



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

April 3, 2007



Time _____ Description

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

Chair Bibby announced that Dr. Mosher, Health Officer, would provide information on a recent health issue this morning.

Pledge of Allegiance

Introductions

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: Chair Bibby noted that the approval of the minutes for the March 13, 2007, meeting in item 1 will be continued to April 10th for approval; and she clarified that item 4 requires a 4/5ths vote.

Input from the public was provided by the following:

Skip Skyrud, representing the E. Clampus Vitus, referred to item 6 and he thanked the Board for its support and presented an invitation to the dedication of the monument for the Mariposa Museum and History Center's 50th anniversary on April 7th.

Paul Chapman referred to item 2 and questioned the additional costs. He stated he feels action on item 5 should have been considered in January.

Supervisor Aborn pulled item 2 for discussion, and this item was taken up later in the meeting. (M)Turpin, (S)Fritz, the balance of the items was approved/Ayes: Unanimous.

Dr. Mosher, Health Officer, provided a status report on the recent meningitis outbreak. He advised that there is one case involving a child at Catheys Valley Elementary School.

Board Information

Supervisor Fritz advised of issues discussed at the CSAC (California State Association of Counties) conference the previous week, including medical coverage issues.

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

Continued Board Information

Supervisor Pickard advised of the CMPS (County Medical Service Program) governing board meeting he attended and discussion concerning the issue of medical coverage for the uninsured.

Supervisor Aborn advised that he met with the Public Works Director and discussed safety issues in El Portal and road project funding issues. He attended the 4-H meeting and dinner in Bootjack.

Supervisor Turpin advised that he attended the CSAC Legislative Conference the previous week, and he advised of issues that were discussed, including Williamson Act contracts, and the need for counties to provide assessments of transportation needs and he will contact the Public Works Director on this matter.

Supervisor Bibby advised that she and Supervisor Turpin met with Congressman Radanovich on Saturday; and he also met with other Board members on pending issues. She plans to attend the meeting in Catheys Valley this afternoon regarding the meningitis concerns. The First 5 meeting for April 9th has been moved to April 16. She plans to attend the dedication of the monument erected by the E. Clampus Vitus at the Mariposa Museum and History Center on Saturday.

Chair Bibby;

Proclaim the Month of April, 2007 as “National Professional Social Worker Month”

BOARD ACTION: There was no public input. (M)Fritz, (S)Aborn, the Proclamation was approved and presented to John Lawless, HSD/Deputy Director of Behavioral Health. John Lawless advised that he was accepting the Proclamation on behalf of the Human Services Director and the Social Workers. Ayes: Unanimous.

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

A) Adopt a Resolution Certifying the Disability Retirement of Bryce R. Johnson, a Deputy Probation Officer III, Effective April 1, 2007 (Continued from February 27th, 2007)

BOARD ACTION: Rick Benson advised that this matter was continued from February 27th for the full Board to be present and for the new Board member (Supervisor Aborn) to be brought up to status with the situation; and he advised that Attorney Woody Merrill was present. Supervisor Pickard asked that Attorney Merrill provide information concerning this matter that is public information. Attorney Merrill advised that over a period of time, a number of lawyers and County officials have reviewed the information and they feel there is enough information for this action and this matter has not been taken lightly. He recommended that there be no discussion on the issues related to the medical and personnel portions of this matter.

Input from the public was provided by the following:

Peggy Shainberg spoke supporting Bryce Johnson. She advised that she has been a resident of the County for 34 years and has known Bryce for 15 years and during part of that time she was a Deputy District Attorney. She found Bryce to be helpful and professional and she really does not understand how the County can be stating that he is disabled. She sees him running when she is out walking and he is always willing to help them with their sailboat. She feels it would be more advantage for the County to have Bryce working.

Steve Welty, Attorney representing Bryce Johnson in this matter, stated he has an emphasis in retirement issues with PERS. He advised of his review of the doctors’ reports and depositions taken; and he assumes the Board has read those reports and knows the doctors opinions that Bryce is ready and willing to go back to work. He advised of the appeal process that is available to them if the Board takes this action. He stated he feels the question is whether Bryce can perform his job duties today, and he does not feel there is any evidence that he can not perform his job. He stated he finds it strange that the Board is going to adopt the retirement effective today, but the County applied for this six months ago. He stated he feels that this action is retaliation and he feels this will create issues of involuntary termination.

Supervisor Pickard asked Attorney Merrill to respond relative to the effective dates of this matter. Attorney Merrill noted that this is the date of the proposed Board action. Rick Benson advised that the resolution has to be adopted within six months after filing the disability retirement; otherwise the disability retirement will not be granted by PERS. Supervisor Bibby stated she has issues with this matter and she is unable to make the finding of the resolution. Supervisor Pickard advised that he is relying on medial opinions and legal advice in this matter and agrees with the recommendation of staff. (M)Pickard, (S)Turpin, Res. 07-119 was adopted certifying the disability retirement for Bryce Johnson as recommended by staff. Supervisor Bibby noted that the Board members have only reviewed the information that they have been provided. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

B) Recommendation to Deny the Remaining Two 2006 Reclassification Requests (Account Clerk III and Executive Secretary Classifications in the Public Works Department) and Provide Direction to Staff to Review the Executive Secretary Classification for Further Development

BOARD ACTION: Rick Benson advised of his review of the requests and of his recommendation to deny the reclassification requests. He advised that he expects to come back to the Board with the final budget hearing process for consideration of a flex class for the Executive Secretary. Supervisor Pickard initiated discussion as to whether there are any other options for the Account Clerk III position. Discussion was held relative to the requests and the recommendation. There was no public input. (M)Fritz, (S)Pickard, Res. 07-120 was adopted denying the reclassification requests as recommended; and direction was given for the County Administrative Officer to review the Account Clerk III position for consideration of adding another level to the flex series or other options. Further discussion was held. The motion was amended, agreeable with the maker and second, to include direction for an item to be brought back for consideration of a flex class for the Executive Secretary. Rick Benson thanked Lisa Edelheit, SEIU Union Representative, for her work on this matter; and he advised that she was unable to attend this meeting, but expressed the same concerns as discussed by the Board and she did not agree with the recommendation. Supervisor Bibby stated she feels there are other positions where employees are topped out, and she does not support this. Supervisor Pickard asked for clarification of the direction relative to the Account Clerk III position, and suggested that the direction be dropped from the motion. No change was made to the motion. Supervisor Turpin commented on addressing this issue on a countywide basis. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

C) Recommend the Implementation of the Salary Survey Results for Certain Classifications Represented by the Mariposa County Managerial and Confidential Organization (MCMCO) as Well as Certain Unrepresented Confidential Positions to be Retroactive to November 1, 2006.

BOARD ACTION: Discussion was held with Rick Benson relative to the process and the recommendation.

Input from the public was provided by the following:

Kristy Waskiewicz, representing MCMCO, commented on the process and meetings held concerning this matter. She feels that they are down to issues that can be resolved and issues that can be resolved with further discussion. She advised that they have not raised new issues recently, and the issues that they are concerned with have been brought up repeatedly throughout the process; and she feels that based on her discussion with Rick Bolanos, County labor negotiator, on Monday, that their respective positions are close. She agrees that the recommended actions need to go forward today; but she advised that the Victim-Witness Coordinator and Staff Services Manager positions need to be adjusted; and the compaction issue with the deputy district attorney positions needs to be taken care of, and she noted that this issue was included in the negotiated agreement. She believes that resolution is within reach on the remaining issues relative to methodology on the other classifications that are disputed, and she believes that further discussion will be of benefit to the County and the employees.

Rick Benson responded and advised that he has not reviewed nor does he have a recommendation from outside counsel on the issues that were raised. He suggested that there could be a short window, perhaps two weeks, to review these issues with Attorney Bolanos and to come back with an additional report. Kristy Waskiewicz advised that it would be acceptable to allow the time for further review, as long as the changes for the two classifications that she mentioned are retroactive to November 1, 2006.

Bob Brown, District Attorney, provided background information on the compaction problem with the deputy district attorney positions; and he advised that it was his request that this be addressed with the negotiation process.

(M)Turpin, (S)Aborn, Res. 07-121 was adopted approving the recommended action; and including direction to further review the Victim-Witness Coordinator and Staff Services Manager positions, and the compaction issue with the deputy district attorney positions as discussed/Ayes: Unanimous.

10:22 a.m. Recess

10:45 a.m. Consider Items Removed from the Consent Agenda

Consent Agenda item 2 – amendment to agreement with Fred Solomon for the Don Pedro Wastewater Treatment facility. Supervisor Aborn initiated discussion relative to the request and consideration of having the work done by an in-house engineer. Dana Hertfelder, Public Works Director, responded and advised that the costs for this project are paid by the assessment and the construction management is required for the project. He advised that Kennedy-Jenks gave a much higher cost estimate to provide this service, and does not do all of the billing. The USDA is happy with working with Fred Solomon, and he takes care of all of the billing; and he noted that Mr. Solomon also received additional grant funding for this project. He advised that he does not have staff available to do this work in-house. He responded to a question from Supervisor Bibby, and he advised that funds are available and no budget action is needed. (M)Pickard, (S)Turpin, item 2 was approved/Ayes: Unanimous.

Jim Wilson, Fire Chief;

Presentation of Accomplishments to Date on the Southwest Interface Team (SWIFT) Project.

Presenters will Include Mariposa County Fire Department, Mariposa Fire Safe Council and Tom James, SWIFT Coordinator.

BOARD ACTION: Jim Middleton, Deputy Fire Chief, advised that the two groups funded with Title III funds will give a presentation on the status of their projects.

Tom James, Coordinator for the SWIFT project, gave a power point presentation on their accomplishments in the North County and in Tuolumne County; and he advised of their coordination with several agencies.

Kimberly Bullock, Mariposa Fire Safe Council Project Coordinator, gave a power point presentation on the projects they have worked with.

Mikel Martin, CAL FIRE – Unit Chief of the Madera-Mariposa-Merced Ranger Unit, noted that the California Department of Corrections and Rehabilitation’s inmate crews at Mount Bullion have been able to help with keeping the projects moving forward; and he commended everyone for their collaborative effort with the programs.

There was no public input. Supervisor Fritz asked about giving these presentations at District meeting and community meetings; and the participants advised that they would be happy to do that. Supervisor Bibby asked about the status of the fire season. Mikel Martin advised of the status of their staffing the stations and advised that everything is earlier this year due to the fires and current conditions. He also noted that they will be moving forward with the 100-foot clearance for fuel breaks inspections.

11:28 a.m. - Lunch

2:00 p.m. – The Board reconvened with Supervisor Turpin excused for the rest of the meeting.

Dr. Mosher, Health Officer;

Request for Variance from Statutory Setback Distance of 100 Feet Between Well and Septic Leachfield in APN 006-160-033, Dan Eisenstein, Applicant

BOARD ACTION: Discussion was held with Dr. Mosher and Health/Registered Environmental Health Specialist, concerning the request. There was no public input. (M)Fritz, (S)Aborn, Res. 07-123 was adopted approving the variance/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

Supervisors Aborn and Bibby;

Presentation by Sheri Ogden of Yosemite National Park Concerning the Proposed Increase in the Entrance Rate for Yosemite’s Entrances; and Discussion and Possible Action by the Board of Supervisors

BOARD ACTION: Sheri Ogden presented background information on the proposal and what the Park Service is looking for in terms of comments and input. She advised that they would like to have comments submitted by April 16th for inclusion in their response. Discussion was held.

Input from the public was provided by the following:

Ken Gosting asked if there is currently a surplus of funds in the gate fee account. Sheri Ogden advised that there are projects planned for all of the funds that are available through 2011. Ken Gosting provided input on the correlation of gate fee increases and Park visitation.

Supervisor Pickard requested that this matter be scheduled for April 10th to approve a response and he offered to draft the agenda item; and he asked that the Yosemite-Mariposa Visitors' Bureau be contacted to provide their input. He feels it would be good to at least postpone the increase until the issue with the Ferguson rockslide is resolved. (M)Pickard, (S)Fritz, the matter is to be scheduled for April 10th to consider action on a response to the fee increase proposal. Rick Benson advised that he will contact the Visitors' Bureau Director for the Bureau to discuss this matter at their meeting scheduled for Wednesday. 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: Rick Benson advised of discussions that individual Board members had with Congressman Radanovich on Saturday concerning the temporary and permanent fix; and he advised of the recommendation to have someone who is familiar with transportation and the Federal Highways Administration to help represent the County at the State and Federal level. He advised of work with the Park Service on coordinating a socio-economic study; and he recommended that the Board continue the local emergency declaration. Supervisor Fritz commented on information received from Dick Whittington/YARTS on a meeting that was held in Merced with CalTrans concerning options for a permanent fix, including the new option of a cantilever system. There was no public input. (M)Pickard, (S)Aborn, Res. 07-124 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.

Waive the Second Reading and Adopt an Ordinance Amending Zoning Ordinance Text for Sections 17.336.060.B and 17.336.070.A of Chapter 17.336 of the County Code Pursuant to Specific Plan/Zoning Amendment 2006-295 (Planning Director)

BOARD ACTION: Larry Enrico, Senior Planner, advised of the correction of a typographical error and formatting changes to the Ordinance. There was no public input. (M)Pickard, (S)Aborn, the second reading was waived and Ordinance No. 1036 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

CONSENT AGENDA:

- CA-1 Approval of Minutes of March 6, 2007, Regular Meeting and Approval of Minutes of March 13, 2007, Regular Meeting (Clerk of the Board); Minutes for March 13th were continued to April 10th for approval.
- CA-2 Approve Amendment to Agreement with Fred Solomon to Extend the Term for Four Additional Months in the Amount of \$6,000 per Month for Construction Management of the Don Pedro Wastewater Treatment Facility and Authorize the Chair of the Board of Supervisors to Sign the Amendment (Public Works Director); Res. 07-122
- CA-3 Approve a Change in the Signature Format of the Governing Body Resolution Document Pertaining to the 2006 Homeland Security Grant (Fire Chief); Res. 07-116
- CA-4 Approve an Amendment Increasing the LIHEAP Agreement 06B-5373 in the Amount of \$12,000 and Authorize the Human Services Director to Sign the Amendment and Approve Budget Action Increasing Revenue and Appropriations within the Community Action Fund to Increase LIHEAP Revenue (\$28,000) (4/5ths Vote Required) (Human Services Director); Res. 07-117

CA-5 Adopt a Resolution Ratifying the USDA Primary Disaster Declaration Request for Mariposa County Rangeland/Livestock Operations Due to Drought Conditions by the Agricultural Commissioner (Agricultural Commissioner); Res. 07-118

CA-6 Approve a Tile Plaque to be Presented to the Mariposa Museum and History Center, Inc., in Commemoration of the Museum's 50th Anniversary (Chair Bibby)

2:39 p.m. (M)Fritz, (S)Aborn, the meeting was adjourned in memory of Samuel R. Tipton/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

April 10, 2007



Time _____ Description

9:00 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

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

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: Input from the public was provided by the following:

Mark Lamb referred to item 5, a claim he filed against the County for damages to his vehicle. He presented photographs of Dogtown Road to show his concerns with the brush.

Paul Chapman referred to item 9, and expressed concern with what he feels is a high cost for the Greeley Hill and the Mariposa Town walkway projects.

9:06 a.m. Recess for the Board members to have an opportunity to review the photographs presented by Mr. Lamb.

9:10 a.m. Supervisor Bibby pulled item 11, and action was taken on this item later in the meeting. (M)Aborn, (S)Fritz, the balance of the items was approved/Ayes: Unanimous.

Dr. Mosher, Health Officer, provided an update on the meningitis case involving a student at Catheys Valley Elementary School – the child is home and doing quite well and tests showed that this was not the contagious kind of meningitis; and he advised of their meeting with the parents at the School on April 3rd.

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

Paul Chapman presented a recent news story on a plasma gasification facility in Japan; and he stated he does not feel that our compost facility is working.

Dick Hutchinson asked what the County's lobbyist (Advocation) is doing for the County and whether they are helping with the rockslide. Supervisor Pickard responded under Board Information.

Eleanor Keuning stated she is happy that Leonard Road is graded. She advised of her efforts to reach the Visitors' Bureau; and she suggested that the changes and the locations of the Visitor's Bureau and the Economic Development functions be publicized so that the public is aware.

Kenneth Gosting, TIE (Transportation Involves Everyone), presented a copy of a CalTrans' brochure for Amtrak California – Making Tracks. He advised that he feels that distribution of this brochure was supposed to be in November 2006, but it was held until it was determined whether

Mariposa County would be a member of the San Joaquin Valley Rail Committee and would be keeping the bus connection in Merced. He presented a copy of the YARTS bus schedule showing there are more connection opportunities between Amtrak and the bus to Yosemite than what is reflected in the brochure.

Board Information

Supervisor Turpin advised of his meeting on Monday with the Stanislaus National Forest Service in Buck Meadows relative to the OHV (off-highway vehicle) issues and proposed routes. He advised that it was noted that the maps need to be corrected to reflect residential accesses. He also noted the proposal by the Forest Service to restrict vehicles to one-car length for being able to pull off of the roads in the forests. He plans to attend the Red Cloud Library meeting and the Airport Advisory Committee meeting on Thursday.

Supervisor Aborn advised that he plans to attend the San Joaquin Valley Rail Committee meeting being held in Oakland. He plans to look at a couple of community safety issues in El Portal this week; and later in the week the 4-H group will be going to the Cow Palace.

Supervisor Pickard advised that he plans to attend the California Bio-Diversity Council meeting on Wednesday and Thursday; and their spring conference will focus on the OHV uses and issues. He plans to attend a meeting in Sacramento to work on the allocation formula for the noxious weed funding. He addressed Dick Hutchinson's questions relative to work done by Advocation in Sacramento on the County's behalf – he advised that Wes Lujan works for Advocation, Inc., and he is working on SB 277, introduced by Senator Cogdill, to reauthorize vehicle and gas tax funding for the three counties without incorporated cities. He noted that the company screens other legislation that could be of impact or affect the County, including legislation sponsored by Senator Denham for the six counties that have a consequence due to a negative bailout formula as a result of Proposition 13, and he is working on other legislation.

Supervisor Fritz advised that the Civil War Reenactment planning is progressing; and about 700 students from the County will be participating. Her District IV meeting is scheduled at the Government Center this evening. On Thursday, she plans to attend the Gateway Communities meeting in Yosemite; and she plans to attend the San Joaquin Valley Rail Committee meeting in Oakland. She noted that the Gem and Mineral Show is scheduled for this weekend at the Fairgrounds, and the San Joaquin Valley Regional Association of California Counties conference is scheduled for next week in Sequoia National Park.

Supervisor Bibby advised that the dedication of the monument by the Clampers at the Mariposa Museum and History Center, recognizing the History Center's 50th anniversary on Saturday was well attended; and she complimented the Clampers on the beautiful monument. She advised that the Safe at Home event on Saturday was a success, and she helped with the identification/fingerprint cards for the children.

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, County Administrative Officer, advised that he is still pursuing the socio-economic study; and he spoke with a person, referred via Congressman Radanovich, who is an expert with road issues and funding. This person is reviewing the information relative to the rockslide and will advise whether he feels he can provide some assistance. Rick Benson advised that there was another conference call with the affected agencies, and CalTrans is doing everything they can within their constraints to move things along. CalTrans also advised that the cantilever proposal was not a new plan, but had been considered previously. Supervisor Pickard noted that there is another plan for an option of a tunnel with the Sierra National Forest that is being considered. Chair Bibby advised of her request to Julie Dunning, CalTrans, to keep the Board informed of the scheduling of the conference calls and of any new information.

Input from the public was provided by the following:

Dick Hutchinson asked about the status of a meeting with CalTrans to review the options being proposed. Rick Benson advised that two presentations are being scheduled by CalTrans for the

public to review the proposals. The first presentation is scheduled for May 23, 2007, from 4 p.m. to 7 p.m. at the Government Center. Rick Benson advised that the information that is being compiled relative to the impacts of the rockslide is to keep the legislators and the Governor informed.

(M)Aborn, (S)Turpin, Res. 07-133 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings. Supervisor Pickard advised of coordination with YARTS to try to identify a way to stage buses to be able to utilize the full-sized buses as much as possible – i.e., use the small buses to cross the bridges and transfer the passengers to the large buses on each side. Supervisor Fritz commented on the recent YARTS meeting and consideration of this proposal. Ayes: Unanimous.

Dana Hertfelder, Public Works Director;
Presentation of the Landscape Plan for the Don Pedro Wastewater Treatment Facility by Kay Hutmacher, Landscape Architect

BOARD ACTION: Dana Hertfelder introduced Kay Hutmacher, and she reviewed the landscape plan for the facility. Discussion was held. There was no public input. Motion by Turpin to approve the plan as presented, was withdrawn following further discussion. County Counsel responded to a question from Chair Bibby, and he advised that this matter was noticed as a presentation, so information could only be received. Public Works will bring back an item for action to approve the plan.

10:05 a.m. Recess

10:13 a.m. Supervisors Pickard;
Discussion and Approval of Comments from the Board Concerning the Proposed Increase in the Entrance Rate for Yosemite National Park's Entrances

BOARD ACTION: Supervisor Pickard initiated discussion relative to the letter providing comments on the proposed increase in entrance fees, and he asked that the letter be copied to the Secretary of Interior. There was no public input. Leroy Radanovich, Tourism Director for the Yosemite/Mariposa County Tourism Bureau, was thanked for Bureau's letter. (M)Pickard, (S)Fritz, Res. 07-134 was adopted approving the letter providing comments, with direction for the Secretary of Interior to be added to the distribution/Ayes: Unanimous.

Consider Items Removed from the Consent Agenda

Consent Agenda item 11 – PERS health benefit vesting. Discussion was held with Rick Benson relative to this matter and the process with PERS and the effective implementation date. It was clarified that PERS did not accept the Board's original action to be effective until February 1, 2007, for employees; and the action today will have an effective implementation date of May 1, 2007 for appointed and elected officials. Rick Benson noted that this action does not affect Supervisor Aborn since PERS did not accept the Board's original action to be effective until February 1st. The Fire Chief was the only appointed official that was affected by the implementation. (M)Turpin, (S)Fritz, item 11 was approved/Ayes: Unanimous.

Approve Budget Action Reducing Funds in the Tourism (Economic Development) Budget and Increasing General Contingency (\$63,926) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson; and he advised of his recommendation to show two new departments in the budget for the next fiscal year for Economic Development to account for this function separate of the County Administrative Office, and a budget to account for the contributions made to outside organizations, i.e., Arts Council – tentatively being called "Special Services." Supervisor Bibby asked about being able to track funds/budgets for special events.

Input from the public was provided by the following:

Dick Hutchinson stated he feels there is a need and a desire to reopen the Visitors' Center on Saturdays and Sundays, and he suggested that the unused funds be used for that purpose. He advised of tour buses that are planned to come into town until September.

Further discussion was held. Supervisor Turpin asked the County Administrative Officer to bring back information on what the costs would be for opening the Visitors' Center as requested. Supervisor Fritz stated she feels the Chamber of Commerce has it in their budget to open for the summer hours shortly. Supervisor Aborn asked whether the Chamber of Commerce would consider an earlier opening of the summer schedule to coincide with the change in the daylight savings time. (M)Fritz, (S)Aborn, Res. 07-136 was adopted approving the recommended budget action/Ayes: Unanimous.

CLOSED SESSION: Liability Claims; Claimant Name: Mark Lamb; Claim Number: C07-6; Name of Agency Sued: County of Mariposa (County Administrative Officer/Personnel/Risk Manager); and
CLOSED SESSION: Liability Claims; Claimant Name: Shannon A. Johnson; Claim Number: C07-7; Name of Agency Sued: County of Mariposa (County Administrative Officer/Personnel/Risk Manager)
BOARD ACTION: These closed sessions were not held.

10:38 a.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 4988 11th Street; Agency Negotiator: Thomas P. Guarino; Name of party who will Negotiate with County (Not Party's Agent): Barbara Jean Spear and Thompson/Spear Family Trust; Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel)
BOARD ACTION: (M)Fritz, (S)Aborn, the closed session was held. There was no public input. Ayes: Unanimous.

11:28 a.m. Chair Bibby announced that information was received and direction was given to the negotiator and staff as a result of the closed session.

CONSENT AGENDA:

- CA-1 Approve an Agreement with 35-District Fair for Sheriff's Community Organized Policing Effort (SCOPE) to Participate in an Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 07-125
- CA-2 Approve Budget Action Transferring Funds within the Sheriff's Budget to Cover Increased Utilities Created by the Addition of the Public Works Road Personnel and Installation of a Temporary Storage for the Lake Don Pedro Subdivision Fire Truck (\$2,000) (Sheriff); Res. 07-126
- CA-3 Approve Budget Action Increasing Revenue and Corresponding Appropriations in the Standards and Training for Corrections (STC) Accounts (\$5,330) (4/5ths Vote Required) (Sheriff); Res. 07-127
- CA-4 Approve Agreement with Forensic Nurse Specialists of Central California, Inc. for Sexual Assault Examination Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 07-128
- CA-5 Recommend the Rejection of Claim No. C07-6 Filed by Mark Lamb for \$3,000 and Authorize the Board of Supervisors chair to Sign Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); Res. 07-129
- CA-6 Recommend the Rejection of Claim No. C07-7 Filed by Shannon A. Johnson for an Undetermined Amount and Authorize the Board of Supervisors Chair to Sign Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); Res. 07-130
- CA-7 Accept the Resignation of Sue Peterson from the Mental Health Board (Human Services Director)

- CA-8 Approve an Amendment to Agreement with RRM Design for Master Plan Services for the Regional Recreation Complex and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 07-131
- CA-9 Authorize the Public Works Director to Apply for the Highway Safety Improvement Program (HSIP) Funds for the Greeley Hill Walkway Project and the Mariposa Town Walkway Project (Public Works Director); Res. 07-132
- CA-10 Approval of Minutes of March 13, 2007, Regular Meeting (Clerk of the Board)
- CA-11 Adopt a Resolution Clarifying the Intent that all New County Employees, Including Appointed and Elected Officials, Will be Subject to the Health Benefit Vesting Requirement as a Future Retiree Under the Public Employees' Medical and Hospital Care Act (PEMHCA) to be Effective May 1, 2007 (County Administrative Officer/Personnel/Risk Manager); Res. 07-135

11:29 a.m. Adjournment in memory of Diana R. Hubbard, Sylvia J. Larson, Fred Lester, Jr., Maxine Cutter, and Walter R. "Walt" Scott.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

April 17, 2007



Time _____ Description

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

Pledge of Allegiance

Introductions

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: There was no public input. (M)Turpin, (S)Fritz, all items were approved/Ayes: Unanimous.

Chair Bibby;

- A) Present a Certificate of Appreciation to Phil Stepp for his Act of Heroism; and
- B) Proclaim the Week of April 16 – 20, 2007 as "Mariposa Clean and Proud" Week

BOARD ACTION: There was no public input. Chair Bibby advised that the "Mariposa Clean and Proud" week proclamation will be rescheduled for April 24th for Chris Todd to be present and to extend the dates of observance for the proclamation.

(M)Fritz, (S)Aborn, the Certificate of Appreciation was approved/Ayes: Unanimous. Frank Walker, who requested the recognition and wrote a recent story in the *Mariposa Gazette*, provided information on the details of the hang-gliding accident as relayed to him by Cliff Ransom. Mike Butler commented on the accident. The Certificate was presented to Phil Stepp.

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

Ruth Sellers complimented Supervisors Aborn and Fritz for their participation in the San Joaquin Valley Rail Committee meeting in Oakland.

Board Information

Supervisor Fritz advised that she attended the San Joaquin Valley Rail Committee meeting in Oakland on Friday with Supervisor Aborn and Leroy Radanovich, Tourism Director for the Yosemite/Mariposa County Tourism Bureau; and she advised that the luncheon was a taste-testing of tuna and chicken salads. The CalTrans' attorney was directed to make the changes to the by-laws to allow Mariposa County to have membership on the Committee; and this will be on the next agenda for June 28, 2007, for the Committee's meeting in Martinez. She advised that the Chamber of Commerce's mixer will be held at Speedie Lube this evening. She attended the Gateway Communities meeting in Yosemite on Thursday with Supervisor Aborn and Rick Benson, County Administrative Officer. She plans to attend the San Joaquin Valley Regional Association of California Counties conference this week. She advised that they are looking for donations to provide lunch to the 783 students that plan to attend the Civil War Reenactment.

Supervisor Pickard advised that SB 277, vehicle and gas tax legislation for the three counties without incorporated cities, was in Appropriations on Monday and placed in the suspense file; and they will continue their efforts to move this legislation forward. Earlier on Monday morning, there was discussion about SB 311, noxious weed funding. He attended the California Bio-Diversity Council meeting the previous week; and he advised of their discussion of OHV (off-highway vehicle) issues and visits to OHV parks. He also advised that they visited a historic vineyard that is on the San Andreas Fault.

Supervisor Aborn advised that he attended the San Joaquin Valley Rail Committee meeting on Friday; and he advised that they met in an old metal building in Oakland. He advised that he had an emergency visit to John C. Fremont Hospital on Saturday and received stitches in his arm; and he complimented the staff for the treatment he received. He advised that he had a new foal born this morning.

Supervisor Turpin advised that on Monday he attended the Don Pedro Community Services District meeting and the Station 26 Brigade meeting. On Wednesday he plans to attend a weed meeting at the Government Center; and he plans to attend a senior resource information meeting on Friday in Greeley Hill.

Supervisor Fritz advised that the building for the San Joaquin Valley Rail Committee meeting was selected because the mock-up of the new galley, seating area, the elevator and the handicapped bathrooms that will be in the new trains could be displayed.

Supervisor Bibby advised that she attended the First 5 meeting on Monday and they are gearing up for their grant awards through the Proposition 10 funding. She advised that she will be placing an item on the agenda relative to proposed legislation that would limit the Proposition 10 funding to health care versus the intent of the voters. On Wednesday, she plans to attend the Mother Lode Job Training Board meeting, and she wants to obtain more information on why they are showing the unemployment rate as being up by another percent. On Thursday, she plans to attend a citizens' group meeting at the Airport. She also noted that unless she hears any objection, it is the intent to follow President Bush's lead and fly the flags at half-mast until April 22nd in honor of the people that were killed at Virginia Tech on Monday.

Supervisor Turpin advised that he and Norm Ross met with the Stanislaus National Forest Service last week concerning OHV issues.

Kris Schenk, Planning Director;

A) Adopt a Resolution Approving the Establishment of Mariposa County as a Certified Local Government as Provided in the National Historic Preservation Act of 1966 as Amended

BOARD ACTION: Discussion was held with Kris Schenk, Megan Tennermann/Associate Planner, and Leroy Radanovich, representing the Historic Sites and Records Preservation Commission, relative to the request. Supervisor Bibby asked for a list of the regulations that have not been enforced, but would be affected by this proposal; and she asked what the staffing impacts would be. Supervisor Aborn asked about the status of the historic structures on the Moore/SPCA property. Further discussion was continued for the Local Transportation Commission to open its meeting.

10:22 a.m. The Local Transportation Commission meeting was convened by Chair Turpin; and it was continued until after the following item.

Further discussion was held relative to the establishment of Mariposa County as a Certified Local Government.

Input from the public was provided by the following:

Ruth Sellers, member of the Historic Sites and Records Preservation Commission, advised of her tour through the structures on the Moore/SPCA property with Tom Phillips; and of his attempt to contact the Garber family to see if they had any interest in the structures. She also advised of a compliment that was recently received on the vault at the Mariposa Museum and History Center.

Paul Chapman stated he feels this program is 30 years overdue and that a lot has been lost. He feels the locals will need to be involved.

Dick Hutchinson, representing the Mariposa Museum and History Center, advised that this program will help with their efforts to preserve the Counts house and its contents.

Further discussion was held. It was noted that the program would make more opportunities available for restoration and could be of benefit to structures such as the 6th Street Cinema. (M)Pickard, (S)Turpin, direction was given to staff to move forward with developing the process for the establishment of the Certified Local Government Program in Mariposa County/Ayes: Unanimous.

10:34 a.m. Recess

10:44 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) **PUBLIC HEARING** Approve an Amendment to the 2002 Regional Transportation Improvement Program (RTIP) and Direct Staff to Submit the RTIP to the California Transportation Commission (CTC) and CalTrans (Public Works)

COMMISSION ACTION: Dana Hertfelder, Public Works Director, presented the staff report and he reviewed the recommended road projects. He responded to a question from the Commission relative to the road projects for the Don Pedro subdivision.

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

Ruth Sellers asked for information on who makes and how the decisions are made to recommend the road projects; and whether there are any plans in the future to work on the roads in the Mykleoaks subdivision. Dana Hertfelder advised of their process; and he advised that when reviewing the status of the roads and making recommendations for projects, they take into consideration congestion mitigation, connectivity and traffic counts.

The public portion of the hearing was closed and the Commission commenced with deliberations. Dana Hertfelder responded to questions from the Commission relative to consideration of speed and safety on the roads; and relative to other programs and funding and timeframes. Commissioner Turpin asked that staff work with each of the Commissioners on the roads for their respective districts and which projects would qualify for the various types of funding. (M)Bibby, (S)Fritz, LTC Res. 07-3 was adopted approving the amendment to the 2002 RTIP and authorizing its submittal as recommended/Ayes: Unanimous. The hearing was closed.

11:09 a.m. The Board of Supervisors reconvened.

B) Consideration and Scheduling of Board of Supervisors' Informational On-site Tour and Public Hearing Dates for the Seventh Day Adventist (SDA) Camp Wawona Redevelopment Project

BOARD ACTION: Discussion was held with Kris Schenk. There was no public input. (M)Fritz, (S)Pickard, the Board agreed with scheduling an informational on-site tour on Wednesday, June 13, 2007, at 10:30 a.m.; and with scheduling the public hearing on Tuesday, June 19, 2007, at the Tenaya Lodge, for the SDA Camp Wawona redevelopment project. Thomas P. Guarino, County Counsel, advised that he would work with the Planning Director to put together a proposed schedule for the Board's review and approval. Ayes: Unanimous.

C) Approve a Professional Services Agreement with Patricia Nicholson to Prepare Senior-level Planning Staff Reports and Environmental Documents, LAFCo Studies and Other Planning Assignments on an "Outsourced" Basis to Assist Mariposa Planning Staff and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Discussion was held with Kris Schenk. There was no public input. (M)Turpin, (S)Fritz, Res. 07-144 was adopted approving the agreement/Ayes: Unanimous.

John Davis, Building Director;

Discussion and Recommendation to Schedule a Hearing to Consider Increased Building Department Fees

BOARD ACTION: Discussion was held with John Davis relative to the request, and he advised of his meeting with the Building Contractors Association and of their support. There was no public input. (M)Fritz, (S)Aborn, the Board approved setting the public hearing to consider increasing the Building Department fees/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, County Administrative Officer, advised of the following:

- he spoke with the road issues expert (Graham Hill) referred by Congressman Radanovich, and he will submit a proposal for helping with this matter;
- he is contacting a person recommended by Supervisor Pickard from RCRC (Regional Council of Rural Counties) with extensive background with the State and road funding;
- this morning he received a telephone call from Congressman Radanovich – he was checking to see how things are going with this project and he asked to be kept updated;
- the Park Service is having a socio-economic study done for other road projects, and the firm has done a lot of the ground work that is necessary for this project, and they are preparing a proposal for the County;
- he received information last week that people were in town surveying the businesses for a socio-economic study being done by Parsons under contract with CalTrans – he met with the surveyors and gave them a draft report of the impacts of the slide;
- last Thursday on his way to Yosemite for the Gateway Communities meeting, he noticed that CalTrans had a large survey crew at the rockslide; and
- he recommended that the local emergency be continued as there is still not a permanent solution in place.

Discussion was held. Supervisor Turpin asked that CalTrans provide a flow chart for the work on this project. There was no public input. (M)Fritz, (S)Pickard, Res. 07-145 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings. Supervisor Pickard advised that he would pass along the request for the flow chart to CalTrans in the next telephone conference call. Ayes: Unanimous.

Adopt a Resolution Urging Congress to Amend Federal Law to Allow Federal Financial Participation in Providing Medical Benefits to Incarcerated Individuals Until Convicted and Sentenced to Secure Detention (Supervisor Fritz)

BOARD ACTION: Supervisor Fritz initiated discussion. There was no public input. (M)Pickard, (S)Aborn, Res. 07-146 was adopted as recommended/Ayes: Unanimous.

11:52 a.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 4988 11th Street; Agency Negotiator: Thomas P. Guarino; Name of party who will Negotiate with County (Not Party's Agent): Barbara Jean Spear and Thompson/Spear Family Trust; Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel) (Continued from April 10, 2007); and

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Mariposa County Unified School District Recreation Fields; Agency Negotiator: Thomas P. Guarino; Name of Party who will Negotiate with County (Not Party's Agent): Superintendent/Mariposa County Unified School District; Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel)

BOARD ACTION: There was no public input. (M)Turpin, (S)Fritz, the closed sessions were held/Ayes: Unanimous.

12:27 p.m. Chair Bibby announced that information was received and direction provided to the negotiator for each of the closed session matters.

CONSENT AGENDA:

- CA-1 Approval of Minutes of March 20, 2007, Regular Meeting
Approval of Minutes of March 27, 2007, Regular Meeting and
Approval of Minutes of April 3, 2007, Regular Meeting (Clerk of the Board)
- CA-2 Approve Pesticide Application Reporting Agreement No. 07-0020C for Fiscal Year
2007/2008 with California Department of Pesticide Regulation (CDPR) and Authorize
the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner);
Res. 07-137
- CA-3 Authorize the Fire Chief to Apply for the Fiscal Year 2007 Emergency Management
Performance Grant from State Office of Emergency Services (Fire Chief); Res. 07-138
- CA-4 Approve Budget Action Transferring Funds within the Tourism/Economic Development
Budget Unit to Pay for an Outstanding Web Service Invoice (\$1,000) (County
Administrative Officer/Personnel/Risk Management); Res. 07-139
- CA-5 Approve Budget Action Transferring Funds within the Recorder's Modernization Fund
to allow for the Purchase of the Recording/Cashiering System Upgrade (\$16,400)
(Assessor/Recorder); Res. 07-140
- CA-6 Approve an Agreement with the State of California for Lease of Communications Vault
Rack Space for Two Repeater Radio Channels Located on Penon Blanco Peak (Sheriff);
Res. 07-141
- CA-7 Approve Budget Action Increasing Revenue and Appropriations in the Don Pedro Bond
Administration Fund, to Account for Bond Fees and Expenses Related to Delinquency
Notices (4/5ths Vote Required) (\$4,150) (Treasurer/County Clerk/Tax Collector); Res.
07-142
- CA-8 Authorize the Public Works Director to Execute the Supplemental Lease Agreement
with the USDA Forest Service for Relocated Facilities at the Mariposa-Yosemite Airport
(Public Works Director); Res. 07-143

12:28 p.m. Adjournment in memory of Wanda Jean Brown, Doug Flick, and Ruth Ann Greenamyre.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

April 24, 2007



Time Description

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

Sarah Hebern, Girl Scout, led in the Pledge of Allegiance

Introductions

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: There was no public input. Supervisor Aborn pulled item 10. Supervisor Pickard pulled item 8. Supervisor Bibby pulled items 9 and 10. Action was taken on the pulled items later in the meeting. (M)Aborn, (S)Turpin, the balance of the items was approved/Ayes: Unanimous.

Chair Bibby;

There was no public input on the following items:

A) Present a Congratulatory Letter of Recognition to Sarah Hebern for Achieving the Girl Scout Gold Award

BOARD ACTION: (M)Fritz, (S)Aborn, a certificate of recognition was presented to Sarah Hebern; with the letter of recognition to be presented at the awards ceremony/Ayes: Unanimous.

B) Proclaim the Month of April 2007, as "Sexual Assault Awareness Month" and April 25, 2007 as "Denim Day"

BOARD ACTION: (M)Fritz, (S)Aborn, the Proclamation was presented to Denise Conway, representing Mountain Crisis Services/Ayes: Unanimous.

C) Proclaim the Week of April 22 – 28, 2007 as "Week of the Young Child"

BOARD ACTION: (M)Fritz, (S)Turpin, the Proclamation was presented to Angie Steele, Infant/Child Enrichment Services, and several of the students from the Head Start program/Ayes: Unanimous.

D) Proclaim Earth Day, April 22nd to Memorial Day, May 28th, 2007 as Mariposa "Clean and Proud" Observance

BOARD ACTION: (M)Turpin, (S)Pickard, the Proclamation was approved/Ayes: Unanimous. Chair Bibby noted the extension of the timeframe for the proclamation and she advised that Chris Todd was unable to be present. She recognized Chris Todd's efforts with the Clean and Proud event, as well as the SCOPE, Sheriff's Department, and the other committee members.

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 quarterly agriculture/noxious weed meeting and he will be drafting comments on the off-highway vehicle proposal and its potential impact on the noxious weeds. On Friday, the Community Services Director held a senior resource information event in the North County. He advised of information provided regarding a program through the Hospital to assist seniors with weed eating and cleaning up leaves.

Supervisor Fritz advised that she attended the San Joaquin Valley Regional Association of California Counties conference in Sequoia National Park; and their fall conference will be held at Bass Lake. She noted that the Civil War Reenactment event is scheduled for this weekend and about 980 students from the County will be attending on Friday; and she advised of the scheduled activities. She plans to attend the Teacher Appreciation dinner hosted by the Chamber of Commerce on May 2nd.

Supervisor Aborn advised of issues discussed at the Yosemite West Advisory Committee meeting held the previous week. He complimented the employees in the Auditor's Office for decorating the break room and their offices in the Hall of Records.

Supervisor Pickard advised that he attended the San Joaquin Valley Regional Association of California Counties conference. He plans to attend the Resource Conservation and Development Council meeting this week; and he commented on the farm energy audit program and their continued efforts to pursue bio-mass fuel utilization.

Supervisor Bibby commented on the March statistics for the volunteer fire activities. She advised that she attended a community meeting on Thursday at the Airport, and the proposed development of the Princeton Ranch was discussed. She attended the Mother Lode Job Training meeting last week, and she advised that our unemployment rate actually dropped by one percent.

Thomas P. Guarino, County Counsel;

Opening of Sealed Proposals for the Lease of Grazing Property Located in the Lake Don Pedro 1-M Area Described as Parcels 1 and 2 in Area 1M of Lake Don Pedro and for Parcels 11-190-009 and 11-183-001 (Approximately 18.65 Acres) Located in Hornitos

BOARD ACTION: The Clerk of the Board advised that one proposal was received for the property located in the Lake Don Pedro 1-M area; and opened the proposal from Robert Cree with a bid of \$2,037.50. Thomas P. Guarino, County Counsel, advised that the proposal was responsive. (M)Turpin, (S)Aborn, Res. 07-154 was adopted accepting the proposal from Robert Cree and offering a three-year grazing lease for the property in Lake Don Pedro 1-M/Ayes: Unanimous. County Counsel advised that he will prepare the lease agreement for signature.

Input from the public was provided by the following:

Paul Chapman referred to Government Code Section 25531 and stated he feels that this calls for oral bids to be accepted.

County Counsel noted that the Board's prior action specified that bids would need to be presented by a certain time. Chair Bibby asked about withdrawing the Board's previous action to consider public input. (M)Turpin, (S)Aborn, the previous action was withdrawn to consider public input.

Chair Bibby called for additional public input, and the following was provided.

Paul Chapman presented a copy of Government Code Section 25531 for County Counsel to review.

9:43 a.m. Recess for County Counsel to review the Government Code that was cited.

9:57 a.m. County Counsel advised of his review of the process and the process specified in the Board's action. Chair Bibby suggested that oral bids be called for. Supervisor Turpin expressed concern that oral bids be called for after the sealed proposal was opened. Oral bids were called for and none were received. County Counsel responded to a question from Chair Bibby as to whether the sealed proposal met all of the requirements; and he advised that he would like to speak with the bidder and look at the Board's prior practice. He advised that the Board could ratify its prior vote to proceed; and if there is a problem with the proposal, he will bring the matter back. (M)Turpin, (S)Aborn, the motion to

withdraw the previous action was restated to ratify the motion and vote to accept the proposal from Robert Cree/Ayes: Unanimous.

10:00 a.m. Dana Hertfelder, Public Works Director;

A) PUBLIC HEARING – to Consider a Revision of the Fees for Water and Sewer Service for the Condominiums (only) in the Yosemite West Maintenance District and Approve the Proposed Fee Schedule

BOARD ACTION: Dana Hertfelder presented the staff report. Dana Hertfelder and Carl Casey, Public Works Administrator, responded to questions from the Board relative to how the 192,000 gallons usage was arrived at for the first tier; whether all of the condos are the same size with the same number of bathrooms and whether they pay a fee whether they are inhabited or not; relative to the billing statements and the formula for the condos; and whether the Yosemite West Advisory Committee reviewed the proposed revision of the fees. The public portion of the hearing was opened and there was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Fritz, (S)Aborn, Res. 07-155 was adopted approving the fee revisions as recommended. Staff clarified that the revised rates are effective on May 1, 2007. Ayes: Unanimous.

B) Approve Increases for the Rates charged by Fleet Services as Follows: 1) A 15% Across the Board Increase in the Basic Per-mile Operations and Maintenance Charge for County Vehicle/Equipment Use; 2) An Increase in the Shop Labor Rate from \$58.00 per Hour to \$72.00 per Hour; and 3) An Increase in the Rate for the Low Bed Tractor/Trailer from \$65.00 per Hour to \$90.00 per Hour

BOARD ACTION: Discussion was held with Dana Hertfelder and Carl Casey relative to the request; and they advised that the revised rates would be effective for the next budget year.

Input from the public was provided by the following:

Paul Chapman stated he feels the 15 percent increase is reasonable; but he feels it would be cheaper to hire out the shop work versus the \$72/hour proposed shop labor rate. He commented on his recent observation of the low bed tractor being used for hauling a pickup truck and stated he feels it would be cheaper to use two pickup trucks. He also questioned the use of the low bed tractor for hauling rubber-tire equipment; and he suggested an audit to see if this is needed.

Dana Hertfelder responded to the input and advised of their comparison of shop rates with local vendors and commented on the use of the low bed tractor. (M)Fritz, (S)Aborn, Res. 07-156 was adopted approving the recommended increase in rates effective July 1, 2007/Ayes: Unanimous.

C) Resolution Approving the “Clean and Proud” Program From April 22 through May 28, 2007, for Trash Cleanup Efforts Along County Roadways and State Highways; Including Waiver of the Disposal Fee at the Landfill

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the program. Supervisors Bibby and Pickard provided input on the program and consideration of possibly establishing a perpetual trophy. Supervisor Turpin clarified that the bags would be accepted at the transfer stations as well.

Input from the public was provided by the following:

Dick Hutchinson commended the Seely’s and others for their ongoing efforts to clean Darrah Road.

Supervisor Pickard noted that Norm Murrell and Chris Todd came up with the Clean and Proud idea. (M)Fritz, (S)Aborn, Res. 07-157 was adopted approving the program as recommended; including the waiver of the disposal fee at the landfill as outlined; direction was given to pursue an awards program and to involve the community service groups and organizations; and approving the brochure for the event. Supervisor Turpin noted that the requirement to stay off of the shoulders of the roads should be deleted; and the motion was amended, agreeable with the maker and second, to include this change. It was noted that the Chamber of Commerce and Public Works have videos from CalTrans on litter clean-up safety. Ayes: Unanimous.

D) Approve the Proposed Department of Public Works Earth Day Program and Authorize the Waiver of Fees Associated with the Proposed Program

BOARD ACTION: Discussion was held with Dana Hertfelder. There was no public input. (M)Pickard, (S)Aborn, Res. 07-158 was adopted ratifying the program and the waiver of fees/Ayes: Unanimous.

Consider Items Removed from the Consent Agenda

Consent Agenda item 8 – Mariposa Creek Parking Lot completion. Supervisor Pickard complimented Public Works for the completion of this project (Womack lot). Dana Hertfelder advised that they are planning to have a ribbon cutting ceremony on May 1st. (M)Pickard, (S)Turpin, item 8 was approved/Ayes: Unanimous.

Consent Agenda item 9 – placement of plaques and flagpoles at Catheys Valley and Woodland Parks. Supervisor Bibby initiated discussion relative to the review of the location of the pole at the Catheys Valley Park. Dana Hertfelder provided input of the options for location of the pole and suggested relocating the dumpster. (M)Turpin, (S)Pickard, item 9 was approved with the change in location of the pole at the Catheys Valley Park/Ayes: Unanimous. Dana Hertfelder commended the Lions Club for their work with the lighting at the ballfields.

The remaining item that was pulled from the Consent Agenda was continued to later in the meeting.

11:02 a.m. Recess

11:12 a.m. Richard J. Benson, County Administrative Officer;

Discussion and Direction Regarding the County's Retirement Unfunded Liability

BOARD ACTION: Rick Benson gave a power point presentation regarding the County's retirement unfunded liability and he reviewed the history of how this situation occurred. He advised that the current amount of the unfunded liability is \$11,301,827. He provided information on his recommendation to pursue pension obligation bonds to refinance the current debt at a lower interest rate. He reviewed the steps involved with pension obligation bonds. He advised of his discussions of this matter with the Auditor and the Treasurer; and he advised that they were present to answer questions. Chris Ebie, Auditor, provided input relative to the percentages of the retirement contributions for the miscellaneous and safety employees. Discussion was held concerning the recommendation for the two million dollars that was set aside in this budget for this debt.

Input from the public was provided by the following:

Ruth Sellers stated she feels that the former Auditor's (Ken Hawkins) prediction came true concerning the Board's decision to increase the retirement benefits for employees. She noted that no one has mentioned correcting the situation, and she feels a second tier retirement system should be considered. She stated she feels there should be a public hearing on pursuing the pension obligation bonds; and she feels that changes should be discussed with the debt. She does not feel that employees should receive an entitlement, just a reasonable retirement. She noted that the taxpayers pay for other services such as roads, and not just retirement benefits.

Ruth Catalan asked whether the bonds will require a vote by the public, and she was advised that they do not. She questioned the agenda title wording and stated she feels there should have been more public notice of this discussion. She feels that the Board should try to pay this debt from the budget.

Paul Chapman stated he agrees with Ruth Sellers and Ruth Catalan. This should come before the public and the public should be informed. He stated he feels that the past raises have been lavish and should be rescinded.

Rick Benson advised that his request for approval to move forward does not authorize issuance of the bonds – that will take a separate action. Chris Ebie clarified that PERS has advised that nearly 80 percent of the cost of the unfunded liability is due to the poor investment performance through PERS. Rick Benson advised of another unfunded liability that is on the horizon with the OPEB (other post employment benefits). Supervisor Bibby stated she would like to see a public hearing incorporated into this process. Supervisor Pickard agreed with holding a public hearing before a decision is made; and he

suggested that the Board members take this presentation into their districts. (M)Turpin, (S)Aborn, direction was given for the County Administrative Officer to pursue the pension obligation bonds. Discussion was held concerning having this presentation in different locations throughout the County; and Supervisor Bibby encouraged the Auditor and the Treasurer to attend the presentations. 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 advised that on Monday he received a proposal from the firm working with the Park Service on the socioeconomic study; and he wants to discuss participation with the Park Service. He commented on the CalTrans' socioeconomic study. It was noted that CalTrans has scheduled an open house on May 23rd at the Government Center to present the alternatives for the permanent restoration; and discussion was held relative to scheduling the matter after the open house for the Board to take action on the targeted alternative. Chair Bibby reminded the public that it is important to submit information on the impacts being experienced as a result of the rockslide. There was no public input. (M)Pickard, (S)Fritz, Res. 07-161 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 the Remaining Item Removed from the Consent Agenda

Consent Agenda item 10 – agreement with Best Best & Krieger or continuation of counsel services. Supervisor Aborn initiated discussion relative to the services being provided, and Rick Benson responded. (M)Aborn, (S)Pickard, item 10 was approved/Ayes: Unanimous.

Discussion and Possible Action to Cancel the Regularly Scheduled Board Meeting for July 3, 2007 (Chair Bibby)

BOARD ACTION: Following discussion, (M)Fritz, (S)Aborn, Res. 07-163 was adopted canceling the meeting for July 3rd. There was no public input. Ayes: Unanimous.

Adopt a Resolution Opposing Senate Bill 893 by Senator Dave Cox which Seeks to Shift all Proposition 10 Revenue away from Local First 5 Commissions to a Statewide California Families and Children's Commission (Chair Bibby)

BOARD ACTION: Supervisor Bibby initiated discussion and advised that this could affect grants in the County.

Input from the public was provided by the following:

Dick Hutchinson, representing the Manna House, provided input on their use of this funding and of the need for children to receive proper food.

(M)Fritz, (S)Aborn, Res. 07-164 was adopted opposing SB 893/Ayes: Unanimous.

1:02 p.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: PG&E v. State Board of Equalization, et al., Case No. 05CEG00003MWS (County Counsel)

BOARD ACTION: There was no public input. (M)Aborn, (S)Fritz, the closed session was held/Ayes: Unanimous.

1:14 p.m. Chair Bibby announced that information was received as a result of the closed session and no action was taken. She noted that LAFCo will convene at 2:00 p.m.

2:00 p.m. Kris Schenk, Planning Director;

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

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 February and March 2007 (County Administrative Officer/Personnel/Risk Manager)

CONSENT AGENDA:

- CA-1 Approve Budget Action Transferring Funds within the Public Works Administration Budget to Cover Salary Expense for the Senior Office Assistant for March through June 2007 (\$8,640) (Public Works Director); Res. 07-147
- CA-2 Approve Budget Action for the Road Division Increasing Appropriations for Professional Services to Allow for Continued Use of Outside Engineering Firms for Map Checking Services and Increase Revenue for Review Fees by an Equal Amount (\$12,000) (4/5ths Vote Required) (Public Works Director); Res. 07-148
- CA-3 Accept Resignation of Jeanette DeWorken from the Mental Health Board (Human Services Director)
- CA-4 Authorize Mariposa County Employees to Donate Vacation and/or Compensatory Time to a Co-worker in the Health Department (Health Officer); Res. 07-149
- CA-5 Approve Summer Hours for Bassett Wawona Library Effective May 26, 2007, Monday – Friday 12:00 a.m. to 5:00 p.m. and Saturday – 10: a.m. to 2:00 p.m. (Interim Librarian); Res. 07-150
- CA-6 Approve a Lease Agreement with Kenneth and Lamerna Mari for Office Space Occupied by the Grand Jury (County Counsel); Res. 07-151
- CA-7 Approve Budget Action Transferring Funds within the Probation Budget for the New Software Program (\$1,000) (Chief Probation Officer); Res. 07-152
- CA-8 Accept the Mariposa Creek Parking Lot Project as Complete and Authorize the Public Works Department to Release the Retention for the Project (Public Works Director); Res. 07-159
- CA-9 Approve the Placement of Plaques and Flagpoles at Catheys Valley and Woodland Parks by the Lions Club Acknowledging the Efforts put into the Lighting Projects (Public Works Director); Res. 07-160, including change in location of the Catheys Valley pole
- CA-10 Approve an Agreement with Best, Best & Krieger for Continuation of Counsel Services for Personnel-related Matters in an Amount Not to Exceed \$25,000 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manger); Res. 07-162
- CA-11 Approve Budget Action Increasing Revenue and Appropriations for SB90 Claim Processing (\$7,500) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manger); Res. 07-153
- CA-12 Approval of Minutes of April 10, 2007, Regular Meeting (Clerk of the Board)

1:15 p.m. Adjournment in memory of Freda Hagopian, Arthayda Helen Quick, Carole Merry (Hogan) Conard, and Michael Pohle.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

May 1, 2007



Time Description

9:03 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

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: Chair Bibby advised of a correction on item 7 – minutes for April 17, 2007, to show Supervisor Turpin as the second to the motion for the establishment of the County as a Certified Local Government. She noted that item 11 includes budget actions; and she advised that an additional change to the contract for item 16 was provided after the agenda packages were distributed. There was no public input. Supervisor Turpin pulled items 4, 10, and 15; and action was taken on these items later in the meeting. (M)Pickard, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Chair Bibby;

There was no public input on the following:

A) Resolution Recognizing Susan Warner Upon her Retirement as Senior Development Services Technician for Mariposa County Building Department

BOARD ACTION: Chair Bibby advised of Susan Warner's request for assistance to the Library book budget versus receiving a tile plaque. (M)Fritz, (S)Aborn, Res. 07-165 was adopted and presented to Susan Warner/Ayes: Unanimous.

B) Proclaim May 1, 2007 as "World Asthma Day" and May 2007 as "World Asthma Month"
BOARD ACTION: (M)Aborn, (S)Turpin, the Proclamation was approved and presented to Lori Ferriera representing the Merced/Mariposa County Asthma Coalition/Ayes: Unanimous. Lori presented information on their program and advised that their website is: www.mmccac.com.

C) Proclaim the Week of May 6th through 12th, 2007 as "Wildfire Awareness Week"
BOARD ACTION: (M)Turpin, (S)Aborn, the Proclamation was approved and presented to Jim Wilson/County Fire Chief and Don Stein/CAL FIRE Battalion Chief. Jim Wilson introduced the following who were present for this action: Stephen Leonard/CAL FIRE Battalion Chief and Jim Middleton/Deputy County Fire Chief. Ayes: Unanimous. Don Stein noted the 100-foot clearance requirements. Jim Wilson advised that Kimberly Bullock of the Fire Safe Council could not be present; and he advised of their chipping and fuel reduction programs.

D) Proclaim May 1, 2007, as "Paint the Town Purple" Day for the Kickoff for the Relay for Life Event

BOARD ACTION: (M)Fritz, (S)Pickard, the Proclamation was approved and presented to Dennis Baker, Chair of the Relay for Life/Ayes: Unanimous. Dennis Baker invited everyone to attend the event on May 19-20 at the Fairgrounds.

9:27 a.m. Recess

9:38 a.m. Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda - None

Board Information

Supervisor Aborn advised that he plans to attend the Midpines Community Advisory Committee meeting this evening. He attended the Civil War Reenactment over the weekend. On May 17th, the Fire Department will be giving a presentation in Midpines.

Supervisor Pickard reported on his attendance of the Spring Conference for the California State Association of Resource Conservation and Development Councils and the topics that were discussed.

Supervisor Fritz thanked everyone for their support and participation in the Civil War Reenactment event. She noted that the Senior Exposition Fair is scheduled for this Friday; Saturday is the Butterfly Festival and the Weekend in the Country is scheduled for this weekend. She advised that there will not be a District IV meeting on May 8th as she will be attending the NACO (National Association of Counties) meeting in Alaska next week. She noted that the Mariposa County Indian Council Pow-Wow is scheduled for May 11-13. The annual plant and garden sale, sponsored by the Mariposa County Master Gardener Association, is scheduled for May 5th.

Supervisor Turpin advised that he helped with the Civil War Reenactment Friday, and he applauded Supervisor Fritz for her enthusiasm with helping to make the event a success. He attended the Northern Mariposa County History Center annual meeting on Saturday, and he attended the Coulterville Community Water meeting, and he plans to attend the Senior Exposition Fair. He advised of a concern received from a resident that phone service in Bear Valley/Hunters Valley area has been down for a couple days.

Supervisor Bibby stated it is imperative that written complaints be provided when the phone service is down so that there is documentation and they can work on resolving the problems. She plans to attend the Mental Health Board meeting at noon. She reported that SB 8937/Proposition 10 Mental Health Services funding was rejected by the Senate Health Care Committee.

Dana Hertfelder, Public Works Director;

A) Discussion and Direction on the Summer Use Schedule of the Mariposa County Amphitheater
BOARD ACTION: Discussion was held with Dana Hertfelder relative to the requests for use of the facilities, including the swim teams request for use of the amphitheater for out of water training. He advised that when there is a conflicting request, the swim teams use another portion of the Park.

Input from the public was provided by the following:

Ruth Catalan asked whether the pool is closed to the public when the swim teams are using it; and she stated she does not feel that it should be restricted to just the swim teams from 6 – 8 p.m. Chair Bibby suggested that this concern be forwarded to the Parks and Recreation Commission.

Dana Hertfelder advised that about 40 youth are involved with the swim teams use and there isn't enough staffing to go beyond the public pool hours. Discussion was held. Thomas P. Guarino, County Counsel, advised that he needs to further research the issue raised concerning the exclusive use of a facility over the long-term by a private group. (M)Turpin, (S)Fritz, Res. 07-178 was adopted, with direction for the swim teams to be allowed to use the amphitheater, unless there is a conflicting request, as discussed/Ayes: Unanimous.

B) Waive the Formal Bid Process and Authorize the Purchase of a Tarpomatic System at a Cost not to Exceed \$71,000 for the Solid Waste & Recycling Division for Landfill Alternative Daily Cover, and Approve Budget Action to Transfer Appropriations and Reduce Contingency within the Solid Waste Fund to Cover the Purchase (4/5ths Vote Required) (\$71,000)

BOARD ACTION: Discussion was held with Dana Hertfelder and Steve Engfer/PWD-Solid Waste and Recycling Manager, relative to the request. Supervisor Aborn asked about the potential damage that bears could cause to the tarps. Carl Casey/Public Works Administrator responded to a question from the Board relative to the funding for this.

Input from the public was provided by the following:

Paul Chapman asked what will be used for a dozer, questioned the need for a wireless remote control, and he asked why the formal bid process is not being used.

Carl Casey responded that this is a unique piece of equipment and it is sold only by the manufacturer; and it is approved for use in California landfills. Further discussion was held. (M)Pickard, (S)Turpin, Res. 07-179 was adopted waiving the formal bid process and authorizing the purchase and budget action as recommended/Ayes: Unanimous.

Cheryle Rutherford-Kelly, Human Services Director;
Appoint Jill Harry or Judith Yaras to the First 5 Commission for the Early Childhood Development Vacancy for a Term Expiring May 1, 2010

BOARD ACTION: Jeane Hetland, Executive Director for First 5 of Mariposa County, advised that the vote of the Commission was a tie between the two applicants for the vacant position. She provided information of their backgrounds and on the issue of defining education for the qualifications.

Input from the public was provided by the following:

Jill Harry, applicant, reviewed her background and involvement with the Pre-School and the community.

Judith Yaras, applicant, reviewed her background and education and her interest in the community.

Both applicants responded to questions from the Board regarding how they feel they would be an asset to the Commission and relative to the issue of defining education.

Discussion was held. (M)Pickard, (S)Fritz, Judith Yaras was appointed to the Commission/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, County Administrative Officer, recommended that the emergency be continued. He advised of his conversation with CalTrans regarding their socioeconomic survey – it is a required part of their process. There was no public input. (M)Fritz, (S)Aborn, Res. 07-179a 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

Consent Agenda item 4 – Wildlife Services Agreement. Cathi Boze, Agricultural Commissioner, introduced Wade Carlson, USDA Wildlife Services District Supervisor, and Don Simms, Wildlife Services Trapper. She advised that the County costs will increase by seven percent this year, and she provided information on the program. Chair Bibby advised of a telephone call received from Cathie Pierce, President of the Mariposa County Farm Bureau, supporting the program. Wade Carlson gave an overview of the program and funding, and he thanked the County for its continued support. Supervisors Turpin and Pickard noted the need to get the State involved again in funding this program. (M)Turpin, (S)Pickard, item 4 was approved/Ayes: Unanimous.

The remaining items that were pulled from the Consent Agenda were continued to later this date.

11:26 a.m. Recess for Ribbon Cutting Ceremony at the Mariposa Creek Parking Lot

NOTE: No County business was conducted during the ribbon cutting ceremony.

2:02 p.m. Chair Bibby advised that following the ribbon cutting ceremony, the Mariposa Creek Parking lot is ready for use.

Consider Items Removed from the Consent Agenda

Consent Agenda item 10 – agreement with Maximus, Inc. for infrastructure valuation. Supervisor Turpin commented on the timeline. (M)Turpin, (S)Aborn, item 10 was approved/Ayes: Unanimous.

Consent Agenda item 15 – grazing lease agreement with Robert Cree. Supervisor Turpin advised of his discussion with Mr. Cree and the increased costs; and he recommended that a longer lease be considered in the future. (M)Turpin, (S)Aborn, item 15 was approved/Ayes: Unanimous.

2:08 p.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA Property on Bullion Street; Agency Negotiator: Thomas P. Guarino; Name of Party who will Negotiate with County (Not Party’s Agent): SPCA; Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel)

BOARD ACTION: There was no public input. (M)Fritz, (S)Aborn, the closed session was held/Ayes: Unanimous.

2:33 p.m. Chair Bibby advised that information was received and direction was given to staff as a result of the closed session.

CONSENT AGENDA:

- CA-1 Approve an Agreement with R. W. Rosebrock to Euthanize Stray/Unwanted Domestic Pets and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 07-166
- CA-2 Approve an Agreement with John C. Fremont Healthcare District to Provide Medical Services to the Mariposa County Adult Detention Facility and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 07-167
- CA-3 Approve an Agreement with John C. Fremont Healthcare District to Provide Dietary Services to the Mariposa County Adult Detention Facility and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 07-168
- CA-4 Approve Agreement No. 08-73-06-0260-RA: the Annual Work Plan, Annual Financial Plan and a Letter of Intent for Fiscal Year 2007/2008 with USDA/APHIS/WS (Wildlife Services) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 07-180
- CA-5 Approve an Agreement with Sierra Tel Business Systems for the Northland Cable Tower Wireless Relay and Authorize the Board of Supervisors Chair to Sign the Agreement (Technical Services); Res. 07-169
- CA-6 Approve Letters of Support for the Child Support Directors Association (CSDA) Budget Request to Secure a Cost of doing Business Adjustment to Fund Local Child Support Department and Authorize the Board of Supervisors Chair to Sign the Letters (Child Support Director); Res. 07-170
- CA-7 Approval of Minutes of April 17, 2007, Regular Meeting (Clerk of the Board)
- CA-8 Approve Budget Action Transferring Funds within the Senior Nutrition Fund to Cover End of Year Projected Expenses and Cover the Changes in the Area 12 Agency on Aging Funding (\$1,233) (Community Services Director); Res. 07-171
- CA-9 Approve Interim Rental Agreement with 35-A District Agricultural Association for the Annual Senior Expo and Health Fair and Authorize the Board of Supervisors Chair to Sign the Agreement (Community Services Director); Res. 07-172

- CA-10 Approve an Agreement with Maximus, Inc. for Infrastructure Valuation in Mariposa County and Authorize the Board of Supervisors Chair to Sign the Agreement (Auditor); Res. 07-181
- CA-11 Approve an Amendment to the 2006-2007 Vertical Prosecution Block Grant Extending the Grant Period to September 30, 2007, and Authorize the District Attorney to Sign the Amendment; Approve Budget Actions Transferring Funding within the Statutory Rape, Elder Abuse and Child Abuse Vertical Prosecution Budget Units to Allow Adequate Appropriations in Specific Line Items for the Remainder of this Fiscal Year (\$5,180) (District Attorney); Res. 07-173
- CA-12 Approve the Allocation for One Full Time Senior Alcohol and Drug Specialist and One 50% Deputy Probation Officer to the Probation Department for the ADAPT Grant, Effective July 1, 2007 (Chief Probation Officer); Res. 07-174
- CA-13 Approve an Amendment to Extend the Date of Completion with the Dick Anderson Construction, Inc. for the Don Pedro Wastewater Treatment Facility and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 07-175
- CA-14 Approve a Professional Services Agreement with Michael W. Skenfield, for Updating the Environmental Documents for the Darrah Road Bridge Widening Project #93-17 and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 07-176
- CA-15 Award Bid to Lease Real Property in County Service 1M (Lake Don Pedro) for Grazing to Robert L. Cree and Authorize the Board of Supervisors Chair to Sign a Three-year Lease Agreement (County Counsel); CSA 1M Res. 07-2 and Board Res. 07-182
- CA-16 Approve an Agreement with Barbara Spears, Trustee for the Spears Family Trust for the Premises Housing Health Department Staff Located at 4988 Eleventh Street and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 07-177
- CA-17 Proclaim the Week of April 29th through May 5th, 2007 as “Teacher Appreciation Week” (Supervisor Fritz)

2:34 p.m. Adjournment in memory of Billie M. Siglin, Olive M. Pool, and Darleene Fern Benson.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

May 8, 2007

Time Description

9:04 a.m. Meeting Called to Order at the Mariposa County Government Center with Supervisor Fritz excused to attend the NACO (National Association of Counties) conference in Alaska.

INFORMATION – Chair Bibby noted that the Board members, County Administrative Officer, County Counsel, and Clerk of the Board will be serving lunch at the Mariposa County Senior Center on May 15, 2007.

Pledge of Allegiance

Introductions

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: Input from the public was provided by the following:

Joanna Dordan referred to Consent Agenda item 5; and she advised that she feels that her car was hit while it was parked for her work at Parks and Recreation by a County vehicle. She advised that she was parked in an area that only allows County vehicles. Supervisor Bibby asked if there was a CHP report, and she advised that she went to the CHP Office and the officer (Dave Husky) made a note on his notepad, but did not make a report.

Supervisor Pickard pulled items 5 and 9, and action was taken on these items later this date.

(M)Aborn, (S)Turpin, the balance of the items was approved/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

Chair Bibby;

Proclaim the Week of May 14th through 20th, 2007 as "Mariposa County Relay for Life Week"

BOARD ACTION: There was no public input. (M)Pickard, (S)Aborn, the Proclamation was approved and presented to Dennis Baker, Chair of the Relay for Life/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz. Dennis Baker provided information on the event. Chair Bibby acknowledged everyone's efforts with helping to "paint the town purple."

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

Vicki Lorenzi, River Rock Inn, provided input on the Yosemite-Mariposa County Tourism Bureau's new website: www.homeofyosemite.com. She expressed concerns with the site, and she stated she feels it does not include the small businesses, and they were not advised of the creation of the site. Chair Bibby stated written comments/suggestions for improvements would be welcomed and they would be presented to the non-profit Bureau; and she will speak with Leroy Radanovich, Interim Tourism Coordinator, relative to the concerns that she is receiving.

Darin Phillips expressed concern with the Tourism Board; and he stated he feels that the members were hand selected versus using a public process. He expressed concern with the process the Bureau used to select the consultant for the marketing plan; and he advised of his discussion concerning this matter with Mr. Poimiroo. He stated he feels that the organization needs to be held accountable for the expenditure of County funds. Chair Bibby noted that the County Administrative Officer advised that the Interim Tourism Coordinator will be providing a report to the Board on activities – it is currently scheduled for May 22nd.

Board Information

Supervisor Turpin advised that he attended the North County Ambulance Association meeting on Monday – they will celebrate fifty years of existence next year. On Wednesday, he plans to attend the Calaveras-Mariposa Community Action Agency meeting. On Thursday, he is holding a District II meeting.

Supervisor Pickard advised that he attended the Area 12 Agency on Aging meeting on Thursday, and he is hoping that their budget actions will have a positive impact on Consent Agenda item 9.

Supervisor Aborn advised that he attended the Midpines Community Planning Advisory Committee meeting on Thursday; and May 17th will be the next meeting with a presentation by CAL FIRE and Mariposa Fire Department. He advised that he met with officials in Merced the previous week concerning transportation issues, etc. He noted that there is a fifty percent price increase for hay.

Supervisor Bibby advised that she plans to attend the Calaveras-Mariposa Community Action Agency meeting in Coulterville on Wednesday. She plans to attend the upcoming Airport Advisory Committee meeting. She noted that the snapping turtle has found a home at the Chaffee Zoo; and that there was a bear in town on Monday. She advised of the receipt of a letter from TIE (Transportation Involves Everyone) concerning coordination of bus service with YARTS during parades. She will forward the letter to Public Works to help with the coordination for future parades. She advised of the Catheys Valley Auxiliary BBQ on Sunday to raise funds for items for the fire station. She commended all of the emergency personnel for responding to the fire off of Hornitos Road on Monday. She advised that through the efforts of Fire and Public Works, OES covered the freeze damage repairs to the Catheys Valley fire station. She advised that the First 5 Commission will be reviewing grant applications on Monday.

Dana Hertfelder, Public Works Director;

Adopt a Resolution Authorizing Mariposa County to enter into a Lease Agreement with Kiwanis Club of Mariposa for use of the Darrah School House and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Discussion was held with Dana Hertfelder. Supervisor Bibby asked about the status of dealing with any lead-based paint or asbestos issues, water testing, handicapped accessibility, and whether this agreement includes the use of the playground. Dana Hertfelder responded to the questions and advised that they are researching their records to make sure that the lead-based paint project was completed; they will review the questions relative to asbestos; water testing is done as required; and he advised that the handicapped ramp was installed and the outside bathroom work is being finished. Thomas P. Guarino, County Counsel, advised that this agreement include use of the entire facility. Dana Hertfelder advised that they are reviewing the access/parking issue.

Input from the public was provided by the following:

Dick Hutchinson asked what the dates are for the lease agreement. Dana Hertfelder advised that they plan to be finished with the building by June 1st and he recommended a lease agreement period of July 1, 2007 through June 30, 2008. Dick Hutchinson noted that the Wagon Train event is scheduled for June 8th at the facility, and he wanted to make sure that there is no conflict.

Bonnie Robinson, proposed teacher for the pre-school, commented on her work with the pre-school project and she presented letters of support from the community.

Melissa Matheson, current President for Kiwanis, advised that they plan to start their school session on September 4th, and she spoke in support of the program.

Following discussion, (M)Pickard, (S)Turpin, Res. 07-189 was adopted approving the lease agreement. The motion was amended, agreeable with the maker and second, to include an amendment

to the use of the premises for the annual Wagon Train event/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

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, County Administrative Officer, recommended that the local emergency be continued. Supervisor Turpin noted the CalTrans' open house on May 23rd. There was no public input. (M)Pickard, (S)Aborn, Res. 07-190 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, Turpin, Bibby, Pickard; Excused: Fritz.

9:50 a.m. CLOSED SESSION: Public Employee Appointment; Position: County Librarian (County Administrative Officer/Personnel/Risk Manager); and
CLOSED SESSION: Liability Claims; Claimant Name: Joanna Dordan; Claim Number: C07-8; Name of Agency Sued: County of Mariposa (County Administrative Officer/Personnel/Risk Manager)
BOARD ACTION: There was no public input. (M)Aborn, (S)Turpin, the closed sessions were held/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

10:06 a.m. The Board reconvened in open session. Chair Bibby advised that information was received on both of the items, and direction was given to the County Administrative Officer on the matter relative to the public employee appointment, position: County Librarian.

Thomas P. Guarino, County Counsel;
PUBLIC MEETING to Discuss the Intention of the Board of Supervisors to Consummate the Purchase of Unimproved Real Property Located at 11th and Bullion Streets and 10th Street in Mariposa County from the Society for Prevention of Cruelty to Animals (SPCA); and Adopt a Resolution Authorizing the Board of Supervisors Chair to Sign a Memorandum of Understanding with the Court for use of the Courthouse Construction Funds for the Purchase of the Property and Authorize the Board of Supervisors Chair to Sign the Certificate of Acceptance, Contract for Phase I Environmental Review, and any other Documents Necessary to Complete Escrow and Purchase of the Property
BOARD ACTION: Chair Bibby advised of a request from Supervisor Fritz for this matter to be continued to May 15th for her to be present. (M)Pickard, (S)Turpin, the Board directed that the staff report and public comment be received at this time; and that the public comment and this item be continued to May 15th for the full Board to be present/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz. The staff report and public comment was continued until after the following items.

Consider Items Removed from the Consent Agenda

Consent Agenda item 5 – Claim filed by Joanna Dordan. (M)Pickard, (S)Aborn, item 5 was approved for rejection of the Claim/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

Consent Agenda item 9 – budget action for Community Services Department. Supervisor Pickard commented on the Area 12 Agency on Agency meeting and their budget adjustments. (M)Pickard, (S)Turpin, item 9 was approved/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

Thomas P. Guarino presented the staff report to consummate the purchase of SPCA property. Supervisor Bibby expressed concern with the size of the parcel and the location, road impacts and she asked who is responsible for the improvements.

Input from the public was provided by the following:

Dick Hutchinson noted that with the present Courthouse facility, that if the Board has an agenda item that draws a large number of people, that there isn't enough parking available in the area. He feels that this project would further impact the parking; and he doesn't feel that the side streets are wide enough to provide for parking. He expressed concern with the location of the facility in relation to the Library. He stated he feels that another location needs to be found that is more suitable for the

facility and has room for expansion. He stated he feels there needs to be a secure place for bringing the prisoners in; and he suggested that Highway 49 would be a better place for the facility.

Jim Allen, Sheriff, advised of a meeting that he attended with the Administrative Office of the Courts two or three years earlier, and he advised that he raised the concerns that he has heard today. He has a concern with the parking. Safety is a great concern, and he needs a secure facility for the judges, attorneys, and the public. He agrees that we need a new Courthouse, and he would like to see a facility next to the jail – but he does not know if this is feasible.

Paul Chapman stated he feels it will be twenty years before a facility is built. He feels parking is a problem. He noted that the County purchased land before for a Courthouse, and he cited Government Code section 25515. He expressed concern with the lost of tax revenue, with the costs already incurred, and with the lack of architectural control. He noted that both houses on the parcel are listed on the National and County Register; and he stated he feels the project should require a CEQA and Fish and Game review because of the drainage and wetlands. He stated he does not feel that there are sufficient funds in the Courthouse Construction Fund for this purchase.

Ruth Sellers stated she has a concern with this piece of property being used for a Courthouse, but she can understand the County's interest in the property because of the hope that the County obtain its own facilities versus renting facilities and because the property is adjacent to other County facilities. She asked if the recreational sports complex property could be used for this project, and she noted that it is close to the jail.

Supervisor Bibby asked if there has been a permit issued to burn down the houses. County Counsel stated he does not know whether the private property owners applied for permits; and he provided input relative to review by the Historical Sites and Records Preservation Commission of the buildings and the processes. He advised that there is available funding in the Courthouse Funds 502 and 503 for the purchase, and he referred to the MOU provisions and use of the property. The matter was continued to May 15th at 9:00 a.m., and Chair Bibby advised that public comment will continue to be accepted at that time.

Discuss and Provide Direction to Staff Regarding the use of Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) Funds for Continued Funding of the South West Interface Project (SWIFT) for Another Two Years – (\$29,280) and Continue Funding the Mariposa County Fire Safe Council for Another Year – (\$51,400) (County Administrative Officer/Personnel/Risk Manager)
BOARD ACTION: Discussion was held with Rick Benson. There was no public input. Supervisor Bibby asked for clarification of whether there is any problem with committing the funds for two years in advance for the SWIFT project. County Counsel advised that if these are current funds that the County has on hand, the Board can commit them. (M)Turpin, (S)Pickard, the Board tentatively approved the projects and directed staff to begin the 45-day comment period/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz. Jan Hamilton, on behalf of the Fire Safe Council, thanked the Board for its support of these programs.

CONSENT AGENDA:

- CA-1 Approve Budget Action Transferring Funds within the Indigent Defense Budget Unit to Accommodate Conflict Counsel Costs through the Remainder of this Fiscal Year (\$12,500) (County Administrative Officer/Personnel/Risk Manager); Res. 07-183
- CA-2 Approve Agreement with Clara Mossman for Janitorial Services for the Child Support Services Building and Authorize the Board of Supervisors Chair to Sign the Agreement (Child Support Director); Res. 07-184
- CA-3 Approve Agreement with 35A District Agricultural Association for Utilization of Fair Property to Provide Mosquito Fish to Owners of Ponds on May 12, 2007 and Authorize the Board of Supervisors Chair to Sign the Agreement (Health Officer); Res. 07-185

- CA-4 Authorize the Health Officer to Apply for First Five Grant for Health Department “Smart Start” Nurse Outreach Program in the Amount not to Exceed \$40,000 (Health Officer); Res. 07-186
- CA-5 Recommend the Rejection of Claim No. C07-8 Filed by Joanna Dordan in the Amount of \$426.97 and Authorize the Board of Supervisors Chair to Sign Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); Res. 07-191
- CA-6 Approve Budget Action Transferring Funds within the Planning Department SDA Camp EIR Fund to Provide for the SDA Camp Wawona Public Meetings in June (\$2,336) (Planning Director); Res. 07-187
- CA-7 Appoint Jeanetta Phillips to the Historic Sites and Records Preservation Commission as an At-Large Member (Planning Director)
- CA-8 Approve Agreement with Merced County for the use of Weights & Measures Testing Equipment and Personnel to Operate Trucks and Equipment and Authorize the Board of Supervisors to Sign the Agreement (Agricultural Commissioner); Res. 07-188
- CA-9 Approve Budget Action Reducing General Contingency to Cover Incorrect Estimated Cost for Reimbursement of Meals in the Restaurant Meals Program and other end of the Year Adjustments (\$1,549) (4/5ths Vote Required) (Community Services Director); Res. 07-192

11:05 a.m. (M)Aborn, (S)Turpin, the meeting was adjourned in the memory of William “Bootjack Bill” Hogue/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

May 15, 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 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: Chair Bibby advised of a correction for item 1 – the budget transfer is \$2498 versus \$2497.

Input from the public was provided by the following:

Paul Chapman referred to item 15 and stated he feels it is time for the Wagon Train event to become self-supporting. He referred to item 16/Yosemite Renaissance agreement, and stated he feels the funds could be used for a lot of other things to promote areas of the County.

Supervisor Bibby pulled item 16, and action was taken later this date. (M)Turpin, (S)Fritz, the balance of the agenda was approved/Ayes: Unanimous.

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

Ruth Sellers stated the 100th anniversary of the Old Yosemite Railroad in El Portal over the weekend was a huge success; and she noted that there is another event in Merced today.

Dell Knell, Odella’s Antiques & Nostalgia, referred to the website for the Yosemite-Mariposa County Tourism Bureau, and she stated she feels it focuses on big businesses in the County and that adjustments need to be made. Supervisor Pickard commented on the website. Dell advised of her discussion with the Interim Tourism Coordinator relative to her concern that the small businesses be included.

Board Information

Supervisor Fritz advised that she attended the NACO (National Association of Counties) Conference in Alaska the previous week. She plans to attend the Catheys Valley Western Fair and the Relay for Life events this weekend.

Supervisor Pickard advised that he plans to attend the RCRC (Regional Council of Rural Counties) meeting on Wednesday.

Supervisor Aborn advised that he attended the third training session for new supervisors sponsored by CSAC (California State Association of Counties). He attended the 100th anniversary of the Old Yosemite Railroad celebration event in El Portal over the weekend.

Supervisor Turpin advised that he attended the Calaveras-Mariposa Community Action Agency meeting; and the District II meeting in Greeley Hill. He attended a portion of the Agricultural Advisory Committee meeting; and the “pick up trash day” in Coulterville with the Volunteer Fire Station

Brigade; and the Greeley Hill Planning Advisory Committee meeting. He noted that the annual Coyote Howl event is scheduled for this weekend in Coulterville.

Supervisor Bibby noted the following: she is planning to attend a conference in Fresno regarding child abuse prevention and planning; she attended the First 5 Commission meeting on Monday and they awarded \$135,000 in grants; the Board will serve lunch at noon at the Senior Activity Center; she was unable to attend the Calaveras-Mariposa Community Action Agency meeting; she will be in contact with TDS concerning the 9-1-1 service problems experienced on Monday; she plans to attend a meeting in Sacramento on Wednesday to discuss 9-1-1 upgrades with providers with the State; and she advised of the backup notification process with emergency services agencies when the telephone service is disrupted.

Thomas P. Guarino, County Counsel;

CONTINUED PUBLIC MEETING to Discuss the Intention of the Board of Supervisors to Consummate the Purchase of Unimproved Real Property Located at 11th and Bullion Streets and 10th Street in Mariposa County from the Society for Prevention of Cruelty to Animals (SPCA); and Adopt a Resolution Authorizing the Board of Supervisors Chair to Sign a Memorandum of Understanding with the Court for use of the Courthouse Construction Funds for the Purchase of the Property and Authorize the Board of Supervisors Chair to Sign the Certificate of Acceptance, Contract for Phase I Environmental Review, and any other Documents Necessary to Complete Escrow and Purchase of the Property (Continued from May 8, 2007)

BOARD ACTION: Thomas P. Guarino provided an updated status report; and he advised of requested changes from the SPCA for a limitation of \$1,000 to locate the corners of the property, \$22,500 penalty clause – and he is not recommending these items, and concerning the by-laws – he has verified that the organization is current with the State. He advised of revisions in the Memorandum of Understanding (MOU) with the Court. Supervisor Bibby asked about the status of the structures on the property and demolition/preservation plans. County Counsel advised that at one time the SPCA was seeking to remove the buildings, but he could not find anything from the County to obtain a burn permit. If the County purchases the property, it will need to go through a process for the buildings. Supervisor Turpin asked about the \$1,000 limitation to locate the property corners; and County Counsel advised that there were changes in the SPCA leadership during the negotiations and their requests changed.

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

Supervisor Pickard noted that both of the Superior Court Judges were present. Chair Bibby introduced Presiding Judge Dana Walton and Judge Wayne Parrish.

Dick Hutchinson referred to his comments of May 8th relative to the parking concerns, and he noted that it was very difficult to find a parking space for this meeting; and he feels the new facility will further impact parking. He does not feel that this is the place for the Courthouse, and he questioned whether the State is directing this location. He feels a better location is Highway 49 North, where the Sheriff/Jail and CHP facilities would be close-by.

Judge Walton advised that the parking problems occurred this morning because they called 250 jurors for a trial. He stated he feels it is important to look at the history of how we got to where we are with the SPCA property location. He noted that a number of years ago, the Court was notified that it was on a short-list for funding for a new facility. A committee was established with members of the Board of Supervisors (Supervisors Balmain and Pickard), the former County Administrative Officer, County Counsel, and members of the history groups (Scott Pinkerton, Leroy Radanovich, and Tom Phillips). They met with the Administrative Office of the Courts (AOC) and started the process for the architectural work. He advised that the following sites were reviewed:

- SPCA property;
- The former Baptist Church property/the demolition costs were too high and it is smaller lot than the SPCA lot; and
- Property by the Jail/they recognized that the Jail would need to have room to expand, and the Sheriff was involved in the process.

They took into consideration the location of the Behavioral Health, District Attorney, and Probation offices, and the location of the offices of the attorneys that work in the Courthouse, and they selected

the SPCA site. The AOC agreed with the site selection as they wanted what the community felt was appropriate. He advised that the Court wants to work with the County on this matter, and they are supportive of this site. He also noted that the County is no longer on the short list for funding; however, if the upcoming bond measure passes, it will bring the project back to the short-list. He expressed concern that if we do not move forward, we will need to look at other options and the State will be more involved and will make a decision on where to build if need be. He advised that they are locked into this site with the MOU for the Courthouse, and this gives the County more control than the State finding a location. Supervisor Fritz asked whether consideration was given to this location as it would make it easier to continue use of the historic Courthouse. Judge Walton agreed, and advised that they still plan to use the historic Courthouse. He also noted that given their recent experiences, he does not feel that there will be enough space in the original design for the proposed facility for high profile cases. Supervisor Aborn stated he agreed with the close proximity of the facilities. Supervisor Bibby asked about the parking concerns and architectural design. Judge Walton advised that the design involves on-street parking and additional parking above the Probation Department and within the complex itself; and he commented on options. He noted that in his experience in working with the AOC, they involve the County in the process. He advised that a miniature jail is being planned for the new facility so that prisoners can be held in a secure area. Supervisor Bibby noted that her research shows that the County is number 47 on the funding list with an estimated cost of 21 million dollars for the new facility. Judge Walton responded that 300 projects are ranked in the list, and he provided input on the funding and the projects. Supervisor Pickard asked about being able to continue the portion contained in paragraph nine in the MOU concerning space needs issues for the Board and the Court to further review the language and to bring something back for this. Judge Walton stated he would be willing to work with the County on other options. This hearing was continued for the following hearings to be opened.

10:00 a.m. The public hearings for fee changes for recreation facilities and for the Building Department were opened and continued to after the following items.

County Counsel advised that the SPCA asked for an opportunity to meet; and he suggested that direction could be given today to proceed and continue this item to May 22nd to bring back the documents in final form.

Ruth Catalan, SPCA President, referred to the parking concerns and advised that it was discussed on May 8th that there would be 36 parking spaces and 18 occupied by employees. She advised that she will meet with County Counsel and the SPCA and they hope to have the requested documents (by-laws and articles of incorporation) to County Counsel by the end of this week.

Paul Chapman stated he feels parking is still an issue. He feels every Tuesday (with the Board meeting and the Court in session) that parking is a problem. He stated he feels the Courthouse facility could be located anywhere.

Jeanetta Phillips expressed concern that with the increase in population and crime, that there will not be room to expand this facility and she feels it is small to start with.

Bob Brown, District Attorney, stated he is not weighing in on where the Courthouse should be, but he feels everyone should be aware of certain considerations for the facility. He feels the Courthouse needs to be in close proximity to the District Attorney facilities, and he asked the Board to take into consideration this need. He referred to a meeting with the AOC and they were advised that if the District Attorney is housed with the Courthouse facility, the County would need to fund the portion of the costs for the District Attorney facility and he does not feel that will happen. He noted that if all of the growth projections are accurate and with the bulk of the growth occurring in the North County, he feels we need to start thinking about a satellite facility in the North County. He noted the need to plan for safety with parking. He also advised that he still has one room in the Courthouse that is County operated and that is important to him. Judge Walton responded that the design for the new facility included witness rooms for the District Attorney's use and for use by the defense attorneys, as well as attorney conference rooms.

Skip Skyrud commented on his experience as a juror this morning trying to find a parking space. He suggested that the Board move its meeting to Monday or Wednesday, and there be coordination

with the Court so that everybody isn't coming to the civic center on Tuesdays. He asked whether the site plan will ever come to the Planning Commission, and he asked that the County share the information with the Commission. Supervisor Pickard responded that this facility is like the schools, they are under the State Architect's jurisdiction. County Counsel referred to paragraph 7 of the proposed MOU relative to the meet and confer condition, and he advised that the Board would have the ability to ask for input from the Planning Commission. The State Architect has the ultimate decision making authority, but this has been a collaborative process. County Counsel noted that the proposal is a concept, and the CEQA process will determine how many parking spaces will be needed and mitigation of the impacts will be addressed at that time.

Jeanetta Phillips stated she feels the design control by the State Architect for a facility in the Historic District is another reason to change the location of the facility.

County Counsel provided input on the hearing process and advised that it would be appropriate to take public comment on the revisions on May 22nd. Discussion was held concerning the process. (M)Pickard, (S)Aborn, direction was given to County Counsel to further clear-up the language with regards to locating the corners of the property and with regards to the five percent additional cost for default in the purchase agreement; to work on the language in paragraph nine of the proposed MOU to include direction that discussion will come back within thirty days concerning the space needs issues with the Court and the District Attorney; direction was given to the County Administrative Officer and County Counsel to review the by-laws and articles of incorporation for the SPCA; and this hearing was continued to May 22, 2007, at 10:00 a.m. with the public portion being held open/Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

10:47 a.m. Recess

11:00 a.m. Jim Wilson, Fire Chief;

Presentation of Accomplishments to Date on the Fire Safety Trailer Program

BOARD ACTION: Jim Wilson introduced Marcella Good, Captain of the Mormon Bar Fire Station, and Tina Dearing, who has helped with presenting the fire safety trailer program at the schools and events in the County. Marcella Good gave a presentation on the history and use of the fire safety trailer. Discussion was held. The Board commended the volunteers for their work with this program. There was no public input.

11:18 a.m. A) Dana Hertfelder, Public Works Director;

PUBLIC HEARING for the request of Approval of the Proposed Changes and Fee Revisions to the Mariposa County Public Works Recreation Facility Use Policy

BOARD ACTION: Dana Hertfelder presented the staff report, and he advised that they are asking to include new facilities, Art Park, Amphitheater, and Skate Park, in the fee structure and use policy. There are no changes recommended in the fees. He responded to a question from the Board and advised that this item was presented to the Parks and Recreation Commission and they approved the recommendation. The public portion of the hearing was opened and there was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. Dana Hertfelder responded to questions from the Board as to whether there is a fee for use of the picnic area at the Mariposa Park; and relative to the charge for the use of the Midpines Park by the Church. (M)Fritz, (S)Turpin, Res. 07-203 was adopted approving the changes and fee revisions to the Mariposa County Public Works Recreation Facility Use Policy/Ayes: Unanimous. The hearing was closed.

B) John Davis, Building Director;

PUBLIC HEARING for the Request of Approval of the Proposed New Fee Schedule for the Building Department Based Upon the Increase of Overhead to Provide Code Enforcement for Mariposa County

BOARD ACTION: John Davis presented the staff report. Eileen Collins/Building-Development Services Technician, reviewed the process that was used to obtain the recommended fees.

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

Dick Hutchinson questioned the 1680 hours that was used for the study as the work year, and stated he thought this is a little low. Eileen Collins responded that this is the number of hours used by the industry as a standard.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to this being the same proposal as was submitted previously with the request to schedule the hearing, and relative to the code enforcement reference in the Uniform Building Code. (M)Pickard, (S)Fritz, Res. 07-204 was adopted approving new fee schedule for the Building Department/Ayes: Unanimous. The hearing was closed.

11:35 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – None

B) Discussion, Direction and Action Regarding Mariposa County’s Proposed State Transportation Improvement Program (STIP) Augmentation (Public Works Director)

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

Paul Chapman asked why the marker numbers for the project on Ben Hur Road changed.

Dana Hertfelder advised that under the SAFETEA-LU program, the original proposal was to pave a lower portion of Ben Hur Road; and now they are recommending that work be done instead on an upper portion, and he noted that the traffic counts were taken into consideration with the recommended change. He advised that the RTIP, approved in April, was submitted to the State as a part of the STIP augmentation process. He advised of discussions with CalTrans concerning the Old Highway bridge project and the cost overruns for the environmental review by CalTrans and relative to the status of the project. He advised that the Commission has three options: 1) stay with the original RTIP that was approved on April 17, 2007; 2) program the 1.5 million dollars for the Old Highway bridge project that CalTrans is asking for; or 3) commit over 90 percent of the program funds through 2011 to the Old Highway bridge project. He recommended the option of staying with the original RTIP as submitted to the State. Discussion was held.

The Commission continued this item and its meeting to 1:30 p.m.

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

1:32 p.m. The Local Transportation Commission reconvened. Continued discussion was held relative to the STIP augmentation, including preparing a letter to the California Transportation Commission explaining why the projects requested by the Local Transportation Commission are more important to the County than the Old Highway bridge project and providing information on its history.

Commissioner Pickard suggested that Chair Turpin testify before the California Transportation Commission and read the letter into the record, with a copy of the letter to be sent to RCRC, CSAC, Governor Schwarzenegger, our legislators and Advocation. Commissioner Bibby asked if there is any record on ownership of the Old Highway bridge. (M)Pickard, (S)Fritz, LTC Res. 07-4 was adopted approving the original RTIP as approved by the Commission on April 17, 2007 and submitted to the State; direction was given to the Public Works Director to prepare a letter for the Chair’s signature, and to be distributed as discussed; and direction was given for Chair Turpin to represent the Local Transportation Commission at the California Transportation Commission proceedings/Ayes: Unanimous. Commissioner Pickard suggested that staff also attend the California Transportation Commission proceedings, and he recommended that Wes Lujan/Advocacion be included in the process.

2:08 p.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, County Administrative Officer, advised that CalTrans will be holding an open house on Mary 23rd to present the various options for the long-term fix; and to obtain

public input. He advised that Congressman Radanovich, Senator Cogdill and Assemblyman Berryhill would like to be present when CalTrans gives a summary of the May 23rd meeting, to get input from the Board; and they have requested that the Board meet on May 29th. He has been in contact with the Park Service relative to coordinating the socioeconomic study. He has been in contact with the transportation consultant, and he recommended tabling this issue until after the meeting with CalTrans and the legislators. He recommended that the local emergency be continued. Discussion was held.

Input from the public was provided by the following:

Paul Chapman stated he feels that if the legislators are going to be here, that the Board should be here to meet with them, even if it is a fifth Tuesday (not a regularly scheduled Board meeting date).

The Board concurred with directing the County Administrative Officer to place an item on the May 22nd agenda to continue to the meeting to May 29th as discussed. (M)Fritz, (S)Turpin, Res. 07-205 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

Consent Agenda item 16 – agreement with Yosemite Renaissance. (M)Fritz, (S)Aborn, item 16 was approved/Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

CLOSED SESSION: Liability Claims; Claimant Name: Vincent M. Remillard; Claim Number: C07-9; Name of Agency Sued: County of Mariposa (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

2:22 p.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Bob Moss v. County of Mariposa; Case No. 8889 (County Counsel); and
CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant of Case Number and Name of Adverse Parties: Victor Liles v. County of Mariposa; Case No. 8820 (County Counsel)

BOARD ACTION: There was no public input. (M)Fritz, (S)Aborn, the closed sessions were held/Ayes: Unanimous.

2:37 p.m. Chair Bibby announced the following actions that were taken as a result of the closed session items: approve settlement in the amount of \$1,500 by unanimous vote for the case of Moss v. County of Mariposa; and approve settlement in the amount of \$10,000 by unanimous vote for the case of Liles v. County of Mariposa.

CONSENT AGENDA:

- CA-1 Approve Agreement with the Secretary of State to Assist in Implementing HAVA Section 261 and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Increasing Revenue and Appropriations in Accepting HAVA Grant Money for Voter Accessibility/Disability and Authorize the Board of Supervisors Chair to Sign the Agreement (\$2,497) (4/5ths Vote Required) (County Clerk/Tax Collector/Treasurer); Res. 07-193
- CA-2 Approve Agreement No. 07-0045 with California Department of Food and Agriculture (CDFA) for Combined County Petroleum Products Compliance and Weighmaster Enforcement Program for Fiscal Year 2007/2008 (Agricultural Commissioner); Res. 07-194

- CA-3 Approve the California Integrated Waste Management Board (CIWMB) Approved Resolution Authorizing the Public Works Director to Apply for Used Oil and Household Hazardous Waste (HHW) Grants through 2010 to the CIWMB and Authorize Working with ESJPA, R-3 Consulting and/or Sweetser and Associates for Upcoming HHW Grant Applications (Public Works Director); Res. 07-195
- CA-4 Authorize the Public Works Director to Accept Three Murals Painted by the Community to be Hung as the Backdrop to the Arts Park Stage (Public Works Director); Res. 07-196
- CA-5 Adopt a Resolution and Accept Funding for the Continuation of the Mariposa County Juvenile Justice Crime Prevention Act (JJCPA) Administered by the Corrections Standards Authority (CSA) in the Amount of \$58,182 for Fiscal Year 2007/2008 (Chief Probation Officer); Res. 07-197
- CA-6 Appoint Gail H. Tyler and Stephen Huff to the Coulterville Planning Advisory Committee, Terms Expiring February 28, 2009; and Reappoint Robert Jobe to the Coulterville Planning Advisory Committee, Term Expiring February 28, 2009 (Supervisor Turpin)
- CA-7 Appoint Ken Pulvino to the Greeley Hill Planning Advisory Committee, Term Expiring February 28, 2009 (Supervisor Turpin)
- CA-8 Approve an Amendment to the Assessment Office Manager Job Description Effective Immediately (County Administrative Officer/Personnel/Risk Manager); Res. 07-198
- CA-9 Approve Recommendation of Rejection of Claim No. C07-9 filed by Vincent M. Remillard for \$222.97 and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); Res. 07-199
- CA-10 Appoint Richard Gibson to Serve as a Member-at-Large on the Mental Health Board, Term Expiring May 15, 2010 (Human Services Director)
- CA-11 Approve Budget Actions Transferring Funds within the Human Services Department's Various Budget Units to Cover Anticipated Expenditures at Year End (\$27,200) (Human Services Director); Res. 07-200
- CA-12 Approve Recommended Appointment of Janet Bibby, Member, Board of Supervisors, Mark Gallagher, Member at Large and Mary Kay Cruz, Technical Expert to the Independent Hearing Panel for the Local Enforcement Agency (Health Officer)
- CA-13 1) Proclaim the Month of May, 2007 as "Senior Awareness Month", 2) Approve a Certificate of Recognition to Earl Rogers for Sharing His Exceptional Talent and for His Outstanding Commitment in Teaching Art Classes to the Community of Mariposa, and 3) Approve a Certificate of Recognition to Mary Paige for Her Outstanding Commitment to the Community of Mariposa as an Exemplary Volunteer (Community Services Director)
- CA-14 Approve Agreement with Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority (JPA) to Continue Providing Round Trip Transit Services from Mariposa County to Merced Junior College and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 07-201
- CA-15 Approve the Annual Mariposa County Pioneer Wagon Train Event and the Pioneer Wagon Train Appreciation Dinner as County Activities and Authorize the Board of

Supervisors Chair to Sign an Agreement with the 35-A District Agricultural Association and an Operating Plan and Special Use Permit with the Sierra National Forest (County Counsel); Res. 07-202

CA-16 Approve Grant Agreement with Yosemite Renaissance and Authorize the County Administrative Officer to Sign the Agreement (County Administrative Officer/Personnel/Risk Manger); Res. 07-206

2:38 p.m. Adjournment in memory of Sharon Hofflund Dunne Denys and David R. Hibpshman.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

May 22, 2007



Time _____ Description

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

Pledge of Allegiance

Introductions

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: Chair Bibby advised that the County Clerk pulled item 9 from the agenda. There was no public input. (M)Turpin, (S)Fritz, the Consent Agenda was approved/Ayes: Unanimous.

Chair Bibby advised that the tourism progress report is scheduled for June 5, 2007; and that this meeting will be continued to Tuesday, May 29, 2007, to discuss input received at the May 23, 2007 open house held by CalTrans.

Chair Bibby;

There was no public input on the following Proclamations.

A) Proclaim the Week of May 21st to 26th, 2007 as "Emergency Medical Services Week" and Recognizing the Outstanding Emergency Medical Service Professionals (Health Officer)

BOARD ACTION: (M)Fritz, (S)Turpin, the Proclamation was approved and presented to Dr. Mosher, Health Officer/Ayes: Unanimous. Dr. Mosher advised of the process for nominating outstanding persons in the emergency medical services categories. He recognized Dana Tafoya for her work as Emergency Medical Services Coordinator. He presented plaques to the following for being nominated for their outstanding work:

Alicia Moore, emergency medical dispatch
Justin Charman, search and rescue
Ruby Pearson, first responder
Nick Hollan, emergency medical technician
Preston Smith, paramedic
Malissa Reed, Emergency Department staff
Lori Downey, Licensed Vocational Nurse
Nanette Wardle, Registered Nurse for John C. Fremont Hospital
Marti Fazio, Registered Nurse for Yosemite Medical Clinic
Dr. Rogers, Emergency Department physician

Chair Bibby thanked everyone involved in emergency services and their families.

B) Proclaim the Month of May 2007 as “Community Action Month” (Human Services Director)
BOARD ACTION: (M)Fritz, (S)Aborn, the Proclamation was approved and presented to Cheryle Rutherford-Kelly/Human Services Director; Debbie Smith/HSD-Program Manager; and Janet Gass/HSD-Contract Administrator/Ayes: Unanimous. Cheryle Rutherford-Kelly recognized the following staff for their work during the heat wave last summer: Hope Morton and Marilyn Avery.

9:25 a.m. Recess

9:34 a.m. Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda.

Vickie Lorenzi, River Rock Inn, stated she has concerns with the Yosemite-Mariposa County Tourism Bureau and the new website and she will come back on June 5th for the tourism progress report. She stated she feels that the website should be listing more of the events and including the small businesses. She commented on the success of the Coyote Springs Ranch – Catheys Valley Fair.

Theresa Castaldi, business partner of Coyote Springs Ranch, thanked the Board for its support of their first Catheys Valley Fair. She advised that the Fair was a success and thanked everyone involved. She advised that they have been asked to make the facilities available for the High School Rodeo.

Darin Phillips expressed concern with the operation of the Yosemite-Mariposa County Tourism Bureau and their website, and he stated he feels that only the major businesses are receiving assistance. He advised of his website with a sweepstakes in comparison with the sweepstakes sponsored by the Tourism Bureau. He stated he agrees with forming the non-profit Board, but he feels it needs to include everyone, and he expressed concern with how the Board members were selected and conduct their business. He stated he feels the Board should be de-funded and dissolved so a new one can be created with a public vote process for the membership, with each business having a say. He feels their meetings should be publicized and held when members and Supervisors can attend. He feels their financial records and minutes should be available to the public and the bidding process should be followed. He does not feel that they should receive the \$600,000 they are requesting. Rick Benson, County Administrative Officer, responded to a question from the Board, and advised that the June 5th item is for a report and not a request for contract or funding.

Gary Walker stated he feels the first page of the Tourism website was biased to large businesses. Overall he feels it is good, and he listened to the “Mariposa Minutes.” However, he noticed that when he used search engines to find the website to show it to someone else, he was unable to locate the site.

Dell Knell, Odella’s Antiques & Nostalgia, referred to the Tourism website and noted that it contained incorrect information for the location of her business, and she expressed concern that the information on the businesses should be accurate.

Dick Hutchinson invited everyone to attend the 50th anniversary of the Mariposa History Center and Museum this weekend.

Board Information

Supervisor Fritz advised that the Chamber is holding its “business after hours” event in Coulterville this evening. She noted that the past weekend was busy and there was a good turnout for the Relay for Life event. This weekend is the 50th anniversary of the Mariposa History Center and Museum; VFW Memorial Day event, bullriding event at the Fairgrounds, and the Music Festival at the Mariposa Park.

Supervisor Pickard advised that he attended the RCRC (Regional Council of Rural Counties) meeting last week. He advised of the status of SB 277, gas tax legislation for the three counties without incorporated cities; of the status of Williamson Act Subvention funding; and regarding the status of 1B bond measure funding for transportation for this fiscal year. He advised that the Director of CAL FIRE is planning to visit counties with State response areas and look at the fire situation given the potential for high risk for this fire season. He stated he would like to work with the Fire Chief and our local units relative to the visit. He plans to attend the CMSP (County Medical Services Program) Board meeting on Thursday, and to go to Sacramento to meet with the legislators on SB 311, noxious weed funding.

Supervisor Aborn advised that he attended a community meeting in Midpines on May 17th and a presentation was given by the Fire Chief and CAL FIRE on fire prevention and concerns with the fire

dangers this year. He attended the Catheys Valley Fair on Saturday, and his family participated in the Poker Ride with the Mountain Riders. He plans to attend the school field trip to Wawona Pioneer Village on Thursday and Friday.

Supervisor Turpin advised that he attended the monthly meeting with the Forest Service on Wednesday and the OHV (off-highway vehicle) routes and noxious weed issues were discussed. He attended the Coyote Howl event in Coulterville on Saturday. On Sunday, he attended the Catheys Valley Fair and congratulated the organizers on a successful event. He also advised that there were two fatal traffic accidents in the North County on Sunday and he commended all of the agencies and personnel that responded; and expressed his gratitude for the hours of training that the volunteers put in to be able to respond to emergencies.

Supervisor Bibby provided input on the 9-1-1 service issues with TDS, and she commended the dispatchers for their assistance. She advised that they are asking individuals to document phone service problems that they experience. She attended the Relay for Life event and the Catheys Valley Fair, and she stated the events were very successful. She noted that the Memorial Day Parade from the VFW Hall to the Cemetery is scheduled for this weekend and a memorial wreath presentation will be made. She noted that the Mt. Ophir fire training was well attended. On Friday, she attended the conference in Fresno regarding child abuse prevention and planning.

Chris Ebie, Auditor;

Discussion and Development of a Policy Regarding Credit Card Issuance to Departments and Authorization for the Auditor to Proceed with the Procurement of Credit Cards for Departments Authorized to use them by the Approving Official and Authorize the Board of Supervisors Chair to Sign the Addendum to State of California Purchase Card Program Master Services Agreement (DGS MSA 5-06-99-01)

BOARD ACTION: Discussion was held with Chris Ebie concerning the request, and he advised that he is not proposing that the credit cards be used for employee travel expenses and that would involve more administration. This initial request is to handle the following situations: Sheriff/network connections with cost savings and better service; Fire Department/securing and paying for lodging for volunteer firefighters; and Victim Witness Program/transportation and/or lodging of victims or witnesses. Jim Wilson, Fire Chief, provided input on the request and issues of covering costs for training and responding to fires for the volunteers. Rick Benson provided input on the request and advised that he supports the program.

Input from the public was provided by the following:

Bob Brown, District Attorney, stated he is supportive of the program for dealing with the travel expenses for witnesses and victims.

Rick Peresan, Technical Services Director, provided input relative to the network connections and the request for payment by credit card.

Supervisor Bibby asked that the Auditor provide a status report to the Board on how this program is working.

Cheryle Rutherford-Kelly, Human Services Director, requested that the Human Services Department be including in the pilot program for transporting children. Chris Ebie advised that he would be okay with including this request.

Supervisor Bibby asked about including employee travel when they are escorting witnesses, victims. Following discussion, (M)Fritz, (S)Aborn, Res. 07-225 was adopted approving the recommended action, with the inclusion of the Human Services Director's request; and with direction that the cards not be used for employee travel and training expenditures, with the exception of Human Services employees who accompany and/or assist clients and families in the course of their duties. Following further discussion, the motion was amended, agreeable with the maker and second, to include authorization for the Auditor to add other departments that have uses that fall under the criteria for the pilot program. Ayes: Unanimous.

Thomas P. Guarino, County Counsel;

CONTINUED PUBLIC MEETING to Discuss the Intention of the Board of Supervisors to Consummate the Purchase of Unimproved Real Property Located at 11th and Bullion Streets and 10th

Street in Mariposa County from the Society for Prevention of Cruelty to Animals (SPCA); and Adopt a Resolution Authorizing the Board of Supervisors Chair to Sign a Memorandum of Understanding with the Court for use of the Courthouse Construction Funds for the Purchase of the Property and Authorize the Board of Supervisors Chair to Sign the Certificate of Acceptance, Contract for Phase I Environmental Review, and any other Documents Necessary to Complete Escrow and Purchase of the Property (Continued from May 15, 2007)

BOARD ACTION: Discussion was held with Thomas P. Guarino, and he advised that late the week before he received a copy of the Articles of Incorporation and the by-laws for the SPCA, but they were not fully executed. Then he received a telephone call from the SPCA President that gave rise to concerns with how the SPCA was operating, and he was informed that the Attorney General sent correspondence to the SPCA concerning their ability to dispose of property and assets. At this time, he is unable to tell the Board that the SPCA has the ability to enter into the transaction with the County. He advised of the proposal agreed to by the attorney for the Administrative Office of the Courts (AOC). Discussion was held. Supervisor Pickard clarified that the SPCA is working on what is needed to be compliant. County Counsel advised that the SPCA President told him that they were looking at getting counsel to help resolve the issues.

Input from the public was provided by the following:

Judge Parrish, Superior Court, thanked the Board for its work and advised that he shares the concerns expressed; and he advised that the Court cannot release the funds for the purchase until the matter with the SPCA is resolved.

Kori Smith, Catheys Valley Real Estate realtor representing the SPCA, suggested that the SPCA might be able to get the issues resolved in thirty days and that the purchase could proceed, but that no costs be incurred until things are resolved.

Frank Bartholomew, SPCA Board member, commented on their changes and goal to sell the property to the County and he advised that they hope that they can get everything cleared up with their administrative filings with the State and proceed with the sale of the property.

Paul Chapman stated he does not feel that 30 to 60 days will be enough time to work with the Attorney General's Office – he feels all we can do is wait.

Chair Bibby closed the public comment portion. Discussion was held. (M)Aborn, (S)Turpin, authorization was given for County Counsel to continue as the negotiator for the real property and to continue to work with the SPCA and the realtors to keep this process open; and giving additional time for the SPCA to resolve the issues. Further discussion was held and the motion was clarified that it keeps the lines of communication open and that this matter would be brought back when the SPCA gets its issues resolved. Supervisor Bibby referred to her previous concerns and stated she does not support this site location. 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: Rick Benson noted that CalTrans is holding their open house on Wednesday for the public to review and discuss the alternatives for the permanent fix to the Highway. He recommended that the local emergency be continued. He advised that he will be presenting a draft document from the input received at the March 6th meeting; and he acknowledged the assistance of Dick Hutchinson with this project. There was no public input. (M)Turpin, (S)Pickard, Res. 07-226 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.

Adopt a Resolution Setting a Public Hearing for July 24, 2007, at 6:00 p.m. to Consider Establishing Assessments within County Service Area 1-M, Lake Don Pedro Area, (S.D. #2); Direct the Public Work Department to Prepare an Engineer's Report; Direct County Administration to Mail Property Owners within the County Service Area 1-M a Notice of the Hearing and Information Regarding the Proposed Assessments; Direct the Clerk of the Board to File a Notice of Exemption Pursuant to California Environmental Quality Act (CEQA) and Said Guidelines with the County Clerk; Approve

Budget Action Transferring Funding within the Don Pedro 1-M Fund for the Cost of Mailing the Notices and Publishing the Notices (\$2,000) (County Administrative Officer/Personnel/Risk Manager)
BOARD ACTION: Rick Benson reviewed the background with the contract with CAL FIRE to provide fire protection and emergency medical services to properties in the Lake Don Pedro area. He advised of the Proposition 218 process to determine whether the property owners are willing to pay an assessment to be able to continue to receive this service. He advised that the draft Engineer's Report has been reviewed by the Public Works Director and he will sign off as the County Engineer. Discussion was held. It was clarified that only the Mariposa County properties in the Lake Don Pedro area would be included in the service area. Supervisor Turpin provided input relative to Tuolumne County's funding for their portion of the Amador contract with CAL FIRE; and he thanked Rick Benson for his work on this project. Rick Benson clarified that there are no General Fund expenses for this project.

Input from the public was provided by the following:

Jim Wilson, Fire Chief, explained the services that the Amador contract covers during the non-declared fire season.

Further discussion was held. It was noted that at some point in the future the Community Services District for Lake Don Pedro may be an option for providing this service as the area grows and it becomes feasible. Supervisor Turpin asked about adding emergency medical services in the formal resolution, and discussion was held. (M)Turpin, (S)Aborn, Res. 07-227 was adopted approving the recommended actions/Ayes: Unanimous.

11:54 a.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 5393 Highway 49 North, Mariposa, California 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);

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: 2; Names of Cases to be Discussed: County of Mariposa v. Kevin Autrand; County of Mariposa v. Paul Gillespie (Code Enforcement) (County Counsel);

CLOSED SESSION: Public Employee Appointment; Position: County Librarian (County Administrative Officer/Personnel/Risk Manager); and

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

BOARD ACTION: There was no public input. (M)Pickard, (S)Aborn, the closed sessions were held/Ayes: Unanimous. Chair Bibby advised that the Board would reconvene in open session at 2:00 p.m.

1:00 p.m. Chair Bibby announced the following as a result of the closed session matters:

- by motion of Fritz, seconded by Aborn, the County Administrative Officer was designated as negotiator for real property at 5393 Highway 49 North;
- by motion of Fritz, seconded by Aborn, authorization was given for County Counsel to pursue litigation against the cases of Mariposa v. Autrand and Gillespie;
- by motion of Fritz, seconded by Aborn, after review of the applicants, the County determined not to extend an offer of employment for County Librarian; and to continue the appointment of the interim Librarian; and
- information was received and direction was provided to the County Administrative Officer/Personnel Director concerning the MCMCO item.

1:03 p.m. Lunch

2:05 p.m. 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: Discussion was held with Dana Hertfelder, and he reviewed the Minimum Road Standards and advised that the General Plan Update requires that the County incorporate standards and specifications applicable to roads under County jurisdiction. He advised of recommendation that the County Road Improvement and Circulation Policy and County Improvement Standards be revised to reflect and preserve the rural character of Mariposa County while ensuring that state fire safe standards are met. Discussion was held relative to the application of CAL FIRE fire safe standards for roads and the status of the impact fee program for addressing roads. Supervisor Turpin asked that an inventory of the roads in the residential land use classifications be provided with information on what the width requirements are to be so that there is a clear understanding of what the impacts are. Supervisor Pickard suggested giving direction to adjust the Minimum Road Standard table as discussed; and he stated he feels it needs to be determined whether PRC 4290 standards apply to County roads and if there are alternatives that CAL FIRE would look at for further discussion; and that the County should proceed with the impact fee program. He noted that Public Works needs to work with Planning on this matter for the environmental review.

Input from the public was provided by the following:

Kord Parker, Parker Construction, asked how long this process will take and what will happen with current applications that have been denied.

Kris Schenk, Planning Director, advised that they will need to meet with Public Works to review the Minimum Road Standards table and do an initial study on the changes. He advised that their Work Program includes implementation of the General Plan and that includes this matter. He referred to the Title 16 and Title 17 processes and suggested that outside assistance be obtained to help with this and to assure consistency with the General Plan.

Kord Parker asked what can be done in the meantime as the processing of applications is being held up. Dana Hertfelder advised that modifying the table will resolve some of the issues.

Don Starchman, Starchman & Bryant Law Offices, stated there is language in the PRC 4290 concerning roads that existed prior to 1991; and he suggested that short of this being litigated through the Appellate Court, that an opinion should be requested from the Attorney General – he understands that an opinion has been issued. He referred to “adequate capacity” and the discussion during the General Plan Update with the road standards and the Road Standards Committee's review about 23 years ago. He agrees that widening roads actually created versus solving problems. He referred to the traffic activity on Ben Hur Road and noted that this road does not meet the standards, but it has adequate capacity. He agrees with the rest of the recommendations and with variable shoulders. He referred to their letter asking for clarification of the General Plan language as it relates to current development. He stated he feels that many of the problems exist because people are overdriving the roads, and he suggested a low speed design. He stated he agrees that we need to clarify what CAL FIRE can require.

Ken Baker noted that the PRC 4290 regulations and narrow roads existed before the General Plan Update. He cited examples in area areas where PRC 4290 couldn't be enforced on existing narrow roads, including China Town in San Francisco. He agrees with Public Works' plan to take out the first and last items from the Minimum Road Standards table. He stated he feels that common sense should be used, as he does not feel that a new homeowner can be required to rebuild all of the roads and he doesn't feel that the impact fees should be something that people can't afford. He feels that every County in the State has roads that do not meet the PRC 4290 standards, and he does not feel that the rules should be retroactive. He feels the tentative maps should be approved and the standards should be realistic.

Tolley Gorham questioned why an environmental review is necessary if the table for the Minimum Road Standards is changed. Kris Schenk advised that if there is a change to the

standards that are referenced in the General Plan, it is a discretionary action and requires a CEQA review. He advised that the Planning Commission would also be involved.

Ken Melton complimented Dana Hertfelder on his presentation and proposal. He provided information on the history of PRC 4290 and he referenced Title 14 of the Department of Forestry and stated it does not have any minimum standards to anything other than new construction. He stated he disagrees with Don Starchman relative to asking for an opinion from the Attorney General, he feels it is just another opinion of an attorney; and he referred to a bad experience that MPUD had with receiving an inaccurate Attorney General opinion. He is concerned with any changes in CAL FIRE's interpretation of PRC 4290. He agrees with the safety issues raised by Don Starchman, and he noted that increases in speed increase the need for maintenance on the roads. He does not want another agency to be able to dictate what the County does.

Paul Ballard, representing a client with Daily and Company, stated he is not speaking as a Realtor Board member. He stated he is sorry that we did not have a plan to get from the old Plan to the Updated Plan. He referred to an application that he is working with that was filed before the adoption of the General Plan Update and now it is being denied under the new Plan. He suggested that the GIS system be used to show the different road classifications in different colors so there would be a visual map.

Theresa Castaldi referred to a project she has been working on off of Yaqui Gulch Road and she agrees that the road width issue is a mistake. She feels that Planning should be authorized and directed to process the maps that do have adequate road width.

Tom Archibald stated he has a project in the works off Morningstar Lane; and prior to 1991, all roads were exempt from any standards. He does not feel that CAL FIRE should be in the business of setting law, but that the Board should set the standards.

Discussion was held. Supervisor Pickard asked about the projects being held up if the road was determined to have adequate road capacity. Dana Hertfelder provided input and advised that the adjustments to the table for the Minimum Road Standards would resolve those issues. Supervisor Pickard stated he would like for this to be the highest priority for staff. Thomas P. Guarino, County Counsel, advised that the issue of PRC 4290 is one that has been addressed with CAL FIRE over the last two years, and he has asked them to furnish him with the statutory authority for the way they are applying this regulation. He addressed the CEQA issues and advised that they are separate from the application of PRC 4290. He responded to the issue of adoption of the General Plan Update and advised that existing policies were referred to. If the existing policy of the County was referenced, now they have to be enforced as a part of the General Plan process. He advised that a way to correct the table for the Minimum Road Standards is to move that element forward and that portion can be done faster than waiting or asking for an Attorney General opinion. He recommended that staff (Planning, Public Works and himself) meet with CAL FIRE to discuss the PRC 4290 issue again. He noted that if an Attorney General opinion is requested, it will need to be crafted in the right way, and that other counties and CAL FIRE will have an opportunity to comment and he does not know what the outcome would be. He also noted that an opinion from the Attorney General does not have the same weight when you litigate these matters. Further discussion was held. Dana Hertfelder agreed with moving forward with revising the table to the Minimum Road Standards quickly. Kris Schenk advised that once they obtain the revision to review, they can determine whether they can process it in-house or will need to have outside assistance.

(M)Pickard, (S)Turpin, direction was given to Public Works and Planning to bring back a revised table of the Minimum Road Standards that reflect the rural character of the County as soon as possible; and direction was given to staff, including County Counsel and the County Administrative Officer, to look at the CAL FIRE issue with the minimum fire safe regulations and how they are being applied/Ayes: Unanimous.

3:55 p.m. Recess

4:06 p.m. Jim Wilson, Fire Chief;

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

BOARD ACTION: Jim Wilson reviewed the history of the Fire Department, its current status, and goals for the future. He advised that since he was appointed Fire Chief that he has met individually with as many members of the Department as possible, and he commended the volunteers and the staff of the Department for their service. He reviewed the positive findings for the department which included the following: high morale among the members and highly skilled senior volunteer leaders; successful patrol program; great emergency medical services and community education programs; a wonderful wild fire community education and fuel reduction program in collaboration with other agencies; a good disaster program is in place; and community relations are good. He reviewed areas of concern which included the following: lack of volunteer members; old and outdated engines; substandard fire stations; and an inadequate Fire Marshal program; and he reviewed the input he received from the volunteers relative to their concerns. He reviewed options for addressing some of the concerns: creating specialty response categories to be able to attract more volunteers; establishment of a regional training center; exploring new technology; creating universal member access to all of the fire stations; expanding the training and safety program; improving communications; and updating the engines. Jim Middleton, Deputy Fire Chief, reviewed the status of the fire stations and improvements that are needed. He also reviewed the history of the Fire Marshal program and issues and the need for additional staffing for this program. Jim Wilson stated he feels a formal strategic plan is needed to address long-term planning issues; and he reviewed their overall budget in comparison with the amount the Fire Department receives in other counties. Discussion was held. Supervisor Bibby commented on the April volunteer activity statistics for the Department.

Input from the public was provided by the following:

Jan Hamilton, Chair of the Mariposa Fire Safe Council, stated she appreciated the presentation and the Council supports the Department's efforts.

Ron Setterberg, Station 29/Lushmeadows, commented on their fundraising activities for the station repairs. He stated they would like to see the Board and the County take care of the station repairs so they can use their fundraising revenue for other enhancements. He noted that it takes 25-30 minutes for their engine to go about seven miles because it is a flat land engine. He would like to see new engines that can navigate the mountains.

Jim Wilson noted that OES is covering the costs for Public Works to repair the freeze/flood damage to the Catheys Valley station; and the revenue from the fundraiser that Catheys Valley held will be used for other enhancements. He noted that Public Works is working with them to assess each station and they are moving day-to-day repairs to Public Works. He commended Deputy Chief Middleton for his work on this project.

Dick Hutchinson suggested that a "wish list" be created for people to know what they could donate to.

Donald Weston stated he concurs with the Chief's report; and he questioned what level of fire service the County and the citizens want here. He noted there is an option to lease-purchase engines.

Dennis Buck, Captain of MPUD Fire Department and Mariposa County Fire Department volunteer, thanked the Chief for his presentation. He stated he feels the number one problem is volunteer membership; and the number two problem is training. He noted that MPUD is hoping to get grant funding for a new engine and that will provide an incentive for the volunteer membership. He stated he would like to see the Board be proactive in obtaining the proper equipment to respond to fires versus being reactive.

Dick Hutchinson suggested getting organizations in the County together to do a big fundraiser to raise revenue to purchase equipment for the Fire Department.

Supervisor Turpin noted that the North County stations have training scheduled for this evening. Chief Wilson commented on homeland security issues with the stations; and he advised of a demonstration scheduled for May 31st for a new water additive technology.

INFORMATION – No action was necessary on the following:
Announcement of Open House Hosted by CalTrans on May 23, 2007, from 4 to 7 p.m. at the Government Center for the State Route 140 Ferguson Slide Restoration (County Administrative Officer/Personnel/Risk Manager)

CONSENT AGENDA:

- CA-1 Approve a Lease Agreement with Almost Like Home, Inc., a California Non-profit Corporation, for use of the Woodland Community Building and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 07-207
- CA-2 Approve a Lease Agreement with Mariposa Preschool Cooperative, a California Non-profit Corporation, for use of the Woodland Community Building for Fiscal Year 2007/2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 07-208
- CA-3 Accept the Resignation of Jeannette O’Neil from the Greeley Hill Planning Advisory Committee (Supervisor Turpin)
- CA-4 Appoint John Shimer, to the Historic Sites and Records Preservation Commission, as an Alternate, Representing the Northern Mariposa County History Center (Supervisor Turpin)
- CA-5 Recommend the Rejection of Claim No. C07-10 filed by Elizabeth A. Brooks for \$94,336.60 and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); Res. 07-209
- CA-6 Approve Budget Action Reducing General Contingency to Correct a Payment from an Incorrect Line Item in the Former Tourism Budget Unit (\$1,500) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manager); Res. 07-210
- CA-7 Approve Accepting a \$5,000 Educational Funding Grant from the California State Library for the MLIS Graduate Studies Program (Interim Librarian); Res. 07-211
- CA-8 Approve an Agreement with Pitney Bowes for Upgraded Postage Machine and Software (Treasurer/Tax Collector/County Clerk); County Clerk pulled this item from the agenda.
- CA-9 Approve an Agreement with Allen, Proiette and Fagalde, LLP for Continued Legal Services for the Child Welfare/Protection Unit and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-212
- CA-10 Approve an Agreement with California Psychiatric Transitions in Delhi for Institution for Mental Disease and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-213
- CA-11 Approve an Agreement with Alameda County for Crisis Support Phone Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-214
- CA-12 Authorize the Human Services Department to Accept the Grant Agreement for Fiscal Year 2006-2007 Between the Mariposa County Friday Night Live Partnership and the Tulare Superintendent of Schools for the Friday Night Live Mentoring Program for Compliance with the “No Child Left Behind Act”, Title IV-21st Century Schools and all

Applicable Regulations and Federal Guidelines and Authorize the Human Service Director to Sign the Agreement (Human Services Director); Res. 07-215

- CA-13 Approve an 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. 07-216
- CA-14 Approve an Agreement with Value Options (VO) for Administration of Mental Health Counseling and Medication Services for Foster Children Placed out of County for Fiscal Year 2007-2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-217
- CA-15 Approve an Agreement with Deborah Atkinson, RN for Nursing Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-218
- CA-16 Approve an Agreement with Crestwood Behavioral Health for Psychiatric Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-219
- CA-17 Approve an Agreement with Nanette Oswald, an American Sign Language Interpreter, for the Hearing-impaired and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-220
- CA-18 Approve an Agreement with Regina Taber for Alcohol and Drug Programs and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-221
- CA-19 Approve an Agreement with John P. Trujillo, PhD. to Provide Parenting Classes and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-222
- CA-20 Approve an Agreement with Volney Dunavan for Alcohol and Drug Programs and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-223
- CA-21 Adopt a Resolution Approving Road Name "Mustang Road", for the Subject Easement; Application No. 2007-169, Frank Gustafson; APN 017-530-040 (Planning Director); Res. 07-224

5:35 p.m. (M)Aborn, (S)Fritz, the meeting was continued to Tuesday, May 29, 2007, at 9:00 a.m. for presentation by CalTrans, Board discussion and possible direction regarding the Ferguson Rockslide and to discuss input received at the May 23, 2007 Open House held by CalTrans/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

May 29, 2007

(Meeting Continued from May 22, 2007)

Time _____ Description

9:06 a.m. Meeting called to order at the Mariposa County Government Center, continued from May 22, 2007.

Pledge of Allegiance

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

Kenneth Gosting, TIE (Transportation Involves Everyone), presented copies of the Fresno Bee and San Jose Mercury News with stories of the proposal to increase the entrance fees to National Parks, including Yosemite. He provided comments on their work with the media relative to the comment period for the scoping session by CalTrans for the permanent fix alternatives for the rockslide. He introduced Kenneth Mostern, Phd. who will be working with him with TIE issues.

Kenneth Mostern, TIE, stated they have been extremely happy with CalTrans' responsiveness on the rockslide and their commitment to the County on this matter, and the May 23rd scoping session. He also thanked CalTrans for working with the other agencies that have jurisdiction over the area to reduce the timeframes for the project.

Ruth Sellers presented a copy of the San Francisco Chronicle with a story on Yosemite and the proposal to increase the entrance fees to National Parks. She commented on the rockslide and tourism and TIE's mission. She stated she feels the rockslide situation needs to be accurately described and not be exaggerated.

Presentation by CalTrans, Board Discussion and Possible Direction Regarding the Ferguson Rockslide and to Discuss Input Received at the May 23, 2007 Open House Held by CalTrans

BOARD ACTION: The following were present for this matter: Congressman George Radanovich, Chris Valadez/field representative for Congressman Radanovich, Bob Wiedman/representing Senator Dave Cogdill, and Bob Phelan/representing Assemblyman Tom Berryhill. Kome Ajise, CalTrans District 10 Director, introduced the following members of his staff that were present: Julie Dunning, Christine Cox, Zellie Nogueira, Troy Bowers, and Lisa Balcom.

Congressman Radanovich stated he is looking forward to the CalTrans presentation, including information on the temporary fix and the long-term fix and funding.

Bob Wiedman read a statement from Senator Cogdill into the record offering his continued support with improving the temporary fix and with the long-term project. He requested input from the Board on improving the temporary fix to allow full vehicle access.

Bob Phelan advised that the Assembly is in session so Assemblyman Berryhill was unable to be present for this meeting. He stated he feels that we need to focus on finding the best solution and move forward.

Kome Ajise provided input on the CalTrans processes for emergency repairs and the recent emergency with the Highway 80/580 project; and he advised that the same process was used for the temporary bridges. He advised that the permanent fix is a more involved process because it involves changes in alignment of the highway and it is not a replacement of what existed before. He advised that the permanent restoration project requires documentation of the project and impacts, but they are moving at the fastest pace possible. They expect to have a draft Environmental Impact document this summer; and they will hold a public hearing, and up to two public meetings, on the document before it is adopted. The open house that was held on May 23rd was not required and was done to help in their process. He reviewed the alternatives for the permanent fix: Alternative E/slide removal; Alternative

R/rock shed/tunnel; Alternative C/open-cut realignment; Alternative T/tunnel realignment; Alternative S/viaduct realignment; Alternative T-2/southern tunnel realignment; and the no build alternative.

Discussion was held relative to the alternatives and timeframes for construction and whether the temporary bridges could be improved to provide full access prior to completion of the permanent fix. Kome Ajise advised that June 22nd is the deadline to provide comments on the alternatives; and he advised that there will be a subsequent comment period on the draft environmental document.

Christine Cox provided input on the environmental review process and the timeframes, and she advised that they are working closely with the affected agencies. Rick Benson, County Administrative Officer, asked if there is another type of emergency process that is available to get a declaration of a different kind of emergency to move this process forward; whether there are any glaring negatives for Alternative S; whether the contractor can work in the winter; and whether the Board should provide a formal response/comment on its preferred alternative. Kome Ajise advised that the Emergency Relief Funding Program is being sought; they are not aware of any problems with Alternative S but will need to review the comments; there are limitations on working in the winter because of the Clean Water Act; and he feels it would be useful for the Board to provide comments.

Congressman Radanovich advised that he will be working closely with the County and CalTrans on funding for the project.

Input from the public was provided by the following:

Kevin Cann, Deputy Superintendent for Yosemite National Park, thanked CalTrans; and he stated he would like to have more assurance that the funds will be available when the project is ready to bid. He stated he feels that we made a mistake with the temporary fix because of the length of time for a long-term fix. He feels it is important to have access for the 45-foot buses and RVs. He also expressed concern given the Park Service's past experiences with the potential for challenges to the process for projects.

Dick Hutchinson advised that the Chair of the Indian Council was present for the Open House on Wednesday; and he thanked CalTrans for their consideration of the impacts in this regard. He stated he agrees with Alternative S.

Lisa Edelheit, representing SEIU, stated they represent workers in Yosemite and access is critical. They are concerned about access during construction so that there is minimal impact.

Gary Walker asked for clarification of whether the scoping of the environmental impact study takes into account the no build alternative; and he was advised that it does. He expressed concern with the impacts of the buses going alternate routes, which results in going through higher elevations and higher emission impacts. He noted that there are other impacts, such as to the rafting. He asked about the status of the temporary bridges after the permanent fix is in place and whether the cost for removing the temporary bridges is included in the project. He was advised that the temporary bridges will be removed after the permanent fix is finished and the costs are included.

Les Marsden asked if there is still a potential for the rockslide to create a dam. Kome Ajise stated they have a better understanding of how the slide might behave.

Further discussion was held, including timeframes for filing of lawsuits against the project. Supervisor Aborn stated he feels it is important to look at modification to the temporary bridges to be able to gain access for vehicles longer than 28-feet, with being able to have access by 45-foot vehicles being preferable. Kome Ajise advised that the bridges could be modified to allow 35-foot access, but it would take new bridges to have 45-foot access; and both of these projects would be subject to challenge. He advised that there is consideration of possibly building a third temporary bridge for use for the construction project as the large construction vehicles can not access the lower bridge. He advised that CalTrans is committed to getting this project done as quickly as possible, and he will be back with status reports and better information on the timeframes. Supervisor Fritz urged the public to get involved in this process and to submit comments. Chair Bibby noted that the County Administrative Officer and Dick Hutchinson are working on compiling the input received from the March workshop and formulating a report relative to the impacts. Board members thanked CalTrans and the legislators and their representatives for this meeting. Supervisor Pickard asked that staff bring back a letter supporting Alternative S/viaduct realignment based on the information known at this time;

and the Board concurred. Julie Dunning asked for feedback on whether it would be beneficial for CalTrans to hold an open house in El Portal to get feedback from that community. Supervisor Aborn advised that he will look into this and coordinate with CalTrans. It was agreed that staff would bring the letter back to the Board after the El Portal open house.

11:03 a.m. (M)Fritz, (S)Aborn, the Board adjourned in memory of Elio Marchetti, John Alan Breece, and Michael William Fleming/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

June 5, 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 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: There was no public input. Chair Bibby advised of a correction to the budget action for item 16. Supervisor Turpin pulled item 6 for discussion with Public Works. (M)Aborn, (S)Turpin, the balance of the items was approved/Ayes: Unanimous.

Chair Bibby;

Resolution and Tile Plaque Recognizing Angela Heiss Upon her Retirement as Social Worker Supervisor in the Human Services Department

BOARD ACTION: There was no public input. (M)Fritz, (S)Aborn, Res. 07-228 was adopted and presented to Angela Heiss, along with a tile plaque/Ayes: Unanimous. Nancy Bell, Deputy Director Social Services, thanked Angela for her services and wished her well in her retirement on behalf of the Department. Angela Heiss introduced her family, her staff, and friend that were present.

9:18 a.m. Recess

9:32 a.m. Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Jim Allen, Sheriff, presented copies of a DVD on the affects of methamphetamine and he advised that he is also distributing the DVD throughout the community.

Dick Hutchinson advised of a flyer he prepared urging support of the Alternative S/viaduct realignment for the Highway 140 permanent fix; and he emphasized the need to get back to full vehicle access.

Eleanor Keuning provided input on the alignment of the temporary bridges and stated she feels that had they been aligned differently, better access would have been provided.

Vickie Lorenzi advised that she received a telephone call from NBC Nightly News to discuss the latest issues. She feels we should look at Yosemite with the positives – fun and adventure, like we look at Disneyland versus complaining about the entrance fee increase. She noted that the recent Fresno Bee story sparked a renewed interest and was positive for tourism. She noted that she includes others in her website advertising and she feels that the tourism dollars should include everyone; and she referred to advertising in other areas.

Herb Gloor stated he would provide input with the Tourism report.

Board Information

Supervisor Fritz advised that she attended the workshop in Fresno at the Children's Hospital regarding child abuse prevention and planning on Wednesday; on Saturday she attended the Parks and Recreation Day in the Park and she attended the Flea Market in Bootjack sponsored by Fish and Game. The Wagon Train event is scheduled for this weekend; and the Rotary Wine and Art Festival is scheduled for June 10th. On Thursday she attended the CSAC (California State Association of Counties) Board of Directors meeting. She advised that YARTS is working on scheduling a special meeting for Friday.

Supervisor Pickard advised that he attended the CMSP (County Medical Services Program) on Thursday, and he advised of health care issues that were discussed.

Supervisor Aborn advised that he attended 4-H Camp Tweety the previous week. He advised that CalTrans will hold an open house in El Portal on June 12th to present the alternatives for a permanent fix for the rockslide.

Supervisor Turpin advised that he attended the demonstration last week for a new water additive technology for fire fighting. He attended the groundbreaking ceremony for the multi-purpose room at the Lake Don Pedro School. On Wednesday, he plans to attend the California Transportation Commission meeting in Sacramento.

Supervisor Bibby urged citizens to provide input relative to the item scheduled on the agenda opposing the Governor's budget proposal to permanently eliminate the Open Space Subvention Program/Williamson Act subvention. She commended everyone for the Memorial Day parade. She advised that she plans to attend the Foreign Trade Zone meeting in Fresno on Wednesday. She plans to attend the Mental Health Board meeting at noon this date.

Jim Wilson, Fire Chief;

A) Grant the Fire Chief Discretion to Temporarily House Excess Fire Apparatus in the Pattern Outlined Until a Long-term Fire and Fleet Plan can be Proposed and Approved

BOARD ACTION: Discussion was held with Jim Wilson. There was no public input. (M)Pickard, (S)Fritz, Res. 07-244 was adopted approving the request/Ayes: Unanimous.

B) Authorize the Fire Chief, in Conjunction with the Mariposa Pines-Jerseydale Fire Safe Committee, Inc., to Negotiate a Temporary Land Lease Agreement with the USFS for Placement of a Temporary Fire Station on USFS Property Located in the Mariposa Pines-Jerseydale Area

BOARD ACTION: Jim Wilson introduced Dr. Robert E. Miller. Dr. Miller read a statement into the record on behalf of the Mariposa Pines/Jerseydale Fire Safe Committee, Inc., requesting direction for the Fire Chief to begin the processes to facilitate the construction of a temporary fire house at the Jerseydale Fire Station, and to pursue long-term plans for obtaining property and constructing a new fire house. Discussion was held. There was no public input. Supervisor Pickard acknowledged the presence of the Committee members and the Committee's efforts in this matter. (M)Pickard, (S)Aborn, direction was given for the Fire Chief to work with County Counsel and the Committee to negotiate a lease agreement with the USFS, with direction for the agreement to come back to the Board for approval/Ayes: Unanimous.

10:22 a.m. Recess

10:34 a.m. Dana Hertfelder, Public Works Director;

Discussion, Direction and Possible Action Regarding the Option to Buy Hangar #43 at the Mariposa-Yosemite Airport

BOARD ACTION: Discussion was held with Dana Hertfelder, and he advised of the Board's consideration of purchase of this hanger earlier in the year with a previous owner. He recommended that the hangar not be purchased at this time, and that when the lease agreements expire that the hangars be dealt with at one time. There was no public input. (M)Fritz, (S)Aborn, Res. 07-245 was adopted approving the recommended action to not purchase the hangar at this time/Ayes: Unanimous.

Consider Items Removed from the Consent Agenda

Consent Agenda item 6 – amendment to agreement with Kleinfelder, Inc., for the Don Pedro Wastewater Treatment Facility. Supervisor Turpin asked about the status of the construction schedule for the project; and Dana Hertfelder responded. (M)Turpin, (S)Pickard, item 6 was approved/Ayes: Unanimous.

Leroy Radanovich, Interim Tourism Coordinator;
Tourism Progress Report

BOARD ACTION: Leroy Radanovich presented the progress report; he played the “Mariposa Minute” radio advertising and advised of the number of people reached and the responses received; he advised of the sweepstakes and super blog promotion; he advised of the status of the website development; the new visitors’ guide and business directory has been printed; they were represented at a travel show in Europe; he worked with foreign travel writers; he provided information on the status of their staffing and recruitment for a director; he presented a financial report; and he advised that they have been involved with YARTS and the Rail Committee. He plans to come back to the Board on June 19th with their request for a new contract for FY 2007-08 and for funding.

Discussion was held. Supervisor Fritz commented on the collaborative effort between the Tourism Bureau and the Chamber of Commerce to produce the visitors’ guide and business directory. Supervisor Bibby suggested that background information on Mike Cleary, a known radio voice in the Bay Area, be included in the website advertising. She asked about tracking the promotion statistics, and she asked about the status of the formation of the non-profit organization for the Bureau. Leroy Radanovich responded to the questions and advised of their promotion tracking, and advised that they have filed for their non-profit status. Further discussion was held.

Input from the public was provided by the following:

Herb Gloor, Mariposa Lodge, stated they are 100 percent in support of the Tourism Bureau, and he noted that their bed tax (transient occupancy tax) is up. He feels that it is a fact that we live on the overflow of Yosemite Valley.

Lyn Maccarone, Mariposa Hotel building owner, stated she is excited about what the Board is doing with tourism and she agrees with reinvesting the transient occupancy tax revenue into tourism. She is putting the hotel back into business, and she noted that she agrees that we depend on Yosemite’s business. She feels that those that are negative about the support of the marketing plan are making a mistake. She commended Leroy Radanovich for his accomplishments.

MaryAnn Huff, President of the Chamber of Commerce, on behalf of the Chamber thanked Leroy Radanovich for his hard work. Speaking as a North County resident, she thanked the Board for its support of the North County. She noted that the Chamber is supportive of all businesses, including the small ones.

Kenneth Gosting, TIE (Transportation Involves Everyone), read their letter into the record, and he commended Leroy Radanovich and the Yosemite-Mariposa County Tourism Bureau for their work, he commended Supervisor Pickard for his original thoughts on getting membership on the San Joaquin Valley Rail Committee; and he commented on VIA’s change in buses.

Candy O’Donel-Browne referred to her past business ownership and administration of economic development, and she commended Leroy Radanovich for the job he is doing. She noted that tourism is the primary industry for the County.

Darin Phillips, web designer, stated he feels that it is good that the Tourism Board was set up and he acknowledged that Leroy Radanovich has worked hard. However, he has issues with the Tourism Bureau. He stated he sees a lack of a democratic process with the Tourism Board, and he has concerns with the make-up of the Board. He does not feel that the second website should have been established and expressed concern that it was down for a day. He referred to the promotional activities with the sweepstakes. He stated he feels there is an inequity in the allocation of funds to organizations in the County that promote the County.

Supervisor Bibby announced that the Mental Health Board has a quorum, so she can continue with this Board meeting.

Leroy Radanovich responded to the questions and input that was provided. He advised that the Tourism Board used the same people that were appointed to the Tourism Advisory Board by the Board of Supervisors for its membership. The future membership has not been discussed yet, but they have by-laws that address membership. He advised that they use the internet to send out notices of their meetings which occur on the first Wednesday of every month. He responded to the concerns about the second website. Supervisor Bibby asked about an earlier request for copies of the by-laws and organizational information. Leroy Radanovich advised that the information has been provided to the County Administrative Officer. No action was necessary on this matter.

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

BOARD ACTION: Rick Benson recommended that the local emergency be continued. There was no public input. (M)Fritz, (S)Turpin, Res. 07-247 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion and Direction to Staff Regarding Entering into an Agreement to Provide a Socioeconomic Study on Determining the Effects a Long-term Length Restriction on Highway 140 Due to the Ferguson Rockslide would have on Mariposa County (County Administrative Officer)

BOARD ACTION: Discussion was held with Rick Benson relative to the study, its scope, and whether it would still be beneficial given the status of the permanent fix for the rockslide. Rick Benson advised that he could bring back a contract with more details that could be further discussed. He also advised that the Park Service would amend their agreement with Southwest Planning and Marketing, Inc., to include this in the scope of work, and Mariposa County would enter into an agreement with the Park Service to pay for our portion. There was no public input. (M)Fritz, (S)Turpin, direction was given to the County Administrative Officer to proceed with negotiating a contract for the study/Ayes: Unanimous.

Adopt a Resolution and Authorize the Board of Supervisors Chair to Sign a Letter Opposing the Governor's 2007-2008 State Budget Proposal to Permanently Eliminate the Open Space Subvention Program (County Administrative Officer)

BOARD ACTION: Discussion was held with Rick Benson relative to the draft letter and resolution and changes that were suggested. There was no public input. (M)Pickard, (S)Aborn, Res. 07-248 was adopted approving the letter and formal resolution as revised/Ayes: Unanimous.

Approve the Use of \$20,000 of Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) for a Fuel Reduction Program Utilizing CalFire and the California Department of Corrections (CDC) Fire Crews (County Administrative Officer)

BOARD ACTION: Discussion was held with Rick Benson, and he advised that no comments were received. There was no public input. (M)Turpin, (S)Aborn, Res. 07-249 was adopted approving the request/Ayes: Unanimous.

Approve Agreement with Robbins Consulting for Utilization of Accounting Software in a Not to Exceed Amount of \$10,762.22 for the Software; and in a not to Exceed Amount of \$7,800 for Services; with Authorization to Expend through June 30, 2007 and Authorize the Health Officer to Sign the Agreement (Health Officer)

BOARD ACTION: Discussion was held with Rick Benson, and he advised that Dr. Mosher/Health Officer, was unable to be present. He advised of concerns received from the Technical Services Director on this request; however, he recommended moving forward with this and with asking the Technical Services Director and the Auditor to provide input on their concerns.

Rick Peresan, Technical Services Director, stated the preferred way to implement this program would be with a separate server, and he provided input on options that are available. He also stated he

would like to see one accounting package for the County. However, he understands the timeframes for utilizing the available funding.

Sheryl Terry/Health-Accountant II, provided input relative to the request and advised that the program will be used to track the details of the grants that the State requires. However, she will still provide the information to the Auditor's Office in the current format. Supervisor Bibby asked about changing the date the contract commences to this date, and Sheryl Terry agreed with the change.

Further discussion was held with Rick Peresan and Sheryl Terry relative to the request. There was no public input. (M)Pickard, (S)Turpin, Res. 07-250 was adopted approving the request with the change in the commencement date for the contract/Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Approve Budget Action Transferring Funds within the Jail Budget to Cover the Unanticipated Increase in Medical Costs (\$50,000) (Sheriff); Res. 07-229
- CA-2 Approve the Sheriff's Office Staff to Donate Accrued Vacation Time to the Sick Leave Account of a Sheriff's Office Employee (Sheriff); Res. 07-230
- CA-3 Adopt a Resolution and Authorize the District Attorney to Apply for 2007/2008 Victim Witness Program Grant, Administered through the State of California, Office of Emergency Services in the Amount of \$86,336 (District Attorney); Res. 07-231
- CA-4 Approve Lease Agreement with Marc and Tracy Lingenfelter for Use of the Building at 5080 Jones Street, Occupied by the District Attorney Victim/Witness Program and Authorize the Board of Supervisors Chair to Sign the Agreement (District Attorney); Res. 07-232
- CA-5 Adopt a Resolution and Authorize the District Attorney to Apply for 2007/2008 Vertical Prosecution Block Grant, Administered through the State of California Office of Emergency Services in the Amount of \$77,123 (District Attorney); Res. 07-233
- CA-6 Approve Amendment with Kleinfelder, Inc. for Testing and Observation Services for the Don Pedro Wastewater Treatment Facility; Increase the Agreement in the Amount of \$12,000 to Cover Required Inspection and Testing for the Balance of the Project; Approve an Extension of the Date of Completion to September 30, 2007 and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 07-246
- CA-7 Approve Golden Meadows Subdivision Map, Application No. 2004-186; as per Mariposa County Code, Title 16.20.232 (Public Works Director); Res. 07-234
- CA-8 Approve Budget Action Reducing the Road Fund Contingency to allow for the Purchase of an Oil Dispensing Machine for Sealing Cracks in Asphalt Roads (\$2,000) (4/5ths Vote Required) (Public Works Director); Res. 07-235
- CA-9 Approve Budget Action Reducing the Solid Waste Fund Contingency to Cover Costs for Soil Cover Purchases to the End of the Fiscal Year (\$18,000) (4/5ths Vote Required) (Public Works Director); Res. 07-236
- CA-10 Approve Budget Action Transferring Funds within the Fleet Services Budget to Cover the Cost of Operations for the Remainder of the Fiscal Year (\$39,808) (Public Works Director); Res. 07-237

- CA-11 Approve Amendment for the Social Services Building Located at 5186 Highway 49 No. and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-238
- CA-12 Appoint Erika Deal-Wildt to the Alcohol and Drug Advisory Board with a 3 Year Term Expiring June 5, 2010 (Human Services Director)
- CA-13 Approve Agreement with the Department of Alcohol and Drug Programs for Fiscal Years 2007-2008 through 2009-2010 and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-239
- CA-14 Approve the Mariposa County Fair and Homecoming Booth Application and a Lease Agreement with 35-A District to Raise Public Awareness of the Mental Health Board and the Alcohol and Drug Advisory Board's Function's in the Community and Authorize the Board of Supervisors Chair to Sign the Application and the Agreement (Human Services Director); Res. 07-240
- CA-15 Approve Agreement with Mother Lode Job Training/Job Connection for Youth Employment Training Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-241
- CA-16 Approve an Amendment with the Department of Alcohol and Drug Programs Multi-Year (2004-2008) Agreement for Fiscal Year 2006-2007 and Authorize the Board of Supervisors Chair to Sign the Amendment and Approve Budget Action Increasing Revenue and Adjusting Expenditures in the Alcohol and Drug Budget (7,294) (4/5ths Vote Required) (Human Services Director); Res. 07-242
- CA-17 Approval of Minutes of April 24, 2007, Regular Meeting (Clerk of the Board)
- CA-18 Adopt a Resolution Designating the Mariposa County Arts Council as the County's Authorized Partner in the California Arts Council's State-Local Partnership Program (County Administrative Officer); Res. 07-243

1:37 p.m. (M)Aborn, (S)Turpin, the Board adjourned in memory of Bobbe Louise Kates, Rocky K. Gorham, Jaime Salazar Baca, and Lorraine Lupy Cramer/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

June 12, 2007



Time Description

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

Pledge of Allegiance

Introductions

Chair Bibby introduced Diane Vereschagin with the Mining and Mineral Museum and the new curator, Darci Moore.

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: Input from the public was provided by the following:

Paul Chapman referred to item 15 and advised that he did not see that the staff was busy when he went to the landfill on Friday afternoon; so he questioned the need for extra help.

Chair Bibby noted that item 3 has a retroactive date of May 3rd, and that item 4 is for a one-month contract. Supervisor Aborn pulled items 16 and 17 for discussion later this date with the Public Works Director. (M)Fritz, (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.

Board Information

Supervisor Turpin noted there was a problem with service from the telephone booth in Bear Valley; and there have been many reports of bear activity in Greeley Hill. He advised that he attended the California Transportation Commission meeting in Sacramento with the Public Works Director on Wednesday; and he did not have to address the Commission on behalf of the Local Transportation Commission as the County's request was accepted. On Friday, a new granddaughter was born. He attended the Wagon Train event and commended Public Works for the improvements at Darrah School. On Saturday evening, he attended the meeting in Don Pedro with the County Administrative Officer to address the future of the Amador Plan for fire protection.

Supervisor Aborn advised that he participated in the Wagon Train event, and he commented on the bus traffic on Highway 41. He advised that CalTrans is holding its open house in El Portal this evening to discuss alternatives for the permanent fix for the Ferguson rockslide.

Supervisor Pickard commended Wes Lujan/Advocation, Inc., and Senator Cogdill for their work with SB 277, gas tax legislation for the three counties without incorporated cities.

Supervisor Fritz advised that she attended the Juvenile Justice and Domestic Violence meeting; and she plans to attend the CSAC (California State Association of Counties) meeting this week; and she noted that the Board is meeting on Wednesday for a tour of the SDA Camp Wawona redevelopment project site.

Supervisor Bibby advised that she attended the First 5 meeting on Monday and they considered one more grant application for the Darrah Pre-school. She attended the Foreign Trade Zone meeting on

Wednesday. She advised that she has a meeting scheduled for June 25th relative to basic telephone and 9-1-1 service, including TDS, and she has invited the Sheriff, County Fire, and Cal Fire. She noted that this Board meeting will be continued to Wednesday at 10:30 a.m. for a special workshop tour of the SDA Camp Wawona redevelopment project site; that no action will be taken; and that the public is invited to attend.

Supervisor Turpin advised that the Air Resource Control Board is scheduled to meet at the Government Center on Wednesday afternoon; and he advised of his concern with restricting old equipment in the rural areas that is not used very much; and with prescribed burns being restricted to 250-acres and how that will affect the future ability to address reducing fuel loads and air quality.

Supervisor Fritz advised that she plans to attend the YARTS meeting in Merced on Friday.

Kathy Delaney, Executive Director Mariposa Safe Families, Inc.

Presentation on “Community Link”

BOARD ACTION: Kathy Delaney gave a presentation on the “Community Link” and advised of their office location and contact information. She invited everyone to their open house scheduled for June 21st. She introduced their Resource Specialist – Cindy Iudice; and Cindy provided a tour of their website: www.mariposalink.org. Discussion was held. There was no public input, and no action was requested.

9:54 a.m. Recess

10:02 a.m. Chair Bibby advised that Tony Radanovich requested that the presentation and request of \$25,000 funds for the 6th Street Cinema/Rural Media Arts & Education Project be scheduled on the June 19th agenda.

Kris Schenk, Planning Director;

Reschedule Board of Supervisors’ Public Hearing Date for the Seventh Day Adventist (SDA) Camp Wawona Redevelopment Project

BOARD ACTION: Discussion was held with Kris Schenk relative to rescheduling the public hearing. There was no public input. (M)Pickard, (S)Aborn, the Board cancelled the June 19th date for the public hearing for the SDA Camp Wawona redevelopment project. The motion was amended, agreeable with the maker and second, to include direction to staff to bring this item back on June 19th for setting a new hearing date/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

Discussion and Authorization for Submittal of an Application for the CSAC 2007 Challenge Awards

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the request and operation of the compost facility.

Input from the public was provided by the following:

Ruth Sellers questioned whether Supervisor Pickard would be comfortable living next to this landfill. She asked how much waste goes to the compost facility and how much into the landfill. She stated she does not feel that the compost facility is acceptable and that it is not working; and she expressed concern that the neighbors are dealing with the odor. She feels the County could have taken the alternative to not meet the diversion until there was a better way. She feels the Board should be putting its energy into relocating the dump; and she questioned what the citizens are receiving for their tax dollars.

Paul Chapman stated he does not feel the compost facility will work because we do not have enough green waste; and he questioned why the Solid Waste Manager was not present for this discussion.

Lyn Maccarone questioned the process for the application for the Challenge Award; and she stated she does not feel that the compost facility is a “trophy.”

Further discussion was held. Supervisor Pickard advised that they worked with the top leaders in the solid waste field as a part of the strategy for this project; and he is proud of what was accomplished with this project. He advised that he takes responsibility for this item being on the

agenda. Motion by Pickard to approve submitting the application died for lack of a second. (M)Fritz, (S)Turpin, staff was requested to bring the application back to the Board for consideration after the odor problems are resolved, perhaps in the next year's application cycle. Supervisor Turpin stated he would like to see information come back relative to the complete operation of the landfill, including recycling and how the compost facility compliments the operation, Supervisor Bibby expressed concern with the workload of the department and asked that it not be a priority to submit this application. Supervisor Fritz stated she would like more background information and for the facility to be monitored before an application is prepared for submittal. Supervisor Aborn stated he feels the crew at the facility is doing the best that they can with the program. Ayes: Turpin, Aborn, Fritz; Noes: Bibby; Abstained: Pickard.

Consider Items Removed from the Consent Agenda

Consent Agenda item 16 – Solid Waste budget action for recycling. Supervisor Aborn asked about the need for the budget adjustment at the end of the fiscal year. Carl Casey, Public Works Administrator, advised that the budget action is to cover the increased revenue and expense for the recycling program as more people are bringing recyclables to the landfill than anticipated with the budget. (M)Pickard, (S)Aborn, item 16 was approved.

Consent Agenda item 17 – Solid Waste budget action for professional services. Supervisor Aborn requested more detailed information on the request; and Carl Casey responded. (M)Turpin, (S)Aborn, item 17 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 Counsel/County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued. He advised that Congressman Radanovich is working in Washington, D.C., to help secure funding for the slide project to be ready for when CalTrans makes a decision on the options; and he may request that local representative(s) join him in meeting with the Transportation and Planning Committee, etc. on this matter. He noted that Supervisors Aborn and Pickard have designated as the Board liaison committee for this project; and he thought that one or two members of the Board should be authorized to go to Washington, D.C. with him if requested.

Input from the public was provided by the following:

Dick Hutchinson advised of his promotion for submitting comments to CalTrans on the preferred alternative fix by June 22nd, and he expressed concern with conflicting information being received from the District 10 Director for CalTrans and the engineers relative to the bridges for Alternative S/viaduct. He feels the quickest method needs to be pursued. Rick Benson advised that no new information has been received from CalTrans since the May 29th meeting; and he suggested that there would be an opportunity at the open house in El Portal this evening to ask those questions.

Supervisor Aborn suggest that a list of questions be prepared that he could take to the open house to discuss with the District 10 Director for CalTrans. Rick Benson advised that he could speak with the Board members and attend the open house to address the questions with the Director. Supervisor Pickard noted that the Chair of the Board is the spokesperson for the Board, and he suggested that consideration be given to having the Chair replace him on the Board liaison committee for the rockslide. Supervisor Bibby suggested that we reach out to Senator Cogdill and Assemblyman Berryhill to join the County, at their expense, to convey their wishes to Congressman Radanovich and the committee on this matter. (M)Fritz, (S)Pickard, authorization was given for the Chair of the Board and the County Administrative Officer to attend a meeting in Washington, D.C. at the request of Congressman Radanovich; and if a member of the Board liaison committee wishes to attend, that the member be authorized with this action; and Res. 07-269 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. Rick Benson advised that he plans to bring to the Board on June 19th the response to CalTrans on their options for the permanent fix.

11:14 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation

Chair Turpin thanked Dana Hertfelder for his work and influence he had on the California Transportation Commission (CTC) staff in resolving the issues with the RTIP. Dana Hertfelder provided input on the CTC's approval of the RTIP; and he advised that he feels that the issue with the Old Highway Bridge project funding will come up again in the STIP process. Discussion was held.

B) Adopt a Resolution Allocating the Transportation Development Act (TDA) Funds for Fiscal Year 2006-2007; and

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

COMMISSION ACTION: These items were pulled at the request of the Public Works' Director to be rescheduled.

11:25 a.m. The Board of Supervisors reconvened.

Approval of Minutes of May 8, 2007, Regular Meeting (Clerk of the Board)

BOARD ACTION: There was no public input. (M)Aborn, (S)Pickard, the minutes were approved/Ayes: Turpin, Aborn, Bibby, Pickard; Abstained: Fritz as she was excused from this meeting.

Approve the Appointment of Janet Chase-Williams as Interim County Librarian until March 31, 2010 or until She Completes the On-line Executive Master of Library & Information Science Program, Whichever Comes First; Increase Her Out-of-Class Pay to 20% Above the Base Pay of the Senior Library Assistant Effective June 1, 2007; Provide an Additional 20% Out-of-Class Pay Increase Effective January 1, 2008. Further, Approve an Overfill of the Senior Library Assistant Position Effective June 1, 2007 through March 31, 2010 or until Ms. Chase-Williams Completes the Executive MLIS Program (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson reviewed the recommended actions. There was no public input. (M)Aborn, (S)Pickard, Res. 07-270 was adopted approving the recommended actions/Ayes: Unanimous.

Approve Recommended 4% Cost-of-Living Adjustment (COLA) for the Staff Services Manager and Victim/Witness Services Supervisor Classifications Effective November 1, 2006. Further Approve Recommended Salary Adjustment to the Deputy District Attorney I and Deputy District Attorney II Classifications to Resolve the Compaction Issue Program (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson reviewed the staff report and recommended actions; and he advised that the Deputy District Attorney I and II classification positions are vacant. Supervisor Aborn suggested that a Deputy District Attorney IV level be established.

Bob Brown, District Attorney, provided input on the suggestion to create a level IV position and he asked that this be addressed soon; and he provided input on the compaction issue and salary structure of the Department. He advised of his concerns with recruitment and retention. He reviewed the history of his request on the compaction issue, and he provided input on his research of comparable data from other counties. Supervisor Pickard clarified that he is not asking for additional staff, and Bob Brown advised that he was not and that he could maintain the same staffing level as long as the deputies were at the higher level.

Supervisor Bibby asked Bill Flaherty, Victim/Witness Services Supervisor, about his review of the salary survey for his position; and he provided input.

Input from the public was provided by the following:

Kristy Waskiewicz, MCMCO Union representative, provided input relative to the review of the Victim-Witness Supervisor position. She advised that she feels there were two separate issues in

the negotiations: 1) proposal for an across the board wage increase; and 2) Deputy District Attorney III's, and she noted that the Assistant Assessor received an eight percent salary increase. She advised that they are in support of the recommendation for the four percent adjustment for the Staff Services Manager and the Victim/Witness Services Supervisor. They are concerned with the compaction issue with the Deputy District Attorneys, and she feels that that was always a separate issue. She provided input on her understanding of the negotiation process and her concerns. She agrees that Supervisor Aborn's suggestion to establish a IV level will help to resolve this issue. She asked that this issue be continued to try and resolve the compaction issue; and Supervisor Pickard clarified that she does not want the Board to take action on the Deputy District Attorney I and II classifications today.

Rick Benson referred to the language in the MOU relative to the compaction and salary survey issues.

Brian Muller, Undersheriff, representing the Sheriff's Management Association, stated he concurs with the District Attorney relative to the compaction issue and he feels that this exists in other County departments. He feels that the Board's willingness to acknowledge and address this is positive and he hopes that it will be addressed for other departments. He advised that he and two other members of the Management Association met with the County Administrative Officer last week concerning what they see as an inequity for their Jail Manager; and their Association is asking that when the County Administrative Officer comes to the Board members with their concerns, that the same consideration will be given to them as is being given today to these positions.

Rick Benson stated he feels the proposal to look at the Deputy District Attorney IV level is separate from what is being recommended today; and he noted that direction could be given to him to look at this request. He advised that he is not unsympathetic to the District Attorney relative to the issues of recruitment and retention and being competitive; however, he feels that these same issues exist in other departments. He advised that he based his recommendation on the information received from the negotiator and the people that were involved in the process. He presented information on the salary survey and comparisons for the Deputy District Attorney classifications.

(M)Pickard, (S)Turpin, Res. 07-271 was adopted approving the recommended four percent COLA for the Staff Services Manager and the Victim/Witness Services Supervisor classifications effective November 1, 2006/Ayes: Unanimous.

Further discussion was held with Bob Brown relative to his request to move funds from the Deputy District Attorney I and II classifications to the III classification to alleviate the compaction issue; and that this is a separate issue from the agenda item today. Bob Brown stated he agrees that the County Administrative Officer's proposal solves a compaction issue, but he also has a goal to increase the salary for the top deputies. He noted that there is a level IV position in the Human Services Department for the social workers.

Kristy Waskiewicz referred to the information that Rick Benson presented on the salary survey and comparisons, and she stated she formally objects to being given information from the County Administrative Officer in a public meeting versus at the bargaining table. She stated she feels that the chart has limited value as it does not show other positions that received equity adjustments. She feels the compaction issue was set out in the MOU to be addressed and that is appropriate.

Thomas P. Guarino, County Counsel, speaking as the County's negotiator for these issues with the MOU, advised that he was at the table when these issues were negotiated. He advised that there was a whole process and a methodology was adopted for the salary survey and it was applied in negotiations with all of the agreements. He feels these last two issues are separate; and that the department is trying to address recruitment and retention needs and there is a process for Personnel to evaluate the job duties. The Board could instruct the County Administrative Officer to proceed with that process. He further advised that the County Administrative Officer has only taken the public numbers that have already been shared with the Union and put them in a bar graph form. He referred to the language in the MOU and advised that he had a part in writing the language. He advised that as negotiator for this, he agrees with the County Administrative Officer, and he provided input on the process and intent. Supervisor Pickard stated he agrees with the County Administrative Officer's recommendation and with the history of this process as presented by County Counsel. He also agrees with trying to accomplish the retention and recruitment goals for the District Attorney's office.

(M)Pickard, (S)Aborn, Res. 07-272 was adopted approving the County Administrative Officer's recommendation to adjust the Deputy District Attorney I and II classifications downward to relieve the compaction issue; and direction was given for the County Administrative Officer/Personnel Officer to work with the District Attorney in finding out what would be the best way to solve the retention and recruitment goal for his office and to bring back a recommendation. Further discussion was held. Supervisor Bibby stated she feels that this should include a countywide review. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

Discussion and Appointment of Two Representatives from Mariposa County to the San Joaquin Valley Rail Committee (Supervisor Aborn)

BOARD ACTION: Supervisor Aborn initiated discussion relative to this matter; and he advised of his concern with the Thruway Bus Services Contract between the National Railroad Passenger Corporation (AMTRAK) and YARTS for bus service on the Highway 41 and 120 corridors if there are over twenty people in a group versus using the Highway 140 connection. He advised that he is trying to find out more information on this. Supervisor Fritz advised that there is a YARTS meeting in Merced on Friday and this proposed contract is on the agenda. She also advised that she is interested in having a seat on the Rail Committee and thanked Supervisor Pickard and Leroy Radanovich for their efforts in obtaining membership on the Rail Committee.

Input from the public was provided by the following:

Marsh Pitman, TIE (Transportation Involves Everyone) presented the Board with a copy of the proposed AMTRAK/YARTS agreement for bus service. He also referred to a study that CalTrans is planning on the bus system with a focus on the route to Yosemite. He urged appointment of the two Supervisors (Supervisors Aborn and Fritz) to continue their work with the Rail Committee.

(M)Pickard, (S)Turpin, Supervisors Aborn and Fritz were appointed to the Rail Committee. Supervisor Turpin questioned whether the District 10 Director for CalTrans was notified of the proposed AMTRAK/YARTS agreement in the context of impacts of the rockslide; and he suggested that it be made very clear that if this moves forward, that it is only temporary. Supervisor Fritz suggested that Supervisor Aborn could pass this information along to the Director at the CalTrans open house this evening. Ayes: Unanimous.

CLOSED SESSION: Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Number of Cases to be Discussed: 1; Names of Cases to be Discussed: County of Mariposa v. M.D. Don Endress, (Code Enforcement/Un-permitted Structures) (County Counsel)

BOARD ACTION: County Counsel advised that this closed session was not needed.

2:00 p.m. Kris Schenk, Planning Director;

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

CONSENT AGENDA:

- CA-1 Approve Agreement with Richard Shelton for General Maintenance Services at the Mariposa County Adult Detention Facility and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 07-251
- CA-2 Approve Rental Agreements with 35-A District Agricultural Association for Mariposa Air Pollution Control District and for a Breast Feeding Center and Authorize the Board of Supervisors Chair to Sign the Agreements (Health Officer); Res. 07-252
- CA-3 Approve an Amendment for Fiscal Year 2006-2007 with Area 12 Agency on Aging for the C-1, Congregate Nutrition and C-2, Home Delivered Meal Services and Authorize

the Board of Supervisors Chair to Sign the Amendment (Community Services Director); Res. 07-253

- CA-4 Authorize the Board of Supervisors Chair to Sign a Letter of Intent to Award Funds for Services Rendered for the Following Programs: Congregate Nutrition, Congregate Restaurant Nutrition, Home Delivered Nutrition and IIIB Transportation to the Area 12 Agency on Aging for Fiscal Year 2007-2008 (Community Services Director); Res. 07-254
- CA-5 Approve Agreement with the Coulter Café to Provide Senior Citizens on the North Side of the County with Hot Meals and Authorize the Board of Supervisors to Sign the Agreement (Community Services Director); Res. 07-255
- CA-6 Approve Agreement for Internet Access to SafeMeasures with National Council on Crime and Delinquency (NCCD) for Internet Access for Reporting Services Regarding the Child Welfare Services Program and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-256
- CA-7 Approve Budget Action Transferring Funds within Child Support Services Budget to Cover Anticipated Expenses for the Remainder of the Fiscal Year (\$1,500) (Child Support Services Director); Res. 07-257
- CA-8 Approve Budget Action Transferring Funds within the Agricultural Commissioner's Budget to Cover the End of the Year Projected Expenses of the Noxious Weed Control Program (\$4,600) (Agricultural Commissioner); Res. 07-258
- CA-9 Authorize Award of the Coulterville Park Improvements # 06-15 to Carter Construction (Public Works Director); Res. 07-259
- CA-10 Approve the Plan of Cooperation Between Mariposa County Department of Child Support Services and Mariposa County Superior Court and Authorize the Board of Supervisors Chair to Sign the Plan (Child Support Services); Res. 07-260
- CA-11 Approval of Minutes of May 1, 2007, Regular Meeting (Clerk of the Board)
- CA-12 Approve a Two-Year Lease Agreement with the 35-A District Agricultural Association from July 1, 2007 through June 30, 2009, for the California State Mining and Mineral Museum and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer); Res. 07-261
- CA-13 Approve First Amendment to the Grant Agreement with the Mariposa County Fire Safe Council for the Chipping Educational Program Concurrent with Assistance with Hazard/Fuel Reduction, Extending the Term of the Agreement to April 30, 2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer); Res. 07-262
- CA-14 Approve Budget Action Transferring Funds Between Yosemite West Maintenance District Fund and Yosemite West Utility Capital Fund to Cover Anticipated Expenditures through June 30, 2007 (19,200) (4/5ths Vote Required) (Public Works Director); Res. 07-263
- CA-15 Authorize an Additional 100 Hours Each (Beyond the 999 Hour Limit) for Two Maintenance Worker I Extra-help Staff Working in the Solid Waste Division (Public Works Director); Res. 07-264

- CA-16 Approve Budget Action Increasing Both Revenue and Expense for Recycling in the Solid Waste Division Budget to Cover Anticipated Costs through June 30, 2007 (\$22,000) (4/5ths Vote Required) (Public Works Director); Res. 07-267
- CA-17 Approve Budget Action Recognizing Unanticipated Revenue, Reducing Solid Waste Contingency and Transferring Funds within the Solid Waste Budget to Cover Anticipated Expenditures in the Professional Services Line Item through June 30, 2007 (\$8,500) (4/5ths Vote Required) (Public Works Director); Res. 07-268
- CA-18 Approve Budget Action Recognizing Unanticipated Revenue and Transferring Funds within the Facilities Maintenance Budget to Cover Anticipated Costs through June 30, 2007 (\$15,000) (4/5ths Vote Required) (Public Works Director); Res. 07-265
- CA-19 Increase the Current Suggested Donation of \$2.50 for Both Congregate Meals C-1 and Home Delivered Meals C-2 to a Suggested Donation of \$3.00 for Fiscal Year 2007-2008 (Community Services Director); Res. 07-266

1:24 p.m. The meeting was continued to Wednesday, June 13, 2007, at 10:30 a.m. for a Special “Workshop Tour” of SDA Camp Wawona Redevelopment Project Site at 8110 Forest Drive in Wawona. The Public is Welcome to Attend and Participate in the Tour. The Purpose of the Tour is for Information only and no Deliberation May Occur During the Tour. No Action Will be Taken at this Workshop

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA June 13, 2007 (Meeting Continued from June 12, 2007)

Time Description

10:50 a.m. The Board met in continued meeting from June 12, 2007, for a special “workshop tour” of SDA Camp Wawona redevelopment project site at 8110 Forest Drive in Wawona. Chair Bibby announced that the public is welcome to attend and participate in the tour. She advised that the purpose of the tour is for information only and no deliberation may occur during the tour; and that no action will be taken at this workshop.

Dan Guthie, retired Director for Camp Wawona, and David Lee, Fletemeyer and Lee Architect, led the tour. The following were present to respond to questions during the tour: Michelle Coats, Coats Consulting representing the applicant; Jerry Page, President of the SDA Central Valley Conference; Ramiro Cano; and Norm Peterson, Executive Director.

12:48 p.m. Recess

3:40 p.m. Chair Bibby adjourned the Board meeting at the Government Center.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

June 19, 2007



Time Description

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

Pledge of Allegiance

Introductions

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: There was no public input. (M)Turpin, (S)Aborn, all items were approved/Ayes: Unanimous.

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

Board Information

Supervisor Fritz advised that she attended the Board's tour of the site of the Seventh Day Adventist (SDA) Camp Wawona redevelopment project on Wednesday, and then she attended the CSAC meeting in Sacramento. She attended the YARTS meeting in Merced on Friday, and she advised that the issue of changing routes for the large buses is in the interim of the vehicle length restrictions on Highway 140 to Yosemite.

Supervisor Pickard advised that he plans to attend the RCRC meeting in Grass Valley this week.

Supervisor Aborn advised that he attended the Board's tour of the site of the SDA Camp Wawona project on Wednesday. Then he met with business people in the Highway 41 corridor to discuss the proposed agreement with YARTS to reroute the large buses on Highway 41, and they do not want to see the buses rerouted due to the curves on Highway 41. He attended the YARTS meeting in Merced on Friday, and he commended Supervisor Fritz for chairing the meeting.

Supervisor Turpin noted the water level at Bagby is dropping quickly. He advised that he attended the Board's tour of the site of the SDA Camp Wawona project on Wednesday; and then he visited Yosemite West, and drove back through Highway 140 and commented that there is less traffic as a result of the rockslide. On Wednesday, he plans to attend the Community Action Agency meeting in Coulterville. On Monday, he attended the Station 26 Fire Brigade meeting – they are planning for their annual deep pit BBQ.

Supervisor Bibby advised that she has a meeting scheduled for June 25th relative to basic telephone and 9-1-1 service, including TDS telephone service. She plans to attend the Community Action Agency meeting on Wednesday in Coulterville. On Thursday, she plans to attend the Mount Bullion citizen's community meeting. She attended a citizens meeting in Whispering Oaks on Saturday. She advised that the Farm Bureau thanked the Board and the community for opposing any reduction or elimination of the Williamson Act subvention funds. A tour of the Catheys Valley Fire Station is being scheduled and she invited the other Board members to attend. She congratulated the

graduating class of 2007. She thanked the SDA Camp Wawona for a quick response on resolving an issue with an unused well, and for the tour the Board took on Wednesday.

9:21 a.m. HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA

(Chair – Vacant; Vice-Chair – Bibby)

A. Public Presentation – None.

B. 1) Select a Chair and Vice Chair for the Housing Authority Board of Commissioners for FY 2007-2008

2) PUBLIC HEARING on the 2007 Annual Plan Update;

3) Approve the 2007 Annual Plan Update and the Certification of Compliance;

4) Review and Approve the Changes in Policy and Procedure in the Administrative Plan; and

5) Authorize the Signature of the Executive Director on all Required Program and Financial

Forms (Human Services Director)

COMMISSION ACTION: There was no public input on the following.

(M)Fritz, (S)Pickard, Commissioner Bibby was selected as Chair/Ayes: Unanimous.

(M)Pickard, (S)Aborn, Commissioner Turpin was selected as Vice-Chair/Ayes: Unanimous.

Cheryle Rutherford-Kelly presented the staff report and advised of changes in the Plan. She responded to questions from the Commissioners, along with Janet Gass/Human Services – Contract Administrator, relative to the voucher program and availability of rentals. The public portion of the hearing was opened and there was no input. The public portion was closed and the Commission commenced with deliberations. Staff responded to additional questions from the Commission concerning the notification process to the participants for the changes. (M)Pickard, (S)Fritz, Hous. Auth. Res. 07-1 was adopted approving the 2007 Annual Plan Update and the Certification of Compliance/Ayes: Unanimous. The hearing was closed.

(M)Fritz, (S)Aborn, the changes in policy and procedure in the Administrative Plan were approved/Ayes: Unanimous.

(M)Fritz, (S)Aborn, the Commission authorized the signature of the Executive Director on all required program and financial forms as requested/Ayes: Unanimous.

The Board of Supervisors reconvened.

Kris Schenk, Planning Director;

Reschedule Board of Supervisors' Public Hearing Date for the Seventh Day Adventist (SDA) Camp Wawona Redevelopment Project (Continued from June 12, 2007)

BOARD ACTION: Discussion was held with Kris Schenk relative to rescheduling the hearing. There was no public input. (M)Pickard, (S)Fritz, the public hearing was rescheduled for Tuesday, August 14, 2007, at 10:30 a.m. at Camp Green Meadows in Fish Camp. It was noted that costs for the hearing will be born by the applicant. Supervisor Pickard asked that carpooling be encouraged as parking is limited. The motion was amended, agreeable with the maker and second to change the hearing time to 11:00 a.m./Ayes: Unanimous.

Richard J. Benson, County Administrative Officer;

Review and Approve Report on the Economic Effects of Continuing Length Restrictions on Highway 140 and Authorize the Board of Supervisors Chair to Sign a Letter for Distribution with the Report

BOARD ACTION: Rick Benson initiated discussion relative to the report, and he thanked Dick Hutchinson for his assistance.

Input from the public was provided by the following:

Dick Hutchinson suggested that the increase in traffic accidents be included with using the alternative routes.

Further discussion was held relative to suggested changes to the report. (M)Fritz, (S)Aborn, Res. 07-283 was adopted approving the report and cover letter as revised/Ayes: Unanimous.

10:09 a.m. Recess

10:15 a.m. Chair Bibby noted that the public hearing scheduled for this date has been cancelled and was rescheduled for August 14th at 11:00 a.m. at Camp Green Meadows to Consider the Seventh Day Adventists (SDA) Camp Wawona Redevelopment Project: 1) Specific Plan (Area Plan)/Zoning Text Amendment No. 2002-345; 2) Conditional Use Permit No. 2002-246; 3) Environmental Impact Report No. 2002-292; Applicant: Central California Conference of Seventh Day Adventists (CCCSDA) Project Location: Camp Wawona, Existing Camp Facility is Located at 8110 Forest Drive, APN 010-280-009 & APN 010-280-010.

Tony Radanovich, 6th Street Cinema;
Presentation and Request of \$25,000 Funds for the 6th Street Cinema/Rural Media Arts & Education Project

BOARD ACTION: Tony Radanovich presented the request for funding and he advised that the dry rot and deterioration of the building (Old Masonic Lodge) was much worse than anticipated. He reviewed their efforts to obtain funding and he reviewed their programs for the community and the children. Discussion was held. Supervisor Bibby asked about addressing ADA requirements and parking for the building.

Input from the public was provided by the following:

Paul Chapman questioned why the building was purchased without an inspection; and he presented a petition signed by citizens of the County opposing the funding request.

Barry Brouillette, member of the 6th Street Cinema Board, advised that they usually walk to events at the theatre and stated he has not seen an impact on the parking in the area. He encouraged the Board to support this request.

Leroy Radanovich provided input on the parking issues and noted that the building was a contributor to the Parking District for 30 years. He noted that the request is for \$25,000 so they can obtain a grant in the amount of 1.9 million dollars; a local contractor will be used; and he feels the request is a small amount and a good investment. He noted the historic value of the building to the County.

Tony Radanovich advised that the building was inspected when they purchased it and the extra damage that was found was internal.

Further discussion was held relative to the request and use of the funds, and the status of the County budget issues. Rick Benson and Thomas P. Guarino provided input on options available to the Board if it determines to move forward with the request.

(M)Pickard, (S)Fritz, to direct staff to bring back an agreement for use of up to \$25,000 upon notification that the USDA or the CAHE grant will be awarded; failed by the following vote: Ayes: Fritz, Pickard; Noes: Aborn, Turpin, Bibby.

(M)Turpin to approve up to \$2,500 to get through the grant application process and to direct staff to bring back an agreement and budget action form; died for lack of a second.

(M)Aborn, (S)Pickard, direction was given to staff to bring back an agreement for use of up to \$25,000 upon notification that the USDA or the CAHE grant will be awarded, with specifics to be included in the agreement of how the funds will be used and with findings that this is a public benefit. Discussion was held relative to the Board's procedures for changing votes and taking subsequent action after a motion fails. Ayes: Aborn, Fritz, Pickard; Noes: Turpin, 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: Rick Benson provided a status report and recommended that the emergency be continued. Supervisor Pickard initiated discussion relative to the Board's previous consideration of traveling to Washington, D.C., at the request of Congressman Radanovich, and he suggested that the Chair replace himself on the ad hoc committee for the rockslide.

Input from the public was provided by the following:

Dick Hutchinson stated he feels that there needs to be more clarification and support from the Park in fixing other projects; i.e., the undermining of the Highway 120 intersection; so that future Park closures are prevented.

(M)Pickard, (S)Turpin, Res. 07-284 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings; and direction was given for ad hoc committee make-up to be scheduled on the June 26th agenda/Ayes: Unanimous.

Discussion Regarding CalTrans Alternatives for a Permanent Fix to Highway 140 and Authorize the Board of Supervisors Chair to Sign a Letter Endorsing Alternative "S" as a Permanent Fix to Highway 140 as a Result of the Ferguson Rockslide (County Administrative Officer)

BOARD ACTION: Rick Benson noted that June 22nd is the deadline for submitting comments and he advised that CalTrans held an open house in El Portal on June 12th. Discussion was held. Supervisor Aborn stated he was advised that the scoping period has been extended to July 6th. There was no public input. (M)Fritz, (S)Aborn, Res. 07-285 was adopted approving the letter with changes as discussed/Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Approval of Minutes of May 15, 2007, Regular Meeting (Clerk of the Board)
- CA-2 Disband the Tourism Advisory Council (County Administrative Officer); Res. 07-273
- CA-3 Appoint Cathie Pierce and Richard L. Uebner to the Catheys Valley Planning Advisory Committee for Terms Expiring February 28, 2009 (Supervisor Bibby)
- CA-4 Approve Agreement No. 07-0107 with California Department of Food and Agriculture (CDFA) for Pierce's Disease Control Program/Glassy-winged Sharpshooter for Fiscal Year 2007/2008 through 2009/2010 (Agricultural Commissioner); Res. 07-274
- CA-5 Authorize Public Works to Proceed with the Landscape for the Don Pedro Wastewater Treatment Facility (Public Works Director); Res. 07-275
- CA-6 Approve Agreement with George Halenbeck and Teresa Kelley-Halenbeck for Office Space at 5009 C. Main Street, Coulterville for Mental Health Board/Alcohol & Drug and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-276
- CA-7 Approve Agreement with the Mariposa, Amador, Calaveras, Tuolumne (MACT) Health Board for Mental Health Services Under the SAMHSA Grant and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-277
- CA-8 Approve Agreement with Regina Taber for Fiscal Year 2007/2008 for Alcohol and Drug Programs and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-278
- CA-9 Approve Agreement with Country Villa Health Services for Residential Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-279
- CA-10 Accept the Resignation of Kevin Campbell from the Mental Health Board (Human Services Director)

- CA-11 Authorize the Human Services Department to Hire a Social Service Supervisor II on July 1, 2007, an Existing Position in Behavioral Health (Human Services Director); Res. 07-280
- CA-12 Approve a Three Year Agreement with Lexis Nexis for Internet Legal Research and Authorize the Board of Supervisors Chair to Sign the Agreement (District Attorney); Res. 07-281
- CA-13 Adopt a Resolution Approving the Fiscal Year 2006-2007 Adjusted Budget as Mariposa County's Operating Budget Until the Adoption of the Fiscal Year 2007-2008 Final Budget in September 2007 (County Administrative Officer); Res. 07-282

12:03 p.m. (M)Turpin, (S)Aborn, the Board adjourned in memory of James "Jim" McGowan, Victor Robert Blanchard, Anna Selma Adams, and Gaston Ownbey/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

June 26, 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 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: Input from the public was provided by the following:

Paul Chapman stated he feels the Board should hold the public hearing on the budget for FY 2007-08 prior to approving items that involve budget matters.

Supervisor Turpin pulled items 14 and 15 and action was taken later this date. (M)Aborn, (S)Fritz, 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.

Gail Neal, Chief Probation Officer, advised that Mariposa County had placed a ward in the Visalia group home just prior to the recent murder that occurred at that home. The ward was not involved and has been moved for another placement.

Joe Coho, a resident of Mt. Bullion, advised of a reduction in the internet connectivity service being provided by Sierra Tel. He advised that he is a small business owner and is dependent on the internet for his consulting. He advised that he had been receiving good service with the wireless broadband system that uses a tower on Mt. Bullion. However, on June 4th, he was advised that this service would be discontinued effective July 1st. He provided input on the technology for receiving internet service, and he noted that Sierra Tel received a grant for the DSL service and he does not feel the wireless service should be reduced until a new technology is in place to provide at least the same level of service. He requested that the Board contact Sierra Tel to help support retaining the wireless service for the people in the County that are dependent on that type of service. Chair Bibby asked that he provide a letter for the Board on this matter.

Paul Chapman stated the agenda for this meeting was not available on Thursday when he came to the office; and he referred to the process used by the City of Fresno.

Board Information

Supervisor Turpin advised that the annual Fire Brigade deep-pit BBQ will be held in Coulterville on July 7th. On Wednesday, the Elder Abuse Conference will be held at the Fairgrounds. He referred to the catastrophic fire in Lake Tahoe, and he noted the importance of fuel reduction and the need to be cautious due to the extreme fire danger.

Supervisor Aborn advised that he attended the June 25th City Council meeting in Atwater and they took action to support the County's membership on the San Joaquin Valley Rail Committee. The Rail

Committee meets on June 28th in Oakland and he and Supervisor Fritz should be seated at that time. On June 27th in San Carlos, the High Speed Rail Committee is meeting to decide the rail route.

Supervisor Fritz advised that the Chamber's business after hours is scheduled to be held at Lawson Construction this evening. The Kiwanis has the 4th of July event planned for the Fairgrounds. She congratulated Fire Chief Jim Wilson for promotion of the volunteers, and she thanked the volunteers. She thanked the Atwater City Council for their support of the County's membership on the San Joaquin Valley Rail Committee.

Supervisor Bibby advised that she attended the meeting with the Catheys Valley/Whispering Oaks Homeowners' Association on Saturday; and she toured the Catheys Valley Fire Station. On Thursday, she met with the Mt. Bullion citizen group and TDS representatives presented plans for improvements to their service. On Monday, there was a tour of the TDS facilities with their representatives, the Fire Chief, and a representative of the Sheriff's Department; and concerns were discussed.

Supervisor Turpin thanked County Fire and Public Works for the new water tender for Station 31 and for the patrol vehicle for Station 24.

Mary Williams, Community Services Director;

Authorize the Community Services Director to Hire Extra-help Personnel Prior to the Adoption of the 2007-2008 Fiscal Year Budget

BOARD ACTION: Discussion was held with Mary Williams relative to the request. There was no public input. (M)Pickard, (S)Fritz, Res. 07-305 was adopted approving the request/Ayes: Unanimous.

9:42 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Authorize the County to Participate in the 2006-2007 Optional Federal Apportionment Exchange and State Match Program for Regional Surface Transportation Program (RSTP) Funds and Authorize the Executive Director to Sign the Agreement

COMMISSION ACTION: Discussion was held with Dana Hertfelder, Public Works Director. (M)Pickard, (S)Aborn, LTC Res. 07-5 was adopted approving the request. There was no public input. Ayes: Unanimous.

C) Adopt a Resolution Adopting the Transportation Planning Overall Work Program (OWP) for Fiscal Year 2007-2008 and Authorize the Executive Director to Submit the OWP and Sign the Agreement (Public Works Director)

COMMISSION ACTION: Discussion was held with Dana Hertfelder. There was no public input. (M)Bibby, (S)Fritz, LTC Res. 07-6 was adopted approving the request, with the understanding that the tasks are not listed in priority order/Ayes: Unanimous.

9:56 a.m. The Board of Supervisors reconvened.

Consider Items Removed from the Consent Agenda

Consent Agenda item 14 – Road Division budget action. Supervisor Turpin initiated discussion with Dana Hertfelder relative to the request. (M)Turpin, (S)Fritz, item 14 was approved/Ayes: Unanimous.

9:58 a.m. Recess

10:02 a.m. Dana Hertfelder, Public Works Director;

PUBLIC HEARING – Regarding Fees for Ground Lease, Tie-downs and Hangars at the Mariposa-Yosemite Airport and Approve the Fee Schedule

BOARD ACTION: Dana Hertfelder and Carl Casey/Public Works Administrator, presented the staff report and responded to a question from the Board relative to the recommended rate increase.

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

Paul Chapman stated he supports the increase and feels that it should be more so that the County is not subsidizing the Airport. He questioned whether it is appropriate for the hangars to be used for storage, and he referred to a recent newspaper story of a person with a boat and car in storage in a hangar.

Bob McHugh, hangar owner and aircraft owner and Association representative on the Committee, stated he does not see a problem with the increase and he feels it is reasonable. He stated he has a concern with the previous input that the Airport is a deficit for the County General Fund – he noted that the taxes for the aircraft and hangars are not credited back to the Airport budget. He feels this is an integral part of the transportation structure of the County and it brings income and people and business to the County.

Ken Melton agreed with Mr. McHugh, and he stated he feels that we also need to take into consideration the benefit of the fire helicopter, etc. He noted that he owns a hangar and is paying taxes on the hangar and the land and he feels the allocation of the taxes should be reviewed for consideration of crediting the Airport budget as he feels that the revenues should stay with the Airport.

Dick Hutchinson asked whether the County is using a hangar to store furniture for departments and for the Courts, etc.; and if so, whether the County is paying rent, and whether the Courts are paying for their portion of the storage costs. Carl Casey advised that there is a hangar being used by the Facilities Division for storage of furniture from all of the departments and the Facilities budget is being charged for the use.

The public portion of hearing was closed and the Board commenced with deliberations. Maria Liddle/Airport Operations Manager, responded to questions from the Board relative to inspection of the hangars by the Fire Marshall; and she advised that the person storing a boat and a car in a hangar, owns the hangar. Staff responded to a question from the Board relative to consideration of regular CPI increases. (M)Fritz, (S)Turpin, Res. 07-307 was adopted approving the recommended increases effective July 1, 2007/Ayes: Unanimous. The hearing was closed.

Consider Items Removed from the Consent Agenda

Consent Agenda item 15 – fee waivers for annual recycling and waste collection events. Discussion was held with Dana Hertfelder concerning the request. (M)Pickard, (S)Fritz, item 15 was approved/Ayes: Unanimous.

10:30 a.m. Dana Hertfelder, Public Works Director;

PUBLIC HEARING - Concerning the Mariposa County Total Waste Systems, Inc. (TWS) Franchise Rate Increase Request of 23.8% Based Upon the 10% Profit Provision in the County of Mariposa Franchise Agreement and Approve the Requested Increase

BOARD ACTION: Dana Hertfelder presented the staff report. Dana Hertfelder and Carl Casey responded to questions from the Board relative to the status of TWS's audit for 2006; relative to November 1, 2007 being the effective date for the increase; and relative to the exclusion of the Wawona service area in the request.

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

John Warren, accountant for TWS, advised that he prepared the analysis for review of the rates; and he advised that he feels their 2006 financial information will be available in July. However, he does not feel that there will be any significant change in the numbers. He responded to a question from the Board and advised that the accounts are kept separate for the Wawona service area. He provided input on the increased costs that TWS is seeing with workers compensation and medical/health insurance for the employees; with updating the trucks and fuels costs since the initial contract. He advised that he feels the requested increase is justified, and he advised that they understand the economics of the area and that was taken into consideration.

Supervisor Bibby noted that there was a report of an incident earlier this date of a truck dropping garbage that was forwarded to the Sheriff's Department.

Eleanor Keuning asked that the landfill be open for longer hours and more days.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the request. Thomas P. Guarino, County Counsel,

recommended that if the Board does not want to move forward today on this matter to obtain information on the 2006 financial statement, that the hearing be continued to a date certain. (M)Fritz, (S)Aborn, the hearing was continued to September 11, 2007, at 10:00 a.m. to obtain more information as discussed/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 advised that CalTrans is planning to remove some of the geologic equipment that is monitoring the slide as the information duplicates monitoring of the other equipment. There was no public input. (M)Turpin, (S)Aborn, Res. 07-309 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 a Five-year Agreement with Mariposa County Unified School District to Utilize the High School Athletic Fields for Community Recreational Purposes (County Counsel)

BOARD ACTION: Discussion was held with Thomas P. Guarino, County Counsel. There was no public input. (M)Aborn, (S)Pickard, Res. 07-310 was adopted approving the agreement/Ayes: Unanimous.

Adopt a Resolution Providing the County Administrative Officer (CAO), who is the Risk Manager, the Authority to Reject Liability Claims Against the County up to a Maximum of \$10,000 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson. It was agreed that the County Administrative Officer would prepare an informational item for the Board for each claim that is rejected. Discussion was continued for the following hearing to be opened.

11:00 a.m. The public hearing for Appeal No. 2007-85 was opened and continued until after the following matters.

Further discussion was held on the liability claims processing. There was no public input. (M)Fritz, (S)Aborn, Res. 07-311 was adopted approving the recommended action/Ayes: Unanimous.

Dr. Mosher, Health Officer;

Approve an Agreement with Mariposa County Unified School District for School Bus Air Pollution Reduction Grant Funds to Retrofit Diesel Engines, (Not to Exceed \$50,000) and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Discussion was held with Dr. Mosher. Bob Morse from the School District, was present and responded to questions relative to their utilization of this program. Supervisor Bibby noted that the School District's address information needs to be added to the introductory paragraph of the agreement, and that the Health Department needed to be added for monitoring the services. Thomas P. Guarino advised that the changes would be made to the agreement and that the School District would need to sign when authorized by their Board. (M)Pickard, (S)Turpin, Res. 07-312 was adopted approving the agreement with the changes as discussed/Ayes: Unanimous.

Chair Bibby thanked Megan Tennermann, Planner, for her work with the County and wished her the very best in her future, as this is her last day with the County.

11:10 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING – Adopt a Resolution Denying Appeal No. 2007-85 and Upholding the Planning Commission's Denial of Land Division Application No. 2006-347; Fran Green, Appellant; Ken Baker, Agent; APN's 016-012-160 and 016-012-170

BOARD ACTION: Megan Tennermann, Planner, presented the staff report; and she responded to questions from the Board as to whether Parker Drive made a complete loop. County Counsel

responded to a question from the Board relative to the basis of the appeal being on the denial of a request for a continuance.

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

Ken Baker, agent for the appellant, stated he wanted to present documents to the Board for consideration of this matter. County Counsel advised that if the documents are something that could have been presented to the Planning Commission, that they would be considered new material that would not be proper to submit at this hearing. He suggested that the Planning Director and his staff review the material.

11:20 a.m. Recess for Planning to review the documents.

11:47 a.m. County Counsel advised that he reviewed with Planning staff two items that the appellant offered: 1) a 2004 letter from the Planning Department to the applicant; and 2) a map drawn up on Monday evening with measurements of Parker Drive. He referred to the Appeals Procedures and advised that the information was or could have been made available at the Planning Commission's hearing when the decision was made. Staff responded to questions from the Board and County Counsel relative to the review of the adequacy of the road; relative to the processing of the application and permit streamlining procedures; relative to processing of this application in relation to the timeframes of dealing with road issues on a countywide basis following the adoption of the General Plan Update. Chair Bibby advised that the information that Mr. Baker wanted to present is new information and would not be accepted at this time.

Ken Baker continued with his presentation and he stated he does not feel that he had a full hearing before the Planning Commission. The primary issue was the road, and he did not say that they would not meet the standards – they will follow all of the County and State rules and requirements. They wanted a continuance to be able to meet the requirements, and they are asking for that continuance to be granted today.

Staff responded to additional questions from the Board relative to the processing and road issues

Mr. Baker responded to questions from the Board relative to the request for a continuance to allow the applicant an opportunity to deal with the road and traffic issues, and then to have a full hearing.

Skip Skyrud, Vice-Chair of the Planning Commission, asked to provide input. County Counsel responded to a question from Chair Bibby as to whether it is appropriate for a Planning Commissioner to provide input at this hearing; and he advised that it is okay. Skip Skyrud referred to the appeal and asked the applicant to address what new information surfaced after the April 20, 2007, hearing before the Planning Commission.

Rebuttal by the appellant:

Ken Baker advised that he had things delivered to him during the Planning Commission's meeting, and he learned from the homeowners that they did not want Upper Parker Drive widened; and he wanted an opportunity to work with CalFire to see if the turn-outs that were previously installed would be considered acceptable versus widening the road.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Pickard, (S)Turpin, to grant the appeal and overturn the Planning Commission's denial of the appellant's request for a continuance of the public hearing and send the project back to the Planning Commission based on the number of road capacity issues that have been subsequently raised; was withdrawn by the maker and second following further discussion. County Counsel requested a recess to speak with the Planning Director.

12:20 p.m. Recess

12:22 p.m. The Board reconvened and continued with the public hearing. County Counsel advised that he asked the Planning Director about processes. Supervisor Pickard stated he feels that this could be remanded back to the Planning Commission with the finding that direction was given to Planning and Public Works on May 22, 2007, to bring back a revised table of the Minimum Road Standards. County Counsel provided input and recommended that the appellant be required to file within ten days a

request for the application to be continued to allow for the presentation of additional information. He advised that the request and additional information would be presented to the Planning Commission for the Commission to determine the appropriate length of a continuance. County Counsel noted that the motion was still on the floor; and at this point the motion was withdrawn.

(M)Pickard, (S)Turpin, Res. 07-312a was adopted remanding this matter back to the Planning Commission for consideration of a continuance and for the Commission to determine the length of the continuance based on the new information presented to it by the applicant; and requiring that the applicant file a letter with the Planning Director within ten days of this action requesting a continuance. Further discussion was held. Supervisor Bibby asked whether the intent of the motion was to allow the applicant to put the application on hold until the road issues are resolved; and Supervisor Pickard advised that was not the intent of the motion. County Counsel advised that by remanding this back to the Planning Commission, whatever authority the Commission has to hold this would be allowed. Kris Schenk advised that he feels it would not be a good policy to put a project on hold, although apparently it has occurred in the past. He advised that staff brought this forward for denial and that the Planning Commission denied the applicant's request for a continuance. He advised that the project did not and probably can't meet the road standard requirements. County Counsel advised that the Board's motion would overturn the denial and it does not automatically allow the application to be held. This action affords the appellant to present evidence for the request for the continuance. Supervisor Bibby asked whether this project could be continually appealed back to the Board for new information or for new procedures to be put in place, and County Counsel responded as to the process. Ayes: Turpin, Fritz, Pickard; Noes: Aborn, Bibby. The hearing was closed.

Discussion and Possible Action Relative to Change in Membership for the Board Liaison Committee for the Ferguson Rockslide (County Administrative Officer/Personnel/Risk Management)

BOARD ACTION: Discussion was held. There was no public input. (M)Pickard, (S)Turpin, Chair Bibby and Supervisor Aborn were selected to be the Board Liaison Committee, with the County Administrative Officer to continue as the contact person/Ayes: Unanimous.

12:47 p.m. (M)Fritz, (S)Turpin, the Board recessed for lunch/Ayes: Unanimous.

2:13 p.m. Richard J. Benson, County Administrative Officer;

A) Approve an Agreement with the Mariposa County Chamber of Commerce for \$166,645 to Operate the Visitors' Centers and Provide Courthouse Tour Guides and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Rick Benson advised of the recommended changes to transfer the tour guide function to the Chamber and for upgrades to the visitors' centers at the Mariposa and Coulterville offices. Discussion was held. Dorothy Kuhnel, Executive Director of the Chamber of Commerce, responded to questions from the Board relative to the Courthouse tour guide program. Supervisor Fritz asked that there be a further review of the visitors' centers hours during daylight savings time.

Input from the public was provided by the following:

Dick Hutchinson noted that the first impression of a facility is important and that the building needs maintenance. He suggested that the parking lot be marked for vehicle parking and that the landscape be maintained.

Paul Chapman stated he does not feel that it is Public Works' responsibility to take care of the maintenance for this facility. He questioned why the Tourism Bureau is not paying the Chamber for these services.

MaryAnn Huff, President of the Chamber of Commerce and speaking as a citizen and business owner in the North County and as a member of the Merchant Group, agreed with Dick Hutchinson in the need for creating a "wow" factor as the two visitors' centers are the first point of contact. She urged the Board to support this.

Gary Walker stated he feels that the first impression of the visitors' centers is to "go away" because there are no public restrooms.

(M)Fritz, (S)Turpin, Res. 07-313 was adopted approving the agreement/Ayes: Unanimous.

B) Approve an Agreement with the Yosemite/Mariposa County Tourism Bureau for \$510,000 and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Discussion was held with Rick Benson, and he advised that the Tourism Bureau asked that it be put on the record that in January 2008, should the transient occupancy tax (TOT) level expand substantially, that they would like to come back and make a supplemental budget request. He provided information on their budget request.

Leroy Radanovich, Interim Tourism Bureau Coordinator, advised of the status of their recruitment efforts for a Director and of the salary issues. He responded to questions from the Board relative to the status of their non-profit filing, and he advised that he wrote checks in May 2007, for the filing fees and the filing was done. They filed earlier for non-profit status and their attorney advised them to re-file for a 501c6. Supervisor Bibby advised that there was a request for this matter to be continued for information to be obtained on the filing of the non-profit status; and she requested a copy of the documents that were filed. Discussion was held.

County Counsel responded to a question from the Board and advised that an earlier version of the contract form was used and he recommended that the October 26, 2004 version of the contract be used for this agreement. Leroy Radanovich advised that they are okay with using the current version of the contract.

Input from the public was provided by the following:

Diana Wilcoxon, Meadow Creek Bed and Breakfast and current Vice-President of the Bed and Breakfast Association, commended the Tourism Bureau for what it has done so far. She urged support of this agreement and she stated she feels the salary for the Director should be increased so that there will be a qualified person to promote tourism for the County.

Paul Chapman stated he feels the big corporations are being promoted versus the smaller businesses. He provided information on what the Chamber, Tourism Board, Arts Council, Rural Media Cinema, and the Mineral Exhibit are costing. He questioned the process for the selection of the Tourism Board members, and stated he feels Government Code 25480 has been violated with a contract bid process.

Herb Gloor, Mariposa Lodge, stated they are seeing a very positive difference in their occupancy rate; and he supports this 100%. He noted that they are not one of the "big boys" of the businesses.

Further discussion was held with Leroy Radanovich relative to the status of the budget. Supervisor Fritz noted that they have seen an increase in their business at the Happy Burger. (M)Fritz, (S)Pickard, Res. 07-314 was adopted approving the contract with the change to use the current contract form. Further discussion was held, and it was noted that the contract calls for progress reports to be given. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

CONSENT AGENDA:

CA-1 Approve an Agreement with Wire One for Maintenance of Video Conference Equipment and Authorize the Board of Supervisors Chair to Sign the Agreement (Child Support Services Director); Res. 07-286

- CA-2 Approve an Agreement with Yolo County for Placement of Mariposa County Detained Juveniles at the Yolo County Juvenile Detention Facility for Fiscal Year 2007-2008 and Authorize the Chief Probation Officer to Sign the Agreement (Chief Probation Officer); Res. 07-287
- CA-3 Approve an Extension to an Agreement with the Small Claims Legal Advisor for Fiscal Year 2007-2008 and Authorize the Board of Supervisors Chair to Sign the Extension (County Counsel); Res. 07-288
- CA-4 Approve an Agreement with Infant/Child Enrichment Services (ICES) for Fiscal Year 2007-2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-289
- CA-5 Approve an Agreement with Mother Lode Job Training (MLJT) to Provide Assessment Services 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. 07-290
- CA-6 Approve Budget Action Transferring Funds within Various Human Services Division Budgets to Cover the Anticipated Total Expenditures at Year End (\$32,071) (Human Services Director); Res. 07-291
- CA-7 Approve an Agreement with Merced County Department of Mental Health for Residential Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-292
- CA-8 Approve an Agreement with Comprehensive Addiction Programs, Inc. for Residential Alcohol and Drug Treatment Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-293
- CA-9 Approve a Three-year Lease Agreement with Gordon and Shelly Dulcich for Outpatient Counseling at the Heritage House Located at 4990 6th Street and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-294
- CA-10 Approve an Agreement with Tuolumne General Hospital for Residential Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-295
- CA-11 Accept the Resignation of Gary Francisco from the Midpines Planning Advisory Committee (Planning Director)
- CA-12 Appoint Gary Francisco to the Mariposa County Planning Commission Representing District I with a Term Expiring December 31, 2010 (Planning Director)
- CA-13 Approve Budget Action Transferring Funds within the SDA Camp IER Fund Increasing Revenue and Appropriations (\$20,000) (4/5ths Vote Required) (Planning Director); Res. 07-296
- CA-14 Approve Budget Action Reducing Road Contingency, Increasing Revenue and Transferring Funds within the Road Division Budget to Cover Anticipated Expenditures through June 30, 2007 (\$40,000) (4/5ths Vote Required) (Public Works Director); Res. 07-306

- CA-15 Authorize the Public Works Director to Approve Fee Waivers for Annual Recycling and Waste Collection Events (Public Works Director); Res. 07-308
- CA-16 Approve Budget Action Transferring Funds within the District Attorney’s Budget to Cover Unanticipated Trial Costs and an Increase in Blood Draw Testing (\$4,500) (District Attorney); Res. 07-297
- CA-17 Approve Budget Action Transferring Funds within the District Attorney’s Budget to Cover the Cost of Purchasing Necessary Office Supplies and a Poster Printer (\$10,000) (District Attorney); Res. 07-298
- CA-18 Approve Budget Action Transferring Funds within the County Fire Budget Due to Unanticipated Increases in Fuel and Utility Costs and to Cover Repair Expenses Due to Freeze Damage to the Catheys Valley Fire Station (\$10,100) (Fire Chief); Res. 07-299
- CA-19 Approval of Minutes of May 22, 2007, Regular Meeting; Approval of Minutes of May 29, 2007, Continued Meeting (Clerk of the Board)
- CA-20 Approve a Lease Agreement with the Chamber of Commerce for the Economic Development Office (County Administrative Officer/Personnel/Risk Manager); Res. 07-300
- CA-21 Approve Budget Action Transferring Funds within the Health Department Budget to Cover Anticipated Costs for Emergency Hire Extra Help through Fiscal Year 2006-2007 (\$3,000) (Health Officer); Res. 07-301
- CA-22 Authorize the Board of Supervisors Chair to Sign a Declaration of Intent not to Apply for Rural Health Services Program Funding Fiscal Year 2007-2008 (Health Officer); Res. 07-302
- CA-23 Approve an Agreement with Tim Fahey of Pacific Coast Ventures to Conduct a Professional Evaluation of the Programmatic Activities Performed by Health Education Program for the Next Three Fiscal Years and Authorize the Board of Supervisors Chair to Sign the Agreement (Health Officer); Res. 07-303
- CA-24 Approve an Agreement with Decade for Data Maintenance Software and Authorize the Health Officer to Sign the Agreement (Health Officer); Res. 07-304

3:12 p.m. (M)Aborn, (S)Turpin, the Board adjourned in memory of Patricia C. Sager, Elisabeth “Dede” May Parham and Charles Day /Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board