



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA October 1, 2002



Time Description

9:07 a.m. Meeting Called to Order

Pledge of Allegiance led by Marcus Hollan and Santiago Palacio, Future Farmers of America (FFA) members.

Introductions

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

- Lyle Turpin, on behalf of the Farm Bureau, applauded the efforts of the Board for funding the trapper program. He also commented on efforts by RCRC and California State Farm Bureau relative to retaining the arts subvention funding.

- Chairman Stewart advised that Leota Striplin wanted everyone to know about the taco salad fundraiser event by the Golden Oaks Lions Club.

- Leota Striplin thanked the Board members and everyone for their thoughts and concern during her recent illness.

Chairman Stewart advised of an off-agenda request relative to accepting Global Electric Motorcars (GEMcars) from Daimler Chrysler Company in conjunction with the Park Service, for trial as a part of their experimental program. (M)Balmain, (S)Reilly, the Board waived rules requiring 72 hours agenda noticing to consider this request finding it was not known about at the time the agenda was prepared and action is necessary prior to the next Board meeting due to the October 2nd deadline for submitting the acceptance of the offer of the GEMcars/Ayes: Reilly, Balmain, Stewart, Parker; Noes: Pickard. Discussion was held concerning the request and relative to taking this matter off-agenda. (M)Balmain, (S)Reilly, Res. 02-364 was adopted approving the Offer and Agreement for the GEMcar Donation Program, subject to County Counsel's approval, for five vehicles/Ayes: Reilly, Balmain, Stewart, Parker; Noes: Pickard.

Board Information – none.

Supervisor Stewart;

Discussion and Direction to Staff Regarding the Closing of the Regional Ag Education Offices

BOARD ACTION: Wayne Forsythe, High School Agriculture Instructor, advised of Delaine Eastin's, Superintendent of Public Instruction, decision to close the regional ag education offices.

Santiago Palacio, FFA member, stated he is a senior at the High School and this is his first year in the ag program. He noted that he has a strong academic schedule and he got involved in the welding program. He stated he is learning a lot about the values of the FFA program, and he realizes that this keeps a lot of students that have trouble with the academic curriculum in school. He urged the Board's support of keeping the regional offices open.

Marcus Hollan, FFA Chapter Reporter and Sectional Vice-President, stated he was a 4-H member and has been an FFA member for four years. He referred to the experiences and opportunities this membership has afforded him, including leadership skills. He stated he personally knows the Regional Coordinator and she dedicates her life to the FFA program and the students. He also advised that he is participating in the prepared public speaking contest again this year; and that he serves as the Student Body President at the High School because of his experiences

with this program. He urged the Board to consider the impact the closure of the Regional Offices will have on the 55,000 FFA members in the State.

Wayne Forsythe noted that he feels the FFA program is an investment in the future and he requested the Board's support.

Discussion was held concerning the request, and Board members requested that the draft letter opposing the closure of the Regional Offices be worded stronger. (M)Pickard, (S)Parker, Res. 02-363 was adopted approving a letter to the Superintendent of Public Instruction strongly opposing the closure of the Regional Ag Education Offices, with direction for distribution of the letter/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

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

Jeff Green, County Counsel/Interim Personnel Director;

A) Direction to Staff to Work with the Mariposa County Museum and History Center Board of Directors or Its Designees, the Northside History Center or Its Designees, and the Historic Sites and Records Commission or Its Representatives to Establish a Policy Relative to Review of County Records for Historical Content, Storage of Historically Significant Records, Access to Historically Significant Records, and Care and Preservation of Historically Significant Records

BOARD ACTION: Following discussion, (M)Pickard, (S)Parker, direction was given as requested. Supervisor Reilly requested that the Clerk of the Board be involved in providing input to the committee. Ayes: Unanimous.

Don Weston, outgoing President of the Mariposa County Museum and History Center Board of Directors, introduced Patti McGregor, the new President as of October 20th. He thanked the Board for its support during his Presidency. Patti McGregor commented on her new role. She also referred to her experience with an FFA Conference and the amazing skills the students learn. She stated she feels that the Ag Incentive and coordination with the ROP program for the students are very important to maintaining a successful program.

B) (1) Approve the Proposed Class Specification and Designation of Personnel Officer/Risk Manager and Set the Salary Range at 278 (\$3,771 - \$4,584); Authorize the Allocation of the Position in the Personnel Budget Unit Effective Immediately; (2) Designate the Personnel Officer/Risk Manager as a Confidential Employee and Overtime Exempt

BOARD ACTION: Following discussion, (M)Pickard, (S)Parker, Res. 02-369 was adopted/Ayes: Unanimous.

9:54 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;

Project Update from CalTrans Staff Regarding Stop Sign Installation at the Intersection of Highway 140/49N

COMMISSION ACTION: Jim Petropulos advised that he invited Dinah Bortner/Chief of Maintenance and Safety Operations, and Mark Orr/Traffic Engineer - Safety Operations, of the District 10 Office for CalTrans to discuss the stop sign installation project with the Commission. He further advised that Dinah Bortner is not present; however, it is her position that this project is a safety issue. Discussion was held relative to issues that have been raised relative to this project in regard to the steepness of the grade coming into town – especially during icy conditions, the level of service/flow of traffic, and the impact the stop signs will have on the town. Jim noted that CalTrans is hoping to eliminate or reduce the traffic accidents at the intersection.

Mark Orr presented accident information for 1999 – 2001. Further discussion was continued for the following hearing to be opened.

10:02 a.m. Public hearing to consider the appeal of the Planning Director's Notices of Violation in Yosemite West for the Kroons was opened and continued to after the following matter.

Further discussion was held relative to the stop sign project and the accident statistics that were presented. Commissioner Stewart stated he feels that some of the accidents in the area do not appear to be related to the intersection.

Amy Roberts, PWD/Transportation Planner, suggested that if the project is constructed, that it be sympathetic to our landscape and community.

Eric Toll, Planning Director, advised that they did not get accident reports when developing the General Plan Update. He noted the Mariposa Town Task Force has been established and part of their scope will be to review the circulation element. He also stated he does not feel a 4-way stop is warranted, or is there a safety need. He referred to the differences in the types of traffic in this area, and he stated he does not feel there has been any contact with CalTrans relative to environmental review or traffic data. He also stated that he feels 4-way stops have caused problems in other areas. Commissioner Pickard asked about coordinating the left-turn lane project at Smith Road with this project. Commissioner Stewart stated he feels there are other intersections in the County that have high accidents rates.

Trudy Williams asked about addressing the differences between 4-way stops and stop lights and the dynamics between these two types of projects. Mark Orr responded with information relative to their experiences.

Jim Petropulos suggested that the intersections in the County be addressed as a policy issue. Commissioner Stewart advised of his request for Public Works staff to look at the accident that occurred this morning at the Old Highway bridge, and he noted it involved some heavy equipment.

10:31 a.m. Recess

10:45 a.m. Eric Toll, Planning Director;

PUBLIC HEARING: Appeal of Planning Director's Notices of Violation Regarding Transient Rental Use Without Permits and Certificates on Three Parcels in Yosemite West; Yosemite West Lodging, Inc./Thomas and Eva Kroon and Oliver Saunders, Esquire, Appellants

BOARD ACTION: The appellants had a court reporter present for the hearing to record the proceedings.

Eric Toll advised that the property owner has been unable to provide any evidence that the transient rental use is a legal, non-conforming use. Nothing has been provided showing that the use was legally established prior to the various dates in the Code that would have affected them. He further stated that if a shred of evidence had been provided, they would have grandfathered the use.

Sarah Williams, Planning Manager, presented the staff report and advised that this appeal involves three separate parcels in Yosemite West. She reviewed requirements for transient rental uses contained in Title 3 relative to Revenue and Finance, and Title 17 relative to Transient Rentals and land use of the County Code. In order to establish a legal non-conforming use, all applicable code requirements must be met. She reviewed the history, and advised that because of the moratorium, transient rental permits could not be issued at this time. She said the appellants are claiming that these uses conform based on the establishment of their office. She reviewed the dates and requirements for transient use and the history of the Kroon's operations and opening of their office, and advised that the Kroons acquired the properties after the use permits were required.

The public portion of the hearing was opened.

Appellants presentation:

Attorney Saunders, representing the appellants, thanked the Board for agreeing to hear this appeal. He presented the history to this matter and stated it is somewhat similar to that presented by the Planning staff. He stated he feels the issue in this case is when did it become necessary for the Kroons to get separate use permits for each unit. He stated he disagrees a little bit with the history presented by Planning. Back in 1964, Ordinance 245 was adopted which required use permits, but the permits were not required on vacation units or what has become known as transient rentals. But, in 1973, Ordinance 345 was adopted and became effective on November 30th. He advised that in March, 1973, the Kroons opened a office and this indicates that they were doing some real estate business before Ordinance 345 took effect. Ordinance 345 added hotels to the conditions of

Ordinance 245. He stated he feels the language in the Ordinance is constitutionally vague and that the Ordinance is defective. He called upon Mr. Kroon to testify as to his conversation with Gabriel Wilson, Secretary to the Board of Supervisors, in 1972.

Thomas Kroon, appellant, and owner of Yosemite West Cottages, stated he has operated his business since December, 1972. He advised of the various cabins that he rented out and the subsequent passage of Ordinance 345. He advised that when he began renting the cabins, he called Gabriel Wilson, Secretary for the Board of Supervisors, and he noted that the Board was also the Planning Commission for the County at that time. He advised Gabriel that he was a licensed real estate agent and they had houses they wanted to rent out for transient use, and she advised that was not a problem. Then he phoned Alberta Jeffery, County Tax Collector, to see if taxes were owed for the rental of the cabins, and he was advised that the taxes did not apply to transient rentals.

Attorney Saunders stated there was no contact by the County until 1983 when Planning Director Borchard wrote a letter. He referenced the letter, and referred to the permit that was issued in 1983 in reply to the letter. He advised that, also in 1983, the Kroons paid transient occupancy taxes retroactive to 1972, even though they had been told that they owed no taxes when they inquired. The permit was issued for the business and there was no inquiry as to the inventory or what units were included, it just reflected multiple units on the application. Attorney Saunders asked for clarification that the documents that were submitted for the appeal are a matter of record, and he was advised that they are a part of the record.

Eric Toll advised that they were unable to find the use permit referenced by Attorney Saunders, and he asked what parcel the permit was issued on.

Attorney Saunders stated they do not contend that the use permit was issued for any one parcel, just for the business. That is the way it was done here until 2000, when a permit was required for each specific parcel.

Eric Toll advised that the transient occupancy certificate is what is required for each rental unit and not a use permit.

Attorney Saunders advised that the appellants took the requirement to be a use permit and they still do. He called upon Debra Kroon, daughter of Tom and Eva Kroon, to testify relative to the letter they received from Bob Borchard and her discussion with him.

Debra Kroon advised that when she spoke with Bob Borchard relative to his letter of April, 1983, he said they needed to show payment of transient occupancy taxes from 1972, and when they were paid the Tax Collector would issue a transient occupancy certificate. She stated the County did not issue a use permit at that time. She was never informed that she needed to get a permit on each property that was rented.

Attorney Saunders stated he feels the separate use permit had never been enforced or required. He feels the Kroons were doing everything to be legal and to comply with the County's requirements. In 1994, they were issued a certificate for the business. He called upon Mr. Long, a business competitor to the appellants, to provide input relative to the permit process he encountered for his business.

Mr. Long stated the Kroons were renting his house prior to his commencing business in 1983-84. He advised that he received a blanket permit for the collection of taxes in Yosemite West. He further responded to questions from Attorney Saunders relative to his recollection that the County told him that he needed to get a separate permit for each unit in the early 1990's.

Debra Kroon responded to questions from Attorney Saunders relative to her submittal of tax returns to the County, including the payment of taxes for 1972. Attorney Saunders pointed out Exhibit 1, which was a copy of the tax returns from 1972, and after that year. He stated he feels this indicates that the Kroons were in business from 1972.

Attorney Saunders advised of the receipt of a letter of April 15, 1994 from Marjorie Wass, Assistant Tax Collector, which he attached to Ken LaBlanc's letter relative to reporting all business activity under one certificate. He stated he feels this evidence show that the Kroons were in the vacation rental business prior to 1973. He further stated that he feels the vacation rentals in this area allow people to have a second home. He referred to Eric's staff report that they were behind on their taxes, and he stated he does not feel that is true. He referred to the condominiums in Yosemite West and how the permit situation was handled for them – it was presumed that they were grandfathered

in and their permits were issued. He stated the Kroons just want to continue in the business that they have been in for over thirty years. He further stated that none of the people are still part of the inventory that the Kroons started with in 1973. Just because the inventory has changed, he does not feel that means that the business should not be grandfathered.

Debra Kroon responded to questions from Attorney Saunders relative to an incident in 1983 when the term “grandfathered” was used. She advised that in the summer of 1983 she came to the Courthouse to bring a document to Clerk Williams and had a conversation with Jeff Green. She asked Jeff Green if they were okay, and he advised that they were because they were “grandfathered.” This was in reference to their rental business in Yosemite West.

Richard Long responded to questions from Attorney Saunders relative to his discussion with Jim Petropulos/Public Works Director, in connection with the moratorium ordinance. Mr. Long advised that there was an issue with a bridge with access to acreage beyond Yosemite West. Jim told Dana (Assistant Public Works Director) to take care of the issue, that he did not see a problem. While he was there, he asked Jim about the issues with the permits. He said that Jim told him that he wrote the Ordinance and he would not cancel the hookup.

Attorney Saunders said that all of the Kroon’s units are hooked up and there are no new uses. He stated he feels the moratorium only applies to new uses and increased water flow, and that does not apply to these properties. He further stated that the Kroons were renting the properties they purchased in 1974, before their purchase of the properties. He asked about the rebuttal process in the hearing, and was advised that he would have an opportunity to provide rebuttal.

Attorney Saunders responded to a question from the Board relative to the “nub” of his argument that because the Kroons were in business prior to 1973, that they are exempt from getting certificates and are exempt from the moratorium on getting new transient rental permits. He agreed, and stated he feels it is the business that is required to get the permit.

Debra Kroon responded to a question from the Board relative to when the Yosemite West Cottages became incorporated, and advised that was in 1991.

11:59 a.m. Recess

12:13 p.m. Attorney Saunders responded to a question from the Board relative to clarifying the incorporation of the business. He responded that the incorporation became an added entity and the Yosemite West Cottages still remains.

Chairman Stewart asked for a show of hands of persons that wished to speak. Discussion was held relative to the meeting schedule. The Board concurred with proceeding with the hearing and taking a lunch break after the following input.

Debra Kroon provided input clarifying her understanding of the transient occupancy certificate that authorizes them to collect and pay transient occupancy tax. She stated she feels this is the only certificate that was required until after Title 17 provisions relative to residential transient uses were adopted. She commented on their experiences and the new interpretation with the new Planning Director. Mr. Borchard had told them that conditional use permits were required for hotels and then it was applied to vacation rentals for the first time. She further noted that Planning Director Eric Toll’s interpretation was for an individual use permit on each parcel or rental. However, that was not the situation in 1972 or 1983. It was the business that needed the permit and not individual homes. She feels that having this well-defined will help with future issues. She noted that the moratorium does not allow for additional uses; however, it allows current uses to continue. She stated she not feel that the grandfathered issue with the office has anything to do with the business issue. In 1988, after the new transient rental regulations, they applied and attempted to secure permits. There were new regulations; i.e., new parking requirements, and they thought they met them. After doing what she felt they needed to do to comply, she called for a final inspection and it never occurred.

12:24 p.m. Lunch

2:32 p.m. Input from the public was provided by the following.

Kay Pitts, owner of the Yosemite Peregrine Bed and Breakfast, stated they were aware when they started their business that they needed to have a permit issued and that there was a process for paying the transient occupancy taxes. She stated they had to obtain another permit through Planning for the Falcons Nest, their second Bed and Breakfast. She feels the Kroons should have been aware of the process. She expressed concern with the letters in the file that indicate that a trailer was used for the Kroon's business. She cited an address that was not used as an office, advised that the trailer was used, and stated she does not know if that affects this issue.

Harry Hagen, part-time resident of Yosemite West and Chair of the Planning Advisory Committee, stated he was speaking as an individual today. He referred to reference to the letters sent to County Counsel relative to the Kroon's being in violation of County Code, and he asked why nothing was done. He noted that there have been violations of the codes for years by the Kroons, and he stated he feels this is an example of the problems they are having in Yosemite West. There is a real feeling that County Ordinances are not being enforced. He does not feel that people should be able to take the position that the regulations do not apply because they will be grandfathered. He feels the laws should apply to everyone.

Don Pitts stated he and his wife have three permits – two for bed and breakfast operations and one for a transient rental. He stated they paid for the permits, go through inspections and pay their taxes to the County. In addition, he noted he had to pay a penalty awhile back for a late payment on their taxes. He stated he has difficulty with the County allowing the Kroons to pay back taxes in 1983 without penalties and interest. He stated he feels that if the Board upholds this appeal, it will never be ending; i.e., properties that are sold will be grandfathered and not have to pay any attention to the moratorium, permits, or taxes. He stated he feels the Kroons should have knowledge of the procedures, and he noted that they are not County residents. He referred to the number of rental units in Yosemite West, and he noted that Mr. Long owns several and the Kroons own three – more than one-half are a pure business operation. He stated he feels that the determination by the Planning Department that the office is a real estate business is a jive. He feels the letters in the record show that people bought property from Tom Kroon in a trailer, not in the house. He asked when Mr. Long purchased his home from the Kroons, and where the transaction occurred.

Mr. Long stated the purchase occurred in 1979-80 in a residence in Yosemite Valley.

Don Pitts continued, and advised that Debra Kroon did not get her real estate license until 1987, and Tom and Eva never had a license. He further noted that there were no phones in Yosemite West until 1991, and no mail service until 1990, and he asked how an office could operate without these services. He stated he feels that if this is opened up, there are a lot of people that will come and feel that the permit, moratorium and collecting of taxes means nothing. He questioned why Attorney Saunders did not get letters from the lady he referenced that did not want to come and testify. He stated that if the Kroons are going to be grandfathered, then he wants to be also. He further stated that he feels if these transient rentals and bed and breakfast operations are allowed to continue without proper inspections, he feels things may happen that will result in lawsuits, and the County could be involved as well as the affected property owner. He stated he feels the Kroons are sophisticated people and everyone else had to go through a process.

Neil Meisner, Cozy Bear Rentals, stated they have a duplex rental. He stated that when they purchased their property from the Kroons, the paperwork was filled out in Yosemite West. When they started they were issued a permit to collect taxes; and two years ago, they were advised that they needed a certificate for each unit. It took four months to get the individual certificates.

Robert Kroon stated he and his wife does the cleaning and guest registration. He noted that he moved to Yosemite West in the fifth grade. He referred to the discussions during the Title 17 adoption process, and the effort to keep young people here. He stated it is not easy living in Yosemite West – they drive 75 to 100 miles now to take their children to school, and they try to do the business around their family's life.

Richard Long stated he has property in Yosemite West, and he thanked the Planning staff for their work. He stated he feels the question is the legality of the situation. He noted that he and the Kroons are friendly enemies, but they are together on this issue. He stated he does not want to see any party put out of business, but he wants to see them be able to comply.

Debbie Hagen, President of the Yosemite West Homeowners and Properties Association, Inc., reviewed the history of the Association. She advised that they usually do not take any position on these types of issues. But in the past, and what the Board of Directors has authorized her to present today, is support for enforcement of the County Ordinances in the community. She stated they strongly request support of the zoning ordinances in Yosemite West, uniformly.

Thomas Kroon said he signed (business) papers in the trailer and in his house, but not in the government residence in Yosemite Valley. He noted that there was an investigation into his work and whether he conducted any sales from his work, and he was very careful not to do that. He stated he did not sign any papers in Yosemite Valley. When he first called on the taxes, he was advised that there wasn't any. Later they called and found out about the taxes and even paid the back taxes. He noted that the house was used as a real estate office before they purchased it. He stated that Debra has had her license since 1981-82, and her broker's license came later. He stated they called for and had inspections, and they took care of the things that were noted, and never heard any more.

Appellants rebuttal:

Attorney Saunders clarified the status of Yosemite West Cottages and the issuance of the second certificate with the incorporation of Yosemite West Lodging in 1994, and he advised that they both exist today as they did in 1994. He stated the County was not issuing permits, but issued a certificate. He advised that the Kroons are current with their payment of taxes. He stated he feels the Kroons are pioneers in Yosemite West, and their children still live there. He stated that Robert Kroon is the ultimate good neighbor, and people rely on his assistance in the bad weather. He referred to the calls the Kroons made after they received the letter from the County. He stated he feels the County had a responsibility to issue the permits when the Kroons qualified and they did not do it.

Eva Kroon stated they have never missed paying their taxes; at first the payments were quarterly and then monthly. One time the payment was lost in the mail and they reissued the payment; and one time they missed payment by one day and they paid the penalty. She also noted that when they paid taxes back to 1972, they paid the taxes themselves, as no taxes had been charged to their guests. They did not have to pay the back taxes, but they did because they are conscientious and want to do what is right. She stated they spend a lot of time in Yosemite West and they have a second residence at Bass Lake. She noted their records are kept in Yosemite West and that is where their business is conducted, with a branch office in Bass Lake.

Debra Kroon stated she agrees with Kay Pitts that they needed to get permits as required for those who started after 1988. Until 1981, they were the only vacation rental business in Yosemite West. So she does not feel that this issue would open a can of worms, as no one else qualifies to be grandfathered. She stated the trailer was later moved and used for personal business. She also stated the third inspection was called for and was not done, and they did not hear anything from the County. This was the same as for other issues with the County – no follow-up paper work. She referred to their doing business without phones and mail services. She stated they have operated for thirty years without a lawsuit, injury or insurance claim. She feels they run a clean operation and she feels that is a reflection of the business they operate. Their rentals are clean and tidy. She referred to the Homeowners Association and their past positions relative to vacation rentals. She responded to a question from the Board as to whether the Kroons replied to the letter from Bob Borchard. She stated she does not know about a written reply, but knows that she called and talked to Mr. Borchard. She again noted that she spoke with Jeff Green, County Counsel, in the summer of 1983.

Jeff Green, County Counsel, advised that he was not an employee of the County in the summer of 1983.

Debbie Hagen responded to Debra Kroon's rebuttal relative to actions taken by the Homeowners Association. She stated the only time the Association may have written a letter is when Debra was secretary, and a letter may have been written on her own.

The public portion of the hearing was closed.

Eric Toll stated he feels it was clear in Bob Borchard's letter of 1983 that the permit is tied to the land and not the business.

The Board commenced with deliberations. Supervisor Reilly commended staff for preparing a comprehensive package. Discussion was held relative to addressing the issue of the certificate(s) issued by the Tax Collector and the process for issuing permits. Staff responded to questions from the Board relative to entitlement of the permits running with the property; whether any evidence was presented that the homes were rented before the Ordinance went into affect; clarification of the status of the transient occupancy certificates and compliance for the parcels referred to in Bob Borchard's letter; location of the trailer and the office; timeframes for acquisition of the subject parcels in relation to the adoption of Ordinance 345; letter from County Counsel to Debra Kroon of September, 2000, indicating there may have been a misunderstanding on Debra Kroon's part relative to the certificate running with the parcel versus the business; whether there was any evidence presented that the Kroons rented the units prior to their purchase; options for the Kroons to use the units as single family residences if the appeal is denied; and if there are other properties owned/managed by the Kroons in this same situation.

(M)Parker, (S)Pickard, Res. 02-370 was adopted, with findings, denying Appeal No. 2002-30, upholding the Planning Director's Notices of Violation, and upholding the Planning Director's requirements for abatement on APN 006-090-015, APN 006-100-044, and APN 006-120-010, Thomas and Eva Kroon, property owners. Further discussion was held. Ayes: Reilly, Stewart, Parker, Pickard; Not Voting: Balmain. The hearing was closed.

4:06 p.m. Recess

4:26 p.m. Authorize a Temporary Out-of Class Pay to Barbara Carrier of the Public Works Department at Step 2 of the Accountant I Level (\$2,581/month) Effective July 1, 2002 (Personnel)
BOARD ACTION: Discussion was held with Jeff Green, Interim Personnel Director, and he advised that the authorization for out-of-class pay is requested to continue until the Fiscal Officer position is filled and the matter is reviewed to determine whether this level will be needed on a long-term basis. (M)Pickard, (S)Balmain, Res. 02-371 was adopted/Ayes: Unanimous.

Discuss and Provide Direction to Staff Relative to Meeting in Yosemite National Park on October 22, 2002, to Accept Funding From the Federal Government for the Co-Composting Facility (Board)
BOARD ACTION: Discussion was held. (M)Pickard, (S)Balmain, Res. 02-372 was adopted directing that the Board commence its meeting on October 22nd at 9:00 a.m. at the Government Center, and reconvene in Yosemite at 10:30 a.m. for the balance of the meeting/Ayes: Unanimous.

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

CONSENT AGENDA

- CA-1 Authorize the Chair to Sign an Order of the Board to Reject Claim No. C02-16 for an Amount of \$660.93 (County Counsel); Res. 02-365
- CA-2 Authorize the Chair to Sign a Hold Harmless Agreement Between the Regents of the University of California and Mariposa County for Mariposa County 4-H Youth Development Program to Use County Facilities for the Purpose of Conducting 4-H Projects and Activities (Farm Advisor); Res. 02-366
- CA-3 Adopt a Resolution Approving an 18-Month Time Extension for CIM Plan No. 98-1; Little Valley Inn at 3483 Brooks Road in the Woodland Area; Robert and Kay Barber, Applicants (Planning); Res. 02-367

- CA-4 Authorize the Chair to Sign a Personal Services Agreement with Clara Mossman for Janitorial Services at the Health Department Office (Health); Res. 02-368
- CA-5 Proclaim October 1, 2002 as California Association of County Veterans Service Officers' Day (Veterans)
- CA-6 Appoint Patricia Moretti to the Alcohol and Drug Advisory Board (Human Services)
- CA-7 Accept the Resignation of Juanita DeLucia from the Mariposa County Commission on Aging and the Area Agency on Aging PSA-12 Advisory Board (Community Services)

4:32 p.m. Adjournment in memory of Bromley "Bob" Hughes Hill.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA October 8, 2002



Time Description

9:04 a.m. Meeting Called to Order

Pledge of Allegiance led by Jennifer Rios and Tawni Crafts, 4-H members.

Introductions

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

- Susan Robinson, Mariposa Elementary School Principal, advised of their GATE program. Students, with the assistance of "Cousin" Jack Franklin, Leroy Radanovich, and Tom Phillips researched the history of buildings in town and created postcards for the merchants to distribute to the tourists. She also thanked the following for their assistance with this project: Gregory's of Catheys Valley Printing, Mariposa Kids Foundation, Rural Challenge program, and Kathy Allan/Coordinator of the program. The following students gave a presentation on their project and presented the Board with a set of the postcards: Paula Hertfelder, Dante Garcia-King, Max Baker, Rebecca Allen, Lauren Mendez, Gabrielle King, and Ollie Cross. Chairman Stewart gave each of the students a Courthouse pin.

- Public presentations were continued to after the following matter.

Gary Hickman, Farm Advisor;

Proclaim the Week of October 6th through October 12th, 2002 as National 4-H Week

BOARD ACTION: (M)Reilly, (S)Pickard, the Proclamation was approved and presented to the following 4-H members: Jennifer Rios, Tawni Crafts, Melissa Rios, and Lindsey Crafts; and Donna Wice/4-H Coordinator/Ayes: Unanimous.

Continued Public Presentations:

- Wayne Bevan stated he appreciates the GATE and 4-H programs. He presented copies of documents and referred to his attempt to correspond with the County over disputes with Mariposa Aggregates in the amount of sixteen million dollars. He reviewed the history of his doing business in the County since 1980, and he administered the oath to himself. He stated that about ten years ago the County lodged an assault against his business, resulting in him serving jail time and the loss of his business. He requested that the Board members review the file and the documents that he has submitted to the County. He referred to his military service of 23 years, and stated he feels he has tried all peaceful means to solve his differences with the County. He asked the Board if it was willing to sit down one more time to discuss this matter.

Jeff Green, County Counsel, advised that Mr. Bevan has been conducting his business for many years unlawfully without any permits. He further stated that Mr. Bevan feels he is not obligated to obtain the permits for his mining operations, and the County has given him untold opportunities to comply. The County has filed two separate lawsuits and has prevailed in both, and Mr. Bevan has not appealed either decision. However, Mr. Bevan continues to provide documents to the County – these documents are fugitive documents and have no legal standing. He further advised that there is nothing the Board can do and there is no room for negotiation. Mr. Bevan needs to comply with the State and Federal requirements.

Wayne Bevan reviewed his attempts to comply with the bonding requirements, and he noted that his plant has been shut down for almost three years and he is in the process of having to give it

away. He stated he feels that war has been declared on him, and that he will need to go to court to resolve this matter.

Board Information

- Supervisor Reilly advised of her attendance at a planning conference, and information received from Jeff Morales/CalTrans, relative to the Director's policy for context sensitive solutions. Discussion was held relative to the stop sign/signal light issues for Highway 140/49 North, and Mr. Morales advised that CalTrans plans to closely monitor the stop signs and the signal light project has been deferred. She feels we should stay in touch with CalTrans and pursue funding, and she advised that Dana Cowell/CalTrans, offered to discuss grant opportunities with the Board for the design of the project.

Jim Petropulos, Public Works Director, advised that they are reviewing the statistics for the intersections, and he commented on differences in working with the different CalTrans' districts and how they deal with rural issues.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Ken Hawkins, Auditor, responded to a question from Supervisor Stewart, and advised that he is supportive of item 3. (M)Pickard, (S)Balmain, all items were approved/Ayes: Unanimous.

Approval of Minutes 09-09-02 and 09-10-02 Regular Meetings

BOARD ACTION: At Supervisor Reilly's request, approval of the minutes was continued to October 15, 2002.

Ken Hawkins, Auditor;

Authorize the Mariposa County Superior Court to Retain \$250 Civil Assessment Fee and Other Service Fees as Incentives/Subventions for Implementation of Court Collection of Outstanding Fines, Forfeitures and Penalties Effective at the Earliest Possible Date

BOARD ACTION: Discussion was held with Ken Hawkins and Mike Berest/Court Executive Officer. Supervisor Parker asked about previous actions to fund programs and staffing for the AS400 system to improve collections, and relative to cost sharing issues between the County and the courts. Further discussion was continued for the following hearing to be opened.

10:04 a.m. Public hearing to adopt a Mitigated Negative Declaration for the Yosemite West Wastewater Treatment Facility was opened and continued to after the following matter.

Further discussion was held relative to the Civil Assessment Fee and other service fees for implementation of Court collection of outstanding fines, forfeitures and penalties. Supervisor Reilly suggested that the understanding of how this process will work and the relation between the County and the Court be clearly outlined. Supervisor Balmain stated he feels this proposal should have been discussed with the Board liaison representatives for judicial matters. (M)Balmain, (S)Pickard, Res. 02-377 was adopted approving the request for a period of one year, with direction for a report to come back to the Board at the end of the year. The motion was amended as requested by County Counsel, agreeable with the maker and the second, to include direction to staff to prepare a written agreement between the County and the Court for this matter/Ayes: Reilly, Balmain, Stewart, Pickard; Noes: Parker.

Jim Petropulos, Public Works Director;

A) PUBLIC HEARING: Adopt a Mitigated Negative Declaration for the Yosemite West Wastewater Treatment Facility

BOARD ACTION: Jim Petropulos advised that, in conjunction with the Planning Department, he is requesting that the hearing be postponed to November 12th. The hearing was continued to November 12, 2002, at 10:00 a.m.

B) Authorize the Public Works Director to Execute Change Orders for the State Transportation Improve Program (STIP) Projects, over the Ten Percent (10%) Limit in Order to Utilize Available Regional Transportation Dollars

BOARD ACTION: (M)Parker, (S)Pickard, Res. 02-378 was adopted/Ayes: Unanimous.

10:13 a.m. Recess, with Supervisor Pickard excused for the rest of the meeting.

10:30 a.m. Cheryle Rutherford-Kelly, Human Services Director;

Approve the By-Laws of the Mental Health Board as Amended on September 9, 2002

BOARD ACTION: Discussion was held with Cheryle Rutherford-Kelly and Joan Conlan/Chair of the Mental Health Board. (M)Balmain, (S)Reilly, Res. 02-379 was adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard. Supervisor Reilly thanked the Board for its work.

10:34 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director

Authorize the Public Works Director to Exchange Transportation Enhancement Activities (TEA) Dollars for State Transportation Funds

COMMISSION ACTION: Following discussion, (M)Balmain, (S)Stewart, LTC Res. 02-8 was adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

10:37 a.m. Authorize a Temporary Out-of-Class Pay Increase of Ten Percent (10%) to Connie Pearce of the Probation Department Effective August 23, 2002 (Personnel)

BOARD ACTION: Following discussion with Jeff Green, Interim Personnel Officer, (M)Parker, (S)Balmain, Res. 02-380 was adopted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

CLOSED SESSION: Conference with County Labor Negotiator for the Mariposa County Managerial/Confidential Organization and the Sheriffs' Management Association/Probation Officer Sub-Unit (County Counsel/Interim Personnel Director)

BOARD ACTION: (M)Balmain, (S)Reilly, closed session to be held at 12 noon with Rick Bolanos/County Labor Negotiator, to be present/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

10:40 a.m. Recess

12:15 p.m. The Board convened in closed session.

1:04 p.m. The Board reconvened in open session. Chairman Stewart announced that direction was given to staff as a result of the closed session.

CONSENT AGENDA

CA-1 Accept the Mariposa/Yosemite Airport T-Hangar Project Which Has Been Completed by Nunno Corporation (Public Works); Res. 02-373

CA-2 Approve the Budget Action Within the Probation Budget Unit to Clean Up End of Year Variances for Fiscal Year 2001-2002 (Probation); Res. 02-374

CA-3 Allow the Auditor to Establish a Separate Juvenile Justice Crime Prevention Act Fund and Approve the Budget Action Transferring the Funds Establishing the New Fund (\$57,451) (4/5th's Vote Required) (Probation); Res. 02-375

CA-4 Authorize the Human Services Director to (1) Continue to Utilize Masters of Social

Work Candidates as Interns; and (2) Enter into Letters of Agreement with the Universities for the Placement of Those Interns in our Agency after the Review and Approval of County Counsel (Human Services); Res. 02-376

CA-5 Accept the Resignation of Bob Hudson from the Building Department Advisory and Appeals Board (Building)

1:05 p.m. Adjournment in memory of Saburo Henry Narita, Oreda Wilcox Wharton, and Myrtle Samson.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA October 15, 2002



Time Description

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

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

Board Information

- Supervisor Pickard reported on his attendance at the Regional Council of Rural Counties (RCRC) meeting, and he advised that forest management and global warming issues were discussed.
- Chairman Stewart advised that the sound system in the Board Chambers is being reviewed to make it better.

Approval of Minutes 09-09-02 and 09-10-02 (Continued from 10-08-02) and Approval of 09-16-02
Regular Meetings

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

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

Cheryle Rutherford-Kelly, Human Services Director;

Proclaim the Week of October 22 through October 31, 2002 as Red Ribbon Week

BOARD ACTION: (M)Pickard, (S)Parker, the Proclamation was approved and presented to the following representing the Red Ribbon Week Committee: Assistant Sheriff Jim Allen, Kathy Delaney, Cindy Larca, and Sue Paris/Ayes: Unanimous. Jim Allen advised of school and other activities being planned.

Jim Allen, Assistant Sheriff, appeared on behalf of Pelk Richards, Sheriff;

Information Regarding Proposed Traffic Control on Halloween Night on Jones and Bullion Streets

BOARD ACTION: Lt. Brian Mueller/Sheriff's Department, presented the proposal for traffic control, and he advised that he presented a copy of the proposal to Public Works and to the Highway Patrol and no concerns were received. He advised that CalTrans has agreed to provide the pylons at no cost to the County. He also recognized Deputies Fred Paige and Nicole Gilmore for their suggestions and input into this proposal. Supervisor Stewart asked about notification to the residents in the area, and he was advised that they will be notified and provided with a map. The newspapers have also been provided the information to publish.

Jeff Green, County Counsel;

Discussion and Possible Action Relative to Adopting a Request Form for Off-Agenda Action and an Accompanying Policy

BOARD ACTION: Discussion was held with Jeff Green relative to the sample form and establishment of a formal policy. (M)Reilly, (S)Stewart (who passed the gavel to Supervisor Pickard), to accept the recommendations to adopt a Request Form for Off-Agenda Action and establish a policy, failed by the following vote – Ayes: Reilly, Stewart; Noes: Balmain, Parker, Pickard. Further discussion was held. (M)Pickard, (S)Reilly, direction was given to add language

to the agenda heading relative to Government Code Section 54954.2(b); and concurring that every effort should be made to consider waiving the rules to take off-agenda requests during the first part of the meeting, as recommended by staff/Ayes: Unanimous.

9:50 a.m. Recess

10:10 a.m. Discussion and Possible Action Relative to the Future Operation of the Mariposa County Department of Tourism and Economic Development (Tourism & Economic Development) (Supervisors Parker and Pickard/Tourism & Economic Development Liaison Committee)

BOARD ACTION: Chairman Stewart advised that several people have expressed an interest in being present for this item and it was scheduled as an attention matter for this meeting. The Board concurred with continuing the matter to November 12th for the timed agenda.

10:00 a.m. Cheryle Rutherford-Kelly, Human Services Director;

A) Review the Community Based Family Resource Support (CBRS) Proposal from Miwu Mati and Approve the Allocated Funding to Conduct the Annual Gathering of Native Americans (GONA)

BOARD ACTION: Following discussion, (M)Pickard, (S)Reilly, Res. 02-383 was adopted/Ayes: Unanimous.

B) (1) Designate the Continuance of the Mariposa County Child Abuse Prevention Council for the Purposes of California Welfare and Institutions Code 18980; (2) Identify the Mariposa Child Abuse Prevention Council as the Entity that Will Administer the Children's Trust Fund for the Purposes of the California Welfare and Institutions Code 18965; and (3) Allocate \$4,813 of Unspent Community Based Family Resource Support (CBFRS) Monies from the 1999-2002 Funding Cycle to Support the Child Abuse Prevention Council with Strategic Plan Development and Incorporation (Private Nonprofit) Filing

BOARD ACTION: Following discussion, (M)Pickard, (S)Reilly, Res. 02-384 was adopted/Ayes: Unanimous.

C) Review the Progress of the Calaveras-Mariposa Community Action Board and Provide Direction to Staff Regarding the Agency's Standards for Submission of Grants on Behalf of Other Agencies

BOARD ACTION: Discussion was held. The Board concurred with proceeding with the program as suggested.

D) (1) Authorize the Lake Don Pedro Community Services District (LDPCSD) Grant Writer to Write a General Allocation Planning and Technical Assistance (PTA) Community Development Block Grant (CDBG) to Conduct an Aerial Geophysical Survey to Locate Areas of Potential Groundwater in the Lake Don Pedro Area; (2) Authorize the Human Services Director to Serve as Consultant to the Lake Don Pedro Community Services District in Their Preparation of the CDBG Grant; and (3) Authorize the Human Services Director to Submit the Final Grant Package to the Board of Supervisors at a Public Hearing, as Required by the State Department of Housing and Community Development

BOARD ACTION: Cheryle Rutherford-Kelly advised that Bob Kent/Lake Don Pedro Community Services District and Sandy Happ/grant writer, were present for this matter. Jen Garcia, HSD/Contract Administrator, responded to a question from the Board and advised that the Planning and Technical Assistance Grant will be used to determine where low-income populations are in the County. (M)Balmain, (S)Pickard, Res. 02-385 was adopted approving the requested actions/Ayes: Unanimous.

E) Authorize the Mother Lode Job Training (MLJT) Grant Writer to Write a Community Development Block Grant (CDBG) for General Allocation Community Services Funding; (2)

Authorize the Human Services Director to Serve as Consultant to Mother Lode in Terms of the Grant Application and Budget; and (3) Authorize the Human Services Director to Submit the Final Grant Package to the Board of Supervisors at a Public Hearing as Required by the State Department of Housing and Community Development

BOARD ACTION: Discussion was held. Supervisor Reilly noted that the Mother Lode Job Training received good ratings for their work in a recent review. (M)Reilly, (S)Pickard, Res. 02-386 was adopted approving the requested actions/Ayes: Unanimous.

F) Authorize the Mariposa, Amador, Calaveras, Tuolumne (MACT) Health Board Grant Writer to Prepare a Community Development Block Grant (CDBG) Requesting General Allocation Community Services Funding for Mariposa County; (2) Authorize the Human Services Director to Serve as Consultant to the MACT Health Board in Terms of the Grant Application and Budget; and (3) Authorize the Human Services Director to Submit the Final Grant Package to the Board of Supervisors as a Public Hearing as Required by the State Department of Housing and Community Development (HCD)

BOARD ACTION: Discussion was held. Dr. Walpole responded to a question from the Board and advised that the location of the clinic is across from John C. Fremont Hospital. (M)Reilly, (S)Pickard, Res. 02-387 was adopted/Ayes: Unanimous.

Adopt a Resolution Authorizing the Provision of Health Benefits to Domestic Partners of Employees and Annuitants Pursuant to Government Code Section 22873 (Personnel)

BOARD ACTION: Discussion was held with Jeff Green, Interim Personnel Officer. (M)Reilly, (S)Pickard, to approve the request, failed by the following vote – Ayes: Reilly, Pickard; Noes: Balmain, Stewart, Parker.

Authorize the Chairman to Execute an Amendment to the Telecommuting Agreement with the Mariposa County Transportation Planner (County Counsel)

BOARD ACTION: Discussion was held with Jeff Green, County Counsel. Jim Petropulos, Public Works Director, responded to a question from the Board and advised that the agreement is working for his department. (M)Pickard, (S)Reilly, Res. 02-388 was adopted/Ayes: Reilly, Stewart, Parker, Pickard; Noes: Balmain.

CLOSED SESSION: Conference with the County Labor Negotiator Relative to the Mariposa County Managerial/Confidential Organization (County Counsel/Interim Personnel Director)

BOARD ACTION: Jeff Green, County Counsel, advised that it wasn't necessary to hold the closed session.

Adopt a Resolution Opposing Proposition 50 Relative to Water Supply Bonds (Supervisor Pickard)

BOARD ACTION: Supervisor Pickard initiated discussion relative to Proposition 50. (M)Balmain, (S)Pickard, Res. 02-389 was adopted/Ayes: Balmain, Stewart, Pickard; Noes: Reilly; Abstained: Parker.

Jeff Green, County Counsel;

Waive First Reading and Introduce an Ordinance Amending Chapter 3.24 of the Mariposa County Code Entitled "Property Reassessment After Calamities," Based Upon Amendments to California State Law

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

Jim Petropulos, Public Works Director;

A) Adopt an Agreement with the State of California, Department of Transportation for Maintenance Within the State Highway Right of Way for Mariposa Town Sidewalks Adjacent to State Highways and County Roads, Project Number 95-42 and Authorize the Chair to Sign the Agreement for the Sidewalk Project

BOARD ACTION: Following discussion, (M)Parker, (S)Pickard, Res. 02-390 was adopted/Ayes: Unanimous.

B) Approve the Budget Action Transferring \$10,000 from the Adult Detention Facility Capital Improvement Project to the Coulterville Pool Deck Capital Improvement Project (4/5th's Vote Required)

BOARD ACTION: Discussion was held with Jim Petropulos relative to the request and the status of the Adult Detention Facility project. Jim advised that some paving remains to be done and that the Sheriff is in agreement with this request. (M)Balmain, (S)Parker, Res. 02-391 was adopted/Ayes: Unanimous.

C) Co-Composting Project Update (No Folder)

BOARD ACTION: Jim Petropulos provided a status report on the project. Fred Solomon, consultant, advised of the status of work on the contract with Herhof to construct the facility; reviewed the projected sources of revenue and expenses for the project, including the financial risk analysis and commitment to move forward with the project; and the timelines. Susan Avery/PWD-Solid Waste Manager, provided information on the alternative diversion application and advised of their work on this project with the State Solid Waste Board. She advised that they plan to focus on the education component of the project, and plans to maximize recycling. Jim advised that he plans to bring the contract with Herhof to the Board in November.

12:07 p.m. Lunch

2:03 p.m. Rick Peresan, Technical Services Director;
Presentation Regarding the Geographic Information System (GIS) Implementation in Mariposa County

BOARD ACTION: Rick Peresan, with the assistance of Rich Green/Merced County Association of Governments, gave a power point presentation on how GIS could be used in Mariposa County, and they presented specific examples. Input was provided by Eric Toll/Planning Director, Blaine Shultz/Fire Chief, and Jim Allen/Assistant Sheriff, relative to uses of the system in their respective departments. Discussion was held relative to the options presented for implementing the system. Rick advised that the committee recommends alternative 2, and the cost will depend on the number of departments that participate. Supervisor Parker suggested that consideration be given to funding this from the participating departments' budgets. Discussion was held relative to funding options and which departments to include initially. The Board concurred with having the Technical Services Director prepare a implementation plan showing each phase and what is required for further consideration.

CONSENT AGENDA

CA-1 Approve the Budget Action Transferring \$7,920 Within the Special Project/Homicide Budget Unit (District Attorney); Res. 02-381

CA-2 Proclaim the Month of October, 2002 as "Domestic Violence Awareness Month" (Chairman Stewart)

CA-3 Authorize the Director of the Department of Child Support Services to Sign an Agreement with Wire One Technologies, Inc. and Glowpoint Network Service for Installation and Networking Services to Enable Usage of Video Conferencing Equipment Located at the Local Department of Child Support Services (Child Support Services); Res. 02-383

3:22 p.m. Adjournment in memory of Delbert Lee Ray Cervine, Brenda Joy Wright, Nicholas Garcia, and Willa Mae McDaniel.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA October 22, 2002



Time Description

9:06 a.m. Meeting Called to Order with Supervisor Reilly excused until the portion of the meeting in Yosemite.

Pledge of Allegiance
Introductions

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

Board Information

- Supervisor Balmain advised that he and Supervisor Stewart attended the Fall Conference for the San Joaquin Valley Supervisors Association at Bass Lake last week.
- Supervisor Pickard advised that he received an invitation to attend the Sacramento Valley Forum on October 30th; a part of the discussion will be relative to ag-niche opportunities. He noted that he also invited the Deputy Agricultural Commissioner and the Farm Advisor to attend.
- Supervisor Stewart advised that Supervisor Barbara Patrick of Kern County will host the next San Joaquin Valley Supervisors Association meeting.

Approval of Minutes 09-17-02 Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Pickard, (S)Parker, the Consent Agenda was approved/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Resolution of Intention Approving an Amendment to the Contract with the California Public Employees' Retirement System (CalPERS) Board of Administration to Provide a 2.7% @55 Formula and One Year Final Compensation at Retirement for Miscellaneous Members; Waive First Reading and Introduce and Ordinance Amending the Contract with CalPERS to Provide the New Retirement Benefit Formula to Miscellaneous Members (Personnel)

BOARD ACTION: Following discussion, (M)Parker, (S)Pickard, Res. 02-392 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

CLOSED SESSION: Conference with the County Labor Negotiator Relative to the Mariposa County Managerial/Confidential Organization (Personnel)

BOARD ACTION: Jeff Green, Interim Personnel Officer, advised that it was not necessary to hold a closed session.

Discuss and Provide Direction Relative to Sending a Letter to CalTrans Requesting that the 4-Way Stop Signs Not Be Installed at Highway 140/49North Until Further Studies Are Updated (Supervisors Stewart and Parker)

BOARD ACTION: Discussion was held. (M)Parker, (S)Balmain, Res. 02-393 was adopted approving the letter/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

INFORMATION – No action was necessary on the following:
Informing the Board of an Addendum to the Contract for the Mariposa County Library Literacy Program Grant Changing the Start and End Dates for the Grant (County Librarian)

9:16 a.m. Recess

10:54 a.m. Board reconvened at the Yosemite Lodge patio, 9006 Yosemite Lodge Drive, with all members present.

Chairman Stewart introduced the Board members. Superintendent Mihalic, Yosemite National Park, introduced Jon Jarvis/the new Regional Director of the Pacific Northwest; Kevin Cann/Deputy Superintendent; and the following Park Service staff: Chip Jenkins, Bill Delaney, Scott Gediman, Debbie Swager, and Jeff Harsha. Chairman Stewart introduced Congressman George Radanovich; and he introduced John McCamman/Chief of Staff, and Rebecca Rahe/staff member. Kevin Kelly/Yosemite Concession Services, introduced Pat Reilly and Bridget Rabon.

Discussion with Congressman George Radanovich Relative to Update on Federal Issues, Including the Gateway Legislation

BOARD ACTION: Congressman Radanovich advised of the introduction of the Gateway Legislation.

Jim Petropulos, Public Works Director;
Presentation by the Mariposa County Public Works on the Co-Compost Facility Project, and Ceremonial Check Presentation by Yosemite National Park to Mariposa County for Their Partnership with the Project (No Folder)

BOARD ACTION: Jim Petropulos introduced Fred Solomon/consultant, and Susan Avery/PWD-Solid Waste Manager. Jim gave a brief status report on the co-compost facility project. Supervisor Reilly commented on the recycling and education components of the project. Supervisor Pickard commented on AB 1400 relative to the State's participation. Superintendent Mihalic and Congressman Radanovich presented the County with a ceremonial check for their partnership with the project.

Accept and Forward Scoping Comments to the National Park Service on the Following Projects:

A) Comments from the El Portal Planning Advisory Committee on the El Portal Office Construction Project;

B) Comments on the Wawona Bridge Project (Supervisors Reilly and Pickard)

BOARD ACTION: This matter was not addressed.

CONSENT AGENDA

CA-1 Appoint Lynda Appling to the Mariposa County Commission on Aging Representing District V (Community Services)

11:28 a.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA November 12, 2002



Time Description

9:00 a.m. Meeting Called to Order at the Government Center

The Board reconvened at the Courthouse for the flag raising conducted by Jerry Progner, representing the E Clampus Vitus (ECV) as the High School band conducted by Bruce Williams and Phil Smith played a selection of patriotic songs, followed by the Pledge of Allegiance. (The ECV worked with Congressman Radanovich and Assemblyman Cogdill to obtain new State and American Flags for the Courthouse.) Several members of the ECV were present. Chairman Stewart noted that Monday was Veterans' Day, and he recited a portion of a poem relative to the importance of the soldier.

9:29 a.m. Consent Agenda item 13 – Mary Williams, Community Services Director, introduced Terry Loughran. Terry provided information on his background work with senior service programs. (M)Pickard, (S)Reilly, item 13 was approved/Ayes: Unanimous.

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

- Jim Petropulos, Public Works Director, advised the Board that staff is conducting a damage assessment to determine the amount of repairs that will be necessary on the County roads due to the recent heavy rainfall. He advised that he may need to bring an item to the Board to move funding in the budget to cover the repairs.

Introductions

Supervisor Stewart welcomed and introduced Mr. and Mrs. Carr, new residents to the County.

Board Information

Supervisor Stewart advised that the Transportation Planner will be contacting each Board member, including the Supervisors-elect, to provide an update on transportation programs in the County.

Approval of Minutes 09-18-02, 09-24-02, and 10-01-02 Regular Meetings

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Pickard, (S)Parker, the balance of the items were approved (item 13 was previously approved)/Ayes: Unanimous.

Lyle Turpin, President Mariposa County Farm Bureau;

A) Discussion Regarding the Proposal to Designate 1.7 Million Acres in California and Oregon as Critical Habitat for 15 Species of Vernal Pool Plants and Animals Includes 732,782 Acres in Stanislaus, Merced, San Joaquin, *Mariposa*, Fresno, Kings, Madera and Tulare Counties

BOARD ACTION: Discussion was held with Lyle Turpin relative to the request. (M)Balmain, (S)Pickard, direction was given for a letter to be sent to Fish and Wildlife Service requesting a presentation to the Board on this proposal. Supervisor Pickard requested that contact be made with our Senators and Congressman Radanovich to ask for their assistance in this matter and to invite them for the presentation. Ayes: Unanimous.

B) Discussion and Direction to Staff Regarding the Federal Livestock Emergency Compensation Program Drought Assistance Bill

BOARD ACTION: Discussion was held with Lyle Turpin. Lyle expressed concern with the lack in recent years of documenting weather conditions in the County to have information necessary for submitting applications for assistance. He suggested that perhaps the UC Extension could be contacted to assist with the documentation. Supervisor Reilly clarified the request: need to modify the formula to apply to all, and need to discuss request for assistance in the documentation with the Farm Advisor. Further discussion was continued for the following hearing to be opened.

10:02 a.m. The public hearing to adopt a Mitigated Negative Declaration for the Yosemite West Wastewater Treatment Facility was opened and continued to after the following matters.

Further discussion was held with Lyle Turpin relative to the Federal Livestock Emergency Compensation Program Drought Assistance Bill. Supervisor Parker suggested that the Farm Bureau provide the Board with a detailed letter relative to the request for further consideration by the Board. The Board concurred.

Jeff Green, County Counsel;

Approve the Sale of .350 Acres of County Owned Property Located on St. Catherine Street in Hornitos, California to Carol and Gilbert Torres in the Amount of \$350

BOARD ACTION: Following discussion, (M)Parker, (S)Reilly, Res. 02-400 was adopted/Ayes: Unanimous.

Cheryle Rutherford-Kelly, Human Services Director;

A) Authorize the Human Services Director to Sign a Memorandum of Understanding (MOU) with Kings View Corporation, Alcohol and Drug Services, for the Delivery of Residential Treatment Services as Outlined in the Comprehensive Drug Court Implementation Grant (CDCI) for Fiscal Year 2002-2003

BOARD ACTION: Following discussion, (M)Pickard, (S)Balmain, Res. 02-401 was adopted. Supervisor Balmain asked about the dates for the term of the contract. Ayes: Unanimous.

B) (1) Review and Provide Guidance Regarding the Continuation of the Emergency Housing Assistance Program (EHAP) Grant; (2) Authorize the Human Services Director to Submit the Grant Application to the State Department of Housing and Community Development (HCD) for the Emergency Housing Assistance Program (EHAP) Funding, Round X; (3) Authorize the Community Action Contract Administrator to Administer this Funding; and (4) Authorize the Human Services Director, After Review by County Counsel and the County Administrative Officer, to Execute Subsequent Amendments to This Agreement with the State Department of Housing and Community Development

BOARD ACTION: Following discussion, (M)Balmain, (S)Pickard, Res. 02-394 was adopted/Ayes: Unanimous.

10:08 a.m. Jim Petropulos, Public Works Director;

A) PUBLIC HEARING: Adopt a Mitigated Negative Declaration for the Yosemite West Wastewater Treatment Facility (Continued from October 8, 2002)

BOARD ACTION: Jim Petropulos presented the staff report. Supervisor Balmain advised that he had some typographical errors and corrections, and it was agreed that those would be brought up under Board deliberations.

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. Supervisor Balmain requested that the term "young growth" be used versus "second growth" in section 10.0 of the initial study; and he advised of a typographical error in section 9.2. Dana Hertfelder, Assistant Public Works Director, responded to questions from the Board relative to the well monitoring

requirements, and he advised that this project meets all of the needs of the County and the State Water Board. (M)Pickard, (S)Reilly, Res. 02-402 was adopted/Ayes: Unanimous. Mike Skinfield, Biologist consultant, responded to questions from the Board relative to the environmental review process and status of the EPA grant. Mr. Skinfield advised that the CEQA document information will be used to obtain information for the NEPA process and that the USDA process will not require further action by the Board, it is a federal action. He further advised that we are on track for the grant. The hearing was closed.

B) Authorize Deanna Clinkenbeard to Hold Earned Compensation Time to be Used During Maternity Leave

BOARD ACTION: Following discussion, (M)Parker, (S)Pickard, Res. 02-403 was adopted approving the request/Ayes: Unanimous.

Select the California State Association of Counties (CSAC) Director and Alternate(s) for 2002-2003 (Chairman Stewart)

BOARD ACTION: Supervisor Stewart advised that the supervisors-elect are planning to attend the Conference and the New Supervisors Training portion, and he advised that he does not plan to attend. He suggested waiting until the new Board is seated to make the selections, and the Board concurred.

Approve the Budget Action Transferring Funds Within the Administration Budget Unit to Upgrade the Sound System in the Board of Supervisors Hearing Room (\$1,900) (Supervisor Stewart)

BOARD ACTION: (M)Parker, (S)Balmain, Res. 02-404 was adopted/Ayes: Unanimous.

Adopt a Resolution Requesting that the State of California Take Immediate Steps to Adequately Fund the In-Home Supportive Services (IHSS) Program to Reduce the County's Share of Cost for IHSS (Supervisor Stewart)

BOARD ACTION: Discussion was held relative to the employer of record requirements and options. Supervisor Reilly advised that the Advisory Committee will meet and bring back recommendations to the Board on this matter. Supervisor Stewart stated he feels the funding is still an issue. (M)Parker, (S)Pickard, Res. 02-405 was adopted/Ayes: Unanimous.

Request Direction for the County Counsel to Prepare an Agreement for Signature by the Chairman to Increase the Superior Court's Annual Contribution to the County of Mariposa Related to Costs of Juvenile Defense Attorneys from \$20,000 Per Year to \$25,000 Per Year Together with a 2.5% Annual Cost of Living Increase (County Counsel)

BOARD ACTION: (M)Balmain, (S)Parker, Res. 02-406 was adopted/Ayes: Unanimous.

Approve the Budget Action Transferring Funds Within the Administration Budget Unit and Approve Sierra Tel Business Systems to Install a Key Pad and Buzzer Entry System on the Administration Office's Front Door (\$1,450) (County Counsel)

BOARD ACTION: Discussion was held concerning the request. (M)Pickard, (S)Parker, to approve the request, was amended following further discussion. Discussion was held relative to other possible options, consideration of reviewing the situation on a countywide basis, and relative to being sensitive to the message a security system might send to the community. The motion was amended, agreeable with the second, to give direction to staff to use signage to see if that works; to educate the departments to check in with the front desk before entering the offices; and to bring this matter back if these options do not work/Ayes: Reilly, Balmain, Parker, Pickard; Noes: Stewart. Supervisor Parker suggested that consideration be given to latching the front door when no one is present at the front desk, as an option.

Adopt a Resolution Revising the Facilities Maintenance Manager Class Specification and Changing the Salary Range from 270 (\$3,624 - \$4,405) to Salary Range 245 (\$3,200 - \$3,890) (Personnel)

BOARD ACTION: Following discussion, (M)Balmain, (S)Parker, Res. 02-407 was adopted/Ayes: Unanimous.

Approve the Proposed Class Specification of Fleet Superintendent, Set the Salary at Range 222 (\$2,941 - \$3,575), and Assign the New Class to Mariposa County Managerial/Confidential Organization (MCMCO) (Personnel)

BOARD ACTION: Discussion was held with Jeff Green, Interim Personnel Officer.

Kristy Waskiewicz, AFSCME Local 2703 representative, stated she feels the proposed salary is inadequate based on the duties of the position. She stated she feels that this position still has significant fiscal responsibilities, and cited an example of the duties in this category. She also referred to salaries of similar positions in surrounding areas, and noted they are higher. She stated she recommends the 245-salary range, and feels that is still low.

Discussion was held. It was noted that this position would be reviewed in context with the class and compensation study currently being conducted, and that the salaries are also reviewed in relation to the County's structure. (M)Parker, (S)Pickard, Res. 02-408 was adopted/Ayes: Unanimous. (Note: On December 3, 2002, during the approval of these minutes, it was noted that the correct salary for range 222 is \$2,854 - \$3,469.)

Approve the Paying and Reporting the Value of the Employer Paid Member Contributions (EPMC) for the Miscellaneous Group Effective January 1, 2003 (Personnel)

BOARD ACTION: Following discussion, (M)Balmain, (S)Pickard, Res. 02-409 was adopted/Ayes: Unanimous.

Adopt a Resolution Approving the Response of the Board of Supervisors to the 2001-2002 Mariposa County Grand Jury Final Report and Direct County Administration to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court (Administration)

BOARD ACTION: (M)Parker, (S)Balmain, Res. 02-410 was adopted/Ayes: Unanimous. Jeff Green, County Counsel, noted that Mary Hodson/Administrative Analyst, put together the staff report for this item and did a good job.

11:02 a.m. Recess

11:15 a.m. Review and Approve the Proposed 2003 Mariposa County Legislative/Regulatory Platform (Administration)

BOARD ACTION: Mary Hodson/Administrative Analyst, presented the staff report. Discussion was held. Supervisor Balmain suggested that the first line for the Forest Practice Rules be deleted. Supervisor Reilly requested that the objective of this section be clearly defined, and she stated she feels the issues of diversion credits and control burns should be identified separately. Discussion was held relative to burn and air quality issues. Supervisor Pickard noted that corrections needed to be made to the table of contents for the IHSS issue and that Wagerman's address needed to be corrected. It was agreed that the STIP funding issue needs to be clarified. It was agreed that the Platform would be rescheduled for December 3rd as a timed item, with any additional changes that are requested to be brought back on separate page(s) for further consideration.

Chairman Stewart noted that the next Board meeting is scheduled for Monday, November 18th versus Tuesday.

Jeff Green, County Counsel;

CLOSED SESSION: Conference with the County Labor Negotiator in Regards to the Mariposa County Managerial/Confidential Organization (MCMCO)

BOARD ACTION: (M)Parker, (S)Reilly, closed session to be held at 1:30 p.m. with Rick Bolanos, labor negotiator, to be present/Ayes: Unanimous.

11:52 a.m. Lunch

1:40 p.m. The Board convened in closed session.

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

Judie Beliera, Tourism and Economic Development;

A) Authorize the Chair to Sign a Letter of Support to CalTrans for the Mariposa County Chamber of Commerce to Display the Annual Holiday Banners on the Existing Power Poles for the Christmas Holidays; and

B) Authorize and Approve the Traffic Detours for the Merry Mountain Christmas Parade on December 14, 2002, Sponsored by the Mariposa County Chamber of Commerce

BOARD ACTION: Discussion was held with Judie Beliera. Dorothy Kuhnel/Chamber of Commerce Interim Executive Director, was present. (M)Parker, (S)Pickard, Res. 02-411 was adopted approving the letter of support for the holiday banners, and Res. 02-412 was adopted approving the parade, sponsored by the Chamber of Commerce/Ayes: Unanimous. The Board concurred with asking the Chamber of Commerce to route these requests through the Tourism and Economic Development Department in the future, and with these requests being scheduled on the agenda under consent. Judie asked about processing the request for the Labor Day Parade, and it was agreed that this could be discussed with the Board's liaison committee.

Supervisors Parker and Pickard/Tourism & Economic Development Liaison Committee; Discussion and Possible Action Relative to the Future Operation of the Mariposa County Department of Tourism and Economic Development (Continued from October 15, 2002)

BOARD ACTION: Supervisor Pickard advised that he and Supervisor Parker met on this matter and recommend that discussion of options relative to the future operation of the Department of Tourism and Economic Development be delayed until the hiring of a new County Administrative Officer.

Input from the public was provided by the following:

Diana Wilcoxon, President of the Bed and Breakfast Association, requested that the hiring of a director not be delayed. She stated she feels this function is a vital part of the community and to the businesses, and she does not see any benefit in waiting for a County Administrative Officer. She commended Judie for her efforts.

Donna Brownell, Arts Council Executive Director, commented on the concept that very often it is better to have an employee that is capable and willing to learn than to have a new employee that professes to know the job. She stated she feels that Judie represents the community, and that the tourism industry and the Tourism Advisory Council are a tremendous support to her. She suggested that consideration be given to hiring Judie as the director, and as an interim measure, that she be placed in a junior management position to be elevated through performance evaluations.

Dorothy Kuhnel, Chamber of Commerce Interim Executive Director, stated she works closely with Judie. She feels that Judie is knowledgeable and handles problems, and she feels she is deserving of the director position. She feels Judie could do a great job for the County.

Further discussion was held. Supervisor Pickard commented on the opportunity here to include ag-tourism marketing techniques. Supervisor Stewart stated he feels the new Board should hire the new director. Supervisor Reilly encouraged the Board to move this along in the absence of the County Administrative Officer, but stated she could agree with waiting until the new Board is seated.

Diana Wilcoxon stated she feels the process should start now, and not be delayed to the future.

Supervisor Parker commented on discussions of the department's organization and of the need for the Board to determine what it wants the department to be and whether it should be privatized before proceeding with recruitment for the director. Supervisor Reilly stated she feels the visitors' bureau function will still be needed and that the Board should proceed. Supervisor Pickard suggested that a County Administrative Officer could help guide the organizational discussions.

Judie Beliera, Tourism and Economic Development Department, stated she feels that the recruitment for a director should include a requirement for the person to be proficient with a computer for preparing the vacation planner.

Further discussion was held as to whether to give specific direction to the liaison committee at this time. Supervisor Balmain commented on the recent closure of businesses on the Northside, and requested that the committee come back with recommendations for the Board.

Judie Beliera stated she feels another requirement for the position would be to prepare the ads for the advertising, or that consideration would need to be given to hiring an outside source for assistance in this area.

Supervisor Pickard suggested that the liaison committee come back with some alternatives. Supervisor Parker noted that the liaison committee is open to suggestions from the Board members and the public on this matter. Supervisor Reilly acknowledged the efforts of Supervisors Pickard and Parker on this matter; and Supervisor Stewart for carrying on a number of duties in the absence of a County Administrative Officer. She stated she feels these matters reflect the need for the County Administrative Officer.

Diana Wilcoxon stated she feels it would be helpful to have a meeting that would include the Tourism Advisory Council to get a consensus with input from the community.

Chairman Stewart thanked Judie Beliera for her help with the extra duties during the vacancy in the director position.

Eric Toll, Planning Director;

Authorize the Planning Director to Sign an Agreement with EDAW, Inc. to Prepare an Environmental Impact Report/Environmental Assessment for the Central California Conference of the Seventh Day Adventists Church for the Camp Wawona Land Trade and Expansion

BOARD ACTION: Discussion was held with Eric Toll relative to the request and the costs for this project. Jeff Green, County Counsel, noted that the sentence at the bottom of page seven of the agreement needs to be completed. (M)Pickard, (S)Reilly, Res. 02-413 was adopted approving the agreement with the change to complete the sentence/Ayes: Unanimous.

Eric Toll, Planning Director, advised that the Planning Commission has finished going through the elements of the General Plan Update. The consultant and staff are taking the next four weeks to incorporate the changes, and they plan to have the revised document back to the Commission for action on January 3, 2003.

FORTHCOMING POLICY

Waive the First Reading and Introduce an Ordinance Creating Title 14 "Fleet Services Policy" to the Mariposa County Code (Public Works) (Scheduled for Action on December 3, 2002)

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

CONSENT AGENDA

- CA-1 Waive Second Reading and Adopt an Ordinance Amending Chapter 3.24 of the Mariposa County Code Entitled "Property Reassessment After Calamities," Based Upon Amendments to California State Law (County Counsel); Ord. 978
- CA-2 Waive Second Reading and Adopt an Ordinance Amending the Contract with CalPERS to Provide the New Retirement Benefit Formula to Miscellaneous Members (Personnel); Ord. 979

- CA-3 Accept the Completion of the History Center Vault Project (PW 99-03) and Release Any Funds Held as Retention to the Contractor (Public Works); Res. 02-395
- CA-4 Approve the Budget Action Transferring Funds Within the Planning Budget Unit to Cover Expenses for General Plan Commission Meetings for the 2002 Calendar Year (\$7,500) (Planning); Res. 02-396
- CA-5 Approve the Children's Medical Services (CMS) Plan and Budget Justification for Fiscal Year 2002-2003 in the Amount of \$34,919 for California Children's Services (CCS), \$47,290 and \$5, 214 for Child Health and Disability Program (CHDP), and \$17,910 for the Health Care Program for Children in Foster Care and Authorize the Chair and the Health Officer to Sign the State Certification (Health); Res. 02-397
- CA-6 Approve the Budget Action Transferring Funds Within the Fire Budget Unit to Cover Training Expenses (\$3,500) (Fire); Res. 02-398
- CA-7 Authorize the Library to Accept Donated Canned Food for Library Fines for the Thanksgiving Holiday (Library); Res. 02-399
- CA-8 Accept the Resignation of Tom Brownell from the Alcohol and Drug Advisory Board (Human Services)
- CA-9 Accept the Resignations of Hugh Martin and Jeri O'Neal from the Pedestrian and Equestrian Trails Advisory Board (Public Works)
- CA-10 Appoint Skip Skyrud to the Mariposa County Mental Health Board (Supervisor Parker)
- CA-11 Accept the Resignation of Roxann Mulvey from the El Portal Town Planning Advisory Committee (Supervisor Reilly)
- CA-12 Appoint Robert Smith to the Building Department Advisory and Appeals Board (Building)
- CA-13 Appoint Terence Loughran to the Mariposa County Commission on Aging and the Area 12 Agency on Aging Advisory Council (Community Services)
- CA-14 Certificate of Appreciation was Presented to Joyce Koller Macormac on November 3, 2002 in Recognition of Her Exemplary Efforts and Dedication to the Community of Wawona and the Citizens of Mariposa County (Supervisor Pickard)

3:10 p.m. Adjournment in memory of Sam Chernoff, Cyndi Larsen, Jevene Newman, Jane Osborn, Luz Granger, Frances "Chic" Schlageter, Verna Scott, Joseph Patrick Brundage, Al Seastrom, Norbert Shea, Merrill McNally, and Angela Pierson.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA **Monday, November 18, 2002**

Time Description

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

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

- Kathy Delaney, Advisor for the Mariposa Youth Council, introduced the following Youth Council members: Rachelle Sebastian, Marcus Rochelle, and Steve DeLouiz. They gave an update of their activities, and advised of their plans to hold a teen conference on December 6th.

- Lyle Turpin, Mariposa Farm Bureau, presented information as a follow-up to the issues he presented to the Board on November 12th. He requested that a meeting be set up with Congressman Radanovich to discuss Fish and Wildlife Service jurisdiction over the proposed vernal pool endangered species designation; the lack of consideration shown to private landowners regarding their management of their own rangelands; request for future disaster legislation to address the availability of surface water as well as forage; and to address the formula that will determine how our USDA Animal Control Program will be financed in the future. He also requested that the Board contact the State U.C. Extension Office to bring our County up-to-date on the level of service provided in the various fields of our ag industry. Discussion was held relative to handling the requests and the direction given by the Board on November 12th. Lyle suggested that consideration could be given to having a meeting of representatives of the Board and Farm Bureau with Congressman Radanovich versus before the full Board, and then recommendations could be brought to the Board. Supervisor Reilly suggested the Farm Bureau discuss inclusion of trapper issue (Animal Control Program) in the legislation platform for the County with Supervisor Pickard. She also noted that some of the issues may fall in the jurisdiction of the Agriculture Advisory Committee. Lyle asked about organizing the meetings. The Board concurred with Supervisors Balmain and Stewart working with the Farm Bureau on these issues and with bringing the matters back to the Board in the future, as necessary.

- Ruth Sellers read her letter relative to the agenda item scheduled for later this date for the co-compost facility contracts. She expressed concern that if the contract for the project is signed that the County will not be in compliance with CEQA, and she cited a Los Angeles Superior Court case.

FORTHCOMING POLICY

A) Adopt the County-Wide Injury and Illness Prevention Plan as Policy and Direct Each Department Head or Appointed Department Safety Representative (DSR) to Monitor the Health and Safety Policy for Their Respective Department with Assistance From the County Safety Officer (Public Works) (Scheduled for Action on December 3, 2002); and

B) Waive the First Reading and Introduce an Ordinance Creating Title 14 "Fleet Services Policy" to the Mariposa County Code (Public Works) (Scheduled for Action on December 3, 2002)

BOARD ACTION: Supervisor Reilly, based on input and concerns she has received, suggested that these issues be discussed at a department meeting prior to action by the Board. Chairman Stewart advised a meeting was recently held and another is being planned for December to discuss preparation of agenda items, and that perhaps these issues could be discussed at that time. Supervisor Parker also noted that any concerns could be discussed with the department submitting the agenda items. It was agreed that these forthcoming policy matters would be continued to allow input by the departments.

Board Information – none.

Approval of Minutes 10-08-02, 10-15-02, and 10-22-02 Regular Meetings

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Reilly pulled items 1 and 2. (M)Reilly, (S)Pickard, the balance of the items were approved/Ayes: Unanimous.

Consent Agenda item 1 – Supervisor Reilly suggested that information be provided relative to the pending retirements and vacancies occurring in the departments so that there can be preparation to avoid lapse in service. (M)Reilly, (S)Pickard, item 1 was approved. Further discussion was held relative to obtaining information on pending vacancies. The Board concurred with requesting that Personnel provide information on pending retirements and planned vacancies. Ayes: Unanimous.

Consent Agenda item 2 – Supervisor Reilly asked about previous requests, and whether consideration should be given to providing blanket authorization. Jacque Meriam, Librarian, advised that the Board approved covering these events in 2000, and advised that it is not known what events will be requested by the different fundraising groups for the library. (M)Reilly, (S)Pickard, item 2 was approved/Ayes: Unanimous.

Jim Petropulos, Public Works Director;

(1) Authorize the Chair to Sign a Contract on Behalf of Mariposa County with Herhof Umwelttechnik GmbH in the Amount of 1,978,693 Eurodollars (\$1,969,436 US Dollars as of 11/06/02) for the Purchase and Sale of Biowaste Composting Equipment; and (2) Authorize the Chair to Sign a Contract with Concept Design Company in the Amount of \$189,500 for Compost Facility Design Services to Provide Plans and Specifications for Facility Construction

BOARD ACTION: Jeff Green, County Counsel, requested that the Planning Director be present for this matter given the input that was provided under Public Presentations this morning.

9:42 a.m. Recess

9:54 p.m. The letter that was presented by Ruth Sellers under Public Presentations was copied to the Board members and staff. Discussion was held with Jim Petropulos relative to the status of the environmental work. Jim introduced the following people who were present for the discussion: Fred Solomon/Project Construction Manager; George Eowan/consultant; Larry Crump/Concept Design; and Andreas Puchelt/Herhof. He also introduced his wife, Peggy Petropulos/Assistant Auditor-Controller for Inyo County. Discussion was continued for the following hearing to be opened.

10:04 a.m. Public hearing to approve the Agricultural Preserve Applications No. 2002-216 (Larry M. Fowler, Applicant), No. 2002-281 (Esther F. Moore, Applicant), No. 2002-339 (Billy D. Grissom, Applicant), No. 2002-340 (Billy D. Grissom and Jerry & Judy Cook, Applicants) was opened and continued until the following matter.

Further discussion was held. Jeff Green responded to the input provided by Ruth Sellers. He advised that he would review the case that was cited, and he noted it was a Superior Court action versus an action by the Appellate Court. He stated there might have been a technical violation of CEQA in the Los Angeles case if an agreement was entered into for a specific site prior to the environmental review. Eric Toll, Planning Director, stated that, based on his quick review of the matter, he feels that as long as the Board is not making an irrevocable decision on a specific site and project, it would be okay to proceed with the recommended action. He stated it is his understanding that the action today deals with the design phase. Jeff Green advised of a correction to the contract

with Herhof in Section A-5 to reflect that the “Seller” versus “Purchaser” shall carry course of construction insurance...” Supervisor Reilly noted that every consideration needs to be given to process, especially with the need for funding. She asked about options in the contract with Herhof to not carry out all elements of the contract and be obligated to the total costs; and she asked what steps are in place to keep the project from moving ahead of the environmental review process and the funding. Jeff Green stated the Board could direct that no further action under the contract be taken until approved by the CEQA process. Eric Toll stated the portion for the design of the facility would be necessary to respond to issues raised relative to noise, aesthetics, and odor, etc.

Chairman Stewart called for public comment. There was none.

Further discussion was held relative to the funding for the project and potential use of the funding set aside during the budget hearings from the General Fund General Reserve. Fred Solomon provided input relative to the addition of a water treatment facility versus the initial proposal to use one million gallons of well water. Supervisor Reilly asked about the phases of the contract and the ability to terminate the contract depending on the environmental review process. She suggested that direction be given that the matter needs to come back to the Board after the first item in the contract is completed; i.e., the execution of the contract for planning of the Herhof composting portion of the facility as shown in Exhibit “B” of the contract. Jim Petropulos stated he would bring the matter back to the Board before proceeding with the next phase of the contract, and that he will bring project status reports to the Board on a regular basis. Fred Solomon responded to questions relative to the interest rates for the financing. Staff clarified that the requested action does not commit the project to a particular site.

(M)Parker, (S)Pickard, Res. 02-417 was adopted authorizing the Chairman to sign the contract with Herhof and the contract with Concept Design Company (which will provide for the environmental work to be done); with direction for all of the timelines and guidelines as discussed and outlined in the contracts to be followed. The motion was amended, agreeable with the maker and second to include the correction requested by County Counsel earlier, and to clarify that the contract with Herhof is in Eurodollars. Following discussion, the motion was further amended, agreeable with the maker and second, to include direction that no further action will be taken on the Herhof contract beyond preparation of the plans and specifications, without Board approval. Supervisor Reilly clarified that this motion allows the County to obtain the necessary information for the environmental review, and to proceed at the appropriate time. Ayes: Unanimous.

It was noted that Umwelttechnik means environmental technology.

Andreas Puchelt/Herhof, thanked the Board for the opportunity to speak relative to this project. He stated he feels a dream has become a reality for Herhof, and will become a reality for the consultants, the County, and the National Park Service. He referred to the use of their facilities throughout the world, and he noted that this is the first in the United States. He thanked the Board, staff and the consultants for their efforts in this project. He stated the system will achieve the recycling and diversion requirements, create compost, and reduce the amount of waste going into the landfill. He stated they hope to be able to build the project as soon as possible, and they are excited about the project.

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

PUBLIC HEARING: Approve the Agricultural Preserve Applications No. 2002-216 (Larry M. Fowler, Applicant), No. 2002-281 (Esther F. Moore, Applicant), No. 2002-339 (Billy D. Grissom, Applicant), No. 2002-340 (Billy D. Grissom and Jerry & Judy Cook, Applicants)

BOARD ACTION: Chairman Stewart advised that notification was received from Billy Grissom, applicant for Agricultural Preserve Application Nos. 2002-339 and 2002-340, withdrawing said applications. Jeff Green, County Counsel, asked whether concurrence to the withdrawal of application No. 2002-340 was received from the Cooks. Eric Toll advised that nothing was received in writing; however, they normally accept these requests from only one of the applicants. Steve Engfer/Planner III, advised that this is an application from a family, and that nothing was received from the Cooks. Jeff Green suggested that the applications be removed from consideration contingent upon receiving written confirmation from the Cooks; and if the confirmation is not

received, then staff should place the matter back on the agenda within the timeframes for processing. The Board concurred.

Eric Toll presented the staff report for Application Nos. 2002-216 and 2002-281. He also advised he will review the General Plan Update to make sure the issues that the Board raised in 1998 relative to the agricultural preserve policies are being addressed and reviewed by the Planning Commission. He further advised that the Planning Commission recommended approval of these applications. Steve Engfer responded to questions from the Board relative to conditions on parcels that are smaller than 100 acres, and relative to new dwelling restrictions.

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

Lyle Turpin commented on the need for having a clear understanding of handling parcels less than 100 acres in size.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Reilly, (S)Pickard, Res. 02-418 was adopted approving Agricultural Preserve Applications Nos. 2002-216 and 2002-281, as recommended, including direction to staff relative to the agricultural preserve policies amendments. It was noted that the draft resolution needed to be amended to reflect the applications that were approved and the current Chair of the Board. Ayes: Unanimous. Supervisor Balmain asked whether future funding decisions by the State to reimburse counties for this program would have any affect on the contracts. It was determined that the contacts would still exist, just the reimbursement may not occur as anticipated. The hearing was closed.

10:59 a.m. Recess

11:10 a.m. Jeff Green, County Counsel;

Waive First Reading and Introduce an Ordinance Amending Chapter 2.33 of the Mariposa County Code Regarding "Jury and Grand Jury Fees"

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

Blaine Shultz, Fire Chief;

(1) Authorize the Fire Chief to Sign the Grant Application; and (2) Approve the Budget Action to Accept Unanticipated Revenue of \$83,734 from the State of California, Office of Emergency Services Domestic Preparedness (Weapons of Mass Destruction) Grant and Approve Expenditures to Acquire Equipment to Mitigate First Response to Terrorist Acts Within Mariposa County (4/5th's Vote Required)

BOARD ACTION: (M)Balmain, (S)Pickard, Res. 02-419 was adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Abstained: Parker.

Approve the By-Laws of the In Home Support Services (IHSS) Advisory Committee (Supervisors Pickard and Reilly, Board Liaisons to the IHSS Committee)

BOARD ACTION: (M)Pickard, (S)Balmain, Res. 02-420 was adopted/Ayes: Unanimous.

Supervisors Stewart and Parker;

Recommendation Regarding Personnel Recruitment Issues in the Planning Department; (1) Changing Position Titles, (2) Reorganizing Position Allocations, (3) Retitling Planning Manager to Deputy Director, (4) Setting and Adjusting Salary Ranges, (5) Approve Budget Action Transferring \$27,316 to Contingency from the Planning Budget Unit to Cover Salary Adjustments (4/5th's Vote Required)

BOARD ACTION: Discussion was held. Eric Toll, Planning Director, provided input relative to the request and the workload of the department. (M)Pickard, (S)Balmain, Res. 02-421 was adopted approving the recommendations (change for the Planning Manager to be effective November 1, 2002)/Ayes: Unanimous.

Supervisor Stewart;

Presentation by Roger Biery Regarding Portals – Website Presentations

BOARD ACTION: Supervisor Stewart noted the importance of keeping informed of changing technology in these areas.

Roger Biery, President of the Economic Development Corporation and evangelist for the portal project, gave a presentation on his recommendations for a portal – website. He reviewed the existing situation in the County with the websites and made suggestions for improvements. He noted that currently he feels it is difficult for people to get information about the County and for small businesses to have a presence in a website. He presented information on existing programs and sites that he feels could be applied to the County, the Visitors’ Bureau, and the Chamber of Commerce. He recommended that a consortium of the various organizations work on the portal project.

Rick Peresan, Technical Services Director, provided input relative to the development of a website for the County and the discussion during the final budget hearings. He noted that Roger is discussing a community portal with the businesses/tourism orientation versus a County government site. Supervisor Reilly stated she feels it is important to have a good Visitors’ Bureau site, i.e., an electronic version of the vacation planner. Discussion was held relative to the status of funding for these projects. The Board concurred with Supervisors Parker and Pickard working with the Technical Services Director to bring back recommendations.

12:40 p.m. CLOSED SESSION: Public Employee Appointment; County Administrative Officer (Review Applications and Discuss Process) (County Counsel/Interim Personnel Director)

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

1:12 p.m. Chairman Stewart announced that direction was given to staff as a result of the closed session.

CONSENT AGENDA

- CA-1 Authorize the Child Support Services Director to Overfill a Child Support Specialist Position and Approve the Budget Action Transferring Within the Child Support Services Budget Unit (\$2,386) (Child Support Services); Res. 02-415
- CA-2 Authorize the Friends of the Library to be Included under the Mariposa County Liability Insurance Policy for Their Mariposa Fund Raising Events (Library); Res. 02-416
- CA-3 Authorize the County Librarian to Close the Mariposa County Library System on Saturday, November 30’ 2002, Tuesday, December 24’ 2002 and Tuesday, December 31, 2002 (Library); Res. 02-414
- CA-4 Accept the Resignation of Patricia Bell from the In Home Support Services (IHSS) Advisory Committee (Supervisors Pickard and Reilly, Board Liaisons to the IHSS Advisory Committee)

1:13 p.m. Adjournment in memory of Allie Elizabeth Jones, Marye Littlejohn-Zabel, and Juanita Moore.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA December 3, 2002

Time Description

9:05 a.m. Meeting Called to Order

Chairman Stewart advised that adjustments have been made to the sound system, and he asked that if anyone had any problems hearing to advise him.

Pledge of Allegiance
Introductions

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

Board Information – none.

Chairman Stewart;

Presentation of a Resolution and Tile Plaque Recognizing Fred Dutton for His Outstanding Service as Deputy Sheriff for Mariposa County

BOARD ACTION: (M)Balmain, (S)Pickard, Res. 02-422 was adopted and was presented to Fred Dutton, along with the tile plaque/Ayes: Unanimous. Assistant Sheriff Allen and Assistant Sheriff Davies presented Fred with a plaque from the Department and with a retirement badge.

9:16 a.m. Recess

9:28 a.m. Marjorie Wass, Assistant Treasurer/Tax Collector, appeared on behalf of Don Z. Phillips, Treasurer/Tax Collector;

Adopt a Resolution Declaring Joel Simmons, Representing District III as Elected to the Mariposa County Unified School District Board of Trustees and Recognizing the Appointment of Kevin Kelly, Representing District I, to the Mariposa County Unified School District Board

BOARD ACTION: Discussion was held with Marjorie Wass and Nancy McConnell/President of the Board of Trustees, relative to the request to reappoint Kevin Kelly and the process. (M)Pickard, (S)Balmain, Res. 02-423 was adopted/Ayes: Unanimous.

Approval of Minutes 11-12-02 Regular Meeting

BOARD ACTION: The minutes were approved with correction to reflect the Fleet Superintendent salary for range 222 as \$2,854 - \$3,469.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Balmain pulled item 3, and he advised that he requested that Public Works bring this matter back on December 10th with a better explanation. (M)Pickard, (S)Reilly, the balance of the items were approved/Ayes: Unanimous. Marjorie Wass, Assistant Treasurer/Tax Collector, shared recognition received from the State for Mariposa being the first County in the State to get all of the election results reported. This was due to the new and updated election equipment.

Assistant Sheriff Davies appeared on behalf of Pelk Richards, Sheriff;
Authorize the Sheriff to Purchase an Engraving System to Engrave Animal Licenses; and Approve the Budget Action Transferring Funds Within the Sheriff's Budget Unit (\$3,250)

BOARD ACTION: Following discussion, (M)Pickard, (S)Balmain, Res. 02-426 was adopted/Ayes: Unanimous.

Mary Williams, Community Services Director, introduced Dorothy Mott, new member on the Commission on Aging. Dorothy thanked the Board for her appointment to the Commission and advised of her interest and background in working with the elderly.

Ken Hawkins, Auditor;

Approve the Budget Action Reducing Contingency and Increasing Professional Services in the Auditor's Budget Unit and Amending the Contract with Moss, Levy and Hartzheim Upon Approval of County Counsel for Said Services (\$5,600) (4/5th's Vote Required)

BOARD ACTION: Following discussion, (M)Parker, (S)Balmain, Res. 02-427 was adopted/Ayes: Unanimous.

9:50 a.m. Jeff Green, County Counsel;

Discussion and Possible Action Relative to Requests from Yosemite Concession Services and Yosemite Management Group, LLC for Waivers on Penalties on Transient Occupancy Taxes (TOT)

BOARD ACTION: Supervisor Reilly advised that she has a conflict with this matter and will not vote or participate in this matter, and she was excused from the meeting for this item. Discussion was held. Ken Hawkins, Auditor, provided input relative to his recommendation for the penalties to be waived. (M)Parker, (S)Pickard, Res. 02-428 was adopted approving the waiver of the penalties on transient occupancy taxes for Yosemite Concession Services and Yosemite Management Group, LLC/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Barry Brouillette, Yosemite Management Group, thanked the Board for processing this request.

10:57 a.m. Mike Berest, Court Executive Officer;

Approve an Agreement Between the County of Mariposa and Mariposa County Superior Court for the Collection of Civil Assessments and Fines by the Court, Reimbursement of Collection Costs to the Court by the County, and Retention of Local Fees by the Court

BOARD ACTION: Discussion was held relative to the request and previous enhancements to the software programs to increase collections. (M)Balmain, (S)Pickard, Res. 02-429 was adopted approving the agreement. Ken Hawkins, Auditor, provided input relative to the status of collections. Ayes: Reilly, Balmain, Stewart, Pickard; Abstained: Parker.

Chairman Stewart;

Discussion and Possible Direction Regarding the Creation of a Facilities Steering Committee for the Mariposa Superior Court

BOARD ACTION: Discussion was held. Mike Berest, Court Executive Officer, provided input relative to suggested members for the committee, advising that it could consist of himself, Judge Walton (with Judge Parrish as his alternate), the Judicial Services Manager, the technical services staff person for the Courts, and two Board members. Discussion was held relative to having the Board member liaison representatives participate in this process versus the establishment of a formal County committee. Supervisor Parker commented on the importance of retaining and preserving the Courthouse and its status. Supervisor Reilly suggested that consideration be given to including representation from the Historic Sites and Records Preservation Commission. The Board concurred with the liaison representatives (Supervisors Balmain and Pickard) participating in this matter.

Supervisors Parker and Pickard;

Discussion and Possible Action Relative to Website Portals

BOARD ACTION: Supervisor Parker advised that this matter was rescheduled for 1:00 p.m., and that the committee is going to recommend that this matter be continued to December 10th for written information to be prepared and presented. The Board agreed with continuing the matter to 1:00 p.m. to take input from the public.

Review and Approve the Proposed 2003 Mariposa County Legislative/Regulatory Platform (Administration)

BOARD ACTION: Jeff Green, County Counsel, advised that the requested changes have been made to the draft platform. Supervisor Parker requested that the issue relative to CalTrans and rights-of-way (sidewalk issues) be included to allow for flexibility of commercial activity within the right-of-way, possibly pursue an amendment to the Streets and Highway Code. (M)Pickard, (S)Parker, Res. 02-430 was adopted approving the platform with the addition of the right-of-way issue/Ayes: Unanimous.

10:26 a.m. CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Anderson v. County of Mariposa, WCAB Case No. FRE 184861 (County Counsel);

CLOSED SESSION: Public Employee Appointment; County Administrative Officer (Recruitment Discussion of CAO Job Applications) (County Counsel/Interim Personnel Director); and

CLOSED SESSION: Public Employee Appointment; Discussion of Pending Vacancy of Child Support Services Director, Interview of Candidate and Possible Action Regarding Appointment (County Counsel/Interim Personnel Director)

BOARD ACTION: (M)Reilly, (S)Pickard, closed sessions were held/Ayes: Unanimous.

11:01 a.m. Lunch

1:11 p.m. Supervisors Parker and Pickard;
Discussion and Possible Action Relative to Website Portals

BOARD ACTION: Supervisor Parker advised that he and Supervisor Pickard met with staff, and he requested that the matter be continued to December 10th for additional information to be prepared. There was no public input. The Board concurred with the continuance.

Judie Beliera, Tourism and Economic Development, advised that the vacation planner is available.

Chairman Stewart announced that direction was given to staff as a result of the closed session matters relative to existing litigation and recruitment for County Administrative Officer; and he advised that the Board interviewed Debra Walton for the position of Child Support Services Director. (M)Parker, (S)Pickard, Debra Walton was appointed Child Support Services Director, effective March 1, 2003/Ayes: Unanimous.

1:18 p.m. Recess

2:08 p.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;
Presentation of the Transit Marketing Plan by Mark Wall Associates

COMMISSION ACTION: Jim Petropulos introduced Mark Wall. Commissioner Reilly noted that the Advisory Committee prompted the study for the Plan. Mark Wall reviewed the work on the Plan and advised of the study results. He reviewed the three areas of marketing: product, price, and promotion. Discussion was held relative to the Plan. Commissioner Stewart initiated discussion relative to consideration of managing the two systems in the County (Mariposa County Transit and YARTS) under one coordinator. Commissioner Pickard asked about suggestions to increase service and what the costs would be. Commissioner Balmain commented on coordinating County transit services with Tuolumne County, and with the Airport. Amy Roberts, PWD/Transportation Planner,

noted that a new transit guide was created with this study, and that 11,000 copies will be distributed. No action was necessary.

3:11 p.m. Recess

3:24 p.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;

Project Update from CalTrans District 10 Staff; and Recognition of the Local Transportation Commissioners Reilly and Stewart

COMMISSION ACTION: Jim Petropulos advised that Jane Perez, Senior Transportation Planner for District 10, was present, along with representatives of District 6.

Jane Perez introduced the following CalTrans staff that was present: Julie Campero/District 10 Planning Office; Steve Curti/District 6 Chief of Advance Planning; and Margaret Hokokian/District 6.

Jane Perez presented certificates of recognition to Commissioners Reilly and Stewart, on behalf of Dana Cowell and Mark Leja/District 10 Director.

Steve Curti provided a report on the status of projects for Highway 41 and 49 in Madera County.

Jane Perez provided a status report on the following projects:

- Darrah Road/Highway 49 South intersection – the project study report is almost complete and they are looking at storm drainage issues, and the project is planned for 2008.

- Recessed markers – they hope to fund recessed markers for Highways 140 and 49 in FY 2003-04.

- Stop signs at Highway 140/49 North intersection – the public meeting for the signalization project at this intersection that was scheduled for December 4th has been cancelled. The stop sign project is scheduled for December 9 to 16th. They are being sensitive to the type of flashing lights that are used, and they will monitor the effectiveness of this project. Commissioner Reilly asked that pedestrian safety also be monitored at the intersection. Commissioner Balmain referred to the previous action by the Commission to send a letter to CalTrans, and stated he feels the survey of accidents in the area were not caused by the intersection. He stated he feels it is a mistake to stop the downhill traffic given the grade and weather conditions. Commissioner Stewart requested that if the lights have to be installed in the future, that temporary lights not be installed and left for several years like has occurred in Oakhurst.

- Commissioner Stewart asked about the status of request for reviewing the intersection at Trower Road and Highway 140. Jane advised that they are still working on issues that were raised in a letter from the County. Commissioner Pickard asked about the status of Streeter Mountain/Highway 49 South intersection, and was advised that they are still working on that request.

- Highway 140/49 South intersection – they are working on a project study report.

Jane Perez stated they hope to have more information relative to possible funding shortfalls given the situation with the State's budget after the California Transportation Commission meets next week. She advised of the publication of a Mainstreet Flexibility in Design and Operations booklet that she feels will help with some issues. Commissioner Stewart advised that he had requested copies for the Mariposa Task Force Committee, which is being organized. Commissioner Reilly noted that the historic context and walkability of the downtown area needs to be retained in future planning.

3:53 p.m. Jim Petropulos, Public Works Director;

Adopt Fiscal Year 2002-2003 Goals for Disadvantage Business Enterprise Program

BOARD ACTION: (M)Balmain, (S)Reilly, Res. 02-431 was adopted/Ayes: Unanimous.

FORTHCOMING POLICY

A) Adopt the County-Wide Injury and Illness Prevention Plan as Policy and Direct Each Department Head or Appointed Department Safety Representative (DSR) to Monitor the Health and

Safety Policy for Their Respective Department with Assistance From the County Safety Officer (Public Works) (Scheduled for Action on December 10, 2002)

B) Waive the First Reading and Introduce an Ordinance Creating Title 14 “Fleet Services Policy” to the Mariposa County Code (Public Works) (Scheduled for Action on December 10, 2002)

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

CONSENT AGENDA

- CA-1 Approve the Statement of All Votes Cast as Certified to the Secretary of State on November 22, 2002, and Declare Elected Those Persons in Local Races Held on November 5, 2002 (Elections); Res. 02-424
- CA-2 Authorize Augmentation and Extension of the Mariposa County District Attorney Victim/Witness Program Office of Criminal Justice Planing Grant in the Amount of \$86,336, Covering the Period of July 1, 2002 to June 30, 2003 (District Attorney/Victim Witness); Res. 02-425
- CA-3 Approve the Budget Action Transferring Funds Within the Various Districts and Solid Waste for the Unanticipated Fee Increase for the State Water Resources Control Board (\$5,400) (4/5th's Vote Required) (Public Works); Matter was continued to December 10th
- CA-4 Appoint Dorothy Mott to the Mariposa County Commission on Aging Representing District IV (Community Services)
- CA-5 Accept the Resignation of Ruth Etier from the Mariposa County Commission on Aging Representing Members-at-Large (Community Services)
- CA-6 Accept the Resignation of William B. Sturtevant from the Historic Sites and Records Preservation Commission Representing an At-Large Position (Supervisor Balmain)
- CA-7 Accept the Resignation of Joyce Macormac from the Wawona Town Planning Advisory Committee (Supervisor Pickard)
- CA-8 Waive Second Reading and Adopt an Ordinance Amending Chapter 2.33 of the Mariposa County Code Regarding “Jury and Grand Jury Fees” (County Counsel); Ord. 980

3:55 p.m. Adjournment in memory of Della Combetto, Thomas “TJ” Johnston, Barbara King, Bob Stewart (of Greeley Hill), and Harold Taft Sener.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA December 10, 2002



Time Description

9:08 a.m. Meeting Called to Order, with Supervisor Reilly excused due to illness.

Pledge of Allegiance
Introductions

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

Board Information

- Chairman Stewart advised that more adjustments have been made to the sound system, and he asked that if anyone had a problem hearing to let him know.
- Supervisor Balmain advised that he attended the ribbon cutting ceremony for the new office facilities for Merced Irrigation District last Thursday.

Approval of Minutes 11-18-02 Regular Meeting

BOARD ACTION: Approved.

Cheryle Rutherford-Kelly, Human Services Director;

A) Authorize the Chair to Sign the Four Agreements with Kings View Corporation for the County's Mental Health and Drug and Alcohol Services for Fiscal Year 2002-2003

BOARD ACTION: Following discussion, (M)Balmain, (S)Pickard, Res. 02-432 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

B) Authorize Interns to Drive County Cars When Transporting Clients or Performing Other Critical Duties at the Request of the Assistant Director or Director of Human Services

BOARD ACTION: Following discussion, (M)Balmain, (S)Pickard, Res. 02-433 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

C) Authorize the Human Services Director to Distribute \$32,000 in Unrestricted Program Income to Eligible Programs in Need of Support; and Approve the Budget Action Transferring These Funds Within the Human Services Budget Unit (4/5th's Vote Required)

BOARD ACTION: Cheryle Rutherford-Kelly advised of her revised recommendation. Following discussion, (M)Balmain, (S)Pickard, Res. 02-434 was adopted approving the revised recommendation to fund the following: \$7,000/homeless assistance project; \$12,000/delegate agencies; and \$13,000/Community Services-senior meals/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Approve a Letter Supporting the Mariposa Public Utility District's (MPUD) Application for Grant Funds to the California Department of Water Resources to Replace the Failing Water Main Within the Water Distribution System (Supervisor Parker)

BOARD ACTION: (M)Pickard, (S)Parker, Res. 02-435 was adopted approving the letter/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Discussion and Possible Action Relative to Amending Resolution No. 94-27, Which Established Uniform Procedures for the Submission and Consideration of Complaints/Requests for Investigations (County Counsel)

BOARD ACTION: Discussion was held with Jeff Green, County Counsel, and he advised of a correction to the draft resolution. (M)Balmain, (S)Pickard, Res. 02-436 was adopted amending Resolution No. 94-27, with the correction/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Jeff Green advised that he will come back with a recommended process.

9:37 a.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Initiation of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9 (County Counsel)

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

9:59 a.m. Recess

10:10 a.m. Chairman Stewart announced that direction was given to staff as a result of the closed session.

10:00 a.m. Jim Petropulos, Public Works Director;

C) Approve the Budget Action Transferring Funds Within the Various Special District Budgets for the Unanticipated Fee Increase for the State Water Resources Control Board for Waste Discharge Requirements (\$4,500) (4/5th's Vote Required) (Continued From 12-03-02)

BOARD ACTION: Discussion was held with Jim Petropulos and Marty Allan/PWD-Fleet Fiscal Manager. (M)Balmain, (S)Parker, Res. 02-437 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

A) Declare the Atomic Nuclear Gauge Previously Used by the Road Division for Compaction Testing, as "Surplus" and Allow the Public Works Director to Sell at Auction to the Highest Responsible Bidder

BOARD ACTION: Following discussion, (M)Balmain, (S)Parker, Res. 02-438 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

B) Authorize the County to Enter into an Agreement with the Airport Operations Supervisor to Reside at the House Located on Airport Property

BOARD ACTION: Following discussion, (M)Balmain, (S)Pickard, Res. 02-439 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

D) Waive the First Reading and Introduce an Ordinance Creating Title 14 "Fleet Services Policy" to the Mariposa County Code (Forthcoming Policy from December 3, 2002)

BOARD ACTION: Discussion was held with Jim Petropulos and Marty Allan/PWD-Fleet Fiscal Manager, relative to cleaning of the vehicles and removing smoke from the designated smoking vehicles; and relative to considering the use of rental cars for the pool vehicles. Jim Petropulos responded to a questions from County Counsel relative to responsibility for implementation and oversight of the policy, and he advised that the Fiscal Officer, Fleet Superintendent, and himself would be responsible. Supervisor Pickard asked that the department be mindful of any costs to the County associated with this policy. (M)Pickard, (S)Balmain, first reading was waived and the Ordinance introduced/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

10:48 a.m. LOCAL TRANSPORTATION COMMISSION

Jim Petropulos, Public Works Director;

Adopt Revised Unmet Transit Needs Definitions and Criteria; Adopt the Revised Social Services Technical Advisory Council By-Laws; Re-Appoint William Ruether, Mary Williams, and Nancy Bell; and Appoint Debbie Smith, Georgene Tarbox, Marjie Kirn and Lisa Rhudy

COMMISSION ACTION: Discussion was held with Jim Petropulos and Amy Roberts/PWD-Transportation Planner. (M)Stewart, (S)Pickard, LTC Res. 02-9 was adopted approving the recommended actions. Following further discussion, the motion was amended, agreeable with the maker and the second, to adopt the revised unmet transit needs definitions and criteria and the

revised Social Services Technical Advisory Council By-Laws; with direction that the appointment of members be reviewed for compliance with the Maddy Act and come back for action/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

10:56 a.m. Recess

11:13 a.m. Dr. Mosher, Health Officer;

Authorize the Health Officer to Submit Bio-Terrorism Preparedness Plan to the Department of Health Services; and Authorize the Health Officer to Execute, in the Name of Mariposa County, All Necessary Applications, Contracts, Agreements and Amendments for the Purpose of Securing Bio-Terrorism Funds and to Implement and Carry Out the Purposes Specified in the Bio-Terrorism Preparedness Plan

BOARD ACTION: Dr. Mosher reviewed the Plan. (M)Pickard, (S)Balmain, Res. 02-440 was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

Rick Peresan, Technical Services Director;

Discussion and Possible Action Relative to Pursuing a Website Portal for the Visitors Bureau
(Continued from 12-03-02)

BOARD ACTION: Rick Peresan provided some history to this matter, and he advised that the County became involved in the Broad Band Task Force in 2001 and an element is the community portal. The President of the Economic Development Corporation (Roger Biery) agreed to work on the portal project. Rick reviewed options and costs estimates for pursuing a website portal and presented his recommendation for full County development of the Visitors' Bureau web portal and to use the request for proposal process. Discussion was held. Supervisor Parker advised that the Board's liaison committee (himself and Supervisor Pickard) met with staff (Visitors' Bureau and Technical Services) relative to this matter. He stated he feels the County needs to concentrate on its website for the Visitors' Bureau, and the rest of the proposal can be coordinated from there.

Input from the public was provided by the following:

- Roger Biery thanked Rick Peresan and Judie Beliera for their efforts in this matter, and he noted that Kay Mickel came up with the idea in 2000. He provided information on the difference between a website and a portal. He stated he feels the portal site should be "Home of Yosemite" versus "Yosemite.com" and that a consortium should be formed for this project.

Jeff Green, County Counsel, responded to questions relative to the request for proposal process for this type of matter.

- Barry Brouillette commented on his understanding of what a portal is and its complexities. He suggested that a ad hoc committee be established to assist with the technical aspects as to what the money will buy and to help the Board understand what a portal is. He stated he feels that Roger Biery is trying to assist the County with this project.

Further discussion was held relative to the recommendation and consideration of web portals used in Nevada and Stanislaus counties.

- Dianne Fritz, on behalf of the Chamber of Commerce, stated they are in favor of a portal. She stated that she feels that what Roger has to offer is excellent. They would like to see the information kept up to date and be accurate.

Rick Peresan advised that input would be taken from all sources for the request for proposal for the development of a County web portal. He advised that it could take 6 to 12 months to complete the process, and he will know more about the timeframes in a few weeks.

The Board concurred with the Technical Services Director proceeding with the development of request for proposals for a County/Visitors' Bureau web portal.

12:31 p.m. Lunch

2:16 p.m. Sarah Williams, Deputy Director, appeared on behalf of Eric Toll, Planning Director;

PUBLIC HEARING: Consider Design Review and Development Agreement Application No. 2002-2003 for a Proposed Mixed Use Commercial and Residential Structure in the Mariposa Town Planning Area Near Stroming Road; APN's 013-130-059 and 013-130-056; Jolene Seale, Applicant
BOARD ACTION: Sarah Williams presented the staff report and responded to questions from the Board relative to MPUD's requirement and location of the fire hydrant; requirement and location of the turnouts for fire equipment; length of the driveway/road to the project site; existing standards for turnouts; whether any other agencies have provided input on this type of project; and the application of the fees for Fish and Game.

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

- Steve Morgan, Project Architect representing the applicant, thanked Sarah Williams for her assistance and stated he feels her report was thorough. He stated he was willing to answer any questions. He responded to questions from the Board relative to the size of the project and the requirement to widen the road if the average daily traffic count increases; and relative to the term of the development agreement.

The public portion of the hearing was closed and the Board commenced with deliberations. Sarah Williams provided additional information relative to the Fish and Game fee issue. She advised that Tuolumne County adopted a set of standards, that were approved by Fish and Game, which allows for a project that meets those standards to not be subject to the Fish and Game fees. She advised that the Planning Commission will review this option. (M)Parker, (S)Balmain, Res. 02-441 was adopted adopting a Mitigated Negative Declaration and approving Design Review and Development Agreement No. 2002-203 with the recommended findings and conditions; first reading was waived and Ordinance was introduced approving Development Agreement No. 2002-203 with the recommended findings and provisions; and direction was given for the second reading of the Ordinance to be scheduled following execution of the Development Agreement by the applicant, and the submittal of a legal description. Further discussion was held relative to the Fish and Game fee requirement; location of the hydrant and turnouts. Staff responded to questions from the Board relative to these issues, and advised that the turnout would become part of the road once it is further improved in the future. Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. The hearing was closed.

FORTHCOMING POLICY

Adopt the County-Wide Injury and Illness Prevention Plan as Policy and Direct Each Department Head or Appointed Department Safety Representative (DSR) to Monitor the Health and Safety Policy for Their Respective Department with Assistance From the County Safety Officer (Public Works) (Scheduled for Action on January 14, 2003)

INFORMATION – No action was necessary on the following:

Report on the Status of the Final Map for Phase 1, Unit 4 of the South Shore Club Subdivision; South Shore Ranches LLC and JMZ Development Company, LLC – Owners (Planning and Public Works)

2:49 p.m. Adjournment in memory of Harold L. "Hal" Brook, James Floyd Hawksworth, and Rosemary Jackson.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA December 17, 2002

Time Description

9:09 a.m. Meeting Called to Order

Chairman Stewart advised that this is the last meeting for 2002, as the meeting for December 24th was cancelled due to the Christmas holiday and December 31st is a fifth Tuesday.

Pledge of Allegiance
Introductions

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

Board Information

- Supervisor Balmain referred to Merced County's action relative to the critical habitat designation proposed by Fish and Wildlife. He also noted that Lyle Turpin has reviewed the full proposal, and he advised that the comment period closes on December 23rd. He encouraged the Board members to write letters relative to this proposal. He stated he feels more time should be allowed for comment and expressed concern with the proposal. Supervisor Balmain further advised that he attended the Forest Service workshop on Friday in Nevada City, and that the Sierra Framework Management Plan was discussed.

- Supervisor Stewart advised that he and Supervisor Pickard attended the Rural Health Forum at the Government Center that was hosted by Assemblyman Cogdill. He also advised that letters are being sent to the Fish and Wildlife Services and Congressman Radanovich relative to the critical habitat designation proposal and other issues raised by Lyle Turpin.

- Supervisor Pickard provided input relative to the Rural Health Forum.

- Supervisor Reilly advised that she and Supervisor Pickard would report on their meeting with CalTrans during the discussion later this date on the stop sign issue.

Approval of Minutes 12-03-02 Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

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

Ken Hawkins, Auditor;

Approve and Allocate an Additional Accountant II Position to the Auditor's Office Effective February 1, 2003 and Approve Budget Action Reducing General Contingency to Fund Position and Purchase Personal Computer (\$19,542) (4/5th's Vote Required)

BOARD ACTION: Discussion was held with Ken Hawkins. (M)Parker, (S)Balmain, Res. 02-446 was adopted approving the request/Ayes: Unanimous.

Ken Hawkins, Auditor, responded to a question from Supervisor Balmain relative to the budget transfer request for the Woodland Park improvements.

Supervisor Parker stated he would like to see the recruitment for the additional Accountant II position for the Auditor's Office occur as soon as possible, and that he would be agreeable with filling the position prior to the February 1st request date. The Board concurred.

Chairman Stewart;

Approve a Letter to CalTrans Regarding the Installation of the Stop Signs at the Intersection of Highways 140 and 49 North

BOARD ACTION: Chairman Stewart initiated discussion relative to the stop sign project, and expressed concern with the status of pending projects for Darrah Road/Highway 49 South intersection, Old Highway bridge replacement, STIP funding, and the downtown sidewalks.

Supervisor Pickard advised of the meeting he and Supervisor Reilly attended with representatives of CalTrans on Friday relative to these issues. Supervisor Parker noted that they are still discussing the downtown sidewalks issue.

(M)Balmain, (S)Parker, Res. 02-447 was adopted approving the letter/Ayes: Balmain, Stewart, Parker, Pickard; Abstained: Reilly.

Jim Petropulos, Public Works Director, provided input relative to impacts due to the State's budget deficit. He advised that STIP projects will be delayed, and the AB2928 road funding is being impacted, and that he will come back to the Board with recommendations for adjusting the budget. He noted that the State's situation is affecting the funding received for the Airport, and that some of this year's commitments are not being honored by the State. Supervisor Parker suggested that the Local Transportation Commission revisit its commitment for the Old Highway bridge replacement given the current budget crisis with the State. Supervisor Reilly noted that our major projects are considered safety projects and there was some suggestion at the California Transportation Commission meeting that these types of projects have the best hope for continuing. Supervisor Pickard provided additional information on the meeting held with Dana Cowell and Jane Perez/CalTrans. He noted there was some confusion in the cancellation of the public workshop that CalTrans scheduled for December 4th for the signal light project. CalTrans plans to monitor the stop signs at the intersection and will come back and reschedule a public workshop.

Eric Toll, Planning Director, introduced Julie Reigelsberger, the new Assistant Planner.

Supervisor Pickard;

Provide Direction to the Public Works Director to Maintain Monte Vista Lane from its Intersection with Triangle to the Edge of the County-Owned Property Where the Lushmeadows Firehouse is Located

BOARD ACTION: Following discussion, (M)Pickard, (S)Balmain, Res. 02-448 was adopted. Supervisor Balmain commented on efforts to substitute other portions of roads for maintenance for the portion of Fielding Road that was abandoned. Ayes: Unanimous.

10:04 a.m. Recess

10:17 a.m. Jim Petropulos, Public Works Director;

A) Authorize the Chair to Sign a Letter of Support for Federal Funding to Congressman Radanovich for the Yosemite Area Regional Transportation System (YARTS)

BOARD ACTION: Following discussion, (M)Parker, (S)Pickard, Res. 02-449 was adopted approving the letter/Ayes: Unanimous.

B) Authorize the Public Works Director to Initiate the Zone of Benefit Formation Process for the Proposed Brodiea Lane Zone of Benefit and to Borrow Funds for the Formation Cost from the Revolving Zone of Benefit Fund 298

BOARD ACTION: Discussion was held with Jim Petropulos and Dana Hertfelder/Assistant Public Works Director, relative to the request and timeframes. (M)Pickard, (S)Reilly, Res. 02-450 was adopted approving the request. Supervisor Parker noted that when the Revolving Zone of

Benefit Fund was established, it was not intended to be available for new development. Ayes: Unanimous.

C) (1) Approve the Plans and Specifications for the Construction of the Mariposa Amphitheater; (2) Authorize the Public Works Director to Advertise the Project for Bid; and (3) Authorize the Public Works Director to Award the Contract to the Lowest Responsible Bidder

BOARD ACTION: Following discussion, (M)Parker, (S)Reilly, Res. 02-451 was adopted/Ayes: Unanimous.

D) Approve the Budget Action Transferring Surplus Money from the Woodland Ballfield Lighting Project, #01-13 to Woodland Park Improvements (\$45,000)

BOARD ACTION: Discussion was held and a correction was made to the budget action form. (M)Parker, (S)Pickard, Res. 02-452 was adopted/Ayes: Unanimous.

Approve the Budget Transfer of \$1,450 and Approve Sierra Tel Business Systems to Install a Key Pad and Buzzer Entry System on Administration's Front Door (Chairman Stewart)

BOARD ACTION: (M)Pickard, (S)Balmain, Res. 02-453 was adopted/Ayes: Unanimous. Supervisor Reilly suggested that consideration be given to reviewing the overall security at all County offices and developing a plan versus a case-by-case basis.

Chairman Stewart initiated discussion relative to the selection of a new Chair for 2003 and the interim County Administrative Officer duties that have been assigned to the Chair. He suggested that the Board select a member to carry the title of Chair until the January 7, 2003, meeting.

(M)Parker, (S)Balmain, Supervisor Pickard was selected as Chair until the January 7th meeting/Ayes: Unanimous.

10:42 a.m. CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel); and

CLOSED SESSION: Public Employee Performance Evaluation; Public Works Director (Board)

BOARD ACTION: (M)Parker, (S)Pickard, closed sessions were held/Ayes: Unanimous.

11:56 a.m. Lunch

2:11 p.m. Supervisor Stewart advised that Supervisor Pickard was selected to serve as Chair until the January 7, 2003, meeting, and he passed the gavel to him.

Chairman Pickard announced that direction was given to staff as a result of the closed session items.

Chairman Pickard;

A) Presentation of Tile Plaques and Resolutions to Supervisors Reilly and Stewart for Their 8 Years (Respectively) of Outstanding Service to Mariposa County

BOARD ACTION: (M)Parker, (S)Pickard, Res. 02-442 was adopted and presented to Supervisor Reilly, along with a tile plaque/Ayes: Unanimous. Supervisor Reilly introduced her family: her spouse, Pat; daughter, Elizabeth, and her husband, Jon, and their three children, Noah, Lily, and Anika.

(M)Balmain, (S)Reilly, Res. 02-443 was adopted and presented to Supervisor Stewart, along with a tile plaque/Ayes: Unanimous. Supervisor Stewart introduced his wife, Grace; and he thanked staff for support.

B) Other Presentations of Recognition to Supervisors Reilly and Stewart

BOARD ACTION: Chairman Pickard read the entries that Congressman Radanovich entered in the Congressional Records for Supervisors Reilly and Stewart.

Chairman Pickard presented Certificates of Appreciation on behalf of Senator Poochigian to Supervisors Reilly and Stewart.

Matt Walker, representing Assemblyman Cogdill, presented Certificates of Appreciation to Supervisors Reilly and Stewart.

David Mihalic, Yosemite National Park Superintendent, presented plaques to Supervisors Reilly and Stewart.

Ruben Lopez, representing CSAC, presented Certificates to Supervisors Reilly and Stewart.

Supervisor Caruso, Stanislaus County, presented a plaque to Supervisor Stewart for his work with the San Joaquin Valley Regional Association of California Counties; and he thanked Supervisor Reilly for her work.

Jesse Brown, Merced County Association of Government (MCAG) introduced Marjie Kirn/MCAG; and he presented Certificates of Appreciation to Supervisors Reilly and Stewart, recognizing their efforts with YARTIS and YARTS.

Blaine Shultz, Fire Chief, presented plaques to Supervisors Reilly and Stewart on behalf of the Department and the 165 volunteer firefighters.

Board members commended Supervisors Reilly and Stewart for their work.

Don Weston, Past President of the Mariposa Museum and History Center, thanked Supervisors Reilly and Stewart and the Board for its support.

Rebecca with Congressman Radanovich's Office noted the Congressional entries that were made recognizing Supervisors Reilly and Stewart for their efforts on behalf of the County.

Irma Delle Tettleton, AAUW member, stated they are proud of Supervisor Reilly, who is also a member of AAUW.

Dr. Mosher, County Health Officer, thanked Supervisors Reilly and Stewart for their support as members of the Board's Health Liaison Committee.

Supervisors Reilly and Stewart provided input and thanked everyone for support.

C) Presentation of the Gavel Plaque to Supervisor Stewart for Serving as Chair for 2002

BOARD ACTION: Chairman Pickard presented Supervisor Stewart with the gavel plaque.

A public reception was held for Supervisors Reilly and Stewart at the conclusion of the meeting.

FORTHCOMING POLICY

A) Adopt the County-Wide Injury and Illness Prevention Plan as Policy and Direct Each Department Head or Appointed Department Safety Representative (DSR) to Monitor the Health and Safety Policy for Their Respective Department with Assistance From the County Safety Officer (Public Works) (Scheduled for Action on January 14, 2003)

B) Direct the Public Works Director to Commence Work to Acquire Adequate Easements on Stroming Road and 8th Street for Existing Commercially-Zoned Properties; Mariposa Town Planning Area (Planning) (Scheduled for Action on January 21, 2003)

CONSENT AGENDA

CA-1 Waive Second Reading and Adopt an Ordinance Creating Title 14 "Fleet Services Policy" to the Mariposa County Code (Public Works); Ord. No. 981

CA-2 Approve a Certificate of Appreciation for the Mariposa Lions Club for Their Assistance with Installing the Ball Field Lights at Catheys Valley Park (Supervisors Stewart and Parker)

CA-3 Accept the Resignation of Maryjane Ehrmann from the Wawona Town Planning Advisory Committee (Supervisor Pickard)

- CA-4 Approve a Certificate of Recognition for Outgoing President of the Chamber of Commerce, Joy Schultz (Tourism)
- CA-5 Authorize the Planning Director to Purchase a Replacement Computer for the Assistant Planner Position Using Computer Replacement Money in the Data Processing Capital Improvement Fund (Planning); Res. 02-444
- CA-6 Authorize the Chair to Sign an Agreement with Abbott & Kindermann, LLP, to Provide Legal Services to the Central California Conference Seventh Day Adventist Church Camp Wawona Environmental Impact Report/Environmental Assessment (Planning); Res. 02-445
- CA-7 Accept the Resignation of Wayne Parrish from the Assessment Appeals Board Representing District V (Supervisor Pickard)

3:20 p.m. Adjournment in memory of Dorothy Helen Mueller.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board