



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

April 5, 2005



Time Description

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

Pledge of Allegiance

Rich Inman, County Administrative Officer

A) Discussion and Direction Relative to a Request Received from Mariposa Historical District Merchants Group Concerning the Current Status and Term of the Mariposa County Parking District
BOARD ACTION: Rich Inman advised that this was placed on the agenda at the request of Dick Hutchinson. Dick Hutchinson, Acting Chairperson for the Mariposa Historical District Merchants Group, provided information on the history of the Parking District and the status of the existing parking lots. He requested that the Board take immediate action to resolve the Parking District issues, as the remaining leases for the parking lots are set to expire on January 1, 2006.

Chairman Pickard advised of previous discussions that have been held on the parking lot issues. Tom Guarino, County Counsel, provided input on his review of the issues and the files for the District. He noted that the current leases are set to expire on December 31, 2005; however, the District remains in existence, but there will be no land associated with it. The land will revert back to the landowners, and the County will not have the responsibility for liability for the lots. He noted that as businesses are developed, they will be required to meet the County Code requirements for parking. Thus, the burden for supplying parking, as well as providing liability, shifts to the businesses. Tom further noted that the files contain copies of letters that were sent to property owners in 2002 relative to these issues, and some analysis that was done relative to costs and expenses. Supervisor Bibby suggested that a task force be created to work with County Counsel to discuss these issues with the property owners and to work on a resolution – perhaps entering into another long-term lease for the parking lots and looking into ways that the District can become self-sufficient. Supervisor Pickard stated he feels that the parking lots need to remain for use as parking lots. Dick Hutchinson asked about selecting task force members. Discussion was held relative to using the existing Mariposa Town Transportation and Parking Committee and other options.

The Board concurred with Supervisors Bibby and Fritz working with staff, including Public Works and Planning, to bring back a recommendation on whether the Mariposa Town Transportation and Parking Committee should be activated or whether a separate task force should be created to work on these issues, including working with the property owners. Dick Hutchinson noted the importance of communication with the property owners on these issues.

Input from the public was provided by the following:

Bill Evans stated he lives in the “Ruth Womack” house, and he does not want to be involved in this.

Cameron Burley stated he believes that the Methodist Church owns the entrance to the parking lot, and he would like to see the lot continued.

Tom Guarino asked the property owners that were present to leave their names and addresses at the office for future contact.

Miriam Costello stated the parking lots are important to the individual retail businesses. She also noted that the businesses bring a lot of tourists to the community, and if there is no parking, they will need to close their doors.

Supervisor Bibby commented on the Mariposa Task Force’s work on this matter and their recommendations.

Roseanne Burley stated that because she is handicapped, she finds that there are only a few spots that are accessible, except behind the Methodist Church. She asked about the status of the parking lot behind the Chevron station, and was advised that the lease expired, but the land is still in the Parking District area.

B) Discussion and Direction Concerning Downtown Signage Design and Color Scheme
BOARD ACTION: Rich Inman advised of a meeting that was held with the downtown merchants to discuss signage. Sample signs were presented (yellow background, with blue lettering and a butterfly logo), and he asked for the Board's direction to pursue the color scheme and design for the signs that would provide direction to parking, historical points of interest, and other facilities. He noted that information has been received that CalTrans will not allow the yellow color within their easements as it signifies a warning.

Dick Hutchinson advised that the Tourism Coordinator is trying to set up a meeting for Friday with CalTrans representatives for this area to discuss this matter. He also noted that brown is the color used for historic signs. He also advised of a pending request for signs for Coulterville.

Discussion was held. Supervisor Fritz commented on the work done by the Mariposa Task Force on this matter, and the consideration of a buff color. She suggested that an ad hoc committee work on this issue. Supervisor Bibby also commented on the Task Force's work on this matter. Supervisor Pickard noted that this is the type of issue that would be appropriate for a town planning advisory committee.

The Board concurred with Supervisors Bibby and Fritz and the County Administrative Officer working with staff to bring back a recommendation for the color scheme. Supervisor Bibby asked about funding issues for the signs and replacement, and whether the County would have protected rights to use the design and color scheme. Chairman Pickard suggested that these issues also be reviewed and recommendations brought back.

Bob Shockley stated he feels that there may be other variations of the yellow color that could be used.

Supervisor Turpin stated he would like to see Public Works involved in this matter because of their sign shop.

Introductions

Cathi Boze, Agricultural Commissioner, introduced Karen Robb, the new County Director/Farm Advisor. Karen stated she is looking forward to working here.

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

Board Information

Supervisor Fritz advised that the Soroptimist' annual Gold Rush dinner/dance event was a success.

Supervisor Bibby advised that she is planning to attend the Mental Health Board meeting at noon today.

Supervisor Turpin advised that last Friday he took part in the "Experience Yosemite" tour. He noted the discussion of the issue of management of the natural resources and advised that he will try to schedule a presentation for the Board.

Supervisor Bibby advised that County Counsel will give a presentation today to the Mental Health Board of on the Brown Act and committee requirements.

Supervisor Pickard advised of the tour of the storm damaged areas on Wednesday with staff from Senator Poochigian, Assemblyman Cogdill, and the Governor's offices, along with the Deputy Fire Chief and the Public Works Director. He advised that the Disaster Team from the Office of Emergency Services was here on Monday doing survey work. He further advised that a tour has been scheduled on the agenda for later this date.

Supervisor Bibby advised that several meetings have been held with OES and she suggested that the Fire Chief and Public Works Director return with an updated report on the damages.

Supervisor Turpin advised that the Greeley Hill Community Club's breakfast was a great success, and that Sheriff Allen swore in a new resident deputy for the North County.

Approval of Minutes 3-08-05, Regular Meeting

BOARD ACTION: (M)Turpin, (S)Bibby, the minutes were approved, as corrected/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Rich Inman, County Administrative Officer, pulled item 7 to be continued. Supervisor Bibby pulled items 5 and 14. Supervisor Turpin pulled items 3, 4, 16 and 24. Supervisor Fritz pulled item 3. (M)Stetson, (S)Fritz, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 3 – Supervisor Turpin initiated discussion relative to future improvements with the completion of the compost facility. Carl Casey/PWD-Fiscal Officer, advised that the compost project includes paving to the facility. Supervisor Fritz advised that Mariposa Flagstone Company has offered some slate base to the County, and she will provide the information to Public Works.

(M)Turpin, (S)Fritz, item 3 was approved, with the understanding that this is a not to exceed amount and that the offer of slate base will be pursued/Ayes: Unanimous.

Consent Agenda item 4 – Supervisor Turpin initiated discussion relative to the request. Carl Casey responded to questions relative to the original contract amount. Supervisor Bibby advised of a correction to the contract relative to the date of completion and the compensation. Tom Guarino, County Counsel, advised that the two paragraphs are reversed in this item and in Consent Agenda item 5. (M)Bibby, (S)Stetson, item 4 was approved, with direction for the correction to the contract to be made/Ayes: Unanimous.

Consent Agenda item 5 – Supervisor Bibby advised of the correction that needs to be made in this contract relative to the date of completion and the compensation. (M)Bibby, (S)Stetson, item 5 was approved, with direction for the correction to the contract to be made/Ayes: Unanimous.

Consent Agenda item 14 – Supervisor Bibby noted what an outstanding staff member Chris Ebie has been to the County, and she noted that his assistance, expertise, and work ethic as Assistant Auditor will be greatly missed. She asked that the record reflect how much his services were valued. Chairman Pickard and the other Board members agreed and gave a round of applause. (M)Bibby, (S)Fritz, item 14 was approved/Ayes: Unanimous.

Consent Agenda item 16 – Supervisor Turpin initiated discussion relative to the program. Jim Allen, Sheriff, responded to questions relative to the budget and services provided by the program. (M)Turpin, (S)Stetson, item 16 was approved/Ayes: Unanimous.

Consent Agenda item 24 – Supervisor Turpin asked about the mileage reimbursement rate. Cathi Boze, Agricultural Commissioner, advised that they will only reimburse for mileage using the State's rate. It was also noted that the term of the contract is for three seasons. Tom Guarino noted that his name should be removed as the contact for the County from the Personal Services Agreement. Chairman Pickard noted that copies of the "Field Guide to Invasive Non-Native Weeds of Mariposa, Madera, and Fresno Counties" were provided to the Board members. Cathi encouraged people to use the guides to identify invasive weeds. Discussion was held. Supervisor Turpin noted that the Iberian Starthistle has been located on his property, and he excused himself from participating in this item. (M)Fritz, (S)Bibby, item 24 was approved, with the change in the Personal Services Agreement to remove County Counsel as the contact/Ayes: Stetson, Bibby, Fritz, Pickard; Excused: Turpin.

Discussion and Direction Relative to a Request Received from Madera County Board of Supervisors for Support of AB 183 (Cogdill) which would Authorize the Creation of a Correctional Conservation Camp within one of the two Female Prisons Located in Madera County (Chairman Pickard)

BOARD ACTION: Supervisor Pickard initiated discussion relative to the legislation and its status. Supervisor Bibby asked for input from CDF relative to their position on this legislation. She noted support for fire suppression programs and that it is a good use of the inmate personnel; however, she wants to be sure that new funding will be found for this Camp so that it doesn't impact existing facilities. Gary Marshall, CDF Unit Chief for Madera-Mariposa, advised that the Department currently has taken a neutral stand on this legislation because of the funding status. Supervisor Bibby asked that CDF keep the Board informed of its position on this matter. (M)Turpin, (S)Stetson, Res. 05-130 was adopted supporting AB 183, with the stipulation that new funding be used for this Camp. It was requested that the County Administrative Officer prepare the letter of support. 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 that this item was placed on the agenda to meet statutory requirements that the Board continues to observe the emergency until it is concluded. However, at this time, there is no action required. Supervisor Bibby noted that the damages continue as the ground is saturated and the pavement is coming apart and springs continue to surface.

10:40 a.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer); and
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535; Name of County Designated Representative: Rich Inman (County Administrative Officer)

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

10:48 a.m. Recess

11:05 a.m. Rich Inman, County Administrative Officer;

PUBLIC HEARING Relative to the Development and Submission of a Planning and Technical Assistance Grant (PTA) Application to the State Community Development Block Grant (CDBG) Program for the Purpose of Retaining a Consultant to Develop an Economic Development Strategy for Mariposa County

BOARD ACTION: Rich Inman advised of the CDBG program and the possible elimination of this funding in the future. Marilyn Lidyoff, Administration/Business Development Coordinator, presented the staff report. She explained that the purpose of the public hearing is to receive public input from the Board and citizens on a possible grant application to be submitted for the purpose of retaining a consultant to develop an economic development strategy for the County. She gave an overview of the funding source and distribution for the grant program; a review of the grant she would like to apply for; and she reviewed the process. Staff responded to questions from the Board relative to the timeframes for processing the grant application and the availability of grant funds for the next fiscal year; whether the grant and County match would be sufficient for a consultant to assemble a development strategy plan; as to why application is not being made for grant funds for the other components that were mentioned, such as the low income housing and GIS, etc.; whether there are obligations as a follow-up to this study; relative to review of a previous study; and relative to clarification of the County's match and the cost of the program.

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

Dick Hutchinson stated he feels this application is a stepping stone to future grants that will be of great assistance to the merchants and businesses in the County. He feels that building a portfolio of grants and what has been accomplished will assist with getting future grants. He supports this application.

The public portion of the hearing was closed and the Board commenced with deliberations. Discussion was held. Supervisor Pickard referred to a previous report that recommended that the Board adopt a strategy, and he noted that the General Plan contains an Economic Development Element, and hopefully a subsequent strategy. Rich Inman noted that this is a countywide plan. Supervisor Bibby expressed concern with the number of pending projects in the County and the long-term commitment with this project. Staff responded to questions from the Board relative to the funding source for the County match. Supervisor Turpin asked what it would take to keep this updated. Chairman Pickard suggested that the County Administrative Officer send a letter to support retaining the CDBG program. (M)Fritz, (S)Stetson, Res. 05-131 was adopted approving the submission of the grant application/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby. The hearing was closed.

Kris Schenk, Planning Director;

PUBLIC HEARING Relative to Appeal No. 2005-18, an Appeal of Conditions of Planning Director Approval of Historic Design Review Application No. 2004-183; Scott and Magnum Godfrey, Appellants; Project Site is Located at 5006 Main Street in Coulterville, APN 002-050-044

BOARD ACTION: Chairman Pickard noted that this hearing is continued to April 19, 2005, at 10:30 a.m., at the request of the applicant.

Chairman Pickard advised of the addendum to the agenda for a tour of the storm damaged areas at 2:30 p.m. He advised that the public and the Board members are invited to participate in the tour, and that the Board will reconvene at the Government Center following the tour.

Chairman Pickard announced that direction was given to staff as a result of the two closed session matters held earlier this date.

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

BOARD ACTION: This matter was continued to April 19, 2005.

11:38 a.m. **CLOSED SESSION:** Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure to Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers' Compensation Case (County Administrative Officer)

BOARD ACTION: (M)Bibby, (S)Fritz, the closed session was held with Sandi Laird/Administration-Administrative Analyst, to be present/Ayes: Unanimous. Chairman Pickard noted that the Board will recess following the closed session until the tour at 2:30 p.m.

11:54 a.m. – Lunch

2:30 p.m. The Board recessed to allow for a tour of the storm damaged areas in Hunters Valley, Bear Valley, and the Hornitos area by Board members and interested members of the public. No County business, deliberation or action was conducted during the tour. Supervisor Stetson was excused for the rest of the meeting, and Supervisor Pickard did not participate in the tour.

4:56 p.m. The Board reconvened at the Government Center, Board Chambers, with Supervisor Stetson excused.

Chairman Pickard advised that direction was given to staff as a result of the earlier closed session relative to a workers' compensation case.

Discussion was held relative to the tour of the storm damaged areas. Supervisor Bibby noted that it was amazing to see the progress and work done by staff since the incident. Supervisor Turpin commented on the need to plan for long-term repairs. No action was taken.

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. 05-112
- CA-2 Approve Budget Action Transferring Funds within the Yosemite West Maintenance District Budget to Allow for the Purchase of a Water Treatment System to Balance the pH Level of the Water (\$3,000) (Public Works Director); Res. 05-113
- CA-3 Approve Budget Action Transferring Funds within the Solid Waste Budget from Professional Services to Materials to Cover the Cost of Rock and Slate Base to Place on Dirt Roads at the Landfill (\$12,000) (Public Works Director); Res. 05-124, with direction to staff
- CA-4 Adopt a Resolution Approving Second Amendment to the Contract with American Geological, Increasing the Contract Amount by \$5,000 for Quarterly Ground Water Monitoring and Reporting for Mariposa/Yosemite Airport and

Authorize the Chairman of the Board of Supervisors to Sign the Contract (Public Works Director); Res. 05-125, with the correction to the contract

- CA-5 Adopt a Resolution Approving Second Amendment to the Contract with Michael Skenfield, Extending the Contract Term to June 30, 2005 and Authorizing the Chairman of the Board of Supervisors to Sign the Contract (Public Works Director); Res. 05-126, with the correction to the contract
- CA-6 Adopt a Resolution Approving First Amendment to the Contract with Kennedy-Jenks Consultants for Engineering Services for the Lake Don Pedro Wastewater Treatment Facility, by Extending the Termination Date Until December 31, 2005 and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Public Works Director); Res. 05-114
- CA-7 Approve the Amended Job Descriptions for the Lifeguard I/II/III, Recreation Aide I/II/III, Senior Recreation Leader, and Water Safety Instructor (County Administrative Officer); Matter was pulled to be continued.
- CA-8 Authorize the Chairman of the Board of Supervisors to Sign an Order of the Board to Reject Claim No. C05-3 in the Amount of \$495.05 (County Administrative Officer); Res. 05-115
- CA-9 Accept the Resignation of Susan T. Crain from the Mariposa County Planning Commission, Representing District V, Effective April 18, 2005 (Chairman Pickard)
- CA-10 Authorize the Chairman of the Board of Supervisors to Sign a Letter Congratulating The Yosemite Fund on Their Completion of the Restoration of the Yosemite Falls Area in Yosemite National Park (Supervisors Stetson and Bibby); Res. 05-116
- CA-11 Reappoint George Heiss to the Mariposa County Assessment Appeals Board, Representing Supervisorial District I (Supervisor Stetson)
- CA-12 Re-Appoint Florence Egger, Ollie Slane and Robert Jobe to the Coulterville Town Planning Advisory Committee for a Term that Expires February 28, 2007 (Supervisor Turpin)
- CA-13 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Future Indemnification Agreements (County Counsel); Res. 05-117
- CA-14 Adopt a Resolution Recognizing Christopher Ebie for his Seventeen Years of Service to Mariposa County as Assistant Auditor (Auditor); Res. 05-127, with comments of commendation
- CA-15 Waive the Three Bid Requirement on Purchases Over \$3,000 and Authorize the Purchase of a Workgroup Server for the Mariposa County Fire Department from the Technical Services Fixed Asset Line in an Amount Not-to-Exceed \$5,200 (Technical Services Director); Res. 05-118
- CA-16 Adopt a Resolution Approving a Contract between the California Department of Boating and Waterways and the Sheriff's Department to Participate in the Boating Safety and Enforcement Financial Aid Program for Fiscal Year 2005 - 2006 and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Sheriff); Res. 05-128
- CA-17 Approve Budget Action Transferring Funds from Mental Health to Alcohol & Drug to Cover Unanticipated Increase in Vehicle Costs (\$6,000) and Authorize

Fleet Services to Sell Aging Behavioral Health & Recovery Services Vehicles at Auction (Human Services Director); Res. 05-119

- CA-18 Approve Second Amendment to a Lease with Coastal Development Company, Increasing the Available Office Space at 5037 Stroming Road for Behavioral Health Programs and Increasing the Contract Amount by \$3,688.50 per month (Human Services Director); Res. 05-120
- CA-19 Approve Agreement between Madera County Juvenile Detention Facility and Mariposa County Probation Department Providing Appropriate Facilities to House Wards or Detainees of the Juvenile Court (Chief Probation Officer); Res. 05-121
- CA-20 Appoint Father Steve Bulfer, Joseph Riccomini, Lisa Petretti, Josh Flores, Amber Laughlin, John Phillips, Gary King, and Steve Delk to the Juvenile Justice Coordinating Council (JJCC) (Chief Probation Officer)
- CA-21 Approve Budget Action; Approve Transferring Funding of a Deputy District Attorney III at 40% Funding from the District Attorney Criminal Division General Fund to the Statutory Rape Vertical Prosecution Program from April 1, 2005 to June 30, 2005 (\$6,731) (District Attorney); Res. 05-122
- CA-22 Appoint Douglas Shaw, Terry Dykes, Kathy Lozares, Joan Gloor, Don Pitts, Dorothy Kuhnel, Katherine Long, Donna Brownell, Debbie Bryson-Mustapick, and Kevin Shelton to the Tourism and Advisory Council (Tourism Coordinator)
- CA-23 Adopt a Resolution Authorizing the Mariposa County Agricultural Commissioner to Sign the Memorandum of Understanding with the Sierra-San Joaquin Noxious Weed Alliance (Fresno, Madera, Mariposa Counties Weed Management Area (Agricultural Commissioner); Res. 05-123
- CA-24 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Contract 04-0837 with the California Department of Food and Agriculture (CDFA) for the United States Forest Service (USFS) 2005 Mariposa County Noxious Weed Proposal – Iberian Starthistle Eradication Project – Piney Creek Area and Authorize the Chairman of the Board of Supervisors to Sign Professional Service Agreements with John Hardaway and Custom Weed Control after Approval of County Counsel (Agricultural Commissioner); Res. 05-129, with a change in the Personal Services Agreement

4:58 p.m. Adjournment in memory of Herbert Otto “Hap” Pribbernow, George Roosevelt Cromell, Myrna Louise Countz, Mildred Parrish, Alice Mary Miller, Walter K. Bunt, and Paul W. Beard.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

April 19, 2005



Time Description

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

Pledge of Allegiance

Bob Pickard, Chairman;

Proclaim the Week of April 18th through 24th, 2005, as Mariposa Clean and Proud

BOARD ACTION: (M)Bibby, (S)Stetson, the Proclamation was approved and presented to Larry and Chris Todd and Sheriff Jim Allen/Ayes: Unanimous. Chairman Pickard thanked the Sheriff's Department for their assistance with this program, along with Norm Murrell and Chris Todd for coming up with the roadside clean-up program, and Supervisor Bibby for her assistance with this program. Chris Todd thanked the Sheriff's Department for assistance with traffic control, and the Board of Supervisors for support, and she also noted that this is a countywide event and there is a program in the North County.

Introductions

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

Marjorie Wass, County Clerk, advised of the status of contract negotiations with Sequoia Voting Systems for the touch screen voting system. She also advised that she is trying to get the County included in a pilot project that would be created with AB 867 for an all mail ballot election. She advised that she will keep the Board informed of the status of this program.

Board Information

Supervisor Fritz advised that she had a great family reunion the previous week. She also noted that there is a Grand Opening this Friday for the Just Threads Clothing; however, she will be unable to attend and asked if someone else from the Board would be able to attend. She plans to attend the San Joaquin Valley Regional Association of California Counties (SJVRACC) conference.

Supervisor Stetson advised that the Yosemite West Advisory Committee will meet on next Monday at 9:00 a.m. at the Community Center in Wawona. He also advised that the dedication of the Lower Yosemite Falls project was well attended on Monday.

Supervisor Bibby advised that she plans to attend the SJVRACC conference on Thursday. She noted that Wednesday is "Denim Day" in Merced and Mariposa County will recognize "Denim Day" on April 27th.

Supervisor Turpin commented on the "Mariposa Clean and Proud" activities, and he noted that the Sultry Summer Committee and the Coulterville Fire Brigade and the youth in Greeley Hill assist with this program. He also suggested that the Board may wish to consider further recognition; i.e., road signs. Supervisor Turpin advised that there is an opportunity for a grant for the waste water treatment plant in Don Pedro; however, a survey of the area is being done to satisfy the grant requirements; and he presented information.

Supervisor Pickard advised that he plans to attend the SJVRACC conference. He also advised that he and the County Administrative Officer plan to meet with Kaiser Permanente on Wednesday to continue efforts to obtain an expansion of their health care coverage throughout the County.

Kris Schenk, Planning Director;

Adopt a Resolution Denying Appeal No. 2005-18 and Upholding All Findings and Conditions of the Planning Director's Approval for Design Review Application No. 2004-183; Scott and Magnum Godfrey, Applicant and Appellant for Project Site Located at 5006 Main Street in Coulterville, APN 002-050-044

BOARD ACTION: Chairman Pickard advised that the applicant/appellant has withdrawn the appeal. Supervisor Turpin thanked the Planning staff for their hard work and time taken to resolve the appeal.

Approval of Minutes 3-15-05, Regular Meeting;

Approval of Minutes 3-22-05, Regular Meeting;

Approval of Minutes 3-29-05, Special Meeting; and

Approval of Minutes 4-5-05, Regular Meeting

BOARD ACTION: (M)Fritz, (S)Stetson, the minutes were approved. Supervisor Turpin asked that a correction be made to the spelling of Deane Swickard's name; and he asked that "North County" be used in place of "Northside." The corrections were made to the minutes, accordingly. Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Stetson pulled items 2 and 17. Chairman Pickard advised that the folder material for item 15 was inadvertently placed in the package with item 14; and he noted a correction to the Agenda Action Form for item 14 to reflect a budget action request of \$5,250. Supervisor Bibby pulled items 4, 5, and 8. Supervisor Turpin pulled items 2, 3, 6, and 13. (M)Bibby, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 2 – Supervisor Stetson asked whether additional software would be needed. Dana Hertfelder, Public Works Director, advised that the budget action request includes all of the anticipated expenses for the computers. (M)Fritz, (S)Turpin, item 2 was approved/Ayes: Unanimous.

Consent Agenda item 3 – Supervisor Turpin asked about the types of projects that the dollars could be used for. Dana Hertfelder and Matt Fell/Transportation Planner, responded to the questions. (M)Turpin, (S)Stetson, item 3 was approved/Ayes: Unanimous.

Consent Agenda item 4 – Supervisor Bibby asked how much longer the services will be needed under the Personal Services Agreement for this project. Dana Hertfelder advised of the status of the process of the project and the Proposition 218 process. Supervisor Bibby asked that staff research the repayment of funds that have been incurred for this project if the Proposition 218 process is not successful. Chairman Pickard clarified that the intent is that the County funding is considered a loan for this project and the Proposition 218 process needs to be proceeded with. He also recognized Fred Solomon's efforts on this project and many others in the County. (M)Stetson, (S)Turpin, item 4 was approved/Ayes: Unanimous.

Consent Agenda item 5 – Supervisor Bibby initiated discussion relative to the request for additional travel funding for the Business Development Coordinator position. Rich Inman, County Administrative Officer, responded to the questions and advised that this will be further reviewed in the budget process for next fiscal year. Supervisor Bibby asked about the status of budget for the Sesquicentennial program. Rich Inman advised that he will bring a report to the Board. (M)Bibby, (S)Turpin, item 5 was approved. Chairman Pickard stated he feels there should be a discussion as to whether the line item for the Sesquicentennial program should remain in the next budget. Ayes: Unanimous.

Consent Agenda item 6 – Supervisor Turpin initiated discussion relative to the grant agreement and the need for a dump truck. He suggested that the dollars might be better used for the program itself. Rich Inman advised that he will review this issue. (M)Turpin, (S)Stetson, item 6 was approved, with direction for the County Administrative Officer to review the portion relative to the use of a dump truck for the program/Ayes: Unanimous.

Consent Agenda item 8 – Supervisor Bibby initiated discussion relative to the review of job descriptions for substitution of experience for education, and she asked whether the consultant is receiving the changes being made for consideration with the parity study. Rich Inman advised that this would be forwarded to the consultant if the Board approves it, as well as the previous changes. Supervisor Bibby asked for clarification of the flex I/II wording in the job description and noted a punctuation correction in the job description. (M)Bibby, (S)Stetson item 8 was approved with direction for the changes to be provided to the consultant as discussed/Ayes: Unanimous.

Consent Agenda item 13 – Supervisor Turpin excused himself from this item due to a potential conflict of interest. (M)Stetson, (S)Fritz, item 13 was approved/Ayes: Stetson, Bibby, Fritz, Pickard; Excused: Turpin. (Note: Further action was taken relative to the vote after the following item.)

Consent Agenda item 17 – Supervisor Stetson asked about the five-year time period. Marjorie Wass, Treasurer/Tax Collector, provided input relative to the recommendation for a five-year time period versus three-years. (M)Stetson, (S)Fritz, item 17 was approved/Ayes: Unanimous.

Chairman Pickard advised that due to the miss-numbering of items in Supervisor Turpin’s agenda package, he abstained from voting on item 13 and should have abstained on item 14 as a portion of his property is included in the noxious weed program. (M)Stetson, (S)Bibby, the Board approved the correction to the votes as follows: Consent Agenda item 13/Declaration of Intent Not to Contract for Emergency Medical Services Appropriation – Ayes: Unanimous; and Consent Agenda item 14/Budget Action for the Noxious Weed Proposal – Ayes: Stetson, Bibby, Fritz, Pickard; Excused: Turpin/Ayes: Stetson, Bibby, Fritz, Pickard; Excused: Turpin.

Ken Hawkins, Auditor;

Approve Budget Action Transferring Funds within the Auditor’s Budget Unit from Accountant II (\$4,500) and Assistant Auditor Salary Savings (\$2,400) to Travel (\$2,000) and Contingencies (\$4,900), to Cover the Cost of Sending Two Staff Members to the H.T.E. Training Seminar in Las Vegas (\$6,900)

BOARD ACTION: Discussion was held with Ken Hawkins relative to the request. (M)Bibby, (S)Fritz, Res. 05-149 was adopted approving the request/Ayes: Unanimous.

10:20 a.m. Recess

10:40 a.m. Tom Guarino, County Counsel;

Discussion and Direction Relative to Amending Chapter 18.04 of the Mariposa County Code Entitled, “Right to Agricultural Activity”, by Removing the Notary Provision and Adopting a Resolution Requesting that the Tax Collector Place a Notice on the Tax Bill Envelopes Relative to the Right to Farm Ordinance

BOARD ACTION: Discussion was held relative to the proposed amendment. Supervisor Bibby asked how this process would work for property transfers and private sales, and she noted a typographical correction in the proposed notice for the tax bills. She asked about the language in the County Code for recording the Ordinance. Tom Guarino advised that he will review that issue. She requested that consideration be given to bolding the second to the last sentence in the last paragraph of the Real Estate Transfer Disclosure Statement. She asked whether this would have any impact on prior sales. She also stated she would like to keep the notary provision in addition to the proposed changes. Supervisor Stetson asked if there is any remedy for long-term neighbors in dealing with potential growth of a nuisance. Tom Guarino advised that Marjorie Wass clarified that the notice would appear on the back of the tax bill envelope and not on the tax statement.

Input from the public was provided by the following:

Cathie Ragghianti asked that if things are going to be changed from the original recommendation, that they be noticed and allowed to provide additional input.

Following further discussion, (M)Turpin, (S)Fritz, direction was given to staff to bring back an Ordinance to remove the notary provision and to bold the sentence as requested in the Real Estate Transfer Disclosure Statement, and to bring back a resolution requesting that the Tax Collector place a notice on the tax bill envelopes relative to the Right to Farm Ordinance/Ayes: Unanimous.

11:15 a.m. MARIPOSA COUNTY WATER AGENCY (Chair – Director Bibby; Vice-Chair – Director Turpin

A) Public Presentations - none

B) Adopt a Resolution Declaring the Water Agency’s Intention to Sell .013 Acres of Real Property Located on Agua Fria Road in Mariposa County

BOARD ACTION: Discussion was held with Tom Guarino, County Counsel, relative to this matter. He advised of his review and discussions with State and Federal agencies as previously requested by the

Board. Director Pickard asked about the consequences of not having the bid process for the parcel as the Agency has discussed this matter on several occasions and staff has researched the issues, and he does not feel that it would be to anyone's benefit to obtain the property other than the adjacent landowner. Tom Guarino advised that the bid requirement could be omitted as the value of the parcel is under \$25,000. He also noted that there has been no interest in the property other than by the property owner where this easement resides. Director Turpin asked for clarification that there are no building sites on the parcel and that the County is retaining the easement. Discussion was held. Tom Guarino advised that direction could be given to remove the bid requirement and to accept the offer of \$4,000 for the property from Larry Ellison and that authorization could be given to the Chair of the Water Agency to execute the necessary documents for the sale of the property. Chair Bibby called for public comment, and none was received. (M)Turpin, (S)Fritz, Water Agency Res. 05-1 was adopted finding it is not practical to go to bid based on the discussion; and accepting the offer to purchase the property from Larry Ellison. The motion was amended, agreeable with the maker and second, to include the sale price of \$4,000 and direction to amend the formal resolution accordingly/Ayes: Unanimous.

11:27 a.m. Recess

11:38 a.m. Bob Pickard, Chairman; John Davis, Building Director; Kris Schenk, Planning Director; Blaine Shultz, Fire Chief;

Request for Direction from the Board of Supervisors Regarding the Continued Installation of Pre-1976 Mobile Homes in Mariposa County

BOARD ACTION: Blaine Shultz presented photos and information on fire training activities on pre-1976 mobile homes, and he advised of safety issues with the residents and fire and safety personnel in responding to emergency situations. Discussion was held with Blaine Shultz, John Davis and Kris Schenk relative to the matter and suggested language for an Ordinance. Supervisor Bibby asked how the proposal would affect the housing inventory in the County. Kris Schenk advised that he would need to research this and could come back with information. Tom Guarino, County Counsel, clarified that the proposal would exempt existing inventory that is a "legally" existing non-conforming use. Supervisor Pickard requested that the public be informed of the Board's consideration of this matter so that they have an opportunity to share their concerns with the Board. (M)Fritz, (S)Stetson, direction was given to staff to bring an Ordinance back, with the language changes as discussed. Supervisor Stetson asked that staff bring back information on informing the citizens of this matter. Supervisor Bibby asked for information on the number of pre-1976 mobile homes that are being relocated in the County. John Davis advised that he will bring back that information. Ayes: Unanimous.

12:26 p.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535; Name of County Designated Representative: Rich Inman (County Administrative Officer);

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

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

BOARD ACTION: (M)Stetson, (S)Bibby, the closed sessions are to be held at 1:30 p.m./Ayes: Unanimous.

12:27 p.m. – Lunch

1:38 p.m. The Board convened in closed session with Sandi Laird/Administration-Administrative Analyst, to be present for a portion of the session.

2:05 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed session matters.

Kris Schenk, Planning Director;

Presentation on “Preserving Mariposa County’s Historic Resources through the Certified Local Government Program”, by Gene Barrera, Master’s Candidate, the Department of City and Regional Planning at University of California at Berkeley

BOARD ACTION: Kris Schenk introduced Gene Barrera, Eric Drake and Mejgan Massoumi, graduate students at UC Berkeley; and he advised that some of the members of the Historical Sites and Records Preservation Commission were present for this matter. Eric Drake reviewed the program and how it operates. Mejgan Massoumi reviewed what the County would need to do to maintain the program. Gene Barrera reviewed the benefits of participating in the program. Discussion was held relative to the role of the State Office of Historic Preservation and the Historical Sites and Records Preservation Commission with this program. Supervisor Pickard noted the strong pro-active stand that the County takes to protect the historic resources. Supervisor Bibby asked about the grants and the financial obligation of the County for matching the grants.

Chairman Pickard called for public comment and none was received.

Supervisor Turpin stated he feels that it would be helpful to have an outline for staffing and starting the program for further consideration. Gene Barrera advised that they still have a few weeks on this project and they could work on an outline. The Board thanked the students for their presentation.

2:47 p.m. Recess

3:07 p.m. Review and Provide Direction Relative to Board Member Liaison Policy Areas and Selection of Board Member Representation (Chairman Pickard)

BOARD ACTION: Discussion was held. Supervisor Stetson expressed concern with the liaison policy area structure. Rich Inman, County Administrative Officer, commented on different designs and functions that he has seen. The Board concurred with selecting the following Board member representation on the policy areas, and with directing the County Administrative Officer to review this system and to come back with a recommendation for a better structure:

- General Government – Supervisors Pickard and Bibby;
- Fiscal and Educational Services – Supervisors Fritz and Stetson;
- Developmental Services – Supervisors Pickard and Turpin;
- Justice System Services – Supervisors Turpin and Fritz; and
- Health and Human Services – Supervisors Stetson and Bibby.

Discuss and Provide Direction Relative to Appointment of Board Member Ad Hoc Committees (Chairman Pickard)

BOARD ACTION: Discussion was held. Dana Hertfelder/Public Works Director, commented on using the Solid Waste Ad Hoc Committee.

Supervisor Bibby noted that the space needs is listed in the liaison policy areas and as an Ad Hoc Committee with the County Administrative Officer, and the Board Chair in the CAO’s absence – the Board concurred with deleting it from the liaison policy area.

Rich Inman, County Administrative Officer, noted that the Courthouse is listed in the liaison policy areas and as an Ad Hoc Committee for Strategic Planning – the Board concurred with deleting it from the Ad Hoc Committee list.

The Board concurred with deleting the following Ad Hoc Committees: Arts Park, Amphitheater Project, Solid Waste/Compost Project, Visitors’ Bureau/Tourism and Economic Development Department.

The Board concurred with selecting the following Board members to serve on the Recreation/Sports Complex (Field of Dreams) Ad Hoc Committees: Supervisors Bibby and Fritz.

The Board also selected the following Board members to be the contacts for the following areas: Yosemite National Park Service issues – Supervisors Stetson and Pickard; and California State Mining and Mineral Exhibit issues – Supervisors Pickard and Fritz.

Rich Inman noted that issues that are related to a particular Supervisor’s District will be deferred to that District Supervisor, and the Board concurred.

Discussion and Possible Action to Provide Comments on the Proposal to Create the Central Valley Flood Control Assessment District (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion relative to providing comments on a proposal to create the Central Valley Flood Control Assessment District. He stated he feels that some of the issues being addressed in the proposal should be local General Plan issues. He commented on funding issues; and the proposed boundary, and he noted that he feels that anyone who benefits from our watershed should be a part of the assessment district. He further commented that he feels we are an asset and not a liability because if the water was not impounded, the valley would be flooded, and that should be taken into account when determining the assessments. He also stated he feels that enough studies have been done and that the problems should be fixed. Discussion was held. The Board concurred with Supervisors Pickard and Turpin drafting a letter to bring back to the Board on this matter.

Discussion and Possible Action to Provide Comments on the Bureau of Land Management's Resource Management Plan (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion relative to providing comments on the Plan, and issues that should be addressed – fuel reduction issues and integrated approaches to dealing with those issues, dealing with isolated parcels owned by BLM, trails, and management of noxious weeds. Rich Inman, County Administrative Officer suggested that the issue of distribution of equitable resources be addressed in a separate letter. Supervisor Turpin advised that he will work with the County Administrative Officer to bring back a draft letter outlining the concerns that were discussed for the Board to consider.

4:04 p.m. LOCAL TRANSPORTATION COMMISSION (Chair – Commissioner Stetson; Vice-Chair – Commissioner Fritz)

A) Public Presentations – none.

B) Authorize Participation in the Optional Regional Surface Transportation Program (RSTP) Federal Exchange and State Match Program for Fiscal Year 2004-05, and Authorize the Executive Director to Sign Agreement X05-6139(015) with Caltrans (Public Works Director)

BOARD ACTION: Following discussion with Dana Hertfelder, Public Works Director, (M)Pickard, (S)Fritz, LTC Res. 05-1 was adopted approving the recommended action/Ayes: Unanimous.

Discussion was held relative to the status of the STIP and RTIP projects. Commissioner Pickard asked that the issue relative to the one million dollars that was held for the Old Highway Bridge project come back to the Commission so that those dollars can be programmed. Matt Fell/Transportation Planner, provided input relative to the STIP and RTIP timeframes.

4:15 p.m. The Board reconvened.

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

BOARD ACTION: Chairman Pickard advised that no information has been received from the Office of Emergency Services relative to the proclamation of a disaster. (M)Fritz, (S)Stetson, Res. 05-150 was adopted continuing this matter to April 26, 2005. Supervisor Turpin asked that a status report be scheduled relative to the estimated costs for repairing the damages. Dana Hertfelder, Public Works Director, provided a brief status report on the damages and work. 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. 05-132

- CA-2 Approve Budget Action Transferring Funds within the Fleet Services Budget from Software (\$1,378) and Outside Labor (\$1,622) to Fixed Assets – Computers, to Cover the Cost of Two Computers for Use in Vehicle Maintenance (\$3,000) (Public Works Director); Res. 05-141
- CA-3 Authorize Participation in the Optional Regional Surface Transportation Program (RSTP) Federal Exchange and State Match Program for Fiscal Year 2004-2005, and Authorize the Chairman of the Board of Supervisors to Sign Agreement X05-5940(047) with Caltrans (Public Works Director); Res. 05-142
- CA-4 Approve an Amendment to the Personal Service Agreement with Fred Solomon Relative to the Development of the Don Pedro Wastewater Treatment Plant, Increasing the Amount of the Agreement by \$5,000 and Extending the Term of the Agreement through July 2005 (Public Works Director); Res. 05-143
- CA-5 Approve Budget Action Transferring Funds in the Board of Supervisors and Administration Budget Units for Publication/Legal Notices and Training & Seminars (\$3,000) (County Administrative Officer); Res. 05-144; and direction was given to staff
- CA-6 Approve First Amendment to the Grant Agreement with the Mariposa County Fire Safe Council for the Countywide Fire Safe Education/Chipping Demonstration and Assistance Program, Extending the Term of the Agreement to December 31, 2005 (County Administrative Officer); Res. 05-145, with direction to the County Administrative Officer to review the request for the purchase of a dump truck
- CA-7 Approve Budget Action Transferring Funds from Assessment Appeals to Board of Supervisors for the Purchase of a New File Cabinet (\$600) (County Administrative Officer); Res. 05-133
- CA-8 Approve a Correction to the Minimum Qualifications of the Accountant I/II Job Description, Allowing Professional or Para-Professional Accounting Experience to be Substituted on a Year-for-Year Basis for the Required Education (County Administrative Officer); Res. 05-146, with direction for the job classification changes to be provided to the consultant for the class and comp study
- CA-9 Approve Budget Action Transferring Funds within the Sheriff's Budget Unit from Maintenance of Building to Overtime to Cover the Boating and Safety Program Overtime Budget for the Remainder of Fiscal Year 2004-2005 (\$2,000) (Sheriff); Res. 05-134
- CA-10 Approve Agreement and Authorize the Chairman of the Board of Supervisors to Sign a Rental Agreement with 35-A District Agricultural Association for Right to Occupy Display Space During the Mariposa County Fair and Homecoming (Sheriff); Res. 05-135
- CA-11 Approve Budget Action Transferring Funds with the Sheriff's Budget Unit from the Sheriff Fingerprint I.D. Fund and Jail Services Maintenance of Equipment to Fixed Asset – Other Equipment, to Purchase a New Live-Scan Fingerprinting Machine (\$47,000) (4/5ths Vote Required) (Sheriff); Res. 05-136
- CA-12 Authorize the Chairman of the Board of Supervisors to Sign Pitney Bowes Rental Agreement in the Amount of \$45.00 per month for a Term of Five Years for a Postage Scale and Meter (Health Officer); Res. 05-137

- CA-13 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Declaration of Intent Not to Contract for Emergency Medical Services Appropriation (EMSA) for Fiscal Year 2004-2005 (Health Officer); Res. 05-147
- CA-14 Approve Budget Action Accepting Unanticipated Revenue for Fiscal Year 2004-2005 to Implement Contract #04-0837 with the California Department of Food and Agriculture (CDFA) for the United States Forest Service (USFS) 2005 Mariposa County Noxious Weed Proposal – Iberian Starthistle Eradication Project – Piney Creek Area (\$5,250) (4/5ths Vote Required) (Agricultural Commissioner); Res. 05-138
- CA-15 Approve Budget Action Transferring Funds within the Housing Authority Fund from Software to Computer Equipment to Purchase Computer Hardware (\$500) (Human Services Director); Res. 05-139
- CA-16 Reappoint the Following Members to the Building Department Advisory and Appeals Board: Robert Jensen, Representing District II; Robert Smith, Representing District IV; and Dave Gerken, Representing District V, and Eliminate the At-Large Position when that Term has Been Met (Building Director); Res. 05-151
- CA-17 Adopt a Resolution, Retroactive to January 1, 2005, and Select the Five-Year Time Period for Tax-Defaulted, Non-Residential Commercial Property (Treasurer/Tax Collector); Res. 05-148
- CA-18 Approve Budget Action Transferring Funds within the Fire Budget Unit to Balance Fire Expenditure Accounts (\$2,000) (4/5ths Vote Required) (Fire Chief); Res. 05-140

4:27 p.m. Adjournment in memory of Paula Harrington, Harry Richard “Buck” Wass, Aileene Newberry, Louis Stephen Coffi, Tom Doyle, Sr., and Lonnie N. and Mary B. Blankenship.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA April 26, 2005

Time _____ Description

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

Pledge of Allegiance

Bob Pickard, Chairman;

A) Proclaim May 6, 2005, as “Child Care Provider Appreciation Day” and

B) Proclaim the Month of April 2005, as “Sexual Assault Awareness Month” and April 27, 2005, as “Denim Day”

BOARD ACTION: (M)Bibby, (S)Stetson, the proclamation for “Child Care Provider Appreciation Day” was approved and presented to Cindi Park and Angie Steele/Local Child Care Planning Council; and the proclamation for “Sexual Assault Awareness Month” and “Denim Day” was approved and presented to Cindy Robles/Mtn. Crisis Service/Ayes: Unanimous.

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 Fritz advised that she attended the Soroptimist and the San Joaquin Valley Regional Association of Counties Conferences the previous week. She advised that the Chamber of Commerce is holding its “Business After Hours” at the Charles Street Dinner House this evening and that they are celebrating their 20th anniversary.

Supervisor Stetson advised that he attended a celebration in Yosemite National Park on Monday for the delivery of 19 new hybrid buses. He further advised that the Yosemite West Advisory Committee met on Monday, and he thanked Skip Strathearn/Planner and the Planning Department for their work on Yosemite West matters.

Supervisor Bibby advised that she and Supervisor Pickard worked with the “Clean and Proud” event. She also noted that she and Supervisors Pickard and Fritz attended the San Joaquin Valley Regional Association of California Counties Conference; and she commented on the issues that were discussed relative to agricultural land, water, Proposition 63/Mental Health, and the Fresno Zoo tax.

Supervisor Turpin advised of a Coulterville Town Planning Advisory Committee meeting that was held on Wednesday. He further advised that he and Supervisor Stetson plan to attend a field day meeting on Thursday with the Forest Service relative to projects.

Supervisor Pickard commented on the “Clean and Proud” event. He also noted that the issue of transportation and its importance was discussed at the San Joaquin Valley Regional Association of California Counties Conference, and he would like to have an item come back for the Local Transportation Commission to support promoting the importance of the funding for our failing infrastructure. He provided additional information relative to the Proposition 63 issues.

Rich Inman, County Administrative Assistant, noted that Mariposa County is scheduled to be the host for the San Joaquin Valley Regional Association of California Counties spring and fall conferences next year. He also announced that last week the agreement between the County and SEIU was ratified by eighty percent of those SEIU members that were eligible to vote.

Supervisor Bibby advised that McCay Hall is experiencing a water/septic/leach line issue and the maintenance staff is working on it.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Turpin pulled item 3. Supervisor Bibby pulled items 4 and 10. (M)Fritz, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 3 – Supervisor Turpin initiated discussion relative to item 3 and asked for additional information on the second portion of the grant. Marilyn Lidyoff, Administration/Business Development Coordinator, provided input on the grant program relative to the window and floor displays, and on the second portion of the grant for the Coulterville area for two store fronts. She also advised that she will be bringing back another workshop in June for tips using color and textures.

(M)Turpin, (S)Stetson, item 3 was approved/Ayes: Unanimous.

Consent Agenda item 4 – Supervisor Bibby initiated discussion relative to item 4, and stated she anticipates that several claims may be filed due to the deterioration of the roads, and she feels that the County needs to make sure that if there is a safety hazard that it is addressed. Tom Guarino, County Counsel, advised that each claim is investigated by staff that assists with risk management in the evaluation. With respect to the roads, there is a program in place for addressing those, and the County is immune from such claims when there is a regular program in place for maintenance. Discussion was held. (M)Stetson, (S)Fritz, item 4 was approved rejecting the claim. Supervisor Bibby asked that future staff reports for agenda items for claims reflect what if any investigation has occurred relative to the claim. Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

Consent Agenda item 10 – Supervisor Bibby initiated discussion relative to item 10 and the shifting of staff and purchase of equipment. Bob Brown, District Attorney, responded to questions relative to the request to transfer funds for the computers with the grant funding. (M)Bibby, (S)Turpin, item 10 was approved/Ayes: Unanimous.

Rich Inman, County Administrative Officer;

Approve Entering into an Agreement with Mr. Gordon Graham for Risk Management Training to be Paid from CSAC Excess Insurance Authority Funds and Budgeted in Fiscal Year 2005-2006 Budget
BOARD ACTION: Discussion was held relative to the request and whether the recommended training date of November 21st would be a problem for County staff due to the Thanksgiving holiday. Supervisor Bibby asked whether a recording of the training sessions could be obtained for future use, and Rich advised that he would look into that. Supervisor Fritz suggested that the department heads be surveyed as to their availability for November 21st before the final commitment is made. Rich noted that consideration could be given to inviting the Schools and MPUD and others to the training sessions. (M)Fritz, (S)Bibby, Res. 05-159 was adopted approving the agreement, with direction given to the County Administrative Officer to survey the departments relative to scheduling the training sessions on November 21, 2005, and to check on obtaining a recording of the sessions/Ayes: Unanimous.

Cathi Boze, Agricultural Commissioner;

Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Agreement No. 06-73-06-0260-RA: the Annual Work Plan, Annual Financial Plan and a Letter of Intent for Fiscal Year 2005-2006 with United States Department of Agriculture/Animal and Plant Health Inspection Service/Wildlife Services (USDA/APHIS/WS)

BOARD ACTION: Discussion was held with Cathi Boze, Wade Carlson, California Wildlife Services - Central District Supervisor, and Don Simms, Wildlife Services - Trapper. They presented information on the costs and benefits of the program. Discussion was held relative to the changes being made as to what is considered a public health and safety threat, and relative to the apportionment of funds.

(M)Turpin, (S)Fritz, Res. 05-160 was adopted approving the Agreement. The motion was amended, agreeable with the maker and second, to include direction for a letter to be sent to California State Association of Counties to address the need for State funding for the program, and for a letter to the National Association of Counties to continue support of the Federal funding and to request that California receive its fair share of the funding. Supervisor Turpin requested that the letters address the health and safety issues and the benefits of the program. Ayes: Unanimous.

10:29 a.m. Recess

10:42 a.m. Authorize the Public Works Department to Coordinate the Placement of a Plaque with the Mariposa Masons Lodge No. 24 at the Arts Park in Mariposa (Public Works Director)
BOARD ACTION: Discussion was held with Dana Hertfelder, Public Works Director, relative to the request and the location. (M)Stetson, (S)Fritz, Res. 05-161 was adopted approving the request/Ayes: Unanimous.

Allocate One PC Technician for Technical Services; Adopt Job Description; Set Salary at Range 187; and Approve Budget Action Transferring Funds from Contingencies to Salaries and Benefits within the Technical Services Budget to Provide Funding for the Position through June 30, 2005 (\$5,100) (4/5ths Vote Required) (County Administrative Officer)

BOARD ACTION: Discussion was held with Rich Inman, County Administrative Officer, relative to the request. Supervisor Bibby requested that the position be routed through the classification and compensation study. She also requested that the font/printing problems in the job description be fixed. (M)Fritz, (S)Stetson, Res. 05-162 was adopted approving the recommendations/Ayes: Unanimous.

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

BOARD ACTION: Rich Inman, County Administrative Officer, advised of a telephone call that was received from the Office of Emergency Services on Friday advising that they are still working on the determination relative to the flood emergency, and that a decision should be made in the next few days. (M)Bibby, (S)Turpin, Res. 05-163 was adopted continuing possible further action regarding the local emergency due to the flooding that occurred/Ayes: Unanimous.

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Pacific Gas & Electric Company v. State Board of Equalization, et al (County Counsel)

BOARD ACTION: This matter was continued to May 3, 2005.

11:55 a.m. The Board recessed.

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

11:48 a.m. The Board reconvened.

Janet Bibby, Supervisor District III;
Discussion and Status Report by Mark Rowney, General Manager of Mariposa Public Utilities District (MPUD) on the Recent Water System Upgrades

BOARD ACTION: Mark Rowney gave a status report on the water system upgrade project, and he advised of the timeframes from the beginning of the project with the application for funding. He reviewed previous water system upgrade projects. He advised that they are in the process of patching the streets and that the project should be completed by May 15th. Discussion was held relative to consideration of future projects and the status of the sewer lines. Supervisor Fritz commended Mark for his efforts during the recent flooding. Supervisor Bibby commended MPUD for their delivery of services with a small staff at a low cost. Mark was thanked for the presentation.

12:04 p.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; 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/Administration – Administrative Analyst, present/Ayes: Unanimous.

1:05 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. 05-152
- CA-2 Appoint the Deputy County Administrative Officer as an Alternate to the California State Association of Counties Excess Insurance Authority (EIA); Accept Resignation of County Counsel Tom Guarino as Alternate; and Direct Staff to Notify EIA of these Changes (County Administrative Officer)
- CA-3 Approve the Professional Service Agreement between Bob Crivello and Mariposa County, Covering the Period of April 25, 2005 through June 30, 2005, for Visual Merchandising Training to Business Owners in Downtown Mariposa (County Administrative Officer); Res. 05-156
- CA-4 Authorize the Chairman of the Board of Supervisors to Sign an Order of the Board to Reject Claim No. C05-4 in the Amount of \$170.75 (County Administrative Officer); Res. 05-157
- CA-5 Accept the Resignation of Norman L. Ross from the Greeley Hill Planning Advisory Committee (Supervisor Turpin)
- CA-6 Approve Budget Action Transferring Funds within the Technical Services Budget to Purchase an Email Server, Software and Engage a Spam Filter Service (\$30,000) (Technical Services Director); Res. 05-153
- CA-7 Appoint Charlotte Wilson to the Area 12 Agency on Aging Advisory Council (Community Services Director)
- CA-8 Community Services Item Pulled and will be Rescheduled (No Folder)
- CA-9 Community Services Item Pulled and will be Rescheduled (No Folder)
- CA-10 Approve Budget Action Transferring Funds within the District Attorney's Budget to Cover the Cost of Eight Computers, Seven Printers, Two Network Printers, and Unanticipated Increases in Office and Professional Service Expenses (\$20,620) (District Attorney); Res. 05-158
- CA-11 Authorize the Closure of the Mariposa County Library System the Saturday Before or After County Approved Holidays (Librarian); Res. 05-154
- CA-12 Approve Budget Action Transferring Funds within the Tourism Budget from Promotional to Training and Seminars to Cover the Cost of Attendance of Meetings, Conferences, Travel Shows, and Trade Shows Related to the Promotion of Mariposa County (\$2,000) (Tourism Coordinator); Res. 05-155

1:06 p.m. Adjournment in memory of Mary Frances Winkle and Pat Chapman Donaldson.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

May 3, 2005

Time _____ Description

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

Pledge of Allegiance

Bob Pickard, Chairman;

Proclaim the Week of May 9th through 15th, 2005, as “Mariposa County Relay for Life Week;”

Proclaim the Week of May 9th through 16th, 2005, as “Wildfire Awareness Week;” and

Proclaim May 3, 2005, as “World Asthma Day” and the Month of May 2005, as “World Asthma Month”

BOARD ACTION: (M)Stetson, (S)Fritz, the following proclamations were approved and presented:

“Mariposa County Relay for Life Week” was presented to Dennis Baker, Chairperson for the event, and he invited everyone to attend;

“Wildfire Awareness Week” was presented to Gary Marshall/Chief for the Madera-Mariposa-Merced Ranger Unit for CDF, and Jan Hamilton, Fire Safe Council. Jan commented on the Council’s efforts with education; and Gary stated he appreciates the County’s support with this;

“World Asthma Day and Month” was presented to Mary Michal Rawling, Program Manager for the Merced-Mariposa County Asthma Coalition, and she provided information on their efforts/Ayes:
Unanimous.

Introductions

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

- Jim Dulcich referred to a letter that downtown merchants received from County Counsel relative to the Parking District issues. He reviewed the history of the District and its formation and the subsequent agreements with the property owners. He expressed concern with the wording in the letter and he noted that he felt that the people who own the property gave up a lot for the parking lots to happen, and he stated there are more property owners involved than those that received the letter. He suggested that a new letter be generated and sent to all of the people involved in the District. Supervisor Bibby stated the letter was meant to be an invitation to get people to the table to discuss the issues. Jim referred to the cancellation of the agreement for the parking lot behind the Chevron Station, and he stated he feels that this should have been discussed with the downtown merchants that originally formed the District. Chairman Pickard advised that the Board has formed a committee with Supervisors Bibby and Fritz to work on these issues. He also noted that the cancellation of the agreement with the Garbers for the parking lot behind the Chevron Station was noticed on the agenda several times and that there were meetings with people involved. Supervisor Bibby asked about having an agenda item come back on this matter. Chairman Pickard stated that if the committee appointments need to be formal, then an item could be brought back.
- Nadine Wight referred to Consent Agenda item 7 relative to the drug and alcohol testing policy. She expressed concern that this does not affect everyone that works for the County.
- Tom Guarino, County Counsel, announced that a ruling in favor of the County was received from the Court in the matter of Dean v. the County of Mariposa.
- Jim Allen, Sheriff, provided a status report on the search for “Grandpa Doug” Pearce, and he commended the volunteers that have assisted with the search and the Chowchilla Mountain

Women's group for organizing the meals, and the Ponderosa Basin Fire Company for the use of the facilities. He noted that with the assistance of the businesses, including the surrounding counties, that donated food, the search expenses to the County have been kept very low.

Board Information

- Supervisor Fritz advised that she attended a 4th of July event planning meeting last Wednesday, and she will give a report on the events that are being planned. She attended the Bootjack Fire Company fundraiser on Saturday; advised of the 90th birthday celebration for Lois Scammon; and attendance at the FFA 10th Annual Dinner/Dance event.
- Supervisor Stetson advised of the El Portal Town Planning Advisory Committee meeting scheduled for Tuesday. He advised that the first meeting of the Sierra Nevada Conservancy is scheduled for May 12th in Sacramento, and that the Governor still has not made his appointments to the Conservancy.
- Supervisor Bibby extended appreciation from the Board for the search and rescue personnel and the donors and the community for their efforts in the search for "Grandpa Doug." She complimented the Sheriff's Department and thanked the other counties that were involved. She advised that she plans to attend the Proposition 63 planning meeting with the Human Services Director and the Mental Health Board. She commented on the School District meeting relative to busing and reduction in funding and related issues. She also asked for an update on the Office of Emergency Services Director's decision on the flooding emergency declaration.
- Supervisor Turpin advised that he and Supervisor Stetson and County Counsel and the County Administrative Officer took part in a tour with the Forest Service on Thursday to look at fuel reduction projects and other issues.
- Supervisor Pickard advised that a determination was received from the Office of Emergency Services Director on April 27th, and the Governor did not proclaim the flood damages as an emergency. Dana Hertfelder, Public Works Director, provided additional information relative to his communication with the Office of Emergency Services, and their work on the list of projects and scope of work that resulted from the storm damage. Discussion was held.
- Supervisor Pickard advised that he attended the State Association of Resource Conservation and Development Council Conference last week. He advised of the status of the effort to restore the vehicle license fee funding for the three counties with no incorporated cities in the May Revise budget.
- Supervisor Turpin advised that he attended the North County Ambulance meeting on Monday.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Items 6 and 7 were pulled for discussion. Supervisor Stetson pulled items 3 and 9. Supervisor Turpin pulled item 1. Chairman Pickard noted that item 14 was added with an addendum to the agenda. A correction was made to the budget action form for item 13. (M)Fritz, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.

Consent agenda item 1 – Supervisor Turpin initiated discussion relative to item 1, and he advised that he has received some good feedback relative to the operation of the landfill. However, he expressed a concern that the road maintenance workers are working at the landfill and that leaves the road crews short staffed. He stated this needs to be addressed and the positions need to be filled given the storm damages to the roads. Supervisor Fritz commented on a letter received from Total Waste Systems asking to increase the hours that they are allowed to use the landfill during the summer. Dana Hertfelder, Public Works Director, provided input on the hours that the permit with the State allows, and of their review of this request. (M)Turpin, (S)Stetson, item 1 was approved.

Consent Agenda item 3 – Supervisor Stetson initiated discussion relative to item 3. Dana Hertfelder advised that the funding was previously authorized for this work. (M)Stetson, (S)Fritz, item 3 was approved/Ayes: Unanimous.

Consent Agenda item 9 – Supervisor Stetson initiated discussion relative to item 9. Bob Lowrimore, Assessor, responded to questions relative to the processing of the backlog of returning recorded documents. (M)Stetson, (S)Fritz, item 9 was approved/Ayes: Unanimous.

Consent Agenda item 6 – Chairman Pickard noted that there was an addendum that was distributed for this item, and he commented on the process; and he further commended the staff and employees for the services they perform for the County and its citizens. Supervisor Bibby commented on the agreement, and she commended the employees and stated she hopes the parity study will give some results that will give some ability for the employees to be able to afford to live here. She questioned the section relative to the safety retirement plan amendment. Sandi Laird/Administration-Administrative Analyst, advised that the Deputy Probation Officer positions have been transitioned into the safety retirement; however, at this time, the Union did not provide information on the Welfare Fraud Investigator position. She noted that there was no discussion at the bargaining table during negotiations on this agreement, and she feels that this paragraph should be removed. Supervisor Bibby asked if the Union would be agreeable to the removal of the paragraph. Tom Guarino, County Counsel, advised that this is the agreement that was ratified by the Union, and he feels that this issue should be noted for clean-up in the next bargaining process; however, the paragraph should stay in the agreement at this time. (M)Fritz, (S)Turpin, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 7 – Chairman Pickard advised that the Board is working through the meet and confer process to have this drug and alcohol testing policy apply to all employees. Discussion was held. Supervisor Bibby asked about the language in the policy that states that it is for all employees; however, this has only been negotiated with SEIU at this time; and she asked for clarification of whether there would be separate policies for the different bargaining units. Tom Guarino, County Counsel, advised that this is the form of the policy being placed forward for all employees, and he advised of the process for implementing this with the other bargaining units and for employees that are not represented. Bill Flaherty, provided information on his understanding of this matter through the negotiation process, and he reviewed concerns he has with the policy. He stated he does not feel that this policy will keep the tests confidential. He also hoped that a uniform policy would be adopted for everyone. Tom Guarino noted that there was an agreement with the Union and the bargaining team at the end of the negotiation process that there would be no comments made on the negotiations such as Bill made today. He read what was agreed to. Supervisor Bibby stated she feels there was confusion on this matter, and she does not feel that Bill violated anything in asking for clarification. (M)Stetson, (S)Bibby, item 7 was approved/Ayes: Unanimous.

10:40 a.m. Recess

11:02 a.m. Discussion and Direction Regarding the Possible Amendment to Section 6.16.020 of the Mariposa County Code, Modifying the Requirements Necessary for Action to be Taken when a Barking Dog(s) has become a Nuisance (Supervisor Bibby)

BOARD ACTION: Supervisor Bibby initiated discussion, and she advised that the amendment will allow for a complaint to be investigated from one person versus the four currently required. Joel Bibby/Sheriff's Captain, commented on the complaints that they have received and specific situations where four contiguous neighbors do not live within listening range of a habitually barking dog. (M)Stetson, (S)Bibby, direction was given to County Counsel to bring back an ordinance modifying the requirements as requested/Ayes: Unanimous.

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

BOARD ACTION: (M)Bibby, (S)Turpin, Res. 05-177 was adopted continuing the local emergency due to the flooding that occurred. Supervisor Turpin initiated discussion and expressed concern with the additional manpower that is necessary to deal with the road maintenance issues as a result of the flooding, and he noted that the regular maintenance is not being done and the crews are short of personnel. He asked for information on what is proposed to accomplish the maintenance tasks. Mary Hodson, Deputy County Administrative Officer, advised that they are currently in the process of recruiting for road maintenance workers; however, there is no job description for flagger positions. Supervisor Bibby suggested that consideration be given to establishing a job description for a road maintenance trainee versus just flagging. She also commented on the concerns she is receiving relative to the road conditions

and damages to vehicles. Supervisor Stetson suggested that consideration be given to looking at other options for flagging services; i.e., SCOPE and volunteer organizations. Ayes: Unanimous.

CLOSED SESSION: Conference with Real Property Negotiator: Description of Real Property – 5101/5099 Bullion Street, Mariposa; Name of Party who will Negotiate with County: Rich Inman, County Administrative Officer; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer)

BOARD ACTION: This item was continued to May 10, 2005.

11:24 a.m. **CLOSED SESSION:** Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer); and

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Pacific Gas & Electric Company v. State Board of Equalization, et al (County Counsel)

BOARD ACTION: (M)Bibby, (S)Fritz, the closed sessions were held/Ayes: Unanimous. Chairman Pickard advised that the Board would reconvene at 2:00 p.m. after lunch.

11:42 a.m. Lunch

2:12 p.m. Chairman Pickard announced that no action was taken as a result of the closed session relative to labor negotiations with SEIU Local 250, and that direction was given to staff as a result of the closed session in the matter of PG&E v. State Board of Equalization, et al.

Kris Schenk, Planning Director;

PUBLIC HEARING: Adopt a Resolution Denying General Plan/Zoning Amendment No. 2004-178 and Land Division Application No. 2004-179; Proposed Amendment of Land Use and Zoning Designation of a 159.5 Acre Property from the Agricultural Exclusive Land Use and Zone to the Mountain Transition Land Use and Zone and Division of Site into Four Parcels of 24 to 42 Acres in Size and a Remainder of 30 Acres; Stuart Berg and Jeff Finsand, Applicants; Site is between Mariposa and Catheys Valley, Approximately One-Half Mile South of State Highway 140 near Twin Gates (Assessors Parcel Number 012-160-009)

BOARD ACTION: Sarah Williams, Deputy Planning Director, presented the staff report. She reviewed the project site location and surrounding uses and staff's recommendation. She also advised that the Agricultural Advisory Committee reviewed the project and concurred with the Planning Commission's recommendation to deny the request. Chairman Pickard advised that the Board received a letter from Mr. Mack on this project and it is entered into the record. Staff responded to questions from the Board relative to the process to bring forward an approved project; relative to the number of homes that could be constructed on the parcel in the current Agricultural Exclusive zoning; access to the parcel; and the previous use of the parcel for agriculture.

The public portion of the hearing was opened. Sarah Williams advised that the applicant elected to not come to the hearing today. Input was provided by the following:

Larry Mack, neighboring property owner to the applicant, stated he takes exception to the applicant saying that the land is not suitable for agricultural use. His land is of similar terrain, and he has used it for grazing and pasture for the last thirty years. He stated he feels that people are interested in coming in and making a quick buck and leaving the area, and he is concerned about that. He referred to Jerry Progner's input on the project relative to the use of the land for grazing. He asked the Board to deny the application as the land can be used for agriculture.

Dennis Schoedl, neighboring property owner, stated he feels that the entrance to the property from Highway 140 is extremely dangerous for residential use. He stated he plans to raise cattle on his land, and he asked the Board to deny this project and keep the property as Agricultural Exclusive.

Barbara Cruz, neighboring property owner, stated they are in the process of brushing their land, and she asked that the project be denied.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Turpin, (S)Bibby, Res. 05-178 was adopted denying General Plan/Zoning Amendment No. 2004-178 and Land Division Application No. 2004-179; Finsand, applicants/Ayes: Unanimous. The hearing was closed.

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. 05-172, with discussion
- CA-2 Adopt a Resolution Approving and Authorizing the Mariposa County Public Works Department to Apply for a California Integrated Waste Management Board 2004/2005 Waste Tire Education and Amnesty Day Grant and to Implement All Terms of the Grant as Designated by the California Integrated Waste Management Board (Public Works Director); Res. 05-164
- CA-3 Adopt a Resolution Authorizing Public Works to Enter into an Agreement with Michael Skenfield to Conduct a Preliminary Survey for Important Biological Resources on the Proposed Site for the Recreation Complex and Authorizing the Board of Supervisors Chairman to Sign the Agreement (Public Works Director); Res. 05-173
- CA-4 Approve First Amendment to the Contract for Services with Chase's Foothill Petroleum to Provide Oil and Miscellaneous Fluids for the County's Fleet by Extending the Termination Date until June 30, 2006 (Public Works Director); Res. 05-165
- CA-5 Approve First Amendment to the Contract for Services with Chase's Foothill Petroleum to Provide Fuel for the County's Fleet by Extending the Termination Date until June 30, 2006 (Public Works Director); Res. 05-166
- CA-6 Approve a Two-Year Memorandum of Understanding (MOU) with the Service Employees International Union, Local 535 (SEIU), Effective November 1, 2004 (County Administrative Officer); Res. 05-175, with discussion
- CA-7 Approve a Drug and Alcohol Testing Policy for Positions in the Service Employees International union (SEIU) Bargaining Unit (County Administrative Officer); Res. 05-176
- CA-8 Approve Budget Action Transferring Funds within the Child Support Services Budget to Cover Existing and Anticipated Expenses for the Remainder of the Fiscal Year (\$3,075) (Child Support Services Director); Res. 05-167
- CA-9 Approve Budget Action Transferring Funds within the Assessor's Budget to Cover to Cost of Exceptionally High Postage due to the Return of Recorded Documents (\$3,000) (Assessor); Res. 05-174
- CA-10 Authorize the Continued Use of Interns in the Social Service and Community Action/Housing Programs and Allow the Use of Interns in Behavioral Health Programs; and Authorize Interns to Use Space and Vehicles Necessary to Serve Clients (Human Services Director); Res. 05-168
- CA-11 Appoint Paul Jacobs, James Mason, David Nelson, Steven Delk, and Karen Keyser-Shank as New Members; Accept the Resignation of Linda Murdock; and

Reappoint Yolanda Cheley to the Alcohol and Drug Advisory Board (Human Services Director)

- CA-12 Approve an Agreement Endorsing a Name Change from Hillcrest Manor to Casa Viejos, TNS, Incorporated and Rate Change, increasing the Cost of Service by \$16 per month, for a Residential Care Facility for the Elderly and Authorize the Human Services Director/Conservator to Sign the Agreement (Human Services Director); Res. 05-169
- CA-13 Approve Amendment Number 1 to Agreement Number NNA22 with the Department of Alcohol and Drug Program Increasing the Fiscal 2004/05 Contract Amount by \$337; Approve Budget Action Amending Original Revenue and Expenditure Amounts, and Increasing Revenue and Appropriations (\$377) (4/5ths Vote Required); and Authorize the Human Services Director to Sign the Contract Amendment (Human Services Director); Res. 05-170
- CA-14 Approve Rental Agreement with 35-A District Agricultural Association for the Annual Senior Exposition and Health Fair in Building A and B of the Mariposa County Fairgrounds and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Community Services Director); Res. 05-171

2:45 p.m. Adjournment in memory of Mack Toney and Vivian L. Hibpshman Phelps.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

May 10, 2005



Time _____ Description

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

Pledge of Allegiance

Bob Pickard, Chairman;

A) Approval and Presentation of Letters Recognizing Jacob Gisler, Alex Gisler, and Steven Gisler for Obtaining the Rank of Eagle Scout

BOARD ACTION: (M) Stetson, (S) Bibby, the letters were approved and presented to Jacob, Alex, and Steven Gisler, along with a Courthouse pin for each/Ayes: Unanimous. Jacob Gisler thanked the Board of Supervisors on behalf of his brothers and himself.

Rich Inman, County Administrative Officer;

Proclaim the Week of May 8th through May 14th, 2005, as National Hospital and Healthcare Week

BOARD ACTION: (M) Bibby, (S) Fritz, the Proclamation was approved and presented to Bob Rudzik, Maureen Spacke, Marilyn Corral, and Elnora George, representing John C. Fremont Hospital/Ayes: Unanimous.

Elnora George stated the hospital could not do what it does without the support it receives and thanked the Board and the public. She announced that the hospital should learn details today relative to the amount of state tax dollars the hospital will receive. She stated that the hospital is looking forward to increasing all of their services and with the sales tax monies expects to be able to cover the entire county. She advised that the hospital is waiting approval from Pacific Gas & Electric (PG&E) for an MRI machine to be up and running one day per week.

B) Proclaim the Week of May 8th through May 14th, 2005, as “Teacher Appreciation Week” (County Administrative Officer)

BOARD ACTION: (M) Stetson, (S) Bibby, the Proclamation was approved and will be presented at the Teacher Appreciation Dinner on May 14, 2005/Ayes: Unanimous.

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

Board Information

Supervisor Fritz stated that the parents of Eagle Scouts, Jacob, Alex, and Steven Gisler should be commended for having three Eagle Scouts and for being behind the effort of their sons, as it takes a whole family to achieve such an accomplishment. She advised that she attended the 4-H Judging Fashion Review Show last weekend in the plaza area between the Government Center and the Library. She announced that she would be leaving Friday for Washington D.C. to attend the Business and Professional Women’s Leadership Summit. She also announced that the Teacher Appreciation Dinner is Saturday, May 14th, and the Relay for Life for cancer survivors is this weekend. She invited the public to attend as many events this weekend as possible.

Supervisor Stetson advised that he will be attending an El Portal Advisory Committee meeting this evening at the community center at 7:00 p.m. and that the first meeting of the Sierra Nevada Conservancy is on Thursday at 10:00 a.m. in Sacramento.

Supervisor Bibby announced that she will be participating in the opening ceremony of the Relay for Life on Saturday and encouraged the public to sponsor a walker or make donations. She stated that there is expected to be an introduction of a young cancer survivor at the event. She complimented Cheryle Rutherford-Kelly, Human Services Director for a job well-done last Thursday relative to the Proposition 63 program meeting and advised that the state has recently released program planning monies in the amount of \$78,905 for Mariposa County. She further advised that there were representatives from the hospital, school district, Sheriff's department, as well as almost every department within the county.

Supervisor Turpin announced that on Wednesday, he will be taking part in the South West Interface Team (SWIFT), at Moccasin. He stated that the Red Cloud Friends of the Library will have an on-site briefing on the location of a new library and on Thursday, he will have the opportunity to testify at the Forest Service Field Office Hearing in Sonora. He further advised that on the evening of May 12th at the Don Pedro Elementary School there will be a District II meeting, where the featured speaker Cathi Boze, Agricultural Commissioner/Sealer will be speaking about West Nile Virus; Karen Robb, the new Farm Advisor for Mariposa County, will address the Master Gardeners; and Jerry Progner will provide information on good erosion control practices.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Chairman Pickard asked relative to item 10, whether there was a sliding scale for commitment rates by facility and announced that Supervisor Turpin would present the certificate relative to item 12.

Supervisor Turpin announced that he would present the certificate to Ila Barrett, relative to item 12, at the family gathering at the VFW Hall on Saturday or at her home.

Supervisor Bibby announced that she would present the certificate relative to item 4 at the recognition program at the Mariposa Arts Park on May 22nd.

Supervisor Turpin pulled item 6. (M) Fritz, (S) Stetson, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 6 – Discussion was held with Rick Peresan, Technical Services Director, who stated that Sierra Telephone has done an incredible job gathering Geographic Information System (GPS) data for their customers which has tremendous value for Mariposa County; however, they do not have parcel data. Although the Attorney General has concerns about the information being shared, this is a very reasonable way to maintain the Mariposa GPS system. He advised that the Public Works Department and Fire Department also utilize the data. Rick further advised that Sierra Telephone has volunteered to provide data from their GPS personnel in the field.

Chairman Pickard questioned whether SBC was also tracking this information and Rick advised that although they are and there may be an agreement between them and the county later down the road, it is not at the same level as Sierra Telephone. Supervisor Bibby stated that TDS in Hornitos has been challenging.

Rick stated that because the information is always changing, the information will be shared quarterly. (M) Turpin, (S) Stetson, Res. 05-187 was adopted, approving the agreement and authorizing the Chairman to sign the agreement/Ayes: Unanimous.

Rich Inman, County Administrative Officer, advised that he was in need of medical care recently and went to John C. Fremont Hospital. He stated that he is more of an ambassador now and thanked the hospital representatives still in the audience.

Adopt a Resolution Establishing an Amnesty Program for Yosemite West (County Counsel)

BOARD ACTION: Tom Guarino, County Counsel presented the item and stated that July 11, 2005 is sixty-one days out for applicants to apply for amnesty.

Supervisor Bibby stated that she has reservations adopting an amnesty plan that utilizes significant staff time and requires the recalculation of EDUs.

Chairman Pickard stated that he sees this program as applicant driven and that it is voluntary. Supervisor Stetson recommended a three month window before the expiration date.

Tom Guarino clarified the recommendation that applicants must apply by August 10, 2005 at 5:00 p.m. If an application is not filed by that date, the program will expire.

Supervisor Bibby recommended adopting a date in September versus the August 10th date.

Dana Hertfelder, Public Works Director, stated that Mauldin-Dorfmeir is expected to meet with their consultants today and it may be difficult to finalize a date. He further stated that the project should be done by this summer. (M) Stetson, (S) Fritz, Res. 05-188 was adopted establishing an Amnesty Program for Yosemite West with an expiration date of August 10, 2005, for applicants to apply.

Supervisor Stetson stated that the community has done a tremendous amount of work to prepare themselves for this project.

Chairman Pickard noted that this matter has gone before the Advisory Committee and has received their concurrence.

Supervisor Bibby pointed out that it is imperative to retain the proper permits to avoid adding to time spent by personnel, driving up costs, and creating inaccurate records/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

Authorize the County Administrative Officer to Complete a Project Information Form Transferring the United States Department of the Interior Grant Agreement No. 06-04-ML-0010 from the Fremont Adobe to the Trabucco Warehouse (County Administrative Officer)

BOARD ACTION: Mary Hodson, Deputy County Administrative Officer, presented the item. She announced that the Fremont Adobe has sold and escrow has closed. She advised that the Trabucco Warehouse Building is also for sale at this time and there is a party interested in purchasing the building.

Supervisor Stetson stated he recommended pursuing this matter.

Supervisor Bibby asked whether the grant still requires a match of \$148,152 and stated she would rather see this kind of money used on roads.

Rich Inman, County Administrative Officer, advised that a subsequent grant is being worked on to cover the matching portion necessary if the Trabucco Warehouse qualifies. He further stated that he would not approve spending General Fund monies for the matching portion of the grant.

Chairman Pickard recommended that the Board of Supervisors go forth with this matter and if it motivates a private buyer to purchase the Trabucco Warehouse, it will benefit the public. (M) Stetson, (S) Fritz, Res. 05-189 was adopted, authorizing the transfer of United States Department of the Interior Grant Agreement No. 06-04-ML-0010 from the Fremont Adobe to the Trabucco Warehouse/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

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 local emergency finding continue.

Discussion was held with Dana Hertfelder, Public Works Director, who updated yesterday's meeting with Office of Emergency Services (OES), which included a tour of several roads. He advised that the state is responsible for preparing the assessment damage report and that June 10th is the cut-off date for the state fiscal budget items. He further advised that Mariposa County is encouraged to have an amount submitted by the June 10th date and as weather warms, it is clearer to see the direct results of the storms.

Dana advised that the Public Works Department does not have enough workers and will propose to bid these repairs out to contractors. He stated that according to Title 19, these repairs must be of a permanent nature, cannot be an improvement, and must be done to standards. He further stated that four roads received substantial damage, including Hornitos, Bear Valley, Old Toll, and Merced Falls Roads. He advised that the repairs necessary to Hornitos Road may use all of the funds by itself; however, the Public Works Fiscal Officer is attempting to get additional state monies.

Chairman Pickard recommended that the Public Works Director work with the County Administrative Officer to ensure the budget covers the necessary repairs.

Dana stated that in addition, there are several dirt roads in need of grading that also need repairs. He further stated there is some potential to get money upfront once the DSR is approved.

Supervisor Bibby questioned whether the Public Works could be given leeway relative to submitting their budget with the possibility of extending timelines for the next fiscal year budget if necessary. She stated that complaints have been coming in and she complimented Public Works for dealing with these matters.

Dana advised of the attempt to get reimbursement needs up to date so far and answered questions from Supervisor Bibby relative to improving culverts with the use of OES funding.

Supervisor Bibby warned the public to drive cautiously and to watch their speed.

Supervisor Turpin advised that Merced Falls and Bear Valley Roads are safety hazards and questioned whether the temporary repairs being done will be covered by state funding.

Dana announced that it is the intent to bid out the repair of all four roads as a combined contract. He stated that OES Representatives have been accommodating. Old Toll, Merced Falls, and Bear Valley Roads were toured and OES agreed with damage assessments. He further announced that an extra-help employee has been brought back to assist in preparing the specification of damages and they will be contracting with extra-help to perform regular duties, such as roadside weed spraying. He stated that once Public Works knows the amount of funding necessary, he will meet with the County Administrative Officer.

Chairman Pickard reminded the Board that while Dana has been promoted from the Assistant Director, there has been no replacement and he encouraged Dana to continue moving forward with projects.

Rich Inman, County Administrative Officer stated that Dana has provided a re-organization plan and it will be visited by the Board of Supervisors shortly. (M) Bibby, (S) Fritz, Res. 05-189a was adopted continuing this matter to May 17, 2005/Ayes: Unanimous.

10:12 a.m. Recess

10:29 a.m. Dana Hertfelder, Public Works Director;

Presentation on the Current Status of the Master Plan for the Regional Recreation Complex

BOARD ACTION: Dana Hertfelder, Public Works Director introduced Warren McClung of RRM Designs, the contractor in charge of preparing the master plan for the Regional Recreation Complex. Warren provided an update of the master plan and the steps necessary for creating the master plan. He answered questions from the Board of Supervisors relative to roads, parking spaces, a pool complex, a recreation center, and grading of the property. In addition, discussion was held relative to the use of locker rooms, spectator space, concession stands, and the annual water demand.

Chairman Pickard opened the matter to public comment.

Audrey Noel asked whether restrooms are planned in the concession kiosk and commended Warren for paying close attention to details.

Marty Cadell asked if Saxon Creek water could be used for this project.

Discussion was held relative to the commitment of water from MPUD and concerns of property owners near the project site. Fred Solomon, Project Manager, advised that the department has been working with MPUD from the early phases and there should be enough water to complete the first phase. He further advised that noise, traffic, light glare, and trespassing were all concerns that would be addressed in the Environmental Impact Report (EIR).

Supervisor Bibby questioned whether there are any restrictions in utilizing the grant money and complimented Warren. She stated that she has attended stake holders meetings and he has received good public input.

Discussion was held relative to the cost of preparing the site for the project. Fred Solomon advised that this will be a costly project; however, it will be done over a period of time. He further advised there is room for flexibility and that changes can be made between phases.

Supervisor Pickard thanked Warren.

11:33 a.m. Recess

11:44 a.m. Charles Mosher, Health Officer;

A) Adopt a Resolution Appropriating \$315,646 from Public Health Realignment Trust Fund and Authorizing the Health Officer to Pay Invoices due from Fiscal Years 2002-2003 and 2003-2004 (4/5ths Vote Required)

BOARD ACTION: Dr. Mosher introduced the item and advised that the money was kept in a trust fund to be transferred to the County's General Fund when needed.

Supervisor Bibby questioned whether this would bring the County current.

Chairman Pickard asked whether it was anticipated that the invoices received would ever be more than the funding placed into the trust fund and whether the County keeps the interest earned from the trust fund. (M) Stetson, (S) Turpin, Res. 05-190 was adopted appropriating the funding and authorizing the Health Officer to pay the due invoices/Ayes: Unanimous.

B) Discussion and Possible Action Regarding an Impending Deadline for a Decision Relative to Continuing to Contract with the State Department of Health Services for State Public Health Staff using Health Realignment Funds

BOARD ACTION: Dr. Mosher introduced the item and advised that he attended a meeting last Friday in Sacramento regarding the program. He further advised there is twenty-six percent overhead for administration and lab service costs for the program. He stated that small counties have remained united and have requested an additional fifty percent cut in costs. Discussion is still on-going and the state is currently looking for ways to extend the deadline and made additional cuts. (M) Turpin, (S) Fritz, Res. 05-191 was adopted approving the contract with Local Public Health Services for Fiscal Year 2005-2006/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer);

BOARD ACTION: Closed session was not held.

11:50 a.m. CLOSED SESSION: Conference with Real Property Negotiator: Description of Real Property – 5101/5099 Bullion Street, Mariposa; Name of Party who will Negotiate with County: Rich Inman, County Administrative Officer; Closed Session will Concern Price and Terms of Purchase (Continued from 5-3-05) (County Administrative Officer); and

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

BOARD ACTION: (M) Fritz, (S) Turpin, the closed sessions are to be held after the Board returns from serving lunch at the Senior Center/Ayes: Unanimous.

11:51 a.m. Serve lunch at the Senior Center.

1:38 p.m. The Board convened in closed session.

2:52 p.m. Chairman Pickard announced that direction was given to staff 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. 05-179

CA-2 Approve the Destruction of Archived Recruitment Files and Closed Workers' Compensation Files (County Administrative Officer); Res. 05-180

- CA-3 Approve Budget Action Transferring Funds within the Board of Supervisors Budget Unit for County Vehicle Expense (\$2,000) (County Administrative Officer); Res. 05-181
- CA-4 Approval of a Certificate Recognizing the Independent Order of Odd Fellows, Mariposa Lodge #39 in Celebration of Their 150th Anniversary (Supervisor Bibby)
- CA-5 Approve Budget Action Transferring Funds within the Sheriff's Budget Unit to Pay an Unanticipated Invoice for the Sheriff's Portion of the Geographic Information System (GIS) Software Utilized for the County (\$387) (Sheriff); Res. 05-182
- CA-6 Approve the Mariposa County Geographic Information System (GIS) Data Sharing Agreement with Sierra Telephone and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Technical Services Director); Res. 05-187
- CA-7 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign the State Standard Agreement for AIDS Prevention Program for Fiscal Years 2005-2006 and 2006-2007 (Health Officer); Res. 05-183
- CA-8 Authorize the Department of Human Services (Community Action Programs) to Submit an Application to the State Department of Housing and Community Development for Federal Emergency Shelter Grant (FESG) Funding and Authorize the Human Services Director to Write the Grant Application in Conjunction with Mountain Crisis Services (Human Services Director); Res. 05-184
- CA-9 Approve Budget Action Reallocating Salary and Benefit Savings from the Drug Task Force Grant in the Probation Budget Unit to Purchase Replacement Computers (\$1,150) (Probation); Res. 05-185
- CA-10 Approve Budget Action Transferring Funds within the Probation Budget Unit to Cover the Cost of a Court Ordered Commitment of a Minor to California Youth Authority (CYA) (\$7,300) (Probation); Res. 05-186
- CA-11 Proclaim the Month of May 2005, as "Senior Awareness Month", with the Theme this year of "Celebrate Long Term Living" (Community Services Director); the proclamation was presented to Mary Williams, Community Services Director during lunch service at the Senior Center.
- CA-12 Adopt a Certificate of Recognition Recognizing the 100th Birthday of Ila G. Barrett (Supervisor Turpin)

2:53 p.m. Adjournment in memory of Nancy Deann Riise.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BY: RACHEL PETTY
Deputy Clerk to the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

May 17, 2005



Time Description

9:07 a.m. Meeting Called to Order at the Mariposa County Government Center, with Supervisor Fritz excused to attend the Business and Professional Women's Leadership Summit in Washington, D.C.

Pledge of Allegiance

Introductions

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

Chairman Pickard asked how many people in the audience were present relative to the decision concerning Kathy Delaney's position and the Mariposa Youth Council program, and how many of those people wished to speak. He advised that the decision was made by the Human Services Director and not the Board, and that there is an advisory meeting (Alcohol and Drug Advisory Committee) scheduled on Wednesday at 12:30 p.m. at Behavioral Health and that would be an appropriate place to provide comments on this matter. Based on the number of people that expressed an interest in speaking, Chairman Pickard asked that the comments be limited to three minutes for each person. The following persons provided input on this matter:

Sandi Laird said she recently learned of the termination of the Adult Advisor for Behavioral Health. Her daughter is a member of the Mariposa Youth Council. She and her daughter are disappointed that the Advisor is no longer going to be with the Council, and she is concerned with the lack of communication in relation to this issue. She commented on the importance of the Council and its activities and accomplishments.

Dawn Pedersen noted the number of students that were present for this item, and she stated she feels that they are representative of the large number of people who have benefited from Kathy Delaney's leadership. She noted that the youth are learning about due process and they are questioning this process. She feels it would be helpful to communicate what this process is and why the loss of the program.

Mary Brownell, speaking as a parent and Principal of Lake Don Pedro Elementary School, advised that her son is a member of the Youth Council. She noted that the program makes positive changes for the youth and the community at large. She referred to the activities that they have at the school as a result of this program, and she stated she hopes the program can be continued for at least another year so that work could be done to look at other options.

Amy Gunderson, former member of the Youth Council, spoke on the importance of the Council's programs to the youth and the community. She noted the impact the program has had on her life.

Chairman Pickard advised that, to his knowledge, the program has not been discontinued; just that Kathy's position was terminated. He stated he feels it would be good to have the Alcohol Drug Advisory Committee come back with a report on future plans for the program.

Lori Ritter, parent and Counselor for the School District, advised that she has two sons involved in the program and wishes to see it continued. She stated that it is her understanding that the programs cannot exist without a coordinator. She stated she has really appreciated Kathy's support and is concerned.

Ashley Beard, former Coulterville-Greeley Hill student and now a junior, noted that there were no programs for the North County area before the Youth Council. She commented on the benefits that she has observed with having the program for the students. She stated she feels that this is great program.

Bob Birch stated he has worked in child welfare and social work and has seen cycles like this, and he invited the Board to talk with him about his experiences in his work here for about a year and his work with these programs. He stated that when a coordinator is let go, the program suffers; and that to have a director cover all of the areas, it is a powerful position.

Tom Brownell, Principal of Spring Hill Alternative School, stated he is glad that the Drug and Alcohol Advisory Committee meeting is occurring. He stated he has heard many rumors about this matter and the program and funding and that Kathy Delaney has not met her job responsibilities. He advised that anyone who has worked with Kathy, knows that is a lie, that she is phenomenal and invaluable to this community. He stated he understands that they want to put more funding into treatment versus prevention; however, he feels the funding is needed in prevention, and that we need Kathy,

Jacque Meriam, Librarian, advised that the Youth Council meets in the Library and the members are a positive influence and help calm things in the Library, especially on the "pro days" when students are released from school early and come to the Library. She stated that Kathy is one of the most professional people she has worked with; and that this is a program that is catching all of the kids.

Celeste Azevedo, Assistant Principal at Mariposa County High School, stated a large portion of her job is discipline. She noted that these kinds of programs (Youth Council) can change the discipline problems. She feels the program and person being cut will have a huge negative impact on the positive things that can happen. She reviewed the aspects of the program, and she asked that the Board look at a way to keep the funding for the program.

Megan Kehoe, former High School student, commented on her work with Kathy Delaney and Ellen Jones with the Council. She commented on the impacts the programs have had on her.

Nick Ross Rhudy reviewed what he feels makes Kathy so special and what her role entailed. He advised that she did not lead; she gave the students the support and skills to lead. He stated he does not see how it would be possible for the program to continue without Kathy.

Lynsee Arebalo stated that she feels that without Kathy, there is no program. She feels that Kathy is the program; she is the spark that ignites alcohol and drug prevention.

Larry Rochelle, parent and parole agent and Juvenile Justice Prevention Coordinating Council member, advised that there was no communication with the Council on this matter. Their Council would like to be in the loop for these kinds of changes. He commented on the impact the program has had on his son, Marcus. He referred to the impacts that Kathy and Ellen have had on the students with this program. He stated he feels that we are talking about integrity and trust with the staff and the program.

Cathy Collier, Executive Director of the Mariposa Safe Families/Child Abuse Prevention Council, stated she is concerned about the continuance of the program. She advised that they would be happy to do what they can to help with continuing the program. Speaking as an individual, she knows and loves Kathy Delaney and has worked with her in several roles.

Vince Kehoe, parent of two students who have been involved in the programs, stated he feels it takes the personality of Kathy and the assistance of Ellen to create the programs. He feels that Kathy is the right person for the right job. He feels that Kathy and Ellen have the courage to identify the problems and work on them. He feels that Administration and County Counsel need to have the strength to correct this situation.

Chairman Pickard, on behalf of the Board, thanked everyone for speaking about these important programs. Supervisor Bibby asked that the County Administrative Officer and personnel staff review this situation to make certain that the policies have been followed. She noted that there has been no issue coming to the Board to delete the funding, and she asked that the funding issue be reviewed. She also encouraged the Alcohol and Drug Advisory Committee to work with the Board to keep the program going without interruption.

9:58 a.m. Recess

10:08 a.m. Public Presentations continued.

Susan Crain, Administration/Tourism Coordinator, advised that Yosemite National Park is open today. It was closed on Monday due to flooding, and the Visitors Bureau worked with over 800 people needing services versus their usual 125 tourists a day. She noted that there was a great community effort.

Becky Crafts thanked the Board for the County's assistance with the Annual Mariposa County Pioneer Wagon Train event, and she advised that she has tickets to the event.

Board Information

Supervisor Stetson commented on the flooding of the Merced River, and he advised that fortunately it did not crest in the El Portal area. He thanked staff for their efforts and advised that there was no adverse affect. He advised that he attended the opening of the Sierra Nevada Conservancy on Monday in Sacramento. He also advised that there is a meeting on Monday for the Yosemite West Advisory Committee.

Supervisor Bibby brought in a piece of broken asphalt as an example of what is happening to our roads. She stated she wants the community to know that the Board is aware that the roads are coming apart. She noted that a commendation letter was received from Dr. Mosher/Health Officer, relative to the landfill and staffing by Public Works. She also noted that a representative of the Boston Globe was present last Thursday to see what the community is about, as Logan Mankins was drafted by the NFL. She thanked Congressman Radanovich for entering the draft of Logan into the Congressional Record and others for their support, and she noted that this is bringing attention to the County. She advised that the Relay for Life event was very successful. She noted that the History Museum had great demonstrations and tours, and she commended the volunteers.

Supervisor Turpin commented on the challenges that Public Works has relative to road maintenance, and he thanked the staff. He also stated he feels that we need to resolve the staffing issues. He advised that he testified before the Forest Service panel on Thursday relative to fuel reduction and viability of timber that is being marketed. He advised that there was a Friends of the Library meeting in Greeley Hill for planning for the new library. He held a District II meeting in Don Pedro.

Supervisor Stetson agreed with Dr. Mosher in complimenting the improvements at the landfill.

Supervisor Pickard attend the Gateways Partners meeting with Supervisor Fritz. He advised that the Governor is working to restore the funding for Proposition 42/road projects, and we need to work on addressing the restoration of other funding. Vehicle License Fee funding for counties with no cities is not in the May Revise. At this time, the Rural Crime Prevention funding for the Sheriff's Department has been restored.

Supervisor Turpin advised that he received information from the Chamber of Commerce/Visitors Bureau on Monday relative to the flooding of the Merced River and the situation with visitation to Yosemite, and he commended the office for its work on this matter.

Susan Crain, Administration/Tourism Coordinator, advised of their contacts with the media relative to the flooding situation, and their work with Edelman, public relations partner, for press releases. Supervisor Bibby complimented everyone involved for providing assistance during this situation.

Approval of Minutes 4-19-05, Regular Meeting

BOARD ACTION: (M)Stetson, (S)Turpin, the minutes were approved with a correction to reflect the use of a dump truck for the chipping project/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby advised of a correction to the date for item 5. Supervisor Turpin pulled item 8. (M)Stetson, (S)Bibby, the balance of the items was approved, with the correction to item 5/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Consent Agenda item 8 – Supervisor Turpin initiated discussion and asked whether the grant covers costs incurred by staff of Technical Services. Rich Inman, County Administrative Officer, advised that he will review to see if staff time can be covered in subsequent grant applications. Discussion was held relative to the future maintenance and staff for these programs. (M)Turpin, (S)Stetson, item 8 was approved/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Supervisors Bibby and Fritz;

Update Regarding Negotiations, and Discussion, Direction, and Possible Action Regarding Reinstatement of a Parking Committee/Ad Hoc Committee

BOARD ACTION: Supervisor Bibby distributed a copy of the letter that was sent to the parking lot property owners, and she noted that it was sent to everyone that could be identified by County records. She advised that they will report back after the May 23rd meeting that is scheduled with the property owners, and she noted that there has been a request to tape the meeting. She advised of information that has been received from some of the property owners relative to their preference for the property and parking; and stated they need to reach a consensus. She stated she feels it would be difficult to get the Ad Hoc Committee reactivated in a timely manner to deal with this issue. Chairman Pickard suggested that Supervisors Bibby and Fritz serve as the Ad Hoc Committee and bring back a recommendation to the Board to address the parking district issues. He also suggested that if any purchases are being considered, that it be with the Parking District and not the County. Supervisor Bibby requested that if Board members receive any feedback from the property owners, that it be shared with County Counsel, so that he has a complete file. She advised that they will keep the Board updated on this matter.

Tom Guarino, County Counsel;

A) Waive First Reading and Introduce an Ordinance Amending Section 6.16.020 of Chapter 6.16 of the Mariposa County Code, Entitled “Barking Dogs – Public Nuisance”

BOARD ACTION: Following discussion, (M)Stetson, (S)Bibby, the first reading was waived and the Ordinance introduced. The Clerk of the Board read the title of the Ordinance into the record. Discussion was held. Bob Brown, District Attorney, advised that the amendment does not change how the Sheriff or his office responds to these matters – it needs to be a chronic ongoing problem. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

B) Waive First Reading and Introduce an Ordinance Amending Section 18.04.040 of Chapter 18.04 of the Mariposa County Code, Entitled “Right to Agricultural Activity”

BOARD ACTION: Discussion was held. Supervisor Bibby noted that this will affect transactions that do not go through a real estate agent, and she asked for clarification that no objections have been received to this amendment, and she asked that “this” not be in bold in the document. (M)Turpin, (S)Stetson, the first reading was waived and the Ordinance was introduced, with the change in “this” to be in regular text. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

11:02 a.m. Recess

11:18 a.m. Marjorie Wass, Treasurer/Tax Collector/County Clerk;

Discussion and Direction to Staff Regarding Salary Inequity and an Adjustment to the Salary of Treasurer/Tax Collector/County Clerk/Registrar of Voters

BOARD ACTION: Chairman Pickard advised that there is a committee of two Board members, and the Board is actively engaged in resolving the issue of salaries for department heads.

Marjorie Wass stated she is glad to hear that the Board is working on salaries for department heads and elected officials. She stated her goal today is to provide the Board with sufficient information to evaluate the history and facts of the salary for her position. She presented information on a salary survey and changes in the position and cost savings to the County; and requested an annual salary of \$76,000, retroactive for one year from the date of approval.

Chairman Pickard advised that he and Supervisor Bibby were selected to work on salary issues, and the Board concurred that they continue to work on these issues. He advised that they will work with staff and the County Administrative Officer to prepare recommendations to come back to the Board. Supervisor Bibby asked about the status of the class and compensation study and whether department heads were included.

Marjorie Wass thanked the Board for moving forward on this matter. Supervisor Stetson noted that this has been worked on since March 2004, and he thanked her for her patience.

Dana Hertfelder, Public Works Director;

A) Adopt a Resolution Authorizing the Renewal of the Lease for Midpines Community Center for Church Services for the Midpines Bible Church

BOARD ACTION: Following discussion, (M)Stetson, (S)Turpin, Res. 05-204 was adopted approving the request/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

B) Approve Budget Action Transferring Funds within the Road Budget from Maintenance Worker II to Extra Help to Cover Vacancies Caused by Two Road Employees who are now Working at the Landfill and to Hire Additional Workers to Assist with Road Repairs (\$23,000)

BOARD ACTION: Discussion was held with Dana Hertfelder and Carl Casey/PWD-Fiscal Officer, relative to the request. (M)Bibby, (S)Stetson, Res. 05-205 was adopted approving the request/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

C) Approve Budget Action Transferring Funds From General Fund Contingency to the Yosemite West Certificates of Participation COP Debt Service Fund #755 to Cover the Cost of Principal and Interest Due June 1, 2005 (\$5,000) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Dana Hertfelder and Carl Casey/PWD-Fiscal Officer, relative to the request and whether it would be repaid. Supervisor Bibby asked about the status of the one million dollars that the County previously provided for upfront costs, and she was advised that it was not included in the assessment calculations and resolution is still pending. (M)Stetson, (S)Turpin, Res. 05-206 was adopted approving the request/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Blaine Shultz, Fire Chief;

A) Authorize the Fire Chief to Apply for the Fiscal Year 2005 State Homeland Security Grant in the Amount of \$230,771 with No Required Match

BOARD ACTION: Discussion was held with Blaine Shultz relative to the equipment purchases with the grant funds. Supervisor Bibby asked about provisions for establishing adequate areas for evacuations of a large number of persons. (M)Stetson, (S)Turpin, Res. 05-207 was adopted approving the request/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

B) Authorize the Fire Chief to Apply for the Federal Fiscal Year 2004 Health Resources and Services Administration Grant on Behalf of Mariposa County Health, Fire, John C. Fremont Hospital District and the Mariposa Indian Health Clinic, in the Amount of \$98,507 with No Required Match

BOARD ACTION: Discussion was held with Blaine Shultz relative to the assignment and inventory of the equipment, and relative to the proposed equipment purchases with the grant funds. (M)Bibby, (S)Turpin, Res. 05-208 was adopted approving the request/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

C) Authorize the Fire Chief to Apply for an On-Line Federal Emergency Management Agency Assistance to Firefighters Grant to Replace Water Tender 31 (Greeley Hill) in the Amount of \$110,000 with a Five Percent Match of \$5,500

BOARD ACTION: Following discussion with Blaine Shultz, (M)Bibby, (S)Turpin, Res. 05-209 was adopted approving the request. Supervisor Turpin asked about the disposition of the old equipment, and discussion was held. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

D) Demonstration of the Mariposa County Fire Safety House in the Government Center Parking Lot

BOARD ACTION: Blaine Shultz advised that the Fire Safety House was available for demonstration when the Board recesses.

12:09 p.m. The Board recessed for a demonstration of the Fire Safety House and for lunch.

2:16 p.m. Adopt a Resolution Making the Joaquin Murrieta Days Fund Raising "Mystery Dinner" a County Sponsored Event for Insurance Coverage (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion relative to the request. Rich Inman, County Administrative Officer, advised that he does not see any problem in covering this event from a risk management perspective. Supervisor Bibby asked for clarification as to whether this request is just for the “Mystery Dinner” and relative to the status of coverage for the Joaquin Murrieta Days. It was clarified that this request is for the “Mystery Dinner” and that Risk Management will review the status of coverage for the Joaquin Murrieta Days and bring an item back if necessary. (M)Turpin, (S)Bibby, Res. 05-210 was adopted approving the request/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

2:24 p.m. LOCAL TRANSPORTATION COMMISSION (Chair-Commissioner Stetson – Vice-Chair-Commissioner Fritz)

A) Public Presentations - none

B) Adopt a Resolution Adopting the Transportation Planning Overall Work Program (OWP) for Fiscal Year 2005-06 and Authorizing the Executive Director to Submit the OWP and Sign the Necessary Agreements

COMMISSION ACTION: Chair Stetson advised of grammatical/typographical changes in the document and asked that if the Commissioners have corrections that they forward them to Public Works. Discussion was held. (M)Pickard, (S)Turpin, LTC Res. 05-2 was adopted approving the request/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Commissioner Pickard asked whether a letter of support was being sent relative to the Proposition 42/Transportation Congestion Relief Measure funding. Dana Hertfelder, Public Works Director, advised that he would bring a letter for the Commission to approve on a future agenda. Commissioner Pickard asked that the issue of the funding that was previously allocated for the Old Highway Bridge project also be brought back to the Commission. Dana advised that this will be included in the revised RTIP this fall.

Commissioner Stetson noted that was an incomplete sentence on page twelve of the OWP document that the Commission approved, and it was agreed that the portion of the sentence would be deleted. Matt Fell/Transportation Planner, responded to a question as to whether the schools could participate in this program.

2:31 p.m. The Board of Supervisors reconvened.

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

BOARD ACTION: Supervisor Bibby noted that we still have not received a break from the rains, and the weather is continuing to cause damage to the roads and prevent regular maintenance activities. Thus, the disaster is continuing. Supervisor Turpin noted the need to address staffing for the road crews. Dana Hertfelder, Public Works Director, advised of the status of working on the damages that occurred as a result of the flooding. He also advised of their work with the State on the costs, and he advised that he will be coming to the Board with a request to reestablish Road Fund 306 for the projects. Chairman Pickard asked the County Administrative Officer to check on the status of whether a decision has been reached on the agricultural damages. Supervisor Bibby asked about the status of the damages submitted by MPUD, and she asked that the work areas be publicized so that the public would be aware whenever possible. Supervisor Turpin asked about the timeframes for submitting storm damage information to the State. (M)Stetson, (S)Turpin, Res. 05-211 was adopted continuing the local emergency due to the flooding that occurred throughout the County/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

2:43 p.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer);

CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation/Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code section 54956.9 Relative to a Workers’ Compensation Case (County Administrative Officer);

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Initiating of Litigation for Four Cases Pursuant to Subdivision (c) of Government Code Section 54956.9 (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure to Litigation for Two Cases Pursuant to Subdivision (b) of Government Code Section 54956.9 (Continued from 5-10-05) (County Counsel)

BOARD ACTION: (M)Bibby, (S)Stetson, the closed sessions were held, with Sandi Laird/Administration-Administrative Analyst to be present for a portion of the session/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

4:24 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. 05-193
- CA-2 Approve Professional Service Agreement between Jonathan Hughes and Mariposa County Covering the Period of May 17, 2005 through June 30, 2005, for Visual Merchandising Training to Business Owners in Coulterville and the Town of Mariposa and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Administrative Officer); Res. 05-194
- CA-3 Adopt a Resolution Approving the Annual Mariposa County Pioneer Wagon Train Event as a County Activity and Further Authorize the Chairman of the Board of Supervisors to Execute Agreements with Sally Wallace and 35-A District Agricultural Association (County Counsel); Res. 05-195
- CA-4 Approve Professional Service Agreement with John C. Fremont Healthcare District to Provide Dietary Services to the Mariposa County Adult Detention Facility and Authorize the Chairman of the Board of Supervisors to Execute the Agreement (Sheriff); Res. 05-196
- CA-5 Approve Professional Service Agreement with John C. Fremont Healthcare District to Provide Medical Services to the Mariposa County Adult Detention Facility and Authorize the Chairman of the Board of Supervisors to Execute the Agreement (Sheriff); Res. 05-197, with correction of the date in the agreement
- CA-6 Approve Renewal of a Service Agreement with Hewlett-Packard for Extended Warranty Service of Office Computer Equipment at a Monthly Cost of \$239.25 (Child Support Services Director); Res. 05-198
- CA-7 Authorize the Department of Human Services to Submit a Notice of Intent and Application to the State Department of Social Services (Office of Child Abuse Prevention) for Child Abuse Prevention, Intervention, and Treatment (CAPIT), Community Based Child Abuse Prevention (CBCAP) and Promoting Safe and Stable Families (PSSF) Funding for the 2005-2008 Grant Cycle; Authorize the Department of Human Services to Release Request for Proposals for Community Organizations to Apply for these Funds; Designate the Department of Human Services to Administer these Prevention Programs; and Authorize the Department of Human Services, to Develop a Three-Year Plan that Administratively Integrates CAPIT, CBCAP and PSSF, as Required by the of Child of Abuse Prevention (Human Services Director); Res. 05-199

- CA-8 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Sierra Tel Business Systems Contract and Authorizing the Health Officer to Issue a Purchase Order in the Amount of \$17,201.86 to Connect the Public Health Department to the Government Center's Communication System (Health Officer); Res. 05-203, with direction to staff
- CA-9 Approve Budget Action Transferring Funds within the Election Budget Unit to Cover Expenses for the Summer Training Institute 2005 (\$230) (Treasurer/Tax Collector/County Clerk); Res. 05-200
- CA-10 Authorize the Chairman of the Board of Supervisors to Sign Letters to Wesley Chesbro, Chair of the Senate Budget Committee and John Laird, Chair of the Assembly Budget Committee in Support of State Funding for the California Travel and Tourism Commission (CTTC) (Tourism Coordinator); Res. 05-201
- CA-11 Approve Budget Action Transferring Funds within the Tourism Budget Unit from Office Supplies to Fixed Assets to Purchase a New Printer (\$1,500) (Tourism Coordinator); Res. 05-202
- CA-12 Approve Resolution Recognizing Leslie Ann Scatchard as a Significant Volunteer Contributor to District II (Supervisor Turpin); Res. 05-192

4:24 p.m. Adjournment in memory of Barney Franklin Davis, Dorsey L. Crittenden, Dana "DJ" Hester, Jr., and Robert Frank Egan.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

May 24, 2005

Time Description

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

Pledge of Allegiance
Introductions

Chairman Pickard noted that there was an Addendum to the Agenda, adding Consent Agenda item 12 for the Used Oil Recycling Block Grant.

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

Angie Gustafson, IHSS (In-Home Supportive Services) worker, referred to a story in the Fresno Bee relative to nursing home care; and advised that if people are unable to obtain in-home care, they are sent to nursing homes.

Viola Reader stated she was present to support the staff of IHSS and a better wage and benefits, and she advised of her dependence on their services.

Barbara Fletcher spoke in support of the IHSS workers and a salary increase. She advised that she took care of her mother until she was no longer able to, and then her family sent her mother to a nursing home. Now, she has to rely on the IHSS workers to help her.

Addie Doranzo, representative for SEIU, IHSS workers, gave a report on the recent agreement in Calaveras County to increase the salary and benefits for the IHSS workers. She noted that the workers here are still making minimum wage and she feels they need an increase.

Chairman Pickard noted that this is not the appropriate place for discussing negotiations, that there is a negotiation process; however, the Board is willing to hear what they have to say.

Jan Hamilton, Chair of the Fire Safe Council, thanked the Board for its support of Consent Agenda item 7, use of Title III funding from the Secure Rural Schools and Community Self-Determination Act of 2000. She gave an update on the progress that has been made with the chipping program, and advised of the work that has been done on a new educational handout.

Jacque Meriam, Librarian, provided a status report on the business development grant, and she advised that an ADA workshop was held on Monday, and some of the people that attended were physically challenged. There will be two more workshops for business owners.

Board Information

Supervisor Fritz reported on her trip to Washington, D.C. for the Business and Professional Women's Leadership Summit. On Saturday, she attended the Morningstar Lane Road Maintenance Association meeting. She announced that the Chamber of Commerce is holding its Business After Hours event at the River Rock Inn this evening. On Thursday, the Chamber will hold its quarterly luncheon in the new addition of the Happy Burger Diner, and a representative from Aflac will be the speaker. She also advised that she and Supervisor Turpin will receive Certificates for the New Supervisors Training at the CSAC Training Conference on Thursday.

Supervisor Bibby advised that the Mariposa Lodge No. 39, held its 150th anniversary celebration on Saturday. She advised of statistics that she received from Marilyn Rudzik relative to attendance at the Storytelling Festival. She announced that the FFA Awards dinner is scheduled for this

Wednesday. On May 28th, the Memorial Day Parade and ceremony will be held; and that date is also scheduled for the dedication of the cornerstone for Mariposa Lodge No. 24 in the Arts Park.

Supervisor Turpin advised that the Annual Coyote Howl was held in Coulterville over the weekend. On Sunday evening, he presented Leslie Scatchard with the resolution that the Board previously adopted recognizing her for her service to the community. He also advised that he plans to attend the New Supervisors Training at CSAC in Sacramento this Thursday.

Supervisor Bibby provided an update on the status of repairs to Hornitos Road, and she complimented the road maintenance crews for their work.

Supervisor Pickard reported on the Regional Council of Rural Counties (RCRC) meeting that he attended in Sacramento on Wednesday and Thursday, and he advised of funding issues that were discussed.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby referred to a memorandum that was received from the District Attorney's Office that contained a correction to the date for item 9. She pulled item 7. (M)Bibby, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.

Supervisor Pickard introduced Paul De Santis, the new Planning Commissioner representing Supervisorial District V.

Consent Agenda item 7 – Supervisor Bibby initiated discussion relative to the contract with Tom James and asked for clarification of the compensation by monthly invoices. Mary Hodson, Deputy County Administrative Officer, suggested that language could be added to the contract to clarify that payment will be made in accordance with monthly invoices. Supervisor Bibby asked about the work to be performed by CDF, and Mary advised that the work will be done through the County Fire Department. Supervisor Bibby noted that there are still unencumbered funds that could be used for search and rescue activities on Forest Service property. (M)Bibby, (S)Stetson, item 7 was approved/Ayes: Unanimous.

Tom Guarino, County Counsel;

Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign the Second Amendment to Agreement for Fiscal Independence of the Mariposa County Board of Trustees and Same Agreement for Fiscal Independence of the Mariposa County Office of Education

BOARD ACTION: Discussion was held. Supervisor Bibby initiated discussion relative to the reimbursable and non-reimbursable expenses. Further discussion was continued for the following hearing to be opened.

10:01 a.m. Public hearing relative to the application submittal for a CDBG grant was opened and continued until after the following items.

Further discussion was held relative to the amendment to the agreement with the School District. Supervisor Turpin asked whether the costs and services could be tracked on an annual basis. Tom Guarino advised that it would be up to the Auditor to review this; and that if services beyond the level currently being provided are requested, that the matter come back to the Board. (M)Fritz, (S)Stetson, Res. 05-222 was adopted approving the recommended action. Supervisor Bibby initiated further discussion relative to clarifying the existing level of services being provided and the associated costs; and asked if this information could be attached to the amendment to the agreement. Rich Inman, County Administrative Officer, asked about including the memorandum from the Auditor that contains costs and service information as a reference to the agreement. Tom Guarino advised that the memorandum is a part of the record. Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

Cheryle Rutherford-Kelly, Human Services Director;

Approve Budget Action Accepting Proposition 63 Revenue and Corresponding Appropriations (\$78,905); Allocate and Fund a Permanent Part-Time Office Technician Position (.5 FTE) to the Proposition 63 Fund; Allow the Utilization of Members from the Recovering Community Who have Formed the Phoenix Writers Club; Approve Professional Services Contract with Jan Stutzman to

Assist with Grant Preparation in the Amount of \$19,500; and Authorize the Human Services Director to sign the Contract (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Cheryle Rutherford-Kelly relative to the request. (M)Fritz, (S)Bibby, Res. 05-223 was adopted approving the recommended actions; with direction for the County Administrative Officer and County Counsel to review the agreement/Ayes: Unanimous. Tom Guarino, County Counsel, noted that the Professional Services Contract needs to be signed by the Chair. (M)Fritz, (S)Bibby, the previous action was amended to authorize the Chair to sign the Professional Services Contract versus the Human Services Director, pending review by County Counsel and the County Administrative Officer/Ayes: Unanimous.

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

PUBLIC HEARING Involving Community Participation Relative to Application Submittal in the Amount of \$35,000 with Eight Percent Match (\$2,800), for a Community Development Block Grant (CDBG), Planning and Technical Assistance Grant (Economic Development) for the Purpose of Retaining an Advisor to Develop an Economic Development Strategy for Mariposa County and Authorize the Chairman of the Board of Supervisors to Execute the Grant

BOARD ACTION: Marilyn Lidyoff, Administration-Business Development Coordinator, presented the staff report, and she advised that the purpose of this hearing is to receive public comment and approval of the Board to submit a grant application in the amount of \$35,000 to the State to retain an advisor to develop a Countywide Economic Development Strategy. The cash match is eight percent. She gave an overview of the funding source and distribution for the grant program to be in compliance with the State and Federal regulations for submitting this application. She reviewed the project and the seven tasks in the grant. Staff responded to questions from the Board relative to the statistics used for the median income; clarified the purpose of the hearing; as to whether there are any implementation requirements after the Plan is developed; relative to the recommendation to retain an outside advisor; and relative to meeting in each of the Supervisorial Districts.

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

Paul Chapman stated he feels that if the grant is awarded, someone from the County should be used to help develop the Plan that knows the County and how it works.

Supervisor Bibby asked that staff verify the median income statistic that is used in the grant application, and that the Board be advised of the information.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to a question from the Board relative to the request for proposal process and the matter coming back to the Board for the selection of a firm. (M)Fritz, (S)Stetson, Re. 05-224 was adopted approving the recommended action/Ayes: Unanimous. The hearing was closed.

Supervisor Fritz provided input on the favorable comments received from the window decorating workshop and she complimented Marilyn Lidyoff for her work on this event.

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, suggestion that the Board continue the finding that there is a local emergency while we continue to process the claims for repair. Supervisor Stetson commented on the current potential for flooding with the warm weather. (M)Bibby, (S)Fritz, Res. 05-225 was adopted continuing the local emergency due to the flooding that occurred throughout the County/Ayes: Unanimous.

10:47 a.m. Recess

11:06 a.m. HOUSING AUTHORITY (Chair-Stetson; Vice-Chair Bibby)

Cheryle Rutherford-Kelly, Human Services Director;

A) Public Presentations – none.

B) Select a Chair and Vice-Chair for the Housing Authority Board of Commissioners for Fiscal Year 2005-2006; Approve Updates to the Administrative Plan; Approve the 2005-2009 Five-Year Plan and Certification of Compliance; and Authorize the Signature of the Executive Director on All Required Program and Financial Forms

COMMISSION ACTION: (M)Pickard, (S)Turpin, Commissioner Stetson was selected to continue to serve as Chair, and Commission Bibby was selected to continue to serve as Vice-Chair of the Housing Authority/Ayes: Unanimous.

Cheryle Rutherford-Kelly reviewed the updates to the Administrative Plan. Discussion was held. Janet Gass/Human Services-Contract Administrator, reviewed the residency change. Commissioner Pickard asked whether housing vouchers are available to students, and Cheryle advised that she would need to review that matter. (M)Bibby, (S)Fritz, Hous. Auth. Res. 05-1 was adopted approving updates to the Administrative Plan, approving the 2005-2009 Five-Year Plan and Certification of Compliance; and authorizing the signature of the Executive Director on all required program and financial forms. Chair Stetson commented on the strategy to increase affordable housing units. Commissioner Pickard encouraged the Chair to work with private developers to encourage pursuing this strategy. Ayes: Unanimous.

11:29 a.m. The Board of Supervisors reconvened.

11:30 a.m. Recess

11:38 a.m. Cathi Boze, Agricultural Commissioner/Sealer; Presentation and Update on the Irrigated Lands Conditional Waiver by Staff of the Central Valley Regional Water Quality Control Board, the State Water Quality Control Board, and the East San Joaquin Water Quality Coalition

BOARD ACTION: Cathi Boze introduced the following: Daniel Merkle, Agricultural Coordinator for the State Water Resources Control Board; Diana Messina, Senior Engineer for the Central Valley Region of the Regional Water Quality Control Board; and Perry Klassen, Board Chair for the East San Joaquin Water Quality Coalition.

Perry Klassen gave an overview on the Coalition's activities and the program. He advised that currently there are no plans to monitor in Mariposa County in the next year. Discussion was held relative to the impact that this program will have on the County, including the small operations.

Diana Messina provided information on the program.

1:02 p.m. Recess

1:09 p.m. Daniel Merkle advised that Art Baggett, Chair of the State Water Quality Control Board, wanted to be present today; however, he had a scheduling conflict. He reviewed the fee proposals for the waivers.

Discussion was held, and the Board thanked the presenters for the update.

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer)

BOARD ACTION: This closed session was not held.

1:33 p.m. CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Bryce Johnson v. County of Mariposa, et al (County Counsel); CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure to Litigation for Two Cases Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel); and CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure to Litigation for Two Cases Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)

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

2:19 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. 05-212
- CA-2 Authorize the Public Works Director to Extend One Extra-Help Contract by 250 Hours for a Solid Waste & Recycling Division Gate Attendant Position in Order to Meet Staffing Requirements for the Landfill and Transfer Stations for this Fiscal Year; and Approve Budget Action Transferring Funds within the Solid Waste Budget to Cover Anticipated Expenditures through June 30, 2005 (\$20,000) (Public Works Director); Res. 05-213
- CA-3 Approve Budget Action Transferring Funds within the Wawona Service Area Budget from Contingency to Contracts to Allow for Payment of the Quarterly Invoice from Total Waste Systems for the Period of April through June, 2004 (\$10,000) (4/5ths Vote Required) (Public Works Director); Res. 05-214
- CA-4 Approve Budget Action Transferring Funds within the Wawona Service Area Budget to Cover the Cost of Renting a Loader and Dump Truck for the Annual Pine Needle Cleanup Project (\$3,000) (Public Works Director); Res. 04-215
- CA-5 Approve Budget Action Transferring Funds within the Yosemite West Maintenance District Budget to Cover Snow Removal Costs due to the Heavy Winter this Year (\$7,000) (Public Works Director); Res. 05-216
- CA-6 Accept Resignation of Jason Randal from the Airport Advisory Committee (Supervisors Turpin and Bibby)
- CA-7 Approve the Use of Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) for: 1) Continued Funding of the South West Interface Project (SWIFT) for a Two Year Period (\$28,800); 2) Continued Funding for Administrative Support for the Mariposa County Fire Safe Council for a One Year Period (\$46,567); 3) A Fuel Reduction Program Utilizing the California Department of Forestry (CDF) and the California Department of Corrections (CDC) Fire Crew (\$8,000); and Authorize the Chairman of the Board of Supervisors to Sign the Professional Services Agreement for the SWIFT Program and the Grant Agreement for the Mariposa County Fire Safe Council (County Administrative Officer); Res. 05-221, with change to the contract with Tom James
- CA-8 Approve a System Order Agreement – Purchase with Sierra Tel Business Systems to Provide Services for an Alarm System within the District Attorney’s Office and Authorize the Chairman of the Board of Supervisors to execute the Agreement (District Attorney); Res. 05-217
- CA-9 Approve Changing the Allocation of the Full-Time Advocate Position to an Eighty-Percent Permanent Part-Time Position Funded by Thirty-Seven and One-Half Percent Victim/Witness and Sixty-Two and One-Half Percent Grant to Encourage Arrest Policies, Effective April 10, 2005; and Approve Budget Action Transferring Funds within the District Attorney Victim/Witness Budget to Adjust Line Items to

Balance and Expend Funds through June 30, 2005 (\$3,714) (District Attorney); Res. 05-218

- CA-10 Approve Budget Action Transferring Funds from Tax Collectors Trust Fund to Treasurer/Tax Collectors Budget to Allow the Tax Collector to Attend the Annual California Association of Treasurers and Tax Collectors Conference (\$200) (4/5ths Vote Required) (Treasurer/Tax Collector/County Clerk); Res. 05-219
- CA-11 Appoint Paul De Santis to the Mariposa County Planning Commission, Representing District V (Chairman Pickard)
- CA-12 Adopt a Resolution Approving and Authorizing the Environmental Services Joint Powers Authority (ESJPA) to Apply for a California Integrated Waste Management Board Regional Application for the Used Oil Recycling Block Grant, Fiscal Year 2005/2006 on Behalf of Mariposa County and to Implement All Terms of the Grant as Designated by the California Integrated Waste Management Board (Public Works Director); Res. 05-220

2:20 p.m. Adjournment in memory of Butch Harvey and William J. Dayton.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

June 7, 2005



Time Description

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

Ricky Hess, Eagle Scout, led in the Pledge of Allegiance.

Introductions

Bob Pickard, Chairman;

A) Approval and Presentation of Letter Recognizing Ricky Hess, for Obtaining the Rank of Eagle Scout

BOARD ACTION: (M)Bibby, (S)Fritz, the letter of recognition was approved and presented to Ricky Hess/Ayes: Unanimous. Ricky thanked former Supervisor Doug Balmain and the County for its support of his flag retirement ceremony project.

B) Presentation by Jeane Hetland, Executive Director and Karen Rust, School Readiness Coordinator of the First 5 Commission of Mariposa County

BOARD ACTION: Jeane Hetland reviewed the organization and programs of the First 5 Commission. Karen Rust reviewed the status of the Greeley Hill Pre-School program and plans to expand to other areas in the County. Board members thanked Jeane and Karen for the informative presentation.

9:56 a.m. Recess

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

Paul Chapman provided input relative to Consent Agenda item 16; and he stated he feels that the owner of the explosives should be responsible for the damage caused by the detonation. He also questioned the amount of the claim itself and whether it included remodel expenses. Paul referred to Consent Agenda item 2, and he stated he feels that other roads should be looked at, especially in the lower elevations of the County, for repairs from the flood damage. He noted that there are only a few roads and that they serve private property.

Board Information

Supervisor Fritz advised that she attended the annual Fish and Game Flea Market. She announced that a 4th of July event planning meeting will be held on Wednesday. She noted that the Wagon Train event is scheduled for this coming weekend. She also advised that Dieter Dubberke has been awarded the "Excellence in Business" award for the Mariposa area, and a ceremony will be held in Fresno on June 22nd, and she is trying to get people from Mariposa to fill a table for the event.

Supervisor Stetson advised that the "Mountain Mutt" event is scheduled for Saturday at the Fairgrounds. On Wednesday, he plans to attend the Mountain Valley Emergency Medical Services Agency meeting at the Government Center. Yosemite West Advisory Committee is scheduled to meet Monday in Wawona. He reported that he attended the National Association of Counties (NACO) conference in Seattle, and he advised of the issues that were discussed – cooperative agencies, gateway communities, transportation, and methamphetamine problems.

Supervisor Bibby presented the Board with a certificate that was presented at the “Mountain Mutt” event for the County’s support. She noted that she was a judge for the event and that Supervisor Stetson was the emcee. She advised that she has a Mental Health Board meeting at noon this date. She advised that she plans to attend the Foreign Trade Zone meeting in Fresno on Wednesday, and the High School award banquet, and the Airport Advisory Committee meeting. She also provided input on the information that was received relative to the median household income statistics that were provided to the Board during its meeting of May 24th, and she advised that the figure that was used was for a family of four. She also advised that she attended the Mother Lode Job Training meeting on Thursday.

Supervisor Turpin advised that he attended the CSAC Agricultural and Natural Resources Policy Committee meeting on Wednesday, and he reviewed the issues that were discussed – wildland fire fighting and costs, Forest Service wilderness issues, State Water Plan, and hospital funding issues. Supervisor Pickard provided input relative to Forest Service issues involving the Sierra National Forest, and asked whether Supervisor Turpin has been working with the Stanislaus National Forest on these issues. Discussion was held.

Approval of Minutes 4-26-05, Regular Meeting;
Approval of Minutes 5-3-05, Regular Meeting; and
Approval of Minutes 5-10-05, Regular Meeting

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

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 2, 4, 5, 6, 14, 15, and 16. Supervisor Turpin pulled items 2, 4, and 11. (M)Fritz, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 2 – Supervisor Bibby initiated discussion relative to the status of road repairs and continuing damages as a result of the March 2005 flooding. She noted that not all of the repairs are holding, and she noted that the School District has stopped bus service on Ben Hur Road in part because of the road conditions. Discussion was held relative to the timeframes and process with Dana Hertfelder, Public Works Director. Supervisor Turpin reiterated previous concerns relative to getting the road crews fully staffed. (M)Bibby, (S)Turpin, item 2 was approved/Ayes: Unanimous.

Consent Agenda item 4 – Supervisor Bibby asked whether there is a funding obligation with this action, and she noted that the date in the Resolution needs to be corrected. Rich Inman, County Administrative Officer, advised that there is no funding obligation. (S)Stetson, (S)Fritz, item 4 was approved with the date to be corrected in the Resolution/Ayes: Unanimous.

Consent Agenda item 5 – Supervisor Bibby confirmed that the application was withdrawn. Kris Schenk, Planning Director, provided input relative to the status of this project. (M)Bibby, (S)Stetson, item 5 was approved/Ayes: Unanimous.

Consent Agenda item 6 – Supervisor Bibby initiated discussion. Rick Peresan, Technical Services Director, responded to the questions and advised that the services have been performed and the problem has been corrected. (M)Bibby, (S)Stetson, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 11 – Supervisor Turpin initiated discussion and asked for information on the number of homes that still need to be addressed, and he asked the County Administrative Officer to obtain information on this matter. (M)Turpin, (S)Fritz, item 11 was approved/Ayes: Unanimous.

Consent Agenda item 14 – Supervisor Bibby initiated discussion and advised that section 8.01 of the agreement is from an old version of the agreement form; and requested that the social security numbers not be included in public documents. Tom Guarino, County Counsel, responded to the concerns, and he advised that he will remind the departments to use the current forms and he will review the social security number issue. (M)Bibby, (S)Stetson, item 14 was approved, with the correction to section 8.01/Ayes: Unanimous.

Consent Agenda item 15 – Supervisor Bibby initiated discussion, and advised that she still has concerns about not defining the current level of services and costs. She also questioned the January 20, 2005 date in the agreement versus today’s date. She asked for clarification of the use of Board of Trustees and Office of Education in one of the agreements, and she asked whether the publication costs should be specific to ordinances. (M)Fritz, (S)Stetson, item 15 was approved, with the use of today’s date in the agreement/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

Consent Agenda item 16 – Supervisor Bibby initiated discussion and advised that she still has questions relative to the law enforcement report and the number of windows that were replaced, and the checks that were written versus the claim amount. She also asked whether the property owner of the mine has responsibility in this matter. Rich Inman, County Administrative Officer, advised that would be a separate issue from this claim and he would work with County Counsel. (M)Turpin, (S)Stetson, item 16 was approved/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

Lyle Turpin, Supervisor District II;
Discussion and Approval of Mariposa County Concerns regarding Bureau of Land Management (BLM) Resource Management Plan

BOARD ACTION: Supervisor Turpin initiated discussion relative to the proposed comments and concerns regarding the BLM Resource Management Plan. Chairman Pickard suggested that the response be submitted with a cover letter from the Board. (M)Bibby, (S)Turpin, Res. 05-242 was adopted approving the response. Further discussion was held. The motion was amended, agreeable with the maker and second, to reword the sentence relative to dealing with isolated parcels. Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

A) Adopt a Resolution Designating the Public Works Director as the Authorized Agent to Execute an Application and File it in the Office of Emergency Services for the Purpose of Obtaining Certain Federal Financial Assistance

BOARD ACTION: Following discussion with Dana Hertfelder, (M)Bibby, (S)Turpin, Res. 05-243 was adopted approving the recommended action/Ayes: Unanimous.

B) Adopt a Resolution Authorizing the Chair of the Board of Supervisors to Execute a Takeover Agreement between the County of Mariposa and St. Paul Fire and Marine Insurance Company to Complete Construction of the Yosemite West Wastewater Treatment Facility Project

BOARD ACTION: Discussion was held with Dana Hertfelder. Supervisor Bibby asked if the agreement should be signed by the Chair versus the Public Works Director; and she noted that there are blanks in the agreement that need to be filled in. Dana advised of the information to be inserted in the blanks in the agreement. (M)Stetson, (S)Fritz, Res. 04-244 was adopted authorizing the Chair to sign the agreement and with the blanks to be filled in as discussed/Ayes: Unanimous.

Waive Second Reading and Adopt an Ordinance Amending Section 18.04.040 of Chapter 18.04 of the Mariposa County Code Entitled, “Right to Agricultural Activity” (County Counsel)

BOARD ACTION: (M)Turpin, (S)Fritz, the second reading was waived and Ordinance No. 1018 was adopted. The Clerk of the Board read the Ordinance title and number into the record. Ayes: Unanimous.

Waive Second Reading and Adopt an Ordinance Amending Section 6.16.020 of Chapter 6.16 of the Mariposa County Code Entitled, “Barking Dogs – Public Nuisance” (County Counsel)

BOARD ACTION: (M)Bibby, (S)Stetson, the second reading was waived and Ordinance No. 1019 was adopted. The Clerk of the Board read the Ordinance title and number into the record. 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, noted that with the discussion earlier this date on the status of road repairs and damages that are continuing, he feels that the Board should continue with the emergency action. (M)Bibby, (S)Stetson, Res. 05-245 was adopted continuing the local emergency due to the flooding that occurred throughout the County. Dana Hertfelder, Public Works Director, provided input on the situation. Ayes: Unanimous.

11:33 a.m. LOCAL TRANSPORTATION COMMISSION (Chair-Commissioner Stetson; Vice-Chair-Commissioner Fritz)

A) Public Presentations – none.

B) Adopt a Resolution Authorizing the Public Works Director to Sign a Funds Transfer Agreement with the State of California for the State Transportation Improvement Program (STIP) Planning, Programming & Monitoring (PPM) Program for Fiscal Year 2004-2005

BOARD ACTION: Following discussion with Dana Hertfelder, Public Works Director, (M)Bibby, (S)Fritz, LTC Res. 05-3 was adopted approving the recommended action/Ayes: Unanimous.

11:33 a.m. The Board reconvened.

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, advised that it is not necessary to hold this closed session.

11:37 a.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU 535, MCMCO; Name of County Designated Representative: Rich Inman, CAO (County Administrative Officer);

CLOSED SESSION: Conference with Real Property Negotiator: Description of Real Property: 5101/5099 Bullion Street, Mariposa; Name of party who will negotiate with County: Rich Inman, County Administrative Officer; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer);

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

CLOSED SESSION: Conference with Legal Counsel Relative to Liability Claims; Claimant Name: Total Waste Systems, Inc.; Claim Number: C05-5; Name of Agency Sued: County of Mariposa (County Counsel)

BOARD ACTION: (M)Fritz, (S)Turpin, the closed sessions were held with the Public Works Director to be present for a portion of the session/Ayes: Unanimous. Chairman Pickard advised that the Board would reconvene in open session at 2:00 p.m.

12:02 p.m. Lunch

1:38 p.m. The Board reconvened in closed session.

2:41 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed session matters.

Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Appeal No. 2005-96, an Appeal of the Planning Commission's Actions to Approve Land Division Application No. 2003-283, Including the Conditions and Findings, the Environmental Determination, and Procedures; David Mecchi, Caroleen Mecchi, and Beverly Mecchi, Appellants (Contact Person: Raymond Carlson). The Planning Commission Adopted Resolution No. 2005-13 on April 8, 2005, Adopting a Negative Declaration and Approving Land Division Application No. 2003-283 with Findings and Conditions; Kevyn Moberly, Applicant. Project Proposes the Division of a 22.8 plus or minus Acre Parcel into 3 Parcels and a Remainder; Site is Assessor Parcel Number (APN) 017-260-026 Located off of Worman Road

BOARD ACTION: Sarah Williams, Deputy Planning Director, presented the staff report, and she reviewed the project and the processing history. Staff responded to a question from the Board as to the location of the appellant's property in relation to the applicant's property. Sarah continued with the staff report and reviewed the issues that were raised in the appeal – water issues, cumulative impact issues relative to water resources and quality, transfer of water rights, timing for soils testing, potential impacts from septic system, and failure to require restrictive covenants precluding construction of secondary residences. Sarah reviewed the public hearing procedures and staff's recommendation to deny the appeal

with findings, and she advised of an alternative option for action to direct staff to return with revisions to the resolution. Staff responded to questions from the Board relative to the restriction of secondary residences, and whether that restriction would apply to the remainder parcel.

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

Kristine Howe, member of Griswold, LaSalle, Cobb, Dowd, & Gin, L.L.P. – the law firm representing the Mecchi's in this matter, advised that the appeal was presented and is before the Board. She reviewed the highlights of what she feels are the key reasons and issues that the Board should consider when deciding this appeal relative to water – quality and quantity and testing procedures, traffic and road considerations, and covenants, conditions, and restrictions. She responded to a question from the Board, and advised that the issue she raised relative to water availability for fire suppression was not in the appeal documents; however, she feels it relates to water quantity. Attorney Howe continued with road/traffic impact issues. She responded to a question from the Board as to where the traffic impact report issue was raised, and she advised that she believes that Mr. Mecchi discussed this in his verbal testimony before the Planning Commission. Attorney Howe expressed concern that the covenants, conditions and restrictions are not available for review and comment prior to recordation of the map. Tom Guarino, County Counsel, asked Attorney Howe to identify the evidence submitted in the record to the Planning Commission as to why this appeal should be sustained. She advised that she interprets CEQA differently – she feels that CEQA requires public disclosure on information, and that the lead agency is responsible for reviewing each issue whether or not it is an impact, and that information needs to be supplied to the public. So, she advised that she does not have any information or documentation, just questions.

There was no further public input or rebuttal. The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to addressing the water, traffic and covenants, conditions and restriction issues that were raised. Sarah Williams referred to the information that was submitted by Dave Conway of the Health Department relative to the water issues, and advised that he was present to answer questions. Staff responded to questions from the Board relative to State law requirements for water storage for fire protection; and potential impacts on water quality for neighboring parcels from the septic system. Dave Conway/Health – Registered Environmental Health Specialist, advised that degradation of ground water is a major concern and he advised that they follow established policies and rules and regulations to insure that ground water resources are not degraded. Dave responded to questions from the Board relative to the criteria for siting septic systems on slopes and proximity of the system to the adjoining property line. Sarah continued with responding to the issues that were raised. She advised that the residency restrictions are not a County requirement, but are a part of the applicant's proposal. She advised that the covenants, conditions, and restrictions will be reviewed by staff prior to recordation of the map. She also advised that staff has reviewed each issue under CEQA. Staff responded to a question from the Board relative to the process for referencing the covenants, conditions and restrictions language on the map. Dana Hertfelder, Public Works Director, advised that his staff met with California Department of Forestry and Fire Protection and reviewed the project site and estimate to complete the proposed road work.

(M)Stetson, (S)Fritz, Res. 05-246 was adopted denying Appeal No. 2005-96 with findings, upholding the Planning Commission's adoption of a negative declaration and approval of Land Division Application No. 2003-283 with findings and conditions/Moberly, applicant. Tom Guarino advised that the Board could adopt the formal resolution that was included in the package unless it has other findings – no changes were made. Supervisor Fritz thanked staff for the completeness of this item. Staff responded to a question from the Board and clarified the issue relative to recordation of a restrictive covenant precluding construction of secondary residences on the parcels south to be created prior to project approval. Ayes: Unanimous. The hearing was closed.

INFORMATION – No action was necessary on the following:

Winter and Summer Hours of the Mariposa County Library Branches: Red Cloud, El Portal, Yosemite, and Bassett Memorial Library at Wawona (Librarian)

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. 05-226
- CA-2 Authorize the Use of Fund #306 – Roads Special Projects to Track Revenue and Expenses for Road Repairs Related to Damage from the March 2005 Flooding and Approve Budget Action Appropriating \$200,000 in Revenue and Expenses in this Fund for the Current Fiscal Year (4/5ths Vote Required) (Public Works Director); Res. 05-234
- CA-3 Approve Budget Action Transferring Funds within the Road Fund to Cover Anticipated Expenditures through the End of the Fiscal Year (\$8,000) (Public Works Director); Res. 05-227
- CA-4 Adopt a Resolution Designating the Mariposa County Arts Council as the Mariposa County Authorized Partner to the California Arts Council (Chairman Pickard); Res. 05-235
- CA-5 Approve Budget Action Transferring Existing Appropriations to a Refund Account in Order to Close the Deerwood Special Revenue Fund, as the Applicant is Withdrawing their Application (\$2,923) (Planning Director); Res. 05-236
- CA-6 Authorize the Chairman of the Board of Supervisors to Sign a System Purchase and Installation Agreement from Sierra Tel Business Systems for a Data/Video System and Cost of Installation, pending County Counsel’s Approval (Technical Services Director); Res. 05-237
- CA-7 Adopt a Resolution Approving and Authorizing the Chairman of the Board of Supervisors to Sign a Professional Service Agreement with the Mariposa County Resource Conservation District for Grading and Erosion Control Services for the Building Department in the Not-to-Exceed Amount of \$10,000 (Building Director); Res. 05-228
- CA-8 Approve Budget Action Transferring Funds within the District Attorney Budget to Purchase Miscellaneous Office Supplies, Safety Equipment, and Drapes (\$5,000) (District Attorney); Res. 05-229
- CA-9 Approve Budget Action Utilizing all of the 2004 Low Income Housing Energy Assistance Program (LIHEAP) Money; Accepting Increased Funding due to the Closure of the Contract for Fiscal Years 2002-2003; and Approve Financial Advances for Calendar Year 2005 (\$111,868) (4/5ths Vote Required) (Human Services Director); Res. 05-230
- CA-10 Approve State Department of Community Services and Development Agreement 05C-1570, Accepting \$8,207 in Department of Energy (DOE) Funding and Authorize the Human Services Director to Execute the Agreement and to Coordinate Weatherization Labor Services with the Central Valley Opportunity Center (CVOC) (Human Services Director); Res. 05-231
- CA-11 Approve Contract with Central Valley Opportunity Center (CVOC) to Provide Weatherization Services in the Homes of Low Income Residents and Authorize the Chairman of the Board of Supervisors to Execute the Contract (Human Services Director); Res. 05-238
- CA-12 Authorize the Human Services Director to Execute Amendment One to

Low-Income Home Energy Assistance Program (LIHEAP) Agreement 05B-5322, Amending the Total Amount to \$254,948, Reflecting an Increase of \$11,129 (Human Services Director); Res. 05-232

- CA-13 Approve an Agreement with Infant/Child Enrichment Service (ICES) for Childcare Services for Parents Transitioning from Welfare to Work in the Amount of \$205,000 for Fiscal Year 2005-2006 (Human Services Director); Res. 05-233
- CA-14 Authorize the Human Services Department to Enter into an Agreement with Cathy Rohrbaugh to Provide Learning Disabled Evaluations for Individuals in the CalWORKs Program in the Amount of \$25,000 for Fiscal Year 2005-2006 and Authorize the Chairman of the Board of Supervisors to Execute the Agreement (Human Services Director); Res. 05-239
- CA-15 Adopt a Resolution Rescinding Resolution 05-222, Adopting and Authorizing the Chairman of the Board of Supervisors to Sign the Revised Second Amendment to Agreement for Fiscal Independence of the Mariposa County Board of Trustees and Same Agreement for Fiscal Independence of the Mariposa County Office of Education (County Counsel); Res. 05-240
- CA-16 Authorize Payment of Claim No. C04-12 for \$11,513 to Mr. Robert Barron for Damage to his Property that Occurred as a Result of the Detonation of Explosives by Mariposa County Sheriff's Department (County Administrative Officer); Res. 05-241

3:50 p.m. Adjournment in memory of Vernon A. Boyer, Terrence "Terry" McCormick, Jessma R. Hauhuth, and Al Parker.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

June 14, 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

Paul Chapman referred to the request for additional funding from the Rural Media Arts and Education Project, and he stated he feels the Tobacco Settlement Funds should be spent on health care and education; and he noted that this group has already received money.

Marilyn Johnson, representing the Downtown Merchants Association and dressed in period costume, along with other representatives, gave a presentation on the beginning of the festivities for the 4th of July celebration. They presented the Board members and staff with a bookmark that was printed on the 1898 Chandler & Price printing press at the Mariposa Museum and History Center, and a patriotic bouquet of flags and roses. These items were donated by the Downtown Merchants Association, Mariposa Museum and History Center and the Republican and Democratic Central Committees to promote the 4th of July event.

Dianne Fritz, Supervisor District IV;

Update and Approval of the Fourth of July Celebration Venue

BOARD ACTION: Supervisor Fritz provided a status report on plans for the 4th of July Celebration (an Old Fashioned 4th of July – Step Back in Time celebration), and she thanked the representatives of the Downtown Merchants Association for their presentation, and the citizens that have been working on this event. She advised that the planning committee will meet on Wednesday evening.

Board Information

Supervisor Bibby advised of her plans to attend the Joint Powers Authority meeting for the Community Action Agency at Lake Tulloch on Thursday. She attended the Greeley Hill First Five pre-school graduation. She wished all of the graduates a safe and prosperous, successful future. She noted that the graduation ceremony for the High School senior class is this Friday, and she will participate in the Sober Grad Night event, and she thanked those who contribute and assist with this event.

Supervisor Turpin commented on his attendance at the Wagon Train events and of the historical aspect of the event. He advised that he also plans to attend the Community Action Agency meeting at Lake Tulloch. He also commented on the logging activity.

Supervisor Pickard agreed with Supervisor Bibby on congratulating the graduates, including his son who is a graduating senior from Mariposa County High School, and he commended the teachers for their work.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 2, 6 and 8. (M)Stetson, (S)Fritz, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 2 – Supervisor Bibby initiated discussion relative to the agreement and asked whether any revenue is received by the County. Chairman Pickard asked Administration to arrange for Peggy Ronning/Mineral Exhibit Curator, to give an update to the Board on the Mineral Exhibit and visitation statistics. (M)Bibby, (S)Turpin, item 2 was approved/Ayes: Unanimous.

Consent Agenda item 6 – Supervisor Bibby initiated discussion relative to the contract and noted that the contractor's address needs to be included and that the Social Security number needs to be redacted. Tom Guarino, County Counsel, advised that a new first page of the contract has been received which includes the contractor's address, and he advised that Social Security numbers will be redacted from contracts in the future for the public record. (M)Bibby, (S)Fritz, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 8 – Supervisor Bibby initiated discussion relative to Section 3.02 of the agreement, and she requested that similar language relative to the method of performing services be used as was used for a recent landfill agreement. Tom Guarino referred to the scope of services and stated he feels that covers the concern; however, he advised that he will further review this issue in the future. Supervisor Bibby asked whether the work would be done in the County office, and she advised of a typographical error in Article 6, and of the need to redact the Social Security number. Mary Hodson, Deputy County Administrative Officer, responded to a question from Supervisor Pickard relative to the hourly rate, and she advised that it is similar to the rate for an employee with benefits. Supervisor Turpin referred to the contract and asked about the work space. Tom Guarino advised that he will work on the revisions to the contract to bring the questioned sections into harmony with the services to be provided if the Board wants, and he advised that the Board could approve the agreement with the terms of \$20 per hour up to a maximum of \$6,000. Supervisor Bibby stated she would like to have a section added to address confidentiality. (M)Bibby, (S)Turpin, item 8 was approved, with direction as discussed/Ayes: Unanimous.

Mary Hodson, Deputy County Administrative Officer, was present on behalf of Rich Inman, County Administrative Officer;

Request by Rural Media Arts and Education Project for Additional Funding in the Amount of \$10,000 to Service Program Grants Received in 2004

BOARD ACTION: Susan Robinson, Mariposa Elementary School Principal, thanked the Board for providing a venue for students to have an opportunity to do things in this County. She noted that they will use the new Amphitheater for their graduation ceremony this year. She noted that with their budget situation and the impacts on bus transportation and their aging fleet, and the reduction of the school day, the Rural Media Arts and Education Project will still be available to the students as they can have a walking field trip. She thanked the Board for its support and urged continued support of this Project.

Tony Radanovich presented two letters of support; and he advised that Chevon Kothari of Mountain Crisis Services was unable to be present. However, Chevon is working closely with them on special programs; and he advised that they can partner with just about any organization in the County to provide programming. He advised of their program activities.

Phyllis Becker noted that she and her husband have been attending the Sixth Street presentations for the eight years that it has been in existence. She noted that there is no other opportunity to see these films and to be able to enjoy them and discuss them with other members of the community. She spoke in support of the children's programs. She noted that these are films that are literature based and they have not been advertised on television and are not trying to sell us anything. She stated she would like to see this program continue and be allowed to flourish and grow.

Laura Phillips provided input on public cinema programming, and she noted the impact a recent film had on Chevon and her efforts to try and change lives as a result of seeing the film.

Tony Radanovich advised of the need for community support and to be able to obtain donations to continue.

Discussion was held relative to the request, requirement for displaying anti-tobacco messages if the Tobacco Settlement funding is used; contributions by other entities to the programs; and relative to the Sunday Cinema program and separation of Church and State issues. Tom Guarino, County Counsel, provided input on the religious programming and limitations on County sponsorship. Supervisor Turpin asked about being able to take the programs to the schools. Tony and Laura advised that logistics and

staffing would make it difficult to take the programs to the schools on a regular basis, and that the sound and set-up is better at the Sixth Street Cinema. Tony suggested that he could look for funding that could assist the schools with busing the students to the Sixth Street Cinema. Supervisor Bibby asked for information on the statistics for each of the programs, attendance, etc. Discussion was held relative to the use of the Tobacco Settlement Funds and the timing with the upcoming budget process and the scheduling of the programs. (M)Bibby, (S)Stetson, to support the request for additional funding, expressly forbidding the use of the funding to be used for programs that contain religious content; directing that the Tobacco education information be available during the programs and that statistics be provided for the programs; was held pending further discussion. The motion was amended, agreeable with the maker and second, to include direction that the matter be brought back for the Board to consider the source of funding for this request. Further discussion was held. Ayes: Stetson, Bibby, Fritz; Noes: Turpin, Pickard. Chairman Pickard requested that staff bring this matter back for consideration of the funding source on June 21st.

Discussion and Possible Action to Cancel the Board's Regularly Scheduled Meeting on July 5, 2005
(Chairman Pickard)

BOARD ACTION: Following discussion, (M)Stetson, (S)Turpin, Res. 05-255 was adopted canceling the meeting for July 5th/Ayes: Unanimous.

11:05 a.m. The Board recessed for the Local Agency Formation Commission to convene and continued its meeting until after the following items.

11:07 a.m. The Board reconvened.

Discussion and Possible Action to Approve a Letter to the State Water Resources Control Board Relative to the Agricultural Waiver Program, Fee Program (Chairman Pickard)

BOARD ACTION: Chairman Pickard initiated discussion relative to this matter, and he advised of the recommendation from the Regional Council of Rural Counties (RCRC). Supervisor Bibby urged the inclusion of a request for a low risk waiver for the small operations and things like 4-H and FFA animal projects. Other changes to the draft letter were discussed. (M)Turpin, (S)Fritz, Res. 05-256 was adopted approving the letter with changes as discussed. The vote was held for the following input.

Kris Casto provided input on the impact this program has on small growers, and stated she does not feel that those who do not use pesticides or chemicals should be included in the program. She stated she agrees with the desire to have clean water.

Chairman Pickard asked Supervisor Bibby to provide the wording that she would like to see used in the letter relative to a waiver for the small operations. Ayes: Unanimous.

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

BOARD ACTION: Supervisor Bibby advised that they may have found additional damage and that Public Works is looking at a bridge. She also noted that they are still seeing problems, and that the State Highways are having problems. (M)Bibby, (S)Fritz, Res. 05-257 was adopted continuing the local emergency due to the flooding that occurred/Ayes: Unanimous.

11:28 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING for Appeal No. 2004-221; an Appeal of the Planning Commission's Action Denying Appeal No. 2004-40, Upholding the Planning Director's Notice of Violation and Modifying the Required Resolution and Required Timeframe for Resolution for Assessor Parcel Number (APN) 006-080-017, Located at 7281 Yosemite Parkway, Yosemite West; Ken LeBlanc, Property Owner and Appellant; Don Starchman, Agent.

NOTE: Recommended Action is to Continue the Public Hearing to Tuesday, September 13, 2005, at 2:00 p.m. or as Soon Thereafter as Possible

BOARD ACTION: Chairman Pickard continued the public hearing to September 13th at 2:00 p.m., at the request of the applicant.

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: This closed session was not held.

11:30 a.m. CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Bryce Johnson v. County of Mariposa, et al (County Counsel); CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Mike Bird v. County of Mariposa, et al (County Counsel); and CLOSED SESSION: Conference with Legal Counsel Relative to Liability Claims; Claimant Name: Total Waste Systems, Inc.; Claim Number: C05-5; Name of Agency Sued: County of Mariposa (County Counsel)

BOARD ACTION: (M)Bibby, (S)Turpin, the closed sessions were held following the LAFCo meeting/Ayes: Unanimous.

11:31 a.m. LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (Planning Director)
(See Separate Minutes)

12:17 p.m. The Board convened in closed session.

12:35 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. 05-247
- CA-2 Approve Rental Agreement between County of Mariposa and the 35-A District Agricultural Association for the Mining and Museum from July 1, 2005 through June 30, 2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Administrative Officer); Res. 05-252, with direction for Administration to schedule an update on the Mineral Exhibit
- CA-3 Adopt a Resolution Recognizing the Mariposa County Child Abuse Prevention Coordinating Council's Name Change to Mariposa Safe Families, Incorporated (Chairman Pickard); Res. 05-248
- CA-4 Adopt a Resolution Authorizing County Counsel to Retain Best, Best & Krieger, LLP and Authorize the Chairman of the Board of Supervisors to Sign a Legal Services Agreement to Represent the County of Mariposa (County Counsel); Res. 05-249
- CA-5 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Renewal Lease Agreement with Kenneth and Lamerna Mari for Office Space Occupied by the Grand Jury (County Counsel); Res. 05-250
- CA-6 Approve the Renewal of a Contract for Services between Clara Mossman and the Department of Child Support Services for Janitorial Services and Authorizing the Chairman of the Board of Supervisors to Sign the Agreement (Child Support Services Director); Res. 05-253 with changes to the contract as discussed

CA-7 Approve the Plan of Cooperation Extension between Mariposa County Department of Child Support Services and the California State Department of Child Support Services and Authorize the Director to Sign the Agreement (Child Support Services Director); Res. 05-251

CA-8 Authorize the Human Services Department to Enter into a Personal Service Agreement with Rene LaRoche for Case File Improvement and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 05-254, with changes to the contract as discussed

12:36 p.m. Adjournment in memory of Norma G. McAtee, Tamara Williams, and Louise E. Coleston.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

June 21, 2005



Time Description

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

Pledge of Allegiance

Introductions

Bob Pickard, Chairman;

A) Presentation of a Resolution and Tile Plaque Recognizing Susan Taber Crain for her Services as Planning Commissioner

BOARD ACTION: (M)Turpin, (S)Bibby, Res. 05-258 was presented to Susan Crain along with the tile plaque/Ayes: Unanimous.

B) PowerPoint Presentation by Matthew Milazzo Relative to the Garden Designed in Memory of Sammy Bolt

BOARD ACTION: Chairman Pickard introduced Matthew Milazzo – student at Woodland Elementary School, his mother – Barbara, and his sister – Jessica. He advised that Matthew was present to give a presentation on the “Garden of Life” project which was designed in memory of Sammy Bolt, and that others will be included in the future such as “Cousin” Jack and “Grandpa” Doug. Matthew gave his PowerPoint presentation showing the design, fundraising activities, and construction of the garden, and the assistance he received from volunteers that contributed toward the project. The Board thanked Matthew for the presentation and he was presented with a Courthouse pin.

9:32 a.m. Recess

9:47 a.m. Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Susan Crain provided an update on the Visitors’ Bureau activities and statistics; she reviewed the status of the Tourism Advisory Council; the FAM tours; the Agri-Nature Tourism program; the historical tours for the Courthouse and the downtown area; advertisement for local events; work with the Gateway Partners Program; web page information; and she presented the Board with bumper stickers promoting their website of “homeofyosemite.com.”

Gail Neal, Chief Probation Officer, provided a status report on the review of the pine trees that have been infected with the bark beetle at the Juvenile Hall/Probation Office facilities, and she advised that they are in the early stages of planning the project and determining which trees need to be removed.

Board Information

Supervisor Fritz advised of the Child Abuse Prevention Council meeting in Madera with the Mariposa Safe Families; attendance at the “Award for Excellence in Business” luncheon in Fresno where Dieter Dubberke was recognized; and she advised that she plans to attend the Identity Theft Forum being hosted by Assemblyman Cogdill and the Sheriff on Thursday. She advised that there will be a planning meeting for the 4th of July celebration on Wednesday, and she showed the t-shirts that will be available for sale to raise funds for the fire works display for the next year.

Supervisor Bibby advised that the Sober Grad Night event was well attended and was very successful, and she complimented those who are involved in this event. She advised that she and Supervisor Turpin attended the Community Action Agency meeting on Thursday, and the First Five graduation for the Coulterville and Greeley Hill Pre-schools.

Supervisor Turpin advised that he attended the Community Action Agency meeting and the First Five graduation. He also commented on the high water level at Lake McClure and Bagby, and the logging activity. He further noted that the Coulterville Fire Brigade will hold its 36th annual deep-pit barbecue fundraiser on July 2nd.

Rich Inman, County Administrative Officer;

Distribution of "Internal Survey Relationships Analysis", Conducted by HDC & Associates

BOARD ACTION: Rich Inman made the report available, and he provided information on the history of the report and he recommended that the consultant make a presentation to the Board in July on the report. Chairman Pickard advised that the report is for information at this point. Copies will be made available for all interested persons. Supervisor Bibby stated she hopes that the Board will receive written comments from the department heads in advance so that the consultant can address them when they come, and she invited everyone to comment that has input to provide. Chairman Pickard agreed with encouraging departments to submit comments to the County Administrative Officer/Personnel. The report will be scheduled for the consultant to make a presentation.

Approval of Minutes 5-17-05, Regular Meeting

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

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 4, 5, 6, 13, 14, 15, 16, 17, and 18. Supervisor Turpin pulled items 3, 4, 5, and 6. (M)Bibby, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 3 – Supervisor Turpin initiated discussion and expressed concern with the design and cost of the Greeley Hill Pedestrian Walkway project. Dana Hertfelder, Public Works Director, advised that the cost is based on the engineer's estimate; however, the actual cost will not be known until the bids are received; and he advised of the increased costs with meeting the ADA requirements. He also advised that they are hoping with this action to be able to obtain grant funds to assist with the costs. (M)Turpin, (S)Fritz, item 3 was approved/Ayes: Unanimous.

Consent Agenda item 4 – Supervisor Bibby initiated discussion and asked if Public Works has staff to handle this project, and asked that a meeting be held with the property owners to reach agreement on the work to be done, as well as coordination with MPUD. Dana Hertfelder responded to the questions and advised that there will be coordination with all affected parties, and he advised that the grant will require a ten percent match that may need to come from the General Fund. However, they will return if the grant is awarded for further action. Supervisor Fritz asked about consideration of bringing the sidewalk to Jones Street versus the Highway, and Dana advised that they could look at that route for a future project. (M)Stetson, (S)Turpin item 4 was approved/Ayes: Unanimous.

Consent Agenda item 5 – Supervisor Bibby initiated discussion and questioned using the May 24, 2005 date in the agreement versus today's date, and she asked about the language relative to the compensation and suggested that the total compensation under the contract be included so that it is clear. Dana Hertfelder advised that it is okay to change the date to today's date and he is agreeable to adding language to reflect that the total contract does not exceed \$40,000. Tom Guarino, County Counsel, advised that signatures need to be added to the amendment; and he further advised that the Board could take action on the amendment at this time with the requested changes. Supervisor Turpin commented on the text and performance clauses in the contract. (M)Bibby, (S)Turpin, item 5 was approved with the change of the date, addition of the total contract amount and the signatures/Ayes: Unanimous.

Consent Agenda item 6 – Supervisor Bibby initiated discussion relative to the use of the term "unskilled" in the job description and suggested that it be replaced with another term. Rich Inman, County Administrative Officer, suggested that the term be eliminated. Supervisor Turpin initiated discussion relative to the physical requirements for lifting and moving 100 pounds of weight. Dana

Hertfelder provided input on the typical requirements for an employee to lift 25 to 50 pounds. Rich Inman suggested that language be added to reflect “with assistance” for lifting 100 pounds. Discussion was held relative to the minimum qualifications and the requirement for a driver’s license. (M)Bibby, (S)Fritz, item 6 was approved with the suggested changes/Ayes: Unanimous.

Consent Agenda item 13 – Supervisor Bibby initiated discussion relative to clarifying the term of the lease, and she suggested that the address be added as referenced on page 5. Tom Guarino advised that it should read 2005 versus 2004 throughout the contract. (M)Bibby, (S)Fritz, item 13 was approved with the changes as discussed/Ayes: Unanimous.

Consent Agenda item 14 – Supervisor Bibby initiated discussion and asked for an update from Human Services on continuing with this agreement versus filling the position. Cheryle Rutherford-Kelly, Human Services Director, advised of the status of continuing with this agreement and of the status of work and staffing with the various functions in the office. Supervisor Bibby noted that there is a typographical error in the compensation sum of the agreement, and she noted that the Social Security number needs to be redacted from the public copies. Chairman Pickard asked, and the Board concurred, that no items should be placed on the agenda after July 1st unless the Social Security number is redacted from the public copies. (M)Bibby, (S)Fritz, item 14 was approved, with the suggested changes/Ayes: Unanimous.

Consent Agenda item 15 – Supervisor Bibby initiated discussion relative to the status of filling the position versus having a contract for the duties, and she asked about adding “required current licensing” to Section 2.02 for the necessary qualifications. Tom Guarino advised that this is a form contract that he has asked the Health Department to use for these types of services, and he feels the licensing would fall under necessary qualifications. Chairman Pickard asked about having a Board discussion on the contract forms to reach an agreement on the language to be used. Supervisor Bibby asked about the liability insurance requirement for one million dollars, and she noted that some contracts contain a lesser amount. Cheryle Rutherford-Kelly responded to the questions, and she advised that there is a difference in liability with the different job functions. Tom Guarino noted the option for the Risk Manager to review the contracts for determining the liability coverage requirements. Supervisor Bibby noted that Section 8.01 needs to be corrected to reflect that the addresses of the parties appear at the beginning of the contract and not the end, and she noted that the Social Security number needs to be redacted from the public copies. (M)Bibby, (S)Stetson, item 15 was approved, with the suggested changes/Ayes: Unanimous. Chairman Pickard noted the need to streamline the contracts for the consent agenda process.

Consent Agenda item 16 – Supervisor Bibby initiated discussion relative to the inconsistency in the insurance requirements. Rich Inman advised that he is not comfortable with the one hundred thousand dollar liability requirement; and he advised that he would prefer to have similar language as used in other contracts that the insurance requirements will be determined by the Risk Manager. Cheryle Rutherford-Kelly stated she would like to be able to continue using this facility while the insurance issues are worked out. Chairman Pickard suggested that approval of the contract include a contingency that the contract be reviewed and approved by County Counsel and the County Administrative Officer/Risk Manager. Supervisor Bibby advised that she has other text changes that she will work with County Counsel to make including dollar amount corrections. (M)Bibby, (S)Stetson, item 16 was approved, with the suggested changes/Ayes: Unanimous.

Consent Agenda item 17 – Supervisor Bibby initiated discussion and suggested that reference to the Mariposa Police Department be deleted from the contract, and she asked whether the language includes transportation by Mercy Ambulance. The Board concurred with changing the sentence in Section 2.d to read as follows: “MARIPOSA or its designee, the MARIPOSA Sheriff Department or other designee, shall provide all required consumer transportation...” (M)Bibby, (S)Stetson, item 17 was approved, with the change as discussed/Ayes: Unanimous.

Consent Agenda item 18 – Supervisor Bibby initiated discussion relative to the inconsistency in the insurance requirements, and she advised that she has noted text changes, including a dollar amount, in the contract. The Board agreed with approval of the contract being subject to review by County Counsel and the County Administrative Officer/Risk Manager, and with Supervisor Bibby working with staff on the corrections. (M)Bibby, (S)Turpin, item 18 was approved, with the suggested changes/Ayes: Unanimous.

Rich Inman, County Administrative Officer;
Authorize the Payment of \$10,000 from Tobacco Settlement Fund 367 to the Rural Media Arts and Education Project for Fiscal Year 2004-2005

BOARD ACTION: Chairman Pickard noted that this item was scheduled for staff to identify the funding source as the Tobacco Settlement Fund. Discussion was held relative to the funding source and timing of the request in the context of the budget process; allocation of the funds for programs and administration; and providing more outreach with the programming.

Tony Radanovich, Rural Media Arts and Education Project, referred to the statistical information on the programs that he provided to the Board as requested. He stated he feels that outreach is something to work on for the future. Discussion was held relative to the allocation of the funds.

(M)Fritz, (S)Stetson, Res. 05-277 was adopted approving the payment of \$10,000 from the Tobacco Settlement Fund to the Rural Media Arts and Education Project. Tom Guarino, County Counsel, advised of the restriction that the funds not be used for religious programs. The motion was amended, agreeable with the maker and second, to include the restriction that the funds not be used for religious programs. Supervisor Turpin commented on the issue of countywide outreach of the program. Ayes: Stetson, Turpin, Bibby, Fritz; Noes: Pickard.

11:31 a.m. Recess

11:39 a.m. Tom Guarino, County Counsel;
Discussion, Direction, and Possible Action for County Counsel to Provide Legal Services on Behalf of Mariposa County to the Mariposa Safe Families, Inc.

BOARD ACTION: Discussion was held with Tom Guarino relative to the request, and he advised that the action should include a finding that this is intended to be a public benefit to support child safety. Discussion was held relative to the impact on workload, whether there would be reimbursement for the services, and whether there should be a formal agreement.

Cathy Collier, Mariposa Safe Families, Inc., Executive Director, provided input relative to their request, and the anticipated limited use of the services.

Rich Inman, County Administrative Officer, suggested that the motion include authorization for the legal services to be provided as determined appropriate by County Counsel. Supervisor Fritz commented on seeking County Counsel's advice on having memorandum of understandings with different departments/entities. (M)Stetson, (S)Fritz, Res. 05-278 was adopted allowing County Counsel to provide legal services, at his discretion, to Mariposa Safe Families, Inc., and with the finding that this is a public benefit to support child safety. Further discussion was held relative to the request and limiting consideration of providing services to entities that the Board has created. Tom Guarino suggested that he could review this issue with the Bar Association. Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

Charles Mosher, Health Officer;
Discussion and Direction Relative to Contract with the State Department of Health Services for State Public Health Staff Using Health Realignment Funds for Fiscal Year 2005-2006

BOARD ACTION: Discussion was held with Dr. Mosher, and he advised of the status of negotiations with the State on this matter. He recommended that a letter of intent be sent that is consistent with the previous resolution in May. He advised of modifications that were made to his budget request for the next fiscal year, and his recommendation that it be changed back to conform to previous budgets. Rich Inman advised that the proposed budget will be distributed for next Tuesday to meet State mandates; however, the full budget hearings will be held in September. Dr. Mosher advised that he will bring back any contract negotiations proposed by the State.

12:01 p.m. Kris Schenk, Planning Director;
Adopt a Resolution of Intention to Amend Title 17 of the Mariposa County Code to Prohibit the Installation of Pre-1976 Mobile Homes

BOARD ACTION: Discussion was held with Blaine Shultz/Fire Chief; Kris Schenk/Planning Director; and John Davis/Building Department Director, relative to this matter. Discussion was held relative to implementation of the Renter's Disclosure Statement; clarification that existing mobile homes do not

have to be placed on a foundation or tie down system; and clarification that this does not govern mobile home parks. Tom Guarino, County Counsel, advised that the ordinance is intended to be prospective only; and he expressed concern with the last sentence in Attachment 3 relative to the owner and renter accepting the inherent risks of inhabiting the mobile home. (M)Stetson, (S)Fritz, Res. 05-279 was adopted intending to amend Title 17 of the County Code to prohibit the installation of pre-1976 mobile homes as recommended with the inclusion of Attachment 3 for the Renter's Disclosure Statement and including a Sales Disclosure Statement. Further discussion was held. Supervisor Turpin requested that consideration be given to using the reference to meeting the seal standards for pre-1976 mobile homes throughout the document. Supervisor Bibby clarified that if a mobile home is moved, that these standards would apply. The motion was amended, agreeable with the maker and second, to include the deletion of the last sentence in Attachment 3 as requested by County Counsel; and to add clarification in the proposed ordinance that no "new" additions or expansions could be added which would physically alter the structure of the mobile home. Ayes: Unanimous.

Adopt a Resolution Requesting Appropriation for AB 473 to Provide Funding for Mariposa, Trinity, and Alpine Counties (County Administrative Officer)

BOARD ACTION: (M)Bibby, (S)Stetson, Res. 05-280 was adopted/Ayes: Unanimous. Chairman Pickard asked the County Administrative Officer to urge Trinity and Alpine Counties to take similar action.

Authorize the Chairman of the Board of Supervisors to Sign a Letter Urging Senator Boxer to Co-Sponsor S 267, the Reauthorizing of the Secure Rural Schools and Community Self-Determination Act of 2000 (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion relative to the request. Supervisor Pickard suggested that Senator Feinstein and Congressman Radanovich be added to the distribution of the letter. (M)Turpin, (S)Bibby, Res. 05-281 was adopted approving the letter, as discussed/Ayes: Unanimous.

Discussion and Action Concerning a Letter to CalTrans, Requesting Action on Crosswalks at Miller Road and Highway 140 and Downtown Mariposa (Supervisor Bibby)

BOARD ACTION: Supervisor Bibby initiated discussion relative to the status of the crosswalk at Miller Road and Highway 140 and plans by CalTrans to phase out this crosswalk. She also advised that review is being given to creating a crosswalk at 4th Street. Supervisor Pickard discussed the possibility of adding a crosswalk at 2nd Street and Highway 49 South. Supervisors Bibby and Fritz commented on efforts to move the crosswalk near the Happy Burger and Red Fox to the corner with the street lighting to address safety concerns. (M)Bibby, (S)Turpin, Res. 05-282 was adopted approving the letter to be sent to Dinah Bortner/CalTrans and copied to other CalTrans' staff. Supervisor Bibby encouraged that letters be sent from the businesses and safety personnel to support the request. Supervisor Stetson suggested that a sentence be added to the letter advising that we have other issues in the corridor that will need additional consideration. The motion was amended, agreeable with the maker and second, to include this change/Ayes: Unanimous. Supervisor Pickard suggested that contact be made with the School District to add their support to this request.

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

BOARD ACTION: Dana Hertfelder, Public Works Director, advised of the status of the application that was submitted with the list of damages and the estimates of repair costs. Supervisor Bibby commented on doing an updated review of the Hornitos bridge and the sinking problems. (M)Bibby, (S)Turpin, Res. 05-283 was adopted continuing the local emergency due to the flooding that occurred/Ayes: Unanimous.

12:39 p.m. LOCAL TRANSPORTATION COMMISSION (Chair-Commissioner Stetson; Vice-Chair-Commissioner Fritz)

A) Public Presentations - none

B) Adopt a Resolution Allocating the Transportation Development Act (TDA) Funds for Fiscal Year 2004-2005

COMMISSION ACTION: (M)Fritz, (S)Pickard, LTC Res. 05-4 was adopted allocating the Funds/Ayes: Unanimous.

C) Adopt a Resolution Authorizing the Executive Director to Execute the Application and Other Necessary Documents Pertaining to Federal Transit Administration (FTA) Section 5311 Program (Operating Assistance) Funds for Fiscal Year 2004-2005

COMMISSION ACTION: Discussion was held. Commissioner Pickard asked whether the reimbursement for the transit assistance for the North County Adult Day Health Care Center in Groveland is reflected in these budget requests. Dana Hertfelder, Public Works Director, advised that he will review this issue. Commissioner Turpin asked about the dates in the Application, and Dana responded relative to the process and the timeframes. (M)Pickard, (S)Fritz, LTC Res. 05-5 was adopted approving the requested actions/Ayes: Unanimous.

D) Adopt a Resolution Allocating \$28,000 in State Transit Assistance (STA) Funds for Fiscal Year 2004-2005

COMMISSION ACTION: Following discussion, (M)Pickard, (S)Fritz, LTC Res. 05-6 was adopted allocating the Funds/Ayes: Unanimous.

12:46 p.m. The Board of Supervisors reconvened.

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 it was not necessary to hold this closed session.

12:47 p.m. CLOSED SESSION: Conference with Legal Counsel Relative to Liability Claims; Claimant Name: Total Waste Systems, Inc.; Claim Number: C05-5; Name of Agency Sued: County of Mariposa (Continued from 6-14-05) (County Counsel)

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

1:06 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed session, and he provided the following comment relative to negotiations with Total Waste Systems:

“The Board has by unanimous vote decided to resolve the issue of damages to the County for Total Waste System’s operation of the landfill and the termination of their operations at the facility. The County has levied liquidated damages and assessed other damages against Total Waste System for deficiencies in operations and the failure of part of the landfill which resulted in trash and other debris getting into Aqua Fria Creek. The County has accepted \$52,000 in payment for such damages. Total Waste Systems remains liable for any materials accepted into the landfill during their operations which were accepted in violation of the permit to operate the landfill.”

In addition, Chairman Pickard added that Public Works is to be commended for their operation at the landfill and to be running it as it should have been all of this time; and that the public has seen the improvements since the transition of operation of the landfill from Total Waste Systems to Public Works.

INFORMATION - No action was necessary on the following:

Notification of Increase in Compensation of Superior Court Judges during the Fiscal Year 2004-2005 (Auditor)

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. 05-259
- CA-2 Approve Budget Action Transferring Funds within the Don Pedro Sewer Budget to Allow for the Purchase of Two Containment Tanks Needed for the Chlorination System (\$751) (Public Works Director); Res. 05-260
- CA-3 Authorize the Public Works Director to Apply for Safe Route to School Funding for the Greeley Hill Pedestrian Walkway Project (Priority 1) (Public Works Director); Res. 05-267a
- CA-4 Authorize the Public Works Director to Apply for Safe Route to School Funding for the Mariposa Town Sidewalk Project – Coakley to Hwy 49 North (Priority 2) (Public Works Director); Res. 05-268
- CA-5 Adopt a Resolution Approving the First Amendment to the Agreement with Kleinfelder by Increasing the Contract Amount by \$20,000 for Additional Inspections and Testing Services for the Compost Facility (Public Works Director); Res. 05-269, with changes to the amendment
- CA-6 Approve the Job Descriptions for a Maintenance Worker Trainee-Roads Classification and an Equipment Mechanic Trainee Classification as Extra-Help Only Positions and Set the Hourly Wage for Both Classifications at Minimum Wage (County Administrative Officer); Res. 05-270, with changes
- CA-7 Adopt a Resolution Approving the Small Claims Legal Advisor Agreement for Fiscal Year 2005-2006 (County Counsel); Res. 05-261
- CA-8 Approve Budget Action Accepting Unanticipated Revenue from the Local Public Employees Retirement System (PERS) Members that Participate in Lunch at the Senior Center, in the Amount of \$500, Designating \$250 to Congregate Meals and \$250 to Home Delivered Meals (4/5ths Vote Required) (Community Services Director); Res. 05-262
- CA-9 Approve Budget Action Accepting Unanticipated Revenue from Zelma Joseph for Senior Services and Increasing Appropriations in County Events for the Outreach Program at the Senior Expo and County Fair (\$100) (4/5ths Vote Required) (Community Services Director); Res. 05-263
- CA-10 Approve Budget Action Accepting Unanticipated Revenue from the Local VFW Post #6042 to Help with the Cost of the Annual Senior Expo (\$200) (4/5ths Vote Required) (Community Services Director); Res. 05-264
- CA-11 Approve Budget Action Transferring Funds within the Community Services Budget Unit to Cover a Shortage in Salary and Benefits in the Veterans' Budget for Fiscal Year 2004-2005 (\$745) (Community Services Director); Res. 05-265
- CA-12 Adopt a Resolution Authorizing the Health Officer to Sign Amendment A-02 to Standard Agreement Number 02-25921 for Local Public Health Services Program, Fiscal Years Beginning July 1, 2002 and Ending June 30, 2005 and

Approve Budget Action Appropriating Unanticipated Revenues (\$53,104) (4/5ths Vote Required) (Health Officer); Res. 05-266

- CA-13 Adopt a Resolution Authorizing the Renewal of the Lease Agreement with Marc and Tracy Lingenfelter for Office Space Rented by the District Attorney's Office Victim/Witness Program and the Statutory Rape Vertical Prosecution Program, Located at 5080 Jones Street (District Attorney); Res. 05-271, with changes
- CA-14 Approve Continuing the Professional Service Agreement between the Human Services Department and Kathy Albright for Fiscal Assistance and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 05-272, with changes
- CA-15 Approve Continuing the Professional Service Agreement between the Human Services Department and Deborah Atkinson, RN, for Nursing Services and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 05-273, with changes
- CA-16 Approve a Behavioral Health Contract for an Institution for Mental Disease with California Psychiatric Transitions in Delhi, California; and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 05-274, with changes
- CA-17 Approve a Behavioral Health Contract for Residential Inpatient Services with Merced County Department of Mental Health and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 05-275, with change as discussed
- CA-18 Approve Continuing a Behavioral Health Contract for Residential Inpatient Services with Merced Manor and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 05-276, with changes
- CA-19 Approve Budget Action Transferring Funds within the Behavioral Health Budget Unit to Cover Anticipated Costs through the End of the Fiscal Year (\$13,700) (Human Services Director); Res. 05-267

1:09 p.m. Adjournment in memory of Lois Alice Barker.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

June 28, 2005

Time Description

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

Pledge of Allegiance
Introductions

Bob Pickard, Chairman;

Presentation of Certificate of Recognition to Dieter Dubberke in Recognition of Receiving the 2005 Central California Excellence in Business Award and Congratulating Pioneer Market on Celebrating Twenty-Five Years of Outstanding Service to the Citizens and Visitors to Mariposa County

BOARD ACTION: (M)Fritz, (S)Turpin, the Certificate was approved and presented to Dieter Dubberke/Ayes: Unanimous.

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

Dr. Mosher, Health Officer, provided a status report on the West Nile Virus, and he advised that it is in the areas surrounding the County. He advised that a task force has been established to test areas where there are seniors and children, those most at risk to the virus. Supervisor Bibby suggested that information be posted at the County parks. Chairman Pickard noted that the Board is supportive of using available avenues to get information to the public.

Bob Rudzik, SCOPE member, and other members of SCOPE, advised that they had two “arrest warrants” for Supervisor Pickard in conjunction with the 4th of July celebration event, and they executed those “warrants” as a part of the fundraising effort to raise funds for the fireworks for 2006. Discussion was held relative to the “warrant” fundraiser effort and other events planned for the 4th of July celebration

Board Information

Supervisor Fritz advised of the 4th of July celebration planning meeting held last Wednesday, and she advised that another meeting is scheduled for Thursday. She also advised of her attendance at the Identify Theft program on Thursday. She advised that she and Supervisor Pickard attended the Mayors’ Conference in Fresno on Friday, and that Governor Schwarzenegger was a speaker, and she reviewed the issues that were discussed. She also advised of information that Susan Crain/Tourism Coordinator, received from a class at Berenda Elementary School in Madera that had an assignment of making a brochure for Mariposa County.

Supervisor Stetson advised that he plans to attend the second Sierra Nevada Conservancy organizational meeting on Thursday in Sacramento. On July 28th, they will meet in Tuolumne County to explore the relationship between the counties and the conservancy.

Supervisor Bibby commented on the luncheon shown on today’s agenda that is hosted by the Economic Development Corporation for the Board members and department heads and advised that she will not attend; however, County Counsel and the County Administrative Officer will be attending and she has asked them to be her eyes and ears to maintain compliance with the Brown Act requirements. He noted that the Health Fair was a successful event. She advised that on Monday, she was in Greeley Hill serving on an interview panel for a pre-school teacher and there were outstanding candidates that are dedicated to the future of the students. She also noted that she is still receiving numerous complaints relative to the condition of the roads.

Supervisor Turpin advised of his attendance at the Identify Theft program. He advised that this Saturday is the 36th annual deep pit barbeque in Coulterville by the Fire Brigade and there is a raffle for an ounce of gold.

Supervisor Bibby advised that on July 2nd there will be a tree dedication at McCay Hall for Walt Palmer for his services to the community, and she invited the public to attend.

Supervisor Turpin commented on the high water level at Lake McClure and Bagby.

Supervisor Pickard advised of his attendance at the Majors' Conference on Friday, and of the signing of an Executive Order by Governor Schwarzenegger wanting to partner with eight counties for economic success of the San Joaquin Valley

Approval of Minutes 5-24-05, Regular Meeting

BOARD ACTION: (M)Turpin, (S)Fritz, the minutes were approved as corrected/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby advised of her discussion with County Counsel relative to corrections that needed to be made to Consent Agenda items 17 and 19 – the corrections were made relative to including the contractor's address and correcting the contract amount. Supervisor Bibby pulled items 5, 6, and 17. Tom Guarino, County Counsel, advised of corrections that were made to Consent Agenda item 22 to reflect 2005 versus 2004. (M)Stetson, (S)Turpin, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda items 5 and 6 – Supervisor Bibby initiated discussion relative to the liability insurance requirements and the different lease amounts and the leasing of the premises to a private party. Rich Inman, County Administrative Officer/Risk Manager, advised that he is okay with the insurance requirements. Tom Guarino, County Counsel, advised that the lease is okay. Supervisor Bibby noted that the public still has access to the facility. (M)Bibby, (S)Stetson, items 5 and 6 were approved/Ayes: Unanimous. Supervisor Bibby advised of the availability of First 5 funding for pre-school programs.

Consent Agenda item 17 – Supervisor Bibby noted that there are two different amounts shown on the contract. (M)Bibby, (S)Stetson, item 17 was approved with the correction to the contract to reflect \$12,000/Ayes: Unanimous.

Janet Bibby, Supervisor District III and Dianne Fritz, Supervisor District IV;

Discussion, Direction, and Possible Action Regarding the Mariposa Parking District

BOARD ACTION: Tom Guarino, County Counsel, gave a detailed presentation on the history of the Parking District, beginning with the formation of an Overall Economic Development Program Committee and the subsequent formation of the Vehicle Parking District of Mariposa, and the submittal of a grant application for the improvements. Later bonds were issued and the Mariposa Parking District was formed. He advised of recent discussions with the affected land owners relative to the available options as the leases are due to expire at the end of this year. Discussion was held relative to the options. Supervisor Pickard commented on the Board's efforts in this matter, and of the purchase of the lot by Mariposa Creek for development as a parking lot. Tom Guarino also commented on the issue of separation of the County and the special districts for funding purposes.

Input from the public was received from the following:

Kevin Campbell, Pastor of the Mariposa United Methodist Church, stated he is uncomfortable with the discussion on the option of the Proposition 218 process. He commented on the importance of the parking to their facility. He stated he feels that the discussion needs to be broadened to look to see what other kinds of funding could be available. He noted that a viable downtown is part of a tourist-based economy.

Chairman Pickard encouraged the affected property owners and staff, including the Board member liaisons – Supervisors Bibby and Fritz, to continue to work on these issues and to look at the possibility of extending the current leases. Supervisor Bibby requested that the County Administrative Officer review whether there are any economic development grants available to assist the Parking District.

Lyn Maccarone, property owner, stated she is trying to visualize the economic impact to the County if there is no parking for the downtown area. She noted that any increase in costs to the property owners would be passed on to the tenants. She stated she feels that we need to have the parking for

economic development in Mariposa. She also noted that some of the parking spaces are taken all day for other uses. She suggested that perhaps consideration could be given to selling the “field of dreams” property, as it is not going to be what it was meant to be; and that the issues to be worked on should be prioritized. She also noted that the County paid fair market value for the “field of dreams” property and is not willing to consider the same for the parking lots. She stated she feels that the County has had plenty of time to figure these issues out, and she advised that she is willing to go with a two-year lease and is willing to sell.

Supervisor Pickard noted that the other businesses have to pay liability insurance and maintenance costs for their parking, and they may see it as being inequitable if the County purchases and maintains the downtown parking lots. Discussion was held.

Richard Clark, Mariposa United Methodist Church member of the Board of Trustees, commented on problems with the existing lease, and stated he feels the County should take more responsibility for what occurs in the parking lots. He noted that there is a problem with people parking and blocking the entrance. He further noted that they are in the Historic District, and it is important for the County to have the tourism. He questioned whether there are any grants available because it is a Historic District.

Discussion was held relative to the issues and options; and consideration of meeting with the property owners relative to the Proposition 218 assessment process and the other options. Chairman Pickard reviewed the following options: Proposition 218 process with the existing parcels in the District; Proposition 218 process with expanded boundaries; determine whether any of the property owners are interested in donating the property to the District; determine the consequences of not having parking lots in the District when the leases expire; and continuing with the District. Tom Guarino asked for clarification of “property owners” and whether that includes just the property owners or all of the businesses. Supervisor Fritz stated she feels it should also include the businesses and tenants in the downtown area. Rich Inman, County Administrative Officer, suggested that this matter be referred back to him and County Counsel to work with Supervisors Bibby and Fritz, and they will come back to the Board on July 12, 2005, with information on the options and strategies, and the Board concurred. Supervisor Bibby thanked the downtown property owners and businesses for their participation in this process.

Cathi Boze, Agricultural Commissioner/Sealer;

Presentation of the 2004 Mariposa County Agricultural Crop & Livestock Report

BOARD ACTION: Cathi Boze presented the report. Chairman Pickard commented on the Board’s efforts with the General Plan Update to take pro-active steps to protect agriculture. Discussion was held. Supervisor Turpin asked about getting information out to the lessee holders of grazing land relative to the loss of rangeland if the leases are not kept current. Cathi advised that she feels that the agencies send out letters.

Gail Neal, Chief Probation Officer;

A) Adopt a Resolution Accepting Funding for Fiscal Year 2005-2006 in the Amount of \$72,001 for the Continuation of the Mariposa County Alternative Juvenile Detention Program (Formerly Known as Jail Removal Program) Administered by the California Board of Corrections, and Increase the Allocation of Two Sixty Percent Part-Time Juvenile Supervisor Allocations to One Hundred Percent

BOARD ACTION: Discussion was held with Gail Neal, and she advised of changes in their operations to qualify for the funds – alternative incarceration with monitoring, community service programs, and increasing two 60% positions to 100%. Discussion was held. (M)Fritz, (S)Stetson, Res. 05-307 was adopting accepting the funding/Ayes: Unanimous.

B) Authorize the Chairman of the Board of Supervisors to Accept Funding for Fiscal Year 2005-2006 in the Amount of \$178,848 for the Continuation of the Mariposa County Drug Task Force Grant Administered by the Office of Emergency Services (OES) (Chief Probation Officer)

BOARD ACTION: Discussion was held with Gail Neal. (M)Stetson, (S)Bibby, Res. 05-308 was adopted accepting the funding/Ayes: Unanimous.

Marjorie Wass, Treasurer/Tax Collector/County Clerk;
Authorize the Chairman of the Board of Supervisors to Sign a Contract with Sequoia Voting Systems in the Amount of \$395,615.70; Select a Method of Payment; Direct Staff to Prepare the Correct Budget Action Forms for the 2005-2006 Budget Year; and Authorize the Purchase of the Sequoia Voting System Prior to the Adoption of the Final Budget

BOARD ACTION: Discussion was held with Marjorie Wass. Supervisor Bibby asked for clarification relative to the purchase of the extended warranty. Discussion was held relative to the financing. (M)Fritz, (S)Stetson, Res. 05-309 was adopted approving the recommended actions/Ayes: Unanimous.

11:39 a.m. Lyle Turpin, Supervisor District II;
Presentation by John Swanson, District Ranger, Regarding Groveland Ranger District – Stanislaus National Forest

BOARD ACTION: Supervisor Turpin advised that he would like for the Board to proceed with this item, even if it goes into the lunch time. The Board concurred and took a short recess.

11:40 a.m. Recess

11:47 a.m. The Board reconvened with Supervisor Pickard excused for the rest of the meeting.

Supervisor Turpin introduced John Swanson. John provided information and initiated discussion on the following topics: Groveland Ranger District in Mariposa County; synopsis of April 28th field trip with Mariposa County community leaders; bridge at the historic Jordan Barn; Groveland Ranger District fire staffing in 2005 for Wildland fire protection; recent Wildland fire history on Stanislaus National Forest; interagency cooperation in fire protection; fuel reduction and forest restoration projects/timber production; and OHV (off-highway vehicle) designation planning. John also advised of the Centennial Celebration for the Forest Service for the first century of service – an event is scheduled for the Stanislaus Forest for October 15th at the Sonora Fairgrounds, and he will provide more information. Discussion was held relative to the status of eradicating the yellow Starthistle and the status of development of Bower Cave. The Forest Service was complimented on the fuel reduction efforts. The Board thanked John for the presentation.

12:32 p.m. Luncheon, Hosted by the Economic Development Corporation (EDC) at the Best Western Yosemite Way Station, for Board Members and Department Heads

NOTE: No County Business will be Conducted

1:40 p.m. Rich Inman, County Administrative Officer;
PUBLIC HEARING and Presentation of Proposed Operating Budget and Adoption of Operating Budget for Fiscal Year 2005-2006 (Final Budget to be Adopted in September)

BOARD ACTION: Rich Inman presented the staff report, and he thanked Mary Hodson, Deputy County Administrative Officer, for her work in compiling the budget document. Rich gave a brief overview of the budget and the process.

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

Paul Chapman asked the Board to stop this process, and he again called for the establishment of a committee of citizens that represent a cross section of the public to review the budget. He stated he feels that things need to be fixed now, and that the public safety (Sheriff) needs more funding. He questioned the contribution to the Arts Council, etc., in lieu of public safety, etc.

Jim Allen, Sheriff, reviewed the status of the Sheriff's Department staffing and budget, and the budget request that he submitted for new deputy and jail officer positions. He also reviewed the increase in calls for service, and he requested the Board's assistance in helping to keep the County safe.

Rich Inman noted that there are operational and facility issues in the County to be considered. He advised that he plans to bring the issue of impact fees to the Board for the final budget, along with an evaluation of the fee structure and what is being charged for County services.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the budget process. (M)Fritz, (S)Bibby, Res. 05-310 was adopted adopting the proposed budget, and the motion was held pending further deliberations. Staff responded to additional questions from the Board relative to the status of revenues that are still coming in; changes in the insurance line items; status of Proposition 40 funds for the Catheys Valley park; status of the vehicle request for the Farm Advisor; status of the budget for the Mariposa Pines Sewer District; and the status of the reorganization of Public Works. Rich Inman advised that he will bring a presentation to the Board on the insurance fund before the final budget hearing in September. Supervisor Bibby requested that staff work with Public Works on the Catheys Valley park project and the leach field issue. Ayes: Stetson, Turpin, Bibby, Fritz; Excused: Pickard. The hearing was closed.

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

BOARD ACTION: Supervisor Bibby noted that the dig-out repairs on Merced Falls and Hornitos Roads are not holding. She also commented on the calls she receives with people having vehicle problems and flat tires as a result of the road conditions. She noted that slides are occurring on the hillsides as a result of the storm damages. Supervisor Stetson commented on the problems on Whitlock Road. Supervisor Turpin commented on the need to have the road crews fully staffed. (M)Bibby, (S)Turpin, Res. 05-311 was adopted continuing the local emergency due to the flooding that occurred/Ayes: Stetson, Turpin, Bibby, Fritz; Excused: Pickard.

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 it is not necessary to hold this closed session.

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Dean v. County of Mariposa (County Counsel)

BOARD ACTION: This closed session was continued to July 12, 2005.

Kris Schenk, Planning Director;

PUBLIC HEARING Relative to General Plan/Zoning Amendment No. 2005-23 and Commercial-Industrial-Manufacturing Plan No. 2005-73, John Moore and Joseph McGrath, dba Yosemite Ridge Resorts, Applicants. Property Located at 7589 State Highway 120, APN 004-020-010

NOTE: Public Hearing has been Rescheduled and Renoticed for July 12, 2005 at 11:00 a.m.

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. 05-285
- CA-2 Approve Budget Action Transferring Funds from the Don Pedro Sewer Utility Capital Fund to the Don Pedro Sewer Budget to Cover the Cost of Professional Services through the end of the Fiscal Year (\$16,500) (4/5ths Vote Required) (Public Works Director); Res. 05-286
- CA-3 Approve Budget Action Transferring Funds from the Coulterville Utility Capital Fund to the Coulterville Service Area Budget to Cover the Cost of Repairing the Grinder for the Sewer Treatment Plant (\$9,500) (4/5ths Vote Required) (Public Works Director); Res. 05-287

- CA-4 Approve Budget Action Transferring Funds within the Compost Project Budget to Cover Necessary Costs through the end of the Fiscal Year (\$30,000) (Public Works Director); Res. 05-288
- CA-5 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Execute a Lease Agreement with Mariposa Preschool Cooperative, a California Non-Profit Corporation, for Use of the Woodland Community Building for Fiscal Year 2005-2006 (County Counsel); Res. 05-304
- CA-6 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Execute a Lease Agreement with Almost Like Home, Inc., a California Non-Profit Corporation, for Use of the Woodland Community Building (County Counsel); Res. 05-305
- CA-7 Approve Budget Action Transferring Funds within the Tourism Budget Unit to Balance Line Items due to Updated Contract Amounts and Change in Visitor's Bureau Personnel (\$10,739) (Tourism Coordinator); Res. 05-289
- CA-8 Approve Budget Action Transferring Funds within the Farm Advisor Budget Unit to Cover the Cost of Increased Vehicle Usage by the Master Gardener and Farm Advisor Programs (\$1,760) (Farm Advisor); Res. 05-290
- CA-9 Adopt a Resolution Approving the State of California Office of Emergency Services District Attorney Victim/Witness Program Grant in the Amount of \$86,336 (District Attorney); Res. 05-291
- CA-10 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Pesticide Application Reporting Contract No. 05-0020C for Fiscal Year 2005-2006 with California Department of Pesticide Regulation (CDPR) (Agricultural Commissioner); Res. 05-292
- CA-11 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Sudden Oak Death (SOD) Program Agreement No. 04-0911 for the Period of March through June 2005, with California Department of Food and Agriculture (CDFA) (Agricultural Commissioner); Res. 05-293
- CA-12 Approve Budget Action Transferring Funds within the Alcohol and Drug Budget Unit to Cover Costs through the end of the Fiscal Year (\$5,650) (Human Services Director); Res. 05-294
- CA-13 Approve a Behavioral Health Contract for Residential Alcohol and Drug Treatment Services with Progress House, Inc. and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 05-295
- CA-14 Approve Continuing a Behavioral Health Contract for Residential Alcohol and Drug Treatment Services with Changing Echoes and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 05-296
- CA-15 Approve a Behavioral Health Contract for Residential Alcohol and Drug Treatment Services with Acacia Board and Care and Authorize the Chairman of

the Board of Supervisors to Sign the Contract (Human Services Director); Res. 05-297

- CA-16 Authorize Behavioral Health to Continue the Professional Service Agreement with Volney Dunavan for Alcohol and Drug Programs until Full-Time Staff can be Hired and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 05-298
- CA-17 Authorize Behavioral Health to Contract with Kings View Corporation for Continued Use of their Management Information System and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 05-306, with a correction to the contract to reflect \$12,000
- CA-18 Approve Continuing a Behavioral Health Contract for Residential Alcohol and Drug Treatment Services with Comprehensive Alcohol Program, Inc. and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 05-299
- CA-19 Approve Continuing a Professional Service Agreement with Nanette Oswald, an American Sign Language Interpreter for the Hearing Impaired and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 05-300
- CA-20 Authorize Behavioral Health to Enter into a Professional Service Agreement with Valerie Edwards for Alcohol and Drug Programs until Full-Time Staff Can be Hired and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 05-301
- CA-21 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Administrative Match Agreement between County of Mariposa and Area 12 Agency on Aging for In-Kind Legal Services in the Amount of \$21,378 for Fiscal Year 2005-2006 (Chairman Pickard); Res. 05-302
- CA-22 Adopt a Resolution Authorizing County Counsel to Retain Best, Best & Krieger, LLP and Authorize the Chairman of the Board of Supervisors to Sign a Legal Services Agreement to Represent the County of Mariposa in the Dean v. County of Mariposa Matter (County Counsel); Res. 05-303

2:22 p.m. Adjournment in memory of Rose Ann Brixius and Rita Jane Johnson.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board