



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

January 8, 2008

Folder Time Description

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

Pledge of Allegiance

Introductions

Chair Bibby;

Resolution and Tile Plaque Recognizing Jim Allen Upon his Retirement as Mariposa County Sheriff/Coroner/Public Administrator

BOARD ACTION: (M), Turpin (S), Aborn, Res. 08-1 was adopted and presented to Jim Allen along with a tile plaque/Ayes: Unanimous. Chair Bibby also presented a "Statement by the Honorable George Radanovich before The House of Representatives", dated December 30, 2007, honoring James Allen. Jim Allen thanked everyone including his family and staff.

9:20 a.m. Recess

9:35 a.m. Selection of Chair for 2008

BOARD ACTION: (M) Pickard, (S) Fritz, Supervisor Turpin was selected as Chair/Ayes: Unanimous.

Selection of Vice-chair for 2008

BOARD ACTION: (M) Pickard, (S) Turpin, Supervisor Fritz selected as Vice-Chair/Ayes: Unanimous.

Presentation of Gavel Plaque to Supervisor Bibby for Serving as Chair for 2007

BOARD ACTION: Chair Turpin presented the Gavel Plaque to Supervisor Bibby.

Approval of Consent Agenda (See End of Agenda)

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: Supervisor Bibby pulled item CA-1 to note the Board of Supervisor's support of UC Merced's efforts to plan and establish a School of Medicine in the San Joaquin Valley. (M) Bibby, (S) Fritz, item CA-1 was approved/Ayes: Unanimous.

Supervisor Turpin pulled CA-8, following discussion with Fire Chief Jim Wilson regarding a \$740,000 grant award to Mariposa County Fire Department. (M) Pickard, (S) Fritz, item CA-8 was approved/Ayes: Unanimous. (M) Fritz, (S) Bibby, 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.

Ruth Sellers addressed the Board regarding the status of the High Speed Rail issue of the Altamont vs. Pacheco Pass route and the Environmental Impact Report.

Rick Uebner, member of the Catheys Valley Planning Advisory Committee, addressed the Board regarding his concerns of the long range intent of Coyote Springs Ranch and the General Plan.

Cathie Pierce of Catheys Valley, commented on a recent newspaper article regarding a meeting of Coyote Springs Ranch, in which she spoke to Supervisor Turpin who stated the article is not accurate. She felt that Supervisor Bibby should have been invited as well as a representative from the Planning Department, and she stated that if the newspaper has not printed what actually happened, the newspaper should retract it and print the correct information.

Paul Chapman addressed the Board regarding the Coyote Springs Ranch Public Hearing, the Brown Act and the Maddy Act.

Lou Cordero addressed the Board regarding his concerns of the lack of water on his property and requested the Board look at the water and road situations prior to issuing anymore permits or approving anymore projects.

Joe Simon of Catheys Valley presented a letter from Carolyn Wenger Korn expressing her concerns about a meeting recently reported in the Gazette in regards to Coyote Springs Ranch. He then presented a letter expressing his concerns regarding meetings conducted without the Supervisor of that particular district.

Linda Meyer, member of the Agriculture Advisory Committee, addressed the Board with her concerns of decisions being made regarding Coyote Springs Ranch. She then stated that Cathi Boze and herself had requested to meet with the owners of Coyote Springs Ranch and were turned down.

Board Information

Supervisor Bibby extended an apology to her constituents regarding not attending the meeting held by Coyote Springs Ranch, advising that she had no knowledge of the meeting until she read the paper. She spoke to Kris Schenk, Planning Director whose understanding was that it was a meeting of approximately six months ago. She contacted Supervisor Turpin who informed there was a meeting a week before the appeal, the people present were County Counsel, himself, Ken Baker and Theresa Castaldi and was merely clarifying the third letter written by Kris Schenk. She advised that she met with Theresa Castaldi prior to her filing an appeal. She stated she likes to see the full appeal process with public input and staff presentation. She advised that she would be touring UC Merced this Thursday, if there is any public comment to present to the Chancellor please let her know and she will present it at that time. The First Five of Mariposa County meeting will be held on Monday on discussion of a grant being submitted that will fund three preschools if it is awarded.

Supervisor Turpin advised that the 10:00 a.m. public hearing will be continued until after Board Information.

Thomas P. Guarino, County Counsel responded regarding Coyote Springs Ranch comments, advising of a possible misunderstanding caused by the reporting in this case as to what actually occurred. The Planning Director issued three determinations, the first determination Coyote Springs Ranch appealed, after the Board of Supervisors met and provided policy direction on a Permitted Use for guest ranches. The Planning Director issued a second determination requesting additional information from Coyote Springs Ranch. After that information came in, Kris Schenk, the Planning Director, issued a third determination superceding the prior two determinations, which at that time were both on appeal. After that, Coyote Springs Ranch apparently requested a meeting with Supervisor Turpin. He concurred with Supervisor Bibby that it does occur that another Supervisor is sought out after not receiving the desired response. It happens and we meet at their request. He clarified that during these meetings, no decision can be made. Coyote Springs Ranch was told they would have to appeal the new decision because it superceded the previous two. At that time Coyote Springs Ranch elected to withdraw the appeals. He spoke of what was told at the meeting, then clarified what the Planning Director's determination was and stated this information was conveyed to Coyote Springs Ranch. Kris Schenk was declined when he offered to be at the Coyote Springs Ranch meeting with County Counsel and Supervisor Turpin. Supervisor Bibby clarified that any meeting she has had with County Counsel was for discussion only and that she has not met with Frank Long regarding the pending appeal.

Supervisor Aborn stated that the General Plan gives an overview that is not to be ignored. We have and rely upon the Williamson Act in which we almost lost recently. The Williamson Act is a great benefit to the ranchers. He stated that as for Kris Schenk not attending the meeting, this input came from

Coyote Springs Ranch and he is disappointed in the Gazette and feels it is showing bias. He advised that he met with Ken Baker and saw the plot plan showing phase I on his desk. He feels that the dude ranch concept done properly is good for Mariposa County. He advised that they should proceed one step at a time and protect the Williamson Act and the General Plan in regards to Agri-Tourism.

Supervisor Fritz will be unable to attend a forum Gateway Partners meeting in Yosemite; she will be attending the High Speed Rail Committee meeting on Friday and will also be attending the YARTS meeting the Monday, the 14th. She is looking forward to a great calendar year.

Supervisor Pickard, echoed Supervisor Fritz in looking forward to a great calendar year; hoping everyone had a good holiday and wished everyone a great 2008. He advised of the legislature that started work yesterday in Sacramento with the budget deficit and other issues that will affect many counties. They will balance a \$3 billion deficit and after July 1st another deficit of approximately \$10 billion. He advised that we will need to be vigilant in protecting those revenues and are going to have to ask our own legislature to look at their own budget and try to come to terms with balancing without putting undue stress on local government.

Supervisor Turpin says he is aware of the concerns of those funds. He wished everyone a Happy New Year. He advised that the winter brings other issues. He thanked Public Works and all the volunteers for their hard work regarding road issues. He also thanked PG&E for a good job keeping the power going in the North County during the last storm. He advised that the Off Highway Vehicle Route comment period ends on the 18th and Norm Ross, retired Planning Commissioner, will attend the meeting with him and document the concerns which he will bring to the Board next week. We have great support staff and we have some major things to look at this year in all parts of the county.

Supervisor Fritz commented that Charlie Phillips, a local photographer got his photos into the news which helps in keeping Mariposa in public view.

Supervisor Turpin advised that a contract could be ready as early as mid summer for the Ferguson Rock Slide.

Supervisor Aborn advised that yesterday and last night there were rock slides at Briceberg; the road was closed for a short period but is reopened at this time. The Ferguson Rock Slide was moving about a ¼ inch a day.

10:40 a.m. Dana Hertfelder, Public Works Director;

PUBLIC HEARING Regarding Fees Charged in the Coulterville Service Area for Water and Sewer Service; Approval of Option #1 of the Proposed Fee Schedule

BOARD ACTION: Dana Hertfelder advised that Public Works is recommending Option 1, and reviewed the fee schedule in regards to the property tax. Supervisor Bibby requested clarification regarding the Water Agency possibly forgiving the loan, commenting that it was the Water Agency that said the loan should not be forgiven. Dana Hertfelder stated the difference of forgiving or not forgiving the \$129,000 loan is \$7.00 a month. Supervisor Bibby questioned the 3% consumer index increase. Carl Casey advised this is a common rate increase. Supervisor Bibby asked if this would be brought back. Carl Casey stated this could be brought back to the Board for review if this fee increase ends up being an overcharge to the public.

PUBLIC HEARING WAS CONTINUED TO COULTERVILLE AT 2:00 p.m.

Supervisor Bibby advised that she has a Mental Health Board meeting at noon and will meet the Board in Coulterville for the 2:00 p.m. Public Hearing.

10:50 a.m. Keith Williams, County Clerk;

PUBLIC HEARING to Request Approval and Adoption of the County Clerk's Fee Schedule Increasing Fees for Marriage Licenses and Fictitious Business Name Statements and Increase and Implement Fees for Other County Clerk Services.

BOARD ACTION: Keith Williams advised that the fees have not been raised in a long time and he is here to take questions. Supervisor Pickard asked if these are all of the fees that the County Clerk has jurisdiction over and can be reviewed by the Board. Keith Williams stated he has outlined the fees that could be increased in page one of the staff report. Supervisor Aborn requested clarification of a

Confidential Marriage License. Keith Williams responded. Supervisor Bibby asked if he has received any input from the public. Keith Williams responded no. He also stated that there is new software that they are hoping to obtain with these fees. Supervisor Pickard asked what the basis was in coming up with these fees increases. Keith Williams advised that he looked at software needs, paper, salaries, overhead, supplies, time and equipment cost. He stated that the computers will have to be replaced with their own funds. Supervisor Turpin requested clarification regarding other County Clerk fees. Keith responded, it is people from other countries that are receiving pensions. There was no public input. Supervisor Bibby asked why cash only for a Confidential Marriage License. Keith Williams responded that there are a lot of out of state and foreign country requests which would cause an increase in returned checks and in using this procedure it keeps everything consistent. Supervisor Fritz asked if there are a lot of after hour's requests. Keith Williams responded no, these fees are set up to cover all bases in the event that someone would request a wedding on a weekend or after hours. (M) Fritz, (S), Bibby, Res. 08- 9 was adopted approving the fee schedule increasing fees for Marriage Licenses and Fictitious Business Name Statements and increasing and implementing fees for other County Clerk services/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)
BOARD ACTION: Rick Benson advised that Caltrans has closed the comment period regarding suggested fixes for Highway 140 and that we are now in the second phase. Supervisor Bibby advised that she spoke to Kome Ajise who said there was a lot of water taken in during the last storm and it has to dry out before they can assess any possible further damage. Kome Ajise also advised Supervisor Bibby that Caltrans is going through the individual comments and will address them. Supervisor Bibby stated that the Board has received a letter from National Park Service and it is available to the public if they would like a copy. She then read the letter into the record. Supervisor Pickard asked Rick Benson and Tom Guarino what the authority provides relative to county right of way, and would like to see how the county can be more instrumental to possibly move ahead with minor fixes. He asked that they bring this information back to the Board next week. Supervisor Bibby advised that the news was reporting Highway 41 closed due to stormy weather and were advising people to use the all weather access which is 140. We need to protect access to Yosemite National Park so people can get in and out. Supervisor Turpin reiterated the importance of Highway 140. Supervisor Pickard requested that staff also research a declaration in a State of Emergency in regards to a possible bold way to get the Highway fixed. Also perhaps pull all of the emergency services and see what the impact has been over the past 18 months, it would be important to provide this information to legislature regarding possible public health and safety impacts. Supervisor Turpin would like to see documentation of the correspondence between Caltrans and the Government. (M) Fritz, (S) Pickard, Res. 08-10 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 Approval of the County's 2008 Legislative Platform (County Administrative Officer/Personnel/Risk Manager)
BOARD ACTION: Rick Benson advised that the Board's primary concern during the upcoming legislative session is to support and encourage legislation and State and Federal intervention to enable rapid repairs to State Highway 140 in order to allow full access to all vehicles in and out of Yosemite National Park. Supervisor Bibby commented that the Williamson Act is also included in this platform. Further discussion was held. (M) Fritz, (S) Aborn, Res. 08-11 was adopted approving the County's 2008 Legislative Platform/Ayes: Unanimous.

Adopt a Resolution Assigning Responsibility for Annual Audits and Annual Statistical Financial Reports to the County Auditor (County Administrative Officer/Personnel/Risk Manager)
BOARD ACTION: Rick Benson provided input on Government Code Section 25250 and 25253 giving the Board of Supervisors responsibility for seeing that audits and annual financial reports are produced. He advised that over the years the Auditor has been assigned these responsibilities as Legislature has allowed. The Board has the option to take this responsibility back at any time. The Auditor concurs with this recommendation. Under discussion Supervisor Bibby asked if there are any changes as to how we

will receive the report from the Auditor. Rick Benson responded that the only change he would propose for next year's budget is to move the Budget Unit under the Auditor. He then described the process that will occur. (M) Aborn, (S) Bibby, Res. 08-12 was adopted assigning responsibility for annual audits and annual statistical financial reports to the County Auditor/Ayes: Unanimous.

11:45 a.m. CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Citizens for the Protection and Preservation of Wawona v. Mariposa County Board of Supervisors (County Counsel); and
CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Number of Cases to be Discussed: 1 (County Administrative Officer/Personnel/Risk Manager and County Counsel)
BOARD ACTION: (M) Pickard, (S) Fritz, the closed session was held/Ayes: Unanimous.

12:10: p.m. Chair Turpin announced that information was received as a result of the closed session.

INFORMATION: – No action was necessary on the following:
Judgment has been Entered in the Case of County of Mariposa v. All Persons Interested in the Matter of the Issuance and Sale of Bonds for the Purpose of Refunding Certain Obligations Owed by the County of Mariposa to the California Public Employees' Retirement System Under the Public Employees' Retirement Law (County Counsel)

12:12 p.m. Lunch

2:00 p.m. The Board reconvened at the Coulterville Community Hall at 10327 Cemetery Street. Chair Turpin led the pledge, introduced the Board, staff and the new Sheriff, Brian Muller.

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

Concerns were provided by a member of the public regarding junk yards.

Jim Upperman, resident of Coulterville, expressed his concerns regarding bio fuel and advised that he has donated 2 trucks for this purpose. He then spoke of the future of Coulterville youth in allowing them to convert vehicles to bio fuel and hopes the Board will consider this.

2:10 p.m. The Board met in continued meeting from 10:00 a.m. today for PUBLIC HEARING regarding fees charged in the Coulterville Service Area for water and sewer service and approval of Option #1 of the proposed fee schedule

BOARD ACTION: Dana Hertfelder presented background information regarding the need and the cost analysis of the proposed fee increase for sewer and water. In addition, he advised that there is a hook up fee that was not included in the original packet prepared for the Board. Dana Hertfelder discussed the previous meetings and issues and discussed all charges involved in this project and of the bond debt owed to the Water Agency. He described the options on the table. Discussion was held with regarding the sewer hook up and the stand by fees. Following discussion, it was clarified that the losses have been covered by budget action transferring funds from the Utility Fund.

Public input was received from the following

A member of the audience opposed Option 1.

Chris Morrey Opposed Option 1, stating he finds nothing in the staff report prior to 2002.

Ann Stewart opposed Option 1, and suggested the Board hire someone in Coulterville to read the meters.

Jim Upperman opposed Option 1, and advised that he and a friend have volunteered to read the meters in Coulterville.

Mary Pike opposed Option 1 saying that people can't afford the rates to double.

Mike Ward opposed Option 1

Magnum Godfrey opposed Option 1, and suggested increasing the fees slowly.

Scott Godfrey opposed Option 1.

A member of the audience opposed Option 1, suggesting the possibility of using solar panels and composting toilets.

Gale Titon opposed Option 1, but supports Option 4.

Peter Shimmelfennig, owner of Hotel Jeffery, provided input.

Steven Huff, Brewsky building owner, opposed Option 1, suggesting that because the area is struggling the fees should come from the General Fund.

A member of the audience opposed Option 1 and asked for clarification of the forgiveness process. Carl Casey responded.

Magnum Godfrey spoke regarding the selling of water to Merced.

Jim Upperman asked if the off-season could offset the fee based on transient rental fees.

Wayne Bullis opposed Option 1, commenting that part of the Merced River belongs to the North County.

Member of the audience opposed Option 1, suggesting the Board take a look at the sewer pond and asked if the Board would come to Coulterville at night once a month due to people that work during the day.

Steve Huff stated that he would like to have the Board back maybe a couple of times a year. He thanked the Board for coming today.

Carl Casey read a letter into the record from James Johnson opposing Option 1.

Gordon Casha opposed Option 1 but supports a slow rate increase.

Further discussion was held relative to implications of phasing in the increases and other options, Water Agency grants and loans, bonds, interest, future costs of equipment and the current staff report being based on a three year projection that is just enough to make this a self sufficient community and no more.

(M), Pickard (S), Aborn, Res. 08-13 was adopted approving the fee schedule with a three year phasing and direction to bring the item back to the Water Agency to request a \$43,000 grant to cover the estimated deficit/Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby. Following discussion, motion was amended to begin fee increase starting February 1, 2008, with subsequent increases on July 1, 2008 and July 1, 2009, motion approved as amended by maker. Under further discussion, this issue will be reviewed annually in the future.

CONSENT AGENDA

- CA-1 Adopt a Resolution Encouraging the University of California, Board of Regents to Support UC Merced's Efforts to Plan and Establish a School of Medicine in the San Joaquin Valley (Supervisor Fritz); Res. 08-3
- CA-2 Approval of Summary of Proceedings of December 18, 2007, Regular Meeting (Clerk of the Board)
- CA-3 Approve the Annual Membership Certification for the Local Child Care Planning Council and Authorize the Board of Supervisors Chair to Sign the Certification (Human Services Director); Res. 08-4
- CA-4 Re-appoint Art Mimler to Continue Serving as a Member of the Mariposa County Coordinating Council for the Developmentally Disabled for a Term of Three Years, Expiring on January 8, 2011 (Human Services Director)
- CA-5 Accept the Resignation of Judy Freitas, Parent Representative to the Mariposa County First 5 Commission (Human Services Director)
- CA-6 Appoint Jill Harry as the Parent Representative to the Mariposa County First 5 Commission for a Term of Three Years, Expiring January 8, 2011 (Human Services Director)

- CA-7 Approve an Amendment to Agreement with Abbott & Kindermann, LLP, to Provide Specialized Services for the Legal Defense of the Camp Wawona Redevelopment Project and Authorize the Board of Supervisors Chair to Sign the Amendment (Planning Director); Res. 08-5

- CA-8 Authorize the Fire Chief to Sign the 2007 FEMA Assistance to Firefighters Grant (AFG) Increasing Revenue and Appropriations by \$183,670 and Transferring Funding from the Fire Budget to the Fire Grant Budget \$8,837 to Offset the Match Requirements (4/5ths Vote Required) (Fire Chief); Res. 08-2

- CA-9 Approve a Resolution Authorizing Submission of the Youthful Offenders Block Grant (YOBG) and Approving Budget Action Increasing Revenue and Appropriations in the Amount of (\$58,500) for the YOBG from the Corrections Standard Authority for a Juvenile Intensive Supervision Program (4/5ths Vote Required) (Chief Probation Officer); Res. 08-6

- CA-10 Re-appoint Kathleen Pfeffer for District I to the Building Department Advisory and Appeals Board for a Term Coinciding with the Supervisor of District I (Building Director)

- CA-11 Approve Apple Moth (LBAM) Trapping Agreement No. 06-0830 for the Period of March 1 – June 30, 2007 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 08-7

- CA-12 Approve a Budget Action Transferring Funds within the Tax Collectors Cost Fund to Cover Unanticipated Publication and Professional Services Costs (\$5,531) (Tax Collector); Res. 08-8

4:40 p.m. (M), Bibby (S), Fritz, the Board adjourned in memory of Alvin Pliny Bean, Arthur Lee Red, Jr., John Calvin Barton, Lillian Wagner, James “Jimmy” Russell Wass and Rosalyn Savage/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BY: TRACY GAUTHIER
Deputy Clerk to the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

January 15, 2008



Time _____ Description

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

Pledge of Allegiance
Introductions

Supervisor Bibby;

Approve and Present Resolution to Dana Finney of Fish and Game Upon his Retirement

BOARD ACTION: (M)Bibby, (S)Fritz, Res. 08-14 was adopted and presented to Dana Finney, along with a tile plaque/Ayes: Unanimous.

9:16 a.m. Recess

9:21 a.m. Approval of Consent Agenda (See End of Summary of Proceedings)

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

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

Paul Chapman referred to item 2 and suggested that the snow blower may bring more if sold for scrap metal.

Supervisor Bibby pulled items 3 and 4. Supervisor Aborn pulled item 2. (M)Fritz, (S)Pickard, 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.

Paul Chapman referred to the Governor's proposed State budget cuts and stated he feels that the County needs to start cutting its budget. He also referred to recent newspaper stories about a tour of MID and Lake McClure facilities; however, there was no mention of anyone from Mariposa County participating. Chair Turpin advised that an item will be coming to the Board relative to communications with MID in the near future.

Eleanor Keuning shared information on the following news stories: "Street Smart" and "Showcase for Artisans" and "What City is This?" She also referred to a recent experience where tourists were looking for quality gifts in town; shared a photograph of the wording on the Rite-Aid sign; and she advised that the Kiwanis's Pre-School at Darrah received its license and she presented photographs of activities at the Pre-School.

Mary Ann Huff, President of the Mariposa County Chamber of Commerce, wished everyone a happy New Year; advised that the Chamber has a new web page; advised that their installation dinner is scheduled for January 26th at the Best Western; and she thanked the Board for meeting in Coulterville on the 8th and asked that the Board meet in the North County more often.

Board Information

Supervisor Bibby referred to the Governor's proposal to cut ten percent from the State budget and she urged departments to keep the Board informed on any impacts. She advised that she toured UC Merced on Thursday and plans to tour again with Supervisor Aborn. She noted that the First 5 Commission congratulates the Kiwanis's Pre-School for obtaining their license; and that First 5's school readiness grant was approved in draft form on Monday. She plans to attend the Mother Lode Job Training meeting in Sonora on Wednesday and the Catheys Valley Subcommittee that is looking at agriculture. She plans to attend the Mt. Bullion citizens group meeting on Thursday. She advised that TDS is still experiencing difficulty with their telephone service; and she reminded the public to provide written documentation of problems that they experience. She advised that she is trying to obtain information on the tour of MID and Lake McClure facilities.

Supervisor Aborn commented on the State budget reductions and possible impacts to the Williamson Act subvention. He advised that there are vacancies on the El Portal Town Planning Advisory Committee and the Midpines Advisory Committee, and that Midpines is working to try and complete their Plan by the end of summer. He commended Public Works for their work on Darrah Road.

Supervisor Pickard referred to the Governor's proposed budget for FY 2008-09 and the proposal to cut a number of State Parks, including the Mining and Mineral Exhibit. He asked the County Administrative Officer to bring back some information and to request that the State Park Superintendent have someone come to the Board to discuss this matter; and for the Board to come up with a position on what would be the best way to work with the Association and the State to keep the Museum open. He also noted the need to work on restoring the Rural Crime Prevention Funding for the Sheriff's Department.

Supervisor Fritz suggested that a letter be sent to the Governor expressing concern with the proposal to cut the Mining and Mineral Exhibit from the State Park funding, especially with the Highway 140/Ferguson Rockslide situation and its impacts on the economy. She advised that she attended the San Joaquin Valley Rail Committee meeting and was selected to serve as Vice-Chair, and she advised of issues she is working on to provide better service. She attended the Senate Oversight Committee hearing and spoke to promote the Altamont Pass route for the high-speed rail. She attended the YARTS meeting on Monday in Merced and they are looking into filing charges against the Merced Conference and Visitors Bureau for bus tickets that were not paid for. She advised that they are looking at the bus stop location issue in Midpines and advised of the status of the grant for this project and for the stop in Mariposa. She is planning to tour UC Merced on the 28th and to attend the Regional Council of Rural Counties' Annual Dinner and Installation of Officers on the 23rd.

Supervisor Turpin thanked the Board for meeting in Coulterville on the 8th. He advised that on Friday, he toured UC Merced with Marilyn Lidyoff and Rick Benson. He attended the Coulterville Community Club meeting on Monday. He plans to attend the Greeley Hill Community Club meeting this evening; and he plans to attend the monthly meeting with the U.S. Forest Service this week in Groveland. He plans to attend the Water Agency Advisory Board meeting this Thursday. He agreed that all departments need to keep the Board informed on any information that is received relative to State budget cuts.

Supervisor Aborn commented on the YARTS bus stop location issue in Midpines; and he commented on efforts to expand the park in Midpines.

Rick Benson, County Administrative Officer, addressed an editorial that appeared in the *Mariposa Gazette* concerning the Board's December 11th meeting and discussion on the CDBG grant. He advised that the Board did not take action to award any grant funds, and he referred to the Board's action providing direction on this matter and noted that a press release was issued seeking other applicants for low income housing projects. Supervisor Bibby expressed appreciation that this is a public process with equal opportunity for the applicants. Supervisor Pickard expressed appreciation for the clarification and noted that no decision was made to award the grant funds.

Consider Items Removed from the Consent Agenda

Item 2 – Following discussion with Dana Hertfelder, Public Works Director, (M)Fritz, (S)Aborn, item 2 was approved/Ayes: Unanimous.

Item 3 – Supervisor Bibby initiated discussion and asked for clarification of the term of the amendment to the agreement and whether the contract could be extended for services that have already been provided; and Thomas P. Guarino, County Counsel, responded. Supervisor Bibby noted a typographical correction and the need to reflect the current Chair in the agreement. (M)Pickard, (S)Aborn, item 3 was approved with the corrections/Ayes: Unanimous.

Item 4 – Supervisor Bibby questioned whether labor negotiations are involved with this agreement, and she noted that she has excused herself from the labor negotiations with DSA and SMA due to a potential conflict of interest. County Counsel responded in the affirmative that labor negotiations with DSA and SMA are involved. Supervisor Bibby excused herself from the meeting at 10:16 a.m. Rick Benson advised that this item involves labor negotiations and the need for tax advice. (M)Pickard, (S)Fritz, item 4 was approved/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

10:19 a.m. Recess

10:29 a.m. Chair Turpin;

Discussion Regarding Forest Service Designated Vehicle Routes; U.S. Forest Service/Stanslaus National Forest; Approve and Submit Comment Letter Regarding Vehicle Use within Mariposa County and Authorize the Board of Supervisors Chair to Sign the Letter

BOARD ACTION: Supervisor Turpin advised that a revised draft letter was submitted. Supervisor Bibby asked that the Sheriff and Fire Chief receive a copy of the letter. Supervisor Turpin asked that the letter be distributed to the same people/agencies as the previous letter on this matter to the Bureau of Land Management and that it be copied to the Groveland Ranger District.

Input from the public was provided by the following:

Mary Ann Huff, President of the Chamber of Commerce, asked for clarification of the reason for the letter; and she provided input on discussion relative to OHV (off road vehicle) issues at a merchant meeting in Mariposa and in Greeley Hill relative to the importance of the OHV use to the local businesses.

Discussion was held relative to suggested changes to the draft letter, and direction was given to staff to incorporate the changes and bring the final draft of the letter back for the Board to take action later in the meeting. Supervisor Aborn suggested that a separate letter be sent in the future asking for the protection of the equestrian uses on the public lands.

10:56 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

Commissioner Pickard noted that with the State budget reduction discussions, it appears that the Governor wants to maintain his commitment to the infrastructure and to Proposition 42 funding. Commissioner Turpin suggested that the Commission let the Governor know how important the road funding is to the County for projects.

B) Adopt a Resolution Approving the Master Agreement with the State of California Department of Transportation (CalTrans) and Authorize the Executive Director of the Local Transportation Commission to Sign the Agreement (Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Pickard, (S)Bibby, LTC Res. 08-1 was adopted approving the recommended action/Ayes: Unanimous.

C) Adopt a Resolution Authorizing the Executive Director to Execute the Application and other Necessary Documents Pertaining to Federal Transit Administration (FTA) Section 5311 Program (Operating Assistance) Funds for Fiscal Year 2006-2007 (Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Pickard, (S)Fritz, LTC Res. 08-2 was adopted approving the recommended action/Ayes: Unanimous.

Commissioner Turpin requested that Public Works provide information on the acronyms used by the Commission. Dana Hertfelder advised that he would also provide information on the funding types and restrictions.

11:12 a.m. Select the Board of Supervisors Representative and Alternate for Calendar Year 2008 to the Job Connection Mariposa Governing Board (Mother Lode Job Training) (Supervisor Bibby)

BOARD ACTION: Following discussion, (M)Fritz, (S)Pickard, Supervisor Bibby was selected to continue to serve as the representative and Supervisor Aborn was selection to continue to serve as the alternate/Ayes: Unanimous.

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

BOARD ACTION: Discussion was held relative to the slide activity as a result of the recent storms and relative to recent newspaper stories that CalTrans is moving too quickly on the permanent fix. Supervisor Bibby suggested that the Board schedule a status report from CalTrans after their February 7th Planning Development Team (PDT) meeting. County Counsel provided a summary of his report relative to the emergency and the County's authority. Supervisor Pickard initiated discussion relative to the possibility of the County being able to do something different with the temporary bridges to allow full traffic access in the interim of the permanent fix; and he suggested that consideration be given to have the County Administrative Officer and the Board's liaison committee (Supervisors Aborn and Bibby) meet with CalTrans, the Park Service, and the US Forest Service in the near future to explore options. County Counsel provided input and advised that there is a question as to whether another temporary fix could still occur to restore full access if other funding is available. Supervisor Bibby urged the citizens and businesses to continue to provide information on impacts they are experiencing as a result of the Ferguson rockslide. Discussion was held relative to having an initial working meeting at the staff level versus including Board members. The Board concurred with giving direction to the County Administrative Officer to bring something back to the Board on January 22nd relative to meeting with the affected agencies to discuss the issues being raised. Rick Benson advised that he will bring back information on getting together a working meeting of the agencies and legislators involved in this to try to reach solutions and to discuss options. Further discussion was held and it was noted that Board members could submit any questions they have to the County Administrative Officer to be included in the working meeting.

Input from the public was provided by the following:

Marvin Wells asked what would happen if we have a Southern California type-fire that blocks Highway 140 and 41, and whether those with environmental concerns that may block the project from moving forward would be liable for the emergency access.

Mary Ann Huff questioned whether Homeland Security funds are available to assist with this project.

Supervisor Bibby initiated further discussion relative to participation in the upcoming PDT meeting, and it was agreed that the usual participation should occur.

(M)Pickard, (S)Fritz, Res. 08-19 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

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

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos (Richard J. Benson, County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson withdrew these items from the agenda.

12:20 p.m. Lunch

2:06p.m. Supervisor Turpin initiated discussion relative to the final revised letter to the US Forest Service regarding Forest Service designated vehicle routes, and he asked that copies also be sent to the Bureau of Land Management to the State Office and to the Folsom Office. (M)Pickard, (S)Aborn, Res. 08-20 was adopting approving the letter as revised/Ayes: Unanimous.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
Discussion and Possible Action Regarding County Fire Department Operational Issues

BOARD ACTION: Chair Turpin thanked all of the concerned citizens for attending. Rick Benson presented the staff report and reviewed the three areas of concern: volunteer recruitment and retention, fire stations, and vehicles. He reviewed possible solutions for purchasing equipment and funding options and sources, and options for providing service. He also reviewed recommendations for providing fire protection, including the formation of a new County Service Area (CSA) dedicated to provide funding for fire equipment and facilities. He advised that his recommendation is to initially lease purchase three fire engines and one water tender. He recommended that the Fire Chief continue to work together with CAL FIRE and MPUD (Mariposa Public Utility District) to coordinate fire protection efforts, and that the County Administrative Officer and the Fire Chief continue to explore other funding options. Discussion was held and it was clarified that the definition of an “unimproved parcel” would have \$10,000 or less of improvements – the proposed annual fee for an improved parcel is \$80 and for an unimproved parcel is \$16 for a period of fifteen years. The assessment would be placed on top of the assessment that was recently adopted for the Don Pedro area for the Amador Plan, and Supervisor Turpin expressed concern with this. The only exemption to the assessment would be the area in the MPUD boundary because their primary fire service is not being provided by the County. Further discussion was held.

Jim Wilson, Fire Chief, advised that he was present to support the County Administrative Officer and to answer any questions.

Input from the public was provided by the following:

Dick Hutchinson clarified that he asked the Fire Chief to approve the email he sent out; however, it was from him personally and he stated he feels it is important to take care of the fire issues.

Al Ransom asked whether the County would contribute to the costs of the new engines or whether the purchase would be covered by the assessment; and Rick Benson responded.

Al Handy asked about the life expectancy of an engine and whether the County is reimbursed when equipment is sent out-of-county. Jim Wilson responded relative to the fire standards that allow for 20 years of service, with an option for refurbishing for an additional five years of service; and he advised that the County is compensated for out-of-county response.

Tom Hull, Captain for Station 29, urged the approval of the purchase of 12 new engines and 4 water tenders; and he noted that what is being purchased is safety for the firefighters and for the public.

Cathy Middlested noted that her friends could not escape the recent Southern California fires and expressed concern with the fire danger here; and urged the purchase of the 12 engines and equipment. She disagrees with hiring an outside consultant to review the status of the Fire Department and feels the Board needs to make the decisions; and she does not support more taxes.

Patricia Wight, Farmers Insurance Agent, urged the Board to purchase what is needed for a safe department; and she noted that the equipment affects the insurance ratings and premiums.

Paul Ballard advised that he was in environmental safety for Laguna Beach and he referred to funding sources they used and possible dual use of equipment with Homeland Security. He showed an ISO rating map for the County and recent newspaper stories of the fires in Southern California, and he noted that lower ISO ratings will not result in an effectual change in loss.

Karen Smith advised that her family is on a fixed-income; however, an \$80 assessment would be less than an increase in their homeowner’s insurance premium.

Ron Setterberg stated he would like to see the Board get the new engines for safety reasons; and he questioned the response time to outlying areas and medical response if the County contracts with CAL FIRE for fire protection service.

Ruth Catalan noted that an \$80 assessment a year equals about \$1.53 a week, and she feels hers and everyone’s life is worth that.

Jan Hamilton, Chair of the Fire Safe Council, stated she support the Fire Chief and fire fighters and appreciates the work on these issues that was done by the County Administrative Officer. She hopes that working together we can come up with a solution.

Dan Smith, Captain of the Hunters Valley Station, noted they have a wide response area and their engine will only go twelve miles per hour and they need equipment that will go faster. He agrees with the need to get at least three engines.

Steve Sula, volunteer firefighter from the Don Pedro area, advised that they will continue to respond, but they need better equipment.

A lady fire fighter from the audience noted that the pay they receive is the “thank you” they receive; and she advised that they will provide the hand if the Board will provide the tools.

Dick Hutchinson suggested that the increase in the transient occupancy tax (TOT) be used to help fund the purchase.

Dwight Good, member of the Fire Department since 1982, referred to the previous history of these discussions and the subsequent purchase of two or three engines, and he stated he feels the ability to provide service is lower today. He urged the Board to support the acquisition of the new equipment and to not make the same mistake again.

Al Ransom noted that the County found money to build the Government Center and the Compost Facility, and he feels that this is more important.

Ella Jensen, member of the Chowchilla Mountain Women’s Club in Ponderosa Basin, stated they support Chief Wilson and urged the Board to proceed with obtaining equipment given the fire dangers.

Leroy Radanovich noted that there is discussion scheduled on the Board’s agenda for January 22nd relative to tourism. He stated he agrees with setting up a district and with purchasing all of the equipment; and as the revenue comes in, the assessment could be reduced.

John Warner advised that he helped develop the Bootjack Fire Department in 1979; and he advised of the subsequent training and experience with the equipment. He urged the Board to find a program to get the equipment now.

A lady from the audience stated she feels that the purchase of three engines and a water tender is a bandage; she feels we need the twelve engines.

Dennis Buck, Captain of MPUD, thanked Chief Wilson for his outstanding job and the County Administrative Officer for his presentation; and he provided input on the need for good equipment and to remember what our loved ones are worth. He stated he does not feel that the people will like a property tax increase. He noted that asking where three engines will be placed is like asking what firefighters the Board values the most.

Steve Kitchen, volunteer fire fighter and Captain of the Mt. Bullion Station, stated he knows the engines need to be replaced and he referred to his fire fighting experiences with the equipment. They feel uncomfortable with the existing equipment and do not feel that three engines and a water tender are enough.

Tom Phillips, professional fire fighter for almost thirty years, provided input on the history of the fires in the County. He noted that they all start small and if we have the equipment, they will not get bigger.

Jim Dulcich, Chief of MPUD, referred to the suggestion to use the TOT revenues and he noted that the tourists have an impact on the Fire Department services; i.e., river rescues and response to accidents; so he feels it would be appropriate to use those funds for the engines.

John Faleski stated he would be happy to pay the \$80 assessment. He is a Battalion Chief for the County, and he commented on his inspection business for insurance companies for homeowners insurance, and he noted that it is getting harder to get insurance in the County. He feels we need equipment that will not fail.

Bernard B. advised that he is in the real estate lending business and he referred to the ISO standards; and he advised that he provided information to Chief Wilson on compressed air foam units and he urged that the fire fighters have the best equipment and that these units be included.

Don Weston, previous Chief of the Bootjack Station, advised of his involvement in forming the Volunteer Firefighters Association; and he is encouraged by Chief Wilson’s recruitment efforts. He

advised that he feels health, welfare, and safety should be top priority and we need to remember the service provided by the volunteers.

Kevin Jackson referred to his fire fighting experience with several agencies and now with County Fire as a volunteer; and he commented on the equipment and training that is involved. He advised that he is willing to contribute to the new engines, and he asked for a show of hands from the audience and the Board members as to how many are willing to contribute \$100 a year.

Kevin Cann cautioned that not all of the financial eggs should be in one basket; i.e., the TOT or the assessment. He urged the purchase of twelve engines and four water tenders, and suggested that they be balanced out as to how they will be funded.

Debbie Crawford, Chowchilla Mountain Women's Club, advised that her husband was a volunteer and she feels that if we need twelve of something, then that is what should be purchased to help make the County safe.

Cathy Middlested asked whether the possibility of obtaining grant funding has been investigated. Chair Turpin advised in the affirmative.

Linda Butler, Station 24 in the North County, commented on how slow the engines go.

Dennis Buck stated he feels this is a good time to make the purchase as interest rates are in our favor and manufacturers are hungry for the business. He urged the Board to find the courage to make this commitment and he advised that they have the courage to provide the service. He noted that our loved ones need to be remembered and we need better equipment and can work together to work this out.

A member of the audience stated the funds should be found to purchase new equipment.

Tom Hull, volunteer fire fighter for 26 years, provided input on his experience with fighting fires and having the hose go limp because the equipment does not function properly. He noted that if only three engines are purchased, the nine remaining engines will still have this potential problem.

Richard Shelton asked about the status of fire equipment maintenance budget, and he noted that his engine will need a new air compressor.

Dora Lane commented on their experiences with her husband being a volunteer fire fighter, and she urged the Board to take care of the fire fighters by providing better equipment. She suggested that there be a tour of the stations and test rides with the equipment so that the citizens will understand the need for better equipment.

John Musick, Don Pedro area, stated he feels that with the savings in maintenance and the Tobacco tax revenues, that only \$30,000 to \$50,000 more a year will be needed.

Sheridan Warner, near Ponderosa Basin and volunteer fire fighter for 30 years, provided input on his experience with fighting fires and the need to have better equipment to save lives.

4:07 p.m. Recess

4:20 p.m. Chair Turpin thanked everyone for their input. Rick Benson clarified that all sources are still being reviewed for funding and that his recommendation for purchasing three engines and one water tender at this time is because funding is identified that can be used. He noted that the savings in maintenance costs will be used toward a replacement fund. Discussion was held relative to the CSA process and the purchase of the equipment and funding options. Jim Wilson provided input on the recruitment efforts and advised that they have increased their volunteers by 51 since June 1st.

(M)Pickard, (S)Fritz, direction was given to the County Administrative Officer and the Fire Chief to bring back a lease purchase agreement for twelve engines and four water tenders with the necessary documentation and budget action; and direction was given to begin the process to initiate the CSA. Supervisor Pickard stated he agreed with continuing to work with MPUD and CAL FIRE to coordinate fire services. Supervisors Pickard and Fritz clarified that the motion to lease purchase the equipment is not dependent on the assessment passing. Further discussion was held relative to the motion and not identifying a funding source for all of the equipment at this time, and other financial obligations facing the County. Supervisor Pickard noted that the CSA is needed for this to be successful. County Counsel clarified that today's action is direction to staff and a budget action will still be needed to appropriate the funds. Supervisor Pickard restated his original motion. Ayes: Aborn, Fritz, Pickard; Noes: Bibby,

Turpin. Supervisor Bibby requested information from the Auditor and the County Administrative Officer on how the funding will be handled if the CSA is not formed.

CONSENT AGENDA

- CA-1 Adopt a Resolution Authorizing Mariposa County Public Works' Staff to Donate Vacation and/or Compensatory Time to a Co-worker (Public Works Director); Res. 08-15

- CA-2 Declare a 1965 4-Wheel Drive Snow Blower Owned by Yosemite West to be Surplus Equipment; Authorize Fleet Services to Solicit Informal Sealed Bids and Award it to the Highest Bidder and Forward the Proceeds to the Yosemite West Maintenance District; Authorize the Fleet Superintendent to Sign Off on the Title (Public Works Director); Res. 08-16

- CA-3 Approve an Amendment to Professional Services Agreement with Kleinfelder, Inc. for Testing and Observation Services for the Don Pedro Wastewater Treatment Plant Increasing the Amount by \$11,000 and Extending the Date to December 31, 2007 and Authorizing the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 08-17, with corrections

- CA-4 Approve a Professional Services Agreement to Retain the Law Firm of Hanson, Bridgett, Marcus, Vlahos & Rudy to Provide the County of Mariposa with Tax Advice and Approve a Budget Action Reducing General Contingency to Fund the Agreement and Authorize the Board of Supervisors Chair to Sign the Agreement (\$10,000) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manager & County Counsel); Res. 08-18

- CA-5 Re-appoint John Amos for District III to the Building Department Advisory and Appeals Board for a Term Coinciding with the Term of the District III Supervisor, Expiring January 1, 2011 (Building Director)

5:30 p.m. (M)Fritz, (S)Pickard, the Board adjourned in memory of Luella Joan Hanson, Melba Marie Sanbourne, Alayna Rain Cozzolino, Edward A. Matthyssens, Clifford Bryon Ransom, and Gloria Irene Giddings/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board

LYLE TURPIN,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

January 22, 2008



Time Description

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

Pledge of Allegiance
Introductions

Chair Turpin;

Resolution and Tile Plaque Recognizing Eddie Ellis Upon his Retirement from the Assessor/Recorders Office

BOARD ACTION: (M)Fritz, (S)Bibby, Res. 08-21 was adopted and presented to Eddie Ellis, along with a tile plaque/Ayes: Unanimous.

9:15 a.m. Recess

9:24 a.m. Approval of Consent Agenda (See End of Summary of Proceedings)

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

BOARD ACTION: The Clerk of the Board noted that typographical corrections were made to the January 8th Summary of Proceedings in item 11. Supervisor Bibby pulled item 1. Supervisor Turpin pulled items 1 and 13. (M)Bibby, (S)Fritz, the balance of the items was approved/Ayes: Unanimous.

Item 1 – Discussion was held with Dana Hertfelder/Public Works Director, relative to the status of the project and completion of the “punch list” items. Supervisor Bibby asked that the action be amended to reflect approval of the project as substantially complete and that the funds being held will not be released until the “punch list” items are complete. (M)Pickard, (S)Aborn, item 1 was approved with a change to reflect that the project is “substantially” complete/Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

Item 13 – Following discussion with Dana Hertfelder, (M)Pickard, (S)Bibby, item 13 was approved/Ayes: Unanimous.

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

Mary Ann Huff, President of the Chamber of Commerce, advised that their mixer will be held this evening at Martha's Boutique; their installation dinner is scheduled for Saturday at the Best Western Conference Room; and she plans to attend a leadership conference with other representatives of the Chamber. She advised that the golf course in Don Pedro is scheduled to open in February and their restaurant is open. The North County History Center is holding its re-opening event after redoing their displays this weekend, and they will be holding a fundraiser.

Board Information

Supervisor Fritz noted that it was a busy weekend in town. She plans to attend the RCRC (Regional Conference of Rural Counties) installation of officers' dinner on Wednesday in Sacramento; Eastern Star dinner honoring law enforcement on January 26th; tour UC Merced on January 28th; and will hold a District IV meeting at the Government Center on February 4th at 6:00 p.m. She noted the Lincoln Day dinner is scheduled for February 9th, and the 4-H Pancake Breakfast is scheduled for February 10th at the Best Western Conference Room.

Supervisor Pickard plans to attend the RCRC annual meeting in Sacramento on Wednesday and the CMSP (County Medical Services Program) Governing Board meeting and the Plans and Benefits Committee meeting on Thursday; and tour UC Merced on January 28th.

Supervisor Bibby advised that she attended the Mother Lode Job Training Board meeting in Sonora on Wednesday, and commented on the issues that were discussed. She attended the SCOPE awards program on Saturday, and she commended the volunteers for the services they provide. She plans to attend the FFA Project Competition awards ceremony in Merced on Wednesday. She noted that the ag-tourism workshop is scheduled for Saturday. She commended Logan Mankins and the Patriots.

Supervisor Aborn commented on a recent editorial in the *Mariposa Gazette* written by Bob Linneman that referenced him. He noted that it was starting to snow in Midpines this morning, and he plans to attend the FFA Project Competition awards ceremony.

Supervisor Turpin advised that he attended the Greeley Hill Community Club meeting on Thursday; a meeting with US Forest Service Stanislaus District Ranger Maggie Dowl on Wednesday; the Red Cloud Library meeting in Greeley Hill on Wednesday; the Water Agency Advisory Board meeting on Thursday; and the Don Pedro Homeowners' Association meeting on Saturday. He plans to attend the ag-tourism workshop and the Chamber of Commerce installation of officers' ceremony on Saturday; and the North County History Center fundraising event on Sunday. He advised that he will not be able to attend the noxious weed meeting on Wednesday; however, Supervisor Aborn agreed to attend.

John Davis, Building Director / Jim Wilson, Fire Chief;
Waive First Reading and Introduce Ordinance Amending Section 15.10.010 of the Mariposa County Code Entitled "Adoption of Uniform Codes"

BOARD ACTION: Discussion was held with John Davis and Jim Wilson. Supervisor Bibby noted that the Chair's name needs to be changed on the Ordinance. (M)Fritz, (S)Bibby, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

10:04 a.m. Becky Crafts, Assessor/Recorder;

PUBLIC HEARING to Establish Social Security Number Truncation Program Fee and Establish a Trust Fund for These Additional Fees

BOARD ACTION: Becky Crafts presented the staff report; and she responded to questions relative to access to the records; the status of implementation of the new software and maintenance and costs; and whether the costs qualify for SB-90 reimbursement. Supervisor Bibby requested that staff review to see if there are other departments that have Social Security numbers on documents that need to be redacted. The public portion of the hearing was opened and there was no input. The public portion was closed and the Board commenced with deliberations. Becky Crafts responded to a question from the Board relative to the impact this program has on the small counties and whether the Recorder's Association could modify this. (M)Pickard, (S)Aborn, Res. 08-33 was adopted approving the \$1.00 Social Security Number Truncation fee, effective February 1, 2008; and establishing the Trust Fund for these additional fees/Ayes: Unanimous. The hearing was closed.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; and Report and Possible Action Relative to Pursuing Options for the Interim Bridges to Allow Full Access to Traffic (County Administrative Officer)

BOARD ACTION: Rick Benson reported on the status of setting up a staff meeting with CalTrans and the affected agencies relative to pursuing options for the interim bridges. (M)Pickard, (S)Bibby, Res. 08-34 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

10:26 a.m. MARIPOSA COUNTY WATER AGENCY

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

A) Public Presentation – none.

B) Selection of Chair and Vice-Chair (Clerk of the Board)

AGENCY ACTION: (M)Fritz, (S)Bibby, Director Aborn was selected as the Chair and Director Turpin was selected as the Vice-Chair/Ayes: Unanimous.

10:28 a.m. Selection of Board Member Representation on Agencies (Clerk of the Board)

BOARD ACTION: Discussion was held. Supervisor Bibby advised of efforts to contact the Mountain Counties Water Association, and she noted that the County has not been paying dues and we have not been receiving notices of their meetings. (M)Bibby, (S)Pickard, the Board agreed with removing the Mountain Counties Water Association from the agency list/Ayes: Unanimous. Supervisor Fritz suggested adding the High Speed Rail Authority, and it was agreed to add it to the liaison representation list which will be forthcoming for the Board’s review. (M)Pickard, (S)Bibby, the representation on agencies was approved with no further changes/Ayes: Unanimous.

Review and Provide Direction Relative to Board Member Liaison Policy Areas and Selection of Board Member Representation (Chair Turpin)

BOARD ACTION: Discussion was held. Supervisor Turpin noted that the Visitors’ Bureau should be deleted from the Developmental Services policy area as that is no longer a County department. Supervisor Pickard suggested that Supervisor Aborn replace him on the Developmental Services policy area since he is Chair of the Water Agency; and that he replace Supervisor Aborn on the Health and Human Services policy area since it includes policy areas for agencies that he represents the County on. (M)Fritz, (S)Aborn, the Board Member Liaison Policy Areas Board member representation was approved with the changes discussed/Ayes: Unanimous.

10:40 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

C) Adopt a Resolution Authorizing the Executive Director to Sign a Fund Transfer Agreement with the State of California for the STIP Planning, Programming and Monitoring (PPM) Program for Fiscal Year 2007-2008 in the Amount of (\$63,000) (Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Bibby, (S)Fritz, LTC Res. 08-3 was adopted approving the recommended action/Ayes: Unanimous.

B) Selection of Chair and Vice-Chair (Clerk of the Board)

COMMISSION ACTION: (M)Fritz, (S)Bibby, Commissioner Turpin was selected to continue as Chair, and Commissioner Fritz was selected to continue as Vice-Chair/Ayes: Unanimous.

10:45 a.m. Approve the Proposed Job Description of Agricultural and Standards Program Technician, Allocate one Position to the Agricultural Commissioner’s Department, Set the Salary at \$2,592.20-\$3,150.85 / Month, and Assign the Classification to SEIU; Approve Budget Action Transferring Funds within the Agricultural Commissioner’s Budget to Fund the Position (\$16,335) (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held. Cathi Boze, Agricultural Commissioner, provided input relative to the request. (M)Bibby, (S)Aborn, Res. 08-35 was adopted approving the recommended actions/Ayes: Unanimous.

Approve a \$300 Monthly Stipend for a Registered Environmental Health Specialist (REHS) with no Experience and a \$600 Stipend for a REHS with one Year of Experience Effective February 1, 2008 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson relative to the request.

Input from the public was provided by the following:

Paul Chapman commented on other positions that he feels should be considered, and he questioned how these stipends are justified.

David Butler stated he would like to see the stipends limited to a relocation incentive and that there be a time limit.

Ruth Catalan asked for clarification of what the position does. Supervisor Fritz and Rick Benson responded relative to the job duties of this job classification. Ruth Catalan stated she disagrees with paying someone \$7,200 a year increase without others getting a raise; and she asked how many employees will receive the stipend.

Further discussion was held; and staff was directed to come back with additional information relative to the impact this would have on the budget, regarding future removal of the stipend, how many other departments are in the same situations with vacancies and how will they be dealt with; which positions stipends have already been approved for, and whether the stipend could be limited to two years for review. Motion by Bibby that the Board members provide their concerns to the County Administrative officer so that they can be addressed when this item is brought back to the Board, was withdrawn by the maker following discussion. It was agreed that this item would be brought back to the Board this afternoon.

11:40 a.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Number of Cases to be Discussed: 2 (Chair Turpin)

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

12:35 p.m. Lunch

2:09 p.m. Kris Schenk, Planning Director;

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

3:33 p.m. The Board of Supervisors reconvened. Chair Turpin announced that direction was received from counsel as a result of the Closed Session.

Rick Benson provided the additional information that was requested relative to the monthly stipend for the REHS positions and discussion was held. Dr. Mosher, Health Officer, provided input on the salary difference between the State and County employees in this job classification; and relative to their recruitment and retention efforts and the budget impacts. Sandi Laird/Administrative Analyst-Administration, clarified that the Associate Engineers are eligible for incentive pay versus a stipend. (M)Fritz, (S)Pickard, Res. 08-36 was adopted approving the recommended action, with direction to the County Administrative Officer that the stipend be revisited every couple of years to evaluate the necessity of the program. Supervisor Fritz stated she does not want to take the stipend away from someone who is receiving it, but the base salary could be increased for new employees to be compatible if recruitment no longer becomes a problem. Ayes: Unanimous.

Leroy Radanovich, Yosemite/Mariposa County Tourism Bureau, Tourism Director;
Resolution of Intention to Form Mariposa County Tourism Business Improvement District

BOARD ACTION: Leroy Radanovich introduced Emily Summers, representing John Lambeth of Downtown Resources, and he advised that they have been assisting with the formation of the district. He advised that Kevin Shelton, Chair of the Tourism Bureau, and Directors of the Tourism Bureau, were present. An item will be scheduled on the Board's agenda for March 11th at 11:00 a.m. to receive

comments on the formation of the district; and an item will be scheduled on the Board's agenda for April 1st at 2:00 p.m. for the final formation of the district. Leroy presented the staff report. Kevin Shelton thanked the Board for its support and thanked Leroy for his work; and he advised that this is a tremendous opportunity for the County and for the tourism industry. Discussion was held. Emily Summers provided input on the renewal process for the district.

Input from the public was provided by the following:

Paul Chapman provided input on the services being provided and stated he feels that the Board needs to go to bid for this program.

Ruth Catalan asked for clarification of whether the \$510,000 request is in addition to the funds already being contributed by the County. Rick Benson advised that the request is to maintain the current contribution of the \$510,000 and the final decision will be made by the Board.

Herb Gloor, Mariposa Lodge owner, stated that having a small business, he supports this 100 percent. He realizes that they get their business as an overflow from Yosemite.

Donna Nassar advised that she is the representative for the bed and breakfast businesses on the Tourism Bureau.

Dan Jensen, Chief Operating Officer for Delaware North Corporation Parks and Resorts at Yosemite, provided input on his experience in the tourism industry.

Jan Mennig, former President and Executive Director of the Chamber of Commerce and Chair of the Tourism Advisory Council, stated he feels that this plan is the best effort to attempt to solve funding for tourism promotion.

Dick Hutchinson, representing the Business Association in town, commended Leroy for his efforts and advertising assistance to the merchants.

Jerry Fischer, Yosemite Resorts, etc., commented that about 25 years ago, someone from the Yosemite concessionaire's office suggested that there be a coordinated plan. He noted that there is no perfect plan, but he feels this is the best for how it might work for the County and he urged the Board's support.

Cherylann Schimmelfennig, owner of the Historic Hotel Jeffery and director of the Tourism Bureau, noted the trickle down affect for the businesses after the rooms in Yosemite fill; and she advised that they are seeing the impact from the Bureau's efforts. She also noted that when the rooms are full, it helps all of the businesses.

Candy O'Donel-Browne stated she is present today as someone who loves Mariposa; and she feels it is exciting to see this public-private partnership.

Mary Ann Huff, President of the Chamber of Commerce and citizen of Coulterville, commented on the economic development impact and the collaboration between everyone to put Mariposa County on the map; and she urged support of this plan.

Kris Casto agreed with Candy O'Donel-Browne, and stated she supports the private-public partnership.

Discussion was held. Supervisor Bibby requested that a section be added to the resolution and Summary of the Plan to clarify that a separate annual budget request of County funds for augmentation will be considered by the County. Thomas P. Guarino, County Counsel, suggested that language be added to the resolution to reflect that "any County participation would be subject to the annual appropriation process." (M)Fritz, (S)Aborn, Res. 08-37 was adopted - Intention to Form Mariposa County Tourism Business Improvement District, with the change as suggested by County Counsel. Board members commended Leroy Radanovich and the Tourism Bureau for this work on this. Ayes: Unanimous.

5:09 p.m. Recess

5:24 p.m. Approve Termination of the Current Small Claims Legal Advisor Agreement for Fiscal Year 2007-2008 and Approve and Authorize the Board of Supervisors Chair to Sign a New Small Claims Legal Advisor Agreement for the Remainder of Fiscal Year 2007-2008 (County Counsel)

BOARD ACTION: Following discussion, (M)Bibby, (S)Aborn, Res. 08-38 was adopting approving the recommended actions/Ayes: Unanimous.

5:26 p.m. A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos; and

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos (Richard J. Benson, County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Supervisor Bibby excused herself from the meeting for these matters due to her previously stated potential conflict of interest that if there is a compaction issue, her husband is employed by the SMA and her cousin by DSA. (M)Fritz, (S)Aborn, the closed sessions were held/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

5:36 p.m. Chair Turpin announced that information was received as a result of the closed session matters.

CONSENT AGENDA

- CA-1 Accept the Don Pedro Wastewater Treatment Facility, Project No. 91-05, as Complete and Authorize the Public Works Director to File a Notice of Completion (Public Works Director); Res. 08-31, with change
- CA-2 Approve a Three-Year Agreement with American Geological Services, Inc. for Continued Monitoring at the Mariposa-Yosemite Airport in the Amount of \$15,000 and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-22
- CA-3 Authorize the Transfer of a Mariposa County Owned Surplus Vehicle to the Sheriff's Office and the Transfer of a Mariposa County Owned Sheriff's Vehicle to Surplus for Auction (Sheriff); Res. 08-23
- CA-4 Adopt a Resolution Consolidating for the Wawona Precinct only (of Which Wawona-Fish Camp Area are a Part of the Following School Districts), Bass Lake School District Elections with the February 5, 2008 Presidential Primary Election, Pursuant to EC 10401; Direct the County Clerk to Canvass Returns of Said Election Pursuant to EC 15301; Direct the County Clerk to Bill the Madera County Office of Education in Full for Cost of their Respective District (County Clerk/Treasurer/Tax Collector); Res. 08-24
- CA-5 Accept Resignation of Tony Amundson from the Mariposa County Mental Health Board (Human Services Director)
- CA-6 Approve Budget Action Transferring Homeland Security Grant Funds to Reflect Changes in Grant Projects to Upgrade the Reverse 911 System and to Replace Jaws of Life Units (\$27,722) (Fire Chief); Res. 08-25
- CA-7 Approve an Agreement with San Joaquin County Health Department for Participation in a Computerized Immunization Registry Program for Fiscal Year 2007-2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (Health Officer); Res. 08-26
- CA-8 Appoint Marvin Wells to the Midpines Planning Advisory Committee for a Term Expiring on February 28, 2009 (Planning Director)

- CA-9 Approve the Awarding of Certificates of Recognition to the Mariposa County Students who Competed in the Merced/Mariposa Section FFA Project Competition (Supervisor Bibby)
- CA-10 Adopt a Resolution Commending the Chamber of Commerce’s 2007 Business Woman of the Year, Kris Casto and the 2007 Business Man of the Year, Matt Foraker and Approve a Certificate of Recognition to the 2007 Business of the Year, Peter & Cherlyann Schimmelfennig, Owners of “The Hotel Jeffery” (Chair Turpin); Res. 08-27/Casto and Res. 08-28/Foraker and Certificate/Hotel Jeffery
- CA-11 Approval of Summary of Proceedings of January 8, 2008; and Approval of Summary of Proceedings of January 15, 2008, Regular Meetings (Board Clerk)
- CA-12 Approve Extra Help Agreement for Cadastral Drafting Technician II at Step five for the Assessor/Recorder’s Office for Training of Qualified Applicant (Assessor/Recorder); Res. 08-29
- CA-13 Approve the Plans and Specifications for Priest Coulterville Road – 2006-03, Storm Damage Project # 06-20; Authorize the Public Works Director to Award to the Lowest Responsible Bidder; Approve Budget Action Accepting Unanticipated Revenue from the State and Allocating Appropriations Toward the Road Improvements (\$411,424) (4/5ths Vote Required) (Public Works Director); Res. 08-32
- CA-14 Approve a Lease Agreement with Robert Bondshu for Additional Office Space for the Fire Department and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Transferring Funds within the Fire Budget for the Lease of Additional Office Space (\$6,000) (County Administrative Officer/Personnel/Risk Manager); Res. 08-30

5:37 p.m. (M)Fritz, (S)Aborn, the Board adjourned in memory of Patricia Picardi-Myers, Gerald Reeser, and Lucille Eva Klein/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board

LYLE TURPIN,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

February 12, 2008



Time Description

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

Chair Turpin wished all of the ladies a Happy Valentine's Day.

Pledge of Allegiance

Introductions

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

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

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

Eleanor Keuning requested that item 12 be pulled; and she advised of concerns that were relayed to her by a friend relative to contracting for the services and she requested a copy of the job description for the County employee who performs this function.

Supervisors Fritz and Pickard pulled item 12. Supervisor Aborn pulled items 3 and 9. Supervisor Turpin pulled item 16, and Supervisor Bibby pulled items 10, 12, and 17. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Item 16 – Jim Wilson, Fire Chief, advised of the award of a FEMA grant to cover 95 % of the costs of one new fire engine. (M)Bibby, (S)Fritz, item 16 was approved/Ayes: Unanimous.

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

Ruth Sellers provided input on the High Speed Rail Authority meetings she attended in Sacramento, including discussion of the Pacheco Pass versus the Altamont route and the system used in France.

Eleanor Keuning commented on her visit to France and their high speed rail systems that include fast and slow trains.

Paul Ballard stated he is looking forward to having a high speed rail system in the State, and he supports this.

Elvera Bullis, Coulterville, commented on her experiences with the high speed rail and metro systems in France, and she feels it is necessary to have a system here.

Mary Ann Huff commented on her recent trip to China and their high speed rail system, and relative to recent news stories encouraging train systems.

Jim Dulcich commented on the damages being done to the County facilities and the Parks; and he stated he feels that cameras and recording systems should be installed to monitor the facilities and to help catch the offenders. He provided input on the temporary bridges at the Ferguson Rockslide, and he stated he feels the Board members should be calling the state and federal representatives on a weekly basis about this situation. Full access to Highway 140 is important to the County and to the businesses, and he feels the realignment of the lower bridge should be pursued with CalTrans. He stated he feels that the Sierra Club needs to realize that the River was impacted when the road was first built and we are just trying to repair it. Chair Turpin provided input on the Board's efforts with this project.

Keith Williams, County Clerk, provided an update on the elections held on February 5th and the status of processing the ballots.

Paul Ballard commented on the information he provided to the Board members and the Fire Chief relative to fire suppression using compressed air foam, and he urged that this system be purchased for the equipment.

Board Information

Supervisor Fritz thanked Ken Gosting and Charlie Phillips for the photographs of the Super Bowl party held in downtown Mariposa to support the local talent that participated in the game; and photographs of the snow in Yosemite. She provided input relative to the meeting she attended with Sierra Club relative to the temporary bridges and the options for the permanent fix, and relative to trying to tweak the temporary bridges to allow for unrestricted vehicle length and waiting a longer period of time for the full environmental review process for the permanent fix. She attended the 4-H pancake breakfast on Sunday; the Republican Dinner; and she plans to attend the Rail meeting on the 21st; and she wished everyone a great Valentine's Day.

Supervisor Bibby encouraged the public to help with getting the message out relative to the Ferguson Rockslide and of the importance of getting full access to Highway 140. She attended the FFA Project Competition Awards in Merced and presented the certificates on behalf of the Board. She thanked County Fire, TDS and the Hornitos Patrons Club for the recent purchase of response equipment and advised that more information will be forthcoming. She attended the Watershed meeting on Monday at the McCay Hall; Saturday was the Republican dinner and the Catheys Valley Parent/Teacher fundraising event. She commented on the review of another County using the Title III funds to purchase fire trucks and will continue to monitor this.

Supervisor Aborn commented on the flu virus going around and urged people to seek medical attention. He commented on the interim report filed by the Grand Jury and the landfill/compost facility issues.

Supervisor Turpin thanked the Road Department crews for working during the storms to keep the roads clear and sanded, and maintenance staff for keeping the County facilities open and for assisting with set-ups at the polling places for the election. He advised that he attended a meeting in Coulterville with PG&E on January 25th relative to street lights. He attended the agri-tourism workshop on January 26th, and another workshop is scheduled for Saturday, March 1st. He advised of an upcoming committee meeting to review future improvements at Red Cloud Park. He was a poll runner for the elections; and he plans to attend the SWIFT meeting on Wednesday. On February 14th, he plans to attend the installation ceremony for the new Postmaster in Coulterville. He attended the ambulance meeting in Don Pedro. This Saturday is the Hunters Valley Fire Station annual rib dinner in Hornitos.

Richard J. Benson, County Administrator

Approve Budget Action Accepting a Grant Award from Pacific Gas and Electric Company (PG&E) to Create a Mariposa County Recreation Guide and Increasing Revenue and Appropriations in the Amount of (\$5,000) (4/5ths Vote Required)

BOARD ACTION: Rick Benson provided input and Marilyn Lidyoff, Business Development Coordinator, introduced the following PG&E representatives: Alan Martino, Customer and Community Relations Manager; Richard Garcia, Manager for Merced Service and Sales; and Emily Nichols. Alan Martino presented a ceremonial check in the amount of \$5,000.

Input from the public was provided by the following:

Dell Knell commended Marilyn Lidyoff for her hard work.

Supervisor Bibby commended PG&E for this grant, for moving the electrical lines in the Ferguson Rockslide area, and for giving back to the community in other ways. (M)Bibby, (S)Aborn, Res. 08-47 was adopted accepting the grant award and approving the budget action/Ayes: Unanimous.

10:00 a.m. Chair Turpin opened the public hearing on the fee increase for Fiske Sanitary Disposal and continued the hearing until after the following.

MARIPOSA COUNTY WATER AGENCY

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

A. Public Presentation

Paul Chapman stated he feels the grant request in the following item is being made because the people in Coulterville do not want to pay their water bill; and the Water Agency funding should be used for water projects.

Karl Harla, resident of Coulterville, stated he feels it is generous for the Water Agency to give the \$43,000; however, he feels that over the years money was taken from their budget.

Elvera Bullis, resident of Coulterville, member of the Coulterville Water and Sewer Advisory Board, representing the Coulterville Community Club, and as a landlord in Coulterville, stated the increased fee for the water and sewer services is high and they appreciate the grant.

Mary Ann Huff, resident and property owner in Coulterville, noted that the need is great for the grant.

B. Discussion and Possible Action Approving a Grant of \$43,000 and a Budget Action Transferring Funds from the Water Agency to the Coulterville Utility Capital Fund; and Approve Budget Action Transferring \$43,000 as a Grant from the Water Agency to the Coulterville Utility Capital Fund (4/5ths Vote Required)

AGENCY ACTION: Dana Hertfelder, Public Works Director, and Carl Casey, Public Works Administrator, presented the staff report and reviewed the recommended action. Discussion was held. Thomas P. Guarino, County Counsel, responded to a question from the Agency and advised that granting the funds to the Coulterville Utility Capital Fund is within the authority of the Agency. (M)Pickard, (S)Turpin, Water Agency Res. 08-1 was adopted approving the grant of \$43,000 to Utility Capital Fund of the district and the budget action, for use as needed; and if necessary, to use the funds at the end of the year to cover any shortage in the rate increase revenue for operational costs: Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

C. Adopt a Resolution Amending Mariposa County Water Agency Resolution No. 23, Designating the Mariposa County Board of Supervisors Chambers, 5100 Bullion Street, Mariposa, California as the Official Meeting Site for the Mariposa County Water Agency Advisory Board; and Appoint a Secretary to the Committee (Public Works Director)

AGENCY ACTION: Discussion was held with Dana Hertfelder relative to the request. County Counsel responded to a question from the Agency relative to the change in the meeting location. (M)Turpin, (S)Fritz, Water Agency Res. 08-2 was adopted approving the change in the meeting location as recommended; and appointing the secretary to the Committee to be staff from the Public Works Department/Ayes: Unanimous.

10:34 a.m. Recess

10:42 a.m. The Board of Supervisors reconvened.

Consider Items Removed from the Consent Agenda

Item 17 – Supervisor Bibby initiated discussion and stated she feels there should be a criteria for approving County sponsored events; she asked for clarification that no alcohol will be served that the County would be responsible for and that there would be a contact person designated for each site and that information be provided for the activities that are planned. Supervisor Fritz advised that no alcohol will be served. Dell Knell provided input on the event and activities and advised that she will provide written information. Supervisor Bibby asked that consideration be given to having recycling bins available for the activities, and Dana Hertfelder advised that he will work on this. Supervisor Fritz asked that Public Works include notification to YARTS on the encroachment permits for road closures or parades; i.e., anything that would affect the bus stops and routes. (M)Fritz, (S)Pickard, item 17 was approved/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

PUBLIC HEARING to Consider an Increase for Fees Charged by Fiske Sanitary Disposal to their Customers; Possible Action to Approve the Proposed Fees

BOARD ACTION: Dana Hertfelder presented the staff report and Carl Casey reviewed the request for the rate increase. Staff responded to questions from the Board relative to Tuolumne County residents using the transfer station and whether Fiske Sanitary Disposal picks up from Mariposa County customers only.

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

Mike Fiske, Fiske Sanitary Disposal, advised that he only picks up trash from Mariposa County in the franchise agreement. He advised that he is requesting to raise his rates because of the increase in the tipping fees and the cost of doing business.

Paul Chapman stated he feels the increase should be granted as increases have been given to Total Waste Systems. He referred to an ordinance that he feels prevents taking out-of-county trash at the transfer stations and at the landfill.

Supervisor Bibby asked about the ordinance that Paul Chapman referred to, and Dana Hertfelder advised that he will check on this and make sure that the County is in compliance.

The public portion of the hearing was closed and the Board commenced with deliberations.

(M)Bibby, (S)Aborn, Res. 08-49 was adopted approving the increase for fees/Ayes: Unanimous. The hearing was closed.

11:05 a.m. Chair Turpin;

Michelle Shelton, Amador-Tuolumne Community Action Agency Projects Manager, to Present an Overview of the Current Status and Planned Progress on the Amador/Tuolumne/Calaveras/Mariposa/Alpine Grant and Approve Application for Submission to the California Emerging Technology Fund (CETF) for High Speed Internet Service, and Approve a Resolution in Support of the Grant Application to CETF for Broadband Education and Enhancement

BOARD ACTION: Rick Peresan introduced Michelle Shelton, and she presented an overview relative to broadband internet service and relative to their organization and projects they are working on. Discussed was held.

Input from the public was provided by the following:

Joe Coho, Mt. Bullion resident and representing the Mt. Bullion Town Planning Advisory Ad Hoc Committee, provided input on the services provided in their area, which is split between TDS and Sierra Telephone, and the problems they experience. He encouraged the Board to support this.

Ken Pulvino, representing the Northside Community Coalition, stated he feels this looks real good; and he commented on the service problems experienced in the rural areas.

Mary Ann Huff, President of the Chamber of Commerce and citizen of the North County, provided input on the service problems in their area, and she encouraged the Board to support this.

(M)Fritz, (S)Aborn, Res. 08-50 was adopted supporting the grant application/Ayes: Unanimous.

11:27 a.m. Supervisor Pickard;

Chuck Cole of Advocation, Inc. to Present 2008/2009 Overview of the Governor's Budget

BOARD ACTION: Supervisor Pickard introduced the following: Chuck Cole, Paul Yoder, Andrew Auctwih, and Kevin Cole. Chuck Cole advised that they have coordinated services with Shaw/Yoder; and they plan to be of assistance with the Ferguson Rockslide, with grants and looking for bond dollars and revenues. He presented an overview of the Governor's budget for 2008-09 and potential impacts to the counties. Discussion was held with Andrew Auctwih relative to transportation funding.

Bob Brown, District Attorney, presented a copy of the letter that their State Association wrote in conjunction with other public safety associations to the Governor, expressing concerns with the Governor's proposed budget. He also advised of a meeting he attended relative to discussion on the proposed "early release program" for prisoners and it may be that some offenders are sentenced to prison and never serve time. Supervisor Pickard advised of the recent RCRC meeting and discussion with Assemblyman Laird on this matter.

11:59 a.m. A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard J. Benson; and

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard J. Benson (Richard J. Benson, County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Supervisor Bibby advised that she is excusing herself from the meeting for these matters due to a potential conflict of interest relative to compaction issues as she has family members in these bargaining units. (M)Aborn, (S)Fritz, the closed sessions were held/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

12:14 p.m. The closed sessions were continued to 2:00 p.m. and the Board recessed for lunch.

2:00 p.m. The Board convened in the continued closed sessions.

2:23 p.m. The Board reconvened in open session with all members present. Chair Turpin advised that information was received from counsel as a result of the closed session matters.

Jim Rydingsword, Human Services Director;
Review and Approve Letter to Advocation, Inc. of Sacramento and the State Associations that Work on Programs in the Human Services Department and Authorize the Board of Supervisors Chair to Sign the Letter

BOARD ACTION: Discussion was held with Jim Rydingsword relative to the letter and the following State budget reduction proposals: termination of the ISAWS migration project; reduction of rates to foster parents; reduction of rates for IHSS providers; and impacts to the alcohol and drug program. He requested that the letter be sent to the State associations and the County's lobbyist. Rick Benson commented on the frugal operation of this department and its status. (M)Pickard, (S)Aborn, Res. 08-51 was adopted approving the letter, with direction for copies to also be sent to Advocation, Inc., RCRC, Senator Cogdill, and Assemblyman Berryhill/Ayes: Unanimous.

2:37 p.m. Richard J. Benson, County Administrative Officer and Jim Rydingsword, Human Services Director;

PUBLIC HEARING to Provide Citizens an Opportunity to Comment/Recommend Activities for Preparation of a Community Development Block Grant (CDBG) Application

BOARD ACTION: Rick Benson and Jim Rydingsword presented the staff report; and advised of the press release and response and requests received for housing rehabilitation projects.

Input from the public was provided by the following:

Paul Chapman stated he feels the criteria should be established for the housing rehabilitation projects before application is made for the grant.

Ruth Catalan asked whether funds for the housing rehabilitation projects would be loans or grants and whether eligibility is predicated on income; and where the funds go when the loans are repaid. Jim Rydingsword advised that this application is in the form of loans, with zero percent interest, and is repayable upon transfer of title; and the funds go back into a program revenue fund and can be used for other projects. The percentage rate on the loans to the landlords can be negotiated and they have to be repaid.

Staff responded to questions from the Board relative to the loan repayments and criteria for using the funds; whether the fire engine could be placed anywhere or where the targeted income group is; and relative to the request to use funds for housing rehabilitation projects. Jim Rydingsword advised that they are still taking input and requests for the funds until this Friday.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Fritz, (S)Aborn, direction was given to staff to develop criteria for the screening and selection process of application by individuals within the County for housing rehabilitation if the CDBG grant is awarded; to work with Mother Lode Job Training in Mariposa to develop a work plan to include in the grant; to prepare a justification statement for a 10% set aside in this grant to be allocated towards the

acquisition of a fire engine for the Mariposa County Fire Department; and for staff to prepare and present a final report to the Board, including the screening and selection process, on March 25th to approve the submission of the CDBG application/Ayes: Unanimous. The hearing was closed.

Consider Items Removed from the Consent Agenda

Item 3 – Discussion was held with Dana Hertfelder and Carl Casey. Supervisor Aborn requested that power be installed for all of the hangars. (M)Aborn, (S)Fritz, item 3 was approved/Ayes: Unanimous.

Item 9 – Following discussion with Dana Hertfelder, (M)Aborn, (S)Bibby, item 9 was approved/Ayes: Unanimous.

Item 10 – Discussion was held with Dana Hertfelder, and he advised that he will review to see whether signage is required to notify the through traffic of the event. (M)Bibby, (S)Aborn, item 10 was approved/Ayes: Unanimous.

Item 12 – Following discussion with Dana Hertfelder, (M)Pickard, (S)Fritz, item 12 was approved/Ayes: Unanimous.

Dana Hertfelder referred to item 3 and advised that the electrical project for the hangars is on a list of Airport improvement projects.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; and Report and Possible Action Relative to Pursuing Options for the Interim Bridges to Allow Full Access to Traffic (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the emergency be continued; he reported on the Planned Development Team (PDT) meeting he attended with CalTrans in Stockton on Thursday and the issues that were discussed; and he advised that an interagency meeting is scheduled for Wednesday and the Public Works Director will attend. Supervisor Fritz commented on her meeting with the Sierra Club group in Merced relative to the options for the permanent fix; and she referenced the recent news story in the Modesto Bee, and stated she feels that we need to try to work with the Sierra Club on getting a fix to the temporary bridges and being able to wait longer to go through the environmental process for the permanent fix. Supervisor Bibby provided input and advised that Bob Ferguson of Zephyr Rafting offered their assistance; and she asked about the status of the timeline for the 45-day comment period and scheduling CalTrans to provide an update to the Board. Rick Benson advised that he will follow-up on the scheduling request. It was noted that the next PDT meeting is scheduled for April 1st. Rick Benson advised that as previously directed by the Board, a staff level meeting has been scheduled with the agencies and staff members for the legislative representatives to discuss tweaking the temporary bridges to allow full access for February 27th at the Government Center. Supervisor Pickard asked that other options be considered such as replacing the bridge with another bridge; and he stated the focus should be to reach a solution that would eliminate the vehicle length restriction. (M)Aborn, (S)Bibby, Res. 08-56 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Waive Second Reading and Adopt Ordinance Amending Section 15.10.010 of the Mariposa County Code Entitled “Adoption of Uniform Codes” (Building Director)

BOARD ACTION: (M)Pickard, (S)Bibby, the second reading was waived and Ordinance No. 1043 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Discuss and Provide Direction Relative to Appointment of Board Member Ad Hoc Committees (Chair Turpin)

BOARD ACTION: Discussion was held. (M)Fritz, (S)Aborn, the following appointments were made:

- Recreation/Sports Complex (Field of Dreams): Supervisors Fritz and Pickard
- Yosemite Gateway Socioeconomics Workshops: Supervisors Aborn and Fritz

- High Speed Rail Authority: Supervisor Aborn, with Supervisor Fritz as an alternate; and the Board selected the following Board member(s) to be the contact(s) for the following areas:
 - Yosemite National Park Service issues: Supervisors Aborn and Pickard
 - California State Mining and Mineral Exhibit issues: Supervisors Pickard and Fritz
 - direction was given for the County Administrative Officer to handle space needs issues, including departments that have issues arise and private property owners that want to discuss sale with the County. In the CAO's absence, the Board Chair could be designated as the contact for these types of issues. The Board members are to be kept informed of these issues, particularly the affected district.
 - Supervisor Bibby and Supervisor Aborn to be the Board Liaison Committee for the Ferguson Rockslide, with the County Administrative Officer to continue as the contact person.
- Discussion was held relative to having a list of County facilities and a list of facilities that the County leases – staff will provide the information for the Board members. Ayes: Unanimous.

Approve the Memorandum of Understanding (MOU) with the Deputy Sheriffs' Association (DSA) for the Term of October 1, 2007 through September 30, 2009 and Authorize the Board of Supervisors Chair to Sign the MOU; and Authorize the Auditor to Transfer Appropriations to Each Affected Budget Unit in Order to Implement Provisions of the MOU (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Supervisor Bibby excused herself from the meeting for this and the following item due to a potential conflict of interest because of a possible compaction issue and she has a direct financial tie with family members that are in these bargaining units.

3:56 p.m. Recess

4:05 p.m. The Board reconvened with Supervisor Bibby excused. Rick Benson reviewed the MOU. (M)Aborn, (S)Fritz, Res. 08-57 was adopted approving the recommended actions/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Approve the Memorandum of Understanding (MOU) with the Sheriffs' Management Association (SMA) for the Term of October 1, 2007 through September 30, 2009 and Authorize the Board of Supervisors Chair to Sign the MOU and Authorize the Auditor to Transfer Appropriations to Each Affected Budget Unit in Order to Implement Provisions of the MOU (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson reviewed the MOU. (M)Pickard, (S)Fritz, Res. 08-58 was adopted approving the recommended actions/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

4:12 p.m. Supervisor Bibby was present.

Discussion and Possible Action Regarding Salary Adjustments for Elected and Appointed County Officials (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson presented the staff report and reviewed the recommendations. Discussion was held.

Input from the public was provided by the following:

Paul Chapman provided input and he stated he feels that the ten percent budget cut by the State should be considered; and he stated he agrees that some department heads are doing a good job and should be compensated and he feels that some are not.

Further discussion was held relative to the recommendations and what an additional increase of one-half or one percent would cost. Supervisor Turpin asked that consideration be given to granting an additional one percent adjustment in the "percentage of the CAO salary" table for the Public Works Director. (M)Pickard, (S)Fritz, Res. 08-59 was adopted approving the following: 1) a 4 ½ % across-the-board salary increase to all appointed and elected department heads and the Clerk of the Board effective January 1, 2008; increasing the percentage of the CAO salary for the Community Services Director and the Clerk of the Board by one percent to 54% and 45% respectively; granting a \$50 monthly increase in deferred compensation to all appointed and elected department heads effective

January 1, 2008 (this increase would not apply to the Clerk of the Board); and amending Resolution No. 03-37 disassociating the amount of deferred compensation paid to department heads from that paid to members of MCMCO/Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

4:56 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: Citizens for the Protection and Preservation of Wawona v. Mariposa County Board of Supervisors; Case No. 9222 (County Counsel);
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: State Board of Equalization v. All Persons Interested; Case No. 07AS04798 (County Counsel);
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: In the Matter of Reorganization of Service Employees International Union Local 535; and Service Employees International Union Local 521 (County of Mariposa) (County Counsel); and
CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Number of Cases to be Discussed: 1; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Number of Cases to be Discussed: 1 (County Counsel)
BOARD ACTION: Supervisor Bibby advised that she did not have information for all of the closed sessions to know whether she has a potential conflict of interest with an item. Discussion was held. (M)Fritz, (S)Pickard, the closed sessions were held/Ayes: Aborn, Turpin, Fritz, Pickard; Abstained: Bibby.

5:45 p.m. Chair Turpin announced that information was received from staff on all of the closed session items.

CONSENT AGENDA

- CA-1 Award Contract to Perform the Annual Audit for Fiscal Years Ending June 30, 2008 through June 30, 2011 to Smith & Newall, Certified Public Accountants (Auditor); Res. 08-39
- CA-2 Approval of Summary of Proceedings of January 22, 2008, Regular Meeting (Clerk of the Board)
- CA-3 Approve Budget Action Transferring Funds within the Special Aviation Fund to Cover Expenses for Maintenance to the Airport Runway (\$10,000) (Public Works Director); Res. 08-52
- CA-4 Approve an Agreement with Stanislaus County Sheriff's Department, Coroners Division for Pathology Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 08-40
- CA-5 Accept Resignation of Karen Keyser-Shank from the In Home Supportive Services Advisory Committee (Human Services Department)
- CA-6 Appoint Dr. Monty Thornburg and Diane Langford to the Alcohol and Drug Advisory Board for Terms Expiring February 12, 2011 (Human Services Department)
- CA-7 Approve an Amendment to the 2007 LIHEAP Agreement 07B-5423 and Authorize the Human Services Director to Sign the Amendment (Human Services Director); Res. 08-41

- CA-8 Approve an Amendment to LIHEAP Agreement 06B-5373 and Authorize the Human Services Director to Sign the Amendment (Human Services Director); Res. 08-42
- CA-9 Approve the Replacement of Vehicle # 992 Assigned to the Road Department Due to Repair Costs Exceeding the Value of the Vehicle (Public Works Director); Res. 08-53
- CA-10 Authorize Public Works to Waive Encroachment Permit Fee to Healing Nations (a Non-profit Organization) for a One-day Bike Ride through the Don Pedro Area (Public Works Director); Res. 08-54
- CA-11 Approve Budget Action Transferring Funds within the Public Works Administration Budget to Replace Two Personal Computers (\$2,600) (Public Works Director); Res. 08-43
- CA-12 Approve an Agreement with Roger Stephens to Perform Map Checking, Legal Description Checking and General Surveying Document Checking and Executing Documents as the County Surveyor Under the Direction of the Public Works Director in the Not to Exceed Amount of \$75,000 and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-55
- CA-13 Reappoint Robert Mason, Jim Eppler, Louis Cordero and Joe Simon to the Catheys Valley Planning Advisory Committee for Terms Expiring February 28, 2010 (Supervisor Bibby)
- CA-14 Reappoint Dennis Bunning, Mike Hubert and Linda Meyer to the Agricultural Advisory Committee for Terms Expiring February 28, 2010 (Planning Director)
- CA-15 Accept the Resignation of Ray Standley from the Fish Camp Planning Advisory Council; Reappoint Jeff Cerioni, Howard Davies, Tom Miller and Donn A. Harter to the Fish Camp Planning Advisory Council for Terms Expiring February 28, 2010 (Supervisor Pickard)
- CA-16 Authorize the Fire Chief to Sign the 2007 FEMA Assistance to Firefighters Grant (AFG) Award for a New Fire Engine and Approve a Budget Action Increasing the Total Grant Award from \$281,497 to \$308,201 (4/5ths Vote Required) (Fire Chief); Res. 08-46
- CA-17 Approve the Events Occurring in the Mariposa Arts Park, the Mariposa Creek Parkway, 7th Street, Mariposa County Park, Mariposa County Court House Lawn, History Center and Stroming Road Parking Lot on May 2-4, 2008, as Part of the Annual Mariposa's Butterfly Festival as a County Sponsored Event for Insurance Purposes; Approve the Detour of Traffic from State Routes and Authorize the Board of Supervisors Chair to Sign a Letter to the Department of Transportation (Supervisor Fritz); Res. 08-48
- CA-18 Approve Grant Agreement No. 06-STBE-2609 with the State of California Department of Housing and Community Development for the Mariposa and Coulterville Drainage Study Projects; Approve Budget Actions Accepting Grant Revenue of \$70,000 and Reducing General Contingency by \$6,300 and Increasing Appropriations in the Amount of \$76,300 to Develop a Drainage Study for the Town of Mariposa and the Town of Coulterville (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manager); Res. 08-44
- CA-19 Adopt a Resolution Approving Road Name "Vineyard Lane" for the Subject Easement; Road Name Application No. 2008-007, Thomas Wieg, Applicant (Planning Director); Res. 08-45

CA-20 Rescind Appointment of Marvin Wells to the Midpines Planning Advisory Committee
(Supervisor Aborn)

5:46 p.m. Adjournment in memory of William “Will” Thomas Rickey, Forrest Ward, Jr., Vera Pribyl, Martin “Hawk” Higgins, Norma Frances (Ashworth) McMenemy, Teresa Bassett, Mary Marie Fournier, and Jeff Irons.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board

LYLE TURPIN,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

February 19, 2008



Time Description

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

Pledge of Allegiance
Introductions

Supervisor Pickard;

Present Certificate of Recognition and Congratulations to A. A. "Bud" Waldron on Celebrating his 96th Birthday

BOARD ACTION: (M)Pickard, (S)Bibby, the Certificate was approved and presented to Bud Waldron/Ayes: Unanimous.

Chair Turpin;

Proclaim the Month of February, 2008, as "National Parent Leadership Month"; Announcement of Outstanding Parent Leader Awards by Kathy Delaney, Executive Director, Mariposa Safe Families
BOARD ACTION: (M)Fritz, (S)Aborn, the Proclamation was approved and presented to Kathy Delaney and the following members of the Shared Leadership Committee: Harold Wildt, Cathy Lara, Tisa Ruport, and Wayne Koher/Ayes: Unanimous. Kathy Delaney introduced the Mariposa Safe Families Board members that were present: Harold Wildt, Cindi Park, Angie Steele, and Dave Goger. She presented certificates to the following parent leader nominees: Beth Tomsick, Penny Long, Cheryle Wright, Leslie Davis (was unable to be present), Andrea Rogerson, and Shannon LeDuc; and the outstanding leader award for 2008 to Toni Southwood.

(M)Fritz, (S)Pickard, the Board recessed at 9:23 a.m./Ayes: Unanimous.

9:31 a.m. Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Dana Hertfelder, Public Works Director, advised of a discharge of 60,000 gallons of treated effluent from the new Don Pedro wastewater facility. Dr. Mosher, Health Officer, provided input on the communications relative to the incident and of their review.

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

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

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

Paul Chapman referred to item 7 and stated he does not feel funds should be given to the Yosemite Renaissance; especially when the Sheriff and Fire Department needs funds.

Supervisor Bibby pulled items 1 and 7. Supervisor Turpin pulled item 4. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Continued 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 a lunch on Friday at Behavioral; and she advised that she asked the Department to give a presentation to the Board on the services that are provided. She plans to attend the Intercity Rail meeting in Sacramento on the 21st; and she is setting up an appointment with the Friends of the River/Ronald Stork for a meeting on Thursday. She advised that the merchants had a good Presidents' Day weekend in town.

Supervisor Bibby advised that she plans to tour the Don Pedro Wastewater facility with Public Works and members of the Grand Jury on Thursday. She advised that Supervisor Aborn was correct when he suggested recently that those who get the flu that is going around should seek medical attention. She noted that the Enchilada Feed is scheduled for March 1st in Hornitos, and commented on the Patron Club's contributions as a result of the fundraiser. The Storytelling Festival is scheduled to start on March 7th.

Supervisor Aborn commented on the Ferguson Rockslide and the need to discuss issues to obtain full access. He also commented on the recent flu outbreak and its potential for turning into pneumonia.

Supervisor Pickard advised that he is planning to attend the 9th National Invasive Weed Awareness Week in Washington, D.C. on February 25-28, and he provided input on the legislation they are working on. He plans to attend the CMSP (County Medical Services Program) Governing Board meeting on Thursday.

Supervisor Turpin advised that he attended the SWIFT meeting at Moccasin and discussion was held relative to fire breaks and water supply. He also attended the Red Cloud Library meeting and the Tuolumne County Ambulance Association meeting. On Thursday, he attended the installation for the new Postmaster, Isa Rodrigues, in Coulterville. He attended the Don Pedro Homeowners' Association meeting, and he attended the Hunters Valley rib dinner in Hornitos. He plans to tour Bower Cave and Bull Creek with the new Stanislaus Forest District Ranger/Maggie Dowle on Wednesday. On Thursday, he plans to attend a meeting relative to reviewing additional improvements for the Red Cloud Park; and attend a meeting with the Don Pedro Community Services District with Planning staff.

Rick Peresan, Technical Services Director;

Presentation on the Status of the Mariposa County Government Website and Approve Agreement with the Content Management Vendor, Civic Plus and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Rick Peresan gave a presentation on the status of the County's website and options for improvement, and he advised of constraints with the existing system. Discussion was held relative to the recommendation and costs.

Input from the public was provided by the following:

Kris Schenk, Planning Director, provided input relative to his department's use of the web and stated he supports this kind of system.

Jim Rydingsword, Human Services Director, provided input on his personal experience with Content Management Software and advised that he is excited about this. It will allow his department to do more online.

Ruth Catalan stated she likes the idea of a new website, but questioned the cost and how many citizens have computer access; and she asked for information on the existing costs versus the proposal; and asked whether the website is for County personnel or the public.

Keith Williams, Treasurer/Tax Collector/County Clerk, advised of a March 1st requirement for ballot tracking information to be available. He noted that there are other things they would like to add to the web.

Becky Crafts, Assessor-Recorder, provided input on their use of the County's website, and she noted that they get requests for information from many out-of-the area people that could be handled with improvements to the website. She feels that the improvement is for better public service.

Paul Chapman noted that publication of legals in the local newspaper will still be required; and he advised that he does not feel that the GIS map is accurate; and he feels that the agenda materials for the Board meetings should be available online.

Brian Muller, Sheriff-Coroner, stated he agrees with the other departments relative to the usefulness of the website and the need for consistency. He provided input on their use of the website and stated he feels the benefits outweigh the costs.

Eleanor Keuning asked if the site could be expanded to include a calendar of community events and be integrated with the website for the Visitors Bureau.

Further discussion was held. Rick Benson provided input on the proposal and advised that the website is a way to get information delivered to the public. He advised that the costs for this proposal is included in the budget and recommended that the agreement be approved.

10:52 a.m. Recess

11:02 a.m. Thomas P. Guarino, County Counsel, advised of three recommended changes to the contract. Further discussion was held relative to the costs. Supervisor Turpin noted the need for countywide high-speed internet access. Chris Ebie, Auditor, responded to questions relative to the cost allocation plan. (M)Fritz, (S)Aborn, Res. 08-62 was adopted approving the recommended actions, with the changes to the agreement as suggested by County Counsel/Ayes: Unanimous.

Consider Items Removed from the Consent Agenda

Consent Agenda item 1 – Discussion was held with Rick Peresan, Technical Services Director, relative to the proposed policy; and County Counsel provided input. (M)Bibby, (S)Aborn, item 1 was approved/Ayes: Unanimous.

Supervisor Pickard referred to the earlier matter relative to the new website proposal and asked that progress reports be brought back to the Board, including approval of the final content and display of the site before it goes live; and Rick Peresan advised that he would bring the matter back as requested.

11:35 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation

Ruth Sellers stated she wants to speak on the Ferguson Rockslide item when it is addressed later in the meeting.

Paul Chapman provided input on the item regarding the Proposition 1B projects and questioned where some of the roads are located.

B) Discussion, Direction and Action Regarding Proposition 1B Local Streets and Roads Funds Projects

COMMISSION ACTION: Discussion was held with Dana Hertfelder relative to the proposed projects and status of the funding, especially with the State budget shortfall. Commissioner Pickard asked that consideration be given to including White Chief Road in Fish Camp in the next funding cycle. Commissioner Bibby listed several roads that she asked staff to review to determine if they would be eligible for this funding. Commissioner Turpin asked that consideration be given to exchanging a portion of Dogtown Road (from the intersection of Dogtown Road to Ernst Road toward the intersection of Dogtown Road and Texas Hill) for the Texas Hill project. Discussion was held.

Input from the public was provided by the following:

Ruth Sellers stated she will say “thanks” for the Mykleoaks Road” project when it happens.

(M)Pickard, (S)Fritz, LTC Res. 08-4 was adopting approving the recommended road projects with the change as requested by Commissioner Turpin for Dogtown Road; staff was requested to bring back a list of road projects that would meet the criteria for this funding for the next cycle; direction was given to the County Administrative Officer and the Public Works Director to keep the Commission apprised of the possible suspension of Proposition 1B funds to meet the projected State budget cash flow shortage. Commissioner Bibby asked that information on the criteria used to recommend the projects be included for future discussions. Commissioner Turpin initiated discussion relative to funding for “self-help” counties and asked the County Administrative Officer to review. Ayes: Unanimous.

C) Adoption of the 2008 Regional Transportation Improvement Program (RTIP) and Direct Staff to Submit the RTIP to the California Transportation Commission (CTC) and CalTrans (Public Works Director)

COMMISSION ACTION: Discussion was held with Dana Hertfelder and he advised that Option 1 includes 1.8 million dollars to finish the design and pay for the acquisition of right-of-way for the Old Highway bridge project, and that about five million dollars would be needed for the construction. He provided input on an alternative project that is being explored to work with the existing bridge location. He also noted that this is a State bridge. He recommended the projects listed in Option 2. Discussion was held. (M)Bibby, (S)Aborn, LTC Res. 08-5 was adopted adopting the RTIP with the Option 2 list of projects, with submittal to the CTC and CalTrans as recommended/Ayes: Unanimous.

Consider Items Removed from the Consent Agenda

Consent Agenda item 4 – Following discussion with Dana Hertfelder, item 4 was approved/Ayes: Unanimous.

12:54 p.m. Lunch

2:03 p.m. MARIPOSA COUNTY PUBLIC FINANCING CORPORATION

Conduct Annual Meeting and Select Officers for 2008 (County Administrative Officer)

Agenda

BOARD ACTION: Rick Benson advised that this is the annual meeting of the Corporation.

1. Call to Order (Supervisor Bibby)
2. Election of Officers
(M)Pickard, (S)Fritz, Supervisor Turpin was selected as President and Supervisor Fritz was selected as Vice-President/Ayes: Unanimous.
3. Public Comment – none.
4. Approval of Minutes (1-9-07)
(M)Fritz, (S)Pickard, the minutes were approved/Ayes: Unanimous.
5. Report of Activities
Rick Benson reviewed the status of the Certificates of Participation for the projects for FY 2006-07. (M)Bibby, (S)Aborn, the report was accepted as presented/Ayes: Unanimous.
6. Other Business – Supervisor Turpin noted that this could be an option for consideration for financing the new fire trucks.
7. Adjourn
(M)Fritz, (S)Aborn, the meeting was adjourned at 2:12 p.m./Ayes: Unanimous.

2:13 p.m. Tony Radanovich, President - 6th Street Cinema;

Approve a Letter Supporting the Rural Media Arts and Education Project's (RMAEP) Efforts in Applying for a Grant through Senator Feinstein's Office in the Amount of \$300,000 from the Department of Interior and Environment and the National Trust for Historic Preservation to Assist in the Renovation of the Old Masonic Hall and Authorize the Board of Supervisors Chair to Sign the Letter

BOARD ACTION: Rick Benson reviewed the request. Discussion was held relative to the draft letter.

Input from the public was provided by the following:

Tony Radanovich advised that he was present to answer any questions and that he was agreeable with modifications to the draft letter.

Paul Chapman commented on the processing of the renovation and stated he felt that there are other historic buildings in the County that need renovation.

(M)Aborn, (S)Fritz, Res. 08-65 was adopted approving the letter with changes as discussed/Ayes: Unanimous.

Consider Items Removed from the Consent Agenda

Consent Agenda item 7 – Following discussion, (M)Aborn, (S)Bibby, item 7 was approved/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)
BOARD ACTION: Rick Benson advised of his meeting with Kurt Vander Weide, new representative for Congressman Radanovich – Kurt will be able to attend the staff meeting on February 27th with the agencies and representatives of the elected officials, and he offered to invite a representative of the Governor’s office and will touch base with Senator Boxer’s office. Rick Benson advised that the meeting next week will be to discuss the environmental, fiscal, and any concerns about what can be done to change the temporary bridges to allow for full unrestricted traffic access; and he recommended that the Board continue the emergency. Supervisor Fritz advised that she has a meeting with the Friends of the River on Thursday in Sacramento. Supervisor Turpin noted the safety issues with the restricted access. Supervisor Aborn asked about Board members attending the February 27th meeting. Rick Benson noted that the Board agreed that this would be a staff level meeting, and he suggested that the Board members could attend to welcome everyone to kick off the meeting. The Board concurred with Supervisor Aborn and Chair Turpin attending at the beginning to welcome everyone to the meeting.

Input from the public was provided by the following:

Ruth Sellers advised of Kevin Cann’s comments on the meeting at the Lincoln Day dinner, and she questioned whether the public is invited to attend the meeting on February 27th. She also commented on the environmental assessment and procedures and stated she was disappointed with Congressman Radanovich’s recent comments. It was clarified that this is a staff level meeting and is not open to the public.

(M)Aborn, (S)Bibby, Res. 08-67 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.

2:57 p.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Significant Exposure to Litigation Pursuant to subdivision (b) of Government Code Section 54956.9; Number of Cases to be Discussed: 1 (County Counsel); and
CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Name of Case to be Discussed: Hazel Green Ranch, LLC v. United States Department of the Interior, et al., Case No. 1:07-CV-00414-OWW-SWS (County Counsel)

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

2:59 p.m. MARIPOSA COUNTY WATER AGENCY

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

A) Public Presentation – none.

B) **CLOSED SESSION:** Conference with Legal Counsel: Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54946.9; Number of Cases to be Discussed: 1 (County Counsel)

AGENCY ACTION: (M)Bibby, (S)Turpin, the closed session was held/Unanimous.

4:22 p.m. Water Agency Chair Aborn announced that direction was given to staff as a result of the Water Agency closed session item.

Chair Turpin announced that direction was received from counsel relative to the closed session matter concerning anticipated litigation; and he asked County Counsel to report the actions as a result of the closed session for the Hazel Green Ranch, LLC v. United States Department of the Interior; and Thomas P. Guarino advised that the following actions were taken in closed session: 1) adopt a position consistent with the defense of the Old Coulterville Road/Old Yosemite Turnpike as being a County road; and 2) authorization to execute the standard legal services agreement to retain the law firm of

Abbott & Kindermann to defend the County in the action. The Clerk of the Board announced that the vote on each of these actions was four ayes, with Supervisor Bibby voting no.

CONSENT AGENDA

- CA-1 Approve the Mariposa County Data Backup/Recovery and Electronically Stored Information Policy (Technical Services Director); Res. 08-63
- CA-2 Reappoint Chuck Jones, Gale Banks, Roger Soulanille and Susan Baker to the Wawona Planning Advisory Committee for Terms Expiring February 28, 2010 (Supervisor Pickard)
- CA-3 Approve the Plan and Specifications for Bidding Purposes on Colorado Road, Project #07-13, and Authorize the Public Works Director to Award to the Lowest Responsible (Public Works Director); Res. 08-60
- CA-4 Approve Budget Action Transferring Prop 40 Revenue from the Regional Recreation Complex Fund to Park Improvements Fund for the Catheys Valley Park Proposition 40 Project (\$30,000) (4/5ths Vote Required) (Public Works Director); Res. 08-64
- CA-5 Adopt a Resolution and Approve Tile Plaque Recognizing Gwendolyn Jean Foster on Her Retirement from Mariposa County Department of Public Works (Public Works Director); Res. 08-61
- CA-6 Approve Certificates of Recognition to TDS Telecom and the Hornitos Patrons Club for their Assistance in Enhancing the Mariposa County Fire Department's Emergency Medical Response in the Hornitos Community (Supervisor Bibby)
- CA-7 Approve a Grant Agreement with Yosemite Renaissance, Inc. in the Amount of \$15,000 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 08-66

4:26 p.m. Adjournment in memory of Richard I. Cutter.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

February 26, 2008

Time _____ Description

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

Pledge of Allegiance
Introductions

Supervisor Bibby;

Approve and Present a Letter of Appreciation to Debbie Walton, Mariposa County Child Support Services Director and her Staff for being Awarded One of California’s “Top Ten Performing County Child Support Agencies”

BOARD ACTION: (M)Bibby, (S)Aborn, the letter of appreciation was approved and presented to Debbie Walton/Ayes: Turpin, Aborn, Bibby, Fritz; Excused: Pickard. Debbie Walton introduced the staff members that were present, and noted that this is their 7th year of being in the top ten.

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

Bart Brown asked if the matter relative to Hazel Green and Old Coulterville Road would be taken at a specific time and whether public input would be accepted at that time. Chair Turpin responded and advised that input would be allowed at the time the matter is considered.

Karl Harla referred to the recent increases in water and sewer fees for Coulterville and stated he feels that the Proposition 218 process should have been applied; and he advised of his experience with fee increases in El Dorado County; and he presented documents to the Board on this matter. Chair Turpin advised that information would be provided to Mr. Harla on his questions relative to the process.

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

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

BOARD ACTION: Supervisor Aborn commented on item 4, former Supervisor Stetson’s appointment to the Midpines Planning Advisory Committee. Supervisor Bibby pulled items 6 and 9. (M)Fritz, (S)Aborn, the balance of items was approved/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Consider Items Removed from the Consent Agenda

Item 6 – Supervisor Bibby stated she wants to make sure that there will be no backlog or delay and no complaints from the public that no one is available due to staffing changes as a result of the flex schedule. She asked whether this is a benefit to the public and whether overtime or County costs would be associated with this. Rick Benson advised that the matter could be brought back on March 4th to allow him to obtain the answers to her questions. (M)Bibby, (S)Aborn, item 6 was continued to March 4th for clarification/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Item 9 – Dana Hertfelder responded to Supervisor Bibby’s questions relative to the funding process for this project and concerns relative to the State budget shortfall and relative to the environmental process for the project. He responded to questions from Supervisor Turpin relative to the bid/contract award process. Following discussion, (M)Bibby, (S)Aborn, item 9 was approved as recommended and clarified/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

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

Ken Gosting, Transportation Involves Everyone (TIE), called for a day of Mariposa County jubilation on the 27th with the release of the Mariposa Barbie™ doll and promotional items.

Dick Hutchinson referred to the planning done by High School students; noted there is no strategic plan for Mariposa County; and he suggested that the Board direct each department to plan for the future, and that the community and schools be involved.

Mary Ann Huff, President of the Chamber of Commerce, announced that the Business After Hours scheduled for this evening was cancelled due to the closing of the Red Fox Restaurant; and she announced that the March event will be held at the Don Pedro Golf and Country Club. She advised that she attended the 9th annual Winter Forum in Stanislaus County on Thursday relative to rural areas and tourism.

Board Information

Supervisor Fritz advised that she attended the Inter City Rail meeting in Sacramento on Thursday. She met with Ron Stork, Friends of the River, and they are interested in setting up a meeting in Merced with the Sierra Club to discuss the bridge issues with the Ferguson Rockslide. She announced that the Soroptimist International of Mariposa is offering a Women’s health day at the Senior Center this Saturday; and the Storytelling Festival is scheduled for the following weekend.

Supervisor Bibby noted that tickets sell quickly for the Storytelling Festival; and she announced that the Patron Club’s Enchilada Feed and the Ag Tourism Workshop is scheduled for Saturday. On March 20th, she is planning to have a telephone conversation with the Public Works Director and Dinah Bortner/CalTrans relative to the Old Highway Bridge. She commented on the recent bond rates and inflation and the higher than anticipated State budget shortfall, including discussion of the State bringing back the per parcel charge for fire services. She referred to Mary Ann Huff’s public input and the articles on Oakdale and agri-tourism; and commented on our General Plan and balancing growth and services.

Supervisor Aborn advised a meeting is scheduled to deal with icy road problems and the one-way fire road in Yosemite West. He noted that in El Portal, there is an issue relative to plowing additional Park property. The YARTS bus stop was discussed at the meeting on Thursday in Midpines.

Supervisor Turpin advised that the monthly meeting with the Forest Service for last Wednesday was cancelled because several participants had the flu. He noted that his son was home last weekend from a tour in Africa. He noted the agri-tourism workshop is scheduled for Saturday, and the opening of the bids for the Priest/Coulterville Road project is scheduled for this afternoon. He plans to attend the Mariposa-Calaveras Community Action Agency meeting in Coulterville this week; and he commented on the recent storms.

Dr. Mosher, Health Officer;

Approve a Letter of Intent to Contract with the State for Local Public Health Services and Authorize the Board of Supervisors Chair to Sign the Letter

BOARD ACTION: Discussion was held with Dr. Mosher relative to the program and changes in the administrative charges that the State is planning to implement. (M)Bibby, (S)Fritz, Res. 08-75 was adopted approving the Letter of Intent as recommended/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Karen Robb, Farm Advisor;

Approve a Memorandum of Understanding (MOU) with University of California Regents to Support the Master Gardener Program and Authorize the Board of Supervisors Chair to Sign the MOU;

Approve Budget Action Reducing General Funds Contingency by \$5,500 and Transferring \$3,000 within the Cooperative Extension Budget to Fund the Program (\$8,500) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Karen Robb relative to the program and their activities. She also advised of the change of the MOU with an agreement for this matter.

Input from the public was provided by the following:

Ruth Sellers stated she feels the Master Gardener Program is excellent; however, she feels that Karen Robb is being paid to be the Farm Advisor and she feels it is wrong for the County to fund this. She noted that she belongs to a garden club and commented on their volunteer work.

Kenneth Gosting, speaking as an individual, questioned the sufficiency of the agenda as it calls for approval of a MOU and what is now before the Board is an agreement.

Thomas P. Guarino, County Counsel, advised that he feels that the agenda is sufficient for the Board to move forward on this item.

Paul Chapman questioned why the garden clubs are not getting money from the County, and he feels that the University should fund this program and not the County. He commented on services the ranchers receive.

Further discussion was held with Karen Robb relative to the differences between the Master Gardener Program and the garden clubs and the services provided by Farm Advisors. (M)Bibby, (S)Aborn, this matter was continued to March 4th to reflect the action as approving an agreement versus MOU/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

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

BOARD ACTION: Rick Benson provided input and recommended that the local emergency be continued. He advised that a staff level meeting is scheduled for Wednesday with representatives of the agencies that are involved and with representatives of the elected officials to discuss the alignment of the temporary bridges to see if they can be changed to get unrestricted access. Supervisor Bibby asked about participation in the April 4th PDT (Planned Development Team) meeting with CalTrans, and Rick Benson advised that he would like to attend if his calendar allows. Discussion was held.

Input from the public was provided by the following:

Kenneth Gosting, Executive Director of TIE, stated he is an independent politically and that TIE is not affiliated with the Sierra Club. He referred to a statement made by former Yosemite Superintendent BJ Griffith thanking God for the public or a huge mistake would have been made with Foresta; and he referred to the meeting scheduled for the 27th and his concerns that the public and the media is not being allowed to observe. He referred to the County Administrative Officer's report on the landslide; and he stated he feels that the Sierra Club should have a place at the table to explain their position. He referred to documents relative to the landslide, and he asked whether the US Geological Survey has been informed of the meeting, and he submitted a copy of their 2007 report to the Board. Chair Turpin advised that he is not personally aware that they have been invited; and he clarified that there are two issues: the permanent fix and getting unrestricted access in the interim.

Les Marsden stated he is not now a member of the Sierra Club, but he feels that Congressman Radanovich's attack on the Sierra Club was unwarranted and not factual; and he expressed concern with a closed meeting and asked the County Administrative Officer to see if there is any way the meeting can be opened up.

Ruth Catalan commented that no media, no elected officials and no public, and yet tax payer dollars are being used to pay for the room. She feels that is a secret meeting.

Ruth Sellers, as a Republican, she has the right to criticize the Congressman and she feels he made a horrific mistake with the article and she commented on his promise to get everything through Congress.

Dick Hutchinson stated he is disappointed with Congressman Radanovich over his comments in the paper. He referred to the traffic delay with the signal and he does not understand why something can't be done now.

Nancy Fagerstrom stated she is aware of a number of mechanical ways to set the traffic signals for emergency vehicle access, and she does not understand why this hasn't been done. She does

not feel that private meetings should be taking place; the meetings should be open at least for people to listen.

Paul Chapman questioned whether anyone has considered having the Attorney General provide input relative to this secret closed session.

Skip Skyrud commented on the government process and questioned whether anyone has spoken directly with Will Kempton, CalTrans Director; and he feels it is important that he is involved in this.

Discussion was held. It was again clarified that no decisions will be made at the meetings.

Les Marsden stated everyone wants the road open, but he feels it is important to be able to listen to the opinions.

Nancy Fagerstrom asked what it would hurt for people to hear what is being said in the meeting.

Kenneth Gosting, TIE, stated he feels that having any meeting without having members of the Board of Supervisors is counter productive. He suggested that the meeting be rescheduled as a workshop session with the Board and everyone.

Rick Benson clarified that this meeting is not to discuss the permanent solution and that no decisions will be made. The purpose of the meeting is to discuss what can be done to get full length vehicle access while the permanent solution is being worked on, and it is the Board's direction that this is to be the number one priority. The meeting does not interfere or detract from the public process. He further advised that normally this type of meeting would be set up by the County Administrative Officer and the Board would not be involved; but because the Board is so concerned and involved, it is being discussed. Further discussion was held. Supervisor Fritz commented on her meeting with the Sierra Club and with the Friends of the River, and advised of her efforts to get them to meet together with CalTrans. Supervisor Bibby suggested that the attendees at tomorrow's meeting be advised of the requests that have been received relative to the meeting so they could determine whether to proceed with the meeting and whether they want the door open to the public. Rick Benson noted that the agenda item today is for the continuation of the local emergency.

(M)Bibby, (S)Fritz, Res. 08-76 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 it was requested that a full report of the meeting be scheduled on the March 4th agenda/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

11:18 a.m. Recess

11:30 a.m. Approve Indemnity Agreement with Hazel Green, LLC Regarding the Matter of Hazel Green Ranch, LLC v. Department of the Interior, et al and Authorize the Board of Supervisors Chair to Sign the Agreement; Authorize Issuance of an Encroachment Permit for the Old Coulterville Road and Find the Encroachment Permit is Exempt from CEQA (California Environmental Quality Act) (County Counsel and Public Works Director)

BOARD ACTION: Thomas P. Guarino, County Counsel, reviewed the history of the Old Coulterville/Yosemite Road; reviewed communications with the National Park Service and their attorneys, and with Lew Geyser representing Hazel Green; he reviewed the status of the litigation on this matter; and he reviewed the recommended actions and options, including potential costs. He advised that the Encroachment Permit would be limited to those portions of the roads located in Mariposa County; and he advised of a minor correction to the identification of Crane Flat Road to reflect that it is also known as the Old Yosemite Road, designated as County Road 51. Discussion was held and County Counsel responded to questions from the Board relative to maintenance and the CEQA exemption. He reiterated that County staff has found no action vacating the County's interest in this road. Dana Hertfelder, Public Works Director, responded to additional questions from the Board relative to traffic and maintenance records and the conditions of the roads, and relative to the Indemnity Agreement.

Input from the public was provided by the following:

Lew Geyser, President of Hazel Green Ranch, stated he would like an opportunity to speak again after he has heard the rest of the public input. He presented and reviewed a map showing the

roads being discussed to Hazel Green. He advised that he purchased this land at the National Park Service's suggestion because they wanted to use a portion of it for "off the Valley floor" parking and run shuttle buses to Yosemite; and he noted that this was included in the 2001 Yosemite Plan, and that there was a promise of being able to obtain a shorter, 500 foot access from Highway 120 to the property. Subsequently, the Park Service decided not to offer the "off the Valley floor" parking, and they were unable to get the shorter access to the property. He advised of their efforts to work out something with the Park Service relative to access to the property, and of their filing of a lawsuit against the United States Department of the Interior. He advised that they have maps dating from 1874 to 2002 that show the .56 and 2.35 mile roads accessing the property from Highway 120. He referred to the recent litigation and the issue of bring the County into the lawsuit.

Kevin Cann, Deputy Superintendent for Yosemite National Park, presented a map and documents relative to this matter. He referred to the comments from Department of Justice that County Counsel referenced and he said the gates have been up for fifty years. He questioned why the County would issue an Encroachment Permit now since it will not be acted on until the Court rules on this matter. He stated he does not feel that the County has done maintenance of the roads inside the Park boundary. He referred to the recent Court hearing and the issue of the County not being at the table. He read a prepared statement into the record representing Yosemite National Park and the National Park Service, expressing concern with the County moving forward on this matter. He referred to assistance the Park Service has provided to the County with projects. He stated that without the County, Mr. Geyser does not have standing to use RS2477 to force the rebuilding of long-ago abandoned roads across National Park land. He feels that if the County joins forces with Mr. Geyser that it will be dragged into a long-running court battle and the press will be relentless and unfavorable. He reviewed what they feel are critical flaws in Mr. Geyser's case relative to the location of the Coulterville Road; Crane Flat Road is almost entirely in Tuolumne County; and that federal law does not allow Mr. Geyser to force the County to exert its claim over historic roads. He expressed concern with the litigation and reviewed the Yosemite Valley planning process, and he advised that in the 2001 appropriations bill, Congress prohibited developing "out-of-park" parking.

Paul Chapman stated he is not in favor of more development around the Park; but he takes exception to Mr. Cann threatening the County and Board; and he feels press releases should be released.

Bart Brown stated he is concerned with the publicity that would result from this action. He feels it might be better for the County be dragged into the lawsuit versus voluntarily joining in.

Doug Balmain noted that as a former Supervisor, he can remember having to sit for long hours through meetings. On behalf of Hazel Green, he advised that he has walked the property and has been on the roads being discussed, and he referred to the proposal of ten years ago - he stated he views this as a good thing for the Park and the environment, visitors of the Park and for the County. He feels that what has been said is to promote an agenda versus being the facts; and he noted that the County has also worked with the Park on projects, including the compost facility. He feels we should be working together with the Park and not be adversaries. He noted that Mariposa County built the road and it has never been bought by the Federal government.

Kevin Cann stated that to be very clear, the Park has zero interest in publication of this issue. They fight bad press constantly. They are concerned about the relation with the litigation.

Lew Geyser referred to the Quiet Title Act and stated the purpose of the Encroachment Permit is to give enough title to make this lawsuit work. He referred to the litigation and the environmental groups.

County Counsel clarified that the action today is not to file a lawsuit. He feels it is inevitable that the County will be sued based on what has been heard, and the recommended Indemnity Agreement provides for the funding for the County for not opposing the motion. He advised that this does not stop anyone else from protesting the County being brought into the lawsuit in this case. Further discussion was held.

(M)Fritz, (S)Aborn, Res. 08-77 was adopted approving the Indemnity Agreement with Hazel Green, LLC regarding the matter of Hazel Green Ranch, LLC v. Department of the Interior, et al and authorizing the Board of Supervisors Chair to sign the Agreement; authorizing issuance of an Encroachment Permit for the Old Coulterville Road; and finding the Encroachment Permit is exempt

from CEQA and that a Notice of Exemption may be issued; with the modified language to the Encroachment Permit on Attachment "A" that the Crane Flat Road, also known as Old Yosemite Road, designated as County Road 51. Further discussion was held. The motion was amended, agreeable with the maker and second, to include that the Encroachment Permit is only for those portions of road in Mariposa County. Supervisor Bibby stated she still has concerns about the exemption finding for CEQA. Ayes: Aborn, Turpin, Fritz; Noes: Bibby; Excused: Pickard.

1:33 p.m. Lunch

2:10 p.m. Dana Hertfelder, Public Works Director;

PUBLIC HEARING to Consider a Proposed Increase in Fees for the Mariposa County Landfill and Transfer Station; Approval of the Proposed Fee Schedule

BOARD ACTION: Dana Hertfelder presented the staff report, and Carl Casey/Public Works Administrator presented information on the details of the proposed increase in fees. Staff responded to questions from the Board relative to implementing a recycling education program with the schools and the public; ways to improve recycling including consideration of incentives; whether the transfer station disposal fees cover the costs for the extra hauling; whether there is a process for checking for out-of-county residents to know when to charge that rate; relative to the proposed fee changes; relative to the life expectancy of the landfill and planning for the future and how the costs will be covered; relative to factoring in all operational costs, including the salary increases that have been approved; whether the draining of Freon is done in house or by an outside vendor; whether there is a County ordinance that prohibits accepting out-of-county waste; relative to the hauling services provided by Total Waste Systems and runs being coordinated with other work; whether the transfer stations have also seen a 17 percent reduction in residential waste and whether an additional bin could be added to save hauling trips; and relative to the recyclables.

Fred Youngren, currently managing Total Waste Systems, responded to the questions relative to their coordination of hauls in Fish Camp with pick ups from their private contracts in Wawona and Yosemite West. He advised that they are full on their trips and they are not seeing a reduction; and he noted that there are regulations that govern the size of the transfer station facilities. He responded to the questions relative to the recyclables.

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

Gary Francisco, Midpines, provided input on the discussion that was held at a recent Midpines Planning Advisory Committee meeting relative to this fee increase proposal and relative to the increased costs of operating the compost facility because people are not recycling.

Dana Hertfelder provided input relative to a recent study of the material from a compost vessel and of the large amount of material that is being disposed of that is difficult to process.

Gary Francisco continued with his input and stated he feels that we should be addressing how to control the high percentage of recyclable material that is going into the compost facility versus just raising the fees. He feels that the people that are recycling are paying higher fees to cover the costs for those that don't recycle. He also commented that the trash from the service contractors is not sorted. He feels that as the population and waste increase we will always be chasing costs with fee increases. He suggested that the rates be higher for people bringing in mixed waste, with penalties if the people declare incorrectly that their trash is sorted; that trash service contractors be required to provide recycle containers and pick them up or pay a premium rate; and the County launch an "aggressive" publicity campaign for recycling, with a goal of significantly reducing the amount of recyclables in the waste stream.

The public portion of the hearing was closed and the Board commenced with deliberations. Dana Hertfelder noted that the County has operated the compost facility since July 2006 and the landfill since 2005, and they are still learning a lot. (M)Aborn, (S)Fritz, Res. 08-78 was adopted approving the recommended fee increases for the landfill and transfer stations effective March 1, 2008. Supervisor Aborn stated he would like to see a recycling program in place before considering fee increases again. Supervisor Fritz commented on the importance of watching the packaging on items being purchased to reduce the waste. Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Approval of Fiscal Year 2009 Appropriations Request to Senator Dianne Feinstein (County Administrative Officer)

BOARD ACTION: Following discussion, (M)Aborn, (S)Fritz, Res. 08-79 was adopted approving the request as recommended for the Ferguson Rockslide/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of February 12, 2008 and Approval of February 19, 2008 Summary of Proceedings, Regular Meetings (Clerk of the Board)
- CA-2 Approve an Agreement with John Progner for Implementation of Mariposa County Leading Edge Yellow Starthistle Management and Control Project, Yellow Starthistle Mapping and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 08-69
- CA-3 Approve Agreement No. 07-0726 with the California Department of Food and Agriculture (CDFA) for the Leading Edge Yellow Starthistle Control and Management Mapping Project and Approve Budget Action Accepting Unanticipated Revenue of (\$4,950) for Fiscal Year 2007-2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (4/5ths Vote Required) (Agricultural Commissioner); Res. 08-70
- CA-4 Appoint Lee Stetson to the Midpines Planning Advisory Committee for a Term Expiring February 28, 2010 (Supervisor Aborn)
- CA-5 Approve an Agreement with Kenneth and Lamerna Mari, 1990 Trust, for Secure Storage of the Election Department's Electronic Voting Machines and Authorize the Board of Supervisors Chair to Sign the Agreement (County Clerk/Treasurer/Tax Collector); Res. 08-71
- CA-6 Authorize the Probation Department Staff to Work Alternate 9/80 Work Hours as Approved by the Chief Probation Officer (Chief Probation Officer); Matter was continued to March 4th for additional information
- CA-7 Approve Agreement No. EPO CDC 07-22 Amendment 1 with Public Health Emergency Preparedness Centers for Disease Control and Prevention (CDC) for Fiscal Year 2007-2008 and Authorize the Board of Supervisors Chair to Sign the Amendment, the Certification Regarding Lobbying and the Non-Supplantation Certification Form (Health Officer); Res. 08-72
- CA-8 Adopt a Resolution Authorizing Mariposa Planning Department to Hire Elizabeth Chattin as Extra-help, Associate Planner, Grade 210/Step 3, \$22.5290 per Hour, for a Total of 860-hours Commencing February 26, 2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (Planning Director); Res. 08-73
- CA-9 Authorize the Public Works Director to Negotiate and Sign an Agreement for Construction of the Foresta Bridge Replacement, Project No. 07-02, and Issue a Purchase Order for the Acquisition of a Pre-manufactured Bridge Based on the Cooperative Agreement Established with the United States Department of the Interior (Public Works Director); Res. 08-74

3:28 p.m. (M)Fritz, (S)Bibby, the Board adjourned in memory of George Melchior/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board

LYLE TURPIN,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 4, 2008



Time Description

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

Elnora George led in the Pledge of Allegiance

Introductions

Chair Turpin and Supervisor Bibby;

Resolution Recognizing Elnora George Upon her Retirement as CEO/CFO/Administrator of John C. Fremont Health Care District

BOARD ACTION: (M)Bibby, (S)Fritz, Res. 08-80 was adopted and presented to Elnora George/Ayes: Unanimous. Elnora George introduced Jimmy Knight, who is taking her place.

9:12 a.m. Recess

9:22 a.m. Chair Turpin;

A) Proclaim the Month of March, 2008 as "Women's History Month" (Connie Waldron);

B) Proclaim the Month of March, 2008 as "National Professional Social Worker Month" (Human Services Director); and

C) Proclaim the Week of March 1-7, 2008 as "National Weights and Measures Week" (Agriculture Commissioner)

BOARD ACTION: (M)Fritz, (S)Aborn, the proclamations were approved/Ayes: Unanimous. Connie Waldron accepted the "Women's History Month" proclamation on behalf of the Daughters of the American Revolution Merced Chapter and the Women Veterans. Jim Rydingsword/Human Services Director, with several social work staff members, accepted the "National Professional Social Worker Month" proclamation. Cathie Boze/Agricultural Commissioner, accepted the "National Weights and Measures Week" proclamation.

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

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

BOARD ACTION: Chair Turpin advised of a correction in the Action Form for item 4 to reflect a reduction in the General Fund Contingency by \$5,500. Supervisor Bibby provided input on information she obtained on item 4 relative to the salary. (M)Pickard, (S)Aborn, all items were approved/Ayes: Unanimous.

Gail Neal, Chief Probation Officer;

Authorize the Probation Department Staff to Work Alternate 9/80 Work Hours as Approved by the Chief Probation Officer (Continued from February 26, 2008)

BOARD ACTION: Discussion was held with Gail Neal. Supervisor Aborn requested that the Board receive feedback on how this schedule is working.

Input from the public was provided by the following:

Dick Hutchinson asked if the teenage community work assignments would be covered on weekends with this change. Gail Neal responded that there would still be coverage for this program.

(M)Pickard, (S)Aborn, Res. 08-82 was adopted approving the request/Ayes: Unanimous.

Kris Schenk, Planning Director;

A) Schedule a Public Hearing for Saturday, April 5, 2008, Beginning at 10:00 a.m. in the Board of Supervisors Chambers (or, as an Alternate Date, April 12 or 19) for the Consideration of the Yosemite West Special Plan

BOARD ACTION: Discussion was held with Kris Schenk. Supervisor Aborn advised of input received from the landowners in Yosemite West relative to the scheduling.

Input from the public was provided by the following:

Dick Hutchinson noted that consideration should be given to scheduling around the upcoming Easter holiday.

Eleanor Keuning noted that April 19th is the Safe at Home Family Fair.

(M)Aborn, (S)Fritz, the public hearing was scheduled for Saturday, April 19, 2008, at 10:00 a.m./Ayes: Unanimous.

B) Schedule a Public Workshop in April, 2008 for the Board for Supervisors' Consideration of Agricultural and Nature Tourism

BOARD ACTION: Discussion was held with Kris Schenk relative to the scheduling and processing for this.

Input from the public was provided by the following:

Eleanor Keuning provided input on the scheduling and noted that the orientation for hatching the butterfly eggs is scheduled for April 2nd at 5:30 p.m.

Paul Chapman stated he feels the Farm Bureau should be involved in this workshop and the agricultural industry need to be made aware and invited to make comments on this.

MaryAnn Huff advised that she attended the workshops, and is concerned about changing this workshop from a Saturday because of the working people. She asked that if the April 2nd turnout is not good, if the Board would hold another workshop on a Saturday.

Karen Robb, Farm Advisor, advised that she could change the butterfly hatching orientation so that it doesn't conflict with the workshop.

(M)Pickard, (S)Aborn, the workshop was scheduled for Wednesday, April 2, 2008, to begin at 4:00 p.m./Ayes: Unanimous.

Chair Turpin asked Kris Schenk to provide information on the status of scheduling the workshop for the draft Catheys Valley Community Plan. Kris Schenk advised that a joint meeting is scheduled with the Planning Commission for March 18th for this workshop; and they have a Catheys Valley Planning Advisory Committee meeting scheduled for March 6th at McCay Hall. It was noted that requests have been made by Catheys Valley residents for this workshop to be held in the evening. Consideration of rescheduling the workshop will be calendared for March 11th.

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

Kenneth Gosting, Transportation Involves Everyone, TIE, presented the Board with the DVD of Barbie™ Mariposa. He asked for clarification of whether Public Presentation or with the item itself, is the appropriate time to address the Board on the Ferguson rockslide issues. Chair Turpin advised that the Public Presentation time is for items that are not on the agenda; however, he would not refuse any information coming forth on the rockslide at that time if someone could not stay until the item is discussed. But, no additional action would be taken from what is listed on the agenda.

Dick Hutchinson referred to the meeting the School Board held on Thursday and stated he felt the members of the Board of Supervisors should have been present and that the County should be working with the School District, especially with this budget situation. Supervisor Bibby advised that she

attended the meeting and plans to attend their meeting scheduled for this evening and the Catheys Valley parent meeting. Supervisor Turpin commented on the percentage of the property taxes that goes to the schools from the County.

Thomas P. Guarino, County Counsel, advised that his appearance at the School Board meeting was not in his official capacity as County Counsel, but as a parent of three children.

Paul Ballard provided input on specifications and issues that he feels should be considered with the purchase of new fire trucks, and he continued to offer his assistance in this matter. He suggested that a committee be appointed to work on these issues and he offered to convert an older pickup to show what can be done. Chair Turpin advised that he will meet with the County Administrative Officer and the Fire Chief to review this matter; and he will ask the Fire Chief to make a presentation to the Board on the status of the purchase of the engines. Paul Ballard asked that photographs of the various types of engines be provided in the status report.

Paul Chapman agreed with having a committee to review the fire truck specifications, and he suggested that the fire fighters that have a history here with various types of equipment be consulted.

MaryAnn Huff stated she agrees with Paul Ballard relative to the need to have 4-W drive and compact vehicles. On behalf of the Chamber of Commerce, she made the following public service announcements: the Lake Don Pedro Golf and Country Club is open and the After Hours event will be held there on March 25, and RSVPs are necessary; and the Clubs and Organizations dinner is scheduled for March 15th.

Board Information

Supervisor Fritz noted that the Agri-tourism workshop was held on Saturday; and the Storytelling Festival is scheduled for this weekend.

Supervisor Pickard presented a position paper from the California Invasive Weeds Awareness Coalition he attended in Washington, D.C.; and he reviewed the issues. He advised that he attended the County Medical Services Program (CMSP) Governing Board meeting on Thursday and funding issues for programs were discussed.

Supervisor Aborn commented that the Interim Grand Jury Report is available and the compost facility was included. He noted that this will be on a future agenda for the Board to address.

Supervisor Bibby noted that the School Board will need the community support and input to help deal with the budget problems they are facing. The Storytelling Festival is scheduled to start this Friday. The Catheys Valley Community Planning meeting is scheduled for this Thursday. She plans to attend the Parent-Teacher Improvement Committee meeting in Catheys Valley relative to changes at that school. She complimented the Patron's Club and Sheriff Muller and his wife, and all of the volunteers for a successful Enchilada Feed.

Supervisor Turpin advised that he attended the retirement reception for Elnora George on Wednesday; the Calaveras-Mariposa Community Action Agency meeting in Coulterville on Friday; and the Storytelling Festival is this weekend. He advised of meeting with PG&E in Coulterville relative to the street lights; and of a meeting this week to look at improvements for the Red Cloud Park. He plans to attend the Water Agency Advisory Board meeting on Wednesday. The bids will be opened for the Don Pedro/Hornitos Road chip seal project on Thursday.

10:54 a.m. Recess

11:05 a.m. Report from February 27 Staff Level Meeting Relative to Pursuing Options for the Interim Bridges to Allow Full Access to Traffic (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised of the attendance at the February 27th meeting and of the discussion to try to get full length access in the interim of the permanent solution. He also noted that as a result of the discussion, an increase was made in the fiscal year 2009 appropriations request to Senator Dianne Feinstein for the project. Following the meeting, he took three individuals to the slide area so they could see the impacts firsthand. Discussion was held.

Input from the public was provided by the following:

Les Marsden questioned whether there will be more meetings and whether there will be a formal written report from the meeting. Rick Benson advised that another meeting was not scheduled, but if needed, another meeting could be scheduled. He also advised that formal minutes were not taken,

it was just a brainstorming session. He advised that he had an agenda for the meeting that he can share; however, it was only followed about half-way through. Les Marsden urged that if meetings like this are scheduled in the future, that they be open to the public. Chair Turpin referred to Dick Hutchinson's challenge for the Board members to continue to work on this matter; and he advised that this meeting was to get everyone on the same track.

Dick Hutchinson stated he feels that there should have been a decision made at the meeting for scheduling the next meeting and for getting a commitment with timeframes from CalTrans and he feels we need to keep the pressure on them and know where the funding is.

Ruth Catalan questioned whether any of the ideas from the meeting were written down.

Kenneth Gosting, TIE, provided information on discussions and expressed concern that the meeting was not open to the public; and he commented on a CalTrans meeting held on February 13th in Yosemite. He referred to the Farkie award on the Laugh-In show, and he presented the Board with TIE's first Farkie award for the meeting which they felt was a farce. Chair Turpin noted that direction was given to the County Administrative Officer for this meeting. Ken Gosting provided input on the CEQA and NEPA process and stated he feels the Board should put pressure on the State Director for CalTrans to move this project along.

Paul Chapman expressed concern with the meeting being closed to the public, and he feels the public needs to be involved.

Chair Turpin assured the public that the number one priority before the Board is to obtain access for full length vehicles. Supervisor Bibby asked about inviting Kome Ajise/CalTrans to come to the Board to hear from the citizens and to provide a status report. Rick Benson advised that he will follow-up on this. Supervisor Turpin asked the County Administrative Officer to check with the CalTrans District Engineer on the permanent fix and to bring information to the Board on anything that develops for fixing the temporary bridges.

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

BOARD ACTION: Rick Benson recommended that the local emergency be continued.

Input from the public was provided by the following:

Ken Gosting, TIE, stated he feels that any bad news should be brought to the Board, as well as any good news.

(M)Aborn, (S)Bibby, Res. 08-83 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 Budget Action Accepting Donation and Increasing Appropriations Accordingly in the Fish Camp Fire Auxiliary Fund for Planning Expenses Related to the New Fish Camp Fire Station (\$10,000) (4/5ths Vote Required) (Supervisor Pickard)

BOARD ACTION: Supervisor Pickard initiated discussion. Kris Schenk responded to questions relative to Planning's work on this project and the funding. (M)Pickard, (S)Fritz, Res. 08-84 was adopted approving the request/Ayes: Unanimous.

Approval of Summary of Proceedings of February 26, 2008, Regular Meeting (Clerk of the Board)

BOARD ACTION: Supervisor Turpin advised of a correction to reflect Mariposa-Calaveras Community Action Agency. (M)Fritz, (S)Aborn, the Summary of Proceedings was approved with the correction/Ayes: Aborn, Turpin, Bibby, Fritz; Abstained: Pickard.

11:52 a.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Name of Case to be Discussed: Hazel Green Ranch, LLC v. United States Department of the Interior, et al., Case No. 1:07-CV-00414-OWW-SWS (County Counsel)

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

Input from the public was provided by the following:

Dick Hutchinson stated he was disappointed in the Board's decision relative to the Hazel Green matter; and he referred to the "threats" that were discussed. He stated he does not feel that the County should voluntarily join the lawsuit; and he feels the Assistant Superintendent for Yosemite was stating the facts.

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

12:12 p.m. Supervisor Aborn was present, and Chair Turpin announced that information was received as a result of the closed session.

CONSENT AGENDA

- CA-1 Reappoint Rick Roesch and Magnum Godfrey to the Coulterville Planning Advisory Committee for a Term Expiring February 28, 2010 (Chair Turpin)
- CA-2 Reappoint Rob Jensen, Sharon Tucker and Ken Pulvino to the Greeley Hill Planning Advisory Committee for a Term Expiring February 28, 2010 (Chair Turpin)
- CA-3 Accept the Resignation of Barry Smith from the In Home Supportive Services Advisory Committee (Supervisor Fritz)
- CA-4 Approve an Agreement with University of California Regents to Support the Master Gardener Program and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Reducing General Funds Contingency by \$5,500 and Transferring \$3,000 within the Cooperative Extension Budget to Fund the Program (\$8,500) (4/5ths Vote Required) (Farm Advisor) (Continued from February 26th, 2008); Res. 08-81

12:13 p.m. Adjournment in memory of Dorothy L. Converse, Hazel Marion Bailie, Jeffrey Len Taylor, and Frances Shilling Weir.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board

LYLE TURPIN,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 11, 2008



Time Description

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

Pledge of Allegiance

Introductions

Chair Turpin;

Proclaim the Week of March 16 -22, 2008, as "National Agriculture Week"

BOARD ACTION: (M)Pickard, (S)Aborn, the proclamation was approved/Ayes: Unanimous. Tony Toso/ Farm Bureau President accepted the "National Agriculture Week" proclamation.

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

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

BOARD ACTION: Supervisor Bibby commented on item 3 in regards to the numerous phone calls she has received and the importance of getting the assistance for the community. Supervisor Pickard requested comment from Mary Williams on item 2. She clarified how the program works and advised that the volunteers of the Fire Safe Council would be available to install the smoke alarms. Mary Williams offered to coordinate a presentation during district meetings. Chair Turpin pulled item 6 for a discussion later in the meeting. Supervisor Fritz commented on item 8 and gave the date of the Chamber of Commerce dinner recognizing the service clubs and organizations and the volunteer of the year. M)Fritz, (S)Aborn, the balance of the items were approved/Ayes: Unanimous.

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

Len McKenzie, representing Mariposa County Resource Conservation District Board of Directors, read a letter into the record in regards to the long-term availability of water in Mariposa County. Supervisor Pickard advised that this subject has been brought up and the Water Agency was directed to get this on the agenda. Chair Turpin advised that he would personally contact Public Works and Planning and work with them. Supervisor Bibby asked if the study addresses the limits on transporting water out of the County. Len McKenzie advised that they do believe that should be addressed in the study.

Dick Hutchinson thanked Supervisor Aborn and Supervisor Bibby for going to the School Board meeting last night. He says he is aware of one person that has received their pink slip and is concerned that Spring Hill High School may be closed.

Theresa Castaldi of Coyote Springs Ranch announced that they have several up coming events. She also advised that coyotespringsranch.com website is now up, although not complete. She also spoke of the Catheys Valley Planning Advisory Committee meeting last Thursday and is concerned on what they are calling their study area. She commented on other concerns in regards to Conditional Use Permits, she supports an evening meeting for the Catheys Valley Planning Advisory Committee. She also stated that in the minutes of the December 6th, 2007 Catheys Valley Planning Advisory Committee, Coyote Springs Ranch was advised to go to the Catheys Valley Planning Advisory Committee before presenting to the Planning Department for a Conditional Use Permit. Supervisor Bibby encouraged the Board to look into the fact that all the meetings are taped and public comment is allowed during the meeting. She brought

up the last Catheys Valley Planning Advisory Committee meeting and the distracting occurrences of Theresa Castaldi during this meeting. She also advised that in December of 2006 action was taken designating the different community areas. She explained the committee is aware of their role relative to the Brown Act. She encourages the Board and the citizens to review the Catheys Valley Community Plan. The committee has posted notices of the meetings and has had problems with them being removed. She advised that the notices are also posted in the Gazette and are on the website. She feels an evening meeting would be beneficial. Chair Turpin advised that Kris Schenk, Planning Director, is on the Board agenda at 2:00 p.m. today to discuss and request an evening meeting. Supervisor Bibby requested County Counsel weigh in that it is legal, that they are addressing the individual community plans as directed by the General Plan. Thomas P. Guarino, County Counsel stated he would have to look into the details but based on Supervisor Bibby's discussion, those types of meetings are appropriate as long as it's on their agenda. Further discussion was held.

Board Information

Supervisor Fritz announced the Club 200 Corned Beef and Cabbage Dinner tonight. She will be attending the CSAC Board of Directors meeting in Sacramento on March 20th. The Rail Committee meeting is going to be in Fresno on the 27th. She is moving forward on the Civil War Re-enactment, and the Education day is going to be on the 25th of April with approximately 2000 students signed up for the encampment. She advised that if a teacher would like to have their class participate, the website is Civilwardays.com. This year the event is being called the Los Mariposa Civil War Re-enactment and it will be on the 25th, 26th and 27th of April. There is also an Agri-Nature Tourism event going on at the same time. Saturday night is combined with Butterfly Days and the Miss Butterfly Pageant is going to be at the Amphitheatre from 5 to 7 p.m. There will be a Buffalo Stew Dinner at 6 p.m.

Supervisor Pickard reported he will not be able to attend the Sierra Nevada Conservancy tour tomorrow, he stated they are arranging a tour of some of the Agri-Nature Tourism highlights. Robyn Smith, Yosemite/Sequoia RC&D Coordinator, will be attending the tour. March 13th will be a Sierra Nevada Conservancy Board meeting at the Pines at Bass Lake; agenda includes action on a license plate supporting Resource Conservation efforts in California. He will be attending an annual Weed Day in Sacramento regarding issues such as noxious weed control. Also he will be attending a meeting relative to a bill for consideration of funding programs of the oversight committee. He hopes some of the Board members can attend the tour with Sierra Nevada Conservancy.

Supervisor Bibby expressed thanks for the agriculture industry and the producers. She advised that agriculture supports our schools. She stated that she asked Keith Williams, County Clerk, to pull back taxes for Mariposa, advising Mariposa doesn't have a big problem with this as other counties do. She proposed getting an exemption due to small counties not being able to take the 10% cut and show that our county keeps the cash flowing. She thanked Transportation Involves Everyone and found out it was Modesto Irrigation District and not Merced Irrigation District, she apologizes for her error in reference. She attended the School Board meeting. She requested suggestions from the public to preserve the funding and advised that Catheys Valley will probably lose a teacher. She attended the Storytelling Festival and the First Five meeting. She also attended the Catheys Valley Plan Meeting, and some of the issues discussed were water issues and the future of agriculture. She encouraged everyone to buy Kids Day papers.

Supervisor Aborn discussed Yosemite West in regards to the fire roads and he thinks the issue is resolved. Further discussion was held relative to Yosemite West and on Foresta Bridge in regards to the possible replacement of this bridge, which is being held up at this time for further research. John C. Fremont Hospital billing has fired the company performing their billing due to incorrect bills being sent out. He announced he has a new filly.

Chair Turpin announced the arrival of his new calves. He stated he attended the Storytelling Festival, the Water Agency Advisory Board meeting last Wednesday, the Coulterville Community Club meeting and tonight is the Merced Alliance Dinner in Catheys Valley on the Watershed. On Wednesday he will be attending the tour with the Sierra Nevada Conservancy. The Pedestrian/Equestrian Trail meeting will be on Wednesday evening in Don Pedro. Thursday evening at the Don Pedro Home Owners Association there will be a District II meeting, the Sheriff, District Attorney, Public Works and the Fire Safe Council will be attending. Bureau of Land Management (BLM) has adopted a Resource Management Plan. He advised that there is an appeal process, but he is encouraging both BLM and the Forest Service to get together and come up with a process of a Management Plan without the appeal process.

Kathy Delaney, Executive Director, Mariposa Safe Families, Inc.;
Present Mariposa Safe Families Annual Report (2006-2007)

BOARD ACTION: Kathy Delaney introduced members in attendance and presented the Mariposa Safe Families Annual Report. She described what Mariposa Safe Families does including additional information on what they have been doing since the report was completed. They continue to seek partnerships to sustain their programs. They are still searching for a location for the family enrichment program in the North County and in Mariposa. Also she advised that April is Child Abuse Prevention Month. Further Discussion was held relative to the decrease in child abuse since 1999 and the strategies used to meet their objectives. Discussion was held regarding referrals, open cases and how many go to court. Concern was expressed by Susan Arlington of Mariposa County Child Welfare Services, regarding particular areas of the county, and the issue of isolation and travel time. Susan advised that when school is in session there are more referrals due to the children being visible. Additional discussion was held in regards to getting the word out regarding their programs. Chair Turpin thanked Kathy for her hard work. Supervisor Bibby commented that we are lucky to have the participants that are involved.

10:50 a.m. Recess

11:10 a.m. Leroy Radanovich, Tourism Director, Yosemite/Mariposa County Tourism Bureau;
PUBLIC MEETING to Receive Public Testimony Regarding the Establishment of the Mariposa County Tourism Business Improvement District

BOARD ACTION: Leroy Radanovich briefly explained the process of establishing the Mariposa County Tourism Business Improvement District and the process to levy an assessment on certain lodging businesses within the district. Leroy then introduced John Lambeth and Emily Summers of Downtown Resources, and Kevin Shelton, Chair of the Tourism Bureau. Supervisor Pickard asked for clarification of the format of this public meeting. John Lambeth explained the process including creating a plan and petitioning to the hotels, the next step was to approve a Board Resolution of intention to establish the new district, and the 3rd step is to receive public input. Clarification was made that there are no ballots in this process. Supervisor Bibby expressed concern of the small businesses due to the leverage of a larger business having more rooms and more voting power. Leroy advised that a letter was sent to everyone and he has made an attempt to personally visit each business that is included on the Transient Rental list from the Tax Collectors office. Leroy advised that 82% are in favor of this district. Discussion was held relative to ensuring there had been adequate and sufficient attempts to contact and notify each lodging establishment regarding the intent. Supervisor Bibby expressed concern that the businesses be made aware this is not County Government and that they trust the council and understand how this is beneficial to them. Leroy stated that he was requested to form the Improvement District but the industry will be doing the marketing with 99% of revenue going back into marketing to increase bookings. John addressed the options of pre bookings and spoke of his experience stating that 82% is a large amount, the 2nd largest in the 30 districts that he is familiar with. Clarification was made for Supervisor Fritz that none of the letters have come back as undeliverable.

Input from the public was provided by the following:

Barbara Robinson of Antique Hideaway Bed and Breakfast stated she is not opposed but feels it should benefit everyone.

Gary Francisco, Bed & Breakfast owner, supports the establishment of the Mariposa County Tourism Business Improvement District.

Dick Hutchinson spoke in support of the establishment of the Mariposa County Tourism Business Improvement District.

Herb Gloor of Mariposa Lodge supports the efforts that Leroy has made and the establishment of the Mariposa County Tourism Business Improvement District.

Dorothy Kuhnel of the Mariposa Chamber of Commerce supports the establishment of the Mariposa County Tourism Business Improvement District.

Maryann Huff, President of the Chamber of Commerce and resident of the North County, supports the establishment of the Mariposa County Tourism Business Improvement District.

Cherylann Schimmelfennig owner of Hotel Jeffrey supports the establishment of the Mariposa County Tourism Business Improvement District.

Elaine Seymour of Chocolate Soup supports the establishment of the Mariposa County Tourism Business Improvement District.

Rick Benson spoke on behalf of a small business owner that was unable to attend, asking for clarification of the sun setting clauses. John Lambeth responded that this district would be formed for five years and the process would be required again at the end of five years to continue.

An employee of a large rafting company spoke in support of the establishment of the Mariposa County Tourism Business Improvement District.

A participant of the audience supports the establishment of Mariposa County Tourism Business Improvement District.

Further discussion was held relative to the balance of the process. Supervisor Bibby asked when this will take effect. John Lambeth stated that the proposed date is May 1st, 2008.

Chair Turpin thanked Leroy Radanovich and John Lambeth for their hard work and efforts.

Consider Items Removed from the Consent Agenda

Item 6 - Chair Turpin initiated discussion relative to amending this agreement. Rick Benson advised the expense is within the Planning Department's salary savings for the Senior Planner position due to the position being vacant for a long period of time. Chair Turpin stated he feels this is an economic development issue and we need to find a way to address this. He feels these dollars aren't going to bring in that position. Supervisor Pickard stated that he isn't certain that the salary is an issue and recommended continuing with this personnel agency and see if they come back stating the salary is not competitive. Further discussion was held in regards to considering how long it has taken and the extra work load on the department. (M)Pickard, (S)Bibby, Res. 08-91 was adopted as recommended and clarified/Ayes: Unanimous

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

BOARD ACTION: Rick Benson provided input and recommended that the local emergency be continued. He advised there has been no change in the landslide this past week. He informed the Board that he has been unable to contact Caltrans to obtain further information this week. Supervisor Bibby commented that it is important to get Kome Ajise of Caltrans back to address the issues and misunderstandings to the community. Supervisor Aborn commented that he noticed a sign on Highway 140 saying this is the Southern Route. He suggested we get some signage out in regards to the all weather road. Discussion was held.

Input from the public was provided by the following:

Eleanor Keuning commented that there has been talk about closing the Mining and Mineral Museum due to Government budget cuts. She advised that she addressed the Governor and his wife stating they need to visit Mariposa.

Dick Hutchinson commented on the lack of communication and also recommended obtaining input from the public regarding a fix. (M)Pickard, (S)Fritz, Res. 08-90 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

12:45 a.m. Lunch

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

A) PUBLIC HEARING to Consider Appeal No. 207-195, an Appeal of the Planning Director's November 28, 2007 Notice of Violation Regarding a Sign Located at 9751 Merced Falls Road, APN 001-230-012; Appellant: Bob Kent, Lake Don Pedro Community Services District

BOARD ACTION: Meeting was continued to March 18th, 2008 at 2:00 p.m. at the request of the Appellant.

No input was provided from the public.

B) Consider Rescheduling the Public Workshop to Review the Draft Catheys Valley Community Plan, Presently Noticed for March 18, 2008 at 2:00 p.m., to a Later Date with an Evening Meeting Time
BOARD ACTION: Kris Schenk stated that at the request of the residents of Catheys Valley this meeting is recommended to be continued as an evening meeting. The meeting was continued to April 1, 2008 at 6:30 p.m. in the Board Chambers. Discussion was held. (M)Bibby, (S)Aborn, Ayes: Unanimous

Update on the Issuance of Pension Obligation Bonds to Address the County's Unfunded Liability
(County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson provided an update to the Board of the history and the process. He stated he has been in contact with our financial consultant, KNN Public Finance and was told they have never seen anything like this and that there is no market for pension obligation bonds at this time; he advised that it is not the County's best interest to move forward at this time. He spoke of other options and informed the Board of what was involved in getting to this point financially. He has been in contact with CSAC who has a pool of other counties that are in their validation process, if it makes financial sense to Mariposa County we can at that time join the pool. No Board action is necessary at this time. He recommended that in the next fiscal year we look into joining the Fresh Step Program with CALPERS. Supervisor Bibby asked how long the validation process is valid. Rick Benson responded that it is his understanding that it is validated indefinitely unless it exceeds \$14 million. Thomas P. Guarino, County Counsel, advised that he would have to do some research as to where we would go from here, and it would probably be his recommendation to re-evaluate. Supervisor Bibby thanked Rick Benson for his hard work and efforts. Supervisor Pickard requested clarification regarding a possible penalty and the duration of the bond. Rick Benson responded that there would be no penalty and the duration of the bond would be 27 years. Further discussion was held.

Public input was provided by the following:

Paul Chapman commented that about two years ago Mike Coffield worked it out so there would have been a savings of \$250,000 to date.

Dave Solomon stated the Board did not pay attention to their County Administrative Officer and should be more diligent and pay more into PERS.

Supervisor Bibby asked about the \$2 million allocated for this purpose. Rick Benson advised that the \$2 million is still set aside. He also advised that accounting procedures will include a calculation in the near future for health benefits for retirees, the Board will then be faced with another challenge. If we take the \$2 million and pay our unfunded liability we will not be able to go to the Federal Government. He recommended we keep the \$2 million for consideration of Other Post Employee Benefits (OPEB) liability. Discussion was held regarding beginning with Fresh Start and that PERS will probably want to start July 1st. Rick Benson advised that we will pay a higher percentage rate to PERS monthly and that we could pay it or accrue more interest. Further discussion was held regarding the budget. Rick Benson advised that he isn't sure that we have to stay with PERS but because of the size of our county, we are not big enough to do this on our own. He is not aware of any other small county going outside of PERS. Further discussion was held relative to the financial consultant and what is in the best interest of Mariposa County.

2:40 p.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Name of Case to be Discussed: Hazel Green Ranch, LLC v. United States Department of the Interior, et al., Case No. 1:07-CV-00414-OWW-SWS (County Counsel)

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

3:45 p.m. Chair Turpin announced that direction was given to staff as a result of the closed session item.

3:46 p.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

Approve Mid-Year Budget Requests/Recommendations Reducing General Contingency by \$140,664 (4/5ths Vote Required); Allocate a 0.50 Permanent Part-Time Office Assistant I/II Position to Behavioral Health Effective March 1, 2008; Allocate an Accountant I to Mental Health Services Act Effective March 1, 2008; Allocate an Additional Eligibility Worker I/II Position to Social Services Effective March 1, 2008; Allocate a Truck Driver/Equipment Mechanic Position to the Fleet Services Fund Effective March 1, 2008; Approve the Purchase of the Recommended Dell Server for Public Works Administration with a Cost Not to Exceed \$15,000

BOARD ACTION: Rick Benson presented the staff report for the mid-year budget and described the process of compiling the staff report. Putting the mid-year budget together is a big job and many other counties have as many as six staff members working on the budget and he wants to recognize Mary Hodson for her efforts and hard work of performing this task single handedly. The budget is on schedule but there are some issues that need to be brought to the Board's attention, including sales tax revenues going down. Discussion was held relative to SB 90 funds and how these have worked with the State in the past, now the State has changed its process and this leaves a \$70,000 deficit until the following year. Rick Benson brought up one correction regarding the agenda relative to the purchase of a server for Public Works, recommending that the Board place this back into mid-year for purchase.

Supervisor Aborn brought up discussion regarding the District Attorney's increased case load and shortage of staff. Supervisor Bibby expressed concern regarding the additional funding required of approximately \$200,000. She also asked how many volunteers the Fire Department has. Fire Chief Jim Wilson responded that the actual hit is approximately \$84,000 but they will be using unanticipated revenue to offset a portion of the requested increases. He also responded that the total number of volunteers is 51. She then asked for a list of the current and active volunteers. Discussion was held with Supervisor Bibby relative to the airport funds from general contingency. Clarification was requested relative to the Sheriff's budget request. Rick Benson responded that the revenue was entered but the expenditure was not. Brian Muller, Sheriff, advised that they have been requesting reimbursement for the full time and the extra help bailiff and have been reimbursed for both this fiscal year but this may change in the next fiscal year. Supervisor Bibby requested clarification regarding Superior Court's request, Mary Hodson responded that they are well within their budget. Supervisor Bibby cautioned the departments to stay within their budget expressing concern relative to the remaining balance.

Chair Turpin asked about the marijuana revenue. Brian Muller responded that the cap from the Forest Service is \$20,000 and we far exceed this amount during the summer. Discussion was held relative to new personnel in the Forest Service to assist with the marijuana eradication and the over time cost to the Sheriff.

Supervisor Aborn requested Bob Brown, the District Attorney address the issue of the requested increase of funds. Bob Brown expressed concerns regarding losing staff recently and the increased case load. Discussion was held regarding funds that Bob Brown could contribute in salary savings to help cover the expense of the requested positions of Deputy District Attorney I/II and Legal Secretary I/II for the remainder of this fiscal year at a cost to the County of \$20,000. Next fiscal year Bob Brown will request the Board to commit to \$150,000 for these two positions. Further discussion was held regarding the positions relative to funding availability in the final budget and grants with worse case scenario of a 10% cut on victim witness grants. Discussion was held with Supervisor Bibby and Rick Benson relative to the reclassifications that will be on the Board agenda in approximately 2 weeks, in which Rick Benson anticipates recommending with minimal salary increase. Supervisor Pickard agrees with Rick Benson in waiting for the final budget to make this decision, that all the departments have critical needs. Supervisor Pickard recommended recruiting the half time position and let the Board look at this in long term to try to help.

Input from the public was made by the following:

Paul Chapman suggested closing the airport.

Witt Hawkins spoke in favor of the District Attorney and expressed concern relative to criminals being put on the street or not charging them and matters getting worse.

Ruth Catalan spoke in support of Bob Brown recommending the Board consider his request. She felt this would also support the Sheriffs Department.

Brian Muller stated the Sheriff's Department has been down five positions and they are almost filled at this time, he supports Bob Brown's request as he has dealt with similar issues being understaffed.

M)Aborn, (S)Bibby, Res. 08-92 was adopted as amended with adding the District Attorney's request of a full time Deputy District Attorney and a Legal Secretary and decreasing general contingency by \$20,000. Under discussion clarification was made in regards to the level of the Deputy District Attorney, motion amended to include a level I/II position. Under discussion Supervisor Pickard clarified his sympathy for the District Attorney's office. Mary Hodson recommended the District Attorney work with administration regarding the cost savings so the amount approved can be adjusted in the mid-year budget. Motion amended as recommended and not to exceed \$20,000 to formalize the budget action. Ayes: Aborn, Turpin, Bibby, Fritz; Noes: Pickard. Under discussion Rick Benson stated he would make the adjustments to \$155, 818.00 for the remainder of the fiscal year. (M)Fritz, (S)Aborn, Res. 08-93 was adopted approving Mid-Year budget requests as amended. Further discussion was held and commendations were made to the departments for staying within their budgets. Ayes: Unanimous.

CONSENT AGENDA

- CA-1 Approve an Agreement with Daniel Michael to Service the United States Forest Service (USFS) Self-contained Breathing Apparatus (SCBA) Units; Accept Donation of \$6,200 in Fire Equipment and Authorize the Board of Supervisors Chair to Sign the Agreement (Fire Chief); Res. 08-85
- CA-2 Approve an Amendment with Area 12 Agency on Aging for Smoke Alarms in Mariposa County for Residents Who are Sixty Years of Age or Older and Authorize the Board of Supervisors Chair to Sign the Amendment (Community Services Director); Res. 08-86
- CA-3 Approve LIHEAP Agreement No. 08B-5473 with the Department of Community Services and Development and Authorize the Human Services Director to Sign the Agreement; Accept an Advance of \$50,000 in Anticipated Revenue from LIHEAP Agreement 08B-5473; Approve an Agreement with Central Valley Opportunity Center (CVOC) to Coordinate the Weatherization Portion of the Program and Authorize the Board of Supervisors Chair to Sign the CVOC Agreement (Human Services Director); Res. 08-87
- CA-4 Authorize the Human Services Director to Sign the 2008-2009 Community Services Block Grant (CSBG) Agreement No. 08F-4907 on Behalf of the Calaveras-Mariposa Community Action Agency (CAA) in the Amount of \$25,670; Upon Approval of the CAA Governing Board; Authorize the Human Services Director to Sign Subsequent Amendments with the State Department of Community Services and Development (CSD) up to the Amount Allocated to the Calaveras-Mariposa Community Action Agency; and Authorize the Human Services Director to Enter into Subcontract Agreement with the Agencies Providing Direct Services (Human Services Director); Res. 08-88
- CA-5 Adopt a Resolution Approving the Statement of Votes Cast as Certified to the Secretary of State on February 28, 2008 (County Clerk/Registrar of Voters); Res. 08-89
- CA-6 Approve an Amendment with Cooperative Personnel Services (CPS) for Executive Recruitment Services for a Senior Planner in an Amount Not to Exceed \$10,000 and Authorize the Board of Supervisors Chair to Sign the Amendment (County Administrative Officer/Personnel/Risk Manager); Res. 08-91
- CA-7 Approval of Summary of Proceedings of March 4, 2008, Regular Meeting (Clerk of the Board)
- CA-8 Proclaim the Month of March, 2008 as "Clubs and Service Organizations Appreciation Month"; Approve Certificate of Recognition to the Chamber of Commerce Selection of

the “2007 Volunteer of the Year”; Approve Certificate of Recognition to the Chamber of Commerce Selection of the “E. O. Lewis Community Service Award” (Chair Turpin)

5:45 p.m. (M) Bibby, (S)Pickard, Adjournment in memory of Olin Lee Beck and Walter “Butch” John
Nay/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

TRACY GAUTHIER
Deputy Clerk of the Board

LYLE TURPIN,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 18, 2008



Time Description

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

Pledge of Allegiance

Introductions

Jim Wilson, Fire Chief, advised of a training burn the department held in Hunters Valley on Saturday; and of an incident that occurred later that afternoon with people discovered trapped inside a structure fire in the Ben Hur Road area. He commended Sheriff's Sergeant Jeff Totten, Firefighter John Faleski, and Deputy Fire Chief Jim Middleton for rescuing the victims. He also thanked all of the other people and agencies that responded to this emergency. Board members thanked everyone involved.

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

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

BOARD ACTION: Supervisor Bibby pulled item 1 for the Fire Chief to provide input. Supervisor Fritz pulled item 5 for a comment.

Item 1 – Jim Wilson, Fire Chief, provided input on the grant process and priority rating information they received; and he advised that the request for rescue units has been changed to an application for an engine/water tender. (M)Bibby, (S)Pickard, item 1 was approved, with the change/Ayes: Unanimous.

Item 5 – Supervisor Fritz noted that the agenda did not reflect the correct spelling for Chevron Kothari's name; and she commended Chevron for her assistance to the County with her grant writing skills.

(M)Fritz, (S)Bibby, item 5 and the balance of the consent agenda items was approved/Ayes: Unanimous.

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

Ruth Sellers provided input on the progress of the High-Speed Rail Authority's review of the routes; and she advised that no one is interested in the Pacheco Pass route.

Dick Hutchinson referred to his earlier input to the Board on the need for strategic planning in the County and he read information on strategic planning; and he mentioned that Ken Pulvino, a North County resident, has experience with this and may be able to be of assistance to the County.

Paul Chapman advised that he attended the Sierra Nevada Conservancy meeting in Bass Lake, and he suggested that a grant application be submitted for a water study.

Eleanor Keuning referred to the Sierra Business Council and the Sierra Nevada Conservancy; and she feels that the County is being left out of their projects and that we should be more proactive.

Curt Hibpshman referred to the March 6th meeting of the Catheys Valley Town Planning Area Advisory Committee; and he stated he does not feel that the draft Plan is ready for the Board to make decisions on April 1st as scheduled. He feels there are too many unsubstantiated statements and he

would like a chance to address issues with the Committee before coming to the Board. He referred to his parcel and agricultural uses and he feels there are conflicts with the Plan.

Rick Lobaugh stated he has property in Catheys Valley and he referred to his email that was sent on Monday expressing concerns with the draft Plan for Catheys Valley. He feels this plan should have public input at the Committee level before coming to the Board. He referred to a letter from Attorney Starchman relative to the General Plan Annual Report concerning area plans. He noted that the draft Catheys Valley Plan was dated March 4th – just two days before the Committee meeting, and he asked the Board to send the Plan back to the Committee.

Manual Souza stated he is a resident in Catheys Valley and referred to his businesses that are located outside of the County; however, he supports this County and the community organizations. He stated he is not happy with the Catheys Valley Town Planning Area Advisory Committee as public comment was not allowed and he does not feel that there was respect for the people that had different opinions at the March 6th meeting. He feels a 36 square mile planning area is too large. He feels that jobs need to be developed and that we need an economic base in the County, and he feels that agri-tourism business is good for the area. He asked that the Board delay considering this Plan until people that are newer to Catheys Valley have a chance to review it. He stated he feels that we need to respect one another's opinion; and he stated Ms. Castaldi did not yell and scream at the March 6th meeting as reported.

Sheryl Leisure advised that she attended the March 6th meeting in Catheys Valley and she referred to an email she sent to Board members on Monday. She feels the draft Plan for Catheys Valley needs to have a longer review period and she expressed concerns with the Plan. She requested that the presentation of the Plan to the Board be postponed to allow proper input and answers to their concerns.

Chair Turpin noted that there is an addendum to the agenda to add an item relative to a handicap parking stall on Highway 140.

Eleanor Keuning quoted a definition of agri-tourism.

Supervisor Bibby advised that the draft Catheys Valley Plan item on the April 1st agenda is scheduled for a joint meeting with the Planning Commission and the Board of Supervisors to make suggestions and changes to the draft Plan; and the agri-tourism item is a separate matter scheduled for April 2nd. She commented on the process for the draft Plan and noted that public hearings will be held by the Planning Commission and the Board, and that there is still a lengthy process ahead with opportunity for public input.

Board Information

Supervisor Fritz advised that she attended the 4-H Presentation Day and she commended the 4-H members on their presentations. On Saturday, she attended the Chamber of Commerce dinner recognizing clubs and organizations. She plans to attend the CSAC Board of Directors meeting on Wednesday in Sacramento and the Rail Committee meeting in Fresno. She advised of the upcoming Soroptimist Gold Rush dinner. She advised that there is a YARTS meeting on April 7th in Merced.

Chair Turpin noted that no action could be taken relative to the Public Presentation input on the draft Catheys Valley Plan because this matter was not on the agenda; but there will be an opportunity to provide further input as this Plan progresses.

Supervisor Pickard advised of his attendance at the "Day at the Capitol" on Wednesday. He advised that the oversight committee that was created to seek SB1740, noxious weed funding, met on Thursday with the California Food and Agriculture relative to the disbursement formula for the funds. He plans to attend the RCRC meeting in Sacramento on Wednesday; and he provided a status report on the gas tax amendment in the State budget. He plans to attend the ESJPA meeting in Sacramento on Thursday.

Supervisor Aborn advised that the San Joaquin Valley Rail Committee meeting is scheduled for March 27th in Fresno; and he commented on rail issues. He attended the FFA Donkey basketball game on Friday at the High School.

Supervisor Bibby advised that she received numerous letters relative to the Sierra National Forest and the off road vehicle routes and that Supervisor Fritz is bringing an item to the Board on March 25th. She stated it would be beneficial to get input on specific trails and routes. She commented on the closing of a gas station in Catheys Valley and of the impacts of increased costs in operating a business.

She noted that the General Plan Annual Report is scheduled for April 1st; and she noted that each committee meeting is taped and minutes are kept; and she noted that it is important for citizens to participate in these issues.

Supervisor Turpin advised that he attended the Merced River Alliance dinner on Tuesday; the Don Pedro Trails meeting on Wednesday; he held a District II meeting in Don Pedro on Thursday; and the Area 12 Agency on Aging meeting in Greeley Hill on Monday. He plans to attend the Red Cloud Library meeting on Wednesday. He plans to meet with Stanislaus National Forest District Ranger Dowle on Friday. He advised that there will be a meeting with BLM and Stanislaus National Forest relative to the off road vehicle routes on Tuesday.

The Local Transportation Commission convened at 10:12 a.m. to open the public hearing relative to the Federal Transit Administration (FTA) Section 5311 Program (Operating Assistance) funds and continued the hearing until after the following items.

Brian Muller, Sheriff;

Authorize the Sheriff to Sign an Agreement with the United States Drug Enforcement Administration for Reimbursement for Marijuana/Drug Investigations

BOARD ACTION: Sheriff Muller provided input on the agreement. Undersheriff Doug Binnewies provided input relative to the illegal drug investigation and enforcement costs and relative to conflicts with the Marijuana Compassionate Act. Discussion was held.

Input from the public was provided by the following:

Bob Linneman asked whether there has ever been an effort to bring a medical marijuana dispensary to the County; and whether the Undersheriff could further clarify the “trickle down” that was referred to with the indoor marijuana gardens.

(M)Fritz, (S)Aborn, Re. 08-101 was adopted approving the agreement/Ayes: Unanimous.

10:48 a.m. Recess

11:01 a.m. Dr. Mosher, Health Officer;

Planned Public Health Emergency Exercise Using a Scenario of Pandemic Influenza on May 19, 2008 thru May 22, 2008

BOARD ACTION: Dr. Mosher presented information on the exercise they are planning; and he advised that Dana Tafoya/Health Department Emergency Medical Services Coordinator and Nanette Wardle/representing John C. Fremont Hospital are instrumental in planning this. They will involve the Fire Chief, Chair of the Board, the County Administrative Officer, and other agencies. Discussion was held.

Input from the public was provided by the following:

Eleanor Keuning asked whether the Red Cross would be included.

MaryAnn Huff, resident of North County, referred to the “Public Safety Day” event she attended in the Silicon Valley, and she suggested that the North County Clinic be incorporated in this drill.

Dr. Mosher responded to the input that was provided and further discussion was held. No action was necessary.

John Davis, Building Director;

Adopt a Resolution Stating the Need for and the Location of a Handicap Parking Stall Between 5105 and 5109 Along State Highway 140 (Building Director)

BOARD ACTION: Discussion was held with John Davis relative to the request to meet CalTrans’ requirements for Sal’s Restaurant and other businesses in the area. (M)Aborn, (S)Fritz, Res. 08-102 was adopted as recommended/Ayes: Unanimous.

11:21 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) PUBLIC HEARING to Recommend the Adoption of a Resolution Authorizing the Executive Director to Execute the Application and Other Necessary Documents Pertaining to Federal Transit Administration (FTA) Section 5311 Program (Operating Assistance) Funds for Fiscal Year 2007-2008 (Dana Hertfelder, Public Works Director)

COMMISSION ACTION: Dana Hertfelder provided the staff report. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Commission commenced with deliberations. Staff responded to a question from the Commission relative to the purchase of a van versus a bus. (M)Pickard, (S)Aborn, LTC Res. 08-6 was adopted approving the recommended action/Ayes: Unanimous. The hearing was closed.

11:26 a.m. The Board of Supervisors reconvened.

Thomas P. Guarino, County Counsel, reported that, under Board Information, the California Supreme Court declined to hear Mr. Bird's appeal in his case against the County. The County prevailed in this case and will pursue recovery of costs. He also reported that he received additional notice that Hazel Green is now seeking to bring Tuolumne County into the lawsuit.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
Adopt a Resolution Approving an Application to the Local Agency Formation Commission (LAFCO) for the Proposed Formation of County Service Area 3 for County Fire Protection

BOARD ACTION: Discussion was held with Rick Benson relative to the request. Supervisor Bibby questioned whether the boundary description reflects the recent change with Tuolumne County for the South Shore project. Supervisor Pickard asked for clarification that there is no conflict with the Board taking action on this as three members of the Board serve on LAFCo; and County Counsel advised that there is no conflict. Supervisor Pickard asked whether LAFCo could meet to consider this before its next regularly scheduled meeting. Supervisor Turpin asked that the assessment line issues between Mariposa and Tuolumne County be reviewed with this. Rick Benson advised that he will follow-up on the issues that were raised.

Input from the public was provided by the following:

Paul Chapman stated he does not feel the legal description for the County's boundary is correct.

(M)Pickard, (S)Fritz, Res. 08-103 was adopted approving the application, with direction to the County Administrative Officer to try to expedite the meeting with LAFCo. The motion was amended, agreeable with the maker and second, to include direction for the County Administrative Officer to make any corrections to the description of the boundary of the service area that are needed to address the issues that were raised/Ayes: Unanimous.

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

BOARD ACTION: Rick Benson advised that there is no new information on the status of the landslides. He advised that CalTrans is planning to come to the Board on April 22nd at 10:00 a.m. to report on their efforts and what is happening with the permanent fix as well as any possible changes to the temporary bridges. He recommended that the local emergency be continued. Discussion was held. Supervisor Fritz advised of a call she received from Carrie Guarino relative to a presentation and display by the students of Mariposa Elementary School on the slide.

Input from the public was provided by the following:

MaryAnn Huff noted that on a recent trip to China, they were informed that the design for an elaborate bridge in Shanghai came from an eleven year old.

(M)Fritz, (S)Aborn, Res. 08-104 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.

Chair Turpin advised that a request was received to continue the public hearing scheduled for 2:00 p.m. this date to consider Appeal No. 207-195, an appeal of the Planning Director's November 28, 2007 Notice of Violation regarding a sign located at 9751 Merced Falls Road, APN 001-230-012; Appellant: Bob Kent, Lake Don Pedro Community Services District (Continued from March 11, 2008)
BOARD ACTION: County Counsel provided input relative to continuing the hearing. (M)Aborn, (S)Pickard, the hearing was continued to April 15, 2008, at 10:00 a.m./Ayes: Unanimous.

Authorize the Board of Supervisors Chair to Sign a Letter to the Sierra Nevada Conservancy Supporting the Yosemite Association (Chair Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion.

Input from the public was provided by the following:

Paul Chapman questioned why the Board's support is being requested for this. He advised that at the Sierra Nevada Conservancy meeting he attended, they said they had a letter of support from the Board and he does not remember the Board taking action on this.

(M)Pickard, (S)Aborn, Res. 08-105 was adopted approving the letter. The motion was amended, agreeable with the maker and second, to include direction to attach the sheet on the Outdoor Classroom Information to the letter/Ayes: Unanimous.

INFORMATION – No action was necessary on the following:

List of Contracts Entered into by the County Administrative Officer Pursuant to Ordinance 3.08 for the Months of October, November, December 2007 and January, February, March of 2008 (County Administrative Officer/Personnel/Risk Manager)

11:56 a.m. CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9 (a); Name of Claimant or Case Number and Name of Adverse Parties: Hazel Green Ranch, LLC v. United States Department of the Interior, et al., Case No. 1:07-CV-00414-OWW-SMS (County Counsel)

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

12:48 p.m. Chair Turpin announced that direction was given to County Counsel and that action was taken to approve a statement from the Board of Supervisors on the Hazel Green matter, and that it will be posted on the Board's website. The Clerk of the Board advised that the vote for approving the statement was four ayes, with Supervisor Bibby voting no.

CONSENT AGENDA

- CA-1 Authorize the Fire Chief to Submit Four Grant Applications for the FEMA Assistance to Firefighters Grants (AFG) Program. The Grants will Require a 5% Cost Share and Expenditures Proposed in the Fiscal Year 2008-2009 Budget Would Meet the Match Requirements (Fire Chief); Res. 08-94, with the change in the application
- CA-2 Approve Budget Action Increasing Revenue and Appropriations in the Fire Budget for Unanticipated Revenue Reimbursement from the National Emergency Training Center for Training Expenses (\$3,400) (4/5ths Vote Required) (Fire Chief); Res. 08-95
- CA-3 Approve an Amendment to Agreement with Area 12 Agency on Aging for C-1, Congregate Restaurant Meals Services Decreasing the Maximum Amount of Funding to \$7,945 for Fiscal Year 2007-2008 and Authorize the Board of Supervisors Chair to Sign the Amendment (Community Services Director); Res. 08-96
- CA-4 Approve an Amendment to Agreement with Area 12 Agency on Aging for C-2, Home Delivered Meals Services, Increasing the Maximum Amount of Funding to \$10,828 for

Fiscal Year 2007-2008 and Authorize the Board of Supervisors Chair to Sign the Amendment (Community Services Director); Res. 08-97

- CA-5 Approve a Formal Service Agreement with Chevon Kothari to Provide Grant Research, Development and Application Services and Authorize the Board of Supervisors Chair to Sign the Agreement and Approve Budget Action Transfers Between Funds to Fund the Agreement (\$6,000) (4/5ths Vote Required) (Human Services Director); Res. 08-98
- CA-6 Authorize Fleet Services to Replace Vehicle Number SO-221, SO-703 and SO-707 Prior to the End of their Useful Life Due to the Need for Major Repairs to all of these Vehicles, and to Dispose of these Vehicles in Accordance with the County's Contract with Roger Ernst & Associates (Public Works Director); Res. 08-99
- CA-7 Approve Budget Action Transferring Funding within the Library Budget to Allow for Additional Extra Help Hours and Funding for the Out-of-class Pay for the Interim County Librarian (Librarian); Res. 08-100

12:49 p.m. (M)Bibby, (S)Aborn, the Board adjourned/Ayes: Aborn, Turpin, Bibby; Excused: Fritz, Pickard.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board

LYLE TURPIN,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 25, 2008



Time Description

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

Pledge of Allegiance

Introductions

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

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

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

Paul Chapman referred to item 2 and stated he does not feel a report works.

Supervisor Bibby pulled item 1. Supervisor Turpin pulled item 3.

Item 1 – Supervisor Bibby asked that the job classification be changed to include supervision being received from the Public Works Director to be consistent with the other job classifications. This change was agreeable with the Public Works Director and the Personnel Officer. (M)Bibby, (S)Aborn, item 1 was approved/Ayes: Unanimous.

Item 3 – Keith Williams, Tax Collector, provided input relative to the lowered bid price for the gas station/mini mart parcel at 7651 Highway 120.

(M)Fritz, (S)Pickard, item 3 and the balance of the items were approved/Ayes: Unanimous.

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

Ruth Sellers asked whether the public would be invited for the meeting with CalTrans on April 22nd. Chair Turpin advised that CalTrans is scheduled on the Board meeting agenda for April 22nd.

MaryAnn Huff provided a reminder that the Chamber of Commerce's after hour's mixer is scheduled for this evening at the Lake Don Pedro Golf and Country Club. On Wednesday, at 11:30 a.m., there will be a ribbon cutting ceremony for the Habitat for Humanity.

Gloria Conlan referred the draft Catheys Valley Community Plan process and stated she feels that a "redline" document should be made available so that the people can see what the changes have been.

Tammie Guenthart advised that she was a member of the Catheys Valley Town Planning (TPA) Area Advisory Committee and referred to the survey they sent to everyone in the TPA asking for input and people indicated they wanted a smaller TPA. In the proposed plan, the TPA is very large and she is concerned with the restrictions. She feels the Plan needs to be reviewed further and is not what the majority of the people in Catheys Valley want.

Rick Lobaugh commented on the draft Catheys Valley Community Plan process and stated he feels it should have been sent back to the Committee. He does not feel it is appropriate for the Plan to come to the Board and the Planning Commission until there is an opportunity for input at the Committee level. He referred to the General Plan and discussion of community planning areas and expressed concern with the inclusion of an agriculture element in the draft Plan.

Sheryl Leisure stated she does not like going through the political process with the Catheys Valley Community Plan. She advised of her efforts to get answers to her questions on the Plan, and she feels there should be an open dialog with respect for their opinions.

Ruth Catalan asked about the status of the job description for the Williamson Act compliance official and the status of filling the position, as she feels this position could be helpful with the pending issues.

Brian Muller, Sheriff, advised of his department's efforts to abate the problems with illegal activities at the Mariposa County Park/skate park – on March 19th they began issuing misdemeanor citations to violators. He asked that the Board consider enacting an ordinance that would prohibit alcohol within the boundaries of the Park, including Coulterville Park, with the exclusion of sanctioned events. He also advised that they are looking at installing video monitoring equipment; and he thanked Public Works for their assistance and efforts. Thomas P. Guarino, County Counsel, noted that the Board's existing facility use policy has not been incorporated into the County Ordinance, but the Board could give direction to staff - he could work with Sheriff, Public Works Director, and the District Attorney to bring something back to the Board; and Chair Turpin so directed.

Eleanor Keuning referred to her earlier opposition to the location of the skate park.

MaryAnn Huff, resident of Coulterville, commented on the efforts to improve the Coulterville Park and of vandalism that has occurred and stated she agrees with the installation of video surveillance equipment.

Linda Dinnel reported on the successful Easter egg hunt held at the Coyote Springs Ranch; and she asked Supervisor Bibby for clarification of whether she tried to stop the event. Supervisor Bibby responded that her concern was that the "red tagged" areas of the property be barricaded to make sure that the children were safe. Linda Dinnel continued with her concerns on the draft Catheys Valley Community Plan process and she requested that the matter be pulled from the April 1st meeting.

Paul Chapman referred to the notices he saw in the newspaper over the last ten years advising of the meetings of the Catheys Valley TPA Advisory Committee.

Gloria Conlan stated she was aware of the Catheys Valley TPA Advisory Committee meetings, but was unable to attend; and she expressed concern with restrictions in the Plan. She again requested that a "redline" document be made available online.

Norm Miller opposes the proposed 16,000-acre size of the TPA for Catheys Valley.

Manual Souza expressed concern with the draft Catheys Valley Community Plan process and the restrictions, and the short time that he feels it was available to the public prior to the last TPA Advisory Committee meeting; and he commented on the March 6th Advisory Committee meeting. He stated he feels that unless the matter is postponed from the April 1st meeting, that they will have no other alternative than to lodge a suit to stop this from happening.

Theresa Castaldi agreed with Manual Souza and she questioned whether the Board has been listening to the input being provided. She does not feel that the draft Catheys Valley Community Plan is a valid document; and she presented letters from herself and Patricia Oakander requesting that their parcels be taken out of the study area.

Manual Souza presented a page with information which he feels gives the Board authority to discuss a nonagenda item.

Chair Turpin advised that the questions that have been raised relative to the process would be given to staff and need to be addressed. He advised that with the workshop the Board would have the ability to give direction to the Catheys Valley TPA Advisory Committee to address the concerns that are raised. He also commented on the issue that was raised relative to filling the position to address the Williamson Act contract issues.

Supervisor Bibby referred to the concerns that were expressed and she provided input on the process and history for the draft Catheys Valley Community Plan which started in 1994. She advised that the agendas and minutes for the Catheys Valley TPA Advisory Committee meetings are available at the Planning Office. She noted that this is a new document so there are no "red lines" – the previous draft plans never got to the Board.

Linda Dinnel advised that she has provided comments since the beginning of the Catheys Valley TPA plan process; however, they were not allowed to speak at the meeting. She requested that action be taken to cancel this item from the April 1st meeting.

Gloria Conlan again asked that a document be provided that shows the changes in the draft Catheys Valley Community Plan; and she stated she does not feel that what is being reported is necessary what happens.

Rick Lobaugh provided more input on the draft Catheys Valley Community Plan and the agriculture element and the process.

Supervisor Pickard commented on the process and agriculture element; and he asked when the updated draft Catheys Valley Community Plan was available to the public. Supervisor Bibby responded and provided input on the process. Supervisor Fritz stated she feels that the citizens need to know that they will be heard when the Plan goes back the Committee. Discussion was held. County Counsel advised that the Brown Act allows for a brief response and he feels that has been fully exercised. He also referred to the information that was provided relative to taking action on nonagenda items, and he advised that the Board did have knowledge of this situation before the agenda was posted and he referred to the testimony that has been provided to the Board; thus, he does not feel that action could be taken today. He noted that direction could be given to staff to place an item on the agenda for April 1st to consider whether there has been sufficient time for the public to review the Plan before moving forward with the workshop. Further discussion was held.

10:32 a.m. Recess

10:50 a.m. Dana Hertfelder, Public Works Director;
Presentation by Heidi Sanborn of the California Product Stewardship Council, Discussion and Possible Action Regarding Supporting the Council's Mission for Extended Producer Responsibilities; Adopt an Extended Producer Responsibility Resolution and Authorize the Board of Supervisors Chair to Sign a Pledge of Support

BOARD ACTION: Heidi Sanborn reviewed the history of the California Product Stewardship Council and what they do. She gave a presentation and reviewed the changes that have occurred in the solid waste stream. She advised that their mission is to shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability. Discussion was held.

Input from the public was provided by the following:

Manual Souza, Past President of the Auto Dismantlers for California, commented on their recycling efforts, and of problems with businesses that do not adhere to the requirements.

(M)Pickard, (S)Fritz, to authorize the Chair to sign a Pledge of Support, was withdrawn by the maker, agreeable, with the second, following further discussion. Dana Hertfelder provided input. Direction was given for staff to bring the resolution and Pledge of Support back for action on the April 1st agenda.

11:36 a.m. Recess

11:48 a.m. Board Information

Supervisor Fritz thanked Undersheriff Binnewies for attending the Soroptimist meeting and giving a talk on the marijuana enforcement and eradication efforts. She advised that she attended the CSAC Board of Directors meeting in Sacramento on Thursday and they discussed unfunded mandates. She announced that the Soroptimist Gold Rush Dinner/Dance is scheduled for Saturday at the Fairgrounds. She plans to attend the YARTS meeting on April 7th in Merced and the Rail meeting in Fresno on this Thursday. She showed a train card she received from Ken Gosting congratulating her on her inauguration as Vice-Chair of the San Joaquin Valley Rail Authority.

Supervisor Bibby referred to Consent Agenda item 7 and encouraged citizens to provide comments on the Sierra National Forest Motorized Travel Management Plan. She advised that she met with Doug Clayton and he is interested in coming up with a community theatre for the amphitheater. She advised that she is unable to attend the ribbon cutting ceremony for the Habitat for Humanity, but wishes them well. She advised that the meeting with Dinah Bortner/CalTrans relative to the Old Highway bridge went well.

Supervisor Turpin advised that the BLM and Stanislaus National Forest Service are meeting this date on the off-road vehicle route challenges. He advised that he attended the Red Cloud Library meeting. He met with Ranger Dowle last week and toured noxious weed areas. He plans to attend the Chamber of Commerce after hour's mixer this evening. He plans to attend a Compost Facility Task Force meeting on Wednesday. He will try to attend the CSAC Natural Resources meeting on Friday. On Saturday he will present the resolution the Board approved to Bernie and Nancy Knoll for their contributions as members of the Friends of the Red Cloud Library.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)
BOARD ACTION: Rick Benson advised of efforts to schedule a meeting in Sacramento – he and Chair Turpin will plan to attend. He advised that there is no new information on any changes in the slide; and he recommended that the local emergency be continued. CalTrans District 10 Director Kome Ajise is scheduled on the Board's April 22nd agenda to provide a status report. (M)Fritz, (S)Bibby, Res. 08-113 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

11:56 a.m. 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: Hazel Green Ranch, LLC v. United States Department of the Interior, et al., Case No. 1:07-CV-00414-OWW-SMS (County Counsel);

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Building Director (Government Code Section 56954.5) (Chair Turpin); and

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

BOARD ACTION: County Counsel responded to Supervisor Bibby and advised that there is no conflicts of interest with the closed session matter concerning anticipated litigation. (M)Bibby, (S)Aborn, the closed sessions were held/Ayes: Unanimous.

12:55 p.m. Chair Turpin announced that direction was given to staff as a result of the existing litigation matter for Hazel Green Ranch; and information was received relative to the other two closed session matters.

CONSENT AGENDA

- CA-1 Approve the Proposed Job Description of Commercial Truck Driver/Equipment Mechanic, Set the Salary at \$2,691-\$3,271/Month, and Assign the Classification to SEIU (County Administrative Officer/Personnel/Risk Manager); Res. 08-106, with change
- CA-2 Approve a Professional Services Agreement with California Waste Associates to Prepare the Solid Waste Annual Report and the 5-year Permit Review for the Landfill in the Not to Exceed Amount of \$24,410 and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-107
- CA-3 Approve a 5-year Tax Defaulted Parcels Schedule for Auction on August 15, 2008 (County Clerk/Tax Collector/Treasurer); Res. 08-108
- CA-4 Adopt a Resolution Recognizing Bernard R. Knoll and Nancy L. Knoll for their Contributions as Members of the Friends of the Red Cloud Library (Chair Turpin); Res. 08-109

- CA-5 Approve Budget Action Transferring Funds within the Grand Jury Budget to Account for Unanticipated Jury and Witness Expenses (\$2,300) (Grand Jury); Res. 08-110
- CA-6 Approval of Summary of Proceedings of March 11, 2008; Approval of Summary of Proceedings of March 18, 2008, Regular Meetings (Clerk of the Board); NOTE: The March 11th minutes were not included in the agenda packages and were rescheduled on the April 1st agenda for approval
- CA-7 Authorize the Board of Supervisors Chair to Sign a Letter to the United States Forest Service Regarding Extending the Deadline for Completing the Draft Analysis of the Sierra National Forest Motorized Travel Management (Supervisor Fritz); Res. 08-111
- CA-8 Approve a Reimbursement Agreement with the Central California Conference of Seventh Day Adventists for the Costs for Consultation and the Preparation of the Record of Proceedings for the Mariposa Seventh Day Adventist Camp Litigation and Authorize the Board of Supervisors Chair to Sign Reimbursement Agreement (County Counsel); Res. 08-112

12:56 p.m. Adjournment in memory of Joyce Marie Lantia, Michael Paul Burns, Howard M. Bruce, Robert (Bob) Werner Bissmeyer, and Fred L. Perdue.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board

LYLE TURPIN,
Chair, Board of Supervisors