



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

April 7, 2009



Time Description

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

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of 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: Item 9 was pulled for discussion.

Input from the public was provided by the following:

Barbara Milazzo, Service Learning Coordinator for Mariposa County Unified School District and member of the Skate Park Leadership Committee, provided input on the Committee's efforts and goals and plans for a mural at the skate park.

Jesse Rodriguez, U. S. Department of Commerce and Census Bureau, advised that the 2010 census process is beginning.

Supervisor Turpin pulled items 5 and 20. Supervisor Bibby pulled item 21 for separate action; and she pulled items 9 and 15. Supervisor Cann commented on item 17 and the policy that will be forthcoming to streamline minor budget transfers.

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

Item 21 - Supervisor Bibby excused herself from the meeting at 9:12 a.m. for this item due to a potential conflict of interest as she has a remainder interest in property surrounding the Airport. (M)Turpin, (S)Cann, item 21 was approved/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby. Supervisor Bibby returned to the meeting at 9:14 a.m.

Chair Aborn;

Proclaim the Month of April, 2009 as "Alcohol Awareness Month"

BOARD ACTION: (M)Bibby, (S)Turpin, the Proclamation was approved and presented to Jim Mason, Chair of the Alcohol and Drug Advisory Board/Ayes: Unanimous.

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

Dr. Mosher, Health Officer, reported on the multi-casualty drill that was held last weekend; and he recognized all of those who participated. Discussion was held. Jim Wilson, Fire Chief, provided input on the communications during the drill.

Ruth Sellers thanked the Sheriff's Department for responding to a neighbor's concern when her guests' plane would not start; and she noted that there isn't anything posted at the Airport for contact information for the pilots.

Dick Hutchinson advised that the Contractors' Association started the restroom project at the Visitors Center; CalTrans is contracting for a retaining wall project due to the collapsing

retaining wall at Chocolate Soup; and CalTrans is working with the downtown merchants on sidewalk repairs. Board members thanked Dick for his work on these projects.

Board Information

Supervisor Cann advised that he attended the Magpie (a group of water managers in and around Merced) meeting on Wednesday; the IRWMP (Integrated Regional Water Management Plan) meeting on Thursday; and the swearing-in ceremony for the Court Appointed Special Advocates on the 1st. He plans to attend the Solid Waste Task Force meeting on Wednesday; and he invited another Board member to attend the Mariposa Forum as it is scheduled at the same time. He will be in Sacramento with Supervisor Allen completing the new Supervisor training on Thursday; and he invited another Board member to attend the Gateway Partners meeting in Yosemite as it is scheduled at the same time.

Supervisor Bibby advised that she attended the Working Landscape workshop on March 25th, the East San Joaquin Water Coalition meeting on the 26th, and the Community Action Agency meeting on the 27th with Supervisor Turpin. She referred to the mural for the skate park and noted that this will be referred to the Parks and Recreation Commission for review; and she will distribute drafts of the proposed artwork to the County Administrative Officer, Public Works Director and the Commission before it comes to the Board.

Supervisor Allen advised that he had meetings with affected departments relative to a recent hazardous materials spill that occurred in Fish Camp, and they are working on the emergency operations procedures plan. He attended a meeting in Mariposa Pines relative to fire issues and Undersheriff Binnewies presented information on evacuation procedures for fires. He toured UC Merced. He and Supervisor Cann went to the Senior Activity Center and the senior prom was a great event. He attended the High School Senior Brunch at the Methodist Church. He reminded everyone that property taxes are due Friday. He commented on the upcoming Grad Night event for the High School seniors and noted the committee is accepting donations for the event.

Supervisor Turpin advised that he attended the Resource Conservation District's Working Landscape workshop in Catheys Valley. He attended the IRWMP meeting on the 26th and the next meeting will be held in Catheys Valley on Thursday. He attended the Community Action Agency meeting in Coulterville on the 27th; and the Tuolumne-Mariposa County RAC meeting on the 30th and he commended Mary Hodson/Deputy County Administrative Officer for her presentation. He plans to attend the Solid Waste Task Force meeting on Wednesday. He noted that the water levels are a little better this year versus last year.

Supervisor Aborn advised that he attended the YARTS meeting on Monday. He commented that more alfalfa is being grown in the valley this year and less corn. He plans to attend the Gateway meeting on Thursday. He noted that this is Easter vacation and the children are out and about and he urged drivers to be careful.

Kathy Delaney, Executive Director, Mariposa Safe Families, Inc.

Present the Mariposa Safe Families Annual Report

BOARD ACTION: Kathy Delaney advised that the annual Safe at Home event is scheduled for this Saturday, and the event is scheduled in North County on June 13th. She noted that Connie Pearce, Chair of the Mariposa Safe Families Board, was present; and she introduced staff members: Megan Kehoe and Allison Tudor. She presented their annual report and advised of the expanded level of partnership with Human Services; and she gave a PowerPoint presentation on the Family Enrichment Center. Allison Tudor/Prevention Specialist for Mariposa Safe Families and Mountain Crisis Services and Megan Kehoe/Friday Night Live Coordinator gave presentations on programs they oversee.

10:19 a.m. Recess

10:34 a.m. Supervisor Cann;

Approve Joining Mariposa County with Madera and Merced (and Possibly Fresno) Counties in the State Department of Water Resources Recommended Management District for Purposes of the Integrated Regional Watershed Management Plan

BOARD ACTION: Supervisor Cann initiated discussion and clarified that the grant application to complete the formal plan is estimated to be around \$500,000. Brenda Ostrom, consultant with Mariposa County Resource Conservation District, provided input on the process for establishing a region and discussion was held relative to the Regional Acceptance Process. (M)Turpin, (S)Allen, Res. 09-158 was adopted agreeing to proceed with the IRWMP process and joining the central California area in a State Department of Water Resources management district. Following discussion, the motion was amended, agreeable with the maker and second, to include developing a MOU with the South Sierra IRWMP/Ayes: Unanimous.

11:00 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Adopt a Resolution Authorizing the Executive Director to Execute the Application and Other Necessary Documents Pertaining to American Recovery and Reinvestment Act (ARRA) Federal Transit Administration (FTA) Section 5311 Program Funds for Fiscal Year 2009/2010 in the Amount of \$120,000 for the Purchase of Two Replacement Buses for Mariposa County Transit

COMMISSION ACTION: Discussion was held with Dana Hertfelder. (M)Bibby, (S)Allen, LTC Res. 09-5 was adopted approving the request/Ayes: Unanimous.

C) Adopt a Resolution Authorizing the Executive Director to Execute the California Department of Transportation’s Disadvantaged Business Enterprise Implementation Agreement for a Race-Conscious Program (Public Works Director)

COMMISSION ACTION: Discussion was held with Dana Hertfelder. (M)Allen, (S)Bibby, LTC Res. 09-6 was adopted approving the request/Ayes: Unanimous.

11:15 a.m. Consider Items Removed from the Consent Agenda

Item 5 – Supervisor Turpin initiated discussion with Janet Chase-Williams, Interim Librarian. (M)Turpin, (S)Bibby, item 5 was approved/Ayes: Unanimous.

Item 20 – Supervisor Turpin initiated discussion with Dana Hertfelder. (M)Turpin, (S)Cann, item 20 was approved/Ayes: Unanimous.

11:23 a.m. Fred Lustenberger, Building Director;

PUBLIC HEARING to Waive Second Reading and Adopt Ordinance Creating Section 15.10.061 of the County Code to Create a Policy for the Handling of Violations and a Standard Penalty Schedule; and Adopt a Resolution Setting Amnesty Period (Continued from March 24, 2009)

BOARD ACTION: Fred Lustenberger presented the staff report and he reviewed the changes to the document that were made pursuant to the Board’s direction on March 24th; and he advised that he will be bringing back a resolution for the Building Appeals Board. He responded to questions from the Board relative to starting the process for the amnesty period and relative to handling those who do not self-report; plans for advertising the amnesty period; addressing out-buildings that exceed the currently allowed 120 square feet; and dealing with structures that are legal, non-conforming. 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)Bibby, (S)Cann, the second reading was waived and Ordinance No. 1051 was adopted as recommended. The Clerk of the Board read the title of the Ordinance into the record. Further discussion was held relative to dealing with out-buildings. Ayes: Unanimous. (M)Cann,

(S)Allen, Res. 09-161 was adopted setting the amnesty period/Ayes: Unanimous. The hearing was closed.

11:15 a.m. Consider Items Removed from the Consent Agenda

Item 9 – Discussion was held with Brian Muller/Sheriff and Doug Binnewies/Undersheriff relative to the request. Supervisor Bibby asked that the commitment of funding for the 12-months be tracked and that the Board be kept informed of the status. (M)Bibby, (S)Allen, item 9 was approved/Ayes: Unanimous.

Item 15 – Supervisor Bibby initiated discussion with Jim Wilson, Fire Chief, relative to the request; and he advised that an MOU will be developed and brought back to the Board relative to the use of the equipment if the grant is awarded. (M)Allen, (S)Cann, item 15 was approved/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

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

12:26 p.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Appointed Department Heads; Name of County Designated Representative: Richard J. Benson (County Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: APN 017-540-0100, Lakeview Drive; Agency Negotiator: Rick Benson; Closes Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/Risk Manager)

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

1:50 p.m. Chair Aborn advised that direction was given relative to the labor negotiations item for appointed department heads and information was received relative to the real property item.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of March 24, 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. 09-140
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-141
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-142
- CA-5 Approve Budget Action Transferring Funds within the Library Budget to Pay for the Rent of the Old Red Cloud Library (\$3,230) (Librarian); Res. 09-159
- CA-6 Accept the Resignation of Bob Linnemann from the Mental Health Board (Human Services Director)
- CA-7 Approve the Plan of Cooperation Between Mariposa County Department of Child Support Services and Merced County Department of Child Support Services and

Authorize the Board of Supervisors Chair to Sign the Plan (Director of Child Support Services); Res. 09-143

- CA-8 Approve Budget Action Transferring Funds within the Sheriff's Budget to Cover Extra-help Employees (\$45,000) (Sheriff); Res. 09-144
- CA-9 Authorize the Sheriff to Participate in a COPS Hiring Recovery Program (CHRP) Grant Application Process (Sheriff); Res. 09-162
- CA-10 Authorize the Sheriff to Apply for \$24,565 in Federal Grant Money Being Offered through the Justice Assistance Grant Program (Sheriff); Res. 09-145
- CA-11 Approve a Rental Agreement with 35-A District Agricultural Association for the Sheriff's Office to Participate at the 2009 Mariposa County Fair and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-146
- CA-12 Approve Agreement with the United States Drug Enforcement Administration for Reimbursement for Marijuana/Drug Investigations and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-147
- CA-13 Approve Agreement with R. W. Rosebrock to Euthanize Stray/Unwanted Domestic Pets and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-148
- CA-14 Approve Agreement to Participate in Boating Safety and Enforcement Financial Aid Program for Fiscal Year 2009/2010 and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-149
- CA-15 Authorize the Fire Chief to Submit Three Grant Applications to the FEMA Assistance to Firefighters Grants (AFG) Program for the Purchase of a Driver/Trainer Simulator, Water Tender, and Operations and Firefighter Safety Equipment (Fire Chief); Res. 09-163
- CA-16 Authorize Alternative Work Schedule for Registered Environment Health Specialist Position to 9 days/80 hours (Health Officer); Res. 09-150
- CA-17 Approve Budget Action Transferring Funds within the Building Department Budget to Balance for an Accounting Error (\$110) (Building Director); Res. 09-151
- CA-18 Approve Road Name "Cedar Gulch Lane" for Subject Easement in Conjunction with Land Division Application No. 2006-041 Approved June 1, 2007 (Planning Director); Res. 09-152
- CA-19 Approve the Placement of a Bulletin Board Located at the Mariposa County Skate Park (Public Works Director); Res. 09-153
- CA-20 Approve an Agreement with Drilling 7 Blasting Company to Drill and Blast Rock at Nine Sites on Ben Hur Road in Preparation of the STIP Project in the Not to Exceed Amount of \$35,000 and Authorize the Public Works Director to Sign the Agreement (Public Works Director); Res. 09-160

- CA-21 Approve an Agreement with Mead Hunt in the Amount of \$3,217 to Complete the Mariposa-Yosemite Airport Master Plan and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 09-157
- CA-22 Approve the Placement of a Mariposa Kiwanis Preschool Sign at the Darrah School House (Public Works Director); Res. 09-154
- CA-23 Approve an Amendment to Agreement with AmeriGas Listing Additional County Facilities that Require Propane Service and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 09-155
- CA-24 Approve Budget Action Reducing Revenue and Appropriations in the Vertical Prosecution Grants Budget Due to State Budget Reductions (\$17,433) (4/5ths Vote Required) (District Attorney); Res. 09-156

Adjournment in memory of Don Martin Lindquist, Ben Patrick McQueen, Robert “Bob” L. Arbogast, Hilda Emily Stewart, Mary E. Sumpter, Harriet J. “Mom” Hugo, Joan Conlin, and June Chapman.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS
SUMMARY OF PROCEEDINGS



April 14, 2009

Time _____ Description

9:02 a.m. Meeting Called to Order at the Mariposa County Government Center, with Supervisor Aborn excused due to illness.

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 asked for clarification on item 9 that the budget action transfers funding to the General Fund, and the County Administrative Officer confirmed this. (M)Cann, (S)Allen, all items were approved/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Chair Aborn and Supervisor Bibby;

Proclaim the Month of April 2009 as "Sexual Assault Awareness Month" and April 22, 2009 as "Denim Day"

BOARD ACTION: (M)Turpin, (S)Cann, the Proclamation was approved and presented to Jeannette DeWorken of Mt. Crisis Services/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

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

Jeannetta Phillips presented information and photographs of the work on the old Gold Coin building and expressed concern with retaining the historic value of the structure. Supervisor Bibby advised of calls made to the Building Department relative to the concerns that have been received. Fred Lustenberger, Building Director, advised of his review of the situation.

Dick Hutchinson advised that the concrete has been poured for the restrooms at the Visitors' Center; he advised of the status of the retaining wall project by Chocolate Soup; and he expressed concern for the safety of the people working on the Gold Coin building.

Board Information

Supervisor Turpin advised that he attended the IRWMP (Integrated Regional Water Management Plan) meeting in Catheys Valley on Thursday, and he plans to attend their next meeting in LeGrand this coming Thursday. He advised of calls he is receiving from North County expressing concern about the status of trash collection. He advised that the VFW will be holding a day in the Coulterville Park on Saturday to help veterans and their families. He noted that it is spring time and the grass is still green; however, the overall water levels are still low.

Supervisor Allen advised that he and Supervisor Cann attended the final part of the New Supervisor's Training in Sacramento. He attended the Safe at Home event on Saturday at the Mariposa Elementary School. He attended a meeting relative to the cemetery on Monday and they are looking at different land opportunities; and in discussion with State officials, they were advised

that the State does not regulate the cemetery if the County continues existing operations, without charging fees, at another location. He attended a meeting on Monday afternoon relative to the Tenaya Lodge expansion project. He plans to meet with the Superintendent and Assistant Superintendent of Yosemite National Park on Wednesday relative to Wawona; and he plans to attend the Wawona Property Owners' Association meeting on Saturday.

Supervisor Cann advised that he met with the Economic Development Coordinator and interested former grant writers relative to grant initiatives. He attended the New Supervisor Training in Sacramento. He attended the Tourism Board meeting on Wednesday, and he advised that he urged them to provide information to the public on what the extra one percent tax assessment is being used for and how the one-half million dollars they receive from the County is being used. He referred to recent information relative to a reported eleven percent decline in visitation to Yosemite, and he noted that there are a lot of variables to the visitation calculations, including the timing of spring break. He plans to meet on Wednesday with the Gateway Partners group. He plans to attend the IRWMP meeting in LeGrand. He plans to attend the Chamber of Commerce Clubs and Organizations Appreciation Dinner on Thursday.

Supervisor Bibby advised that she attended the IRWMP meeting last week since Supervisor Cann was unable to attend the meeting. She advised that the Parks and Recreation Commission is meeting this evening. She advised that the Mother Lode Job Training meeting scheduled for Wednesday is being rescheduled to later in the month as it doesn't look like they will have a quorum. She plans to attend the Bohna Ranch dedication of the conservation easement on the 19th; the Regional 4-H Presentation Day this Saturday, and the First 5 meeting on the 20th.

Dana Hertfelder, Public Works Director;

Approve Mariposa Public Works Solid Waste & Recycling Division to 1) Close the Landfill, Compost and Recycling Facility to the Public on Mondays with Limited Hours of Operation for Franchise Haulers on that day and 2) Reduce Staff and Solid Waste & Recycling Manager's by Reducing their Hours by Sixteen (16) Hours for Each Four (4) Week Period Beginning May 1, 2009 Until the End of the Fiscal Year

BOARD ACTION: Dana Hertfelder advised of updated revenue figures; reviewed the recommended actions; and he advised that staff requested a full day off in conjunction with their regular days off versus the proposed half days. Discussion was held with Dana Hertfelder, Carl Casey/Public Works Administrator, and Dr. Michelle Miller/Solid Waste and Recycling Manager, relative to the request; relative to the status of review of services that have been provided by the landfill at County cost; and relative to reviewing current service agreements. Supervisor Bibby clarified that the hours have not been reduced at the Fish Camp transfer station as stated in the staff report.

Input from the public was provided by the following:

Debbie Macias, SEIU representative, provided input on the request; she advised that the workers need a full day off if this is going to be approved so that they have an opportunity to supplement their income; and she expressed concern with the Fiske contract and recouping the lost revenue.

Ruth Catalan agreed with Supervisor Cann that the reduction of hours should not occur; and with the former speaker on the full day versus half-day furloughs; and she suggested that consideration be given to granting a loan from the General Fund.

Ruth Sellers stated she feels the Board should be addressing the big problem; i.e., the life span of the landfill and the operation of the compost facility. She stated she does not feel that it is logical to require North County to haul their trash to Mariposa. She noted that the Airport Enterprise Fund is subsidized.

Fred Youngren, Operations Manager for Total Waste Systems, referred to the discussion of increasing the tonnage fee for Delaware North and charging for the organic waste; commented on the proposed change of hours; noted the purchase and use of the large equipment and suggested that there are other areas that the budget could be cut versus staffing; he suggested that consideration be given to using tourist generated revenue to off-set the landfill operation costs; and he commented on recycling.

Further discussion was held. (M)Turpin, (S)Cann, the requests relative to closing the landfill on Mondays and reducing staff were denied; and direction was given to staff to come back as soon as possible with a recommendation to cover this budget shortfall; and direction was given to continue to look at the big picture of the landfill operations. The motion was amended by the second, agreeable with the maker, to ask staff to come back with a recommendation to deal with the overall budget shortfall/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Fred Lustenberger, Building Director;

Adopt a Resolution Setting New Office Hours of 7:00 a.m. to 4:00 p.m. with a One Hour Closure for Lunch for the Building Department to Allow the Office to Continue to Operate with One Development Services Technician (DST) with a Minimum Loss of Service to the Public

BOARD ACTION: Discussion was held with Fred Lustenberger relative to the request; and he advised of another alternative by making a contribution to the budget to keep the position in the interim of the revenue for the Department increasing to cover the operation costs.

Input from the public was provided by the following:

Ruth Catalan stated she has no objection to the request, but she feels that it should be noted that this is Monday through Friday; and she suggested a change in the lunch hour closing to 11:00 a.m. to 12:00 noon or 1:00 p.m. to 2:00 p.m. versus the 12:00 noon to 1:00 p.m. that is proposed.

Further discussion was held, and Fred Lustenberger advised that they will try to serve the people that come in during the lunch hour. It was clarified that this new schedule would become effective on April 20, 2009. Rick Benson suggested that approval be given for a one-hour lunch closure and that the Building Director be authorized to set that time, but that it should be a regularly scheduled time. (M)Cann, (S)Allen, Res. 09-174 was adopted approving the new office hours as requested, with the opportunity for a one hour closure for lunch with the Building Director to determine the lunch closure time/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Kris Schenk, Planning Director;

A) Approve an Agreement with J. B. Anderson to Prepare a Housing Element Update of the Mariposa County General Plan and Authorize the Board of Supervisors Chair to Sign the Agreement and Approve Budget Action Transferring Funds within the Planning Budget (\$16,975) and Transferring Funds from the Housing Fund to the Planning Budget (\$5,000) to Complete the Housing Element (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Kris Schenk; and he advised that this request has the concurrence of the Human Services Director. (M)Turpin, (S)Allen, Res. 09-175 was adopted approving the agreement and the budget actions/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

B) Schedule a Public Hearing for June 9, 2009 at 6:30 p.m. to Consider Adoption of the Catheys Valley Community Plan and Negative Declaration

BOARD ACTION: Following discussion with Kris Schenk, (M)Allen, (S)Turpin, the hearing was scheduled as requested/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Brian Muller, Sheriff;

Authorize the Sheriff to Participate in the Edward Byrne Memorial Competitive Grant Application Process to Request Funding for one Full Time Dispatcher

BOARD ACTION: Discussion was held with Sheriff Muller relative to the request. (M)Allen, (S)Turpin, Res. 09-176 was adopted approving the request/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

11:02 a.m. Recess

11:11 a.m. Approve Object Level Control for Certain Expenditure Categories and Amend Budget Resolution (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Following discussion with Rick Benson/County Administrative Officer, (M)Allen, (S)Cann, Res. 09-177 was adopted approving the recommendation/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

CLOSED SESSION: Liability Claim; Claimant Name: Valerie Franklin; Claim Number: C08-7; Name of Agency Sued: County of Mariposa (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

11:23 a.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (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 Counsel)

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

12:49 p.m. Vice-Chair Bibby announced that information was received as a result of each of the two closed session matters.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of April 7, 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. 09-164
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-165
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-166
- CA-5 Approve Updated List of Members of the Juvenile Justice Coordinating Council (Chief Probation Officer); Res. 09-167
- CA-6 Review the Mariposa County Probation Department's Voluntary and Involuntary Monitoring Policies Pursuant to California Penal Code Sections 1203.016 and 1203.017 (Chief Probation Officer); Res. 09-168
- CA-7 Approve the Amendments to the General Liability I (GLI) Program and the Excess Workers' Compensation (EWC) Program Memorandums of Understanding (MOU) with the California State Association of Counties (CSAC) Excess Insurance Authority (EIA) and Authorize the County Administrative Officer to Sign the Amendments (County Administrative Officer/Personnel/Risk Manager); Res. 09-169
- CA-8 Approve an Extra-help Agreement with Francis W. McNalley as Child Support Attorney III to be Paid at Step 5 (\$40.45 Per Hour) to Perform the Legal Work Required by the Department of Child Support Services (Child Support Services Director); Res. 09-170

- CA-9 Approve Budget Action Transferring Funds within the In Home Supportive Services Public Authority Fund to Cover Approved Professional Services Agreement for In-Home Supportive Services (IHSS) Provider Negotiations (\$8,500) (Human Services Director); Res. 09-171
- CA-10 Reappoint Dusty Luker to the Alcohol and Drug Advisory Board for a Three Year Term Expiring April 14, 2012 (Human Services Director)
- CA-11 Reappoint Randy Brower as a Member-at-large to the First 5 Commission for a Three Year Term Expiring on April 14, 2012 (Human Services Director)
- CA-12 Reappoint Jeff Hornacek to the Yosemite West Planning Advisory Committee for a Two Year Term Expiring February 28, 2011 (Supervisor Aborn)
- CA-13 Recommend the Rejection of Claim No. C08-7 Filed by the Law Offices of Sara Shafer on Behalf of Valerie Franklin for \$12,362.52 and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); Res. 09-172
- CA-14 Approve Lease Agreement with Robert Bondshu for Office Space for County Fire and Authorize the Board of Supervisor Chair to Sign the Agreement (Fire Chief); Res. 09-173
- CA-15 Proclaim the Month of April 2009 as “Clubs and Service Organizations Appreciation Month” (Chair Aborn)

12:50 p.m. Adjournment in memory of Adelaide “Ida” Dewhurst and in memory of the five-year anniversary of the passing of Melanie Dahlem.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JANET BIBBY
Vice-Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

April 21, 2009



Time Description

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BOARD ACTION: Vice-Chair Bibby referred to item 12 and advised that a report will be forthcoming from the Tourism Bureau; and she noted the County Administrative Officer will be monitoring the costs for item 7. (M)Allen, (S)Turpin, all items were approved/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Chair Aborn;

Proclaim April 24, 2009 as "Arbor Day" (Connie Waldron, Merced River Chapter of Daughters of the American Revolution)

BOARD ACTION: (M)Turpin, (S)Cann, the Proclamation was approved and presented to Connie Waldron, and she advised of their programs/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

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

Dick Hutchinson advised that the Mariposa Contractor's Association will start putting the structure up on Saturday for the restrooms at the Visitors' Center. He asked for the Board's support with keeping the bus designated parking spaces at the Rest Area open for the school bus tours at the Museum and History Center; and he suggested that perhaps the deputies could advise people who park in the spaces that they are designated for buses.

Peter Schimmelfennig, Executive Director of the Chamber of Commerce, commented on the Clubs and Organizations Appreciation Dinner; advised they are sponsoring a "feed the need" food drive; advised of their mixer scheduled for next week at the Granite Dell in North County; and he advised of their Gold Rush Scramble Gold Tournament event that is scheduled in May.

Ken Jorgensen expressed concern relative to the tone of a letter he received from the Building Department relative to the status of a permit for a deck.

Board Information

Supervisor Turpin advised that he attended the following: the IRWMP (Integrated Regional Water Management Plan) meeting in Le Grand on Thursday; the Chamber of Commerce Clubs and Organizations Appreciation dinner on Thursday; the VFW event at the Park in Coulterville on Saturday; and he advised that there was an open house for the Red Cloud Library on Saturday and

the official ribbon cutting is scheduled for May 5th; and a meeting with the Lake Don Pedro Community Services District and they endorsed becoming a stakeholder with the IRWMP. He noted that Lake McClure is about 43 percent of its water level and that the Canadian Geese were flying overhead this morning and that there is a good showing of wildflowers this spring.

Supervisor Allen thanked ICES (Infant/Child Enrichment Services) for the artwork the children made that is being displayed in the Board Chambers. He responded to Dick Hutchinson's comments relative to the bus parking concerns at the Rest Area, and he advised that he will also speak with the Sheriff. He advised that he met with the Acting Superintendent for Yosemite National Park on Wednesday relative to the Wawona Town Planning Area Specific Plan and he hand delivered the Park's response to Planning. He advised that he attended the following: a training on CEQA (California Environmental Quality Act) conducted by Attorney Bill Abbott on Thursday; a Court hearing on CEQA issues relative to the Seventh Day Adventist Camp on Friday; the Wawona Property Owners' Association meeting and a benefit lunch for the Wawona School on Saturday; and the Area 12 Agency on Aging meeting in Sonora on Monday. He plans to tour the Exchequer Dam on Wednesday. He advised that the biologist will be looking at the property being proposed for the fire station in Mariposa Pines. He plans to attend the Mariposa Pines-Jerseydale Fire Station meeting on Wednesday and the Fish Camp Town Planning Advisory Committee meeting on Saturday.

Supervisor Cann advised that he attended the Downtown Merchants Association meeting on Thursday and he commended the merchants for their efforts with the upcoming Butterfly Festival and he noted that the MicroBrews and Blues Festival is scheduled for the same weekend. He advised of his meeting with the Tourism Bureau Director and the County Administrative Officer relative to the Bureau's efforts and there will be a press familiarization tour on the same weekend as the Festivals. He attended the IRWMP meeting on Thursday, and he advised that the Project Manager/Consultant Brenda Ostrom is testifying before the Madera County Board of Supervisors this morning relative to the Plan. He attended the Chamber of Commerce Club and Organizations Appreciation dinner, along with the County Administrative Officer and Supervisor Turpin. He plans to tour the Exchequer Dam on Wednesday.

Supervisor Bibby advised that she plans to attend the FFA dinner on Saturday and she noted that the Fosters of True Value Hardware donated a lawn tractor for the auction. She advised that she attended the following: the First 5 meeting on Monday and she noted the Acorn Pre-School is looking for a site; the Bohna Ranch Conservation Easement dedication on Sunday; the Regional 4-H Presentation Day on Saturday; the CEQA training on Thursday; the School Board meeting on Thursday and she noted the need for members on the committee to review excess property so that it can be determined whether the Yaqui Gulch area property could be available for the Fire Station; and the Parks and Recreation Commission meeting on the 14th and she advised of adjustments to the proposed mural for the Skate Park. She advised of information received from the State Fair Manager relative to creating a youth category for the County feature booth competition and she noted that the 4-H Council is reviewing their possible participation and other youth service clubs would be considered if 4-H does not pursue this. She advised of the upcoming MID meeting; R.O.A.D. House open house on the 23rd; and the Civil War Reenactment and the Weekend in the Country events scheduled for the 25-26th.

Cathi Boze, Agricultural Commissioner;
Approve Agreement No. 09-73-06-0260-RA: the Annual Work Plan, Annual Financial Plan, Cooperative Service Agreement Reimbursable, and a Letter of Intent for Fiscal Year 2009/2010 with USDA/APHIS/WS (Wildlife Services)

BOARD ACTION: Cathi Boze presented the request. Discussion was held with Wade Carlson/Wildlife Services District Supervisor and Don Simms/Wildlife Services Assistant District Supervisor and Animal Control Specialist relative to the services they provide and the funding. Supervisor Turpin suggested that the damages to the natural resources be included as a component of the report. (M)Cann, (S)Turpin, Res. 09-189 was adopted approving the agreement and Letter of Intent/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

9:55 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Authorize the County to Participate in the 2008/2009 Optional Federal Apportionment Exchange and State Match Program for Regional Surface Transportation Program (RSTP) Funds and Authorize the Executive Director to Sign Agreement No. X09-6139(023) (Dana Hertfelder, Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Bibby, (S)Allen, LTC Res. 09-7 was adopted approving the recommendation/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

10:58 a.m. Dana Hertfelder, Public Works Director;

A) Approve Negotiations Between Mariposa County Public Works and Total Waste Systems to Provide Service in the North County Franchise Area

BOARD ACTION: Discussion was held with Dana Hertfelder relative to request to negotiate with Total Waste Systems. Steve Dahlem, County Counsel, responded to questions relative to the process. Supervisor Turpin stated he feels the final numbers need to be determined as to what Fiske Sanitary Disposal Service owes.

Input from the public was provided by the following:

Ruth Catalan clarified that the requested action is approval of the negotiation process and she asked who the negotiator is. She asked whether it would be a requirement for the waste to come to our landfill. Dana Hertfelder responded to the questions relative to the negotiations and advised that it is a requirement for the waste to come to our landfill.

Peter Schimmelfennig, speaking as an individual and as owner of the Hotel Jeffrey, provided input on his experiences and requested that they receive a higher level of customer service.

Further discussion was held. (M)Turpin, (S)Allen, the Board approved the request for negotiations as recommended/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

B) Authorize the County to Participate in the 2008/2009 Optional Federal Apportionment Exchange and State Match Program for Regional Surface Transportation Program (RSTP) Funds and Authorize the Board of Supervisors Chair to Sign Agreement No. X09-5940(071)

BOARD ACTION: Following discussion with Dana Hertfelder, (M)Allen, (S)Cann, Res. 09-190 was adopted approving the agreement/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Receive Report and Possibly Take a Position Regarding Propositions 1A-1F (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson reviewed the Propositions and recommended that the Board remain neutral. Discussion was held.

Input from the public was provided by the following:

Ruth Catalan thanked the County Administrative Officer for the report and agreed that the Board should remain neutral.

Bob Brown, District Attorney, advised of a meeting he attended with the Governor and Senator Cogdill on issues and he noted that the public safety/law enforcement community view these Propositions as important to assure funding for the future and to get through the financial crisis that the State is experiencing.

Further discussion was held. No action was taken.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

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

10:37 a.m. CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation: Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Number of Cases to be Discussed: 1 (County Counsel)

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

11:04 a.m. The Board reconvened in open session. Vice-Chair Bibby announced that action was taken in closed session by motion of Allen, seconded by Cann, to authorize County Counsel to proceed with the enforcement litigation process against Mr. Hansen by the following vote: Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Tony Tavares, CalTrans Acting Director for District 10;
Update on the Ferguson Slide Permanent Restoration Project, Including the Current Range of Alternatives and Information on the May 2009 Environmental Impact Report

BOARD ACTION: Tony Tavares introduced Christine Cox/CalTrans Environmental Manager and Zelig Nogueira/CalTrans Public Information Official from District 10. He reviewed the current range of alternatives and discussion was held.

Ken Gosting questioned the availability of the information that was being presented.

11:13 a.m. Recess

11:17 a.m. Vice-Chair Bibby advised that the information is available with the agenda binder of materials for the meeting on the front counter. Tony Tavares continued with his presentation; and discussion was held with Tony and Christine Cox relative to the alternatives and the process. Tony Tavares advised that they are currently working on the draft Environmental Impact Statement document and they are planning to hold a public hearing in late summer or early fall. Christine Cox advised that they would need to know by mid-May if the Board wants to take action on a preferred alternative for inclusion in the draft document.

Input from the public was provided by the following:

Ruth Catalan stated she feels the S2-V2 alternative looks like the most feasible; and she asked when the project will be completed. Tony Tavares advised that the current schedule is for construction to begin in 2012.

Kenneth Gosting, TIE (Transportation Involves Everyone), asked what and when the document(s) will be released for public comment; and he noted that Incline Road is a County road and asked what it means in alternative S to return it to its natural state. Christine Cox advised that the Board and their website will be updated with information on the DEIS and the draft Environmental Impact Report, and that they are currently looking at August/September for a public hearing. She advised that pursuant to the agreement with the U. S. Forest Service, the pavement that was put in will be removed and Incline Road will be returned to its condition prior to the slide.

Further discussion was held. Christine Cox advised that they will start interviewing the rafters and fishermen on Friday to obtain input on what they feel the impacts will be with the alternatives on their recreational experience for the Recreational Survey portion of the project.

11:58 a.m. Lunch

2:01 p.m. Jim Rydingsword, Human Services Director;
DesCor Inc. to Present an Overview of the Proposed New Facility Project Including Conceptual Rendering and Estimated Timeframes for Completion on this Project; and Approve an Agreement with DesCor Inc. to Perform, Coordinate and Furnish the Services and Work Needed to Identify, Assess the Development Potential of, Plan Improvements for and Begin Design Work for One or More Building Sites Suitable for the Construction of Certain Offices to be Leased by the County and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Jim Rydingsword presented background information on the request; advised of savings and efficiencies that would result with a new facility; advised of the recommendation to contract with DesCor Inc.; he advised that the proposed project would include the Child Support Services Department and Mother Lode Job Training and a family services center; he advised of the status of the capital investment funds; he reviewed timelines for the project – hoping to bring a completed lease agreement to the Board on October 6th to break ground and start building with the County to agree to occupy the facility and pay lease payments on a long-term lease.

Neal Cordeiro/Des Cor Builders, Alan Hom/Calpo Hom & Dong Architects, and Loangle Newsome/Calpo Hom & Dong Architects, presented information on their backgrounds, their proposal, site plan, the process, and timeframes. Neal advised that they will provide monthly reports to the County on the costs and services provided, and this agreement could be terminated at any time. They will work with the local contractors on this project.

Discussion was held relative to the proposal, handling maintenance on the new facility with energy saving features, dealing with the existing leases, ability to do future alterations, and funding. Rick Benson recommended that there be a “not-to-exceed” amount added to the contract of \$100,000 to \$150,000. Steve Dahlem concurred with this recommendation. Neal Cordeiro noted that if a re-zone is required for the property that is selected, that additional time would be needed to process the zoning change.

Input from the public was provided by the following:

Ruth Catalan asked if there are any out-of-pocket expenses for the County and whether a down payment is required; and whether the R.O.A.D. House and Heritage House are included in this project. Jim Rydingsword responded that the answer is “no” to the questions if the project is completed. Ruth Catalan asked who will own the building and pay the insurance; and how much it would cost the County to build this facility. Jim Rydingsword advised that DesCor would own the facility and pay insurance and property taxes through an impound account, except for the portion of the family services center; and at the end of the long-term (possibly 25-years) lease, the lease could be renegotiated. He further advised that it would cost about thirty percent more (the facility is estimated to cost about seven million dollars) for the County to build the facility and we would lose the reimbursement.

Further discussion was held. Supervisor Cann noted that with the completion of this facility, about twenty-seven thousand square feet of office rental space would be vacated.

Ruth Catalan commented on the potential for other uses of the office space that would be vacated.

(M)Allen, (S)Cann, Res. 09-191 was adopted approving the agreement as recommended, with the inclusion of a “not-to-exceed” clause of \$150,000. Supervisor Turpin asked that there be clarification of whether a school impact fee would be involved. Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of April 14, 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. 09-178
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-179
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-180

- CA-5 Approve Budget Action Increasing Revenue and Appropriations within the Child Support Services Budget to Cover Anticipated Expenses for the Remainder of the Fiscal Year (\$1,640) (4/5ths Vote Required) (Child Support Services Director); Res. 09-181
- CA-6 Approve Budget Action Transferring Funds within the Library Budget to Cover the Cost of Sending a Cataloger to the New Red Cloud Library (\$1,000) (Interim Librarian); Res. 09-182
- CA-7 Approve an Agreement with Liebert Cassidy Whitmore to Provide Consultation, Representation, and Legal Services for an Amount Not to Exceed \$60,000 for Two Personnel-related Matters Effective April 1, 2009 (County Administrative Officer/Personnel/Risk Manager); Res. 09-183
- CA-8 Approve an Agreement with Milhous Children's Services for Mental Health Services for Children Placed in Foster Care outside the County and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-184
- CA-9 Reaffirm the County Policy for PREP Trainees Driving County Vehicles; Revised to Include Trainees, Volunteers and Work Experience (Formerly Referred to as PREP Trainees) Individuals (Human Services Director); Res. 09-185
- CA-10 Approve an Agreement with Crestwood Behavioral Health for Psychiatric Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-186
- CA-11 Approve an Agreement with Comprehensive Addiction Programs, Inc. and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-187
- CA-12 Approve First Amendment to Agreement for Services with Yosemite/Mariposa County Tourism Bureau Amending the Not to Exceed Amount to \$500,000 and Authorize the Board of Supervisors Chair to Sign the Amendment (County Administrative Officer/Personnel/Risk Manager); Res. 09-188
- CA-13 Approve Proclamation of Commitment to Partnering with the U.S. Census Bureau for the 2010 Census (Chair Aborn)

(M)Turpin, (S)Cann, the Board adjourned at 3:38 p.m. in memory of Joe Rivero, former Merced County Supervisor and a member of the Atwater City Council/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JANET BIBBY
Vice-Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

April 28, 2009



Time _____ Description

9:00 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 Bibby pulled items 8 and 10. Supervisor Turpin pulled item 10. (M)Bibby, (S)Cann, 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.

Dr. Mosher, Health Officer, provided a status report on the Swine Flu outbreak; and he reviewed the different types of flu. Discussion was held.

Dell Knell reviewed the activities scheduled for the Butterfly Festival this weekend, and she thanked everyone involved and noted that the Friends of the Library book sale is scheduled for this weekend.

Dick Hutchinson provided a status report on the construction of the restrooms at the Visitors' Center and on the retaining wall by Chocolate Soup.

Eleanor Keuning thanked the Board for listening to the input provided during public presentation; noted that maintenance work is being done on Leonard Road; asked about notification being given to the seniors relative to the Swine Flu; and she commented on the disrepair of the Post Office and the landscaping.

Board Information

Supervisor Cann referred to Eleanor Keuning's input and advised that he will speak with the Post Master about the concerns. He advised that he toured the Exchequer Power House with County Counsel and Supervisor Allen. He attended the Bootjack Fire Station pancake breakfast fundraiser; the Weekend in the Country agri-nature tour and the CASA fundraiser over the weekend. He met with Marilyn Lidyoff, Business Development Coordinator, and the Chancellor of UC Merced on Monday. He referred to the activities scheduled for this coming weekend: Senior Expo and Health Fair on Friday, Butterfly Days Festival, and the MicroBrews and Blues Festival.

Supervisor Allen advised that he toured Exchequer Dam on Wednesday; and he attended the Mariposa Pines-Jerseydale Fire Safe Committee. He attended the R.O.A.D. House grand opening with the County Administrative Officer on Thursday. He attended the Fish Camp Town Planning Advisory Committee meeting on Saturday, along with the Public Works Director. He attended the meeting with the US Forest Service on Monday relative to the Sweetwater Mine.

Supervisor Turpin advised that he attended the Greeley Hill Community Club annual meeting on Tuesday; and he plans to attend the Chamber of Commerce mixer at the Granite Dell this evening. He attended a portion of the Agriculture Tourism Advisory Committee meeting on Friday. He plans to attend the North County Ambulance Association annual dinner on Monday.

Supervisor Bibby advised that she was unable to attend the R.O.A.D. House open house, but had a preview of the facility earlier. She attended the FFA dinner on Saturday, and noted that FFA is helping with the BBQ facility at the Catheys Valley Park; and she attended youth softball games in Coarsegold. She will be attending a tour with MID (Merced Irrigation District) on Wednesday. She attended the Region V Sheriff's Association meeting on Friday. She plans to attend a Mental Health stakeholders meeting on capital facilities and technology funds this evening at the Government Center.

Supervisor Turpin advised that the Board will be attending the ribbon cutting ceremony at the Red Cloud Library at 3:00 p.m. next Tuesday, and he invited the public to attend.

Supervisor Aborn thanked the Board and Vice-Chair Bibby for covering the meetings in his absence. He noted that there was an increase in students riding the school buses this morning due to a count being taken of the ridership by the School District. He noted that the water falls are at or near their peak in Yosemite. He noted that the Midpines Advisory Committee will be moving forward on their community plan. He noted that Keith Williams, Treasurer/Tax Collector/County Clerk, celebrated his 50th birthday on Friday.

Supervisor Turpin;

Approve a Letter of Response to the Stanislaus National Forest Motorized Travel Management Draft Environmental Impact Statement (DEIS) and Authorize the Board of Supervisors Chair to Sign the Letter

BOARD ACTION: Supervisor Turpin initiated discussion relative to the letter of response and addressing the use of County roads (Old Coulterville Yosemite Road and Anderson Valley Road), noxious weeds and extreme fire dangers. Supervisor Bibby requested that CHP and CALFIRE be included in the distribution of the letter, and Supervisor Cann requested that the Yosemite National Park Superintendent be included. Supervisor Allen initiated discussion relative to the disbursement of the green sticker revenues and law enforcement services that are provided.

Input from the public was provided by the following:

Keith Williams, speaking as an individual, stated he is a motorcycle rider and uses those areas. He noted that they try to loop the routes for the trails and he provided input on the disbursement of the green sticker fees.

Further discussion was held relative to the disbursement of the green sticker fees and on the services provided. (M)Turpin, (S)Allen, Res. 09-198 was adopted approving the letter of response with the changes to distribution as requested/Ayes: Unanimous.

Consider Items Removed from the Consent Agenda

Item 8 – Following discussion, (M)Turpin, (S)Cann, item 8 was approved/Ayes: Unanimous.

Item 10 – Discussion was held with Dana Hertfelder, Public Works Director, relative to the request and the status of the loan repayment from the Don Pedro Wastewater Treatment Plant. (M)Bibby, (S)Turpin, item 10 was approved/Ayes: Unanimous.

10:28 a.m. Recess

10:44 a.m. Salary Adjustments for Elected and Appointed County Officials (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson initiated discussion relative to the recommendation for a four percent increase and an additional adjustment for the Public Works Director, and he provided a cost sheet for a 2 ½ percent increase as requested. Discussion was held relative to overall budget concerns and funding for services.

Input from the public was provided by the following:

Ruth Sellers agreed with Supervisor Turpin that there is a need for more funding for road maintenance and services for the citizens.

Ruth Catalan asked if this action requires a 4/5ths vote; and Rick Benson responded that a 3/5ths vote is required. Ruth asked for assurance that if the increase is approved that the rank and file employees would not be laid off; questioned the actual amount of savings between the 4 and 2 1/2 percent increase and stated she feels the Public Works Director is doing a good job; she feels some hotel owners are reducing their rates to book rooms and that will result in a reduced transient occupancy tax; expressed concern with the Swine Flu and suggested that the Board wait another couple of months to see how the revenues are doing, and the raise could still be made retroactive to January 1st; and she stated she is in favor of the raises and has received complete cooperation from the department heads and with courtesy.

Further discussion was held. (M)Cann, (S)Allen, Res. 09-200 was adopted approving the four percent increase effective retroactive to January 1, 2009, with the additional increase for the Public Works Director to bring that position to the same level as the Sheriff – 89 percent of the County Administrative Officer salary, as recommended/Ayes: Aborn, Bibby, Cann, Allen; Noes: Turpin.

Approve Budget Action Reducing General Contingency and Increasing the Funding to the Law Library Fund for Updated Code Subscription Services (\$10,000) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This item was pulled from the agenda.

Approve Budget Action Reducing General Contingency and Increasing Funding for Conflict Investigations in the Indigent Defense Budget (\$10,500) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held. Supervisor Bibby requested information on the status of reimbursement for homicide costs, and Rick Benson advised that he will review. (M)Bibby, (S)Allen, Res. 09-201 was adopted approving the budget action/Ayes: Unanimous.

Approval of Summary of Proceedings of April 21, 2009, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Bibby, (S)Cann, the minutes were approved/Ayes: Turpin, Bibby, Cann, Allen; Abstained: Aborn as he was excused from the meeting.

11:50 a.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (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 Counsel)

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

12:37 p.m. Chair Aborn advised that direction was given as a result of the labor negotiations with IHSS and information was received as a result of the anticipated litigation matter.

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

CONSENT AGENDA:

CA-1 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-192

- CA-2 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-193
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-194
- CA-4 Approve a Lease Agreement with William A. Freeman for the Property Located at 5012 Fairgrounds Drive and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-195
- CA-5 Approve an Agreement with 35-A District Agricultural Association for Senior Expo Health Fair on May 1, 2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (Community Services Director); Res. 09-196
- CA-6 Proclaim the Month of May 2009, as “Senior Awareness Month” (Community Services Director)
- CA-7 Approve the Five-Year Tax Defaulted Parcels Scheduled for Auction on August 15, 2009 (Tax Collector/County Clerk/Treasurer); Res. 09-197
- CA-8 Reappoint Janet Bibby as Member of the Board of Supervisors, Term Expiring January 13, 2011; Mark Gallagher as Member at Large and Mary Kay Cruz as Technical Expert, Terms Expiring April 28, 2011 to the Local Enforcement Agency (LEA) Hearing Panel (Health Officer)
- CA-9 Proclaim May 1, 2009 as “Silver Star Banner Day” and Proclaim our Appreciation of The Silver Star Families of America (Chair Aborn)
- CA-10 Approve Budget Action for a Loan Repayment of \$150,000 from the Don Pedro Wastewater Treatment Plant Project to the General Fund and a Transfer of \$150,000 from the General Fund to the History Center Roof Project (4/5ths Vote Required) (Public Works Director); Res. 09-199

12:38 p.m. Adjournment in memory of Jean Benson.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

May 5, 2009



Time Description

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

Pledge of Allegiance

Introductions

Chair Aborn invited the public to attend the ribbon cutting ceremony for the dedication of the new Red Cloud Library this afternoon.

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: Dana Hertfelder, Public Works Director, responded to questions from Supervisor Turpin relative to item 7. (M)Cann, (S)Turpin, all items were approved/Ayes: Unanimous.

Chair Aborn;

A) Proclaim the Month of May, 2009 as "Mental Health Month" (Human Services Director);
B) Proclaim May 5, 2009 as "World Asthma Day" and the Month of May, 2009 as "World Asthma Month" (Melissa Kelly-Ortega, Program Associate, Merced/Mariposa County Asthma Coalition); and

C) Proclaim the Month of May, 2009 as "National Military Appreciation Month" (Andrea Summerlin representing the Daughters of the American Revolution, Merced River Chapter)

BOARD ACTION: Melissa Kelly-Ortega provided input on the Asthma Coalition's programs. (M)Bibby, (S)Turpin, the Proclamations were approved/Ayes: Unanimous. Lori Ritter/Chair of the Mental Health Board, accepted the "Mental Health Month" proclamation. Melissa Kelly-Ortega accepted the "Asthma" proclamation. Andrea Summerlin, Jon Turner, Chuck Kendall, and Larry Todd, representing VFW and the American Legion, accepted the "National Military Appreciation Month" proclamation. Jon Turner invited everyone to attend the VFW Memorial Day ceremony on May 23rd.

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

MaryAnn Huff, President of the Chamber of Commerce, thanked Rick Benson/County Administrative Officer and Supervisor Turpin for attending the mixer at Granite Dell Gardens; and she reminded everyone of the upcoming Gold Rush Golf Scramble fundraising event.

Board Information

Supervisor Cann advised that he and Supervisor Allen met with parking lot property owners relative to the Parking District. He attended the Senior Expo and Health Fair on Friday. He spoke to the Christian Men's Group and the California Tourism Writer's group on Saturday. He was a

judge at the Butterfly Days parade. He stopped by the MicroBrew and Blues Festival. He is looking forward to the Red Cloud Library dedication this afternoon.

Supervisor Allen advised that he gave the opening welcome to the Second-in-Command State Sheriffs at the Tenaya Lodge on Wednesday. He attended the Sr. Expo and Health Fair. On Friday and Saturday he attended a lot of events for the Butterfly Days Festival. On Monday he and Supervisor Cann met with the owners of Total Waste Systems relative to their services. He plans to attend the Area 12 Agency on Aging meeting in Tuolumne on Thursday; and he advised that the Planning Commission will hold a public hearing on the Catheys Valley Community Plan on Thursday. He noted that Sunday is Mother's Day.

Supervisor Turpin advised that he toured the Exchequer Dam with Supervisor Bibby and Rick Benson on Wednesday with MID. He attended the Tuolumne and Mariposa County Resource Advisory Committee meeting on Monday. He attended the Thomas Jenkins VFW Post Loyalty Day event in Coulterville on Saturday. He commented on the water level at Lake McClure with the recent storm. He welcomed the Board to attend the official Red Cloud Library dedication ceremony this afternoon.

Supervisor Bibby advised that she attended the Mental Health services capital and technology funding public meeting on Tuesday. She thanked MID and Supervisor Turpin for the tour of Exchequer/McSwain Dam and power plant. She attended the Senior Expo on May 1st and Butterfly Festival events. She plans to attend the May 7th Mental Health Board meeting and encouraged the public to attend. She noted that the Planning Commission will hold a public hearing on the Catheys Valley Community Plan on Thursday.

Supervisor Turpin advised that there is a poster showing the events scheduled for Coulterville. He advised that he attended the North County Ambulance Association dinner on Monday.

Supervisor Aborn noted that CAL FIRE is training and staffing for the fire season; and that burn permits are required. He noted that the water level in Yosemite has neared flood stage and the falls are picturesque. He referred to the school bus ridership and noted that the student counts are done in the morning and afternoon. He commented on the continued parking problems at the Rest Area for buses.

Dale Hutchinson, CALFIRE Unit Chief, Madera-Mariposa-Merced Division;
Update on Defensible Space Inspections

BOARD ACTION: Dale Hutchinson advised that they are beginning their transitioning staffing and training to prepare for the summer fire season. He provided input on the defensible space program for the 100-foot required clearance, and he noted that there is a defensible space link where more information can be obtained at www.fire.ca.gov. They are planning to begin their defensible space inspections after training this week. He provided input on recent requests by insurance companies for homeowners to contract CAL FIRE to perform inspections, and he advised that it is not CAL FIRE's responsibility to perform the inspections for the insurance companies.

Input from the public was provided by the following:

Dottie Ducret stated she is a Bootjack area resident and supports the Fire Department. She provided input on her insurance company's request for her to have CAL FIRE perform an inspection for insurance purposes and on her efforts to coordinate this with CAL FIRE. She expressed concern with the communication and with subsequent problems in obtaining insurance coverage.

Ruth Sellers provided input on her experience with trying to get neighboring property owners to comply with the clearance requirements in the Mykleoaks subdivision. She feels there should be clearance requirements for unimproved parcels, as well.

Dale Hutchinson responded that they are working to address the issue of insurance companies trying to transfer their responsibility to fire departments for their inspections.

Discussion was held. Supervisor Turpin commented on the work done through the Fire Safe Council. Supervisor Allen commented on efforts in Mariposa Pines/Jerseydale area to create a defensible space ordinance. Supervisor Bibby asked for clarification of who citizens should

contact if they have questions about defensible space requirements; and was advised that they should start with their local station.

Jim Rydingsword, Human Services Director;

Accept the California State Association of Counties (CSAC)/County Welfare Directors Association (CWDA) Human Services in a Time of Economic Crisis Report and Approve the Actions Stated in the Memo in Relationship to the Report

BOARD ACTION: Jim Rydingsword reviewed the report and discussion was held. Jim Rydingsword advised that they are planning to survey why so much of the food stamp purchases are made out of the County. Rick Benson clarified that the 1.4 million dollar deficit that was referred to is an erosion of buying power due to the department not receiving any net increases in the last few years. (M)Bibby, (S)Turpin, 1) authorization was given for the County Administrative Officer and the Human Services Director to contact the Mariposa State legislative delegation and Advocation, Inc. to urge the following: that State funding for local Human Services programs in California be fully funded in future State budgets; that the legislature take positive action to eliminate the Human Services funding deficit during the 2009-2010 legislative session; and that the Mariposa delegation take immediate action to identify and assist Mariposa County to assess all available Federal stimulus funds for Human Services programs and projects, such as the recently approved building project; 2) direction was given to share the report with the public through local media outlets and by posting the report on the County web site and the Mariposa Network of Care; and 3) direction was given to share the report with members of the community, deliver the report to each of the Human Services advisory committees and to the Judges of the Superior Court who are in the process of creating a Mariposa County Blue Ribbon Commission on Families and Children in Foster Care/Ayes: Unanimous.

10:28 a.m. Recess

10:38 a.m. Dr. Mosher, Health Officer;

Update Relative to the Swine Flu

BOARD ACTION: Dr. Mosher provided an update on the status of the Swine Flu and steps that have been taken to be prepared; and he noted that this flu is now being referred to as the H₁N₁ Flu. Discussion was held.

Input from the public was provided by the following:

Dick Hutchinson asked if people would get two flu shots this fall. Dr. Mosher responded that they do not know yet if there will be a separate Swine Flu shot.

Approve a Two-year Lease Agreement with the 35-A District Agricultural Association for the California State Mining and Mineral Museum from July 1, 2009 through June 30, 2011 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Following discussion, (M)Cann, (S)Allen, Res. 09-206 was adopted approving the agreement/Ayes: Unanimous.

Approve the First Amendment to an Agreement with the Mariposa County Chamber of Commerce Extending the Term of the Agreement to September 30, 2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held.

Input from the public was provided by the following:

Dick Hutchinson clarified that this agreement is for 2009 versus 2010.

Supervisor Turpin initiated discussion relative to the hours of operation for the Visitors' Centers in Mariposa and Coulterville and further reviewing the schedule for Sundays. (M)Cann, (S)Allen, Res. 09-207 was adopted approving the amendment to the agreement/Ayes: Unanimous.

Approve the Second Amendment to an Agreement with the Yosemite/Mariposa County Tourism Bureau Extending the Term of the Agreement to September 30, 2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held and Supervisor Aborn requested information on the revenue received by the Bureau. (M)Allen, (S)Cann, Res. 09-208 was adopted approving the amendment to the agreement/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson withdrew this closed session.

INFORMATION – No action was necessary on the following:
Board of Supervisors will Serve Lunch at the Mariposa County Senior Center on May 12, 2009

11:20 a.m. Lunch

3:00 p.m. The Board reconvened at the Red Cloud Library, 10332 C Fiske Road, Greeley Hill, with Supervisor Bibby excused.

Janet Chase-Williams, Interim Librarian;
Ribbon Cutting Ceremony for the Dedication of the New Red Cloud Library

NOTE: No County Business will be Conducted During the Ceremony

CEREMONY: The ribbon cutting ceremony was held, with refreshments following.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of April 28, 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. 09-202
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-203
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-204
- CA-5 Appoint Cindy Medema to the El Portal Planning Advisory Committee for a Term Expiring February 28, 2011 (Supervisor Aborn)
- CA-6 Appoint Mandy Vance to the Midpines Planning Advisory Committee for a Term Expiring February 28, 2011 (Supervisor Aborn)
- CA-7 Approve Plans and Specifications for Bidding Purposes on Ben Hur Road (PM 23.86 to PM 25.93) Project No. 07-04; Authorize the Public Works Director to Award the Contract to the Lowest Responsible Bidder and Authorize the Public Works Director to Sign the Agreement (Public Works Director); Res. 09-205

3:25 p.m. Adjournment in memory of Charles “Chuck” Darcy.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

May 12, 2009



DRAFT – PENDING BOARD APPROVAL

Time Description

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

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of 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:

Ruth Catalan stated she feels the public should have another opportunity to comment on items that are pulled from the Consent Agenda. She referred to item 7/YARTS agreement and questioned whether it is a consent item; and she referred to item 8/Total Waste Systems agreement amendment and questioned whether Total Waste Systems agrees with this.

Ruth Sellers stated she feels the policy and past procedures for handling Consent Agenda items and items that are pulled should be stated. Chair Aborn responded that the public has an opportunity to comment on the Consent Agenda items at this time; and he further advised that County Counsel is reviewing this matter.

Supervisor Allen pulled item 5 for a separate action. Michelle Miller/Solid Waste and Recycling Manager responded to questions from Supervisor Cann relative to items 8 and 12. Chair Aborn asked Ruth Catalan if she wished to provide further input on the items before the Board takes action.

Ruth Catalan asked how many people are served by YARTS. Chair Aborn noted that the Board recently received a report from YARTS and that ridership information was provided.

Dana Hertfelder responded to questions relative to the funding for the YARTS contract – item 7. (M)Cann, (S)Allen, all items, except item 5, were approved/Ayes: Unanimous.

Item 5 – Supervisor Allen was excused from the meeting at 9:19 a.m. for this item due to a potential conflict of interest as he is a business partner with the applicant in a different business venture. (M)Turpin, (S)Bibby, item 5 was approved/Ayes: Aborn, Turpin, Bibby, Cann; Excused: Allen. Supervisor Allen returned to the meeting at 9:21 a.m.

Chair Aborn;

Proclaim the Week of May 10 - 16, 2009 as “National Hospital Week” (Chuck Bill, Chief Executive Officer, John C. Fremont Health Care District)

BOARD ACTION: (M)Bibby, (S)Turpin, the Proclamation was approved and presented to Chuck Bill/Ayes: Unanimous.

DRAFT – PENDING BOARD APPROVAL

Presentation on the State of Health Care in California by Scott Seamons, Regional Vice-President of the Northern and Central California Hospital Council

BOARD ACTION: Scott Seamons gave a presentation on the state of health care; and discussion was held.

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

Keith Williams, Treasurer/Tax Collector/County Clerk, reminded everyone to vote in the May 19th special election. He advised that training is scheduled for the poll workers this week.

Jim Wilson, Fire Chief, advised of the "battle of the badges" and encouraged the public to join the public safety agencies in donating blood – the Blood Bank will be at the Senior Activity Center on Wednesday afternoon.

Brian Muller, Sheriff, advised of recommendations contained in the May budget revise issued by the State Department of Finance and potential impacts on law enforcement relative to the costs for operating correctional facilities at the local level due to recommended changes in the Department of Corrections and Rehabilitation.

Dick Hutchinson advised that work is continuing on the restrooms at the Visitors Center and on the retaining wall by Chocolate Soup. He responded to Supervisor Allen's question and advised of the success of the perimeter fire clearance inspections that were done by the High School Grizzly program, Fire Department, and CAL FIRE in Lushmeadows.

Eleanor Keuning commented on the beautiful flowers along the Mariposa Creek walkway. She advised that the adult community chorus and the High School chorus are performing on Wednesday evening. She commented on the Consent Agenda and stated she feels that public input should be allowed again on items that are pulled because there is a separate item on the agenda to consider the items that are removed from the Consent Agenda.

Ruth Catalan expressed concern with the parking lot at the Rest Area and with the food vendors taking up more spaces. Supervisor Aborn stated he feels the lot needs to have the stripes repainted and marked for buses only and we need to work with the vendors.

Eleanor Keuning stated she feels there needs to be enforcement on the spaces designated for bus parking at the Rest Area.

Ruth Sellers referred to the parking issues at the Rest Area and noted that there may be limitations on the use of the parking lot due to funding obtained for the facility from the State.

Board Information

Supervisor Cann advised that he attended the following meetings on Monday: with Chuck Bill and the Chair of the Hospital Board of Directors relative to interest in the Yosemite Clinic contract; with the 6 Street Cinema representatives relative to grant funding; and with the Contractors Association. He noted that next week is "Public Works Week" and he commended Dana Hertfelder and the Public Works Department for their work.

Supervisor Allen thanked Supervisor Turpin and the hospitality shown by the North County during the Board's visit last Tuesday for the ribbon cutting ceremony for the Red Cloud Library. He advised that he attended the Area 12 Agency on Aging meeting in Sonora on Thursday; and he attended the Planning Commission's public hearing on the Catheys Valley Community Plan. He attended the Pow Wow on Saturday. He was in Fish Camp on Sunday and noted that construction equipment was being brought in for the Tenaya Lodge expansion project. He attended the Sierra National Forest Service public meeting on the Motorized Travel Management Plan on Monday. He noted that the Relay for Life event is scheduled for this weekend at the Fairgrounds.

Supervisor Turpin noted that boats were being launched as he crossed Bagby Bridge this morning. He thanked the Board for attending the Red Cloud Library ribbon cutting ceremony in Greeley Hill on Tuesday; and he commended Janet Chase-Williams, Acting Librarian for her work with this project. He advised that work has started again on the Red Cloud Park. He attended the Planning Commission's public hearing on the Catheys Valley Community Plan on Thursday and the regular Planning Commission meeting on Friday. He attended the Coulterville Community Club meeting on Monday. He plans to attend the SWIFT meeting in Moccasin on Wednesday. He

DRAFT – PENDING BOARD APPROVAL

plans to meet with the Building Director and community members at the Hunters Valley Fire Station on Thursday. He noted that the Coyote Howl is scheduled for this Saturday.

Supervisor Bibby expressed appreciation to Dana Hertfelder and staff; and she advised that the parking issues at the Rest Area are being reviewed. She noted that the Hospital Foundation is looking for members and volunteers. She noted the Relay for Life event is scheduled for this weekend and she expressed special thanks to Kay Mickel for sharing her personal experiences in fighting cancer. She noted that the Master Gardeners are also responsible for the Mariposa Creek Parkway garden. She encouraged everyone to read the materials and vote in the upcoming special election. She referred to the public hearing on the Catheys Valley Community Plan and commended the Planning Commission and Planning staff for their work. She attended the Mental Health Board meeting on Thursday and encouraged the public to attend these meetings. She attended the First 5 meeting on Monday. She noted that in recognition of “Hospital Week” the Hospital is having a BBQ lunch today and an ice cream social on Thursday. She plans to attend the Mother Lode Job Training meeting on Wednesday. She advised that the Board members are serving lunch at the Senior Activity Center today and she thanked the seniors for the volunteer services they provide to the County.

Supervisor Aborn referred to the Red Cloud Library ribbon cutting ceremony held last Tuesday; and he noted that the Board members are serving lunch at the Senior Activity Center today. He advised that there is an Airport Committee meeting on Wednesday. He received information on the Tourism Bureau’s budget; and he reminded everyone to vote in the special election on May 19th.

10:21 a.m. Recess

10:29 a.m. Dana Hertfelder, Public Works Director;

- Dana Hertfelder advised, for Tammy Kudela, that there is a golf tournament scheduled for Memorial Day weekend.

A) Discussion and Possible Direction Regarding the Mariposa Town Cemetery

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the town cemetery and options for the meeting future cemetery needs. Discussion was continued for the following hearing to be opened.

11:01 a.m. The public hearing to consider Zoning Amendment No. 2006-26; an amendment to change the boundaries of the Open Watershed Overlay Zoning District (OWO) to Remove a 3.55 Acre portion of a parcel; Boggs, applicant, was opened and continued until after the following items.

Further discussion was held with Dana Hertfelder relative to the Mariposa Town Cemetery.

Input from the public was provided by the following:

Jeanetta Phillips stated she feels the way we are handling the cemetery is working; and she suggested that existing County property be used for expansion. Dana Hertfelder responded relative to their review of looking at land in the town area; and he noted that they could look at County-owned property as an option.

Ruth Catalan stated she feels the Board should think about whether we really need cemeteries; and options should be pursued that take very little maintenance.

Discussion was held. (M)Cann, (S)Allen, direction was given to Public Works to move forward with the alternative 1 option – County purchasing land and running the cemetery as it has done in the past/Ayes: Unanimous.

C) Discussion and Possible Direction Regarding the Request to Lease a Portion of the Regional Recreation Complex Property for Use as a Comprehensive YMCA Facility

DRAFT – PENDING BOARD APPROVAL

BOARD ACTION: Discussion was held with Dana Hertfelder. Supervisor Bibby noted that if use as a comprehensive YMCA facility is pursued, there was discussion about scheduling the matter on the Parks and Recreation Commission agenda.

Input from the public was provided by the following:

Ruth Catalan stated she feels the best option is to give direction to get an answer from the State as to whether this land could be leased to a private agency such as the YMCA or another private entity such as Curves.

Following further discussion, the Board concurred with having Public Works pursue a formal response from the State relative to the requirements for the property and the requested use.

11:42 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Zoning Amendment No. 2008-158; an Amendment to Change the Boundaries of the Open Watershed Overlay Zoning District (OWO) to Remove a 3.55 Acre Portion of a 35.68 Acre Parcel (APN 014-55-003) from the Open Watershed Overlay Zoning District (OWO) Designation. Adopt a Resolution Approving the Project, find that the Project is Exempt from Environmental Review, Waiving the First Reading and Introducing an Ordinance Amending the Zoning Map. The Project Site is Located at 5368 Oak Road

BOARD ACTION: Kris Schenk and Alvaro Arias/Associate Planner, presented the staff report. Alvaro Arias advised of a fax they received this morning from Kirk Crum concurring with the request to remove the 3.55 acre portion from the OWO designation.

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

Anita Starchman Bryant, Starchman Bryant Law Offices, advised that Russ of Freeman and Seaman Land Surveyors is present to respond to questions. She advised that this property is not a part of the OWO area; and she hopes that there will be consideration in making this process easier for applicants in the same situation in the future.

Staff responded to questions from the Board and clarified that this item just deals with the OWO; relative to contacting the other agencies; and relative to the process for taking the recommended actions. The public portion of the hearing was closed. (M)Bibby, (S)Allen, Res. 09-220 was adopted finding that the project is exempt from environmental review and approving Zoning Amendment No. 2008-158 with findings as recommended by the Planning Commission/Ayes: Unanimous. (M)Bibby, (S)Allen, the first reading was waived and an Ordinance introduced amending the Zoning Map of Mariposa County pursuant to Zoning Amendment 2008-158. The Clerk of the Board read the title of the Ordinance into the record/Ayes: Unanimous. The hearing was closed.

The remaining agenda items were continued to 2:00 p.m.

11:52 a.m. Lunch Service at Senior Center

2:04 p.m. Dr. Mosher, Health Officer;

Update Relative to the Swine Flu – H₁N₁ Flu

BOARD ACTION: Dr. Mosher provided a status report on the H₁N₁ Flu; and discussion was held.

B) Discussion and Possible Direction Regarding Abolishment of the Mariposa Cemetery and Chapel Advisory Committee

BOARD ACTION: Following discussion with Dana Hertfelder, (M)Cann, (S)Allen, Res. 09-221 was adopted abolishing the Committee as recommended/Ayes: Unanimous.

D) Approve Requested Changes by the Fire Department to the Specifications for Eleven Fire Engines

BOARD ACTION: Discussion was held with Dana Hertfelder, Joe Halencak/PWD-Fleet Superintendent. and Jim Wilson relative to the request and relative to disposal of the old engines.

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(M)Turpin, (S)Cann, Res. 09-222 was adopted approving the requested changes/Ayes: Unanimous.

3:44 p.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Adopt a Resolution Adopting the Transportation Planning Overall Work Program for Fiscal Year 2009-2010 and Authorize the Executive Director to Submit the Overall Work Program and Sign the Agreement (Dana Hertfelder, Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Aborn, (S)Bibby, LTC Res. 09-8 was adopted approving the Overall Work Program as recommended/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of May 5, 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. 09-209
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-210
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-211
- CA-5 Adopt a Resolution Approving the Proposed Road Name “Brown Bear Lane” for Subject Easement, MRCC Properties, LLC, Rick Roesch, Applicant (Planning Director); Res. 09-219
- CA-6 Reappoint Lori Ritter to the Mental Health Board for a Term Expiring May 12, 2012 (Human Services Director)
- CA-7 Approve Agreement with Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority (JPA) to Continue Providing Public Transit Services Between Merced Junior College and other areas of Merced County and Mariposa County, and Public Transit Services Between Yosemite National Park and Mariposa County (County Counsel); Res. 09-212
- CA-8 Approve the Sixth Amendment to an Agreement with Total Waste Systems to Change from Lump Sum Monthly Charge to Per Trip Charge for Transfer Station Refuse Hauling and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 09-213

DRAFT – PENDING BOARD APPROVAL

- CA-9 Approve Behavioral Health and Recovery Services to Submit an Application for Projects for Assistance in Transition from Homelessness (PATH), Block Grant (Human Services Director); Res. 09-214
- CA-10 Accept the Resignations of Tom Standen/Representing District I and Harter Bruch/Representing District II from the Water Agency Advisory Board (Supervisors Aborn and Turpin)
- CA-11 Reappoint Walt “Sonny” Palmer/Representing District III, Mike Coffield/Representing District V, and Robert Keller/At-large Member, to the Water Agency Advisory Board with Terms Expiring March 28, 2012 (Supervisors Bibby and Allen)
- CA-12 Approve Mariposa County Public Works (MCPW) Solid Waste & Recycling Division’s Request to Apply for the Department of Conservation (DOC) County Payment Program (SB332) Funding Grant for Fiscal Year 2009/2010 to Expand the Community’s Beverage Container Recycling Program (Public Works Director); Res. 09-215
- CA-13 Approve the Annual Mariposa County Pioneer Wagon Train Event and the Pioneer Wagon Train Appreciation Dinner as County Activities; Approve an Agreement with 35-A District Agricultural Association; Approve an Operating Plan and Special Use Permit with the Sierra National Forest and Authorize the Board of Supervisors Chair to Sign the Agreement and Special Use Permit (County Counsel); Res. 09-216
- CA-14 Approve 2009/2010 extensions with Area 12 Agency on Aging for Congregate C-1 Funding \$20,454, Congregate Restaurant C-1 Funding \$5,084, Home Delivered Meals C-2 Funding \$9,842 and IIIB Transportation Funding \$9,054 and Authorize the Board of Supervisors Chair to Sign the Agreements (Community Services Director); Res. 09-217
- CA-15 Approve Budget Action Increasing Revenue and Appropriations in the Senior Nutrition Fund as a Result of Receiving American Recovery and Reinvestment Act of 2009 (ARRA) Money (\$3,696) (4/5ths Vote Required) (Community Services Director); Res. 09-218

(M)Bibby, (S)Allen, the Board adjourned at 3:00 p.m. in memory of George E. Young, Grant Rhoan, Evert H. Carter, and Ted Gehrig/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

May 12, 2009



Time Description

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

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of 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.

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Chair Aborn;

Proclaim the Week of May 10 - 16, 2009 as “National Hospital Week” (Chuck Bill, Chief Executive Officer, John C. Fremont Health Care District)

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Board Information

Supervisor Cann advised that he attended the following meetings on Monday: with Chuck Bill and the Chair of the Hospital Board of Directors relative to interest in the Yosemite Clinic contract; with the 6 Street Cinema representatives relative to grant funding; and with the Contractors Association. He noted that next week is "Public Works Week" and he commended Dana Hertfelder and the Public Works Department for their work.

Supervisor Allen thanked Supervisor Turpin and the hospitality shown by the North County during the Board's visit last Tuesday for the ribbon cutting ceremony for the Red Cloud Library. He advised that he attended the Area 12 Agency on Aging meeting in Sonora on Thursday; and he attended the Planning Commission's public hearing on the Catheys Valley Community Plan. He attended the Pow Wow on Saturday. He was in Fish Camp on Sunday and noted that construction equipment was being brought in for the Tenaya Lodge expansion project. He attended the Sierra National Forest Service public meeting on the Motorized Travel Management Plan on Monday. He noted that the Relay for Life event is scheduled for this weekend at the Fairgrounds.

Supervisor Turpin noted that boats were being launched as he crossed Bagby Bridge this morning. He thanked the Board for attending the Red Cloud Library ribbon cutting ceremony in Greeley Hill on Tuesday; and he commended Janet Chase-Williams, Acting Librarian for her work with this project. He advised that work has started again on the Red Cloud Park. He attended the Planning Commission's public hearing on the Catheys Valley Community Plan on Thursday and the regular Planning Commission meeting on Friday. He attended the Coulterville Community Club meeting on Monday. He plans to attend the SWIFT meeting in Moccasin on Wednesday. He plans to meet with the Building Director and community members at the Hunters Valley Fire Station on Thursday. He noted that the Coyote Howl is scheduled for this Saturday.

Supervisor Bibby expressed appreciation to Dana Hertfelder and staff; and she advised that the parking issues at the Rest Area are being reviewed. She noted that the Hospital Foundation is looking for members and volunteers. She noted the Relay for Life event is scheduled for this weekend and she expressed special thanks to Kay Mickel for sharing her personal experiences in fighting cancer. She noted that the Master Gardeners are also responsible for the Mariposa Creek Parkway garden. She encouraged everyone to read the materials and vote in the upcoming special election. She referred to the public hearing on the Catheys Valley Community Plan and commended the Planning Commission and Planning staff for their work. She attended the Mental Health Board meeting on Thursday and encouraged the public to attend these meetings. She attended the First 5 meeting on Monday. She noted that in recognition of "Hospital Week" the Hospital is having a BBQ lunch today and an ice cream social on Thursday. She plans to attend the Mother Lode Job Training meeting on Wednesday. She advised that the Board members are serving lunch at the Senior Activity Center today and she thanked the seniors for the volunteer services they provide to the County.

Supervisor Aborn referred to the Red Cloud Library ribbon cutting ceremony held last Tuesday; and he noted that the Board members are serving lunch at the Senior Activity Center today. He advised that there is an Airport Committee meeting on Wednesday. He received information on the Tourism Bureau's budget; and he reminded everyone to vote in the special election on May 19th.

10:21 a.m. Recess

10:29 a.m. Dana Hertfelder, Public Works Director;

- Dana Hertfelder advised, for Tammy Kudela, that there is a golf tournament scheduled for Memorial Day weekend.

A) Discussion and Possible Direction Regarding the Mariposa Town Cemetery

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the town cemetery and options for the meeting future cemetery needs. Discussion was continued for the following hearing to be opened.

11:01 a.m. The public hearing to consider Zoning Amendment No. 2006-26; an amendment to change the boundaries of the Open Watershed Overlay Zoning District (OWO) to Remove a 3.55 Acre portion of a parcel; Boggs, applicant, was opened and continued until after the following items.

Further discussion was held with Dana Hertfelder relative to the Mariposa Town Cemetery.

Input from the public was provided by the following:

Jeanetta Phillips stated she feels the way we are handling the cemetery is working; and she suggested that existing County property be used for expansion. Dana Hertfelder responded relative to their review of looking at land in the town area; and he noted that they could look at County-owned property as an option.

Ruth Catalan stated she feels the Board should think about whether we really need cemeteries; and options should be pursued that take very little maintenance.

Discussion was held. (M)Cann, (S)Allen, direction was given to Public Works to move forward with the alternative 1 option – County purchasing land and running the cemetery as it has done in the past/Ayes: Unanimous.

C) Discussion and Possible Direction Regarding the Request to Lease a Portion of the Regional Recreation Complex Property for Use as a Comprehensive YMCA Facility

BOARD ACTION: Discussion was held with Dana Hertfelder. Supervisor Bibby noted that if use as a comprehensive YMCA facility is pursued, there was discussion about scheduling the matter on the Parks and Recreation Commission agenda.

Input from the public was provided by the following:

Ruth Catalan stated she feels the best option is to give direction to get an answer from the State as to whether this land could be leased to a private agency such as the YMCA or another private entity such as Curves.

Following further discussion, the Board concurred with having Public Works pursue a formal response from the State relative to the requirements for the property and the requested use.

11:42 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Zoning Amendment No. 2008-158; an Amendment to Change the Boundaries of the Open Watershed Overlay Zoning District (OWO) to Remove a 3.55 Acre Portion of a 35.68 Acre Parcel (APN 014-55-003) from the Open Watershed Overlay Zoning District (OWO) Designation. Adopt a Resolution Approving the Project, find that the Project is Exempt from Environmental Review, Waiving the First Reading and Introducing an Ordinance Amending the Zoning Map. The Project Site is Located at 5368 Oak Road

BOARD ACTION: Kris Schenk and Alvaro Arias/Associate Planner, presented the staff report. Alvaro Arias advised of a fax they received this morning from Kirk Crum concurring with the request to remove the 3.55 acre portion from the OWO designation.

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

Anita Starchman Bryant, Starchman Bryant Law Offices, advised that Russ of Freeman and Seaman Land Surveyors is present to respond to questions. She advised that this property is not a part of the OWO area; and she hopes that there will be consideration in making this process easier for applicants in the same situation in the future.

Staff responded to questions from the Board and clarified that this item just deals with the OWO; relative to contacting the other agencies; and relative to the process for taking the recommended actions. The public portion of the hearing was closed. (M)Bibby, (S)Allen, Res. 09-220 was adopted finding that the project is exempt from environmental review and approving Zoning Amendment No. 2008-158 with findings as recommended by the Planning Commission/Ayes: Unanimous. (M)Bibby, (S)Allen, the first reading was waived and an Ordinance introduced amending the Zoning Map of Mariposa County pursuant to Zoning Amendment 2008-158. The Clerk of the Board read the title of the Ordinance into the record/Ayes: Unanimous. The hearing was closed.

The remaining agenda items were continued to 2:00 p.m.

11:52 a.m. Lunch Service at Senior Center

2:04 p.m. Dr. Mosher, Health Officer;

Update Relative to the Swine Flu – H₁N₁ Flu

BOARD ACTION: Dr. Mosher provided a status report on the H₁N₁ Flu; and discussion was held.

B) Discussion and Possible Direction Regarding Abolishment of the Mariposa Cemetery and Chapel Advisory Committee

BOARD ACTION: Following discussion with Dana Hertfelder, (M)Cann, (S)Allen, Res. 09-221 was adopted abolishing the Committee as recommended/Ayes: Unanimous.

D) Approve Requested Changes by the Fire Department to the Specifications for Eleven Fire Engines

BOARD ACTION: Discussion was held with Dana Hertfelder, Joe Halencak/PWD-Fleet Superintendent. and Jim Wilson relative to the request and relative to disposal of the old engines. (M)Turpin, (S)Cann, Res. 09-222 was adopted approving the requested changes/Ayes: Unanimous.

3:44 p.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Adopt a Resolution Adopting the Transportation Planning Overall Work Program for Fiscal Year 2009-2010 and Authorize the Executive Director to Submit the Overall Work Program and Sign the Agreement (Dana Hertfelder, Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Aborn, (S)Bibby, LTC Res. 09-8 was adopted approving the Overall Work Program as recommended/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of May 5, 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. 09-209
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-210
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-211
- CA-5 Adopt a Resolution Approving the Proposed Road Name “Brown Bear Lane” for Subject Easement, MRCC Properties, LLC, Rick Roesch, Applicant (Planning Director); Res. 09-219
- CA-6 Reappoint Lori Ritter to the Mental Health Board for a Term Expiring May 12, 2012 (Human Services Director)
- CA-7 Approve Agreement with Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority (JPA) to Continue Providing Public Transit Services Between Merced Junior College and other areas of Merced County and Mariposa County, and Public Transit Services Between Yosemite National Park and Mariposa County (County Counsel); Res. 09-212
- CA-8 Approve the Sixth Amendment to an Agreement with Total Waste Systems to Change from Lump Sum Monthly Charge to Per Trip Charge for Transfer Station Refuse Hauling and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 09-213
- CA-9 Approve Behavioral Health and Recovery Services to Submit an Application for Projects for Assistance in Transition from Homelessness (PATH), Block Grant (Human Services Director); Res. 09-214

- CA-10 Accept the Resignations of Tom Standen/Representing District I and Harter Bruch/Representing District II from the Water Agency Advisory Board (Supervisors Aborn and Turpin)
- CA-11 Reappoint Walt “Sonny” Palmer/Representing District III, Mike Coffield/Representing District V, and Robert Keller/At-large Member, to the Water Agency Advisory Board with Terms Expiring March 28, 2012 (Supervisors Bibby and Allen)
- CA-12 Approve Mariposa County Public Works (MCPW) Solid Waste & Recycling Division’s Request to Apply for the Department of Conservation (DOC) County Payment Program (SB332) Funding Grant for Fiscal Year 2009/2010 to Expand the Community’s Beverage Container Recycling Program (Public Works Director); Res. 09-215
- CA-13 Approve the Annual Mariposa County Pioneer Wagon Train Event and the Pioneer Wagon Train Appreciation Dinner as County Activities; Approve an Agreement with 35-A District Agricultural Association; Approve an Operating Plan and Special Use Permit with the Sierra National Forest and Authorize the Board of Supervisors Chair to Sign the Agreement and Special Use Permit (County Counsel); Res. 09-216
- CA-14 Approve 2009/2010 extensions with Area 12 Agency on Aging for Congregate C-1 Funding \$20,454, Congregate Restaurant C-1 Funding \$5,084, Home Delivered Meals C-2 Funding \$9,842 and IIIB Transportation Funding \$9,054 and Authorize the Board of Supervisors Chair to Sign the Agreements (Community Services Director); Res. 09-217
- CA-15 Approve Budget Action Increasing Revenue and Appropriations in the Senior Nutrition Fund as a Result of Receiving American Recovery and Reinvestment Act of 2009 (ARRA) Money (\$3,696) (4/5ths Vote Required) (Community Services Director); Res. 09-218

(M)Bibby, (S)Allen, the Board adjourned at 3:00 p.m. in memory of George E. Young, Grant Rhoan, Evert H. Carter, and Ted Gehrig/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

May 26, 2009



Time _____ Description

9:00 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: Steve Dahlem, County Counsel, advised of a correction to item 12 to reflect that the agreement is with the Kiwanis Preschool versus Mariposa Preschool Academy; and to item 16 to reflect a termination date of June 30, 2010 versus 2009. Rick Benson withdrew item 20. Supervisor Turpin pulled items 10, 22 and 23. (M)Bibby, (S)Turpin, the balance of the items was approved with the corrections as noted by County Counsel to items 12 and 16/Ayes: Unanimous.

Chair Aborn;

Resolution Recognizing Emergency Medical Service Personnel for Outstanding Professional Performance During the Previous Year (Health Officer)

BOARD ACTION: (M)Turpin, (S)Cann, Res. 09-223 was adopted recognizing emergency medical services personnel and the resolution was presented to Dr. Mosher, Health Officer. Dr. Mosher presented plaques recognizing the following outstanding emergency medical service professionals of the year: Dr. Gary Towle of Yosemite Medical Clinic/emergency room physician; Marti Fazio of Yosemite Medical Clinic/emergency room nurse; Gonzalo "Gonzo" Tafoya of Mercy Medical Transport/paramedic; Keith Lober (unable to be present) of the National Park Service/paramedic; Dennis Buck of Mariposa Public Utility District and Mariposa County Fire Department/emergency medical technician; Bob Garcia of Mariposa County Fire Department/first responder; and David Thorpe of Mariposa County Sheriff's Department/search and rescue volunteer responder. Jim Wilson, Fire Chief, commended Dennis Buck and Bob Garcia for their services. Brian Muller, Sheriff, commended David Thorpe for his services. Steve Shackleton, Yosemite National Park, commended David Thorpe and Keith Lober for their services; and he recognized all of those who received recognition on behalf of the Park. Dr. Mosher noted that all of the emergency medical services personnel are to be commended for their services, and he thanked the Board for its support.

9:24 a.m. Recess

9:35 a.m. Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Connie Waldron thanked the Board for its support of the Federal Wage Area movement for Yosemite National Park, and she provided a copy of the new wage scale that is effective June 21, 2009.

Brian Muller, Sheriff, referred to recent issues and activities/events pertaining to Coyote Springs Ranch and his department's involvement. He expressed his desire that when there are future issues related to Coyote Springs Ranch that the responsible departments be involved versus the Sheriff's Department.

Ken Baker, speaking for Coyote Springs Ranch, provided input and stated he doesn't feel that the departments communicate with each other on the issues; he requested that everyone back off of Coyote Springs Ranch and give them an opportunity to work with the departments to put together a project that would be good for the community and for the citizens. He suggested that a group be put together to meet on this.

Board Information

Supervisor Cann commented on the input provided by Connie Waldron relative to the Federal Wage scale change for Yosemite National Park. He commented on the recognition of the emergency medical services personnel and the cooperation between Yosemite and the County. He advised that Mariposa has been scheduled for an interview with the State Water Quality Control Board for June 30th on the IRWMP (Integrated Regional Water Management Plan).

Supervisor Allen recognized the emergency medical services personnel and Dr. Mosher for his efforts in establishing the current programs. He advised that he attended a meeting relative to the Silver Tip Resort project in Fish Camp on the 14th; he attended the Relay for Life event and the Ponderosa Basin spaghetti dinner on the 16th; he attended a meeting relative to the Catheys Valley Community Plan on the 18th; he attended the PERS Retirees meeting at the Senior Activity Center on the 19th and commended Janet Chase-Williams, Interim Librarian, for her presentation; and he went to San Diego last weekend to attend his daughter's graduation from San Diego State. He noted that the public workshop on the Housing Element Update is scheduled for this evening; and he plans to attend a meeting on Wednesday relative to an update on the Mariposa Pines/Jerseydale fire house.

Supervisor Turpin commented on the importance of Memorial Day; advised that he attended the SWIFT meeting in Moccasin on the 13th; he attended a community meeting in Hunters Valley with the Building Director on Thursday; he attended the Chamber of Commerce golf tournament that was held in the North County on the 15th; he attended the Coyote Howl on the 16th; and he attended the Red Cloud Library meeting on the 20th. He plans to attend the CSAC meeting in Sacramento on Wednesday and Thursday. He attended the Kaiser Hospital staff reunion event with his wife on Friday and Saturday.

Supervisor Bibby provided input on the complaints received relative to Coyote Springs Ranch and recent events and she asked that all of the involved departments provide the entire Board with reports on the status of any violations. She noted that she has been receiving complaints relative to the code enforcement process; i.e., it takes citizens to file complaints versus the departments to begin the enforcement process. She commented on the status of the Williamson Act subvention funding with the State budget crisis, and noted the importance of the Williamson Act. She attended the Mother Lode Job Training meeting. She complimented everyone who participated in making the Relay for Life event a success. She extended special thanks to the poll workers for the May 19th special election. She referred to a conference call that was held on the State budget situation. She attended a School surplus property committee meeting, and the next meeting is scheduled for June 1st at the School District Board room. She attended the VFW Memorial Day parade and ceremony and noted that Chair Aborn presented a wreath on behalf of the Board; and she thanked Jon Turner and Jim Tucker for organizing this event. She noted that the public workshop on the Housing Element Update is scheduled for this evening. She advised that the delivery of the BBQ for the Catheys Valley Park is scheduled for Wednesday.

Supervisor Aborn commented on the need for everyone to have their fire safe clearances. He advised that he attended the VFW Memorial day ceremony on Saturday.

Rick Benson reported on the results of the special election and a subsequent conference call relative to potential impacts to the County – he advised that the State is looking at no tax increases, taking away Williamson Act subvention funds, cuts in social services programs, early release of prisoners, and suspending Proposition 1A and borrowing property tax dollars due to the counties. He advised that another conference call will be held later with County Administrative Officers and CSAC. He is planning to attend the CSAC meeting on Wednesday, along with Supervisor Turpin. Supervisor Bibby commented on the need for taxpayers to pay permit and development fees for improvements they make.

Steven W. Dahlem, County Counsel;

A) Waive First Reading and Introduce Ordinance Rescinding Chapter 14.10 of the Mariposa County Code Entitled “Smoking Policy”

BOARD ACTION: Following discussion with Steve Dahlem, (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.

B) Waive First Reading and Introduce Ordinance Amending Chapter 8.12 of the Mariposa County Code Entitled “Sanitary Landfills” and Sections 130, 160 and 170 of Chapter 8.36 Entitled “Solid Waste Disposal”

BOARD ACTION: Discussion was held with Dana Hertfelder, Public Works Director. Supervisor Bibby requested that information be provided on whether Tuolumne County allows our residents to use their landfill and relative to usage by their residents of our landfill; and she advised of typographical corrections. Supervisor Turpin commented on tracking the costs for the transfer stations. Supervisor Cann requested that information be provided on the number of developed lots in the Lake Don Pedro subdivision for Mariposa and for Tuolumne. Supervisor Turpin noted that Buck Meadows is in Mariposa County; however, service is provided by Tuolumne County. (M)Turpin, (S)Cann, the first reading was waived and the Ordinance was introduced, with the typographical corrections. The Clerk of the Board read the title of the Ordinance in to the record. Supervisor Bibby asked that Public Works bring back information if there is a sudden increase in the waste disposal. Ayes: Unanimous.

10:48 a.m. Recess

10:53 a.m. Jim Rydingsword, Human Services Director;

Authorize the Human Services Department to Submit a Wraparound Service Plan for Approval to the California Department of Social Services

BOARD ACTION: Jim Rydingsword gave a video presentation and reviewed the wraparound services program. Following discussion, (M)Bibby, (S)Allen, Res. 09-245 was adopted authorizing the Human Services Department to submit the Plan for approval/Ayes: Unanimous.

Chair Aborn noted that the Court ruled today that the gay marriage ban stands.

Consider Items Removed from the Consent Agenda

Item 22 – Supervisor Turpin initiated discussion with Jim Rydingsword relative to the weatherization program. (M)Turpin, (S)Bibby, item 22 was approved/Ayes: Unanimous.

Items 10 and 23 were considered later in the meeting.

Richard J. Benson, County Administrative Officer;

Receive Report and Provide Direction to Staff Regarding New Fire Stations

BOARD ACTION: Discussion was held with Rick Benson relative to the report, timeframes and funding.

Input from the public was provided by the following:

Jeanetta Phillips stated she feels the Yaqui Gulch fire station should be a priority.

Robert Keller referred to documents he presented to the Board supporting the Fish Camp fire station project.

Supervisor Bibby asked for clarification of whether the County could accept offers of donation of work on these projects. Dana Hertfelder and Steve Dahlem advised that they will review this matter. Further discussion was held. Supervisor Bibby asked about responsibility for maintenance of the stations. (M)Cann, (S)Turpin, the Board agreed with the following recommendations: 1) directing staff to aggressively pursue economic stimulus and other non-County funding sources for all fire stations identified in the Fire Department report; 2) earmarking \$750,000 within the Tobacco Settlement Fund to be used, as needed, for the first three stations on the priority list; 3) directing staff to formulate complete construction plans for each of the top three locations (Mormon Bar/Yaqui Gulch #27, Don Pedro #24; and Fish Camp #33) to be funded through the \$750,000 earmarked in the Tobacco Settlement Fund; 4) directing staff to continue to pursue acquisition of property for the Bridgeport station; and 5) affirming that construction will commence when adequate funding is secured for an individual station; and direction was given for Public Works to come back with a timeline and budget to get to the shovel-ready phase for the three stations. Rick Benson clarified that the direction does not include pursuing debt financing. Ayes: Unanimous.

12:50 p.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
CLOSED SESSION: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Bryce Johnson v. County of Mariposa OAH No. N2007080558

BOARD ACTION: (M)Bibby, (S)Turpin, the Board approved holding the closed session at 2:00 p.m./Ayes: Unanimous.

12:51 p.m. Lunch

2:02 p.m. The Board convened in closed session.

3:08 p.m. The Board reconvened in open session. Chair Aborn announced that information was received as a result of the closed session matter for the case of Johnson v. County of Mariposa.

Waive the Second Reading and Adopt an Ordinance Amending the Zoning Map of Mariposa County Pursuant to Zoning Amendment 2008-158 (Planning Director)

BOARD ACTION: (M)Bibby, (S)Cann, the second reading was waived and Ordinance No. 1052 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Discussion and Possible Action to Cancel the Regularly Scheduled Meeting for July 7, 2009 (Board of Supervisors)

BOARD ACTION: Following discussion, (M)Allen, (S)Turpin, Res. 09-247 was adopted canceling the July 7, 2009 meeting/Ayes: Unanimous.

Board Appointment to the Local Blue Ribbon Commission on Families and Children in Foster Care (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson initiated discussion and he advised that County Counsel is interested in this appointment and has a lot of background in this area. (M)Allen, (S)Turpin, Steve Dahlem was appointed/Ayes: Unanimous.

Accept the Donation of a BBQ for Community Use at the McCay Hall in Catheys Valley from the Mariposa County FFA; Authorize Payment of \$300 to the Mariposa County FFA Program to help Offset the Costs of the Materials used to Construct the BBQ; Approve Certificates of Appreciation to Josh Guenthart, Garrett Wass, and A.J. Hall for their Work in Constructing the BBQ (Supervisor Bibby)

BOARD ACTION: Following discussion initiated by Supervisor Bibby, (M)Bibby, (S)Cann, Res. 09-248 was adopted approving the requested actions/Ayes: Unanimous.

Discussion and Possible Action Regarding Sending a Letter to the Bureau of Land Management Pertaining to Oil Shale Development on Federal Lands (Supervisor Bibby)

BOARD ACTION: Supervisor Bibby initiated discussion relative to the request; and she suggested that this information be forwarded to the Water Agency and the IRWMP group. No action was taken.

Continued Consideration of Items Removed from the Consent Agenda

Item 10 – Following discussion initiated by Supervisor Turpin, (M)Turpin, (S)Allen, item 10 was approved/Ayes: Unanimous.

Item 23 – Following discussion initiated by Supervisor Turpin, (M)Turpin, (S)Allen, item 23 was approved/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

3:42 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: 2 (County Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Michael and Jennifer Starr v. County of Mariposa, et al., Case No. 9068 (County Counsel)

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

4:27 p.m. Chair Aborn announced that direction was given on the two Workers’ Compensation cases and direction was given on the case of Starr v. County of Mariposa.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of May 12, 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. 09-224
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-225
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-226
- CA-5 Authorize the Sheriff to Purchase the Civil Administration System Software to Assist the Sheriff’s Office Civil Division in Administrating Civil Duties (Sheriff); Res. 09-227

- CA-6 Accept a 1993 Ford Specialty Vehicle (Armored Vehicle) Donated by the City of Delano and Their Chief of Police Mark DeRosia, into the County Vehicle Fleet (Sheriff); Res. 09-228
- CA-7 Approve a Lease Agreement with Mr. Ralph Swenson, Property Owner – Lessor, for the Greeley Hill Sheriff Station One, Located at 10549 Fiske Road, Mariposa County (Sheriff); Res. 09-229
- CA-8 Approve Modification to Agreement 07-LE-11051360-006 with the United States Department of Agriculture, Sierra National Forest to Assist in Providing Law Enforcement Services on National Forest Lands Increasing the Amount by \$8,376.53 and Authorize the Board of Supervisors Chair to Sign the Modification Agreement (Sheriff); Res. 09-230
- CA-9 Approve Pesticide Application Reporting Agreement No. 09-C0020 for FY 2009/2010 with California Department of Pesticide Regulation (CDPR) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 09-231
- CA-10 Approve a Resolution Awarding an Agreement in the Amount of \$31,500 to Analytical Environmental Services to Conduct Technical Studies and National Environmental Policy Act (NEPA) Documentation for Storm Water Facility Improvements in the Communities of Coulterville and Mariposa (3rd to 5th Street) (County Administrative Officer/Personnel/Risk Manager); Res. 09-249
- CA-11 Approve the Plan of Cooperation Between Mariposa County Department of Child Support Services and Mariposa County Superior Court and Authorize the Board of Supervisors Chair to Sign the Plan of Cooperation (Child Support Services Director); Res. 09-232
- CA-12 Approve a Lease Agreement with Mariposa Preschool Academy, a California Non-profit Corporation, for Use of the Darrah Schoolhouse Building for FY 2009/2010 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 09-233, with correction to reflect that the agreement is with the Kiwanis Preschool
- CA-13 Approve Budget Action Transferring Funds within County Counsel Budget for the Purchase of a Replacement Computer (\$1,052) (County Counsel); Res. 09-234
- CA-14 Appoint Jennifer Gamble to the Mental Health Board for a Term Expiring May 26, 2012 (Human Services Director)
- CA-15 Appoint Timothy Greer to the Mental Health Board for a Term Expiring May 26, 2012 (Human Services Director)
- CA-16 Approve Agreement with Changing Echoes for Residential Alcohol and Drug Treatment Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-235, with correction to reflect a termination date of June 30, 2010.
- CA-17 Approve an Agreement with Chevon Kothari to Provide Grant Research, Development and Application and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-236

- CA-18 Approve Budget Action Transferring Funds within the Employment and Community Services Budget to Allow Overtime to be Paid within the Eligibility Unit (\$10,000) (Human Services Director); Res. 09-237
- CA-19 Approve a Training Service Agreement with U.C. Davis for FY 2009/2010 and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-238
- CA-20 Approve Changes to the First 5 Commission Ordinance 944 and Bylaws Pertaining to Attendance and the New State Legislation Regarding Conflict of Interest, Audit and Commission Reporting (Human Services Director)
- CA-21 Approve Federal Emergency Shelter Grant (FESG) Application to Request Funding from the State Department of Housing and Community Development to Support this Effort and Authorize the Human Services Director to Sign the Agreement and Any Subsequent Amendments with the State Department of Housing and Community Development if the Grant is Funded (Human Services Director); Res. 09-239
- CA-22 Approve an Agreement with Gary Meyer to Assist New Staff in Community Action with Weatherization Services for an Amount not to Exceed \$7,500 and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve the 4th Amendment to the 2008 Low Income Home Energy Assistance (LIHEAP) Agreement Number 08B-5473 and the 1st Amendment to the Department of Energy (DOE) Agreement Number 08C-1721 and Authorize the Human Services Director to Sign the Amendments; Approve Budget Action Transferring Funds within the Human Services Department to Allow the Program to Pay for the Services to be Rendered (\$7,500) (Human Services Director); Res. 09-246
- CA-23 Approve an Amendment to Agreement for C-1, Restaurant Meals Services, and Approve an Amendment to Agreement for IIIB Transportation, North County Adult Day Health Care Transit with Area 12 Agency on Aging and Authorize the Board of Supervisors Chair to Sign the Amendments (Community Services Director); Res. 09-250
- CA-24 Approve 2009/2010 District Attorney's Office Victim/Witness Program Grant, Funded through the State of California Emergency Management Agency (CalEMA) (District Attorney); Res. 09-240
- CA-25 Approve Administrative Match Agreement with Area 12 Agency on Aging for In-kind Legal Services in the Amount of \$28,941 for FY 2009/2010 and Authorize the Board of Supervisors Chair to Sign the Agreement (Supervisor Allen); Res. 09-241
- CA-26 Authorize the Public Works Director to Accept Four 4' x 6' Murals Painted by the Mariposa Skate Park Leadership Committee to be Hung on the Sound Wall at the Mariposa Skate Park (Public Works Director); Res. 09-242
- CA-27 Approve Final Map for Bret & Teri Willis, Application Number 2005-253, as Per Mariposa County Code Title 16.20.232 (Public Works Director); Res. 09-243
- CA-28 Authorize the Board of Supervisors Chair to Sign a Letter Supporting TDS' Application for American Recovery and Reinvestment Act (ARRA) Grant Funding (Supervisor Bibby); Res. 09-244

4:28 p.m. Adjournment in memory of Alice C. Kunstman and Guy M. Baudoux.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

June 2, 2009



Time _____ Description

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

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: Steve Dahlem, County Counsel, advised of a correction to item 9 to reflect that the contract is \$10,000 per year. Supervisor Turpin pulled item 10, and discussion was held with Jim Wilson, Fire Chief. (M)Turpin, (S)Allen, item 10 was approved/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby. (M)Turpin, (S)Cann, 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.

MaryAnn Huff, Chamber of Commerce President, advised of the mixer scheduled for this evening at Yosemite Medial Supply; and she advised that the Chamber is starting to work on the Merry Mountain Christmas event.

Board Information

Supervisor Cann recognized the tremendous local activities that occurred over the weekend, including the Rotary Fine Art and Wine Festival and the Gail White-Stickles fundraiser; and he noted that his wife graduated from law school. He further noted that his father was in attendance at this meeting.

Supervisor Allen advised that he attended the Housing Element workshop last week and he encouraged citizens to participate in the online questionnaire. He and Supervisor Bibby and Supervisor Aborn went to the Catheys Valley Park on Wednesday for the donation of the BBQ by FFA. He attended the Mariposa Pines community meeting on Wednesday and they discussed the donation of property for the fire station and the weed and rubbish abatement ordinance for undeveloped parcels. He provided a reminder that CALFIRE is responsible for enforcing the 100-foot clearance. He attended the Rotary Fine Art and Wine Festival and the Gail White-Stickles fundraiser on Saturday. He attended the Network of Care presentation by Human Services on Monday; and advised of their website: www.mariposa.networkofcare.org.

Supervisor Turpin advised that the Red Cloud Park improvement project has been completed. He attended the CSAC meeting in Sacramento with the County Administrative Officer on

Wednesday and Thursday; and he also attended the Agriculture and Natural Resources Policy Committee meeting and the Climate Change Committee meeting.

Supervisor Aborn commented on the State budget situation and the need for citizens to provide their input. He advised that stimulus funding is being used for fuel reduction/fire clearance in Yosemite West. He advised of a letter received from OES (Office of Emergency Services) relative to the emergency declaration for the freeze that occurred March 9-11.

9:34 a.m. The public hearing on the vacation of a portion of a non-exclusive public road and utility easement located northerly of Holtzel Road was opened and continued until after the following.

Jim Rydingsword, Human Services Director;

Waive First Reading and Introduce Ordinance Amending Sections 2.104.030, 2.104.050, and 2.104.080 of Chapter 2.104 of the Mariposa County Code Entitled "First 5 of Mariposa County"

BOARD ACTION: Following discussion with Jim Rydingsword, (M)Cann, (S)Allen, the first reading was waived and the Ordinance introduced. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

Dana Hertfelder, Public Works Director;

PUBLIC HEARING for Authorize of the Vacation of a Portion of a 60' Wide Non-exclusive Public Road and Utility Easement Located Northerly of Holtzel Road in the NW ¼ NW ¼ of Section 29, T.2S., R. 17E, M.D.B.&M. The Proposed Vacation was Requested by the Adjacent Property Owners (Kimball, Lundstrom, Wilson, Castle, and Lemings)

BOARD ACTION: Dana Hertfelder presented the staff report; and he responded to questions from the Board relative to the location of the utilities. The public portion of the hearing was opened and no input was received. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Turpin, (S)Allen, Res. 09-262 was adopted approving the vacation as recommended/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

9:45 a.m. Recess

10:02 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation - none

B) PUBLIC HEARING to Take Testimony Regarding Possible Unmet Transportation Needs within Mariposa County and Adopt a Resolution Finding one of the Following: A) There are no New Unmet Needs; B) There are no New Unmet Transit Needs that are Reasonable to Meet; C) There are Unmet Transit Needs, Including Needs that are Reasonable to Meet; D) Grant Continuance of the Public Hearing Until a Later Date

COMMISSION ACTION: Dana Hertfelder and Barbara Carrier/PWD-Administrative Analyst, presented the staff report.

Input from the public was provided by the following:

Ken Gosting, TIE, submitted a written statement for the record and stated he feels that Tuolumne County provides an excellent example of a mountain transportation system.

The public portion of the hearing was closed and the Commission commenced with deliberations. Staff responded to questions from the Commission relative to the status of the trial route between Coulterville and Mariposa; promoting the services; relative to the status of transportation funding for the services; and relative to looking at a Mariposa to Oakhurst route. (M)Cann, (S)Aborn, LTC Res. 09-9 was adopted finding there are no new unmet needs that are reasonable to meet/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby. The hearing was closed.

C) Authorize the Executive Director to Execute any Necessary Documents Pertaining to Public Transportation Modernization, Improvement and Service Enhancement Program (PTMISEA) Project Funding for an Automatic Security Gate and Lighting at the County Maintenance Yard on Ben Hur (Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Aborn, (S)Allen, LTC Res. 09-10 was adopted approving the recommendation/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

10:24 a.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Number of Cases to be Discussed: 1 (County Counsel)

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

11:08 a.m. The Board reconvened in open session and Chair Aborn advised that information was received as a result of the closed session.

Jeff Hentz, Executive Director, Yosemite/Mariposa Tourism Bureau; Marketing and Industry Update

BOARD ACTION: Jeff Hentz gave a PowerPoint presentation on the tourism market and industry, including their marketing efforts. Discussion was held.

Input from the public was provided by the following:

Ruth Sellers questioned why Mariposa was not included in the June edition of Sunset magazine; however, surrounding counties were included. She asked if there is a performance audit of the Tourism Bureau. Rick Benson responded that there is no performance audit.

Kevin Shelton, Vice-President for Yosemite Management Group, thanked the Board for allowing the Business Improvement District to form; and he thanked Jeff Hentz and Melissa Hernandez/Administrative Marketing Assistant for their hard work with the Bureau.

Further discussion was held. Jeff Hentz responded to the input relative to advertising in the Sunset magazine. Supervisor Aborn requested that the Bureau provide more frequent updates to the Board.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

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

12:33 p.m. Lunch

2:02 p.m. The Board convened in closed session.

2:37 p.m. Chair Aborn announced the direction was given as a result of the closed session.

CONSENT AGENDA:

CA-1 Approval of Summary of Proceedings of May 26, 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. 09-252

- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-253
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-254
- CA-5 Approve Combined County Petroleum Products Compliance and Weighmaster Enforcement Program Agreement No. 09-0030 for FY 2009-2010 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 09-255
- CA-6 Approve Budget Action Transferring Funds within the Child Support Services Budget to Cover Travel Costs through the End of the Fiscal Year (\$300) (Child Support Services Director); Res. 09-256
- CA-7 Appoint Gene Smith and Michelle Miller to the Solid Waste AB939 Local Task Force (Public Works Director)
- CA-8 Approve Budget Action Transferring Funds within the District Attorney Prosecution Budget to Cover Travel Costs through the End of the Fiscal Year (\$750) (District Attorney); Res. 09-257
- CA-9 Approve a Two-year Agreement with Mariposa Funeral Home for Removal Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-258, with clarification that the agreement is \$10,000 per year
- CA-10 Approve Second Amendment to the Schedule "A" Agreement with the California Department of Forestry and Fire Protection (CalFIRE) for Dispatching Services Increasing the Agreement by \$127,929 and Amending the Not to Exceed Amount to \$419,235 and Authorize the Board of Supervisors Chair to Sign the Amendment (Fire Chief); Res. 09-251
- CA-11 Approve Agreement with Cascade Software Systems, Inc. for Software Maintenance and Support for FY 2009-2010 in the Amount of \$10,548.51 and Authorize the Public Works Director to Sign the Agreement (Public Works Director); Res. 09-259
- CA-12 In the Behavioral Health Budget Eliminate the Allocation of One .5 Permanent Part-time Mental Health Aide/Client Recovery Position and Increase the Allocation of One .5 Permanent Part-time Mental Health Aide/Client Recovery Permanent Part-time to a Full Time Employee Effective June 1, 2009 (Human Services Director); Res. 09-260
- CA-13 Approve an Agreement for Mental Health Services under the SAMHSA Grant to be Awarded to the American Indian Council of Mariposa County Inc; a 501c(3) Corporation and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-261

2:38 p.m. Adjournment in memory of Zelma Pribbernow, Jack Merrill Foran, Barbara Forrest-Matlock, and James Ervin Avery.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

June 9, 2009



DRAFT – PENDING BOARD APPROVAL

Time Description

9:00 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 Turpin pulled item 11. Supervisor Cann asked that an update be provided on items 2 and 3 at the next meeting. (M)Bibby, (S)Cann, 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.

MaryAnn Huff, Chamber of Commerce, advised that she volunteered to work with the Tourism Bureau at the booth at the Sunset Magazine headquarters this last weekend and it was an amazing event and she commended the Tourism Bureau on their booth.

Eleanor Keuning thanked Public Works for re-painting the parking spaces at the Rest Area.

Board Information

Supervisor Cann referred to the input provided by MaryAnn Huff and the need to be conscious of the negative press that hangs on. He advised that he plans to attend the RCRC (Regional Council of Rural Counties) meeting next week. He attended the Water Agency Advisory Board meeting on Monday.

Supervisor Allen advised that he attended a meeting with Planning staff on Wednesday relative to the Silver Tip Resort project in Fish Camp. He attended the Area 12 Agency on Aging meeting in Jackson on Thursday. He attended the Kids First Foundation dinner on Saturday, and noted that Supervisor Cann also attended this event. He noted that they are preparing for the High School graduation and Grad Night event for Friday.

Supervisor Turpin referred to the CSAC Conference he attended in Sacramento and the need to watch the fire safe building standards and potential impacts with the changes being proposed. He attended the Tuolumne-Mariposa Regional Advisory Council meeting on June 1st. He noted that the public hearing is scheduled for this evening on the draft Catheys Valley Community Plan. He plans to attend the SWIFT meeting on Wednesday and tour the Telegraph Fire area with representatives of BLM. He has a meeting this Thursday relative to the Red Cloud Park; and he noted that the Safe at Home event is scheduled for Saturday at the Coulterville Park.

Supervisor Bibby thanked the Board and the public for understanding her need to miss the last Board meeting due to illness. She reported on the attendance statistics for the Storytelling

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Festival. She attended the Mental Health Board meeting on Thursday. She attended the First 5 meeting on the 8th. She plans to attend the Foreign Trade Zone meeting in Fresno on Wednesday. She encouraged everyone to pay their taxes and fees that are due to help with the budget situation; and she provided a reminder that the County amnesty program to correct building code violations ends on August 1st. She thanked the Public Works Director and staff for repainting the parking spaces at the Rest Area. She congratulated all of the 2009 graduates.

Supervisor Aborn advised that he spoke at the Treasurers/Tax Collectors meeting at the Tenaya Lodge on Wednesday.

Dana Hertfelder, Public Works Director;
Discussion and Possible Direction Regarding Entering into an Agreement with Yosemite West Cascades, LLC for a Lot Line Adjustment with Mariposa County for the Yosemite West Maintenance Yard

BOARD ACTION: Discussion was held with Dana Hertfelder, and he recommended that the lot line adjustment be tied to the overall development of the resort project and that the improvements be completed before the lot line is finalized.

Input from the public was provided by the following:

Jeff Hornacek, Director of Yosemite West Cascades, LLC, provided input and presented photographs of the existing County yard.

Further discussion was held relative to the recommended action and the process. (M)Cann, (S)Turpin, the Board directed that in principle it is not opposed to moving forward with this. Supervisor Bibby clarified that the direction is to bring back an agreement for approval. Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

A) Approve Settlement Agreement with Total Waste Systems in the Amount of \$95,000; Approve the Agreement for Services with Total Waste Systems for the County Franchise Area and Authorize the Board of Supervisors Chair to Sign the Settlement Agreement; and

B) Approve the Agreement for Services with Total Waste Systems for the North County Franchise Area and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Discussion was held with Dana Hertfelder and he advised that the requested action is to enter into one single franchise agreement on a countywide basis and a settlement agreement. He advised of the status of the settlement agreement. Steve Dahlem, County Counsel, advised that the attorney for Mr. Fiske requested some technical changes to the settlement agreement; and he recommended that the Board approve both agreements subject to any changes being agreed to by County Counsel, County Administrative Officer and Public Works Director, as long as the changes do not change the substance of the agreements. He advised of a typographical error in the settlement agreement with the duplication of “has not” that will be corrected. Further discussion was held relative to the agreements and the status of service in the North County; and it was agreed to change “unknown” to “known” site for disposal in the settlement agreement.

(M)Turpin, (S)Bibby, Res. 09-274 was adopted approving the Settlement Agreement and the Solid Waste Handling Agreement. The motion was amended, agreeable with the maker and second, to include the change of “unknown” to “known” as discussed; and County Counsel noted that the Solid Waste Handling Agreement covers all of the County except Wawona 2-W. Ayes: Unanimous.

Consider Items Removed from the Consent Agenda

Item 11 – Following discussion with Dana Hertfelder, (M)Turpin, (S)Allen, item 11 was approved/Ayes: Unanimous.

10:24 a.m. Recess

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10:34 a.m. Accept the Administrative Law Judge’s Proposed Decision, with Technical Changes as Delineated, to Set Aside the Disability Retirement of Bryce Johnson Effective June 10, 2009 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson presented the recommendation. Following discussion, (M)Allen, (S)Cann, Res. 09-276 was adopted accepting the Administrative Law Judge’s proposed decision as recommended/Ayes: Unanimous.

Approval of Summary of Proceedings of June 2, 2009, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Allen, (S)Cann, the minutes were approved/Ayes: Aborn, Turpin, Cann, Allen; Abstained: Bibby, as she was excused from the meeting.

Discussion Regarding Possible Participation in the Central Valley California Convention Summit (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson. Supervisors Cann and Turpin expressed interest in participating.

Input from the public was provided by the following:

MaryAnn Huff commented on the importance of this matter.

The Board concurred with Supervisors Cann and Turpin and with the County Administrative Officer participating in the Summit.

Waive Second Reading and Adopt Ordinance Rescinding Chapter 14.10 of the Mariposa County Code Entitled “Smoking Policy” (County Counsel)

BOARD ACTION: (M) Bibby, (S)Allen, the second reading was waived and Ordinance No. 1053 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Waive Second Reading and Adopt Ordinance Amending Chapter 8.12 of the Mariposa County Code Entitled “Sanitary Landfills” and Waive Second Reading and Adopt Ordinance Amending Sections 8.36.130 and 8.36.160 and Adding Section 8.36.170 of Chapter 8.36 of the Mariposa County Code Entitled “Solid Waste Disposal” (Public Works Director)

BOARD ACTION: Dana Hertfelder advised of the recommended actions. (M)Turpin, (S)Cann, the second readings were waived and Ordinance No. 1054/Chapter 8.12 amendments and Ordinance No. 1055/Chapter 8.36 amendments were adopted. The Clerk of the Board read the titles of the Ordinances into the record. Ayes: Unanimous.

11:10 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Adopt a resolution Allocating the State Transit Assistance (STA) Funds for Fiscal Year 2008-2009

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Bibby, (S)Aborn, LTC Res. 09-11 was adopted allocating the STA funds/Ayes: Unanimous.

C) Adopt a Resolution Allocating the Transportation Development Act (TDA) Funds for Fiscal Year 2009-2010 (Dana Hertfelder, Public Works Director)

COMMISSION ACTION: Dana Hertfelder clarified that this is for FY 2008-09. (M)Cann, (S)Aborn, LTC Res. 09-12 was adopted allocating TDA funds/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

Chair Aborn advised that LAFCo would convene at 2:00 p.m. and that the Board would reconvene at 6:30 p.m.

11:24 a.m. Lunch

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

6:40 p.m. Kris Schenk, Planning Director;

PUBLIC HEARING to Consider General Plan Amendment No. 2008-63, the Catheys Valley Community Plan. The Catheys Valley Community Plan Contains the Recommendations of the Catheys Valley Planning Advisory Committee and the Planning Commission. The Community Plan Contains the Plan Area Boundaries, a Land Use Diagram, and Goals and Policies for Land Use and Development in the Community Area. At the Hearing, a Review of the Recommendations will be Made. Public Input will be Taken. Deliberation May Occur, and the Board of Supervisors will Consider Adoption of a Resolution for an Environmental Determination (Negative Declaration) and Final Action on the Plan. The Proposed Plan Area is the Catheys Valley Vicinity, Including Areas Along Highway 140, Hornitos Road, Schoolhouse Road and Old Highway. The Proposed Plan Area Encompasses Approximately 26.3 Square Miles. The County of Mariposa is the Project Proponent.

NOTE: In Anticipation of Considerable Public Input and the High Probability of Issues Arising which Will Require Further Study, it is Likely that at the End of the Public Testimony the Board will Continue the Hearing to July 14, 2009

BOARD ACTION: Kris Schenk advised of the work on this draft Catheys Valley Community Plan and of Andy Hauge's review as Project Manager to make sure that the document is fully consistent with the General Plan Update adopted December 2006.

Andy Hauge gave a PowerPoint presentation on community planning, discussion of the Mariposa and Catheys Valley plans, recommendations by Planning staff, public and environmental documentation, and the next steps for the Board. He reviewed the comments that were received since the Planning Commission's hearing: 1) request for commercial designation of Combs, Hersey, and Fortner properties; 2) request to retain 2.5-acre residential parcels; opinion that the Catheys Valley Plan is not consistent with the General Plan Update; opinion that the Plan is in conflict with Government Code Section 66411.1; opinion that the Plan is in conflict with LAFCo; and interpretation of the General Plan and what should occur in Catheys Valley in terms of urban development. He reviewed the environmental documentation and comments that were received. He advised that the next step in the process is to open the public portion of the hearing and take input, close the public portion, deliberate and give direction for certifying the environmental documentation and adopting the Community Plan.

Kris Schenk advised that they are ready for the public input.

Jim Eppler, Chair of the Catheys Valley Community Planning Advisory Committee (CVCPC), asked that members of the Committee that are present in the audience stand. He provided input on their work on the Plan and on the proposed map for the boundary of the planning area – it is a result of the input the Committee received following wishes to preserve their rural lifestyle, and water and sewer issues were taken into consideration.

Staff responded to questions from the Board relative to Implementation Measure CV5.3-1c(1) which prohibits the sharing of individual wells and onsite sewer disposal systems for residential development, and it was clarified that this is different than what is allowed in the General Plan; relative to the Agriculture Element and the land use and differences from that contained in the General Plan and consideration of the upcoming Agritourism policy and being consistent in the future; status of commercial zoning and allowance for commercial uses in Catheys Valley now; dealing with legal non-conforming uses and differences with what is

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contained in the General Plan; status of the existing 2.5-acre zoning and whether it is vested; relative to documenting what is to be contained in the administrative record; relative to being able to make additions or expansions to existing structures; what happens if a septic system fails on a non-conforming use; relative to the status of existing shipping/storage containers and whether they would need to be removed or would become non-conforming; whether the 5,000-square foot size for commercial building applies to a mega church; relative to the map showing the commercial expansion area and conditions for road lane width and turn lanes and whether it would be practical for expansion of a home business; and relative to the Committee's consideration of the Board's request on July 15th for removing parcels from the planning area.

Chair Aborn asked the public to try to keep comments to three minutes and he advised that questions will be considered during the deliberation phase. He advised that those that sign-in to speak will be taken first. County Counsel clarified that the sign-in sheet to speak is voluntary and those that do not sign-in to speak will be taken last. The public portion of the hearing was opened and input was provided by the following:

Bob Benson, BJ Ranch in Catheys Valley, provided input on the Board meetings relative to the General Plan and the removal of his property from the boundary area. He advised that during the development of the draft Community Plan, his ranch was mapped and re-mapped in and out of the planning area. He is looking for a resolution that will give ag people a break. He referred to the questions of Andy Hauge during the Planning Commission meeting as to what the Catheys Valley Planning Committee is going to do.

Lou Ann Sakaki advised that they purchased property that was zoned Mountain Home in Catheys Valley eight years ago; and she referred to the concepts of various types of freedom.

Kenneth Trujillo, speaking for the people of his church in Catheys Valley, provided input on planning for churches and worship centers and his concern with the draft Plan and definition of mega church – he feels it excludes education and limits the number of people to 250, and he noted that they have had many more in attendance for funerals, etc. He feels that they are the community and represent the community and that they should be a public use in the Public Use and Facility designation. He expressed concern that they would be a non-conforming use since they already exist; and he expressed concern with the frontage road improvement requirements and he does not feel that they should be held to a higher standard than other uses. He noted that he previously submitted a written suggestion and he will write another letter; and he referred to his previous experience in the planning field.

Anthony Trujillo stated he feels that growth should not be feared, and he provided input on what their church is all about and he feels that they are a public service. He expressed concern with the limit of 250 people for the church, and with the frontage road improvement requirements. He suggested that two houses per residential parcel be allowed. He feels the mega church language should be deleted and that they should be placed in the public use designation.

Rita Kidd, Catheys Valley resident, advised that she has submitted four letters for the record, with each one trying to stem the tide of events. She feels that Catheys Valley is the first of the plans being dealt with and they have an interim community center and a larger study area; and she feels there is a need for the Board to demonstrate strength and respect for the community as the Board goes through this process. She noted that there are development interests in all of the town planning areas, including those that have been designated, and she requested that the Board reflect thoughtfully and respectfully and with good faith as this Plan is reviewed.

Lou Cordero, School House Road, Catheys Valley, referred to a recent Merced Sun Star article about Safeway bottling water and he is concerned with the lack of water. He has looked at information on the internet on water problems that are occurring in the State, and he commented on his experience with his own water situation and in the neighborhood. He moved to Catheys Valley for the rural lifestyle after experiencing development in Palo Alto and Morgan Hill.

Steven Wass, Assistant Pastor at the First Baptist Church in Mariposa and friend of Pastor Ken Trujillo, expressed concern with the definition of mega church in the Plan and feels it should be deleted. He feels a church provides services and is a place where people meet and

should not be turned away. He feels churches are historical in nature and that it is wrong to restrict their size and services. He feels the people in the community should be able to decide the size and type of structure, as long as building codes are complied with. He does not feel that the religious practice of people should be restricted.

Gary Francisco, speaking as a private citizen, read his letter into the record supporting the Plan. County Counsel requested that the documents that are submitted during the hearing be numerically identified as PH; and Mr. Francisco's letter was marked as PH-1.

Tracy Guenthart, member of the CVCPAC provided input on the Committee's work on the Plan – she advised that they listened to everyone and drafted the Plan with the reflection of what the majority of the community wants, and she feels the Plan should be accepted without any changes. She feels that the Supervisor for the respective district of each community should be listened to. She provided input on the issue of determining the planning area boundary and advised that it is reflective of what the majority of the people feel is appropriate.

Anita Starchman Bryant, Starchman & Bryant Law Offices, advised that they represent the Fortner Family Trust, and that written information has been submitted on this matter. She submitted page seven from the July 15, 2008 Board minutes (entered into the record as PH-2) relative to the Board's action to remove the Benson property from the planning area and to review other properties. She noted that she previously submitted letters dated June 3, 8, and 9 and requested that those letters and attachments be made a part of the administrative record; and advised of opposition to adoption of the Plan based on those letters. She feels that just because this Plan is what the community wants, it doesn't make it legal. She feels the Plan proposes to eliminate the town planning area and would down zone property; and in the General Plan, everyone was assured that no down zoning would occur. She feels that this would affect about 400 acres and that the majority of the landowners in the original town planning area do not favor down zoning. She referred to the map with non-conforming uses shown in orange and quoted from the Plan that expansion could not occur for these uses. She feels the Plan precludes a second home and this violates State law and phases out low cost houses. She feels there is inadequate acreage designated for economic development in Catheys Valley and she referred to the criteria for expanding commercial uses. She referred to the studies on the Fortner property that show it could accommodate commercial development. She feels the Plan proposes to eliminate housing development and phases out mobile home parks – she has problems with the Plan and the Housing Element. She feels the Plan is not consistent with the General Plan and referred to specifics. She referred to the July 15, 2008 Board meeting minutes and the direction given for staff to look at the consequences of removing Agricultural Exclusive portions from the planning area and she does not feel that this was done.

Ken Davis, Catheys Valley resident in the Whispering Oaks subdivision and member of the CVCPAC, stated he voted against the inclusion of the agriculture provisions to the Plan and to the map – he feels those provisions should be on a countywide basis. He is in favor of the map on circle page 93 in the package, and he expressed concern with the approval process for the recommended map.

Tim Miller stated he is a planning consultant that resides in Twain Harte; and he referred to the letter he previously submitted and the previous two emails and attachments. He expressed concern with the creation of the Plan and non-conformities, and he does not feel that proper notice was given to individual landowners advising them of the changes. He does not feel that Planning staff addressed Supervisor Turpin's request for discussion of the existing commercial area in the town planning area and the 2 1/2-acre parcel issues. He does not feel there is a clear definition of what this planning area is, and he agreed with Mr. Davis' concern relative to the Planning Commission's processing of this Plan and map. He addressed the issue with the guiding principles in the General Plan relative to establishing density on the basis of a 5-acre lot average; and he noted that this Plan calls for a 5-acre lot minimum and is more restrictive. He referred to his client's property and work that has been done – 44 lots are allowed under the current zoning, they are asking for 32, and this Plan would only allow 22. He feels the environmental review of the Plan is inadequate and expressed concern that it does not consider the global warming issue – he recommended that staff be directed to revise the proposed Plan and retain the existing zoning.

Steve Fortner, property owner in Catheys Valley, noted that he and others have submitted letters for the record relative to their project. He reviewed the history of the formation of Catheys Valley and the planning process; and he advised of his involvement in its development. He stated they have relied on what was in the General Plan and the Town Plan for zoning and the rules keep changing. He reviewed the history of their efforts to establish a community services district and of their submittal of a General Plan Amendment and Specific Plan and the subsequent termination of their project by Planning. They had requested that their application be placed on hold. He returned the check the County issued to Eugene Fortner in the amount of \$17,502.56 when the project was terminated and this was entered as PH-3. He feels the environmental review for the General Plan Update was specific and that review should still be in place for that zoning, so he feels a no change is always on the table. He referred to the environmental review they conducted for their project and advised of their willingness to provide more copies. He requested that the Board give them a chance to complete the process they started fifteen years ago.

Don Starchman, Starchman & Bryant Law Offices, advised of letters submitted for the Fortners. He reviewed concerns he has as a citizen – he feels we are one County and this document creates two separate Agriculture Exclusive elements for the County versus a countywide element, and the whole section should be deleted. He does not feel that we need to address agritourism here as it will be addressed in the Agriculture Exclusive element. He does not feel that the Williamson Act contracts should be addressed separately for Catheys Valley and that this does not belong in the Plan. He advised of his concern with not being able to have a more intense rural economic resort use; and concern with the non-conforming uses and restrictions. He referred to his previous work on planning documents. He feels the Title 17 language should be retained and he submitted a portion of Chapter 17.08 (entered as PH-4); he feels that the village concept should be further considered; and he feels that we should stay with the existing zoning and allow for a clustering or averaging. He expressed concern with being able to have commercial development; and he feels a hearing should be scheduled where the Plan is reviewed on a line-by-line basis like was done for the General Plan Update.

Rick Uebner, resident for over 35-years in Catheys Valley and member of the CVCPAC, stated they followed Board direction to create a Plan and they feel they represent a majority opinion of the residents in Catheys Valley; and he urged adoption of the Plan.

Judie Huffman, Catheys Valley and member of the CVCPAC, advised that she feels a legal easement could be created for commercial property and still use Hornitos Road. She still agrees with the 5-acre minimum parcel size and commented on the impact 2 ½-acre parcels would have on wildlife and neighboring ranchers. She provided input on her experience and problems in the area with the water supply. She does believe that churches are a public institution and serve the public.

Jill Harry stated she feels the Plan provides protection and allows for careful planning. She noted that the Plan can be changed in the future if it needs to. She addressed input she has heard relative to not excluding parcels from the planning area and stated she feels the Plan should apply to the entire 95306 zip code area. She referred to the agricultural land language in the Plan and noted that even if it is changed in the General Plan, it should remain in their Plan. She commented on the option of the Catheys Valley Plan versus no plan at all, referred to her work on the Plan, commented on the town planning area versus a community planning area, commented on the issue of 5-acres versus 2 ½-acres, housing, and the expanded commercial area issue. She urged the Board to adopt the Plan and that weight be given to Supervisor Bibby as a resident and representative of the area.

Deb Salonen stated she feels that this is the culmination of years of hard work and she thanked the Committee. She referred to Anita Bryant's comments relative to their meager contribution to Mariposa and previously being told that Catheys Valley would make a staging area so that Mariposa could benefit; however, she feels there are some basic problems such as impacts to water, septic, fire and wildlife. She asked the Board to listen to the people.

Rick Lobaugh, Catheys Valley resident, stated he feels the Plan needs a lot of work and he referred to the discussion and processing of the maps for the boundaries and he stated he feels there was confusion.

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Joe Simon, resident of Catheys Valley since 1982 and member of the CVCPAC, commented on their work on the Plan, and he advised that he contacted the residents for the meetings and the survey. He commented on problems with water in the area and noted that septic systems have to be engineered for 5-acre parcels. He referred to the request for more commercial area and he noted that the Oaks is closed due to lack of business. He stated he feels that consideration should be given to what the residents want versus the developers.

Mike Stevens stated he is an outsider and a tourist and has been coming to the area for a long time. He is an urban planner and works with the consultant on behalf of the Fortner Trust and he provided input on their project and asked that the existing zoning be retained. He commented on the process for master planning of land and what is considered and stated he feels the Fortner project takes preservation into consideration. He addressed the climate change issue and controlling demand for transportation to lessen environmental impacts.

9:55 p.m. Recess

10:02 p.m. Supervisor Bibby noted that a sign-up sheet is still available in the lobby for people wishing to speak.

Lue Thao stated he lives in Merced, but he recently purchased property in Catheys Valley for future retirement but did not anticipate the changes in the map with the neighboring parcels becoming commercial. He does not understand why his parcel was excluded.

Heather Bernikoff stated she is a landowner on the border of Catheys Valley and Hornitos and she supports the Plan and keeping the rural lifestyle. She feels they all have rights, not just the developers. She noted that this is a living document that can be changed to reflect the needs of the community.

Bob Brown, resident and landowner of Catheys Valley, stated he feels the most important goal of the Plan is maintaining the rural character of the community and that the 5-acre minimum should be maintained.

The Clerk of the Board noted that Theresa Castaldi left a letter for the record and that it was marked as PH-5.

Debbie Lester advised that four generations of her family attended the Catheys Valley school. She works in Merced, but lives in Catheys Valley because she likes the lifestyle and the majority of the residents support this and she urged adoption of the Plan. She read the letter she previously submitted into the record. She referred to the petition that was previously submitted in support of the Plan and presented another list with Hornitos residents (this second list was entered as PH-6). She feels that they know what is best for their community. She quoted Mark Twain that “whiskey is for drinking and water is for fighting.”

Manuel Souza stated he has been a resident of Catheys Valley for 22 years; and he provided input on the water issues. He expressed concern with adding another layer of bureaucracy on his property with this Plan. He advised that he met with his counsel and he feels that this issue should be placed on the ballot. He feels that we need industry and ways to provide for future generations in Mariposa and Catheys Valley. He feels that we need to plan for strong growth. He would prefer to see planned development and support the small businesses that are there now.

Fred Friedland, Catheys Valley, commented on the ranches; and he noted that there are a lot of vacant homes in Merced. He feels 5-acre parcels are reasonable; and he expressed concern with the availability of water. He stated he feels that Mariposa is a town, he picks up his mail in Catheys Valley, and that is the way he wants to keep it. He noted that things can be changed if need be.

Ken Wagner stated he is not against the entire Plan, but he moved to Catheys Valley because of the lifestyle. He is against some of the Plan that creates a separate level of bureaucracy. He noted that he lives on a street with 13 residents and he spoke with the 11 that he could reach and they do not want to be a part of this Plan. He expressed concern that the Plan does not contain a stipulation that existing storage containers can be retained. He feels that water is not a problem

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in all places. He agrees with putting the Plan to a vote as he does not believe that a majority supports the entire Plan.

Cathie Pierce stated she is a cattle rancher and life-long resident of Catheys Valley. She referred to Mr. Wagner's input and noted that the area formerly consisted of two ranches and she commented on water problems they experienced. She referred to a comment that the Sierra Club should be involved and stated she agrees because of the oak trees that are being removed with the development of the Dunn ranch – she stated she feels that development is not beautiful. She feels that ranchers are the original environmentalists and wants to preserve the open space. She referred to the input by Ken Trujillo and feels that the Committee members would have met with him if requested. She referred to Anthony Trujillo's concern about the population and noted that it depends on what side you live – things have changed a lot for those who have lived there a long time. She referred to the history lesson given by Mr. Fortner and noted that there were two stores in 1950 – CAPS Lighthouse and the Oasis and only one of them was successful at a time and the Post Office moved back and forth. She noted that subsequently, CAPS burned and the Oaks was constructed and has since closed. She questioned the impacts to Mariposa if Catheys Valley grows. She feels that water is an issue, especially on the west side. She feels the 5-acre minimum is too small, but it is a compromise; and she noted there was a time when the ranches had 40-acre parcels buffering them. She lives near the Dunn ranch and is concerned with the development impacts on her ranch, including more dogs. She feels that Catheys Valley is an agricultural community and has prime land for agriculture. The General Plan states that agriculture is important and is to be protected and that is what the Committee is trying to do. She feels we are one County, but have different communities and different types of people. She agrees with the previous suggestions of following the lead of the respective Supervisor of the district. She commented on private property rights and feels there are differences with development rights. She referred to the work that was done on Title 17 and the involvement of the Farm Bureau. She referred to the map issues and her motion for the Committee to accept the map that is being recommended to the Board today. She feels the Board made strong suggestions, but the Committee did not follow them; and she does not feel that certain parcels should be allowed to be removed from the planning area. She noted that the real estate people make promises; however, it is not up to the community to pay the price for that. She feels all of the arguing should stop and a decision should be made.

The public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Bibby asked about being able to submit something for the public record. Kris Schenk advised that they were looking for direction so that they could bring back something for action on July 14th.

Board members commended everyone for their work on the Plan and for their input in the process and made the following requests. Supervisor Cann asked that the information and input that was received and the issues that were raised have a legal review, including the issue of the viability of the commercial expansion area. Supervisor Allen agreed with the legal review, including review of the non-conforming issues, and asked that the ability to expand or add on to an existing structure be clarified. Supervisor Turpin asked for clarification of the Agriculture element and the overlay of land uses and Andy Hauge responded. Supervisor Turpin stated he feels the issues with non-conforming uses need to be clear, including dealing with septic tank replacement. Andy Hauge noted that the Board could give direction for these clarifications, including the mega church issues. Supervisor Turpin asked about the down zoning issue and loss of property value. Andy Hauge responded relative to the GIS comparison that Planning staff did and advised that there was a loss of seven lots. Supervisor Turpin asked that a summary of the issues that were raised during the hearing be provided; and he stated he wants one Agriculture element without any overlay. Supervisor Bibby disagreed with having one Agriculture element and noted that no two agricultural areas in the County are alike – as an example, she feels that Catheys Valley has prime agriculture land and does not have timber like exists in Greeley Hill. She noted that elevation, terrain, and historic use and the size of the parcels in an area dictate differences. She wants the

non-conforming issues to be reviewed with expansion and additions to a structure. She referred to a comment that was received from CalTrans relative to processing encroachments and changes in use on Highway 140. She asked for more information on compliance with the global warming requirements. She noted that secondary dwellings are allowed by State law. She referred to the commercial development issues and noted that 5-acre parcels give a starting point; and she noted that with the current economy, uses do not always generate revenue – it is not the size of the parcel that dictates revenue. She asked for clarification of replacing non-conforming uses; and Sarah Williams responded relative to existing provisions. Supervisor Bibby asked that staff further review the issue of non-conforming parcel sizes and bring back suggested wording. Andy Hauge advised that they would review the global warming impact issue and the input that was provided and make sure that we are in compliance with State law. Supervisor Bibby asked that the 2007 Agriculture Crop Report be included in the record (this will be entered as PH-7). She asked about the status of review of the split zoning parcel issues; and Sarah Williams advised of their review and corrections.

Kris Schenk advised that the public record consists of the following:

- the original staff package consisting of the Action Form and circle pages 1 through 162 and additional attached letters that were received from Stevens Planning Group (dated May 7, 2009) and Rita and Tony Kidd (dated June 1, 2009);
- the draft resolution for adopting the Plan, together with a detailed memorandum regarding greenhouse gas issues, circle pages R1 through R16;
- batch 2 of public correspondence that was received, circle pages B2-1 through B2-36;
- batch 3 of public correspondence that was received, circle pages B3-1 through B3-32;
- batch 4 of public correspondence that was received, circle pages B4-1 through B4-185;
- batch 5 of public correspondence that was received, circle pages B5-1 through B5-90; and
- batch 6 of public correspondence that was received, circle pages B6-1 through B6-8.

The Clerk of the Board noted that documents presented during the public portion of the hearing were marked as circle pages PH-1 through PH-6, and that the 2007 Mariposa Agriculture Crop Report would be entered as PH-7.

County Counsel noted that in his correspondence, Attorney Petrulakis requested that the record also include agendas, minutes, staff reports, notes, documents, tapes, presentations and similar materials of the Catheys Valley Planning Advisory Committee since the adoption of the 2006 General Plan and certification of the 2006 General Plan EIR.

Supervisor Bibby requested that the church and mega church issues, including the limit of 250 persons be clarified. Supervisor Cann commented on the 5,000-square foot being a conditional use for commercial and requested clarification of the definition of a church and the mega church language. He also requested clarification of the storage container issue and what was intended by the Committee. He asked for clarification of the environmental analysis of the existing versus the proposed zoning which results in a net loss of seven home sites, and Andy Hauge advised that he will submit a spread sheet. Supervisor Bibby noted that on circle page 66 of the Plan that the Hornitos Telephone Company should be referred to as TDS and that Sierra Telephone Service provides the 966 and 742 prefix services. She asked whether the parcel numbers in the Plan take into consideration the historic patents and the potential for full build-out, and was advised that they do not. She clarified that the map on circle page 35 is what was forwarded to the Board by the Planning Commission. She asked for clarification of whether there are any differences between regional and local commercial uses; and Andy Hauge advised that the intent of the General Plan and the Catheys Valley Community Plan is that neighborhood commercial serves the Catheys Valley community. However, he further advised, that the Board could give further clarification on this issue. Supervisor Bibby clarified that with regard to the

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affordable housing and 5-acre parcels, there is no prohibition on clustering; and Andy Hauge advised that there is no restriction on the shape of parcels as long as the other requirements are met. Supervisor Turpin referred to circle page 44 of the Plan and stated he feels that lines 18 and 19 and 30 and 31 need to be clarified; and that circle page 56, line 32 needs to be clarified; and that there should be further discussion relative to the agricultural issues. Kris Schenk advised that it is their recommendation that following adoption of the Agritourism regulations that an amendment to the General Plan and zoning regulations will be processed. Supervisor Aborn requested that the way churches are addressed be reviewed, along with the Fortner project and legal questions that have been raised.

County Counsel admonished the Board members that since the Board is in the deliberation phase of the public hearing, that they not take any further evidence, either documentary or oral, since the public portion has been closed. He further advised that if further public evidence is accepted, it may require reopening the public portion of the hearing for that subject only.

Supervisor Turpin asked about addressing all of the issues that have been raised; and Andy Hauge advised that the intent is to address them. Supervisor Turpin suggested that there be further review of averaging for the 5-acre minimum issue; and following discussion, the Board did not concur with this direction.

(M)Cann, (S)Allen, the public hearing was continued to July 14, 2009, at 6:30 p.m. Kris Schenk suggested that it would be appropriate to take any input (i.e., emails or correspondence) that was received by the County prior to 6:30 p.m. this date; and County Counsel concurred and advised that it may require reopening of the public portion for that input only. Rick Benson noted that the Board would be able to continue the hearing again after the July 14th deliberations. Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-263
- CA-2 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-264
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-265
- CA-4 Approve Lease Agreement with Almost Like Home, Inc., a California Non-profit Corporation, for Use of the Woodland Community Building and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 09-266
- CA-5 Approve Lease Agreement with Preschool Cooperative, a California Non-profit Corporation, for Use of the Woodland Community Building for FY 2009-2010 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 09-267
- CA-6 Approve the Submittal of the Substance Abuse & Crime Prevention Act (SACPA Proposition 36) Program Plan and the Offender Treatment Program (OTP) Application for FY 2009-2010 to the State Alcohol and Other Drug Program (Human Services Director); Res. 09-268
- CA-7 Approve Lease Agreement with Marc and Tracy Lingenfelter for District Attorney's Office Victim/Witness, Location is 5080 Jones Street and Authorize the Board of Supervisors Chair to Sign the Agreement (District Attorney); Res. 09-269

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- CA-8 Approve Lease Agreement with Marc and Tracy Lingenfelter for District Attorney's Office Victim/Witness, Location is 4975 9th Street and Authorize the Board of Supervisors Chair to Sign the Agreement (District Attorney); Res. 09-270
- CA-9 Approve Budget Action Transferring Funds within the Sheriff's Boating Division Budget for a New Engine and or Outdrive Combination after Receiving and Accepting the Appropriate Estimate (\$20,000) (Sheriff); Res. 09-271
- CA-10 Approve Agreement with Richard Shelton for General Maintenance at the Mariposa County Detention Facility and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-272
- CA-11 Approve an Amendment to an Agreement with Rockslide Materials, Inc. to Supply Soil for the Landfill by Extending the Termination Date to September 30, 2009 and Increasing the Amount of the Agreement by \$44,000 to Allow the County to Purchase an Additional 4,000 Cubic Yards of Soil and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 09-275
- CA-12 Approve Lease Agreement with James Bardini for Facilities Located at 5174 and 5172 Highway 49 North and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-273
- CA-13 Appoint Ellie Duste/representing District II and Brenda Ostrom/representing District IV to the Water Agency Advisory Board, with Terms Expiring June 9, 2012 (Supervisors Turpin & Cann)

(M)Bibby, (S)Cann, the meeting was adjourned at 12:04 a.m./Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

June 9, 2009



Time Description

9:00 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 Turpin pulled item 11. Supervisor Cann asked that an update be provided on items 2 and 3 at the next meeting. (M)Bibby, (S)Cann, 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.

MaryAnn Huff, Chamber of Commerce, advised that she volunteered to work with the Tourism Bureau at the booth at the Sunset Magazine headquarters this last weekend and it was an amazing event and she commended the Tourism Bureau on their booth.

Eleanor Keuning thanked Public Works for re-painting the parking spaces at the Rest Area.

Board Information

Supervisor Cann referred to the input provided by MaryAnn Huff and the need to be conscious of the negative press that hangs on. He advised that he plans to attend the RCRC (Regional Council of Rural Counties) meeting next week. He attended the Water Agency Advisory Board meeting on Monday.

Supervisor Allen advised that he attended a meeting with Planning staff on Wednesday relative to the Silver Tip Resort project in Fish Camp. He attended the Area 12 Agency on Aging meeting in Jackson on Thursday. He attended the Kids First Foundation dinner on Saturday, and noted that Supervisor Cann also attended this event. He noted that they are preparing for the High School graduation and Grad Night event for Friday.

Supervisor Turpin referred to the CSAC Conference he attended in Sacramento and the need to watch the fire safe building standards and potential impacts with the changes being proposed. He attended the Tuolumne-Mariposa Regional Advisory Council meeting on June 1st. He noted that the public hearing is scheduled for this evening on the draft Catheys Valley Community Plan. He plans to attend the SWIFT meeting on Wednesday and tour the Telegraph Fire area with representatives of BLM. He has a meeting this Thursday relative to the Red Cloud Park; and he noted that the Safe at Home event is scheduled for Saturday at the Coulterville Park.

Supervisor Bibby thanked the Board and the public for understanding her need to miss the last Board meeting due to illness. She reported on the attendance statistics for the Storytelling Festival. She attended the Mental Health Board meeting on Thursday. She attended the First 5 meeting on the 8th. She plans to attend the Foreign Trade Zone meeting in Fresno on Wednesday.

She encouraged everyone to pay their taxes and fees that are due to help with the budget situation; and she provided a reminder that the County amnesty program to correct building code violations ends on August 1st. She thanked the Public Works Director and staff for repainting the parking spaces at the Rest Area. She congratulated all of the 2009 graduates.

Supervisor Aborn advised that he spoke at the Treasurers/Tax Collectors meeting at the Tenaya Lodge on Wednesday.

Dana Hertfelder, Public Works Director;
Discussion and Possible Direction Regarding Entering into an Agreement with Yosemite West Cascades, LLC for a Lot Line Adjustment with Mariposa County for the Yosemite West Maintenance Yard

BOARD ACTION: Discussion was held with Dana Hertfelder, and he recommended that the lot line adjustment be tied to the overall development of the resort project and that the improvements be completed before the lot line is finalized.

Input from the public was provided by the following:

Jeff Hornacek, Director of Yosemite West Cascades, LLC, provided input and presented photographs of the existing County yard.

Further discussion was held relative to the recommended action and the process. (M)Cann, (S)Turpin, the Board directed that in principle it is not opposed to moving forward with this. Supervisor Bibby clarified that the direction is to bring back an agreement for approval. Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

A) Approve Settlement Agreement with Total Waste Systems in the Amount of \$95,000; Approve the Agreement for Services with Total Waste Systems for the County Franchise Area and Authorize the Board of Supervisors Chair to Sign the Settlement Agreement; and

B) Approve the Agreement for Services with Total Waste Systems for the North County Franchise Area and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Discussion was held with Dana Hertfelder and he advised that the requested action is to enter into one single franchise agreement on a countywide basis and a settlement agreement. He advised of the status of the settlement agreement. Steve Dahlem, County Counsel, advised that the attorney for Mr. Fiske requested some technical changes to the settlement agreement; and he recommended that the Board approve both agreements subject to any changes being agreed to by County Counsel, County Administrative Officer and Public Works Director, as long as the changes do not change the substance of the agreements. He advised of a typographical error in the settlement agreement with the duplication of "has not" that will be corrected. Further discussion was held relative to the agreements and the status of service in the North County; and it was agreed to change "unknown" to "known" site for disposal in the settlement agreement.

(M)Turpin, (S)Bibby, Res. 09-274 was adopted approving the Settlement Agreement and the Solid Waste Handling Agreement. The motion was amended, agreeable with the maker and second, to include the change of "unknown" to "known" as discussed; and County Counsel noted that the Solid Waste Handling Agreement covers all of the County except Wawona 2-W. Ayes: Unanimous.

Consider Items Removed from the Consent Agenda

Item 11 – Following discussion with Dana Hertfelder, (M)Turpin, (S)Allen, item 11 was approved/Ayes: Unanimous.

10:24 a.m. Recess

10:34 a.m. Accept the Administrative Law Judge's Proposed Decision, with Technical Changes as Delineated, to Set Aside the Disability Retirement of Bryce Johnson Effective June 10, 2009 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson presented the recommendation. Following discussion, (M)Allen, (S)Cann, Res. 09-276 was adopted accepting the Administrative Law Judge's proposed decision as recommended/Ayes: Unanimous.

Approval of Summary of Proceedings of June 2, 2009, Regular Meeting (Clerk of the Board)
BOARD ACTION: (M)Allen, (S)Cann, the minutes were approved/Ayes: Aborn, Turpin, Cann, Allen; Abstained: Bibby, as she was excused from the meeting.

Discussion Regarding Possible Participation in the Central Valley California Convention Summit (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson. Supervisors Cann and Turpin expressed interest in participating.

Input from the public was provided by the following:

MaryAnn Huff commented on the importance of this matter.

The Board concurred with Supervisors Cann and Turpin and with the County Administrative Officer participating in the Summit.

Waive Second Reading and Adopt Ordinance Rescinding Chapter 14.10 of the Mariposa County Code Entitled "Smoking Policy" (County Counsel)

BOARD ACTION: (M) Bibby, (S)Allen, the second reading was waived and Ordinance No. 1053 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Waive Second Reading and Adopt Ordinance Amending Chapter 8.12 of the Mariposa County Code Entitled "Sanitary Landfills" and Waive Second Reading and Adopt Ordinance Amending Sections 8.36.130 and 8.36.160 and Adding Section 8.36.170 of Chapter 8.36 of the Mariposa County Code Entitled "Solid Waste Disposal" (Public Works Director)

BOARD ACTION: Dana Hertfelder advised of the recommended actions. (M)Turpin, (S)Cann, the second readings were waived and Ordinance No. 1054/Chapter 8.12 amendments and Ordinance No. 1055/Chapter 8.36 amendments were adopted. The Clerk of the Board read the titles of the Ordinances into the record. Ayes: Unanimous.

11:10 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Adopt a resolution Allocating the State Transit Assistance (STA) Funds for Fiscal Year 2008-2009

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Bibby, (S)Aborn, LTC Res. 09-11 was adopted allocating the STA funds/Ayes: Unanimous.

C) Adopt a Resolution Allocating the Transportation Development Act (TDA) Funds for Fiscal Year 2009-2010 (Dana Hertfelder, Public Works Director)

COMMISSION ACTION: Dana Hertfelder clarified that this is for FY 2008-09. (M)Cann, (S)Aborn, LTC Res. 09-12 was adopted allocating TDA funds/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

Chair Aborn advised that LAFCo would convene at 2:00 p.m. and that the Board would reconvene at 6:30 p.m.

11:24 a.m. Lunch

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

6:40 p.m. Kris Schenk, Planning Director;

PUBLIC HEARING to Consider General Plan Amendment No. 2008-63, the Catheys Valley Community Plan. The Catheys Valley Community Plan Contains the Recommendations of the Catheys Valley Planning Advisory Committee and the Planning Commission. The Community Plan Contains the Plan Area Boundaries, a Land Use Diagram, and Goals and Policies for Land Use and Development in the Community Area. At the Hearing, a Review of the Recommendations will be Made. Public Input will be Taken. Deliberation May Occur, and the Board of Supervisors will Consider Adoption of a Resolution for an Environmental Determination (Negative Declaration) and Final Action on the Plan. The Proposed Plan Area is the Catheys Valley Vicinity, Including Areas Along Highway 140, Hornitos Road, Schoolhouse Road and Old Highway. The Proposed Plan Area Encompasses Approximately 26.3 Square Miles. The County of Mariposa is the Project Proponent.

NOTE: In Anticipation of Considerable Public Input and the High Probability of Issues Arising which Will Require Further Study, it is Likely that at the End of the Public Testimony the Board will Continue the Hearing to July 14, 2009

BOARD ACTION: Kris Schenk advised of the work on this draft Catheys Valley Community Plan and of Andy Hauge's review as Project Manager to make sure that the document is fully consistent with the General Plan Update adopted December 2006.

Andy Hauge gave a PowerPoint presentation on community planning, discussion of the Mariposa and Catheys Valley plans, recommendations by Planning staff, public and environmental documentation, and the next steps for the Board. He reviewed the comments that were received since the Planning Commission's hearing: 1) request for commercial designation of Combs, Hersey, and Fortner properties; 2) request to retain 2.5-acre residential parcels; opinion that the Catheys Valley Plan is not consistent with the General Plan Update; opinion that the Plan is in conflict with Government Code Section 66411.1; opinion that the Plan is in conflict with LAFCo; and interpretation of the General Plan and what should occur in Catheys Valley in terms of urban development. He reviewed the environmental documentation and comments that were received. He advised that the next step in the process is to open the public portion of the hearing and take input, close the public portion, deliberate and give direction for certifying the environmental documentation and adopting the Community Plan.

Kris Schenk advised that they are ready for the public input.

Jim Eppler, Chair of the Catheys Valley Community Planning Advisory Committee (CVCPCAC), asked that members of the Committee that are present in the audience stand. He provided input on their work on the Plan and on the proposed map for the boundary of the planning area – it is a result of the input the Committee received following wishes to preserve their rural lifestyle, and water and sewer issues were taken into consideration.

Staff responded to questions from the Board relative to Implementation Measure CV5.3-1c(1) which prohibits the sharing of individual wells and onsite sewer disposal systems for residential development, and it was clarified that this is different than what is allowed in the General Plan; relative to the Agriculture Element and the land use and differences from that contained in the General Plan and consideration of the upcoming Agritourism policy and being consistent in the future; status of commercial zoning and allowance for commercial uses in Catheys Valley now; dealing with legal non-conforming uses and differences with what is contained in the General Plan; status of the existing 2.5-acre zoning and whether it is vested; relative to documenting what is to be contained in the administrative record; relative to being able to make additions or expansions to existing structures; what happens if a septic system fails on a

non-conforming use; relative to the status of existing shipping/storage containers and whether they would need to be removed or would become non-conforming; whether the 5,000-square foot size for commercial building applies to a mega church; relative to the map showing the commercial expansion area and conditions for road lane width and turn lanes and whether it would be practical for expansion of a home business; and relative to the Committee's consideration of the Board's request on July 15th for removing parcels from the planning area.

Chair Aborn asked the public to try to keep comments to three minutes and he advised that questions will be considered during the deliberation phase. He advised that those that sign-in to speak will be taken first. County Counsel clarified that the sign-in sheet to speak is voluntary and those that do not sign-in to speak will be taken last. The public portion of the hearing was opened and input was provided by the following:

Bob Benson, BJ Ranch in Catheys Valley, provided input on the Board meetings relative to the General Plan and the removal of his property from the boundary area. He advised that during the development of the draft Community Plan, his ranch was mapped and re-mapped in and out of the planning area. He is looking for a resolution that will give ag people a break. He referred to the questions of Andy Hauge during the Planning Commission meeting as to what the Catheys Valley Planning Committee is going to do.

Lou Ann Sakaki advised that they purchased property that was zoned Mountain Home in Catheys Valley eight years ago; and she referred to the concepts of various types of freedom.

Kenneth Trujillo, speaking for the people of his church in Catheys Valley, provided input on planning for churches and worship centers and his concern with the draft Plan and definition of mega church – he feels it excludes education and limits the number of people to 250, and he noted that they have had many more in attendance for funerals, etc. He feels that they are the community and represent the community and that they should be a public use in the Public Use and Facility designation. He expressed concern that they would be a non-conforming use since they already exist; and he expressed concern with the frontage road improvement requirements and he does not feel that they should be held to a higher standard than other uses. He noted that he previously submitted a written suggestion and he will write another letter; and he referred to his previous experience in the planning field.

Anthony Trujillo stated he feels that growth should not be feared, and he provided input on what their church is all about and he feels that they are a public service. He expressed concern with the limit of 250 people for the church, and with the frontage road improvement requirements. He suggested that two houses per residential parcel be allowed. He feels the mega church language should be deleted and that they should be placed in the public use designation.

Rita Kidd, Catheys Valley resident, advised that she has submitted four letters for the record, with each one trying to stem the tide of events. She feels that Catheys Valley is the first of the plans being dealt with and they have an interim community center and a larger study area; and she feels there is a need for the Board to demonstrate strength and respect for the community as the Board goes through this process. She noted that there are development interests in all of the town planning areas, including those that have been designated, and she requested that the Board reflect thoughtfully and respectfully and with good faith as this Plan is reviewed.

Lou Cordero, School House Road, Catheys Valley, referred to a recent Merced Sun Star article about Safeway bottling water and he is concerned with the lack of water. He has looked at information on the internet on water problems that are occurring in the State, and he commented on his experience with his own water situation and in the neighborhood. He moved to Catheys Valley for the rural lifestyle after experiencing development in Palo Alto and Morgan Hill.

Steven Wass, Assistant Pastor at the First Baptist Church in Mariposa and friend of Pastor Ken Trujillo, expressed concern with the definition of mega church in the Plan and feels it should be deleted. He feels a church provides services and is a place where people meet and should not be turned away. He feels churches are historical in nature and that it is wrong to restrict their size and services. He feels the people in the community should be able to decide the size and

type of structure, as long as building codes are complied with. He does not feel that the religious practice of people should be restricted.

Gary Francisco, speaking as a private citizen, read his letter into the record supporting the Plan. County Counsel requested that the documents that are submitted during the hearing be numerically identified as PH; and Mr. Francisco's letter was marked as PH-1.

Tracy Guenthart, member of the CVCPCAC provided input on the Committee's work on the Plan – she advised that they listened to everyone and drafted the Plan with the reflection of what the majority of the community wants, and she feels the Plan should be accepted without any changes. She feels that the Supervisor for the respective district of each community should be listened to. She provided input on the issue of determining the planning area boundary and advised that it is reflective of what the majority of the people feel is appropriate.

Anita Starchman Bryant, Starchman & Bryant Law Offices, advised that they represent the Fortner Family Trust and that her office submitted to the Clerk three letters dated June 4th, 8th and 9th, and that letters from Jimmie Fortner, Stevens Planning, Attorney George Petrulakis, Attorney Carrie Rasmussen, and the Building Industry Association of California have been submitted on behalf of the Fortners and she requested that all of these letters and their attachments be made a part of the administrative record. She submitted page seven from the July 15, 2008 Board minutes (entered into the record as PH-2) relative to the Board's action to remove the Benson property from the planning area and to review other properties. She advised of opposition to adoption of the Plan based on the letters. She feels that just because this Plan is what the community wants, it doesn't make it legal. She feels the Plan proposes to eliminate the town planning area and would down zone property; and in the General Plan, everyone was assured that no down zoning would occur. She feels that this would affect about 400 acres and that the majority of the landowners in the original town planning area do not favor down zoning. She referred to the map with non-conforming uses shown in orange and quoted from the Plan that expansion could not occur for these uses. She feels the Plan precludes a second home and this violates State law and phases out low cost houses. She feels there is inadequate acreage designated for economic development in Catheys Valley and she referred to the criteria for expanding commercial uses. She referred to the studies on the Fortner property that show it could accommodate commercial development. She feels the Plan proposes to eliminate housing development and phases out mobile home parks – she has problems with the Plan and the Housing Element. She feels the Plan is not consistent with the General Plan and referred to specifics. She referred to the July 15, 2008 Board meeting minutes and the direction given for staff to look at the consequences of removing Agricultural Exclusive portions from the planning area and she does not feel that this was done.

Ken Davis, Catheys Valley resident in the Whispering Oaks subdivision and member of the CVCPCAC, stated he voted against the inclusion of the agriculture provisions to the Plan and to the map – he feels those provisions should be on a countywide basis. He is in favor of the map on circle page 93 in the package, and he expressed concern with the approval process for the recommended map.

Tim Miller stated he is a planning consultant that resides in Twain Harte; and he referred to the letter he previously submitted and the previous two emails and attachments. He expressed concern with the creation of the Plan and non-conformities, and he does not feel that proper notice was given to individual landowners advising them of the changes. He does not feel that Planning staff addressed Supervisor Turpin's request for discussion of the existing commercial area in the town planning area and the 2 1/2-acre parcel issues. He does not feel there is a clear definition of what this planning area is, and he agreed with Mr. Davis' concern relative to the Planning Commission's processing of this Plan and map. He addressed the issue with the guiding principles in the General Plan relative to establishing density on the basis of a 5-acre lot average; and he noted that this Plan calls for a 5-acre lot minimum and is more restrictive. He referred to his client's property and work that has been done – 44 lots are allowed under the current zoning, they are asking for 32, and this Plan would only allow 22. He feels the environmental review of the Plan is inadequate and expressed concern that it does not consider the global warming issue – he recommended that staff be directed to revise the proposed Plan and retain the existing zoning.

Steve Fortner, property owner in Catheys Valley, noted that he and others have submitted letters for the record relative to their project. He reviewed the history of the formation of Catheys Valley and the planning process; and he advised of his involvement in its development. He stated they have relied on what was in the General Plan and the Town Plan for zoning and the rules keep changing. He reviewed the history of their efforts to establish a community services district and of their submittal of a General Plan Amendment and Specific Plan and the subsequent termination of their project by Planning. They had requested that their application be placed on hold. He returned the check the County issued to Eugene Fortner in the amount of \$17,502.56 when the project was terminated and this was entered as PH-3. He feels the environmental review for the General Plan Update was specific and that review should still be in place for that zoning, so he feels a no change is always on the table. He referred to the environmental review they conducted for their project and advised of their willingness to provide more copies. He requested that the Board give them a chance to complete the process they started fifteen years ago.

Don Starchman, Starchman & Bryant Law Offices, advised of letters submitted for the Fortners. He reviewed concerns he has as a citizen – he feels we are one County and this document creates two separate Agriculture Exclusive elements for the County versus a countywide element, and the whole section should be deleted. He does not feel that we need to address agritourism here as it will be addressed in the Agriculture Exclusive element. He does not feel that the Williamson Act contracts should be addressed separately for Catheys Valley and that this does not belong in the Plan. He advised of his concern with not being able to have a more intense rural economic resort use; and concern with the non-conforming uses and restrictions. He referred to his previous work on planning documents. He feels the Title 17 language should be retained and he submitted a portion of Chapter 17.08 (entered as PH-4); he feels that the village concept should be further considered; and he feels that we should stay with the existing zoning and allow for a clustering or averaging. He expressed concern with being able to have commercial development; and he feels a hearing should be scheduled where the Plan is reviewed on a line-by-line basis like was done for the General Plan Update.

Rick Uebner, resident for over 35-years in Catheys Valley and member of the CVCPAC, stated they followed Board direction to create a Plan and they feel they represent a majority opinion of the residents in Catheys Valley; and he urged adoption of the Plan.

Judie Huffman, Catheys Valley and member of the CVCPAC, advised that she feels a legal easement could be created for commercial property and still use Hornitos Road. She still agrees with the 5-acre minimum parcel size and commented on the impact 2 ½-acre parcels would have on wildlife and neighboring ranchers. She provided input on her experience and problems in the area with the water supply. She does believe that churches are a public institution and serve the public.

Jill Harry stated she feels the Plan provides protection and allows for careful planning. She noted that the Plan can be changed in the future if it needs to. She addressed input she has heard relative to not excluding parcels from the planning area and stated she feels the Plan should apply to the entire 95306 zip code area. She referred to the agricultural land language in the Plan and noted that even if it is changed in the General Plan, it should remain in their Plan. She commented on the option of the Catheys Valley Plan versus no plan at all, referred to her work on the Plan, commented on the town planning area versus a community planning area, commented on the issue of 5-acres versus 2 ½-acres, housing, and the expanded commercial area issue. She urged the Board to adopt the Plan and that weight be given to Supervisor Bibby as a resident and representative of the area.

Deb Salonen stated she feels that this is the culmination of years of hard work and she thanked the Committee. She referred to Anita Bryant's comments relative to their meager contribution to Mariposa and previously being told that Catheys Valley would make a staging area so that Mariposa could benefit; however, she feels there are some basic problems such as impacts to water, septic, fire and wildlife. She asked the Board to listen to the people.

Rick Lobaugh, Catheys Valley resident, stated he feels the Plan needs a lot of work and he referred to the discussion and processing of the maps for the boundaries and he stated he feels there was confusion.

Joe Simon, resident of Catheys Valley since 1982 and member of the CVCPAC, commented on their work on the Plan, and he advised that he contacted the residents for the meetings and the survey. He commented on problems with water in the area and noted that septic systems have to be engineered for 5-acre parcels. He referred to the request for more commercial area and he noted that the Oaks is closed due to lack of business. He stated he feels that consideration should be given to what the residents want versus the developers.

Mike Stevens stated he is an outsider and a tourist and has been coming to the area for a long time. He is an urban planner and works with the consultant on behalf of the Fortner Trust and he provided input on their project and asked that the existing zoning be retained. He commented on the process for master planning of land and what is considered and stated he feels the Fortner project takes preservation into consideration. He addressed the climate change issue and controlling demand for transportation to lessen environmental impacts.

9:55 p.m. Recess

10:02 p.m. Supervisor Bibby noted that a sign-up sheet is still available in the lobby for people wishing to speak.

Lue Thao stated he lives in Merced, but he recently purchased property in Catheys Valley for future retirement but did not anticipate the changes in the map with the neighboring parcels becoming commercial. He does not understand why his parcel was excluded.

Heather Bernikoff stated she is a landowner on the border of Catheys Valley and Hornitos and she supports the Plan and keeping the rural lifestyle. She feels they all have rights, not just the developers. She noted that this is a living document that can be changed to reflect the needs of the community.

Bob Brown, resident and landowner of Catheys Valley, stated he feels the most important goal of the Plan is maintaining the rural character of the community and that the 5-acre minimum should be maintained.

The Clerk of the Board noted that Theresa Castaldi left a letter for the record and that it was marked as PH-5.

Debbie Lester advised that four generations of her family attended the Catheys Valley school. She works in Merced, but lives in Catheys Valley because she likes the lifestyle and the majority of the residents support this and she urged adoption of the Plan. She read the letter she previously submitted into the record. She referred to the petition that was previously submitted in support of the Plan and presented another list with Hornitos residents (this second list was entered as PH-6). She feels that they know what is best for their community. She quoted Mark Twain that "whiskey is for drinking and water is for fighting."

Manuel Souza stated he has been a resident of Catheys Valley for 22 years; and he provided input on the water issues. He expressed concern with adding another layer of bureaucracy on his property with this Plan. He advised that he met with his counsel and he feels that this issue should be placed on the ballot. He feels that we need industry and ways to provide for future generations in Mariposa and Catheys Valley. He feels that we need to plan for strong growth. He would prefer to see planned development and support the small businesses that are there now.

Fred Friedland, Catheys Valley, commented on the ranches; and he noted that there are a lot of vacant homes in Merced. He feels 5-acre parcels are reasonable; and he expressed concern with the availability of water. He stated he feels that Mariposa is a town, he picks up his mail in Catheys Valley, and that is the way he wants to keep it. He noted that things can be changed if need be.

Ken Wagner stated he is not against the entire Plan, but he moved to Catheys Valley because of the lifestyle. He is against some of the Plan that creates a separate level of bureaucracy. He noted that he lives on a street with 13 residents and he spoke with the 11 that he could reach and they do not want to be a part of this Plan. He expressed concern that the Plan does not contain a stipulation that existing storage containers can be retained. He feels that water is not a problem

in all places. He agrees with putting the Plan to a vote as he does not believe that a majority supports the entire Plan.

Cathie Pierce stated she is a cattle rancher and life-long resident of Catheys Valley. She referred to Mr. Wagner's input and noted that the area formerly consisted of two ranches and she commented on water problems they experienced. She referred to a comment that the Sierra Club should be involved and stated she agrees because of the oak trees that are being removed with the development of the Dunn ranch – she stated she feels that development is not beautiful. She feels that ranchers are the original environmentalists and wants to preserve the open space. She referred to the input by Ken Trujillo and feels that the Committee members would have met with him if requested. She referred to Anthony Trujillo's concern about the population and noted that it depends on what side you live – things have changed a lot for those who have lived there a long time. She referred to the history lesson given by Mr. Fortner and noted that there were two stores in 1950 – CAPS Lighthouse and the Oasis and only one of them was successful at a time and the Post Office moved back and forth. She noted that subsequently, CAPS burned and the Oaks was constructed and has since closed. She questioned the impacts to Mariposa if Catheys Valley grows. She feels that water is an issue, especially on the west side. She feels the 5-acre minimum is too small, but it is a compromise; and she noted there was a time when the ranches had 40-acre parcels buffering them. She lives near the Dunn ranch and is concerned with the development impacts on her ranch, including more dogs. She feels that Catheys Valley is an agricultural community and has prime land for agriculture. The General Plan states that agriculture is important and is to be protected and that is what the Committee is trying to do. She feels we are one County, but have different communities and different types of people. She agrees with the previous suggestions of following the lead of the respective Supervisor of the district. She commented on private property rights and feels there are differences with development rights. She referred to the work that was done on Title 17 and the involvement of the Farm Bureau. She referred to the map issues and her motion for the Committee to accept the map that is being recommended to the Board today. She feels the Board made strong suggestions, but the Committee did not follow them; and she does not feel that certain parcels should be allowed to be removed from the planning area. She noted that the real estate people make promises; however, it is not up to the community to pay the price for that. She feels all of the arguing should stop and a decision should be made.

The public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Bibby asked about being able to submit something for the public record. Kris Schenk advised that they were looking for direction so that they could bring back something for action on July 14th.

Board members commended everyone for their work on the Plan and for their input in the process and made the following requests. Supervisor Cann asked that the information and input that was received and the issues that were raised have a legal review, including the issue of the viability of the commercial expansion area. Supervisor Allen agreed with the legal review, including review of the non-conforming issues, and asked that the ability to expand or add on to an existing structure be clarified. Supervisor Turpin asked for clarification of the Agriculture element and the overlay of land uses and Andy Hauge responded. Supervisor Turpin stated he feels the issues with non-conforming uses need to be clear, including dealing with septic tank replacement. Andy Hauge noted that the Board could give direction for these clarifications, including the mega church issues. Supervisor Turpin asked about the down zoning issue and loss of property value. Andy Hauge responded relative to the GIS comparison that Planning staff did and advised that there was a loss of seven lots. Supervisor Turpin asked that a summary of the issues that were raised during the hearing be provided; and he stated he wants one Agriculture element without any overlay. Supervisor Bibby disagreed with having one Agriculture element and noted that no two agricultural areas in the County are alike – as an example, she feels that Catheys Valley has prime agriculture land and does not have timber like exists in Greeley Hill. She noted that elevation, terrain, and historic use and the size of the parcels in an area dictate differences. She wants the

non-conforming issues to be reviewed with expansion and additions to a structure. She referred to a comment that was received from CalTrans relative to processing encroachments and changes in use on Highway 140. She asked for more information on compliance with the global warming requirements. She noted that secondary dwellings are allowed by State law. She referred to the commercial development issues and noted that 5-acre parcels give a starting point; and she noted that with the current economy, uses do not always generate revenue – it is not the size of the parcel that dictates revenue. She asked for clarification of replacing non-conforming uses; and Sarah Williams responded relative to existing provisions. Supervisor Bibby asked that staff further review the issue of non-conforming parcel sizes and bring back suggested wording. Andy Hauge advised that they would review the global warming impact issue and the input that was provided and make sure that we are in compliance with State law. Supervisor Bibby asked that the 2007 Agriculture Crop Report be included in the record (this will be entered as PH-7). She asked about the status of review of the split zoning parcel issues; and Sarah Williams advised of their review and corrections.

Kris Schenk advised that the public record consists of the following:

- the original staff package consisting of the Action Form and circle pages 1 through 162 and additional attached letters that were received from Stevens Planning Group (dated May 7, 2009) and Rita and Tony Kidd (dated June 1, 2009);
- the draft resolution for adopting the Plan, together with a detailed memorandum regarding greenhouse gas issues, circle pages R1 through R16;
- batch 2 of public correspondence that was received, circle pages B2-1 through B2-36;
- batch 3 of public correspondence that was received, circle pages B3-1 through B3-32;
- batch 4 of public correspondence that was received, circle pages B4-1 through B4-185;
- batch 5 of public correspondence that was received, circle pages B5-1 through B5-90; and
- batch 6 of public correspondence that was received, circle pages B6-1 through B6-8.

The Clerk of the Board noted that documents presented during the public portion of the hearing were marked as circle pages PH-1 through PH-6, and that the 2007 Mariposa Agriculture Crop Report would be entered as PH-7.

County Counsel noted that in his correspondence, Attorney Petrulakis requested that the record also include agendas, minutes, staff reports, notes, documents, tapes, presentations and similar materials of the Catheys Valley Planning Advisory Committee since the adoption of the 2006 General Plan and certification of the 2006 General Plan EIR.

Supervisor Bibby requested that the church and mega church issues, including the limit of 250 persons be clarified. Supervisor Cann commented on the 5,000-square foot being a conditional use for commercial and requested clarification of the definition of a church and the mega church language. He also requested clarification of the storage container issue and what was intended by the Committee. He asked for clarification of the environmental analysis of the existing versus the proposed zoning which results in a net loss of seven home sites, and Andy Hauge advised that he will submit a spread sheet. Supervisor Bibby noted that on circle page 66 of the Plan that the Hornitos Telephone Company should be referred to as TDS and that Sierra Telephone Service provides the 966 and 742 prefix services. She asked whether the parcel numbers in the Plan take into consideration the historic patents and the potential for full build-out, and was advised that they do not. She clarified that the map on circle page 35 is what was forwarded to the Board by the Planning Commission. She asked for clarification of whether there are any differences between regional and local commercial uses; and Andy Hauge advised that the intent of the General Plan and the Catheys Valley Community Plan is that neighborhood commercial serves the Catheys Valley community. However, he further advised, that the Board could give further clarification on this issue. Supervisor Bibby clarified that with regard to the

affordable housing and 5-acre parcels, there is no prohibition on clustering; and Andy Hauge advised that there is no restriction on the shape of parcels as long as the other requirements are met. Supervisor Turpin referred to circle page 44 of the Plan and stated he feels that lines 18 and 19 and 30 and 31 need to be clarified; and that circle page 56, line 32 needs to be clarified; and that there should be further discussion relative to the agricultural issues. Kris Schenk advised that it is their recommendation that following adoption of the Agritourism regulations that an amendment to the General Plan and zoning regulations will be processed. Supervisor Aborn requested that the way churches are addressed be reviewed, along with the Fortner project and legal questions that have been raised.

County Counsel admonished the Board members that since the Board is in the deliberation phase of the public hearing, that they not take any further evidence, either documentary or oral, since the public portion has been closed. He further advised that if further public evidence is accepted, it may require reopening the public portion of the hearing for that subject only.

Supervisor Turpin asked about addressing all of the issues that have been raised; and Andy Hauge advised that the intent is to address them. Supervisor Turpin suggested that there be further review of averaging for the 5-acre minimum issue; and following discussion, the Board did not concur with this direction.

(M)Cann, (S)Allen, the public hearing was continued to July 14, 2009, at 6:30 p.m. Kris Schenk suggested that it would be appropriate to take any input (i.e., emails or correspondence) that was received by the County prior to 6:30 p.m. this date; and County Counsel concurred and advised that it may require reopening of the public portion for that input only. Rick Benson noted that the Board would be able to continue the hearing again after the July 14th deliberations. Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-263
- CA-2 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-264
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-265
- CA-4 Approve Lease Agreement with Almost Like Home, Inc., a California Non-profit Corporation, for Use of the Woodland Community Building and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 09-266
- CA-5 Approve Lease Agreement with Preschool Cooperative, a California Non-profit Corporation, for Use of the Woodland Community Building for FY 2009-2010 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 09-267
- CA-6 Approve the Submittal of the Substance Abuse & Crime Prevention Act (SACPA Proposition 36) Program Plan and the Offender Treatment Program (OTP) Application for FY 2009-2010 to the State Alcohol and Other Drug Program (Human Services Director); Res. 09-268
- CA-7 Approve Lease Agreement with Marc and Tracy Lingenfelter for District Attorney's Office Victim/Witness, Location is 5080 Jones Street and Authorize the Board of Supervisors Chair to Sign the Agreement (District Attorney); Res. 09-269

- CA-8 Approve Lease Agreement with Marc and Tracy Lingenfelter for District Attorney's Office Victim/Witness, Location is 4975 9th Street and Authorize the Board of Supervisors Chair to Sign the Agreement (District Attorney); Res. 09-270
- CA-9 Approve Budget Action Transferring Funds within the Sheriff's Boating Division Budget for a New Engine and or Outdrive Combination after Receiving and Accepting the Appropriate Estimate (\$20,000) (Sheriff); Res. 09-271
- CA-10 Approve Agreement with Richard Shelton for General Maintenance at the Mariposa County Detention Facility and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-272
- CA-11 Approve an Amendment to an Agreement with Rockslide Materials, Inc. to Supply Soil for the Landfill by Extending the Termination Date to September 30, 2009 and Increasing the Amount of the Agreement by \$44,000 to Allow the County to Purchase an Additional 4,000 Cubic Yards of Soil and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 09-275
- CA-12 Approve Lease Agreement with James Bardini for Facilities Located at 5174 and 5172 Highway 49 North and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-273
- CA-13 Appoint Ellie Duste/representing District II and Brenda Ostrom/representing District IV to the Water Agency Advisory Board, with Terms Expiring June 9, 2012 (Supervisors Turpin & Cann)

(M)Bibby, (S)Cann, the meeting was adjourned at 12:04 a.m./Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JANET BIBBY,
Vice-Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

June 16, 2009



DRAFT – PENDING BOARD APPROVAL

Time Description

9:05a.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: Rick Benson advised that item 16 consists of economic stimulus/American Recovery and Reinvestment Act (ARRA) funding. Supervisor Bibby pulled item 4. Jim Rydingsword and Janet Gass/Human Services, responded to questions from Supervisor Cann relative to item 16. Rick Peresan, Technical Services Director, and Ken Pulvino responded to questions from Supervisor Bibby relative to item 4. (M)Bibby, (S)Allen, all of the items were approved, with the note that item 16 consists of economic stimulus/ARRA funding/Ayes: Unanimous.

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

Jeanetta Phillips advised of a recent meeting with the Historic District merchants and citizens and they are encouraging "think and buy local first."

Eleanor Keuning referred to Jeanetta Phillips' input and referred to a recent story in the Fresno Bee; and she commented on the chair arrangement for the audience in the Board Chambers.

Board Information

Supervisor Bibby advised that she is still getting over being ill. She advised that she attended the Foreign Trade Zone meeting via telephone conference. She complimented Public Works for the "movie after hours" event at the Park and for the "activities on the green." She thanked the Historic District merchants for the shop local program.

Supervisor Turpin noted that Lake McClure has reached its peak water level and they are busy. He noted that there have been logging trucks on Highway 132. He attended the SWIFT meeting in Moccasin on June 10th. He thanked CAL FIRE for the fire safe clearance inspections. He met with BLM (Bureau of Land Management) on Wednesday and toured Burma Grade. He attended a meeting at the Red Cloud Park on Thursday relative to the improvement project and commended Viking Construction for their work. He attended the Safe Families event that was held in Coulterville Park; and he advised that the swim season starts on June 29th. He advised that the Community Action Agency meeting scheduled for June 19th in Coulterville may be continued. He advised that the dedication of the flag pole at the Red Cloud Library is scheduled for Saturday.

Supervisor Allen commented on discussions relative to advertising the County and noted that there was a recent story advertising Mariposa in a Santa Barbara newspaper. He attended the

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Mountain Valley Emergency Medical Services Agency Joint Powers Authority meeting on Wednesday. He and Supervisor Cann attended the High School Graduation and Sober Grad Night event. He plans to attend the telemedicine information meeting at UC Merced on Wednesday, and he noted that telemedicine is available at the North County Health Clinic, as well as telephysiatry at the Jail.

Supervisor Cann commended Jim and LeeAnn Allen for their work with making Grad Night a success. He advised that he met with Rick Peresan, representing the Lions' Club, relative to the Labor Day Parade and insurance issues. He advised that he and the County Administrative Officer met with the General Manager of the Amgen Tour last week relative to planning for the event for May 2010. He received a briefing on Monday from the local merchants on the "buy local program." He plans to attend the Regional Council of Rural Counties meeting on Wednesday. He plans to attend the workshop on the Constitutional Convention on June 26th with Supervisor Turpin and the County Administrative Officer.

Supervisor Allen commented on the funding issue for continued school bus transportation and encouraged everyone to get involved. He noted that the concessionaires are using the bus/RV parking spaces at the Rest Area. He noted that there was a story in the Mountain Riders brochure last month relative to the motorized vehicle access trails on Forest Service land and attempts by Evie Wilson to get an extension to the comment period.

Jim Wilson, Fire Chief;

A) Authorize the Fire Chief to Submit a Grant Application to the FEMA Assistance to Firefighters Grants (AFG) Fire Station Construction (FSC) Program. MCFD is Requesting Authorization to Use 50% (\$375,000) of the Tobacco Settlement Fund Dedicated to Fire Station Construction as County Match to the Grant.

BOARD ACTION: Discussion was held with Jim Wilson, and he suggested that a five percent local match be used from the Tobacco Settlement Fund and that funds raised for the Fish Camp Station could be used toward that Station. Supervisor Bibby suggested that consideration be given to authorizing the County Administrative Officer to provide letters of support for the grant applications if needed as the Board will not be meeting on June 30th and July 7th. (M)Turpin, (S)Allen, Res. 09-294 was adopted authorizing submission of the grant application with the Tobacco Settlement Fund to be used as the 5 percent local match for funds that are awarded. The motion was amended, agreeable with the maker and second, to include authorization for County staff to take all administrative actions consistent with the Board's authorization/Ayes: Unanimous.

B) Status of Reimbursement of the Oliver Fire and the Telegraph Fire

BOARD ACTION: Jim Wilson provided a status report and he commended Jim Middleton, Deputy Fire Chief, for his work on this matter. Discussion was held.

Waive Second Reading and Adopt Ordinance Amending Sections 2.104.030, 2.104.050, and 2.104.080 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, Human Services Director, (M)Bibby, (S)Cann, the second reading was waived and Ordinance No. 1056 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Re-Examine and Settle Claim of Valerie Franklin Estate (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson. (M)Allen, (S)Bibby, Res. 09-295 was adopted approving the settlement as recommended/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

10:13 a.m. Recess and Lunch

2:04 p.m. Kris Schenk, Planning Director;

Presentation of Agritourism Advisory Committee Recommendations for Agritourism and Agri-Nature Tourism Ordinance and Adopt a Resolution of Intention Initiating Amendments to the Mariposa County Zoning Ordinance, Chapter 17.40 (Agriculture Exclusive Zone), Chapter 17.148 (Definitions), Chapter 17.114 (Administrative Use Permits – New Chapter), and Chapter 17.108 (Supplementary Standards) to Add Provisions for Agritourism and Agri-Nature Tourism

BOARD ACTION: Kris Schenk advised of the work that has been done to arrive at this point.

Karen Robb gave a presentation on the Agritourism Advisory Committee's work and recommendations. Supervisor Bibby asked about addressing enforcement and suggested that the annual report be posted on-site – Karen will discuss this suggestion with the Committee. Discussion was held and Board members commended staff and the Committee members for their work. Supervisor Cann asked about the education guide, and Karen advised that she is working on that. Sarah Williams, Deputy Planning Director, responded to questions relative to families being able to stay and the maximum occupancy versus the number of rooms that are allowed.

Input from the public was provided by the following:

Jeanetta Phillips stated she is a member of the Agri-Nature Trail Association but is speaking as an individual. She feels the definition of agritourism means that it generates income for the owner; and she feels that the proposal has too many restrictions to be able to generate income – it would only allow for hobby uses. She asked whether competition trail rides are included in the arena, commercial for fee event uses.

MaryAnn Huff, President of the Chamber of Commerce and landowner and Master Gardener, agreed that the numbers are restrictive. She agrees with having a two-year review of the policy. She asked why bird watching was not included in the listed uses.

William Carter, resident of Nevada, stated he is speaking as a person who has seen agritourism work in a small County and he feels that reasonable growth should be allowed. Speaking for Manuel Souza, he questioned why this meeting is being held during the day when he has to work; he feels that the Plan should not be so restrictive for businesses so that they can make money; feels there is a fear of competition with the fairgrounds; feels that Coyote Springs Ranch was not allowed to apply for what they wanted with the restaurant; and he questioned whether the Board is here representing the people.

Jeanetta Phillips stated she would like to see the Board establish regulations for agritourism in Mountain Home and Mountain General land use classifications.

Ken Pulvino, Greeley Hill rancher and Vice-Chair of the Committee, stated the document does not reflect his personal views; but he recommended that the Board take a leadership role in understanding that the Committee worked hard to reach a consensus and he feels that the document is a starting point and he agrees with reviewing it after a year or two. He stated he does not want to see this document taken apart or he feels that things will go back to a dysfunctional state. He advised of a meeting he attended relative to geotourism in Yosemite.

Ken Baker questioned the purpose of the agritourism program – he stated he agrees that this is a good starting point, but he encouraged the Board to look at the numbers as he does not know of a business that can operate on ten people a day. He commented on his recent trip to Calaveras and their tourism. He agrees with the requirement for guests to sign a disclaimer. He encouraged the Board to have more meetings on this and that they be held when working people can attend.

Kris Casto, member of the Committee, stated the document is a consensus as a result of the collaborative process. She suggested that the Agricultural Advisory Committee and the Planning Commission put together reports versus marking this document up, so that the Board can compare the input and people can follow the process. She noted that she would like higher numbers.

Rita Kidd advised that the Committee relied on ex-officio members for technical input on things such as “for fee events” and to provide advice on the one-third mile buffer for petting zoos to prevent contamination of animals on a neighboring ranch or farm. She agrees that we need to keep

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this moving through the process and she feels that the Agricultural Advisory Committee has a right to weigh in if things were missed. She advised that she would like to see more conservative numbers. She feels that the following should have been included as ex-officio members: Building Department, Public Health and County Counsel; and she asked that ex-officio support be provided for attendance at the meetings of the Agricultural Advisory Committee and that they be available for questions during deliberations with the Committee and the Planning Commission. She further stated that she feels that there needs to be more information about the dollars involved; especially with glamping to know what is viable.

Ken Pulvino referred to a comment made by Mike Hubert during a Committee meeting that “property owners might be successful” with agritourism.

William Carter commented on the decline of the cattle herds and argued again for sensible growth.

Cathi Boze, Agricultural Commissioner, advised that agriculture is alive and well in the County and that the ranchers took a hit because of the drought last year. She agrees with having agritourism to help support the ranchers; however, she feels it is easier to start small and build.

Discussion was held with staff relative to the annual reports, two-year review of the policy; and further processing with the Agricultural Advisory Committee and the Planning Commission. Supervisor Turpin asked about consideration of holding an evening meeting. (M)Cann, (S)Turpin, Res. 09-296 was adopted initiating amendments to the Mariposa County Code as recommended/Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-277
- CA-2 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-278
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-279
- CA-4 Support the USDA Grant Application by BitStar Networks to Provide High Speed Internet Access to the Greeley Hill Community (Technical Services Director); Res. 09-280
- CA-5 Approve a Small Claims Legal Advisor Agreement for Fiscal Year 2009/2010 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 09-281
- CA-6 Approve First Amendment Extending the Termination Date to June 30, 2010 with Roger Stevens Engineering to Provide Drafting and Engineering Services for Various Small Projects and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 09-282
- CA-7 Approve Budget Action Increasing Both Revenue and Expense for Residential Garbage in the Wawona Service Area District to Cover Expenditures through June 30, 2009 (\$10,685) (4/5ths Vote Required) (Public Works Director); Res. 09-283
- CA-8 Approve Amendment to Agreement Extending the Termination Date to June 30, 2010 with Roger Stephens to Perform Map Checking, Legal Description Checking and General Surveying Document Checking and Executing Documents as the County Surveyor Under the Direction of the Public Works Director and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 09-284

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- CA-9 Approve Amendments (A01 & A02) for Standard Agreement 07-65061; Approve Amended Memorandum of Understanding (MOU) 07-22/1 and MOU 07-22/3 for HIV/AIDS Education and AIDS Surveillance Programs for Fiscal years 2007-2010 in the Amounts of \$39,893 and \$61,059 (Health Officer); Res. 09-285
- CA-10 Authorize the Board of Supervisors Chair to Sign Certification for Funding Under Health and Safety Code 123945 for the State-mandated Children’s Medical Services (CMS) (Health Officer); Res. 09-286
- CA-11 Adopt a Resolution Approving the Fiscal Year 2008-2009 Adjusted Budget as Mariposa County’s Operating Budget Until the Adoption of the Fiscal Year 2009-2010 Final Budget in September 2009 (County Administrative Officer/Personnel/Risk Manager); Res. 09-287
- CA-12 Authorize the Sheriff to Accept \$17,100 in Grant Funds from the United States Department of Agriculture, Rural Development Division for Replacement of Dive Equipment (Sheriff); Res. 09-288
- CA-13 Approve the First Amendment to the Agreement for Services with the Regents of the University of California for the Master Gardener Program by Extending the Term of the Agreement to September 30, 2009 and Authorize the Board of Supervisors Chair to Sign the Amendment (Cooperative Extension/Farm Advisor); Res. 09-289
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- CA-15 Approve an Agreement with Abbott & Kindermann, LLP, for On-call Legal Consultation and Authorize the Board of Supervisors Chair to Sign the Agreement (Planning Director); Res. 09-291
- CA-16 Approve Agreement 09C-1823 with the State Department of Community Services and Development for Weatherization Program and Authorize the Human Services Director to Sign the Agreement and any Subsequent Amendments (Human Services Director); Res. 09-292, with note that this consists of economic stimulus/ARRA funding.
- CA-17 Pass and Adopt a Resolution Approving the Statement of Votes Cast as Certified to the Secretary of State on June 8, 2009 (County Clerk/Registrar of Voters/Tax Collector/Treasurer); Res. 09-293

(M)Allen, (S)Bibby, the Board adjourned at 3:56 p.m./Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

June 16, 2009



Time Description

9:05a.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: Rick Benson advised that item 16 consists of economic stimulus/American Recovery and Reinvestment Act (ARRA) funding. Supervisor Bibby pulled item 4. Jim Rydingsword and Janet Gass/Human Services, responded to questions from Supervisor Cann relative to item 16. Rick Peresan, Technical Services Director, and Ken Pulvino responded to questions from Supervisor Bibby relative to item 4. (M)Bibby, (S)Allen, all of the items were approved, with the note that item 16 consists of economic stimulus/ARRA funding/Ayes: Unanimous.

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event. He plans to attend the telemedicine information meeting at UC Merced on Wednesday, and he noted that telemedicine is available at the North County Health Clinic, as well as telephysiatry at the Jail.

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Jim Wilson, Fire Chief;

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BOARD ACTION: Following discussion with Jim Rydingsword, Human Services Director, (M)Bibby, (S)Cann, the second reading was waived and Ordinance No. 1056 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

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BOARD ACTION: Discussion was held with Rick Benson. (M)Allen, (S)Bibby, Res. 09-295 was adopted approving the settlement as recommended/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

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2:04 p.m. Kris Schenk, Planning Director;

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- CA-17 Pass and Adopt a Resolution Approving the Statement of Votes Cast as Certified to the Secretary of State on June 8, 2009 (County Clerk/Registrar of Voters/Tax Collector/Treasurer); Res. 09-293

(M)Allen, (S)Bibby, the Board adjourned at 3:56 p.m./Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

June 23, 2009



DRAFT – PENDING BOARD REVIEW

Time Description

9:01 a.m. Meeting Called to Order at the Mariposa County Government Center, with Supervisor Aborn excused due to medical.

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: Vice-Chair Bibby advised that items 14 and 19 were withdrawn by the departments; and she advised of requested changes to item 1. Jim Rydingsword, Human Services Director, responded to questions from Supervisor Cann relative to item 13. (M)Cann, (S)Allen, all items, except 14 and 19 which were withdrawn, were approved including the changes to item 1/minutes/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

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

Board Information

Supervisor Turpin invited everyone to the Coulterville Fire Brigade 40th Annual Deep Pit BBQ and fireworks in Coulterville scheduled for July 4th. He advised that he participated in a teleconference call with CSAC on the status of the State's budget. He attended the Tuolumne County Alliance for Resource and Environment meeting in Sonora on Friday. He attended the dedication of the flagpole at the Red Cloud Library on Saturday. He noted that the Board does not meet for the next two weeks. He plans to attend the Constitutional Convention meeting on Friday with the County Administrative Officer and Supervisor Cann. He plans to meet with the Stanislaus National Forest Service this week.

Supervisor Allen advised that his family attended the Lions' Club function last Tuesday and his wife, LeeAnn, was recognized as "citizen of the year." He attended the UC Merced telemedicine presentation last week and noted that they have a connection with the North County Health Clinic in Greeley Hill. He plans to attend the Jerseydale Fire Safe meeting on Wednesday. He attended the Fish Camp Town Planning Advisory Council meeting on Saturday. He noted the following events scheduled for this Saturday: enchilada dinner fundraiser for the Jerseydale Fire Station at Bootjack Fish and Game and the Grizzly's Hall of Fame dinner at the Fairgrounds. He noted that all-terrain vehicles using County roads are becoming an issue, and that it is illegal.

Supervisor Cann advised that he attended the RCRC (Regional Council of Rural Counties) meeting last week and budget and other issues were discussed. He is continuing to work with the Mariposa Contractors Association on building inspection issues; and he stated he feels that more

needs to be done to advertise the County's amnesty program for building code violations. He plans to go to Sacramento next week for the IRWMP (Integrated Regional Water Management Plan) presentation.

Supervisor Bibby wished Supervisor Aborn a speedy recovery. She advised that she was not feeling well and did not attend the Red Cloud Library flagpole dedication. She wished everyone a Happy 4th of July. She extended a public thanks to all involved and the National Park Service for offering the free access days to Yosemite – July 18 and 19th are the next free entrance days. She commented on the John C. Fremont Health Care Clinic and telemedicine conference being in the news. She advised that TDS telephone service is downsizing and that Liz Cervini is leaving, and she noted that Liz has been an advocate for improved services. She advised that the School Surplus Property Committee meeting is scheduled for June 25th at 5:00 p.m. at the School Board room; and a town hall meeting is scheduled for July 9th at 6:00 p.m. in the Board of Supervisors Chambers. She extended a special congratulation to LeeAnn Allen for her award.

Supervisor Allen noted the presence of Hank Campbell and wished him the best on his upcoming retirement from CHP, and thanked him for all that he does for the youth.

Supervisor Turpin advised that he took advantage of the free entrance to Yosemite with his family. He noted there was a story in the Merced Sun Star relative to the North County Health Clinic and the telemedicine conference; and that planning is in process for an open house at the Clinic.

Supervisor Bibby noted that the Board is not meeting next week due a fifth Tuesday and the meeting for July 7th was cancelled.

Dana Hertfelder, Public Works Director;

A) Presentation by Nichols Consulting Engineers, Chtd. on County Road Pavement Management

BOARD ACTION: Dana Hertfelder introduced Margot Yapp and Laura Carroll of Nichols Consulting Engineers, Chtd. Margot Yapp gave a presentation on the overall condition of the roads in the County and funding that is needed for maintenance. Discussion was held with Dana relative to the status of the Road budget and funding. Supervisor Bibby asked that a copy of the full report be provided to the Board members, and that information on road mileage for the other counties be provided.

Input from the public was provided by the following:

Eleanor Keuning provided input on maintenance on Leonard Road; and stated she feels that Ben Hur and Old Highway need to be maintained to serve as alternate routes to the highways.

Supervisor Bibby noted the importance of citizens paying their taxes and registrations fees; and she noted that CHP has a website for the "cheaters program" for reporting out-of-state license plates being used by California residents. Board members thanked Public Works and staff and the consultants for their work.

10:37 a.m. Recess

10:46 a.m. Discussion and Possible Direction Regarding the Proposed Tax Increase on Fuel to Backfill the Proposed Highway User Tax Account (HUTA) "Take Away" (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion relative to the status of the State Budget Conference Committee meeting and recommendations; and he noted that the proposals are constantly changing. Dana Hertfelder provided input and stated he feels that the County should adamantly oppose the State taking the gas tax; and he provided input on the five percent increase proposal.

Input from the public was provided by the following:

Peter Schimmelfennig, Chamber of Commerce, commented on traffic changes that have occurred in the County and the impact funding and road maintenance has on traffic. He commented on the tax allocation and use of transient occupancy taxes.

The Board concurred with Supervisor Turpin speaking for the County at the CSAC meetings on this matter.

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B) Discussion and Direction from the Board of Supervisors Regarding Establishing a Revised Fee Schedule for Organic Waste Streams (Manure, Biosolids, Wood Chips, and Commercial Food Waste), E-Waste, Dead Animals, Metals, and Concrete/Asphalt

BOARD ACTION: Discussion was held with Dana Hertfelder relative to consideration of moving forward with the fee changes; and he advised of additional request to increase the public scale fee from \$10 to \$20. (M)Allen, (S)Cann, direction was given to continue with the process and for a public hearing to be scheduled for the fee revisions, including the public scale fee/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Authorize the Board of Supervisors Chair to Sign a Letter to the Governor to Support Continued Funding of the California State Mining and Mineral Museum (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson relative to the letter and suggested revisions. (M)Cann, (S)Turpin, Res. 09-313 was adopted approving the letter, with the following changes: review and revise the sales data; include copies to the State Parks, Chamber of Commerce/Tourism; inclusion of wording that it would be unlikely that the County would continue the lease payments of approximately \$50,000 a year if the Museum is closed and the cost of curating the collection while it is closed may equal the State's costs to keep the Museum open/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Approve First Amendment to Lease Agreement with the Mariposa County Chamber of Commerce Extending the Term to September 30, 2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson. (M)Turpin, (S)Allen, Res. 09-314 was adopted approving the amendment/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Authorize the Board of Supervisors Chair to Sign a Letter to the Sierra National Forest Supervisor Providing Comments Regarding the Motorized Travel Management Draft Environmental Impact Statement (DEIS) (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson and he advised of Supervisor Aborn's request for a sixty day extension of the comment period. Discussion was held relative to the letter and suggested revisions. (M)Allen, (S)Cann, Res. 09-315 was adopted approving the letter, with the addition of a request for an extension of thirty days because of the poor quality of the maps, including the computer versions; with the inclusion of a statement that the staging area could also be used for emergency personnel and fire suppression equipment staging; and with the deletion of the sentence relative to communications; and directing that any constituent information that has been received in writing be forwarded to the Forest Service/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Approve a Loan Agreement with the Area 12 Agency on Aging to Loan up to \$68,990 to Assist with their Cash Needs in Funding Their Operation Until the State Budget is Adopted, and Authorize the Board of Supervisors Chair to Sign the Loan Agreement (Supervisor Allen)

BOARD ACTION: Supervisor Allen initiated discussion relative to the request. Rick Benson cautioned on watching that the Board does not receive a snowball affect for these kinds of requests. (M)Allen, (S)Turpin, Res. 09-316 was adopted approving the loan agreement/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

INFORMATION – No action was necessary on the following:
Information on the Purpose and Objectives of the Alcohol and Drug Advisory Board that were Finalized and Approved at the April Alcohol and Drug Advisory Board Meeting (Human Services Director)

DRAFT – PENDING BOARD REVIEW

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This matter was withdrawn by the County Administrative Officer.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of June 9, 2009, Regular Meetings (Clerk of the Board); approved with changes
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-297
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-298
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-299
- CA-5 Approve an Extension of the State of California Emergency Management Agency District Attorney Vertical Prosecution Block Grant to June 30, 2010 (Amendment No. 3) and Increase Grant Funds by \$88,022, and Authorize the District Attorney to Sign the Extension (District Attorney); Res. 09-300
- CA-6 Approve Agreement with HAVA and Accept Grant Money for Voter Accessibility/Disability in the Amount of \$2,497, and Authorize the Board of Supervisors Chair to Sign the Agreement (County Clerk/Treasurer/Tax Collector/Elections); Res. 09-301
- CA-7 Approve the 2009 Labor Day Parade as a County Sponsored Event; Approve Issuance of a County Insurance Certificate to Caltrans; Approve the Application for a Caltrans Encroachment Permit in Support of Closing Highway 140 from 11:00 a.m. to 12:30 p.m., Between Highway 49 North and Highway 49 South, on Saturday, September 5, 2009, and Authorize the Board of Supervisors Chair to Sign Letter to Caltrans (Technical Services Director on Behalf of the Lions Club); Res. 09-302
- CA-8 Approve Agreement with the Coulter Café to Provide Senior Citizens in North County with Hot Meals and Authorize the Board of Supervisors Chair to Sign the Agreement (Community Services Director); Res. 09-303
- CA-9 Approve Amendment to Agreement with Richard Shelton for General Maintenance at the Mariposa County Detention Facility, Increasing Amount of Agreement by \$2,500, and Authorize the Board of Supervisors Chair to Sign the Amendment (Sheriff); Res. 09-304
- CA-10 Approve Agreement with John C. Fremont Healthcare District to Provide Dietary Services to the Mariposa County Sheriff's Adult Detention Facility and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-305
- CA-11 Approve Amendment Two to Task Order Two with Hauge Brueck Associates, LLC, in the Amount of \$6,500, for Completion of the Catheys Valley Community Plan, and

DRAFT – PENDING BOARD REVIEW

Authorize the Board of Supervisors Chair to Sign the Amendment (Planning Director); Res. 09-306

- CA-12 Approve Amendments One and Two for the Multi-year Negotiated Net Amount (NNA) Agreement with the Department of Alcohol and Drug Programs for Fiscal Years 2007-2008 through 2009-2010, and Authorize the Board of Supervisors Chair to Sign the Amendments (Human Services Director); Res. 09-307
- CA-13 Approve a Two-year Agreement with the National Council on Crime and Delinquency (NCCD), the Children’s Research Center Division for Internet Access to SafeMeasures Regarding the Child Welfare Services Program and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-308
- CA-14 Approve Lease Agreement with Richard Roesch for Facility Located at 5026 Broadway, Coulterville, Necessary for Program Operations for Mental Health Counseling, Alcohol and Drug Services, Housing Services and Eligibility for Social Services Programs, and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); withdrawn
- CA-15 Approve Agreement with Allen, Fagalde, Albertoni and Flores, LLP for Continued Legal Services for Human Services Programs, and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-309
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- CA-19 Increase Salary from Step One (1) (\$11.643/hr) to Step Five (5) (14.151/hr) for an Extra-help, Senior Office Assistant Position, Effective July 1, 2009 (Chief Probation Officer); withdrawn

(M)Turpin, (S)Allen, the Board adjourned at 12:11 p.m. in memory of Edward Enrico, Donald Rose, Barbara J. French, Walter W. Ladd, Mildred Louise Montgomery, Nic Fiore, and Jim Lee/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

DRAFT – PENDING BOARD REVIEW

JANET BIBBY
Vice-Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

June 23, 2009



Time Description

9:01 a.m. Meeting Called to Order at the Mariposa County Government Center, with Supervisor Aborn excused due to medical.

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: Vice-Chair Bibby advised that items 14 and 19 were withdrawn by the departments; and she advised of requested changes to item 1. Jim Rydingsword, Human Services Director, responded to questions from Supervisor Cann relative to item 13. (M)Cann, (S)Allen, all items, except 14 and 19 which were withdrawn, were approved including the changes to item 1/minutes/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

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

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(M)Turpin, (S)Allen, the Board adjourned at 12:11 p.m. in memory of Edward Enrico, Donald Rose, Barbara J. French, Walter W. Ladd, Mildred Louise Montgomery, Nic Fiore, and Jim Lee/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JANET BIBBY
Vice-Chair, Board of Supervisors