



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

July 10, 2007



Time Description

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

Pledge of Allegiance

Dana Hertfelder, Public Works Director;

Approve the New Life Christian Fellowship (NLCF) use of 25 Acres of the Mariposa Regional Recreation Complex Land to Construct and Maintain a Public Paintball Facility

BOARD ACTION: Pulled at the request of Public Works Director, to be rescheduled.

Introductions

Chair Bibby introduced Bob Linneman, new reporter for the *Mariposa Gazette*.

Approval of Consent Agenda (See End of Minutes)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: (M)Aborn, (S)Turpin, approved/Ayes: Unanimous.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Keith Williams, County Clerk, presented Board members with a 2007-08 election calendar, and he noted that it contained photographs of the County contributed by Nadine Wight.

Board Information

Supervisor Fritz reported on attendance at the San Joaquin Valley Rail Committee meeting in Richmond; and thanked those that attended from the County; and noted that they visited the museum with a display of artwork depicting Yosemite. She attended the 4th of July event at the Fairgrounds and commended the Kiwanis for the event. She plans to attend the Juvenile Justice and Domestic Violence meeting on Wednesday.

Supervisor Pickard commended the Park Service, residents, Total Waste Systems, and Public Works for working to minimize the exposure to bear problems with the trash bins.

Supervisor Aborn reported on attendance at the San Joaquin Valley Rail Committee meeting in Richmond. He attended the 4th of July event at the Fairgrounds.

Supervisor Turpin reported on a successful Fire Brigade BBQ in Coulterville. He noted the water level is low at the Bagby Bridge. On Wednesday, he plans to attend the monthly meeting with the Forest Service and the South West Interface meeting at Moccasin and the Airport Advisory Committee meeting. On Thursday, CAL FIRE will be holding a meeting at the Government Center on updating the overall map for fire coverage areas.

Supervisor Bibby plans to attend the Mental Health Board meeting at noon today. She attended the First 5 meeting on Monday. She advised that the Interim Tourism Director phoned to correct the record to reflect that the non-profit status for the Yosemite-Mariposa County Tourism Board was filed

on July 2nd. The Airport Advisory Committee meeting is scheduled for Wednesday. She urged citizens to contact legislators to express their opinion on continuation of the Williamson Act subvention funding.

Supervisor Turpin commented on the importance of the Williamson Act subvention funding to the rural counties; and noted that if the funding is not continued, each County will need to determine what to do with the contracts.

Supervisor Bibby;

Present Certificate of Recognition and Appreciation to Harriet Engelman, Connie Nielson and David Marks for their Dedicated Service to the Community as Members of the Mariposa County Friends of the Library

BOARD ACTION: (M)Fritz, (S)Aborn, approved – to be presented at a later time/Ayes: Unanimous.

9:34 a.m. LOCAL TRANSPORTATION COMMISSION

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner 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 2006-2007 and Authorize the Executive Director to Sign the Agreement with CalTrans (Public Works Director)

COMMISSION ACTION: (M)Pickard, (S)Aborn, LTC Res. 07-7 was adopted/Ayes: Unanimous.

9:38 a.m. The Board of Supervisors reconvened.

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

BOARD ACTION: Rick Benson advised of status of removal of the monitoring equipment.

Discussion was held. Supervisor Fritz expressed concern with traffic safety with drivers not obeying the signal lights and stopping and getting out of their vehicles in the detour section. Supervisor Bibby noted the highway message sign was unreadable over the weekend.

Input from the public:

Dick Hutchinson noted the Park Service received funding to repair the erosion area around the Highway 120 intersection.

Jim Allen, Sheriff, advised of concerns expressed in a meeting with County Fire and CAL FIRE with not being able to get equipment across the bridges to the El Portal corridor. Chair Bibby asked that the agencies document their concerns in writing. Jim Allen noted that 3-4 vehicles were involved in a rear-end accident on Friday, and that the area is in CHP jurisdiction.

Chair Bibby advised that the Board's report on the rockslide impacts was distributed.

(M)Turpin, (S)Aborn, Res. 07-329 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 October 17, 2006, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Fritz, (S)Pickard, approved/Ayes: Turpin, Bibby, Fritz, Pickard; Abstained: Aborn.

Approve Agreement with Fulbright and Jaworski, LLP in an Amount Not to Exceed \$76,500 for Legal Representation Services in Connection with Issuance of Pension Obligation bonds and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson presented report and recommendation. Discussion was held, and the matter was continued for the following hearings to be opened.

10:05 a.m. Public hearings for LLA No. 2006-334/LCA 2007-032 and LLA 2006-328 and LCA 2006-351 and 2006-338, were opened and continued until after the following item.

Input from the public on agreement with Fulbright and Jaworski, LLP, was provided by the following:

Ruth Catalan objected to the issuance of pension obligation bonds.

Paul Chapman objected to the issuance of pension obligation bonds.

Further discussion was held. (M)Pickard, (S)Turpin, Res. 07-330 was adopted approving the agreement/Ayes: Unanimous.

10:21 a.m. Kris Schenk, Planning Director;

A) PUBLIC HEARING: Adopt a Resolution Approving Lot Line Adjustment (LLA) No. 2006-334 and Land Conservation Act Contract (LCA) Modification No. 2007-032; Applicants: Elsie Patricia Pirtle (Parcel A of LLA and LCA Contract Modification) and James and Kimberly Hopman (Parcel B); Richard A. Seaman, Agent; LLA Project Site Includes APN 017-070-005 (Parcel A) and APN 017-070-003 (Parcel B); LCA Contract Modification Includes APN's 017-070-005, 017-060-058 and 017-060-057

BOARD ACTION: Chair Bibby noted the addendum to the agenda to reflect this and the following item to be public hearings; and asked staff to clarify noticing requirements for finding that the project is exempt from the provisions of CEQA. Kris Schenk advised that it is good practice to show that the project is exempt, where applicable; however, there are no noticing requirements for this. Alvaro Arias, Assistant Planner, presented the staff report. The boundary adjustment proposed is an equal acreage adjustment in order for an existing barn to be entirely located on Parcel B (currently it straddles the property line). The modification of the existing Williamson Act contract will reflect the new parcel boundaries, as well as separate a portion of land under contract into two separate contracts. Correspondence was received from Berlogar and entered into the record. The public portion of the hearing was opened and there was no input. The public portion was closed and the Board commenced with deliberations. Sarah Williams, Deputy Director, provided input on the recommended action. (M)Aborn, (S)Turpin, Res. 07-331 was adopted finding that the project is exempt from the provisions of CEQA; and approving LLA 2006-334 and LCA modification 2007-032 with the recommended findings and processing conditions/Ayes: Unanimous.

B) PUBLIC HEARING: Adopt a Resolution Finding that the Project is Exempt from the Provisions of the California Environmental Quality Act (CEQA) and Approve Lot Line Adjustment No. 2006-328, Land Conservation Act Contract Modification No. 2006-351 and Land Conservation Act Contract Modification No. 2006-338 with the Recommended Findings and Processing Conditions, Applicants: Russell and Cecilia Bryson (Parcel A) and Frank Berlogar (Parcel B); Agent: Paul Gregory; Project Site Includes APN 011-240-009 (Parcel A) and APN 011-240-012 (Parcel B)

BOARD ACTION: Sarah Williams, Deputy Director, presented the staff report. The boundary adjustment is proposed in order to make an existing road the dividing line between the two parcels and to move the dividing line further away from existing improvements on Parcel A. The modification to the existing Williamson Act contracts will reflect the new parcel boundaries. Staff responded to a question from the Board. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Fritz, (S)Aborn, Res. 07-332 was adopted finding that the project is exempt from the provisions of CEQA; and approving LLA 2006-328, LCA modification 2006-351, and LCA modification 2006-338 with the recommended findings and processing conditions/Ayes: Unanimous.

10:42 a.m. Recess

10:56 a.m. Update the Board of Supervisors Regarding the Revised Audit for the Stayner Trial Costs Prepared by the State Controller and Possible Action Regarding Audit Appeal (County Counsel)
BOARD ACTION: Discussion was held with Thomas P. Guarino, County Counsel. Chris Ebie, Auditor, provided input. The matter was continued to the afternoon to obtain more information from the District Attorney on the status of ongoing costs for holding evidence.

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 5393 Highway 49 North, Mariposa, CA 95338; Name of Party who will Negotiate with County (Not Party's Agent): Robert Thomas; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/Risk Manager); and

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 Workers Compensation Cases to be Discussed: 1 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: (M)Pickard, (S)Aborn, the closed sessions were held at 11:23 a.m., with the Board to return to open session at 2:00 p.m./Ayes: Unanimous.

11:50 a.m. – Lunch

2:12 p.m. The Board reconvened.

RESULTS OF CLOSED SESSION: Chair Bibby announced that direction was given to staff.

Further discussion was held with Thomas P. Guarino and Chris Ebie relative to the revised audit for the Stayner trial costs. Bob Brown, District Attorney, provided input on the storage of vehicles as evidence. (M)Pickard, (S)Aborn, Res. 07-333 was adopted accepting the revised audit findings and authorizing reimbursement to the State as stated in the audit; and excepting therefrom the County's right to seek reimbursement for the storage costs for the vehicles. Direction was given for the Auditor and the District Attorney to pursue reimbursement of the storage costs. Ayes: Unanimous.

Discussion and Direction Regarding Proposed Revisions to Chapters 13, 15 and 17 of the Mariposa County Code to more Clearly Define the Allowable Uses of Recreational Vehicles (County Counsel)
BOARD ACTION: Discussion was held with Thomas P. Guarino, John Davis/Building Department Director, and Kris Schenk, relative to addressing the problem of recreational vehicles being used as a residence or permanent dwelling. Dr. Mosher, Health Officer, was present for the discussion. (M)Fritz, (S)Turpin, direction was given to staff to proceed with the revisions as suggested/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;
Discussion, Direction and Possible Action Regarding Mariposa County's Minimum Road Standards as Established in the Mariposa County Road Improvement and Circulation Policy and Mariposa County Improvement Standards

BOARD ACTION: Dana Hertfelder presented the staff report.

2:53 p.m. Recess

2:56 p.m. Discussion was held with Dana Hertfelder and Kris Schenk on the minimum road standards and recommended adjustments and processing the revisions.

Input from the public was provided by the following:

Don Starchman, Starchman-Bryant Law Offices, referred to the issues he raised in his May 24, 2007, email to the Board; and he provided suggestions for modifying the standards.

Rita Kidd, speaking as a citizen, provided input and she urged that the computation of ADT (average daily trips) take into account full development potential.

Ken Melton agreed with Don Starchman and stated he feels the Class IV road standard was going to be removed; and he noted that clearing of the shoulders makes the roads more passable.

Theresa Castaldi asked that direction be given to staff to implement the changes.

Rick Uebner provided input and referred to his volunteer firefighting experience and stated he feels that the Public Works Director's recommendations should be upheld.

Further discussion was held. Supervisor Turpin suggested that a meeting be held with CAL FIRE to discuss issues relative to the standards; and he asked that Public Works provide a list of County maintained roads that are less than 18-foot wide. Dana Hertfelder suggested that County Fire and other agencies be included in the discussion as to what would be appropriate mitigation measures.

(M)Pickard, (S)Turpin, direction was given to staff to proceed with processing revisions to the Minimum Road Standards/Residential, with changes to reflect the deletion of Rural Class IV and with using the footnote in the existing chart to reflect "as the need arises" for roads with ADT over 3,000; and with changing the ADT from 250-499 to 250-699, and from 500-3000 to 700-3000; with further direction that this matter be processed as a priority project and be brought back to the Board for action within sixty days. Supervisor Pickard noted that in the interim, the other issues that have been raised will need to be discussed. The motion was amended, agreeable with the maker and second, to include correcting the parcel size of 5-160 to 2.5-160; and with replacing Rural Class I paved or Rural Class II gravel in the less than 2.5 acres to Town Class II paved/Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Amend Resolution No. 04-92 by Assigning a Confidential Designation to the Assistant Auditor Classification; Clarify that only one of the Accountant I/II Classifications in the Auditor's Office has Confidential Status; Delete the Court Executive Officer as Trial Court is no Longer a County Department; and Amend the Titles of Three Classifications Contained in the Resolution (County Administrative Officer/Personnel/Risk Manager); Res. 07-315
- CA-2 Authorize the Department of Human Services Director to Sign the Certification that the County Board of Supervisors have been Briefed Regarding the Contents of the CalWORKS Plan Addendum (Human Services Director); Res. 07-316
- CA-3 Approve Budget Action Transferring Funds within the Human Services Budget in Connection with a Previously Approved Request to Apply for Community Services Block Grant (CSBG), Discretionary Funds, Dated October 17, 2006 for Fiscal Year 2006-2007 (\$344) (Human Services Director); Res. 07-317
- CA-4 Approve Budget Action Increasing Revenue and Appropriations in the Human Services Department and to Cover Anticipated Expenses for Social Services Administration for Year End (2006-2007) (\$742,124) (4/5ths Vote Required) (Human Services Director); Res. 07-318
- CA-5 Approve Agreement with Cathy Rohrbaugh to Provide Learning Disabled Evaluations for Individuals in the CalWORKS Program for Fiscal Year 2007/2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-319
- CA-6 Approval of Minutes of June 5, 2007, Regular Meeting, Approval of Minutes of June 12, 2007, Regular Meeting, Approval of Minutes of June 13, Continued Meeting (Clerk of the Board)
- CA-7 Approve Agreement with Merced Mobile Communications for Radio Equipment Maintenance and Repair Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 07-320

- CA-8 Approve a Rental Agreement with 35-A District Agricultural Association for Display Space at the Mariposa County Fairgrounds During the Annual Mariposa County Fair and Homecoming and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 07-321
- CA-9 Approve the Application for a CalTrans Encroachment Permit in Support of Closing Highway 140, 11:00 a.m. to 12:30 p.m., between Coakley Circle and 3rd Street Saturday, September 1, 2007, in Support of the Fair Parade and Authorize the Board of Supervisors Chair to Sign the Letter Documenting the Board's Support and Approval; Declare the Annual Labor Day Parade a County Sponsored Event and Authorize the Issuance of an Insurance Certificate to CalTrans (Technical Services Director/on Behalf of the Lions Club); Res. 07-322
- CA-10 Approve Budget Action Transferring Funds within the Probation Department Budget to Cover Additional Expense of Transferring Juveniles to out of County Detention for Fiscal year 2006-2007 (\$6,500) (Chief Probation Officer); Res. 07-323
- CA-11 Approve Agreement with Corrections Standards Authority For Fiscal Year 2007-2008 for the Juvenile Probation and Camps Funding (JPCF) Program and Authorize the Board of Supervisors Chair to Sign the Agreement (Chief Probation Officer); Res. 07-324
- CA-12 Approve Budget Action Transferring Funds within the Community Services Budget to Cover Unexpected Increase in Training and Private Vehicle for the Veteran Service Officer for Fiscal year 2006-2007 (\$370) (Community Services Director); Res. 07-325
- CA-13 Approve Rental Agreement with 35-A District Agricultural Association for the Senior Informational Booth During the Fair and Authorize the Board of Supervisors Chair to Sign the Agreement (Community Services Director); Res. 07-326
- CA-14 Approve Budget Action Transferring Funds within the Community Services Budget to Cover End of the Year Fuel Expenses for Fiscal year 2006-2007 (\$2,550) (Community Services Director); Res. 07-327
- CA-15 Approve Budget Action Transferring Funds within the Community Services Budget to Cover Unexpected Increase in Training and Private Vehicle for the Transit Drivers for Fiscal year 2006-2007 (\$286) (Community Services Director); Res. 07-328

4:31 p.m. (M)Turpin, (S)Aborn, the Board adjourned in memory of James "Jim" L. Greenfield and Ethel Moller/Ayes: Unanimous.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

July 17, 2007



Time _____ Description

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

Pledge of Allegiance

Introductions

Chair Bibby introduced Jim Branham, Executive Officer for the Sierra Nevada Conservancy, and he provided input on their programs.

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: (M)Turpin, (S)Aborn, approved/Ayes: Unanimous.

Chair Bibby;

A) Proclaim the Week of July 16 – 22, 2007 as “California Invasive Weed Awareness Week” (Agricultural Commissioner)

BOARD ACTION: (M)Pickard, (S)Aborn, approved and presented Proclamation to Cathi Boze, Agricultural Commissioner/Ayes: Unanimous.

B) Proclaim the Week of July 15 – 21, 2007 as “Probation, Parole & Community Supervision Officers' Week” (Chief Probation Officer)

BOARD ACTION: (M)Fritz, (S)Pickard, approved and presented Proclamation to Gail Neal, Chief Probation Officer/Ayes: Unanimous.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda – none.

Board Information

Supervisor Turpin advised that he attended the monthly meeting with the Stanislaus Forest Service on Wednesday and they discussed response time to provide backup service to El Portal. He attended the CalFire public hearing on Thursday on the Fire Hazard Severity Zones Mapping, and the deadline to provide comments is July 31st.

Supervisor Aborn referred to a recent *Gazette* story on the increase of visitors at the Highway 140 entrance to Yosemite; and he reminded everyone to be very cautious due to the extreme fire danger this season.

Supervisor Pickard provided a status report on SB 542 (formerly SB 277), gas tax legislation for the three counties without incorporated cities.

Supervisor Fritz wished Supervisor Bibby a “Happy Birthday;” and she announced that Anita Starchman Bryant had a baby girl “Annie Rose” on Saturday and she congratulated the family.

Supervisor Bibby plans to attend the Mother Lode Job Training meeting on Wednesday. She has a meeting scheduled for this afternoon with the Fire Chief to discuss concerns he has on the volunteer fire program. She encouraged the community to continue sending letters on their position on the Williamson Act subvention funding.

Dana Hertfelder, Public Works Director;

A) Adopt a Resolution Authorizing Public Works to Award the Art Park Restroom Replacement to Viking General Contractor, Inc. in the Amount of \$33,700 and Authorize the Public Works Director to Execute Said Agreement; and Authorize a Total Project Budget of \$35,000 for this Project Prior to Adoption of the Final Budget for Fiscal Year 2007-2008

BOARD ACTION: Following discussion, (M)Aborn, (S)Fritz, Res. 07-348 was adopted/Ayes: Unanimous.

9:34 a.m. Recess

9:46 a.m. B) Approve the New Life Christian Fellowship (NLCF) the use of 15 Acres of the Mariposa Regional Recreation Complex Land to Construct and Maintain a Public Paintball Facility

BOARD ACTION: Supervisor Pickard asked that the matter be withdrawn, following his discussion with the applicant, Public Works Director and County Counsel, to work out details prior to the matter coming back to the Board.

Richard J. Benson, County Administrative Officer;

A) Approve an Agreement with KNN Public Finance in an Amount not to Exceed \$95,000 to Provide Municipal Finance Consulting Services Relating to Pension Bond Financing and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Discussion was held.

Input from the public was provided by the following:

Ruth Sellers provided input and asked whether consideration is being given to establishing a two-tier retirement system.

Paul Chapman provided input and opposed the bond financing.

Robert Larson provided input and stated he feels only the base amount of the contract should be approved at this time.

(M)Pickard, (S)Turpin, Res. 07-349 was adopted. County Administrative Officer to keep the Board apprised of the status of the contract and expenses above the base amount. Ayes: Unanimous.

B) Adopt a Resolution Authorizing Judicial Validation Proceedings Relating to the Issuance of the County's Pension Obligation

BOARD ACTION: Following discussion, (M)Pickard, (S)Fritz, Res. 07-350 was adopted. Supervisor Bibby asked that County Counsel provide the Board members with a copy of the Court's final decision on the pending case involving validation proceedings with the State, and that the members be kept informed of any lawsuits that may arise. 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/County Administrative Officer)

BOARD ACTION: (M)Fritz, (S)Turpin, Res. 07-351 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 Summary of Proceedings of July 10, 2007, Regular Meeting (Clerk of the Board)

BOARD ACTION: Rick Benson initiated discussion and advised of procedural changes from providing detailed conformed agendas (minutes) to summary of proceedings, and that future agendas be made available to the public at 1:00 p.m. on the Thursday preceding the Board's regularly scheduled meeting on Tuesday. Supervisor Bibby requested that if the summary of proceedings is released prior

to approval by the Board that it is stamped “draft – pending Board approval” and she asked that a reminder be sent to the departments of the deadline for submitting agenda items.

Input from the public was provided by the following:

Carl Munck supported the recommendation; and he asked that items be dropped from the agenda versus being continued from week to week.

Ruth Sellers asked for clarification of the agenda posting requirements; and County Counsel responded as to the requirements.

Paul Chapman stated he feels the agenda package needs to be available to the public when the agenda comes out; and County Counsel responded as to the requirements.

Ruth Catalan asked for clarification that the summary of proceedings is substituting for the minutes; and the County Administrative Officer advised that is correct.

(M)Fritz, (S)Pickard, the Summary of Proceedings for July 10, 2007 was approved/Ayes: Unanimous.

11:03 a.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Number of Cases to be Discussed: 4; Names of Cases to be Discussed: County of Mariposa v. Paul Vasquez; County of Mariposa v. Gary and Kathy Nelson; County of Mariposa v. Hostetler/Shank; County of Mariposa v. Fred Grote (Code Enforcement) (County Counsel); and

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; Initiation of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Number of Cases to be Discussed: 1; Name of Case to be Discussed: Hazel Green Ranch, LLC v. United States Department of the Interior, et al.; Case No. 1:07-CV-004140OWW-SMS (County Counsel)

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

11:58 a.m. RESULTS OF CLOSED SESSION: Chair Bibby announced that unanimous action was taken to authorize initiation of litigation on the four code enforcement cases; and direction was given to staff on the Hazel Green Ranch case.

CONSENT AGENDA:

- CA-1 Approve the Elimination of the Two 50% Permanent Part-time Planning Technician Allocations, Add One Full-time Planning Technician Allocation in the Planning Department and Amend the Minimum Qualifications to the Planning Technician Job Description (County Administrative Officer/Personnel/Risk Manager); Res. 07-334
- CA-2 Approve the Second Amendment to Agreement with Daniel Smith & Associates for a Capital Improvement Program and Impact Fee Ordinance Analysis Extending the Term to December 31, 2007 and Authorize the Board of Supervisors Chair to Sign the Amendment (County Administrative Officer/Personnel/Risk Manager); Res. 07-335
- CA-3 Approve Budget Action Transferring Funds within the Board of Supervisors Budget for Travel Reimbursement Expenses for Fiscal Year 2006-2007 (\$700) (County Administrative Officer/Personnel/Risk Manager); Res. 07-336
- CA-4 Approve Budget Action Transferring Funds within the Indigent Defense Budget for Unanticipated Expenses Relating to Conflict Counsel in June 2007, for Fiscal Year 2006-2007 (\$7,000) (County Administrative Officer/Personnel/Risk Manager); Res. 07-337

- CA-5 Approve the Use of Title III Funding Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) for the Continued Funding of the South West Interface Project (SWIFT) for Another Two Years - \$29,280 and Continued Funding of the Mariposa County Fire Safe Council for Another Year - \$51,400; Authorize the Board of Supervisors Chair to Sign the Agreement for the SWIFT Project and the Grant Agreement with the Mariposa County Fire Safe Council (County Administrative Officer/Personnel/Risk Manager); Res. 07-338
- CA-6 Approve the Sierra San Joaquin Noxious Weed Alliance AB 2479 Agreement No. 06-0740 with the California Department of Food and Agriculture (CDFA) for the Iberian Starthistle Survey and Eradication Project and the Leading Edge Yellow Starthistle Control and Management Project (Agricultural Commissioner); Res. 07-339
- CA-7 Approve Agreements with John Progner and Custom Weed Control for Implementation of Various Mariposa County Noxious Weed Projects Including Arundo Eradication Project with USFS, Iberian Starthistle Survey and Eradication Project, Leading Edge Yellow Starthistle Management and Control Project and other Noxious Weed Projects and Authorize the Board of Supervisors Chair to Sign the Agreements (Agricultural Commissioner); Res. 07-340
- CA-8 Approve an Agreement with Cascade Software Systems, Inc. for Software Maintenance and Support for Fiscal Year 2007-2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 07-341
- CA-9 Approve Budget Action for Fiscal Year 2006-2007 Increasing Revenue and Expense for the Don Pedro Sewer Budget to Cover Anticipated Expenditures through June 30, 2007 (\$9,000) (4/5ths Vote Required) (Public Works Director); Res. 07-342
- CA-10 Authorize the Public Works Department to Fund the Senior Civil Engineer Position and Un-fund the Junior Engineer Position for Fiscal Year 2007-2008 (Public Works Director); Res. 07-343
- CA-11 Ratify the Signature of the Board of Supervisors Chair on a Letter in Support of SB 542 Regarding the Equity in the Distribution of Gas Tax Monies for Counties with no Cities (Supervisor Pickard); Res. 07-344
- CA-12 Approve Agreement with Milhous Children's Services for Mental Health Services for Children Placed in Foster Care Outside the County and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-345
- CA-13 Approve the Mental Health Board By-laws as Amended by the Mental Health Board on June 5, 2007 (Human Services Director); Res. 07-346
- CA-14 Approve an Amendment to Agreement with Changing Echoes for Residential Alcohol and Drug Treatment Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-347

11:59 a.m. Adjournment in memory of Carlie “Kelly” Warren Crisp, John Lawrence Gordo, Clarence Gallion “Ted” Tedrow, and Dennis Michael Lincoln.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

July 24, 2007



Time _____ Description

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

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

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BOARD ACTION: Supervisor Bibby advised of a correction to the June 26th minutes in item 11 to reflect "Parker Drive" versus "Park Drive" and she pulled item 9 for action later this date. (M)Turpin, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda – none.

Rick Benson, County Administrative Officer, referred to a story in the *Gazette* the previous week relative to the budget, and he clarified the status of the budget process.

Board Information

Supervisor Turpin reported on the situation with the failure of a water pump in Coulterville on Friday. On Wednesday, he attended the local noxious weed meeting with departments. On Thursday, he attended a meeting with CalFire on a road issue. He advised of an incident with a fire on Greeley Hill Road and concern relative to response by the Forest Service, and he advised that he will follow-up.

Supervisor Aborn attended a community meeting in Midpines on Thursday and cell towers were discussed. He advised that a letter was received from the San Joaquin Valley Rail Committee relative to their budget status and the High Speed Rail budget. He clarified what he said in regard to a recent quote in the newspaper concerning the use of guns.

Supervisor Pickard attended a meeting in Wawona on Monday with the Park Service concerning water conservation measures for the area. He plans to attend the County Medical Services Program (CMSP) meeting on Thursday.

Supervisor Fritz attended the YARTS meeting on Monday, and she advised that they are running some of the new 32-passenger buses, and they are planning for the use of larger buses with transfers to smaller buses due to the rockslide. She referred to a report from the Park Service that shows that visitation to Yosemite is up. She advised of the receipt of a letter from the Department of Interior advising that the Yosemite Valley Plan has been changed to not limit private vehicles in the Park. She plans to attend the Juvenile Justice Committee meeting on August 1st, and the Gateway meeting on August 2nd in Yosemite.

Supervisor Bibby thanked Public Works, County Fire, and the Sheriff's Department for keeping the water flowing in Coulterville when their water pump failed. She attended the Mother Lode Job

Training Board meeting on Thursday. She thanked the emergency personnel for their quick response to the fires at Allred and Ashworth Roads on Highway 49. On Wednesday, she plans to meet with Dr. Mosher and with the Hospital staff on health care issues. She has a call in to CalTrans asking about the status of holding the next meeting on the Ferguson Rockslide. She commented on water issues in other communities as a result of the draught.

Supervisor Fritz noted that the Park Service reported at the YARTS meeting that this is the 4th driest year in the last 90 years.

Chair Bibby noted that the public hearing is scheduled for 6:00 p.m. for the County Service Area 1-M, Lake Don Pedro area, fire protection assessment; and she noted the Information item on the agenda for the contracts entered into by the County Administrative Officer.

Supervisor Turpin commented on the water issues with the draught.

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

BOARD ACTION: Rick Benson advised that he received a copy of the minutes of the Technical Team that is working with CalTrans, and they are continuing with planning for repairs. (M)Fritz, (S)Aborn, Res. 07-359 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.

Consider Items Removed from the Consent Agenda

Item 9 – application to the RTCA for the Mariposa Creek Parkway. Following discussion with Marilyn Lidloff, Administration-Economic Development Coordinator, concerning the length of the overall project, (M)Pickard, (S)Aborn, item 9 was approved/Ayes: Unanimous.

Discussion Regarding the Hearing Process on the “Draft Bay” Area to Central Valley High Speed Transportation Program Environmental Review/Environmental Impact Statement and Authorize the Board of Supervisors Chair to Sign a Letter Requesting that Hearings be Scheduled in More Locations (Supervisor Aborn)

BOARD ACTION: Discussion was held.

Input from the public was provided by the following:

Tom Grave, member of TIE (Transportation Involves Everyone), provided input and stated he supports the letter.

Marvin Wells provided input and stated he feels it is important for the County to be involved in this project.

(M)Aborn, (S)Fritz, Res. 07-361 was adopted approving the letter. The motion was amended, agreeable with the maker and second to include direction for the following to be sent a copy of the letter: Merced County, San Joaquin Valley Rail Committee, counties involved in the Rail Committee and those listed in the letter, Governor Schwarzenegger, and out legislative representatives/Ayes: Unanimous.

Authorize the Chair of the Board of Supervisors to Sign a Letter Commenting on the Proposed Regulatory Action – Title 14, Chapter 7 – Fire Protection, Subchapter 3, Fire Hazard, Article 1 Regarding Fire Hazard Severity Zone (FHSZ) Maps (County Administrative Officer)

BOARD ACTION: Discussion was held with Rick Benson and Jim Wilson, Fire Chief.

Input from the public was provided by the following:

Paul Chapman provided input and stated he supports the letter.

Dick Hutchinson provided input on fuel reduction efforts.

(M)Pickard, (S)Turpin, Res. 07-362 was adopted approving the letter, with a copy to be sent to CSAC. The motion was amended by the second, agreeable with the maker, to include direction for a copy of the letter to be sent to SWIFT/Ayes: Unanimous.

10:34 a.m. CLOSED SESSION: Anticipated Litigation: Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Number of Cases to be Discussed: 1; Name of Case to be Discussed: County of Mariposa v. Al Clawson (Code Enforcement/Un-permitted Structures) (County Counsel); and

CLOSED SESSION: Liability Claims; Claimant Name: GEICO General Insurance Company; Claim Number: C07-5; Name of Agency Sued: County of Mariposa (County Administrative Officer/Personnel/Risk Manager)

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

10:51 a.m. RESULTS OF CLOSED SESSION: Chair Bibby announced that unanimous action was taken to authorize initiation of litigation on the code enforcement case, and direction was given to staff on Claim No. C07-5.

6:04 p.m. The Board reconvened.

Richard J. Benson, County Administrative Officer;
PUBLIC HEARING to Tabulate Ballots Received from Property Owners within the County Service Area 1-M, Lake Don Pedro Area; If the Majority of the Votes are in Favor of the Assessment Adopt a Resolution Confirming the County Administrative Officer's Report to Establish Assessment; and Waive First Reading and Introduce an Ordinance Enacting an Assessment with County Service Area 1-M, Lake Don Pedro

BOARD ACTION: Chair Bibby advised of a request that was received from the public to continue the hearing; and she advised that the Board would recess until 6:30 p.m.

6:38 p.m. Chair Bibby advised that the Board would continue in recess until 6:50 p.m.

7:00 p.m. The Board reconvened. Rick Benson presented the staff report and responded to questions from the Board.

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

Alice Riess provided input and asked questions. Rick Benson and Board members responded to the questions.

The public portion of the hearing was closed. Rick Benson explained the tabulation process. Chair Bibby called for any additional ballots to be submitted or for changes. One ballot was submitted. Rick Benson provided the ballot tabulation results – the majority of the ballots submitted were in favor of the assessment. (M)Turpin, (S)Aborn, Res. 07-363 was adopted confirming the County Administrative Officer's report to establish assessment; finding the project is exempt from the provisions of CEQA; confirming the Engineer's report; and approving an annual per parcel assessment of not more than \$125.00 for developed parcels and \$25.00 for undeveloped parcels within County Service Area 1-M for enhanced fire protection and EMT services/Ayes: Unanimous. (M)Turpin, (S)Aborn, the first reading was waived and an Ordinance introduced establishing an assessment of \$80.00 for developed and \$16.00 for undeveloped parcels. Ayes: Aborn, Turpin, Bibby, Fritz; Noes: Pickard.

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 May, June, and July 2007 (County Administrative Officer/Personnel/Risk Manager)

CONSENT AGENDA:

CA-1 Appoint Jennifer T. Nersesian to the Midpines Planning Advisory Committee for a Term Expiring February 28, 2008 (Planning Director)

- CA-2 Approve Budget Action for FY 2006-07 Transferring Funds within the County Fire Department Budget (\$10,700) and Transferring Funds from the Fire Budget to the Fire Vehicle Replacement Fund (\$700) to Cover Increased Costs (4/5ths Vote Required) (Fire Chief); Res. 07-352
- CA-3 Approve Budget Action for FY 2006-07 Transferring Funds within the Sheriff Department Budget to Cover Increase in the Annual Uniform Allowance as Negotiated with the Deputy Sheriff's Association (\$3,572) (Sheriff); Res. 07-353
- CA-4 Approve Budget Action for FY 2006-07 Transferring Funds within the Sheriff Department Budget to Cover Increase in the Incentive Pay as Negotiated with the Deputy Sheriff's Association and with the Sheriff's Management Association and to Cover Longevity Pay Costs (\$8,605) (Sheriff); Res. 07-354
- CA-5 Approve Budget Action for FY 2006-07 Transferring Funds within the Sheriff Department Budget to Cover Unexpected Increase in Fuel Expenses (\$11,320) (Sheriff); Res. 07-355
- CA-6 Approve Budget Action for FY 2006-07 Transferring Funds within the Sheriff Department Budget to Cover Clothing Costs for Uniforms (\$488) (Sheriff); Res. 07-356
- CA-7 Approve Budget Action for FY 2006-07 Transferring Funds within the Sheriff Department Budget to Cover Safety Equipment Costs (\$1,128) (Sheriff); Res. 07-357
- CA-8 Approve Budget Action for FY 2006-07 Transferring Funds within the Sheriff Department Budget to Cover Unexpected Increase in Medical and Laboratory Expenses (\$8,000) (Sheriff); Res. 07-358
- CA-9 Approve an Application to the Rivers, Trails and Conservation Program (RTCA) for Conceptual and Master Planning Technical Assistance of a 0.4-mile Trail Section Along the Mariposa Creek Parkway (County Administrative Officer); Res. 07-360
- CA-10 Approve a Certificate of Recognition for Cecil and Helen Uglow on Celebrating their 70th Wedding Anniversary (Supervisor Turpin)
- CA-11 Approval of Minutes of June 19, 2007, Regular Meeting; Minutes of June 26, 2007, Regular Meeting; and Summary of Proceedings of July 17, 2007, Regular Meeting (Clerk of the Board)

7:30 p.m. (M)Aborn, (S)Turpin, the Board adjourned in memory of Frank Edward Cole, Paula Alta Holan, and William "Bill" Jenkins/Ayes: Unanimous.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 7, 2007



Time _____ Description

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

Pledge of Allegiance

Introductions

Chair Bibby noted the addendum to the agenda for the purchase of a replacement vehicle for the Fire Department.

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Chair Bibby advised that item 21 was withdrawn by the Public Works Director. Input from the public was provided by the following:

Paul Chapman commented on items that involve the budget; questioned the increase in costs for item 14; and questioned the waiver of the bid process for item 25.

Gary Walker asked for more information on items 14, 15, and 19; and he questioned the waiver of the bid process for item 25.

Supervisor Bibby pulled items 14, 19, and 25 for action later this date. (M)Fritz, (S)Turpin, the balance of the items was approved/Ayes: Unanimous.

Chair Bibby;

A) Resolution and Tile Plaque Recognizing Harry Hagan for His Outstanding Service on the Mariposa County Planning Commission

BOARD ACTION: (M)Turpin, (S)Aborn, Res. 07-364 was adopted and presented, along with the tile plaque, to Harry Hagen/Ayes: Unanimous.

B) Proclaim the Month of August, 2007, as "Child Support Awareness Month" (Child Support Services)

BOARD ACTION: (M)Fritz, (S)Pickard, the Proclamation was approved and presented to Debbie Walton, Child Support Services Director/Ayes: Unanimous.

Approve a Grant Agreement for the Rural Media Arts and Education Project in the Amount of \$25,000 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that this item was withdrawn, and is tentatively scheduled to come back in two weeks.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Steve Donahue provided input and presented a package of information relative to road maintenance concerns on Stout Lane.

Gary Walker, on behalf of MERG, expressed appreciation for the minutes of the Board meetings being brought up-to-date, and he thanked the Board and the Planning Commission for the work on the General Plan.

Eleanor Keuning provided input on projects in other areas and stated she supports the Mariposa Creek Parkway project.

Board Information

Supervisor Fritz advised that there will be a Merced River Watershed meeting on Wednesday at the Government Center; and she noted that the Board will be meeting at Camp Green Meadows in Fish Camp on August 14th for a public hearing on the SDA Camp Wawona project. She attended the historic merchants meeting and the Gateway Partners meeting the previous week. She advised that tourism has been good, and YARTS has new buses running that meet the bridge length restrictions.

Supervisor Turpin commented on recent wildlife sightings and being able to enjoy our rural character. He advised that a mobile home on Dogtown Road was lost due to fire, and he thanked everyone for their assistance. He traveled many of the County's roads over the past week. On Wednesday he plans to attend the monthly meeting with the Forest Service, and the SWIFT meeting in Moccasin. On Thursday, he plans to attend the senior meeting in Greeley Hill.

Supervisor Aborn attended the Gateway Partners meeting in Yosemite last week. He noted that the swimming pool was opened in El Portal on Wednesday.

Supervisor Bibby advised that she plans to attend the Mental Health Board meeting at noon today, and they are planning to have a booth at the County Fair in conjunction with the Alcohol and Drug Advisory Board. The First 5 meeting scheduled for August 13th has been cancelled. The Airport Advisory Committee is scheduled to meet on Wednesday. She commented on the departments' workloads and the need for the Board to get feedback on these workloads to be able to address priorities.

Keith Williams, Treasurer/Tax Collector/County Clerk/Registrar of Voters;
Inform the Board of Supervisors of the Results of the Secretary of State's Top-to-Bottom Review and August 3, 2007 Decision Regarding Electronic Voting Equipment

BOARD ACTION: Keith Williams presented a status report and discussion was held; and it was agreed that he would bring back information for the Board to take action on providing a response to the Secretary of State's decision. Matter was continued for the following hearings to be opened.

10:00 a.m. The public hearings for fees for County Service Areas and Special District Services; delinquent fees in County Service Areas; and the Local Transportation Commission public hearing on unmet transit needs were opened and continued until after the following.

Further discussion was held with Keith Williams regarding the electronic voting equipment.

Input from the public was provided by the following:

Dick Hutchinson commented on the overall cost impact throughout the State of this decision.

Dana Hertfelder, Public Works Director;

A) PUBLIC HEARING Adopt a Resolution Reaffirming the Current Fee Structure Charged for County Service Areas (CSA's) and Special District Services Including, Water, Sewer, Standby, Road Maintenance and County Zones of Benefit

BOARD ACTION: Dana Hertfelder presented the staff report. The public portion of the hearing was opened and there was no public input. The public portion was closed and the Board commenced with deliberations. Staff responded to questions from the Board. (M)Pickard, (S)Aborn, Res. 07-387 was adopted reaffirming the current fee structure as recommended/Ayes: Unanimous.

B) PUBLIC HEARING Regarding the Report of Delinquent Fees in County Service Areas and Approval to Add the Delinquent Fees to the Appropriate Property Tax Roll for Collection

BOARD ACTION: Dana Hertfelder presented the staff report. The public portion of the hearing was opened and there was no public input. The public portion was closed and the Board commenced with deliberations. (M)Fritz, (S)Aborn, Res. 07-388 was adopted approving adding delinquent fees to the appropriate property tax roll for collection/Ayes: Unanimous.

10:17 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) PUBLIC HEARING to Request Public Input Regarding Possible Unmet Transit Needs; Deliberate on the Unmet Transit Needs Based on the Adoption Definition and Criteria in Attachments; Adopt by Resolution One of the Following Findings: A) There are No (New) Unmet Needs. B) There are No (New) Unmet Transit Needs that are Reasonable to Meet. C) There are Unmet Transit Needs, Including Needs that are Reasonable to Meet. D) Grant a Continuance of the Public Hearing Until a Later Date (Public Works Director)

COMMISSION ACTION: Dana Hertfelder presented the staff report. The public portion of the hearing was opened and there was no public input. The public portion was closed and the Commission commenced with deliberations. Staff responded to questions from the Commission relative to the process, budget status, and relative to the Social Services Transportation Advisory Committee. (M)Pickard, (S)Bibby, LTC Res. 07-8 was adopted finding there are no new unmet transit needs/Ayes: Unanimous.

Jim Wilson, Fire Chief;

Authorize the Board of Supervisors to Negotiate a New Land Lease Agreement for a Future Fish Camp Fire Station Site and Sign a Renewal Lease, After Approval, for the Existing Fish Camp Fire Station Land Lease Agreement and Direct the Planning Director to Initiate an Amendment to the County Timber Exclusive Zone (TEZ) to Allow a Fire Station on Less than Three Acres Pursuant to PRC Section 4584(g)(1) and the State’s Timberland Production Zone (TPZ)

BOARD ACTION: Discussion was held with Jim Wilson and Kris Schenk.

Input from the public was provided by the following:

Donn Harter advised that they have raised over \$155,000 so far toward the fire station project.

(M)Pickard, (S)Aborn, authorization was given for a new land lease agreement and renewal lease agreement for the existing station to be negotiated as recommended, and direction was given to Planning to initiate an amendment to the TEZ as recommended. It was clarified that the lease agreements will come back to the Board for approval. Ayes: Unanimous.

Cathi Boze, Agricultural Commissioner/Sealer;

Presentation of the 2006 Mariposa County Agricultural Crop & Livestock Report

BOARD ACTION: Cathi Boze presented the report.

10:52 a.m. Recess

10:58 a.m. C) Authorize the Purchase of a Replacement Vehicle for the Fire Department Prior to the Adoption of the FY 2007-08 Final Budget

BOARD ACTION: Discussion was held with Dana Hertfelder and Jim Wilson relative to the request and recommendation to assign the new vehicle slated for purchase for Public Works in the Fire fleet and authorize Public Works to replace PC-33 during Fiscal Year 2007-08; and to keep the Chevy Tahoe in service for another year to cover for the vehicle that was destroyed by fire. Rick Benson clarified that the vehicle that burned was not included in a recall. Public Works will pursue the claim process with Ford for the vehicle and equipment that was lost. (M)Fritz, (S)Turpin, Res. 07-389 was adopted approving the recommended actions/Ayes: Unanimous.

Consider Items Removed from the Consent Agenda

Item 19 – Dana Hertfelder provided input on the request. (M)Aborn, (S)Fritz, item 19 was approved/Ayes: Unanimous.

Item 14 – Rick Benson provided input on the request. (M)Fritz, (S)Aborn, item 14 was approved/Ayes: Unanimous.

Item 25 – Rick Benson provided input on the request. (M)Fritz, (S)Aborn, item 25 was approved with the waiver of the bid process based on findings of urgency and uniqueness/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/County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the emergency be continued, and he commented on the plans to rebuild the Minneapolis bridge that recently collapsed in 2008. Chair Bibby advised of discussion with CalTrans concerning the status of the scoping comments and report; and she advised that there is a request for CalTrans to see if there is a way to by-pass the signal light for emergency vehicle response. (M)Turpin, (S)Aborn, Res. 07-393 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.

Richard J. Benson, County Administrative Officer;

Receive FY 2007-2008 Recommended Budget Documents for the County of Mariposa and Special Districts under the Control of the Board of Supervisors, Receive Report by County Administrative Officer and Schedule Budget Hearings for the Week of September 10, 2007, with the Public Hearing on the Budget to Commence at 9:00 a.m. on Monday, September 10, 2007

BOARD ACTION: Rick Benson presented the staff report.

Input from the public was provided by the following:

Paul Chapman feels there should be a two percent budget cut again this year and next to cover the payment on the pension obligation bonds.

Gary Walker complimented the County Administrative Officer on the request to stream the Board meetings on the internet for live and on-demand access; and for the charts provided on the budget.

Dick Hutchinson stated he feels the Board should freeze all payrolls and any increases asked for by the Unions for health benefits.

(M)Fritz, (S)Turpin, the recommended budget for FY 2007-08 was received and the public hearing was scheduled to commence at 9:00 a.m. on Monday, September 10, 2007/Ayes: Unanimous.

Waive the Second Reading and Adopt Ordinance Enacting an Assessment within County Service Area 1-M, Lake Don Pedro Area (County Administrative Officer)

BOARD ACTION: Following discussion, (M)Turpin, (S)Aborn, the second reading was waived and Ord. No. 1037 was adopted for fire protection. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

12:00 noon Lunch

2:10 p.m. Approve the Office Technician I/II Job Description, Set the Salary for the Office Technician I at the Same Monthly Salary as the Existing Office Technician Classification (\$2,492.53 - \$3,029.69 / Grade 160), Set the Monthly Salary for the Office Technician II at (\$2,741.74 - \$3,332.60/Grade 161); Assign Both Classifications to the SEIU Bargaining Unit; Eliminate the Single Class Office Technician Position and Assign all Allocations in this Classification the Title of Office Technician I; Eliminate the Executive Secretary Classification and Assign all Allocations in this Classification the Title of Office Technician I (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Following discussion, (M)Fritz, (S)Aborn, Res. 07-394 was adopted approving the recommendation/Ayes: Unanimous.

Approve the First Amendment to the Professional Services Agreement with the Mariposa County Chamber of Commerce for Managing the County's Visitor Centers Increasing the Total Compensation by \$3,940 and Including a Payment Schedule; and Authorize the Board of Supervisors Chair to Sign the Amendment (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Following discussion, (M)Pickard, (S)Fritz, Res. 07-395 was adopted approving the amendment/Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Approve an Agreement with Acacia Board and Care for Residential Board and Care Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-365
- CA-2 Approve an Amendment to Agreement with Regina Taber for Alcohol and Drug Programs Increasing the Hours Per Week for May 2007 by Four Hours to Cover the Exceeded Allotted Hours for Fiscal Year 2006-2007 and Authorize the Board of Supervisors Chair to Sign the Amendment (Human Services Director); Res. 07-366
- CA-3 Approve an Agreement with Sierra Vista Hospital for Residential Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-367
- CA-4 Approve an Agreement with Heritage Oaks Hospital for Residential Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-368
- CA-5 Approve a Lease Agreement with 35-A District Agricultural Association to Allow the Human Services Department to Rent a Fair Booth for the 2007 Mariposa County Fair, August 31 through September 3, 2007; Approve Budget Action For FY 2007-08 Transferring Funding in the Human Services Administration Budget for Rental Fair Booth (\$3,200) (Human Services Director); Res. 07-369
- CA-6 Appoint Janet Bibby to Serve as a Commissioner on the Mental Health Board for a Three Year Term Expiring August 7, 2010, this Appointment is Per the Welfare and Institutions Code 5604 (a) (Human Services Director)
- CA-7 Approve Budget Action for FY 2006-07 Transferring Funds within the Jail Budget to Cover Unanticipated Utility Costs and Usage within the Various Divisions of the Sheriff's Office (\$6,497) (Sheriff); Res. 07-370
- CA-8 Approve Budget Action for FY 2006-07 Transferring Funds within the Sheriff's Department Budget to Cover Unanticipated Increase in Vehicle Operation Costs (\$24,500) (Sheriff); Res. 07-371
- CA-9 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) Entirely to Title III Projects (County Administrative Officer/Personnel/Risk Manager); Res. 07-372
- CA-10 Approve Budget Action for FY 2006-07 Transferring Funds within the Indigent Defense Budget to Accommodate Greater than Anticipated Conflict Counsel Costs (\$2,900) (County Administrative Officer/Personnel/Risk Manager); Res. 07-373

- CA-11 Approve an Agreement with Advocacion for Lobbying Activities and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 07-374
- CA-12 Approve the Mental Health Aide/Client Recovery Job Description, Set the Salary at Grade 128 (\$1,835.57 - \$2,231.16), Allocate Two 50% Permanent Part-time Positions, and Assign the Classification to the SEIU Bargaining Unit (County Administrative Officer/Personnel/Risk Manager); Res. 07-375
- CA-13 Approve a Liability Claims Administration Agreement with Freese & Gianelli Claim Service, Effective July 1, 2007 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 07-376
- CA-14 Approve an Agreement with Liebert Cassidy Whitmore to Provide Consultation, Representational and Legal Services for an Amount not to Exceed \$120,000 (County Administrative Officer/Personnel/Risk Manager); Res. 07-391
- CA-15 Approve an Economic Development Grant Application to Pacific Gas & Electric (PG&E) in the Amount of \$10,000 for Development of a Mariposa County Recreation Guide (County Administrative Officer/Personnel/Risk Manager/Economic Development); Res. 07-377
- CA-16 Approve a Rental Agreement with 35-A District Agricultural Association for use of the Fairgrounds for the Annual Volunteer Firefighters Appreciation Picnic on October 28, 2007 (Fire Chief); Res. 07-378
- CA-17 Approve Budget Action for FY 2006-07 Transferring Funds within the County Fire Department to Cover Unanticipated Increases and Late Billing from Public Works (\$1,834) (Fire Chief); Res. 07-379
- CA-18 Authorize the Facilities Division of Public Works to Purchase a Zero-turn Riding Mower for \$3,233 to Replace an Old One that is no Longer Worth Repairing Prior to the Adoption of the Fiscal Year 2007-2008 Budget (Public Works Director); Res. 07-380
- CA-19 Authorize the Solid Waste Division of Public Works to Purchase the Tarpomatic Automatic Tarp-dispensing Machine for \$70,289 Prior to the Adoption of the Final Budget for Fiscal Year 2007-2008 (Public Works Director); Res. 07-390
- CA-20 Authorize the Road Division of Public Works to Purchase an Oil-dispensing Machine for \$41,184 Prior the Adoption of the Final Budget for Fiscal Year 2007-2008 (Public Works Director); Res. 07-381
- CA-21 Authorize the Extension of Compensatory Hours Earned by an Employee to be Used Later in the Year (Public Works Director); withdrawn at the Public Works Director's request.
- CA-22 Authorize the Public Works Director to Work with CalTrans to Expedite Placement of Street Tree and Bench at 7th Street Bus Stop, to be Maintained by Mother Lode Lodge (Public Works Director); Res. 07-382
- CA-23 Adopt a Resolution Approving a Road Name Amendment to Whispering Pines Road for Subject Easement; Road Name Application No. 2006-283, Steve Allison, Applicant, APN 014-330-077 (Planning Director); Res. 07-383

- CA-24 Approve an Agreement with Freeman and Seaman Surveyors for Survey of the Mariposa Creek Parkway in the Amount of \$7,900 and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 07-384
- CA-25 Authorize the Technical Services Director to Purchase a New Server to Support Outside Email Receipt, Web E-mail and Website from the Requested Budget in Fiscal Year 2007-2008, from Dell Per Quote and Waive the Three Bid Requirement (Technical Services Director); Res. 07-392
- CA-26 Approve Agreement No. 07-0185 for Fiscal Year 2007-2008 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 07-385
- CA-27 Approve an Agreement with John C. Fremont Healthcare District for Routine Medical Screening for Juveniles Detained and Authorize the Board of Supervisors Chair to Sign the Agreement (Chief Probation Officer); Res. 07-386
- CA-28 Approve Summary of Proceedings of July 24, 2007, Regular Meeting (Clerk of the Board)

2:28 p.m. (M)Fritz, (S)Turpin, the Board adjourned in memory of Wanda Mae Wackerman, Catherine Nadine Broomfield, Sara M. Voorhees-Gooding, Sharon Lynn Tracy, and Millicent Meyer/Ayes: Unanimous.

Respectfully submitted,

/S/ Margie Williams
MARGIE WILLIAMS,
Clerk of the Board

/S/ Janet Bibby
JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 14, 2007



Time Description

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

Pledge of Allegiance led by members of Boy Scouts Troop 97.

Introductions

Chair Bibby advised of an addendum to the agenda to add a closed session.

Board Information

Supervisor Fritz advised that historic downtown merchants are meeting this evening and planning for the town lighting for Christmas.

Supervisor Pickard advised that he plans to attend the RCRC (Regional Council of Rural Counties) meeting on Wednesday and the Environmental Services JPA meeting on Thursday in Sacramento.

Supervisor Aborn advised that there will be a High Speed Rail meeting on August 30th in Merced to receive public input on the proposed routes.

Supervisor Turpin advised that the Sultry Summer Shindig event was held in Coulterville a week earlier. He attended the monthly meeting with the Forest Service and the SWIFT meeting on Wednesday. He noted that there was a small fire in Don Pedro the previous week.

Supervisor Bibby advised that a letter was received from Senator Cogdill supporting continuation of the Williamson Act subvention funding.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda – none.

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

BOARD ACTION: Following discussion, (M)Turpin, (S)Pickard, Res. 07-396 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.

9:19 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: Michael & Jennifer Starr v. County of Mariposa; Case No. 9068 (County Counsel)

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

9:30 a.m. RESULTS OF CLOSED SESSION: Chair Bibby announced that action was taken by unanimous vote to authorize County Counsel to retain outside counsel.

Chair Bibby announced that the Board is in recess to reconvene in Fish Camp for the public hearing on the SDA Camp Wawona.

11:32 a.m. The Board reconvened at Camp Green Meadows located at: 7794 White Chief Mountain Road, Fish Camp, CA

Kris Schenk, Planning Director;

PUBLIC HEARING for the Seventh Day Adventist (SDA) Camp Wawona Redevelopment Project

NOTE: The Board of Supervisors may complete the public testimony portion of the public hearing process and may commence deliberations. It is expected that the public hearing will be continued to a date and time certain for final action on the project, which will consist of:

A) **Specific Plan/Zoning Text Amendment No. 2002-345:** A text amendment to change the Wawona Town Specific Plan, to create a new conditional use designation for “Organizational Recreation Camp”, a new conditional use in the Mountain Residential Land Use and Zone: “An area containing one or more permanent buildings and or developed campsites that are used for recreational purposes, for the transitory accommodation of members and invitees of private organizations or groups, and is not open to the general public. The recreational activities and camping are provided as part of an organized program that is owned, managed, controlled and maintained by the private not-for-profit organization or group.” The Board of Supervisors will also consider a recommended amendment to the Specific Plan lot coverage standards for the Mountain Residential Land Use and Zone to clarify applicability to this project.

B) **Conditional Use Permit No. 2002-246:** A proposed permit to conditionally approve the proposed phased redevelopment plan for the Seventh Day Adventists’ organizational recreation camp, which includes demolition of existing camp buildings and facilities and construction of new buildings and facilities and associated site work on the camp’s existing property. Note that the land exchange with the National Park Service has been abandoned and is no longer a part of the project. All redevelopment activities will occur on existing SDA owned property. The applicant has proposed architectural design guidelines, elevations, a site plan, a phasing plan, and a preliminary grading plan.

C) **Environmental Impact Report No. 2002-292:** The Environmental Impact Report (EIR) must be certified with mitigation measures to approve the project as recommended. There are several mitigation measures resulting from the environmental review of the project, one of which includes limits on occupancy of the facility based upon the condition of Forest Drive.

The project applicant is the Central California Conference of Seventh Day Adventists (CCCSA). Camp Wawona, an existing camp facility, is located on two parcels of privately owned land in the southeastern corner of Section 35 of Township 4 South, Range 21 East Mount Diablo Base & Meridian, inside Yosemite National Park, within the community of Wawona in Mariposa County. APN 010-280-009, a 30.45 acre parcel is the last privately owned parcel at the southeastern end of Forest Drive (8110 Forest Drive) and the parcel on which the redevelopment activity is proposed. APN 010-280-010, a 1.768 acre parcel is located on the north side of Forest Drive, between Forest Drive and the South Fork of the Merced River. Access to the site is from Forest Drive.

BOARD ACTION: Chair Bibby introduced the Board members and staff, and she advised of the hearing process. Following discussion, (M)Aborn, the Board accepted the following timelines for the hearing: applicant and opponent to be allowed fifteen minutes each for their presentation; three minutes will be allowed to each person wishing to provide input; and ten minutes will be allowed for rebuttal. The motion was amended, following further discussion, to allow thirty minutes for the applicant and the opponent’s formal presentations; and the motion was seconded by Pickard/Ayes: Unanimous.

Kris Schenk advised that the correspondence that was received for this project has been copied to each of the Board members, and the Planning has posted documents for this project to their website. He advised that this project began in 1991 when Camp Wawona made application for a permit to reconstruct a demolished building. He advised that the use has existed for at least 75 years. He advised that the following were present for the hearing to respond to questions: Attorney Bill Abbott/Abbott & Kindermann; Steve Heipel/development of the EIR (Environmental Impact Report); and Ken Anderson/traffic consultant; Jim Wilson/Fire Chief; and Linda Dahl/Chief of Planning for Yosemite National Park.

Sarah Williams, Deputy Planning Director, presented the staff report for the project; and she advised that the project consists of a Specific Plan/Zoning Text Amendment, a Conditional Use Permit, and an EIR.

Chair Bibby advised that sign-in sheets were available for persons wishing to speak, and she advised that it is not necessary to sign-in or to provide your name in order to speak. She also advised that written comments will be entered into and become a part of the record.

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

Applicant's Presentation:

Jerry Page, President of the SDA Camp Central Valley Conference, reviewed the history of their project, he reviewed their mission and efforts to be good neighbors in the community. He reviewed their programs and activities held at Camp Wawona. He referred to a letter from Pastor Wells in support of the Camp. He advised that they are trying to comply with the property line/boundary issues and ADA requirements, etc.

Michelle Coats, Coats Consulting/planning consultant, advised that the project is compliant with the General Plan, planning and zoning; it will eliminate/minimize impacts to the environment; and they want to work with the neighboring communities. She reviewed their history and relationship in working with the community of Wawona; and she advised of their efforts to address the concerns that have been expressed.

David Lee, Fletemeyer and Lee Architect, advised that the existing structures do not meet codes or accreditation standards; and they need to be ADA accessible. There is a need to increase the square footage and quality of the buildings. He addressed occupancy issues.

Ramiro Cano asked members of the audience to stand that were in support of this project.

David Lee responded to questions from the Board relative to meeting the new building code changes that are being proposed by the State Fire Marshal.

Presentation on Behalf of the National Park Service:

Linda Dahl reviewed the history of the involvement of the National Park Service in this project, including the original proposal to exchange land. She advised that they are happy with the compliance on the conditions that have been asked, and with the modifications to the project that have been made. She reviewed the issues that have been raised, including the following: they believe that the issue of water supply has been studied and no impact has been found; they do not find any detrimental impact relative to the issue of the sewage treatment facility; they agree with the transportation report relative to the traffic concerns for Forest Drive; and they agree with allowing for pullouts and handling them with a categorical exclusion. She referred to the letter from Attorney Stephan Volker in opposition to the project and reiterated the Park Service's involvement in this project and the process. She advised that in regard to the noise issue, they do not want the public address system to be heard beyond the Camp's boundary. She responded to questions from the Board relative to the changes with process in the Merced River Plan and relative to addressing reduction of fuel loads in the area.

Opponent's Presentation:

Diana Watson, Wawona landowner, referred to a letter submitted by an attorney the people in the area retained to protect the area. She advised that the attorney did not appear to make a presentation because it was felt that their time would be limited to three minutes. She advised that should the Board vote to proceed with this project, they plan to proceed with the Court process. Supervisor Pickard clarified that the letter she referred to was received from Attorney Volker on August 13, 2007.

1:08 p.m. Lunch

1:58 p.m. The Board reconvened.

Persons Speaking in Support of the Project:

Leslie Escola, family has been in the Wawona area for 60 years; and she provided input of her memories of Camp Wawona being a wonderful neighbor. She served on the WAPOA (Wawona Area Property Owners Association) Board. She stated she feels the opposition is based on erroneous facts. She supports the project and feels the community needs Camp Wawona.

Cecyl Rentfro has been involved with several organizations that have used the Camp; and he referred to an event where they hosted blind children including his daughter and the impact it had on the children's lives.

William Pofst has been an Adventist member for 72 years; as a parent and church member, the Camp has been a wonderful opportunity for children. As a member of the Executive Committee, he feels the Conference has done everything possible to address the concerns that have been raised about the project.

Kathy Lynch provided input on her experience as a young teenager at the Camp.

Maria Moenc signed the sheet in support of the project, but did not wish to speak.

Elden Ramirez provided input on his experiences at the Camp, and now he is Camp Director. He advised that they charter buses in the summer to reduce traffic on Forest Road. He advised that Indian Camp is an important part of their program. He provided input on the strong medical team that they have available at the Camp.

Steve Horton, President of Ministries for the Central Valley Conference, advised that the Camp has been a part of his life for over 40 years and he commented on the retreats that are offered. He advised that they carpool as much as possible to reduce traffic. He is concerned that the proposed limits on occupancy will affect the number of people that will be able to experience this Camp.

Ted Seybold came to the Camp 73 years ago and provided input on his memories. He advised that the Camp does not make enough money to cover the costs of this project; funds are being donated.

Kathleen Lutz provided input on her attendance at the Camp as a youth and the opportunity to learn cooking skills that she has continued to use. Her children and grandchildren benefit from attending the Camp. She noted she has seen deterioration of the buildings, and noted that they existed when she attended Camp.

Jackie Bragaw, representing Yosemite Ridge, advised that they hold camps for children with life threatening diseases at Camp Wawona and this opportunity provides benefits for the children and the parents. She referred to a recent camp for epileptic children.

Delight Winterberg, lives in Fish Camp, provided input on how much the Camp and the area means to her. She noted that her mother was active in starting the Camp, and her family has continued to attend the Camp.

Dennis Seaton signed the sheet in support of the project, but did not wish to speak.

Gene Spindler, resident of the area, stated he has been a member of WAPOA since 1984 and he works with the SDA Conference and with Camp Wawona. He commended staff on the report; and he provided input on the Conference's processes, including the land exchange proposal until the National Park Service withdrew that requirement, and on their efforts to accommodate requests. He feels that they have been more than accommodating in agreeing to reduce the occupancy from their current high peak levels.

Zachary Page provided input on the impacts Camp Wawona has had on his life, and he advised that the Indian Camp program holds a special place in his heart and has taught him the importance of living in harmony with the environment.

Tom Sheldon provided on his experience at Camp Wawona after serving in the military in 1946; and he advised that he became a teacher and has worked at the Camp.

Harry Van Pelt advised that he grew up in San Francisco and he found his attendance at Camp Wawona to be very educational and directive, and his grandson has attended the Camp. He feels the Camp meets so many needs in a responsible and productive way, and he feels it should be allowed to continue. He noted that the present cafeteria was in existence when he attended camp.

Milly Brieno advised that her family has attended Camp Wawona for over 50 years and she hopes that they can continue to do so in the future.

Bonnie Villegas, cousin to Milly Brieno, provided input on her experiences at Camp Wawona; and she advised that it is a special place for them.

Irvin Curtis advised that his family began coming to Camp Wawona in 1946 and they are still involved in the activities. He commented on the educational opportunities and the importance of protecting the environment.

Antonio Romero stated he has been enjoying Camp Wawona since he came from Europe in 1974. He commented on the social benefits of the Camp and the nature setting.

Abel Langan provided input on his experiences at Camp Wawona, and later as a speaker on the American culture at the Camp for Asian ethnic groups - Hmongs, Laotians, and Thais, etc. This provided them an opportunity to learn about the environment.

Ken Lockwood advised that he dated his wife at Camp Wawona, and he and his family members have been employees at the Camp off and on.

Richard Wilson stated he is a "happy camper" and he and his wife have been attending Camp Wawona for a number of years.

Tom Krazan stated he hopes there will be no winners and losers in this process; that everyone is good neighbors. He advised that Camp Wawona provides opportunities for children and families of all faiths.

Robert Cross stated his family has owned a cabin in Wawona since 1929, and they have always considered Camp Wawona to be good neighbors. He has been a member of the WAPOA Board; and the Yosemite Institute Board, and he commented on the Institute's temporary use of the Camp facilities during the 1997 flood in Yosemite. He is concerned that the SDA's continued operation of the facilities is important to the viability of the Wawona community, especially if the situation should ever change with the Park Service again relative to the private properties.

Ramiro Cano, Executive Secretary for the Central Valley Conference and Project Manager for the project, advised that Camp Wawona wants to be a good neighbor. He advised that they want to be made aware if there is ever a tragedy in the Wawona community so that they can assist. He also advised that with the recent water shortage situation in the community, that they offer their assistance. He noted that they currently operate with a larger number of guests than is proposed in the project, so the impacts with this project will be reduced. They want to be environmentally sensitive with all of the facilities, and they use buses, vans, and carpool to reduce transportation impacts. He noted that they had 299 guests in March 2007, and only 80 vehicles were used, and travel during the camp events is discouraged and nearly eliminated. He stressed that they are not a lodging facility for the public; their use is restricted to groups of the Conference and to non-profit organizations. They feel this piece of land is a gift from God to fulfill their ministry.

Persons Speaking in Opposition of the Project:

Diana Watson stated she feels the plan for Camp Wawona was a different plan during the time her Mother, Marie Escola, worked to help create the Wawona Specific Plan than what it is today. She addressed deficiencies that she feels exist in the EIR relative to roads; General Plan/Zoning Code and the Wawona Specific Plan and violation of the minimum width and adequate water and sewer facilities; failure to engage the National Park Service in the project relative to impacts on the Merced River. She urged the Board to disapprove the project and requested that there be compliance with all laws.

Frances Taylor advised that she is 74 years old and her family has been residents in Wawona since 1881; and the paved Forest Road is no wider now than before. She noted that Camp Wawona has great value as a children's camp; however, this is a residential family community. She feels that allowing a commercial resort will change the nature of the area and increase the traffic on Forest Drive, a one-mile road. She expressed concerns with water impacts, and she stated she does not feel that visitors have a vested interest in the community.

Lowell Taylor, speaking on behalf of Cherie Hall, referred to battles with the National Park Service that occurred several years earlier, and advised that she does not support this project and she does not feel that it is appropriate for Wawona. She is concerned with water impacts. She referred

to the number of businesses that used to be in Wawona; and she noted that as a former member of WAPOA, they are not of one-mind in support of this project.

Carolyn Corn, landowner on the Northside of Wawona, presented a letter; and she expressed concern with the infrastructure and stated she does not feel it is addressed in the EIR. She feels the occupancy and parking should be reduced for environmental reasons. As a botanist, she is concerned with the impact on the plants. She is concerned with the road impacts and steepness of grade; and she questioned where the 40 horses will be lodged.

Mindy Rauch stated she is not an opponent to Camp Wawona, she is an opponent to the scope and duration of the project. She agrees that some renovation is necessary. She feels that the different uses and kinds of buildings being proposed are not in character with the community of Wawona. As a homeowner and member of WAPOA, she feels that 20 years is daunting for a project.

Jane Winward, long-time seasonal resident of the area, stated her family has a history of 90 years with Forest Drive and their cabin is close to the road. She feels the Camp does good things and she does not want to see them go away. However, she is concerned with the project; impacts on the road and vehicle traffic; and she is opposed to expansion.

Pat Sischo, Wawona property owner, feels the area is understaffed for law enforcement, fire, and medical coverage. She referred to recent accidents and incidents in the area and the lack of responders. She continued, using her husband's input time, and stated she feels there should be more law enforcement coverage for the area before expansion occurs. Supervisor Pickard provided input on discussions concerning law enforcement coverage for the area.

Chuck Jones stated he supports the project and his family has been members of the SDA church for years. He is against super-sizing the Camp. He has been a member of WAPOA and WTPAC (Wawona Town Planning Advisory Committee). He presented a table/chart comparing occupancy to show his "super-sizing" concern; and a page of photographs relative to the impacts the Camp has on the area. He continued, using a portion of Carol Coyle's input time, and stated he feels that using an average yearly occupancy of 29 percent would remove the opposition to the project and perhaps stop the lawsuit that was mentioned.

Carol Coyle stated she supports the church camp, but is not for the expansion. She questioned when the "mini" lodges that are being proposed become a "mega" lodge. She referred to a plan where it is stated that the waste water system is marginal, and she expressed concern with impacts to the Merced River and to the water.

3:30 p.m. Recess

3:48 p.m. The Board reconvened.

Persons Providing General Comments Relative to the Project:

Ed Hardy, former President of Yosemite Park and Curry Company, provided information on the history and development of Wawona and Camp Wawona and Yosemite National Park. He also provided input on the Wawona Hotel area and its history and original intended uses. He advised that narrow roads were an accepted Park Service design to keep the speed down. He advised that Camp Wawona was never a controversy – they have always been friends and friends to the visitors.

David Leggett, Civil Engineer, stated he does work for the SDA Conference; and he advised that the proposed road for the site will be wider than the existing road and pull-outs will be added. The proposed road grade on the site will be reduced from what currently exists. To address sewer concerns, they will use low-flow fixtures and that will result in the same or less discharge rate. He advised of discussions with Fire Chief Jim Wilson and advised that he is happy with the hydrants, pumps, and storage tank system; and the Fire Department will be able to use the excess water off-site.

Don Crisp, retired lay pastor living in Oakhurst, referred to his experiences at Camp Wawona, first as a youth and then he said he lost his way; came back to the Camp in 1984 and God made a change in his life. He shared Jeremiah 29:11 and stated he feels that this talks about what Camp Wawona is about.

Dan Escamilla, member of the Conference, shared information on the men's and youth retreats held at Camp Wawona and the numbers they recently hosted. He advised that they are concerned with traffic impacts on the neighbors and ask that their guests request permission to leave the facilities for any reason during an event. He noted that the expansion is to provide more room, and he feels that families are strengthened by experiences at Camp Wawona.

John Smith stated he has been a teacher for many decades in public and private schools and he provided input on the importance of having this type of facility given all of the broken homes and problems in our society. He feels that the family that prays together, stays together, and that is what Camp Wawona does and he feels that it will have a ripple affect.

Eric (missed his last name) stated he came to this country in 1983 and subsequently to Camp Wawona and he works with the church. He advised that there are set programs and they include preservation of the environment. He feels that the benefits of this Camp for young people out weighs any adverse affects.

Leo Lutz provided input on his experiences at Camp Wawona.

Rebuttal by Applicant:

Michelle Coats honors the comments received as genuine concerns; however, she feels that some of the comments were based on misinformation. She addressed the issue of fire safety and advised that the Camp has a fire truck onsite and they have a fire suppression system and people with training. Their staff has even been called out to help in the area. An additional fire suppression system will be in put in place with this project and the Camp will become one of the safest places in Wawona.

Elder Ramirez addressed the issue of medical services, and he advised of the medical staffing that they have available onsite – a physician and two nurses during high peak occupancy, and trained EMTs and first responders.

David Lee addressed the occupancy issue and he referred to the percentage of the total number of beds filled over a year. He advised that they can not live with an average or less than what is proposed in the project. He noted that currently the Camp can be filled with 338 occupancy, 365 days of the year. The applicant has agreed to a restriction that is less in the non-summer season, and in some cases is less than the peak groups that they have had. By nature of the industry, Camp Wawona will not be filled all of the time. Supervisor Pickard asked whether he has calculated the occupancy percentages up until now, and he advised that he has not.

Jerry Page advised that they need the weekend maximum peaks and they are asking for historical occupancy levels. He noted that since 2001, camps have faced a decrease in attendance and they would like to build that back up. He advised that they are having to give up some of their occupancy numbers and he asked that that not be further decreased.

Jim Hobbs, Sound Engineer, responded to questions from the Board relative to the noise and acoustic issues with the public address system; and the condition that it not be heard beyond their boundary. He advised that he is working with the Camp and designing a system to accommodate the request. Sarah Williams also provided input on the condition.

Jerry Page responded to questions from the Board relative to the Camp's operations and uses.

Rebuttal by the Opponents:

Chuck Jones referred to his previous input on the occupancy and using averages and peaks in the calculations. He noted that the Camp allows skiing at a reduced rate from Badger Pass and he feels that will increase their occupancy. He stated he feels that the Camp's information should be based on raw occupancy data.

Rebuttal by the Applicant:

Jerry Page responded to Chuck Jones' concerns on occupancy, and he stated he feels that Mr. Jones' wants them to use averages because he wants less people than they have historically had. He referred to their mission and their rights.

The public portion of the hearing was closed. Chair Bibby called for any clarification needed by the Board. Supervisor Pickard asked for clarification that all comments received up to the close of the public portion of the hearing would be accepted as a part of the record; and he initiated discussion relative to the deliberation process. Kris Schenk advised that staff would review all of the comments that have been received up to the close of the public portion of the hearing today; and he advised that it would take staff 30 to 45 days to work on the process before coming back to the Board. He suggested that the hearing be continued to October 16, 2007, for the deliberation phase at the Government Center. Chair Bibby clarified for the record that the public portion of the hearing is closed and that the Board will be in continued deliberations on October 16th, and that information submitted up to the close of the public portion of the hearing will be considered. County Counsel advised that the Board members can ask questions/continue with staff wind-up on information that was submitted prior to the close of the public portion, and then the Board can commence with deliberations. He further advised that if the Board denies the project on October 16th, that no further processing will occur; and that if the Board approved the project, that a resolution of intent could be adopted with direction to staff to prepare the final documents for action by the Board at a subsequent meeting. He commented on the need to coordinate this project with the General Plan amendment process. Chair Bibby thanked everyone who has participated in this process, and she thanked Camp Green Meadows for allowing this meeting to be held at its facilities.

(M)Fritz, (S)Aborn, the public hearing was continued to October 16, 2007, at 2:00 p.m. at the Government Center/Ayes: Unanimous.

4:44 p.m. Recess for Adjournment to Occur at the Government Center

6:15 p.m. Chair Bibby adjourned the meeting at the Government Center in memory of Hazel Doris Mason Estel, Jerry Thomas Broyles, Leonard Quinto Brazzi, and William J. "Bill" Reinhardt.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

August 21, 2007

Time Description

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

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Chair Bibby advised that item 13 was withdrawn by the Public Works Director and will be rescheduled, and she commented on item 6. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda – none.

Board Information

Supervisor Fritz advised that she and Supervisor Aborn attended the Merced River Valley Plan Update scoping session on Thursday. The High Speed Rail meeting will be held in Merced on August 30th to take input on the routes. She advised that her District IV meeting for September 3rd won’t be held as this is a holiday; and she hopes everyone enjoys the Fair.

Supervisor Aborn advised of a meeting held in Merced with the Sierra Club relative to the routes between the valley and the bay area for the High Speed Rail; and he noted that there will be a hearing in Merced on August 30th.

Supervisor Bibby wished the children well with starting back to school on Wednesday. She advised that there is a meeting scheduled on Wednesday with Congressman Radanovich relative to the Ferguson rockslide.

Dana Hertfelder, Public Works Director;

Select and Approve the Public Member Position for the Mariposa County Solid Waste AB939 Local Task Force, Select Board Membership, Confirm the Membership and Direct Staff to Proceed with Convening the Group

BOARD ACTION: Discussion was held Dana Hertfelder, and he advised that one letter of interest was received for the public member position; and he asked that the two Board members be selected.

Input from the public was provided by the following:

Ruth Sellers asked about advertisement for the public member vacancy; and she advised that the Solid Waste and Recycling Manager did not notify her of this vacancy as he has said that he would.

Paul Chapman advised that he did not see the vacancy advertised in the newspaper or posted at the Hall of Records or the Library.

Further discussion was held and Dana Hertfelder advised that the vacancy was posted. (M)Fritz, (S)Aborn, direction was given for the public member vacancy to be advertised in the newspaper and to be posted. The Board concurred with asking the County Administrative Officer to bring back a policy to clarify the process for filling vacancies for committees. Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

Supervisor Turpin / Thomas P. Guarino, County Counsel;

Adopt a Resolution Declaring the County of Mariposa's Interest in the Coulterville Road

BOARD ACTION: Chair Bibby advised of typographical corrections that were made to the second draft of the formal resolution. Discussion was held with County Counsel. Dana Hertfelder provided input on the Board's previous action to abandon maintenance on a portion of Old Yosemite Highway; however, there was not a vacation of that portion. (M)Pickard, (S)Aborn, Res. 07-414 was adopted declaring the County's interest in the Coulterville Road/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

Rick Peresan, Technical Services Director;

Approve Agreement with AT&T for Reduced Rate Long Distance Service under the Call Net II State Contract and Authorize the Board of Supervisors Chair to Sign the Agreement and Related Forms

BOARD ACTION: Discussion was held with Rick Peresan relative to the request, status of the Sprint service cards, toll free numbers, and other related issues.

Input from the public was provided by the following:

Ruth Catalan questioned whether there is a pre-payment clause for the Sprint cards; and she questioned whether long-distance calls are monitored.

Dick Hutchinson asked about the possibility of having one-central phone system for the County.

Rick Peresan responded to the questions. (M)Fritz, (S)Aborn, Res. 07-415 was adopted approving the agreement as recommended, and with direction for the Sprint cards to be reviewed/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

Kris Schenk, Planning Director;

Approve an Agreement (Consisting of a Master Services Agreement and Task Order No. 1) with Hauge Brueck Associates, LLC to Undertake Implementation of the General Plan by Developing Comprehensive Road Standards for Mariposa County; Authorize the Expenditure of \$25,000 Prior to the Adoption of the Final Budget and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Discussion was held with Kris Schenk, and he provided a status report on the processing of the minimum road standards and the capital improvement program.

Input from the public was provided by the following:

Ruth Sellers expressed concern that the road widths would be decreased to eight-foot travel lanes, and she noted that U-haul's are eight-feet. Kris Schenk clarified that the proposal is for nine-foot travel lanes and that is the State's minimum standard.

Paul Chapman stated he feels the State has a set of standards for roads and questioned why this process is necessary.

(M)Pickard, (S)Fritz, Res. 07-416 was adopted approving the agreement as recommended/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

Kris Schenk, Planning Director / Dana Hertfelder, Public Works Director / Dr. Mosher, Health Officer; Approve a Proposed Agreement with MuniFinancial to Prepare a Comprehensive Study and Update of the Development Fees for Planning, Public Works and Environmental Health; Approve Expenditures Totaling \$29,980 in the CAO Recommended Budget for Fiscal Year 2007-2008 for this Fee Study and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Kris Schenk clarified that the contract amount is \$28,980 and he clarified the allocation of costs for the departments. Discussion was held with Kris Schenk and Dr. Mosher.

(M)Pickard, (S)Aborn, Res. 07-417 was adopted approving the agreement as recommended/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

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

BOARD ACTION: Discussion was held.

Input was provided by the following:

Dick Hutchinson advised of his discussion with Kevin Cann/Deputy Superintendent; and the Superintendent for Yosemite is in Washington D.C., working on this matter.

Supervisor Pickard asked that our legislative representatives and the Governor be kept informed of the status of this project and discussions with CalTrans. (M)Pickard, (S)Fritz, Res. 07-418 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: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

Adopt a Resolution Declaring the Board of Supervisors' Intent to Purchase Real Property Located at 5393 Highway 49 North in Mariposa County (APN 012-340-002) because the Real Property is Suitable for the Relocation of Certain Activities of the Mariposa County Sheriff's Department and Authorize the Board of Supervisors Chair to Sign the Land Purchase Agreement Opening Escrow (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson, and he advised of a change to paying "normal closing costs" versus "buyer costs."

Input from the public was provided by the following:

Paul Chapman commended the department head (Sheriff Allen) for planning for the future with this property.

Jim Allen commended Undersheriff Muller for his work on this project, and he advised of their plans to use the facilities. (M)Aborn, (S)Fritz, Res. 07-419 was adopted declaring the intent to purchase as recommended/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

10:38 a.m. CLOSED SESSION: Conference with Legal Counsel: Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Number of Cases to be Discussed: 2 (County Counsel); and

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: Pacific Gas & Electric Company v. State Board of Equalization, County of Mariposa; et al Case No. 05CECG00003 MWS (County Counsel)

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

11:40 a.m. RESULTS OF CLOSED SESSIONS: Chair Bibby announced that direction was given to staff on the PG&E case; and direction was given to staff on one case of initiating litigation and information was received from staff on the second case.

CONSENT AGENDA:

- CA-1 Approve an Agreement with Progress House, Inc. for Residential Alcohol and Drug Treatment Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-397
- CA-2 Approve an Agreement with Stanislaus County Behavioral Health and Recovery Services for Psychiatric Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-398
- CA-3 Approve Budget Action for Fiscal Year 2006-2007 Transferring Funds from the Grantee - Designated Buddy Fund to Grantor - First 5 Commission per Request that all Unspent

Funds be Returned to them at the End of Fiscal Year 2006-2007 (\$1,597) (4/5ths Vote Required) (Human Services Director); Res. 07-399

- CA-4 Approve Budget Action for Fiscal Year 2006-2007 Transferring Funds within the Social Services Budget to Cover Unanticipated Increase in Statewide Automated Welfare System Maintenance and Operations (\$1,500) (Human Services Director); Res. 07-400
- CA-5 Authorize the Fire Chief to Apply for the 2007 SAFER (Staffing for Adequate Fire and Emergency Response) Recruitment and Retention Grant Program Funded by the Department of Homeland Security and FEMA (Fire Chief); Res. 07-401
- CA-6 Authorize the Fire Chief to Apply for Allocated Funds for the 2007 Homeland Security Grant Program on Behalf of County Health, Fire and Sheriff's Departments to Enhance Capabilities in the Event of Disasters, Terrorist Attacks and other Emergencies (Fire Chief); Res. 07-402
- CA-7 Approve California Department of Veterans Affairs Subvention and Medi-Cal Certificates of Compliance for Fiscal Year 2007-2008 (Community Services Director); Res. 07-403
- CA-8 Approve Budget Action for Fiscal Year 2006-2007 Transferring Funds within the Yosemite West Maintenance District Division of the Public Works Department to Cover Actual Expenditures through June 30, 2007 (\$2,500) (Public Works Director); Res. 07-404
- CA-9 Approve Budget Action for Fiscal Year 2006-2007 Transferring Funds within the Coulterville Sewer Division of the Public Works Department to Cover Actual Reimbursable Expenditures of the Facilities and Roads Divisions through June 30, 2007 (\$3,042) (Public Works Director); Res. 07-405
- CA-10 Authorize Public Works to Waive Encroachment Permit Fee to Healing Nations (a Non-profit Organization) for a One-day Bike Ride through the Don Pedro Area (Public Works Director); Res. 07-406
- CA-11 Approve Budget Action for Fiscal Year 2006-2007 Transferring Funds within the Solid Waste Division of the Public Works Department to Cover Actual Expenditures for Professional Services and for Unemployment through June 30, 2007 (\$11,495) (Public Works Director); Res. 07-407
- CA-12 Approve Budget Action for Fiscal Year 2006-2007 Transferring Funds within the Transportation Planning Budget of the Public Works Department to Allow for Roads Staff and Public Works Administration Staff to be Reimbursed for Work Related to Transportation Planning, and to Cover Accrued Benefits Expense (\$28,408) (Public Works Director); Res. 07-408
- CA-13 Approve an Amendment to Agreement with Fred Solomon to Extend the Agreement Term for Two Additional Months and for Additional Compensation in the Amount of \$6,000 per Month and Authorize the Board of Supervisors Chair to Sign the Amendment for the Don Pedro Wastewater Treatment Facility Project (Public Works Director); item was withdrawn to be rescheduled
- CA-14 Approve an Amendment to Agreement with Roger Stephens Engineering for an Additional \$7,000 to Design the Greeley Hill Pedestrian Walkway and Authorize the

Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 07-409

- CA-15 Approve an Agreement with Twining Laboratories, Inc. to Provide Chemical Analysis for Various Facilities throughout the County in an Amount not to Exceed \$50,000 and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 07-410
- CA-16 Approve a Court Security Services Agreement (Memorandum of Understanding) with Mariposa Superior Court for Security Services of the Sheriff's Department and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 07-411
- CA-17 Approve the Response of the Board of Supervisors to the 2006-2007 Mariposa County Grand Jury Final Report and Direct County Administration to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court (County Administrative Officer/Personnel/Risk Manager); Res. 07-412
- CA-18 Approve an Agreement with Allen, Proietti & Fagalde, LLP to Represent the County of Mariposa in the Michael and Jennifer Starr v. County of Mariposa, et al Matter and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 07-413
- CA-19 Approval of Summary of Proceedings of August 7, 2007, Regular Meeting (Clerk of the Board)

11:41 a.m. Adjournment in memory of Jananne "Jan" Collins Vargo, Hubert "Hubbie" Robbins, and Mary Helen Steeley.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 28, 2007



Time _____ Description

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

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Input from the public was provided by the following:

Paul Chapman objected to item 3.

Supervisor Aborn pulled item 3 and action was taken later this date. (M)Turpin, (S)Pickard, the balance of the items was approved/Ayes: Unanimous.

Chair Bibby;

A) Resolution and Tile Plaque Recognizing Cheryle Rutherford-Kelly Upon her Retirement as Human Services Director

BOARD ACTION: (M)Fritz, (S)Aborn, Res. 07-420 was adopted and presented to Cheryle Rutherford-Kelly, along with a tile plaque/Ayes: Unanimous.

B) Present Certificate of Recognition to Dale Hansell in Recognition of being the First Mariposan to Complete the 50-miler in the Mariposa Run for the Gold 2007 Event

BOARD ACTION: (M)Pickard, (S)Aborn, the Certificate was approved/Ayes: Unanimous. Rich and Mary Darlene Theodore and Carol Suggs received the Certificate on behalf of Dale Hansell, and they provided input on the history of the ride event.

9:32 a.m. Recess

9:48 a.m. Chair Bibby advised of an addendum to the agenda and that the use determination item for the Old Masonic Lodge would be taken after the Board information item.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Theresa Castaldi, Coyote Springs Ranch, reported on their Super Summer Roping event held at the ranch over the weekend; and she advised that they plan to participate in the Weekend in the Country event in September. She advised that the permits for the cabins have been held up, not by the Building Department, and she asked for assistance.

Cathy Young, on behalf of Coyote Springs Ranch, advised that they were a vendor for the weekend event and she commended everyone and stated they were very pleased with the facilities.

Eleanor Keuning provided input on her opposition to drive-throughs in Mariposa.

Board Information

Supervisor Fritz advised that the High Speed Rail meeting is scheduled in Merced on August 30th; she plans to attend the Juvenile Justice Committee meeting on September 5th, the County Fair is scheduled for this weekend, and she will not hold a District IV meeting on September 3rd – the next meeting is scheduled for October 1st at 6:00 p.m. at the Government Center.

Supervisor Aborn advised of the extension of hours for the El Portal swimming pool; he noted the High Speed Rail meeting is scheduled for August 30th; and he commented on school busing issues.

10:00 a.m. The hearing to consider Zoning Amendment 2006-223 amending Title 17, regarding “temporary camping” was opened and continued until after the following items.

Continued Board Information:

Supervisor Turpin noted that as he traveled I-5 last week that there was a lot of road work occurring in Washington, some in Oregon, and very little in California. He advised that he attended the monthly meeting on the Don Pedro waste water project on Monday; and he referred to a story in the Western Cowman magazine and the future of the spotted owl.

Supervisor Bibby advised that the Mental Health Board and the Alcohol and Drug Advisory Board will have a booth at the County Fair, and the Sheriff’s Department will have a fingerprinting booth for children. She read a portion of a letter received from the San Mateo Superior Court relative to the High Speed Rail.

Supervisor Fritz noted that another meeting has been scheduled to discuss the High Speed Rail routes for September 18th in Stockton.

Supervisor Bibby advised that CalTrans has released its report as a result of the pre-scoping meetings on options for the permanent fix for the Ferguson Rockslide.

Supervisors Pickard and Fritz;

Discussion and Possible Action Regarding Use Determination of the Old Masonic Lodge (No Folder)

BOARD ACTION: Supervisor Pickard initiated discussion relative to the status of use of the Old Masonic Lodge. Thomas P. Guarino, County Counsel, provided information on the chronology of events and the process. Supervisor Bibby read her July 25, 2007, memorandum to MPUD, Fire Chief and the Building Department Director, into the record relative to safety issues with the use and condition of the building. Supervisor Pickard read the August 27th letter from the Building Director and the Deputy Fire Marshal into the record which resolves the issue of the use determination. Supervisor Fritz provided input on the process.

Input from the public was provided by the following.

Tony Radanovich clarified that he does not own the building.

Barry Brouillette commented on the process and his support for the 6th Street Cinema.

Alex Crespi expressed support for the 6th Street Cinema and the Rural Arts Council; and he suggested that a letter and chronology would help with the grant funding requests.

Wendy Davis, President of the Acorn Cooperative Pre-School, expressed support for the theater.

Marilyn Saunders noted for the record that the building is owned by the Rural Media Arts and Education Project.

Les Marsden expressed support for the program and for the building which he feels is an architectural gem for the County.

Glen Congliger stated he was the contractor that supervised the destruction of the Trabucco warehouse after the building fell; and he commended Tony Radanovich for his efforts to help preserve the Old Masonic Lodge.

Heather Bernikoff expressed support for the Cinema.

Gary Walker expressed support for the Cinema.

McKenna Johnson and Natasha Johnson, High School students, advised that they are volunteer greeters at the Cinema and expressed their support for the program.

Ralph Mendershausen expressed his support for the program.

Candy O'Donel-Browne, President of the Arts Council, expressed their support for the program; and asked that the Board find a way to let potential funding sources know that this is a safe building.

Lee Stetson expressed his support for the program and commented on the importance of arts in this community.

Tony Radanovich thanked everyone for their assistance and support through this process. He urged the Board to create a different distinction for historic structures. He advised that they had a site visit from the USDA on Monday relative to their grant application to help preserve the building. Supervisor Bibby noted that the Building Department Director provided the Board members with information on an incentive program.

Eleanor Keuning, Chair of the Historic Sites and Records Preservation Commission, provided input on the Certified Local Government Program.

Paul Chapman stated he does not support taxpayers' money being used for this program; however, he agrees with restoring the building.

Allison Coldwell expressed support for the 6th Street Cinema.

Supervisor Pickard requested that the previous grant request from the Rural Media Arts and Education Project in the Amount of \$25,000 be scheduled on the agenda.

John Davis, Building Department Director, provided input on information he researched relative to fire safety issues for the downtown structures.

11:14 a.m. Recess

11:24 a.m. John Davis, Building Director;

Discussion and Recommendation to Schedule a Public Hearing to Consider Increased Building Department Fees for Grading Permits

BOARD ACTION: Discussion was held with John Davis and Jerry Progner/Resource Conservation District, relative to the request.

Input from the public was provided by the following:

Ralph Mendershausen expressed support for the request and the grading permit program; however, he stated he feels there is a problem with the complaint process for un-permitted grading.

(M)Turpin, (S)Fritz, the public hearing was set for October 2, 2007, at 10:00 a.m. Supervisor Pickard asked the Building Director to look at the complaint component with the public hearing process. Ayes: Unanimous.

Mariposa County Resource Conservation District's Board Chair, Len McKenzie; Yosemite Sequoia Resource Conservation & Development Council's Coordinator, Robyn Smith; and Mariposa County Resource Conservation District's Education Outreach Coordinator Kris Randal; to Present "Welcome to the Foothills", Brochure

BOARD ACTION: Kris Randal presented the brochure; and she thanked Robyn Smith and the Board of Supervisors for their support with this project.

Input from the public was provided by the following:

Dick Hutchinson asked for copies of the brochure to include with the package of materials that the title companies distribute to new homeowners.

Supervisor Aborn suggested that the brochure be made available to UC Merced.

Dana Hertfelder, Public Works Director;

Approve the Plans and Specifications for the Greeley Hill Library Project, Authorize Public Works to Advertise the Project and Authorize the Public Works Director to Award the Contract to the Lowest Responsible Bidder

BOARD ACTION: Discussion was held with Dana Hertfelder. Supervisor Turpin recognized the presence of members of the Friends of the Red Cloud Library and he thanked the Public Works Director for his work on this project.

Input from the public was provided by the following:

Chet French, immediate past President of the Friends of the Red Cloud Library, thanked County Counsel and Public Works Director for presenting the plans at their meeting; and he provided information on the history of the project. He advised that they are willing to help financially if there is a small cost overrun.

Pat Bradbury, member of the Friends of the Red Cloud Library, noted that the library serves all of the communities in the North County.

(M)Turpin, (S)Pickard, Res. 07-422 was adopted approving the recommended actions/Ayes: Unanimous.

Consider Items Removed from the Consent Agenda

Item 3 – Following discussion with Dana Hertfelder, (M)Turpin, (S)Pickard, item 3 was approved/Ayes: Unanimous.

11:56 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none

C) Adopt a Resolution Allocating the Transportation Development Act (TDA) Funds for Fiscal Year 2006-2007 (Public Works Director)

COMMISSION ACTION: Following discussion, (M)Bibby, (S)Fritz, LTC Res. 07-9 was adopted/Ayes: Unanimous.

B) Adopt a Resolution Allocating \$156,261 in State Transit Assistance (STA) Funds for Fiscal Year 2006-2007

COMMISSION ACTION: Following discussion, (M)Pickard, (S)Fritz, LTC Res. 07-10 was adopted. Input from the public was provided by the following:

Ruth Catalan asked for clarification of whether this allocation is for FY 07-07 or 07-08; and she was advised that it is for FY 07-08.

Ayes: Unanimous.

12:03 p.m. Kris Schenk, Planning Director;

PUBLIC HEARING: to Consider Zoning Amendment 2006-223. Action Includes Adopting a Resolution Approving the Project, Adopting a Notice of Exemption, Waiving the First Reading and Introducing an Ordinance Amending Zoning Ordinance Text. The Project Proposes to Amend the Mariposa Zoning Ordinance, Title 17, Regarding “Temporary Camping” for Projects Affecting all Town Planning Areas (TPA), Rural Residential (RR), Mountain Home (MH), Mountain Transition (MT), Mountain General (MG), General Forest (GF), Mountain Preserve (MP), and Agricultural Exclusive (AE) Zones. Mariposa County, Project Proponent

BOARD ACTION: Larry Enrico, Senior Planner, presented the staff report. Larry Enrico, Thomas P. Guarino, John Davis, Kris Schenk, and Dr. Mosher Staff responded to questions from the Board relative to the proposed amendment and whether various types of uses would be exempt. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Pickard, (S)Aborn, Res. 07-424 was adopted approving Zoning Amendment No. 2006-223, and adopting a Notice of Exemption for environmental review purposes. The motion was amended, agreeable with the maker and second, to include direction for the Planning Director to report back in a year on how this amendment is working/Ayes: Aborn, Bibby, Fritz, Pickard; Noes: Turpin. (M)Pickard, (S)Fritz, the first reading was waived and the Ordinance introduced amending Title 17 regarding “temporary camping.” The Clerk of the Board read the title of the Ordinance into the record. Ayes: Aborn, Bibby, Fritz, Pickard; Noes: Turpin.

Thomas P. Guarino, County Counsel;

A) Waive the First Reading and Introduce Ordinance Amending Section 13.08.010 and Creating Section 13.08.115 of the Mariposa County Code Clarifying that Recreational Vehicles are Prohibited from being used as Permanent Residence

BOARD ACTION: Following discussion, (M)Fritz, (S)Aborn, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record.
Ayes: Unanimous.

B) Waive the First Reading and Introduce Ordinance Creating Section 15.1.070 of Chapter 15.10 of the Mariposa County Code Clarifying that Recreational Vehicles are Prohibited from being used as Permanent Residence

BOARD ACTION: Following discussion, (M)Fritz, (S)Aborn, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record.
Ayes: Unanimous.

Chair Bibby advised of a request received from the Fire Chief for a photo opportunity and Fire Department press release for the new patrol units scheduled at 1:30 p.m. in front of the Courthouse.

C) Present a Demonstration of the County Code On-line Services that will be Available in the Near Future

BOARD ACTION: Discussion was held Thomas P. Guarino and Rick Peresan/Technical Services Director, who gave the demonstration. It was noted that budget information is now included in the Administration website. Rick Peresan will bring back an item on overall web design for the County.

Approval of Summary of Proceedings of August 21, 2007, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Aborn, (S)Fritz, the minutes were approved/Ayes: Aborn, Bibby, Fritz, Pickard; Abstained: Turpin.

1:10 p.m. Lunch

2:06 p.m. Jim Wilson, Fire Chief;

Discussion and Power Point Presentation Updating the Current Status of the Fire Department

BOARD ACTION: Jim Wilson gave the presentation reviewing the status of volunteer members, fire apparatus, fire stations, and the Fire Marshal program. Discussion was held relative to the report and financing options. Joe Halencak, PWD-Fleet Superintendent, responded to questions relative to maintenance of the equipment. Supervisor Pickard suggested that the County Administrative Officer and the Fire Chief work on funding details and bring an item back to the Board. Supervisor Aborn suggested that consideration be given to putting together a committee to help speed up the process.

Input from the public was provided by the following:

Don Weston commented on the history of the Fire Department, and he advised that he agrees with a lease/purchase concept for the equipment. He offered his assistance to help educate the public on the needs of the Fire Department.

Paul Chapman stated he feels the Board should make budget cuts to fund the needs of the Fire Department.

Supervisor Bibby commended the work of the volunteers and their fundraising efforts.

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

BOARD ACTION: Supervisor Bibby reported on the meeting that she and Supervisor Aborn and the Sheriff attended with Congressman Radanovich and advised of the status of qualifying for emergency relief which should help move the project along. Discussion was held. Supervisor Fritz advised that Dick Whittington/YARTS attended a meeting where it was announced that the removal of the slide option was deleted from the list of options for the permanent fix. (M)Pickard, (S)Turpin, Res. 07-425 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.

Approve an Extra Help Employment Agreement with Cheryle Rutherford-Kelly for Human Services Director Services at the Rate of \$65.00 an Hour Effective September 1, 2007 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held.

Input from the public was provided by the following:

Paul Chapman stated he feels the Deputy Director should do the job in the interim of hiring a Director.

(M)Pickard, (S)Aborn, Res. 07-426 was adopted approving the agreement/Ayes: Unanimous.

CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Number of Cases to be Discussed: 1; Name of Case to be Discussed: County of Mariposa v. Robert McMillen (County Counsel)

BOARD ACTION: At County Counsel's request, the matter was continued to September 4th.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos; and

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos

BOARD ACTION: Supervisor Bibby advised that she has a cousin who is a member of the DSA bargaining unit and they have a financial interest in estate property; and her husband is a member of SMA, and there is a direct financial tie. Discussion was held. Supervisor Bibby suggested that she send a letter to the four bargaining units to make sure that they do not have any conflicts if she participates in the labor negotiation process. County Counsel provided input and advised of his review of the FPPC's response to Supervisor Bibby on whether this is a potential conflict of interest. The other four Board members advised that they would like to have the full Board participate. County Counsel advised that the closed sessions were scheduled today for the Board to receive background information on the labor negotiation process, and he suggested that the sessions relative to DSA and SMA not be held today; and the Board concurred.

4:50 p.m. C) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Richard Bolanos;

D) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: MCMCO (Mariposa County Managerial/Confidential Organization); Name of County Designated Representative: Richard Bolanos ;

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

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Administrative Officer (Government Code Section 54954.5) (County Counsel)

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

9:03 p.m. RESULTS OF CLOSED SESSIONS: Chair Bibby announced that information was received as a result of the Closed Session items.

CONSENT AGENDA:

CA-1 Approval of Summary of Proceedings of August 14, 2007, Regular Meeting (Clerk of the Board)

- CA-2 Reappoint Jerry Progner and Tony Toso to the Agricultural Advisory Committee for a Term Expiring February 28, 2009 (Planning Director)
- CA-3 Approve an Amendment to Agreement with Fred Solomon to Extend the Agreement Term for Two Additional Months and for Additional Compensation in the Amount of \$6,000 per Month and Authorize the Board of Supervisors Chair to Sign the Amendment for the Don Pedro Wastewater Treatment Facility Project (Public Works Director); Res. 07-423
- CA-4 Approve an Agreement with Cooperative Personnel Services (CPS) for Executive Recruitment Services in an Amount not to Exceed \$21,000 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 07-421

9:04 p.m. Adjournment in memory of Edward "Ted" Louis Tetzlaff, Dwain Arthur Keller, Eula G. (Huie) Rhoades, and Wesley Burdick.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 4, 2007



Time _____ Description

9:13 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Chair Bibby advised of item 6 that was added with the addendum to the agenda; and she noted that the agenda and Action Form calls for the Chair to sign the agreement in item 1 – however, the agreement is set up for the Health Officer's signature. Supervisor Turpin pulled item 3. (M)Fritz, (S)Aborn, the balance of the items was approved with the change on item 1 to add the Chair's signature to the agreement/Ayes: Unanimous.

Consider Items Removed from the Consent Agenda

Item 3 – Supervisor Turpin noted a correction on the plans and specifications for the Don Pedro Subdivision road project to reflect chip seal versus prime coat; and Dana Hertfelder/Public Works Director advised that the plans would be corrected. (M)Turpin, (S)Pickard, item 3 was approved/Ayes: Unanimous.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Eleanor Keuning, Chair of the Historic Sites and Records Preservation Commission, advised that Ollie Slane is resigning from the Commission and she publicly commended him for his service.

Board Information

Supervisor Turpin advised that he attended the Mariposa County Fair and he applauded the community for its support of the Jr. Livestock Auction; and he advised that the Board members contributed to the auction.

Supervisor Aborn commented on the County Fair and he commended the volunteers for their work.

Supervisor Pickard advised that he attended the Fish Camp Auxiliary's annual picnic and auction to support the Volunteer Fire Station. He volunteered at the County's Solid Waste recycling booth at the County Fair. He plans to attend the oversight committee review panel for noxious weed program proposals.

Supervisor Fritz advised that she and Supervisor Aborn attended the High Speed Rail hearing in Merced on Thursday, and the Altamont Pass route received the most support. She attended the County Fair and worked in the Ft. Bullion booth. She plans to attend the Juvenile Justice and Domestic Violence Coordinating Council meeting on Wednesday.

Supervisor Bibby complimented everyone for supporting the County Fair, including the Fair Manager and Directors and staff; SCOPE, Fire, and law enforcement. She advised that she worked the ID Card Program, as runner for the Jr. Livestock Auction, and with the Mental Health Board/Alcohol and Drug Advisory Board Fair booth.

Cheryle Rutherford-Kelly, Human Services Director;

Review the 2006-2007 Fiscal Year Annual Report of the Mental Health Board

BOARD ACTION: Cheryle Rutherford-Kelly introduced the following Mental Health Board members that were present: Ruth Catalan, Joan Conlan, and Supervisor Bibby; and she introduced Andrea Summerlin/staff. She presented statistical information. Joan Conlan presented the annual report, and discussion was held.

Richard J. Benson, County Administrative Officer;

Approve a Grant Agreement for the Rural Media Arts and Education Project in the Amount of \$25,000 and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Rick Benson advised of the request for funding. Discussion was held with Tony Radanovich, Board President for the Rural Media Arts and Education Project, relative to the request and the status of grant applications for renovation of the Old Masonic Lodge. He advised that they received official word on Thursday that they were chosen to receive \$100,000 from USDA, now they need to apply for the funding. They are still working on the 1.6 million dollar grant application from CCHE and there is a pending lawsuit; and he advised that the 1.9 million dollar grant application is off of the table. Discussion was held relative to involving the Historical Sites and Records Preservation Commission; whether the renovation would include current theatre requirements and ADA accessibility; and relative to suggested wording changes to the agreement.

Input from the public was provided by the following:

Eleanor Keuning advised that the Historical Sites and Records Preservation Commission is planning to ask for time on a future agenda to discuss the Commission's purpose and processes with historic buildings.

Tony Radanovich advised of his previous discussion with Planning staff when they began seeking funds for the renovation.

Barry Brouillette provided input on this project and their efforts; and he commented on issues with the staffing level in Planning.

Paul Chapman stated he feels that those who support this program should provide the financial support and he does not support taxpayer dollars being used for this program.

Shirley Wingo commented on her interest in the historic building and she stated she feels that the audience would help each other in the case of an emergency; and she does support the taxpayer dollars being used for this program.

Further discussion was held and Board members suggested changes to the agreement.

(M)Pickard, (S)Fritz, Res. 07-432 was adopted approving the agreement with the changes as discussed; and with identifying the funding to come from General Fund Contingency. Further discussion was held. Rick Benson advised that it is the intent that this funding be included in the proposed budget, so there is no need to move funds from Contingency. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: 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/County Administrative Officer)

BOARD ACTION: Following discussion, (M)Pickard, (S)Turpin, Res. 07-433 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.

10:58 a.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos;

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos;

C) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Richard Bolanos;

D) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: MCMCO (Mariposa County Managerial/Confidential Organization); Name of County Designated Representative: Richard Bolanos

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Number of Cases to be Discussed: 1; Name of Case to be Discussed: County of Mariposa v. Robert McMillen (County Counsel) (Continued from August 28, 2007); and

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Administrative Officer (Government Code Section 54954.5) (County Counsel)

BOARD ACTION: Supervisor Bibby initiated discussion relative to her potential conflict of interest in participating with labor negotiations with SMA and DSA as her husband is a member of SMA, and her cousin is a member of DSA and they have a financial interest in estate property. She advised of the October 6, 2004 letter from the FPPC in response to her inquiry relative to the potential conflict. She advised of her contact with the DSA and SMA representatives relative to not participating in the negotiations with these two bargaining units, and she advised that she has not missed a Board meeting in five years. She advised that she is excusing herself from labor negotiations with SDA and SMA due to the potential conflict of interest, and she noted that there could be compaction issues and she has a direct financial tie to her husband and to her cousin. Supervisor Pickard advised that he respects her decision; however, he asked that if any discussion comes up in a subsequent Board meeting in public session, that she excuse herself as required by the Brown Act and pass the gavel. Discussion was held. Supervisor Bibby asked that the Vice-Chair take the motion to convene in closed session for these two matters so that she could excuse herself from the meeting for those actions.

Input from the public was provided by the following:

Paul Chapman stated he feels that MCMCO received a generous raise the first of the year.

(M)Pickard, (S)Aborn, the closed sessions for SEIU, MCMCO, McMillen case, and public performance evaluation were held/Ayes: Unanimous.

11:15 a.m. Chair Bibby passed the gavel to Vice-Chair Turpin, and she excused herself from the meeting for the following motion and for the closed session items for labor negotiations with SDA and SMA.

Input from the public was provided by the following:

Paul Chapman stated he appreciates Supervisor Bibby's integrity for excusing herself from these two items.

(M)Fritz, (S)Pickard, the closed sessions for DSA and SMA were held/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

1:32 p.m. RESULTS OF CLOSED SESSIONS: Vice-Chair Turpin announced that direction was given to staff relative to labor negotiations with DSA and SMA.

1:34 p.m. RESULTS OF CLOSED SESSIONS: Chair Bibby announced the following: the closed session was not held for labor negotiations with SEIU and MCMCO; by unanimous vote authorization was given to file a lawsuit in the McMillen case; and direction was given to staff relative to the public performance evaluation.

CONSENT AGENDA:

CA-1 Approve an Agreement with Mariposa County First Five Commission for Funding of Smart Start Perinatal Outreach Program for Mariposa Citizens and Authorize the Board of Supervisors Chair to Sign the Agreement (Health Officer); Res. 07-427

- CA-2 Approve the Mariposa County E-mail Retention Policy (Technical Services Director); Res. 07-428

- CA-3 Approve the Plans and Specifications for Bidding Purposes on Darrah Road, Project #00-24, Hornitos Road, Project #07-16 and Don Pedro Subdivision, Project #00-27 and Authorize the Public Works Director to Award to the Lowest Responsible Bidder Contingent on Approval of the California Transportation Commission (Public Works Director); Res. 07-431

- CA-4 Authorize the Public Works Director to Approve a Purchase of Biofilter Media in the Amount not to Exceed \$6,000 with a Purchase Order (Public Works Director); Res. 07-429

- CA-5 Approval of Summary of Proceedings of August 28, 2007, Regular Meeting (Clerk of the Board)

- CA-6 Rescind Resolution No. 07-419 and Adopt a Resolution Declaring the Board of Supervisors' Intent to Purchase Real Property Located at 5393 Highway 49 North in Mariposa County (APN 012-340-002) for the Relocation of Certain Activities of the Mariposa County Sheriff's Department (County Administrative Officer/Personnel/Risk Manager); Res. 07-430

1:36 p.m. The Board continued the meeting to Monday, September 10, 2007, at 9:00 a.m. for the Public Hearing to consider the Final Budget for FY 2007-08; and recessed in memory of Robert "Bob" Moran DeWitt, Dianne M. Carlton, Lucy Marguerite Ross, Cheryl Ann (Montgomery) Scott, and Floyd "Peewee" Harold Raymond Erickson.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 10, 2007

(Meeting Continued from September 4, 2007)



Time Description

9:09 a.m. Continued Meeting (Continued from September 4, 2007) Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda – none.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2007-2008, and Continue the Hearing and Meeting to September 11, 12, 13 and 14th, as Necessary to Conclude the Hearing and for the Adoption of the Final Budget (A Tentative Budget Hearing Schedule is Available at the Administration Office, and is Subject to Change.)

BOARD ACTION: Chair Bibby advised that there would be an opportunity for public comment before each session of the budget hearing. Chris Ebie/Auditor, Debbie Isaacs/Assistant Auditor and Mary Hodson/Deputy County Administrative Officer were present to respond to questions and to track the budget changes: Rick Benson thanked Mary Hodson for her work on the budget; and he presented the staff report. He advised that there are revisions to reflect the final revenue figures; and he advised of adjustments to the General Fund balance and recommended that these funds be appropriated to provide online streaming of Board meetings (\$40,000), transfers to insurance (\$25,000), additional funding to the fire equipment replacement fund (\$37,000), and the remaining funds to be added to General Fund Contingency (\$151,135). He advised of a change in the budget to itemize individual benefit costs for each department and to reflect the final insurance costs.

Public Comment:

Paul Chapman stated he has a list of things that he feels can be cut from the budget and he disagrees with funding the online streaming of Board meetings, as he feels there are other needs with Fire, Sheriff and Roads.

Rick Benson provided a budget overview for each of the budget units and the Board reviewed the following budget units:

General Purpose Revenue – The Board concurred with this budget unit as revised.

Board of Supervisors – Discussion was held. Rick Peresan, Technical Services Director, provided input on the request for the online streaming of Board meetings. Supervisor Pickard clarified that the RCD is the Resource Conservation and Development Council. The Board concurred with this budget unit as revised, including the online streaming of Board meetings.

Administration, Audits, Assessment Appeals, Personnel, Economic Development, Forest Reserve HR2389, Tobacco Settlement, and Economic Development Strategy – Supervisor Turpin initiated discussion relative to the status of the County's exhibit at the State Fair, and the Board concurred with adding \$7,500 to the list for further consideration in the hearing process. The Board concurred with these budget units as revised.

Auditor – The Board concurred with this budget unit as revised.

Government Center, Mariposa Parking Bond Redemption, Yosemite West Bond, Yosemite West Bond 2004, Yosemite West WWTP Reserve, Lake Don Pedro WWTP Bond, and Lake Don Pedro WWTP Reserve – The Board concurred with these budget units as revised.

Treasurer – Tax Collector, County Clerk, Elections, Yosemite West Bond Administration, Cash Difference – Tax Collector, Lake Don Pedro Bond Administration, Tax Collectors Cost, and Vital/Health Clerk – Discussion was held with Keith Williams, Treasurer/Tax Collector/County Clerk, relative to the status of their review of their fees for services. The Board concurred with adding \$10,000 to the list for further consideration in the hearing process for a fee study, including the Assessor. The Board concurred with these budget units as revised.

Assessor/Recorder, Recorders Modernization, Recorders Cash Difference, Micro Conversion, and Vital/Health Recorder – Rick Benson advised of recommendation to add one Assessment Recording Clerk III and delete one Assessment Recording Clerk I/II position within the Assessor/Recorder's department, and he advised that documentation on the change will be provided prior to the conclusion of the budget hearing. The Board concurred with these budget units as revised. Becky Crafts, Assessor/Recorder, commented on the fee charges and the need for uniformity between the departments. The Assessment Office Manager compaction was also approved.

County Counsel – The Board concurred with this budget unit as revised. Thomas P. Guarino, County Counsel, asked to be excused from the balance of the budget hearing and advised that he will be available if needed, and the Board concurred.

Technical Services – Rick Peresan, Technical Services Director, provided input on his request to reclassify the Information Systems position. Rick Benson advised that the request will require further analysis and will be presented for Board review at a later date. Discussion was held relative to the sound system and the public microphone in the Board Chambers, and it was noted that this could be reviewed with the online streaming of Board meetings project. The Board concurred with this budget unit as revised.

Building – The Board concurred with budget unit as revised.

Public Comment:

Ruth Sellers stated she feels the amount of money being spent on outside counsel for legal services should be addressed. She questioned Supervisors being able to claim mileage to travel from their home to work, and she noted that the IRS considers this to be additional income.

Paul Chapman questioned the availability of the revised budget information; referred to the list of budget changes that he presented; and he referred to the in-County mileage claimed by Board members.

10:06 a.m. Recess

10:36 a.m. Public Comment:

Paul Chapman asked about the Moyer program and the status of the funds.

Cooperative Extension Services – Rick Benson advised of the request to add a half-time Master Gardener Program Manager position and to reclassify the 4-H Coordinator to a 4-H Program Manager; and he advised that these requests are not being recommended at this time pending further analysis and a recommendation will be presented to the Board at a later date. He also advised of an error in the budget printout – a vehicle is being requested; however, it is not being recommended and the funding was not included in the budget. Karen Robb, Farm Advisor, provided input on the request for a Master Gardener position. In response to Supervisor Pickard, she advised that she plans to bring a proposal to the Board in

a couple of weeks relative to the community garden. The Board concurred with this budget unit as revised.

Library – The Board concurred with this budget unit as revised.

Community Services Department - Veterans' Services, Senior Services, Senior Nutrition, and Transit – Discussion was held with Mary Williams, Community Services Director, relative to showing the County's cash contribution for the in-kind match in this budget unit versus just the Interfund Transfers, and the Board concurred. The Board concurred with these budget units as revised.

Planning, SDA Camp EIR, Yosemite Cascades EIR, Silvertip Resort EIR, Vallecito Specific Plan EIR, Microform, Local Agency Formation Commission, and Mariposa Aggregate – Discussion was held with Kris Schenk, Planning Director, relative to the status of various programs and projects. The Board concurred with these budget units as revised.

Health/Air Pollution, Emergency Medical Services, Tobacco Cessation, Realignment Health, Perinatal Program, Public Health Emergency Program, Moyer Program, Local Enforcement Agency, First Five Visiting Public Health Nurse, West Nile Virus, HRSA Bio-Terrorism, and Pacific Bell Settlement – Rick Benson advised that there are several position changes being requested which will be addressed in the near future, but are not recommended at this time; with the exception of reclassifying a Senior Office Assistant position to a Secretary position – documentation on this change will be provided prior to the conclusion of the budget hearing. Discussion was held with Dr. Mosher, Health Officer, relative to the status of various programs. The Board concurred with these budget units as revised.

Human Services Department - 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 Education Plan, Youth Council, Incentives Social Services, Assistance Advance, Children's Trust, Drug & Alcohol Prevention, 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 – Rick Benson reviewed the additional position requests, and he recommended that the Social Worker Supervisor II position for Social Services be approved at this time. The remaining requests will be addressed at a later date. Discussion was held with Cheryle Rutherford-Kelly, Human Services Director, relative to the various programs. John Lawless, Deputy Director of Behavioral Health, provided input on the Proposition 36 – substance abuse program. The Board concurred with these budget units as revised.

11:46 a.m. Lunch

1:48 p.m. Public Comment

Paul Chapman stated he feels the maintenance position at the Airport should be used to help offset the extra help request for facility maintenance; and he commented on other budget units in Public Works and his recommended cuts.

Public Works Department - Facilities Maintenance, Public Works Administration, Regional Transit System, Parks & Recreation, Local Transportation, State Transit Assistance, Transportation Planning, Pedestrian Bikeway, Roads, Special Aviation, Roads – Special Projects, Water Agency, Coulterville Lighting, Coulterville Service Area, Don Pedro Service Area 1M, Don Pedro Sewer, Hornitos Lighting, Mariposa Lighting, Mariposa Parking, Mariposa Pines Sewer, Wawona Service Area, Yosemite West Maintenance, Airport Hangar Project, Inspection Fee, Trower Road/140 Intersection, Deferred Improvements, Rewards Program – Parks, Deferred Improvement – Land Division, Airport Planning Grant, Capital Improvement Projects, Solid Waste & Recycling, Solid Waste Closure, Solid Waste Composting Project, Airport Operations,

Fleet Maintenance, Vehicle Replacement, and Heavy Equipment Replacement – Rick Benson reviewed the additional position requests and advised that they will be addressed at a later date. He advised of the change to include revenue for providing Courthouse custodial services in the Facilities Maintenance budget unit. Discussion was held with Dana Hertfelder, Public Works Director, relative to the various programs. Supervisor Pickard asked about the status of formation of a committee to look at future needs of the cemetery. He asked about borrowing funding from future year allocations for the pedestrian bikeway, and Dana Hertfelder advised that he will review to see if this is a possibility. Supervisor Turpin asked about the status of reviewing scissor lifts for changing lights; and he requested that Public Works come back with a report on timeline information for pending projects in mid-October. Supervisor Bibby asked that information be provided on the status of outstanding loans and the payment schedule for the Water Agency. Carl Casey, Public Works Administrator, advised that the request to transfer \$25,000 from the Water Agency for the hazardous materials clean-up fund is as a grant. Supervisor Bibby initiated discussion relative to future planning for solid waste/landfill disposal and she asked that a status report be provided to the Board – it was noted that this is an issue for the Solid Waste Task Force to consider and Public Works will try to schedule a report at mid-year. Supervisor Turpin asked about the status of the GASB-34 inventory, and Chris Ebie advised that it is completed and cost about \$17,500 versus the \$40,000 that was budgeted – there is about 29 million dollars of infrastructure in the County. The Board concurred with these budget units as revised.

The public hearing on the Final Budget for FY 2007-08 was continued to Tuesday, September 11, 2007, at 1:30 p.m.

3:25 p.m. (M)Aborn, (S)Pickard, the meeting was adjourned/Ayes: Unanimous.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 11, 2007



Time Description

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

Chair Bibby led in the Pledge of Allegiance and called for a moment of silence in memory of those who lost their lives in the 9-11 tragedy and for their families.

Introductions

Jim Wilson/Fire Chief, Jim Middleton/Deputy Fire Chief, Art Laursen/Division Chief, and Hal Nolan/Division Chief, performed the “bell” ceremony in memory of the 2,795 persons who lost their lives as a result of the 9-11-01 attacks.

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Input from the public was provided by the following:

Paul Chapman stated he felt the original agreement for the work in item 3 was with Connor Pacific and he asked if Golder Associates is the same company.

Supervisor Bibby pulled item 3 for a text change and action later this date. (M)Fritz, (S)Turpin, the balance of the items was approved/Ayes: Unanimous.

Chair Bibby;

Proclaim the Week of September 17-23, 2007 as “Constitution Week”

BOARD ACTION: (M)Aborn, (S)Fritz, the Proclamation was approved and Connie Waldron accepted it on behalf of the Merced River Chapter of the Daughters of the American Revolution/Ayes: Unanimous.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda.

Lucille Apcar provided input on the Master Gardener program and questioned the request for a budget subsidy from the County as she feels this is a program funded by the University of California.

Theresa Castaldi requested the Board’s assistance with Planning with her request to process building permits for cabins for the Coyote Springs Ranch and with the agri-tourism use determination. Supervisor Bibby advised of her meeting with Theresa Castaldi and of her request for the Planning Director to provide a status report.

Board Information

Supervisor Turpin advised that he plans to attend Coulterville Volunteer Fire Station’s candlelight watch ceremony; and he noted that with this being 9-11, we need to keep the young men and women that are serving our country in our prayers. He advised that his youngest son, Jason, is landing in Kuwait today as a part of his military service.

Supervisor Bibby advised of a letter the Board received from the Mariposa County Farm Bureau dated August 28, 2007, thanking the Board for its support in maintaining the subvention for the Williamson Act contracts; and she thanked the Farm Bureau for their efforts and support. She noted that she recently received an inquiry relative to the extension of 2nd, 3rd and 4th Streets, and she advised that the work is being done under an applicant's encroachment permit. She plans to attend the Mental Health Board meeting at noon today if the Board's meeting schedule allows. She has been invited to be a judge for the "Blazin' Hog" BBQ event.

Karen Robb, Farm Advisor/4-H;
Present 2006-2007 Mariposa County 4-H Youth Development Program Update- 4-H Program, Camp Tweety and Ag in the Classroom

BOARD ACTION: Donna Wice/4-H Coordinator presented the report. No action was necessary.

Consider Items Removed from the Consent Agenda

Discussion was held with Dana Hertfelder relative to item 3, and he advised that the original contract was with Connor Pacific and they were purchased by Golder, and the same individual is working on this project. Supervisor Bibby advised of a text correction on the first page of the contract. (M)Fritz, (S)Pickard, item 3 was approved/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 Administrative Officer)

BOARD ACTION: Supervisor Bibby advised of her contact with CalTrans and the update of the notification list for meetings. Rick Benson advised that the Planning and Development Team for CalTrans continues to meet and is working on this project.

Input from the public was provided by the following:

Eleanor Keuning commented on travel habits that people form – the longer the traffic is restricted on Highway 140, the more likely it is that they will continue to use alternative routes in the future.

Paul Chapman commented on a recent experience in Fresno with a businessman who asked if Highway 140 was open to traffic.

Supervisor Turpin commented on the recent radio advertising he heard that was funded with a PG&E grant. (M)Aborn, (S)Fritz, Res. 07-438 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.

Waive the Second Reading and Adopt an Ordinance Amending Zoning Ordinance Text. The Project Proposes to Amend the Mariposa Zoning Ordinance, Title 17, Regarding "Temporary Camping" for Projects Affecting all Town Planning Areas (TPA), Rural Residential (RR), Mountain Home (MH), Mountain Transition (MT), Mountain General (MG), General Forest (GF), Mountain Preserve (MP), and Agricultural Exclusive (AE) Zones. Mariposa County, Project Proponent (Planning Director)

BOARD ACTION: Discussion was held with Kris Schenk, Planning Director, relative to the amendment and use of recreational vehicles for care takers of property, and as to whether this would apply if there is hook-up to a septic system. (M)Pickard, (S)Aborn, the second reading was waived and Ordinance No. 1038 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Aborn, Bibby, Fritz, Pickard; Noes: Turpin.

Waive the Second Reading and Adopt an Ordinance Amending Section 13.08.010 and Creating Section 13.08.115 of the Mariposa County Code Clarifying that Recreational Vehicles are Prohibited from being used as Permanent Residence (County Counsel)

BOARD ACTION: Following discussion, (M)Pickard, (S)Aborn, the second reading was waived and Ordinance No. 1039 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Waive the Second Reading and Adopt an Ordinance Creating Section 15.1.070 of Chapter 15.10 of the Mariposa County Code Clarifying that Recreational Vehicles are Prohibited from being used as Permanent Residence (County Counsel)

BOARD ACTION: Following discussion, (M)Pickard, (S)Aborn, the second reading was waived and Ordinance No. 1040 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

9:56 a.m. Recess

10:06 a.m. Dana Hertfelder, Public Works Director;
PUBLIC HEARING Continued from June 26, 2007, to Consider a Requested Franchise Rate Increase of 25.53% for Mariposa County Total Waste Systems, Inc. (TWS) Based Upon the 10% Profit Provision in the County of Mariposa Franchise Agreement; Approve the Requested Increase

BOARD ACTION: Dana Hertfelder presented the staff report and he and Carl Casey/Public Works Administrator responded to questions from the Board relative to the request and the financial information that was provided. Supervisor Pickard asked that Public Works review the franchise agreement for Wawona relative to the process for a rate increase, and he asked whether it is necessary to sustain a franchise for Wawona.

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

John Warren, Accountant for Mariposa County Total Waste Systems, Inc., advised that he was present to respond to questions, and he advised that he feels that Public Works presented a thorough analysis.

Ruth Sellers asked about the status of looking into a recycling program, and she asked whether this rate increase will impact the tipping fee.

Staff responded to a question from the Board and advised that this does not impact the tipping fee. Supervisor Pickard noted that there is a vacancy on the Solid Waste Task Force, and recycling is a topic that needs to be reviewed with all of the stakeholders. The hearing was continued for the following hearing to be opened.

10:33 a.m. The public hearing to consider an amendment to the minimum Residential Road Standards was opened and continued until after the conclusion of the hearing on the franchise rate increase.

Rebuttal: Fred Youngren, Managing Mariposa County Total Waste Systems, Inc., provided input on their recycling efforts; and he noted that the residents in Wawona are provided with bear-proof containers and that is an added expense. He responded to questions from the Board relative to recycling at the transfer stations.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Fritz, (S)Pickard, Res. 07-439 was adopted approving the franchise rate increase as recommended/Ayes: Unanimous. The hearing was closed.

Kris Schenk, Planning Director;
PUBLIC HEARING to Adopt a Resolution Approving an Amendment to the Minimum Residential Road Standards Contained in the Mariposa County Road Improvement and Circulation Policy; Project No. 2007-124 and Adopt a Negative Declaration for the Project

BOARD ACTION: Kris Schenk advised that there will be a more extensive review of the road standards this fall with the contract with Andy Hauge. Skip Strathearn/Senior Planner, presented the staff report and he advised of the Planning Commission's recommended revisions to the chart for the Minimum Residential Road Standards. Kris Schenk, Dana Hertfelder/Public Works Director, and Thomas P. Guarino/County Counsel, responded to questions from the Board relative to an applicant being able to propose mitigation measures and road safety issues.

11:25 a.m. Recess

11:46 a.m. County Counsel advised that staff has been listening to the Board's concerns and suggests that language be added to the chart that for existing County roads, as an interim measure, until the County has adopted a comprehensive impact fee program and/or a road mitigation program, project applicants may submit mitigating measures, along with the necessary environmental documentation. This will allow on an interim basis the processing of the projects that are in the pipeline. Discussion was held.

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

Anita Starchman Bryant, Starchman & Bryant Law Offices, advised that she is representing several developers in the County, stated she feels it is appropriate to add the proposed language to the bottom of the chart so that the public realizes that there is an alternative of being able to propose mitigation measures. She reviewed her email of September 6th to the Board.

Tim Miller, Miller Planning – Merced, states he supports the language that staff developed for existing roads as an interim policy.

Tolley Gorham asked if the Planning Department would immediately begin processing the projects that have been held pending the resolution of this standard. Kris Schenk advised that if this is adopted, that Planning would send out a letter for those projects that received an earlier letter advising that they did not meet current standards, letting the applicants know that if their project meets this standard, that public hearings will be scheduled. Tolley Gorham asked whether projects that can meet a nine-foot road width, but not a ten-foot, could go forward with mitigation measures.

Ken Baker, represents several properties in the County, referred to the General Plan process, and he stated he does not feel that narrow roads cause a problem – he feels that people are complaining more about road repairs versus width. He further commented on the proposed language and stated he feels that Public Works should play a lead role for the streets.

Jim Brannan, agent for John Boggs on a parcel that is located at the intersection of Yosemite Oaks Road and Oaks Road, advised of issues that they have been dealing with on this project; and he stated he would like to see “common sense” brought back into the process.

Ken Melton recommended that the Rural Class I road for 0-40 Average Daily Traffic (ADT) be changed to 0-120.

Theresa Castaldi stated she concurs with Attorney Bryant, and she urged the Board to keep the road decisions and process with Public Works.

Staff responded to questions from the Board relative to recommendations for the road standards.

Anita Starchman Bryant provided additional input relative to road width issues; and she asked how staff will address the applicants that received letters denying their projects and withdrew their applications based on that information. Kris Schenk stated he thought there were only two applicants who withdrew their applications and received refunds; and they could reapply for their projects – start over with their applications.

Staff responded to questions that were raised on the road standards for the Rural Class I road.

Rod Timmons provided input on road width issues and with environmental impacts and cumulative dust impacts.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to dealing with mitigation measures and the suggested language change. (M)Pickard, (S)Turpin, Res. 07-440 was adopted approving an amendment to the Minimum Residential Road Standards contained in the Mariposa County Road Improvement and Circulation Policy; Project No. 2007-124, with the changes as recommended by the Planning Commission and with the additional language recommended by staff during this hearing for chart “A”; adopting a Negative Declaration for the project; and directing staff to evaluate the impact of changing a Rural Class I road to 0-100 ADT. Supervisor Turpin asked that the motion be amended to include a change to nineteen-foot width for a Rural Class II road; and the motion was amended, agreeable with the maker, to include direction for staff to evaluate this. Further discussion was held relative to the road standards. Ayes: Turpin, Fritz, Pickard; Noes: Aborn, Bibby. The hearing was closed.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos

C) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Richard Bolanos

D) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: MCMCO (Mariposa County Managerial/Confidential Organization); Name of County Designated Representative: Richard Bolanos

BOARD ACTION: At 1:24 p.m., Chair Bibby advised that the closed sessions for items C and D were not necessary; and she excused herself from the room due to a potential conflict of interest as stated at the previous meeting. Vice-Chair Turpin advised that the closed sessions for items A and B were not necessary.

1:26 p.m. Chair Bibby announced that she would open the public hearing on the final budget at 1:30 p.m. and continue it to 1:45 p.m.

1:27 p.m. – LUNCH

1:30 p.m. Chair Bibby opened the public hearing on the final budget and continued it to 1:45 p.m.

1:52 p.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager; Continued PUBLIC HEARING (Continued from September 10, 2007) to Consider the Final Budget for Fiscal Year 2007-2008, and Continue the Hearing and Meeting to September 12, 13 and 14th, as Necessary to Conclude the Hearing and for the Adoption of the Final Budget (A Tentative Budget Hearing Schedule is Available at the Administration Office, and is Subject to Change.)

BOARD ACTION: Chris Ebie/Auditor, Debbie Isaacs/Assistant Auditor, and Mary Hodson/Deputy County Administrative Officer, were present to respond to questions and to track the budget changes.

Public Comment – None.

Rick Benson provided a budget overview for each of the budget units and the Board reviewed the following budget units:

Grand Jury and Law Library – Rick Benson advised of revisions to the Law Library budget unit, and the Board concurred with these budget units as revised.

Witt Hawkins, member of the Grand Jury, stated they could always use an increase in their budget unit.

Indigent Defense – The Board concurred with this budget unit.

Child Support Services and Child Support Advance – Rick Benson advised of the request for a reclassification of two positions. Debbie Walton, Child Support Services Director, provided input on the requests. The Board concurred with these budget units as recommended.

Sheriff-Coroner-Public Administrator, Boating Safety, Jail, Asset Forfeiture, Sheriff Asset Forfeiture, COPS Grant, SLESE, Rural County Crime Prevention, DNA Identification, County Inmate Welfare, Fingerprint ID, Animal Control, Public Administrator, Criminalistics Lab, Standards & Training Corrections Program,

Automated Warrant System, and Civil Matters – Rick Benson reviewed the budgets units and advised of recommendation to fund a full-time bailiff for the courts. Discussion was held with Jim Allen, Sheriff-Coroner, relative to these budget units. Supervisor Bibby advised that an informal meeting is being scheduled with Merced Irrigation District (MID) to discuss the boating safety program and costs. Supervisor Pickard asked about using the Rural Crime Prevention Funds for future jail expansion, and discussion was held. Joel Bibby, Sheriff’s Captain, advised of an additional request to include grant revenue and expense of the 911 upgrade for console furniture upgrades in the amount of \$25,487. Rick Benson recommended approval of this request, and the Board concurred. The Board concurred with these budget units as revised.

Juvenile Detention, Probation, ADAPT Program, Juvenile Justice Crime Prevention Act, Domestic Violence, Probation – Drug Program, and Revenue & Recovery – Rick Benson advised that the recommendation on the reclassification request for the Office Assistant I/II position to a Senior Office Assistant will be presented to the Board at a later date. Gail Neal, Chief Probation Officer, provided input on the request for purchase of a Live Scan machine and on their lab testing and space needs. Supervisor Turpin asked about the full-time status of the Juvenile Supervisors, and Mary Hodson advised that these descriptions need to be updated in the budget. The Board concurred with these budget units as revised.

2:31 p.m. Recess

2:33 p.m. Agricultural Commissioner – Rick Benson advised of the request for an additional position of Agricultural & Standards Program Technician, and he recommended that this be held pending further analysis and a recommendation will be presented to the Board at a later date. He advised that he plans to start bringing recommendations on the position requests in the budget back to the Board by mid-October. Discussion was held with Cathi Boze, Agricultural Commissioner, relative to the position request. The Board concurred with this budget unit as revised.

Fish & Game – Rick Benson advised of a change to reflect the actual fund balance. The Board concurred with this budget unit as revised.

Solid Waste – Supervisor Pickard noted that direction was given in the FY 2006-07 budget hearing to look at payment of the one million dollar loan from the General Fund for the Compost Facility. Mary Hodson noted that this could be added to the budget narrative.

The final budget hearing was continued to Wednesday, September 12, 2007, at 9:00 a.m.

Chair Bibby noted that the meeting would also be continued to Thursday, September 13, 2007, at 9:30 a.m. for Closed Session: Public Employee Appointment; Candidate Interviews for Human Services Director.

CONSENT AGENDA:

- CA-1 Approve an Amendment to Agreement with Schaaf & Wheeler to Develop a Drainage Study for the Town of Coulterville and Authorize the Board of Supervisors Chair to Sign the Amendment (County Administrative Officer/Personnel/Risk Manager); Res. 07-435
- CA-2 Authorize the Health Education Program Allocation for Three Consecutive Fiscal Years Beginning July 1, 2007 and Ending on June 30, 2010, Authorize the Board of Supervisors Chair to Sign the Acceptance of Allocation Agreement Form for Fiscal Year

2007-2008 and Authorize the Health Officer to Sign other Documents Required by the State to Maintain the Health Education Program in Mariposa County Throughout the Multi-Year Agreement Period (Health Officer); Res. 07-436

- CA-3 Approve Third Amendment to the Agreement with Golder Associates to Extend the Term to June 30, 2008, Increase the Agreement by \$30,000 and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 07-437
- CA-4 Approve Agreements for Fiscal Year 2007-2008 with Area 12 Agency on Aging for Congregate Meals, Home Delivered Meals, Restaurant Meals and Transportation Services and Authorize the Board of Supervisors Chair to Sign the Agreement and Sign the Designation Form Authorizing the Department Head to be the Designee for Mariposa County Community Services (Community Services Director); Res. 07-434
- CA-5 Approval of Summary of Proceedings of September 4, 2007, Regular Meeting (Clerk of the Board)

2:45 p.m. (M)Aborn, (S)Turpin, the Board recessed and continued the meeting and final budget hearing to September 12, 2007, at 9:00 a.m./Ayes: Unanimous.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

September 12, 2007

(Meeting Continued from September 11, 2007)

Time Description

9:10 a.m. Continued Meeting (Continued from September 11, 2007) Called to Order at the Mariposa County Government Center

Bill Flaherty, District Attorney-Victim Services Supervisor led in the Pledge of Allegiance.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager; Continued PUBLIC HEARING (Continued from September 11, 2007) to Consider the Final Budget for Fiscal Year 2007-2008, and Continue the Hearing and Meeting to September 13 and 14th, as Necessary to Conclude the Hearing and for the Adoption of the Final Budget (A Tentative Budget Hearing Schedule is Available at the Administration Office, and is Subject to Change.)

BOARD ACTION: Chris Ebie/Auditor, Debbie Isaacs/Assistant Auditor and Mary Hodson/Deputy County Administrative Officer were present to respond to questions and to track the budget changes:

Public Comment – none.

Rick Benson provided a list of the revised changes to the budget units for the District Attorney, along with Community/Cultural Services and the Sheriff's budget unit. He provided a budget overview for each of the budget units and the Board reviewed the following budget units:

District Attorney - Statutory Rape Vertical Prosecution Grant, Elder Abuse Vertical Prosecution Grant, Child Abuse Vertical Prosecution Grant, District Attorney – Prosecution, Drug Enforcement Grant, Victim Witness, District Attorney Asset Forfeiture, Department of Justice, and Sund-Pelosso Advance – Rick Benson advised of request to fund an allocated Deputy District Attorney position versus using extra help; of request to reclassify an Office Assistant I/II position to a Senior Office Assistant; and of request to create another level under the Deputy District Attorney series. He advised that a recommendation will be presented to the Board at a later time on the requests pending further analysis. Discussion was held with Bob Brown, District Attorney, relative to the various programs and workload and staffing issues. Discussion was held relative to the status of the Sund-Pelosso Advance budget unit, and Chris Ebie advised that the funding in question has been returned to the State; and he advised of his discussions with the State Controller relative to being able to claim costs for the vehicle storage. Further discussion was held with Bob Brown relative to staffing issues, and he advised that his ultimate goal is to have three full-time Deputy District Attorney IV positions. The Board concurred with these budget units as revised.

9:51 a.m. Recess

10:10 a.m. Fire, Special Grants – Fire and Fire Vehicle Replacement – Rick Benson advised of a request for a reclassification of two positions (Fire Services Assistant and the Office Assistant I/II) and he advised that those requests are still under review and a recommendation will be brought to the Board in the future. He advised of a revision to increase the equipment maintenance line item and to the fire vehicle replacement fund. Supervisor Pickard requested that direction be given for an analysis to be done on all of the options and possible scenarios for rolling stock/fire engine replacement for the Board to review. He also asked that the strategic location of the fire stations be reviewed to maximize the dollars. Supervisor Bibby asked that options be kept open to having various types of programs in different areas

of the County. Discussion was held with Jim Wilson, Fire Chief, relative to the budget issues, including fleet maintenance and replacement. The Board concurred with adding \$30,000 to the list for further consideration in the hearing process for small tools, training, safety clothing, and equipment. Mary Hodson asked for Board direction on funding for the \$5,000 for the safety fire house educational materials replacement. (M)Pickard, (S)Aborn, the Board directed that the process be initiated to fund the \$5,000 for the educational materials from the Title III funds/Secure Rural Schools and Community Self-Determination Act of 2000/Ayes: Unanimous. The Board concurred with these budget units as revised.

11:04 a.m. Recess

11:14 a.m. Community/Cultural Services – Rick Benson advised this new budget unit was created to track expenditures related to tourism as well as other community and cultural services. He advised that the Arts Council received \$48,000 in the previous budget versus the \$51,000 shown on the budget sheet. He also advised that the recommended budget of \$30,000 for the Rural Media Arts Center includes the \$25,000 that the Board allocated earlier this fiscal year for restoration of the building. He advised of a correction to reflect an amendment to the Chamber of Commerce contract in the amount of \$3,940. Discussion was held. (M)Fritz, (S)Pickard, \$51,000 was approved for funding for the Arts Council/Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby. The Board concurred with funding \$175,085 for the Chamber of Commerce to match the existing contract and amendment. Motion by Aborn to fund \$15,000 for the Yosemite Renaissance, was withdrawn following discussion. The Board concurred with funding \$510,000 for the Yosemite/Mariposa Tourism per the existing contract. (M)Pickard, (S)Fritz, \$900 was approved for funding for the Fair Parade/Ayes: Unanimous. (M)Turpin, (S)Fritz, \$5,150 was approved for funding for the North County History Center/Ayes: Unanimous. (M)Pickard, (S)Turpin, \$47,256 was approved for the Mineral Exhibit per the existing contract. Supervisor Pickard asked that a status report on the Exhibit be scheduled for the Board. Ayes: Unanimous.

Input from the public was provided by the following on the Rural Media Arts Center:

Barry Brouillette, Board member for the Rural Media Arts Center, provided input in support of this program and on the importance of the arts.

Following further discussion, (M)Pickard, (S)Aborn, the Board approved an additional \$5,000 as one-time funding for this budget year for the Yosemite Renaissance for a total amount of \$15,000; and approved an additional \$5,000 as one-time funding for this budget year for the Rural Media Arts Center for a total amount of \$35,000 (which includes the \$25,000 previously allocated for the building renovation). Supervisor Turpin suggested that the additional funding be in the amount of \$2,500 as one-time funding, and discussion was held. Ayes: Aborn, Fritz, Pickard; Noes: Turpin, Bibby. Rick Benson suggested that the funding for the Rural Media Arts Center be placed in two separate line accounts: \$25,000 for the building renovation grant and \$10,000 for the programs; and the Board concurred.

Interfund Transfers – Discussion was held. Supervisor Pickard asked about the status of the two million dollars that was set aside in the previous budget year for the pension obligation bond debt. Discussion was held relative to the Designation line item, and Chris Ebie advised that he will check to see whether it takes a 3/5ths or a 4/5ths vote to release those funds. The Board concurred with this budget unit as revised.

Risk Management – Rick Benson advised of a revision to reflect the actual fund balance, and the Board concurred with this budget unit as revised.

Contingency – General – Mary Hodson advised that the balance is \$553,924, pending decisions on the issues that were held for further consideration in the budget hearing process. Discussion was held relative to addressing the personnel costs when recommendations are brought back. The Board concurred with not funding the County's exhibit at the State Fair. Rick Benson advised that the Assessor/Recorder and Treasurer/Tax Collector/County Clerk feel that their departments can take care of the fee study in-house; and the Board concurred with not funding a fee study. The Board concurred with not funding the \$30,000 additional for the Fire budget, and with looking at the budget at mid-year. Supervisor Bibby

stated she would like to see the Tourism Board work with service clubs to do an exhibit at the State Fair. The Board concurred with this budget unit as recommended.

Rick Benson thanked Mary Hodson for her work on the budget and the departments for their cooperation. The public portion of the hearing was closed. Board members thanked the County Administrative Officer, staff, the Auditor, and the departments for their work on the budget. (M)Turpin, (S)Fritz, direction was given for staff to bring back a formal resolution to adopt the final budget on September 18, 2007/Ayes: Unanimous.

12:15 p.m. The meeting was recessed and continued to Thursday, September 13, 2007, at 9:30 a.m. for Closed Session: Public Employee Appointment; Candidate Interviews for Human Services Director.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 13, 2007

(Meeting Continued from September 12, 2007)



Time Description

9:35 a.m. Continued Meeting (Continued from September 12, 2007) Called to Order at the Mariposa County Government Center

Pledge of Allegiance.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda - None.

CLOSED SESSION: Public Employee Appointment; Candidate Interviews for Human Services Director (County Administrative Officer/Personnel/Risk Manager)

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

11:31 a.m. Lunch

1:07 p.m. The Board reconvened in closed session.

2:27 p.m. Chair Bibby announced that direction was given to staff as a result of the closed session; and the meeting was adjourned.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 18, 2007



Time Description

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

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Input from the public was provided by the following:

Paul Chapman referred to item 7 and stated he objects to the adoption of the budget as he feels that two million dollars should be cut to pay PERS for the unfunded liability.

Supervisor Aborn pulled items 4 and 8. Supervisor Bibby pulled items 5, 7 and 8. (M)Pickard, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Theresa Castaldi, Coyote Springs Ranch, again requested the Board's assistance with Planning with her request to process building permits for cabins for the Coyote Springs Ranch and with the agritourism use determination; and she referred to the letter she received from the Planning Director and the history of actions taken on the agritourism use and for the ranch. Chair Bibby advised that an item has been scheduled on the Board's agenda for October 2nd to discuss agritourism. Supervisor Pickard noted that with the adoption of the General Plan that there are details on issues to be worked out so that clear guidelines can be provided for the departments.

Ken Pulvino advised that he is a Director of the Yosemite/Mariposa Tourism Board and a member of the Greeley Hill Town Planning Advisory Committee and a rancher in Greeley Hill. He commented on his desire to develop his property, and he spoke in support of the Coyote Springs Ranch and agritourism.

Mary Ann Huff, speaking as a citizen of Coulterville, advised of their plans to build cabins and have a guest ranch; and she stated she supports agritourism and the Coyote Springs Ranch.

Steve Saunders stated he supports agritourism and he feels there is too much weight being placed on people trying to do the right things in the County.

Kelly Young spoke in support of the Coyote Springs Ranch.

Paul Chapman stated he agrees with agritourism and the Coyote Springs Ranch; but he feels that more than 3 to five cabins create a resort commercial use and the zoning should be changed for that.

Eleanor Keuning referred to her visit to the landfill on Sunday; and she expressed appreciation for the brochure on the landfill and recycling and she asked that it be offered to people when they come to the landfill. She also suggested that porta-potties be made available for those who use the dump site at the landfill.

Ruth Catalan stated she supports agritourism, and she feels that it is a better preservation of the land than creating five-acre ranchettes.

Board Information

Supervisor Fritz advised that her District IV meeting is scheduled for Monday, October 1st at the Government Center, and the Fire Department will be making a presentation.

Supervisor Pickard advised that he plans to attend the RCRC (Regional Council of Rural Counties) Fall Conference this week, and he thanked the community and staff for helping with a basket that represents the County for the raffle at the conference.

Supervisor Aborn provided input on roads and road safety issues and he commented on recent incidences and expressed concern in reference to the recent amendment to the road standards.

Supervisor Turpin advised that he attended the Don Pedro Community Services District meeting on Monday and they reached a new agreement with MID. On Wednesday he plans to attend the monthly meeting with the U. S. Forest Service and a meeting on the Red Cloud Library.

Supervisor Fritz referred to a recent letter relative to the High Speed Rail and advised that Sacramento has been added to the list of locations for a public hearing.

Supervisor Aborn commented on the High Speed Rail; and he advised that the store in El Portal will be closed for a temporary period. He also noted that there is an increase in problems with predators as a result of the draught.

Supervisor Bibby encouraged everyone to attend the October 2nd Board meeting relative to agritourism. She also advised of her participation in the Blazin' Hog BBQ event and complimented John C. Fremont Hospital and everyone who participated on a successful event.

10:04 a.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager; **PUBLIC HEARING** – to Conduct a Community Participation Public Hearing to Develop two Possible Planning and Technical Assistance Grant Applications to the State Community Development Block Grant Program for the Purpose of Developing a Drainage Study, Mariposa Phase II, which Covers an Area South of 7th Street to North of 10th Street

BOARD ACTION: Marilyn Lidyoff, Administration/Business Development Coordinator, presented the staff report, and she responded to questions from the Board relative to the public hearing and grant application process; and relative to the options available for requesting grant funding. It was clarified that the purpose of this hearing is to gather information and a grant application will be brought back to the Board for approval to submit to the State. Supervisor Bibby asked that the departments receive information on the complete list of options for applying for this grant funding. Supervisor Pickard asked that consideration be given to scheduling a discussion of prioritizing the options for using the grant funding in the future.

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

Paul Chapman stated he feels the majority of the options on the list for grant funding are more important than doing a drainage study; and he asked for more information on the drainage study.

Ruth Catalan asked several questions relative to the drainage study project. Marilyn Lidyoff and Dana Hertfelder/Public Works Director, responded to the questions.

Mary Ann Huff, speaking as a resident of Coulterville, stated she feels their areas would benefit from any of the projects on the options list; and she provided input on the need for the drainage study for Coulterville.

The public portion of the hearing was closed. No action was necessary. The hearing was closed.

10:40 a.m. Recess

11:48 a.m. Consider Items Removed from the Consent Agenda

Item 8 – Discussion was held, and input from the public was provided by the following:

Gerald Cauthen, Transportation Engineering Project Manager, provided input relative to the High Speed Rail project and the Bay Area Regional Rail Plan and a recent ridership study. He presented a copy of the Draft Report Summary for the San Francisco Bay Area Regional Rail Plan. He urged the Board to let the following know that these projects are important to the valley area and to this region: Metropolitan Transportation Commission, Bay Area Regional Plan, California High Speed Rail Authority, and CalTrain.

(M)Fritz, (S)Aborn, item 8 was approved. The motion was amended by the maker, agreeable with the second, to include direction for the resolution to be sent to CalTrain and the High Speed Rail Authority/Ayes: Unanimous.

Item 4 – Following discussion with Dana Hertfelder, (M)Aborn, (S)Fritz, item 4 was approved/Ayes: Unanimous.

Item 5 – Following discussion with Kris Schenk, (M)Aborn, (S)Turpin, item 5 was approved/Ayes: Unanimous.

Item 7 – Rick Benson provided information on the summary of personnel actions affecting the FY 2007-08 budget as concurred to during the budget hearing, and he advised that there is a balance of \$547,370 in the General Fund Contingency. (M)Aborn, (S)Fritz, item 7 was approved/Ayes: Unanimous.

Supervisor Pickard;

Toby Perry, Assistant Executive Liaison and Lauren Kelly, Assistant to the Executive Director to give a Presentation on the Pacific Forest & Watershed Lands Stewardship Council

BOARD ACTION: Supervisor Pickard introduced Toby Perry/Land Conservation Associate and Anne Ferguson/with EDAW. Toby Perry gave a presentation, including background information on the formation of the Pacific Forest and Watershed Lands Stewardship Council, land planning steps completed to date, land conservation plan contents and the next steps and implementation of the Plan, and the role of PG&E. Discussion was held. No action was necessary.

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

BOARD ACTION: Supervisor Aborn provided input relative to concerns expressed at the El Portal meeting on the option selected for the permanent repair. Supervisor Turpin commented on the increase in commercial traffic using Highway 132. Supervisor Fritz commended Leroy Radanovich for the beneficial affect the Tourism Bureau's advertising has had on the businesses.

Input from the public was provided by the following:

Mary Ann Huff noted that Highway 132 is an alternate route that is located in Mariposa County.

(M)Turpin, (S)Aborn, Res. 07-449 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.

11:56 a.m. – LUNCH

2:07 p.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

A) Presentation by Dave Liefer, KNN Public Finance, Regarding Pension Obligation Bonds and Mariposa County's Unfunded Liability

BOARD ACTION: Rick Benson introduced the item and David Leifer. David Leifer gave a presentation, including an overview on pension obligation bonds and the unfunded accrued actuarial liability, reviewed the benefits and risks/disadvantages, reviewed bond structure considerations, and he reviewed the process for proceeding with the bonds. Discussion was held.

Input from the public was provided by the following:

Paul Chapman asked for clarification of the actual amount of the unfunded liability; and he suggested that two million dollars be taken from the budget each year to pay for this versus the bonds.

Ruth Catalan asked about PERS, about the ability to pre-pay PERS versus the bonds, and about the possibility of having another unfunded liability. She stated she prefers to stay with paying PERS.

Eldon Henderson asked how the unfunded liability was created and he asked where the funds will come from to service the bond debt.

Cody Hart asked what "immediate budget relief" means.

Ruth Sellers asked if the County is going to go to a two-tier retirement plan to reduce the future possibility of having an unfunded liability. She stated she sees no reason to change the public

safety retirement, but feels the miscellaneous should be changed; and she does not feel that bonding is the way to go.

Calvin Gile stated he feels that if the County pursues the bonds, it is like credit cards being consolidated and being paid off with a credit card; and he feels that this is saddling everyone with a debt.

Ken Pulvino stated he feels we are pushing off a debt that has accumulated to future generations and not really solving the problem.

Chris Ebie/Auditor responded to questions from the Board relative to grant funded programs and the cost allocation program.

Ruth Catalan suggested that the issue be placed on the ballot to determine if the public supports proceeding with the bonds.

Calvin Gile stated he feels the ballot measure should be for information and not be a binding vote.

Paul Chapman noted that there is a referendum process available to the public.

Rick Benson and David Leifer responded to the questions. Chris Ebie stated he feels it would be prudent to take any savings that might be had from what is owed on the regular payments to PERS in the future and set those funds aside for the future possibility of having an unfunded liability accrual. Discussion was held. Keith Williams/Treasurer provided input on the status of the return on the County's investments.

B) Adopt a Resolution Authorizing the Issuance of Pension Obligation Bonds; the Execution and Delivery of a Trust Agreement, An Auction Agreement and a Broker-Dealer Agreement and Authorize other Actions Relating to the Issuance of Such Bonds

BOARD ACTION: Discussion was held with Rick Benson. Thomas P. Guarino, County Counsel, responded to a question from the Board and advised of his participation in this process and his review of the documents; and he stated he feels it would be appropriate to move to a validation action. (M)Aborn, (S)Pickard, Res. 07-450 was adopted approving the recommended actions/Ayes: Unanimous.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos

C) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Richard Bolanos

D) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: MCMCO (Mariposa County Managerial/Confidential Organization); Name of County Designated Representative: Richard Bolanos; and

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee under Review: County Administrative Officer; Government Code Section 54954.5 (Chair Bibby)

CLOSED SESSION: Public Employee Appointment; Title or Position to be Filled: Human Services Director; Government Code Section 54957 (b) (1) (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Supervisor Bibby advised that she will excuse herself from the closed session matters with DSA and SMA; and she pulled the item for public employee performance evaluation as requested by a Board member, and Supervisor Pickard advised that he was not opposed to holding this closed session. (M)Aborn, (S)Bibby (who passed the gavel to the Vice-Chair), closed sessions for labor negotiations with SEIU and MCMCO and for public employee appointment were held. Discussion was held relative to holding the public employee performance evaluation closed session. The motion was amended by the maker, agreeable with the second, to include pulling the public employee performance

evaluation closed session item from the agenda. Supervisor Pickard clarified for the record that it was not his request to pull this item. Ayes: Unanimous. At 4:40 p.m., Supervisor Bibby excused herself from the meeting for the following action to be taken, as she has a potential conflict of interest with her cousin and husband being in SDA and SMA. Rick Benson advised that the closed sessions are not needed for labor negotiations with DSA and SMA.

4:45 p.m. The Board convened in closed session.

5:54 p.m. RESULTS OF CLOSED SESSION: Chair Bibby advised that information was provided and direction given to the negotiator and staff relative to labor negotiations with SEIU and MCMCO; and direction was provided to staff relative to the public employee appointment item.

CONSENT AGENDA:

- CA-1 Adopt a Resolution Designating the Method by which the Appropriation Limits will be Calculated for the 2006-2007 Fiscal Year (Auditor); Res. 07-441
- CA-2 Adopt a Resolution Establishing and Adopting Appropriation Limits for the 2006-2007 Fiscal Year (Auditor); Res. 07-442
- CA-3 Authorize the Board of Supervisors Chair to Apply for Certified Unified Program Agency (CUPA) Reimbursement Funds and Sign Disbursement Worksheet for Rural CUPA Reimbursement Funds for Fiscal Year 2007-2008 and Authorize the Health Officer to Submit and Sign Additional Documents to Secure Funding as Necessary (Health Officer); Res. 07-443
- CA-4 Authorize an Amendment to Agreement with Roger Stephens Engineering Increasing the Agreement for Map Checking, Legal Description Checking and General Surveying Services, in the Amount of \$10,000 and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 07-446
- CA-5 Approve an Amendment to Agreement with MuniFinancial to Update the Development Fees for Planning, Public Works and Environmental Health and Authorize the Board of Supervisors to Sign the Amendment (Planning Director); Res. 07-447
- CA-6 Approve Human Services Staff to Donate Accrued Vacation and/or Compensatory Time to the Sick Leave Account of a Human Services Employee (Human Services Director); Res. 07-444
- CA-7 Approve a Resolution Adopting the Fiscal Year 2007-2008 Final Budget as Reviewed and Amended, and Authorize Certain Actions to Implement the Budget (County Administrative Officer/Personnel/Risk Manager); Res. 07-448
- CA-8 Approve a Resolution Supporting the Metropolitan Transportation Commission's Mandate for the Completion of the Bay Area Regional Rail Plan (Supervisor Fritz); Res. 07-445

5:55 p.m. Adjournment in memory of Hazel Eickworth, Larry L. Christie, Nancy “Nan” Martinez, and Ashley Marie Sala.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 25, 2007



Time Description

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

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Chair Bibby advised that exhibit "B" to item 1 was distributed this morning.

Input from the public was provided by the following:

Paul Chapman referred to item 6 and questioned hiring outside firms versus doing the work in-house; and he referred to item 9 and the costs.

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

Rick Benson, County Administrative Officer, advised of an off agenda request from Technical Services to purchase a new data center air conditioner. Rick Peresan, Technical Services Director, provided input on the request. (M)Fritz, (S)Aborn, the Board waived the rules requiring 72 hours agenda noticing to add this to the agenda, finding that this is a matter of urgency and it was not known about at the time the agenda was prepared; both air conditioning units for the area where the County computer system is housed quit working and if the room is not climatically controlled, the computer system will over heat and fail/Ayes: Unanimous. Discussion was held relative to the request. Rick Peresan clarified that this request is to purchase one unit and they will try to keep the second unit running and come back with a recommendation to replace it in the future.

Input from the public was provided by the following:

Paul Chapman stated he feels larger units should be purchased.

Further discussion was held. (M)Fritz, (S)Aborn, Res. 07-457 was adopted authorizing the purchase of the air conditioner from the Data Processing Capital Improvement Fund in the amount not to exceed \$7,500; and waiving the formal bid process based on the findings that this is an urgency to protect the computer equipment/Ayes: Unanimous.

Chair Bibby clarified that the public hearing scheduled for 10:00 a.m. to purchase property at 5393 Highway 49 North is for improved versus unimproved property.

Chair Bibby;

Input from the public was provided by the following:

Beth Tomsick provided information on Habitat for Humanity and on their local efforts.

A) Present Certificate of Recognition to Ann and Richard Sheldon in Recognition of the “2007 Blue Ribbon Winner Labor Day Parade Award” for Restoration of an Antique Fire Hose Cart Dedicated in Memory of Walter Palmer, the First Fire Chief of Catheys Valley Fire Company 23
BOARD ACTION: (M)Turpin, (S)Pickard, the Certificate was approved and presented to Ann and Richard Sheldon/Ayes: Unanimous. Chair Bibby presented the Sheldons with their plaque for their first place Fair Parade award. Jim Wilson, Fire Chief, presented the Sheldons with a framed photograph of the hose cart and recognized them as volunteers in the community.

B) Proclaim the Week of October 6-13, 2007 as “Habitat for Humanity Awareness Week”
BOARD ACTION: (M)Fritz, (S)Aborn, the Proclamation was approved and presented to Beth Tomsick, Delores Hahn, Diane Provo, Phyllis Staggs, and Mitch Terkildsen/Ayes: Unanimous.

9:47 a.m. Recess

10:01 a.m. Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda.

Chair Bibby referred to Government Code Section 54954.3(c) which states that a legislative body shall not prohibit public criticism of the policies, procedures, programs, or services of the agency. She asked that the facts and constructive information be provided by persons providing public input to help the Board. She also asked that the public address the Board when providing input.

Eleanor Keuning referred to recent news clippings – she commented on the need to let purchasers know if their property has historic structures, etc; and she commented on attracting people to come to the County.

10:07 a.m. The public hearing to purchase property located at 5393 Highway 49 North was opened and continued to after the following.

Board Information

Supervisor Aborn advised that he plans to attend the High Speed Rail Authority meeting in Sacramento on Wednesday.

Supervisor Pickard reported on the fall RCRC (Regional Council of Rural Counties) conference he attended last week. He advised that he will be meeting with the District Ranger for the Sierra National Forest this week and he advised of his meeting with Supervisor Wheeler of Madera County relative to matters involving the Sierra National Forest. He plans to attend the CMSP (County Medical Services Program) meeting and the California Coalition Weed Awareness meeting in Sacramento on Thursday and Friday.

Supervisor Fritz advised that she attended the Atwater City Council meeting on Monday and the Council took action to support the Altamont Pass route for the high speed rail. She is planning to attend the Metropolitan Transportation Commission meeting in Oakland on Wednesday. She advised that the Chamber of Commerce’s Business After Hours event is scheduled for this evening at the SPCA. She noted that the Harvest Weekend in the Country event is scheduled for this weekend. The District IV meeting is scheduled for Monday at the Government Center and the Fire Chief will make a presentation on the state of the Fire Department.

Supervisor Turpin advised that he attended the monthly meeting with the Stanislaus National Forest Service on Wednesday, and they reviewed the roads that the County maintains. He advised that John Swanson, District Ranger for the Stanislaus Forest is retiring. He advised that he attended the Friends of the Red Cloud Library meeting on Wednesday. On this Wednesday, he and Supervisor Bibby plan to attend the Community Action Agency meeting in Coulterville.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
PUBLIC HEARING to Discuss the Intention of the Board of Supervisors to Consummate the Purchase of Unimproved Property Located at 5393 Highway 49 North for the Purpose of Relocating Certain Activities of the Mariposa County Sheriff’s Office

BOARD ACTION: Rick Benson presented the staff report and he noted that the Sheriff has advised that funds are available in the Rural Crime Prevention Fund for this purchase and it will not impact the department's operations. The public portion of the hearing was opened. There was no public input. Staff responded to a question from the Board and advised that no written comments have been received on this matter. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Aborn, (S)Fritz, Res. 07-458 was adopted approving the purchase and authorizing the Chair to execute the Agreement for Purchase and any other documents necessary to complete the purchase; and direction was given for the Auditor to draw a warrant for the purchase as recommended/Ayes: Unanimous. The hearing was closed.

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

BOARD ACTION: Following discussion, (M)Turpin, (S)Aborn, Res. 07-459 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.

A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos;

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos;

C) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Richard Bolanos; and

D) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: MCMCO (Mariposa County Managerial/Confidential Organization); Name of County Designated Representative: Richard Bolanos (Richard J. Benson, County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that it was not necessary to hold these closed sessions, and they were withdrawn.

10:28 a.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 6330 Highway 140, APN 009-170-025; Name of Party who Will Negotiate with County (Not Party's Agent): David and Cindy Stampfli; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer); and

CLOSED SESSION: Public Employee Appointment; Title or Position to be Filled: Appointment of Human Services Director; Government Code Section 54957(b)(1) (County Administrative Officer/Personnel Director/Risk Manager)

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

11:08 a.m. RESULTS OF CLOSED SESSION: Chair Bibby noted that Supervisor Aborn was present; and she announced that direction was given to staff on the two closed session matters.

CONSENT AGENDA:

CA-1 Approve an Agreement with UC Davis for Training Services for Fiscal Year 2007-2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-451

CA-2 Approve a Memorandum of Understanding (MOU) with the Mariposa County Office of Education which will Release up to \$34,475 in Federal Money for Severely Emotionally

Disturbed Children and Authorize the Board of Supervisors Chair to Sign the MOU (Human Services Director); Res. 07-452

- CA-3 Re-appoint Holly Warner to Serve as a Member-at-large of the Mental Health Board for a Term of Three Years Ending on September 25, 2010 (Human Services Director)
- CA-4 Authorize the Human Services Director to Execute the 2007 Low Income Home Energy Assistance Program (LIHEAP) Agreement 07B-5423, Amendment One; Authorize the Human Services Director to Execute the 2007-2008 Department of Energy (DOE) Agreement 07-C-1671; Authorize the Human Services Department to Continue to Coordinate the Weatherization Portion of the Program with the Central Valley Opportunity Center (CVOC) and Authorize the Board of Supervisors Chair to Sign the Amendment to Agreement for Services with CVOC (Human Services Director); Res. 07-453
- CA-5 Approve a Certificate of Recognition and Congratulations to Ida M. Riley on Celebrating her 90th Birthday on September 27, 2007; the Certificate will be Presented During Her Surprise Birthday Party (Supervisor Fritz)
- CA-6 Approve an Agreement with Roger Stephens Engineering to Provide Drafting and Engineering Services for Various Small Projects for the County in the Not to Exceed Amount of \$20,000 and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 07-454
- CA-7 Approve Summary of Proceedings of September 10th, 2007 (Continued from September 4th, 2007), Regular Meeting; Approve Summary of Proceedings of September 11th, 2007, Regular Meeting; Approve Summary of Proceedings of September 12th, 2007 (Continued from September 11th, 2007, Regular Meeting; Approve Summary of Proceedings of September 13th, 2007 (Continued from September 12th, 2007), Regular Meeting; and Approve Summary of Proceedings of September 18th, 2007, Regular Meeting (Clerk of the Board)
- CA-8 Approve an Agreement with 35-A District Agricultural Association for Storage for UC Mandated Records and Authorize the Board of Supervisors Chair to Sign the Agreement (Farm Advisor); Res. 07-455
- CA-9 Authorize the Chair of the Board of Supervisors to Execute the Agreement with the United States Department of the Interior National Park Service to Replace the Bridge Located on Foresta Road within Yosemite National Park; and Accept up to \$280,000 in Federal Funds for the Project (Public Works Director); Res. 07-456

11:09 a.m. Adjournment in memory of Hazel Louise (Page) Utley and Jacqueline “Jackie” Mary Fenili.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors