



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### CONFORMED AGENDA October 4, 2005

Time                      Description

**9:11 A.M.** Meeting Called to Order at the Mariposa County Government Center

The Pledge of Allegiance was led by 4-H members Melissa Rios, Jennifer Lyons, and Rachelle Broomfield.

#### Introductions

Karen Robb, Farm Advisor;

Proclaim the Week of October 2 – 8, 2005, as “National 4-H Week”

**BOARD ACTION:** (M) Fritz, (S) Bibby, to proclaim the week of October 2-8, 2005, as “National 4-H Week”/Ayes: Unanimous. Chairman Pickard presented the proclamation to Karen Robb and congratulated the 4-H club members, leaders, and families for doing a wonderful job. Karen thanked the Board members for recognizing all the good work that 4-H does. Donna Wice, 4-H Coordinator thanked the Board members and asked the attending 4-H members to distribute stuffed 4-H project animals to the Board members. Becky Crafts, 4-H community and project leader thanked the Board members for supporting 4-H programs and for assisting with record book judging. Kathy Lyons thanked the Board members for assisting with fashion review and presentation day.

Dianne Fritz, District IV Supervisor;

Adopt a Resolution Proclaiming October as “Domestic Violence Awareness Month”

**BOARD ACTION:** (M) Stetson, (S) Turpin, Res. No. 05-462 was adopted proclaiming October as “Domestic Violence Awareness Month”/Ayes: Unanimous. Supervisor Fritz read the proclamation and presented it to Chevon Kothari, Executive Director of Mountain Crisis Services and explained how domestic violence has personally touched her life. Chevon thanked the Board members for recognizing “Domestic Violence Awareness Month.” She then asked that staff from Mountain Crisis Services and other members of the county and community who are a part of the Domestic Violence Coordinating Council stand and be recognized. Bob Brown - District Attorney, Jim Allen - Sheriff/Coroner, Elnora George – Chief Executive Director of John C. Fremont Healthcare District, Katherine Collier – Director of Mariposa Safe Families, Stephanie Holland – Executive Director of Court Appointed Special Advocate (CASA) all spoke about the importance of ending domestic violence. Denise Conway, Prevention Project Coordinator with Mountain Crisis Services explained the clothesline project on display in the Board lobby and the purple ribbon campaign. She also advised that October 12, 2005, is Domestic Violence Awareness Day.

Janet Bibby, District III Supervisor

Presentation on Behalf of Ron Iudice, President of the California State Mining and Mineral Museum and Acceptance by the Board of Supervisors of Two (2) Copies of the “Las Mariposas” Map and Direction to Staff on How the Maps should be Displayed

**BOARD ACTION:** Supervisor Bibby presented the “Las Mariposas” maps and gave a background on the maps. Chairman Pickard suggested that a committee be formed to select the framing and placement of the maps. He also suggested that pictures of former Board of Supervisors might be also collected and displayed. By Board consensus, Res. No. 05-476 was approved accepting the “Las Mariposas” maps and having Supervisors Bibby and Pickard form an ad-hoc committee to select the frames and placement of the maps.

**9:53 A.M.** The Board recessed.

**10:21 A.M.** Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda.

- Jim Allen, Sheriff/Coroner advised that he is holding a meeting for parents on October 4, 2005, at the Mariposa Elementary School regarding Megan's Law and that information on this issue is now available on the Internet. He asked if the Board would be interested in hearing a similar presentation. Chairman Pickard advised that yes the Board would be interested in a presentation and asked that Sheriff Allen schedule a presentation on Megan's Law for a future Board of Supervisors meeting.

Kris Schenk, Planning Director

Schedule a Public Hearing for November 1, 2005, at 1:30 P.M. to Accept Public Comment on the September 2005 Draft Environmental Impact Report (EIR) for the 2005 General Plan Update

**BOARD ACTION:** Kris introduced the item and gave an update on the status of the General Plan. He advised that all four volumes of the General Plan are free and available to the public and are also available on the Internet. Kris suggested that the Board hear public comments on November 1, 2005. Board discussion followed on the time of the Public Hearing and ensuring the public had ample opportunity to provide their comments. (M) Fritz, (S) Stetson, Res. No. 05-476 was adopted approving the Public Hearing for November 1, 2005, at 5:00 P.M. to accept public comment on the September 2005 Draft Environmental Impact Report (EIR) for the 2005 General Plan Update/Ayes: Unanimous.

Approval of Consent Agenda (See End of Agenda)

**BOARD ACTION:** Supervisor Stetson pulled item 3. Supervisor Fritz pulled item 4. Supervisor Bibby pulled items 3, 4, and 9. Supervisor Turpin pulled items 3 and 4. (M) Stetson, (S) Bibby, the balance of the items were approved/Ayes: Unanimous.

Consent Agenda Item 3: Supervisor Stetson initiated Board discussion by asking what types of information would be released. Rick Peresan, Technical Services Director responded that the information is an electronic version of a map with no names, addresses, or parcel sizes. Further Board discussion followed with Rick responding to questions relating to charging for this information, subscription rates, controlling the information once its released, recouping GIS costs, and the accuracy of the information. Direction was given for the Technical Services Director to bring this issue back as a timed item with information regarding map accuracy, protecting the data once it's released, charging fees for this information and the amount of staff time it will take to comply with these requests for information. No county GIS information is to be released until the Board takes formal action on this issue.

Consent Agenda Item 4: Supervisor Fritz gave a background on this item. Supervisor Bibby questioned the storage of the items and if the County can utilize the items. Jim Middleton, Deputy Fire Chief responded that the items are properly stored in the Hornitos Fire Station and that the majority of the items are serviceable and can be used for training purposes. Supervisor Turpin stated that he is grateful for the donation. (M) Fritz, (S) Turpin, consent agenda item 4 was approved/Ayes: Unanimous.

Consent Agenda Item 9: Supervisor Bibby questioned if the item was acceptable because of the possible spiritual ties. Tom Guarino, County Counsel stated that there was no indication in the item that it will support a religious sect. Rich Inman, County Administrative Officer added that it must be non-denominational. (M) Bibby, (S) Fritz, consent agenda item 9 was approved with the stipulation that the event be non-secular and that a noise level test be completed/Ayes: Unanimous. Following the vote, Supervisor Fritz added that if the weather is bad, that the event will be held at the Best Western. Supervisor Bibby stressed the importance of having the noise level test completed.

Approval of Minutes 9-13-05 Regular Meeting

**BOARD ACTION:** Supervisor Bibby noted corrections to minutes. (M) Bibby, (S) Stetson, the minutes were approved with corrections/Ayes: Unanimous.

County Administrative Officer Rich Inman introduced his son Richard who was in the audience as part of a legal government class he is taking in Merced.

Chairman Pickard advised that Consent Agenda Item 2 was an Ordinance and asked for a motion amending the original motion approving the balance of the consent agenda items and to waive the second reading and adopt the Ordinance.

**BOARD ACTION:** (M) Bibby, (S) Fritz, to amend the original motion by excluding consent agenda item 2 from the balance of the items and waive the second reading and adopt Ordinance No. 1023/Ayes: Unanimous. The Deputy, Deputy Clerk to the Board read the Ordinance number and title into the record.

Discussion and Possible Further Action Regarding the Local Emergency Due to the Flooding that Occurred throughout the County (County Counsel)

**BOARD ACTION:** Tom Guarino, County Counsel advised the Board to continue the finding that a local emergency exists and that the Public Works Department is continuing to work the Office of Emergency Services (OES). Chairman Pickard stated that he had learned that the repairs to Hornitos Road had been approved by OES, that there was tentative approval of Merced Falls and Bear Valley Roads, and that OES was still reviewing Old Toll Road. He also advised that bids to complete the repair work had gone out. (M) Bibby, (S) Turpin, Res. 05-482 was adopted continuing the local emergency due the flooding that occurred/Ayes: unanimous

**11:25 A.M. CLOSED SESSION:** Conference with Legal Counsel Relative to Anticipated Litigation/Initiating of Litigation of One (1) Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (County Counsel)

**BOARD ACTION:** (M) Stetson, (S) Bibby, the Board would convene in closed session/Ayes: Unanimous.

**CONSENT AGENDA:**

- CA-1 Action to Continue Emergency Findings for the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director) Res. No. 05-477
- CA-2 Waive Second Reading and Adopt Ordinance Amending Title 17 to Prohibit the Installation of Pre-1976 Mobile Homes within Mariposa County (Planning Director) Ordinance No. 1023
- CA-3 Authorize the Technical Services Director to Distribute the County Geographical Information Systems (GIS) Parcel Map Layer to County Contractors or Other Governmental Agencies (Technical Services Director)
- CA-4 Adopt a Resolution Accepting Hazardous Material (HazMat) Training Materials Valued at \$32,207 and Authorize the Chairman of the Board of Supervisors to Sign a Letter Thanking Daniel Law of Emergency Response Consultants for the Donation (Fire Chief) Res. No. 05-478
- CA-5 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Rental Agreement with the 35-A District Agricultural Association for use of the Sequoia Hall for Influenza Immunization Clinics this Season (Health Officer) Res. No. 05-479
- CA-6 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Declaration of Intent Not to Contract for Emergency Medical Services Appropriation (EMSA) Fiscal Year 2005-2006 (Health Officer) Res. No. 05-480

- CA-7 Adopt a Certificate of Recognition and Congratulations to Virginia Tindall on Celebrating her 90<sup>th</sup> Birthday on September 20, 2005 (Supervisor Turpin)
- CA-8 Accept the Resignation of Howard Davies from the Alcohol and Drug Advisory Board Effective October 22, 2005 (Supervisor Pickard)
- CA-9 Adopt a Resolution Making the Musical Benefit Being Held at the Mariposa Amphitheater on October 16, 2005, a County Sponsored Event for Insurance Coverage (Supervisor Fritz) Res. No. 05-481

**12:05 P.M.** The Board reconvened in open session. Chairman Pickard announced that direction had been given to County Counsel as a result of closed session.

**12:06 P.M.** The meeting was adjourned in memory of Duane Randolph Peterson and Paul James Miller.

Respectfully Submitted

MARGIE WILLIAMS  
Clerk of the Board

By:  
MARY HODSON  
Deputy, Deputy Clerk to the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### CONFORMED AGENDA

October 11, 2005

Time                      Description

**9:08 A.M.** Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

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

- Scott Fornaciari expressed safety concerns regarding accessing the Mariposa Arts Park off of Highway 140. He asked if some type of barricade or cones could be placed on the street during events at the Park to allow people to safely traverse the side of Highway 140 to get into the Park. Chairman Pickard thanked Mr. Fornaciari for his comments and stated that this issue will also involve CalTrans. He asked Mr. Fornaciari to leave his name and contact information with the receptionist for further follow up on this matter.

Gary Marshall, Deputy Chief – California Department of Forestry & Fire Protection;  
Presentation Regarding National Fire Prevention Week, October 9 – 15, 2005

- Dennis Tannahill, Division Chief with the California Department of Forestry and Fire Protection advised the Board that October 9-15, 2005, is National Fire Prevention Week and that this year's theme is "Use Candles with Care." He also extended an invitation to the Board to tour the Mt. Bullion Camp and see the changes to the camp since the California Department of Corrections (CDC) has moved in. Supervisor Turpin thanked Chief Tannahill and stated that he believes our Public Works Department has greatly benefited from the CDC crews.

Approval of Consent Agenda (See End of Agenda)

**BOARD ACTION:** (M) Stetson, (S) Fritz, to approve the consent agenda items/Ayes: Unanimous.

Approval of Minutes 9-20-05 Regular Meeting

**BOARD ACTION:** Supervisor Bibby noted that she had given corrections to the Deputy, Deputy Clerk to the Board. Tom Guarino, County Counsel advised of a correction. (M) Fritz, (S) Stetson, to approve the minutes as amended/Ayes: Unanimous.

Rich Inman, County Administrative Officer;

Approve the California River Parkways Grant Application to the State of California Resources Agency for Construction of the Mariposa Creek Parkway Trail, Phase III; Adopt a Resolution Approving the Application for Grant Funds for the California River Parkways Grant Program and Appoint a Designee as Agent to Conduct all Negotiations, Execute and Submit all Documents of the Grant

**BOARD ACTION:** Rich introduced Marilyn Liddyoff, Business Development Coordinator and Gwen Foster, Associate Engineer. Marilyn explained the purpose of the grant and Gwen displayed a map detailing the two alternative routes, and presented pros and cons of each alternative. Board discussion followed regarding the effect the alternate routes could have the Mariposa Cemetery, connecting to existing parking areas, addressing security concerns for the area, adding to the existing workload of Public Works, and emergency personnel/vehicle access. Marilyn stated that she will include maintaining the parkway as part of the County's in-kind match. The Chairman asked for public comments.

- Tony Brochini, representing the Mariposa Indian Council stated that he is in approval of alternative 2 because alternative 1 could disrupt Native American burial sites. He also requested that Mariposa Indian Council representatives be present when there is any ground disturbance and that restoration costs to the area disturbed be figured into the grant.

- Kenneth Gosting, Executive Director of Transportation Involves Everyone (TIE), provided information and samples on natural pavement as an alternative to traditional asphalt. He also stated that parkways traditionally increase local land values and decrease crime levels. He urged the Board to consider making the parkway twelve-foot wide for emergency vehicle access.

- Scott Fornaciari stated that he favors alternative 2 and supports the use of natural pavement. He believes that even if tourists don't use the parkway that the residents can use it to safely navigate the town area. He asked the Board to consider additional dollars for the Parkway to eradicate weeds, provide care and maintenance to the native plants, and to keep the streambed clean and running.

There were no additional public comments. Further Board discussion followed on the width of the Parkway and the impact to property owners near the Joe Howard Bridge. (M) Fritz, (S) Bibby, Res. No. 05-487 was adopted approving submitting the California River Parkway grant application to the State of California Resources Agency for Construction of the Mariposa Creek Parkway Trail, Phase III with alternative 2 as the recommended route; directing staff to continue negotiations with the property owner to acquire easement to continue the Parkway to intersect with Joe Howard in order to improve circulation; include the maintenance of the Parkway as an in-kind county match; make the pathway ten-foot wide with two-foot shoulders on either side; construct the boardwalk to be twelve-foot wide and strong enough to support emergency vehicles/Ayes: Unanimous. Following the vote Supervisor Bibby thanked staff for their hard work and for holding the informational meetings and accommodating the public.

**10:16 A.M.** The Board recessed.

**10:43 A.M.** Cheryle Rutherford-Kelly, Human Services Director;  
Discussion and Possible Action Regarding Supporting a Change in Concept in Substance Abuse Prevention, Intervention and Treatment for School Aged Children; Authorize the Human Services Department to Proceed with the Implementation of a Continuum of Care in Conjunction with the Local Schools

**BOARD ACTION:** Cheryle Rutherford-Kelly introduced the item, explained the requested action and introduced Paul Jacobs with the Superintendent of School's office. Board discussion followed with Cheryle and Paul responding to questions regarding the results of the California Healthy Kids survey, confidentiality of group counseling, current practices at the schools for monitoring and discovering substance abuse, the referral process for drug treatment/counseling, training of school drug officers, and the success of programs modeled after Alcoholics Anonymous (AA) group meetings. There was no public comment. (M) Stetson, (S) Bibby, Res. No. 05-488 was adopted supporting the change in concept in substance abuse prevention, intervention and treatment for school aged children; authorizing the Human Services Department to proceed with the implementation of a continuum of care in conjunction with the local schools. Supervisor Bibby requested the motion be amended to direct the Human Services Director to provide an update to the Board of Supervisors and the School District Board in six months on how the program is progressing. Motion was amended agreeable with the maker/Ayes: Unanimous.

Discussion and Possible Further Action Regarding the Local Emergency Due to the Flooding that Occurred throughout the County (County Counsel)

**BOARD ACTION:** Tom Guarino, County Counsel advised of the need to continue the local emergency due to flooding. (M) Stetson, (S) Bibby, Res. No. 05-489 was adopted continuing the local emergency due to the flooding that occurred throughout the County. Under Board discussion Supervisor Turpin stated that he would like to see an inventory from Public Works on the damage that the County sustained as a result of the flooding besides the damage reported on Hornitos, Old Toll, Merced Falls, and Bear Valley Roads. Chairman Pickard gave direction for the County Administrative Officer to provide an update to the Board on pending projects as a result of the flooding.

**11:34 A.M. CLOSED SESSION:** Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriff's Association (DSA) and Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman (County Administrative Officer)

**BOARD ACTION:** Chairman Pickard requested there be two motions to reflect both employee organizations. Supervisor Bibby clarified that she will be excusing herself from the DSA negotiations because even though she has received a response back from the FPPC, she does not agree with the response. She stated that it is common knowledge she has a family member connected with the Deputy

Sheriffs and will excuse herself due to appearances. (M) Stetson, (S) Turpin to convene in closed session regarding MCMCO/Ayes: Unanimous. (M) Fritz, (S) Stetson, to convene in closed session regarding DSA/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby. Closed session was conducted regarding MCMCO with Sandi Laird, Administration – Administrative Analyst in attendance. Closed session was conducted regarding DSA with Supervisor Bibby excused, and Sandi Laird, Administration – Administrative Analyst in attendance.

**12:05 P.M.** The Board reconvened in open session. Chairman Pickard announced that direction was given to the County Administrative Officer as a result of the closed sessions.

**CONSENT AGENDA:**

- CA-1            Action to Continue Emergency Findings for the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director) Res. No. 05-483
  
- CA-2            Approve Budget Action Transferring Funds within the Yosemite West Maintenance Fund to Pay for the Cost of an Additional Pump for the Water Treatment System (\$1,000) (Public Works Director) Res. No. 05-484
  
- CA-3            Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Professional Services Agreements with John Hardaway and Custom Weed Control for Implementation of the Mariposa County Noxious Weed Work Plan (Agricultural Commissioner) Res. No. 05-485
  
- CA-4            Adopt a Resolution Approving Children’s Medical Services (CMS) Plan and Budget Justification for Fiscal Year 2005-2006 in the Amount of \$36,282 for California Children’s Services (CCS), \$83,879 for Child Health and Disability Program (CHDP), and \$19,078 for the Health Care Program for Children in Foster Care (HCPCFC); Authorize the Chairman of the Board of Supervisors to Sign Children’s Medical Services Certification Statement for Fiscal Year 2005-2006 (Health Officer) Res. No. 05-486

**12:06 P.M.** The meeting was adjourned in memory of Hazel Gwinn and Dorothy L. Bunt.

Respectfully Submitted

MARGIE WILLIAMS

By:  
MARY HODSON  
Deputy, Deputy Clerk to the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA

October 18, 2005



Time                      Description

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

Pledge of Allegiance

Introductions

Chairman Pickard thanked Mary Hodson, Deputy County Administrative Officer, for filling in as interim Deputy Clerk of the Board while staff was out on medical leave; and he welcomed Margie Williams, Clerk of the Board, back.

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

Annie Durazo, Service Employees International Union (SEIU) United Healthcare Workers West, representing the in-home health care workers in the County, advised that they also represent the workers in Amador and Calaveras counties. She provided input relative to the status of labor negotiations.

Bill Combs provided input relative to labor negotiations for the in-home health care workers.

Eleanor Keuning advised of efforts to have an RV that was partially blocking Leonard Road removed, and she advised that originally it was covered with a tarp that began blowing off. She asked what the procedures should be for handling this type of request. Chairman Pickard advised that he would review the matter and follow-up with Eleanor.

Carol Ann Willis Gonzales and Julianne Johnson provided input relative to the status of labor negotiations for the in-home health care workers.

Susan Warner and Eileen Collins, Building Department, advised that their singing "Skelly" skeleton was kidnapped from their office, and he is being held ransom for food donations for the Manna House. She requested assistance in filling the boxes for the Manna House.

William McMurry stated he has been a recipient of the in-home health care services, and he urged support of increasing the wages for the workers.

Paul Chapman stated he agrees with Mr. McMurry's statements, and he stated he feels that others have been taken care of and the health care workers should be taken care of. He referred to the agenda item proposing to install solar panels at the Airport, and he suggested that the panels be placed at the Government Center, and that the work be done locally. He referred to the agenda item that was added in an addendum relative to the operation of the Auditor's Office, and he questioned why this matter was scheduled while the Auditor is on vacation.

Jim Allen, Sheriff/Coroner;

Adopt a Resolution Proclaiming the Week of October 22 through October 30, 2005, as Red Ribbon Week

**BOARD ACTION:** (M)Stetson, (S)Turpin, the Proclamation was approved and presented to Jim Allen, Sheriff, and Brian Muller, Undersheriff/Ayes: Unanimous. Undersheriff Muller advised of plans for the event, and he recognized the efforts of Probation and Paul Jacobs from the School District with this program. Sheriff Allen thanked Undersheriff Muller for his work on this program, and the Board for its support.

Approval of Consent Agenda (See End of Minutes)

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

Kris Schenk, Planning Director

**PUBLIC HEARING:** Adopt a Resolution Adopting a Negative Declaration and Approving Specific Plan Zoning Amendment No. 2005-34; Waive First Reading and Introduce Ordinance Approving Amendment to Mariposa Zoning Map and Mariposa Town Planning Area Land Use Map Pursuant to Specific Plan Zoning Amendment No. 2005-34; Allison Sierra, Inc., Applicant; Freeman & Seaman Land Surveyors, Agent. Project Site is Located at 5058 Fairgrounds Road in the Town of Mariposa, APN 012-200-005

**BOARD ACTION:** Chairman Pickard opened and continued the hearing until November 1, 2005, at 2:00 p.m.

Discussion and Direction to Staff Regarding the Operation of the Auditors Department (Supervisor Pickard, District V)

**BOARD ACTION:** Supervisor Pickard advised that he placed this item on the agenda as there are concerns about the operation of the Auditors office and the status during the Auditor's departure. He advised of a letter that was received from the Auditor that he asked County Counsel to distribute to the Board members; and he advised of a note that was left on the desk of staff in the Auditor's office. He expressed concern that the budget has not been completed and the schedules are technical in nature. He stated there has been rumors about the possible resignation of the Auditor and the Board has not been informed of any definite plans of when or if this is going to occur. He also advised that there is a concern that documents may have been disposed of without permission of the Board. He requested that County Counsel and the County Administrative Officer approach the office and check on the status of the operation and report back to the Board, and he requested that this matter be scheduled on October 25<sup>th</sup>. He also noted that there is an issue of whether the Auditor still meets the legal residency requirements. He further explained that since this is an elected official, the statutes require that discussion be held publicly.

Supervisor Stetson stated he agrees with asking the Auditor what his intentions are; however, he does not wish to entertain rumors.

Supervisor Bibby advised of an additional letter that was received from the Auditor relative to his vacation plans and leaving local address information, and she advised that there was a memorandum to staff with instructions for completing the last portions of the budget. She stated she would like to know more facts about the rumors that files were discarded. She stated she feels that the public should be provided with the entire backup information on this matter, she finds it is ironic with respect to the timing of the two invoices and donation (\$500, \$500, and \$10,000); and she also stated that she has concerns with respect to the timing of this issue with the Auditor. She also noted that the Chairman has been meeting with a potential replacement for the position, and she questioned whether that is appropriate without knowing the status of the position; and she feels that when the position is vacant, that there should be an open recruitment. She questioned recent invoices that were submitted for payment for an alcohol expense for the RCRC conference and for a \$10,000 donation to the UC Merced.

Supervisor Pickard advised that his conversation with a potential candidate was some time ago when it was originally rumored that the Auditor was going to resign this month. He stated he feels that the contact was appropriate to encourage the candidate to apply when the position became vacant.

Rich Inman, County Administrative Officer, advised that Mariposa County sponsored the RCRC conference and sponsors were solicited to pay for the alcohol invoices, and that a note was sent to the Auditor explaining the situation. He further advised that the invoices were not paid with public money. Rich provided input on his understanding of the purpose of the promotional line item in the Tourism budget, and he noted that funding was provided last year to the Outdoor Writers Conference that was held in the County. He commented on his decision relative to providing a donation to the UC Merced for its opening celebration and of the importance of the UC to the County. He suggested that if there are concerns, that perhaps a broader discussion should take place on how these funds are used.

Supervisor Bibby further commented on the donation to UC Merced, and stated she feels that this request should have come to the Board. She also questioned the process for soliciting the donations for the alcohol for the RCRC conference. She requested that issues that are potentially controversial, involve a large sum of funds, or are represented on behalf of the Board, come to the Board for action. She also expressed caution on taking action regarding an elected official unless there is a criminal act.

Supervisor Pickard advised that the "clarifying" letter was received from the Auditor after this matter was placed on the agenda. He also commented on the benefits of the County hosting the RCRC conference and donation of proceeds from the raffle of baskets from the counties, and relative to supporting the UC Merced. He stated he agrees with having a broader discussion of the use of the promotional line item, and he asked the County Administrative Officer to schedule that discussion. He asked that the Board discuss providing direction to staff relative to the operation of the Auditor's office. Supervisor Bibby asked that the discussion be continued for when the Auditor returns. Further discussion was continued for the following hearing to be opened.

**10:24 a.m.** The public hearing to approve the environmental documents for the Mariposa Creek Parking Project #05-05 was opened and continued until after the following item.

Further discussion was held relative to the request to provide direction to staff relative to the operation of the Auditor's office.

Input from the public was provided by the following:

Jill Ballinger, *Mariposa Gazette*, asked County Counsel to provide the Government Code that addresses how elected officials are replaced. She asked for a list of the individuals that were solicited to participate in donating items for the RCRC baskets. She also asked Supervisor Pickard if he called Ken Hawkins, Auditor, before placing this item on the agenda.

Ruth Sellers stated she is pleased with Ken Hawkins and would like to defend him, and to thank Supervisor Bibby for being honest and keeping the citizens informed. She questioned if this is going to be the practice of the Board to question when an elected official goes out of town.

Jim Allen, Sheriff, stated he was speaking from an elected official's position; and he asked that if there is going to be something from the Board relative to elected officials going on vacation, he would like to be advised. He also asked that direction be given to the Board or County Counsel to meet with the department head in this matter, and not with staff, to give him a courtesy opportunity to provide input.

Tom Guarino, County Counsel, advised that the Board is vested with responsibility, should a vacancy occur in an office, to appoint someone. He also noted that the individual in the office creates a vacancy and not the Board. In this case, a note was left that left an address in Kentucky and there was confirmation that the elected official sold his residence and that escrow had closed. He advised that Government Code Section 1770 addresses the residency requirements and things that constitute a vacancy of the office. He provided further input on the residency issues, and stated the question that needs to be addressed is whether the Auditor vacated his office by his own actions. He stated he feels that the Board needs to give direction to the County Administrative Officer and County Counsel to ask the Auditor as to whether it is his intention to remain a resident as defined by the Government Code.

(M)Stetson, (S)Turpin, direction was given to the County Administrative Officer to get in touch with the Auditor and ask him the following: 1) when he is coming back; 2) whether the budget is going to be completed timely; and 3) what is his intention relative to resigning. Supervisor Stetson stated he feels that this discussion could be held next Tuesday, if necessary. Further discussion was held. Supervisor Bibby stated she would like to have all of the information relative to the concerns that have been mentioned. Supervisor Fritz stated she would like to hold this discussion until the Auditor is present and can be asked these questions directly.

John Croll noted that the Board has been discussing this issue for an hour and one-half, and much time has been spent on innuendo and rumor and not facts, and he feels that there are other important issues that the Board should be addressing. He stated he feels that the public has a poor image of the Board, and that the Board should be looking at facts.

Supervisor Bibby asked for clarification of the motion, that it does not require the Auditor to be present for the continued discussion. Supervisor Pickard stated he feels that the motion needs to go further. Ayes: Stetson, Turpin, Bibby, Fritz; Noes: Pickard.

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

**11:26 a.m.** Dana Hertfelder, Public Works Director;

**PUBLIC HEARING:** Approve the Environmental Documents for the Mariposa Creek Parking Project #05-05, which Consists of the Initial Study and Negative Declaration

**BOARD ACTION:** Dana Hertfelder presented the staff report. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to consideration of using a non-asphalt material for the project and relative to the timeframes for this project. (M)Bibby, (S)Fritz, Res. 05-495 was adopted approving the environmental documents as recommended/Ayes: Unanimous. The hearing was closed.

Dana Hertfelder, Public Works Director;

Presentation by 3<sup>rd</sup> Rock Systems and Technologies, Inc., of a Proposal to Install Solar Panels at the Mariposa-Yosemite Airport to Supply Electricity for the Airport; Discussion and Possible Direction to Staff Concerning the Purchase of Solar Equipment or the Electricity Produced by the Solar Panels

**BOARD ACTION:** Carl Casey/PWD-Fiscal Officer, advised of their meetings and review of the possibility of using solar equipment.

Elliot Jaramillo, 3<sup>rd</sup> Rock Systems and Technologies, Inc., gave a presentation on their proposal to install solar panels at the Airport, and he reviewed the technology involved in the project. Gwen Foster/PWD-Associate Engineer, presented photographs of the site being considered at the Airport.

Discussion was held relative to the project and financing options. Supervisor Turpin asked whether there would be a reflection problem for the aircraft. Supervisor Bibby asked about the possibility of installing solar panels at the landfill site, and was advised that staff is reviewing that option. Chairman Pickard asked that the County Administrative Officer work with Public Works to schedule an item in the future to discuss pursuing this project; and to bring back a process to evaluate our options and see where we want to go. Supervisor Bibby asked that information be provided on the energy costs at the Airport and at for the compost facility.

Cheryle Rutherford-Kelly, Human Services Director;

Approve Budget Action Increasing Revenue and Corresponding Appropriations in the Social Services and Behavioral Health Budget Units by Accepting Funding from the Child Welfare Services Outcome Improvement Project Grant in the Amount of \$465,584; Allocate a Social Services Supervisor II, a Social Worker IV, and a Social Services Aid to the Social Services Budget Unit Effective November 1, 2005; Allocate a Office Technician and a Mental Health Clinician to the Behavioral Health Budget Unit Effective November 1, 2005; Authorize the Department to Develop an Internal Memorandum of Understanding Between the Social Services/Child Welfare and Behavioral Health (4/5ths vote required)

**BOARD ACTION:** Chairman Pickard advised that this matter was pulled and rescheduled for October 25<sup>th</sup>.

**12:44 p.m.** Recess

**1:00 p.m.** Thomas Guarino, County Counsel;

Adopt a Resolution Approving an Amendment to the Memorandum of Understanding Between First 5 of Mariposa and the County of Mariposa to Change the Rates Charged for County Services Provided to Support the First 5 Commission and Authorizing the Chairman of the Board of Supervisors to Sign the Amendment

**BOARD ACTION:** Discussion was held with Tom Guarino. (M)Stetson, (S)Fritz, Res. 05-496 was adopted approving the amendment. Supervisor Turpin requested that information be provided at the

end of the year relative to the status. Supervisor Bibby asked about tracking in-kind services as well. Ayes: Unanimous.

Discussion and Possible Further Action Regarding the Local Emergency Due to the Flooding that Occurred throughout the County (County Counsel)

**BOARD ACTION:** Tom Guarino, County Counsel, asked that the Board continue the finding that the local emergency exists while staff is completing the process to assess the damages and repairs. (M)Stetson, (S)Turpin, Res. 05-497 was adopted continuing the local emergency due to the flooding that occurred throughout the County/Ayes: Unanimous.

### **LAKE DON PEDRO SERVICE AREA 1-M**

Appoint Members to the Pedestrian and Equestrian Trails Advisory Board and Increase the Membership by Appointing a Second Alternate (Supervisor Turpin)

**BOARD ACTION:** Supervisor Turpin initiated discussion, and he clarified that the request is to have two alternate positions. (M)Turpin, (S)Stetson, LDP Service Area 1M Res. 05-1 was adopted increasing the membership on the Advisory Board by adding a second alternate position/Ayes: Unanimous. (M)Turpin, (S)Stetson, the following members were appointed to the Advisory Board: voting members – Hugh Martin, William Kinsella, Terry Dumolt, Dianne Chaulkin, and Jeanne Jenkins; and the following as alternate members – David Taylor and B. Jane Cloud/Ayes: Unanimous.

Discussion and Possible Action Regarding Making the Lake Don Pedro 1-M Payment for One-Half of the Cost of the Amador Plan for the Blanchard California Department of Forestry and Fire Protection (CDF) a Loan (Supervisor Turpin)

**BOARD ACTION:** Supervisor Turpin initiated discussion relative to the request, and he expressed concern with the status of the budget for the district. Supervisor Pickard suggested that this be discussed with the community like is being done with the Parking District to look at the funding options, including the possibility of a Proposition 218 process. He requested that more information be brought back, along with a commitment to develop a long-term solution. Supervisor Bibby clarified that there are enough funds to cover the payment for this year, and she asked County Counsel to see whether the County could provide this funding. (M)Turpin, (S)Fritz, Res. 05-498 was adopted approving the request to fund the Amador Plan contract for this year, with direction for staff to come back with options for future funding. Dana Hertfelder, Public Works Director, responded to a question from the Board and advised that the boundaries are different for this service from the Proposition 218 process for the sewer system. Ayes: Unanimous.

**1:25 p.m.** CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union (SEIU) 250 – In-Home Supportive Services (IHSS); Name of County Designated Representative: Jeff Green (County Administrative Officer)

**BOARD ACTION:** (M)Bibby, (S)Fritz, the closed session was held with Jeff Green to be present/Ayes: Unanimous.

**2:28 p.m.** Chairman Pickard announced that direction was given to staff as a result of the closed session.

### **CONSENT AGENDA:**

CA-1 Action to Continue Emergency Findings for the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director); Res. 05-490

- CA-2 Approve Budget Action Transferring Funds Within the Yosemite West Maintenance Fund for the Cost of Rebuilding Two Centrifugal Pumps for the Water System, and the Repair and Installation of a Multi-Stage Pump (\$15,500) (Public Works Director); Res. 05-491
- CA-3 Adopt a Resolution Approving a Change in Work Hours for the Brushing Crew in the Road Division from a 4/10 Schedule to a 9/80 Schedule (Public Works Director); Res. 05-492
- CA-4 Approve an Agreement for Transportation Planning Services with Merced County Association of Governments (MCAG) and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Public Works Director); Res. 05-493
- CA-5 Approve the Mariposa County Pioneer Wagon Train Dinner as a County Sponsored Event and Allow the Event to be Held at the Midpines Community Hall at No Cost (County Administrative Officer); Res. 05-494

**2:29 p.m.** Adjournment in memory of Susan M. Shaughnessy.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA October 25, 2005



Time                      Description

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

Pledge of Allegiance

Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda – none.

Board Information

Supervisor Stetson invited everyone to attend the planning meeting on Saturday at the Government Center for the Yosemite West area.

Supervisor Bibby advised that she attended the Lion's fundraising event on Saturday for the late bus and after school transportation. She advised that she attended the recognition dinner for the fire services personnel and she complimented them and their families for the services they provide, along with the law enforcement personnel.

Supervisor Turpin advised that he attended the 100<sup>th</sup> Anniversary Celebration event of the Forest Service in Sonora; and he attended the recognition dinner for the fire services personnel.

Supervisor Pickard advised that the annual conference for the Association of Planners will be held in Yosemite next week, and he will be giving the welcome address. He advised that the Administrative Office of the Courts will be attending a meeting to discuss issues of the transfer agreement with the County for the Courthouse transfer.

Jim Allen, Sheriff/Coroner;

Megan's Law Presentation

**BOARD ACTION:** Sheriff Allen gave a presentation on Megan's Law, he reviewed the frequently asked questions and pending legislation; and he reviewed the offenders that are living in Mariposa County.

**10:04 a.m.** The public hearing regarding a request from Total Waste Systems of Mariposa, Incorporated for a Consumer Price Index increase of three-percent (3%) effective November 1, 2005, for the Mariposa Franchise Area was opened and continued until after the following items.

Debra Walton, Child Support Services Director;

Authorize the Reorganization of the Department of Child Support Services by Allocating an Office Technician Position, Eliminating the Compliance Technician Position, and Reducing the Child Support Attorney Position From Full Time to Fifty-Percent (50%) Permanent Part-Time Effective December 1, 2005; Approve Budget Action Transferring Funds Within the Child Support Services Budget Unit to Accommodate Reorganization (\$18,100)

**BOARD ACTION:** Rich Inman, County Administrative Officer, advised that this item has been requested to be continued.

**10:05 a.m.** Recess

**10:18 a.m. MARIPOSA PARKING DISTRICT**

A) Public Presentations - none

B) Thomas Guarino, County Counsel;

Discussion, Direction, and Action Regarding Renewal and Extension of Leases

**DISTRICT ACTION:** Tom Guarino advised of the status of working with the property owners to obtain a two-year extension to the existing lease agreements for the parking lots; and he stated he would like an opportunity to continue trying to obtain all of the signatures before proceeding on this matter. Discussion was held. The Board concurred with continuing this matter to November 15, 2005, for a report on the progress of extending the lease agreements.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Chairman Pickard advised of an addendum to item 3. Supervisor Bibby pulled items 2 and 3. Supervisor Turpin pulled items 1, 5, 6, and 8. (M)Stetson, (S)Fritz, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 1 – (M) Turpin, (S)Stetson, item 1 was approved continuing the emergency findings for the interim operation of the landfill/Ayes: Unanimous.

Consent Agenda item 2 – Supervisors Turpin and Bibby initiated discussion regarding the agreement with Roger Stephens relative to the fees and overtime rates and clarified that the costs are passed on to the applicants. (M)Turpin, (S)Fritz, item 2 was approved/Ayes: Unanimous.

Consent Agenda item 3 – Supervisor Bibby advised of an addendum to the agreement with the Chamber of Commerce to include the beginning and ending dates. Tom Guarino, County Counsel, advised that changes need to be made to paragraph number 8. (M)Bibby, (S)Fritz, item 3 was approved, subject to the noted changes being made and review by County Counsel/Ayes: Unanimous.

Consent Agenda item 5 – Supervisor Turpin initiated discussion and asked that attempts be made to find someone locally to provide the low-income home energy assistance program. Cheryle Rutherford-Kelly, Human Services Director, provided input on this matter. (M)Turpin, (S)Fritz, item 5 was approved/Ayes: Unanimous.

Consent Agenda item 6 – Supervisor Turpin initiated discussion relative to the energy weatherization program and he asked that attempts be made to provide the services locally and to all communities in the County. (M)Turpin, (S)Stetson, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 8 – Supervisor Turpin initiated discussion relative to the contract for participation in a computerized immunization registry program, and he questioned the cost allocation with the subcontractors. Rich Inman, County Administrative Officer, advised that he will review this matter, and if there is a problem, he will bring this matter back to the Board. (M)Turpin, (S)Stetson, item 8 was approved, pending review by the County Administrative Officer/Ayes: Unanimous.

Approval of Minutes 7-19-05, Regular Meeting;

Approval of Minutes 9-26-05, Meeting Continued from September 20, 2005;

Approval of Minutes 9-27-05, Regular Meeting;

Approval of Minutes 10-4-05, Regular Meeting; and

Approval of Minutes 10-11-05, Regular Meeting

**BOARD ACTION:** Supervisor Turpin advised of a typographical correction in the minutes for July 19<sup>th</sup> to reflect Engine No. 24; and a clarification to reflect the Board's action to include Coulterville in the drainage study with the town of Mariposa. Dana Hertfelder, Public Works Director, noted that the drainage study will include both Mariposa and Coulterville. (M)Turpin, (S)Fritz, all of the minutes were approved/Ayes: Unanimous.

**10:49 a.m.** Dana Hertfelder, Public Works Director;

**PUBLIC HEARING:** Discussion and Possible Action Regarding a Request from Total Waste Systems of Mariposa, Incorporated for a Consumer Price Index (CPI) Increase of Three-Percent (3%) Effective November 1, 2005, for the Mariposa Franchise Area

**BOARD ACTION:** Dana Hertfelder provided the staff report, and he responded to questions from the Board relative to clarification of the landfill fee pass-through; and clarifying that the increase is based on the contract and is not tied to performance or any other standards. 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. (M)Turpin, (S)Bibby, Res. 05-508 was adopted approving the request for the CPI increase/Ayes: Unanimous. The hearing was closed.

Thomas Guarino, County Counsel;  
Waive First Reading and Introduce Ordinance Amending Chapter 2.104 of the Mariposa County Code Entitled "Children and Families First Commission"

**BOARD ACTION:** Discussion was held with Tom Guarino. (M)Bibby, (S)Stetson, the first reading was waived and the ordinance was introduced. The Clerk of the Board read the title of the ordinance into the record. Ayes: Unanimous.

**10:58 a.m.** The Board recessed for LAFCo to convene.

**LOCAL AGENCY FORMATION COMMISSION (LAFCO) Meeting (Planning Director) (See Separate Minutes)**

**11:45 a.m.** The Board of Supervisors reconvened.

Cheryle Rutherford-Kelly, Human Services Director;

A) Approve Budget Action Increasing Revenue and Corresponding Appropriations in the Social Services and Behavioral Health Budget Units by Accepting Funding from the Child Welfare Services Outcome Improvement Project Grant in the Amount of \$465,584; Allocate a Social Services Supervisor II, a Social Worker IV, and a Social Services Aid to the Social Services Budget Unit Effective November 1, 2005; Allocate a Office Technician and a Mental Health Clinician to the Behavioral Health Budget Unit Effective November 1, 2005; Authorize the Department to Develop an Internal Memorandum of Understanding Between the Social Services/Child Welfare and Behavioral Health (4/5ths vote required) (Continued from 10-18-05); and

B) Authorize the Human Services Director to Sign and Submit Grant Application to the State Department of Mental Health for Release of \$377,200 in Funding that is Allocated to the Department Through Proposition 63; Authorize Increasing the Allocation of the Fifty-Percent Permanent Part-Time Office Technician to Full-Time Effective November 1, 2005

**BOARD ACTION:** Discussion was held with Cheryle Rutherford-Kelly, relative to the requests; and she recognized Nancy Bell/Deputy Director Social Services, for writing the Child Welfare Services Outcome Improvement Project grant. She also noted that Pastor Paul Theiss, member of the Mental Health Board, was present for this discussion. (M)Stetson, (S)Fritz, Res. 05-509 was adopted approving the recommended actions for the Child Welfare Services Outcome Improvement Project. Rich Inman, County Administrative Officer, clarified that the action includes the allocation of additional positions. Ayes: Unanimous. (M)Stetson, (S)Fritz, Res. 05-510 was adopted approving the submission of the grant application for Proposition 63 funding/Ayes: Unanimous.

Discussion and Possible Further Action Regarding the Local Emergency Due to the Flooding that Occurred throughout the County (County Counsel)

**BOARD ACTION:** Tom Guarino, County Counsel, recommended that the Board continue its finding as it is his understanding that Public Works is still working through the State process to obtain funding for the repairs. Supervisor Turpin provided input on the bid opening for the work. (M)Turpin, (S)Bibby, Res. 05-511 was adopted continuing the finding that a local emergency exists due to the flooding that occurred throughout the County/Ayes: Unanimous.

Adopt a Resolution Scheduling the Board's Regular Meeting for November 1, 2005, to Commence at 1:30 P.M. Versus 9:00 A.M. (Chairman Pickard)

**BOARD ACTION:** Following discussion, (M)Fritz, (S)Bibby, Res. 05-512 was adopted/Ayes: Unanimous.

Discussion and Direction to Staff Regarding the Operation of the Auditors Department (Continued from 10-18-05) (Chairman Pickard)

**BOARD ACTION:** Chairman Pickard advised that the Board received a letter this morning from Ken Hawkins tendering his resignation and retirement as Mariposa County Auditor effective November 30, 2005; and he read the letter into the record. Rich Inman, County Administrative Officer, provided information relative to actions available to the Board for accepting the resignation and relative to recruitment for the vacancy.

(M)Stetson, (S)Turpin, the Board accepted Ken Hawkins' resignation, effective November 30, 2005. Supervisor Bibby formally expressed appreciation for the Auditor's years of service to the County. Chairman Pickard agreed and stated he hoped that there will be an opportunity to recognize Ken for his tenure with the County. Ayes: Unanimous.

Discussion was held relative to options and timelines for recruitment. It was noted that the Assistant Auditor assumes responsibility for the office until an Auditor is appointed by the Board to fill the remainder of the term. Discussion was also held relative to filling the position for the remainder of this term versus an interim appointment. (M)Stetson, (S)Fritz, direction was given that if an interim appointment is made, that it be for the remainder of the existing term of office. Further discussion was held. Tom Guarino, County Counsel, asked that the Board clarify the term "interim appointment." The motion was amended, agreeable with the maker and second, to direct that an appointment be for the Auditor position for the remainder of the existing term of office. Ayes: Unanimous.

Further discussion was held relative to the recruitment process. (M)Stetson, (S)Fritz, direction was given to the County Administrative Officer/Personnel Director to conduct an open recruitment process for the position of Auditor; and to report back to the Board at the conclusion of receiving applications to determine how to further proceed with scheduling interviews. Supervisor Bibby asked for clarification of whether applicants must meet all of the requirements for the position, including residency. Tom Guarino advised that he will review the requirements. Ayes: Unanimous.

**1:01 p.m.** CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs Association (DSA), Sheriff Management Association (SMA), and Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

**BOARD ACTION:** Rich Inman, County Administrative Officer, advised that the closed session is needed for conference relative to the DSA and SMA, and not MCMCO. Supervisor Bibby stated that she has only been participating in the MCMCO labor negotiations and is excusing herself from the DSA and SMA to avoid any potential conflict as her husband is employed by the Sheriff's Department.

(M)Stetson, (S)Fritz, the closed session was held for labor negotiations for DSA and SMA, with Sandi Laird/Administration-Administrative Analyst to be present, and with Supervisor Bibby excused/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

**1:29 p.m.** Chairman Pickard announced that direction was given to staff as a result of the closed session.

### **CONSENT AGENDA:**

- CA-1 Action to Continue Emergency Findings for the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director); Res. 05-502
- CA-2 Approve the Professional Services Agreement with Roger Stephens in an Amount not to Exceed \$25,000 for Map Checking, Legal Description Checking, and

General Surveying Document Checking; Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Public Works Director); Res. 05-503

- CA-3 Approve the Lease Agreement with the Mariposa County Chamber of Commerce and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Administrative Officer); Res. 05-504, with changes and subject to review by County Counsel
- CA-4 Approve Agreement with the 35-A District Agricultural Association for the November 8, 2005, Statewide Special Election and Approve Agreement with Yosemite National Park School for the November 8, 2005, Statewide Special Election and the June 6, 2006, Primary and Authorize the Chairman of the Board to Sign the Agreements; Authorize the Use of Facilities on Precinct Location Schedule for the November 8, 2005, Statewide Special Election (Treasurer/Tax Collector); Res. 05-499
- CA-5 Authorize the Human Services Director to Sign and Execute the Low-Income Home Energy Assistance Program (LIHEAP) Amendment Two to Agreement 05B-5322 (Human Services Director); Res. 05-505, with direction to staff
- CA-6 Authorize the Human Services Director to Sign and Execute the Department of Energy Weatherization Assistance Program (DOE) Amendment One to 05C-1570 (Human Services Director); Res. 05-506, with direction to staff
- CA-7 Authorize the Utilization of an Intern to Assist the Deputy District Attorneys in the District Attorney Department (District Attorney); Res. 05-500
- CA-8 Authorize the Chairman of the Board of Supervisors to Sign a Contract with the San Joaquin County Health Department for Participation in a Computerized Immunization Registry Program for Fiscal Year 2005-2006 (Health Officer); Res. 05-507, with direction to staff
- CA-9 Adopt a Resolution Approving the Response of the Board of Supervisors to the 2004-2005 Mariposa County Grand Jury Final Report and Direct the County Administrative Officer to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court (County Administrative Officer); Res. 05-501

**1:30 p.m.** Adjournment in memory of Pastor Daniel Vincent Marszalek.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA November 1, 2005



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

**1:36 p.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

John Croll referred to his public presentation of a couple of weeks earlier to the Board, and he stated he feels that this and previous Boards have ignored the needs and wants of the people of the County. He stated he feels that the Board members should pay attention to the needs and concerns of the citizens.

Board Information

Supervisor Fritz stated she is waiting for a phone call from a pregnant daughter for the expected delivery of a grand child.

Supervisor Bibby advised that the 4-H Achievement Night was a huge success. She presented copies of advertising in the recent Sunset magazine for "Yosemite in the Fall." She advised that she attended the Mental Health Board meeting earlier this date. She thanked the community and all of the volunteers, and especially the Sheriff's Department and SCOPE volunteers for their assistance with the Halloween event in town. And she commented on the activities at the Fairgrounds for Halloween.

Supervisor Turpin commended the volunteers for their assistance with activities in the County.

Supervisor Pickard advised that he attended the Mariposa Pines/Jerseydale area fundraising event for the new firehouse project.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Bibby pulled items 3, 6, and 7. Supervisor Turpin pulled item 9.

(M)Stetson, (S)Fritz, the balance of the items was approved/Ayes: Unanimous. Chairman Pickard noted that there was an addendum to the budget form for item 2.

Consent agenda item 3 – Supervisor Bibby initiated discussion, and she asked for information on how the costs would be paid, including if the Proposition 218 fails for the formation of the assessment district; she asked about the issuance of tax exempt bonds; and she asked about the recommendation for the agreement and for clarification of the payment that Jones Hall would receive. Dana Hertfelder, Public Works Director, provided input relative to the Proposition 218 process and coverage of the costs. Carl Casey/PWD-Fiscal Officer, responded to questions relative to the issuance of tax-exempt bonds. Staff advised that there was a contract with Jones Hall for the Yosemite West Proposition 218 assessment district process, and clarified the amount of the payment. Supervisor Pickard noted that if the Proposition 218 process fails, that an item will need to come back to the Board to determine how to proceed with requests for hook-ups, etc. (M)Turpin, (S)Stetson, item 3 was approved/Ayes: Unanimous.

Consent Agenda item 6 – Supervisor Bibby initiated discussion and asked whether the Kiwanis' scheduling public use would be consistent with the Parks and Recreation policy for scheduling the facility for public use; and she suggested that wording be added to the condition relative to modifications to the facility to state that prior approval would be required by the County Board of Supervisors and the Historical Sites and Records Preservation Commission. She also requested that consideration be given to

having standard language for these types of agreements. She suggested that a log of activities be maintained for this and other County facilities. Discussion was held. Chairman Pickard suggested that Supervisor Bibby work with staff to bring something back relative to a standard agreement. (M)Fritz, (S)Stetson, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 7 – Supervisor Bibby initiated discussion relative to the terms of the agreement for the payment of utilities and whether the payment offsets the actual costs, and she asked whether the County could authorize the Greeley Hill Community Club to have a provider for propane for this facility separate from the County’s contracted provider once the Board accepts the donation of the facility to the County. She also asked for information on the history of the County’s payment to the Club for the facility. Discussion was held. Tom Guarino, County Counsel, provided input relative to the history of this matter and the previous direction by the Board. Rich Inman, County Administrative Officer, suggested that the Board could approve the contract and direct that the propane be purchased from the County’s provider. Supervisor Turpin stated he would want to make sure that the propane cost from the County’s provider would not be higher due to the location of this facility. Tom Guarino provided input relative to the contractual requirements, and he advised that he could review the propane contract with Public Works to see if there is a requirement that the propane be purchased from the sole provider. He suggested that this agreement could be approved with direction to the County Administrative Officer and himself to resolve the propane issue to see that it is appropriately provided. (M)Turpin, (S)Fritz, item 7 was approved with direction for staff to look into the propane issue so that within the next year, there will be a better understanding of the situation of providing propane on a countywide basis. Supervisor Pickard clarified that once the transfer of the facility occurs, the County will follow the appropriate procedures for the propane. Supervisor Bibby asked for clarification of when the transfer of ownership occurs, and was advised that today’s action transfers the ownership. She asked whether the County would still pay the Club the annual sum of \$5,000 for the Club’s services and for payment of utilities if the County provides the propane. Supervisor Turpin stated he feels the agreement could be adjusted in the future if needed. Tom Guarino clarified the Board’s action – to approve the recommended action; with direction to staff to review the contractual requirements of the agreement with the County’s provider for propane to determine whether it is required that they provide service to this facility upon the transfer of the facility to the County, and if that is the case, for the appropriate actions to be taken to be in compliance. Supervisor Bibby stated she feels that we need a current breakdown of what the Club will provide and she does not feel that the Club should be out-of-pocket for any of the expenses. Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

**2:31 p.m.** The Public Hearing for Specific Plan Zoning Amendment No. 2005-34 was opened and continued until after the following items.

Consent Agenda item 9 – Supervisor Turpin expressed appreciation for Larry Mack’s service on the Agricultural Advisory Committee, and he noted that Larry has been an asset to the community. Supervisor Bibby agreed with Supervisor Turpin’s comments. (M)Turpin, (S)Bibby, item 9 was approved/Ayes: Unanimous.

Approval of Minutes 7-26-05, Regular Meeting;  
Approval of Minutes 8-2-05, Regular Meeting; and  
Approval of Minutes 8-9-05, Regular Meeting

**BOARD ACTION:** (M)Bibby, (S)Stetson, the minutes were approved/Ayes: Unanimous.

**2:34 p.m.** Kris Schenk, Planning Director;

**PUBLIC HEARING:** Adopt a Resolution Adopting a Negative Declaration and Approving Specific Plan Zoning Amendment No. 2005-34; Waive First Reading and Introduce Ordinance Approving Amendment to Mariposa Zoning Map and Mariposa Town Planning Area Land Use Map Pursuant to Specific Plan Zoning Amendment No. 2005-34; Allison Sierra, Inc., Applicant; Freeman & Seaman Land Surveyors, Agent. Project Site is Located at 5058 Fairgrounds Road in the Town of Mariposa, APN 012-200-005

**BOARD ACTION:** Megan Tennermann, Associate Planner, presented the staff report; and she responded to questions from the Board as to whether any objections have been received to this project – she advised that comments have been received from affected agencies supporting the project. Supervisor Bibby asked for clarification relative to the processing of this type of application and scheduling of the

second reading of the ordinance. Tom Guarino, County Counsel, asked for a recess to discuss the processing issue with staff.

**2:37 p.m.** Recess

**2:48 p.m.** Chairman Pickard advised that as a result of consultation with staff and the applicant, it has been determined that this hearing will be continued to November 15, 2005, at 10:00 a.m. Supervisor Bibby asked that County Counsel review the draft resolution. The hearing was continued to November 15, 2005 at 10:00 a.m.

Jim Allen, Sheriff;

Authorize the Purchase of Cross Match ID 500 Live Scan and Components in an Amount of \$17,704 for the Production of Child ID Information and Applicant Finger Print Collection from the Tobacco Settlement Fund

**BOARD ACTION:** Captain Joel Bibby presented the request and discussion was held. Supervisor Pickard asked if there will be a policy for how the information will be stored and used. (M)Stetson, (S)Fritz, Res. 05-522 was adopted/Ayes: Unanimous.

Discussion and Possible Further Action Regarding the Local Emergency Due to the Flooding that Occurred throughout the County (County Counsel)

**BOARD ACTION:** Tom Guarino, County Counsel, recommended that the Board continue the finding for the local emergency to permit completion of the State application process, and he noted that it is his understanding that Public Works is continuing with this process. (M)Stetson, (S)Turpin, Res. 05-523 was adopted continuing the local emergency due to the flooding that occurred throughout the County. Dana Hertfelder, Public Works Director, provided a status report on awarding the contracts for the repairs. Supervisor Turpin asked that information be provided relative to the breakdown of the bids. Ayes: Unanimous.

### **MARIPOSA COUNTY WATER AGENCY**

(Chair-Director Bibby; Vice-Chair-Director Turpin)

#### A) Public Presentations

Paul Chapman provided input relative to the items on the Water Agency agenda; stating he feels that the County should make sure that it receives its share of proceeds from MID, and he stated he does not feel that funds should be expended to determine the applicability of the Proposition 218 process.

#### B) Discussion, Direction, and Action Regarding an Agreement Between the Merced Irrigation District (MID) and the County of Mariposa for Settlement of Water Rights Dispute (County Counsel)

**AGENCY ACTION:** Tom Guarino, County Counsel, provided information on the FERC re-licensing process, and stated he is looking for direction, and he advised of his recommendation to continue discussions with Ed Tiedemann of Kronick, Moskovitz Law Firm relative to this matter as they have been retained by the County in the past relative to water issues. He advised of his review of law firms and stated he will come back to the Water Agency with a recommendation of how to proceed on this matter. Director Bibby asked about addendum(s) to the agreement with MID, and County Counsel advised that he plans to bring back a more concise history. Director Pickard suggested that the Water Agency Advisory Committee be involved in this matter, and he suggested that consideration be given to having a project manager to help with this process. He also suggested that MPUD be involved in issues relative to the future water needs. Discussion was held.

Chairman Bibby called for public comment and none was received.

Further discussion was held and it was agreed that the membership needs to be brought up-to-date for the Water Agency Advisory Board – Public Works is working on this matter. It was also agreed that County Counsel should bring back a recommendation relative to retaining a law firm in this matter.

#### C) Adopt a Resolution Authorizing the County of Mariposa to Enter into a Professional Services Agreement with Best, Best, and Krieger on Behalf of the Mariposa County Water Agency and Other

Special Districts to Determine the Applicability of Proposition 218 and to Ascertain the District's Ability to Raise Revenue or Repay Loans; Authorize the Expenditure of \$4,680 from the Water Agency Fund to Assist in Funding this Study (County Counsel and Public Works Director)

**AGENCY ACTION:** Discussion was held with Tom Guarino, County Counsel, and he advised that the total contract cost is \$5,850 for review of all of the districts. Director Bibby asked staff to provide information on outstanding loans to the Water Agency.

**3:42 p.m.** Recess

**3:52 p.m.** The Water Agency reconvened with Director Fritz excused for the rest of the day.

Further discussion was held relative to funding a study to determine the District's ability to raise revenue or repay loans. Dana Hertfelder, Public Works Director, provided input relative to the methodology of apportioning the costs of the study. Director Bibby clarified that the cost of the study is not a loan.

Chairman Bibby called for public comment and none was received.

(M)Turpin, (S)Stetson, Water Agency Res. 05-3 was adopted approving the recommended action/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

**3:57 p.m. COULTERVILLE LIGHTING DISTRICT**

Adopt a Resolution Authorizing the County of Mariposa to Enter into a Professional Services Agreement with Best, Best, and Krieger on Behalf of the Coulterville Lighting District and Other Special Districts to Determine the Applicability of Proposition 218 and to Ascertain the District's Ability to Raise Revenue or Repay Loans; Authorize the Expenditure of \$234 from the Coulterville Lighting District Fund to Assist in Funding this Study (County Counsel and Public Works Director);

**HORNITOS LIGHTING DISTRICT**

Adopt a Resolution Authorizing the County of Mariposa to Enter into a Professional Services Agreement with Best, Best, and Krieger on Behalf of the Hornitos Lighting District and Other Special Districts to Determine the Applicability of Proposition 218 and to Ascertain the District's Ability to Raise Revenue or Repay Loans; Authorize the Expenditure of \$76 from the Hornitos Lighting District Fund to Assist in Funding this Study (County Counsel and Public Works Director);

**MARIPOSA LIGHTING DISTRICT**

Adopt a Resolution Authorizing the County of Mariposa to Enter into a Professional Services Agreement with Best, Best, and Krieger on Behalf of the Mariposa Lighting District and Other Special Districts to Determine the Applicability of Proposition 218 and to Ascertain the District's Ability to Raise Revenue or Repay Loans; Authorize the Expenditure of \$690 from the Mariposa Lighting District Fund to Assist in Funding this Study (County Counsel and Public Works Director); and

**MARIPOSA PARKING DISTRICT**

Adopt a Resolution Authorizing the County of Mariposa to Enter into a Professional Services Agreement with Best, Best, and Krieger on Behalf of the Mariposa Parking District and Other Special Districts to Determine the Applicability of Proposition 218 and to Ascertain the District's Ability to Raise Revenue or Repay Loans; Authorize the Expenditure of \$170 from the Mariposa Parking District Fund to Assist in Funding this Study (County Counsel and Public Works Director)

**DISTRICT ACTION:** Discussion was held. (M)Stetson, (S)Turpin, Res. 05-524 was adopted approving the recommended action for the Coulterville Lighting District; Res. 05-525 was adopted approving the recommended action for the Hornitos Lighting District; Res. 05-526 was adopted approving the recommended action for the Mariposa Lighting District; and Mariposa Parking District Res. 05-2 was adopted approving the recommended action for the Mariposa Parking District/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Adopt a Resolution Authorizing the County of Mariposa to Enter into a Professional Services Agreement with Best, Best, and Krieger on Behalf of the Special Districts to Review Independent Districts to Determine the Applicability of Proposition 218 and Ascertain the District's Ability to Raise Revenue or Repay Loans for a Total Cost to Special Districts of \$5,850 (County Counsel and Public Works Director)

**BOARD ACTION:** (M)Stetson, (S)Turpin, Res. 05-527 was adopted approving the recommended action. Supervisor Turpin asked how often the study needs to be done. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Discussion and Possible Action to Cancel the Board's Regularly Scheduled Meeting for November 22, 2005 (Chairman Pickard)

**BOARD ACTION:** (M)Stetson, (S)Turpin, Res. 05-528 was adopted canceling the meeting for November 22, 2005/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

**4:07 p.m.** CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/ Significant Exposure to Litigation to a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)

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

**4:20 p.m.** Recess

**5:10 p.m.** The Board reconvened with Supervisor Fritz excused for the rest of the meeting. Chairman Pickard announced that direction was given to staff as a result of the closed session.

Kris Schenk, Planning Director;

PUBLIC HEARING: A) Accept Written Comments and Oral Testimony on the September 2005 Draft Environmental Impact Report (EIR) Volume IV; and B) Submit Written comments and Provide Testimony Concerning the September 2005 General Plan Update, Volumes I, II, and III

**BOARD ACTION:** Kris Schenk presented the staff report, he reviewed the process and purpose of this hearing, and he advised that the comment period is open until November 15, 2005. He noted that some comments have already been received. He further advised that Sarah Williams, Deputy Planning Director, will keep notes of the comments that are that are made during the hearing; and he advised that Bob Duchek, Parsons consultant, is present to assist in the process.

Staff responded to questions from the Board relative to distribution of the comments that are received. Chairman Pickard asked that if the Board members receive any comments that they be provided to the Clerk of the Board for distribution. Kris Schenk advised of their use of yellow and green paper for separating the comments between the draft EIR and the Plan Update. Chairman Pickard reviewed the hearing procedures; and he advised that public comments would be taken on the draft EIR and then on the Plan Update.

Input from the public on the draft EIR was provided by the following:

Tolley Gorham stated that when he asked a question about the possibility of the Catheys Valley town planning area boundary not being changed and how that would impact the DEIR, he was told that there are alternatives built in that would take into account not changing the boundary. However, he could find very little in the alternatives as to what the consequence would be in terms of the DEIR. So he is concerned that if a town planning area is not in final format, then the DEIR might become a stumbling block or have to be re-reviewed in order to make this happen. He referred to Section 4, Air Quality, and noted that the DEIR recommends policies to regulate airborne pollutants from various sources; however, he noted that the County chooses not to participate in the California smog testing program.

Kris Casto referred to the sentence on page 2-26 relative to "all road improvements," and she stated she feels that road improvements should be defined and not be included under work defined as "road maintenance." She stated she feels this should also include reference to preserving scenic vistas and rural character. On page 4-17, relative to preparing and implementing a program that would assess development impact fees; she is hopeful that there is public input and discussion on the impact fees and that the community could discuss road improvements. She referred to handicapped access, and stated she did not find any reference in the document. She feels that there should be a sentence included that states that we are aware and will see that this is addressed in new construction. She noted that this should also be an important part of any construction done by the County.

Dick Kunstman, member of MERG and Conservation Chair for the Yosemite Area Audubon Society, stated the DEIR speaks of environmental protection being too aggressive; however, he could not find any arguments that this is the case. He also stated he does not understand the necessity to separate comments on the DEIR from the Plan. He noted that in the Plan that County residents stated they do not want to see urban sprawl; however, he feels that when you look at the Plan itself, that it is a sprawl-master's "wish list." He feels that there are many things that could make the Plan better.

Paul Chapman referred to agri-tourism and a memorandum from the Department of Conservation and he noted the act of visiting does not constitute ag use. He stated he feels that the Plan should differentiate the ag uses, i.e., agri-tourism and agricultural production uses.

Steven Fortner stated he has been trying to "master plan" their property in Catheys Valley for the past ten years. He stated he feels that the General Plan Update should be discussed before the DEIR. He also stated that he intends to provide more written comments before the November 15<sup>th</sup> deadline. He noted that the Guiding Principles state that we are one County; however, there are eleven planning areas. He does not see any reason for expanding the town planning areas beyond the existing borders as they were identified in the 1981 Plan. He referred to the statement that the County's economy is a partnership, and yet when someone wants to come and invest in the County, he does not feel that they are given any respect. He feels the General Plan creates more non-conforming zoning than it eliminates. He stated he feels that the alternatives in the DEIR are inadequate. The "no project" alternative says the County could go from 20,000 to 80,000 people, and he questioned where all of these people go in the proposed project. He stated he does not feel that five-acre parcels spread throughout the County is effective planning. He stated that he feels that the DEIR is deficient in complying with State law with regard to open space. It does not effectively deal with jurisdictional waters and wetland issues, and he referred to the impact these issues have on the development of his property. He stated he does not find any backup to the different alternatives about the population assumptions. He stated he would like more clarification of the difference between the current zoning for town planning areas and what is being proposed, and he commented on the planning process for the Catheys Valley area. He stated he does not feel that the local town planning groups should control planning, that the Board is responsible. He stated he supports economic development, but is not that hot on residential growth.

Ken Baker stated he represents several property owners in Catheys Valley. He stated he does not feel that the alternative section covers any changes that may need to be made, and it should include that possibility. He stated it appears that the decisions have all been made, and that there is no latitude for any exceptions, in the alternatives. He gave an example with the Catheys Valley town planning area, and he asked if the TPA was left alone and then surrounded with a community plan, whether this could be considered. Bob Duchek explained the purpose of the analysis of the DEIR, and he advised that the alternatives are intended to establish a range of alternatives. But this does not prohibit other alternatives from being considered that are not specifically addressed in the DEIR, as long as they fall within that range. Ken Baker continued with his comments, and stated he encourages and supports moving the General Plan Update forward. Bob Duchek clarified that the DEIR is adopted as an information document and action to certify is that it adequately addresses the impacts. Ken Baker noted that he can not remember doing the Plan first and then the EIR. Chairman Pickard commented on the previous process of reviewing the General Plan Update.

Bob Duchek responded to a question from the Board relative to the process for doing a supplemental EIR.

Supervisor Turpin asked about providing text corrections. Kris Schenk suggested that the changes could be provided with the public comments or at the end with deliberations.

Public input was provided by the following on the General Plan:

Tolley Gorham referred to his written comments. He asked that the designation of "town planning area" be reinstated for Catheys Valley, and that the proposed area of community planning area be deleted. He asked that the current Catheys Valley Planning Advisory Committee members resign, and that a new committee be formed. He asked that the Planning Department be directed to allow project approval within the existing town planning area based on currently allowed zoning. He asked about the approval date for the existing TPA's, and he noted that the Whispering Oaks development is as large, or

larger than some of the planning areas. He noted that the document identifies a goal to eliminate rural sprawl, yet allowing five-acre minimum-sized parcels throughout the Hornitos Road and Schoolhouse Road corridors would seem to ensure this type of undesired growth. He noted that the Catheys Planning Advisory Committee does not have any members who are current TPA residents or landowners, so their positions may not represent the positions of the property owners in the TPA. The Agricultural Advisory Committee is made up of representatives of the agricultural community, thus agricultural community input is provided on those issues. He doesn't feel that this makes sense. He asked for clarification of section 2.3.03 relative to implementing plans and policies in the document and whether that means that no further input will be considered. He noted that developers are willing to follow the rules, but that is difficult when the rules are not clear. He questioned why growth is not being encouraged in Catheys Valley given the potential with the availability of land and development of infrastructure. He stated he feels that the Plan will down-zone the property in the Catheys Valley TPA from 2.5-acre minimum lot size to 5-acre minimums, and this is not promoting the property owner's right to use the development process to achieve the highest and best use of a property. He commented on the amount of housing that may be occupied by staff and students of UC Merced, and he stated he feels that it would make sense to begin making plans to allow these people the opportunity to live in Catheys Valley. He referred to the "ready to build" issue, and he noted that a privately-owned water system exists in Catheys Valley. He again referred to the Catheys Valley Planning Advisory Committee and commented on the planning process and conflicts. He referred to land use planning maps that have been developed that will change the zoning for the Catheys Valley area. He advised of a correction to reflect that the Mariposa Pines Mutual Water Company is privately-owned, and again noted that there is a privately-owned water system in Catheys Valley. In regard to the Technical Background Report, he referred to the property tax assessment breakdown and he noted that the income from agriculture is a small percentage. He stated he realizes that agriculture is important; however, he feels we need to look at who pays the bills. He noted a correction to the reference of Whispering Pines and Whispering Pines West subdivision, and advised the names are Whispering Oaks and Whispering Oaks West. He also noted the Quail Ridge subdivision is located on Darrah Road, in the Bootjack planning area. He stated he feels that the modest homes and mobiles in need of rehabilitation are primarily located along Schoolhouse Road, Hornitos Road, and Highway 140 on parcels with no community controls such as the CC&R's found in most subdivisions, and he feels the adoption of the Catheys Valley Community Plan will ensure that this scene is the norm.

Betty Boykin, MERG, noted that residents have witnessed the impacts of rural sprawl in neighboring counties, and they feel that our environment is our most important issue. She advised that they have reviewed the Plan and find many features that will help preserve our rural character. However, they have some concerns. They do not support conversion of large parcels to smaller parcels on dirt roads with no services. They support maintaining large parcels to create open space and a separation between communities. They feel that the spreading of the community from the Fairgrounds area to the Airport appears to be an invitation to sprawl. They do not feel that the County needs further subdivisions, as this will create more rural sprawl and traffic congestion. They feel the enhanced alternative, number 3, could be developed into a more protective format. She advised that they are working with professional planners and consultants to help create the best possible plan for the County, and they will be submitting more specific and detailed comments.

Paul Chapman advised that the Technical Background Report references the White Rock TPA, and he noted that this is not a TPA. He also noted that the reference to the Williamson Act land acreage needs to be updated to reflect the correct acreage. He stated he feels that the list of unique geological formations in the County should include Striped Rock. He also stated that he feels that the list of historic settlements in the County should include Lewis Creek and others.

Kris Casto referred to the economic opportunities relative to land uses, and asked that consideration be given to including other opportunities such as light manufacturing and research and development. She referred to agri-tourism uses, and she stated there may be other tools than the conditional use permit process which is a laborious process. She suggested that the Board task the definition of what might be appropriate to a tourism group and/or the agricultural advisory committee. She thanked the Board for the discussion and detail on the historic resources section. She stated she feels that it is important to put in place the inventory and guidelines, and that timing is important. She stated she hopes the Board will be taking a proactive stance on design review and uses in our historic downtown

and setting the stage for what we want our town to be like. She reiterated her previous comments relative to addressing handicapped access. She referred to the Pendola Garden area and land uses in the area, and suggested that the area be designated as either the Natural Resource or Agriculture/Working Landscape. She also noted that she feels strongly about complying with the Housing Element, and is willing to work to help with this.

Steve Saunders, a resident of Catheys Valley, stated he came here 4 ½ years ago, and he reviewed the General Plan and the Town Plan for Catheys Valley, and he is at a loss as to why so much change is being proposed. He feels the current zoning is adequate for the future population, but that the roads and infrastructure would be helped by up-scaling the density in the town area. By providing commercial areas in towns, such as Catheys Valley, it will lessen access issues along the major highways in the County as residents won't need to travel to Mariposa or Merced for shopping. This will help the revenue stream in the County. He feels that by giving a greater density of zoning in the TPA's, it will attract people that will have a low impact on the community service needs, and they will create jobs for local residents to take care of those things that they don't have time to do for themselves.

Kori Smith stated she lives and works in Catheys Valley. She feels that 2 ½-acre parcels would provide more housing opportunities for the people that are providing services. Currently those people are forced to live in inadequate housing. She feels that this Plan will set up the economy for the future and can be done to keep the rural nature. She feels the main revenue is from tourism, agriculture, and now real estate. She feels that something needs to be done to keep our economy healthy and thriving. We need to provide housing opportunities for the higher and lower incomes. She noted that businesses suffer when tourism is down for any reason. She also stated that she feels that there is a consensus in Catheys Valley that higher density should be included in the town plan.

Linda Dinnel, resident of Catheys Valley TPA since 1996, stated they have responded in a timely manner to every public notice regarding projects and meetings in the Catheys Valley TPA; however, they never received any response back. She stated she loves the town and the ranch look, and supports the existing TPA.

Steve Fortner stated he is not against the General Plan Update; but he wants the Catheys Valley TPA left alone. He feels there should be more addressing the issues raised in the Jones and Stokes report relative to traffic and population. He stated he feels that the Board should give a pathway for the private sector to move forward with projects. He referred to the infrastructure issues that they have addressed, such as roads, electric, fiber optic switching and water, for the future development of their property in Catheys Valley. He noted that he does not need the County to do anything. He feels the planned cluster development is the best way to preserve the open space versus the five-acre minimum parcel size.

Sandra Martin stated she represents other people in Catheys Valley, and they would like to see the Catheys Valley TPA remain as originally outlined.

Tolley Gorham referred to proposed land use maps for Catheys Valley, and he stated he feels the real proposed map is an octopus with sprawl.

Tricia Oakander stated she would like to see the current TPA kept for Catheys Valley.

Theresa Castaldi, property owner in Catheys Valley, stated she supports the existing Catheys Valley TPA.

Ken Baker encouraged the Board to consider the Catheys Valley TPA as it stands today. He noted that there are people that come in and do not want to take care of five acres. He feels that the community will continue to grow, and he would like to encourage some village-like areas like is done in other counties with cluster/open space development. He noted, that as Steve Fortner pointed out, there is infrastructure in place and these people will support the businesses in Catheys Valley and help the entire County. He does not feel that this will happen if the property is down-zoned to five-acre minimums.

The public portion of the hearing was closed and discussion by the Board was held. Staff and Bob Duchek responded to questions from the Board relative to the zoning along Highway 49 North between Mt. Bullion and Bear Valley (Pendola Garden area); whether the EIR addresses the issues with Catheys Valley and the proposed town plan with regard to the issues that were raised; clarification of the density issue for the Catheys Valley area; and clarification of the land use planning maps that were referred to by the public for Catheys Valley.

Additional input from the public was provided by the following:

Ken Baker stated he feels that the people do not understand what maps are being discussed for Catheys Valley. They are trying to understand how the change of going from the existing one and two and one-half-acre density to the five-acre density can help. He feels that this is detrimental and they do not have an explanation as to why this is happening. He asked whether there is a community plan. Sarah Williams provided clarification of the existing zoning for all of the TPA's without a Specific Plan and the minimum parcel size. She noted that this General Plan changes the minimum parcel size throughout the County to five-acre density for all community planning areas without a community water/sewer system. Ken Baker urged the Board to give this serious thought. He feels that this proposal is down-zoning.

The Board continued with discussion. Supervisor Turpin provided comments and suggested changes/corrections relative to the "ready to build" issue; clarification of hilltop and ridgeline design and using an "average" slope of 15%; using "minimize" versus "reduce" cuts and fill for building sites on page 5-33; deletion of the statement about Coulterville not having the capacity of water on page 9-6 if this is verified by Public Works; whether the requirements for water rights on ponds was reduced from 50-acre feet to 15-acre feet; and he referred to A-10 and the memorandum from Mendocino County and he requested a better definition. Kris Schenk requested that the comments be presented in writing. Chairman Pickard noted that the final DEIR will come back with another hearing process after the first of the year. Supervisor Bibby asked that the website clearly show the deadline for accepting comments.

**CONSENT AGENDA:**

- CA-1 Action to Continue Emergency Findings for the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director); Res. 05-513
- CA-2 Approve Budget Action in the Road Fund Appropriating Unanticipated Revenue from the State's Traffic Congestion Relief Program (AB 2928) and Increasing Corresponding Expenditure Line Items (\$105,746) (4/5ths Vote) (Public Works Director); Res. 05-514
- CA-3 Approve an Agreement with Jones Hall to Provide Legal Services Related to the Formation of an Assessment District and Issuance of Bonds to Finance the Construction of a New Wastewater Treatment Plant in the Don Pedro Area and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Public Works Director); Res. 05-519
- CA-4 Approve an Amendment to the Professional Services Agreement with Fred Solomon for Project Management Services by Extending the Agreement to January 31, 2006, and Increase the Compensation Amount by \$6,000; Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Public Works Director); Res. 05-515
- CA-5 Approve an Amendment to the Professional Services Agreement with Roy Chriswell by Extending the Agreement to January 13, 2006, and Increase the Compensation Amount by \$12,000; Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Public Works Director); Res. 05-516
- CA-6 Authorize the Chairman of the Board of Supervisors to Sign an Agreement to Make the Kiwanis Club the Official Custodian of the Darrah

Schoolhouse/Grounds and its Operations (Chairman Pickard and Supervisor Fritz); Res. 05-520, with direction

- CA-7 Authorize the Chairman of the Board of Supervisors to Sign an Agreement with the Greeley Hill Community Club, Incorporated for the Operation and Maintenance of the Greeley Hill Community Club Grounds and Senior Annex; Authorize the Cancellation of the Lease Agreement Between the County and the Greeley Hill Community Club Pursuant to Resolution No. 96-375; Accept the Donation of the Greeley Hill Community Club Property (County Administrative Officer); Res. 05-521, with direction to staff
- CA-8 Approve an Overfill of the Deputy Clerk to the Board Position Effective November 1, 2005, and Until the Incumbent Separates Employment with the County (County Administrative Officer); Res. 05-517
- CA-9 Accept the Resignation of Larry Mack from the Agricultural Advisory Committee (Planning Director)
- CA-10 Adopt a Resolution Approving the Detour of Traffic from State Routes to Utilize Mariposa County Roadways for Duration of the “Merry Mountain Christmas Parade” on Saturday, December 10, 2005 (County Administrative Officer); Res. 05-518

**7:27 p.m.** Adjournment in memory of Albert E. Gordon.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### CONFORMED AGENDA November 15, 2005

Time                      Description

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

Pledge of Allegiance

Bob Pickard, Chairman

Presentation of Tile Plaques to the 2005 "Run for the Gold" 25 Miler 1<sup>st</sup> Mariposan – Shayna Stevens and Her Horse "Rocky" and 50 Miler 1<sup>st</sup> Mariposan – Dale Hansel and His Horse "Solomonn."

**BOARD ACTION:** (M)Bibby, (S)Turpin, the tile plaques were approved and presented to Carol Suggs on behalf of Shayna Stevens, and to Dale Hansel, who was present with his sons/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Introductions

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

Cathie Pierce, speaking as a resident of Catheys Valley, read her letter into the record. She advised that she is concerned with the information on Catheys Valley that was presented by the public on November 1<sup>st</sup> for the General Plan. She advised that the Farm Bureau will meet this evening and put together a response for the General Plan Update. She asked that the Board continue with the General Plan Update as it is currently proposed.

Len McKenzie, representing MERG, referenced the statements in the General Plan relative to urban sprawl, and stated he feels that we need to avoid sprawl and protect the open space. He also recognized the presence of people that have assisted them in forming their comments on the draft document.

J. J. Gillespie stated she does not feel that there is anything in the General Plan Update that will stop sprawl, and she is concerned about development. She advised that she submitted a letter to Planning. She also stated that she feels that we need to maintain our agricultural character.

Stan Rudd, Bear Valley area, referred to the proposed Pendola Garden development, and he stated he is concerned with the lack of water for the development.

Annie Durazo, Service Employees International Union (SEIU) United Healthcare Workers West, representing the in-home health care workers in the County, stated it is her understanding that the County will implement a wage increase that is inferior to the other counties that they represent. She advised that they are asking, and would settle for less than the \$10.50 an hour that is available at the State level. She also advised that they would settle if the County put in another seventeen cents, and she asked the Board to reconsider its position. She stated she does not feel that the workers can survive on \$6.75 an hour. She also noted that November 14 – 18<sup>th</sup> is Home Care Workers Week. Chairman Pickard stated the Board has a great deal of respect for the workers, and he advised that the Board has put a fifteen percent increase on the table, with the ability for the workers to obtain health benefits, and that is more than the other County employees have received. He also suggested that they contact Human Services to submit something for recognition of the Home Care Workers Week in the future.

Viola Reeder, IHSS recipient, stated she feels that the home care workers need a contract and a raise. She read the "Loving Care Giver."

Janet Schmidt was present with her daughter, Katie, and she noted that she provides home care services for her daughter. She commented on the difference between the wages and benefits here and those that she received in Alameda County.

Alfred Romero stated he receives in-home care services. He feels that minimum wage means minimum service; and he noted that the workers provide maximum service.

Holly Warner, Upper Merced River Watershed Coordinator, presented their letter of comments on the draft General Plan Update.

Kris Casto commented on the draft General Plan Update, and she expressed concerned with the proposed development along Pendola Garden Road. She stated she feels that we should preserve the rural, open space, and agricultural uses; and she urged consideration of the rural resource land use classification. She stated she feels that consideration should be given to the impact on the safety response to the area.

Dick Kunstman, Conservation Chairman for the Yosemite Audubon Chapter of the National Audubon Society, stated he is still working on comments to the draft EIR, and he hopes to be able to submit them before the deadline at the end of today. He stated his main concerns are water supply and global warming. He feels that tracers should be used for the water to determine the connection between the existing supply and the proposed use. He noted that there is a severe decline in the Sierra snow pack due to global warming.

Paul Chapman referred to Consent Agenda item 4, and he stated he feels that the Board needs to get the boundaries of the water district changed before taking action to approve the plans and specifications for the regional recreation complex waterline project.

Jim Spotts, resident of Highway 49 North, expressed concern with the impact that growth will have on the Pendola Garden area. He stated he chose this area because he understood that the County was concerned about managing growth.

Keith Williams, Assistant County Clerk, on behalf of Marjorie Wass/County Clerk, gave a status report on the election that was held on Tuesday with the new touch screen machines. He advised that the County had a 59 % voter turnout.

Chairman Pickard advised that the following two off-agenda requests have been received.

Tom Guarino, County Counsel, advised of a letter received from the Planning Director which addressed a request from Tuolumne County for additional time for response to the General Plan Update. (M)Bibby, (S)Stetson, the Board waived the rules requiring 72 hours agenda notice to place this item on the agenda to consider this request, finding that it was not received until after the agenda was prepared and that the deadline for response to the General Plan Update is this date, and the Board is not scheduled to meet again until December 6, 2005/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz. The matter was continued to later in the day with the attention agenda.

Tom Guarino, County Counsel, advised of a request he received on Monday from the John C. Fremont Healthcare District relative to their issuance of bonds that need to be secured by tax revenue, and he advised that Board action is required by December 1, 2005, to complete the process. (M)Stetson, (S)Turpin, the Board waived the rules requiring 72 hours agenda notice to place this item on the agenda to consider this request, finding that it was not received until after the agenda was prepared and that the deadline for action is December 1, 2005, and the Board is not scheduled to meet again until December 6, 2005/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz. The matter was continued to later in the day with the attention agenda.

**10:01 a.m.** Chairman Pickard opened and continued the following public hearings until after the following items: 1) intent to initiate amendment to the Zoning Ordinance to modify permitted and conditional uses in the Agricultural Exclusive Zone and Land Use designations; 2) intent to initiate amendments to modify provisions for Williamson Act contracts and contracted lands in Mariposa County; and 3) Specific Plan Zoning Amendment No. 2005-34; Allison Sierra, Inc., Applicant.

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

## Board Information

Supervisor Pickard announced, on behalf of Supervisor Fritz, that she is planning to hold a District IV meeting at the Government Center on Monday at 7:00 p.m.

Supervisor Bibby announced that she had back surgery on November 7<sup>th</sup>. She complimented the volunteers at the election precinct sites for their work with the November 8<sup>th</sup> elections.

Supervisor Turpin also noted that things went very well at the polling places in his district for the November 8<sup>th</sup> election. He advised that he plans to attend the Greeley Hill Community Club meeting this evening.

Supervisor Pickard advised of the Yosemite Sequoia Resource Development Council meeting he attended on Thursday and of discussion relative to biomass, and he advised that they plan to submit a grant application.

## **MARIPOSA PARKING DISTRICT**

Tom Guarino, County Counsel;

Discussion, Direction, and Action Regarding Renewal and Extension of Leases

**BOARD ACTION:** Tom Guarino advised that all of the leases have been signed, with the exception of two: 1) walkway lease with Vicki Brower, and he does not feel that is a problem; and 2) lease with Jack and Sharon Vaughn, and he is anticipating that it will be signed and returned. Discussion was held. (M)Stetson, (S)Bibby, Mariposa Parking Dist. Res. 05-3 was adopted authorizing the Chairman to sign the lease agreements, pending receipt of the signed lease from the Vaughn's. Supervisor Bibby asked that staff provide a periodic update on the status of the issues and progress of the Proposition 218 process over the next two years to the Board. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Bibby pulled items 2, 3, and 4. Supervisor Turpin pulled items 2, 4, and 11. (M)Turpin, (S)Bibby, the balance of the items was approved/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Consent Agenda item 2 – Supervisors Bibby and Turpin initiated discussion relative to the agreement with Mead Hunt. Dana Hertfelder, Public Works Director, provided input. (M)Turpin, (S)Stetson, item 2 was approved/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Consent Agenda item 3 – Supervisor Bibby initiated discussion relative to the amendment to the agreement with Kleinfelder, Inc. Dana Hertfelder, Public Works Director, provided input. (M)Bibby, (S)Stetson, item 3 was approved/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Consent Agenda item 4 – Supervisors Bibby and Turpin initiated discussion relative to approving the plans and specifications for the Regional Recreation Complex. Supervisor Bibby requested that advance notice be given to the residents in the area that will be affected by any interruptions in utility services as a result of this project. Dana Hertfelder, Public Works Director, provided input. Discussion was held. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Consent Agenda item 11 – Supervisor Turpin initiated discussion relative to the payment of the use tax for the fire safety trailer. Blaine Shultz, Fire Chief, advised that the tax was not collected at the time the trailer was purchased and needs to be paid to complete the registration. (M)Turpin, (S)Bibby, item 11 was approved/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Approval of Minutes 10-18-05, Regular Meeting; and

Approval of Minutes 10-25-05, Regular Meeting

**BOARD ACTION:** Supervisor Bibby requested that the language be changed to clarify her concerns with the discussion relative to the operation of the Auditors Department in the October 18<sup>th</sup> minutes. (M)Stetson, (S)Bibby, the minutes for October 18<sup>th</sup> were approved with the language change as requested, and the minutes for October 25<sup>th</sup> were approved/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

**10:53 a.m.** Kris Schenk, Planning Director;

C) PUBLIC HEARING (**Continued from November 1, 2005**): Adopt a Resolution Adopting a Negative Declaration and Approving Specific Plan Zoning Amendment No. 2005-34; Waive First Reading and Introduce Ordinance Approving Amendment to Mariposa Zoning Map and Mariposa Town Planning Area Land Use Map Pursuant to Specific Plan Zoning Amendment No. 2005-34; Allison Sierra, Inc., Applicant; Freeman & Seaman Land Surveyors, Agent. Project Site is Located at 5058 Fairgrounds Road in the Town of Mariposa, APN 012-200-005

**BOARD ACTION:** Megan Tennermann, Associate Planner, presented the staff report; and she advised that since the November 1<sup>st</sup> meeting, the applicant has proposed a deferred improvement agreement to take care of the road improvements. Staff responded to questions from the Board relative to the language concerning the processing of the second reading and adoption of the ordinance for this application; and relative to language in the draft resolution. Megan advised that the wording in the draft resolution needed to be corrected to delete the paragraph relative to communication by the staff and the applicant regarding the scope of the proposed road improvements. Tom Guarino, County Counsel, advised that the second reading and adoption of the ordinance would be set for December 6<sup>th</sup>. Supervisor Bibby asked that the wording be changed to reflect “scheduling” of the adoption of the ordinance versus “shall waive second reading and adopt,” and staff agreed with the change. The public portion of the hearing was opened and there was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Bibby, (S)Stetson, Res. 05-543 was adopted adopting a Negative Declaration and approving Specific Plan Zoning Amendment No. 2005-34 with the recommended findings and language changes; and the first reading was waived and an Ordinance introduced approving the amendment to the Mariposa County zoning map and Mariposa Town Planning Area land use map with the recommended findings. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz. The hearing was closed.

A) PUBLIC HEARING: Adopt a Resolution of Intention Initiating Amendment to the Mariposa County Zoning Ordinance, Chapter 17.40, and the Mariposa County General Plan, Section 3.507.B to Modify Permitted and Conditional Uses in the Agricultural Exclusive Zone and Land Use Designations

**BOARD ACTION:** Sarah Williams, Deputy Director, presented the staff report. She responded to questions from the Board relative to clarifying the use of “intensive” for agricultural uses; and it was agreed that “all” be changed to “certain” types of intensive agricultural uses. Staff responded to a question relative to processing amendments in relation to the status of the General Plan Update; and staff advised that the motion needs to be corrected on the draft resolution. There were additional questions from the Board relative to consideration of ag-tourism uses; addressing exotic animals, refugees, wild game issues, and location of bee colonies.

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

Paul Chapman stated he feels that Sarah Williams is owed thanks for her work on this matter. He referred to the discussion on the General Plan Update held on November 1<sup>st</sup>, and he stated that based on the comments he heard, he feels that agriculture is under attack by people in the real estate industry. He referred to the number of parcels under Williamson Act in the County, and he stated he feels that the language should be stronger to protect agricultural uses. He also stated he feels that ag-tourism is not a compatible use.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Bibby, (S)Turpin, Res. 05-544 was adopted for intention to initiate an amendment to the Mariposa County Zoning Ordinance and the Mariposa County General Plan to modify permitted and conditional uses in the Agricultural Exclusive Land Use and Zone within Mariposa County, with the wording changes as discussed/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz. The hearing was closed.

**11:27 a.m.** Recess

**11:37 a.m.** B) PUBLIC HEARING: Adopt a Resolution of Intention Initiating Amendments to the Mariposa County Resolutions Implementing the California Land Conservation Act of 1965 to Modify Provisions for Williamson Act Contracts and Contracted Lands in Mariposa County

**BOARD ACTION:** Sarah Williams, Deputy Director, presented the staff report. Staff responded to questions from the Board relative to establishing fees for processing applications; relative to portions of a contracted property not being eligible for a notice of non-renewal, unless that application is accompanied with an application for a new contract for the portion of the property which is not the subject of non-renewal; clarification of provision that states that all parcels applying for contract shall within one year of the effective date of the contract be restricted by zoning of said parcel to agricultural use; clarification of issues relating to agricultural production and compatible uses; and the process for ensuring compliance with the Land Conservation Contract provisions. Additional questions were asked relative to the minimum parcel size and production requirements for contracts; provisions for residential development and home enterprises; whether there is a way to have a uniform contract for all of the existing contract holders; and relative to changes recently enacted by AB 1492.

Input from the public was provided by the following:

Karen Helms Bodfish stated she is a landowner with a Williamson Act contract, and she feels that there needs to be some clarification. She stated she uses her property to lease for dry land grazing and she is concerned with the proposed income requirements. She stated she understood that the purpose of Williamson Act was to help to keep the land from development, and she feels that this is shifting.

Cathie Pierce, President of Mariposa County Farm Bureau, read into the record a portion of a letter of October 5<sup>th</sup> from the California Farm Bureau General Counsel relative to Williamson Act enforcement and addressed Certificates of Compliance. She stated they would like to see enforcement of provisions for land divisions on contracted parcels.

Becky Crafts, Assistant Assessor, provided input relative to their process for checking with contract holders to determine compliance with the provisions of the contract; and she advised of the amount of subvention revenue that is received for the contracted land.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to review of the open space issue; relative to the annual income amounts that are recommended for agricultural activities; relative to the status of historic parcels and non-renewal of the contract; and relative to timelines for this process. (M)Bibby, (S)Turpin, Res. 05-545 was adopted for intention to initiate an amendment to the Mariposa County policies implementing the California Land Conservation Act of 1965 in Mariposa County. Board members thanked staff and the Agricultural Advisory Board members for their work on this matter. Becky Crafts corrected the earlier information that she provided relative to the subvention revenue and advised that it is \$203,000. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz. The hearing was closed.

Dana Hertfelder, Public Works Director

PUBLIC HEARING: Discussion and Approval of Solid Waste Disposal Fees

**BOARD ACTION:** Chairman Pickard advised that this hearing has been continued to December 6, 2005, at 2:00 p.m.

**12:29 p.m.** Lunch

**2:09 p.m.** Debbie Walton, Child Support Services Director;

Authorize the Reorganization of the Department of Child Support Services by Allocating an Office Technician Position Effective December 1, 2005, Eliminating the Compliance Technician Position, and Reducing the Child Support Attorney Position from Full-Time to .50 Permanent Part-Time Effective December 1, 2005; Approve Budget Action Transferring Funds Within the Child Support Budget Unit to Accommodate the Reorganization (\$18,100)

**BOARD ACTION:** Discussion was held with Debbie Walton relative to the request, and she advised of transitions that are occurring within the department due to changes at the State level. It was noted that information was provided by Mary Berkhoudt, Child Support Attorney for the Department, to the Board members and to Debbie Walton this date. Supervisor Bibby stated she feels that the State should be made aware that its actions are impacting long-term employees.

Input from the public was provided by the following:

Mary Berkhoudt, Child Support Attorney for the Department, provided input on her responsibilities as attorney for the Department; and she stated that she does not feel that she can accomplish the tasks in fifty percent of the time.

Further discussion was held relative to the request and possible options. (M)Stetson, (S)Turpin, Res. 05-546 was adopted approving the reorganization and budget action as recommended.

Additional input from the public was provided by the following:

Karen Helms Bodfish stated she feels that the Board should recognize that there is a potential possibility that by reducing the attorney's position that it will create a liability for the County in that non-attorneys will make attorney decisions.

Further discussion was held by the Board. Supervisor Turpin commented on the State's funding situation, and he asked that the Child Support Services Director come back in three months with a status report on how the new formula is working. Chairman Pickard suggested that the Board could ask the Director to prepare a letter for the Chairman's signature relative to the funding issues and the future impact on our ability to provide the services. Supervisor Bibby asked that consideration be given to delaying implementation of the reorganization for another month. The motion was amended, agreeable with the maker and the second, to extend the implementation date from December 1<sup>st</sup> to January 1, 2006, for reducing the Child Support Attorney position from full-time to .50 permanent part-time. Debbie Walton advised that she will bring back a letter to the State for the Board to approve, as discussed. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Joel Bibby, Captain, appeared on behalf of Jim Allen, Sheriff/Coroner;  
Approve Budget Action Appropriating Unanticipated Revenue from the California 9-1-1 Emergency Communication Office and Increasing Corresponding Fixed Asset Line Item for the Purchase of TracNet Software and Computer Hardware; Authorize the Sheriff/Coroner to Sign the TracNet Software License Agreement (\$44,750) (4/5ths Vote)

**BOARD ACTION:** Discussion was held with Captain Bibby relative to the request. (M)Stetson, (S)Turpin, Res. 05-547 was adopted approving the request, contingent on County Counsel's review of the license agreement; and with direction that the agreement is approved for signature by the Chair of the Board/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Jacque Meriam, County Librarian;

Discussion and Approval of a Policy for Access and Use of the Mariposa County Library Card

**BOARD ACTION:** Discussion was held with Jacque Meriam. Supervisor Bibby asked about getting a status report in the future. (M)Turpin, (S)Bibby, Res. 05-548 was adopted approving the policy/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Dr. Charles Mosher, County Health Officer;

Presentation on Public Health Emergency Preparedness Plan for Mariposa County and How it is Used to Plan for Various Emergencies, Including an Influenza Pandemic

**BOARD ACTION:** Dr. Mosher gave his presentation, and he introduced Dana Tafoya, Emergency Technical Coordinator. Blaine Shultz, Fire Chief, advised that he plans to schedule discussion on the County Emergency Plan on December 13<sup>th</sup>. Discussion was held. Supervisor Bibby suggested that schools be added to the list of high risk groups. No action was necessary.

Discussion and Possible Further Action Regarding the Local Emergency Due to the Flooding that Occurred throughout the County (County Counsel)

**BOARD ACTION:** Tom Guarino, County Counsel, advised of his discussions with Public Works and he recommended that the Board continue the local emergency so that the reimbursement process with the State can continue. (M)Turpin, (S)Bibby, Res. 05-549 was adopted continuing the local emergency due to the flooding that occurred/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Waive Second Reading and Adopt Ordinance Amending Chapter 2.104 of the Mariposa County Code Entitled "Children and Families First Commission" (County Counsel)

**BOARD ACTION:** (M)Bibby, (S)Stetson, second reading was waived and Ordinance No. 1024 was adopted. The Clerk of the Board read the title and Ordinance number into the record. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Discussion and Selection of a Board Member to the California State Association of Counties (CSAC) Board of Directors for 2006 (County Administrative Officer)

**BOARD ACTION:** Following discussion, (M)Turpin, (S)Stetson, Supervisor Fritz was selected as the representative, with the other four Board members to serve as alternates, to CSAC/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Tom Guarino, County Counsel, initiated discussion relative to the request to extend the deadline for providing comments on the draft General Plan Update. Kris Schenk, Planning Director, provided input on the request that was received from Tuolumne County and relative to the timeframes. (M)Stetson, (S)Bibby, Res. 05-550 was adopted approving an extension of the deadline for the comment period for the EIR on the draft General Plan Update to December 27, 2005/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Tom Guarino, County Counsel, initiated discussion relative to the request he received from the John C. Fremont Healthcare District concerning the refinancing of their bonds. He recommended changes to the formal resolution that was presented by the Hospital; and he advised that upon approval, he would finalize the resolution with the changes. (M)Stetson, (S)Bibby, Res. 05-551 was adopted with the changes as recommended. Supervisor Bibby requested that the Board members be provided with a copy of the finalized resolution. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure to Litigation of One (1) Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)

**BOARD ACTION:** Matter was continued to December 6<sup>th</sup> at the request of Tom Guarino, County Counsel.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 250 – In-Home Supportive Services (IHSS); Name of County Designated Representative: Jeff Green (County Administrative Officer)

**BOARD ACTION:** (M)Stetson, (S)Bibby, the closed session was held with Jeff Green and Sandi Laird/Administrative Analyst – Administration, present/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Due to a potential conflict of interest as her spouse is employed by the Sheriff's Department, Supervisor Bibby was excused from the closed sessions relative to labor negotiations with the Deputy Sheriffs Association and with the Sheriffs Management Association. Sandi Laird, Administrative Analyst – Administration, was present for the closed sessions relative to labor negotiations.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs Association (DSA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

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

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

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

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer  
**BOARD ACTION:** (M)Stetson, (S)Turpin, the closed session was held/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

**4:03 p.m.** Recess

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

**5:24 p.m.** Chairman Pickard announced that direction was given to staff as a result of the closed session matters.

**CONSENT AGENDA:**

- CA-1 Action to Continue Emergency Findings for the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director); Res. 05-530
- CA-2 Approve and Authorize the Chairman of the Board of Supervisor to Sign a Professional Services Agreement with Mead Hunt in the Amount of \$32,000 for Design Services for the Mariposa-Yosemite Airport Fire Protection System (Public Works Director); Res. 05-539
- CA-3 Approve and Authorize the Chairman of the Board of Supervisors to Sign Amendment #2 to the Professional Services Agreement with Kleinfelder, Inc., for Inspection Services for the Compost Project, Increasing the Compensation Amount by \$40,000 (Public Works Director); Res. 05-540
- CA-4 Approve Plans and Specifications for the Mariposa Regional Recreation Complex Waterline Project and Authorize the Public Works Director to Advertise the Project (Public Works Director); Res. 05-541
- CA-5 Approve and Authorize the Chairman of the Board of Supervisors to Sign the Public Health Preparedness (Bio-Terrorism) Grant Agreement for Fiscal Year 2005-06 (County Health Officer); Res. 05-531
- CA-6 Authorize the Human Services Director to Submit an Application to the State Department of Housing and Community Development for Emergency Housing and Assistance Program (EHAP) Funding, Round XIII in the Amount of \$10,000; Designate the Human Services Department to Administer the Funding; Upon Approval of the County Administrative Officer and County Counsel, Authorize the Human Services Director to Execute Minor Amendments to the Grant Agreement (Human Services Director); Res. 05-532
- CA-7 Approve and Authorize the Chairman of the Board of Supervisors to Sign a Lease Agreement and Certificate of Incumbency and Authority with Dell Financial Services L.P. for the Lease of Computers and a Server for the Behavioral Health and Alcohol and Drug Departments; Rescind Resolution #04-463 the Original Lease Agreement Between Kings View and Dell Financial Services L.P. (Human Services Director); Res. 05-533

- CA-8            Adopt a Resolution Approving the Proposed Road Name “Big Valley” for the Subject Easement APN 016-170-046 and APN 016-170-047 (Planning Director); Res. 05-534
  
- CA-9            Adopt a Resolution Approving the Proposed Road Name “Spencers Mill Lane” for the Subject Easement APN 008-347-002 (Planning Director); Res. 05-535
  
- CA-10           Approve and Authorize the Chairman of the Board of Supervisors to Sign an Interim Rental Agreement with 35-A District Agricultural Association for Use of the Fairgrounds Facilities for the Annual “Cops for Kids and Food Give Away.” (Sheriff/Coroner); Res. 05-536
  
- CA-11           Approve Budget Action Transferring Funds Within the Fire Budget for Payment of the Use Tax Fee on the Fire Safety Trailer (\$3,573) (Fire Chief); Res. 05-542
  
- CA-12           Appoint Sam Hill and Kathy Hill to the Mariposa County Commission on Aging Representing District V and as an At-Large Member Respectively (Community Services Director)
  
- CA-13           Appoint Sam Hill and Kathy Hill to the Area Agency on Aging PSA-12 Advisory Board Representing Member and Alternate Member from Membership of the Commission on Aging and Mariposa County (Community Services Director)
  
- CA-14           Rescind Resolution #78-168 and Adopt a Resolution Appointing the Mariposa County Assessor as the Authorized Representative for the Open Space Subvention Program in the County of Mariposa (County Counsel); Res. 05-537
  
- CA-15           Approve an Amendment to the Assessment Office Manager Job Description Effective Immediately Regarding Minimum Qualifications in Education Requirements (County Administrative Officer); Res. 05-538

**5:25 p.m.** Adjournment in memory of Barbara Dunlevy Winn.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA  
December 6, 2005

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

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

Pledge of Allegiance

**MARIPOSA COUNTY PARKING DISTRICT**

Thomas Guarino, County Counsel;

Discussion, Direction, and Action Regarding Renewal and Extension of Leases

**BOARD ACTION:** This matter was continued to December 20<sup>th</sup>.

**MARIPOSA COUNTY WATER AGENCY**

(Chair – Director Bibby, Vice Chair-Director – Turpin)

Discussion, Direction, and Action Regarding Retention of Counsel to Advise the County Regarding the Federal Energy Regulatory Commission (FERC) Licensing Process and the Agreement Between the Merced Irrigation District (MID) and the County of Mariposa Regarding Water Rights Dispute (County Counsel)

**AGENCY ACTION:** This matter was continued to December 20<sup>th</sup>.

Adopt a Resolution Approving a Deferred Improvement Agreement for the South Shore Project and Authorizing the Chairman of the Board of Supervisors to Sign the Agreement (County Counsel)

**BOARD ACTION:** This matter was continued to December 13<sup>th</sup>.

Karen Robb, Farm Advisor;

Recognize Master Gardener Volunteers Marilou Ellis, Lee Hanna, and Elizabeth Johnson for Achieving Lifetime Master Gardener Status

**BOARD ACTION:** (M)Stetson, (S)Fritz, the Certificates of Recognition were approved and presented to Lee Hanna and Elizabeth Johnson/Ayes: Unanimous. Karen Robb and Chairman Pickard commented on the dedication of the Master Gardener volunteers, and it was noted that the Certificates for Marilou Ellis would be forwarded to her. Joan Holmstrom, Master Gardener Coordinator, provided information on the lifetime achievement award and she presented the Certificates of Lifetime Master Gardener achievement to Lee and Elizabeth.

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

Ruth Sellers requested that the public be invited to a public hearing on the selection of the interim County Auditor. She feels this would provide the public with an opportunity to interview the applicants for the position.

Paul Chapman referred to the agenda items relative to hiring consultants, and he stated he feels that this is a waste, and that tourism would happen without the consultants. He also referred to the Yosemite Renaissance Art exhibit. He referred to the item relative to the appointment of an interim County Auditor, and he stated he hopes that the legal process is followed for replacing an elected official. He referred to the item relative to a biomass project, and he stated he does not feel that this is the way to solve our garbage problem.

## Board Information

Supervisor Fritz advised that she and Supervisor Turpin attended the 111<sup>th</sup> Annual CSAC (California State Association of Counties) Conference in San Jose last week.

Supervisor Bibby advised that she attended the Farm Bureau meeting after the last Board meeting, and they are reviewing possible changes to the Williamson Act and conditional use permits and will provide feedback. She noted that she has been receiving a lot of calls from residents relative to problems with animals, and suggested that this be looked at with the conditional use and residential use issues.

Supervisor Turpin advised that he also attended the CSAC Conference, and he noted that he will provide a detailed report at the next Board meeting.

Supervisor Pickard advised that he attended an Assembly Agriculture Committee meeting on Wednesday relative to sponsorship of legislation to reauthorize funding to address noxious weeds. On Thursday he attended the Bio-Diversity Council meeting in Sacramento.

Supervisor Bibby noted that the Sheriff's Department is working on its annual toy drive for the children. Jim Allen, Sheriff, advised that they are also accepting donations for their "Shop with a Cop" event, and he advised of a pancake breakfast fundraiser that will be held at Pizza Plus. He also noted that the Women's Facility in Chowchilla is working on refurbishing the bicycles, which was previously done by the CYA inmates.

Supervisor Fritz announced that the Merry Mountain Christmas parade and activities are planned for this weekend.

## Introductions

Chairman Pickard introduced Tracy Gauthier, the new Deputy Clerk to the Board.

## Bob Pickard, Chairman

Authorize the Chairman of the Board of Supervisors to Sign a Letter of Support for a Biomass Project  
**BOARD ACTION:** Robyn Smith, Coordinator for the Yosemite/Sequoia Resource Conservation and Development Council, presented information on the request for support of a biomass project. She advised that funding will be requested through a grant from the Forest Service for doing a business plan for a co-generation plant that would be in conjunction with the County's compost facility. She advised of a future grant opportunity for applying for funds to construct the plant. Discussion was held. Supervisor Bibby suggested that Public Works, Environmental Health and Planning be involved to review space, staffing, and circulation issues, etc. Supervisor Stetson presented suggested changes to the draft letter. (M)Fritz, (S)Stetson, Res. 05-552 was adopted approving the letter of support, with the suggested changes. Further discussion was held. Supervisor Bibby asked for a continuance of the item to allow an opportunity to discuss this with staff, and she asked for information on who would be attending the partnership meetings. Chairman Pickard responded, and he advised that he plans to bring a presentation to the Board in January by a firm from San Diego to show what the technology is capable of doing and the potential. Dana Hertfelder, Public Works Director, provided information relative to the proposal. Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

## Jim Allen, Sheriff;

Adopt a Resolution Supporting Jessica's Law the Most Comprehensive Sex Offender Punishment and Control Reform Ever Proposed and the Toughest Sex Offender Law in the Nation

**BOARD ACTION:** Discussion was held with Jim Allen relative to Jessica's Law. Bob Brown, District Attorney, advised that he joins with the Sheriff in urging the Board to support this. Discussion was held. (M)Bibby, (S)Fritz, Res. 05-553 was adopted supporting Jessica's Law/Ayes: Unanimous.

**10:16 a.m.** The following Public Hearings were opened and continued to after the following items: public hearing to approve request from Fiske Sanitary Disposal Service; public hearing denying Land Conservation Act Contract Cancellation Application No. 49; Pearce, applicants; and public hearing approving Land Conservation Act Contract Modification No. 2005-149; Mary Ann Visher, applicant.

**10:17 a.m.** Recess

**10:34 a.m.** Rich Inman, County Administrative Officer and Cheryle Rutherford-Kelly, Human Services Director;

Adopt a Resolution Enacting the Powers and Authorities of County Ordinance 2.112 Entitled “Mariposa County In-Home Supportive Services Public Authority”

**BOARD ACTION:** Rich Inman asked that the resolution be adopted by the Board of Supervisors and by the Board as the Governing Body of the Mariposa County In-Home Supportive Services Public Authority. He advised that the requested action includes the creation of a division within the Human Services Department for administrative control, adoption of the County employer-employee relations policy as the policy for the Public Authority, and approval of the budget for the balance of the fiscal year. Cheryle Rutherford-Kelly advised that staff and Barry Smith, In-Home Supportive Services Advisory Committee member, were present for the discussion and to answer any questions. She reviewed the history of this matter, funding issues, and programs that are funded by realignment revenue. Discussion was held. Barry Smith provided input on the Advisory Committee’s work for the last five years on this matter and their input in this process. He advised that they have reviewed and recommend this budget. He thanked Supervisor Pickard, Rich Inman, Kathy Albright, and Nancy Bell for their work with the Committee. He also advised that they are in the process of recruiting for new committee members. Supervisor Pickard commended the Advisory Committee for its work. Discussion was held relative to the process. (M)Fritz, (S)Stetson, Res. 05-554 was adopted enacting the powers and authorities of County Ordinance 2.112, entitled “Mariposa County In-Home Supportive Services Public Authority.” Supervisors Bibby and Stetson advised that they provided typographical corrections to the formal resolution to the County Administrative Officer, and it was agreed that these corrections would be included in the final document. Ayes: Unanimous.

**10:57 a.m.** The Board convened as the **Mariposa County In-Home Supportive Services Public Authority**. (M)Fritz, (S)Stetson, IHSS Public Authority Res. 05-1 was adopted enacting the powers and authorities of County Ordinance 2.112, entitled “Mariposa County In-Home Supportive Services Public Authority”/Ayes: Unanimous.

**10:58 a.m.** Dana Hertfelder, Public Works Director;

**PUBLIC HEARING:** Approve the Request from Fiske Sanitary Disposal Service (Fiske Disposal) for an Increase of Three-Percent (3%) Effective January 1, 2006, for the Fiske Disposal Franchise Area

**BOARD ACTION:** Dana Hertfelder presented the staff report, and he responded to questions from the Board relative to the term of the hauling agreement and verification of the figures by staff. 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. (M)Turpin, (S)Fritz, Res. 05-555 was adopted approving the increase as recommended. Staff responded to additional questions from the Board as to whether this results in any impacts or budget adjustments. Ayes: Unanimous. The hearing was closed.

**11:03 a.m.** Kris Schenk, Planning Director;

A) **PUBLIC HEARING (Continued from November 15, 2005):** Adopt a Resolution Denying Land Conservation Act Contract Cancellation Application No. 49 Relating to Subject Property Located Off of Allred Road in Mariposa, APN 014-140-015; George and Molly Pearce, Applicants

**BOARD ACTION:** Megan Tennermann, Associate Planner, presented the staff report, and she advised of an error in attaching the exhibits for the next public hearing to the package for this hearing. Staff responded to questions from the Board relative to the location map; the acreage under contract and the land use classification; whether a dwelling could be constructed on the small parcel; relative to the letter from Department of Conservation and whether anything has changed; relative to getting an updated legal opinion on the penalty that can be charged for cancellation of a contract; and relative to correction of the application number in the draft resolution.

John Jamison, Attorney at Law, representing the applicants, presented information on the application. He advised that a portion of the parcel is in Agricultural Preserve and they have a Certificate of Compliance and have received permits for a well and septic system. However, staff has advised them of provisions in Section 51250 of the Government Code regarding the implementation of

the Williamson Act. He feels that the first portion of this section is dependent on the term of the contract and permitted use. His client wants to build a house and do horse breeding. He referred to determination by Madera and Fresno counties in these types of situations, and he stated he feels that a single-family residence is allowed. He stated he agrees with staff that the contract could not be cancelled, but he would like to see the Board direct County Counsel to review and render an opinion to staff on whether there is a restriction on the size of house that can be constructed. He again stated that he feels that the rules depend on when the contract was signed. He responded to a question from the Board regarding the letter from the Department of Conservation.

The public portion of the hearing was closed. The Board commenced with deliberations. Tom Guarino, County Counsel, advised that the action before the Board today is dealing with whether the Board can make the findings to cancel the contract; and he noted that counsel for the applicants pointed out that he does not feel that the findings can be made. He stated that he feels that the applicant can apply for a building permit, and that Planning staff can consult with the applicant to go over the contract. He further advised that he supports the recommendation by staff, including the non-renewal of the contract. Staff responded to questions from the Board relative to the recommended action and the issue of non-renewal; the number of dwellings allowed on contracted land; and relative to the applicant's original request for wildlife preserve use of the land. (M)Bibby, (S)Stetson, Res. 05-556 was adopted denying Land Conservation Act Contract Cancellation Application No. 2005-160 with the recommended findings; and approving the filing of a Notice of Non-renewal for the portion of Land Conservation Act Contract No. 49 that relates to the subject property. Supervisor Turpin clarified that the building permit is a separate issue, and he asked about the remaining parcels and ag operations. Ayes: Unanimous. The hearing was closed.

**11:34 a.m.** Recess

**11:50 a.m.** B) PUBLIC HEARING (**Continued from November 15, 2005**): Adopt a Resolution of Notice of Exemption and Approving Land Conservation Act Contract Modification No. 2005-149 Modifying Portion of Land Conservation Act Contract No. 48 Relating to Subject Property Located in Hornitos, APNs 007-130-033 through 038; Mary Ann Visser, Applicant

**BOARD ACTION:** Megan Tennermann, Associate Planner, presented the staff report; and she read a clause into the record conditioning conveyance, sale or deeding of the six parcels during the term of the contract. She advised that it is recommended that this condition be added. Staff responded to questions from the Board as to whether this is a new contract versus a modification; whether this modification is a precedent setting action; and whether the proposal to set parcel size and income levels for Williamson Act contracts will affect this project.

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 recommended action, and whether there have been any changes to AB 1492 relative to the implementation of the Williamson Act. (M)Turpin, (S)Stetson, Res. 05-557 was adopted adopting a Notice of Exemption finding that the project is not subject to CEQA; and approving Land Conservation Act Contract Modification No. 2005-149 modifying a portion of Land Conservation Act Contract No. 48, as recommended/Ayes: Unanimous. The hearing was closed.

Rick Peresan, Technical Services Director;

Approve a Project to Document Service Interruptions to TDS Customers that Reside in Districts II and III in Mariposa County

**BOARD ACTION:** Discussion was held with Rick Peresan, and he estimated that the cost of a survey would be approximately \$750.00. Supervisor Bibby commented on some of the problems that are being experienced due to the service interruptions. Rich Inman, County Administrative Officer, recommended that the expense come from the Technical Services budget, and the Technical Services Director can come back with the mid-year budget if an adjustment needs to be made. (M)Turpin, (S)Fritz, Res. 05-558 was adopted approving the survey project, with the cost to come from the Technical Services budget. Chairman Pickard clarified that the results of the survey will come back to

the Board with a recommendation; and he asked that a copy of the survey be distributed to the Board members. Rick noted that he will advise TDS of the survey. Ayes: Unanimous.

Approval of Consent Agenda (See end of minutes.)

**BOARD ACTION:** Tom Guarino, County Counsel, suggested that item 1 be continued until after the public hearing relative to the operation of the landfill, as it may not be necessary to continue the emergency findings for the interim operation of the landfill. Supervisor Turpin pulled items 2, 5 and 10. Supervisor Bibby pulled items 11 and 12. (M)Fritz, (S)Turpin, the balance of the items was approved/Ayes: Unanimous.

Consent agenda item 2 – Supervisor Turpin initiated discussion, and he asked for clarification of the date of the agreement; and he asked for clarification of the quarterly and semi-annual maintenance. The matter was continued to later this date for discussion with the Health Officer.

Consent agenda item 5 – (M)Stetson, (S)Turpin, item 5 was approved/Ayes: Unanimous.

Consent agenda item 8 – Supervisor Turpin noted Bill Shimer’s tenure on the Historic Sites and Records Preservation Commission. Chairman Pickard noted that Planning is working on recognition for his service.

Consent agenda item 10 – Supervisor Turpin initiated discussion relative to the take-home assignment of vehicles, and he noted that Keith Keenom has retired and Stacy Deutsch has filled the position. (M)Turpin, (S)Stetson, item 10 was approved with the correction/Ayes: Unanimous. Supervisor Pickard asked that the County Administrative Officer review the explanation for the take-home vehicle assignment for the Jail Commander.

Consent agenda item 11 – Supervisor Bibby asked for clarification of the email cost and whether there is a cap; asked about the review of guest history and analysis; she asked about the status of recommendations of the Technical Services Director and the County Administrative Officer on this request; and she asked whether funding needs to be transferred in the budget for this matter. Susan Crain, Tourism Coordinator, responded to the questions. Rich Inman, County Administrative Officer, noted that the Tourism Advisory Committee also recommends this contract, and he advised that there should be a budget action form for the transfer of funds. Chairman Pickard asked that the minutes of the Tourism Advisory Committee be included in future agenda items that come to the Board so the Board will be aware of the discussion and recommendation of the Committee. (M)Bibby, (S)Fritz, item 11 was approved, including the budget transfer for the contract; and with direction that there is a cap on the email cost/Ayes: Unanimous.

Consent agenda item 12 – Supervisor Bibby initiated discussion and asked for clarification of the term of the contract. Susan Crain, Tourism Coordinator, advised that the funding was pro-rated to coincide with the budget year. Supervisor Bibby asked about the budget breakdown and payment of the set-up costs. Rich Inman, County Administrative Officer, noted that the language in the exhibit needs to be consistent with the agreement. (M)Bibby, (S)Fritz, item 12 was approved, with the changes as discussed. Susan Crain advised that she will provide updates on this work. Ayes: Unanimous.

**12:57 p.m.** Lunch

**2:09 p.m.** Dana Hertfelder, Public Works Director;

**PUBLIC HEARING (Continued from November 15, 2005):** Authorize the Public Works Director to Reject the Bid for Operation of the Mixed Solid Waste (MSW) Compost Facility, Landfill, and Recycling Center; Authorize the County to Operate the MSW Composting Facility, Landfill, and Recycling Center; Approve the Solid Waste Disposal and Recycling Fee Rate Structure for all Mariposa County Solid Waste and Recycling Facilities as Proposed on the Fee Schedule

**BOARD ACTION:** Dana Hertfelder presented the staff report; and he advised that they are recommending that the annual permit fee be increased from \$162.75 to \$242.50 – this is the same percentage increase as used for the other rates. He responded to questions from the Board relative to the “extensive training” that is proposed for the compost facility; and whether Mariposa receives diversion credit for non-County residents using the landfill facility. Steve Engfer, PWD/Solid Waste and Recycling Manager, advised of the reporting system required by the State for the diversion credit. Supervisor Fritz thanked Public Works staff for their efforts with this project and for the changes at the landfill. Dana Hertfelder, Steve Engfer, and Carl Casey/PWD-Fiscal Officer, responded to additional

questions from the Board relative to the estimated number of employees it will take to staff the landfill and the compost facility; relative to cover materials and costs and whether there will be a savings; relative to inclusion of utility and leachate costs; equipment replacement and fixed assets; and relative to the General Plan update process and future growth projections in relation to the landfill.

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. Dana Hertfelder commented on efforts to keep the costs low, and he commended his staff for their work on improving the landfill. Board members further commended staff for their efforts. Rich Inman, County Administrative Officer, clarified that a statement was included in the bid documents that the County had the right to reject all bids. Chairman Pickard clarified that the National Park Service and Delaware North were notified of this hearing; and he asked for clarification of the effective date of the fee changes.

(M)Stetson, (S)Turpin, Res. 05-573 was adopted rejecting the bid for operation of the mixed solid waste compost facility, landfill, and recycling center/Ayes: Unanimous.

(M)Stetson, (S)Turpin, Res. 05-574 was adopted authorizing the County to operate the mixed solid waste compost facility, landfill, and recycling center effective this date; and approving the solid waste disposal and recycling fee rate structure for all Mariposa County solid waste and recycling facilities as proposed, including the annual permit fee of \$242.50, effective January 1, 2006/Ayes: Unanimous. The hearing was closed.

Dana thanked Larry Crump for his assistance, and he advised that he will be returning with an item for additional personnel to run the facility.

Chairman Pickard advised that an item will be brought to the Board relative to scheduling a dedication ceremony for the new compost facility.

#### **2:54 p.m. LAKE DON PEDRO COUNTY SERVICE AREA 1-M**

Dana Hertfelder, Public Works Director;

Adopt a Resolution of Intention to Form Assessment District No. 05-1 for the Wastewater Facilities Project for Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1

**BOARD ACTION:** Discussion was held with Dana Hertfelder relative to the formation of Assessment District No. 05-1. Carl Casey/PWD-Fiscal Officer, responded to questions relative to the estimated costs and debt service. Chairman Pickard called for input from the public and none was received.

(M)Turpin, (S)Fritz, Res. 05-575 was adopted – intention to form Assessment District No. 05-1 for the wastewater facilities project for Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1/Ayes: Unanimous.

Discussion and Possible Further Action Regarding the Local Emergency Due to the Flooding that Occurred throughout the County (County Counsel)

**BOARD ACTION:** It was noted that the County is still waiting for information from the State.

(M)Turpin, (S)Bibby, Res. 05-576 was adopted continuing the local emergency due to the flooding that occurred/Ayes: Unanimous.

Consent Agenda item 2 – Maintenance Agreement with Quinn Power Systems – (M)Turpin, (S)Stetson, item 2 was approved/Ayes: Unanimous.

Consent Agenda item 1 – continuance of emergency findings for the interim operation of the landfill – Tom Guarino, County Counsel, advised that based on today's action to appoint the Public Works Department to operate the landfill, that this item can be dropped from the agenda.

Discussion and Possible Action Regarding Canceling the December 27, 2005, and the January 3, 2006, Regularly Scheduled Board Meetings (Chairman Pickard)

**BOARD ACTION:** (M)Stetson, (S)Bibby, Res. 05-578 was adopted canceling the meetings for December 27<sup>th</sup> and January 3<sup>rd</sup>/Ayes: Unanimous.

Discussion and Direction to Staff Concerning the Selection of a Consultant for Capital Improvement Program and Impact Fee Ordinance Development (County Administrative Officer)

**BOARD ACTION:** Rich Inman, County Administrative Officer, initiated discussion and advised of recommendation to hire Daniel C. Smith and Associates. (M)Fritz, (S)Bibby, direction was given for presentations to be made by Daniel C. Smith and Associates and Pacific Municipal Consultants to the Board of Supervisors so that the Board and the public and staff would have an opportunity to become familiar with the firms. Supervisor Bibby asked that the staff that participated in the original interviews be present for the presentations to the Board. Chairman Pickard suggested that others be included, such as builders, etc. Supervisor Turpin asked that there be an opportunity for the Board members to meet individually with the consultants. Supervisors Bibby suggested that consideration be given to including the schools. Ayes: Unanimous.

Discussion and Direction to Staff Regarding the Appointment of Interim County Auditor (County Administrative Officer)

**BOARD ACTION:** Rich Inman, County Administrative Officer, initiated discussion, and he advised that two applications were received for the position. Supervisor Bibby asked for clarification of the residency requirements. Tom Guarino, County Counsel, advised that the appointee must have qualifications to hold the office, including residency if that is a requirement at the time of assuming office; and he noted that the applications are public information, so the personal information has been redacted. Discussion was held. (M)Turpin, (S)Stetson, the Board offered the position of County Auditor to Chris Ebie, and direction was given the County Administrative Officer/Personnel Director to bring back an answer of whether the offer is accepted. Supervisor Bibby clarified that the appointment is as a department head. Ayes: Unanimous.

**3:35 p.m.** Recess

**3:48 p.m.** Rich Inman, County Administrative Officer;

Presentation by Daniel J. Edelman Company; Approve a Contract with Daniel J. Edelman Company for Public Relation Services for \$53,000 and Authorize the Chairman of the Board of Supervisors to Sign the Contract

**BOARD ACTION:** Susan Crain, Tourism Coordinator, introduced Christine Pierson and Carrie Gleason of Daniel J. Edelman Company, and they gave a presentation. Susan commented on the services provided by the Company, and she advised that the Tourism Advisory Committee recommends the new contract. Discussion was held. (M)Fritz, (S)Stetson, Res. 05-579 was adopted approving the contract. Supervisor Bibby commented on the importance of retaining the Courthouse seal and of its importance to the County.

Input from the public was provided by the following:

Joan Gloor stated she feels the Edelman has been tremendously helpful, and she would like to see the contract continued.

Kevin Shelton agreed with Joan Gloor, and he stated he feels that we are moving in the right direction. He also stated he feels that we need to continue to market the summer season as there are still some vacant rooms.

Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 250 – In-Home Supportive Services (IHSS); Name of County Designated Representative: Jeff Green (County Administrative Officer);

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs Association (DSA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer);

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)  
**BOARD ACTION:** These closed sessions were not held.

**4:32 p.m.** CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure to Litigation of One (1) Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)  
**BOARD ACTION:** (M)Stetson, (S)Bibby, the closed session was held/Ayes: Unanimous.

Supervisor Stetson announced that on Monday, December 12, 2005, at 3:30 p.m., there will be an official opening of the wastewater treatment plant in Yosemite West, and he noted that the public is invited to attend.

**4:54 p.m.** Chairman Pickard announced that direction was given to staff as a result of the closed session.

**INFORMATION** – No action was necessary on the following:  
List of Contracts Entered by the County Administrative Officer for the Months of August, September, and October 2005 (County Administrative Officer)

**CONSENT AGENDA:**

- CA-1 Action to Continue Emergency Findings for the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director); No action was necessary.
- CA-2 Authorize the Health Officer to Sign a Maintenance Agreement for Emergency Electricity Generator with Quinn Power Systems in the Amount of \$1,730 (Health Officer); Res. 05-577
- CA-3 Approve an Amendment for Contract for Services with Dana Tafoya in an Amount Not to Exceed \$10,000 for Public Health Emergency Preparedness (Bio-Terrorism) and Authorize the Chairman of the Board of Supervisors to Sign the Amended Contract (Health Officer); Res. 05-559
- CA-4 Authorize the County Librarian to Accept Donated Baby Products In-Lieu of Payment of Library Fines for the Period of December 11 – 31, 2005 (County Librarian); Res. 05-560
- CA-5 Adopt a Resolution Approving the Statement of Votes Cast as Certified to the Secretary of State on November 28, 2005, and Declare Elected those Persons in Local Races as Set Out in the Statement (County Clerk/Registrar of Voters); Res. 05-569
- CA-6 Adopt a Resolution Appointing Brian Muller, Robert W. McKnight, and David Radanovich as Members to the Mariposa Public Utility Districts Board of Directors; and Appointing Charles Barry Green, Jack P. Hoover, and Karen Glendenning as Directors to the Yosemite Alpine Community Services District (County Clerk); Res. 05-561

- CA-7 Approve Budget Action Transferring Funds in the Technical Services Budget Unit from a Fixed Asset Line Item to Equipment Maintenance (\$5,000) (Technical Services Director); Res. 05-562
- CA-8 Accept the Resignation of William Shimer from the Historic Sites and Records Preservation Commission (Planning Director)
- CA-9 Approve Budget Action Transferring Funds within the Tobacco Settlement Fund for the Purchase of the Cross Match ID 500 Live Scan from the Appropriate Line Item (\$17,704) (County Administrative Officer); Res. 05-563
- CA-10 Approve the Assignment of County Vehicles and Take-Home Vehicles (County Administrative Officer); Res. 05-570, with a correction and direction to staff
- CA-11 Approve a Contract with Hospitality Management Associates for a Guest History Development Program for \$23,600 and Authorize the Chairman of the Board of Supervisors to Sign the Contract (County Administrative Officer); Res. 05-571, including the budget transfer for the contract; and with direction that there is a cap on the email cost
- CA-12 Approve a Contract with CVBTV for Website Development-Maintenance-Consultation Services for \$20,750 and Authorize the Chairman of the Board of Supervisors to Sign the Contract (County Administrative Officer); Res. 05-572, with changes as discussed
- CA-13 Approve a Personal Services Contract with Michael Habermann for Representing Mariposa County at the International Tourism Exchange in Berlin, Germany for \$1,839 and Authorize the Chairman of the Board of Supervisors to Sign the Contract (County Administrative Officer); Res. 05-564
- CA-14 Approve a Budget Action Transferring Funds Within the Tourism Budget Unit for Extra-Help Services (\$4,000) (County Administrative Officer); Res. 05-565
- CA-15 Authorize the Tourism Coordinator to Develop and Distribute a Request for Proposal (RFP) to Produce a Mariposa County Travel Guide for the Year 2006 (County Administrative Officer); Res. 05-566
- CA-16 Accept the Resignation of Patricia Moretti from the Alcohol and Drug Advisory Board (Human Services Director)
- CA-17 Appoint Gary King as a Member at Large to the Alcohol and Drug Advisory Board (Human Services Director)
- CA-18 Approve the By-Laws of the Alcohol and Drug Advisory Board as Amended September 21, 2005 (Human Services Director); Res. 05-567
- CA-19 Appoint Ronald Campbell PhD, Marilyn Corral, and Jeanette DeWorken to the Mental Health Board (Human Services Director)
- CA-20 Approve a New Lease Agreement with Kenneth and Lamerna Mari for Office Space for the Grand Jury and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Counsel); Res. 05-568

**4:55 p.m.** Adjournment in memory of Don Schlotthauer, Carmen Atkinson, Thomas E. “Ted” Halliday, III, Audrey Jean Reed, Charles A. “Frank” Maine, Dwight Andrew Bannon, and Mazie Katherine Carlon Woolstenhulme.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA

December 13, 2005



Time                      Description

**9:02 a.m.** Meeting Called to Order at the Mariposa County Government Center

Aaron Smith, Associated Student Body President for Mariposa County High School, led in the Pledge of Allegiance.

#### Introductions

Jackie Davis, Mariposa County School District;

Presentation of a Certificate of Appreciation by the Mariposa County Associated Student Body Officers  
**BOARD ACTION:** Jackie Davis was present with the Associated Student Body officers. Aaron Smith, Associated Student Body President, thanked the Board for its support of the community and the schools. Justin Mendonca, Student Athletic Director, thanked the Board for providing financial assistance for transportation. Lloyd Hobby, Athletic Director, commended the students and the Associated Student Body groups for their efforts and financial contributions for the athletic programs at the school. The Board was presented with a Certificate of Appreciation.

Gail Neal, Chief Probation Officer;

Approve a Certificate of Recognition Recognizing Deputy Chief Probation Officer Ryan Oliphant as Central Region Employee of the Year for 2005

**BOARD ACTION:** (M)Fritz, (S)Stetson, the Certificate of Recognition was presented to Ryan Oliphant/Ayes: Unanimous. Ryan introduced his wife Dawniele and their son, Brady; and he thanked the Board and the Chief Probation Officer and staff for support.

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 agenda item relative to distribution of the County geographical information system map layer, and he asked why the County would want to sell these maps. He stated he feels that the ranchers would be opposed as the information could be used by real estate agents to contact the ranchers to encourage sale of their property for development.

#### Board Information

Supervisor Fritz advised that the Merry Mountain Christmas Parade and programs were a success. She extended a special thanks to Sierra Telephone and Harry Baker for donating books for all of the children that attended the event.

Supervisor Stetson advised that there will be a community meeting in El Portal this evening at 7:30 p.m. He advised that he plans to attend the Emergency Medical Services Agency meeting at Lake Tulloch on Wednesday.

Supervisor Bibby commented on the Merry Mountain Christmas Parade and programs. She advised that she attended the 1<sup>st</sup> Five Commission meeting, along with County Counsel, on Monday; and that the Commission will be forwarding a recommendation for appointment to fill the vacancy. She advised that the Foreign Trade Zone Advisory Board will meet on Wednesday and she plans to participate via the telephone. She advised that the Mental Health Board is scheduled to meet on Thursday at the Government Center, and they will hold a public hearing on the Proposition 63 – mental health funds. On Friday, she plans to attend a joint meeting of the Mother Lode Job Training Agency and the Workforce Investment Group in Sonora.

Supervisor Turpin advised that he brought Bill Shimer and Ellen Fiske over to be Grand Marshals for the Merry Mountain Christmas Parade. He gave a report on the Agriculture and Natural Resources Committee meeting and other sessions that he attended at the CSAC Conference.

Supervisor Stetson advised that he went to Yosemite West on Monday, along with the County Administrative Officer and the Public Works Director, and Karen Dusek of the Mariposa Gazette, for the official opening of the wastewater treatment plant. They are hoping to be able to lift the building moratorium in the spring.

Supervisor Pickard advised that he attended the County Medical Services Program (CMSP) Governing Board meeting on Thursday in Sacramento, and he advised that further discussion was held relative to transitioning to a private carrier as a third party administrator of the program. He attended the California Invasive Weed Coalition meeting in Sacramento, and discussion was held relative to moving forward with legislation to provide funding for eradicating noxious weeds.

Approval of Consent Agenda (See end of minutes.)

**BOARD ACTION:** Supervisors Turpin and Bibby pulled items 1 and 12. (M)Stetson, (S)Turpin, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 1 – Grant application for update of the Mariposa-Yosemite Airport Master Plan. Discussion was held. Carl Casey/PWD-Fiscal Officer, responded to questions from the Board relative to the deadline for submitting the application. Tom Guarino, County Counsel, noted that a correction needs to be made on the formal resolution to reflect the Public Works Director versus Assistant Director. (M)Turpin, (S)Stetson, item 1 was approved/Ayes: Unanimous.

Consent Agenda item 12 – Transfer for the assessment engineering consultant services for the Don Pedro Wastewater Treatment Facility. Discussion was held. Carl Casey/PWD-Fiscal Officer, advised that once the Water Agency Advisory Board is re-established, they will request that the Water Agency reimburse the General Fund. Supervisor Bibby asked about repayment of the funds if the Proposition 218 assessment process is successful for this project; and she asked that language be included in the action that interest is included. Supervisor Pickard noted that interest is charged at the current rate that is earned on the County's investment pool. (M)Bibby, (S)Turpin, item 12 was approved, with direction as discussed/Ayes: Unanimous.

Rich Inman, County Administrative Officer;

Approve a Contract with Mariposa County Resource Conservation District for Grading Activities; Schedule a Public Hearing to Consider Adopting a Resolution Establishing a Grading Inspection Fee and Increasing the Fine for Grading Without a Permit

**BOARD ACTION:** Rich Inman initiated discussion. Jerry Progner, USDA Natural Resources Conservation Service, provided input on the inspection process and recommendation for the Board to consider establishing a grading inspection fee. Discussion was held relative to the process and the staff time that is required when grading is done without a permit. Supervisor Stetson suggested that consideration be given to enlarging the permit notice that is posted so that it is more visible. Supervisor Fritz asked about listing the issued permits on the web. John Davis, Building Director, stated he feels that the permit information could be posted on the web. Further discussion was held relative to the contract and changing the issuance of grading permits from Building to the Resource Conservation District and relative to the fees. Rich Inman recommended that the Board set a public hearing in mid-January to consider establishing a grading inspection fee and increasing the fine for grading without a permit; and approving the contract today to continue the services. Supervisor Bibby stated she feels we should look at covering the cost for multiple trips to a project site. Discussion was held relative to considering a much higher fine for grading without a permit, perhaps \$5,000.

Input from the public was provided by the following:

Ralph Mendershausen stated he appreciates the Board's consideration of the seriousness of this matter. He is concerned with how the County grows, and he feels that the regulations need to be enforced.

(M)Turpin, (S)Fritz, Res. 05-591 was adopted approving the contract with Mariposa County Resource Conservation District for grading activities/Ayes: Unanimous.

(M)Fritz, (S)Stetson, a public hearing was scheduled for January 24, 2006, at 2:00 p.m. to consider adopting a resolution establishing a grading inspection fee and increasing the fine for grading without a permit/Ayes: Unanimous.

Rich Inman, County Administrative Officer;  
Appoint Christopher Ebie as Auditor

**BOARD ACTION:** Rich Inman advised that Chris Ebie has accepted the position of Auditor. Chairman Pickard called for input from the public and none was received. (M)Stetson, (S)Fritz, Chris Ebie was appointed as County Auditor effective January 1, 2006. Supervisor Bibby clarified that this appointment is as elected County Auditor to fill the remainder of the current term. Tom Guarino, County Counsel, clarified that the motion should be to appoint Chris Ebie to the balance of the current term of County Auditor; and the motion was amended, agreeable with the maker and second, to include the clarification/Ayes: Unanimous.

Dr. Mosher, Health Officer;

Authorize the Chairman of the Board of Supervisors to Sign a Memorandum of Understanding (MOU) with Tuolumne County for Reciprocal Coverage of Health Officer Duties

**BOARD ACTION:** Dr. Mosher introduced Dr. Stuart Stolp, Health Officer of Tuolumne County. Dr. Stolp commented on the MOU and the benefits of being able to work together. Chairman Pickard called for input from the public and none was received. (M)Bibby, (S)Stetson, Res. 05-592 was adopted approving the MOU/Ayes: Unanimous.

Jim Middleton, Deputy Fire Chief, appeared on behalf of Blaine Shultz, Fire Chief;

Approve an Amendment to the Contract with the California Department of Forestry and Fire Protection (CDF) for Dispatch Services of Mercy Ambulance and County Fire by Increasing the Compensation Amount to \$125,679 and Authorize the Chairman of the Board of Supervisors to Sign the Amendment

**BOARD ACTION:** Discussion was held with Jim Middleton. Chairman Pickard called for input from the public and none was received. Gary Marshall, Chief of the Madera-Mariposa-Merced Ranger Unit for the Department of Forestry and Fire Protection, provided input on the charges for services and projections. (M)Bibby, (S)Fritz, Res. 05-593 was adopted approving the amendment to the contract/Ayes: Unanimous.

Rich Inman, County Administrative Officer;

Discussion and Direction to Staff Regarding Retaining Advocation as a Lobbyist for the County

**BOARD ACTION:** Supervisor Pickard introduced Wes Lujan of Advocation. Wes Lujan presented information on the history of Advocation and its staff; he commented on the status of legislative issues; and he reviewed what the firm can offer to the County. Discussion was held.

Input from the public was provided by the following:

John Croll stated he has no objections to the County obtaining professional lobbying services, but he questioned whether this is the only firm that was contacted to give a presentation and why. Supervisor Pickard advised that this was the only firm that was contacted and that was based on his experience in working with Wes Lujan. John Croll suggested that the Board look at issuing a request for proposals to review all of the firms to get the most "bang for our buck."

Further discussion was held. Supervisor Bibby asked whether there would be any conflicts with county versus city issues. (M)Fritz, (S)Stetson, direction was given for the County Administrative Officer to bring back a contract for a six-month period with Advocation; and that a report be given to the Board at the conclusion of the contract period. Supervisor Stetson asked about being able to measure performance. Ayes: Unanimous.

**11:03 a.m.** The Local Agency Formation Commission meeting was continued until after the following matter.

### **MARIPOSA COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY**

Rich Inman, County Administrative Officer;

Authorize the Implementation of Last, Best, and Final Offer with Service Employees International Union (SEIU) and the In-Home Supportive Services Public Authority

**BOARD ACTION:** Rich Inman advised of the recommended action.

Input from the public was provided by the following:

Annie Durazo, Service Employees International Union (SEIU) United Healthcare Workers West, representing the in-home health care workers in the County, advised that they are not happy with the County implementing the last, best and final offer. She does not feel that the Board is taking full advantage of the health benefits that are available for the workers. They had proposed that a State mediator be used in trying to reach what they feel would be a fair settlement; and she does not feel that this is a fair settlement. She noted that "Mr. Grinch" was present because the Board has taken Christmas away from the workers.

Ester Holme, health care worker, advised that her private care service pays between \$10 and \$12 an hour. The wages received as an in-home care worker do not cover their expenses and allow them to make a living wage.

Annie Durazo further commented on the contract and what Sutter County is providing its workers.

Lisa Brown, home care provider in Fresno, shared her experiences as a home-health care worker, including being uninsured and needing medical care. She urged the Board to reconsider the health and welfare of the providers to meet their basic health needs. Chairman Pickard advised that the Board has provided for that coverage with the implementation of the recommended action.

(M)Fritz, (S)Stetson, Res. 05-594 and IHSS Res. 05-2 were adopted implementing the last, best and final offer as recommended. Supervisor Bibby clarified that the State will not allow retroactive pay; and that action is necessary to get the process started. Supervisor Turpin clarified the health coverage option.

A lady from audience commented on the proposed increase and health care coverage.

Chairman Pickard noted that the County moved in the bargaining negotiations and the Union did not. Ayes: Unanimous.

A lady from the audience commented on the Board's previous action to retain a lobbyist, and stated she does not feel that the health care workers have been taken care of.

**11:30 a.m.** Recess

**11:49 a.m. LOCAL AGENCY FORMATION COMMISSION (LAFCo)** Meeting (Kris Schenk, Planning Director) (See Separate Minutes)

**12:20 p.m.** The Board reconvened and recessed for lunch; and Chairman Pickard announced that the Board would reconvene at 2:00 p.m.

**2:06 p.m.** Supervisor Fritz announced that during the lunch break that staff had a birthday celebration for Marie Jacobsen/Administration-Secretary for turning 50 and for herself for turning 55 during the month; and she thanked staff.

Kris Schenk, Planning Director;

Discussion and Direction to Staff Regarding the Appointment of One (1) New Member At-Large to Fill the Vacancy on the Agricultural Advisory Committee

**BOARD ACTION:** Discussion was held, and Kris Schenk advised that a resignation has been received from Blaine Sturtevant and that will create another vacancy. Chairman Pickard noted that the new vacancy will need to be posted in accordance with the Maddy Act before an appointment is made, and he advised that the current applicants could be considered for that vacancy if they wished.

Following discussion, (M)Turpin, (S)Fritz, Linda Meyer was appointed to the Agricultural Advisory Committee/Ayes: Unanimous.

Discussion and Possible Further Action Regarding the Local Emergency Due to the Flooding that Occurred throughout the County (County Counsel)

**BOARD ACTION:** Tom Guarino, County Counsel, stated it continues to be his recommendation that the local emergency be continued while completing the State application process. (M)Stetson, (S)Bibby, Res. 05-595 was adopted continuing the local emergency due to the flooding that occurred/Ayes: Unanimous.

Approve a Reorganization of the Public Works Department Effective January 1, 2006; Approve Corresponding Budget Actions to Accomplish the Reorganization (\$47,964) (4/5ths Vote) (County Administrative Officer)

**BOARD ACTION:** Discussion was held with Rich Inman, County Administrative Officer, relative to the recommendation. Dana Hertfelder, Public Works Director, provided input relative to the request. Supervisor Turpin asked about the blasting work that is listed in the job description for the Maintenance and Construction Supervisor. Dana advised that they contract for this work, and it was agreed that the reference in the job description would be deleted. Supervisor Bibby asked that the minimum qualifications and experience be defined better in the job descriptions; and Rich Inman agreed with clarifying this in the job descriptions. She asked that there be consistent wording in all of the job descriptions; and Rich Inman agreed. She also advised that she had noted spelling and spacing corrections that she will give to Personnel for correcting in the final documents. Dana noted that, even with the reorganization, they still need to evaluate the impact of taking over the operation of the landfill and the compost facility. (M)Bibby, (S)Turpin, Res. 05-596 was adopted approving the recommended actions, including approval of job descriptions with the suggested changes for the following positions: Public Works Administrator, Administrative Analyst – Public Works, Parks and Recreation Manager, Plant Operator Technician, Maintenance and Construction Supervisor, Senior Civil Engineer, Facilities Maintenance Manager, Maintenance Supervisor – Facilities, and Maintenance Worker III – Facilities/Ayes: Unanimous. Chairman Pickard thanked the County Administrative Officer/Personnel Director for his work on this matter.

### **2:32 p.m. YOSEMITE WEST MAINTENANCE DISTRICT**

Dana Hertfelder, Public Works Director;

**PUBLIC HEARING:** Review and Approval of Revised Fees for the Yosemite West Maintenance District

**BOARD ACTION:** Dana Hertfelder introduced the item. Carl Casey/PWD-Fiscal Officer, presented the staff report and he advised that by a 4-2 vote the Yosemite West Advisory Committee took action to support the revised fees. Staff responded to questions from the Board relative to the fluctuation in the utility costs; whether the Advisory Committee discussed efforts to encourage conservation of water; relative to replacement of the facility costs not being included in the fee structure; relative to the status of the amnesty program; as to when the water/sewer hook-up fee was established; request to obtain an annual update on variances in operation costs; future replacement of the storage tanks and lines and whether the tanks would be suitable for solar panels; average water usage; and as to what the insurance cost is based on. Carl advised of the email correspondence that received and entered into the record. 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 additional questions from the Board relative to the usage fee per gallon and the rates. (M)Stetson, (S)Bibby, Res. 05-597 and Yos. West Res. 05-1 were adopted approving the revised fees for the Yosemite West Maintenance District. Supervisor Stetson stated he feels that there needs to be more review of conservation measures. Ayes: Unanimous. The hearing was closed.

Adopt a Board of Supervisors and Elected Officials Expense and Ethics Policy (County Administrative Officer)

**BOARD ACTION:** Rich Inman, County Administrative Officer, initiated discussion. The policy is required by AB 1234 which was passed by the legislature in October. (M)Stetson, (S)Fritz, Res. 05-598 was adopted approving the policy/Ayes: Unanimous.

Adopt a Resolution Approving a Deferred Improvement Agreement for the South Shore Project and Authorizing the Chairman of the Board of Supervisors to Sign the Agreement (County Counsel)

**BOARD ACTION:** Tom Guarino, County Counsel, initiated discussion. Supervisor Bibby asked about the status of the boundary line with Tuolumne County, and was advised that it still needs to be completed. She asked about the status of the permit from the State for the septic system; and she asked that County Counsel monitor the bond amount. She also asked about including costs for vehicles, etc., with the cost for law enforcement. Dana Hertfelder, Public Works Director, provided input relative to approval from the State Water Board for the septic system; relative to the boundary line issue; and relative to the Deferred Improvement Agreement. (M)Stetson, (S)Turpin, Res. 05-599 was adopted approving the Deferred Improvement Agreement/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

**4:00 p.m.** Recess

**4:20 p.m.** Adopt a Resolution Requesting the President of the United States to Include Funding for the Federal Safety Net Payment (HR 517 and S 267) in the 2006-07 Federal Budget; Authorize the Chairman of the Board of Supervisors to Sign a Letter Supporting the Continuation of the Federal Safety Net Payments (Chairman Pickard)

**BOARD ACTION:** Chairman Pickard initiated discussion. (M)Stetson, (S)Fritz, Res. 05-600 was adopted approving the recommended actions. Supervisor Bibby advised that she will forward punctuation corrections to the County Administrative Officer. She also suggested that search and rescue be included in the list of projects that have been done, and it was agreed that this should be added. Ayes: Unanimous.

**INFORMATION:**

Rick Peresan, Technical Services Director;  
Distribution of the County Geographical Information System (GIS) Map Layer Per the Attorney General's Opinion

**BOARD ACTION:** Discussion was held with Rick Peresan and Bob Lowrimore, Assessor-Recorder, relative to the Attorney General's opinion on this matter, and the cost for distributing the data. Rick Peresan advised that he will bring more information back in the future on this matter.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 250 – In-Home Supportive Services (IHSS); Name of County Designated Representative: Jeff Green (County Administrative Officer)

**BOARD ACTION:** Rich Inman, County Administrative Officer, advised that this closed session was not necessary.

**4:36 p.m.** Supervisor Bibby excused herself from the following matters due to a potential conflict of interest as her spouse is employed by the Sheriff's Department.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs Association (DSA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

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

**4:38 p.m.** Supervisor Bibby returned.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

**BOARD ACTION:** (M)Fritz, (S)Bibby, the closed session was held with Sandi Laird/Administrative Analyst-Administration, present/Ayes: Unanimous.

**5:09 p.m.** Chairman Pickard announced that direction was given to staff as a result of the closed session matters.

**CONSENT AGENDA:**

- CA-1 Adopt a Resolution Authorizing the Public Works Director to Obtain Grant Funds of \$7,500 through the California Department of Transportation (Aeronautics) Program for Update of the Mariposa-Yosemite Airport Master Plan (Public Works Director); Res. 05-589
- CA-2 Approve an Amendment to the Professional Services Agreement with Freeman and Seaman Land Surveyors by Extending the Contract to June 30, 2006 (Public Works Director); Res. 05-580
- CA-3 Authorize the Replacement of Two Facilities Maintenance Division Service Trucks at a Cost of \$36,500 Each (Public Works Director); Res. 05-581
- CA-4 Approve Budget Action Transferring Money in the Inmate Welfare Fund for the Purchase of a Metal Detector at the Adult Detention Facility (\$5,102) (Sheriff); Res. 05-582
- CA-5 Approve the Library Closure Schedule for Holidays Occurring in Calendar Year 2006 and in January 2007 (Librarian); Res. 05-583
- CA-6 Approve the Revised By-Laws of the Commission on Aging (Community Services Director); Res. 05-584
- CA-7 Appoint Nancy Damm and Marilyn Coppola to the Mariposa County First 5 Commission (Chairman Pickard)
- CA-8 Adopt a Resolution Authorizing the Chief Probation Officer to Apply for Grant Funding of \$6,450 Through the National Highway Safety Act Administered by Office of Traffic Safety for the Mariposa County Enhanced Felony Drunk Driver Supervision Program (Chief Probation Officer); Res. 05-585
- CA-9 Approve a Professional Services Agreement with Sharon Robinson for Fiscal-Accounting Assistance and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 05-586
- CA-10 Approve an Amendment to a Contract for Services with EDAW for the Completion of the Camp Wawona Environmental Impact Report (EIR) by Increasing the Compensation Amount by \$17,000; Authorize the Chairman of the Board of Supervisors to Sign the Contract Amendment (Planning Director); Res. 05-587
- CA-11 Approve the Assignment of the Original Contract for Services and Amendment(s) with EDAW for Completion of the Camp Wawona Environmental Impact Report (EIR) to EDAW II; Authorize the Chairman of the Board of Supervisors to Sign the Assignment Agreement (Planning Director); Res. 05-588
- CA-12 Approve Budget Action Transferring Money from General Fund Contingency to the Don Pedro Wastewater Treatment Facility Capital Improvement Fund for

Assessment Engineering Consultant Services (\$65,000) (4/5ths Vote) (County Administrative Officer); Res. 05-590, with direction

**5:09 p.m.** Adjournment in memory of Ruby Leah Kuhn.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA

December 20, 2005



Time                      Description

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

Pledge of Allegiance

Introductions

Bob Pickard, Chairman and Dianne Fritz, Supervisor District IV;

Presentation by Master Gardeners Regarding Community Garden and Field of Dreams

**BOARD ACTION:** Karen Robb, Farm Advisor, gave a presentation on “Nyra’s” project idea to create a demonstration garden in the community that would serve as an example of research-based techniques specific to Mariposa County. She advised that they are asking the County to help with providing the land. Discussion was held relative to the request and the possibility of locating the project at the field of dreams. Supervisor Bibby asked whether they have discussed this project with Public Works, and suggested that the consultant for the field of dreams be involved as this may provide an opportunity for additional funding. The Board concurred with directing the County Administrative Officer to pursue this project with the Farm Advisor and with other affected department heads to bring a recommendation back to the Board.

**9:27 a.m.** Recess

**9:44 a.m. MARIPOSA PARKING DISTRICT**

Thomas Guarino, County Counsel;

Discussion, Direction, and Action Regarding Renewal and Extension of Leases

**BOARD ACTION:** Discussion was held with Tom Guarino, and he advised that all of the leases have been signed except for the walkway lease which is not essential to this project. He further advised that he is looking at retaining special counsel to coordinate the Proposition 218 process, and he will set up a meeting with the ad hoc committee. Chairman Pickard called for input from the public, and none was received. No action was necessary.

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda – there was no input.

Board Information

Supervisor Fritz wished everyone a very Merry Christmas and a happy New Year.

Supervisor Bibby reported on the Mental Health Board meeting, and she advised that there was no opposition to the Proposition 63 Plan during the public hearing. She provided a status report on the Mother Lode Job Training meeting she attended in Sonora on Friday.

Supervisor Turpin thanked the Board staff and constituents for their assistance over the past year and for working to get things accomplished. He advised of issues that were discussed at a Housing and Land Use committee meeting that he attended at the CSAC Conference. He also advised of an accident that occurred at Horseshoe Bend with a horse trailer that went over the bank. He complimented everyone that was involved in the rescue.

Supervisor Bibby thanked all of the staff and the communities and organizations for their support.

Supervisor Pickard advised that he attended the Regional Council of Rural Counties (RCRC) meeting the previous week, and he advised that AB 885 – septic tanks permits and testing, was discussed. On Thursday, he attended the Environmental Services Joint Powers Authority meeting and he was elected Chair of the group, and Steve Engfer/PWD-Solid Waste and Recycling Manager, is Chair of the Technical Advisory Group.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Turpin pulled items 2, 3, and 8. Supervisor Bibby pulled items 8 and 10. (M)Stetson, (S)Fritz, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 2 – amendment to Personal Services Agreement with RRM Design for the Regional Recreation Complex – Supervisor Turpin initiated discussion relative to the status of looking at alternative sites and this process. Dana Hertfelder, Public Works Director, advised that this is an extension of the existing contract; and he advised of other options that are being reviewed. Supervisor Bibby stated she wants to be sure that adequate parking is planned. (M)Turpin, (S)Bibby, item 2 was approved/Ayes: Unanimous.

Consent Agenda item 3 – amendment to contract with Custom Weed Control – Supervisor Turpin asked that the issue of controlling weeds on dirt roads be reviewed. Dana Hertfelder, Public Works Director, advised that they will review this issue as a part of their maintenance program. Supervisor Bibby asked that both sides of the road be sprayed in areas where the spraying occurs. Supervisor Pickard asked that a vegetation management program be reviewed to reduce spraying costs in the future. Supervisor Bibby complimented Public Works staff for dealing with all of the issues that have faced them this past year, and she thanked the public for their patience. (M)Turpin, (S)Bibby, item 3 was approved/Ayes: Unanimous.

Consent Agenda item 8 – resolution recognizing Dan Michael on his retirement – Supervisor Turpin commented on Dan’s services. (M)Turpin, (S)Bibby, item 8 was approved. Supervisor Bibby also commented on Dan’s forty years of service to the citizens. Blaine Shultz, Fire Chief, advised that a retirement party is scheduled for January 7<sup>th</sup>, and that he will share the Board’s comments. Ayes: Unanimous.

Consent Agenda item 10 – recognition for Ken Hawkins – Supervisor Bibby expressed her appreciation for his service to the County; and she wished him well in his retirement, and she wished the Auditor’s Office well for the future. (M)Bibby, (S)Fritz, item 10 was approved/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

Authorize the Allocation of Six (6) Maintenance Worker I/II Positions to the Solid Waste Budget Unit Effective January 1, 2006; Authorize the Public Works Director to Obtain Bids for a CAT 416D Skip Loader, a CAT 924G Loader, and five (5) 30-Yard Roll-Off Bins, or Equivalent and Purchase the Items from the Lowest Responsible Bidder(s); Waive the Formal Bid Process and Authorize the Public Works Director to Purchase a 1999 CAT D6 Bulldozer for \$103,660 from the Road Division and Retrofit the Bulldozer at a Cost Not to Exceed \$35,000; Approve Budget Action Increasing Revenue and Transferring Money from the Liner Replacement Fund to Allow the Public Works Department to Operate and Manage the Compost Facility, Landfill and Recycling Center (\$211,782) (4/5ths Vote)

**BOARD ACTION:** Discussion was held with Dana Hertfelder relative to the requests. Supervisor Bibby asked that the Board be provided with a status report; and she asked whether we receive a diversion credit when trash is taken from other counties. (M)Turpin, (S)Fritz, Res. 05-609 was adopted approving the recommended actions/Ayes: Unanimous.

Bob Pickard, Chairman;

Discussion and Direction to Staff Concerning Development of an Employee Appreciation Program for Years of Service

**BOARD ACTION:** Supervisor Pickard initiated discussion relative to consideration of establishing an employee recognition program for years of service, and he suggested that years of service pins could be presented. Supervisor Bibby asked for information on the costs and tracking; and she suggested that other options of recognition be considered such as vacation hours for each five years of service. Supervisor Fritz suggested that consideration be given to having an employee recognition month, with

recognition given each week to the different years of service groups. Supervisor Stetson suggested that the County Administrative Officer come back with a proposal, including costs and the mechanics of how this program would work. Discussion was held relative to other options, and the possibility of including a BBQ lunch. The Board concurred with directing the County Administrative Officer to bring back recommendations for the Board to consider.

Discussion and Possible Further Action Regarding the Local Emergency Due to the Flooding that Occurred throughout the County (County Counsel)

**BOARD ACTION:** Tom Guarino, County Counsel, advised that it is recommended that the Board continue the findings for the local emergency. (M)Fritz, (S)Stetson, Res. 05-610 was adopted continuing the local emergency due to the flooding that occurred/Ayes: Unanimous.

Adopt a Resolution Authorizing the Chairman to Sign a Memorandum of Understanding with First 5 Commission of Mariposa County to Allow First 5 to have Facilities Located on County Property (County Counsel)

**BOARD ACTION:** Discussion was held with Tom Guarino, County Counsel, relative to this matter. Supervisor Bibby commented on the need to thoroughly review boundaries when accepting land. (M)Bibby, (S)Fritz, Res. 05-611 was adopted approving the recommended action/Ayes: Unanimous.

#### **10:44 a.m. MARIPOSA COUNTY WATER AGENCY**

(Chair – Director Bibby, Vice Chair-Director – Turpin)

Discussion, Direction, and Action Regarding Retention of Counsel to Advise the County Regarding the Federal Energy Regulatory Commission (FERC) Licensing Process and the Agreement Between the Merced Irrigation District (MID) and the County of Mariposa Regarding Water Rights Dispute (County Counsel)

**AGENCY ACTION:** Chair Bibby called for public presentations, and none were received.

Discussion was held with Tom Guarino, County Counsel; and he requested that the Agency authorize him to negotiate and bring back a contract to retain Attorney Ed Tiedemann of Kronick, Moskovitz Law Firm. (M)Pickard, (S)Fritz, direction was given as requested/Ayes: Unanimous.

**10:48 a.m.** Discussion and Direction to Staff Regarding Planning Efforts for the Compost Facility Dedication Ceremony (Chairman Pickard)

**BOARD ACTION:** Chairman Pickard advised that this matter was scheduled as a joint item on behalf of Supervisor Turpin and himself. He advised that March 15, 2006 is the suggested date for the ceremony. (M)Fritz, (S)Turpin, direction was given for Supervisors Pickard and Turpin to work with staff on the dedication ceremony. Supervisor Bibby asked that consideration be given to keeping the costs down for the event, and that students be invited from the schools to participate since education is an important component of the project. Supervisor Stetson noted that we will want to make sure that the facility is up and running. Ayes: Unanimous.

**INFORMATION** – No action was necessary on the following:

Jacqueline Meriam, County Librarian;

Notification of the Winter Hours for the El Portal Library

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 250 – In-Home Supportive Services (IHSS); Name of County Designated Representative: Jeff Green (County Administrative Officer);

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs Association (DSA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer);

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)  
**BOARD ACTION:** The closed sessions were not held.

**CONSENT AGENDA:**

- CA-1 Adopt a Resolution Authorizing the Director of Public Works to Prepare and Submit a Claim Authorization Request Form to the California Department of Health Services for the Engineering, Design, and Construction of a Water Main from Mariposa Public Utilities District (MPUD) to the Mariposa County Public Works Department Facility Located at 4639 Ben Hur Road (Public Works Director); Res. 05-601
- CA-2 Approve an Amendment to the Professional Services Agreement with RRM Design for Master Plan Services for the Regional Recreation Complex by Extending the Agreement to June 30, 2006; Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Public Works Director); Res. 05-606, with discussion
- CA-3 Approve an Amendment to the Contract for Services with Custom Weed Control Enterprises for Annual Roadside Herbicide Spraying and Roadside Pre-Emergent Spraying by Extending the Agreement to June 30, 2006; Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Public Works Director); Res. 05-607, with discussion
- CA-4 Adopt the System Support Analyst and Information Systems Analyst I/II Job Descriptions Prepared by Merit System Services (MSS) and Approve the Use of the Job Title of System Support Analyst and Network Administrator Respectively for County Purposes Effective Immediately (County Administrative Officer); Res. 05-602
- CA-5 Allocate a Deputy Agricultural Commissioner/Sealer Position at Salary Range 259.5 (\$3,439-\$4,181) to the Agricultural Commissioner Department and Eliminate the Senior Agricultural Commissioner/Sealer Position Effective Immediately (County Administrative Officer); Res. 05-603
- CA-6 Approve Certificates of Recognitions to the Mariposa County Chamber of Commerce 2005 Businessman, Businesswoman, and Business of the Year (County Administrative Officer)
- CA-7 Appoint Pamela Cornell to the Tourism Advisory Council to Fill the Vacancy for the Category – Board Representative – District V (County Administrative Officer)
- CA-8 Adopt a Resolution Recognizing Dan Michael on his Retirement as Deputy Chief from the Mariposa Public Utility District (MPUD) Fire Department (County Fire Chief); Res. 05-608
- CA-9 Approve Budget Action Transferring Money within the Behavioral Health, Human Services Administration Budget Units, and the Mental Services Act Proposition 63 Fund to Pay for Building Maintenance Costs from the Appropriate Account (\$6,559) (Human Services Director); Res. 05-604

- CA-10 Approve a Certificate of Recognition and Appreciation, and Tile Plaque to Ken Hawkins for His Dedicated and Outstanding Service to Mariposa County as Auditor (Chairman Pickard)
- CA-11 Approve a Certificate of Recognition and Appreciation to Gary Ingram, Congressional and Community Liaison with Yosemite National Park (Chairman Pickard and Supervisor Stetson)
- CA-12 Direction to Staff Regarding the Mariposa County Fire Safe Council's Proposal for the Use of Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) Funds (County Administrative Officer); Res. 05-605

**10:53 a.m.** Adjournment in memory of Constance "Connie" Bourne Rothell, Dr. Albert E. Burns, and Jane Geneva Johnston.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board