

6. RESOLUTION NO. 05-338 AUTHORIZING THE CALAVERAS WORKS AND HUMAN SERVICES AGENCY TO ENTER INTO AN AGREEMENT WITH CALIFORNIA FOSTER FAMILIES, INC., TO PROVIDE SHORT-TERM EMERGENCY FOSTER CARE WITH STATE FUNDING WITH A COUNTY SHARE OF COST NOT TO EXCEED \$9,600.00 PER YEAR OR \$28,800.00 FOR THE THREE YEAR PERIOD OF JANUARY 1, 2006 THROUGH DECEMBER 31, 2008
7. RESOLUTION NO. 05-339 APPOINTING DON OVERACKER AND MIKE SPADONI AS DIRECTORS OF THE CENTRAL CALAVERAS FIRE & RESCUE PROTECTION DISTRICT FOR TERMS ENDING DECEMBER 4, 2009.
8. MINUTE ORDER for Board Chair to sign all contracts needed to prepare an Environmental Impact Report for Michael and Michelle Nemea, associated with Application 2004-114 TSTM-ZA NEMEE (THE RIDGE AT TRINITAS).
9. RESOLUTION NO. 05-340 AUTHORIZING CHANGES TO THE POSITION CONTROL LIST: FY 05/06 NEW POSITION(funded with Quality Improvement Project funds)
10. RESOLUTION NO. 05-341 ACCEPTING CONSTRUCTION AND EXECUTING A NOTICE OF COMPLETION FOR ASPHALT CONCRETE OVERLAY AND RUBBERIZED ASPHALT CHIP SEAL OF VARIOUS COUNTY-MAINTAINED ROADS (funded by Road Fund)
11. RESOLUTION NO. 05-342 ACCEPTING CONSTRUCTION AND EXECUTING A NOTICE OF COMPLETION FOR FACILITY IMPROVEMENTS AT THE AVERY SOLID WASTE TRANSFER STATION(funded by solid waste parcel fee and has been included in the long-term cash flow projects)
12. RESOLUTION NO. 05-343 ACCEPTING CONSTRUCTION AND EXECUTING A NOTICE OF COMPLETION FOR MAINTENANCE AND REPAIR OF CERTAIN ROADS IN COUNTY SERVICE AREA NO. 1, RANCHO CALAVERAS SUBDIVISION (CONTACT NO. 1-2005-A)(the project is Funded by CSA No. 1, Rancho Calaveras Subdivision)
13. RESOLUTION NO. 05-344 SUMMARILY VACATING A PUBLIC UTILITY AND DRAINAGE EASEMENT IN RANCHO CALAVERAS SUBDIVISION
14. RESOLUTION NO. 05-345 AUTHORIZING EXECUTION OF SUBDIVISION AGREEMENT AND APPROVING FINAL MAP FOR COPPER HILLS UNIT I (COPPER HILLS UNIT III) TRACT 93-535(staff time is Directly billed to the project)

3. CHILD CARE COUNCIL (05-49, I, 40)
Supervisor Wilensky informed the Board that there are three(3) LPC consumer vacancies that need to be filled.

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21. CONT'D PUBLIC HEARING/PLANNING (05-49, II, 25)

APPEAL of the Planning Commission's approval of 2005-34 AS-BUILT VARIANCE for JOHN REYNEN. The appeal by GERALD O. ZEDLITZ, Chairperson of WALLACE LAKE ARCHITECTURAL COMMITTEE seeks an action to overrule and reverse the Planning Commission's action on this project. This item has been continued from November 21, 2005.

- a) Gerald Zedlitz, Chairperson of the Wallace Lake Architectural Committee, stated that this continuation was to enable contact from John Reynen's representative. Zedlitz stated since no contact has been made a request is made to grant this appeal.
- b) Jackie Neill, Wallace Lake Estates resident, voiced concerns about delays with this project. Neill stated that a solution that was promised by Reynen, has not been brought forward. Neill feels it is important to settle this without a variance.
- c) Supervisor Claudino confirmed that Mr. Reynen or an agent for him was not present. Claudino has been communicating with the agents for the project and advised them that he does not support the variances. Claudino does support the appeal and feels time has been given for a solution. Claudino advised Reynen to contact the Building and Planning Departments to work out a solution. Claudino feels the findings were not made to grant this variance.

Motion made approve the following resolution granting the appeal by Gerald Zedlitz, and overturning the Planning Commission's approval of 2005-34 As-Built Variance.

Motion:	Claudino	Second:	Wilensky	Approval:	Unanimous
				ABSENT:	Callaway

RESOLUTION
NO. 05-355

APPROVING AN APPEAL BY
GERALD ZEDLITZ, CHAIRPERSON
OF THE WALLACE LAKE ARCHITECTURAL
COMMITTEE AND OVERTURNING THE PLANNING
COMMISSION'S APPROVAL OF 2005-34
AS-BUILT VARIANCE BASED UPON FINDINGS
OF THE PLANNING COMMISSION

22. CONT'D PUBLIC HEARING/DEPT. OF AGRICULTURAL

The continued item from December 12, 2005 is a request for an AG PRESERVE NO. 295, 296 and 297 APPLICANTS: Jan Giottonini and Steve West APN'S: 050-017-057 and 050-018-009.

Mary Mutz, Agricultural Commissioner, submitted a map that indicates the parcels before the proposed boundary line adjustments. Mutz stated it has been determined that the copy of the map presented on December 12, 2005 is the legal document which defines the boundary of Ag Preserve #28. At the request of the Board, information was provided concerning cancellation of Ag Preserves.

Chair Erickson stated the Public Hearing has remained open for this hearing.

- a) Jon Giottonini, applicant, submitted a map of the layout of the existing Ag Preserve. The map also shows the configuration that is being requested for a boundary line adjustment. Giottonini described the location of the area

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that he wants to take out of Ag Preserve for his home building site.

b) Alvin Cortopassi stated his concern about the easement on his property that was granted to him and how this might be affected if new parcels are created.

c) Supervisor Tryon has concerns about using a cancellation process in a Williamson Act contract. Tryon feels this undermines the purpose of the contracts. Tryon feels a study session is necessary, as there is a concern to use the act as a tool to create development.

d) Supervisor Wilensky stated concerns about the map that was the original submitted for the Ag Preserve. Wilensky questioned how the practices can be different then the actual application.

e) Robert Sellman, Interim Planning Director, explained this issue occurred during zoning in the early 1980's. Sellman stated this could have been through a mapping or a clerical error that zonings on parcels were incorrect. Discussion continued concerning including the inclusion and removal. Sellman concluded that the zoning will need to be corrected for whatever configuration is determined.

f) Supervisor Wilensky believes that the integrity of the Williamson Act is to be maintained for the purpose for which it was intended.

g) Supervisor Claudino has concerns that this may set a precedent in the future. Claudino feels there needs to be a study session to address this issue.

h) Chair Erickson feels the Williamson Act should not be used to divide parcels and redistribute land for development issues.

i) Cortopassi stated concerns of not having a record, survey, or other parcel.

k) Sellman stated that the County has done small exchanges of property but a larger portion could indeed by precedent setting. Sellman feels there are other options that the applicant can pursue.

Mutz asked the Board to continue this request until after a Study Session has been held.

Chair Erickson requested a study session be scheduled to address this topic.

23. PUBLIC COMMENTS: a) Monte Crigler, spoke with concerns regarding out of county residents using the Copperopolis Transfer Station. Crigler also expressed concerns regarding a budget that still exists for the County Fire Department. Crigler stated concerns for a \$900 water tender fee on building Permits.

b) Rob Houghton, Public Works Director, responded to the issue of eligibility requirements for using the transfer station. Houghton stated current and possible future methods for detecting misuse of this facility. Houghton asked if people have knowledge of misuse to convey this to the proper authority;

c) George Dondero, Director CCOG, gave a status report to the Board on the Angels Camp by-pass concerning possible funding delays.

d) Brian Moss, Administrator Environmental Management Agency, informed the Board that there are Carl Moyer Funds available and the deadline to file is in two weeks.

d) Tom Pappageorge, Copperopolis, is aware of people who use the transfer station in Copperopolis from Sonora.

d) Jason Simons, representing his mother Griselda Matajuick, expressed concerns regarding the proposed increase in removal from the Hogan Quarry.

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Concerns were also expressed regarding blasting that occurs there;
24. Review of correspondence, reports and various matters of concern; Board Members and staff - a) Supervisor Claudino had nothing to report; b) Supervisor Tryon had nothing to report; c) Supervisor Wilensky reported on a study session he attended for Mother Lode Job Training. Wilensky stated that there are budget constraints which occur at a time when there is an increased demand for services. Wilensky feels there may be a need to review the JPA; Tuesday will attend a Child Care Council meeting and a CCOG meeting; Thursday will attend a Juvenile Justice Committee meeting; d) Chair Erickson will attend a LAFCO meeting tonight and will be meeting with constituents during the week; e) CAO Mitchell had nothing to report; f) County Counsel Jones had nothing to report.

25. CLOSED SESSION/COUNTY COUNSEL

A CLOSED SESSION was held with County Counsel, pursuant to Government Code Section 54956.9(b); anticipated litigation, significant exposure to litigation (one case), resulting in no action taken

26. ADDENDUM CLOSED SESSION

A CLOSED SESSION, conference with legal counsel, pursuant to Government Code Section 54956.9(b); anticipated litigation, significant exposure to litigation (one case) was cancelled

ADJOURNMENT

There being no further business requiring action this day, the meeting was adjourned for the noon recess with the Board to return at 1:30 p.m. for a Board of Equalization meeting and finally to reconvening at 9:00 a.m., on Tuesday January 3, 2006 for a regular Board of Supervisors meeting.

/s/ Victoria Erickson
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 2, 2005

1. From: CCWD re: Agenda for 12/7/05; Action: Board
2. From: Farm Bureau re: Christmas Party; Action: Individual copies to the Board
3. From: Area 12 Agency on Aging re: Visitation; Action: Supervisor Callaway

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4. From: The American Legion re: 2 Cannons; Action: Board, Admin and County Counsel

5. From: Domestic Animal Advisory re: Mailing Enclosures; Action: Individual copies to the Board

6. From: Mountain Valley EMS re: Consent agenda item; Action: Supervisor Claudino and post

DECEMBER 5, 2005

7. From: Sonora Senior Center re: 12/19 Luncheon Meeting; Action: Board and post

8. From: RCRC re: Letter & Sample Resolution; Action: Board

9. From: Area 12 Agency on Aging re: Burson Visitation; Action: Supervisor Callaway

10. From: ALERT re: 12/2 Issue; Action: Individual copies to the Board

11. From: Senate Rules Committee re: Press Release; Action: Board

12. From: California Communities re: Pension Obligation Bonds; Action: Individual copies to the Board

13. From: Pacific Forests re: Fall Issue; Action: Individual copies to the Board

14. From: NAMI re: Holiday Party; Action: Supervisors Wilensky and Callaway

15. From: CA County re: Nov/Dec 05; Action: Individual copies to the Board

16. From: Calaveras Council of Govern. Re: Final Draft; Action: Supervisor Erickson

17. From: Capitol Weekly re: subscription; Action: Individual copies to the Board

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18. From: Catholic Charities re: Donation; Action: Individual copies to the Board

19. From: Department of Alcoholic Beverage re: Bear Ridge Restaurant; Action: Supervisor Callaway, Planning

20. From: Area 12 Agency on Aging re: 12/19 Meeting; Action: Supervisor Callaway and Erickson

21. From: Cortopassi Ranches re: Ag preserve; Action: Board

22. From: Lee and Diane Owing re: Ag preserve; Action: Board

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23. From: Calaveras Community Foundation, John Holle re: copy of Community Support Collaborative agreement; Action: referred to Supervisor Wilensky, as addressed

24. From: Tech Transfer, Institute of Transportation Studies re: June 5-7, 2008 Western Regional Grade-Crossing Training Conference; Action: route to Board

DECEMBER 8, 2005

25. From: Rural Health JPA re: 12/14 Meeting; Action: Supervisor Tryon

26. From: Consumer Svc. Div. re: CA-3287 A; Action: Board, Admin.

27. From: HRC re: Children's Day; Action: Board

28. From: The Park & Rec re: Trades; Action: Route to the Board

29. From: State Board of Equalization re: Timber & Timberland Values Manual; Action: Filed

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