



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

October 5, 2004

Time Description

9:08 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Paul Chapman provided input on the agenda item from the Building Department to remodel the Development Services Departments. He noted that a lot of money was spent for the Government Center a few years ago and now he feels this is a request to fix those things that should have been done right in the first place. He questioned why two separate buildings were not constructed with room to expand. He stated he feels the request should be tabled until the new Board is seated.

Board Information - none

Approval of Minutes 9-14-04, Regular Meeting

BOARD ACTION: Approved

Approval of the Consent Agenda (See End of the Minutes)

BOARD ACTION: Supervisor Stetson pulled item 8. Supervisor Balmain pulled item 9. Supervisor Parker commented on item 1 relative to the purchase of back-up tapes; and he stated he hopes that we get sufficient equipment and that it will not need to be replaced in the near future. Supervisor Balmain commented on item 1 and advised that the Technical Services Director will submit a typewritten versus handwritten invoice as required by the vendor. (M)Stetson, (S)Pickard, the balance of the items was approved/Ayes: Unanimous.

Supervisor Stetson initiated discussion relative to items 8 and 9 relative to the status of indemnification agreements. It was noted that an indemnification agreement is not a part of item 8. Discussion was held relative to item 9, and Supervisor Balmain reviewed several sections of the proposal. Fred Solomon, Project Manager, advised that a number of the issues have been addressed in the County's contract, and that the proposal was attached and used to set the rates. Tom Guarino, County Counsel, provided input relative to the proposal and advised that the Board could approve this with the County's standard contract language; and if anything is different, it will be brought back. It was agreed that item 9 would be brought back with the professional services agreement included. (M)Stetson, (S)Pickard, item 8 was approved/Ayes: Unanimous.

Tom Guarino, County Counsel;

Adopt a Resolution Adopting Indigent Aid and Care Standards for Mariposa County

BOARD ACTION: Discussion was held. Supervisor Pickard asked whether the level of services was reviewed by the CMSP Board and whether the County needed to have an independent guideline for the poverty level. Cheryle Rutherford-Kelly, Human Services Director, responded to the questions. (M)Bibby, (S)Balmain, Res. 04-446 was adopted/Ayes: Unanimous.

John Davis, Building Director;

Approve the Remodel of Development Services Departments in the Amount of \$125,000 to Improve Overall Staff Efficiency by Logistically Placing Staff at the Counter for Each Individual Department and Addressing Critical Office Space Needs for Existing and Future Staffing; Approve Budget Action Reducing the Building Fund's Contingency and Transferring Funds between Line Items to Fund the Remodel (\$125,000) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with John Davis relative to the request, and he reviewed the revenue and workload status of the Department. Supervisor Parker suggested that the Board's Space Needs Committee should be involved in this process. He also noted that cross-training was supposed to occur when the three departments were brought together. Discussion was held as to whether this would be a short-term or long-term solution and relative to the status of planning for staffing needs. Supervisor Bibby stated she would like to have more time to review this matter, and would like more information on the impacts during construction and future staffing needs. Kris Schenk, Planning Director, stated the issue is to be able to get the public away from the counter to maintain confidentiality. Discussion was held relative to phasing the project and relative to developing long-term plans.

(M)Pickard, (S)Balmain, to approve the recommended actions of adding another counter for the Planning Department staff, moving the Deputy Director's office, retrofitting a cubicle at the Building Department's front counter, and remodeling the outside patio area located on the north side of the Government Center to have more office space; and direction for the Space Needs Committee and the County Administrative Officer to work with the three Departments on this matter. Further discussion was held. Ayes: Balmain, Pickard; Noes: Stetson, Bibby, Parker. The motion failed.

Further discussion was held relative to the request. (M)Pickard, (S)Stetson, Res. 04-446(a) was adopted approving the first three recommended actions for the interim, and direction was given for additional information to be brought back for the expansion. Discussion was held. Supervisor Parker suggested that the expansion issues be referred to the Space Needs Committee. Supervisor Bibby requested more information on the staffing needs. Ayes: Stetson, Balmain, Parker, Pickard; Noes: Bibby. Supervisor Parker stated he would like to see the Board give direction to the Space Needs Committee to meet with the three department heads relative to these issues and the cross-training issues, and the Board concurred.

Dana Hertfelder, Interim Public Works Director;

Execute Amendments for the Transfer Station Hauling Agreement and Mariposa County Solid Waste Franchise Agreement with Mariposa County Total Waste Systems, Inc., with Changes as Proposed and Approved on August 17, 2004

BOARD ACTION: Discussion was held with Dana Hertfelder. Supervisor Bibby expressed concern with complaints that she has received relative to the trash hauling services provided by Total Waste Systems and dropping trash from the trucks; and she reviewed concerns she has with the language in the contract. Steve Engfer, PWD-Solid Waste and Recycling Manager, provided input and responded to questions. Supervisor Balmain reviewed his concerns with the language in the document. The Board concurred with the changes as suggested by Supervisors Bibby and Balmain. Tom Guarino, County Counsel, advised that Total Waste Systems negotiated that the landfill contract not be tied to the hauling contracts; and he suggested that this matter be referred back to staff to meet with Total Waste Systems and the Solid Waste Committee relative to the concerns and to make the changes as discussed. Steve Engfer noted that there are services being provided that are not covered in the existing contract and that the cost will be higher until the amendments are signed.

Jim Salyers/Total Waste Systems, provided input relative to the status of their agreements with the County, and clarified his statements at a previous Board meeting relative to tying the agreements together. He stated he has a problem with tying the landfill agreement to the hauling agreements; however, he is okay with the other changes that were discussed.

Discussion was held relative to tying the contracts together. This matter was referred back to Public Works with direction that it be brought back to the Board as soon as possible.

Discussion/Direction Concerning the Cancellation of the Board of Supervisors Meeting On Tuesday, October 19, 2004 (County Administrative Officer)

BOARD ACTION: Following discussion, (M)Pickard, (S)Stetson, Res. 04-447 was adopted canceling the meeting for October 19th/Ayes: Unanimous.

10:55 a.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer); and

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA at 11th & Bullion Concerning Price and Terms of Purchase (County Administrative Officer)

BOARD ACTION: (M)Balmain, (S)Stetson, the closed sessions were held, with Jeff Green present for the labor negotiations/Ayes: Unanimous.

11:53 a.m. Chairman Parker announced that direction was given to staff relative to labor negotiations with SEIU Local 250 for IHSS; and that direction was given to staff relative to the real property issue.

INFORMATION – No action was necessary on the following:
El Portal Branch Library Change in Hours to Monday and Thursday 10:00 a.m – 6:30 p.m. (Librarian)

CONSENT AGENDA:

- CA-1 Authorize the Technical Services Director to Dispose of Old Computer Assets and Receive Revenue in the Amount of \$6,200 (Technical Services Director); Res. 04-436
- CA-2 Adopt a Resolution Accepting Grant Funding through the United States Department of Justice – Office on Violence Against Women (OVW) for Mariposa County to Redevelop the Family Violence Response Team (MCFVRT) in the Amount of \$496,342 and Authorize the Chairman of the Board of Supervisors to Sign the Grant (District Attorney); Res. 04-437
- CA-3 Authorize the Chairman of the Board of Supervisors to Sign an Interim Rental Agreement between the 35A District Agricultural Association and the County of Mariposa for Use of the Fairgrounds Picnic Area for the Annual Volunteer Firefighters Appreciation Picnic on October 23, 2004 (Fire Chief); Res. 04-438
- CA-4 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Contract between Mariposa County Health Department and San Joaquin County Health Department for Participation in a Computerized Immunization Registry Program for Fiscal Year 2004-2005 (Health Officer); Res. 04-439
- CA-5 Authorize the Chairman of the Board of Supervisors to Sign Contracts for Congregate Meals C-1; Home Delivered Meals C-2; Congregate Meals Restaurant Nutrition C-1 Restaurant; and III B North Side Transportation with Area 12 Agency on Aging (Complete Agreements Available for Review at Clerk of the Boards Office or Community Services Office) (Community Services Director); Res. 04-440
- CA-6 Approve Budget Action Accepting Unanticipated Revenue and Appropriations from Retired Public Employees Association of California, with \$350 to be Used Towards the Purchase of Dining Room Chairs and \$150 to be Used Towards a New Video Cassette Recorder (VCR) at the Senior Center for Fiscal Year 2004-2005 (\$500) (4/5ths Vote Required) (Community Services Director); Res. 04-441

- CA-7 Authorize Public Works to Pay \$5,914.15 to the State of California Department of General Services out of the Equipment Replacement Fund for Procurement Charges for the Recently Purchased Caterpillar Wheel Loaders (Interim Public Works Director); Res. 04-442
- CA-8 Adopt a Resolution Awarding the Bid for the Regional Recreation Complex Road and Sewer Project to Viking General Contractors (Interim Public Works Director); Res. 04-445
- CA-9 Adopt a Resolution Awarding a Contract to RRM Design for Master Plan Services for the Regional Recreation Complex in the Amount of \$121,790 (Interim Public Works Director); Direction was given to bring the matter back with a professional services agreement
- CA-10 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Professional Service Agreement with Belinda Humphrey for Solid Waste and Recycling Education Consulting Services, with the Total Cost Not to Exceed \$12,000 (Interim Public Works Director); Res. 04-443
- CA-11 Approve Amendment to the Contract with Mike Skenfield to Provide Topography for the Design of the Don Pedro Wastewater Treatment Plant in the Amount of \$3,500 (Interim Public Works Director); Res. 04-444

11:54 a.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA October 12, 2004



Time _____ Description

9:09 a.m. Meeting Called to Order at the Mariposa County Government Center

Charlotte Hickman, Mariposa Elementary School Counselor, and MES Student Body Officers led in the Pledge of Allegiance

Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

- Dianne Fritz, representing the Soroptimist International of Mariposa, thanked Marilyn Lidyoff, Business Development Coordinator, and Susan Crain, Tourism Coordinator, for their assistance with their conference that was held on Saturday. She also thanked the Board and the County for its support.
- Dr. Mosher, Health Officer, provided a status report on the flu vaccine shortage. He advised that a private firm has agreed to release 41 doses, at its cost, for those in the high-risk category. The Board concurred with Dr. Mosher proceeding with accepting the offer. Marjorie Wass, County Clerk, asked about the status of the anti-flu pill. Dr. Mosher responded, and advised that a prescription is required.

Board Information

Supervisor Bibby provided information relative to her review of the revenue status with the Auditor; and she advised that revenues were not accounted for in the final budget adjustment process for the Child Support Services Trust Fund and for the fourth quarter grant revenues that are still pending. She advised that the Deputy County Administrative Officer is working with the Assistant Auditor on this matter to get the adjustments made and she feels that the County Administrative Officer will be bringing a report back to the Board.

Jim Allen, Sheriff;

Proclaim the Week of October 23rd through October 31, 2004, as Red Ribbon Week

BOARD ACTION: (M)Pickard, (S)Stetson, Res. 04-448 was adopted approving the

Proclamation/Ayes: Unanimous. Sheriff Allen presented the Proclamation to Charlotte Hickman, MES Counselor, and the following MES Student Body Members: Elizabeth Rowney, Breanna Pierson, Summer Street, and Tana DeSandres. The students passed out Red Ribbons.

Kris Schenk, Planning Director;

Adopt a Resolution Denying the Request for Waiver of Application Fees for a General Plan/Zoning Amendment Application for APN 017-340-024, a 30-Acre Parcel Located in the Public Domain Land Use and Zoning Designation; Jason Randal, Property Owner

BOARD ACTION: Chairman Parker advised that this item was pulled to be rescheduled at the request of the applicant. Kris Schenk requested that the matter be continued to November 9, 2004.

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer); and

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA at 11th & Bullion Concerning Price and Terms of Purchase (County Administrative Officer)

BOARD ACTION: Chairman Parker advised that these closed sessions were not necessary.

Approval of Minutes 9-21-04, Regular Meeting

BOARD ACTION: Minutes were approved with corrections.

Approval of the Consent Agenda (See End of the Minutes)

BOARD ACTION: Supervisor Balmain pulled items 5 and 6. Supervisor Pickard pulled item 1. Supervisor Bibby noted that “2004” needs to be inserted on page 2 of item 3. (M)Stetson, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 1 – Following discussion, (M)Pickard, (S)Balmain, item 1 was approved/Ayes: Unanimous.

Consent Agenda item 5 – Following discussion, (M)Stetson, (S)Balmain, item 5 was approved/Ayes: Unanimous.

Consent Agenda item 6 – Following discussion, (M)Balmain, (S)Pickard, item 6 was approved with a correction to the formal resolution/Ayes: Unanimous.

Waive Second Reading and Adopt an Ordinance Amending Chapter 8.48 of the Mariposa County Code Entitled, “Public Cemetery Services” (County Counsel)

BOARD ACTION: (M)Pickard, (S)Balmain, the second reading was waived and Ordinance No. 1012 was adopted. The Clerk of the Board read the title of the Ordinance and the Ordinance number into the record. Ayes: Unanimous.

Chairman Parker noted that a letter was received from Mr. Rebert relative to Consent Agenda item 6. Sarah Williams, Deputy Planning Director, reviewed the request and advised that staff does not support modifying the formal resolution.

9:37 a.m. MARIPOSA COUNTY AIR QUALITY CONTROL DISTRICT

Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign the Application for Subvention Funds, the Rural Districts Supplemental Funds Attachment, and the Request for First Disbursement Subvention Funds for Fiscal Year 2004/2005; Authorizing the Air Pollution Control Officer to Sign the Fiscal Year 2004/2005 Year End Report; and Authorizing the Air Pollution Control Officer to Apply and Execute Documents for the Air Pollution Subvention Program Funding for the Subsequent Four Fiscal Years if Amounts and Conditions Remain Substantially the Same (Health Officer)

BOARD ACTION: (M)Pickard, (S)Stetson, APCD Res. 04-2 was adopted/Ayes: Unanimous.

9:39 a.m. CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 and Initiating of Litigation for Two Cases Pursuant to Subdivision (c) of Government Code Section 54956.9 (County Counsel)

BOARD ACTION: (M)Balmain, (S)Bibby, the closed session was held/Ayes: Unanimous.

10:56 a.m. Chairman Parker announced that direction was given to staff on one litigation case, and action was taken by a vote of four ayes and one abstention to authorize initiation of litigation on one case.

CONSENT AGENDA:

- CA-1 Approve Grant Agreement with Northern Mariposa County History Center (NMCHC) to Provide Operating Expenses for the Coulterville History Center/Museum in an Amount Not to Exceed \$5,150 for Fiscal Year 2004/2005 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Tourism Coordinator); Res. 04-453
- CA-2 Approve Budget Action Transferring Funds from Tax Collectors Trust to Publications/Legal Notices to Cover Publication Costs for the Remainder of the Fiscal Year (\$4,100) (4/5ths Vote Required) (Treasurer/Tax Collector); Res. 04-449
- CA-3 Adopt a Resolution Approving and Authorizing the Environmental Services Joint Powers Authority (ESJPA) to Apply for a California Integrated Waste Management Board 2004/2005 Waste Tire Education and Amnesty Day Grant and to Implement All Terms of the Grant as Designated by the California Integrated Waste Management Board (Interim Public Works Director); Res. 04-450
- CA-4 Approve Budget Action Appropriating Revenue and Corresponding Appropriations into the Individualized Education Plan - #354 for Providing Mental Health Services to Severely Emotionally Disturbed Children (\$25,856) (4/5ths Vote Required) (Human Services Director); Res. 04-451
- CA-5 Approve a Behavioral Health Contract for Residential Inpatient Services with Fresno Community Medical Centers and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 04-454
- CA-6 Adopt a Resolution Ratifying Board of Supervisors Action to Deny Appeal No. 2004-141 on December 27, 2004; Charles and Dianna Rebert, Appellants (Contact: David Thelen) (Planning Director); Res. 04-455
- CA-7 Adopt a Resolution Recognizing Norm and Millie Card for their Service to Mariposa County (Supervisor Parker); Res. 04-452

10:57 a.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

October 26, 2004



Time Description

9:06 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Garry R. Parker, Board of Supervisors, Chairman;

Adopt a Resolution and Approve a Tile Plaque Recognizing Diane Broomfield upon her Retirement from Mariposa County Human Services

BOARD ACTION: (M)Bibby, (S)Balmain, Res. 04-456 was adopted and presented to Diane Broomfield, along with a tile plaque/Ayes: Unanimous.

9:14 a.m. Recess

9:27 a.m. Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

- Paul Chapman asked why the flags were flying during inclement weather.
- Dianne Fritz, President of the Chamber of Commerce, invited everyone to attend the "Business After Hours" this evening at Sierra Artists Gallery.
- Tom Guarino, County Counsel, provided an update on the status of three litigation matters:
 - o In the case of Rulon v. the District Attorney, et al – on Monday, the Federal Court ordered a tentative ruling dismissing all claims
 - o In the case of the California Farm Bureau v. California Department of Forestry and Fire Protection – the per parcel fee was removed and the County has been dismissed in the suit for the attorney fees
 - o In the CEQA action in the case of Mecchi v. the County of Mariposa – the matter has been dismissed.

Board Information

- Supervisor Balmain reported on the San Joaquin Valley Regional Association of California Counties conference that he attended on Wednesday and Thursday. He advised that Supervisor Pickard will take over being the representative on the Bio-Diversity Council, and he reviewed the issues that were discussed.
- Supervisor Bibby complimented the County Fire Department for their recognition event; and she commented on the Sesquicentennial event activities that were held the weekend, including the quilt display at the Government Center. She noted the Quilt Guild's desire to continue with the quilt display. She also noted that she attended the Care Trak locator system event that was held by the Sheriff's Department and the Masonic Lodge from Hornitos, and that the contact for this project is Deputy Jeff Totten. She complimented Donna Wice/4-H Coordinator, on the 4-H Achievement Night event.
- Supervisor Stetson advised that there is a Gateway Conference meeting in Yosemite on Thursday, and he advised that he attended the Ed McMahon/gateway corridor seminar that was held the previous week.

Bob Pickard, Supervisor District V;
Presentation by Cathy Collier Relative to the 2003-2004 Annual Report of Mariposa Safe Families, Inc.
BOARD ACTION: Supervisor Pickard introduced Cathy Collier, Executive Director for the Mariposa Safe Families, Inc. Cathy introduced the following Board members that were present: Dave Goger/Human Services Department Social Worker, Chevon Kothari/Mountain Crisis Services Executive Director, and Cyndi Park/Child Care Planning Council Coordinator. Dave Goger gave a power point presentation on the report and advised of their goals for an enrichment center. No action was necessary.

9:59 a.m. Recess

10:14 a.m. Approve Expenditure of \$2,500 from Tourism Budget for the Mariposa Storytelling Festival (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, advised that the request is for an additional \$1,000 to allow the event to expand to Sunday in Yosemite and to six storytellers. Supervisor Stetson excused himself from the meeting for this item due to a conflict of interest. (M)Pickard, (S)Bibby, Res. 04-457 was adopted approving the request/Ayes: Balmain, Bibby, Parker, Pickard; Excused: Stetson.

Approval of Minutes 9-28-04, Regular Meeting

BOARD ACTION: Approved with corrections.

Approval of Minutes 10-5-04, Regular Meeting

BOARD ACTION: Approved

Approval of the Consent Agenda (See End of the Minutes)

BOARD ACTION: Tom Guarino, County Counsel, advised that he has changes to make to items 2, 4 and 5. Chairman Parker advised that item 6 was pulled by Public Works. Supervisor Bibby pulled items 4, 7 and 13.

Tom Guarino reviewed the changes to be made to items 2/extension of lease for the Greeley Hill Library space, and 5/contract with RRM Design for Master Plan services for the Regional Recreation Complex. (M)Bibby, (S)Stetson, the balance of the items was approved with the noted changes – items 1, 2, 3, 5, 8, 9, 10, 11, and 12/Ayes: Unanimous. Supervisor Pickard noted that he would prefer that items such as Consent Agenda item 5 be timed in the future versus on the Consent calendar.

Consent Agenda item 4/agreement with Roger Stephens Engineering for the Greeley Hill pedestrian walkway – Supervisor Bibby noted that the same changes need to be made as those for Consent Agenda item 5, and she provided information on the breakdown of costs for the contract. Supervisor Balmain noted that this is an expensive part of the budget and leaves little for the construction, and he feels it is important to proceed with the project. (M)Bibby, (S)Balmain, item 4 was approved with the noted changes/Ayes: Unanimous.

Consent Agenda item 7/contract with Central Valley Opportunity Center to provide weatherization services – Supervisor Bibby advised of her discussion with the Human Services Director relative to the dates in the contract, and her concurrence that they be changed. Supervisor Pickard noted that the funding is on a calendar year versus fiscal year. (M)Bibby, (S)Stetson, item 7 was approved with the date changes/Ayes: Unanimous.

Consent Agenda item 13/modification of the Nurse Practitioner salary – Supervisor Bibby asked what the recommendation of the County Administrative Officer is, and Rich Inman advised that he recommends this action. She referenced the statement in the staff report that says the increased costs will be absorbed by keeping other extra help positions underfilled, and she stated she wants to make sure that we do not have any extra help employees working out of class or positions being underfilled. (M)Balmain, (S)Bibby, item 13 was approved/Ayes: Unanimous.

Approve Agreement Addendum Number 4 to Lease Agreement between the 35-A District Agricultural Association and Mariposa County, which will Increase the Lease Period to 5 Years (County Administrative Officer)

BOARD ACTION: Brian Bullis, CEO of 35-A District Agricultural Association, was present to respond to questions. (M)Pickard, (S)Bibby, Res. 04-468 was adopted approving the Agreement Addendum. Discussion was held. Ayes: Unanimous.

Jim Allen, Sheriff;

Approve Budget Action Accepting Unanticipated Revenue in Public Administrator Fees and Approve Funding of Fixed Asset Account for the Purchase of a Card Identification System (\$5,500) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Jim Allen, and he advised that he is only asking for the basic County identification card at this time. He advised that SCOPE will handle the project and that he will meet with the County Administrative Officer on the design for the cards for the County employees. (M)Pickard, (S)Bibby, Res. 04-469 was adopted/Ayes: Unanimous.

Dana Hertfelder, Interim Public Works Director;

Authorize the Chairman of the Board of Supervisors to Execute Amendments to the Transfer Station Hauling Agreement and Mariposa County Solid Waste Franchise Agreement with Total Waste Systems (TWS) that Includes the Language Relative to Default of Performance Applicable to All TWS Contracts Specifically Adding the Landfill Contract as Directed by the Board of Supervisors on October 5, 2004

BOARD ACTION: Following discussion with Dana Hertfelder, (M)Balmain, (S)Stetson, Res. 04-470 was adopted approving the amendments as recommended/Ayes: Unanimous.

Discussion and Direction Relative to Scheduling Board of Supervisors Field Trip to Don Pedro Equestrian/Pedestrian Trails (County Administrative Officer)

BOARD ACTION: Discussion was held, and Supervisor Balmain advised that he is requesting that Public Works provide staffing for the field trip and that transportation be arranged with a County bus. Chairman Parker asked that Supervisor Balmain coordinate the details. The Board concurred with scheduling the field trip on November 9th. Supervisor Stetson suggested that the supervisor-elects be included. Chairman Parker invited Justin Adler/Gazette reporter. He advised that the County will be unable to provide transportation for the general public; however, the public is welcome to attend.

10:42 a.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer); and

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA at 11th & Bullion Concerning Price and Terms of Purchase (County Administrative Officer)

BOARD ACTION: (M)Pickard, (S)Stetson, the closed sessions were held with Jeff Green to be present for a portion of the session/Ayes: Unanimous.

12:12 p.m. Chairman Parker announced that direction was given to staff as a result of the closed session matters, and that the closed session for conference with real property negotiator for the Moore/SPCA property at 11th and Bullion was continued to Monday, November 8, 2004, at 1:30 p.m.

CONSENT AGENDA:

CA-1 Rescind the Board of Supervisors Action of September 21, 2004, Placing a Hold on Moving Forward with the District Attorney's Case Management System (Damion) Contract (District Attorney); Res. 04-458

- CA-2 Authorize the Chairman of the Board of Supervisors to Execute an Extension of Lease between Greeley Hill Square and Mariposa County, for the Premises of Housing the Greeley Hill Branch Library in Greeley Hill (Librarian); Res. 04-459, with changes to the extension of the lease
- CA-3 Approve Budget Action Accepting Unanticipated Revenue and Appropriations from the Friends of the Library – Wawona, to Cover the Cost of One Additional Five-Hour Day of Service (Friday, 12:00 p.m. – 5:00 p.m. beginning November 5, 2004 through May 27, 2005) for the Bassett Memorial Library in Wawona (\$2,600) (4/5ths Vote Required) (Librarian); Res. 04-460
- CA-4 Authorize the Chairman of the Board of Supervisors to Execute an Agreement with Roger Stephens Engineering to Design and Prepare Bid Documents for the Greeley Hill Pedestrian Walkway for a Total Not-to-Exceed Amount of \$40,800 (Interim Public Works Director); Res. 04-465, with changes to the agreement
- CA-5 Adopt a Resolution Awarding a Contract to RRM Design for Master Plan Services for the Regional Recreation Complex in the Amount of \$121,790 (Interim Public Works Director); Res. 04-461, with changes to the contract
- CA-6 Authorize the Abandonment of 9.5 Miles of Old Yosemite Road in Exchange for the Acceptance of 8.19 Miles of Forrest Service Road 2S02 (Anderson Valley Road), 1.0 Miles of Cuneo Road and .31 Miles of Crystal Aire Drive into the County Maintained Mileage System (Interim Public Works Director); Item was pulled by Public Works
- CA-7 Approve a Contract with Central Valley Opportunity Center (CVOC) to Provide Weatherization Services in the Homes of Low Income Residents and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 04-466, with changes to the contract
- CA-8 Approve the Mariposa County Child Care Needs Assessment and Strategic Plan for 2004-2009 as Prepared by Sue Overstreet, Consultant for the Mariposa County Local Child Care Planning Council (Human Services Director); Res. 04-462
- CA-9 Approve a Lease Agreement between Behavioral Health & Recovery Services and Dell Financial Services for a Computer Server Necessary to Conduct Business; Authorize the Purchase of Two Desktop Computers at Lease End; and Authorize the Chairman of the Board of Supervisors to Sign both the Lease and Certificate of Incumbency and Authority (Human Services Director); Res. 04-463
- CA-10 Authorize a \$200 Increase in Petty Cash for Behavioral Health & Recovery Services to Cover Current Level of Transactions (Human Services Director); Res. 04-464
- CA-11 Accept the Resignations of Nancy Bell, Linda Fipps, and Caroline Minto from the Local Child Care Planning Council (Human Services Director)
- CA-12 Terminate the Membership of Lorien Boomer and Lori Cryans from the Mental Health Board (Human Services Director)
- CA-13 Adopt a Resolution Modifying the Nurse Practitioner Salary to \$44/Hour, Extra Help (Health Officer); Res. 04-467

12:13 p.m. The meeting was continued to Monday, November 8, 2004, at 1:30 p.m., and recessed in memory of Chester Jackson Morehead, Effie Jean Kojakanian, William “Bill” Daniel Nutley, Elizabeth Ann Metzler, Andrew Jenkins, Donna Mae Shipley, and Eileen Marjorie Ritz.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA November 8, 2004 (Continued Meeting from 10-26-04)

Time Description

1:39 p.m. Continued meeting, from October 26, 2004, called to order at the Mariposa County Government Center

Chairman Parker advised that the meeting was continued for the Board to hold a closed session for a conference with the real property negotiator for the Juanita Moore/SPCA property at 11th and Bullion Streets. He also advised that public comment would be accepted prior to the Board convening into closed session.

Input was provided by the following:

Pat Stacy, President of the SPCA, asked what a real property negotiator is and who the person is. She also asked if the Brown Act requires someone else to be named on the agenda if there is another negotiator. Tom Guarino, County Counsel, responded to her questions and advised that real property negotiator is the County Administrative Officer, and he assists.

Chris Johnson, member of the SPCA Board of Directors, asked about the procedures the Board will follow after holding the closed session. Chairman Parker advised that the Board will come back into open session and make an announcement to advise if any action is taken as a result of the closed session.

1:44 p.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA at 11th & Bullion Concerning Price and Terms of Purchase (County Administrative Officer)

BOARD ACTION: (M)Stetson, (S)Pickard, the closed session was held/Ayes: Unanimous. Tom Guarino advised that the closed session for conference with legal counsel relative to initiation of litigation in the matter of the County of Mariposa v. SPCA is not being held.

4:00 p.m. The Board reconvened in open session. Chairman Parker announced that direction was given to the property negotiator as a result of the closed session relative to negotiations; that direction was given to schedule this matter for further discussion in closed session on December 7, 2004; and that an offer was made for the property negotiator and County Counsel to attend an SPCA Board meeting for the purposes of good faith negotiations.

4:01 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

November 9, 2004



Time Description

9:13 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance
Introductions

Chairman Parker advised that as a result of the closed session held on November 8, 2004, for a conference with real property negotiator for the Juanita Moore/SPCA property at 11th at Bullion Streets, that direction was given to the property negotiator/County Administrative Officer relative to negotiations; that direction was given to schedule this matter for further discussion in closed session on December 7, 2004; and that an offer was made for the property negotiator and County Counsel to attend an SPCA Board meeting for the purposes of good faith negotiations. He also advised that it is his understanding that there will be continued negotiations between the County and the SPCA and that a meeting has been scheduled for November 17th.

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Marjorie Wass, County Clerk, provided a status report on the election process and advised of a statement that she issued for the press. She also thanked staff and the pollworkers and those who assisted for their efforts during the election. Board members commended everyone for their efforts.

Dr. Mosher, Health Officer, provided a status report on the flu vaccine shortage; and he advised that they have been able to obtain additional dosages and are prioritizing the high risk categories.

Bob Brown, District Attorney, advised that they have relocated to the "rock house," and he thanked Dana Hertfelder and Public Works staff for their assistance in the renovation and move process. He advised that they will schedule an open house.

Pat Stacy, President of the SPCA, asked the people who were present for the SPCA to stand, and a large audience rose. She advised, for the record, that she is not waiving any formal legal notice by speaking today. She referred to their programs, Sandy's Fund, and the on-going yard sale that support the SPCA. She also referred to the real property negotiations with the County for the property at 11th and Bullion and the closed sessions that the Board of Supervisors has scheduled. She noted the need to work cooperatively.

Dick Kunstman advised that he wished to provide input on the item to establish a no parking area at Whitmore Drive and Highway 49 South. Chairman Parker advised that input would be accepted at the time the item is considered by the Board.

Board Information

Supervisor Balmain advised that he attended the United States Forest Service Centennial Forum on Friday and Saturday to prepare for the Congressional Centennial to celebrate the 100th year anniversary of the Forest Service.

9:36 a.m. Recess

9:38 a.m. Supervisor Balmain continued with his report on the meeting he attended, and he advised that seven delegates will be selected to go to Washington, D.C., to testify on behalf of the United States Forest Service.

Supervisor Stetson advised that the El Portal Planning Advisory Committee meeting is scheduled for this evening in El Portal. He also advised that he plans to attend a housing seminar in Sonora that will be conducted by people in the housing industry and State agencies.

Supervisor Pickard advised that he attended the Fall Conference for California Resource Development Councils in Butte County. He plans to work with the Fire Safe Council to get information out to the communities and to share the power point presentation with the Board that was given at the Conference relative to creating defensible space to protect homes.

Approval of Minutes 10-12-04, Regular Meeting

BOARD ACTION: Approved

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 1 and 2. (M)Pickard, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 1 – Supervisor Bibby asked if the County Administrative Officer could obtain additional information relative to the claim. (M)Pickard, (S)Stetson, item 1 was approved. Further discussion was held. Ayes: Stetson, Balmain, Parker, Pickard; Noes: Bibby.

Consent Agenda item 2 – Supervisor Bibby asked for clarification of the funding and staffing and equipment to support this project. (M)Pickard, (S)Stetson, item 2 was approved/Ayes: Unanimous. Supervisor Pickard complimented Marilyn Lidyoff, Administration/Business Development Coordinator, for her work on this grant application.

Janet Bibby, Supervisor District III;

Discussion and Possible Direction to Staff Regarding the Designation of a Town or Community Plan Area within the General Plan Update and the Formation of a Community Advisory Committee for the Mt. Bullion Community Area

BOARD ACTION: Supervisor Bibby introduced Joe Coho to present the request, and she advised that a citizen group has been meeting and is concerned about circulation and planning issues separate from the Mariposa Airport, which is guided by the Airport Committee. Supervisor Balmain expressed concern with the staffing shortage in the Planning Department.

Joe Coho, resident of Mt. Bullion, presented the request. He also asked the people who were present to support this request to stand, and several stood.

Kris Schenk, Planning Director, provided input on the Department's staffing. He advised that this is not one of the ten areas designated in the General Plan Update for a community plan; however, the airport is. He stated he does not feel that it would be a problem to add Mt. Bullion to the General Plan Update as a future planning area. Sarah Williams, Deputy Planning Director, referred to language in the January, 2003, draft General Plan that shows the Mariposa town planning area expanding toward that area. Discussion was held.

Joe Coho noted that they received input from residents of Mykleoaks that show interest in being a part of the Mt. Bullion vicinity planning area.

(M)Bibby, (S)Balmain, to provide direction to staff to bring back the matter to designate a plan area and to form a committee, when staffing permits, and during the General Plan Update discussion for review, was held pending further discussion. Supervisor Balmain stated he feels that there should just be a generic description of the plan area with details to be worked out in the future, and that the General Plan Update process should not be held up. Supervisor Parker stated he would be okay with changing wording in the General Plan Update to reflect that the area would be designated as a planning area in the future. He also stated that he hopes that when the committee is established that it becomes very interactive with the Airport Advisory Committee. Discussion was held relative to the motion and the direction to staff. Kris Schenk provided input on the status of the General Plan Update process and he advised that he is working with Parsons to schedule a workshop in December with the Board. He stated he feels that language could be included in the General Plan Update to discuss the future Mt. Bullion planning area in

the Update. Supervisor Balmain stated that is the intent of his second to the motion. Supervisor Bibby stated that is okay with her as the maker of the motion. Supervisor Bibby restated her motion to provide direction to staff to recognize and place language in the General Plan Update that sometime in the future we would work toward the creation of a Mt. Bullion planning area. Further discussion was held relative to discussing this matter and providing direction when the General Plan Update comes back before the Board.

The vote on the motion was held pending receipt of input from the public. The following people provided input:

Ruth Sellers asked Supervisor Parker what his objections were to Mykleoaks being included as a part of the Mt. Bullion planning area as they are described in the Airport overlay area. Discussion was held relative to the boundaries.

Joe Coho clarified their request, and he stated they are asking to be identified as a community planning area with an advisory committee. He further advised that their goal is to work with the Board. He also noted that they were included in the 1981 General Plan, but did not get included in the proposed revision.

Ayes: Unanimous.

10:39 a.m. Recess

10:56 a.m. Dana Hertfelder, Interim Public Works Director;

A) Waive First Reading and Introduce an Ordinance Amending Section 10.08.020 of the County Code, to Formally Establish a “No Parking” Area at Whitmore Drive and State Highway 49 South

BOARD ACTION: Dana presented the request.

Input from the public was provided by the following:

Dick Kunstman referred to the staff report and the attachments that show parked vehicles and the width of the road. He stated he feels that to restrict the parking will not encourage carpooling. As a side note, he commented on the informational report given by Supervisor Pickard earlier this date relative to his attendance at the Fall Conference for California Resource Development Councils. He stated he feels that prescribed fires could have prevented the Southern California fires, and he referred to air pollution concerns.

Sonia Brazzel stated she has been a resident on Whitmore Drive for 12 years; and during that time, they have not had a problem with access. She noted that during heavy snowstorms, they need to park their vehicles at the bottom by the Highway because of the steepness of Whitmore Drive. She suggested that the people with the driveways at the bottom place posts or chains with “no parking” signs to maintain access to those driveways and not impact the rest of the residents on the road.

Dana Hertfelder advised of complaints that the Public Works Department has received relative to the parking problems, and a resident not being able to negotiate around the parked vehicles with a truck and trailer.

(M)Pickard, (S)Bibby, the first reading was waived and the Ordinance introduced. Chairman Parker clarified that the parking restriction is just for one side of Whitmore Drive. The Clerk of the Board read the title of the Ordinance into the record. Supervisor Pickard noted that the parking area on Chowchilla Mountain Road which has been used as a “park and ride” is now posted as “no parking” by Sierratel; and he asked staff to review parking in the area and to work with Sierratel on this matter. He stated he is also willing to work with them. Ayes: Unanimous.

B) Authorize the Chairman of the Board of Supervisors to Execute a Professional Services Agreement with Roy Chriswell for On-Site Inspection Services for the Construction of the Building and Related Facilities for the Compost Facility in an Amount Not-to-Exceed \$60,000

BOARD ACTION: Dana Hertfelder presented the request. Fred Solomon, project manager, responded to questions relative to the request and the status of the project. Discussion was held. (M)Pickard, (S)Balmain, Res. 04-482 was adopted, with a typographical correction to be made in section 4.01 of the contract/Ayes: Unanimous.

C) Approve Budget Action Transferring Funds from the General Fund Compost Contingency Fund to the Compost Project Fund 604 (\$875,000) (4/5ths Vote Required); Adopt a Resolution Awarding a Contract to Dick Anderson Construction, Inc. in the Amount of \$4,965,000 for Construction of the Compost Building; and Approve Change Order No. 1, Reducing the Contract Amount by \$815,500
BOARD ACTION: Supervisor Pickard asked about having this handled as a loan versus an outright grant of funds. Rich Inman, County Administrative Officer, agreed and stated that perhaps the General Fund could be reimbursed over time. Discussion was held. (M)Pickard, (S)Balmain, Res. 04-483 was adopted, with direction that the transfer of funds from the General Fund Compost Contingency Fund be considered a loan pending further review of ways to repay the funds in the future to the General Fund/Ayes: Unanimous.

D) Approve Amendment to the Contract with Concept Design in the Not-to-Exceed Amount of \$50,000 to Revise Plans and Specifications to Reflect Changes for the Dick Anderson Construction Contract for the Compost Facility and Authorize the Chairman of the Board to Execute the Contract
BOARD ACTION: Following discussion, (M)Balmain, (S)Stetson, Res. 04-484 was adopted/Ayes: Unanimous.

Discussion and Possible Action to Cancel the Board's Regularly Scheduled Meeting for November 23, 2004 (Chairman Parker)
BOARD ACTION: (M)Pickard, (S)Balmain, Res. 04-485 was adopted canceling the meeting for November 23rd/Ayes: Unanimous.

Adopt a Resolution Declaring the Board of Supervisors' Intent to Sell Real Property Located in the Hornitos Area (County Counsel)
BOARD ACTION: Supervisor Parker expressed concern with the price and method. Discussion was held and Tom Guarino, County Counsel, advised of the process. (M)Bibby, (S)Balmain, Res. 04-486 was adopted/Ayes: Unanimous.

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA at 11th & Bullion Concerning Price and Terms of Purchase (County Administrative Officer); and

CLOSED SESSION: Conference with Legal Counsel Relative to Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (County Counsel)

BOARD ACTION: Chairman Parker advised that closed session is not necessary for these matters.

11:43 a.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535, Service Employees International Union; Name of County Designated Representative: Rich Inman (County Administrative Officer); and

CLOSED SESSION: Public Employee Appointment; Public Works Director (County Administrative Officer)

BOARD ACTION: (M)Balmain, (S)Bibby, closed session was held for these matters/Ayes: Unanimous.

12:23 p.m. Chairman Parker announced the following as a result of the closed session matters:

No action was taken on the matter relative to labor negotiations with SEIU Local 250 or with SEIU Local 535.

Action was taken by unanimous vote to appoint Dana Hertfelder as the Public Works Director, effective November 1, 2004.

12:24 p.m. Supervisor Parker was excused for the rest of the meeting.

The Board left for the tour of the Lake Don Pedro pedestrian and equestrian trails following lunch at the Coulterville Park.

CONSENT AGENDA:

- CA-1 Authorize the Chairman of the Board of Supervisors to Sign an Order of the Board to Reject Claim No. C04-13 in the Amount of \$443.21 (County Administrative Officer); Res. 04-480
- CA-2 Adopt a Resolution Approving the Environmental Enhancement and Mitigation Program Grant Application to the Resources Agency Office of the Secretary (State of California), Requesting \$50,000 to Extend the Mariposa Creek Parkway (County Administrative Officer); Res. 04-481
- CA-3 Authorize the Chair to Sign a Letter of Support to CalTrans Approving the Detour of Traffic from State Routes to Utilize the Mariposa County Roadways for the Duration of the Merry Mountain Christmas Parade Sponsored by the Mariposa County Chamber of Commerce on December 11, 2004 (Tourism Coordinator); Res. 04-471
- CA-4 Authorize the Chairman of the Board of Supervisors to Execute a Professional Service Agreement between Michael Habermann and the Mariposa County Visitors Bureau, Authorizing Mr. Habermann to Represent Mariposa County at the International Tourism Exchange in Berlin Germany in March of 2005 (Tourism Coordinator); Res. 04-472
- CA-5 Approve Grant Agreement for the Yosemite Renaissance XX and Authorize the County Administrative Officer to Sign the Grant Agreement (Tourism Coordinator); Res. 04-473
- CA-6 Authorize the Chairman of the Board of Supervisors to Sign Agreement 02-LE-11051520-023 with the United States Department of Agriculture, Sierra National Forest to Assist in Providing law Enforcement Services on National Forest Lands (Sheriff); Res. 04-474
- CA-7 Review the Mental Health Advisory Board Annual Report (Human Services Director)
- CA-8 Approve a Behavioral Health Contract for Board and Care Services with Acacia Board & Care and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 04-475
- CA-9 Approve a Behavioral Health Contract for Residential Alcohol and Drug Treatment Services with Progress House, Inc. and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 04-476
- CA-10 Approve a Continuing Behavioral Health Contract for Mental Health Services under the SAMHSA Grant with the MACT Health Board and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 04-477

CA-11 Approve Behavioral Health Contract for Residential Alcohol and Drug Treatment Services with Changing Echoes and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 04-478

CA-12 Authorize the Closure of the Mariposa County Library System Saturday, November 27, 2004, the Saturday Following the Thanksgiving Holiday (Librarian); Res. 04-479

4:20 p.m. Adjournment at the Coulterville Park in memory of Edward Kingman, William "Van" Van Cleave, and Gregory Hempstead.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA November 16, 2004



Time Description

9:06 a.m. Meeting Called to Order at the Mariposa County Government Center with Supervisor Parker excused.

Pledge of Allegiance
Introductions

Garry R. Parker, Chairman;
Approve and Present Certificates of Appreciation to Student Poll Worker Volunteers, Joshua Sizemore; Meghan Noble; Al'an Brazzel; Joanie Radanovich; Renee Chaney; Savannah Foster; Forrest McLelan; and Student Coordinator, Marnie Kelsey for Participating in a Pilot Program in Conjunction with Mariposa County Election Department

BOARD ACTION: (M)Pickard, (S)Bibby, the Certificates of Appreciation were approved/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker. Marjorie Wass, County Clerk, and Vice-Chairman Balmain presented the Certificates and Courthouse pins to the student poll worker volunteers and to the coordinator.

Rich Inman, County Administrative Officer;
Welcome Reception for Dana Hertfelder to Recognize his Appointment as Public Works Director
BOARD ACTION: Vice-Chairman Balmain advised of Dana's appointment as Public Works Director, and invited the public to the welcome reception with refreshments in the lobby. Dana introduced his wife, Katie.

9:16 a.m. Recess

9:47 a.m. Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda – none.

Board Information – none.

Approval of Minutes 10-26-04, Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 5 and 6. Supervisor Balmain pulled item 14. (M)Stetson, (S)Bibby, the balance of the items was approved/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Consent Agenda item 5 – Supervisor Bibby asked for clarification that the project is on County property. Dana Hertfelder, Public Works Director, responded to the questions, and he advised that the project is on County-owned property. (M)Bibby, (S)Pickard, item 5 was approved/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Consent Agenda item 6 – Supervisor Bibby asked about the status of funding in the account for the Solid Waste operations. Carl Casey/PWD-Fiscal Manager, responded to the question and advised of the

billing cycle for the insurance. (M)Bibby, (S)Pickard, item 6 was approved/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Consent Agenda item 14 – Supervisor Balmain initiated discussion, and he requested that the charge for the person to operate the audio/visual or lighting equipment be payable to the Church versus an individual that is not a County employee and is not covered by the County’s workers compensation insurance. Tom Guarino, County Counsel, advised that the Board could approve the agreement with a revision to include a requirement that the County will pay the Church for someone to operate the equipment. (M)Stetson, (S)Bibby, item 14 was approved with the revision to reflect that the County will pay the Church for someone to operate the equipment/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Bob Lowrimore, Assessor/Recorder;

Approve Budget Action Transferring Funds from General Fund Contingencies to the Computers Item within the Assessor/Recorder Budget to Complete the Exigent Contract and to Upgrade One Computer and Purchase a New Monitor for the Department of the Recorder (\$8,381) (4/5ths Vote Required)

BOARD ACTION: Following discussion, (M)Bibby, (S)Stetson, Res. 04-502 was adopted/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Charles Mosher, Health Officer;

A) Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign an Agreement with First Five Commission for Visiting Public Health Prenatal Program; Approving Budget Action Increasing and Decreasing Revenue and Appropriations for Purposes of Implementation of this Program (4/5ths Vote Required); Allocating One Additional Full-Time Equivalent Public Health Nurse II Position, which is a Grant Dependent Position for the Purposes of this Program; Authorizing the Health Officer to Manage the Funds to Implement this Program on Behalf of the County; and Authorizing Fleet Services to Purchase a Vehicle for the Health Department

BOARD ACTION: Discussion was held with Dr. Mosher. Supervisor Balmain advised of a correction to reflect secondhand “smoke” in the goals. Supervisor Pickard asked about the purchase of a vehicle for the program and staffing that is grant funded. (M)Bibby, (S)Stetson, Res. 04-503 was adopted/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

B) Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Standard Agreement Amendment 01-16271 for HIV/AIDS Education and Prevention Program for Fiscal Year 2003-2004 and Standard Agreement 04-35360 for HIV/AIDS Education and Prevention, AIDS Surveillance and AIDS Testing Programs for Fiscal Years 2004-2007 in the Amount of \$209,835

BOARD ACTION: Following discussion, (M)Bibby, (S)Stetson, Res. 04-504 was adopted/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Dana Hertfelder, Public Works Director;

Adopt a Resolution Adopting the County-Wide Injury and Illness Prevention Program as Policy and Direct Each Department Head or Appointed Department Safety Representative (DSR) to Monitor the Health and Safety Policy for Their Respective Department with Assistance from the County Safety Officer

BOARD ACTION: Vice-Chairman Balmain advised that this matter was pulled at the Public Works Director’s request.

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA at 11th & Bullion Concerning Price and Terms of Purchase (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, advised that this closed session is not necessary.

10:10 a.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer);
 CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535, Service Employees International Union; Name of County Designated Representative: Rich Inman (County Administrative Officer);
 CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Dean v. County of Mariposa (County Counsel); and
 CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (County Counsel)
BOARD ACTION: (M)Bibby, (S)Pickard, the closed session was held for these matters/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

10:56 a.m. Vice-Chairman Balmain announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Authorize the County Administrative Officer to Execute an Agreement for Fiscal Year 2004-2005 with the Mariposa County Arts Council in the Amount of \$51,000 (County Administrative Officer); Res. 04-487
- CA-2 Authorize the Sheriff to Execute an Interim Rental Agreement with 35-A District Agricultural Association for Use of the Fairgrounds Facilities for the Annual Cops for Kids and Food Give Away (Sheriff); Res. 04-488
- CA-3 Adopt a Resolution Designating the Method by Which the Appropriation Limits will be Calculated for Fiscal Year 2003-2004 (Auditor); Res. 04-489
- CA-4 Adopt a Resolution Establishing and Adopting Appropriation Limits for the 2003-2004 Fiscal Year (Auditor); Res. 04-490
- CA-5 Approve Budget Action Establishing Capital Improvement Fund #572 for the Purpose of Tracking Revenue and Expenditures for the Next Phase of Airport Improvements, which are being Funded by a \$450,000 Grant from the Federal Aviation Administration (FAA), 5-Percent Matching Funds from the State and a 5-Percent Match by the County (4/5ths Vote Required) (Interim Public Works Director); Res. 04-499
- CA-6 Approve Budget Action Transferring Funds within the Solid Waste Operations Budget to Cover the Estimated Debt Service on the Compost Project for Fiscal Year 2004-2005 (\$85,000) (Interim Public Works Director); Res. 04-500
- CA-7 Authorize the Chairman of the Board of Supervisors to Execute a Professional Services Agreement with Tim Fahey of Pacific Coast Ventures to Conduct a Professional Evaluation of the Programmatic Activities Performed by Health Education Program for the Next Three Fiscal Years at a Cost of \$24,000 (Health Officer); Res. 04-491
- CA-8 **AIR POLLUTION CONTROL DISTRICT**
 Adopt a Resolution Authorizing Air Pollution Control Officer to Sign an Agreement with Yosemite National Park for the Distribution of Moyer Grant Funds in the Amount of \$5,810 for the Repowering of a Diesel Vehicle (a Sweeper) Consistent with Intended Expenditure of Moyer Funds Previously Discussed with the Board (Health Officer); APCD Res. 04-3

- CA-9 Approve the Training Services Agreement between County of Mariposa and UC Davis for Nine Training Days as Part of the Inter-County Training Consortium and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 04-492
- CA-10 Authorize the Human Services Department to Accept the Grant Agreement for Fiscal Year 2004-2005 between the Mariposa County Friday Night Live Partnership and the Tulare Superintendent of Schools for the Friday Night Live Mentoring Program for Compliance with the “No Child Left Behind Act”, Title IV-21st Century Schools and all Applicable Regulations and Federal Guidelines; and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 04-493
- CA-11 Approve Budget Action Accepting Unanticipated Revenue in the Amount of \$2,111.70 for the Mariposa Youth Council Youth Philanthropy Project and Authorize the Auditor to Release the Money for the Purpose Intended (4/5ths Vote Required) (Human Services Director); Res. 04-494
- CA-12 Approve the Corrected Attachment A for the Behavioral Health Contract for Residential Board & Care Services with Hill Crest Manor (Human Services Director); Res. 04-495
- CA-13 Approve a Behavioral Health Lease for Heritage House Necessary for Program Operations and Authorize the Chairman of the Board of Supervisors to Sign the Lease (Human Services Director); Res. 04-496
- CA-14 Authorize the Human Services Department to Utilize the Grace Community Church of the Sierra for the Purpose of a Training Workshop and Authorize the Chairman of the Board of Supervisors to Sign the Church’s Building Use Form (Human Services Director); Res. 04-501
- CA-15 Approve a Professional Service Agreement with Volney Dunavan for Alcohol and Drug Programs until Full-Time Staff can be Hired and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 04-497
- CA-16 Authorize the Department of Human Services (Community Action Programs) to Submit an Application to the State Department of Housing and Community Development for Emergency Housing and Assistance Program (EHAP) Funding, Round XII; Designate the Department of Human Services (Community Action Programs) to Administer this Funding; and Upon Approval of County Counsel and County Administrative Officer, Authorize the Human Services to Execute Minor Subsequent Amendments to this Agreement with the State Department of Housing and Community Development (Human Services Director); Res. 04-498

10:57 a.m. Adjournment in memory of Robert William Massey.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA December 7, 2004



Time Description

9:11 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

- Marjorie Wass, Treasurer/Tax Collector/County Clerk, advised that historic documents consisting of cancelled payroll checks for the County Clerk, Treasurer and Tax Collector from 1917 and a business card for Mr. Mentzer have been in their office. She showed the Board the framed display and will hang it in the office.
- Dianne Fritz, President of the Chamber of Commerce, invited everyone to the "Merry Mountain Christmas" activities being held this weekend.
- Paul Chapman provided input concerning several items:
 - o He asked how the funds were spent that the County contributed to the Yosemite Renaissance Art exhibit.
 - o He stated that he feels that if the County-owned property in Hornitos that was put out to bid is sold, that the proceeds should stay in the Hornitos community for upkeep of the historic buildings.
 - o He questioned the item relative to applying for a grant to fix-up the Fremont Adobe building as it is still in private hands.
 - o He referred to the Health Department item relative to the Public Health Preparedness Grant, and he questioned the need for the Health Department to obtain a trailer, as he feels the Fire Department has several trailers that are not being used. He also questioned the request to increase the Health Officer's position.
 - o He stated he feels the new Board should select the Chair and Vice-Chair for next year.
 - o He referred to the application for Federal transit dollars, and stated he feels that if the dollars are for YARTS that the application should not be made.

Board Information

Supervisor Stetson advised that he plans to attend the Mountain-Valley Emergency Medical Services Agency meeting in Amador County on Wednesday.

Approval of Minutes 11-08-04, (Continued Meeting from October 26, 2004);

Approval of Minutes 11-09-04, Regular Meeting; and

Approval of Minutes 11-16-04, Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Chairman Parker advised of a correction to item 4 to reflect the Statement of Votes Cast as certified to the Secretary of the State on November 24, 2004. Supervisor Balmain pulled item 10. Supervisor Bibby pulled items 10, 1 and 11. Supervisor Stetson pulled item 9. (M)Pickard, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 1 – Supervisor Bibby initiated discussion and asked for clarification on whether the claim is for two tires. She requested that when claims are received that someone from the County inspect the road to determine whether there is a problem, and the County Administrative Officer stated he would review this. (M)Stetson, (S)Pickard, item 1 was approved/Ayes: Unanimous.

Consent Agenda item 9 – Supervisor Stetson initiated discussion. Dana Hertfelder, Public Works Director, provided input relative to the request. (M)Stetson, (S)Pickard, item 9 was approved/Ayes: Unanimous.

Consent Agenda item 10 – Supervisor Balmain initiated discussion. Dana Hertfelder provided input relative to the request. Supervisor Balmain asked that the contract language be clarified relative to the costs and application for the first and second application of the per lane mile, and the Board concurred. (M)Balmain, (S)Pickard, item 10 was approved/Ayes: Unanimous.

Consent Agenda item 11 – Supervisor Bibby asked whether language needed to be included to show the end of the “no parking” area. Dana Hertfelder advised that signage will be placed to show the end of the “no parking” area. (M)Bibby, (S)Stetson, the second reading was waived and Ordinance No. 1013 was adopted. The Clerk of the Board read the Ordinance number and title of the Ordinance into the record. Ayes: Unanimous.

Opening of Sealed Proposals for the Purchase of Real Property Located in the Hornitos Area (County Counsel)

BOARD ACTION: Tom Guarino, County Counsel, advised that no bids were received.

Dana Hertfelder, Public Works Director;

A) PUBLIC HEARING Authorizing the Abandonment of 9.5 Miles of Old Yosemite Road and Acceptance of 8.19 Miles of Forest Service Road 2S02 (Anderson Valley Road), 1.0 Miles of Cuneo Road, and .31 Miles of Crystal Aire Drive

BOARD ACTION: Dana Hertfelder presented the staff report. He responded to questions from the Board relative to clarifying the portion of Old Yosemite Road to be abandoned in the staff report, and the Board concurred with changes to the staff report. He responded to additional questions from the Board relative to the location of the portion of Crystal Aire Drive that is proposed to be maintained; the level of existing maintenance on Old Yosemite Road and what would happen in the future; relative to posting the maintenance changes; and as to whether any objections have been received to the recommendation. The public portion of the hearing was opened. There was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Stetson, (S)Balmain, Res. 04-515 was adopted/Ayes: Unanimous.

B) Adopt a Resolution Authorizing Application for a \$500,000 Grant from State of California Roberti Z. Berg-Haris (RZH) Non-Urban Needs Basis Grant Program, Recognizing the Mariposa Sports Recreational Complex (RRC) as the Highest Priority Unmet Recreation Need and Listing Available Matching Funds in the Amount of \$214,285.72, Equal to 3/7 of the Requested Amount

BOARD ACTION: Discussion was held with Dana Hertfelder and Rich Begley/PWD-Deputy Director for Parks and Recreation. (M)Pickard, (S)Stetson, Res. 04-516 was adopted, with the corrections as noted/Ayes: Unanimous.

Rich Inman, County Administrative Officer;

A) Authorize the Chairman of the Board of Supervisors to Sign the Cooperative Agreement for the Old Highway Fire Emergency Watershed Project and Assurances Relating to Real Property Acquisition and Authorize the County Administrative Officer to Sign the Grant Application

BOARD ACTION: Discussion was held. Supervisor Bibby asked that information be obtained on the amount of restitution being requested in the criminal prosecution against the defendant alleged to have started the fires. Supervisor Stetson asked for clarification of the source of the cash contribution. Jerry Progner, USDA Natural Resources Conservation Service, provided input relative to the request, and he advised that fifteen percent will be required as a cash match. Rich Inman advised that funding can be identified for this project. (M)Pickard, (S)Bibby, Res. 04-517 was adopted/Ayes: Unanimous.

B) Authorize the Chairman of the Board of Supervisors to Sign Grant Agreement 06-04-ML-0010 with the National Park Service in the Amount of \$148,152 for the Rehabilitation of the Fremont Adobe; and Authorize the County Administrative Officer to Sign the Grant Application and Accompanying Federal Forms

BOARD ACTION: Rich Inman initiated discussion. Discussion was held relative to the cost of the evaluation of the condition of the structure and what would happen if the cost to rehabilitate the structure is prohibitive. Supervisor Parker cautioned that the project should not become a solely County-sponsored project as it would be too expensive. Leroy Radanovich provided input relative to the grant requirements and the history of the Fremont Adobe, and future possibilities. He also noted that matching funds will need to be identified for the grant.

(M)Pickard, (S)Stetson, Res. 04-518 was adopted approving the requested action. Further discussion was held relative to identifying the matching funds and timeframes; possible future uses of the structure; and relative to the grant conditions. Leroy Radanovich and Mary Hodson/Deputy County Administrative Officer, responded to the questions. Chairman Parker asked if there was any public input and none was received. Supervisor Bibby advised that she could support the request providing that none of the grant funds are expended until matching funds are obtained from other grant sources, and she requested that the motion be amended to include this requirement. She also asked for clarification that there would be no penalties if the County determines not to proceed with this project. Supervisor Pickard advised that it would be the intent of his motion that we do everything we can to identify a non-County funded grant match. Supervisor Stetson agreed, and stated that would be the intent of his second to the motion. Ayes: Unanimous.

10:34 a.m. Recess

10:57 a.m. Charles Mosher, Health Officer;

Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign the Public Health Preparedness (Bio-Terrorism) Funding Grant Agreement for Fiscal Year 2004-2005, Certificate Regarding Lobbying and Certificate Against Supplanting and Similar Certificates Pertinent to Fiscal Year 2004-2005; Approving Budget Action Appropriating \$66,832 in One-Time Rollover Funds (4/5ths Vote Required); Authorizing the Purchase of a "Lab Capable" Trailer; Authorizing Fleet Services to Purchase a Vehicle for the Health Department; Authorizing the Telephone System Upgrade at the Health Department; and Changing the Health Officer's Position from 60 Percent Permanent Part-Time to 80 Percent Permanent Part-Time

BOARD ACTION: Discussion was held with Dr. Mosher. (M)Pickard, (S)Balmain, Res. 04-519 was adopted/Ayes: Unanimous.

Approve the Third and Final Round of Proposed Job Descriptions Prepared by HDC & Associates, the Consultant Hired to Perform the Classification and Internal Compensation Study, to be Effective Immediately (County Administrative Officer)

BOARD ACTION: Supervisor Balmain reviewed corrections and questions he had relative to several of the proposed job descriptions, and the Board agreed with changes. Supervisor Bibby initiated discussion relative to the allowance of substitution of experience for education for some of the classifications and in varying years. She asked that this issue be reviewed so that all classifications are consistent. Rich Inman, County Administrative Officer, recommended that experience always be allowed to be substituted for education unless otherwise required by law. He advised that he will further review the proposed job descriptions for consistency. The Board concurred with pulling this matter from the agenda pending further review by staff. Chairman Parker asked that Board members discuss any other questions they have on these job descriptions with staff prior to the item being brought back to the Board. Supervisor Pickard requested that the changes be denoted when the package is brought back.

Discussion/Direction Concerning Appointment of a Board Member to Sierra Nevada Conservancy Legislation (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, initiated discussion. Supervisor Pickard advised of RCRC's work on this matter, and he advised that the proposal is for each of the four

counties to select a supervisor to meet and negotiate who will be appointed to the Board member position. He offered to be selected for the negotiations. (M)Balmain, (S)Stetson, Supervisor Pickard was appointed to represent the County for the negotiations with the other three counties to determine who will be appointed to the Board member position/Ayes: Unanimous.

Selection of Chair and Vice-Chair for the Board of Supervisors (Chairman Parker)

BOARD ACTION: Chairman Parker advised that he scheduled this item on the agenda to try to provide stability for the rest of the year and the beginning of next year as his term ends this year; and Supervisor Balmain's term also ends this year and he is Vice-Chair. Discussion was held. Supervisor Stetson requested that the selection for 2005 be scheduled on the January 4, 2005, agenda. (M)Balmain, (S)Stetson, Supervisor Pickard was selected to be Chair and Supervisor Bibby as Vice-Chair. Following further discussion, the motion was amended, agreeable with the maker and second, to make the selection of the interim Chair and Vice-Chair effective on December 21, 2004/Ayes: Unanimous.

11:36 a.m. LOCAL TRANSPORTATION COMMISSION

Adopt a Resolution Authorizing the Public Works Director to Execute the Application and Other Necessary Documents Pertaining to Federal Transit Administration (FTA) Section 5311 Program (Operating Assistance) Funds (Public Works Director)

COMMISSION ACTION: (M)Parker, (S)Bibby, LTC Res. 04-7 was adopted/Ayes: Unanimous.

Approve the Master Fund Transfer Agreement with the State of California Department of Transportation (CalTrans) for Transportation Planning and Authorize the Executive Director of the Local Transportation Commission to Sign the Agreement (Public Works Director)

COMMISSION ACTION: Dana Hertfelder, Public Works Director, presented the staff report. Discussion was held. Matt Fell/Transportation Planner, provided input relative to the request. (M)Pickard, (S)Parker, LTC Res. 04-8 was adopted/Ayes: Unanimous.

Commissioner Parker asked about the status of the Old Highway bridge project and the funding that has been held in reserve. Commissioner Pickard asked about the status of the recessed reflectors on Highway 49 South. Dana Hertfelder responded to the questions.

11:46 a.m. The Board reconvened.

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer)

BOARD ACTION: It was noted that this closed session was not necessary to be held this date.

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA at 11th & Bullion Concerning Price and Terms of Purchase (County Administrative Officer);

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535, Service Employees International Union; Name of County Designated Representative: Rich Inman (County Administrative Officer);

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code section 54956.9 Relative to a Workers' Compensation Case (County Administrative Officer);

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); James and Marion Dean v. County of Mariposa, et al (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation/Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code section 54956.9 and Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code section 54956.9 (County Counsel)

BOARD ACTION: Chairman Parker advised that the Board will recess for lunch following the closed session matters, and will return at 2:00 p.m. (M)Bibby, (S)Stetson, the closed sessions were held, with

Sandi Laird/Administration-Administrative Analyst, to be present for a portion of the session/Ayes: Unanimous.

12:34 p.m. Lunch

2:10 p.m. Chairman Parker announced that direction was given to staff as a result of the closed session matters.

Adopt a Resolution Amending the Legal Services Agreement with Abbott and Kindermann, LLP and Authorizing the Chairman of the Board of Supervisors to Sign the Amended Legal Services Agreement (County Counsel)

BOARD ACTION: Discussion was held with Tom Guarino, County Counsel, and he advised of the estimated costs involved in this matter. (M)Bibby, (S)Stetson, Res. 04-520 was adopted/Ayes: Unanimous.

Kris Schenk, Planning Director;

A) PUBLIC HEARING Relative to Adopting a Resolution Approving the Creation of Agricultural Preserve for Rinell (Application No. 2004-151; Multiple APNs); Modifying Agricultural Preserves for Bissig (Application No. 2004-133, APN 018-300-008) and Franco (Application No. 2004-132, APN 018-300-004); and Acknowledging Notices of Non-Renewal for Mariposa County (Application No. 2004-171, APNs 001-260-015 and 001-260-016) and Berlogar (APN 011-240-011)

BOARD ACTION: Kris Schenk introduced Megan Tennermann/Assistant Planner. Megan presented the staff report for the Rinell application. Staff responded to questions from the Board relative to the process and change in the valuation of property when it is removed from the Williamson Act/Agricultural Preserve contract; relative to the condition that no Certificate of Compliance application shall be submitted during the tenure of the contract to address the problems that could be caused by underlying historic parcels which are not yet recognized; relative to dealing with historic parcels; and relative to the Agricultural Advisory Committee's recommendation concerning the execution of separate contracts on the separate legal parcels. Megan presented the staff report for the rest of the applications. Staff responded to questions from the Board relative to the recommendation to remove the parcel in Lake Don Pedro from the Agricultural Preserve as it was found that the proposed wastewater treatment plant use is compatible with the purposes of the Williamson Act; and relative to the process for the non-renewal applications and changes with the taxes. Tom Guarino, County Counsel, suggested that the Board take a recess so that staff can check with the project manager for the Lake Don Pedro wastewater treatment plant and see if there is a reason for the non-renewal.

Lyle Turpin provided input on the information that was presented to the Planning Commission and the Agricultural Advisory Committee for the parcel containing the proposed Lake Don Pedro wastewater treatment plant relative to the request for cancellation of the contract.

2:41 p.m. Recess

2:48 p.m. Kris Schenk provided input relative to the recommendation for non-renewal of the parcel containing the proposed Lake Don Pedro wastewater treatment plant. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Balmain, (S)Pickard, Res. 04-521 was adopted approving the recommended actions for the Agricultural Preserves/Ayes: Unanimous. The hearing was closed.

Supervisor Balmain request that the Agricultural Preserve/Williamson Act contract form be reviewed and clarified by incorporating the addendum in the contract.

B) Discussion Relative to Scheduling Workshop for December 15, 2004, to Review and Provide Final Direction on the Revised Draft General Plan

BOARD ACTION: Kris Schenk initiated discussion relative to scheduling the workshop. Supervisor Parker asked that staff provide the Board with a list of the key issues that needs to be reviewed. He also

advised that he may be here late on the 15th. Tom Guarino, County Counsel, advised that Andy Hauge of Parsons will discuss recirculation issues on the 15th, and the Board will need to process a contract amendment with Parsons. He also commented on the red-line and blue-line text in the draft document. (M)Pickard, (S)Bibby, the Board approved the workshop schedule as recommended/Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Authorize the Chairman of the Board of Supervisors to Sign an Order of the Board to Reject Claim No. C04-14 in the Amount of \$389.00 (County Administrative Officer); Res. 04-512, with direction to the County Administrative Officer
- CA-2 Accept the Resignation of Lyle Turpin from the Mariposa County Planning Commission, Representing District II, Effective December 17, 2004; and Provide Direction to Staff to Advertise the Vacancy (Vice-Chairman Balmain)
- CA-3 Adopt a Resolution Canceling the December 28, 2004 Meeting for the Board of Supervisors (Clerk of the Board); Res. 04-505
- CA-4 Adopt a Resolution Approving the Statement of Votes Cast as Certified to the Secretary of State on November 2, 2004, and Declare Elected Those Persons in Local Races as Set Out in the Statement (County Clerk); Res. 04-506, and the correction of November 24th being the date the votes cast were certified to the Secretary of State was noted
- CA-5 Approve Budget Action Accepting Unanticipated Revenue from the Family of Marian Kalp, Designating \$500 to Purchase Dining Room Chairs and \$500 for Miscellaneous Items (\$1,000) (4/5ths Vote Required) (Community Services Director); Res. 04-507
- CA-6 Accept the Resignation of Lynda Appling, Dorothy Denys, and Irma Taylor from the Mariposa County Commission on Aging and Pauline Brawley from the Area 12 Agency on Aging Advisory Board (Community Services Director)
- CA-7 Approve a Behavioral Health Contract for Residential Alcohol and Drug Treatment Services with Comprehensive Alcohol Program, Inc. and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 04-508
- CA-8 Authorize the Human Services Department to Accept a Grant in the Amount of \$738.66 from the Public Health Department if it is Awarded and Authorize the Human Services Director to Sign the Certification of Application (Human Services Director); Res. 04-509
- CA-9 Authorize the Public Works Department to Purchase a Sno-Cat for the Yosemite West Maintenance District out of Existing Funds for the Yosemite West Wastewater Facility Upgrades Project #PW93-09, in the Amount of \$116,437 and Approve Budget Action Transferring Funds to Appropriate Line Item (Public Works Director); Res. 04-513
- CA-10 Adopt a Resolution Authorizing the Public Works Department to Enter into a Contract with Custom Weed Control for the Annual Roadside and Zone of Benefit Herbicide Spraying with a Provision to Allow a Negotiated Extension for Three Consecutive Fiscal Years (Public Works Director); Res. 04-514, with direction for clarifying the contract language

- CA-11 Waive Second Reading and Adopt an Ordinance Amending Section 10.08.020 of the County Code Establishing a “No Parking” Area at the Location of State Highway 49 South and Whitmore Drive (Public Works Director); Ord. 1013
- CA-12 Approve Budget Action Transferring Funds within the Roads Budget from Service Agreements to Software to Allow for the Purchase of the 2005 Version of AutoCAD Software for Four Users (\$3,415) (Public Works Director); Res. 04-510
- CA-13 Adopt a Resolution Appointing Eldon L. Henderson – District 2, as Mariposa County Unified School District Trustee and Governing Board Member and Appointing Robert L. Rudzik and Candy O’Donel-Browne as John C. Fremont Healthcare District Directors (County Clerk); Res. 04-511

3:03 p.m. Adjournment in memory of Patricia Vander Karr Mann, Gloria Nannette Banks, Louise Audrey Norman, Harriet Schaff, and Shirley Sargent.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA December 14, 2004



Time Description

9:09 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Tom Brownell, Principal of Spring Hill High School, referred to a recent newspaper story about the local Sheriff's deputies going to twelve-hour shifts so that they could find second jobs. He asked the Board to make it a top priority to increase the salaries of the deputies.

Debra Rockwood, SEIU Field Representative, stated she was asked by the employees to advise the Board that they are not happy, and she presented a petition from the employees stating they are unhappy with the direction the contract negotiations are currently headed. Chairman Parker commented that the negotiation process should be occurring at the table.

Dennis Tannahill, CDF Division Chief for Mount Bullion Camp, introduced California Department of Corrections (CDC) Lieutenant Irving Torres and Sergeant Jay Codromac. Sergeant Codromac advised of the staffing at the Camp. Dennis Tannahill provided a status report on the inmate population and community service work being performed by the work crews.

Debra Berlt, Child Support Services Specialist, referred to Chairman Parker's earlier remarks relative to negotiations occurring at the table; and she advised that the information being provided to the employees is that the County broke off negotiations. She stated she feels that they need to be treated fairly. Chairman Parker clarified his comments and advised that the Union needs to be negotiating at the bargaining table and not at the Board meeting.

Rich Inman, County Administrative Officer, advised that negotiations are still going on with SEIU and that there is a lot of misinformation being disseminated. He also advised of an email he received relative to setting up three meeting dates in January, 2005, for negotiations. Supervisor Bibby suggested that the County Administrative Officer prepare a letter to send to the departments, for sharing with the employees, relative to the dates being set for negotiations. Chairman Parker advised that while the County is in the labor negotiation process, the Board members can not carry on a dialog as the process is for the Board to give direction to its negotiator for the negotiations; however, he feels that the employees are receiving incorrect information from their side. He also noted that the Board has no control over the hours that the Sheriff determines that his deputies work.

Board Information

Supervisor Stetson advised that the El Portal Planning Advisory Committee meeting is scheduled for this evening at 7:00 p.m. in El Portal and that the public is invited to attend.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Stetson, (S)Bibby, all items were approved/Ayes: Unanimous.

Blaine Shultz, Fire Chief;

Authorize the Procurement of a Replacement Tank for the Bootjack Water Tender from Yuba City Steel in the Amount of \$26,752.17 and Authorize the Disposal of the Failed Water Tank, Whose Salvage Value is Estimated to be Less Than \$500

BOARD ACTION: Following discussion, (M)Pickard, (S)Stetson, Res. 04-526 was adopted/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

A) Discussion and Direction Regarding the Appointment of Two New Members to Fill Vacancies on the Mariposa County Airport Advisory Committee

BOARD ACTION: Dana Hertfelder advised of the applications that were received for the vacancies. (M)Bibby, (S)Balmain, the Board appointed Joe Coho and H. W. "Turk" Turley to fill the vacancies. Discussion was held. Ayes: Unanimous.

B) Discussion and Possible Direction Relative to the Formation of Zones of Benefit (ZOB) Under Resolution 99-150

BOARD ACTION: Discussion was held with Dana Hertfelder. (M)Balmain, (S)Pickard, Res. 04-527 was adopted approving alternative 2 – suspend activity under Resolution No. 99-150 and transfer uncommitted funds to the County's General Fund. This action would require the applicants to pay for Zone of Benefit formation costs as they are incurred and would encourage only applicants which are serious about forming a Zone of Benefit for an existing subdivision. Further discussion was held relative to the balance and transfer of the uncommitted funds and the account where the loan payments would be deposited into. Tom Guarino, County Counsel, suggested that today's action give direction to staff to bring back a resolution to direct where the funds should be returned to, including where payments and the balance of the uncommitted funds should go. The motion was amended, agreeable with the maker and the second, to include direction for a resolution to be brought back outlining alternative number 2 and directing that the balance of the uncommitted funds and payments be transferred to the General Reserve. Ayes: Unanimous.

C) Adopt a Resolution Amending the Mariposa County Road Improvement and Circulation Policy to Provide an Exemption from the Zone of Benefit Requirement for Subdivisions and Allow for the Application of the Amended Requirement to Approve Tentative Parcel Maps Currently Being Processed

BOARD ACTION: Discussion was held with Dana Hertfelder. The recommended language change in section 1-2b was clarified to reflect that Zones of Benefit within the Countywide Service Area for road maintenance, or a Private Road Maintenance Association, for road maintenance shall be required for the internal roads of all minor subdivisions and major subdivisions with parcels greater than 2.5 acres in size. Supervisor Bibby suggested that this be brought back with the corrected language for the Board and the public to review, and for review with the recent draft of the General Plan Update. It was clarified that the only place where a Zone of Benefit would be required is for major subdivisions with parcels of 2.5 acres or less in size. (M)Bibby, (S)Balmain, to approve the recommended action with the corrected text, failed following further discussion. Supervisor Pickard stated he would prefer that this come back after discussion on the General Plan. Supervisor Stetson asked about the method for collecting for road maintenance fee.

Input from the public was provided by the following:

Ken Melton provided input relative to exempting subdivisions of four or less parcels and parcels that front on County roads. Dana Hertfelder responded that a road maintenance agreement for any subdivision would be required.

Susan Crain stated she feels that this subject is related to the circulation policy in the General Plan and she would like to see Planning and County Counsel involved.

Ayes: Balmain, Bibby; Noes: Stetson, Parker, Pickard. Motion failed. Supervisors Parker and Pickard asked that further discussion be held with the General Plan workshop on Wednesday.

10:12 a.m. Recess

10:32 a.m. Public hearing relative to adopting a resolution denying Appeal No. 2004-208 and upholding the Planning Commission's denial of Land Division Application No. 2003-289; Rex Fouch, Appellant (Agent: Ken Melton), was opened and continued until after the following items.

Kris Schenk, Planning Director;

A) Adopt a Resolution Denying Request for Waiver of Application Fees for a General Plan/Zoning Amendment Application for APN 017-340-024, a 30-Acre Parcel Located in the Public Domain Land Use and Zoning Designation; Jason Randal, Property Owner

BOARD ACTION: Chairman Parker advised that this was pulled at the request of the property owner.

B) Adopt a Resolution Establishing the Agricultural Advisory Committee as Required by Mariposa County Code, Zoning Ordinance Section 17.40.010b; Waive First Reading and Introduce an Amendment to Mariposa County Code, Zoning Ordinance Section 17.40.010b to Remove the Charter of the Agricultural Advisory Committee from the Zoning Ordinance; Waive First Reading and Introduce an Amendment to Mariposa County Code, Administrative and Personnel, Chapter 2.110 Chartering the Committee by Ordinance; Confirm Appointments of Voting Members to the Committee: Dennis Bunning, Representing Mariposa County Farm Bureau; Mike Hubert, Representing Mariposa County Resource Conservation District, and Blaine Sturtevant, Representing an At-Large Position; and Direct Staff to Advertise Two Vacancies on the Committee as Required by the Maddy Act, Including One At-Large Position and One Representative from the Cattle Industry

BOARD ACTION: Sarah Williams presented the staff report and advised of an addition in the Ordinance to add Chapter 2.110, Agricultural Advisory Committee, to require that all voting members should be permanent residents of Mariposa County. Discussion was held. Supervisor Balmain asked that the documents be clarified to reflect that the Committee reviews applications and provides recommendations on the applications versus providing recommendations on the execution of contracts. Supervisor Bibby asked if the review of applications for cancellation should be included, and it was agreed that they should be included. Tom Guarino, County Counsel, asked that staff read into the record the full sentences containing changes that have been agreed to as they will be placed in the final documents.

Input from the public was provided by the following:

Dennis Bunning, representative of the Farm Bureau Board and current Agricultural Advisory Committee member as it exists today, advised that the Committee and the Farm Bureau recommend this action. He also presented information from the Merced-Mariposa Cattlemen's Association on their recommendation for appointment to the Committee.

Sarah read the language changes into the record that the Board requested. (M)Pickard, (S)Balmain, Res. 04-529 was adopted establishing the Agricultural Advisory Committee; the first reading was waived and an Ordinance was introduced amending Section 17.40.010b to remove the charter of the Agricultural Advisory Committee from the Zoning Ordinance; first reading was waived and an Ordinance was introduced amending Section 2.110 to charter the Agricultural Advisory Committee by Ordinance in the Administrative and Personnel section; the following appointments were confirmed as voting members to the Committee: Dennis Bunning, representing Mariposa County Farm Bureau, Mike Hubert, representing Mariposa County Resource Conservation District, and Blaine Sturtevant, representing an at-large position; and directing staff to advertise two vacancies on the Committee as required by the Maddy Act for the at-large position and for a representative from the cattle industry. Further discussion was held relative to defining a permanent resident. Supervisor Pickard thanked the Advisory Committee for its work in bringing this matter forward. The Clerk of the Board read the titles of the two Ordinances into the record. Ayes: Unanimous.

10:48 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING Relative to Adopting a Resolution Denying Appeal No. 2004-208 and Upholding the Planning Commission's Denial of Land Division Application No. 2003-289; Rex Fouch, Appellant (Agent: Ken Melton)

BOARD ACTION: Sarah Williams, Deputy Planning Director, advised that Megan Tennermann, Assistant Planner, would give the staff report. Megan presented the staff report and presented additional information that was received from California Department of Forestry and Fire Protection (CDF) relative to implementation of Public Resource Code 4290. Staff responded to questions from the Board relative to the additional information that was received from CDF and whether PRC 4290 applies to the internal portion of a project or the roads outside of the project area; whether Trower Road is maintained by the County; relative to the Fire Chief's review of the project; whether the proposed project meets County standards; reference to the State Fire Safe Standards and the road standards that are required for emergency egress route; and review of the "no action" alternative and the consequences and clarification of the "through road/primary" access.

The public portion of the hearing was opened and input was provided by the following.

Rex Fouch, applicant and appellant, stated he would like to hear what others have to say and then he and his agent, Ken Melton, would like to address the Board. He also noted that several neighbors were present to support him and they would be affected by this.

Dennis Townsend, CDF, stated he was representing health and safety issues for the people that live here and not just the department. He advised that CDF's opposition is to the ingress and egress to serve the new homes. He stated they are not opposed to the project, but feel that the roads need to meet minimum standards. He also noted that there are two other developments in line behind this project in the area. He expressed concern with the fire danger and the condition of the roads. He advised that the Fire Safe Standards were developed for areas in the lowest fire hazard severity zone and the County is two levels above that. He stated he is concerned with the safety of the encroachment to Highway 140 – the road is narrow and in some areas, you can not pass another vehicle.

Supervisor Parker asked whether the encroachment is included in the PRC 4290 requirements; and whether CDF could require improvements on a County road, especially one that was established prior to 1991. Tom Guarino, County Counsel, advised of a meeting that was held with CDF officials relative to PRC 4290 and post 1991 roads. He reviewed Section 9045.5 of the PRC program, and he advised that he does not feel that it says that CDF can overturn the County's action; and he does not recommend that this be included in any action.

Dennis Townsend referred to the Fire Safe Guidelines and road requirements, and stated he feels that CDF does have authority to condition off-site improvements. He added that they are concerned with the ability for fire engines and another vehicle to be able to pass on a roadway.

William Peterson referred to his attempts to divide his property and the same problems that he encountered. He stated he could not find out if it was County or State law that had the road improvement requirements.

Bruce Crane, CDF Legal Counsel, provided input on the scope of PRC 4290.

Ken Trujillo, resident on Elizabeth Lane, stated the road can use any improvements, and he noted that he has gotten by fire trucks during fires. He referred to a four-split that occurred on the top of the hill and there were no problems raised at that time. He stated he feels that if the applicant is willing to mitigate some of the measures, that this will improve the situation.

Rex Fouch stated he feels that this is their last opportunity to do improvements to the road that are needed. He advised that they are proposing to mitigate the problems; and he further noted that this land division was recommended for approval at one time, and was supported for approval by County Fire in writing, and that Public Works deferred the safety issues to County Fire. He advised that they are willing to meet PRC 4290 requirements the way it reads, and not the way it is being "cluttered." He stated he does not feel that the State should dictate County policy. He agrees with Ken Trujillo that these issues should have been raised with the previous two land division applications, and he noted that nothing has changed since then. He expressed concern with the Planning Commission's process and not allowing him and his agent to speak after the public portion was closed. He stated he does not feel that they are a part of the public, they are the applicant and their views should be listened to. He stated he feels that the Planning Commission's decision should be overturned. He also stated that he does not feel that CalTrans should be involved in this, and he noted that CalTrans is not involved in the landfill project that Public Works is doing, and it will generate heavier traffic. He further noted that this road existed before Highway 140.

Megan Tennermann noted that the letters from County Fire and Public Works that the applicant referred to are in the agenda package. Supervisor Bibby asked staff to check and respond during deliberations as to how long ago the previous two land divisions were approved.

Ken Melton, agent for the applicant, stated he disagrees with the applicant being a part of the public portion of these hearings, and he would appreciate he and Rex having an opportunity to provide input and being able to address any questions or concerns that the Board has. He stated he feels that the long staff report is not accurate. He referred to Dennis Townsend's comments relative to PRC 4290 and implementation on roads that were constructed prior to 1991, and he stated he disagrees with him. He noted that the applicant agreed to meet all of PRC 4290 requirements that apply to his project. He stated he does not understand why CDF is here addressing County roads and issues. He reviewed the staff report and commented on the following:

- He disagreed with the agenda title wording, and responded to a question from the Board relative to clarifying his concern. Sarah Williams advised that staff presents the Planning Commission's action in the agenda package to the Board.
- He referred to CDF's dead end road length standards and stated they are just addressing the County's rules and regulations.
- He stated he feels the issue relative to the legality, width, and condition of the unnamed road easement for a second route out of the project site is an incorrect statement. There was no request that this meet the through-road standards. It was as a fire egress only and there are no County standards.
- He agreed that this project was "caught up" in the narrow county road discussion, and he commented on the improvements that the applicant has offered to do on the road.
- He referred to the statement in the staff report that an agency did not support the project, and he stated he feels the agencies should only provide recommendations relative to the project and not advise of their support or non-support. He stated he does not feel that they need the support of CDF for a project. He referred to the Planning Commission's discussion and stated he feels there are misstatements in the report; advised that no conflicting standards were found; and he stated he feels the statement relative to road improvements which intersect with state highways should have a CalTrans encroachment permit based upon written policies in the Road Improvement and Circulation Policy is false.
- He referred to the "Real Issues and Non-Issues" in the staff report and "Precedence for Action by Previous Projects and Simple Steps." He advised that there are two other land division applications, including the original one for this project. He advised that they are not addressing anything in this application concerning a through road, just dead end road issues; and yet staff addresses through road standards throughout the staff report.
- He referred to the additional detailed discussion on the "Dead End Road Issue" and advised there no request to waive the dead end road standards.
- He referred to the "Width of Easement for Unnamed Road" and "Narrow County-Maintained Trower Road" and noted that it is true that there are no standards for emergency egress roads, yet the staff report contains statements throughout on this. He referred to Joe Silva's subdivision and the issue on Allred Road and requirements for twelve feet of travel lane; and he advised that this road is currently at approximately fourteen feet of travel lane, and the applicant proposed to widen it to sixteen feet. He stated he agrees with bringing Elizabeth Lane up to a Class II standard. He stated he feels there are statements in the staff report that are not true and may have misled the Planning Commission in its decision.
- He referred to Planning Commission Resolution No. 2004-41, and he stated he feels the statement relative to Upper Trower Road and the travel lanes not accommodating two passing vehicles is false – there is no requirement for it to be eighteen feet and he has been able to pass other vehicles, and others travel it every day and are able to pass other vehicles. He agreed with the statement that Title 16 of the Subdivision

Ordinance does not mandate road improvements to a county maintained road for minor subdivisions. He referred to the continuance of the public hearing by the Planning Commission; and he advised that the applicant was willing to postpone the hearing in order for staff to do more research to discuss the proposals made by the applicant and himself. He referred to the Initial Study for the project and staff recommendation to approve the amended project with conditions.

12:01 p.m. Recess and Chairman Parker reminded everyone that this is a public hearing and the Board members cannot discuss this matter outside of the hearing process.

12:21 p.m. Ken Melton continued with his presentation.

- He referred to the "Sign-off Checklist for List of Conditions of Approval and Mitigation Measures." He referred to condition No. 13, and he stated he does not feel that reference to PRC 4291 should be left in the report. He referred to the CEQA checklist that was done for the original application and the statement that was checked that the proposed project "could not" have a significant effect; and he commended staff for including this in the report.
- He referred to the letters included in the package from Public Works and County Fire. He stated he feels that this project is a benefit to the area.
- He referred to CalTrans' response to Megan relative to the unnamed road and their "guess" that it is a legal CalTrans access. He noted that there are several accesses that were never permitted and were in existence prior to the permitting process.
- Ken referred to the Mariposa County Road Policy 1991 relative to dead end roads, and he advised that no waiver was requested.
- Ken referred to the draft resolution for the Board, and he advised that the applicant objects to this resolution denying the appeal being placed in the package prior to review of his report. They would have been okay if a resolution approving and one denying the project were included for consideration.
- He referred to the staff report that was provided to the Planning Commission and he complimented staff, especially Megan, on the report. He further referred to the draft resolution for the Board, and he questioned the statement that based upon consideration of the whole record, that the Board is unable to make all of the required findings for approval of the project. He noted that the original staff report stated that the project meets all of the requirements, and the project has not changed.
- Ken requested that he and the applicant be included in the Board's discussion relative to this project.

Ken Melton responded to a question from the Board relative to clarification of the State Fire Safe Standards concerning emergency egress. Tom Guarino, County Counsel, provided input relative to the dead end road issue and the through road standards. Ken further responded to the issues.

The public portion of the hearing was closed and the Board commenced with deliberations. Sarah Williams responded to Ken Melton's presentation and provided summary comments. She referred to Joe Silva's subdivision and the conditions; and she referred to the Road Improvement and Circulation Policy relative to the intersection of proposed road improvements with a State Highway. She stated she agrees with Ken that the legality of the encroachment is not the issue; but the standards are. Supervisor Parker asked whether this would hold true for emergency access. Sarah advised that the findings in the draft Board resolution are exactly the same as the findings adopted by the Planning Commission. She commented on the CEQA determination issue to address a narrow county-maintained road issue; and the issue of the appropriate involvement of CalTrans when a subdivision is using existing roads, and she stated the question is how wide roads should be when used for accessing a new subdivision. Discussion was held relative to the issues and the process for the Planning Commission's hearing. Staff responded to a question from the Board as to who will maintain the road improvements in the future that are done at the time of a land division. Blaine Shultz, Fire Chief, responded to questions from the Board relative to his letter concerning the use of the unnamed road to meet the emergency egress standards. Staff responded to additional questions from the Board relative to the approval of the

previous land division applications and the timeframes; meeting the dead end road standards; whether the road could be used strictly for emergency egress as an escape route; relative to the improvements that the applicant proposes; relative to findings that would need to be made to address the issues that have been raised for the Board to take action on the appeal; relative to the “loop” that shows on the map for Elizabeth Lane; and relative to future subdivisions being planned in the area. Dana Hertfelder, Public Works Director, responded to a question from the Board as to the status of funds that were collected in 1997 for road improvements to widen Trower Road. Staff responded to questions from the Board relative to the PRC 4290 standards and the County’s standards, and findings that would be necessary to uphold the appeal. Tom Guarino advised that the eighteen foot with improvement was not a part of the application and was not before the Planning Commission. Sarah advised that the applicant would need to formally modify the application for this improvement.

1:47 p.m. Recess

2:01 p.m. Public hearing for Appeal No. 2004-221/LeBlanc was opened and continued until after the following.

Staff responded to additional questions from the Board relative to findings the Board would need to make to uphold the appeal, and Sarah advised that findings could be made if the applicant is willing to make modifications to the project pursuant to Board discussion; however, that would require reopening the public portion of the hearing. Sarah also advised that she feels it would be important to obtain input from the agencies on the modifications. The Board concurred with reopening the public portion of the hearing.

Rex Fouch, applicant, deferred input to Ken Melton. Ken Melton advised that what the applicant has proposed to do and is required to do will improve the public health and safety. He stated he does not understand how anyone can address this as a hindrance to public safety. He advised that a Class I road will not fit within the twenty foot easement for the unnamed road; however, he believes they can get eighteen feet of travel surface, and he offered to do that. He also asked that the 4,800 feet for a dead end road be extended to 6,000 feet with this mitigation measure.

Supervisor Pickard clarified the applicant’s willingness to modify the application. Supervisor Bibby asked about future maintenance. Tom Guarino responded to questions from the Board relative to the issue of usage of the easement and the applicant’s responsibility. Supervisor Bibby asked whether this meets CDF’s needs.

Rex Fouch stated he approves everything that Ken Melton said; and he advised that if there becomes an issue with the neighbors that he can not get the proposed eighteen feet, he will take responsibility for that by either negotiating with them or by not doing the project.

Dennis Townsend stated CDF would be agreeable to the proposed modification to the project, and he advised that eighteen feet meets the intent of the law. He noted that they have lesser issues that they can deal with the applicant on. He responded to a question from the Board and advised that this would mitigate the dead end road issue.

Ken Trujillo asked if the applicants are to join the road maintenance association for Elizabeth Lane. Rex Fouch advised that is a deed requirement.

Dana Hertfelder provided input relative to his concern that not only the unnamed road be improved, but the encroachment on Highway 140 should be consistent with County policy because he believes it will be used for ingress and egress. Chairman Parker clarified that would be an issue between the applicant and CalTrans. Tom Guarino asked that Planning staff restate the proposed amended condition and that the applicant agree to it on the record; then the Board could close the public portion and take action.

Ken Melton noted that the County regulations do not require anything on the encroachment that Dana Hertfelder referred to.

Tom Guarino provided an opinion to staff that the unnamed road does intersect with Highway 140. Sarah Williams read the amended condition to require the applicant to have eighteen feet of travel lane width on the unnamed road. He also asked that the applicant expressly agree that there is no obligation on the part of the County to obtain any additional width of that easement from the property

owners. Rex Fouch agreed with the amended condition for the eighteen feet of travel lane and that there is no obligation on the part of the County to obtain any additional width of that easement. Sarah Williams asked for clarification of the CalTrans permit requirements for the encroachment. Tom Guarino referred to Condition No. 1 on the "Sign-off Checklist for List of Conditions of Approval and Mitigation Measures," and he noted the County Road Policy is still in existence. Rex Fouch stated that if an encroachment permit is required for this project, then he feels that the County should be required to obtain one for the landfill project. He stated he does not feel that his improvements intersect with the Highway, and he noted that you will not be able to see it from the Highway. Discussion was held, and Tom Guarino provided clarification relative to the County Road Policy, and he advised that the unnamed road intersects the Highway; however, it will be an issue as to whether the improvements intersect and CalTrans will have issues of whether the usage of the road increases. He stated he wanted the applicant to be aware that he is subject to CalTrans regulations. Rex Fouch clarified that if he is going up to the CalTrans property, then he has to obtain a permit. Dana Hertfelder asked for clarification of the amended condition, so that they could be clear about the portion of the road that will be improved for inspection purposes. Rex Fouch clarified that they will improve the road to eighteen feet all the way to the apron. Tom Guarino clarified that there will not be improvements into the encroachment as he understands the condition.

The public portion of the hearing was closed. (M)Pickard, (S)Stetson, Res. 04-530 was adopted accepting the applicant's modification to the application relative to the eighteen feet of improvements to the unnamed road/Ayes: Unanimous. (M)Pickard, (S)Bibby, Res. 04-531 was adopted granting the appeal, which overturns the decision of the Planning Commission; and direction was given to staff to bring back the formal resolution, with findings as discussed today, for action on December 21, 2004/Ayes: Unanimous. The hearing was closed.

Discussion was held relative to the Board's meeting schedule for the rest of the day. It was agreed that the Board would hold the closed sessions and then reconvene in open session for the rest of the agenda items.

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer); and

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); James and Marion Dean v. County of Mariposa, et al (County Counsel)

BOARD ACTION: Closed Session was not held for these matters.

2:39 p.m. **CLOSED SESSION:** Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA at 11th & Bullion Concerning Price and Terms of Purchase (County Administrative Officer);

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535, Service Employees International Union; Name of County Designated Representative: Rich Inman (County Administrative Officer); and

CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation/Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code section 54956.9 and Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code section 54956.9 (County Counsel)

BOARD ACTION: (M)Bibby, (S)Pickard, the closed sessions were held/Ayes: Unanimous.

3:46 p.m. The Board reconvened in open session. Chairman Parker advised that the Board was not able to finish the closed session items, and that further discussion would occur later in the meeting as to whether to continue the closed session matters to later this date or to the continued meeting on December 15, 2004.

Kris Schenk, Planning Director;

PUBLIC HEARING: Adopt a Resolution Denying Appeal No. 2004-221 and Upholding the Planning Commission's Action to Deny Appeal No. 2004-40, Upholding the Planning Director's Notice of Violation and Modifying the Required Resolution and Required Timeframe for Resolution for APN

006-080-017, a Parcel Located at 7281 Yosemite Parkway, Yosemite West; Ken LeBlanc, Property Owner and Appellant (Agent: Don Starchman)

BOARD ACTION: Sarah Williams, Deputy Planning Director, presented the staff report and reviewed the appeal issues. Tom Guarino, County Counsel, responded to a question from the Board relative to his review of this matter, including the specific statutes that Attorney Starchman cited in his December 9th letter, and of the various court cases involving related issues of time limitations, equitable estoppel and laches.

The public portion of the hearing was opened and input was provided by the following.

Don Starchman, agent for the property owner and appellant, stated he feels that this issue should have never come to the Board. He noted that it goes all the way back to 1989. He advised that his client secured a permit for building the house and it took two years, and in the process, he decided to do a duplex, and that was constructed by his builder. He said that he does not feel that the failure of the builder to obtain the proper permits is grounds to tell the property owner that he needs to pull out the kitchen and pull out the duplex. He stated he feels this would be a mis-justice, and he has never seen someone asked to do something like this. He advised that his client has been willing to do whatever is necessary to bring this into compliance, and that his client was not aware of this situation until 1999. At that time he went to Eric Toll (Planning Director) and tried to see what he could do. He said that Eric assured him that it was taken care of. Now, here we are fifteen years later, and with the new General Plan, duplexes may not be allowed. Only then, was his client cited. He stated he feels that no court would throw out the equitable estoppel defense. This is not a violation of zoning as he is allowed to have a duplex on the property. He stated that all of the cases quoted by County Counsel involved zoning violations. He stated he feels that this is a ministerial act to issue a building permit. He also questioned why they are being punished five years after the moratorium when the infiltration problem is solved and the wastewater facility is being addressed. He stated he feels the four-year statute of limitation has run for a civil matter. He also advised that his client has paid the bed (Transient Occupancy Tax) tax for fourteen years, and the taxes have been accepted by the County. He noted that the moratorium talks of "no future" increases in usage and this use had already been in place for eight years prior to the moratorium. He stated he feels the reference to Jeff Green's letter is taken out of context by County Counsel and staff because it addresses someone who knowingly broke the rules. That is not the case here. He stated he does not feel that there is any justification to deny his client his right to the use of this property. It has been a duplex since the Building Department signed off on the permit in 1991.

Tom Guarino responded to questions from the Board relative to the legal posture of dealing with this violation and the timeframes; and he advised that he is comfortable with research of the continuing violation. He also referred to conditions of the moratorium and increased water usage. He stated he feels that there are two separate issues: 1) the building permit; and 2) whether at the time of obtaining the building permit, whether there is evidence of why it should have been issued and was not. Staff responded to questions from the Board relative to the original permit being for a single-family dwelling and garage and the fees that were paid for that and the inspections; relative to the transient occupancy permit(s) that were issued; relative to the number of water meters reading units/number of connections that are assigned to this site; relative to the number of units that were counted for the Proposition 218 ballot process for the wastewater treatment facility; and relative to the property taxes that have been paid and whether they have been based on a single-family unit or a duplex. Tom Guarino responded to a question from the Board relative to the process for determining the number of connections for the Proposition 218 ballot process. Staff responded to additional questions from the Board relative to the issuance of the transient occupancy permit and the number of units; and Sarah Williams advised that only one transient occupancy permit was issued during the 1990's; and later the County started a process of issuing a permit for each unit.

Ken LeBlanc stated he has two EDU's and the first permit was for a bed and breakfast and not a transient rental. He had a caretaker unit and they added a carport because they did not have the garage anymore. He advised of problems he encountered with his contractor during the building process; however, he thought that all of the permits were taken care of. He noted that it was inspected several times, including inspections by the Health Department for the cooking area. He responded to questions from the Board relative to clarifying the number of EDU's that he is assigned, and as to when it first came to his attention that he did not have a building permit for the duplex. He advised that three months ago he was told to stop paying the bed taxes. He noted that he is on the Advisory Committee for Yosemite West and they are trying to down-zone the area, and that would affect future duplexes.

He is afraid that he will lose one unit that he has had for fifteen years, and that is why he is pursuing this.

Don Starchman referred to the Chapman appeal, and he noted that he was able to keep the space. So this shows that there were permits issued after the moratorium, and it was done with full knowledge. He referred to the policy for being able to review permits on a case-by-case basis.

Staff responded to questions from the Board relative to the policy for being able to review permits on a case-by-case basis. Chairman Parker advised of information that was received from the Public Works Department: there is one meter/connection to the site; it was shown as a single-family residence for the Proposition 218 process; and one EDU is assigned for a 4-bedroom, 2-bath, and 1-kitchen dwelling. He further advised that information was received that the Tax Assessor's records reflect that this is a single-family home built in 1991.

Ken LeBlanc advised that he has paid for two EDU's following the inspection, and he has a letter for two EDU's.

Chairman Parker advised that staff has further advised that at Mr. LeBlanc's request, the property was reassessed on May 25, 2004, to a duplex. He asked that staff and the appellant further review this matter. He commented on the issue of catching up on the property taxes, and he advised that no one is proposing that anyone tear anything down, just that it be brought up to code. He asked staff if the dwelling is reassessed as a duplex, whether the moratorium affects this.

4:52 p.m. Recess

5:04 p.m. Tom Guarino advised that he spoke with counsel (Don Starchman) for the appellant and he feels that they agree to the following: a ninety day continuance of this appeal to the next Board, which will allow staff to review the issues the Board has raised. And in that interim period of time, staff will attempt to obtain approval from the Regional Water Quality Control Board for a partial lifting of the moratorium for people in Yosemite West to be brought into compliance. He suggested that if there is an existing flow and it will not increase, that they may be able to obtain approval.

Don Starchman agreed with County Counsel, and realizes that while there are no commitments, the County will make every effort to resolve this.

(M)Stetson, (S)Bibby, the Board accepted the agreement to continue the hearing. It was noted that staff is currently looking at an amnesty program to resolve such issues. Staff responded to questions from the Board as to whether the duplex operation can continue in the interim, and Tom Guarino advised that the appeal will be continued and there is no decision of the use, this just holds things in abeyance – it remains in a non-conforming status and in violation. He further clarified that there is no transient occupancy permit or building permit for the duplex. Chairman Parker noted that this will require the Water Board's cooperation to make this work as well, and suggested that consideration could be given to using the bank of EDU's that was established to help resolve these issues. Further discussion was held. The public hearing was continued to March 15, 2005, at 2:00 p.m., with the public portion remaining open/Ayes: Stetson, Balmain, Bibby; Parker; Noes: Pickard.

Chairman Parker advised that the meeting will be continued to Wednesday at 9:00 a.m., and that he would like to take the agenda item relative to the Area 12 Agency on Aging before the workshop on the General Plan, and then hold the continued closed sessions around 11:30 a.m. He also advised that he will not be present until later in the morning. The Board concurred with the schedule.

Discussion and Possible Action Relative to Mariposa County Giving a Notice of Withdrawal from the Area 12 Agency on Aging Joint Powers Authority (Supervisor Pickard)

BOARD ACTION: Matter was continued to Wednesday, December 15, 2004.

CONSENT AGENDA:

CA-1 Adopt a Resolution and Approve a Tile Plaque Recognizing Brian Lee Atkinson upon his Retirement from Mariposa County Department of Public Works (Public Works Director); Res. 04-522

- CA-2 Accept the Resignation of Chris Michaels and Appoint Al Arredondo to the Mariposa County Emergency Medical Care Committee (EMCC), Representing the California Highway Patrol (Health Officer)
- CA-3 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Rental Agreement with 35-A Agricultural Association for Use of Buildings to Provide Public Immunization Clinics (Health Officer); Res. 04-523
- CA-4 Adopt a Resolution Authorizing the Chairman of the Board to Execute a Professional Service Agreement with Jon Johnson, to Assist Mariposa Planning Department Meet its Responsibilities to Process Permit Applications and Accept New Applications; and Approve Budget Action Transferring Funds within the Planning Department Budget from Salaries to Professional Services (\$45,000) (Planning Director); Res. 04-524
- CA-5 Adopt a Resolution Approving the Road Name, "Paso Del Oso" (Planning Director); Res. 04-525

5:24 p.m. Meeting was continued to Wednesday, December 15, 2004, at 9:00 a.m. for workshop to review the General Plan Update, 12-2-04 Draft, and to provide direction to staff as to further processing of the General Plan; and to hold the continued closed sessions; and for the item on the Area 12 Agency on Aging.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

December 15, 2004

(Continued from 12-14-04)

Time Description

9:13 a.m. Meeting Called to Order at the Mariposa County Government Center. The meeting was continued from December 14, 2004, and Supervisor Parker was excused to arrive later in the morning.

Discussion and Possible Action Relative to Mariposa County Giving a Notice of Withdrawal from the Area 12 Agency on Aging Joint Powers Authority (Supervisor Pickard)

BOARD ACTION: Supervisor Pickard initiated discussion relative to the situation with the Joint Powers Authority (JPA). Tom Guarino, County Counsel, advised of his review of the JPA and the agreement; and he advised that there is a requirement for the County to give six months notice prior to the end of the fiscal year if it wants to withdraw from the JPA. He suggested that the Board could provide a written notice of the County's intention to withdraw from the Agency if Calaveras County does not withdraw from the Agency and/or satisfactorily resolves the funding that it owes the Agency. He provided input on issues relative to the lawsuit; and he advised that he represents the Agency and has a waiver from the Agency to also represent Mariposa County in this matter. Discussion was held. Mary Williams, Community Services Director, responded to questions from the Board relative to the impact on the programs if the Board withdraws from the Agency. Supervisor Pickard mentioned a possible option of restructuring the Agency to be more viable. (M)Pickard, (S)Stetson, Res. 04-528 was adopted authorizing the Chairman to sign a letter to the JPA giving six months notice of the County's intent to withdraw from the JPA if Calaveras County does not withdraw from the JPA and/or satisfactorily resolves the funding that it owes the JPA/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Vice-Chairman Balmain advised that the closed session matters that were continued from December 14, 2004, will be addressed later this date.

9:33 a.m. Workshop to Review the General Plan Update, 12-2-04 Draft and Provide Direction to Staff as to Further Processing of the General Plan

BOARD ACTION: Vice-Chairman Balmain asked that typographical and grammatical errors in the document that are not substantive be given to staff to correct. He advised that the workshop was scheduled for the Board to review the issues and to provide direction to staff, with the final draft to come back for a public hearing process.

Kris Schenk, Planning Director; Sarah Williams, Deputy Planning Director; and Andy Hauge, Parsons, were present for the workshop. Kris advised that the draft General Plan text consists of an Introduction, sixteen chapters and five appendices; and he advised that the red-underlined text has been added from the previous draft version. He suggested that the Board:

- identify those areas where minor changes need to be made in the document;
- review the following issues: "ready-to-build," five-acre density, and hillside and ridge-top design;
- provide direction on what should be done with issues that are raised – highlight them for more feedback in the public hearing process, refer to staff to obtain more information; or provide direction to include the issue in another section of the Plan; and
- discuss where the General Plan goes from here, including recirculation, tasks, timeframes and costs.

Vice-Chairman Balmain advised that the Board would be receptive to receiving input from the public during the workshop – the Board will review each element and allow the public to provide input before proceeding to the next element. He also reiterated that the final draft still needs to go through a public hearing process.

The Board reviewed the following:

INTRODUCTION:

Discussion was held. Supervisor Pickard initiated discussion relative to retaining the “Specific Plan” designation for Wawona, Fish Camp and Mariposa.

CHAPTER 1 – THE MARIPOSA COUNTY SETTING:

It was noted that the Regional Map in Figure 1-1 incorrectly shows Sacramento in the southern part of the state.

Section 1.10.01 Mariposa County Government – Supervisor Balmain requested that the sentence structure be improved for the last paragraph. Rich Inman, County Administrative Officer, clarified that the Business Development Coordinator and Tourism Coordinator are not appointed department head positions.

Table 1-1: Neighboring County Population Trends and Projections – Supervisor Bibby requested that the land use map be consistent with the projections in this table. Andy Hauge noted that build-out is for 53,000 people on the land use map. Supervisor Bibby noted that another location in the text calls for build-out of 50,000, and asked that the figures be corrected to be consistent.

Section 1.11.02 Dependent Special Districts – Supervisor Stetson asked for clarification of whether the Midpines Fire Equipment Zone should be included, and Kris advised that it is still on the books.

Vice-Chairman Balmain called for public input on this chapter, and none was received.

CHAPTER 2 – ISSUES IMPORTANT TO MARIPOSA COUNTY CITIZENS:

Input from the public was provided by the following:

Cathie Ragghianti expressed concern that Section 2.4.01 “Highest and Best Use” is open-ended and leaves a lot for interpretation. Discussion was held, and the Board concurred with keeping the third sentence of the section.

CHAPTER 3 – GUIDING PRINCIPLES OF THE BOARD OF SUPERVISORS:

Section 3.2 Guiding Principles – Supervisor Bibby asked about listing the “right to agriculture” to the list. Andy Hauge agreed with adding protection of agriculture as a bulleted item in this section.

Section 3.2.09 Home Ownership is a Priority – Supervisor Bibby noted the increase in values of property being experienced by the County.

Section 3.2.12 Delivery of Infrastructure – Supervisor Bibby asked how the County will know that it is in compliance if agencies do not respond.

Section 3.2.13 Access to the General Plan – Supervisor Bibby noted that this section needs to be corrected to reflect the actual land use classifications. Supervisor Balmain initiated discussion relative to the “ready-to-build” issue and utility requirements, and he stated that he feels that people should have the opportunity to live in an area without power if they want to. Kris Schenk advised that once direction is given on an issue such as “ready-to-build” that staff will make the appropriate changes throughout the document for consistency.

Input from the public was provided by the following:

Ken Melton stated he feels the “delivery of infrastructure” in Section 3.2 Guiding Principles and in Section 3.2.12 Delivery of Infrastructure should be flagged with the “ready-to-build” issue.

10:12 a.m. Supervisor Parker arrived.

CHAPTER 4 – GENERAL PLAN ADMINISTRATION:

Section 4.2.02 Summary of Major Findings – C. Amending the General Plan – Supervisor Bibby noted that this section should be consistent with Implementation Measure 4-3a(2) that states that the fourth General Plan amendment hearing shall be held for the use of the Board of Supervisors. She also noted that Section 5.7.01 does not exist as referenced in D. Status of Existing Plans. Sarah Williams noted that this should refer to Section 5.3.01. The Board concurred with the changes.

Section 4.3 General Plan Implementation - Implementation Measure 4-1b(1) – Supervisor Bibby asked whether there should be any concern with the language that the decisions of Planning may be appealed to the Board of Supervisors. Sarah Williams clarified that the Board is a part of the Planning Agency. Implementation Measure 4-2a(2) – Supervisor Bibby asked whether Public Works should be added to the County Administrative Officer as being responsible for the Capital Improvement Program. No change was made. Policy 4-4a – Supervisor Bibby asked whether the language relative to responses from agencies is consistent with that in Chapter 3.

Vice-Chairman Balmain called for public input on this chapter, and none was received.

CHAPTER 5 – LAND USE:

Kris Schenk suggested that the Board could come back to this Chapter after the others since there are a lot of issues that the Board wishes to discuss in this Chapter. The Board concurred with this suggestion.

CHAPTER 6 – ECONOMIC DEVELOPMENT:

Section 6.3 Economic Development Implementation – Implementation Measure 6-4b(1) – Supervisor Bibby asked about the fiscal impact of staff and the intent for incorporating an assessment of potential businesses from the University in the County’s economic development strategic plan. Rich Inman provided input relative to interfacing with the University. The Board concurred with language changes to reflect an assessment of potential businesses created or in conjunction with UC Merced.

Section 6.2.05 Enhancing the County’s Economic Sectors – [b] Home Enterprise – Supervisor Stetson questioned whether the term “privilege” as it is used with Home Enterprise is defined in the General Plan. The Board concurred with deleting “privilege.”

Input from the public was provided by the following:

Don Starchman referred to Section 6.2.05 Enhancing the County’s Economic Sectors and Goal 13-4 Create visitor access to communities and points of interest, and he noted that destination hotels are a thing of the future. He suggested that language be added that the County encourages the development of destination resorts in the County. The Board concurred, and Rich Inman noted that this will be addressed in the Economic Development Strategic Plan.

Ken Melton referred to Section 6.2.05 Enhancing the County’s Economic Sectors – [c] Rural Home Industry, and he asked the Board to reconsider the parcel size for Rural Home Industry.

Discussion was held relative to the minimum parcel size for Rural Home Industry. Andy Hauge noted that there is language in the Plan that allows for smaller lots as long as they average five acres. The Board concurred with a language change to reflect that the basic criteria for a Rural Home Industry shall establish a requirement for a minimum parcel size, access on a maintained road, and a maximum of three non-family employees. Tom Guarino, County Counsel, clarified that there is a definition of Rural Home Industry in the Code.

CHAPTER 7 – ARTS AND CULTURE:

Section 7.2.092 Summary of Findings – F. The Role of County Government – Supervisor Parker suggested that the language be clarified to reflect that the County does subsidize the arts community. The Board concurred with deleting the first sentence of this section. Supervisor Bibby expressed concern with the language in E(1) Publicly Viewable Art and Implementation Measure 7-2d(1) relative

to the public display of art; and she suggested that it should be clarified to reflect for the public display of art in County facilities and that an appeal process be available. Discussion was held. The Board concurred with clarifying the concerns in a future ordinance.

Section 7.3 Arts and Culture Implementation – Implementation Measure 7-1a(1) – Supervisor Stetson stated he feels that the language is awkward in this measure.

Input from the public was provided by the following:

Ken Melton referred to Section 7.2.02 Summary of Findings – B. The Role of Arts and Culture, and he asked how the County will get involved in the arts and culture and what it will cost. He also commented that there may be problems that may be encountered with trying to censor art. He suggested that this section be deleted from the Plan.

CHAPTER 8 – HOUSING:

Tom Guarino advised that when the Board moves forward with the adoption of the General Plan process that it does not want to readopt the Housing Element with the General Plan, as it was already adopted and approved by the State.

CHAPTER 9 – CIRCULATION, INFRASTRUCTURE, AND SERVICES:

Section 9.2.02 Summary of Major Findings – G. Schools – Supervisor Bibby requested that the red-lined text be checked for consistency with this section.

Section 9.3 General Plan Implementation – Goal 9-4 – Supervisor Bibby asked for clarification of whether the Airport Master Plan is consistent with the General Plan. Sarah Williams advised that staff will review for consistency. Supervisor Balmain suggested that Implementation Measure 9-1e(1) be clarified to reflect that all “non-County maintained roads” shall be contained within mandatory road maintenance associations or zones of benefit, and the Board concurred with the change.

Section 9.2.02 Summary of Major Findings – A. Roadways – Supervisor Parker asked what the sentence means relative to some of the County roads not meeting the “desired level of improvement.” Supervisors Parker and Stetson referred to section F. Solid Waste relative to the co-composting facility increasing the useful life of the landfill, and the Board agreed with language changes to reflect that the facility is expected to increase the useful life of the landfill.

Input from the public was provided by the following:

Ken Melton stated he thought the sentence was removed in section 9.2.02 Summary of Major Findings – A. Roadways, that Supervisor Parker referred to relative to the “desired level of improvement.” The Board agreed with a change in the wording of the sentence to reflect that a low population base, constrained funding, and sparse density contribute to the condition on County roads.

Ken Melton referred to section 9.2.02 Summary of Major Findings – G. Schools, and he stated he feels the two paragraphs in this section (the original paragraph and the red-lined text) are in conflict. He questioned the need to have these comments in the General Plan as the statistics change each year. Andy Hauge advised that it is important to have these in the document so that the reader understands the document.

Ken Melton referred to section 9.3 General Plan Implementation – Policy 9-1c, relative to roads having adequate capacity to service respective road needs, and he questioned what “adequate” and “capacity” means. He stated he thought that the Board had deleted Implementation measure 9-1c(2) relative to preparation of a traffic study. He stated he feels that both of these items should be deleted. Andy Hauge advised that State law requires that capacity on roads be defined, and that this is required to be in the document; and he noted that there are procedures where Public Works is currently doing this. Ken advised that he will focus on the implementation measure of calculating peak hour traffic. Following discussion relative to traffic study requirements, the Board concurred with a language change to delete the ten percent standard and to reflect the requirement for proposed projects that will significantly increase the traffic volume.

11:22 a.m. Recess

11:44 a.m. Vice-Chairman Balmain commented on the workshop schedule and advised that the Board does not plan to address the Appendix in this workshop.

CHAPTER 10 – AGRICULTURE:

Section 10.3 General Plan Implementation – Goal 10-1 – Supervisor Bibby asked whether the Agricultural Advisory Committee should be included as “support staff” for agriculture. Supervisor Bibby suggested that Implementation Measure 10-3a(1) include Planning as being responsible for creating a document identifying successful practices used in the County. Supervisor Bibby initiated discussion as to whether the Agricultural Advisory Committee should be included as being responsible for Implementation Measure 10-1c(1) relative to defining uses compatible with agriculture. The Board concurred that Planning should be the lead and others can assist.

Input from the public was provided by the following:

Cathie Ragghianti, representing the Farm Bureau as Second Vice-President, referred to section 10.2.02 Summary of Major Findings – A. Preserving Agricultural Lands, and she asked for clarification of the term “job creation potential.” Following discussion, the Board concurred with the sentence reading as “Agricultural lands need to be conserved.” Cathie stated they would like to see the Farm Bureau and the Cattleman’s Association added to the industry list referred to in the last paragraph of this section. The Board concurred with adding them and with other language changes to the last sentence. Cathie raised questions relative to section C. Nurturing the Agricultural Economy, and she stated they would like to see this placed in the Residential Land Use element. The Board concurred with changing the title of the section by adding “Throughout the County” and with changing “5 to 10 acre” specialty farms to “small” specialty farms. Cathie stated they would like to see the second sentence in the first paragraph deleted in section D. Maintaining Character, as they do not know what it has to do with agriculture. The Board concurred with changing the title of the section to read “D. Maintaining the Rural Character of the County.” She also suggested that “economic opportunities” be changed to “agricultural economic opportunities” in the second paragraph; and that “small in scale” be deleted from the third paragraph. The Board concurred with deleting “small in scale.” Cathie suggested language changes relative to conservation easements to include private entities such as the California Rangeland Trust and The Sierra Foothill Conservancy; and she suggested that the last portion of the paragraph relative to preservation of land be combined with the following paragraph. Supervisor Pickard noted that the Sierra Nevada Conservancy is being formed, and there may be others. She also asked that “ranches” be added. Cathie asked about the intent of protecting agriculture and timber lands in balance with the need to provide land for housing to accommodate population.

Cathie Ragghianti referred to section 10.3 General Plan Implementation, Implementation Measure 10-1a(1), and she suggested that a second sentence be added to reflect that the Agriculture Commissioner should get direction from the Agricultural Advisory Committee. She stated she feels that perhaps the Agriculture Commissioner has too much power versus the people in agriculture production. Discussion was held and no change was made. Cathie suggested that the Board members meet with the Farm Bureau to review this matter. Tom Guarino responded to a question from the Board and advised that the Agriculture Commissioner must go by the statutes for the Agriculture Commissioner/Sealer. Cathie asked why “no net loss” was removed from Goal 10-2 relative to avoiding the loss of agriculture lands in the Agriculture Working Landscape land use classification to maintain rural character. Discussion was held, and Sarah Williams noted that “no net loss” is a stronger policy. Andy Hauge noted that it would be up to the applicant to find a way to have “no net loss” if removing land from agriculture use. Supervisor Pickard noted that 51% of the County is in open space (government owned). The Board concurred with the suggestion to change “following” to “all” in Implementation Measure 10-2a(1) relative to the findings. The Board concurred with the suggestion to add the bullet from Chapter 5 that “The subject property is not usable for open space, conservation easements, or other preservation opportunities which will further implement the goals and policies of the General Plan” to Implementation Measure 10-2a(1). Sarah Williams noted that the bulleted items should be consistent. Cathie referred to Goal 10-5, and expressed concern with the intent of Implementation Measure 10-5a(1) which accommodates agritourism uses through changes in

Agriculture zones. She stated she feels that bio-security should be addressed on neighboring properties. Discussion was held.

Bob Benson, Catheys Valley resident and member of the Farm Bureau, noted that there are some issues that he has objections to. He noted that with new requirements, it is becoming more difficult to sustain agriculture.

Supervisor Pickard asked about getting an official letter from the Farm Bureau relative to their comments, and Cathie Ragghianti advised that she will provide information.

Ken Melton referred to section 10.2.02 Summary of Major Findings – D. Maintaining the Rural Character of the County, and he stated he does not feel that the language relative to existing Williamson Act contract processing should be included in this document as it could change in the future. Andy Hauge noted that this is included as background information. Ken referred to the issuance of certificates of compliance, and he stated he does not feel that this creates a “de facto subdivision.” The Board concurred with deleting the portion of the sentence referred to “de facto subdivision.” Sarah Williams noted a restriction in the Williamson Act contracts, since 1997, that does not allow for the County to process certificates of compliance for property during the tenure of the contract, and the Board concurred with reflecting this restriction in the Plan. Ken stated he feels that it should reflect that this restriction has been in existence since 1997. Ken suggested that the paragraph that states that the General Plan establishes a policy that directs residential subdivision activity around the Highway 49 corridor and designated town planning areas should be deleted. He feels that this restricts development to the Highway 49 corridor. Discussion was held. No change was made.

12:59 p.m. Recess

1:26 p.m. CHAPTER 11 – CONSERVATION AND OPEN SPACE:

Section 11.3 General Plan Implementation – Supervisor Bibby asked if the list of development standards is necessary in Implementation Measure 11-4a(1) relative to creating an Environmental Conservation Program. Andy Hauge responded relative to the inclusion of the list. Supervisor Parker initiated discussion relative to Implementation Measures 11-1a(2) and 11-1a(3) concerning the issues of developing subdivision design standards for placement of structures on ridgelines and open hillsides, and developing flexible site development and clustering to conserve scenic views and viewsheds. The issues were flagged for further discussion.

Input from the public was provided by the following:

Ken Melton stated he has the same concerns as discussed by the Board for the town of Mariposa relative to hilltop development and relative to conserving the natural and scenic resources and open space lands, and he stated he feels the issues can be addressed in the plans for the town planning areas. He stated he feels that most of Implementation Measure 11-2a(1) relative to implementing standards for water conservation is covered in other documents. Ken referred to Implementation Measure 11-2c(2) relative to designating watershed areas of surface water systems, and he stated he feels that areas need to be identified where they would potentially use that watershed. Following discussion, the Board concurred with a wording change to this measure. Ken stated he feels that Implementation Measure 11-4a(1) relative to creating an Environmental Conservation Program is covered in CEQA review. Discussion was held.

CHAPTER 12 – LOCAL RECREATION:

Section 12.4.02 Circulation, Infrastructure and Services – Supervisor Balmain noted the equestrian system in Lake Don Pedro. Supervisor Pickard suggested that dirt bikes be added to this section. Discussion was held relative to the various types of uses and potential conflicts. Andy Hauge suggested that the section could just say that these uses will be addressed.

Input from the public was provided by the following:

Laurel Siebecker advised that she raises Arabian show horses, and she advised that there is no way you could have horses on the same trail as bikes, etc.

CHAPTER 13 – REGIONAL TOURISM:

Section 13.2.02 Summary of Major Findings – A. Expansion and Integration of County Regional Tourism Opportunities – Supervisor Stetson suggested that the Amphitheater be added to the list of recreational tourism opportunities, and the Board concurred. Supervisor Balmain noted that the reference to Merced Irrigation District owning land and water in the Lake McClure and McSwain Reservoirs should be clarified to reflect “manages and/or owns.” Supervisor Bibby asked for clarification of whether Old Yosemite Road should be left in the list of roads that access public lands. Supervisor Parker referred to Goal 13-4 relative to creating visitor access to communities and points of interest, and suggested that the Mariposa Task Force’s way-finding sign project be acknowledged. Discussion was held.

Vice-Chairman Balmain called for input from the public and none was received.

CHAPTER 14 – HISTORIC AND CULTURAL RESOURCES:

Supervisor Bibby asked whether cemeteries should be included in this element. Sarah Williams referred to Goal 14-5 relative to creating historic districts to preserve the County’s historic character and promote tourism, and noted that the subsequent implementation measure addresses cemeteries.

Vice-Chairman Balmain called for input from the public and none was received.

CHAPTER 15 – NOISE:

Section 15.2.03 General Plan Implementation – Supervisor Stetson asked about responsibility for Implementation Measure 15-1a(2) relative to controlling noise. Discussion was held. Supervisor Bibby referred to Implementation Measure 15-2b(1) relative to requirements for performing acoustical analysis, and asked whether this will be triggered for agricultural land. Discussion was held.

Vice-Chairman Balmain called for input from the public and none was received.

CHAPTER 16 – SAFETY:

Section 16.3 General Plan Implementation – Supervisor Pickard initiated discussion relative to development of a strategic plan for fire safety, and he asked if it is necessary to have Implementation Measure 16-3b(1) relative to consideration of development of a fire and emergency response training center. Further discussion on this issue was held later. Supervisor Pickard referred to Goal 16-4 relative to reducing the risk of flood loss and reference to “flood proofed.” Supervisor Stetson stated he feels the Board will be re-visiting this issue in the public hearing process for the River Canyon.

Section 16.2.02 Summary of Major Findings – F. Hazardous Materials and Hazardous Waste - Supervisor Balmain suggested that the document reflect all of the locations where waste oil is accepted.

Section 16.3 General Plan Implementation – Supervisor Balmain referred to Implementation Measure 16-5a(2), and he asked how plans will provide for on-site detention for all storm water flows in excess of the capacity of natural drainage courses receiving runoff from the development. He also suggested that the language be clarified to reflect the 1997 flood event. Supervisor Bibby asked about the building permit process for storm drainage.

Section 16.2.02 Summary of Major Findings – C. Geologic Hazards – Supervisor Bibby asked about the reference to addressing the handling of old mine shafts, vents, and adits when new subdivisions are created. Sarah Williams advised that this has been addressed, and the Board concurred with deleting the sentence.

Section 16.3 General Plan Implementation – Goal 16-1 relative to enforcing development standards for lessening fire hazard danger – Supervisor Parker asked about the “on-site” emergency water supply standards, and he suggested that the existing standards should remain in place. The Board concurred with deleting “on-site.” Tom Guarino noted that in several places the Consequences have been left blank – staff will fill these in. Supervisor Parker initiated further discussion relative to Implementation Measure 16-3b(1) relative to consideration of development of a fire and emergency response training center. The Board concurred with deleting this measure. Supervisor Parker referred

to Implementation Measure 16-5a(1) relative to enacting an ordinance to require a hydrologic evaluation for all subdivision and development projects located within flood plains and drainage channels, and he asked whether this will be countywide or project driven. Andy Hauge advised that this is written for a countywide policy. Sarah Williams advised that this would be for areas where flood plains are mapped. Supervisor Parker referred to Policy 16-5c relative to water retention facilities, and he commented on a situation at the Middle School where water run-off impacts a neighbor's meadow. Sarah Williams provided input relative to school construction being exempt; however, grading activities are subject to the local ordinance. Supervisor Parker stated he feels that this type of issue needs to be addressed.

Input from the public was provided by the following:

Ken Melton referred to section 16.2.02 Summary of Major Findings – A. Fire Hazard, and he stated he thought that the Board removed references to the ISO Ratings. Tom Guarino advised that the ISO Rating language is just discussing what CDF uses, and that he agrees that anything that discusses adoption of ISO Ratings should be removed. Andy Hauge agreed that this language is just for informational purposes. Supervisor Parker suggested that a sentence be added clarifying that the language is just for informational purposes. No changes were made. Ken referred to the mitigation measures requiring fuel breaks, and he stated he feels that paragraph should be deleted. Discussion was held. No change was made.

Ken Melton referred to section 16.3 General Plan Implementation – Policy 16-1a relative to enforcing development standards lessening fire hazard danger, and he requested that the language be amended to include the option of a developer providing their own fire protection. The Board agreed with adding language for the option. Tom Guarino advised that staff will need direction on the fire safety alternative system, and an implementation measure will need to be included for this. Ken referred to Policy 16-4c relative to development in dam inundation areas, and he stated he feels that “avoid” means that you cannot develop in such an area. He noted that this would prohibit development below Stockton Creek Dam in the Fairgrounds/Mormon Bar area. The Board concurred with changing “avoid” to “control” in Policy 16-4c and Policy 16-4a.

Laurel Siebecker referred to section A. Fire Hazard and the language that states the Bridgeport Fire Station is under construction, and she noted that nothing has been started.

Supervisor Parker referred to section E. Airport Safety and the reference to the Mount Bullion Town Planning Area. Sarah Williams advised that the land use map is being modified to show the area, but the committee has not been added.

3:02 p.m. recess

3:15 p.m. CHAPTER 5 – LAND USE:

Input from the public was provided by the following:

Cathie Ragghianti advised that the comments will be provided in writing, so she will not review everything verbally. She referred to section 5.2.02 Summary of Major Findings – D. Economic Opportunity, and she suggested that wording be added to reflect “and maintaining agriculture lands” at the end of the first sentence in the third paragraph. The Board concurred with the change. Cathie referred to section H. Collaborative Planning, and she stated she disagrees with the third paragraph that the General Plan opens the door for the County to work with agencies. Supervisor Stetson suggested that “opens the door” be replaced with “provides.” Cathie advised that she will review this change with her committee. The Board concurred with the change. Cathie referred to the next paragraph, and she expressed concern with the first sentence and being able to maintain local control. The Board concurred with deleting the sentence that “Each agency has its own mission and planning powers.” Supervisor Stetson suggested that the two paragraphs be combined.

Cathie Ragghianti referred to section 5.3.02 Residential Land Use Classification – G. Criteria for New Lands to be Included, and she asked for clarification of 1.b relative to the existing Williamson Act contract requirements for applying for a Notice of Non-renewal. Supervisor Parker stated he feels that this language should be consistent with the law. Sarah Williams advised that she will check the

law for the Timber Preserve as well. Tom Guarino suggested that language could be added to reflect “or as otherwise provided in the contract” in both 1.b and 1.c, and the Board concurred.

Cathie Raggianti referred to section 5.3.04 Agriculture/Working Landscape Land Use Classification – B. Extent of Uses, and she suggested that “visitor-uses associated with agriculture” be deleted; and that guidelines be added for the uses that may be permitted, including bio-security, compatibility to neighboring property, and proper infrastructure. Discussion was held. Sarah Williams suggested changing the wording to reflect “visitor uses associated with, but secondary to agriculture” and that this could be added to the review criteria. The Board concurred. Cathie referred to section G. Criteria for Lands Proposed to be Removed from the Agriculture/Working Landscape Land Use Classification, and she requested that “all of the below” be added to the last paragraph before the bulleted items. The Board concurred with this change.

Jeff Hornacek referred to section 5.3.01 Planning Area Land Use Classification – I(2) Interim Regulations in Planning Areas for which a Town, Community, or Special Plan has not yet been Initiated, and he asked if a zoning amendment application could be filed now. Sarah Williams responded, and she advised of the text and land use and boundary issues that exist until there is a plan for Yosemite West. She advised that the issue with the 55 acres is included in the community plan area, but the Advisory Committee has not addressed it. She advised that until Yosemite West addresses their plan area, there would be the ability for people to come in with their projects and make a proposal. They would have to be adopted as a part of the community plan. She referred to section E(1) Description of Planning Areas. Jeff asked for clarification that they can file an amendment now and have it processed under the current Code and regulations. Tom Guarino advised that a determination could be made on how to treat pending applications during the process. Andy Hauge advised that the Board will still need to make a finding of consistency with the new General Plan, and he suggested that Jeff work with County Counsel on how to work with that. Discussion was held. Tom Guarino clarified that the project would require a zone change and a General Plan amendment with the current procedures. Supervisor Parker asked about giving direction to Planning to ask the Committee to provide attention to this issue and to provide the Board with input. The Board concurred with adding “timely” to receiving committee recommendations, and with asking for a timely timeframe.

Tim Miller stated he was representing the applicants for property in Units I and III, and they want the 55-acres kept in the boundary. He thanked the Board for the change in the designation outside of Yosemite West.

Vice-Chairman Balmain continued the public input to after the Board’s review of this Chapter.

4:06 p.m. Recess

4:21 p.m. Kris Schenk review the major issues to be discussed:

- ready-to-build;
- five-acre density;
- hillside and ridge top development; and
- interim measures in town planning areas

Supervisor Stetson advised of Shaw’s request to place the Bug Hostel in the appropriate Rural Economic Land Use designation. Supervisor Parker suggested that this be included with discussion on other zoning issues.

Discussion was held relative to the “ready-to-build” issue. Sarah Williams advised that this issue is addressed in section 5.5.02 Summary of Major Findings – J. Ready to Build Land and in section E. New Subdivisions. She advised that the Board eliminated any requirement for power and phone service to be available on each parcel. She reviewed the changes that are proposed from today’s standards. Discussion was held relative to the water supply issue. Tom Guarino advised that if the General Plan does not address a provision for water when someone is developing property, then when someone comes in for a project, they will need to deal with the issue of water in the CEQA process.

Input from the public on this issue was provided by the following:

Ken Melton commented, on behalf of Steve Allison, that what the County has implemented has worked for the major subdivisions and it could be applied to all subdivisions. He noted that there are a lot of reasons to not drill a hole and let it sit.

Further discussion was held relative to the water issues and CEQA requirements. Tom Guarino suggested that language be added that would allow for “other satisfactory evidence of supply of water,” and the Board concurred. Supervisor Parker and Tom Guarino suggested that language be added to require that a water expert state that there is sufficient water supply for the project to provide staff a basis for making a decision. Discussion was held relative to monitoring wells and pump testing and timeframes. Supervisor Bibby asked whether an indemnification agreement is required, and Tom Guarino responded relative to the process. Discussion was held relative to designating the services to be available to each parcel, such as roads, etc. The Board concurred with deleting language in section 5.3.02 Residential Land Use Classification – E. New Subdivisions that refers to basic infrastructure comprising of emergency vehicle services, delivered utility access, school transportation, power, and telecommunications.

Ken Melton asked about the requirement for a potable water supply with storage of at least 1,000 gallons per day per dwelling unit. Sarah Williams advised that this information was obtained from the Health Department. Ken stated he thought that the previous requirement was for 450 gallons. The Board concurred with having staff review the number of gallons with the Health Department to determine the rationale and to provide an adequate number.

Discussion was held relative to the five-acre parcel size and density issues – section I. Five Acre Density and Rural Character. Sarah Williams reviewed the previous discussion on this issue. She advised that it could be considered further in the public hearing process, and the Board concurred.

Input from the public on this issue was provided by the following:

Ken Melton commented on the issue.

Lyle Turpin provided background information on the Planning Commission’s consideration of the 2 ½ acre parcel consideration – he noted that this may help resolve the issue of residents taking care of fuel load problems.

Discussion was held relative to the hillside and ridge top development, and options to achieve the objectives. Sarah Williams noted that this would only apply to new subdivisions.

Input from the public on these issues was provided by the following:

Ken Melton asked how much of the property has to have slopes in excess of 15 percent before it falls into this category, and he asked who will make the determination. He stated he feels there are a lot of problems with trying to make these decisions up front. He stated he would like to see this taken out, and that only property where there is a 15 percent or more slope should be addressed. He stated he feels that this is down-zoning property. No changes were made.

Discussion was held relative to interim regulations for town planning areas – section I(2) Interim Regulations in Planning Areas for which a Town, Community, or Special Plan has not yet been Initiated.

Discussion was held relative to consideration of existing commercial developments that are in rural parts of the County that could be made to be conforming uses through this process. Sarah Williams noted that the action would only be in the land use classification in this process. Andy Hauge noted that each project would need to be reviewed to see if it meets the criteria. Supervisor Balmain suggested that staff review projects to see if they comply. Kris Schenk advised that more information could be brought back with the next draft.

Supervisor Pickard referred to section 5.3.01 Planning Area Land Use Classification – E(1) Description of Planning Areas, and he stated he would like to see Fish Camp referred to with a Town Planning Area like was done for Wawona, and the Board concurred.

The Board reviewed Chapter 5 on a page-by-page basis and accepted public input.

Ken Melton referred to section L. Legally Existing Uses of Land, and he asked, on behalf of Don Starchman, what happens in a situation when you have a tentative map that has not been recorded or a building permit issued. Andy Hauge advised that the Building Code regulations and tentative maps are governed by State law.

Ken Melton referred to Implementation Measure 5-2a(1) relative to development being sited to grow outward from Planning Areas and Residential Areas with available services, and he stated he feels that “development” should be deleted and that “should” should be used in place of “shall.” The Board concurred with deleting “patterns.”

Ken Melton referred to Policy 5-3a that states that new subdivisions and lands created for commercial and industrial purposes shall have access to maintained roads, and he stated he feels that will shut down development in the County. It was agreed that there would be more discussion on this issue in the public hearing process.

Ken Melton referred to the consequences for Implementation Measures 5-3a(3) and 5-3b(1). Sarah Williams stated she feels the consequence for Implementation Measure 5-3a(3) was repeated in error from the previous implementation measure, and staff will review and re-write that portion.

Supervisor Stetson referred to Goal 5-6 relative to designating land areas and establishing siting criteria for the management of natural resources, and he suggested that the language be changed in Policy 5-6a relative to allowing for a “balance of both enjoyment and use.” The Board concurred with changing the policy to reflect a “balance of uses.”

Ken Melton referred to Goal 5-9 relative to maintaining rural densities for residential development outside planning areas, and he asked about the allowance for secondary residences. Andy Hauge noted that the State law allows for secondary residences.

Supervisor Parker commented on Goal 5-10 relative to requiring new subdivisions to be “ready-to-build,” and the change in conditions was noted.

Supervisor Bibby referred to Figure 5-1: Planning Areas, and noted that the table is not consistent with the community plan for Yosemite.

Supervisor Parker referred to Explanation 5-1: Planning Areas, and he noted that there needs to be consistency with the other changes made to reflect town planning areas, etc. Staff advised that the document will be reviewed for consistency throughout.

Ken Melton, for Don Starchman, referred to A. Purpose, and he asked where the Volume II is that shows the planning areas. Sarah Williams advised that Volume II consists of the maps that were displayed on the wall for the workshop, and it is where the adopted area plans will be published. Tom Guarino noted that these documents are in existence and available to the public.

Supervisor Parker initiated discussion relative to section E(1) Description of Planning Areas and the description provided for the Mariposa Town Planning Area. He asked how far out Highway 49 the boundary encompasses. Sarah Williams advised that staff would like to hear from the Board on this issue, and she provided input on the draft maps and the subsequent recognition of Mount Bullion as a town planning area. She advised that direction is needed on where the two boundaries end or meet. Discussion was held relative to options for the boundaries; i.e., to the Airport, to Mount Bullion, and relative to the possibility of a joint planning jurisdiction area with both town planning areas.

Ken Melton stated he feels that Mariposa Public Utility District (MPUD) should be included in this discussion, and he noted that the Saxon Creek agreement prohibits the use of water outside of the current boundaries of the Mariposa Town Planning Area.

Further discussion was held relative to the boundaries for the Mariposa and Mount Bullion planning areas. Supervisor Parker stated he feels the Board should decide the boundaries as there are no formal town planning area committees for these two areas at the present time, and the boundaries could be amended in the future. The Board concurred with Supervisor Parker’s suggestion to take the Mariposa Town Planning Area boundary out to the boundary of the Airport to the Mount Bullion Camp Road. Sarah Williams clarified that this means that the Mariposa Town boundary will go to Mount Bullion on the North side of Highway 49; and on the South side of Highway 49, it will take in the Princeton Ranch. Supervisor Parker stated he feels it might be good to have the two town planning areas working with the Airport in planning for the future, and the Board agreed.

Ken Melton advised of a typographical correction for the Yosemite West Special Planning Area to reflect “issued” a special use permit.

Supervisor Bibby referred to the statement that Lake Don Pedro Town Planning Area has the potential to be the first incorporated city in the County for this General Plan, and she noted that Hornitos was previously incorporated.

Supervisor Stetson noted a correction with the Midpines Community Planning Area, and he advised that “private ownership” should replace “private County.”

Ken Melton asked for a definition of “socially cohesive” as referred to in section H. Creation of New Planning Area – B. 1. relative to the boundaries of a proposed planning area representing a recognized, identifiable, and socially cohesive area of the County.

6:45 p.m. Recess

6:59 p.m. Ken Melton referred to section E(1) Road Capacity and Access, and he stated he thought that the maintained road issue was removed from the previous draft.

Lyle Turpin referred to section E(2) Hillside and Ridge Top Design and E(5) Wildland Fire Hazard and Emergency Services, and he commented on the Planning Commission’s review of proposed building sites and fire protection issues. He asked if we want to be maintaining a screen of vegetation for access roads, driveways and structures. He noted that CDF says that we need to reduce fuels around structures and driveways. Tom Guarino advised that this ties into the hillside and ridge top design for siting, and that you can still clear for fire breaks. The Board concurred with adding language to reflect “consistent with fire regulations and standards.”

Ken Melton referred to section E(3) Individual Onsite Sewage Disposal Systems, and stated he feels there should be allowance for siting sewage disposal off-site. Sarah Williams advised of review of Health Department requirements, per County policy, that require “on-site” sewage disposal. Following further discussion, no change was made.

Ken Melton referred to section E(5) Wildland Fire Hazard and Emergency Services, and he stated he feels that the first sentence should be deleted that requires subdivisions to be developed in appropriate areas of fire protection; and that “requirement” in the second sentence should be changed to “regulation.” Discussion was held. The Board concurred with deleting the first sentence.

Ken Melton referred to section F(2) Traffic Generation, and he asked that the second sentence be clarified to reflect that this is “only” applicable to all home-based businesses. The Board concurred with adding “only.”

Supervisor Stetson referred to section F(3) Storage, and he asked for clarification of the definition of “buffered right-of-way.” Following discussion, the Board concurred with changing the wording to reflect “with screening from public rights-of-way.”

Supervisor Bibby referred to section F(6) Animal Husbandry, and suggested that it be clarified whether the Agriculture Commissioner or Health Official makes the decision on whether to impose limitations on permitted accessory uses. The Board concurred with deleting the reference to the Agriculture Commissioner and the Health Official.

Ken Melton referred to section F(5) Parcel Size, and he asked that “Planning Commission” be replaced with “by County Ordinance” in the second sentence. No change was made.

Lyle Turpin referred to section F(3) Storage, and he asked if this refers to permanent storage. Andy Hauge advised that this is a permitted use, and temporary uses are allowed by Ordinance.

Supervisor Balmain referred to section 5.3.03 Rural Economic Land Use Classification – A. Purpose, and he advised that staff removed “unbroken” from the last sentence.

Ken Melton referred to section B(2) Rural Economic/Resort Subclassification, and he stated he feels that “self-contained” should be deleted in the first sentence.

Supervisor Balmain referred to section B(3) Rural Economic/Recreation Subclassification, and he stated that relative to employee housing, he does not feel that you can tell people where they need to live. Andy Hauge advised that this just makes housing available. Tom Guarino noted that housing has to be reviewed when looking at the project, and that an analysis would need to be included of whether there is adequate housing available. He advised that the sentence could be changed to require a developer to identify other available housing. No change was made.

Supervisor Parker referred to section D(2) Maximum Acreage and Minimum Lot Sizes, and he asked for clarification of the requirement for a maximum of twenty contiguous acres of gross land area for the commercial subclassification. Sarah Williams advised that if you have more than twenty acres, you would be considered a community planning area.

Ken Melton referred to the language in section E(2) Frontage on Maintained Road. Andy Hauge explained that this is to save having multiple accesses to the highway.

Ken Melton referred to section E(3) Design, relative to viewsheds, and he asked for clarification on what vantage point that the views are not to be obstructed. Andy Hauge clarified that this is from the public rights-of-way, and the Board concurred with adding this clarification. Discussion was held relative to clarifying from state highways or arterial highways versus County maintained roads, and having protection from neighbors. The Board concurred that this would be further discussed during the public hearing process.

Ken Melton referred to section E(9) Locations in Flood Zone or Areas with Risk of Flooding, and he advised that requiring barriers to be specially-designed gets expensive. Supervisor Stetson clarified that this is not a requirement. No change was made.

Ken Melton referred to section F(1) Separation between the Location of the Rural Economic Land Use Classification, and he stated he thought that this section was deleted in a previous draft. Sarah Williams explained the Board's previous consideration of this section, and no change was made.

Lyle Turpin referred to section F(1) Separation between the Location of the Rural Economic Land Use Classification, and he stated he feels that "must" should be replaced with "should" for the minimum separation between a planning area or another Rural Economic land use classification. The Board concurred with this change.

Ken Melton, on behalf of Don Starchman, referred to section D. Population Density and Building Intensity, and he advised that there are one-quarter section parcels that do not meet the 160-acre requirement. Following discussion, the Board concurred with adding "or legal quarter section."

Supervisor Bibby referred to sections F. and E(2) Criteria for New Lands to be Included, and she asked about the statement that there are no special requirements for lands proposed for timber management. No change was made.

Ken Melton referred to section G. Criteria for Lands Proposed to be Removed from the Agriculture/Working Landscape Land Use Classification, and he noted that the third bullet was removed from the other sections. Andy Hauge noted that, at Cathie Ragghianti's request, this was put back in the other areas today.

Supervisor Stetson referred to section 5.3.05 Natural Resource Land Use Classification – B. Extent of Uses, and he suggested that "timber management harvesting" be changed to "timber management," and the Board concurred.

Supervisor Parker referred to section 5.4 Related General Plan Elements – 5.4.02 Relation to the Circulation, Infrastructure, and Facilities Element, and the issue of "ready-to-build." Vice-Chairman Balmain advised that staff will make sure that "ready-to-build" only addresses roads, water and sewer.

Supervisor Pickard referred to section E. Sign Regulation, and he asked about addressing way-finding signs. It was noted that this was addressed in the Economic Development element.

Kris Schenk initiated discussion on where to go from here with the General Plan Update, and he advised of the staff recommendation for recirculating the draft environmental impact report (EIR). Discussion was held with Kris Schenk and Andy Hauge on this matter, and relative to the costs and timeframes. Supervisor Pickard suggested that the Board meet again after the first of the year for the public to comment on this document, before sending it out for publication for public hearing. Kris Schenk advised that staff will work on a more detailed schedule and bring it back with financial information for the Plan. Discussion was held relative to finalizing the document and bringing it back for the public hearing process. Tom Guarino commented on the contracting arrangements and the status of the budget for the process, and he advised that a contract amendment will be brought back to the Board. He also clarified that during the public hearing process, the public will have the right to provide comment on the entire General Plan process.

Board members thanked staff for their work on the General Plan Update document.

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA at 11th & Bullion Concerning Price and Terms of Purchase (County Administrative Officer);

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535, Service Employees International Union; Name of County Designated Representative: Rich Inman (County Administrative Officer); and

CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation/Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code section 54956.9 and Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code section 54956.9 (County Counsel)

BOARD ACTION: The closed sessions were continued to Tuesday, December 21, 2004, at 8:30 a.m.

8:26 p.m. The Board recessed and continued the meeting to Tuesday, December 21, 2004, at 8:30 a.m. for the continued closed session matters.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

December 21, 2004

(Continued from 12-14-04 and 12-15-04)

Time Description

8:34 a.m. Meeting Called to Order at the Mariposa County Government Center. The meeting was continued from December 14, 2004, and December 15, 2004, for the continued closed sessions.

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA at 11th & Bullion Concerning Price and Terms of Purchase (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535, Service Employees International Union; Name of County Designated Representative: Rich Inman (County Administrative Officer)

BOARD ACTION: Chairman Parker announced that these closed sessions would not be held.

8:38 a.m. CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation/Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code section 54956.9 and Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code section 54956.9 (County Counsel)

BOARD ACTION: The Board convened in the continued closed session (from December 14 and 15, 2004) with the Public Works Director present.

9:39 a.m. Chairman Parker announced that no action was taken as a result of the closed session.

9:40 a.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA December 21, 2004

Time Description

9:40 a.m. Meeting Called to Order at the Mariposa County Government Center.

Pledge of Allegiance
Introductions

Chairman Pickard advised that there will be an amendment to the agenda to add an item based on information that was just received relative to the operation of the landfill. Tom Guarino, County Counsel, asked that the Board take action to amend the agenda to add the item due to the urgency of the nature of the item which requires immediate action. (M)Balmain, (S)Parker, the Board waived the rules requiring 72 hours agenda noticing to consider the item due to the urgency, as stated/Ayes: Unanimous. (M)Parker, (S)Balmain, the agenda was amended to add the item, for discussion with the agenda item later this morning to implement the process for the County to assume the gate duties at the Mariposa County Landfill, as the information is pertinent to that item/Ayes: Unanimous.

Doug Balmain, Supervisor District II;
Presentation of a Resolution and Tile Plaque Recognizing Lyle Turpin for his Services as Planning Commissioner

BOARD ACTION: (M)Parker, (S)Balmain, Res. 04-532 was adopted and presented to Lyle Turpin, along with a tile plaque/Ayes: Unanimous. Susan Crain, Planning Commissioner, thanked Lyle for his work with the Commission, and presented him with his name plate from the Commission.

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda – none

Board Information

Supervisor Balmain referred to the January 2005, Reader's Digest and a quote relative to speaking on a subject that you know nothing about and it being difficult to know when you are finished.

Approval of Minutes 12-7-04, Regular Meeting

BOARD ACTION: Approved.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby advised of a corrected page for item 6. (M)Stetson, (S)Balmain, the Consent Agenda items were approved. The Clerk of the Board read the titles of Ordinance Numbers 1014 and 1015 into the record for item 6. Ayes: Unanimous.

Jacque Meriam, Librarian;

Authorize the County Librarian to Accept and Sign the Financial Claim and Certification for the Library Services and Technology Act (LSTA) Grant – "Services for Small Business in a Box" and Approve Budget Action Accepting Unanticipated Revenue from the LSTA Grant (\$5,000) (4/5ths Vote Required)

BOARD ACTION: Discussion was held relative to the dollar amount of the grant and how replacement of the equipment would be handled after the end of the grant program. (M)Bibby, (S)Stetson, Res. 04-541 was adopted/Ayes: Unanimous.

Kris Schenk, Planning Director;

Adopt a Resolution Granting Appeal No. 2004-208, Adopting a Negative Declaration, and Approving Land Division Application No. 2003-289 as Amended on December 14, 2004 with the Recommended Findings and Conditions; Rex Fouch, Applicant and Appellant

BOARD ACTION: Discussion was held with Kris Schenk and Megan Tennermann relative to the formal resolution. It was noted that the action by the Board on December 14, 2004, should be reflected as based on the "Board's" discussion versus the "Commission's" discussion and deliberation. It was noted that item number 8 on the Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures should be worded as agreed to by the applicant. Megan advised that the County Engineer was present when the agreement was reached relative to the fuel modifications. Kris Schenk advised that this was based on the August 12th agreement that was a part of the original package on this matter. Tom Guarino, County Counsel, clarified the change in number 8, and he advised that during the application process, the agreement was reached for brushing and the Public Works Director advised that he is okay with that. The condition should have come to the Board on December 14th reflecting the agreement that had been reached. (M)Balmain, (S)Parker, Res. 04-542 was adopted, with the corrections as noted during the discussion, granting Appeal No. 2004-208; adopting a Negative Declaration; and approving Land Division Application No. 2003-289 as amended on December 14, 2004, with the recommended findings and conditions/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

A) Waive First Reading and Introduce an Ordinance Amending Section 12.32 Skateboard Regulations of the County Code

BOARD ACTION: Discussion was held with Dana Hertfelder relative to enforcing the use regulations of the Skateboard park. Supervisor Parker suggested that the youth be included in working with the County to come up with rules and regulations on how the facility will be operated, along with others that have been involved in the project. Chairman Pickard requested that staff follow through with this matter. Supervisor Bibby initiated discussion relative to requiring the users to fasten their safety gear, and she encouraged them to do so. Tom Guarino, County Counsel, advised that the ordinance is written to meet the intent of the Health and Safety Code, and advised that he could research this issue for further consideration. (M)Stetson, (S)Bibby, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

B) Authorize the Public Works Director to Implement the Process for the County to Assume the Gate Duties at the Mariposa County Landfill and to Allocate the Two Full-Time Positions Required

BOARD ACTION: Chairman Pickard advised of the earlier action that was taken to amend the agenda to include an item to discuss the current events at the Landfill and to provide the direction necessary for maintenance and operation of the facility. Dana Hertfelder advised that the gate at the Landfill is currently staffed by Total Waste Systems, and that there is a need for discussing the operation of the Landfill. Tom Guarino, County Counsel, advised that recently notice was received from the current operator (Total Waste Systems) that they will terminate operating the Landfill on about January 3, 2005, and the Public Works Department needs direction to deal with the operation of the facility. Discussion was held.

(M)Parker, (S)Bibby, Res. 04-543 was adopted authorizing the Public Works Director to implement the process for the County to assume the gate duties at the Mariposa County Landfill and to allocate the two full-time positions required as recommended/Ayes: Unanimous.

(M)Parker, (S)Balmain, Res. 04-544 was adopted authorizing the County Administrative Officer, County Counsel and the Public Works Director to execute whatever action is necessary to gain control of the landfill operations. Supervisor Parker requested that the action include the Chair of the Board of Supervisors to work in close conjunction with this matter in the absence of the Board's Solid Waste Committee liaison. The motion was amended, agreeable with the maker and second, to include authority for staffing, to rent equipment, for the Chair to sign any contracts that are necessary, and to change the hours of operation. Supervisor Bibby requested that the Board be provided with periodic updates on the status of the operation. Ayes: Unanimous.

10:31 a.m. Recess

10:50 a.m. LOCAL TRANSPORTATION COMMISSION

Authorize the Executive Director to Request the California Department of Transportation (CalTrans) Exchange Federal Transportation Enhancement Activities (TEA) Funds for State Transportation Funds (Public Works Director)

COMMISSION ACTION: Following discussion, (M)Parker, (S)Bibby, LTC Res. 04-9 was adopted/Ayes: Unanimous.

10:54 a.m. The Board of Supervisors reconvened.

Approve the Third and Final Round of Proposed Job Descriptions Prepared by HDC & Associates, the Consultant Hired to Perform the Classification and Internal Compensation Study, to be Effective Immediately (Continued from 12-7-04) (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, advised that this matter was placed back on the agenda with the understanding that Supervisor Bibby would have an opportunity to resolve the issues that she previously raised with the Administrative Analyst for Administration; and if her questions have not been answered, that this matter could be deferred. Supervisor Bibby advised that she still has the same questions relative to the substitution of experience for education, and she cited examples where she feels this is inconsistent in the job descriptions. She requested that all of the job descriptions be consistent, and Rich Inman advised that staff could review and make those changes where necessary. Supervisor Bibby also requested that the job descriptions for the Clerk of the Board and Deputy Clerk to the Board positions be kept under the direction of the Board of Supervisors versus the proposal to change to the County Administrative Officer; and she requested that a separate action be taken on this job description. Discussion was held relative to this issue and the reporting relationship. Supervisor Pickard advised that he does not want to see anything changed with the way the Clerk of the Board's position has been established. He also clarified that the Unions have reviewed the recommendations. Supervisor Bibby requested that the job description for the Assistant Auditor position be reviewed and clarified relative to the minimum requirements. Discussion was held relative to the next step for implementation of the classification and compensation study.

(M)Parker, (S)Stetson, Res. 04-545 was adopted approving the job description for the Clerk of the Board position. Further discussion was held. Ayes: Stetson, Balmain, Parker, Pickard; Noes: Bibby.

(M)Bibby, (S)Stetson, Res. 05-546 was adopted approving the remaining job descriptions; with direction for the County Administrative Officer to review the descriptions for any inconsistency and to bring those back for approval of changes; and with direction to review the job description for the Assistant Auditor position. Supervisor Bibby noted that the job descriptions need to be reviewed for consistency between the lateral positions. Rich Inman advised that, as a practice, they will review the job descriptions whenever a vacancy occurs. Ayes: Unanimous.

11:27 a.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer);

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA at 11th & Bullion Concerning Price and Terms of Purchase (County Administrative Officer);

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535, Service Employees International Union; Name of County Designated Representative: Rich Inman (County Administrative Officer);

CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation/Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code section 54956.9 Relative to a Workers' Compensation Case (County Administrative Officer);

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); James and Marion Dean v. County of Mariposa, et al (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation/Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code section 54956.9 and Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code section 54956.9 (County Counsel)
BOARD ACTION: (M)Stetson, (S)Balmain, the closed sessions were held/Ayes: Unanimous.

11:58 a.m. Lunch

2:18 pm. Chairman Pickard announced that direction was given to staff as a result of the closed session matters.

Chairman Pickard;

B) Presentation of the Gavel Plaque to Supervisor Parker for Serving as Chair for 2004

BOARD ACTION: Supervisor Pickard presented the gavel plaque to Supervisor Parker.

A) Presentation of Tile Plaques and Resolutions to Supervisors Balmain and Parker for Their 12 Years (Respectively) of Outstanding Service to Mariposa County

BOARD ACTION: (M)Stetson, (S)Bibby, Res. 04-533 was adopted and presented to Supervisor Balmain, along with a tile plaque/Ayes: Unanimous.

(M)Balmain, (S)Bibby, Res. 04-534 was adopted and presented to Supervisor Parker, along with a tile plaque/Ayes: Unanimous.

Lacy Kiriakou, Field Representative for Congressman Radanovich, presented Supervisors Balmain and Parker with a copy of the Congressional Record containing entries that were presented to Congress relative to their service to the County.

Assemblyman Dave Cogdill, on behalf of himself and Senator Chuck Poochigian, presented Supervisors Balmain and Parker with a joint House Resolution recognizing their service.

Nancy Bell and John Lawless, on behalf of the Human Services Department/Mental Health, presented photographs drawn by children in the program to Supervisor Balmain in appreciation for his services on the Mental Health Board.

Chairman Pickard noted that a plaque was presented to Supervisor Parker in recognition of his services to the Mountain Valley-Emergency Medical Services Agency.

Art Baggett, member of the State Water Resources Control Board and former Supervisor, thanked Supervisors Balmain and Parker for their service to the County.

Norm Ross, retired from the Sheriff's Department, thanked Supervisors Balmain and Parker for their service to the County.

Mike Coffield, former County Administrative Officer, thanked Supervisors Balmain and Parker for their leadership and support.

Board members commended Supervisors Balmain and Parker for their work.

Supervisors Balmain and Parker provided input and thanked everyone for their support.

A public reception was held for Supervisors Balmain and Parker at the conclusion of the meeting.

CONSENT AGENDA:

CA-1 Adopt a Resolution Approving and Authorizing the Chairman of the Board of Supervisors to Sign Settlement Agreement with Agee Construction Company for the Settlement of Liquidated Damages Arising Out of the Contract Dated October 8, 2002 for Construction of Airport Improvements at the Mariposa-Yosemite Airport (County Counsel); Res. 04-535

CA-2 Adopt a Resolution Recognizing Iragena "Virginia" Saunders upon her Retirement as Nutrition Cook/Site Supervisor with Mariposa County Community Services Department (Community Services Director); Res. 04-536

- CA-3 Authorize the Chairman of the Board of Supervisors to Sign an Agreement between Merced County and Mariposa County to Provide Storage and Space for Autopsies (Sheriff); Res. 04-537
- CA-4 Approve Budget Action Transferring Funds within the Probation Department Budget Unit to Cover Emergency Extra-Help Until a Senior Office Assistant Position can be Filled (\$2,300) (Chief Probation Officer); Res. 04-538
- CA-5 Approve the Allocation of a 60 Percent Part-Time Registered Nurse Position at Salary Range 229 and Eliminate the 60 Percent Permanent Part-Time AIDS Coordinator Position (Health Officer); Res. 04-539
- CA-6 Waive Second Reading and Adopt an Amendment to Mariposa County Code, Zoning Ordinance Section 17.40.010b to Remove the Charter of the Agricultural Advisory Committee from the Zoning Ordinance and Waive Second Reading and Adopt an Amendment to Mariposa County Code, Administrative and Personnel, adding Chapter 2.110 Chartering the Committee by Ordinance (Planning Director); Ord. 1014 and 1015
- CA-7 Authorize the Chairman of the Board of Supervisors to Execute a Lease Agreement between the Chamber of Commerce and the County of Mariposa for the Visitor Bureau Office Space and the Lease Agreement Amendment, Increasing the Monthly Amount by \$117.00 upon Completion of Renovation to Spaces #3, #4, and #9 (Tourism Coordinator); Res. 04-540

2:57 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board