

DEPARTMENT: County Counsel/  
Public Works

BY: Thomas P. Guarino/  
Dana Hertfelder PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

~~4/18/06~~ Waive First Reading and Introduce Ordinance ~~5/2~~ Waive Second Reading and Adopt Ordinance rescinding Urgency Ordinance No. 934 restricting water and/or sewer hook-ups and the issuance of building and other permits for any property within the Yosemite West Maintenance District.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board adopted Ordinance No. 934 restricting water and/or sewer hook-ups and the issuance of building and other permits for any property within the Yosemite West Maintenance District on June 23, 1998.

The background of this matter is well known to the Board of Supervisors. Provided with the materials in the packet are copies of the required correspondence to the Water Board of February 24, 2006 as well as a copy of the underlying Cease and Desist Order R5-2003-070. Also included is a copy of Ordinance No. 934 for your review. The Public Works Director has inspected the facility and it is in operating condition and it is his opinion that the facility is operating in a status that is protective of the public health and welfare and will not result in any violations of the Cease and Desist Order.

May 1, 2006 is essentially the minimum notice period to the Regional Water Quality Control Board. We have copied them with this Board item and a copy of the letter to Ms. Jo Anne Kipps is also provided without attachments.

Financial Impact? ( ) Yes (x) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		First and Second Reading of Ordinance
Source:		Correspondence to the RWQCB
Internal Transfer		Ord. 934
Unanticipated Revenue	4/5's vote	Cease & Desist Order R5-2003-070
Transfer Between Funds	4/5's vote	
Contingency	4/5's vote	
( ) General ( ) Other		

CLERK'S USE ONLY:

Res. No.: \_\_\_\_\_ Ord. No. 1026  
Vote - Ayes: 5 Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Approved  
( ) Minute Order Attached ( ) No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

\_\_\_\_\_ Requested Action Recommended  
\_\_\_\_\_ No Opinion  
Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_  
Attest: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

CAO:

**MARIPOSA COUNTY ORDINANCE NO. 1026**

**AN ORDINANCE RESCINDING URGENCY ORDINANCE NO. 934**

**WHEREAS**, the California Regional Water Quality Control Board issued Order No. 99-005 requiring Mariposa County Yosemite West Maintenance District Wastewater Treatment Facility to cease and desist from discharging waste contrary to requirements; and

**WHEREAS**, the California Regional Water Quality Control Board subsequently issued Cease and Desist Order No. R5-2003-0070 for the Yosemite West Maintenance District Wastewater Treatment Facility modifying its earlier orders; and

**WHEREAS**, Order No. R5-2003-0070 of the California Regional Water Quality Control Board required that the Maintenance District provide a minimum of sixty (60) days notice proceeding any proposed actions by the Yosemite West Maintenance District to remove or modify the ban on hook-ups to the Waste Water Treatment Facility; and

**WHEREAS**, the new Wastewater Treatment Facility is operational and the threat to public health that caused the Cease and Desist Order to be issued has been cured; and

**WHEREAS**, the Public Works Director provided such notice on February 24, 2006; and

**WHEREAS**, the California Regional Water Quality Control Board has not objected to the lifting of the ban;

**NOW, THEREFORE, THE BOARD OF SUPERVISORS** of Mariposa County, a political subdivision of the State of California, does hereby ordain as follows:

**SECTION I:**

Upon the effective date of this Ordinance, Urgency Ordinance No. 934 shall be rescinded in its entirety.

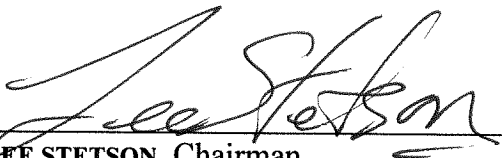
**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mariposa this 2nd day of May 2006 by the following vote:

**AYES:** Stetson, Turpin, Bibby, Fritz, Pickard

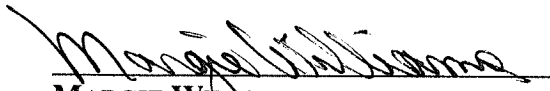
**NOES:** None

**ABSTAINED:** None

**ABSENT:** None

  
\_\_\_\_\_  
**LEE STETSON**, Chairman  
Board of Supervisors

**ATTEST:**



**MARGIE WILLIAMS**  
Clerk of the Board

**APPROVED AS TO FORM:**



**THOMAS P. GUARINO**  
County Counsel



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LEE STETSON, CHAIR  
JANET BIBBY, VICE CHAIR  
LYLE TURPIN  
DIANNE A. FRITZ  
BOB PICKARD

DISTRICT I  
DISTRICT III  
DISTRICT II  
DISTRICT IV  
DISTRICT V



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: THOMAS P. GUARINO, County Counsel  
DANA HERTFELDER, Public Works Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: WAIVE FIRST READING AND INTRODUCE ORDINANCE RESCINDING  
NO. 934 RESTRICTING WATER AND/OR SEWER HOOK-UPS AND THE  
ISSUANCE OF BUILDING AND OTHER PERMITS FOR ANY PROPERTY  
WITHIN THE YOSEMITE WEST MAINTENANCE DISTRICT.

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on April 18, 2006

#### ACTION AND VOTE:

**10:01 a.m.** Thomas P. Guarino, County Counsel and Dana Hertfelder, Public Works Director; Waive First Reading and Introduce Ordinance Rescinding No. 934 Restricting Water and/or Sewer Hook-Ups and the Issuance of Building and Other Permits for any Property within the Yosemite West Maintenance District.

**BOARD ACTION:** Tom Guarino provided information on the process with the Regional Water Quality Control Board and the proposed ordinance to lift the moratorium. He advised that the only remaining issue is the lifting of the Cease and Desist Order and it is not tied to the moratorium. Supervisor Pickard clarified with County Counsel that if the Board lifts the moratorium on building in Yosemite West, that the Cease and Desist Order still remains in effect with the Regional Water Quality Control Board, and that does not hinder the County in any way in processing building permits. Discussion was held. Supervisor Bibby asked for clarification relative to assurance that the Cease and Desist Order has been complied with, and she asked whether anything has been received in writing from the Regional Water Quality Control Board regarding lifting the moratorium. Tom Guarino advised that if the County's doesn't receive a written response from the Regional Water Quality Control Board by April 24<sup>th</sup> (which is before the adoption date for the Ordinance), then we are okay to move forward with the process. He further advised that in the event anything is received, he will bring it to the Board's attention. Chairman Stetson called for input from the public and none was received. (M)Pickard, (S)Fritz, based on staff's recommendation and letter of February 24<sup>th</sup> from the Public Works Director that this project has been completed and within the guidelines and specifications of the Cease and Desist Order and in compliance with the construction and operation of the maintenance district for Yosemite West, the first reading was waived and the Ordinance introduced rescinding Ordinance No. 934. Further discussion was held. Supervisor Bibby asked that if anything changes with the Water Board, that staff bring back that information; and she asked about the status of the amnesty program. Dana Hertfelder advised that he will check on the status of the amnesty program. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Stetson, Bibby, Fritz, Pickard; Excused: Turpin.

Cc: File