

**HOMESTEAD VALLEY COMMUNITY COUNCIL
MINUTES OF MEETING IN LANDERS, FEBRUARY 8, 2010**

Opened with Flag Salute at 3:00 pm

Present were Maryan Barkley, Adrienne Bishop, Jim Hanley, Jim Harvey, Judy Kemp, Earlene McCloskey, Betty Munson, Tory Preston, Nancy Sammons, Rick Sayers, Carl Schmitt, Joyce Wheeler, Linda Willgues, Alan Rasmussen

Guests: Ray Pessa, Chuck Roney, Mike Hawkins, Cathy Hawkins, Paul Lopez, Jim Minyard, FOGR; Aaron Stephens, Hi-Desert 4x4; Larry and Mary Coulombe; Brian Comp; Olivia de Hauleville; Alan Kearns; Jordan Kearns; Elva Rasmussen; J.D.Sattler

Delegate List approved unanimously.

Agenda was approved unanimously.

Minutes of January meeting, posted to the Website in draft form, approved unanimously with one change, adding Barbara Renton to list of those present.

Treasurer's report: Earlene McCloskey.

Beginning balance 6,582.33; Income 3.03; Expenses 855.03; Balance 5730.33

1. Guest Comments: none

2. SB County Ordinance 3973 Staging Permits - Ray Pessa, Friends of Giant Rock, described the four parts of the OHV ordinance: written permission to be on someone else's property, vehicle noise levels, trespassing and disturbing the peace and quiet, and the requirement that you get a staging permit if more than 9 people would be on your property and off road vehicles would be in use. Permit takes 4-6 weeks, cost \$155.

Ray, who has been riding here since 1978, started researching the ordinance about 3 years ago after an encounter with an officer who explained the new rules and Ray thought they were not right.

The push for the ordinance began when a stakeholder committee was formed, including 2 supposed representatives of the OHV community. However, neither one of them ride, neither one of them live here, and no one else really represented the residents of the area. In April 2006, Supervisors held a hearing on the ordinance. 34 people attending were in favor, only one opposed. In May the ordinance passed. July 1, 2006, it went into effect with a 6-month period of education to make riders aware of the requirement for the staging permit.

But in August 2007, it was revisited, with 157 people opposed, 86 in favor. People were upset they could not have their family come to their property just because someone might ride an OHV.

Supervisor Mitzelfelt said, when there were 21,832 contacts, but only 6 permits issued (later increased to 10) it seemed like an imbalance. It was decided to work on the staging provision, then in August 2008 it was decided that the staging permit was "not consistent with the intent of the county" establishing this ordinance.

What is good about Ordinance 3973: it affords Code Enforcement the tools to cooperate with the Sheriffs Dept. as it relates to trespass, disturbing the peace, dust and noise infractions. It also provided one-on-one education by Code Enforcement officers, which has reduced OHV violations (the 21,832 contacts) teaching the riders right from wrong.

This reduced the problems experienced with off-road vehicles, while the staging permit did nothing.

What is wrong with 3973, argued Ray, is clearly the staging permit. It violates our right to peaceful assembly, it restricts our property rights, the fee is taxation without representation, it is an invasion of

privacy, and the costly administration and daily observation by Code Enforcement takes them away from more pressing things (the county has now suspended the staging permit requirements until this is straightened out), it works a hardship on legal residents and does not stop OHV abuses.

Invasion of privacy occurs because names of those applying for permit are posted on the Internet along with the dates they will be away, available to any crooks.

The permit fee goes into the general fund.

Another point under discussion in the ordinance concerns camping and OHVs with time limitations. Supervisor meeting in March will address these changes.

Neil Derry has stated he does not like the staging permit. He would support \$1000 fine for nuisance and trespass, and feels it would be a deterrent.

New policy on fines: instead of fines being levied through the court system, the paperwork goes straight to the county and the \$200 fine is levied. That money goes to support the county to support the off road enforcement.

Jim Harvey asked if anyone in the room thought the staging permit portion of the ordinance should not be changed. No one replied. Ray asked the Council to send a letter to the Supervisors supporting the removal of the staging permit portion.

A motion was made and seconded to send a letter to each of the Supervisors. During discussion, Alan Rasmussen stated that the point made by the people in favor of dropping it, is that everything bad that happens is enforceable some other way besides a staging permit. The people who argue that the staging permit is good say that maybe a thousand stagings have been prevented; Alan said he has to respect that argument but it is not possible to prove it one way or another. He also said from personal knowledge that often when there is a problem it is not involving ten or more people. It is two or three out riding wherever they wish, however they wish. He also said a letter from HVCC would indicate community support for removal of the staging permit requirements..

The motion to write a letter was approved unanimously.

3. Committee Reports

-Fund Raising/Events:

Discussed Poker Run in April, \$150 best hand. Boards to give input. Suggested Treasure Hunt for next spring event.

-Advisory Committee:

Presidents met with Alan to establish community boundaries for HVCC within the County's Homestead Valley map. Adopted unanimously by the Council to add to Standing Rules for convenience establishing delegates' residency.

-SOI Committee: Carl told about free bus ride signs, but has had no response. Nancy called about 20 members, many said they would prefer to take their own cars. Bus option remains open for Yucca Mesa. Flyers distributed.

Unanimous agreement to have HVCC presence at the LAFCO hearing, Jim Harvey to comment.

-Hwy 247 Zoning: No updates.

-Public Outreach Committee:

Publicity: Flamingo Heights and Johnson Valley columns in Hi-Desert Star.

Website: added page "HVCC In the News." Landers profile still needed.

-Community Services/ Improvements/Communication:

Thank you letter to CalTrans for meeting at Flamingo Heights concerning the Hwy. 247 shoulders project. Alan suggested copying an adoption program for the 75-100 Joshua Trees that will be displaced. Possible contact Unique Nursery.

Possibly send thank you letters to agencies participating in CalAware Open Government Workshop.

2+2 Committee meeting with Yucca Valley Town council members. HVCC Community

Services/Improvements/Cooperation Committee to participate. Possible agenda: AB811, Windmill documentary, open spaces.

Rick wants to have someone from County Special Districts to speak to next meeting, to explain differences in districts, CSAs. Emphasis on road grading. Pam Vander to be contacted.

4. Senator Feinstein Bill - California Desert Protection act of 2010. Concerns with JV OHV Area. Language of bill seems to offer some protection, but obviously is structured almost to coincide with Marines' desire to expand westward. It is called "designation" of an OHV area. It says nothing about open riding, nothing about banning transmission lines, nothing about designating it in perpetuity—the OHV area would not have the same protection as a Wilderness Area does. Popular with the people who want to set aside even more areas of the state as wilderness.

Will put together a list of our concerns, including protection from power line; ambiguous language. Energy proposals not seen in draft. Only one advisory committee in bill includes resident. Ray Pessa said language had changed from draft: bill excludes motorized vehicles. Johnson Valley part does not say open riding, could become limited use area. Letter and e-mail of comment to be drafted.

5. Marine Base expansion Proposal- Alternative 6. Letter approved unanimously to send to USMC for meeting before September scoping period. Need a venue that will be good for the Yucca Mesa, Flamingo Heights and Landers. Suggestion we approach Hutchins and Ace Alternators to co-sponsor.

6. Windmill documentary - "They're Not Green" suggested date March 20, at Yucca Valley Community Center. 6:00. Alliance for Responsible Energy Policy to pay for venue. Information about AB811 to follow. Trailer is on hvccsite.org.

7. Bulk Postage Permit. Jim discussed bulk rate mailing with Tammy at Post Office, for requirements, but Maryan disagreed with info. Jim wants to figure out a way to have Landers newsletter qualify for permit usage, and include HVCC newsletter. Revisited last month's vote on paying permit cost since it has the effect of the council subsidizing two members. Original newsletter proposal to be e-mail, no cost. Members volunteered to include in various newsletters. Member communities should be subsidizing HVCC, not vice versa.

8. Hwy 247 left hand turning lanes. Alan wants County and CalTrans officials to come tell about plans, tentative Wednesday, March 24, 6:00, at Flamingo Heights. Maryan wants to include mention for left turn into Hero.

9. President's report: needed copy of Feb '09 Agenda for website. Jim Hanley had one to lend. Agenda packets to be posted, delegates to download. Let Jim know if you are going to bring your own copy.

10. Items for next Agenda: March 15 at Yucca Mesa, Jose Velez of USCensus2010 to speak.

Betty Munson, Secretary
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