

for the Flowers Ranch project.

Motion was made authorizing the Board Chair to sign Memorandum of Understanding between the County, Caprock, Cloudburst and Ed and Susan Rich regarding conveyance of the fee interests necessary to complete the extension of Little John Road.

Moved: Callaway

Second: Thein

Approval: Unanimous

RESOLUTION NO. 97-149 A RESOLUTION AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING SELECTING PREFERRED LOCATION OF THE LITTLE JOHN ROAD EXTENSION SUBJECT TO COMPLETION OF ENVIRONMENTAL REVIEW

9. PUBLIC WORKS/MOUNTAIN RANCH FIRE DISTRICT (97-21, I, 67)

Supervisor Tryon requested clarification re: portion of Mountain Ranch Rd. that the fire district is requesting to be vacated. Director of Public Works Pedersen clarified that the matter before the Board deals only with waiver of fees, not vacation of the road. The area in question is at the corner of Mountain Ranch and Whiskey Slide Roads and this involves a realignment project. Tryon requested that inspection fees not be waived.

Motion was made to direct the Public Works Department to waive the Utility Encroachment Permit application fee of \$150 for the Mountain Ranch Fire District's water storage system and the application fee of \$400 for the vacation of a portion of Mountain Ranch and Whiskey Slide Roads, as requested by the Mountain Ranch Fire District.

Moved: Stein

Second: Tryon

Approval: Unanimous

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

10. PUBLIC COMMENTS/SUPERVISORS/SIERRA RIDGE (97-21, I, 127)

Supervisor Callaway introduced Chuck Milazzo, Vice-President/Manager, of the new Bank of Lodi in San Andreas. Ed Anderson complimented Supervisor Thein on a recent meeting in Burson relative to the new post office and other community issues. Tim Wilkersen brought the Board up to date on the situation with the Sierra Ridge Facility indicating that a new investigation will be conducted as agreed upon by all parties.

11. PERSONNEL/SHERIFF (97-21, I, 230)

Motion was made authorizing the hiring of Ronald MacLellan, a retired California Highway Patrol Officer, with 28 years of experience, as an Extra-Hire Deputy Sheriff at the "C" Step, Range 0992, at \$13.52 per hour, as recommended by Admin.

Moved: Tryon

Second: Callaway

Approval: Unanimous

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12. PERSONNEL/MIS (97-21, I, 240)

CAO Harrington reported on the activities leading up to the proposal of appointing Howard Stohlman, District Attorney Investigator, as Acting MIS (Management Information Services) Director on a temporary basis, due to his interest and expertise in management and computer technology. Callaway referenced the Board's past actions involving removal of the previous Director with direction to staff to find a replacement; however, she has concerns with making this a 12 month assignment and would be more comfortable with 6 months.

Stein supported this collaborative effort and also has some reservations over the 12 month period but doesn't know if the job can be done in 6 months. Ron Krelle, District Attorney's Office, spoke in support of Stohlman informing the Board of his abilities and indicating that he is very qualified. Tryon supported Callaway's suggestion for a 6 month assignment rather than 12.

Motion was made approving changes to the Position Control List to establish Position 07-01, Acting MIS Coordinator, at a salary range of 2160 (\$24.04 per hour) and approving a temporary transfer of Howard Stohlman into said position for a period of 6 months, beginning May 27, 1997.

Moved: Tryon

Second: Callaway

Approval: Unanimous

RESOLUTION A RESOLUTION AUTHORIZING CHANGES TO THE POSITION CONTROL LIST
NO. 97-150

13. DISTRICT ATTORNEY/PURCHASING/AUDITOR (97-21, I, 456)

Motion was made accepting a bid and awarding a contract to IKON Office Solutions for the purchase of two Sharp 2025 Copy Machines, in an amount not to exceed \$14,266.39; and, directing the Auditor/Controller to adjust the Books of Record accordingly and transfer said amount from Trust Fund #5521 to effect such purchase.

Moved: Callaway

Second: Thein

Approval: Unanimous

RESOLUTION A RESOLUTION AUTHORIZING DISTRICT ATTORNEY TO PURCHASE
NO. 97-151 TWO COPY MACHINES THROUGH TRUST FUND #5521

14. PUBLIC WORKS/WEIGHT LIMITS/TRAFFIC ORDER (97-21, I, 470)

Bailey asked if the following ordinance will have any affect on traffic for the water treatment plant on Hogan Dam Road and the Director of Public Works advised that it would not.

Motion was made to adopt the following Ordinance, as introduced on 4/14/97, to establish a 14,000 pound weight limit on Hogan Dam Road, No. 58, between Silver Rapids Road, No. 75, and 1.2 miles north of Silver Rapids Road, and approving Traffic Order No. 254 in conjunction therewith.

Moved: Callaway

Second: Stein

Approval: Unanimous

ORDINANCE AN ORDINANCE ESTABLISHING A 14,000 POUND WEIGHT LIMIT
NO. 2509 ON HOGAN DAM ROAD AND APPROVING TRAFFIC ORDER NO. 254

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15. PUBLIC WORKS/SOLID WASTE/FEES (97-21, I, 480)

Motion was made to adopt the following Ordinance, in consideration of Proposition 218, which provides for continuation of the \$150 Solid Waste Fee through Fiscal Year 1997/98.

Moved: Callaway

Second: Tryon

Approval: Unanimous

ORDINANCE AN ORDINANCE CLASSIFYING LAND AND ESTABLISHING A FEE SCHEDULE
NO. 2510 AND EXEMPTIONS FOR SOLID WASTE SYSTEMS IN CALAVERAS COUNTY

16. AGREEMENTS/PARCEL MAP/PLANNING (97-21, I, 485)

Due to an error in scheduling, an agenda item regarding a Deferred Improvement Agreement for the Steinpress Parcel Map was continued for one week to 5/27/97.

17. MOUNTAIN COUNTIES WATER RESOURCES (97-21, I, 490, continued to Side II)
Chris Williams, Executive Director, Mountain Counties Water Resources Association, justified his request for a \$5,000 contribution from the County to help fund a study of Calaveras County's water needs. He stated that we need an independent study done by a professional engineer and indicated that several agencies have already done this. Williams stated that this compilation needs to be included in the CAL FED process to show what our regional needs and limitations are. Discussion followed.

Motion was made authorizing a \$5,000 expenditure from Contingencies to cover

with Assemblyman Oller re: membership on the Local Transportation Commission.

23. WELFARE/PURCHASING (97-21, II, 349)

Welfare Director Beaudreau informed the Board that she had received a bid from Forty-Niner Subaru pursuant to the Board's directions last week; however, staff still recommends that the bid for a four-wheel drive vehicle be awarded to Geweke Ford justifying the need for a high profile vehicle vs a low one. Bailey supported purchase of the lower priced Subaru (Impreze) at \$19,981.75 and feels that we should do business within the County. Supervisor Thein supported Beaudreau's recommendation. Callaway stated that she will support the department's request this time but, in the future, will request that all departments be prepared to justify special purchases. She then stressed the need for a vehicle control policy. Tryon asked about the performance of the two Subarus now being used by Welfare and stated that unless there are compelling reasons why the County should not purchase these types of vehicles, he would prefer dealing with the local vendor.

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Motion was made to accept a bid and authorize the purchase of a Jeep Cherokee four-wheel drive utility vehicle from Geweke Ford, in the amount of \$21,394.23, and approve a budget transfer for Social Welfare in the amount of \$1,394.23 from Account 2300 (Special Dept. Expense) to Account 3700 (Fixed Assets) in conjunction with said purchase.

Moved: Callaway

Second: Stein

Approval: Unanimous

NOES: Tryon and Bailey

RESOLUTION
NO. 97-154

A RESOLUTION AWARDING THE BID FOR ONE (1), FOUR-WHEEL-DRIVE
SPORT UTILITY VEHICLE FOR WELFARE TO GEWEKE FORD

24. GATES/PRIVATE ROADS/COUNTY COUNSEL (97-21, II, 480, continued to 97-21A)

Discussions resumed re: proposed ordinance establishing private road and driveway sign and gate regulations as continued from 5/12/97. County Counsel referenced a letter from Kenneth Foley, Attorney, requesting a two to four week continuance of this matter to allow further public comment. Counsel then clarified the process for Offers of Dedication indicating that the Board has the option to return at a later date and adopt a Resolution accepting Offers of Dedication on specific roads. Discussion followed. Chair Bailey then opened this up for public comments and Eddie Adams, Attorney for John Hamm, informed the Board that he is currently in litigation with Marrone regarding a dispute over gates, etc. He spoke of interference with rights and had concerns with the retroactivity of the proposed ordinance due to laws and requirements that were in existence at the time of approval of specific projects and stated that there are also issues with wells and livestock. Adams also indicated that there could be a possible conflict with the General Plan and Zoning laws. Dick Hess, Sierra Pacific, also asked for a continuance of this matter to allow their legal department in Anderson to review the document. Chris Williams, Attorney for Pearl Marrone, indicated that approval of this ordinance could resolve many easement disputes which are very common problems in Calaveras County. He then presented a map of the subject area and offered further information stating that it makes no sense to put up a gate to run cattle on one acre of land. Williams informed the Board that the Marrones were there first and the gate prevents people from gaining access to their business. Other persons speaking were Penny Kesterson, John Hamm, Tina Torres for the Farm Bureau, Pearl Marrone, Tammy Hamm and Santa Marrone. County Counsel advised that it may be better for the Board to consider the alternative to accept offers on behalf of the public. Supervisor Tryon feels that the ordinance should not be adopted and that certain matters should be handled on a case by case basis; also, he is uncomfortable with taking any action at this time due to the current litigation between Marrone and Hamm. He stated that the Board should not adopt an ordinance to resolve one person's

problem and that he wants to have an opportunity to review the physical property. Callaway also has concerns with the County's involvement in this due to the litigation and stated that she would not be in support of acceptance of roads or adopting an ordinance at this time and would prefer to

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wait until this litigation is over with. She also supports the concept of considering these matters on a case by case basis. Stein was also uncomfortable with the present situation but reiterated his support of Marrone's concept and agreed that something needs to be done to allow access to rural businesses. Supervisor Thein reported that she had received many calls from ranchers who are concerned about this ordinance and would also like to see another option to resolve Marrone's issue indicating that the Board should revisit this issue after the litigation is complete. Bailey agreed with her fellow Board Members. Discussions were concluded and no action was taken.

ADJOURNMENT

The Board announced that they would be attending a luncheon at the Metropolitan in honor of the Senior Citizens of the Year and would return at 1:45 p.m. to complete today's agenda.

24a. ADDENDUM/APPOINTMENTS/COMMITTEES/RIM/PLANNING (97-21a, II, 30)

Motion was made to adopt the following resolution appointing members to the Road Mitigation Advisory Committee and designating Terri Bailey as the Board representative; Fred Kett as Planning's Transportation Planner; and Ted Pedersen as Public Works' representative.

Moved: Callaway

Second: Thein

Approval: Unanimous

RESOLUTION A RESOLUTION APPOINTING THE ROAD IMPROVEMENT
NO. 97-155 MITIGATION (RIM) ADVISORY COMMITTEE

22, 24b, 25, 26 & 27. CLOSED SESSIONS/ADDENDUM/ADJOURNMENT/SADDLE CREEK CSD
2:30 p.m.: There being no further business, the Board adjourned to a Saddle Creek Community Services District (CSD) Board of Directors meeting, then reconvened as a Board of Supervisors to conduct the following CLOSED SESSIONS, after which they adjourned to the next Regular Board of Supervisors meeting scheduled for 10:00 a.m., Tuesday, May 27, 1997.

22. CLOSED SESSION with legal counsel, pursuant to Government Code Section 54956.9(c) to discuss possible initiation of litigation in ~~one~~ potential case - Board action: continued for 3 weeks

24b. **ADDENDUM** re: CLOSED SESSION with counsel, pursuant to Government Code Section 54957, for discussion and possible action regarding employee discipline - Board action: directed that letter be sent to Sheriff re: same

25. CLOSED SESSION with County Administrative Officer, pursuant to Government Code Section 54957.6 re: negotiations with Calaveras County Deputy Sheriff's Association - Board action: none

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26. CLOSED SESSION with County Administrative Officer, pursuant to Government Code Section 54957.6 re: negotiations with the Calaveras County Employees Association - Board action: none

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CHAIR

ATTEST:

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:

MAY 2, 1997

1. From: Central Sierra Planning Council & Economic Development District re: agenda packet for May 7th meeting; Action: individual packets to Supervisors Stein & Callaway
2. From: Continental Cablevision re: transition period for company; name change soon to be announced; Action: cc: Board, County Counsel, Admin.
3. From: US Dept. of Interior, Bureau of Reclamation re: agreement with Oakdale Irrigation and South San Joaquin District to forego diversion of water; Action: cc: Board, County Counsel, Planning, CCWD, Chris Williams, Fish & Game Commission, Ag. Resources Committee
4. From: Californians Against Hidden Taxes re: April 1997 "Hidden Tax Report"; Action: individual copies to Board
5. From: Calaveras County Juvenile Justice and Delinquency Prevention Commission re: agenda for May 13th meeting; Action: cc: Board
6. From: Stanislaus National Forest, Calaveras Ranger District re: April 1997 Newsletter; Action: cc: Board
7. From: Mountain-Valley Emergency Medical Services Agency re: Fire District Property Tax Assessment Vote; Action: cc: Supervisors Thein, Callaway
8. From: Senator Barbara Boxer re: Boxer announces major progress toward disaster relief funds even as non-emergency amendments cloud overall relief bill; Action: cc: Board, Admin. OES
9. From: State Board of Equalization re: Santa Cruz County and Siskiyou County/Assessment Practices Survey and Assessor's Response; Action: cc: County Counsel, file
10. From: US Dept. of Interior, Bureau of Reclamation re: Klamath Basin needs prompt water supply initiative; annual Klamath project operations plan focuses on potential hydrologic conditions; Action: cc: Board, County Counsel, Planning, CCWD, Chris Williams, Fish & Game Commission, Ag. Resources Committee

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MAY 5, 1997

11. From: Brandt-Hawley & Zoia re: Notice of Commencement of Action - Valley Springs Citizens for Sensible Development, Pat Brantley, Kathy Mewhinney vs. County of Calaveras & David Sidle; Action: cc: Board, Planning, County Counsel
12. From: State Resources Agency, Dept. of Water Resources re: workshops scheduled re: Supplemental Water Purchase Program; Action: cc: Board, County

Counsel, Planning, CCWD, Chris Williams, Fish & Game Commission, Ag. Resources Committee

13. From: Los Angeles County Board of Supervisors re: Legislation Status Report - April 28, 1997; Action: cc: Board, County Counsel, Admin.
14. From: Continental Cablevision re: charges adjusted to reflect changing nature of business; Action: individual copies to Board; cc: Admin.
15. From: Orrick, Herrington & Sutcliffe re: "Municipal Finance Report"/April 1997; Action: route to Board
16. From: Attorney General's Office re: "Action Line" - A Crime and Violence Prevention Newsjournal; Action: Route to Board
17. From: California State Association of Counties re: CSAC Corporate Associates invitation to CSAC Board of Directors to June 12th Special Reception; Action: referred to Supervisor Callaway
18. From: US Dept. of Interior, Bureau of Reclamation re: 1997 Trinity River spring flow schedule announced; Action: cc: Board
19. From: The Business Journal re: May 1997 publication; Action: route to Board
20. From: Gold Country Alliance for the Mentally Ill re: May 1997 issue of "GCAMI Updates"; Action: individual copies to Board
21. From: State Dept. of Mental Health re: Governor Wilson proclaims May as Mental Health Month; Mental Health Summit/November 4 & 5, 1997; Action: cc: Board, Mental Health Dept.
22. From: Republican Local Elected Officials Committee re: Spring 1997 issue of "RLEOC"; Action: individual copies to Supervisors Stein & Bailey
23. From: Bette Queirolo, Murphys Cemetery District re: request that Ron Storey be appointed to vacant position on said Board; Action: cc: Supervisor Tryon; application to Ron Storey

MAY 6, 1997

24. From: California State Association of Counties re: June 13th CSAC Board of Directors meeting; Action: cc: Supervisor Callaway
25. From: California Chamber of Commerce re: May 2nd issue of "Alert"; Action: Route to Board
26. From: Margot Osborne re: letter of resignation from Mental Health Advisory Board; Action: cc: Supervisor Tryon (copies sent to Dr. Marshall, Tom Kolby and Maury Rager)
27. From: Amador County Resource Conservation District re: agenda for May 8th RCDC meeting; Action: cc: Board
28. From: Pacific Management and Research Associates re: May 13-15th "One-Stop National Conference"; Action: cc: Board
29. From: Department of California Highway Patrol re: adjusting speed limit on State Route 12 in the Burson area; Action: cc: Board, Public Works
30. Copy of a letter sent to Attorney Richard B. Amandes from Joseph & Mary Gentes re: Mahoney Property, Upper Moran Rd., Arnold; Action: referred to Callaway

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31. From: US Dept. of Interior, Bureau of Land Management re: BLM/USFS Publish Notice to Initiate Headwaters Exchange; Action: cc: Board, County Counsel, Planning, CCWD, Chris Williams, Fish & Game Commission, Ag. Resources Committee

MAY 7, 1997

32. Copy of a letter sent to County Counsel from Copperopolis Fire Protection District re: voicing concerns of County Auditor's Office implementing changes in disbursement of revenue collected; Action: cc: Board, Admin., Auditor/Controller
33. From: Pam Slater, Supervisor, San Diego County re: request for support of H.R. 7 - The Citizenship Reform Act of 1997 - denies automatic citizenship to children born in the U.S. to parents who are not citizens or permanent resident

aliens; Action: cc: Board, County Counsel

34. From: Calaveras 150 Committee re: May 14th meeting to discuss Sesquicentennial events; Action: cc: Board

35. From: Calaveras County Chamber of Commerce re: May 1997 issue of "Chamber News"; Action: cc: Board, Admin.

MAY 8, 1997

36. From: US Dept. of Interior, Bureau of Reclamation re: Bureau to negotiate renewal of interim contracts with CVP Water Districts; Action: cc: Board

37. From: Friends of the Calaveras County Library re: Agenda for May 14th meeting; minutes of April 9th meeting; Action: cc: Board

38. From: United States Postal Service re: intergovernmental review notice re: Purchase of Building for Angels Camp Post Office; Action: cc: Supervisor Tryon

39. From: Jane Hague, Metropolitan King County Council re: candidate for Second Vice President of NACo; Action: cc: Board

40. From: Shasta County Board of Supervisors re: request for support of Resolution urging the return of Property Tax Revenues transferred from local governments to State; Action: cc: Board, County Counsel, Admin.

41. From: California State Association of Counties re: May 5th issue of "CSAC Legislative Bulletin"; Action: individual copies to Board

42. From: Forest Landowners of California re: Spring 1997 issue of "Forest Landowner"; Action: route to Board

43. From: National Association of Counties re: April 28th issue of "County News"; Action: individual copies to Board

44. From: California Department of Social Services re: "Network Newsletter" - Winter/Spring 1997 issue; Action: cc: Board

45. From: National Association of Development Organizations Research Foundation re: May/June 1997 issue of "Economic Development Digest"; Action: route to Board

46. From: US Dept. of Interior, Bureau of Reclamation re: Bureau releases draft environmental assessments on conveyance of refuge water supply project for public review; Action: cc: Board, County Fish & Game Commission

47. Copy of a letter of resignation sent to San Andreas Cemetery District from Donna Leatherman; Action: cc: Supervisor Thein

48. From: Senator Dianne Feinstein requesting support of S. 615 re: elderly legal immigrants who rely on federal SSI benefits for survival; Action: cc: Board, Admin., County Counsel