



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

January 9, 2007



Time Description

9:07 a.m. Meeting Called to Order at the Mariposa County Government Center.

Vice-Chair Bibby welcomed Brad Aborn - Supervisor District I, and his family.

Tom Brownell sang the National Anthem.

Pledge of Allegiance Led by Representatives of Local Veterans Organizations: Jeff Thorson/Mariposa VFW Post 6042 and Jim Meyer and Richard Perez/American Legion Post 567

Tom Brownell sang God Bless America.

Judge Wayne Parrish, Superior Court conducted the Swearing-in Ceremony for Judge Dana Walton.

Judge Walton, Superior Court conducted the Swearing-in Ceremony for elected/re-elected Supervisors Janet Bibby and Brad Aborn, elected/re-elected department heads Jim Allen, Sheriff/Coroner; Chris Ebie, Auditor; Becky Crafts, Assessor/Recorder; Bob Brown, District Attorney; and Keith Williams, Treasurer/Tax Collector/County Clerk

9:17 a.m. Recess for Refreshment Break

10:37 a.m. Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda
Paul Chapman referred to Consent Agenda item 6 – reappointment of County Counsel, and he stated he feels that this is being requested too far in advance.

Jim Allen, Sheriff;

Present Service Pins to Jeremy Briese and Lisa Sullivan for 5 Years of Service; Joe Brantley, Carolyn Jones, Robert Bruner and Sean Land for 10 Years of Service; and Brian Muller for 25 Years of Service.

BOARD ACTION: Sheriff Allen presented the service pins to Sergeant Briese, Deputy Sullivan, and to Undersheriff Muller. The other staff members were unable to be present.

Continued Public Presentations:

Andrew Carisio commented on his past history with drug and alcohol abuse and stated he is trying to make amends. He wants to start an anti-methamphetamine campaign with signs at the County line that Mariposa is a drug free zone, and he contributed \$10.00 toward the campaign. The donation was given to the Sheriff for the anti-drug program.

Selection of Chair for 2007

BOARD ACTION: (M)Turpin, (S)Fritz, Supervisor Bibby was selected as Chair/Ayes:
Unanimous.

Selection of Vice-Chair for 2007

BOARD ACTION: (M)Pickard, (S)Aborn, Supervisor Turpin was selected as Vice-Chair/Ayes: Unanimous.

Introductions

Board Information

Supervisor Fritz advised that the District IV meeting is scheduled for this evening at the Government Center. On Thursday, she and Supervisor Aborn plan to attend the San Joaquin Valley Rail Committee meeting in Bakersfield.

Supervisor Pickard welcomed Supervisor Aborn to the Board and the elected department heads; and he thanked the Sheriff for recognizing his staff at the meeting and commended the law enforcement. He advised that he plans to attend the Yosemite Sequoia Resource Conservation and Development meeting at the Tully River Indian Reservation on Thursday; and he has a conference call with CalTrans' Technical Committee.

Supervisor Aborn advised that he is looking forward to serving the District and the County.

Supervisor Turpin commented on the need to trim the trees and contain brush to establish fuel breaks. He thanked the County Administrative Officer for taking a tour of the North County with him on Wednesday. He congratulated Supervisor Aborn; he wished everyone a "Happy New Year" and he thanked the Sheriff for the presentation to staff.

Supervisor Bibby advised that she invited CalTrans and the U. S. Forest Service to provide a status report to the Board on the Ferguson Rockslide on January 16th. She thanked the Board for selecting her as Chair, and she thanked staff for organizing the swearing-in ceremony.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled item 6 – reappointment of County Counsel. Thomas P. Guarino, County Counsel, excused himself. Discussion was held. Rick Benson, County Administrative Officer, responded to a question from Supervisor Bibby; and he advised that it is his understanding that the Board has the prerogative to take this action any time within twelve months prior to the expiration of the current term. Supervisor Pickard advised that he does not have a concern with this item and he feels that Thomas P. Guarino has done an excellent job at representing the County as County Counsel. (M)Pickard, (S)Fritz, item 6 was approved. Supervisor Bibby expressed concern with having a new member on the Board that has not had an opportunity to work with County Counsel, and with taking this action this far in advance of the expiration of the current term. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby. County Counsel returned and thanked the Board for the reappointment.

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

Rick Benson, County Administrative Officer;

Pacific Gas and Electric (PG&E) to Present a Ceremonial Check to the Board of Supervisors; Approve Budget Action Accepting a Grant Award from PG&E and Increase Revenue and Appropriations in the Amount of \$7,000 (4/5ths Vote Required)

BOARD ACTION: Rick Benson advised that this is a grant that Marilyn Lidyoff, Business Development Coordinator, solicited from PG&E. Phil Pennino, PG&E Account Services, presented the ceremonial check for the "open for business" program. (M)Pickard, (S)Aborn, Res. 07-7 was adopted accepting the grant award and approving the budget action/Ayes: Unanimous.

Thomas P. Guarino, County Counsel;

Discussion, Direction and Possible Action Regarding a Request to Lease Certain Parcels Of Real Property for Grazing in Hornitos

BOARD ACTION: Thomas P. Guarino initiated discussion relative to this matter. Supervisor Turpin asked about giving the adjacent landowners an opportunity to lease the parcels. Supervisor Pickard suggested that the same process be used as was done previously; and he feels that the parcel used for the transfer station should be excluded. Discussion was held relative to the number of parcels. County

Counsel advised that if the Board wants to proceed, that more information could be brought back. Dana Hertfelder, Public Works Director, noted that a neighboring property owner is using one of the parcels for grazing. (M)Pickard, (S)Turpin, direction was given for County Counsel to proceed on this matter and with obtaining more information as discussed/Ayes: Unanimous.

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

BOARD ACTION: Supervisor Pickard suggested that the County Administrative Officer become the lead person on this matter, and that he and Supervisor Aborn serve as a liaison committee. He advised that there is a conference call set for Thursday and he suggested that they be involved. Chair Bibby clarified with County Counsel that this action could be taken as a part of this matter. (M)Pickard, (S)Turpin, the Board appointed the County Administrative Officer to be the lead person on this matter, with Supervisors Aborn and Pickard to serve as an liaison committee/Ayes: Unanimous. (M)Pickard, (S)Aborn, Res. 07-8 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.

11:24 a.m. MARIPOSA COUNTY PUBLIC FINANCE CORPORATION

Conduct Annual Meeting and Select Officers for 2007 (Clerk of the Board)

CORPORATION ACTION: Rick Benson, County Administrative Officer, advised that the purpose of this meeting is to fulfill the requirements of the Corporation's bylaws to hold an annual meeting. (M)Pickard, (S)Aborn, Supervisor Bibby was selected as President and Supervisor Turpin was selected as Vice-President/Ayes: Unanimous. Supervisor Bibby asked that staff provide a list of the facilities that were financed through the Corporation, and the Rick Benson advised that he will review this.

11:27 a.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA Property on Corner of Bullion Street; Agency Negotiator: Thomas P. Guarino; Name of Party who will Negotiate with County (Not Party's Agent): SPCA; Closed Session will Concern Price and Terms of Lease/Purchase (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: Pacific Gas & Electric Co. v. State Board of Equalization, et al., Case No. CV 026962 (County Counsel); and
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Appointed Department Heads; Name of County Designated Representative: Rick Benson, CAO (County Administrative Officer)

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

1:26 p.m. Chair Bibby announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Adopt a Resolution Supporting a Regional Approach in Which Mariposa County and the San Joaquin Valley Counties Join Together for the Development of a Federal and State Marijuana Eradication Pilot Program (Supervisors Pickard and Fritz); Res. 07-2
- CA-2 Approve Amendment to an Agreement with Coast Surveying, Inc. to Perform Map Checking, Legal Description Checking and General Surveying Document Checking and Executing Documents as the County Surveyor Under the Direction of the Public Works Director and Authorize the Chairman of the Board of Supervisors to Execute the Amendment (Public Works Director); Res. 07-3

- CA-3 Adopt a Resolution Approving Road Name “Whispering Pines” for Subject Easement; Road Name Application No. 2006-283, Steve Allison, Applicant (Planning Director); Res. 07-4
- CA-4 Approve an Agreement with the State Department of Mental Health to Provide Mental Health Services Under the Mental Health Services Act and Authorize the Human Services Director to Sign the Agreement (Human Services Director); Res. 07-05
- CA-5 Approve Amendment 1 to the Lease Agreement for Human Services Office Space with James Bardini Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 07-6
- CA-6 Adopt a Resolution Reappointing County Counsel to a Four-year Term Commencing January 4, 2008 (County Counsel); Res. 07-1

1:27 p.m. Adjournment in memory of Mildred Marie Snee, Edna M. Hellmers, Janet Valentine, Ruth Ann Sinclair, and Italo “Leo” Benedetti.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

January 16, 2007



Time Description

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

Pledge of Allegiance

Introductions – Chair Bibby introduced the new CHP Commander, Dave Price, and he advised that he is looking forward to being here.

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

Jacque Meriam, Librarian, advised of a leak with the fire sprinkler system at the Library due to the freezing weather, and she thanked Public Works and Jericho Fire Sprinkler Service for their assistance.

Jim Middleton, Deputy Fire Chief, provided a status report on the damages to facilities (Catheys Valley Fire station, MPUD station, and Masonic Lodge) as a result of the freezing weather, and he thanked CDF for their assistance.

Dana Hertfelder, Public Works Director, provided a status report on damages to the County facilities as a result of the freezing weather. He thanked the Sheriff's Office for assistance. He advised that all of the park bathrooms were closed except for the one at Catheys Valley Park due to damage or potential damage as a result of the freezing weather. Chair Bibby thanked Public Works, law enforcement, Fire and CDF and the volunteers for their assistance.

Chair Bibby;

Kome Ajise, CalTrans District 10 Director and Dave Martin, National Forest Service - District Ranger; Discussion Regarding the Status of the Ferguson Rock Slide

BOARD ACTION: Kome Ajise briefly reviewed the history of the slide and the work that has been done; and he advised of the four permanent fix alternatives that they are reviewing: 1) remove the slide material; 2) construct a rock shed; 3) realign the Highway to the North East; and 4) realign the Highway with a tunnel. As an estimate of timeframes, he advised that they hope to have a draft environmental document by September 2007, with a final document in March 2008, and to start construction in January 2009, based on the alternative of realigning the Highway to the North East. Discussion was held. It was noted that CalTrans is the lead agency for CEQA, and the Federal Highway Administration is the lead agency for the NEPA process; and there are several permitting requirements and agencies involved. Supervisor Turpin asked about addressing the future potential of the slide blocking the River; and he was advised that the Highway would be designed at a higher level. Supervisor Turpin asked about increasing the turning radius for the temporary bridges to accommodate longer vehicles. Kome Ajise advised of CalTrans' review of this matter, and they feel it could take a year or more and cost one to two million dollars to accommodate up to a 36-foot vehicle length. Chair Bibby called for input from the public and none was received. Further discussion was held.

Dave Martin provided input relative to the Forest Service review of Section 7 of the Wild and Scenic Rivers Act concerning this project; and he provided a status report on their monitoring systems for the slide. Discussion was held. Jerry DeGraff, Forest Geologist, provided a status report on the activity of the slide and relative to their monitoring of the flow of the Merced River. He advised that status reports are posted to the web at: www.fs.fed.us/r5/sierra/conditions. Chair Bibby called for input

from the public, and none was received. She invited both agencies to come back and provide periodic status reports.

Linda Dahl, Chief Planner, and Jen Nersesian, Planner, appeared on behalf of Mike Tollefson, Yosemite National Park Service Superintendent;

Discussion Regarding the Status of Planning and Schedules of Projects in the Park

BOARD ACTION: Linda Dahl and Jen Nersesian provided an update on the Merced Wild and Scenic River Comprehensive Management Plan/Environmental Impact Statement and the status of the court orders on this Plan. They also provided input on the Plan for the Tuolumne River; and advised that they have been served with a lawsuit on the Yosemite Valley Plan. Discussion was held relative to the potential of failure of the El Portal Road (Pohono Bridge area) as a result of the 1997 flood and the lawsuit. The Board was assured that the Park Service is doing everything it can on this project, and emergency measures can be taken if necessary. Discussion was held relative to the cost of re-doing the Merced River Plan.

Input from the public was provided by the following:

Dick Hutchinson asked for clarification of whether there is a potential if a worst case catastrophic failure of the El Portal Road occurred that it could sever the main sewer line that serves Yosemite Valley and that would mean shutting down the Park. That Park planners advised that they would not let that occur. Supervisor Pickard asked whether the Superintendent has any emergency authority in this matter, and was advised that he does, if needed.

Shirley Schmelzer stated she does not feel that the environmental lawsuit interferes with any emergency repairs.

Linda Dahl stated she feels that in the last round of the lawsuits on the Merced River, they were asked to stop emergency repairs by the plaintiffs.

No action was necessary.

Board Information – none.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Turpin pulled items 4 and 6. Supervisor Aborn pulled item 8. Supervisor Bibby pulled items 2 and 4. (M)Fritz, (S)Pickard, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 2 – disband the Deferred Compensation Advisory Committee. Supervisor Bibby asked for clarification that this does not affect the MOU's with the bargaining units. Rick Benson, County Administrative Officer, stated he would review this matter, and the item was continued to January 23, 2007.

Consent Agenda item 4 – agreement with Richard Hill Trucking for removal of illegally stored materials from a property. Supervisor Turpin asked about the list of things to be addressed. Mach Myovich, Code Compliance Technician, and Kris Schenk, Planning Director, responded to questions from the Board. (M)Turpin, (S)Fritz, item 4 was approved/Ayes: Unanimous.

Consent Agenda item 6 – amendment to the agreement with Central Valley Opportunity Center to provide weatherization services. Janet Gass, HDS/Contract Administrator, responded to questions from the Board and advised that this program does not provide assistance for damages to water lines and pumps as a result of the recent freezing weather. She is looking at other programs for this. Supervisor Turpin asked that she keep the Board informed of the status. (M)Turpin, (S)Pickard, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 8 – budget action for the development of a drainage study for Coulterville. (M)Fritz, (S)Turpin, item 8 was approved/Ayes: Unanimous.

Rick Benson, County Administrative Officer;

Approve the 2007 Civil War Re-Enactment on Frank Long's Property as a County Sponsored Event for Liability Insurance Purposes

BOARD ACTION: Rick Benson advised that the National Civil War Association is planning to hold a re-enactment in the County in April 2007 (April 28-29). Leroy Radanovich, Interim Tourism

Coordinator, and Frank Long, property owner, provided input relative to the event and coordination with the agencies. Supervisor Bibby asked that progress reports be provided to the Board and asked for assurance that the Assemblage Permit would be obtained. She asked whether this is a permissible event on Williamson Act contracted land. Kris Schenk, Planning Director, advised that there would be no planning permits required, and since there are no permanent structures for the event, they do not see any conflicts. Supervisor Fritz noted that there will be no alcohol served at the event, and they are working with the schools with an additional day of activities.

Input from the public was provided by the following:

Paul Chapman stated that this is Williamson Act contracted land and he does not feel that this is an ag activity. He does not feel that the County should be a part of something that could bring more litigation, and he expressed concern with costs and nuisance impacts.

Frank Long provided input on the history of the Williamson Act and its purpose; and he provided input on the event, and advised of the needs for volunteers to help.

(M)Fritz, (S)Turpin, Res. 07-15 was adopted approving the 2007 Civil War Re-Enactment on Frank Long's property as a County sponsored event for liability insurance purposes. Supervisor Bibby clarified that approval is contingent on all of the proper permits being obtained. Ayes: Unanimous.

11:18 a.m. Recess

11:30 a.m. Rick Benson, County Administrative Officer;

Presentation by Daniel C. Smith and Associates on the Capital Improvement Program and Impact Fee Ordinance, Department Data Summaries Space Requirements Analysis and an Update on the Next Step of the Study

BOARD ACTION: Daniel C. Smith gave a presentation on the department data summaries space requirements analysis, and he advised that he would like to have all comments or questions from the departments be the end of this month. Discussion was held. Chair Bibby called for input from the public and none was received. Daniel Smith advised that he will include specific dollar amounts in the analysis.

Gail Neal, Chief Probation Officer;

Establish a Revenue and Recovery Department under the Auspices of the Probation Department for the Collection of Fines, Fees, Restitution and other Financial Obligations from Criminal Offenders Pursuant to the Comprehensive Collections Program

BOARD ACTION: Discussion was held with Gail Neal, and she noted that the Revenue and Recovery function will be a division versus a department; and she reviewed the program. Superior Court Judge Walton provided input relative to the program, and he advised that the grant funding is to provide start-up costs for the program and then it will be self-supporting. Supervisor Pickard clarified that the General Fund will not sustain this program. Chair Bibby called for input from the public and none was received. (M)Pickard, (S)Fritz, Res. 07-16 was adopted establishing the Revenue and Recovery Division for the collection program as requested; accepting funding in the amount of \$60,000 to begin the program; and direction was provided for a separate account to be established. Supervisor Bibby expressed concern with the proposal. Discussion was held relative to the account tracking system; and it was clarified that if the program is not self-supporting, the position(s) assigned to the program would go away. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

12:42 p.m. – LUNCH

1:38 p.m. Jacque Meriam, Librarian;

Approve Budget Action Accepting Unanticipated Additional Revenue from the State Public Library Fund and Increasing Appropriations in the Library Budget, Reinstatement of the Saturday Library Hours Beginning January 28, 2007 (\$4,173) (4/5ths Vote Required)

BOARD ACTION: Jacque Meriam advised that the sprinkler system in the Library is leaking again, and Public Works is working to resolve the problems. Discussion was held with Jacque Meriam

relative to her request. Chair Bibby called for input from the public and none was received. (M)Pickard, (S)Aborn, Res. 07-17 was adopted approving the requested actions/Ayes: Unanimous.

Rick Benson, County Administrative Officer/Dana Hertfelder, Public Works Director;
Approve the State of California Resources Agency Grant Agreement #R81606-0 in the Amount of \$300,000 for the Mariposa Creek Parkway Acquisition and Authorize the County Administrative Officer to Sign the Agreement and Approve Budget Action Accepting Grant Revenue and Increasing Appropriations (\$300,000) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Marilyn Lidyoff, Administration-Business Development Coordinator, relative to the project. Dana Hertfelder provided input relative to the grant for the environmental design work and construction, and he advised that there are no matching funds required. Chair Bibby called for input from the public and none was received. (M)Pickard, (S)Fritz, Res. 07-18 was adopted approving the request/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;
Discussion and Direction to Staff Concerning Fee Increases for Water and Sewer Service in the Coulterville Service Area

BOARD ACTION: Discussion was held with Dana Hertfelder, and he advised that Coulterville is the only district that does not receive any property tax revenue and it is repaying a loan to the Water Agency for construction of the facility. Carl Casey, Public Works Administrator, reviewed the status of the fees and the budget for the District, and what would be necessary to reach their goal for the District to be self-supporting. Dana Hertfelder noted that they plan to start looking at CPI increases in the fee structure. Rick Benson, County Administrative Officer, provided input on the Proposition 13 process. Supervisor Pickard suggested that consideration could be given to holding a special meeting in Coulterville to obtain input from the community on this matter, and that the Advisory Committee be involved in this process first. Supervisor Turpin stated he feels that other options need to be explored, such as trying to designate a percentage of the property tax for the District; and he expressed concern with service calls that are charged to the District that turn out not to be District issues. Dana Hertfelder advised that there is no mechanism to charge the calls that turn out to not be a District problem. Rick Benson stated he could research the property tax issue.

Input from the public was provided by the following:

Ruth Catalan stated she would like information on the average costs for the commercial and residential uses. Carl Casey responded with the information on the average costs.

Supervisor Turpin stated he feels that the hook-up fees need to be addressed. The Board concurred with Supervisor Turpin working with staff and with bringing the membership current on the Advisory Committee for the Committee to review and provide input on this matter; and with direction for a recommendation to be brought back to the Board for moving forward.

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

BOARD ACTION: Rick Benson, County Administrative Officer, advised of a conference call held on January 11th relative to this project. He advised of discussion of the issue that former Supervisor Stetson brought up relative to safety for the bicycle riders, and CalTrans is willing to look at signage reminding the motorists to share the road with the cyclists. (M)Pickard, (S)Turpin, Res. 07-19 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.

Authorize the Chairman of the Board of Supervisors to Sign a Letter Requesting Participation of a Mariposa County Board of Supervisor on the San Joaquin Valley Rail Committee (Supervisor Aborn/Supervisor Fritz)

BOARD ACTION: Supervisor Fritz advised that she attended the San Joaquin Valley Rail Committee meeting with Supervisor Aborn. She initiated discussion relative to the draft letter requesting

representation for the County on the San Joaquin Valley Rail Committee, and she requested a change to reflect a request for two voting members from the County to be on the Committee. (M)Pickard, (S)Aborn, Res. 07-20 was adopted approving the letter with the change/Ayes: Unanimous.

Discussion and Possible Selection of a Board Member and/or County Representative(s) to Participate in the Yosemite Gateway Socioeconomics Workshops (Chair Bibby)

BOARD ACTION: Supervisor Fritz advised that she and Supervisor Aborn have been attending the Gateway meetings. (M)Turpin, (S)Pickard, Supervisors Aborn and Fritz were selected to represent the County at the workshops/Ayes: Unanimous.

Discussion and Approval of the County's 2007 Legislative Platform (County Administrative Officer)

BOARD ACTION: Rick Benson, County Administrative Officer, reviewed the request. (M)Pickard, (S)Turpin, Res. 07-21 was adopted approving the Platform/Ayes: Unanimous.

CLOSED SESSION: Liability Claims; Claimant Name: Michael McCutchen; Claim Number: C06-17; Name of Agency Sued: County of Mariposa (County Administrative Officer)

BOARD ACTION: This closed session was not held.

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA Property Located on Corner of Bullion Street; Agency Negotiator: Thomas P. Guarino (County Counsel); and

BOARD ACTION: This closed session was continued to January 23, 2007.

2:39 p.m. CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: WCAB No.: FRE 0227960 Bryce Johnson v. County of Mariposa (County Administrative Officer/Personnel Director)

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

2:51 p.m. Chair Bibby announced that information was received and that no action was taken as a result of the closed session.

CONSENT AGENDA:

- CA-1 Approve Amendment to the Medical Malpractice Program Memorandum of Understanding (MOU) with the California State Association of Counties (CSAC) Excess Insurance Authority (EIA) and Authorize the County Administrative Officer to Sign the MOU (County Administrative Officer); Res. 07-9
- CA-2 Disband the Deferred Compensation Advisory Committee due to Great Western Savings Merging with Nationwide and the CalPERS 457 Program Becoming Available (County Administrative Officer); Matter was continued to January 23, 2007, for additional information.
- CA-3 Adopt a Resolution Rejecting Claim No. C06-17 filed by Michael McCutchen for \$545.03 and Authorize the Chairman of the Board of Supervisors to Sign a Notice of Rejection (County Administrative Officer/Risk Manager); Res. 07-10
- CA-4 Approve an Agreement with Richard Hill Trucking for Removal of Illegally Stored Materials from a Property in Coulterville and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Planning Director); Res. 07-12

- CA-5 Approve the Membership Certification for the Mariposa Local Child Care Planning Council and Authorize the Chairman of the Board of Supervisors to Sign the Membership of Certification (Human Services Director)
- CA-6 Approve an Amendment with Central Valley Opportunity Center (CVOC) to Provide Weatherization Services in the Homes of Low Income Residents and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Human Services Director); Res. 07-13
- CA-7 Approve the 2007 Low Income Home Energy Assistance Program (LIHEAP) Agreement 07B-5423 and Authorize the Human Services Director to Sign the Agreement; 2) Accept an Advance of \$40,000 in Anticipated Revenue from LIHEAP Agreement 07B-5423 and 3) Authorize Human Services to Continue to Coordinate the Weatherization Portion of the Program with the Central Valley Opportunity Center (CVOC) (Human Services Director); Res. 07-11
- CA-8 Approve Budget Action Accepting Grant Revenue of \$35,000 and Reducing General Contingency by \$2,800 and Increasing Appropriations in the Amount of \$37,800, Regarding the Development of a Drainage Study for the Town of Coulterville (4/5ths Vote Required) (County Administrative Officer/Public Works Director); Res. 07-14
- CA-9 Reappoint Bob Rudzick as the District III Representative to the Mariposa County Planning Commission, with a Term Expiring on December 31, 2010 (Chair Bibby)

2:52 p.m. Adjournment in memory of Marianna Johnson Lauritzen, Alan R. Wilson, and Fred Foster.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

January 23, 2007

Time Description

9:08 a.m. Meeting Called to Order at the Mariposa County Government Center with Supervisor Pickard excused to arrive later due to jury duty.

Pledge of Allegiance

Introductions

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

Paul Chapman referred to Consent Agenda item 5 – agreement for tourism advertising; and he stated he does not feel that this expense is necessary. He feels the tourists should be given a reason to come to Mariposa.

Dick Hutchinson thanked Supervisor Aborn for placing the salary increase item on the agenda for the Sheriff.

Jim Middleton, Deputy Fire Chief, provided an update on the damages as a result of the recent freezing weather; and he advised that the Governor proclaimed a disaster for all 58 counties as a result of the 2007 freeze. He noted that there may be a potential for a propane shortage due to a refinery fire; however, Southern California is sending propane to the area.

Lorri Abston stated she supports the campaign against methamphetamines in the County; and she commented on statistical information. Chair Bibby suggested that she contact the Sheriff relative to the campaign that was suggested to the Board earlier in the month. Lorri Abston advised that she will provide more statistical information and leave it with the Board's office.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Chair Bibby advised that the County Clerk pulled item 1 – changing the Lake Don Pedro Community Services District Directors election date, and the matter will be rescheduled. She further advised that new information was provided for item 3 – authorization of additional hours for maintenance worker extra help for the Solid Waste Division. Rick Benson, County Administrative Officer, and Chris Ebie, Auditor, provided input relative to PERS requirements and extra help hours – the matter was deferred to later this date to allow time for more information to be obtained to see if the issues can be resolved. Dana Hertfelder, Public Works Director, advised that it would be okay to continue the matter to February 6th if the issues can't be resolved today.

(M)Turpin, (S)Fritz, the balance of the items was approved/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Board Information

Supervisor Turpin advised that he attended the Chamber of Commerce installation dinner on Friday, and he had an opportunity to visit with Senator Cogdill relative to the Highway 140 Ferguson rockslide matter. He advised that he scheduled a District II meeting on Thursday in Coulterville. A business development meeting was held last week in Coulterville. On Wednesday he attended the monthly meeting with the Stanislaus National Forest and the off-road vehicle routes were discussed, and the next meeting is scheduled for February 21st.

Supervisor Fritz advised that she attended the Chamber of Commerce installation dinner on Friday. She plans to attend the socio-economic meeting with the gateway partners on Wednesday. She

advised that CSAC has scheduled a policy meeting on health care reform for Fridays. She attended the YARTS JPA meeting on Monday. She plans to attend the FFA (Future Farmers of America) Project Competition awards banquet on Wednesday.

Supervisor Bibby attended the Catheys Valley Elementary School program “Future Legacy of Catheys Valley School Sites” – a science program including gardening education on Saturday. She advised that she is having a family emergency and the flu is going around. She noted that the Board will not be meeting on January 30th due to the fifth Tuesday. She expressed her condolences to the Patriots for not making it to the Super Bowl game.

Approve an Agreement with Liebert Cassidy Whitmore to Provide Employee Relation Services by Participating in the San Joaquin Valley Employment Relations Consortium, and Authorize the Chair of the Board of Supervisors to Sign the Agreement (County Administrative Officer/Personnel Director)

BOARD ACTION: Discussion was held with Rick Benson, County Administrative Officer.

(M)Turpin, (S)Fritz, Res. 07-25 was adopted approving the agreement/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Approval of Minutes of October 11, 2006, Regular Meeting, Continued from October 10, 2006 (Clerk of the Board)

BOARD ACTION: (M)Fritz, (S)Turpin, the minutes were approved/Ayes: Turpin, Bibby, Fritz; Excused: Pickard; Not Voting: Aborn.

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

BOARD ACTION: Rich Benson, County Administrative Officer, advised that he and Supervisor Pickard were in Sacramento on Monday and they had an opportunity to speak with Senator Cogdill concerning the Ferguson rockslide and relative to improving the temporary fix. Supervisor Fritz noted that she also spoke with Senator Cogdill at the Chamber of Commerce installation dinner relative to this matter; and she noted that at the YARTS meeting on Monday, they were advised that a lot of cement has been pumped into the side of the road at the Pohono Bridge to fill a hole being eroded by the River to avoid a catastrophic failure. Supervisor Aborn stated he feels that there needs to be pressure for an immediate repair of the El Portal Road reconstruction project by the Pohono Bridge because if that section of road is not open, it would only leave Highway 41 open to the Park. Supervisor Turpin suggested that a letter of concern relative to the El Portal Road reconstruction project/Pohono Bridge area be placed on the agenda to address the emergency situation. Supervisor Fritz also suggested that a letter to CalTrans be scheduled on the agenda to address the down river bridge in the interim of a permanent fix. Chair Bibby suggested that Board members schedule these matters for a future agenda. (M)Turpin, (S)Aborn, Res. 07-26 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: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Betty Halencak, District Attorney Office - Administrative Assistant, appeared on behalf of Robert Brown, District Attorney;

Adopt a Resolution Authorizing the Board of Supervisors to Approve Making Project Safe Childhood a County Sponsored Event Scheduled for Tuesday, February 13, 2007, not to Exceed \$3,500 and Approve Budget Action Transferring Funds from General Contingency to the District Attorney Budget for Safe Child Project (\$3,500) (4/5th Vote Required); Approve Fairgrounds Agreement and Authorize Chair of the Board of Supervisors to Sign the Agreement

BOARD ACTION: Betty Halencak provided input on the request. Rick Benson, County Administrative Officer, advised that the Lion’s Club is donating their time for the event and he is not confident that they can name the County as an additional insured on their policy. Rick Peresan, representing the Lion’s Club, stated that he also has an interest in this matter as Technical Services Director; and he requested that the County sponsor the event for insurance purposes. Discussion was held relative to the insurance issues. Kathy Delaney advised that Mariposa Safe Families volunteered to help coordinate the child care and it has been difficult to find a licensed care provider.

Input from the public was provided by the following:

Eleanor Keuning advised that their church has a program through the Hospital where a private duty person provides child care, and she suggested that this be considered as a possibility for this event. She asked whether there would be presentations in the elementary schools. As a member of Kiwanis, she noted that they are always looking for projects that they can participate in and they are willing to help with this event.

Kathy Delaney advised that this presentation is not age appropriate for the elementary school students; however, the committee has discussed developing a curriculum for that level. Supervisor Bibby clarified that the County sponsorship of the event is only for the portion being held at the Fairgrounds.

(M)Fritz, (S)Aborn, Res. 07-27 was adopted finding that the "Project Safe Childhood" is a program that provides a public benefit in order to provide meals to the public participants; authorizing the portion of the event to be held at the Fairgrounds to be sponsored by the County for insurance purposes; authorizing the Chair to sign the agreement with the Fairgrounds; and approving the budget action. Further discussion was held relative to requiring licensed day care providers for the child care. The motion was amended, agreeable with the maker and second, to include direction that licensed day care providers be required; and that the Lion's Club and FFA (Future Farmers of America) be required to name the County as an additional insured on their insurance. Further discussion was held relative to the insurance issues. The motion was restated as follows: Res. 07-27 was adopted finding that the "Project Safe Childhood" is a program that provides a public benefit in order to provide meals to the public participants; authorizing the portion of the event to be held at the Fairgrounds to be sponsored by the County for insurance purposes; authorizing the Chair to sign the agreement with the Fairgrounds; approving the budget action; requiring that licensed day care providers be used if child care is provided; and the Lion's Club and FFA do not need to name the County as additional insurance on their policies if they can't. Chair Bibby asked if there was any additional input from the public, and there was none. Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Kathy Delaney, Executive Director Mariposa Safe Families, Inc.

Present 2005-2006 Annual Report

BOARD ACTION: Kathy Delaney presented the annual report for 2005-06; and she introduced their Board members that were present, and named those that couldn't attend. Discussion was held relative to proposed locations of family enrichment centers and the statistics that were presented. Susan Arlington, Supervisor in Social Welfare and member of the Board of Directors for Mariposa Safe Families, Inc., provided input on the statistics for the County.

The agreement with the newly formed Yosemite/Mariposa County Tourism Bureau was continued to later this date for all Board members to be present.

10:28 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none

B) Selection of Chair and Vice-Chair (Clerk of the Board)

COMMISSION ACTION: (M)Fritz, (S)Bibby, Commissioner Turpin was selected as Chair/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard. (M)Bibby, (S)Aborn, Commissioner Fritz was selected as Vice-Chair/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

10:32 a.m. MARIPOSA COUNTY WATER AGENCY

(Chair – Director Turpin; Vice-Chair – Director Bibby)

A) Public Presentation – none

B) Selection of Chair and Vice-Chair (Clerk of the Board)

AGENCY ACTION: (M)Bibby, (S)Fritz, Director Turpin was selected as Chair/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard. (M)Fritz, (S)Bibby, Director Aborn was selected as Vice-Chair/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

10:36 a.m. The Board of Supervisors reconvened and recessed.

11:10 a.m. The Board reconvened.

Richard J. Benson, County Administrative Officer;

Approve an Agreement with the Newly Formed Yosemite/Mariposa County Tourism Bureau and Authorize the Chair of the Board of Supervisors to Sign the Agreement; Approve Budget Action Reducing General Contingency \$275,000 to Fund Agreement (4/5ths Vote Required)

BOARD ACTION: Chair Bibby advised that public input would be received on this item at this time, after a brief introduction of the item by the County Administrative Officer, and then the matter would be continued to this afternoon for Supervisor Pickard to be present. Rick Benson presented the staff report.

Input from the public was provided by the following:

Ruth Catalan asked for clarification of the funding amounts and whether the funds are in the budget. She stated she feels that \$275,000 for five months is too much; and she asked how much is anticipated to be needed for the coming year and questioned what the County is getting for this. Rick Benson responded relative to the questions concerning the funding.

Leroy Radanovich, Interim Tourism Coordinator, provided input on the request to transfer the computer and furniture to the Bureau; and on the advertising program for the County.

Ruth Sellers stated she feels that the privatization is a great way to go; however, she has questions relative to the process. She asked whether there are any ordinances that tie this function to the County budget and whether there are any documents that need to be changed for the privatization. She also asked if the County is tied in any way to provide funding on an on-going basis. Thomas P. Guarino, County Counsel, advised that the tourism function is assigned under the supervision of the County Administrative Officer. He advised that today's action is on a contract for services with the Bureau; and the Department will remain intact as no positions have been abolished. There are issues that still need to be resolved with the transition. Future funding is a budgetary decision to be made on an annual basis. Rick Benson noted that this agreement ends with this fiscal year, and that it is anticipated that the Tourism Bureau will come back and make requests for future funding and the Board will need to make the decisions. However, if the Board does not provide funding, the Bureau will not be able to exist. Leroy Radanovich noted that this is a performance-based agreement.

The matter was continued to later this date.

11:27 a.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA Property Located on Corner of Bullion Street; Agency Negotiator: Thomas P. Guarino, (Continued from January 16, 2007) (County Counsel)

BOARD ACTION: (M)Aborn, (S)Fritz, the closed session was held/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard. Chair Bibby noted that the Board would reconvene at 2:30 p.m.

11:37 a.m. – LUNCH

2:09 p.m. Kris Schenk, Planning Director;

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

2:32 p.m. The Board of Supervisors reconvened with all members present. Chair Bibby announced that information was provided and that no action was taken as a result of the closed session.

Consent Agenda item 3 – authorization for additional hours for maintenance workers for extra help in the Solid Waste Division. Rick Benson, County Administrative Officer, advised that they are still trying to get a clear interpretation relative to the PERS issues and recommended that the matter be continued to February 6th. The Board concurred.

Supervisor Aborn;

Increase the Sheriff/Coroner/Public Administrator Salary to Ten-Percent (10%) Above that of the Undersheriff Classification's Salary with all Eligible Longevity and Incentive Pay; Approve Budget

Action Transferring Funding from the Public Administrator Fund to the Sheriff's Budget (\$12,447)
(4/5ths Vote Required)

BOARD ACTION: Supervisor Aborn initiated discussion concerning the request. Supervisor Pickard asked if the request is retroactive. Rick Benson, County Administrative Officer, advised of an opinion he received from County Counsel that it could be difficult to make the increase retroactive as department heads typically receive increases on January 1st, and retroactivity could open a door to challenge. Thomas P. Guarino, County Counsel, advised of Article 11, Section 10A of the California Constitution prohibiting retroactive pay in this circumstance to the previous year as an increase was already given for 2006. Supervisor Fritz asked about the Public Administrator Fund being used to cover the increase. Rick Benson advised that there is money in the Fund for this fiscal year, but there is no assurance that the funds will be available in future years in this Fund. Chair Bibby called for input from the public and none was received. Supervisor Bibby asked the Auditor about the Public Administrator Fund. Chris Ebie, Auditor, advised that the funds exist as a result of the settlement of estates that were closed out and the Board could appropriate the funds in any manner it deems appropriate. Discussion was held. Supervisor Pickard commented on the survey method used for department heads and elected officials in 2005, and he stated he supports that policy. He requested that direction be given to staff to bring back as soon as possible consideration of a salary increase for department heads including up to a four percent increase. Chair Bibby noted that the matter on the agenda is specific to the Sheriff. County Counsel advised that it would be appropriate, if the Board wants to address this item, to give direction to staff for the department heads.

Jim Allen, Sheriff, advised that a four percent increase will still leave a compaction issue. He noted that he spoke with Supervisor Pickard about this situation in October and he asked him to wait until January and the issue still has not been resolved. He advised that the disparity is uncomfortable and he provided statistics relative to the salary differences in other counties between the Sheriff and the Undersheriff.

Further discussion was held. Supervisor Fritz expressed concern with using one-time funding for on-going expenses. Rick Benson noted that the direction given in closed session dealt only with appointed department heads, and it is his intention to bring recommendations for appointed department heads and elected officials to the Board on February 6th. Supervisor Bibby noted that the MOU for MCMCO calls for a ten percent separation in pay to avoid salary compaction with managers and staff. She further stated that the compaction information was not known about at the time the salary survey was done, as the compaction resulted from the labor negotiations with the Sheriff's Deputy Association.

Jim Allen stated he is okay with having the increase retroactive to January 1, 2007 versus October 2006. He advised that he is maxed out on his retirement and he will get penalized on his salary from PERS upon retirement. He provided information on the incentive pay that is available to staff.

(M)Aborn, (S)Bibby (who passed the gavel to the Vice-Chairman), to approve the salary increase as requested by Supervisor Aborn, effective January 1, 2007, failed. Discussion was held. Ayes: Aborn, Bibby; Noes: Turpin, Fritz, Pickard. The motion failed.

(M)Turpin, (S)Pickard, Res. 07-28 was adopted approving a four percent salary increase for the Sheriff retroactive to January 1, 2007, with a discussion of elected officials salaries to be scheduled on February 6th agenda. Chair Bibby questioned whether this action would be appropriate as only the Sheriff's salary is on the agenda with a request for ten percent. County Counsel requested time to research this issue. Supervisor Pickard also requested that direction be given to the County Administrative Officer to bring back a recommendation for the first meeting possible, February 6th or as soon as possible, to adjust the salaries for elected officials and to correct the salary compaction.

3:24 p.m. Recess

3:34 p.m. County Counsel advised that he reviewed the agenda item and the Brown Act; and he advised that a motion of four percent for the Sheriff only is okay. However, he needs clarification of the intent of the discussion relative to the direction to bring the matter back for a comprehensive review. Supervisor Turpin clarified his motion to grant a four percent increase above the total salary of the Undersheriff, including longevity and incentive pay, to the Sheriff, effective January 1, 2007, to help alleviate the compaction issue. Supervisor Pickard asked the County Administrative Officer how this action would impact the integrity of the salary survey policy, and Rick Benson responded that he did not feel that it would change the ranges as far as the departments, just the percentages. Supervisor Pickard stated he would prefer to look at this comprehensively and requested that the County Administrative Officer bring back information, including information on the budget status. Further

discussion was held. Supervisor Pickard withdrew his second to the motion. Supervisor Aborn seconded the motion with the stipulation that there will be further consideration of the other elected officials and department heads. Supervisor Fritz asked the Auditor if the proposed action is clear for payroll purposes. Chris Ebie, Auditor, stated they would look at the total compensation for the Undersheriff as of this date and increase the Sheriff's salary by four percent beyond that. Ayes: Aborn, Turpin, Bibby, Fritz; Noes: Pickard. (M)Aborn, (S)Turpin, Res. 07-29 was adopted approving the budget action transferring funds from the Public Administrator Fund, with revised recalculations based on the preceding action/Ayes: Aborn, Turpin, Bibby, Fritz; Noes: Pickard.

Continued discussion was held relative to the agreement with the newly formed Yosemite/Mariposa County Tourism Bureau and approval of the budget action reducing General Contingency \$275,000 to fund the agreement. Leroy Radanovich introduced Kevin Shelton, Chair of the new Tourism Bureau, Incorporated. Rick Benson presented the staff report and reviewed the recommended actions. Leroy Radanovich noted that the new non-profit will be operating as a business providing advertising and marketing for the County; and he provided input on the status of the budget and the request to transfer equipment. Rick Benson advised that he will be bringing back an item to the Board with recommendations for staffing in the Department and changes that go with this transition. In the interim, the Senior Office Assistant will still be a County position and will be supervised and assigned tasks by the County Administrative Officer; and they will work cooperatively with the transition. Leroy Radanovich stated he feels that he will be under contract with the Bureau for a few months to finish projects and to help train the new Director. Supervisor Bibby asked about the status of paying for the rent and utilities for the Bureau. Rick Benson advised that the County will continue to pay for these things through the fiscal year as they will be occupying space. He further advised that he will be bringing a proposal to the Board to move the Business Development Coordinator to be located with the new Tourism Bureau and she can use the Senior Office Assistant. Supervisor Bibby noted that this is a contract for services and initiated further discussion relative to the County retaining ownership of the computer and the furniture and allowing the Bureau to use it versus an outright transfer. Rick Benson noted that all of the data that is on the computer will be copied for the County at the time of the transition.

4:20 p.m. Recess

4:31 p.m. Further discussion was held, including the website issues.

Additional input from the public was provided by the following:

Paul Chapman stated he feels that this sounds like County employees will be kept working for the private corporation. He does not feel that this was well-thought out and he feels the cost is high versus other areas on a per capita basis. He feels that nothing is changing – the advisory committee members are now the non-profit group.

Ruth Catalan asked why the contract did not go out for bid. She feels that there are agencies that would like a contract like this and may have come back with something different and better. Supervisor Bibby asked County Counsel about the contract and bid requirements. County Counsel advised that the contracts for services do not require a mandatory bidding process.

(M)Pickard, (S)Fritz, Res. 07-30 was adopted approving the agreement and the budget action as recommended. Board members thanked Leroy Radanovich for his work on this matter. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

4:42 p.m. Rick Benson, County Administrative Officer, was excused for the rest of the meeting due to a prior commitment.

Selection of Board Member Representation of Agencies (Clerk of the Board)

BOARD ACTION: Discussion was held. The Board concurred with reviewing whether membership dues are being paid to the Mountain Counties Water Resources Association and whether the Association is active prior to appointing representatives. Supervisor Fritz noted that the San Joaquin Rail Committee would need to be added to this list once the County is given membership seats on the

Committee. Chair Bibby called for input from the public and none was received. (M)Pickard, (S)Turpin, the following appointments were made:

Area Agency on Aging/PSA 12: Representative – Supervisor Pickard; Alternate – Supervisor Aborn

California State Association of Counties (CSAC): Director – Supervisor Fritz; Alternates – Supervisors Aborn, Turpin, Bibby, and Pickard

CSAC Advisory Committee on Court Facilities: Representative – Chair of the Board of Supervisors; Staff Support – County Administrative Officer and Public Works Director

CSAC Excess Insurance Authority/(EIA) Liability Insurance: Representative – County Administrative Officer; Alternate – Deputy County Administrative Officer

Calaveras-Mariposa Community Action Agency: Representatives – Supervisors Turpin and Bibby

County Medical Services Program (CMSP): Representative – Supervisor Pickard; Alternate – Supervisor Aborn

Foreign Trade Zone Advisory: Member – Supervisor Bibby

Job Connection Mariposa Governing Board (Mother Lode Job Training): Representative – Supervisor Bibby; Alternate – Supervisor Aborn

Mountain Counties Air Basin: Representative – Supervisor Pickard; Alternate – Supervisor Fritz

Mountain Counties Water Resources Association: Representative – Supervisor Turpin; Alternate – Supervisor Bibby (Note: Direction was given for information to be brought back as to whether the Association is active.)

Mountain Valley Emergency Medical Services Agency and Regional Advisory Board: Representative – Supervisor Aborn; Elected Alternate – Supervisor Fritz; Alternate/Chairman of EMCC

National Association of Counties (NACO): Representative – Supervisor Fritz; Alternates – Supervisors Aborn, Turpin, Bibby, and Pickard

Regional Council of Rural Counties (RCRC): Representative – Supervisor Pickard; Alternates – Supervisors Aborn, Turpin, Bibby, and Fritz

RCRC – Environmental Services JPA’s for Solid Waste: Representative – Supervisor Pickard; Alternate – Public Works Director

San Joaquin Valley Regional Association of California Counties: Representative – Supervisor Fritz

Yosemite Area Regional Transportation System (YARTS) JPA: Representative – Supervisor Fritz; Alternate – Supervisor Aborn

Yosemite/Sequoia Resource Conservation and Development Area: Representative – Supervisor Pickard; Alternate – Supervisor Turpin

Ayes: Unanimous.

Review and Provide Direction Relative to Board Member Liaison Policy Areas and Selection of Board Member Representation (Chair Bibby)

BOARD ACTION: (M)Fritz, (S)Turpin, the following selections were made:

General Government – Supervisors Pickard and Bibby;
Developmental Services – Supervisors Pickard and Turpin;
Health and Human Services – Supervisors Aborn and Bibby;
Fiscal and Educational Services – Supervisors Aborn and Fritz; and
Justice System Services – Supervisors Turpin and Fritz

Ayes: Unanimous.

Discuss and Provide Direction Relative to Appointment of Board Member Ad Hoc Committees (Chair Bibby)

BOARD ACTION: Following discussion, (M)Turpin, (S)Fritz, the following selections were made:
Recreation/Sports Complex (Field of Dreams): Supervisors Bibby and Fritz;

Yosemite National Park Service issues: Supervisors Aborn and Pickard;
California State Mining and Mineral Exhibit issues: Supervisors Pickard and Fritz; and
Space Needs – County Administrative Officer (CAO); and in the CAO’s absence, the Board
Chair/Ayes: Unanimous. It was noted that earlier in the year, the Board appointed the CAO to serve as
the lead contact for the Ferguson Rockslide, with Supervisors Aborn and Pickard to serve as liaison
contacts. Supervisors Aborn and Fritz were selected as representatives for the Yosemite Gateway
Socioeconomics Workshops the previous week.

CONSENT AGENDA:

- CA-1 Adopt a Resolution Pursuant to Election Code 10404 Changing the Lake Don Pedro Community Services District Directors Election Date to Correspond with the Statewide General Election Held in Even Numbered Years (County Clerk); Matter was pulled to be rescheduled
- CA-2 Approve a Retroactive Agreement with Tristar Risk Management Services for a 3-Year Period for the Administration of the County’s Workers’ Compensation Claims and Authorize the Chair of the Board of Supervisors to Sign the Agreement (Effective July 1, 2006) and Approve Budget Action Transferring Funds within the Workers Compensation Fund (\$3,000) (County Administrative Officer/Risk Manager); Res. 07-22
- CA-3 Authorize an Additional 350 Hours Each (Beyond the 999 Hour Limit) for Two Maintenance Worker I Extra Help Staff Working in the Solid Waste Division (Public Works Director); Matter was continued to February 6, 2007.
- CA-4 Disband the Deferred Compensation Advisory Committee due to Great Western Savings Merging with Nationwide and the CalPERS 457 Program Becoming Available (Continued From January 16, 2007) (County Administrative Officer); Res. 07-23
- CA-5 Approve an Agreement with Sunset Magazine/California Travel and Tourism Publications for Advertising and Authorize the Chair of the Board of Supervisors to Sign the Agreement (County Administrative Officer); Res. 07-24
- CA-6 Approve Certificates of Recognitions to the Mariposa County Chamber of Commerce 2006 Businessman of the Year (Donald W. Haag), Businesswoman of the Year (Miriam Costello), and Business of the Year (Lawson Construction) (County Administrative Officer)

5:00 p.m. Adjournment in memory of Evelyn Elodie Preston Fiske, Carol Pinney Davis, Lowell W. Besack, Bill Hull, and Fred M. Adair.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

February 6, 2007



Time Description

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

Pledge of Allegiance

Introductions – Chair Bibby welcomed and introduced Jim Wilson, the new Fire Chief.

Chair Bibby;

Approve and Present Certificates of Recognition to the Mariposa County Future Farmers of America (FFA) Students who Participated in the 2006-2007 Merced/Mariposa Section FFA Project Competition

BOARD ACTION: (M)Fritz, (S)Turpin, the Certificates were approved and presented to the students by Supervisor Fritz/Ayes: Unanimous. Buz Arnold, High School Ag Teacher, provided information on the Project Competition and the students provided input on their projects.

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

Mikel Martin, CDF Unit Chief, advised that California Department of Forestry and Fire Protection has been renamed to CAL FIRE.

Dick Hutchinson advised that 2007 is the 50th anniversary of the Mariposa Museum and History Center.

Board Information

Supervisor Fritz advised that she attended the FFA Project Competition awards dinner, and she attended the CSAC Health Care Reform Policy committee meeting by conference call. She advised that the Chamber of Commerce is sponsoring the following grand openings and ribbon cutting ceremonies this evening: China Station Restaurant (grand reopening of their remodeling), Gold Country Souvenirs, and Mariposa Shipping; and the January business of the month celebration will be held at Pizza Plus. She advised that the Chamber of Commerce and the CHP are hosting a L.E.A.D. (Licensee Education on Alcohol and Drugs) training on February 7th. She is planning to attend the Gateway meeting on Saturday in Yosemite; the Technical Advisory Committee meeting for the San Joaquin Valley Rail Committee on Friday; and the Juvenile Justice Commission/Juvenile Delinquency Prevention committee meeting on Wednesday.

Supervisor Pickard attended the RCRC meeting and annual dinner the previous week. He attended the Bio-Diversity Council Executive Committee meeting and they are planning an OHV (off-highway vehicle) field trip. He provided a status report on work on the noxious weed issues.

Supervisor Aborn advised of a review of the YARTS proposal for a bus stop next to the Post Office in Midpines and safety concerns. He advised that they are working on developing a plan and a questionnaire to enlarge the planning area for Midpines.

Supervisor Turpin noted that this has been a very dry winter thus far and there is concern with the watershed. He advised that he discussed this concern with the Agricultural Commissioner and they will gather data so that assistance can be available if the rainfall is under 30 percent of normal. He attended the Mariposa County Weed Alliance meeting the previous week and he advised of changes in weed management. A meeting was held in Coulterville and discussion was held relative to the master plan for park improvements. On Thursday, the Highway 132 Marketing meeting will be held.

Supervisor Bibby advised of the addendum to the agenda to replace folder item 11. She advised that she plans to attend the Mental Health Board meeting at noon. On Monday, she toured the landfill and the compost facility with Public Works, and she advised that they are working through some obstacles and there will be an item before the Board at the end of the month relative to the Compost facility. She noted that this community depends on the volunteers and that SCOPE logged over 10,000 hours of volunteer service for 2006.

Supervisor Pickard advised that he has received a few complaints relative to Map Quest's choice of routes in the County and he asked the Board members to let him know of any concerns they have received where visitors are directed to roads that are inappropriate; and he will prepare an item for the agenda to work on correcting these problems.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Turpin pulled items 3, 11 and 14. Supervisor Bibby pulled item 9. (M)Fritz, (S)Turpin, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 3 – budget action for Community Services. Supervisor Turpin commended the volunteers and those that donate funds to the program. Mary Williams, Community Services Director, provided additional information on the donor program; and she noted that the Coles help every year with the Thanksgiving meal, Trent's Styling for His and Hers is always supportive; and the family of Evelyn Fiske requested that donations be made to the senior programs in her memory. Board members thanked Mary Williams for her work and noted appreciation for the donors. (M)Turpin, (S)Pickard, item 3 was approved/Ayes: Unanimous.

Consent Agenda item 9 – amendment to agreement with Mead and Hunt for consulting services for the Airport. Supervisor Bibby asked for clarification that this only affects County-owned property; and Dana Hertfelder, Public Works Director, responded in the affirmative. (M)Turpin, (S)Pickard, item 9 was approved/Ayes: Unanimous.

Consent Agenda item 11 – agreement with CDF for medical and dispatch services. Jim Middleton, Deputy Fire Chief, responded to questions from Supervisor Turpin relative to the history of this contract. Mikel Martin, CAL FIRE Unit Chief, responded to questions relative to the overtime budget line item and advised that these funds are used if necessary to maintain the service level, and he noted that the contract is \$8,000 less than the previous year. (M)Turpin, (S)Fritz, item 11 was approved/Ayes: Unanimous.

Consent Agenda item 14 – resolution changing the Lake Don Pedro Community Services District directors' election date. Supervisor Turpin commented on the request and advised that he would not be receptive to changing this again in four years. Keith Williams, County Clerk, provided input on the request. Chair Bibby noted that additional information was received from Emery Ross and copied to the Board and the County Clerk. (M)Turpin, (S)Aborn, item 14 was approved/Ayes: Unanimous.

Jacque Meriam, Librarian;

A) Approve the Mariposa County Public Wireless Network Access (WiFi) Policy

BOARD ACTION: Discussion was held with Jacque Meriam. No input was received from the public. (M)Pickard, (S)Turpin, Res. 07-31 was adopted approving the policy/Ayes: Unanimous.

B) Approve an Amendment to the Agreement with Yosemite National Park Service to Share Responsibilities Relative to the Bassett Memorial Library at Wawona and Authorize the Chair of the Board of Supervisors to Sign the Agreement

BOARD ACTION: Jacque Meriam thanked Dana Hertfelder/Public Works Director, and Supervisor Pickard for their work on this agreement. No input was received from the public. (M)Pickard, (S)Fritz, Res. 07-47 was adopted approving the agreement. Supervisor Turpin noted that this would provide good information for the Friends of the Red Cloud Library as they develop the new library in North County, and he advised that they toured the Wawona Library. Supervisor Pickard and Supervisor Bibby thanked Jacque Meriam and Dana Hertfelder for their work on this agreement/Ayes: Unanimous.

Supervisor Fritz;

Discussion and Possible Direction to Staff Regarding Developing a County Ordinance to Help Reduce Underage Drinking

BOARD ACTION: Supervisor Fritz initiated discussion relative to consideration of developing a County ordinance to help reduce underage drinking and she provided input on the Ordinance adopted by Marin County. Supervisor Bibby suggested that feedback be obtained from Marin County's District Attorney, Sheriff and Probation Officer on how the Ordinance is working; and she asked for information on who would be responsible for enforcement and how the fees would be handled. Supervisor Turpin stated he feels that consideration should be given to expanding the scope of the Ordinance to include more than just alcohol; i.e., drugs. Gail Neal, Chief Probation Officer, provided input on the request and concerns here; and she advised of the award of a grant for an "ADAPT" program and noted that she will be bringing an item to the Board on this. There was no input from the public. Further discussion was held relative to handling situations where the parents do not have any knowledge of the underage drinking at their residence; and relative to handling situations on private property without a residence. Supervisor Aborn asked that feedback be obtained from other counties that have an ordinance like this. (M)Fritz, (S)Aborn, the Board concurred with Supervisor Fritz working with staff to further investigate developing a County Ordinance/Ayes: Unanimous.

10:30 a.m. Recess

10:41 a.m. John Davis, Building Director;

Waive First Reading and Introduce Ordinance Amending 15.28.100 and 15.28.200 of Chapter 15.28 of the County Code to Reflect Building Code Revisions to Required Setbacks from Permit Area Boundary

BOARD ACTION: Discussion was held with John Davis relative to the amendment. It was noted that "b" in Table No. 1 needs to have two asterisks after it. Supervisor Turpin asked for clarification of the required setbacks and suggested that five feet be used versus two and one-half feet. Thomas P. Guarino, County Counsel, advised that the chart reflects what is in the Code that was adopted and a revision to the setbacks would need to be reviewed. He also noted that there is a cost for publication of the ordinances and that direction could be given to bring this matter back if there is an interest in revising the setbacks so that the actions could be combined in one ordinance. There was no input from the public.

10:57 a.m. Recess

10:59 a.m. John Davis recommended proceeding with the amendment as presented and with the correction of the asterisk. Supervisor Turpin noted that it was clarified that there is discretion with the setbacks, that the two and one-half feet is the minimum. Chair Bibby again called for public input and none was received. (M)Turpin, (S)Pickard, the first reading was waived and the Ordinance introduced as presented with the correction of the asterisk. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Dr. Mosher, Health Officer;

Present Information Regarding Prescription Drug Discount Program for Mariposa County Residents

BOARD ACTION: Dr. Mosher provided information on the implementation of the prescription drug discount program, and he noted that this is available for anyone who does not have prescription insurance coverage. There was no public input. No action was necessary.

Rick Benson, County Administrative Officer;

Discussion and Possible Action Regarding Salary Adjustments for Elected and Appointed County Officials

BOARD ACTION: Rick Benson presented the staff report; and he advised of a change in his recommendation for the Health Officer to receive 91 percent of the County Administrative

Officer's (CAO) salary. He recommended that the adjustments become effective on January 1, 2007. Supervisor Aborn requested that the Board consider increasing the Sheriff's salary for a total increase of ten percent over the Undersheriff's total salary. Discussion was held relative to the matter and a list of salary options for the Sheriff.

Input from the public was provided by the following:

Paul Chapman stated he does not feel that the Board is adjusting the salaries for the employees, the people who do the work. He stated he does not support a raise for the CAO. He also stated he feels that the previous raises were given in violation of the law as he doesn't feel that there was an opportunity for the public to provide input; and he feels that County Counsel has a responsibility to inform the Board of the requirements. Chair Bibby asked if County Counsel had a response. Thomas P. Guarino, County Counsel, advised that the Board acted publicly when it made the last revisions to the department head salaries; this year's session is today and is a public session and the matter is noticed appropriately on the agenda.

Brian Muller, Undersheriff, commented on his concern that if the Sheriff is not recommended for an increase, it would create further salary compaction problems in that the Sheriff's Management Association will be back in labor negotiations this fall. He stated he supports the salary option of an 8.2 percent increase, but believes there should be a ten percent spread. He feels that other counties have a separation of ten percent or more. He also stated that he feels that if the Board wants to approve the recommendation to not grant the increase until after the incumbent has served in that position for twelve months; that the Board should establish a policy so that it provides a clear understanding for everyone.

(M)Pickard, (S)Aborn, Res. 07-48 was adopted increasing the salary for the Health Officer to 91% of the CAO's salary; increasing the salary for the Sheriff to 89% of the CAO's salary; increasing the salary for all other elected and appointed officials to four percent; with direction that all increases become effective retroactive to January 1, 2007, including those incumbents that have not served in their respective position for 12 months. Further discussion was held.

Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

A) Award Bid to Allison Sierra, Inc. for the Mariposa Yosemite Airport Fire Fighting System & Electrical Upgrade Project #03-08, Approve Budget Action Transferring Funds from General Contingency for 5% County Match (\$15,790) (4/5^{ths} Vote Required) and from Federal Aviation Administration (FAA) (\$300,000) Increasing Funding (4/5^{ths} Vote Required)

BOARD ACTION: Discussion was held with Dana Hertfelder, and he responded to Supervisor Bibby's question and clarified that this only involves County-owned property. There was no public input. (M)Turpin, (S)Pickard, Res. 07-49 was adopted approving the request/Ayes: Unanimous.

B) Approve the Allocation of Two Full Time Permanent Maintenance Worker I/II Positions to the Solid Waste and Recycling Division Effective February 1, 2007 and Approve Budget Action Transferring Funds within the Solid Waste and Recycling Budget due to Unanticipated Revenue (\$29,668) (4/5^{ths} Vote Required)

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the request and regarding the status of revenues and projections. There was no public input. (M)Pickard, (S)Aborn, Res. 07-50 was adopted approving the allocation of the positions and the budget action/Ayes: Unanimous.

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

BOARD ACTION: Supervisor Pickard advised that a conference call is scheduled for February 14th. Supervisor Fritz advised that CHP Commander Price asked to be included in the conference call and the National Park Service will include him. Supervisor Turpin initiated discussion relative to the need to improve the radius at the end of the lower bridge; and relative to the need to have a system to resolve any delay and vehicle length issues for emergency vehicles. Rick Benson, County Administrative Officer, advised that the CHP Commander has concerns relative to this matter as well. Supervisor

Pickard suggested that the Board take a position to request that CalTrans provide information on what it will take to allow for longer vehicles and to better facilitate emergency vehicle access; and he suggested that the County Administrative Officer convey to CalTrans the Board's request for more detailed information on these matters. Supervisor Fritz advised that the Socio-economic group is meeting and the National Park Service is urging CalTrans to place this situation back on the emergency list. (M)Pickard, (S)Fritz, Res. 07-51 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings; and direction was given for the County Administrative Officer, and Supervisors Aborn and Pickard to bring back a plan with CalTrans to deal with the interim period for the vehicle length and emergency vehicle access issues/Ayes: Unanimous.

CLOSED SESSION: Liability Claims; Claimant Name: Gerald W. Jay; Claim Number: C06-19; Name of Agency Sued: County of Mariposa (County Administrative Officer)

BOARD ACTION: This closed session was not held.

12:03 p.m. CLOSED SESSION: Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Case to be Discussed: County of Mariposa v. Baer (County Counsel); and

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

BOARD ACTION: Chair Bibby noted that an addendum to the agenda was prepared to correct the language for the Closed Session for the matter relative to significant exposure to litigation. (M)Fritz, (S)Turpin, the closed sessions were held at 2:00 p.m./Ayes: Unanimous.

12:04 p.m. Lunch

2:01 p.m. The Board convened in closed session.

2:30 p.m. Chair Bibby announced the following as a result of the closed session matters:

- action was taken by motion of Supervisor Fritz, seconded by Supervisor Turpin, to authorize suit against Baer for code enforcement by unanimous vote; and
- information was received from staff and no action was taken on the matter relative to significant exposure to litigation.

INFORMATION – No action was necessary on the following:

Provide Information to the Board of Supervisors Regarding Medical Transportation Van VT22 being Involved in an Accident on January 16, 2007 (Community Services Director)

CONSENT AGENDA:

- CA-1 Proclaim the Month of January 2007 as “National Glaucoma Awareness Month” in Support of the Glaucoma Research Foundation and Affecting more than 3 Million Americans (Supervisor Pickard)
- CA-2 Approve an Agreement with San Diego Reference Laboratory for Laboratory Services up to the Annual Budgeted Amount of \$42,763 and Authorize the Chair of the Board of Supervisors to Sign the Agreement (Chief Probation Officer); Res. 07-32
- CA-3 Approve Budget Action Accepting Unanticipated Revenue and Increasing Appropriations from Donor Contributions to the Home Delivered Meal Program from the Following: PERS Retired Public Employees Association of California/Mariposa

Chapter for \$150.00, Cole Realty for \$630.00 and Trent's Styling for His and Hers for \$500.00 (\$1,280) (4/5ths Vote Required) (Community Services Director); Res. 07-43

- CA-4 Approve an Amendment to the Junior Engineer Job Description by Updating the Qualification relating to the Required Certification (County Administrative Officer/Personnel Director); Res. 07-33
- CA-5 Approve the Elimination of one Full-time Planning Technician Allocation in the Planning Department, Add two 50% Permanent Part-time Allocations, and Approve an Amendment to the Planning Technician Job Description Certification (County Administrative Officer/Personnel Director); Res. 07-34
- CA-6 Approve the Rejection of Claim No. C06-19 Filed by Gerald W. Jay for \$101.71 and Authorize the Chair of the Board of Supervisors to Sign the Notice of Rejection (County Administrative Officer/Risk Manager); Res. 07-35
- CA-7 Adopt a Resolution Authorizing Employees of Mariposa County Facilities Division of Public Works to Donate Vacation and/or Compensatory Time to a Co-worker (Public Works Director); Res. 07-36
- CA-8 Authorize Staff to Issue a Request for Proposal (RFP) to Retain a Transportation Consultant to Update the County Regional Transportation Plan (RTP) (Public Works Director); Res. 07-37
- CA-9 Approve an Amendment with Mead and Hunt for Engineering Consulting Services During Construction Design Services for the Mariposa-Yosemite Airport Fire Protection System and Apron Improvements (Public Works Director); Res. 07-44
- CA-10 Approve an Amendment with Provost & Pritchard Engineering Group to Produce Feasibility Study and Concept Plans for Public Water and Wastewater Services for the Mariposa Town Planning Area (Public Works Director); Res. 07-38
- CA-11 Approve an Agreement with California Department of Forestry and Fire Protection for Medical and Fire Dispatch Services for Fiscal Year 2006-2007 (Deputy Fire Chief); Res. 07-45
- CA-12 Approve the Events Occurring in the Mariposa Arts Park, the Mariposa Creek Parkway, and 7th Street on May 4-5, 2007, as Part of the Annual Mariposa's Butterfly Festival as a County Sponsored Event for Insurance Purposes (Supervisor Fritz); Res. 07-39
- CA-13 Authorize an Additional 350 Hours each (Beyond the 999 Hour Limit) for Two Maintenance Worker I Extra Help Staff Working in the Solid Waste Division (Public Works Director); Res. 07-40
- CA-14 Approve and Adopt a Resolution Pursuant to Election Code 10404 Changing the Lake Don Pedro Community Services District Directors Election Date to Correspond with the Statewide General Election Held in Even Numbered Years (County Clerk/Treasurer/Tax Collector); Res. 07-46
- CA-15 Appoint Bonnie Berg to Serve as a Member-at-large on the Mental Health Board with a 3 Year Term Expiring February 6, 2010 (Human Services Director)
- CA-16 Waive Formal Bid Requirement and Approve the Purchase of a Replacement Van and Approve Budget Action Transferring Funds within the Transit Budget for the Purchase of the Replacement Van (\$29,922) (Community Services Director); Res. 07-41

CA-17 Authorize the Chair of the Board of Supervisors to Sign a Letter Requesting the Governor to Include Equalization Funding in the May Revise for Counties with no Incorporated Cities (County Administrative Officer); Res. 07-42

2:32 p.m. Adjournment in memory of Leslie Bare Weaver, Brian Earl Turley, Richard Warring Kunstman, Spencer D. Downing, Michael G. Barnard, Jack Kirk, and Harry P. Schmidt.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

February 13, 2007

Time _____ Description

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

Chair Bibby advised of an addendum to the agenda to add Consent Agenda item 4 – resolution authorizing and providing for the incurrence of the indebtedness for the Don Pedro wastewater project for the second bond.

Pledge of Allegiance

Introductions

Robert H. Brown, District Attorney;

Presentation by McGregor Scott, US Attorney Eastern District on “Project Safe Childhood”

BOARD ACTION: Bob Brown, District Attorney, advised of activities planned for this date at the High School and the Middle School and for the community this evening about safe internet use and how to help protect children from online exploitation and abuse. McGregor Scott gave a presentation on the US Attorney General’s national initiative for Project Safe Childhood; and he introduced the following staff members from his Fresno Office: Sheila Oberto and David Gappa. Discussion was held. There was no public input. Bob Brown noted that the presentation to the community will include FBI agents and the Riverside County Deputy District Attorney who is currently prosecuting over 50 individuals who were arrested as a result of the NBC Dateline “sting.”

9:34 a.m. Recess

9:44 a.m. Chair Bibby;

Proclaim the Month of February 2007 as “National Parent Leadership Month” and Presentation by Kathy Delaney Relative to their Shared Leadership Committee and their Accomplishments

BOARD ACTION: (M)Fritz, (S)Turpin, the Proclamation was approved and presented to Kathy Delaney and Mariposa Safe Families parent leaders/Ayes: Unanimous. The following parent leaders explained shared parent leadership and their involvement in the program: Erika Wildt, Cathy Lara, Karen Griffin, Tisa Ruport, Harold Wildt, and Wayne Koher. Kathy Delaney, and Angie Steele and Cindi Park, Mariposa Safe Families Board Members, recognized the following as parent leaders: Harold and Erika Wildt.

Public Presentation: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda – None.

Board Information

Supervisor Fritz noted that Courtney Progner/County Clerk’s Office, gave birth to twin daughters, and she congratulated the family. She advised that there will not be a District IV meeting this evening due to the Project Safe Childhood presentation. She plans to attend the Gateway meeting in Yosemite on Thursday. She advised that she attended the San Joaquin Valley Rail Committee meeting on Friday and presented the letter from the Board requesting voting membership on the Committee. Their next meeting is March 8, 2007.

Supervisor Aborn advised that he attended the San Joaquin Valley Rail Committee meeting.

Supervisor Turpin advised that a Sacramento Judge ordered a stop to the fees for ponds with water rights. He advised that he attended the Highway 132 business meeting on Thursday. On Wednesday, he plans to attend the monthly meeting with the Stanislaus National Forest, the SWIFT meeting in Moccasin, and Friends of the Red Cloud Library meeting.

Supervisor Bibby advised that she attended the First 5 meeting on Monday and they are getting ready to launch their next grant funding cycle. She plans to attend the Airport Advisory Committee meeting on Wednesday; and the Mother Lode Job Training meeting on Thursday.

Approval of Consent Agenda (See End of Minutes)

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

Dana Hertfelder, Public Works Director;

A) Discussion, Direction and Possible Action Regarding the Option to Buy Hangar # 43 at the Mariposa-Yosemite Airport for the Price of \$5,000

BOARD ACTION: Discussion was held with Dana Hertfelder; and he recommended that the hanger not be purchased at this time and that a determination be made on how to proceed at the time the lease agreement expires, based on discussion with his fiscal and Airport staff.

Input from the public was provided by the following:

Paul Chapman stated he does not feel that we need the hangers and if they are purchased, the funding should come from Airport funds. He stated he does not see anything in the lease that would prohibit a person from selling the hanger to another person, and he feels the rent here is cheaper than other areas.

Following discussion, (M)Fritz, (S)Turpin, the recommendation of the Public Works Director was accepted to not purchase the hanger, with a determination to be made on how to proceed at the time the lease agreement expires/Ayes: Unanimous.

B) Discussion, Direction and Possible Action Regarding the Option to Buy Hangar # 44 at the Mariposa-Yosemite Airport for the Price of \$20,000

BOARD ACTION: Discussion was held with Dana Hertfelder and he provided the same recommendation for this hanger as for consideration of the previous hanger. Supervisor Turpin asked about plans to alleviate the water drainage problems with the existing hangers. There was no public input. (M)Aborn, (S)Fritz, the recommendation of the Public Works Director was accepted to not purchase the hanger, with a determination to be made on how to proceed at the time the lease agreement expires/Ayes: Unanimous.

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

BOARD ACTION: Discussion was held with Rick Benson, County Administrative Officer, and he advised that there are questions as to how this situation is affecting the community, and he suggested that a meeting be scheduled with the community to receive input on the affects. He advised that there is a conference call scheduled for this week with the affected agencies. Supervisor Fritz commented on issues with bus and school bus access, safety issues with emergency vehicle access, and issues with RV access. She noted that CalTrans is working with VIA/YARTS to make Modesto a permanent route to Yosemite for Amtrak versus the Merced stop. Supervisor Turpin agreed with the need to document the information and statistics on the affects of this situation. Supervisor Aborn stated he feels that a strong letter explaining the concerns should be sent to the Governor and the federal government on the affects of the situation. Supervisor Fritz advised that she will be in Sacramento for a legislative breakfast conference the next week and for a CSAC legislative conference in March and she will be happy to carry a message to help push this cause along. Supervisor Bibby noted that this project is involving staff from several agencies and the monitoring costs continue until a permanent solution is in place. Discussion was held relative to the recommendation for a meeting with the community.

Input from the public was provided by the following:

Dick Hutchinson advised of a letter he wrote in December on behalf of the merchants in response to a letter from the Tuolumne County Visitors Center stating that they and their Board of Supervisors feel that moving the bus transportation (YARTS) from Merced to Modesto was not benefiting them and they were highly recommending that it be moved back to Merced, and he stated he will provide a copy of the information for the Board. He agreed with Supervisor Fritz that the Business Development Coordinator has the addresses of the businesses and can help get the information on the meeting to the businesses. He also stated that he feels that pictures would help; i.e., the transfer of the students from large to small buses at the bridges; and what happens when a large vehicle cannot maneuver through both bridges.

Supervisor Aborn advised that he will discuss this matter with the Park Service at a meeting on Thursday. Supervisor Turpin noted that the cement mixing trucks from Outback Materials are traveling on Highway 49 North through Coulterville to get to Yosemite Valley and that creates safety issues. Supervisor Fritz stated she feels that input should also be obtained from services such as UPS, FedEx, Post Office, schools and the Hospital on the impacts; and that every affected agency should be included in the meeting. Supervisor Pickard suggested that the Business Development Coordinator assist with getting the information out in advance of the meeting to the businesses.

(M)Pickard, (S)Turpin, the Board scheduled a workshop to meet with the community on March 6, 2007, to discuss the impacts of the Ferguson Rockslide; and Res. 07-55 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. The motion was amended by the maker, agreeable with the second, to set the workshop for 6:00 p.m./Ayes: Unanimous.

Discussion and Review of Revisions to the Board Agenda (Chair Bibby/County Administrative Officer)
BOARD ACTION: Chair Bibby and Rick Benson, County Administrative Officer, reviewed the proposed changes to the agenda format. Discussion was held and Supervisor Pickard requested that the Ferguson rockslide item be moved to the end of the timed items.

Input from the public was provided by the following:

Ruth Sellers commended the Board for making the changes, and she stated she feels that too much time has past where she feels that the public did not realize that it had an opportunity to request an item to be pulled from the Consent Agenda for comment.

Paul Chapman noted that if a citizen wants to schedule a matter on the agenda, the item is required to be submitted eleven days in advance of the agenda; however, Supervisors do not have to meet this requirement. He feels the same timeframe should apply to everyone.

Chair Bibby noted that the County Administrative Officer is working with the departments to adhere to the agenda processing timeframes. Rick Benson clarified that the public can comment on and request that a Board member pull an item from the Consent Agenda, but the Board does not need to pull the item.

Dick Hutchinson stated he feels that the Board needs to look to the future and make it easier for everyone with utilizing the technology to broadcast the meetings.

Rick Benson commented on the Open Meetings Law and issues relative to Board meeting communications; and he advised that the option of broadcasting the meetings is being reviewed. Staff was thanked for assistance in revising the agenda format process. The Board concurred with approving the revised agenda format on a trial basis. Rick Benson noted that the goal is still to have the agenda available on the Wednesday prior to the Tuesday meeting – the deadline has not changed. He noted that Wednesday was changed to Thursday on the agenda to reflect the reality of what has been occurring.

CLOSED SESSION: Liability Claims; Claimant Name: Christopher Wallace; Claim Number: C07-1; Name of Agency Sued: County of Mariposa (County Administrative Officer)

BOARD ACTION: This closed session was not held.

11:13 a.m. CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Victor Liles v. County of Mariposa; Case No. 8820 (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: Bob Moss v. County of Mariposa; Case No. 8889 (County Counsel)

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

11:47 a.m. Chair Bibby announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Accept Resignation of Phyllis Becker from the First 5 Commission (Human Services Director)
- CA-2 Approve the Rejection of Claim No. C07-1 filed by Christopher Wallace for an Undetermined Amount and Authorize the Chair to Sign the Notice of the Rejection (County Administrative Officer/Risk Manager); Res. 07-52
- CA-3 Approve a Change in the Signature Format for Mariposa County Authorized Agents of the State Office of Emergency Services Resolution Pertaining to State Disaster Assistance (Fire Chief); Res. 07-53
- CA-4 Adopt Resolution Authorizing and Providing for the Incurrence of Indebtedness for the Don Pedro Wastewater Project for the Second Bond (Public Works Director); Res. 07-54

11:48 a.m. Adjournment in memory of Mary Kathryn Anderson, Audrey Foster, and Cindy Adele Butler.

Respectfully submitted,

MARGIE WILLIAMS
Clerk to the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA February 20, 2007



Time Description

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

Pledge of Allegiance

Introductions

Chair Bibby noted the revised agenda format is being used for this meeting.

Approval of Consent Agenda (See End of Minutes)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Chair Bibby advised that the County Clerk pulled item 7 – agreement with Mari for storage facilities.

Input from the public was provided by the following:

Paul Chapman requested that item 5/amendment to agreement with Fred Solomon for the recreational sports complex be pulled.

Supervisor Turpin pulled items 2 (for correction), 5 and 8. Supervisors Aborn, Fritz and Bibby pulled item 5. The pulled items were continued for discussion later this date. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Public Presentation: For items within the jurisdiction of the Board and not on today's agenda - None

Board Information

Supervisor Turpin advised that he attended the monthly meeting last Wednesday with the US Forest Service, and they will present an update to the Board on their activities on March 27th. He attended the SWIFT meeting, and he plans to attend the Forest Service OHV (off highway vehicle) designated route meeting in Greeley Hill on Wednesday. He advised that he went by an OHV designated staging area on Saturday and it was packed. He advised that he and his wife, Suzanne, attended the Station 36, Hunters Valley Fire Station rib dinner fundraiser on Saturday in Hornitos and it was a successful event.

Supervisor Aborn advised that he attended the Gateway meeting in Yosemite, and he advised of his discussion with the Superintendent relative to the Ferguson rockslide.

Supervisor Pickard advised of the conference call the previous week on the Ferguson rockslide and he noted that more discussion would be held later in the day with the item for continuation of the local emergency. He advised that he plans to attend the National Weed Awareness Week in Washington D.C. next week and he will miss the Board meeting for February 27th. He advised that they will be working on obtaining funding for the following: 1) for weed management agencies, 2) reauthorization of the National Aquatic Invasive Species Act, 3) for bio-controls development, and 4) for reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2007. He

advised that he plans to attend a meeting with representatives of our State and federal legislators on Wednesday relative to the Farm Bill and noxious weed financing. He plans to attend the CMSP (County Medical Services Program) meeting on Thursday.

Supervisor Fritz advised that she attended the Gateway meeting on Friday, and met with the Yosemite National Park Superintendent prior to the meeting relative to the Ferguson rockslide. She asked Delaware North to invite their vendors to the March 6th meeting with the Board relative to impacts of the rockslide. She advised that there is a new website that the gateway partners created to keep in touch with each other; and there was discussion relative to the status of the Merced River Plan. She noted that there is a meeting in Yosemite on Saturday to discuss the Tuolumne River Plan. Plans are moving forward for the Civil War Reenactment on April 28-29. Tonight is the Chamber's "Business After Hours" event at Odella's Antiques and Nostalgia. She advised that she plans to attend the CSAC Board of Directors meeting in Sacramento this Thursday and Friday, and the Republican Central Committee dinner on Saturday.

Supervisor Bibby advised of her attendance at the Mother Lode Job Training meeting in Sonora, and she noted that Sonora is losing its Albertsons and 60 positions. She attended the Hunters Valley Fire Station annual rib dinner and commended the Auxiliary for its work to support the Station, and Fire Chief Wilson for helping with the event. On Wednesday, she toured the Airport facilities and she thanked Maria Liddle, Airport Manager, for coordinating a tour of the facilities with each of the Board members.

9:23 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none

B) Adopt a Resolution Authorizing the Executive Director to Execute the Application and other Necessary Documents Pertaining to Federal Transit Administration (FTA) Section 5311 Program (Operating Assistance) Funds for Fiscal Year 2005-2006 (LTC Executive Director)

COMMISSION ACTION: Discussion was held with Dana Hertfelder, Public Works Director. Commissioner Pickard asked about the status of scheduling discussion on other transit issues, such as the unmet needs hearing. Commissioner Bibby advised of a typographical error on the formal resolution. (M)Pickard, (S)Bibby, LTC Res. 07-1 was adopted approving the requested action, with the typographical correction on the formal resolution/Ayes: Unanimous.

9:28 a.m. Richard J. Benson, County Administrative Officer;

Approve the 2006 Reclassification Requests as Recommended to be Effective July 1, 2006 for Certain Positions for Human Services and Technical Services Departments; Approve Recommendation to Deny Requests for Public Works Department; Approve the Budget Action Transferring Funds within Technical Services Budget to Accommodate the Increased Salaries (\$2,568); Approve the Budget Action Transferring Funds within Human Services Budget to Accommodate the Increased Salaries (\$31,574); and Approve Amended Job Descriptions for Alcohol & Drug Specialist I/II and Network Administrator I/II

BOARD ACTION: Rick Benson pulled the matter, to be rescheduled for February 27th.

Jacque Meriam, Librarian;

Authorize the Mariposa County Library to use Unique Management Services, Inc, a Collection Agency Contracted through the San Joaquin Valley Library System

BOARD ACTION: Discussion was held with Jacque Meriam. There was no input from the public. (M)Turpin, (S)Aborn, Res. 07-59 was adopted approving the requested action. The motion was amended, agreeable with the maker and second, to include direction that approval is contingent on review of the liability issues and the final contract by County Counsel/Ayes: Unanimous.

Consent Agenda item 2 – appointment of members to the Coulterville Service Area No. 1 Advisory Board. Supervisor Turpin noted that the Action Form incorrectly read Wayne Bullis; however, the

agenda wording is correct with Elvie Bullis. (M)Turpin, (S)Pickard, item 2 was approved with the clarification of the appointment of Elvie Bullis/Ayes: Unanimous.

Consent Agenda item 5 – amendment to agreement with Fred Solomon for the recreational sports complex. Discussion was held with Dana Hertfelder, Public Works Director, relative to the amendment and scheduling discussion of the status of the project on a future agenda. It was noted that this is only an extension of an existing contract and it does not involve any additional funding. (M)Pickard, (S)Turpin, to approve item 5, was amended following further discussion to clarify that the termination date of the extension is December 31, 2007. Supervisor Aborn requested that this matter be held for further discussion relative to the future of the project. Supervisor Bibby asked for clarification of whether an expired contract could be amended and extended. Thomas P. Guarino, County Counsel, advised that this amendment incorporates the original agreement and the agenda item today is to extend the timeframe. Ayes: Turpin, Pickard; Noes: Aborn, Bibby, Fritz. The motion failed.

10:00 a.m. Kris Schenk, Planning Director

PUBLIC HEARING - Adopt a Resolution Adopting a Mitigated Negative Declaration and Approving Zoning Amendment Application No. 2005-252 together with Major Subdivision Application No. 2005-253; Waive the First Reading and Introduce an Ordinance Approving Amendment to Mariposa County Zoning Map Pursuant to Zoning Amendment Application No. 2005-253; Bret and Teri Willis, Applicants (Project Site is Located at 5725 Colorado Road in Midpines, APN 008-350-066 and APN 008-240-065)

BOARD ACTION: Megan Tennermann, Associate Planner, presented the staff report. She advised of the following corrections to the written staff report: 1) the easterly parcel currently has a separate “prescriptive” easement versus a “private” easement; 2) “only the southerly” property is included in the Open Watershed Overlay versus the “entire” property; 3) Condition of approval No. 5 has been modified; the Public Works Department requested that the applicant provide preliminary engineered plans “for a short portion of the road” prior to the commencement of any road improvements required for this project... Megan Tennermann responded to questions from the Board relative to the corrections and whether they affect the formal resolution and the exhibits; and she advised of wording changes to condition of approval No. 5 for the recordation language. Supervisor Bibby asked whether the changes were acceptable to County Counsel. Thomas P. Guarino, County Counsel, responded that he was seeing the changes for the first time with the Board, and he deferred to the Planning Director as to whether there are any material changes to the work that has been done. Kris Schenk advised that there were no substantive changes. Supervisor Aborn asked what precludes further subdivision of the parcels, and he stated he feels that development fees need to be examined for maintenance of the road system. Kris Schenk advised that no further subdivision could occur pursuant to the agreements to be recorded, and that the development impact fee program would help with road improvements in the future. Megan Tennermann advised of the improvements to Colorado Road that the applicant proposes to do. Staff responded to additional questions from the Board as to whether this project complies with the new General Plan; relative to the unique grading oversight with some of the parcels because of the watershed issues with Saxon Creek; relative to the setback requirements for improvements with the ponds; relative to the dead end road issue and mitigation with the 20-acre minimum parcel size; relative to access to the parcels; clarification that with this project the zoning is being changed from Mountain Home to Transitional; and relative to the status of implementation of the hillside and ridge top development standards and the modification of condition of approval No. 5 to accommodate this requirement. Chair Bibby reviewed the project processing steps for the recommended actions, if the Board takes action today.

The public portion of the hearing was opened.

Applicant’s presentation:

Dick Seaman, Freeman and Seaman Land Surveyor – agent for the applicant, advised that Russ Marks of his firm and Bret Willis, applicant, were present. He advised that he did not keep up with all of the changes as staff referred to the circle page numbers in the package and his package was not numbered. He advised that the road that the applicant is proposing to construct will dead end at some point less than one-half mile from Colorado Road. He commented on the easement issues and the status of the easements. He referred to condition of approval No. 11 and the twelve percent grade issue and advised that they are proposing to build the road at ten percent grade. If they do have to exceed the ten percent, it will be less than twelve percent and Public Works could ask for that portion to be paved.

He referred to condition of approval No. 27 and the discussion at the Planning Commission level concerning other projects being allowed to have setbacks versus easements from ponds for improvements. He noted that if the pond goes away, the easement would still exist; however, a setback would no longer exist in such a situation. He suggested that a drainage easement be required for Saxon Creek and that a setback be required for the two ponds. He referred to condition of approval No. 29 and discussions on previous projects relative to the removal of trees and alternative ideas for protection versus replacement. He requested that option 2 include language to give the applicant the option of another acceptable method, agreeable with the Planning Director and based on the recommendation of a biologist, for replacing oak trees. He advised that they plan to improve the site distance at the intersection of Colorado and Whitlock Roads. They are in favor of the impact fees. He commented on the condition of Colorado Road and future plans by Public Works to improve this road. He stated he does not feel that five-acre minimum is suitable for this area and that a 20-acre minimum parcel size is. He referred to condition of approval No. 32 and asked for clarification of the process in the new General Plan for a proposed connection to a shared well. Supervisor Pickard advised of the Board's discussion during the General Plan process on this matter. This type of connection needs the pre-approval of the Health Department.

Chair Bibby asked that staff provide input on the comments received relative to the setbacks for the ponds and the preservation of the oak trees and alternatives. Megan Tennermann advised that staff could support changing the conditions to require a setback versus an easement for the ponds. She advised that the Planning Commission has accepted alternative mitigation in the past and staff could support approval of the applicant being able to propose an alternative to replacing oak trees as long as the method is approved by a biologist or botanist.

Dick Seaman responded to questions from the Board relative to the existing easement through the parcel and access to the proposed parcels and whether the easement would remain with this project. Staff responded to a question from the Board relative to the existing easement and advised that it is a non-recorded access to the parcel. Dick Seaman advised that they will provide a legal access with recordation of the map and the width of the easement requirement is 40-feet. He clarified that the easement is being provided and that they are not actually building the road.

10:50 a.m. Recess for staff to prepare a written list of the changes to the conditions of approval for this project.

11:10 a.m. Megan Tennermann reviewed the recommended changes to the conditions of approval for this project:

- Condition No. 5 – change “has required” to “may require” for engineered road improvement plans;
- Condition No. 27 – remove all references to the easements for the ponds, as well as the recorded declaration. Add a new condition for setbacks from the ponds, as well as recordation language; and
- Condition No. 29 – include language in Option 2 to allow the applicant to propose an alternative to replacing the oak trees.

Kris Schenk clarified that these are not significant changes and do not affect the environmental review that was done; and they do not need to go back to the Planning Commission. Chair Bibby asked if the applicant had any comment on the written list of the changes to the conditions, and no comment was received.

Speakers in support of the applicant:

Carol Mason stated her property is part of the proposed subdivision; and she provided input on the access to the property and the road condition. She stated she will be most impacted by the traffic to the proposed parcels as the proposed road will go past her house. She is very much in favor of 20-acre zoning for the area and is willing to put up with the traffic. She noted that this applicant impresses her as a developer and she feels he is compassionate in terms of minimizing the impacts on the environment and the community.

Speakers in opposition to the project:

David Leath stated his wife owns a lot next to proposed parcels 3 and 4. He stated their first notification of this development was on January 29, 2007. He works for a major water municipality in the Bay Area and feels he understands water issues. He understands that the major hindrance to five-acre parcel subdivisions in this area is the access. However, he feels that when there is sufficient money at stake, the area could be further developed. He does not feel that the road is in the greatest of

shape and he does not feel that the \$5,000 the applicant is offering will do very much for improvements. He expressed concern with the water quantity for the property and the impact on the area. He requested that the Board direct that a well draw-down test be done to determine the impacts on neighboring wells. He asked if there has been any environmental review of species in the Creek. In summary he expressed concern with the water issues and being able to re-subdivide to 5-acre parcels in the future.

Megan Tennermann advised that the Initial Study was prepared by a former planner and there were no significant impacts on the Creek. She believes that studies have been done on Saxon Creek as a part of the Saxon Creek water project, but does not have that information.

Mary Foster stated she lives adjacent to parcel 10. She is not against this project, but has issues. She is concerned with the water and how it will affect their well. She agrees with well testing in the area and volunteered her well for a draw-down test. She stated that the "dirt track" mentioned earlier is the road that she uses to get to her property, and it is an easement that is recorded, so it could possibly be used as an exit road for the development. In the twelve years that she has lived there, the two ponds have never gone dry; and she stated the red-bellied salamanders live in the area and she feels that needs to be addressed.

Mary Atkinson stated she is not necessarily against this project, but has questions relating to fire control and water storage for fire prevention. She noted that in the proposed map there is a road that will be greater than 10 to 12 percent grade and she asked what the fire access will be. Megan Tennermann responded that any project that goes through development has to meet CAL FIRE standards and the requirements of the project. Mary Atkinson questioned the proposal to mitigate the site distance issue and commented on access.

General comments:

Gail Spilos stated she is a resident in the area and a real estate broker. She stated she is not against this project and applauds the down-zoning to Mountain Transitional for 20-acre minimum parcels. She stated she hopes that Public Works will mitigate the problem with the left-hand turn and thanked them for patching Colorado Road. She stated the road has been a big concern and she feels we need impact fees implemented. She stated she feels the issue of the possibility of being able to turn the property back into Mountain Home zoning needs to be addressed. Megan Tennermann advised that this whole process would be required again for a zone change.

Nancy Fagerstrom stated she is generally against the project; however, the applicant has been a gentleman with everything he has done. She noted that the building spots on the neighboring lots will look down on her residence and she moved to this area to avoid close neighbors. She advised that she has four well sites on her property and only one is producing water; and she expressed concern with the impacts resulting from future build out potential. She expressed concern with the fire issues and use of the "dirt track" for fire equipment. She is concerned with traffic impacts and she feels there needs to be more studies.

Mary Atkinson stated she does not feel that the questions that have been raised have been addressed; such as environmental concerns. Megan Tennermann noted that the Initial Study was prepared for this subdivision. Mary Atkinson asked whether there is another public input opportunity for this process; and she was advised that this is the hearing to receive public input.

David Leath stated he just wants to make sure that the research is done correctly for the project.

Mary Foster stated she would like to know how the salamanders were addressed in the Initial Study. Supervisor Bibby asked if any comments were received from Fish and Game. Megan Tennermann stated she did not see anything for this project. She advised that the setback areas from the ponds and streams would protect the salamanders. Mary Foster asked what would happen if the ponds go dry or are made to go dry and what the mitigation would be.

Rebuttal by the applicant:

Dick Seaman stated he does not feel that the process for further subdividing would be practical; and he advised they are trying to make it so that this can not happen and they are trying to do a good thing for the area. He advised that part of the road is a "dirt track" and part is a road. They are trying to help the people in the area by offering the easement. He noted that CAL FIRE controls the water storage for fire protection and that this road will help with access. He advised that the applicant is a logger and brushed the property to reduce the fire hazard. He further advised that a biologist and botanist study was done for the brushing project and nothing was found for endangered species. He advised that one pond is dry now, and with the easement a property owner could not breach a pond. He agrees that \$5,000 may not be the proper amount of money and that there needs to be impact fees.

They are taking an unsafe situation and making it better with the intersection improvements, and he feels that they are taking on a fair share of work.

Staff responded to questions from the Board relative to the protection of the Creek; and concerning Fish and Game's review. Megan Tennermann reviewed the recommended action, and she advised that the second reading of the Ordinance would be a routine item for the March 6th agenda and not a continued public hearing. Supervisor Pickard commended staff and the Planning Commission for work on this project, and noted that this is the first project following the adoption of the General Plan Update. (M)Pickard, (S)Turpin, Res. 07-60 was adopted adopting a Mitigated Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA), approving Zoning Amendment No. 2005-252 with the recommended finding, and approving Major Subdivision No. 2005-253 with the recommended findings, conditions, and mitigation measures; including the changes to conditions of approval numbers 5, 27, and 29 as recommended by staff/Ayes: Unanimous. (M)Pickard, (S)Aborn, the first reading was waived and an Ordinance introduced approving amendment to the Mariposa County Zoning Map with the recommended findings, pursuant to Zoning Amendment No. 2005-252. The Clerk of the Board read the title of the Ordinance into the record. Supervisor Aborn stated he feels we need to look at what can be done to provide protection to prevent future changes in zoning for this property. Supervisor Turpin noted that the situation with the condition of the County roads is not the fault of Public Works, and he advised that this is a countywide problem. Ayes: Unanimous. The hearing was closed.

Consent Agenda item 8 – increase in extra help salary for Planning staff. Supervisor Turpin stated he is okay with the request; however, the item mentions the recent favorable enforcement action for the Scholkowsky property clean-up in Coulterville, and he does not feel that this situation is fully resolved. (M)Turpin, (S)Pickard, item 8 was approved, with direction to strike the sentence relative to the recent enforcement action/Ayes: Unanimous.

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

BOARD ACTION: Rick Benson, County Administrative Officer, noted the information item on the agenda for the workshop scheduled for March 6th to gather information on the affects of the slide. He advised of a conference call on the rockslide and advised that CHP Commander Price joined in. He advised of the discussion with CalTrans relative to the definition of “emergency.” Since there is an interim fix, the project has been removed from the “emergency” list and the rules will need to be changed for CalTrans to proceed differently with the permanent fix. He advised that information will be gathered at the workshop on March 6th as to why this is still important and what the impacts are, and that this has the interest of our legislators. Supervisor Pickard commented on his contact with the legislators and on Senate President Pro Tem Don Perata's commitment to see Highway 140 open to unrestricted traffic as soon as possible. Supervisor Bibby noted that she has a call in to the CalTrans Director to see how they worked around the emergency situation with repairing highways after the earthquake damages. Supervisor Pickard stated he feels the next step is to go to the Federal Highways Administration to try to get additional funding to modify the bridges or to pursue other options to allow for the vehicle length traffic that was previously allowed until a permanent solution can be completed. He suggested that CalTrans be asked to make another progress report. Supervisor Turpin agreed with the need to focus on a short-term fix to allow access for longer vehicles. Rick Benson advised that Channel 26 did a story on the situation the week before and is planning to attend the March 6th meeting. There was no public input. The Board concurred with sending a letter of invitation from the Chair to our federal and state legislators and to affected agencies for the March 6th workshop. (M)Fritz, (S)Aborn, Res. 07-62 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.

LAKE DON PEDRO COUNTY SERVICE AREA 1-M:

Discussion and Direction to Staff Relative to Proceeding with Offering a Grazing Lease for the Lake Don Pedro 1-M Property for a 3-year Period (County Counsel)

Thomas P. Guarino, County Counsel, initiated discussion relative to this matter. There was no public input. (M)Turpin, (S)Pickard, direction was given to County Counsel to go out to bid for a three-year lease for the property/Ayes: Unanimous.

Adopt a Resolution Approving a Memorandum of Understanding (MOU) Between the County of Mariposa and the United States Department of Agriculture Forest Service Stanislaus National Forest for Road Maintenance and Authorize the Chair of the Board of Supervisors to Sign the MOU (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion relative to the MOU. Dana Hertfelder, Public Works Director, provided input relative to the MOU. Discussion was held relative to the County contact. Thomas P. Guarino, County Counsel, provided input relative to the history of the MOU. There was no public input. (M)Pickard, (S)Turpin, Res. 07-63 was adopted approving the MOU with a change in the County contact as discussed/Ayes: Unanimous.

Waive Second Reading and Adopt Ordinance Amending 15.28.100 and 15.28.200 of Chapter 15.28 of the County Code to Reflect Building Code Revisions to Required Setbacks from Permit Area Boundary (Building Director)

BOARD ACTION: There was no public input. (M)Fritz, (S)Aborn, the second reading was waived and Ordinance No. 1034 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

12:40 p.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA Property on Bullion Street; Agency Negotiator: Thomas P. Guarino; Name of Party who will Negotiate with County (Not Party's Agent): SPCA; Closed Session will Concern Price and Terms of Lease/Purchase (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: PG&E v. State Board of Equalization, et al.; Case No. 05CECG0003MWS (County Counsel); and

CLOSED SESSION: Public Employee Appointment; Discussion of County Librarian Position and Recruitment as well as Interim Appointment (County Administrative Officer/Personnel Director)

BOARD ACTION: (M)Turpin, (S)Aborn, the closed sessions were held. There was no public input. Ayes: Unanimous.

1:45 p.m. Chair Bibby announced that information was received and direction given to staff as a result of the closed session matters.

INFORMATION – No action was necessary on the following:

Notice that Tuesday, March 6, 2007, at 6:00 p.m. the Board will be Holding a Workshop to Meet with the Businesses and the Community to Gather Information on the Affects of the Ferguson Rockslide (County Administrative Officer)

CONSENT AGENDA:

CA-1 Appoint Jeff Hornacek to the Yosemite West District Maintenance Advisory Committee for a Continuous Term (Supervisor Aborn)

CA-2 Appoint Steve Barnett, Elvie Bullis, Terry Dykes, Peter Schimmelfennig and Tina Craig to the Coulterville Service Area No. 1 Advisory Board for Terms that Expire February 20, 2010 (Supervisor Turpin)

- CA-3 Authorize the Fire Chief to Apply for Volunteer Fire Assistant Grant for Funds Available through the California Department of Forestry (CDF) for the Federal Government; this Grant Requires a 50% Cost Share and Expenditures Proposed in the Fiscal Year 2007-2008 Budget would meet the Match Requirement (Fire Chief); Res. 07-56
- CA-4 Approve Amendment No. 04-35360, A03 to Agreement with California Department of Health Services for AIDS Prevention Program and Amended MOU No. PREV 04-22, A03 for Fiscal Year 2006-2007 and Authorize the Chair of the Board of Supervisors to Sign the Amendment and Amended MOU (Health Officer); Res. 07-57
- CA-5 Approve Amendment 8 to Professional Services Agreement with Fred Solomon for the Recreational Sports Complex, Extending the Term of the Agreement to December 31, 2007 and Authorize the Chair of the Board of Supervisors to Sign the Amendment (Public Works Director); The motion failed and discussion was held relative to scheduling an item on the agenda relative to the status of the recreational sports complex.
- CA-6 Reappoint Lawrence Williams, Ralph Harder, Tony Christianson, Ed Mee and Eugene Spindler to the Wawona Planning Advisory Committee for Terms that Expire February 28, 2009 (Supervisor Pickard)
- CA-7 Approve an Agreement with Kenneth and Lamerna Mari for Secured Storage Facilities Capable of Storing the Elections Department Electronic Voting Machines and Authorize the Chair of the Board to Sign the Agreement (County Clerk/Tax Collector/Treasurer); Matter was pulled by the County Clerk.
- CA-8 Adopt a Resolution Authorizing Mariposa Planning to Increase the Salary for Extra-help Current Incumbents only, 860-hour Position for Senior Planner, to Grade 60/Step 3, (\$26.5243 Per Hour) and for Code Compliance Technician, Grade 50/Step 1 with a 5% Increase (\$18.67 Per Hour) (Planning Department); Res. 07-61
- CA-9 Approve Amendment 1 to the Professional Services Agreement with Daniel C. Smith & Associates, Inc., to Complete the Space Needs Analysis Project, Extending the Term of the Agreement to June 30, 2007 and Authorize the Chair of the Board of Supervisors to Sign the Amendment (County Administrative Officer); Res. 07-58
- CA-10 Accept the Resignation of Joel Bibby from the Alcohol and Drug Advisory Board (Human Services Director)

1:46 p.m. Adjournment in memory of Lois P. “Nanny” Mosely and Irene Anna Pfeffer.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

February 27, 2007



Time _____ Description

9:07 a.m. Meeting Called to Order at the Mariposa County Government Center with Supervisor Pickard excused to attend the National Weed Awareness Week in Washington, D.C.

Fred Paige, Deputy Sheriff, led in the Pledge of Allegiance.

Introductions

Approval of Consent Agenda (See End of Minutes)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: There was no input from the public. Chair Bibby pulled item 11 for correction and to be rescheduled on the March 6th agenda. She pulled item 13 to be addressed at the end of the timed agenda. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Janet Bibby, Board of Supervisors Chair;

Adopt and Present Resolution and Tile Plaque Recognizing Fred Paige Upon his Retirement from the Sheriff's Department

BOARD ACTION: Chair Bibby commended Deputy Paige for his service to the County. Input from the public was provided by the following:

Susie Johnson, member of the West Point Tribe of Calaveras, thanked Deputy Paige for the influence he had on her life eighteen years earlier and on other tribal members over the years.

(M)Turpin, (S)Fritz, Res. 07-64 was adopted and presented to Fred Paige, along with a tile plaque/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard. Supervisor Turpin thanked Deputy Paige for his service to the North County over the last few years. Deputy Paige thanked everyone for their support and advised that he looks forward to working with the community on projects.

Jim Allen, Sheriff, presented Deputy Paige with his retirement badge; and Fred's wife Sheila, pinned the badge on him.

9:21 a.m. Recess

9:32 a.m. Sheriff Jim Allen;

Present Richard C. Hutchinson the "President's Volunteer Service Award" (Created by President George W. Bush) Recognizing his Valuable Contributions

BOARD ACTION: Sheriff Allen presented Dick "Hutch" Hutchinson with the "President's Volunteer Service Award" along with a gold pin and letter from President Bush, and the nomination form for this award. Hutch thanked his wife for her support and stated he appreciates being able to work with the community. Board members thanked Hutch for his community service.

Public Presentation: For items within the jurisdiction of the Board and not on today's agenda.

Ruth Sellers, on behalf of TIE (Transportation Involves Everyone), advised that Charles Phillips took his time on Monday to patrol Highway 120 to see how many tour buses were traveling that way, and there were none because of the chain controls to the Park and there was snow in the Valley. She thanked Charles Phillips for his efforts. She noted that Lee Goldenberg of CalTrans Rail Division will be here on Wednesday to meet with the Board members relative to the San Joaquin Valley Rail Committee. Chair Bibby noted that Lee Goldenberg has separate meetings scheduled with the Board members.

Paul Chapman referred to the Board's approval of the Civil War Reenactment on January 16th as a County-sponsored event, and he cited Government Code sections and previous concerns he expressed that this is not compatible with the agricultural operations and Williamson Act contract provisions on the property, and relative to insurance issues. He stated he does not feel that the County can sponsor the event for insurance purposes, and he presented his written statement.

Board Information

Supervisor Fritz advised that she attended the CSAC (California State Association of Counties) Conference in Sacramento the previous week. She advised that the Chamber of Commerce service clubs and organizations recognition dinner is Friday night at the Fairgrounds.

Supervisor Turpin advised that he attended the Stanislaus National Forest OHV (off highway vehicle) meeting in Greeley Hill on Monday, and he is planning to schedule an agenda item on this matter for comment from the Board. He commended the road crews for their work during the winter. He also noted that he has received compliments from several homeowners expressing their appreciation for the Building and Health Departments' assistance with their remodel and construction projects.

Supervisor Aborn stated he attended the new supervisors training session in Sacramento put on by CSAC, and there is another session in May. He attended the Republican Central Committee dinner on Saturday.

Supervisor Bibby noted that the recent VIA/AAA magazine had a story on Mariposa County. She advised that the annual enchilada feed is scheduled for this Saturday in Hornitos, and she noted that the Patrons Club uses the proceeds to help maintain the Stagg Hall. She advised of news received from Wes Lujan, Advocation, of Art Baggett's reappointment to another four-year term on the Water Resources Control Board.

Thomas P. Guarino, County Counsel;

Update, Discussion and Possible Direction to Staff Regarding the Sund Pelosso Homicide Trial Audit
BOARD ACTION: Thomas P. Guarino, presented information on the status of the audit. Discussion was held. There was no public input. Chris Ebie, Auditor, provided input relative to the audit and the balance of \$129,000 in the account. Rick Benson, County Administrative Officer, suggested that funding be set aside and earmarked for the balance of the audit exceptions; and if the funding is not needed, it could be returned to the General Fund. He noted that this does not give up on the right to pursue the audit exceptions. (M)Fritz, (S)Aborn, direction was given for \$159,000 to be set aside for the audit/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Richard J. Benson, County Administrative Officer;

Approve the 2006 Reclassification Requests as Recommended to be Effective July 1, 2006 for Certain Positions for Human Services and Technical Services Departments; Approve Recommendation to Deny Requests for Public Works Department and to Bring Back two Requests Still being Considered; Approve the Budget Action Transferring Funds within Technical Services Budget to Accommodate the Increased Salaries (\$2,568); Approve the Budget Action Transferring Funds within Human Services Budget to Accommodate the Increased Salaries (\$31,574); and Approve Amended Job Descriptions for Alcohol & Drug Specialist I/II and Network Administrator I/II

BOARD ACTION: Rick Benson presented the staff report. He advised that there were nine requests and he is recommending approval of nine of the requests, denying one (account clerk III in the Public Works Department), and two requests (account clerk III and executive secretary in the Public Works Department) are still being considered. He recommended that the approved requests be effective

retroactive to July 1, 2006, and he advised of the recommended budget actions. Discussion was held. There was no public input. (M)Fritz, (S)Turpin, Res. 07-69 was adopted approving the recommended actions/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

10:15 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none

B) Authorize the LTC Executive Director to Apply for High Risk Rural Road Program Funds for the Greeley Hill Walkway Project (Executive Director)

COMMISSION ACTION: Discussion was held with Dana Hertfelder, Public Works Director. Commissioner Bibby noted that she provided typographical corrections to the Department for the application, and she clarified that there is no County match required for this application. (M)Fritz, (S)Bibby, LTC Res. 07-2 was adopted authorizing submission of the application/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

10:20 a.m. Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/County Administrative Officer)

BOARD ACTION: Chair Bibby advised that she has a call in to CalTrans to provide a status report of any movement as a result of the recent rain. She commented on the workshop scheduled for March 6th to meet with the businesses and the community to gather information on the affects of the Ferguson Rockslide. Rick Benson, County Administrative Officer, advised that an invitation to the workshop has been extended to the elected officials and to the business community, and he advised of his discussion with CalTrans and they will attend to be able to answer questions. He urged those in the audience to provide input on any impacts that they are aware of. Chair Bibby noted that CalTrans Director Kome Ajise will not be able to attend; however, Julie Dunning will be present. Supervisor Turpin advised that he noticed that the river water at Bagby bridge was muddy this morning and he wondered whether there has been any activity with the rockslide. There was no public input. (M)Turpin, (S)Aborn, Res. 07-70 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: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Consent Agenda item 13 – approval of the annual Friends of the Red Cloud Library St. Paddy’s Dinner as a County sponsored event. Supervisor Bibby initiated discussion concerning this request and her concern with the serving of alcohol, and she stated she would like to see the County get away from sponsoring events where alcohol is involved and she would like to see a policy developed. Supervisor Fritz asked weather the L.E.A.D. training was taken by their servers; and she suggested that perhaps consideration could be given to looking into whether the service clubs could obtain an insurance rider for the alcohol portion and the County could sponsor the event. There was no public input. (M)Turpin, (S)Fritz, Res. 07-71 was adopted sponsoring the event; and Supervisor Turpin requested that a Board item come back to discuss developing a policy for sponsoring events. Supervisor Aborn stated he feels that consideration should be given relative to the type of alcohol to be served. Ayes: Aborn, Turpin, Fritz; Noes: Bibby; Excused: Pickard.

Adopt a Resolution Declaring the Board’s Intention to Lease Grazing Property Located in the Hornitos Area (County Counsel)

BOARD ACTION: Thomas P. Guarino, County Counsel, initiated discussion and advised that he is looking for direction as to whether the Board wants an outside appraisal on the lease value in addition to the information obtained from the Assessor’s Office; and for direction on whether the Board wants to proceed with intent to lease the property. Supervisor Turpin questioned whether the Agricultural Advisory Committee has been involved in this matter, and he stated he feels that the recommended lease price is high given the small amount of acreage. He suggested that input be obtained from the Farm Advisor and the Agricultural Commissioner on this matter.

Input from the public was provided by the following:

Paul Chapman referred to Georgine Baxter's request concerning five parcels of about 235 acres, and he noted that this item refers to three parcels consisting of 18.65 acres. He stated he feels the average rent in the County is \$17 an acre according the Agricultural Commissioner and he referred to the State law. County Counsel advised that he did not add up the acreage, and he advised that this process complies with the State law.

Further discussion was held. Supervisor Fritz agreed with this matter coming back with more information on the lease value and with getting input from the Agricultural Commissioner. Supervisor Bibby suggested that input also be sought from the Agricultural Advisory Committee or the Farm Bureau. Board members concurred with getting input from the Agricultural Commissioner and with verifying the Assessor's appraisal of lease value. Supervisor Turpin asked that the acreage be verified. Supervisor Bibby asked that information be provided relative to the status of fencing.

Approval of Minutes of October 23, 2006, Continued Meeting from October 17, 2006;

October 24, 2006, Regular Meeting;

October 30, 2006, Special Meeting;

November 14, 2006, Regular Meeting;

November 28, 2006, Regular Meeting;

December 12, 2006, Regular Meeting;

December 19, 2006, Regular Meeting;

January 9, 2007, Regular Meeting;

January 16, 2007, Regular Meeting;

January 23, 2007, Regular Meeting; and

February 6, 2007, Regular Meeting (Clerk of the Board)

BOARD ACTION: There was no public input. (M)Turpin, (S)Fritz, the minutes for the following meeting dates were approved: October 23, 2006, October 24, 2006, October 30, 2006, November 14, 2006, December 12, 2006, and December 19, 2006/Ayes: Turpin, Bibby, Fritz; Abstained: Aborn (as he was not on the Board for those meetings); Excused: Pickard. (M)Fritz, (S)Aborn, the minutes for the following meeting dates were approved: January 9, 2007, January 16, 2007, January 23, 2007, and February 6, 2007/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard. The minutes for November 28, 2006, were continued to March 6th for approval.

Adopt a Resolution Certifying the Disability Retirement of Bryce R. Johnson, a Deputy Probation Officer III, Effective March 1, 2007 (County Administrative Officer/Personnel Director)

BOARD ACTION: Rick Benson, County Administrative Officer, presented the request, and he advised that information was provided to the Board previously in a closed session and because this is a personnel mater, it would not be appropriate to discuss that information. However, he advised it would be appropriate to take the recommended action to initiate the disability retirement.

Input from the public was provided by the following:

Frank Bartholomew provided information on his background and work with civilian employees, and he advised that he has known Bryce Johnson for over twenty years and he is personally aware of the personnel action taken against him and of the funds that the County has spent to prevent this employee from returning to work; and he questioned these actions. He stated he feels that this will result in unnecessary litigation. He stated he feels that it appears that the County is forcing an employee to retire against his will. He asked that the new Supervisor(s) read the file and judge for themselves, and interview Mr. Johnson before they vote on this request. He stated he feels that it is questionable that the County Administrative Officer is the Personnel Officer. He cited a quote on a local church marquee – "Always do unto others as if you were the others."

Laura Kirn stated she is a federal government employee and is familiar with federal employment practices. She presented a written letter testifying on behalf of Bryce Johnson as a close personal friend.

11:06 a.m. Recess to allow time for the Board members to read the letter submitted by Laura Kirn.

11:34 a.m. Chair Bibby noted that the information that is being provided to the Board by the public on this matter is public information.

Bryce Johnson read his written statement into the record. He advised that he has resided in the County for 23 years and employed by the Probation Department for about 20 years. He expressed concern that the recommended resolution certifying his disability retirement damages him personally and professionally. He does not feel that there is any evidence to suggest that he is disabled. He stated his attorneys have advised PERS (Public Employees Retirement System) that he is contesting this decision and will appeal any decision to retire him. He feels that the record is clear that he worked in a hostile working environment that led to a temporary but not permanent disability, and that he was retaliated against by the department head and others when he raised officer safety issues, unfair employment practices, and inappropriate behavior by the department head. He commented on the reorganization of the department due to the loss of grant funding and stated he does not feel that due process was followed. It resulted in his position of Deputy Chief being deleted and he was demoted to a line probation officer. He read a memo dated August 1, 2005, from former Auditor, Ken Hawkins, saying there was no fiscal crisis and that General Fund dollars were available. After the reorganization, his doctor recommended that he take time off and commented on his health problems and those of a co-worker. He advised that he filed a claim for temporary disability workers compensation benefits, and he recently refused the settlement of \$10,000 and resignation of his job offer. In addition, he filed an action pursuant to California Labor Code section 132a, which provides for increased penalties to an employer who discriminates against employees for having sought relief under the workers compensation laws. He stated he feels there was also an attempt to disability retire Sheriff Allen. He commented on the legal expenses for the County and for himself in these matters. He further commented on the evaluation process with the doctors, and he feels that he has been cleared to return to work by every doctor that he was required to see. He stated he is not disabled and he has been working a security job out of necessity. He stated he always received outstanding personnel evaluations under every prior Probation department head. He stated he feels that this isn't just about him, but about every County employee who has been treated in an unfair manner merely because they have exercised their right to speak out. He urged the Board to vote "no" on this item and he referred to a saying – "get the facts or the facts will get you." He stated he feels that the requested action is fraudulent as he is not disabled.

Rick Benson advised that this action is being recommended as a result of his conferring with his immediate predecessor, and he utilized and relied heavily on the opinion of outside counsel. Discussion was held. Supervisor Aborn requested that the matter be continued to allow him time to obtain more information. Supervisor Fritz suggested that the matter be continued as Supervisor Aborn requested and to allow for a full Board to be present. The Board concurred with continuing this matter as requested.

INFORMATION – No action was necessary on the following:

A) Notice that Tuesday, March 6, 2007, at 6:00 p.m. the Board will be Holding a Workshop to Meet with the Businesses and the Community to Gather Information on the Affects of the Ferguson Rockslide (County Administrative Officer) (No Folder)

B) List of Contracts Entered into by the County Administrative Officer Pursuant to Ordinance 3.08 for the Months of November, December 2006 and January 2007

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: Total Waste Systems, Inc. v. County of Mariposa (County Counsel)

BOARD ACTION: Matter was continued to March 6th at County Counsel's request.

11:52 a.m. 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: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Number of Cases to be Discussed: 1 (County Administrative Officer/Personnel Director)

BOARD ACTION: There was no public input. (M)Aborn, (S)Turpin, the closed sessions were held/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

12:59 p.m. Chair Bibby announced that information was received and no action taken on the closed session matter scheduled by County Counsel; and direction was given to staff on the closed session matter scheduled by the County Administrative Officer.

CONSENT AGENDA:

- CA-1 Approve an Agreement with California Department of Boating and Waterways to Participate in Boating Safety and Enforcement Financial Aid Program for Fiscal Year 2007-2008 and Authorize the Chair of the Board of Supervisors to Sign the Agreement (Sheriff); Res. 07-65
- CA-2 Approve an Interim Rental Agreement with 35-A District Agricultural Association for use of the Fairgrounds Facility for Calendar Year 2007 for Training and Animal Control and Authorize the Chair of the Board of Supervisors to Sign the Agreement (Sheriff); Res. 07-66
- CA-3 Approve Agreement 07-LE-11051360-006 with the United States Department of Agriculture, Sierra National Forest to Assist in Providing Law Enforcement Services on National Forest Lands (Sheriff); Res. 07-67
- CA-4 Accept the Resignation of Jacque Meriam, At-Large Member, from the Historic Sites and Records Preservation Commission (Supervisor Pickard)
- CA-5 Adopt a Resolution Approving Road Name "Tanager Lane" for the Subject Easement in Conjunction with Land Division Application No. 2007-020, Road Name Application No. 2007-021, Wieg Development, Applicant (Planning Director); Res. 07-68
- CA-6 Proclaim March 2007 as "Clubs and Organizations Appreciation Month in Recognition of the Valuable and Multitude of Services that the Local Clubs and Organizations Provide to the Community; and Approve a Certificate of Recognition to be Presented to the Mariposa County Volunteer of the Year during the "Clubs and Organizations Appreciation Dinner" (Chair Bibby)
- CA-7 Reappoint Tom McCann, Pamela Salisbury, Dale Wohlgemuth and Don Isbell to the Fish Camp Planning Advisory Council for Terms Expiring February 28, 2009 (Supervisor Pickard)
- CA-8 Reappoint Marty Livingston, Audrey Noel, Jeff Harsha and Rhonda Scherf to the Parks and Recreation Commission; Accept Resignation from Becky Konrath; Appoint Donald Pucilowski, for Terms Expiring February 27, 2011 (Public Works Director)
- CA-9 Reappoint Shirley Kendrick, Marilyn Wilcox and Gary Balmain to the Greeley Hill Planning Advisory Committee for Terms Expiring February 28, 2009 (Supervisor Turpin)
- CA-10 Reappoint John Schroeder, Carmen Mecleary, Don Fox and Charles Lammers to the Midpines Planning Advisory Committee for Terms Expiring February 28, 2009 (Supervisor Aborn)

- CA-11 Reappoint Harvey Holland, Laurel Anderson and Nate Kerr to the El Portal Town Planning Advisory Committee for Terms Expiring February 28, 2009 (Supervisor Aborn); Pulled for correction and to be rescheduled on the March 6th agenda.
- CA-12 Reappoint Don Pitts, Jeff Hornacek, Patricia Montplaisir and Pete Ulyatt to the Yosemite West Planning Advisory Committee for Terms Expiring February 28, 2009. Reappoint Kenneth LeBlanc, Louis Bond and Robert Woolard to the Yosemite West Planning Advisory Committee for Terms Expiring February 29, 2008 (Supervisor Aborn)
- CA-13 Approve the Annual Friends of the Red Cloud Library St. Paddy's Dinner as a County Sponsored Event (Supervisor Turpin); Res. 07-71, with request for an item to come back to the Board to discuss developing a policy for sponsoring events.

1:00 p.m. Adjournment in memory of Everett S. DeMoss and Leona Beard.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

March 6, 2007



Time _____ Description

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

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of Minutes)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: There was no public input. (M)Turpin, (S)Aborn, the Consent Agenda was approved/Ayes: Unanimous.

Janet Bibby, Board of Supervisors Chair;

A) Adopt and Present Resolution and Tile Plaque Recognizing Jacqueline "Jacque" Dodd Meriam for her Service as Mariposa County Librarian

BOARD ACTION: There was no public input. (M)Fritz, (S)Turpin, Res. 07-72 was adopted and presented to Jacque Meriam, along with a tile plaque/Ayes: Unanimous.

B) Proclaim the Month of March, 2007 as "Women's History Month"

BOARD ACTION: There was no public input. (M)Fritz, (S)Pickard, the Proclamation was approved and presented to Connie Waldron/Ayes: Unanimous. Connie Waldron accepted the Proclamation on behalf of the Daughters of the American Revolution and on behalf of the Equal Opportunity Committee in Yosemite National Park. She presented the Board with "Rosie's Daughters" book, which contains stories of American women serving in World War II.

C) Proclaim the Week of March 11 – 17, 2007 as "Girl Scouts Make The World Better Place Week"

BOARD ACTION: There was no public input. (M)Pickard, (S)Aborn, the Proclamation was approved/Ayes: Unanimous.

Karen Robb, Farm Advisor;

Present a Certificate of Recognition to Jim Johnson, a Master Gardener Volunteer, for Achieving Lifetime Master Gardener Status

BOARD ACTION: There was no public input. (M)Pickard, (S)Fritz, the Certificate of Recognition was approved and presented to Jim Johnson/Ayes: Unanimous. Karen Robb commented on Jim Johnson's service and thanked the Board for support of this program. Shelley Crist, President of the Master Gardeners, thanked Jim Johnson for his work with the program.

9:25 a.m. Recess

9:38 a.m. Public Presentation: For items within the jurisdiction of the Board and not on today's agenda.

Rita Kidd, Chair of the MERG Committee for the Preservation of Catheys Valley and Hornitos, advised that they are working to prevent further parcelization of western lands in the County. She noted that the Board chose not to move forward on the petition they presented a year ago with their concerns on this matter. She advised that after a very hard and long discussion among their Board members, they chose not to file an appeal of the Planning Commission's action taken on Friday to issue Certificates of Compliance for Redington Ranch. Their issue is how the County chooses to use its powers to recognize or not recognize the historic parcels. She advised of their Public Records Act survey during the course of the appeal to inventory, compute and compare the number of parcels recognized through certificates of compliance with the potential number of known underlying patents. She reviewed and provided her letter with their survey results, and reviewed their concerns with substandard parcelization. She urged the Board to adopt the required policies and ordinances that will prevent substandard parcelization in land use classifications with minimum parcel sizes over 40 acres.

Bart Brown, Chairman of MERG, shared the concerns that Rita Kidd expressed with the issuance of certificates of compliance. He questioned whether the County should be issuing certificates of compliance on parcels that were merged. He stated he feels that unconditional certificates are encouraging pre-mature parcelization. He suggested that a solution could be to adopt a new policy for unconditional and conditional certificates of compliance to give the County consistency and a level playing field. He urged the Board to take action to resolve these issues.

Dick Hutchinson thanked Public Works for the recycling staff and program. He also suggested that the County should be using paper products that can be recycled versus Styrofoam. He thanked Supervisors Bibby and Turpin for representing the Board and presenting him with the "Volunteer of the Year" recognition at the Chamber of Commerce event.

Board Information

Supervisor Fritz advised that she attended a fundraiser at the Bug Hostel for the Mountain Crisis Services over the weekend, and she commended the Bug Hostel for its support of this event. She advised that she plans to attend the Juvenile Justice Committee meeting on Wednesday. On Thursday, she plans to attend the San Joaquin Valley Rail Association meeting. She noted the live fire practice on Saturday in the Usona Station area. She urged attendance at the workshop scheduled for this evening to receive input on the impacts of the Ferguson Rockslide.

Supervisor Pickard advised that his trip to Washington D. C. the previous week was productive and he feels good contacts were made for the State and for local weed management areas. He advised that he also had an opportunity to discuss the Ferguson Rockslide with the legislators.

Supervisor Aborn advised that he had a surprise meeting the previous week with Lee Goldenberg from the San Joaquin Valley Rail Committee concerning the County's application for voting membership on the Committee. He stated he feels that membership on this Committee is important, and that we need to address the vehicle length restrictions for the bridges on Highway 140, as well as a permanent fix on the rockslide.

Supervisor Turpin advised that he met with the new California Highway Patrol, Lt. Price. He attended the Chamber of Commerce clubs and organizations recognition dinner on Friday. On Saturday, he attended the tribute to retiring Deputy Fred Paige in Greeley Hill. On Wednesday, he plans to attend a meeting with Public Works and the Parks Department concerning issues with the Red Cloud Park. He commented on the use of corn and wheat for bio-fuels and the need for forage for livestock.

Supervisor Bibby advised that she plans to attend the Mental Health Board meeting at noon. She attended the Enchilada Feed in Hornitos on Saturday, and she noted that the Patron's Club uses the proceeds to support the Stagg Hall. She advised that the Storytelling Festival is scheduled for this weekend and she will be doing the welcome portion. She advised that she attended the clubs and organizations dinner on Friday sponsored by the Chamber of Commerce, and she congratulated Dick Hutchinson on his award. She also provided a reminder of the workshop scheduled for 6:00 p.m. to

receive input on the impacts of the Ferguson Rockslide. She noted that representatives of CalTrans will be present as a resource; and she urged that comments be provided in writing for the record.

Supervisor Turpin advised that the North County received the prizes for the best decorated tables at the clubs and organizations dinner.

Richard J. Benson, County Administrative Officer;

A) Discussion and Possible Action Regarding a Request by Total Waste Systems of Mariposa County to have the County Select a Third Party for the Purpose of Determining if a Rate Increase is Necessary

BOARD ACTION: Rick Benson presented the staff report and advised of the Board's consideration and denial of the request by Total Waste Systems of Mariposa County for a rate review on December 19, 2006.

Gregory Chappel, Jamison & Chappel, representing Total Waste Systems of Mariposa County, stated they recognize the December 19, 2006 action. He cited Section 14B of the Franchise Agreement between the County and Total Waste relative to review by a third party; and he requested that direction be given to the Public Works Director to proceed with the third party process. Supervisor Turpin asked about handling the costs for this process. Attorney Chappel advised that the Agreement does not address costs, and he would assume that the costs would be shared as is customary.

There was no public input. Supervisor Fritz asked about the site rent and the prior contract increase. Attorney Chappel advised that they just received the annual CPI increase. Dana Hertfelder, Public Works Director, provided input relative to the request for an increase in the site rent, and he advised that the only increases have been for the CPI. Supervisor Turpin clarified that the tipping fee increase is a pass-thru and that the CPI covers annual costs increases; and Attorney Chappel agreed. Supervisor Pickard asked for clarification of the request. Rick Benson advised that the request for a third party review is for the items that they suggest are uncontrollable circumstances; and the position of the County is that the CPI is there to cover increased costs. Dana Hertfelder provided information relative to the special rate review process. Discussion was held. Supervisor Pickard asked whether Total Waste is making their contracted profit amount of ten percent; and Attorney Chappel responded that they are not – that they are suffering at a loss now; and he advised that the issue before the Board is the application for a special rate increase. Thomas P. Guarino, County Counsel, advised that there are three mechanisms for a rate increase in the Agreement: 1) annual CPI; 2) uncontrollable circumstances; and 3) if Total Waste is not making the ten percent profit set under the Agreement. He advised that if Total Waste's contention is that they are not making the ten percent profit, they need to file a request with Public Works Department to have that reviewed and that information can be taken under consideration with a rate request. He referred to the third party provision in the Agreement, and advised that you do not go to a third party to determine if there is an uncontrollable circumstance, just if you can not agree on the amount; and the third party decision on the amount is mandatory. He referred to the issue of the rent and whether or not an increase falls in the definition of an uncontrollable circumstance. He noted that the County has not employed any new or changed requirements for the franchise portion of the Agreement that he is aware of that required Total Waste to go and rent a new location for their equipment. It was Total Waste's decision to rent another facility.

Attorney Chappel stated he feels that County Counsel has adequately set forth what the dispute is. He stated it is their position that there is a difference of opinion as to whether or not certain facts give rise to the special rate increase, and that is one of the issues that can be referred to the third party. He stated it appears as though that is the crux; and it is not their opinion that the Board needs to set aside its action of December 19, 2006. It is their position that what is required under the Agreement at this time is the referral to the third party.

Further discussion was held regarding the request and issues that were raised and the terms of the Agreement. (M)Aborn, (S)Pickard, to postpone the decision here and look at the ten percent profit issue, with Total Waste Systems to present information to show that they are operating at a loss or making less than the ten percent profit as set forth in the Agreement. Supervisor Pickard clarified that we are not moving forward with any mediation with this motion, but directing that Public Works will continue to work with Total Waste; and it is incumbent upon Total Waste to provide the justification for a special rate increase. Supervisor Aborn agreed that this is a part of his motion. Ayes: Unanimous.

B) Approve a Professional Services Agreement with abc 30 KFSN-TV/DT to Create 2 – 30-Second Commercials and Produce 81 Airtime Spots on abc 30 and Authorize the CAO to Act on the County's Behalf in all Matters Pertaining to this Agreement

BOARD ACTION: Discussion was held with Rick Benson and Marilyn Lidyoff, Administration/Business Development Coordinator.

Input from the public was provided by the following:

Paul Chapman referred to the Board's action on January 23rd to privatize the Tourism Bureau, and stated he feels the Tourism Bureau should be responsible for these types of programs. He also questioned how a Supervisor could be involved in this program with owning a business.

Rick Benson advised that it is his understanding that the list of people in the package including a Supervisor were those who participated in the selection of the TV station and not the content of the advertising. (M)Pickard, (S)Turpin, Res. 07-77 was adopted approving the recommended action/Ayes: Unanimous.

10:50 a.m. Recess

11:00 a.m. Brad Aborn, Supervisor District I;

A) Update, Discussion and Possible Direction to Staff Regarding the Yosemite Area Regional Transportation System (YARTS)

BOARD ACTION: Supervisor Aborn initiated discussion; noted that Channel 30 News was present; and he noted that there is no local telephone number for Mariposa for people to call if a bus doesn't arrive.

Dick Whittington, YARTS (Yosemite Area Regional Transportation System) Transit Manager, provided input relative to the YARTS program and its relationship with Amtrak and VIA Adventures, and relative to the services that are provided. YARTS does not have a direct contract with Amtrak, just though VIA. He commented on services provided by Greyline to Yosemite; and he advised that they have decided to do all of their tours on their own buses. He noted that Key Holidays out of Sacramento also provides bus service to Yosemite. He advised of changes with the routes when the rockslide occurred because of the Highway closure. He advised of his discussion with Lee Goldenberg of the San Joaquin Rail Committee.

Supervisor Aborn asked about the Amtrak connection in Merced and whether there is a program to provide for a second bus if needed; and he expressed concern with the decline in ridership on the YARTS system. Dick Whittington advised that VIA had a second bus available if needed; and he provided input on the changes in the ridership on YARTS due to the rockslide. He advised that they have made application for funding for buses to provide early pickup for employees for Yosemite and for additional runs in the summer. He noted that the amount that the County is contributing to the program is the same as it was providing for a private contractor ten years earlier, and more runs are being provided by YARTS. He advised that the National Park Service contributes \$250,000 for the program and participates in a commuter choice/voucher program. Delaware North has not participated because they cannot subsidize some employees, without providing the same service to all, because they are a Union Shop. Supervisor Pickard asked about the impact of the rockslide and not being able to use the longer buses, and Dick Whittington responded that being able to use longer buses would help their service. Supervisor Bibby asked that YARTS ridership statistics be provided to the Board, along with regular updates and reports on the service. Supervisor Aborn asked about the rumor that once YARTS begins providing service in the other corridors to Yosemite, that the Park will eliminate the private automobiles. Dick Whittington noted that the Valley Management Plan calls for the elimination of vehicles from the Valley; and he noted that YARTS is managed by Mariposa, Merced and Mono Counties. Supervisor Turpin asked about the possibility of using articulated buses. Dick Whittington advised of his discussions with CalTrans relative to possible options, and CalTrans has determined to stay with the 28-foot length restriction.

Input from the public was provided by the following:

Kenneth Gosting, TIE (Transportation Involves Everyone), stated he feels there is a long way for YARTS to go in terms of planning; and he noted that their telephone information line shuts

down at 5:00 p.m.; however, their bus service continues. He presented a blown up page of the “Y” section of the local telephone book and noted that YARTS is not listed. He stated he feels that the statistics should be carefully reviewed. He asked if YARTS is seeking to provide service for the Highway 41 and 108 corridors. He expressed concern with safety issues on the buses with having additional passengers on the peak runs, include drunk and disorderly passengers, and he cited a recent incident with a leaking roof on a bus during a rainstorm. He noted that there are no safety handrails when you enter/exit the bus. He cited a recent example of a special express run that was made to the Park to accommodate a group from the Amtrak connection, and he stated he feels that there needs to be more of this type of service. He commented on using Highway 120 as an alternate route and problems. He stated he feels that there are grant sources other than just federal that could be used; and he suggested that a special workshop be held to discuss these issues.

Lou Aceto, of Oakhurst, commented on the ridership statistics and stated he feels that YARTS is still 160,000 riders short of what the Executive Director projected for the first year. He feels that YARTS is directly involved with Yosemite and the only way the service will work is if day use visitor parking is removed from the Valley, and he feels that support of YARTS is ultimately supporting the removal of day use visitor parking. He feels that YARTS is causing a perception that prevents visitors from driving to Yosemite and he feels that will be a real cost to the County. He feels that the information being provided by YARTS can be refuted, and that this is a good time to reevaluate the County’s position with YARTS.

Dick Whittington responded to the input that was provided; and he advised that any concerns/complaints can be emailed or called in to YARTS or VIA; and he asked that any complaints or concerns be brought to his attention so that they have an opportunity to make improvements. He noted that the original intent was for this to be a regional service; and a meeting was held in Fresno and one will be held in Madera, and contact is being made with Tuolumne. It will depend on whether those counties want to participate as to whether consideration will be given to expanding the service. He advised that the bus drivers carry cell phones and they can contact law enforcement for problems that may arise with the passengers.

Supervisor Aborn stated he would like to schedule a workshop to get input from the community and for the Board to review this program. There were no objections from the Board.

Discussion was held relative to the agenda schedule.

12:00 p.m. Recess

12:04 p.m. Chair Bibby advised that she needs to attend the Mental Health Board meeting so that there is a quorum. The remaining agenda items were continued to the afternoon.

12:05 p.m. Lunch

2:06 p.m. The Board reconvened.

B) Authorize the Chair of the Board of Supervisors to Sign a Letter Requesting two voting Memberships on the San Joaquin Valley Rail Committee or no Membership on the Committee
BOARD ACTION: Supervisor Aborn advised of efforts to get full voting membership on the San Joaquin Valley Rail Committee; and he advised of his meeting with Lee Goldenberg from the Rail Committee and his recommendation to offer the County associate membership. Supervisor Aborn requested that the Board take action reiterating its request for two voting memberships on the Committee or the County would withdraw its application. The next meeting of the Committee is scheduled for Thursday. Discussion was held.

Input from the public was provided by the following:

Ruth Sellers commented on attending the Committee meeting on behalf of TIE (Transportation Involves Everyone) and agrees with not accepting anything less than full membership. She stated she feels that the Board should really take a hard look at the YARTS program and its record of service.

Jeanetta Phillips stated she agrees that the County needs to be a full voting member on the Committee, and she agrees that YARTS needs to be examined.

Dick Hutchinson, as a representative of the Merchants Group of town, stated they sent a letter to the Rail Committee supporting the County's request for membership. He commented on the importance of the route from Merced to Yosemite. He noted that there were three buses that spun out and blocked Highway 120 the previous week due to the snow, and that would not have happened on Highway 140 due to the lower elevation. He noted that he feels that there needs to be more support that the rockslide is an emergency.

Leroy Radanovich, Tourism Director, commented on his attendance of meetings relative to the County's request for membership on the Rail Committee. He noted that Highway 140 is considered to be the Amtrak corridor, and we have the only corridor of that nature. He advised of events that he is working on and coordinating with YARTS, Amtrak and VIA. He stated he does not feel that we should be shy about asking for what we want. He stated the legislature did not provide for an associate membership, and that would require a change. He feels the County has a right to voting membership on this Committee.

Ken Gosting, TIE, presented information concerning the request and information relative to Amtrak services. He stated he felt that the Committee's action on February 9th was not to prepare a position paper, but to check with counsel to see if there is anything that would prevent membership. He presented information on the formation of the Committee and addressed the differences between voting and associate membership. He stated he feels that if the corridor changes for the Amtrak connection to Yosemite, it could impact the financial support for YARTS.

Discussion was held relative to an option to request one voting membership versus two; and consideration of rewording the draft letter. Thomas P. Guarino, County Counsel, provided input; and advised that he would be willing to review the formation documents for the Rail Committee. (M)Aborn, (S)Fritz, to approve the draft letter as written, with the correction of a typographical error; died after the second was withdrawn following further discussion. Supervisor Pickard offered his assistance to help reword the draft letter to substantiate the County's request. Supervisor Fritz advised that she would be willing to work with the County Administrative Officer and Supervisor Aborn to bring back a revised draft letter for consideration later in this meeting; and the Board concurred.

Ken Gosting provided additional input relative to the statutes that govern the Rail Committee.

The matter was continued to later in the meeting.

Dana Hertfelder, Public Works Director;
Informational Item and Presentation Regarding the Mariposa County Solid Waste Composting Facility Start up Progress

BOARD ACTION: Dana Hertfelder gave a presentation on the composting facility and the status of its operation. He advised of their efforts to address concerns, especially with odors, and their goals. He commended staff for their work. Discussion was held. Supervisor Aborn suggested that a handout be prepared to advise the public on how best to separate their trash. Dana Hertfelder advised that they have a draft brochure prepared and they are working on finalizing it. Steve Engfer, PWD/Solid Waste and Recycling Manager, responded to questions and provided input relative to recycling efforts and programs.

Input from the public was provided by the following:

Ruth Sellers stated she takes issue with the statement that "it is a dump" and she noted that odor was a concern in the environment review report (EIR). She stated she appreciates that the "dump" is neater than it used to be; but she is concerned with the odor problems. She does not feel that the by-product that she saw would qualify to be called compost. She stated she does not feel that this facility should have been built, and she does not feel that what was done meets the EIR.

Dick Hutchinson stated he feels that the recycling process is good, but he suggested that the County needs to set the example by purchasing recyclable products and by having separate containers for paper products. He was advised that there are paper recycling bins in the County offices.

Paul Chapman stated he agrees that this is a dirty job, but he feels that the plastics and other non-biodegradable items need to be removed before the trash is processed. He commented on the design of the facility and expressed concern that the doors are always open.

Discussion was held. Supervisor Bibby asked for a copy of the power point presentation. No action was necessary.

Jim Wilson, Fire Chief;

Authorize the Fire Chief to Submit Grant Applications to FEMA Assistance to Firefighters Grants (AFG) Program; this Requires a 5% (\$2,546) Cost Share and Expenditures Proposed in the Fiscal Year 2007-2008 Budget would Meet the Match Requirements

BOARD ACTION: Discussion was held with Jim Wilson, and he advised that the matching funds will be requested in the FY 2007-08 budget, with a maximum match of \$58,546. There was no public input. (M)Pickard, (S)Turpin, Res. 07-78 was adopted approving the request/Ayes: Unanimous.

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

BOARD ACTION: Rick Benson recommended that action be taken to continue the emergency, and he noted that the workshop is scheduled for this evening to provide an opportunity for more input on the impacts. There was no public input. (M)Turpin, (S)Fritz, Res. 07-79 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.

Approval of Minutes of November 28, 2006, Regular Meeting, (Approval Continued from February 27, 2006) (Clerk of the Board)

BOARD ACTION: (M)Pickard, (S)Turpin, the minutes were approved. There was no public input. Ayes: Turpin, Bibby, Pickard; Abstained: Aborn, Fritz, as Supervisor Fritz was not present at the meeting, and Supervisor Aborn was not on the Board at the time of the meeting.

Approval of Minutes of February 13, 2007, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Fritz, (S)Pickard, the minutes were approved. There was no public input. Ayes: Unanimous.

Waive the Second Reading and Adopt an Ordinance Approving Amendment to Mariposa County Zoning Map Pursuant to Zoning Amendment Application No. 2005-253; Bret and Teri Willis, Applicants (Project Site is Located at 5725 Colorado Road in Midpines, APN 008-350-066 and APN 008-240-065) (Planning Director)

BOARD ACTION: Chair Bibby noted that the Action Form in the package was from the first reading of the Ordinance; however, the agenda title correctly reflects this action as being for the second reading and adoption of the Ordinance. There was no public input. (M)Pickard, (S)Fritz, the second reading was waived and Ordinance No. 1035 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

3:37 p.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers' Compensation Case; Number of W/C Cases to be Discussed: 1 (County Administrative Officer/Personnel Manager);

CLOSED SESSION: Public Employee Appointment: Interim Appointment of County Librarian (County Administrative Officer/Personnel Manager);

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: Total Waste Systems, Inc. v. County of Mariposa (County Counsel) (Continued from February 27, 2006); and

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA Property on Bullion Street; Agency Negotiator: Thomas P. Guarino; Name

of Party who will Negotiate with County (Not Party's Agent): SPCA; Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel)

BOARD ACTION: There was no public input. (M)Fritz, (S)Aborn, the closed sessions were held/Ayes: Unanimous.

4:27 p.m. Chair Bibby announced the following as a result of the closed session matters:

- Direction was given to staff on the Workers' Compensation case;
- By motion of Turpin, seconded by Aborn, by unanimous vote authority was given to the County Administrative Officer to appoint Janet Chase-Williams as interim County Librarian, subject to approval by the State Library;
- Information was received and no action was taken on the Total Waste Systems' case; and
- By motion of Pickard, seconded by Fritz, authorization was given for a counter proposal to be presented in negotiations for the Moore/SPCA property, by a vote of four ayes and Supervisor Bibby opposed.

4:29 p.m. Recess

5:43 p.m. The Board reconvened and further discussion was held relative to the revised draft letter to the San Joaquin Valley Rail Committee requesting two voting memberships on the Committee for the County. (M)Fritz, (S)Aborn, Res. 07-80 was adopted approving the letter as revised. There was no public input. Chair Bibby read the letter into the record. Dick Hutchinson noted that they are planning to attend the Rail Committee meeting on Thursday with posters to support the County. Supervisor Aborn requested that the Board's vote on this action be included with the letter. Ayes: Unanimous.

5:47 p.m. Recess

6:05 p.m. Richard J. Benson, County Administrative Officer;
Workshop to Meet with the Businesses and the Community to Gather Information on the Affects of the Ferguson Rockslide

BOARD ACTION: The following legislators and representatives and CalTrans staff were introduced: Shelly Abajian representing Senator Dianne Feinstein, Chris Valadez representing Congressman George Radanovich, Julie Dunning and Zelig Nogueira representing CalTrans, and Senator Cogdill. Chair Bibby announced that Ameen Kahn representing Senator Barbara Boxer was unable to be present due to illness. (Other legislative representatives were introduced later in the workshop.)

Chair Bibby advised that the letter of March 1, 2007, from CalTrans regarding the status of the Ferguson Slide project and its priority to CalTrans is available for the public. She thanked CalTrans for their cooperation with this project and advised that their representatives are here as a resource; and that the purpose of this workshop is to find out how the slide has impacted us.

Rick Benson, County Administrative Officer, gave an overview of the history of the slide and the interim opening of Highway 140 with the temporary bridges. He advised that the purpose of this workshop is to listen and learn what is happening and what the impacts will be if we can not get the Highway open to longer vehicles quickly. He reviewed the options that CalTrans is exploring for a long-term fix, and he advised that any deviation from the current procedures will require input from the state and federal officials. He encouraged written information to be provided.

Input from the governmental entities:

Jim Allen, Sheriff, commented on the delay for emergency vehicles with having to wait for the signal lights to change. He advised that if and when the rocks come down and the River is blocked, El Portal will be isolated. He noted that Yosemite National Park has assured law enforcement coverage for El Portal, and he has a deputy that resides in El Portal. He is concerned with medical aid. A helicopter can't land during a storm, and Highways 120 and 41 close during winter storms and that would land-lock El Portal. He feels that six years is a long time and he feels the odds are very good that the rocks will come down. He responded to a question from Supervisor Bibby and advised that the response time from Mariposa to El Portal via Highway 140 is about 45 minutes to one hour depending on the stop lights. Sheriff Allen further noted that El Portal has a lot of visitors with the hotel rooms and the visitors need to be protected as well as the residents. He reiterated that we need to have the

highway fixed much quicker than six years. He does not feel that it would take six years for a major highway in a major city.

Chair Bibby introduced Bob Phelan, representing Assemblyman Tom Berryhill.

Kevin Cann, Deputy Superintendent for Yosemite National Park, commented on their relationship with CalTrans. He suggested that if the Board is going to find six years unacceptable, that a socio-economic study should be done to substantiate the impacts. He referred to the Sierra Business Council and a wealth index study. He noted that consistently since 1991 the visitors are repeat visitors to the Park. He commented on the socio-economic impact study done after the flood disaster and that study concluded that vacation habits can sustain a two-year interruption, but not three years. He noted that the co-compost facility project moved along much more efficiently and timely once efforts by the County and the National Park Service were combined; and he believes the same cooperation will be needed with this matter. He advised that the Park Service is ready to help in any way possible. He noted that they are seeing increased costs with commodities such as concrete. He noted that the tour buses are going through 6,000-foot elevation passes to use Highways 120 and 41 and they have had fourteen substantial accidents in the last year and have issued a growing number of citations for violation of the chain requirements. The bus drivers do not have the experience for driving in these conditions. Highway 140 is an all-weather route to the Park. He advised that the Park experiences a 31 percent higher construction cost versus Fresno; however, with the Rock Slide they are seeing an additional 40 percent additional increase. He advised that he contacted the Federal Highway Administration earlier today and they are available and willing to work with CalTrans on this project. He also wants the Board to hear from Dan Jensen, Chief Operating Officer for Delaware North. (Mr. Jensen spoke later during the workshop.)

Chair Bibby introduced Bob Wiedman, Deputy District Director, for Senator Cogdill.

Dr. Charles Mosher, Health Officer, commented on the Board's subsidy of ambulance service to El Portal and the first responder service in El Portal. He advised that being able to continue to provide service is an issue. He noted that when the stop lights turn red, it results in about an eight minute delay; and he is working with CalTrans to see if they can have a triggering device for the lights for emergency response.

Lieutenant Dave Price, California Highway Patrol (CHP) Commander, stated he feels a problem is the approximate fifteen-minute delay for all emergency vehicle response, and trying to get through the traffic with lights and siren is not feasible due to the nature of the road. He advised that there have been three accidents with over-sized vehicles trying to access the bridges and that blocks the road for a long time.

Bob Morse, Mariposa County Unified School District (MSUCD) Maintenance and Transportation Director, thanked CalTrans and the elected officials for their assistance with this matter. He advised that this is an inconvenience and there is a delay for the students getting to school and to class on time. To have this impact for six years would be a huge problem. He advised that they have taken resources that could be used for other departments in the District to purchase a short bus that meets the length restrictions on the Highway. He advised that now there is a requirement for seatbelts and that reduces the number of students that can ride the bus. They will need to look at having another bus because of the number of students. He responded to a question from the Board and advised that they would not have purchased this bus if the slide did not occur; however, they can use the bus in the future for special needs and that is their long-term goal.

Dick Whittington, YARTS (Yosemite Area Regional Transportation System) Transit Manager, referred to his letter concerning impacts on the YARTS system. He provided statistical information on the changes in ridership for employees (down by 48.33 percent in the current fiscal year) and visitors (down by 20.1 percent in the current fiscal year) as a result of the slide and impacts with having to obtain passes that do not exceed the vehicle length restrictions.

Dave Martin, District Ranger for the Sierra National Forest, provided input concerning their monitoring of the slide activity and their ability to make an appropriate response in case an evacuation is needed. He advised that he met with CalTrans and the Federal Highway Administration staff earlier this date to try and understand all of the nuances of the long-term fix. He advised that it is their collective intent to make sure that there is no bureaucracy in the way affecting the timeframes for this project. He responded to questions from the Board relative to the impacts on their staff and personnel

with this situation and relative to the costs for monitoring. He advised that they are updating their fire plan response and none of their equipment is too long for the bridges. He further advised of financial assistance that they have received from their federal office for this fiscal year, and that they are receiving excellent help from the US Geological folks.

Chair Bibby read the letter received from the Merced County Board of Supervisors (dated March 1, 2007) into the record. They are in strong support of the State continuing to consider the Ferguson Rockslide area an “emergency” situation and urge the State to keep resources focused on this vital repair project.

Dave Martin noted that they are working with BLM (Bureau of Land Management) relative to the rafting activities and feel they have something worked out to allow rafting past the bridges for this summer.

Leroy Radanovich, speaking as an individual and as a merchant and as Tourism Director, stated he feels that there has been a winding down of the bus traffic over the last summer and now we are feeling the affects. He referred to a recent trade show that was held in Utah and efforts to attract tours to the area, and he noted that not as many buses have booked as in the past. He feels that some will continue to come this year, and next year they will bypass Yosemite as a destination. It will take years to reestablish the bus tours. He noted that the Chinese bus tours support a local restaurant (China Station) and those tours are not even going to Yosemite any more. Since 1998, we have had a steady decline in visitation to Yosemite and eventually this will impact the transient occupancy tax (TOT) revenue to the County. He noted that the President of the new non-profit Tourism Bureau is in Germany promoting the County and there is a huge competition for the recreation dollars in the State. He stated he feels that we need some diversification of the economy of the County, but that is a long way off and will take capital. He advised that he made contact with the new agency, Sierra Nevada Conservancy, and secured office space for them at the Fairgrounds and they are trying to get grants. He feels it is time for the County to get tough with this project.

Comments from the delivery services businesses:

Curtis Lovett, Outback Materials and ready mix supplier, thanked CalTrans for the excellent job in responding to the slide with the installation of the bridges. He noted that the short amount of time between when he was asked to supply concrete to the approval was unprecedented. He advised that he has had a drop of about one million dollars in revenue from his Mariposa County facility due to the slide – some of that shifted to Madera and Tuolumne Counties. He ran ten trucks before the slide and is down to seven, so three employees have lost their jobs. They had to increase their costs for supplying materials to the Park by about twenty percent because of the change in the route to Yosemite Valley. Plus, there are additional costs in the winter time due to delays with the road conditions and increased vehicle emissions and traffic impacts on the highways. He thanked the Board for this meeting and stated he feels that six years is a long time. He suggested that a flagman at the bridges could allow them access through the bridges.

Chair Bibby advised that letters would be welcomed to help document the impacts.

Curtis Riggs, VIA Adventures in Merced, noted that Dick Whittington spoke relative to the impacts on the YARTS program. He noted that as the operator of YARTS, this slide has had an impact on the Amtrak passenger ridership. He noted that ticket sales in 2005 totaled \$306,000 and in 2006 they totaled \$234,000. Some of the decrease was due to a decrease in sales from Greyline. He has four big motor coaches sitting idle and the carrying cost is about \$50,000. He has direct expenses of about \$50,000 to refurbish and put smaller buses into service that can access the bridges. An increase in the length restriction would be helpful.

Dave Loftis, owner of Above All Towing, advised that the vehicle length restriction prevents them from being able to respond with their large towing truck as it is 40-feet long. To bring a bus back out of the Park is a real challenge especially if the other highway accesses are closed. He advised that he has suffered a financial impact and service impact as the large truck was giving law enforcement a greater response time and now he can not use it very much. The commercial traffic has also decreased resulting in less calls for the large truck. He responded to a question from the County Administrative Officer and advised that the large truck takes an experienced driver and it is difficult to keep an employee at that level when the truck is not in use and that is a cost for him.

Shawn Knell, with Above All Towing, noted that the length restriction only allows RVs that are 28-foot or less on Highway 140. If any RV breaks down, they can not bring it back out on Highway 140 with their tow trucks and they have to go around. He feels that generally tourist traffic has been impacted because people hear that the road is shut down.

Jimmy Gado, Zephyr Whitewater Expeditions, stated he operates on the Merced River with five other outfitters and they will need to change their vehicles to comply with the length limits and that will be a significant expense. He thanked Dave Martin for getting the River access to be able to raft past the slide. He advised that their sales are down about fifty percent from last year. In 2005, their gross sales were \$598,000 and in 2006, their gross sales were \$314,000 on the River. He questioned why the lower bridge could not be adjusted to get a longer vehicle length. He also advised of information received from Bob at Mountain View Grocery in Midpines – they have 5-8 percent of their sales from the rafting people. He feels that people extend their stay in the County for the rafting and that increasing sales for the other businesses.

Comments from the tourist industry – hotels and shops and restaurants:

Dan Jensen, Chief Operating Officer for Delaware North, stated the impact from the road closure cost them about four million dollars. He advised that they have received transportation surcharges in the hundreds of thousands of dollars and increased costs for commodities. He advised that there is a decline in the tour buses as Highway 140 is the scenic corridor and going around reduces the visitor experience. He noted that last week, Highway 120 was closed and Highway 41 had chain restrictions due to the storms, and Highway 140 was clear. He noted that this situation is a disruption to the employees and there is an increased cost for the employees with signal delays and a fifteen minute longer commute. He advised of his discussion with California Parlour Car and noted that the impact this year may not be great for their operations, but it will result in a decrease of service next year. He stated the Highway needs to be able to accommodate at least 40-foot buses.

Douglas Shaw, Yosemite Bug Rustic Mountain Resort, advised that they have a restaurant and accommodations and added tour events last year. They improved their meeting facilities, are putting in a health spa, and are still expanding. He commented on the impacts the slide is having with the timing of the expansion of their facility – it has been a real financial struggle and very stressful. They are feeling the affects of the decrease in the rafting and lost ten bus groups this year. At three to five thousand dollars per bus group, and if they have to endure six years of this impact, it will really add up for his small business. Having to work this hard and trying to make more business for themselves is very difficult and discouraging. He expressed concern with the cumulative affect; and he stated he appreciates the local support.

Steve Knauf, Pizza Plus, stated he is more of a local versus tourist business. However, their business is down – January was down by 28 percent and February was down by 25 percent. He advised of information received from the China Station – they went from \$80,000 a month to \$30,000 a month average in business. He stated he agrees with Sheriff Allen that this would not take six years on a major highway in a major city; and he does not feel that it should take that long for this project.

Jerry Fischer, Yosemite Management Group, stated they have lodges in El Portal and Mariposa so they see the affects from both sides of the slide. He noted that this month marks thirty years for him of doing business in the County and he has seen quite a few disasters. This is the first one where he feels there should be kudos to every agency involved in this project, and he feels it was a remarkable display of effort on the part of a lot of people. He noted that they have significant challenges as they move forward as mentioned; i.e., health and safety issues and transportation costs, etc. He referred to the impact the slide has had on the tour buses and on trying to replace those guests. They have contracts with seven or eight companies that supply up to 5,000 room nights. For him, building on a long term relationship is making ten or fifteen calls and keeping the companies happy for repeat business. To replace those buses, it will require 5,000 to 7,000 room nights from individual calls. He noted that their average stay is 1.3 nights and it takes ten telephone calls to book six rooms. He feels they will lose approximately fifteen percent of those rooms to cancellations and they will have to rebook those again. It takes a tremendous advertising effort to create the demand for those rooms and a tremendous amount of resources to take the reservations to book those rooms. A new customer base will need to be reinvented that they do not have right now. He noted that people have set travel patterns and the interruption will result in it taking a long time for them to rebuild that business. He

feels that they will see a drop of 40-45 percent in bus business this year and 70-75 percent next year. People will wonder why they are not staying in Oakhurst if the buses are driving them that way versus Highway 140 through Mariposa. He noted that with the change in routes, we are now competing with Modesto, Sonora, Clovis, and Fresno and it opens up a much wider group of competition for that bus business. He noted that when you spend the amount of time that they have in building the traffic pattern and it gets removed and relocated, it is difficult to rebuild as it not only affects the buses, but the tour operators. No matter how good his relation is with the tour operators in the foreign countries, they have to go on record as saying that there is an interruption on Highway 140 due to the consumer laws. He will put together the impact numbers for their properties for the Board. He advised that the impact goes beyond his operations as they have several tours that when they leave their properties in El Portal and drive through Mariposa, they stop at the Visitors' Center and spend money in the shops. Now that business has been rerouted to Oakhurst and they are stopping at Raleys for a rest stop and that problem is being magnified over and over resulting in a financial impact to the County.

Dick Hutchinson, representing the Mariposa Museum and History Center, advised that they had 40 some tours from a high class tour company in New York and since the rockslide, they cancelled 22 of those tours and that is a financial impact on the Museum. He advised of his discussion with Chief Dulcich, Mariposa County Public Utility District (MPUD) – their ladder truck can not go across the bridges if support is needed from their Fire Department, and CAL FIRE has equipment with their semi-trucks for hauling the bulldozers that could not cross the bridges.

Miriam Costello, Miriam's Place, advised that their customer count is down and that means the dollar is down; and there are not as many tourists from England and Germany as usual. She noted that the Merchants Association is trying to make Mariposa a destination to help the downtown businesses. In her eighteen years of business here, this is her worst February and if she has to wait six years, she will probably not be in business. She noted that a lot of people in town are sole proprietors and if they can't make a living here, they will have to move out. She questioned if it took six years to build the Golden Gate Bridge.

Herb Gloor, owner of Mariposa Lodge, stated business is dismal. He referred to the earthquake in Los Angeles and all the kudos given to the contractors for fixing the freeways almost overnight. He stated his busy season has not really started yet so it is hard to tell how much they are off, but they have four apartments that are usually rented to people doing contract work in the Park, and those are empty.

Additional comments from the public:

David Sizemore, representing Pioneer Market and Pioneer Gas, advised that Pioneer Gas went down fifty percent this last summer, and that particular station relies totally on tourist dollars in the summer time. Pioneer Market is a community-based store, but there is a trickle-down affect that if we don't get the tourism, the people in the community can't afford to spend money in the store.

Candy O'Donel-Browne thanked the Board for having this workshop. She stated she is not a business owner and is commenting on the secondary affects versus the primary affects. She realizes that she is not as stressed as what she would have been when she owned the KOA Campground and she is sitting here hearing the stress in the people who have been testifying. There is a lot of secondary affect in this when dealing with disasters and they never had to look at six years of bad business. This much stress could ultimately end in physical problems. We are not a major metropolitan area, but we are the way people in the world think of California. When they think of California, this is their first stop and this is their first impression and she feels that we really need to go as quickly as we can to fix that first impression.

Rick Benson advised of his review of the TOT (hotel tax) and sales tax revenues and the unemployment rate. For the first half of this fiscal year, the TOT is holding its own, but he is aware from the business community that it will not continue to hold. The sales tax is down, but not significantly; but it impacts this County's ability to provide services. There is an increase in unemployment in the tourist industry and the rest of the businesses are holding their own, but that will have a ripple affect. He stated he feels that we need to make this point before we really get into trouble, and he is fearful of where we may be a year from now if something is not done. He advised that we will continue to need information from the community, and he noted that the Board has acted every week on the rockslide emergency. Discussion was held.

Supervisor Fritz noted that she owns a business in the community (Happy Burger Diner) with her husband and they had a 11 ½ percent increase last year in business; however, they are down by 12 percent this year. She has noticed the loss of RVs and tourist business. She commended CalTrans for the interim fix, but stated she feels that we need to get past the length restriction. She stated she feels that we can deal with the one-way traffic over the bridges for awhile.

Chair Bibby referred to the March 1st letter from CalTrans regarding the status of the project and outlining what they are having to deal with.

Dick Hutchinson, representing the business association in town, advised that business owners that could not be here have given him letters to present. He advised that they are working together; however, six years will be a struggle. He noted that there is a lady in the audience that has had to close her store. He advised that Alinda (Dolls by Alinda) has had to go to shows outside of Mariposa to sell her dolls to stay in business.

Curtis Riggs advised that his earlier comment that any kind of increase would be helpful was on behalf of YARTS. He feels that if the length is not increased to at least 40-feet, it would not be helpful. It needs to be 45-feet to accommodate the bus companies.

Supervisor Turpin commented on the catastrophic fires that have occurred in the County and the response from all of the agencies with equipment and the loss of the comfort level with this service being impacted by the restrictions on the Highway. He noted that this will put limitations on mutual aid support.

Supervisor Pickard suggested that input be solicited from the new owners of the KOA on the impacts they are having. He commended CalTrans for their efforts. He stated he feels that six years is a long time for the businesses. He also commented on the challenges of going through the NEPA and CEQA processes. He stated he feels there should be an evaluation of trying to get a longer vehicle length access on the bridges and how that will affect the long-term fix.

Senator Cogdill stated he is aware that this Highway is the life blood of the community. This timeframe is not acceptable and he feels a way will need to be found to shorten it. He wants to do everything he can to help, and he commended CalTrans for the work they did, but feels that we need to go further and focus all efforts on the state, federal and local levels. His hope/goal is to have a fix in place by the end of this season to allow for unrestricted traffic. He thanked the Board for holding this meeting and stated he is looking forward to receiving the written information that is to be provided, and he asked to be kept informed relative to the issues pertaining to this matter. Chair Bibby thanked Senator Cogdill for his assistance with County matters, especially this project.

Supervisor Pickard acknowledged Congressman Radanovich and his office for assistance with this matter, and he advised of his meetings in Washington, D.C. with the legislative staff for Congressman Radanovich, Senator Feinstein and Senator Boxer on this matter. He also thanked the representatives for the legislators for being present.

Supervisor Aborn, on behalf of District I, stated he hopes and he is looking forward to a quick fix on the bridges and a permanent fix for the slide.

Supervisor Pickard commented on the recommended socio-economic study and its potential to be helpful with financial aid, etc., and he suggested that the County be proactive and start now to develop the study. Rick Benson advised that it is his intention to approach colleges and universities to see if there is an interest in their economic development to take this on as a project for the County. He advised that the Board could further discuss this at a later time if it wants to hire someone to do the study.

Chair Bibby extended compliments to the community and everyone for participating in this workshop in a constructive manner.

CONSENT AGENDA:

CA-1 Approve the Fish Camp Town Planning Advisory Council By-Laws (Planning Director); Res. 07-73

- CA-2 Approve a Transfer of Funds within the Tourism Budget to Increase Professional Services, Copier Expense and Office Supply Budget Lines (\$5,600) (County Administrative Officer); Res. 07-74
- CA-3 Approve an Agreement with The SPHERE Institute to Assist Child Welfare Services in Implementing the Comprehensive Assessment Tool (CAT) Safety and Risk Assessment System and Authorize the Department to Enter into the Accompanying Data Use Agreement to Ensure Confidentiality and Security of Client Information (Human Services Director); Res. 07-75
- CA-4 Re-Appoint Ken Davis, Tracy Guenthart and Judie Huffman to the Catheys Valley Town Planning Area Advisory Committee for Terms Expiring February 28, 2009 (Supervisor Bibby)
- CA-5 Approve Certificate of Recognition and Congratulations to Marguerite Hofflund on Celebrating her 90th Birthday on March 9, 2007 (Supervisor Bibby)
- CA-6 Accept the Mariposa Regional Recreation Complex Water Main Project (Project 02-08 / 06-10) as Complete and Authorize Final Payment to Richard Townsend Construction (Public Works Director); Res. 07-76
- CA-7 Reappoint Harvey Holland, Laurel Anderson and Gail Dreifus to the El Portal Town Planning Advisory Committee for Terms Expiring February 28, 2009 (Supervisor Aborn) (Continued from February 27, 2007)

7:58 p.m. Adjournment in memory of Howard William “Bud” Taber, Karla Kay Ashton, and Glenda Fitzpatrick. (M)Pickard, (S)Aborn, the meeting was adjourned/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

March 13, 2007



Folder Time Description

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

Pledge of Allegiance

Approval of Consent Agenda (See End of Minutes)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Input from the public was provided by the following:

Bob Brown, District Attorney, provided input on item 3 and advised of a 23% increase in Driving Under the Influence citations (DUI's). He stated that the District Attorney's office is willing to pay the additional costs out of the District Attorney's budget at this time; however, he plans to request an adjustment in the budget next year to cover the lab expense. Supervisor Fritz asked if the court charges the incarcerated person for these costs, and she asked if the new program requested by the Probation Department is going to help with tracking these costs and unpaid fines. Supervisor Bibby asked for clarification relative to the wording regarding the arresting agency and brought up a discussion from a few years back when the District Attorney researched other counties to see how they achieved this task. Further discussion was held relative to the break down of fees. (M) Turpin, (S) Fritz, the Consent Items were approved/Ayes: Unanimous.

Chair Bibby advised of an addendum to the agenda to add a Closed Session; and she noted that the "Board Information" item was left off of this agenda, and it will be scheduled on the next agenda.

Public Presentation: For items within the jurisdiction of the Board and not on today's agenda.

Paul Chapman stated that a few weeks ago he came to the Board and pointed out that the Civil War Reenactment is a violation of Section 51220.5 of the State Government Code. He read a portion of a letter sent to Sarah Williams, Deputy Director of Planning, from the Department of Conservation, dated June 2, 2005 concerning uses on Williamson Act contracted land.

Dick Hutchinson advised that he had attended a meeting in Fresno to support membership for our County on the San Joaquin Valley Rail Committee. He presented posters and photos of the meeting to the Board and advised of media coverage.

Elaine Seymour emphasized that this was a united effort and it was successful because of the community effort. Chair Bibby advised there will be a timed item to discuss this further on the next agenda.

Paul Hall of the Chamber of Commerce attended last week's meeting relative to the San Joaquin Valley Rail Committee and stated that several other counties were in support of Mariposa's request for two voting memberships. They want to give Mariposa County two memberships once they have amended their by-laws. He stated he strongly opposed re-routing the buses and that the businesses encouraged the Board to proceed with the memberships.

Ken Gosting, from Transportation Involves Everyone (TIE), attended the meeting relative to the San Joaquin Valley Rail Committee. He showed posters and photos to the Board that were used at the meeting. He thanked Delaware North for the use of "Randy", a bear they used in their promotion. The next meeting of the Technical Advisory Committee will be April 14th, and the full Committee on June 28th, 2007.

Keith Williams, County Clerk/Treasurer/Tax Collector;
Presentation of Investment Report by Fiduciary Trust, Investment Consultants
Board Information

BOARD ACTION: Eric Reynolds, Senior Vice-President, Fiduciary Trust, presented the annual report of the status of the County's investment portfolio. Discussion was held. There was no public input.

Philomene Schultz, Catheys Valley Western Fair Chairman;
Discussion and Presentation in Regards to the Catheys Valley Western Fair Scheduled for May 19th and 20th, 2007

BOARD ACTION: Philomene Schultz presented information relative to the upcoming Catheys Valley Western Fair and invited the Board of Supervisors for a tour of the guest ranch. Discussion was held.

Input from the public was provided by the following:

Don Weston spoke in support of this event and commented on the benefit to the County.

Carol Suggs, President of Mountain Riders and County wide 4-H Leader for the horse project, expressed the organizations support of this event and stated that on the same day the Mountain Riders are putting on their Poker Ride and they are hoping the participants will also enjoy the Catheys Valley Western Fair.

Paul Chapman spoke in support of this event. He also stated this is what you are supposed to do for tourism and they should have started this sooner.

Philomene Schultz provided the Board with a copy of her presentation and planned activities.

Recess: 10:00 a.m.

Reconvene: 10:16 a.m.

Introductions

Chair Bibby introduced Dawn Afman, District Conservationist with Natural Resource Conservation Service. Dawn Afman stated she is glad to be here and briefly described her position and the type of assistance they can provide to the community. Discussion was held.

Dana Hertfelder, Public Works Director;

A) Authorize Public Works to Apply for \$40,000 in Proposition 40 Funding for the Rehabilitation of the Mariposa County Park Pool using \$30,000 from the Proposition 40 Funds set aside for the Mariposa Park and \$10,000 of the Proposition 40 Funds set aside for the Regional Recreation Complex; and Approve an Agreement with Apex Composite Technology for Resurfacing and Renovating the Mariposa Pool and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Public Works pulled this item and it will be rescheduled.

B) Discussion and Possible Direction Regarding the Proposed Stanislaus National Forest Off Highway Vehicle Program

BOARD ACTION: Dana Hertfelder expressed concerns regarding safety impacts on County road maintenance and issues with off highway vehicles and regular vehicle traffic on County roads. He advised this involves portions of Anderson Valley and Bull Creek Roads as part of Stanislaus National Forest's proposed Off Highway Vehicle Route. Supervisor Turpin stated the County has an Ordinance that prohibits these types of vehicles on County roads, and he feels Stanislaus National Forest needs to mitigate this issue.

Input from the public was provided by the following:

Cathi Boze, Agricultural Commissioner, stated she was unaware of this proposal. She expressed concern with impacts on the weed control program for Yellow Starthistle that they have in the area. Her concern is private owners are in the programs to get rid of the weeds and these off road vehicles will spread the seeds. Supervisor Turpin advised that she can submit her concerns and comments in writing to the Stanislaus National Forest, along with anyone else who would like to comment. There was no objection from the Board for the Public Works Director to submit the letter he prepared.

10:00 a.m. Richard J. Benson, County Administrative Officer;

Approve Mid-year Budget Requests/Recommendations Reducing General Contingency by \$230,119 (4/5ths Vote Required); Allocate an Office Assistant I/II Position to Administration Effective April 1, 2007; Change the Allocation of the Secretary Position in Administration to .75 and Allocate .25 of this Position to County Counsel Effective April 1, 2007; Allocate a .50 Permanent Part Time Senior Office Assistant to Human Services Administration Effective Immediately; Allocate a Sergeant Position and Delete a Deputy Sheriff Position in the Sheriff's Department Effective Immediately; Fund an Allocated Engineer Technician Trainee Position and Unfund an Engineering Technician Position in the Road Department; Approve the Purchase of Two Additional Vehicles in the Vehicle Replacement Fund Program

BOARD ACTION: Rick Benson presented the staff report for the mid-year budget and described the process of compiling the staff report, thanking Mary Hodson and the Department Heads for their efforts and hard work. He also thanked Mike Coffield for the budget he prepared. Discussion was held relative to transient occupancy tax (TOT) and sales tax activity. Supervisor Pickard thanked Rick Benson for the detail on the outline. Rick Benson advised that the request from the Probation Department for a new computer program at a cost of \$69,000 was not recommended at this time. Further discussion was held. Supervisor Pickard requested that the Chief Probation Officer come back to the Board for discussion relative to the request; and he asked about the status of the funding in the budget for the GASBE-34 requirement. Chris Ebie, Auditor, advised that the funding is still in the budget, and that he has sent out requests for proposals for performing this evaluation. It is extensive and includes an

evaluation of all facilities and roads and bridges, etc., and he does not feel that this work can be done in-house. Cindy Larca, HSD/Fiscal Officer, provided input concerning their request for a senior office assistant position. Discussion was held relative to the allocation of an office assistant position to Administration and the allocation of 25% of the secretary position to County Counsel. Supervisor Pickard asked about the status of the purchase of the water tender. Jim Middleton, Deputy Fire Chief, advised that they are in the final stages of having the water tender plumbed and hope to take delivery in May. Chris Ebie expressed concern with the status of the old program in Probation, especially with taking on the revenue and recovery program for fines and fees; and the potential impact on his office if the system fails. He also stated he has concern with the way the revenue and recovery program will be set up. Chair Bibby stated she would like the Auditor to be involved with this issue to ensure that it is user friendly for both departments; and she noted that the Auditor cut a portion of a position in his office during the budget process. She asked whether the districts will reimburse the County for indirect costs for the cost allocation plan. Chris Ebie advised that they are working on this issue; however, at this time the districts' budgets are very lean. Supervisor Bibby asked about the status of changing the Airport budget to an enterprise fund. Chris Ebie reviewed what would be required. Supervisor Bibby asked for clarification, and was advised, that the extra help in the Administration budget would be eliminated in FY 2007-08 with the addition of the office assistant position. She expressed concern with the rising costs in indigent defense and stated she would like information on how other counties are doing. Mary Hodson, Deputy County Administrator, provided information on the indigent defense costs. Supervisor Bibby asked when a separate report will come back on the Tourism budget, and asked that information be provided on the status of the balances in the line items. Rick Benson advised that he plans to have a report to the Board in about three weeks. Supervisor Bibby initiated discussion relative to the Probation budget and budget adjustment to continue a grant funded position to the end of this fiscal year; and she asked whether the status of the grant affects any other departments. Rick Benson responded that the Sheriff is absorbing the grant-funded employee in a vacant position, and the District Attorney will be bringing back a request. Supervisor Bibby noted that it needs to be very clear to employees that fill grant-funded positions, that they are not guaranteed positions – the Board has a policy that when the grant funding goes away, that the position goes away. Dana Hertfelder, Public Works Director, and Chris Ebie, responded to questions relative to the late receipt of Airport revenue. Supervisor Bibby agreed with asking the Chief Probation Officer to come back to the Board with an item for the computer program, and with coordinating this request with the County Administrative Officer and with the Auditor. Carl Casey, PWD/Public Works Administrator, responded to questions relative to the budget adjustment for Solid Waste.

Chair Bibby called for input from the public and none was received. (M) Pickard, (S) Fritz, Res. 07- 89 was adopted approving Mid-Year budget requests as recommended. Further discussion was held and commendations were made to the departments for staying within their budgets. Ayes: Unanimous.

Lyle Turpin, Supervisor District II;
Discussion and Possible Direction to Staff Regarding Current and Future Road Projects, Method of Financing these Projects, and a Timetable for Completion of these Projects

BOARD ACTION: Supervisor Turpin initiated discussion relative to the need for an approach of informing the public of the status of county maintained road repairs. He expressed concern with protecting the investment in the road system. Further discussion occurred relative to possible solutions to the maintenance funding issue including an increase of sales tax with the possibility of becoming a self-help county and the addition of a TOT tax on campsites within the county. Discussion was held relative to the work load Public Works is currently dealing with and the impact of additional projects being requested at this time. Dana Hertfelder, Public Works Director, advised that Public Works is fully staffed at this time; and he advised that they have been focusing on road maintenance. He also advised that the (STIP) State Transportation Improvement Program is hurting the department with the bulk of the money being diverted elsewhere in the State. Further discussion was held relative to the status of Proposition 42 funding; and Dana Hertfelder noted they are looking at a loss of \$900,000 in revenue from what was received last year for road maintenance. Strong comments were made relative to being aggressive in obtaining funds from the state before going into the General Fund. He advised that Assemblyman Cogdill has sponsored SB 277 relative to the counties with unincorporated cities and the gas tax. Further discussion was held relative to the impact fees in regards to supporting the county as self-help. Rick Benson Pickard requested direction from the Board as to whether to prepare a report as to what would be required to increase the sales tax and TOT. Supervisor Turpin stated he was not in favor an increase in sales tax; and he advised that tourism industry is not in favor of a TOT increase, especially with the rockslide. He then asked Dana Hertfelder when he planned on coming back to the Board. Dana Hertfelder advised that he plans on coming back for the March 27th Board meeting with the SAFETEA-LU funding issue. Further discussion was held relative to the revenue loss for the Road Department, possible impacts resulting from the increase of sales tax and TOT tax and obtaining public input relative to the possible increases.

Input from the public was provided by the following:

Paul Chapman stated he feels too much of the Public Works budget goes to administration costs and that the Road Division should be pulled out of Public Works and be a separate department. He feels a dedicated block of County funds should exist and the money should be spent where it is supposed to go and that there should be better organization of road maintenance activities.

Dick Hutchinson stated he hears comments asking for outside help and feels we need to look inside. He suggested we use a Film Commission to bring in revenue. Rick Benson responded that Kern County's Film Commission was developed over a long time and that logistics are different and more difficult here. Dick Hutchinson stated if the (TOT) is raised, Mariposa would be higher than surrounding counties and tourists will go to the other counties.

Discussion was brought back to the Board. Supervisor Turpin stated he appreciated all the input. He expressed concern about the discussion regarding coming up with another fee and he feels we have to be cautious about that, but we have to stand up to the plate. Chair Bibby requested the County Administrative Officer explore the issues raised and bring back some suggestions. Supervisor Fritz asked for information relative to how much funding could be raised, and if there is public support for increases in sales and TOT tax, with a break down on percentage increments on sales tax. Further discussion was held regarding consideration of including a TOT tax on campgrounds.

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

BOARD ACTION: Rick Benson, County Administrative Officer, advised that he is reviewing the draft minutes prepared by the Clerk of the Board from the workshop and he will prepare a report with the

input received on the impacts from the rockslide. He also advised that he is pursuing the socio-economic study, with perhaps a joint venture with the Park Service. There was no public input. (M) Pickard, (S) Aborn, Res. 07-90 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. Chair Bibby asked how long the Board can continue the local emergency. County Counsel advised that he will review this. Ayes: Unanimous. Dick Hutchinson advised that he is working to get photos and more data on the impacts. Chair Bibby and the County Administrative Officer advised that written input on the impacts is still being accepted.

CLOSED SESSION: Public Employee Appointment and Conference with Negotiator; Interim Appointment of County Librarian; Discussion of Salary (Government Code Sec. 54947.6)

BOARD ACTION: County Administrative Officer advised that this Closed Session was not needed.

12:28 p.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Unrepresented; Name of County Designated Representative: Richard J. Benson; Title of Unrepresented Individuals with whom Negotiations are being Conducted: Interim County Librarian

BOARD ACTION: Chair Bibby asked for public input regarding the Closed Session, there was none. (M) Aborn, (S) Fritz, the Closed Session was held/Ayes: Unanimous. Chair Bibby advised that the Board will return at 5:00 p.m. for the community workshop regarding the draft Economic Vitality Strategy for Mariposa County.

1:03 p.m. Chair Bibby announced that direction was given to staff as a result of the Closed Sessions.

5:13 p.m. Richard J. Benson, County Administrative Officer; Community Workshop Regarding the Draft Economic Vitality Strategy for Mariposa County

BOARD ACTION: Rick Benson advised that this workshop is the continuation of what has been a two-year process of development of an economic strategy for the County. Marilyn Lidyoff, Administration/Business Development Coordinator, introduced Allison Larsen of Chabin Concepts, Inc., and Fawn McLaughlin of FjMcLaughlin & Associates, and they reviewed the draft report. They responded to questions from the audience relative to the report and concerning ideas for economic strategy for the County.

6:39 p.m. Recess for the audience to provide individual input on display boards.

7:01 p.m. The Board reconvened. Chair Bibby thanked everyone for their participation in this process.

CONSENT AGENDA:

CA-1 Approve a Memorandum of Understanding (MOU) with Merced/Mariposa Counties of the American Red Cross for Cooperative Assistance to Displaced Families in the Event of a Disaster and Authorize the Board of Supervisors Chair to Sign the MOU (Fire Chief); Res. 07-81

CA-2 Reappoint Kathleen A. Boze as Agricultural Commissioner and Sealer of Weights and Measures Effective May 1, 2007 (County Administrative Officer); Res. 07-82

- CA-3 Approve a Memorandum of Understanding (MOU) with John C. Fremont Healthcare District for Services to Draw Blood on Suspected Driving Under the Influence (DUI) and Drug Cases, for the Period of February 14, 2007 through February 13, 2008 and Authorize the Board of Supervisors Chair to Sign the MOU (District Attorney); Res. 07-83

- CA-4 Approve the Joint Powers Agreement and By-laws of the California Statewide Automated Welfare System Consortium IV (C-IV) to allow the Department to Join the Consortium and Upgrade the Statewide Computer System for Welfare and Approve a Memorandum of Understanding (MOU) with C-IV and Authorize the Board of Supervisors Chair to Sign the Agreement and the MOU (Human Services Director); Res. 07-84

- CA-5 Approve Budget Action Transferring Funds within the Planning Department Budget to Cover the Increase for HTE License Fee and Additional Software for Editing the General Plan for the Internet (\$450) (Planning Director); Res. 07-85

- CA-6 Approve Investment Policy and Guidelines for Mariposa County (County Clerk/Treasurer/Tax Collector); Res. 07-86

- CA-7 Approve an Agreement with Kenneth and Lamerna Mari in the Amount of \$200 per Month for Secured Storage Facilities Capable of Storing the Elections Department Electronic Voting Machines (County Clerk/Treasurer/Tax Collector); Res. 07-87

- CA-8 Approve Budget Action Transferring Funds within the Housing Authority Budget in Connection with a Previously Approved Request to Apply for Community Services Block Grant (CSBG), Discretionary Funds, Dated October 17, 2006 (Res. No. 06-484 (\$16,752) (Human Services Director); Res. 07-88

7:02 p.m. (M)Fritz, (S)Aborn, adjournment in memory of Gladys Phillips, Isabel M. Casey and Stella L. Ramsey-Shockley/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk to the Board

TRACY GAUTHIER
Deputy Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

March 20, 2007



Time Description

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

Pledge of Allegiance

Introductions

Chair Bibby advised that the special edition of *Fresno Bee* newspapers were available for the annual “Kid’s Day” fundraiser to benefit the Valley Children’s Hospital. Chair Bibby and Supervisor Pickard had newspapers available for the Board members.

Approval of Consent Agenda (See End of Minutes)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: There was no public input. Chair Bibby commented on item 2 concerning matching costs. (M)Fritz, (S)Aborn, all items were approved/Ayes: Unanimous.

Public Presentation: For items within the jurisdiction of the Board and not on today’s agenda.

Chair Bibby asked that if the public has a request that will be in-depth and take more than a few minutes, that they present a written request to be scheduled on the timed agenda.

There was no public input.

Board Information

Supervisor Turpin advised that he attended the Calaveras-Mariposa Community Action Agency (CAA) meeting in Coulterville on Wednesday, and he attended the community workshop regarding the draft Economic Vitality Strategy for Mariposa County at the Fire House. On Saturday, Fire Chief Jim Wilson and County Administrative Officer Rick Benson joined him for a meeting with Don Pedro homeowners and property owners for a presentation on the continuation of the Amador Plan and funding options. About 1,300 invites were sent out advising of the meeting, and about 30 people attended the meeting. On Monday he represented the History Center in Coulterville at the Historic Sites and Records Preservation Committee meeting for a sign request for the History Center. He advised of the Don Pedro Community Services District meeting.

Supervisor Aborn advised that he attended the El Portal Town Planning Advisory Committee meeting on the previous Tuesday – discussion was held relative to speeding issues in town; and the Midpines Town Planning meeting – discussion was held relative to the boundary and the increase in wild turkeys; and he commented that an update would be given later in the meeting on the San Joaquin Valley Rail Committee meeting.

Supervisor Pickard advised that he attended the “Day at the Capitol” last week for the Weed Awareness Week; and he provided a status report on legislation they are working on. He also advised of the status of SB 277, gas tax for counties without incorporated cities. He advised that he plans to

attend the RCRC (Regional Council of Rural Counties) meeting on Wednesday in Sacramento – they plan to begin an effort to discuss community wildland protection planning with Fire and CAL FIRE; and he plans to attend the CMSP (County Medical Service Program) governing board meeting on Thursday in Sacramento.

Supervisor Fritz advised that the CSAC (California State Association of Counties) Health Care Reform telephone conference meeting was cancelled. She attended the Sierra Nevada Conservancy meeting on Thursday, and she noted that Supervisors Turpin and Pickard were also in attendance; and it looks like there will be grant funding available for communities. She plans to attend the CSAC Legislative Conference on March 27th; and the Soroptimist fundraiser event – Gold Rush Dinner Dance is scheduled for March 31st.

Supervisor Bibby advised that she attended the Calaveras-Mariposa CAA meeting on Friday, and they are trying to get back an assessment from the community on low income needs, and their next meeting will be held in May. On Monday she toured the Coyote Springs Ranch – location for the upcoming Catheys Valley Fair scheduled for Mar 19-20, with other County staff. She has been asked to be a judge for the 4-H Favorite Foods/Presentation Day on Saturday. She commented on the volunteer activity sheet that was recently received from the Fire Chief, and commended the volunteers for their continued service.

Jim Allen, Sheriff;

A) Discussion and Direction to Staff to begin the Process to Increase the Fee for Dog Licenses under Mariposa County Ordinance 6.08.040

BOARD ACTION: Discussion was held with Joel Bibby, Sheriff's Captain, relative to the request, and he reviewed the fees for neighboring counties. Supervisor Fritz asked about the timing for rabies vaccination, and was advised that the vaccination can be given at one and three year intervals. Supervisor Pickard initiated discussion relative to consideration of changing the license structure to include "chipping" – the placement of a chip in the dogs. Captain Bibby advised that the Ordinance that requires tags would need to be amended to allow for the chips. There was no public input. (M)Pickard, (S)Turpin, direction was given for staff to begin the process and to schedule a public hearing to increase the fees and to amend the Ordinance to allow for chips/Ayes: Unanimous.

B) Discussion and Direction to Staff to begin the Process to Establish a Fee to Euthanize Owner Released Unwanted Domestic Pets

BOARD ACTION: Discussion was held with Captain Joel Bibby relative to the request. Supervisor Aborn suggested that this be evaluated in a year. There was no public input. (M)Fritz, (S)Aborn, direction was given to staff to begin the process and to schedule a public hearing to establish a fee; with an evaluation to occur in a year/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

Authorize Public Works to Apply for \$40,000 in Proposition 40 Funding for the Rehabilitation of the Mariposa County Park Pool using \$30,000 from the Proposition 40 Funds Set Aside for the Mariposa Park and \$10,000 of the Proposition 40 Funds Set Aside for the Regional Recreation Complex; Approve Budget Action Adjusting Revenue and Appropriations in the Parks and Recreation Fund and the Proposition 40 Projects Fund (\$10,000); Approve an Agreement with Apex Composite Technology for Resurfacing and Renovating the Mariposa Pool and Authorize the Board of Supervisors Chair to Sign the Agreement (Continued from 3-13-07) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the request. Supervisor Pickard asked about the status of the heater for the pool, and he asked that it be pursued. Dana Hertfelder advised that they are working on the heater and need to review the impacts on staffing; however, that can be done as a separate project. There was no public input. (M)Turpin, (S)Pickard, Res. 07-96 was adopted approving the requested actions/Ayes: Unanimous.

Supervisor Turpin;

Review Approved Secure Rural Schools and Community Self-Determination Act of 2000 Title III Projects and Remaining Funding Available; Discussion and Possible Direction to Staff Regarding Future Funding Requests for Title III Projects

BOARD ACTION: Supervisor Turpin initiated discussion relative to the status of the Title III projects and funding. He noted that SWIFT and the Fire Safe Council will need to pursue funds for administration of their programs. He requested that consideration be given for additional funding for the fuel reduction programs. Supervisor Pickard requested a recess to obtain information on how the unallocated funds will be handled if the program goes away.

10:01 a.m. Recess

10:14 a.m. Further discussion was held relative to the regulations concerning the unallocated funding if the program goes away. Mary Hodson, Deputy County Administrative Officer, provided input relative to the regulations and program requirements. There was no public input. (M)Turpin, (S)Aborn, direction was given to staff to begin the 45-day comment period for allocating an additional \$20,000 into the fuel reduction program utilized by California Department of Corrections (CDC) crews/Ayes: Unanimous.

Supervisors Aborn and Fritz;

Update and Information on the San Joaquin Valley Rail Committee

BOARD ACTION: Supervisor Aborn reported on the Committee meeting and he advised that the Yosemite Bug provided bus transportation to the Merced Amtrak station for the community and business leaders, and they took the Amtrak train to Fresno for the meeting. He advised that there were posters and signs and media coverage, and he thanked Ken Gosting for his efforts in putting everything together. He advised of the status of the County's request for two voting memberships on the Committee, and he thanked everyone for their participation. Supervisor Fritz added to the report, and she advised that there is a Technical Advisory Committee meeting on April 13th in Oakland and she plans to attend. The next Committee meeting is scheduled for May; and there will be an item to amend their by-laws to allow for the membership.

Input from the public was provided by the following:

Ken Gosting, TIE (Transportation Involves Everyone), stated he believes that there will be people from the community attending the Technical Advisory Committee meeting, but with less of a presence. He also advised that Amtrak will pay for the fares for the people attending the meeting. He presented a news memo to the Board from TIE. He thanked Supervisor Pickard for getting the ball rolling with his initial letter requesting that the County be granted membership on the Committee. He thanked the following: Yosemite Bug for providing pine cones, Jeanetta Phillips for helping to arrange the transportation to the meeting, Charles Phillips for the photographs, and VIA Adventures for standing by with a larger bus if needed.

Supervisor Pickard acknowledged Supervisors Fritz and Aborn for their work on this matter; and to Ken Gosting and the other community and business persons that have participated. Chair Bibby echoed the acknowledgement.

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

BOARD ACTION: Rick Benson, County Administrative Officer, advised that the conference call was cancelled for last Friday due to a conflict with CalTrans' staff. He advised that he spoke with Kevin Cann of Yosemite National Park relative to coordinating the socio-economic study with them. He is still receiving information from individuals and businesses relative to the impacts of the Ferguson rockslide; and he recommended that the emergency be continued. Chair Bibby advised of her phone conversation with District 10 CalTrans Director Kome Ajise on Monday. She noted that it is important that everyone recognize that CalTrans continues to work as fast as they can – they are going through the process to achieve a permanent fix and they are in contact with the State Department of Transportation

and the Federal Highways Administration; and the Governor's office and the legislators are involved. Kome Ajise will come back before the Board in May or earlier as soon as they have recommendations for moving forward with the project. She noted that Kome Ajise commented on Julie Dunning's report from the workshop, and he advised that ten years is not a CalTrans estimate to complete the permanent fix. There have been some rocks coming down, but no unusual incidences. CalTrans is looking for solutions that will not detract from the visual experience of the River Canyon. Chair Bibby also noted that she has asked the Fire Chief to review whether there is any statute of limitations on how long the emergency can be continued. There was no public input. (M)Fritz, (S)Aborn, Res. 07-97 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.

Approval of Minutes of February 20, 2007, Regular Meeting (Clerk of the Board)

BOARD ACTION: There was no public input. (M)Fritz, (S)Turpin, the minutes were approved/Ayes: Unanimous.

Adopt a Resolution Declaring the Board's Intention to Lease Grazing Property Located in the Hornitos Area (County Counsel)

BOARD ACTION: Thomas P. Guarino, County Counsel, initiated discussion relative to consideration of leasing property located in Hornitos for grazing.

Input from the public was provided by the following:

Paul Chapman provided input on the matter; and he asked why the 153 plus or minus acres that are owned by the County were not included in this process.

Further discussion was held. (M)Turpin, (S)Pickard, Res. 07-98 was adopted setting the minimum bid at \$12.50 an acre annually for a three-year lease, plus costs not to exceed \$500. Supervisor Turpin asked that clarification be obtained from the Agricultural Commissioner that her information was based on an annual versus monthly rate. Ayes: Unanimous.

Adopt a Resolution Declaring the Board's Intent to Lease Real Property Located in the Lake Don Pedro 1-M Area (County Counsel)

BOARD ACTION: Thomas P. Guarino, County Counsel, initiated discussion relative to consideration of continuing the leasing of property located in Lake Don Pedro for grazing.

Input from the public was provided by the following:

Paul Chapman stated he feels that \$12.50 per acre is a fair price.

Further discussion was held. Supervisor Bibby asked why the Assessor could not place an APN number on the parcel, and she advised that she will follow-up with the Assessor on this. (M)Turpin, (S)Fritz, Board Res. 07-99 was adopted and County Service Area 1M (Lake Don Pedro) Res. 07-1 was adopted setting the minimum bid at \$12.50 an acre annually for a three-year lease, plus costs not to exceed \$500/Ayes: Unanimous.

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: Case No. ANA0378100 Michael Standen v. County of Mariposa (County Administrative Officer/Personnel Director/Risk Manager); and

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA Property on Bullion Street; Agency Negotiator: Thomas P. Guarino; Name of Party who will Negotiate with County (Not Party's Agent): SPCA; Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel)

BOARD ACTION: There was no public input. (M)Turpin, (S)Pickard, the closed sessions were held at 1:30 p.m./Ayes: Unanimous.

11:33 a.m. Lunch

1:37 p.m. The Board convened in closed session.

1:55 p.m. Recess

2:00 p.m. Chair Bibby announced that direction was given to staff in the case of Standen v. the County as a result of the closed session; and information was received and no action taken on the real property matter.

Kris Schenk, Planning Director;

A) **PUBLIC HEARING** to Consider Specific Plan/Zoning Amendment 2006-295; Adopt a Resolution Approving the Project; Adopting a Negative Declaration; Waive the First Reading and Introduce an Ordinance Amending Zoning Ordinance Text. The Project Proposes to Amend the Mariposa Town Planning Area Town Plan and Zoning Ordinance Regarding Drive-Thru's and Affects all General Commercial Zoned Properties in the Mariposa Town Planning Area; Halferty Development Co. LLC, Project Proponent

BOARD ACTION: Larry Enrico, Senior Planner, presented the staff report. Staff responded to questions from the Board relative to the effective date of the Ordinance; and as to why the traffic study and air pollution study were omitted from the Planning Commission's recommendation to the Board.

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

Jim Halferty, Halferty Development Company – a developer for Rite Aid, noted that he is not here to discuss Rite Aid. He is here for the amendment to the Town Plan to allow drive-thru's and to answer any questions. He thanked staff for their hard work and for their presentation on this matter, and the community for working with them. He responded to questions from the Board as to whether there are any designs for Rite Aid in California that do not have drive-thru's and whether they have run across other areas with "no drive-thru" policies. He advised that the drive-thru is mandatory by their corporate office and they have worked with other "no drive-thru" policies to resolve the issue.

There was no other input. The public portion was closed and the Board commenced with deliberations. Larry Enrico reviewed the recommended actions.

(M)Fritz, (S)Pickard, Res. 07-100 was adopted adopting a Negative Declaration, with the recommended findings, and approving the amendments to the Mariposa Town Plan and the Mariposa County Zoning Ordinance, Title 17/Ayes: Unanimous.

(M)Fritz, (S)Aborn, the first reading was waived and an Ordinance introduced approving the amendment to the Mariposa County Zoning Ordinance, Title 17, pursuant to Specific Plan/Zoning Amendment 2006-295 regarding drive-thru's. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous. The hearing was closed.

2:33 p.m. Recess

2:37 p.m. B) Adopt a Resolution Establishing a Schedule of Dates Expected for Public Hearings to Consider 2007 Amendments to the Mariposa County General Plan

BOARD ACTION: Discussion was held with Kris Schenk. There was no public input. (M)Pickard, (S)Turpin, Res. 07-101 was adopted approving the proposed schedule/Ayes: Unanimous.

C) Adopt a Resolution Correcting Certain Persisting Errors in the Adopted General Plan

BOARD ACTION: Discussion was held with Kris Schenk. Supervisor Turpin commented on a problem with a map for the Mondo property.

Input from the public was provided by the following:

Don Starchman, Starchman-Bryant Law Offices, noted that they referred to the Mondo property issue in their letter to the Board dated October 16, 2006; and he advised of their subsequent meeting with Supervisor Turpin and the Planning Director and assurance they received that the problem had been resolved.

(M)Pickard, (S)Turpin, Res. 07-102 was adopted correcting the four errors in the adopted General Plan as recommended; and with direction for staff to bring back any further map corrections to the Board for approval. Kris Schenk apologized for the Mondo property issue, and he advised that they plan to further review the maps and bring back any other corrections. Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Approve Probation Office Staff to Donate Accrued Vacation and/or Compensatory Time to the Sick Leave Account of a Probation Office Employee (Chief Probation Officer); Res. 07-91
- CA-2 Adopt a Resolution Authorizing the Chief Probation Officer to Sign and Submit the Corrections Standards Authority for the Period of April 2007 through June 2008 for the Title II, ADAPT Program (Chief Probation Officer); Res. 07-92
- CA-3 Approve 5-Year Tax Defaulted Parcels Scheduled for Auction on August 24, 2007 (County Clerk/Treasurer/Tax Collector); Res. 07-93
- CA-4 Approve Budget Action Transferring Funds within the District Attorney's Budget to Cover Unexpected Expenses for the Branson and Spigner Trials (\$6,000) (District Attorney); Res. 07-94
- CA-5 Reappoint Dr. Charles Mosher, Public Health Officer to the First 5 Commission, Term Expiring March 2010 and Janet Bibby, Representative of the Board of Supervisors to the First 5 Commission, Term Expiring January 2008 (Human Services Director)
- CA-6 Appoint Tisa Ruport to the Alcohol and Drug Advisory Board, Term Expiring March 20, 2010 (Human Services Director)
- CA-7 Ratify Approval of Letter to Senator Cogdill Supporting Senate Bill 277 Which Attempts to Secure Vehicle License Fees, Gas Taxes and Diesel Fuel Taxes Funding for Alpine, Mariposa and Trinity Counties (County Administrative Officer); Res. 07-95

2:57 p.m. (M)Turpin, (S)Aborn, the Board adjourned in memory of Nelson M. Otis and Jacqueline Ketterle/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

March 27, 2007



Time Description

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

Pledge of Allegiance

Introductions

Chair Bibby clarified that the 1:30 p.m. agenda item for conference with legal counsel concerning anticipated litigation is a closed session matter.

Approval of Consent Agenda (See End of Minutes)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Input from the public was provided by the following:

Paul Chapman referred to item 2, and questioned whether South Shore is paying for the boundary line adjustment costs. He referred to item 6 and asked if the vacancies were advertised.

Nancy Carroll advised that she is representing the minors in the case for item 7 (as a Court Appointed Special Advocate – CASA) and she encouraged the Board to support the children in this case. She commented on the case and advised that she is available if needed to provide additional information.

Supervisor Fritz pulled item 9 for separate action as she has a potential conflict of interest since she is a member of the Board of Directors for the Chamber of Commerce. Supervisor Turpin pulled item 2. Supervisor Bibby pulled item 7 at the request of the public; and item 6 to clarify that the vacancies were advertised. She also pulled items 2 and 4. (M)Turpin, (S)Fritz, the balance of the items was approved/Ayes: Unanimous. The pulled items were taken up later in the meeting.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda. None.

Board Information

Supervisor Turpin advised of the Highway 132 business meeting; and he commented on the picturesque drive along Highway 49 North with the spring blooms.

Supervisor Aborn noted that they had about two inches of snow in Midpines on Monday evening; and he had a meeting in the Park on Monday.

Supervisor Pickard advised that the Senate Local Government Committee unanimously approved SB 277, gas tax legislation for the three counties without incorporated cities; and the next step is the Appropriations Committee.

Supervisor Fritz advised that she will be leaving for Sacramento this afternoon for the CSAC (California State Association of Counties) Conference. Saturday is the Soroptimist Gold Rush Dinner Dance fundraising event. She plans to attend the YARTS meeting on Monday to be held at the

Government Center. On April 7th, there will be a dedication of the Mariposa Museum and History Center's 50th anniversary monument erected by the Matuca Chapter 1849 of E. Clampus Vitus.

Supervisor Bibby complimented the Clampers for their work on the monument at the History Center. She advised that she plans to attend the Mental Health Board meeting on April 3rd, and she advised that she serves as a member pursuant to Welfare and Institutions Code 5604(a)(1). She advised that some information has been received from EnerPower relative to their audit of PG&E bills. She provided information on the statistics of attendees for the Storytelling Festival.

Chair Bibby advised that an off-agenda request was received from the Probation Department for the purchase of a case management software program to replace an existing system. Rick Benson, County Administrative Officer, and Thomas P. Guarino, County Counsel, advised of the process for handling an off-agenda request. Gail Neal, Chief Probation Officer, clarified that the software system was not operating on Monday when she asked for this item to be considered today; however, it is operating this morning, but she does not know how long it will run. Rick Benson advised that this matter was brought to his attention on Monday afternoon and the agenda was posted last Thursday. Chair Bibby noted that she received the information this morning at 8:45 a.m., and she will ask for a recess to review the materials that were submitted for the request. There was no public input. (M)Fritz, (S)Aborn, the Board took action waiving the requirement for 72 hours agenda noticing and placing the request for the software purchase on this agenda, finding that this request was not known about at the time the agenda was posted and it is a matter of urgency for the operation of the Probation Department/Ayes: Unanimous.

9:21 a.m. Recess for the Board members to review the material that was submitted for the request.

9:52 a.m. Discussion was held relative to the request for the purchase of a software program to replace the existing system in the Probation Department. Chair Bibby noted that a budget action form was distributed, and that the information on the request is available in the public review agenda binder. Gail Neal presented her request and reviewed the history of the case management program for the department; and she advised of the systems that are currently available. Rick Peresan, Technical Services Director, provided technical information on the status of the operation of the current system and the history of failures; and he advised that he feels that it will fail again today or tomorrow and he will recommend that the system be turned off at that point; and he advised of the risk of not being able to recover the information when the system fails. It was noted that the recommendation is to transfer the data manually versus the additional purchase of software for the transfer. Discussion was held relative to the purchase of the recommended systems and options for financing. Rick Benson recommended that direction be given to staff to look at financing options. It was noted that repairs to the existing system are not viable – the company went bankrupt and is not longer in business and there is no one to maintain the software. Rick Peresan added that parts are not available from the manufacturer and the source codes for the programming are not available. Supervisor Bibby asked for clarification concerning the status of salary savings in the department; and she noted that there needs to be a finding for waiver of the formal bid process. There was no public input. County Counsel advised of his preliminary review of the contract; and he noted that there are provisions that he would normally recommend be negotiated out of the contract such as interest on late payments and travel outside of the per diem. However, this is an urgency item. He reviewed the contracting provisions and bid requirements and findings that need to be made to waive the formal bid process, including the finding that the emergency is such that the normal bid process could not be followed. (M)Fritz, (S)Turpin, Res. 07-108a was adopted waiving the formal bid process for the purchase of the case management system software from New Dawn Technologies, with the findings as stated by County Counsel; approving the budget action for \$75,213; and authorizing the Chair to sign the contract for the purchase, with the option of looking at a payment plan. Further discussion was held. Ayes: Unanimous.

Thomas P. Guarino, County Counsel;
Adopt a Resolution Declaring the Board of Supervisors' Intention to Purchase Real Property Located at 11th and Bullion Streets and 10th Street in Mariposa County

BOARD ACTION: Discussion was held with Thomas P. Guarino relative to the request.

Input from the public was provided by the following:

Paul Chapman stated he feels that a lot of money has already been spent in the negotiation process and there are a lot of “what ifs” and he does not feel that we need this property for a Courthouse.

Discussion was held. Supervisor Bibby expressed concern with neighborhood protection issues and what can be built on the property and consideration of the best location for a Courthouse; and she expressed concern with the language in the formal resolution that this property is suited for a Courthouse. Supervisor Aborn stated he agrees with the need to maintain a Courthouse operation in the historic Courthouse. Supervisor Bibby expressed concern with there being no guarantee of what type of architecture will be used for the structure; with future expansion space; and with being able to provide secure parking for the Court personnel; with having adequate parking in the area for jurors; and she expressed concern with this type of use in a residential area. (M)Pickard, (S)Fritz, Res. 07-108 was adopted declaring the Board of Supervisors’ intention to purchase real property located at 11th and Bullion Streets and 10th Street in Mariposa County utilizing Courthouse Construction Funds; authorizing the Chair to sign the Land Purchase Agreement; and scheduling a public meeting regarding the intention to purchase the property on May 8, 2007 at 10:00 a.m. for final approval of the purchase/Ayes: Turpin, Fritz, Pickard; Noes: Aborn, Bibby.

Supervisor Turpin;

Tom Quinn and John Swanson of US Forest Service, Stanislaus National Forest will Provide an Update on Current Projects

BOARD ACTION: Supervisor Turpin introduced Tom Quinn, Forest Supervisor for the Stanislaus National Forest. Tom Quinn reviewed issues being addressed by the Forest Service, including vegetation management and timber sales. Supervisor Turpin initiated discussion concerning the status of the Secure Rural Schools funding and the development of off-highway vehicle (OHV) routes and trails. Supervisor Pickard noted that the OHV issues will be discussed at the next Bio-Diversity Council meeting, and he encouraged attendance from the Forest Service. Tom Quinn advised of a policy being developed that would prohibit vehicles of more than one-car length being allowed to pull off of the road unless the area is designated as a dispersed camping site; and he urged that input be provided. Tom Quinn introduced the new Deputy Forest Supervisor, Cathy Hardy. Cathy Hardy provided information on her background and projects they are working on – they are under a Congressional mandate to evaluate the grazing allotments; and a recreation facility master plan is being completed by the Forest. John Swanson, Groveland District Ranger, provided an update on their fire fighting preparedness for this summer; and he provided a status report on the Larsen reforestation project. Supervisor Pickard asked that a status report on the Bower Cave project be provided. Supervisor Aborn suggested that the Forest Service give this presentation at a Gateway Community meeting. There was no public input, and no action was necessary.

11:45 a.m. Recess

11:53 a.m. Dana Hertfelder, Public Works Director;

Update, Discussion and Possible Direction Regarding the “Safe Accountable, Flexible, Efficient Transportation Equity Act” A Legacy for Users (SAFETEA-LU) Funding for Improving 16 Roads, a Bridge and a Bike Path in Mariposa County

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the status of SAFETEA-LU funding and projects, and matching fund requirements. He advised that they would like to accomplish the Coakley Circle, Cole Road, and Piney Creek Road projects this year and asked for authorization to program these projects, with more information to come back on identifying the matching funds.

Input from the public was provided by the following:

Ruth Sellers disputed the traffic counts for Cole Road and asked how the determination is made as to which roads are paved. She stated she feels that the roads in the Mykleoaks subdivision need more maintenance. Dana Hertfelder responded as to the process for determining the road projects.

Following discussion, (M)Pickard, (S)Turpin, Res. 07-109 was adopted authorizing Public Works to proceed with programming the projects as discussed/Ayes: Unanimous.

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

BOARD ACTION: Chair Bibby noted that the Fire Chief advised that the Office of Emergency Services says we are in our right to continue the local emergency declaration until it is resolved.

Input from the public was provided by the following:

Dick Hutchinson asked about the status of collecting data on the impacts of the rockslide, and he asked whether any personnel or outside support is needed. Rick Benson, County Administrative Officer, advised that he is still receiving information; and he provided input on working on the socio-economic study that will include the data.

(M)Turpin, (S)Aborn, Res. 07-110 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.

Consider Items Removed from the Consent Agenda

Consent Agenda item 2 – Road Division budget action. Supervisor Turpin asked whether the developer has been billed for the costs for the County boundary adjustment. Dana Hertfelder, Public Works Director, advised that the costs will be paid by the developer. Thomas P. Guarino, County Counsel, noted that the upfront payment by the developer was for the legal costs. (M)Turpin, (S)Pickard, item 2 was approved/Ayes: Unanimous.

Consent Agenda item 4 – Coulterville Park Improvements project. Supervisor Bibby noted that a portion of the project involves covering a portion of a tennis court for a picnic area. Supervisor Pickard asked whether the Parks and Recreation Commission reviewed the project. (M)Turpin, (S)Pickard, item 4 was approved/Ayes: Unanimous.

Consent Agenda item 6 – appointments to Airport Advisory Committee. Dana Hertfelder, Public Works Director, clarified that the vacancies were posted in accordance with the Maddy Act. (M)Turpin, (S)Fritz, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 7 – rejection of Claim Nos. C07-3 and C07-4. Rick Benson, County Administrative Officer, noted the request made earlier this date by Nancy Carroll; and he advised of his recommendation for denial of the claims. He advised that because of the sensitive nature of the cases as they involve minors, that if the Board wishes to discuss the details of the claim, it should be done in closed session. (M)Pickard, (S)Turpin, item 7 was approved as recommended/Ayes: Unanimous.

Consent Agenda item 9 – amendment to the agreement with the Mariposa County Chamber of Commerce. Supervisor Fritz excused herself from the meeting at 12:38 p.m. for this item due to a potential conflict of interest as stated earlier in the meeting. (M)Pickard, (S)Turpin, item 9 was approved/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz. Supervisor Fritz returned to the meeting at 12:39 p.m.

Approval of Minutes of February 27, 2007, Regular Meeting (Clerk of the Board)

BOARD ACTION: There was no public input. (M)Fritz, (S)Aborn, the minutes were approved/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard, as he was absent from the meeting.

Adopt a Resolution Certifying that Former Fire Chief Blaine Shultz is not Disabled within the Meaning of the Public Employees' Retirement (PERS) Law (County Administrative Officer/Personnel Manager)

BOARD ACTION: Chair Bibby advised of the receipt of a letter from Blaine Shultz dated March 26, 2007. Rick Benson, County Administrative Officer, presented the staff report.

Input from the public was provided by the following:

Ruth Catalan asked for clarification of the request. Rick Benson advised that Blaine Shultz submitted his retirement in December 2006 and applied for a disability retirement and that application has been pending. An opinion has been received from outside legal resources and that is what he is basing his recommendation on.

(M)Pickard, (S)Aborn, Res. 07-115 was adopted certifying that Blaine Shultz is not disabled within the meaning of PERS law/Ayes: Aborn, Turpin, Bibby, Pickard; Noes: Fritz.

Selection of Board Member to Represent Mariposa County as an Alternate to the Sierra Nevada Conservancy and as a Representative to the Sub-region for Mariposa County (Supervisor Pickard)
BOARD ACTION: Supervisor Pickard initiated discussion and recommended that Supervisor Turpin be selected. There was no public input. (M)Pickard, (S)Fritz, Supervisor Turpin was selected to represent the County/Ayes: Unanimous.

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA Property on Bullion Street; Agency Negotiator: Thomas P. Guarino; Name of Party who will Negotiate with County (Not Party's Agent): SPCA; Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel)

BOARD ACTION: County Counsel advised that this closed session was not needed.

CLOSED SESSION: Liability Claims; Claimant Name: Freda Bales on Behalf of Two Minor Children; Claim Number: C07-3 and C07-4; Name of Agency Sued: County of Mariposa (County Administrative Officer)

BOARD ACTION: The County Administrative Officer advised that this closed session was not needed.

12:50 p.m. **CLOSED SESSION** (folder 10): Public Employee Performance Evaluation; Position Under Review: County Fire Chief/Emergency Planning Coordinator (County Administrative Officer/Personnel Director/Risk Manager);

CLOSED SESSION (folder 11): 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 Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION (folder 4): Richard J. Benson, County Administrative Officer/Personnel Director/Risk Manager; 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

BOARD ACTION: There was no public input. (M)Pickard, (S)Fritz, the closed sessions were held, with the last closed session to be held at 1:30 p.m./Ayes: Unanimous.

1:16 p.m. Lunch

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

2:06 p.m. Recess

2:28 p.m. Chair Bibby announced the following actions as a result of the closed session matters: information was received and no action taken on folders 4 and 10; and direction was provided to staff on folder 11.

CONSENT AGENDA:

- CA-1 Approve Budget Action Transferring Funds within the Transportation Planning Budget and Decreasing Planning Contingency to Fund Additional Private Vehicle Use for Training Session with CalTrans (4/5ths Vote Required) (\$2,000) (Public Works Director); Res. 07-103
- CA-2 Approve Budget Action Transferring Funds for the Road Division Increasing Appropriations for CDF/CDC Services by (\$10,000) and Publications/Advertising by (\$2,000) and Decreasing Road Contingency by \$12,000 to Cover these Costs (4/5ths Vote Required) (Public Works Director); Res. 07-111

- CA-3 Approve an Agreement with Roger Stephens to Perform Map Checking, Legal Description Checking and General Surveying Document Checking and Executing Documents as the County Surveyor Under the Direction of the Public Works Director in the Not to Exceed Amount of \$25,000 and Authorize the Chair of the Board of Supervisors to Sign the Agreement (Public Works Director); Res. 07-104
- CA-4 Approve the Plans and Specifications for the Coulterville Park Improvements and Authorize the Public Works Director to Bid the Project and Award to the Lowest Responsible Bidder; (to Review Plans and Specifications See Clerk of the Board) (Public Works Director); Res. 07-112
- CA-5 Authorize the Chair of the Board of Supervisors to Sign a Letter to CalTrans Approving the Detour of Traffic from State Routes to Mariposa County Roadways for the Duration of the “Mariposa Butterfly Festival Parade” on Saturday, May 5, 2007 (County Administrative Officer); Res. 07-105
- CA-6 Appoint Patrick Tierney and Joe O’Neal to Fill two Vacancies on the Mariposa County Airport Advisory Committee, Terms Expiring January 3, 2011 (Supervisor Turpin)
- CA-7 Recommend the Rejection of Claim Nos. C07-3 and C07-4 Filed by Freda Bales on Behalf of Two Minor Children for \$7,228.00 and \$7,746.00 and Authorize the Chair of the Board of Supervisors to Sign the Notices of the Rejection (County Administrative Officer/Personnel/Risk Manager); Res. 07-113
- CA-8 Approve the Appointment of Janet Chase-Williams as Interim County Librarian with a 10% Increase in Salary for Out-of-class Pay Effective March 7, 2007 (County Administrative Officer/Personnel/Risk Manager); Res. 07-106
- CA-9 Approve Amendment with Mariposa County Chamber of Commerce Reducing the Compensation to \$135,000 and Authorize the Chair of the Board of Supervisors to Sign the Amendment (County Administration Officer/Personnel/Risk Manager); Res. 07-114
- CA-10 Approve an Agreement with William A. Freeman for the Property Located at 5012 Fairgrounds Drive, Mariposa County for Animal Control to House Abandoned, Lost and Owner Released Animals (Sheriff); Res. 07-107

2:29 p.m. Adjournment in memory of Rita Vanderburgh, Russell “Dude” Rhoan, Patricia Rickert, and Daniel A. Lazar.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board