



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA April 4, 2006

Time Description

9:00 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Lee Stetson, Chairman

Proclaim the Week of April 3rd Through 7th, 2006 as “Mariposa County Disability Awareness Week”
BOARD ACTION: (M)Bibby, (S)Turpin, the Proclamation was approved and presented to Duane Robinson, representing Rotary, and Aaron Smith, Associated Student Body President for the High School/Ayes: Unanimous. Supervisor Bibby advised that due to recent back surgery, she was unable to use a wheelchair this year for the event. Duane Robinson noted that if the weather cooperates, they plan to expand their program to the other schools, and he thanked the Board for its support. He noted that High School students and Jackie Davis of the High School were present.

Board Information

Supervisor Bibby advised that she has forwarded several road maintenance requests to Public Works following the recent storms. She also advised of her discussion with Dinah Bortner of CalTrans relative to their information system for the status of road closures, and she advised that they are working on these issues and will take another look at the Old Highway bridge. CalTrans will re-stripe Highway 140 and look at any other areas of concern that the Board members have.

Supervisor Fritz advised that she attended the CSAC Conference last week. They discussed pending legislation, the bond measure, infrastructure and court facility issues. She attended the Soroptimist Gold Rush dinner on Saturday. On Wednesday, she will hold a District IV meeting in the Board Chambers at 6:30 p.m., and Chief Shultz will give a presentation on fire safety.

Supervisor Pickard advised of the progress on AB 1960, gas tax legislation for the three counties without cities – Alpine, Amador, and Mariposa.

Supervisor Turpin commended everyone for their efforts and assistance with the recent storms – fire, roads and Sheriff’s Department personnel. He advised that he attended the CSAC conference in Sacramento and he reported on the issues that were discussed.

Tom Guarino, County Counsel, advised that the Court entered a judgment in favor of the County in the matter of the validation action for the South Shore project. He commented on the benefits of this project to the County, including the formation of a fire station and provisions to offset the impact to the Sheriff’s Department by adding two deputies. He also advised that he received an initial response from the Administrative Office of the Courts on Monday and the first draft of the Memorandum of Understanding looks good and it will be forwarded to their legal counsel. He advised that relative to initiating the process to find a new County Administrative Officer, he will present to the Board in the next week information on the process and procedures for doing that.

Supervisor Stetson advised of a hazardous materials incident that occurred over the weekend involving a waste truck that overturned into Bear Creek, and he commended CalTrans, the Sheriff and Health Departments and everyone else that was involved.

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

Chairman Stetson advised that the Board would convene in closed session to discuss labor negotiations after the public presentations.

Luciano Beltran, Attorney with the Law Firm of Goyette and Associates, representing the Deputy Sheriff's Association, read a statement into the record addressing a letter that he sent to the Board on March 29th relative to the labor negotiations and concerns with the County's issuance of the closed session announcement. He stated he feels that this was in violation of the ground rules for labor negotiations; and he stated they no longer wished to negotiate with the Interim Personnel Officer or the Administrative Analyst for Personnel.

Kristy Waskiewicz, AFSCME representing Mariposa County Management and Confidential employees (MCMCO), commented on the labor negotiation process and stated she is seeing progress; but is appalled at the way negotiations are going for the deputies.

Bob Brown, District Attorney, stated he feels the issues for the Sheriff's Department need to be addressed in a different way than what has been approached. He advised that he sent another letter to the Board with some ways to perhaps get things back on track. He asked the Board to please consider some of the suggestions. He stated he does not feel that the Board is addressing the issues, and he feels there will be long-term disastrous affects on the County with losing the staffing.

Eleanor Keuning stated she feels that the Board and the County is being reactive versus being proactive. She presented photographs showing the condition of Leonard Road due to the recent storms.

Teri Graf-Pulvino of Greeley Hill expressed concern with the labor negotiations for the Sheriff's deputies and is concerned with the impact this will have on safety and the potential for increased crime. She urged the Board to come to a fair conclusion of negotiations with the deputies.

9:38 a.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (Interim Personnel-Risk Manager)

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

Supervisor Bibby excused herself from the following closed session matters as her cousin is employed at the Jail and her husband is employed by the Sheriff's Department.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (Interim Personnel-Risk Manager); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative: Rich Inman, County Administrative Officer (Interim Personnel-Risk Manager)

BOARD ACTION: (M)Fritz, (S)Turpin, the closed sessions were held/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

10:09 a.m. Chairman Stetson announced that tentative agreement was reached with MCMCO on labor negotiations.

10:11 a.m. The Board reconvened in closed session with Supervisor Bibby excused.

10:24 a.m. Chairman Stetson announced that tentative agreement was reached with SMA.

10:25 a.m. The Board reconvened in closed session with Supervisor Bibby excused.

11:35 a.m. Chairman Stetson announced that the closed session was continued to 1:00 p.m. this date.

HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA

(Chair – Stetson; Vice-Chair – Bibby)

A. Public Presentation - none

B. 1) Select a Chair and Vice Chair for the Housing Authority Board of Commissioners for FY 2006-2007

COMMISSION ACTION: (M)Bibby, (S)Pickard, Commissioner Stetson was selected as Chair/Ayes: Unanimous. (M)Pickard, (S)Turpin, Commissioner Bibby was selected as Vice-Chair/Ayes: Unanimous.

2) Conduct a Public Hearing on the 2006 Annual Plan Update; 3) Approve the 2006 Annual Plan Update and the Certification of Compliance; and 4) Authorize the Signature of the Executive Director on all Required Program and Financial Forms (Human Services Director)

COMMISSION ACTION: Cheryle Rutherford-Kelly, Human Services Director, presented the staff report. Cheryle Rutherford-Kelly and Janet Gass/Human Services Contract Administrator, responded to questions from the Commission relative to the status of the vouchers and the vouchers being transferred from other areas to this County; relative to the percentage of rent that is paid by the Authority; relative to the home-ownership portion of the program; and relative to the formation of a rental advisory board. The Commission asked that staff bring back information on whether the rental advisory board is a board to be established and appointed by the County that falls under the Maddy Act, and for clarification of the membership requirements. Commissioner Pickard advised of the “attainable housing” efforts that a committee is working on and commented on coordinating programs to develop projects. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Commission commenced with deliberations. (M)Bibby, (S)Fritz, Hous. Auth. Res. 06-1 was adopted approving the 2006 Annual Plan Update and the Certification of Compliance; and authorizing the signature of the Executive Director on all required program and financial forms/Ayes: Unanimous. The hearing was closed. Discussion was held relative to forming an ad hoc committee to work on attainable housing issues to bring recommendations back to the Commission or the Board of Supervisors. Direction was given to staff to bring back an item for the formation of the ad hoc committee.

12:04 p.m. Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Turpin pulled item 2. (M)Bibby, (S)Fritz, the balance of the items was approved, including the corrected page that was provided for item 3/Ayes: Unanimous.

Consent Agenda item 2 – contract with Thunder Ridge Company for snow removal services for the Fish Camp area. Supervisor Turpin initiated discussion relative to the services to be provided and relative to the term of the contract. Supervisor Bibby asked whether the contract would come back on an annual basis for renewal. Dana Hertfelder, Public Works Director, advised that the contract does not address culvert openings and tree removal from the roadways – this would be done as needed to accommodate the snow removal. He advised that he needs to clarify the dates of the contract. Tom Guarino, County Counsel, responded to questions from the Board relative to contracting requirements and he advised that the contract should come back each year for the Boar to exercise its option to renew. Discussion was held, including the possibility of addressing the contract renewal during the final budget process each year. (M)Pickard, (S)Turpin, item 2 was approved, with direction that the contract be brought back to the Board each year during its term for renewal. Further discussion was held. The motion was amended, agreeable with the maker and second, to include authority for the Public Works Director to renew the contract on an annual basis, with information on the renewal to be provided on the Information portion of the agenda through 2010. Mary Hodson, Deputy County Administrative Officer, provided input relative to the budget process and she advised that the budget does not reflect the contractors. Following discussion, the motion was further amended, agreeable with the maker and second, to change the term of the contract to four years to expire in 2010, and to include authority for the Public Works Director to approve reasonable rate increases if such rate increases are needed. Supervisor Bibby/Ayes: Unanimous.

Chairman Stetson advised that the Board would recess for lunch and reconvene in closed session at 1:30 p.m.

1:45 p.m. The Board convened in continued closed session with Supervisor Bibby excused.

3:22 p.m. The Board reconvened in open session with Supervisor Bibby excused. Chairman Stetson read a closed session statement into the record relative to the status of labor negotiations. The closed session for labor negotiations with DSA was continued to Monday, April 10, 2006, at 3:00 p.m.

CONSENT AGENDA:

- CA-1 Accept the Yosemite West Wastewater Plant Upgrade Project #93-09 as Complete, and Authorize Public Works to File a Notice of Completion (Public Works Director); Res. 06-120
- CA-2 Adopt a Resolution Authorizing Public Works to enter into a Contract with Option to Renew the Contract on a Year to Year Basis, for Four Years with Thunder Ridge Company for Snow Removal Services for the Fish Camp Area. The Public Works Director may approve Reasonable Rate Increases Due to Fuel Expenses Not to Exceed 5% Per Year; and Authorize the Chairman of the Board of Supervisors to Execute Said Contract (Public Works Director); Res. 06-131 was adopted approving the agreement for a four year term, with authority for the Public Works Director to approve rate increases
- CA-3 Approve a Professional Service Agreement in an amount of \$5,300 with Regina Taber for Alcohol and Drug Programs, Authorize the Chairman of the Board of Supervisors to Sign Agreement (Human Services Director); Res. 06-121
- CA-4 Approve Continuing a Behavioral Health Contract with Milhous Children's Services for Mental Health Services for Children Placed in Foster Care Outside of Mariposa County; Authorize the Chairman of the Board of Supervisors to Sign Contract (Human Services Director); Res. 06-122
- CA-5 Adopt Resolutions Recognizing the Retirement of the Following Staff who Served at Mount Bullion California Youth Authority Camp: John Powell, Bob Kirchner, Tom Williams, Jeff Baladad, Bill Buleza, Carol Mitcham and Doug "Ski" Kanarowski (Supervisor Stetson); Res. 06-123 through 06-129
- CA-6 Approve the Amended Job Descriptions for the Lifeguard I/II/III, Recreation Aide I/II/III, Senior Recreation Leader, and Water Safety Instructor (Personnel); Res. 06-130

3:26 p.m. The meeting was continued to Monday, April 10, 2006, for the continued closed session for labor negotiations with DSA.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA April 10, 2006 (Meeting Continued from 4-4-06)



Time Description

3:06 p.m. The Board met in continued meeting from April 4, 2006, at the Mariposa County Government Center with Supervisor Bibby excused.

Chairman Stetson announced that the Board would convene in continued closed session from April 4, 2006, relative to labor negotiations with the Deputy Sheriffs' Association (DSA).

3:07 p.m. The Board convened in closed session.

4:20 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matter.

4:21 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA April 11, 2006

Time Description

9:03 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Lee Stetson, Chairman;

Proclaim the Month of April 2006, as "Sexual Assault Awareness Month" and April 19, 2006, as "Denim Day"

BOARD ACTION: (M)Fritz, (S)Bibby, the Proclamation was approved and presented to Chevron Kothari, Executive Director, and Summer Jay of Mountain Crisis Services/Ayes: Unanimous.

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

Dick Hutchinson commented on the County's leadership, and he stated he feels the Supervisors are the heart of the County and need to have compassion for the employees and their needs. He encouraged the Board to visit each of the departments in the next thirty days and to report back on what has been learned.

Paul Chapman referred to Consent Agenda item 8 relative to a closed session for real property at 5037 Stroming Road. He recalled that the Board previously had no intent to purchase this property and he was advised of the same at the District IV meeting on Wednesday; however, the matter is now on the agenda. He stated he does not feel that he has been given the truth.

Dana Hertfelder, Public Works Director, provided input on the road maintenance efforts and the current conditions of the County roads due to the wet season. Supervisor Turpin expressed concern with the condition and heavier use of Priest-Coulterville Road due to the closure of a portion of Old Priest Grade on Highway 120; and asked whether assistance could be obtained for the maintenance. Dana Hertfelder thanked the National Park Service for their recent assistance with a slide removal on Incline Road.

John Davis, Building Director, advised of the situation with the recent collapse of a wall on the Trabucco warehouse. He advised that they have been working with the owner of the building and with the Pizza Factory, Arts Council, and the Ahern Massage Therapy School which have been closed as a result of this incident. They are also working to remove the debris. Supervisor Bibby asked that staff pursue the crosswalk at 4th Street to divert the public away from the construction area. She also asked about coordinating use of the leased parking lot with the Arts Council for this matter.

Eleanor Keuning stated she volunteers at the History Center and they had a bus from Long Beach that was scheduled to eat lunch at the Pizza Factory on Monday, and they were able to view the collapsed wall.

Board Information

Supervisor Turpin commented on the rain gauge statistics kept by Lowell Munn, Priest-Coulterville Road.

Supervisor Bibby encouraged the public to drive safely because of the road damage; and she extended her sympathy and condolences to Merced County and the San Joaquin Valley with the recent

flood damage they have sustained. She also noted the need to keep drainage and water control in mind when reviewing the General Plan Update.

Supervisor Fritz advised that she attended the CYA Retirement and Reunion event and presented the resolutions to the retirees on behalf of the Board.

Supervisor Stetson advised that there is an El Portal Town Planning Advisory Committee meeting in El Portal at 7:00 p.m. this evening. He advised that he plans to be in Amador County on Wednesday and that they have sustained flood damage. He also noted that he was in Yosemite on Monday evening and met with the tourists from Long Beach.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Turpin pulled item 4. Supervisor Bibby pulled item 5. (M)Pickard, (S)Fritz, the balance of the items were approved/Ayes: Unanimous.

Consent Agenda item 4 – Change Order with Yosemite Falls Well Drilling for the Airport fire fighting system. Supervisor Turpin initiated discussion. Supervisor Bibby clarified that this is all on County property, and she asked about the well test process and Fish and Game issues with the creek. Dana Hertfelder, Public Works Director, responded to the questions advised of the monitoring process. (M)Turpin, (S)Pickard, item 4 was approved/Ayes: Unanimous.

Consent Agenda item 5 – authorization for the Sheriff’s Department to purchase the initial set of uniforms for newly hired patrol and jail officers. Supervisor Bibby asked for clarification of whether this is a part of the labor negotiations or a separate policy. Tom Guarino, County Counsel, advised that it is a combination of the two. Supervisor Bibby excused herself from this item as her husband is in Sheriff’s management and her cousin is employed at the jail. (M)Turpin, (S)Fritz, item 5 was approved/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

Supervisor Bibby asked for clarification that the closed sessions for anticipated litigation do not consist of any issues that she would have a potential conflict of interest with. Tom Guarino, County Counsel, advised there is no potential conflict of interest for her.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Thomas P. Guarino, County Counsel / (Interim Personnel-Risk Manager);

CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation, Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Number of Cases to be Discussed: 1 (County Counsel);

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 5037 Stroming Road; Agency Negotiator: Thomas P. Guarino; Closed Session will Concern Price and Terms of Purchase (County Counsel);

MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

CLOSED SESSION: Conference with Real Property Negotiator; Mariposa Parking District, Agency Negotiator: Thomas P. Guarino, Closed Session will Concern Terms of Purchase (County Counsel);

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/Interim Personnel Risk Manager); and

CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9, Number of Cases to be Discussed: 1 (County Counsel)

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

9:50 a.m. Supervisor Bibby excused herself from the following closed session matters as her cousin is employed at the Jail and her husband is employed by the Sheriff’s Department.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs’ Management Association (SMA); Name of County Designated Representative: Thomas P.

Guarino, County Counsel / (Interim Personnel-Risk Manager); and
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization:
Deputy Sheriffs' Association (DSA); Name of Designated Representative: Thomas P. Guarino, County
Counsel / (Interim Personnel-Risk Manager)

BOARD ACTION: (M)Fritz, (S)Turpin, the closed sessions were held/Ayes: Stetson, Turpin, Fritz,
Pickard; Excused: Bibby.

10:03 a.m. The Board reconvened in open session. Chairman Stetson announced that direction was
given to staff as a result of some of the closed session matters, and the remaining closed session matters
were continued to later this date.

Lee Stetson, Chairman/Interim County Administrative Officer;
Discussion and Direction to Staff Regarding Entering into a Contract with EnerPower for Utility
Auditing Services.

BOARD ACTION: Debra Dorsey, Senior Account Analyst with EnerPower, gave a presentation
relative to their proposal for auditing services of PG&E's accounts with the County. Discussion was
held relative to the proposal and the draft agreement. Carl Casey, Public Works Administrator, stated
he feels that this is a good opportunity for the County for the records to be reviewed. Further
discussion was held. (M)Turpin, (S)Bibby, direction was given for staff to work with County Counsel
to negotiate a contract with EnerPower for utility auditing services/Ayes: Unanimous.

10:45 a.m. The Board reconvened in closed session.

1:00 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed
session matters; and he advised that the labor negotiations with DSA was continued Friday, April 14,
2006, at 11:00 a.m.

CONSENT AGENDA:

- CA-1 Reappoint Donn Harter, Howard Davies, Tom Miller, Ray Stanley and Jeff
Cerioni to the Fish Camp Planning Advisory Council for Terms Expiring
February 29, 2008; Appoint Tom McCann, Pamela Salisbury, Dale Wohlgemuth
and Don Isbell to the Fish Camp Planning Advisory Council for Terms Expiring
February 28, 2007 (Supervisor Pickard)
- CA-2 Adopt a Resolution Approving a Rental Agreement for the Upgrade of the
Postage Machine in the Human Services Department/Social Services Division;
and Authorize the Human Services Director to Sign the Contract (Human
Services Director); Res. 06-132
- CA-3 1) Allow the Department to enter into a Professional Service Agreement with
Carol Johnson, MSW Intern; 2) Authorize the Chairman of the Board of
Supervisors to Sign the Agreement; and 3) in the Future Authorize Personnel
Director to Allow the Department to Hire new Social worker IV's and Mental
Health Clinicians with MSW's Contingent Upon Confirmation of the Degree and
Proper Background and Reference Checks (Human Services Director); Res. 06-
133
- CA-4 Authorize Public Works Director to Execute Change Order for Time Extension
and Well Enhancements by Yosemite Falls Well Drilling for the Mariposa-
Yosemite Airport Fire Fighting System (Public Works Director); Res. 06-134

CA-5 Adopt a Resolution Authorizing Sheriff's Office to Purchase the Initial Set of
Uniforms for Newly Hired Patrol and Jail Officers (Sheriff); Res. 06-135

1:01 p.m. The Board recessed in memory of Vernon Harold Ward, Alice Catherine Nordheim, Eldred Joseph Specht, William Fay "Bill" Nicholson, Frank DeCaro, Clifford Calhoun, Sr., Dixie Lee Hitt Green, and Judith "Judy" Poor. The meeting was continued to Friday, April 14, 2006, at 11:00 a.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

April 14, 2006

(Meeting Continued from 4-11-06)



Time _____ Description

11:10 a.m. Chairman Stetson adjourned the meeting due to lack of a quorum, relative to labor negotiations with the Deputy Sheriffs' Association (DSA).

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

TRACY GAUTHIER
Deputy Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA April 18, 2006

Time Description

9:09 a.m. Meeting Called to Order at the Mariposa County Government Center, with Supervisor Turpin excused due to illness.

Pledge of Allegiance

Introductions

Lee Stetson, Chairman;

Proclaim the Week of April 17th Through the 23rd, 2006, as "Mariposa- Clean and Proud" Week

BOARD ACTION: (M)Pickard, (S)Bibby, the Proclamation was approved and presented to Chris Todd, representing the Clean and Proud Committee/Ayes: Stetson, Bibby, Fritz, Pickard; Excused: Turpin. Chris Todd thanked everyone for their support and help with this event, including Norm Murrell, Sheriff's Department, SCOPE, Pizza Plus and Happy Burger.

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

Candy O'Donel-Browne advised that the Sierra Business Council will hold a public forum on building vibrant Sierra communities on Wednesday at 1:00 p.m. in the Board Chambers.

Eleanor Keuning commended Chris Todd and her organization for picking up trash. She advised that she picks up trash when she walks, and encouraged other walkers to do the same throughout the year.

Len McKenzie, MERG, advised that they are opposed to Consent Agenda item 6 regarding the resolution requesting the Senate update the Endangered Species Act. He stated they feel the Act has been effective and he pointed out areas where they disagree with the information in the proposed resolution. He asked the Board to adopt a resolution urging the Senate to not support this legislation.

Richard Hutchinson stated he spoke with six departments and he did not find any departments that the Board members have visited; and he continued his previous challenge for the Board members to visit the departments.

Dick Kunstman, Conservation Chair for the Yosemite Area Audubon, stated he does not feel that Consent Agenda item 6 relative to the Endangered Species Act should be a consent agenda item. He provided input on the proposed resolution and areas of disagreement. He asked that the Board postpone consideration of this item for two weeks and place it on the timed agenda to give the public an opportunity to present additional information to the Board.

Grace Bartel, President of the Homeowners Association of Yosemite West, advised that they are in favor of lifting the moratorium in Yosemite West.

John Davis, Building Director, provided an update on the status of the Trabucco warehouse building and the continued removal of the bricks and debris. Ron Wiley of the Pizza Factory contracted with Roger Stephens and Thor Matteson to do a structural survey of the building and to come up with a design to make the building structurally sound. Supervisor Bibby asked that events at the Arts Park be coordinated with the work on the building.

Board Information

Supervisor Bibby invited everyone to attend the First 5 Building Blocks Preschool program grand opening in Lake Don Pedro on April 21st; and to the Mariposa Middle School's dedication of the multi-purpose room on April 22nd.

Supervisor Fritz advised that she plans to attend the San Joaquin Valley Regional Association of California Counties conference in Fish Camp, and the Soroptimist conference in Santa Clara this week. She advised of the upcoming Events Committee meeting and the District IV meeting in May. She also advised that the Clean and Proud event will take place in the town area of Mariposa this year.

Supervisor Pickard advised that he and Supervisor Turpin attended the Emerging Technology conference on Monday, along with staff; and they will provide a report on a future agenda. He provided a status report on AB 1960, the gas tax equity bill that recognizes counties with no incorporated cities.

9:45 a.m. Recess

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

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

Lee Stetson, Chairman/Interim County Administrative Officer;
Presentation of Visitor Bureau Activities.

BOARD ACTION: Susan Crain, Tourism Coordinator, advised that representatives of the Tourism Advisory Council were present, and she introduced Becky Blakemore, Office Assistant. Susan gave a presentation of the Visitor Bureau activities. Discussion was held. Supervisor Bibby suggested that quarterly reports be given. Susan thanked the Visitors' Bureau staff of the Chamber of Commerce for the great job they do with working with the tourists.

11:02 a.m. Recess

11:16 a.m. Christopher Ebie, Auditor;
Adopt a Resolution Raising the Fixed Asset Threshold from \$1000 to \$5000 Effective July 1, 2005.

BOARD ACTION: Discussion was held with Chris Ebie relative to the request. (M)Fritz, (S)Bibby, Res. 06-136 was adopted approving the request. Supervisor Bibby asked that information be provided to the departments relative to the fixed asset form and the change. Ayes: Stetson, Bibby, Fritz, Pickard; Excused: Turpin.

Jacque Meriam, Librarian;

Authorize the Mariposa County Librarian to Apply and Accept the Bill and Melinda Gates Foundation Public Access Hardware Upgrade Program.

BOARD ACTION: Following discussion with Jacque Meriam, (M)Pickard, (S)Bibby, Res. 06-137 was adopted approving the request/Ayes: Stetson, Bibby, Fritz, Pickard; Excused: Turpin.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Pickard pulled item 6. Supervisor Bibby pulled item 3 and 4. (M)Fritz, (S)Pickard, the balance of the items was approved/Ayes: Stetson, Fritz, Bibby, Pickard; Excused: Turpin.

Consent Agenda item 6 – Endangered Species Act. Supervisor Pickard advised that this matter was placed on the agenda at the request of RCRC and the California Natural Resources Group. He advised that there is no legislation at this time for this issue. It is a request to encourage Congress to begin looking at this and have a public discussion of the Habitat Conservation Plans. He suggested that this matter be agendized in two to three weeks with a letter from the Chair versus a resolution, and that input be accepted from the public. Supervisor Bibby suggested that input also be sought from the departments.

Consent Agenda item 3 – resignation of Brian Muller from the Mental Health Board. Supervisor Bibby stated she would like to see the Sheriff’s Department represented on this Board in the future. (M)Bibby, (S)Fritz, item 3 was approved/Ayes: Stetson, Bibby, Fritz, Pickard; Excused: Turpin.

Consent Agenda item 4 – contract with Apex Composite Technology for work on the El Portal pool. Supervisor Bibby initiated discussion and asked for clarification of the bin to be provided for disposal of the materials; and she asked about the status of the Proposition 40 funds for this project. Dana Hertfelder, Public Works Director, responded to the questions. (M)Bibby, (S)Fritz, item 4 was approved/Ayes: Stetson, Bibby, Fritz, Pickard; Excused: Turpin.

MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

CLOSED SESSION: Conference with Real Property Negotiator; Mariposa Parking District, Agency Negotiator: Thomas P. Guarino, Closed Session will Concern Terms of Purchase (County Counsel)

BOARD ACTION: Tom Guarino, County Counsel, asked that this closed session be continued.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Thomas P. Guarino, County Counsel / (Interim Personnel-Risk Manager); 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/Interim Personnel Risk Manager)

BOARD ACTION: (M)Bibby, (S)Pickard, the closed sessions were held/Ayes: Stetson, Bibby, Fritz, Pickard; Excused: Turpin.

11:42 a.m. Supervisor Bibby excused herself from the following closed session matters as her cousin is employed at the Jail and her husband is employed by the Sheriff’s Department.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs’ Management Association (SMA); Name of County Designated Representative: Thomas P. Guarino, County Counsel / (Interim Personnel-Risk Manager); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs’ Association (DSA); Name of Designated Representative: Thomas P. Guarino, County

Counsel / (Interim Personnel-Risk Manager)

BOARD ACTION: (M)Fritz, (S)Pickard, the closed sessions were held/Ayes: Stetson, Fritz, Pickard; Excused: Turpin, Bibby.

1:53 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Adopt a Resolution Approving the Proposed Road Name “Pine Canyon Road” for the Subject Easement (Planning Director); Res. 06-138
- CA-2 Adopt a Resolution Approving the Hiring of an Extra-Help Office Assistant I at Step 5 of Salary Range 92 (\$10.3070/hour) (Building Director); Res. 06-139
- CA-3 Accept the Resignation of Brian Muller from the Mental Health Board; (Human Services Director)
- CA-4 Adopt a Resolution Approving the Contract with Apex Composite Technology for the Resurfacing and Renovation of the El Portal Pool and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Public Works Director); Res. 06-141
- CA-5 Authorize Mariposa County Employees to Donate Vacation Time to an Assessment Recording Clerk (Assessor-Recorder); Res. 06-140
- CA-6 Discussion and Possible Direction to the Board of Supervisors Regarding the Signing of a Resolution Requesting the Senate Update the Endangered Species Act (Supervisor Pickard); Matter was pulled following discussion to be rescheduled

1:54 p.m. Adjournment in memory of William E. Greer and David Anthony Shackelton.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA April 25, 2006

Time Description

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

Pledge of Allegiance

Introductions

Lee Stetson, Chairman

Resolution Recognizing Darlene Norman Upon her Retirement from the County Clerk's Office

BOARD ACTION: (M)Bibby, (S)Fritz, Res. 06-142 was adopted and presented to Darlene Norman/Ayes: Unanimous. Marjorie Wass, County Clerk, commended Darlene for her work with the County.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Chairman Stetson asked if the Board members had any questions on items 7 and 8 while the County Clerk was present. Supervisor Bibby pulled items 2, 6 and 7. Tom Guarino, County Counsel, advised of request to continue item 2, to be rescheduled. Supervisor Pickard pulled item 5.

Consent Agenda item 7 – Letter of Understanding with Official Payments Corporation for the acceptance of credit card payments for taxes. Supervisor Bibby stressed that this is an optional program. Marjorie Wass, Treasurer-Tax Collector, advised that they do not get very many requests for credit card payments. Discussion was held. Chairman Stetson called for public input on this item, and none was received. (M)Bibby, (S)Fritz, item 7 was approved/Ayes: Unanimous.

Chairman Stetson called for public input on the rest of the Consent Agenda, and none was received. (M)Pickard, (S)Turpin, the balance of the agenda was approved/Ayes: Unanimous.

Consent Agenda item 5 – Letter supporting AB2479, legislation to fund weed management areas for the control of invasive weeds. Supervisor Pickard thanked Cathi Boze, Agricultural Commissioner, for her assistance with this matter; and he provided information relative to the history of this matter. He asked that information be provided later in the legislative process on how the cost share has been used to leverage in-kind and hard cash contributions for projects. (M)Pickard, (S)Turpin, item 5 was approved. Supervisor Turpin asked that information on the history of the previous funding and projects be compiled. Supervisor Pickard advised that he would be willing to work with Supervisor Turpin on this matter. Ayes: Unanimous.

Consent Agenda item 6 – MOU with MCMCO. Kristy Waskiewicz, AFSCME representing Mariposa County Management and Confidential employees (MCMCO), commented that she felt the labor negotiation process was professional and productive when the negotiator was changed. Supervisor Bibby asked about the implementation of the drug policy and asked for assurance that the training requirements would be implemented and that the appropriate records would be kept; and she suggested that the confidential employee positions be listed in the appendix. Tom Guarino, County Counsel, advised that there has been a staff level discussion of putting together a program for unrepresented personnel. Supervisor Bibby asked for clarification of the administrative leave and the status of this benefit with the confidential employees. Tom Guarino advised that he could obtain information on that. Kristy Waskiewicz noted that they are banned from representing the confidential employees. Supervisor Bibby asked for clarification of the Board's action to assign the Administrative Analyst-Business Development to the MCMCO bargaining unit, and she asked for clarification of the meet and confer process to include this position in this bargaining unit as she did not remember this

coming to the Board before today. Kristy Waskiewicz advised that she was not aware of anything coming to the Board for this position. Mary Hodson, Deputy County Administrative Officer, advised that an item was brought to the Board last year to designate this position as confidential and the item was pulled and has not been brought back. She further advised that the position was brought to the Board and designated as a management position when it was created, which can be done without the meet and confer process. (M)Fritz, (S)Turpin, item 6 was approved/Ayes: Unanimous.

9:38 a.m. Recess

9:47 a.m. Public Presentation: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Kent Lobino, Greeley Hill, commented on the labor negotiations for the deputies; and he expressed concern that there is preferential medical benefits for management and that all of the employees do not receive the same.

Elsie Simmonds, Greeley Hill, advised that they formed a coalition to work more closely with Supervisor Turpin to receive more benefits for the North County, including law enforcement coverage; and they agree with Mr. Lobino's comments. She advised that they will be coming to the Board for more coverage in the North County.

Tom Love, Realtor with Coldwell Banker in Greeley Hill, stated he hopes the labor negotiation situation with the deputies is resolved soon. He gets a lot of people asking about the crime level in the North County, and he feels that if the situation is not resolved, that it will affect the crime level. He also noted that they are losing teachers in their school and that is not acceptable.

Dick Hutchinson stated he received a phone call from a Supervisor asking to clarify his challenge for the Supervisors to meet with the departments and employees. He referred to a previous work experience he had and the impact it made on him when he met the company's supervisor and that supervisor showed care and compassion. He asked if the Board knows the transient occupancy tax rate for the County, and he noted that several other areas that he checked with have a higher tax rate. He feels that revenue from an increase could be used for road maintenance and parking districts. Supervisor Bibby noted that the transient occupancy tax rate was discussed with the recent Visitor's Bureau presentation on activities, and she asked the Tourism Coordinator to bring back information on the tax rates.

Eleanor Keuning commented on the condition of Leonard Road and stated she feels that it needs maintenance.

Board Information

Supervisor Bibby complimented Mary Hodson and staff for their work on organizing the San Joaquin Valley Regional Association of California Counties (SJVRACC) conference that was held last week in Fish Camp. She advised that she attended the dedication of the "Grandpa Doug" student center at Mariposa Middle School on Saturday. She attended a GSEC (Grizzly Student Events Center) meeting on Monday evening, and she encouraged the Board members and citizens to attend and learn about this project. She plans to attend the Mother Lode Job Training Board of Directors meeting in Sonora on Wednesday. She plans to participate in the "Clean and Proud" clean-up effort on Saturday, and to attend the FFA Boosters dinner event. She provided information on the update received from the Building Director relative to the re-opening of the Arts Council and Ahern Massage Therapy School; and she advised that the Pizza Factory is still closed pending repairs to the building.

Supervisor Fritz referred to a letter received from Dick Hutchinson and KSEE 24's recent publicity from the town of Mariposa, and she thanked everyone for their part in this event. She advised that the Master Gardeners will be holding a plant sale on the weekend of May 6th at the Fairgrounds. She thanked Skip Skyrud for the photograph used for the cover of the program for the SJVRACC conference, and she commended Mary Hodson and staff for their efforts with this conference. She also thanked all of the Board members for attending and participating with the sessions. She advised of the actions taken at the conference relative to: 1) support UC Merced's acquisition of a medical school in the area; 2) San Joaquin water storage and Temperance Flat Dam; and 3) oppose AB 2469 which would

alter the realignment structure for IHSS. She advised that she has scheduled a District IV meeting on the second Tuesday of May in the Board Chambers.

Supervisor Turpin advised that he attended the SJVRACC conference. He advised that a meeting is scheduled for this evening in Don Pedro for an update on the wastewater project; and the Pedestrian and Equestrian Trails Advisory Committee is scheduled to meet on Thursday.

Supervisor Pickard advised of the issues that were discussed with the committee he chaired at the SJVRACC conference. He provided a status report on AB 1960, gas tax legislation for counties with no incorporated cities.

Supervisor Stetson advised of the Sierra Business Council and Sierra Alliance and Sierra Nevada Conservancy meetings he attended.

Marjorie Wass, County Clerk;

a) Approve an Extra Help Employment Agreement with Darlene Norman Effective May 1, 2006 through June 30, 2006 and Authorize the County Clerk to Sign the Agreement

BOARD ACTION: Following discussion with Marjorie Wass, (M)Pickard, (S)Bibby, Res. 06-151 was adopted approving the agreement/Ayes: Unanimous.

b) Adopt the Job Description for a System Support Analyst; Authorize the Allocation of a System Support Analyst Position to the Elections Budget Effective May 1, 2006; Set Salary at Range 301 - \$2,477-\$3,011; and Appropriate Funds from Election Fees (\$8,064) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Marjorie Wass. (M)Pickard, (S)Fritz, Res. 06-152 was adopted approving the requests, effective May 1, 2006. Supervisor Bibby asked for clarification of the projected savings in the overtime and extra help budgets. Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

a) Discussion and Possible Direction Regarding the Location of the Proposed Fire Station for the Bridgeport and Yaqui Gulch Area.

BOARD ACTION: Discussion was held with Dana Hertfelder, and he reviewed the history of the review of sites for the fire station and the issues associated with each of the sites: 1) original offer of property from Frank Long; 2) property owned by the School District; and 3) Frank Long's recent offer of three acres. Supervisor Bibby asked about the process for using land under the Williamson Act Contract for public improvements, and discussion was held.

Input from the public was received from the following:

Frank Long asked how much has been spent thus far for this project, and he commented on the need to get this project done. He referred to his previous offer of property in 1995 and the status. He stated he still wants the driveway surfaced as the County promised; and he wants this project completed within a certain time or there will be an implementation of a reversion clause. He also expressed concern with the quality of the sound system in the Board Chambers.

Dennis Bunning stated the Agricultural Advisory Committee wanted to make sure that the proper process is being followed, and that this goes through the Committee. He stated they are okay with the offer to trade other land into the Williamson Act for this parcel, and Mr. Long's generous offer is appreciated.

Supervisor Bibby referred to a letter received from Roger Siebecker relative to this project and the response time, and she noted that this station will provide coverage for the Williamson Act land in the area. (M)Turpin, (S)Fritz, the Board accepted the offer of donation of the three acres from Frank Long for the fire station. Further discussion was held. The motion was amended, agreeable with the maker and second, to include direction to pursue this proposal and that the proper process be followed relative to the Williamson Act regulations. Supervisor Pickard asked that staff bring back information on the conditions of acceptance of the offer and on the siting of fire station on the parcel. Frank Long suggested that the Agricultural Advisory Committee hold a special meeting to move this project faster. Tom Guarino, County Counsel, suggested that direction be given to staff to meet with Mr. Long for the transfer of the land with conditions; and once that is accepted by the Board, staff could move forward with the project. The motion was further amended, agreeable with the maker and second, to accept

County Counsel's suggestion. Supervisor Bibby clarified that this would also immediately start the Williamson Act process. Ayes: Unanimous.

b) Adopt a Resolution Preliminarily Approving the Engineers Report, Boundary Map, and Directing Related Actions for Assessment District No. 05-1 Don Pedro Wastewater Facilities Project, Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1; and Setting Public Hearing for June 13, 2006 at 2:00 p.m.

BOARD ACTION: Discussion was held with Dana Hertfelder, and he advised that only one bid was received for the project which exceeded the Engineer's estimate by over two million dollars. He reviewed options and advised of the possibility of obtaining a grant from the State Water Resources Control Board. Fred Solomon, project manager, advised of the timelines involved in this project and the notification of the grant award. Discussion was held. Supervisor Bibby asked about the status of receiving confirmation that this project could be constructed and that the Williamson Act Land Conservation issues have been resolved. Dana Hertfelder stated he feels the issues have been resolved. Tom Guarino, County Counsel, advised that no information has been received since the Board acted previously on this item; and he feels that it meets the process. Fred Solomon also responded relative to the letter received from the Department of Conservation on this issue, and he advised of the process for the Board to allow a public improvement on Williamson Act land.

Input from the public was received from the following:

Dennis Bunning advised that the last correspondence received by the Agricultural Advisory Committee advised that unless there is a cancellation of the Williamson Act contract on the land, the project would need to wait for the contract to expire or is cancelled; or the Board would be in violation of the regulations. He advised that Planning has a copy of the letter and that he spoke with Dennis O'Brien at the Department of Conservation.

Discussion was held. Supervisor Bibby asked about holding this process until there is clarification. Tom Guarino, County Counsel, advised that the Board could take action today and direct staff to further evaluate any issues and come back if there is a problem. Dana Hertfelder clarified that the action today moves the project forward and does not commit to construction. He advised that they could have an answer to any concerns about the land prior to the public hearing and construction of the project. The matter was continued for the LAFCo to continue its meeting.

11:06 a.m. Chairman Stetson advised that LAFCo would convene after the following items.

Further discussion was held relative to the Don Pedro wastewater project and options. (M)Turpin, (S)Pickard, Res. 06-153 was adopted preliminarily approving the Engineer's Report and the Boundary Map; approving the alternative number two recommendation which forgives or lets stand as an un-assessed loan the past Nolte/biological/environmental consultant work in the amount of \$218,692, deletes the SCADA telemetry system budgeted at \$275,000, eliminates the project planning contingency of \$112,000, and assumes additional grant funding of \$1,541,000; with direction for the Assessment Engineer to modify the report to reflect those changes; directing related actions for the Assessment District No. 05-1, Don Pedro Wastewater Facilities Project, Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1; and directing that the concerns relative to the Williamson Act contract be clarified. Supervisor Bibby clarified that the \$218,692 is an un-assessed loan and that the Board is not determining today to forgive the loan – the motion was amended, agreeable with the maker and second, to include this clarification. Ayes: Unanimous.

c) Approve a Professional Service Agreement with CH2MHill in the Not to Exceed Amount of \$60,000 for the Replacement or Rehabilitation of Five Bridges that the County Currently has Programmed for Funding Through the Highway Bridge Replacement and Rehabilitation Program (HBRR); Authorize the Chairman of the Board of Supervisors to Sign the Agreement.

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the status of the following pending bridge projects: Triangle Road over Snow Creek, and he advised that he would need to further research the previous Board action relative to this project; Old Toll Road over Bear Creek, and Supervisor Bibby asked that right-of-way issues be identified for the projects; Darrah Road over the

West Fork of the Chowchilla River; Dogtown Road over Maxwell Creek; and Indian Gulch Road over Bear Creek. Dana advised that the requested action will help to bring the County current with the status of these projects. (M)Turpin, (S)Pickard, Res. 06-154 was adopted approving the agreement/Ayes: Unanimous.

d) Approve a Professional Service Agreement with Roger Stephens Engineering to Provide Drafting and Engineering Services for Various Small Projects for the County in the Not to Exceed Amount of \$20,000; Authorize the Chairman of the Board of Supervisors to Sign the Agreement
BOARD ACTION: Following discussion with Dana Hertfelder, (M)Pickard, (S)Fritz, Res. 06-155 was adopted approving the agreement/Ayes: Unanimous.

11:31 a.m. Chairman Stetson advised that the Board would reconvene after the LAFCo meeting; and the Board recessed.

11:41 a.m. Kris Schenk, Planning Director;
LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (See Separate Minutes)

12:26 p.m. The Board reconvened.

Authorize the Chairman of the Board of Supervisors to Sign a Letter in Support of AB 2840, Which Would Require a Study be Conducted Before any Changes can be made to the Method that Auto Insurance Rates are Calculated; and Authorize the Chairman of the Board of Supervisors to Sign the Coalition Sign-Up Form in Support of AB 2840 (Supervisor Fritz)

BOARD ACTION: Following discussion, (M)Bibby, (S)Pickard, Res. 06-156 was adopted supporting AB 2840/Ayes: Unanimous.

Approve the Northside Ambulance Association Potluck Dinner and Dance on May 12, 2006, as a County Sponsored Event for Insurance Reasons (Supervisor Turpin)

BOARD ACTION: Following discussion, (M)Bibby, (S)Fritz, Res. 06-157 was adopted approving the request/Ayes: Unanimous.

Approve the Events Occurring in the Mariposa Arts Park and the Sidewalks on Joe Howard Road between the Rest Stop and Pioneer Market on May 6, 2006, as part of Mariposa's Butterfly Festival as a County Sponsored Event for Insurance Purposes (Supervisor Fritz)

BOARD ACTION: Discussion was held. Supervisor Bibby asked that the event be coordinated with Public Works to avoid conflicts with construction in the area. (M)Bibby, (S)Turpin, Res. 06-158 was adopted approving the request/Ayes: Unanimous.

Approval of Minutes of March 21, 2006, Regular Meeting (Clerk of the Board);

Approval of Minutes of March 22, 2006, Regular Meeting, Continued from March 21, 2006 (Clerk of the Board);

Approval of Minutes of March 23, 2006, Regular Meeting, Continued from March 22, 2006 (Clerk of the Board);

Approval of Minutes of March 27, 2006, Regular Meeting, Continued from March 23, 2006 (Clerk of the Board);

Approval of Minutes of March 27, 2006, Special Meeting (Clerk of the Board); and

Approval of Minutes of March 28, 2006, Regular Meeting (Clerk of the Board)

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

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Thomas P. Guarino, County Counsel / (Interim Personnel-Risk Manager); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Thomas P. Guarino, County Counsel / (Interim Personnel-Risk Manager)
BOARD ACTION: Tom Guarino, County Counsel, asked that these items be continued to May 2, 2006.

CLOSED SESSION: Liability Claims; Claimant Name: Richard Radanovich Enterprises, Claim Number: C06-2, Agency Claimed Against: County of Mariposa (County Counsel);
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: Bob Moss v. County of Mariposa, Mariposa County Superior Court Case No. 8889 (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/Interim Personnel-Risk Manager)
BOARD ACTION: (M)Bibby, (S)Fritz, the closed sessions were held/Ayes: Unanimous.

12:34 p.m. Supervisor Bibby excused herself from the following closed session matters as her cousin is employed at the Jail and her husband is employed by the Sheriff's Department.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative: Thomas P. Guarino, County Counsel / (Interim Personnel-Risk Manager)
BOARD ACTION: (M)Fritz, (S)Pickard, this closed session was held/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

1:52 p.m. Recess

2:00 p.m. The Clerk of the Board opened the Public Hearing to consider General Plan/Zoning Amendment No. 2005-235, and continued it until after the Board's recess from the closed session matters.

2:24 p.m. The Board reconvened in open session. Chairman Stetson announced that direction was given to staff as a result of the closed session matters; and that the closed sessions were continued to later this date.

Kris Schenk, Planning Director;
PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 2005-235. Action Includes Adoption of a Resolution Approving Project Finding the Project is Exempt from Environmental Review, and Waiving the First Reading and Introducing an Ordinance Amending Zoning Ordinance Text. The Project Proposes to Amend the Agricultural Exclusive (AE) Land Use and Zoning Designation, to Amend the List of Permitted and Conditional Uses and to Add Definitions. County of Mariposa, Project Proponent.

BOARD ACTION: Sarah Williams, Deputy Planning Director, presented the staff report; reviewed permitted and conditional uses and agricultural uses; she advised of the Agricultural Advisory Committee's review of this zoning amendment and their recommendations; and she reviewed the recommended text for the zoning amendment. She advised that there are two items in this text amendment that are not consistent with the draft September 2005 version of the General Plan Update, and those are agri-tourism and mining uses. She advised of correspondence received from Attorney Starchman for Grace Notes Ministries, requesting that churches be addressed; and she advised of a letter received from Attorney Bryant requesting a correction to the staff report and her response. She also advised of a correction to the resolution and the exhibit itself, to reflect exhibit "A." Staff responded to questions from the Board relative to the SMARA permit processing requirements, and whether the State could change those requirements; consideration of including the heliports and private

airstrips in permitted uses since they are covered by State regulations; clarification of changes to the General Plan Update with regards to the change for the mining and rock processing uses; relative to being able to define commercial hog and chicken farms and “intensive” and agri-tourism uses; relative to the 1500 foot setback requirement for slaughter houses; as to what is involved in processing permitted agri-tourism uses; consideration of the issue relative to allowing church uses as this issue was not considered by the Agricultural Advisory Committee or the Planning Commission; and whether a negative declaration or an environmental impact report would be required for conditional uses.

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

Frank Long stated that, last he knew, mining was permitted in all classes of zoning in the County. He stated he feels that mining is important to this County, and people can work on very negligible profits, and it results in materials that people need, like driveway materials. He noted that SMARA controls mining, and he referred to his experience in obtaining the permits and the regulations. He stated he does not feel that we want to lock up ingenuity and initiative in this County. He feels that if someone is willing to come here and make a living, we should not throw up too many road blocks, and SMARA has enough requirements. He also noted that cell phone service is not good in his area; and he feels that cell towers should be included as a conditional use. He suggested that the Board make whatever changes are necessary and process this Ordinance.

Don Starchman, Starchman and Bryant Law Offices, stated he feels that the Ordinance is good – probably as good as we will get at this time. He referred to the previous discussion with Title 17 and consideration of limiting the number of animals; and he noted that it was felt the Nuisance Ordinance would cover those issues. He cited an example of having one hog on the property line with problems versus having twenty away from the line and no problems. Thus, the Title 17 Committee did not address limits. He stated he would like to see church uses addressed with this amendment.

Bob Benson, Catheys Valley, stated he agrees with Frank Long relative to the public utility transmission and distribution lines being included in conditional uses. Supervisor Pickard clarified Mr. Benson’s request that they be included as conditional uses.

David Butler stated he feels the utility issue should be in the permitted uses as there are large parcels that do not have power yet.

Cathie Pierce, President of Mariposa County Farm Bureau, presented a letter from the Farm Bureau and she advised that their Board of Directors discussed this at their meeting on April 18th; and this amendment is not what the Agricultural Advisory Committee had in mind. They thought there would be discretionary reviews and not conditional use permits. They feel the list of proposed conditional uses are open-ended, leaving them to the interpretation of an individual department head. She asked who will determine “intensive commercial” use and how it will be determined what is commercial and what is not. She noted that the issue that brought this matter to the forefront was the discussion of a dairy in the out lying area of Catheys Valley and neighbors’ concerns relative to potential impacts of the dairy operation, including traffic, odor, flies, water quality runoff and subsurface water impacts. She noted that there is a Peruvian Paso horse operation next door to the area where the dairy was being inquired about; and she feels that the use of this land is intensive. She stated that she feels that commercial agriculture is what people are raising to provide food and fiber. She also noted that they are not aware of any commercial operation that this amendment would affect. They continue to have concerns about water issues throughout the County. She advised that they oppose this amendment in its current form and request that it be tabled to look at Fresno and Kings Counties discretionary review and approval process; or, that this be sent back to the Agriculture Advisory Committee or the Planning Commission for further review and to attempt to find a compromise. She advised that they have written several letters to the County relative to Williamson Act issues and they have not received any response.

Cliff Gardner, President of the Local Wine Grape Growers’ Association, referred to the letter they wrote, and he stated they feel that this amendment addresses their concerns. They do not have a position on the mining issues.

Wain Johnson referred to the “intensive” agricultural use issue, and he stated he feels that the issue is the intent of the use; i.e., 4-H and FFA projects would not be intensive use. He feels that having a number of animals would be a commercial operation. He stated he feels that the proposed

amendment is good, and he does not see any reason to postpone or send the amendment back to the Agricultural Advisory Committee. He encouraged the Board to adopt the amendment.

Theresa Castaldi stated she owns agricultural land with cattle, and she feels that this is a good plan for the County. She feels that it maintains open space and makes it easier for specialty agriculture to work within the regulations.

Linda Dinnel stated she has visited the Peruvian Paso horse operation and there were no flies and it was very clean. She stated the area where the dairy operation was proposed is a wet, slimy swamp.

Norm Miller stated he raises cattle, and he feels that this amendment should be passed.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to clarification of being able to determine intensive and agri-tourism uses; and the review process for hunting clubs. Supervisor Bibby stated she feels it would be helpful to have a definition for commercial and intensity; and she expressed concern with there being no limitation on hunting clubs. Discussion was held. Supervisor Pickard stated he would like to further discuss the inclusion of church uses. Supervisor Turpin suggested that private camps be added. Supervisor Bibby asked about getting comments from the Agricultural Advisory Committee and the Planning Commission and on the changes that are being considered; and she asked about goats not being listed along with the other animals. Supervisor Fritz advised that she would be okay with adding churches with a conditional use permit. Further discussion was held relative to defining commercial use. Tom Guarino, County Counsel, noted that the definition that Sarah Williams read defines commercial uses as being for primarily commercial gain, and this would not include 4-H or FFA as their primary purpose is educational. Supervisor Turpin again asked for consideration of moving heliports and private airstrips from conditional uses and placing them in permitted uses, unless they are for commercial use. Staff responded to a question from the Board relative to processing requests for church and camp uses and what is considered. Supervisor Bibby again asked staff if they are comfortable with the language in the amendment, and Kris Schenk advised that it is better than what they have now. (M)Pickard, (S)Turpin, Res. 06-159 was adopted approving General Plan/Zoning Amendment No. 2005-235, finding the project is exempt from environmental review, as recommended by the Planning Commission and with the following changes: 4-H and FFA uses are to be excluded, heliport and airstrips are to be permitted uses for personal uses, churches and camps are to be included, and reference to Exhibit "A" is corrected; and the first reading was waived and the Ordinance introduced approving the amendment to the County Code, Chapters 17.40 and 17.148 to modify the list of permitted and conditional uses in the Agriculture Exclusive zone and land use as recommended. The Clerk of the Board read the title of the Ordinance into the record. Kris Schenk advised that this will result in a change to the General Plan Update, and he suggested that the Board refer this matter to the Planning Commission or find that there is no substantial modification to the Ordinance. The motion was amended, agreeable with the maker and second, to include the finding that there is no substantial modification to the Ordinance; and it was noted that the airstrip issue was included in the draft and that there was discussion at the last workshop on the General Plan Update relative to including church uses in the Agriculture Exclusive zone. Supervisor Bibby noted that this action is to introduce the Ordinance, and that if anyone has concerns, they need to let the Board know prior to adoption of the Ordinance. Ayes: Unanimous. The hearing was closed.

4:00 p.m. The Board convened in continued closed session.

5:15 p.m. Chairman Stetson announced that direction was give to staff as a result of the closed session.

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 December 2005, January, February, March, and April 2006 (Administration)

CONSENT AGENDA:

- CA-1 Adopt a Resolution Approving the Annual Mariposa County Pioneer Wagon Train Event and the Pioneer Wagon Train Appreciation Dinner as County Activities and Further Authorize the Chairman to Execute Agreements with the 35-A District Agricultural Association (County Counsel); Res. 06-144
- CA-2 Approve and Authorize the Chairman to Sign an Agreement with the Coulterville Community Club, Inc. for the Operation and Maintenance of the Coulterville Community Club Located on the Real Property Commonly Known as the Coulterville Community School (County Counsel); Matter was continued to be rescheduled
- CA-3 Approve a Certificate of Recognition to the Hornitos Lodge, No. 98, F. & A. M. for their Sesquicentennial Celebration (Supervisor Bibby)
- CA-4 Authorize the Chairman of the Board of Supervisors to Sign Grant Agreement No. 05-PTAA-1455 between the County of Mariposa and the State of California Department of Housing and Community Development (Supervisor Stetson/Interim County Administrative Officer); Res. 06-145
- CA-5 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Letter to the Legislature (Budget Subcommittee Chairs and Assembly Member Cogdill) Requesting their Support of AB2479 – Legislation to Fund Weed Management Areas for the Control of Invasive Weeds in the State (Agriculture Commissioner); Res. 06-149, with direction
- CA-6 Approve the Memorandum of Understanding (MOU) with the Mariposa County Managerial and Confidential Organization (MCMCO) for the Term of November 1, 2005 through October 31, 2007 (Thomas Guarino/Interim Personnel-Risk Manager); Res. 06-150, with request for information
- CA-7 Approve and Authorize the Chairman to Sign the Letter of Understanding with Official Payments Corporation for the Acceptance of Credit Card Payments for Secured and Unsecured Property Taxes Pursuant to Revenue & Taxation Code 2511.1 (Treasurer-Tax Collector); Res. 06-143
- CA-8 Adopt a Resolution Approving the Standard Agreement with the Secretary of State for the Help America Vote Act (HAVA) Reimbursement and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (County Clerk); Res. 06-146
- CA-9 Adopt a Resolution Authorizing the Chairman to Execute the Memorandum of Understanding (MOU) with the Stanislaus National Forest (USDA Forest Service) and the American Indian Council of Mariposa County for a Term of 5 Years for the Protection, Preservation, Environmental Enhancement, and Economic Development of the Area Known as Jordan Creek/Bower Cave Special Interest Area (Supervisor Turpin, County Counsel); Res. 06-147
- CA-10 Ratify the Signature of the Interim County Administrative Officer on a Certificate of Local Approval for the Mountain Crisis Services of Mariposa to Apply for Grant Funds to Continue Their Operation of an Emergency Shelter (Supervisor Stetson/Interim County Administrative Officer); Res. 06-148

5:16 p.m. Adjournment in memory of William H. “Bill” Virgil and Irene “Rene” Edna Varain.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

NOTE: These minutes were corrected by Resolution No. 06-232 on June 13, 2006.



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

May 2, 2006



Time _____ Description

9:03 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Lee Stetson, Chairman;

Proclaim May 2006, as “World Asthma Month” and May 2, 2006, as “World Asthma Day”

BOARD ACTION: (M)Bibby, (S)Fritz, the proclamation was approved and presented to Katherine Molthen, Program Associate for the Merced-Mariposa County Asthma Coalition/Ayes: Unanimous. Katherine provided input on their programs.

Lee Stetson, Chairman

Resolution Recognizing Jerry Progner Upon his Retirement from the Resource Conservation District Office

BOARD ACTION: (M)Turpin, (S)Bibby, Res. 06-160 was adopted and presented to Jerry Progner/Ayes: Unanimous.

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

John Croll advised of his contact with Tom Guarino, County Counsel/Interim Personnel-Risk Manager, relative to questions he had concerning the causes for release and the compensation provided for the former County Administrative Officer. He stated he felt that the responses give a feeling that the Board operates under a veil of secrecy. He asked the Board what the reasons were for Rich Inman’s dismissal, and what the compensation was. Chairman Stetson advised that this is a personnel matter and he asked Mr. Croll to check with the Auditor on his question relative to the compensation.

Eleanor Keuning advised of information she heard on a Fresno radio station relative to the closure of Highway 140 due to a slide, and she noted that it is important to the County to get the Highway reopened as soon as possible and she suggested that CalTrans be advised of the importance of this matter. Chairman Stetson advised of the status of the closure, and he advised that there is a need to evaluate the condition for repairs to begin.

9:22 a.m. 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/Interim Personnel-Risk Manager); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Unrepresented; Name of County Designated Representative: Thomas P. Guarino; Title(s) of Unrepresented Individuals with whom Negotiations are being Conducted: County Administrative Officer Candidate (County Counsel)

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

9:43 a.m. The Board reconvened in open session. Chairman Stetson announced that the Board took action in closed session to unanimously appoint Mike Coffield as Interim County Administrative

Officer; and he will assume the function of risk management and personnel, and he will assist with the recruitment for the County Administrative Officer.

Consent Agenda item 7 – extra help agreement for Interim County Administrative Officer services. (M)Pickard, (S)Turpin, Res. 06-161 was adopted approving the agreement with V. Michael “Mike” Coffield/Ayes: Unanimous. Action was taken on the balance of the Consent Agenda later this morning.

Dana Hertfelder, Public Works Director;

Adopt a Resolution Revising the Policy for Drug and Alcohol Testing for Safety-Sensitive Employees as Required by the Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA) and the Federal Transit Authority (FTA) Regulations

BOARD ACTION: Chairman Stetson advised that this matter was continued to May 9th at the request of the Public Works Director.

Thomas P. Guarino, County Counsel and Dana Hertfelder, Public Works Director;

Waive Second Reading and Adopt Ordinance Rescinding No. 934 Restricting Water and/or Sewer Hook-Ups and the Issuance of Building and Other Permits for any Property within the Yosemite West Maintenance District

BOARD ACTION: (M)Pickard, (S)Fritz, the second reading was waived and Ordinance No. 1026 was adopted rescinding Ordinance No. 934 restricting water and/or sewer hook-ups and the issuance of building and other permits for any property within the Yosemite West Maintenance District. The Clerk of the Board read the title of the Ordinance into the record. Chairman Stetson called for input from the public and none was received. Ayes: Unanimous.

Board Information

Supervisor Turpin advised that he attended the Local Agency Coalition on Weed Awareness on Thursday, and he commended the Agricultural Commissioner for her work on this matter. On Saturday, he attended the VFW Loyalty Day event in Coulterville; the North County History Center’s annual meeting; and the FFA Booster’s dinner/auction event. He advised that he received a call from Ken Gosting relative to the CalTrans and Park Service information tracking system, and the correct information is being put out relative to the closure of Highway 140 due to the recent rock slide. He also advised that the Visitors’ Bureau will help with advertising the alternative routes.

Supervisor Fritz advised of a meeting that was held on Sunday at Frank Long’s ranch with Supervisor Bibby relative to planning for the Civil War Reenactment for 2007. She advised that the events committee will meet this evening at 6:00 p.m.; and there will be a District IV public meeting on next Tuesday in the Board Chambers.

Supervisor Bibby advised that as more information is available on the Civil War Reenactment, it will be brought to the Board, including the possibility of requesting County sponsorship and coordination with the schools. She advised that she plans to attend the Mental Health Board meeting at noon; and she attended the Mother Lode Job Training Board meeting on Wednesday. She advised that the Public Works Director and staff are working to respond to the road maintenance concerns. She advised of an update received this morning from CalTrans relative to the status of re-opening Highway 140 as a result of the slide. She also noted that the Clean and Proud event was a success, and that Supervisor Pickard helped with the clean-up from Jones to Bullion Street area. She commended the SCOPE volunteers for their assistance. She advised that she plans to attend a Community Action Agency meeting on Thursday in Lake Tulloch with Supervisor Turpin.

Supervisor Pickard commented on the Clean and Proud event, and he thanked Chris Todd, the Sheriff’s Department, Pizza Plus, and Happy Burger for their assistance and donations.

Supervisor Stetson advised that there is a gateway meeting on Thursday in the Park.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Pickard suggested that item 6, Proclamation for Elder and Dependent Abuse Awareness Month be presented publicly on the timed agenda. (M)Fritz, (S)Bibby, items 1 through 6 were approved/Ayes: Unanimous.

9:58 a.m. The public hearing for General Plan Zoning Amendment No. 2005-213 and Commercial Industrial Multifamily Development Plan No. 2005-214 was opened and continued until after the following.

Dana Hertfelder, Public Works Director and Bob Pickard, Supervisor District V;
Presentation by County Staff that Attended the Recent Emerging Technology Forum with an Overview and Discussion Regarding the Emerging Technology Forum and Related Mariposa County Solid Waste & Recycling Topics

BOARD ACTION: Dana Hertfelder and Steve Engfer, PWD/Solid Waste and Recycling Manager, gave a presentation on the Emerging Technology Forum they attended; and they advised that there was worldwide representation. It was noted that Supervisors Turpin and Pickard and Brian Hodge/ Environmental Health, also attended the Forum. They reviewed technology that could be considered to expand on the solid waste facility operation. Discussion was held. Supervisor Bibby asked about addressing legislation that would improve the packaging of products and reduce waste; and she asked about looking at the rubberization program on a local level. She also thanked Public Works for their assistance with the Clean and Proud event. Supervisor Pickard advised of the State Spring Legislative conference he attended with the Yosemite Sequoia Resource Conservation and Development Council, and the grants they have been working on.

Input from the public was provided by the following:

Ruth Sellers asked when the solid waste compost facility will be open and why the delay in the opening. Dana Hertfelder advised that the delay was weather related and they are working on the final list of items to obtain a Certificate of Occupancy and to move into the building, such as striping and marking of the handicapped parking spots. Ruth Sellers asked if a cost has been established for operating the facility; and Dana responded in the affirmative. Ruth Sellers further commented on the history of the project and the need to address how to handle the solid items.

Staff will bring back an item in June with recommendations for the Board. Supervisor Stetson clarified that there is no push for the bio-mass technology, just research into how to reduce solid waste.

Approval of Minutes of April 4, 2006, Regular Meeting (Clerk of the Board);

Approval of Minutes of April 10, 2006, Regular Meeting, Continued from April 4, 2006 (Clerk of the Board);

Approval of Minutes of April 11, 2006, Regular Meeting, (Clerk of the Board); and

Approval of Minutes of April 14, 2006, Regular Meeting, Continued from April 11, 2006 (Clerk of the Board)

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

10:52 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING to Adopt a Resolution Adopting a Mitigated Negative Declaration and Approving General Plan Zoning Amendment No. 2005-213 together with Commercial Industrial Multifamily Development Plan No. 2005-214; Waive First Reading and Introduce Ordinance Approving Amendment to Mariposa County Zoning Map Pursuant to General Plan Zoning Amendment No. 2005-213; Caroline McGrath LLC, Applicant. Project Site is Located at 6979A Highway 140 in Midpines, APN 008-310-001.

BOARD ACTION: Megan Tennermann, Assistant Planner, presented the staff report. Staff responded to questions from the Board as to whether any objections or concerns were received relative to fire risks; relative to the status of building permits; whether any complaints were received relative to the operating hours; and relative to the Grading Ordinance requirements. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Fritz, (S)Pickard, Res. 06-168 was adopted adopting a mitigated Negative Declaration and approving General Plan Zoning Amendment No. 2005-213 together

with Commercial Industrial Multifamily Development Plan No. 2005-214; and the first reading was waived and an Ordinance introduced approving amendment to Mariposa County Zoning Map pursuant to General Plan Zoning Amendment No. 2005-213 for Caroline McGrath LLC, Applicant. The Clerk of the Board read the Ordinance titled into the record. Ayes: Unanimous.

Chairman Stetson introduced Mike Coffield, the interim County Administrative Officer, to the public. Mike thanked the Board for this opportunity and advised that he is looking forward to working with the Board and each Department head. The Board members welcomed Mike and commented on his previous work with the County.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Thomas P. Guarino, County Counsel / (Interim Personnel-Risk Manager)

BOARD ACTION: Tom Guarino, County Counsel, advised that this closed session is not necessary.

Supervisor Bibby excused herself from the following closed sessions due to a potential conflict as her family members are employed by the Sheriff's Department and in the Jail.

11:10 a.m. **CLOSED SESSION:** Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Thomas P. Guarino, County Counsel / (Interim Personnel-Risk Manager); and **CLOSED SESSION:** Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative: Thomas P. Guarino, County Counsel / (Interim Personnel-Risk Manager)

BOARD ACTION: (M)Pickard, (S)Fritz, the closed sessions were held/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

11:50 a.m. Chairman Stetson announced that direction was given to staff as a result of the closed session.

INFORMATION – No action was necessary on the following:
Child Welfare / Youth Law Center Report on California's Failure to Meet Federal Safety Requirements, Information only: No Action Required (Human Services Director)

CONSENT AGENDA:

- CA-1 Adopt a Resolution Approving Road Name "Peak View Road" for the Subject Easement per County Resolution No. 92-541 (Planning Director); Res. 06-162
- CA-2 Approve Sheriff's Office Staff to Donate Accrued Vacation Time to the Sick Leave Account of a Sheriff's Office Employee (Sheriff); Res. 06-163
- CA-3 Approve Renewal of Service Agreement with Hewlett-Packard for Extended Warranty and Service of Office Computer Equipment at a Monthly Cost of \$454.08; and Authorize Department Head to Sign Agreement (Child Support Services Director); Res. 06-164
- CA-4 Approve Budget Action Transferring Funds within Child Support Services Budget to Fund Existing and Anticipated Expenses for the Remainder of the Fiscal Year for Training and Seminars and Vehicle Fixed Asset (\$8,000) (Child Support Services Director); Res. 06-165

- CA-5 Adopt a Resolution Authorizing the Probation Department to Accept Funding for the Fiscal Year 2006-2007 in the Amount of \$35,275 for the Juvenile Accountability Block Grants Program Set-Aside Funding (Chief Probation Officer); Res. 06-166
- CA-6 Proclaim the Month of May as Elder and Dependent Abuse Awareness Month (Human Services Director); Res. 06-167, with request to present the Proclamation on the timed agenda.
- CA-7 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign an Extra Help Agreement for Interim County Administrative Officer Services to be Provided; Approve Budget Action Transferring Funds from Interfund Transfers to Administration to Fund Agreement (\$27,000) (County Counsel); Res. 06-161 approving agreement with V. Michael "Mike" Coffield

11:51 a.m. Adjournment in memory of Sandra "Sandy" Viola Savage and James "Jim" Kendrick.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA May 9, 2006



Time Description

9:02 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions – Chairman Stetson introduced Mike Coffield, interim County Administrative Officer.

Lee Stetson, Chairman

Proclaim the week of May 15th through 21st, 2006 as “Mariposa County Relay for Life Week”

BOARD ACTION: (M)Bibby, (S)Fritz, the Proclamation was approved and presented to Dennis Baker, Chairman of the Relay for Life/Ayes: Unanimous. Dennis Baker thanked the community for its support and invited everyone to attend the event on May 20th and 21st.

Dave Martin, District Ranger, Bass Lake Ranger District, Sierra National Forest;
Discussion Regarding Forest Service Administrative Presence and Service.

BOARD ACTION: Dave Martin advised that due to budget constraints, he is encouraging input for consideration in their budget process. Discussion was held relative to the status of the services provided by the Forest Service in Mariposa, which include wood permits, camping permits, hiking information and permits, fire permits, wilderness permits, Golden Age passports and general Forest Service information. Supervisor Pickard asked that this matter be scheduled for the Board to further discuss the issues and to provide a response; and he hopes that other partners that are concerned about continuation of the services that are offered by the Forest Service at the Mariposa Office will provide input as well. Supervisor Stetson commented on the off-road vehicle issue and meetings being held by the Forest Service to take input, including one this evening at the Best Western. Dave Martin noted that unmanaged recreation has been identified as a threat to the Forest Service land, and there is a goal to develop a travel management plan for the forest by 2009 which will define off-road vehicle routes.

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

Laurel Siebecker advised that she attended the Planning Commission meeting on Friday and picked up a copy of a Proclamation signed by Governor Schwarzenegger declaring May 7 through May 13, 2006, as Wildfire Awareness Week. She also noted that the rattlesnakes are out.

Eleanor Keuning stated she feels that Leonard Road needs maintenance. She referred to her previous input relative to a travel magazine story that gave a high rating to Amador County and her suggestion that the efforts be duplicated here; and she noted that a recent article rated Murphys as number nine of the top ten small towns. She stated she feels that the economic development and tourism offices should be working together. She referred to Consent Agenda item 4, and questioned whether authorization is necessary from CalTrans to hang the banner across the Highway.

Paul Chapman referred to Consent Agenda item 1 and questioned the cost for hiring a consultant for the Airport Master Plan Update; and he stated he feels that the Airport is a black

hole that is subsidized every year. He referred to Consent Agenda item 5 relative to the Sierra-Nevada-Cascade Conservation Grant, and he questioned the definition of “economic viability.”

Kris Schenk, Planning Director;

Waive Second Reading and Adopt Ordinance Approving an Amendment to the Zoning Ordinance, Chapters 17.40 and 17.148, Amending the Agriculture Exclusive Land Use and Zoning Designation to Amend the List of Permitted and Conditional Uses and to Add Definitions.

BOARD ACTION: Discussion was held with Kris Schenk. Supervisor Bibby asked if there were any concerns presented after the introduction of the Ordinance, or any input provided relative to the section concerning hunting clubs; and Kris advised that no input was received. Chairman Stetson called for input from the public, and none was received. (M)Pickard, (S)Turpin, the second reading was waived and Ordinance No. 1027 was adopted approving an amendment to the Zoning Ordinance, Chapters 17.40 and 17.148, amending the Agriculture Exclusive Land Use and Zoning Designation to amend the list of permitted and conditional uses and to add definitions. The Clerk of the Board read the title of the Ordinance into the record/Ayes: Unanimous.

Board Information

Supervisor Fritz advised that her District IV meeting is scheduled for this evening at 6:00 p.m. in the Board Chambers. She advised that they held a parking district meeting on Wednesday, and it was well attended and an Attorney from Best Best & Krieger provided information on issues relative to the Parking District. She noted that there is an interest in expanding the District boundaries. She congratulated Dell Knell for her work with the Butterfly festival held over the weekend, and she noted that the event was well attended. She also thanked her son for helping to hang artwork from the Elementary School. She noted that the Pow Wow is scheduled for this weekend. She advised that the events committee is scheduled to meet in the Board Chambers on May 18th, and they are beginning to plan for the 4th of July events. She noted that the Relay for Life event is scheduled for May 20-21, 2006.

Supervisor Bibby advised of her discussion with Dinah Bortner of CalTrans relative to their information network system and the reopening of Highway 140 from the recent slide. She advised that she attended the Community Action Agency meeting last week with Supervisor Turpin. She attended the parking district meeting, and another meeting will be held on May 15th with the property owners. She commented on road maintenance issues, and she advised that Public Works is dealing with all of the issues from the heavy rains. She commented on a story that ran in the Sun Star regarding the removal of fish from lakes in the higher elevations to preserve the yellow-legged frog and the comment period – additional information is available on the following website: www.nps.gov/yose/plg.

Supervisor Turpin advised that he attended the Lake Don Pedro Community Services District long-range planning meeting on Monday, and discussion was held relative to the status of Tuolumne County Hospital and the closing of the clinic in Groveland. He advised that Highway 120 is open. He noted that Supervisor Thornton of Tuolumne County will help to encourage FEMA to look at repairs to Priest-Coulterville Road due to the heavy use as a result of the recent closure of Highway 120. He plans to attend the monthly meeting with the Stanislaus National Forest Service on Wednesday, the volunteers meeting with the Red Cloud Library, and the continued evaluation of the equestrian trails in Don Pedro.

Supervisor Stetson advised of discussions with CalTrans relative to the closure of Highway 140 due to a slide, and he stated they hope to be able to open the road on Wednesday. He advised that the El Portal Planning Advisory Committee plans to meet this evening in El Portal; however, he will not be able to attend due to the closure of the Highway. He plans to attend the off-road vehicle meeting with the U.S. Forest Service this evening. He advised that he plans to attend NACO's Western Interstate Region Conference in Sacramento on Thursday, and he is scheduled to speak for the session. On May 18th, the Midpines Advisory Committee is scheduled to meet.

Dana Hertfelder, Public Works Director;

Adopt a Resolution Revising the Policy for Drug and Alcohol Testing for Safety-Sensitive Employees as Required by the Department of Transportation (DOT), Federal Motor Carrier Safety Administration FMCSA) and the Federal Transit Authority (FTA) Regulations.

BOARD ACTION: Discussion was held with Dana Hertfelder and Marty Allan/PWD/Safety Officer, relative to the policy. Supervisor Turpin asked for clarification of why the Maintenance Worker I positions were not included in the list for testing, and discussion was held relative to requirements. Supervisor Bibby asked about the training requirements and report processing and maintenance of the training records. (M)Bibby, (S)Fritz, Res. 06-169 was adopted approving the revised policy/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 1/agreement for Airport Master Plan Update and 8/MOU with Sheriff's Management Association for a separate motion, as she has a potential conflict of interest due to a remainder interest in an estate for real property neighboring the Airport with her cousin; and her cousin and spouse are employed with the Sheriff's Department. She pulled items 4 and 5 for discussion.

9:54 a.m. Supervisors Bibby was excused for the following action. (M)Pickard, (S)Turpin, items 1 and 8 were approved/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby. Tom Guarino, County Counsel, advised that the Sheriff's Management Association has withdrawn their grievance that was filed on the retirement issue.

Supervisor Pickard pulled item 6 for discussion with the Human Services Director later this date. Supervisor Turpin pulled item 2.

(M)Pickard, (S)Fritz, the balance of the items (items 3 and 7) was approved/Ayes: Unanimous.

Consent Agenda item 2/Mariposa Creek Parking Project No. 05-05. Supervisor Turpin initiated discussion relative to the Proposition 40 funds for this project. Dana Hertfelder, Public Works Director, provided input relative to the Proposition 40 funds. (M)Turpin, (S)Pickard, item 2 was approved/Ayes: Unanimous.

Consent Agenda item 4/banners for "Day in the Park" event. Supervisor Bibby asked about the status of approval by CalTrans. Dana Hertfelder, Public Works Director, advised that they obtain approval from CalTrans to hang banners across the highway as a part of the process. Supervisor Fritz asked about service clubs using the poles to hang banners. Dana advised that, with Board direction, they could include other requests for banners in the permit with CalTrans. Supervisor Turpin asked for clarification of whether the events would need to be County sponsored for the permit. Supervisor Bibby suggested that an item be brought back for Board discussion relative to consideration of authorizing other banners, and that staff review liability issues and staffing issues. (M)Bibby, (S)Fritz, item 4 was approved for the banners for the "Day in the Park" event/Ayes: Unanimous. Supervisor Fritz noted that there is a possible change in the location of the carnival for the event, and Dana advised that the printing of the banner would reflect the location.

Consent Agenda item 5/grant application to Sierra Nevada-Cascade Conservation for the Mariposa Creek Trail project. Supervisor Bibby noted that substitute pages to the grant application were provided. Discussion was held with Marilyn Lidyoff, Administration/Business Development Coordinator and Gwen Foster, PWD/Engineer relative to the grant application and the project. Staff was commended for their work on this grant application. (M)Bibby, (S)Pickard, item 5 was approved, including authorization for the Chair to sign a letter relative to access to the Fiske property, subject to County Counsel, County Administrative Officer, and Public Works Director's review/Ayes: Unanimous.

10:11 a.m. Recess

10:26 a.m. Consent Agenda item 6/budget transfer in Human Services for the purchase of a vehicle. Discussion was held with Cheryle Rutherford-Kelly, Human Services Director, relative to the request. Dana Hertfelder, Public Works Director, advised that they monitor the hybrid vehicles for maintenance, recalls, and resale information. (M)Fritz, (S)Bibby, item 6 was approved/Ayes: Unanimous.

Approval of Minutes of April 18, 2006, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Pickard, (S)Bibby, the minutes were approved with a typographical correction/Ayes: Stetson, Bibby, Fritz, Pickard; Abstained: Turpin, as he was excused from the meeting of April 18th.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee
Organization: Sheriffs' Management Association (SMA); Name of County Designated
Representative: Thomas P. Guarino, County Counsel / (Interim Personnel-Risk Manager)

BOARD ACTION: Tom Guarino, County Counsel, advised that this closed session was not necessary.

10:39 a.m. Supervisor Bibby excused herself from the following closed session due to a potential conflict of interest as her family members are employed by the Sheriff's Department and in the Jail.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee
Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative:
Thomas P. Guarino, County Counsel / (Interim Personnel-Risk Manager)

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

11:43 a.m. Chairman Stetson announced that direction was given to staff as a result of the closed session.

CONSENT AGENDA:

- CA-1 Approve Amendment to Scope of Services and Authorize the Chairman of the Board of Supervisors to Execute Amendment with Mead Hunt for Mariposa-Yosemite Airport Master Plan Update (Public Works Director); Res. 06-170
- CA-2 Approve the Plans and Specification for the Mariposa Creek Parking Project No. 05-05, and Authorize the Public Works Director to Bid the Project and Award to the Lowest Responsible Bidder (Public Works Director); Res. 06-174
- CA-3 Amend Resolution 89-2 Revising the Composition of the Water Agency Advisory Board to Add on Additional At-Large Member (Public Works Director); Res. 07-172
- CA-4 Adopt a Resolution Authorizing Public Works (Parks and Recreation Division) to Hang Banners Across Highway 140 Advertising the "Day in the Park" Event and the Fourth of July Carnival (Public Works Director); Res. 06-175, with direction to staff
- CA-5 Approve a Grant Application to the Sierra Nevada-Cascade Conservation Grant Program for Acquisition of Real Property for the Mariposa Creek Trail, Phase III

(Interim County Administrative Officer and Public Works Director); Res. 06-176, including a letter relative to access to the Fiske property

CA-6 Approve Budget Action Transferring Funds from Social Services to Behavioral Health for the Purchase of a Vehicle (\$40,000) (Human Services Director); Res. 06-177

CA-7 Adopt a Resolution Approving the Following: 1) the Department to Purchase a Phone and Voice Mail System; 2) Approve Budget Action Transferring Funds within the Social Services Budget Unit to Purchase the Telephone and Voice Mail System (\$30,500); 3) Select the System Based on the Expertise of the Technical Services Department; 4) Authorize the Board of Supervisors Chairman to Sign any Necessary Contract/s; 5) the Auditor to Pay for the System this Fiscal Year; and 6) the Department to Seek Grant Funding for FY 06-07 for the Second Phase of the Project (Human Services Director and Technical Services Director); Res. 06-173

CA-8 Approve the Memorandum of Understanding (MOU) with the Sheriffs' Management Association (SMA) for the Term of October 1, 2005 through September 30, 2007 (Personnel & Interim DH); Res. 06-171

11:44 a.m. Adjournment in memory of Lloyd B. Graham, Florence "Jean" Foster, Shirley Ann "Petie" Jones Larson, and Imogene Meadows.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA May 16, 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 Resolution 06-167 Proclaiming the Month of May as Elder and Dependent Abuse Awareness Month (Resolution was Adopted on 5-2-06)

BOARD ACTION: (M)Pickard, (S)Bibby, the proclamation was approved and presented to Cheryle Rutherford-Kelly, Human Services Director/Ayes: Unanimous.

Lee Stetson, Chairman;

Proclaim the Week of May 13th through 21st, 2006 as “See America Week/National Tourism Week”

BOARD ACTION: (M)Pickard, (S)Fritz, the proclamation was approved and presented to Susan Crain/Tourism Coordinator/Ayes: Unanimous. Susan Crain commented on the closure of Highway 140 due to the slide.

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

Carol Williams stated she is an employee in the health care business in the County, and she is concerned with what is happening with the Sheriff’s Department and the deputies with the labor negotiations. She is very grateful and appreciative of the support received from the deputies; and as a community she feels that we are responsible for maintaining services and care. The Sheriff’s Department is a vital part of the emergency system in the County. She stated she understood that the Sheriff offered to give up two funded positions to use the funds for increased benefits for the deputies. She advised that she is concerned with the health care coverage and that some members receive higher health coverage benefits – she feels that all employees should receive the family coverage. She noted that the current deputies know the people in the County and how to handle different situations, and they are familiar with the local roads.

Dick Hutchinson invited everyone to attend the open house at the Mariposa Museum and History Center; stated he liked the hiring of Mike Coffield as interim County Administrative Officer and his goal to get out to the departments, and he stated he hopes that he will take the Board members with him to the departments.

Larry Williams stated he believes that the government needs to provide for the safety of the citizens; and that citizens expect services from the Sheriff and Road Division. He stated he feels that with the increase in property values, that there should be sufficient revenue to pay for these services. He stated he feels that the funding should go to the Sheriff’s Department before going anywhere else. He expressed concern with the different levels of health insurance benefits for employees. He stated he feels that the County needs to reconsider its priorities and do whatever is necessary to maintain the quality of the Sheriff’s Department. He further stated he will obtain a copy of the County’s budget and become a more concerned citizen.

Eleanor Keuning expressed concern with road maintenance and the closure of Highway 140 due to the slide. She invited everyone to the Relay for Life event scheduled for this weekend, and she invited the public to the Community Chorus event scheduled for Sunday.

Board Information

Supervisor Fritz advised that she attended the Pow Wow event; and she announced that the events committee will meet in the Board Chambers on Thursday and begin planning for the June Rock Fest and the July 4th events. She noted that they are planning to have a dunk tank for the 4th of July event. She plans to attend the Relay for Life event.

Supervisor Bibby advised that Chairman Stetson will present the Certificate of Recognition to the Hornitos Lodge, No. 98, F. & A. M. for their Sesquicentennial Celebration as she will be unable to attend due to another commitment. She advised that she will try to attend the Relay for Life event on Sunday. She provided a brief update on the Highway 140 closure and advised that Mr. Nijjar of CalTrans will try to attend the meeting later this date to provide an update. She advised that they are working to correct the problems with the CalTrans informational message signs relative to the closure of the Highway. She advised that she plans to attend the Cattlemen's meeting this evening in Hornitos and invited everyone to attend – she noted they will be discussing Williamson Act issues. She noted that only three property owners attended the parking district meeting on Monday evening.

Supervisor Turpin advised that he attended the Northern Mariposa County Ambulance Association dinner event on Friday; and this Thursday, there will be a candidates' night in Don Pedro. The 21st annual Coyote Howl is scheduled for Saturday. On Sunday afternoon, the Coulterville Fire Brigade will rededicate the fire station, and he commended the volunteers for their work.

Supervisor Stetson advised that the Midpines Advisory Council is scheduled to meet on May 18th, and there will be a discussion of Measure I at 7:30 p.m.

Mike Coffield, Interim County Administrative Officer, noted that the dunk tank for the 4th of July event is a fundraiser for summer trips and he will participate in the fundraiser.

Dr. Mosher, Health Officer;

Present Action Regarding Mariposa County's Participation in Pandemic Flu Exercise Drill.

BOARD ACTION: The matter was continued to May 23, 2006.

Dana S. Hertfelder, Public Works Director;

Discussion and Possible Direction Regarding Mariposa County Cemeteries.

BOARD ACTION: Dana Hertfelder provided information on the status of the cemeteries and the Advisory Committees. He advised that the Coulterville and Catheys Valley cemeteries currently have sufficient space available to meet the expected demand for interments for the next several years; however, there are only a few spaces left for interments in the Mariposa cemetery. Discussion was held relative to filling the vacancies on the Advisory Committees and/or possibly reorganizing the committees to establish a committee with broader representation. Supervisor Bibby noted that there was a request for the development consultant to review this matter; and she asked that information be provided on whether there are any siting requirements for cemeteries. Discussion was held relative to options for providing for cemeteries – County-operated facilities, privately-operated facilities, or District-operated facilities.

Input from the public was provided by the following:

Paul Chapman referred to the purchase of land by the Airport that was going to be used for a cemetery, and then it became an aviation easement. He noted that the County owns property in Bear Valley that he feels would make a nice cemetery.

Leroy Radanovich commented on his and David Radanovich's discussion with Supervisor Fritz on this matter, and of their willingness to serve on an ad hoc committee. He stated he feels that it would be best for each area to take care of their local cemetery. He referred to the history of the Mariposa Cemetery, and he noted that Sam Spaulding has an interest in this matter. He commented on his research of options for operating cemeteries, and of the Board's previous consideration of this matter; and he agreed that it is good to review the options.

David Radanovich stated that in his discussions with Sam Spaulding, it was noted that the spaces that are reserved should be reviewed and that there needs to be some organization of what is there and how the burial plots are arranged, and that people will need to realize that the cemetery can no longer be free.

Supervisor Pickard further discussed his suggestion that the Board look at creating a committee to look at a broad range of options for the future management of the operation of cemeteries for the County, and that input should be sought from all areas of the County on this matter. He agrees with maintaining the area ad hoc committees to oversee the operations of their respective cemeteries. Supervisor Bibby commented on the Parks and Recreation Commission's discussion of cemetery issues. She suggested that consideration be given to creating a Mariposa cemetery task force to work on the Mariposa cemetery issue first and then begin to study the broader picture. Dana Hertfelder noted that consideration could be given to reactivating the three cemetery ad hoc committees, and that the Mariposa Cemetery Ad Hoc Committee could look at broader solutions; or a countywide solution could be worked on. Supervisor Turpin commented on interest in the Don Pedro area for establishing a cemetery, and he agreed that it would of benefit to have information on a countywide basis for the future of the cemetery services. Supervisor Fritz clarified that anyone in the County could be buried in the Mariposa cemetery, so she feels this is a countywide issue. She would like to see the people that are interested in this matter be able to look at options and bring back some recommendations. Supervisor Stetson agreed with addressing the immediate needs of the Mariposa town cemetery first. Discussion was held relative to the Ordinance that established the ad hoc committees, and consideration of establishing another committee. Tom Guarino, County Counsel, suggested that direction could be given to staff to meet with the concerned members of the public who wants to assist with this matter. If the Board wants to establish a comprehensive committee, they could bring back an item to form a committee to address cemeteries at large. Supervisor Pickard stated he would like to see the Mariposa Ad Hoc Committee activated as quickly as possible, and to give direction to staff to bring back the formation of a comprehensive committee to look at the County and what the options are for solving the cemetery needs for the future.

Eleanor Keuning asked whether the Catheys Valley cemetery is a private cemetery; and she was advised that it is not private. Thus, she noted that they seem to be organized as to the use of the cemetery. Supervisor Bibby provided input on the Catheys Valley cemetery and the Ad Hoc Committee.

Larry Williams suggested that if the County continues to operate the cemeteries that consideration be given as a part of the overview, to collecting fees to cover the cost of providing the services so that the operations are not subsidized by the taxpayers.

Discussion was held relative to filling the vacancies on the Cemetery Ad Hoc Committees. Dana Hertfelder advised that since the vacancies have been posted, he will proceed with preparing an agenda item to fill the vacancies on the Ad Hoc Committee for the Mariposa cemetery; and he will work with them to bring back an item to consider forming a comprehensive committee for reviewing cemetery issues to plan for the future needs of the County. The Board concurred.

Matt Foraker, Treasurer of the Economic Development Corporation, appeared on behalf of Candy O'Donel Browne;

Presentation of the Economic Development Corporation (EDC) of Mariposa County Business Survey Dated April 2006.

BOARD ACTION: Matt Foraker advised that the EDC is just presenting the data and is not rendering an opinion on the survey results at this time. Discussion was held relative to the survey. Supervisor Turpin stated he would like to have more feedback on the responses relative to bureaucracy and government experience. Supervisor Fritz provided input on looking at options with the High School to provide training for entry level positions for local retail merchants.

Input from the public was provided by the following:

Dick Hutchinson, acting Chair of the Historic District Merchants Group, asked about the history of the survey and the report, and he noted that he was unaware of this matter. He stated he would like to be able to work with the merchants on this. Matt Foraker advised that the Chamber of

Commerce was involved and he advised of the membership on the committee, which included a representative of Mother Lode Job Training.

Eleanor Keuning commented that she and Judie Huffman worked to encourage the High School to set up a hospitality class with the ROP program.

Leroy Radanovich commented on efforts by the 6th Street Cinema to provide programs for the visitors three summers ago; and he noted that they found that the visitors do not return to town from visiting the Park until around 8:30 p.m. Thus, he feels that the experience has been that it does not pay to keep the businesses open in the evening, other than restaurants and hotels. He urged that some time be given to the Visitors Bureau and Business Development functions and that they be analyzed.

Supervisor Bibby noted that Mother Lode Job Training has services and training programs that are available.

10:47 a.m. Recess

10:56 a.m. Waive Second Reading and Adopt Ordinance Approving Amendment to Mariposa County Zoning Map Pursuant to General Plan Zoning Amendment No. 2005-213; Caroline McGrath LLC, Applicant. Project Site is Located at 6979A Highway 140 Midpines, APN 008-310-001 (Planning Director)

BOARD ACTION: Kris Schenk, Planning Director, responded to a question from the Board and advised that no input had been provided on this matter since the hearing. (M)Bibby, (S)Fritz, the second reading was waived and Ordinance No. 1028 was adopted approving amendment to Mariposa County Zoning Map pursuant to General Plan Zoning Amendment No. 2005-213; McGrath, applicant. The Clerk of the Board read the Ordinance title into the record. Ayes: Unanimous.

John E. Davis, Building Director;

Waive First Reading and Introduce Ordinance Amending Chapter 15.10 Entitled Adoption of Uniform Codes as Adopted by the Building Standards Commission and Published in Building Standards Bulletin 01-03 on August 1, 2003, the 2004 Edition of the California Electrical Code, the 2004 Edition of the American Society of Mechanical Engineers Standard A 17.1 Safety Code for Elevators and Escalators.

BOARD ACTION: Discussion was held with John Davis. Chairman Stetson called for input from the public and none was received. (M)Fritz, (S)Turpin, the first reading was waived and an Ordinance introduced amending Chapter 15.10, entitled Adoption of Uniform Codes, as recommended. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Approval of Minutes of April 25, 2006, Regular Meeting (Clerk of the Board)

BOARD ACTION: Supervisor Turpin advised of a correction to reflect 1500 foot setback for slaughter houses during the public hearing for General Plan Zoning Amendment No. 1005-235. (M)Pickard, (S)Turpin, the minutes for April 25, 2006, were approved/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Pickard pulled item 4 for discussion with the Agricultural Commissioner. Chairman Stetson noted that item 10/the Senior Awareness Month proclamation will be presented at lunch today and that the Board members are planning to serve lunch to the seniors. (M)Fritz, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 4/Wildlife Services – Cathi Boze, Agricultural Commissioner, introduced Don Simms, Wildlife Services Trapper, and Wade Carlson, USDA Wildlife Services District Supervisor. Wade Carlson provided input relative on the services they provide. Discussion was held. Don Simms noted the assistance received from the Mariposa High School FFA program in building cages for their program. Supervisor Bibby commented on the funding that the sheep industry was able to obtain, and she asked about being able to obtain assistance for the cattle industry. Supervisor Pickard noted that the Regional Council of Rural Counties (RCRC) is seeking additional federal revenue for the State for the wildlife services. (M)Pickard, (S)Turpin, item 4 was approved/Ayes: Unanimous.

Bob Nijjar, Senior Resident Engineer for CalTrans, provided a status report on the slide removal project on Highway 140; and he advised of emergency funding for the project for temporary repairs and of plans to be able to open one lane on Sunday. Discussion was held.

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: Cooper v. County of Mariposa, et al, Case No. 8549 (County Counsel);

CLOSED SESSION: A. 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) (Interim County Administrative Officer); B) Public Employee Performance Evaluation: Position of Employee Under Review: Interim County Administrative Officer (Interim County Administrative Officer); and

MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Mariposa Parking District, Agency Negotiator: Name of Party who will Negotiate with County (not party's agent): Thomas P. Guarino, Closed Session will Concern Terms of Purchase (County Counsel)

BOARD ACTION: (M)Bibby, (S)Fritz, the closed sessions are to be held at 1:30 p.m./Ayes: Unanimous.

Supervisor Bibby excused herself from the following closed session due to a potential conflict of interest due to a remainder interest in an estate for real property with her cousin; and her cousin is employed at the Jail.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative: Thomas P. Guarino, County Counsel (County Counsel)

BOARD ACTION: (M)Fritz, (S)Turpin, the closed session is to be held at 1:30 p.m./Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

11:44 a.m. Served Lunch at the Senior Center

1:35 p.m. The Board convened in closed session.

4:22 p.m. Recess

4:49 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters; and he read a closed session announcement into the record relative to the labor negotiations with DSA.

CONSENT AGENDA:

CA-1 Adopt a Resolution Authorizing the Health Officer to Fill the Full Time Public Health Emergency Response Coordinator Position at the Extra Help Level at Step 5 of Salary Range 465 (\$26,1581/hr.) Approve Budget Action Transferring Funds within the Health Budget to Fund Extra-Help (\$5,200) (Health Officer); Res. 06-178

CA-2 **MARIPOSA COUNTY AIR POLLUTION CONTROL DISTRICT**
Dr. C. B. Mosher, Air Pollution Control Officer/Health Officer
Adopt a Resolution Authorizing Chairman of the Mariposa County Air Pollution Control District to Sign an Agreement to Apply for Lower Emission School Bus Program Retrofit Grants in the Amount of \$112,000 (Health Officer); APCD Res. 06-2

- CA-3 Approve Budget Action Transferring Funds within the Boating Safety Budget to Help Cover Boating and Safety Program Extra Help Expenses (\$5,500) (Sheriff); Res. 06-179
- CA-4 Adopt a Resolution Authorizing the Board of Supervisors Chairman to Sign Agreement No. 07-73-06-0260-RA: the Annual Work Plan, Annual Financial Plan and a Letter of Intent for Fiscal Year 2006-2007 with USDA/APHIS/WS (Wildlife Services) (Agricultural Commissioner); Res. 06-183
- CA-5 Adopt a Resolution authorizing the Board of Supervisors Chairman to Sign the Combined Petroleum Products Compliance and Weighmaster Enforcement Program Agreement No. 06-0025 for Fiscal Year 2006/2007 with California Department of Food and Agriculture (CDFA) (Agricultural Commissioner); Res. 06-180
- CA-6 Reappoint Dusty Luker to Serve as a Member at Large to the Alcohol and Drug Board for a Term Expiring May 16, 2009 (Human Services Director)
- CA-7 Appoint Lori Ritter to Serve as a Member at Large on the Mental Health Advisory Board for a Term Expiring May 16, 2009 (Human Services Director)
- CA-8 Approve Budget Action Transferring Funds within the Human Services Department for Various Budget Units (\$94,050) (Human Services Director); Res. 06-181
- CA-9 Adopt a Resolution Approving Amendment No. 1 with the State Department of Alcohol and Drug Programs to Increase Funds Available for the Alcohol and Drug Programs; Authorize the Board of Supervisors Chairman to Sign Amendment (\$1,337) (Human Services Director); Res. 06-182
- CA-10 Proclaim the Month of May as Senior Awareness Month (Community Services Director)

4:53 p.m. Adjournment in memory of Edwin Eugene Burgess.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

May 18, 2006



Time Description

11:41 a.m. Emergency Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Discussion, Direction, and Possible Action Relative to the Landslide Disaster on Highway 140

BOARD ACTION: Chairman Stetson advised that the following CalTrans representatives were present: Kome Ajise/Director of District 10, Dinah Bortner/Deputy Director for Maintenance and Operations, and Julie Dunning/Deputy Director for Public Affairs. They gave a presentation on the history of the slides in this area and the work that has been done, and of the status of the slide removal project for the current slide. Roy Bibbens and Tim Beck, geologists, presented photos and information on the geology of the slide area. They also gave a video presentation of the slide in action, and advised that there is a major mass of the mountain that is moving. They advised of plans to replace the 13-foot barrier fence on the edge of the road with a 20-foot barrier fence on the center line, and to open one lane for traffic with a signal system. They advised that they are hopeful to have the road open in the next week, and are confident that it will be open for Memorial Day. This is a temporary fix and they will need to further research a long-term fix for the problem.

Discussion was held and CalTrans staff responded to questions from the Board relative to the situation. Sharon Parsons/CalTrans advised of coordination with the Forest Service on the right-of-way matters.

Input from the public was provided by the following, and CalTrans staff responded to the questions:

Marjorie Wass, Treasurer/Tax Collector/County Clerk, asked about the possibility of the remainder of the mountain sliding.

A member of the audience asked if there were concerns with any other area along Highway 140.

Dick Hutchinson commended on recent problems with the informational message signs and the Amber Alerts. He also suggested the need to change the strategy in advertising and to get everyone involved and to work with the Board to get Mariposa advertised as a destination.

Dinah Bortner provided information on the costs and budget for this project. Robert Boswell was introduced as the Public Information Officer for CalTrans.

Discussion was held relative to taking action to declare a local emergency. Mike Coffield, Interim County Administrative Officer, advised that an addendum would be issued for the May 23rd agenda to include an item for the emergency declaration. Supervisor Turpin commented on the recent Highway 120 closure, and of the need to advertise Highway 132 as an alternate route to Yosemite National Park. Discussion was held relative to signage for the temporary closure of the highway. Supervisor Fritz commented on the need to advertise the local events and she advised that the events committee meeting is scheduled for this evening. Bob Nijjar/CalTrans Senior Resident Engineer advised of contact with PG&E relative to reviewing the status of the utility towers in the area.

A member of the audience asked about the possibility of using dynamite to remove the debris from the slide area, and she was advised that would involve a lot of environmental issues and close the Highway for approximately six months. Plus there is still a large part of the mountain above the slide area.

Further discussion was held relative to the planning/strategy process to deal with this matter. Supervisor Pickard asked that CalTrans keep the Board fully informed of the status of the situation.

A member of the audience asked about the length of the one-lane traffic, and was advised that it is just planned for the slide area. She also commented on the impact the high fuel costs are having.

Chairman Stetson acknowledged the presence of Chris Valdez from Congressman George Radanovich's office.

Public Presentation: The Public May Only Address the Board on Items Listed on the Emergency Meeting Agenda – input was provided during the discussion on the landslide.

12:42 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

May 23, 2006



Time Description

9:02 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Lee Stetson, Chair;

Resolution and Tile Plaque Recognizing Gloria Attaway Upon her Retirement from the Health Department

BOARD ACTION: (M)Bibby, (S)Fritz, Res.06-184 was adopted and presented to Gloria Attaway, along with a tile plaque/Ayes: Unanimous. Dr. Mosher, Health Officer, commended Gloria for her work with the County.

Dr. Mosher, Health Officer;

b) Present Information Regarding Mariposa County's Participation in Pandemic Flu Exercise Drill. (Continued from 5-16-06)

BOARD ACTION: Dr. Mosher gave a presentation on the County's participation in a pandemic flu exercise drill with Tuolumne County. Discussion was held. Chairman Stetson called for input from the public and none was received.

Lee Stetson, Chair;

Presentation on Measure "I", Grizzly Student Events Center (GSEC)

BOARD ACTION: Wayne Forsythe introduced Dave Gerken, Co-Chair of the GSEC Committee, and Loyd Hobby. Loyd Hobby thanked the Board for its support in financing the late bus; and he provided input on the athletic achievements of the students this year. Wayne Forsythe, Dave Gerken, and Loyd Hobby gave a presentation on Measure "I" and advised that presentations are being given throughout the County.

9:42 a.m. Recess

9:52 a.m. Dr. Mosher, Health Officer:

a) Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Contract with NACo for Participation in the National Association of Counties, Prescription Discount Program and give Direction to Staff on Wording on Medical Cards.

BOARD ACTION: Discussion was held with Dr. Mosher relative to the prescription discount program and how it would work in the County. Supervisor Pickard asked about eligibility for this program with the CMSP program. (M)Fritz, (S)Pickard, Res. 06-185 was adopted approving the contract, with no cost to the County, and with direction to include the County's logo and Mariposa County wording for the medical cards; and with further direction that the details of the program be coordinated with Human Services and that information be brought back on how the program will operate. Tom Guarino, County Counsel, clarified that the contract option for the Customer Specific Programming is not included. The motion was amended, agreeable with the maker and second, to include direction that the County is not exercising the option for the Customer Specific Programming/Ayes: Unanimous.

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

Renee Ritter advised that she works for the Sheriff's Department in the Jail. Supervisor Bibby excused herself for this input at 10:06 a.m. due to a potential conflict as her spouse and cousin are employed by the Sheriff's Department. Renee Ritter presented information on the amount of her take-home wages; and she asked the Board to reconsider imposing impasse in this matter.

Dr. Mosher, Health Officer, advised that during routine surveillance for bubonic plague, some Ferrell pigs showed a level of antibodies to being exposed to the plague. He presented information on the history of the plague, and he advised that common symptoms are swollen lymph nodes. He further advised that there was a spill of treated sewage from a pipeline on Monday in Wawona. Supervisor Turpin noted the need to make sure that the County has shut-off valves at our facilities to be able to control this type of situation.

Susan Crain, Visitors' Bureau Coordinator, provided an update on actions taken due to the closure of Highway 140 with the landslide; and she provided input on the status of visitation. Press releases have been sent out by Edelman and radio interviews have been held. She noted that they have worked to have the road message information signs indicate that there are detours versus just the closure of Highway 140. Chairman Stetson noted that the last word from CalTrans is that the target date for opening the Highway is still May 29th, to one-lane of traffic with controlled traffic.

Kenneth Gosting, Executive Director of TIE (Transportation Involves Everyone), referred to previous input he provided relative to the highway message signs and recorded messages. He played a tape of the CalTrans recorded message from earlier in the day, and he noted the inaccuracies. Chairman Stetson advised that the County will continue to work with CalTrans on these issues.

Jim Middleton, Deputy Fire Chief, announced completion of the following two major projects: 1) the Fire Station in Hunters Valley added a bay; and 2) the inside of the Fire Station in Coulterville was completely redone with assistance by the Fire Brigade and community members. Battalion Chief Smith, project manager for the Hunters Valley project, stated he was present as an individual, and he presented photographs of the changes in the Station. He also provided information on the history of the project, and he thanked the Board for support of this project. And he thanked the Building Department and Planning Department staffs for their assistance with the process. Supervisors Turpin and Bibby thanked the volunteers in Coulterville and Hunters Valley for their work on these projects.

Eleanor Keuning noted that Leonard Road was graded on Monday. She noted that the Memorial Day Observance ceremony is scheduled for Saturday at 10:00 a.m. She also noted that she attended a conference on Friday on the poverty and homelessness in the County, and she was surprised at the level of the problem.

Board Information

Supervisor Bibby complimented the High School Varsity baseball team for reaching the play-offs, and she noted that Mariposa is the only public school that reached the play-offs. She advised that the Board of Supervisors is presenting a wreath for the Memorial Day ceremony.

Supervisor Fritz advised that she attended the Relay for Life event on Saturday. The Chamber of Commerce mixer event is scheduled for this evening at Woodland School. She has a District IV meeting scheduled at the Government Center on June 13th at 6:00 p.m.; and an events committee is scheduled for June 8th at the Government Center and they are planning for the 4th of July event. The Chamber of Commerce is sponsoring a Mountain Rock Fest on June 3rd at the Amphitheater. She also advised that she plans to be out of the office the next week due to out-patient surgery.

Supervisor Pickard advised that he plans to attend the CMSP (County Medical Service Program) Board meeting on Thursday; and he attended the RCRC (Regional Council of Rural Counties) meeting last week, and he will share their agenda package information with the Board members.

Supervisor Turpin advised that he attended the Cattlemen's meeting the previous week, and their speaker was John Gamper. On Saturday, they had a successful Coyote Howl event in Coulterville. On Sunday, Station 26 held a rededication of their Fire House. He advised that a Countywide Candidate Night is scheduled for this evening in Greeley Hill at 7:00 p.m., and the Farm Advisor will present

information on the West Nile virus. On June 3rd, Hunters Valley will have a dedication of their Fire Station.

Supervisor Stetson advised that he attended the 150th anniversary celebration of the Masonic Lodge in Hornitos, and he presented the Certificate from the Board.

Dana Hertfelder, Public Works Director;

Presentation by RRM Design on the Draft Master Plan for the Regional Recreation Complex.

BOARD ACTION: Dana Hertfelder gave a review of the history of the Master Plan for the regional recreation complex; and he advised that the following people from RRM Design Group were present to give a presentation and respond to questions: Jeff Ferber, Warren McClung, and Sam Harned. Warren McClung reviewed the planning process and presented a summary of the project and estimated costs of the phases. He advised that the next step is to prepare a written document for the Board to adopt. Supervisor Stetson asked about consideration of another phase one to begin using the property with a trail system/park course at a minimum of cost and with low impact development. It was noted that the facilities are planned to be linked with trails, but they may not all be ADA compliant due to the terrain. Discussion was held relative to looking at a trail system to begin with. Supervisor Pickard asked about the status of planning for a community garden in the area near the Senior Activity Center; and he asked about the funding issues. It was noted that there wasn't anything included for the garden at this time; however, it could be included with Board direction; and the funding issues would be a separate study. Supervisor Bibby asked about including a walking trail along the area for future emergency access, and she asked about easements and access. Supervisor Pickard asked about the water line and road work for the Baptist Church site and their location in relation to this project. Supervisor Bibby asked about water needs for the project.

Input from the public was provided by the following:

Tammy Kudela, member of the steering committee, provided input on the history of the committee. She read a letter into the record from the committee reflecting continued support for the development of the facility, and asking that the Board continue to move forward with the project. Speaking as an individual and as a coach of the Mariposa Marlins Swim Team, she stated there needs to be a bond for funding this project; and she feels that there needs to be an aquatic complex with the first phase of the project and she noted that all ages can take advantage of this portion of the facility. She provided input on the aquatics programs and of the benefits to all segments of the population. She also commented on current conflicts with scheduling use of the pool.

Paul Chapman stated he does not feel that anyone in this room will live long enough to afford this project. He stated he feels that we need to start small, and he expressed concern with the development costs. He also asked about the water line and conflict with the Church use.

Karen Robb, Farm Advisor and involved with the Master Gardener program, expressed support for the trail phase. She also commented on the proposed demonstration garden by the Master Gardeners.

David Butler, member of the steering committee, thanked the Design Group for their work on a challenging site. He stated he feels that this is a feasible project and would enhance the town and the County over time, and that it will take time to get the project done. He cautioned about traffic flow and circulation impacts with the potential build-out of the complex and the church. He stated there could be 400 parking spaces and that could be a problem with emergency access. He suggested that consideration be given to designing a more direct access to the Hospital.

Supervisor Pickard initiated further discussion and asked that an earlier phase of the project be reviewed; including transitioning the trail system in the project and including a demonstration garden for the Master Gardeners' program. He also suggested that there be a further review of the traffic and circulation issues. He also commented on Tammy Kudela's input relative to the need for a regulation-size pool in the County, and looking at that as a more immediate need.

Tammy Kudela noted that the Marlins have raised \$5,000 to be used toward heating the town pool.

Supervisor Fritz asked about consideration of an above-ground pool as an interim measure. No action was necessary; a written document will be prepared for the Board's further consideration.

Approval of Minutes of May 2, 2006, Regular Meeting (Clerk of the Board)

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

Supervisor Stetson noted that he attended the open house for the Mariposa Museum and History Center on Saturday, and it was a great event. He thanked Dick Hutchison and the volunteers.

Discussion and Possible Action Relative to Response to the Sierra National Forest, Bass Lake Ranger District Services Questionnaire (Supervisors Stetson and Pickard)

BOARD ACTION: Supervisor Pickard initiated discussion relative to the draft response, and he advised that the deadline for submitting a response is May 31st. (M)Turpin, (S)Fritz, Res. 06-186 was adopted approving the response, with Supervisors Pickard and Stetson to finalize, and authorizing the Chair to sign the response letter/Ayes: Unanimous.

Waive Second Reading and Adopt Ordinance Amending Chapter 15.10 Entitled Adoption of Uniform Codes as Adopted by the Building Standards Commission and Published in Building Standards Bulletin 01-03 on August 1, 2003, the 2004 Edition of the California Electrical Code, the 2004 Edition of the American Society of Mechanical Engineers Standard A 17.1 Safety Code for Elevators and Escalators (Building Director)

BOARD ACTION: (M)Bibby, (S)Turpin, the second reading was waived and Ordinance No. 1029 was adopted amending Chapter 15.10, entitled Adoption of Uniform Codes. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Approve Budget Action Transferring Funding within the Personnel Budget and From General Contingency to Accommodate Labor Negotiation Expenses that have been Greater than Anticipated (\$13,500) (4/5th's Vote Required) (Personnel)

BOARD ACTION: (M)Fritz, (S)Bibby, Res. 06-187 was adopted approving the budget action/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Pickard, (S)Bibby, all items were approved, including the changes that were noted with items 13, 16, and 18/Ayes: Unanimous.

12:17 p.m. MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

Discussion, Direction, and Action Regarding the Parking District, Appraisal of Lots, and Contracting for Appraisal Services (County Counsel)

BOARD ACTION: Dick Hutchinson advised that there are people that wanted to be present for this discussion. Supervisor Pickard noted that this was scheduled as an attention item versus timed. Chairman Stetson asked that the Board continue with the item at this time; and if necessary, it could be continued. Tom Guarino, County Counsel, provided a report on the meetings held with the public and with the property owners. A presentation on the Proposition 218 process was given and the boundaries of the district were discussed. Supervisor Bibby recommended holding another meeting with the property owners and that the notices be sent by certified mail, and Supervisor Fritz agreed.

Chairman Stetson called for input from the public:

Dick Hutchinson advised of his contact with the property owners and he noted that some of them feel uncomfortable discussing their situation in a group setting. He suggested that consideration be given to having an individual discussion in the beginning and then a group meeting. He also noted that the Auditor advised him that there is about \$60,000 in the Parking District budget. He stated he does not support the Proposition 218 process, as he feels that the property owners are being asked to pay again for the use of their property. He also advised that he is working with Congressman Radanovich's staff to look at the possibility of obtaining a grant.

Tom Guarino noted that the majority of the fund balance in the Parking District budget is from the funding the Board set aside for the Proposition 218 process. He also provided input on his

conversations with the property owners; and he stated he feels it will take a collective agreement to reach a solution in this matter. The Board concurred with another meeting being held as suggested.

Discussion, Direction and Action to Declare a Local Emergency Due to the Landslide on Highway 140 Enroute to Yosemite National Park and Request the Governor to Declare the County of Mariposa to be in a State of Emergency and Further that the Governor Request a Presidential Declaration of Emergency

BOARD ACTION: Tom Guarino, County Counsel, advised of a meeting held with himself, the Interim County Administrative Officer, and staff to gather information on the landslide situation on Highway 140. He presented information on the impacts and the potential impacts of this situation. Board members commended staff for their work on this matter. Discussion was held.

Chairman Stetson called for input from the public:

Kenneth Gosting, Transportation Involves Everyone (TIE), recommended that a clause be included in the emergency declaration to include YARTS.

(M)Pickard, (S)Turpin, Res. 06-214 was adopted declaring a local emergency due to the landslide on Highway 140 as recommended. Further discussion was held. Tom Guarino advised of his discussion relative to the impact with the Executive Director for YARTS, and he advised that routes have been modified. He also noted that the YARTS JPA could take action relative to Federal funding sources. Supervisor Stetson commented on the tremendous dislocation and impact on the El Portal community. Tom Guarino suggested adding a sentence to the emergency declaration to reflect that "Whereas, transportation services to the Park and the County communities, including the YARTS system, has been impacted by the closure of Highway 140." The motion was amended, agreeable with the maker and second to include the suggested sentence. The motion was further amended, agreeable with the maker and second to include a separate sentence to reflect the impact on the community of El Portal. Ayes: Unanimous.

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation, Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Number of Cases to be Discussed: 1 (County Counsel)

BOARD ACTION: Tom Guarino, County Counsel, advised that this closed session is not necessary.

MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

CLOSED SESSION: Conference with Real Property Negotiator; Mariposa Parking District, Agency Negotiator: Thomas P. Guarino; Description of Real Property: Garber Lot, Closed Session will Concern Terms of Purchase (County Counsel);

CLOSED SESSION: Conference with Legal Counsel, Anticipated Litigation, Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9, Number of Cases to be discussed: 1 (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel, Anticipated Litigation, Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Number of Cases to be Discussed: 1 (County Counsel)

BOARD ACTION: (M)Bibby, (S)Pickard, the closed sessions are to be held at 2:30 p.m./Ayes: Unanimous.

Supervisor Bibby excused herself from the following action due to a potential conflict of interest as she has a remainder interest in an estate for real property with her cousin; and her cousin is employed at the Jail.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative: Thomas P. Guarino, County Counsel (County Counsel)

BOARD ACTION: (M)Pickard, (S)Turpin, the closed session is to be held at 2:30 p.m./Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

1:00 p.m. Lunch

2:36 p.m. The closed sessions were held.

4:35 p.m. Recess

5:24 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters; and he read a statement from the closed session into the record relative to labor negotiations with DSA.

CONSENT AGENDA:

- CA-1 Authorize the Public Works Director to Sign a Letter Allowing the Regional Council of Rural Counties Environmental Services Joint Powers Authority (ESJPA) to Submit for the Used Oil Block Grant 12th Cycle and Continue Assisting the County Solid Waste and Recycling Division in the Implementation of the Used Oil Block Grant for the 12th Cycle (FY 2006-2007) (Public Works Director); Res. 06-188
- CA-2 Approve Budget Action Transferring Funds from General Fund Contingency to the Yosemite West COP Debt Service Fund No. 755 to Cover for the Principal and Interest Due June 1, 2006 (\$5,040) (4/5th's Vote Required) (Public Works Director); Res. 06-189
- CA-3 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Organic Program Agreement No. 06-0109 for FY 2006/2007 with the California Department of Food and Agriculture (CDFA) (Agricultural Commissioner); Res. 06-190
- CA-4 Appoint Mike Coffield, Interim County Administrative Officer as the County's Representative to the California State Association of Counties (CSAC) Excess Insurance Authority (EIA) and Direct Staff to Notify EIA of this Appointment (Administration); Res. 06-191
- CA-5 Approve Budget Action Transferring Funds within the Indigent Defense Budget Unit for Investigation Costs (\$5,000) (Administration); Res. 06-192
- CA-6 Adopt a Resolution Approving the Fiscal Year 2005-2006 Adjusted Budget as Mariposa County's Operating Budget Until Adoption of the Fiscal Year 2006-2007 Final Budget in September 2006 (Administration); Res. 06-193
- CA-7 Approve Budget Action Transferring Funds within the Tourism Budget to Fund the Senior Office Assistant Position for the Remainder of the Fiscal Year (\$2,350) (Tourism); Res. 06-194
- CA-8 Approve the Contract with EnerPower for Utility Auditing Services and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Administration); Res. 06-195
- CA-9 Approve the Annual Catheys Valley Volunteer Fire Department's Fund Raising Bar-B-Cue as a County Sponsored Event for Insurance Purposes (Supervisor Bibby); Res. 06-196

- CA-10 Pulled by the County Administrative Officer
- CA-11 Approve a Service Contract with John C. Fremont Healthcare District to Provide Medical Services to the Mariposa County Adult Detention Facility, and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Sheriff); Res. 06-197
- CA-12 Approve a Service Contract with John C. Fremont District to Provide Dietary Services to the Mariposa County Adult Detention Facility, and Authorize Chairman of the Board of Supervisors to Sign the Contract (Sheriff); Res. 06-198
- CA-13 Approve Amendment to Legal Services Agreement and Authorize the Chairman of the Board of Supervisors to Sign Long-Term Legal Services Agreement with Current Providers of the Indigent Legal Services in Mariposa County (County Counsel); Res. 06-199
- CA-14 Approve an Agreement with the Coulterville Community Club, Inc. for the Operation and Maintenance of the Coulterville Community Club Located on the Real Property Commonly Known as the Coulterville Community School, and Authorize the Board of Supervisors Chairman to Sign the Agreement (Supervisor Turpin/County Counsel); Res. 06-200
- CA-15 Approve an Agreement with Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority (JPA) to Continue Providing Round Trip Transit Services from Mariposa County to Merced Junior College, and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Counsel); Res. 06-201
- CA-16 Approve the Small Claims Legal Advisor Agreement for Fiscal Year 2006/2007 (County Counsel); Res. 06-202
- CA-17 Adopt a Resolution to Accept funding for the Fiscal Year 2006-2007 in the Amount of \$6,450 for the Mariposa County Enhanced Felony Drunk Driver Supervision Program (Chief Probation Officer); Res. 06-203
- CA-18 Approve Budget Action Transferring Funds from the General Contingency and Increasing Revenue from Drug Test Fees to Cover Unexpected Court Ordered Expenses for Drug Testing and Support and Care (\$46,000) (4/5th's Vote Required) (Chief Probation Officer); Res. 06-204
- CA-19 Adopt a Resolution and Accept Funding for the Fiscal Year 2006-2007 for the Continuation of the Mariposa County Juvenile Justice Crime Prevention Act (JJCPA) Administered by the Corrections Standards Authority (CSA) (\$48,697) (Chief Probation Officer); Res. 06-205
- CA-20 Approve an Agreement between Yolo County and Mariposa County Probation Department for Placement of Mariposa County Detained Juveniles at the Yolo County Juvenile Detention Facility, and Authorize the Chief Probation Officer to Sign the Agreement (Chief Probation Officer); Res. 06-206
- CA-21 Approve an Agreement Between Madera County and Mariposa County Probation Department for Placement of Wards at the Correctional Boot Camp or Detention Facility and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Chief Probation Officer); Res. 06-207

- CA-22 Approve a Contract with Stericycle Company for Disposal of Medical Waste, and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Health Officer); Res. 06-208
- CA-23 Approve Amended State Standard Agreement for AIDS Prevention Program 04-35360, A02 for Fiscal Years 2005-2006 and 2006-2007 and the Amended MOU Number PREV 04-22, A02 for Fiscal Year 2005-2006, and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Health Officer); Res. 06-209
- CA-24 Approve a Contract for Services with Kerri Gibbons, REHS, to Perform Certain Environmental Health Functions in the Amount not to Exceed \$10,000, and Approve Budget Action Transferring Funds within the Health Budget (\$4,000) (Health); Res. 06-210
- CA-25 Approve an Agreement with Department of Health Services for Local Public Health Services in the Amount of \$352,764 for Current Fiscal Year, and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Health); Res. 06-211
- CA-26 Approve a Contract and Accept the HAVA Grant Money for Voter Accessibility/Disability in the Amount of (\$2,497), and Approve Budget Action Increasing Revenue and Appropriations in the Elections Budget (\$2,497) (4/5th's Vote Required) (Elections); Res. 06-212
- CA-27 Approve Budget Action Transferring Monies Among Categories in Order to Cover Increased Costs in Private Vehicle Expense for Fiscal Year 2005-2006 (Farm Advisor); Res. 06-213

5:27 p.m. Adjournment in memory of Jay Harvey McDonald.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA June 2, 2006 Special Meeting

Time _____ Description

10:19 a.m. Special Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

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 introduced Shelly Abajian, representing Senator Feinstein; Ameen Kahn, representing Senator Boxer; Bob Wiedman, representing Senator Poochigian and Assemblyman Cogdill; and Congressman George Radanovich. Tom Guarino, County Counsel, reviewed the declaration of emergency (action was taken on May 23rd), and he presented information on the cost impacts, and impacts to being able to provide emergency services. He advised that staff is recommending that the emergency be continued, and that authorization be given to enter into contracts, for up to a total amount of \$100,000, if necessary, before the next meeting. He advised of the emergency advisory council meeting that was held, and of the discussion of staging someone to monitor the area. He referred to the status of the declaration process with the Governor, and he advised that documentation is currently being prepared for the Governor to sign the declaration; and he further noted that the Board asked the Governor to request a Presidential declaration. Chairman Stetson noted that the County's response has been as full and active as possible, and everything has been done to gather information and to make resources available to those impacted by this situation. He also advised of a meeting he held in El Portal. Motion by Pickard to continue the emergency declaration, was held pending further discussion and input. Supervisor Pickard asked whether there are any additional findings to be included in continuing the emergency declaration. Tom Guarino advised that the Board could include additional information if it wants to wait for the reports before taking action.

Input was provided by the following:

Kome Ajise, District 10 Director for CalTrans, introduced Dinah Bortner/Deputy Director for Maintenance and Operations, and Julie Dunning/Deputy Director for Public Affairs. Chairman Stetson commended CalTrans for their efforts with this project. Dinah Bortner reviewed their activities thus far, including the history of slides in this area since 1999. She advised that they have a team of engineers looking at a temporary way to get across the river and back to open the Highway to traffic – they are trying to find a solution that will work while the slide continues to move. She further advised that they are looking at this from an unconstrained perspective in terms of money and environmental issues. They have hired a world-renowned expert with landslides. They are working with the County and with Yosemite to pull together a discussion team to look at all possible options. She advised that they have very rough calculations of the amount of debris that is involved in the active portion of the slide and of how that could impact the river if it all comes down. Dinah responded to questions from the Board relative to the landslide expert, and she advised that it is Duncan Wylie of Canada with 37 years of experience and she provided input on his background. Supervisor Turpin asked if the old rail road grade on the other side of the river would be covered if the slide comes down, and Dinah advised that they will ask the landslide expert to review that potential. Supervisor Bibby commented on public safety in the area and asked how far the barricades would extend, and she asked about plans to monitor the site. Dinah advised of their efforts to provide monitoring of the site and of surveying of the area to compare the activity of the slide. She advised that they do not have night video vision capability at this point. Further discussion was held relative to responsibility for providing the monitoring. Dinah

advised that there is a meeting scheduled for 1:30 p.m. this date for all agencies that are involved to look at identifying roles and responsibilities and to combine efforts for a focused plan. Supervisor Pickard asked whether there is a measurable timeframe of being able to make some determination of whether a massive slide may occur; and Dinah advised that they do not know. They estimate that the slide is moving nine inches a day; it could stop, slow down, or speed up.

Chairman Stetson called for input from the public.

Maureen Quintal, co-owner of the KOA Campground in Midpines, asked how long it will be before there is a temporary fix. Kome Ajise advised that as long as the slide continues to move, it will be difficult to do any work.

Jim Dulcich stated he feels the 24-hour watch is mandatory. If the slide comes down and blocks the river, the people up the river will be in danger of flooding. He asked if there is a plan to notify the people in case the river dams. Jim Allen, Sheriff, advised that they have the reverse 9-1-1 notification system and they have personnel to make contacts, and they are working with the Park Service. He noted that they are also concerned about the people downstream in the campgrounds. Jim Dulcich stated he feels the campgrounds that are downstream should be closed so that people are not in danger. He also asked if people with explosive expertise are available if the river dams up. Blaine Shultz, Fire Chief, provided input on their work to create scenarios to give an opportunity to review what the threats would be if the river becomes blocked. He commented on the enormous amount of dynamite it would take to remove the side of the mountain if it came down per CalTrans. He stated he does not know what the proposal would be at this time to clear a blockage. Jim Dulcich questioned whether provisions have been made to run the facilities in El Portal and Yosemite if the power lines come down. Chairman Stetson commented on contacts being made by the Fire Chief to obtain generators if they are needed. Jim Dulcich further stated he does not feel that money should be an issue to repair this. Chairman Stetson noted that there are several issues and several jurisdictions involved.

Mark Hendrickson, Government Relations Manager for PG&E, introduced Scott Rose, Area Maintenance and Construction Superintendent. Mark Hendrickson advised that PG&E could be potentially impacted by this slide and he advised that they are fully committed to mitigate the situation. They have a response team preparing for the relocation of facilities in the area. He advised that PG&E is committed to assisting the County in any manner possible and they are taking a proactive approach and they will use all of their available resources. They appreciate their long-standing relationship with the County. Scott Rose presented information on their plans to relocate the transmission lines and towers to across the river. Mark and Scott responded to questions from the Board relative to their timeframes for relocating the lines, and advised that they plan to have the survey results this afternoon and the engineers will finish the design work, and they hope to begin digging for the new poles on Saturday. They will fly in equipment and personnel to install the new poles, and hope to have the line completed by early next week. Supervisor Stetson asked how long it would take to restore service if the towers slide in the interim, and he was advised that it would take the same amount of time. He asked about the interruption of service to change over the lines, and was advised that it could take 8 to 12 hours. He asked that the impact be minimized as much as possible and that input be obtained from those affected on the best time to do the changeover. Supervisor Fritz asked for clarification of whether this is a temporary fix, and she was advised that this is a permanent solution; however, they may come back with steel poles in the future. Supervisor Bibby asked that as much advance notice as possible be given to customers of the outage for the changeover.

Marjorie Wass, County Clerk, advised that elections are scheduled for next Tuesday, and she advised of the need to have access to power. Mark Hendrickson advised that they are aware of the elections and they will do everything they can to mitigate the impact so that the voted can be carried out without interruption. Supervisor Bibby commented PG&E for their efforts in this matter.

Dave Martin, U. S. Forest Service Sierra National Forest District Ranger, provided input relative to their expedition of the permit process.

Jim Dulcich asked if the slide comes down before PG&E disconnects the lines, whether several towers could be taken out. Scott Rose advised that would be a possibility; however, they are working on that issue.

Maureen Quintal asked what area would be affected by the power outage, and was advised that the areas would include Indian Flats, El Portal and Yosemite.

Supervisor Turpin thanked Dave Martin, and he noted that both the Stanislaus and Sierra National Forests are involved. Dave Martin clarified that each Forest has jurisdiction over each side of the river; however, the Sierra National Forest has administrative accessibility.

Leslie VanMeter asked about the potential of fires starting from the power lines. Mark Hendrickson advised that they have protection devices.

Sheriff Allen provided additional input relative to the reverse 9-1-1 system and he advised that information was provided to the citizens of El Portal relative to the need to have a rotary phone if there is a power outage. He also advised that they are working closely with the agencies and coordinating with volunteers for notification if necessary.

Jim Dulcich asked if there are any projections on how much the river would back up and what would happen if the river is dammed. Blaine Shultz advised of preliminary review of the potential impacts from inundation; and he advised that they are still working on the calculations. Mike Coffield, Interim County Administrative Officer, advised that the County is at the limit of its technology – hydrology and geology are beyond the ability of the County; however, the County will hire engineers with expertise in these areas if the state and federal government do not pursue this.

Maureen Quintal asked about assistance for individual businesses. Tom Guarino noted that we have been assured that we will get support for whatever is available. Maureen asked about being able to get timely and accurate information. Supervisor Pickard suggested using the website. Chairman Stetson noted that photographs have been posted to the Sheriff's website.

Supervisor Bibby asked about being able to get a commitment that all of the agencies will work together with the equipment monitoring. Julie Dunning advised that this matter is on the agenda for the agency meeting this afternoon. Board members expressed the need to get the message out to the media that Mariposa and Yosemite is open.

Sonia Brazzel, store owner in town, commented on the negativity being in the news; and she noted that we have so many wonderful things, restaurants and stores for the visitors. She stated Mariposa should be advertised as a place to get away and take a breath of fresh air in the pines and enjoy a nice day out. She noted that we have a State Museum and history to be enjoyed. She stated this disaster has been tough for the merchants.

Jeanine Scott, Zephyr Rafting Company, advised that they are rafting on the Merced River, and that activity could be advertised for the County.

Kenneth Gosting, Executive Director for TIE (Transportation Involves Everyone), presented information on an incident that occurred in Montana in 1959 (Hebgen Lake) and he commented on the potential for a similar incident to occur with this disaster. He stated he feels that we need to differentiate the geographic location of the slide in relation to Mariposa and Yosemite to minimize the damage of the news trying to place everything together. He noted that TIE has been working with two members of the Board relative to the informational message systems and signage and website information for the National Park Service and for CalTrans. He played the recorded message from CalTrans relative to Highway 140. Supervisor Stetson noted that they are continuing to work on these issues. He also noted that the incident in Montana that was referred to, involved ten times the amount of material that is projected in this situation.

Kim Tucker, President of the Board of Trustees for Mariposa County Unified School District (MCUSD) and Mariposa County Board of Education, read a letter into the record, on behalf of the District, regarding the impacts of the current Highway 140 closure.

Patrick Holland, MCUSD Superintendent, provided information on their transportation plans for the remainder of this school year; and he advised of their concern with the additional commute time and its impacts on staffing and the students and families. Supervisor Pickard asked that the District track its costs and share the information with the County for the emergency declaration process.

Suzette Prue, representing the Yosemite Institute and John C. Fremont Healthcare District, provided a reminder that there are small companies that are being heavily impacted and they would like to be involved. She also noted that the Hospital is supported by the sales tax which comes from tourism, and there is no cash reserve. Supervisor Pickard asked that the information on the impact of the disaster be shared with the County to include in the process.

Kevin Cann, Yosemite National Park Service, commented on the affect the Highway closure is having on their employees. He advised that they have eliminated the problems with waiting at the

entrance stations by adding personnel. He further advised that the incident command team is working together, and their goal is communication with good information. They are willing to assist in any way that they can.

Brad Anderholm, Chief Operating Officer for Delaware North operations at Yosemite, provided input on the impact this is having on their employees. He stated he would like the Board to push to get to the Federal level to get a short-term solution, including the possibility of using the Army Corps of Engineers to install temporary bridges.

Dave Martin noted that the slide is on land in the Sierra National Forest, and he extended his assurance that they will do everything within their power to assist with this situation.

Supervisor Fritz thanked Susan Crain and the Visitors' Bureau for working on advertisement to bring people to the County. She noted that during the 1997 flood disaster, the Small Business Administration (SBA) came in with low/no interest loans. Board members commended the various agencies and YARTS for their efforts in this matter. Supervisor Turpin noted that Highway 132 is an alternate route to Yosemite, and he stated he would appreciate CalTrans' efforts in helping to influence Tuolumne County for the use of Smith Station Road. He noted that Mariposa County was cooperative with the use of our roads during the recent closure of Highway 120.

Ameen Kahn advised that Senator Boxer has been and will continue to be briefed on the situation. He noted that one of her concerns is the economic impact on the communities and the small businesses; as well as public safety and transportation. He advised that they are working to reach out to as many stakeholders as possible and they are here to help facilitate communication and to assist.

Ron Morehead stated he owns businesses in El Portal and he is concerned with being able to provide temporary housing for his employees. Six hours of travel time is unacceptable.

(M)Pickard, (S)Fritz, Res. 06-215 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. Supervisor Pickard noted the need to continue to work with the legislatures for a Presidential Declaration. Tom Guarino clarified that the declaration includes information received today for the underlying findings. Ayes: Unanimous.

(M)Pickard, (S)Turpin, Res. 06-216 was adopted authorizing the Interim County Administrative Officer (CAO) emergency authority to expend up to \$100,000 to secure services that may be needed for this disaster. Supervisor Pickard asked about the funding source. Mike Coffield advised that the source is the General Fund Contingency; and that if there is time to schedule requests on the agenda, he will do that. Ayes: Unanimous. Tom Guarino asked the Chair to direct the Clerk of the Board to schedule the local emergency item on each of the following agendas until such time as the emergency is resolved; and the Chair so directed. Further discussion was held.

Susan Crain, Visitors' Bureau Coordinator, provided input relative to her contacts with Edelman and she advised that they have sent out media and radio advertisements; and she would like to extend the dollar amounts in the marketing contracts. She also commented on additional work on the website. Chairman Stetson suggested that the contracts be scheduled for the Board. She commended Don Haag of the Chamber of Commerce for his work with the visitors.

Leroy Radanovich referred the letter he sent to the Board offering his assistance. He also noted that there was a slide when Yosemite was first opened as a State Park and the publicity increased visitation.

Public Presentation: The Public May Only Address the Board on Items Listed on the Special Meeting Agenda – input was taken during the foregoing discussion.

12:29 p.m. Adjournment

Respectfully submitted,

Margie Williams
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

June 13, 2006



Time Description

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

Pledge of Allegiance

Introductions

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: Allen Johnson, U. S. Forest Service Incident Command Team, gave a power point presentation on the landslide, which has been named the "Ferguson rock slide." He advised of the objectives developed by the Incident Management Team. He advised that they have people in from the Army Corps of Engineers and geologists to evaluate the situation and the potential situation if the slide blocks the river. He noted that they now feel that the worse-case scenario would be a 100-foot dam. Discussion was held relative to their review of options for keeping the river flowing and for removing the debris. Supervisor Fritz suggested that an opportunity be given for the merchants to sell the rocks. Supervisor Stetson advised of public meetings scheduled in Midpines and El Portal this week to provide the public with information on the status of slide.

Dave Martin, District Ranger for the Sierra National Forest, advised that all of the agencies, including CalTrans, the National Park Service, and the Sheriff's Department are working on this situation and trying to find solutions to the hardships of those being affected by this disaster.

Kevin Cann, Yosemite National Park, advised of issues they are working on. He advised that they have not been seeing an increase in the other entrances to the Park. He noted they are working with their gateway partners to alternate press releases to be more effective.

Chairman Stetson noted that the Sheriff's Department has been preparing evacuation plans for worse-case scenarios. Jim Allen, Sheriff, provided input on their notification planning and he advised that they have been in contact with those that could be affected. He also commended the Interim County Administrative Officer for his assistance.

Supervisor Turpin commented on using Highway 132 as an alternate route.

Input from the public was provided by the following:

A lady from the audience commented on using Tioga Pass.

Ken Gosting, TIE (Transportation Involves Everyone) commented on attempts to correct the message information system. He stated they feel there is a need for people to get together on the information that is being put out.

Leroy Radanovich introduced Jeanine Scott of White Water Rafting Expeditions.

Jeanine Scott commented on the information that is being put out relative to the status of rafting; and she advised that they are rafting every day below the slide, and she asked that the information to the public be correct.

Ken Gosting referred to TIE's previous input relative to the trail improvements along Mariposa Creek, and he suggested that the project be expedited as it could be used by the tourists.

Dick Hutchinson, speaking for the downtown merchants, asked that a positive attitude be put forth. Supervisor Fritz noted that this is the time when everyone needs to be shopping locally.

Eleanor Keuning stated she agrees that the public should be encouraged to visit.

(M)Pickard, (S)Turpin, Res. 06-217 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.

9:50 a.m. Recess

10:02 a.m. Public Presentation: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Supervisor Stetson congratulated the victors in the June 6th election: Bob Brown/District Attorney, Jim Allen/Sheriff, Keith Williams/County Clerk-Treasurer-Tax Collector, Judge Parrish, Superintendent Patrick Holland, Becky Crafts/Assessor-Recorder, and Supervisor Bibby. He noted that the District I Supervisorial election is still to be resolved.

Len McKenzie, MERG, commented on the General Plan Update and the draft Environmental Impact Report, and he stated they are concerned about potential growth, development, and preservation of the rural character. He advised of the responses they received to the surveys that they sent out. He advised that they are concerned about the potential for development before the Update is adopted; and he stated they believe that time is needed for staff to finish the Plan. He requested that the Board adopt a temporary moratorium on additional parcelization of land in Catheys Valley and Hornitos. He stated that MERG is not opposed to growth, but they believe it must be sustainable. He also advised of the change of what "MERG" stands for – "responsible growth" has been changed to "responsible government." He introduced Rita Kidd, MERG Committee for the Preservation of Catheys Valley and Hornitos.

Rita Kidd read the letter into the record from the MERG Committee for the Preservation of Catheys Valley and Hornitos requesting a moratorium on the parcelization Western-lying lands in Mariposa County, and she presented a petition that she said contains nearly 500 signatures from Mariposa County residents and landowners in support of the moratorium. She also provided a copy of Amador County's Resolution No. 05-477 imposing a similar moratorium. She requested that the Board place the moratorium to be effective until the adoption of the General Plan Update as a protection of health and safety. She also requested that the Board schedule a public hearing within thirty days of this request. She clarified that the request is not a moratorium for building permits for legal uses on existing parcels. She reviewed the history of Catheys Valley planning and advised that Hornitos has had no opportunity for input during this process.

Tolley Gorham stated he feels it would be detrimental to the future of the County to place a moratorium as requested. He advised that he recently circulated a petition signed by mostly business owners, and he will present that to the Board later. He stated that people feel that this could lead to a moratorium in the rest of the County, and perhaps to a building moratorium. He stated he feels that it is wrong to say that the General Plan is no longer a viable document. He noted that all current development must comply with requirements, and he referred to recent subdivisions such as the VanNess Ranch that he feels are quality examples of how we can enjoy our rural lifestyle and not have sprawl. He stated he does not understand how there are health and safety issues that are not being addressed under the General Plan.

Rick Uebner, Catheys Valley resident for 35 years, suggested that Tolley Gorham be present for the Redington Ranch appeal hearing this afternoon so that he can see the magnitude of the potential for growth. He read his letter into the record expressing concern with the potential for rampant development which he feels would destroy the rural lifestyle. He stated he supports the request for a moratorium of parcelization.

Delores Cabezut Ortiz stated she lives in Merced; however, they are cattle ranchers and property owners in Hornitos, and she referred to her family's history in the area. She asked for consideration of establishing a Hornitos planning area advisory committee. She advised of a community meeting that was held on June 9th and she presented a petition signed by area residents showing support for establishing the committee.

Chairman Stetson noted that this is the time for public presentations and that action can only be taken on those items that are scheduled on the agenda.

Brett Baumann stated he is a citizen of Catheys Valley and involved with real estate for Catheys Valley and Mariposa Homes and Land Company. He stated he is present with a neutral position. He advised that they have been involved in 71 percent of the sales in the Catheys Valley area in the last six years, and he is a member of the Farm Bureau. He noted that the people that want to develop in Catheys Valley are local citizens and business people. He stated he feels that the moratorium group has a targeted effort and did not send postcards to everyone. He stated he would like to protect Catheys Valley and he represents both sides; however, he is not a developer. He stated he does not feel that the County can only depend on tourism, we need tax dollars. He stated he feels that moratorium would be a wrong move.

Tom Porter stated he is a developer in the Don Pedro area and he cringes at the word “moratorium” and he feels it has a creep value – it will expand. He urged the Board to stay the course with the General Plan Update and to not consider a moratorium. He cited a situation in Mendocino County and in El Dorado where a moratorium crept into development that he is involved with, and the impacts.

Paul Chapman stated he agrees with a moratorium until the “whole mess with the General Plan” is done. He referred to the Consent Agenda items from Human Services and stated he feels that there are a lot of consultants and agreements in spite of the number of employees in the Department. In referring to other Consent Agenda items, he stated he feels that the Board needs to sever its ties with the Arts Council; he feels that County Counsel should not hire law firms to assist with the work; and he does not feel that the composting facility is working, so it is not complete. He referred to other agenda items and stated that he feels that the Fire Chief position should be advertised to obtain a qualified person; and he does not feel that we need or can afford a County Administrative Officer.

David Raboy stated he and his wife discussed their move to here - the people and the community are diverse. However, he does not understand the thinking referred to by Tom Porter. He wants some growth, but there is a diverse array of people. He stated he feels that we need to step back and think about what we are doing and get the General Plan done and everyone will have a say of the rules to go by.

Ruth Sellers referred to the Consent Agenda item relative to the Professional Services Agreement with John P. Trujillo, PhD.; and she suggested that the parenting classes be provided through adult education with credentialed teaching.

Theresa Castaldi stated she owns a cattle ranch in Catheys Valley, and she agrees with Tolley Gorham. She does not feel that a moratorium is the answer.

Walt Bonner suggested that there be deep-water testing in Don Pedro. He noted that his leach field could not keep up with the heavy rains this year. He feels a temporary moratorium would allow time for a study and controlled growth. He suggested that the Lake Tahoe growth moratorium be reviewed.

Norm Miller, Catheys Valley resident, stated he did not receive notice of the Catheys Valley meeting. Most of the people that he discussed the moratorium issue with do not like a moratorium – they feel it will impact the County, especially with the slide.

Manual Souza stated he had to go outside of the County to purchase a cattle ranch, he could not get enough land here. He stated he supports community activities, and he has not seen the developers do that. He stated he feels that if people in Catheys Valley desire to remain rural, they should have that opportunity. He understands the need for development; however, it should be done responsibly and respect the wishes of the community. He referred to recent development in Merced County and floods that resulted from the heavy rains because the farm land had been developed and there was no place for the water to go. He stated he feels that we need to be smarter and learn how to solve problems. He stated he does not feel that the committee picked and chose who to send the moratorium survey postcards to.

David Butler stated he feels the response from the MERG committee is from a small group; and he agrees with responsible development. He referred to the history of the population changes in the County. He does not feel that a moratorium is the answer. He noted that we have a new General Plan coming, and he feels that we are still okay the way we are moving along; and he urged the Board to not impose a moratorium.

Noreen Borba stated she is a resident of Merced; however, her family comes from Mariposa County. She sees the development being faced by Merced County – they are ranchers and are being surrounded by development. She begged the Board to consider how pristine the West/Southern region of the County is, and she noted that it is still viable for ranching. She stated the Snow Creek basin and Jerseydale area used to be beautiful areas in the County and now they have become developed. She stated she feels development should be prevented in the sense of subdivision as much as possible in the West/Southern region, including the White Rock area.

Dick Wilkey stated he supports the moratorium. He stated he feels that infrastructure needs to be taken care of first. He referred to the earlier comments by Tom Porter relative to development of Don Pedro, and he noted the sewer problems that are being experienced in the area. He stated he is not against growth.

11:00 a.m. The Local Agency Formation Commission meeting was continued until after the following matters.

Mike Coffield, Interim County Administrative Officer, advised of an off-agenda request received from Odella's Antiques for support of a Street Fair in town. He advised that he did not receive the information that was necessary for this item in time for the agenda, and the event is scheduled for June 21st and needs to be publicized. (M)Fritz, (S)Pickard, the Board waived the rules requiring 72 hours agenda noticing to consider this request, finding that the information was not available at the time the agenda was prepared and it is a matter of timeliness as the event is scheduled for the next week. It was noted that Dell Knell, Odella's Antiques, has been working with the merchants on this event. Ayes: Unanimous. (M)Fritz, (S)Pickard, the request was added to the agenda to be discussed later this date/Ayes: Unanimous.

11:06 a.m. MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Garber Lot; Agency Negotiator: Thomas P. Guarino; Closed Session will Concern: Price and Terms of Leasing Property (County Counsel);

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9. Number of Cases to be Discussed: 1 (County Counsel); and

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: 1) Cooper v Swenson; and 2) Bird v Mariposa County (County Counsel)

BOARD ACTION: Following discussion relative to the schedule for the meeting, (M)Bibby, (S)Pickard, the closed sessions were held/Ayes: Unanimous.

Supervisor Bibby excused herself from the following closed session due to a potential conflict of interest as she has a remainder interest in an estate for real property with her cousin; and her cousin is employed at the Jail.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative: Thomas P. Guarino, County Counsel (County Counsel)

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

11:52 a.m. The Board reconvened with Supervisor Bibby excused for the following announcement. Chairman Stetson announced that direction was given to staff on the closed session matters; one matter was continued to later this date; and he read a statement into the record relative to settlement of labor negotiations with DSA.

11:56 a.m. The Board recessed for LAFCo to convene, and Chairman Stetson announced that the Board would reconvene after the LAFCo meeting.

Kris Schenk, Planning Director;

LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (See Separate Minutes)

12:26 p.m. The Board of Supervisors reconvened with all members present.

Jacque Meriam, Librarian;

Adopt a Resolution Approving an Agreement Between the Mariposa Museum and History Center and the County of Mariposa for the Preservation and Access to the Documentary Heritage of Mariposa County and Authorize the Chairman of the Board of Supervisors to Sign the Agreement.

BOARD ACTION: Discussion was held with Jacque Meriam relative to the request, and she thanked all of the affected departments and the Historical Sites and Records Preservation Commission and the Mariposa Museum and History Center for their work on this matter. (M)Pickard, (S)Fritz, Res. 06-218 was adopted approving the agreement. Supervisor Pickard noted the need to locate a storage place for the electronic elections equipment. Ayes: Unanimous. Jacque Meriam advised that she will come back with a process of how to retain the current records.

Christopher Ebie, Auditor;

A) Report on the Teeter Program for Distribution of Property Tax Assessments to Mariposa Public Utility District and Lake Don Pedro Community Services District and Approve Budget Action Appropriating Penalties and Interest to the General Fund Contingency (\$25,200) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Chris Ebie. (M)Pickard, (S)Turpin, Res. 06-219 was adopted approving the request/Ayes: Unanimous.

Approve Budget Action Transferring Supplemental Property Tax Administration Fees to Increase General Fund Contingency (\$81,162) (4/5ths Vote Required)

BOARD ACTION: Following discussion, (M)Fritz, (S)Turpin, Res. 06-220 was adopted approving the request/Ayes: Unanimous.

Authorize the Auditor to Purchase Cost Plan Software from A-87 Consulting and Approve Budget Action Transferring Funds from General Contingency for the Cost of the Program (\$1,600) (4/5ths Vote Required)

BOARD ACTION: Discussion was held, and Chris Ebie advised that he will bring a contract back for the software. (M)Bibby, (S)Turpin, Res. 06-221 was adopted approving the request. Supervisor Pickard asked that the Auditor confer with the Technical Services Director on this purchase. Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 3, 11 and 21. (M)Fritz, (S)Pickard, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 3 – Agreement with John Trujillo, PhD., to provide parenting classes. Supervisor Bibby asked for clarification of spirituality as listed in the curriculum; and she asked for a response on the earlier input suggesting that the parenting classes be provided through adult certified education. The matter was continued to be scheduled for discussion with the Human Services Director.

Consent Agenda item 11 – Agreement with Best, Best and Krieger for continuation of personnel counsel services. Supervisor Bibby asked for clarification of whether the services include DSA or SMA in any way. Tom Guarino, County Counsel, responded that the agreement covers the balance of legal matters. At 12:44 p.m., Supervisor Bibby excused herself from this matter due to a potential conflict of interest as she has a remainder interest in an estate for real property with her cousin; and her cousin is employed at the Jail. (M)Fritz, (S)Pickard, item 11 was approved/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

Consent Agenda item 21 – hazardous materials specialist job description. Supervisor Bibby asked for clarification of whether the position will be filled given the item on the agenda to discuss enhanced budget management. Mike Coffield, Interim County Administrative Officer, advised that it is the intent that the position will be filled. (M)Bibby, (S)Fritz, item 21 was approved/Ayes: Unanimous.

Approval of Minutes of May 9, 2006, Regular Meeting (Clerk of the Board);
Approval of Minutes of May 16, 2006, Regular Meeting (Clerk of the Board); and
Approval of Minutes of May 18, 2006, Emergency Meeting (Clerk of the Board)

BOARD ACTION: (M)Bibby, (S)Fritz, the minutes were approved, with a correction to the minutes for May 16th/Ayes: Unanimous.

Discussion and Possible Action to Cancel the Board’s Regularly Scheduled Meeting for July 5, 2006 (Chairman Stetson)

BOARD ACTION: Following discussion, (M)Pickard, (S)Bibby, Res. 06-242 was adopted cancelling the July 5th meeting/Ayes: Unanimous.

Board Information

Supervisor Fritz advised that she attended the Juvenile Justice Committee meeting on Wednesday. She noted that the Arts Council is open following the collapse of the wall on the Fremont Adobe building. She plans to attend the CSAC Board of Directors meeting in Sacramento on Wednesday and Thursday; and on Friday, she plans to attend a Child Abuse Prevention training in Modesto. The District IV meeting is scheduled for this evening at the Government Center at 6:00 p.m.; the event committee meeting is scheduled for June 20th at 6:15 p.m, and they are planning for the 4th of July event; Parking District meeting is scheduled for June 22nd at 6:00 p.m.; and the Street Fair is scheduled for June 21st. She advised that the Soroptimist of Mariposa applied for a \$10,000 grant, and received \$8,000 to help finish and furnish the shelter for Mountain Crisis Services.

Supervisor Bibby wished the class of 2006 a happy and prosperous graduation.

Supervisor Turpin advised that he sent a letter to Tuolumne County asking for their support to allow commercial traffic, including 45-foot buses, on Smith Station Road as an alternative route during the closure of Highway 140 due to the landslide. He noted that Lake McClure is within two feet of being full. They had a rockslide on Bagby grade on Saturday, and the Highway 49 North was closed for awhile. He advised that he plans to attend the School Board meeting this evening, and they will be addressing the agreement with Red Cloud Library. On Monday, he traveled to Oakdale and noticed the difference in taking care of the noxious weeds, and he noted that Mariposa County is ahead of the curve.

Supervisor Stetson advised that he plans to attend the Emergency Medical Services Agency Board of Directors meeting on Wednesday at the Government Center. He advised that several meetings are being held in El Portal and Midpines relative to the landslide issue.

Approve Budget Action Transferring Funds Within the Risk Management Budget to Accommodate the Workers’ Compensation Administration Fee that is Greater than Anticipated (\$1,707) (4/5ths Vote Required) (Interim Personnel/Risk Management)

BOARD ACTION: Following discussion, (M)Bibby, (S)Fritz, Res. 06-243 was adopted approving the budget action/Ayes: Unanimous.

Discussion and Direction on Enhanced Budget Management (Interim County Administration Officer)

BOARD ACTION: Mike Coffield, Interim County Administrative Officer, initiated discussion. Based on the unknown economic impacts with the landslide, he encouraged saving wherever possible. The Board concurred with deferring to the 2006-07 budget deliberations any requests for additional or supplemental discretionary funding; and with requesting all department heads to minimize expenditures for the remainder of the year, consistent with the provision of effective services, including leaving positions vacant until June 30th, if the workload can be absorbed.

1:00 p.m. Supervisor Bibby excused herself from the following matter due to a potential conflict of interest as she has a remainder interest in an estate for real property with her cousin; and her cousin is employed at the Jail.

Authorize Implementation of the Last, Best, and Final Offer to the Deputy Sheriffs' Association (DSA) Effective July 1, 2006 (County Counsel/Interim Personnel/Risk Manager)

BOARD ACTION: Tom Guarino, County Counsel, advised that given the Board's action out of closed session relative to reaching agreement with DSA, the Board can drop this matter from the agenda.

CLOSED SESSION: Public Employee Employment; Title or Position to be Filled: Fire Chief/Emergency Services Officer [Government Code Section 54957(b)(1)] (Interim County Administrative Officer);

CLOSED SESSION: Public Employee 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/Interim Personnel-Risk Manager); and

CLOSED SESSION: Public Employee; Performance Evaluation of the Interim County Administrative Officer (Interim County Administrative Officer)

BOARD ACTION: (M)Pickard, (S)Turpin, the closed sessions are to be held at 1:30 p.m., along with the continued closed session from earlier this date/Ayes: Unanimous.

1:02 p.m. Lunch

1:35 p.m. The Board convened in closed session.

2:19 p.m. The Board reconvened in open session. Chairman Stetson opened the public hearing for the formation of Assessment District No. 05-01/Lake Don Pedro Sewer Zone and the public hearing for the Redington Ranch appeal and continued the hearings until after the following matter.

Mike Coffield provided information relative to the request for support for the Street Fair. Dell Knell, Odella's Antiques, requested financial assistance for advertising, waiver of fees for the encroachment permit, and funding for entertainment. The plan is for the Farmer's Market to move to this new location downtown. Mike Coffield advised that the Tourism Coordinator estimates about \$1,500 for advertising for the next couple of weeks and \$200 for entertainment, for a total of \$1,700 from the promotional line item in the Tourism budget. Supervisor Fritz advised that the events committee reviewed the request. Supervisor Pickard clarified that this would be a County-sponsored event for liability insurance purposes. Dell Knell advised that this is a community event. (M)Fritz, (S)Pickard, Res. 06-244 was adopted approving the budget request for \$1,700 for the Street Fair event; and approving the Street Fair as a County-sponsored event to be held on a weekly basis as long as the weather allows. Dana Hertfelder, Public Works Director, provided input relative to the encroachment permit, and he advised that there is some concern received from the merchants as to which streets will be closed to traffic for this event. He requested direction on which streets will be looked at for closure for the event. Dell Knell advised that if the merchants are opposed to the use of 6th Street, the event will be held on 7th Street. Supervisor Pickard asked about using the Arts Park, and Dell advised that they are planning to use it for live entertainment. She also advised that they are working with the Rural Media/6th Street Cinema to change their movie night to Wednesdays to coincide with this event; and they are working with Parks and Recreation relative to use of the pool in the future. Dana Hertfelder advised that he is okay with the use of 7th Street. The motion was amended, agreeable with the maker and second, to include approval of the use of 7th Street and the parking lot. Approval of any future expansion would need to come back to the Board. Supervisor Bibby asked about coordinating the event with MPUD and maintaining fire access. Ayes: Unanimous.

Chairman Stetson announced that direction was given to staff as a result of the closed session, and that the remaining closed session items were continued to later this date.

Dana Hertfelder, Public Works Director;

PUBLIC HEARING Regarding the Formation of Assessment District No. 05-01 for the Wastewater Facilities Project for Lake Don Pedro County Service Area 1-M Sewer Zone No. 1, the Levy of Assessments and Collection of any Remaining Assessment Ballots

BOARD ACTION: Chairman Stetson advised of the hearing process for this matter; and he advised that the assessment ballots or replacement ballots would be accepted at any time before the close of this public hearing. The ballots will be tabulated on June 15, 2006, at 10:00 a.m. in the Board Chambers. Dana Hertfelder provided the staff report, and he advised of the receipt of a one and one-half million dollar grant from the State Water Quality Resource Control Board for this project. He advised that if the assessment does not go through, we will lose the grant and he does not feel that Don Pedro would qualify for this grant in the future. He reviewed the history of the project; and he advised that the following were present to answer questions: Fred Solomon/project manager; Carl Casey/Public Works Administrator; Ed Wilson/assessment engineer; and Scott Ferguson/bond counsel. Staff responded to questions from the Board relative to the letter from the Department of Conservation and whether that impacts today's action. Dana Hertfelder advised that the June 21, 2004, action was based on a letter received from the Department of Conservation and findings made by the Board. He advised that the parcels were selected because of their location to the wastewater collection system. There is no other land available and the State agreed with the County using these parcels. He noted that although a sewage treatment plant was not on the list of compatible uses for land under Williamson Act contract, the Board adopted a resolution finding that it is a compatible use. This project will only impact about eight percent of the property, and the remaining land will be available for grazing; and the State looks at anything under twenty-five percent as not being an impact to the land. Fred Solomon advised of a meeting that County staff held with the Department of Conservation before any actions were taken; and of subsequent correspondence answering concerns; and he advised that as a result of that, the findings were enumerated that the Board adopted and they were sent to the Department of Conservation prior to the Board taking action. All of the information for the project was provided to the Department. Then they received a letter from the Department advising that the findings could be made. The County then proceeded with the project and has expended about one million dollars on this process. He noted that if the project does not move forward, the grant from the State Water Quality Resource Control Board will be lost.

Input from the public was provided by the following:

Cathie Pierce, Mariposa Farm Bureau President, advised of a letter they received from the State Department of Conservation, dated June 6, 2006 from Dennis O'Bryant, that addressed Williamson Act clarifications; and advising that the Department does not generally consider a wastewater treatment plant to be a compatible use on land under Williamson Act contract. She stated there is a difference between non-renewal and cancellation and findings for a Williamson Act contract. She read the letter they received from the State Department of Conservation, dated June 8, 2006 from Stephen Oliva, into the record. She stated they feel the County is breaching the Williamson Act contract and is breaking the law; and she feels the contract should have been cancelled versus non-renewal.

The public portion of the hearing was closed. Supervisor Bibby asked for verification that proceeding with this project will not trigger action by the State against the County relative to the Williamson Act contract; and she asked about options for dealing with the Williamson Act contract and compliance. Dana Hertfelder advised that they just received the June letters from the State that Cathie Pierce referred to. Fred Solomon advised of the timeframes and costs for dealing with Williamson Act contract cancellations and non-renewals. He stated he feels that there is compliance with the Williamson Act as findings were made for the improvements. Discussion was held relative to the Williamson Act issues. Supervisor Turpin noted that the Board's previous action was based on a previous letter from the State, which he felt gave the County permission to proceed with this project. Supervisor Pickard stated he agreed. Supervisor Bibby asked County Counsel whether there is anything referenced in the June 8th letter from the State that triggers any concern. Tom Guarino,

County Counsel, advised that the Board made findings under Section 51292, which deals with the location of a public improvement within an agricultural preserve; and those findings are separate from the compatible use issue. He also noted that two years have passed since the findings were made. He advised that the issue before the Board today is to deal with the assessment ballots. He sees no threat in the letter that the State is going to take any action against the County; however, he just received the letter and is unable to advise whether he sees any basis for a challenge on the entire action. Chairman Stetson made a final call for assessment ballots or replacement ballots to be cast, and none were received. The public hearing was closed.

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, delivered an overview on the appeal of an application for nine Certificates of Compliance, advising that the application was incomplete for the purposes of processing. He also stated that there is a prior appeal of the Director's determination for an incomplete application for three Certificates of Compliance at the Planning Commission level that hasn't been acted upon. Schenk stressed that the Mariposa Planning Department has never seen a proposal of this size or scope. This property is 15,000 acres and located at the western edge of Mariposa County and involves a total of at least 90 Certificates of Compliance. Following this application there was a submission for an additional 62 Certificates of Compliance, bringing the total to 74 Certificates of Compliance, all of which are under Williamson Act Contract. Schenk stated that the Board will see maps later in the hearing indicating that there are considerably more certificates that can be applied for on this ranch. Recently the entire property recorded a Notice of Non-Renewal under the Williamson Act, meaning that over the next 19 years those parcels will be withdrawing from their reduced tax assessment status. Planning's concern is that this is a parcelization of Redington Ranch. If this isn't done correctly in compliance with Williamson Act, county requirements and state law requirements, this will put at risk Mariposa County's agricultural heritage and our rural character. Usually an application for a Certificate of Compliance it is looked at as an administrative decision with no element of discretion involved. However there are substantial concerns when Planning receives applications for this large amount of Certificates of Compliance, grouped together, at a location like this, all on contracted lands and involving questions regarding the resulting parcels meeting Williamson Act requirements. Schenk stated staff is concerned regarding possible California Environmental Quality Act (CEQA) impacts, the loss of agricultural land and consequences, simply because Planning hasn't received information that enables staff to evaluate the threats to agricultural land that are the direct result of processing these particular Certificates of Compliance. He advised that a staff report has been prepared with the specifics of the project that staff feels are not in compliance with the requirements of Planning. Schenk stated that the other side of this issue is that Planning believes that the resolution of these Planning deficiencies is relatively straight forward. Staff would like the applicant to take the steps necessary to ensure that the parcels that result will remain in compliance with the Williamson Act contract provisions and with the Agriculture Exclusive (AE) zoning that all of these parcels are currently subject to.

Sarah Williams, Deputy Planning Director, advised that this appeal is of the Planning Director's determination that the application for nine Certificates of Compliance is not complete for processing. She referred to a map during her Power Point presentation showing the location of the property in the White Rock Road area southwest of Catheys Valley, near the Mariposa/Merced Counties line. There

are nine Assessor Parcel Numbers (APNs) contained in Redington Ranch ownership. The applications for Certificates of Compliance are for nine historic patent parcels comprising of a 1,160 acre portion of APN -18-040-002 which is a 2,862 parcel. The other five applications comprise of an 1,800 acre portion of 018-020-011 which is an 8,462 acre parcel. All of these parcels are in the AE zoning designation and Williamson Act Contract No. 71. The Planning Director determined that this application is a project pursuant to CEQA; and that the application together with other applications for the Certificates of Compliance may be considered a phased project. Based upon pre application meetings, Redington Ranch planned to submit applications for as many as 100 historic patent parcels within the ranch. Williams advised that the Notice of Appeal focused primarily on the review requirements of CEQA, then made mention of the related appeal that is in front of the Planning Commission for three Certificates of Compliance that were submitted prior to the nine being considered today. Williams advised that the scheduled date of the continued hearing for the Notice of Appeal to the Planning Commission is June 23rd, and she described the issues raised by the applicant. Williams informed the Board that the primary requirement established by Director's determination was that the submittal of all applications for Certificates of Compliance for the Redington Ranch properties was necessary to address CEQA implications. She said the Planning Director's determination also considered a number of factors: the existence of 100 +/- historic parcels in the Ranch; most property owners in the County submit Certificates of Compliance for the maximum number of historic parcels within their property; and Mariposa County does not typically process applications for Certificates of Compliance for portions of an APN leaving a remainder. This would result in the potential for administrative challenges relative to review of future building permits, parcel legality and development standard compliance. Also, Redington Ranch submitted a Notice of Non-Renewal. The determination considered that applications for 100 Certificates of Compliance on Williamson Act contracted land should trigger CEQA review. Redington Ranch consists of 15,000 acres and represents 7percent of Williamson Act contracted lands in Mariposa County. Other points stated by Williams are that 100 Certificates of Compliance are unusual in size and scope for the County, and that the determination considered that once Certificates of Compliance are recorded, these individual parcels can be sold with no further review. One hundred parcels and their potential sale could impact the viability of the Williamson Act contracted land. There is concern regarding parcels that are not large enough to sustain a viable agriculture use and not eligible for a Williamson Act contract on their own pursuant to Mariposa County policies. She also informed the Board that typically applications for certificates are the first step in converting land from viable agriculture production to ranchette-size parcels owned by multiple property owners which may not be in compliance with the Williamson Act nor be eligible for contract pursuant to existing county policy Resolution 77-157. She advised that the over arching purpose of the Williamson Act is to curb the rapid and virtually irreversible loss of agriculture lands to residential and other developed uses and to protect farm land from conversion and scattered, low density, single family subdivisions. Williams presented map diagrams of the project site and pointed out the different sizes of the parcels, showing that of the 74 Certificates of Compliance requested, one third of the parcels would not be eligible for Williamson Act contract if the use is for dry land grazing. She also noted that there are areas of the Ranch where applications have not been submitted and they are still requesting the additional applications. She explained the requirements of Resolution 77-157. She emphasized that Planning has never taken the position that individual historic patent parcels don't exist or that they are not eligible for Certificates of Compliance. The Subdivision Map Act is clear relative to this issue. Planning's concerns are solely related to having all the information needed to review the project and the impacts in particular to the Williamson Act contract that encumbers this property. Planning's recommendation is to deny the appeal, uphold the Planning Director's

determination requiring that all the applications be submitted for the property, and to require that the project comply with the minimum requirements of current County policy for the Williamson Act. She advised of correspondence received from Walter Hewlett, California Farm Bureau Federation Office, and an email from Rick Lobaugh. She described alternative options to the Board and said Planning will bring back a resolution based on the Board's action today. In conclusion, staff acknowledges that there may be reasons to sell or transfer portions of a large ranch such as for inheritance purposes. Furthermore, staff acknowledges that Certificates of Compliance represent a quick and easy way to harvest/create parcels from a large ranch without addressing subdivision ordinances, zoning ordinances, General Plans, or other processes that do admittedly take a lot of time and money. Planning's final recommendations on this appeal will ensure that the result of the process will be amended contract parcels that are large enough to sustain viable agricultural uses on site so that each resulting parcel would be eligible for contract and eligible to stand on its own.

Supervisor Stetson brought the discussion back to the Board and for questions of staff. Supervisor Pickard requested clarification regarding how Mariposa County Planning does not process applications for Certificates of Compliance for portions of an APN, and how was this determination made and why. Sarah Williams stated that there is not a written policy or ordinance that she is aware of, it is just practice and staff will take direction based on the Board's action today. She then explained the processing of Certificates of Compliance and the result being the recordation of a Certificate of Compliance document in the County Recorder's office, along with a legal description. As a result of the recorded document, the Assessor will assign a new APN to each of those Certificate of Compliance parcels. She said that a Certificate of Compliance is the County's recognition that those parcels are legally created and eligible for development permits. Supervisor Pickard then asked if the size of acreage created will initiate different types of impacts or create a greater impact on how Planning processes the application. Williams responded that each application undergoes the same process. More applications mean more of that process. Supervisor Pickard asked for clarification regarding parcels created prior to the Subdivision Map Act. Williams responded that these parcels were created in the mid 1800's, prior to any Subdivision Map Act regulation in California. Williams stated that because some of these are portions of patent parcels staff has to review the original patents as well as the legal exceptions.

Supervisor Turpin asked about the process if an application has 20 historic parcels and applied for Certificates of Compliance for 10 of them. Kris Schenk responded that it is Planning's intent to obtain information on the entire property so that staff will be able to establish if the resulting parcels will be in compliance with the Williamson Act. Otherwise, this could result in a situation where a non complying parcel is sold and the person buying the parcel will be in a breach of contract. This situation has already occurred on historic patent parcels, and has been discussed recently with the Agricultural Advisory Committee.

Supervisor Bibby asked questions regarding the patent dates and APN numbers. Schenk responded that maybe the appellant could answer this at the appropriate time.

Supervisor Stetson asked if this is the first situation where an application reached the threshold of "project". Schenk responded that he is not aware of another situation like this.

Supervisor Pickard asked if Planning feels that 100 Certificates would potentially trigger CEQA. Schenk responded that he wants to understand the consequences of all the proposed parcels for recognition in the context of all of them being encumbered by Williamson Act restrictions. He then advised that how this set of Certificates is processed is critical to future applications for Certificates of Compliance on other ranches. Supervisor Pickard asked if Planning requires applicants requesting Certificates of Compliance for historic parcels to provide all of their applications at the same time.

Williams explained that Planning hasn't received an application for a certificate leaving a remainder or portion of a parcel.

Supervisor Bibby asked what the smallest parcel is for this Ranch. Williams replied sixteen acres, a portion of a larger patent parcel.

Supervisor Pickard referenced CEQA requirements in regards to the approximate 100 patent parcels ranging in size asking if there are any court cases similar or guidelines to ensure that we are compliant with state law. Schenk advised that this is a unique situation and that if this is not addressed properly the County will see the loss of ranching land and an increase of ranchettes. He added there is discussion about the purposes of CEQA which are to look at some of these things in a cumulative basis so that they aren't occurring piece by piece. He then advised that there isn't clear guidance in state law that they have found for this particular situation. He did not want under any circumstances for this to occur as the kind of decision that would be made at the Planning Department level without the opportunity for the Planning Commission and the Board of Supervisors to understand the issues and consequences involved.

Supervisor Stetson requested clarification as to whether the 100 parcels would remain in the Williamson Act contract if they were sold, and in regards to those under 100 acres if they were sold. Schenk responded that it's what happens after parcels are sold or come into multiple ownerships where many issues result. If every time there was a parcel created on Redington Ranch and other ranches and it could be seen that they could meet the Williamson Act requirements, we wouldn't have these kinds of questions about the future of these parcels.

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

Don Starchman, Starchman Bryant Law Offices, legal counsel for Redington Ranch, asked if staff remembered the Woolstenhulme Ranch; and he stated they never wanted this to come to this point. Starchman stated Kris Schenk says that this is a good forum today; however he doesn't feel they should be in the eye of the storm on something like this. He said Kris talks in terms of re-doing the General Plan; however, the General Plan isn't going to affect Certificates of Compliance which are controlled by state law. He has been processing applications for Certificates of Compliance for years and the state laws have been followed. He feels that Walter Hewlett of Redington Ranch is being accused of parceling the county, and is being used as a whipping boy. He advised that there aren't any court cases for Planning's side, but there is for the other side. He then stated the Hewletts and the Packards have a long history in ranching and have owned this ranch since 1968. They haven't sold off parcels, parcelized or subdivided, and they have always met the Williamson Act contract requirements and plan to continue to do so. Starchman stated the Williamson Act contract has nothing to do with Certificates of Compliance; and Certificates of Compliance are all we are talking about today. He added that it was never Walter Hewlett's intention that this be a confrontational type situation, he is 62 years old, and he wants to continue to operate the ranch for the rest of his life. Upon the end of the contract the property will still be zoned AE. There is activity going on at the ranch currently with olive and almond orchards. Wain Johnson has been hired as a consultant to work with the ranch. Throughout Wain's time here he has continually tried to broaden the agricultural base. Starchman reminded the Board of another incident where Frank Long addressed the Board and explained how hard it is in this county to make a living as a rancher. He advised that we should be encouraging the diversification of agriculture. This is not going to be a benefit to Hewlett; it's going to benefit the County. Starchman said they hear the question of, "why Certificates of Compliance?" He stated the parcels already exist, all the ranch is doing is making them part of the record. These parcels were created during the Homestead Act for the purpose of creating ranches. Parcels in this county were created through the Homestead Act and the fact that these are all together doesn't make these any different then the single ones, you can not treat

this any differently. He then said there isn't anything in the state law or in court cases that say this isn't a ministerial act. This is a ministerial act and there are no exceptions. Starchman stated he has been processing Certificates of Compliance for over 19 years. He spoke of several other ranches that he has processed with multiple parcels and that he was aware of other Certificates of Compliance being processed – for approximately 20 to 30 huge ranches in this county, and each of these applications stand on their own. Starchman informed the Board that Planning has processed Certificates of Compliance on this ranch in the last five years because that was their duty. An APN of itself does not create a legal parcel. Starchman asked why in the past Planning didn't ask for any other applications. He feels that this is just a game. He advised that Eddie Ellis of the Assessor's office will issue an APN, that doesn't mean it creates a legal parcel. Starchman informed the Board that the letter of denial (letter of determination) only addressed CEQA issues, not Williamson Act and it talked in terms of being complete. Complete is when an application is turned in completely filled out and these applications were accepted at the counter for processing. Staff knew they were submitting applications incrementally and did not object to this. It was only later that they were blind sided by this letter with no legal justification whatsoever. Outside counsel has been brought in on this, and their research shows that this is purely a ministerial action and the Williamson Act is not part of the process. He mentioned a building permit application that was denied on 76 acres out of an APN that is much larger and they already have a permit for a septic system. He commented on an earlier discussion today relative to placing a sewer plant on two 40-acre parcels (Don Pedro Wastewater Facility) and that 80 acres is viable for an agricultural operation. He is confused with that discussion and application to this matter. He advised the Board that he feels that we are dealing with a lot of non issues here today. Starchman said regarding the solution for this, we have to agree either to a new contract or to mergers. There is nothing in the state law that says they have to agree to anything and they do not intend to. He added that putting conditions on Certificates of Compliance is an illegal action and can not be requested. There are conditions on Certificates of Compliance only if the parcels were created illegally and that is by state law. The certificates must be issued by law; it doesn't matter if there is one application or more. He suggested that the Board look at the book of patents. He said the comment that the Board was not aware of the patents or historic parcels when the 15,000 acres were brought into the Williamson Act is fiction. He concluded stating the appellant just wants to be treated equally and given the full protection of the laws of the State of California.

Supervisor Bibby brought up her previous questions regarding the patent numbers and APNs; and Starchman clarified the numbers for her. He also introduced Maureen Cole, Chief Financial Officer for Walter Hewlett, for any questions the Board may have. He advised that Mr. Hewlett was unable to be present.

Anne Mudge of Morrison and Foerster, attorney for Redington Ranch, stated she is the Planning Commission Chairman for the City of Oakland and a land use and CEQA specialist. She stated Don Starchman did a bang up job on a lot of the technical reasoning behind their position and why staff is wrong. She gave a Power Point presentation where she framed the issue of Certificates of Compliance. It's not a division or parcelization of land and all the issues that staff has raised fall away including CEQA and Williamson Act. She said that until now the County has never treated Certificates of Compliance as a division of land, the parcels already exist. Mudge repeated Starchman on several issues as she had stated previously she would be doing. This included a review of the history of the application, the patents, the size of the parcels, when they were created, Williamson Act Contract No. 71 entered into in 1978, the response from Planning regarding the Director's decision of the application and she emphasized the word "project" in this response. She spoke of the current appeal to the Board and the previously submitted appeal to the Planning Commission as mentioned by Schenk earlier in the

public hearing which raises similar issues to this. She explained that she is disturbed by how the process is unfolding; staff keeps changing their reasons for why the applications are allegedly incomplete, and keeps adding new reasons. They started with CEQA, then APNs, then Williamson Act, and now an attempt to impose conditions on the issuance of Certificates of Compliance. She stated that the Williamson Act arguments upon which staff heavily relied today are not properly before the Board on this appeal, they are not part of the staff's written determination. There has been "determination creep" since the original determination for delaying this and finding these applications to be incomplete. She stated she was going to discuss the Williamson Act, it's been raised by staff and she feels she has to address it, but that does not erase the violation of due process that has occurred here and they are not waiving that argument. Staff raised the issues of Williamson Act and CEQA. She stated she feels very confident in telling the Board that CEQA does not apply to Certificates of Compliance. She then said staff is back peddling on CEQA and saying that it is Redington Ranch representatives that are focusing on CEQA, now the issue is Williamson Act. She stated that four out of nine reasons for staff stating the applications are incomplete still rely on CEQA, so it is still an issue. She then briefly went through the nine reasons that staff says the applications are incomplete. She pointed out that staff is all over the board on why these applications are incomplete and none of the nine reasons were ever presented in staff's original determination. She said all nine reasons are wrong, but it's not just their determination of incompleteness that is objectionable and illegal. She added what has happened now with the June 2nd staff report is that she is seeing staff recommend the imposition of conditions on the issuance of the Certificates of Compliance. She went over the basis for these conditions as stated by staff that the recordation of Certificates of Compliance results in the division of land under this Williamson Act contract. She advised that Planning gave them three options and she reviewed the details and her argument for objection to each of them. The proposals are invalid, they keep changing and that is illegal, a violation of due process, and a violation of fundamental fairness to have the goal post continually change. She feels staff is way off base. She stated the completeness of applications under the Subdivision Map Act for Certificates of Compliance must be based solely on information necessary to determine parcel legality. She reviewed what is included in a complete application and noted that there is no requirement to file all potential applications for Certificates of Compliance. No. 1, 4, 5 and 9 of the staff report are invalid because they all require CEQA. Certificates of Compliance are not "projects", staff continues to refer to this as a project, it is not a project, it is an application for a Certificate of Compliance. A project is term of art that applies to CEQA. There is no information within a Williamson Act Contract that addresses parcel legality. Supervisor Pickard asked about the Williamson Act Contract of 15,000 acres for the parcel with nineteen years left and a Notice of Non-Renewal recorded and how she would approach this in her request for a Certificate of Compliance and how the underlying historic parcels would be addressed. Mudge responded that his approach to 15,000 acres is incorrect; there are multiple parcels under contract, there is no single 15,000 acre parcel. She stated that a person could enter into a Williamson Act Contract for parcels smaller than 100 acres as long as the parcels are continuous or under the common ownership. Mudge advised that there is no affect on the contract; it continues to apply to the underlying historic parcels. The parcels were entered into in their current form under contract. She addressed her argument regarding APN numbering stating it is for tax purposes and not parcel legality. Certificates of Compliance are mandatory and if the parcels are legal, they must be issued unconditionally. Mudge feels staff is confusing four different laws and regulatory schemes, and the resolution of this appeal boils down to two simple propositions, 1) a Certificate of Compliance does not divide land; and 2) this is a ministerial function recognizing the existence of previously created legal parcels. She stated she feels staff's approach puts the Board in a position of having to make a determination of pure law. This is based on a

staff report written by non-lawyers on purely legal issues without the benefit of a written opinion by County Counsel. She briefly went over what she feels the laws say and don't say with respect to the Subdivision Map Act governing Certificates of Compliance; CEQA; and ministerial projects. She noted that the parcels already legally exist and they may be legally sold now without Certificates of Compliance. Title insurance policies are already available on these parcels. The Certificates do not create development rights. Certificates are ministerial and shall be issued with out conditions, and they are statutorily exempt from CEQA. She also noted that Planning has never imposed CEQA on any Certificates of Compliance. She discussed APNs and their purpose. Her argument is Mariposa County is required by law to issue Certificates of Compliance regardless of the APN numbering system and has done so seven times on this ranch since 1991. There were no requirements imposed to apply for all possible parcels within the APN. No CEQA was required. Supervisor Pickard asked for clarification of Mudge's position that because the underlying historic parcels are already under Williamson Act contract, that application for the Certificates of Compliance doesn't affect the contract. Mudge agreed and stated there is no division and no affect on the contract. She further reviewed the Williamson Act requirements and advised that the Williamson Act has nothing to do with Certificates of Compliance. Again, she stated a Certificate of Compliance is not a division of land. She briefly summarized staff's position and their responses. Mudge said the evaluation of future permits will be made on a case by case basis and is irrelevant to this appeal. She then stated staff's final position is that Certificates of Compliance are a division of land as quoted in their staff report and she stated staff is wrong. The issuance of a Certificate of Compliance is a property right to which Walter and his sister are entitled by law. She concluded that her perspective is the legal issues discussed today are not a close call. Yes, there is case law but it supports the appellant. She said she thinks staff has managed to make a bit of a mess of the law and gives them credit for being creative but staff is just dead-bang wrong, and no conditions can be imposed. In terms of completeness, all that is needed is information to determine parcel legality. She asked that staff be directed to withdraw their determinations and issue Certificates of Compliance immediately.

Neil Stonum of First American Title spoke regarding the arguments presented by Don Starchman and Anne Mudge saying they were more articulate and complete than he could do and accurately represented the history of Certificates of Compliance in the County. He noted that Certificates of Compliance have been issued as a ministerial act. He is concerned that different standards are being applied here.

Rick Lobaugh of Intercounty Title stated that in January of this year, he stated before the Planning Commission, Certificates of Compliance are not required for title insurance. He referred to circle page 63 of the staff report, a list of parcel information that's included with the County's application for a Certificate of Compliance. He noted that if an applicant checks the box that a parcel was created as a separate parcel prior to March 4th and documentation of compliance is provided, then the application is complete. The County has an obligation to issue a Certificate of Compliance. With that knowledge Intercounty does the same research that the County would do when they do a determination of parcel completeness. And, they would insure title to that property with or with out a Certificate of Compliance being issued. He has reviewed other County procedures. Kings County has a statement on their application that says "Certificates of Compliance is a ministerial project and is exempt from environmental review under Section 1526." The City of San Jose has a statement that a Certificate of Compliance is typically a ministerial action under the CEQA Act and does not require additional environmental information to be submitted. One of the counties cited Fendleton vs. El Dorado County where a court ruled that a Certificate of Compliance is a ministerial project requiring no exercise of

discretion in the course of its approval. So, based on the law, they feel comfortable that when they've issued title to a parcel, they've already made that determination.

Cathi Boze, Agricultural Commissioner, read her letter into the record of support for the Planning Director's decision. She stated the parcels are under Williamson Act Contract and zoned Agriculture Exclusive. 25 of the applications are for parcels less than 100 acres and would not stand on their own for contract requirements. She believes this is a project and relates to cumulative impact per CEQA. The project needs to be evaluated as a whole. She stated the mission of the Agricultural Commissioner's office is to preserve and protect agriculture and the environment. She noted that the proposal raises several questions relative to agricultural uses. She feels this is a discretionary project with questions regarding impacts on water, vernal pools and grading permits, etc. The proximity to UC Merced Campus is a concern with potential new development. She concluded by stating that Mariposa County would be remiss to not consider the ramifications and potential impact of this project. She also said that Wain Johnson has concerns about what is going on. Mr. Starchman disagreed with her statement. She supports Planning Staff.

Cathie Pierce, President of the Farm Bureau, stated now is the time to protect agriculture lands. She feels the Board dropped the ball a few years ago with Williamson Act contracts. She referred to the letter from their legal counsel with the California Farm Bureau Federation. They and the Mariposa Farm Bureau request that the Board deny the appeal and support the Planning Director's determination that these applications constitute a project pursuant to CEQA, thus, require further environmental review. The two issues here are historical parcels and Williamson Act Contracted land. She doesn't believe that they should be allowed to seek Certificates of Compliance in a piecemeal way. She believes that the application is a candidate for conditional Certificates of Compliance. She feels that is a way to warn buyers that the County may not permit development on the property with out subsequent approvals. Their legal counsel believes that the CEQA guidelines state that the determination of what is ministerial can most appropriately be made by the particular public agency involved based upon its analysis of its own laws. She also commented on their legal counsel's response as to whether parcels that are divided by Certificates of Compliance are considered to be a division. They also asked who is responsible when a contract is breached. She feels the Board needs to be careful when dealing with Williamson Act contract ground, that it is not authorizing breaches of the contract and creating a liability. She referred to the Farm Bureau Board of Director's meeting and their questions as to why they non renewed their contract. At that time, Maureen Cole said the main reason was because of AB1492. Now, Anne Mudge is talking about financing and getting ready for inheritance. She feels there are as many questions and this is a big issue. The Governor and legislation have both indicated that enforcement of Williamson Act is a priority. She referred to their meeting with legal counsel for the Department of Conservation on Williamson Act issues, and she noted they have directed their staff to add Mariposa County to the pilot review of aerial imagery and photography to uncover breaches of the contract. She agreed that it is true you can have a house on 40 acres; but it's also true that you can sell parcels less than 16 acres to another person and that does not qualify as viable agriculture entity. Merced County Farm Bureau is concerned by the effect this will have on the eastern part of their County. She advised that MaryAnn Visser was denied a residential permit and came to the Agricultural Advisory Committee and the Board to modify her contract to enable her to get a permit to build a home.

Len McKenzie, representing MERG supported Cathi Boze and Cathie Pierce, urging the Board of Supervisors to support the Planning Director's action. He stated he had heard strong arguments, and suggested the Board take time to consider the possible implications of this decision and consult County Counsel to get further clarification of the legality. He said he believes Planning Department staff is correct in viewing this as a project. They feel there is strong potential for the western face of the

County to change dramatically and irreversibly. Planning has issued Certificates of Compliance, but he agrees that all information needs review, and to grant this request without a full environmental review would be short sighted. We need to protect our agriculture heritage.

Philomene Schultz, a rancher in Catheys Valley expressed concerns regarding her property rights and the law, they are vital to her. She stated people are urging the Board of Supervisors to make decisions to break the law. After today's meeting, it is her intention to withdraw from the Williamson Act and from the Farm Bureau, she doesn't want people telling her what she can and can not do with her land.

Dick Kunstman, a resident of Midpines, commented on Anne Mudge's statement that there is no project and Mr. Hewlett is only interesting in being a farmer. He stated he is confused, if Hewlett is a farmer, farming being a long term activity, why the urgency to develop legal marketable parcels. He supports denial of the requests for Certificates of Compliance.

Tony Toso, a resident of Hornitos, stated he entered into a Williamson Act contract and understands there are rules and laws to be in a Williamson Act Contract in order to benefit from agriculture zoning. The issues at hand and what can happen after the Certificates are complete need to be reviewed. He concluded by supporting the Planning Director's decision and urged the Board to do the same.

Rita Kidd said she appreciates the decision of the Planning staff. She feels we are starting to see the break up of a lot of land; there are more certificates on large parcels of agriculture lands. She informed the Board that not all communities deal with Certificates of Compliance as simply as Lobaugh mentioned. Santa Barbara County charges \$1000 per application per Certificate of Compliance and requires a complete chain of title and sketches of every change in the configuration of a parcel.

David Butler said these parcels were viable during the 1800's when they were patents of homesteads. The parcels were purchased separately by Mr. Cunningham. The state law regulates this type of land, but there is much emotion. At some point historic parcels were lived on and acquired over time. His family also has contracted land; some parcels are smaller than 100 acres. He does not feel that State law or Williamson Act applies to Certificates of Compliance. There are landowner rights and a lot of pressure with Williamson Act. He feels this will result in contract non-renewal and drive away open space. He suggested the Planning Department is off base and recommended the Certificates of Compliance be issued. He noted that Sarah Williams pointed out that Planning processes each application separately and individually; they are not applied for in one fell swoop.

Maureen Cole, spoke of the ranch in San Jose that has not been developed into ranchettes. Mr. Hewlett just wants to be friends with Mariposa; there is no master plan, no intention of developing into ranchette's. He has always been a cattle rancher and wanted to expand from cattle and add orchards. There are five Hewlett children and four Packard children and no knowledge of what the children will do in 20 years. Hewlett wants to be a farmer and doesn't like confrontation. She responded to a question from the audience and advised that he is requesting Certificates of Compliance for estate planning and financing purposes.

Anne Mudge rebutted saying there is no breach of the Williamson Act contract. She presented a sample recorded Certificate of Compliance for Mariposa County with a statement that says "This parcel is enforceably restricted by the Williamson Act contract." They would welcome this statement on each of the Certificates of Compliance. The land will be continued under Williamson Act Contract. The Certificate of Compliance is not a permit to develop; it is just recognition of past divisions. Development for a parcel would require issuance of permit(s) or other grants of approval. A 16 acre parcel could be sold but if it could be developed is a totally separate issue. He has heard that Mariposa County can decide if a permit is ministerial or discretionary, this is not true or accurate. The Fendleton

Case says "A Certificate of Compliance is a ministerial project requiring no exercise of discretion." This is how we've handled cases in the past, and would be delighted to have Certificates handled the same as in the past. She concluded by saying she feels this is a property right to which the applicants are entitled and asked Don Starchman if she missed anything.

Supervisor Turpin asked whether an issued Certificate of Compliance ensures development rights. Schenk responded that it does not. Supervisors Turpin then asked if a parcel with a Certificate of Compliance can be sold regardless of the size of the parcel. Schenk responded that it does have the right to be sold and agreed that's the problem. Mr. Starchman stated he is part of the process and asked to be able to respond to this issue of parcels being able to be sold that do not comply with Williamson Act contract requirements. Starchman responded that in his experience relatively few Certificates of Compliance get sold that are too small. He also said that if they sell a 13 acre parcel off and they can't do viable agriculture then there is a breach of contract and penalties. But there may be more intense agriculture use in the future on smaller parcels that can meet the contract requirements. Starchman concluded stating that Mr. Hewlett wanted out of the contract because of 1492 where by the State continues to unilaterally change the contract terms. However, the parcels will continue to be encumbered by Williamson Act for the full length of the contract. And the parcels will still be controlled by Agriculture Exclusive zoning.

Supervisor Stetson asked if Starchman considered 100 Certificates of Compliance as a large number. Starchman agreed that 100 certificates is a large number. He then mentioned the Woolstenhulme and Rauch Ranch applications which were filed incrementally and they are requesting the same for Redington Ranch and staff was aware of that. It was a big surprise when staff demanded that all of the Certificates of Compliance be filed at once. Starchman concluded saying no one knows what will happen in the future, there are seven children between Hewlett and Packard.

Supervisor Pickard asked if Planning has a response to the questions that were raised. Kris Schenk advised that a simple way to resolve this issue is for Redington Ranch to present a clearer definition on how these future parcels will comply with the Williamson Act Contract. He does not believe that this must be treated as ministerial or that the Board doesn't have any options. The Board does have options because of the contract issues in Section eleven which states that "In the event the land under this contract is divided, the term divided is not the same as the term "Subdivision." He feels the Board has the ability to interpret that term "divided." Planning would not have brought this to Board if it wasn't believed the Board had options. This situation is unique in size and scope and has circumstances that he feels is important from a planning and land use perspective. The Planning Director's opinion is that there is considerable latitude of how that term is applied. Supervisor Stetson asked County Counsel to respond to this issue. County Counsel advised that due to the variety of important issues, additional appeals filed by Redington Ranch, and the additional materials for this appeal, he has not had the opportunity to review all information. He requested the Board continue this hearing for a minimum of 60 days to allow time to review all documents and procedural issues. Discussion was held regarding the request to continue the hearing to allow for further clarification and additional information. County Counsel advised that he would visit with the applicant/appellant relative to requesting a continuance of their appeal before the Planning Commission to allow an opportunity for the Board to rule on this appeal first, and he requested Board authorization to go before the Planning Commission to request a continuance of the hearing that they have scheduled for Redington Ranch. Mudge provided input on the time frames of this process and previous continuance requested by staff and asked that this be brought to conclusion. Further discussion was held. County Counsel reminded the Board that this is the deliberative phase of the hearing. The hearing was continued to August 15, 2006 at 2:00p.m.

(M)Bibby, (S)Fritz, authorization was given for County Counsel to approach the Planning Commission, on behalf of the Board, to request a continuance of the hearing on the Redington Ranch appeal before the Commission until after the Board has had a chance to rule on this appeal/Ayes: Unanimous.

6:32 p.m. The Board reconvened in continued closed session.

6:46 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Ratify a Certificate of Appreciation for Ernest “Ernie” S. Correa’s Lifetime Contributions to the Community of Midpines and to Mariposa County, Presented on June 10th, 2006 (Supervisor Stetson)
- CA-2 Approve a Professional Services Agreement for Continuation of Residential Alcohol and Drug Treatment Services with Changing Echoes and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-222
- CA-3 Approve a Professional Services Agreement with John P. Trujillo, PhD. to Provide Parenting Classes and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Matter was continued to be scheduled for discussion with the Human Services Director
- CA-4 Approve a Professional Services Agreement for Continuation with Deborah Atkinson, RN, for Nursing Services and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-223
- CA-5 Approve an Agreement for Office Space in Coulterville with George Halenbeck and Teresa Kelley-Halenbeck and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-224
- CA-6 Approve an Agreement for Residential Alcohol and Drug Treatment Services with Acacia Board and Care and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-225
- CA-7 Adopt a Resolution Designating the Mariposa County Arts Council as the County’s Authorized Partner in the California Arts Council’s State-Local Partnership Program (Chairman Stetson); Res. 06-226
- CA-8 Adopt a Resolution Approving the Proposed Road Name “Redtail Ridge Road” for the Subject Easement (Planning Director); Res. 06-227
- CA-9 Approve Budget Action Transferring Funds within the Jail Budget to Cover the Provision of Court Security for Up Coming Hi Profile Trials (\$ 4,000) (Sheriff); Res. 06-228
- CA-10 Approve Budget Action Transferring Funds within the Boating Safety Budget to Fund Overtime for Boating Safety Patrol (\$2,000) (Sheriff); Res. 06-229

- CA-11 Approve a Professional Services Agreement for Continuation of Personnel Counsel Services with Best, Best and Krieger, LLP and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Counsel); Res. 06-240
- CA-12 Adopt a Resolution Designating Resource Conservation District as the Permitting Agency for Grading Permits within Mariposa County and Approve Memorandum of Understanding per Section 1 Chapter 15.28.030 of the Mariposa County Ordinance No. 1025 and Authorize the Chairman of the Board of Supervisors to Sign the Memorandum of Understanding (Building Director); Res. 06-230
- CA-13 Approve Agreement for Lease of the Building at 5080 Jones Street, Mariposa, to be used for Office Space for the District Attorney Victim/Witness Program and Statutory Rape Vertical Prosecution Program (District Attorney); Res. 06-231
- CA-14 Adopt Resolution Correcting the Minutes of April 25, 2006 (Clerk of the Board); Res. 06-232
- CA-15 Approve Recognition for the First Mariposa Residents to Complete the 25-Mile and 50-Mile "2006 Mariposa Run for the Gold" Endurance Rides (Supervisor Pickard)
- CA-16 Accept the Composting Facility, Project No. 95-28, as Complete and Authorize the Public Works Director to File a Notice of Completion (Public Works Director); Res. 06-233
- CA-17 Adopt a Resolution Authorizing Public Works to Solicit Bids for Supplying Aviation Fuel to the Mariposa/Yosemite Airport and Award a Contract Based on a Combination of Fuel Price and Services Offered, and Authorize the Director of Public Works to Sign the Contract (Public Works Director); Res. 06-234
- CA-18 Adopt a Resolution Amending Resolution 92-578 Increasing the Mariposa Town Cemetery Ad Hoc Committee from Three to Five Members and Appoint the Following Members to the Mariposa Town Cemetery Ad Hoc Committee: Sam Spaulding, Leroy Radanovich, David Radanovich, Jenny Binning, and Alan Berg (Public Works Director); Res. 06-235
- CA-19 Adopt a Resolution Permitting Employees to Donate Vacation Hours to an Employee Recuperating from a Chronic Illness (Public Works Director); Res. 06-236
- CA-20 Approve a Professional Services Agreement with Liebert, Cassidy and Whitmore to Provide Consultation, Representational, and Legal Services and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Interim Personnel/Risk Manager); Res. 06-237
- CA-21 Approve Hazardous Materials Specialist Job Description, Set the Salary at Range 335 (\$2,696-\$3,277), and Assign the Position to the SEIU Bargaining Unit (Interim Personnel/Risk Manager); Res. 06-241
- CA-22 Approve Budget Action Transferring Funds within the Indigent Defense Budget for Greater than Expected Investigation Costs (\$5,000) (Interim County Administrative Officer); Res. 06-238
- CA-23 A) Approve Budget Action Appropriating Unanticipated Federal Revenue to Housing Programs (\$12,300) and Increasing Expenditures Accordingly (4/5ths Vote Required)

- B) Approve Budget Action Transferring Funds within the Housing Authority to Cover Program Expenses (\$46,000)
- C) Approve Budget Action Transferring Funds within the Community Action Budget for Program Expenses (\$3,500) (Human Services Director); Res. 06-239

6:47 p.m. Adjournment in memory of Yvette Rene Long-Crutchfield, Robert “Bob” D. Ritz, Donald Exford Cook, and Gregory Wayne Mackessy.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

June 20, 2006



Time Description

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

Pledge of Allegiance

Introductions

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: Dave Martin, District Ranger for the Sierra National Forest, provided a status report on the Ferguson slide. He advised that their Type 2 team that was set up to handle the emergency response system has completed the response plan and they transitioned out on Sunday and moved the responsibility for the landslide to the Forest Service. Denise Tolmie, USFS, is the current Type 3 Incident Commander. The Forest Service will continue to have 24-hour watch on the slide for the next month or so with people and radios, and they are planning to transition to an automated system. Long-term transitioning will be to CalTrans. He advised that in his discussions with Dinah Bortner/CalTrans, they may have a temporary fix by the end of summer if the rocks stop falling. He introduced Pam Bierce, USFS Incident Information Officer. Discussion was held relative to projected timeframes to regain access in the canyon. Supervisor Stetson advised that CalTrans has hired a construction firm to install two bridges for controlled, one-lane traffic that would accept a 40-foot bus. Supervisor Pickard asked about the possibility of using cranes to remove the debris, and Dave Martin advised that all options are being reviewed by the Army Corps of Engineers. Dave Martin also advised that Mike Hendrickson is the CalTrans lead person for this project. Supervisor Bibby asked about funding issues and was advised that CalTrans is pursuing all avenues. It was clarified that campgrounds are open and that rafting is on-going.

Input from the public was provided by the following:

Donald Weston suggested the use of large cranes for clearing the debris.

Chris Valdez, representing Congressman Radanovich, provided information on their efforts to obtain a Presidential declaration for the disaster for infrastructure and for economic recovery for the businesses, and relative to the Small Business Administration services. He noted that the Presidential declaration for the other counties in the State did not include economic recovery for the businesses, and was for infrastructure only.

(M)Pickard, (S)Turpin, Res. 06-245 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, including economic and socio-economic impacts/Ayes: Unanimous.

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

Dana Hertfelder, Public Works Director, advised that he received a Certificate of Occupancy for the compost facility; and he thanked Environmental Health for their assistance. They will begin to accept commercial waste on Wednesday and waste from the general public on July 8th.

Rick Peresan, Technical Services Director, provided information on the survey results of the TDS telephone service area. The cost of survey was about \$475 and 602 survey requests were sent out, with

34 returned as undeliverable. There were 67 responses received – 30 reported no problem, and 37 reported the typical problems that they had been hearing. He advised that they will forward those complaints to TDS and ask them to contact their customers and to keep the Board informed of what they are doing to improve services. Supervisor Bibby commented on the need for the switch to be replaced in Hornitos; and she and Supervisor Turpin thanked Rick for his efforts in this matter.

Rita Kidd, MERG Committee for the Preservation of Catheys Valley and Hornitos, presented the following letters:

- 1) letter formalizing comments for the Redington Ranch appeal, supporting the Planning Director's denial of Certificates of Compliance;
- 2) letter requesting the calendaring of a public hearing on a parcelization moratorium.

Rita Kidd advised that she was asked by Delores Ortiz to request that staff be directed to bring back a resolution establishing a community planning advisory committee for Hornitos at the earliest possible date. Tom Guarino, County Counsel, requested that the Board direct the Clerk of the Board to not distribute the letter formalizing comments for the Redington Ranch appeal as the Board is in the deliberation phase of the appeal hearing. He advised that he will review the letter and report back if there is anything new. He also advised that he can talk with Planning staff about calendaring the moratorium request.

Paul Chapman referred to items on the Consent Agenda: item 8 – he questioned why Dell was selected as a sole source provider for the computer equipment and he asked about the size and cost of the system; and item 12 – he questioned the amount of outside labor for fleet maintenance, and he suggested that these budgets should be audited.

10:00 a.m. Recess

10:15 a.m. Mike Coffield, Interim County Administrative Officer;

Presentation by Tony Radanovich Regarding Additional Funding for the Rural Media Arts Center and 6th Street Cinema

BOARD ACTION: Tony Radanovich presented his request for additional funding in the amount of \$10,000. He presented a video of interaction between students in Iraq and the United States, and advised that they want to have six live satellite video conferences between students in the coming school year. He presented information on their programs and efforts to obtain funding. Discussion was held relative to the request and giving further consideration during the budget hearing process. Motion by Fritz to approve the request was withdrawn, following further discussion.

10:43 a.m. Recess

10:52 a.m. Cheryle Rutherford-Kelly, Human Services Director;

A) Presentation of the Designated Buddy Program and Join the Department in Thanking the Program Designer for her Dedication and Efforts to Prevent Child Drowning

BOARD ACTION: Cheryle Rutherford-Kelly commended Dorothy Langworthy/HSD-Social Worker IV, and her husband for designing the Designated Buddy Program, and she advised that other areas are adopting the program. Dorothy Langworthy gave a power point presentation on the program, and she advised that information on the program is available on the web. She also advised that the program was recognized by the Attorney General's State Child Death Review Council. Discussion was held. Supervisor Pickard asked that discussion be held with the Building Director relative to requiring fencing around residential swimming pools. Mike Coffield, Interim County Administrative Officer, advised that he will pursue this issue with the Building Director.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Turpin pulled items 1, 14, and 25. Supervisor Bibby pulled items 1, 6, 8, and asked for separate action on item 20. (M)Fritz, (S)Pickard, the balance of the items was approved/Ayes: Unanimous. The pulled items were continued to later in the meeting.

B) Approve a Professional Services Agreement with John P. Trujillo, PhD. to Provide Parenting Classes and Authorize the Chairman of the Board of Supervisors to Sign the Agreement

BOARD ACTION: Discussion was held with Cheryle Rutherford-Kelly relative to the contract and the program requirements, and she advised of a modification to the components of the curriculum to delete “spirituality.” (M)Bibby, (S)Fritz, Res. 06-265 was adopted approving the contract with the modification to the contract to delete “spirituality” from the components of the curriculum/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

Adopt a Resolution Adopting the Engineer’s Report, Confirming the Assessment, Ordering the Work and Acquisitions, and Directing Actions with Respect to Assessment District No. 05-01 for the Wastewater Facilities Project for Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1

BOARD ACTION: Dana Hertfelder reviewed the ballot tabulation results and the process with the assessment notices; and he advised that Carl Casey/Public Works Administrator, Fred Solomon/project manager; and Ed Wilson/assessment engineer were present to answer any questions. Supervisor Bibby asked for clarification relative to the letter that was received the previous week from the State Department of Conservation concerning compatible use of this project and the Williamson Act contract. Tom Guarino, County Counsel, advised of his discussion on Monday with the author of the letter from the State. The author is going to go back to his clients to discuss options for the issues and he will bring back that information to the Board. He advised that it is okay for the Board to move forward today. Discussion was held. Supervisor Bibby asked about being able to be reimbursed for the first parcel that was purchased for the project. Dana Hertfelder advised of the allowable timeframes for claiming reimbursement under the Proposition 218 process; however, they will review the costs to see if there is a way to recoup them. Discussion was held relative to the rate structure.

Input from the public was provided by the following:

Cathie Pierce, Farm Bureau President, provided input on her meeting with County Counsel on Thursday; and she advised that they are not opposed to the project, they just want to make sure that the Williamson Act is followed. She read an email she received from John Gamper relative to discussion with Dennis O’Bryant at the State Department of Conservation relative to the statutes of limitation for the Williamson Act contract provisions on this project – they believe there is no statute of limitation. Speaking as an individual, she feels that if compromise is not reached in this matter and the County is found in violation, that any penalty or claim coming from this project not being done properly should come from the assessment district and not the taxpayers of the County.

(M)Turpin, (S)Pickard, Res. 06-266 was adopted adopting the Engineer’s Report, confirming the assessment, ordering the work and acquisitions, and directing actions with respect to Assessment District No. 05-01 for the wastewater facilities project for Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1. Supervisor Bibby commented on the Assessment District being responsible for any penalties. Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby. Supervisor Bibby asked about making a second motion relative to dealing with any penalties or claims and was advised that the issue was not on the agenda, and that would be resolved by a matter of law.

Consent Agenda item 1 – agreement with Mari for office space for the Grand Jury. Discussion was held relative to the utility rate; whether office space for the Grand Jury was included in the impact fee study; how often the space is used; and how the space is cleaned. (M)Bibby, (S)Turpin, item 1 was approved, with direction that this be factored into the impact fee study. Further discussion was held. Supervisor Pickard stated he would like to see the impact fee study issue considered separately as that is already in progress with the scope of work. Tom Guarino, County Counsel, stated he feels it would be cleaner for staff to have the agreement approved and he will follow-up with the requests for additional information. The motion was amended by the maker, agreeable with the second, to delete the direction for the space to be factored into the impact fee study/Ayes: Unanimous.

Consent Agenda item 6 – budget action transferring funds in Alcohol and Drug budgets. Supervisor Bibby asked about the prom for the Spring Hill High School students. Cheryle Rutherford-Kelly,

Human Services Director, advised that she has a presentation scheduled on the next agenda to discuss the entire alcohol and drug program. She advised that the prom event has already occurred and is a justified expense for this program. Supervisor Bibby asked for additional information before this event is scheduled for the next year. Supervisor Pickard asked if funding is used toward the Sober Grad Night program at the High School. (M)Pickard, (S)Fritz, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 8 – purchase of server components for the compost facility and budget action. Supervisor Bibby asked for a response to the public presentation input on this item. Rick Peresan, Technical Services Director, advised that different servers have been used and Dell has performed the best and they are trying to standardize the equipment; and he provided input on the recommended specifications. Carl Casey, Public Works Administrator, provided information on the budget transfer request. (M)Pickard, (S)Fritz, item 8 was approved/Ayes: Unanimous.

Consent Agenda item 14 – renewal of agreement with Clara Mossman for janitorial services for the Child Support Services building. Supervisor Turpin asked for clarification of the insurance amount. Debbie Walton, Child Support Services Director, advised that the correct amount is \$300,000. There was a typographical error in the agreement. (M)Turpin, (S)Pickard, item 14 was approved, with the correction of the typographical error/Ayes: Unanimous.

Consent Agenda item 25 – use of Title III funding from the Secure Rural Schools and Community Self-Determination Act of 2000. Supervisor Turpin initiated discussion relative to this request. Kimberly Bullock, Fire Safe Council, provided input relative to their request to purchase a chipper. (M)Turpin, (S)Fritz, item 25 was approved/Ayes: Unanimous.

12:20 p.m. Supervisor Bibby excused herself from the following matter due to a potential conflict of interest as she has a remainder interest in an estate for real property with her cousin; and her cousin is employed at the Jail.

Consent Agenda item 20 – MOU with the Deputy Sheriffs' Association. (M)Pickard, (S)Fritz, item 20 was approved/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

Board Information

Supervisor Bibby advised of the Catheys Valley Volunteer Fire Department's BBQ held on Sunday. On Saturday, the Catheys Valley Volunteer Fire Department, CDF and the Gordo family honored former District III Supervisor George Gordo with a tree planted in his memory at the Fire Station/McCay Hall. On Wednesday, she plans to attend the Community Action Agency meeting with Supervisor Turpin. There will be a parking district meeting on Thursday at 6:00 p.m. at the Government Center.

Supervisor Fritz advised that she attended the CSAC (California State Association of Counties) Board of Directors meeting on Thursday in Sacramento. She attended the Child Abuse Prevention Council meeting on Friday. She advised of the bicycle race scheduled in the County for this coming weekend. She asked that contact information for events be included in the future so that the Chamber of Commerce can include the events in their calendar. She noted that the Coulterville Fire Brigade is holding its deep pit BBQ on July 1st; and on July 1st, the Jerseydale area fire station committee is holding a fundraiser at the Fish and Game Hall to build their fire station. The events committee will meet at the Government Center this evening, and entry forms are available for the "push me, pull me" parade scheduled for the 4th of July. The first annual Street Fair is scheduled for Wednesday.

Supervisor Pickard advised that he plans to attend the Regional Council of Rural Counties (RCRC) meeting in Sacramento on Wednesday; and on Thursday and Friday, he plans to attend the annual strategy planning meeting for the County Medical Services Program (CMSP). He advised that there is a hearing today in the Budget Committee on AB 2479, the noxious weed legislation, and there will be a meeting on Wednesday with the Governor's Office and staff on this. He advised that AB 1960, gas tax funding for the three counties without incorporated cities, is on suspense at this time, and they are working with Advocacion and looking at options.

Supervisor Turpin invited everyone to the Coulterville Fire Brigade's 37th annual deep pit BBQ on July 1st. He advised that the Don Pedro Equestrian and Pedestrian Trails Committee met last week, and they will suspend meetings for the summer. He plans to attend the Community Action Agency meeting in Coulterville on Wednesday. He advised of the responses he received as a result of the letter that he sent to Stanislaus and Tuolumne Counties to allow commercial traffic, including 45-foot buses, on Smith Station Road as an alternative route during the closure of Highway 140 due to the landslide. He advised that Elnora George of John C. Fremont Healthcare will be present for a meeting on July 6th to discuss establishment of a clinic in the North County.

Supervisor Stetson advised that until the landslide issue is resolved, he plans to spend Fridays in Yosemite or El Portal, and he will pick up messages from his office voice mail. Supervisor Pickard suggested that he try to establish an email connection for additional access.

12:38 p.m. Recess

12:47 p.m. Approve an Agreement between the Superior Court of California and the County of Mariposa for Juvenile Dependency Legal Services and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Counsel)

BOARD ACTION: Following discussion, (M)Bibby, (S)Pickard, Res. 06-273 was adopted approving the agreement/Ayes: Unanimous.

Approve a Professional Services Agreement with the Law Firm of Best Best & Krieger LLP to Assist and Advise the County with the Boundary Line Adjustment Process and Amendment of the Deferred Improvement Agreement for the South Shore Project and Approve an Agreement with South Shore Ranches to Fund Legal Services and Authorize the Chairman of the Board of Supervisors to Sign both Agreements (County Counsel)

BOARD ACTION: Discussion was held with Tom Guarino, County Counsel, relative to the request, staff time and reimbursement for costs. (M)Pickard, (S)Turpin, Res. 06-274 was adopted approving the agreements/Ayes: Unanimous.

INFORMATION:

On June 27, 2006, at 11:00 a.m., the Board of Supervisors are Scheduled to Take Action to Authorize the Chair to Sign a Memorandum of Understanding with the Administrative Office of the Courts for the Courthouse; and Following that Action, the Board will Recess to the Courthouse for a Signing Ceremony (County Counsel / Interim County Administrative Officer)

BOARD ACTION: Tom Guarino, County Counsel, advised that the Memorandum of Understanding has been received from the Administrative Office of the Courts ; and he provided information on the action and ceremony scheduled for June 27th.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative: Thomas P. Guarino, County Counsel (County Counsel)

BOARD ACTION: This closed session was not held.

CLOSED SESSION: Public Employee; Performance Evaluation of the Interim County Administrative Officer (Interim County Administrative Officer)

BOARD ACTION: (M)Pickard, (S)Fritz, the closed session is to be held at 2:00 p.m./Ayes: Unanimous.

1:03 p.m. Lunch

2:04 p.m. The Board convened in closed session.

3:44 p.m. Chairman Stetson advised that direction was given to staff as a result of the closed session.

CONSENT AGENDA:

- CA-1 Approve an Agreement with Kenneth and Lamerna Mari for Office Space Occupied by the Grand Jury and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Counsel); Res. 06-267, with direction to staff
- CA-2 Approve an Agreement with Mariposa Preschool Cooperative, a California Non-Profit Corporation, for use of the Woodland Community Building for Fiscal Year 2006/2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Counsel); Res. 06-246
- CA-3 Approve an Agreement with Almost Like Home, Inc., a California Non-Profit Corporation, for use of the Woodland Community Building and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Counsel); Res. 06-247
- CA-4 Approve the Application for a CalTrans Encroachment Permit in Support of Closing Highway 140, 11:00 a.m. – 12:30 p.m., Saturday, September 2, 2006, between Coakley Circle and 3rd Street in Support of the Fair Parade and Authorize the Chairman of the Board of Supervisors to Sign the Letter Documenting the Board's Support and Approval (Technical Services Director/on behalf of the Lions Club); Res. 06-248
- CA-5 Approve a Professional Services Agreement with Forensic Nurse Specialists of Central California, Inc. for Sexual Assault Examination Services (Sheriff); Res. 06-249
- CA-6 Approve Budget Action Transferring Funds from the Alcohol & Drug Prevention Fund to the Alcohol and Drug Operating Fund (\$5,500) (4/5ths Vote Required) (Human Services Director); Res. 06-268, with direction to staff
- CA-7 Approve an Agreement for Crisis Support Phone Services with Alameda County and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-250
- CA-8 Approve the Purchase of Server Components for the Mariposa Solid Waste Compost Facility and Approve a Budget Action Transferring Funds within the Solid Waste Budget to Cover Anticipated Expenditures (\$2,261) (Public Works Director); Res. 06-269
- CA-9 Approve Budget Action Transferring Funds within the Solid Waste Budget to Cover Anticipated Expenditures through the Fiscal Year (\$20,000) (Public Works Director); Res. 06-251
- CA-10 Approve Budget Action Transferring Funds within the Solid Waste Budget for Heavy Equipment Costs that were Greater than Anticipated (\$5,000) (Public Works Director); Res. 06-252
- CA-11 Approve Budget Action Transferring Funds within the Compost Project Budget to Cover Anticipated Expenditures through the Fiscal Year (\$5,000) (Public Works Director); Res. 06-253

- CA-12 Approve Budget Action Transferring Funds within the Fleet Services Budget to Cover the Cost of Operations through the Fiscal Year (\$32,249) (Public Works Director); Res. 06-254
- CA-13 Approve a Lease Agreement with Spriggs/US Bancorp for Copier and Related Service for the Solid Waste & Recycling Division for use at the Mariposa Solid Waste Compost Facility and Authorize the Director of Public Works to Sign the Agreement (Public Works Director); Res. 06-255
- CA-14 Approve Renewal of an Agreement for Janitorial Services with Clara Mossman for the Child Support Services Building and Authorize the Child Support Services Director to Sign the Agreement (Child Support Services Director); Res. 06-270, with the correction of a typographical error in the agreement for the insurance amount; and with clarification that this agreement is for the Child Support Services Department
- CA-15 Approve an Extra Help Agreement with Gloria Attaway to Continue her Duties at the Health Department during the Hiring and Training Process for a New Office Technician at Current Wages of the Time of her Retirement (Health Officer); Res. 06-256
- CA-16 Reappoint Shirley Kendrick and Marilyn Wilcox to the Greeley Hill Planning Advisory Committee for a Term Expiring February 28, 2007 (Supervisor Turpin)
- CA-17 Adopt a Resolution Authorizing the District Attorney to Submit a Proposal to the State of California Office of Emergency Services District Attorney Victim/Witness Program 2006-2007, Grant in the Amount of \$90,115 (District Attorney); Res. 06-257
- CA-18 Adopt a Resolution Authorizing the District Attorney to Submit a Proposal to the State of California Office of Emergency Services District Attorney Statutory Rape Vertical Prosecution Program 2006-2007, Grant in the Amount of \$27,123 (District Attorney); Res. 06-258
- CA-19 Approve Budget Action Transferring Funds with the District Attorney Budget for the Purchase of Miscellaneous Office Supplies and a Lap Top Computer (\$3,300) (District Attorney); Res. 06-259
- CA-20 Approve the Memorandum of Understanding (MOU) with the Deputy Sheriffs' Association (DSA) for the Term of October 1, 2005 through September 31, 2007 (Interim Personnel/Risk Manager); Res. 06-272
- CA-21 Approve Budget Action Transferring Funds within the Board of Supervisors Budget for Travel Expenses that were Greater than Anticipated (\$315) (Interim County Administrative Officer); Res. 06-260
- CA-22 Approve an Agreement with Advocacion for Lobbying Activities and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Interim County Administrative Officer); Res. 06-261
- CA-23 Approve Budget Action Transferring Funds within the Tourism Budget for Office Supplies Due to an Increased Need in Printing and Printer Supplies Regarding the Ferguson Rockslide (\$1,300) (Interim County Administrative Officer); Res. 06-262

- CA-24 Approve an Agreement with Coulter Café to Provide Senior Citizens on the North Side of the County with Hot Meals and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Community Services); Res. 06-263
- CA-25 Tentatively Approve the use of Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) for Mariposa County Fire Safe Council's Proposals (Interim County Administrative Officer); Res. 06-271
- CA-26 Adopt a Resolution and Accept Funding for the Fiscal Year 2006-2007 in the Amount of \$72,001 for the Continuation of the Mariposa County Alternative Juvenile Detention Program (Chief Probation Officer); Res. 06-264

3:45 p.m. Adjournment in memory of Hazel M. Savage, O. G. "Ora" Vanderveer, Robert "Bob" G. Hohl, Alice Joy Jenkins, and Ellen L. Hibpshman-Simpkins.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

June 27, 2006



Time Description

9:10 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions – Chairman Stetson introduced Brad Aborn, Supervisor-elect for District I.

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: Dave Martin, District Ranger for the Sierra National Forest, provided a status report on the Ferguson slide, and he advised of CalTrans' plans to install a temporary bridge to cross the Merced River to reroute Highway 140. Discussion was held. Dana Hertfelder, Public Works Director, advised of request received from CalTrans for an encroachment permit for this project and to use Incline Road, and improvements that will need to be made. Susan Crain, Tourism Coordinator, asked for clarification of how the traffic would be monitored, and was advised that the details are being worked out. Dave Martin advised that the emergency response plan is finished and they are planning to post it to the web. They are working with CalTrans to migrate public information to their public affairs staff. The geology report is finished, and they will try to post it to the web also.

(M)Pickard, (S)Fritz, Res. 06-275 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.

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

Rita Kidd, Chairman for the MERG Committee for the Preservation of Catheys Valley and Hornitos, presented a letter containing ground water facts from the California Department of Water Resources. She advised that this is the first of a series of reports back to the Board on issues that have been raised over the past few months; and she reviewed the information. She noted that they have requested that the Board place a parcelization moratorium on western-lying lands of the County and that the Board establish a Hornitos Community Planning Area Advisory Committee. She also requested that the type of study of ground water that is described in the California Department of Water Resources Water Fact No. 2 in the package be a collaborative effort between the Board of Supervisors, the Water Agency and LAFCo (Local Agency Formation Commission) and the Resource Conservation District. She noted that information was compiled in a pre-GIS format in 1979 and 1980 based on well log data, and she hopes that information is still available and will help with this request. She requested that this be scheduled on the agenda as soon as possible.

Len McKenzie, representing MERG, expressed concern with Consent Agenda item 6 – agreement with Abbott & Kindermann. He questioned the need to hire outside counsel and the expense; and he questioned whether this is an appropriate firm as there are questions and issues they feel should be addressed. He requested that this item be pulled from the Consent Agenda and scheduled as a timed matter on a future agenda.

Ken Gosting, Executive Director for TIE (Transportation Involves Everyone), presented a letter relative to the Street Fair and Farmer's Market. He commended Dell Knell and Supervisor Fritz for taking an aggressive and positive action with this event. However, he feels that the event should be

relocated to the Courthouse, or to lower 5th Street and the Arts Park area where he feels it would be more visible to the public. He expressed concern with the location in relation to the YARTS bus stop zone and MPUD access with their fire apparatus. He also provided suggestions for advertising. He asked that the bus zone be posted with “no parking” signs if the event continues on 7th Street.

Ruth Sellers stated she felt that the Street Fair was really nice. She feels that the Farmer’s Market was hidden and she suggested that she feels there could be a better location. She also asked what the revenue would be used for that is being charged for the vendor spaces.

Paul Chapman referred to Consent Agenda items: item 6 – he questioned the need to spend another \$50,000 for an outside law firm; item 15 – he questioned the timeframes and expenditures; and items 21 and 22 – he questioned the expenditures for tourism promotion, stated he feels these requests should be considered during the budget hearing process, and he again asked that a committee be established to oversee the budget review.

Eleanor Keuning commented on Consent Agenda items 21 and 22 and the need to promote the County, especially with the landslide and closure of Highway 140 enroute to Yosemite National Park. She stated she feels the alternate routes through the County should be encouraged, especially through Coulterville and Greeley Hill. She referred to recent Sunset and VIA magazine advertising and questioned where the budget goes to advertise the County.

Board Information

Supervisor Bibby advised that due to a family emergency she has been unable to respond to phone calls and emails, and it will take her some time to respond.

Supervisor Fritz advised that the first Street Fair/Farmer’s Market event at 7th Street was a success. She noted that the fee being charged for the vendor space is going to be used for entertainment and to offset advertising costs, and she advised that they are cognizant of the parking and fire access issues. She attended a parking district meeting on Thursday.

Supervisor Turpin advised that the Coulterville Fire Brigade’s 37th annual deep pit BBQ is scheduled for July 1st. A District II meeting is scheduled for July 6th and Elnora George. John C. Fremont Healthcare, will attend to discuss the possibility of establishing a health clinic in the Greeley Hill area. On Monday, he attended a meeting with the Great Valley Center and AT&T, and discussion was held relative to high-speed internet and they were advised that a satellite program is available. He provided input on encouraging the use of Highway 132 as an alternate route to Yosemite.

Supervisor Fritz advised that the Chamber of Commerce’s “Business After Hours” event is scheduled for this evening at Martha’s Boutique Gift Gallery.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Chairman Stetson advised that items 21 and 22 have been pulled from the agenda. Supervisor Bibby pulled item 26. Supervisor Turpin pulled item 15.

Consent Agenda item 26 – agreement with the Chamber of Commerce for Visitors Bureau office space. Supervisor Bibby noted that the dollar amounts and date on the action form do not match the agreement. It was clarified that the agreement is correct and that the action form needs to be corrected to match the agreement. At 10:02 a.m., Supervisor Fritz advised of a potential conflict of interest in this matter as she is a member of the Board of Directors for the Chamber of Commerce, and she excused herself from this matter. (M)Bibby, (S)Turpin, item 26 was approved, with the corrections to the action form as noted/Ayes: Stetson, Turpin, Bibby; Pickard; Excused: Fritz.

Consent Agenda item 15 – budget action in the Road Special Projects Fund. Dana Hertfelder, Public Works Director, provided input on the status of the March 2005, flood repair projects. Supervisor Turpin noted that they are petitioning for more work on Merced Falls Road.

(M)Turpin, (S)Pickard, item 15 and the balance of the Consent Agenda were approved/Ayes: Unanimous.

Cheryle Rutherford-Kelly, Human Services Director;
Present an Update on the Progress of the Prevention, Intervention and Treatment Programs Implemented in the Mariposa Elementary and Middle School, Mariposa High School and the Spring Hill School

BOARD ACTION: Cheryle Rutherford-Kelly advised that John Lawless, Deputy Director of Behavioral Health, and John Phillips, Alcohol and Drug Program Supervisor, were present to respond to questions. Staff presented an update on the programs implemented at the schools. Supervisor Bibby initiated discussion relative to Spring Hill High School prom event and the services received, and she asked whether the Alcohol and Drug Abuse Advisory Board approved the event. Staff responded and advised of the planning process for the programs. No action was necessary.

Approval of Minutes of May 23, 2006, Regular Meeting (Clerk of the Board)

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

Tentatively Approve the use of Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) for a Yosemite Sequoia Resource Conservation & Development Council Project (Supervisor Pickard)

BOARD ACTION: Discussion was held with Robyn Smith, Coordinator for Yosemite Sequoia Resource Conservation & Development Council, relative to the request to develop a booklet for Mariposa County that is similar to the "Welcome to the Foothills" booklet that was developed for Eastern Madera County. Supervisor Pickard advised of interest from other entities in participating in this project.

Input from the public was provided by the following:

Ruth Catalan, member of the Board of Directors for the Resource Conservation District, advised of their support for this project.

(M)Turpin, (S)Fritz, Res. 06-301 was adopted tentatively approving the use of the Title III funding as requested; and direction was given to staff to initiate the 45-day comment period and to bring this back for final action. Supervisor Bibby suggested that participation be sought from other departments for the booklet, and that the Farm Advisor be listed as a resource. Ayes: Unanimous.

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation, Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9, Number of Cases to be Discussed: 1. Initiation of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Number of Cases to be Discussed: 1 (County Counsel)

BOARD ACTION: Chairman Stetson advised that this closed session is not needed.

CLOSED SESSION: Liability Claims: Claimant Name: David Goger, Claim Number: C06-3, Name of Agency Sued: County of Mariposa (Interim County Administrative Officer/County Counsel)

BOARD ACTION: This closed session was continued to July 11, 2006, for the Interim County Administrative Officer/Risk Manager to be present.

CLOSED SESSION: Liability Claims: Claimant Name: Justine N. Gilbert, Claim Number: C06-4, Name of Agency Sued: County of Mariposa (Interim County Administrative Officer/County Counsel)

BOARD ACTION: This closed session was not held.

10:55 a.m. Recess

11:12 a.m. Tom Guarino, County Counsel;

Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Memorandum of Understanding with the Administrative Office of the Courts and the County of Mariposa for the Continued use of the Historic Mariposa County Courthouse Pursuant to Government Code Section 70329

BOARD ACTION: Tom Guarino presented the staff report, and he asked the Board to recess the meeting to the Courthouse after taking action for the official signing of the Memorandum of Understanding. Board members commended Tom Guarino for his efforts in obtaining this Memorandum of Understanding which provides for the protection of the Courthouse. (M)Pickard, (S)Fritz, Res. 06-302 was adopted approving the Memorandum of Understanding/Ayes: Unanimous. Chairman Stetson called for input from the public and none was received.

11:16 a.m. Recess

11:40 a.m. The Board reconvened at the Courthouse for the signing ceremony of the Memorandum of Understanding between the Administrative Office of the Courts and the County of Mariposa for the continued use of the historic Mariposa County Courthouse pursuant to Government Code Section 70329.

Chairman Stetson welcomed everyone and provided information on the history of the Courthouse.

Judge Wayne Parrish, Presiding Judge of the Superior Court, acknowledged the presence of Judge Walton, Superior Court, and the members of the Board of Supervisors. He recognized Supervisor Pickard and former Supervisor Balmain for their work with Senator Poochigian and Assemblyman Cogdill and the Administrative Office of the Courts in reaching this agreement.

Judge Ronald M. George, Chief Justice of California and Chair of the Judicial Council, noted that Mariposa is the first county in the state to complete the provisions outlined by the Trial Court Facilities Act of 2002 concerning the State's stewardship under the governance of the Judicial Council. He noted that this caps nine years of efforts by the legislature, the Trial Court Funding Act of 1997, which made funding of court operations a state responsibility.

William "Bill" C. Vickrey, Administrative Director of the Courts, invited the following to join him in signing the Memorandum of Understanding: Judge Parrish, Chairman Stetson and Tom Guarino. After signing the Memorandum of Understanding, Bill Vickrey presented resolutions from the Administrative Office of the Courts to the Chairman Stetson, Judge Parrish and Cyndi Busse, Court Executive Officer.

MaryAlice Kaloostian, representing Senator Poochigian, and Bob Wiedman, representing Assemblyman Cogdill, presented a Certificate of Recognition to the County for being the first in the state to complete the provisions of the Trial Court Facilities Act of 2002.

Chairman Stetson recognized the presence of former Supervisor Garry Parker.

12:11 p.m. (M)Turpin, (S)Fritz, the meeting was adjourned and refreshments were served/Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Approve Budget Action Transferring Funds within the County Fire Budget to Cover Unanticipated Increases in Fuel and Utility Costs (\$9,800) (Fire Chief); Res. 06-277
- CA-2 Approve Budget Action Transferring Funds within the Indigent Defense Budget and Reducing General Fund Contingency (\$30,000) (4/5ths Vote Required) (Interim County Administrative Officer); Res. 06-278
- CA-3 Ratify the Signature of the Chairman of the Board of Supervisors to a Letter Supporting AB 1634 (McCarthy) Seeking Funding to Reimburse Counties for their Cost of the Special Election in November 2005 (Interim County Administrative Officer); Res. 06-279
- CA-4 Approve the Plan of Cooperation between Mariposa County Department of Child Support Services and Mariposa County Superior Court and Authorize the Chairman of the Board of Supervisors to Sign the Plan (Child Support Services Director); Res. 06-280
- CA-5 Approve an Administrative Match Agreement between the County of Mariposa and Area 12 Agency on Aging for in-kind Legal Services for Fiscal Year 2006-

2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Supervisor Pickard); Res. 06-281

- CA-6 Approve a Professional Services Agreement with Abbott & Kindermann, LLP to Perform Legal Services in the Area of Land use Advice, Consultation and Representation and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Counsel); Res. 06-282
- CA-7 Approve Agreement #G8812-06-0056 with National Park Service to Provide “El Portal Ambulance” First Response Vehicle in El Portal Corridor (Health Officer); Res. 06-283
- CA-8 Approve the Third Amendment to Personal Services Agreement with Dana Tofoya and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Health Officer); Res. 06-284
- CA-9 Approve an Amendment with Public Health Emergency Preparedness Grant to add Pandemic Flu Planning and Response Preparation and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Health Officer); Res. 06-285
- CA-10 Approve Budget Action Transferring Funds within the Assessor-Recorder Budget to Cover Emergency Extra Help Positions (\$12,800) (Assessor-Recorder); Res. 06-286
- CA-11 Approve Budget Action Increasing Revenue in the Treasurer Budget to Cover Unanticipated Investment Expenses (\$2,000) (4/5ths Vote Required) (Treasurer/Tax Collector/County Clerk); Res. 06-287
- CA-12 Approve Budget Action Increasing Revenue in the Election Budget to Cover Unanticipated Election Expenses (\$3,900) (4/5ths Vote Required) (Treasurer/Tax Collector/County Clerk); Res. 06-288
- CA-13 Approve Budget Action Transferring Unspent California Aid to Airports Program (CAAP) Funds from the Airport Budget to Special Aviation Fund (\$14,000) (4/5ths Vote Required) (Public Works Director); Res. 06-289
- CA-14 Approve Budget Action Transferring Funds within the Road Division Budget to Cover Anticipated Expenditures through the end of the Fiscal Year (\$15,600) (Public Works Director); Res. 06-290
- CA-15 Approve Budget Action Increasing Revenue and Appropriations in the Road Special Projects Fund to Cover Additional Road Repairs Related to the Flood of March 22, 2005 (\$650,000) (4/5ths Vote Required) (Public Works Director); Res. 06-291
- CA-16 Approve the Second Amendment to Agreement with Chase’s Foothill Petroleum to Provide Fuel for the County’s Fleet and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Public Works Director); Res. 06-292
- CA-17 Approve the Third Amendment to Agreement with Chase’s Foothill Petroleum to Provide Oil and Miscellaneous Fluids for the County’s Fleet and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Public Works Director); Res. 06-293

- CA-18 Authorize the Mariposa County Librarian to Apply and Accept the LSTA Grant-Live Homework Help (Librarian); Res. 06-294
- CA-19 Approve a Letter of Intent between Area 12 Agency on Aging and Mariposa County for Congregate Nutrition, Congregate Restaurant Nutrition, Home Delivered Nutrition and Transportation Services and Authorize the Chairman of the Board of Supervisors to Sign the Letter (Community Services Director); Res. 06-295
- CA-20 Approve Budget Action Transferring Funds within the Community Services Budgets to Cover Temporary Help (\$800) (Community Services Director); Res. 06-296
- CA-21 Approve a Personal Services Agreement with Daniel J. Edelman Company to Provide Public Relations Services to the Visitors Bureau and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Interim County Administrative Officer); item was pulled from the agenda
- CA-22 Approve an Agreement with Hospitality Management for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Interim County Administrative Officer); item was pulled from the agenda
- CA-23 Approve an Agreement for a Mariposa County Foster Family Receiving Home and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-297
- CA-24 Recommend the Rejection of Claim No. C06-3 Filed by David Goger in the Amount of \$500,000 and Authorize the Chairman of the Board of Supervisors to Sign a Notice of the Rejection (Personnel/Risk Management); Res. 06-298
- CA-25 Recommend the Rejection of Claim No. C06-4 Filed by Justine N. Gilbert in the Amount of \$135.04 and Authorize the Chairman of the Board of Supervisors to Sign a Notice of the Rejection (Personnel/Risk Management); Res. 06-299
- CA-26 Approve a Lease Agreement between Mariposa County Visitors Bureau and Mariposa County Chamber of Commerce for Visitors Bureau Office Space and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Tourism); Res. 06-276
- CA-27 Approve an Agreement between Mariposa County Chamber of Commerce and Mariposa County for the Operation of the Visitors Centers in the Towns of Mariposa and Coulterville for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Tourism); Res. 06-300

12:11 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board