their 75th Wedding Anniversary (Chairman Pickard)
- CA-2 Approve Budget Action Transferring Funds within the Tourism & Economic Development Budget to Cover Unanticipated Expenses (\$2,253) (Visitor's Bureau); Res. 03-205
- CA-3 Reappoint Loretta Milne to the Sequoia Area VIII Board (Human Services)
- CA-4 Adopt a Resolution Amending the Building Advisory and Appeals Board to Add an At-Large Member (Building); Res. 03-206
- CA-5 Authorize the Extension of the 2002/2003 District Attorney Statutory Rape Vertical Prosecution Grant from an End Date of June 30, 2003, to an End Date of October 31, 2003, Allowing the Grant to Expend Unused Funds (District Attorney); Res. 03-207
- CA-6 Adopt a Resolution Authorizing the Acceptance of the Office of Criminal Justice Planning Statutory Rape Vertical Prosecution Grant for Fiscal Year 2003/2004 in the Amount of \$46,750 (District Attorney); Res. 03-208
- CA-7 Approve Budget Action Transferring Funds within the Planning Department Budget Unit to Cover Greater than Normal Planning Commission and Copier Expenditures (\$4,500) (Planning Director); Res. 03-209

3:37 p.m. Adjournment in memory of Frank Palmer, Thaddeus G. Simeral, Byron "Buzz" Works, Lucille M. Buzzini, and Jack Troyer.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA June 17, 2003

Folder 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 and for Items Not on the Agenda

- Mike Bird protested this meeting on the basis of past protests. He also stated he feels that since the agenda for the meeting was not posted at the Courthouse door that this is an illegal meeting.
- Jim Petropulos, Public Works Director, gave a status report on the Airport improvement project.

9:15 a.m. The Public hearing to discuss the purchase of property for the recreation sports complex was opened and continued to after the following matters.

Board Information

- Supervisor Balmain advised that he attended a table top exercise on Thursday for Merced Irrigation District's emergency action plan. On Friday, he attended a regional Forestry meeting on the draft Forest Amendment Plan.
- Supervisor Stetson advised that he has scheduled a district meeting in Midpines on June 26th at 7:30 p.m. to discuss the General Plan Update.
- Supervisor Pickard advised that he has a district meeting scheduled this evening at the Ponderosa Basin Fire Station to discuss the General Plan Update.

Approval of Minutes of May 27, 2003, Regular Meeting

BOARD ACTION: Approved.

Approval of Minutes of June 3, 2003, Regular Meeting

BOARD ACTION: Approved.

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

BOARD ACTION: Supervisor Parker pulled items 1 and 3. (M)Parker, (S)Stetson, the balance of the items were approved/Ayes: Unanimous. Discussion was held relative to item 1, and Supervisor Parker stated he feels it would be appropriate for Personnel to access the summary criminal history information for the Library volunteers versus Library staff. (M)Parker, (S)Balmain, item 1 was approved with direction for Personnel to access the summary criminal history information for the Library volunteers/Ayes: Unanimous. Discussion was held relative to item 3, and Supervisor Parker suggested that consideration be given in the future to providing a certificate of recognition versus a tile plaque for the Endurance Ride event. (M)Parker, (S)Stetson, item 3 was approved/Ayes: Unanimous.

9:28 a.m. Jeff Green, County Counsel;

PUBLIC HEARING to Discuss the Intention of the Board of Supervisors to Consummate the Purchase of Unimproved Real Property Located Behind the California Department of Forestry (CDF) on Highway 49 North in Mariposa, From the First Baptist Church of Mariposa for the Recreation Sports Complex

BOARD ACTION: Jeff Green presented the staff report. The public portion of the hearing was opened. There was no public input. The public portion of the hearing was closed and the Board

commenced with deliberations. (M)Parker, (S)Bibby, Res. 03-216 was adopted approving the consummation of purchase of the property. Supervisor Balmain commented on the number of projects, and he noted the concerns he receives relative to the maintenance of roads. Supervisor Parker thanked Public Works staff and Fred Solomon for their hard work on this project, and he recognized and thanked Bobbe Standen for her assistance. Supervisor Bibby also thanked the citizens and committee. Supervisor Pickard thanked County Counsel. The hearing was closed.

Jim Petropulos, Public Works Director;

Adopt a Resolution Authorizing the Sierra Vista Estates Zone of Benefit to Borrow Up To \$10,000 From the Revolving Zone of Benefit Fund #298 to Chip Seal Sierra Vista Way and Mountain Way Roads to Mitigate Dust Emissions and Provide a Safer Wearing Surface; and Authorize the Public Works Director To Bid and Award the Contract to the Lowest Responsible Bidder

BOARD ACTION: Discussion was held. (M)Parker, (S)Balmain, Res. 03-217 was adopted approving the request, with a deletion on the cap of the interest rate/Ayes: Unanimous.

9:40 a.m. (M)Stetson, (S)Parker, the meeting was adjourned to reconvene at the Tenaya Lodge (Government Code Section 54955), Salon III Room, 1122 Highway 41, Fish Camp, at 12:30 p.m. this date/Ayes: Unanimous.

12:44 p.m. The Board reconvened at the Tenaya Lodge.

Board members and staff were introduced. Gene Smith, environmental consultant with Quad Knopf, and Bill Abbott, outside counsel, were also present.

Chairman Pickard called for public presentations – there were none.

Eric Toll, Planning Director;

PUBLIC HEARING on the Merits of the Silvertip Resort Village Project: Specific Plan/Zoning Amendment (SPA/ZA) 99-1, Planned Development Zone (PDZ) No. 99-1, Conditional Use Permit (CUP) No. 267, Land Division Application (LDA) No. 1511 to Amend the Fish Camp Specific Plan, Zoning Code, and Obtain Permits to Construct and Operate a Hotel with Cabins, Commercial Area and One 2.5 Acre Residential Lot

BOARD ACTION: Eric Toll presented the staff report. He advised that the transcript of the April 22, 2003, public hearing on this matter is submitted as a part of the record for today. He advised that there was confusion over the Board meeting location on April 22nd, and the applicant requested that the matter be reheard and it was scheduled for this date. He advised that it was also agreed to by the attorneys in this matter that the information that was presented on April 22nd would be made a part of this public hearing record. Chairman Pickard advised that those who have provided input previously do not need to restate their input as it is a part of the record, so they may just reference that input if they wish.

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

Ron Coleman, PacificUS Real Estate Group/applicant, stated he would respond to comments made on April 22nd, and he reviewed the history of the proposed project and the subsequent amendments. He responded to the following comments:

- 1) loss of land for residential use with the project and cost benefits – he advised that seventy percent of the land will remain in open space, and that fiscally the residential housing would be more of a cost burden to the County than the project. He referred to the community water development with the project.
- 2) Silvertip Resort Village is too dense – he stated the Tenaya Lodge is denser than this project, and the Tenaya combined with the Apple Tree is even denser.
- 3) changes to the Specific Plan only benefits PacificUS – he advised that they are requesting the changes for the height limitation and the resort commercial use. However, the eleven amendments will benefit the community. He stated he feels the Specific Plan should be a contract with the community, and he agrees with the recent memorandum from the Planning Director relative to Specific Plan and the communities.
- 4) community has the right to self-determination – he noted that the Fish Camp Town Planning Advisory Committee met on four occasions and made recommendations to

- approve this project. He noted that they recommended denial of the height limitation request. The Conditional Use Permit and Land Division applications were not considered as there was less than a quorum of the Committee present when the issues were raised. He feels the Advisory Committee meetings represent local input.
- 5) market for Silvertip Report is not supported by demand and the fiscal projections are flawed – he noted it is unfortunate that events like the Yosemite flood, Stayner case, and 9-11, etc., occurred and resulted in a lower visitation to Yosemite. However, they feel that travel closer to home will continue to increase post 9-11.
 - 6) Tenaya Lodge will be impacted by this project – he feels that is true in the initial years. He referenced the PKF Consultant report relative to this matter.
 - 7) staffing and where will employees come from – he referred to a Fresno Bee story relative to unemployment rates in surrounding areas that are up to fifteen percent, and he stated he feels there is a sufficient labor pool.
 - 8) employee housing – he advised that there will be some on-site housing, and he noted that this is the first application the County has received that includes employee housing.
 - 9) how will employees get to Fish Camp – he advised that they will have incentives for carpools and vans. He also noted that closures to Highway 41 have been minimal.
 - 10) impact by the Coarsegold casino – he feels there will be an impact; however, he feels that persons applying for employment with the Silvertip Resort will be seeking a different environment versus the gambling environment. He stated he feels the Chukchansi Casino will compete with Table Mountain Casino.
 - 11) 35-foot height limit – he noted the Tenaya Hotel is a 45-foot building. He stated that placing the Silvertip Resort in back of the meadow will allow its roofline to be the same as that for the Post Office. He feels that will lessen the height impact versus construction of a 35-foot motel on the edge of the Highway.
 - 12) project benefits – he feels the project will create approximately 90 jobs; affordable housing in the form of employee overnight rooms; maintain open space and trails; wetland preservation and enhancement; there are mitigation fees for fire/emergency response; a better water quality system will be provided; there is the potential for a wastewater treatment plant to be expanded for the community's use; and there is an economic benefit to the County of up to \$700,000 annually.

- Kirk Helland stated he is building a home in Fish Camp this week. He noted that a large component of this development is the establishment of a community wastewater treatment plant. He stated this plant would be a very costly undertaking for the property owners. He referred to a study conducted by Roger Stephens Engineer several years ago of the area. He noted that the study was unable to demonstrate that any pollution existed in the community, and it noted that the community would not support it. He noted they are expensive to operate. He stated the people he has spoken with feel their systems work and they do not want to be a part of this system. He presented his letter and attachments relative to his input.

- Ron Young repeated his previous input, and advised that he wants the Board to be creative and work out of the box. He presented scale models of the proposed development in relation to the existing Post Office, Tenaya Lodge and a structure meeting the legal height limit in the current zoning of 35-feet. He stated the Tenaya Lodge is 55-feet and is in the back yard of Fish Camp; however, he does not feel that it would have been approved. They do not want a sixty plus foot Silvertip Resort in their front yard. He stated he has been a property owner for 43 years, and Fish Camp means different things to different people. It is primarily made up of weekenders. It is a unique, very valuable portion of the County. He stated he feels it is tranquil and is a jewel of the County. He stated he does not want to see congestion and over-commercialization. He stated he is the President of the Homeowners Association of Fish Camp – they cannot do anything about the Tenaya Lodge, but feel they can do something about the proposed Silvertip Resort project. He stated he feels a three-story building can be constructed within the allowed height limits. He referenced the term “cash cow” and stated he does not feel that Planning has given adequate weight to the nature of Fish Camp. He stated that if this project gets approved, people will want to protect their rights and they will exercise everything at their disposal to do that.

- Gene Glendenning, President of the Yosemite Alpine Association, advised that the law firm of Gibson, Dunn and Crutcher will not be present today. However, he wants to comment on some issues. He referred to Ron Coleman's comments relative to the history of the project and amendments, and he noted that this is the third evolution of the division of the lots. He stated the Fish Camp Specific Plan does not allow for a commercial wastewater treatment plant or discharge on residential property, so he

does not feel that the amendment was made for the cabins. He noted that experts testified that there will be impacts on the water system and contamination; now, Mr. Coleman is recommending that the system can be expanded to the community. He asked if there is concern with contamination on the existing water, what will happen with an expanded system. He feels that gets into CEQA issues. He requested that the Board find that the current Environmental Impact Report (EIR) is inadequate and strike the clause relative to expansion of the wastewater treatment plant. He referred to the Fish Camp Town Planning Advisory Committee meeting and action taken on the zoning amendment. He noted that seven specific findings are needed for each amendment to the Specific Plan, and he does not feel that these were made by the Town Planning Advisory Committee. So he contends that their actions are inadequate and should be invalidated. He referred to the applicant's proposal to provide housing and use of the terms "can" versus "will". He stated he feels the employee housing should be mandated if the Board agrees with the General Plan Update and should be monitored. He questioned whether there is an adequate labor pool given the jobs that will need to be filled for the Chukchansi Casino, and he noted the former Broken Bit is in escrow with a proposal to reopen to compliment the Casino. He stated there is no unemployment rate in Fish Camp and jobs currently go unfilled. He noted that Yosemite recently outsourced jobs to fill the summer demands. He feels that the Fish Camp Specific Plan has been touted on the County side as encouraging resort development; however, when the Plan was adopted, the Tenaya Lodge and Apple Tree did not exist. These two projects bring the build-out to over 100% of what planned for the community. He stated he feels the people would agree with something being built within the height limit and acreage zoned for resort commercial. He feels the proposed project will bring Fish Camp to 300% of build-out and will skew the relationship between the residential and commercial development. He stated he feels that Fish Camp has been eroded of acreage for single family and planned urban development. He advised that there are 280 acres in the Fish Camp Specific Plan, and this project proposes to amend eleven sections of the Plan, and with the zoning and conditional use permit requests, he feels it will affect twenty-five percent of Fish Camp. He feels it will change the balance of the community and ruin the rural character. He noted that from an economic standpoint, Fish Camp is second to Yosemite in providing transient occupancy tax dollars to the County. He stated he feels that if the County wants to focus on the economy, it should be on the Highway 140 corridor. He asked what will happen to the mitigation measure for fire protection personnel if the developer sells and does not have the personnel. He stated he feels the proposed amendments to the Specific Plan are far more than technical, that they are project related. He asked that the amendments relative to the general forest be stricken from the application as they do not have a bearing on this project, but on the surrounding area to the project. He stated he feels that if the wastewater treatment plant is left in the project, it should be compliant with CEQA and that would require another EIR. He asked that every required condition in the mitigation report have a report available for review. With respect to partially mitigating one item and leaving others unresolved, he referred to the Valencia project as an example, he stated they want every one of the nine volumes of this project to be reviewed. He stated he does not feel that the Planning Commission made the seven required findings for each amendment requested for the Specific Plan; therefore, it now falls on the Board to make all seventy-seven findings, and he requested that each one of these be justified in writing. He referred to transportation impacts, and he stated he feels the EIR is incomplete and inaccurate as no preliminary engineering calculations were done for Highway 41/Fish Camp Lane intersection and for circulation in the area. He noted that this is CalTrans' jurisdiction, and he feels the Board should maintain the current requirement that this be mitigated and monitored. He stated he feels that Rainbow Pond creates its own environmental impact review. He also stated he feels the increased pedestrian traffic, rights-of-way, and alignment of the bridge should be reviewed. He noted that there are residents that use Fish Camp Lane to access their homes, and he feels the County has a requirement to address these issues.

- Russell Georgeson stated he is a permanent resident of Fish Camp and he is speaking against the project. He stated he feels the Specific Plan is a unique document because a group of citizens in Fish Camp met and planned for the growth of Fish Camp for the future. They made it clear that all use should be in compliance with the Plan. He feels that what is being requested is prohibited, and that is the basis for the requested changes in the Specific Plan. He referred to the Specific Plan requirements and the reaffirmation of this Plan by Ordinance. He reviewed the procedural due process which he feels must be met for changes to the Plan. He stated he feels the employment opportunities for this project are mostly low-level jobs. He does not feel that the average resident in Fish Camp, due to age and education, would have an interest. He referred to a Fresno Bee story relative to the decrease in visitation to Yosemite and predictions for future declines. He referred to the number of rooms in the community and the vacancies that currently exist. Chairman Pickard requested that the rest of his input be limited to one more minute. He expressed concern with traffic flow impacts, and he stated he feels a

study needs to be done. He stated this project may be a short-term “cash cow” and he does not feel the Board should support it.

- Barbara Taylor stated she owns the Owl’s Nest Lodge in Subdivision D and she also represents neighbors in Subdivision D who have paid substantial amounts of money to a water attorney to defend their water rights. She referred to a package of information that she provided that contained written statements and a statement from Roger Wood, a Subdivision D cabin owner. She stated she feels that water supply is an issue and is concerned as to whether there is an adequate supply for the project, and the impact the project will have on their water supply. They have always obtained their water from the Silvertip Resort property. She asked if the Board has ever addressed a development where the water was tied to a residential area and where this issue was not addressed up front. She stated they feel that they are being held hostage on this project. She stated that they disagree with the EIR on the water issues, and she referred to committed current uses

- Donn Harter referred to the Advisory Committee’s work on the Specific Plan, and he stated they are happy with Fish Camp the way it is. He feels they did a good job of looking ahead, and they did foresee that visitation to Yosemite would decline and planned accordingly.

2:21 p.m. Recess

2:40 p.m. Harry Hagen of Yosemite West stated he does not feel that this is solely a Fish Camp issue. He noted that the County is decentralized with small communities throughout, and they are all watching to see what happens here. As Chair of the Yosemite West Planning Committee, he noted that they are moving toward completion of their first draft of their Plan. They feel that this project is sending the wrong message that it is easy to change plans. He advised that he is a registered geologist in the state and has reviewed the EIR and he has concerns. He has concerns relative to the watershed and the water supply – he feels this will be a time bomb. He noted that most of the support for the project comes from outside of the community. He referred to the law of unintended consequences, and he stated that he feels that traffic will continue to by-pass Mariposa with the development of this project. He stated he feels that if the Board supports this project, it will not be government by the people or for the people. He asked that the Board not support this project.

- Dick Kunstman stated he is a resident of Midpines. He stated he has been working on calculations based on transient occupancy taxes that the County has been receiving and could potentially receive if there was 100% occupancy. However, he advised that due to a technical problem, he was unable to complete the calculations to present today. He referred to the occupancy levels of the hotel industry in the County, and he noted that visitation to Yosemite is declining. He also referred to reports of terrorists planning to attack our icons and he noted that National Parks are our icons, so he feels we have to wonder whether visitation will increase. He referred to the June 10th Board meeting when the Planning Director discussed area plans and specific plans. He noted that the State Code provides for specific plans and he referred to the referendum process. He expressed concern with the traffic impacts that he feels this project will have. He stated he feels this project will destroy the domestic tranquility of the community.

- Lou Aceto of Madera County, referred to documents he submitted. He stated he opposes the Silvertip Resort project, and he stated he does not feel that it should be developed ahead of residential property rights. He expressed concern with what he feels is the inclusion of a YARTS bus stop in the project, and he referred to efforts he feels will discontinue private vehicle access to the Park and day use parking. Chairman Pickard asked that he provide input relative to the project. Lou stated he feels that YARTS is a part of the project. Eric Toll provided input relative to the EIR and stated there is no reference to YARTS. Lou cited mitigation measure number 32, and he stated he feels that this will help the Park to eliminate day use parking and encourage YARTS. He stated he has a problem with the creditability of information, and he stated he feels the project should be denied.

- Gene Smith clarified the EIR and the bus stop, YARTS issue, and he read the remaining section that Lou Aceto referred to.

- Pat Sischo stated she is a full-time resident of Wawona, and noted they have an active Town Planning Advisory Committee. She expressed concern that a development could occur in Wawona if the Board makes changes to their Specific Plan. She asked if all communities will be in jeopardy if the Fish Camp Specific Plan is changed. She stated the Fish Camp community will be impacted by the project with impacts including light pollution, water, sewage, noise, transportation and traffic, fire and police protection, and unhappy property owners, etc. If the project is approved, the County will get tax dollars.

- Jan Davidson said she is present to defend Fish Camp, and she feels they are the underdog in this matter. She referred to a Fresno Bee story relative to a petition in support of this project – following review of the signatures on the petitions, she determined that 19 signatures were from Fish Camp and the remaining 22 were from outside and from service vendors. She stated they have worked to obtain signatures representing Fish Camp and oppose this project. She referred to the 212 parcels in the Fish Camp town planning area that are on the County tax rolls. By deleting the government exempt parcels and the multiple parcel owners, she advised that leaves 164 property owners. She presented the Board with petitions that she said contains 273 signatures received to date representing Fish Camp persons and concerns citizens opposing the Silvertip Resort development. She asked the Board to respect, honor, and uphold the Fish Camp Specific Plan and retain the rural mountain character of the area.

- Don Davidson presented copies of pages from the EIR and read his statement that he entered into the record. He referred to the EIR process, and expressed concern with the low number of employees proposed in the EIR for the project. He noted that Mr. Coleman said 90 employees in his presentation earlier this date, and he feels that is still too low. He also expressed concern with employee housing, and he noted that there is no mention of a kitchen with the proposed employee rooms. He pointed out other inconsistencies that he feels exist in the EIR relative to employee housing availability and number of employees and impacts on the water and wastewater demand. He stated that the problem he hears expressed is that the present General Plan is not enforced, and he feels this project should be rejected and the General Plan enforced.

- Alexandra Winterberg noted that in time, people and places change. She stated she feels that this project is an opportunity to make a change that she feels would be best. She feels this project would be a self-contained community. This project would create a better water supply and possibly sewer, and better fire protection and economic status. She stated that she feels, whether now or later, someone will buy their way into Fish Camp, and she prefers it be a project like the Silvertip Resort. Relative to the density issue, she noted this project is tucked away and she does not feel that the ten foot height issue will make a difference.

- Jan Mennig presented a note from Candy O-Donel-Browne apologizing for having to leave before she could speak. He stated it was good to hear from the youth in this matter, referring to the previous speaker. He noted that with all of the technology changes that the business of tourism is changing to destination resorts. He stated he feels this will be a luxury hotel. He feels this project will allow many more people to enjoy the area. He stated he feels that someone will develop the property, and he feels this is the right party. He referred to the proposal for the cabins and conferences, and he stated he feels that PacificUS is a responsible developer. He stated that, speaking for the Chamber of Commerce, Tourism Advisory Council, and Economic Development Corporation, they feel that this is a good project for the County. He stated he feels it is time to show our growth position and show our support for business in the County.

- Lynn Keller stated her family has been owners of the Silvertip Resort property since 1942, and they decided to sell the property and keep it together. She advised that they do not want to see the property divided. She noted that the Fish Camp Advisory Council is only advisory to the Board. She noted that there has been a lot of changes in Fish Camp and she feels that there will be more, and she hopes it will be to the better. She stated she feels this is the best group to do this project.

- Bob Mueller stated his family owns the last house on the left going to Yosemite, and they are the fourth generation of ownership of the property. He stated that change is not part of their mode of operation – they like to keep things the way they are. He stated he feels that the Constitution guarantees them to the right of liberty and pursuit of happiness, and he feel this project will impact their rights. He stated there has not been time to see what the new gaming casino will do to Fish Camp, and he feels this project should be put on hold for three years to determine the impacts. He noted that they live in Los Banos, and the emphasis there is to preserve the wetlands. He stated he feels it would be a black mark on the County to cover the meadow. He stated he feels that the Board needs to evaluate what this project will do for Fish Camp. He feels that the people are happy with the way things are today.

- Susanna Odry stated she owns a lot next to the project and she is a homeowner in Fish Camp. She stated she is the owner of the Carriage House, but is opposing the project as the owner of Lot No. 2 next to the project site. She referred to changes and the need to develop Fish Camp conscientiously for the betterment of the residents.

- Delight Winterberg advised that she is in the process of moving to her cabin in Fish Camp. She noted that the civilized world does not stay the same – it can improve or deteriorate. She wants to see improvement for the residents and visitors. She stated that she feels this project will enhance Fish Camp, especially with the water and fire protection situation. She expressed concern that if this project is denied, there may not be another opportunity like this. She noted that Fish Camp is on a State

highway and millions of people will pass through. She also noted that in the 1920's and 30's, Block D consisted of rows of tents, and that has changed. She stated the name "Fish Camp" was used because people stayed to fish. She referred to her travels to Yosemite and changes that have occurred in the area.

- Dick Kunstman asked for a point of order and stated he feels he should be allowed to rebut the Planning Director's input that rebutted testimony given by Lou Aceto. (Chairman Pickard addressed this request later in the hearing.)

- Don Starchman provided input relative to the height issue, and he stated he feels this issue needs to be looked at closely. He noted that the models of various heights have remained displayed during the hearing. He also noted that the proposed General Plan Update is just a proposal, and it speaks to not building on the edge of the highway. He stated the applicants are planning to work with the terrain and keep the visual impacts to a minimum. Relative to the scale and height limitations for structures, he noted that the building is not measured from the front side, but from the back side. He stated he feels the difference is whether you cram the structure into the bank, or show the fine architecture.

- Bill Winterberg referred to the scale of buildings and the models that were presented, and stated he feels it would be a matter of perspective. He stated he does not feel that the height limit is an issue given the distance from the property boundary and the trees. He referred to vandalism problems he has encountered with his trees and drip irrigation system. He noted that the past use of the property is as proposed. He stated he feels that if this project is stopped, we will not have another opportunity and accomplish positive growth. He stated this is a wonderful location to share with people as they pass to Yosemite.

- Terry Huntsman, property owner, and fourth generation of family coming to the area, stated he knows that when PacificUS builds a first-class resort, he will be proud. He stated he feels that this is a project that we can be proud of, and he urged the Board's approval.

- Bart Brown, Mariposans for Environmentally Responsible Growth (MERG), confirmed that their oral and written testimony still reflect their feelings. He stated that he feels that "necklessing" with Yosemite with repeated development at the Park line is harmful to the communities. He referred to the viability of the gateway communities.

- Pam Ferris, property owner, noted they have a plan (Specific Plan) and she feels that development should occur according to the Plan. She feels that if the Plan is disregarded in Fish Camp, then it could occur in other communities.

- Martha VanAman, Narrow Gauge Inn, stated she does not feel that there is enough visitorship to support this project, and she does not feel that there are enough employees to staff the project. She noted that with the recent construction of the casino, she has to pay non-English speaking persons eight dollars an hour to keep the business running.

- Robert Keller noted his wife's family interest in Fish Camp dates back to 1943. He noted that the Specific Plan was adopted more than twenty years ago, after four years of effort. He stated he feels that the community planning process is dynamic and the Specific Plan is a continuing work in progress. He stated he feels it is a guideline for local community development. He noted that the Plan was amended to provide for furthering the goals and by providing planned residential and commercial development and site standards. He referred to the Fish Camp Town Planning Advisory Council's minutes of the July 21, 1979 meeting relative to the designation of the Keller's land as residential and the amendment to include for the planned unit development approach. He advised that in the Specific Plan, as provided for under the planned development process, the Planning Commission has had the responsibility of establishing the criteria for planned development. He stated he feels that the amendments proposed to the Specific Plan for this project are consistent with the goals and policy of the County's General Plan because they provide for commercial development. He stated he feels the development of the project will significantly improve the socio-economic condition of the community and provide services. He noted that future residential development can still occur on twenty-seven acres next to the Tenaya Lodge.

- Jeff Reid stated he was speaking as an individual, and he referred to the planned development points made by Mr. Keller. He stated he feels the planned development approach incorporates the idea of flexibility to allow for the development of appropriate uses in a flexible approach. He noted that the Specific Plan incorporates the EIR in the appendix and that refers to comments relative to the height standards. He feels the intent was to prevent a person from building a structure that would block the view of another and for the County to provide fire protection access. With the sprinkling technology being applied to this project, he feels the height limitation is not necessary. He questioned whether citizens would want a 35' structure on a ridge or a 45' structure in a bowl. He also referred to Mr. Young's comments relative to "massing" in a structure.

Chairman Pickard addressed Mr. Kunstman's request for a point of order, and he stated he does not feel that this demands a rebuttal from the public.

Supervisor Parker requested that the Board not close the public portion of the hearing, and that the hearing be continued to the Board Chambers at the Government Center. The Board concurred with continuing the hearing to June 24, 2003, at 1:00 p.m. at the Mariposa County Government Center for continued public input, rebuttal by the applicant, followed by deliberations.

- Don Davidson asked for clarification relative to acceptance of public comments. He was advised that input would be accepted until the closure of the public portion of the hearing on June 24th.

The hearing was continued to June 24, 2003, at 1:00 p.m. at the Mariposa County Government Center.

INFORMATION – No action was necessary on the following:

A) Approve Summer Hours for the El Portal, Bassett Memorial Library at Wawona and Red Cloud Library Branches (Librarian)

B) Advise the Board of Supervisors that the Human Services/Child Welfare Services Department has Submitted a Grant for \$30,000, to Evaluate Child Welfare Services (Human Services)

CONSENT AGENDA:

- CA-1 Adopt a Resolution Authorizing the Mariposa County Library to Access Summary Criminal History Information for Volunteers (Librarian); Res. 03-215 and direction was given for Personnel to access the summary criminal history information for the volunteers
- CA-2 Approve the Interim Statewide Automated Welfare System (ISAWS) Consortium Memorandum of Understanding (MOU) and Bylaws; and Authorize the Chairman to Sign the MOU (Human Services); Res. 03-213
- CA-3 Approve a County Tile Plaque to be Presented to the First Residents of Mariposa to Finish the 25 Mile and the 50 Mile Endurance Rides, Scheduled for June 21, 2003 (Rich Theodore/4-H Equine Project); Approved, with discussion and direction for future consideration of certificates of recognition.
- CA-4 Approve Budget Action Transferring Funds within the Transportation Planning Budget from Professional Services to Publications (\$2,500) (Public Works/Transportation); Res. 03-214
- CA-5 Waive Second Reading and Adopt an Ordinance Superseding Ordinance No. 988, Amending the Contract with the California Public Employees' Retirement System (CalPERS) Board of Administration to Provide 3% @ 50 Safety Retirement for Probation Officers and Includes the Certification of Employee Election and Authorize the Chairman to Sign the Contract Amendment (Personnel); Ord. 989

4:06 p.m. Adjournment in memory of Robert Earl Noel, Dorothy A. Kimble, Gilbert Wayne Simmons, and Janette Uebner.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

June 24, 2003

Time Description

9:12 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

- Candy O'Donel-Browne advised that the Sierra Business Council just released a new economic piece called "Investing for Prosperity" and she presented the Board members with a copy.
- Don Pucilowski, member of the Commission on Aging, presented copies of their new brochure, and he encouraged the Board members assistance in filling the vacant positions on the Commission.
- Yvonne Bennett referred to questions that Ruth Sellers previously asked about the compost facility project, and she stated she feels the public has a right to full and truthful answers.
- Dick Kunstman stated he does not feel that he has received satisfactory answers to questions he has asked about the compost/solid waste disposal project and relative to technical aspects.
- Knute Kirkeberg expressed disappointment in the recent decision to pursue the co-compost project. He referred to the plasma gasification process that he previously proposed.

Board Information

- Supervisor Balmain stated he feels that incorrect information was given during the public presentations relative to the solid waste project, and he advised of efforts to obtain information and answer the questions. He advised that he will give a status report on the Airport improvement project at the next meeting.
- Supervisor Stetson advised that he has a district meeting scheduled in Midpines on Thursday at 7:30 p.m. this week to discuss the General Plan Update, and he invited citizens to attend.
- Supervisor Pickard advised that he has a district meeting scheduled at 7:00 p.m. this evening in Jerseydale to discuss the General Plan Update.

Approval of Minutes of June 10, 2003, Regular Meeting

BOARD ACTION: Approved with the correction of a typographical error.

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

BOARD ACTION: Chairman Pickard advised of a correction to the agenda for item 11 to reflect the request for a budget transfer in the amount of \$9,000. (M)Balmain, (S)Stetson, all items were approved/Ayes: Unanimous.

Bob Pickard, Board of Supervisors, Chairman;

Discuss and Provide Direction Relative to the Request Received from the Mariposa Rotary to Place their Emblems on the Amphitheatre

BOARD ACTION: Michael Fagalde, President of the Mariposa Rotary Club, presented their request to place their emblems on the amphitheatre, and he advised that Rotary would cover the costs. Discussion was held, and Supervisor Parker suggested that there be wording on a plaque that the project was made possible by the County in conjunction with Rotary. Rich Inman, County Administrative Officer,

suggested that he could bring back some schematics of a joint plaque for display at the amphitheatre, and the Board concurred.

Cheryle Rutherford-Kelly, Human Services Director;

A) Approve Budget Action Transferring Funds in the Social Services Budget Unit from the In Home Supportive Services Advisory Committee General Expenses to Computer and Other Equipment to Purchase Office Equipment and Supplies (\$5,312)

BOARD ACTION: Discussion was held with Cheryle Rutherford-Kelly, and she advised that members of the Advisory Committee were present to discuss this matter.

- Les Wenger, Vice-Chairman of the In Home Supportive Services Advisory Committee, provided input relative to the request to purchase office equipment and supplies for the Committee. He also provided input relative to other issues concerning In Home Supportive Services concerning the establishment of a public authority and the stipend the Committee members receive.

Discussion was held concerning the request. (M)Balmain, (S)Stetson, Res. 03-233 was adopted approving the request, as recommended by the Human Services Director/Ayes: Unanimous.

B) Approve the Modified Temporary Assistance to Needy Families (TANF) Incentive Plan; Authorize the Department to Submit the Modified Plan to the State Department of Social Services; Authorize the Department to Claim \$200,980 Specifically Targeted for Mariposa County; and Approve Budget Action Transferring Money from Social Services to Community Action to Implement the Programs Outlined in the Plan (\$200,980) (4/5ths Vote Required)

BOARD ACTION: Following discussion, (M)Parker, (S)Balmain, Res. 03-234 was adopted/Ayes: Unanimous.

C) Adopt a Resolution Authorizing Employees of the Human Services Department to Donate Accrued Sick Time and/or Vacation Time for Use by an Employee of the Welfare to Work Employment and Training Division Who is in Need of Medical Attention. All of the Employee's Sick and Vacation Leave Benefits will be Exhausted Prior to Using Donated Time (Human Services/Personnel)

BOARD ACTION: Discussion was held. Motion by Balmain to adopt Res. 03-235 approving the donation of accrued vacation time, and not sick time, was amended following further discussion. Motion was amended to also allow for the donation of accrued compensatory time, seconded by Stetson. Ayes: Unanimous.

Jim Petropulos, Public Works Director;

A) Presentation and Discussion of the Don Pedro Wastewater Facility Project and Request for Authorization for the Public Works Director to Submit a Pre-Application for a Loan/Grant from the United States Department of Agriculture to Possibly Finance the Project

BOARD ACTION: Discussion was held, and Jim Petropulos recommended that alternative 2 be pursued. Fred Solomon provided input relative to the Kennedy/Jenks Engineers report and alternatives. Further discussion was continued for the following hearing to be opened.

10:00 a.m. Public hearing to consider the Skate Park Project was opened and continued to after the following matters.

Further discussion was held relative to the Don Pedro wastewater facility project, relative to the status of the Proposition 218 process, and relative to the status of the budget and costs for this project. Jim advised that he will be bringing more information back on these matters. Supervisor Bibby asked about impacts on the cattle that graze the property being considered for inclusion in the spray field, and she requested that the property owner be advised of any conditions that exist.

Input was provided by the following:

- Tom Porter, President and Chief Executive Officer for Deerwood Corporation, stated they have done one thousand escrows in Don Pedro in the last few years, and they are very active in the area. He stated they support the recommended action and are attempting to get enough votes to pass the assessment.

(M)Balmain, (S)Stetson, Res. 03-236 was adopted approving the submission of a pre-application for a loan/grant from the USDA for the wastewater project, and with concurrence to proceed with alternative 2 in this process/Ayes: Unanimous.

B) Select and Appoint the Public Member Position for the Solid Waste Task Force; Confirm the Membership of the Mariposa County Solid Waste and AB939 Local Task Force; and Direct Staff to Proceed with the Review and Commenting on the Countywide Integrated Waste Management Plan (CIWMP)

BOARD ACTION: Following discussion, (M)Balmain, (S)Parker, Jim Thompson was appointed to represent the public member position/Ayes: Unanimous.

C) Approve the Proposed GEMcar Allocation as Recommended by Public Works

BOARD ACTION: Supervisor Pickard advised of a request received from the Fairgrounds to use one of the GEMcars. Supervisor Balmain suggested that consideration be given to taking one of the two vehicles that was proposed to be allocated to the Airport for the Fairgrounds. (M)Parker, (S)Balmain, Res. 03-237 was adopted approving the allocation, with direction for Public Works to allocate one of the vehicles to the Fairgrounds. Jeff Green, County Counsel, suggested that there be a written agreement with the Fairgrounds for the use of the vehicle. The motion was amended by the maker, agreeable with the second, to include the approval of an agreement with the Fairgrounds for the use of a GEMcar and authorization for the agreement to be signed/Ayes: Unanimous.

10:22 a.m. Recess

10:38 a.m. Jim Petropulos, Public Works Director;

PUBLIC HEARING to Consider the Following Actions Relative the Skate Park Project: 1) Adopt the Mitigated Negative Declaration Based on No Significant Impacts Found from the Initial Study; 2) Approve the Plans and Specifications for the Mariposa Skate Park Project (97-11) and 3) Authorize the Public Works Director to Advertise the Project and Award to the Lowest Responsible Bidder

BOARD ACTION: Jim Petropulos presented the staff report. Matt Freeman/PWD-Junior Engineer, responded to questions from the Board relative to the stairway easement. Staff responded to questions from the Board relative to the noise barrier and whether the cost for the footings would impact the project.

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

- Shawn Powers stated he has been skating for six or seven years and the only legal place is Stroming Road. He referred to problems they have had with skating in the area, and he stated their ramps have been confiscated; however, he stated they do not vandalize. He stated he hopes the Board can break ground for the park. He responded to a question from the Board and stated he feels the skate park will solve the problem of skating in other areas. He also stated he does not feel that the skate park will be any louder than the swimming pool. He feels the park will have dusk to dawn usage.

- Jim Allen, Sheriff, noted his predecessor, Pelk Richards, worked on this project for some time. He referred to a 1977 story in the *Mariposa Gazette* that talked about discussion of a skate park. He stated he hopes that an ordinance can be drafted with County Counsel relative to skate boarding in the County since there will be an approved location. He noted that the Department has contributed to this project, and that they are concerned with safety.

- Gordon Dulcich stated he is a neighboring property owner. He advised that he expressed concerns with location of this project about a year ago, and he feels his concerns fell on deaf ears. He stated he is still opposed to the location, and he noted that it will be close to his property. He stated he is not against the project, just the location. He stated he feels it should be located in the new "field of dreams"/sports complex. He also stated that, given the economic situation, he feels that the County should save its money for more important projects. He stated he feels that this project will benefit a small group of people. He also stated he does not feel that the Initial Study addresses what he feels will be the devaluation of his property as a result of this project. He stated he does not feel that he will be able to build his residence on the neighboring property due to this project.

- Jason Spurling noted that the town has a lot of skaters and the desire for a skate park and has held a lot of fundraisers. He stated that he feels that this project would be very positive for the community. He feels the youth have been promised this project and it should be built. He feels this will provide a place for the youth to show their talent to the community, and he does not feel it would be as loud as the pool.

- Kathy Delaney noted that she first started working on this project in November, 1996, with Sheriff Richards and a group of young people, and not just those who skate. She advised that there was over \$14,000 raised during their fundraisers, and that there is a lot of community support for this project. She noted that this was an important project to the late Janette Uebner. She also stated that she feels that youth who are users of the park should be involved when the details of the regulations of the park are being developed.

- Tom Halencak/DA-Investigator, on behalf of the District Attorney, stated they fully support the project as it gives juveniles something safe to do in town and keeps them off of the streets.

- Eleanor Keuning stated she is not opposed to the skate park; however, she is concerned with its location in relation to the amphitheatre, and she does not feel that these two uses are compatible. She expressed concern that the access road to the amphitheatre would not be usable with the construction of the skate park.

The public portion of the hearing was closed, and the Board commenced with deliberations. Staff responded to questions from the Board relative to access to the amphitheatre; relative to providing for the cost of installing the sound barrier if it is determined that it is needed in the future; improvement of the stairway access; and relative to the change in location from the lawn area to the area by the amphitheatre for the project. Rich Begley, PWD-Deputy Director of Parks and Recreation, responded to questions relative to the issues involved with the lawn area at the park for the location of the skate park. (M)Bibby, (S)Parker, Res. 03-238 was adopted approving the recommended actions for the skate park project, with direction for the addition of the sound barrier wall to be included in the existing budget. Further discussion was held. It was noted that fundraisers could be held if additional funding is desired for the project. The motion was amended by the maker, agreeable with the second, to include direction for the sound barrier wall to be included in the bid documents, with final approval of the award of a bid and contract for the project to come back to the Board. Supervisor Stetson noted that a firm policy will be needed relative to ceasing operation of the skate park during performances and rehearsals at the amphitheatre. Ayes: Unanimous.

Cathi Boze, Agricultural Commissioner;

A) Adopt a Resolution Requesting an Increased, Continuous Share of Federal Funding to the USDA/APHIS/Wildlife Services Budget to Support California's Cooperative Wildlife Services Program; and

B) Adopt a Resolution Authorizing the Chairman to Sign Modified Agreement No. 04-73-06-0260-RA: the Annual Work Plan and Reimbursable Budget Plan for FY 2003-04 with USDA/APHIS/Wildlife Services

BOARD ACTION: Discussion was held with Cathi Boze, and she noted that Don Simms/Wildlife Services was present, relative to federal funding for the wildlife services program. It was requested that the resolution be forwarded to CSAC, RCRC, Congressman Radanovich and the California NACO. (M)Parker, (S)Balmain, Res. 03-239 was adopted requesting an increased, continuous share of federal funding for the wildlife services program; and Res. 03-240 was adopted approving the modified agreement with Wildlife Services/Ayes: Unanimous.

11:32 a.m. Chairman Pickard and Supervisor Parker;
Approve Budget Action Transferring \$30,000 from Tobacco Settlement Funds to Interfund Transfers to Support "Yes on Sports/No on Smoking" Campaign in Conjunction with Funding for After School Sports and Activities Transportation Program at Mariposa County Unified School District (4/5ths Vote Required)

BOARD ACTION: Discussion was held. It was clarified that the proposal would fund the portion of the sports program that provides transportation to and from the games. Supervisor Balmain requested

that consideration also be given to supporting the late bus program so that the athletes have transportation after practices, especially to the northside of the County.

Input was provided by the following:

- Dwight Fanning/School District Director of Transportation, advised that the late bus is a different program from the sports activity busing. He advised that the proposal would fund transportation during the day to sport activities. He advised that the late bus program is an additional \$54,000, and he reviewed the District's bus program and proposed cuts.

Supervisor Bibby advised of her discussions with Jesse Brown/MCAG relative to the possibility of using YARTS to provide services, such as to El Portal.

- Dwight Fanning further clarified the sporting/transportation issues, and he advised that the late bus and sports activity for the High School are separate issues.

- Donna Ross, President of the School Board, provided input relative to the District's budget situation and the busing needs.

Rich Inman, County Administrative Officer, provided input relative to the use of the requested source of funding and the campaign for tobacco prevention. (M)Bibby, (S)Parker, Res. 03-241 was adopted approving the recommendation with a campaign of "Yes on Sports/No on Tobacco", and with direction given for staff to review the late bus issue and come back to the Board for further consideration of that program. Supervisor Balmain asked that the late bus issue come back as soon as possible, and the County Administrative Officer advised that he would bring it back in two weeks. Supervisor Parker clarified that the action is a one-time funding source and it is not an on-going program. He advised that he could continue to work with Supervisor Pickard and the County Administrative Officer and the School District on the late bus issue. Ayes: Unanimous. Donna Ross thanked the Board for its support.

Discuss and Provide Direction to Staff Relative to Consideration of Purchase of the Juanita Moore Property on Bullion Street (Chairman Pickard)

BOARD ACTION: Discussion was held. (M)Balmain, (S)Stetson, direction was given for the County Administrative Officer to begin discussions relative to consideration of purchase of the property. Supervisor Parker requested that he be involved in the negotiations. Ayes: Unanimous.

Authorize the Adoption of HDC and Associate's Proposed Job Description for County Counsel (County Administrative Officer)

BOARD ACTION: (M)Parker, (S)Bibby, Res. 03-242 was adopted/Ayes: Unanimous.

Rich Inman, County Administrative Officer;

Presentation by Mr. James Moore of Geometra Phneumaic Energy Recovery Systems, Inc. (GPERS) Concerning Tire Recycling Facility

BOARD ACTION: Supervisor Balmain advised of his contact with Mr. Moore and his request to give this presentation. The Board concurred with taking a short recess and coming back for the presentation.

11:58 a.m. Recess

12:17 p.m. Supervisor Balmain introduced James Moore of GPERS. Mr. Moore gave a presentation of their proposal for a scrap tire recycling facility, and he advised that they have a market for the activated carbon and other by-products. Discussion was held. Rich Inman, County Administrative Officer, suggested that he get a list of questions from each Board member relative to the proposal to submit for a response. Supervisor Parker suggested that this could also be directed to Public Works and the Solid Waste Committee for preliminary discussion. It was also suggested that Bart Brown/MERG review the information. The Board concurred with continuing to investigate the proposal.

Chairman Pickard advised the 1:00 p.m. public hearing would be continued to allow for a lunch break.

12:54 p.m. Lunch

1:00 p.m. Chairman Pickard opened the public hearing to consider the Silvertip Resort Village project and continued it to 1:30 p.m.

1:34 p.m. Eric Toll, Planning Director;

PUBLIC HEARING on the Merits of the Silvertip Resort Village Project: Specific Plan/Zoning Amendment (SPA/ZA) 99-1, Planned Development Zone (PDZ) No. 99-1, Conditional Use Permit (CUP) No. 267, Land Division Application (LDA) No. 1511 to Amend the Fish Camp Specific Plan, Zoning Code, and Obtain Permits to Construct and Operate a Hotel with Cabins, Commercial Area and One 2.5 Acre Residential Lot (Continued from June 17, 2003)

BOARD ACTION: Eric Toll advised that this is a continuation of the public hearing that commenced on June 17th in Fish Camp, and he advised that when the public portion is concluded, the Board will commence with deliberations. He also reminded everyone that the testimony given for the April 22nd hearing on this project is a part of the record.

The public portion of the hearing was opened. Chairman Pickard asked for persons to speak that have not had an opportunity to provide input first.

Input from the public was provided by the following:

- Gene Mickel spoke in favor of the project. He stated he is a businessman in town, and he presented a list of people who came for the hearing at 1:00 p.m. and could not stay, that support the project. Chairman Pickard noted that the Board had a challenging agenda schedule today and apologized for the delay in the hearing.
- Roger Biery, President of the Economic Development Corporation, stated he wholeheartedly supports this project. He stated he feels that this type of development helps to increase the occupancy rates in the County. He also feels that a precedent will be set by this vote – this is the culmination of a long process that he feels worked well.
- Neil Stonum stated he is a business owner in town and he urged support of the project. He stated he feels the applicant has addressed the environmental issues that have been raised, and the project will be a benefit to the community and an economic boom in the long run.
- Ted Aldershof stated he has been a property owner in Fish Camp since 1988, and he is a member of the Fish Camp Community Planning Advisory Council. He referred to their consideration of this project and subsequent changes in the project. He stated he feels the changes are significant and this is not the project the Council deliberated on, and he requested that they be stricken from deliberation. He further noted that their consideration of the project was based on 40 employees and that has changed with recent testimony to a higher number; and he noted that some suggest that the actual number may be closer to 200. He stated he feels the EIRs are improperly scoped and are inadequate. He requested that the Board find the EIR inadequate and not complete, and that the project not be approved.
- Ken Melton stated he is in favor of the project. He feels Fish Camp is a multi-use area, and he noted that there was more commercial use in relation to residential use before the subdivision was put in. This project is designed for today versus planned use of twenty years ago when people were guessing about the zoning. He also noted that the project leaves open space. He referred to previous projects in the County such as the E.C. Cotton Motel and the complaints that were received about the proposed project. He noted that there was not one valid complaint after the project was completed. He stated he does not feel that the statements being received for this project are valid. He feels this is a better project than what could be done under current zoning.

Discussion was held relative to accepting testimony from those who had a previous opportunity on June 17th. Jeff Green, County Counsel, advised that it is discretionary on the part of the Board. The Board concurred with receiving testimony from those who have spoken previously.

- Dick Kunstman referred to the data he provided and the calculations of transient occupancy taxes and occupancy rates for different areas of the County. He referred to the impacts he feels this project will have on the occupancy of other facilities.

- Joan Gloor, Mariposa Lodge, stated she is in favor of this proposal because she feels it is being done by professionals and she feels they have studied their market and each one has its niche. She also stated she feels that we need a complex of this high quality.

- Don Davidson referenced the study of the potential market demand and statements of estimated annual operating results for the proposed hotel and conflicts that he feels exist. He also referenced the comparable property analysis, and tables of information and the information from the Ripley report relative to the number of employees and conflicts that he feels exist in the information. He referred to his conversation with Eric Toll relative to the discovery process for the EIR. He stated he feels a good

hotel has a much higher employee ratio per room, and there is nothing in the EIR to require this type of operation. He noted that when he asked why the employee number was not challenged by staff, he was told that the EIR is done on the data that the applicant submitted. He stated he feels that this project is a huge potential white elephant or perhaps a success.

- Kay Mickel stated she is a business person in town. She stated that she does not feel that the current Park attendance should be a factor in this decision. She noted that they still have people calling to see if the Park is open. She noted that the Park entrance fees have gone up dramatically, and there are still rumors that you cannot drive into the Park. She stated she feels that the Park will be a draw again. She also noted that they have people in their office everyday looking for a golf course to play. She stated she does not believe that the previous project proposed for Mount Bullion would have been a white elephant and that included a golf course – and, she feels that we would have benefited from that project. She stated she supports this project.

- Robert Keller stated he is a long time property owner in Fish Camp, with a residence established in 1960. He referred to the staff report for the June 17th portion of the hearing and the Fish Camp Specific Plan and subsequent amendments – he advised that in the mid 1980's the Board authorized the development of a countywide fire department, and subsequently a 35-foot height limit was adopted. And, now there is a proposed text amendment for this project. He urged the Board to accept the recommendation of the Planning Commission for the project and to approve the amendments to the Specific Plan.

- Jan Pearson, property owner in Fish Camp, stated she and her husband are both professionals and live in the Bay area. She noted that the people in the town of Mariposa support this project. She noted that Fish Camp is a very small community, and she stated they want to retain their quality of life. She stated she does not feel that the jobs for this project will do anything for the Fish Camp residents. She stated she wants future generations of her family to have the quality of life that she enjoys in Fish Camp. She expressed concern with pollution and traffic impacts.

- Tom Bopp, resident of Fish Camp, stated he feels the Fish Camp Specific Plan is there to represent the desire of the community and some self-determination on the part of the community as to how they would like to see their environment changed or not changed. He stated he feels the 35-foot height limitation was done because of fire protection, and he feels it was reviewed based aesthetic regard.

- Candy O'Donel-Browne stated she believes that the Specific Plan allows for nine acres to be developed commercially, and those nine acres were set aside when a family-run motel was popular. She noted that there was a developer that looked at the nine acres for building a motel and chose not to do it. The current applicant looked at the nine acres and chose not to do it, and she suggested that the Board ask why. She stated she understands that the nine acres would support 80-rooms and that would not be sufficient. She said there are differences between Mariposa and Fish Camp and the size of hotel operations.

- Ron Young referred to the integrity of Fish Camp, and he stated the nature of Fish Camp is what brought him here. He referred to the hotel structure and height measurements and conflicts with the site plan. He stated he feels this facility is out of character with the community. He stated he feels this project is an infringement on the integrity of Fish Camp.

Ron Coleman, applicant, offered rebuttal. He noted that they have dealt with the Board, staff members and the community in a forthright fashion, and they have not attempted to hide any issues. He noted that in 1997, Mr. Giuntini, principal of the firm, became aware of the property and visited the site and the County and investigated his options over the next twelve to fourteen months. They conducted various surveys. In 1998, PKF Consulting Firm, researched the viability of a hotel on the site with 125 rooms. They have relied on these professionals for their knowledge. They have developed and refurbished hotels in the past and used these firms and the analysis provided. He advised that, as a result of the PKF report, it became apparent that the residential property would lend itself well to be affiliated with the hotel. He advised that they planned to include cabins in the residential portion of the property, and requested the change to resort/commercial based on the advice of staff because of the interaction of the use with the hotel. He stated that this is not just a hotel or cabins or a mixed used facility, it is integrated and they work together and support each other. He noted that the cabins will provide something that is not duplicated in the Yosemite area. He stated this is a concept that they brought forward and through various consultant reports have confirmed that it is a fiscally viable project. He noted that based on Mr. Davidson's input, there were two additional reports submitted. The combination of these reports indicate a new analysis of occupancy daily rates for the cabins and hotel, and the income level is no less than what was projected in 1988 even though visitation to the Park is off. He stated they feel confident about the development. He referred to the figures provided by PKF for

employee/room ratios. He noted that they have consulted with the management of Hyatt and Marriott, and they have provided their expertise. He stated they did not come to Mariposa to challenge the Specific Plan, the General Plan, or any other government documents. They only came to look at an opportunity. He noted that there was no financial incentive or subsidy, they are here on their own buck and they have spent a great deal of money getting to this point. He stated they are committed to this project and believe in it wholeheartedly – they are compassionate about this development. He referred to the requested amendments to the Specific Plan, and stated they feel that it will take the type of development they are proposing to make a viable project given the significant infrastructure requirements. He stated he feels that a motel on the site would be a disservice to the County. He also stated he does not feel that a motel could be sited in the existing zoning given the physical conditions of the parcel. He stated he feels the testimony provided contains normal and valid concerns. He feels the Tenaya Lodge will make adjustments with the opening of the casino in Coarsegold, and he feels the same will happen in the future with the opening of Silvertip Resort. He feels each will make their adjustments in the market place. In regard to groundwater and waste water issues with the number of employees, he referred to Ripley's update of data relative to the number of employees based on the PKF report, and advised that the information has been provided to staff. He stated he does not feel that this is a significant issue and it should not affect the total analysis. In regard to the questions relative to impacts of drawing down the Community Services District's wells, he referred to the pump tests and results that show there is no significant draw down. He stated he feels the data for water and waste water is contained in the EIR. He referred to the out-of-scale and density testimony provided by Mr. Young, and he stated the scale model for Silvertip Resort should have looked closely like the one for Tenaya Lodge. He stated he does not see any discrepancies in the charts of height measurements for the project. He explained that their request for a higher height limit is so that they can concentrate the footprint of the structure to preserve the site and minimize the visual impacts from the Highway. He advised that they are trying to keep a low profile with the building and the 45-foot height makes for a better visual entrance. He referred to the land use issues and the ninety conditions that staff has provided to address concerns. He also advised that, beyond those conditions, they have federal agencies that they are dealing with; i.e., Water Quality, Fish and Game, Army Corp of Engineers, and CalTrans, etc. He stated he feels that this is a team effort. He stated it is difficult to hear people say that they would be okay with the project if it conforms, as he feels the same issues would be raised; and he feels the issues have been addressed. He stated he does not feel that some of the opponents are being truthful. He requested that the Board consider this proposal carefully and understand the request being made and the basis for which they presented this development. He asked that the elements of the hotel being integrated with the mixed uses, visually with the Post Office, and interfacing with the community be considered. He stated they feel this is a self-sustainable project, and he asked that the Board consider who the applicant is and know about their firm and what they have done, and he provided information on their previous developments. He thanked the Board for listening; and staff, particularly Eric Toll, for assistance in this process.

Paul Giuntini, President of PacificUS and sole investor of the Silvertip Resort project, advised that Ron Coleman has been the Project Manager for the project. He advised that they have made every effort to reach out to the community. He referred to their work, research and analysis prior to submitting a project. He feels that they have listened to input and complied. He stated he feels it became apparent that two individuals were opposed to any development on their property, Cooper and Swenson, and they have refused to meet with them; further they have spent dollars to intimidate them and members of the community. He also advised that they have tried to meet with the Yosemite/Alpine Community Services District relative to the water issues, and the same with the block "D" subdivision. After working on this for five years, he feels the project is economically sound and environmentally pleasing, and he feels it will be an asset to the community.

The public portion of the hearing was closed. Chairman Pickard reminded the Board members that, with the closure of the public portion, no additional public input, written or verbal, is to be accepted.

3:27 p.m. Recess

3:46 p.m. Chairman Pickard acknowledged, for the record, the receipt of letters from members of the Fish Camp Advisory Council that were provided by the applicant prior to the close of the public portion relative to amendments to the Fish Camp Specific Plan. The Board commenced with deliberations. Chairman Pickard introduced the following who were present to respond to questions: Eric Toll/Planning Director, Gene Smith/environmental consultant with Quad-Knopf, Bill Abbott/special counsel, and Jeff Green/County Counsel. Discussion was held relative to the status of the Fish Camp

Advisory Council's actions. Eric Toll advised that the number of employees in the original application was 40 and that has been revised to 90; that the changes for construction of the left-turn lane do not have an impact on the EIR; and he advised that the EIR is not ready to certify this date. Eric presented options for action for the Board to consider. Attorney Abbott responded to questions from the Board relative to the process at this point, and he advised that it could take sixty to ninety days before the EIR is ready to certify depending on the possibility of the need to recirculate some of the information. He advised that CEQA sets forth procedures that the Board needs to follow, and it is not known how involved that review will be at this point. The information that has been provided needs to be evaluated. Eric responded to questions from the Board relative to the procedure for modifying the project, and he advised that upon receiving direction from the Board, staff will work with legal counsel, consult with the applicant, and then come back to the Board with a recommendation on how to proceed. Further discussion was held relative to options for action and process. Attorney Abbott advised that the EIR before the Board has a number of alternatives and the process will depend on the ultimate extent of the changes – it could require another public hearing to be held on the changes. Chairman Pickard polled the Board, and the consensus was that the Board was not interested in a no project position or denial of the project at this time. Eric Toll responded to questions from the Board relative to the status of the CalTrans left-turn lane and the traffic impacts and circulation impact issues.

Motion by Balmain to conditionally approve the Silvertip Resort Village project based on the recommendation of the Planning Commission and completion of the EIR, was restated following further discussion. Attorney Abbott advised that staff does not believe that the Board can approve the project at this time, and he suggested that the action be to direct staff to proceed with the additional analysis to complete the EIR if the Board wants to entertain further processing of the EIR. When the EIR is brought back, the Board will need to determine whether to certify it or provide direction for further modification. Motion by Balmain was restated as follows: direction was given to staff to review the EIR for the Silvertip Resort Village project, along with the two mitigation measures that have been recently brought up, and as recommended by the Planning Commission. Further discussion was held relative to the process and options for action. Supervisor Parker stated he would prefer that the Board take a poll to see if there are sufficient votes to approve the project as recommended; because if there are not, the Board needs to give specific direction to staff so that the applicant doesn't have to wait ninety days and come back and go through the process again. Supervisor Bibby asked about the difference between voting and polling the Board. Attorney Abbott responded and advised that the issue is whether or not the Board believes the additional time and expense to respond to the new information in order to finalize the report should be incurred to proceed with the project. Supervisor Pickard stated his desire would be to provide direction to staff relative to specific issues and have staff bring information back for further consideration. Ayes: Balmain, Parker; Noes: Stetson, Bibby, Pickard. The motion failed.

Discussion was held relative to giving specific direction to staff. Supervisor Parker suggested that direction be given relative to the change in density of the project for resort commercial from the existing nine acres; and relative to the change in the residential portion and that consideration be given for a density bonus for the cabins that would still allow for a 125-room hotel, conference center and the other amenities. He also noted that if the 45-foot height is not allowed for the structure, it will change the footprint of the project and impact the rest of the project. Eric Toll advised that the proposed hotel requires approximately fifteen acres of grass land area to have 125 rooms, and he stated he feels that Supervisor Parker's suggestion would be to change the resort commercial zoning to include fifteen acres and the remaining portion of the property would remain as single family residential one-acre zoning. He advised that the cabins, as proposed, function as single family homes and the Specific Plan only allows for one home per lot. He stated the applicant would need to submit a subdivision plan for the 33 single family homes. The State law allows for accessory units, and the applicant would be required to obtain a transient occupancy certificate for each unit. The number of allowed cabins would need to be further reviewed. In order for this to work, further review would need to be given to the plan and design, and height is an issue. If the 45-foot height is allowed, it would be the same project done within the bounds of the Specific Plan. Supervisor Pickard stated he would be okay with fifteen versus forty-four acres of resort commercial; however, he does not support amending the 35-foot height limitation. The Board concurred with the fifteen acres for resort commercial and with proceeding with the 45-foot height. Supervisor Bibby asked about placing conditions on the water connectivity or expansion issues. Staff advised that additional connections or expansion of the water to the residential area would need to come before the Board; and he further advised that the project description on the table does not include expansion of the water or waste water system. Supervisor Stetson expressed concern with the potential employee impact problem that could be generated by this project. Eric Toll advised that this issue could

be further reviewed. He also advised that with the planned development zone which overlays most of the parcel, the conditions placed on the project lay with the land no matter how the land may be subdivided or changed. Supervisor Pickard noted that this is the first time an applicant has offered to provide employee housing with a project. Eric Toll responded to questions from the Board relative to the clustering the cabins to obtain more open space. Supervisor Stetson stated he feels every attempt should be made to obtain the housing types referred to the Fish Camp Specific Plan. The majority of the Board did not feel that the housing is an issue that should be addressed. Supervisor Pickard asked about trespassing issues and the EIR, and asked whether signage could be placed at the property boundary. It was noted that there will be minor changes, but they do not affect the EIR. Eric Toll responded to questions from the Board relative to addressing the required findings for the amendments to the Specific Plan, and he advised that the eleven amendments are one project and findings only need to be made once. He advised that they are contained in Exhibit "2" of the staff report, and they just need to be revised to reflect any changes made to the Planning Commission's recommendation. Eric Toll advised that he will report back to the Board in the near future relative to the schedule, and then a determination can be made to bring the project back with revisions as directed, and the Board concurred. Attorney Abbott responded to questions from the Board relative to the status of this public hearing; and he recommended that this public hearing be closed and if the public portion needs to be reopened, that it could be renoticed.

The public hearing was closed. Attorney Abbott advised that because the hearing is closed, the record is closed and he recommended that the Board members not entertain testimony or exparte communication on this project, as the decision needs to be based on the record of proceedings.

CONSENT AGENDA:

- CA-1 Request the Board of Supervisors to Authorize Solicitation for Proposals to Perform the Annual Countywide Audit for a Period of Five Years (County Administrative Officer); Res. 03-218
- CA-2 Authorize the Chairman to Sign an Order of the Board to Reject Claim No. C03-3 for an Undisclosed Amount (County Counsel); Res. 03-219
- CA-3 Appoint Jeff Hornacek to the Yosemite West Planning Advisory Committee (Supervisor Stetson)
- CA-4 Adopt a Resolution Authorizing the District Attorney to Sign the Grant Award Agreement with the Office of Criminal Justice Planning for the Fiscal Year 2003-04 Victim Witness Program in the Amount of \$86,336 (District Attorney); Res. 03-220
- CA-5 Adopt a Resolution Authorizing the Health Officer to Sign a Contract Between Mariposa County Health Department and San Joaquin County Health Department for Participation in a Computerized Immunization Registry Program; Approve Budget Action Accepting \$15,196 in Unanticipated Revenue to Implement the Program and Increase General Contingency; and Authorize the Health Officer to Purchase a Computer for the Program (\$4,600) (4/5ths Vote Required) (Public Health Officer); Res. 03-221
- CA-6 Approve Budget Action Transferring Funds within the Probation Budget from Juvenile Detention County Vehicle to Juvenile Office Expense to Cover the Unanticipated Increase in the Cost of Postage (\$600) (Probation); Res. 03-222
- CA-7 Approve Budget Action Transferring Funds within the Probation Budget from Accounting Clerk III Salary to Probation Professional Services to Cover Expenses of a Temporary Employee Hired through Boyer Temporary Personnel and to Cover Costs Associated with a Medical Evaluation of an Employee (\$1,800) (Probation); Res. 03-223

- CA-8 Approve Budget Action Transferring Funds within the Human Services Budget from Equipment Under \$1000 to Computer Equipment to Purchase a Computer (\$1,419) (Human Services); Res. 03-224
- CA-9 Approve Budget Action Transferring \$26,050 within Fund 335 to Cover Additional Program Expenses for the Weatherization and Community Services Block Grant Programs (Human Services); Res. 03-225
- CA-10 Approve Budget Action Accepting \$18,253 in Unanticipated Revenue for Early and Periodic Screening, Diagnosis, and Treatment Program (E.P.S.D.T.) and Authorize the Expenditure of that Money in Mental Health (4/5ths Vote Required) (Human Services/Mental Health); Res. 03-226
- CA-11 Approve Budget Action Transferring Funds within the Yosemite West Maintenance District Budget to Cover Higher than Anticipated Utility Costs in the Water Division (\$9,000) (Public Works); Res. 03-227
- CA-12 Authorize the County to Participate in the 2002-2003 Optional Federal Apportionment Exchange and State Match Program for Regional Surface Transportation Program (RSTP) Funds and for the Chairman to Execute the Agreement Once Received from Caltrans (Public Works); Res. 03-228
- CA-13 Designate and Authorize the Public Works Director to Execute the Standard Agreements Pertaining to Federal Transit Administration (FTA) Section 5311 Program Funds (Public Works); Res. 03-229
- CA-14 Declare as Surplus, Assorted Furniture and Equipment and Authorize Public Works to Sell it to the Public at a Yard Sale to be held at the Airport. The Date, Time and Method of the Sale will be Determined by Public Works and Advertised in the Local Press. Any Items Not Sold Will be Donated to a Charitable Organization or Disposed of (Public Works/Facilities); Res. 03-230
- CA-15 Approve the Public Works Department to Provide Surplus Fill Dirt Material to the Veterans of Foreign Wars (VFW) Facility Located in Coulterville (Public Works/Roads); Res. 03-231
- CA-16 Approve Budget Action Transferring Funds within the Child Support Services Budget Unit from Training & Seminars to Office Expense to Purchase Postage (\$1,500) (Child Support Services); Res. 03-232
- CA-17 **LOCAL TRANSPORTATION COMMISSION**
 A) Adopt a Resolution Allocating Transportation Development Act (TDA) Funds for the FY 2002-03; LTC Res. 03-2
 B) Adopt a Resolution Allocating State Transit Assistance (STA) Funds for the FY 2002-03 (Public Works); LTC Res. 03-3

5:03 p.m. The meeting was continued to Wednesday, June 25, 2003, at 9:00 a.m. for public hearing on the final budget for fiscal year 2003-04, and for continued public hearing to consider unmet transit

needs; and was recessed in memory of Lillian Rose Essary, Richard “Rick” Freitas, Marjorie Marcia Bellew, and David Lewis.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA June 25, 2003 (Continued from June 24, 2003)

Time Description

9:14 a.m. Meeting Called to Order at the Mariposa County Government Center (meeting continued from June 24, 2003).

Pledge of Allegiance

LOCAL TRANSPORTATION COMMISSION

Continued Public Hearing to Consider Unmet Transit Needs

COMMISSION ACTION: The hearing was opened and continued to 11:00 a.m. this date.

Rich Inman, County Administrative Officer;

Public Hearing on the Final Budget for Fiscal Year 2003-04

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

Chairman Pickard called for public comment, and none was received.

Rich Inman presented the staff report. He acknowledged Mary Hodson's help and assistance, and the Auditor and staff's support. He also commended the departments for their help.

The Board reviewed the following budgets:

Health and Air Pollution: Discussion was held with Dr. Mosher, Health Officer, relative to the increase in the contribution for the County Medical Service Program. The Board concurred with the budgets as recommended.

Rich Inman advised that he will be bringing a request to upgrade the Social Workers from III to IV's to the Board.

General Purpose Revenue: The Board concurred with the budget as recommended.

Board of Supervisors: The Board concurred with the budget as recommended.

Administration: The Board concurred with the budget as recommended.

Audits: The Board concurred with the budget as recommended.

Assessment Appeals: The Board concurred with the budget as recommended.

Auditor: Ken Hawkins advised of a request scheduled on the Board's agenda for July 1st to transfer salary savings for extra help to provide training due to a pending retirement in the office. The Board concurred with the budget as recommended.

Government Center Debt: The Board concurred with the budget as recommended.

Treasurer/Tax Collector: Marjorie Wass, Treasurer/Tax Collector, advised that if there is a recall election in November, 2003, for the Governor, it will cost the County about \$45,000 to \$50,000 that has not been budgeted. The Board concurred with the budget as recommended.

County Clerk: The Board concurred with the budget as recommended.

Elections: The Board concurred with the budget as recommended.

Assessor/Recorder: The Board concurred with the budget as recommended.

County Counsel: Supervisor Parker noted that consideration was given to replacing the chair for the new County Counsel, and he stated he feels that consideration should also be given to replacing the desk. The Board concurred that the desk could be reviewed in the future. The Board concurred with the budget as recommended.

Personnel: Rich Inman advised that he will come back to the Board at a later time; however, he does not feel that a personnel director level position is required, but there is a need for some assistance. The Board concurred with the budget as recommended.

Tourism and Economic Development: Rich Inman advised of the reduction of professional services for website development. Rick Peresan, Technical Services Director, advised that the deadlines to submit request for proposals for the website development is June 30th. Rich advised that he is working on recommendations for the department, and he has provided the Board's ad hoc committee with a draft. Judie Beliera/Tourism and Economic Development Department, expressed concern with the budget for the website development, and she noted that there will be a considerable workload to do the input for the website. She also stated that she feels another computer will be necessary for the director or if another position is hired. The Board concurred with the budget as recommended.

Data Processing: Rich Inman advised that he did not recommend funding the request to increase the existing contingency to replace county operating software in case of a failure/disaster. The Board concurred with the budget as recommended.

District Attorney – SRVP: Bill Flaherty/DA-Victim Witness Coordinator, advised of recent information relative to the status of the grant funding and possible cuts. The Board concurred with the budget as recommended.

Sund-Pelosso: Rich Inman advised of issues relative to funding for renovation of the rock house. The Board concurred with the budget as recommended.

District Attorney – Prosecution: Supervisor Bibby asked about the status of the rental agreement for space at Sierra Stationers, and relative to budgeting for the rent. Rich Inman advised that he would recommend that rent be charged when staff is located in County facilities. The Board concurred with the budget as recommended.

District Attorney – Drug Enforcement Grant: Supervisor Bibby asked about the changes in funding the positions with the OCJP grant. Betty Halencak/DA-Legal Secretary, provided input relative to the positions and funding changes. The Board concurred with the budget as recommended.

District Attorney – Victim Witness: The Board concurred with the budget as recommended.

District Attorney – Children's Advocacy Center: The Board concurred with the budget as recommended.

Grand Jury: Rich Inman noted that he did not recommend funding the request for a computer. The Board concurred with the budget as recommended.

Law Library: The Board concurred with the budget as recommended.

Indigent Defense: The Board concurred with the budget as recommended.

Child Support Services: Rich Inman advised of State budget impacts on this budget, and he commended the Child Support Services Director for her work on this budget. Debbie Walton, Child Support Services Director, provided input relative to the State budget impacts.

Sheriff-Coroner: Rich Inman advised of the increase in the budget for fuel costs. Supervisor Bibby asked about considering a separate vehicle replacement budget for this department. Jim Allen/Sheriff, provided input; and advised that if a separate budget is created, he would also like for the depreciation replacement cost to be a separate line item going into their budget. Rich advised that he would like to work with Public Works on developing a proposal. The Board concurred with the budget as recommended.

Boating Safety: The Board concurred with the budget as recommended.

Jail: The Board concurred with the budget as recommended.

COPS Grant: The Board concurred with the budget as recommended.

SLESF Grant: The Board concurred with the budget as recommended.

Juvenile Detention: The Board concurred with the budget as recommended.

Probation: The Board concurred with the budget as recommended.

Juvenile Justice Crime Prevention Act: The Board concurred with the budget as recommended. Gail Neal, Chief Probation Officer, advised that she just received notice that there may be further budget cuts.

Fire: Rich Inman advised of recommended cuts in the requested budget for purchase of fire equipment and for the Bridgeport Fire Station. He advised that the Fire Chief has another source of funding for the slide-in pumps and will come back to the Board. Supervisor Bibby requested that if another source of funding is not found for the slide-in pumps that the matter be brought back to the Board for further consideration. She also requested that the Bridgeport Fire Station be kept on the list of needs for further consideration. Discussion was held relative to the budget, concerns relative to the use of fire trucks outside of the range of normal operations of duty, and relative to the “take home” vehicle use in County Departments. Rich advised that \$11,000 was included as a planning grant, and he advised that the Board should be authorizing any “take home” vehicle use.

10:21 a.m. Recess

10:52 a.m. Agricultural Commissioner: Rich Inman advised that he is still working on staffing issues for the department, and discussion was held. The Board concurred with the budget as recommended.

Cooperative Extension: Discussion was held relative to the status of the State’s budget and funding for this program. Supervisor Parker initiated discussion relative to the status of the shooting sports program, and issues relative to insurance coverage. Rich Inman advised that he will further review the insurance issues for the shooting sports program and the staffing issues between the Agricultural Commissioner and the Cooperative Extension functions.

The budget hearing was continued until after the following Local Transportation Commission matter.

11:02 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;

Continued PUBLIC HEARING to Consider Unmet Transit Needs (Continued from 5-20-03)

COMMISSION ACTION: Jim Petropulos and Annette Clark/Associate Transportation Planner, presented the staff report. Annette advised that the school sports program was reviewed, and it was determined that because that service would not be available to the general public, it is not an unmet transit need. She provided information on transportation funding and services being provided. Mary Williams, Community Services Director, responded to questions from the Commission relative to meeting the need for medical transportation services; clarified that additional funding is not being requested to meet the need for medical transportation for non-seniors who are referred by a local medical clinic; and relative to the disbursement of revenue received from providing the transit services.

The public portion of the hearing was opened. There was no public input. The public portion of the hearing was closed, and the Commission commenced with deliberations. (M)Pickard, (S)Stetson, LTC Res. 03-4 was adopted finding that the following is a new unmet transit need that is reasonable to meet: Mariposa County Transit will expand their medical transportation services to include non-seniors who are referred by a local medical clinic, with the service to be absorbed into the existing program at no additional cost; and finding that previously identified needs will continue to be met with the existing transit services/Ayes: Unanimous. The hearing was closed.

Jim Petropulos advised that the AB2928 maintenance funding for roads may not be available from the State until 2009.

11:26 a.m. The Board reconvened and discussion was held relative to the budget hearing schedule. The Board reviewed the following budgets:

Veterans' Services: The Board concurred with the budget as recommended.

Senior Services: The Board concurred with the budget as recommended.

Senior Nutrition: Supervisor Balmain advised of a request to increase the restaurant meal program by \$.25. Mary Williams, Community Services Director, advised that she requested something in writing from the Coulterville Café relative to the increase in costs for the restaurant meal program, and that the increased costs will be absorbed in the budget. The Board concurred with the budget as recommended.

Transit: The Board concurred with the budget as recommended.

Library: The Board concurred with the budget as recommended.

Library Literacy Program: The Board concurred with the budget as recommended.

Fish and Game: The Board concurred with the budget as recommended.

Forest Reserve HR2389: Supervisor Balmain initiated discussion relative to the need for a countywide chipping program, and he stated he feels there is a need for another Board member to be on the committee. The Board concurred with the budget as recommended.

Local Agency Formation Commission (LAFCo): Budget was continued for further discussion with the Planning Director.

Building Department: The Board concurred with the budget as recommended.

Mental Health: The Board concurred with the budget as recommended.

Social Services: The Board concurred with the budget as recommended.

Social Services Programs: The Board concurred with the budget as recommended.

Local Agency Formation Commission (LAFCo): Discussion was held with Eric Toll, Planning Director, relative to training costs, and he advised that LAFCo could cover the requested costs with off-setting revenue. Discussion was held relative to the status of the changes for LAFCo and special district representation. Eric advised that since we do not have any incorporated cities, the special districts are not required to join LAFCo. The Board concurred with the budget as recommended, and with increasing revenue to cover the training costs.

Planning: Discussion was held with Eric Toll, Planning Director. He advised that he would like to restructure the fees for the department so that they are on a cost-recovery basis and that should increase the projected revenue by \$25,000.

Planning – SDA Camp EIR: The Board concurred with the budget as recommended.

Planning – Deerwood Corporation EIR: The Board concurred with the budget as recommended.

Planning – Silvertip Resort EIR: The Board concurred with the budget as recommended.

Planning – Vallecito Specific Plan EIR: The Board concurred with the budget as recommended.

Planning – General Plan: Eric Toll, Planning Director, advised that \$64,000 is necessary to complete the General Plan Update; and he requested that \$14,000 be added to the \$100,000. Discussion was held relative to the consultant costs and budgeting for Title 17 review following adoption of the General Plan Update and costs for the area plans. The Board concurred with the request for \$64,000, but not with the balance of the request. Rich Inman advised that he will make adjustments to the budget accordingly.

Human Services Administration: The Board concurred with the budget as recommended.

Community Family Resources: The Board concurred with the budget as recommended.

Housing Development: The Board concurred with the budget as recommended.

Housing Authority Choice Voucher: The Board concurred with the budget as recommended.

Community Programs - CAA: The Board concurred with the budget as recommended.

Proposition 36 – Drug Court: The Board concurred with the budget as recommended.

Rich Inman advised that consideration of the reclassifications requests will be held on July 1st in the afternoon.

12:17 p.m. Lunch

2:12 p.m. Chairman Pickard called for public comments, and none were received.

The Board reviewed the following Public Works budgets with the following staff members present: Jim Petropulos/Public Works Director; Carl Casey/Fiscal Officer; and Barbara Carrier/Accounting Technician.

Facility Maintenance: Carl Casey advised that the line items for roofing maintenance, HVAC maintenance and electrical program were combined with the maintenance building line item, and he requested that consideration be given to adding \$10,000 to this line item. Discussion was held relative to equipment replacement. The Board concurred with the budget as recommended.

Airport Operations and Hangars: Rich Inman stated he would like to look at the fee structure for the hangars and look at the possibility of constructing more hangars. The Board concurred with the budget as recommended.

Public Works Administration: Jim Petropulos advised of the request for \$2,000 funding for overtime, and he stated he will come back with a budget adjustment in the future. The Board concurred with the budget as recommended.

Regional Transit Services: The Board concurred with the budget as recommended.

Parks and Recreation: Discussion was held. The Board concurred with the budget as recommended.

Local Transportation: The Board concurred with the budget as recommended.

State Transit Assistance: Carl Casey advised that there is an increase in the projected fund balance. Rich Inman advised that he will include this adjustment in the final budget.

Transportation Planning: The Board concurred with the budget as recommended.

Pedestrian Bikeway: Discussion was held relative to using these funds for clean-up along the Creek Parkway path, and weed spraying. The Board concurred with the budget as recommended.

Roads and Roads – Special Projects: Rich Inman noted the increase in the contribution from the General Fund to the road budget from 1.3 to 1.6 million dollars. Discussion was held relative to the budget for materials and a dust abatement program. It was noted that FEMA disallowed \$51,000 for erosion control and adjustments will be made during the final budget. Rich Inman presented a proposed three-year road maintenance project program. Discussion was held. Supervisor Bibby asked about maintenance/patching on Old Highway from Yaqui Gulch Road to Schoolhouse Road. Supervisor Balmain asked about the dust abatement program. Supervisor Parker asked about the status of the fund for the bridge replacement on Old Highway. Jim Petropulos advised of his meeting with CalTrans relative to this issue, and he advised that the County can reprogram those dollars; however, the funds will not be available for two to three years. Supervisor Bibby asked about getting information on expenditures for past road maintenance, and Jim advised that they can provide that information. Supervisor Parker requested that the General Fund contribution to this budget be identified as such, and that increases show as a one-time contribution. Further discussion was held relative to the maintenance program and increased costs in the budget, and the Board concurred with further reviewing the three-year maintenance program when discussing the prioritization of road projects. The Board concurred with the budgets as recommended.

Solid Waste: Carl Casey advised of the closure/post closure costs and requested that this line item be increased to \$50,000, with the Contingency for this budget being reduced by \$15,000. The Board concurred with this change.

Solid Waste Closure: The Board concurred with the recommended budget with the change to increase the revenue line item to \$50,000 and the miscellaneous expense line item by \$15,000.

Solid Waste Liner Replacement: The Board concurred with the budget as recommended.

Solid Waste Special Project/Compost Project: The Board concurred with the budget as recommended.

Fleet Maintenance: Following discussion, the Board concurred with increasing the long term debt to cover the annual lease payment for the hydraulic lift in the amount of \$8,394, and decreasing the projected fund balance by the same amount.

Fire Vehicle Replacement: The Board concurred with the budget as recommended.

Vehicle Replacement: Jim Petropulos advised of the vehicle replacement list that was included in the budget request. Discussion was held relative to the budget, including postponing the purchase of vehicles. It was noted that the purchase of fixed assets would be authorized by the approval of the final budget. The Board concurred with the budget as recommended.

Heavy Equipment Replacement: The Board concurred with the budget as recommended.

3:38 p.m. Recess

3:59 p.m. Chairman Pickard advised of a request received from the United Way Treasurer for the Board to provide a letter to their President supporting the Mariposa Chapter. (M)Balmain, (S)Stetson, to waive the rules to consider this request, finding it is a matter of timeliness, was withdrawn by the maker and second following further discussion. It was noted that the Board had previously supported the local Chapter and authorized payroll deductions. It was agreed that the Chairman could send a letter reiterating the Board's support.

Water Agency: Discussion was held relative to requests for funding for the Don Pedro waste water system, the Yosemite West EDU bank, and for a feasibility study for MPUD to extend their water, sewer lines to the Ben Hur/Fairgrounds vicinity, and hazardous materials clean-up projects. (M)Balmain, (S)Parker, Res. 03-243 was adopted transferring \$168,000 from Special Department (projects) to Don Pedro Waste Water Treatment Plant project, and transferring \$35,000 from the Hazardous Materials Clean-up CIP Fund for the MPUD feasibility study project/Ayes: Unanimous.

Coulterville Lighting: The Board concurred with the budget as recommended.

Coulterville Service Area: The Board concurred with the budget as recommended.

Don Pedro Service Area 1M: Supervisor Balmain initiated discussion relative to maintenance of the trail system, and the status of the fund balance. The Board concurred with the budget as recommended.

Don Pedro Sewer: The Board concurred with the budget as recommended.

Hornitos Lighting: The Board concurred with the budget as recommended.

Mariposa Lighting: The Board concurred with the budget as recommended.

Mariposa Parking: Supervisor Parker initiated discussion relative to the status of the fund balance, and relative to development of the Womack property for a parking lot, and the status of the lease agreement for the parking lot behind the Chevron station. He also advised of information he received relative to the possible availability of a sliver of land behind Shockley's business downtown and an adjoining piece that the County may have an interest in. Following discussion, (M)Parker, (S)Balmain, Res. 03-244 was adopted increasing transfers-in by \$8,000 to this budget for consideration of property acquisition/Ayes: Unanimous.

Mariposa Pines Sewer: The Board concurred with the budget as recommended.

Wawona Service Area: The Board concurred with the budget as recommended.

Yosemite West Maintenance: The Board concurred with the budget as recommended.

4:43 p.m. Recess

5:05 p.m. Capital Improvement Projects: Jim Petropulos advised that they are still reviewing the Hall of Records bathroom remodel project; they are working on the Greeley Hill Community Center project; and they are getting ready to bid the materials for the Red Cloud Park restroom project and there may be additional work needed on the leach field. (M)Parker, (S)Bibby, Res. 03-245 was adopted moving the balance of \$2,486 from the Woodland ball field project to the Mariposa ball field project/Ayes: Unanimous.

Interfund Transfers: The Board concurred with the budget as recommended.

Risk Management: The Board concurred with the budget as recommended.

Contingency - General: The Board concurred with the budget as recommended.

Board members complimented the entire staff for work on the budget.

The budget hearing was continued to July 1, 2003, at 2:00 p.m.

5:17 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA June 25, 2003 (Continued from June 24, 2003)

Time Description

9:14 a.m. Meeting Called to Order at the Mariposa County Government Center (meeting continued from June 24, 2003).

Pledge of Allegiance

LOCAL TRANSPORTATION COMMISSION

Continued Public Hearing to Consider Unmet Transit Needs

COMMISSION ACTION: The hearing was opened and continued to 11:00 a.m. this date.

Rich Inman, County Administrative Officer;

Public Hearing on the Final Budget for Fiscal Year 2003-04

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

Chairman Pickard called for public comment, and none was received.

Rich Inman presented the staff report. He acknowledged Mary Hodson's help and assistance, and the Auditor and staff's support. He also commended the departments for their help.

The Board reviewed the following budgets:

Health and Air Pollution: Discussion was held with Dr. Mosher, Health Officer, relative to the increase in the contribution for the County Medical Service Program. The Board concurred with the budgets as recommended.

Rich Inman advised that he will be bringing a request to upgrade the Social Workers from III to IV's to the Board.

General Purpose Revenue: The Board concurred with the budget as recommended.

Board of Supervisors: The Board concurred with the budget as recommended.

Administration: The Board concurred with the budget as recommended.

Audits: The Board concurred with the budget as recommended.

Assessment Appeals: The Board concurred with the budget as recommended.

Auditor: Ken Hawkins advised of a request scheduled on the Board's agenda for July 1st to transfer salary savings for extra help to provide training due to a pending retirement in the office. The Board concurred with the budget as recommended.

Government Center Debt: The Board concurred with the budget as recommended.

Treasurer/Tax Collector: Marjorie Wass, Treasurer/Tax Collector, advised that if there is a recall election in November, 2003, for the Governor, it will cost the County about \$45,000 to \$50,000 that has not been budgeted. The Board concurred with the budget as recommended.

County Clerk: The Board concurred with the budget as recommended.

Elections: The Board concurred with the budget as recommended.

Assessor/Recorder: The Board concurred with the budget as recommended.

County Counsel: Supervisor Parker noted that consideration was given to replacing the chair for the new County Counsel, and he stated he feels that consideration should also be given to replacing the desk. The Board concurred that the desk could be reviewed in the future. The Board concurred with the budget as recommended.

Personnel: Rich Inman advised that he will come back to the Board at a later time; however, he does not feel that a personnel director level position is required, but there is a need for some assistance. The Board concurred with the budget as recommended.

Tourism and Economic Development: Rich Inman advised of the reduction of professional services for website development. Rick Peresan, Technical Services Director, advised that the deadlines to submit request for proposals for the website development is June 30th. Rich advised that he is working on recommendations for the department, and he has provided the Board's ad hoc committee with a draft. Judie Beliera/Tourism and Economic Development Department, expressed concern with the budget for the website development, and she noted that there will be a considerable workload to do the input for the website. She also stated that she feels another computer will be necessary for the director or if another position is hired. The Board concurred with the budget as recommended.

Data Processing: Rich Inman advised that he did not recommend funding the request to increase the existing contingency to replace county operating software in case of a failure/disaster. The Board concurred with the budget as recommended.

District Attorney – SRVP: Bill Flaherty/DA-Victim Witness Coordinator, advised of recent information relative to the status of the grant funding and possible cuts. The Board concurred with the budget as recommended.

Sund-Pelosso: Rich Inman advised of issues relative to funding for renovation of the rock house. The Board concurred with the budget as recommended.

District Attorney – Prosecution: Supervisor Bibby asked about the status of the rental agreement for space at Sierra Stationers, and relative to budgeting for the rent. Rich Inman advised that he would recommend that rent be charged when staff is located in County facilities. The Board concurred with the budget as recommended.

District Attorney – Drug Enforcement Grant: Supervisor Bibby asked about the changes in funding the positions with the OCJP grant. Betty Halencak/DA-Legal Secretary, provided input relative to the positions and funding changes. The Board concurred with the budget as recommended.

District Attorney – Victim Witness: The Board concurred with the budget as recommended.

District Attorney – Children's Advocacy Center: The Board concurred with the budget as recommended.

Grand Jury: Rich Inman noted that he did not recommend funding the request for a computer. The Board concurred with the budget as recommended.

Law Library: The Board concurred with the budget as recommended.

Indigent Defense: The Board concurred with the budget as recommended.

Child Support Services: Rich Inman advised of State budget impacts on this budget, and he commended the Child Support Services Director for her work on this budget. Debbie Walton, Child Support Services Director, provided input relative to the State budget impacts.

Sheriff-Coroner: Rich Inman advised of the increase in the budget for fuel costs. Supervisor Bibby asked about considering a separate vehicle replacement budget for this department. Jim Allen/Sheriff, provided input; and advised that if a separate budget is created, he would also like for the depreciation replacement cost to be a separate line item going into their budget. Rich advised that he would like to work with Public Works on developing a proposal. The Board concurred with the budget as recommended.

Boating Safety: The Board concurred with the budget as recommended.

Jail: The Board concurred with the budget as recommended.

COPS Grant: The Board concurred with the budget as recommended.

SLESF Grant: The Board concurred with the budget as recommended.

Juvenile Detention: The Board concurred with the budget as recommended.

Probation: The Board concurred with the budget as recommended.

Juvenile Justice Crime Prevention Act: The Board concurred with the budget as recommended. Gail Neal, Chief Probation Officer, advised that she just received notice that there may be further budget cuts.

Fire: Rich Inman advised of recommended cuts in the requested budget for purchase of fire equipment and for the Bridgeport Fire Station. He advised that the Fire Chief has another source of funding for the slide-in pumps and will come back to the Board. Supervisor Bibby requested that if another source of funding is not found for the slide-in pumps that the matter be brought back to the Board for further consideration. She also requested that the Bridgeport Fire Station be kept on the list of needs for further consideration. Discussion was held relative to the budget, concerns relative to the use of fire trucks outside of the range of normal operations of duty, and relative to the “take home” vehicle use in County Departments. Rich advised that \$11,000 was included as a planning grant, and he advised that the Board should be authorizing any “take home” vehicle use.

10:21 a.m. Recess

10:52 a.m. Agricultural Commissioner: Rich Inman advised that he is still working on staffing issues for the department, and discussion was held. The Board concurred with the budget as recommended.

Cooperative Extension: Discussion was held relative to the status of the State’s budget and funding for this program. Supervisor Parker initiated discussion relative to the status of the shooting sports program, and issues relative to insurance coverage. Rich Inman advised that he will further review the insurance issues for the shooting sports program and the staffing issues between the Agricultural Commissioner and the Cooperative Extension functions.

The budget hearing was continued until after the following Local Transportation Commission matter.

11:02 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;

Continued PUBLIC HEARING to Consider Unmet Transit Needs (Continued from 5-20-03)

COMMISSION ACTION: Jim Petropulos and Annette Clark/Associate Transportation Planner, presented the staff report. Annette advised that the school sports program was reviewed, and it was determined that because that service would not be available to the general public, it is not an unmet transit need. She provided information on transportation funding and services being provided. Mary Williams, Community Services Director, responded to questions from the Commission relative to meeting the need for medical transportation services; clarified that additional funding is not being requested to meet the need for medical transportation for non-seniors who are referred by a local medical clinic; and relative to the disbursement of revenue received from providing the transit services.

The public portion of the hearing was opened. There was no public input. The public portion of the hearing was closed, and the Commission commenced with deliberations. (M)Pickard, (S)Stetson, LTC Res. 03-4 was adopted finding that the following is a new unmet transit need that is reasonable to meet: Mariposa County Transit will expand their medical transportation services to include non-seniors who are referred by a local medical clinic, with the service to be absorbed into the existing program at no additional cost; and finding that previously identified needs will continue to be met with the existing transit services/Ayes: Unanimous. The hearing was closed.

Jim Petropulos advised that the AB2928 maintenance funding for roads may not be available from the State until 2009.

11:26 a.m. The Board reconvened and discussion was held relative to the budget hearing schedule. The Board reviewed the following budgets:

Veterans' Services: The Board concurred with the budget as recommended.

Senior Services: The Board concurred with the budget as recommended.

Senior Nutrition: Supervisor Balmain advised of a request to increase the restaurant meal program by \$.25. Mary Williams, Community Services Director, advised that she requested something in writing from the Coulterville Café relative to the increase in costs for the restaurant meal program, and that the increased costs will be absorbed in the budget. The Board concurred with the budget as recommended.

Transit: The Board concurred with the budget as recommended.

Library: The Board concurred with the budget as recommended.

Library Literacy Program: The Board concurred with the budget as recommended.

Fish and Game: The Board concurred with the budget as recommended.

Forest Reserve HR2389: Supervisor Balmain initiated discussion relative to the need for a countywide chipping program, and he stated he feels there is a need for another Board member to be on the committee. The Board concurred with the budget as recommended.

Local Agency Formation Commission (LAFCo): Budget was continued for further discussion with the Planning Director.

Building Department: The Board concurred with the budget as recommended.

Mental Health: The Board concurred with the budget as recommended.

Social Services: The Board concurred with the budget as recommended.

Social Services Programs: The Board concurred with the budget as recommended.

Local Agency Formation Commission (LAFCo): Discussion was held with Eric Toll, Planning Director, relative to training costs, and he advised that LAFCo could cover the requested costs with off-setting revenue. Discussion was held relative to the status of the changes for LAFCo and special district representation. Eric advised that since we do not have any incorporated cities, the special districts are not required to join LAFCo. The Board concurred with the budget as recommended, and with increasing revenue to cover the training costs.

Planning: Discussion was held with Eric Toll, Planning Director. He advised that he would like to restructure the fees for the department so that they are on a cost-recovery basis and that should increase the projected revenue by \$25,000.

Planning – SDA Camp EIR: The Board concurred with the budget as recommended.

Planning – Deerwood Corporation EIR: The Board concurred with the budget as recommended.

Planning – Silvertip Resort EIR: The Board concurred with the budget as recommended.

Planning – Vallecito Specific Plan EIR: The Board concurred with the budget as recommended.

Planning – General Plan: Eric Toll, Planning Director, advised that \$64,000 is necessary to complete the General Plan Update; and he requested that \$14,000 be added to the \$100,000. Discussion was held relative to the consultant costs and budgeting for Title 17 review following adoption of the General Plan Update and costs for the area plans. The Board concurred with the request for \$64,000, but not with the balance of the request. Rich Inman advised that he will make adjustments to the budget accordingly.

Human Services Administration: The Board concurred with the budget as recommended.

Community Family Resources: The Board concurred with the budget as recommended.

Housing Development: The Board concurred with the budget as recommended.

Housing Authority Choice Voucher: The Board concurred with the budget as recommended.

Community Programs - CAA: The Board concurred with the budget as recommended.

Proposition 36 – Drug Court: The Board concurred with the budget as recommended.

Rich Inman advised that consideration of the reclassifications requests will be held on July 1st in the afternoon.

12:17 p.m. Lunch

2:12 p.m. Chairman Pickard called for public comments, and none were received.

The Board reviewed the following Public Works budgets with the following staff members present: Jim Petropulos/Public Works Director; Carl Casey/Fiscal Officer; and Barbara Carrier/Accounting Technician.

Facility Maintenance: Carl Casey advised that the line items for roofing maintenance, HVAC maintenance and electrical program were combined with the maintenance building line item, and he requested that consideration be given to adding \$10,000 to this line item. Discussion was held relative to equipment replacement. The Board concurred with the budget as recommended.

Airport Operations and Hangars: Rich Inman stated he would like to look at the fee structure for the hangars and look at the possibility of constructing more hangars. The Board concurred with the budget as recommended.

Public Works Administration: Jim Petropulos advised of the request for \$2,000 funding for overtime, and he stated he will come back with a budget adjustment in the future. The Board concurred with the budget as recommended.

Regional Transit Services: The Board concurred with the budget as recommended.

Parks and Recreation: Discussion was held. The Board concurred with the budget as recommended.

Local Transportation: The Board concurred with the budget as recommended.

State Transit Assistance: Carl Casey advised that there is an increase in the projected fund balance. Rich Inman advised that he will include this adjustment in the final budget.

Transportation Planning: The Board concurred with the budget as recommended.

Pedestrian Bikeway: Discussion was held relative to using these funds for clean-up along the Creek Parkway path, and weed spraying. The Board concurred with the budget as recommended.

Roads and Roads – Special Projects: Rich Inman noted the increase in the contribution from the General Fund to the road budget from 1.3 to 1.6 million dollars. Discussion was held relative to the budget for materials and a dust abatement program. It was noted that FEMA disallowed \$51,000 for erosion control and adjustments will be made during the final budget. Rich Inman presented a proposed three-year road maintenance project program. Discussion was held. Supervisor Bibby asked about maintenance/patching on Old Highway from Yaqui Gulch Road to Schoolhouse Road. Supervisor Balmain asked about the dust abatement program. Supervisor Parker asked about the status of the fund for the bridge replacement on Old Highway. Jim Petropulos advised of his meeting with CalTrans relative to this issue, and he advised that the County can reprogram those dollars; however, the funds will not be available for two to three years. Supervisor Bibby asked about getting information on expenditures for past road maintenance, and Jim advised that they can provide that information. Supervisor Parker requested that the General Fund contribution to this budget be identified as such, and that increases show as a one-time contribution. Further discussion was held relative to the maintenance program and increased costs in the budget, and the Board concurred with further reviewing the three-year maintenance program when discussing the prioritization of road projects. The Board concurred with the budgets as recommended.

Solid Waste: Carl Casey advised of the closure/post closure costs and requested that this line item be increased to \$50,000, with the Contingency for this budget being reduced by \$15,000. The Board concurred with this change.

Solid Waste Closure: The Board concurred with the recommended budget with the change to increase the revenue line item to \$50,000 and the miscellaneous expense line item by \$15,000.

Solid Waste Liner Replacement: The Board concurred with the budget as recommended.

Solid Waste Special Project/Compost Project: The Board concurred with the budget as recommended.

Fleet Maintenance: Following discussion, the Board concurred with increasing the long term debt to cover the annual lease payment for the hydraulic lift in the amount of \$8,394, and decreasing the projected fund balance by the same amount.

Fire Vehicle Replacement: The Board concurred with the budget as recommended.

Vehicle Replacement: Jim Petropulos advised of the vehicle replacement list that was included in the budget request. Discussion was held relative to the budget, including postponing the purchase of vehicles. It was noted that the purchase of fixed assets would be authorized by the approval of the final budget. The Board concurred with the budget as recommended.

Heavy Equipment Replacement: The Board concurred with the budget as recommended.

3:38 p.m. Recess

3:59 p.m. Chairman Pickard advised of a request received from the United Way Treasurer for the Board to provide a letter to their President supporting the Mariposa Chapter. (M)Balmain, (S)Stetson, to waive the rules to consider this request, finding it is a matter of timeliness, was withdrawn by the maker and second following further discussion. It was noted that the Board had previously supported the local Chapter and authorized payroll deductions. It was agreed that the Chairman could send a letter reiterating the Board's support.

Water Agency: Discussion was held relative to requests for funding for the Don Pedro waste water system, the Yosemite West EDU bank, and for a feasibility study for MPUD to extend their water, sewer lines to the Ben Hur/Fairgrounds vicinity, and hazardous materials clean-up projects. (M)Balmain, (S)Parker, Res. 03-243 was adopted transferring \$168,000 from Special Department (projects) to Don Pedro Waste Water Treatment Plant project, and transferring \$35,000 from the Hazardous Materials Clean-up CIP Fund for the MPUD feasibility study project/Ayes: Unanimous.

Coulterville Lighting: The Board concurred with the budget as recommended.

Coulterville Service Area: The Board concurred with the budget as recommended.

Don Pedro Service Area 1M: Supervisor Balmain initiated discussion relative to maintenance of the trail system, and the status of the fund balance. The Board concurred with the budget as recommended.

Don Pedro Sewer: The Board concurred with the budget as recommended.

Hornitos Lighting: The Board concurred with the budget as recommended.

Mariposa Lighting: The Board concurred with the budget as recommended.

Mariposa Parking: Supervisor Parker initiated discussion relative to the status of the fund balance, and relative to development of the Womack property for a parking lot, and the status of the lease agreement for the parking lot behind the Chevron station. He also advised of information he received relative to the possible availability of a sliver of land behind Shockley's business downtown and an adjoining piece that the County may have an interest in. Following discussion, (M)Parker, (S)Balmain, Res. 03-244 was adopted increasing transfers-in by \$8,000 to this budget for consideration of property acquisition/Ayes: Unanimous.

Mariposa Pines Sewer: The Board concurred with the budget as recommended.

Wawona Service Area: The Board concurred with the budget as recommended.

Yosemite West Maintenance: The Board concurred with the budget as recommended.

4:43 p.m. Recess

5:05 p.m. Capital Improvement Projects: Jim Petropulos advised that they are still reviewing the Hall of Records bathroom remodel project; they are working on the Greeley Hill Community Center project; and they are getting ready to bid the materials for the Red Cloud Park restroom project and there may be additional work needed on the leach field. (M)Parker, (S)Bibby, Res. 03-245 was adopted moving the balance of \$2,486 from the Woodland ball field project to the Mariposa ball field project/Ayes: Unanimous.

Interfund Transfers: The Board concurred with the budget as recommended.

Risk Management: The Board concurred with the budget as recommended.

Contingency - General: The Board concurred with the budget as recommended.

Board members complimented the entire staff for work on the budget.

The budget hearing was continued to July 1, 2003, at 2:00 p.m.

5:17 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board