

DEPARTMENT: Board of Supervisors

BY: Doug Balmain

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Discussion and possible action relative to amendment of the Mariposa County Road Policy of 1991.

This is a request to amend the Policy to allow the Board of Supervisors to take appropriate action to substitute a road that is not in the County Maintained Road System for a road that is currently in the County Maintained Road System when the proposed road to be included serves a higher public purpose than the road to be removed.

The Mariposa County Road Policy (copy attached) requires for a road to be accepted into the County Maintained Road System a recommendation by the Planning Commission and County Engineer. The suggested policy change would not require a recommendation by the Planning Commission but only by the County Engineer (Public Works Director) in circumstances where the Public Works Director determines that a road which is currently in the County Maintained Road System is no longer needed to be maintained by the County and a road of similar proportions which is not in the County Maintained Road System serves a higher public interest and therefore should be substituted for the road which serves the lower or no public interest.

The Public Works Director's comments contained in his memo of June 17, 2003 is attached for your information. The Planning Director was also asked to provide comments and his recommendation was for the policy to be postponed to be incorporated with the General Plan Update.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

This matter was on the Board's agenda for May 27, 2003 at which time the Board directed that it be placed back on the Board's agenda at a later date.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		Mariposa County Road Policy of 1991
Source:		Proposed Road Policy Amendment
Internal Transfer		Memo from Jim Petropulos, Public Works Director
Unanticipated Revenue	4/5's vote	
Transfer Between Funds	4/5's vote	
Contingency	4/5's vote	
() General () Other		

CLERK'S USE ONLY:

Res. No. 13-270 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved _____
 () Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended _____
 No Opinion _____
 Comments: _____

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

CAO: DA



COUNTY of MARIPOSA

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Mariposa, CA 95338
(209) 966-5356

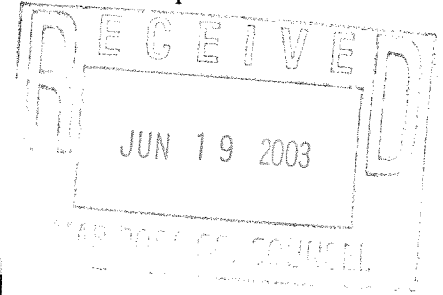
DEPARTMENT OF PUBLIC WORKS

Divisions of:

- Design & Construction
- Administration
- Operations


James J. Petropulos
Director

June 17, 2003



M E M O

To: Jeffrey Green, Co. Counsel

FROM:  James J. Petropulos, Public Works Director

SUBJECT: **Proposed Mariposa County Road Policy Amendment**

Thank you for the opportunity to review and comment on the proposed Road Policy Amendment. In general I agree with the amendment and have no problem with it. I am concerned however that it may not allow for the substitution of the County Road to be deleted because some "jail house lawyer" may argue what is meant by higher public purpose. I guess if the Public Works Director can argue the benefits of including a certain road to the point of convincing the Board that is all that matters.

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PROPOSED MARIPOSA COUNTY ROAD POLICY AMENDMENT

The Board of Supervisors directed Supervisor Balmain to return to the Board of Supervisors with a proposed policy to allow the Board to take appropriate action to substitute a road that is not in the County Maintained Road System for a road that is currently in the County Maintained Road System when the road to be included serves a higher public purpose than the road to be removed. Based upon the direction of the Board, the following amendment is provided to the Board for discussion. Add the following language to paragraph H "Acceptance", 4-d.

"d. Notwithstanding anything to the contrary contained in this Section H, a road may be accepted into the County Maintained Road System by action of the Board of Supervisors upon the following conditions: Upon a recommendation by the Public Works Director that a road currently in the County Maintained Road System no longer serves a general public purpose and that road should be deleted from the County Maintained Road System, and a road not currently in the County Maintained Road System of approximately equal distance does in fact serve a higher public purpose than the road to be deleted shall be included in the County Maintained Road System in substitution of the County road to be deleted if the Board of Supervisors makes a finding it is substantially in the general public interest to include the new road in the County Maintained Road System."