



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### CONFORMED AGENDA

January 6, 2004

Folder    Time    Description

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

Pledge of Allegiance  
Introductions

Chairman Pickard wished Supervisor Parker a Happy Birthday, and everyone sang to him later this morning.

Selection of Chairman for 2004

**BOARD ACTION:** (M)Balmain, (S)Stetson, Supervisor Parker was selected as Chairman for 2004/Ayes: Unanimous.

Presentation of Gavel Plaque to Supervisor Pickard for Serving as Chair for 2003

**BOARD ACTION:** Chairman Parker presented Supervisor Pickard with the gavel plaque.

Selection of Vice-Chairman for 2004

**BOARD ACTION:** (M)Pickard, (S)Bibby, Supervisor Balmain was selected as Vice-Chairman for 2004/Ayes: Stetson, Bibby, Parker, Pickard; Abstained: Balmain.

**9:13 a.m.** Chairman of the Board;

Welcome Reception for New County Counsel – Thomas P. “Tom” Guarino

**BOARD ACTION:** Chairman Parker introduced Tom Guarino and the Board recessed for the welcome reception.

**9:42 a.m.** Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

- Mary Williams/Community Services Director, provided input relative to the potential closure of the Mount Bullion Youth Conservation Camp. Supervisor Pickard advised of notice that was just received relative to a “town hall” meeting scheduled for this Friday on this matter. (M)Pickard, (S)Stetson, the rules were waived requiring 72 hours agenda noticing to consider this matter, finding that it was not known about at the time the agenda was prepared and it is a matter of urgency as the meeting is scheduled to occur prior to the next Board meeting/Ayes: Unanimous. Discussion was held relative to the information that was received from the State; having a Board member attend and provide testimony at the meeting; and urging the public to attend and advise of the benefits of having the Camp in the County. Supervisor Bibby advised that she could attend the meeting. Chairman Parker urged departments and the public to provide the Board with supporting information, and to assist in carrying the message to the State to retain the Camp. Jim Allen/Sheriff, commented on assistance that the Camp provides to the Sheriff Department programs, the community and the schools. Eleanor Keuning commented on the assistance that the Camp provides to community groups, including the Museum and History Center. Rich Begley/PWD-Deputy Director of Parks and Recreation, commented on assistance they receive, including the cleaning of debris from Mariposa Creek. Further discussion

was held. (M)Stetson, (S)Bibby, Res. 04-1 was adopted strongly supporting keeping the Mt. Bullion Youth Authority Camp facility open, and direction was given for the County Administrative Officer to prepare the resolution and for the resolution to be distributed to all appropriate legislative representatives. The motion was amended, agreeable with the maker and second, to give direction that the resolution reaffirm the Board's previous actions taken in 1990 and 1992 (Resolutions Nos. 90-434 and 92-335) and be updated/Ayes: Unanimous.

- Jacque Meriam/Librarian, advised of the memorial service scheduled for Friday for E. O. Lewis.
- Susan Taber Crain advised of the Planning Commission's challenge to the Board to a chili cook-off on January 24<sup>th</sup> as a part of the Sesquicentennial Celebration.
- Jim Petropulos, Public Works Director, advised that they have interviewed and offered the position of Transportation Planner to John Andoh, and he is scheduled to begin the first part of February.
- Eleanor Keuning commented on the recent storms and impacts to the circulation, and she noted that people can travel through Raymond when Highways 49 and 41 are having problems. However, she noted that portions of Ben Hur Road are not in very good condition. She also noted that Old Highway is an alternate route to Highway 140. She asked that Leonard Road be graded and noted a problem with a dead tree that has a limb hanging over the road. She also asked that when timed agenda items are called that the public be asked if they have comments.

#### Board Information

- Supervisor Pickard advised that he attended the State Association of the Resource Development Council meeting in Davis on Friday, and he attended the Area 12 Agency on Aging meeting on Thursday.
- Supervisor Stetson advised that the Midpines Planning Advisory Committee has a meeting scheduled for January 13<sup>th</sup> in Midpines.
- Supervisor Balmain advised that he attended UC Merced Chancellors' Association event on December 18<sup>th</sup>, and he stated he feels it is important for the County to take part in the activities of the University.

Approval of Minutes 11-18-03, Regular Meeting;  
Approval of Minutes 11-25-03, Regular Meeting;  
Approval of Minutes 12-02-03, Regular Meeting;  
Approval of Minutes 12-09-03, Regular Meeting; and  
Approval of Minutes 12-16-03, Regular Meeting

**BOARD ACTION:** The minutes were approved with corrections.

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

**BOARD ACTION:** Supervisor Bibby pulled items 5, 7, 8 and 11. Supervisor Balmain pulled items 1 and 5. (M)Pickard, (S)Bibby, the balance of the items were approved/Ayes: Unanimous.

Supervisor Balmain stated he feels that more information should have been included in item 1. (M)Balmain, (S)Stetson, item 1 was approved/Ayes: Unanimous.

Supervisor Balmain stated he feels that more information should have been included in item 5. (M)Balmain, (S)Stetson, item 5 was approved. Discussion was held relative to item 5 and the process. Jim Allen/Sheriff, provided input and responded to questions. Supervisor Parker stated he feels the increase should be based on the salaries at the time the incentive benefits began versus the current salary. Brian Muller/Undersheriff, provided input relative to the salary calculations received from the Auditor. Mary Hodson/Administrative Analyst, advised that the calculations were based on the older salaries. Ayes: Unanimous.

Supervisor Bibby initiated discussion relative to item 7 and the costs that were allowed in relation to the disallowed costs. Jim Petropulos, Public Works Director, responded to the questions. (M)Bibby, (S)Pickard, item 7 was approved/Ayes: Unanimous.

Supervisor Bibby initiated discussion relative to item 8 and the source of funding and whether other repairs could be covered through this grant. Jim Petropulos responded to the questions. (M)Bibby, (S)Stetson, item 8 was approved/Ayes: Unanimous.

Supervisor Bibby initiated discussion relative to item 11 and advised of the amended Budget Action Form. (M)Bibby, (S)Pickard, item 11 was approved/Ayes: Unanimous.

Jim Petropulos, Public Works Director;

Authorize Public Works to Award the Contract for Construction to Allison Sierra, Inc., and Approve Budget Action for Additional Funds to Match Contributions to the Mariposa Skate Park, Project #97-11 (\$20,000) (4/5ths Vote Required)

**BOARD ACTION:** Discussion was held with Jim Petropulos, and he reviewed the history of the project and the status of the budget.

Input from the public was provided by the following:

- Deanna Clinkenbeard read her daughter's letter into the record supporting the skate park; and she stated she supports anything that is for the kids.
- Kelly Julian stated she has a son that skates and he misses the skate park he used before they moved here, and she noted that her four children are involved in several different types of activities. She advised that they purchased donation boxes and placed eighteen of them in merchant shops and have received \$1,095.44 in donations to date. She stated she supports this project and feels it is important for the children to know that we care about them.
- Vickie Lorenzi-Larson stated she drives everywhere to give her children an opportunity to skate. She stated she does not understand the issue of the sound walls, and stated she feels we need a safe place for the children. She also noted that she sees the seniors watching and enjoying the children skate at other parks. She feels we should support the kids.
- Chris Linn stated he feels the skate park can give back to the community financially. He noted that he and his wife have invested in the local skate shop for their family and the community. He also stated he hopes that there is funding for the maintenance of the park so that it will be an ongoing success.
- Lynn Northrup stated she is proud to be a part of this group of kids and of the community, and noted they have offered financial support for the project. She stated she skates with her children and they also are involved in other activities. She stated she feels this project is all positive.
- Jason Spurlin stated he is managing Kristi's Skate Shop, and he advised of a commitment he has from a company to put on skating competitions here. He discussed the advantages of having concrete construction versus wood. Jim Petropulos advised that the design calls for concrete.
- Eleanor Keuning stated she feels the sound wall is important because of the proximity of the skate part to the amphitheater; and she noted that she is still opposed to this location.
- Kristi Spurlin, owner of the Skate Shop, commented on the term "civic virtue" in relation to youth and activities. She stated she feels that this project is about caring for our children and not just building a park.
- Wayne Northrup asked about the budget shortfall for the project. Discussion was held relative to the budget and the projected shortfall to complete the project, including the sound wall. Wayne further stated that he feels that the scheduling of activities for the skate park and the amphitheater could be coordinated to avoid sound conflicts.
- Mr. Julian asked about the timeframes of other projects such as the sidewalk construction and the Arts Park in relation to the skate park. He stated he feels the skate park needs to be built and he does not feel that the sound wall will be a problem. If it is, then he feels it could be taken care of. But, he feels this project needs to be constructed now as costs will keep rising.

Discussion was held. Matt Freeman/PWD-Junior Engineer, responded to questions relative to the design recommendations and options. Discussion was held relative to options for funding the shortfall for the project and completing the whole project versus phases. (M)Bibby, (S)Pickard, Res. 04-10 was adopted awarding the contract for construction of the skate park to Allison Sierra, Inc.; approving the Budget Action for additional funds to cover all phases of the project, with the budget shortfall to come from the Proposition 40 Fund. Further discussion was held relative to the project and its location and funding sources and the status of the Field of Dreams project. Ayes: Unanimous.

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

**BOARD ACTION:** Rich Inman, County Administrative Officer, advised that this closed session is not necessary to be held.

**11:28 a.m.** CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Robert E. Cooper and John J. Swenson v. County of Mariposa, et al., (County Counsel);

CLOSED SESSION: Conference Concerning Real Property Relative to Appraisal of Juanita Moore Property, Located on Bullion Street, APN 013-125-001 Pursuant to California Government Code section 54956.8; Richard Inman, County Administrative Officer Agency Negotiator (County Administrative Officer); and

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (Continued from 12-9-03) (County Administrative Officer)

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

**12:34 p.m.** The closed sessions were continued to later this date and the Board recessed for lunch.

**2:13 p.m.** Charles Mosher, Health Officer;

**MARIPOSA COUNTY AIR POLLUTION CONTROL DISTRICT**

Information about State Banning of Burn Barrels and Federal Designation of Mariposa County as “Non-Attainment” for Ozone

**BOARD ACTION:** Dr. Mosher provided information relative to the State’s ban of burn barrels and changes in the Federal designation of the County for “non-attainment” for ozone. He advised that February 6<sup>th</sup> is the deadline to provide comments to the Federal Government relative to placement of the County in the San Joaquin Air Pollution Control District. Discussion was held relative to the monitoring stations and data that is collected. Supervisor Pickard suggested that consideration be given to requesting a presentation for staff or the Air Resources Board, and involve our federal legislative representatives, relative to concerns with the proposal to place the County with the San Joaquin Air Pollution Control District; and he suggested that we work with the other mountain counties. Discussion was held. (M)Stetson, (S)Pickard, Res. 04-11 was adopted directing that a strong letter be sent relative to the proposal to place the County with the San Joaquin Air Pollution Control District; that our federal legislative representatives and the mountain counties be involved; and that Dr. Mosher draft the letter and route it to the Board members before sending it out/Ayes: Unanimous. Further discussion was held relative to the ban of the backyard burn barrels and options, including the possibility of compost barrels and education. The Board concurred with Dr. Mosher proceeding with the program in the best way he sees fit. Supervisor Bibby initiated discussion as to whether an exemption could still be obtained and relative to the status of burn permits.

Ken Melton commented on the County and State issues of air pollution.

Paul Chapman noted that the California Department of Forestry and Fire Protection issued three-year burn permits and asked what the status of the permits is with the change. Chairman Parker noted that would be a State issue.

**3:04 p.m.** Recess

**3:26 p.m.** Eric Toll, Planning Director;  
Continued Public Hearing to Adopt a Negative Declaration and a Resolution Adopting the Statutorily Required Five Year Update to the General Plan Housing Element (Continued from 12-16-03)

**BOARD ACTION:** Chairman Parker provided input on the hearing process and advised that information may not have been available for timely review by the public and that some of the changes requested by the Board may not have been made to the Housing Element. Tom Guarino, County Counsel, noted that some of the information may not have been available, and that there is a timeframe to complete the process, and he recommended that the hearing be continued. Chairman Parker noted that section 8.14 of the draft was not reviewed by the Board during the workshops and he asked whether input should be taken at this time on that section as it is included in the materials presented for this hearing. Eric Toll advised that there was a cut-and-paste error relative to including section 8.14, and he also noted that a portion of the section was deleted based on a conversation he had with Don Starchman. Discussion was held and Supervisor Balmain and Supervisor Bibby noted that they had marked several pages that need corrections and several pages with typographical errors that they would share with staff. Staff responded to a question from the Board relative to the wording in the resolution concerning the statutory requirement to adopt the Housing Element by December 31<sup>st</sup> and whether an explanation should be added. The Board concurred with deleting that paragraph.

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

- Don Starchman asked about section 5.13.01 Seasonal Employee Housing, and he suggested changing “must” to “should” in the last paragraph. Discussion was held relative to removing the sentence in question. Chairman Parker noted that this section was a part of section 8.14 in the draft Housing Element that was reviewed during the workshops and he advised that the Board did not review this section. Ken Melton commented on reference to the concessionaire and Park Service and questioned whether this should be covered here. Eric provided input relative to the Board’s review and deletion of the previous section.

Discussion was held relative to the letter received from the National Park Service relative to the Park’s employee housing needs. The Board concurred that there would be a continued open and positive dialog with the Park, and that there isn’t a need to specifically address this section.

The Board concurred with adding the third paragraph back in section 5.13.02 Housing and University of California/Merced which was inadvertently omitted.

Chairman Parker advised that public input would be taken, and that the public portion would remain open for additional input on January 13<sup>th</sup>.

Input from the public was provided by the following:

- Lowell Young stated he feels that encouragement of passive solar and solar-type roofs should be added to section 5.11.05 Housing Objectives and Programs in Objective Six: Minimizing Housing Costs by Reducing Energy Use.
- Ken Melton provided input on the following section: 5.10.03 Progress in Implementing Housing Element Programs, section 7.7, and stated he does not feel that day care should be mandated. Eric Toll advised that this is not in the new revised Plan.

Supervisor Bibby asked about the removal of section 8.14.01 in the previous version of the draft Plan based on a request from the public versus direction of the Board; and she asked about the Housing and Community Development (HCD) Agency’s review of the Plan. Eric Toll responded and advised that the section was removed based on Board direction to not reference the General Plan Update, and that HCD reviewed the Plan.

Supervisor Balmain asked about the statement in the staff report that no comments were received directly related to the Housing Element, and Eric advised that he will clarify the statement to reflect that no comments were received during the Planning Commission's review. Supervisor Balmain noted that the December 13<sup>th</sup> date needs to be changed in No. 13 of the staff report to reflect the January 13<sup>th</sup> adoption date. He asked whether there are any "publicly owned" rental developments as referenced in section 5.4.02 Economy/B. Income, and it was agreed to change the sentence to reflect "privately owned" rental developments. In section 5.10.03 Progress in Implementing Housing Element Programs, No. 7.4, it was agreed that the end of the last sentence would read "...an array of services could exist in the future." Direction was given to correct the sentence structure in section 5.11.05 Housing Objectives and Programs/A(2) Programs/section 1.3. Supervisor Balmain asked about explaining the term "fair share" in Objective Three: Providing Adequate Sites and Services; clarifying Objective Four: Maintenance, Rehabilitation, and Replacement of Existing Housing Stock/D(1) Findings relative to substandard housing being the result of housing being built over a long period of time and falling into disrepair; and the Board concurred with deleting the second sentence in Objective Seven: Increasing Home Ownership Opportunities/G(1) Findings.

Chairman Parker continued the public hearing to January 13, 2004, at 11:00 a.m.; requested that a clean copy be provided for everyone; and he clarified that more public input would be taken at that time.

Eric Toll advised that the Department's workload is starting at a brisk pace for 2004.

**4:12 p.m.** Recess

**4:18 p.m.** The Board met in continued closed session.

**4:45 p.m.** Chairman Parker announced that direction was given to staff as a result of the closed session matters.

**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. C03-13 for an Undisclosed Amount (County Administrative Officer); Res. 04-5
- CA-2 Approve Budget Action Transferring Funds Within the Administration Budget Unit for the Remodel of Office Cubicles (\$5,200) (County Administrative Officer); Res. 04-2
- CA-3 Accept the Resignation of Terence (Terry) Loughran from the Area Agency on Aging SPA-12 Advisory Board and the Commission on Aging (Supervisor Pickard)
- CA-4 Authorize a Time Extension to June 2004 and Re-Appoint the Present Members to the Mariposa Town Advisory Task Force to Allow the Task Force to Continue Making Recommendations on Parking, Traffic Circulation, Signage, and Historical Preservation and Beautification of the Downtown Historic Area (Planning Director); Res. 04-3
- CA-5 Approve Budget Action Transferring Funds Within the Sheriff's Budget from Jail Salaries to Peace Officer Standards and Training (P.O.S.T.) Certificate Pay to Cover

Retroactive Cover Retroactive Incentive Benefit Pay to Sergeant Davis and Lieutenant Patterson (\$9,896) (Sheriff); Res. 04-6

- CA-6 Approve Budget Action Transferring Funds Within the Sheriff's Budget from Fixed Asset – Other Equipment to Fixed Asset – Computer Equipment to Replace Five Laptop Computers (\$10,000) (Sheriff); Res. 04-4
- CA-7 Approve Budget Action Transferring Funds Within the Public Works Budget from Road Division to Roads Special Projects to Cover the Cost of an Unanticipated Administrative Fee Associated with the Federal Emergency Management Agency (FEMA) Audit of the Incline Road Project (\$974) (4/5ths Vote Required) (Public Works Director); Res. 04-7
- CA-8 Approve Budget Action Transferring Funds Within the Airport Operations Budget from the California Aid to Airports Program (CAAP) Expense Line item to Fixed Assets to Cover the Cost of a New Airport Beacon Light (\$4,062) (Public Works Director); Res. 04-8
- CA-9 Re-Appoint Ann Pope and Appoint Brian Muller to the Mental Health Board (Human Services Director)
- CA-10 Appoint Lorien Boomer as a Voting Member and Appoint Tori Cryans as an Ex-Officio Member of the Mental Health Board (Human Services Director)
- CA-11 Approve Budget Action Increasing Revenue from State and Federal Funding and Unused Health Incentive Monies (\$6,706), and Transferring Funds from Training and Seminars to Professional Services (\$2,300) Within the Child Support Services Budget Unit (4/5ths Vote Required) (Child Support Services Director); Res. 04-9, with correction to the Budget Action Form.

**4:46 p.m.** Adjournment in memory of Cris Lynn Callahan-Strong, Robert J. Hamp, E. O. Lewis, Marjorie “Midge” Fiore, and Sean Thomas Douglass.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### CONFORMED AGENDA January 13, 2004

Time      Description

**9:16 a.m.** Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance  
Introductions

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

- Tom Guarino, County Counsel, advised that on Monday, the Mariposa Superior Court issued a ruling in the case of Bird vs. Mariposa County in favor of the County for all counts filed by Mr. Bird, including how and where the Board of Supervisors conducted its meetings and he reviewed the findings that Judge Parrish made. Tom expressed appreciation to Jeff Green, former County Counsel, and to Attorney Allen of Allen, Polgar, Proietti & Fagalde for this work in this matter.
- Yvonne Bennett expressed concern with Consent Agenda item 9, and asked why the County needs to purchase a falling/timber jack.

Board Information

- Supervisor Bibby advised that the meeting held on Friday at the Mt. Bullion Youth Authority Camp was well attended, and the representatives from the State heard testimony from the public, including seniors, community organizations, and the youth on how the potential closure would affect services in the County. She advised of a letter writing campaign and requested that the Board receive a copy to present at a meeting that is being scheduled with the Youth Authority Director.
- Supervisor Stetson advised that the Midpines Community Planning Advisory Committee meeting is scheduled for this evening.

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

**BOARD ACTION:** Supervisor Parker pulled item 9. Supervisor Bibby pulled items 7 and 8. (M)Pickard, (S)Stetson, the balance of the items were approved/Ayes: Unanimous.

Supervisor Bibby initiated discussion relative to item 7, and asked about the process for tracking the surplus property that is acquired. Rich Inman, County Administrative Officer advised that he will review the tracking issue. (M)Bibby, (S)Stetson, item 7 was approved, with direction given for a tracking mechanism to be in place/Ayes: Unanimous.

Supervisor Bibby initiated discussion relative to item 8, and reimbursement of administrative costs. Rich Inman advised that he will review the matter to see if reimbursement is occurring. (M)Bibby, (S)Stetson, item 8 was approved with direction given for the County Administrative Officer to verify that the administrative costs are being reimbursed/Ayes: Unanimous.

Jim Petropulos, Public Works Director, provided input relative to item 9, and stated he needs the funds transferred for the road materials; however, he withdrew the portion of the request for the falling jack. He advised that he wants to meet with Supervisor Balmain and staff to explore the level of expertise needed to operate a falling jack. Supervisor Bibby requested that information be provided on how much the equipment would be used and justification for the equipment when the request is brought back. (M)Pickard, (S)Bibby, the portion of item 9 was approved for transferring funds for hauling road materials/Ayes: Unanimous.

Rich Inman, County Administrative Officer;  
Discussion and Direction Concerning Board of Supervisors Addressing Constraints to  
Development in the County

**BOARD ACTION:** Rich Inman initiated discussion and asked that the Board members provide input on issues and prioritization for scheduling workshops. Supervisor Stetson stated he feels zone of benefit issues should be a priority. Supervisor Bibby stated she feels that infrastructure development should be a priority and cited recent situations where development is hindered due to the status of the infrastructure. Supervisor Pickard stated he agrees with the zone of benefit issue, and he noted that the infrastructure issues relative to roads involve areas throughout the County. He suggested that the permitting procedures include Public Works, and he requested that the County Administrative Officer provide a recommendation on how some of the issues could be resolved such as timeframes and processing the applications by the affected departments. Rich Inman stated he feels the Board should discuss impact fees sometime in the future; and he noted that he has discussed the timeframes issue for processing applications with the affected departments and he will discuss it with them again. Chairman Parker asked about scheduling workshops with the affected departments and involving the public, and he stated he feels plan checks and road standard issues should be at the top of the list, along with the prompt filing of maps. Tom Guarino, County Counsel, stated he feels the workshop format would be appropriate, with a more formal process to follow before taking action on the issues. Supervisor Bibby requested that specific examples be cited when discussion is scheduled for the each of the issues.

- Don Starchman, Starchman Law Offices, stated he agrees with prioritizing the zone of benefit and plan check issues, and with addressing these issues in a workshop setting. He advised that Public Works met with the Business Forum last week and some solutions came forward for expediting the plan check process. He also noted that Roger Stephens is currently involved in a zone of benefit application and could provide input on that issue. He suggested that consideration be given to adding another topic for the future relative to Williamson Act contracts and meeting with the Agricultural Advisory Committee.
- Ken Melton stated he agrees with Don Starchman, and he suggested that the following topics be added to the list: road standards issue – County and California Department of Forestry and Fire Protection, offers of dedication, and CEQA issues with the County roads and subdivisions.

Chairman Parker invited the departments and the public to provide information to the Clerk of the Board on any other issues that they are aware of that the Board should review. Workshops will be scheduled with no more than a couple of topics at a time.

Jim Petropulos, Public Works Director;

C) Approve Budget Action Transferring Funds from Capital Improvement Project Hall of Records Bathroom Account (\$20,000) and from Jail Expansion Remodel (\$2,975) to Facilities Account to Cover the Cost of the Purchase and Installation of a New Heating and Cooling System for the Mariposa County History Museum (\$22,975) (4/5ths Vote Required)

**BOARD ACTION:** Discussion was held with Jim Petropulos. Richard Hutchinson, member of the Board of Directors of the Mariposa Museum and History Center, provided input relative to the previous replacement of another portion of the system for the building and relative to this request. (M)Pickard, (S)Bibby, Res. 04-18 was adopted as recommended/Ayes: Unanimous. Discussion was held relative to the timeframes for completing the project. Supervisor Bibby requested that a representative of Public Works be present during the work on the project. Supervisor Stetson asked about placing non-performance language in contracts.

**10:00 a.m.** Recess

**10:22 a.m.** Supervisor Pickard acknowledged and thanked Jill Ballinger and the Mariposa Gazette for their efforts in attending the Mt. Bullion CYA meeting and providing coverage

relative to the potential closure of the Camp. Supervisor Parker expressed appreciation to all of the people that provided input on this matter.

A) Adopt a Resolution Accepting the Countywide Injury and Illness Prevention Plan as Policy and Directing Each Department Head or Appointed Department Safety Representative (DSR) to Monitor the Health and Safety Policy for Their Departments with Assistance from the County Safety Officer

**BOARD ACTION:** Rich Inman, County Administrative Officer, introduced the item and recommended that he work with the departments and the Board on elements of the plan and concerns. Marty Allan/PWD-Safety Officer, gave a power point presentation on the elements of the plan and discussed the significance of having a plan. Discussion was held relative to the proposed plan and impacts on workload. Supervisor Balmain noted that there are several typographical errors and incorrect sentence structure errors in the plan that need to be corrected. The matter was continued for the following hearing to be opened.

**11:02 a.m.** The public hearing on the Housing Element was opened and continued until after the following items.

Further discussion was held relative to Injury and Illness Prevention Plan. Chairman Parker referred the plan to the County Administrative Officer and County Counsel for further review and to address the issues that have been raised. Supervisor Bibby asked that the plan be distributed to the departments.

Chairman Parker advised that the Board will consider a request to continue the public hearing/Appeal No. 2003-282 scheduled for 2:00 p.m. this date when the Board returns from lunch.

**11:10 a.m.** Recess

**11:26 a.m.** B) Authorize Public Works to Solicit for Request for Qualifications (RFQ's) for the Preparation of a Master Design Plan for the Development of the Mariposa County Regional Recreational Complex

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Stetson, Res. 04-19 was adopted. Supervisor Stetson noted that the reference to the skate park in Exhibit "B" needs to be deleted as that project is approved at the Mariposa Park site. Supervisor Bibby suggested that the steering committee include the school district and coaches, and she advised that there are typographical errors in the document that she will forward to Public Works for correction. She asked about including other features and including items for physical therapy. Jim Petropulos advised that project will be reviewed in more detail in the future. Ayes: Unanimous.

Approve Budget Action Transferring Funds in the County Counsel Budget from County Counsel Salary to Fixed Assets (Computer Equipment) to Offset the Difference in Cost for the Purchase of a Computer for County Counsel and to Purchase a Printer to Replace the Office's Printer (\$763) (County Administrative Officer)

**BOARD ACTION:** (M)Pickard, (S)Stetson, Res. 04-20 was adopted/Ayes: Unanimous.

**11:33 a.m.** Eric Toll, Planning Director;  
Continued Public Hearing to Adopt a Negative Declaration and a Resolution Adopting the Statutorily Required Five Year Update to the General Plan Housing Element (Continued from 1-6-04)

**BOARD ACTION:** Eric Toll advised that Ken Melton pointed out that the information in section C. Objective Three: Providing Adequate Sites and Services/C(1) Findings relative to Mariposa Public Utility District is dated, and Eric recommended that it be deleted. The Board concurred with deleting the portion of the last paragraph after the first sentence. Eric suggested

a change in wording in the last paragraph in section 5.13.02 Housing and University of California/Merced. The Board concurred with the language change to read “The County is on record requesting a linkage from the campus via...”

Staff responded to questions from the Board relative to the following areas of the Housing Element:

- Section C. Objective Three: Providing Adequate Sites and Services/C(2) Programs – Further discussion was held relative to MPUD services, and Supervisor Bibby stated she feels that we need to know the amount of development that their system can handle.
- Supervisor Stetson asked whether the formal resolution should refer to “amend” versus “appeal” the General Plan. He asked about rewording finding No. 15 in the formal resolution relative to short-term goals. The Board concurred with the following wording: “The project has the potential to achieve short-term goals but not to the disadvantage of long-term environmental goals.”
- Supervisor Balmain suggested that Merced Falls Road be added to the last paragraph of section 5.13.02 Housing and University of California/Merced; and the Board concurred with this change.
- Supervisor Bibby advised of a typographical error on the first page of the formal resolution, and “sixteenth” was corrected; and of an error on page four of the formal resolution in No. 17, and “does” was deleted.
- Supervisor Bibby referred to section 5.4.03 Housing Profiles and the issue of siting mobile homes without regard to construction certification, and she commented on safety issues and presented information. Supervisor Parker commented on the Board’s previous direction that if the mobile homes exist in the County, they can be moved to another property; it is not to encourage pre-HUD certified mobile homes to be brought into the County. Supervisor Pickard noted that it is still the County’s policy to allow pre-HUD certified mobile homes to be brought into the County. No changes were made.
- Supervisor Bibby asked about the definition of overcrowding in section 5.5.04 Overcrowding; whether the question on the status of Cascades/Arch Rock was addressed in section 5.5.07 Publicly Assisted Rental Housing; and requested that “dug” be replaced with “drilled” in section 5.8.06 Services/A. Water Supply, and the Board concurred with this change. She also stated that she would like to further discuss the mobile home issue.
- Supervisor Stetson requested that a box be added to Table 5-8 for Mountain Home and Rural Residential. He requested that the last portion of the sentence in “K” under section 5.11.04 Mariposa County’s Housing Policies, be deleted; and the Board concurred with deleting “...achieving County housing goals, policies, and objectives.” The Board concurred with deleting “as its” in section 1.3 of 5.11.05 Housing Objectives and Programs/A(2) Programs. He referred to section F. Objective Six: Minimizing Housing Costs by Reducing Energy Use/F(2) Programs/6.2 and requested that the consideration be given to what the County is doing with public buildings now and in the future relative to passive solar design. Eric stated he thought the Planning Commission included this in another element.

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

- Ken Melton reviewed the following portions of Section 5.11.05 Housing Objectives and Programs where he thought changes had been made by the Board that were not reflected in the final draft:
  - Objective One/A(2) Programs/1.2 – he thought that “Building Department” was removed from this section. No change was made.
  - Objective Two – he thought that “very” was removed and there was a question about the rest of the sentence. No change was made.
  - Objective Two/B(1) Findings – he thought that “provided” was changed to “identified”; and the Board concurred with this change.
  - Objective Two/B(2) Programs – he thought section 2.1 was removed. No change was made.

- Objective Two/B(2) Programs – he thought that reference was deleted to the 25 percent density bonus, and the Board concurred with this change.

- Objective Three – he thought the wording “within performance zoning” was removed and reference to “Planning Areas” was changed to “Town Planning Areas”; and the Board concurred with these changes as previously directed.

- Objective Three/C(2) Programs/3.1 – he thought there were changes made to delete “provisions” at the end of the first sentence, and that “update: was changed to “review”; and the Board concurred with these changes as previously directed.

- Objective Three/C(2) Programs/3.2 – he thought “Planning Areas” was changed to “Town Planning Areas” and that “Planning Department” was changed to “County”; and the Board concurred with these changes as previously directed.

- Objective Five/E(2) Programs/5.3 and 5.5 – he thought there were wording changes in these sections relative to the application of funds from State and Federal programs and relative to the use of nonprofit, for-profit organizations. Susan Crain, Planning Commissioner, provided input on the Board’s previous review and discussion of these sections. No further changes were made.

- Ken initiated discussion relative to the last paragraph in section 5.13 Housing Issues Unique to the County of Mariposa/5.13.01 Seasonal Employee Housing. He stated he feels there should be changes in this section. Discussion was held and the Board concurred with further reviewing this during deliberations.

- Gene Mickel stated he does not feel that alternative energy should be limited to solar in the document.

Further discussion was held relative to section 5.13.01 Seasonal Employee Housing, and the Board concurred with Supervisor Stetson’s suggestion to change the end of the first sentence to read as follows: “...and the rest of the tourism industry as seen as a collective employer.” Don Starchman stated he feels the sentence should be deleted in the middle of the last paragraph relative to housing for seasonal workers, pursuant to previous discussion by the Board. Supervisor Pickard clarified that this section does not create any obligation. Ken Melton stated he feels that “should” can be interpreted as a requirement. Discussion was held by the Board. Supervisor Pickard suggested that the sentence be reworded as follows: “Housing for seasonal workers should include adequate infrastructure and when possible access to community services.” The Board concurred with this change.

Supervisor Bibby requested that there be further discussion relative to mobile homes and safety issues. Discussion was held and it was agreed that due to the timeframes for adopting this element that other issues could be further discussed in the future. Supervisor Parker noted that this is an interim Housing Element to meet the timeframes for adoption, and a final Element will be done in the future. He also requested that the Clerk pull information on the Board’s previous discussion of the mobile home issue for the Board members.

Tom Guarino, County Counsel, advised that the ‘whereas’ clauses in the formal resolution need to be revised to reflect that this is an “interim” document, and the Board concurred with this change.

The public portion of the hearing was closed. (M)Stetson, (S)Pickard, Res. 04-21 was adopted adopting the General Plan Housing Element with the changes as discussed, including the use of “interim Housing Element” in the formal resolution language/Ayes: Unanimous. The hearing was closed.

Discussion was held relative to the rest of the agenda scheduling.

**12:37 p.m.** Lunch

**2:12 p.m.** Sarah Williams, Deputy Planning Director, appeared on behalf of Eric Toll, Planning Director;

PUBLIC HEARING to Consider Appeal No. 2003-282, an Appeal of the Planning Director’s Decision that the Property at 3567 Highway 140, APN 11-280-001 is No Longer a Legal

Nonconformity with Respect to the Operation of Commercial Uses Above Those Permitted by the Underlying Mountain Home Residential Zoning for Said Property

**BOARD ACTION:** Sarah Williams advised that additional information was received on Monday, and she requested that the hearing be continued to allow time to review the additional evidence. The public hearing was continued to January 27, 2004, at 2:00 p.m.

(M)Balmain, (S)Stetson, to hold the closed sessions/Ayes: Unanimous. Following this action, the Board determined to consider the following matter before holding the closed sessions, and another action was taken to hold the closed sessions.

### **MARIPOSA COUNTY PUBLIC FINANCE CORPORATION**

Conduct Annual Meeting and Select Officers for 2004

**BOARD ACTION:** (M)Pickard, (S)Stetson, the Chair of the Board (Supervisor Parker) and the Vice-Chair of the Board (Supervisor Balmain) were selected to serve as President and Vice-President of the Corporation, respectively/Ayes: Unanimous.

**2:18 p.m.** CLOSED SESSION: Regarding Conference with County Labor Negotiator Relative to SEIU Local 250 Representing In-Home Supportive Service (IHSS) Providers (Continued from 11-25-03) (County Administrative Officer);

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

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Robert E. Cooper and John J. Swenson v. County of Mariposa, et al, (Continued from 1-6-04) (County Counsel);

CLOSED SESSION: Conference Concerning Real Property Relative to Appraisal of Juanita Moore Property, Located on Bullion Street, APN 013-125-001 Pursuant to California Government Code section 54956.8; Richard Inman, County Administrative Officer Agency Negotiator (Continued from 1-6-04) (County Administrative Officer); and

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Amy Crawford, et al. v. County of Mariposa, et al, (County Counsel)

**BOARD ACTION:** (M)Pickard, (S)Stetson, the closed sessions were held, with Mary Hodson/Administrative Analyst to be present for a portion of the session/Ayes: Unanimous.

**3:15 p.m.** Chairman Parker announced that direction was given to staff as a result of the closed session matters.

### **CONSENT AGENDA:**

- CA-1 Authorize the Chairman to Sign an Order of the Board to Reject Claim No. C03-14 in the Amount of \$9,561.01 (County Administrative Officer); Res. 04-12
- CA-2 Appoint Magnum Godfrey to the Coulterville Town Planning Advisory Committee (Supervisor Balmain)
- CA-3 Appoint Sharon Healy to the Yosemite West Planning Advisory Committee (Supervisor Stetson)
- CA-4 Appoint John Schroeder to the Midpines Community Planning Advisory Committee (Supervisor Stetson)

- CA-5 Accept the Resignation of Veronika Gerger from the El Portal Planning Advisory Committee (Supervisor Stetson)
- CA-6 Adopt a Resolution Commending the Chamber of Commerce's 2003 Business Woman of the Year, Alinda Franklin and the Chamber of Commerce's 2003 Business Man of the Year, Jim Dulcich (Tourism); Res. 04-13 and 04-14
- CA-7 Adopt a Resolution Designating Nancy Bell, Deputy Director; Cynthia Larca, Fiscal Officer; Bernadette McGowan, Staff Services Manager; and Sharol Stang, Network Administrator as Representatives of the Department of Human Services to Acquire Federal Surplus Property from the California State Agency for Surplus Property (Human Services Director); Res. 04-15, with direction given for a tracking mechanism to be in place
- CA-8 Adopt a Resolution Establishing the Tax Rate of .04298 (4.298 Cents per One Hundred Dollars of Assessed Valuation) for the Yosemite High School Bond in the Bass Lake Elementary/Yosemite High School Tax Rate Areas of Mariposa County (Auditor); Res. 04-16, with direction relative to reimbursement of the administrative costs
- CA-9 Approve Budget Action Transferring Funds Within the Road Department Budget from Various Line Items to Professional Services Construction (\$5,007) for Hauling Road Materials and to Other Equipment (\$2,630) for the Purchase of a Falling Jack (\$7,637) (Public Works Director); Res. 04-17, with the portion relative to the falling jack being withdrawn
- CA-10 **LOCAL TRANSPORTATION COMMISSION**  
Approve the Master Fund Transfer Agreement with the State of California Department of Transportation (Caltrans) for Transportation Planning, and Authorize the Executive Director of the Local Transportation Commission to Sign the Agreement (Public Works Director); LTC Res. 04-1

**3:16 p.m.** Adjournment

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA January 20, 2004



Time      Description

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

Pledge of Allegiance  
Introductions

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

- Paul Chapman referred to the item scheduled on today's agenda to declare the Board's intent to lease property located in the Lake Don Pedro 1-M Area, and he stated he feels that the minimum bid is too low.
- Yvonne Bennett commented on the declining fund balance for the Don Pedro 1-M budget; and agreed that the minimum bid is too low.

Board Information

- Supervisor Stetson advised that he plans to attend the Calaveras-Mariposa Community Action Agency meeting on Wednesday in Coulterville; and of an invitation by the National Park Service to tour the Valley and look at projects on Friday.
- Supervisor Bibby stated she also plans to attend the Calaveras-Mariposa Community Action Agency meeting on Wednesday.

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

**BOARD ACTION:** Supervisor Parker pulled item 2, and he introduced Skip Skryud. (M)Bibby, (S)Pickard all items were approved/Ayes: Unanimous.

Rich Inman, County Administrative Officer;  
Presentation of Video of Lou Tice of Pacific Institute Speaking at the Annual National Association of County Officers (NACo) Conference  
**BOARD ACTION:** Rich Inman showed the video of Lou Tice's presentation to NACO.

**10:18 a.m.** Recess

**10:30 a.m.** Select Two Members from the Board of Supervisors to Work With the County Administrative Officer to Review the Salaries of Elected and Appointed County Officials and Develop a Recommendation Regarding Cost of Living Allowances (COLAs) and Salary Adjustments (County Administrative Officer)

**BOARD ACTION:** Supervisors Bibby and Pickard offered to work on this matter, and the Board concurred.

**10:32 a.m. LAKE DON PEDRO COMMUNITY SERVICE AREA 1-M**

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

**BOARD ACTION:** Discussion was held with Tom Guarino, County Counsel. Supervisor Balmain clarified that the proposal indicates a minimum bid, and he advised of the history of

leasing this property and of consideration of selling the property. (M)Balmain, (S)Pickard, Res. 04-23 and LDP Res. 04-1 were adopted declaring intent to lease the property as recommended. Further discussion was held. Supervisor Bibby asked about including a clause relative to responsibility for maintaining the property and the fencing and requiring liability insurance to protect the County. The motion was amended, agreeable with the maker and the second, to include direction to include language in the formal resolution and the contract that any lease of the property will include a hold harmless indemnity clause and insurance sufficient to protect the County/Ayes: Unanimous.

**10:42 a.m.** CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (Continued from 12-16-03) (County Administrative Officer); and  
CLOSED SESSION: Public Employee Performance Evaluation; Planning Director (County Administrative Officer)

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

**12:02 p.m.** Chairman Parker announced that direction was given to staff as a result of the closed session matters.

**CONSENT AGENDA:**

- CA-1 Approve Budget Action Transferring Funds within the Board of Supervisors Budget from Office Expense to Publications and Legal Notices to Meet Current and Future Expenditures Due to an Unusually High Number of Public Notices this Fiscal Year (\$1,200) (County Administrative Officer); Res. 04-22
- CA-2 Appoint Skip Skyrud to the Mariposa County Planning Commission, Representing District IV (Supervisor Parker)
- CA-3 Appoint Gonzalo Tafoya to the Emergency Medical Care Quality Improvement Committee (Health Officer)

**12:03 p.m.** Adjournment in memory of Masella Rowe and Patricia Todd.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA January 27, 2004



#### Time      Description

**9:07 a.m.** Meeting Called to Order at the Mariposa County Government Center, with Supervisor Pickard arriving after the Pledge of Allegiance.

Pledge of Allegiance  
Introductions

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

- Mike Bird read his letter to the Board into the record requesting that County Counsel correct a recent media release relative to the evidence presented by Mr. Bird in the case of Bird vs. Mariposa County.
- Jim Allen, Sheriff, provided a report on the statistics for the department's activities during 2003; and he noted that calls to the department have increased and that crime has decreased.

#### Board Information

- Supervisor Pickard advised that he plans to attend the Regional Council of Rural Counties (RCRC) meeting on Wednesday and Thursday; and on Thursday, he plans to attend a fiscal committee meeting in Sonora with the Community Services Director and Area 12 Agency on Aging to review services provided to the seniors.
- Supervisor Bibby referred to the Water Discharge and Coalition information that was distributed by the Agricultural Commissioner, and she advised that the date to join the Coalition has been extended to April 10, 2004. She also thanked the Board members for their assistance at the Chili Cook-off event on Saturday.
- Supervisor Balmain noted that the Board beat the Planning Commission in the Chili Cook-off on Saturday. He also advised that on Saturday he attended a National Environmental Policy Act (NEPA) workshop and they reviewed the process and requirements.

Chairman Parker announced that the Public Hearing scheduled for 2:00 p.m. to consider Appeal No. 2003-282/Garske, was withdrawn by the applicant/appellant.

Rich Inman, County Administrative Officer, thanked Susan Crain for coordinating the Chili Cook-off event and advised of the success of the event.

Approval of Minutes 1-06-04, Regular Meeting

**BOARD ACTION:** Minutes were approved with the noted corrections.

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

**BOARD ACTION:** Supervisor Stetson pulled items 4, 5 and 9. Supervisor Pickard pulled item 6. Supervisor Bibby pulled item 7. (M)Pickard, (S)Bibby, the balance of the items (Nos. 1, 2, 3 and 8) were approved/Ayes: Unanimous.

Supervisor Stetson initiated discussion relative to item 4 and relative to the option of making the position an ex-officio position versus an at-large position. Tom Guarino, County Counsel,

advised that the position descriptions could be reviewed. The matter was pulled for further review.

Supervisor Stetson initiated discussion relative to item 5. Chairman Parker advised of the amendment that was received to correct the Budget Action form. (M)Stetson, (S)Pickard, item 5 was approved/Ayes: Unanimous.

Item 6 was continued to later this date.

Supervisor Bibby initiated discussion relative to item 7 and the timeframes for the grant and the budget period. Rich Inman, County Administrative Officer, advised that he will review and clarify the dates. (M)Bibby, (S)Balmain, item 7 was approved, with direction for the County Administrative Officer to review the dates and bring the matter back, if necessary/Ayes: Unanimous.

Supervisor Stetson initiated discussion relative to item 9 and the equipment for children. Blaine Shultz, Fire Chief, provided input. (M)Balmain, (S)Stetson, item 9 was approved/Ayes: Unanimous.

Rich Inman, County Administrative Officer;

Authorize County Administrative Officer to Develop and Offer Personnel Services Contracts with Employees of Kings View to Facilitate the Transition from Kings View to the County

**BOARD ACTION:** Rich Inman initiated discussion, and he advised that he is not sure whether the personnel services contracts will be pursued or another form. He wants to reassure the Kings View employees that they will become County employees as the transition progresses. He advised that they are in the process of reconciling the job classifications and benefits for the Kings View employees with the County's. (M)Stetson, (S)Balmain, direction was given for the County Administrative Officer to transmit a letter, in consultation with County Counsel, offering employment opportunities to the Kings View employees. Supervisor Pickard clarified that this is for the interim transition period. Ayes: Unanimous.

Authorize the Catheys Valley Historical Society to Build a Blacksmith Shop at the Catheys Valley Park (Public Works Director)

**BOARD ACTION:** (M)Balmain, (S)Bibby, Res. 04-31 was adopted. Caroline Korn expressed appreciation to the members of Catheys Valley Historical Society and the community, and all of those who have been involved in this project, along with the Board and Public Works, for their efforts. Supervisor Parker clarified that this project would be done under the direction of Public Works; however, it is not a County project and does not involve any County funds. Ayes: Unanimous.

**9:42 a.m.** Recess

**10:03 a.m.** Consent Agenda item 6 – Supervisor Pickard stated he is okay with taking action today on the portion of the request to authorize the Change Order for the Composting Facility EIR; however, he requested that the Change Order for the Camp Wawona EIR be continued for two weeks. He advised that it could be brought back as a consent agenda item, per his discussion with the Planning Director. (M)Pickard, (S)Balmain, Res. 04-32 was adopted approving the portion of item 6 to authorize the Change Order for the Composting Facility EIR/Ayes: Unanimous.

**10:06 a.m.** CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Robert E. Cooper and John J. Swenson v. County of Mariposa, et al, (Continued from 1-13-04) (County Counsel);

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers' Compensation Case (County Administrative Officer); and

CLOSED SESSION: Public Employee Performance Evaluation – Planning Director; and Public Employee Discipline/Dismissal/Release (County Administrative Officer)

**BOARD ACTION:** (M)Pickard, (S)Bibby, the closed sessions were held with Sandi Laird/Personnel Risk-Management Technician, to be present for discussion relative to the Workers' Compensation case/Ayes: Unanimous. The following matter was considered before the Board convened in closed session.

PUBLIC HEARING to Consider Appeal No. 2003-282, an Appeal of the Planning Director's Decision that the Property at 3567 Highway 140, APN 11-280-001 is No Longer a Legal Nonconformity with Respect to the Operation of Commercial Uses Above Those Permitted by the Underlying Mountain Home Residential Zoning for Said Property (Continued from 1-13-04)  
**BOARD ACTION:** Tom Guarino, County Counsel, advised that the public hearing to consider the appeal by applicant Garske that is scheduled for 2:00 p.m. could be taken off calendar at this time since it was withdrawn, and the Board does not need to reconvene this afternoon. The Board concurred and the matter was taken off calendar.

**10:09 a.m.** The Board convened in closed session.

**12:00 p.m.** Chairman Parker announced that direction was given to staff as a result of the closed session matters.

**CONSENT AGENDA:**

- CA-1 Approve a Personal Services Agreement with Jeff Green to Perform Negotiating Services with In-Home Supportive Service (IHSS) Providers SEIU Local 250 (County Administrative Officer); Res. 04-24
- CA-2 Approve the Allocation of an Office Technician (Salary Range 178) Position for the Sheriff's Department and Eliminate the Senior Office Assistant (Salary Range 120) Position Effective January 1, 2004 (County Administrative Officer); Res. 04-25
- CA-3 Approve Budget Action Transferring Funds within the County Counsel Budget from County Counsel Salary to County Counsel's Extra-Help (\$1,607) (County Administrative Officer); Res. 04-26
- CA-4 Appoint Jacque Meriam, County Librarian, to the Historic Sites and Records Preservation Commission in the At-Large Position (Supervisor Parker); Matter was pulled for further review
- CA-5 Approve Budget Action Transferring Funds within the Facilities Division Budget from Maintenance of Buildings (\$9,038) and Administrative Fees (\$4,462) to Fuel Expense to Cover Fuel Costs for the Remainder of the Fiscal Year (\$13,500) (Public Works Director); Res. 04-28 with correction to the Budget Action Form
- CA-6 Authorize the Planning Director to Execute Change Orders for the Composting Facility Environmental Impact Report (EIR) and the Camp Wawona Environmental Impact Report (Planning Director); Res. 04-32 authorizing the Change Order for the Composting Facility EIR; and direction was given for the Camp Wawona EIR Change Order to be brought back in two weeks
- CA-7 Approve Budget Action Accepting \$14,536 in Revenue and Corresponding Appropriations from the 2002-03 District Attorney Statutory Rape Vertical Prosecution Grant to Cover the Extension Period from July 1, 2003 to October 31, 2003 (4/5ths Vote Required) (District Attorney); Res. 04-29, with direction for the

County Administrative Officer to review the grant timeframes in relation to the budget timeframes

- CA-8 Authorize the Fire Chief to Apply for a Volunteer Fire Assistance Grant Through California Department of Forestry (CDF) for the Federal Government, Requiring a 50% Cost Share with Expenditures Proposed in the Fiscal Year 2004 Budget Meeting the Match Requirement (\$20,000) (Fire Chief); Res. 04-27
- CA-9 Authorize the Fire Chief to Apply for the Health Resources and Services Administration FFY2003 Grant in the Amount of \$97,752 and Approve Budget Action Accepting and Allocating a Portion of Revenues to the 2003-04 Budget with the Balance to be Included in the 2004-05 Budget (4/5ths Vote Required) (Fire Chief); Res. 04-30

**12:01 p.m.** Adjournment in memory of Shirley J. Halvorson.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA February 3, 2004



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 including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

- Dr. Mosher, Health Officer, provided an update on the situation with the ozone designation and the placement of the County in the San Joaquin Valley Unified Air Pollution Control District based on the Federal Environmental Protection Agency's recommendation. He advised that the mountain counties and the San Joaquin Valley District disagree with this recommendation. He also advised of recent meetings on this matter and potential impacts to the County. Discussion was held.

Approval of Minutes 1-13-04, Regular Meeting

**BOARD ACTION:** Approved.

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

**BOARD ACTION:** Supervisor Balmain pulled item 1 and advised that the claimant was present to provide input on this matter; and he requested that the matter be referred back to the County Administrative Officer for further consideration. (M)Pickard, (S)Stetson, the balance of the items were approved/Ayes: Unanimous.

Relative to item 1 – Tom Guarino, County Counsel, recommended that the Board accept the public input and refer the matter back to the County Administrative Officer. Mary James advised of discrepantcies that she feels exist in the report of the accident, and she provided input on the circumstances that she felt led to the accident. Mr. James provided information on the accident, including turning radius and sight distance. The matter was referred back to the County Administrative Officer for further consideration.

Eric Toll, Planning Director;

A) Approve the Booklet, "Mariposa County Code of the West", Prepared by the Planning Commission, for Distribution to Real Estate Offices, Interested Persons, and the Chamber of Commerce to Help Explain Some Thoughts About Living in the Country; and

B) Approve the Rules of Procedure for Meetings and the Proposed Rules of Conduct for the Mariposa County Planning Commission

**BOARD ACTION:** Chairman Parker advised that these matters were pulled from the agenda.

Jim Petropulos, Public Works Director;

A) Waive First Reading and Introduce an Ordinance Allowing Long-Term Parking at the Mariposa/Yosemite Airport

**BOARD ACTION:** Chairman Parker read the title of the Ordinance into the record. Discussion was held with Jim Petropulos relative to the request and limiting the parking to vehicles.

Discussion was held relative to concerns and encouraging use of the Airport. Supervisor Stetson advised of corrections to the Ordinance. (M)Stetson, (S)Bibby, the first reading was waived and the Ordinance was introduced to allow long-term parking at the Airport. The Clerk of the Board

read the proposed action into the record. Ayes: Stetson, Bibby, Pickard; Noes: Balmain, Parker.

B) Authorize Public Works to Replace the Road Department Sign Shop Truck #940 Utilizing Vehicle Replacement Fund #704 for an Amount Not to Exceed \$50,200 in Lieu of Replacing Roads Vehicle #805; Waive the Formal Bid Process to Utilize the State of California Contract Bid List to Procure the Vehicle and Authorize Public Works to Dispose of the Sign Shop Truck by Utilizing Roger Ernst Auctions

**BOARD ACTION:** Following discussion, (M)Balmain, (S)Pickard, Res. 04-42 was adopted/Ayes: Unanimous.

Discussion and Possible Action Relative to Opposition of Petition RH 03029826, an Effort to Arbitrarily Increase Auto Insurance Rates in Places like Mariposa County, so Drivers in Other Regions Can Pay Less (Supervisor Balmain)

**BOARD ACTION:** Supervisor Balmain initiated discussion relative to the request. (M)Balmain, (S)Pickard, Res. 04-43 was adopted opposing Petition RH 03029826, and direction was given to the County Administrative Officer to draft a letter to the Insurance Commissioner. Supervisor Pickard requested that the letter be copied to those listed on the letter that Assemblyman Cogdill signed. Ayes: Unanimous.

Discussion and Direction Relative to Letter from Madera County Supervisor John V. Silva, Requesting Governor Schwarzenegger's Consideration of Returning All Property Tax Revenues to Local Government (Supervisor Balmain)

**BOARD ACTION:** Supervisor Balmain initiated discussion relative to the request. (M)Bibby, (S)Balmain, Res. 04-44 was adopted supporting the return of all property tax revenues to local governments/Ayes: Unanimous. Chairman Parker asked Supervisors Balmain and Bibby to work with the County Administrative Officer to prepare a letter on this matter.

Supervisor Pickard advised of discussion by CSAC (California State Association of Counties) and RCRC (Regional Council and Rural Counties) relative to the proposal to shift revenue from local governments to solve the State budget crisis; and he advised that he will keep the Board posted on this matter.

Board Information – none.

**9:47 a.m.** Recess

**10:11 a.m.** Jim Petropulos, Public Works Director;

A) PUBLIC HEARING Relative to an Amendment of the Non-Disposal Facility Element (NDFE) of the Countywide Integrated Waste Management Plan (CIWMP) as Recommended by the AB939 Local Task Force (LTF) and in Compliance with the California Code of Regulations

**BOARD ACTION:** Jim Petropulos introduced the item. Steve Engfer/PWD-Solid Waste and Recycling Manager, presented the staff report, and he advised of corrections that were noted by Supervisor Bibby. He also advised that better maps will be used. 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 five-year timeframe for updating this element; and whether there is a statutory requirement for updating the Source Reduction and Recycling Element. (M)Pickard, (S)Bibby, Res. 04-45 was adopted approving the Amendment of the Non-Disposal Facility Element, with the corrections. Staff responded to additional questions from the Board relative to the status of the Task Force and relative to the approval process at the State level of the Amendment. Ayes: Unanimous. The hearing was closed.

B) Solid Waste and Recycling Program Informational Update Regarding SB332 Recycling Grant, the Waste Reduction Education Partnership, and Waste Related Activities

**BOARD ACTION:** Steve Engfer provided a status report on the Recycling Grant (SB 332); on the waste reduction and education partnership; and on waste related activities. Supervisor Pickard asked about recycling to the rural areas. Supervisor Bibby asked about additional notification for the Household Hazardous Waste Collection event. The Board members commended staff for their efforts on solid waste matters.

**10:49 a.m.** CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Robert E. Cooper and John J. Swenson v. County of Mariposa, et al, (Continued from 1-13-04) (County Counsel);

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);

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation for Three Cases with Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel);

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.69 (County Counsel);

CLOSED SESSION: Public Employee Discipline/Dismissal/Release, Pursuant to Government Code Section 54954.5 (County Counsel); and

CLOSED SESSION: Public Employee Appointment; Title or Position to be Filled: Interim Planning Director, Pursuant to Government Code Section 54957(b)(1) (County Counsel)

**BOARD ACTION:** (M)Stetson, (S)Bibby, the closed sessions were held with Sarah Williams, Deputy Planning Director, to be present for a portion of the session/Ayes: Unanimous.

**11:37 a.m.** Lunch

**1:37 p.m.** The Board reconvened in closed session.

**2:42 p.m.** Chairman Parker announced that the Board accepted the resignation of Eric Toll as Planning Director, and the Board appointed Sarah Williams as Interim Planning Director; and he announced that direction was given to staff as a result of the other closed session matters.

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

**CONSENT AGENDA:**

CA-1 Authorize Chair to Sign an Order of the Board to Reject Claim No. C04-2 for an Undisclosed Amount (County Administrative Officer); Matter was referred back to the County Administrative Officer for further consideration.

CA-2 Adopt Job Descriptions for Tourism Coordinator and Administrative Analyst-Business Development Coordinator, Set Salaries at Range 247, and Approve Proposed Budget for Business Development (County Administrative Officer); Res. 04-33

CA-3 Approve a Certificate Recognizing and Congratulating Roy and Joyce Lantia on Their 50<sup>th</sup> Wedding Anniversary (Supervisor Parker)

- CA-4 Accept the Resignation of Janice Haag from the In-Home Supportive Services (IHSS) Advisory Committee (Supervisor Pickard)
- CA-5 Approve New Two Year Contract to Expand Services Provided by Lexis Nexis Internet Legal Research to Include "Law Enforcement Solutions" (District Attorney); Res. 04-34
- CA-6 Approve the County Exhibits Entry Form for the 2004 California State Fair and Authorize the Chair to Sign the Form (Tourism); Res. 04-35
- CA-7 Authorize the Chair to Sign the Amended 2003/2004 Regulatory Pesticide Use Enforcement Contract #03-0080C, A-1 with the Department of Pesticide Regulation (CDPR) (Agricultural Commissioner); Res. 04-36
- CA-8 Approve Budget Action Accepting California Aid to Airports Program (CAAP) Funds as Unanticipated Revenue and Transferring the Funds to Fixed Assets in the Airport Operations Budget (\$10,000) (4/5ths Vote Required) (Public Works Director); Res. 04-37
- CA-9 Approve Budget Action Transferring Funds within the Yosemite West Maintenance Budget from Contingency to Utilities and Maintenance of Equipment (Sewer Division) to Cover the Cost of Rebuilding one of the Pumps and to Cover the Cost of PG&E Having Billed in the Current Fiscal Year for Charges that were Incurred in the Prior Fiscal Year, and Professional Services (Water Division) to Cover the Cost of Ongoing Repairs to the Water Delivery System and Utilities Because PG&E has a Tendency to Underestimate Usage During the Winter Months when Actual Meter Readings Cannot be Obtained due to Snow (\$15,628) (4/5ths Vote Required) (Public Works Director); Res. 04-38
- CA-10 Approve Budget Action Transferring Funds within the Facilities Budget from Salary Savings in the Senior Maintenance Worker and Maintenance Worker I/II Line Items to Extra Help to Cover the Cost of Utilizing Extra Help Staff for Seasonal Work and Filling in for Permanent Staff Members (\$17,000) (Public Works Director); Res. 04-39
- CA-11 Approve Allocation of Unanticipated Revenue in the Amount of \$81,725, from Transportation Enhancement Activities (TEA) Exchange Program Funds that were Applied for in Fiscal Year 2002-03, for Roads to be Used for Materials (\$71,725) and County Vehicle Expense (\$10,000) (4/5ths Vote Required) (Public Works Director); Res. 04-40
- CA-12 Adopt a Resolution Declaring Pull Behind Brooms #981 and #982 Surplus and Authorize Public Works to Send Them to Auction as per Contract with Roger Ernst Auctions (Public Works Director); Res. 04-41

**2:43 p.m.** Adjournment in memory of Patti Nolan, Hollene Lewis, Robert McEvoy Manly, Pearlene Long, and Earle John Priest.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA February 10, 2004



#### Time      Description

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

Pledge of Allegiance  
Introductions

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

- Gene Glendenning of Fish Camp requested that Consent Agenda item 5, an Amendment to an Indemnity Agreement with PacificUS Real Estate Group for the SilverTip Resort project, be pulled from today's agenda as he did not feel that they had adequate access to the information. He requested a copy of the existing Indemnity Agreement and original staff report; and the proposed Indemnity Agreement and staff report. He also referred to the adoption of an Ordinance that changed the secretarial responsibility from the Advisory Committees to the Planning Director; and he cited examples of problems with meetings not being called as required by the Fish Camp Specific Plan and with minutes not being available from meetings since this Ordinance was adopted. He requested that the Board rescind this action. He referred to the General Plan Update and asked that there be an opportunity for another round of comments from the public, especially the Fish Camp Area. He stated he feels there were misrepresentations from the former Planning Director to the community relative to the text in the Update, and he requested that a copy of the Update be made available that reflects all of the changes.
- Eleanor Keuning provided input on alternative routes and access during inclement weather, and she expressed concern with the status of maintenance for Leonard Road, including the markers, signs and a hanging tree branch; and she presented photographs.

#### Board Information

- Supervisor Stetson advised that there is an El Portal Planning Advisory Committee meeting scheduled for this evening.
- Supervisor Balmain advised that he has materials from the Forest Service relative to fuel loads and fire conditions that he will share with the Board.

Approval of Minutes 1-20-04, Regular Meeting

**BOARD ACTION:** Approved

Approval of Minutes 1-27-04, Regular Meeting

**BOARD ACTION:** Approved with correction of typographical errors.

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

**BOARD ACTION:** Supervisor Bibby pulled items 2 and 4. Supervisor Pickard pulled item 5. (M)Pickard, (S)Bibby, the balance of the items were approved/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

- Supervisor Bibby initiated discussion relative to item 2, and she clarified that some of the conditions refer to the new Parish Hall that the Methodist Church is constructing.

Supervisor Balmain suggested that a timeframe be included in the agreement for moving the Parish Hall. (M)Pickard, (S)Stetson, item 2 was approved with the inclusion of a June 30, 2004 timeframe for moving the Parish Hall/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

- Supervisor Bibby initiated discussion relative to item 4, and noted that the vacancy notice for this position was posted with an application deadline that occurred prior to this action being considered. (M)Pickard, (S)Bibby, item 4 was approved, and direction was given to staff to re-post the vacancy for the position on the Airport Advisory Committee/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.
- Supervisor Pickard commented on item 5, and he noted that the information was available and listed timely on the agenda. (M)Pickard, (S)Bibby, item 5 was approved/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Rick Peresan, Technical Services Director;

Approve Mariposa County Visitor's Bureau Website Design Outline and Approve a Personal Services Agreement with Peter Geis who will Work on the Detail Content Development

**BOARD ACTION:** Rick Peresan presented information on the website design process and the recommended design. Discussion was held relative to the design and suggestions were made. Supervisor Bibby asked about completion of the Personal Services Agreement, and it was agreed that the Agreement would be brought back on February 17, 2004. Eleanor Keuning/Chair of the Historical Sites and Records Preservation Commission, stated she is happy to see the work on the logo and a common identity for the County. (M)Pickard, (S)Stetson, Res. 04-56 was adopted approving the website design outline and moving forward with this project/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

**9:52 a.m.** CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Robert E. Cooper and John J. Swenson v. County of Mariposa, et al, (Continued from 2-3-04) (County Counsel);

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Initiation of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.69 (County Counsel);

CLOSED SESSION: Conference with Legal Counsel for a Case Relative to Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 and Initiation of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9 (County Counsel); and

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

**BOARD ACTION:** (M)Bibby, (S)Pickard, the closed sessions were held/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

**10:52 a.m.** Vice-Chairman Balmain announced that direction was given to staff as a result of the closed session matters.

### **CONSENT AGENDA:**

CA-1 Authorize County Administrative Officer to Retain the Services of HDC & Associates to Prepare Job Specifications and Salary Recommendations for Employees Transitioning from Kings View to County Employment for a Cost Not to Exceed \$7,300 to be Paid from Mental Health Funds (County Administrative Officer); Res. 04-46

- CA-2 Approve an Agreement Between the County and Mariposa United Methodist Church to Provide an Amount not to Exceed \$18,000 to Relocate the Church's Parish Hall with Provision that the County and Community Groups will have Access to New Parish Hall to Meet Community Needs (County Administrative Officer); Res. 04-54, with the inclusion of a timeline
- CA-3 Accept the Resignation of Michael Manahan from the Yosemite West Planning Advisory Committee (Supervisor Stetson)
- CA-4 Accept the Resignation of Joe Carbaugh from the Airport Advisory Committee (Supervisors Balmain and Bibby); Approved and direction was given to staff to re-post the vacancy.
- CA-5 Authorize the Chair, After County Counsel Review, to Sign an Amendment to an Indemnity Agreement with Pacificus Real Estate Group to Facilitate the County's Defense in the Superior Court Case of Cooper, et al. v. County of Mariposa, et al., Mariposa County Superior Court Case No. 8549 to Ensure There is no County Cost Related to this Litigation (County Counsel); Res. 04-55
- CA-6 Approve a Contract for State Hospital Bed Purchase and Usage (STD 213) for Fiscal Year 2003-04 Between the California State Department of Mental Health and Mariposa County Human Services Department and Authorize the Human Services Director to Sign the Contract (Human Services Director); Res. 04-47
- CA-7 Approve Budget Action Transferring Funds within the Probation/Juvenile Detention Budget from Various Accounts to Cover the Cost of Three Extra Help Employees who had to Attend Five Weeks of CORE Training Before Being Qualified to Supervise Minors; to Help Defray the Costs of an Added Extra Help Employee due to the Vacancy of a Deputy Probation Officer; to Correct Safety Issues as Identified by the Public Works Department and to Cover the Cost of Two Desks (\$32,000) (Probation Officer); Res. 04-48
- CA-8 Approve Budget Action Transferring Funds within the Facilities Maintenance Budget from Maintenance of Buildings to Rents/Leases of Equipment to Cover Anticipated Equipment Rental Costs (\$4,000) (Public Works Director); Res. 04-49
- CA-9 Approve Budget Action Appropriating \$24,000 in Unanticipated Revenue for Fuel Sales at the Airport and Increase Appropriations for Aviation Fuel Expense by \$20,000 and Utilities by \$4,000 (4/5ths Vote Required) (Public Works Director); Res. 04-50
- CA-10 Approve Budget Action Transferring Funds from County Clerk Vital Records Trust Fund to County Clerk Software and Authorize County Clerk to Sign Agreement with SouthTech Systems to Purchase a Software Upgrade for Marriage Licenses and Fictitious Business Names (\$500) (4/5ths Vote Required) (County Clerk); Res. 04-51
- CA-11 Approve Budget Action Transferring Funds within the Elections Budget from Election Expense to Election Extra Help to Replace Funds used in the October 7, 2003 Special Election that were Originally Intended to be Used for the March 2, 2004 Primary (\$3,585) (Elections); Res. 04-52
- CA-12 Approve Budget Action Transferring Funds within the Tax Collectors Budget from Tax Collectors Trust to Tax Collector Extra Help to Replace Funds Used to Cover

for an Employee who was out during the December Collection Period for an  
Emergency Medical Leave (\$933) (4/5ths Vote Required) (Treasurer/Tax Collector);  
Res. 04-53

CA-13 Terminate Appointment of Peter Mayfield from the El Portal Planning Advisory  
Committee (Supervisor Stetson)

**10:53 p.m.** Adjournment in memory James I. Spaulding, Jr., Evelyn C. Long, Mikaella Danielle  
Ramsey, Fred A. Leigh, and Karen S. Hull.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA February 17, 2004



Time      Description

**9:12 a.m.** Meeting Called to Order at the Mariposa County Government Center with Supervisor Parker excused.

Pledge of Allegiance

Introductions

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

- David Radanovich advised of a lot line adjustment between himself and Ken Mari and of his concerns with the timeframes involved in processing the map at Public Works. He advised that he had to pay another tax assessment as a result of the delay in processing. He requested the Board's assistance in correcting the problems with the timely processing of applications. Supervisor Pickard noted that the Board is scheduling workshops to discuss development issues and permit processing, and he invited David and Ken to participate in those meetings. Rich Inman, County Administrative Officer, noted that he has discussed this issue with Public Works and will do so again and work to resolve the matter.

Board Information

- Supervisor Pickard advised that staff from Mt. Bullion Youth Authority is planning to be present later this morning to provide an update on the status of the Camp. He advised that he and several people from the community attended the Ag Expo last Wednesday in Tulare to try to get the attention of Governor Schwarzenegger and to get public awareness of the importance that the Mt. Bullion Youth Authority Camp has on the County and the region. He advised that he and Supervisor Bibby attended a function at the Mariposa Museum and History Center on Monday that was covered by the media to support the Camp.
- Supervisor Balmain advised that he attended the Sierra Cascade Logging Conference, and he commented on information that was provided relative to the status of the health of the timber in the Sierra Nevada's.

Approval of Minutes 2-3-04, Regular Meeting

**BOARD ACTION:** Approved.

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

**BOARD ACTION:** Supervisor Balmain pulled items 1 and 7. Supervisor Bibby pulled item 4. (M)Stetson, (S)Bibby, the balance of the items were approved. The vote was taken after the following discussion.

Supervisor Balmain asked a possible correction to item 1 for the Legal Secretary I/II.

Supervisor Balmain initiated discussion relative to item 7 and expressed concern with waiving the insurance requirements.

Supervisor Bibby advised that she will excuse herself from voting on the second part of item 4 as the appointment is her husband.

Rich Inman, County Administrative Officer, advised that there should be a correction in item 1 for the Legal Secretary job classification.

(M)Pickard, (S)Bibby, to approve the first and third part of item 4, was withdrawn for the vote to be taken on the first motion to approve the balance of the agenda. Approval of items 2, 3, 5 and 6 - Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

(M)Pickard, (S)Stetson, items 1 and 7, and the first and third part of item 4 were approved, with direction for the correction to be made to the Legal Secretary job classification in item 1/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Supervisor Bibby excused herself from the Board for the following action. (M)Pickard, (S)Stetson, the second part of item 4 was approved/Ayes: Stetson, Balmain, Pickard; Excused: Bibby, Parker.

Opening of Sealed Proposals for the Lease of Grazing Property Described as Parcel 1 in Area 1M of Lake Don Pedro (County Counsel)

**BOARD ACTION:** The Clerk of the Board opened the following bids that were received:

- 1) Robert L. Cree - \$1,519 per year
- 2) Tom Deutsch - \$1,200 per year
- 3) Don Pucilowski and Dean Gordin - \$1,250 for one year

The bids were referred to staff for review and to bring back a recommendation on February 24, 2004.

Cheryle Rutherford-Kelly, Human Services Director;

A) Authorize a Contract with Kings View Corporation for Continued Use of Their Management Information System and Allow the Human Services Department to Continue Working with CMHC Systems, Inc. to Determine the Feasibility of Purchasing the Management Information System Server for Our Behavioral Health Services

**BOARD ACTION:** Discussion was held with Cheryle Rutherford-Kelly. Board members advised of typographical corrections that need to be made to the contract. Supervisor Balmain initiated discussion relative to the last part of section 18, entitled "Warranty." (M)Pickard, (S)Bibby, Res. 04-63 was adopted approving the contract with direction for the Human Services Director to work with County Counsel and County Administrative Officer to change the wording in the last portion of section 18, entitled "Warranty"/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

B) Authorize the Chair to Sign an Agreement with Kings View Corporation for Tele Psychiatric Services

**BOARD ACTION:** Discussion was held. (M)Pickard, (S)Stetson, Res. 04-64 was adopted approving the Agreement. Board members advised of typographical corrections that need to be made to the contract. Supervisor Pickard suggested that consideration be given to holding a workshop to obtain more information on the changes in the County's responsibility for being the provider of the mental health program versus the contractor. Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

C) Approve a Contract for Use of Mental Health Inpatient Facilities and Psychiatric Services for Fiscal Year 2003-04 Between the County of Merced and Mariposa County Mental Health

**BOARD ACTION:** Following discussion, (M)Stetson, (S)Pickard, Res. 04-65 was adopted approving the Contract. Board members advised of typographical corrections and clarifications that need to be made to the contract. Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Supervisor Pickard introduced Larry Rochelle/Mt. Bullion Youth Authority Assistant Superintendent, and Bob Kirchner/Youth Counselor. Bob provided a status report on activities since the January closure notice was received for the Camp, and he advised that over 7,000 letters have been sent to the Governor, legislators, the Youth Authority Director, and the Agency

Secretary that support retaining the Camp facility in Mariposa. Larry and Bob thanked the Board and the community for their support.

**10:22 a.m.** Recess

**10:43 a.m.** Supervisor Pickard, District V;  
Informational Report on Yosemite/Sequoia Resource Conservation and Development Activities and Presentation on the Ag Tourism Project by Robyn Smith, Coordinator

**BOARD ACTION:** Supervisor Pickard introduced Robyn Smith, and she gave a presentation on the Yosemite/Sequoia Conservation and Development activities and programs. The matter was continued for the following hearing to be opened.

**11:00 a.m.** The public hearing relative to the Don Pedro Wastewater Treatment Facility was opened and continued until after the following matter.

Robyn Smith advised of the upcoming UC Small Farm Center Ag/Nature Tourism Conference scheduled for April 14<sup>th</sup> at the Reedley Opera House, and of the development of their website. Discussion was held.

**11:09 a.m.** Recess

**11:26 a.m.** Jim Petropulos, Public Works Director;

A) PUBLIC HEARING Relative to the Don Pedro Wastewater Treatment Facility Notice of Intent to Apply for United States Department of Agriculture Loan and Authorizing the County Administrative Officer and/or the Public Works Director to Execute the Application Documents; and

B) Status Report Relative to Don Pedro Wastewater Facility Project

**BOARD ACTION:** Jim Petropulos introduced the item, and he responded to questions from the Board relative to the Proposition 218 process and timelines for this project. Fred Solomon reviewed the history of the project and the advertising and notification that was done for this hearing. He reviewed the two proposed alternative designs and cost estimates and recommendation. Staff responded to questions from the Board as to whether the loan would cover all costs for the project, including the processing and land acquisition, and relative to “full build-out” of the facility.

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

- Cathy of Lake Don Pedro Realty asked if this project will be adequate for the future for the Lake Don Pedro area. Vice-Chairman Balmain advised that the whole subdivision is not included in this district. She asked for clarification that the recommended alternative is to acquire an adjacent 40-acre site for storage and disposal versus use of the golf course. Vice-Chairman Balmain advised that the recommended alternative is to acquire an adjacent 40-acre site.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the application and design process and working on both concurrently. (M)Pickard, (S)Stetson, Res. 04-66 was adopted authorizing the application for a \$3,000,000 loan for construction of the Don Pedro Wastewater project; and authorizing the County Administrative Officer and/or the Public Works Director to execute the application documents. Supervisor Bibby clarified that County Counsel would review all of the documents. Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker. The hearing was closed.

**11:56 a.m.** Lunch

**1:12 p.m.** Approve Budget Action Reducing General Contingency and Appropriating Funds for Payment of Undesignated Fees as Required by Assembly Bill 1759 Section 68085.5(e) of the Government Code (\$15,813) (4/5ths Vote Required) (County Administrative Officer)

**BOARD ACTION:** Following discussion, (M)Bibby, (S)Stetson, Res. 04-67 was adopted approving the budget action relative to the Trial Court Funding Act/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Authorize County Counsel to Terminate the Legal Services Agreement Between the County of Mariposa and the John C. Fremont Healthcare District, Recognized in the Agreement as the John C. Fremont Hospital District (County Counsel)

**BOARD ACTION:** Following discussion, (M)Stetson, (S)Bibby, Res. 04-68 was adopted/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Waive Second Reading and Adopt an Ordinance Allowing Long-Term Parking at the Mariposa/Yosemite Airport (Public Works Director)

**BOARD ACTION:** (M)Pickard, (S)Stetson, the second reading was waived and Ordinance No. 1003 was adopted, allowing long-term parking at the Airport. The Clerk of the Board read the title and Ordinance number into the record. Discussion was held. Supervisor Balmain expressed concern with the proposal. Supervisor Bibby asked about liability issues, especially if a vehicle is parked without authorization. Tom Guarino stated he would review liability issues and the previous actions on this matter in consultation with Risk Management. Ayes: Stetson, Bibby, Pickard; Noes: Balmain; Excused: Parker.

**1:30 p.m.** CLOSED SESSION: Conference with Legal Counsel for a Case Relative to Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 and Initiation of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9 (Continued from 2-10-04) (County Counsel)

**BOARD ACTION:** (M)Bibby, (S)Pickard, the closed session was held//Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

**2:03 p.m.** Vice-Chairman Balmain announced that direction was given to staff as a result of the closed session.

### **CONSENT AGENDA:**

- CA-1 Approve the Revised Executive Secretary and Legal Secretary Job Descriptions, which were Originally Included in the First Round of Job Descriptions Prepared by HDC & Associates and have been Re-Reviewed by Staff in Accordance with Direction by the Board of Supervisors (County Administrative Officer); Res. 04-61, with correction to be made in the Legal Secretary job description
- CA-2 Approve Budget Action within the Sheriff's Budget Unit Reducing Revenue and Corresponding Appropriations Due to the Omission of Rural County Crime Prevention Funding in the Fiscal Year 2003-04 State Budget (\$57,272) (County Administrative Officer); Res. 04-57
- CA-3 Authorize the Human Services Director to Enter into a Business Associate Agreement with Mariposa Counseling Center – Kings View to Set Forth Terms and Conditions for Use or Disclosure of "Protected Health Information", as Defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and 45 C.F.R. Section 164.501 (Human Services Director); Res. 04-58
- CA-4 Re-Appoint Bill Buleza, Howard Davies, John Day, and David Smothers; Appoint Captain Joel Bibby at the Request of Sheriff Jim Allen and Recognize Steven Delk's Service to the Alcohol and Drug Abuse Advisory Board (Human Services Director)

- CA-5 Authorize Chair to Execute a Contract, Contingent Upon Review by County Administrative Officer and County Counsel, to Outsource the Scanning of All Existing Closed Permits from 1977 Through 2003 and Commercial Plans into a Format Compatible with the New Questys Document Imaging Software Program and Approve Budget Action Transferring Funds from Building Contingency to Professional Services to Cover the Cost (\$30,000) (4/5ths Vote Required) (Building Director); Res. 04-59
- CA-6 Approve Budget Action Transferring Funds within the Building Department Budget from Equipment Under \$1,000 to Maintenance of Building to Remodel Front Counter, Allowing for a Work Station for Each Development Services Technician (\$2,000) (Building Director); Res. 04-60
- CA-7 Approve a Personal Services Agreement with Peter Geis who will Work on the Detail Content Development of the Mariposa County Visitor's Bureau Website (Technical Services Director); Res. 04-62

**2:04 p.m.** Adjournment in memory of Ronald Engleman and Gail Lemaster Mead.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA February 24, 2004



Time      Description

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

Pledge of Allegiance  
Introductions

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

- Paul Chapman referred to the Public Works items scheduled on the agenda this date. He stated he feels the additional funding requested for the box hangars at the Airport is a waste of funds. He expressed concern about contracting for design of the water and sewer utilities for the recreational sports complex prior to doing engineering work. He questioned the need for another contract with Fred Solomon for the Don Pedro wastewater facility, and he stated he does not feel that this project is going anywhere, and that staff should be handling these projects.
- Linda Gast, speaking as a private citizen, advised that she and Delores Tuttle are present today to request that the Board continue to support the low cost spay/neuter – Sandy's Fund program. Linda provided statistical information on the activities of the program, and advised of their poster campaign for the program.

Board Information

- Supervisor Stetson advised that he will attend the National Association of Counties (NACO) Conference in Washington, D. C. this week.

Approval of Minutes 2-10-04, Regular Meeting

**BOARD ACTION:** Approved.

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

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

Marjorie Wass, Treasurer/Tax Collector/County Clerk;

Investment Report by Fiduciary Trust International, Investment Consultants

**BOARD ACTION:** Marjorie Wass introduced Alan Seidner and Eric Reynolds with Fiduciary Trust International, and they presented the investment report.

Donna Brownell, Mariposa County Arts Council Inc.;

Expression of Appreciation to the Board of Supervisors for Support Given to the Mariposa County Arts Council

**BOARD ACTION:** Donna Brownell and Chris Hutcheson thanked the Board for its support of the Arts Council, including the funding for the Arts Park and Amphitheater projects, and for hosting the Yosemite Renaissance Art exhibit. Donna advised of changes with the Fifth and Main Street galleries given the current budget situation.

Rich Inman, County Administrative Officer;

Approve the Use of Title III Funding From the Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) to the Mariposa County Fire Safe Council Allowing Them to Continue to Conduct Fire Prevention Education outreach and Planning Programs (\$46,763.59) and Authorize the Chairman to Sign the Grant Agreement

**BOARD ACTION:** Following discussion, (M)Balmain, (S)Pickard, Res. 04-73 was adopted/Ayes: Unanimous. Jan Hamilton, on behalf of the Mariposa County Fire Safe Fire Council, thanked the Board for its support of this program.

**9:36 a.m.** CLOSED SESSION: Conference Concerning Real Property Relative to Appraisal of Juanita Moore Property, Located on Bullion Street, APN 013-125-001 Pursuant to California Government Code section 54956.8; Richard Inman, County Administrative Officer Agency Negotiator (County Administrative Officer);

CLOSED SESSION: Conference Concerning Real Property Relative to Appraisal of Forty Acres Located Adjacent to and East of the County Owned Site on Ranchito Road, APN 01-260-016, Pursuant to California Government Code section 54956.8; Richard Inman, County Administrative Officer Agency Negotiator (County Administrative Officer);

CLOSED SESSION: Conference with Legal Counsel for a Case Relative to Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 and Initiation of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9 (Continued from 2-17-04) (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Amy Crawford, et al. v. County of Mariposa, et al. (County Counsel)

**BOARD ACTION:** (M)Pickard, (S)Balmain, the closed sessions were held, with Mary Hodson/Administrative Analyst and Fred Solomon/contract project manager, present for portions/Ayes: Unanimous.

**10:56 a.m.** Chairman Parker announced that action was taken as a result of the closed matter in the case of Crawford v. County of Mariposa to authorize the Chairman to sign a settlement agreement in the amount of 2.5 million dollars, and information will be made available to the public when the agreement is executed. He also noted that the funds are paid through CSAC Excess Insurance. Chairman Parker further announced that direction was given to staff as a result of the remaining closed session matters.

Jim Petropulos, Public Works Director;

A) Request for Direction and Authorization to Develop a Personal Services Construction Management Contract with Fred Solomon for the Don Pedro Wastewater Facility Project; and

B) Request for Direction for Public Works to Develop a Contract with Kennedy/Jenks Engineering Consultants for Design of the Don Pedro Wastewater Facility for the Not to Exceed Amount of \$257,786

**BOARD ACTION:** Discussion was held with Jim Petropulos and Fred Solomon relative to the Don Pedro wastewater facility Project, and alternatives for handling the storage and discharge of the effluent. Jim advised that they are now looking at the possible purchase of the parcel to the East of the project versus the parcel to the West as stated in the proposal and he noted that there is an adjustment in the dollar amount. Fred advised that scenario "C" is changed to \$259,834 with a contingency, and includes item 6, submittal review. Tom Guarino, County Counsel, advised that the contract proposal with Kennedy/Jenks Engineering Consultants also includes terms and conditions of the April 22, 2002, contract; and he recommended that approval of the new contract be subject to review by him. He also recommended that the contract include indemnity requirements and errors and omissions; and that any requests for additional expenditures (including costs or optional services) be brought back to the Board for approval. Discussion was held relative to the proposal and changes that need to be made to reflect the recommendation for scenario "C". Discussion was held relative to authorizing scenario "A" as a

back-up if the purchase of the adjacent parcel is unsuccessful. Chairman Parker asked staff to respond to the concerns expressed under Public Presentations relative to the need for this project. Jim reviewed the history of the facility and the inadequacies with the system. Chairman Parker noted that there is a Cease and Desist Order and that the Integrated Waste Management Board is working with the County to make the plant operational, and it will save money in the long-run. Supervisor Balmain noted that this is an enterprise district and the users are paying the costs. Fred advised that \$258,317 is the amount necessary to cover the costs for scenario "A". Fred advised that a contract could be entered into for scenario "C" and prior to getting to the design of the irrigation system, it would be known whether the adjacent parcel is purchased; and there would be flexibility to come back with a change to scenario "A".

(M)Balmain, (S)Pickard, Res. 04-74 was adopted authorizing the Personal Services Construction Management Contract with Fred Solomon; and Res. 04-75 was adopted authorizing a contract with Kennedy/Jenks Engineering Consultants, with the changes recommended by County Counsel and with changes to reflect scenario "C"; and with flexibility for scenario "A" to be a back-up as discussed, if necessary. Discussion was held. Ayes: Unanimous.

C) Request for Authorization for Public Works to Enter into a Professional Services Agreement with Roger Stephens Engineering for Design of Water and Sewer Utilities for the Mariposa Recreational Sports Complex for the Amount Not to Exceed \$88,500 and Approve Budget Action Transferring Funds within the CIP Sports Complex Fund from Land to Professional Services to Cover the Cost (\$88,500)

**BOARD ACTION:** Discussion was held with Jim Petropulos. (M)Pickard, (S)Stetson, Res. 04-76 was adopted with direction that the agreement be subject to review by County Counsel and include indemnity requirements and errors and omissions/Ayes: Unanimous.

**11:29 a.m.** Supervisor Bibby excused herself from the Board for the following item due to a potential conflict of interest.

D) Authorize Public Works to Continue with Project Development for the Construction of Six Box Hangars; Approve Draft Deposit Form and Authorize Public Works to Accept and Hold Deposits for Proposed Box Hangars to be Located at the Mariposa-Yosemite Airport and Begin the Loan Application Process for the California Division of Aeronautics Loan Funds for Up to \$260,000

**BOARD ACTION:** Discussion was held with Jim Petropulos, and he requested that authorization be given to hold the deposits for six months; and he further advised that if there is a demand for the hangars, he will come back to the Board for further action to proceed on this project. (M)Balmain, (S)Pickard, Res. 04-77 was adopted/Ayes: Stetson, Balmain, Parker, Pickard; Excused: Bibby.

### **CONSENT AGENDA:**

CA-1 Approve Budget Action Transferring Funds within the Personnel Budget from Personnel Director to Extra-Help to Cover the Cost of Filling the Receptionist Position in County Administration with an Office Assistant (\$4,500) (County Administrative Officer); Res. 04-69

CA-2 Adopt a Resolution Authorizing the Chairman to Execute Agreements Relative to the Non-Monetary Transfer of Real Property Located at 10332 Fiske Road, Greeley Hill, California from the Mariposa County Unified School District (County Counsel); Res. 04-70

- CA-3 Approve the Participation of Mariposa County in the “Regional Council of Rural Counties (RCRC) and Rural Alliance, Incorporation (RAI) Scholarship program” and Direct Staff to Request the Mariposa County Schools Foundation Select, Award, and Administer the Scholarship Program on Behalf of the Board of Supervisors (Supervisor Pickard); Res. 04-71
- CA-4 Approve Certificates of Appreciation to Local Organizations for Their Service to the Community for Presentation at the Chamber of Commerce Event Recognizing the Organizations (Supervisor Bibby)
- CA-5 **LOCAL TRANSPORTATION COMMISSION**  
Authorize the Local Transportation Commission (LTC) Chairman to Execute a Formal Resolution Required by Caltrans for Section 5311 Program Funds (Public Works Director); LTC Res. 04-2
- CA-6 Approve Recommendation to Award Bid to Lease Real Property in County Service Area 1M (Lake Don Pedro) for Grazing to Robert L. Cree and Authorize the Chairman to Sign a Three-Year Agreement for Said Lease and Direction to Provide a Thirty-Day Notice of Cancellation to the Lessee (County Counsel); Co. Service Area 1M (Don Pedro) Res. 04-2, and Board Res. 04-72

**11:38 a.m.** Adjournment in memory of Donald E. Brandt, Shaun Patrick Reilly, Kathryne Luella Beauliu, Ernest “Ernie” R. Boyd, and Robert Earl Scheid.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA March 9, 2004



Time      Description

**9:08 a.m.** Meeting Called to Order at the Mariposa County Government Center with Supervisor Parker arriving at 9:30 a.m.

Pledge of Allegiance

Introductions

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

- Paul Chapman advised of his conversation with Pete Harlow relative to Consent Agenda item 9, and he stated he does not feel there is a need for the County to have a falling jack.

Board Information

- Vice-Chairman Balmain congratulated Supervisor Pickard for being reelected and Lyle Turpin for being elected in the Primary election. He advised that he attended the Forest Service Interagency Team meeting on Friday.
- Supervisor Bibby advised of information received relative to a change in the timeframes for removal of the wards from the Mt. Bullion CYA Camp, and she advised that this is being put on a fast-track.
- Supervisor Stetson advised that the Midpines Community Planning Advisory Committee meeting is scheduled for this evening at the Midpines Community Hall. He advised that he plans to attend a Community Action Agency meeting in Lake Tulloch on Wednesday. He also reported on the National Association of Counties (NACO) Conference he attended in Washington, D.C. last week, and of meetings he had with Senator Feinstein and Congressman Radanovich relative to issues the County is facing.
- Supervisor Pickard thanked everyone for their support and stated he is looking forward to serving another term. He advised that he asked Assemblyman Cogdill for assistance in slowing the process to close the Mt. Bullion CYA Camp, and to keep looking at other options. He stated he is hoping to have a response from the Legislative Council on Monday relative to this matter. He also advised that the County Medical Services Program (CMSP) met here on Wednesday to discuss the proposed changes in services due to the State budget shortfall; and he noted that he plans to attend the last of the four hearings in El Centro tomorrow.

Approval of Minutes 2-17-04, Regular Meeting

**BOARD ACTION:** Minutes were approved.

Approval of Minutes 2-24-04, Regular Meeting

**BOARD ACTION:** Minutes were approved with the correction of a typographical error.

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

**BOARD ACTION:** Supervisor Balmain pulled item 9. Supervisor Stetson pulled item 5. (M)Bibby, (S)Pickard, the balance of the items were approved/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Consent Agenda item 5 – Supervisor Stetson asked about including Foresta. Blaine Shultz, Fire Chief, advised that Foresta was included with the El Portal community. Supervisor Bibby asked whether there has been contact with the affected departments; asked about the background of the proposed firm; asked why a request for proposal was not solicited; and asked whether notification through the Sheriff’s communication center has been addressed. Supervisor Parker arrived at 9:30 a.m. during the discussion of this matter. (M)Pickard, (S)Stetson, item 5 was approved/Ayes: Stetson, Balmain, Parker; Pickard; Noes: Bibby.

Consent Agenda item 9 – Supervisor Balmain initiated discussion and advised of his research on this matter. Kent Woolsey/PWD-Road Superintendent, responded to questions relative to the need for the falling jack. (M)Parker, (S)Pickard, item 9 was approved/Ayes: Unanimous.

**9:44 a.m.** Recess

**10:03 a.m.** Chairman Parker advised that the Public Works’ items scheduled for 10:00 a.m. would be taken after the following matters.

Doug Balmain, Board of Supervisors, Vice-Chair;  
Discussion Relative to Possible Amendment or Revision to the County’s Equestrian/Pedestrian Easement in the Don Pedro Area

**BOARD ACTION:** Supervisor Balmain advised of request to pull this item; however, he stated he feels there was a misunderstanding about what this item is addressing. He presented background information relative to the creation of the trails and subsequent problems with encroachments. He stated he feels the trails should be surveyed, the encroachments identified, and the terrain reviewed to determine the usefulness of portions of the trail and possibly consider dual use. Discussion was held. Dana Hertfelder/Assistant Public Works Director, advised of estimates that they received for conducting a walk-through survey to determine where there are encroachments within the easements – about \$10,000; and for an outside survey of the trail system that would include identifying areas needing improvements and the type of improvements (\$90,000). Discussion was held relative to possible funding sources and whether the project would be eligible for Proposition 40 funds. Rich Begley/PWD-Deputy Director of Parks and Recreation, provided input relative to the requirements and timelines for Proposition 40 funds. Motion by Balmain to take up to \$10,000 from the General Fund Contingency to start the project of identifying the trails and encroachments, with a request for Public Works to help identify optional sources for funding, was amended following further discussion. (M)Balmain, (S)Pickard, direction was given for staff to bring back an item to allocate funding from the General Fund Contingency to start the project of identifying the trails and encroachments, with direction for Public Works to identify the costs and possible funding sources. The motion was held in abeyance until after the following item.

Jim Allen, Sheriff;

Approve Contract Between Mariposa County and the Substance Abuse Treatment and Control Unit of the California Department of Corrections to Provide Housing and Services for Parolees Assigned to the Substance Abuse Treatment and Recovery Program

**BOARD ACTION:** Jim Allen introduced John Withrow, Supervising Parole Agent, and Steve Mason, State Parole Officer. Discussion was held relative to the request. Steve Mason provided input relative to the program. (M)Balmain, (S)Bibby, Res. 04-87 was adopted/Ayes: Unanimous.

Further discussion was held relative to equestrian/pedestrian easement issues in the Don Pedro area. Input from the public was provided by the following:

- Edward Ibarra stated he has been a resident for ten years and has over forty years of horse experience, and experience with other trail systems. He stated he feels this system is second to none. He feels that no or very little construction is needed, and that portions of the trails need to be abandoned because they are dangerous and a liability to the County. He stated he feels that the trails need to be marked and cleared. He noted that the trail goes across Highway 132 and roads and private drives, and there has not been a problem of livestock versus vehicle. He advised of his contact with the Outdoor Horsemen's Association and their interest in this trail system during the winter months when the trails at the higher elevations are not passable.
- Harry Alfier stated he is the owner and Broker of Lake Don Pedro Realty. He referred to the ordinance that prohibits the use of any motorized vehicle on the trails, and the Covenants, Conditions, and Restrictions for the subdivision that contains a provision for dual use of the trails, including vehicles.
- Orb Hatton, Director for Lake Don Pedro, advised of the history of the trails and changes with development of the area. He stated he feels the trails need to be identified and cleared; and where the terrain does not permit, the trail should be abandoned. He stated the trails are a big part of the community.
- Joe Haden asked about a rumor that the trails would be opened up for off-road vehicle use, and he was advised that this is not the case.
- Wes Snyder stated he has been in the subdivision for 34 years, and he advised of his efforts to mark the trails and work on these issues. He stated he is okay with revisions to allow ingress and egress for access for private property owners. He stated he feels the trails should be marked and sections abandoned that are not needed. He volunteered to assist and obtain assistance of others to work on these issues.
- Tom Porter provided information on the history of the trails and access to the lots. He stated he feels there should be a change to allow motor vehicles to traverse for ingress and egress when no other viable access is available.

The motion was clarified – direction is given to staff to identify alternative funding sources to identify the trails in the subdivision and the encroachments and utilities. Ayes: Unanimous.

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

**11:18 a.m.** Dana Hertfelder, Assistant Public Works Director, appeared on behalf of Jim Petropulos, Public Works Director;

A) Adopt a Resolution Amending Resolution Numbers 00-332 and 01-225; Adopt a Resolution of Intention to Form Assessment District Number 01-1, Yosemite West Wastewater Facilities Project and Adopt a Resolution Preliminarily Approving Engineers Report

**BOARD ACTION:** Chairman Parker asked if there was anyone that wished to provide input, and there was no response. (M)Stetson, (S)Pickard, the following resolutions were adopted:

- Res. 04-88 amending Resolution Nos. 00-332 and 01-225 relative to the Proposition 218 procedures;
- Res. 04-89 of intent to form Assessment District 01-1, Yosemite West Wastewater Facilities Project; and
- Res. 04-90 preliminarily approving the Engineers' report.

Discussion was held. Ayes: Unanimous.

B) Adopt a Resolution Authorizing the Acceptance of the Amphitheater Project as Complete  
**BOARD ACTION:** (M)Stetson, (S)Pickard, Res. 04-91 was adopted/Ayes: Unanimous.

Rich Inman, County Administrative Officer;

Approve Reorganization of Administrative Office and Personnel Department Deleting Positions of Personnel Director, Personnel Technician, and Senior Office Assistant; Approve and Allocate Positions of Deputy County Administrative Officer; and Approve Job Descriptions for Deputy County Administrative Officer, Administrative Analyst, and Administrative Technician

**BOARD ACTION:** Rich Inman presented the request for reorganization and advised of changes that have occurred in the Administrative function and efficiencies and cost savings that he feels will occur with this proposal. Input from the public was provided by the following:

- Debra Rockwood, SEIU Field Representative, advised of the calls and concerns she received from members concerning the reorganization. She stated that it is felt that the Administrative Office does not follow the same rules as set for departments, and she stated she feels these changes should be requested in the budget process. She referred to the classification and compensation study and its status in relation to this proposal.
- Kristy Waskiewicz, AFSCME, Local 2703, stated she opposes the proposal and supports the comments made by SEIU. She referred to the classification and compensation study and the process, and stated she has issues with the timing of this request and the cost analysis that was provided. She noted that the Administration Department has been upgraded a few times in the last few years and none of these positions were identified in the classification study as needing any adjustment, and other positions have been waiting for over a year. She stated she feels this is an equity issue, and she stated she hopes that the County will follow the appropriate recruitment and selection process for the new positions.

Discussion was held relative to the request and the input that was provided, and Rich advised that if a department head brings a plan to him like this, he will bring it to the Board. Supervisor Bibby asked about the processing for the job descriptions and requested that all classifications go through the classification and compensation study in the future. She asked for clarification of the minimum requirements for the new positions, and she reviewed a list of tasks that she was hoping that the personnel director would accomplish, and stated she feels that personnel services should be expanded. She also noted the need for a typographical correction in the job description for the Deputy County Administrative Officer. Discussion was held relative to the issues raised and relative to the status of the classification and compensation study. Supervisor Balmain clarified that the functions of the Clerk of the Board and County Counsel staff will be reviewed. (M)Pickard, (S)Balmain, Res. 04-92 was adopted approving the recommended reorganization, with the correction of the typographical error. Supervisor Bibby asked whether the job description for the personnel director was routed through the classification and compensation study. Sandi Laird/Personnel-Risk Management Technician, stated she would need to review whether the job description was routed through the study. Ayes: Stetson, Balmain, Parker, Pickard; Noes: Bibby.

**12:05 p.m.** Charles Mosher, Health Officer, was not present as these matters were considered before their scheduled agenda time.

B) Approve Budget Action Increasing and Decreasing Various Revenue, Expenditure, and Fixed Asset Line Items in the Health Department Budget Resulting in an Increase in the General Contingency (\$48,966) (4/5ths Vote Required); and Authorize the Overfill of an Office Assistant I/II Position Contingent Upon Approval of Personnel

**BOARD ACTION:** (M)Pickard, (S)Balmain, Res. 04-93 was adopted. Supervisor Bibby asked about the request for reclassification and stated she would prefer that this be considered at budget time. Rich Inman, County Administrative Officer, clarified that the motion should not include the personnel actions as those portions will be held pending review. The motion was amended by the maker, agreeable with the second, accordingly. Ayes: Unanimous.

C) Adopt a Resolution Authorizing the Health Officer to Sign and Submit Grant Application and Agreement for Accepting Public Health Emergency Preparedness (Bioterrorism) Funds for \$216,401; Approve Budget Action Increasing Revenue, Corresponding Line Items, and General Contingency (\$150,257) (4/5ths Vote Required); Authorize Chairman to Sign "Certificate of Non-Supplanting" Form; Waive the Formal Bid Process and Authorize the Purchase of a Haz-Mat Kit; Allocate an Additional Full-Time Public Health Nurse Position to the Health Department

**BOARD ACTION:** (M)Pickard, (S)Bibby, Res. 04-94 was adopted/Ayes: Stetson, Balmain, Bibby, Pickard; Abstained: Parker.

A) Information Relative to the Health Department Workload and Progress

**BOARD ACTION:** The Board concurred with rescheduling this matter on a future agenda.

**12:09 a.m.** CLOSED SESSION: Conference with Legal Counsel for a Case Relative to Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 and Initiation of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9 (Continued from 2-24-04) (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); California Farm Bureau Federation, et al v. California Department of Forestry and Fire Protection, State of California, Mariposa County, et al (56 other counties involved) (County Counsel)

**BOARD ACTION:** (M)Bibby, (S)Pickard, the closed sessions were held after the following matter/Ayes: Unanimous.

Chairman Parker asked about the effective date for the reorganization of the Administration staff, and the Board concurred with April 1, 2004.

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

### **FORTHCOMING POLICY:**

Discussion and Possible Direction to Staff Regarding Development Proposals Accessed by Narrow County Maintained Roads (Planning Director) (To Be Scheduled for Action on 3-16-04)

### **CONSENT AGENDA:**

- CA-1 Proclaim March 7-13, 2004, as “Girl Scout Week” and March 12, 2004, as “Girl Scout Day” in Mariposa County (Supervisor Parker)
- CA-2 Authorize Community Service Department Head to Sign 2003-2004 Area 12 Agency on Aging Agreements for Congregate Meals C-1 (\$23,496.04); Restaurant Meals at Coulter Café (\$27,097.40); Home Delivered C-2 (\$9,604.80) and Northside Transportation to the Adult Day Health Care in Groveland (\$5,000) (Community Services Director); Res. 04-78
- CA-3 Approve Budget Action Establishing a Separate Fund for the Local Agency Formation Commission (LAFCo) as Mandated by State Law (Cortez-Knox-Hertzberg 2000, Annual Budget 56381) Transferring Funds from 001-0245-574 Budget (LAFCo) to Budget Line Items in 370-0245-574 (LAFCo) (\$71,800) (Interim Planning Director); Res. 04-79
- CA-4 Adopt a Resolution Authorizing the Chair to Sign a Personal Services Agreement with Ray Kapahi, dba Air Permitting Specialist, for Provision of Air Pollution Engineering Consultation and Plan Review (Health Officer); Res. 04-80

- CA-5 Authorize the Chair to Sign a Contract with Austin-Leavitt, Consultants to Establish Requirements and an Implementation Strategy for Community Emergency Response Teams (Fire Chief); Res. 04-85
- CA-6 Adopt a Resolution Approving a Three Year Contract to Continue Services Provided by District Attorney Technical Services LTD., dba: Computer Support Insufficient Funds Check Restitution and Diversion Services (District Attorney); Res. 04-81
- CA-7 Authorize the Human Services Director to Execute the 2004 Community Services Block Grant (CSBG) Agreement 04F-4429 for the Calaveras-Mariposa Community Action Agency; Accept an Advance of \$43,968 in Anticipated Revenue from CSBG Agreement 04F-4429 and Upon Approval of the County Administrative Officer and County Counsel, Authorize the Human Services Department to Execute Subsequent Amendments with the State Department of Community Services and Development (CSD) up to the Amount Allocated to the Rural Counties (Human Services Director); Res. 04-82
- CA-8 Authorize the Human Services Director to Execute the Low Income Home Energy Assistance Program (LIHEAP) Agreement 04B-5273; Accept an Advance of \$56,883 in Anticipated Revenue from LIHEAP Agreement 04B-5273; Authorize Human Services to Continue to Coordinate the Weatherization Portion of the Program with the Public Works Department and Upon Approval of County Administrative Officer and County Counsel, Authorize the Human Services Department to Execute Subsequent amendments with the State Department of Community Services and Development up to the Amount Allocated to the Rural Counties (Human Services Director); Res. 04-83
- CA-9 Approve Budget Action Transferring Funds within the Road Department Budget from Various Line items to Other Equipment for the Purchase of a Falling Jack (\$2,630) (Public Works Director); Res. 04-86
- CA-10 Approve Budget Action Transferring Funds within the Airport Budget from Maintenance of Buildings to Communications to Cover Anticipated Telephone Expense for the Remainder of the Fiscal Year (\$1,300) (Public Works Director); Res. 04-84

**12:32 p.m.** Adjournment in memory of Clinton “Clint” Eugene Barnett, Eleanor (Onno) Sager Clayton, Milton R. Henderson, Subveria LeNora Kamp, Bertie Mae Plemons, Dr. Hugh Ray Walpole, Edward D. Harmon, Jr., Chris M. Kendall, and Leo Long.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA March 16, 2004



Time      Description

**9:10 a.m.** Meeting Called to Order at the Mariposa County Government Center with Supervisor Pickard arriving at 9:13 a.m.

Pledge of Allegiance  
Introductions

Rich Inman, County Administrative Officer;  
Approve Budget Action Transferring the Not to Exceed Amount of \$8,000 from Contingencies for Improvements to Mariposa Museum and History Center Vault (4/5ths Vote Required)  
**BOARD ACTION:** Following discussion, (M)Stetson, (S)Bibby, Res. 04-95 was adopted/Ayes: Unanimous. Patti McGregor, on behalf of the Mariposa Museum and History Center, thanked the Board for this action.

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

- Leota Striplin, representing Golden Oaks Lions, advised that the special edition of *Fresno Bee* newspapers were available for the annual "Kid's Day" fundraiser to benefit the Valley Children's Hospital.
- Public Presentations was continued to after the following item.

Approve Budget Action Reducing General Contingency to Provide Additional Funding for Sandy's Fund (\$3,000) (4/5ths Vote Required) (Supervisor Pickard)  
**BOARD ACTION:** Following discussion, (M)Stetson, (S)Pickard, Res. 04-96 was adopted/Ayes: Unanimous.

Additional Public Presentations:

- Linda Gast, member of the SPCA Board, stated she is appreciative of the people who are present in support of the Sandy's Fund. She stated they are hoping that the County can fund the program through July and that the SPCA is willing to contribute \$8,000. The estimated cost to fund the program through July is \$16,000, so an additional \$5,000 would be needed from the County to add to the \$3,000 just approved. She also advised of fundraising activities sponsored by the SPCA to support the spay/neuter program.
- Eleanor Keuning stated she feels that Leonard Road needs to be better maintained by the County. She noted that Sierra Tel is doing some fiber optic work along the Road and she thanked them for their work on the Road with this project.

Board Information – none.

Garry Parker, Board of Supervisors, Chairman;  
Proclaim the Week of March 14<sup>th</sup> Through 20<sup>th</sup>, 2004 as "National Agriculture Week"  
**BOARD ACTION:** (M)Pickard, (S)Bibby, the proclamation was approved and presented to Linda Meyers, on behalf of the Farm Bureau/Ayes: Unanimous.

Supervisor Bibby advised that the Farm Bureau meeting is scheduled for 6:30 p.m. this evening at the Government Center and the public is invited to attend.

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

**BOARD ACTION:** Chairman Parker advised that item 1 was pulled from the agenda. Supervisor Stetson pulled item 2. (M)Pickard, (S)Stetson, the balance of the items were approved/Ayes: Unanimous.

Item 2 – Supervisor Stetson asked about the notification process to the delinquent property owners. Keith Williams, Assistant Treasurer/Tax Collector/County Clerk, provided information on the notification process. (M)Stetson, (S)Bibby, item 2 was approved/Ayes: Unanimous.

Barry Smith, Chairman In-Home Supportive Services (IHSS) Advisory Committee;  
Presentation of Public Authority Implementation Report by Mariposa County In-Home Supportive Services Advisory Committee

**BOARD ACTION:** Barry Smith presented the report and recommendations; and he thanked the Advisory Committee members for their efforts.

- Tony Landen. SEIU 250 representing the home care workers, requested that the Board not take any action at this time on the recommendations contained in the report as they are currently in negotiations with the County for the home care workers.

Discussion was held. No action was taken on the report.

**9:47 a.m.** Recess

**10:06 a.m.** Lee Stetson, Supervisor District I;

Approve the Release of Request for Qualifications for Summer Operation of Mariposa County Amphitheater

**BOARD ACTION:** Supervisor Stetson initiated discussion.

Input was provided by the following:

- Donna Brownell, Executive Director of the Mariposa Arts Council, advised that there are a number of projects underway that may be able to put quality performing arts events at the Amphitheater. She asked what the County's goals are with the proposed action. She stated they want to be supportive.

Chairman Parker noted the need to establish a use policy for the Amphitheater and the Arts Park.

- Bill Tucker asked who will be in charge of the Amphitheater and whether restroom facilities are available.
- Eleanor Keuning asked when the grand opening will be held. Supervisor Stetson advised that they are looking at May or possibly June for a gala opening.

(M)Stetson, (S)Pickard, Res. 04-103 was adopted approving the release of Request for Qualifications/Ayes: Unanimous.

Jim Petropulos, Public Works Director;

A) Authorize Public Works, in Cooperation with the Lions Club, to Plant a Living Christmas Tree at the Courthouse Instead of Using a Cut Tree

**BOARD ACTION:** Discussion was held with Jim Petropulos, and he advised that the Historical Sites and Records Preservation Commission is still checking on the type of tree being recommended. Walt Bonner, Lions Club, provided information on their work on this project and their research to select a tree.

- Eleanor Keuning, current Chair of the Historical Sites and Records Preservation Commission, advised that they would like Steve McQueen, a local arborist, to see if there is a tree that would be more appropriate with the terrain and historic nature of the Courthouse.

(M)Bibby, (S)Stetson, Res. 04-104 was adopted approving the request for a living holiday tree, with direction for the Interim Planning Director to be involved in the selection of the type of tree/Ayes: Unanimous.

B) Adopt a Resolution Rejecting Bids for the Yosemite West Wastewater Facilities Project and Authorize Public Works to Re-Advertise the Project for Bids

**BOARD ACTION:** (M)Stetson, (S)Pickard, Res. 04-105 was adopted/Ayes: Unanimous.

C) Authorize the Public Works Director to Execute a Change Order for the Einarson, Fowler & Watson, dba: Conor Pacific Contract #03-046 in the Amount of \$10,000 to Augment the Funding for Additional Costs Associated with the Required Preparation of the Preliminary Closure & Post Closure Maintenance Plan and the Draft Stormwater Pollution Prevention Plan

**BOARD ACTION:** Discussion was held with Jim Petropulos and Steve Engfer/PWD-Solid Waste Manager. (M)Pickard, (S)Bibby, Res. 04-106 was adopted, subject to the Change Order being reviewed and approved by County Counsel/Ayes: Unanimous.

D) Authorize the Public Works Director to Execute a Change Order for the Operations of the Mariposa County Landfill Contract #89-14 in an Amount Not-to-Exceed \$10,000 for Extra Work Required to Move Large Logs, Stumps, Concrete, and Other Construction Rubble to Prepare the Site for the Relocation of the Gatehouse

**BOARD ACTION:** Discussion was held with Jim Petropulos and Steve Engfer/PWD-Solid Waste Manager. (M)Pickard, (S)Stetson, Res. 04-107 was adopted/Ayes: Unanimous.

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

**BOARD ACTION:** Chairman Parker announced that the closed session is not necessary.

**10:52 a.m.** Recess

**11:09 a.m.** Sarah Williams, Interim Planning Director;

Discussion and Possible Direction to Staff Regarding Development Proposals Accessed by Narrow County Maintained Roads

**BOARD ACTION:** Sarah Williams presented background information to this issue and the definition they are using for “narrow County maintained roads.” She advised of recent land division applications with access off of Old Highway and issues with the status of the road. Supervisor Bibby asked about the status of historic parcels with this review.

Input from the public was provided by the following:

- Mark Lamb, Coulterville, advised of the status of his application for a minor split – he stated he is adding two drives and the road in front of the property is twenty-feet wide. He noted that he submitted his application on October 17<sup>th</sup> and he is still waiting for a decision. He stated he is trying to split the property so that his children will have a place to live. He also noted that the off-road vehicle park, located about four miles up the road, has more of a traffic impact than minor subdivisions.

- Bill Tucker advised that the Mariposa Indian Council would like to be contacted when there are changes with utilities and when subdivisions are created so that they can protect the Indian artifact areas. Sarah Williams advised that all projects are sent to the Council for review and comment.

- Mrs. Verceles of West Whitlock Road expressed concern with maintenance of the road, and she noted that there is a bull pine that is leaning over the road and needs to be removed.

Supervisor Pickard clarified the purpose of today’s discussion.

- Peter Thomas stated he is a resident of Santa Cruz and recently purchased property here on Whitlock Road. He advised of his investigation to make sure that the property could be subdivided before he finalized the purchase, as that is the only way they could afford it. He advised that escrow closed and they are in the middle of the land division and this issue of development proposals accessed by narrow County maintained roads was raised. He requested that they be exempt from consideration of future policy.

Discussion was held relative to placing applications on hold. Sarah provided input relative to the CEQA requirements. Bill King/Senior Planner, provided additional input on the CEQA requirements.

- Mark Cacioppo stated he is involved in the subdivision in Catheys Valley and the property is zoned for five-acre minimum. He noted that a lot of people are beginning to divide and split off historic parcels to be able to have income. He advised of the traffic study that they did, and he stated he feels people need to keep in consideration the size of a five-acre parcel. He also stated he does not feel that this is a problem that just got here.

- Blaine Sturtevant, of Coulterville, stated he feels that improvements should be made to the roads with all subdivisions.

- Ken Melton stated he agrees with not holding up projects for consideration of future changes. He noted the CEQA requirements are not new; however, he feels the interpretation of the requirements is new. He stated the California Department of Forestry and Fire Protection (CDF) regulations are written to apply to future construction; and construction that occurred prior to 1991 does not fall under the PRC 4290 requirements. He referred to existing roads that do not meet standards, and noted that there has been no problems. He also noted that when a road is improved to meet the PRC 4290 standards, people drive faster and the accidents are more severe. He stated he does not feel that traffic studies should be necessary, as the information is already known. He also noted that there are a lot of existing parcels that will be developed and they will not have to pay anything to improve the roads; but if someone does a minor split, they would have to pay. He stated he feels that most of this issue has to do with maintenance of the roads. He suggested that a maintenance fee be charged to each parcel that accesses a County road; that way everyone would be treated the same.

- Barry Brouillette stated he agrees with almost everything stated by Ken Melton. He also referred to Sarah's comment that winding roads are a part of our character; however, he feels we will need to look at improvements along some of the roads. He suggested that there be an assessment of what needs to be done for improvements, and then a review of how to develop fees to cover the maintenance. He noted that the CDF regulations are statewide; however, he feels it should be based on local policy.

- Dennis Townsend, CDF Law Enforcement Chief, stated he is charged with enforcing PRC 4290. He presented background information on this history of these regulations. He stated the infrastructure is not improving for development that occurred prior to 1991, and he feels that they have recognized that they are closing the gap on the acceptable level of risk. Discussion was held relative to the input that was provided. Supervisor Bibby asked whether mitigation measures exist in other counties. Dennis advised that he will review the mitigation issue and bring something back.

- Paul DiTomaso provided input on his subdivision process. He advised that he closed escrow after he received assurances from all parties that everything was okay. Then he received a letter from the County expressing concern with the road. He spent \$8,000 on a traffic study and the subdivision has been delayed and is costing him daily.

- Robert Brockman stated he lives on Old Highway across from the property that is being developed. He commented on the near-accidents that he has encountered on the road, as well as those that travel at a high rate of speed. He stated he feels the road is falling apart. He feels that if people are willing to fix the road, then it would be okay for them to develop.

- James Kidd stated he is a resident on Old Highway, and he has had a few near misses. He stated there is not a lot of traffic; however, he feels that the road is dangerous. He also stated that he feels the issue of the road is just part of the development of the community, as well as many other issues; i.e., water, sewage, law enforcement, schools, fire, etc. He stated he feels that a multitude of minor developments increase the impacts affecting the area and increase the pressures on the roads.

- Mark Cacioppo advised that their traffic study took into consideration full build-out on the road; and he introduced Amy Fisher, traffic consultant for their project.

- Amy Fisher, Verba Technology, a traffic consulting firm in Fresno, noted that there are a lot of roads in the State with problems, and she noted that Highway 140 has its problems. She suggested that the deficiencies be analyzed to establish a region-wide traffic impact fee program.

Further discussion was held relative to the input and consideration of impact fees. Supervisor Parker asked Planning to clarify the projects and maps that are on hold and not being processed. He also expressed interest in obtaining more information on the traffic study requirements. The Board concurred with continuing discussion of this matter with the upcoming workshops with departments on development services – Chairman Parker suggested that it be scheduled with the zone of benefit and road maintenance issues with Public Works and involve Planning.

### **CONSENT AGENDA:**

- CA-1 Adopt a Resolution Approving Minor Changes in Settlement Amounts of Plaintiffs and Authorizing the Chairman to Sign a Settlement Agreement and Release in Crawford, et al v. County of Mariposa, et al (County Counsel); matter was pulled from the agenda
- CA-2 Adopt a Resolution Authorizing the Sale at Public Auction of Tax-Defaulted Property, Subject to the Power to Sell, per Revenue and Taxation Code Chapter 7, Part 6, Division 1, at Sale Scheduled for August 20, 2004 (Tax Collector); Res. 04-102, with date of sale changed to August 27, 2004
- CA-3 Approve Budget Action Transferring Funds within the Boating Safety Budget from Boating Safety Benefits to Boating Safety Extra Help to Cover the Cost of an Extra Help Position (\$11,602) (Sheriff); Res. 04-97
- CA-4 Approve Budget Action Transferring Funds within the Sheriff's Budget from Deputy Sheriff Salaries to Overtime to Cover Overtime Costs for the Remainder of this Fiscal Year (\$30,000) (Sheriff); Res. 04-98
- CA-5 Adopt a Resolution Amending a Personal Services Agreement Between Mariposa County and Fred Solomon to Provide Project Development of the Recreation Complex by Increasing the Agreement Amount by \$1,500 (Public Works Director); Res. 04-99
- CA-6 Adopt a Resolution Amending an Agreement Between Mariposa County and Fred Solomon to Manage the Arts Park Project by Extending the Agreement Until June 30, 2004 (Public Works Director); Res. 04-100
- CA-7 Approve Budget Action Transferring Funds within the Transportation Planning Budget from Software to Computers to Purchase a Laptop Computer to be Used with the Pavement Management Software System (\$2,000) (Public Works Director); Res. 04-101

**12:48 p.m.** Adjournment in memory of Clifford Lewis Cross and Bob Rader.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA March 23, 2004



Time      Description

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

Pledge of Allegiance  
Introductions

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

- Dianne Fritz, Chamber of Commerce President, invited everyone to the “Business After Hours” this evening at the E C Lodge Yosemite. Speaking as a Soroptimist member, she advised of their “Gold Rush Dinner Dance” event scheduled for this Saturday.
- Bob Lowrimore, Assessor-Recorder, presented a request for an off-agenda item to purchase a cashiering/camera system to replace the system that broke on Friday. (M)Pickard, (S)Stetson, Board waived rules requiring 72 hours agenda noticing to consider this request, finding the matter was not known about at the time the agenda was prepared as the existing camera broke and is not repairable/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker. Discussion was held relative to the request to replace and upgrade the system. Bob advised of their efforts to repair the existing system and of their research for a replacement system, and he recommended the Exigent Cashiering System because of its simplicity, the cashiering feature, and the upgrade is compatible with the AS400 system. He advised that there are funds available in the Modernization Trust Fund. (M)Pickard, (S)Stetson, Res. 04-108 was adopted approving the purchase as recommended, with authorization for the Chairman to sign the contract after review by County Counsel and the County Administrative Officer; finding that it is an emergency to replace the broken equipment to maintain the efficient function of the office; waiving the formal bid procedures, finding that Exigent is the only source that provides the equipment with the features that are recommended and is compatible with the County’s system; and approving budget action transferring \$56,000 from the Modernization Trust Fund for said purchase/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Garry R. Parker, Board of Supervisors Chairman;

Proclaim the Week of March 22<sup>nd</sup> through 26<sup>th</sup>, 2004 as “Disabilities Awareness Week”

**BOARD ACTION:** (M)Pickard, (S)Bibby, the Proclamation was approved and presented to Bill Yaley, representing Mariposa Rotary, and Ryan Ballinger, representing the High School Associated Student Body, and Supervisor Bibby, who volunteered to spend the day in a wheelchair/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker. Ryan thanked the Student Body members for being present and for their support of the HERO (Helping Everyone Recognize and Overcome) event. Supervisor Bibby commented on the difficulties that those who are disabled encounter.

Doug Balmain, Supervisor Vice-Chair;

Presentation Providing Information on Recently Released Decision Regarding the Revised Sierra Nevada Forest Plan Amendment and How it Affects the Stanislaus National Forest in Mariposa

County and Update on the Status of Planning for the Larson Reforestation and Fuel Reduction Project in the Anderson Valley Area

**BOARD ACTION:** Supervisor Balmain introduced John Swanson, United States Forest Service District Ranger for the Stanislaus National Forest, and Tom Quinn, Forest Supervisor for the Stanislaus National Forest. Tom reviewed their activities during the past year and provided a status report. Further discussion was continued for the following hearing to be opened.

**10:02 a.m.** The public hearing relative to fees for the Yosemite West Maintenance District Wastewater Division was opened and continued until after the following matter.

Further discussion was held with Tom Quinn and John Swanson. Input from the public was provided by the following:

- George Meyers stated he agrees with having someone at the Trumble Peak facilities, and he asked where the water will come from.
- Dick Kunstman asked about the information that was provided, and he provided graphs relative to basal area information.

Further discussion was held, and the Board thanked Tom and John for the information.

**10:21 a.m.** Recess

**10:40 a.m.** Jim Petropulos, Public Works Director;

**PUBLIC HEARING** Relative to Fees for the Yosemite West Maintenance District Wastewater Division and Adopt a Resolution Approving the Proposed Fee Schedule

**BOARD ACTION:** Jim Petropulos presented the staff report, and he advised that implementation of the revised fees could be delayed to June 1<sup>st</sup>. Carl Casey, PWD-Fiscal Officer, provided information relative to the requirements for the USDA loan in relation to the fiscal operation of the District. He reviewed the operation costs and recommended fee schedule, which includes long-term equipment replacement costs. He also advised of correspondence that was received from all of the members of the Yosemite West Advisory Committee and their position on the proposed fees. Staff responded to questions from the Board relative to planning for the replacement of the drip line in twenty years and calculated costs; continued development of the Capital Utility Fund for unforeseen problems with the system; consideration of the input that was received from the public for an alternative fee structure and whether that was reviewed against the recommended fee structure; relative to consideration of future increases and the fee structure; clarifying that the rates approved at this hearing will still be implemented even if the Proposition 218 ballot process fails; and whether there will be any affect if the implementation of the proposed fee schedule is delayed. The public portion of the hearing was opened and input was provided by the following:

- Don Pitts, member of the Yosemite West Advisory Committee, stated he voted to support the fee increase and he feels it is long-overdue. He stated that he feels that if the Proposition 218 vote passes, we will still need the increase, and the increase is necessary to get the bond funding.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Stetson, (S)Pickard, Res. 04-109 was adopted approving the proposed fee schedule for Yosemite West Maintenance District Wastewater Division, with a June 1, 2004 implementation date; and with direction that the replacement components for the system be identified in the Capital Utility Fund/Ayes: Stetson, Balmain, Bibby; Pickard; Excused: Parker. The hearing was closed.

Board Information

- Supervisor Pickard advised of the Grand Opening Celebration of the Kiwanis Tots Playground at the Historic Darrah School scheduled for April 4<sup>th</sup>. He advised of a meeting he attended with staff from Kaiser Permanente on Monday in Sacramento to try and gain greater access to alternative health care providers in coordination with the John

Fremont Healthcare District. He advised that he plans to attend an Invasive Weed Coalition meeting on Wednesday in Sacramento, and a County Medical Services Program (CMSP) meeting on Thursday. He advised that he will also try to attend the Senate Budget Committee hearing on Thursday relative to the California Youth Authority (CYA) budget. He noted that Bob Kirchner from Mt. Bullion CYA Camp is planning to attend and testify. The next meeting is scheduled for April 21<sup>st</sup> before the Assembly Budget Committee.

- Supervisor Bibby advised that she attended the San Joaquin Air Resources Study Agency meeting in Fresno on Thursday. On Friday, she attended the Mt. Bullion CYA Camp Citizen Advisory Committee meeting.

Sarah Williams, Interim Planning Director;

Approve Extra-Help Employment Agreement for Senior Planner Skip Strathearn; Approve Budget Action Transferring Funds within the Planning Department Budget for Mid-Year Reallocation for Day-to-Day Office Operations; Funding Extra-Help Senior Planner for Staffing the Yosemite West and Wawona Planning Advisory Committees and Continued Funding for Extra-Help Code Compliance Technician for Continued Part-Time Assistance (\$22,030)

**BOARD ACTION:** Discussion was held with Sarah Williams relative to the requests and recommendations. She advised that she would like direction relative to pursuing one additional planner position, and advised that she would review the fee schedule for the department. Rich Inman, County Administrative Officer, recommended that the fee structure be reviewed, and stated he agreed with the request for an additional planner position. (M)Pickard, (S)Stetson, Res. 04-110 was adopted approving the extra help employment agreement with Skip Strathearn, and the recommended budget adjustments, and direction was given for the Interim Planning Director to work with the County Administrative Officer to bring back a proposal for the additional planner position/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Approval of Minutes 3-9-04, Regular Meeting

**BOARD ACTION:** Approved.

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

**BOARD ACTION:** Supervisor Bibby pulled items 1 and 8. (M)Pickard, (S)Stetson, the balance of the items were approved/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Supervisor Bibby initiated discussion relative to item 1, and asked if the documentation that would support this claim could be identified. Rich Inman, County Administrative Officer, advised that the claimant could be given time to provide documentation and an explanation of the events that brought about the loss that is claimed versus denying the claim at this time. He also noted that the County may not be fully responsible for the delay in the construction project, that the contractor may have responsibility. The Board concurred with not taking action at this time to allow the claimant to provide additional information as discussed.

Supervisor Bibby initiated discussion relative to item 8 and asked about the status of the repairs from the 1997 Ben Hur Road disaster project; asked about the funds requested to replace two desks; and she asked for clarification of the invoices for the snow plowing work. She suggested that if all of the unanticipated revenue funds are not used, that consideration be given to using the funds for further maintenance on Ben Hur Road. Dana Hertfelder/Assistant Public Works Director, and Carl Casey/PWD-Fiscal Officer, responded to questions. (M)Pickard, (S)Stetson, to approve the recommendation, failed by the following vote – Ayes: Stetson, Balmain, Pickard; Noes: Bibby; Excused: Parker.

**12:05 p.m.** CLOSED SESSION: Conference with Legal Counsel for a Case Relative to Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)

**BOARD ACTION:** (M)Bibby, (S)Stetson, the closed session was held, and Vice-Chairman Balmain announced that the Board would reconvene after lunch in open session at 1:30 p.m./Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

**12:15 p.m.** Lunch

**1:42 p.m.** The Board reconvened in open session. Vice-Chairman Balmain announced that no action was taken as a result of the closed session.

Bob Pickard, Supervisor District V;  
Reconsideration of Contract with Austin-Leavitt Consultants for Development of Community Emergency Response Team (CERT) Program

**BOARD ACTION:** Supervisor Pickard initiated discussion relative to the request for reconsideration of the contract for this matter. He advised that it was brought to his attention subsequent to the March 9<sup>th</sup> action to approve this contract that the County does have a CERT program and he showed the binder containing the program that was developed through the Sheriff's Department. Jim Allen/Sheriff, advised of the history of the CERT program and of the County's program. Discussion was held. (M)Pickard, (S)Stetson, Res. 04-119 was adopted rescinding the contract with Austin-Leavitt Consultants for development of a CERT program since there is already a CERT program in place for the County; and direction was given for the Fire Chief and the County Administrative Officer to look at other appropriate uses of the grant funding for the program and coordinate with affected departments. Supervisor Bibby asked whether the Sheriff's Department has costs associated with the program that the grant funds could be used to help offset, and Jim Allen advised that he will review the matter. Tom Guarino, County Counsel, responded to a question from Supervisor Bibby as to whether the contract had been signed, and was advised that it had not and that no work was to be performed until all requirements were met. Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

**2:00 p.m. LOCAL TRANSPORTATION COMMISSION**

Jim Petropulos, Public Works Director;  
Presentation by CalTrans Staff Relative to an Update on Highway Projects and Other CalTrans Related Projects

**COMMISSION ACTION:** Jane Perez/CalTrans-Senior Transportation Planner, introduced Ken Baxter, the new Deputy District Director for Planning and Local Assistance. Jane reviewed the status of the following projects:

- Darrah Road/Highway 49 intersection – the project is moving forward on schedule
- Smith Road/Highway 140 – a project development team meeting will be held in April
- recess markers/Highway 49 South – they hope to start construction this summer.

Commissioner Balmain asked whether the recess markers could be spaced further apart to save on costs for these types of projects. Commissioner Bibby asked about placing the recess markers on Main Street and Highway 140.

- Extinguishable Message Signs – Jane advised that four signs will be placed in the County to direct motorists to the Highway radio station.
- STIP project for Old Highway bridge project – she advised that a project development team meeting is scheduled for next week

Commissioner Bibby commented on the passing lane project on Guadalupe Grade asked whether more passing lanes are planned on Highway 140, and Jane advised that she will check. Commissioner Bibby also commented on the accidents that have occurred at the Hornitos Road/Highway 140 intersection, and asked whether the area could be reviewed for a speed reduction or cross-traffic signage. Jane asked that a specific letter be sent from the Commission to Dina Bortner concerning this request. Commissioner Pickard asked about the status of the STIP funding and whether an overlay is planned for Highway 140 given the recent crack sealing project. Jane reviewed the rehabilitation projects that are scheduled for the County. Jane also offered to come back and make a presentation on the SHOP program, and the Commission

concurrent with staff scheduling the presentation. Jane discussed the System Management Plan and upcoming meetings.

Ken Baxter gave an update on the status of staffing changes for District 10 and affects of the budget adjustments. He also advised of a letter that CalTrans sent supporting the rural mountain counties' desire to be designated separate from the valley counties for air quality issues.

Commissioner Stetson noted the need to discuss public transit when discussing transportation in the State, and he commented on the high-speed rail discussions and the importance of the route to the County.

**2:34 p.m.** The Board reconvened.

Supervisor Pickard advised that Ted Hilliard, Executive Director for the Mining and Mineral Museum Committee was present to give an update on the status of the project. Ted advised of the pledges/donation of property for the new Museum site. He advised that David Rice has been hired as a capital fundraiser for the museum project and has received tentative commitments of funding for the project. He also advised that he just received a call from Assemblyman Cogdill offering assistance with fundraising. He advised that they are in the process of signing contracts with the architects for the project.

Jim Petropulos, Public Works Director;

B) Approve the Royal Oaks Estates Subdivision Map, Application No. 8-4-95 Per Mariposa County Code, Title 16.20.232

**BOARD ACTION:** Discussion was held with Jim Petropulos and Jerry Freeman/PWD-Surveyor, relative to the access and width of the County road access. Vice-Chairman Balmain called for public input and none was received. (M)Pickard, (S)Stetson, Res. 04-120 was adopted approving the Royal Oaks Estates Subdivision Map/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

C) Direction and Authorization for Public Works to Conduct a Study Concerning the Don Pedro Equestrian/Pedestrian Trail System and Approve Budget Action Transferring an Amount Not to Exceed \$10,000 from Contingencies to the Don Pedro Equestrian/Pedestrian Trail Study Project (4/5ths Vote Required)

**BOARD ACTION:** Discussion was held with Jim Petropulos relative to the project and alternative funding sources for the project. Rich Begley/PWD-Deputy Director of Parks and Recreation, responded to questions relative to the enforcement and maintenance for the portion of the trails that are located in Tuolumne County. Jim advised that the requested initial funding for this project could be absorbed into the budget and there is a possibility of utilizing Transportation Planning funds from the Bike/Pedestrian budget versus an appropriation from Contingencies at this time. Discussion was held relative to future maintenance of the trails and whether this project would impact the status of other projects. (M)Pickard, (S)Stetson, Res. 04-121 was adopted providing direction to Public Works to identify the location of the trails and document encroachments on the Don Pedro equestrian/pedestrian trail system; to review and make recommendations on areas of the trail system that should be abandoned, and where dual uses need to exist; and direction was provided to Public Works and the County Administrative Officer and appropriate staff to identify and bring back possible funding sources that could be used to make the changes and improvements that are identified in the study/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

Edward Ibarra stated he feels that recognition needs to be given to the other benefits of the trail system, including the fire break the thirty foot easements can provide, and the safety of the community – neighborhood watch, with the use of the trails.

A) Authorize Public Works to Overfill a Maintenance Worker II/Facilities Position Due to the Extended Absence of an Employee

**BOARD ACTION:** Discussion was held with Jim Petropulos. Supervisor Bibby asked if the new employee would sign an acknowledgement that the overfill would end if the employee on Workers Compensation returns. (M)Stetson, (S)Bibby, Res. 04-122 was adopted authorizing the overfill as requested/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

**CONSENT AGENDA:**

- CA-1 Authorize Chair to Sign an Order of the Board to Reject Claim No. C04-3 in the Amount of \$3,500 (County Administrative Officer); No action was taken at this time.
- CA-2 Approve Budget Action Transferring Funds within the County Counsel Budget Unit for Moving Expenses (Not to Exceed \$3,000) (County Administrative Officer); Res. 04-111
- CA-3 Re-Appoint Rick Roesch to the Coulterville Town Planning Advisory Committee (Supervisor Balmain)
- CA-4 Accept the Resignation of Robert Boyer as At-Large Member of the Historical Sites and Records Preservation Commission (Supervisor Bibby)
- CA-5 Adopt a Resolution Designating the Mariposa County Arts Council as the County's Authorized Partner to the California Arts Council (Supervisor Parker); Res. 04-112
- CA-6 Approve Budget Action Transferring Funds within the Sheriff's Budget from Multiple Expense Accounts to Fixed Asset – Computer Equipment to Purchase Seven Desktop and Ten Laptop Computers (\$25,000) (Sheriff); Res. 04-113
- CA-7 Authorize the Mariposa County Library to Accept Canned Food Donations as Payment for Current Overdue Fines In Celebration of National Library Week, April 18<sup>th</sup> through 24<sup>th</sup>, 2004 (Librarian); Res. 04-114
- CA-8 Approve Budget Action Allocating Unanticipated Revenue in the Amount of \$27,491 for Roads to be Used for Snow Removal (\$24,000) and Furniture and Fixtures (\$3,491) (4/5ths Vote Required) (Public Works Director); Motion failed
- CA-9 Approve Budget Action Transferring Funds within the Facilities Maintenance Budget from Salary Savings to Various Expense Line Items to Cover Anticipated Expenditures for the Remainder of the Fiscal Year (\$27,000) (Public Works Director); Res. 04-115
- CA-10 Approve Budget Action Transferring Funds within the Human Services Department Budget from Administrative Analyst Salary Savings to Communications (\$700); Network Administrator (\$7,000); Overhead (\$3,750) and Employee Benefits (\$3,050) to Improve the Wireless Internet Capabilities of the Department (Human Services Director); Res. 04-116
- CA-11 Approve a Mini Grant that was Forwarded to the First 5/Proposition 10 Committee and Authorize the Department to Submit the Grant to other Funders if an Award is Not Made (Human Services Director); Res. 04-117

- CA-12 Adopt a Resolution Approving Minor Changes in Settlement Amounts of Plaintiffs and Authorizing the Chairman to Sign a Settlement Agreement and Release in Crawford, et al v. County of Mariposa, et al (County Counsel); Res. 04-118
- CA-13 Appoint Jacque Meriam, County Librarian, to the Historic Sites and Records Preservation Commission Representing the At-Large Position (Supervisor Stetson)

**3:20 p.m.** Adjournment

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board