



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

July 1, 2003

Folder Time Description

9:11 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Chairman Pickard called for a moment of silence in memory of Guy Spurlin and David Lewis.

Introductions

Public Presentations: Jim Upperman, representing the Coulterville Community Club, advised of a "Sultry Summer Shindig" event being planned for August 2-3, in the Coulterville Park. He requested that the Board consider funding \$1,000 for this event for the purchase of t-shirts and advertising, etc. The request was referred to Supervisor Balmain to obtain more information and to place the request on the agenda.

9:21 a.m. (M)Parker, (S)Bibby, the Board adjourned the meeting to 6th Street and Highway 140, by the Chevron Station, (Government Code Section 54955), in downtown Mariposa for presentation relative to the unveiling of the new way finding signs at the corner of 6th and Highway 140 (Planning)/Ayes: Unanimous.

9:28 a.m. The Board reconvened at 6th Street and Highway 140 by the Chevron Station. Chairman Pickard acknowledged the work of the Mariposa Town Advisory Task Force members, Supervisors Bibby and Parker's work, as well as Planning Commissioner's Bob Rudzik and Leroy Radanovich; and he introduced the members that were present. The following were also recognized for their efforts with this project: Bob Shockley of Shockley Design Studio for the design of the "distinctly Mariposa County" logo; Julie Sergovic and staff of the Planning Department; Jim Petropulos and Scott Childers of the Public Works Department; and Heidi Dulcich of Coast Hardware.

Chris Hutcheson, Advisory Task Force, gave a presentation on the way finding sign project and advised of efforts of the Task Force.

The new sign was unveiled. Supervisors Parker and Bibby thanked the Task Force and staff for their efforts.

9:40 a.m. Recess

9:54 p.m. The Board reconvened at the Mariposa County Government Center.

Public Presentations: None.

Board Information

- Supervisor Balmain gave his weekly status report on the Airport improvement project, and advised of ongoing concerns with the pilot activated runway lights, with the flight service station information, and with the gate system. He advised that the excavation has been completed and the helipads have been poured. The Board concurred with having the County Administrative Officer follow up with the Public Works Director to resolve the concerns.

Michael Berest, Court Executive Officer;
Presentation by Court Facilities Steering Committee and Ron Taylor of Omni Group, Inc. Concerning
the June 30, 2003 Committee Meeting

BOARD ACTION: Chairman Pickard advised that this matter is being pulled from the agenda. He advised that the Steering Committee met on Monday and has completed its planning process, and an addendum recommendation will be forthcoming; and there will be further discussion relative to land acquisition and planning for facilities. It is the intent that the Courthouse continue to be used to serve the public as an active and working courthouse for the future.

Supervisor Janet Bibby and Supervisor Garry Parker, Mariposa Town Advisory Task Force;
Review the Six Month Interim Report and Approve Mariposa Town Advisory Task Force
Recommendations

BOARD ACTION: Supervisors Bibby and Parker commended the Task Force members for their efforts, thanked staff, and advised that they will continue to look at circulation, parking and preservation of the historic buildings. Eric Toll, Planning Director, advised that he is working with CalTrans to obtain encroachment permits to display the way finding signs.

Dianne Fritz, Vice-Chair of the Task Force, stated she feels the Task Force efforts will help to build economic development in the downtown area, and she thanked the Board for its support.

Discussion was held. Supervisor Balmain asked about the report and request for financial assistance for improvements recommended by the Task Force, and whether other communities could benefit. Eric Toll advised that the report is interim, with a final report due at the end of the year, and he advised that the recommendations could be used in other communities.

Approval of the Consent Agenda (See End of the Minutes)

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

Eric Toll, Planning Director;
Board Discussion and Direction to Staff Relative to Scheduling Public Hearings and Board Workshops
for Review and Adoption of the General Plan Update

BOARD ACTION: Discussion was held relative to scheduling workshops and the public hearing process, and opening the formal public comment period. The Board concurred with holding a joint meeting with the Planning Commission for a workshop; and with further discussing the schedule following that meeting.

Ken Melton complimented the Board for the direction it is proceeding with the workshops, and he stated he does not feel that the elements of the Plan should be intertwined – he feels each element of the Plan should stand on its own and not conflict with another.

Resolution Establishing a Public Hearing Date of August 5, 2003, at 9:15 a.m., to Consider Entering
into a Non-Monetary Transfer of Real Property with Mariposa County Unified School District, for
Property Located at 10332 Fiske Road, Greeley Hill, Known as the Greeley Hill Community Club
(County Counsel)

BOARD ACTION: Following discussion, (M)Parker, (S)Balmain, Res. 03-250 was adopted/Ayes:
Unanimous.

Notification of Increase in Compensation of Superior Court Judges During the Fiscal Year 2002-03 and
Effect on Board of Supervisors' Salaries (Auditor)

BOARD ACTION: No action was necessary.

10:44 a.m. Recess

10:59 a.m. Jim Petropulos, Public Works Director;
Presentation and Discussion of the Assessment Method for the Yosemite West Wastewater Treatment
Facility Improvements Project by Public Works Staff and Consultant, Ed Wilson of Wilson and

Associates; Request for Direction Regarding the Timing of the Assessment Balloting in Relation to Bidding of the Construction Project; and Request for Direction Concerning the Funding of the General Benefit Portion of the Assessment

BOARD ACTION: Discussion was held with Jim Petropulos, Dana Hertfelder/Assistant Public Works Director, and Ed Wilson/Wilson and Associates. Discussion was held relative to funding, funding for an EDU (equivalent dwelling unit) bank to have a reserve capacity, timeframes for the project, and relative to the Proposition 218 process in relation to the timeframes. The Board concurred with looking at outside financing for the EDU bank, and with keeping those costs out of the assessment process.

11:32 a.m. CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Mike Bird v. Board of Supervisors of County of Mariposa, Case No. 8479 (County Counsel)

BOARD ACTION: (M)Parker, (S)Balmain, the closed session was held/Ayes: Unanimous. Jeff Green, County Counsel, advised of a typographical error in the closed session routing notice and advised that the box for initiating litigation should not have been checked. Chairman Pickard advised that the Board would recess for lunch following the closed session.

11:42 a.m. Lunch

2:12 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed session.

Rich Inman, County Administrative Officer;

Continued PUBLIC HEARING on the Final Budget for Fiscal Year 2003-04 (Continued from 6-25-03)

BOARD ACTION: Rich Inman reviewed the reclassification requests for the following departments and recommendations:

- 1) Public Works – reclassify one accounting technician III position to an accountant I
- 2) District Attorney – reclassify the paralegal position to an administrative assistant
- 3) Sheriff – reclassify a 911 dispatcher to an office technician; recommendation is to reclassify to a senior office assistant
- 4) Library – reclassify a library assistant II to a senior library assistant; recommendation is to deny the request.

Jacque Meriam, Librarian, provided input relative to the reclassification request for the library assistant. Following discussion, (M)Parker, (S)Stetson, Res. 03-251 was adopted approving the reclassification requests as recommended by the County Administrative Officer for Public Works, District Attorney, and the Sheriff; and direction was given to defer a decision on the Librarian's request for further review by the County Administrative Officer/Ayes: Unanimous. Rich Inman advised that he will place an item on the agenda in two weeks relative to the social worker IV issue in Human Services Department.

Supervisor Pickard initiated discussion relative to budgeting \$500 for membership in the Yosemite/Sequoia Resource Conservation and Development District. The Board concurred with having the County Administrative Officer review membership in the various organizations before adoption of the final budget, and with including funding for membership in the Yosemite/Sequoia Resource Conservation and Development District.

Discussion was held relative to allocation of the balance of funds, approximately \$30,500. Supervisor Pickard suggested that the County Administrative Officer work with the Board members and Public Works Director to identify road projects that these funds could possibly be used for. The Board concurred with placing these funds in the Administration budget, with further discussion to be held relative to possible uses, including road projects.

(M)Parker, (S)Bibby, Res. 03-252 was adopted approving funding of \$500 for membership in the Yosemite/Sequoia Resource Conservation and Development District; and transferring the balance of funds (approximately \$30,500) to the Administration budget/Ayes: Unanimous.

(M)Parker, (S)Balmain, Res. 03-253 was adopted approving the proposed budget for FY 2003-04 with changes as discussed/Ayes: Unanimous. The hearing was closed.

INFORMATION – No action was necessary on the following:

- A) Inform the Board of the Intent of the Coulterville-Greeley School to Reduce the Hours of an Additional Library Clerk at the Red Cloud Library for the 2003-04 School Year, from 10 Hours per Week to 5 Hours per Week (Librarian)
- B) Information Hearing Schedule (Clerk of the Board)

CONSENT AGENDA:

- CA-1 Authorize the Chairman to Execute an Addendum to the Agreement with Ross and Castillo for Administration of the County's Workers Compensation Program From July 1, 2003 Through June 30, 2006 for the Annual Fee of \$19,200 with an Annual Consumer Price Index Adjustment for 2004 and 2005 as Determined by the County Administrative Officer (County Administrative Officer); Res. 03-246
- CA-2 Authorize Part-Time Temporary Help of up to 20 Hours per Week, to Assist in the Training of Replacement Personnel due to Retirement and Approve Budget Action Transferring Funds Within the Auditor's Budget from Account Technician III (\$5,900) and Account Clerk (\$3,648) to Extra Help (\$9,548) (Auditor); Res. 03-247
- CA-3 Adopt a Resolution Certifying the Disability Retirement of Jail Officer Deborah L. Wenger, Effective July 1, 2003 (Personnel); Res. 03-248
- CA-4 Approve Budget Action Transferring Funds within the Victim/Witness Program Office of Criminal Justice Planning (OJCP) Grant for End of Fiscal Year 2002-03 Budget Adjustments (\$558) (District Attorney); Res. 03-249

2:38 p.m. Adjournment in memory of Daisy Chapman Appling Elliott, Zeora S. Wommack, Lucile C. Mennig, and Guy Spurlin.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

July 8, 2003

Time _____ Description

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

Pledge of Allegiance

Introductions

Bob Pickard, Board of Supervisors, Chairman;

Presentation of a Resolution and Tile Plaque Recognizing Norm Ross upon his Retirement as Sergeant (Sheriff)

BOARD ACTION: (M)Balmain, (S)Bibby, Res. 03-254 was adopted and presented to Norm Ross, along with a tile plaque/Ayes: Unanimous. Supervisor Balmain noted that the Northside will really miss Norm's services, and that they wish him happiness in his retirement.

9:19 a.m. Recess

9:31 a.m. Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Chairman Pickard introduced California Highway Patrol Lieutenant-Commander Jennie Baldon. Jennie Baldon provided information on accident trends in the County, and she noted that DUI's have been a major contributing factor. She advised that CHP is taking pro-active measures, and are planning for a DUI check point this year in the County and will be extending their shift coverage. The number of officers will increase from the nine currently in the field to thirteen in August and they are planning for 24-hour staffing. She invited the Board members to bring any traffic concerns to her attention or to her staff, and she stated they want to cooperate with the County and the Sheriff's Department.
- Jim Upperman advised that the "Sultry Summer Shindig" event they are planning will benefit the Teen Club and revitalize the Northside. He stated he is waiting for the Board's decision on the request for financial assistance, and he noted that they will also take private donations.

Board Information

- Supervisor Balmain gave his weekly status report on the Airport improvement project, and he advised that he will meet at the Airport on Wednesday with the Public Works Director to review the concerns, and he noted the County Administrative Officer is also invited to attend.

- Supervisor Stetson advised that he has a district meeting scheduled for this evening at 7:30 p.m. at the Midpines Community Center, and another on Thursday at 7:00 p.m. in the Valley to discuss the General Plan Update.

Approval of the Consent Agenda (See End of the Minutes)

BOARD ACTION: Jeff Green, County Counsel, noted that the Sheriff advised that the last page of the agreement for item 1 needs to have the dollar amount of \$20,000 entered in two places.

(M)Stetson, (S)Bibby, all items were approved, including the correction to item 1/Ayes: Unanimous.

Rich Inman, County Administrative Officer;
Update on Assistance for the School District's Late Bus
BOARD ACTION: Rich Inman advised that he has a meeting scheduled with the School Superintendent on Thursday, and the matter was continued to July 15, 2003.

Marjorie Wass, Treasurer/Tax Collector;
Waive First Reading and Introduce an Ordinance Amending Sections 1.16.020 through 1.16.061 of Chapter 1.16 of the Mariposa County Code Changing Precinct Lines because of the Redistricting

BOARD ACTION: Discussion was held with Marjorie Wass. Supervisor Bibby asked if Highway 49 on page ten of the legal description should be reflected as Highway 49 North. Marjorie Wass said she would check and correct the document, if necessary. Jeff Green, County Counsel, advised that the corrections could be made for the Ordinance to come back for final adoption. (M)Bibby, (S)Stetson, first reading was waived and the Ordinance was introduced/Ayes: Unanimous.

9:47 a.m. Cheryle Rutherford-Kelly; Human Services Director;

A) Authorize the Human Services Department to Enter into a Contract with Kathy Albright on an As Needed Basis, for a Maximum of 8 Hours per Week, to Assist New Fiscal Staff and Authorize the Chairman to Sign the Contract; and

B) Authorize the Human Services Department to Enter into a Contract with Patti Reilly to Perform Fiscal and Project Management Services for the Community Action and Housing Departments until a Deputy Director and Contract Manager are Hired and Authorize the Chairman to Sign the Contract

BOARD ACTION: (M)Stetson, (S)Bibby, Res. 03-258 was adopted approving the agreement with Kathy Albright, and Res. 03-259 was adopted approving the agreement with Patti Reilly/Ayes: Unanimous.

9:48 a.m. Recess

10:03 a.m. Jacque Meriam, Librarian;

Authorize the Friends of the Library from Mariposa, Red Cloud and Wawona to either Sell or Serve Wine at Their Fund Raising Events

BOARD ACTION: Discussion was held with Jacque Meriam relative to the request and the type of events that are proposed, whether the events would be held at the Library, and whether the Library would be closed if such an event is held. Supervisor Stetson noted that similar issues may come up with the arts park and the amphitheatre, and he suggested that a clear policy be established. The Board concurred with referring the matter to the County Administrative Officer to bring back a policy and process.

10:22 a.m. Recess

2:09 p.m. Eric Toll, Planning Director;

PUBLIC HEARING to consider Land Division Application No. 2002-470, Variance Application No. 2002-471, and Amended Design Review and Development Agreement Application No. 2002-472 for Mariposa Skilled Nursing Facility; Norm Gallagher and Rick Roesch, applicants

BOARD ACTION: Sarah Williams, Deputy Planning Director, presented the staff report, and she advised that Rick Roesch/applicant, and Roger Stephens/Stephen Engineering-agent for the applicant, were present. She responded to a question from the Board relative to condition number ten requiring that all flammable vegetation be removed prior to the issuance of a building or grading permit.

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

- Rick Roesch, applicant, gave an update on his proposed project and the status of funding for the skilled nursing facility, and he advised that given the State budget situation, that portion of

the project is in a holding pattern. He advised that they may decide to proceed with the assisted living portion of the project first. He responded to questions from the Board relative to the skilled nursing and assisted living portions of the project, and relative to accepting Medical and insurance payments.

The public portion of the hearing was closed, and the Board commenced with deliberations. Staff responded to a question from the Board relative to off-site improvement requirements. (M)Parker, (S)Balmain, Res. 03-260 was adopted approving Land Division Application No. 2002-470, Variance Application No. 2002-471, and Amended Design Review and Development Agreement Application No. 2002-472 with the recommended findings and conditions for Mariposa Skilled Nursing Facility. It was noted that the introduction of the Ordinance for this project would be scheduled on July 15, 2003. It was also clarified that relative to condition number ten requiring that all flammable vegetation be removed prior to the issuance of a building or grading permit, that "or grading" would be deleted from the condition. Ayes: Unanimous. The hearing was continued to July 15, 2003, at 10:00 a.m. for action on the Ordinance.

CONSENT AGENDA:

- CA-1 Approve the Contract with Merced County for the Storage of Human Remains and to Provide Space for Autopsies (Sheriff); Res. 03-255
- CA-2 Adopt a Resolution Authorizing the Public Works Director to Execute the Agreement Supplement No. M004 Administering Agency – State Agreement for Federal-Aid Projects No. 10-5940 for Competitive Safety Grant Money in the amount of \$13,900 with a 20% Match (\$3,544) to be Supplied by the Sign Shop Road Budget (Public Works Director); Res. 03-256
- CA-3 Adopt a Resolution Authorizing the Chairman to Sign Organic Program Agreement No. 03-0191 for FY 2003-04 with the California Department of Food and Agriculture (CDFA) for Work Performed in the Enforcement of the California Organic Foods Act (Agricultural Commissioner); Res. 03-257
- CA-4 Appoint Dave Gerken to Represent District V; Reappoint Kathleen Pfeffer to Represent District I; Reappoint Dick Hayes to Represent District II and Reappoint John Amos to Represent District III to the Building Department Advisory and Appeals Board (Building Director)

2:38 p.m. Adjournment in memory of Cheryl Ann Davis, Madeline Bunning, Jack Randleman and Carl Mack.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

July 15, 2003

Time Description

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

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Jim Upperman read a letter from the committee formally withdrawing their request for funding for the "Sultry Summer Shindig" event. Chairman Pickard advised that the request was being scheduled for July 22nd and asked him to coordinate with Supervisor Balmain as to whether or not the item should be scheduled. Supervisor Parker requested that the letter be withdrawn as the request for financial assistance has not been on the Board's agenda; it has only been raised under Public Presentations; and now it is scheduled for July 22nd. Supervisor Balmain advised of his meeting with the committee. Mr. Upperman agreed to withdraw the letter, and he was asked to work with Supervisor Balmain relative to scheduling the request on the agenda.

- Lyle Turpin referred to previous discussions relative to expansion of the duties of the Agricultural Advisory Committee and the Agricultural Commissioner being the coordinator. He stated he knows the draft ordinance is being worked on, and urged the Board to move forward with this process. Supervisor Pickard advised that the draft ordinance was forwarded to the Farm Bureau President, and the County is waiting for a response, and then it can be scheduled on the agenda.

- Blaine Shultz, Fire Chief, advised of the status of fire activity in the County during the previous week. He thanked the other agencies for their cooperation and expertise with the Hunters Valley and El Portal fires.

Board Information

- Supervisor Balmain reported that the retirement party in Coulterville on Saturday for Norm Ross was a success with a large gathering. He gave his weekly status report on the Airport improvement project and advised that they are still working on the lighting issue, and he stated he feels the windsock needs to have a light in it.

- Supervisor Stetson advised that he has a meeting scheduled in El Portal on Thursday at 7:00 p.m. at the Community Center for discussion on the General Plan Update.

- Supervisor Parker commented on the Lion's Club and Sierra Car Show's annual car show held at the Fairgrounds. He commended Steve Engfer/PWD-Solid Waste Manager, for the success of the oil recycling booth.

- Supervisor Pickard advised that he attended the Yosemite/Sequoia Resource Conservation and Development District meeting that was held in Clovis on Thursday. He advised that air quality issues were discussed. He also advised that Robyn Smith/Coordinator and staff have been working on a power point presentation that can be used as a tool to advertise the potential of the organization, and reflects the activities they have been working on.

Approval of Minutes of June 17, 2003, Regular Meeting

BOARD ACTION: Minutes were approved with minor grammatical corrections.

Approval of the Consent Agenda (See End of the Minutes)

BOARD ACTION: Chairman Pickard advised that item 5 was pulled at the request of the County Clerk to further review the legal descriptions in the Ordinance. Supervisor Parker asked about the status of funding for item 2, and was advised that the funding is included in the budget. (M)Stetson, (S)Parker, the balance of the items were approved/Ayes: Unanimous.

Rich Inman, County Administrative Officer;

Confirm Authorization for Child Welfare/Protection Unit to be Staffed with 7 Social Worker IV Positions

BOARD ACTION: Rich Inman pulled the item and continued it to July 22, 2003.

Jerry Progner, USDA Natural Resources Conservation Service;

Adopt a Resolution Approving the Revised Guidelines of the Mariposa County Resource Conservation District Voluntary Oak Woodland Management Plan and Landowner Guidelines

BOARD ACTION: Jerry Progner reviewed the requested revisions. Supervisor Bibby asked about changing “must” to “should” in the resolution for protection of the oak woodlands, and the Board concurred with the change. (M)Balmain, (S)Bibby, Res. 03-266 was adopted approving the revised guidelines with the change in the formal resolution. Further discussion was held relative to the guidelines. Frank Long advised that the State Board of Forestry requested that the guidelines be developed. The motion was amended, agreeable with the maker and second, to delete the last sentence in the guidelines that states that if any conflicts exists, the agency regulations and policies prevail/Ayes: Unanimous.

Jim Allen, Sheriff;

Adopt a Resolution Authorizing the Mariposa County Superior Court to Impose a \$15 Assessment Fee, for any Person Who Violates a Written Promise to Appear or Other Court Order as Described in Penal Code Section 853.7(a), Utilizing the Money to Develop, Operate, Modernize and Maintain an Automated County Warrant System

BOARD ACTION: Discussion was held with Brian Muller/Assistant Sheriff, and he advised of two typographical corrections in the material. (M)Balmain, (S)Stetson, Res. 03-267 was adopted/Ayes: Unanimous.

10:01 a.m. Public hearings for the Arts Park project and for the skilled nursing facility and assisted living facility in the Town of Mariposa were opened and continued until after the recess.

10:02 a.m. Recess

10:22 a.m. Eric Toll, Planning Director;

A) PUBLIC HEARING to Consider Adopting the Following Actions for the Arts Park Project: 1) Resolution Adopting a Negative Declaration and Approving Specific Plan Zoning Amendment and Historic Design Review #2002-343 with the Recommended Findings and Conditions, and 2) Waive the First Reading and Introduce an Ordinance Amending the Zoning Designation on APN 013-186-003 and 013-186-005 from General Commercial to Public Quasi Public and to then Develop a Limited Scale Arts Venue and Park as a Component of the Mariposa Creek Parkway, County of Mariposa, Applicant (Clerk of the Board has Bid Documents and Project Plans for Construction of Mariposa County Arts Park for Review)

BOARD ACTION: Steve Engfer/PWD-Solid Waste Manager and former Planner, presented the staff report. He advised that there is one Sequoia tree on the site that is dying, and it was determined that it needs to be removed. He advised of plans to use the wood for signage and perhaps a bench at the park. Staff responded to questions from the Board as to whether the location of the sun was taken into consideration when planning where the stage faces; the number of picnic tables proposed; and relative to lighting. Fred Solomon, consultant, responded to questions relative to the lighting and whether there would be noise impacts.

The public portion of the hearing was opened. There was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the archeological study. (M)Parker, (S)Stetson, Res. 03-268 was adopted adopting a Negative Declaration and approving Specific Plan Zoning Amendment and Historic Design Review #2002-343 with the recommended findings and conditions, and 2) the first reading was waived and an Ordinance was introduced amending the zoning designation on APN 013-186-003 and 013-186-005 from General Commercial to Public Quasi Public and to then develop a limited scale arts venue and park as a component of the Mariposa Creek Parkway/Ayes: Unanimous. The hearing was closed.

B) CONTINUED PUBLIC HEARING: Waive First Reading and Introduce an Ordinance Approving Development Agreement No. 2002-472, a Development Agreement for a Skilled Nursing Facility and Assisted Living Facility in the Town of Mariposa (APNs 012-350-008 and 012-350-010; Norm Gallagher and Rick Roesch, Applicants (Continued from 7-8-03)

BOARD ACTION: Eric Toll advised that the hearing was continued for action to be taken on the Ordinance. The public portion of the hearing reopened. There was no public input and the public portion of the hearing was closed. The Board commenced with deliberations.

(M)Balmain, (S)Parker, the first reading was waived and the Ordinance was introduced approving Development Agreement No. 2002-472, a Development Agreement for a skilled nursing facility and assisted living facility /Ayes: Unanimous. The hearing was closed.

Eric Toll advised that Wednesday was the last day for litigation to be filed against the compost facility project Environmental Impact Report (EIR), and he advised that nothing was filed, so the EIR is certified.

Dana Hertfelder, Assistant Public Works Director, appeared on behalf of Jim Petropulos, Public Works Director;

A) Approve the Plans and Specifications for the Arts Park Project; Authorize Public Works to Advertise the Project; and Authorize the Public Works Director to Award the Contract to the Lowest Responsible Bidder (Clerk of the Board has Plans and Specifications for Review)

BOARD ACTION: Discussion was held with Dana Hertfelder and Fred Solomon, consultant. Fred acknowledged the assistance of Donna Brownell, Arts Council Executive Director, in this process. He reviewed the proposed improvements for the site and the status of funding for the project. He advised that the use of State transportation funding (Transportation Enhancement Activities funds), will require a longer process and that the project cannot be put out for bid until authorization is received from the State. Steve Engfer/PWD-Solid Waste Manager and former Planner, advised that the issue with the archeological study is formatting and they are correcting that. Supervisor Parker asked about the location and terrain for the stage, and whether security would be an issue. He suggested that there be enough alternatives built into the bid process so that the project can stay within budget constraints. Fred reviewed the bid process and the option for value engineering. Supervisor Bibby asked about maintenance of the landscaping, and whether the walkway access would be handicapped accessible. The Board concurred with continuing this matter to July 22, 2003, for further discussion and review of the timeframes for using the TEA funding. Supervisor Parker requested that staff review whether the TEA funds could be used on another project.

B) Approve Budget Action for FY 2002-03 Transferring Funds Within the Solid Waste Projects Budget to Cover the Cost of Advertising and Postage for Request for Proposals and Travel Expenses to Investigate Companies Interested in Building the Compost Facility (\$8,000)

BOARD ACTION: (M)Parker, (S)Balmain, Res. 03-269 was adopted/Ayes: Unanimous.

Update on Meeting with Representative of Mariposa County Unified School District Relative to the Late Bus Issue (County Administrator)

BOARD ACTION: Rich Inman, County Administrative Officer, advised of a meeting held last week and discussion relative to the possibility of being able to use YARTS. The Board concurred with staff continuing to explore this alternative. Supervisor Stetson stated he would like to get better information on what the response would be from Yosemite.

Discussion and Possible Action Relative to Amendment of the Mariposa County Road Policy of 1991 to Allow for the Substitution of a Road that is not in the County Maintained Road System for a Road that is Currently in the System when the Proposed Road to be Included Serves a Higher Public Purpose than the Road to be Removed (Supervisor Balmain)

BOARD ACTION: Following discussion, (M)Parker, (S)Balmain, Res. 03-270 was adopted/Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Authorize the Purchase of Banners for YES on Sports/No on Tobacco Campaign to be Reimbursed from Tobacco Education Program Mini-Grant (County Administrative Officer); Res. 03-261
- CA-2 Approve the Encroachment Permit Application for the Annual Labor Day Parade on August 30, 2003 (Lions Club); Res. 03-262
- CA-3 Approve Budget Action for FY 2002-03 Transferring Funds Within the Sheriff's Boating Safety Budget from Fuel to Small Tools to Cover the Cost of Repairs and Parts Purchased to Upgrade the Brakes on Trailers Used to Transport Boats (\$1,317) (Sheriff); Res. 03-263
- CA-4 Approve Budget Action for FY 2002-03 Transferring Funds Within the County Library Budget to Cover End of the Year Miscellaneous Expenditures (\$1,311) (Librarian); Res. 03-264
- CA-5 Waive Second Reading and Adopt an Ordinance Amending Sections 1.16.020 through 1.16.061 of Chapter 1.16 of the Mariposa County Code Changing Precinct Lines because of the Redistricting (Elections); Matter was pulled to be brought back in the future.
- CA-6 Approve Budget Action for FY 2002-03 Transferring Funds Within the Heavy Equipment Replacement Budget from Fixed Assets – Heavy Equipment to Rents and Leases to Cover the Annual Lease Payment for the Recently Purchased Caterpillar Wheel Loader (\$3,000) (Public Works Director); Res. 03-265
- CA-7 **LOCAL TRANSPORTATION COMMISSION**
Resolution Adopting the Sierra Nevada Intelligent Transportation System Strategic Deployment Plan (Clerk of the Board has Sierra Nevada ITS Strategic Deployment Plan Binder for Review) (Public Works Director); LTC Res. 03-5

11:29 a.m. Adjournment in memory of Clarence Mitchell.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA July 22, 2003

Time Description

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

Pledge of Allegiance
Introductions

Bob Pickard, Board of Supervisors, Chairman;
Presentation of a Resolution Recognizing Dennis Baker upon his Retirement as Superintendent of the Mt. Bullion Youth Conservation Camp

BOARD ACTION: (M)Bibby, (S)Parker, Res. 03-271 was adopted and presented to Dennis Baker/Ayes: Unanimous.

Bob Pickard, Board of Supervisors, Chairman;
Proclaim July 20-26, 2003, as "California Invasive Weed Awareness Week" (Agricultural Commissioner/Sealer)

BOARD ACTION: (M)Balmain, (S)Stetson, Proclamation was approved and presented to Cathi Boze, Agricultural Commissioner and Wain Johnson, Weed Program Contractor/Ayes: Unanimous.

Approval of Minutes of June 24, 2003, Regular Meeting

BOARD ACTION: Approved with typographical correction as noted.

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda – None.

Board Information

- Supervisor Balmain gave his weekly status report on the Airport improvement project.
- Supervisor Bibby advised that the Mariposa Task Force meeting that was scheduled for July 23, 2003, has been cancelled. She also advised that the Catheys Valley Town Planning Area Planning Advisory Committee meeting is scheduled for this evening at McCay Hall. She noted that the air conditioner has not been working properly at the hall and Public Works has been advised.

Approval of the Consent Agenda (See End of the Minutes)

BOARD ACTION: Supervisor Bibby pulled item 4 for discussion with the Fire Chief later this date. (M)Stetson, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Rich Inman, County Administrative Officer;

Confirm Authorization for Child Welfare/Protection Unit to be Staffed with 7 Social Worker IV Positions (Continued from 7-15-03)

BOARD ACTION: Discussion was held and Cheryle Rutherford-Kelly, Human Services Director provided input. (M)Balmain, (S)Bibby, Res. 03-275 was adopted approving the request/Ayes: Unanimous.

Consent Agenda item 4 – Following discussion with Blaine Shultz, Fire Chief, (M)Bibby, (S)Stetson, Res. 03-276 was adopted approving item 4/Ayes: Unanimous.

Elnora George, John C. Fremont Healthcare District;
Request an Ordinance Establishing a Transaction and Use Tax and Calling for an Election to Allow the District to Extend the One-Half Percent Sales Tax it is Now Receiving, for the Purpose of Augmenting Revenues for Maintenance and Operation Expenses for the District, in Order to Continue the Provisions of Health Care Services for the Residents of the County of Mariposa
BOARD ACTION: Don Phillips on behalf of Elnora George and as a member of the Board of Directors for the Hospital and as Chair of the Ad Hoc Committee for Sales Tax, presented the request to extend the one-half percent sales tax. He introduced Vick Biswell, Senior Health Care Consultant, Clark, Lowry and Koortbojian from Folsom. Mr. Biswell outlined how the current tax proceeds have been used and why the continuation of the sales tax is needed. (M)Parker, (S)Bibby, direction was given to staff to prepare an ordinance and to bring back information on election costs and costs of administration for the distribution of the sales tax. Don indicated that the Hospital will reimburse the County for the election costs for this ballot measure. Elnora George indicated that the State Board of Equalization handles the distribution of taxes at the state level. Ayes: Unanimous.

9:53 a.m. Recess

10:11 a.m. Chairman Pickard introduced and welcomed Ted Hilliard, Executive Director for the Fund for the Preservation of the California State Mining & Mineral Museum. Ted provided a status report on efforts to obtain funding to build the new mineral exhibit facility in town. He will keep the Board Members advised of the status of their efforts.

Supervisor Stetson;

Discussion and Action Relative to the Management of the Mariposa Amphitheater and/or Arts Park Facilities

BOARD ACTION: Supervisor Stetson initiated discussion. Rich Begley, PWD-Deputy Director Parks and Recreation, stated he feels they will need to determine the users and types of uses and that the Parks and Recreation Commission could help work on developing a policy. Supervisor Pickard stated that the potential uses, care and maintenance should be discussed with input from the Arts Council, Supervisor Stetson and other involved parties. Supervisor Parker stated he felt that prioritization of events at the park should be included. Supervisor Bibby stated she felt fairness should be kept in mind for uses of other facilities at the park. Supervisor Balmain stated he feels consideration should be given to the uniqueness of the other parks in the county if the overall park policy is reconsidered. Supervisor Parker stated that he feels the emphasis should be on the amphitheater. Supervisor Pickard agreed and suggested that the arts park should be included and that the park maintenance be addressed separately. The Board concurred with referring this matter to the Parks and Recreation Commission for review to establish a policy for the amphitheater and the arts park.

Dana Hertfelder, Assistant Public Works Director appeared on behalf of Jim Petropulos, Public Works Director;

A) Adopt a Resolution Permitting the Sale of Alcoholic Beverages by the Veteran's of Foreign Wars (VFW) at the "1st Annual Sultry Summer Shindig", Sponsored by the Coulterville Community Club, to Take Place at the Coulterville Park

BOARD ACTION: Discussion was held regarding the request and insurance coverage. Jeff Green, County Counsel advised of the requirements for Board approval, insurance coverage and proper permitting from the state for the sale of alcoholic beverages. Rich Begley, PWD – Deputy Director Parks and Recreation, advised that the insurance has been applied for and fees paid. (M)Parker, (S)Balmain, Res. 03-277 was adopted approving the request with the requirements as stated by County Counsel. Supervisor Balmain suggested that the Coulterville Community Club could come back to the Board after the event with a request for financial support. Ayes: Unanimous.

B) Approve Budget Action for Fiscal Year 2002-03 Transferring Funds from the Yosemite West Utility Capital Fund to the Yosemite West Maintenance District Budget to Cover the Cost of Emergency Repairs to the Well (4/5ths Vote Required) (\$12,500)

BOARD ACTION: (M)Parker, (S)Stetson, Res. 03-278 was adopted approving the request/Ayes: Unanimous.

C) Approve the Plans and Specifications for the Arts Park Project; Authorize Public Works to Advertise the Project; and Authorize the Public Works Director to Award the Contract to the Lowest Responsible Bidder (Clerk of the Board has Plans and Specifications for Review) (Continued From 7-15-03)

BOARD ACTION: Discussion was held with Dana Hertfelder relative to funding, and Fred Solomon, Consultant, relative to the environmental issues. It was noted that it could take approximately 200 days to complete the state required environmental process to use the Transportation Enhancement Activities (TEA) funding for this project. Dana advised that if the county wishes to use the funding for another project it would require re-application, however, CalTrans is proposing to use all unallocated TEA funding toward the state budget shortfall. Further discussion was held relative to funding for this project and possible sources, including the Darrah School House CIP Fund and the Tobacco Settlement Fund and any remaining funds from the amphitheater project. Rich Inman, County Administrative Officer stated it should be understood that there is a commitment to find the funding for the project with the authorization to go to bid. (M)Parker, (S)Stetson, Res. 03-279 was adopted approving the recommended actions/Ayes: Unanimous. Fred advised that he reviewed the visibility/safety issues with the Sheriff and he was satisfied with the way the issues were addressed with lighting, etc. Supervisor Bibby asked about discouraging the pedestrian traffic along the highway. Further discussion was held relative to the funding issues and using the Darrah School House CIP Fund. The Board concurred with taking the appropriate budget actions after the bids are received.

Charles Mosher, Health Officer;

Adopt a Resolution Authorizing the Health Officer/Air Pollution Control Officer to Sign a Grant Award and Authorization Form and Other Necessary Documents to Implement Carl Moyer Program Funding for One Year as a \$100,000 State Grant with No Local Match Required and Appropriating \$100,000 for Expenditure of Up To \$25,000 per Public or Private Agency to Retrofit Diesel Engines to Reduce Nitrous Oxide Emissions in Mariposa County (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Dr. Mosher relative to the program to retrofit diesel engines. He noted that there is no match required for the funding, however, there is no funding available with the grant for administration of the program. The Board concurred with having the County Administrative Officer review whether this program could be used for the county's fleet. Supervisor Parker also asked that the possibility of the Park Service using the program be reviewed.

Formalize the Transition of the Personnel/Risk Management Function from County Counsel's Office to the County Administrative Office and Rescind County Counsel's Appointment as Interim Personnel Director (County Administrator)

BOARD ACTION: (M)Parker, (S)Bibby, Res. 03-280 was adopted approving the transition/Ayes: Unanimous.

Discussion and Direction to Supervisor Balmain Relative to an Invoice Received from the United States Forest Service for Trees Cut Along Smith Station Road by the Mariposa County Public Works Department/Road Division (County Counsel)

BOARD ACTION: Supervisor Balmain initiated discussion relative to the invoice received from the Forest Service and discrepancies in the information. He advised that the County brushed and cut trees along Smith Station Road to improve public safety. He noted that a citation was issued by the Forest Service and subsequently dismissed, to a citizen who picked up some of the wood that was left along the roadway. (M)Balmain, (S)Parker, direction was given to not pay the invoice. Supervisor Balmain advised that the Forest Service indicated that interest would be added if the invoice was not paid. Supervisor Balmain asked that the Forest Service be asked to show the invoice amount as their contribution toward the road maintenance, thus a zero balance would be reflected in their records. The motion was amended, agreeable with the maker and second, to

include direction for the County Administrative Officer to draft a letter to the Forest Service relative to the Board's action and advising that the work was done as a matter of improving road safety/Ayes: Unanimous.

11:40 a.m. CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Mike Bird v. Board of Supervisors of County of Mariposa, Case No. 8479 (County Counsel)

BOARD ACTION: (M)Parker, (S)Stetson, the closed session was held, with Attorney Terry Allen present/Ayes: Unanimous.

12:31 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed session.

CONSENT AGENDA:

- CA-1 Authorize the Treasurer to Apply for and Sign the Loan Documents for a \$1,000,000 Line of Credit with County Bank for Overdraft Protection Purposes (Treasurer); Res. 03-272
- CA-2 Approve the Human Services Department to Overfill an Account Clerk II Position Due to an Extended Leave of Absence on the Part of an Employee (Human Services Director); Res. 03-273
- CA-3 Authorize the Human Services Director to Execute Weatherization Agreement No. 03C-1470 with the Department of Community Services and Development for the Ongoing Weatherization Program (\$7,214), and Authorize the Execution of Subsequent Amendments to this Agreement, Subject to Approval by County Counsel; and Authorize the Human Services Department to Coordinate Labor Services with the Public Works Department for this Program (Human Services); Res. 03-274
- CA-4 Approve Budget Action for Fiscal Year 2002-03 Transferring Funds Within the Fire Department Budget to Cover Costs to Equip Firefighters with Safety Clothing; Increase Maintenance Equipment and Office Expense; and Adjust the Vehicle Line Item to Reflect Proper Accounting/Depreciation (\$18,421) (Fire Chief); Res. 03-276

12:32 p.m. Adjournment in memory of Elsie Visher, Delbert "Chug" Rhoan, Mark Breish, Edith Peterson and Ron Cappelluti.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA August 5, 2003



Time Description

9:06 a.m. Meeting Called to Order at the Mariposa County Government Center with Supervisor Balmain and Supervisor Parker excused.

Pledge of Allegiance
Introductions

Bob Pickard, Board of Supervisors, Chairman;
Proclaim the Month of August 2003, as "Child Support Awareness Month" (Child Support Services Director)

BOARD ACTION: (M)Stetson, (S)Bibby, the Proclamation was approved and presented to Debbie Walton, Child Support Services Director and staff members/Ayes: Stetson, Bibby, Pickard; Excused: Balmain, Parker. Debbie Walton commented that Mariposa County is number one in the state of California in the collection of child support and arrears.

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda
- Blaine Shultz, Fire Chief, introduced the new Deputy Fire Chief, Jim Middleton.

Board Information

- Supervisor Bibby advised that she and Supervisor Balmain have a joint meeting scheduled for August 12, 2003, at 7:00 p.m. at the Mariposa/Yosemite Airport to discuss the need for a community advisory committee for Mt. Bullion.
- Supervisor Pickard commented on the state budget process and law enforcement funding, stating that Assemblyman Dave Cogdill did a tremendous job with funding for rural California, in particular for Mariposa County. He thanked Sheriff Allen and Dave Cogdill.

Approval of Minutes of June 25, 2003, Regular Meeting (Continued from 6-24-03)

BOARD ACTION: Minutes were approved with a correction.

Approval of Minutes of July 1, 2003, Regular Meeting

BOARD ACTION: Minutes were approved with a correction.

Approval of Minutes of July 8, 2003, Regular Meeting

BOARD ACTION: Minutes were approved with a correction.

Approval of Minutes of July 15, 2003, Regular Meeting

BOARD ACTION: Minutes were approved with a correction.

Approval of Minutes of July 22, 2003, Regular Meeting

BOARD ACTION: Minutes were approved.

Approval of the Consent Agenda (See End of the Minutes)

BOARD ACTION: Jeff Green, County Counsel pulled item 3 to be taken separately from the remainder of the Consent Agenda. (M)Bibby, (S)Stetson, the balance of the items was approved/Ayes: Stetson, Bibby, Pickard; Excused: Balmain, Parker.

Consent Agenda item 3 – Jeff Green, County Counsel advised that although the Agenda was accurate, the package for item 3 did not state the item was on for second reading of the Ordinance. (M)Bibby, (S)Stetson, Second reading was waived and Ordinance 991 was adopted/Ayes: Stetson, Bibby, Pickard; Excused: Balmain, Parker.

9:21 a.m. Jeff Green, County Counsel;

PUBLIC HEARING to Consider Entering into a Non-Monetary Transfer of Real Property with Mariposa County Unified School District, Located at 10332 Fiske Road, Greeley Hill, Known as the Greeley Hill Community Club

BOARD ACTION: Jeff Green, County Counsel advised that Supervisor Balmain felt there was enough interest for a public hearing for this matter, even though one was not required. Supervisor Bibby asked if the Agreement was in draft form, based on the text on pages six and eight, relative to title insurance and costs and fees. Jeff Green, County Counsel stated there is no need for title insurance report and the costs and fees would be shared as is customarily done within the County.

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

- Dawn Leitzell, President of the Greeley Hill Community Club advised that there were eight members present and all were in favor of the transfer.

The public portion of the hearing was closed, and the Board commenced with deliberations. (M)Bibby, (S)Stetson, Res. 03-281 was adopted approving the transfer; deleting the portions of the Agreement regarding title insurance report; clarifying that the costs and fees would be shared; and authorizing the Chairman to sign the Agreement /Ayes: Stetson, Bibby, Pickard; Excused: Balmain, Parker.

Cathi Boze, Agricultural Commissioner;

Presentation of the 2002 Mariposa County Agricultural Crop Report

BOARD ACTION: Cathi Boze, Agricultural Commissioner advised that there was a correction on page seven relative to the photograph being placed over the footnote and discussion was held relative to the “Be Californian, Buy California Grown” campaign.

Marjorie Wass, Treasurer/Tax Collector;

Waive the First Reading and Introduce an Ordinance Amending Sections 1.16.020 through 1.16.061 of Chapter 1.16 of the Mariposa County Code Changing Precinct Lines Because of the Redistricting

BOARD ACTION: Discussion was held with Marjorie Wass relative to the request. She advised that there were two corrections to the Ordinance, adding the word North in the second sentence on page eleven and making the number nine into a beginning parenthesis on page nineteen. (M)Stetson, (S)Bibby, first reading was waived and the Ordinance was introduced with corrections as noted/Ayes: Stetson, Bibby, Pickard; Excused: Balmain, Parker.

Information on the September 13, 2003, Event to Celebrate the Amphitheater Opening (Supervisor Stetson)

BOARD ACTION: Supervisor Stetson advised that the Amphitheater building, landscaping and seating would be finished for the opening. Expected at the opening are appearances by “Teddy Roosevelt”; “John Muir”; Jimmy Collier and Dan and his band; Bootjack Stompers; Tammy Andrews’ dance group; History Museum docents in costume and Les Marsden Official Brass Fanfare. Pending are Inky’s Basement Band; members of Bandaloops and a blessing by the Indian Council.

INFORMATION: – No action was necessary on the following:
Information Hearing Schedule (Clerk of the Board)

CONSENT AGENDA:

- CA-1 Authorize the Chairman to Sign an Order of the Board to Reject Claim No. C03-4 for an Amount of \$23,635 (County Counsel); Res. 03-282
- CA-2 Waive the Second Reading and Adopt an Ordinance Approving Development Agreement No. 2002-472, for a Skilled Nursing Facility and Assisted Living Facility in the Town of Mariposa (APNs 012-350-008 and 012-350-010); Norm Gallagher and Rick Roesch, Applicants (Planning); Ord. 990
- CA-3 Waive the Second Reading and Adopt an Ordinance Amending the Zoning Designation on APNs 013-186-003 and 013-186-005 from General Commercial to Public Quasi-Public and to then Develop a Limited Scale Arts Venue and Park as a Component of the Mariposa Creek Parkway; County of Mariposa, Applicant (Planning); Ord. 991
- CA-4 Authorize the Chairman to Adopt a Resolution and Accept Funding for the Fiscal Year 2003-04 in the Amount of \$182,233 for the Continuation of the Mariposa County Drug Task Force Grant, Administered by the Office of Criminal Justice Planning (OCJP) (Probation); Res. 03-283
- CA-5 Approve Budget Action for Fiscal Year 2003-04 Transferring Funds to Equipment Maintenance for the Walk-In Refrigerator and Freezer Compressor at the Senior Center for the Nutrition Meals (\$1,750) (Community Services); Res. 03-284
- CA-6 Authorize the Public Works Director to Execute a Personal Services Agreement with Belinda Humphrey for Recycling and Waste Education Consulting Services (Public Works); Res. 03-285
- CA-7 Authorize the Public Works Director to Issue a Request for Bids for Purchase and Delivery of Soil Cover Material for the Landfill and Award to the Lowest Responsible Bidder (Public Works); Res. 03-286
- CA-8 Adopt a Resolution Authorizing Public Works to Remove Parcel Number APN 011-300-0740 from the El Toro Road Zone of Benefit (Z90-03); and Direct Public Works to Refund Payments, Including the Appropriate Interest Made by this Parcel, to the Zone of Benefit for Maintenance of El Toro Road (Public Works); Res. 03-287
- CA-9 Approve Budget Action Transfers Within the Housing Assistance Program, Fund 332, to Reflect Actual Program Expenditures for Fiscal Year 2002-03 (\$6,400) (Human Services); Res. 03-288
- CA-10 Approve the Proposed Classification of Deputy Director Community Action Agency and Housing Authority, Set the Salary at Range 275 (\$3,715-\$4,516), and Assign the Position to Mariposa County Managerial and Confidential Organization (MCMCO) (Personnel); Res. 03-289

9:36 a.m. Adjournment in memory of William Severns, Clarion “ Bart” Haney, Donald Lowrimore, Newton Blodgett, Elsie Chapman and Arthur Casaretto.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA August 12, 2003



Time Description

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

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda – none.

Board Information

- Supervisor Balmain advised that the Airport improvement project is doing quite well and that he attended the Bio-Diversity Council Meeting in Sacramento on July 30, 2003.
- Supervisor Bibby announced a District II and District III joint meeting this evening at 7:00 p.m., at the Airport, to discuss the possibility of forming an area plan advisory committee. She also advised of a Catheys Valley Town Planning Area Planning Advisory Committee meeting this evening at 7:00 p.m. at McCay Hall in Catheys Valley. She noted that the air conditioning in McCay Hall was expected to be fixed today and then later announced that the meeting was cancelled due to the lack of air conditioning. She also announced an open forum General Plan District III meeting at the Stag Hall in Hornitos on August 18, 2003, and an open forum General Plan discussion at McCay Hall in Catheys Valley on August 20, 2003, both at 7:00 p.m.
- Supervisor Pickard announced that he had attended the Area Agency on Aging JPA Advisory meeting in Markleeville on August 7, 2003. He announced that a \$50,000 loan had to be approved to make payroll and to cover the cost of essentials pending adoption of the State budget.

Approval of the Consent Agenda (See End of the Minutes)

BOARD ACTION: Supervisor Balmain requested items 7 and 9 be pulled with his comments to be held until the items were brought back to the agenda. Supervisor Parker pulled item 7 and Supervisor Bibby pulled item 9. (M)Stetson, (S)Parker, the balance of the items was approved/Ayes: Unanimous. The Board concurred with bringing item 7 back at another time. Discussion was held relative to item 9, and Supervisor Bibby advised of corrections per her discussion with Dr. Mosher. Supervisor Balmain stated he feels the regulations should be clearer in the Plan. Item 9 was pulled from the agenda to be brought back at another time.

Adopt a Resolution Allocating 100-Percent of the Portion of Funds the County Received for Local Projects Through Participation in the Secure Rural Schools and Community Self-Determination Act of 2000, Full Safety Net Payment for Authorized Projects Pursuant to Title III of the Act; and Designate Fifteen Percent of its Safety Net Payment to Title III Projects Under This Act (Supervisor Balmain)

BOARD ACTION: (M)Balmain, (S)Stetson, Res. 03-297 was adopted/Ayes: Unanimous.

Supervisors Parker and Pickard;
Discussion and Direction Concerning the Registration of the Mt. Buckingham School/Darrah Schoolhouse on the State Register

BOARD ACTION: Chairman Pickard initiated discussion relative to the preparation of the application to the State Office of Historic Preservation for the registration of the Mt. Buckingham

School/Darrah Schoolhouse. Direction was given to Planning to prepare the application and to advise the Board of pros and cons and of any requirements to be met because of the registration before the application is submitted.

Jeff Green, County Counsel;

Waive the First Reading and Introduce an Ordinance Increasing the Transaction and Use Tax by One-Half Percent of One Percent for the Benefit of the John C. Fremont Healthcare District for a Four Year Period and Placing the Ordinance Before the Electorate of Mariposa County

BOARD ACTION: Following discussion, (M)Parker, (S)Balmain, first reading was waived and the Ordinance was introduced, with direction given for the Hospital to pay for the election costs/Ayes: Unanimous.

9:34 a.m. Cheryle Rutherford-Kelly, Human Services Director;

PUBLIC HEARING to Consider the Mariposa County Housing Conditions Survey Report and the Subsequent Mariposa County Housing Program Needs Assessment Report

BOARD ACTION: Cheryle Rutherford-Kelly, Human Services Director presented the staff report and introduced Tracey Ferguson, Parsons representative, who presented a PowerPoint presentation and overview of the reports. Cheryle and Tracey responded to questions from the Board relative to consideration of the mobile homes and Native American allotment land residences and whether they were included in the needs assessment report; ability to assess electrical, etc. on a drive-by review; whether grants would be available for infrastructure needs if an area is identified for housing; being able to replace pre-1975 mobile homes; relative to program strategy and focusing on what the County can do with the National Park Service; and relative to vacation rentals and inspections as shown in the report. Tracey advised that the process to obtain the information for the reports was gained by using a "windshield" drive-by method. Cheryle stated the State would utilize the reports to prioritize housing needs within the county. Rich Inman, County Administrative Officer, noted that the timing of the reports is good as it coincides with the update of the housing element in the General Plan Update. In response to a question by Supervisor Bibby, Cheryle suggested the possibility of expanding tenant/landlord rights workshops to be open countywide instead of only to those with housing vouchers.

The public portion of the hearing was opened. There was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. Discussion was held relative to the requirement to submit the reports to the State, and Tracey advised that the state has granted an extension to August 15, 2003, for submission of the reports. (M)Bibby, (S)Stetson, Res. 03-298 was adopted authorizing staff to submit the two reports to the State to satisfy the grant requirements, and clarifying that this is a random report as many of the housing reviews were not on-sight reviews. Cheryle advised that she would submit the reports with a cover letter advising that a public hearing was held, that it was noted that many of the housing reviews were not on-sight reviews, and advising that there will be further conversation relative to the housing needs in the County. Ayes: Unanimous. The hearing was closed.

10:24 a.m. Recess

10:48 a.m. Jim Petropulos, Public Works Director;

A) Authorize the Public Works Director to Issue a Request for Bids to Excavate and Relocate Waste and Earth Materials at the Mariposa County Landfill and Award a Contract to the Lowest Responsible Bidder

BOARD ACTION: Jim Petropulos, Public Works Director introduced Steve Engfer, Solid Waste Manager, who presented a PowerPoint presentation relative to the proposal to relocate pre 1990 medical waste and other waste that is outside of the permitted disposal boundary at the Mariposa County Landfill; and to do preliminary excavation for site development of the compost facility site, buy back center and landfill operations relocation. Discussion was held, and it was noted that the Landfill no longer accepts medical waste, and Steve advised that the permitted area has been

surveyed to establish boundaries. (M)Parker, (S)Stetson, Res. 03-299 was adopted authorizing the requests/Ayes: Unanimous.

B) Approve the Plans and Specifications for the Red Cloud Restroom Replacement, Project #PW03-02, and Authorize the Public Works Director to Advertise the Project and Award a Contract to the Lowest Responsible Bidder

BOARD ACTION: Jim Petropulos, Public Works Director advised that wording will be added to the specifications, clarifying that one bid is for the labor and one bid is for the materials. (M)Balmain, (S)Bibby, Res. 03-300 was adopted approving the request. Discussion was held and Jim stated the restroom would have a heating unit that is thermostatically controlled, to prevent the freezing of pipes. Ayes: Unanimous.

C) Authorize the Public Works Director to Add “Recycling” to the Solid Waste Division Name and to Create a Logo for the Division

BOARD ACTION: Discussion was held. (M)Parker, (S)Stetson, Res. 03-301 was adopted approving the division name change, and direction was given for staff to bring back more information on sample logos/Ayes: Unanimous.

Supervisor Bibby advised that the Catheys Valley Town Planning Area Planning Advisory Committee meeting scheduled for this evening has been cancelled due to the work on the air conditioner. She also noted that the drinking fountain still needs to be replaced at the Park.

11:20 a.m. MARIPOSA AIR POLLUTION CONTROL DISTRICT

Charles Mosher, Health Officer;

Adopt a Resolution Authorizing the Health Officer/Air Pollution Control Officer to Sign a Grant Award and Authorization Form and Other Necessary Documents to Implement Carl Moyer Program Funding for One Year as a \$100,000 State Grant with No Local Match Required; and Approve Budget Action Increasing Revenue and Appropriations (\$100,000) (4/5ths Vote Required) (Continued from 7-22-03)

BOARD ACTION: Discussion was held with Dr. Mosher relative to the program, who stated that Yosemite National Park is not eligible to administer the program directly from the State. Rich Inman, County Administrative Officer, advised that the grant application is focused on Public Works and the National Park Service at this time, and he offered the service of his office for the administration of the program. (M)Parker, (S)Stetson, APCD Res. 03-1 was adopted approving the request/Ayes: Unanimous.

11:31 a.m. CLOSED SESSION: Matter Relating to Public Employee Employment, Review Applications and Discuss the Selection Process for the County Counsel Position (County Administrative Officer)

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

11:50 a.m. Lunch

2:16 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed session.

Eric Toll, Planning Director;

Joint Workshop with the Board of Supervisors and Planning Commission for the Purpose of the Commission to Respond to Questions from Board Members About the General Plan

BOARD ACTION: The Board and the Planning Commission met in a joint session for a workshop on the General Plan Update with Commission Radanovich excused. Commissioners Ludington, Turpin, Rudzik, and Crain were present. Chairman Crain called the Commission to order. Chairman Pickard reviewed the purpose of the workshop.

Input from the public was provided by the following:

- Dick Kunstman presented data that he prepared relative to the responses to the comments that were provided for the Update, and he stated he hopes that the comments and responses will be incorporated into the Draft document. If not, he feels a new environmental impact report (EIR) may be required.

- Gene Mickel asked whether the seven elements are mandated by the State, and what would happen if nothing was done to the existing Plan. He suggested that the mandated elements be done, and that the other options be looked at in the future to hasten the process. Eric Toll responded relative to the requirements.

- Barry Brouillette stated he feels the seven mandated elements help to prevent chaos, and he feels the options come from the community as tools to provide for the direction that we want to go.

- Les Marsden stated he does not feel that this General Plan Update is geared to the short-term, but to the long-term.

Chairman Pickard provided some introductory remarks relative to the Update.

Planning Commission Chair Crain provided some introductory remarks from the Commission's perspective, and reviewed the process thus far. Commissioner Rudzik added to the introductory remarks.

Discussion was held. Supervisor Parker asked about the origin of the term "concentric development" and the "ready to build" recommendations due to water concerns. Commissioner Turpin noted that it has taken a long time to get to this point, and he urged the Board to not let the process drag on. Discussion was held relative to the status of the Commission's involvement in the Update and a process for the Commission to provide input to the Board on the document.

Supervisor Parker suggested that the Commission could provide input to the Board, but that the input not be implemented by staff into the document. Supervisor Stetson suggested that energy be discussed as a major concept in the Plan, and that there be more included relative to education.

Supervisor Bibby noted that she plans to work closely with her Commissioner during the process.

Supervisor Parker asked what kind of changes would require a revisit of the environmental review of the document. It was noted that the document still needs to be proofed for typographical errors and wordsmithing, and that there are inconsistencies that need to be corrected, and information that needs to be updated. Supervisor Parker suggested that direction be given to staff to not hold projects pending the adoption of the Update. Discussion was held relative to scheduling the public hearing process and going through one element at a time. The Board concurred with routing the final draft at the conclusion of the hearing process, and with holding a final hearing on the Update. Eric Toll advised that the fiscal element information will be available at the end of the week.

Additional input from the public was provided by the following:

- Trudy Williams asked about the procedural process for resubmitting public comments that were deferred or not answered. Eric Toll advised that everything that has been submitted is a part of the record, and he advised that the Planning Commission considered every comment.

- Yvonne Bennett noted that there are two drafts of the Update and now discussion of a third, and she asked if they could turn the first two in to receive the third.

- Ken Melton referred to the Board's previous consensus to look at individual elements and start with the first seven that are mandated. He stated he thought the Board would hold workshops prior to the public hearing. Chairman Pickard noted that the public portion of the hearing could be held open to take input throughout the process of reviewing the Update.

- Tim Miller stated he is a land use planning consultant and represents owners in the Yosemite West area. He stated he would appreciate an opportunity to look at the final draft after the Board's first review. He also stated it would be helpful if the Board would identify in advance the sections of the Plan that it will be addressing at each meeting so people could determine which meetings they want to attend.

Discussion was held relative to consideration of holding workshops versus the public hearing process. Chairman Pickard noted that a hearing would still be required. Jeff Green, County Counsel, advised that the public hearing process could allow the same opportunity for public input as the workshop format. Commissioner Turpin referred to difficulties the Commission encountered with getting timely responses to their questions from departments. Chairman Pickard set the public hearing for September 16, 2003, at 2:00 p.m. to take public comment and to further set dates to

review the Plan, with direction for the public portion of the hearing to remain open until the conclusion of the hearing process.

3:52 p.m. The Planning Commission adjourned.

CONSENT AGENDA:

- CA-1 Approve the Budget Action for Fiscal Year 2002-03 Transferring Funds Within the Facilities Maintenance Budget to Cover Higher Than Anticipated Utility Costs (\$14,000) (Public Works); Res. 03-290
- CA-2 Approve Budget Action Transfers Within the Community Action Program, Fund 335 to Reflect Actual Program Expenditures for Fiscal Year 2002-03 (\$32,450) (4/5ths Vote Required) (Human Services); Res. 03-291
- CA-3 Adopt a Resolution Authorizing the County Librarian to Close the Mariposa County Library System on Saturday, August 30, 2003 and Saturday, October 11, 2003 (Librarian); Res. 03-292
- CA-4 Authorize the County Librarian to Apply for the Target Stores 2003 Community Giving Program Grant with No Matching Funds Required (Librarian); Res. 03-293
- CA-5 Authorize the County Librarian to Apply for the National Aeronautics and Space Administration (NASA) at Your Library Traveling Library Exhibit (Librarian); Res. 03-294
- CA-6 Waive the Second Reading and Adopt an Ordinance Amending Sections 1.16.020 through 1.16.061 of Chapter 1.16 of the Mariposa County Code Changing Precinct Lines Because of the Redistricting (Elections); Ord. 992
- CA-7 Approve a Policy for Accounting the Budgets of Environmental Impact Reports (EIR), Allowing the County Administrative Officer to Approve Line Item Budget Adjustments in the EIR Accounts with the Total Expenditures Approved by the Board of Supervisors (Planning); Matter was pulled to be brought back in the future.
- CA-8 Approve the Budget Action for Fiscal Year 2003-04 Transferring Funds Within the Probation Budget from Account Clerk III to Probation Professional Services to Cover the Expenses of an Employee Hired Through Boyer Temporary Personnel (\$6,820) (Probation); Res. 03-295
- CA-9 **MARIPOSA AIR POLLUTION CONTROL DISTRICT**
Resolution Adopting the Smoke Management Plan for the Mariposa County Air Pollution Control District (Health Officer); Matter was pulled to be brought back in the future.
- CA-10 Authorize the Chairman to Sign a Letter Commenting on the Recommendation Pertaining to Action: Grand Jury Office Improvement in the 2002-03 Mariposa County Grand Jury Report (County Administrative Officer); Res. 03-296

3:52 p.m. Adjournment in memory of Geraldine “Gerry” Frances Gaylord, Lottie Alford Starchman, Howard L. Savage, Manuel Hernandez Parreno, Gerald “Jay” Medicott, and Fred Mandley.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA August 19, 2003



Time Description

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

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Yvonne Bennett provided documents and expressed concerns relative to the equestrian/pedestrian trails in Lake Don Pedro, citing an example of Mr. and Mrs. Dean on Alamo Drive. Supervisor Balmain noted that the County is aware of the issue she raised, and he advised that he feels the information that was presented is erroneous.

Board Information

- Supervisor Balmain advised that he attended the Area Agency on Aging PSA-12 Advisory Meeting in Markleeville. He also advised that the Airport is doing great, commenting there is a new helicopter on the new helipad.
- Supervisor Bibby advised that the controlled burn scheduled for this date on the Long property has been postponed to Thursday due to weather conditions. She announced an open forum meeting to discuss the General Plan on August 20, 2003, at 7:00 p.m. at McCay Hall.
- Supervisor Pickard announced he will be attending the Regional Council of Rural Counties meeting on August 20, 2003 and August 21, 2003, and the Environmental Services Joint Powers Authority meeting in Sacramento.

Approval of Minutes of August 5, 2003, Regular Meeting

BOARD ACTION: Minutes were approved.

Approval of the Consent Agenda (See End of the Minutes)

BOARD ACTION: Supervisor Balmain requested item 2 be pulled for a correction and Supervisor Stetson requested item 1 be pulled. (M)Parker, (S)Stetson, the balance of the items was approved/Ayes: Unanimous. Discussion was held relative to item 2, and Supervisor Balmain advised of a correction. (M)Balmain, (S)Bibby, item 2 was approved with the noted correction to reflect the Stanislaus National Forest for the Groveland Ranger District/Ayes: Unanimous. Item 1 was continued to August 26, 2003.

Jim Petropulos, Public Works Director;

A) Adopt a Resolution Increasing the Loan Amount to Sierra Vista Estates Zone of Benefit, from the Revolving Zone of Benefit Fund 298, From \$10,000 to \$25,000, to Construct an Asphalt Emulsion Surface on Sierra Vista Way, Mountain Way and a Portion of the Emergency Access Road to Mitigate Dust and Provide a Safer Wearing Surface

BOARD ACTION: Discussion was held with Jim Petropulos relative to increasing the loan amount to the Sierra Vista Estates Zone of Benefit. Supervisor Balmain clarified that the interest rate that is charged will

be the same as the County receives for its portfolio. (M)Stetson, (S)Parker, Res. No. 03-305 was adopted, approving the increase of the loan amount/Ayes: Unanimous.

B) Authorize the Public Works Director to Sign a Grant Offer in the Amount of \$450,000 from the Federal Aviation Agency (FAA), which Requires a Ten-Percent Match, to Provide Various Improvements for the Mariposa/Yosemite Airport

BOARD ACTION: Discussion was held with Jim Petropulos, relative to typical Federal Aviation Agency (FAA) grants requiring a ten-percent match; the possibility of utilizing any unused funds from Airport Improvement Project Four, for the match after the project is completed; the duration the funds can be held after being accepted; and the need for water storage at the Airport. Jim advised that the grant encompasses water, security lights and replacement of the beacon stand. Supervisor Bibby questioned whether there was any possibility of a conflict, based on her interest in privately owned property near the Airport. Jim advised that there was no need for easements or the purchase of more property, and that this project would not impact the private property in any way. (M)Balmain, (S)Stetson, Res. No. 03-306 was adopted authorizing the Public Works Director to sign the grant offer/Ayes: Unanimous.

C) Recycling Program Informational Update Regarding SB332 Recycling Grant and the Waste Reduction Education Partnership

BOARD ACTION: Jim Petropulos introduced Steve Engfer, Solid Waste Manager, who presented a PowerPoint presentation relative to the SB332 Recycling Grant; the status of the recycling logo; the Waste Reduction Education Partnership; and other recycling efforts. Steve advised that 35 recycling bins, made from recycled plastic, have been purchased and several will be available for use at the Fair this year. He also stated that the Landfill has replaced an older oil recycling convault. Steve announced that the AB939 Task Force will meet for the first time on August 25, 2003, at 9:00 a.m., at the Development Services Library. Supervisor Pickard commented on the tremendous recycling program in Wawona during the school term, and stated he would like to see the program continue when school is not in session.

9:43 a.m. Recess

10:04 a.m. Rick Peresan, Technical Services Director;

Geographic Information System (GIS) Implementation – Status Update

BOARD ACTION: Rick Peresan introduced the item and Helen Keynon-Bares, Titan Project Coordinator, who presented a PowerPoint presentation relative to the Titan Company; Geographic Information System (GIS) accomplishments; and future needs for the GIS program in the County. Dick Kunstman questioned the size of the database and the size of the software, and Helen responded. Eric Toll, Planning Director stated that the Planning Department has been using a make-shift version of the system on their laptop.

Chairman Pickard welcomed and introduced Sally Macready-Wallace, who introduced her grandson, Chase Liston.

Authorize the County Administrative Officer to Contract with a Certified Appraiser to Conduct an Appraisal of the Juanita Moore Property, APN 013-125-001, Located on Bullion Street for the Possible Acquisition of a Site for a New Courthouse (County Administrative Officer)

BOARD ACTION: (M)Parker,(S)Balmain, Res. 03-307 was adopted, authorizing the County Administrative Officer to contract with a certified appraiser for an appraisal of the Juanita Moore property/Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Authorize the Chairman to Sign an Order of the Board to Reject Claim No. C03-6 for an Amount of \$14,003 (County Counsel); Matter was continued to August 26, 2003
- CA-2 Approve Certificates of Recognition for the Chamber of Commerce to Present to Agencies at the Public Safety Officer's Recognition Dinner on September 11, 2003 (Tourism & Economic Development)
- CA-3 Approve Budget Action for Fiscal Year 2003-04 Transferring Funds Within Fund 335 From Salaries and Benefits to Professional Services to Accommodate the Contract Services Agreement Approved by the Board on July 8, 2003 (\$15,815) (Human Services); Res. 03-302
- CA-4 Adopt a Resolution Approving and Authorizing the Environmental Services Joint Powers Authority (ESJPA) to Apply for a California Integrated Waste Management Board 2003-04 Waste Tire Education and Amnesty Day Grant and to Implement All Terms of the Grant as Designated by the California Integrated Waste Management Board (Public Works); Res. 03-303
- CA-5 Authorize the Public Works Fleet Services Department to Purchase the Currently Leased Chevrolet Tahoe that Terminates on September 27, 2003, for the Amount of \$17,919.54 and Re-Assign the Vehicle to Fire for the Replacement of FD-3 that is Currently on the Budget Vehicle Replacement List (Public Works/Fleet); Res. 03-304

10:30 a.m. Adjournment in memory of Robert M. Fiske, Grant W. Nance, and Vincent James "Jim" DeLucia.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA August 26, 2003



Time Description

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

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda – none.

Board Information

- Supervisor Balmain advised that the Airport improvement project is going great and that he attended the Sierra Summit meeting in Sonora on Friday, hosted by Congressman Radanovich and Assemblyman Cogdill, relative to our forests.
- Supervisor Bibby advised that she attended the Workforce Investment Board meeting in Sonora last Thursday, announcing that each agency's funding has been cut back and that Candace Katosic, Executive Director, has volunteered to take a cut in pay. She announced that Mariposa has a vacancy for a private vendor and if anyone knows of someone who would like to serve on the advisory committee, to please contact her. She reported that the Long burn scheduled for last week has been postponed until after the Fair, depending on the weather. She also advised that the General Plan meeting in Catheys Valley went well and was attended by about 25 people. The air conditioning is working and the drinking fountain has been installed.
- Supervisor Pickard advised that he attended the Regional Council of Rural Counties (RCRC) meeting Wednesday and Thursday of last week. Senator Kuehl from Santa Monica introduced a bill on the woodlands which would require a harvest plan and a harvest fee to be imposed by the Department of Forestry. Discussion was also held relative to SB18, relative to Native American historical sites and SB885, relative to septage regulations, which may have an impact on Mariposa County. He announced that he will be attending the County Medical Services Program (CMSP) meeting Thursday in Sacramento. Supervisor Pickard also announced that it has been requested that the Board recognize "Cousin Jack" Franklin for his contributions to the business community and the county. It was agreeable with the Board of Supervisors that a *Mariposa County Courthouse* book, signed by the Board members and a cover letter be presented to "Cousin Jack".

Rich Inman, County Administrative Officer;

Introduction of Sandra Wright, new Superintendent of California Youth Authority Mt. Bullion Youth Conservation Camp

BOARD ACTION: Rich Inman introduced and welcomed Sandra Wright. Sandra introduced the Assistant Superintendent, Larry Rochelle and noted that Dennis Tannahill from California Department of Forestry was present. Supervisor Pickard commended the work done in the community by the CYA, and stated he hopes the Mt. Bullion Camp remains a viable resource to the county.

Bob Pickard, Board of Supervisors, Chairman;

Proclaim the Week of September 7th through 13th, 2003 as “California History Week”

BOARD ACTION: (M)Parker, (S)Stetson, the Proclamation was approved. Supervisor Pickard read the Proclamation and announced that the Order of the Daughters of the Golden West have pursued a Resolution to declare this week in September as California History Week/Ayes: Unanimous.

Approval of the Consent Agenda (See End of the Minutes)

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

Jeff Green, County Counsel;

Authorize the Chairman to Sign an Order of the Board to Reject Claim No. C03-6 for an Amount of \$14,003

BOARD ACTION: Jeff Green, County Counsel announced that Jim Allen, Sheriff and Bob Brown, District Attorney were present to answer questions from the Board. Supervisor Stetson stated he believes the State law should have precedence over the federal law in this matter. Supervisor Bibby advised that a prescription for marijuana is an affirmative defense, as an option of treatment. (M)Bibby, (S)Parker, Resolution 03-313 was adopted rejecting the claim. Supervisor Parker advised that this is a legal matter to be handled by the Sheriff’s Department and District Attorney, and the only reason the Board of Supervisors is involved is because a claim was brought against the county. Ayes: Balmain, Bibby, Parker, Pickard; Abstained: Stetson.

Rich Inman, County Administrative Officer;

Approval to Place Rotary International Emblem at the New Amphitheater

BOARD ACTION: Rich Inman advised that he has met and discussed this matter several times with the Rotary. Roger Brunelle, Rotary President, was present for the discussion. Kay Mickel provided the history of the Rotary Club, listed completed projects, described how the Rotary Club came up with the idea to build a simple amphitheater, and how many Rotarians pledged \$1,000 each, while others donated even more towards the project. Supervisor Stetson clarified that he and his wife are not members of the Rotary; and he acknowledged the Rotary’s vision to begin this project and their efforts; however, he stated he has a concern with placing the Rotary emblem on the building versus a plaque reflecting their contribution. Kay Mickel suggested that the County could place its emblem on the other side of the building. Supervisor Parker stated he feels that placing the Rotary emblem on the building makes it appear to be a completed project by Rotary only. He commented on this history of the involvement of the County, the initial request for the County’s assistance was for help because the amphitheater building had been ordered and Rotary was in jeopardy of losing their deposit because they did not have enough funding. He suggested that the Board continue to work with Rotary to find a form of recognition representing all involved and bring the item back to the Board for approval. Supervisor Bibby and Supervisor Pickard stated they did not see a problem displaying the Rotary emblem on the building, but wanted to make sure that it was known it was a community effort and provide equal acknowledgment of all involved. Kay Mickel noted that the Rotary originally planned to recognize those who donated to the seating; however, the change in design will not accommodate the brass plaques; and they originally planned to include the Rotary name in the amphitheater’s name. She also stated that she feels that fully utilizing the building should generate revenue.

Roger Brunelle advised that Rotary has worked on the project for about six years and has contributed approximately \$30,000 towards the project and is fully funding the grand opening of the amphitheater. He would like to see the plaque up by the amphitheater opening on September 13, 2003.

The Board concurred with Supervisor Parker and Supervisor Stetson working with Rich Inman to bring back another suggestion that properly acknowledges everyone involved. The Board further concurred with having an interim display of recognition for the opening.

9:59 a.m. Recess

10:15 a.m. Dave Martin, United States Forest Service; Presentation Relative to the Sierra Nevada Forest Plan Amendment (SNFPA) Draft Supplemental Environmental Impact Statement (SEIS)

BOARD ACTION: Dave Martin, District Ranger presented the staff report relative to alternatives analyzed in the Sierra Nevada Forest Plan Amendment, including the land allocations; aquatic conservation strategy and associated land allocations; desired conditions for land allocations; fire and fuels strategy and modifying the landscape fire behavior by using Strategically Placed Area Treatments (SPLATs). He advised that the comment period ends on September 12, 2003.

- Dick Kunstman clarified the definition of basal mass.

- Lyle Turpin, President of the Farm Bureau, asked whether there is any permitted activity such as logging or grazing in the Spotted Owl habitat areas; commented on the treatment using the emasculator and asked how the re-growth of the trees and brush will be addressed; and he asked about the location of the Willowfly Flycatcher. Dave responded to the questions, and Lyle commended the Board for its efforts in this matter.

Supervisor Balmain stated he feels that the forests are overgrown and biomass is choking them. He stated that there is no healthy management system and the Amendment needs to focus on utilizing the products for its citizens.

- Dick Kunstman stated the North Fork plant, which generated energy from biomass, could no longer operate economically after deregulation.

11:40 a.m. Recess

11:50 a.m. Authorize the Remodel of the Rock House with Sund-Pelosso Funding at a Cost not to Exceed \$119,000; Authorize Public Works to Develop Plans and Specifications for the Remodel and to Bring Them Back for Board Approval; Approve the Relocation of the District Attorney from the Lind House to the Rock House and the Sheriff Investigators from the Rock House to the Lind House Once the Remodel is Complete (County Administrative Officer)

BOARD ACTION: Discussion was held relative to the request and whether a Local Area Network (LAN) was available, and relative to the funding for the remodel of the Rock House. Bob Brown, District Attorney, provided input, and he advised that the office above Sierra Stationers has been closed and the storage unit company has been notified that their agreement will not be renewed, and these actions will generate a cost savings. (M)Parker, (S) Stetson, Resolution 03-314 was adopted authorizing the remodel of the Rock House and the relocation of the District Attorney and the Sheriff Investigators as recommended; and direction was given for clarification to be obtained from the State Controller's Office relative to the use of the funds/Ayes: Unanimous.

12:06 p.m. Supervisor Parker was excused.

Board Direction and Possible Action Concerning the Proposal from Geometra Phneumaic Energy Recovery Systems, Inc. (GPERS) to Establish a Tire Recycling Facility in Mariposa County (Supervisor Balmain)

BOARD ACTION: Discussion was held relative to the proposal that was previously presented by GPERS for establishing a tire recycling facility in Mariposa County. The Board concurred with Supervisors Balmain and Stetson working with the County Administrative Officer to further review this matter, and with the County Administrative Officer sending a letter to GPERS, asking for more detailed information relative to their proposal.

CLOSED SESSION: Matter Relating to Public Employee Employment, Conduct Interviews for County Counsel Position (County Administrative Officer)

BOARD ACTION: (M)Bibby, (S)Stetson, closed session to be held at 2:00 p.m./Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

12:16 p.m. Lunch

2:05 p.m. The closed session was held with all Board members present.

3:56 p.m. The Board reconvened in open session and Chairman Pickard announced that direction was given to staff as a result of the closed session.

CONSENT AGENDA:

- CA-1 Waive the Second Reading and Adopt an Ordinance Increasing the Transaction and Use Tax by One-Half Percent of One Percent for the Benefit of the John C. Fremont Healthcare District for a Four Year Period and Placing the Ordinance Before the Electorate of Mariposa County (County Counsel); Ord. 993
- CA-2 Authorize the Literacy Coordinator and the County Librarian, to Apply for a WorkForce Investment Act Grant, Allowing Collaboration with Mountain Crisis Services, the Sheriff's Department, Job Connection, and Mariposa Counseling Center for Adult Basic Education, GED Preparation, and Literacy Screening (Librarian); Res. 03-308
- CA-3 Authorize the Literacy Coordinator and the County Librarian to Apply for a Verizon Foundation Grant, Focusing on Basic Literacy Skills and Preparing Adults to be Computer Literate (Librarian); Res. 03-309
- CA-4 Appoint Dennis Tannahill as a Representative of the California Department of Forestry to the Emergency Medical Care Committee (EMCC) (Health Officer)
- CA-5 Appoint Dana Tafoya, Mariposa County Emergency Medical Services (EMS) Coordinator, as a Representative to the Quality Improvement Sub-Committee of the Emergency Medical Care Committee (EMCC) (Health Officer)
- CA-6 Appoint Ray Jeske as At-Large Member for the Building Advisory and Appeals Board with a Term of Two Years (Building Director)
- CA-7 Approve a Contract for Fiscal Year 2003-04 with the California Mental Health Director's Association (CMHDA), which Arranges Needed Mental Health Services Through the Administrative Services Organization (ASO) for Eligible Foster Children and Youth Who Have Been Placed in Homes Outside of Mariposa County; Authorize the California Department of Mental Health to Withhold and Transfer from Medi-Cal Managed Care Funds an Amount it has Designated to Fund Services Provided by the ASO (\$1,000 for Fiscal Year 2003-04); and upon Approval by County Counsel, Authorize the Department of Human Services Director to Approve this Contract in Future Fiscal Years (Human Services Director); Res. 03-310

- CA-8 Approve a Policy for Accounting the Budgets of Environmental Impact Reports (EIR), Allowing the County Administrative Officer to Approve Line Item Budget Adjustments in the EIR Accounts with the Total Expenditures Approved by the Board of Supervisors (Planning); Res. 03-311
- CA-9 Reclassify a Library Assistant II Allocation (Salary Range 130/\$1,806 - \$2,195) to a Senior Library Assistant (Salary Range 150/\$1,995 - \$2,425) Effective July 1, 2003 and Approve Additional Funding for the Reclassification (\$4,177) (4/5ths Vote Required) (County Administrative Officer); Res. 03-312

3:57 p.m. Adjournment in memory of Joyce Morrill.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA September 2, 2003

Time Description

9:04 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions – Chairman Pickard announced that he participated at the Jr. Livestock Auction at the Fairgrounds on Sunday and recognized the presence of Vincent Santi, 4-H member, and his mother Donna Santi with Vincent’s rabbits that were purchased by the Board members. Chairman Pickard congratulated Vincent and presented him with a Courthouse pin, and thanked the Mariposa Future Farmers of America (FFA) Boosters for their support with the purchase.

9:08 a.m. Adjourn Meeting to Mariposa County Library, 4978 10th Street, (Government Code Section 54955), Relative to the Presentation of a Check for \$30,000 to Mariposa County Unified School District for the Sports Transportation Program and “YES on SPORTS/NO on TOBACCO” Campaign (County Administrative Officer)

BOARD ACTION: (M)Parker, (S)Stetson, the meeting was moved to the Library/Ayes: Unanimous.

9:12 a.m. The Board reconvened in front of the Mariposa County Library and presented a check for \$30,000 to Donna Ross, President of the Mariposa County Unified School District, for the sports transportation program. Representatives of the School District and the High School Student Body were present for the presentation.

9:23 a.m. Recess

9:46 a.m. The Board reconvened at the Mariposa County Government Center, Board Chambers, at 5100 Bullion Street.

Bob Pickard, Board of Supervisors, Chairman;

Presentation of a Resolution Recognizing Leigh Gamble upon his Retirement from CalTrans and Recognizing Sherry Gamble upon her Retirement from Mother Job Training Agency (Job Connection Mariposa) (Supervisor Bibby)

BOARD ACTION: (M)Parker, (S)Bibby, Res. 03-315 was adopted and presented to Leigh and Sherry Gamble/Ayes: Unanimous.

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda – None.

Chairman Pickard advised that he, Supervisor Bibby, and former Supervisor Eric Erickson accepted a special recognition plaque at the Fair from the FFA and 4-H Clubs, recognizing twenty years of support by the Board of Supervisors at the Jr. Livestock Auction.

Board Information

- Supervisor Bibby advised of a Catheys Valley Town Planning Area Planning Advisory Meeting tonight at 7:00 p.m. at McCay Hall.

- Supervisor Stetson announced that the Amphitheater opening scheduled for September 13, 2003, has been postponed due to construction delays and will possibly be rescheduled for October 12, 2003.
- Chairman Pickard advised that he attended the County Medical Services Planning (CSMP) and Benefits meeting last Thursday and funding deficits were discussed.

Approval of Minutes of August 12, 2003, Regular Meeting

BOARD ACTION: Minutes were approved with corrections as noted.

Approval of Minutes of August 19, 2003, Regular Meeting

BOARD ACTION: Minutes were Approved.

Approval of the Consent Agenda (See End of the Minutes)

BOARD ACTION: Supervisor Bibby requested that items 1 and 3 be pulled for discussion. (M)Bibby, (S)Stetson, item 2 was approved/Ayes: Unanimous.

Discussion was held with Jim Petropulos, Public Works Director, relative to Consent Agenda item 1. Direction was given to Jim to provide more information on the miscellaneous expenses in the amount of \$3,809 in the Vehicle Replacement budget. Action was taken with the following item.

Discussion was held with Rich Inman, County Administrative Officer, relative to Consent Agenda item 3. (M)Stetson, (S)Parker, Res. 03-316 was adopted approving the budget adjustments, as recommended in item 1; and Res. 03-317 was adopted combining the job classifications to reflect the positions as Engineering Technician I/II/III, and approving the job descriptions, as recommended in item 3/Ayes: Unanimous.

Authorize the Expenditure of \$14,000 from Tobacco Settlement Funds for Mariposa County Unified School District to Operate the Late Bus Route to Yosemite Park, Instead of Yosemite Area Regional Transportation System (YARTS) (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, advised that he met with Jesse Brown relative to the utilization of the Yosemite Area Regional Transportation System (YARTS) for the late bus run to Yosemite. He advised of liability issues raised by the School District if YARTS is used, and he suggested that the funding be provided to the School District to provide the service.

Discussion was held with Patrick Holland, Superintendent of Mariposa County Unified School District, relative to the liability issues. He further advised that the \$14,000 would not reinstate the late bus routes to the same service previously provided by the School District. Board members asked for information relative to the number of students that the late buses serve for each route and for a breakdown of the costs for each of the routes. Superintendent Holland suggested that the Board prioritize the routes depending on the available funding.

Further discussion was held relative to the matter, relative to liability issues, relative to the status of the late bus service currently being provided, and relative to timeframes for the School Board to act to reinstate the routes if funding is provided. Supervisor Balmain stated he feels that this is a matter of timeliness due to the sports programs and other activities that began with the school year. Supervisor Parker asked about the possibility of including the Local Transportation Commission in this matter to extend the current routes to Yosemite Valley and to Don Pedro and Greeley Hill. Supervisor Parker suggested that direction be given to the County Administrative Officer to review the options that are available and to make adjustments, including utilization of the \$14,000, to reinstate the routes in the interim of working out a solution for the balance of this school year. Further discussion was held.

Supervisor Parker proposed making a motion, and Supervisor Bibby stated she would second, that direction be given to the County Administrative Officer to use the County's resources to make sure that when the School buses drop the students off, that the County is there to finish the routes, and suggested that perhaps YARTS could be used to provide service to Catheys Valley; in the interim of negotiating for the long-term. Superintendent Holland stated he could ask the School Board to hold a special meeting to take action on this matter. Discussion was held relative to the option of providing funding

for the School District to reinstate the routes. Supervisor Parker wanted the record to be clear that the Board's consideration of this funding is one-time for this fiscal year only.

(M)Parker, (S)Balmain, to authorize expenditure up to \$14,000, pending the outcome of the School Board's special meeting, to extend the bus routes from El Portal to Yosemite and from Coulterville to Don Pedro and Greeley Hill so that the service is restored to the level provided last year; and to give direction to the County Administrative Officer to bring back funding information for the balance of the school year, was withdrawn by the second following further discussion. Further discussion was held relative to the status of the four runs: Yosemite, Northside, Bootjack, and Catheys Valley. The motion died for lack of a second.

11:16 a.m. Recess

11:38 a.m. Continued discussion was held relative to the School District's late bus issue. (M)Balmain, (S)Bibby, to fund a total of \$53,000 from the Tobacco Settlement Funds, was restated following further discussion. Rich Inman noted that the School District is expending some funds toward the late bus system; therefore, the cost to reinstate the service should be less than the full costs of the service. Supervisor Balmain restated the motion by deleting the funding amount, and reflecting the Board's commitment to fund the additional service to restore the late bus to the level of service provided last year for the four runs. Rich Inman advised that he would work with Superintendent Holland relative to extending the anti-tobacco use campaign beyond the sports program if Tobacco Settlement Funds are used for the late bus purpose. The motion was amended, agreeable with the maker and second, to direct that this matter be continued to September 9, 2003, for more detailed information to be presented/Ayes: Unanimous.

12:00 noon Lunch

1:17 p.m. Rich Inman, County Administrative Officer;
Presentation by Brent Harrington, President and Chief Executive Officer (CEO) of Regional Council of Rural Counties (RCRC) Concerning Issues and Activities of the RCRC

BOARD ACTION: Rich Inman welcomed Brent Harrington, President and CEO of Regional Council of Rural Counties (RCRC), who introduced Jim Hemminger, Vice President of Regulatory Affairs of RCRC. Brent and Jim provided history relative to RCRC and provided information relative to the various programs and services offered by RCRC.

Jim Petropulos, Public Works Director;
Request Direction Regarding the Possible Lease of a Portion of the Historic Mariposa County Jail, Located at 5012 Bullion Street in the Mariposa Town Planning Area, for the Purpose of an Art Studio or Crafts Workshop

BOARD ACTION: Discussion was held with Jim Petropulos relative to possibly leasing a portion of the historic jail. Supervisor Parker recommended that if the Board wants to consider leasing any portion of the jail, it do so to non-profit organizations only versus commercial operations. Jeff Green, County Counsel, advised that the jail is not included in the use policy for county-owned facilities; and he further advised that the building does not meet ADA requirements or code compliance. Supervisor Parker stated he thought there was previous action taken by the Board to restrict access to the upstairs. The Board concurred with further reviewing this matter on a case-by-case basis, and in conjunction with the use policy for the arts park and amphitheater.

Information Hearing Schedule (Clerk of the Board)

BOARD ACTION: A correction was noted that the countywide election is October 7, 2003.

1:56 p.m. CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel); and CLOSED SESSION: Public Employee Appointment; County Counsel (County Administrative Officer)

BOARD ACTION: (M)Bibby, (S)Parker, the Closed Sessions were held/Ayes: Unanimous.

2:37 p.m. The Board reconvened in open session. Chairman Pickard announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Approve Final Budget Adjustments for Fiscal Year 2002-03 Transferring Funds within Various Budget Units to Cover Actual Expenditures (4/5ths Vote Required) (Public Works Director); Res. 03-316
- CA-2 Appoint Assistant Chief Thomas Nichols as the Representative of the Yosemite National Park Fire Service to the Emergency Medical Care Committee (EMCC) (Health Officer)
- CA-3 Authorize Flexing the Engineering Technician I, Engineering Technician II, and Engineering Technician III Positions in the Public Works Department by Combining the Classifications to Reflect the Positions as Engineering Technician I/II/III and Approve the Proposed Job Description (County Administrative Officer); Res. 03-317

2:38 p.m. Adjournment in memory of Olga Winn, Alice Klimack, Judge Best, and Sheriff Deputy Art Schneider.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA September 9, 2003



Time Description

9:12 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Bob Pickard, Board of Supervisors, Chairman;

Proclaim the Week of September 15th through 21st, 2003 as "California Small and Rural Telecommunications Week"

BOARD ACTION: (M)Parker, (S)Bibby, the Proclamation was approved and presented to Harry Baker, President and Chairman of the Board of Sierra Telephone/Ayes: Unanimous. Also present was Sherry Colgate, Assistant to Harry Baker. Harry provided the history of Sierra Telephone and stated he was honored to accept the Proclamation.

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Julia Richard, Mariposa County District V resident asked the Board how it could be justified that \$30,000 was given to the Mariposa County Unified School District for extra-curricular activities, when places like Jerseydale have lost bus service to and from regular school. Chairman Pickard stated that learning is not only in the classroom and the County was attempting to help the school not worry so much about the sports program, so they could restore some of the funding they do have to other areas of the transportation shortfall. The School Board is actively pursuing the lowering of the threshold to less than 500,000 miles to be eligible for a \$350,000 allocation for their transportation budget from the State. Supervisor Bibby advised that the late bus issues were brought to the Board's attention, but the Board was unaware of regular buses being eliminated.

- Dianne Fritz, Owner of the Happy Burger Diner, announced the Public Safety Officer's Recognition Dinner on September 11, 2003. Tickets are available at the Chamber of Commerce.

Board Information

- Supervisor Balmain announced that there was a District II meeting and potluck on August 27, 2003 in Greeley Hill. Sheriff Jim Allen introduced the new resident Deputy for the Northside, Noble Weeks and Fire Chief Blaine Shultz introduced the Assistant Fire Chief, Jim Middleton.

- Supervisor Stetson advised that there is a Midpines Community Advisory Committee Meeting tonight at 7 p.m., at the Midpines Community Hall.

- Supervisor Pickard announced that on September 11, 2003, at 10:30 a.m., there is a Yosemite Sequoia Resource Conservation Development Council annual meeting at the Best Western and a California Noxious Weed Awareness meeting this Friday.

Approval of the Consent Agenda (See End of the Minutes)

BOARD ACTION: Supervisor Bibby requested item 1 be taken separately from the remainder of the Consent Agenda, so she could excuse herself as she has a remaining interest in an estate that includes land adjacent to the airport. Supervisor Parker pulled item 4 for discussion and Rich Inman, County Administrative Officer pulled item 5 and requested it be brought back to the Board at a later date.

(M)Bibby, (S)Stetson, item 2 was approved and Res. 03-320 was adopted approving item 3/Ayes: Unanimous.

Supervisor Bibby was excused and left the Boardroom. (M)Balmain, (S)Stetson, Res. 03-319 was adopted approving item 1/Ayes: Stetson, Balmain, Parker, Pickard; Excused: Bibby.

Supervisor Bibby returned to the Boardroom. (M)Stetson, (S)Parker, Res. 03-321 was adopted approving item 4, increasing the amount to not exceed \$500 as suggested by Supervisor Parker/Ayes: Unanimous.

Jim Petropulos, Public Works Director;

A) Adopt a Resolution Approving Public Works, Parks and Recreation Division, to Apply for Grant Funds for \$1,200,000, for the Per Capita Program Under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2002, as a Result of Proposition 40-2002 Resources Bond Act

BOARD ACTION: Discussion was held with Jim Petropulos, relative to possible uses of the funding if obtained. (M)Balmain, (S)Bibby, Res. 03-322 was adopted, authorizing the Public Works, Parks and Recreation Division to apply for the grant/Ayes: Unanimous.

B) Authorize the Public Works Director to Award and Execute the Contract for the Arts Park Project to the Lowest Responsible Bidder

BOARD ACTION: Discussion was held with Jim Petropulos and Fred Solomon, Consultant, relative to the alternative bid items. Jim requested approval to utilize contingency funds to cover any small-unforeseen needs and utility hookup costs.

Supervisor Parker recommended the use of approximately \$45,000 from the Mt. Buckingham School/Darrah Schoolhouse Capital Improvement Project (CIP) and when the Kiwanis Club can meet the matching amount and depending on the historical status of the building, the Board can revisit that item at a later date. (M)Parker, (S)Stetson, Res. 03-323 was adopted, approving the recommended action and the use of approximately \$45,000 from the Mt. Buckingham School/Darrah Schoolhouse CIP, with the balance to come from the contingency/Ayes: Unanimous.

C) Authorize Public Works/Fleet Services to Purchase a 2003 Ford Explorer for \$24,899 (Which is Below the State Vehicle Bid List Price) for Use by the Sheriff

BOARD ACTION: Discussion was held with Jim Petropulos. Jeff Green, County Counsel recommended a formal waiver of the bid process. Jim confirmed that price comparisons were done, instead of taking this matter out to bid, as Dealers do not usually comply with the formal bid process for single purchased vehicles. (M)Balmain, (S)Parker, Res. 03-324 was adopted waiving the formal bid process and authorizing the purchase of a 2003 Ford Explorer/Ayes: Unanimous.

10:00 a.m. Recess

10:23 a.m. Further Discussion and Possible Action Relative to the Mariposa County Unified School District Late Bus Routes (Continued from 9-2-03) (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer initiated discussion by advising that he received an e-mail showing the need for \$31,564 to reinstate the late bus runs to last year's status. Chairman Pickard requested that any further discussion relative to this item be held, as a committee has met this morning and further investigation into the matter is needed. The matter was pulled for the committee to obtain more information and will be brought back to the Board at a later date.

Discussion and Action to Submit Response to the Sierra Nevada Forest Plan Amendment (SNFPA) Draft Supplemental Environmental Impact Statement (SEIS) (Continued from 8-26-03) (Supervisor Balmain and Supervisor Pickard)

BOARD ACTION: Discussion was initiated by Chairman Pickard relative to active management of our forests, the need for biomass to be a part of the solution, and the need to generate high priority revenues. Supervisor Balmain advised that of the forest products California utilizes, approximately 80% are imported.

Supervisor Stetson announced that he was not in favor of the letter as it stands. He felt he had not had enough time to review the letter and would not support it at this time. (M)Balmain, (S)Parker, Res. 03-326 was adopted approving the Board's response with changes as discussed and adding a request for a time extension to allow for more public input/Ayes: Balmain, Bibby, Parker, Pickard; Noes: Stetson.

Dick Kuntsman was recognized by the Chairman and provided information to the severity of the fire situation and fuel accumulation in Mariposa County.

Trudy Williams was recognized by the Chairman and advised that if the Supervisors were to provide individual responses, she would be able to support them; however, as a collective response, she would not support the response.

11:10 a.m. Recess

11:25 a.m. Eric Toll, Planning Director;

B) Authorize the Planning Director to Execute a Contract with Cotton/Bridges/Associates for Preparation of the Deerwood at the Lakes Specific Plan and Environmental Impact Report and a Separate Agreement on Behalf of the Mariposa Local Agency Formation Commission to Prepare a Municipal Services Review and Urban Water Management Plan

BOARD ACTION: Eric Toll presented the staff report and advised the Board they would not need to approve a separate agreement on behalf of the Mariposa Local Agency Formation Commission to prepare a Municipal Services Review and Urban Water Management Plan. He advised that the applicant has deposited a check to cover all costs for the preparation of the Specific Plan and the Environmental Impact Report and based on the current schedule, the item will return to the Board in mid November 2004. Eric noted that Randy Chafin representing Cotton/Bridges/Associates was present for any questions.

Supervisor Parker questioned Eric as to the Local Agency Formation Commission (LAFCO) agreement, recommended that LAFCO meet, and start the appropriate process. (M)Balmain, (S)Stetson, Res. 03-325 was adopted authorizing the contract and the County Administrative Officer to approve line item budget adjustments within the Deerwood at the Lakes fund/Ayes: Unanimous.

A) Status Report and Confirmation of Board Direction for the SilverTip Resort Village Planned Development in Fish Camp

BOARD ACTION: Chairman Pickard advised that this was not a public hearing. Eric Toll, Planning Director introduced William Abbott, Public Legal Counsel who advised that this item had not been advertised as a public hearing, that no testimony would be taken, and there was no need for public input. Eric presented the staff report relative to the zoning allocation, the left-hand turn lane from Hwy 41, the number of proposed rooms, the relocation of a concrete curb, the proposed height of the building and the necessity of a road. Eric advised that he believes that the recommended staff report is consistent with previous Board direction to staff and that if no objection from the Board, the Resolution will be written as 125 rooms, with the Board being able to consider up to 137 rooms and the height will be written as 45 feet, with the Board being able to reconsider. Eric advised the Board that because the Planning Commission had not considered the specific zoning configuration in today's packet, that the Board is required to send the recommendation to the Planning Commission for review and comment.

Direction was given to Eric to provide the number of acres included in the infrastructure less the road. Eric stated the item will return to the Board for deliberations on October 14, 2003, after review and comment by the Planning Commission.

CONSENT AGENDA:

CA-1 Approve Change Order 1 for the Mariposa-Yosemite Airport Helipad Project (\$78,827.97) (Public Works Director); Res. 03-319

- CA-2 Accept the Resignation of Mary Robinson and Re-Appoint Rich Roesch to the Coulterville Town Planning Advisory Committee (Supervisor Balmain)

- CA-3 Adopt a Resolution Amending the County Contribution for the Retirees of the Mariposa County Managerial and Confidential Organization (MCMCO) as well as Those Who Retired as an Appointed or Elected Official Under the Public Employees' Medical and Hospital Care Act by Increasing the Amount to \$594 from \$503.20 Effective December 1, 2003 (County Administrative Officer); Res. 03-320

- CA-4 Adopt a Resolution Amending Resolution No. 93-85 Regarding Payment of Expenses for a Departmental Open House or Reception by Increasing the Amount Not to Exceed \$300 Upon Pre-Approval by the County Administrative Officer (County Administrative Officer); Res. 03-321, with the amount increased not to exceed \$500.

- CA-5 Approve the Administrative Assistant-District Attorney's Office Class Spec, Set the Salary at Range 196 (\$2,508 - \$3,048/Month), and Eliminate the Paralegal Allocation Effective July 1, 2003 (County Administrative Officer); pulled, to be brought back to the Board.

12:04 p.m. Adjournment in memory of Zona "Beth" Montersino, George Oliver, David Lee, Lillian A. LeWallen, Azona Ligon, Virginia Spaulding, Wayne Williams, Muriel Williams, and "Cousin Jack" Franklin.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

By RACHEL PETTY
Deputy Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA September 16, 2003



Time Description

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

Pledge of Allegiance

Introductions

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Jim Allen, Sheriff, advised of changes in the State budget that cuts the \$500,000 allocated to his department's budget from the Rural and Small County Sheriff's Grants and the cut of funds used for reimbursement for mandated training costs for jail officers. He advised that he will work with Administration to bring back the necessary budget changes as a result of this change. Supervisor Bibby noted that the legislature did not extend the Megan's law. It expires at the end of this year.

- Marjorie Wass, Treasurer/Tax Collector/County Clerk, advised of a ruling by the Ninth Circuit Court of Appeals for an injunction to stop the recall election for the Governor, with a stay of that decision for seven days. She read a letter that was received from the Secretary of State advising that they should continue with the election process and not halt it at this time. Chairman Pickard advised that an item is scheduled on the Board's agenda for September 23, 2003, to determine whether to hold the regularly scheduled meeting on October 7th if the recall election is not held.

- Amy Gunderson, Associated Student Body President for Mariposa High School, thanked the Board for the funding it provided for the sports transportation program; and she asked the Board to consider the skate park project and its importance to the youth.

- Supervisor Parker referred to a letter submitted to the newspaper editor relative to animal control issues, and he asked Sheriff Allen to give the Board an update to clarify the efforts of the County in these matters. Sheriff Allen advised that his department currently has two animal control officers, and a third has been hired effective October 1st. He noted that the letter addressed the SPCA and the Sheriff's animal shelter facilities and adoptability. He advised that the County has partnered with the SPCA and they handle the adoptions; and there is a contract with Merced County to handle euthanasia. He also noted that the letter mentions restricting the number of animals a person may own, and he advised that he is willing to review ordinances from other jurisdictions, but he is also aware of the rural/farming character of the community.

Board Information

- Supervisor Bibby advised that she plans to attend the San Joaquin Valleywide Air Pollution Basin Study Agency meeting on Thursday in Fresno.

- Supervisor Stetson advised that an El Portal Community Planning Advisory Committee meeting is scheduled for 7:00 p.m. this evening at the El Portal Community Hall.

- Supervisor Pickard advised that he plans to attend the Regional Council of Rural Counties (RCRC) meeting in Lassen County on Wednesday and Thursday.

Approval of the Consent Agenda (See End of the Minutes)

BOARD ACTION: Chairman Pickard advised of a request received to pull and continue item 5. Supervisor Balmain pulled item 2. (M)Balmain, (S)Bibby, the balance of the items were approved/Ayes: Unanimous.

Supervisor Parker introduced Robert Shockley who was appointed to the Mariposa Town Advisory Task Force (item 1) and commended him for his work on recent projects. Supervisor Bibby also thanked Robert Shockley for his work and willingness to serve on the Task Force.

Supervisor Balmain initiated discussion relative to item 2, and he requested that another one-half mile of Stout Lane and one-half mile of Cuneo Road be included so that the total County-maintained mileage remains the same. Discussion was held relative to the request and the number of residents the roads serve, and whether the change increases the demand for road maintenance. Jim Petropulos, Public Works Director, provided input relative to the road maintenance that was provided for Hayward Road and the maintenance that these roads would require. (M)Balmain, (S)Stetson, item 2 was approved, with the inclusion of one-half mile of Stout Lane; and with direction given to Public Works to bring back an item to include a portion of Cuneo Road, so that the total County-maintained mileage remains the same/Ayes: Unanimous.

Jeff Green, County Counsel;

Waive the First Reading and Introduce an Ordinance Amending Section 2.104.050 of Chapter 2.104 of the County Code, so that the Language is Consistent with the Language Contained in the California Children and Families First Act

BOARD ACTION: Following discussion, (M)Bibby, (S)Balmain, the first reading was waived and the Ordinance was introduced/Ayes: Unanimous.

Jim Petropulos, Public Works Director;

Request Direction Relative to the Mariposa Skate Park, Project #97-11, Since Bids have been Received and Opened and are Over the Budgeted Amount of Funds

BOARD ACTION: Discussion was held with Jim Petropulos and Matt Freeman/PWD-engineer, was present to respond to questions. Supervisor Pickard asked whether the option of having moveable ramps was reviewed. Supervisor Bibby advised of a recent facility that was constructed in Atwater at a lower cost, and she asked whether that facility could be reviewed as an option for this project. Jim advised that value engineering could be another option, and he advised that he could ask the low bidder to hold the bid amount pending further review of the options. Supervisor Parker stated he feels the funding for the sound wall needs to be considered as a part of the project, and he questioned the source of the approximate \$10,000 additional funding; and he stated he feels the whole project needs to stay within the allocated budget. He noted that the additional funding is also needed for the amphitheater project. Jim advised that the Board is being requested to move the \$10,000 from the youth facilities line item. Discussion was held relative to the project and funding. The Board concurred with directing that the item be continued for further review of the design features and options and for staff to further work on resolving the budget issues including the sound wall, with direction for the matter to be brought back as quickly as possible, and requesting that the bids be held pending further direction.

- Jim Allen, Sheriff, noted that there was a front page story in the *Mariposa Gazette* in 1976, relative to the need for a skate park.

- Kathy Delaney advised that there are a number of people in the community who she feels will donate to this project once it begins, and she suggested that perhaps the cost of the sound wall could be covered by the donations.

- Sue Overstreet paraphrased from John Adams' book, stating the best way to defeat a project is by looking like you are going to approve it, and then take no action.

10:03 a.m. Recess

10:24 a.m. Rich Inman, County Administrative Officer;

Direction and Action Relative to the Reorganization of the Department of Tourism and Economic Development

BOARD ACTION: Rich Inman reviewed his staff report and recommendations, including separating tourism and economic development into separate functions. Discussion was held.

Input from the public was provided by the following:

- Eleanor Keuning stated she feels it is great to hear that something is going to happen with economic development. She stated she is working at the casino in Coarsegold, and she referred to the name recognition that area is receiving and stated she would like to see that happen for Mariposa. She also referred to the Sierra Business Council and its focus on developing the towns in the Sierras.

- Candy O'Donel-Browne stated she is very excited to hear the Board talk about economic development. She referred to her research into funding with the Economic Development Corporation, and stated she feels it will be more favorable for the County to obtain funding versus a private entity.

- Kathleen Lozares, President of the Yosemite-Mariposa Bed and Breakfast Association, reiterated their previous recommendation that Judie Beliera be appointed as Director of the department, and she advised that the Association took action again at its meeting on Monday to unanimously support this appointment.

Further discussion was held. Supervisor Parker requested that the timeframe to respond to the Request for Proposals be extended to 45 days. (M)Parker, (S)Stetson, the Board approved the recommendations to approve the concept of separating the functions of economic development and tourism and to direct that the job titles, job descriptions and salaries be developed and brought back for further action, with direction to look at structuring the job descriptions with the goal that the function may be funded by grants or other outside sources in the future; to direct the County Administrative Officer to develop budgets for the functions and prepare recommendations for the location of these functions to be brought back for the Board's approval and to direct the County Administrative Officer to circulate the Request for Proposal to solicit the services of a firm to evaluate the effectiveness of the County's tourism marketing program and to develop recommendations. Supervisor Parker commented on the efforts of the website development in conjunction with this matter. Ayes: Unanimous.

10:48 a.m. Recess

11:04 a.m. Nancy Bell, HSD-Deputy Director, appeared on behalf of Cheryle Rutherford-Kelly, Human Services Director;

Appeal of Housing Authority Case #15215; Linda Campise, Appellant

BOARD ACTION: Nancy Bell presented the staff report, and she advised that since the appellant is an heir to her mother's estate, she can no longer receive tenant benefits and reside on the property as she has an interest in the property. She reviewed the history of this case and the changes in the regulations when the change was made from the certificate to the voucher program. Nancy responded to questions from the Board as to whether the claimant currently has a voucher and options for using the voucher for another property; and relative to clarification of changes in the regulations with the change from the certificate to the voucher program.

Input was provided by the following:

- Linda Campise, appellant, read her letter of September 13, 2003, into the record, and she advised that the deed for the property has not changed. The estate is run as a business, and she noted that she has tried to divide the property.

- Stan Saint stated he manages the property and at this point, his sister, Linda Campise, is not an heir of the estate.

Nancy Bell reviewed the recommendation to deny the appeal. She responded to additional questions from the Board relative to consequences if the decision of Human Services isn't upheld; and she clarified that determination has been made that the tenant has an interest in the estate.

Jeff Green, County Counsel, responded to questions from the Board relative to the status of the estate and ownership of the property; and he stated it is his opinion that there has been a change of ownership for purposes of the housing regulations and the appellant has an interest in the property as she is an heir and she is legally entitled to a distribution of the estate. He stated he does not know why the distribution has not been made for this estate. He also responded to questions from the Board relative to remedies that may be available to the appellant; relative to the appeal process for these matters; and whether the court has jurisdiction to move the estate forward.

Nancy Bell responded to an additional question from the Board as to whether anything was received in writing from HUD concerning the non-compliance.

Jeff Green responded to an additional question from the Board relative to the timeframes for the Board to make a decision on this matter; further clarification of whether the appellant would be able to rent the property if she did not have an interest in the property; and relative to the establishment of the estate.

(M)Bibby, (S)Stetson, Res. 03-330 was adopted upholding the determination of the Human Services Department for Housing Authority Case #15215/Ayes: Stetson, Balmain, Bibby, Pickard; Noes: Parker.

Approve Final Budget Adjustments; Adopt a Resolution Approving the Fiscal Year 2003-04 Final Budget as Reviewed and Amended and Authorize Certain Actions to Implement the Budget (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, presented the staff report. Ken Hawkins/Auditor, Chris Ebie/Assistant Auditor, and Mary Hodson/Administrative Analyst, were present to respond to questions.

Debbie Walton, Child Support Services Director, provided input relative to the audit of the department and costs.

Discussion was held relative to the status of the SLESF/COPS grant funding; and Supervisor Parker provided a reminder of the Board's policy that grant funded positions need to be self-supporting.

Discussion was held relative to the budget request for the upcoming sesquicentennial celebration. Supervisor Parker requested that consideration be given to increasing the budget to \$50,000, and to giving direction to the County Administrative Officer to negotiate a personal services contract or find an appropriate mechanism for promotion and advertisement of the event. Discussion was held. Supervisor Parker also advised that he will schedule a report on the Sesquicentennial Celebration committee activities and plans on the agenda.

Supervisor Balmain initiated discussion relative to the request to fund the septic system project at the Airport. Carl Casey/PWD-Fiscal Officer, provided input relative to this request. Supervisor Bibby asked whether there is a possibility that this project could be included in the grant funded project request as a modification.

Supervisor Balmain initiated discussion relative to the budget for the Coulterville Lighting District and allocation of the funds. Carl Casey provided input relative to the requested budget action, and he advised that he plans to review the rate structure for the special districts this year. (M)Balmain, (S)Parker, Res. 03-331 was adopted moving the maximum amount allowed to the Contingency Fund and the balance to Reserve for Contingencies for the Coulterville Lighting District/Ayes: Unanimous.

Supervisor Balmain initiated discussion relative to authorizing the County Administrative Officer to approve budget transfers in excess of \$1,000 versus the Board. Ken Hawkins provided input relative to the recommended change. The Board concurred with having the County Administrative Officer bring back more information on this request, including information on the history of the number of actions that have been taken.

Further discussion was held, and the Board concurred with leaving the funds budgeted for the septic project at the Airport, and gave direction that the funds are not to be expended without further approval by the Board.

Approval of the Final Budget for FY 2003-04 was continued to later this date.

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)

BOARD ACTION: (M)Balmain, (S)Stetson, the closed session is to be held at 1:45 p.m./Ayes: Unanimous.

12:33 p.m. Lunch

2:02 p.m. The Board convened in closed session.

2:06 p.m. Recess

2:19 p.m. The Board reconvened in open session, and Chairman Pickard announced that direction was given to staff as a result of the closed session.

Eric Toll, Planning Director;

PUBLIC HEARING Relative to the General Plan Update

BOARD ACTION: Eric Toll presented the staff report, and he advised of a memorandum received from the Mount Bullion Community Ad Hoc Committee relative to the role of their area in the Plan. Supervisor Parker stated he feels it was the intent of the Board to hold workshops in an open forum, with a formal public hearing to be held at the conclusion. Jeff Green, County Counsel, advised that this matter was advertised as a public hearing and the public has been invited to speak. He stated he feels that for purposes of considering the matter today, the public hearing format should be followed. At the conclusion of today's hearing, the public hearing could be closed and the workshops could be scheduled and advertised. Jeff responded to further questions from the Board relative to Board members being able to receive input outside of the hearing process; and clarifying that input today is to be restricted to general comments on the Planning Commission's proposed Draft General Plan, with workshops to be scheduled at specific times for specific topics. Staff responded to questions from the Board relative to being able to send the Update out for review before the public hearing is held at the conclusion of the workshops; and whether any changes were made in the document after the Commission turned it over to the Board. Eric Toll advised that the fiscal section was distributed to the Board in August.

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

- Rick Jones, Land Development Services, stated he was present on behalf of the property owners for APN 003-270-003, located near Mountain House Point on the lakefront, and he referred to a letter that was submitted in July. He shared the history of the property and its swap as a result of the Barrett Cove development. He stated they would like to position this property for development in the future. He stated the July version of the Update changed from the April version and affects this property, and he requested that it be changed back. He referred to integrating transportation and land management and infrastructure, and he stated he feels that infrastructure should be phased as growth and demand occurs.

- Ken Melton stated he does not feel that the first four elements are generally a part of an ordinance for this County, and he suggested that they be reviewed and placed in another document.

- Les Overstreet stated he feels a public hearing process will carry more weight than workshops. He reviewed written comments that he submitted.

- Dick Kunstman stated he has attended a large number of meetings where this Plan was being discussed, and he feels it is metastasizing. He stated he has difficulty following the answers given by the Planning Director and in following the document and searching for things. He suggested that the public be given a minimum of 30 days to respond to the Plan when it is finalized for public review. He also stated he would like a final CD-Rom to be prepared that the public can use in reviewing the document, and a CD-Rom showing where the changes have been made.

Eric Toll advised that staff is going through each of the over 600 comments that were received and indicating whether each one was incorporated or why it was not. He advised of the availability of the CD-ROMs, and he noted that the printed documents have difference page breaks and formats depending on the printer that was used.

- Don Starchman stated he feels that you have to wonder how we got from the open window period application process and the Jones and Stokes report to a second and third version of this update. He stated he feels that it is difficult to respond to a document that is in motion. He stated he appreciates the Board's concern of breaking this down for the workshops so that the public can attend the various portions. He referred to the previous "road show" process and noted how he feels such a process could be orchestrated, and he stated he wants a document for those of us that live here and for our children. He stated the full page ads that have been recently published have been difficult to

read, and he does not feel that provides for proper notification relative to this process. He stated he feels the individual property owners should be notified if their zoning is proposed to be changed. He stated he feels the elements that we have in place need to be reviewed as well as the proposed elements. He stated he doesn't feel you can figure out where you are going unless you know where you have been. He stated he feels the existing General Plan document should be reviewed along with the Update, and each change should be reviewed and justified. He stated he would like to see the mandatory elements addressed first and in conjunction with the existing language.

Chairman Pickard stated he feels the intent during the meeting with the Planning Commission was to hold this hearing to allow an opportunity for the public to provide input on the plan that was presented to the Board by the Commission before the Board starts working on the document. He noted that the public will also have an opportunity to provide input during the upcoming workshops.

The public portion of the hearing was closed. The public hearing was closed.

The Board discussed scheduling of the workshops on the General Plan Update. Supervisor Parker asked about the number of parcels that would be affected by proposed zoning changes in the Update. Eric Toll advised that they have done some research and will further review parcels that will be affected, and he advised they will mail a notice to each property owner that will be affected when the dates of the workshops are known. Supervisor Parker suggested that the Board and the public should have more information on the zoning changes, and discussion was held relative to allowing ample time for notification of dates set for consideration of the changes. Eric advised that he will have a parcel map showing the proposed changes available for the Board members next week. Supervisor Parker asked if the affected property owners were notified of the Planning Commission's considerations of the zoning changes, and was advised that they were not. Further discussion was held relative to the notification and workshop process. Eric advised that he feels it will take about sixteen workshops for the Board to go through the Update.

The Board concurred with beginning with review of the following components of the Plan: 1) foundational elements; 2) "big picture" revisions; and 3) land use element; and then with coming back to this discussion at a later time.

October 21, 2003, at 10:00 a.m. and possibly 3:00 p.m. was scheduled for the first workshop; and October 28, 2003, at 2:00 p.m. was scheduled for the second workshop. Supervisor Bibby initiated discussion relative to the request that was received from citizens that attended a Catheys Valley meeting to hold evening meetings. The Board concurred with further reviewing the request when scheduling subsequent workshops.

3:42 p.m. Recess

4:03 p.m. Further discussion was held relative to the Final Budget for FY 2003-04. Mary Hodson advised that Public Works does not have any projects for the Coulterville Lighting District per her discussion with the Director, and it is okay to place the funds in the Contingency and Reserve. She also advised that the money was budgeted for the septic system at the Airport so that the project is funded if it needs to be done this year as there have been problems with the existing systems. Rich Inman reviewed the status of funding for the amphitheater project, and noted that this project is scheduled on the Board's agenda for September 23rd for consideration of the funding issues.

Following discussion, (M)Parker, (S)Stetson, Res. 03-332 was adopted increasing the budget allocation for the Sesquicentennial event by \$20,000, with \$10,000 to be funded from General Contingency and \$10,000 to be funded by increased revenue; and authorization was given for the County Administrative Officer to enter into a Personal Services Agreement for promotion of the event/Ayes: Unanimous.

(M)Balmain, (S)Parker, Res. 03-333 was adopted adopting the Final Budget for FY 2003-04 as adjusted and authorizing certain actions to implement the budget. Supervisor Parker asked that "arts park" be used to reference that project. Following discussion relative to funding for the skate park project, the motion was amended, agreeable with the maker and second, to include direction that the fund balance in youth facilities of approximately \$10,000 be placed in the General Fund

Contingency/Ayes: Unanimous. Supervisor Balmain asked what the figure is for the total adopted budget, and Ken Hawkins advised that he will get that information to the Board.

CONSENT AGENDA:

- CA-1 Appoint Robert Shockley to the Mariposa Town Advisory Task Force, Representing the Business Community (Supervisor Bibby and Supervisor Parker)
- CA-2 Authorize the Acceptance of Stout Road, Pine Drive, and Jackass Creek Access Road Into the County-Maintained Road System in Exchange for the Previous Closure and Abandonment of a Portion of Hayward Road (Public Works Director); Res. 03-329, with changes and direction to staff
- CA-3 Approve a Personal Services Agreement (PSA) with Jim Wallingford to Provide Half-Time Tutoring Services to School-Age Clients of Family Solutions, Children’s System of Care (Human Services Director); Res. 03-327
- CA-4 Adopt a Resolution Authorizing the Chairman to Sign an Administrative Match Agreement Between County of Mariposa and Area 12 Agency on Aging for In-Kind Legal Services in the Amount of \$11,453 (County Counsel); Res. 03-328
- CA-5 Approve the Administrative Assistant-District Attorney’s Office Class Spec, Set the Salary at Range 196 (\$2,508 - \$3,048/Month), and Eliminate the Paralegal Allocation Effective July 1, 2003 (County Administrative Officer); pulled
- CA-6 **MARIPOSA AIR POLLUTION CONTROL DISTRICT**
Adopt a Resolution Approving the Smoke Management Program for the Mariposa County Air Pollution Control District (Continued from 8-12-03) (Health Officer); APCD Res. 03-2

4:14 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA September 23, 2003

Time Description

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

Pledge of Allegiance

Introductions

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Dick Kunstman referred to his attendance at weekly science lectures during his career and hypothetical exercises and he expressed concern with the Deerwood project.
- Eleanor Keuning, member of the Historic Sites and Records Preservation Commission, provided input relative to the removal of trees, especially the Giant Sequoia, from the arts park. She stated she feels that the Commission was overlooked for this project, and that the Sequoia had historic significance.

Board Information

- Supervisor Balmain commented on the smoke impacts from the “managed” fires burning in Yosemite National Park, and he noted that our resources are being burned versus being used in these situations.
- Supervisor Bibby advised that there is a Catheys Valley Town Planning Area Planning Advisory Committee meeting scheduled for this evening at McCay Hall, and the public is encouraged to attend.
- Supervisor Pickard advised that he attended the Regional Council of Rural Counties (RCRC) meeting in Lassen County; and he plans to attend the County Medical Services Program (CMSP) meeting in Sacramento on Thursday.

Approval of the Consent Agenda (See End of the Minutes)

BOARD ACTION: Supervisor Parker initiated discussion relative to item 7 and the status of processing the application. Jeff Green, County Counsel, provided input. (M)Parker, (S)Balmain, all items were approved/Ayes: Unanimous.

Rick Peresan, Technical Services Director;

Presentation Relative to the Visitor’s Bureau Web Site; Award Proposal to CVBTV.com for the Development of a New Visitor’s Bureau Web Site; and Direct Staff to Enter into a Personal Services Agreement with CVBTV.com Upon Approval of County Counsel (Proposals Available for Review at the Clerk of the Board’s Office)

BOARD ACTION: Rick Peresan reviewed the request for proposal process, and asked the Board to hear the presentation from CVBTV.com. Rich Reasons and Ryan George/CVBTV.com gave a presentation showing websites they have developed and their proposal for the County. Discussion was held relative to the proposal, staff involvement in the project and maintenance of the site. (M)Parker, (S)Bibby, Res. 03-344 was adopted directing staff to work with the County Administrative Officer to pursue a Personal Services Agreement with CVBTV.com and report back to the Board; direction was given for the County Administrative Officer and Technical Services Director to come back with information on a timeframe for implementation of the program, and a recommendation for staff support to implement, provide necessary information and maintain the site; and direction was given for a separate section to be added to the website relative to the County’s history; and that this product will belong to the County.

Input was provided by the following:

- Dick Kunstman stated he feels this sounds like a promising and powerful tool. He requested that there be consideration of adding, for the benefit of the citizens and visitors, the weekly agenda package information to the site.
- Judie Beliera commented on her background with projects, and stated she can handle this project.

Discussion was held/Ayes: Unanimous.

10:47 a.m. Recess

11:06 a.m. Public hearing to consider General Plan Zoning Amendment #2002-527 and Land Division #2002-526 was opened and continued until after the following items.

Jim Petropulos, Public Works Director;

C) Authorize Public Works to Award a Contract to Dick Anderson Construction, Inc. in the Amount of \$2,896,408 for the Design, Supply, and Installation of the Pre-Sort, Compost, and Curing Components for the Compost Project; Authorize the Public Works Director to Issue an Amendment to the Contract with Concept Design Company in an Amount Not-to-Exceed \$45,000 for Work Associated with the Project; and Authorize the Public Works Director to Enter into Contracts for Construction Management in an Amount Not-to-Exceed \$125,000 Plus Approved Expenses and for On-Site Construction Supervision/Inspection in an Amount Not-to-Exceed \$75,000 (Copy of Bid Documents; Dick Anderson Construction Inc. Proposal; and Proposed Agreement are Available for Review at the Clerk of the Board's Office)

BOARD ACTION: Discussion was held with Jim Petropulos, and he advised that he will bring back an item for the metal building that encloses the equipment for the compost project. He recognized the presence and acknowledged the efforts of those individuals that have been involved in this project. Discussion was held relative to construction management; the status of the budget for the project; and relative to changes with this project versus the previous project that was proposed by Herhof. Fred Solomon, consultant, provided input relative to the project. (M)Balmain, (S)Parker, Res. 03-345 was adopted approving the recommended actions/Ayes: Unanimous. Supervisor Parker thanked everyone for their efforts with this project.

A) Discussion and Request for Direction Relative to Additional Seating for the Amphitheater Project

BOARD ACTION: Discussion was held with Jim Petropulos and Fred Solomon relative to the seating and options for including additional seating to accommodate up to 250 and up to 500 people. Rich Inman, County Administrative Officer, provided input relative to the budget for the project. (M)Parker, (S)Stetson, Res. 03-346 was adopted approving option 1 which would provide for additional seating to accommodate up to 250 people; and approving budget action transferring \$109,342 from General Fund Contingency for this project. It was noted that if more seating is found to be necessary, the matter could be further reviewed in the future. Discussion was held relative to the seating issues and the status of the repair of the stairway from the Best Western and parking availability. Supervisor Bibby asked about the availability of lights and a sound system for the amphitheater, and Rich Begley/PWD-Parks and Recreation Deputy Director, advised that until funding is available to install a permanent system, users would need to make arrangements for bringing in a system for each event. Ayes: Stetson, Balmain, Parker, Pickard; Noes: Bibby.

B) Request for Authorization to Change the County Surveyor Position from Part-Time (70%) to Full-Time, Effective October 1, 2003, to Accommodate the Increased Work Load

BOARD ACTION: Discussion was held with Jim Petropulos. Chairman Pickard noted that the requested action includes a budget transfer and that 4/5ths vote is required. (M)Stetson, (S)Bibby, Res. 03-347 was adopted approving the change in the position and the budget action/Ayes: Unanimous.

D) Authorize Public Works to Advertise the Yosemite West Wastewater Treatment Facility Upgrades Project (PW 93-09) (Specification Documents and Construction Plans are Available for Review at the Clerk of the Board's Office)

BOARD ACTION: Discussion was held with Jim Petropulos, and he advised of the change to request a USDA loan for this project and of request to re-bid the project. Dana Hertfelder/Assistant Public Works Director, advised of the status of the grant request. (M)Stetson, (S)Parker, Res. 03-348 was adopted approving the requested action/Ayes: Unanimous.

11:55 a.m. Supervisor Parker was excused for the rest of the meeting.

Eric Toll, Planning Director;

PUBLIC HEARING to Consider the Waiver of the First Reading and Introduction of an Ordinance Approving the Change in General Plan Zoning Amendment #2002-527 and Land Division #2002-526, a Proposal to Change the General Plan Land Use and Zoning Designation on APN 015-280-010, (21.22 Acre Parcel Located on Chowchilla Mountain Road, 1/8 Mile from Chowchilla Mountain Road and Highway 49 South Intersection), from Mountain General to Mountain Home and to then Subdivide the Parcel into Three Parcels of 5 Acres, 7.26 Acres and 8.96 Acres Each

BOARD ACTION: Eric Toll presented the staff report. Eric and Julie Sergovic/Associate Planner responded to questions from the Board relative to the difference in the size of the pipe and the nozzle connection for the water tank system for fire protection; clarification of typographical errors in the draft ordinance; relative to the conditions to intervene in the spread of noxious weeds and whether this condition is required as a part of the Road Improvement Standards; as to whether Fish and Game considers off-site habitat for wildlife; and relative to the location of the drainage issues and whether the issues have been addressed within the conditions.

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

- Dick Seaman, agent for the applicant, advised that the applicant could not be present. He said he thought that previous direction was given to remove the pipe/nozzle size issue and refer to the State fire safe standards. He advised that the condition relative to intervening in the spread of noxious weeds is becoming a standard condition on subdivisions; however, he does not know where it came from, and he feels it would be difficult to monitor.
- Jack Martin, neighboring property owner, stated he opposes this project. He stated he has lived there for twenty years, and he does not feel that the road is adequate to support any more development. And he noted that there are still many undeveloped parcels in Ponderosa Basin. He expressed concern with water impacts, and he stated he had to re-dig his well and that Pat Rhoan had to drill another well. He referred to a letter he received that was dated September 8th, and he stated that was the first notification he received relative to this project.
- Pat Rhoan stated he agrees that water is an issue and that there is not enough. He also noted that other people in the area have concerns with the water quantity. He expressed concern with the section of County road in the area, especially during the winter when it is icy. He also expressed concern with the impact the project will have on wildlife.
- Dick Seaman stated he feels the water issues were addressed by the County in an environmental impact report that determined that a five-acre parcel is adequate for individual wells. In regard to the road safety issues, he advised that Public Works looked at the site distance and access issues. He stated he feels that this project is appropriate.
- Pat Rhoan referred to a recent story in the Sierra Star that talked about the water problems in Oakhurst, and he stated the County does not have any water supplies and we will have problems if we are not careful.

The public portion of the hearing was closed and the Board commenced with deliberations.

Discussion was held relative to the following issues: difference in the pipe/nozzle connection and the noxious weed prevention conditions. Staff responded to a question from the Board as to the number of existing residences on the property. (M)Balmain, (S)Bibby, Res. 03-349 was adopted adopting a Mitigated Negative Declaration and approving General Plan Zoning Amendment No. 2002-527 and Land Division No. 2002-526 with the recommended findings and mitigation measures; and the first reading was waived and the Ordinance introduced amending the General Plan Land Use and Zoning Designation on APN 015-280-010 from Mountain General to Mountain Home; with the deletion of the

noxious weed conditions and with changing the language referring to the size of the pipe and nozzle for the fire prevention to refer to the Fire Safe Standards. Further discussion was held relative to the weed-free mulch requirements and whether it is available. Ayes: Balmain, Bibby, Pickard; Noes: Stetson; Excused: Parker. The hearing was closed. Supervisor Bibby asked staff to research whether certified noxious weed-free mulch is available and to provide information on where the condition came from.

Eric Toll, Planning Director, advised that the maps showing the density changes for the General Plan Update are available for the Board members.

Supervisor Stetson advised that he shares the water concerns expressed during the foregoing public hearing.

Discussion and Possible Action Relative to Canceling the Board's Regularly Scheduled Meeting for October 7, 2003, if the Court Puts off the Recall Election for the Governor (Clerk of the Board)

BOARD ACTION: Following discussion, (M)Bibby, (S)Stetson, Res. 03-350 was adopted canceling the October 7th Board meeting/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

12:37 p.m. Lunch

2:11 p.m. Bob Pickard, Chairman;

Presentation of a Tile Plaque and Resolution to Jeff Green, County Counsel for his Twenty Years of Outstanding Service to Mariposa County

BOARD ACTION: (M)Balmain, (S)Stetson, Res. 03-334 was adopted and presented to Jeff Green, along with a tile plaque/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker. Jeff commented on his tenure with the County and thanked the dedicated staff of the County.

- Chairman Pickard read the entry that Congressman Radanovich entered in the Congressional Record recognizing Jeff upon his retirement.
- Bud Sexton, representing Assemblyman Cogdill, presented Jeff with a Resolution from the Assemblyman and Senator Poochigian.
- Board members commended Jeff for his service to the County.
- Attorney Art Baggett, former Supervisor representing District I and current member of the State Water Board, commented on Jeff's service to the County.
- Patti Reilly, former Supervisor representing District I, thanked Jeff for his counsel and service.

2:38 p.m. The Board adjourned for a public reception for Jeff Green.

INFORMATION – No action was necessary on the following:

Housing Grants and Infrastructure Costs Available to Mariposa County (Human Services Director)

CONSENT AGENDA:

- CA-1 Adopt a Resolution Approving the Response of the Board of Supervisors to the 2002-03 Mariposa County Grand Jury Final Report and Direct the County Administrative Officer to Transmit the Response to the Presiding Judge of the Mariposa Superior Court (County Administrative Officer); Res. 03-335
- CA-2 Appoint Dennis Waheed to the El Portal Town Planning Advisory Committee (Supervisor Stetson)
- CA-3 Appoint Candy O'Donel-Browne to the Midpines Community Advisory Committee (Supervisor Stetson)

- CA-4 Reappoint Louise Bond, Kenneth LeBlanc, and Michael Manahan to the Yosemite West Community Planning Advisory Committee for a Term Expiring February 29, 2004. Reappoint Harry Hagan, Pete Ulyatt, Patricia Montplaisir, and Don Pitts for a Term Expiring February 28, 2005 (Supervisor Stetson)
- CA-5 Approve Budget Action Transferring Funds from Tax Collectors Trust to Cover Unanticipated Publication Costs (\$3,500) (4/5ths Vote Required) (Treasurer-Tax Collector); Res. 03-336
- CA-6 Approve Budget Action Transferring Funds Within Probation’s Budget from Account Clerk III Salary to Probation Professional Services to Cover Expenses of an Employee Hired Through Boyer Temporary Personnel (\$2,500) (Chief Probation Officer); Res. 03-337
- CA-7 Board Approval and Authorization for the Chairman to Sign a Professional Services Agreement with William W. Abbott of Abbott & Kinderman LLC for Legal Services Associated with Deerwood at the Lakes (Planning Director); Res. 03-338
- CA-8 Adopt a Resolution Accepting the Completion of the Mariposa-Yosemite Airport Helipad Project and to Release any Funds Held as Retention to the Contractor (Public Works Director); Res. 03-339
- CA-9 Authorize Public Works to Advertise and Award a Contract to the Lowest Responsible Bidder for Bids to Supply Fuel for the County’s Fleet (Public Works Director); Res. 03-340
- CA-10 Approve Budget Action Transferring Funds from Transit Fund 606 to Vehicle Replacement for the Purchase of a Type IV Handicapped Mini Van (\$8,826) (4/5ths Vote Required) (Public Works Director); Res. 03-341
- CA-11 Authorize the County Librarian and Children’s Librarian to Apply for a \$5,000 Mariposa County Children & Families Grant (Proposition 10 Allocation), Focusing on the Emotional Health and Development of Children Between the Ages of 0-5 (Librarian); Res. 03-342
- CA-12 Authorize the Literacy Coordinator and the County Librarian to Apply for a \$25,000 Mariposa County Children & Families Grant (Proposition 10 Allocation), Focusing on Basic Literacy Skills and Preparing Adults to be Computer Literate (Librarian); Res. 03-343

2:38 p.m. Adjournment in memory of the Honorable David R. Klipp/Trinity County Supervisor, Carolyn Lee Vezerian, and Ann Fammigletti/Supervisor Stetson’s mother.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board