



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

April 1, 2008



Time \_\_\_\_\_ Description

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

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

**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:** (M)Fritz, (S)Pickard, all items were approved/Ayes: Unanimous.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Paul Chapman presented information on the Sierra Nevada Conservancy's (SNC) grant of a conservation easement to the Bohna Ranch showing support of the Board; and he stated this did not come to the Board for approval. He requested that the County Administrative Officer send a letter to the SNC concerning this. He also commented on the lack of parking for visitors to the Mariposa Museum and History Center because the rest area parking lot is being used by those riding the bus, for neighboring businesses and for the street vendors.

Dell Knell, Chair of the Butterfly Festival, provided input on the activities planned for the Festival for May 2, 3, and 4<sup>th</sup>.

Steve Saunders, resident of Catheys Valley, asked for information on the process for the Catheys Valley Community Plan. Chair Turpin advised that public comment will be taken later in the meeting with the item for the consideration of the workshop.

MaryAnn Huff, President of the Chamber of Commerce, advised of the success of the Chamber's after hour's mixer held at the Lake Don Pedro Golf and Country Club on Tuesday. She announced that the Coulterville Claim Jumpers will be doing random shootouts in Coulterville on the weekends from April thru September. There will be a benefit golf tournament on May 16<sup>th</sup> at the Lake Don Pedro Golf and Country Club to raise funds to support the Coulterville and Lake Don Pedro Fire Stations and the Coulterville Park development.

Dana Hertfelder, Public Works Director, reported on a sewage spill that occurred at the Coulterville plant, and he advised that it was caused by a power outage and the back-up generator didn't kick on.

Board Information

Supervisor Bibby announced that the Catheys Valley Fire Station is recruiting volunteers, including general volunteers. Interested persons can contact Chief Shelton at 374-3211 or the County Fire Department. She reminded everyone of the agritourism and nature tourism workshop scheduled for Wednesday. She advised that if the Board meeting permits, she plans to attend the Mental Health Board meeting at noon.

Supervisor Aborn asked Sheriff Muller to comment on the funding for the agreement with the Drug Enforcement Administration for reimbursement for marijuana/drug investigations, and whether additional funding could be obtained. Sheriff Muller advised that there will be a review at the end of the year on the activities before a determination is made on the funding for the next year. Supervisor Aborn commented on the problems at the skate park.

Supervisor Fritz advised that she attended the San Joaquin Valley Rail committee meeting and is now officially the Vice-Chair. She complimented Supervisor Aborn for his work on blocking the passage of a resolution at the meeting; and she asked that he be named officially as the high speed rail contact for the County. She advised that there will be a Town Hall meeting on underage drinking on April 10<sup>th</sup> sponsored by Friday Night Live. She noted that the 5<sup>th</sup> and 6<sup>th</sup> grade students from Mariposa Elementary School have displays on the Ferguson rockslide at the Government Center, and she noted that Carrie Guarino worked with the students on the displays. She plans to attend the YARTS meeting on Monday; and she has a District IV meeting and a zone of benefit road meeting for French Camp Road scheduled for Monday evening.

Supervisor Pickard reported on the Keeping California Beautiful Committee meeting, and he advised of the issues that were discussed.

Supervisor Turpin advised that he attended the Chamber's mixer at the Lake Don Pedro Golf and Country Club. He attended the CSAC Natural Resources committee meeting on Friday and water issues were discussed.

Dr. Mosher, Health Officer;

PowerPoint Presentation Regarding Underground Water Supplies and Public Health Protection of those Supplies in Mariposa County

**BOARD ACTION:** Dave Conway, Registered Environmental Health Specialist, gave the presentation and responded to questions. Chair Turpin asked that copies of the presentation be made available if requested by the public. Discussion was held.

**10:00 a.m.** The public hearing regarding the submission of a \$1,000,000 Community Development Block Grant (CDBG) application for Fiscal Year 2008 was opened and continued until after the following items.

Dana Hertfelder, Public Works Director;

A) Waive First Reading and Introduce Ordinance Creating Chapter 12.30 Entitled "Landscape and Sidewalk Requirements" of the Mariposa County Code

**BOARD ACTION:** Discussion was held with Dana Hertfelder relative to the proposed ordinance and whether it would apply to existing businesses. Thomas P. Guarino, County Counsel, advised that it would not apply to existing improvements and it is not intended to be retroactive. Supervisor Turpin suggested that County Counsel review the language with Public Works to try and make it clearer. County Counsel commented on the liability issue with sidewalks and suggested that all of the issues be reviewed and that the ordinance could be brought back to be effective for when sidewalks are required as a condition of the improvement. Further discussion was held. Chair Turpin referred the matter to County Counsel and Public Works to review the language and to bring the matter back as discussed. Supervisor Bibby asked that if anyone from the public has comments on this matter to please let her know and she will pass them along.

B) Authorize the Purchase of a Dell Server with Related Software and Battery Backup for the Public Works Department at a Cost Not to Exceed \$15,000

**BOARD ACTION:** Discussion was held with Dana Hertfelder, Carl Casey/Public Works Administrator, and Rick Peresan/Technical Services Director.

Input from the public was provided by the following:

Paul Chapman questioned the recommendation, the cost, and whether this went out to bid.

Lou Cordero advised that he works with a CAMS system and he doesn't feel that it works, and he questioned whether that system is being replaced. Carl Casey advised that it was updated and that program functions for the department.

Discussion was held relative to the request. (M)Pickard, (S)Fritz, Res. 08-125 was adopted approving the request/Ayes: Unanimous.

C) Adopt an Extended Producer Responsibility Resolution and Authorize the Board of Supervisors Chair to Sign a Pledge of Support for the California Product Stewardship Council  
**BOARD ACTION:** Discussion was held with Dana Hertfelder, and he advised of a request from the Council for a contribution in the amount of \$1,000 which he feels will be offset by services provided by the Council and it can be paid from the Solid Waste budget. The Board will have an opportunity to review the funding request annually during the budget hearing process. (M)Pickard, (S)Fritz, the Pledge of Support was approved. The motion was amended, agreeable with the maker and second, to include language in the Pledge that support is contingent that the mission and functions of the Council do not deviate from the March 25<sup>th</sup> presentation/Ayes: Turpin, Bibby, Fritz, Pickard; Abstained: Aborn. Discussion was held relative to the language in the resolution.

Input from the public was provided by the following:

Eleanor Keuning provided input and stated she feels the onus should be on the manufacturer for the packaging of their products.

(M)Pickard, (S)Bibby, Res. 08-126 was adopted with language changes to delete the reference to "cities"; to reflect leasing products when feasible; and to correct "and" to "at" the end of their useful life/Ayes: Turpin, Bibby, Fritz, Pickard; Abstained: Aborn.

**10:52 a.m.** Jim Rydingsword, Human Services Director;  
**PUBLIC HEARING** Regarding the Submission of a \$1,000,000 Community Development Block Grant (CDBG) Application for Fiscal Year 2008 to Fund Housing Rehabilitation Programs, Low-income Employment and Training Services and the Acquisition of Fire Equipment; Approve the \$1,000,000 2008 Community Development Block Grant (CDBG) Application to Request Funding from the State Department of Housing and Community Development to Support these Community Programs, and Authorize the Human Services Director to Sign the Agreement and any Subsequent Amendments with the State Department of Housing and Community Development if the Grant is Funded  
**BOARD ACTION:** Jim Rydingsword presented the staff report. Staff responded to questions from the Board relative to the commitment of funding from the Tobacco Fund for the fire equipment and the current fund balance of the account; and from the General Fund for the library salary in-kind funding. Marilyn Lidyoff, Business Development Coordinator, responded to a question from the Board relative to the CDBG guidelines and location of the fire truck. Gwen Nitta, Manager for Mariposa County for Mother Lode Job Training, provided input on how they will use their portion of the requested funds if the grant is successful. Staff responded to questions from the Board relative to the job training program and efforts to put in place a local weatherization team and to train people for jobs within the County. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. Jim Rydingsword commended staff for their work on this grant application. (M)Fritz, (S)Aborn, Res. 08-127 was adopted approving the recommended actions. Staff responded to a question from the Board and advised that this is an all or nothing grant; that certain portions would not be awarded, only the whole grant. Chair Turpin thanked the groups in North County that pledged their financial support if this grant is approved. Ayes: Unanimous. The hearing was closed.

**11:04 a.m.** Recess

**11:20 a.m.** Richard J. Benson, County Administrative Officer;  
Discussion Concerning Requests Received and Possible Direction Relative to Rescheduling the Joint Public Workshop with the Planning Commission to Consider the Draft Catheys Valley Community Plan (NOTE: The Joint Public Workshop is Scheduled for 6:30 p.m. on April 1<sup>st</sup>.)  
**BOARD ACTION:** Rick Benson advised that this item was scheduled on the agenda as a result of the public comment provided on March 25<sup>th</sup>. Chair Turpin advised that this matter is not scheduled to discuss the merits, but to decide whether to hold the workshop; and he advised of the workshop process.  
Input from the public was provided by the following:

Paul Hall, Vice-Chair of the Chamber of Commerce, read a prepared statement advising that the Chamber is pro-business and asking that the approval process of the Plan be halted and that it be sent back to the community.

Dennis Croucher asked members of the audience to raise their hands if they do not want to see the workshop proceed this evening.

Judie Huffman, member of the Advisory Committee, provided input and stated she feels the workshop is needed to get input on the draft Plan that has been 14 years in the process.

Ken Trujillo, Catheys Valley resident, expressed concern that the Plan would make the church a non-conforming use; and he stated he feels the workshop should be postponed for the document to receive input at the Advisory Committee level.

Curt Hibpshman, property owner in Catheys Valley, stated he does not feel the workshop should be held this evening; and he questioned whether it was legal for the Advisory Committee to make changes to the draft Plan without taking public input. Chair Turpin advised that these questions should be addressed at the workshop. County Counsel provided input on the general rules of the process for a community plan.

Lou Cordero, Catheys Valley resident and member of the Advisory Committee, provided input and stated he feels the workshop should proceed this evening.

Mitch Boze, Catheys Valley, thanked the Advisory Committee for its hard work and stated he agrees that there needs to be corrections, but he does not feel that stopping the process is the answer.

Barbara Cram, Catheys Valley resident, stated she does not feel that there has been proper notice for the meeting to proceed this evening.

Ron (didn't catch last name), new to Catheys Valley area, stated he does not feel that people are asked to stop everything, but to be allowed to step back and work the issues out among themselves.

Steve Saunders, Catheys Valley, stated he feels that much of the document is new without public input being provided. He is concerned with accountability and agriculture issues and he feels the workshop would legitimize a process that is not right.

Lou Cordero noted that Steve Saunders opposed a proposed dairy in the area.

Carolyn Wenger Korn, Catheys Valley resident, questioned why people are asking to stop this workshop. She feels this should be a place where neighbors can talk to each other and express their views about the community with respect.

Ken Trujillo noted that they have expressed concerns with the Plan and the impact on the church; however, nothing has been changed by the Committee.

Tammie Guenthart provided input on the comments that have been made that only the new people to the area are complaining and advised that she has lived in Catheys Valley all of her life; and she expressed concern with the Plan.

Dennis Croucher opposed proceeding with the workshop.

Cathie Pierce provided input on the process and her involvement and asked that the workshop be held so that comments can be heard from the people. She was a member of the public until December 2007, and is now a member of the Advisory Committee and a member of the Ad Hoc Subcommittee that worked on the agriculture element.

Mitch Boze noted that a majority of the Catheys Valley residents are at work at this time, and he urged that their wishes be considered.

Rita Kidd, Catheys Valley, urged the Board to move forward with the noticed public workshop this evening and noted that people are planning to come that do not know about this discussion. She provided input on the Plan.

Rick Lobaugh, Catheys Valley, thanked the Committee members for their work, but he is concerned that they were presented with a new Plan at the March meeting without input. He questioned whether there is a requirement for a community plan; and he asked that there be an opportunity at the community level to provide input.

Brett Baumann, Catheys Valley resident and Catheys Valley Real Estate, stated he does not feel that this is a community plan. He feels that people come to the area, then are hazed and pushed out. He feels the community should work together.

Dave Pearson, Catheys Valley, questioned the legality of the document and he feels the workshop should be cancelled.

Cathie Pierce advised that she has extra copies of the agriculture element with the changes available.

Lou Cordero advised that the Committee made the change requested by Ken Trujillo relative to paving requirements for the church and he does not know why the change was not posted.

Joe Simon, Catheys Valley resident, provided input and he asked the people of the community to come to the workshop; and he advised of his efforts to contact people to come to the Advisory Committee meetings and he provided a list of people he has called.

Rita Kidd responded to the question that was raised as to whether a community plan is required and she referred to language in the General Plan. She also noted that Catheys Valley is a community planning area and not a town planning area.

Ken Wagner, resident of Catheys Valley, stated he was aware of the Plan, but only recently became aware of the change in size from 400-acres to 36-square miles; and he asked that this be sent back to the Committee for a meeting.

Bob Stark, Catheys Valley, stated he feels the Plan needs to go back to the Advisory Committee.

**12:43 p.m.** Recess

**12:54 p.m.** Discussion was held. Supervisor Turpin stated he feels that a document should be prepared that shows the differences between the Plan and the General Plan. (M)Aborn, (S)Bibby, direction was given to move forward with holding the workshop to allow an opportunity for input to be provided. Supervisor Pickard asked that direction be given to staff that if another workshop is held that there be an opportunity for the Board to provide direction. Ayes: Unanimous.

**1:04 p.m.** Lunch

**2:06 p.m.** The Board reconvened and Chair Turpin advised that he attended the swearing-in ceremony for the new deputies at the Sheriff's Office.

The public hearing to establishing the Mariposa County Tourism Business Improvement District was opened and continued until after the following matter.

Kris Schenk, Planning Director;

Consider Public Comments on the 2008 General Plan Annual Report; Direct that the 2008 Annual Report be filed with the State Office of Planning and Research (OPR) and the Department of Housing and Community Development (HDC); and Adopt a Resolution Establishing the 2008 Schedule of General Plan Amendments

**BOARD ACTION:** Kris Schenk advised that this matter was noticed as a public hearing; and he presented the staff report. He noted that this is the first report on the new General Plan that was adopted in December 2006, and the report covers calendar year 2007 and is required by State law. Sarah Williams, Deputy Planning Director, reviewed the Mondo property in Bear Valley and advised of boundary issues with the Bear Valley planning area and asked for clarification of the Board's intent in regard to this property. Staff responded to questions from the Board on this matter.

Input from the public on the Mondo property issue was provided by the following:

Don Starchman, Starchman & Bryant Law Offices, stated this matter was brought forward several times during the General Plan process and he was assured that it was a mapping error and would be taken care of. He referred to the Board's previous direction on March 20, 2007, and stated he does not feel that this should require a General Plan amendment to make the correction.

Kris Schenk advised that a correction was made for 45-acres; but they could not find reference for including the 411 +/- acres in the Bear Valley Plan. The problem with the mapping was with the lines in the GIS system; and there was a policy adopted in the General Plan of being able to divide parcels of more than 40-acres into different land use classifications.

Staff responded to questions from the Board relative to the completion dates for the implementation measures; relative to addressing the issue of allowing a third residence on larger parcels, five-acre/cluster zoning, and going from three to five rooms for Bed and Breakfast operations.

The public portion of the hearing was opened and there was no additional public input. The public portion was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the status of being able to make corrections for the Mondo property; as to whether there is a definition for viewsheds; relative to the status of submitting the document for Wawona to the Park Service; and clarification of reference to Attachment "E" in the staff report. (M)Bibby, (S)Pickard, direction was given for consideration of any changes that should be made on the Mondo property; Res. 08-128 was adopted establishing a schedule of dates expected for public hearings to consider 2008 amendments to the Mariposa County General Plan; and direction was given for the 2008 Annual Report, along with supporting documentation which is currently being prepared by the Human Services Department, to be provided to the Office of Planning and Research and the Department of Housing and Community Development. The motion was amended, agreeable with the maker and second, to include the issue of allowing a third residence on larger parcels to the list of items for future consideration. Ayes: Unanimous. The hearing was closed.

**2:50 p.m.** Leroy Radanovich, Tourism Director, Yosemite/Mariposa County Tourism Bureau; PUBLIC HEARING to Adopt a Resolution Declaring the Results of the Majority Protest Proceedings and Establishing the Mariposa County Tourism Business Improvement District.

**BOARD ACTION:** Leroy Radanovich presented the staff report; and he advised that Kevin Shelton/Chair of the Tourism Bureau, and Emily Summers/Downtown Resources, were present to respond to questions. He recommended that, based on input he has received from the industry, the Bureau will not include gross room rental revenue resulting from stays pursuant to contracts executed prior to April 15, 2008 versus April 1, 2008. He responded to questions from the Board relative to considering May 1<sup>st</sup> versus April 15<sup>th</sup> as the end of the grace period for the signed contracts, and relative to the notification process of the assessment. Kevin Shelton clarified that the assessment does not begin until May 1<sup>st</sup>. Emily Summers responded to questions from the Board relative to their recommendation for the grace period; relative to what would happen if there are changes in the contracts made for bookings after the grace period expires; correction to reflect one percent in the resolution; relative to use of the revenues if the marketing takes a different approach; relative to defining reasonable efforts of the County to collect the assessment and covering the administrative costs for collections; and clarification that the five percent transient occupancy revenue contribution to the Bureau will be an annual request and that the County is not obligated. County Counsel provided input and advised that the County's regular collection process will be followed. Kevin Shelton responded to a question from the Board as to whether there is an appeal process for the industry; and he advised that their meetings are open and they would encourage input and they are trying to make sure that the whole County is represented in the advertising. Supervisor Aborn advised of a small facility that has a room to accommodate handicapped persons. Kevin Shelton advised that they are looking for this type of information to use in their advertising; and he responded to questions relative to their promotional efforts for the small business operators and advised that a representative of the Bed and Breakfast Association is a member of the Bureau. Emily Summers noted that the small business operations benefit from the marketing efforts.

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

Paul Chapman stated he feels the small operators' vote should count as much as Delaware North, he doesn't feel that two operators should be controlling. He also feels that this should go through a bid process and that the requested funding is too much.

Diana Wilcoxon, President of the Bed and Breakfast Association, expressed support for the Business Improvement District (BID) and noted that the two large operators only comprise of two members of the Bureau and the entire Board voted for the BID. She provided input on the marketing efforts to promote the whole County.

Herb Gloor, Mariposa Lodge, stated he supports the BID and commended Leroy Radanovich for his work.

Dorothy Kuhnel, Chamber of Commerce and Visitors Center, commented on the increase in vacation planners and relocation packages that are being requested and stated she feels the marketing efforts are working.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Fritz, (S)Pickard, Res. 08-129 was adopted with the correction to reflect one percent. Following further discussion and concurrence of Leroy Radanovich, Kevin Shelton, and Emily Summers, the motion was amended, agreeable with the maker and second, to direct that the Bureau will not include gross room rental revenue resulting from stays pursuant to contracts executed prior to May 1, 2008. Staff responded to questions from the Board as to whether the date change would affect the systems installed for collections; whether there are any other notices required for the date change; and whether there is any end to the contract timeframes. Ayes: Unanimous. The hearing was closed.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)  
**BOARD ACTION:** Rick Benson advised that there are continuing discussions with the legislators and CalTrans relative to changes to the temporary bridges; he advised that he plans to attend the CalTrans' Technical Team meeting in Stockton on Thursday; and he recommended that the emergency be continued. (M)Pickard, (S)Fritz, Res. 08-130 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.

Approve a Side Letter of Agreement to the Memoranda of Understanding with the Deputy Sheriffs' Association and the Sheriffs' Management Association Relative to the Vacation Pay-out Issue (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** Supervisor Bibby advised that she excused herself from these labor negotiations due to possible compaction issues because her spouse is in the Sheriffs' Management Association and she has a relative in the Deputy Sheriffs' Association and since this item is a part of the labor negotiations, she excused herself from the meeting at 3:49 p.m. Discussion was held with Rick Benson. (M)Pickard, (S)Aborn, Res. 08-131 was adopted approving the Side Letters of Agreement/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

**3:54 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: Hazel Green Ranch, LLC v. United States Department of the Interior, et al., Case No. 1:07-CV-00414-OWW-SMS (County Counsel)

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

**4:07 p.m.** Chair Turpin announced that information was received on the closed session matter. He recessed the meeting until 6:30 p.m.

**6:34 p.m. JOINT PUBLIC WORKSHOP** with the Planning Commission to Consider the Draft Catheys Valley Community Plan, as Recommended by the Catheys Valley Planning Advisory Committee

**NOTE: This public workshop is intended to solicit public testimony BEFORE the draft plan is formally circulated for the public hearing processes.**

**BOARD ACTION:** Planning Commission Chair Skip Skyrud opened the Planning Commission meeting with the following Commissioners present: Norm Ross/District 2, Bob Rudzik/District 3, Skip Skyrud/District 4, Paul DeSantis/District 5; and Commissioner Gary Francisco/District I, arrived at 6:37 p.m. Kris Schenk/Planning Director, Sarah Williams/Deputy Planning Director, Andy Hauge/Hauge Brueck Associates – Project Manager, and Blake Roberts/Hauge Brueck Associates, were present. Chair Turpin reviewed the workshop process and time limits; and he asked that non-residents

of Catheys Valley submit their comments in writing if possible so that the residents would have an opportunity to provide input this evening.

Supervisor Bibby announced that the Catheys Valley Fire Station is recruiting volunteers, including general volunteers; and that interested persons can contact Chief Shelton at 374-3211 or the County Fire Department.

Andy Hauge provided background information on the draft Catheys Valley Community Plan and advised of revisions that were made to the 2003 draft Plan as a result of the adoption of the General Plan in 2006. He reviewed the issues, the Planning Advisory Committee (PAC) recommendations, and the next steps in the process. A high-lighted document will be prepared that will show the differences between the draft Plan and the adopted General Plan for review at a continuation of this workshop. Then the draft Plan will go back to the PAC, to the Planning Commission, and then to the Board of Supervisors.

Board members provided input. Supervisor Pickard stated he feels that this is an opportunity for the Board to hear the concerns being expressed by the public about the Plan and it is an opportunity for direction to be given to the PAC for revisions before proceeding with the environmental review. Supervisor Bibby questioned whether the ISO ratings in the draft Plan are achievable. Andy Hauge recommended using the language adopted in the General Plan. Supervisor Fritz noted that the sentence is incomplete between circle pages 7 and 8. Supervisor Turpin requested that a high-lighted document be prepared identifying the differences between the adopted General Plan and the draft Plan, and that another workshop be held around the end of May, with that document to be available three weeks prior to the next workshop. He stated he feels that all agricultural land in the County should remain under the umbrella of the 2006 General Plan. He feels that if you have 2 ½-acre zoning today, you will have that same zoning tomorrow. Supervisor Pickard noted that more input will be provided during the process. Chair Turpin advised that the issues raised this evening will begin to address the draft Plan.

Planning Commissioners provided input. Commissioner DeSantis referred to the guiding principles and protection of the rural character and the recommendation to not allow tract-type housing; and he stated he feels that this needs to be clarified as to whether this refers to that not rural in nature or none period. Commissioner Francisco referred to the reference concerning siding and trim such as weathered wood and noted that this would not be in compliance with the State Building Code. He referred to the emphasis on creating a “town appearance” and he feels that is in contradiction to the “crossroad” term used later in the document - he suggested that “plaza” or “village” be used. He stated he feels the site development standards that dictate how a site is used and location of new development along Highway 140 is confusing and the concept should be clarified. Commissioner Skyrud referred to the map and the intent to keep commercial development off of the Highway; and he noted that is where it exists today. He expressed concern that the Oasis is excluded and that any future vacation of use conditions are not consistent with other areas in the County. He referred to the utility lines and questioned whether requiring the telephone lines is necessary with the availability of cell phone coverage. He stated he feels that the maximum 5,000-square foot building size limitation leaves no opportunity for someone to apply for a Conditional Use Permit (CUP), and that is a process that is allowed in the General Plan and by State law. He expressed concern with the ISO rating and whether it is obtainable. He stated he feels the age of mobile homes allowed should be included. He feels the Plan is in conflict with the secondary dwelling unit as that is allowed by State law. He referred to a draft circle page 7 that contained the missing language in the sentence between circle pages 7 and 8.

Input from the public was provided by the following:

Ken Trujillo, Pastor of the Catheys Valley Baptist Church, presented a letter proposing language changes to the sections addressing churches and asked for a change in the Land Use Diagram Map to reflect the proper zoning designation for the church.

Steve Saunders, Catheys Valley, stated he has agricultural land and he asked for clarification on the decision making power for the Catheys Valley Review Committee, and he asked that reference to it be stricken from the Plan. Supervisor Turpin reiterated his proposal that the agricultural lands be under the General Plan. Supervisor Pickard noted that the Board’s policy is that advisory committees are advisory and that the Board makes final decisions. Steve Saunders provided input relative to agriculture and the term “non-residential” used in the Plan, asked for clarification of Agriculture



Working Landscape, provided input on water issues, and stated he is concerned with the proposed restrictions on agriculture. Supervisor Turpin suggested that he review Chapter 10 in the General Plan.

Robert Brockman provided input on the process for the draft Plan and stated he feels that water is an issue – his fifteen-foot well is now over 100-feet.

Mark Harris, Yosemite Falls Well Drilling, provided input on his experience in drilling wells in Catheys Valley; and he advised that he has not experienced a water problem.

Lou Cordero, Catheys Valley, stated he feels that water is a big concern.

Bob Benson, owner of BJ Ranch with his wife, expressed concern with the maps as they relate to his ranch – he would like to have all of their agricultural land area removed from the map. He feels the size of the community planning area is too large.

Curt Hibpshman, Catheys Valley resident, pointed out spelling and grammatical errors in the Plan; asked for clarification of the Agriculture Working Landscape zoning; feels “many” should be inserted in front of the sentence that says “Private roads and many County roads have evolved over the years as opposed to having been planned and designed.”; questioned the need for public services in the area since another part of the Plan states major commercial is just “minutes” away as are public services; noted that the paragraph is duplicated under the sections “Ensuring Managed Growth” and “Remain A “Cross-roads” Community” and he stated he feels the later section title should be removed; stated he feels signs are covered in the sign ordinance and should not be included in the Plan; feels the terms “town appearance” and “rustic village theme” and “crossroads” are inconsistent; questioned the minimum parcel size and setbacks for water and septic systems; suggested the wording for utility services be consistent with the General Plan; and he questioned how the goals will be implemented for water requirements. Andy Hauge advised that a project can’t be approved unless compliance is shown with the goals and policies of the Plan; and he recommended that the goals be consistent with the General Plan.

Barbara Cram, Catheys Valley, provided input on the sections for Intensity of Use and traffic; infrastructure and rural roads in relation to the rural lands.

Theresa Castaldi, with Coyote Springs Ranch, commented on efforts to put together a guest ranch and she feels this Plan will regulate and push her out of business. She stated she feels this is an illegal document as she feels there wasn’t proper input by the public. She questioned the change to enlarge the boundary of the planning area. She advised that she and Patricia Oakander are on record that they want all of their parcels removed from the planning area. Discussion was held relative to their parcels and the boundary.

Rick Lobaugh questioned whether the Plan could pertain to the agricultural lands and asked that they be removed; questioned whether the design guidelines apply only to the commercial property; asked whether his rights under the Williamson Act contract would be affected by this Plan and suggested that it be exempt from other requirements. He feels the PAC should not have decision making authority. Andy Hauge responded. Rick Lobaugh provided input on the population density and building intensity provisions.

Mitch Boze asked if the color of the map changes and Coyote Springs Ranch is in the green color whether that would change anything. He noted that his property is in the green and he would rather that it not be. He feels everyone should follow the rules whether their property is in or out of the planning area.

Don Starchman, Starchman & Bryant Law Offices, noted that the B Lazy J Ranch has been taken out of the planning area boundary before and the PAC put it back in; however, he does not feel that it belongs in the planning area. Andy Hauge advised that it was removed in the interim land use designation and the PAC added it back in. Don Starchman advised that Andy Hauge’s recollection of averaging the parcels does not match his.

Joe Simon, Catheys Valley resident, provided input on the topography of the area and the PAC decisions relative to the boundary. He feels that those that remove their agricultural land will not have any say about the Plan and if the land is removed there won’t be a Plan.

Bob Stark, Catheys Valley resident, asked when the planning area went from 400-acres to 16,000-acres; and when Chapter 5 was written, by whom, and when it was added to the Plan. Andy Hauge advised that the planning area size changed before the General Plan process – prior to 2000; and that Chapter 5, section on land use and on infrastructure was written by the PAC in 2003 and the

agricultural section was taken from the General Plan and modified by the subcommittee of the PAC earlier this year.

Mary Ann Visher advised that the size of the planning area was expanded when Eric Toll, former Planning Director, came in and it was decided that they did not want growth like what occurred in Oakhurst.

Bob Rudzik agreed that the size of the planning area changed in 2000-01 and the idea was that it would shrink as it matured.

Lou Cordero advised that he has a box of all of the paperwork on the Plan and people are welcome to borrow it.

Discussion was held. Andy Hauge advised that they will create a high-lighted document identifying the differences between the adopted 2006 General Plan and the draft Catheys Valley Community Plan, make typographical and grammatical corrections; and come back with a list of written and verbal comments in order by Chapter for review. Supervisor Fritz asked why Chapter 5 of the Plan was not marked "draft" and Andy responded that the watermark was left off; however, it was marked "draft" at the bottom of each page. Supervisor Bibby asked that the definition of "mega" church be included for review; and she asked if there is a way to assess what the impact would be if agricultural land is removed from the planning area, and if there is a way to clarify that the agriculture element is as adopted in the 2006 General Plan so that if there are future changes to the General Plan it wouldn't affect the Plan. Andy Hauge advised that there could be reference to the policy as adopted by the General Plan in 2006 versus duplicating the General Plan to assure the community that those are the policies they are relying on. Kris Schenk advised that the citizens and the Planning Commission and the Board would have an opportunity to further comment on the Plan at the next workshop; and the Board could give direction. Andy Hauge and staff would incorporate changes as directed, then the Plan would go through the environmental review process and there would be three or four or more public hearings on the Plan and further changes could be made and the PAC could make further comment.

Planning Commissioner Chair Skyrud adjourned the Planning Commission meeting at 8:46 p.m. and advised their next regularly scheduled meeting is April 18<sup>th</sup>.

Supervisor Bibby asked about getting a definition of "tract" housing and asked about commercial reserve and the soils map. Andy Hauge recommended that the language from the General Plan be used. Supervisor Bibby asked that self-rental storage units be clarified. Andy Hauge noted that the Oasis property needs to be a modification to the map. It was clarified that the 2006 General Plan would be compared to the 2008 draft Catheys Valley Community Plan, and that the next workshop would be held jointly with the Planning Commission.

## **CONSENT AGENDA**

- CA-1 Approve an Agreement with the California Department of Boating and Waterways to Participate in Boating Safety and Enforcement Financial Aid Program for Fiscal Year 2008-2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 08-114
- CA-2 Approve an Agreement with the State of California Department of Public Health for Fiscal Year 2007-2008 (Including other Documents as Delineated within the Agreement) in the Amount of \$166,962 and Authorize the Board of Supervisors Chair to Sign the Hospital Preparedness Program Agreement (Health Officer); Res. 08-115
- CA-3 Approve Fifth Amendment with Mariposa County Total Waste Systems, Inc. for Transfer Station Hauling Services Increasing the Compensation for Those Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-116

- CA-4 Approve Budget Action Transferring Funds within the Yosemite West Budget to Cover Unanticipated Fuel Costs for the Remainder of Fiscal Year 2007-2008 (\$1,500) (Public Works Director); Res. 08-117
- CA-5 Re-appoint Chevon Kothari to Continue Serving as a Member of the Mental Health Board for a Three Year Term which Expires on April 1, 2011 (Human Services Director)
- CA-6 Approve an Agreement for a Foster Family Receiving Home in Mariposa County/ and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-118
- CA-7 Approve an Agreement with Janet Stutzman to Assist the Behavioral Health Deputy Director with Application for and Planning, Grant Writing, and Drafting Reports of the Prevention and Early Intervention Component of the Mental Health Services Act; and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-119
- CA-8 Authorize the Fire Chief to Apply for Volunteer Fire Assistant Grant. The Grant Requires a 50% Cost Share and Expenditures Proposed in the Fiscal Year 2008-2009 Budget Would Meet the Match Requirement (Fire Chief); Res. 08-120
- CA-9 Authorize the Fire Chief to Sign the 2007 FEMA Assistance to Firefighters Grant (AFG) Award in the Amount of \$117,650 for the Purchase of Emergency Medical Response Kits; and Approve Budget Action Transferring Funds from the Fire Operation Budget to the Fire Grant Budget to Cover the 5% Cost Share (\$5,882) (Fire Chief); Res. 08-121
- CA-10 Authorize the Fire Chief to Apply and Sign the US Department of Interior (DOI) Rural Fire Assistance (RFA) Grant Program to Purchase Wildland Fire Tools and Equipment. The Grant for \$18,300 will be Proposed in the Fiscal Year 2008-2009 Budget (Fire Chief); Res. 08-122
- CA-11 Adopt a Resolution and Approve a Grant Award Agreement with the Department of Corrections and Rehabilitation, Corrections Standards Authority, for the Alcohol and Drug Awareness for Parents and Teens (ADAPT) Program and Approve Budget Action Accepting the Grant Award and Increasing Revenue and Appropriations in the Amount of \$100,046 (4/5ths Vote Required) (Chief Probation Officer); Res. 08-123
- CA-12 Align the Salary for the Legal Secretary I/II with the Salary for the Child Support Legal Secretary I/II. The Salary for the Child Support Legal Secretary is \$2,144.31-\$2,606.24 /Month and the Child Support Legal Secretary II is \$2,254.03-\$2,739.71/Month (County Administrative Officer/Personnel/Risk Manager); Res. 08-124
- CA-13 Approval of Summary of Proceedings of March 11, 2008; Approval of Summary of Proceedings of March 25, 2008, Regular Meetings (Clerk of the Board)

**8:52 p.m.** The meeting was recessed in memory of Alice Elizabeth Miller and Dorothy Gertrude Murphy, and the meeting was continued to Wednesday, April 2, 2008, at 4:00 p.m. for a public

workshop to consider definitions and criteria for agritourism and nature tourism, and to provide recommendations for actions that will allow agri-tourism and adaptive, visitor-serving uses in Mariposa County.

Respectfully submitted,

MARGIE WILLIAMS,  
Clerk of the Board

LYLE TURPIN,  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### SUMMARY OF PROCEEDINGS

April 2, 2008

(Meeting Continued from April 1, 2008)

Time                      Description

**4:05 p.m.** Continued meeting from April 1, 2008 called to order at the Mariposa County Government Center.

Kris Schenk, Planning Director;

PUBLIC WORKSHOP to Consider Definitions and Criteria for Agritourism and Nature Tourism, and to Provide Recommendations for Actions that Will Allow Agri-tourism and Adaptive, Visitor-Serving Uses in Mariposa County

**BOARD ACTION:** Sarah Williams/Deputy Planning Director, Karen Robb/Farm Advisor, Andy Hauge/Hauge Brueck Associates – Project Manager, and Blake Roberts/Hauge Brueck Associates, were present. Kris Schenk arrived later. Karen Robb provided input on the two Saturday workshops that were held. Andy Hauge gave an overview of the reference to agritourism and nature tourism in the General Plan, of the workshops and input that has been received, of the recommendations, and the next steps in this process. Chair Turpin provided input on the format for this workshop and he asked that each speaker limit their comments to three or four minutes.

Input from the public was provided by the following:

Kris Casto advised that she and her husband own a vineyard and winery in the Mountain Home land use classification; and she recommended using the guidelines discussed versus the use permit process. She provided input on the Agriculture/Working Landscape zoning and the small family farms that are in Mountain Home; and she questioned whether use permits should be required for people who have tours of their agritourism or nature tourism use two weekends a year. She suggested that the next step in the process could be to have a small group of people look at the issues of intensity. She agrees that agriculture is important and feels it needs a market place. Speaking for the Ag/Nature Trail, she urged attendance at their upcoming event and advised that this is an opportunity for people to see what they do.

Paul Chapman commented on agritourism being addressed at the State level to save family farms; and he feels the people that have been in business for 150 years have rights. He asked about the status of hiring a Williamson Act contract compliance officer. He does not feel that agritourism is allowed on contracted land, and he feels there should be a buffer zone and a no trespass ordinance.

Ken Pulvino, Greeley Hill rancher, referred to his involvement in agritourism workshops and noted that he was the first person to request this use in the County. He questioned the workshop process and feels that outside experts should have been involved. He does not feel that the use permit process should be required where the primary use of the land is for agriculture, and he feels we should be helping ranchers to prosper.

Dave Pearson, ag economist, provided input on his background and he presented input on the definition of agritourism and stated he feels that this means there is a movement that has gone on and he doesn't feel the workshop addressed this.

Dave Breemer, land use lawyer, stated he is a relatively new citizen to the area. He feels this document is "ag wordism" and that agriculture is discussed, but tourism is ignored and that we need to do something about the economics. He feels the definition is too narrow and that there should be a list of permitted uses with size limitations; and if the size limitations are exceeded, then a conditional use permit (CUP) would be required.

Steve Saunders commended on his experience in attending the first workshop. He feels they should have been presented with options of what is occurring in other areas so they would have

background information and could make choices. He feels this is designed for failure, and he feels the Board should get more information to make an informed decision. He questioned what the threshold is for agritourism use. He feels this is more regulation to limit agriculture.

Theresa Castaldi, with Coyote Springs Ranch, feels that what is being presented to the Board is centered around trying to shut down Coyote Springs Ranch. She feels guest ranches are permitted uses in agritourism and she presented information on the definition of agritourism. She requested that their project be grandfathered in.

Fred Friedland stated he has a cattle ranch near Coyote Springs Ranch and he does not object to their project, but he is concerned that there is no plan for the final project. He is concerned with water impacts and feels the project should go through the proper process. He feels we need to maintain the beautiful community.

Mindy Hibpshman asked whether agritourism policies were obtained from other counties for review in this process and to help people understand what agritourism is. She feels the CUP would deter people from getting involved in this and would make it difficult to show people what they are about. She questioned whether they would be required to obtain a CUP for their pumpkin patch under the policy; this would hurt the small agricultural operations. She asked why horticulture and agribusiness was taken out of the definition.

Don Starchman stated he feels the proposal goes from permitted uses to restrictions, and he thought these issues were decided in the General Plan. He could understand this for issues that are brought up that were not considered, but he feels the Board should not be going back and redefining this – they should be making what we have a workable document. He feels we need to have permitted uses and should not be looking at small scale uses that are family operated. He feels that if we are looking at large scale, then you are looking at a General Plan Amendment, and he would like to see the process in writing so it will be known if the requirements could be met.

Bart Brown referred to the input by Don Starchman and stated he thought we were in the process of doing this with the implementation of the General Plan, just as Title 17 needs to be redone. He asked what the method will be for determining if there agricultural activity on site and how substandard parcels will be handled.

Cathie Pierce, cow/calf operator in Catheys Valley, noted that agriculture people are not ignorant as she has heard said. She stated there is a difference between large and small operations and there is nothing wrong with either and she is not opposed to agritourism. But she feels that if the Board is not careful, you will not be able to stop people from doing whatever they want under agritourism. She feels the workshops were done well. She referred to the County's Agricultural Crop and Livestock Report and stated she feels it is inaccurate as ranchers are not going to disclose all of their information. She does not feel that this issue has to do with any particular rancher, but is for the County and all of the small communities that makeup our County. She feels there are uses that a CUP should be required for, especially things that will impact neighbors with lights, noise, dust and with activities that occur at night. She feels that being a "good neighbor" is important. She referred to Title 17 and stated she does not see agritourism as a permitted use. (She corrected this statement later in the meeting.) She referred to AB 1258 that was enacted in 1999 and the Home Stay Act and requirements for agritourism with things like ADA compliance, food handlers, and business licenses, and stated she feels the laws of the State need to be considered. She referred to a meeting in May 2006 when 32 of the largest ranchers in the County got together and answered a questionnaire and she referred to the results and the strong support of agriculture.

Cathi Boze, Agricultural Commissioner, referred to her educational background and the Crop Report and her involvement in agritourism. She advised that she sees this as a way for people to keep their agricultural land and she provided input on the impact agriculture has on the economy of the County. She feels it is important that the primary use is agricultural production and that agritourism is secondary. She referred to her personal application experience for a bunk house. She agrees that there needs to be guidelines for small vendors and she expressed concern with bio-security issues, water quality, and erosion. She feels the uses need to comply with all laws and be good stewards of the land. She feels small uses should be allowed without requiring a CUP.

Ken Pulvino referred to the history of the Home Stay Bill and advised that it was not designed to restrict agritourism; it was for those who do not want to go through the commercial restaurant use process.

Steve Saunders referred to his discussion with Dennis Bunning relative to horses and whether they are a part of agriculture and a legitimate activity under the Williamson Act; and his subsequent discussion with a State attorney on this matter.

Linda Sinclair, previous Fair Manager, provided input on her experiences with these activities – bull riding and roping type events are considered sporting events. She agrees with agritourism and the educational value. She referred to Coyote Springs Ranch and stated she feels that everyone needs to follow the rules. She stated she feels we need to be careful how agritourism is defined.

Joe Simon, Catheys Valley, referred to Chapter 17.40 and AB 1258 and stated he does not know why people are scared of the CUP process. He referred to his experience in processing a hunting club use. He noted that water is a problem, his springs have gone dry. He referred to his conversation with Dick Tally, who spent his life being a cowboy in the area.

Art Richards, cattleman, feeder and trucker, stated he supports agritourism, but he feels issues such as bio-security and the transportation of animals' interstate, need to be considered. He commented on the dangers with foreign visitors carrying spores on their clothes and transmitting diseases that could impact agriculture. He feels that protection is needed and the liability issues should be addressed. He referred to the history of the Williamson Act contracts and his involvement. He stated he is in favor of the efforts of Coyote Springs, he loves to rodeo, but those events are insured separately and appropriate permits are obtained. He also noted that most of the places where these events are held have sewer stations and facilities to accommodate travel trailers.

Linda Sinclair referred to her experiences with the Fair events and with the Tourism Advisory Council; and she agreed with Art Richards that these types of events are event oriented and people only visit the site.

Manual Souza referred to his experience in putting on an alcohol and tobacco free event, and commented on the community support. He noted that the bulls, cows and calves that do not meet the grade become meat. He stated he feels that roping and rodeos are more than just a sport – these activities began as a way for ranchers to show each other how they did things. He referred to the workshops and stated he feels that we need a plan to succeed. We need to create businesses and give people a reason to stay here. He feels the consultant should have talked with the people in the area, and he feels that everyone has a different definition of agritourism. He feels that some guidelines should be set so that people's rights are respected and people are encouraged to move forward.

#### **6:02 p.m.** Recess

**7:17 p.m.** Mindy Hibpshman suggested that policies be obtained from five counties similar to Mariposa for comparison in relation to our General Plan and that a subcommittee review this as a basis to start the process.

Sheryl Leisure, business owner and has a small ranch, advised that she attended the second workshop and was overwhelmed. She is okay with the existing description and asked why a new one is being proposed. She feels requiring CUP will limit applications. She suggested that hypothetical case studies be created to help people understand what the CUP process is. She expressed concern with the term “existing ranch” and asked if that means that someone could not purchase a ranch in the future and participate in agritourism. She feels the definition should be broad and vague and that this should come back in a year.

Cathie Pierce corrected her earlier statement and advised that Title 17 does reference agritourism.

Tony Toso, cattle producer and agribusiness in Hornitos, stated he feels agritourism is a good thing and he is pro-business. He agrees with preserving the agricultural land. He does not feel that income should be considered, just intensity, and he noted that requiring a CUP is common. He noted that our winter grass is a commodity that does not exist in the East and is integral to the cattle industry.

Dennis Bunning stated he has a commercial poultry farm and he feels there should be a review process. He noted that lights and noise past dark would impact his operation; and he feels we need to protect the existing operations.

Discussion was held relative to the Weekend in the Country event and small producers and whether there should be any permit requirements.

Kris Casto provided input on the Weekend in the Country event and other activities that she feels should be considered events, such as apple picking for three weeks in the fall.

Further discussion was held. Thomas P. Guarino, County Counsel, provided input relative to the event activities and land use regulations; and he advised that staff would need direction on the policy decision relative to regulating a level of activity. Supervisor Bibby asked for clarification of the definition of temporary camping and expressed concern that the definition does not address a limit to the number of campers. Supervisor Pickard suggested that the next step be to bring in an expert in the field who could give a presentation to help bring everyone to a common understanding of agritourism. Karen Robb noted that there is a workshop in Tuolumne County on April 25<sup>th</sup> relative to agritourism. Supervisor Pickard further suggested that someone who has experience in agritourism, and he noted that there is a rancher in Tehama County that might be able to help, be invited to share their experiences to help in this process. Supervisor Bibby noted the CUP and Negative Declaration process provide an opportunity to educate the applicants on the existing rules and provides staff with an opportunity to review all of the issues. She questioned whether there is a streamlined process for a Negative Declaration for these use. Karen Robb advised that other counties have a streamlined process and an administrative review process.

Chair Turpin asked the Farm Advisor to bring something back to the Board in a couple of weeks to schedule a workshop as suggested by Supervisor Pickard. Karen Robb suggested that the information for the workshop include an educational component of what people are doing and varying definitions; and more information from the presentation that was given to the Board in October 2007. Supervisor Bibby asked that information be included such as operational hours and small and large scale uses.

**8:19 p.m.** Adjournment.

Respectfully submitted,

MARGIE WILLIAMS,  
Clerk of the Board

LYLE TURPIN,  
Chair, Board of Supervisors





MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

April 8, 2008



Time Description

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

Pledge of Allegiance
Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

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 6 and questioned the additional authorization of funds to Best Best & Krieger.

Supervisor Bibby pulled items 4, 5 and 6. (M)Pickard, (S)Aborn, the balance of the agenda was approved/Ayes: Unanimous.

Items 4 and 5 - Discussion was held with Keith Williams, Treasurer/Tax Collector, relative to the recommendations. (M)Aborn, (S)Fritz, items 4 and 5 were approved/Ayes: Unanimous.

Item 6 - Supervisor Bibby asked whether there is any public information available on what case this involves, and whether there is any conflict of interest for her to participate as this law firm had been involved with labor negotiations. Rick Benson, County Administrative Officer, advised that this contract is for an ongoing personnel legal matter and it is not related to labor negotiations so there is no conflict. Supervisor Bibby asked that information be provided on how much has been spent for this case, and Rick Benson advised that he would obtain the information. (M)Aborn, (S)Fritz, item 6 was approved/Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Robert Kroon, Yosemite West, presented and asked the Board members and County Counsel to review a video tape of the Yosemite West Planning Advisory meeting before the April 19th Board hearing; and he advised that he has concerns with the proposed Special Plan for Yosemite West and its potential impacts to the transient occupancy revenues and businesses.

Eleanor Keuning, speaking as an individual, referred to the California Product Stewardship Council and their upcoming workshop and stated she hoped there would be attendance from the County. She advised that the Gem and Mineral Show is this weekend at the Fairgrounds; and that the Habitat for Humanity is meeting on Sunday at the Best Western. She commented on the parking issues at the Rest Area and the need for enforcement. Chair Turpin advised that this information will be forwarded to Public Works and the Sheriff.

Ruth Sellers commented on the parking issues at the Rest Area and problems with the parking spaces designated for the buses by taken by the vendors, and she noted that employees of the dentist office are using the parking spaces in front of the Museum. She feels the "food court" (street vendors) should be addressed.

Ruth Catalan asked about the status of the preparation of the job description for the compliance officer for the Williamson Act contracts, and she asked whether anyone is working on the ordinance to address the deportation of water from the County.

#### Board Information

Supervisor Bibby referred to the public presentation by Ruth Catalan and advised that the Water Agency was going to address the water issue; and information can be obtained on the status of the job description for the Williamson Act compliance officer. She advised of concerns she has received on code compliance, violation issues and assemblage permits, and she commented on her efforts to get agencies together to get a consistent process for handling issues such as “red tags.” She advised that she has a list of violations, which is not inclusive, and she presented the list to County Counsel and asked that he distribute it to the Board and applicable agencies as the law permits.

Supervisor Aborn advised that he attended the YARTS meeting in Merced on Monday and that Supervisor Fritz was selected as Chair. On Saturday, the Clampers were in Midpines at the Mountain View Grocery store and placed a monument pertaining to the old mining district.

Supervisor Fritz advised that she attended the YARTS meeting on Monday and commented on the issues that were discussed. She advised of the upcoming Civil War Reenactment event and the activities and educational opportunity for the students. She commented on the artwork in the Board Chambers from students relative to the Ferguson Rockslide and from the young children for the upcoming “Week of the Young Child.” She advised that a Town Hall meeting will be held on Thursday at the Best Western relative to underage drinking, sponsored by Friday Night Live. She plans to attend the San Joaquin Valley Regional Association of California Counties conference in Modesto next week.

Supervisor Turpin advised that he attended the Red Cross Everyday Heroes meeting Merced; and on Friday he attended the groundbreaking ceremony for the Red Cloud Library in Greeley Hill. He attended an economic development working group meeting in North County on Monday and he advised of the status of improvements to McClure Point. He advised that the North County History Center will be sponsoring a history talk on Saturday in Greeley Hill.

Dr. Mosher introduced Pat Murphy, the new Emergency Medical Services Coordinator for the County; and Mr. Murphy commented that he is pleased to be here. Dr. Mosher introduced Janette Gamble/Chair of the Mariposa County Unified School District Board and Dr. Lowry/Interim Superintendent of the School District and Bob Morse/Transportation and Maintenance Manager for the School District, who were present for the following matters.

Dr. Mosher, Air Pollution Control Officer;

A) Authorize the Air Pollution Control Officer to Apply for Year 10 Moyer Funding in the Amount of \$200,000 and Direct the Revenue to the Rural Assistance Program

**AIR POLLUTION CONTROL BOARD ACTION:** Following discussion, (M)Fritz, (S)Pickard, APCD Res. 08-1 was adopted approving the recommended actions/Ayes: Unanimous.

B) Authorize the Air Pollution Control Officer to Enter into an Agreement with the San Joaquin Unified Air Pollution Control District to Administer School Bus Retrofit Funds in Mariposa County for the Next Two Fiscal Years

**AIR POLLUTION CONTROL BOARD ACTION:** Discussion was held with Dr. Mosher. Bob Morse clarified that the funds need to be committed within the eighteen months. (M)Fritz, (S)Aborn, APCD Res. 08-2 was adopted approving the recommended action/Ayes: Unanimous.

**10:00 a.m.** The public hearing to consider Conditional Use Permit No. 2007-13 and Williamson Act Compatibility Determination, a proposed church on property in the Agriculture Exclusive Zone was opened and continued until after the following matter.

Jim Wilson, Fire Chief;

Discussion and Possible Direction and Presentation to Update the Board and the Public on Progress in drafting Specifications for Mariposa County Fire Department's Proposed Fleet of Fire Engines

**BOARD ACTION:** Jim Wilson gave an overview of the draft specifications. Jim and Joe Halencak/PWD-Fleet Superintendent responded to questions from the Board. Rick Benson provided input relative to the process. Supervisor Turpin asked that information be submitted with the bids relative to projected maintenance and costs.

Input from the public was provided by the following:

Paul Chapman provided input on the proposed specifications relative to having a retarder for the Allison transmission and the Jake Brake; and he questioned whether the specifications are for County versus city engines and the benefit to the lower portion of the County.

Donald Weston noted that there has been work on fire issues for many years and he feels we need to move forward. He commented on the specifications and maintenance.

Dan Smith, President of the Chief Officers Association, provided input relative to the recommendation to not spend the funds on the compressed air foam units. He referred to a recent incident where other engines responded to his Hunters Valley Station area before he could get there because of the old engine; and he stated the new engines are needed.

Steve Kitchen, Station 25 in Mt. Bullion, provided input relative to the specifications and the need for the equipment.

Discussion was held relative to the specifications and the process. Rick Benson provided input on the process for approving the final specifications; reviewing how the equipment will be funded and advised that they are looking at financing arrangements; and relative to the County Service Area process for funding the purchase. Supervisor Aborn commented on the need to consider actions taken by Midpines and North County to fund the purchase of equipment and fire protection. He and Supervisor Bibby expressed concern with proceeding to purchase the equipment without having the funding available. (M)Fritz, (S)Pickard, direction was given to the Fire Chief and Public Works to bring back the final specifications and formal procedure for going out to bid for the equipment. Supervisor Aborn asked that cost information be brought back for adding 4-wheel drive to the engines; and Supervisor Bibby noted that there should be consideration to having some 4 x 4 engines for strategic placement in the County. Ayes: Unanimous.

**11:02 a.m.** Recess

**11:15 a.m.** Kris Schenk, Deputy Planning Director;

PUBLIC HEARING to Consider Conditional Use Permit No. 2007-13 and Williamson Act Compatibility Determination, a Proposed Church on Property in the Agriculture Exclusive Zone. Because the Parcel is also in a Williamson Act (LCA) Contract, the Applicant Proposes the County Find the Church is a "Compatible Use" in this Contract. The Project Site is Located off of Highway 140, Just East of Spring Hill High School; APN 012-180-032. Applicant: Mariposa Revival Center Inc. /Henry Falany. Property Owner: Frank and Francis Long

**NOTE: STAFF WILL BE REQUESTING A CONTINUANCE OF THE PUBLIC HEARING.**

**BOARD ACTION:** Thomas P. Guarino, County Counsel, advised that it is his request for a continuance of the hearing due to several projects that have recently required his legal review. He advised that he contacted Attorney Starchman and Attorney Breemer's office on Thursday; and Attorney Breemer asked to meet with him and he would like to have that opportunity. He asked that the hearing be continued to April 22<sup>nd</sup> to allow him an opportunity to provide the Board with a full review of options that it may wish to take. Following discussion, (M)Pickard, (S)Aborn, the public hearing was continued to April 22, 2008 at 3:30 p.m./Ayes: Unanimous.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

Approve the 2007/2008 Reclassification Requests as Recommended to be Effective January 1, 2008; Approve Budget Actions Reducing the General Contingency by (\$3,119) to Fund the Recommended Reclassifications (4/5ths Vote Required)

**BOARD ACTION:** Rick Benson reviewed the reclassification requests and recommendations.

Chair Turpin asked that the following two recommended reclassification requests be considered first: an Office Assistant II to Senior Office Assistant in the Probation Department and in the District Attorney's Office.

Input on these two requests was provided by the following:

Bob Brown, District Attorney, provided input on the process and relative to the request.

(M)Aborn, (S)Bibby, Res. 08-138 was adopted approving the recommended reclassification request from the Office Assistant II to the Senior Office Assistant in the Probation Department and in the District Attorney's Office; with an effective date of January 1, 2008; and approving the budget action/Ayes: Unanimous.

Discussion was held relative to the reclassification requests for the Office Assistant II and the Fire Services Assistant within the Fire Department. Sandi Laird/Administration-Administrative Analyst provided input relative to the request.

Discussion was held relative to the reclassification request for the 4-H Coordinator in the Farm Advisor's Office; and input on this request was provided by the following:

Karen Robb, Farm Advisor, provided input on the history of the position and the request for reclassification.

Sandi Laird provided input relative to the history of the classification and compensation study and relative to this request.

Discussion was held relative to the department looking at extra help to alleviate some of the workload of the position and relative to looking at merit/equity issues for the position.

Ruth Catalan commented on this position's work with the Ag in the Classroom program; and she questioned why a stipend or equity adjustment couldn't be done.

Paul Chapman agreed with Ruth Catalan and stated he feels the job description for the position has changed.

Karen Robb read a letter from Codie Hart/4-H Council President in support of the reclassification.

Donna Wice, 4-H Coordinator, presented information in support of the reclassification request for her position.

Cathi Boze, Agricultural Commissioner, stated she is supportive of agriculture and the reclassification request; and she commented on salary and job duty comparisons between the Master Gardener Program Coordinator position and the 4-H Coordinator. She also presented information showing the duties for the 4-H Coordinator position when Wain Johnson was Farm Advisor and commented on the changes since then.

Dan Wice, husband to Donna Wice, provided input relative to the questions raised about the job description and comparison of duties with other counties; and he commented on the shift in responsibility for the 4-H program from the County Director to the 4-H Coordinator.

Discussion was held. (M)Aborn, to approve the reclassification as requested for the 4-H Coordinator, was held pending further discussion. Rick Benson noted that the request is for a new position and the salary for the position has not been addressed. Further discussion was held relative to the request; considering a merit/equity adjustment, and the workload.

Donna Wice provided additional input relative to the new training requirements from the University of California for the 4-H leaders.

Supervisor Aborn restated his motion, (S)Fritz, to request that the County Administrative Officer look at the job description for the 4-H Coordinator position to see if it needs to be modified to address the new duties being taken on, and to address the equity issue; and further direction was given for this matter to be brought back to the Board as soon as possible. Further discussion was held relative to the workload issue and Chair Turpin referred this issue to the Farm Advisor to address. Further discussion was held relative to the change in duties for the Farm Advisor/County Director with respect to the 4-H program; and Karen Robb provided input. Rick Benson responded to a question from the Board relative to the process for an equity adjustment. Sandi Laird noted that the market and internal salary structure would also be reviewed and advised that this is a meet and consult item. Ayes: Unanimous. Rick Benson commented on the reclassification process and commended Sandi Laird for her work with these requests.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)  
**BOARD ACTION:** Rick Benson reported on his attendance at the CalTrans program team meeting in Stockton and efforts to address the issues involved with the permanent fix and possible solutions to tweaking the temporary bridges. He advised that CalTrans will provide a report to the Board on April 22<sup>nd</sup> on the status of the project. There have been no changes in the slide and he recommended that the local emergency be continued. (M)Bibby, (S)Aborn, Res. 08-139 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.

### **CONSENT AGENDA**

- CA-1 Approve an Agreement with 35-A District Agricultural Association for Utilization of Fair Property to Provide Mosquito Fish to Owners of Ponds on May 3, 2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (Health Officer); Res. 08-132
- CA-2 Approve an Agreement with the 35-A District Agricultural Association for Public Health Emergency Exercise on May 21, 2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (Health Officer); Res. 08-133
- CA-3 Approve Budget Action Increasing Revenue and Appropriations and Transferring Funds within the Child Support Fund and Operating Budget for Training on the New Statewide System and to Accommodate Training Expenses for the Remainder of the Fiscal Year (\$4,300) (4/5ths Vote Required) (Child Support Director); Res. 08-134
- CA-4 Adopt a Resolution Dissolving the Treasury Oversight Committee Established in 1996 Pursuant to SB66 (Treasurer/County Clerk/Tax Collector); Res. 08-135
- CA-5 Approve and Adopt Changes to the Investment Policy and Guidelines for Mariposa County (Treasurer/County Clerk/Tax Collector); Res. 08-136
- CA-6 Approve a Professional Services Agreement with Best, Best and Krieger, LLP for Continuation of Counsel Services for a Personnel-related Matter in an Amount Not to Exceed \$25,000 (County Administrative Officer/Personnel/Risk Manager); Res. 08-137

(M)Pickard, (S)Fritz, the meeting was adjourned at 1:18 p.m. in memory of Beulah Bernice Westfall (Boo) Douglas, Etta Belle Baker, and Rodney "Red" James Sgambellone/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS,  
Clerk of the Board

LYLE TURPIN,  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

April 15, 2008



Time                      Description

**9:04 a.m.** Meeting called to order at the Mariposa County Government Center, with Supervisor Bibby excused due to the illness.

Pledge of Allegiance  
Introductions

Chair Turpin,  
Proclaim the Week of April 13 – 19, 2008 as “Week of the Young Child”

**BOARD ACTION:** (M)Fritz, (S)Aborn, the Proclamation was approved and presented to Angie Steele/Child Care Resource and Referral/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby. Supervisor Fritz commented on her recent visit to a child care facility. Chair Turpin noted that artwork from the children is being displayed in the Government Center. Angie Steele thanked everyone who is involved in child care.

**9:13 a.m.** Recess

**9:15 a.m.** Approval of Consent Agenda (See End of Summary of Proceedings)

**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:** The Clerk of the Board advised of corrections for the April 1<sup>st</sup> minutes in item 11. Jim Rydingsword, Human Services Director, responded to a question and advised that all of their committee vacancies have been posted pursuant to the Maddy Act. (M)Pickard, (S)Fritz, all items were approved/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda.

Ruth Sellers provided input on the Highway 140/120 - Yosemite road work and advised that the road will be open for Memorial Day; and she feels that much credit should be given to TIE because they have been diligent in their efforts with the Park Service and the media on the need for the repairs.

MaryAnn Huff advised that the Chamber’s after hours business mixer this month is scheduled for April 22<sup>nd</sup> at the Mining and Mineral Museum; their luncheon is scheduled for April 24<sup>th</sup> at the Miner’s Inn and the guest speaker will be Dana Tafoya/Public Health Emergency Preparedness Coordinator; and their Gold Rush Scramble Golf Tournament is scheduled for May 16<sup>th</sup> at the Lake Don Pedro Golf and Country Club with proceeds to benefit the North County firefighters and Coulterville Park improvements. She advised of concerns with being able to meet the training requirements for staffing at the Coulterville Pool and of their efforts to put together a scholarship to cover costs for someone from the North County to be trained to save the costs involved with the employees coming from the South County; and she asked whether this would be a possibility.

Ruth Catalan stated she feels the County needs to move forward with having a compliance officer for the Williamson Act contracts.

James Upperman read a letter from the Coulterville Community Club President Chris Morey relative to the code enforcement of violations against Scholkowsky and himself. He provided input on his business efforts and services that he provides and relative to the code enforcement issues. He questioned why complaints have not been filed against the other violations in the area.

David Silverman provided input on the Upperman-Scholkowsky violations and relative to non-compliance and enforcement issues with the Town Plan. He stated he feels that the County's guideline as to what constitutes a public nuisance is subjective and inconsistent; and he feels the County should work proactively with the defendant and negotiate a compromised settlement of the issues.

Thomas P. Guarino, County Counsel, advised that the Upperman-Scholkowsky matter has been litigated and a judgment put in place and the County is following through on the Court Order that was issued.

Jim Upperman provided input on the Court Order and the process.

Paul Chapman referred to the advertising and fee being charged for the Civil War Reenactment and expressed concern with violations of the Williamson Act contract.

MaryAnn Huff, speaking as a citizen, stated she is a member of the Coulterville Community Club and advised that the President does not represent the Club with the letter that was read. However, she personally agrees and would like to see the fence reinstalled.

#### Board Information

Supervisor Aborn provided input on the status of membership for the El Portal Town Planning Advisory Committee and the speed bump issues. He referred to the Mountain Riders Poker Ride held at Coyote Springs Ranch. He advised that YARTS is working on a ten-year agreement for use of the parking lot at the Midpines Park; and he advised of efforts to obtain property that is adjacent to the Park.

Supervisor Fritz advised that she attended the Town Hall meeting sponsored by Friday Night Live relative to underage drinking. She plans to attend the San Joaquin Valley Regional Association of California Counties conference in Modesto this week. She noted that the public hearing to consider the draft Yosemite West Special Plan is scheduled for Saturday, April 19<sup>th</sup>. She wished everyone Happy Tax Days.

Supervisor Turpin advised that he attended the Merced Irrigation District (MID) presentation on the FERC licensing of Lake McClure in Midpines. He attended the Senior Exposition at the Greeley Hill Club on Friday. He advised that the Coulterville Community Club meeting was on Monday; the Greeley Hill Community Club meeting is this evening; and the Don Pedro Equestrian and Pedestrian Trails meeting is scheduled for Wednesday.

Dana Hertfelder, Public Works Director;

A) Approve Budget Action Reducing Park Grant Fund Contingency (\$19,017) and Transferring Revenue and Appropriations from the Sports Complex Fund to the Park Grant Fund (\$18,000) to Allow for the Replacement of the Pool Deck at the Mariposa Park Pool; Authorize the Public Works Director to Award an Agreement for the Work to the Lowest Responsible Bidder and Authorize the Board of Supervisors Chair to Sign the Agreement (4/5ths Vote Required)

**BOARD ACTION:** Following discussion with Dana Hertfelder, (M)Aborn, (S)Fritz, Res. 08-146 was adopted approving the requests/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

B) Waive First Reading and Introduce Ordinance Creating Chapter 12.30 Entitled "Landscape and Sidewalk Requirements" of the Mariposa County Code

**BOARD ACTION:** Chair Turpin and Dana Hertfelder advised that a request for a continuance was received from the Attorney for Rite Aid. County Counsel provided input on the request and recommended that the matter be continued. (M)Aborn, (S)Fritz, to continue the matter as requested. The motion was amended, agreeable with the maker and second, to continued the matter to May 6<sup>th</sup>/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

**10:00 a.m.** The public hearing to consider Appeal No. 207-195/sign at Lake Don Pedro Community Services District was opened and continued until after the following for the appellant to be present.

**10:01 a.m.** Recess

**10:09 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 Administrative Officer)

**BOARD ACTION:** Rick Benson advised that CalTrans will provide a report on April 22<sup>nd</sup> on the status of the project; there have been no changes in the state of the slide and he recommended that the local emergency be continued. Supervisor Turpin commented on the impacts with the detours through North County for the larger vehicles and the possible delay in the opening of Tioga Pass due to the winter weather.

Input from the public was provided by the following:

Eleanor Keuning stated she is becoming impatient with the situation and feels it would be nice if the Governor was here to hear the latest report from CalTrans.

(M)Pickard, (S)Aborn, Res. 08-147 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, Fritz, Pickard; Excused: Bibby.

**10:14 a.m.** Recess

**10:16 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: Hazel Green Ranch, LLC v. United States Department of the Interior, et al., Case No. 1:07-CV-00414-OWW-SMS (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Initiation of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9 (County Counsel)

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

**10:54 a.m.** The Board reconvened in open session. Chair Turpin announced that information was received relative to the Hazel Green Ranch matter; and that the Board authorized the County Administrative Officer to initiate a small claims action against Lacie Baldwin with respect to an automobile accident for the anticipated litigation matter.

Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Appeal No. 207-195, an Appeal of the Planning Director's November 28, 2007 Notice of Violation Regarding a Sign Located at 9751 Merced Falls Road, APN 001-230-012; Appellant: Bob Kent, Lake Don Pedro Community Services District Continued from March 18, 2008

**BOARD ACTION:** Sarah Williams, Deputy Planning Director, presented the staff report; and she responded to questions from the Board relative to the code sections that were referenced as to what is exempt from the local ordinances and the Building Code.

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

Bob Kent, Lake Don Pedro Community Services District (CSD) – appellant, apologized for being late. He provided input on the appeal and referred to the Notice of Violation he received from Planning and Building Departments and the Attorney General's Opinion; and he advised that they felt that the entire parcel met the exemption versus just the facilities. He noted that the Don Pedro area falls under the jurisdiction of two counties and that they are working on having their own Community Plan, and he feels that will change the restrictions in the future. He advised that the Don Pedro Elementary School and the High School have signs that are larger. He asked that their sign be grandfathered until the Plan is adopted for the area. He responded to questions from the Board relative to the local agency issue, permit fees, and his request to continue the sign matter until the Plan is completed.

Staff responded to questions from the Board relative to Tuolumne County's sign regulations; and relative to the sign.

Speakers in support of the appellant: none.



Bob Kent provided additional input relative to their interpretation of the regulations applying to the parcel versus the facilities. He responded to questions from the Board relative to the size of the sign and the size of the message board portion of the sign and whether a portion could be shielded to comply.

Speakers in opposition:

Paul Chapman stated he feels the Tuolumne ordinance is a separate issue from Mariposa County; he feels that this is an advertising sign and the appropriate process should be followed; and he suggested that the sign could be taken down and stored until decisions are made on the Community Plan.

Witt Hawkins stated he supports the sign and he feels that it shows the location of the facility and provides information on the when the meetings are held.

Eleanor Keuning noted that if there is a higher speed limit on the road, that a larger sign would be needed for the information to be read. She finds brightly lit signs offensive in a rural areas and cited the Post Office sign in Ahwahnee as an example.

Ruth Catalan stated she feels the sign is lovely, but questioned whether it is legal and in compliance with the County ordinances.

Thomas P. Guarino, County Counsel, provided input on the procedures – on June 7, 2007 a determination by the Planning Director limited the size of the sign and that was not appealed; the sign is in violation of the County’s sign ordinance as the size exceeds what is allowed under the sign ordinance; he advised that the issue is whether or not the exemption under the Government Code applies to the sign; and he referenced the Attorney General’s Opinion.

The public portion of the hearing was closed and the Board commenced with deliberations. County Counsel advised that the option is for the appellant to remove the sign or to have the sign be brought into compliance within a limited set time, such as 60 days. Staff responded to questions from the Board relative to whether the General Plan addresses sign regulations; relative to being able to have different regulations in a Town Plan than what is in the General Plan; and relative to options for the Board. (M)Aborn, (S)Pickard, Res. 08-148 was adopted denying appeal No. 2007-195 and upholding the Planning Director’s Notice of Violation; upholding the Planning Director’s written determination dated June 7, 2007 regarding the maximum allowable sign size for the CSD and finding that a sign for the Lake Don Pedro CSD is subject to local Zoning Ordinances and that it is not one of the listed exemptions pursuant to the provisions of Government Code Section 53091(e); and establishing the existing zoning ordinance violation be abated by removal of the sign within sixty (60) days or the applicant is to bring the sign into compliance within the said sixty days. Staff responded to a question from the Board relative to the size of the message portion of the sign. County Counsel clarified that the findings were included in the action. Ayes: Aborn, Fritz, Pickard; Abstained: Turpin; Excused: Bibby. The hearing was closed.

## **CONSENT AGENDA**

- CA-1 Approve Light Brown Apple Moth (LBAM) Trapping Agreement No. 07-0841 for July 1, 2007 – June 30, 2008 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 08-140
- CA-2 Accept the Resignations of Miles Gleason, Paul Jacobs and Dave Nelson from the Alcohol and Drug Advisory Board (Human Services Director)
- CA-3 Reappoint Yolanda Cheley, Steve Delk and Jim Mason to the Alcohol and Drug Advisory Board for Terms Expiring April 15, 2011 (Human Services Director)
- CA-4 Accept the Resignation of Bonnie Berg from the Mental Health Board (Human Services Director)

- CA-5            Appoint Lisa Carisio to the Mental Health Board for a Term Expiring April 15, 2011 (Human Services Director)
  
- CA-6            Approve Budget Action Increasing Revenue and Appropriations in the Seventh Day Adventist (SDA) Camp Wawona EIR Fund (\$48,750) Because of Additional Litigation Costs and Increasing Revenue in the Planning Budget and General Contingency (\$9,300) to Account for Planning Staff Time on this Project (Planning Director); Res. 08-141
  
- CA-7            Approve Budget Action Transferring Funds within the Planning Budget to Pay Increased Motor Pool Vehicle Expenses (\$3,300) (Planning Director); Res. 08-142
  
- CA-8            Approve Agreement with California Department of Public Health for Immunization Assistance Program and Exhibit Attachments Encompassing Two Fiscal Years and Authorize the Board of Supervisors Chair to Sign the Agreement; Authorize the Health Officer to Sign the Contractor's Release Forms and Approve Budget Action in the Health Department Budget (\$580) (4/5ths Vote Required) (Health Officer); Res. 08-143
  
- CA-9            Approve First Amendment to Agreement with Mariposa County Unified School District Extending the Date to July 26, 2008 for Installation of Equipment to Reduce School Bus Diesel Exhaust Emission and Authorize the Board of Supervisors Chair to Sign the Amendment (Health Officer); Res. 08-144
  
- CA-10           Authorize Corrections of Typographical Errors on Resolution No. 07-566 Supporting the Altamont Alignment for the Bay Area to Central Valley High Speed Train and Supporting Re-circulation of the Draft EIR/EIS (Supervisor Aborn and County Counsel); Res. 08-145
  
- CA-11           Approve Summary of Proceedings of April 1, 2008, Regular Meeting; Approve Summary of Proceedings of April 2, 2008, Continued Meeting; Approve Summary of Proceedings of April 8, 2008, Regular Meeting (Clerk of the Board)

**11:54 a.m.** The meeting was recessed and continued to Saturday, April 19, 2008, at 10:00 a.m. for the Public Hearing to consider the draft Yosemite West Special Plan.

Respectfully submitted,

MARGIE WILLIAMS,  
Clerk of the Board

LYLE TURPIN,  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### SUMMARY OF PROCEEDINGS

April 19, 2008

(Meeting Continued from April 15, 2008)

**10:04 a.m.** Continued meeting from April 15, 2008, called to order at the Mariposa County Government Center.

Pledge of Allegiance

Kris Schenk, Planning Director;

**PUBLIC HEARING** to Consider the Draft Yosemite West Special Plan, as Recommended by the Planning Commission and Further Changes Recommended by Planning Staff to Make the Document Consistent with the General Plan. The Board will Review the Draft Special Plan, Consider Public Comments and Remand the Plan for Final Adoption

**BOARD ACTION:** Chair Turpin advised of the hearing process – staff will give its report; Harry Hagan/former Chair of the Yosemite West Advisory Committee will provide comments on the history of the Committee’s review of the issues; input will be accepted from those who support the Plan; and input will be accepted from those who have concerns with the Plan. He hopes to be able to conclude the hearing around 1:00 p.m.

Kris Schenk provided input on the draft Plan. Skip Strathearn, Senior Planner, presented the staff report and reviewed the details of the draft Plan. Staff responded to questions from the Board relative to the amortization period for the closure of legal, non-conforming vacation rental check-in or management businesses and the prohibition of any new businesses of this nature and possible options for the future location of those facilities and monitoring for compliance; existing zoning of the County-owned property in Yosemite West; relative to the 3,600-square foot dwelling size; the average lot size; proposal to allow the rental of three versus five rooms at any one time; whether a conditional use permit could be obtained for the transient rental operations; relative to the secondary dwelling unit that is allowed by law; enforcement of the parking standards and whether there is a time limit for temporary parking; and as to whether the area has always been residential. Skip Strathearn advised of a letter that was received recently that raised a question about being able to park a tractor rig on residential property; and he suggested that this issue may need to be addressed as it wasn’t considered previously. Staff responded to a question from the Board relative to planning for the five-year phase out of the vacation rental check-in and management facilities.

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

Harry Hagan provided input on the wide range of alternatives considered by the Advisory Committee over the last eight years relative to the vacation rentals. He responded to a question from the Board as to how the number four was reached as the threshold for the vacation rental check-in or management facilities.

Persons speaking in support of the draft Plan:

Sylvia Owens stated she feels we got to this point because there were not enough inspections; and she supports the Plan. She asked whether inspections and the annual administrative review of the rental facilities would be planned or unscheduled.

Jerry and Rea Jackman advised that they plan to build on their lot in two weeks; and they would like the area to remain as intended – rural residential.

Pete Ulyatt, property owner since 1980, stated he has owned rentals and now is just a residential property owner; and he is a member of the Maintenance District, Advisory Committee, and the Homeowners' Association. He feels this is an important Plan and urged its approval. He feels there have been lots of opportunities and compromises and there is a need to balance the scale of residential and vacation rental use. He referred to the issue of overcrowding and the small lots and he suggested that there should be a limit of eight persons, or some number close to that, to each vacation rental for the existing and future rentals. He presented a photograph of four vehicles parked in the snow at a vacation rental to show the overcrowding that he feels occurs. He referred to the Resort Commercial zoning issue proposed by the Planning Commission for the 59-acres and advised that the Committee never discussed this or received input on the development of this parcel; and he feels this issue should be remanded back to the Advisory Committee to go through the process. He agrees that part of the parcel should be carved out for the transient rental check-in/management facility use. He urged approval of the Plan and stated it is important to them.

Robert Walcott stated he was a ranger in Yosemite in the 1960's and he provided input on the history of the development of the area; and of his understanding that he could have three bedrooms and that he could rent them out, but he never did. He referred to his letter and urged adoption of the Plan because he feels that development is out of control and has caused problems. He referred to letters he has received from the County relative to water and fire issues.

Harry Hagan, speaking as an individual, presented photographs showing traffic congestion at a rental check-in facility; and he advised that he has a rental himself. He addressed the amortization issue and advised that he is not sure that a check-in facility is needed as he feels there are options with using lock boxes at the rentals. He advised that no one is being shut down, they are just trying to scale down and spread out the impacts. He stated he feels that Pete Ulyatt is correct relative to the rezoning issue as this matter was never discussed by the Advisory Committee. He noted that the Committee recommended a 3,000-square foot dwelling size limit, and toward the end of the Planning Commission's hearing, someone with a larger lot and plans for a larger dwelling asked that it be changed. He noted that this person has a permit and he urged the Board to change the size limit back to 3,000-square feet. He stated he does not know how a central check-in facility would work. He stated he feels the Plan needs to be adopted and that the problems cannot be allowed to continue.

Louise Bond presented photographs of a log home that is under construction. She advised that she and her husband have owned their house in Yosemite West for twenty years and she was an original member of the Planning Advisory Committee. She noted that originally the rentals did not impact them and they are not against them; but they want them to be limited. She is concerned that the trend is that property is being purchased for rental units versus residential use. She wants to preserve the residential nature of the area; and they would like options to be able to rent their property out in the future. She commented on the increase in the rental units in her area; and she feels the Plan needs to be adopted as soon as possible to cut down on the impacts. She feels that at the end of the five-year time frame, that if someone cannot find another place for their rental check-in or management facility, that the County should review the use to determine whether they are really a home enterprise.

Robert Woolard, homeowner for twenty-one years, stated he has been involved with the Planning Advisory Committee. He began as a total opponent to the rentals; but he feels the Plan is a compromise and urged the Board to support the Plan.

**11:33 a.m.** Recess

**11:44 a.m.** Ken Wall stated he began his acquaintance with Yosemite West in 1969; he is a resident and he has built sixteen homes in the area. He noted that everyone would like to have their own way with what is allowed or not allowed. He has been on several committees and there is still disagreement over what is going to happen in Yosemite West. He feels there needs to be a Plan and it must be a compromise and be fair with a clear line for development. He commented on the terrain in the area and

problems with being able to park on some of the lots. He feels that no one is enforcing the parking. He encouraged the Board to support the Plan or a facsimile of it.

Ken Owens stated he feels that Ken Wall built the most quality homes in the area and they are modest in size and they fit into the environment. He referred to the review process and the single family residence he built in 1979. He has not been happy with the huge “hotel-type” structures that are being built. He feels that the Plan is a good compromise and it should not be compromised any more.

Kelly Rich stated he has read and endorses the Plan as a homeowner in Yosemite West. He stated he lives next door to the 5,800-square foot house that is being built and he was surprised that this was approved. He expressed concern with problems with congestion, noise, and late night parties with the vacation rentals. He feels there should be a cap of 3,000-square feet, and someone could apply for a variance. He feels the issue of rezoning the adjacent property to Resort Commercial should be reviewed at the Advisory Committee level with input before being included.

Elizabeth Ringrose stated she purchased her property in 1969 with the understanding that the area was residential only. With the build-out and increase in transient rentals, they have seen an increase in traffic and parking impacts and water use. She advised that they were a part of filing the lawsuit against the developers for the water system. She advised that the Plan doesn't make people happy, but recommended its adoption.

Theresa Ho advised that she just built a house in Yosemite West and she is an employee with Delaware North and is concerned with the sense of the community. She knows that no one is totally happy with the Plan, but recommended that it be adopted. She feels that the parts of the Plan that are controversial will continue to be issues.

Debbie Hagan stated she feels that this Plan has been a long-time coming. She is not really pleased with everything in the Plan, but she can live with it. She is concerned with the impacts of the large operations given the narrow roads and there is only one access road to the community. She does not feel that the large units are home enterprise. She feels it is easy for the people to make changes in the five years being allowed and that only two people are being affected. She objects to the change the Planning Commission made in changing the 3,000-square foot dwelling size to 3,600-square feet. She feels three-bedrooms are a reasonable number for a rental in this community. She is disappointed with the reference to the Resort Commercial zoning as this was not discussed by the public.

Anita Starchman Bryant, Starchman & Bryant Law Offices, referred to the goal to conclude the hearing around 1:00 p.m.; and she noted that people speaking in support of the Plan have taken over an hour and she requested that those with concerns be given equal time. Chair Turpin agreed with the request.

Persons providing input with concerns on the draft Plan:

David Deto stated he has lived and worked in the County for most of thirty years. He has concerns with the draft Plan and noted that four of the people that spoke in support of the Plan are Advisory Committee members. He does not feel that the findings are findings. He stated that only two of the Committee members are Yosemite West residents and questioned people being able to make rules for the area when they will not be impacted by them. He referred to the forty people who are employed in Yosemite West, but they are not invited here because they are not property owners. Part of his income comes from his rental operation. He does not feel that they are rural, but that they are a subdivision. He referred to the survey that was done several years ago. He questioned why Unit 2 was not considered as a possible solution to the rental check-in and management facilities as they are at the entrance to the subdivision and that would not impact the homeowners. He feels there are ambiguous statements in the Plan; and asked if he leaves to take care of his father for six months, could someone else help with his rental operation. He referred to his observations of the rental check-in facility; and he

noted that the viability of the rentals has allowed the community to get phone service and better snow plowing service. He referred to the impacts of a full-time resident versus the vacation rentals. He referred to the property that is adjacent to the community and advised that it has been known that it is for commercial use and that has been shown on the maps. He feels we need a Plan, but we need to have public workshops so people can hear the other points of view and the impacts. Chair Turpin noted that there would be a complete review of the Plan later in the process.

Jeff Hornacek, landowner, homeowner, and rental owner, stated he lives in Yosemite West and has served on the Advisory Committee. He advised that the Committee was split on most of the issues in the Plan – it was a divided process and it is a divided community. He takes exception to the 59-acres and commented on his efforts in this process. He feels the needs of the community should be considered. He noted that the sign to Yosemite West has a universal sign for rentals. He commented on the building height and the log home that is under construction. He feels the proposed check-in zoning is difficult to enforce and is micro-management. He feels that the impacts of home enterprise should be limited and enforced. He referred to the issue of duplexes and stated he feels that they have a high impact and he would like to see a limit on the number of vehicles that are allowed. He feels the dwelling size limit should be based on a percentage of the size of the parcel. He agrees with the need for a Plan, but feels it needs to be clear and easy to understand. He feels the issue of fire safety is critical and should be addressed, including discussion of maintaining fuel reduction for the vacant land and the fire road gates. He feels the Plan should be looking at forward thinking issues of things like wood burning fire places given safety and air pollution issues; long-term parking on vacant lots; noise control; water run-off; parking requirements and driveway design; snow removal; and easement use. He feels the Plan will have a significant financial impact if it is passed as proposed and that should be evaluated. He agrees that a workshop should be held.

Debra Kroon stated she has been in Yosemite West since 1970 and has been involved in the community and with their family business. They have lived with the home enterprise concept. They have a family operation and manage twenty rental units; and she feels that having a check-in facility in the residences area allows for better management. She does not feel that the four or five unit limit is justified. She feels the central check-in concept does not meet the home enterprise use. She advised that she will provide more information in writing.

Ken LeBlanc, Yosemite Scenic Wonders and member of the Advisory Committee, noted that they are not making very much from the vacation rentals given all of their expenses. He does not feel that serving four vacation rentals is economically viable. He manages 46 properties, and he feels the economy is shifting. He feels that so much will be lost for Yosemite West and for the County if the draft Plan is approved.

Robert Kroon stated he has been very involved in attending meetings for ten years and he questioned where this is coming from. He doesn't believe that good records were kept of the committee meetings, so he kept his own documentation. He noted that there are restrictions for parking in the snow removal areas and with the building permits, and he does not feel that we need more laws. He advised that they have never had complaints about their operations. He referred to the information he provided to the Board and to the maps showing the full-time residents and the rental related residents. He feels that we are a tourist County and that they are in a tourist area. He questioned the recommendation for street lights. He feels that the rental people are the community and that the committee overlooked this. He sees the Plan as a complete phase-out of rentals in Yosemite West. He questioned the rural residential and resort residential terms being used. He noted that they do not have a volunteer fire department or emergency services, and that it is the rental community that responds.

Anita Starchman Bryant advised that she represents a number of individuals in Yosemite West. She does not feel that the Plan is a compromise, but that it is biased and one-sided. She referred to the exclusion of language that this is a resort community and to the language relative to phasing out rentals. She stated she feels that the demographics have changed and asked for a fresh look at this document.

She feels the amortization scheduled is unreasonable and is unlawful. She noted that fifteen years was given for businesses to be in conformance with the sign ordinance and only five years is being given for the vacation rental check-in and management facilities and they have no place to go in the community. She does not feel that a conditional use permit could be obtained that would meet the guiding points. She noted that the Plan also applies to management services even if they do not have the impacts of central check-in. She feels that people will go out of business as the Plan is written. She provided input on the inconsistencies that she sees with the Plan and the General Plan – lot size; fair share of relocation; protection of tourism opportunities and resources; the history of recognizing and grandfathering legal non-conforming uses; expanding the visitor service economy; encouraging home enterprise; and she feels the financial impacts of the Plan should be considered. She feels the Plan is confusing and it should be simple, clear and easy to understand. She requested that the Board allow an opportunity for further discussion and consideration through a series of public workshops to get a Plan that is respectful of the community; and she recognized everyone's efforts in this process.

Justin Kroon provided input on his experience in the planning process; and he advised that he feels the renters are the community. He would like to see the Plan go to a new committee that represents the people that live in Yosemite West full-time. He referred to a fire incident and advised that it was the rental community that responded.

**1:17 p.m.** Recess

**1:28 p.m.** Chair Turpin advised that at the close of the public comment period, the Board will discuss how it is going to continue the process.

Robert Kroon referred to their experiences under former Planning Director Eric Toll and his statements that they could create plans and policies that are so narrow that people will not be able to do things.

Carol Misener, Cozy Bear Cottages, advised that they have a 1600-square foot duplex with 800-square feet on each side and they have had great experiences with their renters. The visitors are coming to enjoy the Park. She advised that when they were permitted, they were not told that in sixteen years that they would need to give up one side of the duplex; and there is no way economically that they could do that. She expressed concern with unscheduled inspections and noted that their guest privacy is very important. She does not have a problem with scheduled inspections. She referred to efforts to discuss the adjacent property; and she feels that the votes on the committee were anti-rental. She wanted fire protection issues to be addressed in the Plan.

Jeff Hornacek read a letter from Barbara Summers, vacation rental operator, stating she feels the following should be addressed in the Plan: fire safety, wood burning fireplaces, trash, speed limits, noise controls, and clarification of how the Plan applies to duplexes.

Neal Misener, Cozy Bear Cottages, noted that people who come to Yosemite West come to spend their money in the County. He stated he feels that the rentals help to keep the water and sewer rates from being raised out of sight. They would like to see this Plan go back to a committee that represents the community.

Todd Carantos stated his family has been in Yosemite West since 1975 and it is a special place to them. They do not want to see it overrun and they want to be able to develop their lots tastefully. They like the way Wawona is set up and he noted that they have services there. He referred to his experience in the area in 1990 with the large fires and with the fire threat to Yosemite West, he feels they should have fire protection services available. He feels the impact of the Plan would provide less for services in the future; and he would agree to pay for things with an increase in the bed tax. He agrees with size restrictions; but he feels the financial impacts of this Plan need to be considered.

Richard Long, property owner in Yosemite West since 1980, referred to his previous development experiences. He agreed that rentals impact Yosemite West and that they should be regulated, but they should not be told to get out. He feels that Yosemite West is dependent on the adjacent acreage for future services. He feels that the County has been “no growth” and that we are the second poorest County and should be the wealthiest. He referred to water issues and provided input on the sewer system. He questioned having the same people on all of the committees. He referred to his experience with the Government issuing a criminal complaint. He stated he feels that we need to develop.

Dan Yates noted that their renters are first class people from all over the world. He advised that when the Plan is implemented in five years, he can rent his property to someone on a full-time basis and that will create more congestion and impact than the current vacation rental as it is only occupied about thirty percent of the time; and he will make more money, but the County will not get any revenue.

The public portion of the hearing was closed. Chair Turpin advised that all of the comments and written input are a part of the record. He suggested that the next step would be for the information to be compiled for review by the public and the Board and to come back for a Saturday workshop to go through the Plan thoroughly.

Staff responded to a question from the Board as to whether walk-ins were accepted for the rentals or if rental was by previous arrangement. Staff and the Board agreed that more issues can be brought forward during the workshop.

Robert Kroon responded to a question from the Board relative to providing information on the location of the check-in facilities.

Supervisor Bibby asked that staff provide the Board with a copy of the CC&Rs (Covenants, Conditions and Restrictions) for the subdivision so that the Board would have information on what was in place and what the landowners were expecting. She asked that staff provide information on noise issues, parking complaints and lighting, and emergency vehicle access issues that they have received; and information relative to check-in hours. She asked that the citizens provide input to staff on these questions. She asked whether there are certain areas of management operations that have generated more problems than others. She asked for more information on why the building height restriction was raised from 35-feet to 45-feet. She asked if staff could highlight the variances and provide information on the requests that are being received. She asked that staff provide information on whether the new restrictions by CalFire could be met; and whether a conditional use permit could be obtained. Staff responded to her question relative to the three-bedroom rental unit limit in Yosemite West; however, the General Plan allows for five. Staff responded to her question and advised that they would not do unscheduled inspections, and noted the travel distance to Yosemite West; and advised that they would solicit comments from CalFire on the Plan. Supervisor Bibby asked for clarification of the temporary parking requirements for commercial vehicles and why the first preference isn't that they be parked off of the roadway. She asked staff to briefly review whether the 59-acres adjacent to Yosemite West could be developed for the check-in and management facilities. Staff responded to a question and advised that the Plan could not be amended more than four times a year.

Pete Uylatt responded to a question from the Board and advised that Public Works has information on how many homes exceed the 3,000-square foot size in the sewer study that was done.

Supervisor Bibby asked the public to provide recommended solutions for areas of the Plan that they are not happy with. Supervisor Turpin asked for feedback from the residents on the traffic congestion and how that could be addressed; and for addressing the fire protection issues and the defensible area. Supervisor Bibby asked for information on the total population, including rentals, at the peak summer and winter season.

**2:24 p.m.** Recess



**2:29 p.m.** Discussion was held relative to scheduling a workshop. Chair Turpin asked that staff bring back an item to schedule the workshop within 90 days, and to try for 60 days, and to strive to schedule the workshop on a Saturday, with time to be allowed at the beginning of the workshop for new information to be provided.

David Deto suggested that the workshop be scheduled in the Fall versus their busy summer season.

Supervisor Bibby stated that if she has asked question(s) for which the information is not easily accessible to let her know and she will pursue obtaining the information. It was clarified that the Planning Commission's resolution addressed adjacent property, but a specific spot was not identified, and that the reference meant a portion of the 59-acres – something within the Yosemite West area but outside of Units 1 and 2.

Chair Turpin suggested that the community get together and designate a couple of spokespersons for the issues for the workshop.

**2:34 p.m.** Adjournment.

Respectfully submitted,

MARGIE WILLIAMS,  
Clerk of the Board

LYLE TURPIN,  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

April 22, 2008



Time                      Description

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

Pledge of Allegiance  
Introductions

Jim Wilson, Fire Chief, advised of a fire that destroyed the El Portal Market on Monday; and he commended the Park Service and County Fire for their response. Supervisor Aborn advised that a community meeting is scheduled for Wednesday at 5:00 p.m. to discuss the matter and options to restore service. Supervisor Bibby commented on the importance of Highway 140 for emergency access.

Chair Turpin,  
Proclaim May 1<sup>st</sup>, 2008 as “Paint the Town Purple Day” in Recognition of the National Relay for Life Community Awareness Event Kickoff

**BOARD ACTION:** (M)Bibby, (S)Aborn, the Proclamation was approved and presented to Dennis Baker, Team Development Chair/Ayes: Unanimous.

Supervisor Fritz;  
Proclaim the Month of April, 2008 as “Sexual Assault Awareness Month” and April 23, 2008 as “Denim Day”

**BOARD ACTION:** (M)Fritz, (S)Pickard, the Proclamation was approved and presented to the following representing Mt. Crisis Services: Denise Conway/Assistant Director, LuEllen Luker/Counselor, Ginger Lindstedt/Legal Advocate, and Carol Mitcham/Administrative Assistant – Ayes: Unanimous.

Approval of Consent Agenda (See End of Summary of Proceedings)

**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:** Supervisor Bibby pulled item 2 and asked for a separate motion on item 5. Supervisor Turpin pulled item 12 for discussion later in the meeting with the Public Works Director.

Item 2 – Carl Casey/Public Works Administrator provided input relative to the budget request. (M)Bibby, (S)Aborn, item 2 was approved/Ayes: Unanimous.

(M)Pickard, (S)Aborn, the balance of the items was approved/Ayes: Unanimous. Action on items 5 and 12 was taken later in the meeting.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda.

David Taylor, Don Pedro resident and member of the Pedestrian and Equestrian Trails Advisory Committee, presented information on his efforts to relocate a crossing that is on a blind curve in front of his house.

Ruth Catalan asked about the status of filling the position for the Williamson Act compliance officer.

Karen Robb, Farm Advisor, advised of her contacts with speakers as a follow-up from the Agritourism and Nature Tourism workshop – it may be the fall before their schedules allow for them to come to Mariposa for a workshop. She also advised that the Department received a grant for signage at the Master Gardeners Native Garden along Mariposa Creek, for workshops, and to help with the Master Gardener Coordinator. Supervisor Turpin asked about information that was sent out about handling livestock during the draught. Supervisor Bibby asked about the grass sampling status and asked that a report on the programs that are available be presented to the Board.

Brian Muller, Sheriff, acknowledged and thanked the agencies that provided assistance to the Sheriff's Department during the search for an eleven-year old autistic child in the Coulterville area: County Fire, CalFire, Mercy Ambulance, CHP (air and ground), Fresno and Stanislaus County Sheriff's Departments, Yosemite National Park, OES, and the residents in the area.

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

**BOARD ACTION:** Eric Reynolds, Senior Vice President for Fiduciary Trust gave the report. Discussion was held.

Input from the public was provided by the following:

Paul Chapman commented on the portfolio.

Keith Williams provided input on the investments.

Dr. Mosher, Health Officer;

Authorize the Health Officer to Advise California Department of Public Health (CDPH) that Mariposa County Intends to Continue to Contract for Professional Services, for Fiscal Year 2008-2009 Only

**BOARD ACTION:** Dr. Mosher provided a status report on the increase in administrative costs for contracting with the State for these services. (M)Pickard, (S)Bibby, Res. 08-158 was adopted approving the requested action/Ayes: Unanimous.

**10:15 a.m.** Recess

**10:25 a.m.** Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

Progress Report from CalTrans Official Regarding the Work at the Site of the Ferguson Rockslide

**BOARD ACTION:** Kome Ajise, CalTrans District 10 Director, advised that Julie Dunning/Deputy District Director Administration, and Christine Cox/working on environmental compliance activity, were present; and he thanked the Federal agencies for working with them on this project. He briefly reviewed the history of the slide and the installation of the two temporary bridges and provided input on the status of the permanent restoration project. He provided input on efforts to work on an interim solution that will allow for full-length vehicle access – installing two new temporary bridges and accommodating the rafting companies. Discussion was held.

Input from the public was provided by the following:

Jimmy Gado, Operations Manager for Zephyr Rafting, stated he was speaking for the seven outfitters operating on the Merced River, and they are mindful of the impact the lack of tour buses has on the County. They appreciate CalTrans and the Board and consideration of their operations. They also want to see a permanent solution.

George Whitmore, Fresno Tehipite Chapter of the Sierra Club, thanked CalTrans for responding to the public concerns; and he stated he is happy with what he is hearing this morning. He asked about the status of emergency vehicles being able to override the one-way traffic signals. Chair Turpin referred to the Fire Chief's information earlier this date on the El Portal Market fire that there is a system in place for the emergency vehicles.

Kenneth Gosting, Executive Director of Transportation Involves Everyone (TIE), saluted CalTrans for their work and Supervisor Fritz for working with the environmental organizations. He provided assurance that TIE, in contrast to the Gazette editorial, has no interest in establishing a park at

the slide – they are asking for an overview/look which is common. He asked about the signage for bicycles and pedestrian traffic and stated it is only located at one end of the temporary bridges.

Laurel Anderson, El Portal, questioned the timing of the project to bring in two new temporary bridges and with taking out the existing bridges at the end of the end of the rafting season. She feels the four bridges would be unsightly.

Kome Ajise responded to the input that was provided and advised that bicycles and pedestrian traffic is allowed across the existing bridges and will be allowed across the new temporary bridges. He advised that they are moving aggressively to open the road to full-length vehicles so that people can plan for next summer that the road is open. The plan is to leave the existing temporary bridges until rafting season is over to minimize any impacts. They are trying to accommodate all needs, including the economy, and are planning to minimize any road closures. They will overlay the existing road on the other side of the River between the temporary bridges to accommodate the heavier vehicles. Supervisor Aborn commented on the impact the traffic restriction for the buses has had on Merced's tourism; and commented on "all weather" signage for the Highway. Kome Ajise agreed that there has been a wide impact. Rick Benson asked that CalTrans keep the County informed of the status of the projects; and he commented on the work that the Board has done, including former Supervisor Stetson, and on the cooperation and assistance from our elected officials, and on Supervisors Fritz and Pickard's idea for having the meeting with CalTrans and representatives of the elected officials. Kome Ajise commented on the artwork prepared by the students on the rockslide that is being displayed in the Government Center.

**11:26 a.m.** Recess

**11:34 a.m.** Chair Turpin advised that the Local Transportation Commission will convene at 1:30 p.m.

#### Board Information

Supervisor Bibby advised that she attended the California Rangeland Alliance Trust meeting in LeGrand. She urged everyone to participate and/or donate to the Relay for Life event. She noted that this is a bad year for water unless we get more rain; and that the stock ponds may not have water available for fire fighting efforts. And she noted the need for people to make sure that their livestock has water.

Supervisor Aborn thanked everyone who responded to the El Portal Market fire; and urged the Park Service to put in a temporary structure. He advised that he received an email over the weekend that there were mining claim notices posted in the Merced River Canyon.

Supervisor Fritz advised that she attended the San Joaquin Valley Regional Association of California Counties conference in Modesto, and she advised of discussion held relative to the high-intensity gang activity. They toured the Gallo Entertainment Center for Performing Arts and they toured UC Merced. She advised that the Chamber's after hours' event is at the Mining and Mineral Museum this evening. She advised of the following events scheduled for this weekend: Weekend in the Country ag tour; Civil War Reenactment and activities; and FFA Boosters dinner. She advised that the Senior Expo is scheduled for May 2<sup>nd</sup>; and the Butterfly Festival and Parade is scheduled for the weekend of May 2-3. She has a District IV meeting scheduled for May 4<sup>th</sup> at 6:00 p.m. at the Government Center.

Supervisor Pickard advised that he plans to attend a meeting in Sacramento on Wednesday with Secretary of Agriculture Kawamura to discuss the process of moving forward with an Invasive Species Council. He plans to attend the CMSP (County Medical Services Program) Board meeting on Thursday. He plans to help with the Earth Day activities at the Compost Facility on Saturday.

Supervisor Turpin advised that he attended the Don Pedro Equestrian/Pedestrian Trails Advisory Committee meeting on Wednesday; and the Yosemite West Special Plan public hearing on Saturday. On Monday he met with BLM (Bureau of Land Management) on the off road vehicle (OHV) trail issues. He thanked the local Fire Station personnel that helped with the search for the autistic youth in Coulterville. He noted the need for citizens to be watchful of any suspicious activity with the value of metal increasing. He advised that the annual meeting of the North County History Center is scheduled for this Saturday. He expressed concern with the low water in the stock ponds.

Consent Agenda item 5 – (M)Fritz, (S)Pickard, item 5 was approved/Ayes: Aborn, Turpin, Fritz, Pickard; Abstained: Bibby as she was excused from the April 15<sup>th</sup> meeting.

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

**BOARD ACTION:** Rick Benson recommended continuing the local emergency. (M)Fritz, (S)Aborn, Res. 08-159 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.

Approve the Response and Comments of the Board of Supervisors to the 2007-2008 Mariposa County Grand Jury Final Report No. 1 and Authorize the County Administrative Officer to Sign the Cover Letter (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** Rick Benson reviewed the draft response to the Report and cover letter; and he commended Mary Hodson for her assistance with preparing the response. Discussion was held. Supervisor Bibby asked for a language change in the cover letter to include the possibility of equipment failure in regard to the tapes; and she asked that language be added to the Master Gardener section that any Brown Act violations can be reported to the District Attorney's Office. She also initiated discussion relative to the findings for the mixed waste processing/composting project relative to travel and expenses and asked that it be clarified that the response is based on information provided by the Auditor to the County Administrative Officer. The Board concurred with the suggested language changes.

Input from the public was provided by the following:

Paul Chapman provided input on the draft response relative to the discrepancy in the tapes and he provided a copy of the minutes from the June 10, 2003 Board meeting; and he advised that the member of the public questioning and airing concerns regarding the compost project was Ruth Sellers and that she was concerned with Fred Solomon's qualifications.

Ruth Sellers stated she is the one that submitted the information to the Grand Jury relative to the compost facility issues – she feels that she submitted a good letter to the Board and County Counsel asking legitimate questions about the compost facility and she received no response until a year later, and the next week she feels that Fred Solomon humiliated her in front of a room full of people and she does not feel that the public should be treated that way at a Board meeting. She feels that Fred called her a "liar" and referred to her as "that woman" and that was not on the tape from the June 10, 2003, meeting and she questioned that.

Witt Hawkins (member of the Grand Jury) stated he is not at liberty to respond to the draft response; but they will provide an answer in writing in their Final Report. He asked who does the County Counsel represent, and whether he represents the County? Chair Turpin responded that County Counsel works for the Board and represents the legal oversight of the Board. Supervisor Pickard referred to a letter dated February 2, 2008, attached to the draft response that was prepared by County Counsel that addresses these questions. Discussion was held, and Rick Benson provided input on the preparation of the response being done in accordance with the Brown Act.

Supervisor Bibby extended an apology to Ruth Sellers personally and to the public in general relative to the compost issues and as a whole and she noted that there are times when people get upset when providing input to the Board. Chair Turpin noted that this Board cannot change what happened, but is responsible for conducting business today in a formal, polite manner.

Witt Hawkins continued with questions concerning County Counsel's duties. Further discussion was held. Thomas P. Guarino, County Counsel, advised that the first letter he wrote is included in the response package and that he wrote a second letter in response to a subsequent letter that he received from the Grand Jury in which he set forth the statutory responsibilities as advisor to the Grand Jury. He advised that he is willing to answer questions on those issues at one of the Grand Jury meetings.

Ruth Sellers thanked Supervisor Bibby for her apology; and she noted that the other Supervisors that were present on June 10, 2003, did not speak up on her behalf. She advised that she

has records for what she says; and she feels that she should be appreciated for her efforts. She feels that it was so determined that the compost project happen, and she feels that she was discredited because she was interested.

County Counsel responded to a question from the Board as to what is available to the Grand Jury for assistance with investigations. Supervisor Bibby suggested that if information is received about the tape discrepancy issue, that perhaps a review could be made between the tapes. Rick Benson advised that he is willing to meet with the Grand Jury and the Clerk of the Board relative to the tape issue. Supervisor Bibby assured the public that all complaints are reviewed.

(M)Pickard, (S)Bibby, Res. 08-160 was adopted approving the response and comments with the changes as discussed to the 2007-08 Grand Jury Final Report #1, along with the cover letter. Supervisor Aborn invited the Grand Jury to respond to the response. Ayes: Unanimous.

### **12:52 p.m. Lunch**

### **1:43 p.m. LOCAL TRANSPORTATION COMMISSION**

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

A) Public Presentation – none.

B) Authorize Mariposa County to Participate in the 2007-2008 Optional Federal Apportionment Exchange and State Match Program for Regional Surface Transportation Program (RSTP) Funds and Authorize the Executive Director to Sign the Agreement

**COMMISSION ACTION:** Following discussion with Dana Hertfelder, (M)Pickard, (S)Fritz, LTC Res. 08-7 was adopted approving the recommended action/Ayes: Unanimous.

C) Authorize Participation in the Optional Regional Surface Transportation Program (RSTP) Federal Exchange and State Match Program for Fiscal Year 2007-2008 and Authorize the Executive Director to Sign the Agreement with CalTrans (Dana Hertfelder, Public Works Director)

**COMMISSION ACTION:** Following discussion with Dana Hertfelder, (M)Aborn, (S)Bibby, LTC Res. 08-8 was adopted approving the recommended action/Ayes: Unanimous.

### **1:50 p.m.** The Board of Supervisors reconvened.

Consent Agenda item 12 – Discussion was held with Dana Hertfelder, and Supervisor Bibby questioned whether CH2Mhill’s original contract involved the Old Toll Road bridge and whether it could include this project in the future. Dana Hertfelder advised that the original agreement could have included the Old Toll Road bridge project. Supervisor Bibby excused herself from the meeting at 1:53 p.m. as she has a remaining interest in a piece of property in the general area of the Old Toll Road bridge. Discussion was held with Dana Hertfelder relative to the requested actions. (M)Pickard, (S)Aborn, item 12 was approved/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

### **2:05 p.m.** Kris Schenk, Planning Director;

**LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (See Separate Summary of Proceedings)**

### **3:36 p.m.** Kris Schenk, Planning Director;

**PUBLIC HEARING** to Consider Conditional Use Permit No. 2007-13 and Williamson Act Compatibility Determination, a Proposed Church on Property in the Agriculture Exclusive Zone. Because the Parcel is also in a Williamson Act (LCA) Contract, the Applicant Proposes the County Find the Church is a “Compatible Use” in this Contract. The Project Site is Located off of Highway 140, Just East of Spring Hill High School; APN 012-180-032. Applicant: Mariposa Revival Center Inc. /Henry Falany. Property Owner: Frank and Francis Long (**Continued from April 8, 2008**)

**BOARD ACTION:** Sarah Williams, Deputy Planning Director, presented the staff report and she advised that there are two separate review issues associated with this project: 1) Conditional Use Permit (CUP); and 2) Williamson Act Compatible Use Determination. She responded to a question

from the Board relative to the process that was pursued in 1995-96 and the Williamson Act Contract boundary adjustment and advised that this option is not available today unless there are two legal parcels and a lot line adjustment can be done. She advised that there are two APNs (Assessor Parcel Numbers), but they are not two legal parcels. Sarah Williams continued with the staff report and advised of the Agricultural Advisory Committee and the Planning Commission's review and recommendations on this project to find that a church is not a compatible use on Williamson Act contracted land and denying the CUP.

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

Applicants' presentation:

Dave Breemer, Attorney and agent for the applicants, asked for rebuttal time at the end of the public portion. He presented information stating they feel that this church is a compatible use with this contract (Williamson Act) on this land, and he advised that there is no other place on the parcel to locate the church as the rest of the parcel is covered by a Conservation Easement. He referred to their efforts in 1996 and changes in the law. He provided information on the basis for compatibility determination and stated he does not feel that this would set precedence for other Williamson Act parcels; and he presented proposed findings. He advised that they agree with following the Williamson Act and he referred to the rules and the three findings that must be made. He advised of a proposal to place twenty-five acres in the Williamson Act contract in exchange for use of the eight acres for the church. He referred to the Department of Conservation and enforcement issues. He concluded by saying that he said a prayer that the Board would do the right thing, not that they would win. He responded to questions from the Board relative to the proposal to exchange property.

Anita Starchman Bryant, Starchman & Bryant Attorneys at Law, agent for the applicants, advised that she is reserving her comments for the end at rebuttal.

Opponents' presentation:

Cathie Pierce, cow/calf operator in Catheys Valley and immediate past President of the Farm Bureau, asked that if her history or credentials are brought up, that she have an opportunity to provide rebuttal. She provided input on her family's history with the Williamson Act contract and its importance to the industry. She questioned whether the eight acres would be a different tax base if this is allowed. She questioned the production viability of the twenty-five acres and commented on information she received from Mark Long relative to the usability of this land. She referred to the discussion during the General Plan of allowing a church/organizational camp in the Agriculture/Working Landscape land use classification and excepting land that is under Williamson Act contract; and she referred to the letter the Farm Bureau sent to the Planning Commission addressing these issues. She questioned how a church is related to the production of food and fiber. She advised of an event she attended at the Bright Ranch and discussion on the need to protect agricultural land. She noted that contract participation and removal is voluntary. She referred to the California Constitution and AB 1492 relative to the production of food and fiber; and the Government Code sections relative to this matter. She referred to a public hearing held in December, 2005, on a Williamson Act contract modification for Visser; and advised that the applicant had to agree to not to sell any parcel separately in order to obtain approval to build her home on the property. She feels that we need to be consistent and not penalize people who are in agriculture. She referred to the number of people the church says it feeds each month and noted that is a lot of cars and questioned the encroachment from the Highway.

John Weech, California Farm Bureau in Sacramento, advised that they are not here to argue against the church, but to speak in support of agriculture. He referred to the requested activities and hours of operation for the church and advised that the Farm Bureau would be opposed to any use with those impacts. He referred to another County agreeing to churches being a compatible use and stated he does not feel that means it is right and their ordinance may have been adopted prior to the mid-1990's; and that Mr. Breemer did not mention that any of the churches were built on Williamson Act contracted land. He referred to the three compatible use findings that were discussed and reviewed the rest of Chapter 51238.1. He stated he agrees with Planning staff's recommendation and analysis.

Paul Chapman referred to the Conservation Easement and the letter from the Department of Conservation relative to cancellation of the contract for the portion of the property requested to be used for the church. He noted that the twenty-five acres proposed to be exchanged does not meet the 100-

acre minimum. He feels the Department of Conservation will cancel contracts for non-compliance and he cited examples in Madera.

Linda Meyer, rancher, stated she feels very strongly about this matter and feels the agriculture industry is very important. She does not feel that we can debate or vote for an individual. She advised that she was unable to bring her past business of show training horses when she relocated because the use was not compatible with the Williamson Act contract. So she has changed her type of training.

Mirabai Breemer asked to speak in support of the church as she needs to leave. She stated she understands the frustration that farmers and ranchers feel and she feels some of the suffering is because of the bio-fuel. She feels a little country church on the hilltop would be beautiful. She noted that the use only has to be compatible and not agriculture related. She does not feel that the Williamson Act was made to prevent a small thing like this, but the large developments.

Kyle Naston, Attorney for Department of Conservation, stated he is here because he was asked to come. He referred to the letters from the Department of Conservation and advised that this is a decision for the Board as a local decision, but they support the recommendation in this instance. He advised that you cannot amend a Williamson Act contract; you can rescind and re-do a contract. He advised that they do have enforcement under the Williamson Act and they do enforcement. He noted that the Williamson Act is constantly under attack in the legislature because of abuses, including churches in the county that Attorney Breemer mentioned. He noted that subvention revenue could be lost. He referred to the Government Code relative to compatible use determinations. He advised that the contract does not allow for land swaps and never has. There was an ability to amend boundaries with lot line adjustments with findings, and he does not feel that those findings could be made here. He advised that the options are to cancel the contract or to non-renew the contract. He responded to questions from the Board relative to clarification of being able to amend a contract if a historic parcel exists; and as to how many counties have churches on Williamson Act contracted land, and he advised that there are a couple of counties that allow them and they are a problem because they bring people to the land and displace agriculture and it is not a compatible use.

**4:58 p.m.** Recess

**5:12 p.m.** Chair Turpin advised that input would continue to be accepted in opposition and asked that the speakers limit their input to two minutes and for new information.

Cathi Boze, Agricultural Commissioner, referred to her letter that she sent to the Planning Commission on October 29, 2007; and she stressed that the Williamson Act is one of the most unique protections for agriculture. She referred to the Agricultural Advisory Committee's recommendation that the church is not a compatible use and to deny the CUP; and she referred to the letter from Dennis O'Bryant/Department of Conservation relative to the Williamson Act and compatibility. She stated this is not about the value of the church or about Frank Long or what has been done in other counties - she feels that agriculture needs to be preserved.

Dennis Bunning referred to Mr. Breemer's finding that the church is substantially similar in nature to other non-agricultural compatible uses allowed by County Ordinance (Resolution) 77-157; and he compared the compatible uses described in Exhibit "A" to said resolution. He noted that there is no allowance for any buildings that are not directly related to agriculture production. He commended Cathi Boze on her letter and the Planning staff on their report. He advised that he cannot find anywhere where it allows for a percentage of land to be taken out of Williamson Act, and he feels this could set precedence. He noted that the Williamson Act contract was on the land before the Conservation Easement, so he feels the Conservation Easement should be modified if something is going to be modified. He also noted that the recommendation from the Agricultural Advisory Committee and from the Planning Commission was by unanimous vote.

Persons speaking in support of the applicants:

Attorney Breemer rebutted the input provided by the Department of Conservation relative to the enforcement issue; and he clarified that his request relative to re-doing the contract versus amendment/modification. He does not feel that the crux can be whether there is a building or not because there are a lot of activities that would not have a building and would not be considered to be



compatible, such as monster trucks. He addressed the population issue and stated he does not feel that this church would significantly displace agriculture.

Kurt Frank, member of the Mariposa Clergy and volunteer chaplain for John C. Fremont Health Care District, commented on the needs of the farming community and asked that the focus be widened. He cited references in the Bible where he feels it shows that agriculture and church uses are compatible. He noted that churches are involved in the production of souls and the relationship shared with the love of God. He noted that approval of the church would only result in the loss of feeding ground for one and one-half cow.

Bernadette Dixon stated she supports the church being built on the mountain top and she referred to the 300 plus mouths the church feeds and noted that the one and one-half cow could not do that. She feels that common sense should be used. She noted that they are not asking to take the land out of Williamson Act, and they feel the church is a compatible use and can co-exist with the agricultural use. She noted that mining and the explosives that are used and tear up the land is a compatible use; however, she does not feel that someone would graze their cows with the mining use. And, she noted that the mining use brings in people and equipment. She stated it is unfortunate that people only want God brought up in dealing with disasters.

Trudy Huff asked that the Board consider letting them build their church on the mountain top. She noted that they do more than feed the hungry, they pray for everyone and are concerned for the County. They want this to be a Godly community.

Henry Falany, applicant, stated that God told him to build a church on the mountain and that is what he is trying to do. He noted that he is a "Shepherd shepherding sheep." He feels that Mariposa is a very special place; and he referred to his request to the Board seventeen years earlier to do a live Christmas Nativity scene on the Courthouse and of the success of the event. He presented information on his efforts to try to obey God and to bless the people with building this church. He stated he is pro-agriculture and Williamson Act; but he feels that we need to put God first. He noted that he is involved in taking food and fiber from other areas and getting it to the needy in this community.

Attorney Bryant stated she is an agent for this project and her father has been an agent and he represented this project when it was a significantly larger church; and they have started over under a new set of rules that were unilaterally changed. She noted that they are here without being compensated. She referred to the Redington Ranch and efforts to build a home and the process. She advised that a lot line adjustment is not an option as this is the only parcel. The Conservation Easement encompasses all of the land, with the exception of the eight-acre site for the church. So this eight-acre site is their only option. She referred to the issue of setting precedence and noted that any future requests for another type of assembly would still need to meet the findings. She noted that the proposal is to add twenty plus acres and there would be no net loss of agricultural land. She referred to the General Plan hearings and agrees that the terms of the Williamson Act contract should be enforced; and that it was agreed that this type of use could be done with a CUP. She referred to the mitigations and the original project. She stated she feels that the law allows the Board to make the decision that this is a compatible use.

Kurt Frank clarified that he was speaking on his behalf and not on behalf of Hospice or the Mariposa Ministerial Association.

Frank Long, applicant and property owner, stated he feels the twenty-five acres is a fine piece of land; and he invited everyone to the Civil War Reenactment event scheduled for this weekend. He advised that he a rancher and he has made lots of contributions, and he referred to an article that he sent from the Western Cowman about how to make a living on a ranch. He feels that there could be a precedence and cited an example of a request for a stables to be on Williamson Act land where the property owner has six hundred and forty acres and runs 35 head of cows and he is driving school bus and he has arthritis; and he wants to quit driving bus and comes to the Board and advises that it will not damage the agriculture use with the cows or the ranching operation to put in stables. He feels that if they are turned down on their request, it would be setting a precedence that nothing can be done under Williamson Act even though it is in Agricultural Exclusive Zoning. He does not see what would be wrong with adding a stable for six horses and he feels it might be good and something that is needed for people to stable their horses and to help someone make a living. He advised that they sold their development rights for the Conservation Easement. Without that, they could have subdivided and had

seventeen houses with their associated impacts – the Easement protects the property from future development. He referred to the work of the Planning Department and advised that the map of his property in the package is incorrect. He referred to the Agricultural Advisory Committee meeting and reference to the Resource Conservation District’s (RCD) actions and stated he feels that people are saying things with no basis of fact – there was no action in the RCD minutes opposing this and yet it is still included in the staff report as a finding. He responded to a member of the RCD’s comments about him giving property to the School District, and he advised that the property was appraised and he sold it to the District. He referred to the professional input provided on their behalf, including from a previous Farm Advisor; however he doesn’t feel that anything from professionals has been presented on this for the Planning Department. He noted that the new President of the Farm Bureau is a real estate appraiser and an order buyer and not just a rancher, and he feels that is fine. He referred to input provided by Lyle Wilson saying that there would be no significant impact on the ranching operation; and he referred to the other letters of support. He stated he would hate to see the Board set a precedence where if someone wanted to put in a stable on Williamson Act land and they come through the proper process, or want to have a bed and breakfast so that the wife could quit a nursing job in Merced, or some other example like that, that the Board would not allow that. He noted that he brought the Williamson Act to the County and he does not feel that a “straight jacket” should be put on it. He advised that there are benefits with the Act and he does not feel that a precedence should be set that people opt out of the contract. He referred to the North County and the historic parcels and stated he feels the Williamson Act has been basically destroyed. He feels the Williamson Act was supposed to be a pair of gloves and he feels some people have turned it into a set of handcuffs. He does not feel that his proposal was addressed by the Planning Commission, but that they talked around it. He urged the Board to make the right decision.

The public portion of the hearing was closed.

**6:18 p.m.** Recess

**6:32 p.m.** Chair Turpin called for any clarification by the Board of staff. Staff responded to questions from the Board as to whether there has ever been an amendment of a Williamson Act contract or whether the compatible uses list has been altered; and advised that there was a compatible use finding for the Lake Don Pedro Waste Water Treatment Plant project and later a two and one-half acre portion of the eighty-acres of the contract was cancelled. Staff responded to questions from the Board relative to the map that Frank Long said was inaccurate; and relative to establishing a process for determining compatible uses. From the audience, Frank Long commented on the inaccuracy of the map; and he advised that there is property under the Williamson Act contract that is not shown on the map. Supervisor Pickard referred to the staff report and initiated discussion relative to talking about a process to consider compatible uses as allowed by the Government Code. Supervisor Fritz referred to private airstrips and mining being compatible uses, and stated she feels those uses are more disruptive than a church. Supervisor Aborn noted that the airstrips are used for crop dusting and as a method of transportation; and he noted that the Williamson Act is under scrutiny and the subvention needs to be considered, as well as the Act itself, especially with the State’s budget shortfall. Supervisor Turpin provided input as to whether there is any legal avenue of how this project could be approved, and noted that this is a difficult situation. Supervisor Bibby asked about RLUIPA applying to Agriculture Exclusive ground, and staff responded that it is not applicable to Williamson Act contract lands because the contract is voluntary. The Board commenced with deliberations. Staff responded to questions from the Board as to whether temporary structures would be permitted for recreational uses. Thomas P. Guarino, County Counsel, responded to a question from the Board relative to findings for cancellation of a contract and read the applicable statutes and required findings. Staff responded to questions from the Board as to whether the church use would be allowed if there are no structures; and whether it would take a CUP for people to congregate weekly on the site. Supervisor Pickard stated he feels that discussion should be held relative to establishing a policy for compatible use determinations.

(M)Pickard, (S)Bibby, Res. 08-162 was adopted denying the request for a Williamson Act Compatible Use Determination to allow a church on Williamson Act contracted land, denying CUP No. 2007-13, and adopting findings as recommended by the Planning Commission for Mariposa Revival

Center, Inc./Falany - applicant; property owners: Frank and Francis Long/Ayes: Aborn, Turpin, Bibby, Pickard; Noes: Fritz. The hearing was closed.

**7:20 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: Hazel Green Ranch, LLC v. United States Department of the Interior, et al., Case No. 1:07-CV-00414-OWW-SMS (County Counsel); and

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

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

**7:54 p.m.** Chair Turpin announced as a result of closed session that direction was given to staff on the Hazel Green Ranch matter. County Counsel announced that the Board authorized initiation of litigation against Ronald and Theresa Loya/Rancheria Creek Road for a code violation by unanimous vote.

### **CONSENT AGENDA**

- CA-1 Approve the Memorandum of Understanding with John C. Fremont Healthcare District for Services to Draw Blood on Suspected DUI and Drug Cases, for the Period of February 14, 2008 through February 13, 2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (District Attorney); Res. 08-150
- CA-2 Approve Budget Action Transferring Funds within the Public Works Roads Budget and Reducing Road Contingency to Cover Unanticipated Expense (\$15,000) (4/5ths Vote Required) (Public Works Director); Res. 08-149
- CA-3 Approve Budget Action Transferring Funds within the Airport Budget to Allow for Replacement of the Hose Reels for the Aviation Fueling System (\$3,000) (Public Works Director); Res. 08-151
- CA-4 Proclaim May, 2008 as “Senior Awareness Month” in recognition of this Year’s Theme, “Working Together for Strong, Healthy and Supportive Communities”; Proclamation to be Presented at the Senior Expo on Friday, May 2<sup>nd</sup> at 12:00 p.m. at the Fairgrounds (Community Services Director)
- CA-5 Approval of Summary of Proceedings of April 15, 2008, Regular Meeting (Clerk of the Board)
- CA-6 Approve Amendment No. 1 to the Memorandum of Understanding (MOU) with C-IV Consortia, to Allow the C-IV Consortia to Bill for Ineligible State Expenses being Shared with the Group of 39 Counties (Human Services Director); Res. 08-152
- CA-7 Approve a Lease Agreement with William A. Freeman for the Property Located at 6012 Fairgrounds Drive to be Used by the Mariposa County Animal Control and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 08-153
- CA-8 Approve Agreement with R. W. Rosebrock to Euthanize Stray/Unwanted Domestic Pets and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 08-154

- CA-9 Approve Budget Action Transferring Funds within the County Fire Department Budget to Cover Unanticipated Increase in Fuel Costs and Professional Service Agreements (\$10,200) (Fire Chief); Res. 08-155
- CA-10 Approve Certification for Funding Under Health and safety Code 123945 for the State-mandated Children’s Medical Services (CMS) Program (Health Officer); Res. 08-156
- CA-11 Approve a Rental Agreement with 35-A District Agricultural Association for the Annual Senior Exposition and Health Fair on May 2, 2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (Community Services Director); Res. 08-157
- CA-12 Approve Budget Action Increasing Revenue, Accepting Unanticipated Federal Funds for the Darrah Road Bridge Widening Project # 93-17 (\$167,000) and Decreasing General Contingency (\$41,750) to Meet the Required Match for the Bridge Project, and Authorize the Board of Supervisors Chair to Sign an Amendment with Mike Skenfield and CH2Mhill Extending the Date of Completion to June 30, 2009 for this Project and Authorize the Public Works Director to Sign Program Supplement Agreement No. 014-RI to Administering Agency-State Agreement No. 10-5940 with CalTrans (4/5ths Vote Required) (Public Works Director); Res. 08-161

**7:56 p.m.** Adjournment in memory of Thomas Charles Adams, Lillian Lou Miller, Robert “Bob” C. Spiers, Jesse “Jess” James McNally, Clinton “Snuffy” Butler, Jacqueline J. Metcalf, and Patricia “Patty” Sullivan.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

LYLE TURPIN,  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

May 6, 2008



Time                      Description

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

Students from Mariposa Elementary School led in the Pledge of Allegiance.

Introductions

Chair Turpin;

A) Proclaim May 6<sup>th</sup>, 2008 as “World Asthma Day” and May, 2008 as “World Asthma Month”

**BOARD ACTION:** (M)Pickard, (S)Aborn, the Proclamation was approved and presented to Kathy Adamcik, representing the Merced-Mariposa County Asthma Coalition/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

B) Proclaim the Month of May, 2008 as National Military Appreciation Month

**BOARD ACTION:** (M)Fritz, (S)Aborn, the Proclamation was approved and presented to Connie Waldron representing the Merced River Chapter of the Daughters of the American Revolution and the Mariposa VFW/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby. Connie Waldron commented on the importance of remembering our veterans and those in the service.

C) Proclaim the Week of May 12<sup>th</sup> -18<sup>th</sup>, 2008 as “Mariposa County Relay for Life Week”

**BOARD ACTION:** (M)Fritz, (S)Pickard, the Proclamation was approved and presented to Dennis Baker/Team Development Chair/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Approval of Consent Agenda (See End of Summary of Proceedings)

**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 9 and the previous request and expressed concern with purchasing light-duty air conditioners.

Supervisor Aborn pulled item 6. Supervisor Turpin pulled item 8. (M)Pickard, (S)Fritz, the balance of the items was approved/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Item 6 – Supervisor Aborn initiated discussion relative to including a bus connection for UC Merced. (M)Aborn to give direction to staff to bring this matter back for discussion with YARTS on including a connection for UC Merced, was seconded by Fritz, with including approval of the agreement. Thomas P. Guarino, County Counsel, advised that the request is for renewal of the annual agreement and that it could be continued to May 13<sup>th</sup> for discussion with Dick Whittington/MCAG. The second to the motion was withdrawn, and the motion was withdrawn. The matter was continued to May 13<sup>th</sup>.

Item 8 – Tina Buirch/Agricultural Commissioner Department, responded to questions relative to the unanticipated revenue. (M)Aborn, (S)Fritz, item 8 was approved/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

**9:32 a.m.** Carrie Guarino, Teacher;

Mariposa Elementary School Sixth Grade Students' Presentation on the Ferguson Rockslide

**BOARD ACTION:** Carrie Guarino provided input on the class work the students did on the Ferguson Rockslide. The following students gave presentations:

Bill Aborn gave a demonstration of the slide and a speech.

Jessica Guarino (7<sup>th</sup> grade) and Victoria Thorpe gave a power point presentation.

K.C. Nabors and Cole Higton gave a power point presentation.

Babul Das, Faith McCoy, and Brittany Snell gave a power point presentation.

Chair Turpin thanked the students for the presentations and gave them each a Courthouse pin; and he advised that work is being done now to improve the access – the installation of two new temporary bridges that will allow for full-length vehicle access.

**9:50 a.m.** Recess

**9:58 a.m.** Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Kenneth Gosting, TIE (Transportation Involves Everyone), expressed concern with the lack of coordination with YARTS for the bus stop changes when parades occur; and advised of their efforts to correct a news story that ran relative to infrastructure problems in National Parks and included the ventilation system for the Wawona Tunnel which was fixed a year and one-half ago. Supervisor Turpin commented on a Modesto Bee story he saw; and Supervisor Pickard thanked TIE and Ken for their efforts.

Ruth Catalan asked about the status of filing the Williamson Act Compliance Officer position. Chair Turpin responded that there is a qualified individual who may be on board soon.

Dick Hutchinson suggested that the Board consider implementing an employee recognition program.

#### Board Information

Supervisor Fritz advised that the Civil War Reenactment and Butterfly Days and the related events were very successful. She expressed appreciation to Dell Knell and the downtown merchants for the Butterfly Days events. She noted that Pow Wow is scheduled for this weekend. CalTrans has scheduled an Essential Access Celebration on Friday for the new temporary bridges at the Ferguson Rockslide that will allow full-length vehicle access.

Supervisor Pickard advised that he attended the California Bio-Diversity Council meeting and he reported on field trips they took to three ranches that are being preserved and on the issues that were discussed. He advised that there was a dedication of the McCready Ranch into a Conservation Easement on Saturday.

Supervisor Aborn advised of his discussion with CHP Lt. Price and noted that July 3<sup>rd</sup> is the target date for opening of the new temporary bridges at the Ferguson Rockslide, and he noted that a ceremony is scheduled for Friday for this project. He advised of preliminary discussions with the Vice-Chancellor of UC Merced relative to opportunities to bring high-tech businesses to the County.

Supervisor Turpin advised that he attended the High Speed Internet meeting in Sonora, and he requested to be on the Executive and the Facilities Committee. He attended the VFW Loyalty Day presentation in Coulterville. He attended the North Mariposa County Ambulance Association meeting on Monday. He noted that the CalTrans new temporary bridge celebration is scheduled for Friday.

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

Review, Discuss and Adopt a Policy Regarding Encroachments on the Don Pedro Equestrian/Pedestrian Trails and Appropriate Necessary Funding to Implement Policy

**BOARD ACTION:** Discussion was held with Tom Guarino and Dana Hertfelder.

Input from the public was provided by the following:

Paul Chapman referred to the history of the trails and stated they were originally used to drive cattle.

David Taylor referred to information he provided to the Board on April 22<sup>nd</sup> relative to his concerns about the location of an equestrian/pedestrian easement in front of his property and of his follow-up with Public Works staff. He stated he feels that all aspects of riders and the horses and capabilities need to be considered.

Further discussion was held. (M)Pickard, (S)Aborn, Res. 08-176 was adopted approving the policy as recommended/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

**10:55 a.m.** Recess

**11:07 a.m.** Dana Hertfelder, Public Works Director;  
Waive First Reading and Introduce Ordinance Creating Chapter 12.30 Entitled  
“Landscape and Sidewalk Requirements” of the Mariposa County Code

**BOARD ACTION:** County Counsel advised of a request received from counsel for Rite-Aid requesting on behalf of Halferty Development Company to continue this matter to June 10 to allow time for further discussion with CalTrans. Discussion was held with Dana Hertfelder relative to the status of the Rite-Aid project and the request. The matter was continued to June 10<sup>th</sup> at the applicant’s request.

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

**BOARD ACTION:** Rick Benson recommended that the local emergency be continued; and he advised of the Essential Access Celebration that CalTrans scheduled for this Friday for the new temporary bridge project and that the work started last week on this project. He advised that he will be participating with CalTrans with their weekly meetings.

Input from the public was provided by the following:

Dick Hutchinson stated it has taken two years for this new interim project; however, this is not solving the problem and he feels it is another bandage. He feels the traffic lights and pull-outs need to be addressed for emergency access; and he feels that we need to keep the pressure on for a permanent fix.

Rick Benson advised that CalTrans has scheduled a public workshop on the permanent fix for May 21<sup>st</sup> at the Government Center and May 22<sup>nd</sup> in El Portal, from 4 to 7 p.m. (M)Aborn, (S)Fritz, Res. 08-177 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, Fritz, Pickard; Excused: Bibby.

Adopt a Resolution Accepting the Administrative Law Judge’s Proposed Decision to Deny Former Fire Chief Blaine Shultz’s Industrial Disability Retirement Application (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** Rick Benson provided input and advised of a request received from Blaine Shultz for a new hearing; and he recommended that the Board accept the Administrative Law Judge’s proposed decision. (M)Pickard, (S)Aborn, Res. 08-178 was adopted as recommended/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Approve the Final Set of 2007-2008 Reclassification Requests as Recommended, to be Effective January 1, 2008 (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** Rick Benson presented the staff report. (M)Aborn, (S)Fritz, Res. 08-179 was adopted denying reclassification request for Accounting Technician I position in HSD/Social Services and Information Systems Specialist in Technical Services; and approving modified reclassification request for Account Clerk II position to Account Clerk III in HSD/Behavioral Health/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Adopt a Resolution Modifying the Operational Time Limits of Conditional Use Permit (CUP) No. 206 for Outback Materials for the Construction of Replacement Temporary Bridges to Make El Portal and Yosemite Valley More Fully Accessible to Essential Traffic from Highway 140 and the Communities of Midpines and Mariposa (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** Rick Benson presented request.

Input from the public was provided by the following:

Ruth Sellers thanked Rick Benson for sending her a letter advising of this matter; and she advised that she has no problem with this emergency request. She noted that there is a plant in town and asked how the bid process works for this matter. Chair Turpin responded relative to the CalTrans and contractor's process.

(M)Fritz, (S)Aborn, Res. 08-180 was adopted approving the recommended action/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

**11:37 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: Hazel Green Ranch, LLC v. United States Department of the Interior, et al., Case No. 1:07-CV-00414-OWW-SMS (County Counsel);

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Name of Case to be Discussed: County of Mariposa v. Bartlett Petroleum (County Counsel); and

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

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

**12:12 p.m.** Chair Turpin announced the following as a result of the closed session matters: information was received from staff on the Hazel Green Ranch matter; direction was given to staff on the Bartlett Petroleum matter; and action was taken to authorize staff to initiate litigation against Mr. and Mrs. Dean Potter on a code violation by the following vote: Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

## **CONSENT AGENDA**

- CA-1 Reappoint Janet Bibby as Representative of the Board of Supervisors to the First 5 Commission for a Term Expiring May 6, 2011 (Human Services Director)
- CA-2 Approve the Termination of Tisa Ruport's Appointment to the Alcohol and Drug Advisory Board (Human Services Director)
- CA-3 Approve a Lease Agreement with Richard Roesch Located at 5026 Broadway, Coulterville, for Behavioral Health and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-163
- CA-4 Approve the Amended Alcohol and Drug Board By-laws (Human Services Director); Res. 08-164
- CA-5 Approve Budget Action Transferring Funds within the Child Support Department Budget to Cover Anticipated Office Supplies for the Remainder of the Fiscal Year (\$3,900) (Child Support Director); Res. 08-165



- CA-6 Approve an Agreement with Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority (JPA) to Continue Providing Round Trip Transit Services from Mariposa County to Merced Junior College (County Counsel); Matter was continued to May 13, 2008
- CA-7 Approval of Summary of Proceedings of April 19, 2008, Continued Meeting, Approval of Summary of Proceedings of April 22, 2008, Regular Meeting (Clerk of the Board)
- CA-8 Approve Budget Action Accepting Unanticipated Revenues of (\$3,675) Due to Unanticipated Increase in Pesticide Mill Assessment Subvention for Fiscal Year 2007-2008 (4/5ths Vote Required) (Agricultural Commissioner); Res. 08-175
- CA-9 Authorize the Technical Services Director to Purchase a New Data Center Air Conditioner in the Amount of \$3,644, Including Permit Fee, and Waive the Three Bid Requirement for Purchases in Excess of \$3,000 (Technical Services Director); Res. 08-166
- CA-10 Approve Budget Action Transferring Funds within the Sheriff's Department Budget to Cover Unanticipated Extra-help Expenses (\$8,000) (Sheriff); Res. 08-167
- CA-11 Approve Budget Action Transferring Funds within the Jail Budget to Cover a Change in Account Billing (\$5,000) (Sheriff); Res. 08-168
- CA-12 Approve Budget Action Transferring Funds within the Jail to Cover an Error in Overtime Compensation (\$4,000) (Sheriff); Res. 08-169
- CA-13 Approve a Lease Agreement with Ralph Swenson for the Greeley Hill Sheriff Station One, Located at 10549 Fiske Road, and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 08-170
- CA-14 Authorize the Public Works Director to Close Broadway Street in Coulterville from Cemetery Road to Park Lane on October 18, 2008 from 10:00 a.m. to 5:00 p.m. to Hold a Soap Box Derby (Public Works Director); Res. 08-171
- CA-15 Approve an Agreement with Area 12 Agency on Aging for In-kind Legal Services in the Amount of (\$26,873) for Fiscal Year 2008-2009, Ratifying Administrative Match Agreement for Fiscal Year 2007-2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (Supervisor Pickard); Res. 08-172
- CA-16 Approve Budget Action Transferring Funds within the Library Budget to Allow for Payment of Rental for the Red Cloud Branch Library until New Library Building is Complete (Librarian); Res. 08-173
- CA-17 Approve Budget Action Transferring Funding within the Grand Jury Budget to Accommodate Unexpected Expenditures in Office Supplies (\$700) (County Administrative Officer/Personnel/Risk Manager); Res. 08-174

**12:13 p.m.** Adjournment in memory of James Lee Putman, Edith Ellen Cox, Agnes Gunther, Janie (Pryor) Severns, Mae A. Sell, and Katherine “Kitty” Negrin.

Respectfully submitted,

MARGIE WILLIAMS,  
Clerk of the Board

LYLE TURPIN,  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

May 13, 2008



Time \_\_\_\_\_ Description

**9:04 a.m.** Meeting Called to Order at the Mariposa County Government Center with Supervisors Bibby and Fritz excused.

Pledge of Allegiance  
Introductions

Dr. Mosher, Health Officer, provided a report on the school bus accident that occurred on Highway 120 near Highway 140 in Yosemite, and he explained the multi-casualty incident process and commended the agencies that responded. Jim Wilson, Fire Chief, provided a report on the accident scene. Nanette Wardle, John C. Fremont Healthcare District, provided input on their preparation to accept the injured.

Chair Turpin;

A) Proclaim May 15<sup>th</sup>, 2008 as “Support the People First Chapter of Madera-Mariposa Day” (Heartland Opportunity Center); and

B) Proclaim the Month of May, 2008 as “Community Action Month” (Human Services Department)

**BOARD ACTION:** (M)Aborn, (S)Pickard, the proclamations were approved/Ayes: Aborn, Turpin, Pickard; Excused: Bibby, Fritz. The Proclamation for “Support the People First Chapter of Madera-Mariposa Day” was presented to Marina Fisher, Program Director for Mariposa, and Joe Montelongo, President of the Mariposa Chapter, of Heartland Opportunity Center. The Proclamation for “Community Action Month” was presented to Jim Rydingsword, Human Services Director; Janet Gass, HSD/Contract Administrator; Hope Morton, HSD/Account Clerk III; and Marilyn Avery, HSD/Eligibility Worker II. Janet Gass introduced Debbie Smith/HSD-Deputy Director of Housing and Community Action, and advised that Marta Lagares, HSD/Housing Specialist II was unable to be present.

Approval of Consent Agenda (See End of Summary of Proceedings)

**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 Turpin continued item 1 to May 27<sup>th</sup> as it requires a 4/5ths vote.

Input from the public was provided by the following:

Paul Chapman referred to item 2 and questioned why the County is paying for the insurance for this event. He referred to items 1 and 6 and questioned the growth of the Human Services Department.

Eleanor Keuning referred to item 2 and noted that the Kiwanis provide insurance for the Darrah School. She provided input on item 3 and the updating of equipment; and she referred to item 6 and asked whether residents were informed of the relocation of the Wellness Center.

Jim Rydingsword responded to the question relative to the relocation of the Wellness Center and advised that they spoke with the neighbors and they were supportive.

Supervisor Turpin referred to item 7 and expressed appreciation for Don Pucilowski being willing to continue to serve on the Assessment Appeals Board. (M)Pickard, (S)Aborn, items 2 though 7 were approved/Ayes: Aborn, Turpin, Pickard; Excused: Bibby, Fritz.

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

**BOARD ACTION:** Rick Benson reported on the ceremony that was held on Friday commemorating the beginning of work by CalTrans to install two new temporary bridges that will allow for full-length vehicle access; and he recommended that the local emergency be continued. Chair Turpin commented on the ceremony.

Input from the public was provided by the following:

Kevin Cann commented on the project and the partnership; and he provided additional information on the change in bus statistics for the Park with the Ferguson Rockslide.

Kenneth Gosting advised that the U. S. Forest Service geologists are training the river rafting guides about the slide so that they can share the information with the rafters – he feels that this educational opportunity and its possible expansion to the Park Service is like making lemonade out of lemons, and he presented a can of lemonade and a lemon to demonstrate his point. He presented a copy of the news memo that TIE (Transportation Involves Everyone) sent out. He referred to the school bus accident and advised that CalTrans held a meeting on Thursday with several agencies to work out protocols for emergencies; however, Mariposa County was not invited; and he suggested that the County Administrative Officer work with CalTrans to have Mariposa and Merced Counties included in the future. And he stated he feels that there should be a follow-up investigation to the bus accident regarding the potential of what could happen and that there needs to be an emergency access trigger for the lights. He also noted that the gates are not automatic if the slide begins to move. He referred to the bridge ceremony and stated he feels that the rest of the community should have been involved; and he advised of efforts to work with the merchants in town to support the rafters as the rafters supported the bridge project.

Eleanor Keuning asked about the May meetings with CalTrans.

Rick Benson advised that CalTrans has scheduled public workshops on the permanent fix for May 21<sup>st</sup> at the Government Center and May 22<sup>nd</sup> in El Portal, from 4 to 7 p.m. (M)Aborn, (S)Pickard, Res. 08-186 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, Pickard; Excused: Bibby, Fritz.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Eleanor Keuning commented on the need for road maintenance on Leonard Road; and she advised that Kiwanis is involved in a pediatric trauma prevention program that can be used in emergency situations.

Ruth Catalan stated she heard that a consultant will be hired versus a Compliance Officer for Williamson Act and she questioned whether the consultant would have enforcement powers. She commented on the recent Landfill Task Force meeting and the report that the landfill will be full in five years; and she feels that the County needs to be planning for this; and she commented on a letter exploring the option of Total Waste hauling trash from the Park Service to Merced County. Chair Turpin noted that he is expecting a positive report from Planning on the Williamson Act staffing.

Brian Muller, Sheriff, advised of action taken by a Senate Budget Subcommittee to eliminate funding for law enforcement and grants and the potential impacts that could have on the County.

Ken Gosting asked that YARTS be added to the list for CalTrans for responders.

Jim Rydingsword, Human Services Director;

A) Review and Approve Logo for Human Services Departmental Use; Director to Present a Certificate of Appreciation and Gift Certificate to Susie Gordo in Recognition of her Winning Logo Design

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Aborn, Res. 08-187 was adopted approving the logo/Ayes: Aborn, Turpin, Pickard; Excused: Bibby, Fritz. Jim Rydingsword presented a gift certificate to Susie Gordo.

**10:12 a.m.** Recess

**10:14 a.m.** B) Approve a Reorganization of the Human Services Department Effective May 1, 2008; Establish a New Operating Budget for Fiscal Year 2008/2009 for the New Division and Approve the Transfer of Allocated Full Time Employees to the New Division Effective July 1, 2008; Approve Budget Actions Transferring Funds and Increasing Revenue within Human Services Department Budget to Accommodate the Reorganization (4/5ths Vote Required)

**BOARD ACTION:** Chair Turpin continued this matter to May 27<sup>th</sup> as the budget portion of the request requires a 4/5<sup>ths</sup> vote.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;  
Approve an Amendment to the Deputy Director of Community Action Agency and Housing Authority Job Description, Re-title to Deputy Director Employment and Community Services, and Align the Salary with that of the Deputy Director of Social Services (\$4,975 -\$6,047/Month)

**BOARD ACTION:** Rick Benson advised that this item is a follow-up to the reorganization request; and the matter was continued to May 27<sup>th</sup>.

Kris Schenk, Planning Director;

Approve the Issuance of a “Letter of Public Convenience and Necessity” to the Department of Alcohol Beverage Control to Increase the Number of Off Sale Alcohol Licenses from Eleven (11), to Twelve (12) in Mariposa County, Census Tract 001, for Rite Aid Corporation at 4994 Joe Howard Street

**BOARD ACTION:** Following discussion with Kris Schenk, (M)Aborn, (S)Pickard, Res. 08-188 was adopted approving the request/Ayes: Aborn, Turpin, Pickard; Excused: Bibby, Fritz.

Dr. Mosher, Health Officer;

Approve the Use of Senior Services Transit Bus for Transportation of Volunteers within the Pandemic Influenza Pandemic County-wide Drill, and Information Regarding the Upcoming Pandemic Influenza County-wide Drill

**BOARD ACTION:** Dr. Mosher provided information on the request.

Input from the public was provided by the following:

Ruth Catalan questioned the cost for use of the bus.

Dr. Mosher responded that the total cost of the drill is budgeted at \$10,000. (M)Pickard, (S)Aborn, Res. 08-189 was adopted approving the request/Ayes: Aborn, Turpin, Pickard; Excused: Bibby, Fritz.

Thomas P. Guarino, County Counsel;

Approve an Agreement with Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority (JPA) to Continue Providing Round Trip Transit Services from Mariposa County

**BOARD ACTION:** Thomas P. Guarino asked that the matter be continued to May 20<sup>th</sup> for the YARTS representative to be present. Supervisor Aborn provided input on addressing a connection to UC Merced.

Input from the public was provided by the following:

Dorothea Vicari stated she works at UC Merced and she advised that there are several faculty and staff members living in Mariposa – a few are using YARTS, but they have to transfer to the Merced bus system because YARTS doesn’t stop at UC Merced.

The matter was continued to May 20<sup>th</sup>.

Approval of Summary of Proceedings of May 6, 2008, Regular Meeting (Clerk of the Board)

**BOARD ACTION:** (M)Aborn, (S)Pickard, the minutes were approved/Ayes: Aborn, Turpin, Pickard; Excused: Bibby, Fritz.

**INFORMATION** – No action was necessary on the following:  
Board of Supervisors will Serve Lunch at the Mariposa County Senior Center on May 20, 2008

#### Board Information

Supervisor Pickard advised that he plans to attend the Regional Council of Rural Counties meeting on Wednesday, and the Environmental Services JPA meeting on Thursday. He advised of efforts to get an amendment to the Extraordinary Session that would exempt counties with less than 40,000 in population from losing their gas tax revenue for six months to accommodate the cash flow shortage for the State. He asked that the County Administrative Officer send a letter to the Governor supporting this amendment as soon as possible and that the letter be scheduled on the May 20<sup>th</sup> agenda for ratification. He provided input on the Governor's May revise – there is a possibility of pursuing a ballot measure to increase the Vehicle License Fees; and there is discussion of changing Proposition 10/Childrens' First funding and Proposition 63/Mental Health funding to be used at a local level with Board authority and he commented on the negative impact that could have on the County's budget.

Supervisor Aborn commented that his efforts with YARTS are to improve the services that are provided.

Supervisor Turpin commented on the Solid Waste Task Force meeting he attended on Wednesday and the issues that were discussed. He attended the CalTrans' Essential Access Celebration for the interim bridge project for the Ferguson Rockslide. He announced that the Chamber of Commerce is holding a Gold Rush Scramble Golf Tournament at the Lake Don Pedro Golf and Country Club on Friday, with proceeds to benefit the local Fire Stations and improvements at Coulterville Park. He advised that the Coyote Howl is scheduled for this weekend in Coulterville.

Rick Benson asked for clarification of Supervisor Pickard's request to send a letter to the Governor relative to the gas tax revenue, and the Board concurred with the request.

Supervisor Pickard advised of consideration of a State Responsibility Area (SRA) fee for CAL FIRE and the possibility of an exemption if a County provides its own service.

**10:56 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: Hazel Green Ranch, LLC v. United States Department of the Interior, et al., Case No. 1:07-CV-00414-OWW-SMS (County Counsel); and

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 5320 Highway 49 North, Mariposa 95338 for Grand Jury Office Space; Agency Negotiator: County Counsel; Name of Party Who Will Negotiate with County (Not Party's Agent): Kenneth Mari; Closed Session Will Concern Price and Terms of Lease (County Counsel)

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

**11:29 a.m.** Chair Turpin announced the following as a result of the closed session matters: information was received on the Hazel Green Ranch matter; and direction was given to staff on the real property matter.

#### **CONSENT AGENDA**

- CA-1 Approve Budget Actions Transferring Funds, Increasing Revenues, and Reducing Contingency in the Human Services Department Budgets to Cover Expenses to the End of the Fiscal Year (\$254,699) (4/5ths Vote Required) (Human Services Director); Item was continued to May 27<sup>th</sup>.
- CA-2 Approve the Annual Mariposa County Pioneer Wagon Train Event and the Pioneer Wagon Train Appreciation Dinner as County Activities and Authorize the Board of Supervisors Chair to Sign an Agreement with the 35-A District Agricultural Association

for the Annual Dinner, and an Operating Plan and Special Use Permit with the Sierra National Forest (County Counsel); Res. 08-181

- CA-3 Approve an Agreement with Pitney Bowes for Upgraded Postage Machine and Software and Authorize the Board of Supervisors Chair to Sign the Agreement (County Clerk/Treasurer/Tax Collector); Res. 08-182
- CA-4 Approve a Six-year Lease Agreement with the United States Department of Agriculture (USDA) Forest Service for Hanger #39 at the Mariposa/Yosemite Airport and Authorize the Public Works Director to Sign the Agreement (Public Works Director); Res. 08-183
- CA-5 Approve a Three-year Lease Agreement with the United States Department of Agriculture (USDA) Forest Service for a Helibase at the Mariposa/Yosemite Airport and Authorize the Public Works Director to Sign the Agreement (Public Works Director); Res. 08-184
- CA-6 Approve a Lease Agreement with Oakhurst Property Management for Property Located at 5119 Jones Street to Re-locate the Wellness Center and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Human Services Department to Solicit for Bids for Re-modification Work of the Property Location (Human Services Director); Res. 08-185
- CA-7 Re-appoint Don Pucilowski to the Assessment Appeals Board Representing Supervisorial District II for a Term Expiring September 1, 2011 (Supervisor Turpin)

**11:30 a.m.** Adjournment

Respectfully submitted,

MARGIE WILLIAMS,  
Clerk of the Board

LYLE TURPIN,  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

May 20, 2008



Time                      Description

**9:04 a.m.** Meeting Called to Order at the Mariposa County Government Center with Supervisor Bibby excused.

Pledge of Allegiance  
Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

**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 Turpin pulled item 1 for separate action. (M)Pickard, (S)Aborn, item 1 was approved/Ayes: Aborn, Turpin, Pickard; Abstained: Fritz; Excused: Bibby. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Chair Turpin advised of the addendum to the agenda for a closed session matter.

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

#### Board Information

Supervisor Aborn advised that the El Portal Pool is getting ready to open for the summer; and he commented on the work on the new temporary bridges at the Ferguson Rockslide – CalTrans hopes to have the work completed by July 4<sup>th</sup>.

Supervisor Fritz thanked everyone for their support during her recent open heart surgery to replace the aorta valve. She advised that she will be unable to attend the CSAC (California State Association of Counties) Legislative Conference. She will hold a District IV meeting at the Government Center on June 2<sup>nd</sup> at 6:00 p.m.

Supervisor Pickard advised that he plans to attend the CMSP (County Medical Services Program) meeting on Thursday. He advised that there is a meeting scheduled for 6:00 p.m. this evening at the Government Center to discuss the process and formation of the County Service Area for fire equipment and station maintenance.

Supervisor Turpin advised that there will be a meeting on Thursday at 7:00 p.m. in Don Pedro to discuss the process and formation of the County Service Area for fire equipment and station maintenance. He advised that he attended the golf tournament that the Chamber of Commerce sponsored over the weekend at the Lake Don Pedro Golf and Country Club, and that proceeds will benefit the local fire stations and the Coulterville Park improvements. He attended the Coyote Howl on Saturday in Coulterville. He attended the Lake Don Pedro Community Services District meeting on Monday. He advised that the Board members will be serving lunch at the Senior Activity Center today. He noted that the Pandemic Flu exercise will start on Wednesday. He plans to attend the Memorial Day services at the cemetery on Saturday.



Debbie Walton, Child Support Services Director;

Approve Lay-off of the Child Support Office Assistant Position Effective July 1, 2008 Due to Cuts in State and Federal Funding to Child Support's 2008/2009 Budget

**BOARD ACTION:** Discussion was held with Debbie Walton. The Board concurred with the County Administrative Officer sending a letter to the Governor, legislators, CSAC, RCRC, and others as appropriate objecting to the State's funding level for this program. (M)Aborn, (S)Fritz, Res. 08-195 was adopted approving the recommended action, with the understanding that if funding is restored that the position will be restored/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Cathi Boze, Agricultural Commissioner;

Approve Agreement No. 09-73-06-0260-RA, the Annual Work Plan, Annual Financial Plan and a Letter of Intent for Fiscal Year 2008/2009 with USDA/APHIS/WS (Wildlife Services)

**BOARD ACTION:** Discussion was held with Cathi Boze, Wade Carlson, USDA Wildlife Services District Supervisor, and Don Simms, Wildlife Services Trapper.

Input from the public was provided by the following:

Paul Chapman stated he supports this program.

(M)Fritz, (S)Aborn, Res. 08-196 was adopted approving the agreement/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

**9:55 a.m.** Recess

**10:02 a.m.** Kay Pitts, President, Yosemite Renaissance;

Presentation Relative to the Art Show Program and Refreshment Break

**BOARD ACTION:** Kay Pitts provided input on the Yosemite Renaissance Program and thanked the Board for its support. She introduced Dave Forgang/member and Bob Woolard/Executive Director.

Input from the public was provided by the following:

Paul Chapman opposed tax dollars being used for this program.

**10:11 a.m.** Recess for refreshment break.

**10:22 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 Administrative Officer)

**BOARD ACTION:** Rick Benson advised of work on the replacement of the temporary bridges; and he advised that he was unable to participate in the conference call on Monday with CalTrans. Chair Turpin advised that CalTrans has scheduled public workshops on the permanent fix for May 21<sup>st</sup> at the Government Center and May 22<sup>nd</sup> in El Portal, from 4 to 7 p.m. (M)Aborn, (S)Fritz, Res. 08-197 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, Fritz, Pickard; Excused: Bibby.

Decline Participation in California State Association of Counties (CSAC) Pool for Pension Obligation Bonds; Adopt a Resolution Authorizing the Enrollment of Mariposa County in the California Public Employees' Retirement System (CalPERS) 20-year "Fresh Start" Program to Begin Paying Down the County's Unfunded Pension Liability and Authorize the County Administrative Officer to Sign a Letter Requesting Enrollment in the Program (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** Discussion was held with Rick Benson. Chris Ebie, Auditor, provided input.

Input from the public was provided by the following:

Kevin Cann asked about the interest rate, whether a lump sum payment could be made, and when the numbers would be available for the Other Post Employee Benefits (OPEB); and he commented on the employee benefit costs for the County versus the federal government.

Rick Benson responded to the questions and advised that the interest is 7.75 percent fixed rate pursuant to PERS policy; and that a lump sum payment could be made but the County would not

receive reimbursement for nearly 42 percent of the portion covered by the state and federal government. Chris Ebie advised that he is soliciting RFPs to conduct an actuarial study to determine the OPEB amount.

Paul Chapman noted that the former Auditor felt that the increase in the retirement benefit would be too costly, and he stated he feels that the County needs to go back to the previous retirement benefit level for the employees.

(M)Fritz, (S)Aborn, Res. 08-198 was adopted authorizing enrollment in the "Fresh Start" program as recommended and declining participation in the CSAC pool for Pension Obligation Bonds/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

**11:10 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: Elizabeth Martella v. County of Mariposa; Case No. 9281 (County Counsel); and CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Richard J. Benson (County Administrative Officer/Personnel/Risk Manger)  
**BOARD ACTION:** (M)Aborn, (S)Fritz, the closed sessions were held/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

**11:34 a.m.** Chair Turpin announced the following as a result of the closed session matters: authorization was given to retain special counsel for the Martella case; and information was received for the matter relative to labor negotiations with SEIU.

Lunch Service at Senior Center

**2:00 p.m.** Kris Schenk, Planning Director;  
**LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (See Separate Minutes)**

### **CONSENT AGENDA**

- CA-1 Approval of Summary of Proceedings of May 13, 2008, Regular Meeting (Clerk of the Board)
- CA-2 Approve Budget Actions Transferring Funds within the Yosemite West Budget for Maintenance and Repairs Performed During this Past Winter and to Cover Required Water Testing through the End of the Fiscal Year (\$5,000) (Public Works Director); Res. 08-190
- CA-3 Accept Funding for Fiscal Year 2008-2009 in the Amount of \$51,789 for the Continuation of the Mariposa County Juvenile Justice Crime Prevention Act (JJCPA) Administered by the Corrections Standards Authority (CSA) (Chief Probation Officer); Res. 08-191
- CA-4 Approve Lease Agreement with Robert Bondshu for Office Space Located at 5080 and 5082 Bullion Street and Authorize the Board of Supervisors Chair to Sign the Agreement (Fire Chief); Res. 08-192
- CA-5 Approve Lease Agreement with Marc and Tracy Lingenfelter for Office Space Located at 5080 Jones Street and Authorize the Board of Supervisors Chair to Sign the Agreement (District Attorney); Res. 08-193
- CA-6 Ratify Letter to the Governor Regarding SB1XXX/Gas Tax Revenue (County Administrative Officer/Personnel/Risk Manager); Res. 08-194

**11:35 a.m.** Adjournment.

Respectfully submitted,

MARGIE WILLIAMS,  
Clerk of the Board

LYLE TURPIN,  
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

May 27, 2008

Time                      Description

**9:03 a.m.** Meeting Called to Order at the Mariposa County Government Center with Supervisor Bibby excused.

Pledge of Allegiance  
Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

**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 questioned approving the items from Human Services when he feels there is the potential for future budget cuts; and he commented on items 20/budget action for Airport fuel – doesn’t feel the County should subsidize, 22/contract with Allen, Proietti & Fagalde, LLP – questioned selection of this firm, and 23/agreement with Sequoia Voting Services – feels action on this should be held until after the item to initiate the formation of County Service Area No. 3.

Supervisor Turpin pulled items 2 and 23. (M)Fritz, the balance of the items was approved. Supervisor Aborn pulled item 10, and seconded the amended motion to approve the balance of items/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda.

Eleanor Keuning stated she is thankful that Leonard Road was graded. She referred to Consent Agenda item 23 and the track record for Sequoia Voting Services. She invited everyone to the May 29<sup>th</sup> Kiwanis’s pre-school graduation and noted that this is their first graduation.

Theresa Castaldi provided input on the second annual Catheys Valley Fair held at Coyote Springs Guest Ranch over the weekend; advised of the stagecoach incident; and thanked the County Departments for their assistance and the Yosemite Mariposa Tourism Bureau for advertising the event. She presented a copy of the program for the event.

Paul Chapman stated he feels the stagecoach accident is a reason that this type of event should not be allowed.

Sheryl Leisure, Coyote Springs, commented on the grand opening of the Model Horse, Wildlife and Livestock Museum and Equine Art and Education Center.

Board Information

Supervisor Fritz advised that her recovery is still going strong from her recent surgery.

Supervisor Turpin advised that he participated in the Pandemic Flu exercise; he attended the Red Cloud Library meeting; he attended the CalTrans open house in El Portal on May 22<sup>nd</sup> for the Ferguson Rockslide restoration project; and he attended the VFW Memorial Day Service on Saturday.

**9:20 a.m.** Terry McLaughlin, Upper Merced River Watershed Council;  
PowerPoint Presentation "Portrait of a Watershed"

**BOARD ACTION:** Terry McLaughlin, Executive Coordinator, introduced the following staff: Connie Nielson and Anne Steed – Coordinators; and the following Executive Committee members: Len McKenzie, Dr. Michael Martin, and Don Fox. She gave a presentation on their organization and its history and activities and the FERC (Federal Energy Regulatory Commission) relicensing for Merced Irrigation District and PG&E's hydropower project. Discussion was held. Dr. Martin, Chair of Fisheries for the Council, provided input on his experience with FERC relicensing projects.

Leroy Radanovich, Chair of the Water Agency Advisory Board, thanked the Council for inviting him to meet with them; and he commented on the Advisory Board's role and things that he feels are important to remember in the FERC relicensing process.

Connie Nielson provided input on their demonstration garden.

Len McKenzie provided input on the Sierra foothills native plant demonstration garden.

Input from the public was provided by the following:

Eleanor Keuning asked whether there is any connection with the Council and UC Merced; and she was advised that there is representation.

Kevin Cann acknowledged the outstanding presentation and the fact that the Council is proactive with the FERC relicensing, and he commented on his involvement in these processes.

Board members thanked the Council for the presentation and asked that they be kept informed of their activities.

**10:02 a.m.** Recess

**10:19 a.m.** Jim Rydingsword, Human Services Director;  
Approve a Reorganization of the Human Services Department Effective May 1, 2008; Establish a New Operating Budget for Fiscal Year 2008/2009 for the New Division and Approve the Transfer of Allocated Full Time Employees to the New Division Effective June 1, 2008; Approve Budget Actions Transferring Funds and Increasing Revenue within Human Services Department Budget to Accommodate the Reorganization (4/5ths Vote Required)

**BOARD ACTION:** Following discussion with Jim Rydingsword, (M)Fritz, (S)Aborn, Res. 08-218 was adopted approving the requests/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

### **Consider Items Removed from the Consent Agenda**

Item 2 – Following discussion with Jim Rydingsword, (M)Fritz, (S)Aborn, item 2 was approved, with a correction to change "her" designee to "his/her" or as appropriate in the agreement/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Item 10 – Following discussion with Jim Rydingsword, (M)Aborn, (S)Pickard, item 10 was approved/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;  
Approve an Amendment to the Deputy Director of Community Action Agency and Housing Authority Job Description, Re-title to Deputy Director Employment and Community Services, and Align the Salary with that of the Deputy Director of Social Services (\$4,975 -\$6,047/Month) Effective June 1, 2008

**BOARD ACTION:** Discussion was held with Rick Benson.

Input from the public was provided by the following:

Ruth Catalan asked about the status of addressing Consent Agenda item 23.

(M)Fritz, (S)Aborn, Res. 08-221 was adopted approving the request/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;  
Adopt a Resolution Initiating Proceedings for Formation of County Service Area (CSA) Number 3; Set the Public Hearing for July 22, 2008, at 2:00 p.m.; Direct the County Administrative Officer to Mail Notices and Ballots, Along with an Engineer's Report to all Affected Property Owners and to Conduct

a Public Meeting; Direct the Clerk of the Board to Publish the Notice of Hearing; Approve Budget Action Reducing General Contingency to Fund Costs Associated with the Voting Process on the Formation of the CSA (\$17,000) (4/5ths Vote Required)

**BOARD ACTION:** Discussion was held with Rick Benson relative to the formation process; the parcels that are included in the assessment and whether the assessment could be phased; concerning the CEQA review; and relative to use of the Tobacco Settlement Fund revenues toward the purchase of the equipment. Jim Wilson, Fire Chief, responded to questions relative to the status of the replacement plan for the fire equipment.

Input from the public was provided by the following:

Ruth Sellers commented on the importance of safety; however, she expressed concern with her observations of the Board and its authorization of expenditures that she does not feel that the public is benefiting from. She questioned who enforces the property clearances.

Ruth Catalan stated she agrees that fire protection is important, but she always thought the costs were included in the normal taxes. She questioned the leasing versus purchase of equipment and the term of 15 years for the assessment. She asked if the equipment will be off-road accessible; and she agreed that the fire clearances need to be enforced. Chair Turpin noted that the enforcement of the fire clearances is the responsibility of CAL FIRE.

Paul Chapman commented on the need for enforcement of the fire clearances; and he asked about the recommendation for obtaining vehicles for structure protection versus wildland. He stated he feels the fire services should be covered by the taxes that are paid. He feels that this matter should be on the ballot as a regular initiative versus the Proposition 218 process.

Dave Silverman asked how multiple owners of a parcel would vote; whether there is a provision to provide for a balanced public meeting content; how the School Board votes for their ballot(s); relative to consideration of upgrading the equipment to meet 2009 requirements; notification for new parcels; commented on the assessment amount; and asked who will write balanced ballot arguments.

Eleanor Keuning asked about the June 11<sup>th</sup> public meeting and the July 22<sup>nd</sup> public hearing; about the election process; and whether Consent Agenda item 23 relates to this.

Rick Benson explained the process under Proposition 218 for voting for multiple owners; advised that it will be up to the School District to decide how they will vote; he advised that new parcels will be included in the assessment when they change from undeveloped to improved status; and he explained the ballot process versus a regular election.

Sally Punte stated she feels that if the County engines back up MPUD for fires in town that it would be a benefit to MPUD – but parcels in MPUD are excluded from the assessment. She questioned the CEQA exemption. She asked about using the Tobacco Settlement Funds and staggering the equipment purchase versus going through the Proposition 218 process.

Rick Benson clarified the CEQA exemption and advised that the engines would need to meet current standards and they would not need to be retrofitted to meet any new standards that are imposed in the future.

Jim Van Horn stated he is a mechanic for the fire engines, and he provided input on the need for new equipment due to the age and maintenance of the old equipment; and he stated he feels that the new engines will be able to access every road in the County. He feels that if something isn't done, that we will need to rely on the State for fire protections and he is not willing to do that.

Discussion was held relative to initiating the formation proceedings, use of the Tobacco Settlement Funds, the various issues that were raised and the timeframes. Rick Benson revised his recommendation for a budget action of \$17,000 to \$18,000.

(M)Pickard, (S)Fritz, Res. 08-222 was adopted initiating proceedings for formation of CSA No. 3, with the inclusion of language that the intent of the Board is to dedicate in future budgets funds from the Master Tobacco Settlement revenue for equipment and capital improvements to meet the needs of the fire stations; that a public meeting be set for June 11, 2008 at 6:30 p.m. at the Government Center; and that a public hearing be set for July 22, 2008 at 2:00 p.m. to receive public comment and tabulate the ballots. Supervisor Pickard further clarified that the intent of his motion is to dedicate Master Tobacco Settlement revenue or other funds. Following discussion relative to budgeting constraints, Thomas P. Guarino, County Counsel, clarified that the motion is the Board's intent to dedicate funding

from future budgets. Supervisor Aborn stated he feels this matter should be continued for the full Board to be present. Ayes: Turpin, Fritz, Pickard; Noes: Aborn; Excused: Bibby. (M)Pickard, (S)Fritz, to approve the budget action in the amount of \$18,000 failed by the following vote: Ayes: Turpin, Fritz, Pickard; Noes: Aborn; Excused: Bibby.

**12:12 p.m.** Recess

**12:33 p.m. Consider Rest of Items Removed from the Consent Agenda**

Item 23 – Discussion was held with Rick Benson and he noted that he does not have the funding for this contract (since the Board’s last motion to approve a budget action to fund costs associated with the voting process on the formation of the CSA failed); but if funding is identified, he could proceed with this. (M)Pickard, (S)Fritz, item 23 was approved/Ayes: Turpin, Fritz, Pickard; Noes: Aborn; Excused: Bibby.

**12:38 p.m. CALENDAR** Thomas P. Guarino, County Counsel;

Approve an Agreement with Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority (JPA) to Continue Providing Round Trip Transit Services from Mariposa County

**BOARD ACTION:** Dick Whittington, MCAG, presented statistical information on the YARTS ridership and advised of their efforts to work on a connection with UC Merced.

Input from the public was provided by the following:

Paul Chapman stated he feels the bus system benefits very few.

Following discussion, (M)Aborn, (S)Fritz, Res. 08-224 was adopted approving the agreement/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

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

**BOARD ACTION:** Rick Benson reported that work is being done on the new temporary bridges and he advised that he was unable to attend either of the open houses held by CalTrans on the permanent restoration. (M)Aborn, (S)Fritz, Res. 08-225 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, Fritz, Pickard; Excused: Bibby.

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: Hazel Green Ranch, LLC v. United States Department of the Interior, et al., Case No. 1:07-CV-00414-OWW-SMS (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Names of Cases to be Discussed: County of Mariposa v. Bartlett Petroleum, Inc. (County Counsel)

**BOARD ACTION:** These items were continued to a future agenda.

**CONSENT AGENDA**

- CA-1 Approval of Summary of Proceedings of May 20, 2008, Regular Meeting (Clerk of the Board)
- CA-2 Approve an Agreement with Milhous Children’s Services for Mental Health Services for Children Placed in Foster Care Outside Mariposa County and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-219
- CA-3 Approve an Agreement with Value Options for Administration of Mental Health Counseling and Medication Services for Foster Children Placed out of Mariposa County

and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-199

- CA-4 Approve an Agreement with Merced County Department of Mental Health for Residential Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-200
- CA-5 Approve an Agreement with Heritage Oaks Hospital for Residential Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-201
- CA-6 Approve an Agreement with Deborah Atkinson, RN, for Nursing Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-202
- CA-7 Approve an Agreement with Regina Taber for Alcohol and Drug Programs and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-203
- CA-8 Approve an Agreement with Sierra Vista Hospital for Residential Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-204
- CA-9 Approve Summer Hours for Bassett Memorial Library at Wawona (Librarian); Res. 08-205
- CA-10 Approve Budget Actions Transferring Funds, Increasing Revenues, and Reducing Contingency in the Human Services Department Budgets to Cover Expenses to the End of the Fiscal Year (\$255,699) (4/5ths Vote Required) (Human Services Director); Res. 08-220
- CA-11 Approve Budget Action Reducing General Contingency and Increasing Funding for the California State Mining and Mineral Museum (\$1,733) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manager); Res. 08-206
- CA-12 Approve Budget Action Reducing General Contingency to Cover County Clerk Microfilm Due to Unanticipated Bill (\$408) (4/5ths Vote Required) (County Clerk/Tax Collector/Treasurer); Res. 08-207
- CA-13 Approve Budget Action Transferring Funds in the Sheriff's Budget to Allow for the Purchase of Grant Funded Fixed Assets (\$111,851) (Sheriff); Res. 08-208
- CA-14 Adopt a Resolution Ratifying the USDA Primary Disaster Declaration Request for Mariposa County Rangeland/Livestock Operations Due to Drought Conditions by the Agricultural Commissioner (Agricultural Commission); Res. 08-209
- CA-15 Authorize the Mariposa County Fish & Game Protective Association to use Money in the Fish & Game Fund to Finance the Mariposa Fish & Game Youth Outdoor Hunting Program in the Amount of \$650 (County Administrative Officer/Personnel/Risk Manager); Res. 08-210
- CA-16 Authorize the Board of Supervisors Chair to Sign an Above Ground Petroleum Storage Act Grant Application to Disburse 80% of the Total Allocation of \$45,220.41 for the Implementation of the APSA Program (Health Officer); Res. 08-211



- CA-17 Approve Resolution Authorizing the Health Officer to Apply and Sign Documents for the Local Enforcement Assistance Grant Funds for Fiscal Year 2008-2009 and for the Subsequent Four Fiscal Years if Amounts and Conditions Remain Substantially the Same (Health Officer); Res. 08-212
- CA-18 Authorize the Fire Chief to Sign the Awarded 2007 SAFER (Staffing for Adequate Fire and Emergency Response) Recruitment and Retention Grant Program, Funded by the Department of Homeland Security and FEMA and Approve Budget Action Increasing Revenue and Appropriations (4/5ths Vote Required) (\$94,080) (Fire Chief); Res. 08-213
- CA-19 Authorize the Fire Chief to Apply for the Fiscal Year 2008-2009 Emergency Management Performance Grant from State Office of Emergency Services (OES) (Fire Chief); Res. 08-214
- CA -20 Approve Budget Action Increasing Revenue and Expense for Aviation Fuel by (\$35,000) in the Airport Budget to Ensure Adequate Supply of Fuel Through June 30, 2008 (4/5ths Vote Required) (Public Works Director); Res. 08-215
- CA-21 Approve a Lease Agreement with Kenneth and Lamerna Mari for Office Space Occupied by the Grand Jury for a Three Year Term and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 08-216
- CA-22 Approve an Agreement with Allen, Proietti & Fagalde, LLP to Represent the County of Mariposa and Authorize Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 08-217
- CA-23 Approve an Agreement with Sequoia Voting Services for the Printing and Insertion of Ballots, Brochures, and Other Informational Material for County Service Area #3; Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 08-223

**1:16 p.m.** (M)Fritz, (S)Aborn, the Board adjourned in memory of Lloyd R. Cabezut, Joseph Louis Cioffi, Sr., and Alfred "Al" Wilson/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Respectfully submitted,

MARGIE WILLIAMS,  
Clerk of the Board

LYLE TURPIN,  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

June 10, 2008



Time \_\_\_\_\_ Description

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

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

**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 questioned the contracts submitted by Human Services as other departments in the State are cutting back. He referred to item 18 and the options for sale/removal of the hanger. He commented on item 22. He questioned the salary for item 23. He referred to item 24 and questioned the status of recruitment for the Williamson Act Compliance officer.

A corrected agreement was distributed for item 23 with an hourly rate of \$48.03.

Eleanor Keuning asked about the need for all of the contracts for Social Services.

Rick Benson provided input on the reason for the contracts versus doing the work in-house for the Social Services programs and on the funding.

Ruth Catalan stated she is a member of the Mental Health Board and noted that if the services are not used, then the contracts are not paid for.

Supervisor Aborn pulled item 18. Supervisor Bibby pulled items 1 and 21. Supervisor Pickard pulled item 21. Supervisor Turpin pulled items 15 and 21. (M)Bibby, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Item 1 – Supervisor Bibby noted that the person that signed the contract is no relation and spells his name as Biby; and discussion was held relative to the contract and budgeted amounts. (M)Bibby, (S)Aborn, item 1 was approved/Ayes: Unanimous.

Item 15 – Supervisor Turpin initiated discussion relative to the Arundo plant wasting water. (M)Pickard, (S)Fritz, item 15 was approved/Ayes: Unanimous.

Item 18 – Supervisor Aborn stated he feels the questions that Mr. Chapman raised relative to the options available for sale/removal of the hanger should be reviewed; and he questioned whether this hanger could be used for the County's maintenance storage; and he asked about the status of providing electrical service to the hangers. Dana Hertfelder provided input relative to the terms of the lease agreement. (M)Aborn, (S)Bibby, this matter was continued for additional information to be brought back/Ayes: Unanimous.

Item 21 – (M)Aborn, (S)Bibby, this matter was continued to June 17<sup>th</sup> for a presentation to be given on this and the Countywide Plan/Ayes: Unanimous.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Matt Freeman advised that he took the day off from work to make this presentation. He questioned the circumstances and process for the vote for the closed agency shop for the Union/SEIU.

He advised that they are in the process of gathering signatures to take this matter back to a vote. He referred to documents that he received from the Union and the County with his last pay check. He feels it is offensive for the County to take money from his pay check for the Union dues, and stated he would rather be fired.

Rick Benson, County Administrative Officer, advised that a clarification will be sent out relative to the requirement for the County to deduct the agency fee for the Union and he advised that filling out the Union form is not a condition of employment. He provided input on the closed agency shop process and the requirement for the County to remain neutral. He responded to a question from Supervisor Fritz and advised that there are no additional County benefits provided for employees who are Union members. Chris Ebie, Auditor, responded that the benefits the employees receive are the same whether or not they are members of the Union.

Rod Norman stated he does not feel that the voting for the closed agency shop was clear to the employees.

Dick Hutchinson questioned how the County could remain neutral if employees quit over the closed agency shop because of the impact it would have to County operations.

Matt Freeman provided additional input and thanked the Board for taking the time to hear the concerns; and he stated he is opposed to the choice of paying Union dues being taken away. He questioned whether the MOU would need to be amended as it says that employees have to sign something for deductions to be made from their pay check.

Cathi Boze, Agricultural Commissioner, commented on the hiring difficulties that are being experienced for some of the County positions and the potential impact paying Union dues may have.

Supervisor Bibby asked that a copy of these minutes and the tape of the meeting be sent to the Union so they can hear these concerns.

Paul Chapman stated he observed a County employee using a County motor grader to grade the drive-way of Congressman Radanovich and his mother on May 28, 2008 at 9:30 a.m.; and he asked who ordered this work and what would be done about it.

Dana Hertfelder, Public Works Director, responded to Mr. Chapman and advised that they have no record of a County road grader being left in that area at that time. He advised that they received information that a local contractor graded the driveway in question, along with a neighbor's driveway; and as far as they can tell it was not County equipment that was used. He introduced Dr. Michelle Miller, the new Solid Waste and Recycling Manager and commented on her extensive background in the solid waste field.

Jeanetta Phillips stated she also saw what appeared to be a County grader, with a County emblem, at the location that Mr. Chapman noted.

MaryAnn Huff, President of the Chamber of Commerce, advised that there is a BBQ fundraiser for the Red Cloud Library on Saturday; offered the Chamber's support and to e-blast a message to help with the formation of CSA No. 3 for acquisition of firefighting equipment and to provide for capital improvements at County fire stations; and she advised of her attendance at the "Green Fair" in Silicon Valley and she presented information.

Supervisor Turpin clarified that the funds that are raised at the fundraiser for the Red Cloud Library will be to compliment the library.

Eleanor Keuning suggested that people take pictures when they see a grader that they think is a County grader doing work on private property. She presented photographs of the Mariposa Rest Area showing parking problems and suggested that this should be monitored.

Ruth Sellers noted that there is a 4-hour parking limit sign at the Mariposa Rest Area.

**10:09 a.m.** The Local Transportation Commission items were continued until after the following matters.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;  
Approve the Progress Report on the Extension of the Mariposa Creek Parkway and Approve the Next Measurable Objective, Which is the Development of a Conceptual Master Plan Rendering and Key Strategies for the 0.4-mile Trail Section Along the Creek and Approve a Public Workshop to Collect Input from the Community on the Proposed Creek Parkway Design

**BOARD ACTION:** Marilyn Lidyoff/Administration-Business Development Coordinator, reviewed the report. Discussion was held relative to the recommendation to expand the rendering of the Mariposa Creek Parkway project from .4 miles to the length of the trail.

Input from the public was provided by the following:

Eleanor Keuning commented on creek parkway projects she has visited and her vision for this project to extend from the Fairgrounds to the Field of Dreams.

Dick Hutchinson stated he feels that this is just one of the many projects that is part of strategic plan.

(M)Fritz, (S)Pickard, the Board accepted the report as presented. Supervisor Bibby initiated further discussion and suggested that a public meeting be held to get input from the residents before the Board commits to extending the length of the trail in the rendering; and she stated she feels it needs to be noted that this is just the potential for the project. Supervisor Turpin stated he would like to see a rough draft for the people to have something to comment on. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

### **10:36 a.m. LOCAL TRANSPORTATION COMMISSION**

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

A) Public Presentation – None

B) PUBLIC HEARING to Take Testimony Regarding Possible Unmet Transportation Needs within Mariposa County and Adopt a Resolution finding one of the following: A) There are no New Unmet Needs; B) There are no New Unmet Transit Needs that are Reasonable to Meet; C) There are Unmet Transit Needs, Including Needs that are Reasonable to Meet; D) Grant a Continuance of the Public Hearing Until a Later Date

**COMMISSION ACTION:** Dana Hertfelder presented the staff report and he advised of the meetings of the Social Services Transportation Advisory Council and of their determination that there were no “reasonable to meet” unmet transportation needs to bring before the Commission at this time. He presented a letter received from the In-Home Supportive Services (IHSS) Public Authority Advisory Committee recommending that more drivers be hired with higher wages and that service be expanded to include more hospital destinations; and he advised of a request received from Laura Donahue for bicycle racks in the downtown and fairgrounds area. He noted that the bicycle rack request is not an unmet transit need, but they will review it with transportation planning; and the higher driver wage request is not an unmet transit need. He responded to a question from the Commissioners and advised that no details on the IHSS request for service expansion were provided.

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

Georgene Tarbox stated she does not feel that the transportation that is provided serves for employees commuting to work; however, she realizes that need is not reasonable to meet because of the cost. She noted that there are people that would like to work, but are limited because of transportation, and the fuel costs are impacting this.

Brenda Skelton stated she works at John C. Fremont Health Care in the Ewing Wing and she feels there are disabled people with limited income that can not afford the cost of the medical transportation services; and she doesn’t feel that the transit service provides enough service days to town for specialty appointments.

MaryAnn Huff stated she is a member of the Northside Coalition and the Coulterville Community Club, and she feels the use of the local hospital should be encouraged. She also noted that there is information on transportation in the “green” packet that she presented to the Board earlier today.

Eleanor Keuning commented on an elderly neighbor who needed physical therapy and could not afford the cost for the transportation.

Jack Smith, Mariposa Behavioral Health, stated he feels there is an unmet transit need as they have enough vehicles, but not enough case managers and drivers to get their clients to doctor appointments.

Jennifer Gleeson, Case Manager at Mariposa Behavioral Health, commented on problems with people getting to services; and she suggested that there be consideration of a bus line from Oakhurst to Mariposa.

Candy O'Donel-Browne, YARTS Advisory Board, provided a reminder that YARTS and the County transportation service is and has been trying to coordinate services; and she supports the Nelson/Nygaard results in a study that will be forthcoming.

Mary Williams, Community Services Director, responded to questions from the Commissioners relative to the transit and medical transportation services that are provided through her department. Dana Hertfelder responded to questions from the Commissioners relative to the unmet transit needs criteria; and he advised that they will be coming back to the Board with a rate change for in-town service to go from \$10 to \$5.

The public portion of the hearing was closed and the Commission commenced with deliberations. Discussion was held relative to further reviewing the issues that were raised. (M)Pickard, (S)Aborn, LTC Res. 08-9 was adopted finding that there are no new unmet transit needs that are reasonable to meet; and direction was given to staff to further evaluate the concerns that were presented relative to Behavioral Health services; coordinating transportation services; and medical transportation services/Ayes: Unanimous. The hearing was closed.

C) PUBLIC HEARING to Determine Whether or not there are any Non-profit Agencies Readily Available to Provide the Social Service Transportation to Mariposa County (Public Works Director) **COMMISSION ACTION:** Dana Hertfelder presented the staff report and advised that this hearing is a requirement to submit the Federal Transit Administration Section 5310 Elderly and Disabled Transportation Services grant to purchase two replacement transit buses.

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

Eleanor Keuning asked about the noticing for soliciting non-profit agencies to provide social service transportation.

**11:15 a.m.** Recess

**11:26 a.m.** Dana Hertfelder clarified the grant program process and advised that this is a three-year process. The public portion of the hearing was closed and the Commission commenced with deliberations. (M)Fritz, (S)Pickard, LTC Res. 08-10 was adopted certifying that no nonprofit corporations or associations are readily available in the service area to provide the service detailed in the Section 5310 grant application/Ayes: Unanimous. The hearing was closed.

**11:31 a.m.** Dana Hertfelder, Public Works Director; Waive First Reading and Introduce Ordinance Creating Chapter 12.30 Entitled "Landscape and Sidewalk Requirements" of the Mariposa County Code

**BOARD ACTION:** Discussion was held with Dana Hertfelder relative to the Ordinance.

Input from the public was provided by the following:

Chris Peto, Halferty Development Company, provided input on his discussions with the County on the maintenance and liability issues with the sidewalks. He stated he feels the Ordinance is confusing and vague; and he feels the requirement for the property owner to do the maintenance is unprecedented; and they were not aware that this would be a requirement when the project was approved. He advised that they are checking with their insurance provider to see if insurance coverage can be obtained. He requested that they be exempt from this Ordinance; and advised that if necessary, they would be willing to enter into a maintenance agreement as proposed with a draft agreement that he had previously submitted and he submitted copies for review.

Richard Shelton expressed concern that the Ordinance requirements would impact growth with new businesses.

Attorney Don Starchman, Starchman & Bryant Law Offices, representing Halferty Development Company locally, provided input on the project. He noted that the sidewalk does not go anywhere and is not a benefit to Rite Aid, and now they are being required to barricade it. He feels that

this sidewalk will tie into the Mariposa Creek Parkway project and that the community needs to step forward and take responsibility for it.

Dana Hertfelder advised that CalTrans will not sign off on the Encroachment Permit until there is an agreement or an Ordinance; and he further advised that CalTrans did not require these improvements – it was the County that required them. Thomas P. Guarino, County Counsel, provided input and he advised that he has not looked at the specific conditions that CalTrans required. Dana Hertfelder stated he would expect Halferty to maintain the portion of the sidewalk along the County street; however, it was not spelled out in the Encroachment Permit as an older version of the permit form was used. Discussion was held. County Counsel noted that the matter before the Board today is whether to move forward with the Ordinance; and if the Board wants to look at a maintenance agreement, that would need to be scheduled for a future agenda.

Chris Peto provided additional input relative to their concerns with the liability issues; and he advised that it is his understanding that CalTrans will allow Rite Aid to open on a temporary basis if the Ordinance is approved today.

Further discussion was held. Supervisor Bibby suggested that the matter be continued to look at the Mariposa Town Plan Specific Plan and the Encroachment Permit language and for discussion with Planning and Public Works. She asked that information be provided on the maps and the Planning Commission's process and actions on this matter; and she asked that staff review how these types of matters have been handled in the past. Further discussion was held with Dana Hertfelder and County Counsel.

Attorney Starchman responded to a question from the Board and advised that they are okay with the Ordinance being introduced today; and they appreciate what County Counsel and the Public Works Director are trying to do to move this forward today so that CalTrans will sign off on the Encroachment Permit.

Supervisor Bibby stated she would still like to see the information that she requested be provided. Supervisor Fritz stated she feels that this should be under County maintenance. Motion by Fritz to proceed with Option No. 1 in the staff report – for the County to enter into a Maintenance Agreement was changed after County Counsel advised that this option was not listed on the agenda, just action on the Ordinance. Motion by Fritz was restated to give direction to staff to bring back a Maintenance Agreement; and this motion died for lack of a second. (M)Bibby, (S)Pickard, the first reading was waived and an Ordinance introduced creating Chapter 12.30 entitled "Landscape & Sidewalk Requirements" with the understanding that further information will be coming back to the Board. Supervisor Pickard advised that his second to the motion is with the understanding that there will be work on a maintenance agreement and a bond for deferred maintenance and liability to be addressed when the Ordinance comes back for the second reading. The motion was amended, agreeable with the maker, to include this direction. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Aborn, Turpin, Bibby, Pickard; Noes: Fritz.

Supervisor Aborn;

Authorize the County Administrative Officer to Prepare a Lease/Purchase Agreement for Three Fire Engines and One Water-tender Using Tobacco Settlement Funds

**BOARD ACTION:** Supervisor Aborn provided input on his reason for this request; and he advised that he is in favor of the Proposition 218 process. He advised that following a meeting he had on Monday with people from the fire services, he is asking that this item be removed from the agenda until after the Proposition 218 process is complete.

Input from the public was provided by the following:

Paul Chapman provided input and he questioned the specifications for the equipment and stated he feels that they are designed for cities.

Dick Hutchinson stated he feels this item should be acted on today with wording that if the Proposition 218 assessment does not pass, the process could move forward for the purchase of this equipment without any delay. He also stated he feels the Fire Chief's recommendation for the specifications for the equipment should be accepted as he is the expert.

Ron Setterberg, Company 29, thanked Supervisor Aborn for pulling this item. He stated he does not feel the Board should decide the specifications, that the experts should do that. He commented on the insurance rating impacts and stated he would like to see the Board endorse this assessment.

Tom Hull, Station Captain for Company 29/Lushmeadows, thanked Supervisor Aborn for pulling this item; and he stated he agrees with Chief Wilson's choice of fire engines. He commented on their experience with taking a used CDF engine several years ago and the cost and amount of work and time to be able to place the engine into service. He asked for the Board's strong support of Proposition 218.

Dan Smith, President of the Officers Association, provided input on their efforts and the costs for mailing the information supporting the assessment; and he stated he agrees with postponing this matter.

The matter was pulled from the agenda.

**1:07 p.m. Lunch** Chair Turpin announced that the Board would reconvene after the LAFCo meeting.

**2:00 p.m.** Kris Schenk, Planning Director;

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

**2:36 p.m.** The Board reconvened with Supervisor Bibby excused for the rest of the meeting.

#### Board Information

Supervisor Fritz advised that she is still recovering from her surgery. She plans to attend the community fire meeting and the July 17<sup>th</sup> Rail Committee meeting.

Supervisor Pickard advised that the Governor signed SBXXX1 which allows the counties with a population of less than 40,000 to keep their gas tax funds during the State's budget cash flow problem. He reported on legislation relative to SRA (State Responsibility Area).

Supervisor Aborn advised of a letter the High Speed Rail received from Union Pacific expressing concern with high speed rail on their tracks and he advised that this affects the Pacheco Pass route and could impact the bond that is scheduled on the November ballot.

Supervisor Turpin commented on the replacement of PG&E poles in Coulterville. He advised that he attended the "Safe at Home" fair in Coulterville on Saturday. He thanked Public Works staff for maintenance at the Coulterville Park. On Wednesday, he plans to attend the Solid Waste meeting at the compost facility. On Thursday afternoon, he will hold a District II meeting Greeley Hill relative to fire services and the Proposition 218 process. He plans to attend the Mariposa-Calaveras Community Action Agency meeting in Coulterville on Friday and the Friends of the Red Cloud Library fundraiser on Saturday with the funds that are raised to be used to compliment the library.

Supervisor Fritz commented on the recommendations that TIE made at the High Speed Rail Senate Hearing held in Oakland in January, and she noted that some of their recommendations were incorporated into the final recommendations.

Supervisor Pickard asked that a letter be sent to the Governor thanking him for signing SBXXX1; and to Senator Cogdill and Assemblyman Berryhill thanking them for their support of this legislation.

Supervisor Turpin advised of a rockslide that occurred on Highway 49 North by the Bagby bridge.

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

**BOARD ACTION:** Rick Benson advised that the new temporary bridge work may be complete before the end of this month; and he advised of closures that will occur during the weeks of June 13<sup>th</sup> and June 23<sup>rd</sup> for the guard rail installation and electrical work; and that the Highway will be closed the night of June 24<sup>th</sup> for paving of Incline Road. Supervisor Fritz advised of her work with CalTrans for an opening celebration of the new bridges; and she plans to have different types of large vehicles go across the bridges. (M)Fritz, (S)Aborn, Res. 08-248 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, Fritz, Pickard; Excused: Bibby.

Approval of Summary of Proceedings of May 27, 2008, Regular Meeting (Clerk of the Board)

**BOARD ACTION:** (M)Aborn, (S)Fritz, the minutes were approved/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Discussion and Possible Action to Cancel the Regularly Scheduled Meeting for July 1, 2008 (Chair Turpin)

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Aborn, Res. 08-249 was adopted canceling the regularly scheduled meeting for July 1, 2008/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby. Rick Benson noted that there will be a couple of extra meetings for the Board to schedule for the Catheys Valley Plan and the Yosemite West Plan; and that the County Service Area No. 3 hearing is scheduled for July 22<sup>nd</sup> and he will ask the Board to reconvene to complete the hearing after the assessment ballots are tabulated – he will bring an item to the Board on this request. Chair Turpin noted that there is a public meeting scheduled for Wednesday at 6:30 p.m. at the Government Center relative to the Proposition 218 process for the fire services.

**3:00 p.m. CLOSED SESSION:** Liability Claims; Claimant Name: James H. Allen; Claim Number: C08-2; Name of Agency Sued: County of Mariposa (County Administrative Officer/Personnel/Risk Manager);

**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/Risk Manager); and

**CLOSED SESSION:** Public Employee Appointment; Title of Position to be Filled: Discussion of County Building Director Position and Recruitment; Government Code Section 54957 (b) (1) (County Administrative Officer/Personnel/Risk Manager)

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

**3:55 p.m.** Chair Turpin announced the following as a result of the closed session matters: information was received for the Allen claim; direction was given to staff on the Workers' Compensation case; and direction was given to staff to recruit for the Building Director position.

## **CONSENT AGENDA**

- CA-1 Approve an Agreement with Ivers & Alcorn Funeral Home for Removal Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 08-246
- CA-2 Approve Budget Action Transferring Funds within the Child Support Budget to Cover Anticipated Expenses for the Remainder of the Fiscal Year (\$3,000) (Child Support Director); Res. 08-226
- CA-3 Approve an Agreement for a Small Claims Legal Advisor for Fiscal Year 2008-2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 08-227
- CA-4 Approve Third Amendment to Agreement with Klump Properties for Lease of the Social Services Building Located at 5186 Highway 49 North and Authorize the Board of Supervisors Chair to Sign the Amendment (Human Services Director); Res. 08-228
- CA-5 Approve First Amendment to Agreement with the Department of Alcohol and Drug Programs and Authorize the Board of Supervisors Chair to Sign the Amendment (Human Services Director); Res. 08-229



- CA-6 Approve an Agreement with Comprehensive Addiction Programs, Inc. for Residential Alcohol and Drug Treatment Services and Authorize the Board of Supervisor Chair to Sign the Agreement (Human Services Director); Res. 08-230
- CA-7 Approve an Agreement with Tuolumne General Hospital for Psychiatric Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-231
- CA-8 Approve an Agreement with California Psychiatric Transitions in Delhi, California, for Institution for Mental Disease (IMD) Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-232
- CA-9 Approve an Agreement with Alameda County for Crisis Support Phone Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-233
- CA-10 Approve an Agreement with Country Villa Health Services for Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-234
- CA-11 Approve an Agreement with Doctors Medical Center in Modesto, California, for Psychiatric Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-235
- CA-12 Approve an Agreement with Community Regional Medical Center for Psychiatric Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-236
- CA-13 Approve an Agreement with Changing Echoes for Residential Alcohol and Drug Treatment Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-237
- CA-14 Approve an Agreement with Crestwood Behavioral Health for Psychiatric Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-238
- CA-15 Approve Agreement # 08-0121 with the California Department of Food and Agriculture (CDFA) for the United States Forestry Service (USFS) 2008 Mariposa County Noxious Weed Proposal – Arundo Eradication Project – Mariposa Creek Area; Approve Agreement with Custom Weed Control and Authorize the Board of Supervisors Chair to Sign the Agreements (Agricultural Commissioner); Res. 08-247
- CA-16 Approve the Combined County Petroleum Products Compliance and Weighmaster Enforcement Program Agreement No. 08-0029 for Fiscal Year 2008-2009 with California Department of Food and Agriculture (CDFA) (Agricultural Commissioner); Res. 08-239
- CA-17 Approve Budget Action Form Transferring Funds within the District Attorney’s Budget to Cover Anticipated Expenses for the Remainder of the Fiscal Year (\$9,554) (District Attorney); Res. 08-240

- CA-18 Decline the Option to Purchase Hanger # 7 at the Mariposa/Yosemite Airport and Allow the Owner to Sell the Hangar to any Interested Party (Public Works Director); This matter was continued for additional information to be brought back.
- CA-19 Approve Budget Action Increasing Revenue and Appropriations within the Fleet Services Budget for Unanticipated Revenue from Roads Usage Charges and to Accommodate Increased Costs Through the End of the Fiscal Year (\$10,000) (4/5ths Vote Required) (Public Works Director); Res. 08-241
- CA-20 Adopt a Resolution Authorizing Public Works to Advertise for L.P. Gas Heating Fuel for County Facilities; Award the Agreement to the Lowest Responsible Bidder and Authorize the Public Works Director to Sign the Agreement (Public Works Director); Res. 08-242
- CA-21 Approve the Yosemite West Community Wildfire Protection Plan (CWPP) as Required Prior to Application for Federal Grant Funding for Fuel Reduction Projects and Authorize the Board of Supervisors Chair to Sign the Plan (Fire Chief); Matter was continued to June 17<sup>th</sup> for a presentation.
- CA-22 Approve the Use of Funding in the Fish & Game Fund for the Local Office of the State Department of Fish & Game to Purchase a Robotic Wild Turkey Decoy to Enhance Enforcement Capabilities (County Administration Officer/Personnel/Risk Manager); Res. 08-243
- CA-23 Approve an Extra-Help Employment Agreement with John E. Davis to Serve as Building Department Director Effective June 11, 2008 at an Hourly Rate of \$38.4255 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 08-244, with correction to hourly rate of \$48.03
- CA-24 Approve the Proposed Job Description of Volunteer Fire Membership Coordinator as an Extra-Help Only Classification and Set the Hourly Rate at \$11 (County Administrative Officer/Personnel/Risk Manager); Res. 08-245

**3:56 p.m.** Adjournment in memory of Alma Jean Countz, Rosa Mae Wass, Derrill Lee Hester, Earl Emory Klein, Gayle Robeson, Lisa A. Domingues, Anna J. McGraw, and Dave Schutt.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

LYLE TURPIN,  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

June 17, 2008



Time                      Description

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

Pledge of Allegiance

Introductions

Jim Wilson, Fire Chief;

Adopt a Resolution Recognizing and Commending all Agency Personnel Involved in the live Rescue and Suppression of a Local Structure Fire on March 15, 2008 from Mariposa County Fire Department; Mariposa County Sheriff's Department; M.P.U.D. Fire District; CAL-FIRE and Mercy Medical Transportation; and Presentation of Medals of Valor to: Jeff Totten, Jim Middleton and John Faleski  
**BOARD ACTION:** (M)Pickard, (S)Aborn, Res. 08-250 was adopted recognizing the agency personnel/Ayes: Unanimous. Supervisor Bibby read the resolution into the record and the resolution was presented to Chief Wilson/Mariposa County Fire, Sheriff Muller/Mariposa County Sheriff's Department, Mariposa Public Utility District Fire District, CAL FIRE, and Merced Medical Transportation, Inc.

Sheriff Muller presented a Medal of Valor to Sheriff Sergeant Jeff Totten, and he commended the volunteer firefighters for their service. Jim Wilson presented a Medal of Valor to Battalion Chief John Faleski and to Deputy Chief Jim Middleton of Mariposa County Fire.

Certificates of Recognition were presented to the following for their participation in the event:

Mariposa County Fire: Deputy Chief Jim Middleton, Battalion Chief John Faleski, firefighter Kevin Jackson, Captain Richard Shelton, firefighter Mark Jones, Captain Marcella Good, firefighter Daniel Goulet, firefighter Ron Setterberg, and firefighter John Lilley; and the following were unable to be present: Captain Harve Dearing, Captain Steve Kitchen, firefighter David Sizemore, firefighter Richard Hulbert, firefighter Jerry Jay, Division Chief Hal Nolen, firefighter Cliff Tolstrup, firefighter Steve Sabol, firefighter Enrique Mendez, and firefighter Dana Felix;

Mariposa County Sheriff's Department: Sergeant Jeff Totten, Deputy Chris Boehm, and Deputy Jeff Weaver;

Mariposa Public Utility District Fire District: the following were unable to be present: Captain Dennis Buck and firefighter Mark Lingenfelter;

CAL FIRE: the following were unable to be present: Battalion Chief Bernard Quinn, Captain Troy Cheek, Captain Eugene Potkey, and Engineer Jeff Newman; and

Merced Medical Transportation, Inc.: the following were unable to be present: paramedic Jonathan Knauf and EMT Jennifer Knauf.

**9:30 a.m.** Recess

**9:42 a.m.** Approval of Consent Agenda (See End of Summary of Proceedings)

**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 questioned the multi-year contracts for items 2 and 4; and he referred to items 15 and 16 and provided input and stated he feels a position should be dedicated for each function.

Supervisors Aborn and Turpin pulled items 15 and 16. Supervisor Bibby pulled items 2 and 3. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Item 2 – Following discussion with Rick Benson, County Administrative Officer, (M)Bibby, (S)Aborn, item 2 was approved/Ayes: Unanimous.

Item 3 – Supervisor Bibby noted that she was only present for a portion of the meeting. (M)Fritz, (S)Pickard, item 3 was approved/Ayes: Aborn, Turpin, Fritz, Pickard; Abstained: Bibby.

Item 15 – Following discussion with Kris Schenk, Planning Director, (M)Aborn, (S)Fritz, item 15 was approved/Ayes: Unanimous.

Item 16 – Following discussion with Kris Schenk and Rick Benson, (M)Aborn, (S)Fritz, item 16 was approved/Ayes: Unanimous.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Dick Hutchinson asked whether there is any resolution to the sidewalk issue that was discussed on June 10<sup>th</sup> so that Rite Aid can open; and he provided input on the encroachment permit and noted that any delay in the opening will impact employee salaries and the sales tax revenue. Chair Turpin advised that ordinance for the sidewalk issue will be coming back to the Board tentatively next week.

**Board Information**

Supervisor Bibby reported on the First 5 meeting she attended and advised of the award of \$400,000 for the School Readiness Program. She provided input on the statistics for the Storytelling Festival. She extended a special thanks to CHP for providing traffic control and assistance during the March 15, 2008 fire incident. She thanked everyone for the get well wishes she has received. She advised that the new pavement at the Catheys Valley Park/McCay Hall is funded by the Proposition 40 dollars; and she thanked Public Works for the park improvements and playground equipment. She clarified that the encroachment permit for Rite Aid was required by CalTrans versus a County department as stated in the public presentation. She asked that the following items be scheduled on the Board's agenda: a status report of the life of the landfill; an update on the impact fee project; and an update on the FERC re-licensing. She referred to SB 1617 (Kehoe) relative to the establishment of a fire prevention fee of \$50 per structure; and she asked the County Administrative Officer to prepare a letter explaining the County's position with Proposition 218 process for structural fire protection.

Supervisor Aborn advised that he attended the open house for the Fire Station at the Airport, and he commented on the need to support the ballot measure for the County Service Area No. 3 for fire protection. He noted that a plan is forthcoming for the Airport. He noted that the new temporary bridges have been delivered to the Ferguson Rockslide. He presented a recent Modesto Bee news story relative to high-speed rail issues. He referred to the sidewalk along Highway 49 North that was required to be installed for Rite Aid and stated he feels that it should be the State's responsibility.

Supervisor Fritz advised that she is still recovering from surgery and thanked the community for the support she has received. She agrees that the sidewalk should not be solely the responsibility of Rite Aid as it doesn't just serve their business.

Supervisor Pickard advised that he attended the Yosemite/Sequoia Resource Conservation and Development meeting in Clovis and advised of the issues that were discussed. He referred to SB 1617 (Kehoe) and advised that there are efforts to find alternatives. He plans to attend the RCRC meeting in Del Norte County on Thursday.

Supervisor Turpin advised that he attended the Solid Waste Committee meeting on Wednesday and the Equestrian and Pedestrian Trails Committee meeting in Don Pedro. He held a District II meeting in Greeley Hill on Thursday relative to the Proposition 218 process for the County Service Area No. 3 for fire protection. He attended the Mariposa Calaveras Community Action Agency meeting in Coulterville on Friday and the Friends of the Red Cloud Library fundraiser in Greeley Hill on Saturday. On Monday he attended the Lake Don Pedro Community Services District meeting; and he plans to attend the Red Cloud Library meeting on Wednesday. He commented on work being done

on the rockslide on Highway 49 N north of the Bagby Bridge; and he advised of logging trucks hauling logs on Highway 132.

Jim Wilson, Fire Chief;

A) Approve the Yosemite West Community Wildfire Protection Plan (CWPP) as Required Prior to Application for Federal Grant Funding for Fuel Reduction Projects and Authorize the Board of Supervisors Chair to Sign the Plan

**BOARD ACTION:** Discussion was held with Jim Wilson and Dr. John Mock/Chair of the Fire Safety Committee in Yosemite West relative to the Plan, its circulation, status of funding and work on the projects. (M)Aborn, (S)Pickard, Res. 08-262 was adopted approving the Plan/Ayes: Unanimous.

B) Presentation on the Mariposa County Community Wildfire Protection Plan

**BOARD ACTION:** Kimberly Bullock, Mariposa Fire Safe Council, provided a status report on the Plan. She reviewed requirements for developing a plan; and Chair Turpin requested that this information be provided to the Board. She presented information on their funding, grants they have obtained and pending grant applications. Supervisor Bibby asked whether the Fire Safe Council provides input on projects submitted to Planning, and discussion was held. Mr. Beasley/Yosemite National Park, provided input on working together for the protection of the community.

**11:00 a.m.** Recess

**11:09 a.m.** Richard J. Benson, County Administrative Officer/Personnel/Risk Manager; Discuss and Provide Direction to Staff Regarding the Use of Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) Funds for Continued Funding of the Mariposa County Fire Safe Council from July 1, 2008 through June 30, 2011, in the Amount of \$159,048

**BOARD ACTION:** Discussion was held with Rick Benson.

Input from the public was provided by the following:

Paul Chapman questioned the multi-year agreement and stated he feels that the funds are used mostly for subdivision areas.

Kimberly Bullock provided input on the request for funding for the Fire Safe Council.

Dick Hutchinson commended the Fire Safe Council for the "Welcome to the Foothills" booklet they published.

Following discussion, (M)Pickard, (S)Aborn, direction was given to staff to begin the 45-day comment period for pursuing the proposal. Supervisor Bibby expressed concern with the multi-year proposal. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

**11:32 a.m.** James A. Rydingsword, Human Services Director; Approve the Concept of Developing a Joint Proposal Under the Provisions of California Public Contract Code 20133 to Design, Develop and Build a Single Leased Back Facility for the Human Services Department and a Juvenile Treatment and Detention Facility for the Probation Department

**BOARD ACTION:** Discussion was held with Jim Rydingsword and Gail Neal/Chief Probation Officer, relative to the request and consideration of including other departments.

Input from the public was provided by the following:

Witt Hawkins stated he agrees with the proposal in concept and he feels there needs to be planning for the future.

Ruth Catalan stated she agrees with the proposal and she feels the facility should include space for the offices that are currently renting their space.

Following discussion, (M)Fritz, (S)Aborn, the concept was approved as proposed/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

A) Waive First Reading and Introduce Ordinance Amending Section 10.08.020 of the County Code Establishing a “No Parking” Area at the Don Pedro Elementary School

**BOARD ACTION:** Following discussion with Dana Hertfelder, (M)Bibby, (S)Aborn, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

B) Discussion and Direction Regarding Acceptance of Out-of-County Waste at the Mariposa County Landfill

**BOARD ACTION:** Discussion was held with Dana Hertfelder.

Input from the public was provided by the following:

Paul Chapman stated he was the one that brought this issue to the County’s attention; and he does not feel that we have room in our landfill for the materials.

Gretchen Olson, Solid Waste Manager for Tuolumne County, provided input on coordinating regional and cooperative planning efforts.

Discussion was held concerning the matter and how this would affect meeting the diversion requirements. Supervisor Turpin noted that they are finding that there are areas around Buck Meadows, in Mariposa County, where the trash is being hauled to Tuolumne County. Supervisor Aborn requested that information be presented on the fee structure for Tuolumne and Mariposa Counties and that more information be brought back on the impact of accepting out-of-county waste. Supervisor Bibby commented on the identification cards that are issued in Trinity County and suggested that this type of system be reviewed for use here to track the source of the waste. (M)Pickard, (S)Fritz, direction was given to staff to bring back a revised ordinance for accepting solid waste from the Lake Don Pedro area that is outside of Mariposa County as recommended by the Solid Waste Task Force; and direction was given for staff to look at a reporting system so the source of the waste could be tracked; and further direction was given that this be a priority and come back to the Board as soon as possible. Further discussion was held, and Supervisor Bibby asked that the information on the status of the landfill be brought back before the revised ordinance. Ayes: Unanimous.

**12:50 p.m. Lunch**

**2:09 p.m.** The Board reconvened with Supervisor Fritz excused for the rest of the meeting.

Kris Schenk, Planning Director;

A) PUBLIC HEARING to Consider General Plan Amendment No. 2008-86, an Amendment to the Land use Classification of an Approximately 411-acre Portion of a 1,561.22-acre Parcel from the Agriculture/Working Landscape Land Use to the Natural Resources Land Use; The Project Site is North of the Bear Valley Planning Area, on the East and West Sides of State Highway 49 North; Address is 7585 Highway 49 North; Portion of APN 008-060-003. County of Mariposa Project Proponent; Michael Mondo, Property Owner

**BOARD ACTION:** Sarah Williams, Deputy Planning Director, presented the staff report and clarified that this is an amendment to the General Plan and not to the zoning ordinance. Staff responded to questions from the Board and advised that no objections were received from the Agricultural Advisory Committee members and that the Fish and Game fees are not waived for a County application.

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

Anita Starchman Bryant, Starchman & Bryant Law Offices – agent for the applicant, commended Sarah Williams for her staff report and efforts to correct this mapping error that occurred during the General Plan hearing process; and she provided input on the project.

Ruth Sellers asked if this is the site of the old Goldenbell Mining Company. Sarah Williams responded that this parcel is a part of the site that included four different parcels.

Ruth Catalan asked what would be allowed in the land use classification. Sarah Williams responded with the list of Extent of Uses for the Natural Resources and the Agricultural/Working Landscape land use classifications.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Pickard, (S)Bibby, Res. 08-266 was adopted adopting a Negative Declaration and approving General Plan Amendment No. 2008-86 with findings as recommended by the Planning Commission/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz. The hearing was closed.

B) Schedule a Public Workshop for Further Consideration of the Draft Catheys Valley Community Plan; and

C) Schedule a Public Workshop for Further Consideration of the Yosemite West Special Plan  
**BOARD ACTION:** Discussion was held with Kris Schenk relative to scheduling, and he presented the Board with the draft Catheys Valley Community Plan. Supervisor Bibby asked that an explanation be distributed with the Plan so that the public would know that the yellow high lights are portions from the General Plan, etc.

Input from the public was provided by the following:

Anita Starchman Bryant advised that she represents several individuals in Yosemite West and provided input on the suggested dates for scheduling the workshop.

(M)Aborn, (S)Bibby, the Board scheduled the following:

A joint workshop with the Planning Commission on the draft Catheys Valley Community Plan for Tuesday, July 15, 2008 at 6:30 p.m.;

A workshop on the draft Yosemite West Special Plan for Saturday, August 16, 2008, at 10:00 a.m./Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

## **2:58 p.m. LOCAL TRANSPORTATION COMMISSION**

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

A) Public Presentation – None

B) Adopt a Resolution Allocating the Transportation Development Act (TDA) Funds for Fiscal Year 2007-2008

**COMMISSION ACTION:** Following discussion with Dana Hertfelder, (M)Bibby, (S)Aborn, LTC Res. 08-11 was adopted allocating the TDA Funds/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

C) Adopt a Resolution Allocating the State Transit Assistance (STA) Funds for Fiscal Year 2007-2008 (Dana Hertfelder, Public Works Director)

**COMMISSION ACTION:** Following discussion with Dana Hertfelder, (M)Bibby, (S)Aborn, LTC Res. 08-12 was adopted allocating the STA Funds/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

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

**BOARD ACTION:** Discussion was held with Rick Benson. It was noted that the CalTrans informational sign on Highway 140 is not functioning properly. (M)Bibby, (S)Pickard, Res. 08-265 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, Pickard; Excused: Fritz.

Recommend the Rejection of Claim No. C08-2 Filed by James H. Allen for \$16,440 and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** Supervisor Bibby advised that because this matter has to do with a claim relative to sick time, she has a potential conflict as a previous employee in the MCMCO and SEIU bargaining units; and there is a chance that she may be called as a witness if this proceeds any further; so she recused herself from the meeting at 3:04 p.m. Discussion was held with Rick Benson.

Input from the public was provided by the following:

Ruth Catalan questioned whether there has been any effort to recoup the funds from those who were paid and should not have been; and whether this sick leave policy is included in a policy manual that employees can read. Rick Benson responded relative to the review of this matter and advised that the statute of limitation has expired for two of the employees that were paid in error; and that one individual received a rather small amount and it would cost more to collect than the amount that was paid.

Paul Chapman questioned the resolution (previous Board action n 1993) disappearing and reappearing.

Dick Hutchinson stated he feels the Board's resolution (1993) was discriminatory and he feels it was taking away something from employees that were promoted. He stated he feels that the Board should change the policy.

Further discussion was held. (M)Aborn, (S)Pickard, Res. 08-263 was adopted rejecting the claim as recommended. Supervisor Pickard provided input on the Constitutional restrictions in this matter; and amended the motion, agreeable with the maker, to include direction for the County Administrative Officer to bring back a resolution to rescind the policy that was established in 1993. He clarified that this can not be done retroactively. Ayes: Aborn, Turpin, Pickard; Excused: Fritz; Recused: Bibby.

Supervisor Bibby returned to the meeting at 3:25 p.m.

Approve Budget Action Reducing General Contingency and Increasing Appropriations in the Administration Budget to Pay for the Costs Associated with the Voting Process on the Formation of County Service Area (CSA) #3 (\$17,000) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** Discussion was held with Rick Benson and he amended the budget amount to \$18,000.

Input from the public was provided by the following:

Ruth Sellers stated she feels that this matter was handled poorly and questioned the process moving forward before this action was taken.

Paul Chapman agreed and provided input on the budget and expense procedures.

(M)Pickard, (S)Aborn, Res. 08-264 was adopted approving the budget action as amended in the amount of \$18,000/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

## **CONSENT AGENDA**

- CA-1 Adopt a Resolution Approving the Fiscal Year 2007-2008 Adjusted Budget as Mariposa County's Operating Budget Until the Adoption of the Fiscal Year 2008-2009 Final Budget in September 2008 (County Administration Officer/Personnel/Risk Manager); Res. 08-251
- CA-2 Approve an Agreement with Smith & Newell to Perform the Countywide Audit for the Fiscal Years Ending June 30, 2008 through June 30, 2011 with one Modification Due to Requirement from the Department of Mass Transportation (CalTrans) (Auditor); Res. 08-259
- CA-3 Approval of Summary of Proceedings of June 10, 2008, Regular Meeting (Clerk of the Board)
- CA-4 Approve a Memorandum of Understanding from July 1, 2008 through June 30, 2011, with the Mariposa County Office of Education which will Transfer Federal Individuals with Disabilities Education Act (IDEA) Funds for Specified Mental Health Services Provided for Eligible Students in the School Districts and Authorize the Board of Supervisors Chair to Sign the Memorandum (Human Services Director); Res. 08-252



- CA-5           Accept the Resignation of Joan Conlan and Carl Loeffler from the Mental Health Board (Human Services Director)
  
- CA-6           Accept the Resignation of Richard Gibson from the Mental Health Board (Human Services Director)
  
- CA-7           Accept the Resignation of Lisa Carisio from the Mental Health Board (Human Services Director)
  
- CA-8           Approve the 2008-2009 Community Services Block Grant (CSBG) # 08F-4907, Amendment One on Behalf of the Calaveras-Mariposa Community Action Agency; Accept an Advance of \$60,764 in Anticipated Revenue from CSBG Agreement and Authorize the Human Services Director to Amend Existing Sub-contract Agreements with Service Providers (Human Services Director); Res. 08-253
  
- CA-9           Approve Budget Action Increasing Revenue and Appropriations in the Social Service Department for Incentives in the Amount of (\$1,200) (4/5ths Vote Required) (Human Services Director); Res. 08-254
  
- CA-10          Approve the Plan of Cooperation Between Mariposa County Department of Child Support Services and Mariposa County Superior Court and Authorize the Board of Supervisors Chair to Sign the Agreement (Child Support Services Director); Res. 08-255
  
- CA-11          Approve an Agreement with Richard Shelton for General Maintenance at the Mariposa County Detention Facility for Fiscal Year 2008-2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 08-256
  
- CA-12          Approve Budget Action Transferring Funds within the Sheriff's Department Budget to Cover Fuel Costs through the End of the Fiscal Year (\$15,000) (Sheriff); Res. 08-257
  
- CA-13          Appoint Michael Bilodeau to the El Portal Town Planning Advisory Committee for a Term Expiring February 28, 2009 (Supervisor Aborn)
  
- CA-14          Approve Agreement Extensions for Fiscal Year 2008-2009 with Area 12 Agency on Aging for Congregate C-1 Funding (\$24,545), Congregate Restaurant C-1 Funding (\$9,894), Home Delivered C-2 Funding (\$11,705) and IIIB Transportation Funding (\$8,100) (Community Services Director); Res. 08-258
  
- CA-15          Approve an Agreement with David J. Guy to Prepare a Comprehensive Update of the Mariposa County Policies for Implementation of the Williamson Act and Authorize the Board of Supervisors Chair to Sign the Agreement (Planning Director); Res. 08-260
  
- CA-16          Approve an Amendment to the Planning Technician Job Description by Incorporating Language within the Job Description Relating to Working with Williamson Act Contracts and Geographic Information Systems (GIS) (County Administrative Officer/Personnel/Risk Manager); Res. 08-261

(M)Bibby, (S)Aborn, the Board adjourned at 3:36 p.m. in memory of Gerald Leroy Pirtle, Jr./Ayes:  
Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

LYLE TURPIN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

June 24, 2008



Time                      Description

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

Pledge of Allegiance

Introductions

Jim Wilson, Fire Chief, provided a briefing on the fires that occurred as a result of the lightening storms over the weekend – about 25 fires were started in the County. He commended the volunteer firefighters for their work. Jim Middleton, Deputy Fire Chief, noted that all of the equipment in the Department has been deployed; and he advised that there are over 800 fires in the State and there are predictions for more dry lightening on Thursday and Friday. It was noted that there may be a need to do a disaster declaration if the structures begin burning, and that the Fire and Sheriff's Department have incurred unanticipated expenses with these fires. Board members expressed appreciation for everyone that has been involved, including all of the agencies, County Fire, and the dispatchers at the Sheriff's Department and CAL FIRE. Dr. Mosher, Health Officer, advised that an emergency information line (966-1133 or 1-800-966-1133) has been established to help keep the pressure off of the dispatch center; and he advised that this could be kept as a public line published for future incidences. He advised of work with the Golden Agers for using the Senior Activity Center as a heat and evacuation center. He advised of a health alert that was issued due to the air quality as a result of the fires.

Chair Turpin advised of an off agenda request relative to a grant agreement being submitted by the Upper Merced River Watershed to the State Department of Conservation. (M)Fritz, (S)Aborn, the Board waived rules requiring 72 hours agenda noticing to consider this matter, finding that it was not known about at the time the agenda was prepared and the deadline for submitting the grant agreement is June 27, 2008. Discussion was held relative to clarification of the urgency of the item; and Thomas P. Guarino, County Counsel, responded to questions and advised that the findings meet the criteria for waiving the 72 hours agenda noticing. Ayes: Unanimous. Chair Turpin initiated discussion relative to the grant application; and he noted that the County has a professional relationship with Merced Irrigation District (MID) on the FERC relicensing project. He asked that the Board take action to send a letter clarifying that the Upper Merced River Watershed and the Mariposa County Resource Conservation District do not necessarily represent the County's position on issues relative to the relicensing of MID's license to generate power.

Input from the public was provided by the following:

Leroy Radanovich, Chair of the Water Agency Advisory Board, clarified that the issue is the FERC license to generate power and not the relicensing of the New Exchequer Dam; and he referred to the contract between the County and MID that states the County government will be a partner with MID in the relicensing effort for the generation of power.

Paul Chapman provided input and stated he does not feel this constitutes an urgency action.

(M)Pickard, (S) Aborn, direction was given for the County Administrative Officer to prepare a letter for the Chair's signature to the Mariposa County Resource Conservation District, with a copy to the State Department of Conservation and to MID clarifying that the District and the Council does not necessarily represent the County's position on issues relative to the relicensing of MID's electric generation facilities – Res. 08-288/Ayes: Unanimous.

Approval of Consent Agenda (See End of Summary of Proceedings)

**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:** Supervisor Aborn pulled items 1, 2, 3, 7, and 10. (M)Fritz, (S)Bibby, the balance of items was approved/Ayes: Unanimous.

Item 10 – Following discussion with Dana Hertfelder/Public Works Director, (M)Aborn, (S)Bibby, item 10 was approved/Ayes: Unanimous.

Item 1 – Following discussion with Jim Rydingsword/Human Services Director, (M)Aborn, (S)Fritz, item 1 was approved/Ayes: Unanimous.

Item 2 – Following discussion with Jim Rydingsword, (M)Aborn, (S)Bibby, item 2 was approved/Ayes: Unanimous.

Item 3 – Following discussion with Jim Rydingsword, (M)Aborn, (S)Bibby, item 3 was approved/Ayes: Unanimous.

Item 7 – Following discussion with Bob Brown/District Attorney, (M)Aborn, (S)Bibby, item 7 was approved/Ayes: Unanimous.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

David Carpenter expressed concern with brushing and tree removal on Yosemite Oaks Road, and he advised of his conversations with Public Works staff.

**10:18 a.m.** Recess

**10:29 a.m.** Kris Schenk, Planning Director and Donna Brownell, Mariposa County Arts Council Executive Director;

Presentation of the Mariposa Mural by Colleen Goodwin-Chronister for the East Wall of the Pizza Factory on the Corner of Highway 140 and 5<sup>th</sup> Street

**BOARD ACTION:** Discussion was held with Kris Schenk relative to the proposed mural. Supervisors Bibby and Aborn asked whether members of the Native American community reviewed the artwork; and Kris advised that they have representation on the Historical Sites and Records Preservation Commission.

Input from the public was provided by the following:

Donna Brownell provided input and advised that the mural was commissioned by Ron Willey/Pizza Factory and that it was approved by the Historical Sites and Records Preservation Commission.

Ruth Sellers, member of the Historical Sites and Records Preservation Commission, commended the Arts Council for their work on this.

No action was necessary.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

Approve First Amendment to the Contract with Mercy Medical Transportation, Inc. Extending the Term to December 31, 2009, and Authorizing a \$100/run Payment with a Not-to-exceed Amount of \$150,000 for a 12-month Period or \$225,000 over the 18-month Period and Authorize the Board of Supervisors Chair to Sign the Amendment

**BOARD ACTION:** Discussion was held with Rick Benson and Dr. Mosher relative to the request; status of reimbursement from Tuolumne County; coverage for indigent services; and relative to coverage for special events. Rick Roesch, President of Mercy Medical Transportation, Inc., advised that he agrees it would not be appropriate for Mariposa County to pay for calls from Tuolumne County, and he advised that the calls covered by special events are not 9-1-1 calls and would not fall under this agreement. Rick Benson clarified that the recommendation does not include subsidizing runs in

Tuolumne County, and he advised that discussions are being held with Tuolumne County on this matter. Supervisor Turpin referred to the staff report and stated he feels that “good” should be replaced with “excellent” services being received from Mercy.

Input from the public was provided by the following:

Dick Hutchinson commented on the services that are provided.

(M)Aborn, (S)Bibby, Res. 08-282 was adopted approving the first amendment to the contract. The motion was amended by the second, agreeable with the maker, to include direction for staff to explore SB90 reimbursement and indigent reimbursement through the County Medical Services Program, and to continue discussions with Tuolumne County relative to the payment section of the original contract/Ayes: Unanimous.

Approve an Agreement with Mariposa County Chamber of Commerce to Operate the Visitors’ Center and Provide Courthouse Tour Guides in the Amount of \$168,442 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** Discussion was held with Rick Benson relative to the agreement and he clarified that the agreement with the Chamber is for operation of the Visitors’ Center. Discussion was held relative to the inclusion of a financial review of the Chamber’s operation versus a formal audit, inclusion of the grounds keeping services, and relative to the statistics for the visitors’ services.

Dorothy Kuhnel, Executive Director for the Chamber of Commerce, provided input and responded to the questions that were raised. She read a statement from the Chamber’s Board of Directors clarifying that agreement is for operation of the Visitors’ Center and not to subsidize the Chamber. She advised that she will provide additional information to the Board on the visitors’ statistics.

Input from the public was provided by the following:

Paul Chapman questioned whether the contract for services was put out to bid, commented on the audit requirements, and stated he feels it would be best to use the funds for fire trucks.

Dick Hutchinson expressed concern with the lack of public restrooms at the Visitors’ Center; and he stated he feels the County should work with the Chamber and VFW to build restroom facilities. He commented on the importance of maintaining the grounds for public appearance; and he commented on staffing concerns with the Visitors’ Center.

Paul Hall, Vice-President of the Chamber of Commerce, responded to Mr. Hutchinson’s concerns relative to staffing and the restrooms.

Chair Turpin asked the County Administrative Officer to review the status of the public restroom situation and the potential. Discussion was held. Supervisor Bibby stated she could support the funding for the summer, with further consideration to be given during the final budget hearings when the status of the Proposition 218 ballot tabulation for the fire equipment is known. (M)Fritz, (S)Pickard, Res. 08-284 was adopted approving the agreement. Further discussion was held.

Additional input from the public was provided by the following:

Paul Hall provided input on the need for the services for the tourists.

Dorothy Kuhnel responded to questions relative to their use of the copying machine.

MaryAnn Huff, President of the Chamber of Commerce, provided input on the costs to obtain an audit, and advised that they have contracted for the financial report. She commented on the importance of tourism to the County and noted that the Chamber of Commerce is a professional partner.

Jeanetta Phillips stated she feels the audit should be made public and expressed concern with the public being able to review the minutes of the Chamber’s meetings.

MaryAnn Huff responded and advised that the Chamber’s records are available in their office.

Dorothy Kuhnel responded and advised that the Chamber’s meetings are open to the public.

Candy O’Donel-Browne noted that the Visitors’ Center has been helping with fire companies that are coming into town.

Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

Approve a Lease Agreement with the Mariposa County Chamber of Commerce to House the Economic Development Office and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** Discussion was held with Rick Benson.

Input from the public was provided by the following:

Dorothy Kuhnel responded to questions relative to the relocation of the Forest Service office and allocation of space to the Economic Development Office.

MaryAnn Huff commented on the benefits of having the Economic Development Office in the same facility with the Chamber.

(M)Aborn, (S)Bibby, Res. 08-285 was adopted approving the agreement/Ayes: Unanimous.

**12:01 p.m.** Recess

**12:08 p.m.** Approve an Agreement with Yosemite/Mariposa County Tourism Bureau to Conduct Promotional and Marketing Activities for the County and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** Discussion was held with Rick Benson. Leroy Radanovich, Director/Yosemite-Mariposa Tourism Bureau, provided input and advised of the status of hiring an Executive Director and relocation of the office to Italian Acres. He discussed their programs and issues related to tourism. He advised of their receipt of the California Tourism Commission Judges' award for the email/radio advertising program that was put together by John Poimiroo. Donna Brownell, Treasurer for the Bureau, responded to questions relative to the status of their budget.

Input from the public was provided by the following:

Paul Chapman provided input on tourism and stated he feels the funding could be used to purchase fire trucks.

Dick Hutchinson, Chair of the Merchants Group in town, thanked Leroy Radanovich for his advertising efforts.

(M)Aborn, (S)Fritz, Res. 08-286 was adopted approving the agreement. Supervisor Bibby stated she feels the discretionary dollar expenses should be held for review during the final budget hearing process; and she would prefer to approve half of the funding at this time. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

**12:38 p.m.** Lunch

**2:12 p.m.** Board Information

Supervisor Fritz advised of her coordination of a caravan of large vehicles to go over the new temporary bridges during the ceremony to celebrate the opening of the new bridges on Friday. She advised that she plans to attend a meeting in Lushmeadows this evening to discuss the formation of County Service Area No. 3 for structural fire protection. She plans to attend the Juvenile Justice Commission meeting next week, the Gateway Partners meeting on July 10<sup>th</sup>; and the Rail Committee meeting in Richmond. She attended the grand opening for Rite Aid on Friday.

Supervisor Turpin noted that CalTrans has scheduled the official ribbon cutting ceremony for the new temporary bridges at the Ferguson Rockslide for Friday. Rick Benson noted that the ceremony is scheduled for 2:00 p.m.

Supervisor Pickard advised that he attended the RCRC meeting on Thursday and advised that they discussed legislation and the status of the State's budget. He plans to attend the County Medical Services Program Governing Board meeting on Thursday.

Supervisor Aborn advised that he and his wife had dinner at the New Red Fox on Saturday and it was delicious.

Supervisor Bibby gave special thanks to all of the emergency personnel that are assisting the County with the recent fire situation; and she commented on the list of fires in the State that was received from County Fire. She noted that a recent scanner report of a structure fire at the landfill was for a PG&E pole at the transformer site.

Supervisor Turpin expressed appreciation for all of the personnel involved in the fire incidents. He advised of his discussion with Maggie Dowle, District Ranger for the Groveland Ranger District relative to the fire in the Stanislaus National Forest; and he advised that they plan to meet on Thursday relative to coordinating off-road vehicle trails with BLM. He advised that the annual Fire Brigade

deep-pit BBQ and carnival will be held on July 5<sup>th</sup> in Coulterville. He noted that the public is invited to the ceremony for the new temporary bridges at the Ferguson Rockslide on Friday.

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

**BOARD ACTION:** Rick Benson noted the ceremony for the new temporary bridges on Friday; and he recommended that the Board continue the local emergency. Following discussion, (M)Bibby, (S)Aborn, Res. 08-287 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. Supervisor Turpin advised of the rockslide clean-up efforts on Highway 49 N north of the Bagby Bridge.

Schedule Continuance of the Deliberation and Action Portion of the Public Hearing for the Establishment of County Service Area No. 3 for Structural Fire Protection for Friday, July 25, 2008, at 9:00 a.m.; and Accept Information on the Ballot Tabulation Schedule (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** Discussion was held with Rick Benson.

Input from the public was provided by the following:

Paul Chapman provided input and questioned the ballot tabulation process.

Rick Benson explained the public hearing process for this matter and the ballot tabulation process. The Board concurred with the schedule as recommended.

**2:42 p.m. CLOSED SESSION:** Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956(a); Name of Claimant or Case Number and Name of Adverse Parties: Hazel Green Ranch, LLC v. United States Department of the Interior, et al.; Case No. 1:07-CV-00414 OWW-SMS (County Counsel); and

**CLOSED SESSION:** Anticipated Litigation: Initiating of Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Names of Case to be Discussed: County of Mariposa v. Bartlett Petroleum, Inc. (County Counsel)

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

**3:36 p.m.** Chair Turpin announced that information was received as a result of the closed session matter for Hazel Green. Thomas P. Guarino, County Counsel, announced that direction was given to staff to solicit request for qualifications for counsel to initiate litigation against Bartlett Petroleum for environmental contamination of the Public Works yard by unanimous vote.

## **CONSENT AGENDA**

- CA-1 Approve an Agreement with Infant/Child Enrichment Services (ICES) for Child Care Services for Parents Transitioning from Welfare to Work for Fiscal year 2008-2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-278
- CA-2 Approve an Agreement with Allen, Proietti and Fagalde, LLP for Continued Legal Services for the Child Welfare/Protection Unit and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-279
- CA-3 Approve an Agreement with Cathy Rohrbaugh to Provide Learning Disabled Evaluations for Individuals in the CalWORK's Program for Fiscal Year 2008-2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-280

- CA-4 Approve an Agreement with John Muir Behavioral Health Center, an Acute Psychiatric Inpatient Facility and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-267
- CA-5 Approve Budget Action Transferring Funds within the Social Services Division of the Human Services Department to Cover Expenses through the End of the Fiscal Year (\$18,500) (Human Services Director); Res. 08-268
- CA-6 Approve an Agreement with the State Department of Mental Health to Provide Community Mental Health Services and Authorize the Human Services Director to Sign the Agreement (Human Services Director); Res. 08-269
- CA-7 Adopt a Resolution Authorizing Approval of the 2008-2009 Office of Emergency Services District Attorney Vertical Prosecution Block Grant in the Amount of \$69,410 for Fiscal Year 2008-2009 (District Attorney); Res. 08-281
- CA-8 Authorize the Public Works Director to Sign a Letter Allowing the Regional Council of Rural Counties Environmental Services Joint Powers Authority (ESJPA) to Submit for the Used Oil Block Grant 14<sup>th</sup> Cycle and Continue Assisting the County Solid Waste and Recycling Division in the Implementation of the Used Oil Block Grant for the 14<sup>th</sup> Cycle for Fiscal 2008-2009 (Public Works Director); Res. 08-270
- CA-9 Approve an Agreement with Rural Counties Environmental Services Joint Powers Authority (ESJPA) to Act as Contractor to Administer, Implement and Manage the Department of Conservation County Payment Program (SB332) Funding Grant for Fiscal Year 2008-2009 and Authorize Public Works Director to Sign the Agreement (Public Works Director); Res. 08-271
- CA-10 Approve an Agreement with Nichols Consulting Engineers, Chtd. in the Not-to-exceed Amount of \$92,500 to Conduct a Road Inventory and Condition Survey for Pavement Management System Update on 360 Centerline Miles of County Maintained Roads and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-277
- CA-11 Approve the Statement of Votes Cast as Certified to the Secretary of State on July 1, 2008 (Elections/County Clerk/Treasurer/Tax Collector); Res. 08-272
- CA-12 Request Approval and Authorization to Participate in the Pioneer Market Tri-Tip Community Fund Raisers on July 4<sup>th</sup> and 5<sup>th</sup> with the Proceeds going Towards Senior Programs (Community Services Director); Res. 08-273
- CA-13 Approve an Agreement with 35-A District Agricultural Association for Senior Services Informational Booth at the Mariposa County Fair August 29<sup>th</sup> through September 1, 2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (Community Services Director); Res. 08-274
- CA-14 Approval of Summary of Proceedings of June 17, 2008, Regular Meeting (Clerk of the Board)
- CA-15 Approve Budget Action Transferring Funds within the Sheriff's Department Jail Budget to Cover Expenses through the End of the Fiscal Year (\$3,500) (Sheriff); Res. 08-275



CA-16            Approve an Agreement with Coulter Café to Provide Senior Citizens on the Northern Side of the County with Hot Meals and Authorize the Board of Supervisors Chair to Sign the Agreement (Community Services Director); Res. 08-276

**3:37 p.m.** Adjournment in memory of Mary Anna Weiss Vocelka, David Scholling, Roscoe Edmund “Bud” Bower, Larry Craig, Robert J. “Bob” Whitsitt, Ken Rich, and Donna Fay Reavis.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

LYLE TURPIN  
Chair, Board of Supervisors