



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

July 6, 2004



Time Description

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

Pledge of Allegiance
Introductions

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

- Gary Hickman, Farm Advisor, introduced Pamela Geisel, the interim County Director/Farm Advisor; and he advised of the status of the recruitment for the position.
- Dick Kunstman referred to a discussion he had with the previous Planning Director and he was told that the General Plan document is “bullet-proof” – he stated he feels that with the recent revisions, he does not feel that the two-weeks that was allowed for public review and comment of the document is sufficient. He suggested that if the workshops are dedicated to specific elements of the General Plan, that written comments also be accepted at the time of discussion of those elements.
- Rich Inman, County Administrative Officer, introduced Marilyn Lidyoff, the new Business Development Coordinator.

Board Information

- Supervisor Bibby advised of a proposed control burn scheduled for July 20th on the Long Ranch.
- Supervisor Stetson advised of a meeting scheduled for July 13th at 7:30 p.m. at the Midpines Community Center for presentations on law enforcement and fire issues.

Approval of Minutes 6-15-04, Regular Meeting;

Approval of Minutes 6-21-04, Meeting Continued from June 15, 2004; and

Approval of Minutes 6-22-04, Regular Meeting

BOARD ACTION: Approved

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

BOARD ACTION: Supervisor Balmain pulled items 9, 11, 13, 14, 15, 16, 19, and 20. Supervisor Bibby pulled items 2 and 4. Tom Guarino, County Counsel, recommended that the request to approve a provision in items 19, 20 and 23 to allow annual renewal of the contracts by the County Administrative Officer and County Counsel not be approved – he recommended that the contracts come back to the Board each year. He also recommended that the request to approve a provision in items 13, 14, 15, and 16 to allow subsequent amendments and extensions for the contracts be approved subject to review by the County Administrative Officer and County Counsel. Chairman Parker pulled item 23 for separate action to include the recommendation by County Counsel. (M)Stetson, (S)Bibby, the balance of the items was approved/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Consent Agenda item 2 – Supervisor Bibby referred to the condition in the contract that the facility be available to the general public and that the equipment can be moved so that the facility is available to others. She noted that the same condition is contained in the contract for Consent Agenda item 3. Gussie Kidd, retired Director for Almost Like Home, advised that the facility is used by several other groups,

and that the type of equipment that was purchased is portable. (M)Bibby, (S)Stetson, item 2 was approved/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Consent Agenda item 4 – Supervisor Bibby asked for clarification of the acreage of the two parcels that have been purchased for this project; and relative to the amount of land that will be available for grazing. She also noted that it was confirmed that a letter was received from the Department of Conservation. Fred Solomon, project manager, advised that one parcel is 40 acres and the other parcel is slightly less, and that the resolution needs to be corrected accordingly. He also noted that the acreage that is not used for the project will be available for grazing, and that will be determined once everything is finalized with the project. (M)Balmain, (S)Bibby, item 4 was approved with direction for the acreage in the resolution to be corrected/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Consent Agenda item 9 – Supervisor Balmain initiated discussion relative to concerns of conditions in the contract. Rick Peresan, Technical Services Director, responded to the concerns. (M)Balmain, (S)Bibby, item 9 was approved/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Consent Agenda item 11 – Supervisor Balmain referred to terminology used in the agreement. (M)Balmain, (S)Bibby, item 11 was approved/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Consent Agenda items 13, 14, 15, and 16 – (M)Balmain, (S)Stetson, items 13, 14, 15, and 16 were approved, with the provision that amendments and extensions of the documents be subject to approval of the County Administrative Officer and County Counsel/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Consent Agenda items 19 and 20 – Following discussion, (M)Balmain, (S)Bibby, items 19 and 20 were approved, with deletion of the provision for annual renewal of the contracts as recommended by County Counsel/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Consent Agenda item 23 – (M)Balmain, (S)Bibby, item 23 was approved, with deletion of the provision for annual renewal of the contract as recommended by County Counsel/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Jim Petropulos, Public Works Director;

A) Adopt a Resolution Authorizing Issuance of Improvement Bonds and Related Actions, and List of Unpaid Assessments Relative to the Yosemite West Wastewater Facilities Project

BOARD ACTION: Discussion was held with Dana Hertfelder, Assistant Public Works Director, relative to the request. Jim Petropulos responded to questions relative to possible funding sources for the commitment to fund the reserve equivalent dwelling units (EDUs) for the project. (M)Stetson, (S)Bibby, Res. 04-324 was adopted, with direction for the typographical errors and corrections to be made/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

B) Adopt a Resolution Authorizing Public Works to Award the Bid to Mauldin-Dorfmeier for the Construction of the Yosemite West Wastewater Treatment Facility in the Amount of \$2,879,358 and Authorize the Chairman of the Board of Supervisors to Execute the Contract Documents Pending Successful Closure of Funding by the United States Department of Agriculture (USDA) for the Project

BOARD ACTION: Following discussion with Dana Hertfelder, (M)Stetson, (S)Balmain, Res. 04-325 was adopted/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard. Chairman Parker requested that through Supervisor Stetson that the Board be kept fully informed of the status of this project.

C) Approve Amendment to the Agreement with Wilson and Associates in the Amount of \$22,000 for Additional Services Associated with Assessment Engineering for Yosemite West Maintenance District Wastewater Treatment Facility Project

BOARD ACTION: Discussion was held with Dana Hertfelder. (M)Stetson, (S)Balmain, Res. 04-326 was adopted/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

D) Approve Budget Action for Fiscal Year 2003-2004 Transferring Funds within the Don Pedro 1-M Budget from Contingency to Fire Protection to Cover the Increased Cost for the Agreement with Tuolumne County to Provide Fire Protection Services to the Don Pedro Subdivision (\$4,002) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Dana Hertfelder. Supervisor Balmain noted that this is the only community in the County that pays for a portion of its fire protection and it has been increasing in cost; and he further noted that now CDF is charging a parcel tax fee. Supervisor Bibby asked about the staffing and whether five captains actually staff the station. Carl Casey/PWD-Fiscal Officer, provided input on the agreement and advised that staff will further review the staffing and how the costs in the contract are arrived at. He also advised that from his discussion with Tuolumne County, it is anticipated that the cost for FY 2004-05 will increase to roughly \$30,000. (M)Balmain, (S)Bibby, Res. 04-327 was adopted approving the agreement, with direction for the County Administrative Officer and the Fire Chief to review this situation and bring back recommendations to the Board. Supervisor Parker suggested that information be brought back as to how and why this service began. Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

10:16 a.m. Recess

10:32 a.m. PUBLIC FINANCING AUTHORITY

Adopt Resolutions by the Board of Supervisors of the County of Mariposa and the Board of Directors of the Mariposa County Public Financing Authority, Approving, Authorizing, and Directing Related Actions Relative to Improvements to Yosemite West Wastewater Facilities (Public Works Director)

COMMISSION ACTION: Discussion was held with Dana Hertfelder, Assistant Public Works Director. Supervisor Bibby advised of typographical corrections that need to be made to the documents. (M)Stetson, (S)Balmain, Public Financing Authority Res. No. 04-1 was adopted. Supervisor Balmain expressed concern with some of the wording in the documents and asked that his concerns be relayed to the Bond Counsel. Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

10:47 a.m. The Board reconvened. (M)Stetson, (S)Bibby, Res. 04-328 was adopted approving, authorizing and directing related actions relative to improvements to Yosemite West Wastewater Facilities/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Authorize the Chairman of the Board of Supervisors to Sign a Letter Supporting Funding in the 2004-2005 State Transportation Budget for the Mission Avenue/Highway 99 Interchange Project in Merced, California (Supervisor Bibby)

BOARD ACTION: Supervisor Bibby initiated discussion and advised of corrections to the draft letter. (M)Bibby, (S)Balmain, Res. 04-329 was adopted approving the letter/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Discussion and Direction Regarding General Plan Process, and Take Action to Set and Approve Schedule of Workshops for Review and Discussion of the Draft General Plan (County Counsel)

BOARD ACTION: Tom Guarino, County Counsel, initiated discussion relative to the process and proposed schedule. He advised that this is stage one of the process for the Board to initiate review of the General Plan Update, and that a public hearing process would be held at the conclusion of the workshops. Supervisor Bibby requested that the schedule be posted at all of the Post Offices in the County and at the Airport. Supervisor Stetson referred to input that was received from former Supervisor Reilly, and discussed the concern that more public input time be allowed in the evening. It was agreed that the evening portion on July 13th would begin at 5:00 p.m. Supervisor Stetson advised that he would not be able to be present on July 12th until around 11:00 a.m. Supervisor Parker asked that the headings for the Chapters be included in the noticing of the schedule. Discussion was held relative to taking public input during the workshops. (M)Balmain, (S)Stetson, the Board approved the workshop schedule as discussed/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

Chairman Parker advised that the interviews for the Planning Director position were tentatively scheduled for July 21st and they need to be coordinated for another date. It was agreed that he would work with the County Administrative Officer to reschedule the interviews.

11:15 a.m. CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Robert E. Cooper, et al v. County of Mariposa (County Counsel) **BOARD ACTION:** (M)Bibby, (S)Stetson, the closed session was held/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard.

11:52 a.m. Chairman Parker announced that no action was taken as a result of the closed session.

CONSENT AGENDA:

- CA-1 Appoint Supervisor Stetson to Represent the County on the Mountain Valley Emergency Medical Services Agency and Regional Advisory Board, and Appoint Supervisor Parker as an Alternate (Chairman Parker)
- CA-2 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Lease Agreement with Almost Like Home, Inc., a California Non-Profit Corporation, for Use of the Woodland Community Building (Continued from June 15, 2004) (County Counsel); Res. 04-313
- CA-3 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Lease Agreement with Mariposa Preschool Cooperative, a California Non-Profit Corporation, for Use of the Woodland Community Building (Continued from June 15, 2004) (County Counsel); Res. 04-303
- CA-4 Adopt a Resolution Finding the Proposed Don Pedro Wastewater Treatment Plant on Williamson Act Contracted Lands is a Compatible Use in a Land Conservation Act Contract Pursuant to Exhibit A of Mariposa County Resolution No. 77-157 (Interim Planning Director); Res. 04-314 with corrections
- CA-5 Authorize the Chairman of the Board of Supervisors to Sign a Personal Service Agreement with Norman Savage for General Maintenance Services at the Mariposa County Adult Detention Facility (Sheriff); Res. 04-304
- CA-6 Approve Budget Action for FY 2003-2004, Transferring Funds within the District Attorney Statutory Rape Vertical Prosecution Grant Budget from Rents & Leases – Buildings to Cover the Cost of Living Salary Increase for the District Attorney (\$160) (District Attorney); Res. 04-305
- CA-7 Adopt a Resolution Supporting the Construction of a New Public Health Laboratory in San Joaquin County (Health Officer); Res. 04-306
- CA-8 Approve Budget Action for FY 2003-2004, Transferring Funds within the Technical Services Budget from Equipment Maintenance to Communications to Cover the Cost of Replacing Old AS400 Twin AX Wiring in the Auditor’s Office (\$2,000) (Technical Services Director); Res. 04-307
- CA-9 Authorize the Chairman of the Board of Supervisors to Sign a System Purchase and Installation and Integration Services Agreement with Sierra Tel Networks Digital Solutions for Network Connectivity of the Victim Witness Office (Technical Services Director); Res. 04-315
- CA-10 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign the Agreement between Merced County and Mariposa County for the Use of Weights & Measures Testing Equipment and Personnel to Operate Same for the Period July 1, 2004, to June 30, 2006 (Agricultural Commissioner); Res. 04-308

- CA-11 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Detection Trapping Contract No. 04-0454 for FY 2004/2005 with California Department of Food and Agriculture (CDFA) (Agricultural Commissioner); Res. 04-316
- CA-12 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Nursery Inspection Contract No. 04-0260 Budget for FY 2004/2005 with California Department of Food and Agriculture (CDFA) (Agricultural Commissioner); Res. 04-309
- CA-13 Adopt a Resolution Accepting Funding for FY 2004/2005 in the Amount of \$72,001 for the Continuation of the Mariposa County Jail Removal Grant (JR), Administered by California Board of Corrections (BOC) (Chief Probation Officer); Res. 04-317, with the provision that amendments and extensions of the documents be subject to approval of the County Administrative Officer and County Counsel
- CA-14 Adopt a Resolution Accepting Funding for FY 2004/2005 in the Amount of \$181,714 for the Continuation of the Mariposa County Drug Task Force Grant, Administered by the Office of Emergency Services (OES) (Chief Probation Officer); Res. 04-318, with the provision that amendments and extensions of the documents be subject to approval of the County Administrative Officer and County Counsel
- CA-15 Approve Budget Action Increasing Revenue and Corresponding Appropriations for the Continuation of the Mariposa County Juvenile Accountability Block Grant Program (JABG), Administered by the California Board of Corrections (BOC)(\$5,490) (4/5ths Vote Required) (Chief Probation Officer); Res. 04-319, with the provision that amendments and extensions of the documents be subject to approval of the County Administrative Officer and County Counsel
- CA-16 Approve Budget Action Increasing Revenue and Corresponding Appropriations for the Juvenile Justice Challenge Funding Grant (\$5,000) (4/5ths Vote Required) (Chief Probation Officer); Res. 04-320, with the provision that amendments and extensions of the documents be subject to approval of the County Administrative Officer and County Counsel
- CA-17 Conclude the Membership for Candace Harrison from the Mental Health Board (Human Services Director)
- CA-18 Accept the Resignations of Bill Buleza and John Day from the Alcohol and Drug Abuse Advisory Board (Human Services Director)
- CA-19 Authorize the Human Services Department to Enter into a Contract with Deborah Atkinson, Registered Nurse, for Nursing Services; Upon Approval of County Counsel and the County Administrative Officer, Allowing the Contract to be Continued on a Yearly Basis; Cancel the Existing Nursing Contract with Laura Donahue, and Authorize Payment to Laura Donahue for Services Previously Rendered (Human Services Director); Res. 04-321, with deletion of the provision for annual renewal of the contracts as recommended by County Counsel
- CA-20 Approve Behavioral Health Contracts for Residential Inpatient and Lease of Coulterville Office Space Necessary for Program Operations and Authorize the Human Services Director to Sign Subsequent Fiscal Years Contracts, Providing No Substantial Contract Changes (Human Services Director); Res. 04-322, with deletion of the provision for annual renewal of the contract as recommended by County Counsel
- CA-21 Approve Budget Action for FY 2003-2004, Directing Appropriations to Appropriate Budget Lines within the Designated Buddy Fund 352 (\$5,424) (4/5ths Vote Required) (Human Services Director); Res. 04-310

- CA-22 Approve an Amendment to the Personal Services Agreement between the County Behavioral Health and Recovery Services and Regina Taber, to Reflect the Dollar Amount as a Monthly Billable Amount (Human Services Director); Res. 04-311
- CA-23 Authorize the Human Services Department to Continue to Contract with Betty Massey, LCSW, for Clinical Supervision of the Social Workers towards their Licensure and upon Approval of County Counsel and the County Administrative Officer, Allow the Contract to be Continued on a Yearly Basis (Human Services Director); Res. 04-323, with deletion of the provision for annual renewal of the contract as recommended by County Counsel
- CA-24 Approve the Encroachment Permit Application for the Annual Labor Day Parade on September 4, 2004 (Technical Services Director); Res. 04-312

11:52 a.m. The Board recessed in memory of Charlotte Scotti and Robert E. Miller; and continued the meeting to Monday, July 12, 2004 at 9:00 a.m. for a workshop on the General Plan for a Board study session .

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

July 12, 2004

(Continued from 7-6-04)



9:13 a.m. The Board met in continued meeting from July 6, 2004, with Supervisor Stetson excused to arrive later.

Draft General Plan Workshop Day 1 - Board Study Session

BOARD ACTION: Sarah Williams, Interim Planning Director, was present for the workshop to respond to questions and to track suggested changes and issues to be further discussed.

Chairman Parker advised that the purpose of this workshop is to allow an opportunity for the Board to discuss the draft General Plan. He further advised that no action will be taken; just discussion and points will be highlighted. He advised that a public hearing will be held on the General Plan Update in the future. He announced that verbal comments will be taken from the public during the workshop process, and workshops will be conducted informally. He asked that grammatical errors that are found in the document be provided to staff for correction in the final draft. Direction was given to staff throughout the workshops for minor wording changes for the final document.

Chairman Parker called for public comment and none was received.

The Board reviewed the following Chapters of the draft General Plan:

INTRODUCTION and CHAPTER I – THE MARIPOSA COUNTY SETTING:

Discussion was held relative to the status of the Agriculture Advisory Committee, and it was agreed that the specific make-up of the Committee should not be included in the General Plan.

It was noted that the appointed department heads list needs to be updated to reflect the deletion of the Visitors' Bureau Director.

Chairman Parker advised that copies of the Draft General Plan, along with CD-ROMs are available for the public.

Supervisor Pickard initiated discussion relative to the introduction of area plans, and he requested that the Board address Wawona's request to keep the Specific Plan.

Supervisor Bibby initiated discussion relative to the request from the Mt. Bullion community asking to be considered for an area plan or town planning area. Sarah Williams noted that the Airport Special Plan includes area around Mt. Bullion.

Supervisor Balmain asked for clarification on the opinion that was submitted by Attorney Abbott relative to specific plans, area plans and town planning areas. Discussion was held.

Supervisor Pickard asked about the inclusion of Wawona County Service Area 2W in the listing of dependent special districts. Sarah Williams advised that she is researching the accuracy of the listing.

Discussion was held relative to the listings under “Section 1.12 - Mariposa County’s Government Neighbors.” It was agreed to delete YARTS.

Supervisor Pickard asked that the paragraph relative to the Bass Lake Union School District be clarified, and it was agreed that he would work with staff on this.

Tom Guarino, County Counsel, clarified for the record that the Board is providing direction during the workshops on changes it would like to see in the next draft, with the understanding that the changes are subject to the public hearing process on this document.

Further discussion was held relative to the listing of dependent special districts, and it was agreed that a list would be added for identifying independent districts.

Lyle Turpin, speaking as a citizen, commented on the Planning Commission’s review of the document and on the importance of Volume 3, where the detailed information is contained.

Sarah Williams noted that corrections for accuracy will be made to the document.

Chairman Parker noted that the Board has received written comments from the public, and those will be reviewed and are considered a part of the record.

CHAPTER 2 – ISSUES IMPORTANT TO MARIPOSA COUNTY CITIZENS:

Supervisor Pickard initiated discussion relative to the use of terms “trinity” and “gatekeeper” in the document and it was agreed that the document would be referred to as “The General Plan” and that reference to “gatekeeper” would be deleted. Rich Inman suggested that just the second to the last paragraph be left in “Section 2.4.02 – Gatekeeper.”

Chairman Parker called for public comment on Chapter 2:

Bart Brown referred to “Section 2.3.11 – Mariposa County Not Matching the State Growth Rate.” He stated he feels that, based on census information, the County is growing faster than other counties in the State.

The Board concurred with adding a paragraph relative to the information contained in the last census on the growth rate.

CHAPTER 3 – GUIDING PRINCIPLES OF THE BOARD OF SUPERVISORS:

Supervisor Parker noted that there will be more discussion relative to area plans, specific plans and town planning areas, and that the Board’s final decision will affect changes throughout the document. Supervisor Pickard noted that the document will need to be adjusted to make the changes that are agreed to consistent throughout the document.

Supervisor Bibby requested that the internet availability issue be addressed in section 3.2.12 – Delivery of Infrastructure, as a part of the County does not have this service.

Chairman Parker called for public comment on Chapter 3, and none was received.

10:07 a.m. Recess

10:42 a.m. CHAPTER 4 – GENERAL PLAN ADMINISTRATION:

Supervisor Pickard initiated discussion relative to the proposal to require an annual review of the General Plan prior to the budget process. The Board concurred with deleting the portion requiring the review prior to the budget proceedings.

Supervisor Pickard initiated discussion relative to “Section D - Interim Administration” and the use of area plans versus specific plan for Wawona.

Chairman Parker noted that the red-lined text in the document is assumed to be deleted unless the Board provides direction otherwise. Supervisor Bibby asked about the recommendation to move the blue strike-through text in the document to the appendix. Tom Guarino advised that it is hoped that through the workshop process, and after the public comment workshop on July 19th, that staff will take the changes that are agreed to and prepare another draft for the next step of the review. He advised that the red-lined text will be deleted in the next draft and could be further changed through the process.

Supervisor Balmain initiated discussion relative to the scheduling of General Plan amendments on a regular basis every year.

Supervisor Stetson was present at 10:53 a.m.

Further discussion was held relative to scheduling the General Plan amendments, and it was agreed that the Board may develop a regular schedule.

Supervisor Pickard initiated further discussion relative to “Section D – Interim Administration” and the proposed changes in the titles of the specific plans; and it was agreed that the status of the existing plans would be used until they are revisited and finally adopted.

Supervisor Parker initiated discussion relative to the County noticing agencies of pending projects, and he stated he feels that if no response is received within the prescribed period of time, that the County will assume that there is no comment and no issues exist. Further, that if an issue is brought forth by the agency at a later time that the County is not responsible/liability for enforcing the issue. Tom Guarino suggested that language be included that this would be the policy, unless otherwise required by law. Supervisor Parker stated he does not feel that the County should be the enforcing authority for other agencies unless required by law. Discussion was held as to where the appropriate place in the document would be to include this policy. Rich Inman suggested that this could be adopted as a policy that would apply to everything and not just Planning. The Board concurred with further reviewing this matter.

Chairman Parker called for public comment on Chapter 4, and none was received.

CHAPTER 5 – LAND USE:

Supervisor Balmain initiated discussion relative to a proposed map that reflects the desire of the Greeley Hill community to have a town planning area and a boundary for a community region area versus the proposal in the draft General Plan to down-zone the area. He advised that there is also a concern as to whether their document would be called a specific plan, planning area, etc. Sarah Williams stated she feels the Board should have a discussion relative to policies and maps for the planning areas. Supervisor Bibby asked what the appropriate time would be to submit a map for the Catheys Valley area. Discussion was held. Tom Guarino advised that the existing plans would be placed in Volume 2 of the General Plan, and as they are revised they will be brought to the Board. Any plans that are not in the works or not adopted will be identified in the General Plan; and as they are adopted, they will be added to Volume 2. Sarah Williams noted that a land use map will be adopted with the General Plan, and that there should be a discussion

of the area to be included in the town planning areas. Tom Guarino advised that when the Board discusses the maps, consideration should be given to land use and reserving areas for the future for town planning areas – consideration should be given to the area of land that will be allowed to be developed and the specifics will be decided during a later process. The Board concurred with proceeding with the desire of the Greeley Hill community as recommended by Supervisor Balmain. Supervisor Stetson initiated discussion relative to the tentative boundary for Midpines and addressing that in the General Plan; and he advised that he will meet with staff on this issue. Chairman Parker requested that further discussion of the maps be held after the Board members have a chance to provide input to staff.

Supervisor Pickard advised that he would like to discuss the five proposed land use classifications/zones during the workshops; and he commented on the bulleted items for guiding principles.

Supervisor Stetson noted that there needs to be consistency in using County road “systems” versus “networks” or “basin” throughout the document.

Supervisor Parker asked about the reference to CalTrans “ownership” of state highway rights-of-way, and the Board concurred with using “has responsibility.”

Supervisor Stetson initiated discussion relative to “Section J – Ready to Build Land.”

Supervisor Parker initiated discussion relative to “Section I – Five Acre Density and Rural Character.” Sarah Williams advised that the proposed change would allow for clustering of development and preserves open space.

Rich Inman noted that Chapter 5 is the first place in the document where the Board deals with the use of “shall” versus “should.”

Sarah Williams pointed out a policy change in “Section L – Legally Existing Uses of Land” relative to dealing with legally existing uses of land. The proposed plan calls for a review of any changes of nonconformities to be held in a public forum. Discussion was held relative to non-conforming uses and changes and policies.

Supervisor Pickard requested that staff point out all of the places in the document, during the review process, where changes are being proposed from the current process.

Supervisor Balmain initiated discussion relative to “Section M – Accessory Dwelling Subdivisions” and the “ready-to-build” concept. Sarah Williams advised that the Planning Commission deleted this portion from the April 2003 version of the document. Board members asked for information relative to the Commission’s reasoning for deleting this portion.

Supervisor Stetson initiated discussion relative to the sign code and the upcoming deadline to bring all nonconforming signs into conformance. Supervisor Parker advised that the Mariposa Advisory Task Force will be bringing this matter to the Board soon.

The Board concurred with deleting “paved” from Goal 5-3 where references are made to maintained roads.

Discussion was held relative to uses that are allowed in planning areas.

Supervisor Parker asked that “adequate road capacity” be defined for Implementation Measure 5-3a(3).

Supervisor Stetson initiated discussion relative to Implementation Measure 5-4a(4) concerning lands for primary-job based development; and the Board concurred with deleting this measure. Rich Inman stated he feels areas for commercial/industrial development could be identified in the economic strategic plan.

Supervisor Bibby initiated discussion relative to Implementation Measure 5-4a(5) concerning the language to monitor that there is an adequate inventory of available land for the relocation of home businesses as they develop and move from residential areas.

Supervisor Parker initiated discussion relative to Implementation Measure 5-4a(1) concerning the 5,000 square foot building limitation for buildings outside of the town planning areas. It was agreed to change the language to encourage buildings of more than 5,000 square feet to be located within the town planning areas.

Supervisor Bibby initiated discussion relative to Policy Measure 5-5a and asked for clarification of “economic use.”

Supervisor Stetson initiated discussion relative to Policy Measure 5-7a, and discussion was held relative to Policy Measure 5-7b relative to designating land areas and establishing siting criteria for public facilities to support current and future populations. The Board concurred with combining the two policy measures.

12:57 p.m. Lunch

2:11 p.m. Lyle Turpin noted that the document that the Board received from the Planning Commission at the joint meeting on April 4, 2003, differs from the January 3, 2003, version that the Board is currently reviewing. Chairman Parker noted that the document can be further amended in the future.

Dick Kunstman commented on the Board’s consideration of the request from the Greeley Hill residents. He also stated he feels the red-lined portion in “Section F – Changes in Planning Area Classification” relative to the Planning Commission and the Board giving great deference to the recommendation of the Planning Advisory Committee should be retained in the document.

Supervisor Balmain initiated further discussion on Goal 5-10 relative to the “ready-to-build” concept and he expressed concern. Discussion was held relative to Goal 5-12 relative to providing for the development of accessory dwelling subdivisions. Lyle Turpin commented on the Planning Commission’s review of this issue. Supervisor Parker advised that PG&E will not extend their lines to provide service for future development; they need to have a meter connected that is used. It was also noted that a well drilled for future development may be obsolete or in the wrong location when development actually occurs.

Supervisor Parker asked about the changes/differences between the January and April, 2003, draft General Plan documents. Sarah Williams advised that she will review. Tom Guarino advised that the January, 2003, version was used because there was no way to track what happened with changes between January 3rd and April 4th, because they were outside of the consultant’s control. He noted that, for the record, the Board has received the April, 2003, document that the Planning Commission approved.

Further discussion was held relative to the “ready-to-build” concept and requirements. Sarah Williams reviewed “Section E – New Subdivisions” and requirements for creating a “ready to build” parcel. The Board concurred with deleting reference to school transportation in the infrastructure list as enrollment and the transportation services change. Supervisor Parker asked about maintaining the current standards for minor subdivisions. Sarah stated she would like to

review that in relation to the circulation element and come back with information. Discussion was held relative to potable water supply and the current provision for allowing for a waiver.

Sarah Williams reviewed the hillside and ridge top design standards and advised that these are new requirements. The Board concurred with rewording the third objective to state, "The Commission may require buildings to be set back from ridgelines." The Board concurred with deleting the sixth objective relative to the Fire Department and CDF proposing conditions.

Discussion was held relative to individual onsite sewage disposal systems. The Board concurred with deleting the chart in Table 5-2: Responsibility for sewage disposal testing for new subdivisions. The Board concurred with rewording the paragraph to read, "New parcels will have approved areas for onsite sewage disposal if sewer connections are not available and will obtain approval from the Health Department."

Further discussion was held relative to potable water supply. Supervisor Parker stated he feels there needs to be further discussion relative to holding tank requirements.

Following discussion, the Board concurred with deleting the section on power and telecommunication utilities.

Discussion was held relative to wildland fire hazard and emergency services and references to the Insurance Services Office (ISO) rating. The discussion also included references in Chapter 16. The Board concurred with rewording the first paragraph to read, "All new construction will conform to the requirements of the Building Department, Fire Department, and California Department of Forestry and Fire Protection for purposes of fire management and fire safety as prescribed by law. The remaining portion of E(5) was deleted.

Discussion was held relative to the locations of flood zones or risk of flooding and reference to FEMA. Rich Inman suggested that the consultant review this issue in context with the EIR to determine the significance to the EIR if this is removed, and the Board concurred.

3:46 p.m. Recess

4:07 p.m. Supervisor Bibby initiated discussion relative to providing for the development of accessory dwelling as a means to provide affordable housing with ownership opportunities. Staff will review the EIR and make changes once the determination is made on the ready-to-build issue.

Supervisor Pickard initiated discussion relative to the land use classifications and proposal to reduce the number of land use classifications to five. Supervisor Parker stated he feels this issue should be further reviewed. Supervisor Stetson asked that the map in Figure 5-1: Planning Areas, be enlarged and made more clear. He also suggested that box for Explanation 1: Planning Areas, be left in the document versus moving to the appendix. The Board concurred with these changes. Supervisor Pickard asked that the paragraph relative to the County management of planning areas be clarified, and the Board concurred with a wording change.

Supervisor Pickard initiated discussion relative to updating Table 5-1: Planning Areas and Area Plan Status. Supervisor Bibby asked about adding Mt. Bullion to the list. Sarah Williams advised that the portion from the April 4, 2003 version of the Plan provides a description of each of the planning areas and stated she would provide that information to the Board during the workshops. Supervisor Bibby asked about identifying Yosemite West as a special planning area versus a community planning area. Supervisor Parker referred to Dick Kunstman's comments relative to giving great deference to the recommendation of the Planning Advisory Committees;

and he noted that each element of the Plan has equal weight to the Plan, and he feels each Planning Advisory Committee has equal weight.

Discussion was held relative to interim regulations for planning areas. The Board concurred with deleting I(2) relative to interim regulations in planning areas for which a town, community, or special plan is under preparation or being updated. Sarah Williams advised that I(3) relative to interim regulations in planning areas for which a town, community, or special plan has not yet been initiated needs to be further reviewed.

Lyle Turpin initiated discussion relative to being able to get the latest and correct version of the boundaries for the Greeley Hill planning area in the next draft of the document.

Discussion was held relative to the status of the schedule for the workshops. Chairman Parker suggested that the Board finish Chapter 5 on July 13, 2004, prior to meeting with Andy Hauge of Parsons. Supervisor Stetson suggested that following the review of Chapter 5 that the Board revisit the major issues that were covered to this point with Parsons, and then begin review of Chapter 6, etc. The Board concurred with this schedule.

5:02 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

July 13, 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

- Jim Petropulos, Public Works Director, introduced Matt Fell, the new Transportation Planner from Merced County Association of Governments.

Board Information

- Supervisor Stetson announced a community meeting scheduled for this evening in Midpines with presentations scheduled by the fire agencies and the Fire Safe Council.

Garry R. Parker, Board of Supervisors, Chairman;

Adopt a Resolution and Approve a Tile Plaque Recognizing Gary Hickman upon his Retirement as the Mariposa County Farm Advisor

BOARD ACTION: (M)Pickard, (S)Bibby, Res. 04-330 was adopted and presented to Gary Hickman, along with the tile plaque/Ayes: Unanimous.

Bob Pickard, Supervisor District V;

A) Approve Tile Plaques Recognizing the First Mariposa Residents to Finish the 25-Mile and 50-Mile Mariposa "Run for the Gold" Endurance Rides

BOARD ACTION: Matter was continued to be rescheduled for the recipients to be present.

B) Proclaim July 19, 2004 through July 25, 2004, as "Harmful, Non-Native Weeds Awareness Week"

BOARD ACTION: (M)Pickard, (S)Bibby, the Proclamation was approved and presented to Cathi Boze, Agricultural Commissioner/Ayes: Unanimous. Cathi handed information on noxious weeds.

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

BOARD ACTION: Supervisor Balmain pulled items 6 and 9. Tom Guarino, County Counsel, recommended that the Board not approve the request for annual renewal of the agreements in items 6 and 9. (M)Pickard, (S)Stetson, the balance of the items was approved/Ayes: Unanimous. Supervisor Balmain initiated discussion relative to items 6 and 9. Rich Inman, County Administrative Officer, advised that he will review the situation with the lease agreement for the copier in relation to the agreement the County has for copiers. (M)Balmain, (S)Pickard, items 6 and 9 were approved, with direction that subsequent agreements need to come back to the Board for approval, and with direction for the County Administrative Officer to review the copier agreement. Supervisor Bibby asked that the security deposit be rolled over to the new contract. 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: The matter was pulled.

Chairman Parker noted that there were two addendums to the agenda that contained additions to the Consent Agenda. (M)Pickard, (S)Stetson, Consent Agenda items 10 and 11 were approved/Ayes: Unanimous.

9:29 a.m. Recess

10:07 a.m. Carl Casey/PWD-Fiscal Officer, appeared on behalf of Jim Petropulos, Public Works Director;

PUBLIC HEARING: Regarding the “Report of Delinquent Fees” and Confirmation by Resolution of the Addition of Delinquent Fees to the Appropriate Property Tax Roll for Collection of Unpaid Water, Sewer, Road and Standby Fees Charged to Property Owners in Several County Special Districts

BOARD ACTION: Carl Casey presented the staff report, and he responded to questions from the Board relative to the delinquent fees for properties in Yosemite West; compliance with the noticing requirements to property owners; and relative to the length of time the fees have been delinquent. The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board as to whether the applicable code sections for this process have been reviewed for any changes; relative to the tax roll and collection burden; and whether delinquent fees would be collected in escrow if the property sold. (M)Pickard, (S)Stetson, Res. 04-339 was adopted, and direction was given for County Counsel to review the applicable code sections for any changes/Ayes: Unanimous. The hearing was closed.

10:17 a.m. Draft General Plan Workshop Schedule - Day 2

BOARD ACTION: Sarah Williams, Interim Planning Director, and Andy Hauge of Parsons were present for the workshop to respond to questions and to track suggested changes and issues to be further discussed.

Sarah Williams reviewed the suggested changes made on July 12th during the Board’s review of Chapters 1, 2, 3, 4, and a portion of 5, and she reviewed the pending issues. Chairman Parker commented on the review process and advised that input has been accepted from the public during the workshops.

Andy Hauge responded to questions from the Board relative to the process; the differences between area plans, specific plans, and community plans; timing for changing the plan for Greeley Hill to an area plan; process for communities to bring area plans to the Board in relation to the General Plan Update process; and process for keeping the Specific Plan name for Wawona. Discussion was held relative to processing the plans that are in various stages of development. It was noted that when the General Plan is adopted, Volume 2 will consist of the existing plans; and the map and text in the General Plan will identify future area plans. As future plans are adopted, the General Plan will be amended to include those and reflect the actual boundaries of the areas. If a major change is made to a boundary, more environmental review may be necessary. Supervisor Balmain asked about the process for implementing the Greeley Hill community’s desire to have a larger area known as the “greater Greeley Hill region” in the area plan, and a smaller area for the town planning area, and retaining their existing zoning. Discussion was held.

Supervisor Balmain initiated discussion relative to the Natural Resource land use classification and the privately-owned parcels in the Lake McClure area and whether they need to be reviewed for different zoning. Andy Hauge advised that the specific parcels need to be reviewed.

Supervisor Balmain initiated discussion relative to the proposed zoning for the parcels in the Williams Peak area – the map will need to be reviewed for possible adjustments to the zoning boundaries.

Supervisor Bibby asked staff to verify that the latest version of the Catheys Valley map is used in the Plan.

Supervisor Stetson asked whether the Housing Element is being reviewed for changes that are made to the General Plan that may affect it. Sarah Williams advised that the document will be reviewed for internal consistency throughout once all of the changes are made.

Supervisor Bibby asked about keeping the list of issues to be reviewed during the periodic reviews of the Plan – the lists will be placed in the appendix.

Supervisor Pickard advised that there still needs to be discussion concerning mobile homes for the Housing Element.

Tom Guarino asked for clarification of the Board’s direction to delete items such as the ISO rating and whether those deletions should be placed in the appendix. Supervisor Stetson asked whether the appendix would have different categories. Andy Hauge advised that he will review the EIR to help in determining whether the items can be deleted, etc., and the Board can further discuss this issue.

Ken Melton provided input on the ISO rating issue and MPUD’s consideration of this matter when he served on their Board. He stated ISO is a private insurance organization that is not regulated, and it changes its rating procedures at will and provides a service to insurance companies. He stated there are a multitude of regulations covering fire regulations. He referred to problems in the MPUD area when they adopted the ISO ratings. Supervisor Pickard asked that more information be presented on this issue. Supervisor Bibby asked how other counties use the ISO rating and whether it is included in their General Plans.

Supervisor Bibby initiated discussion relative to the density and bonus issue.

Supervisor Pickard initiated discussion relative to determining where development should occur. He stated he would like to have the General Plan address some assurances so that when people want to propose a development, they know where they can go.

The Board continued with its review of **CHAPTER 5 – LAND USE:** Supervisor Bibby initiated discussion relative to the maximum building intensity and what is included.

The Board concurred with moving Table 5-2: Responsibility for sewage disposal testing for new subdivisions, to the appendix.

Discussion was held relative to E(7) concerning construction in flood zones.

Discussion was held relative to F(3) concerning storage, especially the use of truck trailers and shipping containers. The Board concurred with staff further reviewing this issue, with consideration of lot size and siting.

Sarah Williams referred to F(2) traffic generation and the conditional use permit requirement and she advised that this would be applicable to home-based businesses and she will further review.

Rich Inman suggested deleting the last portion of the sentence in F(4) concerning equipment noise, and the Board concurred.

Sarah Williams advised that F(7) concerning multiple dwelling units on unsubdivided property contains a policy change, and the Board concurred with changes.

Supervisor Bibby initiated discussion relative to F(6) concerning animal husbandry, and asked if this would have any affect on the right-to-agriculture ordinance.

Chairman Parker called for public comment:

Dick Kunstman asked for clarification of the average population density figure used in “Section D – Population Density and Building Intensity.” Andy Hauge responded and advised of the State’s requirements to identify average density.

Ken Melton stated he feels specifics should not be included in the Plan, such as the health charts relative to sewage disposal, as they may change. He also cautioned the Board to be careful as it goes through the Plan that changes do not result in revisions needing to be made to every document in the County. He expressed concern with the reference to State law in “Section 3.2.12 – Delivery of Infrastructure,” and he advised that with reference to “Section 3.3.13 – Ensure Infrastructure is in Place” that PG&E will not install a line without a load. He stated he likes the workshop process.

12:27 p.m. Lunch

1:56 p.m. Sarah Williams initiated discussion relative to “Section B(2) – Rural Economic/Resort Subclassification” concerning self-contained food service. Discussion was held relative to the employee housing requirements – staff will review to see if this issue was removed from the Housing Element.

Supervisor Stetson noted that the text that was red-lined in the Resort subclassification was left in the Recreation subclassification; and he feels it should be deleted or left in both places to be consistent.

Following discussion, the Board concurred with deleting the sentence relative to the maximum square footage of any building in “Section D(3) – Maximum Building Intensity.”

The Board concurred with deleting “Section D(4) – Maximum Population Density.”

Sarah Williams noted the paved road requirements in “Section E – Development Standards.

The Board concurred with using fifteen percent for slopes in “Section E(4) – Slope” and with saying the use of cuts and fills must be minimized.

2:21 p.m. Recess

2:23 p.m. Supervisor Bibby initiated discussion relative to “Section E(3) – Design” concerning viewshed and the requirements.

Supervisor Pickard initiated discussion relative to “Section E(2) – Frontage on Maintained Road,” and the Board concurred with having staff rewording the paragraph to clarify the intent.

Supervisor Balmain noted that ISO wording is contained in “Section E(7) – Wildland Fire Hazard and Emergency Services” and there needs to be consistency throughout the document with the use of this wording.

Discussion was held relative to the recommended minimum separation between a planning area and another Rural Economic land use classification of three miles.

Sarah Williams advised of a change to have a maximum of twenty acres for Rural Economic/Commercial subclassification.

It was agreed to move Table 5-6: Responsibility for demonstrating suitable soils for wastewater disposal to the Appendix.

Supervisor Parker noted that “Section 5.4.02 – Relation to the Circulation, Infrastructure, and Facilities Element” needs to be changed to be consistent with the direction the Board has provided in other areas of the document.

Sarah Williams commented on “Section 5.4.03 – Relationship to Implementation Tools,” particularly the portions on Development Codes and Land Development Code. Discussion was held. Andy Hauge commented on the differences between performance and prescriptive standards.

Dick Kunstman questioned the sentence structure in “Section A – Performance Standards v. Prescriptive Standards. The Board concurred with deleting the sentence that affords the property owner the determination on how to accomplish the Plan’s objectives.

Supervisor Bibby initiated discussion relative to “Section 5.3.05 – Natural Resource Land Use Classification” and suggested that timber harvesting be added to the uses; and she asked for clarification on whether lands proposed for timber management have to meet the Timber Preserve requirements like the lands proposed for agricultural preserve have to meet the standards for Williamson Act contracts – these should be consistent. The Board concurred with the suggested changes.

Discussion was held relative to “Section C(3) – Components of Design Review” concerning the wild and scenic river designation and concerning agricultural buildings. The Board concurred with adding the red-lined text concerning agricultural buildings back in the Plan.

Supervisor Parker initiated discussion relative to “Section C(4) – Design Review Decision-Making” concerning the sign regulations. He noted that the sign ordinance is due to sunset in a year and one-half and asked how this section pertains to the sign ordinance.

Supervisor Pickard asked about the purpose of “Section 5.5 – Relationship of Specific Plans to General Plans and Area Plans.” Andy Hauge advised that it is necessary to talk about the relationship of this element to other elements in the General Plan and that is the purpose of this section. This section shows that there are specific plans and area plans that have been adopted and that they have to be in compliance.

Sarah Williams referred to information that was provided from the April 4, 2003 version of the Plan that contains a description of each of the planning areas and includes information on what the different planning areas are. The Board concurred with inserting this information in the Plan.

3:11 p.m. Recess

3:33 p.m. Sarah Williams provided a recap of the discussion and changes made on Chapter 5. The Board concurred with adding “Section A – Rural Character” from “Section 5.2.02 – Summary of Major Findings” to the appendix. It was agreed that more discussion needs to occur relative to “Section I – Five Acre Density and Rural Character.” Further discussion was held relative to “Section L – Legally Existing Uses of Land,” and Supervisor Parker stated he feels that if a project has an entitlement to expand, he does not feel that it needs to go through a public forum. It was agreed that staff would clarify that design review does not apply to agriculture land.

Supervisor Balmain asked about a definition for eco-tourism resort – staff will add a definition.

Chairman Parker called for public comment on Chapter 5:

Ken Melton noted that the “ready-to-build” issue is listed in “Section 5.2.01 – Introduction.” He asked if the last sentence in “Section M – Accessory Dwelling Subdivisions” would be reviewed along with the “ready-to-build” issue. He asked if Goal 5-3 to integrate transportation and land use decisions to achieve the County’s managed growth objectives would preclude someone from subdividing if they do not have direct access to a maintained road. He asked for clarification of Goal 5-9 and being able to have a second home. He referred to Goal 5-12 concerning accessory dwelling subdivisions – staff will remove reference to “as allowed by law.” He questioned whether the sentence concerning multi-family residential uses with more than two attached dwelling units per structure not being consistent residential uses within community planning areas needs to be clarified. He referred to “Section E(3) – Individual Onsite Sewage Disposal Systems” and asked if there is any provision for off-site sewage disposal – staff will review. He asked where Planning gets involved in “Section F(5) – Parcel Size,” and he suggested that the section be clarified. He referred to “Section F(7) – Multiple Dwelling Units on Unsubdivided Property” and asked for clarification of what an “unsubdivided” parcel means, and he stated he feels that language in this section is redundant. The Board concurred with deleting reference to “unsubdivided” and with staff making text changes. He referred to “Section G – Criteria for New Lands to be Included” relative to number 5, and questioned not being able to make an application without having access from a maintained road. He asked if number 6 is a part of the “ready-to-build” issue that is being reviewed. He referred to “Section 5.3.03 – Rural Economic Land Use Classification” and suggested the percentages in D(2), D(3), and F(2) be consistent. The Board concurred with using thirty-five percent. He stated he feels the term “viewshed” is broad and needs to be further reviewed. He suggested that “encourage” replace “required” in E(5) concerning landscaping; and the Board concurred with the change. He referred to the term “cluster” used in F(2) relative to lands proposed for inclusion in the Rural Economic/Commercial subclassification. He referred to the development standards and asked if there would be a provision for off-site sewage disposal for new parcels. He referred to “Section G – Criteria for Lands Proposed to be Removed from the Agriculture/Working Landscape Land Use Classification” and stated he does not see how the third criteria relative to the subject property not being usable for open space, conservation easements, or other preservation opportunities is applicable as this is talking about private property. He asked about the requirements for design review of single-family homes within designated Historic Districts. Sarah Williams advised that this is the current requirements.

4:33 p.m. Recess

5:22 p.m. CHAPTER 6 – ECONOMIC DEVELOPMENT:

The Board concurred with changing “Catalyze” to “Approve” in Policy 6-6a.

Supervisor Parker suggested that “Section B(2) - Expansion and Diversification” be written better. Staff will review.

Supervisor Parker initiated discussion relative to “Section 6.4.01 – Relation to the Land Use Element” concerning the standards for economic development. The Board concurred with adding that the standards include, “but are not limited to:” at the end of the sentence.

Supervisor Stetson clarified that all of the language that is being cut from the document will be reviewed again, and that categories for the appendix will be brought back. Rich Inman noted that the blue-lined text should also be addressed in the Strategic Plan and will be revisited.

Supervisor Pickard initiated discussion relative to having “regional tourism” as a separate element and the possibility of including it as an economic element, and the same for arts and culture.

Supervisor Balmain noted that Goal 6-1 needs to be corrected to reflect the hiring of an Economic Development Coordinator.

Sarah Williams reviewed the policy changes relative to the thresholds that are proposed for home enterprise/rural home industry and advised that they are different from the current standards. Discussion was held. Supervisor Stetson discussed having a policy for limiting home enterprise when it impacts the neighbors. Sarah Williams advised that the objectives should be established in the General Plan and specifics could be developed separately. Discussion was held relative to using use permits and the types of home enterprise businesses that exist and consideration of the cumulative impacts. Tom Guarino provided input relative to establishing specific criteria at a later time; i.e., during the Title 17 review.

Tom Guarino clarified that references to the Land Development Code should be deleted throughout the document.

Supervisor Pickard initiated discussion relative to the previous consideration of the storage issue.

Discussion was held relative to having an inventory of the available land for housing and for home businesses to move to when they have reached their limit for a residential area. Supervisor Balmain expressed concern with the “mom and pop” businesses having to incur costs, which they can not afford, to move when they have outgrown the residential area. Supervisor Stetson suggested that staff come back with suggested language for the Appendix to address the issue of regulations, and the Board concurred. Supervisor Parker suggested that consideration be given to phasing the standards and how to deal with the existing standards.

Chairman Parker called for input from the public.

Ken Melton clarified that the reference to the Land Development Code would be deleted in the document. He suggested that the insert reference in “Section 6.2.03 – Brand Positioning and Marketing” relative to scenery be deleted, and the Board concurred.

Further discussion was held relative to home enterprise/rural home industry issues.

6:12 p.m. Recess

6:19 p.m. Chairman Parker noted for the record that public comment was scheduled during the workshop and has been taken on each Chapter. He further noted that there is only one member of the public in attendance at this time and input has been provided during the process.

CHAPTER 7 – ARTS AND CULTURE:

Supervisor Bibby questioned the use of the term “limited opportunities” in “Section D – Places for Art and Cultural Activities” and stated she feels the County has done well in supporting venues for the arts and cultural activities. Further discussion was held later.

Supervisor Bibby initiated discussion relative to “Section E(2) – Memorials.” Supervisor Parker suggested that consideration could be given to a remembrance wall or area versus naming a facility after a person. The Board concurred with removing this section and the section dealing with the policy.

Supervisor Parker initiated discussion relative to “Section 7.3 – Arts and Culture Implementation” concerning economic development and the development of a performing arts center. Supervisor Stetson suggested that development of a performing arts center be listed as a goal. Andy Hauge suggested that this could be placed in the list of things that were considered, and the Board concurred.

Supervisors Parker and Pickard suggested that the “shall” be changed to “may” for Implementation Measure 7-2f(1) for the Planning Commission and the Mariposa County Arts Council to collaborate to prepare an ordinance for the public displays of art.

Supervisor Bibby initiated further discussion relative to “Section D – Places for Art and Cultural Activities” and the Board concurred with rewording this section.

Input from the public was provided by:

Ken Melton asked about the last sentence in “Section D” and the Board concurred with deleting the sentence. He asked for the definition of “public art” and it was agreed that it should be defined in the glossary. He also questioned whether the Board wants to get involved in displaying private art in a public forum. He questioned the definition of “participates” in Implementation Measure 7-2b which states that the County participates in arts and culture programs. He stated he feels the County should spend funds on roads versus a capital improvement program for facilities for the cultural and performing arts. The Board concurred with deleting Policy 7-2d and the Implementation Measure.

Chairman Parker advised that he wants the Board to discuss on Wednesday whether it will be necessary to meet on Friday for the workshops.

The workshop was continued to July 14, 2004.

CONSENT AGENDA:

CA-1 Approve Budget Action for FY 2003-2004, Transferring Funds within the Community Services Budget from Benefits and Extra-Help to Group Health for Retirees to Cover Unanticipated Retirement Health Benefits (\$633) (Community Services Director); Res. 04-331

- CA-2 Authorize the Chairman of the Board of Supervisors to Sign a Three Year Contract for Medical and Fire Dispatch Services with the California Department of Forestry and Fire Protection in the Amount of \$90,118 (Fire Chief); Res. 04-332
- CA 3 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Contract with Mountain Valley Emergency Medical Services Agency (MVEMSA) for FY 2004-2005 (Health Officer); Res. 04-333
- CA-4 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Personal Services Agreement with Clara Mossman for Janitorial Services at the Health Department Office (Health Officer); Res. 04-334
- CA-5 Appoint Kathy Sheehe, RN, MICN, as Citizen Representative from the South Side of the County to the Mariposa County Emergency Medical Care Committee (EMCC) (Health Officer)
- CA-6 Approve Amendments to Leases/Agreements with Coastal Development Company, LLC.; Archie's Mini Storage; Wells Fargo Financial and Wisteria Arbors, Changing the Name on the Agreements from Kings View to Mariposa County, and upon Approval of the County Administrative Officer and County Counsel, Authorize the Department to Sign Subsequent Leases/Agreements (Human Services Director); Res. 04-336, with direction for subsequent agreements to come back to the Board for approval, and with direction for the County Administrative Officer to review the agreement for the copier
- CA-7 Appoint Susan Purmort as Child Care Consumer Alternate to the Mariposa Local Child Care Planning Council (Human Services Director)
- CA-8 Approve Budget Action for FY 2003-2004 Transferring Funds within and between Categories in the Behavioral Health Budget Unit to Cover Year-End Invoices (\$6,677) (Human Services Director); Res. 04-335
- CA-9 Authorize the Chairman of the Board to Sign an Agreement with Infant/Child Enrichment Services (ICES), in the Amount of \$205,000 for FY 2004-2005 for Childcare Services for Parents Transitioning from Welfare to Work, and upon Approval of the County Administrative Officer and County Counsel, Authorize the Department to Enter into Subsequent Agreements (Human Services Director); Res. 04-337, with direction for subsequent agreements to come back to the Board for approval
- CA-10 Approve Certificate of Recognition to the Mariposa County Arts Council, Inc. in Celebration of the Inaugural Event of "Mariposa Evenings" at the Dedication of the Mariposa Art Park on Friday, July 16, 2004 (Chairman Parker)
- CA-11 Approve Design Changes to the Mariposa Skatepark Project #97-11 (Public Works Director); Res. 04-338

6:50 p.m. The Board recessed and continued the meeting to Wednesday, July 14, 2004, at 9:00 a.m. for day three of the Draft General Plan Workshop - Board Study Session.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA **Wednesday, July 14, 2004** **(Continued from 7-13-04)**

9:14 a.m. The Board met in continued meeting from July 13, 2004, for the workshop on the draft General Plan.

Draft General Plan Workshop Schedule - Day 3

BOARD ACTION: Sarah Williams, Interim Planning Director, and Andy Hauge of Parsons were present for the workshop to respond to questions and to track suggested changes and issues to be further discussed.

Supervisor Balmain initiated discussion relative to Chapter 5, and the home enterprise/rural home industry. He suggested that perhaps consideration could be given to having different standards in the higher density areas that contain small parcels. Discussion was held relative to the need to look at future growth issues, and relative to these issues being applicable to ag-tourism uses.

The Board reviewed the following chapters of the draft General Plan:

CHAPTER 9 – CIRCULATION, INFRASTRUCTURE, AND SERVICES:

Supervisor Parker initiated discussion relative to the zone of benefits program. He advised that Public Works will be bringing this program to the Board for discussion and for consideration of whether it is feasible to continue with this type of program versus other options. The Board concurred with changing the title to Road Maintenance Program.

Supervisor Balmain initiated discussion relative to “Section D – Airports” and suggested that the reference be “Airport.”

Supervisor Parker initiated discussion relative to “Section A – Roadways” concerning the narrow road issues and the rural character issues. It was agreed that the last sentence in the third paragraph would be changed to read “A low population base, constrained funding, and sparse density contribute to County roads not meeting the desired level of improvement.”

Supervisor Balmain initiated discussion relative to “Section E – Water and Wastewater” and noted the correction to reflect that the Coulterville service area is operated by Mariposa County. The second paragraph was separated into two paragraphs, one for MPUD and one for LDPCSD.

Supervisor Bibby initiated discussion relative to “Section G – Schools” concerning the reference to overcrowding, and the Board concurred with deleting the second paragraph.

Supervisor Parker initiated discussion relative to “Section 9.3 – General Plan Implementation” and the goal for all development to have safe and adequate access, and asked how the County would address the level of capacity for the roads. Rich Inman, County Administrative Officer, advised that a description will need to be included. Supervisor Parker asked that Public Works be consulted to see what this would entail. Supervisor Stetson asked about the intent for moving the Implementation Measure 9-1d(2) to the Appendix; and Tom Guarino, County Counsel, responded. Sarah Williams noted that

all of the implementation measures in this section are a change in policy. Supervisor Bibby asked about the reference to Government Code section 65302 that is cited in the Consequences section. Sarah Williams advised that she will need to review the section. It was agreed that “all weather surface” for roads needs to be defined in the Glossary.

10:02 a.m. Recess

10:22 a.m. Andy Hauge advised that Government Code section 65302 calls for a transportation element. Sarah Williams initiated discussion relative to the County’s existing improvement standard requirements versus what is being proposed in the draft Plan. Discussion was held relative to giving consideration to allowing mitigation measures for longer roads and for larger parcels and having separate standards for areas with different fuel loads.

Ken Melton stated he feels that the improvement standards are covered in the Circulation and Road Improvement Standards Policy. He stated he feels that everything after the first sentence of Implementation Measure 9-1e(1) should be deleted as it is covered in separate documents.

Discussion was held relative to Implementation Measure 9-1e(1). Sarah Williams commented on the application of the State Fire Safe Standards for new roads. The Board concurred with wording changes to this Measure.

Sarah Williams advised that the blue-lined text in Goal 9-4 to maximize the Yosemite-Mariposa Airport as an economic asset that is recommended to be moved to the Appendix contains new policy. Discussion was held. The Board concurred with deleting Implementation Measure 9-4b(3) relative to re-routing Highway 49 North. Supervisor Bibby advised that citizens in the area are concerned with the content of the Airport Master Plan and would like to have their own community advisory committee appointed. Rich Inman suggested that this Goal should be discussed in the economic development element. The Board concurred with placing the remaining blue-lined text in the Appendix.

Sarah Williams initiated discussion relative to Goal 9-8 relative to coordinating private utility services to meet County economic needs. It was noted that the internet access services for Hornitos are poor.

Input from the public was provided by the following:

Dick Kunstman referenced the State guidelines for public participation in the General Plan process, and noted the process should be interactive and fun. He responded to comments made by County Counsel relative to the importance of recommendations from the advisory committees, and he noted that he feels that the Board gives great indifference to the input provided by Ken Melton. He also noted that he, and others that he associates with, are tremendously impressed with the job that the Interim Planning Director does.

Ken Melton referred to Implementation Measure 9-1c(1) which addresses the policy that roads shall have adequate capacity to serve respective road systems; and he stated he does not understand what this will do and he doesn’t feel it is necessary. Andy Hauge advised that this does not mean that every subdivision has to have a traffic impact study and he noted the purpose of the study is to resolve problems. The question is whether the County or the developer pays for the study. Sarah Williams advised that this is when CEQA requires the study because we do not have a threshold. This would establish that threshold and provide guidance to staff on when to require a study. Discussion was held. Supervisor Parker suggested that the Board come back to this issue for further discussion.

Ken Melton continued with his input on Chapter 9. He referenced Implementation Measure 9-1e(1) relative to incorporating standards and specifications applicable to roads under the County's jurisdiction; and he stated he does not feel that the County should implement regulations for other jurisdictions and specific numbers should not be included in the Plan. He referenced Implementation Measure 9-4b(2) relative to acquisition of lands proposed for business development around the airport for purposes of economic development. He stated he does not feel that the County should acquire private property for businesses to compete with private industry. The Board concurred with deleting "begin acquisition" from the Measure. Ken also stated that he feels there is the ability to lengthen the runway for the airport without touching the State highway. He stated he does not feel that Goal 9-5 relative to providing adequate water and wastewater services to properties in the County is clear. He questioned whether Goal 9-6 relative to providing adequate solid waste disposal is creating a commitment that the Board may not want to have.

11:27 a.m. Recess

11:50 a.m. CHAPTER 10 – AGRICULTURE:

Supervisor Bibby asked about the request that was received from the Farm Bureau for establishing a requirement that would prohibit exporting water from the County. Sarah Williams advised that she has requested ordinances from surrounding counties on this issue. Discussion was held. Supervisor Pickard commented on surface water and ground water exportation. Supervisor Parker stated he did not feel that this should be placed in the General Plan, but that there should be a process.

Supervisor Bibby initiated discussion relative to the comments provided by the Farm Bureau concerning agricultural land having less demand for services. She also commented on the issue of underlying historical parcels that property owners are seeking Certificates of Compliance for and depleting the land under the Williamson Act contracts, and the Board concurred with a wording change to reflect "recognized" versus "created" for substandard parcels. Discussion was held relative to dealing with historic parcels in other zoning classifications. Supervisor Parker suggested that this subject be further discussed as a policy or ordinance issue outside of the General Plan process.

Supervisor Balmain asked that "right to farm" be in bold text and the Board concurred. Other minor wording changes were agreed to. The Board concurred with deleting Goal 10-7 and the Implementation Measure relative to allowing agriculture lands conversion on lands designated for County growth.

Rich Inman suggested that Goal 10-5 relative to growing the agricultural economy be changed to reflect "encourage the expansion of the agricultural economy" and the Board concurred.

Sarah Williams advised that she will check the information in this section for accuracy.

Sarah Williams advised that Goal 10-2 relative to avoiding loss of agriculture land is a policy change with the change in wording from "no net loss" to "avoid."

Supervisor Balmain initiated discussion relative to the recommendation to place Policy 10-3(b) relative to maintaining our agricultural resources to diversify the local economy, in the Appendix. The Board concurred with leaving the text in the Plan.

Sarah Williams noted that the implementation measures for Goal 10-6 relative to preserving agriculture lands to maintain County character are technically already required by the Williamson Act contracts. Supervisor Pickard requested that the term "enforce" in

Implementation Measure 10-6a(2) be changed to “to ensure compliance.” Tom Guarino suggested it be changed to “review enforcement of Williamson Act provisions” and the Board concurred.

12:38 p.m. Lunch

1:27 p.m. Input from the public was provided by the following:

Ken Melton provided input on the Chapter. He stated he feels the findings should be defined in Goal 10-2 relative to avoiding the loss of agriculture lands. Sarah Williams noted that the bulleted items are intended to be the findings. The Board concurred with wording changes in this Goal. Ken suggested changes to the Implementation Measures for Policy 10-6a relative to maintaining the viability of agriculture lands when historic parcels are discovered, and the Board concurred with wording changes and with the deletion of Implementation Measure 10-6a(3).

Supervisor Bibby questioned whether the changes made with reference to the Williamson Act are consistent with changes being made for Timber Preserve.

CHAPTER 11 – CONSERVATION AND OPEN SPACE:

Supervisor Balmain advised of suggested wording changes and typographical corrections to the Chapter, and the Board concurred with the changes.

The Board concurred with deleting the sentence “Most of the soils in Mariposa County erode easily” from “Section F – Soils.”

Discussion was held relative to Implementation Measure 11-1a(2) concerning site development standards for placement of structures on ridgelines and open hillsides that are visible from public roadways and keeping the wording consistent with that used in the Rural Land Use language. The Board concurred with wording changes. Sarah Williams noted that criteria would need to be developed and that consideration would need to be given to topography.

Supervisor Pickard initiated discussion relative to Goal 11-2 concerning protection and management of the use of Mariposa County’s limited water resources. Sarah Williams advised of Tuolumne County’s actions that allow a subdivider to implement wildlife measures in lieu of paying the fees to Fish and Game.

Supervisor Bibby commented on viewsheds and asked where it would be appropriate to address cell towers. Sarah Williams stated this is an issue that staff would like direction on, perhaps in the future in the context of an ordinance. Supervisor Parker asked whether cell towers are taxed.

Supervisor Bibby asked about Implementation Measure 11-2b(1) and how it would be known if water is contaminated. Tom Guarino advised that this is a provision of the State law, and the Board concurred with rewording the Measure.

Supervisor Bibby initiated discussion relative to Implementation Measure 11-5a(2) concerning the timeframes for updating the provisions of the County Grading Ordinance, and the Board concurred with wording changes.

Supervisor Stetson asked about the blue-lined text that is recommended to be moved to the Appendix, and he expressed concern about how the Appendix will be referred to in the future. Andy Hauge provided input on possible categories for the Appendix that could be

considered – policy issues which are not included in the Plan, but may be considered in the future; guidance for interpretation of the General Plan; background of the General Plan; and a wish list. It was agreed to move Goal 11-5 relative to providing for the sustainable development of timber resources to the Appendix.

Supervisor Stetson noted that Implementation Measure 11-4a(1) is the only Measure being recommended to be left in the Plan for Goal 11-4 concerning conservation and enhancement of the ecosystems.

Supervisor Stetson stated he feels Implementation Measure 11-3a(3) relative to requesting the California State Geologic Survey Board to authorize and complete the “Mariposa County State Classification Report” should be implemented. Discussion was held relative to the recommendation to place this in the Appendix. Sarah Williams suggested that if it is felt that this is important to address, it could be placed in the intermediate time period of ten years to address.

Tom Guarino suggested wording changes to Implementation Measure 11-4a(1) relative to completion and adoption of the Mariposa County Environmental Conservation Program, and the Board concurred with the changes. Wording changes were also agreed to in the subsequent portion of the Chapter.

2:36 p.m. Recess

3:01 p.m. Supervisor Balmain initiated discussion relative to Implementation Measure 11-2c(3) concerning requirements for new reservoirs, and the Board concurred with deleting this Measure.

Sarah Williams noted that Implementation Measure 11-2c(4) relative to requiring developments to use pervious paving material whenever feasible is a new policy. The Board concurred with moving this Measure to the Appendix.

Following discussion, the Board concurred with deleting Implementation Measure 11-2c(5) relative to requiring that all grading of slopes in ground water recharge areas minimize surface water runoff.

Input from the public was provided by the following:

Ken Melton commented on the Introduction to the Chapter and stated he feels the Board should consider private property rights and the impacts the implementation measures will have. He again referred to this issue in Implementation Measure 11-1a(3) relative to developing flexible site development and clustering to conserve scenic views and viewsheds. He stated he feels that Implementation Measure 11-2a(1) relative to implementing standards for water conservation is covered in other regulations. He referred to Implementation Measure 11-2c(1) relative to protection of the capacity of watersheds, and the Board concurred with deleting the last portion of the Measure.

Andy Hauge advised that Implementation Measure 11-2d(1) relative to implementation requirements for minimum building setback lines from all “waters of the State” needs to be clarified.

Sarah Williams commented on Goal 11-3 relative to providing for the reasonable development of mineral resources.

CHAPTER 12 – LOCAL RECREATION:

Sarah Williams noted that the threshold of ten acres is a policy change relative to Implementation Measure 12-1a(2) concerning the size of parkland per one thousand population in an area. The Board concurred with deleting this requirement. Supervisor Pickard asked about referencing the Park Master Plan.

Input from the public was provided by the following:

Ken Melton suggested that it be clarified that there are “currently” eight park sites operated by the County, and the Board concurred.

CHAPTER 13 – REGIONAL TOURISM:

The Board concurred with wording changes and corrections in “Section A – Expansion and Integration of County Regional Tourism Opportunities.” Sarah Williams suggested that Bower Cave could be included as resource and perhaps the old stage routes. It was also suggested that the trail from Bagby to El Portal and the Arts Park be included. The Board concurred with staff making these adjustments. It was also noted that mention should be made of the recreational opportunity for mountain bikers.

Supervisor Stetson initiated discussion relative to Implementation Measure 13-1b(2) concerning road closures to protect public health and safety, and the Board concurred with deleting this Measure.

Supervisor Stetson initiated discussion relative to Implementation Measure 13-2a(2) concerning requirements of the County’s regional tourism programs, and the Board concurred with deleting this Measure.

Rich Inman, County Administrative Officer, introduced Marilyn Lidyoff/Administration-Business Development Coordinator, and advised that she was present for the discussion of this Chapter.

Chairman Parker called for input from the public, and none was received.

CHAPTER 14 – HISTORIC AND CULTURAL RESOURCES:

Sarah Williams advised of text changes that Ken Melton brought to her attention. She also advised that the Building Department is currently implementing Implementation Measures 14-1a(5) and (6) relative to a digital imagery database and document management system. She commented on Implementation Measure 14-3a(2) relative to historic sites and structures, and discussion was held.

Supervisor Bibby initiated discussion relative to Implementation Measure 14-6a(1) concerning process for approving demolition of a historic site or structure, and relative to including cemeteries in the inventory.

Discussion was held relative to Implementation Measure 14-6a(2) concerning establishing penalties for acts of vandalism of historic and archaeological resources on County lands.

Discussion was held and the Board concurred with deleting Implementation Measure 14-6a(3) relative to prohibiting demolition by neglect.

Supervisor Parker asked for clarification of the portion that indicates that structures that have reached fifty years of age are considered historic. Andy Hauge advised that is State

law. Sarah Williams advised that she will check on the use of the term “Uniform Code of Building Conservation.”

Rich Inman clarified the Board’s intent relative to leaving Goal 14-6 and its Implementation Measures concerning avoiding demolition or destruction of historic resources in the Plan.

Input from the public was provided by the following:

Ken Melton stated he feels there is a redundancy in “Section 14.1 – Introduction” and “Section 14.2 – Historic Resources Issues and Summary of Findings,” and he noted the term the General Plan “Trinity” was used. It was noted that the reference to “Trinity” will be deleted throughout the document. He stated he feels the Board should take a strong look at what the Certified Local Government Program is. Sarah Williams advised that staff will obtain more information. Ken referred to “Section F – Native American Consultation” and Goal 14-7 relative to including Miwok representatives in project review, and he stated the Miwoks are not a recognized tribe, just as a local group of Native Americans. He stated he does not have a problem with the group having membership on a committee; however, he disagrees with having them be an inspector on a project site. He feels that is the County’s responsibility. He noted that there are other archeological sites in the County, such as the Chinese walls. Tom Guarino advised that this section is background and the actual policy will be separate. Following discussion, the Board concurred with rewording Goal 14-7 to reflect inclusion of Miwok representatives in review of all discretionary projects. Ken asked about getting more information on the “Certified Local Government Status” for the County to better serve owners of historic properties. Staff advised that they will research this matter. Ken referred to Implementation Measure 14-7a(2) relative to mandatory membership on the Historic Sites and Records Preservation Commission, and the Board concurred with deleting this Measure.

4:18 p.m. Recess

4:39 p.m. CHAPTER 15 – NOISE:

Chairman Parker noted that this Chapter is mandated by State law, and he requested that staff review and revise the Chapter to meet the minimum State standards.

Supervisor Bibby asked about Implementation Measure 15-2b(3) relative to the techniques for noise control and requirements. Andy Hauge responded relative to the requirements.

Sarah Williams advised that Dr. Mosher, Health Officer, has expressed concern relative to enforcement.

CHAPTER 16 – SAFETY:

Jim Middleton, Deputy Fire Chief, was present for discussion of this Chapter.

Discussion was held relative to making changes in this Chapter to be consistent with those made in Chapter 5.

Supervisor Parker reviewed Goal 16-1 relative to enforcing development standards lessening fire hazard danger and the Implementation Measures, and he expressed concern that the land use issues should be determined by the Board. The Board concurred with deleting the following: Policy 16-1a relative to locating future residential development in areas with existing fire suppression services and Implementation Measures; and Policy 16-1b relative to locating non-residential development activity within acceptable fire department response time limits and coverage areas and Implementation Measures.

Supervisor Parker referred to Policy 16-1e relative to requiring subdivisions and developments project to conform to adopted fire code and other fire prevention regulations; and he stated he feels the County should use its own policy and the Public Resource Code 4290 regulations.

Supervisor Parker referred to Goal 16-3 relative to sustaining adequate fire protection service levels, and he asked if we already have a strategic plan for fire safety incorporating the Standards of Cover for the County Fire Department. Jim Middleton responded that there is a plan. Supervisor Parker initiated discussion relative to Implementation Measure 16-3a(5) concerning revisions to the ISO ratings. Jim Middleton provided input on the ISO ratings. Supervisor Parker initiated discussion relative to Policy 16-3b concerning increasing emergency response personnel training opportunities, and he noted that the Board has not given any direction on developing a fire and emergency response training center at the Airport. The Board concurred with deleting reference to the Airport location and with rewording the Implementation Measure to state that consideration will be given to the development of a fire and emergency response training center.

Supervisor Parker referred to Goal 16-4 relative to reducing the risk of flood loss to preserve property and save lives; and he stated he feels that reference to the FEMA guidelines should be removed. He also asked about Policy 16-4b relative to requiring that all new construction in a flood hazard area be flood proofed.

Supervisor Parker referred to Implementation Measure 16-4c(1) relative to requirements for the minimum parcel size to be 160 acres for development in dam inundation areas. The Board concurred with deleting this Measure.

Supervisor Parker initiated discussion relative to Policy 16-5a which states that adequate capacity needs to be maintained in flood plains and drainage channels to handle flood flows. Tom Guarino noted that the FEMA and ISO ratings are references commonly used as a planning tool, and that the Board could direct staff to use these, but with no obligation to follow those rules.

Supervisor Parker initiated discussion relative to Implementation Measure 16-5c(1) concerning enactment of an ordinance to require all ponds and facilities for retaining water to be designed to prevent downstream flooding. The Board concurred with a wording change in this Measure to clarify the sentence.

Supervisor Pickard initiated discussion relative to Policy 16-3a concerning adoption of a strategic plan for fire safety. Supervisor Stetson noted that he is having a meeting in his district to discuss how we can better educate the citizens on how to take care of themselves for fire protection. Jim Middleton noted that this provides documentation that we have a plan.

Supervisor Bibby initiated discussion relative to “Section E – Airport Safety” and questioned whether a 55 Community Noise Equivalent Level noise contour has been established. Andy Hauge advised that this was done.

Supervisor Bibby referred to “Section G – Emergency Management and Evacuation Plans” and asked about the status of the “draft” Evacuation Plan of Mariposa County. Staff advised that they will check on the status.

Jim Middleton advised of comments provided by Blaine Shultz, Fire Chief, on the document. He noted that United States Forest Service (USFS) should be added to “Section A – Fire Hazard.” Supervisor Pickard noted that Bureau of Land Management (BLM) and

Yosemite National Park (YNP) should also be added. Jim noted that the Fire Safe Council should also be added. Chairman Parker asked that staff include all appropriate agencies. Jim asked that each of the agencies roles also be defined. Jim commented on Figure 16-1: Insurance Services Office ratings for Mariposa County, and he stated this can be better reflected with the new GIS map. Supervisor Pickard suggested that consideration be given to moving this to the Appendix for reference. He also asked that the Fire Chief submit the input he has on the General Plan as soon as possible for the Board to be able to consider it during the review process. Supervisor Parker expressed concern with requests being added at this stage of the process. Tom Guarino asked for clarification of the Board's direction relative to inclusion of the ISO ratings and moving Figure 16-1 to the Appendix, and he suggested that Andy Hauge review whether the EIR requirements would be impacted.

Sarah Williams reviewed the changes that the Board concurred with for this Chapter.

Supervisor Pickard initiated discussion relative to Policy 16-1c concerning establishing attainable standards for new subdivisions and development for fire safe development; and the Board concurred with deleting the ISO rating references. Supervisor Bibby initiated discussion relative to the pavement requirement for roads in Implementation Measure 16-1c(1), and the Board concurred with using "surfacing."

Input from the public was provided by the following:

Ken Melton referred to "Section A – Fire Hazard" and stated he feels that a portion of the Section is relative to what the Board removed from the Chapter and should be reviewed for consistency with the Plan. He stated he would like to see reference to the CDF fuel breaks removed. He stated he feels that the flood hazard and Airport safety were covered in another Chapter of the Plan. Andy Hauge advised that it is mandatory that they be included in the Safety Element. Ken stated he feels the Board should delete Implementation Measure 16-1a(5) relative to the recommendation of CDF for County requirements for future residential development; and he stated he does not feel that the Plan should address a particular agency's recommendation. He cited problems he has encountered with CDF and their regulations. He stated he feels that CDF should implement their codes and the County should adopt its own. Chairman Parker suggested that this be further reviewed in the public hearing process, along with consideration of the suggested wording change by County Counsel to state that the County should "consider requiring" versus "should require" for any combination of secondary access, emergency access, and fire breaks, etc. Ken stated he has a problem with the bulleted items in Implementation Measure 16-1c(1) relative to implementing fire safe standards and especially the last item concerning site design specifications for buildings in locations of extremely high fire danger. He referred to Implementation Measure 16-5a(1) relative to development in flood plains and drainage channels, and he stated he feels that it should be defined as to where "hydrologic" evaluations would be triggered. Due to time constraints, Chairman Parker asked that Ken present the rest of his comments during the public comment period on Monday, July 19th, and Ken agreed.

Discussion was held relative to the workshop schedule.

Supervisor Pickard handed out copies of policies issues pertaining to "Chapter 8 – Housing" that were not discussed by the Board during the workshops on the Housing Element, but were included in the draft Element. It was agreed that they could be reviewed on July 19th.

Supervisor Pickard thanked staff and Andy Hauge for their assistance during the workshop process.

5:45 p.m. The Board recessed and continued the meeting to Monday, July 19, 2004, at 9:00 a.m. for day four of the Draft General Plan Workshop Board Session Study.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA Monday, July 19, 2004 (Continued from July 14, 2004)

9:15 a.m. The Board met in continued meeting from July 14, 2004, for the workshop on the draft General Plan.

Draft General Plan Workshop Schedule – Day 4 – Public Comment

BOARD ACTION: Sarah Williams, Interim Planning Director, was present to respond to questions and to track suggested changes and issues to be further discussed.

Chairman Parker asked Board members if they had any points of clarification, and he advised that the intent for this workshop is to take public comment on the various elements.

Supervisor Bibby asked for clarification of “Chapter 15 – Noise” being a State requirement. Sarah Williams advised that it was her understanding of the direction that many of the items that were struck in this Chapter are required by the State. Staff will review and come back with language to meet the minimum requirements of the State law.

Supervisor Balmain referred to the Housing Element policy issues that Supervisor Pickard handed out on July 14th. Tom Guarino, County Counsel, noted that the County has an adopted Housing Element at this time; and he advised that these policy issues were taken out of the draft Element and deferred. Discussion was held.

Supervisor Balmain asked for clarification of some of the changes that had been agreed to in “Chapter 11 – Conservation and Open Space.” He asked who will make the call relative to Implementation Measure 11-1a(3) concerning developing flexible site development and clustering to conserve scenic views and viewsheds. Tom Guarino advised that revisions to Title 17 will include these development standards.

Input from the public was provided by the following:

Don Starchman stated he has issues that he wishes to address later; however, he noted that almost any area in the County can be viewed from another site. He expressed concern with placing conditions on everyone relative to scenic views and viewsheds. He referred to the strong stand that was taken by the community when the issue was raised to extend the scenic highway designation to Highway 140 and 49 South.

Supervisor Balmain expressed concern with Implementation Measure 11-1b(1) relative to participating in conservation management planning with Federal and State and other public agencies. He stated he feels that it should be kept in the County’s decision making process. Supervisor Balmain initiated discussion as to whether the language in “Section 11.3 – General Plan Implementation” is necessary. Tom Guarino commented and advised that Parsons may need to review the implications of deleting this Section with the EIR. Sarah Williams suggested that the goal be reviewed with the discussion.

Ken Melton referred to “Section E(2) – Hillside and Ridge Top Design” and stated he does not see how the County could implement these standards. He stated he feels that they should be removed. He stated he feels that Implementation Measure 11-1b(1) addresses standards for the large portion of federally-owned land in the County, and he feels the three prior Implementation Measures should be deleted.

Discussion was held relative to the input provided by Ken Melton. The Board concurred with wording changes in Implementation Measure 11-1a(2) relative to developing subdivision design standards for placement of structures on ridgelines and open hillsides.

Supervisor Bibby asked that “all weather surface” be defined as referred to in Implementation Measure 9-1e(1) relative to road standards and specifications.

Supervisor Balmain initiated discussion relative to Implementation Measure 16-1a(5) concerning recommendations from CDF for requirements for secondary access, emergency access, and fire breaks; and to Implementation Measure 16-1e(1) concerning review of subdivisions by the Fire Department. The Board agreed with wording changes in these Measures.

Supervisor Balmain initiated further discussion relative to addressing the policy issues that were taken out of the draft Housing Element. Chairman Parker suggested that these issues be addressed prior to the close of the public hearing.

10:01 a.m. Recess

10:48 a.m. Supervisor Pickard asked whether there would be further consideration of “Chapter 11-Conservation and Open Space” relative to conserving scenic views and viewsheds. Chairman Parker suggested that this is an issue that the Board and the public should further deliberate on.

Ken Melton continued with his comments on “Chapter 16 – Safety” from July 14th. He referred to Implementation Measure 16-5a(1) relative to the requirement for a hydrologic evaluation for all subdivisions and development projects located within flood plains and drainage channels, and the Board concurred with a wording change. He referred to Policy 16-5c relative to construction of water retention facilities to prevent flooding, and he stated he feels the intent should be clarified. Ken referred to Goal 16-6 relative to preserving the values of floodplains as natural features, and he referred to the old sand and gravel plant operation across from the fairgrounds. He noted that a portion of the building was in the floodplain and a change of the floodplain resolved the issue, and he feels allowances should be made to resolve these types of issues in the future. Chairman Parker suggested that clarification be obtained from Parsons on this issue.

Ken Melton referred to Goal 16-8 relative to protecting life and property endangered by seismic activity. He advised that everything in the County is identified on a fault and he is not sure about secondary faults. He stated he feels this should be reviewed as the proposed language may have prevented construction of the Government Center. Tom Guarino advised that this is not a restrictive policy. Sarah Williams suggested that the red-lined text in Implementation Measure 16-8b(1) relative to seismic safety requirements for constructions be left in the document, and the Board concurred.

Ken Melton asked for a definition of secondary seismic effects as referred to in Goal 16-9 relative to avoiding development in areas endangered by secondary seismic effects to protect life and property. Sarah Williams noted that this is addressed in the red-lined text in “Section D – Seismic Hazards.” Following discussion, the Board concurred with deleting Goal 16-9 with the understanding that those impacts are covered in the previous Implementation Measure.

Tom Guarino referred to Implementation Measure 16-8b(1) relative to siting of public facilities to avoid known seismic dangers, and he suggested that the reference to the State of California before the Uniform Building Code be deleted.

Ken Melton referred to viewsheds and stated he disagrees with trying to apply something in a subdivision map that is recorded, and he feels this should be handled with on-site planning when a building permit is applied for.

Supervisor Bibby initiated discussion relative to Implementation Measure 16-1a(5) concerning development standards to lessen the fire hazard danger. It was clarified that that Board concurred with deleting Policy 16-1a relative to locating future residential development in areas with existing fire suppression services, and the Implementation Measures.

Following discussion relative to Implementation Measure 16-1e(1) and 16-1e(2) concerning formal review of all subdivisions, the Board concurred with changing the wording to reflect review “by the fire agencies” versus “by the Fire Department.”

Barry Brouillette stated he did not know about this workshop process until the end of the last week, and he is trying to catch up. He referred to the 5-acre and 2 ½- acre minimum parcel size issue, and he stated he feels that people coming here would be willing to have a very small lot and large open space with city-type services such as water and sewer systems. He stated he feels that consideration should be given to removing the 2 ½-acre minimum.

Don Starchman stated he feels that Title 17 addressed Barry Brouillette’s comments eighteen years ago. He stated he feels that the proposal creates loose goals that will be implemented in the future by Title 17, whatever those are. He stated he does not feel that Title 17 will fill in all of the gaps, and he questioned what will happen with the implementation measures in the interim.

Tom Guarino referred to “Section A(3) – Conflicts between Adopted County Codes and the Updated General Plan,” and he advised it is known that there will be inconsistencies; however, future revision of Title 17 will bring it into consistency with the General Plan. He also noted that an interim implementation ordinance could be done to assist in this.

Don Starchman noted that they were told during the hearing process that re-zoning would not be done with this Plan; however, existing zones have been dropped out of the proposed Plan. He does not feel that there has been any real discussion on this issue. He stated that with the current General Plan, he can identify parcels and their zoning, and he feels that this changes all of that. He feels the proposal creates a two-year period that this will not work. He also stated he feels that people are being rezoned and they have not been notified. The proposal changes the density bonus and clustering allowances that currently exist. Sarah Williams clarified that Don is referring to the Planned Residential Development density bonus. Don stated he does not feel the existing land uses should be deleted without thoroughly reviewing the proposed land uses. He stated he feels the Jones and Stokes report needs to be considered, and that Title 17 could still be a valid document. Otherwise, he feels it will be a very long process to go through Title 17, especially given the time it took to go through it before. He stated he feels that this Plan does not have consistency and is not getting us to where we want to be. He stated he feels we need to look at the existing document versus interim enforcement during a two to three year time period to review Title 17, and know what will be adopted. He stated he is speaking today as a member of the community and is not representing anyone. He also stated he feels that some of this will cause more development and he likes what we have. He feels what we have is working and there is no reason to throw it out or re-do it. As an attorney, he stated he does not feel that this will work. He feels the County will shut down after the General Plan is adopted. Chairman Parker asked if Don had specific comments on the Plan to submit, and Don advised that he will wait until the final draft is available.

Rick Jones stated he was present on behalf of the Griffin/Norrin families. He advised that they exchanged a piece of property with MID on Lake McClure and have a beach-front village (resort-marina) concept. He noted that the property is unique and the property is proposed to be zoned in the Natural Resources. There is a provision for a conditional use permit; however, there are a number of requirements that must be met to comply. Discussion was held relative to the existing zoning versus the proposed for developing the property. Chairman Parker suggested that the concerns be presented in writing and that the previous input on this matter be provided to the Board for further consideration.

12:02 p.m. Lunch

2:02 p.m. The Board reconvened with Supervisor Bibby excused to arrive later.

Norm Ross stated that as a parent and grandparent, he is happy to have the opportunity to have the experiences that we have now in the County. He referred to the changes he saw in Los Angeles. He stated he is not opposed to private business development; but he cautioned that we have a unique opportunity here. If we conserve our resources, we will have them for the future. He stated he is a conservationist, but not a preservationist. He feels we should use our resources wisely. He commented

on the need to learn responsibility and to have respect. He asked that the Board not forget and that it help maintain the things we have in the rural lifestyle. He noted that the compaction of people changes things and we need to keep that in mind. He stated he feels we should be cautious to not over-populate and not be able to turn back. He stated he feels that we have an opportunity to conserve what we have here.

Chairman Parker noted that the Board still needs to review the written material that was submitted. Sarah Williams stated she will review the materials to determine what items are included and have not been discussed yet. Chairman Parker suggested that a copy of the input be provided to Parsons and that the Board could come back and address those things that are pertinent to this process.

Supervisor Pickard referred to the July 9, 2004, letter submitted by Ron Mackie relative to zoning issues; and he suggested that the Board discuss the proposed zoning map.

2:17 p.m. Recess

2:20 p.m. The Board reconvened and reviewed the proposed zoning map. Discussion was held relative to areas where proposed changes in density could occur. Chairman Parker asked that each Board member work with staff and look at the district issues, and that staff bring back a list of concerns for further consideration.

Barry Brouillette stated the zoning land uses will affect how people look at project proposals in the future. He pointed out changes and issues that he is aware of, including the change for a parcel in the Midpines area that he is in the process of purchasing for development. He also advised that he is working on a tentative map for another parcel in the Whitlock area.

Further discussion was held relative to the zoning issues, and the Board concurred with having each member work with staff to review the zoning map issues, with information on the issues to come back to the Board.

Supervisor Pickard initiated discussion relative to the last paragraph in "Section B – Growth" in Chapter 5 concerning concentric development. The Board concurred with deleting this paragraph. Supervisor Pickard initiated discussion relative to "Section I – Five Acre Density and Rural Character" concerning the five-acre parcel size. He asked if this would be the appropriate section to accommodate a smaller parcel size if the infrastructure is in place. Discussion was held relative to the proposal to allow for a 2 ½-acre parcel size.

Barry Brouillette stated he feels that density is a separate issue. He feels the General Plan issue is density and the underlying issue is infrastructure and circulation and the market.

Further discussion was held relative to the density and parcel size issue. Supervisor Stetson noted that density allows for mixed housing. Discussion was held relative to the mobile home issues discussed during the Housing Element, including the pre-HUD certified mobile homes and whether they could be brought in or moved in the County. The Board concurred with placing this issue in the Appendix for the short-term for annual review.

Supervisor Pickard asked about the status of the five thousand square foot maximum for commercial buildings; and relative to the standards for rural home industry and rural home enterprise. Sarah noted that we need to make sure that this does not preclude resort commercial development.

Supervisor Bibby arrived at 3:25 p.m. Further discussion was held relative to the five thousand square foot maximum. The Board concurred with deleting reference to the five thousand square foot maximum.

Barry Brouillette provided input relative to considering the service base and he stated he feels those kinds of calls should be made by staff.

Supervisor Pickard asked about scheduling another workshop to discuss the zoning map issues. Tom Guarino advised that the contract amendment with Parsons allows for one more visit with the Board, and he stated he is looking for direction on when to schedule that. He advised that staff could move forward with Parsons on the revisions that have been agreed to, and the Board could work on the map issues. Discussion was held. The Board concurred with continuing the workshop to July 27th immediately following the regularly scheduled items for the meeting. Tom Guarino advised that staff can discuss the proposed changes with Parsons and bring back information.

3:42 p.m. Adjournment.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

July 20, 2004

Time Description

9:07 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

- Gary Marshall, Madera-Mariposa-Merced Unit Chief for the Department of Forestry and Fire Protection, was introduced. Gary advised of their negotiations with CDC (California Department of Corrections) to staff the Mt. Bullion Camp, and of plans to provide public service work. He advised that currently two crews are stationed there from Baseline. Discussion was held relative to the proposal to bring in CDC and the services that would be provided. Supervisor Parker asked about the possibility of the CYA staffing being able to come back. Supervisor Pickard asked about the CEQA process.
- Chairman Parker asked Dianne Fritz to introduce her granddaughter, Rylee.

Board Information

- Supervisor Pickard advised of the successful opening of the Arts Park with the Evenings on the Green event. He noted that the parking lot behind Fifth Street needs to be developed. Chairman Parker requested that Public Works bring this project back to the Board so that it can move forward.
- Supervisor Balmain wished Supervisor Bibby a Happy 40th Birthday.

Approval of Minutes 6-23-04, Regular Meeting Continued from 6-22-04

BOARD ACTION: Approved with corrections.

Garry R. Parker, Chairman;

Proclaim the Week of July 18th through 24th, 2004 as Probation, Parole and Community Supervision Officers' Week

BOARD ACTION: (M)Pickard, (S)Bibby, Proclamation was approved and presented to Gail Neal, Chief Probation Officer/Ayes: Unanimous.

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

BOARD ACTION: Supervisor Balmain pulled items 7 and 10. Supervisor Bibby pulled items 8 and 9. (M)Bibby, (S)Pickard, the balance of the items was approved/Ayes: Unanimous.

- Consent Agenda item 7 – Supervisor Balmain asked about the cost for the insurance requirements. Rich Inman, County Administrative Officer, said he would review this issue. (M)Balmain, (S)Pickard, item 7 was approved/Ayes: Unanimous.
- Consent Agenda item 10 – Supervisor Balmain initiated discussion relative to this item. Carl Casey/PWD-Fiscal Officer, provided input relative to the action being requested of the Board and the action being requested of the Local Transportation Commission. (M)Balmain, (S)Stetson, item 10 was approved/Ayes: Unanimous.

- Consent Agenda item 8 – Supervisor Bibby initiated discussion. Sarah Williams, Interim Planning Director, provided input on the process. Tom Guarino, County Counsel, advised that the costs will be reviewed with the fees for the department. (M)Stetson, (S)Balmain, item 8 was approved/Ayes: Unanimous.
- Consent Agenda item 9 – Chairman Parker advised that Public Works requested that this item be pulled.

Cathi Boze, Agricultural Commissioner/Sealer;

Presentation of the 2003 Mariposa County Agricultural Crop & Livestock Report

BOARD ACTION: Cathi Boze presented the report. Discussion was held. Cathi advised that she will be coming back to the Board asking for an emergency declaration for the drought conditions with the rangeland.

9:39 a.m. LOCAL TRANSPORTATION COMMISSION

Authorize Participation in the 2003-04 Optional Federal Apportionment Exchange Program for Regional Surface Transportation Program (RSTP) Funds and for the Executive Director to Sign the Caltrans Agreement (Public Works Director)

COMMISSION ACTION: (M)Parker, (S)Stetson, LTC Res. 04-6 was adopted/Ayes: Unanimous.

9:40 a.m. 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 for a Case 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)Pickard, (S)Stetson, the closed sessions were held/Ayes: Unanimous.

Supervisor Bibby wished Supervisor Stetson and Planning Commissioner Bob Rudzik a Happy Birthday for this month.

Chairman Parker advised that today’s meeting will be continued to July 23, 2004, at the conclusion of the closed session.

10:25 a.m. Chairman Parker announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Approve Certificate of Recognition and Congratulations to Alice Nordheim on Celebrating her 95th Birthday and for Being a Founding Member of the Mariposa Lutheran Church (Supervisor Bibby)
- CA-2 Adopt Resolution Authorizing Chairman of the Board of Supervisors to Sign Administrative Match Agreement between County of Mariposa and Area 12 Agency on Aging for In-Kind Legal Services in the Amount of \$17,659 (Supervisor Pickard); Res. 04-340
- CA-3 Authorize Chairman of the Board of Supervisors to Sign Professional Service Agreement, Renewing Parentage Testing Services with Long Beach Genetics (LBG) (Child Support Services Director); Res. 04-341

- CA-4 Approve Behavioral Health Contract with Milhous Children’s Services for Mental Health Services for Children Placed in Foster Care Outside of Mariposa County and Authorize the Human Services Department to Sign Subsequent Fiscal Year Contracts Providing No Substantial Contract Changes (Human Services Director); Res. 04-342
- CA-5 Approve Certificate of Recognition and Congratulations to Ethene Wold on Celebrating her 102nd Birthday (Community Services Director)
- CA-6 Approve Budget Action Increasing Revenue and Appropriations for Senior Services by Accepting Unanticipated Revenue from the Estate of Louise Hill (\$490) (4/5ths Vote Required) (Community Services Director); Res. 04-343
- CA-7 Authorize Chairman of the Board to Sign Fairtime Rental Agreement for Rental Space in the Amount of \$280 for Commission on Aging and Senior Services Booth during the Fair to Promote Awareness of Senior Services in Mariposa County (Community Services Director); Res. 04-344, with direction for the County Administrative Officer to review the insurance issue
- CA-8 Adopt a Resolution Approving Standard Format for Indemnification Agreements; Authorizing Chairman of the Board of Supervisors to Sign Future Indemnification Agreements for Discretionary Projects; and Authorizing Chairman of the Board of Supervisors to Sign the Indemnification Agreement for Paul R. DiTomaso, Required as Condition of Approval for Land Division Application No. 2003-233 (Interim Planning Director); Res. 04-346
- CA-9 Authorize Public Works to Award a Contract to the Lowest Responsible Bidder for Bids to Supply Oil and Miscellaneous Fluids for the County’s Fleet (Public Works Director); Matter was pulled
- CA-10 Approve Participation in the 2003-04 Optional Federal Apportionment Exchange and State Match Program for Regional Surface Transportation Program (RSTP) Funds and Authorize Chairman of the Board of Supervisors to Sign the Agreement with Caltrans (Public Works Director); Res. 04-345

10:26 a.m. The Board recessed in the memory of Margurette Bullock Williams, Milt Crain, Gene Mayfield, Margaret Elizabeth “Maggie” Gallo, and Blaine Laing and continued the meeting to Friday, July 23, 2004, at 1:00 p.m. for Planning Director interviews.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

July 23, 2004

(Continued from July 20, 2004)



Time Description

1:10 p.m. The Board met in continued meeting from July 20, 2004, with Supervisor Balmain arriving at 1:12 p.m., and with Supervisor Pickard excused and arriving at 2:11 p.m.

CLOSED SESSION: to Conduct Interviews for the Planning Director Position (County Administrative Officer)

BOARD ACTION: (M)Stetson, (S)Bibby, the closed session was held/Ayes: Stetson, Bibby, Parker; Excused: Balmain, Pickard.

1:37 p.m. Recess

2:11 p.m. The Board reconvened in closed session with all members present.

4:38 pm. Chairman Parker announced that the closed session was continued to July 27th and that no action was taken.

4:39 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

July 27, 2004

Time Description

9:11 a.m. Meeting Called to Order at the Mariposa County Government Center, with Supervisor Parker excused to arrive later.

Pledge of Allegiance
Introductions

Vice-Chairman Balmain wished Sheriff Jim Allen a Happy Birthday. Supervisor Pickard noted that Sheriff Allen's photograph appeared in a recent Blue Shield pamphlet.

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

- Dr. Mosher provided a status report on the West Nile Virus and preventive measures that can be taken.
- Sheriff Jim Allen advised that Winnie Williams passed away and commented on his support to the community.

Board Information

- Supervisor Bibby commented on Winnie Williams' support to the community and suggested consideration be given to paying special tribute such as flying the flags at half-mast. Vice-Chairman Balmain suggested that this matter be held for further consideration at the end of the meeting when a full Board is present.
- Supervisor Bibby advised of her upcoming District III meetings and invited the public to attend.

Bob Pickard, Supervisor District V;

Presentation of Tile Plaques to "Run for the Gold" Endurance Ride Award Recipients Kathleen Castro and Deborah Breshears

BOARD ACTION: Supervisor Pickard presented the plaques to Kathleen Castro for winning the 25-mile ride and to Linda Dollar, mother to Deborah Breshears, for winning the 50-mile ride. Becky Crafts, President of the Mountain Riders thanked the Board for its support of this activity and she advised of activities they have planned for the Fair. Bill Parker, Co-Chair for the Mountain Riders, gave information on the ride event and the people that it draws from throughout the State.

Approval of Minutes 7-6-04, Regular Meeting

BOARD ACTION: Approved with corrections.

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

BOARD ACTION: Rich Inman, County Administrative Officer, advised that minor editorial changes will be made to item 1. Supervisor Stetson provided input relative to the response in section 10 of the grant application for item 1 and suggested that it be moved to another section. (M)Bibby, (S)Stetson, all items were approved/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker. Supervisor Stetson asked Public Works about item 4. Dana Hertfelder, Assistant Public Works Director, advised that the

contractor for the Yosemite West Wastewater facility project, Mauldin-Dorfmeier, started mobilization this week for the project.

Tom Guarino, County Counsel;

Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Execute a New Lease Agreement with the Veterans of Foreign Wars Post 6042 for Office Space to be Utilized by the Tourism Office for a Period of One Year

BOARD ACTION: Discussion was held relative to the contract. Supervisor Balmain advised of a correction to the end of section 19 of the contract to reflect “Lessor” versus “Lessee.” Supervisor Pickard asked about being able to find something with more space or expanding the space that is available to the Tourism Office at the present facility. Rich Inman, County Administrative Officer, advised that he will be bringing an item back to the Board in a week or two to explore alternatives for space. Supervisor Bibby requested that all of the parties involved, including the landlord and the lessees be kept informed of the status of the situation. (M)Pickard, (S)Stetson, Res. 04-351 was adopted/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

9:38 a.m. Recess

9:50 a.m. The Board reconvened with all members present.

Jim Petropulos, Public Works Director and Sarah Williams, Interim Planning Director;
Initiate Program for Development and Implementation of Traffic Impact Fee Program in Mariposa County; Authorize Staff to Prepare and Send out Request for Proposals for Consultant Services; and Direct Staff to Include in Work Program, a Review of Road Standards

BOARD ACTION: Discussion was held with Jim Petropulos and Sarah Williams. Matt Fell/PWD-Transportation Planner, provided input relative to his experience with this type of program in Merced County. Supervisor Balmain expressed concern with the request given the history of working with consultants, the status of the General Plan Update, and that this could be considered another tax. Sarah provided information on the history of what brought us to this point, and advised that concerns were raised relative to a subdivision that was proposed off of the Old Highway. Supervisor Parker referred to his earlier suggestions that a portion of the funds that the County contributes to the road budget be used to address the cumulative impacts; and he questioned whether there are other alternatives. Sarah provided input on a previous study that was done and the issues. Rich Inman, County Administrative Officer, noted the CEQA issue will not go away. Supervisor Pickard asked about looking at traffic capacity/volume on the roads to determine the current use and what the roads are capable of handling in the future. Supervisor Balmain stated he feels the burden needs to be spread to cover the repairs that need to be made, and he suggested that consideration be given to having a fee with the building permits so that current undeveloped parcels contribute to the road improvements. Supervisor Stetson asked whether there are funding sources for the \$75,000 requested for the consultant, and discussion was held. Supervisor Bibby asked that a provision be included to address collection and distribution of the impact fee.

Input from the public was provided by the following:

- Ken Melton stated the Board should determine what it wants for standards for County roads. He asked what the driving force is behind this proposal – he does not believe it is CEQA and he is opposed to CEQA driving this proposal. He noted another issue is safety, and he noted that generally the traffic is traveling in one direction at a time and that should be considered when looking at the capacity issue. He also stated he feels that everything should be removed dealing with CalTrans as the State funding is a separate issue.
- James Kidd stated he feels that in order to avoid a conflict or potential conflict, there should be a requirement that the consultant has no prior arrangement for payment with any project in the County.
- Dick Kunstman stated the normal tendency is for people to want to get to where they want to go faster. He noted that a slower speed would not result in that much more time. He feels an idea of a rural county is that things go at a slower pace.

- Tim Miller stated he does not feel that the impact fees can be used to go back and fix existing deficiencies. He stated he feels the General Plan is important with this issue, and noted that consideration should be given to the responsibility of future development.
- Paul Chapman stated he feels that it seems simple to have an impact fee for each parcel that is developed and the fees should be managed to fix the roads.

Further discussion was held. Supervisor Stetson suggested that a more exhaustive study be conducted of existing programs. Chairman Parker suggested that direction be given to staff. Discussion was held relative to the issue of solving on-going road maintenance and road improvements due to development impacts. Sarah Williams reiterated the Board's direction: this matter is to be brought back as soon as staff can, preferably within a month, with more information of how other jurisdictions address this issue; with information on whether there are any other mechanisms that could be used, including on-going fees for newly-created parcels; with more information on whether this is CEQA driven; with information on whether this should go to the voters for input; with information on the difference between funding for maintenance needs versus road improvement requirements; and to identify and bring back information on whether there has been work done to supplement this. Supervisor Bibby asked that information be provided as to what point the other jurisdictions impose the fee, with the creation of the parcel or with the building permit. Discussion was held.

Approve Amendment to Exhibit "A" of Mariposa County Board of Supervisors Resolution No. 93-387, Concerning the Airport Advisory Committee (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, initiated discussion, and he advised that it is unclear whether the existing ordinance, adopted in 2002, to apply uniform procedures for all planning advisory committees applies to the Airport Advisory Committee. He suggested that staff can come back with an amendment to the ordinance; and in the interim no action be taken on the recommendation to eliminate the requirement that public notice be given in the local newspaper. (M)Balmain, (S)Stetson, Res. 04-352 was adopted increasing the membership of the Committee from seven to nine members and establishing a process for selection of a Chairman and Vice Chairman. Discussion was held relative to the noticing requirements, and Supervisor Pickard noted that some of the outlying areas rely on the noticing. Supervisor Parker suggested that the noticing issue be researched to see if there are requirements. Supervisor Bibby noted that there should be consistency in the posting locations. Ayes: Unanimous.

11:29 a.m. Recess

11:55 a.m. Continued Draft General Plan Workshop – Day 5

General Discussion of All Chapters, Maps, and Direction to Staff; Public Comment will be Allowed (Continued from 7-19-04)

BOARD ACTION: Chairman Parker advised of a request received from the public to clarify what today's workshop discussion would include; and he advised that not all of the Board members were able to meet with staff to review the proposed zoning map. Sarah Williams, Interim Planning Director, was present to respond to questions and to track suggested changes and issues to be further discussed.

Input from the public was provided by the following:

Tim Miller, Miller and Associates, stated he was representing owners of property around the Yosemite West subdivision. He stated he was present in April when the former Planning Director was asked to prepare a map reflecting the properties that will have a zoning change as a result of the General Plan Update. He stated he does not feel that the map is correct in relation to Yosemite West. He expressed concern with the proposed reduction in the minimum parcel size and impacts to the Special Plan for the area and the undeveloped property within that boundary. Chairman Parker suggested that he meet with Supervisor Stetson, the Board representative for the area, and try to get the clarification he is asking for.

Dick Kunstman clarified that he would be able to comment later during the process.

Supervisor Pickard advised that he found it helpful to review the zoning map with the Interim Planning Director.

Supervisor Stetson asked about the plan for getting changes that have been made to the document. Sarah Williams advised that they will need to work with Parsons to prepare a final draft. Tom Guarino, County Counsel, advised that as soon as the Board is ready to proceed with the revisions that were agreed with during the workshops, Parsons will create another draft and it will need to be reproduced and made available for review. He also advised that Parsons is reviewing the text changes in relation to the environmental impact report, and is reviewing the Noise Element to comply with State requirements and information will be brought back to the Board in a couple of weeks.

Chairman Parker asked that the Board members complete their review of the zoning map with Sarah Williams so that she can prepare a list showing the requested changes for consideration by the Board. Discussion was held relative to giving direction to Parsons to begin making the text changes, renoting another workshop to review the final details, and then moving into the public hearing process.

Supervisor Stetson advised of a request received from a constituent for the Board to reconsider a modification to the Plan relative to the flood area. Chairman Parker advised that he feels the public hearing process would be the appropriate time to consider the modification.

Supervisor Bibby asked about the process for dealing with parcels that are unintentionally split, etc., by the changes in the zoning map. Tom Guarino advised that where there are multiple land uses for a parcel, the majority of the land use will govern that parcel.

Supervisor Pickard clarified that there are still some unresolved issues to be worked on. Chairman Parker stated he feels those issues should be resolved before sending the Plan to Parsons.

12:24 p.m. Recess

12:26 p.m. Further discussion was held relative to the workshop schedule.

12:28 p.m. Recess

12:31 p.m. Chairman Parker suggested that the Board do the closed session, have lunch, and come back to the workshop on the outstanding issues. He noted that only two members of the public were present for the workshop and when they asked during the recess what the Board would be considering this afternoon, he advised that it would be the land use maps. He noted for the record that public input was taken from one individual and that individual noted that he could not attend the rest of the day. The second individual had no issue with the map and excused himself and Chairman Parker noted that he could advise him that the Board is going to proceed with these issues in the workshop this afternoon. He noted that the Board is not going to make a final determination, just provide recommendations for the public process. The Board concurred and continued the workshop to after the following.

12:33 p.m. CLOSED SESSION: Continued for Planning Director Interviews (Continued from 7-23-04)

BOARD ACTION: (M)Bibby, (S)Stetson, the closed session was held following a short recess/Ayes: Unanimous.

1:35 p.m. Lunch

1:58 p.m. Chairman Parker announced that direction was given to staff as a result of the closed session to make an offer to an applicant for the Planning Director position, and that further information will be made available once the process is complete.

The Board continued with the General Plan workshop and reviewed issues with the zoning map and changes each member would like to see made.

Supervisor Balmain reviewed issues with the zoning map for District II, and he advised that he will meet with staff relative to the Hunters Valley area.

Supervisor Parker referred to the minimum density for Natural Resources land use and the change from 80-acres to 40-acres. Sarah Williams advised that currently there is not an 80-acre zone and that this request was based on public input, and that most of the area is in existing 40-acre minimum.

Supervisor Balmain complimented Sarah for her work on this process and for her assistance in reviewing the zoning map. He reviewed issues relative to the policy for Resort Commercial Land uses and relative to the Mount Bullion – Airport planning area. Other issues for District II included the Bear Valley planning area boundaries, the area north of Highway 49 North between Bear Valley and Mount Bullion planning areas, Don Pedro planning area boundaries, area between Don Pedro and Coulterville planning areas, areas north of Merced River and east of Greeley Hill planning area, Greeley Hill planning area boundaries, Coulterville planning area boundaries, areas between Greeley Hill and Coulterville planning areas, and the Buck Meadows planning area boundary.

Supervisor Balmain was excused at 2:12 p.m.

Supervisor Pickard reviewed issues with the zoning map for District V relative to the following: Teleki Ranch area, southerly County line area along Highway 49 South/Worman Road area, area west of Sonny Meadows, area North of Ponderosa Basin, area around APN 015-010-070/Carter Road, Fish Camp planning area, and the private property adjacent to the Wawona planning area.

Supervisor Stetson reviewed issues with the zoning map for District I relative to the area around Yosemite West. Supervisor Pickard asked for clarification of the Agriculture Land Use classification and the Natural Land Use A and B classification, and discussion was held. Supervisor Stetson reviewed the following issues: Foresta - transient rental activity and National Park Service involvement/planning area description, area along Sherlock and Whitlock Roads, Midpines planning area boundary, legibility of Rural Economic land use on the map, and area along the Merced River where the zoning is proposed to be changed.

Supervisor Bibby reviewed the following issues with the zoning map for District III: area north of Highway 49 North between Bear Valley and Mount Bullion, Mount Bullion – Airport planning area, end of Guadalupe Creek Road, Catheys Valley planning area boundary, and the Benson property in relation to the Catheys Valley planning area. Discussion was held relative to the Catheys Valley planning area issues and the requested size of the boundary and the land use classifications.

3:14 p.m. Recess

3:33 p.m. Sarah Williams advised that she will finish reviewing the zoning map with Supervisors Bibby and Parker. She also noted that the written input still needs to be reviewed. Supervisor Pickard asked about the land use policies for planning areas which do not have a Specific Plan. Supervisor Bibby asked about getting a count of the number of residences that would be allowed with the proposed General Plan.

Supervisor Pickard initiated discussion relative to the density issue and the clustering option. The Board concurred with leaving the proposed language in the Plan for the public to provide input during the hearing process.

Supervisor Pickard referred to the description for the Fish Camp Community Plan Area, and the Board concurred with deleting “and preclude multi-family development” from the description.

Supervisor Bibby clarified that a secondary dwelling unit would be allowed if the 2 ½-acre minimum parcel size is approved. Supervisor Pickard asked about the status of requiring a community water system if the smaller parcels are allowed. Discussion was held. Tom Guarino clarified that a developer could propose a plan, but it would need to be consistent with the General Plan. Supervisor Parker stated he feels the impacts should be further discussed.

Dick Kunstman referred to the earlier discussion relative to the zoning map and a property owner being subject to the whims of the rest of the community. He referred to the establishment of the zone of benefit for fire services for the Midpines area, and he noted that those who voted against the formation of the zone of benefit still pay the assessments. He feels that the same philosophy should be used for a majority imposing conditions on a single property owner. He stated he is disturbed about things he has heard in the workshops. He feels the purpose of the Board should be to have the bare minimum of what is mandated in the Plan. He noted that General Plan guidelines discuss many options, and he does not see those things being discussed and that is what makes it rural. He referred to the Noise Element and stated that you would expect things to be quiet in a rural county. He expressed concern with replacing giving “great indifference” to the advisory committees with “consider” and provided input on the definition of the terms. Tom Guarino responded that “consider” is less than “great indifference;” however, this reference is to the advisory bodies to the Board.

Supervisor Parker asked about including the Board’s policy that other agencies need to respond in a timely manner for consideration to be given to their input. Tom Guarino advised that staff can locate a section to include this, perhaps in Chapter 4, and he suggested that language be added to reflect that the input will not be considered if it is not timely, unless otherwise required by State or Federal law; or it could be used as an interpretative guideline. Discussion was held. Tom Guarino further suggested that the policy in the General Plan could be that the Board does not want to be placed in a position of enforcing third party comments that are not submitted timely, and the implementation measure could be adopted by resolution. He further noted that the resolution could be broader to include other departments.

The Board concurred that when Planning is ready, they would schedule another workshop on the draft General Plan.

CONSENT AGENDA:

- CA-1 Approve Economic Development Grant Application to Pacific Gas & Electric Company (PG&E) Requesting \$10,000 to Implement the Business Development Training Program (County Administrative Officer); Res. 04-347, with changes
- CA-2 Authorize the Chairman of the Board of Supervisors to Execute an Agreement between Mariposa County and United States Department of Agriculture, Sierra National Forest for the Sheriff’s Department to Provide Patrol Services in the National Forest (Sheriff); Res. 04-348
- CA-3 Authorize the Chairman of the Board of Supervisors to Execute an Agreement between Mariposa County Human Services Department and Cathy Rohrbaugh to provide

Learning Disabled Evaluations for Individuals in the CalWORKs Program (Human Services Director); Res. 04-349

CA-4 Authorize the County to Enter into an Agreement with Yosemite Highlands Inc., Regarding the Use of a 25-Foot Wide Easement Granted to Yosemite West Maintenance District (Public Works Director); Res. 04-350

4:27 p.m. The Board adjourned in the memory of Sophia Anna Paige and Winfred “Winnie” Williams.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

August 1, 2006



Time _____ Description

9:05 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Lee Stetson, Chairman;

Presentation of Certificates of Recognition to Lonnie Bissmeyer in Recognition of being the First Mariposan to Complete the 25-Miler and to Kathleen Castro for being the First Mariposan to Complete the 50-Miler During the "2006 Mariposa Run for the Gold" Endurance Rides (Continued from 7-25-06)

BOARD ACTION: (M)Pickard, (S)Bibby, the Certificates were presented to Lonnie Bissmeyer and Kathleen Castro/Ayes: Unanimous. Becky Crafts thanked the Board for its support of this event, and she noted that this was an opportunity for 4-H members to learn aspects of endurance riding. The silent auction is a fundraiser for 4-H, and she noted that this is a destination event.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/Interim County Administrative Officer)

BOARD ACTION: Kome Ajise, District 10 Director for CalTrans, gave a report on the limited opening of Highway 140 with the completion of the first bridge. He gave a brief review on the history of the slide, status of construction of the temporary bridges, and statistics for the number of vehicles that have used the detour. He advised that they are working with Teichert Construction to complete the temporary process, and they plan to open the second bridge by the end of August and that will reduce the detour to ½ mile. There will be a lot of technical analysis and economic analysis to determine a permanent solution, options include permanent bridges to the other side of the Highway, a tunnel or a rock shed through the slide. Discussion was held. Supervisor Turpin asked about coordinating schedules for the school buses. Supervisor Stetson asked about advance warning of the 28-foot vehicle limit. Julie Dunning, CalTrans, advised that they have not done a lot of publicity on this opening at this time because they would be unable to handle a lot of traffic. They have people watching for the long vehicles so that they can turn them around before they get to the bridge. They will do more advertising for the second bridge opening, and will further review posting the limit on the vehicle length. She also advised that they are working with the School District to coordinate the bus schedules. Supervisor Bibby asked about the status of monitoring the slide. Julie Dunning provided information on the monitoring systems that they are planning to have in place, and she advised that when the second bridge opens, there will be no construction activity and access will be controlled by signals. Supervisor Stetson asked about the possibility of allowing night time traffic in the future, and Julie advised that they are planning for that with the monitoring/alarm systems. They are working to integrate the monitoring systems with the interchangeable message signs so that the road can be closed when movement of the slide is detected. Board members thanked CalTrans and Teichert Construction and everyone involved in this incident. Supervisor Stetson asked for support from CalTrans in working with the Forest Service to review what would happen and what the solution would be if a there was a catastrophic slide.

Input from the public was provided by the following:

Ken Gosting, TIE (Transportation Involves Everyone), commented on recent rumors and he noted that the telephone message system does not provide the information on the limited opening of the Highway with the installation of the first bridge. He stated he feels that in the absence of good information being provided to the public, that it leaves room for rumors. Supervisor Pickard commented on the press release that CalTrans provided, and he advised that it contained accurate information.

Supervisor Stetson noted that the only glitch in the traffic movement that he was aware of was the longer wait on the other side of the slide. Kome Ajise and Julie Dunning advised that they are making changes and will issue a press release today to adjust the evening hours.

(M)Bibby, (S)Turpin, Res. 06-351 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist based on the update that was provided and the continued monitoring and continuing the local emergency based on the findings/Ayes: Unanimous.

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

Ruth Sellers asked why the Tourism Coordinator and County Administrative Officer actions were included as one item on the agenda versus two separate items, and she asked what the relationship between the functions is. She stated she feels that Mr. Radanovich is a wise choice for interim Tourism Coordinator. She suggested that the Deputy County Administrative Officer conduct an audit of the Tourism office before Mr. Radanovich starts; and she asked who Mr. Radanovich will report to. She questioned the necessity for assigning duties to Mike Coffield given the closed session that is scheduled today for public employee appointment for the County Administrative Officer position and the fact that we have a Deputy County Administrative Officer. Based on the review of the request budget, she feels the Board should be very prudent with expenditures.

Paul Chapman stated he agrees with Ruth Sellers. He asked the Board to pulled Consent Agenda items 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, pursuant to Government Code Section 54954.3 relative to public comment as allowed by the Brown Act.

Eleanor Keuning advised that radio station 530 is still reporting that Highway 140 is closed, and she suggested that it advise travelers to stop and check for current information. She stated she agrees with the comments provided by Ruth Sellers and Paul Chapman. She referred to the Consent Agenda items and expenditures coming from the FY 06-07 budget without the final budget having been adopted. She also referred to Consent Agenda item 17, and she stated she feels the County employee should be doing the marketing campaign work.

Mike Coffield, Interim County Administrative Officer, responded to the input provided by Ruth Sellers, and he advised that the two requests are listed on one agenda item as the Tourism Coordinator is a direct report of the County Administrative Officer, and those duties are currently assigned to the County Administrative Officer.

Human Services Response to Governor's Order on Heat Wave Emergency (Human Services Director)
BOARD ACTION: Cheryle Rutherford-Kelly, Human Services Director, advised of the Department's response to the Governor's Order on the heat wave emergency. A total of 1,089 telephone calls were made to check on clients and people that had asked for help. She commended the Sheriff's Department, Public Works staff and Foster's True Value Hardware for providing assistance during the heat wave. Board members commended staff, including Fire and Health, for their assistance and recognized all of the workers that work in the heat. Supervisor Bibby suggested that the affected departments meet to make sure that the Emergency Response Plan covers weather, heat and extreme winter conditions. Cheryle provided input relative to the efforts at the State level to provide energy assistance. She also noted the need to track with the State to cover the costs that were promised for providing the response to the Governor's Order. Discussion was held relative to the process that the State used for the emergency declaration. Mike Coffield, Interim County Administrative Officer, provided input and he advised that he plans to meet with the affected departments to ensure that incident command will kick into gear no matter how the declaration is issued.

Board Information

Supervisor Bibby advised that the Mental Health Board meeting is scheduled for noon today. She commended the departments and the citizens for their efforts during the heat wave emergency.

Supervisor Fritz advised that she attended the Juvenile Justice Committee meeting on Wednesday. She advised of the passing of Eleanor Rollston, long-time member of Soroptimist. She noted that the Sultry Summer Shin-dig event is scheduled in Coulterville for this weekend.

Supervisor Turpin commented on the Sultry Summer Shin-dig event that is scheduled for this weekend. He advised that there was a fire off of Highway 49 north, and that everyone did a great job in containing the fire.

Cathi Boze, Agricultural Commissioner/Sealer;

Presentation of the 2005 Mariposa County Agricultural Crop & Livestock Report

BOARD ACTION: Cathi Boze presented the crop and livestock report. Discussion was held.

Karen Robb, Farm Advisor/4-H;

Presentation of Statistics on the 4-H School Enrichment Program, "Ag in the Classroom"

BOARD ACTION: Donna Wise, 4-H Coordinator, gave a presentation on the program and reviewed the various demonstration projects that are available. The matter was continued for the following hearing to be opened.

10:31 a.m. The public hearing to add the delinquent fees to the appropriate property tax roll for collection was opened and continued until after the following matters.

Further discussion was held relative to the "Ag in the Classroom" program. Sandy Wice, teacher for Mariposa County Unified School District, provided input on her experience with the program. Supervisor Bibby noted the availability of First 5 funding for pre-school children. Donna Wice thanked the Board and the Mariposa County Farm Bureau for their support of this program.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Pickard asked that County Counsel address the public presentation given by Paul Chapman relative to pulling Consent Agenda items for input. Tom Guarino, County Counsel, advised of his review of the Government Code that was cited (54954.3) – it requires that public comment be allowed at the time permitted by the agenda or the Board Chair's discretion; and it does not require pulling items for public comment. Supervisor Bibby suggested that the Board allow for another opportunity for public comment on the Consent Agenda this morning, and she pulled item 13. Mike Coffield, Interim County Administrative Officer, responded to the issue that was raised earlier relative to committing FY 06-07 funds prior to adoption of the final budget; and he advised until adoption of the final budget, the County is operating under the prior year's adopted budget. The contracts need to be executed to be able to continue the services; and in the absence of adoption of the final budget for this fiscal year, there are funds available for the contracts since we are operating on the prior year's budget. Supervisor Pickard noted that, for the most part, the dollars for the contracts are not from the General Fund. Mike Coffield noted that the Human Services Department is mostly funded by the State and Federal funds.

Ruth Sellers clarified that it wasn't her that raised the contract and budget adoption issue.

Eleanor Keuning advised that she raised the contract and budget adoption issue.

Supervisor Turpin pulled item 13. Chairman Stetson advised that item 16 was pulled from the agenda at the request of the Auditor, it will be rescheduled. He pulled item 2 for clarification to be received from the Sheriff's Department. Supervisor Bibby again suggested that public presentations be re-opened for the Consent Agenda items, and Chairman Stetson re-opened the public presentations.

Eleanor Keuning referred to the Board's procedures that call for input from the public on the Consent Agenda during the public presentations portion of the meeting, and she noted that if an item is pulled and discussion is held, it bring things to mind for the public members that they may want to be able to comment on and would not have thought of during the public presentation portion of the meeting.

Paul Chapman asked whether the State and Federal funds have been received for the contracts; if not, he feels that the funds for the contracts are coming from the General Fund until the revenues are received. Mike Coffield, Interim County Administrative Officer, advised that the General Fund fronts the expenses that are later reimbursed by the State and Federal funds if the funds are not received in advance. He also commented on the budget process.

(M)Fritz, (S)Pickard, the balance of the agenda items was approved/Ayes: Unanimous.

Consent Agenda item 2 – Joel Bibby, Sheriff’s Captain, provided input relative to the budget for the contract with Dr. Rosebrock. (M)Fritz, (S)Pickard, item 2 was approved/Ayes: Unanimous.

Consent Agenda item 13 – budget transfer for the Coulterville Service Area. Supervisor Bibby asked if the rates for all service areas will be brought to the Board for review. Dana Hertfelder, Public Works Director, advised that they plan to bring the rates for Coulterville to the Board first. Discussion was held. Supervisor Turpin stated he feels that a long-term formula for rates needs to be reviewed. He also noted that the Coulterville Service Area is not included in the property tax rate structure, and he asked that staff review this matter and or the possibility of obtaining a grant for the District to be able to continue to provide services. (M)Turpin, (S)Bibby, item 13 was approved/Ayes: Unanimous.

10:57 a.m. Recess

11:05 a.m. Dana Hertfelder, Public Works Director;

PUBLIC HEARING – Adopt a Resolution of Approval to add the Delinquent Fees to the Appropriate Property Tax Roll for Collection.

BOARD ACTION: Dana Hertfelder presented the staff report and responded to a question from the Board relative to the penalties and collection of the assessment. The public portion of the hearing was opened. There was no input from the public. The public portion of the hearing was closed. The Board commenced with deliberations. (M)Bibby, (S)Fritz, Res. 06-368 was adopted adding the delinquent fees to the appropriate property tax rolls for collection. Staff responded to a question from the Board relative to the application of road fees, and advised that this pertains to Yosemite West. Ayes: Unanimous. The hearing was closed.

Dana Hertfelder, Public Works Director;

Adopt a Resolution Authorizing the Issuance of Improvement Bonds and Related Actions Pertaining to the Wastewater Facilities Project for Assessment District 05-1, Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1

BOARD ACTION: Discussion was held with Dana Hertfelder, and he clarified that the recommended action authorizes two series of bonds to be able to cover the initial cost of the purchase of the land. The next step in this process will be to close the loan with the USDA and to award the contract for construction of the project. Supervisor Pickard noted that the pages that were left out of the original package for this item have been distributed. Carl Casey, Public Works Administrator, responded to questions from the Board and provided input relative to the interest rates. Dana Hertfelder responded to a question from the Board relative to the status of the Williamson Act contract issue, and he advised that staff is working on removing the portion that will be impacted by the construction of this project from the contract. (M)Turpin, (S)Fritz, Res. 06-369 was adopted approving the recommended actions/Ayes: Unanimous. Supervisor Pickard clarified that the motion included the issuance of both bonds.

11:18 a.m. LOCAL TRANSPORTATION COMMISSION

(Chair – Lyle Turpin, Vice-Chair – Dianne Fritz)

Public Presentation – none.

A) Adopt a Resolution Allocating the Transportation Development Act (TDA) Funds for Fiscal Year 2005-2006

BOARD ACTION: Discussion was held with Dana Hertfelder (M)Pickard, (S)Stetson, LTC Res. 06-2 was adopted allocating the Funds/Ayes: Unanimous.

B) Adopt a Resolution Authorizing the Public Works Director to Sign a Fund Transfer Agreement with the State of California for the STIP Planning, Programming and Monitoring (PPM) Program for Fiscal Year 2005-2006 (\$19,000)

BOARD ACTION: Discussion was held with Dana Hertfelder/Public Works Director, and Carl Casey/Public Works Administrator. Supervisor Pickard asked about the change in formula, and he asked about status of the RTIP and STIP processes. Dana Hertfelder advised of recent discussions with the State and he advised that he will be bringing more information back to the Board, including information on the recent allocation of federal funding for projects. Supervisor Bibby asked that the projects be updated for the information that is brought back. (M)Bibby, (S)Pickard, LTC Res. 06-3 was adopted approving the agreement/Ayes: Unanimous. Supervisor Turpin suggested that staff review bringing something back for the agenda to improve or restrict commercial traffic on Priest-Coulterville Road. This would include school buses and he asked that something be brought back before school starts. Dana provided input relative to the damages that have occurred to Priest-Coulterville Road being related to the closure of Highway 120 due to storm damage. Supervisor Pickard asked staff to look at improvements that are needed to Chowchilla Mountain Road, due to the increased traffic as a result of the Highway 140 closure, as a part of the local emergency.

11:36 a.m. Approval of Minutes of July 18, 2006, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Bibby, (S)Fritz, the minutes were approved/Ayes: Unanimous.

11:38 a.m. CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a), Name of Claimant or Case Number and Name of Adverse Parties: Robert E. Cooper et al. v. County of Mariposa, et al.; Case No. 8549 (County Counsel);

MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

CLOSED SESSION: Conference with Real Property Negotiator: Description of Real Property: Downtown Parking Lots, Agency Negotiator: Thomas P. Guarino; Closed Session will Concern Price (County Counsel); and

CLOSED SESSION: Public Employee Appointment, Title or Position to be Filled: County Administrative Officer, (Government Code Section 54957 (b) (1)) (County Counsel)

BOARD ACTION: (M)Fritz, (S)Pickard, the closed sessions were held/Ayes: Unanimous. Chairman Stetson announced that the Board would reconvene in open session at 1:30 p.m.

1:04 p.m. Recess

1:39 p.m. The Board reconvened in open session, and Chairman Stetson announced that direction was given to staff, and to County Counsel to act as negotiator for the position of County Administrative Officer.

Adopt a Resolution Reassigning Selected County Administrative Officer (CAO) Duties, Directing Changes as Desired to CAO Extra-Help Agreement, and Authorizing Execution of an Extra-Help Agreement with Leroy Radanovich to Serve as Interim Tourism Coordinator (Interim County Administrative Officer)

BOARD ACTION: Mike Coffield, Interim County Administrative Officer, presented the staff report and recommendations, and discussion was held. He advised that Leroy Radanovich worked closely with the previous Tourism Coordinator, he has experience and he feels that with very little preparation, he can be effective in that office. He also noted that Leroy is under contract to provide photography service to the office, and he suggested that the Deputy County Administrative Officer or the Business Development Coordinator be involved in any assignments for that function. Supervisor Pickard commented on involving the Tourism Advisory Council in the goals. Discussion was held relative to supervision of the Tourism Coordinator and the contract for services. Tom Guarino, County Counsel, provided input relative to the contract issue. Supervisor Bibby asked that the agreement with the Tourism Coordinator include status reports to the Board. Discussion was held relative to the allocation of the County Administrative Officer duties.

Input from the public was provided by the following:

Kenneth Gosting, TIE (Transportation Involves Everyone), asked whether the results of the closed sessions were announced. Chairman Stetson advised that when the Board reconvened, an announcement was made. Kenneth stated he feels that Leroy Radanovich is capable of handling this because of his marketing and photography skills, and his report with the surrounding counties; and they endorse this as an interim appointment. He advised that they have concerns with the Board's subcommittee administering this function, and they have Brown Act questions, with the possibility of the Chair also be involved in the supervision as Interim County Administrative Officer. He stated he feels that the Board may have certain powers under the emergency declaration for appointment. He strongly recommended that there be an outside evaluation and benchmarks set for this function. He also recommended that there be a clear knowledge of what is supposed to be done and how funds are supposed to be used; and suggested that with the assistance of the Deputy County Administrative Officer, that Leroy could do that. He stated he feels that this function is a mess and needs to be straightened out.

Further discussion was held. Mike Coffield agreed to continue as the Interim County Administrative Officer until August 8th. He advised that unless he hears objection from the Board, he will enter into an agreement with Leroy Radanovich to begin immediately, and he will work with County Counsel to bring back an agreement for the Board using the base salary of the position. (M)Pickard, (S)Fritz, direction was given for County Counsel and the Interim County Administrative Officer to bring back an agreement for the interim Tourism Coordinator/Ayes: Unanimous. (M)Pickard, (S)Turpin, direction was given for staff to prepare a resolution allocating duties of the County Administrative Officer as discussed/Ayes: Unanimous. (M)Bibby, (S)Fritz, County Counsel was appointed as negotiator to retain Mike Coffield to provide budget, personnel, risk management and negotiations/labor relations services as discussed/Ayes: Unanimous.

INFORMATION – No action was necessary on the following:

List of Contracts Entered into by the County Administrative Officer Pursuant to Ordinance 3.08, for the Months of April, May, June and July 2006 (Interim County Administrative Officer)

CONSENT AGENDA:

- CA-1 Approve Budget Action Transferring Funds within the Sheriff's Budget Due to Unanticipated Expenditure Increases (\$11,691) (Sheriff); Res. 06-352
- CA-2 Approve an Agreement with R. W. Rosebrock to Euthanize Stray/Unwanted Pets and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Sheriff); Res. 06-366
- CA-3 Approve an Agreement with Cathy Rohrbaugh to Provide Learning Disabled Evaluations for Individuals in the CalWORKs Program for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-353
- CA-4 Approve an Agreement with Mother Lode Job Training (MLJT) to Provide Assessment Services for Individuals in the CalWORKs Program for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-354
- CA-5 Adopt a Resolution Approving the Substance Abuse & Crime Prevention Act (SACPA Prop 36) Program Plan for Fiscal Year 2006-2007 (Human Services Director); Res. 06-355

- CA-6 Approve an Agreement with Heritage Oaks Hospital for Residential Inpatient Services for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-356
- CA-7 Approve an Agreement with Merced Behavioral Health Center for Residential Inpatient Services for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-357
- CA-8 Approve an Agreement with Crestwood Behavioral Health for Psychiatric Inpatient Services for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-358
- CA-9 Approve Continuing an Agreement with Kathy Albright for Fiscal Assistance for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-359
- CA-10 Approve a Contract with Progress House, Inc. for Residential Alcohol and Drug Treatment Services for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-360
- CA-11 Approve an Agreement with Sierra Vista Hospital for Residential Inpatient Services for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-361
- CA-12 Approve an Agreement with Merced County Department of Mental Health for Residential Inpatient Services for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-362
- CA-13 Approve Budget Action Transferring Funds from Coulterville Utility Capital to Coulterville Service Area, and Appropriating Unanticipated Revenue and Transferring Funds within the Coulterville Service Area Budget to Cover Anticipated Expenditures through June 30, 2006 for Fiscal Year 2005-2006 (\$9,375) (4/5th's Vote Required) (Public Works Director); Res. 06-367, with a request for staff to review the possibility of including the district in the tax structure or possibly obtaining a grant
- CA-14 Approve Budget Action Transferring Funds within the Road Division Budget between Various Line Items to Cover Anticipated Expenditures through June 30, 2006 for Fiscal Year 2005-2006 (\$69,251) (Public Works Director); Res. 06-363
- CA-15 Adopt a Resolution Approving 1) Consolidating John C. Fremont Healthcare District Election, Mariposa County Unified School District Election, and for the Wawona Precinct Only (Wawona-Fish Camp Area are a Part of the Following School Districts), Bass Lake School District, and Yosemite Unified School District Elections with the November 7, 2006 General Election, Pursuant to EC 10401; 2) Direct County Clerk to Canvass Returns of Said Election Pursuant to EC 10411 and 15301; 3) Direct County Clerk to Bill the Healthcare District, the Madera County Office of Education, and the Mariposa County Unified School District in Full for Cost of Services Performed in the Conduct of the Portion of

the Election Relating to Each of their Respective Districts (County Clerk); Res. 06-364

CA-16 Approve an Agreement with S & R Enterprises for Software and Assistance in Completing the Countywide Cost Allocation Plan for use in 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Auditor); Item was pulled at the request of the Auditor

CA-17 Approve Two Grant Applications to Pacific Gas & Electric (PG&E), the First Application is an Economic Development Grant Requesting \$10,000 to Implement a Marketing Campaign Promoting “MARIPOSA IS OPEN FOR BUSINESS”. The Second Application is a Community Development Grant Requesting \$10,000 to Implement the Coulterville Neighborhood Revitalization Project – Phase I (Interim County Administrative Officer); Res. 06-365

2:35 p.m. Adjournment in memory of Darell I. Deal, Helen Ruth Watts, Ellen Joan Harry, and Elinor M. Croft Rollston.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA August 3, 2004



Time Description

9:10 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

- Dr. Mosher, Health Officer, provided a status report on a hazardous materials incident that occurred on Silva Road the previous week when a white powder substance was found in a mailbox.
- Paul Chapman provided the following input on agenda items: 1) relative to the request to purchase real property located in Hornitos from the County; 2) relative to the proposal to extend water and wastewater services to Ben Hur Road – he stated he feels this should be coordinated with the Mariposa Creek Parkway project; and 3) relative to the request to increase the weight limits on new bridges for water tender service and to create a fire department training center – he stated he feels that 52,000 pounds on a 3-axle truck is exceeding the limits and he noted that the County would need someone qualified to train if we have a fire academy.

Board Information

- Supervisor Stetson advised that the El Portal Advisory Committee has a meeting scheduled next Tuesday.
- Supervisor Bibby advised that she has a District III meeting scheduled for this Thursday in Hornitos. She also advised that the control burn on the Long property is scheduled to occur this date.
- Supervisor Balmain asked that the CalTrans worker that was killed in an accident on Bagby grade be added to the memorial list.

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

BOARD ACTION: Supervisor Stetson pulled item 8. Supervisor Bibby pulled items 1 and 3. (M)Stetson, (S)Pickard, the balance of the items was approved/Ayes: Unanimous.

Supervisor Bibby initiated discussion relative to item 1, and expressed concern with the request. Rich Inman, County Administrative Officer, asked that the item be pulled to allow him an opportunity to discuss this request with Supervisor Bibby. Matter will be brought back.

Supervisor Bibby initiated discussion relative to item 3, and asked for clarification of the agreement with the School District concerning payment of the costs for elections. Tom Guarino, County Counsel, advised that he will review the agreement and bring information back to the Board. (M)Bibby, (S)Pickard, item 3 was approved, subject to review by County Counsel/Ayes: Unanimous.

Supervisor Stetson initiated discussion relative to item 8, and asked for clarification of the dates in the documents for the term of the contract. Carl Casey/PWD-Fiscal Officer, provided clarification and advised that the bid for the oil and miscellaneous fluids was done at the same time as for the fuel;

however, formal action had not been taken to award the contract. (M)Stetson, (S)Pickard, item 8 was approved/Ayes: Unanimous.

Rich Inman, County Administrative Officer;

Discussion and Direction to Amend County Ordinance Section 9.20.030 C, to Prohibit Smoking in All County Vehicles

BOARD ACTION: Following discussion, (M)Pickard, (S)Balmain, direction was given for Public Works to work with the County Administrative Officer to bring back an amendment to the County Code to prohibit smoking in all County vehicles/Ayes: Unanimous.

Tom Guarino, County Counsel;

Discussion and Possible Direction to Staff Relative to a Request from Gilbert and Carol Torres to Purchase 1.08 Acres of Real Property Located in Hornitos from the County

BOARD ACTION: Discussion was held relative to the request and the process. Tom Guarino advised that the minimum bid that would be accepted would be for fair market value of the property plus the cost of the appraisal. Supervisor Stetson asked about the property being two separate parcels and whether they could be sold as one. Supervisor Bibby asked that the history of the parcel be reviewed, and that other County agencies be contacted to verify that they have no use of this property and that there are no structures on the property. (M)Pickard, (S)Stetson, direction was given to County Counsel to proceed with the process for initiating the sale of the property/Ayes: Unanimous.

9:34 a.m. Supervisor Parker excused himself from the meeting for the following item due to a potential conflict as his son is the applicant for the road name request.

Sarah Williams, Interim Planning Director;

Adopt a Resolution Approving the Road Name “Riven Rock Road” for the Subject Easement

BOARD ACTION: Sarah Williams introduced Patricia Nicholson, Associate Planner. Sarah presented the staff report and recommendation to approve the road name, and she advised of the results of the survey of the affected property owners. Supervisor Bibby asked about contact with the affected property owners, and she advised of her conversation with Marianne Harrison relative to her concerns with the road name. She also advised of her contact with County Fire, and Chief Shultz’s recommendation that that easement have a separate name from the connecting road from the fire and safety standpoint. It was noted that there are roads with the name “river” in them and that the cross street would need to be used to identify the location.

Input from the public was provided by the following:

- Kord Parker, applicant, advised that two of the parcels (Nos. 52 and 53) have existing driveways off of Ashworth Road.

Discussion was held relative to the policy for naming roads and signage.

- Kord Parker commented on the input provided by the affected property owners, and he advised that he would be willing to accept the burden of cost for placing a sign advising that it is not a through road.

(M)Pickard, (S)Stetson, Res. 04-362 was adopted approving the road name request; direction was given for Public Works to take care of the road name sign within the County right-of-way; and the offer was accepted from the applicant to install a sign that it is not a through street and to bear the cost of that sign/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

9:54 a.m. Supervisor Parker returned to the meeting.

Charles Mosher, Health Officer

Information, Discussion and Approve a Demonstration in the Lobby of the Administration Building to Promote Composting and Further Recycling Efforts

BOARD ACTION: Dr. Mosher advised of his request and offered to tie the demonstration project with the education component for the co-compost facility project. Supervisor Balmain commented on

potential bear problems with the compost bins. The Board concurred with having the demonstration project in the lobby.

10:00 a.m. CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Mecchi v County of Mariposa, et al (County Counsel); and CLOSED SESSION: Public Employee Appointment; Planning Director (Continued from July 27, 2004) (County Administrative Officer)

BOARD ACTION: (M)Stetson, (S)Bibby, the closed sessions were held with the Interim Planning Director to be present for one of the matters/Ayes: Unanimous.

10:32 a.m. The Clerk of the Board opened the Public Hearing for Appeal No. 2004-131 of Land Division Application No. 2003-283, and continued the hearing until after the Board concluded with the closed session matters.

10:47 a.m. Chairman Parker announced that no action was taken as a result of the two closed session matters.

Sarah Williams, Interim Planning Director;
PUBLIC HEARING and Request to Adopt a Resolution Denying Appeal No. 2004-131 and Upholding all of the Planning Commission's Actions and Procedures Related to and Supporting Approval of Land Division Application No. 2003-283, Including the Conditions of Approval, the Findings, the Environmental Determination, and Procedures Related to the Public Hearing Conducted on June 18, 2004. Kevyn Moberly, Applicant; David Mecchi, Caroleen Mecchi, and Beverly Mecchi, Appellants (Contact Person: Raymond Carlson)

BOARD ACTION: Sarah Williams presented the staff report and reviewed each of the appeal issues. She also advised of another issue that was not raised in the appeal – she advised that procedurally there is a notice requirement that the Planning Commission's public hearing did not include, and that is a requirement of the County Code that requires three types of noticing: 1) newspaper, notice to the property owners, and posting on the property and in the community. She could not find any evidence that the posting was done in the community. She further advised that she raised this issue since procedures were important in this appeal. Staff responded to questions from the Board clarifying that the notice issue was not raised in the appeal, but was discovered by Planning; clarifying the notice requirements, and advised that the State noticing requirements were met, but the County Code requirements were not met.

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

Attorney Ray Carlson, representing the Mecchi's (appellants) on this appeal reviewed the following issues they raised in the appeal:

He reviewed their concerns with the issues related to water, and stated he does not feel that there is information that shows that there will be enough water for the new lots. He advised that two of the lots are on steep slopes and there is no information on the approximate well locations or design for these parcels. He believes that the California Environmental Quality Act (CEQA) requires disclosure of this information. He stated that you can not tell from the information what the water supply will be for the parcels or whether it will be sufficient, especially given the allowance of secondary residences.

Supervisor Pickard clarified that the secondary residences are allowed by State law. Attorney Carlson referred to the County being in the process of adopting a new General Plan. Chairman Parker reiterated comments he has made during previous meetings, and advised that we are dealing with what is on the books today and not the proposed Plan. Attorney Carlson referenced the language in the General Plan that refers to significance of well failure and stated he does not know what that is. He referenced CEQA and stated he feels the permit granting jurisdiction should have to show that there is water, and he disagrees that they have to show that there is not enough water. He noted that the land is on a slope and they do not know what the impact will be to the down slope parcels by taking water from these parcels.

He stated they do not know where the septic tanks will be located, and he feels that due to the slope, the impacts should be disclosed.

He stated the issues with erosion and siltation are potential impacts to the Mecchi's pond. He noted that road work could potentially cause silt to get into the pond.

He stated they did not see anything that dealt with the issue of increased traffic and resulting impacts other than the safety and fire access. He stated that with the increased traffic there is a potential for air quality impacts and noise impacts.

He referred to letters and information in the staff report that were not made available to them in some cases until the date of the hearing before the Planning Commission. He stated it is difficult to evaluate and respond on such a short notice. He noted that they did not receive a signed copy of the Planning Commission's resolution and exhibits; and if it was in existence at the time of the hearing, it should have been made available. He stated he feels that new measures were proposed at the last minute and that changes what the project is and does not give them time for comment.

Supervisor Parker asked Tom Guarino, County Counsel, about the appellant's appeal of all issues in respect to the findings, conditions of approval, and Environmental Impact Report, etc., and noted the issue that Sarah brought up relative to the posting of the notice that was overlooked by the Attorney, and he asked what options the Board has. Tom Guarino advised that the Board could remand this to the Planning Commission because the proper noticing procedures under the County Code were not followed, and he noted other parties could appeal on that issue as well. He also noted that a requested relief in the appellant's package was a remand. He referred to the Board's appeal procedures and his discussion with counsel for the applicant, and he advised that they are not opposed to a remand.

(M)Stetson, (S)Pickard, the matter was remanded to the Planning Commission based on the proper noticing procedures of the County Code not being followed. Supervisor Pickard stated he feels this appeal is unsettling to him in the way this is affecting the applicant and using CEQA to stop neighbors from development – he does not support using these kinds of tactics and would like to see a way that we can protect people. He feels a strong action should be taken to prevent allowing people that have more resources to stop projects and strain the County taxpayers to defend these kinds of action. Supervisor Parker stated he agrees with Supervisor Pickard and is fully prepared to defend the Planning Commission's action today; however, because of the issue of the noticing that was discovered, he supports sending it back to the Commission. He referred to the written information that the appellant's provided that contain a sentence that states, "Gone are the days where people respected the property of others." He stated that is a two-way street. Ayes: Unanimous. Tom Guarino clarified that the remand is on the basis that the notice was not posted properly on the property in compliance with the County Code, and he advised he will bring a formal resolution back next week for the Board to act on to remand this to the Planning Commission. He also noted that a new hearing will be set, posted and noticed for this matter. He also referred to Attorney Carlson's testimony relative to receiving the unsigned Planning Commission's resolution, and he advised that the resolution was not signed because it could not be signed until after the Planning Commission took action. Supervisor Stetson commended staff and Sarah for the prodigious amount of work involved in preparing this matter, and for doing an excellent job in responding to the appeal.

Authorize the Chairman of the Board of Supervisors to Sign a Letter Thanking our Local Pacific Gas & Electric (PG&E) Employees for Their Assistance with County Projects and to Our Community and Approve Certificates of Recognition for Said Employees (Chairman Parker)

BOARD ACTION: Following discussion, (M)Bibby, (S)Stetson, the request was approved/Ayes: Unanimous.

Action was taken on the following Public Works items:

A) Approve Plans and Specifications for the Regional Recreation Complex Road and Sewer Project #02-08 and Authorize Advertising for Bids for the Construction of Said Project (Bid Documents and Plans are Available for Review at the Clerk of the Board's Office)

BOARD ACTION: (M)Pickard, (S)Stetson, Res. 04-363 was adopted/Ayes: Unanimous.

B) Authorize Public Works to Solicit Proposals for a Feasibility Study and Concept Plans for the Annexation of Public Water and Wastewater Services Along the Highway 49 South Corridor from the Mariposa Town Planning Area to Ben Hur Road

BOARD ACTION: Discussion was held. Supervisor Pickard commented on trying to coordinate this project with other infrastructure projects such as the Mariposa Creek Parkway. (M)Pickard, (S)Bibby, Res. 04-364 was adopted. Supervisor Balmain initiated discussion relative to the need to extend the water and wastewater services on Highway 49 North. Chairman Parker suggested that MPUD be contacted relative to extending the services on Highway 49 North. Supervisor Bibby clarified that the services provided by MPUD include water, wastewater and fire. Ayes: Unanimous.

E) Approve and Authorize the Chairman of the Board of Supervisors to Execute a Professional Services Agreement with Einarson, Fowler and Watson, dba Conor Pacific for Ongoing Environmental Monitoring, Reporting, and Technical Services for the Mariposa County Landfill in the Amount of \$24,000

BOARD ACTION: (M)Pickard, (S)Balmain, Res. 04-365 was adopted. Supervisor Bibby advised of spacing problems with the typing that need to be corrected in the agreement. Supervisor Balmain initiated discussion relative to the language in the contract for the services to be provided, and he suggested that the services be provided at the direction of Public Works. The motion was amended, agreeable with the maker and second, to include direction for County Counsel and the County Administrative Officer to clarify the language in the contract relative to the services and that they are not to exceed \$24,000/Ayes: Unanimous.

D) Adopt a Resolution Authorizing the Mariposa County Public Works Solid Waste & Recycling Division to Participate in the California Integrated Waste Management Board (CIWMB) Covered Electronic Waste Recovery and Recycling Payment System

BOARD ACTION: Discussion was held. Rich Inman, County Administrative Officer, noted that language in the formal resolution authorizes the Solid Waste & Recycling Manager to execute other documents. He suggested that it should be the Chairman or the Director that is authorized to execute documents and that authorization should not be given for executing on-going agreements. (M)Pickard, (S)Stetson, Res. 04-366 was adopted with the deletion of the provision for executing on-going agreements, and with a change to give authorization for the Chairman to sign the agreement upon review by County Counsel and the County Administrative Officer/Ayes: Unanimous.

C) Direction Relative to Hangar Land Leases at the Mariposa-Yosemite Airport that are Due to Expire at the End of the Year

BOARD ACTION: Discussion was held. (M)Balmain, (S)Bibby, direction was given to renew or extend the lease agreements as recommended. Supervisor Bibby noted that the inventory hangar information was provided to the Board as requested when this matter was previously discussed. She also clarified that the renewal and extended lease agreements would be brought back to the Board for approval. Supervisor Pickard initiated discussion relative to provisions for future adjustments to the rental rate. Ayes: Unanimous.

11:59 a.m. Lunch

2:10 p.m. Blaine Shultz, Fire Chief;

Discussion and Direction Relative to Increasing the Weight Limits on New Bridges from 40,000 Pounds to 52,000 Pounds for Water Tender Service; and Creating a Fire Department Training Center

BOARD ACTION: Chairman Parker noted that due to the fire activity, the Fire Chief is unable to be present. The matter was continued to August 10, 2004.

CONSENT AGENDA:

- CA-1 Adopt a Resolution Amending Resolution 04-92 by Designating the Administrative Analyst – Business Development Coordinator as a Management and Confidential Position (County Administrative Officer); Matter was pulled
- CA-2 Accept Resignation of Jennifer Housler from the Greeley Hill Planning Advisory Committee (Supervisor Balmain)
- CA-3 Adopt a Resolution Consolidating John C. Fremont Healthcare District Election, Mariposa County Unified School District Election, and for the Wawona Precinct Only, Bass Lake School District and Yosemite Union High School District Elections, with the November 2, 2004 General Election, Pursuant to Elections Code 10411; Directing the County Clerk to Canvass Returns of Said Election Pursuant to Elections Code 10411 and 15301; and Directing the County Clerk to Bill the Healthcare District and Each Applicable School District in Full for Costs of Services Performed in the Conduct of the Portion of the Election Relating to Each of the Districts (County Clerk); Res. 04-360, with direction for review of the agreement with the School District
- CA-4 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign the Pesticide Application Reporting Contract No. 04-0020C for FY 2004/2005 with California Department of Pesticide Regulation (CDPR) (Agricultural Commissioner); Res. 04-353
- CA-5 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Pierce's Disease Control Program/Glass-Winged Sharpshooter Contract No. 04-0374 for FY 2004/2005 with California Department of Food and Agriculture (CDFA) (Agricultural Commissioner); Res. 04-354
- CA-6 Approve Budget Action for Fiscal Year 2003/2004 Transferring Funds within the Facilities Maintenance Budget from Custodian Salary Savings to Household Expense to Cover Expenditures through the End of the Fiscal Year (\$2,100) (Public Works Director); Res. 04-355
- CA-7 Adopt a Resolution Accepting the Completion of the Mariposa Town Sidewalks on State Highways and County Roads (Phase I), Public Works Project Number 95-42 and to Release any Funds for the Project Held as Retention to the Contractor, BDS Inc. of Chowchilla (Public Works Director); Res. 04-356
- CA-8 Authorize Public Works to Award a Contract to the Lowest Responsible Bidder for Bids to Supply Oil and Miscellaneous Fluids for the County's Fleet and Authorize the Chairman of the Board of Supervisors to Execute the Contract (Public Works Director); Res. 04-361
- CA-9 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Declaration of Intent Not to Apply for Rural Health Services (RHS) Program Funding Fiscal Year 2004/2005 (Health Officer); Res. 04-357
- CA-10 Adopt a Resolution Authorizing the Health Education Program Allocation for Three Consecutive Fiscal Years Beginning July 1, 2004 and Ending on June 30, 2007; Authorizing the Chairman of the Board of Supervisors to Execute the Acceptance of Allocation Agreement Form for Fiscal year 2004/2005; and Authorizing the Health Officer to Sign Other Documents Required by the State to Maintain the Health Education Program in Mariposa County throughout the Multi-Year Agreement Period (Health Officer); Res. 04-358
- CA-11 Approve the Amendment #2 to the Agreement between Mariposa County Behavioral Health, Alcohol and Drug Programs and the State Department of Alcohol and Drug Programs, Increasing Funds Available for the Alcohol and Drug Programs by \$6,513 (Human Services Director); Res. 04-359

2:11 p.m. The Board adjourned in memory of John Leland Crose, Helen Fullerton Cleary, the Honorable Bob Reiss – Trinity County Supervisor; and Mark Mellon.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA August 8, 2006



Time _____ Description

9:01 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Lee Stetson, Chairman of the Board;

Proclaim the Month of August as “Child Support Awareness Month”

BOARD ACTION: (M)Bibby, (S)Fritz, the Proclamation was approved and presented to Debbie Walton, Child Support Services Director/Ayes: Unanimous. Debbie Walton advised of the Department’s performance and transition to a statewide network for payment disbursement.

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

Kenneth Gosting, TIE (Transportation Involves Everyone), commented on the huge impact the slide has had on tourism, and he presented a recent Farley cartoon from the San Francisco Chronicle. He restated their support for Leroy Radanovich as Tourism Coordinator, and stated they believe there is a need for a management audit of the office relative to the status of projects that were assigned by the Board and the County Administrative Officer, and the status of finances, and the slide projects. He recommended that there be mileposts established for this function. He feels that this will help to provide protection for the person performing this function so that the public will know what is being done. Supervisor Pickard offered his and Supervisor Turpin’s office to meet on any of the issues that he may have.

Eleanor Keuning commented on the sound system and the inability of the audience to be able to hear during the meeting.

Board Information

Supervisor Fritz advised that she attended the Sultry Summer Shin-dig event in Coulterville on Saturday and put on a watermelon spitting and pie eating contest.

Supervisor Bibby invited the public to attend the First 5 Commission meeting on Monday, and she advised that they will be going through the grant award process. She also encouraged the public to spread the word about the upcoming County Fair.

Supervisor Turpin commented Public Works staff for resolving the electrical system issues at the Coulterville Park for the Sultry Shin-dig event. He advised that on Wednesday he plans to attend a meeting with the Stanislaus Forest in the morning, and a Red Cloud Library meeting in the afternoon, and an Airport Advisory Committee meeting; and on Thursday there will be a Greeley Hill Town Planning Advisory Committee meeting.

Supervisor Stetson advised that he plans to attend an Emergency Medical Services Agency meeting on Wednesday in Bear Valley; and on Saturday he has been invited to speak to the Sierra Nevada Alliance at North Lake Tahoe.

9:16 a.m. MARIPOSA PARKING DISTRICT

Thomas P. Guarino, County Counsel;

Discussion and Direction Regarding the Lease/Purchase of the Downtown Parking Lots

BOARD ACTION: Tom Guarino advised that an additional meeting was held with the property owners of the downtown parking lots, and it was better attended than the meeting before. As a result of that meeting, the landowners asked for information on the square footage of their lots and the pro-rated price using an example of a \$250,000 purchase price. He advised of the varied responses that were subsequently received. He recognized Jim Dulcich and expressed appreciation for his assistance in working on these issues with the property owners; and he recognized the efforts of Supervisors Bibby and Fritz. He advised that a viable consensus has not been reached at this point, and he requested guidance from the Board. He mentioned a couple of options: hold another meeting and continue to try and reach a consensus; or let the process end and the District would need to repay the funds that have been expended thus far, and the Garber lot could be maintained, and the Womack lot is being improved for parking. Discussion was held. Supervisor Bibby clarified for the public that the Board of Supervisors serves as the Parking District Board of Directors. She encouraged the owners that have not responded, to do so, and for the owners to try and reach a consensus. Tom Guarino further advised that we are getting beyond the time in which the Proposition 218 process could be completed during the existing term of the leases for the District. Supervisor Fritz stated she would be willing to meet with the property owners again to see if a consensus can be reached. Supervisor Pickard asked if the meeting could occur before the Final Budget Hearing so that the Board can make a decision on whether to move forward with the Proposition 218 process. Chairman Stetson called for input from the public, and none was received. Further discussion was held. Supervisor Turpin asked what would happen in the future when the existing businesses change hands or want a building permit if there is no parking. Tom Guarino responded and advised that without the District parking, it would be very difficult for the businesses to prove parking. Kris Schenk, Planning Director, responded to questions from the Board relative to the future non-conforming status issues.

Input from the public was provided by the following:

Lyn Maccarone, property owner, asked for clarification of the “grandfathering” use of the parking lots. She stated she is confused with all of the issues involved in this matter; and due to her health, she wants to be able to sell her building. But, she needs to have parking. Tom Guarino advised that if a property changes hands between now and when the leases expire, they are still in the District and have parking as before. After the leases expire, proof of parking would be a necessity.

Eleanor Keuning thanked the Dulcich’s for allowing the use of their property for public parking; and she stated she would hate to see the lot closed off or to have to deal with parking meters. She also stated she feels it would be helpful if CalTrans would better define the parking spaces along the Highway.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Chairman Stetson advised that item 4 was pulled at the request of the Human Services Director. Supervisor Bibby pulled items 5, 7, and 8. (M)Pickard, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 5 – Changes to Agreement with Mike Coffield. Supervisor Bibby initiated discussion relative to the status of hours available under the contract. (M)Bibby, (S)Fritz, item 5 was approved/Ayes: Unanimous.

Consent Agenda item 7 – Extra Help Agreement with Leroy Radanovich. Supervisor Bibby asked that the contract be amended so that authorization for additional hours would require action by the Board versus Personnel, as she feels that this will help keep the Board aware of the status of how things are progressing. Mike Coffield, Interim County Administrative Officer, advised that status reports could be provided on the hours. Discussion was held relative to the supervision being under the Business Development Coordinator. Supervisor Bibby asked if that is in compliance with the job description, and Mike Coffield advised that both employees have agreed and it is within the job specifications. (M)Pickard, (S)Turpin, item 7 was approved, with a change in the agreement to reflect that the hours shall not exceed 860 hours/Ayes: Unanimous.

Consent Agenda item 8 – Ratification of Agreement with Edelman, Inc. Supervisor Bibby initiated discussion relative to ensuring that the proper procedures are followed for processing of contracts. Tom Guarino, County Counsel, provided input relative to the process. (M)Bibby, (S)Pickard, item 8 was approved/Ayes: Unanimous.

10:20 a.m. Recess

10:35 a.m. 2006-2007 Budget Outlook Report (Interim County Administrative Officer)

BOARD ACTION: Chris Ebie, Auditor, was present. Mike Coffield presented the report, and he recommended that the current dependence on one-time revenues (fund balance) be eliminated from offsetting on-going expenses. He reviewed other areas of concern relative to the interest rate on the PERS unfunded liability pension obligation, and relative to cash flow issues. He presented the following recommendations: reduce service levels by one million dollars this year; consider a transient occupancy tax (TOT) increase from the current 10% to 12%; and consider a sales tax increase for roads which would create a stable source of funding for road needs and would qualify the County as a “self-help County,” thereby, increasing the level of State road funding. He reviewed four options for reaching the service level reductions. Discussion was held. Supervisor Bibby asked about consideration of cutting the travel budgets and looking at vacant positions. Chris Ebie noted that \$175,000 was spent last year and there is a request of \$270,000 for this year for travel. Supervisor Bibby asked about the status of accounts receivables – payments and loans that are due to the County. Chris Ebie advised that they are reviewing things that affect cash flow. Supervisor Pickard commented on the history of the actuarial studies for PERS, and he asked that staff come back with a proposal for consideration during the budget hearing process to deal with the PERS unfunded liability pension obligation. Supervisor Bibby asked about the status of reviewing fees, and she suggested that campgrounds be considered when looking at increasing the TOT.

Input from the public was provided by the following:

Ruth Sellers commended Mike Coffield for the job he has done. She noted that when Supervisor Fritz first came in office, she commented that employees could work for the County for five years and leave with retirement and health benefits. Ruth noted that she hasn't heard anything about a two-tier retirement system, and the General Reserve has gone down, and she didn't know about the ten million dollar deficit with PERS. She stated she feels that good management needs to be practiced, and the County needs to budget and live within its means. She questioned subsidizing the Airport, and asked why it isn't an enterprise fund. Supervisor Fritz and Mike Coffield noted that the County has negotiated memorandum of understandings with the employee bargaining units to tier the health benefits for retirement.

Paul Chapman asked about recommendations for high raises; and he stated he agrees with the former Auditor Ken Hawkins that the Tourism budget could be deleted without much of an impact on revenues. He stated he still feels that there needs to be a citizen committee to review the budget. He also suggested that the new position requests and that all line items be reviewed, including the insurance carrier to reduce costs.

Further discussion was held. (M)Pickard, (S)Turpin, 1) direction was given for staff to pursue reduction option number 4, which cuts \$300,000 from Tourism and the \$300,000 optional portion of the County's contribution to roads, with \$400,000 to be spread across the board – this would be the equivalent of a two percent reduction in each department; 2) direction was given to staff to come back with a proposal to deal with the PERS unfunded liability pension obligation in the amount of ten million dollar, and information on where we stand with the current employee benefit package; and 3) direction was given to staff to bring back a status report on the impact study/capital improvement program/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/Interim County Administrative Officer)

BOARD ACTION: Chairman Stetson advised that installation of the second bridge is on schedule. Supervisor Fritz commented on misinformation she recently received at the Wawona entrance gate from a Park Ranger relative to Highway 140. Supervisor Pickard asked if there has been any feedback relative to the denial of the Federal declaration of disaster. Mike Coffield, Interim County Administrative Officer, advised that a meeting is being scheduled for later this week with Congressman Radanovich, OES and FEMA to discuss this matter, and they hope to be able to clarify any

misunderstandings and have the request for a Federal declaration reconsidered. (M)Turpin, (S)Pickard, Res. 06-377 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion, Direction, and Action Regarding Notice of Withdrawal from the San Joaquin Valley Air Pollution Study Agency (Board of Supervisors/County Counsel)

BOARD ACTION: Tom Guarino, County Counsel, advised that the recommended action formalizes the Board's prior direction. Supervisor Bibby provided input and recommended that the Board take this action. (M)Bibby, (S)Fritz, Res. 06-378 was adopted formally withdrawing from the San Joaquin Valley Air Pollution Study Agency/Ayes: Unanimous.

Approval of Minutes of July 24, 2006, Special Meeting (Clerk of the Board)

BOARD ACTION: (M)Bibby, (S)Fritz, the minutes were approved/Ayes: Unanimous.

Discussion and Possible Action Relative to the Oil Tax Initiative, aka Clean Alternative Energy Act, Proposition 87 for the November 2006 Ballot (Board of Supervisors)

BOARD ACTION: Supervisor Pickard initiated discussion and he advised that he does not support this – he has a philosophical difference with the way this has been approached. He feels the State should set some standards with analysis to support this. Supervisor Stetson commented on the information that has been presented in support of this. Supervisor Bibby suggested that the matter be left for the November ballot for the voters to decide, and Supervisor Stetson agreed. Supervisor Pickard commented on CSAC and RCRC's consideration of this issue. No action was taken.

12:06 p.m. 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. Number of W/C Cases to be Discussed: 1 (Interim County Personnel/Risk Manager); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union (SEIU); Name of Designated Representative: Mike Coffield (Interim Personnel Manager/Risk Manager)

BOARD ACTION: (M)Bibby, (S)Fritz, the closed session for conference with legal counsel was held, with the closed session for conference with the County labor negotiator to be held at 2:00 p.m./Ayes: Unanimous.

12:31 p.m. Lunch

2:10 p.m. The Board reconvened in closed session with Mary Hodson, Deputy County Administrative Officer, Sandi Laird, Administrative Analyst-Administration, and Rick Bolanos, labor negotiator, present.

3:58 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

CA-1 Approve an Interim Rental Agreement with the 35A District Agricultural Association and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Fire Chief); Res. 06-370

CA-2 Approve an Agreement with Fresno Community Behavioral Health Centers for Psychiatric Inpatient Services and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-371

- CA-3 Approve an Agreement with Tuolumne General Hospital for Residential Inpatient Services and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-372
- CA-4 Approve an Agreement with the State Department of Mental Health to Provide Community Mental Health Services and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Item was pulled
- CA-5 Action to Accept V. Michael “Mike” Coffield’s Resignation as Interim County Administrative Officer, Effective this Date; and Resolution Approving and Authorizing the Chairman of the Board of Supervisors to Sign an Amended Agreement with V. Michael “Mike” Coffield to Provide Budget/Personnel/Risk Management Duties (County Counsel); Res. 06-374
- CA-6 Adopt a Resolution Approving Allocation of the County Administrative Officer Duties during the Vacancy of the Position (County Counsel); Res. 06-373
- CA-7 Adopt a Resolution Approving an Extra-Help Agreement with Ervin “Leroy” L. Radanovich to Provide Services as Interim Tourism Coordinator, at the same Salary as the Permanent Position, less Benefits (Interim County Administrative Officer/County Counsel); Res. 06-375, with change to the agreement
- CA-8 Adopt a Resolution Ratifying the Agreement for Services with Edelman, Inc. for the Period of April 1, 2005 through October 31, 2005, and Authorize the Chairman of the Board of Supervisors to Sign said Agreement (County Counsel/Auditor); Res. 06-376

3:59 p.m. Adjournment in memory of Bobbie Jean Nordeen and Pauline Ladusky Stagner.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

August 10, 2004

Time _____ Description

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

Pledge of Allegiance
Introductions

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

- Dr. Mosher, Health Officer provided an update relative to the unknown powder issue on Silva Road. He announced that two different State Laboratories were involved in the testing of the powder. Testing was done with negative results for anthrax, plaque, brucella, and tularemia (rabbit fever). A state lab in Richmond further tested the substance for radioactivity, screened for crystal formation, and chemical testing. Based on a suggestion by Jim Middleton, Assistant Fire Chief as well as others that the powder might be from a fire extinguisher, Dr. Mosher requested that the powder be re-tested with the ultimate result determining the substance to be mono ammonium phosphate, the chemical found in fire extinguishers. He stated that the post office has been advised that mail delivery can resume to those mailboxes involved and citizens have been advised that it is safe to clean them out. Dr. Mosher further advised that a debriefing was held yesterday between the agencies involved at the scene, Sheriff, County Fire, and Health Department to run through what was learned. He stated that although field screening testing kits are available they may not be ultimately thorough and will still need to utilize state agencies to determine final results. Dr. Mosher also stated that all agencies worked well together. Supervisor Pickard questioned if this situation was handled differently because of the post 9/11 heightened awareness. Sheriff Allen advised that this matter was treated with the analogy of a bomb threat. Supervisor Bibby suggested that an article be placed in the newspaper documenting the costs associated with these types of pranks. Supervisor Stetson commended Public Health for keeping the Board aware of this matter and Dr. Mosher thanked County Fire and Sheriff Department.

Doug Balmain, Vice-Chair, was present on behalf of Garry R. Parker, Chairman;
Proclaim the Month of August, 2004 as "Child Support Awareness Month"

BOARD ACTION: (M) Pickard, (S) Bibby, the Proclamation was approved and presented to Debbie Walton, Department of Child Support Services Director/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker. Ginny Carpenter, Public Information Officer and Outreach Coordinator advised that Mariposa County Department of Child Support Services ranked 2nd in the top ten counties according to federal performance standards and that 2003-2004 collections equaled \$1,838,677, representing a four percent increase over last fiscal year. She thanked the Board for their support and Debbie introduced her staff, Debbie Berlt, Helen Parrish, Tonya Knox, Susie Asher, and Mary Berkhoudt.

Board Information

- Supervisor Stetson advised of an El Portal Advisory Committee this evening at 7:00 p.m. at the El Portal Community Center and that he will be attending a Mountain Valley Emergency Medical Services Agency meeting tomorrow at 10:00 a.m. in Bear Valley.
- Supervisor Bibby invited the public to attend a District III meeting tomorrow at 7:00 p.m. at the Government Center.

- Vice-Chair Balmain advised that there will be a Courthouse Committee meeting in San Francisco on August 19th.

Approval of Minutes 7-12-04 (Continued from 7-6-04) and Approval of Minutes 7-13-04, Regular Meeting

BOARD ACTION: Approved.

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

BOARD ACTION: Vice-Chair Balmain pulled item 6. Supervisor Bibby pulled item 4. Supervisor Pickard pulled item 7. (M) Pickard, (S) Bibby, the balance of the items was approved/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Supervisor Bibby initiated discussion relative to item 4, suggesting a correction be made to section 3.01 of the agreement, replacing “his” to “her” designee. (M) Bibby, (S) Pickard, item 4 was approved with the correction/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Vice-Chair Balmain initiated discussion relative to item 6, suggesting a correction be made to section 8 of the agreement, replacing the word “Alameda” with the word “Mariposa”.

Supervisor Pickard initiated discussion relative to item 7, and stated that he disliked the path the County was led down and thought the licensing was an upfront requirement all along and to mislead the County is a real cost disadvantage. Supervisor Stetson asked about the possibility of retaining in writing when there is no cost indicated. Rick Peresan, Technical Services Director stated that Cascade Software has been contacted and assured there would be no problem changing the system; however, they license the product from Pervasive SQL, who has stood fast about the additional charge. Rick agreed that this matter should have been clarified in writing prior to the budget and assured the Board that this would not be repeated.

(M) Pickard, (S) Stetson, item 6 was approved with the correction and item 7 was approved transferring funds within the Public Works Administration budget to cover the cost of the conversion/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Adopt a Resolution Authorizing the Yosemite Views Estates Zone of Benefit to Borrow Up to \$62,400 from the Revolving Zone of Benefit Fund 298 to Construct an Asphalt Concrete Surface on Wilbur’s Way to Mitigate Dust Emissions and Provide a Safer Wearing Surface

BOARD ACTION: The item was pulled.

Rich Inman, County Administrative Officer;

Discussion and Direction Concerning Utilizing Hybrid Vehicles in the County Fleet

BOARD ACTION: Rich Inman, County Administrative Officer initiated discussion, requesting direction from the Board to evaluate fleet vehicles and to meet with the Fleet Supervisor and appropriate department heads to begin a process of transitioning vehicles for those departments that can benefit from a hybrid vehicle. He will then bring the matter back before the Board for further direction. Discussion was held relative to cost of fuel savings and that a hybrid vehicle may not meet the needs of every department. Supervisor Bibby suggested that the Board go forward with caution, questioning trade in value and maintenance on the both engines of the Health Department’s hybrid vehicle. She suggested using hybrid vehicles as pool cars in flat areas to monitor gas savings.

9:32 a.m. Vice-Chair Balmain opened the Public Hearing on Housing Authority Annual Plan and Budget and Continued it until after the completion of the following.

Further discussion was held relative to utilizing hybrid vehicles in the County fleet and Rich Inman, County Administrative Officer requested a motion on this matter. (M) Pickard, (S) Stetson, direction was given to evaluate the existing County fleet to determine if hybrid vehicles could replace existing vehicles/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA

Cheryle Rutherford-Kelly, Human Services Director;

A) Select a Chair and Vice Chair for the Housing Authority Board of Commissioners for Fiscal Year 2004/2005

BOARD ACTION: (M) Pickard, (S) Stetson, to re-appoint the current Chair, Commissioner Stetson and Vice-Chair, Commissioner Bibby/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

B) PUBLIC HEARING Approving the Annual Plan and Accompanying Budget Requisition and Certification of Compliance; and Authorizing the Signature of the Executive Director on All Required Program and Financial Forms

COMMISSION ACTION: Cheryle Rutherford-Kelly, Human Services Director initiated discussion relative to the number of funds and vouchers available to the county and advised that there is a waiting list of approximately 150 people. She suggested that the County may want to ask for more Section 8 Vouchers next year during the five year plan, due to the low amount of housing in this county.

Commissioner Stetson asked whether there is a near crisis situation for low income people and whether the county should look at incentives for developers to give housing opportunities. Cheryle stated this unmet need affects not only the very poor, but also the working poor because generally the housing support provides for under half of the actual cost of the rent.

Commissioner Bibby questioned the turnover of 45 vouchers and whether it is based on individuals moving out of the area or because they have reached a better income. Cheryle advised that the vouchers can move with the individual and Janet Gass, Contract Administrator advised that five percent of the individuals that have become ineligible for vouchers have moved out of the area. The public portion of the hearing was opened and there was no public input. The public portion closed, and the Board commenced with deliberations. (M) Bibby, (S) Pickard, Housing Authority Res. 04-1 was adopted approving the Annual Plan and budget requisition, and certification of compliance/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker. The hearing was closed.

9:43 p.m. Jim Petropulos, Public Works Director;

A) Adopt a Formal Resolution Authorizing the Assistant Public Works Director to Obtain \$25,000 in Matching Grant Funds through the California Department of Transportation (Aeronautics) for a Fire Fighting System and Lighting Upgrades at the Mariposa-Yosemite Airport

BOARD ACTION: Jim Petropulos presented the staff report and advised that the match can be made with in-kind services to make up the difference in matching funds. He stated that the FFA has approved the project and drilling of the well will not start prior to CIP amendment is approved and the grant is approved.

Supervisor Bibby asked if the septic for the terminal has been resolved. Jim advised that there is a bid now in place and the contract is awaiting signature. (M) Stetson, (S) Pickard, Res. 04-375 was adopted as requested/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

B) Adopt Plans and Specifications, and Authorize Public Works to Advertise and to Bid for a Water Well in Preparation for Installation of a Fire Fighting System at the Mariposa-Yosemite Airport

BOARD ACTION: Jim Petropulos presented the staff report and advised that the funding covers drilling up to 400 feet. Supervisor Bibby asked about the portion of the map marked no well drilling and about the sleeve under the runway. Jim advised of an archeological hot spot of previous California Indian activity. He also advised of the placement of existing wells, the depth of the wells, and of the quality of water obtained from those wells and that the sleeve was placed under the runway to avoid having to dig up the runway at a later date.

Supervisor Pickard asked about the state portion of the funding and stated that the Governor is expected to sign the trailer language that will restore funding for the aeronautical account. He asked how much is in the airport improvement account. Jim advised there is \$60,000+ earmarked for final sublet for the contractor. After the project is completed there may be remaining funds in the amount of \$2,000 - \$3,000. (M) Stetson, (S) Pickard, Res. 04-376 was adopted approving the plans and specifications and authorizing Public Works to advertise and to bid for a water well in preparation for installation of a fire

fighting system at the Mariposa-Yosemite Airport/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

C) Adopt a Resolution Approving the Plans and Specifications, and Authorize Public Works to Advertise for Bids for the Building and Related Facilities to House the Compost Facility (Bid Documents and Plans are Available for Review at the Clerk of the Board's Office)

BOARD ACTION: Jim Petropulos, Public Works Director introduced Fred Solomon and Larry Krump, a Mechanical Engineer and head of the design portion of the project.

9:51 a.m. Recess

10:08 a.m. Jim Petropulos introduced the item and reviewed the history of the planned project. Fred provided an overview of the project site and the funding for the project, including a newly paved road; the proposal of a new recycling center as an option to the contract; placement of the scale and scale house; the separation of dumping areas between commercial hauling and the public; and a bio filter used for odor control. He advised that there is sufficient fencing and security to prohibit people from entering the facility when it is closed.

Fred stated there may be some cause for concern for the budget, due to the shortage of both steel and concrete caused by the importing of these products by the foreign market. He further advised that the bids are to be called for on September 17th with the contract to be awarded in late September or the first week of October and the start of construction to begin the end of October. Fred further advised that the county has obtained an Air Pollution Control District permit and an Asbestos Handling permit. The USDA has approved the plans & specifications and a Building permit has been applied for.

Supervisor Bibby asked whether the drainage problems would be addressed. Jim Petropulos advised that construction would deal with the site; however, no major work is planned for the entrance on Highway 49. Supervisor Bibby also questioned the possibility of utilizing cameras for areas not accessible to the public, as well as for the tipping area. Staff answered further questions from the Board relative to controlling odor, the filter system, and room for growth.

Supervisor Stetson asked about the approach to the facility relative to the public versus commercial vehicles. Supervisor Balmain advised that he had toured the static compost facility in Napa Valley and asked about the drainage at Highway 49 and the issue of mud from vehicles leaving the landfill. Supervisor Pickard advised that the Recycling Center is not an option for this project and stated that the current rate of diversion is now 30-40 percent. (M) Pickard, (S) Stetson, Res. 04-377 was adopted approving the plans and specifications and authorizing Public Works to advertise for bids for the building and related facilities to house the Compost Facility/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

D) Adopt a Resolution Authorizing the County to Apply for a Grant from the State Water Resources Control Board for the Planning, Design and Construction of the Don Pedro Wastewater Treatment Facility

BOARD ACTION: Jim Petropulos, Public Works Director presented the staff report and advised that the end result of obtaining grant funding may be significant reduction in assessments and other costs to the residents of Don Pedro and that district. He also advised that attempts have been made to raise the priority rating of this project with the state. Vice-Chair Balmain thanked Public Works and Fred Solomon for obtaining the Class "A" classification and ranking and the possibility of getting the grant. Fred clarified that re-ranking will be required for this grant. He explained the value of obtaining high ranking and classification and that with a Class "A" ranking and classification the project could qualify for up to 70% of the construction costs. (M) Pickard, (S) Stetson, Res. 04-378 was adopted as requested/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

F) Adopt a Resolution Approving Park Projects Utilizing Proposition 40/2002 Resources Bond Act Per Capita Program

BOARD ACTION: Jim Petropulos, Public Works Director presented the staff report. Discussion was held relative to the flexibility of the list of projects and the time frame for encumbering the funds.

Supervisor Bibby questioned whether the projects would be contracted out due to the timeframe for utilizing the funding. Supervisor Pickard asked whether it would be appropriate to identify other projects. Rich Inman, County Administrative Officer advised that the Fremont Adobe does not have a recreational connection, and does not fit the Proposition 40 funding requirements. (M) Bibby, (S) Stetson, Res. 04-379 was adopted as requested/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Blaine Shultz, Fire Chief;

Discussion and Direction Relative to Increasing the Weight Limits on New Bridges from 40,000 to 52,000 Pounds for Water Tender Service; and Creating a Fire Department Training Center (Continued from August 3, 2004)

BOARD ACTION: Blaine Shultz, Fire Chief presented the staff report. Discussion was held relative to the weight limit being for all new bridges, reducing the weight of the water tender, alternatives for crossing bridges that do not meet the weight demand, and the potential cost of modifying bridges to meet the 52,000 lb. weight demand. Jim Petropulos, Public Works Director answered questions from the Board relative to calculating the weight limit of bridges.

Blaine explained that the department utilizes ISO guidelines as a means to determine the level of service and that the construction characteristics of the water tenders would be changed and/or a network of hoses would be utilized if a water tender were not able to cross a bridge. Supervisor Bibby questioned why 52,000 lb. water tenders were purchased.

Blaine stated that he is not certain of the number of bridges currently in service and suggested that an Engineer's rating would be required to determine the safety of some bridges. Supervisor Balmain stated that surveys should be done now, as the tender driver may not be able to make a clear decision in an emergency situation. Joe Halencak, Fleet Superintendent explained the weight distribution of the two newest water tenders.

Vice-Chair Balmain stated that it should be determined which bridges should not be crossed and that residents should be made aware. Supervisor Pickard advised that the County has not adopted a policy relative to the 52,000 lb. water tenders and that bridges in subdivisions have been approved even lighter than 40,000 lbs.

(M) Pickard, (S) Stetson, direction was given for the Fire Chief to bring back to the Board, a proposed road circulation element in relationship to the Public Resource Code/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Vice-Chair Balmain advised that Chairman Parker has expressed a concern for being a part of the discussion relative to creating a Fire Department training center. Supervisor Pickard suggested that Blaine look into the initial and ongoing costs, as well as the location. Supervisor Bibby stated that the training, risk management, smoke at the airport, cost of equipment, and the ability to compete also be addressed.

Rich Inman, County Administrative Officer stated that the Board should have a general discussion of the idea, prior to investing resources in determining all of the factors.

Direction was provided to the Fire Chief to bring the matter back before a full Board at a later date.

Supervisor Bibby thanked Blaine for the services provided during the recent unplanned fires and the control burn and complimented him that no structures were lost.

Blaine stated that an engine and water tender are currently in Placer County and that he works with the greatest people, who are able to cut and run, and are willing to do what needs to be done.

Approve the Comments of the Board of Supervisors to the Findings and Recommendations Contained in the 2003-2004 Mariposa County Grand Jury Final Report that were Directed to the Board of Supervisors and Authorize the Chairman to Sign the Cover Letter for the Comments (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer introduced the item. Relative to Case #2 – Nepotism, item 2, Supervisor Bibby stated that there may be several employees who have been employed prior to the implementation of the form.

Supervisor Bibby also recommended that Case #3 – Yosemite West Community Planning Advisory Committee, item 5 the portion “carry out their job duties” be deleted and stated that she disagreed with the landscaping needing to be done at the Juvenile Detention Facility. She further stated that if there is weed eating to be done that a possibility may be through community service. Discussion was held relative to the need for fencing. Rich Inman, County Administrative Officer stated that the first sentence would be deleted and that concerning the section Interview with the District Attorney, the second sentence would end at “adjusted”.

(M) Bibby, (S) Stetson, Res. 04-380 was adopted approving the comments of the Board of Supervisors with noted corrections to the findings and recommendations contained in the 2003-2004

Grand Jury Final Report and authorizing the Chairman to sign the cover letter/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Adopt a Resolution Remanding Land Division Application No. 2003-283 (Moberly, Applicant) for Further Consideration to the Planning Commission on the Basis that the Notice Requirements of the County Code with Respect to Posting of the Notice in Three Community Places were Not Met (Planning/County Counsel)

BOARD ACTION: (M) Stetson, (S) Pickard, Res. 04-381 was adopted as requested/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Dean v. County of Mariposa et al (County Counsel); CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Mecchi v. County of Mariposa et al (County Counsel); and CLOSED SESSION: Public Employee Appointment; Planning Director (Continued from August 3, 2004) (County Administrative Officer)

BOARD ACTION: (M) Bibby, (S) Pickard Closed sessions were held/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

12:02 p.m. Vice-Chair Balmain announced that no direction was given as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Approve Budget Action Transferring Funds for Fiscal Year 2003/2004 within the Jail Budget from Salaries – Jail Officers to Medical & Laboratory to Cover the Cost of Medical and Laboratory Costs Prior to July 1, 2004 (\$4,454) (Sheriff); Res. 04-367
- CA-2 Authorize the Technical Services Director to Purchase a New AS400 Enterprise Server, Budgeted in Fiscal Year 2004/2005, from Logical Designs Inc. for a Total Not to Exceed the Budgeted Amount of \$106,172 and Authorize the Chairman of the Board of Supervisors to Sign Appropriate Contracts if Necessary (Technical Services Director); Res. 04-368
- CA-3 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Contract with Decade for Data Maintenance Software for the Health Department and Authorizing the Health Officer to Sign Future Documents Associated with the Contract Making Modifications as Needed until the Expiration of the Contract (Health Officer); Res. 04-369
- CA-4 Authorize the Human Services Department to Enter into an Agreement with Mother Lode Job Training (MLJT) to Provide Assessment Services for Individuals in the CalWORKs Program in the Amount of \$22,000 for Fiscal Year 2004/2005 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 04-372
- CA-5 Approve Agreement Number 04C-1520, Accepting \$7,844 in Department of Energy (DOE) Funding from the State Department of Community Services and Development; Authorize the Human Services Director to Execute Subsequent Amendments to this Agreement; and Authorize the Human Services Department to Coordinate Labor Services with the Central Valley Opportunity Center (CVOC) (Human Services Director); Res. 04-370
- CA-6 Authorize the Human Services Department to Enter into an Agreement with Crisis Support Service to Answer After Hours Telephone Crisis Calls (Human Services Director); Res. 04-373

- CA-7 Approve Budget Action Transferring Funds within the Public Works Administration Budget from Assistant Director Salary Savings to Software to Purchase the Windows Version of Pervasive SQL, to Enable Technical Services to Convert Networking Software from Novelle to Windows 2000 (\$1,200) (Public Works Director); Res. 374
- CA-8 Adopt a Resolution Ratifying the United States Department of Agriculture (USDA) Primary Disaster Declaration Request for Mariposa County Grazing Range Livestock Operations due to Drought Conditions by the Agricultural Commissioner (Agricultural Commissioner); Res. 04-371

12:03 p.m. The meeting was adjourned.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

RACHEL PETTY
Deputy Clerk to the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA August 15, 2006

Time Description

9:05 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Dianne Fritz, Supervisor District IV;

Proclaim the Week of August 15 through 22, 2006 as "Mariposa County Arts Council, Inc., Week" In Honor of Their 25th Anniversary in Serving Mariposa County

BOARD ACTION: (M)Fritz, (S)Bibby, the Proclamation was approved and presented to Donna Brownell/Mariposa County Arts Council/Ayes: Unanimous. Donna Brownell advised of their anniversary celebration scheduled for Sunday at the Arts Park.

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

Paul Chapman referred to the budget outlook report and projected budget shortage, and he asked what it costs for the materials and to prepare proclamations and certificates. He referred to the following items on the agenda: closed sessions relative to the County Administrative Officer position; amended agreement with Mike Coffield; and the Technical Services Director representing the Lion's Club for the Labor Day Parade insurance request.

Dick Hutchinson advised that Mid-Valley Publications gave a full-page of advertisement in their seven valley newspapers to the County, and he presented copies to the Board. He asked Supervisor Fritz if she would sponsor an agenda item to recognize the two individuals responsible for the advertisement, and she advised that she would be happy to sponsor this. The letters are to be prepared to be presented at a Board meeting.

Tom Infusino stated he is a land use attorney representing clients along the Highway 49 corridor. He briefed the Board on the case of Gardner v. Sonoma County regarding the denial of Certificates of Compliance, and he cited examples. Tom Guarino, County Counsel, advised the Board that Mr. Infusino is an attorney for a group that is opposed to the Redington Ranch's application for Certificates of Compliance; and he noted that the public portion of that appeal hearing has been closed, and this same group has challenged the process for the hearing. Tom Guarino stated he feels that this is a calculated attempt to circumvent the hearing process, and it is up to the Board as to whether he should be allowed to speak. But, he feels that this is a blatant attempt to violate the Board's policy. Attorney Infusino stated he does not wish to address the continued public hearing for the Redington Ranch appeal, he is here because he does not feel that the County's parcel legality sheet has been updated. He is hoping that Planning will update it to reflect the California Supreme Court's decision. He gave two examples involving patents and subsequent sales and development of the parcels and Certificates of Compliance.

Dick Hutchinson noted that the full-page advertisement for the County was provided at no cost.

Board Information

Supervisor Bibby advised that she attended the First 5 Commission meeting on Monday and reviewed the grant applications, and she complimented the community on their grant writing ability. On Thursday, she plans to attend the Mother Lode Job Training Board of Directors meeting in Sonora. On Friday, she plans to attend the ribbon cutting ceremony for the temporary bridges on Highway 140.

She referred to an August 11th press release advising that the Sheriff's Department assisted other agencies in conducting raids of marijuana gardens and she complimented everyone involved in the raids.

Supervisor Fritz advised that she participated in the CSAC meeting on Monday by telephone conference call. She also noted that they had a fire at the Happy Burger Diner. She advised that she plans to meet with French Camp residents on Wednesday relative to establishing a zone of benefit. She noted that the Street Fair is being held on Wednesdays. She advised that the Small Business Administration is holding a breakfast meeting on Thursday at the Happy Burger Diner; however, she will be out of town for a Soroptimist event. She reminded everyone of the 25th anniversary celebration of the Mariposa County Arts Council on Sunday afternoon at the Arts Park. She advised that Alpine Builders, the Chamber of Commerce and Mountain Crisis Services are hosting a celebration in Bootjack at Alpine Builders to celebrate the grand opening of the new shelter for Mountain Crisis Services. On August 25th, she plans to attend the California State Fair with the Business Development Coordinator to staff the County's exhibit booth.

Supervisor Turpin advised that he attended a meeting on Friday with FEMA and Congressman Radanovich relative to appealing the denial of the Federal Emergency Disaster Declaration for the landslide. On Wednesday, he plans to attend the CSAC Ag and Natural Resources meeting by telephone conference call. On Wednesday evening, he plans to attend the Stanislaus National Forest Service meeting relative to the off-road vehicle (OHV) plan.

Supervisor Pickard advised that he plans to attend the RCRC (Regional Council of Rural Counties) meeting on Wednesday and the Environmental Services Joint Powers Authority meeting on Thursday. He advised of the status of the gas tax legislation for the three counties without incorporated cities.

Supervisor Stetson advised that he was the keynote speaker on Saturday at the Sierra Nevada Alliance. He advised of a memorandum received from the Health Department advising of the establishment of "cooling centers" with the cooperation of other departments (including the Senior Center) and the Hospital and the Fair.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/Interim County Administrative Officer)

BOARD ACTION: Chairman Stetson advised that he was in the first caravan of vehicles on Sunday evening to cross both bridges, and he noted that the road is paved between the two bridges. He noted that there is still no night-time usage pending the installation of the monitoring systems. He advised that the ribbon cutting ceremony to celebrate the opening of the bridges will be held on Friday at 9:00 a.m. Supervisor Pickard commented on the need to get publicity out relative to the opening of the Highway. Supervisor Fritz noted that there is a request to carpool to the ceremony due to parking limitations. (M)Bibby, (S)Fritz, Res. 06-379 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings, and finding that the opening is just a temporary emergency solution/Ayes: Unanimous. Eleanor Keuning asked for clarification of the dates and times of the opening celebration and for access.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 5, 6, 10, 11, and 12. (M)Fritz, (S)Bibby, the balance of the items was approved. Supervisor Pickard noted that items 1 and 2 were placed on the agenda by Supervisor Stetson and not the applicant. Ayes: Unanimous.

Consent Agenda item 5 – 2007 Homeland Security Grant. Supervisor Bibby asked about the deadline for applying for the grant, and she advised of her discussion with Administrative staff and request that they have an opportunity to look at how to front the costs pending reimbursement. Blaine Shultz, Fire Chief, advised that the matter could be held until August 22nd. Discussion was held. Jim Allen, Sheriff, advised that there is no impact by continuing this for a week. The Board concurred with continuing the matter to August 22nd. Supervisor Bibby noted that a budget action form may be needed for this request.

Consent Agenda item 6 – Purchase of grant funded and reimbursable capital items by the Fire Department. Supervisor Bibby initiated discussion and asked that the billings be submitted timely to obtain reimbursement. Blaine Shultz, Fire Chief, provided input relative to the request. (M)Bibby, (S)Turpin, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 10 – Labor Day Parade – Supervisor Bibby initiated discussion and asked whether there has been any history of claims for this event. Rick Peresan, Lion’s Club, advised that the Club will continue to try and obtain the insurance rider for the event, and he stated that he was not aware of any past claims. Supervisor Bibby asked that this action be for this year only. (M)Bibby, (S)Fritz, item 10 was approved. Further discussion was held. Tom Guarino, County Counsel, recommended that the Board co-sponsor the event and if the Lion’s Club Certificate of Insurance is issued, it will be the primary insurance and the County’s will answer after that. The motion was amended by the maker, agreeable with the second, to include County Counsel’s recommendation. Ayes: Unanimous.

Consent Agenda item 11 – Revision to MOU with Yosemite National Park. Supervisor Bibby initiated discussion and asked what impact the Highway opening will have on the cost of the enhanced service; and she asked for clarification of whether FEMA would reimburse costs incurred after the August 18th opening. Supervisor Stetson advised that the road will still not be open at night and the enhanced service needs to continue. (M)Bibby, (S)Fritz, item 11 was approved, with direction for staff to continue to pursue reimbursement from FEMA/Ayes: Unanimous.

Consent Agenda item 12 – Amended Agreement with Mike Coffield. Supervisor Bibby clarified that the amendment is just to extend the hours of service to be provided. (M)Bibby, (S)Pickard, item 12 was approved/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

PUBLIC HEARING for Lake Don Pedro County Service Area 1-M Sewer Zone No. 1 Proposed Fee Increase

BOARD ACTION: Chairman Stetson noted that hearing has been continued to September 19, 2006, at 10:00 a.m.

10:14 a.m. Recess

10:31 a.m. Bob Pickard, Supervisor District V; and Dianne Fritz, Supervisor District IV; California State Association of Counties (CSAC) Finance Corporation Board Presentation by Tom Sweet

BOARD ACTION: Supervisor Fritz introduced Tom Sweet, and he gave an overview of the programs that CSAC offers.

Approval of Minutes of June 13, 2006, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Bibby, (S)Fritz, the minutes were approved/Ayes: Unanimous.

10:44 a.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Un-represented; Name of County Designated Representative: Thomas P. Guarino; Title(s) of Un-represented Individuals with whom Negotiations are being Conducted: County Administrative Officer Candidate (County Counsel); and

CLOSED SESSION: 1) Public Employee Appointment; Title or Position to be Filled: County Administrative Officer; 2) Public Employee Employment; Title or Position to be Filled: County Administrative Officer (Government Code Section 54957 (b) (1)) (County Counsel)

BOARD ACTION: (M)Pickard, (S)Turpin, the closed sessions were held/Ayes: Unanimous. Chairman Stetson advised that the Board would reconvene in open session at 2:00 p.m.

11:43 a.m. Lunch

2:00 p.m. The Board reconvened in closed session.

2:19 p.m. The Board reconvened in open session. Chairman Stetson announced that direction was given to staff as a result of the closed session.

Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Appeal No. 2006-69 , an Appeal of the Planning Director's Determination that Certificate of Compliance Application Nos. 2006-4, 2006-05, 2006-06, 2006-07, 2006-08, 2006-09, 2006-10, 2006-11 and 2006-12 are Incomplete and Additional Information is Required for Processing. Appellants: Redington Ranch LLC (by Morrison & Foerster LLP, Anne E. Mudge).

BOARD ACTION: Kris Schenk, Planning Director, was present. Thomas P. Guarino, County Counsel, advised that this appeal involves applications for nine unconditional Certificates of Compliance filed by Redington Ranch on December 29, 2005. He advised that this opinion is being provided at the request of the Board of Supervisors and is intended to address the legal issues raised with respect to these applications. He noted that the appeal packet indicates that in part the concern over these applications is driven by the fact that Planning staff expects to receive over 100 applications for the Redington Ranch and has, in fact based on the packet, received approximately 60 more applications during this appeal process. There is also the concern by some and hope by others that the decision by the Board of Supervisors today will essentially resolve Certificate of Compliance issues with respect to how the County reviews and processes applications for such certificates. This is not entirely the case, as the Board's decision today will be binding only with respect to the nine Certificates of Compliance before it. It will provide policy and process guidance for County Planning with respect to other applications for unconditional Certificates of Compliance, and to the extent other applications that are similarly situated, and based on the facts of the particular certificate applied for, be of use as a precedent for processing other applications. What today's decision will not do is establish a rigid rule for applications for an unconditional Certificate of Compliance. This is because, not only are some applications factually different, Certificates of Compliance themselves are of different types. There are those that are issued as conditional Certificates of Compliance, this essentially means that the parcel for which the application is filed does not comply with the provisions of Government Code Section 66499.35 for issuance as an unconditional Certificate of Compliance, and there are those issued as unconditional Certificates of Compliance. The nine Certificates of Compliance at issue in this matter appear to be unconditional Certificates of Compliance; and therefore, this legal opinion is limited to such certificates.

County Counsel advised that with respect to these Certificates of Compliance, several issues have been raised. These range from legal issues to procedure and process issues as to whether legislative acts, such as the California Environmental Quality Act (CEQA) and the Williamson Act somehow restrict the issuance of these Certificates of Compliance.

Counsel stated he will address the procedural issues first.

Redington Ranch challenges the Board of Supervisors' authority to hear this matter. In footnote 11 at page 22, circle page 33 of the packet, it states in part "In the alternative, Redington Ranch avers that the Board of Supervisors is without jurisdiction to hear an appeal from the Planning Director's determination..." Other than the footnote, buried very deep in the submittal, Redington Ranch and no one else in support of or in opposition has substantively argued or further raised this issue. He advised that it is his opinion that the Board of Supervisors has express authority to hear the matter. The appeal in this case is according to the Planning Department memo of June 2, 2006, at circle page 2 of the packet, "governed by Mariposa County Resolution 92-525." The procedures with respect to appeals, pursuant to the resolution specifically state in part "If the appeal is from a decision of a land division, lot line adjustment or certificate of compliance..." the appeal must be filed within 10 days.

This is express authority for the Board to hear the appeal. Redington Ranch also filed its appeal in part pursuant to other applicable provisions of the law, circle page 17 of the appeal packet. This in County Counsel's opinion is consent to the process. Accordingly, jurisdiction is vested in the Board.

A second procedural issue has arisen based on a letter sent to the Board of Supervisors with respect to whether the hearing should be reopened. This letter is dated June 28, 2006, from the Farm Bureau. While this letter to County Counsel's knowledge was not sent to the appellants by the Farm Bureau, he has furnished them with a copy. The applicable Rules of Procedure provide for a formal sequence of events that include the following: Step 1, opening of the meeting; Step 2, staff presentation, including Board of Supervisors questions; Step 3, appellant presentations and evidence and speakers in support; Step 4, opponents presentation and evidence and speakers in opposition; Step 5, rebuttal by the appellant; Step 6, clarification by Board of Supervisors and staff response to questions raised in the public process; Step 7, staff procedural issues including additional staff research or information; and Step 8, deliberation. Counsel stated he has reviewed a transcript of the proceedings as well as the actual tapes. The following occurred: The Chairman stated that after Ms. Cole spoke that he intended to close the public portion of what was essentially step 4, the presentation of speakers in opposition. Counsel for the appellants, Ms. Mudge indicated that she desired rebuttal, step 5. Staff (Kris Schenk, Planning Director) responded to Board of Supervisors' questions, that was step 6. During the discussion, Supervisor Turpin asked a question; and Mr. Starchman, appellant's counsel was allowed to speak. As he recalled, Mr. Starchman vigorously asserted that he was part of the process and not the public. This could be considered either further rebuttal by the appellant or argument by counsel. If it is considered as further rebuttal, then it would have been the Chair permitting a reversion to step 5 of the process. If not, it would simply be argument, albeit out of order by counsel for the appellant. Staff's discussion continued, step 6. Then there was a discussion with the Board's Counsel, himself, step 7, asking for time to conduct further research for today's presentation. Permission was then requested of the Board to let Counsel for the Board ask the Planning Commission to delay their proceedings. Then Counsel for the Board mentioned that the Board would be in its deliberation phase as the next step, but no action was taken by the Board to begin deliberations. This would be consistent with waiting for today's requested opinion. Counsel advised that this sequence of events is important because the Board by its own rules shall reopen the public portion of the hearing if new evidence is taken and the public is to be allowed to address such evidence. He stated it is generally understood that an attorney's argument does not equal evidence. Mr. Starchman had mentioned in his comments the emotions of the situation, that the parcels were under the Williamson Act, the rockslide, and Agriculture Exclusive zoning, all matters previously discussed both in opposition and in support of the application. He stated that it is his opinion that Mr. Starchman's statements do not appear to equal evidence that would require reopening of the public portion of the hearing. It is therefore his opinion that the Board of Supervisors is not required to reopen the hearing under the mandatory provisions of its Rules of Procedure. Should the Board desire to reopen the hearing in some manner, the rules provide that there must be a motion and a vote by the Board to alter those procedures.

Counsel then stated he would move to the substantive legal issues he has identified from the submittals, and he stated the Board is free to ask others and he will do his best to answer. He advised that the Planning Director identified four determinations which are appealed by Redington Ranch, and other issues have also been raised. He stated he has identified the following general areas and will address his comments in this order:

- 1) that the nine certificates are a project under CEQA;
- 2) that applications 2006-04 and 2006-12, together with other applications for Certificates of Compliance may be considered a multiple or phased project;

- 3) review of all Certificates of Compliance is necessary to address CEQA; and
- 4) the project is not complete for processing.

He advised that the following issues were also raised during the appeal:

- 5) Whether the number of Certificates of Compliance triggers CEQA by converting them from a ministerial act if they are ministerial to Certificates of Compliance, that would be discretionary.
- 6) That Section 2.520.C.7 of the Mariposa County Environmental Review Policy allows the certificates to be determined by County regulation to be discretionary rather than ministerial.
- 7) Does the Williamson Act restrict the issuance of the nine unconditional Certificates of Compliance that were applied for?
- 8) Does the issuance of the Certificate of compliance constitute a “division” under paragraph 11 of the controlling contract, so that new contracts are required to be executed?

Counsel further stated that in order to answer these questions, it is necessary to examine the law applicable to the requested certificates. At issue are nine unconditional Certificates of Compliance. Government Code Section 66499.35 sets forth the requirements necessary for an applicant to obtain a Certificate of Compliance. As stated in the case of Lakeview Meadows Ranch v. the County of Santa Clara, a 1994 decision, under Government Code Section 66499.35, once the County determines the property complies with the provisions with the Subdivision Map Act and local ordinances, the local agency, in this case the County **shall** cause the Certificate of Compliance to be filed for record with the Recorder in the County for which the real property is located. While there is not a great deal of case law on this specific issue, the authority reviewed is controlling. The authors of several leading treatises are in agreement that the County must issue the certificates once the requirements of Government Code Section 66499.35 are met. He advised that the treatises that he is referring to are Curtins Land Use and Planning Law, Longtins, California Land Use by Miller and Starr on California Real Property and the continuing education of the Bar treatise entitled the California Subdivisions Map Act. These are all leading treatises in the area and used by both courts and staff in making a determination. The nature of the “shall” command in Government Code Section 66499.35, that is whether the action of issuance is one that is discretionary or ministerial, is answered by reviewing the language of the controlling statute in this matter. This section defines and proscribes the duties to be performed in evaluating an application for a Certificate of Compliance with both precision and certainty so as to leave little or nothing to the exercise of discretion or judgment. This interpretation of the statute and what is considered “ministerial” is consistent with an opinion rendered by legislative counsel during legislative deliberations over Assembly Bill 889, which in part created Public Resource Code Section 21080 which deals with the scope of CEQA with respect to ministerial and discretionary projects. Legislative counsel in those discussions defined a ministerial act as one that, with respect to the performance of which a public officer can exercise no discretion, such as an act or duty as may be prescribed by some existing law which it is incumbent upon the official to perform precisely as laid down by the law. This history regarding exempting ministerial acts is contained in the 1987 case of the Friends of Westwood, Inc. v. the City of Los Angeles.

Therefore his conclusion and opinion is that the issuance of an Unconditional Certificate of Compliance with respect to the nine certificates in this case would be a ministerial act. He advised that

if it is determined that the patent for the property complies with the statutory process the Certificate of Compliance must be issued. He advised that this conclusion is supported by and is in fact the legal conclusion of the following precedents: the 1993 case of Findleton v. The Board of Supervisors of El Dorado County, Hunt v. County of Shasta, and Attorney General Opinion Number 91-105. He advised that because the act is one that is ministerial, the questions under CEQA are also resolved. He stated that it is clear from case law and the Public Resources Code where the CEQA statutes are located that ministerial projects are exempt. To the extent a project falls within a statutory exemption, it is not subject to CEQA even if it has the potential to significantly affect the environment, and this is supported by the case of Communities for a Better Environment v. California Resources Agency. Because there is controlling state statutory authority, local regulations cannot in this case supersede state law. He advised that the Planning Director is correct when he refers to the 1987 case of Friends of Westwood v. City of Los Angeles for the proposition that a local official has the right to exercise discretion under local development codes. However, to the extent local regulation would conflict with state statute, the use of a local ordinance in such a manner is not supported by his research. The Command of the California State Constitution at Article 11, Section 7, is clear that the authority to enact ordinances and rules such as those at issue here is only to the extent they do not conflict with state law. The decision of the Third Appellate District in the case of Friends of Davis v. City of Davis supports this conclusion. He stated that while the Planning Director is correct about the conclusion of the Westwood Case, because the case involved an exercise of discretion with respect to a local ordinance, it is not in his opinion, controlling in this matter. Rather, he opined that the provisions of the California Constitution that prohibit applying a local regulation contrary to controlling state law would rule in this case.

Counsel advised that another issue before the Board is how the Williamson Act affects the issuance of an unconditional Certificate of Compliance. He noted that this issue is not one that was originally raised by either the Planning Department or the appellant in initial submittals; however, it is one that has been extensively briefed and argued and he has researched the issue. He stated that it is important to note that the land for which the unconditional certificates are requested is subject to patents that existed well before the Williamson Act contract was in place for the underlying parcels. Therefore, he believes that the status of the underlying patent parcels is that they existed prior to the contract. That they are subject to the restrictions of the Williamson Act cannot be disputed and in fact is admitted by the appellants. Even if the Board determines that the unconditional certificates requested in this case should be issued, the certificate issued would convey no land development rights and would contain the following language:

“This parcel is enforceably restricted by a Land Conservation Act (LCA) Contract Recorded as Document No. 87-0674, Mariposa County Records. This Contract limits use of the parcel to agricultural and compatible uses. Occupancy of residences on this parcel is restricted to persons directly engaged in the agricultural operations on site. Pursuant to the contract provisions, the agricultural use must be profitable except under uncontrollable circumstances. This parcel was found to be in compliance with Mariposa County’s policies for implementing the California Land Conservation Act because it was a part of an agricultural operation involving multiple adjacent parcels. Should this individual parcel be conveyed separately to another owner in the future, the new owner is advised: This individual parcel has not been reviewed and approved by Mariposa County in accordance with Mariposa County’s policies for implementing the California Land Conservation Act, including the specific terms and restrictions of the Land Conservation Act Contract Recorded as Document No. 87-0674. Such restrictions may include a prohibition against building a single-family dwelling or the imposition of conditions as may be required by the Mariposa County General Plan. The County makes

no guarantee a house can be constructed on this parcel. This certificate of compliance merely certifies that a separate parcel exists, the County makes no warranty regarding its potential development.” He advised that it is his understanding from his research that this is the language that has consistently appeared on Certificates of Compliance.

Therefore, Counsel advised that the Williamson Act limitations remain in place and no development rights are conferred by the mere issuance of the unconditional certificate. A patent parcel recognized through the certificate of compliance process would carry the Williamson Act burdens for the term of the contract including any subsequent sale or conveyance. Because no rights contrary to the contract would be created, it is his opinion that the Williamson Act does not affect the issuance of an unconditional Certificate of Compliance. He noted that the issue has also been raised that paragraph 11 of the Williamson Act Contract in this case requires the issuance of a contract with identical terms for each certificate. In fact the statement that “in the event the land under this contract is divided” an identical contract to that for the original parcel must be executed by the owner – lends itself at first reading to an interpretation that such contracts could be required for the parcels which would appear, with their own (APNs) Assessor Parcel Numbers, on the parcel map of the County.

Counsel advised that the appellants cited in their power point presentation Attorney General Opinion 75-80 and this opinion deals with whether a city may close a street in its jurisdiction where it intersects with another county’s boundary. Based on his research, he believes that they intended to refer to a 1992 opinion of the Attorney General at 74 Opinions Attorney General, page 278, which discusses whether a county may require a new contract upon subdivision of land or impose new terms upon the subdivision of land. While the opinion of the Attorney General could be helpful, it is his opinion that because the county has acted to specifically restrict the application for a Certificate of Compliance in the newer Williamson Act contracts, to interpret the issuance of an unconditional Certificate of Compliance under the older version as a division would be inconsistent with the prior legislative acts of the Board. As an independent basis for his opinion, he relied on the previous analysis with respect to the Williamson Act which in effect leads to the conclusion that no new division of land occurs when an unconditional certificate is issued for a patent parcel which predates the creation of the contract.

Counsel provided the following answers to the original questions that were posed at the beginning of his presentation, and he opined as follows:

- 1) That the nine certificates are a project under CEQA. He advised that it is opinion that they are not.
- 2) That applications 2006-04 and 2006-12, together with other applications for Certificates of Compliance are a multiple or phased project for purposes of CEQA. He advised that it is opinion that they do not.
- 3) Review of all Certificates of Compliance is necessary to address CEQA. He advised that it is his opinion that CEQA is not applicable to these certificates under current controlling law.
- 4) That the project is not complete for processing. He advised that this issue does not appear to be an issue at this time as the appellants have in effect already submitted the majority of the applications the Planning Director requested. He stated it is important to note that the Planning Director has a right to request information he believes is reasonably necessary to review a project or to process an application. Therefore, because the information requested has essentially been submitted through subsequent events after the original filing of the appeal, the Board could determine that this requirement of the Planning Director has already been met.

5) Whether the number of Certificates of Compliance triggers CEQA by converting them from a ministerial act to certificates that would be discretionary. He advised that it is his opinion that the number of applications in this case does not affect such a conversion.

6) That Section 2.520.C.7 of the Mariposa County Environmental Review Policy allows the certificates to be determined by County regulation to be discretionary rather than ministerial. He advised that it is his opinion that this regulation does not affect such a conversion due to the limitations of the Government Code and California State Constitution.

7) Does the Williamson Act restrict the issuance of the nine unconditional Certificates of Compliance that were applied for? He advised that it is opinion that it does not.

8) Does the issuance of the unconditional Certificate of Compliance constitute a “division” under paragraph 11 of the controlling contract, so that new contracts are required to be executed? He advised that it is opinion that this issuance does not affect a division. It is merely recognition of a pre-existing parcel.

Counsel advised that this concludes his analysis, and he advised that this would be the appropriate time for the Board to ask questions of staff.

Supervisor Bibby referenced a section in the minutes for the hearing (June 13, 2006) where the Deputy Planning Director talked about determining the legal existence as a legal parcel and not just a portion, that recognizing these in piece meal may create problems with remainders; and she asked if the Planning Director has information as to whether there are any problems and whether the applications would create boundary issues, or whether there would be a remainder. Kris Schenk advised that his recollection is that there may be three certificates where there were questions about the legal exceptions, the remainder pieces. He feels that they have the information for the remaining applications that have been submitted so that they could process the applications without substantial further questions. Supervisor Bibby asked whether they are complete applications or whether there is any follow-up information that Planning needs regarding the legality of the applications, i.e., the record and history of the patents. Counsel advised that only the nine certificates are before the Board today that the Planning Director can comment on. But he stated that if we presuppose that the Board were to find today that this matter goes back to the Planning Director for issuance of the certificates, all that would happen is that he would apply the process established by the Government Code and each of those applications would have to pass muster according to the provisions of the Government Code for issuance of the certificates. The Board’s decision today would not result in a mandatory direction that the certificates be issued because of the timing and the posture in which this appeal comes to the Board – the appeal comes to the Board because the applications haven’t been processed all of the way through because of these other concerns. If these other concerns don’t apply to the nine certificates, then the Planning Director, and probably with this decision as guidance, would look to process the balance of any applications according to the requirements of the Government Code. Supervisor Bibby advised that she wanted to make sure that the applicants understand that the Board is not saying today that these are definitely legal, that review still needs to be verified through Planning. Counsel advised that this could be a part of the Board’s findings today. Supervisor Bibby asked County Counsel to summarize his analysis for the general public relative to the issues of whether the parcels are in existence and that CEQA doesn’t apply because they are already there and they can’t be denied. Counsel stated he does not believe that the Planning Department has completed its review of all nine certificates to state whether they were legally pre-existing historic parcels. That would depend on reading the patents, following the steps with the statute, applying the statutory requirements for that determination; and they

will get either an unconditional or a conditional certificate if they are so entitled. That review has not been undertaken to date and the decision of whether they get a conditional or unconditional certificate is not on appeal before the Board today. The Board's decision today includes whether or not, based on the law and the material presented, it feels the Planning Director can apply CEQA as a basis to review the certificates. Supervisor Bibby asked County Counsel to clarify the language he read relative to the requirements for compliance with all state laws, in addition to contracts, and County ordinances that appears on the Certificates of Compliances. Counsel advised that what he read is in part from the Certificates of Compliances that the County issues, and that was provided by the Planning Department and it came up as a part of the evidence submitted to the Board. He believes that the statute also permits just such a statement on Certificates of Compliances and it has been a long-standing practice. He does not know if it would apply to a conditional certificate, but that is what is issued currently with unconditional certificates. Supervisor Bibby asked for confirmation that without a doubt, on a normal Certificate of Compliance that is unconditioned, that language should appear putting everyone on notice that it will still have to comply with Williamson Act Contracts, state laws, as well as County ordinances, and that the parcel may not be developable depending on the circumstances on a case-by-case basis. Counsel advised that the evidentiary testimony before the Board in the hearing process is that the statement appears on all unconditional certificates that are issued.

Counsel clarified the hearing procedures with regard to the deliberation phase. Supervisor Bibby asked whether County Counsel has received any information that would open the hearing back up to public input, including the information received during public presentations this date. Counsel advised that he provided his opinion on the letter that he is aware of, i.e., Farm Bureau letter of June 28th; and the fact that someone came in this morning during public presentations and tried to attack the process of these proceedings, was in his opinion an inappropriate attempt to try and get the issue to the Board. He has not included it in his review. The appropriate process would have been to petition the Board through the process and that has not been done. He only responded to the letter because it was copied to him and it wasn't provided to the appellants, and he wanted to assist the Board in providing due process throughout this hearing. He stated the Board could take action to reopen the hearing, but he does not see any requirement for the Board to take any more public comment. Motion by Bibby to reopen the public input portion to new facts that the Board hasn't received before, anything pertaining to those specific issues regarding CEQA, the application, and historic parcels if there is evidence that we have not received to date. Counsel clarified that the Board should only reopen the hearing if additional evidence had been received during the process for which an opportunity to respond had not been given. Supervisor Bibby asked whether staff has received any new information. Counsel advised that whether or not staff has received new submittals, they are not part of the matters currently before the Board for appeal. Supervisor Turpin asked for clarification that there are no development rights guaranteed with an application for a Certificate of Compliance. Kris Schenk advised that is correct. Supervisor Turpin clarified that with the notice of non-renewal for the Redington Ranch, at the end of the contract (19 years remaining) the land is still zoned as Agriculture Exclusive; and his understanding is that if someone applies for a permit, they still need to comply with all requirements. Kris Schenk advised that all requirements would need to be met under the Agriculture Exclusive zone and the General Plan and any other regulatory requirements that would apply. Supervisor Turpin asked whether in recent history, this Board or any other Board has allowed Agriculture Exclusive zoning to be changed. Kris Schenk advised that he is not aware of any conversion of Agriculture Exclusive zoned land in recent history in the County. Supervisor Bibby asked for clarification that this is in no way vesting that Williamson Act contract, that is a separate issue, and the same way with the development, and separate before the Board today is merely the Certificate of Compliance and the application as to

whether CEQA applies or not. In other words, we will not hear from the applicant down the road should Williamson Act contracts be amended as a County policy. Counsel advised that any Williamson Act contract in the County to the extent that you are able to amend it is a separate issue and is not being appealed today. The appellants contend that the Williamson Act issues are not properly a part of this process as they did not constitute one of the four basic reasons that the Planning Director gave and they proceeded to argue those issues. The Planning Director stated that, based on his analysis, the Williamson Act does not impact the decision as to whether an unconditional certificate is issued. The appellants would be subject to any future rules and regulations that are appropriately enforceable against them. However, if they have non-renewed, and that fact is before the Board, it is unlikely that you could mandatorily force them into the new version of the contract that is coming down the road. But if they voluntarily enter into that contract, like anyone else, they would be subject to what they have agreed to. Supervisor Bibby asked if this would also apply to development requirements as they are amended and for permits or entitlements that are applied for. Counsel advised that to the extent any new requirements would apply, they would apply. This hearing today doesn't include those issues. Supervisor Bibby stated she wanted to make sure that it is clear on the record and for the applicants that those issues are totally separate. Chairman Stetson asked Supervisor Bibby if she is withdrawing her previous motion, and she responded in the affirmative based on the clarification received from County Counsel.

Chairman Stetson advised that the Board is in the deliberation phase of the hearing. (M)Pickard, (S)Fritz, Res. 06-388 was adopted upholding the appeal; finding that there is enough information to begin processing the nine Certificates of Compliance; and that they should move forward without any CEQA review, and with continuing to use the current language in the Certificates relative to patent parcels under contract with Williamson Act for Certificates of Compliance that are issued. Supervisor Bibby asked for clarification on the record that the current language that provides notice to the property owner and future owners will remain in the Certificates of Compliance; and that this section is a binding notice/disclaimer that the property may not be developable – there will be a set of criteria that would need to be met when a permit is applied for. Counsel responded that is correct. Supervisor Turpin clarified that the issuance of a Certificate of Compliance does not guarantee or ensure that those development rights will be there. Counsel advised that was his opinion. Supervisor Bibby stated she feels that this is also the opinion of many counties that this is a separate review. Supervisor Pickard stated he agreed and he noted that this does not open the door to development on any of those parcels; they will still need to be processed with any future application for building permit or otherwise. He commented on the importance of the Williamson Act and how it is enforced and that the requirements are upheld. He feels that the public should walk away from this meeting realizing that the Board followed a process as outlined that it must follow relative to processing the Certificates of Compliance. He feels that the County needs to continue to diligently look at the Williamson Act issues as well as the General Plan in preserving ag land and the rural character of the County. Supervisor Bibby commented that Planning is still going through the process of reviewing the applications to determine whether they are legal parcels and tracking the history of them, and that the applicant will still need to cooperate with that process and provide whatever information is necessary for the Planning Department; and she clarified that the law is what it is and we may not like it. She personally looks at these as creating problems into the future as well as with Williamson Act, so she hopes that we can enforce the Williamson Act and do careful reviews as far as the legality of the parcels to ensure that they were legally created as the parcels may qualify for a building permit in the future. She complimented the Planning Department for being very careful in these matters. Supervisor Stetson commented on the intensely concerned citizens in this process that are looking for mechanisms that can

slow the process of the degradation of our landscapes. This is a growing and urgent concern on the part of many people to maintain the quality of our landscapes, and he applauds that effort. Ayes: Unanimous.

Counsel advised that the next step in the process is for staff to prepare a formal resolution for a future agenda for processing. He clarified the motion as he understood it to be as follows – the findings are that the Planning Director’s determination is overturned and the appellant upheld; that these matters will be sent back to the Planning Director for processing; that it is the Board’s finding that the CEQA review process is not applicable; that the patent parcels when they are processed must still comply with the requirements of the Subdivision Map Act; that the language contained in the certificates is found to be applicable to unconditional certificates that will be issued in this case; that the Williamson Act is not a restriction on the issuance of an unconditional Certificate of Compliance because it is simply recognizing the existence of an underlying pre-existing parcel; and that the applicant must comply with the process in order to do whatever is necessary to obtain the completion of the Certificates of Compliance. Supervisor Pickard confirmed that this clarifies the motion. Supervisor Bibby asked for clarification that County Counsel advised that there is no assurance that these parcels are developable. Counsel advised that is what it says in the language in the certificate and that is the language that will be included so that in effect will achieve that end. He advised that these would be the findings and direction, to be phrased as articulately as possible, in the formal resolution. Chairman Stetson advised that unless there were any objections, the clarified motion is agreed to.

CONSENT AGENDA:

- CA-1 Appoint Harvey Holland to the El Portal Planning Advisory Committee, Term Ending 2-28-07 (Supervisor Stetson)
- CA-2 Appoint Harry Hagan to the Mariposa County Planning Commission Representing District I, Term Ending 12-31-06 (Supervisor Stetson)
- CA-3 Approve an Agreement No. 06-0020C with California Department of Pesticide Regulation (CDPR) for Pesticide Application Reporting for Fiscal Year 2006-2006 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Agricultural Commissioner); Res. 06-380
- CA-4 Approve an Interim Rental Agreement with the 35-A District Agricultural Association for the Annual Senior Informational Booth at the Fair and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Community Services Director); Res. 06-381
- CA-5 Authorize the Fire Chief to Apply for the State of California Fiscal Year 2006-2007 Homeland Security Grant (County Fire Chief); Following discussion, the item was continued to August 22, 2006
- CA-6 Authorize the Purchase of Grant Funded and Reimbursable Capital Items Prior to the Adoption of the Fiscal Year 2006-2007 Budget that the State Department of Health Services has Approved Purchase of (County Fire Chief); Res. 06-384
- CA-7 Accept the Resignation of David Smothers from the Mariposa County Alcohol and Drug Advisory Board (Human Services Director)

- CA-8 Approve a Professional Services Agreement with Nanette Oswald for Sign Language Interpreting for the Hearing-Impaired and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-382
- CA-9 Adopt a Resolution Approving and Authorizing the Refund of Indemnity Funds Advanced by PacificUS Real Estate Group (\$15,031.74) (County Counsel); Res. 06-383
- CA-10 Declare the September 2, 2006 Labor Day Parade a County Sponsored Event and Approve Issuance of a County Insurance Certificate to Caltrans (Technical Services on Behalf of the Lions Club); Res. 06-385, with direction to co-sponsor the event and if the Lion's Club Certificate of Insurance is issued, it will be the primary insurance and the County's will answer after that.
- CA-11 Approve a Revision to MOU # GA 8800-11-016 with Yosemite National Park to Provide Temporary Enhancement to First Responder Emergency Medical Activities in El Portal due to the Rock Slide Limiting Access via Highway 140 and Authorize the Chairman of the Board of Supervisors to Sign the Revision (Health Officer); Res. 06-386, with direction for staff to continue to pursue reimbursement from FEMA
- CA-12 Resolution Approving and Authorizing the Chairman of the Board to Sign the Second Amended Agreement with V. Michael "Mike" Coffield to Increase Hours to Provide Budget/Personnel/Risk Management Duties (County Counsel); Res. 06-387

3:10 p.m. Adjournment in memory of Richard Lee Hambrock, Robin Suzanne Leonard, and Gale "Bud" Bergey.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

August 17, 2004

Time Description

9:06 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

Rick Peresan, Second Vice-President of Mariposa Lions Club, advised of their plans to sell bottled water and sodas at the Mariposa Evenings events to benefit various charities in the County.

Board Information

Supervisor Balmain advised that he and Supervisor Pickard and the County Administrative Officer will be going to San Francisco on Thursday for the Courthouse Committee meeting.

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

BOARD ACTION: Chairman Parker pulled item 4 for action to be taken by the Housing Authority of the County of Mariposa; and he advised that wording changes were submitted for the agreement in item 5. Supervisor Pickard pulled and continued item 3 pursuant to his discussion with the Chief Probation Officer and the County Administrative Officer. Supervisor Bibby pulled items 1 and 7. Supervisor Balmain pulled items 5 and 6. (M)Stetson, (S)Bibby, the balance of the items (items 2 and 8) was approved/Ayes: Unanimous.

Consent Agenda item 1 – Supervisor Bibby initiated discussion and advised that she would prefer that budget requests come to the Board prior to overages occurring. She also asked for information on what activities and local advertising are planned for tourism. She stated she would like to see increased coverage of advertising in the neighboring counties. She asked for background information on the budget overage. Rich Inman, County Administrative Officer, advised that he will get more detailed information to the Board. (M)Bibby, (S)Pickard, item 1 was approved since there are outstanding invoices, and with direction for the County Administrative Officer to provide more detailed information/Ayes: Unanimous.

Consent Agenda item 5 – Supervisor Balmain initiated discussion and advised of typographical errors in the grant application. Bill Flaherty, DA/Victim-Witness Coordinator, responded to questions by Supervisor Bibby relative to the timeframes for starting the counseling program for victims, and relative to requirements by OES for a formal resolution. (M)Stetson, (S)Bibby, item 5 was approved/Ayes: Unanimous.

Consent Agenda item 6 – Supervisor Balmain initiated discussion relative to the language in the agreement. Tom Guarino, County Counsel, pulled the item to bring the agreement back with corrections.

Consent Agenda item 7 – Supervisor Bibby initiated discussion relative to the terms of the contract and relative to accepting cover material from individuals for the landfill. Steve Engfer, PWD-Solid Waste and Recycling Manager, provided input relative to the terms of the contract, and he advised of corrections to the contract that were brought to his attention by Supervisor Balmain. (M)Stetson, (S)Pickard, item 7 was approved/Ayes: Unanimous.

9:22 a.m. Consent Agenda item 4 – The Board convened as the Housing Authority of the County of Mariposa. (M)Parker, (S)Pickard, item 4 was adopted by Hous. Auth. Res. 04-2/Ayes: Unanimous.

9:23 a.m. The Board reconvened.

Rich Inman, County Administrative Officer;

B) Waive First Reading and Introduce an Ordinance Amending Ordinance No. 973, Section 3, Subsection H, Deleting Requirement to Publish Notice of Planning Advisory Committee Meetings Fourteen Days Prior to Said Meetings and Requiring Notice be Posted at Various Locations Seventy-Two (72) Hours Prior to Said Meeting

BOARD ACTION: Supervisor Parker advised that this item was pulled and will be rescheduled at a later date.

A) Waive First Reading and Introduce an Ordinance Amending Chapter 9.20, Section 9.20.030, Subsection C of the Mariposa County Code, Prohibiting Smoking in all County Vehicles

BOARD ACTION: Supervisor Balmain noted that Section 9.20.050 also needs to be changed.

(M)Pickard, (S)Stetson, the first reading was waived and the Ordinance introduced amending Chapter 9.20, Section 9.20.030. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

C) Approve Reassignment of Secretary from Cooperative Extension to Agricultural Commissioner's Office by Deleting Position of Secretary in Cooperative Extension and Allocating Position of Secretary in Agricultural Commissioner's Office

BOARD ACTION: Rich Inman advised of a request received from the Interim Farm Advisor asking that this item be pulled so that they could meet on August 24th. He advised that he could bring the matter back, depending on the Board's direction. Discussion was held concerning the request. (M)Pickard, (S)Balmain, to tentatively approve the reassignment and change in allocation of the secretary position pending the meeting on August 24th and with direction for the matter to be scheduled for September 7th for the action to be confirmed, was changed following discussion. Supervisor Bibby requested that information be provided on how the coverage for the different functions would work, and she requested that the Agricultural Commissioner be included in the meeting. Cathi Boze, Agricultural Commissioner, noted that she is currently on vacation and needs clerical assistance. She also noted that she only needs clerical assistance for one-third of the time. Further discussion was held. The motion was changed by Supervisor Pickard, seconded by Supervisor Balmain, to adopt Res. 04-387 approving the reassignment of the Secretary and the reallocation of the position as recommended immediately/Ayes: Unanimous.

Bob Pickard, Supervisor District V;

Authorize the Chairman of the Board of Supervisors to Execute a Letter to the Secretary of Corrections in Support of Contracting Former California Youth Authority Employees with California Department of Corrections for Fire Fighting Crews at the Mt. Bullion Camp Facility

BOARD ACTION: Supervisor Pickard initiated discussion. He also noted that there has been no response from CDF relative to the request for information on the environmental review and CEQA process for the CDC program. (M)Pickard, (S)Bibby, Res. 04-388 was adopted approving the letter to the Secretary of Corrections/Ayes: Unanimous. Supervisor Pickard asked the County Administrative Officer to follow up with CDF to ascertain the status of the EIR.

Tom Guarino, County Counsel;

Discussion and Possible Direction Regarding the Possible Amendment of Section 16.36.030 of Chapter 16.36 of the Mariposa County Code, Entitled "Indemnification Agreements"

BOARD ACTION: Discussion was held. (M)Pickard, (S)Stetson, direction was given to staff to prepare revisions to the County Code/Ayes: Unanimous.

9:47 a.m. Recess

10:08 a.m. Supervisor Parker asked for the definition of "entitlement" as used in Chapter 16.36 of the County Code relative to the indemnification agreements. Tom Guarino advised that he will provide the definition for the Board.

Dana Hertfelder, Assistant Public Works Director, appeared on behalf of Jim Petropulos, Public Works Director;

Approve Proposed Amendments to the Existing Transfer Station Hauling Agreement and Mariposa Franchise Hauling Agreement with Mariposa Total Waste Systems for Ongoing Solid Waste & Recycling Hauling Services and Authorize Staff to Draft the Agreement with County Counsel and Total Waste Systems for Execution of the Agreement by the Chairman of the Board of Supervisors

BOARD ACTION: Steve Engfer, PWD-Solid Waste and Recycling Manager, advised that Jim Salyers and Mike Petty/Mariposa Total Waste Systems, were present to respond to questions. Steve reviewed the four existing agreements between the County and Mariposa Total Waste Systems and the proposed revisions. Discussion was held relative to the proposed revisions and the proposed term of the new agreement. Jim Salyers and Mike Petty responded to questions from the Board. Supervisor Parker clarified that the action to be taken is to direct Public Works to incorporate the changes in the agreement for final action by the Board, and he suggested that the Board look at including the agreement as an exhibit to the existing franchise agreement and that the two agreements be enforceable from either end. Tom Guarino, County Counsel, clarified that the performance issues with respect to both agreements would be interdependent, and he noted that a clause could be added. This could be discussed with Public Works and they could discuss the change with Total Waste Systems. Jim Salyers stated he does not have any problem with connecting the two agreements by term and performance. Supervisor Balmain asked about addressing the other franchise agreement in the County. (M)Balmain, (S)Pickard, direction was given to staff to draft the agreement with the changes as discussed, including tying the two agreements together/Ayes: Unanimous.

Adopt a Resolution Naming Brandon Scharper and Kelly Forsythe as the Recipients of the 2004 Regional Council of Rural Counties (RCRC), Rural Alliance, Incorporation (RAI) and the Mariposa County Board of Supervisors Rural Scholarship; Authorize Staff to Send a Letter with the Resolution to RCRC Directing them to Route the Scholarship Checks through the Mariposa County Schools Foundation (Supervisor Pickard)

BOARD ACTION: (M)Pickard, (S)Balmain, Res. 04-389 was adopted/Ayes: Unanimous.

INFORMATION: - Chairman Parker asked if there were any concerns with the following Information items. Discussion was held, and a question was raised as to whether the change in hours can be scheduled as an information item or needs to have action taken by the Board. Tom Guarino, County Counsel, stated he would check with the Clerk of the Board to research the matter to determine if action is requested.

A) Effective August 23, 2004, El Portal Branch Library Hours will be Monday and Thursday, 9:00 a.m. – 5:00 p.m. (Librarian);

B) Effective August 23, 2004, Red Cloud Branch Library Hours will be Tuesday, Wednesday, and Friday 11:00 a.m. – 3:00 p.m. and Saturday, 12:00 p.m. – 4:00 p.m. (Librarian)

10:52 a.m. CLOSED SESSION: Public Employee Appointment; Interim Public Works Director (County Administrative Officer)

BOARD ACTION: (M)Balmain, (S)Stetson, the closed session was held following a short recess, with Dana Hertfelder/Assistant Public Works Director, to be present for a portion of the session/Ayes: Unanimous.

11:22 a.m. Lunch

12:32 p.m. The Board reconvened in closed session.

2:19 p.m. Chairman Parker announced that as a result of the closed session, the Board took action by unanimous vote to appoint Dana Hertfelder as Interim Public Works Director to act in the full capacity as Public Works Director in the absence of the Public Works Director.

CONSENT AGENDA:

- CA-1 Approve Budget Action Transferring Funds within the Tourism Budget Unit for Fiscal Year 2003-04 to Account for Over Expenditures in the Promotional Line Item (\$3,434) (County Administrative Officer); Res. 04-384, with direction to the County Administrative Officer
- CA-2 Approve Budget Action Increasing Revenue and Appropriations in the Library Budget to Reflect the Small Business in a Box Grant (\$5,000) (4/5ths Vote Required) (Librarian); Res. 04-382
- CA-3 Approve Budget Action Transferring Funds within the Probation and Juvenile Detention Budget Unit to Cover the Cost of Salary and Benefits for a Deputy Probation Officer for a Four Month Period, due to the Loss of the Children's System of Care Program Funding (\$14,876) (Chief Probation Officer); Item was pulled
- CA-4 **HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA**
Review the Annual Section 8 Management Assessment Program (SEMAP) Report and Authorize the Chairman of the Board of Supervisors to Sign the Self Certification Form (Human Services Director); Hous. Auth. Res. 04-2
- CA-5 Adopt a Resolution Approving the State of California Office of Emergency Services 2004-05 Victim/Witness Program Grant in the Amount of \$86,336 (District Attorney); Res. 04-385, with typographical corrections to be made to the grant application
- CA-6 Approve and Authorize the Chairman of the Board of Supervisors to Sign the Agreement between Merced County and Mariposa County to Provide Storage and Space for Autopsies (Sheriff); Item was pulled
- CA-7 Authorize the Chairman of the Board of Supervisors to Execute a Contract for Services with Outback Inc., dba Outback Materials/Outback Construction, in the Not to Exceed Amount of \$32,500 for Delivery of 5,000 Yards of Cover Materials to the Mariposa Landfill at a Rate of \$6.50 per Cubic Yard, with the Option of the County to Increase the Not to Exceed Amount of \$50,000 at the Same Base Price per Yard within the Term of the Contract (Public Works Director); Res. 04-386, with corrections to the contract
- CA-8 Ratify and Approve the Help America Vote Act (HAVA) Grant Application for \$6,500 Maximum Allotment for Counties with Populations of Eligible Voters under 15,000 to Conduct and Improve Voter Education and Enhance Pollworker Education and Training for the November 2, 2004 General Election (Elections); Res. 04-383

2:20 p.m. Adjournment in memory of Esther Mae Raucina, Martha Jane Posey, Arthur G. "AG" Pearson, Cruz Garcia, Jr., Eugene Lincoln, Jr., and Julia Child.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

August 24, 2004



Time Description

9:06 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

- Dennis Tannahill, Division Chief for California Department of Forestry and Fire Protection (CDF) and Administrator for the Mount Bullion Camp, announced that there is a Governor's Action Request and plans to proceed to staff the Camp with California Department of Corrections (CDC). He advised that they expect to have staffing in place by the middle of September. Supervisor Parker advised of the Board's action to support reinstating the former California Youth Authority (CYA) employees. Supervisor Bibby asked about the status of the environmental review process. Dennis Tannahill advised that the Department's legal staff does not believe that there will be an environmental review as they are not changing the operation or structure of the land.
- Susan Crain, Administration/Tourism Coordinator, presented a photograph and the ribbon for the Silver award the County's booth received at the California State Fair. She advised that the booth was constructed by Gaffney and she thanked Judie Beliera/Visitor's Bureau for her assistance.
- Dianne Fritz, President of the Chamber of Commerce, advised that the "Business after Hours" event is scheduled for this evening at the Whole Kit & Kaboodle.
- Dick Kunstman referred to a presentation made by Attorney Carlson at a previous Board meeting and Supervisor Pickard's comments that people were seeking legal assistance on projects. He commented on previous Board actions where he feels there is a perception that the Board will arbitrarily make decisions without concern for the regulations. Thus, he feels it should not be a surprise that people are obtaining professional advice. He feels the Board should consider why this is happening.
- Jacque Meriam, Librarian, advised of the success of the summer reading program, and she thanked staff for their assistance with this program.

Board Information

- Supervisor Pickard advised that he and Supervisor Balmain and the County Administrative Officer met with the Administrative Office of the Courts and interviewed three highly qualified architectural engineering firms, and Mark Cavanaugh Associates was recommended to begin the preliminary plans for designing a new courthouse for the County.

Garry R. Parker, Board of Supervisors, Chairman;

Adopt a Resolution and Approve a Tile Plaque Recognizing Jim Petropulos upon his Retirement from Mariposa County Department of Public Works

BOARD ACTION: (M)Pickard, (S)Bibby, Res. 04-390 was adopted and presented to Jim Petropulos, along with a tile plaque/Ayes: Unanimous. Supervisor Pickard also noted the budget estimate error made

by CalTrans on the Highway 132 project that Jim caught. Board members commended Jim for his service to the County.

Tom Guarino, County Counsel;

Waive First Reading and Introduce an Ordinance Amending Section 16.36.030 of Chapter 16.36 of the Mariposa County Code, Entitled "Indemnification Agreements"

BOARD ACTION: Chairman Parker advised that this matter was pulled and continued.

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

BOARD ACTION: Rich Inman, County Administrative Officer, pulled item 1, and he advised that he will need to re-evaluate the claim based on new information that was received. Supervisor Bibby pulled item 2. (M)Pickard, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.

Supervisor Bibby initiated discussion relative to item 2. Tom Guarino, County Counsel, advised that additional language was added by Merced County to the agreement. Cheryle Rutherford-Kelly, Human Services Director, provided input relative to the records for the patients. (M)Bibby, (S)Stetson, item 2 was approved/Ayes: Unanimous.

Sarah Williams, Interim Planning Director;

Approve the Mariposa Town Advisory Task Force Final Report and Adopt the Recommendations of the Task Force

BOARD ACTION: Sarah Williams advised that Chris Hutcheson, Chair of the Mariposa Town Advisory Task Force, and Mike Coffield, staff for the Task Force, were present to give a presentation on the final report.

Chris Hutcheson reviewed the work of the Task Force and its recommendations, and he thanked the members for their efforts.

Discussion was held, and Mike Coffield provided input relative to the Way-finding signage program. Supervisor Parker stated he would like to see if there are funds available to assist in the program.

Discussion was held relative to the recommended actions. (M)Stetson, (S)Bibby, Res. 04-394 was adopted ratifying the extension of the Task Force's term to July 30, 2004/Ayes: Unanimous.

Input from the public was provided by the following:

Leroy Radanovich reviewed his written comments on the report. He stated he agrees with the recommendation to ratify the extension of the term of the Task Force. He stated he feels that planning for circulation projects should be submitted to the Planning Department first for overall design concepts and then to Public Works for execution. He commented on the parking project issues. He stated he feels that advice should be sought from a competent urban planner for the Way-finding signage. He also suggested that professional assistance be obtained for the business signage issue and for the historical buildings issues. Chairman Parker asked that Leroy's written comments be included as a part of the final report. Supervisor Bibby asked that others also be allowed to submit comments to be attached to the report.

Further discussion was held relative to the report and recommendations. Chris Hutcheson responded to concerns expressed relative to designing a multi-level parking structure to fit in with the historic character of the community. (M)Pickard, (S)Stetson, the report was accepted for information purposes, and direction was given to the County Administrative Officer to bring the individual items back to the Board as appropriate/Ayes: Unanimous.

10:32 a.m. Recess

10:56 a.m. Jim Petropulos, Public Works Director;

Presentation, Discussion and Possible Direction Relative to the County's Zone of Benefit Program

BOARD ACTION: Discussion was held with Dana Hertfelder, Interim Public Works Director, relative to the history of the zone of benefits program and changes with the Proposition 218 process. Sarah Williams, Interim Planning Director, asked about addressing existing land divisions that have been approved by the Planning Commission, but the maps have not recorded. Tom Guarino, County Counsel, suggested that today's action could be to direct staff to bring back an amendment to the existing

resolution, and direction could be given to include a provision that pending applications would have an option of forming a private road maintenance association versus the zone of benefit. Supervisor Bibby asked if the matter would come back as a policy item on the agenda. Tom Guarino advised that staff will review that option and place the matter on the agenda accordingly. Motion by Balmain to accept Public Works recommendations with the deletion of the exemption to the internal roads to major subdivisions, died for lack of a second. (M)Pickard, (S)Stetson, the Board accepted staff's recommendation to provide for an exemption from the zone of benefit formation requirements for all subdivisions that establish a private road maintenance association; however, this exemption does not apply to the internal roads to major subdivisions. The motion included direction for staff to bring back a resolution to provide for the exemption to the zone of benefit formation requirements and include a mechanism to mitigate the tentative maps that are in process, and to schedule the matter as appropriate on the agenda. Further discussion was held. Supervisor Balmain expressed concern with not including internal roads to major subdivisions. Dana Hertfelder advised that staff would review the language to better define the intent. Supervisor Pickard noted that his motion includes the intent that the language be clarified when this matter is brought back to the Board. Ayes: Unanimous.

11:40 a.m. Recess

11:50 a.m. Gail Neal, Chief Probation Officer;

Approve Reorganization Plan for Probation Department by Eliminating Two Deputy Chief Probation Officer Positions and Creating an Assistant Chief Probation Officer Position and an Additional Deputy Probation Officer III Position; and Approve Budget Action Transferring Funds within the Probation Budget in Order to Absorb a Funding Loss (\$130,461)

BOARD ACTION: Gail Neal presented her request for reorganization of the Department, and she advised of budget changes. Discussion was held relative to the request. Supervisor Parker asked for clarification of the Human Services Department's budget covering two months of the cost for a probation officer. Supervisor Bibby asked for clarification of the reorganization request and intent to ask for a permanent full-time deputy probation officer in the next budget year to replace the position being lost due to the elimination of the Children's System of Care program funding. She also asked for clarification of the salary impacts that this request may have on existing employees, as well as probationary status impacts, and relative to the budget calculations that were given in the staff report. Motion by Bibby to direct the County Administrative Officer to bring back a proposal to leave the Department with the existing structure and funding for the deputy probation officer position, died for lack of a second. Further discussion was held. Supervisor Parker noted the concurrence received from the Superior Court Judges for the reorganization. (M)Balmain, (S)Pickard, Res. 04-395 was adopted approving the reorganization and budget action as requested. Further discussion was held. Tom Guarino, County Counsel, asked for clarification of the effective date. Gail Neal requested that this be effective September 4, 2004, so that no one is laid off. Supervisor Bibby asked for further clarification of the changes in the salaries. The motion was amended, agreeable with the maker and second, to include the effective date of September 4th/Ayes: Stetson, Balmain, Parker, Pickard; Noes: Bibby.

Luciano Beltran, Attorney with the Law Firm of Goyette and Associates, stated they represent the Mariposa County Sheriff's Management Association and the Deputy Sheriff's Association. He stated he was present to speak on behalf of the Sheriff's Management Association in regards to the deputy chief probation officer positions as recognized in the Memorandum of Understanding (MOU). He referred to an email from the Chief Probation Officer relative to the loss of funding, and he advised of the Association's response. He stated he feels that the County failed to meet its obligation under the MOU to meet and confer on this reorganization plan. He advised that they requested to meet and confer on a number of issues related to this situation.

Supervisor Bibby asked County Counsel to clarify whether the meet and confer is required. Tom Guarino stated it appears that this is an emergency issue because of the funding situation, and he advised that he will review the meet and confer requirements.

Susie Johnson, Vice Chair of the Calaveras County Band of Miwok Indians, stated she was present to speak in support of the position of Bryce Johnson, Deputy Chief Probation Officer; and that she is trying to address and understand what the Board is saying. Chairman Parker clarified that this issue is not

specific to Mr. Johnson, that it is a departmental request that affects a couple of individuals. Susie stated she was present to show support in this matter. She questioned whether someone is being grandfathered in with this reorganization without a college education. She stated they will be in support of whoever is placed in the Assistant Chief Probation Officer position. She also referred to an incident concerning the wearing of a tribal headdress that she felt was inappropriate and was not culturally sensitive.

Gail Neal asked whether the job descriptions were adopted with the action, as this was not included in their agenda title for the item. Rich Inman, County Administrative Officer, advised that adoption of the job descriptions was included as they were included in the agenda package materials.

Bryce Johnson, Deputy Chief Probation, asked about the changes in the job descriptions relative to the allowance for substitution of experience for the college education for the assistant chief probation officer position, and he noted that the requirements for a deputy probation officer include a college education.

Rich Inman advised that the new job descriptions for the deputy probation officers include allowance for substitution of experience for the college education, and it is his recommendation that there always be a substitution rule. Supervisor Bibby asked that this be reviewed, and noted that the last batch of job descriptions as a result of the job classification survey was pulled from the agenda and has not been rescheduled.

Adopt a Resolution Allocating 100-Percent of the Portion of Funds the County Receives for Local Projects through Participation in the Secure Rural Schools and Community Self-Determination Act of 2000, Full Safety Net Payment for Authorized Projects Pursuant to Title III of the Act; and Designate Fifteen-Percent of its Safety Net Payment to Title III Projects under this Act (County Administrative Officer)

BOARD ACTION: (M)Balmain, (S)Stetson, Res. 04-396 was adopted. Supervisor Bibby requested that an itemized list of the funding disbursements be provided, and she stated she wants to make sure that the funds can be used for other activities such as search and rescue on private land and for work camps, possible with Probation. Mary Hodson, Deputy County Administrative Officer, provided input relative to the request and allowance for activities. Ayes: Unanimous.

Discussion and Direction Relative to Agreements between Mariposa County and the Mariposa County Unified School District (County Counsel)

BOARD ACTION: Tom Guarino, County Counsel, initiated discussion and advised of the status of the contracts between the School District and the County relative to responsibility to pay for expenses, and he noted that the last agreement was not signed by the School District. He advised that direction is needed for the expenses being incurred with the upcoming election, and on how to proceed to clear up the Board's action on the agreement that was not signed by the School District. He also advised of an email received from the Franchise Tax Board concerning a technical flaw that will require re-publication of the Ordinance for the sales tax, and he noted that direction is needed on how to cover the costs. Discussion was held, and it was noted that funding is provided to the School District through an earlier agreement to cover administrative costs. Mary Hodson, Deputy County Administrative Officer, clarified that an amount of \$168,000 is budgeted annually for the School District. Supervisor Bibby asked for clarification of the terms of the agreement and what the funding that is provided to the School District is supposed to cover. Tom Guarino suggested that he bring back a resolution to rescind the Board's earlier offer, and he requested direction on resolving the issues. Supervisor Pickard offered to work with County Counsel on this matter, and he suggested that another Board member also assist. The Board concurred.

12:45 p.m. Rich Inman, County Administrative Officer;

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Rich Inman, County Administrative Officer; and

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Wayne Rulon v. Robert H. Brown, et al (County Counsel)

BOARD ACTION: (M)Balmain, (S)Pickard, the closed sessions were held with Attorney Woody Merrill of Best Best & Krieger present for a portion of the session/Ayes: Unanimous.

1:38 p.m. Chairman Parker announced that direction was given to County Counsel as a result of the litigation matter in the case of Rulon v. Brown, et al, to retain outside counsel and to extend the defense to the District Attorney and the former District Attorney; and that direction was given to the County administrative Officer relative to the labor negotiations item.

CONSENT AGENDA:

- CA-1 Authorize the Chairman of the Board of Supervisors to Reject Claim No. C04-9 in the Amount of \$258.44 (County Administrative Officer); Item was pulled
- CA-2 Adopt a Resolution Approving the Amended Sections to Contract 2004091 between Mariposa Mental Health and Merced Mental Health (County Counsel); Res. 04-393
- CA-3 Adopt a Resolution Authorizing the Health Officer to Apply for a Grant for Maternal and Child Health, Pregnancy Education, and Outreach Program (Health Officer); Res. 04-391
- CA-4 Adopt a Resolution Approving the Proposed Road Name, "Fox Creek Road" for the Subject Easement (Interim Planning Director); Res. 04-392

1:39 p.m. Adjournment in memory of Tricia Anna Tomlinson Amendola, Joe "Red" L. Merrell, and Joe L. Parreira.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board