

**MINUTES OF A REGULAR MEETING OF THE BOARD OF SUPERVISORS,
COUNTY OF CALAVERAS, STATE OF CALIFORNIA,
HELD ON DECEMBER 28, 2004**

PRESENT: Tom Tryon, Chair; Victoria Erickson, Vice-Chair; Lucy Thein, Merita Callaway, Supervisors; James Jones County Counsel; Tom Mitchell, County Administrative Officer; Madaline Krska, Board Clerk

ABSENT: None

Meeting recorded on Cassette 04-49, Sides I & II

10:10 a.m.: Call to Order
Pledge of Allegiance
Announcements:
Re: CLOSED SESSIONS held prior to today's meeting:
a) conference with Labor Negotiator under Government Code Section 54957.6; Assistant CAO; Calaveras County Employees Association
- Board action: no action taken
b) Public Employee appointment of or employment under Government Code Section 54957 (Community Development Director) - Board action: no action taken
Chair advised of two ADDENDUM'S as follows:
a) item 18d, a Continued PUBLIC HEARING to reconsider the following: **AG PRESERVE NO. 287**
APPLICANT: Gwen A. Wiltens and Roy A. Wiltens
APN's: 014-010-011 (2.59+acres), 014-010-012(7.01+acres),and 014-012-020 (80+acres)
DESCRIPTION: The subject land is located on the south side of Ridge Road approximately two miles west of Rail Road Flat.
ACTION: To establish an Agricultural Preserve on the above land totaling 89.60+acres
b) item 20, a CLOSED SESSION, under Government Code Section 54956.9, conference with legal counsel re: existing litigation, one case, Calaveras County vs. Area 12 Agency on Aging, Calaveras County Superior Court No. CV 31222

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

Supervisor Callaway pulled item 1, to abstain, and item 11, for clarification. Supervisor Erickson pulled item 14 for clarification. Motion made to approve the balance of the consent agenda, as submitted.

Moved: Thein Second: Erickson Approval: Unanimous

2. CORRESPONDENCE: December 10-16, 2004 (see PAGEs 8& 9), as processed.
3. MINUTE ORDER authorizing a refund of application fees due to withdrawal of General Plan Amendment and Zoning Amendment by the applicant.
4. MINUTE ORDER approving the extension of the contract with the Calaveras Enterprise for Legal Advertising/Public Notices, at current rates, for a
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two year period beginning January 1, 2005 through December 31, 2007.

5. RESOLUTION NO. 04-362 SUMMARILY VACATING A PORTION OF PEDESTRIAN AND EQUESTRIAN EASEMENT
6. RESOLUTION NO. 04-363 APPROVING THE SPENDING PLAN FOR THE DISTRICT ATTORNEY'S OFFICE FOR FISCAL YEAR 2004-2005 AND AUTHORIZING THE TRANSFER OF FUNDS AND AUTHORIZING THE AUDITOR TO ADJUST THE BOOKS OF RECORD ACCORDINGLY
7. RESOLUTION NO. 04-364 HONORING DOUGLAS V. NORFOLK FOR THIRTY YEARS OF SERVICE TO THE CITIZENS OF CALAVERAS COUNTY
8. RESOLUTION NO. 04-365 AUTHORIZING THE SHERIFF'S 2004/2005 SPENDING PLAN TO BE FUNDED BY THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND, AUTHORIZE THE TRANSFER OF FUNDS AND THE AUDITOR CONTROLLER TO ADJUST THE BOOKS OF RECORD ACCORDINGLY
9. MINUTE ORDER to approve the granting of placement at Step C and a moving stipend of \$1,500 to the Director, Behavioral Health Services position for the Public Health Department.
10. MINUTE ORDER granting initial placement at Step B to Step C for the Vocational Assistant position in the Calaveras Works and Human Services Agency.
12. RESOLUTION NO. 04-366 TO AWARD A CONTRACT BETWEEN THE COUNTY OF CALAVERAS AND NATIONAL ANALYTICAL LABORATORIES FOR HAZARDOUS MATERIALS TESTING AND AIR MONITORING IN THE AMOUNT OF \$23,664
13. RESOLUTION NO. 04-367 APPROVING THE LEASE OF FIVE FULLY-EQUIPPED EMERGENCY VEHICLES FROM ARCOM/MUNICIPAL SERVICES GROUP, INC. IN THE AMOUNT OF \$233,594.88

1. MINUTES/APPROVAL OF (04-49, I, 50)

Supervisor Callaway advised that she pulled this item in order to abstain due to her absence from the meeting.

Motion made to approve the final minutes of the meeting of December 13, 2004, as written.

Moved: Their Second: Erickson Approval: Majority
ABSTAIN: Callaway

11. ADMINISTRATION/HUMAN RESOURCES (04-49, I, 65)

Supervisor Callaway expressed a concern that the position of Captain had been made previously but this Resolution would change the structure. She asked the reasons for this change. Francine Osborn, Director Human Resources,

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OF REAL PROPERTY FROM U(UNCLASSIFIED), A1 (GENERAL AGRICULTURE), C2 (GENERAL COMMERCIAL) AND M2 (GENERAL INDUSTRY) TO 8.24 + ACRES OF C2 (GENERAL COMMERCIAL) AND 33.7 + ACRES OF M4 (BUSINESS PARK) ON APN'S 46-001-129, 46-016-048 46-016-049 AND A PORTION OF 46-016-014

RESOLUTION
NO. 04-372

APPROVING TENTATIVE PARCEL MAP 2002-124

b) a) Sellman stated that Staff has received a request for a minor amendment to the map from the applicant. At the time this was considered by the Planning Commission there were conditions relevant to the map. Private agreements were reached which reduces some of the improvements that were needed. b) Gene Deaver spoke for applicant by combining the two lots the condition of the Easterly road has been removed. c) Steve Wilensky from Glencoe referenced the conflict between zoning and the general plan. Feels any conflict has been worked out between people in this district that are in Agricultural Preserve. d) Robert Dean a resident of Jesus Maria Road, has concerns about traffic and water. Wants all the residents to be informed of development in any given area to be a participant.

Motion was made to approve with waiver of reading the following Ordinance, Resolution, Zoning Amendment, Tentative Subdivision Tract Map, with Negative Declarations for Mary Bruce based on the findings of Staff and the Planning Commission.

Moved: Their

Second: Erickson

Approval: Unanimous

b) ORDINANCE
NO. 2823

AMENDING TITLE 17 OF THE CALAVERAS COUNTY CODE CHANGING THE ZONING OF REAL PROPERTY FROM U(UNCLASSIFIED), TO RA (RESIDENTIAL AGRICULTURE-5 ACRE MINIMUM PARCEL SIZE) FOR 56.65+ ACRES. APN NO. 20-027-137

RESOLUTION
NO. 04-373

APPROVING TENTATIVE SUBDIVISION TRACT
MAP 2003-165

c) Sellman stated there has been on changes or additions recommends approval as submitted. There was no public comments at this time.

Motion was made to approve with waiver of reading the following Ordinance, Resolution, Zoning Amendment, Tentative Parcel Map with Negative Declarations for Jack & Kim McMillian based on the findings of Staff and the Planning Commission.

Moved: Their

Second: Erickson

Approval: Unanimous

c) ORDINANCE
NO. 2824

AMENDING TITLE 17 OF THE CALAVERAS COUNTY CODE CHANGING THE ZONING DISTRICT OF REAL PROPERTY FROM RR-5 (RURAL RESIDENTIAL-

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5 ACRE MINIMUM), TO RR (RURAL RESIDENTIAL)
FOR 5.00+ ACRES. APN NO. 44-015-152

RESOLUTION APPROVING TENTATIVE PARCEL MAP
NO. 04-374 2004-57

18d. ADDENDUM/PUBLIC HEARING/DEPT. OF AGRICULTURE (04-49, II, 505)

This is a continued public hearing and possible Board action regarding the following Agricultural Preserve contract:

a) AG PRESERVE NO. 287

APPLICANT: Gwen A. Wiltens and Roy A. Wiltens
APN's 014-010-011 (2.59+acres), 014-010-012
(7.01+acres), and 014-012-020(80+acres)
DESCRIPTION: The subject land is located on the south side
of Ridge Road approximately two miles west of
Rail Road Flat.
ACTION: To establish an Agricultural Preserve on the
land totaling 89.60+acres.

Jearl Howard, Agricultural Department, stated that discussion has been held with Supervisor Elect Wilensky and Planning Director Sellman that the property may be segregated into two assessor parcels for appraisal purposes only. The timeliness of doing this may not be attainable or feasibility of doing this may not be compatible to the Williamson Act.

Chair Tryon opened the Public comment period. The Wiltens were not present.

a) Supervisor Erickson asked if the applicants Conditional Use permit was valid. b) Sellman responded that the County has not made final determination if the condition use permit has been validated. Information has now been submitted by the applicant. c) Wilensky thought they had a conditional use permit for the 100 acres that the planting has been done. Was hopeful to be able to keep open the possibility of Ag Preserve status and work out a lot line adjustment to have some portion remain A-1. d) Howard stated that for this to happen needs to be accomplished completely by 12/31/04. The time deadline will not permit this to occurring for the current year This can be resubmitted next year if this is what the applicants want to do. The application fee will be waived next year if they want to apply. There was no action taken on this item.

19. CORRESPONDENCE/BOARD MEMBERS/STAFF (04-49, II, 691)

a) Supervisor Erickson will have office hours in Copperopolis on Wednesday;
b) Supervisor Thein stated this would be her last meeting as she is retiring;
thanked everyone for all of the support for the past eight years; c)
Supervisor Callaway expressed her admiration for Supervisor Thein and wished
her well in her retirement; referenced the County's membership in Sacramento
Mother Lode County members and appointment of a Board member as a
representative to CSAC; spoke of a letter received from Mariposa County and
their decision to withdraw from Area 12 and referenced Tuolumne County
considering to withdraw; d) Chair Tryon had nothing to report; e) CAO
Mitchell thanked Ed and Joan Lark for setting up the remote location for
today's Board of Supervisors meeting due to asbestos removal in the Court
House. The goal is to be able to have the meeting of 1/4/05 in the Board of
Supervisors Chambers; f) County Counsel James Jones had nothing to report.

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ADJOURNMENT

There being no further business requiring action this day, the meeting was adjourned to the following Closed Session with the Board to reconvene at 10:00 a.m. on January 4, 2005 for a Regular Board of Supervisors Meeting.

20. ADDENDUM CLOSED SESSION

A CLOSED SESSION was held under Government Code Section 54956.9, conference with legal counsel re: existing litigation, one case, Calaveras County vs. Area 12 Agency on Aging, Calaveras County Superior Court No. CV 31222; County Counsel- Board action: no action taken

/s/ Thomas M. Tryon

CHAIR

ATTEST:

/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:

DECEMBER 10, 2004

1. From: Sac. County Ag. re: EIR Exotic Pest Erad.; Action: post
2. From: Karen Varni re: Sierra Conservation Center; Action: Board
3. From: Joe and Callye Caccamo re: Thank you; Action: Board, Sheriff
4. Board of Equalization re: Assessor Handbook Section 267; Action: Filed
5. From: Todays Playground re: December 2004 Issue; Action: Route to the Board
6. From: Park and Rec re: Trades; Action: Route to the Board
7. From: Jack D. Nugent re: Complaint; Action: Board
8. From: RCRC re: December 16th Meeting; Action: Supervisor Erickson

DECEMBER 13, 2004

9. From: Blair M. White re: Common Ground; Action: Supervisors Callaway, Erickson, David Sirias-County Counsel, Administration
10. From: Federal Energy Regulatory Commission re: Utica Power; Action: Board
11. From: Catholic Charities re: Donation; Action: Board, David Sirias-County Counsel
12. From: Cewaer re: January 31st Conference; Action: Supervisor Erickson
13. From: State Water Resources re: Renotice of petition; Action: Board
14. From: Calaveras County Office of Education re: Mentoring Program; Action: Individual copies to the Board
15. From: Department of Alcohol re: Golden Spur Beverage License; Action: Supervisor Elect Wilensky, Planning

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FINAL MINUTES
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16. From: CSU Sacramento re: Capital Fellowship Programs; Action: Individual copies to the Board
17. From: Grover Architectural Group re: Proposed Marina Villa Townhomes on Lake Tulloch; Action: Supervisor Erickson

DECEMBER 14, 2004

18. From: US Department of the Interior re: Resource Management Plan; Action: Board
19. From: RCRC re: Congratulations; Action: Supervisor Elect Claudino and Wilensky
20. From: California Regional Water re: Notice of Public Hearing; Action: Board
21. From: Chamber News re: December Issue; Action: Route to the Board
22. From: Dave Cogdill re: AB2600; Action: Board
23. From: CCCC re: Meeting notice; Action: Board, post

DECEMBER 15, 2004

24. From: Mariposa County Counsel re: Common Ground Senior Services; Action: Supervisors Callaway and Erickson, David Sirias-County Counsel, Administration
25. From: CSAC re: Congratulations; Action: Supervisor Claudino
26. From: Calaveras Humane Society re: Donation; Action: Supervisors Thein and Stein
27. From: California Budget Project re: Annual Conference; Action: Supervisor Callaway
28. From: CSAC re: Annual Report; Action: Supervisor Callaway

DECEMBER 16, 2004

29. From: CSAC re: Leadership Letter; Action: Board
30. From: Rural Community Assistance Corp. re: Pacific Mountain Network News; Action: Individual copies to the Board
31. From: Sacramento Mother Lode Reg. Assoc. of County Supervisors re: dues; Action: Supervisor Callaway and administration
32. From: Roy Wiltens re: Board meeting agenda item for December 28th; Action: Ag. Dept., copies for meeting