



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

October 6, 2009



Time Description

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

4-H members led in the Pledge of Allegiance and in the 4-H Pledge.

Introductions

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

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

BOARD ACTION: Chair Aborn advised that items 6, 8 and 12 have been withdrawn.

Supervisor Bibby pulled item 16 for separate action and advised that she will excuse herself from the meeting for this item as she has a remaining interest in real property in the general location of the Old Toll Bridge. Supervisor Turpin pulled item 16 for discussion with the Public Works Director. Supervisor Allen commented on the size of the agreement for item 13 given the small amount of funding. (M)Bibby, (S)Allen, the balance of the items was approved/Ayes: Aborn, Turpin, Bibby, Allen; Excused: Cann.

Chair Aborn;

A) Proclaim October 4-10, 2009 as "National 4-H Week" and Presentation on National 4-H Week, Ag in the Classroom and Mariposa County 4-H Program (Donna Wice/4-H Coordinator)

BOARD ACTION: (M)Bibby, (S)Turpin, the Proclamation was approved and presented to Donna Wice/4-H Coordinator, Carol Suggs/4-H leader, Ron and Theresa Loya/4-H leaders, Wyatt Harrison/4-H member, Randy Brillhart/4-H member, and Maria Loya/4-H member/Ayes: Aborn, Turpin, Bibby, Allen; Excused: Cann. Donna Wice provided input on the 4-H program and activities and thanked the Board for its support.

B) Proclaim October 5-9, 2009 as "Habitat for Humanity Awareness Week" (Delores Hahn)

BOARD ACTION: (M)Turpin, (S)Bibby, the Proclamation was approved and presented to Delores Hahn/President, Beth Tomsick/Vice-President, and Al Johnson/Site Selection Committee of Habitat for Humanity/Ayes: Aborn, Turpin, Bibby, Allen; Excused: Cann. Delores Hahn provided input on their fundraising efforts and the donation of a parcel of land to build their first home. She invited everyone to attend events on the Sebastopol Road property on Saturday.

C) Proclaim October 4-10, 2009 as "Fire Prevention Week" (County Fire/CAL Fire)

BOARD ACTION: (M) Turpin, (S)Allen, the Proclamation was approved and presented to Jim Wilson/Fire Chief; Bill Hodson and Kevin Smith/CAL Fire/Ayes: Aborn, Turpin, Bibby, Allen; Excused: Cann. Jim Wilson and Bill Hodson provided input on fire prevention and safety.

Jim Wilson, Fire Chief

Approve and Present a Resolution to Joann Weston Recognizing Donald G. Weston for his Outstanding Service to the Communities of Mariposa County as “Father of the Mariposa County Fire Department”

BOARD ACTION: Jim Wilson advised that the resolution memorializes the title of “Father of the Mariposa County Fire Department” for Don Weston. (M)Bibby, (S)Allen, Res. 09-471 was adopted and presented to Joann Weston and Jennifer Weston/Ayes: Aborn, Turpin, Bibby, Allen; Excused: Cann. Jennifer Weston read comments that her father had written about the Fire Department and the new equipment. Jim Wilson advised that a memorial blood drive is scheduled for October 15th at the Senior Center dining room. Dan Smith/President of the Officers Association and Lieutenant Tina Dearing of the Mormon Bar Company, advised that the Association has donated a memorial brick for the National Fire Fighters Wall in memory of Don Weston.

9:34 a.m. Recess

9:45 a.m. Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda.

Vaden Savage referred to complaints the Board has received about the Building Department and he provided input on issues they encountered with the construction of their home and driveway – problems with the contractor not following code and with the County not enforcing the codes in the past. He urged the Board to be supportive of code enforcement and invited the members to look at their situation. Mrs. Savage noted that the problem with the driveway and compaction occurred when the grading permit process was transferred from the Resource Conservation District to the Building Department.

Jeanetta Phillips provided a reminder that the cutoff for nominating favorite sites and unique destinations in our area for the geotourism project is October 31st.

Board Information

Supervisor Allen advised that he met with CAL Fire and the Sheriff relative to the evacuation plan that is being put together for wildland fires. He attended the Airport open house; the roast beef dinner in Coulterville; met with Total Waste Systems relative to trash issues in the County; and he met on the 29th with Public Works, Fire Chief, and grading contractor for the Fish Camp Fire Station. He advised that there is a community meeting for the UC Merced School of Medicine planning process on October 21st at 6:00 p.m. at the Government Center. He attended the Jerseydale Fire Safe meeting and the Emergency Medical Care Committee meeting. He attended the Contractors’ Fair, the Lady Lion’s fundraising event; and Odella’s Antique sale and he noted that Jim and Dell Knell are planning to retire. He attended the tri-tip BBQ to benefit the Lushmeadows Fire Station. He attended a meeting on Monday in Wawona relative to issues with the dumpsters. He is planning to attend the event for Habitat for Humanity on Saturday at 4146 Sebastopol Road. He noted the Farm Bureau dinner is scheduled for Saturday, as well as the western BBQ at the Ponderosa Basin Fire Station.

Supervisor Turpin advised that he attended the Economic Development Corporation meeting at the Library on the 23rd; the Airport Fly-in event; he met with the Building Department and Total Waste Systems on the 29th; he attended the Coulterville Community Club meeting on Monday; and he attended his 50th High School class reunion on Saturday in Bootjack. He plans to attend a meeting at the Coulterville transfer station and at the Red Cloud Park on Thursday. He plans to attend the Planning Commission meeting on Friday relative to the road standards item. He advised that Station 26 is holding an open house in Coulterville on Saturday for fire prevention awareness week. He noted the Farm Bureau dinner is scheduled for Saturday.

Supervisor Bibby advised that she attended the Mental Health Board meeting on Thursday and the subcommittee meeting on suicide prevention. She commented on the flu season. She advised the Hornitos Flea market was held on Saturday and the Patron’s Club uses the proceeds to

help with the Stagg Hall; and she thanked everyone for their support of this event. She advised that she has attended several meetings with departments: Human Services, Fire, Public Works and Health. She noted the Farm Bureau dinner is scheduled for Saturday. She commented on the films of the National Park Service by Ken Burns that are being aired. She noted that Channel 30 covered the Fire Chief and Deputy Fire Chief's unveiling of the grant for the three new fire stations; and she advised that they are still pursuing the Yaqui Gulch area fire station.

Supervisor Aborn advised that Public Works is working on Incline Road; commented on the community building and speed bump issues; and provided input on recent decisions relative to high speed rail and routing issues.

Jim Rydingsword, Human Services Director;

Waive the First Reading and Introduce an Ordinance Amending Sections 2.104.050 (Membership) and 2.104.080 (Vacancies and Removal) of Chapter 2.104 of the Mariposa County Code Entitled "First 5 of Mariposa County"

BOARD ACTION: Following discussion with Jim Rydingsword, (M)Bibby, (S)Allen, 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: Aborn, Turpin, Bibby, Allen; Excused: Cann.

10:18 a.m. Sarah Williams, Deputy Planning Director, appeared on behalf of Kris Schenk, Planning Director;

PUBLIC HEARING to Consider County Code Amendment No. 2008-202. Action Includes Adopting a Resolution Approving the Project, and Adopting a Notice of Exemption, and Waiving the First Reading and Introducing an Ordinance Amending Zoning Ordinance Text. The Project Proposes to Amend Mariposa County Code Relative to Canceling or Rescheduling Meetings of the Planning Commission and to Amend the Scope of Matters Heard By the Planning Commission. The Amendments to the Provisions for Meetings will Enable the Planning Commission to Cancel or Reschedule Any Regular Meeting By Majority Vote. The Amendments to the Scope of Matters Heard Modifies and Updates the List of Projects (Scope of Matters) to Reflect the Projects which the Planning Commission Routinely Reviews and Decides, or Reviews and Makes a Recommendation for Action to the Board of Supervisors. This Project is Considered a County-Wide Amendment. The Proposed Amendment is to Title 2 Chapter 2.52 Mariposa County Code. Project Proponent: Mariposa County

BOARD ACTION: Karen Peneschi, Assistant Planner, presented the staff report. Sarah Williams and Karen Peneschi responded to questions from the Board relative to the applications that the Planning Commission acts on and those that they make recommendations to the Board on; as to whether the recommendation changes what the Planning Commission routinely does; and relative to the amendments. Staff responded to a question from the County Administrative Officer and advised that the decisions of the Planning Commission can be appealed to the Board. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Allen, (S)Turpin, Res. 09-480 was adopted approving the project and adopting a Notice of Exemption on the environmental determination for County Code Amendment No. 2008-202; and the first reading was waived and an Ordinance introduced amending the Zoning Ordinance text as recommended. The Clerk of the Board read the title of the Ordinance into the record/Ayes: Aborn, Turpin, Bibby, Allen; Excused: Cann. The hearing was closed.

Dana Hertfelder, Public Works Director;

Discussion and Direction Regarding the Disposal of the Replaced Fire Engines and Approve the List of Equipment to be Disposed of and Reassigned

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the options and recommendations; relative to interest by property owners to purchase the equipment; whether there are any liability concerns or code enforcement issues; and whether any equipment is being kept for parts. Jim Wilson/Fire Chief, and Joe Halencak/PWD-Fleet Superintendent, provided input and responded to questions.

Input from the public was provided by the following:

Ruth Catalan noted that the taxpayers paid for the equipment and she feels that they should have first choice to purchase it at the local level.

Further discussion was held. Supervisor Turpin asked Dr. Mosher whether there is any benefit with scraping the equipment from an air pollution standpoint; and he advised that he will review this. The Board concurred with advertising the equipment recommended for salvage locally first with a minimum price to cover all costs for decommissioning the equipment, any offers by potential purchasers will come back to the Board, and the rest of the equipment identified for salvage will be sent to the scrap yard. The County Administrative Officer will work with County Counsel to make sure that any liability issues are covered. Supervisor Bibby asked that if any unknown costs or liability concerns are raised, that the matters come back to the Board.

Consider Items Removed from the Consent Agenda

CA-16 – Supervisor Bibby was excused from the meeting for this item at 11:14 a.m. Discussion was held with Dana Hertfelder relative to the status of the bridge projects and requirements. (M)Allen, (S)Turpin, item 16 was approved/Ayes: Aborn, Turpin, Allen; Excused: Bibby, Cann.

11:20 a.m. Recess

11:27 a.m. Dr. Mosher, Health Officer;

Provide Information Regarding the Progress of H1N1 (Swine) Influenza and the Health Department's Response to Date

BOARD ACTION: Dr. Mosher presented a status report and discussion was held.

Input from the public was provided by the following:

Ruth Catalan asked if the treatment is the same for this flu as for other colds and influenzas. Dr. Mosher responded that it generally is, and that it is best for those that are ill to contact their doctor and explain their symptoms to determine whether they need to come in to the office for treatment, etc., to help avoid spreading the flu.

Waive the Second Reading and Adopt an Ordinance Amending the Mariposa County Zoning Map by Rezoning 7.75 Acres of Land (APN 009-170-024) from the Resort Commercial Zone to the Mountain Home Zone Pursuant to General Plan/Zoning Amendment No. 2006-26. Project Applicant: Midpines Bible Church (Planning Director)

BOARD ACTION: (M)Allen, (S)Turpin, the second reading was waived and Ordinance No. 1061 was adopted as recommended. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Aborn, Turpin, Bibby, Allen; Excused: Cann.

Schedule an Afternoon Session for the Board Meeting for October 20, 2009 to be held at Greeley Hill Community Club at 3:00 p.m., with a Tour of the Red Cloud Park and the North County Medical Clinic to Follow (The Morning Session will be held at the Government Center) (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion, and he clarified that they are asking for J-132 to be designated as John Muir Highway – this item will be scheduled for the afternoon meeting in Greeley Hill. He anticipates that the tour of the Medical Clinic will occur about 4:00 to 4:15 p.m. Supervisor Bibby asked that consideration be given to taking public input on the J-132 issue at the morning session of the Board to save citizens from having to drive to Greeley Hill for the afternoon session, and the Board concurred. (M)Allen, (S)Turpin, Res. 09-482 was adopted approving the scheduling as recommended/Ayes: Aborn, Turpin, Bibby, Allen; Excused: Cann.

Adopt a Resolution Approving the Response of the Board of Supervisors to the 2008-2009 Mariposa County Grand Jury Final Report and Direct County Administration to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held. (M)Allen, (S)Bibby, Res. 09-483 was adopted approving the response as recommended/Ayes: Aborn, Turpin, Bibby, Allen; Excused: Cann.

Approval of Summary of Proceedings of September 22, 2009, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Allen, (S)Turpin, the minutes were approved with correction to show that Supervisor Bibby was excused from the September 22nd meeting due to illness/Ayes: Aborn, Turpin, Allen; Abstained: Bibby; Excused: Cann.

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: Department of Fair Employment and Housing (Shana Hamel) v. Mariposa County (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: (M)Bibby, (S)Turpin, this closed session was held after the following matters/Ayes: Aborn, Turpin, Bibby, Allen; Excused: Cann.

INFORMATION – No action was necessary on the following:

List of Agreements Entered into by the County Administrative Officer Pursuant to Ordinance 3.08 for the Months of July 2008, January, July, August, September, and October 2009

DISCUSSION: Input from the public was provided by the following:

Ruth Catalan referred to the two contracts with Scott's Cleaning Service and asked whether competitive bids were solicited and whether the service could be done in-house at less cost. Rick Benson responded that he will check to see whether bids were solicited.

12:07 p.m. **CLOSED SESSION:** Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriffs' Management Association); Name of County Designated Representative: Richard Bolanos (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Supervisor Bibby excused herself from the meeting for this action and this closed session due to a potential conflict of interest because her spouse is a member of the SMA. (M)Turpin, (S)Allen, this closed session was held/Ayes: Aborn, Turpin, Allen; Excused: Bibby, Cann.

12:24 p.m. Chair Aborn advised that information was received as a result of the closed session relative to labor negotiations with SMA; and he was excused for the rest of the meeting.

12:25 p.m. The Board convened in closed session for the litigation matter.

12:39 p.m. Vice-Chair Bibby advised that information was received as a result of the closed session on the litigation matter.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of September 15, 2009, Regular Meeting; Approval of Summary of Proceedings of September 16, 2009, Continued Meeting; Approval of Summary of Proceedings of September 17, 2009, Continued Meeting; (Clerk of the Board)
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-472
- CA-3 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 09-473

- CA-4 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 09-474
- CA-5 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 09-475
- CA-6 Approve the Termination of Lease Agreements with Jim Bardini and Tolley Gorham and allow the Human Services Department to Consolidate two Offices (Community Action Agency and Housing Authority and Fiscal Administration) into a New Location, 5081 Bullion Street (Human Services Director); this item was withdrawn from the agenda
- CA-7 Approve an Agreement with Advocation for Lobbying Activities in the Not to Exceed Amount of \$20,000 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 09-476
- CA-8 Approve an Agreement with the Mariposa County Arts Council for Performing Arts, Visual Arts, And Arts Resources and Education Services in the Amount of \$51,000 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); this item was withdrawn from the agenda
- CA-9 Approve the Resignation of Stephen H. Miller from the Historic Sites and Records Preservation Commission (Supervisor Aborn)
- CA-10 Accept the Resignation of Laurel Anderson from the El Portal Planning Advisory Committee (Supervisor Aborn)
- CA-11 Accept Status Report on Activities Related to the Public/Private Partnership with the Economic Development Corporation (County Administrative Officer/Personnel/Risk Manager); Res. 09-477
- CA-12 Approve an Agreement with the Yosemite/Mariposa County Tourism Bureau in the Amount of \$400,000 to Provide Marketing Services for the County and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); this item was withdrawn from the agenda
- CA-13 Approve Sudden Oak Death (SOD) Agreement No. 09-0412 for Fiscal Year 2009/2010 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 09-478
- CA-14 Adopt a Resolution Approving the Addition of Two Alternate Members to the Airport Advisory Committee with Voting Rights if the Committee does not have a Quorum and Modify the Quorum Requirements (Public Works Director); Res. 09-479
- CA-15 Approve the Reappointment of Charlotte Wilson and James Johnson to the Airport Advisory Committee for Terms Expiring January 7, 2013 (Public Works Director)
- CA-16 Approve the Third Amendment Extending the Date of Completion to June 31, 2010, to the Professional Services Agreement with CH2MHILL for the Replacement or Rehabilitation of Five Bridges that the County Currently has

Programmed for Funding through the Highway Bridge Replacement and Rehabilitation Program (HBRR) and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 09-481

- CA-17 Accept the Resignation of Marilyn Wilcox from the Greeley Hill Planning Advisory Committee, Re-appoint Tom Deutsch, Shirley Kendrick and Gary Balmain to the Greeley Hill Planning Advisory Committee with Terms Expiring February 28, 2011 (Supervisor Turpin)
- CA-18 Authorize the Board of Supervisors Chair to Apply for Certified Unified Program Agency (CUPA) Reimbursement Funds and Sign Disbursement Worksheet for Rural CUPA Reimbursement Funds for Fiscal Year 2009/2010 and Authorize the Health Officer to Submit and Sign Additional Documents to Secure Funding as Necessary (Health Officer); Res. 09-484
- CA-19 Approve a Proclamation in Support for the Trans Valley Youth Football League Super Bowl and Open House (Bob Kirchner, Event Coordinator)

12:40 p.m. Adjournment in memory of Richard “Dick” Elmer Coffman, Frank Thomas Cooke, Jr., John Raymond Thomson, Kathy (Brandauer) Weyrauch, John W. “Spike” Brochini, and retired Tulare County Supervisor Jim Maples.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

October 13, 2009



Time Description

9:09 a.m. Meeting Called to Order at the Mariposa County Government Center with Supervisor Aborn excused due to illness.

Pledge of Allegiance

Introductions

Vice-Chair Bibby advised of the addendum to the agenda; advised that the Closed Session for labor negotiations with SMA was pulled by the County Administrative Officer; and advised that Chair Aborn requested that the items relative to the reorganization of the Building Department and the Closed Session for performance evaluation of the Building Department Director be continued for the full Board to be present. Rick Benson, County Administrative Officer, asked that the Ordinance modifying the appendixes adopted within the 2007 California Building Code also be continued. The items relating to the Building Department will be rescheduled on October 20th or October 27th as the agenda scheduling allows.

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 Allen pulled item 8 for separate action. Supervisor Bibby pulled item 6 for separate action to excuse herself from the meeting due to a potential conflict of interest because she has a family member in the DSA. (M)Allen, (S)Turpin, Supervisor Cann was selected to serve as Chair pro-tem for item 6/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn. Supervisor Bibby was excused at 9:16 a.m. Rick Benson provided input on the labor negotiations with DSA and the agreement that was reached. (M)Turpin, (S)Allen, item 6 was approved/Ayes: Turpin, Cann, Allen; Excused: Aborn, Bibby. Supervisor Bibby returned to the meeting at 9:20 a.m. Supervisor Turpin pulled item 5 for discussion with Planning Director. (M)Allen, (S)Cann, the balance of items was approved/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Chair Aborn;

Proclaim October 23-31, 2009 as "Red Ribbon Week" (Sheriff)

BOARD ACTION: (M)Allen, (S)Cann, the Proclamation was approved and presented to Undersheriff Doug Binnewies, and he recognized those who serve on the working group for this event/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Consider Items Removed from the Consent Agenda

Item 8 – (M)Cann, (S)Turpin, item 8 was approved/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn. Supervisor Allen presented the formal resolution to Cori Lucero, Federal Director of Government Relations for UC Merced and Angie Rios/The Rios Company. They

invited everyone to attend the community meeting on October 21st at 6:00 p.m. at the Government Center on the proposed UC Merced School of Medicine planning process and they recognized the committee members from Mariposa.

Vice-Chair Bibby referred to item 9 and invited everyone to attend the Alzheimer's and Dementia conference scheduled for October 22nd.

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

Bill Verley, representing the Mariposa County Contractors Association, provided input on problems they see with the Building Department, including interpretation of the Building Codes by the Building Director; and he expressed concern with the reorganization proposal.

Steph Sievert, Sievert Supply, referenced the letter he wrote relative to the Building Department and he expressed concern with the Building Director's actions.

Rob Hamilton, electrical contractor and member of the Contractors Association, expressed concern with the Building Director's actions.

Mark Harris, Yosemite Falls Well Drilling, expressed concern with the Building Department and the issue relative to permit requirements for installing pumps. He asked whether the Building Director was talked out of quitting. Rick Benson advised that any personnel discussion is not appropriate for this meeting.

Jerrod Twiss, Ranch Fence, read his letter into the record expressing concern with the Building Director's job performance.

Steve Lach, one of the owners of Mariposa Brewing Company, provided input on his concerns with the Building Department and expressed concern with the requirements they faced with their business.

Dick Hutchinson advised that the new truss was installed at the Mariposa Museum and History Center on Monday. He referred to the concerns that have been expressed this morning and read the County's public service policy; and he stated he does not feel that the Building Director has listened to anyone with patience.

Floyd Davis suggested that a private citizen committee be formed consisting of people from the building industry to help work on the issues that have been raised; and he volunteered his assistance with this.

Board Information

Supervisor Cann advised that he was in contact with WiFi access while he was out of town visiting his father who is being treated for cancer.

Supervisor Allen advised that he attended the Habitat for Humanity event and the Farm Bureau dinner on Saturday. He has attended a few meetings relative to keeping the Wawona School open. He plans to attend the San Joaquin Valley Regional Association of California Counties conference in Stockton on Wednesday and Thursday. He noted the Fire Fighters Appreciation picnic is scheduled for Sunday at the Fairgrounds; the Valley Coalition for UC Merced Medical School community meeting is scheduled for October 21st; and the Alzheimer's and Dementia conference is scheduled for October 22nd.

Supervisor Turpin advised that he met with the Public Works Director on Thursday and they looked at the Coulterville transfer station to see how it could be made more customer-friendly. He attended a tour the Planning Department had relative to addressing grading issues above the Old Highway. He attended the Station 26 open fire house event on Saturday. He plans to attend the SWIFT meeting in Moccasin and the Airport Advisory Committee meeting on Wednesday. He advised that the Soap Box Derby is scheduled to be held in Coulterville on Saturday. He plans to attend the Fire Fighters Appreciation picnic on Sunday. He advised that he missed the Farm Bureau dinner due to illness.

Supervisor Bibby advised that she toured property off Old Highway on October 8th for a possible fire station site for Yaqui Gulch/Bridgeport area, and that she has kept the School District informed of the item on today's agenda. She met with Human Services regarding Community Action Agency. She attended the Habitat for Humanity event; she visited the open houses for

Mormon Bar and Mt. Bullion and Catheys Valley Fire Stations; and she attended the Farm Bureau Dinner on Saturday. She attended the First 5 Commission meeting on Monday and advised that they are looking at funding for future years and she noted that Judy Yaras/First 5 and Juvenile Justice Committee member passed away; and she plans to attend a wedding and the 4-H Achievement Night on October 17th.

10:02 a.m. Recess

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

PUBLIC HEARING to Consider Appeal No. 2009-114, an Appeal of the Planning Director's Determination Regarding a Portion of Certificate of Compliance Application No. 2007-093 for Twelve (12) "Fractionalized" Patents. Applicants and Appellants: Jeff Miller and Layne Clifton. Project Site for Certificate of Compliance Application No. 2007-093 was APN 016-080-002 (Now a Retired APN); 871 Highway 140, Le Grand (Merced/Mariposa County Line).

BOARD ACTION: Kris Schenk advised of a request that was received to continue this hearing, and he advised that the appellant concurs. He advised that Tony Toso, Farm Bureau, requested that the hearing be continued as they have not had a chance to review all of the comments and they will meet on October 20th.

Jeff Miller, appellant, stated he concurs with the continuance; and he referred to additional deed information that he submitted that shows that 1/4th of the property was received from his mother and 3/4th came from the Chase estate.

(M)Allen, (S)Turpin, the hearing was continued to November 3, 2009 at 3:00 p.m./Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Consider Items Removed from the Consent Agenda

Item 5 – Following discussion with Kris Schenk relative to the SilverTip Resort project, (M)Turpin, (S)Cann, item 5 was approved/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Dana Hertfelder, Public Works Director;

Discussion and Direction Regarding Continuing Operations of the Don Pedro, Hornitos, Coulterville and Fish Camp Transfer Stations

BOARD ACTION: Discussion was held with Dana Hertfelder and Dr. Michelle Miller/Solid Waste and Recycling Manager relative to the operation of the transfer stations, schedules, costs, rates, and options for providing services, including possible consideration of increasing the rate at the transfer stations to \$6.00 per bag to fund continued operations to keep all of them open.

Input from the public was provided by the following:

Karen Glendenning, Fish Camp, noted that their October Advisory Committee meeting was rescheduled and that will delay their further consideration of this matter. She does not feel that it is fair to close their transfer station until there is a viable alternative.

Dick Hutchinson asked for clarification of how the trash collection is handled in Wawona, and asked whether there could be coordination with Fish Camp.

Dana Hertfelder responded to the input, and further discussion was held. Supervisor Bibby asked that staff help with having a community meeting in Hornitos to discuss this matter.

(M)Turpin, (S)Allen, direction was given to staff to take this matter back to the Solid Waste Task Force for further consideration of the issues that were raised before going to the communities. The motion was amended by the second, agreeable with the maker, to include having individual Board members going to their own affected communities to review this matter and to work on solutions/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn. Rick Benson noted that there will be an ongoing revenue problem for the Department in the interim of resolving the issues.

Authorize the Board of Supervisors Chair to Sign a Letter of Support for Adjusting the Yosemite National Park Boundaries by Adding Several Parcels of Land Owned by the Pacific Forest Trust to the Park (Supervisor Cann)

BOARD ACTION: Supervisor Cann initiated discussion relative to the request, including timber management and location and environmental review. Dana Hertfelder responded to questions. (M)Allen, (S)Turpin, Res. 09-494 was adopted approving the letter as recommended/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

11:45 a.m. Recess

11:55 a.m. Select the California State Association of Counties (CSAC) Director and Alternate(s) for 2010 (Supervisor Turpin)

BOARD ACTION: (M)Cann, (S)Allen, Supervisor Turpin was selected to continue to serve as the Director and the remaining four Board members to serve as alternates/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Approval of Summary of Proceedings of October 6, 2009, Regular Meeting (Clerk of the Board)

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

Approve an Agreement with the Mariposa County Chamber of Commerce to Manage the Mariposa and Coulterville Visitors' Centers in the Amount of \$150,000, and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson initiated discussion relative to the agreement, and he advised that the Courthouse tour program was deleted from this agreement and will be brought back to the Board during the mid-year budget review.

Input from the public was provided by the following:

Peter Schimmelfennig, Executive Director of the Chamber of Commerce, provided input on their review of options for Courthouse tours, including using docents. He provided input on the discussion held during the final budget hearing relative to the location of the Visitors Center in Coulterville and advised of the benefits of the current location.

Following discussion, (M)Turpin, (S)Cann, Res. 09-495 was adopted approving the agreement as recommended/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Fred Lustenberger, Building Director;

A) Waive First Reading and Introduce Ordinance Revising Chapter 15.10 of the Mariposa County Code Modifying the Appendixes Adopted within the 2007 California Building Code to Correct Inconsistencies between County Code and Building Code; and

B) Request Board Direction Concerning Proposed Reorganization of the Building Department to Include Coordination of Shared Responsibilities with the Planning Department and the Creation of a New Senior-level Inspector/Code Enforcement Officer Position

BOARD ACTION: These items were continued for the full Board to be present.

Appoint Richard J. Benson, County Administrative Officer, as County's Negotiator Concerning Possible Acquisition of Property Located at 4158 Old Highway (Supervisor Bibby)

BOARD ACTION: Supervisor Bibby initiated discussion relative to the request and reviewed the history of trying to find property for a fire station in the Yaqui Gulch/Bridgeport area since the mid-1990's and of current work with the School District. Rick Benson advised of his visit to the property with the Fire Chief.

Input from the public was provided by the following:

Laurel Siebecker stated she owns property adjacent to the school property off Yaqui Gulch Road, and she questioned whether the garage on the Old Highway property could be converted to house a fire engine. She agrees with exploring this option.

(M)Allen, (S)Turpin, the Board appointed Rick Benson as the negotiator as recommended/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriffs' Management Association); Name of County Designated Representative: Richard Bolanos (County Administrative Officer/Personnel/Risk Manager)
BOARD ACTION: This closed session was not held.

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Building Department Director (County Administrative Officer/Personnel/Risk Manager)
BOARD ACTION: This closed session was continued for the full Board to be present.

12:37 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: County of Mariposa v. Barbara Adams; Case No. 9604, County of Mariposa v. Connie Ankenbruck; Case No. 9602, County of Mariposa v. Richard & Susan Clark; Case No. 9596, County of Mariposa v. Don Endress; Case No. 9310, County of Mariposa v. Kerry Fisher; Case No. 9605, County of Mariposa v. Marvin & Leona Jones; Case No. 9543, County of Mariposa v. Steven & Candis Mason; Case No. 9603, and County of Mariposa v. Paul Vasquez; Case No. 9203 (County Counsel);

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

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers' Compensation Case; Number of Workers Compensation Cases to be Discussed: 1 (County Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 4158 Old Highway, Mariposa; Agency Negotiator: Richard J. Benson; Name of Party who will Negotiate with County (Not Party's Agent): George Heiss; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/Risk Manager)

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

1:19 p.m. Vice Chair Bibby announced the following as a result of the closed session matters: action was taken by motion of Turpin, seconded by Allen, to ratify County Counsel's action to proceed with enforcement on the existing litigation for the code enforcement cases with a vote of four ayes and Supervisor Aborn excused; information was received from staff relative to the anticipated litigation case; authorization was given for settlement negotiations on the Workers' Compensation case; and direction was given to staff on the real property item.

CONSENT AGENDA:

- CA-1 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-487
- CA-2 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 09-488
- CA-3 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 09-489
- CA-4 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 09-490

- CA-5 Approve First Amendment to Professional Services Agreement with J.B. Anderson Land Use Planning, Increasing the Amount by \$20,534 and Revising the Scope of Work; Approving Budget Action Increasing Revenues and Appropriations to Pay for the Consultant (\$20,534) (4/5ths Vote Required) (Planning Director); Res. 09-493
- CA-6 Approve the Memorandum of Understanding (MOU) with the Deputy Sheriff's Association (DSA) for the Term of October 1, 2009 through September 30, 2010 and Authorize the Board of Supervisors Chair to Sign the MOU; 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); Res. 09-486
- CA-7 Approve the Memorandum of Understanding (MOU) Between Mariposa County and Tuolumne County Outlining Implementation of the Household Hazardous Waste Grant Received from the California Integrated Waste Management Board and Authorize the Board of Supervisors Chair to Sign the MOU (Public Works Director); Res. 09-491
- CA-8 Adopt a Resolution Supporting the Continued Planning of UC Merced's Medical School (Supervisor Allen); Res. 09-485
- CA-9 Approve an Agreement with 35-A District Agricultural Association for the Alzheimer's and Dementia Conference on October 22, 2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (Community Services Director); Res. 09-492

1:22 p.m. Adjournment in memory of Jeannetta E. Matthys, Judy Yaras, and Carol Tomlinson-Keasey/former Chancellor for UC Merced.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JANET BIBBY
Vice-Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

October 20, 2009



Time Description

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

Pledge of Allegiance

Introductions

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

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

BOARD ACTION: Supervisor Turpin initiated discussion with Jim Wilson, Fire Chief, relative to item 9; and discussion was held relative to project management. (M)Turpin, (S)Allen, all items were approved/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

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

William Brandle, representing the Airport Advisory Committee, asked for the Board's support of forming an ad hoc committee to develop business plans for the Airport to become self-supporting, and he advised that this will be an agenda item for October 27th.

Ruth Catalan advised that she sent an email to the Board members this morning; and she stated she feels it is wonderful to have the grant funds for the fire stations and she hopes local contractors will be used.

Dick Hutchinson asked about the status of the items that were continued from Building last week; and he advised of the status of the work on the Museum. Rick Benson advised that the items will be on the October 27th agenda.

Eleanor Keuning referred to the fire station projects and the Historic Sites and Records Preservation Committee meeting on Monday and their discussion relative to environmental review for projects. She advised that the Mariposa Symphony is performing on Saturday at the New Life Church.

Jim Wilson, Fire Chief, advised that all twelve engines and four water tenders are in service, and he thanked the property owners for their support of the funding; he advised that the live fire trainer equipment arrived; and he advised that the Office of Traffic Safety grant was awarded for stabilization and extraction rescue equipment.

Peter Schimmelfennig, Chamber of Commerce Executive Director, advised that the Brothers Barton Bluegrass performance in Coulterville on Saturday was a success and thanked the Arts Council for making this event possible.

Board Information

Supervisor Cann advised that with Senator Cogdill and RCRC's assistance, counties with less than 40,000 population were exempted from having gas tax revenues withheld. He noted that the John C. Fremont Hospital Healthcare District is hosting a reception to thank Senator Cogdill for his

work on SB 198 on behalf of the California Healthcare Districts. He attended a meeting on Wednesday relative to solid waste well monitoring requirements. He attended the Fire Fighters Appreciation picnic on Sunday. He attended the YARTS Board meeting on Monday. He advised that the UC Merced Medical School listening tour is being held here on Wednesday. He advised that he plans to attend the Sierra Nevada Conservancy economic symposium in Oakhurst on the 29th; and that the TuCARE (Tuolumne County Alliance for Resources and Environment) event is scheduled in Sonora on Friday.

Supervisor Allen advised that he attended the San Joaquin Valley Regional Association of California Counties conference last week and a lot of water issues were discussed, along with other items. He attended meetings on Friday and Monday relative to the proposal to close the Wawona Elementary School. He attended the Fire Fighters picnic on Sunday. He noted that the UC Merced Medical School listening tour is scheduled for Wednesday at the Government Center; and the Alzheimer's and Dementia conference is scheduled for October 22nd at the Fairgrounds.

Supervisor Turpin advised that he attended the Airport Advisory Committee meeting on Wednesday. He attended the second annual Soap Box Derby and the bluegrass band event on Saturday in Coulterville. He attended the Greeley Hill Planning Advisory Committee meeting on Monday; however, they did not have a quorum, so informal discussions were held. He plans to attend the Red Cloud Library meeting on Wednesday. He invited everyone to attend the Board meeting in Greeley Hill this afternoon.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
Adopt a Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Proposition 1A Receivable from the State; and Directing and Authorizing Certain other Actions in Connection Therewith

BOARD ACTION: Rick Benson initiated discussion relative to this matter.

Input from the public was provided by the following:

Ruth Catalan asked for clarification of the process and how the funds will be used.

Peter Schimmelfennig noted that California has one of the lowest bond ratings in the country; and stated he hopes that consideration will be given to replacing the funding removed from the tourism budget if this sale is successful.

Ruth Catalan noted that it is another entity selling the bonds, not the State.

Supervisor Cann noted that this is not additional funding – this replaces the funding the State borrowed and it was going to be covered from the Reserve Fund. (M)Allen, (S)Turpin, Res. 09-506 was adopted approving the recommended actions/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

Supervisor Turpin;

Receive Public Comment Relative to Discussion and Possible Direction Regarding Designating J-132 (County Road) within Mariposa County (Coulterville to Tuolumne County Line) as John Muir Highway

NOTE: This Matter is Scheduled at this Time to Receive Public Comment and is Scheduled for this Afternoon at the Portion of the Meeting Being Held in Greeley Hill to take Additional Input, Discuss and Possibly Provide Direction

BOARD ACTION: Supervisor Turpin advised that this is scheduled to receive public comment at this time and that this item is scheduled for the afternoon meeting in Greeley Hill. He advised that the proposal does not involve address changes and this is only for the route designation and there is no land use overlay.

Input from the public was provided by the following:

Eleanor Keuning referred to the Historical Sites and Records Preservation Commission meeting held on Monday and discussion of naming/designating roads in the County; and they feel that these issues should come before the Commission and that there should be consistency in the signage. She would like to see this type of naming expanded throughout the County.

Jeff Hentz, Yosemite/Mariposa County Tourism Bureau Executive Director, provided input on the request and their tourism efforts and advised that he feels that this would be of benefit to the North County.

Peter Schimmelfennig provided input and advised of its importance to the small businesses in the area; and he commented on the mapping issues on the internet with J-132.

Ruth Sellers referred to the Historical Sites and Records Preservation Commission meeting – she agrees with the John Muir designation, but feels that it should go before the Commission for review and recommendation.

10:06 a.m. Recess

10:14 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Major Subdivision No. 2008-141 and Zoning Amendment No. 2008-142. Action Includes Adopting a Resolution Adopting a Mitigated Negative Declaration, Approving Zoning Amendment No. 2008-142 with Findings and Approving Major Subdivision No. 2008-141 with Findings, Conditions of Approval, and Mitigation Measures. Action Also Includes Waiving the First Reading and Introducing an Ordinance to Amend the Mariposa County Zoning Map by Rezoning Approximately 43.5 Acres of Land (Portion of APN 017-210-010) from the Mountain General Zone to the Mountain Home Zone Pursuant to Zoning Amendment No. 2008-142. Major Subdivision No. 2008-141 Proposes the Subdivision of 126.75 Acres into 23 Lots (APNs 017-210-010 and 015-240-030). Steven Allison, Project Applicant. Site is Located off of Leonard Road, Approximately ½ Mile South of Highway 49 South

BOARD ACTION: Kris Schenk introduced the item; and Larry Enrico, Senior Planner, presented the staff report and advised that the conditions that were presented to the Planning Commission were inadvertently included in the package for this hearing. The conditions that were recommended by the Planning Commission were distributed, along with photographs of the roads in the area that were presented to the Planning Commission. He advised of correspondence that was received. Staff responded to questions from the Board relative to the status of the impact fees.

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

Dick Seaman, Freeman and Seaman Land Surveyors, advised that he was representing the applicants. He is in favor of the impact fees and feels they are long-overdue. He provided input relative to access to the parcels and work that has been done on this project, including test wells, soil profiles for septic systems, and road designs. He responded to questions from the Board relative to the status of the wells and gallons per minute. Staff responded to a question from the Board relative to the distance the subdivision is from Highway 49 via Leonard Road.

Eleanor Keuning presented a poster of ten photographs of the roads in the area. She stated she is not opposed to the development, but expressed concern with the condition of Leonard Road and the blind corner to the access road, and she suggested that a stop sign be installed.

Mark Harris, Yosemite Falls Well Drilling, provided input on the test wells for the subdivision and his experience with obtaining water in the area. He responded to a question from the Board as to whether he has deepened wells in the area.

Miles Menetrey expressed concern with the creation of 23 new lots and the potential impact from wells and septic leach lines; and he expressed concern with dust problems from the dirt roads. He asked that the section of road that intersects with Harvest Drive be paved. He responded to a question clarifying the section of road he wanted paved – from Harvest Drive to Stoneridge; and he responded as to the distance. Staff responded to a question from the Board relative to the lots that access the dirt section. Miles Menetrey suggested that while the applicant has his equipment in the area, it would be a good opportunity for the County to pave Leonard Road.

Mike Springer stated he is not opposed to the project, but is speaking for several of the neighboring property owners, and he presented a letter petition relative to the project. He feels that there should be more time to provide input on this project; and he expressed concern with the noise and dust impacts. He commented on the roads and access and presented photographs of the roads in the area. He advised that Paco Harlow told him of an agreement that he reached with the County a long time ago relative to road improvements and they have not been made.

Dick Seaman advised that they have not seen the petition that was presented to the Board. He provided additional input on the road circulation and signage issues and responded to the issues that were raised. He responded to questions from the Board relative to the status of the roads and maintenance and brushing and future maintenance.

Ruth Catalan asked whether two homes could be constructed on each parcel. Staff responded that secondary homes can be constructed per State law.

Mike Springer noted that the people who own the plant nursery have their property split by Leonard Road and they were told they would need to pave the road to subdivide.

Eleanor Keuning noted that Jerry Kemp, owner of the mobile home park, is present and questioned whether he has any comments. She referred to her previous experience with the City Council and Planning Commission in Tracy and her attempt become familiar with the site for each project proposal.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the existing water development policy and relative to the possibility of requiring the brushing to be maintained for three to five years. Dick Seaman responded to the question from the Board relative to the brush maintenance issue. Supervisor Cann noted that the issues relative to the status of Leonard Road relate to the portion of the road that is beyond the project site; and he referred to the correspondence that commented on the removal of a bridge from Wawona and advised that it was moved to Lake Mead. Supervisor Allen referred to previous dialogs in the 1980's relative to road improvements and noted that is being worked on. Supervisor Aborn stated he would like time to drive the area. Larry Enrico clarified that that the County accepted Harvest Drive for access, but not for maintenance.

(M)Cann, (S)Allen, Res. 09-507 was adopted adopting the Mitigated Negative Declaration for the project, approving Zoning Amendment No. 2008-142 with findings, and approving Major Subdivision No. 2008-141 with findings, conditions of approval, and mitigation measures/Ayes: Turpin, Cann, Allen; Noes: Aborn; Excused: Bibby. (M)Cann, (S)Allen, the first reading was waived and the Ordinance introduced amending the Zoning Map for Zoning Amendment No. 2008-142. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Turpin, Cann, Allen; Noes: Aborn; Excused: Bibby. The hearing was closed.

11:26 a.m. Recess

11:34 a.m. Waive the Second Reading and Adopt an Ordinance Amending County Code Text. The Project Proposes to Amend Mariposa County Code Relative to Canceling or Rescheduling Meetings of the Planning Commission and to Amend the Scope of Matters Heard By the Planning Commission. The Amendments to the Provisions for Meetings will Enable the Planning Commission to Cancel or Reschedule Any Regular Meeting By Majority Vote. The Amendments to the Scope of Matters Heard Modifies and Updates the List of Projects (Scope of Matters) to Reflect the Projects which the Planning Commission Routinely Reviews and Decides, or Reviews and Makes a Recommendation for Action to the Board of Supervisors. The Proposed Amendment is to Title 2 Chapter 2.52 Mariposa County Code. Project Proponent: Mariposa County (Planning Director)
BOARD ACTION: Following discussion with Kris Schenk, (M)Allen, (S)Turpin, the second reading was waived and Ordinance No. 1062 was adopted as recommended. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

11:38 a.m. HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA (Chair – Bibby; Vice-Chair – Turpin) Vice-Chair Turpin chaired the meeting.

A. Public Presentation – None.

B. Adopt a Resolution Approving the Transfer of the Total Budget Authority of the County of Mariposa Housing Authority (HA) and Corresponding Baseline Units to the California Housing and Community Development Department Effective January 1, 2010 and Authorize the Chair of the County of Mariposa Housing Authority to Sign and Submit a Letter to Housing and Urban

Development (HUD) in Accordance with Notice Public and Indian Housing (PIH) 2007-6 (HA) and Notice PIH 2008-19 (HA) Requesting Approval of the Transfer as Set Forth in the Resolution (Human Services Director)

COMMISSION ACTION: Discussion was held with Jim Rydingsword relative to the transfer.

Input from the public was provided by the following:

Ruth Catalan asked about the status of the employees who performed this function and their jobs; and whether more funding would be obtained for this program with the transfer to the State. Jim Rydingsword responded that the employees are being transferred to other duties in the Department; and he advised of the status of the vouchers allocated to the County.

(M)Cann, (S)Aborn, Hous. Auth. Res. 09-2 was adopted approving the transfer as recommended/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

11:45 a.m. Jim Rydingsword, Human Services Director;

Adopt a Resolution Approving the Transfer of the Total Budget Authority of the County of Mariposa Housing Authority (HA) and Corresponding Baseline Units to the California Housing and Community Development Department Effective January 1, 2010 and Authorize the Board of Supervisors Chair to Sign and Submit a Letter to Housing and Urban Development (HUD) in Accordance with Notice Public and Indian Housing (PIH) 2007-6 (HA) and Notice PIH 2008-19 (HA) Requesting Approval of the Transfer as Set Forth in the Resolution

BOARD ACTION: Following discussion with Jim Rydingsword, (M)Cann, (S)Allen, Res. 09-508 was adopted approving the transfer as recommended/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

Waive the Second Reading and Adopt an Ordinance Amending Sections 2.104.050 (Membership) and 2.104.080 (Vacancies and Removal) of Chapter 2.104 of the Mariposa County Code Entitled "First 5 of Mariposa County" (Human Services Director)

BOARD ACTION: Following discussion with Jim Rydingsword, (M)Allen, (S)Turpin, the second reading was waived and Ordinance No. 1063 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

Approval of Summary of Proceedings of October 13, 2009, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Turpin, (S)Cann, the minutes were approved with the correction of the spelling of a name/Ayes: Turpin, Cann, Allen; Abstained: Aborn; Excused: Bibby.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriffs' Management Association); Name of County Designated Representative: Richard Bolanos (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that this closed session was not necessary.

11:52 a.m. CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Building Department Director (County Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 4158 Old Highway, Mariposa; Agency Negotiator: Richard J. Benson; Name of Party who will Negotiate with County (Not Party's Agent): George Heiss; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/Risk Manager)

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

Ruth Catalan referred to the closed session relative to the Building Director performance review and asked that the comments from the contractors be taken into consideration; and she referred to the closed session relative to the real property and asked what the property would be used for. Rick Benson responded that the property is being considered for a fire station.

(M)Turpin, (S)Cann, the closed sessions were held/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

1:56 p.m. The closed session item relative to the real property was continued to the afternoon portion of the meeting; and the Board recessed to travel to Greeley Hill.

3:10 p.m. The Board reconvened at the Greeley Hill Community Club, 10332 Fiske Road, Greeley Hill

Supervisor Turpin advised that Supervisors Aborn and Bibby were excused.

The Clerk of the Board called for the selection of a Chair pro-tem. (M)Cann, (S)Allen, Supervisor Turpin was selected as Chair pro-tem/Ayes: Turpin, Cann, Allen; Excused: Aborn, Bibby.

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

Supervisor Turpin;

Discussion and Possible Direction Regarding Designating J-132 (County Road) within Mariposa County (Coulterville to Tuolumne County Line) as John Muir Highway

BOARD ACTION: Supervisor Turpin initiated discussion relative to the proposal and advised that addresses on Greeley Hill Road will not change and the John Muir Highway name is a route designation only.

Ken Pulvino gave a presentation on the request and reviewed the history of his work on this matter. He advised of the next steps in the process: obtain Board approval for the name designation; nomination to the Yosemite Geotourism site; update the online maps; obtain support of Tuolumne County; legislative process and funding; sponsorship from the legislators on an initiative; and development of a website.

Members of the audience provided input and asked questions about the proposal. The audience noted the need to update all maps, including the one by the rest area in Mariposa to reflect J-132; asked how this would affect taxes; asked whether there would be road improvements; and suggested that the internet include information on the sites in the area that could be downloaded for the tourists to use when traveling. Rick Benson advised of the Fire Chief's efforts to make corrections to the three major route companies for the internet.

Suzanne Turpin commented on the need to correct the internet maps as tourists get lost on the roads that are shown resulting in search and rescues.

MaryAnn Huff, resident and business owner and President of the Chamber of Commerce, thanked Ken Pulvino for his work on this project and commented on the importance of economic development and "branding"/getting the name designation. She feels using "highway" versus "trail" may help direct tourists to this route versus the trails that are not always accessible.

Discussion was held. (M)Cann, (S)Allen, Res. 09-509 was adopted designating J-132 within Mariposa County, from Coulterville to the Tuolumne County line, as John Muir Highway – route only/Ayes: Turpin, Cann, Allen; Excused: Aborn, Bibby.

A member of the audience invited the Board to meet in the North County whenever there is an issue pertaining to the area or once a quarter.

4:16 p.m. The Board reconvened in the continued closed session relative to the real property item.

4:22 p.m. Chair pro-tem Turpin announced that as a result of the closed session matters, direction was given to staff relative to the Building Director performance review item; and that direction was given and information was received relative to the real property item.

4:23 p.m. The Board recessed to travel to the Red Cloud Park.

Ribbon Cutting Ceremony at the Red Cloud Park Located at 10328 Park Circle Drive in Greeley Hill

BOARD ACTION: The ribbon cutting ceremony was held and Dana Hertfelder gave a tour of the Park improvements.

4:47 p.m. A) Attend Open House for the John C. Fremont Hospital Northside Health Clinic at 6386 Greeley Hill Road, Greeley Hill

BOARD ACTION: The Board attended the open house.

B) Adjourn Meeting

The meeting was adjourned at 5:10 p.m.

CONSENT AGENDA:

- CA-1 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-496
- CA-2 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 09-497
- CA-3 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 09-498
- CA-4 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 09-499
- CA-5 Approve Agreement 07-LE-11051360-006 with the United States Department of Agriculture, Sierra National Forest, to Assist in Providing Controlled Substance Operations Services on National Forest Lands and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-500
- CA-6 Adopt a Resolution Amending the Contribution, Under the Public Employees' Medical and Hospital Care Act (PEMHCA) for the Retirees of the Mariposa County Managerial and Confidential Organization (MCMCO), Sheriffs' Management Association (SMA), Court Management, as well as Retired Appointed and Elected Officials Effective January 1, 2010 (County Administrative Officer/Personnel/Risk Manager); Res. 09-501
- CA-7 Approve the Renewal of a Three-year Agreement with Tristar Risk Management Services for the Administration of the County's Workers' Compensation Claims and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative/Personnel/Risk Manager); Res. 09-502
- CA-8 Approve the Second Amendment to the Agreement with Mercy Medical Transportation, Inc. Extending the Term to December 31, 2010, and Authorizing a \$100/Run Payment with a Not to Exceed Amount of \$150,000 and Authorize the Board of Supervisors Chair to Sign the Amendment (County Administrative Officer/Personnel/Risk Manager); Res. 09-503
- CA-9 Authorize the Board of Supervisors Chair and the Fire Chief to Sign for and Accept a Federal Department of Homeland Security Grant to Build Three Fire Stations, in the Amount \$2,184,586, Made Possible by the American Recovery and Reinvestment Act (ARRA) Federal Stimulus Act and Administered through Federal Emergency Management Agency (FEMA) and the Assistance to Firefighters Grant (AFG) Program (Fire Chief); Res. 09-504

CA-10 Approve Public Health Emergency Preparedness Centers for Disease Control and Prevention (CDC) Agreement for Fiscal Year 2009/2010 and Hospital Preparedness Program (HPP) Agreement with the State of California Department of Public Health (\$552,092) and Authorize the Board of Supervisors Chair to Sign the Agreements and other Documents to Secure Funding as Delineated within the Agreement and Approve Budget Action Increasing Revenue and Appropriations (\$253,126) (4/5th Vote Required) (Health Officer); Res. 09-505

5:10 p.m. Adjournment in memory of Ernest “Ernie” S. Correa, Marjorie Jean Muller, Robert Jacobs, and Sadie Mae Adamson.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

October 27, 2009



Time _____ Description

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

Pledge of Allegiance

Introductions

Fred Lustenberger, Building Director;

A) Waive First Reading and Introduce Ordinance Revising Chapter 15.10 of the Mariposa County Code Modifying the Appendixes Adopted within the 2007 California Building Code to Correct Inconsistencies between County Code and Building Code; and

B) Request Board Direction Concerning Proposed Reorganization of the Building Department to Include Coordination of Shared Responsibilities with the Planning Department and the Creation of a New Senior-level Inspector/Code Enforcement Officer Position.

BOARD ACTION: Chair Aborn advised that these two items were withdrawn.

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 referred to item 1 and asked about the status of the Ferguson Rockslide project. Rick Benson advised that CalTrans is holding another team meeting today and they are looking at options and are planning to have a presentation in January. He also noted that information is available on the CalTrans' website.

Supervisor Turpin pulled items 6, 12 and 13. Supervisor Bibby referred to item 7 and asked that all of the agencies that are involved in the program, including the courts, be kept apprised of the process. (M)Allen, (S)Cann, the balance of the items was approved/Ayes: Unanimous.

Item 6 – Supervisor Turpin initiated discussion relative to the correct grant award amount; and Marilyn Lidyoff/Business Development Coordinator, responded. (M)Turpin, (S)Bibby, item 6 was approved/Ayes: Unanimous.

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

Carol Suggs presented a letter expressing concern with the status of maintenance on a steep section of Silver Bar Road and advised of the need for repairs and paving.

Eleanor Keuning advised that she is willing to give personal tours of Leonard Road and the area of the new development that is being planned. She referred to her previous input and a recent story in the *Fresno Bee* relative to landfill issues and reiterated the need to educate and enforce recycling.

Ruth Catalan stated she is a member of the Solid Waste Task Force and welcomed Eleanor Keuning's comments and she agrees with mandatory recycling. She suggested that we have a business manager for the landfill, and she referred to the recycling center at Pioneer Market.

Dick Hutchinson asked when the two items from the Building Department that were pulled will come back on the agenda. Chair Aborn advised that the Building Director is out with the flu. Rick Benson advised that the items will probably come back in a week or two. Dick Hutchinson advised that he found errors in the Ordinance relative to the Building Code and presented a list to the Clerk of the Board.

Board Information

Supervisor Cann thanked those who attended the UC Merced Medical School Listening Tour on Wednesday. He plans to attend the reception that John C. Fremont Healthcare District is hosting for Senator Cogdill on Wednesday for his work on behalf of the California Healthcare Districts. He plans to attend the Sierra Nevada Conservancy Economic Symposium in Oakhurst on Thursday; and he noted that the TuCARE (Tuolumne County Alliance for Resources and Environment) event is scheduled in Sonora on Friday.

Supervisor Allen advised that he attended the UC Merced Medical School Listening Tour. He emceed the Alzheimer's and Dementia conference that was held on October 22nd at the Fairgrounds. He plans to attend the presentations at the Ponderosa Basin Fire Station this evening, the Mariposa Pines community meeting on Wednesday, and the Bootjack Fire Station pancake breakfast and yard sale on Saturday. He advised that Mariposa Elementary School is holding its annual Veterans Day recognition ceremony on Tuesday, November 10th at 8:45 a.m., and he asked that the Board meeting start later so that members could attend the ceremony.

Supervisor Turpin advised that he attended the Greeley Hill Community Club meeting and the Red Cloud Library meeting. He attended the public hearing held by the Planning Commission on Thursday relative to the Williamson Act. He plans to attend a meeting on the future fire stations on Wednesday, the Sierra Nevada Conservancy meeting on Thursday relative to fuels and fuel reduction, and the TuCARE/Natural Resources Summit on Friday.

Supervisor Bibby noted that this is her first outing after having problems with her back, and she thanked John C. Fremont Healthcare District for their services. She cautioned everyone to send their children with hand sanitizer for Halloween this year due to the flu. She advised that she will be talking to Public Works about the landfill and recycling issues; and she asked that the Public Works Director provide an update on the Silver Bar Road project. She advised that she sent an apology and was unable to attend the UC Merced Medical School Listening Tour. She sent a special thanks to Senator Cogdill for the services he provides to the County, schools and the hospital. She referred to the Williamson Act review process for non-conforming parcels and noted that Tulare County is considering this matter. She thanked Jim Middleton/Deputy Fire Chief for providing the inspection for licensing the First 5 pre-school in Catheys Valley. She extended her thanks and congratulations to the volunteer fire fighters for the volunteer services they provide.

Supervisor Aborn noted that a power line was down at 7th Street this morning. He commented on the Planning Commission meeting held on Thursday relative to the Williamson Act issues. He advised that the letter in the *Mariposa Gazette* from Don Fox relative to the Midpines community and fire station plans are Mr. Fox's personal comments. He complimented the Friends of the Library for their book sales, and he presented Supervisor Cann with a book on Bob Hope and golfing.

Dana Hertfelder, Public Works Director;

Discussion and Direction Regarding Establishing an Ad-Hoc Advisory Committee to Develop a Business Plan for the Mariposa-Yosemite Airport

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the request to establish a committee. Supervisor Bibby asked that consideration be given to including a member from the Mt. Bullion community and with involving the community; suggested the committee meet at the Airport terminal; and she asked how miscellaneous expenses for the committee would be handled.

Supervisor Turpin suggested that the County Administrative Officer be the lead with the committee versus the Public Works Director since the work involves developing a business plan. Rick Benson

suggested that the committee structure be such that they can do their work and present a plan to the Airport Advisory Committee; i.e., the Board should not appoint the members and set-up the committee. It would be a Public Works committee set up to develop a business plan and make its presentation to the Public Works Director; and the Public Works Director can present the plan to the Airport Advisory Committee. Supervisor Bibby noted that she has a remainder interest in property in the area.

Input from the public was provided by the following:

William Brandle advised that they plan to gather all ideas and review them to establish short-term goals and then work on long-term goals at a later time.

Ruth Catalan asked if the County provides funds to this committee, whether it would become subject the Brown Act. She stated she agrees with having the committee.

Dick Hutchinson stated he likes Mr. Brandle's idea of planning for now and for the future; and he feels that this is the beginning of a strategic plan for the County.

Rick Benson advised that the Brown Act will be reviewed, including consideration of whether Board members should be a part of the committee, to make sure that the establishment of the committee is done properly. Discussion was held. Motion was made by Turpin to direct the Public Works Director and the County Administrative Officer to establish an ad hoc committee as discussed. Rick Benson suggested that direction be given versus formal action, and the Board concurred.

William Brandle thanked the Board and stated they are ready to begin meeting.

Eleanor Keuning questioned whether Supervisor Turpin should withdraw his motion or if it dies for lack of a second.

Supervisor Turpin withdrew his motion. Supervisor Bibby noted that any group of citizens can meet and present ideas.

10:19 a.m. Recess

10:31 a.m. LOCAL TRANSPORTATION COMMISSION

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Brad Aborn)

A) Public Presentation – none.

B) Authorize the Executive Director to Sign a Fund Transfer Agreement with the State of California for the Statewide Transportation Improvement Plan (STIP) Planning, Programming and Monitoring (PPM) Program for the Fiscal Year 2009/2010 in the Amount of \$78,000 (Dana Hertfelder, Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Cann, (S)Bibby, LTC Res. 09-14 was adopted approving the recommended action/Ayes: Unanimous.

10:34 a.m. Consider Items Removed from the Consent Agenda

Item 12 – Discussion was held with Dana Hertfelder; and it was clarified that this action does not impact the Silver Bar Road project and that it requires a 4/5ths vote. (M)Turpin, (S)Bibby, item 12 was approved/Ayes: Unanimous.

Item 13 – Supervisor Turpin asked about the status of the repairs of the water truck for North County, and Dana Hertfelder advised that he will check. It was clarified that this action does not impact the Silver Bar Road project. (M)Turpin, (S)Allen, item 13 was approved/Ayes: Unanimous.

Adopt a Resolution Approving the Certificate of the Seller Regarding Components of Proposition 1A Receivables (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson. Chris Ebie, Auditor, responded to questions and provided input. (M)Turpin, (S)Allen, Res. 09-525 was adopted approving the recommended action/Ayes: Unanimous.

Postpone the Layoff of a Building Inspector Position in the Building Department until December 31, 2009 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson relative to the request, costs, workload of the Building Department, revenue status for the Department, and options for extending the layoff date. Chris Ebie and Mary Hodson/Deputy County Administrative Officer responded to questions from the Board relative to the budget status of the Department – revenues and expenses and the status of the loan amount. Chris Ebie provided a reminder that his office needs time to handle the processing that occurs when an employee leaves employment.

Input from the public was provided by the following:

Eleanor Keuning stated she agrees with the concern about treating employees fairly; and she referred to the request to create a new position in the proposed reorganization of the Department and asked for clarification as that position will cost more.

Ruth Catalan stated she agrees with treating employees fairly and with providing more notice versus having an employee not know the status of their job.

Dick Hutchinson referred to information from the contractors and commented on the organization of the Department; asked how much extra help funds are left; and stated he feels that the politics need to be left out of this and the problem taken care of.

(M)Allen, (S)Cann, Res. 09-526 was adopted postponing the layoff of the building inspector position until the end of March 2010. Supervisor Cann clarified that if, at any point prior to the end of March 2010, there is a need to change this situation, another action can be taken. Ayes: Unanimous.

Approval of Summary of Proceedings of October 20, 2009, Regular Meeting (Clerk of the Board)

BOARD ACTION: It was noted that Supervisor Bibby was excused from the meeting on the 20th and that Supervisor Aborn was excused from the afternoon portion; thus, both should abstain from voting on the Summary of Proceedings. (M)Allen, (S)Cann, Supervisor Turpin was selected as Chair pro-tem for this item/Ayes: Unanimous. (M)Cann, (S)Allen, the Summary of Proceedings was approved with typographical corrections/Ayes: Turpin, Cann, Allen; Abstained: Aborn, Bibby.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriffs' Management Association); Name of County Designated Representative: Richard Bolanos (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was pulled and not held.

11:40 a.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 4158 Old Highway, Mariposa; Agency Negotiator: Richard J. Benson; Name of Party who will Negotiate with County (Not Party's Agent): George Heiss; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Building Department Director (County Administrative Officer/Personnel/Risk Manager)

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

12:42 p.m. Vice Chair Bibby announced the following as a result of the closed session matters: information was received relative to the real property matter and direction was provided to staff relative to the Building Director performance review item.

CONSENT AGENDA:

CA-1 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-510

CA-2 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 09-511

- CA-3 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 09-512
- CA-4 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 09-513
- CA-5 Authorize the Continuation of Funding Two of the Three Furlough Days for the Three State Employees (Two Registered Environmental Health Specialists and a Public Health Nurse) as Extra-help in the Health Department for the Remaining 2009/2010 Fiscal Year (County Administrative Officer/Personnel/Risk Manager); Res. 09-514
- CA-6 Approve Grant Agreement No. 08-EDEF-5890 with the State of California Department of Housing and Community Development (HCD) and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Increasing Revenue and Appropriations for the Grant Award (\$200,000) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manager); Res. 09-522
- CA-7 Review and Approve the Offender Treatment Program Application Plan Submitted to the State to Meet the State's Submission Deadline (Human Services Director); Res. 09-515
- CA-8 Approve the First Amendment to Multi-Year Agreement with Panational, Inc in the Amount of \$10,000 for American Sign Language Interpretation Services for Mariposa County Behavioral Health and Authorize the Board of Supervisors Chair to Sign the Amendment (Human Services Director); Res. 09-516
- CA-9 Accept the Resignation of Michael Bilodeau from the El Portal Planning Advisory Committee (Supervisor Aborn)
- CA-10 Adopt a Resolution Authorizing the Public Works Director to Execute the Program Agreements for Coakley Circle and Bear Valley Road Projects (Public Works Director); Res. 09-517
- CA-11 Approve an Agreement with Michael W. Skenfield, Biological and Wetland Consultant, for the Proposed SAFETEA-LU Road Projects and Authorize the Public Works Director to Sign the Agreement (Public Works Director); Res. 09-518
- CA-12 Approve Budget Action Reducing Contingency in the Roads Fund for the Purchase of Autocad Civil Engineering Software (\$18,480) (4/5ths Vote Required) (Public Works Director); Res. 09-523
- CA-13 Approve Budget Action Reducing Contingency in the Roads Fund to Cover the Cost of Truck Repairs (\$27,000) (4/5ths Vote Required) (Public Works Director); Res. 09-524
- CA-14 Decline the Option to Purchase Hangar #7 at the Mariposa/Yosemite Airport for \$13,500 and Allow the Owner to Sell the Hangar (Public Works Director); Res. 09-519
- CA-15 Approve the First Amendment to an Agreement with J.B. Anderson Land Use Planning for the Housing Element Update, Increasing the Amount by \$5,488.00,

Revising the Scope of Work and Revising the Time Line, and Authorize the Board of Supervisors Chair to Sign the Amendment (Planning Director); Res. 09-520

CA-16 Accept the Resignation of Carla Shelton from the First 5 Mariposa County Commission; Appoint Gwen Nitta, Representative of the Local Child Care Planning Council, to the First 5 Mariposa County Commission with a Term Expiring October 27, 2011 (Human Services Director); Res. 09-521

12:43 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

November 3, 2009



Time Description

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

Pledge of Allegiance

Introductions

Chair Aborn advised that the flags will be flown at half-staff and asked for a moment of silence in memory of Pfc. Lukas "Luke" C. Hopper who died October 30th while on duty in Iraq. Following the moment of silence, Supervisor Bibby gave information on the background of his family and ties to Mariposa County.

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

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

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

Chair Aborn;

Proclaim the Month of November as "National American Indian Heritage Month" (Connie Waldron)

BOARD ACTION: (M)Turpin, (S)Bibby, the Proclamation was approved and presented to Connie Waldron and Tony Brochini/Ayes: Unanimous. Tony Brochini provided input; and Connie Waldron advised of the donation of a book "Forgotten Patriots: African American and American Indian Patriots in the Revolutionary War" that the Daughters of the American Revolution is donating to the Library to be used as a genealogy tool.

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

Su Carney provided input on the work being done on the Gold Coin building and problems with trying to get damages fixed on the common wall between the Gold Coin building and the building for her business; and she advised of their contact with the Building Department on this matter. Todd Layton asked why they have not been involved in the meetings that are held with Helen Kwalwasser/owner of the Gold Coin building. They feel that she should be shut down now and ordered to repair the common wall. Chair Aborn asked the County Administrative Officer to review the matter and advised Ms. Carney and Mr. Layton that they will receive a response.

Gary Colliver, owner of Windows on the World book store, presented each Board member with the book "World without Ice" by Henry Pollack.

Dick Hutchinson presented photographs of the repair work being done on the roof of the Mariposa Museum and History Center and a letter and photographs requesting repairs to the front porch.

Eleanor Keuning commented on maintenance of Leonard Road; and she presented photographs showing maintenance issues with pedestrian/sidewalk issues with overgrowth of plants.

Board Information

Supervisor Cann advised that he attended the John C. Fremont Healthcare District event on Wednesday recognizing Senator Cogdill for his work on behalf of the California Healthcare Districts. He attended the Sierra Nevada Conservancy Economic Symposium in Oakhurst on Thursday and the TuCARE (Tuolumne County Alliance for Resources and Environment) event in Sonora on Friday. He referred to the input received during public presentation and advised that he has not had any meetings with Helen Kwalwasser.

Supervisor Allen advised that he attended the community meeting at the Ponderosa Fire Station; and he reiterated the Fire Chief's presentation about the new equipment and needing volunteer fire fighters. He attended a meeting on Wednesday to evaluate the Alzheimer's and Dementia conference. He attended the John C. Fremont Healthcare District event. He attended the Bootjack Fire Station breakfast on Saturday; and he attended the public scoping on the Merced River Plan on Monday. He and Supervisor Cann attended the Independent Business Alliance meeting on Monday relative to the shop locally program. He plans to attend the Joint Powers Authority Area 12 Agency on Aging meeting on Thursday at the Senior Center. He plans to meet with the Superintendents of the Mariposa and the Bass Lake School District on Friday relative to saving the Wawona Elementary School. He noted that this is the Super Bowl weekend and open house in town for the Trans-Valley Youth Football League; and for the John C. Fremont Healthcare District Foundation Black and White Ball. He referred to the input provided by Dick Hutchinson and advised that he knows that the Public Works Director is aware of the repairs needed on the porch at the History Center. He referred to the input received during public presentations about a meeting with the Board on Monday and advised that he is not aware of any such meetings with Helen Kwalwasser.

Supervisor Turpin provided input relative to recognizing and supporting the men and women that serve our country to protect our freedoms. He noted that he passed three logging trucks hauling cedar logs on his way to Mariposa this morning. He attended a meeting with affected department heads last Wednesday relative to the new fire stations. He attended the Sierra Nevada Conservancy meeting in Oakhurst on Thursday and the Natural Resources Summit in Sonora on Friday.

Supervisor Bibby referred to the input received during public presentations and advised that she did not have a meeting with Helen Kwalwasser. She referred to the input relative to the sidewalk maintenance issue and advised that they have been in contact with representatives of CalTrans, and noted that Dick Hutchinson has been submitting photographs of problem areas. She further advised that information that is presented to the Board gets forwarded to the appropriate departments. She plans to attend the Mental Health Board meeting on Thursday. She thanked the community and volunteers for the safe Halloween events; and for the All Souls Day event in Hornitos. She provided input on Public Works projects and funding issues.

Supervisor Aborn advised of the public comment period for the Merced River Plan. He advised that he attended the San Joaquin Valley Rail Committee meeting on Thursday. He referred to planning for the Midpines Fire Station; and advised that he looked at a potential fire station site in District 3 with Supervisor Bibby and the County Administrative Officer. He advised that the Airport Ad Hoc Committee is scheduled to meet on Wednesday evening and that the Airport Advisory Committee met on Monday with a low turnout of the members.

Fred Lustenberger, Building Director;

Waive First Reading and Introduce Ordinance Revising Chapter 15.10 of the Mariposa County Code Modifying the Appendixes Adopted within the 2007 California Building Code to Correct Inconsistencies between County Code and Building Code

BOARD ACTION: Discussion was held with Fred Lustenberger relative to amending the County Code.

Input from the public was provided by the following:

Dick Hutchinson reviewed his memo relative to amendment and suggested corrections. He questioned the fee increase information that is contained on the website for the Building Department.

Su Carney asked for clarification about the integration of the residential and commercial codes in the County; and Fred Lustenberger provided clarification.

Todd Layton asked whether a residential permit could be used for a commercial building; and Fred Lustenberger responded in the negative.

Bill Verley, representing the Mariposa Contractors Association, advised that they have questions and asked for a thirty day continuance to further review the amendments.

Floyd Davis advised that agencies can adopt their own codes; otherwise they have to adopt the Uniform Building Code; and he asked for time to review the amendments and to comment.

Discussion was held. Supervisor Bibby suggested that "final" be removed from Section 15.10.030 Utility Service Requirement. Supervisor Cann noted that additional changes could be made in the future. (M)Cann, (S)Allen, the first reading was waived and the Ordinance introduced, with the deletion of "final" as requested. Further discussion was held. Steve Dahlem, County Counsel, provided input relative to being able to make corrections for the second reading, if necessary. Debra Willis, Building Department Senior Development Services Technician, responded to questions relative to using manufactured home versus mobile home in the Ordinance. The Clerk of the Board read the title of the Ordinance into the record. Chair Aborn requested that the second reading of the Ordinance be held for thirty days. Ayes: Unanimous.

Dr. Mosher, Health Officer;

Information Regarding the Progress of H₁N₁ (Swine Flu) Influenza and the Health Department's Response to Date

BOARD ACTION: Dr. Mosher presented a status report on H₁N₁ Influenza cases in the County and school attendance; and he presented a copy of the clinic schedule for vaccinations. Discussion was held.

10:46 a.m. Recess

10:58 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING to Consider **Appeal No. 2009-138**, an Appeal of the Planning Director's Determination Regarding Building Permit Application No. 27628 for Proposed Construction of 957 Square Foot Structure Entitled "Agritourism Bathroom". Appellant: Theresa Castaldi c/o Gerald C. Weaver. Coyote Springs Ranch is Located at 2100 Old Highway, Catheys Valley. The Subject Appeal and Permit Involve APN 016-220-008, a 21.47 Acre Parcel.

BOARD ACTION: Chair Aborn reviewed the hearing procedures. Sarah Williams, Deputy Planning Director, presented the staff report, including a review of the history of the project and issues and previous actions that have been taken relative to the agritourism issues. She reviewed and advised of the five appeal issues that were submitted: 1) Permit authorized as necessary to continue permitted use existing prior to Ordinance No. 1049; 2) Permit application was deemed complete prior to Ordinance No. 1049; 3) refusal to continue processing Permit Application was arbitrary, capricious and contrary to California law; 4) decision was discriminatory, in bad faith and violates appellant's civil rights in violation of Title 42, U.S.C. Section 1893; and 5) appeal is without prejudice to appellant's right to seek relief at any time. Kris Schenk and Sarah Williams responded to questions from the Board relative to clarification of whether the issue on appeal is the size of the restroom facilities or whether they are permitted. Debra Willis responded to a question from the Board relative to the status of the cabins.

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

Appellants Presentation:

Attorney Gerald Weaver advised that he is representing Castaldi and Oakander, owners of the Coyote Springs Ranch. He advised that the request is for a ministerial building permit and that there is an obligation for the permits to be issued as long as they meet the Building Code. He feels that based on their history with Planning staff, that staff is trying to keep this use from happening until the policy is adopted for agritourism uses. He referenced the arena events and uses that have been held on the Ranch. He provided input on the status of the building permit application for the free-standing restrooms in relation to the urgency Ordinance that was adopted earlier this year, and

stated he does not understand why there is a concern about the proposed size of the facility. He feels that the permit was accepted by the County and other applications were submitted for the Ranch; and it was subsequently agreed to put this application on hold, and then the County accepted reactivation of the application. He does not understand the relevance of Resolution No. 09-42 to the restroom project. He presented the following documents for evidence:

- 1) Letter from Theresa Castaldi dated October 30, 2008 to the Building Department putting the Public Restroom Project on hold;
- 2) Letter from the Planning Director dated August 6, 2008 to the applicant relative to the review of Plans for Permit No. 27681, along with a schedule of events for 2008 at the Ranch;
- 3) Letter from the Deputy Planning Director dated February 3, 2009 to the applicant concerning the adoption of Resolution No. 09-42, along with a copy of said Resolution;
- 4) Letter from the Building Director dated October 31, 2008 to the Health Director and the Planning Director relative to the processing of the permits; along with a letter from Planning dated July 25, 2007 to the applicant relative to serving food and beverages; and
- 5) Staff report for the Board meeting of January 13, 2009 relative to Appeal No. 2008-193.

Ken Baker, Project Manager for Coyote Springs Ranch, testified as to the agritourism uses that have occurred on the property since 2007, and showed a file full of flyers and brochures that he has for the events; i.e., Western Fair, rodeos, arena events, and ranch tours, etc. He advised of their presence on the Web and that they are a cow/calf operation and are experimenting with growing other products on the Ranch. He advised that they applied in 2009 for permits to have bus tours and to feed the guests by catering. They are applying for a Gathering Permit for their third annual Catheys Valley Fair. He appealed to the Board to look at what we have in the County and the possibility and to do something to make it work for everybody versus putting obstructions in the way.

Speakers in Support of the Appellant:

Steve Fortner, property owner in Catheys Valley, stated he has been fighting with the County for fifteen years over what they can do with their property. County Counsel admonished that the testimony needs to be limited to the five issues raised on appeal. Steve Fortner continued and advised that there is a nexus as they have a mortgage against Coyote Springs Ranch and this is the first issue that has gone through the administrative process and if there is any litigation, they will need to be faced also. County Counsel reiterated that the testimony needs to be related to the issues raised in the appeal. Steve Fortner referred to his installation of the water tank which was “against the rules” and stated he feels this is the same. He stated he feels that things need to be brought up in the administrative process so they can be used in an appeal to the Court. He feels the bathrooms are a nexus to trying to limit the size and success of this organization.

Opponents Presentation:

County Counsel reiterated his statement that the testimony needs to be related to the issues raised in the appeal.

Rita Kidd stated she is a member of MERG (Mariposans for the Environment and Responsible Government) and she presented a letter from MERG dated November 2, 2009 asking the Board to apply existing law and uphold the decisions made by County staff. She presented a letter from herself and her husband, Tony, dated November 3, 2009 relative to the appeal and urging the Board to defend and support the Planning Director and Building Director’s determinations. She advised that she serves on the Agritourism Advisory Committee; and she used an analogy of Savoury’s Restaurant moving and building a restroom first. Then they see that they can add more tables and chairs and serve more people and exceed the Fire Marshall regulations. She noted that the Agricultural Exclusive zone is different than the other zones. She also noted that this operator has a permit to build a use that is in excess of what is recommended in the agritourism policy that is coming to the Board. She provided input on the agritourism uses being located in areas with other uses.

Rick Benson, County Administrative Officer, asked the Board about continuing the hearing for the Chair to participate as he has another appointment. Chair Aborn asked the appellants if they are agreeable with continuing the hearing. Attorney Weaver concurred and advised that his staff report will be the same for the Building appeal. County Counsel provided an admonishment and advised that since the Board is in the middle of the hearing process, this matter should not be discussed by the Board members outside of the hearing process. (M)Turpin, (S)Allen, the hearing was continued to 2:45 p.m./Ayes: Unanimous.

12:21 noon Lunch

2:46 p.m. The Board reconvened and continued with the public hearing to consider Appeal No. 2009-138. Chair Aborn called for any further opponents presentation, and none was received.

Rebuttal by the Appellant:

Attorney Weaver referred to the opponent's presentation that the use of the property now is in excess of what the new policy would allow. He advised that this is assuming that a new ordinance is adopted that limits the occupancy to less than 250 persons a day; and even if that happened, his clients would have an existing non-conforming use.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the application process for this permit; relative to Public Assemblage Permits and how many times they could be issued at a location where the zoning is improper; relative to the current permit for up to 250 day guests and how this request for the restroom facility fits in; current allowed uses and what would be permitted as non-conforming (grandfathered) use once an agritourism ordinance is established; and being able to accommodate needs of the guests that are allowed with a Public Assemblage Permit, and clarifying that issuance of a Public Assemblage Permit is not guaranteed and it is for a temporary use. Fred Lustenberger responded to questions from the Board relative to the status of the cabins since the last hearing. Planning staff responded to questions from the Board clarifying that this appeal stands on its own and does not address the cabins; and relative to determining "deemed to be complete" for permits. County Counsel reviewed the options available to the Board for action: 1) deny the appeal; 2) uphold the appeal; or 3) request further action from staff.

(M)Allen, (S)Bibby, Res. 09-535 was adopted denying Appeal No. 2009-138, with the recommended findings. Further discussion was held. Ayes: Aborn, Bibby, Cann, Allen; Noes: Turpin. The hearing was closed.

3:31 p.m. Recess

3:36 p.m. Fred Lustenberger, Building Director; PUBLIC HEARING to Consider **Appeal No. 09-01**, an Appeal of the Building Director's Determination Resulting from Review of Building Permit No. 27628. Building Permit Applicant and Appellant: Theresa Castaldi c/o Gerald C. Weaver. Coyote Springs Ranch is located at 2100 Old Highway, Catheys Valley and Includes Ten Parcels. The Subject Appeal and Permit Involves APN 016-220-008, a 21.47 Acre Parcel.

BOARD ACTION: Fred Lustenberger presented the staff report and advised that they established the maximum occupancy for the six allowed cabins at 24 persons. He reviewed the two appeal issues: 1) relative to the decision being arbitrary and capricious; and 2) relative to the restrooms having no relation to the maximum occupancy of the dining room. He reviewed their consideration of the codes and issues with sizing the kitchen/eating/restroom facility and advised that they based the decisions on the cabin occupancy. He responded to a question from the Board relative to the application for the eating facility.

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

Appellants Presentation:

Attorney Gerald Weaver advised that there is no ordinance which defines agritourism and he referred to the definition contained in the General Plan and the permitted uses. He stated he feels that the Planning Department wants to limit their uses. He referred to the State law and the

County Code relative to determining when an application is deemed complete for processing. He referred to the plan on circle page 18 in the agenda package and the note by Planning relative to the approval of the bathroom structure; and he stated he does not feel that this is a discretionary permit. He questioned why approval was given to have food for guests, but the eating facility is being separated out for just overnight guests. He advised that his client did not realize that there could be an appeal on this and let the time run, and they are asking that the error not be compounded. He presented for evidence minutes (Minute Order) from the Board meeting of February 2, 2009 relative to adoption of urgency Ordinance No. 1049 and exemptions for the Ranch. He stated he feels that the Building Code Table being used by Building is only for the purpose of determining ingress and egress and not size. He questioned why the eating facility and restroom sizes are being limited, when there would be no such limit for a home. He referred to horses and agritourism issues. He addressed their appeal issue relative to discrimination against the applicant and stated they are reserving their right to file actions in Court as he feels that a meeting was held by departments to try and put Coyote Springs Ranch out of business. Ken Baker and Fred Lustenberger responded to questions from the Board relative to the square footage of the proposed restroom and the recommended size. Attorney Weaver responded to questions from the Board relative to the number of visitors they intend to serve in five to ten years; relative to plans and goals for the Ranch; and relative to established procedures for moving forward by using the Conditional Use Permit or zoning change process. Attorney Weaver advised that the only reason they filed this appeal is to get a change of attitude with this project. Ken Baker further responded to questions from the Board and advised of the existing usable space and facilities; and he advised that they have not done anything different than what was planned in 2005 and they have a tremendous investment in this project. He feels they need the requested bathrooms for the existing space and to serve future space. He stated they have been trying to move forward with things that they were told the County wanted. They want to move forward with a Conditional Use Permit or zone change, but face the possibility of having everything being closed down. He noted that they can bring in porta-potties, but does not understand why they can not have the restrooms. Ken Baker responded to questions from the Board relative to their planned uses for the barn and the permit status; and he advised that he left a copy of the engineering information that was requested by Building for each of the Board members – that is separate from this appeal. He also feels that the three bathrooms are needed for the cabin guests so they do not have to stand in line as they have a limited time to eat. Attorney Weaver responded to a question from the Board relative to the statement in the appeal that the restrooms have no relation to the maximum occupancy of the dining room.

Opponents Presentation:

Rita Kidd referred to the letters she submitted earlier for the Planning Appeal, and she advised that the letters addressed both appeals. She noted that we are talking about a 1,000-acre ranch that consists of ten parcels and they could be owned by different people. She also noted that the subject parcel is in view of two existing homes. She advised that the six cabins were authorized by the Board exercising their discretion over the Planning Director's decision; and she provided input on the Farm Stay law requirements for a kitchen and meals and she feels the issues of the dining room and restroom needs to be considered in this context. She supports asking for a business plan and noted that the Planning Director has requested this on more than one occasion. She urged the Board to support the Building and Planning Departments.

Rebuttal by the Appellant:

Ken Baker advised that they have agreed to give the County a master plan on anything they want to do in the future and to re-zone or apply for a Conditional Use Permit; however, they have been told that would have a devastating affect. They are working on a business plan and will submit that. He noted that they requested nineteen cabins and were approved for six and that they did not apply for the Farm Stay use. He referred to the agritourism policy established by Calaveras County. He stated he feels that the correspondence that has been sent to them is based on opinion and not legal issues.

County Counsel advised that this is an opportunity only for rebuttal of the issues that were raised; and he advised the Board that its deliberation should be based only on the issues of the appeal.

Fred Lustenberger clarified that his use of the Plumbing Code for the number of fixtures does not have anything to do with egress and ingress. He further advised that earlier in the process, he talked with representatives of the Ranch relative to their hopes to be able to expand, and discussion was held relative to allowing them to rough in the plumbing and install the fixtures later as needed. Supervisor Turpin suggested that a recess be called for the Building Director and the applicant to discuss resolving the appeal to see if an agreement can be reached. County Counsel provided input and advised that the Board is not permitted to engage in discussions of trying to resolve the appeal outside of this hearing process; and he responded to questions from the Board relative to the applicant being able to withdraw the appeal if an agreement is reached. He further advised that the Board would not be able to approve any project that exceeds the scope of the Director's determination at this time.

Attorney Weaver provided input relative to trying to reach an agreement to keep the size of the building that is being proposed, but with fewer fixtures; and he advised that if agreement is reached there would be no reason to go to Court.

The public portion of the hearing was closed. The Board commenced with deliberations. Discussion was held relative to the size of the facility and allowing for future expansion; and previous direction that was given to the Building Director relative to allowing the six cabins. (M)Cann, (S)Turpin, Res. 09-536 was adopted approving the appeal and overturning the Building Director's determination and findings and allowing the restroom facility to be built/Ayes: Turpin, Cann, Allen; Noes: Aborn, Bibby. The hearing was closed.

5:05 p.m. Recess

5:15 p.m. Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Appeal No. 2009-114, an Appeal of the Planning Director's Determination Regarding a Portion of Certificate of Compliance Application No. 2007-093 for Twelve (12) "Fractionalized" Patents. Applicants and Appellants: Jeff Miller and Layne Clifton. Project Site for Certificate of Compliance Application No. 2007-093 was APN 016-080-002 (Now a Retired APN); 871 Highway 140, Le Grand (Merced/Mariposa County Line). (Continued from October 13, 2009)

BOARD ACTION: Kris Schenk introduced the appeal. Sarah Williams/Deputy Planning Director, presented the staff report, including review of the application and processing status; advised of changes due an appellate case, *The People v. Tehama County Board of Supervisors, et al., (2007)* (the *Tehama* case) and affect this case has on processing the "fractionalized" patents; reviewed the appeal issues; advised of correspondence received from the appellant; presented a revised formal resolution that reflects the continuance of this hearing from the original October 13th date; and advised that the applicant is still working to find additional grant deed information. Staff responded to questions from the Board relative to the property line for the original homestead of the property and how the line became different; and relative to the minimum parcel size for a subdivision today.

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

Appellants Presentation:

Jeff Miller advised that he is one of the applicants. He advised that Parcel 32 (the pink and green piece on the map) were created by a deed and he has not provided that deed to staff. He advised that all of the property was originally owned by Harry Chase, then there was a foreclosure and parcels were sold and traded and repurchased. In 1971, a line was drawn and the property was divided. They knew there were patents and that they were separating them and the attorneys for both sides said that everything was legal and the divided parcels would be recognized as separate parcels as was their intent. He advised that he has a different opinion of the *Tehama* case and he does not feel that it prevents recognition of the "fractionalized" patents as their intent was to keep the parcels separate. He advised that when they received their first tax bill in 1971 after dividing the property, it was for the full 4,333 acres and when they asked about receiving tax bills for each parcel, they were told that the tax bill had no bearing on the separate legal parcels. So they didn't file separate deeds to receive individual tax bills. He referred to a line in the *Tehama* case that says if you give away a portion, it becomes a separate parcel. He responded to a question from the

Board relative to being able to locate additional information to help with the determination for some of the parcels in question.

Sarah Williams provided input relative to the assignment of Assessor Parcel Numbers (APN) for tax bills; advised that the “vicinity map” on circle page 19 in the packet shows the current APNs and the map on circle page 24 shows the boundary of the patents and how they relate to the current property line for Miller/Clifton. She responded to questions from the Board as to what the decision would have been if this matter was considered prior to the *Tehama* case and advised that the Certificates of Compliance would have been issued for the “fractionalized” patents; and advised that there was no minimum parcel size.

Opponents Presentation:

Rita Kidd stated she was speaking as a Board member for MERG and reviewed the key points in the letter she presented. She advised that they are not opposed to the request; however, wanted to present information relative to “fractionalized” parcels. She referred to their previous research with the Hewlett’s request to receive Certificates of Compliance, and she advised that Santa Barbara County charges \$1,000 per requested Certificate of Compliance and they have a very clear policy that you have to be able to track back to the original boundary of the patent through the changes of title.

General Comments:

Anita Starchman Bryant stated she was speaking as a member of the public and responded to the input provided by Rita Kidd. She clarified that the burden of research is on the applicant in Mariposa County and not the County. She responded to a question from the Board and advised that she does not know what research Santa Barbara County does.

Staff responded to questions from the Board as to whether right-of-way and access to each of the parcels is an issue.

Rebuttal by the Appellant:

Mr. Miller responded to questions from the Board relative to the status of their research and he advised that additional research will not help them with the parcels that are split by the property boundary as they relied on their attorney’s advice that the split created separate parcels; advised that he is not aware and has not been able to locate any letters or documents to support the advice given by their attorney – H. Spencer St. Clair, and he advised that Attorney Braucht represented the other portion of the property. He advised that he was at the meeting with his mother and father and Attorney St. Clair and personally heard the discussion and statement that the parcels that were split would become separate parcels; and he had a direct conversation with Philip Chase that he had received the same information from his attorney. He referred to the *Tehama* case and advised that the creation of separate parcels is what the parties intended.

The public portion of the hearing was closed and the Board commenced with deliberations. County Counsel responded to a question from the Board relative to the definition of “extrinsic” as used in the *Tehama* case and advised that it means events that occurred outside the confines of the deeds or instrument that transferred property. Staff responded to questions from the Board relative to being able to further consider any new evidence that might surface following this hearing; whether this is the first application that has been processed since the *Tehama* case; and relative to the change in the revised resolution that was presented to reflect the continuation of this hearing. County Counsel reviewed the actions available to the Board: 1) uphold the appeal; 2) deny the appeal; or 3) provide direction for staff to come back. Staff responded to a question from the Board relative to being able to sell a parcel if it has a Certificate of Compliance. Rick Benson, County Administrative Officer, reiterated the options for action as stated by County Counsel.

(M)Allen, (S)Turpin, Res. 09-537 was adopted upholding the appeal and overturning the Planning Director’s determination and findings based on the evidence that was presented; and finding that the *Tehama* case allows for oral testimony to be considered. Further discussion was held relative to the decision and future consideration of requests. County Counsel advised that the Board’s job is to weigh the evidence on a case-by-case basis and to determine whether there is sufficient credible evidence, including looking outside the confines of the deed, to preserve the historic parcels that were granted originally. Ayes: Turpin, Cann, Allen; Noes: Aborn, Bibby.

Kris Schenk asked for clarification relative to the findings for this action and discussion was held. Rick Benson advised that the findings could be based on the testimonial evidence that was presented by the appellant relative to the intent of the parties when the parcels were separated. County Counsel provided additional input and advised that the Board could find that the intent was to protect the separate parcels; and that extrinsic evidence was offered by Mr. Miller relative to his personal meeting with his mother's attorney together with his father concerning the discussion of the separate parcels. Supervisor Cann asked about having a definition of "extrinsic" for Planning. County Counsel responded that it is a term of art meaning it has a specific legal definition and he will provide that information to staff. He further recommended that the Board direct staff to bring back the recommended findings that would support upholding the appeal, and Chair Aborn so directed. The hearing was closed.

Rita Kidd suggested that a workshop be held on historic parcels "patents." She advised that she feels that this action just doubled the number of sub-standard parcels because the parcels on the other side of the property line equal the number in question in this appeal. She feels that this action took away staff's ability to negotiate the merger of substandard parcels and leaves open for those parcels that were merged to come back and that creates another dilemma.

6:45 p.m. Recess

6:49 p.m. Adopt a Resolution Rescheduling the Regular Meeting of the Board of Supervisors for November 10, 2009 to Commence at 10:00 a.m. (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: (M)Bibby, (S)Cann, Res. 09-538 was adopted approving the rescheduling of the meeting; and direction was given for the County Administrative Officer to advise that the Board members will attend the Veterans Day ceremony at the Mariposa Elementary School/Ayes: Unanimous.

Approval of Summary of Proceedings of October 20, 2009, Regular Meeting (Clerk of the Board)

BOARD ACTION: Rick Benson advised of a correction on the Addendum to the Agenda to reflect that the Summary of Proceedings is for October 27th versus the 20th. (M)Turpin, (S)Allen, the minutes for October 27th were approved/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriffs' Management Association); Name of County Designated Representative: Richard Bolanos (County Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION: Liability Claims; Claimant Name: Joni Lee Denton; Claim Number: C09-13; Name of Agency Sued: County of Mariposa (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that these closed sessions are withdrawn from the agenda.

6:53 p.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 4158 Old Highway, Mariposa; Agency Negotiator: Richard J. Benson; Name of Party who will Negotiate with County (Not Party's Agent): George Heiss; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/Risk Manager);

CLOSED SESSION: Public Employee Employment; Interim Building Department Director (County Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION: Building Department Director Recruitment (County Administrative Officer/Personnel/Risk Manager)

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

7:47 p.m. Chair Aborn announced the following as a result of the closed session matters: information was received relative to the real property matter; direction was given relative to the

Interim Building Department Director matter; and direction was given relative to the Building Director recruitment matter.

CONSENT AGENDA:

- CA-1 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-527
- CA-2 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 09-528
- CA-3 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 09-529
- CA-4 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 09-530
- CA-5 Recommend the Rejection of Claim No. C09-13 Filed by Joni Lee Denton for an Undetermined Amount and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); Res. 09-531
- CA-6 Reappoint James Tucker to the Alcohol and Drug Advisory Board for a Term Expiring November 3, 2012 (Human Services Director)
- CA-7 Reappoint Ruth Catalan to the Mental Health Board for a Term Expiring November 3, 2012 (Human Services Director)
- CA-8 Approve an Agreement with Mariposa Safe Families, Inc. for Family Partner Services to Support the Team Decision Making Process and Wraparound Services with Children and Families Referred for Such Services from Child Welfare Services, Probation, Schools and Mental Health Services who are under the Jurisdiction of the Court or Assessed for Special Education Program Services through the Mariposa County Superintendent of Schools and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-532
- CA-9 Approve the Sierra San Joaquin Noxious Weed Alliance – WMA Base Funding Work Plan Agreement No. 09-0482 with the California Department of Food and Agriculture (CDFA) for the Iberian Starthistle Survey and Eradication Project and the Stop the Spread of Yellow Starthistle Control and Management Project and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 09-533
- CA-10 Approve Agreement with Dan Wice and Custom Weed Control for Implementation of the Sierra – San Joaquin Noxious Weed Alliance WMA Base Funding Work Plan for the Iberian Starthistle Survey and Eradication Project and the Stop the Spread of Yellow Starthistle Control and Management Project as Well as the Mariposa County Noxious Weed Work Plan and Authorize the Board of Supervisors Chair to Sign the Agreements (Agricultural Commissioner); Res. 09-534

7:49 p.m. Adjournment in memory of Elisandro Acosta and Pfc. Lukas “Luke” C. Hopper.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

November 10, 2009



Time _____ Description

10:03 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Chair Aborn announced that Dennis Wister was hired as the interim Building Director and that he started today and he will be introduced at the next Board meeting.

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 referred to item 6 and asked what the program entails.

The Clerk of the Board advised that item 1 is withdrawn and the minutes will be scheduled for approval on November 17th. Supervisor Turpin pulled item 6 for discussion with Public Works; and Dana Hertfelder provided input. Supervisor Aborn asked whether consideration has been given to allowing a bag of trash to be dumped for every two bags of recycled materials that are brought to the compost facility. (M)Turpin, (S)Allen, items 2 through 10 of the Consent Agenda were approved/Ayes: Unanimous.

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

Ruth Catalan advised that the SPCA had a booth at the Trans-Valley Youth Football Super Bowl event; and she thanked Bob Kirchner for his work to make this a successful event. She referred to Consent Agenda item 6 and her previous input relative to the need to sort the recyclables from the trash.

Eleanor Keuning referred to the 2007-08 Grand Jury report relative to the landfill and the compost facility and their suggestion for a mandatory recycling program. She stated she feels that there needs to be more education and information available relative to recycling.

MaryAnn Huff referred to the recycling requirements in San Francisco and noted that they have reached 75 percent compliance; and she feels that we should be a leader in this area and try to keep our county clean. She commented on all of the events that took place over the weekend.

Ruth Sellers asked whether the County requires accountability for funding that it provides to the different programs, and stated she feels that it should be a requirement.

Board Information

Supervisor Cann stated he was proud to be a Mariposan this weekend; and he thanked everyone that helped to make the Football Super Bowl event a success. He advised that he attended the Tourism Bureau meeting on Wednesday with Supervisor Turpin, and he commended the Board and group that formed the Business Improvement District for their efforts and noted the

resulting transient occupancy tax revenue, especially in comparison with other areas that are seeing large declines. He noted that the Tourism Board does have reporting requirements in the contract for the funding it receives from the County. On Friday he and Supervisor Aborn and the County Administrative Officer interviewed the interim Building Director. He attended the Silver Tip Resort meeting with the Advisory Committee in Fish Camp on Saturday with Supervisor Allen. He attended the Black and White Ball/Hospital Foundation Fundraiser on Saturday. He noted the passing of Lee Shackelton on Saturday.

Supervisor Allen advised that he attended the Joint Powers Authority meeting for the Area 12 Agency on Aging on Thursday. He met with the Superintendents of Mariposa, Bass Lake and Madera Schools on Friday relative to trying to keep the Wawona Elementary School open. He was in Fish Camp Saturday, attending the Town Planning Advisory Committee meeting relative to the Silver Tip Resort project and later had discussions relative to the solid waste transfer station issue and possible solutions. He attended the Football Super Bowl, and he noted that town was full for the weekend. He attended the North County History Center breakfast in Coulterville on Sunday. He advised that all of the Board members attended the Veterans' Day commemoration this morning at the Mariposa Elementary School.

Supervisor Turpin thanked Supervisor Aborn for the information he provided him on the airport meeting that occurred last week. He advised that he traveled to Washington State last week and commented on the military recycling center on Whidbey Island; and he advised that he attended some active military ceremonies. He commended Mariposa Elementary School for the Veterans' Day commemoration. He plans to attend the new fire stations meeting with the affected department heads on Friday.

Supervisor Bibby expressed a special thanks to the volunteers and everyone who attended and participated in the services for Pfc. Luke Hopper. She also extended a special appreciation to Bob Kirchner for the Football Super Bowl and to the businesses and everyone that participated, and she asked that a Certificate of Appreciation be prepared and scheduled recognizing Bob for his work on this event. She advised that the First 5 meeting was cancelled on Monday, and she noted that they will hold a ribbon cutting ceremony in December for the Catheys Valley Pre-School. She attended the Mental Health Board meeting and the Suicide Prevention Committee meeting last week. She advised that there will be a meeting this Thursday at 7 p.m. at the Government Center with the property owners of the Bridgeport subdivision relative to the Covenants, Conditions and Restrictions (CC&Rs) and the consideration of locating a fire station in the subdivision for the area. She extended her appreciation to the School District, the students and the Veterans for a beautiful ceremony this morning.

Supervisor Aborn advised that he attended the airport meeting and they will meet again on Wednesday at 5:30 p.m. He referred to MID and water issues and contract negotiations. He advised that he was in Jamestown on Saturday and commented on the traffic and growth issues. He commented on the Veterans' Day commemoration and the wonderful job the students did, and urged everyone to attend this event in the future. He advised that the El Portal Town Planning Advisory Committee meeting is scheduled for this evening.

Dana Hertfelder, Public Works Director;

Waive the First Reading and Introduce an Ordinance Amending Section 10.04.010 of Chapter 10.04 Titled "Speed Limits" of the County Code for a Portion of Clouds Rest, Roads in Wawona and Forest Road in El Portal

BOARD ACTION: Discussion was held with Dana Hertfelder. Supervisor Turpin asked about establishing speed limits in the Don Pedro subdivision. (M)Bibby, (S)Cann, 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.

Waive the Second Reading and Adopt an Ordinance to Amend the Mariposa County Zoning Map by Rezoning Approximately 43.5 Acres of Land (Portion of APN 017-210-010) from the Mountain General Zone to the Mountain Home Zone Pursuant to Zoning Amendment No. 2008-142. Major Subdivision No. 2008-141 Proposes the Subdivision of 126.75 Acres into 23 Lots

(APNs 017-210-010 and 015-240-030). Steven Allison, Project Applicant. Site is Located off of Leonard Road, Approximately ½ Mile South of Highway 49 South (Planning Director)

BOARD ACTION: Chair Aborn read the title of the Ordinance into the record. Following discussion, (M)Bibby, (S)Cann, the second reading was waived and Ordinance No. 1064 was adopted/Ayes: Unanimous.

Approve an Updated List of Job Classifications that Require Pre-employment Physicals, Give the Personnel Director Authority to Add Merit System Services Classifications to the List, Give the Personnel Director Authority to Make Minor Changes to the Typical Physical Requirements of Each County Job Description so that they are Consistent with Comparable County Job Descriptions, and Require a Physical for an Existing Employee who is in a Low Risk Classification and is Being Promoted in to a Job Classification that Requires a Physical (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Mary Hodson, Deputy County Administrative Officer. Board members suggested that other classifications, if not all, be included in the pre-employment physical requirements.

Input from the public was provided by the following:

Ruth Catalan stated she agrees with requiring pre-employment physicals for everyone who is hired.

MaryAnn Huff commented on the State's limit of being able to lift 40 pounds; agrees with requiring the pre-employment physicals for everyone and stated she hopes that drug testing is also required.

Further discussion was held. Supervisor Cann suggested that a discussion be held with the Health Officer on the rationale for this recommendation. Supervisor Bibby asked that information be brought back on the number of employees that we are talking about. (M)Turpin, (S)Bibby, Res. 09-548 was adopted approving the recommendation for the updated list of job classifications; directing that the matter come back for further consideration of the other positions and asking Supervisors Bibby and Allen to meet with the Health Officer before this comes back to the Board. Supervisor Bibby clarified that this matter will come back as soon as practical, and she clarified that this is not subject to the meet-and-confer process. Supervisor Cann asked that a target date be set for this to come back. Chair Aborn suggested two weeks. Supervisor Bibby asked the Board members to provide a list of the positions that they have questions on; and asked that Dr. Mosher be present when this comes back to the Board. Ayes: Aborn, Turpin, Bibby, Cann; Noes: Allen.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriffs' Management Association); Name of County Designated Representative: Richard Bolanos (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Chair Aborn advised that this closed session was withdrawn.

Approve the 2009 Tuolumne-Mariposa County Resource Advisory Council (RAC) Title II Project Funding Recommendations (Supervisor Turpin)

BOARD ACTION: Following discussion, (M)Allen, (S)Cann, Res. 09-549 was adopted approving the funding recommendations/Ayes: Unanimous.

11:39 a.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 4158 Old Highway, Mariposa; Agency Negotiator: Richard J. Benson; Name of Party who will Negotiate with County (Not Party's Agent): George Heiss; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/Risk Manager)

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

Ruth Catalan asked if this closed session could be held without the County Administrative Officer being present as he is the designated negotiator. Steve Dahlem, County Counsel, responded that any negotiations would need to be handled by the County Administrative Officer, but the closed session discussion can be done in his absence.

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

11:55 a.m. Chair Aborn advised that information was received as a result of the closed session on the real property.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of November 3, 2009, Regular Meeting (Clerk of the Board); Withdrawn and continued to November 17th
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-539
- CA-3 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 09-540
- CA-4 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 09-541
- CA-5 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 09-542
- CA-6 Adopt a Resolution Approving Mariposa County Public Works (MCPW) Solid Waste & Recycling Division's Request to Apply for the Department of Conservation's Certified Drop-off and Collection Location at the Mariposa County Landfill, Compost Facility and Recycling Center for the California Redemption Value (CRV) Program (Public Works Director); Res. 09-543
- CA-7 Approve Budget Action Reducing Contingency within the Fleet Services Budget to Cover the Cost of Emergency Vehicle Technician Certification (\$300) (4/5ths Vote Required) (Public Works Director); Res. 09-544
- CA-8 Approve the Grant Agreement for October 1, 2009 to September 30, 2010 with Friday Night Live Partnership and the Tulare Superintendent of Schools for the Friday Night Live Mentoring Program for Compliance with the "No Child Left Behind Act", Title IV-21 Century Schools and all Applicable Regulations and Federal Guidelines; and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-545
- CA-9 Approve an Agreement with the Mariposa County Arts Council for Performing Arts, Visual Arts, and Arts Resources and Education Services in the Amount of \$51,000 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 09-546
- CA-10 Approve an Agreement for Services with the Yosemite/Mariposa County Tourism Bureau in the Amount of \$400,000 to Provide Marketing Services for the County and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 09-547

11:56 a.m. Adjournment in memory of Leland “Lee” Shackelton and Ann Rue Hess Kludt.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

November 17, 2009



DRAFT – PENDING APPROVAL BY THE BOARD

Time Description

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

Pledge of Allegiance

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriffs' Management Association); Name of County Designated Representative: Richard Bolanos (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Chair Aborn advised that this closed session is not needed.

Chair Aborn advised that the comment period for the Merced Wild and Scenic River Comprehensive Management Plan and Environmental Impact Statement has been extended to February 4, 2010, and he advised that comment cards are available at the front counter.

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 Turpin pulled item 12. Supervisor Bibby pulled items 6 and 17. (M)Allen, (S)Turpin, 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.

Bob Kirchner provided information on the Trans Valley Youth Football Super Bowl/Mariposa Open House event and activities, thanking those who helped to make the event a great success, and he commented on the revenue the event brought to the businesses and non-profit organizations. He advised that he will put together an information sheet for future planning purposes.

Peter Schimmelfennig, Executive Director for the Chamber of Commerce, referred to Consent Agenda item 17; the Super Bowl event; noted the new restrooms at the Visitors Center are being used; advised of the Merry Mountain Christmas Parade and activities; and advised that the mixer is scheduled for this evening and is being hosted by Boutique by the Creek and Mariposa Shipping.

Dick Hutchinson advised that the downtown merchants will be decorated and open for Christmas shopping the day after Thanksgiving.

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MaryAnn Huff commended Bob Kirchner for his work on the Super Bowl event. She referred to Supervisor Aborn's comments at the previous meeting relative to the crowds and growth in Jamestown and Oakhurst; and she advised that she feels that we need to understand what "responsible and controlled growth" means. She feels that we need growth and she thanked the Board for saying "yes" to responsible growth.

Introductions

Chair Aborn introduced Dennis Wister, Interim Building Director; and Mr. Wister provided information on his background.

Peter Schimmelfennig referred to the Super Bowl event and noted that it didn't have any direct influence on Coulterville and he feels that the fringes of the County (i.e., the whole County) need to be considered. He advised that they are looking for a Board member to be a judge for the Merry Mountain Christmas Parade.

Board Information

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Supervisor Turpin noted that the Board will not be meeting next week and wished everyone a Happy Thanksgiving. He advised that the 3rd annual tree lighting in Coulterville is scheduled for December 5th. He noted the committee has been meeting on Wednesdays relative to Airport issues. He met with department heads on Friday relative to the future fire stations. He attended the Fire Department visioning meeting on Saturday. He is traveling to Monterey this afternoon to attend the CSAC (California State Association of Counties) annual conference. He plans to attend the Calaveras-Mariposa Community Action Agency meeting with Supervisor Bibby on Friday. He plans to attend a meeting in Oakhurst on Monday, a continuation of the Sierra Nevada Summit.

Supervisor Bibby extended her thanks to Fire for the visioning program and being able to attend. She advised that she had a meeting last Thursday with the Bridgeport Subdivision property owners relative to a potential site in the subdivision for a fire station, and she advised that there were several concerns relative to the design, use and water, and they asked that a Board item be scheduled to discuss these issues. She met with the Human Services Director on Monday with Supervisor Turpin relative to Community Action Agency items. She advised that the Catheys Valley Pre-School is almost ready to open. She plans to attend the Calaveras-Mariposa Community Action Agency meeting in Coulterville on Friday. She plans to attend a State Fair meeting in Sacramento on Thursday with two local Fair Directors to support a youth exhibit booth program. She is meeting with the Health Officer on Wednesday relative to pre-employment physical requirements for County positions. She wished everyone a happy holiday, noted that we have a lot to be thankful for and she gives her best to the community.

Supervisor Aborn advised that the Planning Commission will be in Fish Camp on Friday relative to the Silver Tip Resort project. He noted that a committee is meeting on Wednesdays at 5:30 p.m. at the Airport to find solutions to keep the terminal open. He advised that the Midpines Advisory Committee is meeting on Thursday and the fire station will be discussed. He extended a Happy Thanksgiving to everyone.

Supervisor Cann;

Resolution Recognizing Kathy Delaney for her Outstanding Service and Achievements to the County and Mariposa Citizens as the Mariposa Safe Families, Inc. Executive Director (Human Services Director)

BOARD ACTION: (M)Cann, (S)by the remaining four Board members, Res. 09-550 was adopted and presented to Kathy Delaney/Ayes: Unanimous.

10:12 a.m. Recess

10:20 a.m. Kathy Delaney, Executive Director, Mariposa Safe Families, Inc.; Present the 2008/2009 Mariposa Safe Families, Inc. Annual Report; Present Results of a Needs Assessment Conducted on Methamphetamine, Marijuana, and Prescription Drug Abuse in Mariposa County; and Introduction of the New Mariposa Safe Families, Inc. Executive Director

BOARD ACTION: Kathy Delaney advised that the Annual Report is included in the agenda package. She introduced Cheryl Bhalla, the new Executive Director; and advised that the following Mariposa Safe Families Board members were present: Connie Pearce, Angie Steele, and Susan Arlington. Susan Robinson, consultant, presented the results of the Needs Assessment and recommendations. Discussion was held relative to the prevention planning process and programs aimed at reducing drug and alcohol abuse, and relative to the statistics in the Needs Assessment.

Input from the public was provided by the following:

Dick Hutchinson noted that as a parent of a son that got involved in drugs, he feels it is important to educate our youth on the impact the abuse will have on their future.

Further discussion was held and no action was necessary.

11:09 a.m. Jim Rydingsword, Human Services Director; Approve Lease Agreement and other Related Documents with DesCor, Inc. for Office Space that is being Developed by DesCor, Inc. at 5336 Highway 49 North, Mariposa, with an Estimated Occupancy Date of May 1, 2011

BOARD ACTION: Neal Cordeiro/Des Cor, Inc. Vice President and CEO provided background information on how we got to this point with this project. Alan Hom/Calpo Hom & Dong Architects, provided input on their work on this project; and he advised that the new facilities will include Mother Lode Job Training and Child Support Services. Loangle Newsome/Calpo Hom & Dong Architects, provided input on their architectural consideration of the buildings and the site. Neal Cordeiro provided input relative to the planning and design review overlay. Jim Rydingsword provided input on the benefits of the new facility. Discussion was held relative to the project, funding status, including changes to the tax rolls, the roof design and additional warranty that is available, the design review standards and the final design costs, whether additional warranties are available and can be included in the construction costs, and relative to the funds that accrue and use of those funds. Bob Meneni stated he was the Director of Administrative Services and the project manager for the Human Services facility project that was constructed in Yuba County, and he responded to questions relative to the lease contract and the funding and reimbursement. Further discussion was held relative to the status of the encroachment permit with CalTrans, whether Public Works has reviewed this matter and how it relates to the “field of dreams” property; whether the Auditor and Administration has reviewed the cost allocation and figures for this project, and whether there is adequate parking. Steve Dahlem, County Counsel, responded to questions relative to the lease agreement and timeframes for providing the financial information to the State.

Input from the public was provided by the following:

Tolley Gorham referred to the mention of having funds to purchase the Fischer building and renting it out, and he asked why the County isn't buying the new building versus leasing. Jim Rydingsword responded relative to the funding constraints. Tolley Gorham commented on the existing lease payments and consolidation of positions to have funds to pay for the lease on the new building. He expressed concern with the vacant spaces that will be left when Human Services moves to the new facility and the impact the vacancies will have on the community; and he noted that the rent for the new facility will be paid to an out-of-county business. He asked if the County has any plans in place to help fill the vacant buildings. He asked who has maintenance responsibility currently for the encroachment, and whether the County would become responsible with the new building.

DRAFT – PENDING APPROVAL BY THE BOARD

Further discussion was held. It was clarified that a large percentage of the existing facilities rented by Human Services are held by out-of-county owners. It was noted that the micro-enterprise program is available and that perhaps the Economic Development Coordinator could assist. (M)Cann, (S)Allen, Res. 09-563 was adopted approving the recommended actions. Further discussion was held. County Counsel noted that the lease agreement is for a 25-year term and is subject to two ten-year extensions, and there is no commitment for the County to take title at the end of this period. Supervisor Cann clarified that consideration of whether to purchase the Fischer/Stroming building is a separate item and will take separate action in the future. Supervisor Bibby asked that the issues raised be discussed with the Auditor and Public Works, and she clarified that this action has no impact on General Fund dollars. Ayes: Unanimous.

12:45 p.m. Lunch

3:37 p.m. The Board reconvened with Supervisor Turpin excused for the rest of the meeting to attend the CSAC Conference.

Consider Items Removed from the Consent Agenda

Item 6 – Dana Hertfelder responded to Supervisor Bibby’s questions relative to the signators on the agreement and action by the YARTS Board.

Item 12 – Dana Hertfelder provided input relative to the road projects.

Item 17 – Dana Hertfelder responded to questions relative to the event and coordination with the YARTS bus schedule.

(M)Bibby, (S)Cann, items 6, 12, and 17 were approved/Ayes: Aborn, Bibby, Cann, Allen; Excused: Turpin.

Approve a Letter to CalTrans Endorsing the Placement of Signs Reading “Highway 140 – Scenic All Weather Highway – Route to Yosemite” in Mariposa County and Authorize the Board of Supervisors Chair to Sign the Letter (Supervisor Aborn)

BOARD ACTION: Supervisor Aborn initiated discussion relative to the request; and he clarified that the signs would read “Highway 140 – Scenic All Weather – Route to Yosemite.” The plan is to place three to four signs and he will discuss this proposal the Merced County and work with CalTrans. (M)Allen, (S)Cann, Res. 09-567 was adopted approving the letter/Ayes: Aborn, Bibby, Cann, Allen; Excused: Turpin.

3:50 p.m. TRANSPORTATION COMMISSION

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Brad Aborn)

A) Public Presentation - none

B) Authorize the Executive Director and Staff to Proceed with the Release of the Transit Marketing Plan Update Request for Proposals (RFP) (Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Cann, (S)Bibby, LTC Res. 09-15 was adopted approving the request/Ayes: Aborn, Bibby, Cann, Allen; Excused: Turpin.

Approve the California State Association of Counties (CSAC) Excess Insurance Authority (EIA) Dental Program Memorandum of Understanding (MOU) and the Stabilization Consent Agreement; Authorize the County Administrative Officer to Sign the MOU and the Agreement (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Following discussion with Mary Hodson, Deputy County Administrative Officer, (M)Allen, (S)Cann, Res. 09-568 was adopted approving the recommended actions/Ayes: Aborn, Bibby, Cann, Allen; Excused: Turpin.

3:56 p.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 4158 Old Highway, Mariposa; Agency Negotiator: Richard J. Benson; Name of Party who

DRAFT – PENDING APPROVAL BY THE BOARD

will Negotiate with County (Not Party's Agent): George Heiss; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: (M)Cann, (S)Allen, the closed session was held/Ayes: Aborn, Bibby, Cann, Allen; Excused: Turpin.

4:34 p.m. Chair Aborn advised that direction was given to staff as a result of the closed session.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of November 3, 2009, (Approval Continued from November 10, 2009); Approval of Summary of Proceedings of November 10, 2009, Regular Meetings (Clerk of the Board)
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-551
- CA-3 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 09-552
- CA-4 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 09-553
- CA-5 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 09-554
- CA-6 Approve Agreement with Yosemite Area Regional Transportation System (YARTS) to Provide Professional Services for Construction Management of the YARTS Joe Howard Park and Ride Project and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 09-564
- CA-7 Approve Stimulus Project Agreement No. 09-0555 with the California Department of Food and Agriculture (CDFA) for Three Projects – Project I: Mapping and Inventory of A & B Rated Weed Populations, Project II: Treatment of A & B Rated Weed Populations, and Project III: Yellow Starthistle Leading Edge Program, and Approve Budget Action Accepting Unanticipated Revenues (\$13,710) for Fiscal Year 2009/2010 (4/5ths Vote Required) (Agricultural Commissioner); Res. 09-555
- CA-8 Approve Agreements with Dan Wice (\$20,343) and Custom Weed Control (\$24,388) for Implementation of the ARRA Stimulus Project Agreement No. 09-0555 for Project I: Mapping and Inventory of A & B Rated Weed Populations, Project II: Treatment of A & B Rated Weed Populations, and Project III: Yellow Starthistle Leading Edge Program and Authorize the Board of Supervisors Chair to Sign the Agreements (Agricultural Commissioner); Res. 09-556
- CA-9 Approve an Agreement with 35-A District Agricultural Association for use of the Fairgrounds Facilities for the Annual Cops for Kids and Manna House Food Give Away and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-557
- CA-10 Authorize Public Works to Donate Excess Fire Water Tender from the Fish Camp Fire Station to Mariposa County High School's Grizzlies Fire Program (Fire Chief); Res. 09-558

DRAFT – PENDING APPROVAL BY THE BOARD

- CA-11 Authorize the Fire Chief to Sign for and Accept the 2009 Homeland Security Grant on Behalf of County Health, Fire, and Sheriff’s Departments; Approve Budget Action Increasing Revenue to Enhance Capabilities in the Event of Disasters, Terrorist Attacks and other Emergencies (\$136,905) (4/5ths Vote Required) (Fire Chief); Res. 09-559
- CA-12 Approve Program Agreements for Triangle Road and Hornitos Road and Authorize the Public Works Director to Sign the Agreements; Approve Budget Action Increasing Revenue for Road Projects (\$262,759) (4/5ths Vote Required) (Public Works Director); Res. 09-565
- CA-13 Authorize Mariposa County Employees to Donate Vacation and/or Compensatory Time for an Employee in the Facilities Division of the Public Works Department (Public Works Director); Res. 09-560
- CA-14 Approve the Proposed Classification of Subsidized Employment Program Trainee and Assign it as an Extra-help Specialized Classification and Set the Hourly Rate at Minimum Wage, i.e., \$8.00 (County Administrative Officer/Personnel/Risk Manager); Res. 09-561
- CA-15 Resolution Approving Statement of Votes Cast as Certified to the Secretary of State on November 12, 2009, and Declare Elected Under the Uniform District Election Law, those Persons in Yosemite Alpine Community Services District whose Name Appeared on the Ballot and as Certified in the Statement (County Clerk/Treasurer/Tax Collector); Res. 09-562
- CA-16 **AIR POLLUTION CONTROL DISTRICT**
Authorize the Chair to Sign the Application for Subvention Funds, the Rural Districts Supplemental Funds Attachment, and the Request for First Disbursement Subvention Funds for Fiscal Year 2009/2010, and Authorize the Air Pollution Control Officer to Sign the Fiscal Year 2008/2009 Year End Report, and Authorize the Air Pollution Control Officer to Apply and Execute Documents for the Air Pollution Subvention Program Funding for the Subsequent Four Fiscal Years if Amounts and Conditions Remain Substantially the Same (Health Officer/Air Pollution Control Officer); APCD Res. 09-2
- CA-17 Approve and Authorize the Public Works Director to Sign the Application for a Cal Trans Encroachment Permit in Support of Closing Highway 140, Between Jones and 3rd Street, on December 12, 2009, for the Merry Mountain Christmas Parade and for Holiday Banners Along Highway 140 and Authorize the Board of Supervisors Chair to Sign the Letter of the Board’s Support and Approval (Chamber of Commerce); Res. 09-566

4:35 p.m. Adjournment in memory of Melvin Leo “Mel” Straus, Wade Devin Wilson, Barbara Shaffer, and Dolores “Lorry” Benson.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

November 17, 2009



Time _____ Description

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

Pledge of Allegiance

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriffs' Management Association); Name of County Designated Representative: Richard Bolanos (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Chair Aborn advised that this closed session is not needed.

Chair Aborn advised that the comment period for the Merced Wild and Scenic River Comprehensive Management Plan and Environmental Impact Statement has been extended to February 4, 2010, and he advised that comment cards are available at the front counter.

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 Turpin pulled item 12. Supervisor Bibby pulled items 6 and 17. (M)Allen, (S)Turpin, 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.

Bob Kirchner provided information on the Trans Valley Youth Football Super Bowl/Mariposa Open House event and activities, thanking those who helped to make the event a great success, and he commented on the revenue the event brought to the businesses and non-profit organizations. He advised that he will put together an information sheet for future planning purposes.

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Supervisor Cann;

Resolution Recognizing Kathy Delaney for her Outstanding Service and Achievements to the County and Mariposa Citizens as the Mariposa Safe Families, Inc. Executive Director (Human Services Director)

BOARD ACTION: (M)Cann, (S)by the remaining four Board members, Res. 09-550 was adopted and presented to Kathy Delaney/Ayes: Unanimous.

10:12 a.m. Recess

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BOARD ACTION: Kathy Delaney advised that the Annual Report is included in the agenda package. She introduced Cheryl Bhalla, the new Executive Director; and advised that the following Mariposa Safe Families Board members were present: Connie Pearce, Angie Steele, and Susan Arlington. Susan Robinson, consultant, presented the results of the Needs Assessment and recommendations. Discussion was held relative to the prevention planning process and programs aimed at reducing drug and alcohol abuse, and relative to the statistics in the Needs Assessment.

Input from the public was provided by the following:

Dick Hutchinson noted that as a parent of a son that got involved in drugs, he feels it is important to educate our youth on the impact the abuse will have on their future.

Further discussion was held and no action was necessary.

11:09 a.m. Jim Rydingsword, Human Services Director; Approve Lease Agreement and other Related Documents with DesCor, Inc. for Office Space that is being Developed by DesCor, Inc. at 5336 Highway 49 North, Mariposa, with an Estimated Occupancy Date of May 1, 2011

BOARD ACTION: Neal Cordeiro/Des Cor, Inc. Vice President and CEO provided background information on how we got to this point with this project. Alan Hom/Calpo Hom & Dong Architects, provided input on their work on this project; and he advised that the new facilities will include Mother Lode Job Training and Child Support Services. Loangle Newsome/Calpo Hom & Dong Architects, provided input on their architectural consideration of the buildings and the site. Neal Cordeiro provided input relative to the planning and design review overlay. Jim Rydingsword provided input on the benefits of the new facility. Discussion was held relative to the project, funding status, including changes to the tax rolls, the roof design and additional warranty that is available, the design review standards and the final design costs, whether additional warranties are available and can be included in the construction costs, and relative to the funds that accrue and use of those funds. Bob Meneni stated he was the Director of Administrative Services and the project manager for the Human Services facility project that was constructed in Yuba County, and he responded to questions relative to the lease contract and the funding and reimbursement. Further discussion was held relative to the status of the encroachment permit with CalTrans, whether Public Works has reviewed this matter and how it relates to the "field of dreams" property; whether the Auditor and Administration has reviewed the cost allocation and figures for this project, and whether there is adequate parking. Steve Dahlem, County Counsel, responded to questions relative to the lease agreement and timeframes for providing the financial information to the State.

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Further discussion was held. It was clarified that a large percentage of the existing facilities rented by Human Services are held by out-of-county owners. It was noted that the micro-enterprise program is available and that perhaps the Economic Development Coordinator could assist.

(M)Cann, (S)Allen, Res. 09-563 was adopted approving the recommended actions. Further discussion was held. County Counsel noted that the lease agreement is for a 25-year term and is subject to two ten-year extensions, and there is no commitment for the County to take title at the end of this period. Supervisor Cann clarified that consideration of whether to purchase the Fischer/Stroming building is a separate item and will take separate action in the future. Supervisor Bibby asked that the issues raised be discussed with the Auditor and Public Works, and she clarified that this action has no impact on General Fund dollars. Ayes: Unanimous.

12:45 p.m. Lunch

3:37 p.m. The Board reconvened with Supervisor Turpin excused for the rest of the meeting to attend the CSAC Conference.

Consider Items Removed from the Consent Agenda

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Item 12 – Dana Hertfelder provided input relative to the road projects.

Item 17 – Dana Hertfelder responded to questions relative to the event and coordination with the YARTS bus schedule.

(M)Bibby, (S)Cann, items 6, 12, and 17 were approved/Ayes: Aborn, Bibby, Cann, Allen; Excused: Turpin.

Approve a Letter to CalTrans Endorsing the Placement of Signs Reading “Highway 140 – Scenic All Weather Highway – Route to Yosemite” in Mariposa County and Authorize the Board of Supervisors Chair to Sign the Letter (Supervisor Aborn)

BOARD ACTION: Supervisor Aborn initiated discussion relative to the request; and he clarified that the signs would read “Highway 140 – Scenic All Weather – Route to Yosemite.” The plan is to place three to four signs and he will discuss this proposal the Merced County and work with CalTrans. (M)Allen, (S)Cann, Res. 09-567 was adopted approving the letter/Ayes: Aborn, Bibby, Cann, Allen; Excused: Turpin.

3:50 p.m. TRANSPORTATION COMMISSION

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Brad Aborn)

A) Public Presentation - none

B) Authorize the Executive Director and Staff to Proceed with the Release of the Transit Marketing Plan Update Request for Proposals (RFP) (Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Cann, (S)Bibby, LTC Res. 09-15 was adopted approving the request/Ayes: Aborn, Bibby, Cann, Allen; Excused: Turpin.

Approve the California State Association of Counties (CSAC) Excess Insurance Authority (EIA) Dental Program Memorandum of Understanding (MOU) and the Stabilization Consent Agreement; Authorize the County Administrative Officer to Sign the MOU and the Agreement (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Following discussion with Mary Hodson, Deputy County Administrative Officer, (M)Allen, (S)Cann, Res. 09-568 was adopted approving the recommended actions/Ayes: Aborn, Bibby, Cann, Allen; Excused: Turpin.

3:56 p.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 4158 Old Highway, Mariposa; Agency Negotiator: Richard J. Benson; Name of Party who will Negotiate with County (Not Party’s Agent): George Heiss; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: (M)Cann, (S)Allen, the closed session was held/Ayes: Aborn, Bibby, Cann, Allen; Excused: Turpin.

4:34 p.m. Chair Aborn advised that direction was given to staff as a result of the closed session.

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- CA-6 Approve Agreement with Yosemite Area Regional Transportation System (YARTS) to Provide Professional Services for Construction Management of the YARTS Joe Howard Park and Ride Project and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 09-564
- CA-7 Approve Stimulus Project Agreement No. 09-0555 with the California Department of Food and Agriculture (CDFA) for Three Projects – Project I: Mapping and Inventory of A & B Rated Weed Populations, Project II: Treatment of A & B Rated Weed Populations, and Project III: Yellow Starthistle Leading Edge Program, and Approve Budget Action Accepting Unanticipated Revenues (\$13,710) for Fiscal Year 2009/2010 (4/5ths Vote Required) (Agricultural Commissioner); Res. 09-555
- CA-8 Approve Agreements with Dan Wice (\$20,343) and Custom Weed Control (\$24,388) for Implementation of the ARRA Stimulus Project Agreement No. 09-0555 for Project I: Mapping and Inventory of A & B Rated Weed Populations, Project II: Treatment of A & B Rated Weed Populations, and Project III: Yellow Starthistle Leading Edge Program and Authorize the Board of Supervisors Chair to Sign the Agreements (Agricultural Commissioner); Res. 09-556
- CA-9 Approve an Agreement with 35-A District Agricultural Association for use of the Fairgrounds Facilities for the Annual Cops for Kids and Manna House Food Give Away and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-557
- CA-10 Authorize Public Works to Donate Excess Fire Water Tender from the Fish Camp Fire Station to Mariposa County High School’s Grizzlies Fire Program (Fire Chief); Res. 09-558
- CA-11 Authorize the Fire Chief to Sign for and Accept the 2009 Homeland Security Grant on Behalf of County Health, Fire, and Sheriff’s Departments; Approve Budget Action Increasing Revenue to Enhance Capabilities in the Event of Disasters, Terrorist

Attacks and other Emergencies (\$136,905) (4/5ths Vote Required) (Fire Chief); Res. 09-559

- CA-12 Approve Program Agreements for Triangle Road and Hornitos Road and Authorize the Public Works Director to Sign the Agreements; Approve Budget Action Increasing Revenue for Road Projects (\$262,759) (4/5ths Vote Required) (Public Works Director); Res. 09-565
- CA-13 Authorize Mariposa County Employees to Donate Vacation and/or Compensatory Time for an Employee in the Facilities Division of the Public Works Department (Public Works Director); Res. 09-560
- CA-14 Approve the Proposed Classification of Subsidized Employment Program Trainee and Assign it as an Extra-help Specialized Classification and Set the Hourly Rate at Minimum Wage, i.e., \$8.00 (County Administrative Officer/Personnel/Risk Manager); Res. 09-561
- CA-15 Resolution Approving Statement of Votes Cast as Certified to the Secretary of State on November 12, 2009, and Declare Elected Under the Uniform District Election Law, those Persons in Yosemite Alpine Community Services District whose Name Appeared on the Ballot and as Certified in the Statement (County Clerk/Treasurer/Tax Collector); Res. 09-562
- CA-16 **AIR POLLUTION CONTROL DISTRICT**
Authorize the Chair to Sign the Application for Subvention Funds, the Rural Districts Supplemental Funds Attachment, and the Request for First Disbursement Subvention Funds for Fiscal Year 2009/2010, and Authorize the Air Pollution Control Officer to Sign the Fiscal Year 2008/2009 Year End Report, and Authorize the Air Pollution Control Officer to Apply and Execute Documents for the Air Pollution Subvention Program Funding for the Subsequent Four Fiscal Years if Amounts and Conditions Remain Substantially the Same (Health Officer/Air Pollution Control Officer); APCD Res. 09-2
- CA-17 Approve and Authorize the Public Works Director to Sign the Application for a Cal Trans Encroachment Permit in Support of Closing Highway 140, Between Jones and 3rd Street, on December 12, 2009, for the Merry Mountain Christmas Parade and for Holiday Banners Along Highway 140 and Authorize the Board of Supervisors Chair to Sign the Letter of the Board's Support and Approval (Chamber of Commerce); Res. 09-566

4:35 p.m. Adjournment in memory of Melvin Leo "Mel" Straus, Wade Devin Wilson, Barbara Shaffer, and Dolores "Lorry" Benson.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS December 1, 2009

Time Description

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

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of 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 pulled item 5, pending discussion of closed session item on the claim. Supervisor Cann pulled item 20 for discussion with the Public Works Director. Supervisor Turpin pulled items 17 and 20. Supervisor Bibby asked that the budget action form for item 19 be marked to reflect the required 4/5th vote. (M)Allen, (S)Bibby, the balance of items was approved/Ayes: Unanimous.

Chair Aborn;

Approve and Present a Certificate of Recognition to Bob Kirchner for his Extraordinary Community Support Organizing the 2009 Trans Valley Football League "Super Bowl Weekend" and "Mariposa's Open House"

BOARD ACTION: (M)Turpin, (S)Bibby, the Certificate was approved and presented to Bob Kirchner/Ayes: Unanimous.

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

Sidney Radanovich, Mariposa Homes and Land Company, stated she was present on behalf of Paul and Julia McLaughlin. They own property in the Bridgeport area and are interested in negotiating with the County on a parcel that borders Old Highway. She noted that no homes are developed in their subdivision yet; and she provided a map and Final Subdivision Public Report Standard.

Peter Schimmelfennig, Executive Director of the Chamber of Commerce, advised that the Chamber's Christmas party is scheduled for December 11th and he invited the Board members. He advised that December 12th starts the Merry Mountain Christmas weekend and that the parade is scheduled for 1:00 p.m.; and they still have an opening for a judge from the Board.

Jim Rydingsword, Human Services Director, advised that that have started a "call just in case" program for reporting suspected child abuse, elder abuse, or mental health issues. The phone number is 966-7000 (toll free: 888-974-3574 or 888-97-HELP4U) and the website is: www.calljustincase.org and flyers will be distributed.

Carl Gala stated he wants to discuss the Bridgeport Fire Station item; and he was advised that this item is scheduled later on the agenda and that public input will be taken at that time.

Dick Hutchinson advised that the contractor finished the roof on the Mariposa History Center and Museum, and they are working on the rest of the items. He noted there is a possibility of the High School band and other bands scheduling a performance on the new deck.

Board Information

Supervisor Cann stated he hoped that everyone had a Happy Thanksgiving. He commented on the recent nice weather and being able to attract tourists during the shoulder season. He advised that he is meeting with the new PG&E representative on Wednesday. He noted that there are a number of events that are scheduled, including the open house for the new Catheys Valley Pre-School, and a day lighting presentation/conversion of sunlight to open spaces by UC Merced and he noted that they will be doing future programs.

Supervisor Allen commented on the UC Merced presentations. He stated he hoped that everyone had a great Thanksgiving. He advised that he attended the Mariposa Pines Water Board meeting a couple of weeks ago, along with Deputy Fire Chief Jim Middleton, and there was a discussion relative to the fire hydrants. He advised that he and Supervisor Bibby attended a meeting with Dr. Mosher relative to pre-employment physicals, along with the Personnel Analyst and the Deputy County Administrative Officer. He plans to attend a meeting on Wednesday with the Superintendents of the Madera, Bass Lake and Mariposa Schools relative to trying to keep the Wawona Elementary School open. He plans to attend the Area 12 Agency on Aging meeting in Sonora on Thursday. He advised that there is a Merced River Plan meeting in Wawona on Friday. There is a meeting in Fish Camp on Friday to discuss the transfer station and the new fire station.

Supervisor Turpin advised that he attended the CSAC (California State Association of Counties) conference in Monterey and he advised of the issues that were discussed, including AB811 – for projects to save energy. He advised that he and Supervisor Bibby attended the Calaveras-Mariposa Community Action Agency meeting on Friday. He had a briefing from the Stanislaus Forest Service on Monday on the Transportation Motorized Plan. He invited everyone to attend the tree lighting ceremony at the Coulterville Fire Station on Saturday at 7:00 p.m.

Supervisor Bibby wished happy holidays to everyone. She advised that she attended the pre-employment physical meeting. She attended a meeting in Sacramento on November 19th with Fair Board Directors Munn and Williams relative to the county exhibit booths and establishing a youth competition. She noted that the theme is geared toward tourism and that the 4-H Council has expressed an interest and if any other youth organizations are interested to please contact her, and that the State Fair has moved to July. She commented on the “call just in case” campaign. She advised that she attended the Calaveras-Mariposa Community Action Agency meeting. She plans to attend the Mother Lode Job Training Board meeting on December 7th. She invited everyone to attend the First 5 Pre-School opening ceremony in Catheys Valley on the 4th. She plans to attend the Mental Health Board meeting on the 3rd.

Supervisor Aborn stated he hopes that everyone had a nice Thanksgiving. He referred to the new fire equipment and the need to properly house the equipment; and he referred to the Midpines Fire Station.

Rick Benson, County Administrative Officer, thanked the Board for its consideration and understanding for the time he had to take off; and he thanked staff, especially Mary Hodson. Chair Aborn extended condolences to Rick for the loss of his mother.

Supervisor Bibby;

Discussion and Possible Direction to Staff Relative to the Possible Bridgeport Area Fire Station

BOARD ACTION: Supervisor Bibby initiated discussion and advised of the meeting that was held with the property owners relative to the proposed site and the issues that were raised. Jim Wilson, Fire Chief, stated he agreed with the summary of the meeting provided by Supervisor Bibby. Supervisor Cann advised that he attended the meeting and he noted that it would take a majority of the property owners to agree to a change in the CC&Rs (Covenants, Conditions and Restrictions) for the property to be used for a fire station; however, he feels that in order to move forward the community should be supportive. Rick Benson provided input relative to being able to encumber future Boards. Discussion was held.

Input from the public was provided by the following:

Mark Long stated he is not a property owner in the subdivision and he does not know why this is being discussed as he feels that the County owns a piece of property that it was given for a fire station; and he presented a map and draft site plan.

Jim Fritze stated he owns property near the proposed site, and he noted his neighbors have expressed concern to him with locating the fire station in the Bridgeport Subdivision. He advised that he would see the proposed station out of his bedroom window. He purchased land in this subdivision because of the CC&Rs and the protections they provide; he commented on the vote of property owners in support and opposed to this; and he stated he is concerned with the large metal building, equipment, siren noise, and impact to surrounding property values. He advised that he is not against a fire station, but feels alternative sites should be reviewed, including the parcel the County already owns and the parcel that Sidney Radanovich discussed earlier.

Carl Gala stated he is a neighboring property owner to the subdivision and he feels that an alternative location should be used that will not impact the area. He disagrees with putting the station in a residential area and is concerned with aesthetics and impacts from operations at the station.

Ed Hart stated he owns the subject property and advised of the informal vote they took: 14 support and 9 oppose. He commented that the property could be used for animal rescues during fire emergencies.

Jim Pruitt stated he is a retired Fire Captain from Los Angeles and he understands the concerns. He advised of a similar experience he encountered with replacing an older fire station with a new structure in a residential area. He feels that this station is needed and noted that response times are important for fires and medical calls.

Dawn Afman stated she supports this station and she understands there are concerns. She commented on her recent tour of the Angora Fire and she noted that structures burned even though the vegetation was cleared. She noted that the station is needed for medical calls as well as for fires. She does not understand why we are not more positive; and she advised that she brought a person with her who lives next to a fire station.

Pat Garcia stated she lives in Ponderosa Basin and they do not have a noise problem with their fire station. They have a lot of grateful residents and there is a house next door to the station.

Sidney Radanovich commented on the new architectural designs for barns and suggested that this be considered.

Discussion was held. Supervisor Bibby asked the Fire Chief to provide input on the status of the property that was donated to the County by the Longs; and she noted there were concerns with map act issues, location of the rentals and terms and conditions, and issues with the size of the parcel. He also referred to consideration of the property owned by the School District. Jim Wilson provided input on the parcels and issues, citing criteria and boundaries for the station area. Supervisor Bibby commented on using Tobacco Settlement Funds for this station. Supervisor Allen stated he would like to see a final determination by staff relative to the parcel donated by the Long family, and he feels it should be returned if it is deemed not suitable for the County's use. He stated he would like to look at the property that Sidney Radanovich discussed earlier; and he wants to see a solution reached. Supervisor Turpin agreed with getting a determination on the Long parcel. Rick Benson asked for formal action by the Board relative to continuing to pursue purchase of the property in the Bridgeport Subdivision; and he advised that the previous action would still stand to pursue all other options. (M)Cann, (S)Allen, Res. 09-583 was adopted directing the County Administrative Officer to disengage the County from the process for the parcel in the Bridgeport Subdivision/Ayes: Unanimous. Supervisor Bibby asked staff to address the Long parcel as discussed; and Rick Benson advised that a report will be brought back to the Board for formal action to be taken.

10:55 a.m. Recess

11:12 a.m. Kris Schenk, Planning Director;

A) PUBLIC HEARING to Consider a Resolution Approving Land Conservation Act Application No. 2009-078 with Findings, Approving the Creation of a New Agricultural Preserve and Approving Execution of a New Land Conservation (Williamson) Act Contract with Gary and Leisa Belser for a 529-Acre Parcel Located on Pendola Garden Road in Mariposa; APN 011-240-005

BOARD ACTION: Kris Schenk introduced the item. Alvaro Arias, Associate Planner, presented the staff report. Staff responded to questions from the Board relative to the applicant understanding that the contract runs with the property for the full term; relative to future changes in the use with the training and sale of horses and being able to comply with the Williamson Act Contract terms with the cattle; clarification of there not being any patents and whether that applies to mining claims – staff will review this issue before finalizing the contract; clarification that this property is owned by one owner and there will only be one contract; relative to consideration of the financial implication to the County of approximately a \$7,600 reduction in taxes for this contract; relative to the status of enforcement of the contracts; whether the Board can deny an application if it meets all of the criteria and clarifying that this application was reviewed by the Agricultural Advisory Committee and the Planning Commission. Becky Crafts, Assessor, responded to questions from the Board relative to the financial impact of the contracts and non-renewals on the tax rolls and the enforcement issues.

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

Ruth Catalan stated she agrees with Supervisor Cann and Becky Crafts relative to the financial impact considerations and enforcement issues; and she feels that there are people taking advantage of the Williamson Act. She does not feel that this application is for a viable Williamson Act operation. She feels there should be a moratorium on approving contracts until there is enforcement.

The public portion of the hearing was closed and the Board commenced with deliberations relative to the application and the issues that were raised, including the need for enforcement. Staff responded to a question from the Board relative to the change in the contracts to address underlying historic parcels. (M)Allen, (S)Turpin, Res. 09-584 was adopted approving Land Conservation Act Application No. 2009-078 with findings, approving the creation of a new Agricultural Preserve and approving execution of a new Land Conservation (Williamson) Act Contract with Gary and Leisa Belser as recommended/Ayes: Unanimous. Supervisor Bibby clarified that this project is exempt from CEQA. The hearing was closed.

Kris Schenk advised that the Williamson Act rules and procedures are scheduled to be considered by the Planning Commission later in January 2010.

B) Adopt a Resolution for Action on Appeal No. 2009-114, an Appeal of the Planning Director's Determination Regarding a Portion of Certificate of Compliance Application No. 2007-093 for Twelve (12) "Fractionalized" Patents. Applicants and Appellants: Jeff Miller and Layne Clifton (Project Site for Certificate of Compliance Application No. 2007-093 was APN 016-080-002 (Now a Retired APN); 871 Highway 140 Near the Merced/Mariposa County Line)

BOARD ACTION: Steve Dahlem, County Counsel, requested that this matter be continued and rescheduled for December 15th as a letter was received raising legal issues with the findings and he would like to review it before action is taken. The Board concurred with the continuance.

Dana Hertfelder, Public Works Director;

A) Discussion and Direction Regarding the Proposition 84 Grant Project – New Parks and New Recreation Opportunities

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the grant funds and options for projects; and he recommended pursuing the multi-purpose/gymnasium project on the County's existing 52 acres on Hospital Road (field of dreams property). He noted that it will take another action by the Board to move forward with the grant.

Input from the public was provided by the following:

Ruth Catalan asked whether additional grants funds could be applied for to expand on this project in future years.

Following discussion, (M)Allen, (S)Cann, direction was given to staff to proceed with preparing a grant application for the multi-purpose/gymnasium project/Ayes: Unanimous.

B) Discussion and Direction Regarding the Mariposa Town Cemetery

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the two potential sites near the Catholic Cemetery. Supervisor Turpin asked for an expanded topography map with a draft outline of what the site would look like. Discussion was held relative to touring the parcels. Supervisor Bibby asked that the area be reviewed for mining shafts, etc.

Input from the public was provided by the following:

Rita Kidd stated she feels that there should be analysis and more information developed, such as the number of people that will be laid to rest, to determine the size of parcel, before looking at the sites. She noted that there is a requirement in the General Plan for a Capital Improvement Program; and she suggested that an advisory committee be established to work on this with a timeframe like was used for the agritourism policy.

Gary Walker asked which committee worked on this matter.

Dana Hertfelder responded relative to the status of the cemetery committees and the responsibility of Public Works. He advised that there are around 15-20 casket internments a year. The Board concurred with directing staff to continue to look at this and with arranging for a tour of these sites with the Board.

C) Authorize the Department of Public Works to Issue a Request for Proposal for a Fixed Base Operator for Mariposa-Yosemite Airport

BOARD ACTION: This matter was pulled to be rescheduled.

Waive Second Reading and Adopt Ordinance Amending Section 10.04.010 of Chapter 10.04 Titled "Speed Limits" of the County Code for a Portion of Clouds Rest, Roads in Wawona and Foresta Road in El Portal (Public Works Director)

BOARD ACTION: Following discussion with Dana Hertfelder, (M)Cann, (S)Bibby, the second reading was waived and Ordinance No. 1065 was adopted as recommended. The Clerk of the Board read the title of the Ordinance into the records.

Consider Items Removed from the Consent Agenda

Item 20 – Discussion was held with Dana Hertfelder relative to the scope of work in the agreement with Analytical Environmental Services for the new fire stations. (M)Turpin, (S)Cann, Res. 09-585 was adopted approving the agreement, with a change in item 5 of the assumptions for the scope of work to delete "engineering" for the plans. Supervisor Cann asked that the information be made available in electronic format and posted on the internet. Ayes: Unanimous.

CLOSED SESSION: Liability Claims; Claimant Name: Phillip Brooks; Claim Number C09-16; Name of Agency Sued: County of Mariposa (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: (M)Bibby, (S)Turpin, the Board approved holding this closed session at 2:15 p.m./Ayes: Unanimous.

1:02 p.m. Lunch

2:16 p.m. The Board convened in closed session.

2:30 p.m. The Board reconvened in open session. Chair Aborn announced that information was received as a result of the closed session item.

Consider Items Removed from the Consent Agenda

Item 5 – Rick Benson advised of recommendation to deny the claim. (M)Allen, (S)Cann, item 5 was approved denying the claim/Ayes: Unanimous.

Approval of Summary of Proceedings of November 17, 2009, Regular Meeting (Clerk of the Board)
BOARD ACTION: (M)Cann, (S)Allen, the minutes were approved/Ayes: Aborn, Bibby, Cann, Allen; Abstained: Turpin, as he was excused for the afternoon portion of the meeting.

2:34 p.m. Recess

2:40 p.m. Consider Remaining Item Removed from the Consent Agenda

Item 17 – Following discussion with Dr. Mosher relative to the above-ground petroleum storage tanks, Health Officer, (M)Turpin, (S)Allen, item 17 was approved/Ayes: Unanimous.

Waive Second Reading and Adopt Ordinance Revising Chapter 15.10 of the Mariposa County Code Modifying the Appendixes Adopted within the 2007 California Building Code to Correct Inconsistencies between County Code and Building Code (Interim Building Director)

BOARD ACTION: Rick Benson advised that Dennis Wister, Interim Building Director, was unable to be present due to illness. Discussion was held relative to the Ordinance. Debra Willis, Building Department Senior Development Services Technician, advised that no comments have been received since the Ordinance was introduced.

Input from the public was provided by the following:

Dick Hutchinson asked for clarification of the changes since the introduction on November 3rd; and he advised that some of the changes in this final document have reverted back to October draft versions. He advised that changes have not been made in the index to reflect the changes in the Ordinance. He questioned why solar was deleted from the final document. He advised that he is willing to discuss his comments with the Building Department as he didn't have time to make a written list.

Debra Willis provided input on the changes; and she advised that the table of contents will be updated by County Counsel's office when the Ordinance is codified. Rick Benson recommended that the Ordinance be continued to make sure that there are no inconsistencies in the final document. (M)Turpin, (S)Allen, the Board continued the Ordinance to December 15th for staff to review and make sure that there are no inconsistencies in the final document/Ayes: Unanimous.

Approve a Resolution Certifying the Industrial Disability Retirement of Deputy Sheriff John Givens Effective December 1, 2009 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson initiated discussion, and he advised that Deputy Givens is aware of this agenda item and he does not have any objections. Supervisors Allen and Bibby stated they wish Mr. Givens well and expressed appreciation for his service. Supervisor Aborn asked if someone is on a disability retirement whether they can take another full time job. County Counsel advised that he will review this question. (M)Allen, (S)Turpin, Res. 09-588 was adopted approving the recommendation/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriffs' Management Association); Name of County Designated Representative: Richard Bolanos (County Administrative Officer/Personnel/Risk Manager);

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 4158 Old Highway, Mariposa; Agency Negotiator: Richard J. Benson; Name of Party who will Negotiate with County (Not Party's Agent): George Heiss; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Number of Cases to be Discussed: 1 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that these closed sessions were not necessary.

CONSENT AGENDA:

- CA-1 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-569
- CA-2 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 09-570
- CA-3 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 09-571
- CA-4 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 09-572
- CA-5 Recommend the Rejection of Claim No. C09-16 Filed by Phillip Brooks for an Undetermined Amount and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); Res. 09-586
- CA-6 Adopt a Resolution Appointing Three Persons to the Mariposa Public Utility District Board of Directors, Pursuant to Elections Code Section 10515 (a) (County Clerk/Treasurer/Tax Collector); Res. 09-573
- CA-7 Approve Sheriff's Office Staff to Donate Vacation and/or Compensatory Time to the Sick Leave Account of a Sheriff's Office Employee (Sheriff); Res. 09-574
- CA-8 Approve Memorandum of Understanding (MOU) Between the Sheriff's Department and Superior Court for Court Security Services and Authorize the Board of Supervisors Chair to Sign the MOU (Sheriff); Res. 09-575
- CA-9 Accept the Resignation of Gail Neal from the Alcohol and Drug Advisory Board (Human Services Director)
- CA-10 Re-appoint Catherine Lara to the Alcohol and Drug Advisory Board for a Term Expiring December 1, 2012 (Human Services Director)
- CA-11 Approve the In-Home Supportive Services (IHSS) Anti-Fraud Plan and Authorize the Board of Supervisors Chair to Sign the Plan; Approve Budget Action Increasing Revenue and Appropriations in the Assistance Advance Fund and Transferring Funding to Social Services Operating Budget (\$30,625) (4/5ths Vote Required) (Human Services Director); Res. 09-576
- CA-12 Approve an Agreement with Mariposa Safe Families to Carry out the Activities of the Friday Night Live, Club Live, and Substance Abuse Prevention Programs and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-577
- CA-13 Approve an Agreement with Mariposa Safe Families to Carry out the Activities of the Friday Night Live Mentoring Program and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-578
- CA-14 Accept the Resignation of Susan A. Johnson and Margaret Essary from the Local Child Care Planning Council; Re-appoint Alan Wright to the Local Child Care Planning Council with a Term Expiring December 1, 2012, and Approve the Request

to Change Alan Wright's Membership from Community Representative to Consumer Representative (Human Services Director)

- CA-15 Approve Health Department Staff to Donate Vacation and/or Compensatory Time to the Sick Leave Account of a Health Department Employee (Health Officer); Res. 09-579
- CA-16 Approve the 2009/2010 Centers for Disease Control and Prevention (CDC) Public Health Emergency Response (PHER) Phase III Agreement and Authorize the Board of Supervisors Chair to Sign Documents to Secure Funding as Delineated Within the Agreement; Approve Budget Action Increasing Revenue and Appropriations in the PHER Fund and Transferring Funding to Health's Operating Budget (\$126,617) (4/5ths Vote Required) (Health Officer); Res. 09-580
- CA-17 Approve Amendment to Aboveground Petroleum Storage Act (APSA) Program Grant Agreement in the Amount of \$46,019 for the Program Implementation and Authorize the Board of Supervisors Chair to Sign the Amendment (Health Officer); Res. 09-587
- CA-18 Approve Children's Medical Services (CMS) Plan and Budget Justification for Fiscal Year 2009/2010 in the Amount of \$37,145 for California Children's Services (CCS), \$68,630 for Child Health and Disability Program (CHDP), and \$13,828 for the Health Care Program for Children in Foster Care (HCPCFC) and Authorize the Board of Supervisors Chair to Sign the CHDP and CCS Children's Medical Services Certification Statements for Fiscal Year 2009/2010 (Health Officer); Res. 09-581
- CA-19 Approve Budget Action Increasing Revenue and Appropriations in the SilverTip Environmental Impact Report Fund (\$50,000) (4/5ths Vote Required) (Planning Director); Res. 09-582
- CA-20 Approve an Agreement with Analytical Environmental Services (AES), Environmental Consultant, for Preparation of NEPA Compliance Documents for Three New Fire Stations (Fish Camp, Lake Don Pedro and Midpines) in the Not to Exceed Amount of \$50,000, and Authorize the Public Works Director to Sign the Agreement; Authorize Initial Payment to AES from Tobacco Funds which are Reserved for Fire Station Construction (Public Works Director); Res. 09-585, with a change in the scope of work

(M)Bibby, (S)Cann, the Board adjourned at 3:03 p.m. in memory of Philip W. Dezan, Tonia Lee Wells, Margaret Carroll, Alice D. Elliott, and Tom Archer, former Human Services Director/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

December 8, 2009



Time Description

9:00 a.m. Meeting Called to Order at the Mariposa County Government Center with Supervisor Aborn excused due to the weather.

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: Supervisor Cann pulled item 7. (M)Allen, (S)Cann, the balance of the items was approved/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

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

Will Siverson extended an invitation to a "Shine the Light for Quality Education in Mariposa" candlelight vigil scheduled for December 17th at 6:00 p.m. at the District Office Quad; and he advised that they are concerned about the impact of recent cuts.

Peter Schimmelfennig, Executive Director for the Chamber of Commerce, advised that they are still looking for a judge from the Board and staff for the Merry Mountain Christmas Parade; advised of the Chamber's Christmas party and December mixer; and announced that the kick off for the Winter Wonderland in Coulterville was held on Saturday and the displays will be available for viewing.

Brian Muller, Sheriff, provided input on efforts to draft an ordinance relative to prohibiting/restricting marijuana coops/dispensaries in the County. He commented on a recent incident that occurred that reemphasizes their support for this ordinance.

Peter Schimmelfennig commented on the use of marijuana for medical purposes versus socialization; and problems he sees with employees and public perception relative to the use of marijuana.

Board Information

Supervisor Turpin commented on the storm that occurred on Monday and stated he hopes that everyone is cautious. He advised that he attended the meeting at the Airport on Wednesday, and he met with representatives of PG&E relative to various issues and discussed problems with trees that are fallen during fires. He attended the Coulterville Community Club meeting on Thursday; the Catheys Valley Pre-School ribbon cutting ceremony on Friday; the lighting presentation that the UC Merced engineering students gave at the Mining and Mineral Museum on Friday; the tree lighting ceremony at the Coulterville Fire Station on Saturday; and the Greeley Hill Community Club Christmas breakfast on Sunday. He advised that he has been invited to attend a meeting with Governor Schwarzenegger this afternoon relative to Williamson Act issues.

Supervisor Allen commented on Proposition 215 relative to marijuana and its intent and the work on an ordinance for the County and the input provided by Peter Schimmelfennig. He advised that he attended a meeting last week with the Superintendents of Bass Lake, Madera and Mariposa County Schools and they are working on an agreement to keep the Wawona Elementary School open. He attended the Area 12 Agency on Agency Joint Powers Authority meeting in Sonora on Thursday; the Catheys Valley Pre-School grand opening on Friday; the day lighting presentation by the UC Merced engineering students on Friday; the Fish Camp Advisory Committee meeting on Saturday and they discussed the Silver Tip Resort project, the transfer station and possible solutions, and the fire station; and the Greeley Hill Community Club breakfast. He plans to attend the Mountain Valley Emergency Medical Services Agency Board meeting in Copperopolis on Wednesday.

Supervisor Cann advised that he had a follow-up meeting relative to the potential expansion of the Mariposa cemetery last week and he is still questioning why the cemetery has to be in town. He advised that he met with the Public Works Director and the County Administrative Officer relative to the request for proposals for the airport operation. He met with representatives of PG&E on Wednesday relative to various issues. He attended the Planning Commission meeting on Friday during the Silver Tip Resort project discussion. He attended the Catheys Valley Pre-School grand opening ceremony and the UC Merced engineering students' presentation on Friday. He commented that the County offices closed early on Monday due to the weather. The Economic Development Corporation meeting is scheduled for Wednesday at the Library at noon; and the RCRC (Regional Council of Rural Counties) is meeting on the 16th.

Supervisor Bibby thanked the Board members for attending the ribbon cutting ceremony for the Catheys Valley Pre-School, and she thanked the School District and First 5 for this facility. She attended the Mental Health Board meeting on Thursday and they are working on the wrap-around funds and training for January, and the subcommittee on Suicide Prevention and commented on the "call-just-in-case" program. She advised that the Mother Lode Job Training meeting was cancelled yesterday due to the snow. She plans to attend the Foreign Trade Zone meeting on Wednesday in Fresno. She plans to attend/participate in the Merry Mountain Christmas Parade. She is working with the affected departments on the marijuana ordinance. She suggested that citizens write to the Governor relative to the importance of the Williamson Act to the County.

Supervisor Turpin;

Presentation of DVD Titled "Forests are the Lungs of the Earth"

BOARD ACTION: The DVD was shown and Supervisor Turpin initiated discussion on the information relative to ways to manage our forests. Supervisor Cann commented on the IRWMP meetings and the importance of the meadows to the mountain counties for water versus the valley counties that look at diversions. Supervisor Allen noted that with the closure of the lumber mills, places are limited for processing the timber.

Consider Items Removed from the Consent Agenda

Item 7 – Supervisor Cann initiated discussion with Dennis Wister, Interim Building Director, relative to the formal resolution and the authority for the Building Director's determination. Steve Dahlem, County Counsel, provided input on the authority of the Director to issue permits. Supervisor Cann asked about the status of issuing permits for the six cabins and the conditions in Resolution No. 09-42 that requires the issuance of the permits for the cabins before issuing the permits for the restrooms and eating facility. Supervisor Bibby commented on the Plumbing Code. Rick Benson noted that the action requested today is to amend the resolution and is separate from the action that was taken on the appeal hearing. (M)Cann, (S)Turpin, item 7 was approved/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

10:00 a.m. Kris Schenk, Planning Director and Jim Rydingsword, Human Services Director; PUBLIC HEARING to Consider General Plan Amendment No. 2009-055, an Update to the Housing Element of the Mariposa County General Plan, Covering the Five-Year Period from 2009-2014. Recommended Action Includes a Resolution Adopting a Negative Declaration and Adopting the 2009-2014 Housing Element Update of the Mariposa County General Plan, with Findings

BOARD ACTION: Kris Schenk advised that the Housing Element is an element of the General Plan, but it is different than the other elements because it has its own schedule and requirements including certification by State Department of Housing and Community Development (HCD); and he noted that this is not a land use or development element. He reviewed the process for updating the Housing Element. He advised that following the Board's action, the document will be submitted to HCD and that triggers a ninety-day process for their review and possible changes. Any changes and questions that come up would be reviewed by the Planning Commission and then the Board; and then it would be certified. Mark Niskanen, J. B. Anderson Land Use Planning, reviewed the following: Housing Element standards – what the Housing Element is comprised of; legal requirements – must be updated every five years, be consistent with the other elements of the General Plan and be certified by HCD; Regional Housing Needs Allocation (RHNA) – reviewed allocation of the 1,084 units over the next seven years; public participation and agency comments, including a public workshop, housing questionnaire, review period, and Planning Commission hearing; summary of key factors – review of the areas that were updated; Planning Commission's recommendation; and the next step in the process.

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

Don Starchman, Starchman & Bryant Attorneys at Law, advised that they are not asking for zoning; however, the responses that they have been getting to their questions are that zoning and Catheys Valley are not being discussed. He feels the issues they have addressed could be dealt with in the goals, policies and program section. He expressed concern with not having a specific inventory of property in Appendix "D" and with the constraints of the individual parcels not being addressed. He referred to the need for affordable housing and being able to meet the need. He referred to the Mariposa Specific Plan and the requirements for steep parcels and he stated he feels that the road standards are not reasonable, environmentally or economically, for the steep parcels. He advised that the parcels on the map that are north of the Hospital are not in the MPUD (Mariposa Public Utility District) service area and that the "field of dreams" and church properties are shown as residential. He does not feel that their written or oral testimony has been addressed. He feels that the Catheys Valley town planning area need to be addressed; and he feels that the State needs to be aware of down zoning of property. He questioned whether this addresses public programs for job creation/generation. He reviewed the headings in his December 4th letter that was submitted to the Board; and he asked where the parcels are going to come from to meet the housing needs as zoning is not enough. He advised that the studies on the Fortner project in Catheys Valley are current. He stated he would like to see clustering considered to be able to meet the economics and road standards for a project. He stated he feels that citizen participation has been lacking. He feels that the document does not address economic diversification as referred to in Program 7.1 and hillside development standard restrictions. He stated the timeframes stated in the Element for obtaining a building permit or a tentative map do not reflect the actual timeframes. He referred to Policy 3.3 relative to the County assisting special districts to expand; and he noted that the draft Catheys Valley Plan calls for no special districts, so he feels that is a conflict. He feels there is an exclusionary philosophy for the western/Catheys Valley area of the County.

Mike McCreary referred to his history of working with local government, and he thanked the Board members for their dedication to public service. He referred to the staff report and noted that it contains a great deal of effort and public expense. He does not feel that this is a job program or an effort to re-write the General Plan. He referred to the complexity of the issues and the fact that this is an unfunded mandate. He asked what the impact will be to the grant funding and the implications if the Board decides to not move forward with the staff recommendation. He referred to the length of this process and the opportunity to provide input. He stated he does not feel that we can let the "perfect be the enemy of the good" and he does not feel that we have the dollars to analyze every sentence. He feels it is important to move forward with this to receive funding. He

commented on the importance of tourism to the County, and he thanked the Board for working to do its best for the overall community. He feels the Board should act on the staff and consultant's recommendation and move forward.

Vice-Chair Bibby advised that a recess would be taken and cautioned the Board members that it is still in the public hearing process and they cannot discuss this matter during the recess.

10:54 a.m. Recess

11:05 a.m. Beth Tomsick, representing Habitat for Humanity, stated she agrees with Attorney Starchman relative to representing the entire County in the Housing Element; and she agrees with having the proper density and low income housing. She advised that they were given a five-acre lot with water and septic, but it only allows for one family. They would like to see parcels available in the town areas for the low income because that is where the services are. She asked if they are one of the public agencies mentioned in the Element. She advised that they appreciate the help they have received.

Rita Kidd, on behalf of MERG (Mariposans for the Environment and Responsible Government), read their letter into the record which focused on the following four points: the issue of the Catheys Valley Community Plan has not been noticed for discussion at this meeting, the Housing Element is not a document that takes precedence over policies in other elements of the General Plan, the Housing Element must contain certain analytical details, and there are specified procedures in Government Code that define how policy changes are made to the County's General Plan. She advised that speaking on a personal level and with the utmost respect and like for Starchman & Bryant Law firm, she feels that some of their presentation today is 180-degrees from the General Plan hearing. She noted that it has been three years since the General Plan was adopted and she commented on the status of implementation. She referred to the water study and report for the Fortner project and noted that the State's data shows a decrease in water. She referred to the zoning issue and the number of five-acre parcels in the western portion of the County and noted that it was the Board's order that no zoning be changed. She commented on the current General Plan's allowance of two and one-half acres with clustering and noted that Catheys Valley does not have the water and septic capacity for this in most cases. She referred to the issue relative to the timeframes for processing applications and noted that most of the time, the applicants are not fully prepared when they submit their application and it takes them time to complete the data. She referred to the issue of meeting the housing demands for staff of UC Merced and noted that Merced has available housing; and she noted that a new UC Merced city is being proposed. She advised that the professors that chose to live in Mariposa are returning to Merced, and there are properties for sale in Catheys Valley. She referred to a case study cited by Habitat for Humanity relative to affordable housing in rural areas – it is not reasonable because of the expense and distance. She noted that demand drives building and profit drives subdivision. She feels that self-subdivision without any intent to build out the housing takes away from the grazing and creates fire hazards. She noted that time is money and potentially a penalty if the Housing Element isn't adopted timely.

The public portion of the hearing was closed and the Board commenced with deliberations. Kris Schenk, Larry Enrico/Senior Planner, and Mark Niskanen responded to questions from the Board as to whether there is a proposal for a longer life for the Housing Element; relative to being able to amend the document before the five year period is up; relative to the testimony and priority to implement the policies of the General Plan; relative to the State's review of the Element for compliance and whether the State sees all of the comments that were received; clarification that hillside standards are not a component of the Housing Element; relative to inclusion of the "field of dreams" in the map; whether the parcels by the Hospital could be annexed to MPUD; whether the goal for the number of housing units in the last Housing Element was reached; clarification that Habitat for Humanity is one of the public agencies that was included; clarification that the Housing Element covers the entire County; clarification that agencies have been provided an opportunity to submit comments and that the hearing was duly noticed; and relative to what happens if the goal of the Element has not been met. Steve Dahlem, County Counsel, advised that he is unable to render

an opinion in regard to the legal issues submitted last week and this week; and he advised of options for the Board. Staff responded to questions relative to clarification of the time period for this Element; and relative to review of the additional comments that were submitted on Monday and during this hearing and being able to further respond during the review process. Rick Benson, County Administrative Officer, responded to questions from the Board relative the Community Block Grant funding being tied to having a current Housing Element and the impact on programs.

(M)Cann, (S)Allen, Res. 09-595 was adopted adopting a Negative Declaration and approving the Housing Element update based upon the recommended findings. Further discussion was held relative to approving the Element. The motion was amended, agreeable with the maker and second, to include direction for staff to make technical corrections/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn. The hearing was closed.

Supervisor Turpin advised that he received a call from PG&E advising of efforts to restore power to the Greeley Hill area.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriffs' Management Association); Name of County Designated Representative: Richard Bolanos (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that this closed session is not needed.

2:00 p.m. LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting
(See Separate Minutes)

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of December 1, 2009, Regular Meeting (Clerk of the Board)
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-589
- CA-3 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 09-590
- CA-4 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 09-591
- CA-5 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 09-592
- CA-6 Approve Agreement No. 09-204-754 with the California Department of Boating and Waterways for the Construction of a Heavy Duty Aluminum Patrol Boat and Authorize the Sheriff to Sign the Agreement (Sheriff); Res. 09-593
- CA-7 Amend Resolution 09-536 Which Granted Appeal 2009-01 Reversing the Building Director's Determination for Building Permit No. 28274 for a Bathroom Facility for Coyote Springs Ranch to Reflect the Correct Permit Number in the Body of the Resolution (Interim Building Director); Res. 09-594

(M)Turpin, (S)Cann, the Board adjourned at 12:09 p.m./Ayes: Turpin, Bibby, Cann, Allen;
Excused: Aborn.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

December 15, 2009



DRAFT – PENDING BOARD APPROVAL

Time _____ Description

9:04 a.m. Meeting Called to Order at the Mariposa County Government Center, with Supervisor Bibby excused due to a back injury.

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: Rick Benson, County Administrative Officer, withdrew item 12 and advised that it will be rescheduled for consideration at a later date. The Clerk of the Board advised of corrections to the minutes in item 1; and advised that the agenda should reflect a 15% Administrative Fee for item 9. (M)Turpin, (S)Allen, the balance of the items was approved/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

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

Ruth Catalan wished everyone a Merry Christmas and a Happy New Year. She referred to Consent Agenda item 12 and stated she hopes that this Board will address the matter properly.

Rita Kidd, Board member of MERG (Mariposans for the Environment and Responsible Government), asked if she will be allowed to speak on the item for Appeal No. 2009-114 (Miller/Clifton); and she was advised that input would be allowed when that item comes up.

Peter Schimmelfennig, Chamber of Commerce Executive Director, advised that the Merry Mountain Christmas parade has been rescheduled (due to the weather) for Saturday, December 19th; and he left a copy of the amended Encroachment Permit with CalTrans. He thanked Supervisor Turpin for attending the Chamber's Christmas party on Friday; and he advised that the Christmas in Coulterville events are scheduled for this weekend.

Mike McCreary advised that he is speaking for himself and his wife, Ruth Shane, and he reviewed their letter relative to implementation of the General Plan. He commented on evaluation measures for local government and advised that today he is focusing on "equity." He stated the Plan should not be dealt with in a piece-meal fashion; and he urged the Board to complete and implement the General Plan for the benefit of all of the citizens.

Brian Muller, Sheriff, wished everyone happy holidays. He advised that a County patrol vehicle was featured on the front cover of the November PORAC magazine, and he feels that this reflects on the County's commitment to public service. He thanked Deputy Joe Williams for submitting the photo.

Ruth Shane reviewed her letter relative to government contractor risks and responsibilities for consideration during contract renewals.

DRAFT – PENDING BOARD APPROVAL

Marvin Wells entertained everyone by referring to events and comments made by Board members and County officials during the past year. He commended everyone for their work and wished everyone happy holidays. He and “Santa” Witt Hawkins presented the Clerk of the Board with a candy tree in recognition of over 26 years of service to the County working for the Board. They presented the Board and staff with decorative Christmas trees with a star and provided input on the “Eastern Star.”

Witt Hawkins commented on the work that the Board does and the sacrifices their family members make.

Eleanor Keuning reminded everyone of the Mariposa Symphony Orchestra Christmas Concert scheduled for Saturday evening. She referred to a recent article in the Fresno Bee titled “Foodies Strike Gold in Mother Lode” and the portion relative to the Butterfly Cafe, and she noted that this is free advertisement for the County. She referred to the Soroptimist’ Crafts Fair and her discussion with someone from the Visitor’s Center that was not aware of this event.

Board Information

Supervisor Cann advised that last week was busy. He attended the Mariposa-Yosemite Forum meeting on Wednesday; and the Economic Development Corporation meeting, and he commented on their grant research program. He met with three different developers that have projects in the works: Yosemite West, Manzanita Estates, and Story Hill. He advised that he was scheduled to be a backup judge for the Merry Mountain Christmas parade for December 12th; however, he is unable to attend on December 19th. He plans to attend the RCRC (Regional Council of Rural Counties) meeting in Sacramento on Wednesday. He thanked Marvin Wells and Witt Hawkins for their presentation. He wished everyone a good holiday season.

Supervisor Allen advised that he attended the Mountain Valley Emergency Medical Services Agency meeting in Copperopolis on Wednesday, and they reviewed software programs. He advised that he attended a meeting with Supervisor Bibby and Dr. Mosher and they reviewed the proposed marijuana ordinance relative to dispensaries; and he advised that the information has been sent to the Sheriff and the District Attorney. He advised that Dr. Mosher briefed them on the new tattoo shop in town and regulations for this type of business. He advised that he will miss the Merry Mountain Christmas parade as he will be in San Diego. He thanked Marvin Wells and Witt Hawkins for their presentation. He wished everyone a Merry Christmas and a safe and happy holiday season.

Supervisor Turpin thanked Marvin Wells and Witt Hawkins for their presentation. He advised that he feels privileged to work with staff and the citizens of the County, and he is humbled to be able to serve. He attended a meeting in Sacramento on Tuesday afternoon with the Governor and Supervisors from other counties relative to the Williamson Act and the status of the subvention funding; and he advised that discussion included water and budget issues. He attended the new fire stations meeting and the Chamber of Commerce mixer. He plans to attend the Solid Waste Task Force meeting on Wednesday; the Calaveras-Mariposa Community Action Agency meeting on Friday, and he advised that the Christmas in Coulterville events are scheduled for Saturday. He wished everyone a very Merry Christmas.

Supervisor Aborn advised of the weekly meetings at the Airport. He advised he toured Foresta looking at the roads and snow plow issues. He thanked everyone for sharing their thoughts with the Board under Public Presentations this morning, and he advised that the input is important. He wished everyone a very Merry Christmas and happy holidays and a New Year.

Dana Hertfelder, Public Works Director;

Authorize the Department of Public Works to Issue a Request For Proposal (RFP) for a Fixed Base Operator for Mariposa-Yosemite Airport (Continued from December 1, 2009)

BOARD ACTION: Discussion was held with Dana Hertfelder. Rick Benson advised of the updated RFP that was distributed.

Input from the public was provided by the following:

Marvin Wells clarified the 9-5, seven days a week schedule for operation. He advised that he agrees with the selection of the ad hoc committee to work on the Airport issues.

DRAFT – PENDING BOARD APPROVAL

Dick Hutchinson asked how the RFP falls within the guidelines of the ad hoc committee and the Advisory Committee. Dana Hertfelder responded that this is one of three business plan proposals that have been reviewed.

Rita Kidd stated this sounds like a good move. She commented on privatization and contracting for the service and the government not abrogating responsibility or oversight of those services; and she recommended that there be no obligation to award from this RFP, and that selection of the vendor be to the most qualified and not the least cost.

Peter Schimmelfennig stated he is a member of the ad hoc committee, and he provided input on the three business plans that the committee is working on.

Discussion was held. (M)Turpin, (S)Cann, Res. 09-608 was adopted approving the issuance of the RFP. The motion was amended by the second, agreeable with the maker, to include the recommendations that there be no obligation to award the RFP and to go with the best value/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

Dennis Wister, Interim Building Director;

Waive Second Reading and Adopt an Ordinance Revising Chapter 15.10 of the Mariposa County Code Modifying the Appendixes Adopted within the 2007 California Building Code to Correct Inconsistencies between County Code and Building Code (Continued from December 1, 2009)

BOARD ACTION: Discussion was held with Dennis Wister relative to a permit not being required for exchanging propane tanks; and relative to providing notice to the contractors of changes in rulings. (M)Allen, (S)Turpin, the second reading was waived and Ordinance No. 1066 was adopted revising Chapter 15.10 as recommended. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

Dr. Mosher, Health Officer;

Information Regarding the Progress of H₁N₁ (Swine) Influenza and the Health Department's Response to Date

BOARD ACTION: Dr. Mosher provided a status report.

Input from the public was provided by the following:

Jeanetta Phillips asked when the vaccine will be available for the elderly. Dr. Mosher advised that a clinic was held and they are getting more vaccine and will hold clinics for everyone starting in January.

10:38 a.m. Recess

10:52 a.m. Jeffrey Hentz, Executive Director, Yosemite/Mariposa Tourism Bureau; PowerPoint Presentation on Past, Current, and Future Marketing Updates

BOARD ACTION: Jeff Hentz gave the presentation and discussion was held. Supervisor Turpin initiated discussion relative to the 45-foot bus length restriction for North County. Jeff Hentz responded relative to efforts to promote Highway 132. Supervisors acknowledged and commended Jeff Hentz and staff for their work. Jeff Hentz thanked his Board of Directors.

Input from the public was provided by the following:

Ruth Shane congratulated Jeff on his efforts; and she provided some cautionary comments as to whether there is coordination with the Park Service staff on tourism efforts and their limited carrying capacity.

Mike McCreary stated he is impressed with the efforts and impacts on the economy. He expressed concern relative to possible unintended consequences of maintaining the quality of the environment as the environment is our economy. He referred to earlier comments about implementation of the General Plan and the need to maintain the world-class corridor to the world-class destination.

Peter Schimmelfennig commented on the investment of the transient occupancy tax dollars and advised that speaking as the owner of the Hotel Jeffery, they are still not seeing the results in the North County.

DRAFT – PENDING BOARD APPROVAL

Eleanor Keuning referred to the recent videos sponsored by the Tourism Bureau that were shown in the Bay area and advised that Coulterville was included. She agrees that we need a facility that can be utilized for meetings, i.e., retreat/convention facilities. She referred to a Fresno Bee story relative to considering a study of whether a method of transportation should be developed to get people from the Airport to the Parks. She noted that there are many activities in the County for people that are coming to the Park.

Kris Schenk, Planning Director;

Adopt a Resolution for Action on Appeal No. 2009-114, an Appeal of the Planning Director's Determination Regarding a Portion of Certificate of Compliance Application No. 2007-093 for Twelve (12) "Fractionalized" Patents. Applicants and Appellants: Jeff Miller and Layne Clifton (Project Site for Certificate of Compliance Application No. 2007-093 was APN 016-080-002 (Now a Retired APN); 871 Highway 140 Near the Merced/Mariposa County Line)

BOARD ACTION: Kris Schenk advised that additional questions were received relative to the findings so this matter was continued to today. Supervisor Cann referred to the Board's decision based on the term of "extrinsic" evidence; and he noted that the testimony that was received was not sworn and was not collaborated relative to the fractionalized parcels. Given the timeframes and the age of the applicant at the time of the meeting that that applicant testified about, and the *Tehama* case requirements for overwhelming documentation which was not provided; he advised that he is reconsidering his position on this matter. He asked County Counsel to provide input on the options available to the Board at this time. Steve Dahlem, County Counsel, advised that the Board did not take final action on this and that is the purpose of the resolution on today's agenda. He advised that the Board can adopt the resolution granting the appeal, or adopt it with modification; reopen deliberations; or reopen the hearing for more public testimony. He further advised that if the Board considers reopening the deliberation or the hearing, that the applicant is ill and unable to attend today and would like a continuance to be able to participate. Supervisor Cann asked that the hearing be reopened and discussion was held. County Counsel advised that it would be appropriate to open this matter for public comment at this time and to limit it to the resolution and whether to adopt it or to reopen the hearing.

Input from the public was provided by the following:

Rita Kidd stated she can appreciate the opportunity to be able to make comments and to allow the applicant to appear. However, she is concerned that two pieces of information that were submitted (after the hearing) have not been entered into the public record either orally or before this Board, and she asked whether that would be an option. County Counsel responded in the affirmative. Supervisor Cann advised that reading written testimony into the record does not give it any more weight. Rita Kidd noted that members of the public are present that are not privy to the rationale in this matter. She is willing to abide by County Counsel's recommendation, but feels there is a question relative to the meeting requirements. She said that it is a very forthright move on the part of the Board to question the November 3rd discussion and to perhaps reopen the hearing and she urged that the Board do so given the legal advice on this case and she feels that the Farm Bureau should be encouraged to be present. She commented on the process and stated she feels that we are privileged in this County of having an excellent Planning staff, and she feels they were excellent in their staff report; and she noted the amount of work that is involved in an application in comparison with the fees that are paid. She feels the letter from the Farm Bureau was excellent and MERG was surprised by the Board's action and that is why their letter was submitted on November 30th.

(M)Cann, (S)Turpin, Res. 09-609 was adopted reopening the public portion of the hearing on Appeal No. 2009-114; Miller/Clifton, applicants and appellants, and continuing it to January 19, 2010, at 2:00 p.m./Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriffs' Management Association); Name of County Designated Representative: Richard Bolanos (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson withdrew this closed session from the agenda.

DRAFT – PENDING BOARD APPROVAL

12:24 p.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers' Compensation Case; Number of Cases to be Discussed: 1 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: (M)Allen, (S)Turpin, the Board approved holding this closed session after lunch, at 2:00 p.m./Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

12:25 p.m. Lunch

2:04 p.m. The Board convened in closed session.

2:34 p.m. Chair Aborn announced that as a result of the closed session that settlement authority was granted for a Workers' Compensation case.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of December 8, 2009, Regular Meeting (Clerk of the Board); Approved, with noted corrections
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-596
- CA-3 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 09-597
- CA-4 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 09-598
- CA-5 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 09-599
- CA-6 Approve Amendment to Agreement with Edna Terrell for Continued Consulting Services for Human Services Programs Increasing not to Exceed Amount to \$45,000 and Authorize the Board of Supervisors Chair to Sign the Amendment; Approve Budget Action Transferring Funding within the Human Services Budget to Accommodate the Amendment (\$20,000) (Human Services Director); Res. 09-600
- CA-7 Approve an Agreement with the American Indian Council of Mariposa for Mental Health Services under the SAMHSA and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-601
- CA-8 Approve Lease Agreement with Elizabeth Evans for Department of Child Support Services Facility Located at 5070 Bullion Street and Authorize the Board of Supervisors Chair to Sign the Agreement (Child Support Services Director); Res. 09-602
- CA-9 Adopt a Resolution to Allow the Probation Department to Collect a 10% Administrative Fee on Victim Restitution; 100% to be Deposited into the County General Fund and Establish an Updated Fee Schedule for the Probation Department (Chief Probation Officer); Res. 09-603, with clarification that the Administrative Fee is 15%

DRAFT – PENDING BOARD APPROVAL

- CA-10 Approve an Agreement with 35-A District Agricultural Association for use of the Fairgrounds Facility for Calendar Year 2010 for Trainings, Meeting and other Similar Events and/or Activities and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-604
- CA-11 Approve a One-year Lease Extension Agreement with (Carter/Vaughn) for the Mariposa Downtown Parking Lots in the Parking District and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 09-605
- CA-12 Recommend the Rejection of Claim No. C09-19 Filed by Bryce Johnson for \$550,000 and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); This item was withdrawn
- CA-13 Accept the Resignation of Erika Deal-Wildt from the Alcohol and Drug Abuse Advisory Board (Human Services Director)
- CA-14 Appoint James (Marty) Allan to the Mariposa Town Cemetery Ad Hoc Committee for a Three-year Term Commencing on January 1, 2010 (Public Works Director)
- CA-15 Approve the Negative Declaration for the Mariposa Drainage Improvements, and Authorize the Public Works Director to File a Notice of Determination (Public Works Director); Res. 09-606
- CA-16 Adopt a Negative Declaration for the Coulterville Drainage Improvements, and Authorize the Public Works Director to File a Notice of Determination (Public Works Director); Res. 09-607

2:35 p.m. Adjournment in memory of Meta Ann Livingston and John W. Fouch.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS December 15, 2009



Time _____ Description

9:04 a.m. Meeting Called to Order at the Mariposa County Government Center, with Supervisor Bibby excused due to a back injury.

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: Rick Benson, County Administrative Officer, withdrew item 12 and advised that it will be rescheduled for consideration at a later date. The Clerk of the Board advised of corrections to the minutes in item 1; and advised that the agenda should reflect a 15% Administrative Fee for item 9. (M)Turpin, (S)Allen, the balance of the items was approved/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

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

Ruth Catalan wished everyone a Merry Christmas and a Happy New Year. She referred to Consent Agenda item 12 and stated she hopes that this Board will address the matter properly.

Rita Kidd, Board member of MERG (Mariposans for the Environment and Responsible Government), asked if she will be allowed to speak on the item for Appeal No. 2009-114 (Miller/Clifton); and she was advised that input would be allowed when that item comes up.

Peter Schimmelfennig, Chamber of Commerce Executive Director, advised that the Merry Mountain Christmas parade has been rescheduled (due to the weather) for Saturday, December 19th; and he left a copy of the amended Encroachment Permit with CalTrans. He thanked Supervisor Turpin for attending the Chamber's Christmas party on Friday; and he advised that the Christmas in Coulterville events are scheduled for this weekend.

Mike McCreary advised that he is speaking for himself and his wife, Ruth Shane, and he reviewed their letter relative to implementation of the General Plan. He commented on evaluation measures for local government and advised that today he is focusing on "equity." He stated the Plan should not be dealt with in a piece-meal fashion; and he urged the Board to complete and implement the General Plan for the benefit of all of the citizens.

Brian Muller, Sheriff, wished everyone happy holidays. He advised that a County patrol vehicle was featured on the front cover of the November PORAC magazine, and he feels that this reflects on the County's commitment to public service. He thanked Deputy Joe Williams for submitting the photo.

Ruth Shane reviewed her letter relative to government contractor risks and responsibilities for consideration during contract renewals.

Marvin Wells entertained everyone by referring to events and comments made by Board members and County officials during the past year. He commended everyone for their work and wished everyone happy holidays. He and “Santa” Witt Hawkins presented the Clerk of the Board with a candy tree in recognition of over 26 years of service to the County working for the Board. They presented the Board and staff with decorative Christmas trees with a star and provided input on the “Eastern Star.”

Witt Hawkins commented on the work that the Board does and the sacrifices their family members make.

Eleanor Keuning reminded everyone of the Mariposa Symphony Orchestra Christmas Concert scheduled for Saturday evening. She referred to a recent article in the Fresno Bee titled “Foodies Strike Gold in Mother Lode” and the portion relative to the Butterfly Cafe, and she noted that this is free advertisement for the County. She referred to the Soroptimist’ Crafts Fair and her discussion with someone from the Visitor’s Center that was not aware of this event.

Board Information

Supervisor Cann advised that last week was busy. He attended the Mariposa-Yosemite Forum meeting on Wednesday; and the Economic Development Corporation meeting, and he commented on their grant research program. He met with three different developers that have projects in the works: Yosemite West, Manzanita Estates, and Story Hill. He advised that he was scheduled to be a backup judge for the Merry Mountain Christmas parade for December 12th; however, he is unable to attend on December 19th. He plans to attend the RCRC (Regional Council of Rural Counties) meeting in Sacramento on Wednesday. He thanked Marvin Wells and Witt Hawkins for their presentation. He wished everyone a good holiday season.

Supervisor Allen advised that he attended the Mountain Valley Emergency Medical Services Agency meeting in Copperopolis on Wednesday, and they reviewed software programs. He advised that he attended a meeting with Supervisor Bibby and Dr. Mosher and they reviewed the proposed marijuana ordinance relative to dispensaries; and he advised that the information has been sent to the Sheriff and the District Attorney. He advised that Dr. Mosher briefed them on the new tattoo shop in town and regulations for this type of business. He advised that he will miss the Merry Mountain Christmas parade as he will be in San Diego. He thanked Marvin Wells and Witt Hawkins for their presentation. He wished everyone a Merry Christmas and a safe and happy holiday season.

Supervisor Turpin thanked Marvin Wells and Witt Hawkins for their presentation. He advised that he feels privileged to work with staff and the citizens of the County, and he is humbled to be able to serve. He attended a meeting in Sacramento on Tuesday afternoon with the Governor and Supervisors from other counties relative to the Williamson Act and the status of the subvention funding; and he advised that discussion included water and budget issues. He attended the new fire stations meeting and the Chamber of Commerce mixer. He plans to attend the Solid Waste Task Force meeting on Wednesday; the Calaveras-Mariposa Community Action Agency meeting on Friday, and he advised that the Christmas in Coulterville events are scheduled for Saturday. He wished everyone a very Merry Christmas.

Supervisor Aborn advised of the weekly meetings at the Airport. He advised he toured Foresta looking at the roads and snow plow issues. He thanked everyone for sharing their thoughts with the Board under Public Presentations this morning, and he advised that the input is important. He wished everyone a very Merry Christmas and happy holidays and a New Year.

Dana Hertfelder, Public Works Director;

Authorize the Department of Public Works to Issue a Request For Proposal (RFP) for a Fixed Base Operator for Mariposa-Yosemite Airport (Continued from December 1, 2009)

BOARD ACTION: Discussion was held with Dana Hertfelder. Rick Benson advised of the updated RFP that was distributed.

Input from the public was provided by the following:

Marvin Wells clarified the 9-5, seven days a week schedule for operation. He advised that he agrees with the selection of the ad hoc committee to work on the Airport issues.

Dick Hutchinson asked how the RFP falls within the guidelines of the ad hoc committee and the Advisory Committee. Dana Hertfelder responded that this is one of three business plan proposals that have been reviewed.

Rita Kidd stated this sounds like a good move. She commented on privatization and contracting for the service and the government not abrogating responsibility or oversight of those services; and she recommended that there be no obligation to award from this RFP, and that selection of the vendor be to the most qualified and not the least cost.

Peter Schimmelfennig stated he is a member of the ad hoc committee, and he provided input on the three business plans that the committee is working on.

Discussion was held. (M)Turpin, (S)Cann, Res. 09-608 was adopted approving the issuance of the RFP. The motion was amended by the second, agreeable with the maker, to include the recommendations that there be no obligation to award the RFP and to go with the best value/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

Dennis Wister, Interim Building Director;

Waive Second Reading and Adopt an Ordinance Revising Chapter 15.10 of the Mariposa County Code Modifying the Appendixes Adopted within the 2007 California Building Code to Correct Inconsistencies between County Code and Building Code (Continued from December 1, 2009)

BOARD ACTION: Discussion was held with Dennis Wister relative to a permit not being required for exchanging propane tanks; and relative to providing notice to the contractors of changes in rulings. (M)Allen, (S)Turpin, the second reading was waived and Ordinance No. 1066 was adopted revising Chapter 15.10 as recommended. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

Dr. Mosher, Health Officer;

Information Regarding the Progress of H₁N₁ (Swine) Influenza and the Health Department's Response to Date

BOARD ACTION: Dr. Mosher provided a status report.

Input from the public was provided by the following:

Jeanetta Phillips asked when the vaccine will be available for the elderly. Dr. Mosher advised that a clinic was held and they are getting more vaccine and will hold clinics for everyone starting in January.

10:38 a.m. Recess

10:52 a.m. Jeffrey Hentz, Executive Director, Yosemite/Mariposa Tourism Bureau;
PowerPoint Presentation on Past, Current, and Future Marketing Updates

BOARD ACTION: Jeff Hentz gave the presentation and discussion was held. Supervisor Turpin initiated discussion relative to the 45-foot bus length restriction for North County. Jeff Hentz responded relative to efforts to promote Highway 132. Supervisors acknowledged and commended Jeff Hentz and staff for their work. Jeff Hentz thanked his Board of Directors.

Input from the public was provided by the following:

Ruth Shane congratulated Jeff on his efforts; and she provided some cautionary comments as to whether there is coordination with the Park Service staff on tourism efforts and their limited carrying capacity.

Mike McCreary stated he is impressed with the efforts and impacts on the economy. He expressed concern relative to possible unintended consequences of maintaining the quality of the environment as the environment is our economy. He referred to earlier comments about implementation of the General Plan and the need to maintain the world-class corridor to the world-class destination.

Peter Schimmelfennig commented on the investment of the transient occupancy tax dollars and advised that speaking as the owner of the Hotel Jeffery, they are still not seeing the results in the North County.

Eleanor Keuning referred to the recent videos sponsored by the Tourism Bureau that were shown in the Bay area and advised that Coulterville was included. She agrees that we need a facility that can be utilized for meetings, i.e., retreat/convention facilities. She referred to a Fresno Bee story relative to considering a study of whether a method of transportation should be developed to get people from the Airport to the Parks. She noted that there are many activities in the County for people that are coming to the Park.

Kris Schenk, Planning Director;

Adopt a Resolution for Action on Appeal No. 2009-114, an Appeal of the Planning Director's Determination Regarding a Portion of Certificate of Compliance Application No. 2007-093 for Twelve (12) "Fractionalized" Patents. Applicants and Appellants: Jeff Miller and Layne Clifton (Project Site for Certificate of Compliance Application No. 2007-093 was APN 016-080-002 (Now a Retired APN); 871 Highway 140 Near the Merced/Mariposa County Line)

BOARD ACTION: Kris Schenk advised that additional questions were received relative to the findings so this matter was continued to today. Supervisor Cann referred to the Board's decision based on the term of "extrinsic" evidence; and he noted that the testimony that was received was not sworn and was not collaborated relative to the fractionalized parcels. Given the timeframes and the age of the applicant at the time of the meeting that that applicant testified about, and the *Tehama* case requirements for overwhelming documentation which was not provided; he advised that he is reconsidering his position on this matter. He asked County Counsel to provide input on the options available to the Board at this time. Steve Dahlem, County Counsel, advised that the Board did not take final action on this and that is the purpose of the resolution on today's agenda. He advised that the Board can adopt the resolution granting the appeal, or adopt it with modification; reopen deliberations; or reopen the hearing for more public testimony. He further advised that if the Board considers reopening the deliberation or the hearing, that the applicant is ill and unable to attend today and would like a continuance to be able to participate. Supervisor Cann asked that the hearing be reopened and discussion was held. County Counsel advised that it would be appropriate to open this matter for public comment at this time and to limit it to the resolution and whether to adopt it or to reopen the hearing.

Input from the public was provided by the following:

Rita Kidd stated she can appreciate the opportunity to be able to make comments and to allow the applicant to appear. However, she is concerned that two pieces of information that were submitted (after the hearing) have not been entered into the public record either orally or before this Board, and she asked whether that would be an option. County Counsel responded in the affirmative. Supervisor Cann advised that reading written testimony into the record does not give it any more weight. Rita Kidd noted that members of the public are present that are not privy to the rationale in this matter. She is willing to abide by County Counsel's recommendation, but feels there is a question relative to the meeting requirements. She said that it is a very forthright move on the part of the Board to question the November 3rd discussion and to perhaps reopen the hearing and she urged that the Board do so given the legal advice on this case and she feels that the Farm Bureau should be encouraged to be present. She commented on the process and stated she feels that we are privileged in this County of having an excellent Planning staff, and she feels they were excellent in their staff report; and she noted the amount of work that is involved in an application in comparison with the fees that are paid. She feels the letter from the Farm Bureau was excellent and MERG was surprised by the Board's action and that is why their letter was submitted on November 30th.

(M)Cann, (S)Turpin, Res. 09-609 was adopted reopening the public portion of the hearing on Appeal No. 2009-114; Miller/Clifton, applicants and appellants, and continuing it to January 19, 2010, at 2:00 p.m./Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriffs' Management Association); Name of County Designated Representative: Richard Bolanos (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson withdrew this closed session from the agenda.

12:24 p.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers' Compensation Case; Number of Cases to be Discussed: 1 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: (M)Allen, (S)Turpin, the Board approved holding this closed session after lunch, at 2:00 p.m./Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

12:25 p.m. Lunch

2:04 p.m. The Board convened in closed session.

2:34 p.m. Chair Aborn announced that as a result of the closed session that settlement authority was granted for a Workers' Compensation case.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of December 8, 2009, Regular Meeting (Clerk of the Board); Approved, with noted corrections
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-596
- CA-3 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 09-597
- CA-4 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 09-598
- CA-5 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 09-599
- CA-6 Approve Amendment to Agreement with Edna Terrell for Continued Consulting Services for Human Services Programs Increasing not to Exceed Amount to \$45,000 and Authorize the Board of Supervisors Chair to Sign the Amendment; Approve Budget Action Transferring Funding within the Human Services Budget to Accommodate the Amendment (\$20,000) (Human Services Director); Res. 09-600
- CA-7 Approve an Agreement with the American Indian Council of Mariposa for Mental Health Services under the SAMHSA and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-601
- CA-8 Approve Lease Agreement with Elizabeth Evans for Department of Child Support Services Facility Located at 5070 Bullion Street and Authorize the Board of Supervisors Chair to Sign the Agreement (Child Support Services Director); Res. 09-602
- CA-9 Adopt a Resolution to Allow the Probation Department to Collect a 10% Administrative Fee on Victim Restitution; 100% to be Deposited into the County General Fund and Establish an Updated Fee Schedule for the Probation Department (Chief Probation Officer); Res. 09-603, with clarification that the Administrative Fee is 15%

- CA-10 Approve an Agreement with 35-A District Agricultural Association for use of the Fairgrounds Facility for Calendar Year 2010 for Trainings, Meeting and other Similar Events and/or Activities and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-604
- CA-11 Approve a One-year Lease Extension Agreement with (Carter/Vaughn) for the Mariposa Downtown Parking Lots in the Parking District and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 09-605
- CA-12 Recommend the Rejection of Claim No. C09-19 Filed by Bryce Johnson for \$550,000 and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); This item was withdrawn
- CA-13 Accept the Resignation of Erika Deal-Wildt from the Alcohol and Drug Abuse Advisory Board (Human Services Director)
- CA-14 Appoint James (Marty) Allan to the Mariposa Town Cemetery Ad Hoc Committee for a Three-year Term Commencing on January 1, 2010 (Public Works Director)
- CA-15 Approve the Negative Declaration for the Mariposa Drainage Improvements, and Authorize the Public Works Director to File a Notice of Determination (Public Works Director); Res. 09-606
- CA-16 Adopt a Negative Declaration for the Coulterville Drainage Improvements, and Authorize the Public Works Director to File a Notice of Determination (Public Works Director); Res. 09-607

2:35 p.m. Adjournment in memory of Meta Ann Livingston and John W. Fouch.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors