



# MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222  
5100 Bullion Street  
<http://www.mariposacounty.org/>



**JANET BIBBY, CHAIR**  
**MERLIN JONES**  
**LEE STETSON**  
**KEVIN CANN**  
**JOHN CARRIER**

**DISTRICT III**  
**DISTRICT II**  
**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT V**

## MINUTES

January 8, 2013

### A. Call to Order and Roll Call

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

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:03 AM
Janet Bibby	District III Supervisor	Present	9:03 AM
Kevin Cann	District IV Supervisor	Present	9:03 AM
John Carrier	District V Supervisor	Present	9:03 AM
Merlin Jones	District II Supervisor	Present	9:03 AM

### B. Pledge of Allegiance / Swearing-In Ceremony

The Mariposa County Sheriff's Department Color Guard, consisting of Joe Serena, William Atkinson, Kevin Packard, and Lance Ferguson, rendered the Colors.

The Pledge of Allegiance was led by: Bob Johns / Mariposa County Veterans Services Officer / VFW Department of California; Commander Jim Mason / Mariposa VFW Post 6042; Commander Bill Bass / Coulterville VFW Post 9454; Commander Scott Cumming / American Legion Post 567; and Collette Turner / VFW Ladies Auxiliary.

Charlotte Hickman sang the "Star Spangled Banner" and "America the Beautiful."

The Mariposa County High School Grizzly Band, led by Dr. Phillip Smith, performed "Stars and Stripes," and a selection entitled "Main Street America."

The Honorable Wayne R. Parrish, Judge of the Superior Court, gave the Oath of Office to re-elected Judge F. Dana Walton.

The Honorable F. Dana Walton, Judge of the Superior Court, gave the Oath of Office to re-elected Supervisor Kevin Cann, and elected Supervisors

Merlin Jones and John Carrier.

Chair Bibby introduced Rocky Deal, the District Director for Congressman Tom McClintock.

**C. Refreshment Break**

**D. 10:32 AM Reconvene**

**E. Introductions**

None.

**F. Selection of Chair for 2013**

**1. Clerk of the Board of Supervisors RES-2013-1**

**Selection of the Board of Supervisors Chair for 2013**

Staff presentation by Rick Benson/County Administrative Officer.

Supervisor Jones nominated Lee Stetson as Chair. No additional nominations. No public comment.

Action was taken to name Supervisor Stetson as Board Chair for 2013.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**10:38 AM The gavel was passed to Chair Stetson.**

**G. Selection of Vice-Chair for 2013**

**1. Clerk of the Board of Supervisors RES-2013-2**

**Selection of the Board of Supervisors Vice-Chair for 2013**

Staff presentation by Rick Benson.

Supervisor Jones nominated Kevin Cann as Vice-Chair. No additional nominations. No public comment.

Action was taken to name Supervisor Cann as the Board Vice-Chair for 2013.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

## H. Presentations

### 1. Clerk of the Board of Supervisors (ID # 2062)

#### **Presentation of the Gavel Plaque to Supervisor Bibby for Serving as 2012 Chair**

Chair Stetson presented the plaque.

## I. Approval of Consent Agenda (Items designated by "CA")

**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.

No public comment on any consent item, however, Supervisor Cann commended Les Marsden, Mark Becker, Larry Harris and Donn Harter for accepting appointments as Planning Commissioners.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

#### CA1. **Planning 2013-1**

Appoint Les Marsden as Planning Commissioner for District I

#### CA2. **Planning 2013-2**

Appoint Mark Becker as Planning Commissioner for District II

#### CA3. **Planning 2013-3**

Appoint Larry Harris as Planning Commissioner for District IV

#### CA4. **Planning 2013-4**

Appoint Donn Harter as Planning Commissioner for District V

#### CA5. **Agricultural Commissioner RES-2013-3**

Approve the Pierce's Disease Control Program/Glassy-Winged Sharpshooter Agreement No. 12-0121-SF Amendment 1 for FY 2012/2013 through FY 2013/2014 with the California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA6. Human Services RES-2013-4**

Approve the Membership Certification for the Mariposa County Local Child Care Planning Council and Authorize the Board of Supervisors Chair to Sign the Certification

**CA7. Sheriff's Office RES-2013-5**

Approve Interim Rental Agreement with 35-A District Agricultural Association for Use of the Fairgrounds Facility for the Calendar Year 2013 and Authorize the Board of Supervisors Chair to Sign the Interim Rental Agreement

**CA8. Administration RES-2013-6**

Extend the Existing Hiring Moratorium through June 30, 2013

**CA9. Planning RES-2013-7**

Adopt a Resolution Approving Road Name Application No. 2012-185, Approving the Proposed Road Name "Gold Miners Creek Road" for the Subject Easement

**J. Minutes Approval**

No public comments on either set of Minutes.

Supervisor Carrier requested an edit of language in the third paragraph of page 6, in the Minutes of December 18, 2012, specifically requesting the removal of the word "that" after the word "urged," adding the word "to" after the word "citizens," and removing the word "that" after the word "suspect." Action was taken accepting the Minutes amended to reflect those changes.

1. **Monday, December 17, 2012**
2. **Tuesday, December 18, 2012**

**K. Departmental Presentation**

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

**L. Public Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Kris Casto spoke regarding having a more open process, and better informing the community, regarding new openings for Planning Commissioners.

Kathy McCorry/Executive Director of the Mariposa County Chamber of Commerce gave the December tourism report; handed out a flyer announcing social media and "Constant Contact" training courses; and advised of an upcoming filming project with relocate.org.

Mary Bass/President of the Mariposa County Chamber of Commerce, invited the Board to the Chamber's Installation Dinner on January 24, 2013.

## **M. Board Information**

Supervisor Cann advised that he will be attending the quarterly Gateway Partners Meeting this Thursday; and on being informed by the Public Works Director of plans by CalTrans to install a safety light, similar to the one at Ashworth Rd/Highway 49 North, at Darrah Road and Highway 49 North. He reported on a meeting on December 27th with the Downtown District Parking landowners; and gave an overview of the Parking District's history. He advised of a meeting tomorrow which the Human Services Director has set up with the National Agencies on Aging in Washington, D.C.; and that the next meeting on the graduated/assisted care facility issue will be Thursday, January 30th, where a presentation will be made on the four different models of care. He also advised that next Thursday he will be representing the Regional Council of Rural Counties in a meeting with Assemblymember Kristen Olsen where they will seek to establish a formal strategy regarding the SRA fee; and presented an overview of current efforts to repeal that fee. He welcomed the new Supervisors.

Supervisor Carrier reported on the amount of time he has spent going through information that his predecessor left for him, and expressed his thanks to former Supervisor Jim Allen for all of the materials. Supervisor Carrier further reported attending the bi-weekly fire station meeting; on a visit to the Fish Camp Fire Station on Friday to look at progress; a visit to the County Park to look at the potential site for the BMX Track, which is the subject of a presentation later today; of visits to the Senior Center yesterday and last Thursday; and brief meetings with the Auditor, the Tax Collector, and with Supervisor Cann. He advised that he will be attending the Yosemite Gateways Partners meeting tomorrow; and that he has other meetings scheduled for next week.

Supervisor Jones commented on the water level in Lake Bagby today. He advised of attending an interview on December 27<sup>th</sup> with an applicant for Human Resources Director; on meeting with a grant writer for Gold Rush Charter School on December 31<sup>st</sup>; that he has been reading through materials every night; of a meeting yesterday with constituents in Lake Don Pedro; and of working with a couple who want to open a business in the Lake Don Pedro area. He thanked the Department Heads, and their assistants, for their help; thanked his wife, former Supervisors Lyle Turpin, Doug Balmain, and Sally Punte, and his entire Campaign Committee. He noted that he will be watching the County's finances very closely; that we need to work together; and looks forward to the future.

Supervisor Bibby thanked the Board, Staff and public for their support of her as Chair over the last year. She welcomed the new Board members, and wished everyone a Happy New Year. She advised that she will be meeting with Terry Selk/Executive Director of the Yosemite/Mariposa County Tourism Bureau on January 9th; and with Human Services on January 10th regarding Title 4. She noted that beginning February 11th, Dr. Fadzayi Mashiri will be the

new Livestock Range Management Farm Advisor; that Russ Hill is the new 4H Advisor; and that Maxwell Norton will continue to provide Farm Advisor services. Supervisor Bibby advised that CalTrans will be providing the Board with an update on the Ferguson Slide at 11:00 AM on February 12th. Supervisor Bibby also formally requested confirmation from both the CAO and Auditor whether flexible benefit amount, and recent shift from medical benefits to flexible amount if taken as salary, will impact unfunded liability as PERS reportable. She further noted that if taxable it is usually required to be PERS reportable and that the continued increases to unfunded liability need to be analyzed and isolated for everyone's benefit.

Supervisor Stetson reported on a meeting with Supervisor Carrier, Public Works, the Fire Chiefs and the CAO regarding fire station construction; good progress, especially at Midpines. He advised that he will be attending an El Portal Advisory Board Meeting tonight at 7:00 PM; an Airport Advisory Board Meeting at 5:30 PM on Wednesday; the Gateway Partners Meeting at 9:00 AM on Thursday; and a YARTS meeting at 1:00 PM on Monday. He also noted that the Yosemite West Study Session that was originally scheduled before the Board at 2:00 PM on January 22<sup>nd</sup> has been moved to February 5<sup>th</sup>. Supervisor Stetson ended his report by welcoming the new Supervisors.

## **N. Regular Agenda Items**

### **1. Public Works (ID # 2009)**

#### **Waive First Reading and Introduce Ordinance Amending Chapter 10.08.070 of the Mariposa County Code (Pursuant to Bus Loading Zones) Bus Loading Ordinance Amendments**

Staff presentation by Peter Rei/Public Works Director, with Dick Whittington/YARTS Transit Manager in attendance.

Supervisor Bibby inquired if there have been any complaints from the downtown businesses; and regarding bus loading time limits. Supervisor Cann commented that other busses could also use the space. Peter Rei responded to all questions/concerns.

#### **Public Comment Opened.**

Dick Whittington commented that the ordinance is necessary in order to prevent CalTrans from removing the Bus Stop signs.

Supervisor Bibby stated her concern that the situation be continually monitored going forward. Supervisor Jones stated concerns about loading/unloading time limits.

Ron Iudice commented on potential problems, and mentioned the wayfinding signs that will be going up. Kris Casto commented that response among members during business association meetings has been favorable. Terri Peresan/Mariposa County Transit noted that such a sign would give a safe spot for loading and unloading seniors.

Motion by Supervisor Cann, with second by Merlin Jones, to approve, as requested, waiving the first reading of the ordinance; with the caveat that serious thought be given to the bus parking time limit. Carried unanimously.

**Public Comment Closed.**

**RESULT: TABLED**

**2. Clerk of the Board of Supervisors (ID # 2025)**

**Select the California Regional Council of Rural Counties (RCRC) Director and Alternate(S) for 2013**

Discussion.

No public comment.

Action was taken to name Supervisor Cann as the 2013 RCRC Director from Mariposa County, with the remaining board members alternates.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**3. Administration RES-2013-8**

**Set the Board's Meeting Schedule for 2013**

Staff presentation by Rick Benson.

No public comment.

The proposed 2013 schedule was accepted amended to correct a typographical error changing May 30th to April 30th; and with the meetings of July 2, 2013 and December 24, 2013 cancelled.

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**O. Items removed from Consent Agenda**

None.

**P. 11:30 AM Closed Session**

No public comment on any closed session item.

**1. Personnel/Risk Management (ID # 2035)**

**CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union (SEIU) Local 521; Name of County Designated Representative: Rick Bolanos**

This session was held at 12:00 PM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**2. Administration (ID # 2076)**

**CLOSED SESSION: Public Employee Position to be Filled [Government Code Section 54957(B)(1)]-Human Resources Director/Risk Manager**

This session was held at 12:33 PM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**3. County Counsel (ID # 2034)**

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

This session was held at 3:00 PM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**4. Administration (ID # 2070)**

**CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Mariposa APN 001-030-01-00 and Tuolumne APN 071-120-11-00**

This session was held at 3:29 PM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**Q. 12:00 Noon Lunch**

**R. 2:11 PM Board reconvened**

***2:11 PM Report Out***

Chair Stetson reported out on Items P.1 and P.2.

As to Item P.1, information was received and direction was given.



As to item P.2, Chair Stetson reported that unanimous action was taken by the Board, under motion of Cann and second by Jones, to unanimously appoint Pamela Toconis to the position of Human Resources Director/Risk Manager effective February 1, 2013.

1. **Sheriff's Office (ID # 2044)**

**Discussion and Direction Regarding a Bicycle (BMX) Dirt Track Project at the Mariposa County Park**

Marvin Wells/Juvenile Justice-Juvenile Delinquency Prevention Commission gave an overview of the Commission and its programs. Supervisors Bibby and Cann extended their thanks and appreciation to the Commission and its members. Pete Judy/Chief Probation Officer thanked Mr. Wells for his service to the Commission.

Doug Binnewies/Mariposa County Sheriff gave an overview of the proposal.

Discussion between Board members, Sheriff Binnewies, and Marvin Wells.

County Counsel clarified that there was no action before the Board today.

Public Comment:

Keith Williams/County Clerk/Treasurer speaking as public member indicated his support of such a project.

## **2:28 PM Continued Closed Session**

### **3:42 PM Report Out**

Chair Stetson reported out on Items P.3 and P.4.

As to item P.3, information was received and direction was given.

As to item P.4, information was received and direction was given.

## **S. Adjournment**

Chair Stetson adjourned the meeting at 3:42 PM in memory of Joe Falany, Joan Van Gorkom, Karen Keyser-Shank, Albert Hartman, Leslie Bates, Audrey Noel, Charlie Emert, Ruth Hecker, Glenda Strawser Menzies, and Zola Walker.



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**LEE STETSON, CHAIR**  
**KEVIN CANN, VICE-CHAIR**  
**MERLIN JONES**  
**JANET BIBBY**  
**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

January 15, 2013

### SPECIAL MEETING

#### I. Call to Order at 2:05 PM

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	2:05 PM
Janet Bibby	District III Supervisor	Present	2:05 PM
Kevin Cann	District IV Supervisor	Present	2:05 PM
John Carrier	District V Supervisor	Present	2:05 PM
Merlin Jones	District II Supervisor	Present	2:05 PM

#### II. Pledge of Allegiance

The Board recited the Pledge earlier in the day at the 9:00 AM regular meeting.

#### III. Introductions

None.

#### IV. Public Presentation

For items within the Jurisdiction of the Board and not on Today's Agenda  
(Speakers Limited to Five Minutes)

None.

#### V. Closed Session

1. **Personnel/Risk Management (ID # 2136)**

**Special Meeting CLOSED SESSION: Public Employee Position to be Filled [Government Code Section 54957(B)(1)]-Human Resources Director/Risk Manager**

No Public or Board comment.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

***4:54 PM Report from Closed Session***

Chair Stetson reported that the Board voted unanimously to not move forward with the appointment of Pamela Toconis as Human Resources Director/Risk Manager, and direction was given.

**VI. Adjournment**

The Special Meeting was adjourned at 4:55 PM.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



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**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
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**DISTRICT III**  
**DISTRICT V**

## MINUTES

January 15, 2013

### A. Call to Order

**9:03 AM** Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:03 AM
Janet Bibby	District III Supervisor	Present	9:03 AM
Kevin Cann	District IV Supervisor	Present	9:03 AM
John Carrier	District V Supervisor	Present	9:03 AM
Merlin Jones	District II Supervisor	Present	9:03 AM

### B. Pledge of Allegiance

Supervisor Bibby led the Pledge.

### C. Introductions

None.

### D. Approval of Consent Agenda (Items designated by "CA")

**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.

Chair Stetson noted that CA6 requires a 4/5th vote. No public comment. No Board questions or comments.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**CA1. Planning (ID # 1977)**

Appoint Gary Francisco to the Midpines Planning Advisory Committee for a Term Expiring on February 28, 2015 (Supervisor Stetson)

**CA2. Human Services/Behavioral Health & Recovery Services RES-2013-12**

Approve an Agreement with Mariposa Safe Families to Carry Out the Activities of the Friday Night Live, Club Live, and Substance Abuse Prevention Programs in an Amount Not to Exceed \$71,752, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA3. Public Works (ID # 2037)**

Appoint Bill Duff to the Yosemite West District Advisory Committee for a Continuous Term Beginning January 15, 2013

**CA4. Board of Supervisors (ID # 2051)**

Approve a Certificate of Appreciation to Assemblymember Kristin Olsen for Her Representation of Mariposa County in the State Legislature.

**CA5. Board of Supervisors (ID # 2052)**

Approve a Certificate of Appreciation to Congressman Jeff Denham for His Representation of Mariposa County in the Federal Legislature

**CA6. Community Services RES-2013-13**

Approve Amended Agreements with Area 12 Agency on Aging and Authorize the Chairman of the Board of Supervisors to Sign the Amended Agreements; Approve Budget Actions Increasing Revenue and Appropriations in the Senior Nutrition C-1 Program (\$295), Increasing Revenue and Appropriations in the Senior Nutrition C-2 Program (\$234), Reducing Revenue and Appropriations in the Senior Restaurant Program (\$905), and Increasing Revenue and Appropriations in the Transit Fund (\$3,961) to Correspond with the Amended Agreements. 4/5ths Vote Required

**CA7. Health (ID # 2073)**

Accept the Resignation of Rick Roesch as Alternate Representative for Mercy Ambulance from the Emergency Medical Care Committee (EMCC) and Appoint Preston Smith as Alternate Representative for Mercy Ambulance to the EMCC

**CA8. Health RES-2013-14**

Authorize the Health Department to Hire and Overfill the Accountant I/II Position Effective January 16, 2013

**CA9. Health RES-2013-15**

Approve the Certification for Funding Under Health and Safety Code 123945 for the State-Mandated Children's Medical Services (CMS) Program and Authorize the County Health Officer to Sign the Certification of Funding

**CA10. Administration (ID # 2077)**

Receive the List of Contracts Entered into by the County Administrative Officer (CAO) Pursuant to Ordinance 3.08 with Terms Commencing in July, October, and November 2012.

**CA11. Administration RES-2013-16**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

**CA12. Administration (ID # 2129)**

Recognize Saint Joseph Catholic Church for Serving the Mariposa Community in Faith for 150 Years

**E. Presentations**

Supervisors Bibby, Cann and Carrier thanked all the recipients for their service.

**1. Planning RES-2013-9****Resolution and Tile Plaque Recognizing Gary Francisco's Service as District 1 Planning Commissioner (Supervisor Stetson)**

Public Comment: Les Marsden commended Gary Francisco for his service.

Supervisor Stetson made the presentation.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**2. Planning RES-2013-10****Resolution and Tile Plaque Recognizing Norm Ross' Service as District II Planning Commissioner (Supervisor Jones)**

Public Comment: Les Marsden commended Norm Ross for his service. Russ Marks related the history of his acquaintance with Mr. Ross, and commended him for his service.

Board Comments: Supervisors Jones and Bibby commended Mr. Ross on his knowledge and service to the community, as well as to the Planning Commission.

Supervisor Jones made the presentation. Mr. Ross extended his thanks.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**3. Planning RES-2013-11**

**Resolution and Tile Plaque Recognizing Jim Tucker's Service as District IV Planning Commissioner (Supervisor Cann)**

Public Comment: Les Marsden commended Jim Tucker for his service.

Board Comments: Supervisors Bibby, Cann and Jones commended Mr. Tucker on his service.

Supervisor Cann made the presentation. Mr. Tucker extended his thanks.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**9:41 AM - Recess**

**9:57 AM - Reconvene**

**F. Minutes Approval**

**1. Tuesday, January 08, 2013**

**G. Departmental Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda

James Rydingsword/Human Services Director announced that his department is taking applications for the Low Income Heating Energy Assistance Program (LIHEAP.) He noted that applications are available in the Mariposa and Coulterville Human Services offices, as well as online on the Human Services page on the county website. Mr. Rydingsword also referenced a recent newspaper article regarding the rate of children in the county entering child protective services. He advised that they are currently in the process of a five year review of child welfare services, which includes both children served through child welfare and youth served through the Probation Office; that there will be a stakeholder's meeting on Monday, January 28th from 10-12 at St. Joseph's Church to consider how best to improve services. Steve Dahlem/County Counsel clarified the meeting date as being Friday, January 25th from 10-12. Supervisor Bibby elaborated on Human Services and other reporting and monitoring options.

Peter Rei/Public Works Director announced two upcoming household hazardous waste events on February 21st at the Lake Don Pedro Transfer Station, and on March 11th at the Mariposa Landfill. As to the Courthouse rehabilitation he reported that Public Works received another proposal following a meeting held three weeks ago with the architect, structural engineer, and Judge Walton. He noted that Staff finds the proposal acceptable, but understands that the Administrative Office of the Courts (AOC) has some concerns which need to be determined and addressed before he can bring an item to the Board. Supervisors Bibby and Cann sought clarification regarding the AOC issues, and whether the building would be able to function during the rehabilitation process. Supervisor Carrier expressed concern regarding the AOC and wondered if they would provide something in writing. Mr. Rei responded to all questions/concerns.

Cathi Boze/Agricultural Commissioner presented 2012 USDA Census of Agriculture packets to each Board member. She also gave a brief overview of the census that is currently being conducted noting that it is a mandatory process with census forms due in February. Supervisor Carrier asked for clarification regarding whether a type of crop was being counted. Ms. Boze responded.

## **H. Public Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Kathy McCorry/Executive Director of the Mariposa County Chamber of Commerce announced that the new county maps are in; gave a history of the map project. She also reported that the five Social media classes reported on last week, and which start tomorrow, are full.

Marvin Wells requested clarification of the hazardous waste event; and whether it comprises liquids and/or electronics. CAO responded.

## **I. Board Information**

Supervisor Carrier reported that he received an overview of Human Services in a meeting last week with Jim Rydingsword. He also reported attending a Yosemite Gateway Partners meeting with Supervisors Stetson and Cann, and elaborated on Alternative 5 of the Merced River Plan regarding the removal of the ice skating rink, and the Sugar Pine Bridge. He reported attending the first Planning Commission meeting of the year; on a conversation with Mike Kinslow, Building Department Director, and Sheriff Binnewies regarding citizen complaints, which were successfully resolved; on speaking with the Sheriff regarding the snow play area in Fish Camp; and a presentation on Saturday by Dick Whittington, the YARTS Transit Director, at the Democratic Club meeting. Supervisor Carrier advised that he will be meeting



the Tourism Bureau Director on Wednesday; and that he will be attending the Fish Camp Planning and Advisory Meeting, as well as the Fish Camp Fire and Rescue Meeting on Saturday.

Supervisor Jones reported on a conversation with a logging truck operator who explained that they were removing bug infested trees. He thanked Staff for their work in organizing the January 8<sup>th</sup> Swearing-In Ceremony. He reported on attending a SWIFT meeting in Moccasin on January 9<sup>th</sup>; meeting with Jim Rydingsword on January 10<sup>th</sup>; meeting with Mike Kinslow regarding some building issues, primarily the library in Greeley Hill; a January 12<sup>th</sup> Lake Don Pedro Property Owner's Meeting, and the fire fees they pay; and on speaking with the Lake Don Pedro Trailblazers. Supervisor Jones also reported attending a breakfast in Coulterville on January 13<sup>th</sup>, and meeting with History Center Board Members regarding an upcoming history gala on February 9<sup>th</sup>. He recounted his personal experience in protesting the SRA fee with the State Board of Equalization.

Supervisor Bibby expressed her thanks for the update on the Yosemite Plan and stated her hopes that they reconsider the ice rink which is used by locals, as well as tourists. She reported meeting with Terry Selk, Tourism Director, and noted that the ice skating rink is one of the things the Tourism Bureau markets. She also reported on a meeting with I.T. regarding long term issues relative to updates and space needs. She noted that they can't add additional people since they have no space to locate them. Supervisor Bibby reported attending a meeting with the Human Services Director regarding the State budget and potential grant activities. She also reported attending the Mental Health Governing Board Meeting, and announced to the public that there is a space on the board and advised if anyone is interested to call so that they can be advised of the application process. She announced that Community Action Agency is going to have a Proposal Conference. The date for that conference may be January 25<sup>th</sup>, but needs to be verified. She also announced that she is still looking for someone from District III to fill a position on the Area Agency on Aging. She noted that Mother Lode Job Training also has some vacancies.

Supervisor Cann commented on the Human Service Director's LIHEAP presentation, and requested the Gazette's help to promote the program. He also clarified that the landfill accepts electronic waste all of the time. Supervisor Cann reported attending a meeting last Wednesday with a small developer who had just worked out a six year issue with Cal Fire over a road determination. He reported attending a meeting, on Wednesday, regarding the Downtown Parking District issues. He also reported attending the Yosemite Gateway Partners meeting on Thursday, and noted that he is pleased with the alternatives that they came up with, and suspects the ice skating rink will be spared. He also attended the meeting of the new Planning Commission last Friday, and attended a YARTS meeting on Monday. He advised that he will be attending a

meeting of the Regional Council on Rural Counties (RCRC) tomorrow night where Assemblymember Kristen Olsen will be receiving an award for best legislator representing rural counties. He also reminded everyone of the Chamber of Commerce Installation Dinner on January 24th.

Supervisor Stetson reported attending an El Portal Advisory meeting on Tuesday; an Airport Advisory Board meeting on Wednesday; the Yosemite Gateway Partners meeting on Thursday; and the YARTS meeting on Monday. He advised that he will be attending a Fire Station meeting today at 3:00 PM; and a meeting of the Midpines Advisory Committee tonight at the Bug Hostel in Midpines. He reminded everyone of the RCRC meeting tomorrow at 5:30 PM in Sacramento where Supervisor Cann will be installed as President of that organization.

## **J. 10:43 AM CONVENE AS THE LOCAL TRANSPORTATION COMMISSION**

(Chair - Vacant, Vice-Chair - Commissioner Lee Stetson)

Public Presentation: For Items within the Jurisdiction of the Local Transportation Commission and not on Today's Agenda (Speakers Limited to Five Minutes)

### **1. Clerk of the Board of Supervisors LTC-2013-1**

#### **Selection of Local Transportation Commission Chair**

Commissioner Stetson, acting as Vice Chair led the discussion. No public comment.

Supervisor Jones nominated Commissioner Stetson as Chair. No other nominations or discussion.

Action was taken to appoint Commissioner Stetson as the Local Transportation Commission Chair for the upcoming year.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

### **2. Clerk of the Board of Supervisors LTC-2013-2**

#### **Selection of Local Transportation Commission Vice-Chair**

Commissioner Cann nominated Commissioner Jones. No public comment.

Action was taken to appoint Commissioner Jones as the Local Transportation Commission Vice-Chair for the upcoming year.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

***10: 47 AM ADJOURN AS THE LOCAL TRANSPORTATION COMMISSION***

**K. 10:47 AM CONVENE AS THE MARIPOSA COUNTY WATER AGENCY**

(Chair - Commissioner Kevin Cann, Vice-Chair - Vacant)

Public Presentation: For Items within the Jurisdiction of the Water Agency and not on Today's Agenda (Speakers Limited to Five Minutes)

No public presentations.

**1. Clerk of the Board of Supervisors WA-2013-1**

**Selection of Water Agency Board Chair**

No public comment. Commissioner Stetson nominated Commissioner Cann as Chair.

Action was taken to appoint Commissioner Cann as the Water Agency Board Chair for the upcoming year.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Lee Stetson, District I Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**2. Clerk of the Board of Supervisors WA-2013-2**

**Selection of Water Agency Board Vice-Chair**

Chair Cann gave an overview of the Water Agency Board's duties.

No public comment. Supervisor Jones nominated Commissioner Carrier.

Action was taken to appoint Commissioner Carrier as the Water Agency Board Vice-Chair for the upcoming year.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Lee Stetson, District I Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

***10:52 AM ADJOURN AS THE MARIPOSA COUNTY WATER AGENCY***

**L. 10:52 AM RECONVENE AS BOARD OF SUPERVISORS**

## **M. Regular Agenda Items**

### **1. Auditor RES-2013-17**

#### **Review and Accept the Annual Audits of the Transit Fund and Transportation Commission**

Staff presentation by William Davis/Auditor with Barbara Carrier/Public Works Assistant Director - Support Services in attendance. Mr. Davis provided an overview of the transit fund information.

Rick Benson requested clarification regarding the source of some of the funds. Barbara Carrier responded.

Supervisor Bibby thanked staff for putting together the audit/presentation and requested clarification on the \$87,000 sum mentioned. William Davis responded. Discussion ensued regarding accounting procedures, revenue accounts, delayed reimbursements, and correction of a previous year's D44 exception.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

### **2. Administration RES-2013-18**

#### **Adopt a Resolution Reaffirming Mariposa County's Intent to Develop the Mariposa Creek Parkway**

Staff presentation and overview by Rick Benson/County Administrative Officer; provided a brief history of the project, and the status of subject properties.

Supervisor Cann expressed his support of the project. Supervisor Bibby spoke to the perspective of people living in outlying areas should the project expand; noted that today's item only regards the path from 8th Street to Coakley Circle. The CAO clarified that this is a reaffirmation of what has already been approved and not an expansion of the project. Supervisor Carrier inquired as to whether the current grant provides funding to purchase the additional parcels. CAO responded.

Public Comment: None.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

### **3. Personnel/Risk Management (ID # 2079)**

**Approve a Three-Year Lease Agreement with Lamerna Mari for the Human Resources/Risk Management Department's Office Space Effective February 1, 2013; Authorize the Chair to Sign the Lease Agreement; and Approve a Budget Action Reducing General Fund Contingency by \$13,450 and Increasing Appropriations Within the Human Resources/Risk Management Department Budget to Cover Lease Costs** 4/5ths Vote Required

Required

Item withdrawn by the Department.

**RESULT: WITHDRAWN**

4. **Clerk of the Board of Supervisors (ID # 2066)**

**Review and Provide Direction Relative to Board Member Liaison Policy Areas and Selection of Board Member Representation**

Staff presentation made by CAO.

Discussion ensued regarding possible changes, as well as possible overlaps of coverage regarding the Water Agency and LTC. Supervisor Bibby stated concerns regarding potential Brown Act conflicts in situations where there might be three supervisors. Peter Rei clarified Staff's perspective of which contact to utilize, and stated that he didn't feel there would be a problem.

Supervisors Bibby, Stetson and Cann indicated that they were agreeable to continuing as contacts for the currently assigned areas. Supervisors Jones and Carrier noted their willingness to assume contact areas formerly assigned to their predecessors. Supervisor Cann mentioned his understanding that Supervisor Jones was interested in being the contact in the General Government area, and expressed his comfort at removing himself as that contact to so allow. Supervisor Jones accepted.

Public comment: none.

No changes were made to the Policy Areas of any contact area.

The contact area assignments for 2013 were decided as follows:

**BOARD LIAISON - DEVELOPMENTAL SERVICES:**

SUPERVISORS STETSON and JONES

**BOARD LIAISON - FISCAL & EDUCATIONAL SERVICES:**

SUPERVISORS BIBBY and CARRIER

**BOARD LIAISON - GEN. GOVERNMENT:**

SUPERVISORS BIBBY and JONES

**BOARD LIAISON - HEALTH AND HUMAN SERVICES:**

SUPERVISORS STETSON and BIBBY

**BOARD LIAISON - JUSTICE SYSTEM SERVICES:**

SUPERVISORS STETSON and CARRIER

**BOARD LIAISON - WATER and INFRASTRUCTURE:**

SUPERVISORS JONES and CANN

**RESULT: DIRECTION GIVEN**

**5. Clerk of the Board of Supervisors RES-2013-19**

**Selection of Board Member Representation on Agencies**

Chair Stetson reviewed each agency individually. Discussion ensued regarding the individual agencies, their requirements and challenges; clarification that representation on the Central Sierra Economic Development District Committee (CSEDD) should parallel with that of the Economic Development Corporation. CAO clarified an issue with the Area Agency on Aging/PSA 12. Peter Rei commented on the importance of CSAC to rural representation.

The Board decided the following representation:

**Area Agency on Aging/PSA 12:**

Representative - Supervisor Carrier;

Alternate - Supervisor Stetson

**California State Association of Counties (CSAC):**

Director - Supervisor Carrier;

Alternates - Supervisors Jones, Bibby, Cann, and Stetson

**Central Sierra Connect (CSC) Policy and Technical Committees:**

Representative - Supervisor Bibby;

Alternate - Supervisor Stetson;

Staff - Rick Peresan, Technical Services Director

**Central Sierra Economic Development District Committee (CSEDD):**

Representative - Supervisor Cann;

Alternate - Supervisor Jones;

Citizen Member - Roger Biery;

Alternate Citizen Member - Karen Smith

**CSAC Excess Insurance Authority/(EIA) Liability Insurance:**

Representative - County Administrative Officer;

Alternate - Deputy County Administrative Officer

**Calaveras-Mariposa Community Action Agency:**

Representative - Supervisor Jones; Alternate - Supervisor Stetson;  
Representative - Supervisor Bibby; Alternate - Supervisor Cann

**County Medical Services Program (CMSP):**

Representative - Supervisor Carrier;  
Alternate - Supervisor Bibby

**Foreign Trade Zone Advisory:**

Member - Supervisor Bibby

**Job Connection Mariposa Governing Board (Mother Lode Job Training):**

Representative - Supervisor Bibby;  
Alternate - Supervisor Stetson

**Joint Powers Authority of the Central Sierra Economic Development District (CSEDD):**

Representative - Cann;  
Alternate - Jones

**Mountain Counties Air Basin:**

Representative - Supervisor Jones;  
Alternate - Supervisor Cann

**Mountain Valley Emergency Medical Services Agency and Regional Advisory Board:**

Representative - Supervisor Carrier;  
Elected Alternate - Supervisor Bibby;  
Alternate/Chairman of EMCC

**National Association of Counties (NACO):**

Representative - Supervisor Cann;  
Alternates - Supervisors Bibby, Jones, Stetson and Carrier

**Regional Council of Rural Counties (RCRC):**

Representative - Supervisor Cann; First Alternate - Supervisor Stetson;

Remaining Alternates - Supervisors Bibby, Carrier and Jones

**RCRC - Environmental Services JPA's for Solid Waste:**

Representative - Supervisor Cann;

Alternate - Public Works Director

**San Joaquin Valley Rail Committee:**

Representatives - Supervisor Stetson; Alternate - Supervisor Carrier

**San Joaquin Valley Regional Association of California Counties:**

Representative - Supervisor Carrier

**Sierra Nevada Conservancy:**

Representative to the Sub-region for Mariposa - Supervisor Stetson;

Alternate - Supervisor Jones

**Yosemite Area Regional Transportation System (YARTS) JPA:**

Representative - Supervisor Stetson;

Second Board Representative - Supervisor Carrier;

Alternate - Candy O'Donel-Browne

**Yosemite/Sequoia Resource Conservation and Development Area:**

Representative - Supervisor Jones;

Alternate - Supervisors Stetson, Bibby, Cann, Carrier

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**6. Clerk of the Board of Supervisors (ID # 2069)**

**Appointment of Board Members as Contact Area Liaisons**

Supervisor Stetson indicated his willingness to continue on in assigned areas.

Supervisor Cann commented on his willingness to withdraw as a Yosemite Gateway Partners liaison in favor of Supervisor Carrier whose district is partially within the Park.

No public input.

The Board decided the following Contact Area Liaisons:



**Yosemite Gateway Partners:**

Supervisors Stetson and Carrier

**High Speed Rail Authority:**

Supervisor Stetson

**Yosemite National Park Service issues:**

Supervisors Stetson and Carrier

**Ferguson Rockslide liaison:**

Supervisors Stetson and Cann, with the County Administrative Officer as the lead contact person

**N. Items removed from Consent Agenda**

None.

**12:33 PM Recess for Lunch**

**2:01 PM Reconvene**

**O. Closed Session**

No public comment on either closed session.

**1. Personnel/Risk Management (ID # 2072)**

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

This session was held at 2:11 PM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**2. Personnel/Risk Management (ID # 2080)**

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

This session was held at 2:21 PM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

### **4:54 PM Report from Closed Session**

Chair Stetson reported that information was received and direction was given on item O.1; and that information was received and direction was given on item O.2.

### **P. Adjournment**

Chair Stetson adjourned the regular meeting at 4:55 PM in memory of James Deshaies, Dean Schroeder, Paul Hudak, Donald Brown, Jr., and Blain Surtvant.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



# MARIPOSA COUNTY

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**LEE STETSON, CHAIR**  
**KEVIN CANN, VICE-CHAIR**  
**MERLIN JONES**  
**JANET BIBBY**  
**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

**January 22, 2013**

### **A. Call to Order and Roll Call**

**9:05 AM** Meeting Called to Order at the Mariposa County Government Center

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Lee Stetson	District I Supervisor	Present	9:05 AM
Janet Bibby	District III Supervisor	Present	9:05 AM
Kevin Cann	District IV Supervisor	Present	9:05 AM
John Carrier	District V Supervisor	Present	9:05 AM
Merlin Jones	District II Supervisor	Present	9:05 AM

### **B. Pledge of Allegiance**

Supervisor Carrier led the Pledge.

### **C. Introductions**

None.

### **D. Approval of Consent Agenda (Items designated by "CA")**

**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.

County Counsel withdrew item CA1 from today's meeting.

Supervisor Bibby pulled CA2 for discussion later.

Supervisor Jones spoke to the issue of CA7 and wondered if donating time creates Workman's Comp issues. County Counsel responded.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

1. 2132 : pulled from Consent
2. RES-2013-21 pulled from Consent

**CA3. Administration RES-2013-22**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

**CA4. Human Services/Fiscal RES-2013-23**

Approve the 2013 Low Income Home Energy Assistance Program (LIHEAP) Agreement 13B-5022 with the California Department of Community Services and Development (CSD) to Provide Energy Assistance Payments and Weatherization Services in an Amount Not to Exceed \$355,286 and Authorize the Human Services Director to Sign the Agreement and All Subsequent Amendments After County Counsel Review

**CA5. Board of Supervisors 2013-5**

Approve Certificates of Recognition for the Mariposa County Chamber of Commerce's Selection of 2012 Businesswoman of the Year Karen Cutter, Ladybug Embroidery, 2012 Businessman of the Year Ron Iudice, 2012 Business of the Year Delaware North Corporation Parks & Resorts at Yosemite, and Special Recognition to the Volunteer of the Year, and Lifetime Achievement Award (Chamber of Commerce)

**CA6. Planning RES-2013-24**

Adopt a Resolution Amending Item Number 3 of Resolution 2003-386 "A Resolution Establishing the Greeley Hill Planning Advisory Committee" by Reducing the Membership Required from 9 Members to 5 Members

**CA7. Public Works RES-2013-25**

Authorize Mariposa County Employees to Donate Vacation Time And/Or Compensatory Time for an Employee in the Facilities Division of Public Works for a Period of Up to Three (3) Months After Approval

## **E. Minutes Approval**

No Board, or public, comments regarding either set of Minutes.

1. **Tuesday, January 15, 2013**
2. **Tuesday, January 15, 2013**

## **F. Departmental Presentation**

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

## **G. Public Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers  
Limited to Five Minutes)

Kathy McCorry/Executive Director of the Mariposa Chamber of Commerce spoke as a citizen and commended the road cleanup crews for their efforts in the area near her home. Speaking on behalf of the Chamber, she reported that they are close to selling out of tickets for the installation dinner this week, and advised that they will probably all be gone by this afternoon.

## **H. Board Information**

Supervisor Cann advised that members of the EDC were coming to speak on item I.2, regarding the Business Development Coordinator item which has been withdrawn. He asked that they be allowed to speak on that item when they arrive. Chair Stetson concurred.

Supervisor Cann reported on last week's Regional Council of Rural Counties (RCRC) meeting where the main topic was the SRA fee. He reported speaking with the Director of Cal Fire, his Deputy, and a representative from the Board of Equalization; and advised of potential future scenarios that the State might enact.

Supervisor Carrier reported attending the Fire Station meeting last week, and that they are moving forward despite some issues with the Midpines and Fish Camp stations. He also reported on meetings with Ron Loya who is on the Museum Board, as well as the Public Works Park and Rec Committee, regarding County parks and cemeteries; with Bob Keller of Fish Camp on Thursday; and with Dr. Mosher on Friday. Supervisor Carrier also reported attending the 150th anniversary mass at St. Joseph's Church on Friday; judging the January 18th California Youth Connection chili cook-off; and on the Fish Camp Planning meeting which had no quorum and was rescheduled to February 23rd.

Supervisor Bibby expressed her interest in getting future updates regarding the SRA fee. She reported meeting with Public Works on January 15th regarding water issues at McKay Hall which appear to be from damage to a well casing, and asked the public to report anything that they may know about the situation. She advised she will be attending the CMCAA Bidders Meeting on January 25th at Human Services; and a Mother Lode Job Training (MLJT) meeting on January 28th. She noted that they are seeking businesses for the Workforce Investment Board affiliated with MLJT. She also noted that she is looking for someone from District III to serve as an Area 12 Agency on Aging representative.

Supervisor Jones gave the traditional logging report, along with his report on turkeys, and Bagby water levels. He thanked Supervisor Cann for the SRA fee update and recounted his experiences getting his refund processed. He noted that he was sick with the flu last week, and strongly advised everyone to get their shot if they haven't yet done so.

Supervisor Stetson reported attending the fire station meeting on Tuesday

with Supervisor Carrier. He also reported attending the Midpines Advisory Board meeting that same evening; noting that Peter Rei/Public Works Director, and Sarah Williams/Planning Department Director also attended.

Discussion ensued between Supervisors Bibby, Jones, and Cann regarding the SRA fee and individual experiences regarding it.

## I. Regular Agenda Items

### 1. Fire RES-2013-26

#### **PUBLIC HEARING to Consider the June 2011, Mariposa Local Hazard Mitigation Plan and Adopt a Resolution Approving the June 2011, Mariposa Local Hazard Mitigation Plan (LHMP)**

Staff presentation by Jim Wilson/Fire Chief, Emergency Planning Coordinator, with Don Florence/Emergency Planner in attendance.

Board Comments/Questions:

Discussion ensued between Chief Wilson and Supervisors Bibby and Cann regarding the General Plan (GP) version being referenced, and the reason for same.

Supervisor Stetson noted that the plan would be meeting the February 22nd deadline, and thanked Don Florence for his efforts in the matter.

Supervisor Carrier had questions regarding the consultant, and the funding for the consultant; and asked for assurances that all the stakeholders will be contacted before future reviews. Chief Wilson responded.

Supervisor Jones thanked Don Florence, and everyone else, for all of the work spent in putting this plan together.

Public Portion Opened. No comments. No clarification needed by the Board.

Supervisor Bibby asked if any written comments have been received. Chief Wilson responded that the Board had all comments in the staff report provided earlier today.

Public Portion Closed.

Deliberation: no further discussion.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** John Carrier, District V Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

### 2. Administration (ID # 2135)

#### **Approve Amendments to the Administrative Analyst-Business Development Coordinator Job Description by Changing the Title to Administrative Analyst-Community Development and Grant Coordinator and Revising Other Areas of the Job Description; Authorize the Recruitment and Filling of the Position Effective January 22, 2013.**

This item was withdrawn from today's agenda by County Counsel for technical reasons; however, public comment was opened for those in

attendance wishing to speak to the matter.

Roger Biery/President of the Economic Development Corporation (EDC) of Mariposa thanked the Board for the opportunity to speak on the record. He noted that the EDC worked closely with Supervisor Cann and the CAO on this job description, and he feels that it more accurately reflects the job duties of Marilyn Lidyoff, who formerly held the job. Mr. Biery noted that he feels the salary for this position is a prudent investment for the County as Ms. Lidyoff brought in over ten million dollars in grant monies; that the wages are a modest investment for the funds returned to the County.

Carol Johnson asked for the Board's assurance that the CAO is doing the day-to-day work needed to keep things going with the grants already obtained.

Supervisor Bibby noted that the County is doing its best, and that we are trusting to the CAO, Mother Lode Job Training, and Public Works who have taken on a significant amount of extra work. She advised that she has sent several emails to the CAO regarding these and other issues. She noted that when we take on projects of this magnitude we need to be sure we have sufficient staff, as well as backup staff, to successfully complete projects.

Supervisor Cann agreed with Supervisor Bibby's last concern, and noted that is why this position needs to be filled as soon as possible, and he will work with Staff to get this item back before the Board as soon as possible.

Supervisor Bibby recounted her understanding of the funds available.

**RESULT: WITHDRAWN**

## **J. Items removed from Consent Agenda**

### **A. Public Works (ID # 2132)**

**Approve the Plans and Specifications for the Bridgeport Fire Station; Authorize the Public Works Director to Solicit Bid Proposals; Award the Contract to the Lowest Responsible Bidder and Sign the Contract (Subject to Review and Approval as to Form by County Counsel)**

**RESULT: WITHDRAWN**

### **B. Personnel/Risk Management RES-2013-21**

**Approve the Amended Code Compliance Technician Job Description; Set the Monthly Full-Time Salary at \$3,377.44-\$4,105.15; Assign the Position to the Service Employees International Union (SEIU) Bargaining Unit; Allocate One 80% Permanent Part-Time Position to the Planning Department; and Authorize the Recruitment and Filling of This Position Effective January 22, 2013.**

Supervisor Bibby inquired as to whether language could be added to preclude issues of moral turpitude. County counsel noted that would be part of the normal background check. Supervisor Bibby also suggested some other additions/edits relative to inspections and follow-up inspections. County Counsel advised caution so as not to expand the scope of the position. She also requested the addition of language regarding participation in court case preparation and attendance. Supervisor Bibby brought up language on page 10 regarding solving problems "creatively," and questioned whether it should state:

in accordance with local, state and federal law instead. County Counsel advised that it is implicit that all employees need to be in compliance with all such laws. Supervisor Carrier suggested the substitution of “objectively” for “creatively,” and Supervisor Bibby agreed.

Action was taken to approve the job description, with the following changes:

Under “Definition,” insert the following language at the end of the first paragraph: “Position duties include full case management, investigation, testimony, and case preparation during enforcement proceedings and follow up inspections.”

In the “Examples of Essential Functions” section, change the last part of the sentence in paragraph three to read: “notes possible violations at all other property sites observed during the course of field investigations”; and add a separate sentence which reads: “Case preparation and testifying during code enforcement administrative proceedings.”

In the “Ability to” section, change the language of the ninth paragraph to read: “Solve problems effectively and objectively.”

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

## **K. Closed Session**

### **1. Personnel/Risk Management (ID # 2138)**

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

No public comment.

Closed Session was held at 10:34 AM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

### ***10:52 AM Report Out***

Chair Stetson reported that Information was Received as to item K.1.

## **L. Adjournment**

The meeting was adjourned at 10:54 AM in memory of Diane Mary Anzai and James Duane Law.



Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



# MARIPOSA COUNTY

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**LEE STETSON, CHAIR**  
**KEVIN CANN, VICE-CHAIR**  
**MERLIN JONES**  
**JANET BIBBY**  
**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

**February 4, 2013**

### SPECIAL MEETING

#### I. Call to Order AT 10:00 AM

Chair Stetson was excused due to illness. The gavel was passed to Vice-Chair Cann.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Excused	
Janet Bibby	District III Supervisor	Present	10:02 AM
Kevin Cann	District IV Supervisor	Present	10:02 AM
John Carrier	District V Supervisor	Present	10:02 AM
Merlin Jones	District II Supervisor	Present	10:02 AM

#### II. Pledge of Allegiance

The Pledge was led by Supervisor Jones.

#### III. Introductions

None.

#### IV. Public Presentations

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

None.

#### V. Closed Session

No Board comment. No Public comment.

This session was held at 10:04 AM.

1. **County Counsel 2013-6**

**Closed Session Conference with Legal Counsel; Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (B) of Government Code Section 54956.9**

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

***12:15 PM Report Out***

Vice-Chair Cann reported that Information was Received, and Direction was Given.

**VI. Adjourn**

The meeting was adjourned at 12:15 PM.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

KEVIN CANN  
Vice-Chair, Board of Supervisors



# MARIPOSA COUNTY

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**LEE STETSON, CHAIR**  
**KEVIN CANN, VICE-CHAIR**  
**MERLIN JONES**  
**JANET BIBBY**  
**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

**February 5, 2013**

### A. Call to Order and Roll Call

**9:00 AM** Meeting Called to Order at the Mariposa County Government Center. Supervisor Stetson was excused from the morning session due to illness. Supervisor Cann chaired the meeting in his absence.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	2:00 PM
Janet Bibby	District III Supervisor	Present	9:00 AM
Kevin Cann	District IV Supervisor	Present	9:00 AM
John Carrier	District V Supervisor	Present	9:00 AM
Merlin Jones	District II Supervisor	Present	9:00 AM

### B. Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Bibby, followed by a moment of silence for our men and women in the service, and for Eleanor Keuning who was a regular attendee.

### C. Introductions

None.

### D. Approval of Consent Agenda (Items designated by "CA")

**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.

Vice-Chair Cann announced that Item CA5 was withdrawn, and that CA14 and CA15 were being pulled for later discussion as they were erroneously scheduled on the Consent portion of the agenda.

No public comment on any item.

Supervisor Carrier pulled CA6 and CA13.

Supervisor Jones commented on CA3 and the importance of the FFA.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

**CA1. Administration RES-2013-27**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

**CA2. Board of Supervisors 2013-7**

Certificate of Recognition and Congratulations to Pat Terrill for Celebrating Her 90Th Birthday on August 11, 2012

**CA3. Board of Supervisors 2013-8**

Approve Certificates of Recognition to the Mariposa County Students who Competed in the 2012-2013 Merced/Mariposa Section Future Farmers of America (FFA) Project Competition

**CA4. Clerk of the Board of Supervisors RES-2013-28**

Authorize the Clerk of the Board's Office to Destroy Assessment Appeals Applications and Documentation With Last Dates of Action Five, or More, Years Back

5. Item CA5 was withdrawn from the meeting

6. Item CA6 was pulled from the Consent Agenda

**CA7. Human Services 2013-9**

Re-Appoint Gwen Nitta and Patrick McCarthy to the First 5 Commission of Mariposa County for Terms Expiring February 5, 2016

**CA8. Human Services 2013-10**

Approve the Reappointment of Jeane Hetland to the Local Child Care Planning Council (LCCPC)

**CA9. Human Services/Social Services 2013-11**

Accept Resignation of Tim Davis from the In Home Support Services (IHSS) Advisory Committee Effective Immediately.

**CA10. Planning 2013-12**

Re-Appoint Robert Bassett, John Luther and Dale Wohlgeomuth to the Fish Camp Town Planning Advisory Council for Terms Expiring February 28, 2015; Accept the Resignation of Donn Harter from the Fish Camp Town Planning Advisory Council; Appoint Richard Brady to the Fish Camp Town Planning Advisory Council for a Term Expiring February 28, 2014; Appoint Paul Ratchford and Greg Royce to the Fish Camp Town Planning Advisory Council for Terms Expiring February 28, 2015

**CA11. Public Works RES-2013-30**

Approve the Third Annual Merco Cycling Classic Bike Race to be Held on Thursday, February 28, 2013, and Waive the Encroachment Fee

**CA12. Public Works RES-2013-31**

Accept the Ben Hur Slide Project as Complete and Authorize the Public Works Director to Record the Notice of Completion and Release the Retention.

13. Item CA13 was pulled from the Consent Agenda

14. Item CA14 was pulled from the Consent Agenda

15. Item CA15 was pulled from the Consent Agenda

**CA16. Sheriff's Office RES-2013-33**

Approve Budget Action Transferring Funds Within the California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET) Fund to Account for Unanticipated Overtime Expenses (\$10,000).

**E. 9:08 AM - Item CA6**

**1. Human Services RES-2013-29**

**Approve the Additional Allocation of One Full Time Office Technician I Position in the Social Services Budget Effective Immediately; Authorize the Department to Recruit and Fill This Position by Way of Promotion; Unallocate One Full Time Senior Office Assistant Allocation in the Social Services Budget Effective with the Appointment of the New Office Technician I; Approve Budget Action Transferring Funding Within the Social Services Budget to Account for the Change in Allocations (\$14,018).**

Item CA6 was discussed at this time, as the Human Services Director was in attendance.

Supervisor Carrier required clarification regarding the cost and funding for this position. Supervisor Bibby requested clarification as to how the position factored in with the Corrective Action Plan; on positions represented in the Proposed Organizational Chart attached to this agenda item; and staff supervision in Coulterville. James Rydingsword/Human Services Director responded.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** John Carrier, District V Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

## **F. Presentations**

None.

## **G. Minutes Approval**

No Board Comments. No Public Comment.

Action was taken to accept the Minutes as presented.

Bibby (M), Jones (S); Passed unanimously.

1. **Tuesday, January 22, 2013**

## **H. Departmental Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda

None.

## **I. Public Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Kathy McCorry/Executive Director of the Mariposa County Chamber of Commerce gave the visitor stats for January, 2013. She introduced Shawn Mizro, from CGI Communications, who gave an overview of the company and a project that the Chamber is pursuing with them.

Pete Judy/District IV resident/President of Mariposa Girls Youth softball league noted that they are starting another season; have about 70 girls signed up; try-outs are this Saturday at 9:00 AM at the girls softball field at the High School, and girls can still signup there.

Marvin Wells commented on the beetle infestation of the pine trees in the Midpines area, and wondered if the county can require residents to remove the trees; commented on an article in the Sacramento Bee this morning regarding spending of the SRA fees.

Mary Bass/President of the Mariposa County Chamber of Commerce thanked everyone for attending the installation dinner and thanked the community for its support; asked about the stairs behind the Best Western leading to the park which are in disrepair; and passed out a handout regarding the Tourism Committee.

Terry Selk/Executive Director of the Yosemite-Mariposa County Tourism Bureau spoke on the collaboration between the Tourism Bureau and the Chamber.

Supervisor Cann responded to the issue of the steps by recounting their history, and advised of issues relative to their repair/replacement. He also advised Mr. Wells of the cyclical nature of beetle infestations, and suggested he

contact the Ag commissioner and Yosemite Park for information.

Supervisor Bibby advised that both the Ag Commissioner and UC Davis publish information on the beetles, and cautioned of the need for adequate fire clearance. Supervisor Cann stated that he didn't think Mariposa County has an ordinance requiring removal of bug infested trees; Supervisor Bibby stated that she had no knowledge of such an ordinance. Mr. Wells inquired about possible regulations regarding trees in road right-of-ways.

Supervisor Carrier noted that Cal Fire is concerned with the dead trees, but are investigating since they don't think it is beetles. He also commented on SRA fees; and noted that tree removal is the best remedy where bark beetle infestations occur.

Supervisor Bibby commented to Pete Rei/Public Works Director that perhaps the county brush crew could inspect for immediate danger. Mr. Rei advised that it is county policy to check on such trees when they are reported. He also noted that the brush crew has a sixteen year cycle to get through all of the county roads.

Supervisor Cann responded to Mr. Wells' comment on the SRA fee.

## **J. Board Information**

Supervisor Jones commented on his history in the logging industry, and spoke to the beetle infestation and proper methods to eradicate it. He reported attending an Economic Development Corporation (EDC) meeting on January 23<sup>rd</sup> and noted topics discussed were the need for a grant writer, and a senior health care center. He also attended the Chamber of Commerce Installation Dinner on the 24<sup>th</sup>; a roast beef dinner in Coulterville on the 26<sup>th</sup>, and also celebrated his wife's birthday on that date; worked on a 20 year road easement question on the 28<sup>th</sup> and feels that is near resolution; met on the 31<sup>st</sup> with Building, Planning and Sheriff's Departments; and attended the Greeley Hill Breakfast on February 3<sup>rd</sup>, and thanked Supervisor Cann, Sheriff Binnewies, and Tom Cooke/District Attorney for their attendance.

Supervisor Carrier reported he reviewed the committee binder and noted that there are currently two vacancies on the Historic Sites and Preservation Committee; vacancies on the Assessment Appeals Board; one vacancy on the Water Agency; one vacancy on the Home Support Service Advisory Committee; four vacancies on the Local Child Care Planning Council; and possibly one vacancy on the Wawona Town Planning Advisory Committee. He noted the importance of these committees and urged citizens to apply. He also reported meeting with the Lushmeadows Coffee group on January 23<sup>rd</sup>; with the Fire Chief regarding fire engines and station issues, particularly with the Fish Camp station; and with Janet Chase-Williams/Librarian to discuss library issues. He also reported that he attended the Chamber of Commerce Installation Dinner; the Planning Commission meeting; and the meeting of the Mariposa Regional Water Advisory Council, which is being tasked with the integrated region water management report. He also reported attending the ad hoc committee on the Senior Assisted Living issue; and the 4H yearly expansion and review meeting at the Fair Grounds on Monday. He further reported on attending a fire station meeting on Thursday, and noted that the Midpines station is about 95 percent complete, but that the Fish Camp station is about 3 weeks behind schedule and the county is working with the contractor to get caught up in order to meet the grant deadlines. He reported that he met with Cyndi Busse/the Court Executive Officer regarding Courthouse issues and maintenance; attended the Bootjack Pancake Breakfast on Saturday; a Community Partnership meeting with Pete



Judy, Tom Cooke, Sheriff Binnewies, Judge Walton, Bryan Blew, Jim Rydingsword, Michael Fagalde and others; attended the Lions Club Crab Feed on Saturday night; and that he received, from Tom Phillips and Skip Skyrud, a photo of the Wawona General Store for his office. Supervisor Carrier advised that in the upcoming week he will be meeting with Cara Goger of the Mariposa County Arts Council. He also advised that he will be attending the FFA Awards Banquet with Supervisor Bibby; an Area 12 Agency on Aging meeting in Jackson; the Friday Planning Commission meeting; the Democratic Club breakfast Saturday morning, where a representative from Yosemite will go over the Merced River Plan; and the Republican Dinner Saturday evening.

Supervisor Bibby noted that the County is being well served by both new supervisors. She also made a special note of the passing of Eleanor Keuning, and remarked on the various contributions that Eleanor made to the many County Commissions and Boards upon which she served. Supervisor Bibby reported attending the FFA Leadership Conference on February 2<sup>nd</sup>; and complimented Buzz Arnold, Wayne Forsythe, as well as other local teachers, for instilling leadership qualities in the youth of our community. Supervisor Bibby advised that on February 6<sup>th</sup> she will be touring the Hornitos and Catheys Valley areas with Terry Selk; and will be attending the F.F.A. banquet at the Merced Fairgrounds. She advised the public of illnesses that are spreading in the community, and noted symptoms for which to watch. Supervisor Bibby also advised that she will be attending a Mother Lode Job Training Sub-Committee meeting on February 7<sup>th</sup>, and that they are still looking for business people to participate. She also advised that she will be attending the Mental Health Governing board this Thursday which is open to the public, and which also has some vacancies. Supervisor Bibby further advised of an upcoming webinar on February 7<sup>th</sup> regarding the Yosemite Plan, and noted that information can be found on that website. She also advised that she will be attending a First Five Commission meeting on February 11<sup>th</sup>; and asked that anyone knowing of old tractor or wagon wheels to contact her so that F.F.A. can use them for the F.F.A. dinner, and other projects.

Supervisor Cann advised that he went to most of the meetings already discussed. He thanked the E.D.C. for their time and efforts in reshaping the Administrative Analyst-Community Development Coordinator position description. He reported that he met with Rick Peresan/Technical Services Director on long term information management issues; on attending a Solid Waste Taskforce meeting on Thursday, and advised that he will be meeting tomorrow with representatives from Yosemite regarding their sludge and solid waste program. Supervisor Cann commented on the Chamber of Commerce Installation dinner and the award recipients. He also reported meeting with representatives from the Museum regarding structural repairs that are needed; and noted that he has requested the Public Works Director to bring an item before the Board so that the issue can be discussed. He further reported on a meeting regarding the Adopt-A-Plot program at the cemetery; and on a meeting with the CalTrans Encroachment Inspector regarding the area in front of the Monarch Hotel, and CalTrans' possible options. Supervisor Cann also reported on the Assisted Care meeting. He noted that the issue is gaining interest; that they now have an offer of an 18 acre parcel of land that has utilities; and that they are moving to have consultants work on a USDA grant for feasibility analysis. Supervisor Cann further reported on a meeting with Public Works and the designer on the Way Finding Project; that they are ready to move forward with an RFP for sign construction; and that the goal is to have the three demonstration projects in at the 5th, 6th and 7th street intersections for this tourist season. He reported attending Eleanor Keuning's memorial service on

Saturday; and the Ad Hoc Crosswalk Committee meeting yesterday, where they composed a response to CalTrans relative to the proposed HAWK crossing system at 8<sup>th</sup> Street and Highway 140. Supervisor Cann advised that he will be attending an MPUD meeting this evening at 6:30 PM, where they will be discussing the fire marshall inspection fees, and he asked Supervisor Carrier to attend. He noted that YNP officials have scheduled a full public meeting and workshop relative to the proposed plan at this site from 5-8 PM on March 7<sup>th</sup>.

## **K. Regular Agenda Items**

### **1. Public Works            ORD-2013-1**

#### **Waive the Second Reading and Adopt an Ordinance Amending Chapter 10.08.070 of the Mariposa County Code (Pursuant to Bus Loading Zones) Bus Loading Ordinance Amendments**

Staff presentation by Peter Rei, who gave a brief history of the project. Mr. Rei clarified that this action is to receive Supervisorial permission so that he can go to CalTrans after the ordinance takes effect in 30 days. He informed the Board that the State is now complying with sign requirements as outlined in the Manual on Uniform Traffic Control Devices (MUTCD), and advised that the sign will be slightly different than the one presented in the packet. He also discussed options on curb colors and time limits.

Supervisor Bibby requested clarification on sign requirements; time limitations; monitoring; notification to CHP; potential liability to the County. Supervisor Carrier stated his preference for red curbs on the side next to the Subway sandwich shop, and white on the other side; inquired about cost and funding for same; inquired about the timeline for completion. Supervisor Cann noted that C.H.P. should be consulted before curb color is determined; and Supervisor Jones concurred. Peter Rei responded to all questions/concerns.

#### **Public Comment Opened.**

Terry Selk commented on the importance of a bus loading area for tourism to encourage bus lines to stop; and that this issue was discussed at a conference he attended last week. He noted that bus lines are driven by logistical questions, and easy access, and that it is important to make sure we mirror those considerations. He recommended the use of a maximum time limit, rather than a minimum time to allow for extra time needed for elderly or disabled travelers. Discussion between Supervisors Cann and Bibby, and Peter Rei relative to signage, long term parking requirements, importance of proximity to bathrooms, and trash disposal.

Ron Iudice/Seventh Street Properties encouraged minimization of vertical signs to prevent sign clutter downtown. Peter Rei responded.

#### **Public Comment Closed.**

No Board Comment.

The Motion was made by Supervisor Jones to waive the second reading, and adopt the Ordinance. The Clerk read the Ordinance number and title into the record. Supervisor Bibby seconded the Motion.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

***10:33 AM - Recessed***

***10:45 AM - Reconvened***

**2. Board of Supervisors (ID # 2161)**

**Provide Information on the Mariposa Open Arms Program (Pastor Ginger Foster, Mariposa United Methodist Church)**

Presentation by Ginger Foster/Pastor Mariposa Methodist Church regarding the Mariposa Open Arms program. She gave an estimate of the number of homeless in Mariposa County; the various types of living situations that are encompassed by that term; and a brief history of the program and its start as New Beginnings' warming house. She also noted that they offer an appropriately climate controlled place to sleep, and a meal; open at 5:30 PM, and operate 7 nights a week, with St. Joseph's Catholic Church acting as host on Tuesdays and Wednesdays nights, and the Methodist Church hosting the remaining evenings. She reported on the average numbers of people served each night, number of volunteers, and number of churches and organizations that contribute food.

Discussion between Supervisor Bibby and Pastor Foster regarding breaking the cycle of homelessness, the importance of getting Human Services involved, and help that might be obtained from Mother Lode Job Training.

**Public Comment Opened.**

Beth Tomsick from Habitat for Humanity of Mariposa County spoke in favor of the Open Arms program. She related Habitat's two other missions: A Brush with Kindness to make a home safe; and advocating for shelter for everyone.

Supervisor Bibby commented on attending a Human Services training, and the information on homelessness that was obtained from that training.

Pastor Foster elaborated on the point of the program.

**Public Comment Closed.**

**3. Board of Supervisors (ID # 2160)**

**Approve Budget Action Reducing General Fund Contingency by \$1,040 to Fund a Request from Mariposa Rotary for the County to Participate in Their Historic Plaque Program for the County Owned Milburn and George Lind Houses on Bullion Street Directly Across from the Courthouse (Rotary and Historic Plaque Committee) 4/5ths Vote Required**

Marion Lafler gave a brief history of the formation of the Historic Plaque Committee.

Ron Iudice gave an overview of the two County properties to which the Committee wishes to affix plaques; and requested that the county fund the two plaques. Mr. Iudice noted that they are working with local historians, Leroy

Radanovich and Tom Phillips, for accuracy of the plaque text.

Supervisor Bibby sought clarification regarding the price; and asked if this could be tabled to another time since this is proposed to come out of the General Fund Contingency. Discussion ensued regarding plaque price.

Pete Judy/Chief Probation Officer spoke to a potential source of funds in the Probation Department's budget from penalty assessments. Supervisor Cann inquired as to what would be needed from the Board to facilitate that.

Supervisor Carrier doesn't feel plaque cost should come from County funds but proposed that each Board member, and five Department Heads, donate \$100 each. Supervisor Jones indicated his support of a donation, but suggested seeking alternate sponsorships from businesses and others in town.

CAO clarified that we are researching the funds first, and returning with an item, if that is necessary. NO ACTION taken at this time.

#### 4. **Administration RES-2013-34**

##### **Approve Amendments to the Administrative Analyst-Business Development Coordinator Job Description by Changing the Title to Administrative Analyst-Community Development and Grant Coordinator and Revising Other Areas of the Job Description; Authorize the Recruitment and Filling of the Position Effective February 5, 2013.**

Staff presentation by Rick Benson. He gave an overview of the position's duties; and noted that a large portion, if not all, of the position will be funded by grant.

Supervisor Carrier commented on the difficulties that he noted with grant compliance; and requested the inclusion of additional language.

Supervisor Bibby requested clarification regarding the funding; Barbara Carrier responded.

Discussion ensued between Supervisor Bibby and Peter Rei regarding the possibility of outsourcing via a contract for services; the impact on his department; and the need for CDBG expertise. County Counsel noted that he would need to look carefully at the scope of work for an independent contractor.

Supervisor Cann commented on the other services that this position has provided; and on the risk with contracting it out. Supervisors Bibby and Carrier clarified their reservations.

Supervisor Carrier requested elaboration of what the position would do, and what would not get done if it were not filled. CAO responded; reminded the Board that this position is already funded; and feels that this position is critical.

Supervisor Jones commented on the workload of the previous position holder.

Supervisor Cann feels that this position becomes important looking into the future.

Supervisor Bibby inquired as to whether the position's responsibilities could be assumed by any other staff member. CAO responded that there is no staff available, and that he is strongly advising the position be filled.

Discussion relative to consultants and contractors versus an employee; funding of the position; and other options.

##### **Public Comment Opened.**

Carol Johnson spoke to her experiences in working with Marilyn Lidyoff,

the previous position holder; spoke in favor of retaining the position; and hiring as soon as possible.

Greg Kittleson spoke in favor of filling the position.

Kathy McCorry spoke in favor of filling the position.

Ruth Sellers wondered why the position is being changed, instead of just filling it as it was.

Dick Hutchison spoke of his experience working with Ms. Lidyoff, and commented on her success, and the need to keep someone in that position.

**Public Comment Closed.**

Vice-Chair Cann responded to questions raised during public comment; and enumerated Board options.

Action was taken to approve the item with the following amendments:

- 1) First paragraph, second sentence of page 1: change “may” to “will.”
- 2) Change the end of the sentence under the “Experience” heading to read: “...including grant writing and grant administrative experience.”
- 3) Add the following language under the “MINIMUM QUALIFICATIONS:” heading: “Preference given to previous Community Development Block Grant experience.”

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

## **1:05 PM Recessed for Lunch**

### **L. 2:00 PM Reconvened**

The gavel was passed to Supervisor Stetson who joined the meeting at 2:00 PM.

**1. Public Works (ID # 2088)**

**Conduct a Study Session Concerning the Yosemite West Maintenance District Infrastructure**

Chair Stetson welcomed everyone to the study session, and stated its focus.

Peter Rei presented an extensive staff report which included an overview of the history of Yosemite West; as well as a summary of twelve relevant issues. He noted to the Board that the recommendations for compliance need to be completed in 2013. Chair Stetson inquired as to the condition of the hydrants; staff responded. Supervisor Carrier advised that the non-working hydrant needs to be bagged; with notification going to proper organizations/departments. Supervisor Bibby asked for clarification of the number of parcels mentioned in item 12.

Lonnie Wass/Supervising Engineer for the Regional Water Quality Board from Fresno gave an overview of the Water Quality Board; recounted past issues, actions, and notices. He stated that he thinks the report by Provost and Pritchard does a good job, and gives many options. He defined terms; discussed

maintenance needs; a response plan; and informed of an online California database. He advised that the system needs to be visited regularly, particularly in the spring; that money should be regularly set aside to replace items, when necessary; that low interest loans are available through the state, and that information on that process could be obtained by contacting Art Baggett; the need to maintain the lines; maintenance on Biolax system; and the open clarifier.

3:01 PM - Recessed

3:12 PM - Reconvened

**Public Comment Opened.**

Tom Lambert/President Yosemite West Property & Homeowners, Inc. Asked a question regarding the community burn pile; Peter Rei responded.

Neil Anstead/Yosemite West property owner voiced concerns regarding the burn pile, and the work-around solutions that residents are implementing, and feels that this is the most important issue here.

Carol Meisner/Yosemite West resident requested clarification on the bond issue, and funding on the I&I.

Tony Ogeen/Yosemite West property owner stated that his concern is the source of the funding to make repairs.

Kay Pitts/Yosemite West property owner feels that the County has not adequately addressed their issues.

Jeff Hornacek referred to the grand jury report; stated that he feels that the Yosemite West community generates a lot of money for the county and that they should get some of it back.

Harry Hagan stated that the sewer system is the big item; and feels that the source of the problems are an ongoing lack of maintenance, coupled with a fundamentally bad design. He further stated that he thinks that the County should consider pursuing legal action as he feels that the statute of repose will take effect in 2013.

John Mock/Yosemite West property owner commented on an email that he sent to the Board members; the bond issues; feels there should be an external audit of the bond fund; and commented on various past county resolutions and county codes.

Don Pitts concurred with everything said thus far.

Kelly Rich/Yosemite West homeowner noted the Public Works Director's observation that the distance is a problem; and stated that he feels that this contributes to an attitude that Yosemite West is too small and too far away, and it is that attitude that is the ultimate cause of these problems.

Robert Kroon/Innkeeper recounted Yosemite West bed taxes paid over the last three years; and noted that, as an innkeeper, he feels that the roads with potholes are an issue;

Richard Long stated that he feels that the problems of Yosemite West have been going on for 25 to 30 years; and feels that they have had no recourse in the past.

Tom Lambert asked the Board to keep in mind whether they would prefer a good infrastructure with everything repaired; or to have the infrastructure crumble, and rentals close.

Jerry Jackman/Yosemite West resident offered up the example of the daily services provided to Yosemite West by the U.S. Postal Service, UPS, and DHL as a counterpoint to the idea that Yosemite West was too small and too far. He also

referenced the report by Provost and Pritchard and noted that there are a number of "TBD" entries and, consequently, no way to determine a final cost until the project is finished.

Kay Pitts thanked Peter Rei and his staff for the report; commented on the establishment of the TOT; and feels the County is lucky since much of the TOT comes from Yosemite.

**Public Comment Closed.**

Supervisor Cann commented on the use of TOT for tourism; commiserated with Ms. Meisner; and requested elaboration of the ramifications of doing nothing. Lonnie Wass responded.

Discussion ensued relative to the priority of the repairs; the total miles of road; the potential costs of repairs; and impending deadlines. Mr. Wass assured that the Water Board will work with the county as it seeks to address the repairs.

Michael Taylor/Provost and Pritchard commented on the repair priorities. In response to questioning by Supervisor Bibby, Michael Taylor responded with an offer to forward a Table of tasks, time and dollars.

Discussion ensued between Supervisor Bibby and Mr. Rei regarding dissemination of information, and community outreach. Mr. Rei noted that he committed to providing quarterly reports at the last District Advisory Committee meeting, of which this was the first.

Supervisor Carrier inquired as to the adequacy of the fire hydrants at the 6000 foot elevation. Gary Taylor/Deputy Director of Public Works responded noting that they were dry barrel design. Supervisor Carrier also noted that repairs will not change the facility's certification.

Discussion ensued regarding previous actions by the Board.

Supervisor Cann noted that this was a workshop with no request for action before the Board today, and that Public Works needs to agenda something. Mr. Rei stated that he will need to confer with Gary Taylor and Michael Taylor before drafting such an agenda item.

Supervisor Stetson suggested the creation of a committee that will be more responsive to these types of issues; urged haste in its creation; and encouraged community members to volunteer for same when created.

Mr. Rei commented that his office can start setting something up. Supervisor Stetson noted his interest in sitting on the new committee. Mr. Rei suggested that it might be better if two board members sat on it.

CAO relayed County Counsel's suggestion that the Advisory Committee would be the ones to select a couple of members to be on this new committee.

County Counsel clarified Brown Act requirements relative to special meetings.

## **4:41 PM - Recessed**

## **4:59 PM - Reconvened**

### **M. Items removed from Consent Agenda**

#### **A. Public Works RES-2013-36**

**Approve Budget Action Transferring Funds Within the Yosemite West Maintenance Fund to Allow for the Remaining Costs Necessary to Complete the Replacement Maintenance Building Located in the Yosemite West Subdivision (\$13,500)**

Staff presentation by Peter Rei, with Barbara Carrier/Assistant Director of Public Works-Support Services assisting. Ms. Carrier stated that invoices came in after this agenda item was submitted, and noted that the total is actually \$7,865.

Discussion ensued regarding the building being on concrete blocks, and the building inspector.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**B. Public Works RES-2013-37**

**Approve a Contract for Services with J. Hart Plumbing to Replace the Plumbing Underneath the Health Building Located at 5085 Bullion St. in the Not-To-Exceed Amount of \$19,500; Authorize the Public Works Director to Sign the Agreement; Approve Budget Action Reducing General Fund Contingency and Increasing Funding in the Land, Building, and Improvements Fund to Fund the Agreement (\$21,450). 4/5ths Vote Required**

Staff presentation by Peter Rei with Gary Taylor/Assistant Director of Public Works-Public Works assisting.

Discussion ensued regarding the time to complete the work; and questions of when the work can be performed.

CAO inquired if previous problems with the sewer line were also within the scope of this item. Peter Rei responded.

Supervisor Jones asked if the agenda item, as presented, includes premium costs of working weekends or holidays. Peter Rei and Gary Taylor responded.

Supervisor Carrier requested clarification of the Board as to potential remedies available to the Board.

Peter Rei noted that until this item is approved there is no contract; however, once approved they may be able to renegotiate with the contractor regarding installation/repair days.

Public comment: None.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**C. Public Works RES-2013-38**

**Approve an Agreement with Guenthart Construction to Repair Water Damage at Midpines Community Hall in the Not-To-Exceed Amount of**



**\$12,080; Authorize the Public Works Director to Sign the Agreement; Approve Budget Action Reducing General Fund Contingency and Increasing Revenue and Appropriations in the Land, Building, and Improvement Fund to Recognize Insurance Reimbursement, Deductible, and the Clean Up and Repair Costs (\$21,829). 4/5ths Vote Required**

Staff presentation by Peter Rei, and Gary Taylor. Mr. Rei gave an overview of the damage; and the repair bidding process.

Public Comment: None.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**D. Fire (ID # 2153)**

**Approve an Agreement with URS Corporation Americas (URS) to Review and Revise the Mariposa County Local Hazard Mitigation Plan (LHMP) in a Not to Exceed Amount of \$65,000; Authorize the Chairman of the Board of Supervisors to Sign the Agreement.**

This item was withdrawn.

**RESULT: WITHDRAWN**

## **N. Adjournment**

The meeting was adjourned at 5:34 PM in memory of Hugh Martin, Eleanor Keuning, Ben Curry, Blair Fowler, Dean Fogh, Pierre Anderson and Andrew Bagwell.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



# MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222  
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**LEE STETSON, CHAIR**  
**KEVIN CANN, VICE-CHAIR**  
**MERLIN JONES**  
**JANET BIBBY**  
**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

**February 12, 2013**

### A. Call to Order and Roll Call

**9:00 AM** Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:00 AM
Janet Bibby	District III Supervisor	Present	9:00 AM
Kevin Cann	District IV Supervisor	Present	9:00 AM
John Carrier	District V Supervisor	Present	9:00 AM
Merlin Jones	District II Supervisor	Present	9:00 AM

### B. Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Cann, and was followed by a moment of silence in recognition of all the volunteers of Mariposa County and the Nation, and wishing a safe and speedy return to those serving overseas.

### C. Introductions

None.

### D. Approval of Consent Agenda (Items designated by "CA")

**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.

No Public comment on any item.

Relative to CA6, Supervisor Cann wondered if the two Board members who act as liaison to that department could be briefed on this item, and similar items, in the future. Steve Dahlem/County Counsel affirmed.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**CA1. Administration RES-2013-39**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

**CA2. Human Services/Social Services RES-2013-40**

Approve the First Amendment to an Agreement with Edna Terrell Increasing the Not-To-Exceed Amount by \$7,500 to Provide Consulting Services for Mariposa County Human Services, and Authorize the Board of Supervisors Chair to Sign the Amendment; Approve Budget Action Transferring Funds Within the Social Services Budget to Fund the Amendment (\$7,500).

**CA3. Community Services 2013-13**

Re-Appoint Niarja Marchand to the Mariposa County Commission on Aging (COA) Representing District V, with a Term Concurrent with District V Supervisor Expiring December 31, 2016

**CA4. Administration RES-2013-41**

Approve a Licensing Agreement with the American Society of Authors, Composers and Publishers (ASCAP) in the Amount of \$327 and Authorize County Administrative Officer to Sign Agreement Annually

**CA5. Public Works RES-2013-42**

Accept the Silverbar Road Project as Complete and Authorize the Public Works Director to Record the Notice of Completion and Release the Retention

**CA6. Human Resources/Risk Management RES-2013-43**

Approve a Professional Service Agreement with Gilmore Wood Vinnard & Magness for Investigative Services in the Amount of \$25,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA7. Sheriff's Office RES-2013-44**

Approve an Agreement with the Department of Boating and Waterways to Participate in Boating Safety and Enforcement Financial Aid Program for Fiscal Year 2013-2014, and Authorize the Board of Supervisors Chair to Sign the Agreement

## **E. Minutes Approval**

No comments from either the Board or Public.

Cann (M); Bibby (S); Unanimously adopted, with the exception of Supervisor Stetson who abstained.

1. **Monday, February 04, 2013**

## **F. Departmental Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda

None.

## **G. Public Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Nancy Koerperich/Cal Fire Chief spoke to the Wildland Fire Investigation Training and Equipment Fund (WiFiter Fund) that has been in the news. She stated that the WiFiter Fund is an internal reimbursement fund and assured the Board, and the public, that it has nothing to do with the SRA fire prevention fee.

Marvin Wells spoke about his confusion regarding the SRA and CSA fees, and their constitutionality. He asked the Board to clarify the CSA fee issue. County Counsel responded that he has retained outside counsel that specializes in Proposition 218 assessments to review the matter, and can't elaborate any further at this point. Chief Koerperich responded to the SRA fee issue by advising that the 2012 billing will be received in the Mariposa area by about April. She continued stating that she hopes those matters that were contested last year will have been handled by then, but cautioned that it is an outside third party agency that takes care of that billing for the Board of Equalization so she can't presume to speak for them. She also noted anyone having problems with this year's billing should follow last year's process.

## **H. Board Information**

Supervisor Jones reported that he received a call on February 5th, regarding a leak at the old schoolhouse in Coulterville, and extended kudos to Peter Rei/Public Works Director, and the Public Works Department, for their speed in attending to the problem. He advised that he will be attending the SWIFT meeting tomorrow encouraging the Forest Service and BLM to expedite the permitting of the removal of bug trees. He reported that on Friday he went to the Planning Commission meeting regarding the Williamson Act. He also talked to some of the heads of some of the departments and is working on efficiency issues. He talked to Rick Peresan/Technical Services Director regarding faster internet service; and will be meeting with Janet about that issue, also. On Saturday, he attended the Gala Event at the Northern Mariposa County History Center in Coulterville where he acted as auctioneer. On that same Saturday he attended the Sweetheart Ball in Don Pedro, then attended the Coulterville Breakfast on Sunday.

Supervisor Cann advised that he and Supervisor Carrier met with the MPUD Board of Directors on Tuesday regarding the State Fire Marshall fees; he thinks there is room to work with the Building Department on this issue. Supervisor Cann further advised that he toured the Ewing Wing at the John C. Fremont Hospital on Wednesday, and there is concern regarding the Governor's

proposed changes. He also had a meeting with Peter Rei, Greg Ollivier/Solid Waste Manager, and the Yosemite Deputy Superintendent and staff on Wednesday regarding sludge and recycling handling. He congratulated Mr. Ollivier on the phenomenal job he's been doing to streamline the operation with no new funding. Supervisor Cann further advised of meeting with the Mariposa Business Association on Thursday morning regarding the Mariposa Gazette story a couple of weeks ago regarding potential legislation. He reported on a presentation from the Executive Director of UCan, an organization that is now approved to put on "mudder" event across from the airport. He also had a meeting on Friday with some people regarding downtown sidewalk issues; enjoyed the Lincoln Day Dinner at the Fairgrounds Saturday night; met with the Planning Department and the new owner of the Miner's Inn Restaurant to work on signage issues. He also advised that he will be attending the Central Sierra Economic Development District in Sonora on Thursday.

Supervisor Bibby advised that on February 6<sup>th</sup> she toured Catheys Valley and Hornitos with Terry Selk and Julie from the Yosemite/Mariposa County Tourism Bureau. She also advised that she and Supervisor Carrier attended the F.F.A. Banquet, and announced the award and scholarship winners. She also announced that Mariposa won the overall outstanding F.F.A. Charter. She extended her thanks and appreciation for the program, and its teachers; and to Merced County for hosting the event. She reported that she attended the Mental Health Governing Board meeting. She noted that they are still waiting on responses from the State regarding the Corrective Action Plan; and that they are seeking more volunteers for the Governing Board. Supervisor Bibby also reported attending a First Five meeting last night, noting that Dr. Mosher has indicated that he may have extra funds not going to the visiting health nurse program and they are seeking input. Supervisor Bibby further advised of a Workforce Investment Board meeting in her office at 10:00 AM this Thursday; and a meeting at 10:00 AM on February 15<sup>th</sup> regarding the Fire Marshall issue and the county's responsibility, if any.

Supervisor Carrier noted that there are still vacancies on the Historic Sites and Records Preservation Committee, the Assessment Appeals Board, the Water Agency, In Home Supportive Services Advisory Committee, and the Local Childcare Planning Council. He advised anyone interested in serving on any of these to submit a letter of interest. Supervisor Carrier reported that he met with Cara Goger of the Mariposa County Arts Council, and that they are looking to partner with senior groups to involve seniors in the arts. He commented on attending the F.F.A. Award Dinner with Supervisor Bibby noting that all seven of the Mariposa young adults received the gold awards. Supervisor Carrier also reported on meeting with Terry Selk and Julie where the renewal of the Business Improvement District tax was discussed. He also noted that the Tourism Bureau is seeking to address issues relative to bed and breakfast establishments. Supervisor Carrier also reported attending the Area 12 Agency of Aging meeting; noting that California has decided to participate in a pilot senior healthcare initiative which he feels doesn't adequately consider impact on rural communities. He further reported attending the Planning Commission meeting on Friday; and the Democratic Breakfast on Saturday where a presentation was made regarding the Merced River Plan. He noted that public comments regarding the plan are due before April 18<sup>th</sup>. Supervisor Carrier further reported that he attended the MPUD Board meeting; attended the 4H breakfast Saturday morning, and the Republican Dinner Saturday night; and attended the Historic Sites and Records Preservation Commission yesterday. He advised that tomorrow he will be attending the Mountain Valley Emergency Medical Services Agency meeting, and the Fish Camp Mutual Water meeting;

and a fire station meeting on Thursday. He also noted that the Forest service is in the process of updating their Forest Plan Revision for the Sierra National Forest. He noted that most of the planning meetings have already taken place, but advised that there will be one last webinar on February 21<sup>st</sup> from 9-12.

Supervisor Stetson noted that he was sick much of last week, but did attend the Yosemite West Study Session on Tuesday; we'll pursue the Notices of Violation and create a new committee to consider problems and solutions; and Supervisor Carrier has volunteered to be part of that new committee. He advised that he will be attending the El Portal Advisory Meeting tonight, where the Merced River Plan will be discussed; will attend the Airport Advisory Board meeting tomorrow night; and a fire station meeting, and a Bear Creek Trail meeting, on Thursday.

## I. Regular Agenda Items

### 1. Public Works RES-2013-45

#### **Approve the Second Amendment to the Agreement with Total Waste Systems (TWS) to Set Maximum Rates that Can be Charged to Franchise Customers with an Effective Date of April 1, 2013, and Authorize the Board of Supervisors Chair to Sign the Amendment**

Staff presentation by Peter Rei/Director of Public Works, assisted by Greg Ollivier/Solid Waste Manager.

Supervisor Cann discussed the third party process that was initially set up; feels that we're obligated to let the rate increase go through due to previous agreements and actions. County Counsel advised that as long as the process is followed, the contract does allow the franchise to raise rates.

Supervisor Bibby requested clarification as to Wawona hauling rates, which are not part of this contract. Mr. Ollivier responded. Mr. Rei elaborated on pine needle and bulk pickup.

Supervisor Carrier inquired to the viability of merging the two contracts. Mr. Rei and Mr. Ollivier responded. Mr. Rei noted that, if desired, he can meet with Supervisor Carrier to discuss the issue. Supervisor Carrier responded that he had already spoken to Mr. Ollivier regarding contract compliance. It was noted that the Total Waste contract expires in 2021.

In response to a question from Supervisor Bibby, Mr. Rei noted that no objections had been received from the public.

Public Comment: None.

County Counsel elaborated that the Public Works Director already has the authority to approve this contract, but that this resolution will act as ratification.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

### 2. Administration (ID # 2167)

#### **Authorize the Formation of an Ad Hoc Committee to Review Department Head Compensation and Assign Two Members of the Board of Supervisors to Serve on the Ad Hoc Committee.**

Rick Benson/County Administrative Officer made the staff presentation. He gave a brief history of events leading to this request, and methodology previously used to determine salaries; recounted some recent salary changes; and noted how increases have altered the previous methodology. He noted that this proposal is from the management team, and that department heads would like to be part of the process; and proposed the formation of a new committee. He noted that Pete Judy and Pete Rei have been identified as the department heads to serve. He also noted that it may be the time to do a comprehensive salary review. He requested the authorization, and formation, of the committee, and asked that two members of the Board be appointed to it.

Discussion ensued between Supervisor Bibby and CAO regarding potential costs and funding. Supervisor Stetson noted his understanding that this committee would be investigative in nature. CAO responded. Supervisor Carrier expressed concern with the lack of strategies or timelines; and the extra expenditure of time; thinks it would be a disservice to even consider at this time; and, if formed, would like to see some community representatives, as well.

Supervisor Jones stated his feeling that the committee is important as a means of communication, and noted that he would be willing to serve on it.

Supervisor Cann discussed recent salary/recruitment issues, and commented that he feels that annual Department Head Reviews are important for interaction.

Public Comment Opened.

Ruth Sellers spoke against the item. She discussed current salaries being paid; paying down past debt; the need for good roads, and other things, before salaries; and this item's timing.

Marvin Wells wondered if the Ad Hoc Committee will be addressing the Supervisor's salaries. CAO responded that Supervisor's salaries are set relative to judges' salaries.

Public Comment Closed.

No Motion was made, and the item died.

## **J. Items removed from Consent Agenda**

None.

## **K. Closed Session**

### **1. Human Resources/Risk Management 2013-14**

**Closed Session: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard C. Bolanos**

Public Comment: None.

This item was discussed at 11:51 AM, and reported out at 1:44 PM.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

### **2. County Counsel 2013-15**

**Closed Session Conference with Legal Counsel; Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (B) of Government Code Section 54956.9; Number of Cases to be Discussed: 2**

Public Comment: None.

The first matter scheduled with this item was discussed at 12:36 PM, and reported out at 1:44 PM.

The second matter scheduled with this item was discussed at 1:10 PM, and reported out at 1:44 PM.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**3. County Counsel 2013-16**

**Closed Session Conference with Legal Counsel; Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (C) of Government Code Section 54956.9**

Public Comment: None.

This item was discussed at 12:52 PM, and reported out at 1:44 PM.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**L. 11:00 AM**

**1. Board of Supervisors (ID # 2056)**

**Presentation by Caltrans Regarding the Ferguson Slide on Highway 140**

Presentation by Margaret Lawrence, Environmental Office Chief with Cal Trans, accompanied by Grace Magsayo. She gave an overview of the history of the Ferguson Slide and the current situation. She thanked Supervisor Bibby and Rick Benson for their efforts in getting AB 1973 passed. Their alternatives moving forward are the rock shed and a tunnel. Ms. Lawrence provided the project schedule from the release of the draft document in spring of 2013, to construction beginning in late 2015.

Supervisor Cann inquired if CalTrans will identify a preferred alternative. Ms. Lawrence responded. In response to a question regarding funding, Ms. Magsayo advised that concerns have been communicated to headquarters, and they realize that they are looking at a possible 120 million dollar cost for the tunnel, and 52 million dollars for the rockshed; and since they have not been told otherwise, they are moving ahead as if they will have full support and funding for the project.

Discussion ensued between Supervisor Stetson and Ms. Magsayo regarding disposal of the waste materials.

Supervisor Bibby required clarification regarding start dates, and the procedures should there be another incident. Ms. Lawrence responded.



Supervisor Carrier inquired about the possibility of night time construction. Ms. Magsayo responded.

Public Comment opened.

Peter Rei reported that he has been going to the meetings in Stockton on a regular basis; has been in communication with Ms. Magsayo regarding using the smaller materials for the landfill, but cautioned that it's too early for that issue to be decided.

Supervisor Bibby noted that Sarah Williams/Planning Director should be consulted as to whether disposal on targeted parcels will be viable. She also asked that advance notice of heavy machinery through town be given to the downtown merchants. Mr. Rei responded.

Public Comment closed.

Discussion between Supervisor Bibby and Ms. Magsayo regarding the stability of the slide.

### **1:44 PM Report Out**

Chair Stetson reported that Information was Received and Direction was Given, as to each Closed Session item.

### **M. Adjournment**

The meeting was adjourned at 1:45 PM in memory of Margaret Dawson and Jewel Kitchen.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



# MARIPOSA COUNTY

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**LEE STETSON, CHAIR**  
**KEVIN CANN, VICE-CHAIR**  
**MERLIN JONES**  
**JANET BIBBY**  
**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

**February 19, 2013**

### A. Call to Order and Roll Call

**9:01 AM** Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:01 AM
Janet Bibby	District III Supervisor	Present	9:01 AM
Kevin Cann	District IV Supervisor	Present	9:01 AM
John Carrier	District V Supervisor	Present	9:01 AM
Merlin Jones	District II Supervisor	Present	9:01 AM

### B. Pledge of Allegiance

The Pledge was led by Supervisor Carrier, followed by a moment of silence for the law enforcement officers in Southern California who recently lost their lives, and for their families.

### C. Introductions

None.

### D. Approval of Consent Agenda (Items designated by "CA")

**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.

Public Comment: None.

Board Comment:

Supervisor Cann congratulated Jim Wilson/Fire Chief on CA12, the SAFER Grant, and

requested the Chief update the Board on this item, which he did at this time. Supervisor Jones inquired as to the stipend amount and whether it could be increased; Supervisor Bibby inquired as to the location of the four computer training systems. Chief Wilson responded to all questions/concerns regarding this item.

Supervisors Bibby and Jones had questions regarding CA8. Chief Wilson responded to all questions.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**CA1. Planning 2013-17**

Re-Appoint Don Fox, Angela Heiss and Charles Lammers to the Midpines Planning Advisory Committee with Terms Expiring February 28, 2015. Accept the Resignation of Carmen Mecleary from the Midpines Planning Advisory Committee. Appoint Caroline McGrath to the Midpines Planning Advisory Committee with a Term Expiring February 28, 2014

**CA2. Administration RES-2013-46**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

**CA3. Public Works 2013-18**

Accept Resignation of William Brandle from the Airport Advisory Committee and Re-Appoint Robin Binder, Joe Coho and Ruth Sellers to the Airport Advisory Committee for Terms Expiring January 2, 2017

**CA4. Human Services/Behavioral Health & Recovery Services RES-2013-47**

Authorize the Human Services Department to Recruit for and Fill a Vacant Mental Health Clinician Position in the Behavioral Health and Recovery Services Budget Effective Immediately

**CA5. Sheriff's Office RES-2013-48**

Approve an Agreement with the State of California, Department of Forestry and Fire Protection for Communications Vault Rack Space for Repeater Radio Frequencies Located on Mount Bullion Peak, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA6. Health RES-2013-49**

Approve Amendment 1 to Agreement No. G10-UPA-49 for Certified Unified Program Agency (CUPA) Electronic Reporting Grant Between California Environmental Protection Agency (EPA) and Mariposa County Health Department CUPA, and Authorize the Health Officer to Sign the Amendment

and Any Other Amendments as Needed, Subject to County Counsel Review and Approval

**CA7. Health 2013-19**

Re-Appoint Janet Bibby as Board of Supervisors Member, and Mark Gallagher as Technical Expert/Solid Waste Member, and Appoint Neil Bolton as Member At-Large, and Lester Bridges as an Alternate to the Independent Hearing Panel for the Local Enforcement Agency with Terms Expiring February 19, 2017

**CA8. Fire RES-2013-50**

Approve Amendment 2 to Federal Grant #EMW-2011-EP-00048 with the California Emergency Management Agency (EMA) Accepting \$40,000 in Re-Obligated Emergency Management Performance Grant (EMPG) Funds to Improve the Fire Department's Communication Capabilities and Ratify the Signature of the Fire Chief on the Amendment.

**CA9. Sheriff's Office RES-2013-51**

Approve Filling Two Vacant Deputy Sheriff Positions Funded by the Rural County Sheriff's Grant Effective Immediately

**CA10. Sheriff's Office RES-2013-52**

Approve Agreement 12-LE-11051360-002 with the United States Department of Agriculture, Sierra and Stanislaus National Forests for Law Enforcement Services on National Forest Lands, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA11. Technical Services RES-2013-53**

Approve the Donation of Old Wireless Network Equipment to the Mariposa Unified School District

**CA12. Fire RES-2013-54**

Accept the Federal Emergency Management Agency Staffing for Adequate Fire and Emergency Response (FEMA-SAFER) Grant to Provide for Continuation of the Current \$10 Stipend for Volunteer Emergency Response and Training, the Re-Hiring of Extra-Help Volunteer Coordinators, and to Purchase Four Computer Work Stations to Facilitate On-Line Training; Approve Budget Action Increasing Revenue and Appropriations in the Fire - SAFER Grant Budget to Allow for Use of Grant Funds through the Remainder of the Fiscal Year (\$8,150). 4/5ths Vote Required

**CA13. Fire RES-2013-55**

Approve an Agreement with URS Corporation Americas (URS) to Review and Revise the Mariposa County Local Hazard Mitigation Plan (LHMP) in a Not to Exceed Amount of \$65,000; Authorize the Board of Supervisors Chair to Sign the Agreement

**CA14. Planning 2013-20**

Accept the Resignation of Linda Meyer from the Agricultural Advisory Committee. Re-Appoint Jerry Progner and Tony Toso to the Agricultural Advisory Committee for Terms Expiring February 28, 2015

## **E. Minutes Approval**

### **1. Tuesday, February 05, 2013**

No public or Board comment.

Jones (M); Carrier (S). With the exception of Supervisor Stetson who abstained, the Minutes were unanimously accepted as presented.

### **2. Tuesday, February 12, 2013**

No public or Board comment.

Jones (M); Bibby (S). The Minutes were unanimously accepted as presented.

## **F. Departmental Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda

None.

## **G. Public Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Marvin Wells thanked the Board for their recognition of the F.F.A. last week, and commented on his years as an F.F.A. member. He also commented on last week's failed item regarding the formation of an Ad Hoc Salary Committee; and presented the Board with a list of five questions.

Ruth Sellers spoke regarding the Airport Advisory Committee; asked that a Board member be appointed to represent at their meetings; addressed problems with the cracks in the pavement at the Airport; advised of a fly-in scheduled in April; and feels these issues need to be addressed before then.

Vicki Lorenzi/Owner of the River Rock Inn and Deli Garden Cafe asked to speak regarding the Tourism Bureau item scheduled for later this date. She feels that business is booming due to the Tourism Bureau, and Terry Selk's efforts. She also provided input regarding people coming from the Bay Area on day trips. Supervisor Cann thanked Ms. Lorenzi for taking the time from her business to provide the information.

## **H. Board Information**

Supervisor Carrier reported attending the Mt. Valley EMS meeting on Wednesday, as well as the Fish Camp Mutual Water meeting later that same day. He further reported that on Thursday he attended a fire station meeting; met with a former supervisor last week; visited the Fish Camp Fire Station; and met with Mark Rowney from MPUD regarding the new water treatment plant. He also advised that the county was given a discount on the rental of the radio vaults (CA5) by the Department of General Services Telecom due to the good working relationship between the Sheriff and CalFire.

Supervisor Bibby reported attending a Workforce Investment Board (WIB) sub-committee meeting on the 14th; noted that they are seeking input from the private sector; and have vacancies that need to be filled. She advised that there will be a Mt. Bullion Citizen's Group Meeting on the 21st where they will be looking at phone and broadband issues. She also advised of a Community Action Agency Meeting to be held at 10:00 AM on the 22nd at the Miner's Inn regarding poverty issues.

Supervisor Jones commented on the logging trucks and turkeys passed en route today. He reported that he received calls from two or three departments after the February 12th meeting, and is working towards more communication. He further reported on attending a SWIFT meeting in Moccasin on February 13th, noting that they received updates regarding the snow pack and rainfall totals; he also commented on budget cuts. Supervisor Jones further reported meeting, on that same day, with Terry Selk, Kathy McCorry and Supervisor Cann regarding a gateway sign on Highway 132; he spoke with some merchants in Coulterville and Buck Meadows regarding same. He also reported meeting with Dr. Mosher later that same evening, where he learned about the qualifications required to fill Dr. Mosher's position, and where he received an overview of the Health Department. Supervisor Jones further reported meeting with Cathi Boze of the Ag Department on February 15th regarding that department, weed control, and the requirements/certifications required to fill her position. He also reported meeting with a past supervisor on February 14th; and with Marla Kurtzman on February 17th regarding developing an equestrian facility in Don Pedro. Supervisor Jones addressed Mr. Wells' written comments by stating that he feels he works for the people. He also commented to Ruth Sellers that Supervisor Stetson has been stepping in for Lyle Turpin, but that he is hoping to make the next Airport Advisory Board Meeting.

Supervisor Cann spoke to the failed Ad Hoc salary committee request last week, and referred to past unsuccessful attempts to fill positions. He reported attending a Central Sierra Economic Development District (CSEDD) meeting last Thursday, and advised of a \$60,000 grant recently received. Supervisor Cann also reported meeting with the new owners of the Miner's Inn Restaurant on Saturday regarding signage issues; they will be working with Planning on a variance. He reported meeting on Sunday with the Tourism Director and Tourism Directors from Palm Springs and Sonoma Counties; commented on Mariposa's bureau being a model within the industry. Supervisor Cann advised that he will be attending an RCRC Executive Committee tomorrow, and is hoping to get them to take on the rural hospital issue. He also advised of a going away party for Donna Sisson at the Yosemite Bug Hostel on Thursday at 6:00 PM; of a major Habitat event at the New Life Christian Fellowship on Cole Road on Saturday; on an Assisted Care Meeting on Monday the 25th, and on a group meeting regarding foster youth programs in Mariposa.

Supervisor Stetson reported attending a meeting of the El Portal Advisory Meeting regarding the Tuolumne River Plan last Tuesday. On Thursday, he attended a fire station meeting in the morning, and a Friends of Bear Creek meeting later that same day. He advised that he has a meeting tonight of the Midpines Advisory Board; a meeting with Donna Wice on Thursday at 11:00 AM; a meeting at 2:00 PM on Thursday at the Wawona Library to address the problems from the Yosemite West Study Session a few weeks ago. Supervisor Stetson responded to Mr. Wells' earlier comment regarding action taken by the Board sitting in 1990 to set automatic permanent salaries for County Supervisors noting that Mr. Wells was mistaken in thinking that he had been a member of that Board; and advising that the action was instituted by a different

Board of which Supervisor Stetson was not a member.

Supervisor Bibby commented on last week's failed Ad Hoc salary committee item, requesting patience until mid-year. She also commented that F.F.A. is looking for tractor, wagon or other wheels to use, and asked people to contact her if they have donations.

## **I. Regular Agenda Items**

### **1. Board of Supervisors (ID # 2184)**

#### **Discussion and Possible Direction to Staff Regarding the County's Transient Occupancy Tax**

Staff presentation by Supervisors Bibby and Carrier. Supervisor Bibby clarified the difference between the Transient Occupancy Tax (TOT) and the Business Improvement District (BID) currently being revised. She noted that this request is for Staff to research the process of what it will take to raise the TOT; specifically determining the step-by-step process to raise it; what will the cost be for the process; and timing. She noted that at present campgrounds, and houseboats, are currently not taxed. She also requested investigation of the TOT collection system to, hopefully, streamline the process for the Treasurer/Tax Collector's office. She stressed this does not impact the BID at all, but will only effect the TOT. Supervisor Carrier commented on the lack of empirical data; the need to repair and build the infrastructure to make the town attractive to tourists; and the overall economic impact on the community as a whole.

Discussion ensued relative to the business community's interest in this matter; the use of Transient Occupancy Tax (TOT); the impact of motorhomes and RVs on the roads and landfill; the Yosemite Plan; and the highway entrances.

Supervisor Bibby noted that this item is just to start some kind of discussion regarding the TOT. Supervisor Carrier noted it would be better thought of as a feasibility study.

Public Comment Opened.

Ruth Sellers requested that if any consideration is given to raising the TOT, that a minimum of one percent of monies collected be used to pay off debt. She also commented on taxing the campgrounds noting that she would not have been able to take her children camping if it were not free. She noted that she does not disagree with the idea of considering raising the TOT.

Public Comment Closed.

Supervisor Bibby asked the Board if they are agreeable to visiting the issue.

Supervisors Jones and Cann both noted that they are agreeable to gathering solid, factual information, and noted additional points that they would like to see included.

Chair Stetson requested clarification as to what is being requested.

Rick Benson, County Administrative Officer (CAO) restated his understanding of what is being requested: that the Board requires the facts, history, procedures, etc., regarding TOT formations and changes. He doesn't understand the point of pulling in the tourism industry at this point.

Supervisor Bibby clarified that she would like to see a simple report of the background, process and timeline, what can be done, the different methods,

whether it is a general ballot action, rather, than a special district. She also noted that there would be no action taken when it was brought back; it would only be to see if the Board wanted to take it to the next step.

Supervisor Cann noted that is essential to make partners with the tourist industry in the interim.

Discussion between the Board and CAO regarding the direction to be given, and the input necessary at this time.

Chair Stetson noted that he feels the CAO has been given sufficient direction; no vote is necessary.

Supervisor Cann feels that the community needs to be informed well in advance of the presentation.

CAO noted that he will target bringing this back to the Board on March 26th.

Supervisor Cann requested a time certain. The matter was set to return on March 26th at 2:00 PM.

**2. Public Works RES-2013-56**

**Approve the Creation of a Yosemite West Maintenance Ad-Hoc Committee Consisting of Two Board of Supervisors Members and One Alternate, and Two Yosemite West Maintenance Advisory Committee Members and One Alternate to Study Yosemite West Infrastructure Issues; Designate Two Board of Supervisors Members to Serve on This Ad-Hoc Committee and One as Alternate; Direct the Ad-Hoc Committee to Return to the Board with Recommendations for Resolving These Issues.**

Staff presentation by Peter Rei/Director of Public Works. He gave an overview of the reason for needing this committee; advised that the remaining committee positions can be filled at a meeting of the Yosemite West Advisory Committee this Thursday. Mr. Rei did note that he is no longer requesting that the committee have an alternate, pursuant to advice by County Counsel.

Steve Dahlem/County Counsel clarified that, after further investigation, he has determined that an Ad Hoc Advisory Committee would not be subject to the Brown Act if it has no alternate.

Public Comment: None.

Action was taken to adopt a resolution amended to remove mention of a Board alternate.

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**3. Public Works RES-2013-57**

**Direct Public Works to Advertise for Bids to Repair the History Center Porch**

Staff presentation by Peter Rei, who noted that this item was on the "Unmet Needs" list from his department last week. He also noted that there is no budget action attached as there is no way to know if there is any additional damage until the porch is disassembled.

Supervisor Cann thanked Mr. Rei for bringing the item before the Board,



and noted his support of the item. Supervisor Jones noted his support for the project, as well.

Supervisor Bibby requested clarification as to whether a source of funding needs to be identified. Mr. Rei responded. CAO noted that administration is aware that the funds would be coming out of the general contingency fund. Supervisor Bibby also requested clarification regarding plans and specifications. Mr. Rei responded.

Supervisor Carrier required clarification regarding code compliance, and mitigating future moisture intrusion. Mr. Rei responded.

Public Comment Opened.

Ron Iudice asked if the History Center Board has been approached to help with cost. Mr. Rei responded.

Ruth Sellers spoke as a History Center volunteer, and doesn't feel the History Center Board should have to contribute to the cost as it is run by volunteers and benefits the county.

Public Comment closed.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

## **J. Items removed from Consent Agenda**

None.

## **K. 11:33 AM Recessed for Lunch**

## **L. 1:03 PM Reconvene**

## **M. Closed Session**

No public comment as to either closed session item.

### **1. Administration (ID # 2202)**

**CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard C. Bolanos**

This session was held at 1:07 PM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

### **2. Human Resources/Risk Management (ID # 2194)**

**CLOSED SESSION: Public Employee Position to be Filled [Government Code Section 54957(B)(1)]-Human Resources Director/Risk Manager**

This session was held at 1:29 PM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

### **1:46 PM Report Out**

Chair Stetson reported that in regard to item M.1, Information was Received; and in regard to item M.2, Information was Received and Direction was Given.

## **N. Adjournment**

The meeting was adjourned at 1:46 PM in memory of Sara Hogg, Jane Sharp, and Donna Mattox.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



# MARIPOSA COUNTY

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**LEE STETSON, CHAIR**  
**KEVIN CANN, VICE-CHAIR**  
**MERLIN JONES**  
**JANET BIBBY**  
**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

**February 26, 2013**

### A. Call to Order and Roll Call

**9:04 AM** Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:04 AM
Janet Bibby	District III Supervisor	Present	9:04 AM
Kevin Cann	District IV Supervisor	Present	9:04 AM
John Carrier	District V Supervisor	Present	9:04 AM
Merlin Jones	District II Supervisor	Present	9:04 AM

### B. Pledge of Allegiance

The Pledge was led by Supervisor Jones followed by a moment of silence for our men and women serving overseas.

### C. Introductions

None.

### D. Approval of Consent Agenda (Items designated by "CA")

**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.

Chair Stetson noted that eight of the consent items deal with reappointing volunteers, and acknowledged and thanked them for their services. He also noted that CA12 and CA13 require a 4/5th vote.

No public comment on any item.

Chair Stetson questioned whether CA12 should be pulled from Consent. Rick Benson/County Administrative Officer noted that representatives from Human Services were available for clarification of that item. Jim Rydingsword/Human Services Director and Cindy Larca/Human Services Fiscal Officer elaborated on the item noting that it is for a new water treatment system for the heating/cooling/ventilation system at the Human Services Building. Ms. Larca advised that they are changing to a chemical treatment system, as the system originally installed in the building proved inadequate. She further advised that DesCor, the company that constructed the building, has agreed to assume the expense of the new system. Consequently, this item is to recognize total revenue of \$7000: \$4000 apportioned towards the new system, and \$3000 applied to Building Maintenance as it represents DesCor's share for some previous work performed. Supervisor Bibby required clarification as to the source of the DesCor payment. Ms. Larca responded.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**CA1. District Attorney RES-2013-58**

Approve a Three Year Subscription Agreement with LexisNexis for Internet Legal Research, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA2. Treasurer-Tax Collector-County Clerk RES-2013-59**

Approve the Conflict of Interest List of Filers and Disclosure Categories and Adopt the Code of Regulations 18730 that Constitutes the Mariposa County Conflict of Interest Code

**CA3. Health 2013-21**

Appoint Jeff Isaccs/Cal-Fire to the Quality Improvement Sub-Committee of the Emergency Medical Care Committee (EMCC) for a Continuous Term

**CA4. Human Services 2013-22**

Re-Appoint Loretta Milne to the Sequoia Area VIII Board for Developmental Disabilities for a Term Expiring February 26, 2016

**CA5. Board of Supervisors RES-2013-60**

Approve an Amendment to the Joint Exercise of Powers Agreement (JPA) Area Agency on Aging by Modifying the Meeting Schedule from Ten Times a Year to Six Times a Year and Authorize the Board of Supervisors Chair to Sign the Amendment

**CA6. Administration RES-2013-61**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

**CA7. Planning 2013-23**

Accept the Resignation of Shirley Kendrick from the Greeley Hill Planning Advisory Committee; Re-Appoint Gary Balmain, Tom Deutsch, and Malcom Hiatt to the Greeley Hill Planning Advisory Committee for Terms Expiring February 28, 2015; Re-Appoint Jesse Figueroa to the Greeley Hill Planning Advisory Committee for a Term Expiring February 28, 2014; and Appoint Ben Starr to the Greeley Hill Planning Advisory Committee for a Term Expiring February 28, 2015 (Supervisors Jones)

**CA8. Planning 2013-24**

Re-Appoint Heather Boothe, Sam Hays, Harvey Holland, Kevin Shelton, and Catherine Wallace to the El Portal Planning Advisory Committee with Terms Expiring February 28, 2015 (Supervisor Stetson)

**CA9. Planning 2013-25**

Accept the Resignation of Gail H. Tyler from the Coulterville Town Planning Advisory Council; Re-Appoint Stephen Huff and Christopher Morey to the Coulterville Town Planning Advisory Council with Terms to Expire February 28, 2015; Appoint Rick Cordero to the Coulterville Town Planning Advisory Council with a Term Expiring February 28, 2015 (Supervisor Jones)

**CA10. Planning 2013-26**

Re-Appoint Ken Davis, Tracy Guenthart, Judie Huffman, and Cathie Pierce to the Catheys Valley Community Planning Advisory Committee for Terms Expiring February 28, 2015 (Supervisor Bibby)

**CA11. Planning 2013-27**

Re-Appoint Tony Christianson, Ralph Harder, Ed Mee, and Eugene Spindler to the Wawona Town Planning Advisory Committee for Terms Expiring February 28, 2015 (Supervisor Carrier)

**CA12. Human Services RES-2013-62**

Approve an Equipment Purchase and Maintenance Agreement with San Joaquin Chemicals, Inc. for the Water Treatment System Associated with the Heating and Cooling System for the Human Services Building, and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Transferring Funds Within the Human Services Administration Budget to Cover the Purchase and Agreement (\$4,000)

**CA13. Auditor RES-2013-63**

Authorize the Auditor to Overfill the Accountant II-Auditor Position for Six Weeks for Training Purposes as the Incumbent is Retiring Effective May 1, 2013; Approve Budget Action Reducing the General Fund Contingency and Increasing Appropriations in the Auditor Salaries Budget to Accommodate the Overfill.

## **E. Minutes Approval**

**1. Tuesday, February 19, 2013**

No public or Board comment.

Jones (M); Bibby (S). The Minutes were unanimously accepted as presented.

## **F. Departmental Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda

Peter Rei/Public Works Director updated the Board on the Courthouse project. He advised that they are negotiating with ARG; had a recent meeting with them, the Judges, Court Personnel, and the Administrative Office of the Courts (AOC) to review a proposal; there were some revisions, but they will be taking it to the next Courthouse Committee meeting next Wednesday; and estimated that they should be bringing a contract before the Board sometime in mid-March.

Mike Troxell/Mariposa area CHP Commander, presented Scott Clamp/Sonora area Commander who introduced himself to the Board.

## **G. Public Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Kathy McCorry/Chamber of Commerce invited the Board to the Meet and Greet tonight at 5:30 PM at Bootjack Pizza Kitchen.

## **H. Board Information**

Supervisor Jones reported on a meeting on the 19th with Peter Rei and John Carrier regarding Solid Waste. He thanked Caltrans and the County road crews for the jobs they did keeping the roads safe during the snow storm on February 19th. He reported on a meeting at the Greeley Hill Library on Wednesday. He also reported attending CSAC meetings in Sacramento on Thursday and Friday; commented on the experience; and thanked the previous Board for funding it. Supervisor Jones further reported on a meeting with some people regarding Geo Tourism on Saturday; and attending the Goldrush Charter School's Parent Teacher Club Meeting on Monday, where they are working on new funding options.

Supervisor Carrier reported on the Solid Waste meeting on the 19th; and the CSAC meetings in Sacramento, recapping some of the issues touched upon there. Supervisor Carrier further reported that, while in Sacramento, he met with Ken Pimlott the Director of CALFIRE regarding the SRA fee; and on meetings of the Fish Camp Town Planning Advisory, and Fish Camp Fire Rescue on Saturday. He extended kudos to Sarah Williams, Mike Kinslow and Donn Harter for their efforts working with Far West Properties. Supervisor Carrier advised of a fire station meeting on Thursday; a meeting with Dave Martin from the US Forest Service on Friday; and of the Hornitos Enchilada Feed on Saturday. He also reported on a conversation regarding T.O.T. with Paul Ratchford, the General Manager at the Tenaya Lodge.

Supervisor Cann reported on attending an RCRC Executive Board meeting in Sacramento last Wednesday; elaborated on upcoming cuts to rural healthcare districts; and reported on collaborative efforts between the Association of California Healthcare Districts, RCRC staff, and CSAC which resulted in a bill being introduced on Friday to supersede the cuts. Supervisor

Cann also reported on the SRA fee and possible changes. He further reported on a Friends of the Fairgrounds meeting on Thursday; and noted that they are up and running, and planning a big Suds and Sausage fundraiser for the summer, as well as a mud bog race. He also reported attending a Habitat bike fundraiser at the New Life Christian Fellowship on Cole Road on Saturday, noting that they raised over \$10,000; meeting yesterday with Jim Rydingsword, regarding assisted care facilities; meeting yesterday with Supervisor Carrier and Jim Rydingsword, regarding Foster Youth; meeting with a small developer; and on a meeting yesterday with Keith Williams, the Treasurer/Tax Collector, regarding an electronic billing/payment system for the Transient Occupancy Tax. Supervisor Cann advised that he will be going to Washington, D.C. Friday for the National Association of Counties (NACo) meeting.

Supervisor Bibby reminded the public that the Commission on Agency needs a member from District III. She also noted that there is a need for members to serve on the Mental Health Committee, as well as the Workforce Investment Board serving Public Sector. She advised that the Mt. Bullion Citizen's Group meeting was moved to March 21st; and further advised of a Central Sierra Connect broadband teleconference call on the 27th, which also has vacancies and needs more people. She extended her compliments to all State and County staff for their efforts during the last snow storm. Supervisor Bibby further advised of an upcoming meeting with Jim Rydingsword on the 28th regarding Foster Care; of the Hornitos Enchilada Feed on Saturday; and on a March 7th Public Hearing at Noon at the Human Services Conference Center regarding the Public Health Act. She also encouraged everyone to attend the Storytelling Festival on March 8th and 9th.

Supervisor Stetson reported on a meeting with Sarah Williams/Planning Director and Brian Foucht/Assistant Planning Director on Tuesday to discuss strategies in proceeding with the Midpines Community Plan. He advised that the Midpines Advisory Committee meeting that had been scheduled for that same evening had been cancelled due to the snow storm. Supervisor Stetson reported meeting with Donna Wice on Thursday morning regarding 4H matters, where he met Russ Hill, the area representative. He also reported on a Thursday afternoon meeting with the Yosemite West Maintenance Board and Public Works, where John Mock and Jerry Jackman were selected to serve on the Ad Hoc Committee that was established to facilitate resolution of the Yosemite West Wastewater Treatment issues.

## I. Regular Agenda Items

### 1. **Air Pollution Control District RES-2013-64**

**Approve a Resolution Authorizing Mariposa County Air Pollution Control District to Continue Participation in Low Emission School Bus Funding Program and to Accept Funds from Modoc County Air Pollution Control District to Augment the Amount Available.**

Staff presentation by Dr. Charles Mosher/Air Pollution Control Officer with Dave Conway/Environmental Health Manager in attendance. Dr. Mosher gave a historical overview of the California Air Pollution Control Board; discussed particulates in diesel fuel; and elaborated on the Low Emission School Bus Funding program. He noted that the emissions on the new buses are seven times cleaner than older buses; and that the school system has previously purchased nine new buses, and retrofitted five others.

Supervisors Bibby and Cann commended Dr. Mosher on the excellent

relationships between counties that he has developed. Supervisor Cann also congratulated the doctor for facilitating this funding.

In response to a suggestion by Supervisor Bibby, Dr. Mosher volunteered to draft a letter of thanks to Modoc County which will be prepared for the Chair's signature. Supervisor Bibby moved that the item be approved, with that added direction.

Public Comment: None.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**2. Public Works RES-2013-65**

**Approve the Drilling of a New Well at Catheys Valley Park and Approve Budget Action Reducing General Fund Contingency to Cover the Expense (\$50,000).** 4/5ths Vote Required

The staff presentation was made by Peter Rei, assisted by Darryl Nielsen/Public Works Plant Operator Technician. Mr. Rei noted that five cycles of well chlorination have been attempted, with no success. Mr. Nielsen noted repair alternatives that have been considered. Mr. Rei is requesting permission to seek competitive well drilling bids. He further noted that the water in the existing well could still be used for watering the fields.

Supervisor Bibby noted regulations that require posting warnings in Spanish, and requested if it has yet been done. She advised that, if not, it should be done before Easter as that Park is heavily utilized during that period. Mr. Nielsen responded. Supervisor Bibby also requested clarification regarding the general contingency fund. Rick Benson/County Administrative Officer noted the effect, and balance, on the fund. Supervisor Bibby also voiced concerns regarding well placement as there is little extra area beyond sporting fields, buildings, leach fields, etc. She also noted her understanding that if a new well is drilled, it should meet State requirements for a long time. Mr. Nielsen responded.

Supervisor Jones requested clarification regarding whether a camera had been run into the well. Mr. Nielsen affirmed, noting that Yosemite Falls Well Drilling had done the camera work, but that there was no video as the camera was not functioning. County Counsel advised that the empirical data from the inspection would need to be supplied to any bidders. Supervisor Jones requested clarification as to what was used to chlorinate the system. Mr. Nielsen responded. Mr. Rei clarified the chlorination process, and the parts per million that were achieved. Supervisor Jones advised that he would like to see the chlorinating tablets tried, as his experience has shown them to be more effective.

Supervisor Carrier requested clarification as to the damage to the well casing; potential location of a new well; the cost of the chlorinator; and the cost of maintenance, if water quality in a new well is less than optimal. Mr. Rei and Mr. Nielsen responded.

Supervisor Bibby commented on the heavy use at McKay Park; and requested clarification of any positive effects that might be seen from a second well. Mr. Rei responded, noting he feels that two wells would better serve the Park than one.



Supervisor Cann requested clarification on the depth of the current casing; the condition of the well; and whether the irrigation piping is separate. Mr. Nielsen responded.

Supervisor Jones inquired about the flow rate of the existing well; as well as the rate that was needed to meet all of the park's needs. Mr. Nielsen responded. Mr. Rei clarified that there have been infrequent times when the existing well has not been sufficient.

Supervisor Stetson inquired of the turnaround time, if a shock was attempted with chlorine tablets. Mr. Nielsen responded he could have the results next week.

CAO advised that, if the Board chooses, they can approve the item with modifications.

Discussion between Supervisor Cann and Mr. Rei relative to the possibility of surface infiltration.

Public Comment Opened.

Marvin Wells wondered if a reserve holding tank had been considered, as the water could be treated in the tank, and then used.

Public Comment Closed.

Supervisor Jones moved to approve the item, with the direction to try shocking the well with chlorine tablets first, then seek well drilling bids if the tablets fail.

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**3. Public Works (ID # 2192)**

**Waive First Reading and Introduce Ordinance Amending Chapter 10.08.070 of the Mariposa County Code (Pursuant to Bus Loading Zones) Bus Loading Ordinance**

Staff presentation by Peter Rei who clarified that this ordinance is to change the language of Paragraph D of the recently completed bus ordinance. He also elaborated on the types of signs that are available under national standards.

Supervisor Cann noted, relative to posting the YARTS schedule, that we still want to consolidate signs as much as possible.

Public Comment Opened.

Ron Iudice, questioned the use of a "No Parking" designation, fearing that buses won't use the space if so posted. Mr. Rei responded that those are Federal regulations. He also provided Mr. Iudice with a picture of the proposed sign which shows an image of a bus. Mr. Iudice commented that the image cleared up the matter.

Public Comment Closed.

Supervisor Cann moved that the first reading of the ordinance be waived; the Clerk read the title into the record; Supervisor Carrier seconded; and the motion was carried unanimously.

**RESULT: INTRODUCED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**4. Administration RES-2013-66**

**Discussion and Approval of the County's 2013 Legislative Platform**

Staff presentation by Rick Benson. He gave an overview of the platform, clarifying that it is meant to be general guidance as to the County's position on issues. He noted changes and additions from the Board's last adopted platform, including the addition of language regarding the SRA fee.

Supervisor Bibby commented on information that she has received which indicates that insurance companies may be reluctant to insure rural residences and wondered if language could be added to address that. CAO suggested some language. Supervisor Jones agreed with such a platform issue, but commented that he checked with an insurance broker who felt such a rise in insurance is unlikely. Supervisor Bibby clarified how the legislative platform is utilized by the CAO and Board.

Supervisor Stetson requested that language be included to add "arts" to the "Quality of Life Services" section. Discussion ensued with Supervisor Cann who suggested refining the language to state "local arts." Supervisor Stetson concurred with that change.

Public Comment Opened.

Greg Kittelson commented on his experience with the California Fair Plan which guarantees the ability to get insurance. CAO commented that he can look into that to incorporate into the wording.

Public Comment Closed.

Action was taken to adopt the platform, amended to reflect the following changes:

Amend the language under "Quality of Life Services" on page 4 to read: "We support legislation to provide State funding assistance for local arts programs, local libraries, parks, and museums."

Add language to the effect: "We support State and Federal legislation that provides protections to rural residents and communities for an opportunity to acquire fire insurance at reasonable rates." The CAO is also to investigate the California Fair Plan, and is to use his discretion as to whether to incorporate pertinent language relative to it.

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

***10:48 AM Board of Supervisors Recessed***

## **J. 10:59 AM Reconvened as the MARIPOSA COUNTY PUBLIC FINANCE CORPORATION**

### **1. Administration (ID # 2198)**

#### **Mariposa County Public Finance Corporation Annual Meeting**

#### **Minutes**

February 26, 2013

I. Meeting Called to Order at 11:00 AM by President Bibby. All Officers present.

#### II. Election of Officers

Officer Cann nominated Officer Stetson for President. No other nominations. No public comment.

Cann (M), Jones (S), Ayes: Stetson, Jones, Bibby, Cann, Carrier.

Officer Stetson elected as President of the Mariposa County Public Finance Corporation.

11:04 AM The gavel was passed to President Stetson.

Officer Jones nominated Officer Cann for Vice-President. No other nominations. No public comment.

Jones (M), Carrier (S), Ayes: Stetson, Jones, Bibby, Cann, Carrier.

Officer Cann elected as Vice-President of the Mariposa County Public Finance Corporation.

#### III. Public Comment - None

#### IV. Approval of Minutes of March 20, 2012

No quorum existed to vote on the item as Officers Bibby, Jones, and Carrier abstained as they were not present at the meeting. Steve Dahlem/County Counsel for Mariposa County noted that the item could be brought back for a vote after abstaining member(s) listened to the audio recording. The matter was tabled until the next meeting.

#### V. Report of Activities

Rick Benson/Administrative Officer for the County of Mariposa gave an overview of the Public Finance Corporation. He then reported on the Certificates of Participation for the Government Center/Fleet Maintenance Facility and the Solid Waste Composting Facility, and stressed that these items are the only items on the books as "County debt." He also reported that the Note on the Government Center/Fleet Maintenance Facility is due to be paid off on August 1, 2017; while the Note on the Solid Waste Composting Facility is a forty year Note which was issued in December, 2003. Mr. Benson also reported on the question of interest rates that was raised at the last meeting. He reported on the interest rates paid for each building; that he contacted a financial advisor who reviewed the possibility

of refinancing the Notes; and reported that there may be interest in someone buying the Note on the Government Center, but that it was highly unlikely that anyone would be interested in the Note on the Solid Waste Facility due to its long term. He advised that there are presently no offers to refinance, but should any future interest be indicated it will be brought before this Board.

Discussion ensued regarding refinancing, payment structure, and whether the Note on the Composting facility allows the County to use it for any other purpose. Rick Benson responded to all questions and concerns.

No Public Comment.

Bibby (M), Jones (S), Ayes: Stetson, Jones, Bibby, Cann, Carrier.

The report was accepted.

VI. Other Business - None

VII. Adjourn

President Stetson adjourned the meeting at 11:19 AM.

## **K. 11:19 AM Reconvened as the Board of Supervisors**

## **L. Items removed from Consent Agenda**

None.

## **M. 11:20 AM - Lunch Recess**

## **N. 2:00 PM Reconvened**

Lee Stetson was excused from the rest of the meeting. Vice-Chair Cann finished the meeting.

### **1. Board of Supervisors (ID # 2189)**

#### **Presentation by John C. Fremont Hospital District Regarding the MediCal Program and Changes in MediCal (David Hill)**

David Hill/Chief Executive Officer of the John C. Fremont Healthcare District, and Mike McCreary/Hospital Board Member, gave a powerpoint presentation regarding proposed changes to Medi-Cal payments, and the impact on long term care.

Discussion ensued regarding the Ewing Wing and the effects on it if funding is decreased. Mr. Hill encouraged public members to write to their legislator, and supplied contact information and form letters to use. He also noted that those same handouts could also be downloaded from the hospital's website. Supervisor Bibby inquired if the Board of Supervisors could schedule a future item to sponsor a letter to the State Legislature. Mr. Hill volunteered to provide a draft of the important issues for the CAO's use in composing such a letter. Supervisor Bibby noted that the State has exempted rural counties in the past, and suggested that might be included in lobbying efforts.

Public Comment Opened.

Sally Abbott Uribe referred to an article from Time magazine, on the cost of healthcare, and recommended everyone read it.

Roseanne Burley spoke to the fact that our hospital is utilized by Yosemite, as well.

Kathy Adamcik, former Ewing Wing Nurse-Manager, questioned David Hill as to when they foresee reducing staff.

Public Comment Closed.

Discussion ensued regarding the impact on the local community, as well as neighboring communities.

## **O. Adjournment**

The meeting was adjourned at 2:28 PM in memory of Dennis Croucher, Jean Little, Frank Hibpshman, and Michael Montiel.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

KEVIN CANN  
Vice-Chair, Board of Supervisors



# MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222  
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**LEE STETSON, CHAIR**  
**KEVIN CANN, VICE-CHAIR**  
**MERLIN JONES**  
**JANET BIBBY**  
**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

March 12, 2013

### A. Call to Order and Roll Call

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

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Excused	
Janet Bibby	District III Supervisor	Present	9:01 AM
Kevin Cann	District IV Supervisor	Present	9:01 AM
John Carrier	District V Supervisor	Present	9:01 AM
Merlin Jones	District II Supervisor	Present	9:01 AM

Chairman Stetson was excused, and Vice-Chair Cann presided over the meeting.

### B. Pledge of Allegiance

Supervisor Bibby led the Pledge, followed by a moment of silence in remembrance of all of our troops across the world defending our freedom.

### C. Introductions

None.

### D. Approval of Consent Agenda (Items designated by "CA")

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.

No Board or Public Comments.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

**CA1. Public Works RES-2013-74**

Approve a Letter to CalTrans Requesting Changes to the Proposed Pedestrian Signal at 8Th Street and Authorize the Board of Supervisors Chair to Sign the Letter

**CA2. Community Services RES-2013-75**

Approve Amended Agreements with Area 12 Agency on Aging and Authorize the Chairman of the Board of Supervisors to Sign the Amendment Agreements; Approve Budget Actions Adjusting Revenue and Appropriations in the Senior Nutrition and Transit Funds to Correspond with the Revised Amended Agreements (\$4,706) 4/5ths Vote Required

**CA3. County Counsel RES-2013-76**

Approve the Annual Mariposa County Pioneer Wagon Train Event and the Pioneer Wagon Train Appreciation Dinner as County Sponsored Activities; Approve Appendix B-Operating Plan with the Sierra National Forest Bass Lake Ranger Districts and a Five Year Agreement with Steve Allison for the Use of the Van Ness Ranch for the Annual Cowboy Poetry, Dinner, Dance and Raffle that Have Historically Concluded the Wagon Train Event, and Authorize the Board of Supervisors Chair to Sign the Plan and Agreement

**CA4. Sheriff's Office RES-2013-77**

Approve an Agreement with 35-A District Agricultural Association for Security at the 2013 County Fair, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA5. Board of Supervisors 2013-29**

Proclaim 2013, as "Year of the Child"

**CA6. Administration RES-2013-78**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

## **E. Minutes Approval**

**1. Tuesday, March 05, 2013**

No Board Comments. No Public Comments.

Carrier (M), Jones (S); Unanimously accepted as presented; with Stetson excused, and Cann abstaining as he was absent from that meeting.

## **F. Departmental Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda

Peter Rei/Director of Public Works updated the Board on responses received to Requests for Qualifications for bridge design, road engineering, Save Routes to School projects, and way finding signs.

## **G. Public Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Andy Christiansen/SEIU 521 Organizer read a prepared statement regarding ongoing union negotiations, and urged the Board to come to the negotiation table and address their issues.

Meredy Wells handed out "Mariposa Community Resources" cards noting: her efforts in helping the Health Department to produce them; the eighteen important telephone numbers; and that they are dedicated in the memory of Eleanor Keuning.

Bruce Maroney/Maintenance Worker III noted that he works as a Solid Waste transfer facility worker; advised of the costs to service the Fish Camp, and Hornitos transfer stations; and suggested those funds should be diverted to salaries.

Pam Hawkins/Senior Alcohol Drug Specialist noted that she is also the elected Chief Steward of SEIU Local 521; gave an overview of herself and her family history in Mariposa; and asked the Board to address employee insurance costs.

Christy McCarthy/Eligibility Worker II gave an overview of her work history, and her expenses; compared the amount of her income against what a family receiving assistance might get; and relayed conditions of other Eligibility Workers who could not attend.

Kathy McCorry/Executive Director of the Mariposa County Chamber of Commerce gave last month's statistics from the Visitor's Centers; and gave a preliminary report from this last weekend due to the Storytelling Festival.

## **H. Board Information**

Supervisor Carrier reported on meeting last week with Doug Binnewies/Mariposa County Sheriff regarding that department; an Area Agency on Aging/PSA 12 meeting on Thursday; and the Merced River Plan meeting on Thursday night. He noted there was good community turnout for the River Plan meeting, and he reported on the largest concerns that came up during that meeting. Supervisor Carrier also noted that concerns regarding that plan need to be written so that they will be reflected in the written record. Supervisor Carrier also reported attending the Yosemite West Ad Hoc meeting; the Ponderosa Basin pancake breakfast on Saturday; and the Democratic Club meeting. While noting that he didn't attend, he also reported on a Boy Scout Troop 94 cross-country ski trip from Badger Pass to Summit Meadows. Supervisor Carrier advised of an upcoming fire station meeting on Thursday; a meeting with Diane Cummings from the Governor's Office regarding AB109 and its impacts; a Mariposa Patriots meeting; an Airport Meeting on Wednesday night; a School District meeting also on Wednesday; and a YARTS meeting in Merced next Monday. In response to earlier comments, Supervisor Carrier



noted that County employees are all dedicated, and he recognized their work and efforts.

Supervisor Bibby encouraged everyone to stay for the budget discussions, noting that workers and retirees are always factored in to the budgets. Supervisor Bibby reported on a Mother Lode Job Training conference call on March 6th, advising that they will discuss budgetary issues at next month's meeting. She further reported on a Mental Health Governing Board meeting on March 7th, and noted that they are still looking for individuals to join that commission. Supervisor Bibby further reported on the Yosemite Plan meeting on March 7th, and encouraged everyone to get their comments in. Supervisor Bibby advised of a March 14th meeting in Fresno with the State Mining Board that she, and Sarah Williams/Planning Director, will be attending; and of an upcoming meeting with Diane Cummings. Supervisor Bibby noted that the High School Varsity and J.V. softball teams recently competed in a tournament in Jackson and complimented the teams, as well as their coaches. Supervisor Bibby also complimented Meredy Wells, and the Health Department on the Resources cards that were handed out earlier, noting their size and portability.

Supervisor Jones responded to Public Presentation comments noting that the employees are all doing great work. Supervisor Jones reported attending a meeting with the Building and Planning Departments on March 5th, and emphasized the need for proper permitting; a meeting with Public Works; and a Coulterville Community Club meeting. He further reported that on March 6th he attended a meeting at the Mariposa County History Center, noting that they are trying to figure out how to raise money for that Board. Supervisor Jones also reported on a March 7th meeting with CAL FIRE at the Blanchard Station regarding the Amador Plan, which he attended with Rick Benson, the CAO from Tuolumne County, and John Gray. Supervisor Jones further reported on touring the town of Mariposa with some visitors on March 8th; described their responses; and noted that they are looking at some projects in the area. He also reported attending a meeting at the Lake Don Pedro Homeowner's Association on Saturday, noting that they have to pay three fees there; received three more calls regarding Building Code violations; attended the VFW Crab Feed Saturday evening; attended the Northern Mariposa History Center Breakfast on March 10th; attended the Historical Sites meeting on the 11th; and attended the Sidewalk and Parking Committee with Supervisor Cann.

Supervisor Cann commented that the Way Finding Signs project is nearing its culmination, and noted there have been complications with PG and E, and Caltrans. He added his compliments to Meredy Wells, and the Health Department on the Resources Card that was handed out earlier. He reported on a meeting with the Chamber of Commerce Director on February 27th. Supervisor Cann also reported on a meeting with the Planning Director, and Deputy Director, on the 28th regarding the parking district in Mariposa, noting that they will be bringing an item to the Board on March 26th to seek a Planning grant. Supervisor Cann further reported attending the Merced River Plan Meeting; and of a Monday meeting regarding TOT where he had some excellent discussions; and reminded everyone that the CAO will be bringing a report on TOT before the Board on March 26th. Supervisor Cann reported on meetings yesterday with Donna Wice, Russ Hill and Dr. Mashiri; the Ad Hoc Crosswalks Committee, noting that there is a letter to Caltrans on today's consent agenda regarding that issue; and with Sal Gonzalez. Supervisor Cann advised that next Monday there will be a small businesses representative and local trainer available regarding more training opportunities in Mariposa. Supervisor Cann reported that he was in Washington, D.C. last week

representing the Regional Council of Rural Counties (RCRC) at the NACo conference. He reported on some of the presentations he attended, as well as noting his efforts lobbying on Capitol Hill for issues like Secure Rural Schools, and PILT taxes. Supervisor Cann pointed out that the PILT taxes are subject to non-reauthorization at any time, and that Yosemite will have to cut 1.7 million dollars because of the sequestration.

## **I. Regular Agenda Items**

### **1. Public Works RES-2013-79**

#### **Approve an Agreement for Services with Natural Environments for Repair/Maintenance Work at the Courthouse in the Not-To Exceed Amount of \$24,892; Authorize the Public Works Director to Sign the Agreement**

Peter Rei made the staff presentation; gave an overview of the actions in this project to date; and elaborated on issues with the Courthouse roof and clock. Mr. Rei noted that the work was inadvertently completed with no contract in place, so this is the contract after the fact; although, they have not yet been billed for the work.

Supervisor Bibby required clarification of the funding. Mr. Rei responded.

Supervisor Carrier noted that the invoice should be dated after today.

No Public Comment.

Action was taken to accept the action, with the added direction to be sure that the invoice is dated after today.

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

### **2. Human Services/Social Services RES-2013-80**

#### **Approval for Submission of "Blue Shield of California Foundation- County Enrollment Assistance Grant"**

James Rydingsword/Human Services Director gave the Staff presentation, noting that this is a very competitive grant, and he will be bringing an item back before the Board if the grant is approved.

Supervisor Bibby referred to language citing that this follows Calaveras County's model, and inquired as to how it is working there. Heather Bernikoff/Grant Writer responded that Calaveras has not yet received a grant, but that they have implemented this model.

Supervisor Bibby also required clarification as to whether this is over and above Title IV outreach. Mr. Rydingsword responded.

Supervisor Cann noted that there are a variety of thresholds that people will need to meet, and wondered if 2000 is the best estimate for the target population. Mr. Rydingsword responded.

No Public Comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

### ***10:09 AM Recess***

### ***10:21 AM Reconvened***

#### **3. Administration RES-2013-81**

**Receive and Review the Midyear Financial Status Report and Approve Adjustments Reducing General Contingency by \$114,777** 4/5ths Vote Required

Staff presentation by Rick Benson/County Administrative Officer with Mary Hodson/Deputy County Administrative Officer assisting. Mr. Benson gave an overview of the budget amounts and projections. Mary Hodson explained proposed transfers and expenditures for the Planning Department relative to transitioning the Planning Commission to the MinuteTraq system.

Clarifications were required by Supervisors Bibby, Carrier and Cann relative to various budget items. Mr. Benson, Ms. Hodson, and Mr. Rei responded to all questions/concerns.

Supervisor Carrier noted that in previous budgets, there was a report where Department Heads would list all of their accomplishments for the current fiscal year, and their goals for the next fiscal year. He inquired as to the feasibility of doing something similar going into the next budget year. Discussion ensued regarding that request. Mr. Benson responded that an item will be brought before the Board regarding budget guidelines, and that can definitely be discussed at that time. Supervisor Cann added that since each Department Head is already asked to do that for their reviews, it should be fairly easy to adapt for the budget presentation. Supervisor Bibby noted that it also had case growth type reporting stats which then got memorialized in the budget book, and could be referenced later.

Supervisor Bibby inquired if the Auditor has signed off on the Human Services portion. James Rydingsword and Cindy Larca/Human Services Fiscal Officer II responded in the affirmative.

Supervisor Cann requested clarification on the funding source for the scanning project for the Planning Department. Sarah Williams responded that she does not need money from the contingency fund for the request; noting that there is savings in the code compliance money that was allocated because they have not been able to hire that position as soon as they had hoped. Ms. Williams noted that they will have extra funds from that original line item which would be sufficient to pay for the scanning, and requested the ability to use the code compliance salary savings and transfer it towards this process. Supervisor Cann inquired about the need for the scanning. Ms. Williams noted that the longer they wait, the more damage will be incurred due to mold and rust around the staples. She also noted there is a space needs issue downstairs, but the water damage has made the scanning need immediate. Discussion ensued regarding the process if the request is approved. Supervisor Jones required

clarification regarding the space once scanning is completed, and potential price fluctuations should there be more rain. Ms. Williams responded. Supervisor Bibby inquired if Planning will be using the scanning equipment in the Building Department. Ms. Williams responded. Supervisor Bibby also required clarification regarding the leak, and potential repair costs. Mr. Rei responded. Supervisor Jones commended County Counsel and Elections on their revenue numbers.

**Public Comment was opened.**

Marvin Wells commented on the PG and E tax ending in 2014; the MID contract; and the balance of the contingency fund after reductions.

**Public Comment Closed.**

Vice-Chair Cann responded to Mr. Wells concerns.

Action was taken to approve the item, modified to also approve using savings of \$39,000 from the Code Compliance line item to increase the Scanning line item to scan documents for digital storage; transferring \$17,000 in salary savings from the Deputy Director line item to Extra-Help because of the additional work load caused by the vacancy of the Deputy Director position; and transferring \$5,800 in the General Plan sub-budget from the Professional Services line item to the Equipment line item to purchase laptops and software in anticipation of using MinuteTraQ for Planning Commission meetings.

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

## **J. Items removed from Consent Agenda**

None.

## **K. Closed Session**

No Board or Public Comment as to either Closed Session item.

1. **County Counsel (ID # 2240)**

**CLOSED SESSION: Conference with Legal Counsel; Existing Litigation; Merced Irrigation District V. County of Mariposa; United States District Court Case No. CV002888**

This closed session item was held at 11:25 AM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** John Carrier, District V Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

2. **County Counsel (ID # 2239)**

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

This closed session item was held at 11:50 AM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

## **L. Lunch Recess**

## **M. 2:00 PM Reconvene**

### ***Report Out***

2:01 PM Vice-Chair Cann reported out that as to Closed Session Item K.1, Information was Received and Direction was Given; and as to Item K.2, Information was Received.

2:03 PM Supervisor Bibby announced that she has an interest in a parcel that shares a fence line with the subject property; excused herself from hearing item M; and left the Chambers.

#### **1. Planning RES-2013-82**

**Adopt a Resolution Approving Land Conservation Act Contract Modification No. 2012-091, Which is a Modification of Contract No. 53; Finding that the Project is Exempt from the Provisions of the California Environmental Quality Act; Directing Staff to Schedule an Item at a Future Board of Supervisors Meeting to Allow Board Consideration of Two Other Discontiguous Parcels that Are Part of Contract No. 53 to Consider If They Are Eligible to Stay Under Contract or If a Notice of Non-Renewal Should be Filed; Daisy B. Wolfsen 1998 Trust (C/O Alice Lorrell Seidlitz, Trustee), Applicant; Anita Starchman-Bryant, Agent. Project Parcel is Located at 5027 Agua Fria Road and is Also Known as APN 012-120-021. Other Parcels Under Contract No. 53 Include APN 017-040-032 and 017-080-002. Action is Based Upon the Planning Commission's Recommendation and County Resolution No. 10-150 Implementing the Williamson Act, and State Law.**

Staff presentation by Alvaro Arias/Associate Planner, with Sarah Williams/Planning Director on hand. Mr. Arias gave a power point overview of the matter. He noted a minor change to Attachment 5 of the Staff Report, specifically, adding the word "an" on the third line, after the sixth Whereas, to read: "...so as to be an enforceable restriction." Ms. Williams also noted that, in accordance with the resolution, landowners have a one year period to come in

to compliance if they are found to be in violation. She also noted that, once the new Code Compliance position is filled, she is hoping to make the biennial reviews a top priority of that position.

Supervisor Cann required clarification regarding how the non-contiguous, 160 acre parcel can we used. Ms. Williams responded.

**Public Comment Opened.**

Anita Starchman Bryant/Starchman & Bryant Law Offices representing the Daisy Wolfsen Trust, the applicant. Ms. Starchman Bryant disagreed with that portion of the staff report regarding board direction relative to a notice of non-renewal. She stated that the staff report so recommends because there had been no annual report received for either parcel. She argued that it would be premature for the Board to give such direction to staff as this is the first year that new policies requiring reports have been implemented; that previously such reports were discretionary on the landowner's part; and, in this instance, the reports were late but have been received. She also noted that county policy also states that if a report has not been received, a notice will be sent by March 31st to so indicate and, if the report is still not received, an additional thirty days will be given to the landowner to comply. She also argued that, while there is no joint operation written agreement between the landowners, the two parcels are held by different members of the same family and have been jointly managed and used in a joint commercial operation; thus, keeping the 51 acre parcel eligible. Ms. Starchman Bryant noted that David Butler could speak to any questions the Board might have regarding joint operations, as he is on the title of the 51 acre parcel, and is also the person who filled out the biennial report.

David Butler stated that he is on record on the 51 acre parcels; that the same cattle that graze on the 160 acre parcel also graze on the 51 acre parcel; and that both parcels are jointly owned and operated. He also stated that the 160 acre parcel has been in the family since 1848, and that the 51 acre parcel came in later but is contiguous, and they are all operated together.

**Public Comment Closed.**

Sarah Williams clarified new policies requiring a biennial review were adopted in March, 2010, requiring odd year reports for the two preceding years; thus, 2013 will be the first biennial report, and the first time her department has had an application falling within those parameters.

Supervisor Cann requested clarification regarding compliance monitoring, enforcement and procedures; and possible effects of a split. Supervisor Jones inquired as to why the 160 acre parcel was not in a separate contract now. Ms. Williams responded to all questions/concerns.

Action was taken to adopt the action, amended to reflect the following changes:

Removal of the last paragraph of the Resolution, which is found on agenda packet pages 362 and 380 prior to "On Motion By," and which reads:

*"BE IT FINALLY RESOLVED THAT the Mariposa County Board of Supervisors hereby directs the Planning Department to schedule an item at a future Board of Supervisors meeting to allow Board consideration of the two other discontinuous parcels which are part of Land Conservation Act Contract No. 53; APNs 017-040-032 and 017-080-002. The Board of Supervisors will consider whether these two parcels are eligible to stay under contract or if a Notice of Non-Renewal should be recorded."*

The addition of the word "an" to the last WHEREAS paragraph of the draft

contracts, found on agenda packet pages 390 and 402, so that it reads:

*"amended, so as to be an enforceable restriction under the provisions of California"*

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson, Janet Bibby

## **N. Closed Session**

No Board or Public Comment.

### **1. Personnel/Risk Management (ID # 2215)**

**CLOSED SESSION: Public Employee Position to be Filled [Government Code Section 54957(B)(1)]-Human Resources Director/Risk Manager**

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** John Carrier, District V Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

## **O. Continue Meeting to March 13, 2013 at 9:00 AM**

The public portion of the meeting was recessed at 2:30 PM, in memory of Patricia Garrabrant, Lottie Bell Johnson, Alverna Lowery, Richard Harris and Jo Goodin.

The Board then went into Closed Session; and will reconvene, in Closed Session, tomorrow at 9:00 AM.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

KEVIN CANN  
Vice-Chair, Board of Supervisors



# MARIPOSA COUNTY

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**LEE STETSON, CHAIR**  
**KEVIN CANN, VICE-CHAIR**  
**MERLIN JONES**  
**JANET BIBBY**  
**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

March 13, 2013

### A. Call to Order and Roll Call

**9:00 AM** The Board reconvened in continued closed session (meeting continued from March 12, 2013.)

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Excused	
Janet Bibby	District III Supervisor	Present	9:00 AM
Kevin Cann	District IV Supervisor	Present	9:00 AM
John Carrier	District V Supervisor	Present	9:00 AM
Merlin Jones	District II Supervisor	Present	9:00 AM

### B. Closed Session (Continued from March 12, 2013)

1. **Personnel/Risk Management (ID # 2228)**

**CLOSED SESSION: Public Employee Position to be Filled [Government Code Section 54957(B)(1)]-Human Resources Director/Risk Manager**

### C. Report Out

**11:18 AM** Vice-Chair Cann reported out that Direction was Given as to the Human Resources Director/Risk Manager position (N.1 on yesterday's agenda.)

### D. Adjournment

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

KEVIN CANN  
Vice-Chair, Board of Supervisors





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**LEE STETSON, CHAIR**  
**KEVIN CANN, VICE-CHAIR**  
**MERLIN JONES**  
**JANET BIBBY**  
**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

March 19, 2013

### A. Call to Order and Roll Call

**9:04 AM** Meeting Called to Order at the Mariposa County Government Center.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Excused	
Janet Bibby	District III Supervisor	Present	9:04 AM
Kevin Cann	District IV Supervisor	Present	9:04 AM
John Carrier	District V Supervisor	Present	9:04 AM
Merlin Jones	District II Supervisor	Present	9:04 AM

Chairman Stetson was excused, and Vice-Chair Cann presided over the meeting.

### B. Pledge of Allegiance

The Pledge was led by Supervisor Jones, followed by a moment of silence in recognition of all of our troops around the world.

### C. Introductions

None.

### D. Approval of Consent Agenda (Items designated by "CA")

**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.

No public comment.

Vice-Chair Cann noted that CA8 will require a 4/5ths vote.

Supervisor Jones requested clarification regarding CA10 but felt it could be

addressed here; and inquired as to how often the SCBAs are tested/rebuilt. Supervisor Cann required clarification as to how long Mr. Michael has been providing this service for the County; and whether this servicing brings all of the units up-to-date. Jim Middleton/Deputy Fire Chief responded to all questions/concerns.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

**CA1. Administration RES-2013-83**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

**CA2. Public Works RES-2013-84**

Approve the Program Agreement with the State of California Department of Transportation for the Mt Bullion Cutoff Phase II Project and Authorize the Public Works Director to Sign the Agreement.

**CA3. Public Works 2013-30**

Appoint Ron Loya to the Mariposa Town Cemetery Ad Hoc Committee for a Term Ending December 31, 2013

**CA4. Planning 2013-31**

Approve Changing Ben Starr's Expiration Term on the Greeley Hill Planning Advisory Committee from February 28, 2015, to February 28, 2014, to Allow Membership Terms to be Staggered

**CA5. Sheriff's Office RES-2013-85**

Approve Fixed Asset Purchase of a New Heating and Air Unit for the Mariposa County Adult Detention Facility; Approve Budget Action Transferring Funds Within the Jail Budget to Allow for the Purchase of the Heating and Air Unit (\$5,650)

**CA6. Public Works RES-2013-86**

Accept the Health Department Plumbing Remodel as Complete; and Authorize the Public Works Director to Record the Notice of Completion

**CA7. Public Works RES-2013-87**

Approve the Replacement of SO-303 a 2003 Econoline Van Used for Prisoner Transport

**CA8. Health RES-2013-88**

Approve the Promotion of a Public Health Nurse II to the Public Health Nursing Manager; Authorize the Decrease of the Full-Time Public Health Nurse II Position to 70% Permanent Part-Time and Authorize Recruiting and Filling the

Position Effective April 1, 2013; Authorize the Increase of the 70% Permanent Part-Time Registered Nurse Position to Full-Time Effective April 1, 2013; Approve Increasing Funding in Clinic Extra-Help During the Transition Period and Approve Budget Action Transferring Appropriations Within the Health Budget to Accommodate the Allocation Changes and Increasing General Contingency by \$3,011 (\$16,559). 4/5ths Vote Required

**CA9. Treasurer-Tax Collector-County Clerk RES-2013-89**

Authorize the Annual Authority of the Treasurer to Invest and Reinvest Funds of the County and Funds of the Other Depositors Pursuant to Government Code 27000.1 and 53607. Approve the Investment Policy and Guidelines for the County of Mariposa Pursuant to Government Code 53646(A) (1) and Authorize the Board of Supervisors Chair to Sign the Investment Policy and Guidelines

**CA10. Fire RES-2013-90**

Approve First Amendment to a Contract for Services with Dan Michael to Service and Repair Self-Contained Breathing Apparatus (SCBA) Increasing the Amount by \$3,000, and Authorize the Board of Supervisors Chair to Sign the Amendment

## **E. Minutes Approval**

**1. Tuesday, March 12, 2013**

No Public Comments. No Comments or Corrections by the Board.

Supervisor Bibby offered the second while noting that, as reflected in the Minutes, she was not present for item M.

Carrier (M), Bibby (S); Minutes of March 12, 2013 were unanimously accepted as presented; with Stetson excused.

**2. Wednesday, March 13, 2013**

No Public Comments. No Comments or Corrections by the Board.

Bibby (M), Jones (S); Minutes of March 13, 2013 were unanimously accepted as presented; with Stetson excused.

## **F. Departmental Presentation**

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

Peter Rei/Public Works Director updated the Board regarding Rule 28 projects, which are projects undertaken by PG&E regarding overhead lines. Mr. Rei advised that he met with Tim Bloodgood, the PG&E Rule 28 representative, who advised of the four instances that meet Rule 28 criteria: to avoid or eliminate unusually heavy concentrations of overhead electrical wires; a street or road that is extensively used by the general public that carries a heavy volume of traffic; a street or roadway that adjoins or passes through a civic area or public recreation area; and a street or road that is considered an arterial or major collector. Mr. Rei noted that the 3rd area is broadly defined; it appears that not many places in the County meet the criteria; and he is bringing it up now to see if anyone has any ideas of places that might fit the criteria as there is 2.6 million dollars available for the program. Supervisor Cann inquired as to whether replacing the streetlights in Mariposa would qualify. Mr. Rei responded

that the streetlight project falls under a different program.

Vice-Chair Cann noted that Sheriff Binnewies' birthday was yesterday; and wished him a Happy Birthday.

## **G. Public Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

None.

## **H. Board Information**

Supervisor Carrier reported on his attendance at last week's interviews for the new HR Department Head; an Airport Meeting on Wednesday night; and a fire station meeting on Thursday. He noted that things are moving along with both fire stations; that Midpines is on track for completion; and that the Fish Camp dedication will be on June 11th. Supervisor Carrier further reported meeting with Diane Cummings from the Governor's Office, regarding AB109, on Friday. He reported that the meeting included Supervisor Cann, Supervisor Bibby, Supervisor Jones, Rick Benson/County Administrative Officer, Pete Judy/Chief Probation Officer, Sheriff Binnewies, and Tom Cooke/District Attorney. He further reported that the group toured facilities after the meeting. Supervisor Carrier also commended Supervisor Jones for his efforts in bringing Ms. Cummings to Mariposa. Supervisor Carrier further reported on his attendance at another presentation of the Merced River Plan in Wawona, and again stressed that concerns must be in writing. He also reported on attending a meeting of the Mariposa Patriots on Saturday; an E Clampus Vitus work party at Elliott's Corner; a Lushmeadows Homeowners Association St. Patrick's Day Dinner Saturday evening; a Yosemite Alpine Mutual Water District meeting on Sunday; a YARTS meeting yesterday; and an AAUW meeting yesterday. Supervisor Carrier also reported that Scout Pack 94 had their Pinewood Derby competition on Saturday. Supervisor Carrier advised that he will be attending the Midpines Planning Meeting tonight; a meeting in Wawona tomorrow; a fire station meeting on Thursday; and a meeting with Dr. Mosher regarding County EMS on Thursday.

Supervisor Bibby reported on the meeting with Diane Cummings regarding AB109, and also commended Supervisor Jones for setting up that meeting. Supervisor Bibby advised that she will be speaking on the 20th to the Lutheran Church on the joys and challenges of living in Mariposa; will attend the Mt. Bullion Citizen Group Meeting on Thursday where they will be discussing broadband; will also be meeting with our IT representative on Friday regarding broadband possibilities in Mariposa; and reminded everyone of the Farm Bureau Rib Dinner on the 23rd at the Stag Hall in Hornitos. Supervisor Bibby wished a Happy Birthday to Sheriff Binnewies; wished Supervisor Stetson a speedy recovery; and congratulated all of the applicants for the Human Resources/Risk Manager position. Supervisor Bibby also updated the Board on the March 14th meeting of the State Mining and Geology Board (SMGB) which she attended with Sarah Williams/Planning Director. Supervisor Bibby noted that the SMGB members complimented Mariposa County on their presentation; wanted assurances that the Board of Supervisors will support a revisitation of fees when that comes forward; and that Mariposa County has to comply with anything and everything associated with the Surface Mining and Reclamation Act of 1975 (SMARA). Supervisor Bibby also noted that she may bring an item

before the Board, once she gets all of the background relative to SMARA, so that the Board can discuss it, and what it means to our general plan.

Supervisor Jones reported on the beauty of the ride over, but noted that we still need more rain. He also reported on attending the HR Director interviews on Tuesday, commenting on the great candidates. Supervisor Jones further reported meetings on Wednesday afternoon with some of the departments to try to increase efficiency to save money for the county; complimented Supervisor Cann on the lights that PG&E installed in Coulterville; reported on the Friday meeting with Diane Cummings; thanked Sheriff Binnewies, Pete Judy, and Tom Cooke for the presentations they gave to Ms. Cummings; reported on attending a meeting of the Tuolumne County Alliance for Resources and Environment (TUCare) on the 16th; reported on a teleconference with Calaveras Mariposa Community Action Agency on Monday; and responded to a Letter to the Editor in last week's edition of the Mariposa Gazette noting that, last month, he gave back to the community more than his check.

Supervisor Cann made a final comment on Diane Cummings, and also commended Supervisor Jones for his action in facilitating the visit. He also reported on touring the jail; recounted a conversation with one of the managers of the Fresno County Jail who noted that they gave early release to 250 people last month due to overcrowding; and commented on that being a vicious cycle as many of those released go to other places and commit crimes. He also noted that AB109 is a major issue with the Regional Council of Rural Counties (RCRC) and will be discussed at their meeting tomorrow. Supervisor Cann reported on a Thursday meeting with the Yosemite Superintendent, and Deputy, regarding the Merced River Plan noting that the issues haven't changed at all; he feels that the Park is trying their best to keep those things outside of the river corridor; and he will be meeting Friday with Senator Feinstein's representative and it is possible that they may help bring this to a conclusion. Supervisor Cann also reported on an emergency call he received on Friday regarding the PILT (Payment in Lieu of Taxes) payments, and Secure Rural Schools being discussed in the Senate. He further reported on a meeting regarding the assisted care facility issue yesterday; a meeting with the Small Business Association, and State Commerce Department, representatives regarding Central Sierra Connect; and a meeting last night with the Public Works Director regarding the Governor's new Cap and Trade Program. Supervisor Cann advised of items on tomorrow's RCRC agenda; advised of the Friends of the Fair Meeting on Thursday at 5:00 PM; reminded everyone that the CAO's TOT presentation is next week at 2:00 PM; advised of a Hospital Board meeting on Wednesday at 4:30 PM at the Senior Center; advised of a Tourism Board meeting on Thursday at 2:00 PM; and advised of an Economic Development Corporation meeting at Noon next week.

## I. LOCAL TRANSPORTATION COMMISSION

(Chair - Commissioner Lee Stetson, Vice-Chair - Merlin Jones)

Commissioner Stetson was excused, and Vice-Chair Jones presided over the meeting.

**Public Presentation:** For Items within the Jurisdiction of the Local Transportation Commission and not on Today's Agenda (Speakers Limited to Five Minutes)

None.

1. **Public Works**                      **LTC-2013-3**

**Approve the Programming Amendment and the Request for Extension for Mt Bullion Cutoff Phase II to the 2012 Regional Transportation Improvement Plan (RTIP); Authorize the Executive Director to Sign the Request for Extension**

Presentation by Peter Rei, with Barbara Carrier/Assistant Director of Public Works-Support Services assisting. Mr. Rei gave an overview of the item. Mr. Rei noted that this regards Phase II of the Mt. Bullion Cutoff; and outlined the reasons for the requested changes.

**9:50 AM** Commissioner Bibby excused herself from the item because she has a remainder interest in property in the area that may be subject to future acquisition. She then left the room.

Commissioner Carrier required clarification that the \$25,000 in the original plans and specs will be combined with this \$175,000; whether those funds will be transferred; whether there will be sufficient funds to complete the project; clarification regarding Phase I issues; whether the engineering could be done in house; and whether any problems with the California Transportation Commission (CTC) are foreseen. Mr. Rei responded to all issues/concerns.

Commissioner Cann required clarification as to whether the project is within program recommendations. Mr. Rei responded, also noting that the inspection part is not included in this but, rather, is included with construction. Supervisor Cann requested clarification as to whether bidding for the project will be in incremental bids. Mr. Rei responded.

Commissioner Carrier inquired if this amendment would change the completion timeline. Ms. Carrier responded that they requested a 12 month extension at the May CTC meeting.

Public Comment: None.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

## **J. BOARD OF SUPERVISORS**

**10:00 AM** Reconvened as the Board of Supervisors.

**10:00 AM** Supervisor Bibby returned to the meeting.

## **K. Regular Agenda Items**

### **1. Administration (ID # 2249)**

#### **Conduct a Public Meeting to Discuss Renewing the Mariposa County Tourism Business Improvement District and Assessment (MCTBID)**

Presentation by Rick Benson/County Administrative Officer. He advised that this is a Public Meeting, and no action will be forthcoming from the Board today; and that the Public Hearing is scheduled for April 23, 2013.

Terry Selk/Yosemite-Mariposa County Tourism Bureau Director noted that the Tourism Bureau is the steward of the tourism assessment monies, and briefed the Board on the opportunities to promote the County that will be forthcoming with these funds: a redirection booking engine on the yosemiteexperience.com website which will allow visitors to book lodgings online, and which will be available to every lodging property in Mariposa County; discussed a recently appointed representation company in the United Kingdom which is in discussions with the John Muir Trust, and the National Historic Trust, in the UK; and handed out a newly launched Yosemite Journal magazine that they have created to promote Yosemite as a four season destination, as well as to provide low budget opportunities to properties to participate in an advertising program.

Supervisor Bibby noted issues addressed in a letter sent to the Board from Thor Matteson. She summarized the letter's concerns, and provided a copy of it to Mr. Selk. Mr. Selk responded to the issues expressed by Mr. Matteson, and assured that he would also respond directly to Mr. Matteson. Supervisor Bibby also requested clarification that this item only requires a 3/5th vote, as she will be absent on April 23rd. Rick Benson nodded affirmatively.

Supervisor Cann thanked Mr. Selk for his presentation; and noted the advertising and booking engine would otherwise be beyond many single home, or bed and breakfast, facilities. He also inquired if the UK is still the largest provider of tourists to the area. Mr. Selk responded.

Supervisor Carrier requested clarification of how the Bureau is communicating with all of the businesses of these opportunities; and inquired if it would be possible to partner with YARTS to provide a link for purchase of bus tickets online. Mr. Selk responded.

Supervisor Jones requested that communication efforts with District II lodgings be continued. Mr. Selk responded.

Supervisor Cann inquired as to how the Tourism Bureau identifies lodging businesses as there is no permit required in this county. Mr. Selk responded.

Public Comment Opened:

Julie Hadzega/Yosemite-Mariposa County Tourism Bureau Marketing Coordinator provided a statement from Vicki Lorenzi, owner of the River Rock Deli, in support of renewing the District; and noted that Ms. Lorenzi reports seeing a significant increase in her business in the winter months.

Kevin Shelton/Vice President of Marketing and Operations of Yosemite Resorts recounted coming before the Board five years ago for this item; spoke on behalf of the B.I.D.; and noted some of the Tourism Bureau's accomplishments. Supervisor Cann noted that five years ago there were only a few of these districts. Mr. Selk offered that there are now 74 statewide.

Douglas Shaw/Owner-Operator of the Yosemite Bug Rustic Mountain Resort stated that he always felt that the smaller properties were always overlooked; but thinks the marketing efforts have become more sophisticated; has seen concerted effort to honor the smaller properties by listening to them, and backing them up; and noted that he is very happy with what they have done with these monies.

Victoria Imrie/Yosemite Ziplines and Adventure Ranch spoke in support of renewing the District; is very impressed with the Tourism Bureau and its Director for the communication with business owners; appreciates the encouragement they've received; and has seen the results in their reservation numbers.

Clay Black/Bed and Breakfast owner/President of the Yosemite Bed & Breakfast Association spoke in support of renewing the District; noted that they are very pleased with the effort that the Tourism Bureau provides to them; and feels they are very well represented.

Public Comment Closed.

No further Board comments.

Supervisor Bibby commended Mr. Selk, and the Tourism Bureau staff, for their efforts.

### **10:24 AM Recess**

### **10:37 AM Reconvene**

#### **2. Auditor RES-2013-91**

##### **Approve the Fiscal Year 2011-12 Countywide Audit**

Bill Davis/County Auditor summarized the highlights of the report, noting that the whole report is also available online under the Auditor's department. He cautioned that significant inflation might throw off future projections.

No questions from the Board regarding the Report.

**10:46 AM** County Counsel was excused to attend a Court Hearing.

Mr. Davis presented an overview of the Findings. He concluded that he has decided that we need separate funds for the various components of the Mental Health Services funding; he wants to segregate the three components so that there is better control; and to insure a paper trail for every transaction that takes place in order to meet the plan that we submitted to the State for repayment of those funds.

Supervisor Bibby required clarification regarding the OPEB, Pers and Workers Comp actuarials; and regarding Fund 410. Mr. Davis responded. Discussion ensued with Mr. Davis regarding the Human Services financial accounts that came before the Board at Mid-year.

Public Comment: None.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

#### **3. Planning 2013-32**

##### **Selection of a Member at Large for Historic Sites & Records Preservation Commission**

Staff presentation by Sarah Williams/Planning Director who noted that the only applicant before the Board today is Tanya M. Hughes, as Skip Skyrud has withdrawn himself from consideration.

No Board or Public Comment.



Supervisor Jones moved that Tanya M. Hughes be appointed as Member at Large for the Historic Sites and Records Preservation Committee.

Supervisor Bibby seconded, with the comment that she has seen Ms. Hughes grow up in the community and knows she'll be an outstanding, dedicated member.

Motion approved unanimously, with Supervisor Stetson excused.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

4. **Public Works ORD-2013-1096**

**Waive Second Reading and Adopt an Ordinance Amending Chapter 10.08.070 of the Mariposa County Code (Pursuant to Bus Loading Zones) Bus Loading Ordinance Amendments**

Staff presentation by Peter Rei who noted that, if this amendment is approved, it would become active thirty days out. At that point, because it is a State Highway, the next step in the process would be to send it to Caltrans and request their review and the issuance of a no-cost encroachment permit to the County, which would allow the County to do the painting and put the signs up.

No Board or Public Comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

5. **Public Works RES-2013-92**

**Approve Task Order #3 to the Master Professional Services Agreement with Provost and Pritchard in the Not-To-Exceed Amount of \$22,000 to Design Improvements to the Yosemite West Sewage Treatment Plant, and Authorize the Public Works Director to Sign the Task Order; Approve Budget Action Transferring Funding from the Yosemite West Utility Capital Fund to the Yosemite West Maintenance Fund to Fund the Agreement (\$22,000). 4/5ths Vote Required**

Peter Rei gave the Staff presentation, providing an overview of services that will be required for the Yosemite West Water Treatment Plant.

Supervisor Carrier noted that he has previously spoken with Mr. Rei regarding the question of the plant's overall capacity and inquired if this contract could be amended in order to have them assess the plant capacity, as well. Mr. Rei noted it was possible, but he was not sure how much time would be needed to perform such an assessment, or if the funds being requested would suffice to cover any extra services.

Supervisor Cann commented on a meeting he had with the Project Manager of Nature Bridge (formerly Yosemite Institute); noted their well production; and commented that the County may want to partner with other well owners. Mr. Rei responded.

Supervisor Carrier inquired if it sounded like the people at Nature Bridge would be willing to share their water source. Supervisor Cann responded that there is no deal at present, but that there is an agreement for absolute sharing for emergencies, so he feels that they may work with the County on this issue. Supervisor Bibby required clarification as to Nature Bridge.

Vice-Chair Cann noted that this requires a 4/5ths vote.

No Public Comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** John Carrier, District V Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

**6. Public Works RES-2013-93**

**Approve Change Order No. Three with W. Jaxon Baker, Inc. in the Not-To-Exceed Amount of \$247,793.18 Bringing Total Compensation to \$1,033,644.18 for the Reconstruction of Mt. Bullion Cut-Off Road; and Authorize the Public Works Director to Sign the Change Order**

Staff presentation made by Peter Rei who explained that this is for the Mt. Bullion Road Phase I Project. Mr. Rei gave a brief history of the project and its funding; explained Force Account status; and noted the benefits if the road is completed with a traffic index of 10, notably that it will be able to handle the heaviest weights that are allowed to travel on the state highway system making it suitable to be designated as a truck route.

Supervisor Bibby complimented staff for the innovative way of getting a better road; expressed concern with designating this as a truck route; inquired if there would be funding available in the future if it is designated as a truck route; and is concerned about the impact of Ferguson slide repair trucks. Mr. Rei responded.

Supervisor Carrier commended Mr. Rei on the road, but noted that departments need to be conscious of the approval process, and that this seems to be approving after the fact. Mr. Rei responded that by Caltrans' rules, Force Account billings have to come after.

Supervisor Jones thanked Mr. Rei on using the innovative method to keep money here; and staying within legal parameters of the requirements; and would like to see all departments use creative thinking.

Supervisor Bibby extended her compliments to staff, especially to Ms. Carrier, for work on the project.

On a separate matter, Supervisor Carrier thanked Mr. Rei and his staff, along with Sarah Williams and her staff, on the recent County Action Plan that was presented. Supervisor Carrier noted that it was a good example of departments working together and sharing resources, to come out with a positive outcome.

Supervisor Cann required clarification regarding the ability to modify a contract without putting it out to bid. Mr. Rei elaborated on Caltrans

regulations regarding Forced Accounts; and noted that the Force Account was cleared with California Transportation Commission and Caltrans prior to implementation.

No Public Comment.

Supervisor Carrier required clarification as to the number of this change order. Mr. Rei responded that this is Change Order #3, and that Change Order #2 was abandoned.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

## **L. Items removed from Consent Agenda**

None.

## **M. Closed Session**

### **1. Administration 2013-33**

**CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Human Resources/Risk Manager**

No Board or Public Comment.

This closed session was held at 11:48 AM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

### **2. Administration (ID # 2261)**

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

No Board or Public Comment.

This closed session was held at 11:58 AM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

## **Report Out**

**12:38 PM** Vice-Chair Cann made the following report out:

As to item M.1, the Human Resources/Risk Manager position, the Board has made a formal offer of employment to Tessa Ferrari Pritchard, subject to passing a physical and a required finger print clearance, with a start date of May 1, 2013. The vote was 4 in favor, 0 opposed, with Supervisor Stetson excused.

As to item M.2, Information was Received.

## **N. Adjournment**

The meeting was adjourned at 12:40 PM in memory of Joseph Carbaugh, Cecyl Rentfro and Helen Skow.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

KEVIN CANN  
Vice-Chair, Board of Supervisors



# MARIPOSA COUNTY

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**LEE STETSON, CHAIR**  
**KEVIN CANN, VICE-CHAIR**  
**MERLIN JONES**  
**JANET BIBBY**  
**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

March 26, 2013

### A. Call to Order and Roll Call

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

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Excused	
Janet Bibby	District III Supervisor	Present	9:02 AM
Kevin Cann	District IV Supervisor	Present	9:02 AM
John Carrier	District V Supervisor	Present	9:02 AM
Merlin Jones	District II Supervisor	Present	9:02 AM

Chairman Stetson and Steve Dahlem/County Counsel were excused. Vice-Chair Cann presided over the meeting.

### B. Pledge of Allegiance

The Pledge was led by Supervisor Carrier, followed by a moment of silence in honor of our armed forces wherever they may be located.

### C. Introductions

None.

### D. Approval of Consent Agenda (Items designated by "CA")

**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.

Supervisor Jones commented on CA3, elaborating on the actions of the recipients of the Certificates of Appreciation. Supervisor Bibby also thanked the recipients for their heroics.

Supervisor Bibby commented on CA2, thanking Mr. Coffield for his commitment to the Agency.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** John Carrier, District V Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

**CA1. Administration RES-2013-94**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

**CA2. Board of Supervisors 2013-34**

Accept the Resignation of Mike Coffield from the Water Agency Advisory Board and Recognize Him For His Service (Supervisor Carrier)

**CA3. Board of Supervisors 2013-35**

Approve Certificates of Appreciation for Billy Seal, Chris Ellsberry, and Forrest Ferrell for Evacuating Their School Bus After an Accident on February 19, 2013 (Supervisor Jones)

**CA4. Planning RES-2013-95**

Approve an Agreement with Scanning Service Corp for Scanning Planning Department Files, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA5. Board of Supervisors RES-2013-96**

Authorize the Chairman of the Board of Supervisors to Sign a Letter Supporting AB 900 (Alejo) - Medi-Cal Reimbursement to Distinct Part Nursing Facilities

**CA6. Health RES-2013-97**

Approve a Grant Application from Certified Unified Program Agencies (CUPA) Forum to Purchase Tablet Computers for Field Use by Staff and Authorize the Health Officer to Sign the Grant Application.

**CA7. Treasurer-Tax Collector-County Clerk RES-2013-98**

Approve an Agreement with Sandra Haar, in the Amount of \$200 Per Month for Secure Storage Facilities Capable of Storing the Election Department Electronic Voting Machines, and Authorize the Board of Supervisors Chair to Sign the Agreement

## **E. Minutes Approval**

**1. Tuesday, March 19, 2013**

No Public Comments. No Comments or Corrections by the Board.

Jones (M), Bibby (S); Minutes of March 19, 2013 were unanimously accepted as presented; Stetson excused.

## **F. Departmental Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda

Pete Rei/Public Works Director reported on the Courthouse repairs, noting that he has received a letter from the Administrative Office of the Courts (AOC) indicating that they recognize the building as the County's building; that the building is the County's responsibility; and that the AOC is willing to help and provide advice, but the decisions will belong entirely to the County. Supervisor Bibby requested clarification as to whether it was indicated that the AOC was interested in the building continuing to serve as a Courthouse. Mr. Rei responded affirmatively.

## **G. Public Presentation**

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Andy Christiansen/SEIU Local 521 Representative addressed the Board regarding ongoing union negotiations; noted that they were meeting again this Friday; and presented Petitions from union members.

Marvin Wells wished the Board a Happy Easter, and asked everyone to remember the reason for the holiday.

## **H. Board Information**

Supervisor Carrier reported on: Wednesday meetings in Wawona and Fish Camp; a Thursday fire station meeting; a Thursday meeting with Peter Rei and Rick Benson/County Administrative Officer regarding airport issues; a Thursday meeting with Dr. Mosher regarding the County EMS system; a meeting with a citizen from Wawona on Thursday afternoon; attending the Friday ribbon cutting at Pony Expresso with Rick Benson; attending the Soroptimist's Gold Rush Dinner/Dance on Saturday; and on a family trip to Yosemite Ziplines on Sunday. Supervisor Carrier advised that he will be: attending a meeting of the Yosemite Mariposa Regional Water Advisory Council tomorrow; traveling to Sacramento tomorrow afternoon; attending a CSAC budget process training on Thursday; meeting with Foothill Community Mediation on Friday; and meeting with Kathy McCorry/Executive Director of the Mariposa County Chamber of Commerce.

Supervisor Bibby extended her thanks to law enforcement for their efforts in policing illegal marijuana operations; noted that the season is early this year; and advised the public to report anything suspicious to the Sheriff's Department. Supervisor Bibby reported on: the March 19th Community Action Agency meeting in which they conducted determinations on funding, noting grants that have been awarded to organizations; and speaking at the Lutheran Church. She also reported on a meeting of the Mt. Bullion Citizen's Group, and noted that it is a private group which eventually hopes to be a community/town area plan advisory committee. Supervisor Bibby thanked Jim Middleton and Rick Peresan for recent updates, and advised of: a Friday meeting to discuss internet/broadband issues; the Women's History Month Celebration tomorrow at the Yosemite Valley Auditorium starting at 11:30 AM; a California State

Association of Counties (CSAC) conference call on March 28th; and a meeting with Kathy McCorry on Friday. She also congratulated the Farm Bureau on a successful Rib Dinner at the Stag Hall in Hornitos on Saturday; wished everyone a Happy Easter; and advised the public to exercise caution as snakes are out, and there have already been some rattlesnake bites.

Supervisor Jones reported on: a March 19th meeting of the Community Action Agency that he attended with Supervisor Bibby; a Thursday meeting with Peter Rei, a group of homeowners, and The Trailblazers; a meeting with Mr. Rei and a citizen regarding a drainage issue; a meeting with The Trailblazers regarding equestrian trails; meeting with a group of business people from the Valley on Wednesday to tour the area; and volunteer work that he did cleaning rooftops for elderly citizens.

Supervisor Cann reported on a meeting of the Rural County Representatives of California (RCRC) last Wednesday, and noted he can forward Minutes of that meeting to anyone who would like them. Supervisor Cann also recounted learning of an internal email that was sent to the Board of Equalization telling them to suspend mailing out bills on this year's SRA fees; he mentioned growing negativity towards CAL FIRE because of that fee; and noted that CAL FIRE is still the premier agency that it has always been. He also reported on a Friends of the Fairgrounds meeting last Thursday, and commended Brian Bullis on his fiscal management; noted that there is enough money to fund the Fair for two years, but no plans by the State to go back to providing the \$200,000 subsidy; and advised that he is going to request a meeting with the State Secretary of Agriculture to discuss the issue. Supervisor Cann further reported on a trip to Yosemite yesterday, and commented on the prolific display of redbud blooms. Supervisor Cann advised of: a presentation next week by the Human Services Director regarding the impacts of the new managed care guidelines; an RCRC meeting on April 17, 18, and 19, that Mariposa will be hosting, noting that he has been working with the Tourism Bureau, the Chamber of Commerce, and Yosemite to make it good; a meeting regarding the continuation of the Wayfinding Signs Project later today; a meeting with Kathy McCorry tomorrow; a Tourism Bureau meeting at 2:00 PM; a Hospital Board meeting at 4:30 PM; a meeting with a group of British Travel Coordinators tomorrow evening; a Solid Waste Task Force meeting on Thursday; an Economic Development Corporation meeting at the Library; a Friday morning meeting with the Human Services Director, and the Housing Director from Stanislaus County who represents a multi-county housing district, regarding the Assisted/Managed Care facility issue. Supervisor Cann also noted that there are at least three open positions on the Water Agency Board and asked the Supervisors to either reconfirm, or propose, members to that Advisory Board in a month so that the Board can reconstitute that agency with one agenda item; he also confirmed with Supervisor Carrier that someone has already been identified to fill the District V position.

## **I. LOCAL TRANSPORTATION COMMISSION**

(Chair - Commissioner Lee Stetson, Vice-Chair - Merlin Jones)

Commissioner Stetson is excused, so Vice-Chair Merlin Jones presided over the meeting.

**Public Presentation:** For Items within the Jurisdiction of the Local Transportation Commission and not on Today's Agenda (Speakers Limited to Five Minutes)

None.

1. **Public Works**                      **LTC-2013-4**



**Approve the Federal Fiscal Year 2013 Certifications and Assurances for Federal Transit Administration Assistance (FTA) Programs and Authorize County Counsel and the Executive Director to Sign the Document**

Presentation by Barbara Carrier/Assistant Director of Public Works-Support Services.

No Board questions or comments.

No Public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

## **J. BOARD OF SUPERVISORS**

**9:38 AM** Reconvened as the Board of Supervisors.

## **K. Regular Agenda Items**

### **1. Treasurer-Tax Collector-County Clerk RES-2013-99**

**Approve the Agreements with Synesis for Development and Hosting of the Mariposa County Transient Occupancy Tax Collection Program and Authorize the Board of Supervisors Chair to Sign the Agreements; Approve Budget Action Reducing General Fund Contingency and Increasing Funding in the Treasurer/Tax Collector Budget to Fund the Contracts (\$8,675) 4/5ths Vote Required**

Staff presentation was made by Keith Williams/Treasurer-Tax Collector-County Clerk. Mr. Williams gave a brief history of TOT collection software, noting that his department originally had custom software in the 1990s, but that it failed sometime in the early 2000s; and was replaced by commercially available accounts receivable software which was not totally adequate and, consequently, was labor intensive. He noted that Synesis was hired to check an Access database that Emily Meriam/Planning Technician created for Planning and Tax Collection. Synesis, subsequently, brought forward a proposal to host the database online, which solved the problem of the second phase of the project which is to transition to online reporting and collection of the taxes. Mr. Williams noted that the work Ms. Meriam did saved a tremendous amount of money since a custom program would have cost approximately \$20,000, while the costs associated with this program are \$6,375, and hosting fees of \$50 per month.

Supervisor Bibby required clarification as to whether the program would generate year-end receipts, and to what level of detail the program will capture. Mr. Williams responded in the affirmative to the receipts; and noted that the program will capture the total gross sales, and any exemptions. Discussion ensued between Supervisor Bibby and Mr. Williams regarding lodgings erroneously charging TOT on cleaning costs.

Mr. Williams, with input from Karen Helms/Chief Deputy Treasurer-Tax Collector who was seated in the audience, gave statistics regarding the number

of active certificates, the number of certificates issued in the preceding three years, and the number of returns processed per month.

Supervisor Carrier commended Ms. Meriam on her work on this project; noted that this is a good example of the benefits that can ensue from departments working together; and commended the Tax Collector, Planning, and Admin for their collaborative efforts. Supervisor Carrier also required clarification as to online payment processing, and to which project phase it fell. Mr. Williams responded.

Supervisor Jones also commended the Departments for working together; and inquired as to when Phase II would be implemented, and at what cost. Mr. Williams responded.

Discussion ensued between Supervisor Cann and Mr. Williams regarding the cleaning cost issue; a comparison of the staff time devoted to processing this information presently, as opposed to what is anticipated after implementation of online functionality; and how audits are determined.

Supervisor Bibby commented on her reasoning for liking detailed results; and thanked Mr. Williams' staff, Planning Department, Assessor's Office, County Counsel, and the Health Department for all of the behind the scenes work that is done.

Supervisor Cann mentioned that the Tourism Bureau keeps a record of room rates, and how they change from year to year.

Supervisor Jones also complimented Mr. Williams, and his staff, for working with the businesses.

Vice-Chair Cann noted that this item requires a 4/5th vote.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

## **2. Planning RES-2013-100**

### **Authorize The Public Works Director To Execute Agreements With The California Department Of Transportation For The "Town Of Mariposa Transportation Center Feasibility Study"**

Sarah Williams/Planning Director gave a brief overview and introduced Brian Foucht/Deputy Planning Director. Mr. Foucht gave an overview of the history and issues; noted opportunities and constraints; and noted that he cannot speak to the potential costs at this time as they are in the process of writing the grant. Mr. Foucht also noted that there is a ten percent cash match, of which 2.5% can be met with staff time; and that this will be a shared program between Planning and Public Works.

Supervisor Bibby welcomed Mr. Foucht. She also requested clarification regarding the Parking District and what triggered this project, and noted that the Parking District should be involved in the process. Mr. Rei responded. Supervisor Bibby required clarification as to the timetable of this grant; any ramifications to the Parking District; and direction and assurance regarding pedestrian trails and paths. Mr. Foucht responded. Supervisor Bibby inquired as to what would happen if the feasibility study found that the best alternative

is a "no build." Mr. Foucht responded. Supervisor Bibby required clarification that the County would not be obligated by anything found in the feasibility study, and to the source of the cash match funds. Barbara Carrier responded. Mr. Rei noted language on agenda packet page 125 regarding the funding source. Supervisor Bibby clarified, for the record, that we can ignore findings if we do not agree with them. Mr. Rei responded that it will be for the Board to either adopt the findings or provide guidance as to what to do, and that there would have to be public support.

Supervisor Cann clarified that this proposal is a direct outgrowth of the last meeting of the Parking District and that many of these concerns have already been dealt with. He also noted that many of the signators to the Parking District are no longer building owners; and that insufficient amounts of money are currently being set aside towards the maintenance of the parking lots. He also noted that it was the request of the Parking District to move forward on this item; thinks the public process outlined in the grant application is exactly what is needed here; that the outcome is to our benefit as we can use or ignore any result from the study; can't imagine that having accurate information to work with is a bad thing; and extended his appreciation to Mr. Foucht, Public Works, and the consultants for their work.

Supervisor Carrier required clarification as to whether a fund transfer agreement would have to be executed if STIP money is to be used for the cash match; at what point in time must we execute the agreement so as not to delay the grant; whether there are any potential delays foreseen with Caltrans approving the shift of funds; and whether we can use funds other than non-general funds to provide our ten percent cash match. Ms. Carrier responded.

Supervisor Bibby required clarification as to individual property benefit, and exemptions. Mr. Rei responded as to the individual property benefit. Rick Benson noted that no one is exempt from an assessment.

Discussion ensued between Supervisors Bibby and Cann regarding exempted businesses. Supervisor Bibby elaborated on her concerns regarding possible exemptions. Mr. Rei responded. Supervisor Bibby noted the Assessor's Office should also be involved.

Public Comment: None.

Supervisor Jones thanked the Planning and Public Works Departments for their work.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

### 3. **Public Works RES-2013-101**

#### **Approve the Re-Planting of a Japanese Maple Tree and the Installation of a Plaque at the Mariposa Library Honoring Victims of Crime**

Pete Rei provided a brief overview of the project. Meghan Kehoe/Victim Witness Advocate thanked Mr. Rei and Pam Brochini, of the Public Works Department, for their help with this idea. Ms. Kehoe gave an overview of this project; and noted the importance of its planting in April, concurrent with Victims of Crime Week.

Supervisor Bibby thanked Ms. Kehoe for representing victims of crimes;

and lauded the idea.

Public Comment Opened.

Tom Cooke/Mariposa County District Attorney thanked Public Works; and noted that Victim Witness Services partners with the Sheriff's Department, and Mountain Crisis Services. He commented that victims are the main reason for what his department does; and feels that planting the tree is a great idea.

Marvin Wells agreed with, and congratulated, Ms. Kehoe.

Public Comment Closed.

Supervisor Bibby moved to approve the item as presented. Supervisor Jones seconded with thanks to Ms. Kehoe for her hard work; and noting that this is another project where departments are working together and no additional funding is needed.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier, Merlin Jones

**EXCUSED:** Lee Stetson

## **L. Items removed from Consent Agenda**

None.

## **M. 10:53 PM Recessed for Lunch**

## **N. 2:00 PM Reconvened**

### **1. Administration (ID # 2268)**

#### **Discussion and Possible Direction to Staff Regarding the Report on Transient Occupancy Tax (TOT) History and Procedures for Increasing the Rate And/Or Scope**

Rick Benson made the staff presentation on the history of the Transient Occupancy Tax (TOT), noting that he could find no limitation on the maximum amount that can be assessed. He also advised the Board that he would have to do further research if it would like to pursue the houseboat issue, as it is not definitive.

Supervisor Bibby requested clarification as to any other counties that charge TOT on houseboats; and noted that Napa taxes only those houseboats that are not moveable. She also commented on the huge impacts to the infrastructure from campgrounds, while noting that campers usually purchase their supplies and goods from Merced or other outside areas. Supervisor Bibby further stated that it would be unfair to impose TOT on independent campsites, since we would not be able to charge Merced Irrigation District (MID) campsites. She also mentioned that, according to californialodging.com, timeshares can also be subject to TOT if they are rented out. Supervisor Bibby thanked Mr. Benson for the report noting that she found the comparison of rates interesting.

Supervisor Carrier required clarification of the potential cost should the Board decide to move forward with the election. Mr. Benson responded that it would be minimal as it would be part of a regular election; and quoted an upper

estimate of \$5000.

Supervisor Bibby recalled that special provisions were made for pre-bookings when the Business Improvement District was initially formed, and requested clarification of whether something similar could be done with a TOT increase. Mr. Benson responded.

Discussion ensued between Supervisor Bibby and Mr. Benson regarding designating special events/festivals as "County sponsored," potential liabilities, and what other communities charge/require.

Supervisor Cann commented on some of the figures in the chart, noting that the numbers regarding Mariposa County are inaccurate.

Supervisor Jones noted that as a destination point we should compare against other destination points like Monterey County, and Santa Cruz who are both charging ten percent. Supervisor Jones requested clarification from the CAO as to whether the \$5000 cost would still hold true if the County did separate the expansion of the TOT scope from an increase in the rate, and pursued in separate elections. Mr. Benson responded affirmatively. Supervisor Jones stated that he feels that we need to carefully study the issue, as lodgings in his District compete against Tuolumne County which has a ten percent rate.

Supervisor Cann noted he would like to see the Tourism Bureau and Chamber of Commerce receive a fixed percentage, but doesn't feel that is a strong enough driver to chance a 66% vote.

Public Comment was opened.

Kevin Shelton/Vice President for Yosemite Resorts spoke against raising the TOT, noting that it would put local establishments at a disadvantage with large groups and meetings; commented that he feels that the County has strayed from the original intent of the TOT; and suggested any raise of the TOT rate should be used to fund the Tourism Bureau, Visitor's Centers, and to invest in capital improvements that will enhance the visitor experience.

Candy O'Donel-Browne thanked the Board for carefully scrutinizing the issue; invited them to the Yosemite Gateway Partners quarterly meeting on April 11th from 10:00 AM to 2:00 PM; and read an email from Jonathan Farrington. .

Roger Biery, speaking on his own behalf, stated that he feels there is no compelling reason to raise TOT as the County receives outsize benefits for the current level of TOT; that if we're going to consider raising it we have to make certain that the tourism industry has significant and enduring benefit; and feels that, if pursued, it should be a special tax so that the funds are earmarked. He suggested that if we don't think we can make the 2/3 majority vote then it shouldn't be considered.

Charles Phillips referenced the inability to collect TOT from MID and inquired as to whether it is subcontracted to MID to manage that area; wondered if Mariposa County gets a share from the campground rentals; noted his concern about all of the traffic and services that are used by visitors to those campsites; and stated that he would like to see a tax on camping in that area, as well as in the river canyon.

Public Comment was closed.

CAO responded to Mr. Phillips concerns noting that we do receive some funds from the State that supplement those costs, but it is not enough; we do receive money from the Merced Irrigation District, but it is for our contract with them for water rights; and we have no way to impose a tax on those properties.

Supervisor Jones agreed with Supervisor Cann that everyone should be

put on percentage if we decide to do this; noted that he also feels that the visitor traffic does negatively impact our roads; and relayed his experience organizing large events, noting that he moved one from Reno to Las Vegas because the TOT was less.

Supervisor Carrier noted that he would like to get additional information on large group bookings. He also stressed the need for town hall meetings but noted that, ultimately, it will be the voters of Mariposa County who will decide this issue; and feels we need to diversify economically so that we're not always looking at TOT.

Mr. Benson responded that today's item has been agendized as informational only, and that the Board cannot take formal action today, but can give him direction. Mr. Benson clarified that, legally, while the County cannot earmark funds it has been his experience that once something gets institutionalized, it is very hard for future Boards to change it.

Board discussion ensued regarding pros and cons of raising the TOT. CAO suggested that it might be possible to put a sunset date on any increase, but that he would need to research the issue to be sure.

Discussion ensued regarding potential direction; the consensus being to direct staff to contact stakeholders and partners and try to schedule additional meetings to move forward with this discussion of raising the TOT. Mr. Benson requested clarification of the Board's direction, as to whether the two Board members who are assigned to work with the Tourism Bureau will be full and complete participants in these meetings, as well as staff. The Board concurred.

Supervisor Bibby requested assurance that an increase to the TOT could be easily reduced if it turns out that it doesn't work. Mr. Benson responded affirmatively.

Supervisor Cann noted that Districts I, V and IV generate the most TOT, and stressed the need to consider town hall meetings in those areas, in addition to any other meetings.

Supervisor Jones suggested that they might look at the feasibility of segregating out groups of twenty or more, as he thinks that would more readily pass.

Supervisor Cann summarized: CAO is to interact with the Tourism Bureau, the Chamber of Commerce, and the B and B Association, and perhaps more, as well as the Supervisors assigned to those groups; CAO will come back to the Board with either a proposed process, or a strategy and alternatives that we can look at with town hall meetings, public hall meetings, etc., of how we might move forward if the Board chooses to; and noted that it would need to be far enough in advance that the Board can make a decision by the end of this calendar year.

Supervisor Bibby inquired if CAO had noticed any rates where group bookings were charged differently. Mr. Benson responded that he thought that this is a new idea which should be discussed with lodging operators as they may not be comfortable charging different rates.

Supervisor Jones noted that large bookings get different rates, anyway.

CAO recapped his understanding of the Board's direction: to get together with the associated industries; have a discussion with the idea that the Board is seriously looking at increasing the rate; get their input and thoughts, and come back to the Board with a plan for implementation of this so that they can have public meetings to inform people about it.

CAO also reminded the Board that the County cannot use taxpayer dollars

to promote or advocate an increase in the TOT. Supervisor Bibby required clarification as it pertains to organizations that receive County funding. CAO responded.

**O. Adjournment**

The meeting was adjourned at 3:29 PM in memory of Ted O'Shell, Alfred Wenk and George Boldroff.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

KEVIN CANN  
Vice-Chair, Board of Supervisors