

**MINUTES OF A REGULAR MEETING OF THE BOARD OF SUPERVISORS,
COUNTY OF CALAVERAS, STATE OF CALIFORNIA,
HELD ON OCTOBER 6, 2003**

PRESENT: Paul Stein, Chair; Thomas Tryon, Vice-Chair; Lucy Thein, Merita Callaway, Victoria Erickson, Supervisors; Spencer Batchelder, County Counsel; Tom Mitchell, County Administrative Officer; Madaline Krska, Deputy Clerk

ABSENT: None

Meeting recorded on Cassette 03-38 and 03-38A

7:00 P.M. Called to Order

Pledge of Allegiance

Announcements: Addendum to the Agenda 21c. CLOSED SESSION with legal counsel, pursuant to Government code Section 54956.9 to discuss pending litigation-Concerned citizens v County; County Counsel-Board action:

C O N S E N T A G E N D A

Kelly Graesch, Coordinator, Calaveras Child Care Council, asked that item # 6 be pulled for discussion. Bob Kawasaki, Public Works, Director pulled item # 10 for discussion. Jeanne Boyce, Director Health Services Agency pulled item # 13 to continue to a future meeting. Motion made to approve the remainder of the Consent Agenda, as submitted.

Moved: Thein

Second: Tryon

Approval: Unanimous

1. Minutes of September 15, 2003 Regular Board of Supervisors meeting, as written
2. CORRESPONDENCE: September 12-25, 2003 (PAGES &), as processed
3. MINUTE ORDER authorizing Assistant Chief Probation Officer to sign Memorandum of Understanding with Nevada County for Juvenile Hall Bed Space.
4. RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDS FROM THE 2003
NO. 03-285 LOCAL LAW ENFORCEMENT BLOCK GRANT
5. RESOLUTION AUTHORIZING THE SHERIFF TO SIGN AN AGREEMENT WITH
NO. 03-286 THE REGENTS OF THE UNIVERSITY OF CALIFORNIA TO PROVIDE
EVIDENTIARY EXAMS
7. MINUTE ORDER authorizing the Director of Public Works to direct the posting of signage correcting the spelling to Marredda Lane and to amend the Maintained Mileage list spelling appropriately.
8. MINUTE ORDER approving the right-of-way contract and authorizing the Chair of the Board of Supervisors to accept 0.717 acres in the amount of \$2000.00 from Gerard Oneto, etal., for the replacement of Pool Station Road Bridge at San Antonio Creek, Project No. BRLS 5930(008).
9. RESOLUTION ESTABLISHING NO PARKING ZONES ON BAKER STREET,
NO. 03-287 COPPEROPOLIS AND APPROVING TRAFFIC ORDER NO. 289
11. RESOLUTION AUTHORIZING PAYMENT FOR REIMBURSEMENT OF IMPROVEMENTS
NO. 03-288 IN SADDLE CREEK, SEGMENTS 9-C AND 9-D TO CASTLE &
COOKE, SADDLE CREEK, INC.
12. MINUTE ORDER authorizing the Director of the Health Services Agency to sign the subcontract between the Calaveras County Health Services Agency, Public Health Department and Sierra Health Resources, Inc. for the continued provision of HIV/AIDS prevention and education services for the period September 1, 2003-June 30, 2004 in the amount of \$18,000.

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14. MINUTE ORDER authorizing signing of a Maintenance Agreement (Electronic Download) with SymPro for annual Investment Software Services. Source of funding is through the Treasurer-Tax Collector budget 1010.0060.5186-Maintenance of Computer Software/Hardware for \$5340.00

15. MINUTE ORDER authorizing the Nielsen family to replace the wooden sign at Nielson Park with a permanent rock sign at no cost to Calaveras County.

13. PUBLIC HEALTH/AGREEMENT (03-38, I, 18)
Jeanne Boyce, Director Health Services Agency, asked that this Agenda Item re: Minute Order authorizing the Calaveras County Health Services Agency Director to sign agreement with Dean M. Kelaita, M.D. for professional and specialized services related to Health Officer duties be continued to the meeting of October 14, 2003.

Motion made to continue item to meeting of October 14, 2003.
Moved: Thein Second: Tryon Approval: Unanimous

6. CALAVERAS CHILD CARE COUNCIL (03-38, I, 25)
Kelly Graesch, Coordinator Child Care Council, led discussion on Lights on for After School Day. After she read the Resolution several children spoke stating positive benefits they derive from this program.

Motion made to approve the following Resolution regarding Lights on Afterschool.
Moved: Callaway Second: Thein Approval: Unanimous

RESOLUTION Approving a Resolution proclaiming
No. 03-289 October 9, 2003 as Lights On Afterschool! Day.

10. PUBLIC WORKS/PURCHASE (03-38, I, 75)
Robert Kawasaki, Director Public Works, asked that this Agenda Item re: Resolution authorizing purchase of equipment for processing wood and green waste at various County-operated facilities, be continued to October 14, 2003. He stated that for the purchase of an industrial grinder, a formal protest has been received from Steve Johnson, one of the bidders.

Motion made to Continue this item until October 14, 2003.
Moved: Tryon Second: Thein Approval: Unanimous

R E G U L A R A G E N D A

16. PUBLIC COMMENTS/GENERAL PUBLIC (03-38, I, 760)
Karen Varni, County Clerk/Elections Official, gave reassurance to the Board that preparations for the Election tomorrow, October 7, 2003 are in place and ready to begin on schedule. Inspectors, the usual Polling Places, extra workers have been assigned and backup staff is available to assure that all will go smoothly on this day.

17. CALWORKS/IHSS/PUBLIC AUTHORITY (03-38, I, 783)
The Board adjourned from a Board of Supervisors and reconvened as a Governing Board of the IHSS Public Authority then reconvened as a Board of Supervisors to complete the day's agenda.

18. ADMIN/SHERIFF (03-38, I, 1160)
CAO Tom Mitchell, advised that the California Board of Corrections requires provisions for medial services by qualified professionals be made available in local detention facilities. He spoke of the fiscal impacts the increase costs

roads that have been in use. Kelly Graesch, Coordinator for Calaveras Child Care Council, encouraged an exemption for Child Care Homes. Bob Leitzell, stated that Day Care is a pass by trip not adding to traffic on the highways, that the use would be for additional traffic as in new homes and businesses. Cynthia Sanchez who is a new home owner to be and stated large fees at this time for schools that she feels she does not receive benefit from and if this fee was added to the existing fees would be out of line with a small county but rather for a large populated county. Chair Stein, commented that Calaveras is one of the last counties to adopt this fee. LaQunita De Marco read a letter to the Board from the Calaveras County Assoc. of Realtors which outlines their position. They are not against having a rim fee but would like some changes. David Sidle, is not against rim fees but feels they are too high and will not aide in having affordable housing. Chair Stein question what he felt was a reasonable fee. Sidle responded with the fees neighboring counties are charging. Potential strip mall partners for Valley Springs expressed their concerns that the high fee would make their project not be possible. John Meyer feels that the state should pay for the upkeep on the roads and not be paid out of the rim fees. Dan Hendryek spoke about the Angels Camp Rim fees and supports fees. Gary Caldwell spoke of meetings in 1998. Lloyd Griffin spoke of what he feels the intention of the rim committee was. Tom Dumas, Dept. of Transportation, is available to assist, support and encourages to make the fees reasonable and something the County can live with. Ray Waller, Building Official, addressed the issue of the recipient of the funds when this passes and the risk of plans being stock piled to avoid the increase in fees which will impede staff and suggested changes in wording to include this issue. Joe Kelly of Copperopolis questioned how the fees will reflect on taxes and what is considered Non-residential, agriculture or exempt from the fees. Dondero stated that if these fees are not paid by developers will need to be paid by other methods which could be in the form of Parcel Fees, Taxes, or TOT. The Rim fee is being developed to try and take all interests into consideration. This money is coming back to the County for County use. CAO Mitchell, stated that there will be options for some buildings to be exempt from these fees. Supervisor Callaway asked if there could be County issued bonds as another financing option in relation to Benefit basins. Dondero, replied that this was a different issue.

The Board then convened to a Closed Session:

21 (c) ADDENDUM CLOSED SESSION/COUNTY COUNSEL

CLOSED SESSION with legal counsel, pursuant to Government Code Section 54956.9 to discuss pending litigation - Concerned Citizens v County; County Counsel-Board action: nothing to report then reconvened as a Board of Supervisors to complete the Agenda Item 21 (a)

21.(a) CALAVERAS COUNCIL OF GOVERNMENTS (03-38, A I 522

Chair Stein instructed staff to return with refining the figures to reduce the residential amount to about \$2500.00. Asked COG to bring this back to the Board soon as this is a timely issue. Feels that maybe some funds can be derived from gas and sales tax revenue. Supervisor Tryon is uncomfortable with any fees being placed on institutional facilities. Concerns how these fees will impact the businesses and the need to be realistic on what can be. Feels it is necessary to determine how the money is collected, spent and the time frame to use the funds. He feels state roads should not be included as part of the ordinance.

Supervisor Erickson has concerns that a fee for 1000 square foot home and a 3000

are the same amount. Feels that a large fee would have negative ramifications. Supervisor Thein supports this item be continued and revision of these fees. Supervisor Callaway supports institutions be exempt and wants to see affordable housing be available. Would like to see the fees at another time other than at the time the permits are taken out so not as much money up front. Chair Stein, thanked George Dondero and the consultants for their presentation, supports Supervisor Tryon's comments and an increase in sales and gas taxes to assist with roads. Redirect staff to prioritize roads according to the highest needs. Wants to make sure all the fees go directly to the roads as intended.

Motion made to continue item until the meeting of October 27, 2003.

Moved: Thein Second: Tryon Approval: Unanimous

22. BOARD MATTERS/ADMIN/COUNTY COUNSEL (03-38A, I, 800)

Motion made to approve the following Resolution regarding an emergency declaration for the asbestos cleanup of Building/Planning remodel.

Moved: Callaway Second: Tryon Approval: Unanimous

RESOLUTION FINDINGS AND RESOLUTION DECLARING
03-293 CONTINUING EMERGENCY AND AUTHORIZING
NEGOTIATED CONTRACT

23. CORRESPONDENCE/SUPERVISORS/STAFF (03-38-A, I, 805)

a) Supervisor Thein on Tuesday will attend the NAMI Open House, Mental Health Advisory Board meeting, Wednesday Good Friends in Valley Springs to attend a Roast for Frank & Sue Eckblom, celebrating their 20 year newspaper anniversary, Thursday morning Central Sierra Child Support Agency in Jackson, Friday a BBQ at East Bay Municipal Utility District at Pardee, in the evening Bill Claudinos' fundraiser at the home of Shirley Huberty, Sunday Chili Cook-off a Habitat for Humanity Fundraiser; b) Supervisor Tryon attended last Saturday Grape Stomp Festivities in Murphys that was very well attended, Sunday Angels Camp Branch Library; c) Supervisor Erickson Tuesday evening Chamber Mixer at Humbug Farms, Wednesday Chamber lunch in Valley Springs in the evening a COG meeting, Saturday Health Faire at the Hospital, Sunday Chili Cook-off, she also attended the Grape Stomp and the Valley Springs October Fest this past Saturday in Jenny Lind; d) Supervisor Callaway Tuesday will attend the Ebbetts Pass Property Owners meeting and the Chamber Mixer, Wednesday morning CSAC Board of Directors meeting in Sacramento, Thursday Central Sierra Child Support Agency in Jackson, Friday a BBQ East Bay Municipal Utility District at Pardee, Saturday at Pioneer for Amador County Supervisor Vinson Birthday event, Sunday Chili Cook-off; e) Supervisor Stein Tuesday will be in Los Angeles, Wednesday morning CSAC Board of Directors meeting in Sacramento & COG meeting Wednesday evening, Thursday morning regular office hours in the afternoon meeting with Supervisor Erickson, attended last Saturdays Lumber Jack Days in West Point and as a reminder tomorrow is an historic Election day for California; f) CAO Mitchell stated that CSAC is asking for support in opposing SB 1049. A letter has been generated opposing SB 1049 and he asked for Board approval to send this letter. A letter from California Clerk of the Board Assoc. re: recognition of Board Clerks at annual CSAC Conference, Chair Stein offers funds to cover expenses of retiree Guiffra to attend. He will be attending Chamber Mixer on Tuesday evening, expressed appreciation to the Board for his one year anniversary as Calaveras County CAO

ADJOURNMENT/CLOSED SESSION

There being no further business requiring action this day, the meeting was adjourned to the following Closed Sessions with the Board to reconvene on October 14, 2003, at 10:00 A.M., for a Regular Board of Supervisors meeting.

24. CLOSED SESSION

A CLOSED SESSION was held with legal counsel pursuant to Gov. Code section 54956.9(b)(1) to discuss potential litigation, one case; County Counsel - Board action: taken off the agenda

25. CLOSED SESSION

A CLOSED SESSION was held with County Counsel pursuant to Gov. Code section 54957, evaluation of performance, Planning Director; County Counsel - Board action: 3-2, Supervisors Callaway and Thein in the negative, to accept the resignation of the Planning Director

/s/ Paul Stein

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ATTEST:

CHAIR

/s/ Karen Varni
CLERK

C O R R E S P O N D E N C E

THE BOARD REVIEWED THE FOLLOWING CORRESPONDENCE AND TOOK NO FURTHER ACTION:

SEPTEMBER 12, 2003

- 1. From: CA. Envir. Prot. Agency re: Notice of proposed rulemaking; Action: Board
- 2. From: County of Yuba re: thank you; Action: Supervisor Stein
- 3. From: CSAC re: Family Violence Task Force; Action: Supervisor Callaway
- 4. From: Calaveras County Affordable Hous. re: Housing element update; Action: Board
- 5. From: Economic Dev. Digest re: August Issue; Action: Route to the Board

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- 6. From: GEMS re: management solutions; Action: Individual copies to the Board

SEPTEMBER 15, 2003

- 7. From: CSAC re: Notice of special meeting; Action: Supervisors Callaway and Tryon
- 8. From: Columbia College re: Grand opening October 8th; Action: Individual copies to the Board
- 9. From: Diocese of Stockton re: Bishop's Award Dinner; Action: Individual copies to the Board
- 10. From: Dept. of Forestry re: Timber Harvesting of plan 4-03-57/cal-13; Action: Supervisors Stein, Callaway and post

- 11. From: Chamber News re: August Issue; Action: Route to the Board
- 12. From: CSDA News re: September Issue; Action: Route to the Board
- 13. From: Partnership for Public's Health re: community-based health policy; Action: Individual copies to the Board
- 14. From: State Board of Equal. re: Notice and agenda; Action: Filed
- 15. From: Quad Knopf re: Urban drainage in CA.; Action: Individual copies to the Board

SEPTEMBER 16, 2003

- 16. From: Greenhorn Creek re: Custom Club residences; Action: Individual copies to the Board
- 17. From: NAMI Gold Country re: Sept-Oct Updates; Action: Supervisors Callaway, Stein, Tryon, Erickson
- 18. From: Jackson Valley Irrigation Dist. re: Mok. River Water & Power; Action: Board
- 19. From: Central Sierra Res. Cons. Re: Community Forums; Action: Supervisor Thein

SEPTEMBER 17, 2003

- 20. From: Area 12 Agency on Aging re: Grand Jury Report; Action: Supervisors Callaway and Stein
- 21. From: California Biodiversity Council re: 2003-04 Dues; Action: Board
- 22. From: CSAC re: Annual Meeting in Monterey; Action: Supervisor Stein
- 23. From: CSAC re: local government Constitutional Amendment; Action: Supervisor Stein
- 24. From: Thompson Publ. Re: Fair Labor Standards; Action: Route to the Board
- 25. From: Del Oro re: Pathways for Fall; Action: Route to the Board
- 26. From: State Board of Equal. re: Humboldt County Assessment Practices Survey; Action: Filed
- 27. From: State Board of Equal. re: California Code of Regulations; Action: Filed

SEPTEMBER 18, 2003

- 28. From: Alpine County Board of Supervisors re: the California Wild Heritage Act; Action: Board
- 29. From: CSAC re: September 15 Bulletin; Action: Individual copies to the Board
- 30. From: The Journal of the CA State Assoc. of Counties re: Sept./Oct. Issue; Action: Individual copies to the Board

SEPTEMBER 19, 2003

- 31. From: Mountain-Valley Emergency Medical Services Agency re: Request to provide ambulance service based in Murphys; Action: cc: Board
- 32. From: Amador County Counsel re: Motion to intervene by the Calaveras Amador Mokelumne River Authority; Action: cc: Supervisors Stein, Callaway and Erickson

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- 33. From: California State Assoc. of Counties re: Meeting November 19, 2003 with CEWAR & CSAC; Action: cc: Supervisors Thein, Callaway & Erickson
- 34. From: San Joaquin County Office of Education re: Up coming Events; Action: cc: Board
- 35. From: Conservation Leaders Network re: Support for S. 1453; Action: cc: Board
- 36. From: Construction Materials Assoc. of California re: Summer Newsletter; Action: Route to Board
- 37. From: Board of Supervisors County of Madera re: Discussion and direction on the cooperative wildlife services program; Action: cc: Board and Agriculture Dept.

38. From: Noble-Friends of Life Flight re: Reinstating Sacramento Life Flight helicopter; Action: Board as addressed
39. From: San Andreas Ambulance re: ALS service to Murphys; Action: cc: Board

SEPTEMBER 22, 2003

40. From: California State Assoc. of Counties re: Leadership Letter; Action: cc: Board
41. From: California Legislature re: Press Release Senate & Joint Committee interim hearings; Action: Board
42. From: California/Nevada Community Action Partnership re: Fall Meeting: Training Sessions; Action: Supervisor Thein as addressed
43. From: Department of California Hwy Patrol re: Hazardous waste disposal report; cc: Board and OES
44. From: Dept. of Forestry re: Timber Harvesting of Mariposa and Tuolumne Counties; Action: Supervisors Stein and Callaway
45. From: Assemblyman Dave Cogdill re: Local Gov't. Update; Action: Board

SEPTEMBER 23, 2003

46. From: CSAC re: illegal immigrant privileges; Action: Supervisor Stein
47. From: Dept. of the Army re: Public Notice; Action: Board
48. From: Fish and Game Commission re: Agenda; Action: Supervisors Callaway and Tryon
49. From: Pacific Mountain Network News re: September Issue; Action: Individual copies to the Board
50. From: CLGFA re: meeting postponement; Action: Supervisor Tryon

SEPTEMBER 24, 2003

51. From: Red Mountain Resort re: Tuscany Hills Project; Action: cc: Board, County Counsel & Planning
52. From: Lakemont Pines Homeowners Assoc. re: water quality; Action: Supervisor Callaway
53. From: Stanislaus Natl. Forest re: fire update; Action: Board
54. From: RCRC re: water and natural resources; Action: Supervisor Tryon
55. From: CSAC re: thank you; Action: Supervisor Stein
56. From: CSAC re: Annual meeting on November 18; Action: Supervisors Callaway and Stein
57. From: Dept. of Alcoholic Bev. Re: Allens Bayou; Action: Supervisor Stein, planning
58. From: Union Public Utility District re: vacancy for the 5th seat; Action: Supervisor Tryon
59. From: Calaveras County Comm. on Aging re: Meeting of October 10; Action: Supervisors Callaway and Stein
60. From: County News re: Sept. 15 Issue; Action: Individual copies to the Board

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61. From: Government West re: Sept/Oct Issue; Action: Individual copies to the Board
62. From: American City & County re: September Issue; Action: Route to the Board
63. From: NLA Architects re: brochure; Action: Supervisor Stein

SEPTEMBER 25, 2003

64. From: Stanislaus Natl. Forest re: fire update; Action: Board
65. From: K. Venable and J. Berman re: thank you; Action: Supervisor Stein
66. From: State Board of Equal. re: Assessment Appeals Board Training; Action: Board
67. From: Western States Renewable Energy Assoc. re: Summit on October

8; Action: Individual copies to the Board
68. From: Stanislaus Natl. Forest re: Land management planning;
Action: Route to the Board
69. From: The Professionals Source re: holiday schedule; Action: Board
70. From: Public Sector Excellence re: workshop; Action: Board
71. From: Marsha Bentley re: resignation; Action: Supervisor Stein
72. From: Friends of the Library re: Meeting of October 1; Action:
Supervisor Callaway
73. From: Christopher Williams re: zoning amendment permit 2001-37;
Action: Supervisor Erickson
74. From: Ovations re: performing arts series; Action: Supervisor
Erickson
75. From: Central Sierra Planning Council re: cancellation of October
1, 2003 Governing Board Meeting; Action: cc: Supervisors Erickson and
Callaway
76. From: Regional Council of Rural Counties re: Barbed Wire Report;
Action: cc: Board