



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

May 8, 2007



Time Description

9:04 a.m. Meeting Called to Order at the Mariposa County Government Center with Supervisor Fritz excused to attend the NACO (National Association of Counties) conference in Alaska.

INFORMATION – Chair Bibby noted that the Board members, County Administrative Officer, County Counsel, and Clerk of the Board will be serving lunch at the Mariposa County Senior Center on May 15, 2007.

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of Minutes)

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

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

Joanna Dordan referred to Consent Agenda item 5; and she advised that she feels that her car was hit while it was parked for her work at Parks and Recreation by a County vehicle. She advised that she was parked in an area that only allows County vehicles. Supervisor Bibby asked if there was a CHP report, and she advised that she went to the CHP Office and the officer (Dave Husky) made a note on his notepad, but did not make a report.

Supervisor Pickard pulled items 5 and 9, and action was taken on these items later this date.

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

Chair Bibby;

Proclaim the Week of May 14th through 20th, 2007 as "Mariposa County Relay for Life Week"

BOARD ACTION: There was no public input. (M)Pickard, (S)Aborn, the Proclamation was approved and presented to Dennis Baker, Chair of the Relay for Life/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz. Dennis Baker provided information on the event. Chair Bibby acknowledged everyone's efforts with helping to "paint the town purple."

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

Vicki Lorenzi, River Rock Inn, provided input on the Yosemite-Mariposa County Tourism Bureau's new website: www.homeofyosemite.com. She expressed concerns with the site, and she stated she feels it does not include the small businesses, and they were not advised of the creation of the site. Chair Bibby stated written comments/suggestions for improvements would be welcomed and they would be presented to the non-profit Bureau; and she will speak with Leroy Radanovich, Interim Tourism Coordinator, relative to the concerns that she is receiving.

Darin Phillips expressed concern with the Tourism Board; and he stated he feels that the members were hand selected versus using a public process. He expressed concern with the process the Bureau used to select the consultant for the marketing plan; and he advised of his discussion concerning this matter with Mr. Poimiroo. He stated he feels that the organization needs to be held accountable for the expenditure of County funds. Chair Bibby noted that the County Administrative Officer advised that the Interim Tourism Coordinator will be providing a report to the Board on activities – it is currently scheduled for May 22nd.

Board Information

Supervisor Turpin advised that he attended the North County Ambulance Association meeting on Monday – they will celebrate fifty years of existence next year. On Wednesday, he plans to attend the Calaveras-Mariposa Community Action Agency meeting. On Thursday, he is holding a District II meeting.

Supervisor Pickard advised that he attended the Area 12 Agency on Aging meeting on Thursday, and he is hoping that their budget actions will have a positive impact on Consent Agenda item 9.

Supervisor Aborn advised that he attended the Midpines Community Planning Advisory Committee meeting on Thursday; and May 17th will be the next meeting with a presentation by CAL FIRE and Mariposa Fire Department. He advised that he met with officials in Merced the previous week concerning transportation issues, etc. He noted that there is a fifty percent price increase for hay.

Supervisor Bibby advised that she plans to attend the Calaveras-Mariposa Community Action Agency meeting in Coulterville on Wednesday. She plans to attend the upcoming Airport Advisory Committee meeting. She noted that the snapping turtle has found a home at the Chaffee Zoo; and that there was a bear in town on Monday. She advised of the receipt of a letter from TIE (Transportation Involves Everyone) concerning coordination of bus service with YARTS during parades. She will forward the letter to Public Works to help with the coordination for future parades. She advised of the Catheys Valley Auxiliary BBQ on Sunday to raise funds for items for the fire station. She commended all of the emergency personnel for responding to the fire off of Hornitos Road on Monday. She advised that through the efforts of Fire and Public Works, OES covered the freeze damage repairs to the Catheys Valley fire station. She advised that the First 5 Commission will be reviewing grant applications on Monday.

Dana Hertfelder, Public Works Director;

Adopt a Resolution Authorizing Mariposa County to enter into a Lease Agreement with Kiwanis Club of Mariposa for use of the Darrah School House and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Discussion was held with Dana Hertfelder. Supervisor Bibby asked about the status of dealing with any lead-based paint or asbestos issues, water testing, handicapped accessibility, and whether this agreement includes the use of the playground. Dana Hertfelder responded to the questions and advised that they are researching their records to make sure that the lead-based paint project was completed; they will review the questions relative to asbestos; water testing is done as required; and he advised that the handicapped ramp was installed and the outside bathroom work is being finished. Thomas P. Guarino, County Counsel, advised that this agreement include use of the entire facility. Dana Hertfelder advised that they are reviewing the access/parking issue.

Input from the public was provided by the following:

Dick Hutchinson asked what the dates are for the lease agreement. Dana Hertfelder advised that they plan to be finished with the building by June 1st and he recommended a lease agreement period of July 1, 2007 through June 30, 2008. Dick Hutchinson noted that the Wagon Train event is scheduled for June 8th at the facility, and he wanted to make sure that there is no conflict.

Bonnie Robinson, proposed teacher for the pre-school, commented on her work with the pre-school project and she presented letters of support from the community.

Melissa Matheson, current President for Kiwanis, advised that they plan to start their school session on September 4th, and she spoke in support of the program.

Following discussion, (M)Pickard, (S)Turpin, Res. 07-189 was adopted approving the lease agreement. The motion was amended, agreeable with the maker and second, to include an amendment

to the use of the premises for the annual Wagon Train event/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

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

BOARD ACTION: Rick Benson, County Administrative Officer, recommended that the local emergency be continued. Supervisor Turpin noted the CalTrans' open house on May 23rd. There was no public input. (M)Pickard, (S)Aborn, Res. 07-190 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

9:50 a.m. CLOSED SESSION: Public Employee Appointment; Position: County Librarian (County Administrative Officer/Personnel/Risk Manager); and
CLOSED SESSION: Liability Claims; Claimant Name: Joanna Dordan; Claim Number: C07-8; Name of Agency Sued: County of Mariposa (County Administrative Officer/Personnel/Risk Manager)
BOARD ACTION: There was no public input. (M)Aborn, (S)Turpin, the closed sessions were held/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

10:06 a.m. The Board reconvened in open session. Chair Bibby advised that information was received on both of the items, and direction was given to the County Administrative Officer on the matter relative to the public employee appointment, position: County Librarian.

Thomas P. Guarino, County Counsel;
PUBLIC MEETING to Discuss the Intention of the Board of Supervisors to Consummate the Purchase of Unimproved Real Property Located at 11th and Bullion Streets and 10th Street in Mariposa County from the Society for Prevention of Cruelty to Animals (SPCA); and Adopt a Resolution Authorizing the Board of Supervisors Chair to Sign a Memorandum of Understanding with the Court for use of the Courthouse Construction Funds for the Purchase of the Property and Authorize the Board of Supervisors Chair to Sign the Certificate of Acceptance, Contract for Phase I Environmental Review, and any other Documents Necessary to Complete Escrow and Purchase of the Property
BOARD ACTION: Chair Bibby advised of a request from Supervisor Fritz for this matter to be continued to May 15th for her to be present. (M)Pickard, (S)Turpin, the Board directed that the staff report and public comment be received at this time; and that the public comment and this item be continued to May 15th for the full Board to be present/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz. The staff report and public comment was continued until after the following items.

Consider Items Removed from the Consent Agenda

Consent Agenda item 5 – Claim filed by Joanna Dordan. (M)Pickard, (S)Aborn, item 5 was approved for rejection of the Claim/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

Consent Agenda item 9 – budget action for Community Services Department. Supervisor Pickard commented on the Area 12 Agency on Agency meeting and their budget adjustments. (M)Pickard, (S)Turpin, item 9 was approved/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

Thomas P. Guarino presented the staff report to consummate the purchase of SPCA property. Supervisor Bibby expressed concern with the size of the parcel and the location, road impacts and she asked who is responsible for the improvements.

Input from the public was provided by the following:

Dick Hutchinson noted that with the present Courthouse facility, that if the Board has an agenda item that draws a large number of people, that there isn't enough parking available in the area. He feels that this project would further impact the parking; and he doesn't feel that the side streets are wide enough to provide for parking. He expressed concern with the location of the facility in relation to the Library. He stated he feels that another location needs to be found that is more suitable for the

facility and has room for expansion. He stated he feels there needs to be a secure place for bringing the prisoners in; and he suggested that Highway 49 would be a better place for the facility.

Jim Allen, Sheriff, advised of a meeting that he attended with the Administrative Office of the Courts two or three years earlier, and he advised that he raised the concerns that he has heard today. He has a concern with the parking. Safety is a great concern, and he needs a secure facility for the judges, attorneys, and the public. He agrees that we need a new Courthouse, and he would like to see a facility next to the jail – but he does not know if this is feasible.

Paul Chapman stated he feels it will be twenty years before a facility is built. He feels parking is a problem. He noted that the County purchased land before for a Courthouse, and he cited Government Code section 25515. He expressed concern with the lost of tax revenue, with the costs already incurred, and with the lack of architectural control. He noted that both houses on the parcel are listed on the National and County Register; and he stated he feels the project should require a CEQA and Fish and Game review because of the drainage and wetlands. He stated he does not feel that there are sufficient funds in the Courthouse Construction Fund for this purchase.

Ruth Sellers stated she has a concern with this piece of property being used for a Courthouse, but she can understand the County's interest in the property because of the hope that the County obtain its own facilities versus renting facilities and because the property is adjacent to other County facilities. She asked if the recreational sports complex property could be used for this project, and she noted that it is close to the jail.

Supervisor Bibby asked if there has been a permit issued to burn down the houses. County Counsel stated he does not know whether the private property owners applied for permits; and he provided input relative to review by the Historical Sites and Records Preservation Commission of the buildings and the processes. He advised that there is available funding in the Courthouse Funds 502 and 503 for the purchase, and he referred to the MOU provisions and use of the property. The matter was continued to May 15th at 9:00 a.m., and Chair Bibby advised that public comment will continue to be accepted at that time.

Discuss and Provide Direction to Staff Regarding the use of Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) Funds for Continued Funding of the South West Interface Project (SWIFT) for Another Two Years – (\$29,280) and Continue Funding the Mariposa County Fire Safe Council for Another Year – (\$51,400) (County Administrative Officer/Personnel/Risk Manager)
BOARD ACTION: Discussion was held with Rick Benson. There was no public input. Supervisor Bibby asked for clarification of whether there is any problem with committing the funds for two years in advance for the SWIFT project. County Counsel advised that if these are current funds that the County has on hand, the Board can commit them. (M)Turpin, (S)Pickard, the Board tentatively approved the projects and directed staff to begin the 45-day comment period/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz. Jan Hamilton, on behalf of the Fire Safe Council, thanked the Board for its support of these programs.

CONSENT AGENDA:

- CA-1 Approve Budget Action Transferring Funds within the Indigent Defense Budget Unit to Accommodate Conflict Counsel Costs through the Remainder of this Fiscal Year (\$12,500) (County Administrative Officer/Personnel/Risk Manager); Res. 07-183
- CA-2 Approve Agreement with Clara Mossman for Janitorial Services for the Child Support Services Building and Authorize the Board of Supervisors Chair to Sign the Agreement (Child Support Director); Res. 07-184
- CA-3 Approve Agreement with 35A District Agricultural Association for Utilization of Fair Property to Provide Mosquito Fish to Owners of Ponds on May 12, 2007 and Authorize the Board of Supervisors Chair to Sign the Agreement (Health Officer); Res. 07-185

- CA-4 Authorize the Health Officer to Apply for First Five Grant for Health Department “Smart Start” Nurse Outreach Program in the Amount not to Exceed \$40,000 (Health Officer); Res. 07-186
- CA-5 Recommend the Rejection of Claim No. C07-8 Filed by Joanna Dordan in the Amount of \$426.97 and Authorize the Board of Supervisors Chair to Sign Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); Res. 07-191
- CA-6 Approve Budget Action Transferring Funds within the Planning Department SDA Camp EIR Fund to Provide for the SDA Camp Wawona Public Meetings in June (\$2,336) (Planning Director); Res. 07-187
- CA-7 Appoint Jeanetta Phillips to the Historic Sites and Records Preservation Commission as an At-Large Member (Planning Director)
- CA-8 Approve Agreement with Merced County for the use of Weights & Measures Testing Equipment and Personnel to Operate Trucks and Equipment and Authorize the Board of Supervisors to Sign the Agreement (Agricultural Commissioner); Res. 07-188
- CA-9 Approve Budget Action Reducing General Contingency to Cover Incorrect Estimated Cost for Reimbursement of Meals in the Restaurant Meals Program and other end of the Year Adjustments (\$1,549) (4/5ths Vote Required) (Community Services Director); Res. 07-192

11:05 a.m. (M)Aborn, (S)Turpin, the meeting was adjourned in the memory of William “Bootjack Bill” Hogue/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board