

**MINUTES OF A REGULAR MEETING OF THE BOARD OF SUPERVISORS,
COUNTY OF CALAVERAS, STATE OF CALIFORNIA,
HELD ON MONDAY, SEPTEMBER 17, 2001**

PRESENT: Lucy Thein, Chair; Terri Bailey, Vice-Chair; Paul Stein, and Merita Callaway, Supervisors; Spencer Batchelder, County Counsel; Clay Hawkins, Acting County Administrative Officer; and Mary Jane Giuffra, Supervising Board Clerk

ABSENT: Thomas Tryon, District 4 Supervisor

Meeting recorded on Cassette 01-38, Sides I & II

10:00 a.m.: Chair Thein called the meeting to order leading everyone in the Pledge of Allegiance to the Flag. She then announced that there will be an addendum to today's agenda, item #10a re: Resolution condemning the recent terrorist acts, etc. This was followed by a moment of silence for all of those who lost their lives in the September 11th tragedy in New York City.

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

Motion was made approving the following Consent Agenda, as submitted.

Moved: Callaway Second: Stein Approval: Unanimous ABSENT: Tryon

1. Minutes of the Special Emergency meeting of September 6, 2001, approved as written
2. CORRESPONDENCE: August 31 through September 6, 2001 (see PAGES 4 & 5)
3. RESOLUTION A RESOLUTION SUMMARILY VACATING A NO ACCESS EASEMENT
NO. 01-265 AND ACCEPTING AN OFFER OF DEDICATION OF CONTROL OF
ACCESS RIGHTS TO THE PUBLIC
4. RESOLUTION A RESOLUTION EXTENDING TIME OF COMPLETION FOR
NO. 01-266 MCKINNEY CREEK SUBDIVISION, TRACT NO. 478
5. RESOLUTION A RESOLUTION AUTHORIZING PURCHASE OF EMERGENCY
NO. 01-267 EQUIPPED VEHICLE FOR SCHOOL RESOURCE OFFICER

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

6. PUBLIC COMMENTS/BUILDING DEPT. (01-38, I, 250)

Bonita Bond submitted comments re: Serra's building on Mariposa Street, San Andreas, indicating that this has resulted in the devaluation of neighboring property and has caused several foreclosures and bankruptcies. Bond stated that the County should remove the building and that it should not have been allowed in a single family residential area. She demanded immediate action. County Counsel stated that this item is on the Planning Commission's agenda for September 20, 2001, and that this will be the beginning of the legal process. Cynthia Sanchez stated that adjacent property owners did not receive the notice of public hearing on this project when it was originally approved and Pearl Marrone referenced certain wording that was contained in the notice then read a letter dated May 12th from Building Official Waller to the Serras and a letter from the Attorney General to District Attorney Smith.

(continued to PAGE 2)

7. LEASE AGREEMENT/MURPHYS (01-38, I, 1402)

Motion was made approving an amendment to the lease between the County of Calaveras and the Murphys Masonic Hall Corporation to defer lease payments until such time that the County reaches a settlement of the County loan from Murphys Lighting District to Murphys Parking Fund for the parking lot construction.

Moved: Callaway Second: Bailey Approval: Unanimous ABSENT: Tryon

8. ADMIN./COMMUNITY ACTION AGENCY/CSBG (01-38, I, 1430)

Mary Pitto, Senior Administrative Analyst, submitted information re: Rural Counties Petition against the State Department of Community Services and Development re: Community Services Block Grant disproportionate funding. She indicated that five counties are involved in the lawsuit filed August 20, 2001 and that this was discussed by Mariposa at the Community Action Agency (CAA) meeting last week. Mariposa decided not to join in and Pitto recommended that Calaveras County not join either.

Motion was made to continue this matter for one week to September 24, 2001.

Moved: Stein Second: Callaway Approval: Unanimous ABSENT: Tryon

9. ADMIN./OES/LOCAL DISASTER (01-38, I, 1813)

Clay Hawkins, Acting Administrative Officer and Director of Emergency Services, gave a status report on the local disaster (The Darby Fire) stating that it went from a 5500 acre to a 15,000 acre fire. Restoration work will have to be done and there are a number of short-term projects for the water. Right now they are shuttling it in by water trucks and rerouting water from up-country. The City of Angels is now the lead agency for the water situation. Hawkins stated that what makes this unique is that there are two parallel incidents - the fire and the water emergency and that this is a complex, unpredictable fire situation due to the canyon. Hawkins then informed the Board that they will need to re-certify the resolution declaring a local disaster every 14 days.

10a. ADDENDUM/DISASTER (01-38, I, 2357)

Motion was made to adopt the following resolution condemning terrorist acts and supporting the President of the United States and the Governor of California in their efforts to bring those responsible for these acts to justice and to ensure that our Golden State remains a state of freedom, peace and prosperity.

Moved: Bailey Second: Stein Approval: Unanimous ABSENT: Tryon

RESOLUTION A RESOLUTION CONDEMNING TERRORIST ACTS AND SUPPORTING THE
NO. 01-268 PRESIDENT OF THE UNITED STATES AND THE GOVERNOR OF CALIFORNIA

11a. PROBATION/JUVENILE HALL (01-38, I, 2640)

It was reported that the Board of Corrections' meeting on Thursday has been cancelled and continued to November 15, 2001. The Clerk was directed to put this item back on the agenda after Nov. 15.

10. GRAND JURY/COUNTY COUNSEL (01-38, I, 2727)

As requested by County Counsel, motion was made to again continue the Board of Supervisors response to the Grand Jury Report for FY 00/01 for one week to September 24, 2001.

Moved: Callaway Second: Bailey Approval: Unanimous ABSENT: Tryon

Supervisor Bailey raised the issue of water enhancement fees stating that this needs to be revisited. She would rather that people be required to pay the \$900 in lieu fee than have to install a water tank.

12. CORRESPONDENCE/SUPERVISORS

a) Supervisor Bailey reported on a recent meeting with people of Milton re: removal of dry sludge from the sewer treatment facility - will be conducting a town meeting in Milton on this issue on Wednesday; reported on the Copperopolis Homecoming last Saturday and the Assessment Appeal training in Stockton last Thursday; will be attending classes at U.C. Davis this Thursday and Friday; and announced that she will be absent from the October 1, 2001, Board Meeting; b) Stein will be attending the Visitor's Association Quarterly Dinner at the Utica Mansion this Wednesday p.m.; the annual EBMUD BBQ at Pardee on Friday; and Mountain Ranch Day this Saturday; c) Thein announced that she and Stein will be attending a GASB (General Accounting Standards Board) meeting in the Auditor's Office this afternoon; she may attend the Visitor's Association dinner at the Utica Mansion this Wednesday evening; will be meeting with Burson residents tomorrow a.m. regarding water concerns; the Planning Commission meeting on Thursday; Calaveras Adult Tutoring on Thursday; the BBQ at Pardee this Friday, if possible; will try to attend the Concours D'Elegance at Kautz Winery this Saturday; and will be at Appreciation Day for all the tutors at Turner Park in San Andreas this Sunday; d) Callaway will be attending a CCWD Candidate's Night for District 3 this week and a CSAC Board of Directors meeting in Sacramento; reported on the CDF services held at Frogtown last Friday evening; questioned the practice of swearing people in for Board hearings, etc., and County Counsel and staff will look into this.

13. CLOSED SESSION/ADJOURNMENT

There being no other business requiring action this day, the meeting was adjourned to the following CLOSED SESSION and the Board will reconvene in a Regular Board of Supervisors Meeting at 10:00 a.m. on Monday, September 24, 2001.

CLOSED SESSION under Government Code Section 54956.9(b), CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION -- 1 case - Board action: none

ATTEST:

CHAIR

CLERK

(continued to PAGE 4)

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:

AUGUST 31, 2001

1. From: National Forest Counties & Schools Coalition re: Roadless Advance Notice of Rulemaking; Action: cc: Board, Planning, Ag Dept.
2. From: State Board of Corrections re: Response Letters - Written & Oral Testimony; Action: referred to Callaway
3. From: State Board of Equalization re: Historical Properties Interest Component - 2002 Lien Date, and Open-Space Land Interest Component - 2002 Lien Date; Action: cc: Board, County Counsel
4. From: Office of Criminal Justice Planning re: open position of Criminal Justice Specialist I; Action: referred to Admin.
5. From: State Dept. of Alcoholic Beverage Control re: Application for License for Antoinette Marie Tapia for business in Arnold; Action: referred to Planning; cc: Callaway
6. From: HRC, Inc., re: 20 year Anniversary Celebration on Sept. 14, 2001 at the Holistic Health Center of the Sierra in San Andreas; Action: Individual invitations to Board Members
7. From: State Dept. of Conservation re: Application for Open Space Subvention Act Payment; Action: cc: Board, Assessor
8. From: Central Sierra Planning Council & EDD re: Agenda for September 5, 2001; Action: cc: Admin., agenda and packet referred to Callaway
9. From: Calaveras Visitors Bureau re: September 2001 Newsletter and Calendar of Events; Action: Individual copies to Board Members
10. From: State Board of Equalization re: Stanislaus County Assessment Practices Survey; Action: route & file to County Counsel and Board

SEPTEMBER 3, 2001 - HOLIDAY - NO MAIL

SEPTEMBER 4, 2001

11. From: California State Association of Counties re: corrected meeting notice for Ag & Natural Resources Committee Platform Working Group on October 3, 2001; Action: referred to Callaway and Stein
12. From: San Joaquin County Resource Conservation District re: notice of September 7, 2001 Lower Mokelumne River Watershed Stewardship Plan Steering Committee from 1:00 to 3:00 p.m. (new time) in Lodi; Action: referred to Stein
13. From: State Dept. of Forestry and Fire Protection re: Notice of Submission of Timber Harvesting Plans or Amendments Thereto for the following: for SPI re: Amendment #5 involving 362 ac. approximately 10 miles East of West Point, south of the Middle Fork of the Mokelumne River; for SPI re: Amendment #4 involving 269 ac. in El Dorado County; for James McCamant involving 55 ac. in Amador County; for Morris Stelzmilller involving 8 ac. in Amador County; for Arens Bros. Enterprises involving 10 ac. in El Dorado County; for SPI involving 441 ac. in Tuolumne County; and for SPI involving 573 ac. in Tuolumne County; Action: referred to Callaway and Stein
14. From: Bob Bradley, Owner, Gold Strike Village, San Andreas, re: copy of his letter to Scott Kranhold, Environmental Specialist III, Calif. Regional Water Quality Control Board, re: complaints from Calaveras County Environmental Health Dept.; Action: referred to Thein
15. From: Forests for the Next Century requesting support of AJR 25; Action: Individual flyers to Board Members
16. From: UC Davis, Land Use and Natural Resources, offering courses and conferences in environmental planning and policy; land use planning and law, water resources; habitat, wetlands and wildlife; fire ecology; housing and

(continued to PAGE 5)

community development; public finance and real estate economics; geographic information systems; and transportation management; Action: Individual brochures to Board Members

17. From: Council of Governments (COG) re: Ebbetts Pass Scenic Byway 2001 Workshops; Action: referred to Callaway

18. From: Chamber of Commerce re: September 2001 Newsletter; Action: file (Supervisors receive this at home)

19. From: Mountain-Valley EMS Agency re: Final Report, FY 2000/01; Action: cc: Thein, Admin., Health Dept.

20. From: Community Partnerships for Healthy Children re: August 2001 issue of "SPOTLIGHT"; Action: Individual copies to Board Members`

SEPTEMBER 5, 2001

21. From: Calif. State Association of Counties re: URGENT LEGISLATIVE ALERT and request for support of AB 589 (Wesson) Property Tax Administration Grant Program; Action: cc: Board

22. From: Regional Council of Rural Counties re: registration form for the October 9-12 RCRC Annual Meeting in Fish Camp, CA; Action: cc: Board

23. From: California Rural Health Association re: invitation to a conference being held October 24-26 in Sacramento; Action: Individual brochures to Board Members

24. From: State Dept. of Education re: Safe Schools Statewide Conference November 14-15 in Los Angeles; Action: Individual brochures to Board Members

25. From: Vince and Peggy Norris thanking Board for honoring them as Senior Citizens of the Year; Action: cc: Board

26. From: Calif. State Association of Counties re: August 30, 2001 CSAC Legislative Bulletin; Action: Individual copies to Board Members

SEPTEMBER 6, 2001

27. From: Jenny Lind Veterans Memorial District re: Response to 2000-01 Grand Jury Report; Action: cc: Board (County Counsel received this also)

28. From: Clinton B. Lee, Chairman, Murphys Masonic Hall Association, re: copy of their letter to Robert Pachinger, Public Works, re: terms of lease agreement with respect to responsibility for wear and tear on the building; Action: referred to Tryon (County Counsel received this also)

29. From: CALFED Bay-Delta Program re: September 2001 Newsletter; Action: Individual copies to Board Members - cc: County Counsel

30. From: Sierra Business Council re: Annual Conference in Sutter Creek on Oct. 5 & 6; Action: cc: Board

31. From: Association of California Water Agencies and Special District Institute re: one-day workshop for managers on November 27, 2001 in San Diego; Action: referred to Stein

32. From: California State Association of Counties re: Registration packet for 107th Annual CSAC Meeting in Sacramento November 27 to 30, 2001; Action: Individual brochures to Board Members and Board Clerk

33. From: California State Association of Counties re: County Fact Book; Action: Individual copies to Board Members and Board Clerk