



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

July 11, 2006



Time Description

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

Pledge of Allegiance

Introductions

Dianne Fritz, Supervisor District IV;

Resolution Commending Pastor Paul Theiss for his Service to the Community of Mariposa

BOARD ACTION: Supervisor Fritz advised that Pastor Theiss was unable to be present, and that she could present the resolution to him on Sunday afternoon at the open house being held at the Lutheran Church for him. (M)Fritz, (S)Pickard, Res. 06-303 was adopted commending Pastor Theiss for his service/Ayes: Unanimous.

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

Dr. Mosher, Health Officer, referred to the agreement the Board approved on June 27th with the National Park Service for the first responder vehicle in the El Portal corridor, and he advised that this provides for volunteer response. With the Highway 140 closure due to the rockslide, he is trying to coordinate services for a guaranteed response with paid on-call personnel, which is estimated to cost \$8,000 a month. He advised that if there are no objections, this could be funded using emergency medical services funds and realignment funds, and the cost may be reimbursable due to the disaster.

Lowell Young, representing the Lushmeadows Homeowners Association, advised that concerns relative to traffic and speeding in the subdivision were discussed at their recent annual meeting. He asked the Board to look into this to see if something could be done. Supervisor Pickard noted that a CHP Officer and Sheriff Allen were in the audience and he asked that they step up patrol in the area to address the speeding concerns. Jim Allen, Sheriff, advised that they purchased radar equipment; however, the responsibility for traffic is with the CHP. They will do everything they can, and more Sheriff's Departments are starting to deal with traffic enforcement issues. Supervisor Fritz commented on problems on Smith Road and advised that she feels that this is a countywide issue and we need to reinforce the importance of the speed limits. Supervisor Turpin commented on the density requirements for being able to lower speed limits, and he noted that advisory signs could be posted.

Jacque Meriam, Librarian, presented copies of the Mariposa Teen Express which contains poetry written by the youth in the County.

Ruth Sellers advised of her conversations with CalTrans relative their requirement ten years ago for a left-turn lane for the industrial park across from Mykleoaks Subdivision if there is any further subdivision. She advised that Hilton recently purchased property and subdivided it without CalTrans requiring the left-turn lane. In the last ten years, the area has developed and traffic has increased; yet, CalTrans has now determined that the left-turn lane is not necessary. She is concerned with this and asked the Board to pursue this matter with CalTrans.

Paul Chapman noted that there are several items on the Consent Agenda approving contracts and committing funds from the 2006-07 budget. However, the budget hearing hasn't been held. He suggested that the public get a copy of the proposed budget, and again asked that the Board set up a citizen budget oversight committee. Mike Coffield, Interim County Administrative Officer, advised that there is no proposed budget at this time, the County is operating on the prior year's adopted budget. The budget information that Paul Chapman was referring to is a requested budget and it is a wish list, it

is not balanced and it is not a proposed budget. The contracts on today's agenda need to be acted on to be able to continue services. The budget hearing will occur in September, or perhaps August.

Eleanor Keuning commented on the traffic and speeding problems on Leonard Road, and she thanked the Sheriff and CHP for increasing their patrol. She noted drive-throughs are a major contributor to air quality issues and she heard a rumor that Rite Aid is planning to come to Mariposa with a drive-through pharmacy. She stated she hopes that the drive-through will not be approved. She commented on tourism issues and suggestions and recent letters in the newspaper; suggested that a bulletin board be made available to post activities and events for the tourists; and she asked about attendance results for the "weekend in the country" event. Chairman Stetson noted that the County has a ban on drive-throughs in town.

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

BOARD ACTION: Supervisor Pickard advised of the recent Wawona Town Planning Advisory Committee meeting and Superintendent Tollefson's update on the rockslide. (M)Pickard, Res. 06-304 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings. Discussion was held. Chairman Stetson advised that CalTrans is hoping to have a bridge installed for one-way access for a 6 ½ mile stretch by the end of July, and the second bridge installed within the next month. Supervisor Bibby noted that the emergency issue will continue until there is a final fix that will allow all buses and RVs to access Highway 140. Supervisor Turpin requested that CalTrans be invited to meet with the Board to address the potential of allowing commercial traffic on alternate routes. Supervisor Pickard noted that Superintendent Tollefson advised that equipment has been identified that would mitigate the blockage of the River if there is a catastrophic slide. Mike Coffield, Interim County Administrative Officer, advised that he feels that a catastrophic slide cannot be stopped; however, the lake that would form behind the dam would result in further impacts, and it is felt that the lake could be prevented or slowed. The Forest Service has promised a "white paper" to address this issue.

Input from the public was provided by the following:

Dick Hutchinson stated they were promised by the Park that during the slide, they would continue to receive communication as to the status of the slide. Recently, they have not received any information and there are rumors starting, including a rumor that the access would only be for the commuters. Chairman Stetson advised that it is a public road and will be open to anyone who can safely navigate it.

The motion was seconded by Supervisor Fritz. Ayes: Unanimous.

Board Information

Supervisor Fritz advise that the 4th of July celebration was a success and she thanked Mike Coffield and Dana Hertfelder for participating in the dunk tank event to help raise money for the summer camp for the youth. The Street Fair is scheduled for Wednesday. The District IV meeting will be held in the Board Chambers this evening, and the Lipizzaner Stallion show is scheduled at the Fairgrounds on Thursday.

Supervisor Bibby advised that she attended the First 5 meeting on Monday, and she presented yearbooks from the Greeley Hill and Don Pedro preschools. She advised that they are getting data back from the schools reflecting the increased achievements because the students have attended preschool. She advised that she plans to attend the Mental Health Board meeting at noon today, and they are planning for their booth at the Fair. She attended the Mother Lode Job Training meeting in Sonora on Wednesday.

Supervisor Pickard advised that he attended the California Invasive Weed Awareness Coalition meeting on Monday, and he advised of the status of AB 2479, noxious weed legislation.

Supervisor Turpin advised that Parks and Recreation held a free day at the Coulterville Park on June 30th and it was well attended. The Coulterville Fire Brigade on July 1st was a success. He noted that on his way over to the Government Center this morning, he noticed that Lake McClure is full and he passed two logging trucks hauling cedar. He advised that he attended a meeting in Greeley Hill last

Thursday and there was discussion of establishing a health care clinic in the North County with Elnora George/John C. Fremont Healthcare. He advised that he is still trying to get CalTrans' attention relative to allowing commercial traffic on the alternate routes and he feels that a formal invitation from the Board to CalTrans will help with the progress on this matter.

Supervisor Stetson advised that there is an El Portal Town Planning Advisory Committee meeting this evening. During the rockslide, on Thursdays, he meets with Park Service personnel and CalTrans; and on Fridays, he is in Yosemite and attends a transportation committee meeting relative to the slide issues.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Turpin pulled items 2, 3 and 4. Supervisor Bibby pulled item 3. (M)Fritz, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 2 – approval of Statement of Votes Cast. Supervisor Turpin initiated discussion and asked for clarification relative to the formatting of the report. Marjorie Wass, County Clerk, responded to the questions. Chairman Stetson commended the office for their work with the elections. (M)Turpin, (S)Pickard, item 2 was approved/Ayes: Unanimous.

Consent Agenda item 4 – contract with cvbTV.com. Supervisor Turpin asked for more information on the services that have been provided, and he asked for clarification of the amount of the contract. Becky Blakemore, Tourism Senior Office Assistant, and Mike Coffield, Interim County Administrative Officer, responded to the questions, and advised that the maximum for the services is \$25,000. Supervisor Bibby asked about the status of receiving reports relative to the services being provided. Eleanor Keuning advised that she has questions relative to the web services, and she was advised that public input was taken earlier this date. (M)Turpin, (S)Bibby, item 4 was approved/Ayes: Unanimous. Board members commended Becky Blakemore for her assistance with the visitors' bureau function.

Consent Agenda item 3 – agreement with NBS Local Government Services for the administration of the Assessment District Bonds for the Don Pedro wastewater project. Supervisor Turpin initiated discussion relative to the services to be provided and the fees. Marjorie Wass/Treasurer-Tax Collector, and Keith Williams/Assistant Treasurer-Tax Collector, responded to the questions. (M)Turpin, (S)Pickard, item 3 was approved/Ayes: Unanimous.

Approval of Minutes of June 2, 2006, Special Meeting (Clerk of the Board)

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

MARIPOSA PARKING DISTRICT/MARIPOSA COUNTY BOARD OF SUPERVISORS

Approve Lease Agreement with the Garber Family for the 6th Street Parking Lot for a Term of Fifteen (15) Years and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Counsel)

PARKING DISTRICT/BOARD ACTION: Tom Guarino, County Counsel, presented the staff report, and he advised that he did not hear any objections from the other parking lot property owners in the district. Discussion was held. (M)Fritz, (S)Bibby, Parking Dist. Res. 06-2 was adopted approving the lease agreement/Ayes: Unanimous.

INFORMATION:

Closure of the Adult Day Health Care in Groveland, the North Side Transit Bus will Transport Clients to Tuolumne Adult Day Health Care Center in Sonora Beginning on July 12, 2006 (Community Services Director)

BOARD ACTION: Mary Williams, Community Services Director, provided input relative to the change in service. Supervisor Pickard commended Mary for the services she provides and he acknowledged the Senior Center for celebrating its 15-year anniversary. Supervisor Bibby commented on the importance of these programs.

10:45 a.m. CLOSED SESSION: Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers' Compensation Case. Number of W/C Cases to be Discussed: 1 (County Counsel);
CLOSED SESSION: Public Employee Appointment: County Administrative Officer (Interim County Administrative Officer); and
CLOSED SESSION: Liability Claims: Claimant Name: David Goger, Claim Number: C06-3, Name of Agency Sued: County of Mariposa (Interim County Administrative Officer/County Counsel)
BOARD ACTION: (M)Pickard, (S)Turpin, the closed sessions were held/Ayes: Unanimous.

12:10 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Approve a Liability Claims Administration Agreement with Freese & Gianelli Claim Service Effective July 1, 2006 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Interim Personnel/Risk Management/Interim County Administrative Officer); Res. 06-305
- CA-2 Adopt a Resolution Approving the Statement of Votes Cast as Certified to the Secretary of State on June 23, 2006, and Declare Elected Those Persons in Local Races as Set out in the Statement (County Clerk/Tax Collector); Res. 06-322
- CA-3 Approve an Agreement with NBS Local Government Services for the Administration of the Assessment District Bonds Issued in Connection to the Lake Don Pedro Wastewater Project Assessment District 05-01 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Clerk/Tax Collector); Res. 06-324
- CA-4 Approve a Contract for Services with cvbTV.com for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Interim County Administrative Officer); Res. 06-323
- CA-5 Authorize Public Works Fleet Services to Order and Purchase the Replacement Vehicle (H-3) for the Public Health Department Prior to the Adoption of the Final Budget for Fiscal Year 2006-2007 in an Amount Not to Exceed \$24,000 (Health Officer); Res. 06-306
- CA-6 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Declaration of Intent not to Apply for Rural Health Services Program Funding for Fiscal Year 2006-2007 (Health Officer); Res. 06-307
- CA-7 Approve Agreement No. 06-0162 with the California Department of Food and Agriculture (CDFA) for the USFS 2006 Mariposa County Noxious Weed Proposal – Arundo Eradication Project – Mariposa Creek Area and Approve Agreements with John Hardaway and Custom Weed Control and Authorize the Chairman of the Board of Supervisors to Sign the Agreements (Agricultural Commissioner); Res. 06-308
- CA-8 Approve a Professional Services Agreement with Regina Taber for Alcohol and Drug Programs until Existing Staff Returns from Leave and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-309

- CA-9 Approve a Professional Services Agreement with Allen, Proietti and Fagalde, LLP for Continued Legal Services for the Child Welfare/Protection Unit and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-310
- CA-10 Approve an Agreement for Psychiatric Inpatient Services with Stanislaus County's Behavioral Health Center and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-311
- CA-11 Approve a the Second Amendment of the Lease Agreement for the Behavioral Health Building and authorize the Chairman of the Board of Supervisors to Sign the Amendment (Human Services Director); Res. 06-312
- CA-12 Approve an Agreement 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 Agreement (Human Services Director); Res. 06-313
- CA-13 Adopt a Resolution Accepting \$9,604 in Department of Energy (DOE) Funding From the State Department of Community Services and Development, Agreement Number 06C-1621 and Authorize the Human Services Director to Execute Subsequent Amendments (Human Services Director); Res. 06-314
- CA-14 Approve a Professional Services 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. 06-315
- CA-15 Approve a Continuing Behavioral Health Agreement for Mental Health Services Under the Substance Abuse and Mental Health Services Administration (SAMHSA) Grant with the Mariposa, Amador, Calaveras, Tuolumne (MACT) Health Board and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-316
- CA-16 Approve an Agreement with Comprehensive Alcohol Program, Inc. for Residential Alcohol and Drug Treatment Services and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-317
- CA-17 Approve Continuing a Professional Services Agreement with Carol Johnson, MSW Intern until she Receives an Intern Number from the Board of Behavioral Sciences in Sacramento and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-318
- CA-18 Approve an Agreement for Fiscal Year 2006-2007 with Value Options (VO) for Administration of Mental Health Counseling and Medication Services for Foster Children Placed out of County and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-319
- CA-19 Accept the Resignation of Lucy "Anne" Otto from the Midpines Planning Advisory Committee and Direct Staff to Advertise According to the Maddy Act (Supervisor Stetson)

- CA-20 Accept the Resignation of Brian Grogan from the El Portal Planning Advisory Committee and Direct Staff to Advertise in Accordance with the Maddy Act (Supervisor Stetson)
- CA-21 Approve an Extension of a Lease Agreement with Spriggs, Inc., Business Equipment Division for an Upgraded Color Copier and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Planning Director); Res. 06-320
- CA-22 Accept the Resignation of Denise Ludington from the Mariposa County Planning Commission Representing District I and Direct Staff to Advertise in Accordance with the Maddy Act (Supervisor Stetson)
- CA-23 Approve a Request for Proposal for 2006-2010 with Area 12 Agency on Aging for Congregate Nutrition, Congregate Restaurant Nutrition, Home Delivered Nutrition and Transportation Services and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Community Services Director); Res. 06-321

12:11 p.m. Adjournment in memory of Violet Gay Nell Moles, Jean Rarig, David Robin Gann, and John Pellock.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

July 18, 2006



Time Description

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

Pledge of Allegiance

Introductions

Lee Stetson, Chairman;

A) Resolution Recognizing July 16 through 22, 2006 as “Probation, Parole & Community Supervision Officers’ Week”

BOARD ACTION: (M)Pickard, (S)Bibby, Res. 06-339 was adopted approving the Proclamation and it was presented to Gail Neal, Chief Probation Officer/Ayes: Unanimous.

B) Resolution Proclaiming July 17 through 23, 2006 as “California Invasive Weed Awareness Week”

BOARD ACTION: (M)Pickard, (S)Turpin, Res. 06-340 was adopted approving the Proclamation and it was presented to Cathi Boze, Agricultural Commissioner/Ayes: Unanimous.

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

BOARD ACTION: Tom Guarino, County Counsel, requested that the Board add an item to the agenda to consider an emergency resolution temporarily modifying the operational time limits for Condition Use Permit No. 206 for Outback Materials, as this information was brought to attention after the agenda was prepared and it is a matter of urgency. Concrete foundations are necessary on both sides of the Merced River for the construction of the temporary bridges due to the Ferguson Rock Slide on Highway 140. (M)Pickard, (S)Turpin, the Board waived the rules requiring 72 hours agenda noticing finding that this matter was not known about at the time the agenda was prepared, and it is a matter of timeliness due to the construction timeframes and the emergency situation with the Rock Slide/Ayes: Unanimous. Discussion was held relative to the request. Supervisor Turpin noted the Outback concrete mixer trucks are driving through Coulterville to reach the concrete pour for the upper bridge; and because of the length of the drive time, they have to stop and add the water about an hour before they reach the site. (M)Pickard, (S)Turpin, Res. 06-325 was adopted temporarily modifying the operational time limits for Conditional Use Permit No. 206 for Outback Materials for the construction of temporary bridges to bypass the Ferguson Rock Slide area.

Input from the public was provided by the following:

Ruth Catalan asked for information on the Resolution that was being adopted, and she was provided with a copy. Copies were also available for the public.

Tom Guarino reviewed the action, and clarified that this modification is just for this project for the temporary bridges. Ayes: Unanimous.

Tom Guarino recommended that the Board continue the local emergency due the status of the landslides. (M)Turpin, (S)Pickard, Res. 06-326 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

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

Rick Peresan, Technical Services Director, advised of the status of the email conversion project for the County – they plan to complete the process by the end of this week. He noted that they did not anticipate the problems that they have encountered in this process.

Dick Hutchinson advised that he is receiving the email communications relative to the status of the Ferguson Rock Slide again. He suggested that more information be provided to the public on the overall plan for re-opening Highway 140. Chairman Stetson advised that the plan is to have one-way controlled access (over six plus miles) in and out, two times a day by the end of July with the construction of the first bridge. The plan is to have the second bridge constructed by Labor Day and that will reduce the length of the controlled access to just being able to get around the slide area. The road will be open to any member of the public. Dick asked that more information be made available to the public. He also stated he heard that the construction company for the project offered to remove the rocks from the slide to take them to a quarry outside of the County; however, he thought that there were restrictions on being able to transport the rock out of County. If this is true, he suggested that a waiver be considered. Chairman Stetson advised that he was not aware of this situation, nor was he aware that any plan had been developed for being able to remove the rocks.

Approval of Consent Agenda (See End of Minutes)

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

Board Information

Supervisor Fritz advised that she presented the Resolution that the Board adopted on July 11th to Pastor Theiss at his farewell party at the Lutheran Church on Sunday. She advised that everyone is invited to a picnic on Wednesday at 6:00 p.m. at the Fairgrounds – ticket cost is \$15 per person. She noted that there is an old time Celtic and jam session scheduled at the Hotel Jeffery in Coulterville on Sunday.

Supervisor Bibby advised that she attended the Mother Lode Job Training meeting in Sonora on Wednesday, and she commented on their activities. She advised that it was determined at the Mental Health Board meeting on last Tuesday that they would not be able to have a booth at the Fair due to several members resigning from the Board. She encouraged interested members of the public to participate on this Board.

Supervisor Turpin advised that he attended the business coordinating meeting in Greeley Hill on Monday. He commented on the extreme heat and the need for the additional clearance around homes due to the fire danger. He also noted that Lake McClure is full and that he passed logging trucks again this morning.

Odella Knell, Street Fair Facilitator;

Presentation Regarding “Find Gold in Mariposa” Street Fair and Request for Additional Funding for Advertising

BOARD ACTION: Odella Knell presented the request for additional funding for advertising for three weeks. She noted that the original request for funding was supposed to cover four weeks of advertising. However, due to circumstances beyond her control, the funding was used for the first week’s advertising. She provided a status report on the increase in vendors. She also noted that they have increased the space fee from \$5 to \$15 for the vendors and that this funding will allow for continued advertising after this three week period. Discussion was held. (M)Fritz, Res. 06-335 was adopted approving the request for an additional \$850.00 for the Street Fair as one-time funding for advertising. Supervisor Bibby requested that this come from within the Tourism budget, either the promotional or the travel line item and that the overall budget not be increased to reflect this expenditure. Mike Coffield, Interim County Administrative Officer, provided input and noted that he intends to have a discussion relative to the tourism function with the Board later this date. Discussion was held relative to the YARTS bus stop and consideration of installing “no parking” signs; and Odella advised that they have been using barricades to prevent parking in the bus stop zone.

Input from the public was provided by the following:

Ken Gosting commended the group for their concern about the YARTS bus stop, and he agreed that “no parking” signs should be considered. He referred to the reference that there would be a discussion later today on tourism and he stated he could not find anything on the agenda for this. Mike Coffield advised that the discussion will be a part of the monthly performance evaluation of the Interim County Administrative Officer to be held in closed session later this date. Ken stated he feels that the discussion should be held in open session as it is a matter of public interest.

Paul Chapman stated he does not feel that the taxpayers should pay for this request.

Supervisor Bibby asked that the motion be amended to reflect that the expenses come from within the Tourism budget as a one-time expense. The motion was amended by the maker, and it was clarified that the request is to cover three weeks of advertising. The motion was seconded by Supervisor Bibby. Mike Coffield clarified that the expenses would be paid from the Tourism budget. At Supervisor Bibby’s request, the motion was amended, agreeable with the maker, for the expenses to be paid from the promotional line item. Supervisor Turpin asked about tracking results of the Street Fair. Supervisor Fritz noted that she has been helping at the Chamber of Commerce’s information booth and they could have a sign-in sheet. Odella advised that they have begun a promotional drawing and they could ask for information on the tickets to be able to identify where the visitors are coming from. Discussion was continued for the following hearing to be opened.

10:03 a.m. The public hearing to adopt a resolution of abandonment of Green Hills Road was opened and continued until after the following items.

Further discussion was held relative to the request for additional funding for the Street Fair.

Ruth Catalan asked for clarification of the type of booth that Supervisor Fritz is involved with for this event, and she asked if she considers that a conflict of interest. Supervisor Fritz advised that the Chamber booth is to provide information and they sell bottles of water. Ruth further noted that out-of-town vendors are profiting from this event, and she feels the previous approval of funding for one-time should remain as one-time approval. Supervisor Fritz asked County Counsel for an opinion on the conflict of issue that was raised. Tom Guarino, County Counsel, stated it is his understanding that the booth does not provide any revenue for the Supervisor, so he does not feel that there would be a conflict with this action. Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

A) Resolution Approving Additional Funds from Proposition 40 for the Mariposa Creek Parking Lot (\$175,000)

BOARD ACTION: Discussion was held with Dana Hertfelder and Carl Casey/Public Works Administrator, relative to the request and the status of the Proposition 40 funds and projects. (M)Bibby, (S)Fritz, Res. 06-336 was adopted approving the additional funds as requested/Ayes: Unanimous.

B) Approve a Professional Services Agreement with Fred Solomon for Project Management for the Don Pedro Wastewater Facility Construction and Authorize the Chairman of the Board of Supervisors to Sign the Agreement

BOARD ACTION: Discussion was held with Dana Hertfelder. He advised of input he received from another firm that would charge more and not provide the same level of service. Supervisor Bibby clarified that the costs would be included in the assessment. (M)Turpin, (S)Pickard, Res. 06-337 was adopted approving the agreement as requested/Ayes: Unanimous. Supervisor Pickard commended Anderson Construction for their work on recent projects in the County, including the compost facility.

Dana Hertfelder, Public Works Director;

PUBLIC HEARING - Adopt a Resolution of Abandonment of Green Hills Road as Shown in Parcel Map Book 28, Page 16 Mariposa County Records

BOARD ACTION: Dana Hertfelder presented the staff report, and he advised that the old alignment does not work with the new parcel map. The road is private and was never constructed. He also noted that the action needs to include that this is in accordance with Section 8320 of the California Street and Highway Code; the road was not constructed within the five year period; and the effective date is the

date of the recordation of the new parcel map for this land division. He responded to questions from the Board relative to the original requirement, and he advised that the access was for a three-parcel split. He responded to questions from the Board and advised that there are no fire safety issues and no one is landlocked by this action.

Input from the public was provided by the following:

Douglas Bredahl, Surveyor for the project, stated his client would be happy with approval of this action.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Fritz, (S)Bibby, Res. 06-338 was adopted approving the abandonment of Green Hills Road as recommended; and finding that this is accordance with Section 8320 of the California Street and Highway Code; the road was not constructed within the five year period; and the effective date is the date of the recordation of the new parcel map for this land division/Ayes: Unanimous. The hearing was closed.

10:42 a.m. LOCAL TRANSPORTATION COMMISSION

Chair – Lyle Turpin, Vice-Chair – Dianne Fritz

Public Presentation – none

Adopt a Resolution Allocating \$37,257 in State Transit Assistance (STA) Funds for Fiscal Year 2005-2006 (Public Works Director)

COMMISSION ACTION: Discussion was held with Dana Hertfelder, Public Works Director. (M)Pickard, (S)Fritz, LTC Res. 06-1 was adopted allocating the funds as requested/Ayes: Unanimous.

10:44 a.m. The Board of Supervisors reconvened.

Approval of Minutes of June 13, 2006, Regular Meeting (Clerk of the Board)

BOARD ACTION: At the Clerk of the Board's request, the minutes were pulled to be rescheduled.

Approval of Minutes of June 20, 2006, Regular Meeting (Clerk of the Board); and

Approval of Minutes of June 27, 2006, Regular Meeting (Clerk of the Board)

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

10:46 a.m. Recess

10:58 a.m. Mike Coffield, Interim County Administration Officer;

Presentation by Wes Lujan, Advocation, Relative to Legislative Lobbying Services

BOARD ACTION: Supervisor Pickard introduced Wes Lujan, partner with Advocation. Wes provided a status report on legislation, and advised that SB 1960 (Leslie) which allocates gasoline tax to the three counties without cities, was introduced. He reviewed bond issues. Supervisor Turpin commented on the transportation bond. Discussion was held relative to the importance of this funding for the County, especially with the landslide. Supervisor Stetson asked that Advocation prepare a position paper on this that the County could use. Wes advised that it would also be helpful to educate the legislators. Wes reviewed State budget issues, including the COPS funding and the deletion of fees for water rights. He advised that he plans to be back in the fall with Chuck Cole, partner with Advocation.

11:23 a.m. CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee under Review: Interim County Administrative Officer (Interim County Administrative Officer)

BOARD ACTION: (M)Pickard, (S)Bibby, the closed session was held following a short recess/Ayes: Unanimous.

1:10 p.m. Recess

1:24 p.m. Chairman Stetson advised that no direction was given as a result of the closed session.

CONSENT AGENDA:

- CA-1 Adopt a Resolution Amending the Contribution, Under the Public Employees' Medical and Hospital Care Act, for the Retirees of the Sheriffs' Management Association (SMA), Deputy Sheriffs' Association (DSA), Mariposa County Management/Confidential Organization (MCMCO), as well as Retired Appointed and Elected Officials and Court Employees (Interim Personnel/Interim County Administrative Officer); Res. 06-327
- CA-2 Adopt a Resolution Authorizing the County Fire Chief to Apply for the Fiscal Year Emergency Management Performance Grant from State Office of Emergency Services (OES) and Authorize the Chairman of the Board of Supervisors to Sign Grant Application (Fire Chief); Res. 06-328
- CA-3 Approve an Agreement with Wire One Technologies to Provide Installation of Equipment and Services to Reconnect the Department's Video Conferencing Equipment and Authorize the Chairman of the Board to Sign the Agreement (Child Support Services Director); Res. 06-329
- CA-4 Approve an Amendment of a Professional Service Agreement with Roger Stephens Engineering for Map Checking, Legal Description Checking, and General Surveying Document Checking and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Public Works Director); Res. 06-330
- CA-5 Approve an Amendment of a Professional Service Agreement with Provost and Pritchard Engineering Group to Produce a Feasibility Study and Concept Plans for Public Water and Wastewater Services for the Mariposa Town Planning Area and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Public Works Director); Res. 06-331
- CA-6 Approve an Amendment of a Professional Service Agreement with Lee's Paving for Repairs on Bear Valley Road and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Public Works Director); Res. 06-332
- CA-7 Accept the Resignation of Anita Hopman from the Drug and Alcohol Advisory Board and Direct Staff to Advertise in Accordance to the Maddy Act (Human Services Director)
- CA-8 Accept the Resignation of Ronald Campbell from the Mental Health Board and Direct Staff to Advertise in Accordance to the Maddy Act (Human Services Director)
- CA-9 Accept the Resignation of Jack Smith from the Mental Health Board and Direct Staff to Advertise in Accordance to the Maddy Act (Human Services Director)
- CA-10 Accept the Resignation of Pastor Paul Theiss from the Mental Health Board and Direct Staff to Advertise in Accordance to the Maddy Act (Human Services Director)
- CA-11 Adopt a Resolution Approving Budget Action Transferring Funds within the Technical Services Budget to Cover Shortfall in the Fiscal Year 2005-2006 Communications Line (\$277) (Technical Services Director); Res. 06-333

CA-12 Approve an Agreement with Remi Vista, Inc for the Placement of Children in a
Licensed Group Home for the Period of June 20, 2006 through June 20, 2008
(Chief Probation Officer); Res. 06-334

1:25 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA **July 24, 2006 Special Meeting**



Time Description

8:46 a.m. Special Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Public Presentation: The Public May Only Address the Board on Items Listed on the Special Meeting Agenda

Paul Chapman stated he does not feel that we need a County Administrative Officer, and that we can not afford to have one. He asked how many applications were received for the position and whether the applicants were qualified.

8:48 a.m. CLOSED SESSION: Public Employee Employment – Conduct Interviews for the County Administrative Officer Position (Interim County Administrative Officer)

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

5:25 p.m. Chairman Stetson announced that direction was given to staff.

5:26 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

July 25, 2006



Time Description

9:14 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Lee Stetson, Chairman;

Presentation of Certificates of Recognition to Lonnie Bissmeyer in Recognition of being the First Mariposan to Complete the 25-Miler and to Kathleen Castro for being the First Mariposan to Complete the 50-Miler During the "2006 Mariposa Run for the Gold" Endurance Rides

BOARD ACTION: Chairman Stetson advised that the presentation was continued to August 1st.

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

Eleanor Keuning commented on recent radio message recordings relative to access to Yosemite National Park, and she noted that the Coulterville route has not been included.

Dick Hutchinson advised that the LA Public Television taped a series in Mariposa that is scheduled to be aired on the Fresno and Sacramento Public Broadcast stations this Friday on California Connected. He also advised that they are working with a valley newspaper group on a complimentary full-page ad advertising the County. They are trying to get the Merced Mall to sponsor a VIA bus to bring visitors here.

Board Information

Supervisor Bibby advised that she received a telephone call complimenting Public Works for their response to the signage issue for the Farmer's Market. She encouraged citizens to help with welfare checks on people being affected by the heat or to call the Sheriff's Department if they need assistance. She also noted that everyone needs to be careful during this fire season, and she commended the fire fighters. Supervisor Stetson agreed.

Supervisor Turpin advised that they had a fire in the North County on Thursday with a wind storm, and he commended CDF and CDC crews and fuel reductions efforts for being able to put the fire out before it grew. He also applauded Public Works for making the improvements to Bear Valley Road. He noted that he passed mixer trucks on their way to pour concrete on the bridge on the upper end of the rock slide on Highway 140, and he also saw five logging trucks. It is unfortunate that we do not have saw mill facilities and need to haul the logs out of the County for processing. He plans to attend the Agricultural Advisory Committee meeting on Wednesday, and the Mariposa Weed Coalition meeting on Thursday at the Government Center.

Supervisor Pickard advised that he attended the Fish Camp Town Planning Advisory Committee meeting on Saturday – they discussed the fire station, their boundaries for the future, and projects that are important to the community. He attended the workshop sponsored by the Agriculture Commissioner and the Farm Advisor for updating permits for herbicides and to discuss work that is being done with noxious weeds. He plans to attend the County Medical Services Program (CMSP) meeting on Thursday, and he will meet with the Department of Food and Agriculture to discuss the details of allocation of the funding.

Supervisor Stetson advised that until Highway 140 is open, he plans to continue spending Fridays in Yosemite National Park, and he can be contacted by leaving a message at the office.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled item 7. Supervisor Stetson pulled item 1. (M)Bibby, (S)Fritz, the balance of the items was approved/Ayes: Unanimous. The Board members referred to item 8 and acknowledged the Sheriff's Department and the SCOPE volunteers for providing service at the Fair this year. The SCOPE volunteers were also commended for all of their volunteer service and it was noted that they provide traffic control during fires.

Consent Agenda item 1 – Chairman Stetson introduced Loretta Milne, and she provided information on the Sequoia Area VIII Board for Developmental Disabilities. (M)Pickard, (S)Bibby, item 1 was approved/Ayes: Unanimous.

Consent Agenda item 7 – Supervisor Bibby asked about the budget transfer for Yosemite West and whether the expenses will be paid by the assessment. Dana Hertfelder, Public Works Director, responded to the question. (M)Bibby, (S)Fritz, item 7 was approved/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

Authorize the Public Works Solid Waste & Recycling Division to Make Purchases from the 06-07 Requested Budget Fixed Asset Line Items (Prior to the Adoption of the Final Budget) in Order to Accommodate the Required Needs for the Start up of a Mixed Solid Waste Compost Facility and Complete Scheduled Summer Projects for the Landfill and Recycling Center

BOARD ACTION: Discussion was held, and Dana Hertfelder responded to a question from the Board and advised that this does not have any impact to the rate structure. (M)Pickard, (S)Turpin, Res. 06-347 was adopted approving the request/Ayes: Unanimous.

Supervisor Pickard asked that staff provide an update on the opening of the compost facility. Dana Hertfelder advised that they began accepting public waste on July 8^m and they are working on ways to educate the community on source separation and on what can be processed at the compost facility. Steve Engfer, Solid Waste and Recycling Manager, provided input. Supervisor Bibby encouraged the public to report any illegal dumping activity.

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

BOARD ACTION: Supervisor Stetson advised that the first bridge is in place and they are putting the floor boards down. CalTrans still plans to open Highway 140 with the detour around the slide by the end of this month. He also advised that the Small Business Administration has declared Mariposa County as a disaster due to the Highway 140 closure into Yosemite and they have set up an outreach center in Mariposa to work with businesses. He advised that the news release on this matter is available to the public. Supervisor Pickard asked that more information be provided on the proposed schedule and future planning for the Highway. Discussion was held. Supervisor Turpin asked if arrangements could be made to have CalTrans present at the next Board meeting to give a status report and to respond to the questions that have been raised. Supervisor Bibby provided a reminder that the bridges are only a temporary fix. Chairman Stetson called for public comment and none was received. (M)Pickard, (S)Fritz, Res. 06-348 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous. Supervisor Pickard noted that a CHP officer was present, and he asked that they help with coordinating the information for the Board relative to monitoring the traffic, etc.

9:57 a.m. Recess

10:15 a.m. Chairman Stetson advised that Marilyn Lidyoff, Administration/Business Development Coordinator, has more information to provide on the Small Business Administration's declaration of the County as a disaster. Marilyn advised that the Small Business Administration has set up an outreach

center at the Miner's Inn Restaurant and she commented on the services that they can provide for businesses.

Presentation to the Board by the "MERG Committee for the Preservation of Catheys Valley and Hornitos" Coming Before the Board as a (non-county) Citizen/Group for Discussion and Request for Possible Board Direction to Staff Regarding Continued Requests for a Moratorium on Parcelization of Western-Lying Mariposa County Lands and Staff Responses as Necessary (Supervisor Bibby)

BOARD ACTION: Supervisor Bibby advised that this matter was calendared for discussion based on the requests received from the MERG Committee for the Preservation of Catheys Valley and Hornitos, and she advised that a 4/5ths vote is required pursuant to the Government Code to schedule the matter for a public hearing. She provided input on the hearing process requirements, and introduced Rita Kidd.

Rita Kidd, Chairman of the MERG Committee for the Preservation of Catheys Valley and Hornitos, stated they were present because they were told that the petitions that they submitted and their previous requests were not sufficient, that they needed to come before the Board on the timed agenda to request a public hearing on a parcelization moratorium on western-lying lands in Mariposa County. She advised that they are not here today to debate the issues, but to request a public hearing so that the maximum participation can occur so that the Board can get input on the health and safety issues. She advised that they have stated what they believe to be the public health and safety and welfare issues to support their request for a public hearing. They are here today as "friends of the County," not as adversaries, to enact a temporary moratorium on parcelization for western-lying lands in the County. This request does not include building permits for parcels that have already been approved. She reviewed the written documentation that they submitted supporting their request, which included water issues, concerns with the General Plan, fire hazard area management, the substandard condition of roads in Catheys Valley, the remoteness of the western-lying lands of the County from services, and the significant agricultural economy that they feel is threatened by residential development. She requested that the public hearing be scheduled in the evening hours to afford the broadest participation.

Supervisor Bibby commented on the public hearing process requirements and she stated she feels it would be difficult to incur the related expenses unless the Board has facts to merit the scheduling of a hearing. She advised that she has been trying to obtain a recent water study that was done for an area in Fresno.

Rita Kidd stated the well logs are confidential to the general public; however, they are available to the government for conducting studies. She noted that she has reviewed a study for Eastern Fresno County and emailed it to the Board members. Supervisor Bibby noted that there was a recent disruption in the County's email service due to a conversion project. Rita presented two additional studies that she had obtained: Groundwater Conditions for Eastern Madera County March 2202 and Calaveras County Local Agency Ground Water Protection Program. Rita advised that there are others who wish to speak to express the importance of holding a public hearing.

Supervisor Pickard stated he feels that it is important to stay on track and get the General Plan Update adopted and to address the needs in trying to get the Catheys Valley Community Plan adopted. He asked the Planning Director to provide input relative to the schedule for adoption of the General Plan Update.

Kris Schenk, Planning Director, advised that they are working with Parsons on comments from the final Environmental Impact Report and on specific policy and text changes that were discussed at the last workshop with the Board on the General Plan Update. They hope to be able to get the document back from Parsons by the end of August or in September, and to be able to schedule it for the Board's review at the end of September, and then the public hearing will be scheduled for adoption. Supervisor Bibby asked about additional steps of review of Williamson Act issues. Kris advised that they are working on the Williamson Act issues and they will meet with the Agricultural Advisory Committee on Wednesday to discuss the issues with the Department of Conservation. He also noted that they have a budget request for an extra help position to deal with Williamson Act contract issues.

Supervisor Bibby requested feedback from the public on the request to schedule the public hearing based on the current and immediate needs of public safety and health, including input from

staff. She also commented on the information that was received from the Building Department on the status of permits issued for the area in comparison with the rest of the County.

Input from the public was provided by the following:

Rick Uebner, long-time resident of Catheys Valley area, stated he does not feel that this request would be necessary if the General Plan Update was adopted. He read his letter into the record urging a public hearing to be held. He stated he feels that it is critical for the Board to acknowledge the signatures of close to 500 constituents and allow for this hearing. He noted that a moratorium is not without precedent, and he noted that a list of challenges has been provided that threaten our lands.

Lou Ann Sakaki, Catheys Valley, stated she feels that the fact that there is uncertainty with the water merits a hearing.

Stanley Bissmeyer stated he does not live in Catheys Valley. He lives on Whitlock Road and has different concerns and he respects their concerns. He believes that using a moratorium would be a misuse of government. He noted that he has not heard of CDF losing a house because of lack of water; or of Dr. Mosher reporting any problems; so he does not see an immediate threat. He stated he feels that the Supervisors are open and available for input or to hear concerns. He stated he feels that the growth issue facing the County is a tremendous concern, but this is not the avenue that should be taken to address it.

Supervisor Bibby stated she feels that a lot of the issues that have been raised are countywide and there may be impacts countywide with a moratorium, so input from throughout the County is welcomed. She also noted that she will review any follow-up letters to this discussion.

Sergio Fuentes, Catheys Valley resident, stated he heard about the proposed moratorium secondhand and he does not feel that a booth at the Buck 'n Bash is a proper forum for collecting signatures on a petition for this matter. He stated he feels that the General Plan Update process should proceed, and that a moratorium will create more bureaucracy that we do not need. He stated he feels it would be better to spend money to get experts to provide information on the water situation versus the requested process.

Mark Harris, licensed well drilling contractor, stated he does not see any problem in drilling wells in Catheys Valley. He noted that he has 30 years of drilling experience. He said chasing water is a gamble; however, if drilling goes deep enough, he has found water. He asked for a show of hands from the audience of people that live here and do not have water; and no one raised their hand. He stated he does not feel that people will invest everything for a house without having water. He noted that years ago the drilling rigs did not go deep enough. He also noted that there are a lot of ways to treat contaminated water.

Shirley Schmelzer stated she does not feel that this is a laughing matter. She advised that Mark Harris drilled a well on her property near the Fairgrounds – it was expensive and is low-producing, and it is full of iron. Mark Harris noted that the water is potable.

Brett Baumann, Owner-Broker of Cathey's Valley Real Estate and Mariposa Homes and Land Co., read his letter into the record. He provided input on the number of real estate transactions they have been involved with in the Catheys Valley area and the well test results, and he stated he does not feel that the water issue should be a concern. He noted that there have been a few wells with nitrate, but they have been able to take care of those. He stated he feels the County is in a crisis and it has been the real estate market for the last five years that has been a big contributor to the livelihood of many local citizens and businesses. Now the real estate market has slowed down significantly and if a moratorium is allowed, he feels many people will be out of work. He does not feel that there is any proof of any significant health concern and he suggested that the focus be redirected on something positive for the community such as the schools and children.

Paul Chapman stated his family has been here for over 160 years and he feels water is a serious consideration in this County.

Caroline Wenger Korn stated she feels that what she is hearing now should be heard at a public hearing. She stated she agrees with some of the things she is hearing from both sides. But, she knows that there is less water available now than when she was a child growing up here. She stated she feels that we need to have time to finish the General Plan Update and the Specific Plan, but we also need to have a good study of water. She stated that being told to drill a deeper well does not sound fair.

Dick Wilkey, Cotton Creek Road area, commented on his experience with water. He stated that with the recent road situation, he feels that these issues need to be raised and discussed.

Steve Saunders, Catheys Valley, stated he has agricultural land off of Old Highway and he has a good well. Speaking to the idea of a moratorium, he stated he feels that is another layer of government, and that we have a government that already addresses all of the issues that have been raised. He noted that we have several departments that are already involved in water issues, and they are not alerted that there is a threat. He stated he feels that this Committee is saying that it knows more and is above everyone. He referred to their conditions for a moratorium, and he commented on the boundaries being open-ended and including more than just Catheys Valley. He stated he feels that a moratorium will create more problems. He feels their intent is to make things more restrictive, and he feels that adoption of the General Plan Update will take care of those issues. He noted that water is self-regulating, and if there is no water, people will not develop.

Heather Bernikoff, Hornitos/Catheys Valley area, stated she feels there is a misrepresentation of what they are trying to do. She is here for the interest of her community. She noted that there is not a current study that has been completed to base information on, just a previous smaller study for a water tank that showed nitrates and draw-down. She referred to a proposal to split historic parcels on a ranch next to hers, and she stated she feels that a public hearing would be an appropriate format for concerns to be expressed.

Tony Sieger, resident of Catheys Valley, stated the thought of a moratorium is pre-mature and would like to see the General Plan Update adopted.

Tricia Oakander, Catheys Valley property owner, and resident of East Fresno, stated she is in a 2 ½ acre parcel zone in Fresno and they have never had a contaminated well. She does not feel that Catheys Valley will reach that density. She feels that it will be less bureaucracy to get the General Plan Update done. She stated that she feels that we need a better expanded tax base for better services, and there is no such thing as “status quo growth.”

Theresa Castaldi, Catheys Valley property owner, stated she is against holding a public hearing to discuss a moratorium. At a time when the County needs all of the financial support that it can get, a moratorium will not help anyone.

Jim Easton, Catheys Valley, advised that he has 32 years of experience working with CalTrans with snow removal in the High Sierras. He noted that the snow pack in the Sierras supplies water to areas on its way to the aquifers in the valley. He feels that water is a major issue in the entire State. He also advised that there is a study of what happens to the snow pack on its way to the valley and that it takes seven years. Recharging water in fishers in granite is not practical. He stated he feels that we should tap into the research and expertise that the State has. He questioned if it is true that the State owns the water and commented on attempts in some counties to put monitors on private wells. He stated he does not feel that we own the source or the destination, that we are the pipeline in between.

David Butler commented on the history of his family and their experience with wells in the County. He noted that they have an old hand dug well that has not been affected. He stated he feels that a public hearing is a waste of effort of County resources at this time. He does not feel that we are confronted with public health and safety issues at this time.

Linda Meyers, rancher in Hornitos, stated she would like to see a public hearing to allow people to provide input. She noted that things are changing in Hornitos with the sale of large ranches, and the water availability varies. But if you go deep enough, water will be found. She stated she feels that we need to have organized development and that this has an economic impact on people.

Robert Brockman, Catheys Valley, stated he feels that the community should have a chance to hear about the moratorium and have an open discussion. He provided input on the drop in the water level with his well. He stated he feels that something needs to be done with the infrastructure until we can catch up with development and a moratorium will help with that, especially with fire protection and roads.

Philomene Shultz, Catheys Valley, stated she owns a working cattle ranch and she thanked CDF for handling a recent fire on Indian Gulch Road. She stated the people that live in Catheys Valley are not represented by MERG – MERG represents themselves. She questioned why we should have a moratorium when an opinion has not been issued from County Counsel relative to historic parcels. She stated that if there is an open forum, then a second group should be formed with people that live and

own property in Hornitos and Catheys Valley. She also stated that does not feel that the power struggles will stop here, that they will go on forever. She stated that she feels that this is another lawyer bureaucracy.

Don Starchman stated it has been interesting listening to the presentations today. He suggested that each of the Board members ask themselves what they have heard that is unique to Catheys Valley that would not apply to their own district. He feels that if it is determined that it would be valid to have a moratorium, then it would be valid for the whole county. He stated he feels that to move forward with this is a travesty. He stated he feels the complaints that have been raised have been heard in every district. A part of life here is drilling wells. He stated she feels that there are a few that are trying to dictate what can be done with property, and he does not feel that the case law being cited is relevant to this matter. He commented on Certificates of Compliance being required to obtain a building permit.

Norm Miller, Old Highway – Catheys Valley, commented on the water he has running from springs; and he stated there was plenty of water in Squaw Valley when he lived there.

Joe Simon stated he spent 13 years working on the Catheys Valley Plan and everyone was invited to provide input in the process. He feels that if the Plan was approved as it should have been, that we would not be here with these issues. He stated he feels that they should have a moratorium for their area and that the rest of the County should express their views.

Cathie Pierce, Mariposa County Farm Bureau President, advised of discussion of this issue at their Board of Directors meeting on Tuesday. She advised that they do support holding a public hearing, but have taken no action on whether to support a moratorium. Speaking as an individual, she is a cattle rancher in Catheys Valley. She noted that Whispering Oaks and Whispering Oaks West were owned by her family, and that there is a nitrate issue in the County. She noted that at one time there was a lot of turkeys on that ranch and neighboring ranches, and there was a very large mine pit. She noted that there was a well drilled recently on a ranch in Hornitos that that had a high nitrate level. She also took this opportunity to commend the volunteers as well as CDF for fire support and for responding to a recent medical emergency. She agrees that if the General Plan Update was done in a timely manner, this issue would not be here.

11:58 a.m. Recess

12:15 p.m. Further discussion was held relative to the request. Supervisor Bibby advised that this discussion was not intended to create sides or division in the community. She noted that the majority of the concerns she heard today dealt with water issues and she does not feel that a moratorium of parcelization will take care of that. She also noted that just because there is a parcelization, that does not mean that a well will be drilled, and she does not feel that these issues are unique to Mariposa County. She referred to the Government Code relative to the public hearing process for a moratorium; she noted that the Amador County Plan for a moratorium was not necessarily a parcelization moratorium. She noted that the affected departments were invited to be present for the discussion today and to voice any concerns that they have that there is a threat to public health or safety. She stated she does not feel that we should go forward with a public hearing unless facts are presented that support a moratorium, and she feels that some of the issues will be resolved with resolving the Williamson Act issues. She complimented MERG and the participants through this process that have provided information. She advised that she will follow up with County staff on the information that has been presented, and she is willing to revisit the issue if more information comes in. She stated that she can not make the findings today to go forward with a public hearing, and a hearing process would remove staff from their current projects. Supervisor Pickard applauded Supervisor Bibby for placing this request on the agenda. He stated he feels that the core of the concern will be addressed with the adoption of the General Plan Update and the Catheys Valley Plan and other plans as resources and time allows. He stated he agrees with not moving forward with a public hearing at this time. Supervisor Turpin stated he did not hear anyone address the Board that was not in favor of getting the General Plan Update done; and with assurance from the Planning Director that we are close, he stated he could not justify deterring staff to other duties versus working on the General Plan Update. Supervisor Fritz agreed with Supervisor Bibby, and she stated she did not hear anything today that there was imminent

danger to the public. Supervisor Stetson agreed with the comments from the Board members, and he stated that the problems being put forth are not unique to Catheys Valley. They are endemic to the entire County, and there is concern countywide. He commented on the loss of the snow pack. He stated he feels the General Plan Update needs to be adopted. No action was taken on the request.

12:34 p.m. Recess

12:46 p.m. Cheryle Rutherford-Kelly, Human Services Director;
Authorize Behavioral Health/Mental Health Program to Accept and Expend an Allocation of \$345,766 from the Mental Health Services Act (MHSA) for Fiscal Year 2005-2006 and to Purchase Approved Equipment and Supplies and Increase the Staffing Pattern to Implement a Children & Family System of Care and an Adult System of Care in Fiscal Year 2006-2007

BOARD ACTION: Discussion was held with Cheryle Rutherford-Kelly relative to the program and request. (M)Pickard, (S)Turpin, Res. 06-349 was adopted approving the recommended actions/Ayes: Unanimous.

Approval of Minutes of July 11, 2006, Regular Meeting (Clerk of the Board)

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

Approve a Resolution Adopting a Policy Regarding Overtime for Those Members of the Sheriff's Office who Engage in Law Enforcement Activities (Interim Personnel-Risk Manager/Interim County Administrative Officer)

BOARD ACTION: Following discussion, (M)Fritz, (S)Bibby, Res. 06-350 was adopted approving the policy as recommended. Supervisor Bibby asked for clarification that this does not make any changes, that it is only a house-keeping matter and that the Sheriff is in agreement. Tom Guarino, County Counsel, advised that this is consistent with the existing Memorandum of Understandings and that the Sheriff was aware of the item. Ayes: Unanimous.

1:07 p.m. MARIPOSA COUNTY WATER AGENCY

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

A) Public Presentation – none was received

B) CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9. Number of Cases to be Discussed: 1; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Number of Cases to be Discussed: 1 (County Counsel)

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

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9. Number of Cases to be Discussed: 1; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Number of Cases to be Discussed: 1 (County Counsel);

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9. Number of Cases to be Discussed: 1; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Number of Cases to be Discussed: 1 (County Counsel); and

CLOSED SESSION: Conference with Real Property Negotiator: Description of Real Property: Property Located at 11th & Bullion, Agency Negotiator: Thomas P. Guarino; Name of Party who will Negotiate with County (Not Party's Agent): SPCA, Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel)

BOARD ACTION: (M)Bibby, (S)Pickard, the closed sessions were held following a short recess/Ayes: Unanimous.

1:58 p.m. The Board convened in closed session.

3:10 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Approve the Re-appointment of Loretta Milne to the Sequoia Area VIII Board for Developmental Disabilities for the Period of July 1, 2006 through June 30, 2009 (Human Services Director)
- CA-2 Approve Sudden Oak Death (SOD) Program Agreement No. 06-0289 for Fiscal Year 2006/2007 with California Department of Food and Agriculture and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (CDFA) (Agricultural Commissioner); Res. 06-341
- CA-3 Authorize the Health Officer to Prepare a Modification to Memorandum Of Understanding (MOU) with Yosemite National Park (MOU #GA 8800-00-016) to Temporarily Pay for On-Call Salaries for El Portal First Response Vehicle and Approve Expenditures for this Purpose (Health Officer); Res. 06-342
- CA-4 Approve the Appointment of Kevin Campbell to Serve as a Member-At-Large on the Mental Health Board (Human Services Director)
- CA-5 Approve an Agreement with Infant/Child Enrichment Services (ICES) that Totals \$205,000 for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-343
- CA-6 Approve Budget Action Transferring Funds within the Facilities Division Budget for Fiscal Year 2005-2006 to Cover Expenditures in Various Line Items through June 30, 2006 (\$15,802) (Public Works Director); Res. 06-344
- CA-7 Approve Budget Action Transferring Funds within the Yosemite West Budget for Fiscal Year 2005-2006 to Cover Anticipated Expenditures through June 30, 2006 (\$40,000) (4/5ths Vote Required) (Public Works Director); Res. 06-346
- CA-8 Approve an Agreement for Sheriff's Community Organized Policing Effort (SCOPE) to Participate in and Provide Services at the 2006 Annual Mariposa County Fair and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Sheriff); Res. 06-345

3:11 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

August 1, 2006



Time _____ Description

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

Pledge of Allegiance

Introductions

Lee Stetson, Chairman;

Presentation of Certificates of Recognition to Lonnie Bissmeyer in Recognition of being the First Mariposan to Complete the 25-Miler and to Kathleen Castro for being the First Mariposan to Complete the 50-Miler During the "2006 Mariposa Run for the Gold" Endurance Rides (Continued from 7-25-06)

BOARD ACTION: (M)Pickard, (S)Bibby, the Certificates were presented to Lonnie Bissmeyer and Kathleen Castro/Ayes: Unanimous. Becky Crafts thanked the Board for its support of this event, and she noted that this was an opportunity for 4-H members to learn aspects of endurance riding. The silent auction is a fundraiser for 4-H, and she noted that this is a destination event.

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

BOARD ACTION: Kome Ajise, District 10 Director for CalTrans, gave a report on the limited opening of Highway 140 with the completion of the first bridge. He gave a brief review on the history of the slide, status of construction of the temporary bridges, and statistics for the number of vehicles that have used the detour. He advised that they are working with Teichert Construction to complete the temporary process, and they plan to open the second bridge by the end of August and that will reduce the detour to ½ mile. There will be a lot of technical analysis and economic analysis to determine a permanent solution, options include permanent bridges to the other side of the Highway, a tunnel or a rock shed through the slide. Discussion was held. Supervisor Turpin asked about coordinating schedules for the school buses. Supervisor Stetson asked about advance warning of the 28-foot vehicle limit. Julie Dunning, CalTrans, advised that they have not done a lot of publicity on this opening at this time because they would be unable to handle a lot of traffic. They have people watching for the long vehicles so that they can turn them around before they get to the bridge. They will do more advertising for the second bridge opening, and will further review posting the limit on the vehicle length. She also advised that they are working with the School District to coordinate the bus schedules. Supervisor Bibby asked about the status of monitoring the slide. Julie Dunning provided information on the monitoring systems that they are planning to have in place, and she advised that when the second bridge opens, there will be no construction activity and access will be controlled by signals. Supervisor Stetson asked about the possibility of allowing night time traffic in the future, and Julie advised that they are planning for that with the monitoring/alarm systems. They are working to integrate the monitoring systems with the interchangeable message signs so that the road can be closed when movement of the slide is detected. Board members thanked CalTrans and Teichert Construction and everyone involved in this incident. Supervisor Stetson asked for support from CalTrans in working with the Forest Service to review what would happen and what the solution would be if a there was a catastrophic slide.

Input from the public was provided by the following:

Ken Gosting, TIE (Transportation Involves Everyone), commented on recent rumors and he noted that the telephone message system does not provide the information on the limited opening of the Highway with the installation of the first bridge. He stated he feels that in the absence of good information being provided to the public, that it leaves room for rumors. Supervisor Pickard commented on the press release that CalTrans provided, and he advised that it contained accurate information.

Supervisor Stetson noted that the only glitch in the traffic movement that he was aware of was the longer wait on the other side of the slide. Kome Ajise and Julie Dunning advised that they are making changes and will issue a press release today to adjust the evening hours.

(M)Bibby, (S)Turpin, Res. 06-351 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist based on the update that was provided and the continued monitoring and continuing the local emergency based on the findings/Ayes: Unanimous.

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

Ruth Sellers asked why the Tourism Coordinator and County Administrative Officer actions were included as one item on the agenda versus two separate items, and she asked what the relationship between the functions is. She stated she feels that Mr. Radanovich is a wise choice for interim Tourism Coordinator. She suggested that the Deputy County Administrative Officer conduct an audit of the Tourism office before Mr. Radanovich starts; and she asked who Mr. Radanovich will report to. She questioned the necessity for assigning duties to Mike Coffield given the closed session that is scheduled today for public employee appointment for the County Administrative Officer position and the fact that we have a Deputy County Administrative Officer. Based on the review of the request budget, she feels the Board should be very prudent with expenditures.

Paul Chapman stated he agrees with Ruth Sellers. He asked the Board to pulled Consent Agenda items 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, pursuant to Government Code Section 54954.3 relative to public comment as allowed by the Brown Act.

Eleanor Keuning advised that radio station 530 is still reporting that Highway 140 is closed, and she suggested that it advise travelers to stop and check for current information. She stated she agrees with the comments provided by Ruth Sellers and Paul Chapman. She referred to the Consent Agenda items and expenditures coming from the FY 06-07 budget without the final budget having been adopted. She also referred to Consent Agenda item 17, and she stated she feels the County employee should be doing the marketing campaign work.

Mike Coffield, Interim County Administrative Officer, responded to the input provided by Ruth Sellers, and he advised that the two requests are listed on one agenda item as the Tourism Coordinator is a direct report of the County Administrative Officer, and those duties are currently assigned to the County Administrative Officer.

Human Services Response to Governor's Order on Heat Wave Emergency (Human Services Director)
BOARD ACTION: Cheryle Rutherford-Kelly, Human Services Director, advised of the Department's response to the Governor's Order on the heat wave emergency. A total of 1,089 telephone calls were made to check on clients and people that had asked for help. She commended the Sheriff's Department, Public Works staff and Foster's True Value Hardware for providing assistance during the heat wave. Board members commended staff, including Fire and Health, for their assistance and recognized all of the workers that work in the heat. Supervisor Bibby suggested that the affected departments meet to make sure that the Emergency Response Plan covers weather, heat and extreme winter conditions. Cheryle provided input relative to the efforts at the State level to provide energy assistance. She also noted the need to track with the State to cover the costs that were promised for providing the response to the Governor's Order. Discussion was held relative to the process that the State used for the emergency declaration. Mike Coffield, Interim County Administrative Officer, provided input and he advised that he plans to meet with the affected departments to ensure that incident command will kick into gear no matter how the declaration is issued.

Board Information

Supervisor Bibby advised that the Mental Health Board meeting is scheduled for noon today. She commended the departments and the citizens for their efforts during the heat wave emergency.

Supervisor Fritz advised that she attended the Juvenile Justice Committee meeting on Wednesday. She advised of the passing of Eleanor Rollston, long-time member of Soroptimist. She noted that the Sultry Summer Shin-dig event is scheduled in Coulterville for this weekend.

Supervisor Turpin commented on the Sultry Summer Shin-dig event that is scheduled for this weekend. He advised that there was a fire off of Highway 49 north, and that everyone did a great job in containing the fire.

Cathi Boze, Agricultural Commissioner/Sealer;

Presentation of the 2005 Mariposa County Agricultural Crop & Livestock Report

BOARD ACTION: Cathi Boze presented the crop and livestock report. Discussion was held.

Karen Robb, Farm Advisor/4-H;

Presentation of Statistics on the 4-H School Enrichment Program, "Ag in the Classroom"

BOARD ACTION: Donna Wise, 4-H Coordinator, gave a presentation on the program and reviewed the various demonstration projects that are available. The matter was continued for the following hearing to be opened.

10:31 a.m. The public hearing to add the delinquent fees to the appropriate property tax roll for collection was opened and continued until after the following matters.

Further discussion was held relative to the "Ag in the Classroom" program. Sandy Wice, teacher for Mariposa County Unified School District, provided input on her experience with the program. Supervisor Bibby noted the availability of First 5 funding for pre-school children. Donna Wice thanked the Board and the Mariposa County Farm Bureau for their support of this program.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Pickard asked that County Counsel address the public presentation given by Paul Chapman relative to pulling Consent Agenda items for input. Tom Guarino, County Counsel, advised of his review of the Government Code that was cited (54954.3) – it requires that public comment be allowed at the time permitted by the agenda or the Board Chair's discretion; and it does not require pulling items for public comment. Supervisor Bibby suggested that the Board allow for another opportunity for public comment on the Consent Agenda this morning, and she pulled item 13. Mike Coffield, Interim County Administrative Officer, responded to the issue that was raised earlier relative to committing FY 06-07 funds prior to adoption of the final budget; and he advised until adoption of the final budget, the County is operating under the prior year's adopted budget. The contracts need to be executed to be able to continue the services; and in the absence of adoption of the final budget for this fiscal year, there are funds available for the contracts since we are operating on the prior year's budget. Supervisor Pickard noted that, for the most part, the dollars for the contracts are not from the General Fund. Mike Coffield noted that the Human Services Department is mostly funded by the State and Federal funds.

Ruth Sellers clarified that it wasn't her that raised the contract and budget adoption issue.

Eleanor Keuning advised that she raised the contract and budget adoption issue.

Supervisor Turpin pulled item 13. Chairman Stetson advised that item 16 was pulled from the agenda at the request of the Auditor, it will be rescheduled. He pulled item 2 for clarification to be received from the Sheriff's Department. Supervisor Bibby again suggested that public presentations be re-opened for the Consent Agenda items, and Chairman Stetson re-opened the public presentations.

Eleanor Keuning referred to the Board's procedures that call for input from the public on the Consent Agenda during the public presentations portion of the meeting, and she noted that if an item is pulled and discussion is held, it brings things to mind for the public members that they may want to be able to comment on and would not have thought of during the public presentation portion of the meeting.

Paul Chapman asked whether the State and Federal funds have been received for the contracts; if not, he feels that the funds for the contracts are coming from the General Fund until the revenues are received. Mike Coffield, Interim County Administrative Officer, advised that the General Fund fronts the expenses that are later reimbursed by the State and Federal funds if the funds are not received in advance. He also commented on the budget process.

(M)Fritz, (S)Pickard, the balance of the agenda items was approved/Ayes: Unanimous.

Consent Agenda item 2 – Joel Bibby, Sheriff’s Captain, provided input relative to the budget for the contract with Dr. Rosebrock. (M)Fritz, (S)Pickard, item 2 was approved/Ayes: Unanimous.

Consent Agenda item 13 – budget transfer for the Coulterville Service Area. Supervisor Bibby asked if the rates for all service areas will be brought to the Board for review. Dana Hertfelder, Public Works Director, advised that they plan to bring the rates for Coulterville to the Board first. Discussion was held. Supervisor Turpin stated he feels that a long-term formula for rates needs to be reviewed. He also noted that the Coulterville Service Area is not included in the property tax rate structure, and he asked that staff review this matter and or the possibility of obtaining a grant for the District to be able to continue to provide services. (M)Turpin, (S)Bibby, item 13 was approved/Ayes: Unanimous.

10:57 a.m. Recess

11:05 a.m. Dana Hertfelder, Public Works Director;

PUBLIC HEARING – Adopt a Resolution of Approval to add the Delinquent Fees to the Appropriate Property Tax Roll for Collection.

BOARD ACTION: Dana Hertfelder presented the staff report and responded to a question from the Board relative to the penalties and collection of the assessment. The public portion of the hearing was opened. There was no input from the public. The public portion of the hearing was closed. The Board commenced with deliberations. (M)Bibby, (S)Fritz, Res. 06-368 was adopted adding the delinquent fees to the appropriate property tax rolls for collection. Staff responded to a question from the Board relative to the application of road fees, and advised that this pertains to Yosemite West. Ayes: Unanimous. The hearing was closed.

Dana Hertfelder, Public Works Director;

Adopt a Resolution Authorizing the Issuance of Improvement Bonds and Related Actions Pertaining to the Wastewater Facilities Project for Assessment District 05-1, Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1

BOARD ACTION: Discussion was held with Dana Hertfelder, and he clarified that the recommended action authorizes two series of bonds to be able to cover the initial cost of the purchase of the land. The next step in this process will be to close the loan with the USDA and to award the contract for construction of the project. Supervisor Pickard noted that the pages that were left out of the original package for this item have been distributed. Carl Casey, Public Works Administrator, responded to questions from the Board and provided input relative to the interest rates. Dana Hertfelder responded to a question from the Board relative to the status of the Williamson Act contract issue, and he advised that staff is working on removing the portion that will be impacted by the construction of this project from the contract. (M)Turpin, (S)Fritz, Res. 06-369 was adopted approving the recommended actions/Ayes: Unanimous. Supervisor Pickard clarified that the motion included the issuance of both bonds.

11:18 a.m. LOCAL TRANSPORTATION COMMISSION

(Chair – Lyle Turpin, Vice-Chair – Dianne Fritz)

Public Presentation – none.

A) Adopt a Resolution Allocating the Transportation Development Act (TDA) Funds for Fiscal Year 2005-2006

BOARD ACTION: Discussion was held with Dana Hertfelder (M)Pickard, (S)Stetson, LTC Res. 06-2 was adopted allocating the Funds/Ayes: Unanimous.

B) Adopt a Resolution Authorizing the Public Works Director to Sign a Fund Transfer Agreement with the State of California for the STIP Planning, Programming and Monitoring (PPM) Program for Fiscal Year 2005-2006 (\$19,000)

BOARD ACTION: Discussion was held with Dana Hertfelder/Public Works Director, and Carl Casey/Public Works Administrator. Supervisor Pickard asked about the change in formula, and he asked about status of the RTIP and STIP processes. Dana Hertfelder advised of recent discussions with the State and he advised that he will be bringing more information back to the Board, including information on the recent allocation of federal funding for projects. Supervisor Bibby asked that the projects be updated for the information that is brought back. (M)Bibby, (S)Pickard, LTC Res. 06-3 was adopted approving the agreement/Ayes: Unanimous. Supervisor Turpin suggested that staff review bringing something back for the agenda to improve or restrict commercial traffic on Priest-Coulterville Road. This would include school buses and he asked that something be brought back before school starts. Dana provided input relative to the damages that have occurred to Priest-Coulterville Road being related to the closure of Highway 120 due to storm damage. Supervisor Pickard asked staff to look at improvements that are needed to Chowchilla Mountain Road, due to the increased traffic as a result of the Highway 140 closure, as a part of the local emergency.

11:36 a.m. Approval of Minutes of July 18, 2006, Regular Meeting (Clerk of the Board)

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

11:38 a.m. CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a), Name of Claimant or Case Number and Name of Adverse Parties: Robert E. Cooper et al. v. County of Mariposa, et al.; Case No. 8549 (County Counsel);

MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

CLOSED SESSION: Conference with Real Property Negotiator: Description of Real Property: Downtown Parking Lots, Agency Negotiator: Thomas P. Guarino; Closed Session will Concern Price (County Counsel); and

CLOSED SESSION: Public Employee Appointment, Title or Position to be Filled: County Administrative Officer, (Government Code Section 54957 (b) (1)) (County Counsel)

BOARD ACTION: (M)Fritz, (S)Pickard, the closed sessions were held/Ayes: Unanimous. Chairman Stetson announced that the Board would reconvene in open session at 1:30 p.m.

1:04 p.m. Recess

1:39 p.m. The Board reconvened in open session, and Chairman Stetson announced that direction was given to staff, and to County Counsel to act as negotiator for the position of County Administrative Officer.

Adopt a Resolution Reassigning Selected County Administrative Officer (CAO) Duties, Directing Changes as Desired to CAO Extra-Help Agreement, and Authorizing Execution of an Extra-Help Agreement with Leroy Radanovich to Serve as Interim Tourism Coordinator (Interim County Administrative Officer)

BOARD ACTION: Mike Coffield, Interim County Administrative Officer, presented the staff report and recommendations, and discussion was held. He advised that Leroy Radanovich worked closely with the previous Tourism Coordinator, he has experience and he feels that with very little preparation, he can be effective in that office. He also noted that Leroy is under contract to provide photography service to the office, and he suggested that the Deputy County Administrative Officer or the Business Development Coordinator be involved in any assignments for that function. Supervisor Pickard commented on involving the Tourism Advisory Council in the goals. Discussion was held relative to supervision of the Tourism Coordinator and the contract for services. Tom Guarino, County Counsel, provided input relative to the contract issue. Supervisor Bibby asked that the agreement with the Tourism Coordinator include status reports to the Board. Discussion was held relative to the allocation of the County Administrative Officer duties.

Input from the public was provided by the following:

Kenneth Gosting, TIE (Transportation Involves Everyone), asked whether the results of the closed sessions were announced. Chairman Stetson advised that when the Board reconvened, an announcement was made. Kenneth stated he feels that Leroy Radanovich is capable of handling this because of his marketing and photography skills, and his report with the surrounding counties; and they endorse this as an interim appointment. He advised that they have concerns with the Board's subcommittee administering this function, and they have Brown Act questions, with the possibility of the Chair also be involved in the supervision as Interim County Administrative Officer. He stated he feels that the Board may have certain powers under the emergency declaration for appointment. He strongly recommended that there be an outside evaluation and benchmarks set for this function. He also recommended that there be a clear knowledge of what is supposed to be done and how funds are supposed to be used; and suggested that with the assistance of the Deputy County Administrative Officer, that Leroy could do that. He stated he feels that this function is a mess and needs to be straightened out.

Further discussion was held. Mike Coffield agreed to continue as the Interim County Administrative Officer until August 8th. He advised that unless he hears objection from the Board, he will enter into an agreement with Leroy Radanovich to begin immediately, and he will work with County Counsel to bring back an agreement for the Board using the base salary of the position. (M)Pickard, (S)Fritz, direction was given for County Counsel and the Interim County Administrative Officer to bring back an agreement for the interim Tourism Coordinator/Ayes: Unanimous. (M)Pickard, (S)Turpin, direction was given for staff to prepare a resolution allocating duties of the County Administrative Officer as discussed/Ayes: Unanimous. (M)Bibby, (S)Fritz, County Counsel was appointed as negotiator to retain Mike Coffield to provide budget, personnel, risk management and negotiations/labor relations services as discussed/Ayes: Unanimous.

INFORMATION – No action was necessary on the following:

List of Contracts Entered into by the County Administrative Officer Pursuant to Ordinance 3.08, for the Months of April, May, June and July 2006 (Interim County Administrative Officer)

CONSENT AGENDA:

- CA-1 Approve Budget Action Transferring Funds within the Sheriff's Budget Due to Unanticipated Expenditure Increases (\$11,691) (Sheriff); Res. 06-352
- CA-2 Approve an Agreement with R. W. Rosebrock to Euthanize Stray/Unwanted Pets and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Sheriff); Res. 06-366
- CA-3 Approve an Agreement with Cathy Rohrbaugh to Provide Learning Disabled Evaluations for Individuals in the CalWORKs Program for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-353
- CA-4 Approve an Agreement with Mother Lode Job Training (MLJT) to Provide Assessment Services for Individuals in the CalWORKs Program for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-354
- CA-5 Adopt a Resolution Approving the Substance Abuse & Crime Prevention Act (SACPA Prop 36) Program Plan for Fiscal Year 2006-2007 (Human Services Director); Res. 06-355

- CA-6 Approve an Agreement with Heritage Oaks Hospital for Residential Inpatient Services for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-356
- CA-7 Approve an Agreement with Merced Behavioral Health Center for Residential Inpatient Services for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-357
- CA-8 Approve an Agreement with Crestwood Behavioral Health for Psychiatric Inpatient Services for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-358
- CA-9 Approve Continuing an Agreement with Kathy Albright for Fiscal Assistance for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-359
- CA-10 Approve a Contract with Progress House, Inc. for Residential Alcohol and Drug Treatment Services for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-360
- CA-11 Approve an Agreement with Sierra Vista Hospital for Residential Inpatient Services for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-361
- CA-12 Approve an Agreement with Merced County Department of Mental Health for Residential Inpatient Services for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-362
- CA-13 Approve Budget Action Transferring Funds from Coulterville Utility Capital to Coulterville Service Area, and Appropriating Unanticipated Revenue and Transferring Funds within the Coulterville Service Area Budget to Cover Anticipated Expenditures through June 30, 2006 for Fiscal Year 2005-2006 (\$9,375) (4/5th's Vote Required) (Public Works Director); Res. 06-367, with a request for staff to review the possibility of including the district in the tax structure or possibly obtaining a grant
- CA-14 Approve Budget Action Transferring Funds within the Road Division Budget between Various Line Items to Cover Anticipated Expenditures through June 30, 2006 for Fiscal Year 2005-2006 (\$69,251) (Public Works Director); Res. 06-363
- CA-15 Adopt a Resolution Approving 1) Consolidating John C. Fremont Healthcare District Election, Mariposa County Unified School District Election, and for the Wawona Precinct Only (Wawona-Fish Camp Area are a Part of the Following School Districts), Bass Lake School District, and Yosemite Unified School District Elections with the November 7, 2006 General Election, Pursuant to EC 10401; 2) Direct County Clerk to Canvass Returns of Said Election Pursuant to EC 10411 and 15301; 3) Direct County Clerk to Bill the Healthcare District, the Madera County Office of Education, and the Mariposa County Unified School District in Full for Cost of Services Performed in the Conduct of the Portion of

the Election Relating to Each of their Respective Districts (County Clerk); Res. 06-364

CA-16 Approve an Agreement with S & R Enterprises for Software and Assistance in Completing the Countywide Cost Allocation Plan for use in 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Auditor); Item was pulled at the request of the Auditor

CA-17 Approve Two Grant Applications to Pacific Gas & Electric (PG&E), the First Application is an Economic Development Grant Requesting \$10,000 to Implement a Marketing Campaign Promoting “MARIPOSA IS OPEN FOR BUSINESS”. The Second Application is a Community Development Grant Requesting \$10,000 to Implement the Coulterville Neighborhood Revitalization Project – Phase I (Interim County Administrative Officer); Res. 06-365

2:35 p.m. Adjournment in memory of Darell I. Deal, Helen Ruth Watts, Ellen Joan Harry, and Elinor M. Croft Rollston.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA August 8, 2006



Time _____ Description

9:01 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Lee Stetson, Chairman of the Board;

Proclaim the Month of August as “Child Support Awareness Month”

BOARD ACTION: (M)Bibby, (S)Fritz, the Proclamation was approved and presented to Debbie Walton, Child Support Services Director/Ayes: Unanimous. Debbie Walton advised of the Department’s performance and transition to a statewide network for payment disbursement.

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

Kenneth Gosting, TIE (Transportation Involves Everyone), commented on the huge impact the slide has had on tourism, and he presented a recent Farley cartoon from the San Francisco Chronicle. He restated their support for Leroy Radanovich as Tourism Coordinator, and stated they believe there is a need for a management audit of the office relative to the status of projects that were assigned by the Board and the County Administrative Officer, and the status of finances, and the slide projects. He recommended that there be mileposts established for this function. He feels that this will help to provide protection for the person performing this function so that the public will know what is being done. Supervisor Pickard offered his and Supervisor Turpin’s office to meet on any of the issues that he may have.

Eleanor Keuning commented on the sound system and the inability of the audience to be able to hear during the meeting.

Board Information

Supervisor Fritz advised that she attended the Sultry Summer Shin-dig event in Coulterville on Saturday and put on a watermelon spitting and pie eating contest.

Supervisor Bibby invited the public to attend the First 5 Commission meeting on Monday, and she advised that they will be going through the grant award process. She also encouraged the public to spread the word about the upcoming County Fair.

Supervisor Turpin commented Public Works staff for resolving the electrical system issues at the Coulterville Park for the Sultry Shin-dig event. He advised that on Wednesday he plans to attend a meeting with the Stanislaus Forest in the morning, and a Red Cloud Library meeting in the afternoon, and an Airport Advisory Committee meeting; and on Thursday there will be a Greeley Hill Town Planning Advisory Committee meeting.

Supervisor Stetson advised that he plans to attend an Emergency Medical Services Agency meeting on Wednesday in Bear Valley; and on Saturday he has been invited to speak to the Sierra Nevada Alliance at North Lake Tahoe.

9:16 a.m. MARIPOSA PARKING DISTRICT

Thomas P. Guarino, County Counsel;

Discussion and Direction Regarding the Lease/Purchase of the Downtown Parking Lots

BOARD ACTION: Tom Guarino advised that an additional meeting was held with the property owners of the downtown parking lots, and it was better attended than the meeting before. As a result of that meeting, the landowners asked for information on the square footage of their lots and the pro-rated price using an example of a \$250,000 purchase price. He advised of the varied responses that were subsequently received. He recognized Jim Dulcich and expressed appreciation for his assistance in working on these issues with the property owners; and he recognized the efforts of Supervisors Bibby and Fritz. He advised that a viable consensus has not been reached at this point, and he requested guidance from the Board. He mentioned a couple of options: hold another meeting and continue to try and reach a consensus; or let the process end and the District would need to repay the funds that have been expended thus far, and the Garber lot could be maintained, and the Womack lot is being improved for parking. Discussion was held. Supervisor Bibby clarified for the public that the Board of Supervisors serves as the Parking District Board of Directors. She encouraged the owners that have not responded, to do so, and for the owners to try and reach a consensus. Tom Guarino further advised that we are getting beyond the time in which the Proposition 218 process could be completed during the existing term of the leases for the District. Supervisor Fritz stated she would be willing to meet with the property owners again to see if a consensus can be reached. Supervisor Pickard asked if the meeting could occur before the Final Budget Hearing so that the Board can make a decision on whether to move forward with the Proposition 218 process. Chairman Stetson called for input from the public, and none was received. Further discussion was held. Supervisor Turpin asked what would happen in the future when the existing businesses change hands or want a building permit if there is no parking. Tom Guarino responded and advised that without the District parking, it would be very difficult for the businesses to prove parking. Kris Schenk, Planning Director, responded to questions from the Board relative to the future non-conforming status issues.

Input from the public was provided by the following:

Lyn Maccarone, property owner, asked for clarification of the “grandfathering” use of the parking lots. She stated she is confused with all of the issues involved in this matter; and due to her health, she wants to be able to sell her building. But, she needs to have parking. Tom Guarino advised that if a property changes hands between now and when the leases expire, they are still in the District and have parking as before. After the leases expire, proof of parking would be a necessity.

Eleanor Keuning thanked the Dulcich’s for allowing the use of their property for public parking; and she stated she would hate to see the lot closed off or to have to deal with parking meters. She also stated she feels it would be helpful if CalTrans would better define the parking spaces along the Highway.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Chairman Stetson advised that item 4 was pulled at the request of the Human Services Director. Supervisor Bibby pulled items 5, 7, and 8. (M)Pickard, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 5 – Changes to Agreement with Mike Coffield. Supervisor Bibby initiated discussion relative to the status of hours available under the contract. (M)Bibby, (S)Fritz, item 5 was approved/Ayes: Unanimous.

Consent Agenda item 7 – Extra Help Agreement with Leroy Radanovich. Supervisor Bibby asked that the contract be amended so that authorization for additional hours would require action by the Board versus Personnel, as she feels that this will help keep the Board aware of the status of how things are progressing. Mike Coffield, Interim County Administrative Officer, advised that status reports could be provided on the hours. Discussion was held relative to the supervision being under the Business Development Coordinator. Supervisor Bibby asked if that is in compliance with the job description, and Mike Coffield advised that both employees have agreed and it is within the job specifications. (M)Pickard, (S)Turpin, item 7 was approved, with a change in the agreement to reflect that the hours shall not exceed 860 hours/Ayes: Unanimous.

Consent Agenda item 8 – Ratification of Agreement with Edelman, Inc. Supervisor Bibby initiated discussion relative to ensuring that the proper procedures are followed for processing of contracts. Tom Guarino, County Counsel, provided input relative to the process. (M)Bibby, (S)Pickard, item 8 was approved/Ayes: Unanimous.

10:20 a.m. Recess

10:35 a.m. 2006-2007 Budget Outlook Report (Interim County Administrative Officer)

BOARD ACTION: Chris Ebie, Auditor, was present. Mike Coffield presented the report, and he recommended that the current dependence on one-time revenues (fund balance) be eliminated from offsetting on-going expenses. He reviewed other areas of concern relative to the interest rate on the PERS unfunded liability pension obligation, and relative to cash flow issues. He presented the following recommendations: reduce service levels by one million dollars this year; consider a transient occupancy tax (TOT) increase from the current 10% to 12%; and consider a sales tax increase for roads which would create a stable source of funding for road needs and would qualify the County as a “self-help County,” thereby, increasing the level of State road funding. He reviewed four options for reaching the service level reductions. Discussion was held. Supervisor Bibby asked about consideration of cutting the travel budgets and looking at vacant positions. Chris Ebie noted that \$175,000 was spent last year and there is a request of \$270,000 for this year for travel. Supervisor Bibby asked about the status of accounts receivables – payments and loans that are due to the County. Chris Ebie advised that they are reviewing things that affect cash flow. Supervisor Pickard commented on the history of the actuarial studies for PERS, and he asked that staff come back with a proposal for consideration during the budget hearing process to deal with the PERS unfunded liability pension obligation. Supervisor Bibby asked about the status of reviewing fees, and she suggested that campgrounds be considered when looking at increasing the TOT.

Input from the public was provided by the following:

Ruth Sellers commended Mike Coffield for the job he has done. She noted that when Supervisor Fritz first came in office, she commented that employees could work for the County for five years and leave with retirement and health benefits. Ruth noted that she hasn't heard anything about a two-tier retirement system, and the General Reserve has gone down, and she didn't know about the ten million dollar deficit with PERS. She stated she feels that good management needs to be practiced, and the County needs to budget and live within its means. She questioned subsidizing the Airport, and asked why it isn't an enterprise fund. Supervisor Fritz and Mike Coffield noted that the County has negotiated memorandum of understandings with the employee bargaining units to tier the health benefits for retirement.

Paul Chapman asked about recommendations for high raises; and he stated he agrees with the former Auditor Ken Hawkins that the Tourism budget could be deleted without much of an impact on revenues. He stated he still feels that there needs to be a citizen committee to review the budget. He also suggested that the new position requests and that all line items be reviewed, including the insurance carrier to reduce costs.

Further discussion was held. (M)Pickard, (S)Turpin, 1) direction was given for staff to pursue reduction option number 4, which cuts \$300,000 from Tourism and the \$300,000 optional portion of the County's contribution to roads, with \$400,000 to be spread across the board – this would be the equivalent of a two percent reduction in each department; 2) direction was given to staff to come back with a proposal to deal with the PERS unfunded liability pension obligation in the amount of ten million dollar, and information on where we stand with the current employee benefit package; and 3) direction was given to staff to bring back a status report on the impact study/capital improvement program/Ayes: Unanimous.

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

BOARD ACTION: Chairman Stetson advised that installation of the second bridge is on schedule. Supervisor Fritz commented on misinformation she recently received at the Wawona entrance gate from a Park Ranger relative to Highway 140. Supervisor Pickard asked if there has been any feedback relative to the denial of the Federal declaration of disaster. Mike Coffield, Interim County Administrative Officer, advised that a meeting is being scheduled for later this week with Congressman Radanovich, OES and FEMA to discuss this matter, and they hope to be able to clarify any

misunderstandings and have the request for a Federal declaration reconsidered. (M)Turpin, (S)Pickard, Res. 06-377 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion, Direction, and Action Regarding Notice of Withdrawal from the San Joaquin Valley Air Pollution Study Agency (Board of Supervisors/County Counsel)

BOARD ACTION: Tom Guarino, County Counsel, advised that the recommended action formalizes the Board's prior direction. Supervisor Bibby provided input and recommended that the Board take this action. (M)Bibby, (S)Fritz, Res. 06-378 was adopted formally withdrawing from the San Joaquin Valley Air Pollution Study Agency/Ayes: Unanimous.

Approval of Minutes of July 24, 2006, Special Meeting (Clerk of the Board)

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

Discussion and Possible Action Relative to the Oil Tax Initiative, aka Clean Alternative Energy Act, Proposition 87 for the November 2006 Ballot (Board of Supervisors)

BOARD ACTION: Supervisor Pickard initiated discussion and he advised that he does not support this – he has a philosophical difference with the way this has been approached. He feels the State should set some standards with analysis to support this. Supervisor Stetson commented on the information that has been presented in support of this. Supervisor Bibby suggested that the matter be left for the November ballot for the voters to decide, and Supervisor Stetson agreed. Supervisor Pickard commented on CSAC and RCRC's consideration of this issue. No action was taken.

12:06 p.m. 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. Number of W/C Cases to be Discussed: 1 (Interim County Personnel/Risk Manager); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union (SEIU); Name of Designated Representative: Mike Coffield (Interim Personnel Manager/Risk Manager)

BOARD ACTION: (M)Bibby, (S)Fritz, the closed session for conference with legal counsel was held, with the closed session for conference with the County labor negotiator to be held at 2:00 p.m./Ayes: Unanimous.

12:31 p.m. Lunch

2:10 p.m. The Board reconvened in closed session with Mary Hodson, Deputy County Administrative Officer, Sandi Laird, Administrative Analyst-Administration, and Rick Bolanos, labor negotiator, present.

3:58 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

CA-1 Approve an Interim Rental Agreement with the 35A District Agricultural Association and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Fire Chief); Res. 06-370

CA-2 Approve an Agreement with Fresno Community Behavioral Health Centers for Psychiatric Inpatient Services and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-371

- CA-3 Approve an Agreement with Tuolumne General Hospital for Residential Inpatient Services and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-372
- CA-4 Approve an Agreement with the State Department of Mental Health to Provide Community Mental Health Services and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Item was pulled
- CA-5 Action to Accept V. Michael “Mike” Coffield’s Resignation as Interim County Administrative Officer, Effective this Date; and Resolution Approving and Authorizing the Chairman of the Board of Supervisors to Sign an Amended Agreement with V. Michael “Mike” Coffield to Provide Budget/Personnel/Risk Management Duties (County Counsel); Res. 06-374
- CA-6 Adopt a Resolution Approving Allocation of the County Administrative Officer Duties during the Vacancy of the Position (County Counsel); Res. 06-373
- CA-7 Adopt a Resolution Approving an Extra-Help Agreement with Ervin “Leroy” L. Radanovich to Provide Services as Interim Tourism Coordinator, at the same Salary as the Permanent Position, less Benefits (Interim County Administrative Officer/County Counsel); Res. 06-375, with change to the agreement
- CA-8 Adopt a Resolution Ratifying the Agreement for Services with Edelman, Inc. for the Period of April 1, 2005 through October 31, 2005, and Authorize the Chairman of the Board of Supervisors to Sign said Agreement (County Counsel/Auditor); Res. 06-376

3:59 p.m. Adjournment in memory of Bobbie Jean Nordeen and Pauline Ladusky Stagner.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA August 15, 2006



Time Description

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

Pledge of Allegiance

Introductions

Dianne Fritz, Supervisor District IV;

Proclaim the Week of August 15 through 22, 2006 as "Mariposa County Arts Council, Inc., Week" In Honor of Their 25th Anniversary in Serving Mariposa County

BOARD ACTION: (M)Fritz, (S)Bibby, the Proclamation was approved and presented to Donna Brownell/Mariposa County Arts Council/Ayes: Unanimous. Donna Brownell advised of their anniversary celebration scheduled for Sunday at the Arts Park.

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

Paul Chapman referred to the budget outlook report and projected budget shortage, and he asked what it costs for the materials and to prepare proclamations and certificates. He referred to the following items on the agenda: closed sessions relative to the County Administrative Officer position; amended agreement with Mike Coffield; and the Technical Services Director representing the Lion's Club for the Labor Day Parade insurance request.

Dick Hutchinson advised that Mid-Valley Publications gave a full-page of advertisement in their seven valley newspapers to the County, and he presented copies to the Board. He asked Supervisor Fritz if she would sponsor an agenda item to recognize the two individuals responsible for the advertisement, and she advised that she would be happy to sponsor this. The letters are to be prepared to be presented at a Board meeting.

Tom Infusino stated he is a land use attorney representing clients along the Highway 49 corridor. He briefed the Board on the case of Gardner v. Sonoma County regarding the denial of Certificates of Compliance, and he cited examples. Tom Guarino, County Counsel, advised the Board that Mr. Infusino is an attorney for a group that is opposed to the Redington Ranch's application for Certificates of Compliance; and he noted that the public portion of that appeal hearing has been closed, and this same group has challenged the process for the hearing. Tom Guarino stated he feels that this is a calculated attempt to circumvent the hearing process, and it is up to the Board as to whether he should be allowed to speak. But, he feels that this is a blatant attempt to violate the Board's policy. Attorney Infusino stated he does not wish to address the continued public hearing for the Redington Ranch appeal, he is here because he does not feel that the County's parcel legality sheet has been updated. He is hoping that Planning will update it to reflect the California Supreme Court's decision. He gave two examples involving patents and subsequent sales and development of the parcels and Certificates of Compliance.

Dick Hutchinson noted that the full-page advertisement for the County was provided at no cost.

Board Information

Supervisor Bibby advised that she attended the First 5 Commission meeting on Monday and reviewed the grant applications, and she complimented the community on their grant writing ability. On Thursday, she plans to attend the Mother Lode Job Training Board of Directors meeting in Sonora. On Friday, she plans to attend the ribbon cutting ceremony for the temporary bridges on Highway 140.

She referred to an August 11th press release advising that the Sheriff's Department assisted other agencies in conducting raids of marijuana gardens and she complimented everyone involved in the raids.

Supervisor Fritz advised that she participated in the CSAC meeting on Monday by telephone conference call. She also noted that they had a fire at the Happy Burger Diner. She advised that she plans to meet with French Camp residents on Wednesday relative to establishing a zone of benefit. She noted that the Street Fair is being held on Wednesdays. She advised that the Small Business Administration is holding a breakfast meeting on Thursday at the Happy Burger Diner; however, she will be out of town for a Soroptimist event. She reminded everyone of the 25th anniversary celebration of the Mariposa County Arts Council on Sunday afternoon at the Arts Park. She advised that Alpine Builders, the Chamber of Commerce and Mountain Crisis Services are hosting a celebration in Bootjack at Alpine Builders to celebrate the grand opening of the new shelter for Mountain Crisis Services. On August 25th, she plans to attend the California State Fair with the Business Development Coordinator to staff the County's exhibit booth.

Supervisor Turpin advised that he attended a meeting on Friday with FEMA and Congressman Radanovich relative to appealing the denial of the Federal Emergency Disaster Declaration for the landslide. On Wednesday, he plans to attend the CSAC Ag and Natural Resources meeting by telephone conference call. On Wednesday evening, he plans to attend the Stanislaus National Forest Service meeting relative to the off-road vehicle (OHV) plan.

Supervisor Pickard advised that he plans to attend the RCRC (Regional Council of Rural Counties) meeting on Wednesday and the Environmental Services Joint Powers Authority meeting on Thursday. He advised of the status of the gas tax legislation for the three counties without incorporated cities.

Supervisor Stetson advised that he was the keynote speaker on Saturday at the Sierra Nevada Alliance. He advised of a memorandum received from the Health Department advising of the establishment of "cooling centers" with the cooperation of other departments (including the Senior Center) and the Hospital and the Fair.

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

BOARD ACTION: Chairman Stetson advised that he was in the first caravan of vehicles on Sunday evening to cross both bridges, and he noted that the road is paved between the two bridges. He noted that there is still no night-time usage pending the installation of the monitoring systems. He advised that the ribbon cutting ceremony to celebrate the opening of the bridges will be held on Friday at 9:00 a.m. Supervisor Pickard commented on the need to get publicity out relative to the opening of the Highway. Supervisor Fritz noted that there is a request to carpool to the ceremony due to parking limitations. (M)Bibby, (S)Fritz, Res. 06-379 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings, and finding that the opening is just a temporary emergency solution/Ayes: Unanimous. Eleanor Keuning asked for clarification of the dates and times of the opening celebration and for access.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 5, 6, 10, 11, and 12. (M)Fritz, (S)Bibby, the balance of the items was approved. Supervisor Pickard noted that items 1 and 2 were placed on the agenda by Supervisor Stetson and not the applicant. Ayes: Unanimous.

Consent Agenda item 5 – 2007 Homeland Security Grant. Supervisor Bibby asked about the deadline for applying for the grant, and she advised of her discussion with Administrative staff and request that they have an opportunity to look at how to front the costs pending reimbursement. Blaine Shultz, Fire Chief, advised that the matter could be held until August 22nd. Discussion was held. Jim Allen, Sheriff, advised that there is no impact by continuing this for a week. The Board concurred with continuing the matter to August 22nd. Supervisor Bibby noted that a budget action form may be needed for this request.

Consent Agenda item 6 – Purchase of grant funded and reimbursable capital items by the Fire Department. Supervisor Bibby initiated discussion and asked that the billings be submitted timely to obtain reimbursement. Blaine Shultz, Fire Chief, provided input relative to the request. (M)Bibby, (S)Turpin, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 10 – Labor Day Parade – Supervisor Bibby initiated discussion and asked whether there has been any history of claims for this event. Rick Peresan, Lion’s Club, advised that the Club will continue to try and obtain the insurance rider for the event, and he stated that he was not aware of any past claims. Supervisor Bibby asked that this action be for this year only. (M)Bibby, (S)Fritz, item 10 was approved. Further discussion was held. Tom Guarino, County Counsel, recommended that the Board co-sponsor the event and if the Lion’s Club Certificate of Insurance is issued, it will be the primary insurance and the County’s will answer after that. The motion was amended by the maker, agreeable with the second, to include County Counsel’s recommendation. Ayes: Unanimous.

Consent Agenda item 11 – Revision to MOU with Yosemite National Park. Supervisor Bibby initiated discussion and asked what impact the Highway opening will have on the cost of the enhanced service; and she asked for clarification of whether FEMA would reimburse costs incurred after the August 18th opening. Supervisor Stetson advised that the road will still not be open at night and the enhanced service needs to continue. (M)Bibby, (S)Fritz, item 11 was approved, with direction for staff to continue to pursue reimbursement from FEMA/Ayes: Unanimous.

Consent Agenda item 12 – Amended Agreement with Mike Coffield. Supervisor Bibby clarified that the amendment is just to extend the hours of service to be provided. (M)Bibby, (S)Pickard, item 12 was approved/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

PUBLIC HEARING for Lake Don Pedro County Service Area 1-M Sewer Zone No. 1 Proposed Fee Increase

BOARD ACTION: Chairman Stetson noted that hearing has been continued to September 19, 2006, at 10:00 a.m.

10:14 a.m. Recess

10:31 a.m. Bob Pickard, Supervisor District V; and Dianne Fritz, Supervisor District IV; California State Association of Counties (CSAC) Finance Corporation Board Presentation by Tom Sweet

BOARD ACTION: Supervisor Fritz introduced Tom Sweet, and he gave an overview of the programs that CSAC offers.

Approval of Minutes of June 13, 2006, Regular Meeting (Clerk of the Board)

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

10:44 a.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Un-represented; Name of County Designated Representative: Thomas P. Guarino; Title(s) of Un-represented Individuals with whom Negotiations are being Conducted: County Administrative Officer Candidate (County Counsel); and

CLOSED SESSION: 1) Public Employee Appointment; Title or Position to be Filled: County Administrative Officer; 2) Public Employee Employment; Title or Position to be Filled: County Administrative Officer (Government Code Section 54957 (b) (1)) (County Counsel)

BOARD ACTION: (M)Pickard, (S)Turpin, the closed sessions were held/Ayes: Unanimous. Chairman Stetson advised that the Board would reconvene in open session at 2:00 p.m.

11:43 a.m. Lunch

2:00 p.m. The Board reconvened in closed session.

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

Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Appeal No. 2006-69 , an Appeal of the Planning Director's Determination that Certificate of Compliance Application Nos. 2006-4, 2006-05, 2006-06, 2006-07, 2006-08, 2006-09, 2006-10, 2006-11 and 2006-12 are Incomplete and Additional Information is Required for Processing. Appellants: Redington Ranch LLC (by Morrison & Foerster LLP, Anne E. Mudge).

BOARD ACTION: Kris Schenk, Planning Director, was present. Thomas P. Guarino, County Counsel, advised that this appeal involves applications for nine unconditional Certificates of Compliance filed by Redington Ranch on December 29, 2005. He advised that this opinion is being provided at the request of the Board of Supervisors and is intended to address the legal issues raised with respect to these applications. He noted that the appeal packet indicates that in part the concern over these applications is driven by the fact that Planning staff expects to receive over 100 applications for the Redington Ranch and has, in fact based on the packet, received approximately 60 more applications during this appeal process. There is also the concern by some and hope by others that the decision by the Board of Supervisors today will essentially resolve Certificate of Compliance issues with respect to how the County reviews and processes applications for such certificates. This is not entirely the case, as the Board's decision today will be binding only with respect to the nine Certificates of Compliance before it. It will provide policy and process guidance for County Planning with respect to other applications for unconditional Certificates of Compliance, and to the extent other applications that are similarly situated, and based on the facts of the particular certificate applied for, be of use as a precedent for processing other applications. What today's decision will not do is establish a rigid rule for applications for an unconditional Certificate of Compliance. This is because, not only are some applications factually different, Certificates of Compliance themselves are of different types. There are those that are issued as conditional Certificates of Compliance, this essentially means that the parcel for which the application is filed does not comply with the provisions of Government Code Section 66499.35 for issuance as an unconditional Certificate of Compliance, and there are those issued as unconditional Certificates of Compliance. The nine Certificates of Compliance at issue in this matter appear to be unconditional Certificates of Compliance; and therefore, this legal opinion is limited to such certificates.

County Counsel advised that with respect to these Certificates of Compliance, several issues have been raised. These range from legal issues to procedure and process issues as to whether legislative acts, such as the California Environmental Quality Act (CEQA) and the Williamson Act somehow restrict the issuance of these Certificates of Compliance.

Counsel stated he will address the procedural issues first.

Redington Ranch challenges the Board of Supervisors' authority to hear this matter. In footnote 11 at page 22, circle page 33 of the packet, it states in part "In the alternative, Redington Ranch avers that the Board of Supervisors is without jurisdiction to hear an appeal from the Planning Director's determination..." Other than the footnote, buried very deep in the submittal, Redington Ranch and no one else in support of or in opposition has substantively argued or further raised this issue. He advised that it is his opinion that the Board of Supervisors has express authority to hear the matter. The appeal in this case is according to the Planning Department memo of June 2, 2006, at circle page 2 of the packet, "governed by Mariposa County Resolution 92-525." The procedures with respect to appeals, pursuant to the resolution specifically state in part "If the appeal is from a decision of a land division, lot line adjustment or certificate of compliance..." the appeal must be filed within 10 days.

This is express authority for the Board to hear the appeal. Redington Ranch also filed its appeal in part pursuant to other applicable provisions of the law, circle page 17 of the appeal packet. This in County Counsel's opinion is consent to the process. Accordingly, jurisdiction is vested in the Board.

A second procedural issue has arisen based on a letter sent to the Board of Supervisors with respect to whether the hearing should be reopened. This letter is dated June 28, 2006, from the Farm Bureau. While this letter to County Counsel's knowledge was not sent to the appellants by the Farm Bureau, he has furnished them with a copy. The applicable Rules of Procedure provide for a formal sequence of events that include the following: Step 1, opening of the meeting; Step 2, staff presentation, including Board of Supervisors questions; Step 3, appellant presentations and evidence and speakers in support; Step 4, opponents presentation and evidence and speakers in opposition; Step 5, rebuttal by the appellant; Step 6, clarification by Board of Supervisors and staff response to questions raised in the public process; Step 7, staff procedural issues including additional staff research or information; and Step 8, deliberation. Counsel stated he has reviewed a transcript of the proceedings as well as the actual tapes. The following occurred: The Chairman stated that after Ms. Cole spoke that he intended to close the public portion of what was essentially step 4, the presentation of speakers in opposition. Counsel for the appellants, Ms. Mudge indicated that she desired rebuttal, step 5. Staff (Kris Schenk, Planning Director) responded to Board of Supervisors' questions, that was step 6. During the discussion, Supervisor Turpin asked a question; and Mr. Starchman, appellant's counsel was allowed to speak. As he recalled, Mr. Starchman vigorously asserted that he was part of the process and not the public. This could be considered either further rebuttal by the appellant or argument by counsel. If it is considered as further rebuttal, then it would have been the Chair permitting a reversion to step 5 of the process. If not, it would simply be argument, albeit out of order by counsel for the appellant. Staff's discussion continued, step 6. Then there was a discussion with the Board's Counsel, himself, step 7, asking for time to conduct further research for today's presentation. Permission was then requested of the Board to let Counsel for the Board ask the Planning Commission to delay their proceedings. Then Counsel for the Board mentioned that the Board would be in its deliberation phase as the next step, but no action was taken by the Board to begin deliberations. This would be consistent with waiting for today's requested opinion. Counsel advised that this sequence of events is important because the Board by its own rules shall reopen the public portion of the hearing if new evidence is taken and the public is to be allowed to address such evidence. He stated it is generally understood that an attorney's argument does not equal evidence. Mr. Starchman had mentioned in his comments the emotions of the situation, that the parcels were under the Williamson Act, the rockslide, and Agriculture Exclusive zoning, all matters previously discussed both in opposition and in support of the application. He stated that it is his opinion that Mr. Starchman's statements do not appear to equal evidence that would require reopening of the public portion of the hearing. It is therefore his opinion that the Board of Supervisors is not required to reopen the hearing under the mandatory provisions of its Rules of Procedure. Should the Board desire to reopen the hearing in some manner, the rules provide that there must be a motion and a vote by the Board to alter those procedures.

Counsel then stated he would move to the substantive legal issues he has identified from the submittals, and he stated the Board is free to ask others and he will do his best to answer. He advised that the Planning Director identified four determinations which are appealed by Redington Ranch, and other issues have also been raised. He stated he has identified the following general areas and will address his comments in this order:

- 1) that the nine certificates are a project under CEQA;
- 2) that applications 2006-04 and 2006-12, together with other applications for Certificates of Compliance may be considered a multiple or phased project;

- 3) review of all Certificates of Compliance is necessary to address CEQA; and
- 4) the project is not complete for processing.

He advised that the following issues were also raised during the appeal:

- 5) Whether the number of Certificates of Compliance triggers CEQA by converting them from a ministerial act if they are ministerial to Certificates of Compliance, that would be discretionary.
- 6) That Section 2.520.C.7 of the Mariposa County Environmental Review Policy allows the certificates to be determined by County regulation to be discretionary rather than ministerial.
- 7) Does the Williamson Act restrict the issuance of the nine unconditional Certificates of Compliance that were applied for?
- 8) Does the issuance of the Certificate of compliance constitute a “division” under paragraph 11 of the controlling contract, so that new contracts are required to be executed?

Counsel further stated that in order to answer these questions, it is necessary to examine the law applicable to the requested certificates. At issue are nine unconditional Certificates of Compliance. Government Code Section 66499.35 sets forth the requirements necessary for an applicant to obtain a Certificate of Compliance. As stated in the case of Lakeview Meadows Ranch v. the County of Santa Clara, a 1994 decision, under Government Code Section 66499.35, once the County determines the property complies with the provisions with the Subdivision Map Act and local ordinances, the local agency, in this case the County **shall** cause the Certificate of Compliance to be filed for record with the Recorder in the County for which the real property is located. While there is not a great deal of case law on this specific issue, the authority reviewed is controlling. The authors of several leading treatises are in agreement that the County must issue the certificates once the requirements of Government Code Section 66499.35 are met. He advised that the treatises that he is referring to are Curtins Land Use and Planning Law, Longtins, California Land Use by Miller and Starr on California Real Property and the continuing education of the Bar treatise entitled the California Subdivisions Map Act. These are all leading treatises in the area and used by both courts and staff in making a determination. The nature of the “shall” command in Government Code Section 66499.35, that is whether the action of issuance is one that is discretionary or ministerial, is answered by reviewing the language of the controlling statute in this matter. This section defines and proscribes the duties to be performed in evaluating an application for a Certificate of Compliance with both precision and certainty so as to leave little or nothing to the exercise of discretion or judgment. This interpretation of the statute and what is considered “ministerial” is consistent with an opinion rendered by legislative counsel during legislative deliberations over Assembly Bill 889, which in part created Public Resource Code Section 21080 which deals with the scope of CEQA with respect to ministerial and discretionary projects. Legislative counsel in those discussions defined a ministerial act as one that, with respect to the performance of which a public officer can exercise no discretion, such as an act or duty as may be prescribed by some existing law which it is incumbent upon the official to perform precisely as laid down by the law. This history regarding exempting ministerial acts is contained in the 1987 case of the Friends of Westwood, Inc. v. the City of Los Angeles.

Therefore his conclusion and opinion is that the issuance of an Unconditional Certificate of Compliance with respect to the nine certificates in this case would be a ministerial act. He advised that

if it is determined that the patent for the property complies with the statutory process the Certificate of Compliance must be issued. He advised that this conclusion is supported by and is in fact the legal conclusion of the following precedents: the 1993 case of Findleton v. The Board of Supervisors of El Dorado County, Hunt v. County of Shasta, and Attorney General Opinion Number 91-105. He advised that because the act is one that is ministerial, the questions under CEQA are also resolved. He stated that it is clear from case law and the Public Resources Code where the CEQA statutes are located that ministerial projects are exempt. To the extent a project falls within a statutory exemption, it is not subject to CEQA even if it has the potential to significantly affect the environment, and this is supported by the case of Communities for a Better Environment v. California Resources Agency. Because there is controlling state statutory authority, local regulations cannot in this case supersede state law. He advised that the Planning Director is correct when he refers to the 1987 case of Friends of Westwood v. City of Los Angeles for the proposition that a local official has the right to exercise discretion under local development codes. However, to the extent local regulation would conflict with state statute, the use of a local ordinance in such a manner is not supported by his research. The Command of the California State Constitution at Article 11, Section 7, is clear that the authority to enact ordinances and rules such as those at issue here is only to the extent they do not conflict with state law. The decision of the Third Appellate District in the case of Friends of Davis v. City of Davis supports this conclusion. He stated that while the Planning Director is correct about the conclusion of the Westwood Case, because the case involved an exercise of discretion with respect to a local ordinance, it is not in his opinion, controlling in this matter. Rather, he opined that the provisions of the California Constitution that prohibit applying a local regulation contrary to controlling state law would rule in this case.

Counsel advised that another issue before the Board is how the Williamson Act affects the issuance of an unconditional Certificate of Compliance. He noted that this issue is not one that was originally raised by either the Planning Department or the appellant in initial submittals; however, it is one that has been extensively briefed and argued and he has researched the issue. He stated that it is important to note that the land for which the unconditional certificates are requested is subject to patents that existed well before the Williamson Act contract was in place for the underlying parcels. Therefore, he believes that the status of the underlying patent parcels is that they existed prior to the contract. That they are subject to the restrictions of the Williamson Act cannot be disputed and in fact is admitted by the appellants. Even if the Board determines that the unconditional certificates requested in this case should be issued, the certificate issued would convey no land development rights and would contain the following language:

“This parcel is enforceably restricted by a Land Conservation Act (LCA) Contract Recorded as Document No. 87-0674, Mariposa County Records. This Contract limits use of the parcel to agricultural and compatible uses. Occupancy of residences on this parcel is restricted to persons directly engaged in the agricultural operations on site. Pursuant to the contract provisions, the agricultural use must be profitable except under uncontrollable circumstances. This parcel was found to be in compliance with Mariposa County’s policies for implementing the California Land Conservation Act because it was a part of an agricultural operation involving multiple adjacent parcels. Should this individual parcel be conveyed separately to another owner in the future, the new owner is advised: This individual parcel has not been reviewed and approved by Mariposa County in accordance with Mariposa County’s policies for implementing the California Land Conservation Act, including the specific terms and restrictions of the Land Conservation Act Contract Recorded as Document No. 87-0674. Such restrictions may include a prohibition against building a single-family dwelling or the imposition of conditions as may be required by the Mariposa County General Plan. The County makes

no guarantee a house can be constructed on this parcel. This certificate of compliance merely certifies that a separate parcel exists, the County makes no warranty regarding its potential development.” He advised that it is his understanding from his research that this is the language that has consistently appeared on Certificates of Compliance.

Therefore, Counsel advised that the Williamson Act limitations remain in place and no development rights are conferred by the mere issuance of the unconditional certificate. A patent parcel recognized through the certificate of compliance process would carry the Williamson Act burdens for the term of the contract including any subsequent sale or conveyance. Because no rights contrary to the contract would be created, it is his opinion that the Williamson Act does not affect the issuance of an unconditional Certificate of Compliance. He noted that the issue has also been raised that paragraph 11 of the Williamson Act Contract in this case requires the issuance of a contract with identical terms for each certificate. In fact the statement that “in the event the land under this contract is divided” an identical contract to that for the original parcel must be executed by the owner – lends itself at first reading to an interpretation that such contracts could be required for the parcels which would appear, with their own (APNs) Assessor Parcel Numbers, on the parcel map of the County.

Counsel advised that the appellants cited in their power point presentation Attorney General Opinion 75-80 and this opinion deals with whether a city may close a street in its jurisdiction where it intersects with another county’s boundary. Based on his research, he believes that they intended to refer to a 1992 opinion of the Attorney General at 74 Opinions Attorney General, page 278, which discusses whether a county may require a new contract upon subdivision of land or impose new terms upon the subdivision of land. While the opinion of the Attorney General could be helpful, it is his opinion that because the county has acted to specifically restrict the application for a Certificate of Compliance in the newer Williamson Act contracts, to interpret the issuance of an unconditional Certificate of Compliance under the older version as a division would be inconsistent with the prior legislative acts of the Board. As an independent basis for his opinion, he relied on the previous analysis with respect to the Williamson Act which in effect leads to the conclusion that no new division of land occurs when an unconditional certificate is issued for a patent parcel which predates the creation of the contract.

Counsel provided the following answers to the original questions that were posed at the beginning of his presentation, and he opined as follows:

- 1) That the nine certificates are a project under CEQA. He advised that it is opinion that they are not.
- 2) That applications 2006-04 and 2006-12, together with other applications for Certificates of Compliance are a multiple or phased project for purposes of CEQA. He advised that it is opinion that they do not.
- 3) Review of all Certificates of Compliance is necessary to address CEQA. He advised that it is his opinion that CEQA is not applicable to these certificates under current controlling law.
- 4) That the project is not complete for processing. He advised that this issue does not appear to be an issue at this time as the appellants have in effect already submitted the majority of the applications the Planning Director requested. He stated it is important to note that the Planning Director has a right to request information he believes is reasonably necessary to review a project or to process an application. Therefore, because the information requested has essentially been submitted through subsequent events after the original filing of the appeal, the Board could determine that this requirement of the Planning Director has already been met.

5) Whether the number of Certificates of Compliance triggers CEQA by converting them from a ministerial act to certificates that would be discretionary. He advised that it is his opinion that the number of applications in this case does not affect such a conversion.

6) That Section 2.520.C.7 of the Mariposa County Environmental Review Policy allows the certificates to be determined by County regulation to be discretionary rather than ministerial. He advised that it is his opinion that this regulation does not affect such a conversion due to the limitations of the Government Code and California State Constitution.

7) Does the Williamson Act restrict the issuance of the nine unconditional Certificates of Compliance that were applied for? He advised that it is opinion that it does not.

8) Does the issuance of the unconditional Certificate of Compliance constitute a "division" under paragraph 11 of the controlling contract, so that new contracts are required to be executed? He advised that it is opinion that this issuance does not affect a division. It is merely recognition of a pre-existing parcel.

Counsel advised that this concludes his analysis, and he advised that this would be the appropriate time for the Board to ask questions of staff.

Supervisor Bibby referenced a section in the minutes for the hearing (June 13, 2006) where the Deputy Planning Director talked about determining the legal existence as a legal parcel and not just a portion, that recognizing these in piece meal may create problems with remainders; and she asked if the Planning Director has information as to whether there are any problems and whether the applications would create boundary issues, or whether there would be a remainder. Kris Schenk advised that his recollection is that there may be three certificates where there were questions about the legal exceptions, the remainder pieces. He feels that they have the information for the remaining applications that have been submitted so that they could process the applications without substantial further questions. Supervisor Bibby asked whether they are complete applications or whether there is any follow-up information that Planning needs regarding the legality of the applications, i.e., the record and history of the patents. Counsel advised that only the nine certificates are before the Board today that the Planning Director can comment on. But he stated that if we presuppose that the Board were to find today that this matter goes back to the Planning Director for issuance of the certificates, all that would happen is that he would apply the process established by the Government Code and each of those applications would have to pass muster according to the provisions of the Government Code for issuance of the certificates. The Board's decision today would not result in a mandatory direction that the certificates be issued because of the timing and the posture in which this appeal comes to the Board – the appeal comes to the Board because the applications haven't been processed all of the way through because of these other concerns. If these other concerns don't apply to the nine certificates, then the Planning Director, and probably with this decision as guidance, would look to process the balance of any applications according to the requirements of the Government Code. Supervisor Bibby advised that she wanted to make sure that the applicants understand that the Board is not saying today that these are definitely legal, that review still needs to be verified through Planning. Counsel advised that this could be a part of the Board's findings today. Supervisor Bibby asked County Counsel to summarize his analysis for the general public relative to the issues of whether the parcels are in existence and that CEQA doesn't apply because they are already there and they can't be denied. Counsel stated he does not believe that the Planning Department has completed its review of all nine certificates to state whether they were legally pre-existing historic parcels. That would depend on reading the patents, following the steps with the statute, applying the statutory requirements for that determination; and they

will get either an unconditional or a conditional certificate if they are so entitled. That review has not been undertaken to date and the decision of whether they get a conditional or unconditional certificate is not on appeal before the Board today. The Board's decision today includes whether or not, based on the law and the material presented, it feels the Planning Director can apply CEQA as a basis to review the certificates. Supervisor Bibby asked County Counsel to clarify the language he read relative to the requirements for compliance with all state laws, in addition to contracts, and County ordinances that appears on the Certificates of Compliances. Counsel advised that what he read is in part from the Certificates of Compliances that the County issues, and that was provided by the Planning Department and it came up as a part of the evidence submitted to the Board. He believes that the statute also permits just such a statement on Certificates of Compliances and it has been a long-standing practice. He does not know if it would apply to a conditional certificate, but that is what is issued currently with unconditional certificates. Supervisor Bibby asked for confirmation that without a doubt, on a normal Certificate of Compliance that is unconditioned, that language should appear putting everyone on notice that it will still have to comply with Williamson Act Contracts, state laws, as well as County ordinances, and that the parcel may not be developable depending on the circumstances on a case-by-case basis. Counsel advised that the evidentiary testimony before the Board in the hearing process is that the statement appears on all unconditional certificates that are issued.

Counsel clarified the hearing procedures with regard to the deliberation phase. Supervisor Bibby asked whether County Counsel has received any information that would open the hearing back up to public input, including the information received during public presentations this date. Counsel advised that he provided his opinion on the letter that he is aware of, i.e., Farm Bureau letter of June 28th; and the fact that someone came in this morning during public presentations and tried to attack the process of these proceedings, was in his opinion an inappropriate attempt to try and get the issue to the Board. He has not included it in his review. The appropriate process would have been to petition the Board through the process and that has not been done. He only responded to the letter because it was copied to him and it wasn't provided to the appellants, and he wanted to assist the Board in providing due process throughout this hearing. He stated the Board could take action to reopen the hearing, but he does not see any requirement for the Board to take any more public comment. Motion by Bibby to reopen the public input portion to new facts that the Board hasn't received before, anything pertaining to those specific issues regarding CEQA, the application, and historic parcels if there is evidence that we have not received to date. Counsel clarified that the Board should only reopen the hearing if additional evidence had been received during the process for which an opportunity to respond had not been given. Supervisor Bibby asked whether staff has received any new information. Counsel advised that whether or not staff has received new submittals, they are not part of the matters currently before the Board for appeal. Supervisor Turpin asked for clarification that there are no development rights guaranteed with an application for a Certificate of Compliance. Kris Schenk advised that is correct. Supervisor Turpin clarified that with the notice of non-renewal for the Redington Ranch, at the end of the contract (19 years remaining) the land is still zoned as Agriculture Exclusive; and his understanding is that if someone applies for a permit, they still need to comply with all requirements. Kris Schenk advised that all requirements would need to be met under the Agriculture Exclusive zone and the General Plan and any other regulatory requirements that would apply. Supervisor Turpin asked whether in recent history, this Board or any other Board has allowed Agriculture Exclusive zoning to be changed. Kris Schenk advised that he is not aware of any conversion of Agriculture Exclusive zoned land in recent history in the County. Supervisor Bibby asked for clarification that this is in no way vesting that Williamson Act contract, that is a separate issue, and the same way with the development, and separate before the Board today is merely the Certificate of Compliance and the application as to

whether CEQA applies or not. In other words, we will not hear from the applicant down the road should Williamson Act contracts be amended as a County policy. Counsel advised that any Williamson Act contract in the County to the extent that you are able to amend it is a separate issue and is not being appealed today. The appellants contend that the Williamson Act issues are not properly a part of this process as they did not constitute one of the four basic reasons that the Planning Director gave and they proceeded to argue those issues. The Planning Director stated that, based on his analysis, the Williamson Act does not impact the decision as to whether an unconditional certificate is issued. The appellants would be subject to any future rules and regulations that are appropriately enforceable against them. However, if they have non-renewed, and that fact is before the Board, it is unlikely that you could mandatorily force them into the new version of the contract that is coming down the road. But if they voluntarily enter into that contract, like anyone else, they would be subject to what they have agreed to. Supervisor Bibby asked if this would also apply to development requirements as they are amended and for permits or entitlements that are applied for. Counsel advised that to the extent any new requirements would apply, they would apply. This hearing today doesn't include those issues. Supervisor Bibby stated she wanted to make sure that it is clear on the record and for the applicants that those issues are totally separate. Chairman Stetson asked Supervisor Bibby if she is withdrawing her previous motion, and she responded in the affirmative based on the clarification received from County Counsel.

Chairman Stetson advised that the Board is in the deliberation phase of the hearing. (M)Pickard, (S)Fritz, Res. 06-388 was adopted upholding the appeal; finding that there is enough information to begin processing the nine Certificates of Compliance; and that they should move forward without any CEQA review, and with continuing to use the current language in the Certificates relative to patent parcels under contract with Williamson Act for Certificates of Compliance that are issued. Supervisor Bibby asked for clarification on the record that the current language that provides notice to the property owner and future owners will remain in the Certificates of Compliance; and that this section is a binding notice/disclaimer that the property may not be developable – there will be a set of criteria that would need to be met when a permit is applied for. Counsel responded that is correct. Supervisor Turpin clarified that the issuance of a Certificate of Compliance does not guarantee or ensure that those development rights will be there. Counsel advised that was his opinion. Supervisor Bibby stated she feels that this is also the opinion of many counties that this is a separate review. Supervisor Pickard stated he agreed and he noted that this does not open the door to development on any of those parcels; they will still need to be processed with any future application for building permit or otherwise. He commented on the importance of the Williamson Act and how it is enforced and that the requirements are upheld. He feels that the public should walk away from this meeting realizing that the Board followed a process as outlined that it must follow relative to processing the Certificates of Compliance. He feels that the County needs to continue to diligently look at the Williamson Act issues as well as the General Plan in preserving ag land and the rural character of the County. Supervisor Bibby commented that Planning is still going through the process of reviewing the applications to determine whether they are legal parcels and tracking the history of them, and that the applicant will still need to cooperate with that process and provide whatever information is necessary for the Planning Department; and she clarified that the law is what it is and we may not like it. She personally looks at these as creating problems into the future as well as with Williamson Act, so she hopes that we can enforce the Williamson Act and do careful reviews as far as the legality of the parcels to ensure that they were legally created as the parcels may qualify for a building permit in the future. She complimented the Planning Department for being very careful in these matters. Supervisor Stetson commented on the intensely concerned citizens in this process that are looking for mechanisms that can

slow the process of the degradation of our landscapes. This is a growing and urgent concern on the part of many people to maintain the quality of our landscapes, and he applauds that effort. Ayes: Unanimous.

Counsel advised that the next step in the process is for staff to prepare a formal resolution for a future agenda for processing. He clarified the motion as he understood it to be as follows – the findings are that the Planning Director’s determination is overturned and the appellant upheld; that these matters will be sent back to the Planning Director for processing; that it is the Board’s finding that the CEQA review process is not applicable; that the patent parcels when they are processed must still comply with the requirements of the Subdivision Map Act; that the language contained in the certificates is found to be applicable to unconditional certificates that will be issued in this case; that the Williamson Act is not a restriction on the issuance of an unconditional Certificate of Compliance because it is simply recognizing the existence of an underlying pre-existing parcel; and that the applicant must comply with the process in order to do whatever is necessary to obtain the completion of the Certificates of Compliance. Supervisor Pickard confirmed that this clarifies the motion. Supervisor Bibby asked for clarification that County Counsel advised that there is no assurance that these parcels are developable. Counsel advised that is what it says in the language in the certificate and that is the language that will be included so that in effect will achieve that end. He advised that these would be the findings and direction, to be phrased as articulately as possible, in the formal resolution. Chairman Stetson advised that unless there were any objections, the clarified motion is agreed to.

CONSENT AGENDA:

- CA-1 Appoint Harvey Holland to the El Portal Planning Advisory Committee, Term Ending 2-28-07 (Supervisor Stetson)
- CA-2 Appoint Harry Hagan to the Mariposa County Planning Commission Representing District I, Term Ending 12-31-06 (Supervisor Stetson)
- CA-3 Approve an Agreement No. 06-0020C with California Department of Pesticide Regulation (CDPR) for Pesticide Application Reporting for Fiscal Year 2006-2006 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Agricultural Commissioner); Res. 06-380
- CA-4 Approve an Interim Rental Agreement with the 35-A District Agricultural Association for the Annual Senior Informational Booth at the Fair and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Community Services Director); Res. 06-381
- CA-5 Authorize the Fire Chief to Apply for the State of California Fiscal Year 2006-2007 Homeland Security Grant (County Fire Chief); Following discussion, the item was continued to August 22, 2006
- CA-6 Authorize the Purchase of Grant Funded and Reimbursable Capital Items Prior to the Adoption of the Fiscal Year 2006-2007 Budget that the State Department of Health Services has Approved Purchase of (County Fire Chief); Res. 06-384
- CA-7 Accept the Resignation of David Smothers from the Mariposa County Alcohol and Drug Advisory Board (Human Services Director)

- CA-8 Approve a Professional Services Agreement with Nanette Oswald for Sign Language Interpreting for the Hearing-Impaired and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-382
- CA-9 Adopt a Resolution Approving and Authorizing the Refund of Indemnity Funds Advanced by PacificUS Real Estate Group (\$15,031.74) (County Counsel); Res. 06-383
- CA-10 Declare the September 2, 2006 Labor Day Parade a County Sponsored Event and Approve Issuance of a County Insurance Certificate to Caltrans (Technical Services on Behalf of the Lions Club); Res. 06-385, with direction to co-sponsor the event and if the Lion's Club Certificate of Insurance is issued, it will be the primary insurance and the County's will answer after that.
- CA-11 Approve a Revision to MOU # GA 8800-11-016 with Yosemite National Park to Provide Temporary Enhancement to First Responder Emergency Medical Activities in El Portal due to the Rock Slide Limiting Access via Highway 140 and Authorize the Chairman of the Board of Supervisors to Sign the Revision (Health Officer); Res. 06-386, with direction for staff to continue to pursue reimbursement from FEMA
- CA-12 Resolution Approving and Authorizing the Chairman of the Board to Sign the Second Amended Agreement with V. Michael "Mike" Coffield to Increase Hours to Provide Budget/Personnel/Risk Management Duties (County Counsel); Res. 06-387

3:10 p.m. Adjournment in memory of Richard Lee Hambrock, Robin Suzanne Leonard, and Gale "Bud" Bergey.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

August 22, 2006

Time Description

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

Pledge of Allegiance

Introductions

Lee Stetson, Board Chair;

Adopt a Resolution Recognizing Lee Jorgensen for her Outstanding and Dedicated Service to Infant/Child Enrichment Services, the Child Care Providers, Parents, Children and the Community of Mariposa County

BOARD ACTION: (M)Bibby, (S)Fritz, Res. 06-389 was adopted and presented to Lee Jorgensen/Ayes: Unanimous.

9:12 a.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Un-represented; Name of County Designated Representative: Thomas P. Guarino; Title(s) of Un-represented Individuals with whom Negotiations are being Conducted: County Administrative Officer Candidate (County Counsel); and

CLOSED SESSION: 1) Public Employee Appointment; Title or Position to be Filled: County Administrative Officer; 2) Public Employee Employment; Title or Position to be Filled: County Administrative Officer (Government Code Section 54957 (b) (1)) (County Counsel)

BOARD ACTION: Chairman Stetson called for public input on the closed sessions, and none was received. Supervisor Bibby advised that the closed sessions were being taken out of order for her benefit due to a family emergency. (M)Bibby, (S)Turpin, the closed sessions were held/Ayes: Unanimous.

10:04 a.m. The Board reconvened with Supervisor Bibby excused for the rest of the meeting. Chairman Stetson announced that direction was given to staff as a result of the closed session matters.

Dianne Fritz, Supervisor District IV;

Adopt a Resolution Recognizing and Supporting Mariposa County Project Respect to Prevent County-Wide Bullying

BOARD ACTION: (M)Fritz, (S)Turpin, Res. 06-390 was adopted and presented to Cindy Robles/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

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

Kenneth Gosting, TIE (Transportation Involves Everyone), presented a letter containing a report on recent actions taken by TIE to inform out-of-County media that the bridges are working and that Highway 140 is open a majority of the day, and to correct radio/message information systems. Supervisor Pickard acknowledged the efforts of TIE, and he acknowledged Supervisor Stetson's work with CalTrans to clarify the messages to the public that the road is open. Kenneth Gosting asked if Eleanor Keuning could hear his presentation, given her comments at a previous Board meeting that it is difficult to hear the proceedings. He distributed a copy of the summer schedule used by YARTS, and he provided input on specific incidences that occurred as a result of schedule changes, and he stated he feels that the problems are leading to dissatisfaction with the YARTS transportation service.

Supervisor Stetson advised that he is working on this matter and he would like to discuss these issues further with Mr. Gosting. Supervisor Pickard suggested that Mr. Gosting should advise the Joint Powers Authority Board for YARTS of the problems. Mr. Gosting responded that he felt the Board of Supervisors should be aware as the County provides a substantial amount of funding to the program. Chairman Stetson agreed with Mr. Gosting; however, he noted that YARTS is responsible for the program, and he again offered to meet with YARTS staff and Kenneth Gosting on the issues.

Paul Chapman commented on the following items on the agenda: resolution supporting Mariposa County Project Respect, and the Plans and Specifications for the Mariposa Yosemite Airport Fire Fighting System.

Dick Hutchinson commented on a recent story in the Wall Street Journal relative to San Diego County being faulted for mismanagement of finances, and he stated he hopes that with the PERS unfunded debt, that the County will be able to manage its finances.

Ruth Sellers stated she feels that much respect should be shown to Mr. Gosting as she feels that he does have the best interest of the County at heart. She noted that he was instrumental in posters being displayed downtown thanking Teichert and CalTrans; he rides the buses and has an interest in the system; she feels he was instrumental in the signing of the contract with YARTS; and she noted that the County does contribute a lot to YARTS.

Eleanor Keuning stated she is glad that Kenneth Gosting is working on the issues; and she commented on recent Sunset and VIA magazines ads and noted that there was no mention of Yosemite or events scheduled in the County, and she feels that there should be. She also commented on the radio/message sign information, and on the agenda item relative to the Plans and Specifications for the Mariposa Yosemite Airport Fire Fighting System.

Cathie Pierce, Mariposa County Farm Bureau President, referred to the Redington Ranch appeal, and she stated that they do not believe that the Williamson Contract problems are over. She requested that County Counsel provide his opinion in writing relative to section 11 of the contract, and she advised that they asked questions of the State Department of Conservation relative to their interpretation of Williamson contract issues. Thomas P. Guarino, County Counsel, advised that he rendered his opinion within the context of the opinion of the Redington Ranch appeal and he advised that he provides assistance to the Board of Supervisors and he does not provide third party opinions. He advised that if the Board wishes to ask for a legal opinion, he could provide one. However, he feels the questions would be best addressed to the Planning Department as that is the department charged with processing the Williamson Act contracts. He also noted that he has not received all of the correspondence that the Farm Bureau has sent to the Board. Chairman Stetson suggested that if Planning is not able to answer the questions that they could go to their Supervisors. Supervisor Pickard offered his assistance to the Farm Bureau, and he noted that he was sure that Supervisor Bibby would also be willing to work with them. Supervisor Turpin asked for a copy of the list of issues that were raised. Cathie Pierce advised that they would copy their correspondence to the Board to County Counsel in the future.

10:41 a.m. The public hearing to consider appeal No. 2006-224, Adamson, was opened and continued until after the following matters.

Board Information

Supervisor Turpin advised that he attended the CSAC (California State Association of Counties) Ag and Natural Resources committee meeting. He also advised that he attended the ribbon cutting ceremony for the bridges on Highway 140. He noted that a tour bus was ticketed by the CHP on Saturday for crossing over the centerline while traveling to Yosemite through Coulterville, and that has resulted in the buses taking alternate routes as the road is not designed for 45-foot buses.

Supervisor Pickard advised that he attended the RCRC (Regional Council of Rural Counties) meeting and he provided input on the ballot measures that were discussed.

Supervisor Fritz advised that she attended the ribbon cutting ceremony for the bridges on Highway 140, and she noted that Kenneth Gosting received an award from CalTrans for being the first person to cross the bridges; and she noted that Teichert was appreciative of the signs in town thanking them for their work on this project. She advised that the Chamber of Commerce's after hours event is

going to be held at Mariposa Glass this evening. She plans to attend the Sate Fair on Friday to help staff the County's exhibit; plans to attend the CSAC meeting on the 31st; and plans to attend the Parking District meeting on the 30th. She advised that the events committee is scheduled to meet at the Government Center on September 5th, and the 9-1-1 dinner is being planned for September 9th to recognize all safety and first responders.

Supervisor Stetson advised that he plans to attend the Midpines Community meeting this evening in Midpines.

10:48 a.m. Kris Schenk, Planning Director;

A) PUBLIC HEARING to Consider Appeal No. 2006-224, an Appeal of the Planning Commission's Action on Appeal No. 2006-50 Regarding the Planning Director's Written Notice of Violation on APN 007-080-052, Appellant: Renee Adamson.

BOARD ACTION: Sarah Williams, Deputy Planning Director, presented the staff report. She reviewed the timelines of the violations and the actions by the Planning Director and the Planning Commission. She advised that the primary questions for the appeal are: what is a residential use, what is a camping use, what is an allowable non-commercial recreational use, and what is an allowable accessory use. She presented photographs of the subject property; and she reviewed the Planning Director's determinations. She reviewed a summary of the nine appeal issues. She responded to questions from the Board relative to the appeal issue concerning camping and recreational use of the property and what would be permitted in the Mountain General zoning. Thomas P. Guarino, County Counsel, provided input on a separate legal action that was authorized by the Board of Supervisors relative to the removal of the recreational vehicle pursuant to a Preliminary Injunction issued by the Court finding that the use of the recreational vehicle was for residential purposes in violation of the Building Code. He presented a copy of the Court's Order prohibiting the use of the recreational vehicle and ordering its removal from the property; and further ordering that the property may not be utilized as a residence until such time as a permitted dwelling is constructed and the appropriate permits and other prerequisites to establishing a residence at the property have been met. He advised that while the Building Code violation is not a part of this action, this is a zoning violation; it shows that with respect to the balance of the uses that have been described that there was a determination on the facts that the recreational vehicle was being used for residential purposes, not for recreational use. Staff responded to questions from the Board relative to the standard practice for maintaining agricultural uses, including livestock, on the property; clarification of whether a building permit was taken out for a permanent structure and whether temporary housing is acceptable if it is hooked up to a septic system; relative to staff's recommendation that items to be stored onsite need to have the written approval of the Planning Director; and relative to the determination that a maximum of 14 nights camping be allowed in any 90 day period for non-commercial recreation. County Counsel advised of a decision rendered by the Superior Court several years ago in the case of Winterberg v. the County of Mariposa, that addressed camping on property – the Court found that something between 12 to 16 days for that case would be permitted in a year; so he feels that would support the Planning Director's decision in this matter. Supervisor Turpin referred to a discussion the Board held about a year earlier relative to camping, and he noted that reference was made to what is allowed on public lands. Supervisor Pickard asked if that was for commercial use versus non-commercial.

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

Renee Adamson, appellant, was present to present her appeal. She responded to a question from Supervisor Pickard as to the length of her prepared statement that she planned to read, and she advised that it was about 15 pages. Renee Adamson advised that both of the vehicles on the subject property are drivable and the camper was locked for a year and one-half. She noted that the 14 night camping limit in a 90 day period means that she can only stay every sixth night to take care of the animals and that will not work. She advised that raising the livestock on the property is her income and is used to support her three children. Renee Adamson read her written appeal statement into the record. The statement addressed Mariposa County Code section 17.148.010 relative to agricultural activity or operations and recreation; referred to the Planning Commission minutes of June 16, 2005 and Commissioner Ross' comments that the property looks more like a recreational place in the country versus an agricultural operation; and provided information on the inspections performed by the County.

She stated she was told that there was no time limit for camping. She advised that the chain-linked area is a very small portion of the property and was a recreational place in the country where they stayed overnight in a tent. She stated she lives in Gustine and her children go to school there. She feels the use of her property is grandfathered to the 1978 Code. In her statement she reviewed the timelines and actions by the County on the Zoning Ordinance violation processing. She referred to a Grand Jury investigation and privacy rights; and she stated she disagreed with the accuracy of the data that was compiled relative to her being on the property. She agreed that someone was on the property at least every couple of days because the water needs to be checked. She referred to on-going conflicts with the neighbors and their complaints. She questioned how the 14 night maximum stay in a 90-day period was arrived at. She stated she would be able to obtain funding to establish a residence on the property if she receives something in writing from the County that residency is a requirement for the agricultural operation. She responded to a question from the Board and she clarified that her current residence is in Gustine. She advised that she collects food stamps in Gustine. She continued with her statement and addressed what she feels is her right to engage in an occupation or business on the property. She noted that the Notice of Violation does not address health or building code issues. She referred to the items that are stored on the property.

Staff responded to questions from the Board relative to the residency issues that were raised and how residency is determined.

Renee Adamson responded to a question from the Board and clarified that she registered to vote in Mariposa County when she purchased a mobile home. However, the mobile home was never moved to the property and she never voted in the County.

12:01 p.m. The Board recessed for the appellant's written statement to be copied for the Board and staff.

12:12 p.m. Staff responded to a question from the Board as to whether there is an onsite domestic well or septic system. Staff advised that a permit was applied for a septic system and the Health Department required an engineered system, so the permit was closed without the septic system being installed; and they do not know about a well.

Renee Adamson responded to a question from the Board relative to the photographs and the Rubbermaid totes that are being used to store ag-related items, and she advised that she would have a concern with this matter if the appeal is denied.

Staff responded to a question from the Board as to whether the Rubbermaid totes and stored items would be allowed to remain on the property. Staff referred to the draft formal resolution language that would allow for the onsite storage of things if a determination is made that the things are being used for agricultural use.

Renee Adamson responded to a question from the Board relative to the availability of water on the property; and she advised that she has a capped spring and three other springs. So she does not have any need for electricity. The recreational vehicle was locked and used for storage for her sister. She advised that she has used a generator.

Persons speaking in support of the appeal: none.

Persons speaking in opposition to the appeal: none.

General comments: none.

Rebuttal by the appellant: none.

County Counsel advised that he provided a copy of the Court's Order on the Motion for Preliminary Injunction where the Court found that there was a vehicle being used as a residence and ordered that it be removed, as the appellant had referenced this in her report. Renee Adamson asked for a copy of the Court's order, and County Counsel provided her with a copy. County Counsel advised that this was an order of the Court that was served on the appellant in the Court proceedings.

The public portion of the hearing was closed and the Board commenced deliberations. (M)Turpin, (S)Pickard, Res. 06-391 was adopted denying the appeal and upholding the Planning Commission's action, as recommended. Discussion was held relative to allowing for the onsite storage of items related to agricultural use. Staff responded to a question from the Board and recommended that the formal resolution include language that the storage bins and their content will be required to be

removed unless the property owner can demonstrate to the satisfaction of the Planning Director or his designated representative that they are a viable part of the agricultural operation; and include language referencing the Superior Court's Order on the Motion for Preliminary Injunction which prohibited the use of the recreational vehicle on the subject property for residential purposes and ordered its removal, and prohibited use of the subject property for residential purposes until a permitted dwelling is constructed. The motion was amended to include these language changes. Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby. The hearing was closed.

12:33 p.m. Lunch

1:37 p.m. Dr. Mosher, Health Officer;

a) Information Regarding Development of AB-885 Regulations (Onsite Sewage Disposal Systems in the State of California)

BOARD ACTION: Dr. Mosher gave a presentation on AB 885, proposed regulations for onsite sewage disposal systems in the State; and he advised that the proposed regulations will significantly modify issuance of permits for onsite sewage and significantly impact subdivisions review by the Health Department. He advised of efforts to modify the draft regulations to address concerns for the rural counties. Supervisor Pickard advised that discussion was held at the RCRC meeting relative to the proposed regulations, and there was a request that a hearing be held in the rural counties on this matter. Discussion was held.

b) Information Regarding Planned Public Health Emergency Exercise Simulating our Response to Pandemic Flu Scheduled for October of this Year and Authorize the Chairman of the Board of Supervisors to Sign the Agreement with the 35-A District Agricultural Association for the Use of the Building for that Purpose

BOARD ACTION: Dr. Mosher provided information regarding the planned Pandemic Flu exercise and the requested agreements for use of the Fairground facilities. Discussion was held. Supervisor Fritz announced that Dr. Mosher arranged for a breast feeding station at the Fair. (M)Fritz, (S)Turpin, Res. 06-392 was adopted approving the two agreements with the Fairgrounds/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

Kris Schenk, Planning Director;

B) Adopt a Resolution Approving a Road Name as Determined by the Board of Supervisors for the Onsite and Offsite Portion of the Access Easement Located on APN 017-210-023, 017-210-046, Naming of the Road is Required as a Condition of Approval for Land Division Application No. 2005-179

BOARD ACTION: Wes McCullough, Assistant Planner, presented the staff report, and he advised that the two property owners that use the road have been unable to agree on a road name.

Jack Fissel, applicant, advised that they are currently dividing their land and upgrading the road, and a requirement of the land division is to name the road. He stated the neighbor is an absentee owner and does not live here and has the property up for sale. They tried to pick a name that they could compromise on.

Discussion was held relative to consideration of naming the road as "Rock Rose" or "Dusty Rose." Blaine Shultz, Fire Chief, provided input on their preference to have road names that are easy for the dispatchers to identify. As an example, he noted a name of "Rose Road" could be difficult to understand over the radio. (M)Pickard, (S)Fritz, Res. 06-393 was adopted approving the road name of "Dusty Rose Lane"/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Turpin pulled items 4 and 5. Supervisor Pickard pulled item 4. (M)Pickard, (S)Fritz, the balance of the items was approved/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

Consent Agenda item 4 – application for Proposition 40 funds for improvements at Red Cloud and Coulterville parks. Supervisor Pickard asked about the status of other projects. Dana Hertfelder,

Public Works Director, advised that the Womack parking lot improvements should be started and completed this fall; and then they will work on the Darrah Schoolhouse project. Supervisor Turpin noted that a date for the applicant's signature needs to be entered on the application, and Dana Hertfelder advised that he will fill that in. Supervisor Turpin asked about billing for staff time on these projects. (M)Turpin, (S)Fritz, item 4 was approved/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

Consent Agenda item 5 – agreement with Merced County to provide household hazardous waste services. Supervisor Turpin asked whether this is grant funded. Dana Hertfelder, Public Works Director, advised that it is funded from revenue generated at the landfill. (M)Turpin, (S)Fritz, item 5 was approved/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

Dana Hertfelder, Public Works Director;

Adopt a Resolution Accepting Dick Anderson Construction, Incorporated, Bid in the Amount of \$5,675,000 for the Don Pedro Waste Water Treatment Facility Project and Authorize the Award to Dick Anderson Construction, Inc. Contingent Upon Closing the United States Department of Agriculture Loan for the Project and Authorize the Chairman of the Board of Supervisors to Sign the Agreement

BOARD ACTION: Discussion was held with Dana Hertfelder, and he advised the Dick Anderson Construction was the only contractor that bid on this project and they agreed to hold the bid price until the end of August. Supervisor Turpin asked about the status of addressing the land use issues for the site. Dana Hertfelder advised that they met with planning this morning and they will proceed with submitting an application to remove about 3 ½ acres, the portion for the treatment facility, from the Williamson Act contract. (M)Turpin, (S)Pickard, Res. 06-403 was adopted approving the recommended actions/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

2:26 p.m. LOCAL TRANSPORTATION COMMISSION

(Chair – Lyle Turpin; Vice-Chair – Dianne Fritz)

A) Public Presentation – none

B) Approve an Agreement with Disadvantaged Business Enterprise Program Plan Implementation and Authorize the Executive Director to Sign the Agreement (Public Works Director)

COMMISSION ACTION: Discussion was held with Dana Hertfelder, Public Works Director/Executive Director for the Commission, relative to the agreement. (M)Stetson, (S)Pickard, LTC Res. 06-4 was adopted approving the agreement/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

2:29 p.m. Discussion and Possible Action to Cancel the Board's Regularly Scheduled Meeting for November 21, 2006 (Chairman Stetson)

BOARD ACTION: (M)Pickard, (S)Turpin, Res. 06-404 was adopted canceling the meeting for November 21, 2006/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

Jacque Meriam, Librarian;

Presentation of "Something for Everyone @ Your Library®"

BOARD ACTION: Jacque Meriam gave a power point presentation on the functions, services and activities at the Library.

2:56 p.m. HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA

(Chair – Lee Stetson; Vice-Chair – Janet Bibby)

A) Public Presentation – none

B) Review the Annual Section 8 Management Assessment Program (SEMAP) Report and Authorize the Chairman of the Board of Supervisors to Sign the Self Certification Form (Human Services Director)

COMMISSION ACTION: Cheryle Rutherford-Kelly, Human Services Director, presented the staff report. Discussion was held. Janet Gass, HSD/Contract Administrator, responded to questions relative to the voucher program and the waiting list, and she provided information on the “reasonable survey.” (M)Pickard, (S)Turpin, Hous. Auth. Res. 06-2 was adopted authorizing the Chair of the Housing Authority to sign the Self-Certification Form/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

Approval of Minutes of July 25, 2006, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Fritz, (S)Pickard, the minutes were approved with a correction/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

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

BOARD ACTION: Supervisor Stetson noted that the Highway is open and he advised that CalTrans hopes to have 24-hour, 7-day a week access in two weeks when the monitoring systems are in place. He commented on the ribbon cutting ceremony that was held on Friday. Supervisor Fritz commended Kenneth Gosting for bringing the media here after the Highway opened and for keeping the County in the forefront of this situation. (M)Fritz, (S)Turpin, Res. 06-405 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings. Supervisor Pickard noted that credit also needs to go to PG & E, CalTrans, and the U. S. Forest Service; and he suggested that perhaps the Chair could make a list to send official thank you letters for the temporary fix. He also noted the need to continue to chronicle the event; and suggested that when we get closer to a permanent fix that everyone involved in restoring access, including Teichert Construction, should be recognized. Supervisor Turpin asked about being able to continue to deal with the slide related issues. Thomas P. Guarino, County Counsel, advised that the Board could deal with slide related issues as long as the emergency is continued. Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby. Supervisor Pickard asked about the timeframes for looking at the long-term solution. Supervisor Stetson advised that CalTrans has assured him that they are continuing to look at the long-term solution; however, they feel they still need time to monitor the activity of the mountain. Supervisor Pickard stated he feels it is important to continue with the momentum to reach a secure fix that would sustain us if we have a problem with the winter weather. He also suggested that the Forest Supervisor, or his designee, be asked to attend Board meetings as long as the emergency situation exists so that the Board can be kept up-to-date and the communication lines are kept open. Supervisor Stetson noted that they are continuing with the meetings on Thursdays in Yosemite. Board members thanked Supervisor Stetson for his diligence and efforts with this matter. Supervisor Turpin stated he would like to recognize CalTrans at this time for their efforts with the temporary fix. Discussion was held, and the Board concurred with the Chair bringing something back on a future agenda.

CONSENT AGENDA:

CA-1 Approve the Agreement with S & R Enterprises for Software and Assistance in Completing the Countywide Cost Allocation Plan for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Auditor); Res. 06-394

CA-2 Adopt a Resolution Deleting the Position of Yosemite National Park Fire Representative from the Mariposa County Emergency Medical Care Committee (Health Officer); Res. 06-395

CA-3 Adopt a Resolution Authorizing the Health Officer to Apply for Payment (\$6,000 Over the next Four Years) of a Civil Consent Judgment Penalty by Pacific Bell

Telephone/AT&T for Purposes of Hazardous Materials Inspection and Enforcement (Health Officer); Res. 06-396

- CA-4 Approval of Application for \$130,000 of Proposition 40 Funds for Improvements at Red Cloud and Coulterville Parks; Ratify the Signature of the Public Works Director (Public Works Director); Res. 06-401
- CA-5 Approve an Updated Agreement with Merced County to Provide Household Hazardous Waste Services to Mariposa County for the Term of July 1, 2006 through June 30, 2008 in the Amount Not to Exceed \$25,000 each Fiscal Year and Authorize the Public Works Director to Sign the Agreement (Public Works Director); Res. 06-402
- CA-6 Approve the Plans and Specifications for the Mariposa Yosemite Airport Fire Fighting System and Electrical Upgrades #03-08, and Authorize the Public Works Director to Bid the Project and Award to the Lowest Responsible Bidder (Public Works Director); Res. 06-397
- CA-7 Authorize the Public Works Director to Purchase a Hydro Sewer Cleaning Machine and a Video Inspection System for \$15,000 from the Yosemite West Wastewater Facility Upgrades Project Funds # PW93-09 (Public Works Director); Res. 06-398
- CA-8 Approve an Agreement with Area 12 Agency on Aging for the Following Programs: Congregate Nutrition, Congregate Restaurant Nutrition, Home Delivered Nutrition and Transportation and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Community Services Director); Res. 06-399
- CA-9 Authorize the Fire Chief to Apply for the State of California Fiscal Year 2006-2007 Homeland Security Grant, Continued from August 15, 2006 (County Fire Chief); Res. 06-400

3:28 p.m. Adjournment in memory of Dr. Arthur Adams Mickel, Harold Gene Robertson, and Ila Goss Barrett.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

September 5, 2006



Time Description

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

Pledge of Allegiance

Introductions

Dianne Fritz, Supervisor District VI;

Present Letters of Recognition to Lee Ekland and John Derby for their Dedication in Supporting Mariposa County Businesses with Recent Advertising

BOARD ACTION: (M)Fritz, (S)Pickard, the letters of recognition were approved and presented to Lee Ekland and John Derby/Ayes: Unanimous. Dick Hutcheson presented Lee and John with gift certificates for dinner on behalf of the downtown merchants.

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

Eleanor Keuning advised of her recent travel through the Greeley Hill/Coulterville area and noted that Coulterville seemed to be busy; and she referred to a recent letter in the Mariposa Gazette and the need to promote tourism.

Bart Brown shared a letter from the MERG Committee for the Preservation of Catheys Valley and Hornitos advising of a schedule of speakers, and inviting Board members, advisory committee members and County staff to attend.

Board Information

Supervisor Bibby advised that she missed the last speaker sponsored by the MERG Committee as she had a scheduling conflict with the Parking District meeting on August 30th. She advised that she plans to attend the Mental Health Board meeting at noon. She congratulated the Fair and staff on a great event; and she recognized SCOPE for assisting and all of the participants.

Supervisor Fritz advised that she attended the Parking District meeting on August 30th; attended the State Fair on August 25th to staff the County's exhibit; and she attended the County Fair. She advised that she plans to attend the events committee meeting this evening at the Government Center; the Juvenile Justice meeting on Wednesday; the public safety officer recognition dinner on September 9th; and she plans to hold a District IV meeting on September 12th at the Government Center.

Supervisor Turpin advised that he attended the County Fair, and he advised that the Board members purchased a turkey at the Jr. Livestock auction. He provided input on a medical incident that occurred on Monday at Bagby and problems with cooperation between the Tuolumne and Mariposa CHP officials with being able to cover to provide lane closure support during the incident; and he will work on this matter.

Supervisor Pickard advised that he attended a State Association of Resource Conservation and Development Council meeting on Wednesday that was a follow-up to the April conference; and they discussed removal of barriers to using bio-mass.

Supervisor Stetson advised that he attended the County Fair, and he noted that the fireworks were spectacular.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 10, 11, and 12. (M)Pickard, (S)Fritz, the balance of the agenda was approved/Ayes: Unanimous.

Consent Agenda item 10 – grant agreement with Yosemite Sequoia Resource Conservation and Development Council; and Consent Agenda item 11 – two grant agreements with the Mariposa County Fire Safe Council. Mary Hodson, Deputy County Administrative Officer, responded to questions from Supervisor Bibby relative to the fund balance for the Title III funding from the Secure Rural Schools and Self-Determination Act of 2000; and she advised that this is the last fiscal year that these funds will be received. (M)Bibby, (S)Turpin, item 10 was approved/Ayes: Unanimous. (M)Bibby, (S)Fritz, item 11 was approved/Ayes: Unanimous.

Consent Agenda item 12 – resolution designating Secure Rural Schools and Community Self Determination Act funds to Title III projects. Supervisor Bibby asked for clarification relative to being able to use the funding for roads. She noted that the staff reports indicates that there are six categories of eligible services; however, the staff report only shows five; and she noted a correction on the formal resolution to reflect 2006. Mary Hodson, Deputy County Administrative Officer, responded to the questions. (M)Bibby, (S)Fritz, item 12 was approved/Ayes: Unanimous.

MARIPOSA PARKING DISTRICT

Thomas P. Guarino, County Counsel;

Discussion, Direction and Action Regarding the Lease/Purchase of the Downtown Parking Lots

BOARD ACTION: Thomas P. Guarino, County Counsel, advised that the property owners indicated a consensus at the meeting held on August 30th to form a private parking district and they were not interested in pursuing the Proposition 218 process or other options. He requested that the District provide him with direction with respect to the balance of the loan funds, and he recommended that it go back to the County and he could put together a payment program for the funds that were expended. He advised that he has put on hold the balance of the project, including the appraisals based on the Board's previous direction. He provided input on the District's existing costs for the Garber lot and maintenance and repayment of the loan. Supervisor Bibby referred to the response received from the Von der Ahe trust. She also noted that the property owners stated they wanted to look at how the parking district is structured in Oakhurst, and they asked whether the Board would consider an extension of time on their current leases if additional time is needed. She also advised of the request that County records/history of the Parking District be made available to them to help in this process. She noted that discussion was held at the meeting relative to the Garber lease. She further advised of the request for the Board to consider only charging the District the portion of the Best Best & Krieger's costs for the Proposition 218 presentation that related specifically to the District as County staff received an overall education on the process as a result of the presentation. Supervisor Fritz advised that she agreed with pro-rating the costs for the District, and she thanked County Counsel for his work on this project. Discussion was held. Supervisor Bibby thanked the Board members and staff for their work on this matter.

Input from the public was provided by the following:

Dick Hutcheson asked whether the Garber lease is a part of the Parking District, and he was advised that it is. He stated he feels that the lot needs some maintenance.

Further discussion was held by the Board. Supervisor Bibby noted that there are some encroachment issues that need to be worked on. The Board concurred with providing direction to County Counsel as discussed – to bring back a payment plan for the loan funds that were expended for the District and an item to transfer the balance of the loan funds back to the County; to end the Proposition 218 process for the District and to pro-rate the legal counsel costs for the presentation to the District on the Proposition 218 process; and to provide access to the County's records/history of the District to the property owners for their efforts in forming a private association.

Report to the Board on Appellate Case for Dean v. County of Mariposa, Mariposa Superior Court Case No. 8604 Case (County Counsel)

BOARD ACTION: Thomas P. Guarino, County Counsel, advised that the Appellate Court's decision was in favor of the County in the case of Dean v. the County of Mariposa concerning the

pedestrian/equestrian trails in Don Pedro. So the County can move forward with making its decision with respect to the trail system. Supervisor Turpin thanked County Counsel for his work in this matter.

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

BOARD ACTION: Chairman Stetson advised that he is very grateful that the Highway is open.

Input from the public was provided by the following:

Dick Hutcheson advised that the video presentation given by the Forestry at the County Fair relative to the slide activity needed to have the ending message updated to reflect the opening of the Highway.

Supervisor Bibby noted that Channel 30 covered the opening of the Highway; however, there is still a 28-foot limit on the length of a vehicle that can cross the bridges. Supervisor Pickard commented on the need to proceed with a permanent solution; and he asked that CalTrans and the Forest Service give presentations to the Board and the public on the status and progress of what they see as a permanent solution. With winter coming, the rain may create another problem. It was noted that the Highway is open 24-hours a day now. Chairman Stetson advised of his discussions with Kome Ajise/CalTrans District Director; the Park Service; and with YARTS at a meeting on Thursday relative to consideration of a long-term solution, and he advised that CalTrans is assembling a team to work on this. He also advised that representatives of CalTrans will be at the next Board meeting, and he will contact the Forest Service. He noted that CalTrans has identified three possible solutions for the long-term, a tunnel, a rock ledge, and permanent bridges to route traffic to the other side of the River, and they hope to have a conclusion of which solution to pursue by the end of September. Supervisor Pickard asked that Chris Valdez, staff representative for Congressman Radanovich, be kept informed of the status, as well as Assemblyman Cogdill and Senator Poochigian. Discussion was held. Supervisor Turpin asked about the status of the appeal of the denial of Federal disaster declaration, and he asked that Congressman Radanovich's office be kept informed. (M)Turpin, (S)Pickard, Res. 06-416 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Supervisor Turpin, District II;

Discussion and Direction Relative to Request that State Highway 132 Between La Grange and Coulterville be Brought up to CalTrans Standards to Accommodate Commercial Traffic Including 45-Foot Buses

BOARD ACTION: Supervisor Turpin advised of his discussion with Dinah Bortner/CalTrans; and he initiated discussion relative to improvements that need to be made to Highway 132 to accommodate commercial traffic. He advised that Highway 120 was just improved to accommodate commercial traffic. He also requested that the historic and directional signage to Yosemite be improved in the North County. Discussion was held. Supervisor Pickard suggested that the request be brought to the Local Transportation Commission to discuss the whole picture and for consideration of sending a formal letter to CalTrans asking for evaluation of these requests. He advised that he is willing to work with Supervisor Turpin to bring back an agenda item on this matter, including a letter to CalTrans. Supervisor Pickard noted the importance of making Highway 140 a priority to restore access to all traffic. Chairman Stetson called for input from the public, and none was received. (M)Turpin, (S)Pickard, the Board agreed with having this matter come back with a draft letter to CalTrans asking for an evaluation of the Highway improvement and signage request/Ayes: Unanimous.

Schedule a Public Workshop for October 11, 2006 at 9:00 a.m. to Accept Public Comments and Provide Direction on the Revised General Plan Update and Draft Environmental Impact Report (EIR); and Schedule a Public Hearing on December 6, 2006 at 9:00 a.m. to Consider Adoption of the General Plan Update and Final EIR (Planning Director)

BOARD ACTION: Discussion was held with Kris Schenk, Planning Director, relative to scheduling the workshop and public hearing on the General Plan Update and Draft EIR. Kris advised that they

hope to have the document on September 25th for review; and the document will be available on the website, at the Library, on CD and in print. Discussion was held relative to requests to hold an evening meeting. Thomas P. Guarino, County Counsel, noted that the period for comments on the EIR is closed. He advised that the Board has the option to request that comments be provided in writing in advance of the Board's meeting; and that the Board may want to have the daytime to work on the document and take public input in the evening. Discussion was held. (M)Pickard, (S)Turpin, the Board scheduled the workshop to begin at 9:00 a.m. on Wednesday, October 11, 2006, and directed that public input be allowed in the evening; and the Board scheduled the public hearing to begin at 2:00 p.m. on Wednesday, December 6, 2006, with the hearing to be continued into the evening with Andy Hauge to be present for the hearing. The motion was amended, agreeable with the maker and second, to include direction that advance written input be sought to help in this process/Ayes: Unanimous.

Approval of Minutes of August 1, 2006, Regular Meeting (Clerk of the Board);
Approval of Minutes of August 8, 2006, Regular Meeting (Clerk of the Board); and
Approval of Minutes of August 15, 2006, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Bibby, (S)Fritz, the minutes were approved with a typographical correction in the minutes for August 15th/Ayes: Unanimous.

10:55 a.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Unrepresented; Name of County Designated Representative: Thomas P. Guarino; Title of Unrepresented Individuals with Whom Negotiations are being Conducted: County Administrative Officer Candidate (County Counsel);

CLOSED SESSION: 1) Public Employee Appointment; Title or Position to be Filled: County Administrative Officer; 2) Public Employee Employment; Title or Position to be Filled: County Administrative Officer (Government Code Section 54957 (b) (1)) (County Counsel); and

CLOSED SESSION: Liability Claims; Claimant Name: Mike Starr and Jennifer Starr; Claim Number: C06-5; C06-6; C06-8 and C06-9; Name of Agency Sued: Mariposa County (Interim Personnel/Risk Manager)

BOARD ACTION: (M)Fritz, (S)Bibby, the closed sessions were held/Ayes: Unanimous. Chairman Stetson advised that the Board would reconvene in open session after considering the closed session matters relative to filing the County Administrative Officer position.

11:07 a.m. The Board reconvened in open session. Chairman Stetson announced that the Board took action to appoint Richard "Rick" Benson as County Administrative Officer, with an anticipated start date of November 6, 2006. Rick Benson thanked the Board for the appointment and stated he is excited about coming to Mariposa County.

11:10 a.m. The Board reconvened in closed session.

11:16 a.m. Chairman Stetson advised that no action was taken on the liability claims matter as a result of the closed session.

CONSENT AGENDA:

CA-1 Recommend the Rejection of Claim Nos. C06-8 and C06-9 filed by Mike Starr and Jennifer Starr in the Amount of \$80,000 and Authorize the Chairman of the Board of Supervisors to Sign Notices of the Rejection (Interim Personnel/Risk Manager); Res. 06-406

CA-2 Approve Amendment 2 of Agreement with the State Department of Alcohol and Drug Programs and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Human Services Director); Res. 06-407

- CA-3 Approve Amendment 1 to Lease Agreement with Mr. Klump for Social Services Division located at 5186 Highway 49 N. and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Human Services Director); Res. 06-408
- CA-4 Proclaim September 9 through 15, 2006 as “Public Safety Officers Recognition Week” (Supervisor Fritz)
- CA-5 Appoint Gary Francisco to the Midpines Planning Advisory Committee, Term Expiring February 28, 2008 (Supervisor Stetson)
- CA-6 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Apply for Certified Unified Program Agency (CUPA) Reimbursement Funds and Sign Disbursement Worksheet for Rural CUPA Reimbursement Funds for Fiscal Year 2006-2007 and Authorize the Health Officer to Submit and Sign Additional Documents to Secure Funding as Necessary (Health Officer); Res. 06-409
- CA-7 Adopt a Resolution Authorizing the Health Officer to Apply for West Nile Virus Grant Funds for Fiscal Year 2006-2007 to Perform Mosquito Control Activities (Health Officer); Res. 06-410
- CA-8 Adopt a Resolution Designating the Method by Which the Appropriation Limits will be Calculated for Fiscal Year 2005-2006 (Auditor); Res. 06-411
- CA-9 Adopt a Resolution Establishing and Adopting Appropriation Limits for 2005-2006 Fiscal Year (Auditor); Res. 06-412
- CA-10 Approve a Grant Agreement with the Yosemite Sequoia Resource Conservation & Development Council for Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Chairman Stetson/Interim County Administrative Officer); Res. 06-413
- CA-11 Approve two Grant Agreements with the Mariposa County Fire Safe Council for Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) and Authorize the Chairman of the Board of Supervisors to Sign the Grant Agreements (Chairman Stetson/Interim County Administrative Officer); Res. 06-414
- CA-12 Adopt a Resolution Designating 15-percent of the “Full” Payment the County Receives through Participation in the Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) To Title III Projects (Chairman Stetson/Interim County Administrative Officer); Res. 06-415, with a correction in the formal resolution to reflect 2006

11:17 a.m. Adjournment in memory of Stanley “Stan” T. Albright, Christine Evelyn Jones, and Steven Ray McDaniel.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA September 12, 2006



Time Description

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

Pledge of Allegiance

Introductions

Lee Stetson, Chairman;

Proclaim September 17-23, 2006 as "Constitution Week"

BOARD ACTION: (M)Pickard, (S)Bibby, the Proclamation was approved and presented to Andrea Waldron on behalf of the Merced River Chapter of the Daughters of the American Revolution/Ayes: Unanimous. Andrea Waldron presented the Board with a Certificate and poster.

Lee Stetson, Chairman;

Proclaim September 16, 2006 as "Scottish Society of Central California Day"

BOARD ACTION: (M)Fritz, (S)Turpin, the Proclamation was approved and presented to Dick and Gwen Foster/Ayes: Unanimous. Dick Foster invited everyone to attend the games on Saturday in Fresno.

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

MaryAnn Huff, Moonshine Collectibles in Coulterville, noted that she is a member of several organizations and committees. She thanked the Board and Supervisor Turpin for efforts with projects in the North County. She urged the Board's support for the agenda item requesting that CalTrans improve Highway 132 and provide better signage. She noted that when Highways 120 and 140 were closed, Highway 132 was open.

Jim Kellerman invited everyone to attend a meeting on Thursday at 6:30 p.m. at the Government Center, and he advised that they are forming a local Habitat for Humanity group to build or renovate homes in the County.

Officer Arredondo, CHP referred to Supervisor Turpin's discussion on September 5th of a medical incident that occurred at Bagby relative to the Tuolumne and Mariposa CHP units not being able to respond to the incident. Sergeant Ed Greene, CHP, advised that he was on duty during the incident and he advised that the units from Sonora were busy with other incidents. So when the Sheriff's Department requested a medi-vac helicopter and CHP assistance, he was prepared to dispatch an officer from Mariposa. But then he heard the Sheriff's Deputy cancel the CHP response because the person involved in the medical incident decided he wanted ground transportation. He advised that there is not turf war between the two areas, and the units are available to respond to cover for each other. Supervisor Turpin advised that apparently not all of the discussions were transmitted over the scanner, and there was a misunderstanding that the CHP response had been cancelled by those listening to the scanner.

Len McKenzie, speaking on behalf of the "Name4Carl" committee presented information on their committee and its proposal to formally name a peak in the High Sierra for Dr. Carl W. Sharsmith, a legendary Yosemite ranger-naturalist whose career in the Park spanned 64 years. He provided information on the proposal and on Dr. Sharsmith's background; and he asked for the Board's support of this proposal. More information is available at www.name4carl.org. Supervisor Pickard suggested

that Supervisor Stetson work with the committee and bring back an agenda item for the Board's consideration, along with information on the process for formally naming a peak.

Paul Chapman referred to Consent Agenda items 12 – advertising agreement with AAA, and he stated he feels the costs are too high; and 8 – resolution upholding appeal No. 2006-69, and he questioned the reference to the recordation of the non-renewal and asked how this could occur if it hasn't happened.

Chairman Stetson apologized for pre-maturely cutting off Kenneth Gosting, TIE, during his presentation to the Board on September 5th.

Leroy Radanovich, Tourism Coordinator, advised that he was present to respond to questions relative to Consent Agenda item 12.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Turpin pulled items 3 and 5. Supervisor Bibby pulled items 6, 8, and 12. (M)Pickard, (S)Turpin, the balance of the items was approved. Supervisor Pickard referred to item 11 and advised that as of Monday, the Governor had not signed AB 1634 regarding reimbursement of 2005 special election costs. Ayes: Unanimous.

Consent Agenda item 3 – grant through the Alzheimer's Foundation of America. Brian Muller, Undersheriff, and John Maloy, SCOPE member, provided input relative to the grant funds and the equipment. (M)Turpin, (S)Fritz, item 3 was approved/Ayes: Unanimous.

Consent Agenda item 5 – agreement with ECS Engineering for the Don Pedro wastewater facility. Dana Hertfelder, Public Works Director, responded to questions relative to the costs for the work being a part of the overall project. (M)Turpin, (S)Bibby, item 5 was approved/Ayes: Unanimous.

Consent Agenda item 6 – agreement with Kleinfelder, Inc. for the Don Pedro wastewater facility. Supervisor Bibby asked for clarification that no building will occur for the project until the cancellation of the Williamson Act contract is resolved. Dana Hertfelder, Public Works Director, advised that they have submitted a petition to have the portion of the property that would be impacted by the treatment facility removed from the Williamson Act contract. (M)Bibby, (S)Turpin, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 8 – formal resolution for Redington Ranch appeal. Supervisor Bibby clarified that Planning was okay with the requested amendments to the formal resolution. Kris Schenk, Planning Director, stated he feels that the requested changes were for clarification and they are in agreement. Supervisor Bibby suggested that language be added to reflect that the County makes no assurance of other permits or entitlements to the sentence that reflects that the County makes no guarantee a house can be constructed on this parcel. Kris Schenk advised that he is okay with the language. Supervisor Pickard asked about the public presentation earlier this date relative to the issue concerning the recordation of the notice of non-renewal for the Williamson Act contract. Sarah Williams, Deputy Planning Director, advised that the notice of non-renewal is not an issue related to the appeal; and she advised that it was received and was recorded and the "whereas" statement in the resolution reflects that. (M)Pickard, (S)Fritz, item 8 was approved with the recommended amendments and additional language as suggested by Supervisor Bibby/Ayes: Unanimous.

Consent Agenda item 12 – agreement with AAA. Leroy Radanovich, Interim Tourism Coordinator, responded to questions relative to the request and the deadline for the advertising. (M)Pickard, (S)Turpin, item 12 was approved/Ayes: Unanimous.

Lyle Turpin, Supervisor District II/Thomas P. Guarino, County Counsel

Discussion, Direction, and Action Regarding the Mariposa County Unified School District's Donation of Land for the Red Cloud Library Site and Approval of the Agreement for Purchase and Sale of the Property and the Library Use Agreement (Supervisor Turpin and County Counsel)

BOARD ACTION: Discussion was held with Thomas P. Guarino, County Counsel, relative to this matter. Supervisor Turpin thanked staff for their efforts and the School District and everyone involved in the project.

Chester French, President of the Friends of the Red Cloud Library, advised of their fundraising efforts – they have raised about \$17,000 that they would like to use for landscaping. He provided information on the history of the project.

Discussion was held relative to funding for the project. Jacque Meriam, Librarian, provided input on the project, and she noted that this has been a cooperative effort with the departments and the School District, and there is great community support. Supervisor Turpin noted that the request today is not for financing for the project; and he noted that the new facility will save the current rent costs. County Counsel advised that if the Board approves these agreements, they will be sent to the School District for approval; there will be an escrow process; and when funding is available the project can move forward. Dana Hertfelder, Public Works Director, provided input relative to the cost estimates for the project and options. (M)Turpin, (S)Pickard, Res. 06-428 was adopted approving the agreements as recommended/Ayes: Unanimous.

Lee Stetson, Chairman

Approve and Present Letter of Appreciation to CalTrans for the Work Done on Highway 140 due to the Ferguson Rockslide

BOARD ACTION: (M)Fritz, (S)Turpin, Res. 06-429 was adopted approving the letter of appreciation to CalTrans/Ayes: Unanimous. The letter was presented to Kome Ajise, District 10 Director for CalTrans and Julie Dunning, Deputy Director for Public Affairs.

10:22 a.m. Recess

10:39 a.m. Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/Interim County Administrative Officer)

BOARD ACTION: Kome Ajise, District 10 Director for CalTrans, thanked the Board for the letter of appreciation. He advised that they are working to restore full mobility on Highway 140 and the costs could reach 50 to 100 million dollars. He advised that the next step is to form a project team development committee and they plan to include County staff representation and will keep the Board informed of the status of their work for permanent restoration. Supervisor Pickard asked about the September 5th letter that CalTrans sent to the Board relative to the outline of their plans for the permanent restoration of Highway 140 through the Ferguson Slide area and the estimated timeframe of 36 month to reach the final design phase. Discussion was held, and Kome Ajise provided input on the environmental review requirements. Supervisor Bibby asked about the status of monitoring of the slide activity, and discussion was held. Further discussion was continued for the LAFCo meeting to be opened.

11:00 a.m. Chairman Stetson advised that LAFCo would convene after the following items.

Further discussion was held relative to the Ferguson Slide.

Input from the public was provided by the following:

Harvey Holland stated he lives in the Merced River Canyon and he thanked CalTrans for getting the Highway open. He referred to a geologist report and suggestions that the mountain may slide and create a dam that could close the road for two years. He advised of his concerns and of efforts to obtain flood insurance; and he requested clarification from the Board on why the County does not participate in the Flood Insurance Program. Chairman Stetson advised that he will work with Mr. Holland on this matter.

Supervisor Pickard asked what precautions were being taken to plan for the coming winter weather if increased slide activity occurs. Kome Ajise advised that they have a person monitoring the slide and plan to do so through the winter, as well as a radar monitoring system. Julie Dunning advised that more information on the slide has been gathered since the earlier geologist report that Mr. Holland referred to. Supervisor Bibby asked about the status of funding, and was advised that CalTrans has funding for maintenance.

Supervisor Turpin asked Dave Martin, US Forest Service Sierra National Forest District Ranger, for his input on the status of planning for a catastrophic event. Dave Martin advised that if there is a catastrophic event, they will call the Army Corps of Engineers; however, they feel that this possibility

is diminishing. He advised that the U. S. G. S. will be placing a monitoring system for the upper portion of the slide and this should help to better anticipate what the mountain will do.

Chairman Stetson noted that he has a weekly conference call with the Forest Service, Delaware North, the Park Service, and YARTS, and he will keep the Board informed of the status of issues.

(M)Pickard, (S)Turpin, Res. 06-430 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings. Further discussion was held. Ayes: Unanimous.

11:34 a.m. LOCAL TRANSPORTATION COMMISSION

(Chair – Lyle Turpin, Vice-Chair – Dianne Fritz)

A) Public Presentation

Mary Pike, Coulterville, urged the Board to keep up its efforts to have Highway 132 promoted as an alternate route to Yosemite.

Stephen Huff, President of the Coulterville Community Club and business owner on Highway 132, referred to agri-tourism and the “jewel” of Yosemite, and he urged the Board to support the opening of Highway 132 to commercial traffic.

Cherylann Schimmelfennig, owner of the Hotel Jeffery, referred to changes in the tourist traffic with the recent closures of Highways 120 and 140; and she encouraged the Board to look at all areas and promote alternative routes through the County.

B) Approval of Letter to CalTrans Requesting that State Highways 132 and 59 be brought up to CalTrans Standards to Accommodate Commercial Traffic Including 45-foot Buses, and Requesting Additional Signage (Commissioner Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion relative the letter to CalTrans. Supervisor Bibby suggested a change in the draft letter. (M)Pickard, (S)Fritz, LTC Res. 06-5 was adopted approving the letter, as changed/Ayes: Unanimous.

11:48 a.m. Chairman Stetson advised that the Board would recess for LAFCo to convene, and the Board would reconvene after lunch at 1:30 p.m.

11:58 a.m. Kris Schenk, Planning Director;

LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (See Separate Minutes)

1:45 p.m. Dana Hertfelder, Public Works Director;

Presentation, Discussion, and Possible Direction Regarding the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Funding for Improving Sixteen Roads, a Bridge and Bike Path in Mariposa County

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the status of funding and required match for the program and recommendation for using the funding to improve portions of the following six roads: Ben Hur, Triangle, East Whitlock, Cole, Coakley Circle, and Piney Creek. Supervisor Pickard asked about combining these projects with STIP projects. Dana advised that the first three are STIP projects, and that he would bring back current cost estimates for these three projects for the final budget hearing.

Chairman Stetson called for input from the public.

Eleanor Keuning noted that Leonard Road was graded in April and she feels it is time to grade it again. She also noted that its priority is low on this list for improvement, and she thanked the Board for that. She referred to her previous input to the Board relative to the need to improve Ben Hur Road for use as an alternate route when Highway 41 between Coarsegold and Oakhurst is closed due to snow. She asked about the high cost estimate for the Mariposa Creek Parkway project, and was advised that it is because of the length of the project.

Further discussion was held. (M)Pickard, (S)Fritz, Res. 06-431 was adopted, with direction to staff to prioritize the six identified projects – Public Works to come back in the final budget hearing process with information on the estimated costs and the amount of matching funds for Coakley Circle, Cole, and Piney Creek; and staff is to come back with an analysis for the other three road projects with

combining the projects with the pre-existing STIP projects. Supervisor Turpin expressed concern with the condition of Priest-Coulterville Road and whether FEMA would cover the repairs due to the increased traffic as a result of the closure of Highway 120. Ayes: Unanimous.

Board Information

Supervisor Bibby thanked County Fire and the emergency medical responders for the quick response her family received recently; and she commended John C. Fremont Health Care for the subsequent services that were received.

Supervisor Fritz advised that she attended the dinner to recognize the public safety officials on Saturday, and she noted that Supervisor Turpin presented the Proclamation on behalf of the Board. She also noted that Jim Middleton, Deputy Fire Chief, did a moving tribute at the dinner. The District IV meeting is scheduled for this evening at the Government Center.

Supervisor Turpin advised that he attended the dinner to recognize the public safety officials and he applauded everyone for their work. He thanked CHP for their input earlier this date to clarify the medical incident at Bagby. He advised that he plans to meet with the Forest Service on Wednesday relative to the OHV mapping for the Stanislaus National Forest. On Monday, a business development meeting is scheduled to be held in Greeley Hill.

Supervisor Pickard noted that the High Speed Rail Commission meeting is scheduled for Thursday and he noted that Board members plan to attend, and he suggested that consideration be given to requesting Board member representation on the Commission. He asked that Supervisor Stetson, as the Board member representing the County on the YARTS JPA, schedule a discussion about the status of the YARTS service and Amtrak service and how the 28-foot vehicle limit is being addressed for Highway 140, by October 15th. And, he asked that the discussion include information on how we want to support/maintain the corridor for transportation service into the Park.

Supervisor Turpin thanked CalTrans for their discussion this morning.

Supervisor Stetson advised that he plans to attend the Midpines Community Advisory Committee meeting this evening.

CLOSED SESSION: Liability Claims; Claimant name: George Udvary; Claim Number: C06-7; Name of Agency Sued: Mariposa County (Interim Personnel/Risk Manager)

BOARD ACTION: Thomas P. Guarino, County Counsel, advised that if no Board member has an interest in this item, then it is not necessary.

2:51 p.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Property Located at 11th & Bullion; Agency Negotiator: Thomas P. Guarino; Name of Party who will Negotiate with County (Not Party's Agent); Closed Session will Concern Price and Terms of Purchase (County Counsel); and

CLOSED SESSION: Public Employee Appointment; Title or Position to be Filled: Fire Chief (Interim County Personnel/Risk Manager)

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

Chairman Stetson advised that the meeting would be continued to Monday for Final Budget Hearing after the conclusion of the closed session matters.

4:06 p.m. Chairman Stetson announced that direction was given to the Interim County Personnel/Risk Manager to prepare confidential questions for interview with applicants for the Fire Chief position; and direction was given to staff on the other closed session matter.

CONSENT AGENDA:

CA-1 Approve Trapping Agreement No. 06-0406 with California Department of Food and Agriculture (CDFA) for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Agricultural Commissioner); Res. 06-417

- CA-2 Approve Nursery Inspection Agreement No. 06-0342 with California Department of Food and Agriculture (CDFA) for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Agricultural Commission); Res. 06-418
- CA-3 Approval to Apply for a Grant Offered through the Alzheimer’s Foundation of America to Assist the Mariposa County Sheriff’s Office Search and Rescue Team (Sheriff); Res. 06-423
- CA-4 Authorize the Child Support Services Director to Purchase Three Replacement Computers from HP Public Sector Sales with Funds Provided by the State (Child Support Services Director); Res. 06-419
- CA-5 Approve a Professional Services Agreement with ECS Engineering for Electrical Construction Support Services for the Don Pedro Reservoir Wastewater Facility in the Not to Exceed Amount of \$10,000 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Public Works Director); Res. 06-424
- CA-6 Approve a Professional Services Agreement with Kleinfelder, Inc. to Prepare Construction Quality Assurance Plan (CQAP) for the Proposed Construction of a Wastewater Storage Pond for the Don Pedro Wastewater Treatment Facility and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Public Works Director); Res. 06-425
- CA-7 Approve Amendment One to the 2005-2006 Agreement with Mother Lode Job Training to Provide Assessment Services for Individuals in the CalWORKs Program and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-420
- CA-8 Adopt a Resolution Upholding Appeal No. 2006-69 and Reversing the Planning Director’s Determination Regarding Processing nine Certificate of Compliance Applications for Redington Ranch LLC; Application Nos. 2006-04, 2006-05, 2006-06, 2006-07, 2006-08, 2006-09, 2006-10, 2006-11 and 2006-12 (Planning Director); Res. 06-426 with changes as directed
- CA-9 Approve the Appointment of Richard “Rick” J. Benson to the County Administrative Officer Position Effective November 6, 2006 at an Annual Salary of \$105,060 (Interim Personnel/Risk Manager)
- CA-10 Recommend the Rejection of Claim No. C06-7 Filed by George Udvary in the Amount of \$638.30 and Authorize the Chairman of the Board of Supervisors to Sign a Notice of the Rejection (Interim Personnel/Risk Manager); Res. 06-421
- CA-11 Approve a Letter to Governor Schwarzenegger Supporting AB 1634 (McCarthy) regarding Reimbursement for the 2005 Special Election Costs (Supervisor Pickard); Res. 06-422
- CA-12 Ratify an Agreement with AAA/American Automobile Association, Inc. and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Chairman Stetson/Interim County Administrative Officer); Res. 06-427

4:07 p.m. The Board continued the meeting to Monday, September 18, 2006, at 9:00 a.m. for the Final Budget Hearing, and recessed in memory of James Frungillo, Laverne “Der” Greeley, Clint Mentzer, and Jack G. Kimbro.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA Monday, September 18, 2006

Time Description

9:07 a.m. Meeting was continued from September 12, 2006, and called to order at the Mariposa County Government Center.

Pledge of Allegiance

PUBLIC HEARING to Consider Final Budget for FY 2006-07; and the meeting and public hearing will be continued to September 19, 20, 21, 22, 25, 26, 27, 28, and 29th, as necessary to conclude the hearing and for the adoption of the Final Budget

BOARD ACTION: Mike Coffield, Interim Budget/Personnel/Risk Management Director, gave an overview of the recommended budget; reviewed policy issues where non-grant program revenues declined in Public Works Administration, Facility Maintenance and Planning budgets; reviewed Countywide reductions and requested increases; reviewed the PERS unfunded liability issue; and reviewed the outlook for FY 2007-08. The following persons were present to respond to questions and to track the budget changes: Chris Ebie/Auditor, Mary Hodson/Deputy County Administrative Officer; and Debbie Isaacs/Assistant Auditor. Supervisor Turpin asked if the source of the revenue could be identified for each of the budget units. Supervisor Pickard requested that a chart be kept of the changes that the Board agrees with making to the recommended budget during the hearing process. Mike Coffield advised that the departments may need to provide the details of program and general revenues if the Board has questions during the hearing process. Supervisor Bibby requested that the final budget adjustments and one-time expense requests be reviewed – this was done during the hearing process.

Input from the public was provided by the following:

Paul Chapman asked why the department heads are receiving higher salary increases than the employees who are being offered two percent; he feels the department heads should be offered the same and that would generate a savings in the budget. He also referred to the high salary increases for the Administrative Analyst level positions; he questioned why the need for an interim County Administrative Officer when there is a Deputy County Administrative Officer; and he stated he feels that the Tourism budget could be further cut. He also stated he feels that there should be more specifics on where the miscellaneous funds in the budgets are spent.

Ruth Sellers stated she agrees with Paul Chapman; and she stated the function of government is to provide services and she does not feel that it is doing that. She feels things like road maintenance and deputies should come before giving hefty raises to department heads. And, she urged the Board's careful consideration on where money is allocated during the final budget hearing process.

The following budgets were reviewed. Staff advised of final budget adjustments, usually as a result of balancing with the actual year-end fund balances, during the review of the budgets and the Board concurred with the adjustments for each of the budgets as recommended.

General Purpose Revenue – No changes were made.

Board of Supervisors – No changes were made.

Administration – Supervisor Pickard requested that there be further discussion of the Business Development Coordinator position in the budget hearing and how that will evolve with respect to the possibility of reorganization with the new County Administrative Officer and the vacancy in the Tourism Coordinator position. Supervisor Bibby asked what the effective date is for the moving of the Administrative Technician position from half-time in Administration to full-time in Personnel; and she noted that the employee allocation schedule needs to be corrected to reflect this change. Mary Hodson advised that the position is doing almost full-time personnel work. Discussion was held relative to the budget. Supervisor Turpin requested information on the breakout of the benefit costs. Chris Ebie advised that he would bring back information. Supervisor Bibby clarified that the one-time funding request totaling \$6,700 is based on the employment offer to the new County Administrative Officer, and the Board concurred with this one-time expense.

Mike Coffield noted that tentative approval of each budget also includes the recommended additional one-time funding and approval of the Countywide reduction.

Audits – Supervisor Bibby asked staff to check to see whether reimbursement is received from the Courts for the trial court audit.

Assessment Appeals – No changes were made.

Personnel – Supervisor Bibby again noted the transfer of the Administrative Technician position to this budget on a full-time basis and the need to correct the employee allocation schedule to reflect the transfer. The Board concurred with the \$4,000 one-time expense for software.

Tobacco Settlement – Discussion was held. Supervisor Pickard asked that further discussion be held relative to possibly securitizing the funds and relative to dedicating the funds for the fire stations that were identified last year.

Auditor – Chris Ebie provided input on his request for \$40,000 for a GASB 34 consultant and \$4,500 for a replacement printer. The Board concurred with funding these requests as a one-time expense. Discussion was held with Chris Ebie relative to changing an Account Clerk III position to 70% permanent part-time to achieve the requested budget reduction. Supervisor Bibby asked that the Auditor provide an update to the Board at mid-year on impacts due to the staffing reduction.

Treasurer/Tax Collector – No changes were made.

County Clerk – Discussion was held with Marjorie Wass, County Clerk, relative to the proposal to increase marriage license fees and other fees to meet the Countywide budget reduction; and it was noted that requests for fee increases need to come back for a public hearing. Mike Coffield advised that to be consistent with recommendations for the Planning budget, the Board would need to pre-suppose the increased revenue until the fee adjustments are approved. The Board concurred with a reduction in revenue of \$1,570 for the marriage license fees.

Elections – Keith Williams, Assistant County Clerk, provided input relative to the request for increased revenues from a grant for the final payment for the voter management system (approximately \$32,000); and the Board concurred with the change. Keith Williams also commented on the anticipated revenue from the State to reimburse counties for the 2005 special election costs.

10:28 a.m. Recess

10:42 a.m. Yosemite West Bond Administration – No changes were made.

Cash Difference/Tax Collector - No changes were made.

Lake Don Pedro Bond Administration – No changes were made.

Tax Collectors Cost – No changes were made.

Vital Health Clerk – No changes were made.

County Counsel – Discussion was held with Thomas P. Guarino, County Counsel, relative to staffing and workload changes and his original request to add a part-time clerical position; and he requested that this be deferred to the mid-year budget process for further review. Supervisor Bibby asked that County Counsel review possible ordinance changes to allow for recouping investigative and processing costs for violations – she feels that this would also encourage people to comply with the regulations. The Board concurred with further considering the request for extra help in the mid-year budget process.

Technical Services – Discussion was held with Rick Peresan, Technical Services Director, relative to requests for a central file server and network attached storage. Discussion was held relative to the budget. Rick Peresan advised of an invoice he received from AT&T in the amount of \$5,800 that he is disputing. The Board concurred with decreasing professional services for the website by \$10,000 and with funding the network storage backup equipment in the amount of \$12,500. Mike Coffield asked for clarification on whether the adjustment to the professional services line item is on-going or one-time; and it was agreed that professional services is one-time funding.

Building – Supervisor Bibby initiated discussion relative to consideration of including Planning and Environmental Health in the building permit fees for the work that they do. Mike Coffield noted that a review of the development fees is needed on a comprehensive basis. Chris Ebie provided input relative to the Building Department being set up as an enterprise fund; and he noted that Solid Waste and the Airport are required to be enterprise funds, but he didn't know if it is a requirement for the Building Department. Discussion was held. Supervisor Pickard noted that space needs will also need to be reviewed with the developmental services departments. Eileen Collins, Building/Development Services Technician, provided input relative to the use of space for the document imaging program and for records storage. It was agreed that the decision on the reconfiguration of the map room would be held until the affected department heads can meet.

Agricultural Commissioner – Discussion was held with Cathi Boze, Agricultural Commissioner, relative to request to replace a vehicle and relative to the weed eradication program funding.

Cooperative Extension – Discussion was held with Karen Robb, Farm Advisor, relative to request for an additional vehicle. Cathi Boze stated she would be willing to take the used pickup from the Cooperative Extension, and they could purchase a new vehicle that would have the passenger capacity that is requested. Discussion was held relative to the status of vehicle replacement funds for the Agricultural Commissioner and being able to apply those funds to the purchase of a vehicle for the Cooperative Extension and tracking the cost claiming process. The Board only temporarily approved the Cooperative Extension vehicle, and on Friday decided not to fund the vehicle. The Board concurred with funding for the purchase of a new vehicle; and Supervisor Pickard suggested that the departments meet and come back with a recommendation of how this would work. Karen Robb advised of two new positions being provided by the

Cooperative Extension: a livestock specialist to be shared with Merced County and a forestry specialist to be shared with Tuolumne County. Discussion was held relative to the County costs that would be involved for these positions.

Library – Discussion was held with Jacque Meriam, Librarian, relative to the recommendation to close the main branch on Saturdays to meet the Countywide budget reduction. Discussion was held relative to the proposal for fee increases – Librarian to check with County Counsel to determine the appropriate process for increasing the fees.

Veteran's Services – Discussion was held with Mary Williams, Community Services Director, relative to the request for a replacement computer. The Board concurred with reducing professional services by \$1,500 to fund the computer.

Senior Services – Discussion was held with Mary Williams, Community Services Director, relative to increasing revenues to reflect a \$200 donation for the wood delivery program; and the Board concurred with this adjustment. Supervisor Pickard initiated discussion relative to reviewing the rents and costs of the facility for the senior services programs. Mary Williams advised that she has asked for a meeting with the Golden Agers, County Counsel, Supervisor Pickard, Administration and the Hospital Administrator to discuss these issues.

Senior Nutrition – Supervisor Pickard initiated discussion relative to analyzing the costs associated with the match to leverage state and federal funds for the programs. Thomas P. Guarino, County Counsel, advised that he will work with the Community Services Director and the Area 12 Agency on Aging staff and governing Board to maximize the administrative overhead costs. No changes were made.

Transit – Supervisor Pickard commended Mary Williams for the amount of fares that are received for the program. No changes were made.

Fish and Game – No changes were made. (Note – a request was received and approved later in the budget hearing)

Forest Reserve HR2389 – No changes were made. Paul Chapman asked that the expenditures from the professional services line item be more specific. Mary Hodson provided input on the projects that have been funded. Discussion was held relative to the status of the available fund balance.

12:43 p.m. Lunch

1:37 p.m. Health/Air Pollution – Dr. Mosher, Health Officer, provided input on the tremendous increase for demand of environmental health services and request for staffing reorganization – eliminate the Office Assistant II position and allocate an additional Senior Office Assistant position; add one additional Registered Environmental Health Specialist and create a career ladder/flex series; expand the allocation of the Hazardous Materials Specialist to include an Environmental Health Specialist; and on the request for a replacement vehicle. Discussion was held relative to the requests and funding. The department will bring back a separate item for the proposed fee increases.

Emergency Medical Services, Tobacco Cessation, Realignment Health, Perinatal Program, Public Health Emergency Program, Mover Program, Local Enforcement Agency, First Five Visiting Public Health Nurse, and West Nile Virus – No changes were made.

Behavioral Health, Alcohol and Drug, Social Services, Social Service Programs, Human Services Administration, Family Preservation, Housing Development, Housing Authority

Choice Voucher, Community Programs – CAA, TANF Incentives, Proposition 36 – Substance Abuse, Designated Buddy, Individual Ed Plan, Youth Council, Incentive Social Services, Assistance Advice, Children’s Trust, Drug & Alcohol Program, Welfare Trust, Alcohol Program, Medi-Cal County Bounty, Realignment – Mental Health, Realignment – Social Services, Mental Health Services Act, and In-Home Supportive Services Public Authority

– Discussion was held with Cheryle Rutherford-Kelly, Human Services Director, relative to the budgets; and she noted the difficulty in being able to fill the MSW – Social Worker positions. Discussion was held relative to the status of realignment funds, and whether there would be impacts in the budgets with the increase of the minimum wage.

Input from the public was provided by the following:

Paul Chapman expressed concern with the amount of the Mental Health budget and with the number of employees compared to the County’s population.

Cheryle Rutherford-Kelly noted that the new positions are grant funded to provide services based on the passage of Proposition 63.

1:57 p.m. Recess

2:02 p.m. Planning – Discussion was held with Kris Schenk, Planning Director, relative to request for funding for extra help positions for Yosemite West Special Plan; LAFCo/Wawona Special Plan/Catheys Valley Community Plan; Sign Ordinance research and documentation; Zoning Code enforcement; Williamson Act Contract specialist; and Sign Ordinance compliance technician. Mike Coffield noted that \$28,000 more is needed for the General Plan for professional services and publication expenses. Following discussion, Mike Coffield noted that the first four requests for extra help positions were previously approved by the Board during mid year and have not yet been completed and should have been included in the recommended budget. Supervisor Pickard asked whether consideration should be given to assigning the Williamson Act Contract compliance with another department such as the Assessor. The Board concurred with funding \$28,000 additional for the General Plan for professional services (\$20,000) and for publication (\$8,000); \$15,000 for a financial consultant to prepare revised/new planning fees; \$35,400 for base-line extra help positions (the first four requests listed above); and \$19,000 for Williamson Act Contract specialist/extra help. Further discussion was held after the following budgets.

Mariposa Aggregate – Supervisor Turpin asked about the status of this budget; and Kris Schenk, Planning Director, responded.

Vallecito Specific Plan EIR – Supervisor Bibby asked about the status of this project. Kris Schenk, Planning Director, advised that there has been no activity and the applicant does not want the account closed. He also noted that they have not had the time to go through the notification process pursuant to the procedures for projects which remain inactive for a period of time. The Board concurred that Planning should send the letter pursuant to the procedures for projects which have no activity for a period of time to advise the applicant that the project will be closed.

SDA Camp EIR – Supervisor Bibby asked about the status of this project. Supervisor Pickard asked staff to review returning the unused fees to the applicant since this project is near completion. Kris Schenk, Planning Director, provided input relative to the status of the project.

Microform – Supervisor Bibby asked about the status of this budget, and asked staff to review whether the fund can be changed to be used for the document imaging project. Kris Schenk, Planning Director, advised that they are researching this matter.

Planning – Further discussion was held relative to this budget; the status of the document imaging project; and the extra help request for the Sign Ordinance compliance technician. Shari

Allen, Planning-Office Technician, provided input on the status of their communication expenses, and she advised that they have been using a credit from an overcharge. She also responded to questions relative to the request for funding for software for HTE and GIS upgrades. The Board concurred with funding \$15,100 for extra help for the Sign Ordinance compliance technician.

Silvertip Resort EIR, and Local Agency Formation Commission (LAFCo) – No changes were made.

Supervisor Fritz requested clarification of the requirements for legal notices and publications; and Thomas P. Guarino, County Counsel, responded relative to the various laws and County requirements. Supervisor Fritz asked the Auditor to provide information on the paper and copier expense for the County.

Supervisor Turpin asked about addressing the break-down of the benefit information. Chris Ebie, Auditor, presented a sheet reflecting general information on the benefit costs for employees.

The Board concurred with moving the tentative budget hearing schedule for Wednesday to Tuesday afternoon, and with not meeting on Wednesday.

3:37 p.m. The public hearing on the Final Budget was continued to Tuesday, September 19, 2006 at 1:30 p.m.; and the meeting was adjourned.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

September 19, 2006



Time Description

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

Pledge of Allegiance

Introductions

Lee Stetson, Chairman

Adopt a Resolution and Present a Tile Plaque to Denise Ludington for her Outstanding Service as Planning Commissioner for Supervisorial District I

BOARD ACTION: (M)Turpin, (S)Fritz, Res. 06-432 was adopted/Ayes: Unanimous. Chairman Stetson advised that Denise Ludington was unable to be present, and this matter will be rescheduled for presentation.

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

Paul Chapman referred to Consent Agenda item 12, and he stated he feel the GIS mapping contains inaccurate information.

Eleanor Keuning discussed the economy in general and the situation with the rockslide on Highway 140 – she stated she feels that the area needs to develop other ways to attract tourists.

Board Information

Supervisor Fritz advised that she attended the San Joaquin Valley Rail Commission meeting in Merced – Amtrak is moving its run for Yosemite from Merced to Modesto with the 28-foot vehicle restriction on Highway 140; and she asked that there be consideration for adding a representative from Mariposa County to the Commission. She advised that the Board of Realtors scholarship dinner is scheduled for this Saturday. On Sunday, the volunteer firefighter's picnic is scheduled at the Fairgrounds.

Supervisor Turpin advised that he attended the business development meeting in Greeley Hill on Monday; and he plans to attend the volunteer firefighter's picnic on Sunday.

Supervisor Stetson thanked Supervisors Fritz and Pickard, and Supervisor-elect Aborn for attending the San Joaquin Valley Rail Commission meeting.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 3, 9, 10, 11, and 12; and she requested that items 9, 10 and 11 be held until the final budget hearing is concluded. Supervisor Pickard pulled item 12.

(M)Turpin, (S)Fritz, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 3 – second amendment to agreement with Golder Associates. Supervisor Bibby noted the change in the contract to reflect the services to be provided. (M)Bibby, (S)Fritz, item 3 was approved with the correction/Ayes: Unanimous.

Consent Agenda item 9 – third amendment to contract with Hauge Brueck Associates (novated from Parsons); Consent Agenda item 10 – agreement with Abbott & Kindermann; and Consent Agenda item 11 – novation agreement from Parsons to Hauge Brueck Associates. Supervisor Bibby initiated discussion and noted that funding for these contracts is being requested in the final budget hearing for FY 2006-07; and she again requested that action be delayed until the conclusion of the final budget

hearing. She advised of her discussion with Administrative staff relative to these matters. Kris Schenk, Planning Director, provided input relative to the contracts and funding requests; and he advised that no funding is requested for item 11. Thomas P. Guarino, County Counsel, provided input relative to the status of contractual obligations for Andy Hauge to continue to work on the General Plan Update and the timeframes for this project. Following discussion, (M)Bibby, (S)Turpin, items 9, 10, and 11 were approved/Ayes: Unanimous.

Consent Agenda item 12 – agreement with CD Data for outsourcing the County GIS base map. Supervisor Bibby asked for clarification relative to the Attorney General’s Opinion on the Public Records Act as it relates to this information. Thomas P. Guarino, County Counsel, stated he feels the Attorney General’s Opinion was poorly researched and drafted; however, the documents required to be public documents under the Attorney General’s Opinion would continue to be available as public records. Rick Peresan, Technical Services Director, and Bob Lowrimore, Assessor, responded to questions relative to the request and how this process would work; and relative to the selection process and recommendation to contract with CD Data. They advised that Mariposa County does not have the staff to update the GIS map with parcel layer information. Supervisor Bibby asked for clarification of the termination clause in the contract. County Counsel reviewed the clause, and he advised of a correction to reflect that CD Data **shall** disclose to third parties purchasing their product that there is no County warranty. Supervisor Bibby stated she would like to see the counties and cities challenge the Attorney General’s Opinion before proceeding with this. (M)Pickard, (S)Turpin, Res. 06-443 was adopted with the language change in the contract to reflect “shall” versus “should.” Further discussion was continued for the following public hearing to be opened.

10:00 a.m. The public hearing regarding fees for the Don Pedro Sewer District was opened and continued until after the following matter.

Further discussion was held relative to the contract with CD Data. Supervisor Turpin asked that the status of this service be tracked. Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

10:03 a.m. Recess

10:21 a.m. Dana Hertfelder, Public Works Director;

PUBLIC HEARING: Regarding Fees for the Don Pedro Sewer District; Approval of the Proposed Fee Schedule

BOARD ACTION: Dana Hertfelder presented the staff report, and he advised that one of the requirements of the USDA for funding for this project is that user fees charged to customers be sufficient to cover routine operations and maintenance of the facility. He also advised that the rate increase must be performed in compliance with Proposition 218, and he presented a written opinion (letter of August 21, 2006) from Jones Hall advising that this process complies with the requirements. Carl Casey/Public Works Administrator, reviewed the details of the rate increase proposal. He reviewed the operational costs for the last three years; the projected long-term equipment replacement costs; and the proposed fee rates. Staff responded to questions from the Board relative to the recommendation to not change the sewer hookup fee and how this fee compares to other districts – it is the same amount for the other districts; what the process would be in the future when the facilities are transferred to the Community Services District for the District to increase the fees – the District would need to go through a similar procedure to adjust fees; consideration of looking a gradual increases on a regular basis for the special districts; as to what costs are included in the professional services line item – staff time for district operations; clarification of the annual standby fee – this fee is for each undeveloped parcel; and explanation relative to the changes over the last three budget years in the revenues from the collection of standby fees – the information is based on when the actual payments were made.

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

Chris Porter, representing Deerwood Corporation, stated they are subject to more than one-half of the assessment district. Ordinarily they would not support fee increases; however, they support this increase as proposed.

Tom Porter, Deerwood Corporation, noted that there were a lot of property transfers during the last year in the district and unpaid fees were collected. He noted that they acquired about 70 parcels.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Turpin, (S)Fritz, Res. 06-444 was adopted approving the proposed fee schedule for the Don Pedro Sewer District. Staff responded to questions from the Board as to whether any letters were received opposing the fee increase – staff advised that no letters were received, just the letter referred to in the staff report from Jones Hall. Carl Casey noted that the recommended effective date for the fee increase is October 1, 2006. Staff responded to questions from the Board relative to further evaluating the hookup fee – staff will bring back information later this fiscal year; and relative to compliance with advance noticing requirements for the October 1st effective date – staff advised that the effective date was included on the fee schedule that was included with the cover letter that was sent to each of the property owners in the district. The motion was amended, agreeable with the maker and the second, to include direction for staff to send a follow-up letter to the property owners advising of the Board's decision today to increase the fees. Ayes: Unanimous.

11:00 a.m. MARIPOSA COUNTY WATER AGENCY

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

A. Public Presentation

Ruth Sellers asked about the status of resolving the land use issue with the State Department of Conservation, and she asked why funds are still being spent on this project. Director Stetson stated he feels that the issue has been resolved.

Paul Chapman stated that pursuant to his discussion with the State Department of Conservation, the Department does not feel that this is resolved. Director Pickard advised that the Board is working on a solution with the Department of Conservation to resolve the matter before any work proceeds.

Chairman Turpin asked for a status report on the Williamson Act contract issue. Dana Hertfelder, Public Works Director, advised that they are in the process of having the footprint of about 3 ½ acres removed from the Williamson Act contract and they have provided a petition and legal description to Planning to pursue this matter. Kris Schenk, Planning Director, provided input relative to the cancellation process and timeframes. He suggested that, based on rough calculations of the timeframes that the Board may want to consider holding a special meeting on October 27th for a hearing to take action to cancel the contract. Thomas P. Guarino, County Counsel, advised that it has been the position of the County to take the appropriate steps in this matter; and this subsequent agreement with the Department of Conservation is that before construction begins, the County will remove the land from the Williamson Act Contract. He further noted that no money for construction has been expended on this project. Supervisor Turpin clarified that the project involves more of the land; however, the plant itself is contained in the 3 ½ acres. Dana Hertfelder provided input relative to work that could begin outside of the Williamson Act Contracted land. He also noted the State's original approval of this project based on the findings the County submitted; and subsequent efforts to work out a compromise to resolve the land issue. Director Bibby asked for assurance that there will be no construction until the Williamson Act Contract issue is resolved. Dana Hertfelder provided input relative to off-site work that could be done; and he advised that no work will begin on the parcels until the issue is resolved. Supervisor Bibby asked about routing the cancellation matter through the Planning Commission and the Agricultural Advisory Committee before the Board takes action. Kris Schenk stated he does not feel that the timeframe would allow for that; however, he noted that there has been considerable discussion by the Agricultural Advisory Committee previously on this issue. Supervisor Bibby asked that information be submitted relative to the status of the Committee's recommendation on this matter. County Counsel stated he feels this is just a technical correction with respect to the Department of Conservation having reversed its decision. He noted that the matter before the Water Agency today is relative to a loan. Supervisor Bibby asked County Counsel to verify that the appropriate process is being followed for the Williamson Act Contract cancellation; and he advised that based on his discussion with the Planning Director, the appropriate process is being followed. Director

Pickard stated he agrees with the recommendation to set a hearing as quickly as possible on this matter; however, he disagrees with having to go through this process because of the State reversing its decision.

B. Formal Approval of two Transactions in the Fiscal Year 2005-2006 Budget: 1) a Loan in the Amount of \$100,000 to the Don Pedro Wastewater Treatment Plant Project (Fund 540); 2) a Grant in the Amount of \$150,000 to the Regional Sports Complex (Fund 540) to Assist with the Construction of a Waterline (Public Works Director)

AGENCY ACTION: Dana Hertfelder, Public Works Director, presented the requested actions, and he advised of the recommendations of the Water Agency Advisory Board. Director Bibby asked whether a budget action form is needed for this action. Carl Casey, Public Works Administrator, advised of his discussion with the Auditor on this matter, and he noted that the Auditor wanted a specific Water Agency action on this. The Board of Supervisors previously took action and the funds were allocated in the FY 2005-06 adopted budget. Following discussion, (M)Stetson, (S)Pickard, Water Agency Res. 06-2 was adopted approving the requests/Ayes: Unanimous.

11:26 a.m. LOCAL TRANSPORTATION COMMISSION

(Chair – Lyle Turpin, Vice-Chair – Dianne Fritz)

A) Public Presentation – none

B) Authorize Participation in the Optional Regional Surface Transportation Program (RSTP) Federal Exchange and State Match Program for Fiscal Year 2005-2006 and Authorize the Executive Director to Sign the Agreement with CalTrans (Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, Public Works Director, (M)Stetson, (S)Fritz, LTC Res. 06-6 was adopted approving the request/Ayes: Unanimous.

11:30 a.m. Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/Interim County Administrative Officer)

BOARD ACTION: Chairman Stetson advised of his conversation with the Park Service and CalTrans on Thursday and he said that there is nothing new to report from the last Board meeting. Supervisor Pickard asked that since vehicles over 28-feet can not negotiate the bridges, about the continuity of the transportation systems such as YARTS and the school buses. Chairman Stetson advised that YARTS is driving around with the long buses; however, they can access Highway 140 with the shorter buses, and they are still looking at trying to acquire shorter buses that will accommodate the luggage requirements. YARTS has been unable to accommodate all of the people. He advised that the School District parks the larger bus and transports the remaining students on the other side with a smaller bus. Supervisor Turpin advised of a response received from Dinah Bortner/CalTrans Office that they plan to evaluate the sign situation on Highways 59 and 132 by the end of the month. (M)Pickard, (S)Bibby, Res. 06-445 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Approval of Minutes of August 22, 2006, Regular Meeting (Clerk of the Board); and
Approval of Minutes of September 5, 2006, Regular Meeting (Clerk of the Board)

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

11:35 a.m. CLOSED SESSION: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9. Number of Cases to be Discussed: 1, Mariposa County v Total Waste Systems, Inc.; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Number of Cases to be Discussed: 1, Mariposa County v Total Waste Systems, Inc. (County Counsel)

BOARD ACTION: (M)Bibby, (S)Fritz, the closed session was held with the Public Works Director to be present/Ayes: Unanimous. Chairman Stetson advised that the Board would reconvene in open session after lunch.

12:50 p.m. Lunch

1:38 p.m. The Board reconvened. Chairman Stetson announced that direction was given to County Counsel in Closed Session to retain outside counsel to pursue litigation against Total Waste Systems.

Continued Public Hearing to Consider the Final Budget for Fiscal Year 2006-2007, and Continue the Hearing and Meeting to September 20, 21, 22, 25, 26, 27, 28 and 29th, as Necessary to Conclude the Hearing and for the Adoption of the Final Budget

BOARD ACTION: The following persons were present to respond to questions and to track the budget changes: Mike Coffield/Interim Budget-Personnel-Risk Management Director; Chris Ebie/Auditor; Mary Hodson/Deputy County Administrative Officer; and Debbie Isaacs/Assistant Auditor. Dana Hertfelder, Public Works Director; and Carl Casey, Public Works Administrator, were present. Board members pulled the budgets under Public Works that they wished to discuss.

Input from the public was received from the following:

Paul Chapman presented a list of budget items that he questioned, including salaries for some of the positions, and he provided further comment with the individual budgets.

The following budgets were reviewed and the Board concurred with the final budget adjustments for each of the budgets as recommended.

Facilities Maintenance – Carl Casey noted that the salary information in the budgets was obtained from the Auditor’s Office. He advised of a requested change in the proposed budget to transfer \$16,000 from the Maintenance of Buildings line item to Fixed Assets for replacement of the septic system at the Catheys Valley Park, and the Board concurred. Supervisor Bibby asked that the request for the refrigerator replacement for the McCay Hall be funded, and direction was given to fund this request later this date. Supervisor Stetson stated he would like to discuss the maintenance concerns for the Mariposa Museum and History Center during the budget hearing. Supervisor Turpin asked about the utility costs and the audit by EnerPower. Carl Casey advised of the status of the audit and request to transfer \$3,000 from Utilities to Professional Services for the consulting services with EnerPower, and the Board concurred. Supervisor Turpin suggested that consideration be given to obtaining a boom truck to maintain the lighting districts. Dana Hertfelder advised that they are looking at a man-trailer and are planning to rent one to see how it works. Supervisor Pickard asked about the status of the replacement of the restroom at the Art Park; and Dana Hertfelder advised that he wants to come back with cost information for rebuilding the facility. Supervisor Bibby encouraged the Department to submit the restitution information to the District Attorney for this facility. Mike Coffield advised of a \$55,000 policy issue in the budget due to a revenue reduction because of the reassignment of duties of the testing for the water treatment facilities to the new Plant Operator position in the Road budget. He advised that in order to keep this reassignment revenue neutral, he recommended that the General Fund contribution to the Road budget be reduced by \$55,000, and Public Works and the Board concurred with this recommendation.

Roads – Dana Hertfelder advised of the \$33,000 additional revenue that the Board approved earlier this date with the RSTP program and he suggested that \$22,000 be cut from extra help to make up the \$55,000 reduction in the General Fund contribution to the Road budget; and the Board concurred with these changes. Discussion was held relative to the status of funding and potential impacts to this budget. Dana Hertfelder advised that the recommended budget will only allow for basic road maintenance for this fiscal year. Supervisor Turpin asked about the status of funding for maintenance for Priest-Coulterville Road. Mike Coffield advised that Mariposa County has been amended into legislation that would wipe out our match for the storm damage with the 17 other counties. Supervisor Pickard commented on Proposition 1A scheduled for the November ballot.

Input from the public was provided by the following:

Paul Chapman asked why the Plant Operator is in the Road budget versus Administration; stated he feels the \$25,000 could be cut for the Department of Corrections (CDC) brushing work; questioned the rents and leases line item; disagreed with funding for the sign shop and the re-painting of the vehicles; and he asked for clarification of the budgeting process for the vehicle expense.

Dana Hertfelder responded to Mr. Chapman's questions and he advised that the cost for the Plant Operator is covered by the special districts; they receive a lot of brushing work from the CDC crews; the rents expense is for heavy equipment; the sign shop has a role in providing public safety; and the decision to purchase white vehicles and painting stripes on them is costing less than purchasing the yellow vehicles and it provides better visibility and identification of the vehicles. Carl Casey provided input on the budgeting process for the vehicle expenses. Chris Ebie provided an explanation of the cost allocation.

Airport Operations – Discussion was held relative to the Auditor's earlier comment that this budget needs to be moved to an Enterprise Fund. (M)Bibby, (S)Fritz, to move the Airport budget to an Enterprise Fund. Supervisor Pickard asked for clarification of whether the General Fund could still contribute to the Enterprise Fund. Thomas P. Guarino, County Counsel, advised that to the extent the Airport would provide a public benefit, the General Fund could provide support. However, as an Enterprise Fund, it would need to be self-supporting. He suggested that the Auditor could be requested to work with County staff and himself to bring back the necessary item to move toward setting up the Airport as an Enterprise Fund. Mike Coffield stated that with direction this would be effective for the next budget year. The motion was withdrawn by the maker and the second; and the Board concurred with staff pursuing this matter. Supervisor Turpin asked about the status of the proposal to install solar panels at the Airport. Carl Casey advised that the project never moved forward.

Input from the public was provided by the following:

Paul Chapman stated he agrees with this being an Enterprise Fund. He also stated he feels the fuel costs should be raised as he feels we are lower than Columbia. He suggested that the hangar rental fees be reviewed. Carl Casey advised that staff will review the hangar rental fees again. Supervisor Pickard noted that the fuel costs are monitored.

Public Works Administration – Dana Hertfelder responded to Mr. Chapman's earlier input relative to the salary for the Public Works Administrator; and he advised that this was a part of the department's reorganization and the deletion of the Fiscal Officer position. He also noted that they show a reduction in revenues as they have been unable to fill the Assistant Director position. Discussion was held relative to the request for the training and desk for the Safety Officer. No changes were made.

3:27 p.m. Recess

3:40 p.m. Regional Transit System – Discussion was held. No changes were made.

Parks and Recreation – No changes were made.

Local Transportation – No changes were made.

State Transit Assistance – No changes were made.

Transportation Planning – Discussion was held relative to staffing for this function since MCAG is no longer providing staff support. Dana Hertfelder advised of request to use the Administrative Analyst position for this function. Mike Coffield advised that they are going through the personnel process for this change.

Pedestrian Bikeway – Supervisor Bibby asked for clarification to the reference of an existing building for \$188,000. Chris Ebie advised that this reference is in error; and Carl Casey noted that it needs to be corrected to reflect a Fixed Asset line item for land improvements. Supervisor Turpin asked about the status of current projects. Dana Hertfelder advised that there are no projects at this time and that

funding will be available when the Bicycle Plan is finished. They are hoping that staff for the Transportation Planning function can complete the Plan.

Special Aviation – No changes were made.

Roads/Special Projects – No changes were made.

Water Agency – Input from the public was provided by the following:

Paul Chapman asked for clarification of the \$347,000 for special department projects. Carl Casey advised that this line item is used to show the appropriation of funds that are specifically designated for projects and he reviewed the projects. Paul Chapman stated he feels that the Baptist Church should pay for its own pipe line.

Supervisor Bibby asked for information on the status of the loan with MPUD for the Idle Wheels project. Chris Ebie advised that he will obtain information for the Board members. Discussion was held.

Coulterville Lighting – Supervisor Turpin asked for clarification of the use of the Professional Services line item, and staff advised that this is for work PG&E did in the Coulterville Park. No changes were made.

Coulterville Service Area – No changes were made.

Don Pedro Service Area 1M – No changes were made.

Don Pedro Sewer – No changes were made.

Hornitos Lighting – No changes were made.

Mariposa Lighting – No changes were made.

Mariposa Parking – Discussion was held. No changes were made.

Mariposa Pines Sewer – No changes were made.

Wawona Service Area – No changes were made.

Yosemite West Maintenance – No changes were made.

Airport Hanger Project – Supervisor Bibby asked for clarification of the reduction in the rent revenues. Carl Casey advised that they do not always have 100 percent occupancy due to turnover in the rentals. Discussion was held relative to the Fixed Asset Building line item that is being held in case a private hanger owner agrees to sell. No changes were made.

Inspection Fee – No changes were made.

Zone of Benefit Revolving – Discussion was held and Chris Ebie advised that the loan payments are going to the General Fund. Supervisor Bibby requested information on the status of the loans and payments. She also asked about the status of showing trust funds in the budget. No changes were made.

Trower Road/140 Intersection – No changes were made.

Deferred Improvements – No changes were made.

Rewards Program/Parks – Supervisor Bibby asked whether this fund has been used. Discussion was held. (M)Bibby, (S)Turpin, the funds were transferred to the Facility budget for the purchase of a refrigerator for the McCay Hall, with direction that the balance of the funds be transferred at mid-year for maintenance; and that this budget be closed/Ayes: Unanimous.

Deferred Improvement/Land Division – No changes were made.

Skateboard Park Donations – It was noted that this account is closed.

Airport Planning Grant – No changes were made.

Capital Improvement Projects – Supervisor Pickard asked about the status of the active CIP projects; and staff responded as follows:

El Portal Pool – project is finished

Art Park – remaining funds are for a stone sign

Greeley Hill Community Center – funding is left from a contribution and there are no specific plans for a project. Supervisor Pickard asked about the possibility of using these funds for the Red Cloud Library. Supervisor Turpin noted that he feels there will be a need to use these funds at the Greeley Hill Community Center.

Red Cloud Restroom – project is finished with the exception of some minor electrical work

Courthouse Construction Account – Supervisor Pickard noted that agreement has been reached with the Administrative Office of the Courts (AOC) on the Courthouse; and asked staff to review the status of maintenance for the Courthouse, including stabilization of the cupola. Dana Hertfelder advised that a semi-annual inspection is done and they are looking at fire escape maintenance and painting. Supervisor Bibby asked staff to look at the monument at the Courthouse and the problem with removal of the rocks.

Government Center – Supervisor Stetson asked about the status of maintenance for the facility, especially painting of the metal railings.

504 Fund for Courthouse Renovation – Discussion was held relative to the status of the Courthouse funds for maintenance. Thomas P. Guarino, County Counsel, provided input on the agreement with the AOC and he advised that the Presiding Judge of the Superior Court has control over Funds 502/3; and that these funds could be used for purchase of land for a new courthouse or for construction, but he is not sure about use of the funds for maintenance on the existing facility. That matter will need to be reviewed.

History Center – Supervisor Fritz initiated discussion relative to the needed roof and deck repairs. Discussion was held with Dana Hertfelder relative to possible funding options, and he suggested that he come back to the Board with a Proposition 40 application for the project. The Board concurred with directing staff to come back with a cost estimate for this project.

Fund 569/Sports Complex – Carl Casey provided input on the projects that have been funded from this account.

Yosemite West Fund 545 – Dana Hertfelder provided input on the status of grant/loan funds from the Water Agency (\$300,000) and the General Fund (\$600,000) that were advanced for the Yosemite West wastewater treatment facility project, and he noted that these costs were not included in the assessment. He advised that they have \$300,000 remaining that they can return to the General Fund during this budget process. He further advised that they will bring back an item in the future to address the outstanding balances. Carl Casey provided information on the status of the \$300,000 additional loan from the USDA for the unallocated EDUs (additional reserve capacity) that were not covered by the assessment. He advised that only \$51,000 of the loan was advanced to the County when the loan closed, and the plan was to sell the additional EDUs to repay the loan. He recommended that they do not borrow the remaining \$249,000 of the loan; and that the outstanding principle be paid from Funds 755 and 545 to save additional interest charges from accruing on the loan. Since the building moratorium was lifted, they have sold some EDUs. Discussion was held. Dana Hertfelder recommended that they come back with a plan for repayment of the loan.

Don Pedro Wastewater Treatment Facility Project – Dana Hertfelder recommended that they come back with a plan to repay the borrowed funds for this project.

Courthouse Construction Fund –Further discussion was held relative to this fund and maintenance of the Courthouse.

Yosemite West Fund – Further discussion was held. Supervisor Pickard suggested that staff bring something back before the end of the budget hearing relative to the repayment proposals. Chris Ebie provided input relative to the funds received (\$16,000) from the sale of the unallocated EDUs. (M)Pickard, (S)Turpin, \$300,000 was accepted as repayment for a portion of the loan from the General Fund to the District – these funds will be transferred out and appropriated to General Contingency/Ayes: Unanimous.

5:32 p.m. Recess

5:47 p.m. Solid Waste & Recycling – Supervisor Bibby asked for clarification of whether the costs of the equipment purchases will have an impact on the tipping fees. Dana Hertfelder noted that this budget is an Enterprise Fund. Discussion was held. Supervisor Pickard asked about the status of reimbursement of the loan from the General Fund for this compost facility project; and the Board concurred with directing staff to come back with a repayment plan for the one million dollars. Supervisor Bibby asked about looking at discontinuing the annual permit fee and the fee structure, especially for mobile homes. Supervisor Turpin asked about the status of reaching the diversion rate. Dana Hertfelder provided a status report on the operation of the compost facility.

Solid Waste Closure; Solid Waste Liner Replacement; Solid Waste Special Project – No changes were made.

Fleet Maintenance – Discussion was held. Supervisor Bibby asked about the possibility of using SCOPE volunteers to transport vehicles for warranty work, and discussion was held.

Input from the public was provided by the following:

Paul Chapman asked about the salary increase for the Fleet Superintendent; the maintenance of equipment budget; Road Department usage line item; and the transfer out line item. Dana Hertfelder responded relative to the reorganization of the Department and the Fleet Superintendent position; and he noted that Joey Halencak is an outstanding manager; and he provided input relative to the maintenance of equipment line item and advised that this is for all of the County vehicles. Carl Casey provided input concerning the other budget questions.

No changes were made.

Fire Vehicle Replacement – Discussion was held relative to the status of replacement of the water tenders. No changes were made.

Vehicle Replacement – No changes were made.

Heavy Equipment Replacement – Input from the public was provided by the following:

Paul Chapman asked what was being purchased; and Carl Casey responded.

The Final Budget Hearing was continued to Thursday, September 21, 2006, at 9:00 a.m.

CONSENT AGENDA:

CA-1 Approve Cooperative Law Enforcement Agreement 05-LE-11051520-023 (Including Sub-Agreement 02-LE-11051360-061) with the United States Department of Agriculture, Sierra National Forest to Assist in Providing Law Enforcement Services on National Forest Lands (Sheriff); Res. 06-433

- CA-2 Approve an Agreement with Roger Ernst and Associates to Provide Off-Site Auction Services to the County of Mariposa to Dispose of Board of Supervisors Approved Replacement Vehicles and Equipment for a Period of Three Years with Two Additional Year Renewal Options, Authorize the Chairman of the Board of Supervisors to Sign the Agreement and Authorize the Public Works Director to Sign Title of Vehicles and Equipment (Public Works Director); Res. 06-434
- CA-3 Approve Second Amendment to Personnel Services Agreement with Golder Associates and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Public Works Director); Res. 06-439 with the correction in the contract to reflect the services to be provided
- CA-4 Authorize Participation in the Optional Federal Apportionment Exchange and State Match Program for Regional Surface Transportation Program (RSTP) Funds for Fiscal Year 2005-2006 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Public Works Director); Res. 06-435
- CA-5 Approve the Training Services Agreement with UC Davis for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-436
- CA-6 Re-appoint Carla Shelton to the Local Child Care Planning Council, Term Ending September 16, 2009 (Human Services Director)
- CA-7 Approve an Agreement with Kings View Corporation for the Continued Use of their Management Information System and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services director); Res. 06-437
- CA-8 Approve a Resolution Recognizing Ernest “Ernie” S. Correa for his Contributions to the County and Revising the Certificate of Appreciation that was Previously Approved (Chairman Stetson); Res. 06-438
- CA-9 Approve Amendment Three to the Contract for Services for the Mariposa County General Plan, as Novated and Assigned to Hauge Brueck Associates, LLC and Authorize the Chairman of the Board of Supervisors to Sign the Agreement; Approve a Budget Action Transferring Funds from General Fund Contingency to General Plan Professional Services (\$50,000) (4/5ths Vote Required) (Planning Director); Res. 06-440
- CA-10 Approve a Professional Services Agreement with Abbott & Kindermann, LLP, in an Amount not to Exceed \$15,000, to Review and Prepare a Legal Analysis of the Final General Plan and Environmental Impact Report (EIR), and Authorize the Chairman of the Board of Supervisors to Sign the Agreement; Approve a Budget Action Transferring Funds from General Fund Contingency, to General Plan Professional Services (\$15,000) (4/5ths Vote Required) (Planning Director); Res. 06-441
- CA-11 Approve a Novation Agreement Transferring and Assigning All Duties and Obligations Related to the Mariposa County General Plan Update and Environmental Impact Report (EIR) from Parsons Water and Infrastructure, Inc. to Hauge Brueck Associates, LLC, and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Planning Director); Res. 06-442

CA-12 Approve an Agreement with CD Data for Outsourcing the County GIS Base Map and to Remit Annually a Percentage of Proceeds of Sales of the Base Map and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Assessor/Recorder); Res. 06-443, with correction in the contract language

6:32 p.m. The meeting was recessed in memory of John Greiner; and the meeting and Final Budget Hearing was continued to Thursday, September 21, 2006, at 9:00 a.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA Thursday, September 21, 2006

Time Description

9:09 a.m. Meeting was continued from September 19, 2006, and called to order at the Mariposa County Government Center.

Pledge of Allegiance

Continued PUBLIC HEARING to Consider Final Budget for FY 2006-07; and the meeting and public hearing will be continued to September 22, 25, 26, 27, 28, and 29th, as necessary to conclude the hearing and for the adoption of the Final Budget

BOARD ACTION: The following persons were present to respond to questions and to track the budget changes: Mike Coffield/Interim Budget-Personnel-Risk Management Director, Chris Ebie/Auditor, Mary Hodson/Deputy County Administrative Officer; and Debbie Isaacs/Assistant Auditor.

The following budgets were reviewed.

Tourism – Leroy Radanovich, Interim Tourism Coordinator, provided input relative to the history of the transient occupancy tax (TOT) and the tourism function in the County. He reviewed the staff report and recommendations to reach the countywide reduction level and the additional \$300,000 reduction that the Board directed be taken from this budget, including a reduction in the contract amount with the Chamber of Commerce to reflect reduced Visitors Centers service hours in the off season. He recommended that the Board consider establishing a separate budget for the arts and cultural line items: Fair Parade, Arts Council, Yosemite Renaissance, Northside History Center, Mineral Exhibit, and Rural Media Arts Center. He reviewed options for consideration for the future structure of the tourism function in the County, including the recommended option of privatizing the tourism function. He recommended that participation in the State Fair Counties exhibit be discontinued. He reviewed the status of the advertising contracts, the Visitors Guide, website updates, and the contracts for services. He advised that the Tourism Advisory Council (TAC) opposed any reductions in the budget and the raising of the TOT. He provided the minutes from the TAC meeting of September 19, 2006; a letter from the Yosemite-Mariposa Bed & Breakfast Association; a comparison chart on the combined income and job impact in gateway regions by Park; statistics for contacts with the Chamber of Commerce and Visitors Centers; and a graph reflecting a comparison of increases between the TOT, property taxes and sales tax. He suggested that there be an interim appraisal of the financial condition in the next two to three months to try to restore the budget reductions. Discussion was held. Supervisor Turpin noted the Board's previous commitment to pay for the utilities for the North County History Center. Supervisor Pickard provided some background information on the overall County budget situation and the Board's discussion of a possible TOT increase and special election to become a self-help County for the road funds as an option to raise funds. He noted that with the update on current revenues, it appears that the County may be able to stall any TOT increase. However, any funds that are put back into a budget need to come from somewhere else. He also provided information on the ten million dollar unfunded PERS liability debt that the County is facing. Supervisor Bibby noted that there are other tourist related projects in other budgets; and she asked for clarification of the film commission function and costs. Leroy Radanovich stated he is looking at the future depending on the Board's

direction in this matter. She asked whether there is agreement with the recommendations for partnering with the Chamber of Commerce on various efforts; and she asked about going through the personnel process for any changes that would be considered with the Senior Office Assistant position. Supervisor Bibby asked for information on the TOT rates in the surrounding counties.

Input from the public was provided by the following:

Kevin Shelton, Director of Sales and Marketing for Yosemite Management Group and a member of the TAC, stated he was speaking on behalf of the TAC. They agree with the recommendation for privatization. However, they vehemently reject the budget as presented with the cut of \$300,000 from the marketing budget because of the long-term affects. They understand the current budget situation of the County; however, they feel this budget goes far in generating revenue for the County. He referred to the Ferguson Rockslide and its impacts and he urged the Board to increase the budget.

Terry Graft Povino of Greeley Hill stated she agrees with the problems with cutting the budget. She recommended that the County look at services that could be outsourced to the private sector, such as cleaning, and gardening, as she feels this could be done at a less cost. She expressed concern with the salary and benefit costs for the County. She agrees that the Tourism Bureau is important to increasing revenues for the County, and she feels that we need to encourage the growth of businesses in the County and reduce costs.

Paul Chapman stated he agrees with the recommendation to privatize. However, he feels the budget could be cut and he referred to comments from former Auditor Ken Hawkins that this function generates a low amount of TOT. He stated there needs to be a reason for people to want to come here, and he feels we have a great history. He stated he feels that we need roads and Sheriff support, but that the other things could be cut in this budget. He feels that it is a gift of public funds to support a non-profit organization.

Susan Bramson, North County History Center, expressed concern with the recommendation to cut the funding for their facility. She also stated she was surprised to learn that Amtrak is not using a bus route through Highway 132. She asked the Board to consider what can be done to promote the County and the North County for its history.

Brad Anderholm, Chief Operating Officer for Delaware North Company for Yosemite, commented on the impact of the rockslide – a reduction in their revenues and an overall decline in visitation to the Park. He stated he feels that we need to market the community and that Highway 140 is open. He commented on their marketing efforts. He stated he does not feel that the County should reduce its marketing expenditures; and he feels we should continue to work on our website.

Jerry Fischer, Yosemite Management Group, noted the Board's support of tourism and uncertainty with the status of revenues. He stated there is significant room space that could be filled that could be potential growth in revenues for the County. He stated he feels that the Board needs to project the income from the investment in this budget. He also stated he feels that the Tourism Coordinator should be available at the office and not work from home.

Donna Brownell, Director of Mariposa County Arts Council and a member of the TAC, stated she was speaking on behalf of the Arts Council. She requested the Board's support of funding for the Arts Council, and she referred to the programs and events that they sponsor – Evenings on the Green, Storytelling Festival, and Mariposa Symphony Orchestra. She commented on marketing efforts and how fortunate the County is to have professional marketing staff from the other businesses to be able to help advise the County in this area and she urged the Board to consider their recommendations.

Candy O'Donel-Browne, former member of the business industry and a member of the Arts Council, stated she was speaking on behalf of the Arts Council. She stated that in order to reap the reward of an investment, you need to make the investment. She feels an increase in tourism will increase revenues and help with the budget situation. She referred to a statement that she heard – "Mariposa does have some cultural potholes" and she stated the Arts Council is working hard to fill those.

Les Marsden, member of the arts community, stated he feels that the arts nurture our humanity and are our economic engine. He referred to a study he previously presented relative to the investment in arts and its returns. He commented on the contacts the County has received because of events like the Symphony Orchestra and the Storytelling Festival and he commended the volunteer efforts of their Board members for organizing these events. He stated he agrees with Jerry Fischer. He suggested that an arts festival event be held in the shoulder seasons. He stated he is asking for an understanding of what the arts do for the community and the economy and for humanity.

Kent Povino, ranch owner in Greeley Hill, thanked Leroy Radanovich and Lyle Turpin for speaking with the community on the budget. He recommended that the Tourism budget be fully funded. He stated he feels that this is a beautiful County and it is a heritage to protect. He feels the Board should look more aggressively at encouraging visitors to come here and experience the ranching and gold rush, and he feels that more should be devoted to encouraging agri-tourism activities and in working with Delaware North.

Laura Phillips, Executive Director of the 6th Street Cinema, expressed concern with the proposed budget cuts, especially with the Northside History Center, the Yosemite Renaissance, and the Rural Media Arts Center. She noted that the Rural Media Arts Center was a line item in the budget previously and it disappeared and this has not been explained to them.

Laura Kanarowski, President of the Chamber of Commerce, stated she feels that if cuts are made in the arts and cultural items that it will devalue our attraction for tourism. She stated she feels that we need a diversity of things to attract visitation. She noted that we have a high number of artists in our area. She commented that other areas are aggressively advertising Yosemite and we have focused on Mariposa County in the last couple of years and she feels that is hurting the County. She commented on efforts to update the website for the Chamber of Commerce and the increased usage that has resulted. She urged the Board to promote the Tourism Department and organizations.

Roger Biery stated he does not have any artistic talent and he makes his living separate from the tourism industry, but he knows that tourism is vitally important to our economy and he agrees with investing in and growing the arts. He agrees with the recommendation for privatization.

Diana Wilcoxon, bed and breakfast owner in town, stated she agrees that the arts are important for tourism, in addition to Yosemite. She noted that the Rural Media Arts Center provides a year-around opportunity for residents and visitors, and they do a tremendous amount of good will in the schools and they are buying and renovating a historic building in town.

Sheryl Ann Schimmelfennig, owner of the historic Hotel Jeffrey in Coulterville, stated she agrees with the comments made today. She feels the cultural arts are an important part of what the County has to offer and we need to market that, and the County's beauty. She challenged the Board to not cut the Tourism and arts funding, but to spend the money wisely. She noted that they are noticing that they are becoming a place for a quick get-away because people can not afford the long trips, and she feels that this could be a marketing draw for the County for tourism throughout the year. She also stated she agrees with marketing abroad.

11:05 a.m. Recess

11:34 a.m. Chairman Stetson called for additional public input on this budget and none was provided.

Further discussion was held by the Board relative to developing a private non-profit for the future operation of the Tourism function. Supervisor Pickard suggested that Leroy Radanovich work with the TAC on this matter; that the Budget Director/County Administrative Officer look at whatever amendments need to be evaluated in the budget for the development of a private non-profit Visitors' Bureau; with a proposal to be brought back to the Board as quickly as possible; and with a suggestion of identifying about \$100,000 for a promotional line item as seed money for the private non-profit organization. Supervisor Turpin commented on funding to continue the current operation and the privatization of the function; he noted that this will be for

the whole County; and he feels there should be an evaluation of the program. Leroy Radanovich thanked Delaware North and Yosemite Management Group staff for their assistance and for sharing their knowledge in this process. It was clarified that the privatization item will come back to the Board for formal action. Supervisor Bibby stated she feels that there needs to be a commitment from everyone involved to make the privatization work; and she feels the return on the investment needs to be tracked. The Board concurred with reducing the Tourism Coordinator salary and benefits to reflect the amount being paid to the Interim Tourism Coordinator on contract. Discussion was held relative to combining the web updates efforts with the Chamber of Commerce. Leroy Radanovich requested that he be allowed the option of utilizing County funds to produce a superior Visitors Guide. Supervisor Bibby asked about the status of using a storage facility. Supervisor Pickard again suggested that approximately \$150,000 be added for the Promotional line item for further direction of the Board and establishment of the private non-profit organization. Mary Hodson suggested that the funds be left in General Contingency until the private non-profit organization comes back to the Board. Leroy Radanovich stated he feels it would be good to have funds available in case an opportunity comes up unexpectedly.

Discussion was held relative to the arts and cultural budget items and funding levels and consideration of creating a separate budget. Supervisor Pickard suggested that a separate budget not be created until after the General Plan Update is adopted and decisions are made with that document. Supervisor Fritz suggested that consideration be given to reducing these line items by the two percent Countywide reduction. Leroy Radanovich advised that they are asking these organizations to assist the County with two-to-three day events in exchange for the County's support. Discussion was held relative to the Fair Parade expenditures and the Yosemite Renaissance program and funding request; and discussion was held. The following actions were taken.

(M)Bibby, (S)Pickard, recommendation of \$900 was approved for the Fair Parade, with direction that whatever funds are not expended go to promotions/Ayes: Unanimous.

(M)Pickard, (S)Fritz, recommendation of \$48,000 was approved for the Arts Council/Ayes: Unanimous.

Motion by Pickard to approve \$7,500 for Yosemite Renaissance died for lack of a second. (M)Fritz, (S)Stetson, who passed the gavel to Vice-Chair Bibby, \$10,000 was funded for the Yosemite Renaissance/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

(M)Turpin, (S)Bibby, recommendation of \$5,150 was approved for the Northside History Center/Ayes: Unanimous.

(M)Bibby, (S)Pickard, recommendation of \$47,930 was approved for the Mineral Exhibit pursuant to the current contract/Ayes: Unanimous.

Motion by Fritz to approve \$20,000 for the Rural Media Arts Center died for lack of second. (M)Fritz, (S)Stetson, who passed the gavel to Vice-Chair Bibby, to approve \$10,000 for the Rural Medial Arts Center, failed by the following vote – Ayes: Fritz, Stetson; Noes: Turpin, Bibby, and Pickard. (M)Pickard, (S)Fritz, \$5,000 was funded for the Rural Medial Arts Center/Ayes: Unanimous.

Mary Hodson advised that the adjustments result in a \$223,955 reduction from the baseline budget for Tourism. When the privatization proposal is ready, the Board can consider additional funding for promotions.

12:50 p.m. Lunch

2:06 p.m. Assessor/Recorder – Discussion was held with Becky Crafts, Assistant Assessor/Recorder, relative to the reorganization request to meet the Countywide budget reduction, and relative to the need to address their fee schedule. Supervisor Pickard stated he felt the fee structure should be considered for all departments and that there should be a further evaluation of the funding allocated in the Planning budget for a fee study to see what it would take to do a countywide study. He also suggested that with the extra savings generated in this budget that consideration be given to funding the computer and software requests, and the Board

concurring. He asked about consideration of involving this department in the enforcement and audit of Williamson Act contracted land management. Mike Coffield noted the generosity of the department in making cuts to this budget.

Recorders Modernization; Recorders Cash Difference; Micro Conversion; and Vital/Health Recorder – No changes were made.

SRVP Grant and Sund-Pelosso – No changes were made.

District Attorney/Prosecution – Mike Coffield noted the generosity of the department in making cuts to this budget. The Board concurred with adding \$999 for a computer.

Drug Enforcement Grant; Victim Witness; Family Violence Response Team Grant; District Attorney Asset Forfeiture; Department of Justice; and Sund-Pelosso Advance – Mary Hodson noted that two new budget units were added under the District Attorney for grants. No changes were made.

Grand Jury – No changes were made.

Law Library – Mary Hodson noted the increase in the General Fund contribution to this budget.

Indigent Defense – No changes were made.

Child Support Services and Child Support Advance – No changes were made.

Fire – Discussion was held with Blaine Shultz, Fire Chief, relative to the request for \$5,000 to purchase materials and supplies to restock the fire safety trailer, and the Board concurred with funding this request. Discussion was held relative to the status of the equipment and patrol vehicles, and the request to purchase three more patrol vehicles so that the fire engines are not used for medical calls. Blaine Shultz advised of information he just received from CDF relative to the cost estimates being projected for dispatch services, and he suggested that \$5,000 could be moved from that contract to fund the requests. Mike Coffield noted the net savings of \$22,000 from grant funds to the General Fund. Discussion was held relative to the status of the water tender replacements. Supervisor Pickard suggested that the Board identify the Tobacco Settlement Fund for the three fire station projects and for the fleet, with consideration of securitizing these funds. Supervisor Turpin asked about the status of being able to purchase the vehicles with grant funds. Supervisor Bibby asked for information on the statistics for volunteers and training and the number of calls. Further discussion was held relative to purchasing patrol vehicles, and Blaine Shultz recommended that they be placed at the Airport, Don Pedro and Lushmeadows; and he noted that they have a grant for the vehicle for Mormon Bar. Supervisor Pickard noted that the Fish Camp community has raised about \$130,000 toward their new fire station, with a total estimated project cost of \$300,000. (M)Pickard, (S)Turpin, direction was given to transfer \$200,000 from the Tobacco Settlement Fund for the purchase of three patrol vehicles for placement as recommended/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby. Supervisor Turpin suggested that a request be made to the volunteers to conserve energy to reduce the utility costs at the fire stations. Blaine Shultz advised that they are trying to separate the utility costs for the Catheys Fire Station from the rest of the Catheys Valley Park operations.

4:52 p.m. The public hearing on the Final Budget and the meeting was continued to Friday, September 22, 2006 at 1:30 p.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA Friday, September 22, 2006

Time Description

1:35 p.m. Meeting was continued from September 21, 2006, and called to order at the Mariposa County Government Center.

Pledge of Allegiance

Continued PUBLIC HEARING to Consider Final Budget for FY 2006-07; and the meeting and public hearing will be continued to September 25, 26, 27, 28, and 29th, as necessary to conclude the hearing and for the adoption of the Final Budget

BOARD ACTION: The following persons were present to respond to questions and to track the budget changes: Mike Coffield/Interim Budget-Personnel-Risk Management Director, Chris Ebie/Auditor, Mary Hodson/Deputy County Administrative Officer; and Debbie Isaacs/Assistant Auditor.

The following budgets were reviewed.

Sheriff/Coroner/Public Administrator – Discussion was held with Jim Allen, Sheriff, relative to the status of being able to fill the deputy positions. He thanked Mike Coffield for coming back and helping with the budget process; and he recognized all of his staff for an outstanding job this past year. He noted that the calls for service have increased in the North County. He requested that full funding be restored to continue the replacement program for the laptop computers for the deputies, and for training and seminars; and he requested that the positions to be deleted to reach the Countywide budget reduction remain allocated and unfunded. If he is able to obtain full staffing, he requested authorization to be able to over hire the position. Discussion was held. Mary Hodson advised of a final budget adjustment to close out an old COPS line item in the amount of \$7,000; and the Board concurred with adding \$27,000 to that funding to restore the requested laptops and training funds. The Board concurred with keeping the positions that were recommended to be deleted allocated in the budget, but unfunded. Mike Coffield clarified the Sheriff's intent that if he gets to full staffing, he would come back to the Board before filling the unfunded positions. Mike Coffield noted that the Sheriff cut more from the Jail budget than the two percent countywide budget reduction.

Boating Safety – No changes were made.

Jail – Sheriff Allen requested that funding for the food line item be restored; that the utility line item be increased to \$125,000; that funding for the safety equipment line item be restored; and he advised of a potential shortfall in the medical expense line item. It was noted that about \$23,300 was deleted above the two percent countywide budget reduction. Discussion was held concerning the budget. The Board concurred with adding \$17,500 for utilities, \$4,000 for safety equipment, and \$2,000 for food. Supervisor Bibby asked about discussing the medical costs with Human Services to see if they have any programs to help offset those costs, and Sheriff Allen said he would pursue that.

Public Administrator – Sheriff Allen recommended that the funds in this budget unit be placed in General Contingency as they are not aware of the source of this fund balance. Chris Ebie

advised that he will research this matter. Supervisor Bibby asked that they make sure that the State doesn't have a procedure that needs to be followed in this matter.

Asset Forfeiture; Sheriff Asset Forfeiture; COPS Grant; SLESF; Rural County Crime Prevention; DNA Identification; County Inmate Welfare; Fingerprint ID; Animal Control; Spay/Neuter Program; Criminalistics Lab; Standards & Training Corrections Program; and Automated Warrant System – No changes were made.

Juvenile Detention – Gail Neal, Chief Probation Officer, advised that they have received notice that this is the last year they will receive the \$72,000 grant funding from the State. No changes were made.

Probation – Discussion was held with Gail Neal, Chief Probation Officer, relative to the request for funding for privacy screens for the computers, and the Board concurred with adding \$1,200. Discussion was held relative to the request for funding (\$65,000) for software replacement. Supervisor Bibby noted the increase in the drug testing costs and asked whether the County is being reimbursed. Gail Neal advised that they just started a program for reimbursement. Mary Hodson noted that these funds were paid from the Criminalistic Lab budget previously. Gail Neal advised that she anticipates some salary savings and requested that the software be revisited in the mid-year budget process.

Juvenile Accountability; Juvenile Justice Crime Prevention Act; Domestic Violence; and Probation/Drug Program – No changes were made.

Interfund Transfers – Mary Hodson advised of the final budget sheet information that was provided; and she noted that there is a new fund for Economic Development/CDBG Grant with a County match of \$2,800.

Risk Management – No changes were made.

Fish and Game – Discussion was held relative to a request that was received from the Department of Fish and Game to fund the purchase of a dart-tranquilizer gun in the amount of \$1,085.76; and (M)Bibby, (S)Turpin, the Board approved the request/Ayes: Unanimous.

County Counsel – (M)Bibby, (S)Fritz, the Board approved transferring \$2,000 from the Executive Assistant line item to extra help/Ayes: Unanimous.

2:51 p.m. Recess

3:03 p.m. Dana Hertfelder, Public Works Director, provided a memorandum to explain his request for repaying the loan for the unallocated EDUs in Yosemite West. The Board concurred with directing that an agenda item come back for this matter.

The Board reviewed the list of changes that were concurred with during the budget hearing process; and unless otherwise noted, the changes were okay as concurred with.

Administration/CAO employment offer - \$6,700

Personnel/software program - \$4,000

Auditor/GASB 34 consultant - \$40,000. Further discussion was held with Chris Ebie relative to funding the request for the GASB 34 consultant. Chris Ebie advised that it would be okay to not expend the funds until the mid-year budget process, and that he will not commit the funds without coming back to the Board for further action. Supervisor Turpin asked that the information be brought back as soon as it is available.

Auditor/printer - \$4,500

Technical Services/website development – delete \$10,000 and add \$12,500 for network storage backup equipment

Cooperative Extension/new vehicle - \$27,000. Following discussion, the Board concurred with not funding the new vehicle.

Planning/General Plan – Professional Services - \$20,000 and Legal Notices - \$8,000. Mike Coffield initiated discussion relative to the action taken by the Board on September 19th to approve two contracts (Hauge Brueck Associates and Abbott & Kindermann) and two budget actions (\$50,000 and \$15,000) for the Planning Department for the General Plan Update; and he asked that the budget portion of those actions be rescinded as the budget portion is being taken care in this Final Budget Hearing process. (M)Pickard, (S)Fritz, Res. 06-446 was adopted rescinding the budget portion of the noted actions taken on September 19th by Resolutions Nos. 06-440 and 06-441. Supervisor Bibby asked for clarification from County Counsel that it is okay to rescind action that was taken on Tuesday. Thomas P. Guarino, County Counsel, advised that he feels the requested action is just to correct an error. Ayes: Unanimous.

Planning/fee study - \$15,000. Further discussion was held relative to the fee study for the Planning Department. Supervisor Turpin asked about using salary savings from a vacant position in the Department to fund this request. Supervisor Pickard suggested that a countywide study be considered. Mary Hodson agreed with the need for a countywide study and suggested that it be implemented in phases with the developmental services departments being first. County Counsel responded to questions as to what is involved in determining the fee adjustments; and he suggested including a “pass through” mechanism in the fee structure in the future for work that is out sourced.

Planning/Williamson Act – extra help - \$19,000. Discussion was held relative to the request for extra help for working with the Williamson Act issues. Supervisor Turpin requested that the Planning Department come back with a timeline for this project.

Planning/prior year extra-help approvals - \$35,400.

Planning/sign ordinance – extra help - \$15,100

District Attorney – Criminal/replacement computer - \$999

Fire/fire safety trailer supplies - \$5,000. Supervisor Bibby suggested that Title III funds versus General Fund funds be used for the fire safety trailer supplies; and the Board concurred with pursuing the Title III funds for this.

Sheriff/replacement laptops - \$18,000

Sheriff/forensic training & new hires - \$9,000

Jail/utilities - \$17,500. Chris Ebie noted that the utilities for the Sheriff’s Administration and Dispatch buildings are included in this amount.

Jail/safety equipment - \$4,000

Jail/food - \$2,000. Discussion was held relative to the request for funding for the food budget at the Jail, and Supervisor Pickard suggested that consideration be given to looking at the County’s operation at the Senior Center to see if they could provide this service.

Probation/privacy screens - \$1,200

Mary Hodson advised that the estimated changes will leave a General Fund Contingency balance of \$2,826,256.

Issues that were set aside for further discussion:

Economic Development Coordinator position in Administration – The Board concurred with discussing whether this position should remain in Administration with the new County Administrative Officer.

Extra help position in Administration – Mary Hodson noted that the original budget request was to make this a permanent part-time position. The Board concurred with discussing this matter further with the new County Administrative Officer.

Tobacco Settlement money – Supervisor Pickard suggested that consideration be given to securitizing the funds. The Board concurred with holding this for the new County Administrative Officer to analyze.

Discussion was held relative to the following budget issues: fire stations, PERS unfunded liability, repayment of the Yosemite West loan and tracking the unallocated EDU revenues, Red Cloud Library construction, and relative to the use of Tobacco Settlement Fund for the three fire stations that were previously identified and for fire vehicle replacement.

Further discussion was held relative to the Red Cloud Library project. Supervisor Pickard suggested that the Board consider adding \$80,000 to fund this project in this budget year. County Counsel advised that the estimated cost for the project is \$210,000 and there is about \$135,000 in the budget; and if the Board appropriates funding, he can proceed with the contract portion of the project. (M)Turpin, (S)Pickard, the Board approved allocating \$75,000 from the General Fund Contingency to complete the Red Cloud Library project. Mike Coffield provided input relative to the Board being able to further consider requests during the year. Supervisor Bibby stated she would like to know all of the requests up front in the budget hearing process that are going to be made. Ayes: Turpin, Fritz, Pickard; Noes: Stetson, Bibby.

Adoption of the Final Budget for FY 2006-07 is scheduled on the agenda for September 26, 2006.

4:11 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

September 26, 2006



Time Description

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

Pledge of Allegiance

Introductions

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

Paul Chapman referred to Consent Agenda item 6 and stated he does not feel that the money needs to be spent; that the previous plan should be used. He referred to Consent Agenda item 12 and stated he does not feel the Mike Coffield's time should be increased as he has made his recommendations and he does not feel that the Board accepted all of them.

Jim Dulcich stated he feels that the selection of the next Fire Chief needs to be thought about very seriously. He stated he feels that there is a lack of volunteer firefighters in the County and with MPUD and there needs to be good compatibility between the volunteers and the new Chief. He stated he feels that volunteerism is slowing in the country and eventually the County will have to pay the firefighters. He asked that consideration be given to a suggestion from fire personnel in the County to use a screening committee to rate the applicants as was done previously. He also urged the Board to go back out with recruitment if the right applicant is not in this process.

Ken Gosting provided information on the history of the naming of Mariposa on September 27, 1806 for the California Tortoise Shell Butterfly by Spanish explorers, and he advised of the formation of the Butterfly Bicentennial Coalition and activities. Charles Phillips showed photographs of the butterfly. Dick Hutchinson advised that the students at Mariposa Elementary and Woodland Elementary Schools are creating posters to commemorate this event and they will be displayed by the downtown merchants. Ken Gosting advised that the Butterfly Garden Club is involved with decorations. Leroy Radanovich provided additional information relative to the history of the soldiers coming here from San Juan Batista and encountering the butterflies. Supervisor Bibby asked if this event would be recognized on an annual basis.

Leroy Radanovich advised that he is planning to take maps of the original Mariposa County boundary to the Fresno County Sesquicentennial on Wednesday. Supervisor Fritz stated she would like to see the County recognize each of the counties that broke away from Mariposa County on the Sesquicentennial. Discussion was held relative to recognizing Fresno County on their Sesquicentennial. Thomas P. Guarino, County Counsel, advised that if the Board could make a finding that this matter was received too late and wasn't known about to be included on the agenda and it is necessary to take action at this time, that recognition could be approved today and ratification scheduled for the next agenda. Supervisor Fritz advised that she just found out about the event in Fresno on Monday. Supervisor Bibby noted that there has been television coverage of this matter. Supervisor Pickard suggested that a Courthouse book be taken to Fresno County's celebration. A resolution could be prepared for a future agenda to recognize Fresno County. Leroy Radanovich agreed with the suggestion and donated a Courthouse book. Dick Hutchinson commented on obtaining information to be able to recognize each of the other counties in the same way.

Becky Crafts noted that Mariposa is a destination this weekend with over 200 youth participating in the California High School Rodeo Association at the Fairgrounds. She also noted that other youth organizations are involved with the concessions for the event.

Board Information

Supervisor Fritz commented on the High School Rodeo scheduled for this weekend. She advised that the Chamber of Commerce's After Hours event is scheduled at the Sugar Pine Railroad this evening. She advised that on Wednesday evening a group of ladies are going to Yosemite to see Connie Stetson's closure performance.

Supervisor Bibby advised that she attended the Volunteer Firefighters BBQ on Sunday. She noted that the Hornitos Flea Market is scheduled for Sunday and the Catheys Valley Pre-School ribbon cutting ceremony is scheduled for Friday at 2:30 p.m. at the Catheys Valley School.

Supervisor Pickard advised that he plans to attend the California Invasive Weed Awareness meeting on Wednesday; and the County Medical Service Program meeting on Thursday.

Supervisor Turpin advised that he attended the Volunteer Firefighters BBQ on Sunday; and this evening he plans to attend a North County coalition meeting.

Supervisor Pickard advised that he plans to bring a letter of support for the Board to consider approving for Propositions 1A, Transportation Funding Protection, for the November 2006 Ballot; and 1B, Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006. He feels that this may help to provide support for the Highway 140 permanent repairs. Supervisor Turpin commented on the challenge of trying to address road maintenance.

Supervisor Bibby noted that the Agriculture Commissioner's Office received notification that the County qualified for some assistance due to the heat wave this summer, and that interested citizens should contact the Agriculture Commissioner.

Supervisor Stetson advised that he plans to attend the Midpines Community Planning meeting this evening.

Supervisor Fritz advised that she received a letter from CSAC asking whether the County is interested in securitizing the Tobacco Settlement funds. The Board concurred that more information should be obtained and that the matter should be scheduled for action.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Stetson pulled items 3 and 9 for action at 1:30 p.m. Supervisor Bibby pulled items 6, 9, 10, and 11. Supervisor Turpin pulled items 4, 5, and 6. (M)Bibby, (S)Fritz, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 4 – Change Order with Lee's Paving. Supervisor Turpin asked about renegotiating actual unit prices. Dana Hertfelder, Public Works Director, responded that they would need to further review unit priced contracts. (M)Turpin, (S)Bibby, item 4 was approved/Ayes: Unanimous.

Consent Agenda item 5 – Agreement with Wickum Construction. Supervisor Turpin initiated discussion relative to the repair work on Bear Valley Road. Supervisor Bibby asked that there be signage advising of the planned work on the bridge. Following discussion with Dana Hertfelder, (M)Turpin, (S)Bibby, item 5 was approved/Ayes: Unanimous.

Consent Agenda item 6 – Agreement with Chabin Concepts. Discussion was held with Marilyn Lidyoff, Administration/Business Development Coordinator, relative to the request and the previous report. Supervisor Turpin asked for clarification of the matching grant amount, and was advised that \$2,800 is required. (M)Fritz, (S)Turpin, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 9 – Resolution adopting the FY 2006-07 Final Budget. Supervisor Bibby clarified for the public the Board's discussion on September 22nd during the Final Budget Hearing during which time verbal requests for funding were presented; and it was later determined that the requests need to be in writing. Thus, this matter is being held until after the Public Hearing on the Final Budget at 1:30 p.m.

Consent Agenda item 10 – Mariposa Parking District repayment of loan. Supervisor Bibby initiated discussion relative to the cost information. Thomas P. Guarino, County Counsel, clarified the figures and advised that there is a small amount left in the project waiting for billings to clear. (M)Bibby, (S)Fritz, item 10 was approved accepting \$41,000 of the \$50,000 loan, with the District to make payments on the balance of \$9,000; and with direction for County Counsel to pay any remaining bills for the project as they come in/Ayes: Unanimous.

Consent Agenda item 11 – Budget Action increasing General Fund Contingency by \$41,000. (M)Bibby, (S)Fritz, item 11 was approved, with the repayment schedule to be adjusted to reflect the actual invoices/Ayes: Unanimous.

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

BOARD ACTION: (M)Bibby, (S)Turpin, Res. 06-456 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

10:14 a.m. CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Daisy Weaver v. County of Mariposa Case: 8853 (County Counsel)

BOARD ACTION: (M)Bibby, (S)Turpin, the closed session was held/Ayes: Unanimous. Chairman Stetson advised that the Board would reconvene in open session at 1:30 p.m. for the continued Final Budget Hearing.

10:44 a.m. Lunch

1:37 p.m. The Board reconvened in open session. Chairman Stetson announced that direction was given to staff as a result of the closed session.

Consent Agenda item 3 – authorization for designated Sheriff’s Office staff to work alternate work hours. (M)Fritz, (S)Bibby, item 3 was approved/Ayes: Unanimous.

Continued Public Hearing to Consider the Final Budget for Fiscal Year 2006-2007, and Continue the Hearing and Meeting to September 27, 28 and 29th, as Necessary to Conclude the Hearing and for the Adoption of the Final Budget

BOARD ACTION: Mike Coffield, Interim Budget/Personnel/Risk Management Director, advised that the Budget Act requires that requests for funding be submitted in writing; thus, the verbal requests that were considered during the hearing need to be reconsidered to comply with the Budget Act. He then referred to his written memorandum that listed the following five requests: increase General Revenues and the Contingency Reserve by \$300,000 for the partial repayment of the General Fund loans to the Yosemite West Waste Water Treatment Plant; reduce Contingency, increase Interfund Transfers and the CIP to provide an additional \$75,000 for the Red Cloud Library project; appropriate \$200,000 from the Tobacco Settlement Fund to the Fire Truck Replacement fund for the acquisition of three new patrol vehicles; increase Jail Utilities line item by \$9,500 more than was previously requested to accommodate higher than anticipated utility costs; and appropriating \$200 of additional revenue and expenses in Senior Services for the wood delivery program.

Chairman Stetson called for input from the public and none was received for the following item. (M)Pickard, (S)Fritz, the Board agreed with the partial repayment in the amount of \$300,000 of the loan to Yosemite West/Ayes: Unanimous.

Chairman Stetson called for input from the public and the following input was provided on the following item:

Paul Chapman stated he agrees with getting the Yosemite West loan repaid; however, he feels we need deputies more than the Red Cloud Library and we need roads improved and deputies before purchasing fire trucks.

(M)Turpin, (S)Pickard, the Board agreed with adding \$75,000 for the Red Cloud Library. Supervisor Bibby stated she could not support this item as departments were asked to submit their budget requests timely and with reductions; and there was agreement to visit issues at mid-year. She commented on the need to deal with the PERS unfunded liability. She also felt that input was provided during the Library’s budget that the shortfall would be made up by holding fundraisers. Discussion was held. Supervisor Turpin advised that \$135,000 has been held in the construction account since 2000

and construction costs have increased and rent is being paid; thus, he feels it would be cost effective to invest the additional funding at this time. Ayes: Turpin, Fritz, Pickard; Noes: Stetson, Bibby.

Chairman Stetson called for input from the public on the following item and none was received. (M)Pickard, (S)Turpin, the Board agreed with funding \$200,000 for three patrol vehicles from the Tobacco Settlement Fund. Supervisor Bibby commented on previous discussion to save the Tobacco Settlement revenue for the fire station projects. She stated she does not feel that it is fair to bring these requests up at the end of the hearing process. Discussion was held. Supervisor Turpin commented on additional anticipated revenue that is expected from Yosemite West and Don Pedro projects for repayment of loans, and he stated he feels that those funds should stay in the Capital Improvement Project budget. Supervisor Bibby stated she feels any additional funding should go to roads and the PERS unfunded liability. Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

(M)Fritz, (S)Pickard, the Board agreed with funding an additional \$9,500 for utilities in the Sheriff's budget. Chairman Stetson called for input from the public on this item and none was received. Ayes: Unanimous.

Chairman Stetson called for input from the public on the following item and none was received. (M)Turpin, (S)Fritz, the Board approved accepting \$200 donation for the Community Services Department/senior wood delivery program/Ayes: Unanimous.

Mike Coffield thanked all of the department heads for the level of cooperation received and the teamwork in the budget hearing process. Chairman Stetson stated the Board members agree and appreciate the teamwork.

Consent Agenda item 9 – resolution adopting the FY 2006-07 Final Budget. (M)Pickard, (S)Fritz, item 9 was approved. Supervisor Bibby stated she supports many items in the budget request for the betterment of the entire County; however, she does not support last minute requests. Supervisor Turpin asked for clarification of the process for obtaining the Title III funds for the fire safety trailer supplies. Mary Hodson, Deputy County Administrative Officer, responded relative to the process. Board members further thanked the departments and staff; and especially noted their appreciation for Mike Coffield agreeing to come back and work with the Board and the County these past few months. Supervisor Pickard noted that there were no secrets in the budget hearing process; that requests have been brought up as a part of the Board's discussion with each department or at the end of the hearing process in the past. He stated he agrees with the information that was received relative to complying with the Budget Act. Chairman Stetson noted that there is disagreement of the Board on occasion; however, they strive to do the best job possible. Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Approve an Agreement with San Joaquin County Health Department for Participation in a Computerized Immunization Registry Program for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Health Officer); Res. 06-447
- CA-2 Adopt a Resolution Approving the Proposed Road Name "Wild Horse Lane" for the Subject Easement as a Condition of Approval for Land Division Application No. 1525 (Planning Director); Res. 06-448
- CA-3 Approve Granting Authorization for Designated Sheriff's Office Staff to Work Alternate Work Hours (Sheriff); Res. 06-457
- CA-4 Approve a Change Order with Lee's Paving for Additional Grindouts on Bear Valley Road, Storm Damage Project # 05-21 and Authorize the Chairman of the Board of Supervisors to Sign the Change Order (Public Works Director); Res. 06-452

- CA-5 Approve an Agreement with Wickum Construction to Furnish Material, Equipment and Labor to Repair Indian Gulch Road Bridge and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Public Works Director); Res. 06-453
- CA-6 Approve a Professional Service Agreement with Chabin Concepts for a Planning and Technical Assistance Community Development Block Grant (PT/A CDBG) to Develop a County-Wide Economic Development Strategic Plan and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Interim County Administrative Officer); Res. 06-454
- CA-7 Approve an Agreement with the California State Department of Mental Health for Delivery of Community Mental Health Services for Fiscal year 2006-2007 and Authorize the Human Services Director to Sign the Agreement (Human Services Director); Res. 06-449
- CA-8 Approve an Agreement with John C. Fremont Healthcare District for Routine Medical Screening for Juveniles Detained for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Chief Probation Officer); Res. 06-450
- CA-9 Approve a Resolution Adopting the Fiscal Year 2006-2007 Final Budget as Reviewed and Amended and Authorizing Certain Actions to Implement the Budget (Interim Budget/Personnel/Risk Manager); Res. 06-458
- CA-10 **MARIPOSA PARKING DISTRICT**
Discussion, Direction and Action Regarding the Repayment of \$50,000 Loaned to the Parking District (County Counsel); Mariposa Parking Res. 06-3, with direction for County Counsel to pay any remaining bills for the project as they come in
- CA-11 Approve Budget Action Increasing General Fund Contingency \$41,000 and Finding that 28% of the Costs Involved Provide a General Countywide Public Benefit with Respect to the Proposition 218 Issues (4/5ths Vote Required) (County Counsel); Res. 06-455, with the repayment schedule to be adjusted to reflect the actual invoices
- CA-12 Approve the Third Amendment to Agreement with V. Michael “Mike” Coffield to Increase Hours to Provide Budget/Personnel/Risk Management Duties Through October, 2006 (County Counsel); Res. 06-451

2:06 p.m. Adjournment in memory of Clarence William “Bill” Brocious and Eugene “Gene” W. Foster, Jr.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board