



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

July 13, 2010



Folder      Time      Description

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

Pledge of Allegiance

Chair Cann called for a moment of silence in recognition of our troops scattered across the globe and the risks that they endure everyday to protect our freedoms, and he noted that we celebrated Independence Day on July 4<sup>th</sup>.

Introductions – none

- 1      Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)  
**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 a wording change on the amendment for item 108 was distributed; and that the budget amount for item 124 was changed to \$45,000.  
    Input from the public was provided by the following:  
    Ruth Catalan asked that the agenda packages be placed on-line; and she referred to item 110 and asked for more detail.  
    Dick Hutchinson referred to item 108 and expressed concern with the location of the sign on 5<sup>th</sup> Street advising of the old jail tours stating he feels it is a safety hazard.  
    Supervisor Allen advised that he will excuse himself from the meeting for item 106 due to a potential conflict of interest. Supervisor Aborn asked for an explanation on items 111 and 112. Mike Kinslow, Building Department Director, provided input on item 111. Supervisor Aborn advised that he is okay with item 112. (M)Aborn, (S)Bibby, all items were approved, except item 106/Ayes: Unanimous.  
    Item 106 – Supervisor Allen was excused at 9:14 a.m. from the meeting. (M)Bibby, (S)Aborn, item 106 was approved/Ayes: Aborn, Turpin, Bibby, Cann; Excused: Allen. Supervisor Allen returned to the meeting at 9:15 a.m.
  
- 2      Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)  
    Dr. Mosher, Health Officer, provided a briefing on the status of the whooping cough outbreak; and discussion was held.

Kris Randal, Master Gardeners Program Coordinator, advised of outreach programs the Master Gardeners have been involved with, and advised of their upcoming workshop on planting alternatives and the impact of invasive plants.

Peter Schimmelfennig, Chamber of Commerce Executive Director, thanked Dr. Mosher for his presentation on the status of the whooping cough outbreak. He invited everyone to attend the mega business mixer at the Charles Street Plaza this evening and advised that the Chamber's summer luncheon is scheduled for Wednesday – he acknowledged the Master Gardeners' help with the luncheon. It was noted that Chamber President is on a bicycle trip across America.

Dick Hutchinson commented on the carriage rides being provided in town by Marshall Long and he noted that some of the businesses are staying open longer and the music is playing later. He suggested that the downtown merchants and the County thank Mr. Long for this service.

Chair Cann noted that Myles Jellison was in the audience and that he has taken on an Eagle project to update the signs throughout town advising of the churches that exist.

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### Board Information

Supervisor Aborn advised that the El Portal Town Planning Advisory Committee is meeting this evening; and that the Midpines Town Planning Advisory Committee is scheduled to meet next week. He referred to the Better Business Bureau and suggested that good services also be reported.

Supervisor Allen referred to the retirement luncheon held at the Senior Activity Center on June 30<sup>th</sup>, and he reminded everyone of the recognition scheduled for Mary Williams this afternoon. He attended a lot of meetings over the last couple of weeks, including the following issues: one-lane bridge on Harris and Creel Road; noted there is new carpet in the Hall of Records building, but outside maintenance still needs to be done; relative to Wawona issues; with Supervisor Cann and the Human Services Director on the status of the subsidized employee program; and with the Fire Chief and Deputy Fire Chief in Mariposa Pines relative to water and fire hydrant issues. He advised that the Board will meet on Wednesday to interview applicants for the Community Services Director position. He plans to attend the State Fair on Thursday, and he noted that 4-H did a County exhibit booth with the involvement of the Tourism Bureau.

Supervisor Turpin advised that he met with the Forest Service on June 23<sup>rd</sup> relative to Bower Cave; and on June 25<sup>th</sup> with the Forest Service and Bureau of Land Management relative to the off-highway vehicle staging area at Dates Flat. He attended a meeting with the Coulterville Community Club subcommittee relative to addressing playground needs. He attended the luncheon for Mary Williams on June 30<sup>th</sup>; and the Station 26 annual BBQ in Coulterville on July 3<sup>rd</sup>. He advised that the Forest Service completed a control burn last week for Yellow Star Thistle and they burned in the Bull Creek area on July 10<sup>th</sup>. He attended a future fire station planning meeting on July 9<sup>th</sup>; and the Tuolumne-Mariposa County Resource Advisory Committee meeting on Monday. He advised that the Board will meet on Wednesday to interview applicants for the Community Services Director position. He advised he plans to attend a meeting on Thursday with the Public Works Director, County Administrative Officer, and the Economic Business Development Coordinator relative to future projects in Coulterville.

Supervisor Bibby thanked the Agricultural Commissioner for recent news information on the grasshoppers and cinch bugs. She advised of the receipt of a letter from Senator Boxer relative to efforts to obtain PILT (payment in-lieu of taxes) funding for the County. She urged citizens to respond to Senator Cogdill's small business survey. She noted that there are several other free days scheduled for Yosemite National Park. She attended the 4<sup>th</sup> of July event sponsored by the Kiwanis. She noted that Mother Lode Job Training held an open house on July 8<sup>th</sup>; and she attended the Mental Health Board meeting on July 1<sup>st</sup> and reminded everyone of the "just-in-case"

program. She met with the Human Services Director relative to the status of the subsidized employment program. She advised that she will provide a copy of an article from the farm news (California Country) relative to the impacts on the high speed rail. She advised that she received a letter from the CalTrans Safety Representative relative to safety concerns with the intersection in front of the Pizza Factory and the area by Chocolate Soup – they are planning to do fog striping and eliminate parking spaces.

Supervisor Cann referred to the grasshopper infestation and the status of PILT revenues and the crosswalk safety issues in town. He advised that he attended the Economic Development Corporation meeting a couple of weeks ago, and the Gateway Partners meeting in Yosemite with Supervisor Aborn and the County Administrative Officer. He asked the Chamber of Commerce to provide statistics on the number of Courthouse tours that are conducted. He advised that he is meeting with the Human Services Director and staff from the Parks and Recreation Day Camp program to set up a scholarship program for certified needy families. He commented on all of the road maintenance work that is occurring and he suggested that the Agricultural Commissioner include information on their website about Star Thistle eradication.

Supervisor Aborn referred to the recent loss of a neighbor that was mowing and he suggested that CalFire be invited to give a presentation at the onset of fire season advising of various safety measures and clearance requirements.

Supervisor Turpin commented on the water level at Lake McClure, and on the status of Williamson Act Subvention Funding revenues.

Steve Dahlem, County Counsel, advised of a ruling by the 5<sup>th</sup> District Court of Appeals approving the County's environmental review of the Seventh Day Adventist Camp in Wawona; and he acknowledged the successful work by Kris Schenk/Planning Director, Sarah Williams/Deputy Planning Director, Attorney Bill Abbott, and former County Counsel Tom Guarino.

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#### **Administration**

Approve using \$29,134 from the Tobacco Settlement Fund for the Completion of Phase I for the Grizzly Stadium Project

**BOARD ACTION:** Rick Benson reviewed the request and recommended that the approval of funding be contingent on the environmental review being successfully completed by the School District.

Input from the public was provided by the following:

Ruth Catalan commented on the status of the County's budget and stated she feels that we need to stop spending.

Discussion was held. Supervisor Aborn stated he still wants to see the layout of the project, including the parking. Supervisor Turpin requested that each phase be completed before the Board considers additional funding. Supervisor Bibby asked that progress reports be provided to the Board. County Counsel responded to a question from the Board relative to the status of the CEQA action taken by the School Board and he advised that he is tracking that. Supervisor Cann noted that phase 1 would be used even if nothing goes further.

(M)Bibby, (S)Allen, Res. 10-354 was adopted approving the use of \$29,134 from the Tobacco Settlement Fund for the completion of phase 1, with direction that the remaining amount continued to be pursued, and contingent on the CEQA process being completed; with direction for progress reports to be given to the Board every three months; and contingent on the Board receiving a parking plan and plot map before any funds are released. Supervisor Aborn suggested the phase 1 project be reviewed by an engineer. County Counsel noted that this is not a County project, it is a School District project and he noted parking is not included in phase 1 improvements. Ayes: Unanimous.

4a

**Administration**

Approve a Loan Agreement with Area 12 Agency on Aging 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 and he advised that the other counties in the joint powers agreement are not charging interest if funds are actually borrowed, and he requested that Mariposa not charge interest. (M)Allen, (S)Turpin, Res. 10-355 was adopted approving the Loan Agreement without any interest/Ayes: Unanimous.

5

**Building**

Waive the First Reading and Introduce an Ordinance Amending Section 15.10.050 of the Mariposa County Code to Allow for Recording of a Notice of Non-Compliance Against Owners in Circumstances Where Construction Work has been Commenced or Completed without the Required Permit(s) or where there has been a Failure to Obtain Final Inspection Approval Prior to Expiration of the Required Permit(s) (Ordinance 739, 1989)

**BOARD ACTION:** Mike Kinslow, Building Department Director, reviewed the requested amendment; and discussion was held. Supervisor Allen asked whether fees are charged for the insurance companies and banks, etc. that request permit information; and he asked the County Administrative Officer to review this with the Building Department Director. (M)Allen, who read the ordinance title into the record, (S)Bibby, the first reading was waived and the Ordinance was introduced amending Section 15.10.050 as recommended/Ayes: Unanimous. County Counsel responded to a question from the Board relative to the status of review of the fees for Planning, Building and Health, and he noted that he asked for consideration of a fee for time in providing public records.

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Consider Items Removed from the Consent Agenda – none.

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**County Counsel**

CLOSED SESSION: Anticipated Litigation; Initiation of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Number of Cases to be Discussed: 2

**BOARD ACTION:** (M)Turpin, (S)Allen, the closed session was held at 10:40 a.m./Ayes: Unanimous.

**12:03 p.m.** The closed session was continued to 2:00 p.m. and the Board recessed for lunch.

**1:05 p.m.** The Board reconvened.

8

**Chair Cann**

Resolution and Tile Plaque Recognizing Mary Williams Upon her Retirement as Community Services Director, with Refreshment Break to Follow

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

Linda Zach, Area 12 Agency on Aging Executive Director, commented on her work with Mary Williams; and she thanked her for her services.

Bob Johns, County Veterans Service Officer, commended Mary Williams for her services on behalf of all of the veterans in the County.

Board members commended Mary Williams for her service. (M)Bibby, (S)Aborn, Res. 10-325 was adopted and presented to Mary Williams, along with a tile plaque/Ayes: Unanimous.

**1:23 p.m.** Refreshment Break

**2:01 p.m.** The Board reconvened in closed session.

**2:28 p.m.** Recess

**2:37 p.m.** The Board reconvened in open session.

**Report from Closed Session**

Chair Cann reported that information was received and direction given as a result of both matters in closed session.

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**Planning**

PUBLIC HEARING to Consider Appeal No. 2010-44, an Appeal of the Planning Director's Determination Regarding the "Crane Deed and a Foreclosure Sale List" for Five (5) Parcels; Property Owners and Appellants: Jeff Miller and Layne Clifton

**BOARD ACTION:** Kris Schenk, Planning Director, introduced the appeal. Sarah Williams, Deputy Planning Director, presented the staff report, including a review of the "Crane Deed" and definition of aliquot parts/fractional parcels based on the grid system. She advised of correspondence that was received after the appeal package was prepared: letter of July 12, 2010 from MERG (Mariposans for the Environment and Responsible Government); email of July 12, 2010 from Jeff Miller; and additional information (memo and draft resolution to approve the appeal) submitted by Jeff Miller this date.

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

**Appellants Presentation:**

Jeff Miller, property owner and appellant, asked that his testimony from his first appeal be incorporated in this appeal. He referred to the "Crane Deed" and stated it was felt that this was the easiest way to describe the parcels. He feels that the reference to five parcels shows what was intended and that his family's intent was that the underlying parcels remain legally separate. He advised that separate legal descriptions were not prepared because his and his cousin's attorneys advised them that could leave room for error. He advised that these parcels were used for bargaining chips in dividing the land to equalize the acreage. He responded to questions from the Board relative to the location of the fence lines; relative to the status of property in the north west corner of Section 2 and to the south and east of Highway 140 in Section 3; when the State right-of-way was acquired; relative to circle pages 33 and 35 in the packages being illegible; and acreage involved in the parcels in question.

**Opponents Presentation:** None.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the status of ownership of the acreage that is south of the parcels in question; relative to the correspondence received from the appellant saying that certain issues should not be included in the proposed resolution; and relative to the *Tehama* Case and timelines and how this matter and underlying fractional parcels would have been handled prior to the *Tehama* Case.

The Board allowed for Jeff Miller to respond; and he provided input relative to the *Tehama* Case and this matter advising that he feels the intent of the parties and not just the Deed is overriding.

(M)Bibby, (S)Aborn, Res. 10-356 was adopted upholding the Planning Director's determination as written in correspondence dated April 16, 2010; and denying Appeal No. 2010-44, based on the findings; property owners and appellants: Jeff Miller and Layne Clifton/Ayes: Aborn, Bibby, Cann, Allen; Noes: Turpin. The hearing was closed.

## Consent Agenda

- CA-101      **Clerk of the Board**  
Approval of Summary of Proceedings of June 22, 2010, Regular Meeting
- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-326
- CA-103      **Administration**  
Receive the List of Agreements entered into by the County Administrative Officer Pursuant to Ordinance 3.08 for the Months of April, May, and July, 2010
- CA-104      **Administration**  
Approve Budget Action Reducing General Contingency to Fund Extraordinary Expenses in the Indigent Defense Budget for FY 2009-2010 (\$60,313) (4/5ths Vote Required); Res. 10-327
- CA-105      **Administration**  
Approve and Authorize the Board of Supervisors Chair to Sign Letter in Opposition to the “Internet Travel Tax Fairness Act”; Res. 10-328
- CA-106      **Administration**  
Approve Budget Action for Fiscal Year 2009-10 Reducing General Contingency to Provide Necessary Funding to the Airport Fund as a Result of the Approved Fixed Base Operator Agreement (\$26,000) (4/5ths Vote Required); Res. 10-353
- CA-107      **Administration**  
Terminate the Employment Agreement with Willdan Engineering for the Services of Doug Wilson as Interim Public Works Director, Effective June 21, 2010; Res. 10-329
- CA-108      **Administration**  
Approve Second Amendment to Agreement with the Mariposa County Chamber of Commerce to Include Courthouse and Jail Tours; and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-330
- CA-109      **Administration**  
Approve the Five-Year Lease Agreement with the 35-A District Agricultural Association for Office Space for the Cooperative Extension and Agricultural Commissioner Departments; and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-331
- CA-110      **Administration**  
Appoint Richard J. Benson, County Administrative Officer, as County’s Negotiator Concerning Acquisition of Property Adjacent to the County Landfill; Res. 10-332
- CA-111      **Building**  
Approve an Agreement with NAFFA INTERNATIONAL, INC. to Provide Plan Checks and to Serve as the Certified Access Specialist Required by the State; and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-333

- CA-112      **Board of Supervisors**  
 Approve an Administrative Match Agreement with Area 12 Agency on Aging for In-kind Legal Services in the Amount of \$29,173 for FY 2010-2011; and Authorize the Board of Supervisors Chair to Sign the Agreement (Supervisor Allen); Res. 10-334
- CA-113      **Community Services**  
 Approve Budget Action Increasing Revenue and Appropriations in the Veterans' Services Budget to Cover Expenses that Exceeded the Original Budget Projections for FY 2009-2010 (\$1,795) (4/5ths Vote Required); Res. 10-335
- CA-114      **Human Services**  
 Approve an Agreement with Country Villa Health Services for Inpatient Residential Care and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-336
- CA-115      **Human Services**  
 Approve an Agreement with Milhous Children's Services for Mental Health Services for Children Placed in Foster Care outside of the County and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-337
- CA-116      **Human Services**  
 Approve an Agreement with Edna Terrell for Consulting Services for Human Services Programs Including Assistance with Child Welfare Services Self Assessment, Self Improvement Plan, Self Improvement Plan Update and/or Peer Quality Case Review Processes and Reports and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-338
- CA-117      **Human Services**  
 Approve an Agreement with Kings View Corporation for use of their Management Information System and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-339
- CA-118      **Human Services**  
 Approve Agreement Number 09C-1771 with the State Department of Community Services and Development and Authorize the Human Services Director to Sign the Agreement and Any Subsequent Amendments up to the Maximum Amount Allocated Contingent on Review and Approval by County Counsel; Res. 10-340
- CA-119      **Public Works**  
 Approve the First Amendment to the Agreement with Analytical Environmental Services (AES) in the Amount of \$13,450 for the Preparation of CEQA Documents for Two Fire Stations Located in Don Pedro and Midpines and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-341
- CA-120      **Public Works**  
 Approve the Plans and Specifications for the Midpines Park Proposition 40 Project No. 06-13, and Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder and Sign the Agreement (Continued from June 22, 2010); Res. 10-342
- CA-121      **Public Works**  
 Approve the First Amendment to an Agreement with Thunder Ridge Company in the Amount of \$5,500 for Snow Plowing Operations in Fish Camp and Mt. Raymond Road and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-343

- CA-122      **Public Works**  
 Approve Plans and Specifications and Authorize the Director of Public Works to Award the Contract to the Lowest Responsible Bidder and to Sign a Contract for Services for Three Roads: Hornitos Road, Triangle Road, and Greeley Hill Road for Chip Seal/Scrub Seal; and to Re-bid the Ashworth Road Chip Seal Project – Funded under the American Recovery and Reinvestment Act; Res. 10-344
- CA-123      **Technical Services**  
 Declare the September 4, 2010 Labor Day Parade 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, Saturday, September 4, 2010, and Authorize the Board of Supervisors Chair to Sign a Letter of the Board’s Support and Approval; Res. 10-345
- CA-124      **Sheriff**  
 Approve Budget Action for FY 2009-10 Transferring Funds within the Jail Budget to Cover Unanticipated Expenditures Associated with Medical and Transportation Costs for Inmates at the Adult Detention Facility (\$25,000); Res. 10-346, with change to \$45,000
- CA-125      **Sheriff**  
 Approve Court Security Services Agreement (Memorandum of Understanding) between the County, Sheriff, and the Superior Court for Fiscal Year 2010-11 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-347
- CA-126      **Agriculture**  
 Approve Grant Agreement No. SPF10-6922 with the California Department of Food and Agriculture (CDFA) for the United States Forest Service (USFS) 2010 Mariposa County Noxious Weed Proposal – Arundo Eradication Project – Mariposa Creek Area and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-348
- CA-127      **Agriculture**  
 Approve Agreements with Custom Weed Control and Dan Wice for the United States Forest Service 2010 Mariposa County Noxious Weed Proposal – Arundo Eradication Project – Mariposa Creek Area (Grant Agreement No. SPF10-6922 with the California Department of Food and Agriculture (CDFA)) and Authorize the Board of Supervisors Chair to Sign the Agreements; Res. 10-349
- CA-128      **Elections**  
 Adopt a Resolution Approving the Statement of Votes Cast in the Statewide Direct Primary Election as Certified to the Secretary of State on July 1, 2010; Res. 10-350
- CA-129      **Elections**  
 Approve Hiring an Extra-Help System Support Analyst in the Elections Office at Step 5 of the Pay Grade (\$20.51/hour) for the Position Effective July 1, 2010; Res. 10-351
- CA-130      **Fire**  
 Approve Budget Action for FY 2009-10 Increasing Revenue and Appropriations within the Fire Special Grants Budget for Unanticipated Revenue for the 2009 Office of Traffic Safety (OTS) Grant that was Approved by the Board of Supervisors on August 4, 2009 (\$236,072) (4/5ths Vote Required); Res. 10-352

CA-131

**Supervisor Turpin**

Accept Resignation of Don Pucilowski from the Parks and Recreation Commission

(M)Aborn, (S)Turpin, the closed session for Community Services Director interviews is to be held on July 14, 2010 at 8:30 a.m./Ayes: Unanimous.

The meeting was recessed at 3:32 p.m. in memory of Chris Herman, Mary Pitt, Elna Mayhugh, and Thomas Griffin; and the meeting was continued to Wednesday, July 14, 2010, at 8:30 a.m. for closed session for Community Services Director interviews.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

KEVIN CANN  
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

July 14, 2010

(Meeting Continued from July 13, 2010)



Folder            Time            Description

**8:36 a.m.** The Board met in continued meeting at the Mariposa County Government Center from July 13, 2010, with Supervisor Bibby excused due to another commitment

10            CLOSED SESSION: Conduct Interviews for the Community Services Director Position

**BOARD ACTION:** The Board convened in closed session.

**10:45 a.m.** Recess and Lunch

**2:02 p.m.** The Board reconvened in closed session.

**4:44 p.m.** **Report from Closed Session**

Chair Cann advised that direction was given to staff as a result of the closed session.

11            **Adjourn**

Chair Cann adjourned the meeting at 4:45 p.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

KEVIN CANN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

July 20, 2010



Folder      Time      Description

**9:01 a.m.** Meeting Called to Order at the Mariposa County Government Center with Supervisor Bibby excused.

Pledge of Allegiance

Chair Cann called for a moment of reflection for those who have had their lives and careers impacted by the oil spill off the Gulf Coast.

Introductions – none

- 1      Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)  
**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:  
    Anita Starchman Bryant, Starchman & Bryant Law Offices, referred to item 111 and asked for a list of the documents to be destroyed.  
    Steve Fortner referred to item 111 and noted that he has submitted written documents on the Catheys Valley Plan for 15 years, and he does not want to see any of those records destroyed.  
    Ken Baker advised that he has been representing clients here since 1995 and he requested that no documents be destroyed until the controversial items before the Board are resolved.  
    Eleanor Keuning referred to item 106 and expressed concern with the work that has been done.  
    Supervisor Allen pulled item 111 for input from County Counsel. (M)Turpin, (S)Aborn, the balance of the items was approved/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby. Steve Dahlem, County Counsel, provided input on item 111, and he advised that no pending or active files are being destroyed. (M)Allen, (S)Aborn, item 111 was approved/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.
  
- 2      **Chair Cann**  
Proclaim the Week of July 18 – 24, 2010 as “Probation, Parole and Community Supervision Officer Week” (Gail Neal, Chief Probation Officer)  
**BOARD ACTION:** (M)Turpin, (S)Allen, the Proclamation was approved and presented to Gail Neal, with the Deputy Probation Officers present/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

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**Chair Cann**

Proclaim the Week of July 19 – 25, 2010 as “California Invasive Weed Awareness Week” (Cathi Boze, Agricultural Commissioner)

**BOARD ACTION:** (M)Turpin, (S)Aborn, the Proclamation was approved and presented to Cathi Boze/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby. Cathi Boze advised that the Hydrilla has been declared eradicated from the West Fork of the Chowchilla River as nothing has been found in the last seven years; and efforts are continuing to manage the Yellow Star Thistle.

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Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)

Dr. Mosher, Health Officer, provided a status report on the Whooping Cough outbreak and advised that there are now five confirmed cases in the County. He also provided a briefing on the mercury hazardous waste spill incident over the weekend at the Arts Park and the clean-up.

Ivan Laam referred to the funding the Board approved for the Grizzly Stadium project and expressed concern with Title 1 funding; and he provided input on testing and funding for services for students.

Steve Saunders asked when input would be accepted on Catheys Valley Plan items; and Chair Cann responded that input would be accepted with that item later on the agenda.

Tolley Gorham stated he feels that the sign Ordinance needs to be considered and resolved; and he suggested that a citizen-based committee be formed to re-craft the Ordinance.

Eleanor Keuning commented on and thanked everyone for their support of the 17<sup>th</sup> annual fireworks, specifically Undersheriff Doug Binnewies and Supervisor Bibby for being the emcees. She referred to a news article on the development of high-tech huts as an alternative to nursing homes.

Kevin Smith, CalFire Battalion Chief for the Merced, Mariposa, Madera Ranger Unit, provided input and advised that they are at peak staffing for the fire season. Supervisor Aborn asked about the status of the Fire Safe brushing program, and Supervisor Allen noted that there is still funding for this program for eligible participants.

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**Board Information**

Supervisor Turpin advised that the Lake McClure water level is receding from its high-point of about 95 percent. He advised that he met logging trucks hauling cedar logs this morning. He met with the Human Services Director on Wednesday relative to issues pertaining to the Department. He advised that the Board interviewed applicants for the Community Services Director position on July 14<sup>th</sup>. He met with the Public Works Director, County Administrative Officer and the Business Development Coordinator on Thursday relative to projects for Coulterville. He attended the Station 26 Fire Brigade meeting on Monday; and the Community Club is meeting this evening on emergency information. He will be reviewing the Calaveras-Mariposa Community Action Agency by-laws.

Supervisor Allen advised that the Board interviewed applicants for the Community Services Director position on Wednesday. He went to the State Fair on Thursday in Sacramento, and he commended 4-H for the outstanding job they did with putting together an exhibit booth representing the County – they received a silver award. He attended the Ponderosa Basin Volunteer Ladies Auxiliary meeting and ice cream social on Saturday. He plans to tour the Lushmeadows area with the Public Works Director on Wednesday. If the Board meeting allows, he plans to attend the PERS retiree meeting today at noon.

Supervisor Aborn advised that the El Portal Town Planning Advisory Committee met on Thursday and they are still discussing speed bumps. He recommended that monthly reports be given on what is happening at the Airport. He attended the Republican Central Committee picnic in the park on Saturday; and he commented on the Midpines Planning Advisory Council meeting.

Supervisor Cann advised that he was in Detroit, Michigan, for a wedding this past weekend and commented on the vacant auto assembly facilities. He attended the Chamber of Commerce's luncheon last week. He referred to the earlier comment on the sign Ordinance, and he asked that an agenda item be scheduled to review the Ordinance. He noted that it was adopted in 1991, and he feels that it should be enforced – but that it would be appropriate to discuss it. He advised that he received a letter from the Yosemite National Park Superintendent inviting the Board and the public to the unveiling of the new quarter depicting Yosemite.

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### **Planning**

Consider Amended Work Program and Schedule for Completion of the Catheys Valley Community Plan (CVCP) and Supplemental Environmental Impact Report (EIR), (Recommended Public Workshop is Proposed for Saturday, August 14, 2010, at 10:00 a.m.); Approve Amendment No. 4 to Task Order No. 2 with Hauge Brueck Associates in the Amount of \$51,600; and Authorize the Board of Supervisors Chair to Sign the Amendment.

**BOARD ACTION:** Chair Cann advised that there are two parts to this item: 1) scheduling of a public workshop; and 2) hiring of the consultant to provide continued services. Kris Schenk, Planning Director, reviewed the request. Discussion was held.

Input from the public was provided by the following:

Ken Baker stated he has clients in Catheys Valley that are affected by the proposed Plan. He does not feel that “true community workshops” have been held and he would support having a workshop with community input; and he feels that the community should have their own workshop and come up with a Plan. He expressed concern with the past process.

Tolley Gorham stated he agrees with having a workshop, but without the consultant. There needs to be a way for the citizens of the affected area to ask questions and understand what is in the current Plan and have straight answers.

Steve Saunders stated he does not feel that any more should be spent on a Plan that the people do not want. He stated he does not feel that there has been a vote by the community on the boundary size, and that we should not continue with the consultant.

Tammie Guenthart stated she was a member of the Catheys Valley Town Planning Advisory Committee, and she does not feel that what is in this Plan is what the community wants. She agrees with having a community meeting if they are listened to. She does not feel that any more money should be spent.

Brett Baumann stated he feels that Catheys Valley has been experiencing a “slow death” and he agrees with Tammie Guenthart. He advised that his father served on the Committee and it was originally representative of the community; however, that has changed. He is concerned that this Plan is like adding another layer of CC&Rs (Covenants, Conditions and Restrictions) that is not necessary; and he asked that no more money be spent.

Rick Lobaugh stated he would be in favor of having a community meeting without any outside influence – he does not feel that Planning or the consultant should be involved. He disagrees that this Plan is what the community wants, and he does not want any more money spent on a consultant.

Ken Wagner stated he does not feel that any more money should be spent, and they do not want the large boundary with another layer of regulations. He agrees with holding a workshop where the Board listens.

Steve Fortner stated he welcomes a workshop. He feels the Committee was used as a rubber stamp. He does not want to see any more funds spent on a consultant.

Anita Starchman Bryant, Starchman & Bryant Law Offices, advised that they represent clients in Catheys Valley and asked that their letter of July 19, 2010, be entered into the record. She stated it would be helpful to have more notice when items like this are scheduled, and that would allow them to submit more timely responses. She thanked the Board for addressing the concerns about having a public workshop. She feels the noted deficiencies in the Plan should have been resolved months ago and does not feel that the consultant should be requesting additional funds to correct the document which they feel has been flawed from the beginning. With reference to the cost concerns, she noted that the County has also spent funds on attorney fees to defend this Plan. She feels the work plan in the staff report is premature at this time and that we need to get back to the basics of the Plan and hold the workshop first. She requested that a contract amendment with Hauge not be approved. She asked that the Board listen to the community.

Attorney Gregory Chapel, Jamison and Chapel, stated he represents Philomene Schultz, and he agrees with Don and Anita Starchman's letter and with the other counsel from Fresno. He urged the Board to not approve an amendment to the contract with the consultant to further this Plan – he is concerned that it is flawed.

Ruth Catalan stated she does not live in Supervisorial District 3; however, she is concerned that this matter is being discussed without Supervisor Bibby being present. She is horrified at spending more money and that no one is listening to the residents of Catheys Valley. She questioned whether other areas will have to go through this process. She expressed concern with paying for a consultant versus Planning staff doing the work.

Rita Kidd, resident of Catheys Valley for over 30 years, commented on the meetings held in Catheys Valley, and by the Planning Commission and the Board of Supervisors on this Plan. She noted that there was a petition signed by over 100 people urging the Board to move forward with the Plan as it is. She further stated that we would not be here today except for claims by the attorneys for the development community in Catheys Valley and issues raised relative to AB 32 and traffic studies. She is also concerned about funding for this and does not feel that we need another workshop – she feels that more people in Catheys Valley know the Plan and support it. However, she does not feel that the Board has a choice but to expend more funds to deal with the issues that have been raised. She feels that there should be clear goals and objectives for the workshop.

Don Starchman stated they are asking for the community to be heard, and he is offended that someone would try to stop that. He asked whether it is horrible that an attorney came forward and asked staff to follow the law.

Bob Stark, resident of Catheys Valley for about 23 years, advised that he has attended the meetings on this Plan and feels that it was over whelming that the Plan was not wanted. He supports holding a workshop and feels that we need more than one, and he hopes that all of the Board members will be in attendance. He does not want more money spent.

**11:13 a.m.** Recess

**11:25 a.m.** Chair Cann advised of his discussion with Supervisor Bibby when it was proposed to set a workshop. The component of amending the contract with the consultant was added later and he did not want to ask the Board to continue this matter without taking input from the public. He noted that Supervisor Bibby will probably listen to the tapes of this meeting to be aware of the input that was provided. Discussion was held.

(M)Turpin, (S)Allen, the Board scheduled the workshop for Saturday, August 14, 2010, beginning at 10:00 a.m. at the Government Center Board Chambers/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

Steve Dahlem, County Counsel, responded to a question from the Board relative to the termination clause in the master agreement with the consultant.

(M)Turpin, (S)Aborn, the amendment to the agreement with the consultant and funding issues were continued to July 27, 2010, for deliberation, and it was noted that the public input portion for this matter is closed/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

Kris Schenk introduced Damon Golubics, the new Senior Planner.

7 Consider Items Removed from the Consent Agenda - none

8 **Administration**

CLOSED SESSION: Public Employee Employment: Community Services Director; and

9 **County Counsel**

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

**BOARD ACTION:** (M)Aborn, (S)Turpin, the closed sessions were held at 11:38 a.m./Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

**Report from Closed Session**

**12:37 p.m.** The Board reconvened in open session. Chair Cann announced that an employment offer was extended to Terri Haworth for the Community Services Director position, contingent on passing the physical examination. The County Administrative Officer will prepare a press release. He further announced that information was received as a result of the anticipated litigation matter.

**Consent Agenda**

CA-101 **Clerk of the Board**

Approval of Summary of Proceedings of July 13, 2010, Regular Meeting; Approval of Summary of Proceedings of July 14, 2010, Meeting Continued from July 13, 2010

CA-102 **Administration**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-357

CA-103 **Administration**

Approve a Liability Claims Administration Agreement with Freese & Gianelli Claim Service Effective July 1, 2010 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-358

CA-104 **Administration**

Approve a Two-year Consulting Services Agreement with Nimbus Consulting Group to Provide State Mandated Cost Reimbursement (SB 90) Consulting Services and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-359

- CA-105      **Public Works**  
 Approve Plans and Specifications for the Jessie Street Rehabilitation, Project No. 06-21(87Y) from P.M. 10.027 to P.M. 10.148 (0.121 miles), and Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder and Sign the Agreement; Res. 10-360
- CA-106      **Public Works**  
 Approve an Agreement with Karen Dusek Consulting to Educate and Inform the Public of Recycling and Waste Reduction and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-361
- CA-107      **Health**  
 Approve an Agreement with California Department of Public Health for the Immunization Assistance Program and Authorize the Board of Supervisors Chair to Sign the Agreement; and Authorize the Health Officer to Sign the Contractor's Release Form; Res. 10-362
- CA-108      **Human Services**  
 Adopt a Resolution Amending and Restating an Agreement with County Medical Services Program Governing Board (CMSP) for Participation in the County Medical Services Program and Authorize the Board of Supervisors Chair to Sign the Amended and Restated Agreement; Res. 10-363
- CA-109      **Human Services**  
 Approve Budget Action Increasing Revenue (\$52,226) and Transferring Appropriations in the Behavioral Health Budget (\$103,273); and Transferring Funding in the Realignment – Mental Health Fund (\$27,545) to Cover Unanticipated Expenses (4/5ths Vote Required); Res. 10-364
- CA-110      **Fire Protection**  
 Adopt a Resolution Approving the 2010 Volunteer Fire Assistance Program Agreement with the State of California Department of Forestry and Fire Protection for Generation fire Shelters and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-365
- CA-111      **County Counsel**  
 Adopt a Resolution Authorizing the County Counsel's Office to Destroy Certain Records and Documents; Res. 10-366

**Adjourn**  
12:39 p.m. The Board adjourned in memory of Steven Wadenius.

Respectfully submitted,

MARGIE WILLIAMS  
 Clerk of the Board

KEVIN CANN  
 Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

July 27, 2010



Folder   Time   Description

**9:02 a.m.** Meeting Called to Order at the Mariposa County Government Center with Supervisor Allen excused due to jury duty and arriving later in the meeting.

Pledge of Allegiance

Chair Cann called for a moment of silence in honor of our troops spread across the globe.

Introductions – none

- 1     **Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)**  
**NOTE:** The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.  
**BOARD ACTION:** Chair Cann pulled item 101 for separate action as Supervisor Bibby was excused from that meeting. Supervisor Bibby pulled item 105 for discussion; and she referred to item 104 and advised that she does not see a conflict but she does excuse herself from the labor negotiations with the Deputy Sheriffs’ and Sheriffs’ Management Associations. Steve Dahlem, County Counsel, advised that this contract is for general representation purposes and he does not see any concern with Supervisor Bibby participating in the action. (M)Aborn, (S)Turpin, the balance of the items was approved/Ayes: Aborn, Turpin, Bibby, Cann; Excused: Allen. (M)Turpin, (S)Aborn, item 101 was approved/Ayes: Aborn, Turpin, Cann; Abstained: Bibby; Excused: Allen.

Supervisor Bibby advised that she listened to the recording of the July 20, 2010, meeting of the Board of Supervisors.

- 2     **Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)**  
       Steve Saunders referred to the Catheys Valley Plan and stated they do not want the Plan. He advised that he wants to make sure that people have read it and that they are looking forward to a public workshop where citizens can respond to what is written. He referred to concerns with non-conforming and conforming elements of the Plan, setback issues, and zoning district issues.  
       Jim Eason stated he is opposed to the Catheys Valley Plan – he feels that this creates CC&Rs (Covenants, Conditions and Restrictions) for Catheys Valley. He agrees with the General Plan. He is concerned with the fiscal impact with the Plan and feels that it reduces their personal freedoms.  
       Eleanor Keuning expressed concern with the stop sign that was installed at the Highway 49 South and 140 intersection and resulting traffic problems. She feels something needs to be done; however, she does not want to see a signal light.

Peter Schimmelfennig, Executive Director of the Chamber of Commerce, advised that he saw Supervisor Turpin's roadrunner this morning. He advised that he and his wife helped staff the County's exhibit booth at Cal Expo in Sacramento; and he commended 4-H and the participants for creating a wonderful exhibit that promotes the County to a multitude of visitors. He advised that Chamber President Lester Bridges should reach the Atlantic Ocean today on his Bicycle Across America trip.

Supervisor Allen arrived at 9:18 a.m.

Jeanetta Phillips commended Donna Wice, 4-H Coordinator and her husband, Dan, for helping with the County's exhibit booth at Cal Expo and she noted that it received a Silver award.

### 3 Board Information

Supervisor Aborn advised that he attended the YARTS meeting on Monday and he advised that construction is still proceeding on the park and ride facility near the cemetery. He plans to attend the San Joaquin Valley Rail meeting in Atwater on Thursday.

Supervisor Allen advised that he was released from jury duty until Thursday. He met with the homeowners in Lushmeadows on Wednesday with the Public Works Director. He helped with the clean-up/work day event on Saturday at the new Grizzly Stadium, attended the benefit for Mike Butler at the Fairgrounds, and he attended his High School class reunion. He advised that the Bootjack Fire Station is holding a pancake breakfast fundraiser on Saturday.

Supervisor Turpin noted that the Lake is receding as he crossed Highway 49 North. He attended the Coulterville Community Club meeting on July 20<sup>th</sup> and departments that provide emergency services to the County gave presentations. He attended the future fire station planning meeting on Monday. He attended, by teleconference, the Calaveras-Mariposa County Community Action Agency meeting and discussion was held relative to revising the by-laws. He asked that Planning staff provide a briefing to the Board on the status of Williamson Act contracts and changes. The Coulterville Town Planning Advisory Committee will meet on August 9<sup>th</sup>. He advised that the Arts Council is sponsoring a cowboy poetry event in Coulterville on September 18<sup>th</sup>.

Supervisor Bibby advised that she listened to the tape of the entire Board of Supervisors meeting from July 20, 2010; and she commented on her recent travel to Trinity County and Oregon and looking at areas with small lots and agritourism. She advised that she received a letter from the California Tax Board offering assistance. She received a request from the Cattlemen's Association asking for support of the Williamson Act program. She is planning to tour roads in Supervisorial District 3 with the Public Works Director on Wednesday. She advised that notice was received that the CDBG (Community Development Block Grant) stimulus dollars are not going to be extended. She plans to meet with Supervisor Allen and Dr. Mosher for a Health Committee meeting today. She is planning to attend the dedication of the new quarter in Yosemite on Thursday. She referred to the public presentation and advised that CalTrans is monitoring the stop sign at the Highway 49 and 140 intersection, and she will forward this concern to CalTrans. She plans to meet with the downtown merchants to discuss signage for the parking lots; and she advised that CalTrans is planning to do work by the Pizza Factory and Chocolate Soup to improve the intersection and she would like to include Supervisor Cann in that meeting. She attended the broadband outreach meeting with Sierra Telephone and urged citizens to write letters opposing the proposed change in shifting funding. She plans to attend the Mother Lode Job Training meeting on August 4<sup>th</sup>. She commended 4-H for the County exhibit booth at the State Fair and thanked those who helped support this project.

Supervisor Cann commented on recent examples of community volunteerism – 4-H with the State Fair booth and the Grizzly Stadium project. He reminded everyone of the unveiling of the new quarter on Thursday in Yosemite. He advised that there is a briefing on socio and economic indicators on Wednesday, with the involvement of the Sierra Nevada

Conservancy and the Sierra Business Council. He plans to attend the Central Sierra Joint Powers Authority meeting in Grass Valley on August 4<sup>th</sup>. He advised that he asked the County Administrative Officer to schedule an item in two weeks to discuss the existing sign ordinance.

4 **Building**

Waive the Second Reading and Adopt an Ordinance Amending Section 15.10.050 of the Mariposa County Code to Allow for Recording of a Notice of Non-Compliance Against Owners in Circumstances Where Construction Work has been Commenced or Completed without the Required Permit(s) or where there has been a Failure to Obtain Final Inspection Approval Prior to Expiration of the Required Permit(s) (Ordinance 739, 1989)

**BOARD ACTION:** County Counsel advised of the requested action. The title of the Ordinance was read into the record. (M)Bibby, (S)Allen, the second reading was waived and Ordinance No. 1071 was adopted amending Section 15.10.050/Ayes: Unanimous.

**9:45 a.m.** Board Convened as

**LOCAL TRANSPORTATION COMMISSION**

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

5 Public Presentation: For Items within the Jurisdiction of the Local Transportation Commission and not on Today's Agenda (Speakers Limited to Five Minutes) – none

6 **Public Works**

PUBLIC HEARING for the Approval of the Mariposa County Local Transportation Commission Public Participation Plan

**COMMISSION ACTION:** Allen Toschi, Public Works Director, was present. Barbara Carrier, PWD/Administrative Analyst-Transportation Planner, presented the staff report. The public portion of the hearing was opened and there was no public input. The public portion was closed and the Commission commenced with deliberations. (M)Cann, (S)Aborn, LTC Res. 10-17 was adopted approving the Plan/Ayes: Unanimous. The hearing was closed.

7 **Public Works**

Adopt a Resolution Approving the Final Transit Marketing Plan Update

**COMMISSION ACTION:** Discussion was held with Barbara Carrier. Commissioner Bibby referred to the advertising billboard and noted that it needs to be in compliance with the sign ordinance; she suggested that transit information be posted at the Parks and at medical facilities; and she referred to the transit issue for the County Fair and noted that there is an existing shuttle bus system and she asked that there be coordination if something else is proposed. (M)Bibby, (S)Aborn, LTC Res. 10-18 was adopted approving the Plan Update/Ayes: Unanimous.

**10:55 a.m.** Reconvened as

**BOARD OF SUPERVISORS**

8 **Public Works**

PUBLIC HEARING Regarding the Report of Delinquent Fees and Board Approval to Add the Delinquent Fees to the Appropriate Property Tax Roll for Collection. The Delinquent Fees are Unpaid Water, Sewer, Road and Standby Fees Charged to Property Owners in Several Special Districts

**BOARD ACTION:** Allen Toschi presented the staff report; and he responded to questions from the Board relative to the status of payments and delinquent fees; this matter being separate from the bond issue; and relative to invoicing timeframes. Mike Pardi/PWD-Administrative Analyst, responded to questions from the Board relative to the status of delinquent fees for each district. The public portion of the hearing was opened and there was no public input. The public portion was closed and the Board commenced with deliberations.

(M)Bibby, (S)Allen, Res. 10-375 was adopted approving the recommended action/Ayes: Unanimous. The hearing was closed.

9

**Auditor**

Report on Payroll Withholding Procedure to Recover Under-withheld Social Security Payments from Effected Employees

**BOARD ACTION:** Chair Cann clarified that this is an Auditor versus Administration agenda item. Chris Ebie, Auditor, advised of the error regarding the treatment of certain deferred compensation payments – FICA payments were not being withheld from the employees nor was the County making its contribution. Payment has been made to the Internal Revenue Service; and the County is required to collect the employees’ portion for the amount under-withheld for the calendar years 2007, 2008, 2009, and the first quarter of 2010 from the affected employees. His office will issue corrected W-2s showing the corrections to the Medicare and Social Security wages; however, this does not affect income taxes. Discussion was held relative to repayment and trying to lessen the impact on the take-home pay for the affected employees; relative to providing notification to the employees; and relative to collecting from employees that have separated from employment with the County during this time period. Chair Cann noted the need to have clear and concise language in the notification that is provided to the employees.

Input from the public was provided by the following:

Kathy Rumpfelt stated she is an 18 year employee in the Sheriff’s Department, and she advised that when planning earlier in the year for her retirement she questioned the figures that didn’t match. She advised that her reported earnings for Social Security will still be short for the period she worked previous to calendar year 2007, and questioned what the difference will be in her subsequent Social Security earnings. She further expressed concern relative to the withholding for time she is buying back from PERS for time worked and for “air time.” She advised of her research on these matters. Chris Ebie advised that he will contact Social Security relative to the question of whether the earlier records can be corrected.

Debbie Macias, representing SEIU 521, thanked the County Administrative Officer and the Auditor for contacting the employee unions and openly discussing this matter in advance. She urged that the maximum accommodation be given to minimize the impact to the employees and their net income. She advised that their attorneys are reviewing this matter for clarity; and she requested that any correspondence that the Auditor sends to employees be run by them to edit.

Debbie Walton, Child Support Director, asked for clarification of when the employees will be notified of the dollar amount they owe. Chris Ebie advised that they will be unable to get the information ready to distribute with the July 30<sup>th</sup> pay stubs to the employees; and they are trying for the August 30<sup>th</sup> payroll.

Joe Williams, President of the Deputy Sheriffs’ Association, noted that they did not ask for salary increases last year due to the economic situation; and they hope that the County will take that into consideration with this matter. He expressed concern with the impact that this will have on their salaries. He asked for information for the employees in the Association so that it could be given to them. Chair Cann suggested that Joe meet with the Auditor to see what can be done about distributing the information.

Becky Crafts, Assessor, stated she would like to obtain the information to distribute to the employees in her office. She noted that the employees without dependents are being taxed and those who use the allocation for medical are not, and that is an inequity.

Eleanor Keuning questioned the checks and balances for computer systems; and she agreed with notifying the employees as soon as possible.

Chris Ebie advised that he agrees with accelerating the official notification process; and discussion was held.

Ruth Catalan suggested that the employees be called and given the amount they owe; and suggested posting information on the bulletin board relative to payment options.

She expressed concern relative to the impact on Social Security for the employees for the prior years that are not being corrected, and feels there could be a class action lawsuit on this.

Bill Flaherty, President of MCMCO, stated it worries him that the independent auditors did not catch this error.

Kathy Rumpfelt asked whether the decision to collect from the employees is a done deal. Chair Cann responded that this is mandatory based on the Auditor's authority and the statutory requirements. She advised of her discussion with the IRS on this issue and their response of how this has been dealt with in the past.

Janet Breman, Sheriffs' Department employee since 1994, expressed concern with the impact this will have on her personally. She advised that she pays extra on her personal tax returns because her tax preparer has advised her to do so since the County was not withholding enough. She noted that our Auditor's Office will not know this and withhold the taxes again.

Nicole Gilmore, County employee since 1999, expressed concern with this matter and stated had she known about this, she would have placed her children on her medical plan versus her husband's. She does not feel it is fair for the employees to have to pay this back.

Debbie Macias advised of information she received as to how this will affect employees in the SEIU bargaining unit – from four cents to \$214.44 per month for four installment payments; and she understands that you cannot “gift” public funds and must abide by the tax law. However, she is still asking their attorney to explore whether employees need to pay this back since it was not their error.

Marvin Wells referred to a large company he ran and the independent audits, and questioned whether the County's independent auditors has a bond and whether there are any repercussions.

Eleanor Keuning asked whether errors and omissions insurance would cover this.

Chris Ebie responded that the liability of the independent auditors is limited to the details of the contract. County Counsel advised of his review of the audit contract and noted that the scope of work did not include the actual payroll deduction mechanism. Supervisor Bibby asked about the status of the First 5 employee and whether this affects others that are not County employees, but the Auditor's Office handles payroll. Supervisor Allen expressed concern that he asked for the information that was presented to the union and did not receive it. Further discussion was held relative to notifying the employees and former employees that are affected. Rick Benson advised that a careful check needs to be made on the pay-back time period or it may result in a tax consequence for individuals. He suggested that if the tax timeframes allow, that employees be given an option of making one payment, four payments, or twelve payments.

**11:22 a.m.** Recess

**11:36 a.m.** The Board reconvened.

10

Consider Items Removed from the Consent Agenda

Item 105 – Supervisors Bibby and Allen initiated discussion with Gail Neal, Chief Probation Officer, relative to the requested changes in the qualifications and additional requirements for training. Supervisor Allen suggested that the minimum qualifications reflect the equivalent to a Sheriff's Sergeant or higher rank versus “experience in a law enforcement agency.” Rick Benson suggested that the job description be amended with this change and to reflect one year of probation officer experience; and he advised that he will resubmit the job classification to the Board with these changes for informational purposes – and further action could be taken, if necessary, at that time. However, the judges would like this approved today to be able to begin the recruitment process as soon as possible. (M)Bibby, (S)Allen, item 105 was approved, with direction given to the County Administrative Officer as he suggested/Ayes: Unanimous.

**11:58 a.m.** Lunch

**3:02 p.m.** The Board reconvened.

11 **Planning**

Approve Amendment No. 4 to Task Order No. 2 with Hauge Brueck Associates in the Amount of \$51,600 for Amended Work Program for Completion of the Catheys Valley Community Plan (CVCP) and Supplemental Environmental Impact Report (EIR); and Authorize the Board of Supervisors Chair to Sign the Amendment. (Public Workshop is Scheduled for Saturday, August 14, 2010, at 10:00 a.m. at the Government Center Board Chambers)

**BOARD ACTION:** Chair Cann advised that this item was continued from July 20<sup>th</sup> for the full Board to be present; and he advised that the public workshop was scheduled for August 14<sup>th</sup>. Kris Schenk, Planning Director, reviewed the tasks requested in the amendment and the reasons for asking for the consultant to continue with this matter and to be present at the workshop, including continuity and experience, being able to meet timelines, and the workload of the department. Chair Cann advised that public comment was taken on this matter on July 20, 2010, and the public comment period was closed and the matter was continued to today for Board direction. Discussion was held. Supervisor Allen expressed concern with the consultant's work on the Plan because staff had to interpret the language. Supervisor Bibby advised that she listened to the recording of the July 20<sup>th</sup> meeting; and she asked the Board to support this. Following discussion, Kris Schenk advised that direction could be given for the consultant to be present at the workshop as resource to staff and the Board and not to defend or direct policy. Supervisor Cann expressed concern with areas of the Plan. (M)Bibby, (S)Aborn, Res. 10-377 was adopted approving Amendment No. 4 as proposed; and direction was given that following the August 14<sup>th</sup> workshop, that any changes that need to be made to the work plan are made certain and clear/Ayes: Aborn, Bibby, Cann, Allen; Noes: Turpin. Chair Cann advised that he asked the Planning Director and County Counsel to meet next week to plan the format for the workshop; and he will make sure that it is well run and that everyone can provide input – this will be run by the Board and the consultant will be there as assistance to staff.

**Consent Agenda**

CA-101 **Clerk of the Board**

Approval of Summary of Proceedings of July 20, 2010, Regular Meeting

CA-102 **Administration**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-367

CA-103 **Administration**

Approve the Second Amendment to the Agreement with the Mariposa County Unified School District to Add Language Required by the California Department of Parks and Recreation on all Joint Use Agreements Governing 2002 Resource Bond Act Projects; and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-368

CA-104 **Administration**

Approve the First Amendment to a Professional Services Agreement with Liebert Cassidy Whitmore to Provide Consultation, Representation, and Legal Services, for an Amount not to Exceed \$80,000, Effective August 1, 2010, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-369

- CA-105 **Administration**  
Approve an Amendment to the Chief Probation Officer Job Description by Making Minor Changes to the Minimum Qualifications; Res. 10-376, with changes
- CA-106 **Administration**  
Dissolve the Housing Authority of the County of Mariposa; Res. 10-370
- CA-107 **Human Services**  
Appoint Betty Corradi to the Mental Health Board for a Term Expiring July 27, 2013
- CA-108 **Human Services**  
Accept the Resignations of Steven Delk and Eric Baskind from the Alcohol and Drug Abuse Advisory Board
- CA-109 **Human Services**  
Approve an Agreement with John Muir Behavioral Health Center for Psychiatric Hospitalizations in an Amount not to Exceed \$17,000 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-371
- CA-110 **Human Services**  
Approve an Agreement with Edith Ankersmit, LCSW, to Provide Counseling Services as an Independent Community Contractor for Mental Health Clients who have Mariposa County Medi-Cal and/or Medicare and who have a Global Assessment of Functioning (GAF) Score of 50 or Above, for an Amount not to Exceed \$80,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-372
- CA-111 **Public Works**  
Approve an Agreement with Intermountain Concrete for the Coakley Circle Concrete Repair Project, in Preparation for the SAFETEA-LU Project on Coakley Circle and Jessie Street and Authorize the Public Works Director to Sign the Agreement; and Authorize the Public Works Director to Sign Change Orders that are Necessary, Provided that the Total Agreement does not Exceed \$40,000; Res. 10-373
- CA-112 **Public Works**  
Authorize the Public Works Director to Sign a Letter Allowing the Rural Counties Environmental Services Joint Powers Authority (ESJPA) to Apply for a CalRecycle Regional Grant for the Used Oil Recycling Block Grant on Behalf of Mariposa County, Effective until Rescinded; Res. 10-374

**Adjourn**

Chair Cann adjourned the meeting at 3:58 p.m. in memory of Elias Gann, Deanna Thompson, and A.W. "Bill" Jones.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

KEVIN CANN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

August 3, 2010



Folder      Time      Description

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

Pledge of Allegiance

Chair Cann called for a moment of silence in honor of our armed services.

Introductions - none

- 1      Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)  
**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 made a correction to a typographical error in item 101, and referred to item 103 reminding everyone that there is a deadline of August 5<sup>th</sup> to get the letter to the appropriate destination and requested the Deputy Clerk to fax the letter to ensure it is received by the deadline. Supervisor Turpin commented on item 106 and 107 requesting clarification as to the cost of projects being recovered. Allen Toschi, Public Works Director responded that most project costs are recovered; however there are some cases where it is not. (M)Allen, (S)Aborn, the consent agenda was approved, with the correction as noted /Ayes: Unanimous.
  
- 2      Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)  
Odella Knell, Chairperson of the Butterfly Festival, advised that on August 7<sup>th</sup> they will be having a Country Breakfast fundraiser at the Midpines Hall from 7 to 11 a.m. The Butterfly Festival is scheduled for April 29<sup>th</sup>, 30<sup>th</sup> & 31<sup>st</sup>, 2011, the release of the butterflies for the schools will be on April 21<sup>st</sup> due to Easter vacation.  
Eleanor Keuning suggested viewing Karen Peneschi’s PowerPoint presentation on signs for Mariposa and expressed concern with the stop sign that was installed at the intersection of Highway 49 South and 140 resulting in traffic problems. She thanked Supervisor Bibby for conveying her concerns to CalTrans, then read from her notes relative to her stop sign concerns and her conversation with Dupar Tong of CalTrans. She presented a diagram of the congestion in the intersection, suggesting a “do not block the intersection” sign so vehicles can turn left on Highway 49 from 3<sup>rd</sup> Street, and commented that the congestion will increase when school starts.  
Lester Bridges, Chamber of Commerce President, spoke of a recent trip he took and commented that the Visitors Center has been busy; they had almost 500 visitors on Friday and a lot of positive comments from the tourists. He thanked the Board for their support.

Peter Schimmelfennig, Executive Director of the Mariposa County Chamber of Commerce, invited the Board to a stage dedication and ribbon cutting ceremony at Coulterville Park, Saturday, at 10:30 a.m. Chamber members that made contributions to the project included Ray Jeske Home Designs, Jerry's Trusses, High Sierra Construction, and Huff Electric. He thanked Supervisor Turpin for his support on the committee.

Ruth Catalan asked if it is possible to get the Board package online for review.

3

### Board Information

Supervisor Aborn commented about yellow star thistle on Highway 140 and Highway 49 North and stated he will be calling CalTrans about it. He advised that Debbie Peters, Customer Service Supervisor, Sierra Telephone, is here to comment on the broadband item. He advised that letters have been prepared and placed on the table in the back of the room for the community to sign and provide to Sierra Telephone by the dead line of August 5<sup>th</sup>. Debbie Peters briefly explained that Sierra Telephone supports the National Broadband Plan but there are some holes in the plan and it is going to be detrimental to the smaller communities. Sierra Telephone and Sierratel Internet are working on a 10 and 15 megabit service. Small telephone companies that are impacted are getting together to get the word out to the community that this will impact them. She stated that reasonable rate is one of the key terms but may not be affordable to the community. The plan includes dumping the old system and starting over and that will affect the 911 system. One of the bases of the 1986 FCC Communications Act was that rural and urban areas be provided with comparable, affordable services, this plan does not do that. She requested community support in signing and submitting the letter.

Supervisor Allen thanked the California Highway Patrol Lieutenant in the audience for resolving a complaint on speeding in the Lush Meadows area. Last Wednesday he attended a productive meeting with the Park Superintendent and his staff in regards to getting the Wawona Town Planning Area back on line. Thursday he was released from jury duty. Sunday he attended the Bootjack Pancake Breakfast. Thursday he will attend an Area 12 Agency on Aging meeting. Tonight is the workshop on the user fees for the Public Works, Planning and Environmental Health Departments. The Auditor has not released the numbers yet to employees relative to the FICA item last week, he requested that the County Administrative Officer work with the Auditor's office to expedite this so employees know how much they owe.

Supervisor Turpin advised that last week he had a teleconference regarding the Calaveras/Mariposa Community Action Committee reviewing by-laws. Thursday he attended the unveiling of the new Yosemite National Park quarter which was well attended. Tomorrow he will attend the Central Sierra Economic Development District and Central Sierra Planning Council meeting in Grass Valley. California State Association of Counties Executive Committee will be having a teleconference relative to providing feedback on initiatives which will eventually come to the Board. On August 5<sup>th</sup> the Sierra Nevada Conservancy will hold a meeting in the Board Chambers and the Coulterville Town Planning Advisory Committee will be meeting on Monday at 7 a.m. at the old school house in Coulterville.

Supervisor Bibby thanked California Highway Patrol for all of their assistance and Dupar Tong of CalTrans for his quick responses. She will be attending the Mother Lode Job Training meeting on August 4<sup>th</sup>. She expressed the urgency of submitting a letter relative to the broadband issue and advised that the letter is available on the Sierra Telephone website and if you are not in the Sierra Telephone area, you can change the letter to reflect the Hornitos or Don Pedro telephone service area. This Thursday she is attending the Mental Health Board meeting and then meeting with the merchants at Miners Inn regarding way finding signs. She has received numerous complaints about California Department of Corrections clean up efforts and advised that Public Works has confirmed that the beavers are safe. She toured District III County roads with the Public Works Director to show him the current status of the roads. July 28<sup>th</sup> was a Behavioral

Health meeting regarding Heritage House; the funding has been reduced for core services and they are looking at becoming non-profit and going out on their own. There was a Health Committee meeting on July 28<sup>th</sup>; she attended the quarter unveiling, it was well attended with people traveling from several areas of the United States. She has had numerous calls regarding the deferred compensation issue, and advised staff to visit the Auditors office; and she encouraged the community to comply with the sign ordinance.

Supervisor Cann informed the public that the sign ordinance is on the agenda next week. Last Wednesday he attended the Watershed meeting and advised that their draft Socio-Economic Analysis of the forces working on the watersheds is out now and he has a copy of the CD, and stated that if anyone is interested to contact him. Last Thursday he attended and spoke at the quarter unveiling. Last Monday he met with the Tourism Director and reviewed his actions for the past year and his hopes, expectations, and visions for the future. He advised that the vacant Mariposa Title Company building has been leased for 2 years for a personal training/nutrition center. He anticipates seeing the Transient Occupancy Tax (TOT) higher then ever before. Tomorrow he is going to the Central Sierra Economic Develop Joint Powers Authority (JPA) meeting in Grass Valley. Thursday morning he will be attending the downtown merchant meeting and that afternoon meet with staff and Supervisor Bibby regarding the agenda of the Catheys Valley Community Plan Workshop scheduled for August 14<sup>th</sup>. Next Monday there will be a Mariposa County Water Agency Advisory Board meeting. Tonight at 6:00 p.m. there is a public workshop regarding Planning, Health and Public Works fees.

4

**Administration**

Resolution Accepting the PG&E Grant for the Mariposa Creek Clean-up Project (\$5,000) and Presentation of Grant Award by PG&E

**BOARD ACTION:** Marilyn Lidyoff, Business Development Coordinator, provided staff report and background information relative to the PG&E grant application for the Mariposa Creek restoration and clean up project and introduced Anna Brooks of PG&E. Anna stated she is pleased to be here to present the \$5,000 and informed the Board that they will also be bringing 20 to 30 volunteers to help with the clean up in October. Chair Cann thanked Anna Brooks and PG& E on behalf of the Mariposa County Board of Supervisors. (M)Aborn, (S)Bibby, Resolution 10-384 was adopted accepting the PG& E Grant Award/Ayes: Unanimous.

5

**Administration**

Authorize the County Administrative Officer or his Designee to Proceed on the Acquisition of Land in Connection with the Mariposa Creek Parkway Extension Project, with Property Owners Honeywell, Bridges and Dubberke

**BOARD ACTION:** Marilyn Lidyoff, Economic Development Coordinator, provided the history of the project and advised that the Board had previously requested that the path be continued to Joe Howard Street and requested that the Board continue negotiations with the Fiske parcels which would give them approximately four acres. She advised that the community has suggested that service organizations take on part of the annual project cost as part of their trail maintenance, similar to the Adopt a Highway concept, and plans to make presentations to the service organizations relative to adopting a certain portion of the trail. Marilyn responded to questions from the Board advising that this trail system had been previously approved by the Board of Supervisors. (M)Aborn, (S)Bibby, Resolution 10-385 was adopted approving the recommended actions/Ayes: Unanimous.

**9:58 a.m.** Recess

**10:09 a.m. Administration**

Terminate the Joint Powers Agreement (JPA) with the Mariposa Public Utilities District (MPUD) Effective January 1, 2011, that Requires the County Provide Workers' Compensation Insurance for MPUD Volunteer Firefighters in Return for MPUD Providing Emergency Response Services within a Reasonable Distance of MPUD Boundaries to the County

**BOARD ACTION:** Rick Benson, County Administrative Officer, presented a staff report and advised that this is an open ended agreement that began in 1980, and lacks some of the fundamental cornerstones of a good agreement. He advised that the County has canceled activities and required insurance from other entities with far less exposure to risk than what we are voluntarily taking on. He explained that the County is at a high risk because of the high potential for claims and strongly recommended that the Board terminate this agreement effective January 1, 2011. Rick advised that we are currently providing what is essentially a blank check and commented that since this agreement was signed, workers' compensation insurance has changed drastically. He explained several points that went into his analysis to make this recommendation. He concluded that as their County Administrative Officer he has a responsibility to advise the Board and recommend what is best for the County and therefore strongly recommended that this agreement be terminated.

Rick Benson responded to questions from the Board relative to the workers' compensation claim, the County's cost of workers' compensation claims filed by the MPUD volunteer fire fighters, and advised that any time an MPUD volunteer fire fighter goes out on a call anywhere, that it is on Mariposa County workers' compensation. Supervisor Bibby inquired as to what a separate policy would cost and the figures were not available. Discussion was held relative to the safety standards of the agreement and Supervisor Bibby requested to hear feedback from those participating in today's conversation, relative to control of the dispatch of volunteer fire fighters due to exposure to the County. Discussion was held relative to the responsibility when a strike team goes out, safety, and liability for the activities. Supervisor Allen spoke in favor of public safety and stated he does not agree with this item. He brought up a discussion relative to Squad 22, and a past discussion with Fire Chief Jim Wilson regarding this type of agreement in other counties. Further discussion was held.

Mark Rowney, General Manager, MPUD, responding to Rick's comments, provided an overview of the history of this agreement. He agreed that they do receive a tax increment, but it was not for fire protection or any specific service. He then explained that it is a generally funded program that is provided county-wide and the people in the district pay that same rate of taxes. A good way for them to benefit from the County program, is for the County to cover this insurance, as well as dispatch. The agreement clearly states that the operation of Squad 22 is strictly under the direction and control of the County Fire Warden, County Fire Chief now, as we did not have a Fire Chief in 1980. He explained it has always been his assumption that if you were an MPUD volunteer fire fighter you were also a County volunteer fire fighter. He feels that because it is a generally funded program that the County provides, it is appropriate for the County to provide the coverage for the insurance as well as the dispatch. He responded to Supervisor Bibby's question about the cost of MPUD obtaining Workers Compensation insurance stating a quick quote was \$1,500 - \$2,000. Further discussion was held relative to insurance coverage for MPUD fire fighters' while out of County, the MPUD fee break down and the budget, the Joint Powers Agreement being a legal agreement and the number of volunteer fire fighters.

Input from the public was provided by the following:

Bill Bondshu, MPUD Board of Directors, stated that he was the Fire Chief of MPUD when the agreement was put together. He briefly explained details of the agreement, the benefits to Mariposa County and the work efforts with Fire Chief Jim Wilson between MPUD and County fire strike teams, etc. Further discussion was held

relative to additional clean up of the original 1980 agreement and the non-existence of strike-teams at the time the agreement was prepared.

Brian Muller, County Sheriff, also a member of the MPUD Board of Directors, feels this is an issue of public safety for the entire County and stated MPUD fire fighting services are saving the County money by providing public safety service, therefore the County should be willing to step up and provide workers compensation coverage.

Ruth Catalan asked about the cost of workers compensation insurance for the year and asked for clarification on Supervisor Turpin's comment about a catastrophic incident coming out of the General Fund, asking shouldn't this be covered under the Workers Compensation insurance.

Jim Dulcich, Chief of MPUD, provided history of the rescue unit at MPUD, their services and the agreements and how it all came about. He feels the agreement should be brought up to date. He advised that Rescue 22 is here today for display. Supervisor Allen commented that he asked that Rescue 22 be brought here so that the Board members and the public could see what the unit contains. Jim responded to Supervisor Bibby that every MPUD fire fighter is listed on the County roster. Further discussion was held.

Dennis Buck, MPUD Captain, serves on Mariposa County Fire, commented that the injury that occurred three years ago was him and explained what happened, and advised that through the training at MPUD they can limit their liabilities and the County's in regards to workers' compensation. He responded to Supervisor Turpin's question advising that they do participate on the strike teams. He stated that he doesn't want to see a strain in the relationship between MPUD and Mariposa County and requested that the Board re-evaluate, and not terminate the agreement.

Garry Parker expressed concern about the cost of the insurance to MPUD and the possibility of the cost being passed on to the public.

Supervisor Allen advised that MPUD has saved a lot of lives with the Jaws of Life and we appreciate all the work you do for us. He recommended not terminating the agreement and bringing the agreement up to date.

Supervisor Bibby suggested delaying this item and deal with the issues and revisit the agreement.

Supervisor Turpin thanked Rick Benson for bringing this to the attention of the Board and suggested a working group to address all of these issues. He encourages the agreement be reviewed and brought back to the Board. County Counsel advised that there is no termination date just a 30 day notice of intent to terminate. Discussion was held relative to reviewing all of the agreements between Mariposa County and MPUD and including reimbursement for mutual aid for strike teams. (M)Aborn, (S)Allen, Resolution 10-386 was adopted directing Mariposa County to continue to provide Workers Compensation to MPUD volunteer fire fighters, include language regarding reimbursement for mutual aid for strike teams and review all other agreements/Ayes: Unanimous.

7 Consider Items Removed from the Consent Agenda – none.

8 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA), Sheriffs' Management Association (SMA); Name of County Designated Representative: Rick Benson;

9 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO), Service Employees International Association (SEIU) 521; Name of County Designated Representative: Rick Benson; and

9a **County Counsel**

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

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

Ruth Catalan questioned the 15 cases to be discussed in item 9a; and she was advised that this is a typographical error – there is one case.

(M)Bibby, (S)Turpin, the closed session for items 9 and 9a is to be held/Ayes: Unanimous. Supervisor Bibby excused herself from the meeting for action on item 8 and for this portion of the closed session due to a potential conflict of interest as she has a family member that belongs to DSA and SMA. (M)Allen, (S)Aborn, the closed session for item 8 is to be held/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

**12:08 p.m.** Recess to look at the Rescue 22 vehicle.

**12:25 p.m.** The Board convened in closed session

**1:52 p.m. Report from Closed Session**

Chair Cann announced that information was received and direction given to staff as a result of the closed session matters – items 8 and 9 and 9a.

**Consent Agenda**

- CA-101      **Clerk of the Board**  
Approval of Summary of Proceedings of July 27, 2010, Regular Meeting
  
- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-378
  
- CA-103      **Administration**  
Authorize the Board of Supervisors Chair to Sign a Letter Regarding Concerns with the Federal Communications Commission (FCC) National Broadband Plan; Res. 10-379
  
- CA-104      **Human Services**  
Approve an Agreement with Value Options (VO) for Mental Health Counseling and Medication Services for Foster Children Placed Out of County for FY 2010-2011; and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-380
  
- CA-105      **Public Works**  
Approve Mariposa Public Works Solid Waste & Recycling Division’s Request to Accept \$9,400 from CalRecycle Farm and Ranch Solid Waste Cleanup and Abatement Grant; Res. 10-381
  
- CA-106      **Public Works**  
Approve a Professional Service Agreement with Roger Stephens Engineering to Perform Map Checking, Legal Description Checking, General Surveying Document Checking and Signing Documents as the County Surveyor under the Direction of the Public Works Director, in a not to Exceed Amount of \$25,000; and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-382

CA-107      **Public Works**  
Approve a Professional Service Agreement with Roger Stephens Engineering to Provide Drafting and Engineering Services for Various Small Projects, in a not to Exceed Amount of \$20,000; and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-383

CA-108      **Supervisor Aborn**  
Accept the Resignation of Marvin Wells from the Midpines Planning Advisory Committee

**Adjourn**  
Chair Cann adjourned the meeting at 2:53 p.m. in memory of Lee Miller and Maurice Mervis.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

By: TRACY GAUTHIER  
Deputy Clerk of the Board

KEVIN CANN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

August 10, 2010



Folder      Time      Description

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

Pledge of Allegiance

Chair Cann called for a moment of silence in recognition of our military personnel.

Introductions - none

1

Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)

**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 referred to item 104, commenting that she would like to see a report; and item 105 stating that on several occasions she had contacted the lobbyist requesting feedback with no response; she suggested the lobbyist present a report during Board meetings and that the Board consider sharing lobbyist costs with other organizations or other counties.

Supervisor Turpin referred to item 111 and asked the County Administrative Officer for clarification relative to language in the agreement. Chair Cann advised that we are not approving the agreement today, it is already approved. County Counsel stated the agreement has to do with improvements and alterations requiring the Fixed Base Operator to come to the Board prior to making any improvements or alterations, he stated he would review the agreement.

Supervisor Allen excused himself from item 111 due to a conflict. Chair Cann pulled item 111 for separate action. Supervisor Bibby requested responses for items 104 & 105. Chair Cann pulled item 105, and referring to item 104 advised that if it’s the Board decision we can bring back an item to receive an informational report from staff, the Non-profit Organizations and the Economic Development Corporation. Supervisor Aborn suggested that KMPI Airport and Rent a Car, Inc. provide a presentation on their present and future plans. Chair Cann withdrew item 101 and the item will be rescheduled for August 17<sup>th</sup>. (M)Allen, (S)Aborn, the balance of the items was approved/Ayes: Unanimous. (M)Bibby, (S)Turpin, item 111 was approved/Ayes: Aborn, Turpin, Bibby, Cann; Excused: Allen. Chair Cann provided input on item 105, and discussion was held relative to approving the three month agreement extension at this time and bringing back an item to have the lobbyist provide a report to the Board. (M)Aborn, (S)Bibby, item 105 was approved including direction to bring an item back to the Board with a report from the lobbyist. Under discussion, County Counsel advised that he would like to look into the activities undertaken by the lobbyist for the past few months prior to giving the Board a legal opinion on the

agreement in reference to the amount due to the lobbyist from the termination date of June 30, 2010/Ayes: Aborn, Turpin, Bibby; Opposed: Allen, Cann.

2

### **Chair Cann**

Proclaim the Month of August, 2010, as “Child Support Awareness Month”

**BOARD ACTION:** (M)Bibby, (S)Aborn, the Proclamation was approved and presented to Debbie Walton, Child Support Services Director/Ayes: Unanimous. Debbie Walton provided a brief update on the department activities and recognized her staff advising that for the past 10 years Mariposa County Child Support Services staff has been one of the top 10 agencies in state performance reviews.

3

Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)

Eleanor Keuning referenced a book called “Guide to Volunteering” to make the public aware of ways to volunteer.

Tolley Gorham expressed concern relative to the resurfacing project of Yaqui Gulch and the poor work that was done by the contractor.

Peter Schimmelfennig, Executive Director of the Chamber of Commerce, commented on the dedication of the stage and Sultry Summer Shindig at the Coulterville Park, emphasizing on the sound quality, and thanked Supervisor Turpin for his part in the project and expressed concern on the confusion of public vehicle access in our public parks.

Ruth Catalan, commented that she would like to see all of the County agreements come up for review a month before they expire, not a month after.

4

### **Board Information**

Supervisor Aborn attended an Eagle Scout Court of Honor for Michael Claspill on August 7<sup>th</sup>.

Supervisor Allen stated Michael Claspill was awarded the Eagle Scout Court of Honor and his Eagle Service Project was constructing and planting a community garden at Manna House, his plans for the future is to study Administrative Justice. Last Tuesday he attended the User Fee meeting in the Board Chambers. Last week he attended the Area 12 Agency on Aging meeting where they discussed budget issues and approved the agreement with Mariposa County for a loan. Next Wednesday he will attend the Regional Emergency Medical Services Joint Powers Agreement meeting in Copperopolis.

Supervisor Turpin advised that he attended the User Fee meeting in the Board Chambers last Tuesday, the Comprehensive Economic Development Strategy meeting Wednesday, the Sierra Nevada Conservancy meeting on August 5<sup>th</sup>, participated in a California State Association of Counties (CSAC) teleconference that same afternoon, attended the new fire stations meeting on Monday, the Sultry Summer Shindig in Coulterville on Saturday, the Water Agency Advisory Board meeting on Monday where they discussed a United States Department of Agriculture (USDA) grant project that will include the Public Works Department and he attended the Coulterville Planning Advisory Committee last night. He advised that there will be an Agritourism and Agri-Nature Tourism Public Workshop tonight in the Board Chambers. He plans to attend the South West Interface meeting on Wednesday and the CSAC Agriculture and Natural Resource meeting on Thursday. He advised that the Catheys Valley Community Plan public workshop will be held in the Board Chambers on Saturday at 10:00 a.m.

Supervisor Cann advised that each day he meets with someone regarding the Catheys Valley Community Plan. He advised that he attended the Central Sierra Economic Development Joint Powers Authority meeting, the Merchants Association meeting on Thursday with Supervisor Bibby, he volunteered at the Grizzly Stadium on Saturday, attended the Water Agency Advisory Board meeting on Monday, next Wednesday and Thursday he will be in Sacramento lobbying with Regional Council of Rural Counties (RCRC) and meeting with the Rural Counties Environmental Services Joint Powers Authority. He advised of the Grand Opening of the Briceberg Visitors Center on August 20<sup>th</sup>.

Supervisor Bibby advised that she attended the Merchants Association meeting and they will be bringing back information for presentation. She attended the Mental Health Governing Board meeting on August 8<sup>th</sup>, the Mother Lode Job Training meeting on August 4<sup>th</sup> and welcomed Lester Bridges who was appointed to the Workforce Investment Board. She commented that our Transient Occupancy Tax (TOT) numbers are outstanding. She attended the First Five of Mariposa meeting on August 9<sup>th</sup> and advised that the Catheys Valley Community Plan public workshop is on Saturday, encouraging any one with questions to visit the Planning Department to get their questions answered directly and not by rumors. She commented that after several complaints on the road resurfacing recently completed, she toured Yaqui Gulch with the Public Works Director and it is being addressed. She attended the User Fee meeting and advised that it will be coming to the Board for approval. She advised that the Board has honored our Eagle Scouts in the past and an item to honor Michael Claspill will be on the agenda in the near future. She encouraged the community to support our local fair.

Rick Benson, County Administrative Officer, reported that he participated in a discussion with the County Administrative Officers of other counties and they rejected the Governor's new budget proposal. The proposal includes providing a block grant to counties as an incentive for counties to send a wobbler (def: a crime that can be charged as a felony or a misdemeanor) to state prison. It proposes to extend the Vehicle License Fee assessment in which the Sheriffs Association opposes the proposal. Also proposed is a new landfill fee for environmental health purposes and a proposal to reinstate part of the funding of the Williamson Act; they also brought back the proposal to institute a new tax on homeowners insurance and there is a proposal that includes lowering the sales tax by 2 ½ %, and to institute a new oil tax. He commented that the Sheriff asked about Proposition 172 funding and advised that is not on the table.

5

### **Supervisor Turpin**

PowerPoint Presentation by Sierra Nevada Conservancy; Adopt a Resolution of Commitment to Work Together with Sierra Nevada Communities and Appropriate Agencies, to Identify, Initiate and Support Actions Necessary to Achieve the Long-Term Environmental, Economic and Social Well-Being of the Sierra Nevada Region

**BOARD ACTION:** Supervisor Turpin introduced Mandy Vance, Mount Whitney Project Consultant of Sierra Nevada Conservancy. Mandy advised that they are requesting a formal resolution of support from the Board to assist in getting the word out to draw attention to their resources and needs and that they have a deadline of August 13<sup>th</sup> for submission of the resolution. She provided a PowerPoint presentation emphasizing on their cause and explained that this is an opportunity to pull our voices together to the state, provide a platform for people to come together, and to bring more awareness and resources. They have almost 40 endorsements, and a lot of advocates. Supervisor Turpin thanked Mandy for coming and presenting the information and advised that he has attended meetings for the past year and agrees that if we all come together we can get some projects accomplished. (M)Turpin, (S)Allen, Res. 10-396 was adopted approving the recommended action/Ayes: Unanimous.

**10:25 a.m.** Recess.

**10:38 a.m.** The Board reconvened.

Chair Cann moved item 7 to after item 9.

6

### **Agricultural Commissioner**

Presentation of the 2009 Mariposa County Agricultural Crop & Livestock Report by the Mariposa County Agricultural Commissioner/Sealer

**BOARD ACTION:** Cathi Boze reviewed the Report and discussion was held.

## Health Department

Information Regarding the Local Outbreak of Pertussis/Whooping Cough and Health Department's Control Efforts

**BOARD ACTION:** Dr. Mosher advised that the first case was reported about 5 weeks after the illness occurred. He provided a recording of a whooping cough and advised that contacts can be found in the homes, schools, and places of work. If they can get to the people in incubation they can stop the spread with antibiotics. They recently contacted 75 people in Yosemite National Park and got them on antibiotics. There have been 3 connections to Yosemite National Park and 5 connections to local sports and a couple they couldn't get to, 10 cases altogether which is a significant rise. It is more predominant in the bay area and the central valley. He has all of Mariposa County's medical offices testing for whooping cough. The concern at this time is to prevent death and getting the message out with school starting soon. They are providing 4 clinics for immunizations a month instead of 2 and tracking the expenses, to keep an eye on the costs. Supervisor Allen asked about antibiotics for families that do not have insurance and Dr. Mosher responded that he has seen these patients himself and given them prescriptions. Supervisor Bibby advised that the parents are happy about getting the message to the schools. Dr. Mosher provided the clinic days and times. Supervisor Turpin thanked Dr. Mosher for the report and suggested church nurseries be contacted also. Discussion was held relative to required waivers for children without vaccinations by parent's choice.

Input from the public was provided by the following:

Eleanor Keuning asked why the outbreak is so high in Mariposa and Dr. Mosher responded that California did not adopt immunization for Pertussis in middle schools as other states did but feels they are doing a better job of finding what is out there. She suggested bringing a nurse to the Board meetings to provide immunizations.

## Chair Cann

Discussion and Possible Direction to Staff Regarding Enforcement of the County's Sign Ordinance

**BOARD ACTION:** Supervisor Cann explained the purpose of the ordinance and that there was a 15 year grace period to update signs which expired in 2006. Discussion was held relative to complaints about non conforming signs from new businesses. He advised that he and Supervisor Bibby had conversations with the merchants, and explained that the intent of bringing this item to the Board is to hear from the merchants.

Input from the public was provided by the following:

Dell Knell, retired business owner, read from her notes and encouraged the Board to take action and enforce the ordinance and gave a suggestion of providing a packet to new business owners up front so they are aware of the sign requirements.

Ron Iudice, owner of 7<sup>th</sup> Street Properties, commended the Board and Chair for bringing this item to attention and read from a letter provided by Mariposa Brewing Company, one of his tenants, suggesting signs be negotiable case by case.

Ruth Sellers thanked the Board for addressing this issue and advised that there have been a lot of complaints about the sandwich boards. Supervisor Cann asked if the Historic Sites and Records Preservation Committee have had conversations regarding the Sugar Pine sign that might be over 50 years old. Ruth responded that they have discussed this sign and the Chamber of Commerce sign at the Grizzly Gas and commented that the Planning Department has been very good about letting people know the requirements. She feels that all businesses, even on side streets should have to follow the ordinance.

Tolley Gorham expressed concern relative to enforcement of the ordinance and businesses filing complaints against each other, and commented that the sign at Grizzly Gas is a community board, a directory of the town, and should be addressed separately.

Eleanor Keuning, Historic Sites and Records Preservation Commission member, commented that relative to the Sugar Pine sign there is language in the ordinance that says "strongly discourage roof signs," she believes the sign is over 50 years old and can stay but new businesses should be discouraged. She doesn't feel the ordinance addresses the

sandwich board signs and understands they are necessary for some businesses in which consideration should be given. She expressed concern that new businesses may not be informed up front that they are in the historic zoning.

Lester Bridges, retired business owner, explained the process he went through to construct his new Napa building relative to the sign ordinance requirements and feels the ordinance should be enforced.

Ruth Catalan addressed the sandwich boards commenting that they are dangerous and multiplying and do not add to the character and ambiance of Mariposa.

Jim Dulcich, Coast Hardware owner, stated that signs are how a business owner portrays its business and expressed concern about tourists not being able to locate a business because they can't see the signs, and feels the sign ordinance is too restrictive.

Tolley Gorham expressed concern relative to some language in the ordinance being ambiguous; he gave an example of an experience he had and commented that there is language that states the sign should be sized appropriately to the size of the building and suggested paint samples be made available for the Historic Design Review zoning requirements.

Supervisor Allen advised that the ordinance does prohibit offsite signs and responded to Tolley Gorham's comment relative to enforcement advising that this is a civil issue and not criminal so the Sheriff's Department is not involved.

Supervisor Aborn suggested that the businesses choose signs that blend in with the area.

Supervisor Cann commented that the ordinance needs a review and some quirks fixed, using the community board at Grizzly Gas and billboards as an example of noncompliant signs. He expressed concern relative to tourists being exposed to accidents due to sandwich board signs and suggested the possibility of a street pole with a sign up high enough to avoid injury.

Kris Schenk, Planning Director, advised that this is a community involved issue and that they have been making progress relative to bringing older signs in compliance with the ordinance. He stated the sign code enforcement is a multi-department and/or agency issue involving the Building Department, CalTrans, Public Works and County Counsel. He welcomed the Board's suggestions and advised that the Board and the Planning Commission could potentially end up spending a lot of time dealing with enforcement relative to appeals.

Supervisor Bibby advised she is getting feed back regarding confusion on some of the requirements, such as materials, and suggested a staff member obtain feedback from the different agencies and departments on interpretations such as materials, and "temporary" signs. Kris Schenk responded that they could proceed in a more comprehensive enforcement and advised that the Planning Department completed an inventory of the entire county, documenting violations, and stated they had defined a Code Compliance position and hired someone but that person turned down the position prior to beginning employment. Further discussion was held relative to complaints including inconsistency or responses of Planning staff. Kris responded that there has been tremendous communication between the departments and agencies.

Supervisor Turpin commented that he understands signs are very important to Mariposa businesses and there is a responsibility to come up with a solution.

Supervisor Cann advised that the intent of this meeting was to gather information and get the Board talking to their constituents; the ordinance will be reviewed and amended to clarify ambiguities.

**12:12 p.m.** Recess

**12:27 p.m.** The Board reconvened

7

**County Counsel**

Authorize County Counsel to Assign a 4/10 Flex Schedule to the Executive Assistant in his Office

**BOARD ACTION:** Steve Dahlem, County Counsel, presented a staff report stating that he is confident this will not have any effect on county services. He advised that 5 of the 8 departments provide a 4/10 schedule to their staff. Rick Benson, County Administrative Officer, stated that he believes it will create logistical problems within his department relative to vacation time, etc. and could put pressure on other departments to provide the same schedule. Discussion was held relative to the hours of operation for County Counsel’s office, the Office Technician’s allotted time to County Counsel’s office, and what departments currently have the 4/10 schedule. Supervisor Allen commented that department heads should be able to run their department as they see fit. Supervisor Turpin referenced an issue 2 weeks ago in the Human Services Department when someone couldn’t be assisted. Supervisor Cann advised that he will fully hold the department heads responsible for their production and that there is a meeting planned to relay this to each department head. Rick Benson advised that he is still looking at possibly coming back with a proposal for this schedule county wide and possibly expanding to other departments for cost savings. Becky Crafts, Assessor/Recorder, stated that she appreciates the Board allowing her office to work a 4/10 schedule and advised that her staff goes to a 5/8 schedule temporarily if someone is on vacation and this works very well in her office. (M)Allen, (S)Turpin, Resolution 10-397 was adopted approving the recommended action effective immediately/Ayes: Unanimous.

10

Consider Items Removed from the Consent Agenda – none.

**12:35 p.m.** Lunch

**6:02 p.m.** The Board reconvened.

11

**Planning**

**PUBLIC WORKSHOP** to Consider Zoning Amendment 2009-87; Agritourism and Agri-Nature Tourism Amendments to County Code; Conduct Informal Discussion and Question/Answer Session with Audience; and Schedule Public Hearing on Zoning Amendment No. 2009-87

**BOARD ACTION:** Kris Schenk explained the history of the Agri-Nature Tourism (ANT) Committee including the establishment of the committee and introduced Karen Robb, consultant for the project. Karen gave an overview of the agri-nature tourism definition and its purpose and provided a PowerPoint presentation. She stated that the committee has had 20 workshop meetings and defined the difference between agri-nature tourism and agriculture. The Initial Study and draft Negative Declaration has been completed and is ready to present to the Board.

Chair Cann presented the guidelines for the workshop relative to public input.

Input from the public was provided by the following:

Kris Casto, Agriculture Tourism Advisory Committee member, suggested adding the fee for service to the definitions and stated that a permitted use can be a tour but if a fee is charged it is considered agri-nature tourism. Discussion was held relative to permitted uses and an administrative permitted use and special events. For example could include a retirement party of 150 people in attendance and not be charged a fee, should not be counted as event. Kris Casto suggested separating them and providing additional definitions for these two permitted uses. Kris Casto responded to the Board relative to not seeing special events as a problem. Supervisor Cann stated that he received frustration from a number of committee members relative to the daily ongoing activity permit number of 15 people, and asked if this is a viable number to start a business. Kris Casto responded that it has to be kept in mind that there will be a fee

charged for people coming on to private property for the experience, there are neighbors and roads to consider and this is an average of 15 per day / 105 per week.

Rita Kidd, Agriculture Tourism Advisory Committee public member, identified the various resource/background documents used by the ANT Committee for this project. She commented on the average daily trips that were taken into consideration on agriculture exclusive parcels, and expressed concern about being a property owner near agriculture property and businesses relative to adding agri-tourism. She said property rights cut both ways and neighboring parcels do not enjoy the profits of agri-tourism but do receive impacts of traffic, dust, and noise. She urged that this be given a 2 year trial.

Charles Phillips asked why geo-tourism was brought into this. Karen responded that geo and eco-tourism were included in the definitions, to clarify what is and what is not agri-tourism. It was a request from an ANT Committee member to have the definitions included.

Rick Lobaugh, here on behalf of the Chamber of Commerce, expressed concern relative to the restrictive amount of 15 people permitted on site per day, requiring road maintenance agreements if there is a non-cooperative neighbor and questioned horseback riding as an administrative use permitted use. Staff responded to questions relative to Williamson Act parcels and agri-tourism on the land.

Anita Starchman Bryant, Starchman and Bryant Law Offices, representing clients FE&M Engineering Employees Defined Plan, and the Eugene and Dolores and Fortner Family Trust, spoke of a recent preschool trip to Jerseydale to a pumpkin patch with 21 kids which she attended relative to the limit of 15 people permitted on site per day compared to the 75 permitted in the Calaveras County ordinance and expressed concern relative to penalizing businesses that are accessed directly off of county roads or highways. She read from and presented a letter to the Board and requested that the Board take into consideration both the Calaveras County ordinance and the "Suggested Discussion Items" presented today. She reviewed the items. She thanked Karen for her presentation and explanations.

Dennis Bunning, member of the ANT Committee and the Agricultural Advisory Committee, urged the Board to consider approval of the recommendations as stated and commented that it can be amended in the future. He feels the committees have done a good job on this. With the review in 2 years, the Board can always increase the numbers, but it would not be possible to reduce the numbers.

Supervisor Cann requested clarification of administrative use permits; Sarah Williams responded that this was not a processing option prior to this document. Administrative use permits are new, proposed by these code amendments, and at the Planning Director's decision with clear standards. She explained the process and advised this is intended to be streamlined and there the fee study will establish the appropriate fees which are intended to cover staff costs. Discussion was held with staff responding that the administrative use permit would be subject to the same appeal process in place at this time and that the fees are something that the Board can consider during budget hearings.

Supervisor Bibby asked if the pumpkin patch in Jerseydale was allowed, if the pumpkins were not grown on-site.

Karen responded to Supervisor Bibby relative to an agriculture use requiring the product be grown on site and advised that the pumpkin patch Anita Starchman Bryant referred to was not an agriculture tourism use because the pumpkins are brought to the site from another location. Karen responded to questions regarding special events being limited to 12 event days per calendar year, stating this does not take away the requirement for an assemblage permit, it gives guidance to determine when special events become a permanent land use and advised that the owner or his/her designee is required to be present at the location of the event. The owner/operator is responsible for the

quests, damage to neighbor property, etc. Sarah Williams clarified road maintenance questions for Rick Lobaugh.

Karen clarified for Supervisor Cann that the language relative to owner or designee is in the policies and made a clarification relative to the maximum number of employees allowed per acre advising that employees are not limited under special events, just daily events and they are only restricted if the agritourism business is located on a parcel of less than 50 acres.

Karen clarified for the Board that family members are not counted as volunteers, 2 people can work 4 hours each, FTE's or "full time equivalents" are based on an 8 hour day, you can have 5 employees as long as you have over 50 acres, beyond that you have to request a waiver which is described in the amendments, if you develop only 2 acres you can have 2 employees, hiking trails would not be considered permanent improvements or infrastructure.

Staff responded to questions of the Board relative to feedback in the form of a voluntary self reporting program, and comments relative to language on page 21 and language in the Williamson Act amendments, stating changes need to be made to show income from agriculture doesn't have to be the primary source of income when there is an agritourism operation and advised that this can be changed in this document.

Supervisor Cann asked about separating the free events versus the fee events. Sarah responded the definition included in the definition section relative to special event limits would apply in any zone. Discussion was held relative to specific events such as fund raisers, community functions, weddings, and the fees.

Rita Kidd commented on the committee discussions, advising that the number was increased for the collaborative tour events and then wasn't reduced.

Penny Leff, with the University of California Small Farm Program, expressed concern relative to school kids visiting farms for tours and being charged. Staff responded that there are limited uses for permitted uses, it's the owner's choice and there are additional options.

Anita Starchman Bryant expressed concern relative to the sliding scale on the number of employees, and commented that there isn't a sliding scale for the people with good access from the roads. Staff responded that this can be reviewed at the 2-year evaluation.

Kris Casto suggested exempting school buses and applying the language that is used for Future Farmers of America (FFA) and 4-H.

Cindy Lashbrook suggested adding another level for more people for special events, possibly more people and fewer events as an option.

Discussion was held relative to the averages of people per day being done on a seasonality and calendar basis, possibly adding an additional column to the table on page 8 of the recommendations dated August 10<sup>th</sup> to limit possible gray areas, the text regarding 4-H and FFA being existing text prior to the creation of the ANT Committee, road requirement specifics, the Average Daily Trip limits and proposed amendments to the limits, the General Plan, and concern of limiting people with access to good roads.

Karen responded to questions of the Board relative to how Calaveras County Planning deals with school buses advising that because their numbers are higher they accommodate the buses, stated that Calaveras passed their ordinance in 2002, and they have different zones than Mariposa County.

Supervisor Turpin requested that any legitimate agritourism use provide permanent restrooms and asked for clarification relative to impact evaluations. Staff responded.

Further discussion was held relative to clarification of home stays and glamping.

Anita Starchman Bryant requested that the Board ask staff to clarify the distinction of “adding to the economic viability” language in definitions.

Staff advised that they are looking at scheduling this item for Board action on September 21, 2010 at 2:00 p.m. Public workshop was closed.

### **Consent Agenda**

- CA-101      **Clerk of the Board**  
Approval of Summary of Proceedings of August 3, 2010, Regular Meeting; Withdrawn, to be rescheduled.
- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-387
- CA-103      **Administration**  
Approve the Proposed Job Description of Emergency Planner, Allocate One Full-Time Position to the County Fire Department Effective Immediately, Set the Salary at \$2,803.67 - \$3, 407.91/Month, and Assign the Classification to Service Employees International Union (SEIU); Res. 10-388
- CA-104      **Administration**  
Approve an Agreement with eCivis, Inc., in the Amount of \$10,500 to Assist County Staff with Research and Development of Grant Applications and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-389
- CA-105      **Administration**  
Approve the First Amendment to the Professional Services Agreement with Advocation for Lobbyist Services by Extending the Termination Date to September 30, 2010, and the Not to Exceed Amount to \$25,000; and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-395, with direction given to staff.
- CA-106      **Human Services**  
Approve an Agreement with Merced County Department of Mental Health for Residential Inpatient Services for FY 2010-2011, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-390
- CA-107      **Community Service**  
Approve an Agreement with Area 12 Agency on Aging for Congregate Meals, Home Delivered Meals, Restaurant Meals, and IIIB Transportation and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-391
- CA-108      **County Counsel**  
Approve an Agreement with Farella, Braun and Martel, LLP, for Legal Services to Represent the County of Mariposa in Connection with Bankruptcy and Environmental Issues in the Bartlett Petroleum Bankruptcy Case and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-392
- CA-109      **Planning**  
Appoint Kirstie Kari to the El Portal Town Planning Advisory Committee for a Term Expiring February 28, 2012
- CA-110      **Public Works**  
Accept the Resignation of Marvin Wells from the Airport Advisory Committee

CA-111      **Public Works**  
Approve the Proposed Improvements to the Airport Terminal by KMPI (FAA Identifier)  
Airport and Rent a Car, Inc.; Res. 10-394

CA-112      **Public Works**  
Approve the Plans and Specifications for the Rehabilitation of the Parallel Taxiway Project,  
AIP No. 3.06-0147-008-2009, and Authorize the Public Works Director to Award the  
Agreement to the Lowest Responsible Bidder and to Sign the Agreement; Res. 10-393

The meeting was recessed at 8:58 p.m. in memory of Dave Garske; and the meeting was continued to  
Saturday, August 14, 2010, at 10:00 a.m. for PUBLIC WORKSHOP on the Proposed Catheys Valley  
Community Plan.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

By: TRACY GAUTHIER  
Deputy Clerk of the Board

KEVIN CANN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS Saturday, August 14, 2010



Folder      Time      Description

**10:03 a.m.** Continued Meeting from August 10, 2010, Called to Order at the Mariposa County Government Center

Pledge of Allegiance

13

#### **Planning**

**PUBLIC WORKSHOP** on the Proposed Catheys Valley Community Plan. The Purpose of the Workshop is to Consider Further Public Comments on the Plan and Implementation, and to Provide an Opportunity for Informal Discussion Regarding the Plan. Questions and Discussion will Occur. Direction to Staff may be Given as a Result of the Workshop

**BOARD ACTION:** Chair Cann advised that the consultants (Andy Hauge, Hauge Brueck Associates and Bill Abbott, Abbott and Kindermann) were available for today's Public Workshop and made reference to copies of the draft Catheys Valley Community Plan (CVCP) located at the back of the room. He explained how the public input process will be taken and set guidelines. The Board thanked the public for coming today and emphasized on how detailed the public input should be. Chair Cann read each of the 14 specific concerns that will be discussed today.

Input from the public was provided by the following:

Molly Combs, Catheys Valley property owner, expressed concern relative to proposed residential land use of a parcel with commercial development on three sides of the parcel stating she believes it's a poor choice due to the location directly on the highway and would like to see it all commercial, it has good visibility from the highway and commented that she has been approached by several people to start businesses there.

Brett Baumann, Catheys Valley resident, talked about the scare tactics of the "other side", agrees with preserving rural communities and asked that they all get back to being friends again. He commented that the 200,000 square foot shopping center and 400 acres of commercial zoning has never been discussed to his knowledge. He presented an old map of the community and explained what was being proposed for the Community Plan years ago.

Philomene Schultz, Catheys Valley resident, commented that she has been involved in the Catheys Valley Advisory Committee and the Agriculture Tourism Advisory Committee. She read from the Mariposans for the Environment and Responsible Government (MERG) list of names in support of the Catheys Valley Community Plan submitted on June 9, 2009, stating she researched and edited the list to reflect only 74 possible names. Supervisor Cann advised her that the Board is dealing with specific issues, not petitions.

Steve Saunders, Catheys Valley resident, has 40 acres in the AE zone. He believes that the proposed plan takes away all of his rights and makes his parcel nonconforming, and this will happen to 2/3<sup>rd</sup>s of the parcels within the proposed plan. Residents will be upside down in their value and will have a difficult time obtaining loans. He read from a handout that he presented to the Board. He feels this is giving

everyone a property loss, more governing with the Planning Advisory Committee roles, and the right to farm is being stripped away. The Ag land use is under attack.

Bob Stark, Catheys Valley resident, objects to the proposed plan and read from the handout provided by Steve Saunders. He expressed concern relative to a mail out from a small environmental group. Bay Area environmentalists influenced the plan. MERG influenced the General Plan. He is concerned regarding the process and the size of the proposed plan.

Jennifer Stark stated she is not a resident of Catheys Valley. She expressed concern that this proposed plan might set precedence for the rest of the County and should be eliminated all together. She continued to read from the handout provided by Steve Saunders, being concerned about non-conforming text, greenhouse gas standards, scenic requirements, not allowing shared wells is a precedent for metering wells, the requirement for a CUP if traffic is doubled in the residential land use, Catheys Valley Planning Advisory Committee responsibilities, Planning's to-do list and the size of the planning area.

Kenneth L. Davis, Catheys Valley Planning Advisory Committee member and a resident of Whispering Oaks, read from a handout that he presented to the Board and recommended rolling back the size of the area of influence to that of commercial and residential land classifications, and remove all provisions of guidelines that influence or govern the use of agricultural land classifications. The plan was to not create Oakhurst with traffic and water problems and to grandfather existing parcels but they were lead down another path by the consultants and staff and the Planning Director at the time. The plan was not written by the Planning Advisory Committee but was fed to the Planning Advisory Committee by Planning and the consultants.

Linda Dinnel spoke opposing the proposed plan and read from notes that she presented to the Board. She opposes the size of the plan and supports increasing development potential in the area.

Rick Lobaugh, Catheys Valley resident of Trower Road, read from a hand out that he presented to the Board, addressing specific issues 1, 2 and 10 regarding agriculture. The plan does not protect his ag land and it limits the size of structures. He does not support the Planning Advisory Committee's proposed role in ag related issues. He pointed out the no net loss criteria. He provided some history of the Catheys Valley Planning Advisory Committee meetings, including the limited number of meetings in 2003, and requested that ag lands be taken out of the proposed plan.

Gordon Bielanski, resident of Wild Rose Court in Whispering Oaks West, read from a letter that he presented to the Board and commented that of the 46 lots in the subdivision, 30 are less than 5 acres in size and would be nonconforming. Of the residents in the Whispering Oaks subdivision, he knows of only 1 who is for the plan. He referenced page 5-4 line 32 of the plan expressing concerns regarding the acreage change and concerns regarding nonconforming parcels as mentioned in the handout provided by Steve Saunders. He said when he moved here, the minimum size was 2-1/2 acres. He commented that when he asked about the grandfather clause at a MERG meeting he was told it will not happen. He read from the handout provided by Steve Saunders referencing the last 3 paragraphs on page 10. He submitted a petition from the Whispering Oaks West Homeowners Association requesting the residents listed be removed from the Catheys Valley Community Plan.

Tolley Gorham is here for his clients. He commented that he is for clustering and asked Supervisor Bibby about the process of appointment to a Planning Advisory Committee. He commented about money spent on the consultant. He explained each of the 3 documents that he presented to the Board advising that the 2<sup>nd</sup> and 3<sup>rd</sup> documents are for reference and addressed the 1<sup>st</sup> document stating that they are excerpts from the Catheys Valley Planning Advisory Committee meetings

mentioning that there are some earlier meeting minutes that are not available. He read from the excerpts and addressed the water issue commenting that hundreds of homes have water delivered and believes the document becomes a way to prevent growth. He said that Mariposa Pines and Ponderosa Basin have successful private water systems and don't cost the county anything. He also talked about proposed policies for storage containers, the location of the commercial land use, parcels wanting to come out of the plan area, and non-conforming policies which are trying to get all parcels conforming in size.

Debbie Peters, Catheys Valley resident, Her parcel is conforming in size, but she has concerns relative to nonconforming parcels and explained how she had difficulty obtaining a low interest loan 12 years ago because her well was not on the parcel that she was developing which made it nonconforming. She does not support the proposed plan and suggested reducing the boundaries to the original 4 corners or throwing the plan out. She believes this plan is more restrictive than what was intended and smaller businesses are leaving because the local community can not support them. If we don't get growth, we can't keep the school open. The plan is too restrictive if we want to retain families. She thinks some tourism businesses are okay. She said Planning Advisory Committee members don't know what is in the plan. She requested clarification relative to the limits and restrictions of outdoor lights and commented on restricting use of water. She read from page 5-33 asking if this plan can legally dictate the curriculum for the kids. She doesn't think so. She would like an answer to these questions. She read from 5-2-3b of the proposed plan and asked how much will this plan end up costing. She feels that the majority of the plan makes sense and we all have a certain responsibility but it is too restrictive, takes away rights and imposes others thoughts and choices. Changing the rules is not fair.

Cathie Pierce, Catheys Valley resident for 60 years, a rancher and a member of the Mariposa County Farm Bureau Board of Directors for 8 years. She attended Catheys Valley meetings first as a representative of Farm Bureau and was then appointed to committee. She clarified that Mariposa County Farm Bureau is not in a partnership with MERG and never has been. She commented on agriculture issues she has dealt with on the California Farm Bureau Federation Board of Directors, representing Mariposa, Merced and Madera Counties. Problems of agriculture are bigger than this plan. She referenced letters she wrote opposing the size of the Catheys Valley community area. She referenced letters she wrote in 2002 and 2005, and advised that she believed that agriculture land would be more protected by being in the plan and expressed concern relative to property rights. She said she wrote 75% of the Right to Farm Ordinance but she couldn't tell the Board exactly what is in the ordinance now. She doesn't have it memorized. She agreed the plan isn't perfect, but cautioned that residential uses, especially dogs, have impacts on agricultural uses. She asked the Board to not be selected when making decisions about property rights. She also commented that there are different degrees of agriculture and some people make a living off of it while others do not. She talked about leap frog development problems in the valley, and likely impacts of the high speed rail program. She said Merced County Farm Bureau is getting an initiative on the ballot to save the farm land because Stanislaus County has an initiative on the ballot and their development is now leapfrogging into Merced; and if Merced gets this done the west end of Catheys Valley is going to have more pressure on it for development. Pierce responded to questions of Supervisor Cann advising that the proposed plan can be more restrictive and in responding to Supervisor Cann's question of what we are protecting against, she responded it would be undue growth and development. She agreed that, the General Plan can be changed. If some time in the future it is decided to change the General Plan to open up and rezone areas and Catheys Valley Community Plan is not more restrictive to that, it will be done. Discussion was held relative to the conversations that occurred and did not occur with

the Cathie Pierce, John Gamper and County staff prior to the adoption of the General Plan and relative to the County being very diverse.

Supervisor Turpin commented that Catheys Valley was a Study Area at the time of the General Plan adoption. He knows that growth is inevitable, but it must occur in proper places. It needs to not happen in the Ag Working Landscape.

**12:20 p.m.** Lunch

**1:25 p.m.** The Board reconvened.

Supervisor Cann addressed the global warming comments and advised that the committee never dealt with this issue, and informed the public that if they have specific comments regarding this type of issue feel free to share, but by state law a plan can not go through the environmental review process without addressing global warming. He asked that when the public speaks to please specify if they are addressing nonconforming uses or nonconforming parcels.

Skip Skyrud referenced several pages in the proposed plan relative to the language of “fiscal impact unknown”, “unknown impact”, and “fiscal impact – none”, expressing concern on the amount of fiscal impacts within the document and commented that the cost to date of this document is also unknown. He said that the “to do” list for staff is a blank check.

Jim Eason introduced himself as a 12 year resident of Schoolhouse Road in Catheys Valley. He read from the handout provided by Steve Saunders and expressed concern relative to property rights and stewardship. He believes the land owners should be involved in decisions about their land. He moved to Catheys Valley to get away from CC&Rs. He quoted from the proposed plan regarding pages 3.36, 5.2-3, and 5.2-3a, read from a handout he presented to the Board and expressed additional concern regarding the planning process not being complete. He does not support the role of the Planning Advisory Committee.

Anita Starchman Bryant requested that the Clerk of the Board make the June 18, 2010 letter a part of the administrative record on behalf of her clients the F.E. & M. Engineering Employees Defined Plan and the Eugene and Dolores Fortner Family Trust. Anita said that Catheys Valley residents can read. This plan is depriving them of their property rights. The plan is flawed and indefensible. The standards for land uses are far more restrictive. If staff has to take 26 pages to explain the plan, there is a problem with the plan. Staff just dismisses their issues. She expressed concern relative to individual rights to develop parcels being protected and by adoption of the proposed plan parcels become nonconforming and are not grandfathered by the plan. If it is truly the intent to protect nonconforming parcels, then the plan should say it. She suggested adding the same language that is in the General Plan regarding legally existing nonconforming parcel sizes and uses. She asked why the difference in the proposed plan and the General Plan. She said that Planning Advisory Committee members cannot say what is in the plan, and the plan is not mandated by the General Plan, but is just suggested to reflect the will of the people. She addressed what she considers to be several misrepresentations. She addressed differences, including nonconforming text, residential density, shared wells and septic, ridgetop and knoll development including restrictions for existing parcels, minimum density not allowed, limited commercial land uses, and potential increased parcel size based on the adjacent parcel. She stated she believes there are inconsistencies in the plan and presented a petition circulated by the Catheys Valley community members with 186 individuals who oppose the Catheys Valley Community Plan.

Tim Miller, Miller Planning and Design, representing an owner in the Catheys Valley plan area, commented that he has been included in a list of names that

are misinterpreting and misrepresenting the proposed plan, stating that they are responsible for the additional costs relative to a supplemental Environmental Impact Report and that is not true. He said that the contention and divisiveness of this process is an indication that something is wrong. The number of pages it takes staff to explain the plan is an indication that something is wrong. He advised that the negative declaration was flawed and that was the fault of the county's consultant. His expressed concerns regarding global warming were provided to the county as a courtesy and the county should address this as a county wide problem. The policies should be taken out of the plan, he suggested preparing a supplement to the General Plan to cover the global warming issue. He advised that it is his clients request to leave the zoning as is and explained his client's property will be affected. His client is not proposing a project which is designed at the full density possible with current zoning.

Rita Kidd, 31 year Catheys Valley resident, commented that Joe Simon asked her to present letters to the Board that he has received regarding the proposed plan. She said that in July of 2009, opponents of the plan asked for an Environmental Impact Report. She read from the letter provided by Tim Miller – now he is asking for another delay. These are just delay tactics. She presented information about a 1996 LAFCo application submitted by the Fortners for formation of a water district and described acreage and proposed zoning within the application. She read from Petrolakis letter and the possibility of 9,000 square foot lots in this area. She asked the Board to look at the Miller letter and the amount of commercial square footage possible. The \$150,000 cost for the EIR was unnecessary. She said that Mike Stevens and Fortners are in a partnership in a mixed use development in San Diego. She commented that any parcel that is in existence under 160 acres in the AE zone is already nonconforming. She responded to questions of Supervisor Cann commenting that the words in the proposed plan are not ambiguous based on her knowledge of what those words mean. She said that Lushmeadows has non-conforming parcels and the 2006 General Plan didn't change resident's ability to purchase those parcels or obtain financing for those parcels. Discussion was held relative to the mobile home park language in the proposed plan. Rita advised Supervisor Cann that Cathie Pierce asked her to inform him that there used to be 40 acre buffers against the agriculture exclusive parcels and now there isn't.

Larry Ferreira, 6 year resident, expressed concern relative to restrictions on the way a person can do their job and opposes the plan. Because of plans like this, there are no farms left. The plan restricts the Board's governance and ability to apply the law.

Don Starchman, Starchman and Bryant Law Offices, expressed concern regarding buffer zones, flexible setbacks and parcel sizes affecting the use and is against changing this in the proposed plan. He commented that the majority of the parcels will be nonconforming and the plan is to phase out nonconforming in 20 years. If there is a problem use the General Plan text. Don't need special Catheys Valley text for nonconforming or AE policies. The Catheys Valley policies are not helpful to property owners, such as no building on knolls when that allows septic to flow down hill. Should allow some tourism in the commercial area. He referenced the map in the General Plan, noting that Catheys Valley was a study area and suggested that if there are problems then address that, don't penalize 26 square miles, leave the zoning outside the old town planning area as is. He said keep the 2-1/2 acre minimums, allow minimum density subdivisions down to 1 acre parcels, and increase the size of the commercial area because once the area is developed for housing it will never go commercial. Procedurally, don't do anything right away. Allow time for this information to digest. Supervisor Bibby asked Starchman to specify how he feels about clustering and he responded that the language in the interim community center and Title 17, for community water and septic system should be kept. He commented

that Planning and their consultant did not discuss community service systems with Environmental Health and he would like to see if it is available. Starchman responded to questions of Supervisor Bibby stating he supports Mountain General zoning, the text from the General Plan for ag working landscape is ok with everything exactly the way it is, don't change setbacks, and secondary residences must be able to meet health regulations.

Debbie Lester has 4 generations of Catheys Valley residents in her family. She, expressed concern relative to importance of insuring managed growth for public safety as the community has limited resources. She asked the Board to review the guiding principles.

Fred Friedland, Catheys Valley resident and owner of 138 acre parcel which is his escape. He grew up on a ranch which got surrounded by subdivision development and property values went sky high. LA, Escondido, and San Diego all used to be beautiful – now they are just solid homes. He does not want to see this in Catheys Valley. He stated he does not want high density of homes and expressed concern relative to water and sewer issues. Use hard rock wells for the water source here and there is a limited quantity available. He does not want to see Catheys Valley commercial zoning grow with stop lights, etc. and asked that area be protected for a special quality of life. He suggested looking at some areas of the plan and improving on them. He cautioned on outside money pressing hard on this plan. He said this is about quality of life.

**3:10 p.m.** Recess

**3:25 p.m.** The Board reconvened.

Caroline Wenger-Korn, spoke in favor of the plan because Catheys Valley has limited water resources. There are 5 parcels created above her and she will have limited recourse if the future development of these parcels impacts her well. She advised that some of her neighbors have lost water. She said property taxes don't cover the costs of providing schools. She expressed concerns relative to the Catheys Valley School because many parents are taking their kids out and taking them to other schools. She stated that she attended most of the Catheys Valley Community Planning Advisory Committee meetings and feels that most residents want to maintain the rural character of the community, and that they worry about the infrastructure of water. She supports smart growth. She feels it would be wrong to discard the plan entirely because most parts are useful and because of the cost invested to date.

Sergio Fuentes of Hornitos Road owns 160 acres next to the Whispering Oaks subdivision. He expressed concern regarding his agriculture exclusive property butting up to mountain home parcels. He wanted Mountain Transition zoning and Eric Toll had promised to take care of rezoning for him, but Toll skipped town. He read from page 6 of the handout presented by Steve Saunders. He feels the proposed plan lacks definition. He read page 5-16, 5-28, 5-28, 5-29, line 24-29, lines 34-35 and lines 42-43, (page 6 of the handout presented by Steve Saunders.) He asked if he has new ideas and better management is he going to be stopped, is he going to be nonconforming, and does he need a buffer. Supervisor Bibby asked about a set back issue, and he responded that if he wants to stay agriculture exclusive, it works. He is ok with the language in the General Plan and the unknown relative to agriculture in the General Plan.

Ken Wagner, Catheys Valley resident stated he would like to see the proposed plan scaled back to the original 400 acres, go back to the original town planning area. He feels this is an environmental take over. He feels the majority of the community does not want this plan.

Mark Harris, Yosemite Falls Well Drilling, stated he is not having a problem getting water in Catheys Valley; he has had to drill down to 700 feet but has always reached water. Most people who don't have water either don't have the money to spend or won't spend the money. There isn't a problem with water in Catheys Valley.

Bob Brown, Catheys Valley resident for 20 years, spoke in support of the guiding principals of the proposed plan but is not sure this is the right plan. He stated he wants to maintain the character of the community. He expressed concern that the plan is overly complex and goes beyond the General Plan; it is restrictive and intrusive into peoples lives. He believes that the proposed plan does not represent the majority of the people. The plan can be adopted with modifications to make it simpler and less intrusive. He said the lack of government control in Mariposa is a good thing. Controlled growth is okay, but urban sprawl is not. The size of the plan area is too large. The Planning Advisory Committee didn't listen to the public. Keep the 5 acre minimum.

Lou Ann Sakaki said they bought their parcel 5 years ago in the 5 acre area. She commented that Supervisor Bibby was the only supervisorial candidate known to support the proposed plan and she was re-elected. She read from the handout provided by Steve Saunders relative to no water studies being prepared to date. The county needs objective information about water.

Steve Fortner commented that he has had a study done of 9 wells on his property and had no problem obtaining water. 2 wells were strong water producers and 5 were adequate. They conducted a 12 day pump test and pumped over a million gallons of water. The closer the wells are to Owen's Creek, the better the water quantity. He provided history of a specific plan application for the Fortner's 100 acres. He said the water issue was very site specific and was able to obtain 100 well logs in the area for his study. He said the specific plan application process was like a hornet's nest – submitted in 1999, resubmitted in 2000 with identified fatal flaws solved by 2002. He put the plan on hold because of Eric Toll. He said the 1996 plans to form the CSD did not represent a proposal for what he wants to build. The plan was to respond to a state requirement for the maximum build out. He said the water tank was a requirement for sprinkler systems and fire hydrants. He said the EIR doesn't have a project alternative which is the baseline and that there are 2 properties which are substantially impacted – Miller's clients and Fortners. He comments on the User Fee Study and costs to the Planning Department. He favors not adopting the plan, and leaving things as they are. Let Fortners continue the plan they are doing and feels clustering allows you to footprint where the least damage will be done.

Tammy Guenthart requested Supervisor Bibby's definition of clustering, and she responded providing the definition. Guenthart asked if Whispering Oaks is a clustered subdivision with some smaller sized parcels and small larger parcels around the edge. She said the re-election doesn't mean all who voted for Bibby support the plan. She does not want the proposed plan because it just closes the door. Tourism pays all of our wages, and she see the plan set up so that commercial is able to be developed for tourism. Plan must set aside enough for commercial because once areas are developed for residential, they will never be commercial. She expressed concern relative to the commercial zoning in the proposed plan stated that ½ is a drainage ditch and ½ a rock pile. She referenced page 5-39, lines 23 & 24 asking why this is in the plan if it's already in the Williamson Act. Why have LCA policies in the plan when we just adopted new policies for Williamson Act? She is concerned about the "to do list" for planning staff, and the ag-tourism policies. She would like to see the definition of the words "traditional", "stewardship", "conforming" and "nonconforming". She commented about the parcel size being grandfathered in and found it isn't. She responded to questions of Supervisor Bibby relative to nonconforming stating that rebuilding is an issue. She does not want the non

conforming stigma on her parcel, which is long and narrow and will never be 5 acres in size. She mentioned a bank issue where a person in Merced couldn't get a loan because of the crisis in Catheys Valley.

Michael O'Rourke, 21 year resident of Catheys Valley and owner of nonconforming parcel, feels the proposed plan is vague and ambiguous and encompasses too much area. He thought he knew what the plan meant until he picked up a copy and read it today. He feels the original town planning area was a better idea. He does not support the plan.

Heather Bernikoff, property owner on north side of plan area, supports community planning. Growth will happen. Growth will affect her with impacts such as traffic, air quality, asthma and schools. She feels that massive development will affect her and she does want lower density, she wants 5 acre parcels, she does not want clustering, she feels water is an issue financially, she supports set backs, she thinks there are legitimate concerns and is glad there is a process. She wants clarifying language, do not increase density. Planning has its own language, like law and medicine. She moved here for the rural environment. She cautioned the Board to look at what happened in Tuolumne County in the Sonora area.

David Sullivan owns 2 acres on an unmaintained county road. He expressed concern relative to nonconforming issues and doesn't think any one has a right to tell him how many times he can drive up and down a road. He said this is trying to force him out of the County. He is against the plan. Supervisor Cann advised him to contact the Planning Department.

Lou Cordero came from Morgan Hill where he lived next to a dairy which was sold and developed into residences. He lived in Palo Alto next to an orchard which was sold and developed into residences. He moved to Catheys Valley and wants it to stay the way it is. He has been involved in the proposed plan for 14 years and feels the plan is a good one, noting it may not be perfect, but needs additional definitions and more ironing out and should be reviewed by the Board.

Victoria Trujillo, Catheys Valley resident on Elizabeth Lane, wants to see 2 residences allowed per parcel in the plan and expressed concern relative to density. She asked who received money from the Tides Foundation. She addressed definitions on page 517. She asked for clarification on the density and asked if this language was required. She feels that plan is not complete and that there are 4 parcels that she can see that will benefit from this map by becoming residential, this makes her very nervous because they get to develop and the rest can't.

Tolley Gorham expressed concern relative to set backs for agriculture land when agriculture land is next to Highway 140 because cows don't care about intense uses. He feels the plan is overkill – in trying to protect ag land from the property owners of the land. The land owners aren't putting their property into conservation easements or merging their parcels. He read from the Planning Advisory Committee meeting notes he provided earlier in the meeting. He thinks the dissolving of the TPA Planning Advisory Committee was done illegally and is suspect. He also talked about removal of parcels from the planning area.

Rita Kidd spoke of a group of people that could not be here today and shared a framed picture with their names on it. She presented a handout and read from a newspaper article. She suggested going to a 20 acre density instead of the 5 acre density minimum. She said efforts today have been to discredit Tony and Rita Kidd, the consultants and staff. The plan is about quality of life and the residents who moved here for what Catheys Valley is. There is plenty of water for a rich man. A 1,000 foot well with treatment for iron costs \$23,000.

Gordon Bielanski president of the Whispering Oaks Homeowners Association invited the Board to visit Whispering Oaks which is one of the finest subdivisions in Mariposa County, and read from a handout/email provided to the Board. He responded to questions of Supervisor Bibby stating that his concerns

include the size of nonconformities, the right to have a 2<sup>nd</sup> home and additional layering of regulations. He answered Bibby's previous question that he was in favor of clustering.

Bob Stark read from magazine articles and spoke of a western website. He said that in Santa Clara County they were metering wells, but he sold out before that happened. He talked about the Sierra Nevada Alliance objectives to get range animals off of public lands and to remove roads.

Mark Harris apologized to Rita Kidd. He advised that not all wells are deep and understands the community does not want to drill a deep well and get nothing. Deep wells are like bad meals in a restaurant. He talked about Foresta where there is limited area to drill a well due to small parcel sizes and Health setbacks between a well and a septic system. This was the case with the property owner with the \$23,000 well. There was a limited area for him to drill the well.

Steve Saunders read from the handout that he provided to the Board earlier in the meeting about the residential land use, setbacks, the Catheys Valley residential zone, the minimum parcel size, definitions, neighbor to neighbor lawsuits, and graduated acreages..

Debbie Peters talked about the election for supervisor and the fact that Bibby can't please everybody. She supports clustering with a 5 acre minimum and controlled growth. She said nonconforming is the main issue. She wants the option of 2 residences. We can't afford the cost of this plan.

Lou Ann Sakaki apologized for her comments about the election. Supporting Supervisor Bibby doesn't mean the voter supports the plan.

Jim Eason expressed concern relative to the guidelines of the proposed plan could be used to deny all development on 5 acre parcels.

Anita Starchman Bryant addressed clustering in the General Plan with text directly from the General Plan and believes there is misrepresentation. She supports clustering in Catheys Valley. She talked about the policy of tripling ADT and requiring a CUP, and that of doubling ADT – inconsistency in policies. She talked about the cost of the plan; it is not just attorneys. She talked about the "to do list". Discussion was held relative to how many parcels are within 26 square miles. She commented that there are 21 residents opposing the plan and 8 for the plan. She suggested focusing on the town planning area, regulating the 26 miles takes their rights away. She said the only place where there could be "Oakhurst-style" development is in the TPA.

**5:27 p.m.** Recess

**5:46 p.m.** The Board reconvened.

Supervisor Cann advised that they have come up with a game plan. Staff will assess the issues from the list discussed today. Staff will provide a list of options the Board may consider taking relative to these issues. Staff will include processing consequences relative to these options. There will be an opportunity provided for review of this information, and planning's work will be posted by September 18, 2010 on the Planning website. A Public Workshop will be conducted on September 28, 2010 and will be geared to the new information based on today's meeting. Public input is encouraged to focus on the new information. Upon question by Turpin, Staff advised that additional written public input could be submitted until Wednesday, August 18, 2010 by 5:00 p.m.

Following questioning by Supervisor Cann, attorney Abbott stated the planning documents have to address AB 32. This is the consensus in both the legal and planning communities. The county would not survive a lawsuit if AB 32 is not

addressed. The real concern is the generation of a CEQA document which evaluates greenhouse gases. There are different ways to address greenhouse gases and different levels of addressing them. But the Attorney General (AG) was very clear. CEQA documents must address greenhouse gases. The question is the degree and the level of analysis. Abbott confirmed that the field of greenhouse gas analysis and AB 32 is a moving target, but there is no question about the need for Mariposa County to address this in their CEQA documents. The AG's strategies made no distinction between urban and rural counties. Public workshop was closed.

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**Adjourn**

Adjourned at 6:15 p.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

By: TRACY GAUTHIER  
Deputy Clerk of the Board

KEVIN CANN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

August 17, 2010



Folder      Time      Description

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

Pledge of Allegiance

Chair Cann called for a moment of silence in concern and memorial for the families involved in the traffic accident in Midpines that resulted in three fatalities.

Introductions

Chair Cann introduced Sergeant Brian Battershell who is planning a 90-mile march in Yosemite to support the Wounded Warriors project from August 23 to 28<sup>th</sup>.

Chair Cann and Mary Williams, retired Community Services Director, introduced Terri Haworth, the new Community Services Director.

- 1      Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)  
**NOTE:** The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.  
**BOARD ACTION:** Chair Cann advised that corrections were distributed for the Summary of Proceedings for August 3<sup>rd</sup> in item 101. (M)Bibby, (S)Turpin, all items were approved, including the corrections for item 101/Ayes: Unanimous.
  
- 2      Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)  
Eleanor Keuning stated she feels the County should have a brochure that lists all of the services for the County; and she referred to a recent Fresno Bee story relative to financially troubled schools and noted that Mariposa is at the top of the list.  
Kris Randal, Master Gardener Coordinator, reported on outreach efforts and activities for the Master Gardeners.  
Lester Bridges, Chamber of Commerce President, advised that the next business mixer is scheduled for August 24<sup>th</sup> at the Mariposa Brewery and River Rock.
  
- 3      Board Information  
Supervisor Bibby thanked the Board members and the community for attendance and input on the Catheys Valley Community Plan for the workshop held on Saturday. She advised that there is a Junior Livestock Auction meeting this evening for the youth who are selling animals at the Fair. She reminded everyone that the schools are starting and to watch for pedestrian traffic. She noted the open house for the Merced River Center at Briceburg is scheduled for August 20<sup>th</sup>, 1 – 4

p.m. She expressed appreciation to the Master Gardeners for the services they provide.

Supervisor Turpin advised that the Board held a workshop on Agritourism last Tuesday. He attended the SWIFT meeting in Moccasin on Wednesday; participated in the CSAC Agriculture and Natural Resources Committee meeting by teleconference on Thursday and he reviewed the key issues; the Board held a workshop on the Catheys Valley Community Plan on Saturday; and he attended the Tuolumne-Mariposa Resource Advisory Committee meeting on Monday and he advised of the process for selecting projects to be funded. He plans to attend the future fire station meeting on Thursday and the CSAC Executive Committee meeting by teleconference; and the Calaveras-Mariposa Community Action Agency meeting on Friday in Calaveras.

Supervisor Allen attended the Mountain Valley Emergency Medical Services Agency JPA meeting in Copperopolis on Thursday and he advised of the status of membership with Stanislaus County and that the State is redrawing the district boundaries. He advised that the Board held the workshop on the Catheys Valley Community Plan on Saturday. He is planning to go to Ponderosa Basin this afternoon with the Public Works Director to look at the area. He provided a reminder for traffic safety and to watch for the children with schools starting.

Supervisor Aborn advised that the Midpines Planning Advisory Committee is meeting this Thursday and the Fire Safe Council is doing a presentation. He toured the new Human Services facility with the Human Services Director and he looked at the YARTS' park and ride project on Monday. He advised that information is available in the back of the Board room on Sgt. Battershell's project. He referred to the recent traffic accident in Midpines and noted the need for drivers to pay attention and to be alert.

Supervisor Cann referred to the recent traffic accident and advised that a critical assessment and briefing is being conducted this morning in Yosemite for those that have been affected. He reviewed issues over the last couple of weeks: Catheys Valley Community Plan workshop, discussion on the sign Ordinance, and workshop on the agritourism policy; and he noted that the agenda today includes an item for department head work plans and annual evaluations. He asked that if any one is aware of items that need to be addressed, to please bring the items forward. He met last week with the Hospital on long-range plans. He met with the Public Works Director and staff on issues relative to the tennis courts. He plans to attend the RCRC (Regional Council of Rural Counties) meeting on Wednesday and he advised of issues on their agenda. He plans to meet with the State Director of Fish and Game and others on Thursday afternoon relative to the change in stocking the waters with fish and pending the outcome of environmental studies. He noted the open house for the Merced River Center at Briceburg.

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### **Human Services**

Human Services Director and DesCor, Mariposa, LLC, to Provide an Update on the Construction of the Human Services Center

**BOARD ACTION:** Jim Rydingsword, Human Services Director, and Neal Cordeiro, DesCor, Inc., gave a Power Point presentation and provided an update on the status of construction of the new Human Services Center and advised of the next steps and plans for an integrated communications system and for a "topping off" celebration this fall for placement of the last beam. Discussion was held, and it was reiterated that no General Funds dollars are being used with this project. It was also clarified that there is adequate parking for the public.

Input from the public was provided by the following:

Eleanor Keuning asked for clarification of the road name selected for the entrance from Highway 49 North.

Ruth Catalan asked whether there are provisions for back-up generators since the plan is to go paperless.

Neal Cordeiro responded and advised that there are provisions to add a generator and they have stable power with enough back-up to allow for an orderly shut-down in the case of power outages. Chair Cann advised that the records relative to the road name are available.

**10:19 a.m.** Recess

5 **10:32 a.m.** Administration

Deny Equity Adjustment for Assessment Office Manager

**BOARD ACTION:** Rick Benson presented information on the request and advised of his recommendation to deny the request.

Becky Crafts, Assessor-Recorder, expressed concern with the processing of this agenda item and with the processing of this type of request; and she presented information to substantiate her request.

Discussion was held.

Input from the public was provided by the following:

Ruth Catalan stated she does not feel that an equity adjustment is appropriate for this situation, she feels the adjustment should be for whatever position is needed and with an appropriate salary. She does not see why twelve employees need three management positions.

Further discussion was held. Supervisor Bibby stated she would like to see more information on the changes in the duties in the position and information on a job description for a deputy assessor/recorder position. (M)Aborn, (S)Allen, Res. 10-405 was adopted approving the equity adjustment for the Assessment Office Manager – tying the salary to the Office Technician II position/Ayes: Aborn, Cann, Allen; Noes: Turpin, Bibby.

7 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard C. Bolanos;

8 **Administration**

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

11 **County Counsel**

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

**BOARD ACTION:** (M)Bibby, (S)Aborn, these closed sessions are to be held/Ayes: Unanimous.

9 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of County Designated Representative: Richard C. Bolanos

**BOARD ACTION:** Supervisor Bibby excused herself from the meeting at 11:52 a.m. for action on this item and the next item, and from the closed session portion of these items, due to a potential conflict of interest as she has a family member in SMA and possible compaction issues with DSA. (M)Allen, (S)Aborn, this closed session is to be held/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

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**Administration**

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

**BOARD ACTION:** Supervisor Allen excused himself from the meeting at 11:54 a.m. for action on this item, and from the closed session portion of this item, due to a potential conflict of interest as he is a retiree of SMA. Supervisor Turpin noted that with two Board members excusing themselves, it leaves three Board members handling this item; and he asked for clarification of whether the full Board could participate. Steve Dahlem, County Counsel, advised that the “rule of necessity” would come into play if a majority of the Board members excused themselves; advised that he would be happy to review prior County Counsel’s opinion on this matter; and he advised against having any Supervisor who has declared a conflict of interest or recused themselves from participating or being involved in the closed session discussions. (M)Aborn, (S)Turpin, this closed session is to be held/Ayes: Aborn, Turpin, Cann; Excused: Bibby, Allen.

**12:04 p.m.** The Board convened in closed session; and Chair Cann advised that the Board would reconvene in open session at 2:00 p.m.

**1:12 p.m.** Lunch

**2:02 p.m.** The Board reconvened in open session.

**Report from Closed Session**

Chair Cann advised that information was received and direction given to staff on items 7, 8 and 11; and items 9 and 10 were not held.

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Consider Items Removed from the Consent Agenda – none

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**Administration**

Discussion and Possible Direction to Staff Regarding Department Head Performance Evaluations

**BOARD ACTION:** Rick Benson reviewed recommendations for conducting department head performance evaluations; and discussion was held. (M)Aborn, (S)Allen, Res. 10-406 was adopted approving the evaluations format and process, and directing the County Administrative Officer to begin the process as recommended/Ayes: Unanimous. The Board concurred that the evaluations would be scheduled separate from the regular Tuesday Board meeting agenda.

**Consent Agenda**

CA-101

**Clerk of the Board**

Approval of Summary of Proceedings of August 3, 2010, Regular Meeting

CA-102

**Administration**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-398

CA-103

**Administration**

Approve Amendment to Maintenance Worker III-Facilities Job Description by Adding Language to Include that this Position May Also be Assigned to the Jail Location; Res. 10-399

- CA-104      **Public Works**  
 Re-Appoint Steve Barnett, Elvie Bullis and Tina Craig to the Coulterville Service Area No. One for Terms Expiring August 17, 2013; Accept the Resignation of Peter Schimmelfennig from the Coulterville Service Area No. One
- CA-105      **Public Works**  
 Adopt a Resolution Authorizing the Submittal of an Energy Efficiency Conservation Block Grant Application to California Energy Commission for (\$102,062) for Energy Efficiency Project/s in Mariposa County, and Authorizing the Public Works Director to enter into a Funding Award Agreement; Res. 10-400
- CA-106      **Public Works**  
 Approve Budget Action for FY 2009-2010 Transferring Funds within the Public Works Yosemite West Budget to Cover Unanticipated Professional Services Costs (\$9,000); Res. 10-401
- CA-107      **Public Works**  
 Approve Budget Action FY 2009-2010 Reducing the Don Pedro Sewer Contingency to Cover Unanticipated Maintenance Costs (\$3,600) (4/5ths Vote Required); Res. 10-402
- CA-108      **Human Services**  
 Approve an Agreement with Heritage Oaks Hospital Residential Psychiatric Inpatient Services for an Amount Not to Exceed \$18,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-403
- CA-109      **Human Services**  
 Approve Budget Actions for FY 2009-2010 Increasing Revenue and Appropriations within the Human Services Department to Cover for Loss of Housing, Community Action and Energy Grants Support (4/5ths Vote Required); Res. 10-404
- CA-110      **Supervisor Turpin**  
 Appoint John Shimer to the Coulterville Service Area No. One Advisory Board with a Term Expiring August 17, 2013

**Adjourn**

Chair Cann adjourned the meeting at 2:31 p.m. in memory of Florence Anderson, Krystal Ann Jones, Arvest E. Arney, Jr., and Sharron Law.

Respectfully submitted,

MARGIE WILLIAMS  
 Clerk of the Board

KEVIN CANN  
 Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

August 24, 2010



Folder      Time      Description

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

Pledge of Allegiance

Chair Cann called for a moment of silence in honor of our troops spread across the globe.

Introductions – none

- 8      **Administration**  
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard C. Bolanos;
- 9      **Administration**  
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard C. Bolanos;
- 10     **Administration**  
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of County Designated Representative: Richard C. Bolanos; and
- 11     **Administration**  
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriff's Management Association (SMA); Name of County Designated Representative: Richard C. Bolanos  
**BOARD ACTION:** Chair Cann advised that closed session would not be held for these items.
- 1      Approval of Consent Agenda – See End of Agenda (Items designated by "CA")  
**NOTE:** The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.  
**BOARD ACTION:** Chair Cann advised that item 110 was withdrawn by the Public Works Director and will be rescheduled. (M)Turpin, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.
- 2      Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Brian Muller, Sheriff, provided information on Proposition 19, an initiative to legalize marijuana in California; and he expressed concern with this Proposition and advised of the “No on Proposition 19 Campaign – Public Safety First.”

Eleanor Keuning advised that the ground breaking for the Habitat for Humanity house is scheduled for Saturday.

Lester Bridges, Chamber of Commerce President, invited everyone to attend the business mixer this evening at the Mariposa Brewery and River Rock Café. He advised that he did not see a road runner, but saw a bear on Highway 29 North.

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### Board Information

Supervisor Aborn commented on speeding issues in El Portal and advised that information on speed bumps/humps is available in the back of the Board room, and he expressed concern with these methods to reduce speed. He advised that the Midpines Planning Advisory Committee met on Thursday.

Supervisor Allen advised that he met with the Public Works Director in Ponderosa Basin to look at the one-lane bridge intersection by the Church – Public Works is reviewing the possibility of installing a stop sign. He met with the Sheriff, Undersheriff, and CalFire relative to hazardous materials spills and responsibilities. He attended the following: grand opening of the Merced River Center at Briceburg on Friday; the Bears football game on Saturday at the new Grizzly Stadium, and he thanked everyone who has been involved in the Stadium project; and the Grizzly Hoe Down on Sunday. He advised that he received concerns relative to speeding issues in Mariposa Pines and thanked CHP for their quick response. He advised that the ground breaking ceremony for the Habitat for Humanity house is scheduled for Saturday at the site off Sebastopol Road.

Supervisor Turpin advised that he attended the following: Red Cloud Library meeting in Greeley Hill on Wednesday; the future fire station meeting on Thursday; he participated by teleconference in the California State Association of Counties Executive Committee on Thursday afternoon – they discussed State ballot issues and he will bring information to the Board; the Calaveras-Mariposa Community Action Agency meeting in Angels Camp on Friday; and the Solid Waste Task Force meeting on Monday. He attended the Coulterville Service Area One Advisory Board meeting, along with the County Administrative Officer and the Public Works Director on Monday evening. He plans to meet with the Human Services Director next week. He referred to the “movie in the park” event that was held in Mariposa; and he advised that this program did not include North County this summer.

Supervisor Bibby referred to complaints received relative to lack of road maintenance on Yaqui Gulch Road; and advised that she contacted the Public Works Director and he will bring an update to the Board on chip sealing versus paving. She extended a special thanks to the Sheriff’s Department and CHP for their assistance at the different school sites; and she wishes the students and teachers good luck as this is the first day back at school. She advised that Environmental Health is inspecting complaints received relative to diesel pump spills. She noted that the Board does not meet on August 31<sup>st</sup> (it is a fifth Tuesday) and she wished everyone a happy and safe County Fair. She extended a special thanks to TDS for recent improvements to the services they provide.

Supervisor Turpin referred to a recent medical call incident in North County and commended the professionals and the professional volunteers for their response and assistance to the incident and for their service to the community.

Supervisor Cann referred to the recent maintenance work on roads in Lushmeadows. He advised that he attended the RCRC (Regional Council of Rural Counties) meeting in Sacramento last week, and he reviewed the highlights of the meeting: litigation with Shasta and Siskiyou counties including water issues, status of energy programs, status of State budget negotiations, status of reimbursement for the

State's special election costs in 2009, Proposition for November ballot to legalize marijuana, changes in the Building Codes and financial impacts for construction, legislation relative to pensions and salaries as a result of the Bell, CA incident, and relative to a change in recognizing RS 2477 claims with the Department of the Interior. He advised that he and the County Administrative Officer held a close-out meeting with Doug Wilson who served as Interim Public Works Director. He advised that the Final Budget Hearings are scheduled to be held on September 14, 15, and 16, and he referred to concerns he received with the timing of items and suggested that time be set aside on Tuesday evening (9/14) for public input – perhaps at 6:00 p.m. He wished Becky Crafts, Assessor-Recorder a Happy Birthday.

Rick Benson, County Administrative Officer, advised that the budget document for the Final Budget Hearings has been distributed and he is working on getting the budget information posted to the web; and the information is available at the front counter. He distributed information on the budget, including pie charts showing the source of General Purpose Revenues and appropriation of the funds. He advised that the budget is balanced and structurally sound; however, it is predicated on a 3.1 million dollar fund balance estimate and that final number has not been received from the Auditor. He further noted that the State has not adopted its budget and there could be impacts. He commended Mary Hodson, Deputy County Administrative Officer, for her work on the budget. Discussion was held relative to the status of being able to have a final fund balance figure.

Supervisor Bibby asked the Sheriff to provide information on the number of marijuana plants that have been eradicated this year; and she commented on the problems with marijuana gardens in northern California. Brian Muller advised that 170,000 plants have been eradicated and there is a current project that will increase that number.

4

#### **Farm Advisor**

Donna Wice, 4H Coordinator, to Present PowerPoint Presentation of the State Fair Booth Representing Mariposa County and its Communities

**BOARD ACTION:** Chair Cann commented that the public, youth and County government worked together on this project; and he thanked Supervisor Bibby for bringing this project forward and the local Fair for assisting. He also thanked Donna Wice and 4-H and the volunteers for taking this project on.

Donna Wice thanked the Board for its support and for the financial contribution. She introduced the builders of the booth: Dan Wice, Doug Lura, and Dave Ryskamp. Codie Hart, 4-H Council President, thanked the Board and the Tourism Bureau for support. They gave a presentation on the planning and construction of the exhibit booth and presented the Silver Award ribbon to the Board, and they noted that the booth will be displayed at the County Fair. They recognized the donors and helpers that were present at the meeting: Kathy Hart, Karen Peneschi, the three builders previously mentioned, and Jeanetta Phillips. Supervisor Bibby thanked the County Fair for its cooperation and Lowell Munn and Tom Williams/Fair Board Directors, for lobbying to have to the County represented again at the State Fair. Dan Wice provided input on the booth and communications with the State Fair. Board members expressed appreciation for the project.

Input from the public was provided by the following:

Becky Crafts stated she feels this was a good investment for the County and for 4-H.

5

#### **Supervisors Cann and Allen**

Approve and Present Certificates Recognizing Volunteers for their Participation and Contributions to the State Fair Booth

**BOARD ACTION:** (M)Bibby, (S)Allen, the Certificates were approved and given to Donna Wice to present to the recipients - those who helped with the booth, staffed the booth, and provided donations/Ayes: Unanimous.

**10:26 a.m.** Recess

6

**10:37 a.m. Human Services**

Review and Approve Continuation of Mariposa Works, the Mariposa County Subsidized Employment Program as Permitted Under Welfare & Institutions Code 11322.63

**BOARD ACTION:** Jim Rydingsword, Human Services Director, gave a report on the success of the Program and of recommendations for continuation of the Program. Discussion was held. (M)Aborn, (S)Bibby, Res. 10-418 was adopted approving continuation of the Program as recommended/Ayes: Unanimous.

Consider Items Removed from the Consent Agenda – none

7

**Administration**

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: A Portion of Parcel # 012-120-044 Adjacent to the Landfill; Agency Negotiator: Richard J. Benson: Closed Session will Concern Price and Terms of Lease/Purchase

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

Ruth Catalan referred to the Solid Waste Task Force meeting and discussion relative to this item; there are questions relative to process and zoning; and she stated she knows that the property is needed. She asked for clarification of the reassessment issue that was raised at the meeting, and she stated she feels that eminent domain could be exercised if necessary and that a fair price should be given.

Rick Benson provided input on the dispute/eminent domain process. Chair Cann provided input and he noted that the State has ordered the County to install the monitoring wells down stream from the landfill. Rick Benson responded to the reassessment issue.

(M)Aborn, (S)Allen, the closed session was held at 10:53 a.m./Ayes: Unanimous.

**11:36 a.m. Report from Closed Session**

Chair Cann announced that information was received and direction given as a result of the closed session matter for the real property.

**Consent Agenda**

CA-101

**Clerk of the Board**

Approval of Summary of Proceedings of August 17, 2010, Regular Meeting

CA-102

**Administration**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-407

CA-103

**Administration**

Adopt a Resolution to Receive the Full County Payment Under the Reauthorization of the Secure Rural Schools and Community Self-Determination Act (SR2008) and the Full County Payment to Allocate 8-Percent to Title II Projects and 7-Percent to Title III Projects; Res. 10-408

- CA-104      **Agriculture**  
 Approve Pierce's Disease Control Program/Glassy-Winged Sharpshooter Agreement No. 10-0336 for FY 2010/2011 through 2011/2012 with California Department of Food and Agriculture (CDFA), and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-409
- CA-105      **Agriculture**  
 Approve European Grapevine Moth (EGVM) Trapping Agreement No. 10-0443 for the Period of July 1 – October 31, 2010 with California Department of Food and Agriculture (CDFA), and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-410
- CA-106      **Human Services**  
 Approve an Agreement with Lori Ritter, PhD., in an Amount Not to Exceed of \$50,000, to Provide Counseling Services for Mental Health Clients who have Medi-Cal and/or Medicare and who have been Placed in Sierra Quest Academy, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-411
- CA-107      **Human Services**  
 Review and Approve the 2009 Department of Energy American Recovery and Reinvestment Act Weatherization Corrective Action Plan; and Authorize the Board of Supervisors Chair and the Human Services Director to Sign the Plan for the Submission to the State Department of Community Services and Development; Res. 10-412
- CA-108      **Public Works**  
 Remove Jason Randal from the Airport Advisory Committee as Alternate Member
- CA-109      **Public Works**  
 Decline Option to Purchase Hangar Number 42 at Mariposa/Yosemite Airport for \$15,000 and Allow Owner to Sell to a Private Party; Res. 10-413
- CA-110      **Public Works**  
 Approve First Amendment to Extend the Term of the Agreement for Services with FM Diaz Construction to December 31, 2010 for the History Center Roof, Project, No. 05-20, and Authorize the Board of Supervisors Chair to Sign the Amendment; Item was withdrawn
- CA-111      **Public Works**  
 Approve a Professional Services Agreement with Moore Twining Laboratories, Inc. to Provide Chemical Analysis for Various Facilities throughout the County in an Amount Not to Exceed of \$50,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-414
- CA-112      **Public Works**  
 Authorize the Public Works Director to Solicit Bids and Sign the Agreement with Lowest Responsible Bidder for Concrete Work at the Don Pedro Transfer Station and Mariposa County Landfill, Compost Facility and Recycling Center, in Preparation of Installation of Household Hazardous Waste Storage Lockers; Res. 10-415
- CA-113      **Library**  
 Approve Adjustment of Hours for Yosemite Branch Library Effective September 1, 2010; Res. 10-416

CA-114

**Fire**

Approve and Authorize the Fire Chief to Sign the Renewal of the Cooperative Fire Protection Agreement with the United States Forest Service, Sierra National Forest; Res. 10-417

**Adjourn**

Chair Cann adjourned the meeting at 11:37 a.m. in memory of Amanda Krull, Robert Ellsworth, Patrick L. Hardin, Robert Dworak, Guy Eubank, Ellen Fiske, and Michael and Deana Smith.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

KEVIN CANN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

September 7, 2010



Folder      Time      Description

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

Pledge of Allegiance

Chair Cann called for a moment of silence in honor of our troops spread across the world, and he noted that the Board is proclaiming September 11, 2010, as "Patriot Day."

Introductions – none

- 1      Approval of Consent Agenda – See End of Agenda (Items designated by "CA")  
**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, withdrew item 109 with the concurrence of the Public Works Director, and advised that this matter will be rescheduled.  
    Input from the public was provided by the following:  
    Ruth Catalan referred to item 103 and asked why there was an increase from the previous year. Chair Cann responded that this item is to accept the report; the service was already extended and there was an increase because the first year was offered at an introductory rate.  
    Supervisor Bibby pulled items 105 and 117. Supervisor Allen pulled item 103. (M)Turpin, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.
- 2      **Chair Cann**  
    Proclaim September 11, 2010, as "Patriot Day" (Andrea Summerlin/American Legion Post 567 Commander)  
**BOARD ACTION:** Input from the public was provided by the following:  
    Andrea Summerlin provided input on the request for the proclamation.  
    (M)Aborn, (S)Bibby, the Proclamation was approved and presented to Andrea Summerlin/Ayes: Unanimous.
- 3      Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)  
    Lester Bridges, Fair Board Director, commented on the great Fair and attendance. As President of the Chamber of Commerce, he commented on the increase in visitor statistics at the Visitor Center.  
    Ruth Sellers asked when the results of the current census would be discussed.

Marvin Wells reiterated Ruth Sellers' question about the status of the current census results.

Eleanor Keuning urged that "civil" discussions be held during the budget hearing; and she commented on "ownership" and wanting a more personal identity to be taken on matters.

Bob Kirchner, Event Coordinator for the Trans Valley Youth Football League Super Bowl and Open House, advised of the planning for this event and thanked everyone for their support. Chair Cann presented Bob with the Proclamation the Board approved – CA-114.

Brian Muller, Sheriff, advised that law enforcement problems were minimal over the Fair weekend; however, he is concerned with the increase in juvenile arrests. He thanked staff, SCOPE and Search and Rescue for their assistance. He noted that families come from outside of the County because it is a "family Fair." Board members expressed their appreciation to all of the law enforcement personnel, including the deputies, SCOPE, Search and Rescue, dispatch, and CHP for their services. They expressed appreciation to the Lions' Club for the parade, to Rotary for handling the parking, and to the Fair Board Manager and staff and Directors for the Fair.

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#### Board Information

Supervisor Bibby advised that she attended a meeting relative to the IRWMP (Integrated Regional Water Management Plan) on August 30<sup>th</sup>. She plans to attend the Mother Lode Job Training Board of Directors meeting in Sonora on Wednesday; and the Calaveras-Mariposa Community Action Agency meeting and the First 5 meeting on September 13<sup>th</sup>. She attended and extended a special thanks to Jeff Hentz and staff/Yosemite-Mariposa County Tourism Bureau for organizing the familiarization education tour group, and the Mining and Mineral Exhibit staff for making a presentation to the group. She commended Donna Wice/4-H Coordinator and 4-H for displaying the booth they created for the State Fair at the County Fair. She extended a special thanks to the Junior Livestock Auction supporters. She commended the Road Department for their clean-up project through town, and she urged citizens to visit the new Grizzly Stadium field.

Supervisor Turpin advised that he attended the Upper Merced River Watershed meeting on the IRWMP on August 30<sup>th</sup>; the future fire station planning meeting on September 3<sup>rd</sup>; and the Fair on Saturday and Sunday, including the Junior Livestock Auction and he thanked everyone for their support. He plans to attend the CSAC (California State Association of Counties) Agriculture and Natural Resources Committee meeting in Sacramento on Wednesday and they will discuss Williamson Act issues; and the CSAC Board of Directors meeting on Thursday. He advised that the VFW Post in Coulterville will hold a candle light walk on September 11<sup>th</sup>.

Supervisor Allen noted he has attended the 9-1-1 event in Coulterville and it is a great ceremony. He thanked Public Works for their work on the Hall of Records building, and he noted that the Mt. Bullion inmate crews were used. He advised that he met with the Child Support Services Director relative to child support services. He met with Supervisor Cann and Tammy Kudela and the consultant on the feasibility of the swimming pool/aquatic center project and possible financial assistance. He attended the High School Student Loan Association meeting and advised that loans are available for graduates attending college. He assisted with the landscaping at the Grizzly Stadium. He attended the Fish Camp Fire Station BBQ fundraiser on Sunday. He attended the Fair on three days; and he advised that his wife received a first place and Best of Show on her lemon meringue pie. He plans to attend a meeting in Sacramento on Wednesday relative to AB 2456/emergency medical authority. He plans to attend a meeting in Modesto on Friday to conduct interviews for the Medical Director for the

Region for the Mountain Valley Emergency Medical Services Agency. He plans to attend the Wawona Area Property Owners Association meeting on Saturday.

Supervisor Aborn agreed with the comments that we need to be on top of the census information. He stated he feels the signs on Highway 140 need to be redone, and he expressed concern with the status of the roof on the Gold Coin building. He also expressed concern with the condition of Yaqui Gulch Road. He plans to attend the meeting at the Airport on Wednesday, and advised that the El Portal Town Planning Advisory Committee has a meeting this evening. He expressed concern with Colorado Road and weed clearance issues. He commented on the push for speed bumps/humps in El Portal. He attended the Wounded Warrior program fundraiser event.

Supervisor Cann advised that he visited his Dad last week in Pennsylvania. He advised that the County does not receive the census numbers until around February, 2011; and he feels that consideration of moving National Park Service operations to town will have minimal impact. He referred to the status of the IRWMP Plan and pursuit of a one million dollar grant for water planning in the County. He referred to the YMCA's pursuit of an aquatic facility in the County and advised that they are meeting with a consultant on the feasibility analysis. He attended the Habitat for Humanity ground breaking ceremony. He advised the Board members contributed \$350 to the Junior Livestock Auction toward bumps for ten youth that received lower than average prices on their animals. He plans to meet with Kristen Olson, candidate for the Assembly, on Friday along with a representative of the Regional Council of Rural Counties. He advised that he received a letter from the Mariposa Public Utility District on Friday asking for a letter of support by today for a request they are putting into the State to buy land adjacent to the Stockton Creek Reservoir for watershed protection – he will send a letter of support as Board Chair and place the letter on the next agenda for ratification; and if it is not approved, it could be pulled.

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#### Consider Items Removed from the Consent Agenda

Item 103 – Rick Benson, County Administrative Officer, withdrew this item as the report was not included in the Board package, and it will be rescheduled in two weeks.

Item 105 – Supervisor Bibby initiated discussion with Jim Wilson, Fire Chief, relative to the request. She asked if the County Administrative Officer would meet with Fleet and review all of the vehicle expense budgets and advise whether any changes need to be made in the budget hearing process. Discussion was held relative to this matter and relative to review of the hourly rate that is charged for the fire equipment. Barbara Carrier/PWD-Administrative Analyst, provided input relative to the reduction in the rate and relative to the monthly reports that are provided to the departments. Rick Benson advised of his review of vehicle maintenance and efforts to reduce costs where possible. (M)Bibby, (S)Allen, item 105 was approved/Ayes: Unanimous.

Item 117 – Supervisor Bibby initiated discussion and expressed concern with giving merit increases to extra help given the current budget status. She asked that this matter be continued to be considered with the final budget hearings along with any other such requests from departments. Supervisor Allen stated he feels there should be consistency with this and a policy established. Supervisor Bibby stated she would like information on extra help costs for the final budget hearings; and she clarified that this does not in any way reflect on the department or the employee for whom this request is being made. Kris Schenk, Planning Director, agreed with continuing this matter to the final budget hearings for discussion; and the Board concurred.

5

**Supervisor Cann**

Approve an Agreement with National Park Service for Replacement of Bridge on Foresta Road within Yosemite National Park, Accept \$280,000 in Federal Funds for the Project, and Authorize the Board of Supervisors Chair to Sign the Agreement

**BOARD ACTION:** Supervisor Cann initiated discussion relative to the status of this project. Allen Toschi, Public Works Director, provided input relative to recommended timeframes for soliciting the bids and installing the replacement bridge. Supervisor Cann requested that the residents in the Foresta area be kept informed of the status. Supervisor Bibby thanked the National Park Service for funding this project and Supervisor Cann for his efforts on this project. (M)Allen, (S)Aborn, Res. 10-431 was adopted approving the Agreement and accepting the funds as recommended/Ayes: Unanimous.

**10:35 a.m.** Recess

6

**10:53 a.m. Administration**

Discussion and Direction to Staff Regarding Actions Necessary to Balance the FY 2010-2011 Budget

**BOARD ACTION:** Rick Benson advised that the recommended budget was developed using an anticipated fund balance of 3.1 million dollars and the actual fund balance figure recently received from the Auditor is 2.1 million dollars. He reviewed options for adjustments which include the following: direct departments to reduce spending, eliminate or reduce non-mandated services, furloughs, layoffs, use Reserve Funds, use Unfunded Liability Designation, revise revenue estimates. He advised of recommendation to reduce vehicle replacement charges for 50-percent (\$180,000), defer the purchase of a water tender in Roads budget (\$75,000), eliminate movies in the Park (\$10,000), use funds from the Unfunded Liability Designation (\$250,000), increase Transient Occupancy Tax (TOT) revenue estimate (\$100,000), consider savings that departments heads bring forth (\$300,000), and consider two countywide furlough days later in the fiscal year to make up the remaining shortfall. He also recommended an upgrade to the County accounting system (\$50,000 approximately). Discussion was held. Supervisors Allen and Cann and the other Board members expressed concern with furloughs and layoffs. Supervisor Bibby suggested a hiring freeze on extra help and overtime. Chris Ebie, Auditor, provided input and responded to questions relative to the shortfall and status of the budget. Supervisor Cann expressed concern with the fund balance system and noted the importance of the Tourism Bureau to the budget. Supervisor Bibby asked about the status of departments having the flexibility to transfers funds in their Services and Supplies line items, and discussion was held. Chris Ebie provided additional input relative to the fund balance, and he noted that the expenses have exceeded the revenues over the last three years and the fund balance has declined. He recommended going to a budget assuming a zero fund balance; and if there is a fund balance, it could be used for one-time expenses. He provided input on the recommendation to upgrade the accounting system – agreed that the existing system is antiquated as it is an early 1980s system, but he is not aware of problems with it. Supervisor Turpin stated he feels that there needs to be a review and a report to the Board on areas where grants are not covering the costs that they were intended to do.

Input from the public was provided by the following:

Jeanetta Phillips stated she disagrees with cutting the budget for the Tourism Bureau; and she suggested that perhaps consideration could be given to moving the visitor centers to the Tourism Bureau.

Dick Hutchinson stated he hopes there is no pay or benefit increases, as that would continue to escalate the costs. He noted the Public Works Department staff helps with three parades and feels that volunteers should be able to handle the signage.

He addressed vehicle costs, stated he feels that businesses are needed to help with the tax revenue and he doesn't want to see "brick walls" thrown up, and we need to support the visitors.

Ruth Catalan stated she feels that we should not eliminate the library, animal control, roads, law enforcement, or tourism. She also feels that employees should not be furloughed or subject to layoffs. She feels that employees who retire should not be hired back as consultants. She feels the extra help and overtime could be cut; vehicles could be driven longer, and cuts made in other areas. She suggested thinking outside of the box and looking at outsourcing things. She questioned why there wasn't a suggestion to upgrade the accounting system prior to this – she feels that there should be regular reports and upgrades.

Brian Muller supports building a budget on a zero fund balance to avoid future problems like this. He referred to the department head meeting and request for departments to review their budgets for reductions and advised that they have a plan. He does not feel that furloughs are an option; but he can freeze positions and cut through attrition first. He asked that the Board give direction today to the County Administrative Officer for moving forward so that departments can plan accordingly. He agrees with dipping into reserves as he feels that this is a "rainy day" and future year-end fund balances could be used to help rebuild the reserves.

Ruth Sellers stated she is against furloughs – they should only be considered as a last resort. She doesn't understand how raises could have been given and TOT revenues increased and we still have a budget problem. She feels that government always talks about cutting back on the lower level employees versus the upper level.

Ken Baker stated he does not feel that the real problem has been heard. He feels that there has been excessive spending and a new accounting system will not help with that. He referred to impacts with the draft Catheys Valley Community Plan. He does not agree with touching the reserve funds. He feels that the County is going broke and the Board needs to address the budget issues. He feels we could go to private enterprise for service. He feels that serious attention needs to be given to the Planning Department.

Discussion was held. Supervisor Allen reiterated that he does not want to see any furloughs or layoffs – positions can be reviewed through attrition; and he feels overtime should be reviewed and vacated positions should be frozen pending review. Supervisor Aborn agreed. Supervisor Bibby asked the County Administrative Officer and the Auditor to review the Probation and Health Department budgets for changes in General Fund costs. She asked for information on overtime and extra help costs, and suggested that Economic Development be reviewed. She discourages using reserves as other costs are growing, unless there is a commitment to permanent reductions and a goal for budgeting with a zero fund balance. She would prefer not to increase the TOT revenue, and use any unforeseen increase to achieve the zero fund balance. Given the input on the upgrade of the accounting system, she would like to hold on that. Supervisor Cann suggested letting the County Administrative Officer continue with the recommended adjustments and asked that he provide a report next week before reviewing the individual budgets. Supervisor Bibby asked about the status of loans to Yosemite West, Lake Don Pedro and zone of benefits. Supervisor Cann asked for more detailed information on the fund balance, and discussion was held.

Rick Benson recapped the consensus of the Board: for next week, he will present the first five recommendations for adjustments; come back with recommendations for adjustments for the balance of the shortfall without furloughs or layoff actions – taking into account information he receives from departments on further budget reductions they can make; and he will revisit the overtime and extra help costs. Supervisor Turpin asked about freezing positions, and Supervisor Allen agreed with that and with evaluating each position that becomes vacant. Supervisor Bibby asked about the status

of funding for costs for employees that retire this year, and Chris Ebie responded that they are seeing an increase in retirement activity.

**1:14 p.m.** Lunch

**2:35 p.m.** Board Convened as  
**LOCAL TRANSPORTATION COMMISSION**  
(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Brad Aborn)

7 Public Presentation: For Items within the Jurisdiction of the Local Transportation Commission and not on Today’s Agenda (Speakers Limited to Five Minutes) – none

8 **Public Works**

Adopt a Resolution Allocating the Transportation Development Act (TDA) Funds for FY 2009/2010

**COMMISSION ACTION:** Discussion was held with Barbara Carrier/PWD-Transportation Planner. (M)Bibby, (S)Cann, LTC Res. 10-19 was adopted allocating the funds as recommended/Ayes: Unanimous.

**2:40 p.m.** Reconvened as  
**BOARD OF SUPERVISORS**

9 **Technical Services**

Presentation on Status of IT in Mariposa County

**BOARD ACTION:** This matter was continued to be rescheduled.

10 **Human Services**

Approve Purchase Agreement for New Human Services Department Family Services Center and Authorize the Board of Supervisors Chair to Sign the Agreement

**BOARD ACTION:** Discussion was held with Rick Benson. Steve Dahlem, County Counsel, noted that the Board previously approved a 25-year lease agreement with the option to purchase, and this action is exercising that option. Supervisor Cann asked for information on the full amount and source of funds.

Input from the public was provided by the following:

Ruth Catalan asked whether the funds will be released before the building is finalized. Chair Cann commented on the process with progress payments.

(M)Allen, (S)Aborn, Res. 10-432 was adopted approving the agreement/Ayes: Unanimous.

12 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard C. Bolanos;

13 **Administration**

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

16 **County Counsel**

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

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

Ruth Catalan asked whether there is a further explanation on item 16. Chair Cann advised that two cases will be discussed.

Dick Hutchinson referred to the labor negotiation items and to his earlier comments that employees should not receive increases, and he stated he feels they should all receive the same benefits.

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

14

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of County Designated Representative: Richard C. Bolanos

**BOARD ACTION:** Supervisor Bibby excused herself from the meeting at 2:51 p.m. for action on this matter and the next and for the portion of closed session on these matters due to a potential conflict of interest as she has a family member employed by the Sheriff's Department. (M)Turpin, (S)Allen, this closed session was held/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

15

**Administration**

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

**BOARD ACTION:** Supervisor Allen excused himself from the meeting at 2:52 p.m. for action on this matter and for the portion of closed session on this matter due to a potential conflict of interest as he is retired from Sheriff's Department/Ayes: Aborn, Turpin, Cann; Excused: Bibby, Allen.

**2:56 p.m.** The Board convened in closed session.

**3:44 p.m. Report from Closed Session**

Chair Cann advised that information was received as a result of the closed session on items 12, 13, 14, and 15; and information was received and direction given on item 16.

**Consent Agenda**

CA-101

**Clerk of the Board**

Approval of Summary of Proceedings of August 10, 2010 and August 14, 2010 (Continued Meeting from August 10<sup>th</sup>); and Approval of Summary of Proceedings of August 24, 2010, Regular Meetings

CA-102

**Administration**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-419

CA-103

**Administration**

Accept Report on the Usage of the eCivis Program for Research and Development of Grant Applications; Matter was withdrawn to be rescheduled

CA-104

**Administration**

Approve Response of the Board of Supervisors to the 2009-2010 Mariposa County Grand Jury Final Report and Direct County Administration to Transmit the Response to Presiding Judge of Mariposa County Superior Court; Res. 10-420

CA-105

**Fire Protection**

Approve Budget Action for FY09/10 to Funds in the Fire Budget Due to Increased Vehicle Expenses (\$22,085); Res. 10-430

- CA-106      **Public Works**  
 Approve First Amendment to Extend the Term of the Contract with FM Diaz Construction to December 21, 2010 for History Center Roof Project, No. 05-20 (Continued from 8-24-10) and Authorize the Public Works Director to Sign the Amendment; Res. 10-421
- CA-107      **Public Works**  
 Approve Change Order No. Two for the History Center Roof Project, No.05-20 with FM Diaz Construction to Complete and Close out the Project and Authorize the Public Works Director to Sign the Change Order; Res. 10-422
- CA-108      **Public Works**  
 Authorize Employees to Donate Vacation Time and/or Compensatory to an Employee in Solid Waste & Recycling Division of Public Works for up to 3 Months from Approved Resolution; Res. 10-423
- CA-109      **Public Works**  
 Authorize the Purchase of Fixed Assets Consisting of Various Pumps, an Analyzer and an Air Bubbler for Compliance Issue Regarding State Lead and Copper Rule for Yosemite West Maintenance District; Approve and Authorize Public Works Director to Execute Agreement for Work to Be Performed; and Approve Notice of Exemption for Project; Matter was withdrawn to be rescheduled
- CA-110      **Public Works**  
 Waive Encroachment Fee for Annual Open House/Fly-In Event to be held at Mariposa Airport on September 25, 2010; Res. 10-424
- CA-111      **Supervisor Turpin**  
 Appoint Shiloh Seal to Parks and Recreation Commission representing District II with Term Ending September 7, 2014
- CA-112      **Human Services**  
 Appoint Vanessa Holt and William H. Leonard to the Alcohol and Drug Advisory Board with Term Ending September 7, 2013
- CA-113      **Child Support Services**  
 Approve Plan of Cooperation between Mariposa County Department of Child Support Services and California State Department of Child Support Services and Authorize Director of Child Support Services to sign the Agreement; Res. 10-425
- CA-114      **Chair Cann**  
 Approve a Proclamation in Support for the Trans Valley Youth Football League Super Bowl and Open House (Bob Kirchner, Event Coordinator)
- CA-115      **Auditor**  
 Adopt Resolution Designating Method by which Appropriation Limits will be Calculated for Fiscal Year 2009 – 2010; Res. 10-426
- CA-116      **Auditor**  
 Adopt a Resolution Authorizing Appropriation Limits for the 2009-2010 Fiscal Year; Res. 10-427

CA-117      **Planning**  
Approve Step Increase from Step 4 (\$31.3270 / hour) to Step 5 (\$32.8910 / hour) for Extra Help, Part Time Senior Planner Position; Matter was continued to the Final Budget Hearings for further consideration

CA-118      **Planning**  
Adopt a Resolution Approving the Extension of Existing Road Named “Morningstar Lane”, for the Subject Easement; Road Name Application No. 2010-124, Douglas Bredahl, Applicant; Res. 10-428

CA-119      **Supervisor Bibby**  
Accept Resignation of Art Mimler from Sequoia Area VIII Board for Developmental Disabilities; and Approve Tile Plaque for his 40-Years of Service

CA-120      **Auditor**  
Adopt a Resolution Establishing the Tax Rate of 1% of the Cash Value of Secured Property for FY 2010-2011 Pursuant to Government Code Sections 29100-29106 Inclusive; Res. 10-429

**Adjourn**  
Chair Cann adjourned the meeting at 3:45 p.m. in memory of Christina White, Jack W. Vaughan, and Clinton “Bub” Gann.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

KEVIN CANN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

September 14, 2010



Folder      Time      Description

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

Pledge of Allegiance

Chair Cann called for a moment of silence in honor of our armed forces spread across the globe protecting us.

Introductions – none

- 1      Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)  
**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 referred to item 103 and noted that if this is successful, it would remove property from the tax rolls. (M)Turpin, (S)Aborn, all items were approved/Ayes: Unanimous.
  
- 2      **Chair Cann**  
Proclaim the Week of September 17 -23, 2010 as “Constitution Week” (Connie Waldron, Merced River Chapter of the Daughters of the American Revolution)  
**BOARD ACTION:** Supervisor Bibby thanked Connie Waldron for bringing these items to the Board for community awareness, and for the little items she brings to help remember the dates. (M)Bibby, (S)Allen, the Proclamation was approved and presented to Connie Waldron; and she advised that copies of the Constitution are available at the Library/Ayes: Unanimous.
  
- 3      Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)  
    Dick Hutchinson commented on the importance of celebrating “Constitution Week” and being aware of our history.  
    Charles McGuirk expressed concern with the condition of Detwiler and Hunters Valley Roads, including the type and size of rock that was placed there. He advised that Mr. Finch was present and he advised of their previous requests and discussions with Public Works concerning road maintenance. He commented on the investment in the area with two vineyards.  
    Doug Wilson, Wildan Engineering/Fresno, thanked the Board for the opportunity to serve as interim Public Works Director. Board members thanked him for his service.  
    Brian Muller, Sheriff, advised that he is retiring effective September 30, 2010, at midnight – he advanced his retirement date to accommodate budget reductions and to

avoid a layoff in the Department. He will present more information during the Final Budget hearings.

Peter Schimmelfennig, Chamber of Commerce Executive Director, presented Mariposa and Coulterville Visitor Center statistics for 2007 to 2010; and he presented the new 2010/2012 Activity Guide and Business Directory.

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#### Board Information

Supervisor Aborn advised that Marvin Wells is not present as he is having a root canal this morning. He advised that the El Portal Town Planning Advisory Committee is meeting this evening. He advised of calls he has received relative to road maintenance concerns on several County roads.

Supervisor Allen advised that he attended a meeting in Sacramento on Wednesday relative to the proposal to change the emergency medical services district boundaries – the Director has agreed to hold on this change until there is further review. He attended the Wawona Area Property Owners' Association meeting on Saturday and advised of issues that were discussed.

Supervisor Turpin advised that he spent two days in Sacramento last week for CSAC (California State Association of Counties) meetings. He thanked Ralph Finch and Charles McGuirk for providing input on their road maintenance concerns and he showed examples of the rock and photos of the rock and resulting damages to tires.

Supervisor Bibby advised of concerns with road maintenance on several County roads; and she commented on the piles of patch materials along Merced Falls Road that is not being used. She attended the Mother Lode Job Training meeting on September 8<sup>th</sup>, and she advised that the State is holding federal funds and that may result in layoffs and closure of offices; she has the same concern with Area 12 Agency on Aging – she has contacted our legislators relative to this matter. She attended the First 5 meeting on Monday – they are winding down on school readiness funds for pre-schools and grant funding may be impacted. She advised she attended the Calaveras-Mariposa Community Action Agency meeting on Monday, and they are looking at funding issues.

Supervisor Cann advised that he met with the Grand Jury last Thursday. He met with the incoming Assembly person for our District – Kristin Olsen and RCRC (Regional Council of Rural Counties) staff on Friday. He and Supervisor Bibby met with Congressman Sam Farr, Appropriations Committee member, on Saturday relative to the legislation he co-sponsored with Congressman Radanovich to authorize Yosemite to purchase land in the County for administrative and visitor center purposes, and potential expansion of the Yosemite Museum. He advised of the receipt of a Certificate from the Census Bureau thanking the County for its work on the census. He advised of the receipt of a letter from the Superintendent of Yosemite relative to fire safety improvements on the Ahwahnee Hotel – this work will be done with minimal closures in February and March 2011.

Budget Binder

#### **Administration**

**PUBLIC HEARING** to Consider the Final Budget for Fiscal Year 2010-2011, and Continue the Hearing and Meeting to September 15<sup>th</sup>, and 16<sup>th</sup> as Necessary to Conclude the Hearing and for the Adoption of the Final Budget (A Tentative Budget Hearing Schedule is Available at the Administration Office and at [www.mariposacounty.org](http://www.mariposacounty.org) and is Subject to Change)

**BOARD ACTION:** Chris Ebie/Auditor and Mary Hodson/Deputy County Administrative Officer, were present to respond to questions and to track the budget changes. Chair Cann advised that an evening session has been scheduled at 6:00 p.m. tonight for the public to provide input; and he provided input on the hearing process and schedule. The closed session items will be continued to Wednesday, September 15<sup>th</sup>. Rick Benson presented the staff report including an overview of the

recommended budget; and he noted that the budget does not include any recommended furloughs or layoffs. He thanked the Auditor, department heads and Mary Hodson for their cooperation and assistance in preparing the budget. He advised that additional materials have been distributed: the purple sheets reflect recommended General Fund changes, the blue sheets reflect recommended non-General Fund changes, the orange sheets reflect recommended capital improvement project changes and the green sheets reflect recommended department changes in response to the adjustment in the fund balance.

**Public Comment:**

Charles McGuirk asked for clarification of the status of unused funds from projects with the State and whether they could be used for road maintenance. Rick Benson responded that unused funds are returned to the State upon completion of the project. Chris Ebie further responded that the use of the funds received from the State are restricted for use on specific projects and the County is not allowed to keep any of the leftover funds. Supervisor Bibby noted that some of the projects are done on a reimbursement basis. Chris Ebie responded to a question from the Board and clarified that the County has assurance that the funds will be forthcoming for the projects that are approved on a reimbursement basis.

Supervisor Cann provided input on the budget and the process, recognized the efforts of the department heads in the budgeting process; feels we need to have an economic vitality strategy, noted that we have low salaries – the County Administrative Officer is the second lowest paid in the State of the 55 counties that have this function; and he agrees that we need to work on the pension and benefit issues.

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

**Administration:**

**General Purpose Revenue** – Discussion was held relative to the status of revenues. Supervisor Bibby referred to a report by the previous Building Director on improvements throughout the County where permits were not obtained or finalized and asked about the status of collecting on the assessments. Further discussion was held relative to the status of revenues and the PILT (payment in-lieu of taxes) program. Rick Benson recognized the work of the Tuolumne County Administrative Officer in trying to get an increase in the PILT payments. The Board concurred with this budget unit as revised, including an additional adjustment of \$100,000 in the Transient Occupancy Tax (TOT) revenue.

**Administration** – It was noted that the contract with the lobbyist is being terminated effective September 30<sup>th</sup>, and Supervisor Cann asked about the status of the report that was requested from the lobbyist. The Board concurred with this budget unit.

**Assessment Appeals** – The Board concurred with this budget unit.

**Personnel** – Discussion was held and the Board concurred with this budget unit.

**Economic Development** – Discussion was held relative to this budget and function, and the Board concurred with this budget unit.

**Indigent Defense** – Following discussion, the Board concurred with this budget unit.

**Economic Development Strategy, Microenterprise Assistance Grant, and Microenterprise Assistance Loan** – The Board concurred with these budget units, and with the revision to the Microenterprise Assistance Grant budget.

**11:00 a.m.** Recess

**11:17 a.m.** Chair Cann advised that County Counsel is excused from the meeting due to a family medical emergency.

**Board of Supervisors:**

**Board of Supervisors** – Motion by Turpin to reduce the salary line item for the Board members by five percent and the benefit line item by two percent, died for lack of a second. The Board concurred with this budget unit.

**Fish and Game** – The Board concurred with this budget unit as revised.

**Forest Reserve HR2389** – Following discussion, the Board concurred with this budget unit as revised.

**Tobacco Settlement** – Rick Benson advised of the recommendation for repayment of monies used to meet the County’s obligation for the error on the FICA withholding. Discussion was held relative to the status of collection of the FICA taxes from the employees that have separated their service from the County. Chris Ebie advised of the Auditor’s process for issuing W-2’s, and Rick Benson advised that it will be a decision of the Board to pursue further action to collect. The Board concurred with this budget unit as revised.

**County Counsel:**

**County Counsel** – Following discussion, the Board concurred with this budget unit.

**District Attorney:**

**Vertical Prosecution Grants, District Attorney – Prosecution, Drug Enforcement Grant, Victim Witness, District Attorney Asset Forfeiture, Department of Justice, and Sund-Pelosso Advance** – Bob Brown, District Attorney, was present for discussion. The District Attorney is recommending that the Investigator position be allowed to remain vacant after the incumbent employee retires until March 2011. The Board concurred with these budget units as revised.

**Farm Advisor:**

**Cooperative Extension** – Discussion was held with Maxwell Norton, Interim Farm Advisor. The Board concurred with this budget unit as revised.

**11:40 a.m.** Lunch

**1:36 p.m. Public Works:**

**Facilities Maintenance** – Discussion was held with Mike Pardi/PWD-Administrative Analyst, relative to this and the rest of the Public Works budgets. Supervisor Cann asked that the Board be kept informed of the status of the energy conservation project for the various facilities. The Board concurred with this budget unit as revised.

**Public Works Administration** – Discussion was held. Supervisor Cann asked about the status of filling the Assistant Director position, and Rick Benson responded that the revised job description will be brought to the Board on September 28<sup>th</sup>. The Board concurred with this budget unit as revised.

**Regional Transit Services** – The Board concurred with this budget unit.

**Parks and Recreation** – Discussion was held relative to the status of the “movies in the park” program; and relative to the status of the County Vehicle line item for vehicle replacement costs. Supervisor Bibby asked for information on any other vehicles that were left out with the CAMS update last year. (M)Bibby, (S)Turpin, the Board agreed with eliminating the “movies in the park” program unless the Department brings an item to the Board with outside revenue. Following further discussion, the

motion was withdrawn, agreeable with the second, for further discussion to be held with the Parks and Recreation Manager later this afternoon.

**Local Transportation, State Transit Assistance, Transportation Planning, and Pedestrian Bikeway** – The Board concurred with these budget units as revised.

**Roads** – Discussion was held. Supervisors Bibby and Turpin expressed concern with the recommendation to reduce the materials line item by \$25,000. Supervisor Turpin asked that the goal of maintaining the roads annually be added to the budget, as was done in the previous year; and the Board concurred. Supervisor Cann suggested, and the Board concurred with asking the Director to consider an organizational review of the Road division. Supervisor Allen mentioned the request for a water truck and questioned why a water tender wasn't kept from the Fire Department; and he asked that information be provided. Barbara Carrier/PWD- Transportation Planner, responded to questions relative to the SAFETEA-LU projects. The Board concurred with this budget unit as revised.

**Parks and Recreation** – Continued discussion was held with Shannon Hansen, Parks and Recreation Manager, relative to this budget unit and the programs and the vehicle replacement line item. The Board concurred with reducing the athletics supply line item by \$2,000; with reducing the equipment line item by \$2,500; and with increasing the County vehicle line item by \$2,500. Supervisor Bibby requested that the "movies in the park" program be put on hold pending further review with the mid-year budget.

**County Service Area #3** – Discussion was held. Rick Benson advised that he has discussed with the Fire Chief the need to bring an item to the Board for capital improvements to the existing fire stations. The Board concurred with this budget unit as revised.

**Lake Don Pedro Fire District** – The Board concurred with this budget unit as revised.

**Water Agency** – Discussion was held relative to the status of this budget and outstanding loans. The Board concurred with this budget unit as revised.

**Coulterville Lighting, Coulterville Service Area, Don Pedro Service Area 1M, Don Pedro Sewer, Hornitos Lighting, Mariposa Lighting, Mariposa Parking, Mariposa Pines Sewer, and Yosemite West Maintenance** – The Board concurred with these budget units as revised.

**Wawona Service Area** – Supervisor Allen initiated discussion relative to fees and the costs for the pine needle pick up, and the status of this budget unit; and advised that he will be working with Public Works on a solution. Mike Pardi noted that an administrative fee is included in this budget unit this year of \$6,600. Discussion was held relative to the calculation of the administrative fee, and Rick Benson advised that he will be reviewing this issue with the Department. Further discussion was held after the following item.

**3:15 p.m.** Recess

**3:32 p.m. Roads** – Supervisor Cann asked about putting the \$25,000 that was cut from the materials line item on the list for further consideration in the hearing, and the Board concurred.

**Wawona Service Area** – Continued discussion was held, and Mike Pardi advised that the balance of the reserve for the budget unit is being used and there is still an anticipated shortfall. Rick Benson advised that the Board will need a report before any shortfall occurs; and he recommended that the Board accept this budget unit as revised, with direction to the Public Works Department that they will need to operate within the budget; and the Board concurred. Supervisor Allen requested a separate line item for the pine needle pick-up program. Supervisor Bibby asked for clarification relative to the fees and billable customers.

**Fish Camp Fire Auxiliary** – The Board concurred with this budget unit.

**Hazardous Materials Clean Up** – The Board concurred with this budget unit as revised.

**Capital Improvement Projects** – Discussion was held relative to the Proposition 1B funding for the maintenance yard improvements/PTMISA Projects - 507. The Board concurred with this budget unit as revised.

**Solid Waste and Recycling and Solid Waste Compost** – Discussion was held with Dr. Michelle Miller, Solid Waste and Recycling Manager, relative to the budget, programs, operations, fees and costs; including the status of funding for soil cover material, and the purchase of land for monitoring wells. Rick Benson advised that the land/monitoring well costs need to be brought back later in the budget hearing. Discussion was held relative to the status of the transfer stations – they were only budgeted for six months of operations. Rick Benson advised that a separate Board item will be scheduled to consider changes in operation of the transfer stations. The Board concurred with these budget units as revised.

**Airport Operations** – Rick Benson advised of the changes in this budget unit and resulting decrease in the General Fund contribution with the change to the fixed-base contract operation, and he advised that he is receiving good feedback on the change. The Board concurred with this budget unit as revised.

**Airport Project DTFA08, Special Aviation, and Parallel Runway (later changed to Taxiway) Project** – Supervisor Bibby asked about the Airport operations and the status of the fund balance for the Airport Project; and Mike Pardi advised that he will obtain the information. Discussion was held. The Board concurred with these budget units as revised.

**Fleet Maintenance** – Discussion was held, including vehicle charges, whether vehicles were missed with the CAMS update, and relative to the charges for the vehicles assigned to the Fire Department and monitoring these costs, with Mike Pardi, Barbara Carrier, and Joe Halencak/PWD-Fleet Superintendent. Supervisor Turpin requested more detailed information on costs for each vehicle, and Barbara Carrier advised that she can provide that information. The Board concurred with this budget unit as revised.

**Fire Vehicle Replacement** – The Board concurred with this budget unit as revised.

**Vehicle/Heavy Equipment Replacement** – Rick Benson advised of the recommendation to reduce the charges by 50-percent in order to address the budget fund balance shortfall. Chris Ebie advised that he has not received a response to his request of the outside auditors to review the methodology/formula used for vehicle replacement charges. Mary Hodson noted that the list of vehicles requested for replacement is included in the recommended budget. Discussion was held with Joe Halencak relative to the status of including all County vehicles in the replacement fund program. Supervisor Bibby asked about the status of the vehicle in the Health Department that was purchased with First 5 funds.

Chair Cann advised that the Board would reconvene at 6:00 p.m. to take public input.

Supervisor Turpin referred to the discussion held on the fund balance shortfall on September 7<sup>th</sup>.

**4:56 p.m.** Recess

**6:01 p.m.** The Board reconvened.

Public Comment:

Dick Hutchinson stated his input is based on more than five years as President of the Downtown Merchants Group – he noted the importance of economic development and listed areas where this function has been of assistance to the merchants. He stated he feels that if budget cuts need to be made, they should be to organizations outside of County Government. He suggested the Master Gardeners program, and he noted that it discontinued its support of the garden at the Manna House. He responded to a question from Supervisor Bibby and included the Yosemite Renaissance, Sixth Street Cinema, Arts Council, and the Visitor Centers to his list of outside organizations.

The Final Budget hearing was continued to Wednesday, September 15, 2010, at 9:00 a.m.

5 Consider Items Removed from the Consent Agenda

6 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard C. Bolanos;

7 **Administration**

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

8 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs’ Association (DSA); Name of County Designated Representative: Richard C. Bolanos; and

9 **Administration**

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

**BOARD ACTION:** These closed sessions were continued to September 15<sup>th</sup>.

**Consent Agenda**

CA-101 **Clerk of the Board**

Approval of Summary of Proceedings of September 7, 2010 Regular Meeting

CA-102 **Administration**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-433

CA-103 **Administration**

Ratify a Letter in Support of the Mariposa Public Utility District’s Application for Funding through the California State Proposition 84 Program Administered by the Sierra Nevada Conservancy (SNC); Res. 10-434

**6:12 p.m.** The Board recessed in memory of Lee Ann Burns and Richard Theodore; and continued the meeting to Wednesday, September 15, 2010, at 9:00 a.m. for the Public Hearing to consider the Final Budget for FY 2010-2011; and for the closed session matters.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

KEVIN CANN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### SUMMARY OF PROCEEDINGS September 15, 2010 (Meeting Continued from 9-14-10)

Folder      Time      Description

**9:05 a.m.** Continued meeting from September 14, 2010, was called to order at the Mariposa County Government Center.

Pledge of Allegiance

Chair Cann referred to the action taken on Tuesday to proclaim September 17-23, 2010, as "Constitution Week" and noted the importance of this.

Budget Binder

#### **Administration**

Continued PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2010-2011, and Continue the Hearing and Meeting to September 16<sup>th</sup> as Necessary to Conclude the Hearing and for the Adoption of the Final Budget (A Tentative Budget Hearing Schedule is Available at the Administration Office and at [www.mariposacounty.org](http://www.mariposacounty.org) and is Subject to Change)

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

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

#### **Health Officer:**

**Health/Air Pollution** – Discussion was held with Dr. Mosher, Health Officer relative to the budget, including request to purchase vehicles and laptops; the status of the vehicle purchased by First 5; savings with transitioning from the State contract; and relative to the flu vaccines. The Board concurred with this budget unit as revised.

**Emergency Medical Services, Tobacco Cessation, Perinatal Program, Public Health Emergency Program, Local Enforcement Agency, First Five Visiting Public Health Nurse, West Nile Virus, HRSA Bio-Terrorism, Pacific Bell Settlement, Above Ground Petroleum Storage Act (APSA), HPP H<sub>1</sub>N<sub>1</sub>, PHER Phase I, II, Pandemic Influenza – State, and CDC PHEP Phase III** – The Board concurred with these budget units as revised.

**Realignment Health** – Discussion was held and the Board concurred with this budget unit as revised.

#### **Building Director:**

**Building** – Discussion was held with Mike Kinslow, Building Director, relative to the budget and the status of funds loaned from the General Fund and changes to the Code that will be effective January 1, 2011. The Board concurred with this budget unit as revised.

#### **Auditor:**

**Audits** – The Board concurred with this budget unit.

**Auditor** – The Board concurred with this budget unit.

**Mariposa Parking Bond, Government Center, Yosemite West Bond 2004, Yosemite West WWTP Reserve, Lake Don Pedro WWTP Bond, Lake Don Pedro WWTP Reserve, and Debt Assessment CSA #3** – Following discussion, the Board concurred with these budget units as revised.

**Treasurer – Tax Collector:**

**Treasurer – Tax Collector** – Discussion was held with Keith Williams, Treasurer-Tax Collector. The Board concurred with this budget unit.

**County Clerk** – The Board concurred with this budget unit.

**Elections** – Rick Benson advised that a proposal will be brought to the Board to reorganize this division. The recommended budget includes the elimination of a vacant System Support Analyst position. Discussion was held relative to the status of retaining the electronic voting equipment and election issues. Supervisor Cann suggested that a committee should be put together to review the census information and any redistricting issues, and he advised that he would like to be a part of that process. The Board concurred with this budget unit as revised.

**Yosemite West Bond Administration, Cash Difference – Tax Collector, Lake Don Pedro Bond Administration, Tax Collectors Cost, and Vital/Health Clerk** – The Board concurred with these budget units as revised.

**Assessor/Recorder:**

**Assessor/Recorder** – Discussion was held with Becky Crafts, Assessor/Recorder. The Board concurred with this budget unit as revised – leaving an Assessment Recording Clerk I/II vacant after the incumbent employee retires.

**Recorders Modernization, Recorders Cash Difference, Micro Conversion, Vital/Health Recorder, and Social Security Truncation** – Following discussion, the Board concurred with these budget units as revised.

Further discussion was held with Becky Crafts relative to a report received from the previous Building Director on improvements throughout the County where permits were not obtained or finalized and the status of collecting on the assessments; and relative to the status of assessing government, MID, and the new Human Services facilities.

**10:20 a.m.** Recess

**10:38 a.m.** The Board reconvened with Supervisor Aborn excused until 11:35 a.m. to take his ill daughter home.

**Technical Services Director:**

**Technical Services** – Discussion was held with Rick Peresan, Technical Services Director, relative to the budget, status of the roof repairs above the AS-400 system, consideration of digitizing the Board processes with audio web-streaming and agenda management system, and permanently mounting a projector for PowerPoint presentations in the Board Chambers. Rick Benson advised that he will have recommendations on digitizing the Board processes for further discussion at the end of the budget hearing. Rick Peresan advised that he plans to make a presentation to the Board on the status of IT in the County. The Board concurred with this budget unit.

**County Librarian:**

**Library** – Discussion was held with Janet Chase-Williams, Interim Librarian, relative to the budget, and she advised that the State Librarian will be visiting the branch libraries on Monday. She advised that fiber optic lines are being provided to the Library and a video projector is going to the Red Cloud Library. The Board concurred with this budget unit as revised.

**10:54 a.m.** The public hearing on the final budget was continued until 1:00 p.m. for the following closed sessions to be held.

6

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard C. Bolanos; and

7

**Administration**

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

**BOARD ACTION:** (M)Turpin, (S)Allen, these closed sessions were held with all members present/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

8

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of County Designated Representative: Richard C. Bolanos

**BOARD ACTION:** Supervisor Bibby excused herself from the meeting at 10:57 a.m. for action on this matter and the next and for the portion of closed session on these matters due to a potential conflict of interest as she has a family member employed by the Sheriff's Department. (M)Allen, (S)Turpin, this closed session was held/Ayes: Turpin, Cann, Allen; Excused: Aborn, Bibby.

9

**Administration**

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

**BOARD ACTION:** Supervisor Allen advised that he needs to excuse himself from the meeting for action on this matter and for the portion of closed session on this matter due to a potential conflict of interest as he is retired from Sheriff's Department. This item was continued.

**10:58 a.m.** The Board convened in closed session.

**12:29 p.m.** Lunch

**1:19 p.m.** The Board reconvened in open session with all members present.

**Report from Closed Session:**

Chair Cann advised that information was received and direction given as a result of closed session item numbers 6, 7, and 8 concerning labor negotiations. He further advised that item 9 was not considered.

The Board continued with the public hearing on the final budget.

**Planning Director:**

**Planning** – Discussion was held with Kris Schenk, Planning Director, relative to the budget and the status of projects; and relative to the previous request to approve a step increase for an extra help senior planner. Rick Benson advised that the step increase request is not specifically included in the budget hearing and it will need to come back for separate action. Supervisor Allen suggested that the projects be prioritized and that information be provided on what is mandatory. Supervisor Cann

initiated discussion relative to consideration of dealing with the General Plan implementation measures and Title 17 before the area plans, and stated he would like to see a recommendation on this matter and how to spend money most efficiently. The Board concurred with this budget unit as revised.

**SDA Camp EIR, South Shore Ranches LLC EIR, Yosemite Cascades EIR, Silvertip Resort EIR, Vallecito Specific Plan EIR, Microform, and Mariposa Aggregate** – Following discussion, the Board concurred with these budget units as revised.

**Local Agency Formation Commission** – The Board concurred with this budget unit as revised.

**Public Comment:**

Skip Skyrud, as a taxpayer, questioned support for the Planning advisory committees; questioned the status of the mandate for the General Plan and zoning to be in compliance, i.e., updating Title 17; and stated he feels that the Board should have information today on the costs of those items included in the proposed Catheys Valley Community Plan that have a fiscal impact.

Ken Baker, representing several business owners in the County, stated he feels there is only one mandate and that is Title 17; he feels a budget of approximately \$500,000 will take care of the business of the Planning Department; asked what the Catheys Valley Community Plan does for the citizens, property owners or the County – he feels it is a nightmare and we should walk away from it; he feels the budgets for Planning, Sheriff, and Public Works should be reduced and new fees should not be imposed; he does not feel that we need to re-do Williamson Act policies; and he questioned how other projects are proceeding.

Further discussion was held with Kris Schenk relative to the Planning budget, being able to focus on Title 17, reviewing a work program, and reviewing General Plan implementation measures and priorities. Supervisor Bibby asked Planning staff to provide cost information on processing the agritourism policies and the road standard policies.

**Human Services Director:**

**Behavioral Health** – Mary Hodson advised of a correction to the revision to this budget to reflect a negative net effect on the General Fund balance of \$1,444. Discussion was held with Jim Rydingsword, Human Services Director, relative to the budget, staffing (112 full time equivalent employees), and caseload. Supervisor Allen suggested there be further review of being able to invoice Medi-Cal for inmate medical costs. Supervisor Turpin asked about the status of being able to invoice the Veterans Administration for services provided to the veterans. Jim Rydingsword advised of efforts to find alternatives for providing telepsychiatric services. The Board concurred with this budget unit as revised.

**Alcohol and Drug** – Jim Rydingsword provided input on the status of funding for the Heritage House program and efforts to transition this program to a non-profit program. The Board concurred with this budget unit as revised.

**Social Services, and Social Service Programs** – Following discussion, the Board concurred with this budget unit as revised.

**Human Services Administration** – The Board concurred with this budget unit as revised.

**Employment and Community Services** – The Board concurred with this budget unit as revised.

**Family Preservation, Housing Development, Housing Authority Voucher, Energy Grant, Community Programs – CAA, and TANF Incentives** – Discussion was held relative to the Housing Authority program (which has been transferred from

the County) and inspections by the Building Department. Supervisor Bibby asked about the status of repayment of the previous revolving loan program for housing rehabilitation projects, and she asked that the Department bring a report back on this. The Board concurred with these budget units as revised.

**Proposition 36 – Substance Abuse** – Jim Rydingsword provided a status report on the funding. The Board concurred with this budget unit as revised.

**Individual Education Plan, Youth Council, Incentives Social Services, Assistance Advance, Children’s Trust, Drug and Alcohol Prevention, Welfare Trust, Alcohol Program, Medi-Cal County Bounty, and Mental Health Services Act** – The Board concurred with these budget units as revised.

**Realignment – Mental Health and Realignment – Social Services** – Following discussion, the Board concurred with these budget units as revised.

**In-Home Supportive Services Public Authority** – The Board concurred with this budget unit as revised.

**Wraparound Services** – Discussion was held with Jim Rydingsword relative to the status of this program, and he advised that six families are currently involved, and their first family will graduate on November 4<sup>th</sup> from the program. Supervisor Cann asked that the Board receive periodic briefings on the status of this program. Supervisor Bibby asked about the status of the ROP program and was advised that ten students are involved. The Board concurred with this budget unit as revised.

**Community Services Director:**

**Veterans’ Services, Senior Services, Senior Nutrition, and Transit** –

Discussion was held with Terri Haworth, Community Services Director, relative to the programs and she presented a calendar of events for the Senior Activity Center for October 2010. Mary Hodson advised of a correction for the source of the \$70,000 in funding for transit services. Supervisor Allen noted that the copier that was shared by Economic Development with the Chamber was moved to the Senior Activity Center with the relocation of the Economic Development function.

Public Comment:

Dick Hutchinson provided input on the coordination of meals with Manna House when they become aware of a need; and he noted the quality of the meals.

**2:59 p.m.** Recess

**3:18 p.m. Presiding Superior Court Judge:**

**Grand Jury and Law Library** – The Board concurred with these budget units as revised.

**Child Support Services Director:**

**Child Support Services and Child Support Advance** – Discussion was held with Tonya Harmon-Knox, Child Support Accounting Specialist, relative to the status of funding for this program. The Board concurred with these budget units.

**Sheriff-Coroner-Public Administrator:**

**Sheriff-Coroner-Public Administrator and Boating Safety** – Discussion was held with Brian Muller, Sheriff, relative to his recommendations to reduce budget costs with staffing changes and his early retirement; and he advised that these reductions are contingent on the appointment of Sheriff-elect Doug Binnewies as Sheriff upon his retirement so that the promotions can be made. Discussion was held relative to the staffing for the Boating Program and unfunding a Boating Deputy position, and whether the Department can continue to provide the same level of service at events. It was noted that there is no charge for a Public Assemblage Permit, and Supervisor Allen

stated he feels that the Permit and its process needs to be reviewed. Supervisor Bibby asked about the status of the roof repair over the AS-400 system, and Brian Muller advised that the contractor that did the original roof covering agreed to do additional work to eliminate future leaks. Brian Muller further advised that they will need to have an “over hire” for a two week period to absorb the Boating Deputy position into the Patrol Deputy program, and those costs will be absorbed over the rest of the budget year. Rick Benson advised that the Board could approve this request in concept today; however, an agenda item will need to follow for formal approval; and he recommended these actions. The Board concurred with these budget units as revised.

**Jail** – The Board concurred with this budget unit.

**Asset Forfeiture, Sheriff Asset Forfeiture, SLESF, Rural County Crime Prevention, DNA Identification, County Inmate Welfare, Fingerprint ID, Animal Control, Public Administrator, Criminalistics Lab, Standards and Training Corrections Program, Automated Warrant System, Civil Matters, and Sheriff – Civil GC26746** – Discussion was held, and the Board concurred with these budget units as revised.

**County Fire Chief:**

**Fire, Special Grants – Fire, Fire – SAFER Grant, and Disaster Recovery** –

Rick Benson advised of a new grant funded position – Emergency Planner. Discussion was held with Jim Wilson, Fire Chief, relative to the budget and programs, increase in volunteers, January 1, 2011 requirement for residential sprinklers to be installed on new construction and major remodels, relative to their plans for implementing the FCC requirement for emergency services to go to narrow band for all radio frequencies, reduction of the line item for maintenance of the apparatus, relative to the vehicle maintenance and replacement fund and efforts to get all vehicles included in the replacement schedule, and relative to the status of reimbursement for disaster costs. Supervisor Allen requested that the County Administrative Office review the vehicle maintenance hourly charge with the Public Works Director. The Board concurred with these budget units as revised.

**Agricultural Commission:**

**Agricultural Commissioner** – Discussion was held with Cathi Boze,

Agricultural Commissioner, relative to the budget and programs. She advised that Don Simms/Trapper is planning to retire on January 1, 2011. The Board concurred with this budget unit as revised.

The Final Budget hearing was continued to Thursday, September 16, 2010, at 9:00 a.m.

**4:19 p.m.** The Board recessed and continued the meeting to Thursday, September 16, 2010.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

KEVIN CANN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### SUMMARY OF PROCEEDINGS September 16, 2010 (Meeting Continued from 9-15-10)

Folder      Time      Description

**9:01 a.m.** Continued meeting from September 15, 2010, was called to order at the Mariposa County Government Center.

Chair Cann was wished a very Happy Birthday.

Pledge of Allegiance

Budget Binder

#### **Administration**

Continued PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2010-2011 and Continue the Meeting as Necessary to Conclude the Hearing and for the Adoption of the Final Budget (A Tentative Budget Hearing Schedule is Available at the Administration Office and at [www.mariposacounty.org](http://www.mariposacounty.org) and is Subject to Change)

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

Public Comment:

Dick Hutchinson stated he feels this Board and previous Boards have handcuffed the County – he feels the County needs a strategic plan. He expressed concern with Title 17 not being updated; and he stated he feels that the Board needs to provide direction to Planning to save time and money.

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

#### **County Administrative Officer:**

**Community/Cultural Services (Tourism)** – Rick Benson reviewed the recommended budget; and he advised that an additional request was received from the Gateway Partners for \$5,000, and he is not recommending that this request be funded given the extremely tight budget. Discussion was held. Supervisor Allen suggested that consideration be given to moving the visitor centers under the Tourism Bureau with the \$150,000 budgeted for the Chamber of Commerce for this service. Supervisor Bibby noted the importance of planning as well as tourism; and noted the importance of everyone being in compliance with all codes and permits to help the local and state budgets. Supervisor Cann stated he feels that the Board needs to stand by the \$500,000 funding commitment that was made with the establishment of the Tourism Bureau, and discussion was held.

Public Comment:

Jeff Hentz, Yosemite/Mariposa County Tourism Bureau Executive Director, advised that they are working on a proposal to move toward a fixed budget contribution from the County. He explained the importance to the Bureau of being fully funded with the \$500,000 to be able to add a staff member to continue with

marketing/advertising; and he provided input on the importance of tourism to the County.

Candy O'Donel-Browne thanked the Board for funding the Arts Council and agreed with the input on the importance of the Tourism Bureau. She presented the request from the Yosemite Gateway Partners for funding, and advised of the importance of this organization to have communication with Yosemite. She responded to a question from the Board and advised that they are working on requesting funding from all of the neighboring counties to Yosemite.

Roger Biery, advisor to the Tourism Bureau, agreed with the need to fund the Tourism Bureau at the committed level to continue with their long-term strategy. He agrees with the suggestion to place the visitor centers under the Tourism Bureau. He noted that the County is competing with the other counties to be a tourism destination, and he feels this is a reinvestment of the funding.

MaryAnn Huff, Past President of the Chamber of Commerce, member of the Tourism Bureau, involved with the Economic Development Corporation, and many times represents the North County, stated this is one County. She thanked the Board for its vision in establishing the Tourism Bureau. She feels we need growth and to invest in tourism, especially in this scary economy.

Kevin Shelton stated he is a homeowner in District V and works in District I, and he noted that tourism is his livelihood. He commented on the benefits of tourism to the County, his family, and to others in the County. He stated the Board's support is needed with the funding commitment to the Tourism Bureau for their planning. He cautioned the Board to not underestimate what the County's investment in tourism can do.

Peter Schimmelfennig, Chamber of Commerce Executive Director, referred to the budget cuts and subsequent adjustments that were made last year in the Tourism budget. He used an analogy of a football game with the Board members being the coaches and Tourism being the team playing for visitors against other counties. He noted that the Chamber services the vendors and he feels that we need to equip the team.

Elaine Seymour, owner of Chocolate Soup, advised that she has invested more in her holiday inventory and advertisement this year to help keep the momentum going because of the Tourism Bureau; and she feels that they need the full funding as committed to keep that momentum going. If we slow down, others will take our place.

Peter Schimmelfennig, previous business owner, commented on his arrival to the County in 2003, and he noted that the North County is not doing as well as the middle of Mariposa. He feels that by not fully funding the Tourism Bureau, it will only exacerbate the difficulty small businesses on the edges of the County have.

Ron Iudice, previous business owner in Mariposa, noted that during fledgling economic times, he would ask tourists how they found out about Mariposa; and they would advise that it was by KSBS radio advertisements, where we used to advertise. He feels that the Board needs to fully invest in the Tourism Bureau and trust Jeff Hentz given his proven track record.

Discussion was held relative to funding for the Tourism Bureau. Supervisor Bibby stated she feels the funding for the Master Gardener program should be reduced to the Board's previous funding level commitment and the difference, including the reduction of funding in the Parks and Recreation budget could be used to fund the Yosemite Gateway Partners. She also asked for a commitment that the Gateway Partners will work with the Tourism Bureau.

Candy O'Donel-Browne noted that Jeff Hentz is a Board member of the Gateway Partners.

Further discussion was held relative to consideration of moving the visitor centers to the Tourism Bureau, and relative to possible funding sources for increasing the funding to the Tourism Bureau to the committed level of funding - \$500,000. Supervisor Cann advised that an item will be brought to the Board relative to the commitment of a percentage of funds to the Tourism Bureau, and he noted that there might be an opportunity to make a change in the operation of the visitor centers in the next budget. Supervisor Turpin agreed on the need to invest in Tourism, commented on the increasing PERS costs and stated public support will be needed to work on these issues. He suggested that consideration may need to be given to closing the swimming pools for the savings to balance the budget. He further noted that there are costs and issues that need to be addressed with Solid Waste and the transfer stations. Supervisor Bibby asked for clarification of the General Funds dollars loaned to the Building Department (this budget is an enterprise fund). Further discussion was held relative to funding for the Tourism Bureau and the status of transient occupancy tax (TOT) revenues.

Supervisor Turpin stated he feels that consideration should be given to restructuring the Parks and Recreation division; and Rick Benson advised that this could be reviewed and an item brought back to the Board at a later time if the Board so directs.

Supervisor Bibby asked about the status of the proposal to upgrade the County's accounting software program. Rick Benson responded that he would like to meet with the department heads and come back to the Board with a recommendation. He feels that funding for this could be justified to come from the Tobacco Settlement Fund as a one-time investment. Discussion was held relative to the proposal to audio-stream the Board meetings on the web and a paperless agenda management system; and Rick Benson advised that he will meet with the Clerk of the Board and the Technical Services Director on these matters. He further clarified that these items are not included in this budget.

Supervisor Bibby initiated discussion relative to the funding status for the four new fire stations and the Tobacco Settlement Fund. Supervisor Aborn referred to the request from the Gateway Partners and the future of water and its importance to the County and MID's FERC relicensing. He also commented that he was hoping to see more businesses come to the County because of UC Merced; and he noted the importance of the Airport and the need for a convention center.

**11:10 a.m.** Recess

**11:27 a.m.** Further discussion was held relative to the status of the TOT revenues. Supervisor Turpin asked about the status of budgeting for the operation of solid waste and the transfer stations. Mary Hodson responded that the Board will need to address this matter and funding for the monitoring wells and land purchase.

(M)Allen, (S)Aborn, the Board concurred with increasing the projected TOT revenue by \$100,000 and allocating this increase to the Tourism Bureau so that they receive the full committed amount of \$500,000. Discussion was held. Ayes: Unanimous.

Discussion was held relative to the request received from the Yosemite Gateway Partners for funding.

Public Comment:

Jeff Hentz, as a Board member for the Yosemite Gateway Partners, stated he feels that they need to determine a strategic direction. He feels that \$2,500 could help

with that and he would expect the four other tourism bureaus that make up the Gateway to help with financial support.

MaryAnn Huff stated she is a Master Gardener and a member of the Gateway Partners, and she provided input on their purpose and function.

Rick Benson advised of his discussion with the Interim Farm Advisor relative to the Master Gardener Coordinator being of assistance in keeping the office open during staffing shortages.

(M)Bibby, (S)Allen, the Board concurred with taking the \$2,000 that was reduced from the Parks and Recreation budget and with reducing the Cemetery line item by \$500, also in the Parks and Recreation budget, and with allocating \$2,500 to the Yosemite Gateway Partners, with further consideration of funding the remaining \$2,500 request during the mid-year budget process/Ayes: Unanimous. Supervisor Turpin asked that the Gateway Partners report back to the Board on the support they receive from the other counties.

The Board concurred with the Community/Cultural Services budget unit as revised.

**11:59 a.m.** Lunch

**1:34 p.m. Chief Probation Officer:**

**Juvenile Detention** – Discussion was held with Gail Neal, Chief Probation Officer, relative to the budget, and she advised that her retirement is effective November 30, 2010. The Board concurred with this budget unit as revised.

**Probation, ADAPT Program, Juvenile Justice Crime Prevention Act, Domestic Violence, Probation – Drug Program, Revenue & Recovery, and Youthful Offender** – The Board concurred with these budget units as revised.

**County Administrative Officer:**

**Interfund Transfers** – Discussion was held relative to restoring the \$25,000 to the Road budget for materials; and the Board concurred with further reviewing this during the mid-year budget process. The Board concurred with this budget unit as revised.

**Risk Management** – The Board concurred with this budget unit.

Mary Hodson reviewed the recommended revisions for the following budget units:

- Foresta Bridge to reflect the \$280,000 in revenue and corresponding expenses for this project;
- Solid Waste and Recycling revisions, which includes funding for the land purchase and monitoring wells;
- Parallel Taxiway Project to reflect the actual dollar amounts; and
- Parks and Recreation to reflect the recalculated fleet charges.

The Board concurred with these revisions. Discussion was held relative to the Solid Waste budget and requirements to fund the Closure Fund.

Rick Benson reviewed the major budget revisions recommended in response to the fund balance falling short of the initial estimate: departments recommended reductions in the total amount of \$500,585; using \$250,000 from the POB/unfunded liability designation; reducing vehicle replacement charges to result in an \$180,000 savings; and increasing the TOT revenue estimate by \$100,000. The Board concurred with these revisions. Discussion was held relative to funding the difference of approximately \$94,800 to balance the budget. Rick Benson provided a reminder that the budget does not include funds for bringing paperless and streaming technology to the Board, or for

upgrading the County's accounting system. The Board concurred with reducing the repayment to the Tobacco Settlement Fund by \$94,800 to balance the budget.

**Contingency – General** – The Board concurred with this budget unit.

**2:11 p.m.** Recess for staff to balance and reconcile the revisions made during the hearing.

**2:34 p.m.** Rick Benson advised that the budget is balanced; and he noted the formal resolution to adopt the final budget will be scheduled for September 21, 2010. He clarified that the reduction to the vehicle replacement charges will be at a rate to achieve \$180,000 in savings. He thanked the department heads and staffs, Mary Hodson, the Board members, and Chris Ebie for their work on the budget. He noted that this is Chris Ebie's last budget before his retirement.

(M)Aborn, (S)Turpin, Res. 10-435 was adopted approving the Final Budget for fiscal year 2010-2011, with the revisions as concurred with during the hearing process/Ayes: Unanimous. The hearing was closed.

**2:42 p.m.** The Board adjourned.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

KEVIN CANN  
Chair, Board of Supervisors



# MARIPOSA COUNTY BOARD OF SUPERVISORS

## SUMMARY OF PROCEEDINGS September 21, 2010



Folder      Time      Description

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

Pledge of Allegiance

Chair Cann called for a moment of silence in honor of our troops spread across the world looking out for our safety and freedom.

Introductions – none

- 1      **Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)**  
**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 referred to items 106 and 118 and questioned the approval process for the assignment of County vehicles and take-home vehicles in conjunction with the approval of the final budget. She referred to item 114 and asked if this project was put out to bid; and she referred to item 115 and questioned the change order and why this wasn’t put back out to bid. Rick Benson, County Administrative Officer, responded to the concerns expressed on items 106 and 118 and advised of the process. Steve Dahlem, County Counsel, also responded relative to the process.  
Supervisor Turpin pulled items 114 and 115 for discussion. Supervisor Bibby pulled items 115 and 116 for discussion. (M)Turpin, (S)Allen, the balance of the items was approved/Ayes: Unanimous.
  
- 2      **Supervisor Bibby**  
Approve and Present a Letter Recognizing Michael J. Claspill for Obtaining the Rank of Eagle Scout  
**BOARD ACTION:** Input from the public was provided by the following:  
Ginger Foster, Pastor of the United Methodist Church, advised that they sponsor Troop 94, and noted that she serves on the Board for Manna House. She commended Scout Claspill for his service and thanked the Scout leaders.  
Miriam Costello stated she is proud of the young men that attain the Eagle Scout rank, and she congratulated Scout Claspill.  
Niarja Marchand, project leader for the Manna House garden project, thanked Scout Claspill for his work.  
(M)Bibby, (S)Aborn, the letter was approved and presented to Michael Claspill/Ayes: Unanimous.

3

**Supervisor Cann**

Approve and Present a Resolution Commending Miriam Costello as Honorary Ambassador of Downtown Mariposa

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

Kris Casto stated Miriam is a leader of the community that she wants to follow.

Gary Colliver, Windows on the World-Books & Art, stated he appreciates the love and encouragement Miriam gave him and his wife when they opened their store.

Diana Browning stated she feels that no one deserves this recognition more than Miriam, and she likened her and her colorful scarves to a beautiful butterfly.

Gene Mickel noted that Miriam brings a glow to the community.

Marcia Perez, Mariposa Market Place, noted Miriam's energy and they appreciate her ideas and support.

Les Marsden commented on Miriam's input for musical pieces for the Mariposa Symphony Orchestra and commended her for her energy and inspiration.

Elaine Seymour, Chocolate Soup, thanked Miriam for her help with her business and for her encouragement; and she noted that "Joyce wants to thank her too."

Lester Bridges commented on Miriam's interior design work and noted that she is a very delightful person.

Peter Schimmelfennig, Chamber of Commerce Executive Director, stated Miriam is a role model and she has good aura and carries herself well, and she is a friend.

(M)Allen, (S)Bibby, Res. 10-436 was adopted and presented to Miriam Costello. The Board members commended Miriam for her work; and it was noted that her son and daughter were present. Ayes: Unanimous.

**9:40 a.m.** Recess

**9:59 a.m.** Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Carol Suggs presented a letter that she gave the Board a year ago and reiterated her concerns relative to the status of Silver Bar Road and the need for maintenance.

Lester Bridges thanked the Board for its support of the Chamber of Commerce and provided statistics for the visitor centers. He invited everyone to attend the mixer at the Sierra Business Center on September 28<sup>th</sup>.

Beth Savage referred to her discussion with the Board in February relative to her residential driveway and asked that the building permit be rescinded, and she asked why she was not formally placed back on the agenda. She advised that she won her arbitration case against the contractor that constructed the driveway. She presented a DVD of the driveway's condition and cost estimates for repair from the former Public Works Director.

Peter Schimmelfennig advised that it has been difficult for the North County businesses to operate in this economy and he commented on water issues and suggested that there be a waiver of the water fees for the business for a period of time to help them.

5

**Board Information**

Supervisor Bibby asked the Public Works Director to provide an update to the Board on the status of improving Silver Bar Road as an agenda item. She advised that she met with the Human Services Director on Monday relative to funding issues and alcohol and drug programs and 5150s. She advised that the US Dept. of Labor issued a

letter to the Governor's Office relative to releasing the Workforce Investment Act funds that the State is holding in violation of the timeframe allowed for holding federal funds.

Supervisor Turpin advised of the issues and November ballot measures that were addressed at the CSAC (California State Association of Counties) Board of Directors meeting that he attended. He thanked the Arts Council for the Cowboy Poetry event they sponsored in Coulterville. On Monday he attended the Parks and Recreation and the Water Agency Advisory Board meetings. He plans to attend the fire stations planning meeting on Friday.

Supervisor Allen wished Jill Ballinger, *Mariposa Gazette*, a happy birthday. He advised that he went to the Pioneer Grizzly Stadium on Saturday. He has had several meetings on issues relative to the proposed Catheys Valley Community Plan. He attended a Block D/Fish Camp meeting relative to concerns on the Silver Tip Resort project. He attended a meeting with the Human Services Director relative to 5150 cases and processing. He plans to be in Modesto on Wednesday to participate in an interview panel for the Director of the Regional Mountain Valley Emergency Medical Services Agency; and he advised that Stanislaus County is reconsidering their withdrawal from the Region. He advised that the Mariposa-Yosemite Airport is holding an open house on Saturday.

Supervisor Aborn noted the open house at the Airport on Saturday; commented on Savage's driveway situation and assured that changes have been made in the process; noted MID is going through its FERC relicensing process; some changes have been made on the El Portal Town Planning Area Advisory Council; and Midpines is working on fire evacuation planning.

Supervisor Cann advised that he will be a judge at the Blaz'n Hog and Zydeco Festival. He advised that the proposed Catheys Valley Community Plan workshop is scheduled on the Board's agenda for September 28<sup>th</sup>. He advised that he attended the Water Agency Advisory Board meeting on Monday. He is leaving for the annual RCRC (Regional Council of Rural Counties) meeting in Napa this evening.

**10:34 a.m.** Board Convened as

**LOCAL TRANSPORTATION COMMISSION**

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

6 Public Presentation: For Items within the Jurisdiction of the Local Transportation Commission and not on Today's Agenda (Speakers Limited to Five Minutes) – none

7 **Public Works**

Authorize the Executive Director and Staff to Proceed with the Release of the Bicycle Transportation Plan / Pedestrian Transportation Plan Request for Proposals (RFP)

**COMMISSION ACTION:** Discussion was held with Barbara Carrier/PWD-Transportation Planner.

Input from the public was provided by the following:

Lester Bridges stated he would like to know more about this project and help to work on the plan and share his ideas.

(M)Allen, (S)Aborn, LTC Res. 10-20 was adopted approving the recommended action/Ayes: Unanimous.

**10:40 a.m.** Board Reconvened

13 Consider Items Removed from the Consent Agenda

Item 114 – Supervisor Turpin initiated discussion with Michelle Miller/Solid Waste and Recycling Manager, relative to this item. (M)Turpin, (S)Aborn, item 114 was approved/Ayes: Unanimous.

Item 115 – Supervisor Turpin asked for clarification of the bid process and the subsequent change order. It was clarified that there was only one bid received. Steve Dahlem, County Counsel, responded and advised of his work with Public Works staff to comply with the required process. (M)Turpin, (S)Bibby, item 115 was approved/Ayes: Unanimous.

Item 116 – Supervisor Bibby asked for clarification of whether the affected property owners approved or disapproved the road name. Karen Peneschi/Planner, responded that the agent for the project contacted the property owners and no one disapproved. (M)Bibby, (S)Allen, item 116 was approved/Ayes: Unanimous.

**10:57 a.m.** Board Convened as

**MARIPOSA COUNTY WATER AGENCY**

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

8 Public Presentation: For Items within the Jurisdiction of the Water Agency and not on Today’s Agenda (Speakers Limited to Five Minutes) – none

9 **Public Works**

Approve the Recommendation made by both the Water Agency Advisory Board and the Coulterville Service Area No. One Advisory Board to Approve the Funding Plan for Construction of a New Well and Water Tank for the Coulterville Service Area, which Include a Grant from the Water Agency for \$50,000

**WATER AGENCY ACTION:** Director Turpin advised that this item has been continued to September 28, 2010.

10 **Chair Cann**

Consider Request to Commit the \$50,000 from Mariposa County Resource Conservation District (MCRCD) Bridge Loan, when Returned to Mariposa County, to the Integrated Regional Water Management Plan (IRWMP) for Mariposa County as a 25% Match for a Planning Grant, and Approve in-kind Participation from the Public Works Department to help Review and Identify Needed Projects

**WATER AGENCY ACTION:** Chair Cann initiated discussion relative to the request, and he advised of the Water Agency Advisory Board’s consideration of this matter. He advised that the IRWMP team will come back to the Water Agency if the planning grant is approved and outline the projects requested for implementation. He further advised that the \$50,000 is not anticipated to be needed for about one year and that a commitment is being requested at this time. Director Bibby clarified that the full \$50,000 bridge loan to the MCRCD will be reimbursed before the \$50,000 grant is issued. Director Turpin further noted that if the grant application is not successful, the \$50,000 will not be used. Chair Cann further noted that the Advisory Board agreed that the \$50,000 should be committed even if the grant award amount is less than requested; and he noted that two members of the Advisory Board have been assigned to the IRWMP team, along with an alternate. He advised that pursuant to the Water Agency Act, this is an allocation of funds and requires a 4/5ths vote. (M)Turpin, (S)Aborn, Water Agency Res. 10-3 was adopted committing \$50,000 as a grant for the IRWMP planning grant application/Ayes: Unanimous. County Counsel asked for clarification of the motion. The motion was restated by Supervisor Turpin and agreed to by Supervisor Aborn as the second, to reflect the following: commitment of the \$50,000 from the MCRCD bridge loan, when returned to Mariposa County, to the IRWMP for the County’s 25–percent match for the planning grant, and approving in-kind participation from the Public Works Department to help review and identify needed projects/Ayes: Unanimous.

**11:10 a.m.** Reconvened as  
**BOARD OF SUPERVISORS**

- 11        **Supervisor Turpin**  
Approve the 2009/2010 Tuolumne-Mariposa County Resource Advisory (RAC) Title II Project Funding Recommendations  
**BOARD ACTION:** Supervisor Turpin initiated discussion relative to the project funding recommendations. Supervisor Bibby asked about getting notice out relative to the availability of these funds. (M)Turpin, (S)Allen, Res. 10-453 was adopted approving the recommendations/Ayes: Unanimous.
- 12        **Administration**  
Adopt a Resolution of the County of Mariposa Requesting Membership to the Joint Powers Authority of the Central Sierra Economic Development District (CSEDD) and the Central Sierra Planning Council (CSPC)  
**BOARD ACTION:** Discussion was held. Supervisor Bibby asked for information on the by-laws and responsibilities of joining the JPA, and she asked which County provides legal counsel support; and she was advised that the information will come back if our request to join the District and Council is approved. (M)Aborn, (S)Turpin, Res. 10-454 was adopted as recommended, and with the correction of a typographical error/Ayes: Aborn, Turpin, Cann, Allen; Abstained: Bibby.
- 14        **Administration**  
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard C. Bolanos;
- 15        **Administration**  
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard C. Bolanos;
- 16        **Administration**  
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of County Designated Representative: Richard C. Bolanos;
- 17        **Administration**  
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriff's Management Association (SMA); Name of County Designated Representative: Richard C. Bolanos; and
- 18        **Administration**  
CLOSED SESSION: Liability Claims; Claimant Name: Kathleen Rumfelt, Sterling S. Cramer, and Richard Parrish; Claim Numbers: C10-12, C10-13, and C10-14; Name of Agency Sued: County of Mariposa  
**BOARD ACTION:** Rick Benson withdrew all of the closed sessions.

**11:29 a.m. Lunch**

**2:05 p.m.** Reconvened

- 19        **Planning**  
PUBLIC HEARING to Amend Site Plan Application No. 2009-124 to Allow Modifications to the Approved Site Plan and Architecture, and Clarifications of Certain Conditions of Approval for the Silver Tip Resort Village Project; Planned Development No. 99-1 and Conditional Use Permit No. 267. The Silver Tip Resort Village Project was Approved by the Board of Supervisors in December 2003. The Silver Tip Resort

Village Project Consists of 47.3 Acres and is Located at the Intersection of State Highway 41 and Fish Camp Lane in the Fish Camp Town Planning Area. The Site Includes Assessor's Parcel Numbers: 010-550-035, 010-550-054, 010-550-056 and 010-550-057. Applicants: PacificUS Real Estate Group. (Hearing Continued from April 20, 2010)

**NOTE: Applicant is Requesting a Further Continuance to October 19, 2010 at 2:00 p.m. Staff Recommends that the Board of Supervisors Open the Public Hearing and Continue the Staff Report and Public Testimony to the Requested Time and Date**

**BOARD ACTION:** Sarah Williams/Deputy Planning Director, advised of the applicant's request for a further continuance. (M)Allen, (S)Aborn, the hearing was continued to October 19, 2010, at 2:00 p.m./Ayes: Unanimous.

20

### **Planning**

PUBLIC HEARING to Consider Zoning Amendment 2009-87; Agritourism and Agri-Nature Tourism Amendments to County Code; Proponent: Mariposa County. Amendments to Title 17, County Code including Chapter 17.40, Agriculture Exclusive (AE) Zone; Chapter 17.108, Supplementary Standards; Chapter 17.148, Definitions; and Addition of a New Chapter 17.114, Administrative Use Permits

Amendments to Chapter 17.40 apply to Properties in the AE Zone. Amendments to Chapters 17.108 and 17.148 and the New Chapter 17.114 Potentially Apply to Properties County-Wide

Recommended Actions: Approve a Resolution Adopting a Negative Declaration and Approving Zoning Amendment No. 2009-87 (Version 9/21/10), an Amendment to Title 17, Zoning, for Agritourism and Agri-Nature Tourism, with Findings and Waive the First Reading and Introduce an Ordinance, Approving Amendments to the Zoning Ordinance (Chapters 17.40, 17.108, and 17.148 of the County Code and Establishing a New Chapter 17.114 of the County Code) Pursuant to Zoning Amendment No. 2009-87 (Version 9/21/10)

**BOARD ACTION:** Sarah Williams, Deputy Planning Director, was present. Karen Robb, consultant, presented the staff report, including a review of the purpose and history of considering these amendments. She advised that this hearing was scheduled following the public workshop held on August 10, 2010; reviewed the proposed definitions for agritourism and agri-nature tourism (ANT) use and other terms used in the documents; and she reviewed the proposed permitted uses in the AE Zone. She reviewed the following issues that were identified at the August workshop: clarify that the primary source of income does not have to be from agricultural operation, clarify the ordinance text provisions for averaging, research how other counties address school bus visitation, check state law on ag-homestays to see if it allows 6 or fewer rooms, review the necessity of a Conditional Use Permit (CUP) for riding lessons, consider adding the text "fee for service" to the definitions of agritourism and agri-nature tourism, address the use of volunteers versus employees in standards, include a definition of full-time equivalent (FTE) in Chapter 17.148, whether there can be an accommodation for businesses with good road access in terms of people allowed, whether "adequate provisions for sewage disposal" include permanent facilities, whether special events are allowed to be uses otherwise prohibited by zoning and review of special event permit levels and she advised of subsequent input that was received this morning suggesting that the number of people be capped at 75 per day and still keep the maximum number of people per month, and why horseback riding requires an Assemblage Usage Permit (AUP) and is not a permitted use. She advised of concerns received this morning relative to grandfathering existing ANT activities

and activities in transition, and she noted the existing moratorium on new ANT activities; and of request to amend the definition of guest or dude ranch in the AE Zone. She suggested amendments to the draft resolution to include a paragraph that “Whereas, based on the threshold limits and the development standards, the amendments are determined to be self-mitigating.”

Staff responded to questions from the Board relative to setbacks for petting zoos; whether there is a mechanism for handling violations of the proposed amendments; relative to the overlap of the hours allowed for operation and those allowed for quiet time; clarifying that this does not permit the sale of vegetables that were grown out of the area, and relative to the sale of products; relative to the research conducted on the school bus visitation issue; relative to the potential impacts of allowing four three-day events versus twelve single-day events; reporting requirements for the events; relative to the sentence structure for 17.40.010 A.4(k) – special events and provisions for sewage disposal, and the Board concurred with deleting “equal to”; clarification of the definition of FTE; relative to the good road access issue; relative to the request to amend the definition of guest or dude ranch and consideration of allowing transient occupancy with an on-site manager as a permitted use – staff advised that this issue could be referred to the Agricultural Advisory Committee for review at their October 30<sup>th</sup> meeting, and Supervisor Cann asked that this be referred as suggested; and relative to addressing complaints from neighbors.

**3:31 p.m.** Recess

**3:50 p.m.** Input from the public was provided by the following:

Kris Casto, member of the Agri-Nature Trail Committee, thanked the Board for the workshop and stated she feels the proposal is a compromise. However, she feels that the Board should only adopt it if it feels that it is a good Ordinance and it is good for the residents and the County. She advised that the Committee believes in advocacy and they are not sure that this Ordinance promotes tourism. She feels the inclusion of voluntary hours in the FTE should be deleted or limited in some other way. She feels the school bus visitations should be allowed and revisited in two years. She referred to the good road access issue and stated it makes sense for the more rural areas to be restricted at a different level. She addressed assemblage permits versus special permits, and noted that some of the Committee members feel that some of the restrictions will dampen tourism and the economic viability. She still doesn’t like the definition of agritourism, and suggested adding language “in addition to that which is already permitted.” She referred to the special events policy and noted that some events could be held that are not related to agriculture; i.e., fundraisers, service group events, funerals, retirement parties, etc.; and she doesn’t feel that they should be counted on the chart. She does not feel that events need to be held for three days.

Rita Kidd, public at-large member of the ANT Committee, clarified that the 15 number used for average number of people per day on the chart is a higher number than what is allowed in the General Plan for rural home businesses which talks about tripling of the average daily traffic requirements. The 15 number does not consider employees. She referred to the issue of special events and allowing 12 days per year, and she advised that it was never intended that special events would be a business. This is a break point for determining when it is a permanent land use. She advised that this was increased to four to accommodate the Agri-Nature Trail event. She referred to the issue of a dude ranch and consideration of this issue during the General Plan amendment process. She suggested that staff be asked what the impact would be with regard to the allowable uses in the AE Zone and what is permitted with this amendment.

Anita Starchman Bryant, Starchman & Bryant Law Offices, stated she is representing the following clients: FE&M Engineering Employees Defined Plan, and the Eugene and Dolores Fortner Family Trust. She stated that if this is to help create a

new economy, the number needs to go up from the 15 per day; and she referred to the compromise she felt was reached at the last hearing of averaging with a cap of 75 people per day and use the 15 as an average over the month. She noted that Calaveras County permits 75 people at any one time as a permitted use to allow for more flexibility. She referred to the General Plan's allowance of average daily traffic for businesses – 22.5 trips per day for residential, and there is no limit in the Agriculture Working Landscape Overlay. She asked that flexibility be considered for the good road access. She feels the definition for agritourism is still not clear, and cited an example of people coming to a free petting zoo and picking apples at a u-pick operation – she feels there could be questions on interpretation of use and limits on day use and being considered agritourism. She is confused by the special events and what constitutes a need for a CUP, and she questioned whether this applies to all parcels throughout the County as this hearing was only noticed for agricultural lands. She questioned how this will apply to the Civil War Reenactment and other events. She supports the 12 days versus the four times a year option.

Ken Baker, Coyote Springs Ranch, stated he feels that we are making agritourism more restrictive on agricultural land than in any other zoning. He referred to the 15 people per day issue and stated he has not found that restriction in any other County. He feels that this is so restrictive that people are not going to participate in agritourism like they are doing in other areas where it has become important to the economy. He referred to the restriction on the number of employees and noted they run long hours, seven days a week, and sometimes have three shifts. He does not understand this restriction and feels that we should be creating jobs. He referred to the petting zoo definition and issues relative to setbacks from the road – he feels that if they are close to the road, it will bring people in. He stated he attended the Agritourism meetings and today is the first discussion of special events and he does not feel that they should be included in this amendment. He referred to the issues relative to buses and advised of events held at Coyote Springs Ranch for children that are bused in. He feels the agritourism and ANT are two separate things, and he questioned why more things are allowed in ANT than in agritourism. He noted they have horseback and wagon tours of the ranch and there should not be limitations on horses – this is John C. Fremont territory. He questioned the limit on the number of customers and employees for a business.

Duane Robinson, Indian Peak Ranch, provided input and expressed concern and asked for clarification of dude/guest ranch facilities. He advised that they have a small scale operation which they consider to be a boutique guest ranch and he feels it should be a permitted use.

Dennis Bunning, Farm Bureau representative on the Agricultural Advisory Committee and member of the Agritourism Committee, read from Section 2.3.05 of the General Plan relative to decision making and protection of neighboring property rights. He does not feel that we can elevate the number of people and still have a Negative Declaration. He stated he feels the cost for getting a AUP and CUP is minimal if you are going to be a successful operator given the income that could be made by charging a fee of \$4.00 per person. He urged that the Board stay with the numbers that were discussed and move forward with this.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to applicants being able to apply for assemblage permits in addition to the special event permits; clarification of permanent land use and special event definitions and whether they apply countywide or just to AE zoned land; relative to being able to adopt a Negative Declaration with the change in the recommended number of events; what the permitting process would be various types of events, i.e., funerals, weddings, fundraisers, and brandings; timeframes and costs for processing the various types of permits and whether the thresholds should be changed; whether the Agricultural Advisory

Committee considered the Initial Study for this amendment; consideration of separating special events from agritourism and ANT uses; clarification of what is currently permitted on AE zoned land; whether the noticing requirements have been met to consider the limits to special events on a countywide basis, and as to whether these permits are applied for on a repetitive basis, and whether all special events should fall under the public assemblage permit process, and whether there should be a limit on the number; clarification relative to counting employees in the allowed numbers; relative to consideration of changes to the activity permit level chart to allow 12 event days and defining special events as being non-agriculture; relative to farm stays and permitted activities conducted on the same property where agritourism uses occur; whether there are any impacts if the property is under Williamson Act contract; and relative to consideration of continuing this hearing and whether the public portion would be reopened. The Board concurred with reopening the public portion at this time to accept comment on the issues that were raised before direction is given to staff.

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

Kris Casto noted a different chart was used for the staff report at the workshop, and there was a separate chart for special event levels that was not included in the package for this hearing – she feels the Board should address both charts. She feels the Negative Declaration was based on the previous charts. She feels that we should use the chart for special events as related to agritourism and visit the public assemblage permits at a later time versus playing a number game. She feels that people that are trying to properly obtain approval for agritourism uses should not be penalized.

Anita Starchman Bryant stated she was looking at the Negative Declaration based on 12 days of events; and she noted the chart in the previous package allowed for 25 event days per year. She asked that the Board still consider the 75-person cap with the average; further define agritourism and clarify whether it is for a fee; and further review the good road access issue.

Ken Baker agreed with Anita Starchman Bryant and stated he feels there are several fundraisers for charitable organizations. He advised that Coyote Springs Ranch has not violated anything; and he asked for careful consideration of the proposal.

Rita Kidd provided a reminder that these were self-mitigating numbers and she feels we should stay with the ADT and what is established by the General Plan. She questioned the separate “for fee” and “not for fee” events versus agriculture and non-agriculture special events. She referred to the public assemblage permits and noted the permit application states that the event complies with the zoning of the County, and we are asking our departments to sign-off on the applications in violation of our ordinances.

The public portion of the hearing was closed and the Board continued with deliberations. Skip Strathearn/Planner, responded to questions relative to the Initial Study and Negative Declaration relative to the categorical exemptions and self-mitigation. Discussion was held relative to deleting the non-agritourism uses from this amendment for consideration in the future; and relative to the number of event days.

Sarah Williams recapped the issues referred to staff: change the four special events to 12 event days; change the text relative to agriculture remaining the primary use of land in the definition section; text changes to items “j” and “k” relative to sewage disposal; refer the Robinson’s proposal concerning their guest ranch use to the Agricultural Advisory Committee; review the noticing for this hearing relative to the special events on a countywide basis; and add a section to the text of the Ordinance to repeal the moratorium Ordinance No. 1049 upon the effective date of this Ordinance. Discussion was held relative to the horseback riding issues, and the Board concurred with moving this to the permitted uses. Further discussion was held relative to considering the issues that were raised relative to good road access, counting volunteers

as employees, capping the number of people per day, enforcement, processing the permits, and dealing with road impact issues.

The hearing was continued to October 5, 2010, at 2:00 p.m.

## **Consent Agenda**

- CA-101      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-437
- CA-102      **Administration**  
Reject Claim Numbers C10-12, C10-13, and C10-14 Filed by Kathleen Rumfelt, Sterling S. Cramer, and Richard Parrish Respectively, for Undetermined Amounts and Authorize the Board of Supervisors Chair to Sign the Notices of Rejection; Authorize the County Administrative Officer – Risk Manager to Deny Similar Claims in the Future Involving Lost Social Security Income Due to Underpayment of FICA Taxes by the Auditor’s Office Prior to 2007; Res. 10-438
- CA-103      **Administration**  
Receive the List of Agreements entered into by the County Administrative Officer Pursuant to Ordinance 3.08 for the Months of June, July, and August, 2010; Res. 10-439
- CA-104      **Administration**  
Receive the Report on the Usage of the eCivis Program for Research and Development of Grant Applications
- CA-105      **Administration**  
Receive the Report on Applicants Funded by the Mariposa County Microenterprise Loan Program
- CA-106      **Administration**  
Approve a Resolution Adopting the Fiscal Year 2010-2011 Final Budget as Reviewed and Amended, and Authorizing Certain Actions to Implement the Budget; Res. 10-440
- CA-107      **Library**  
Approve Adjustment of Hours for Wawona Branch Library; Res. 10-441
- CA-108      **Sheriff**  
Authorize the Sheriff’s Department to Maintain a 2001 Chevrolet Cargo Van in the County Fleet Assigned to the Sheriff’s Department with No Replacement Costs; Res. 10-442
- CA-109      **Supervisor Allen**  
Appoint Niarja Marchand to Mariposa County Commission on Aging Representing District V for a Term Expiring December 31, 2012
- CA-110      **Human Services**  
Approve an Agreement with Doctors Medical Center in Modesto for Psychiatric Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-443

- CA-111      **Human Services**  
 Approve a Memorandum of Understanding (MOU) with the Mariposa County Unified School District for Mariposa County Behavioral Health and Recovery Services to Provide on Campus Counseling Services for Children/Youth who are eligible for Medi-Cal and/or Medicare/EPSTD, and Authorize the Human Services Director to Sign the MOU; Res. 10-444
- CA-112      **Public Works**  
 Authorize Transferring a 1998 Sheriff's Department Truck, SO-503, to the Public Works Solid Waste & Recycling Division as a Time and Materials only Vehicle with no Replacement Cost; Res. 10-445
- CA-113      **Public Works**  
 Approve a Program Agreement with CalTrans for the Jessie Street Project and Authorize the Public Works Director to Sign the Agreement; Res. 10-446
- CA-114      **Public Works**  
 Approve a Professional Services Agreement with Golder Associates for Groundwater, Surface Water, Landfill Gas, and Leachate Monitoring and Reporting for the Mariposa County Landfill for FY 2010-2011, in the Not to Exceed Amount of \$63,307 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-450
- CA-115      **Public Works**  
 Approve Change Order No. One with International Surfacing Systems (ISS) who has Offered a Discount on their Original Bid Schedule for the Seal Coats on Various Road Projects (Project #'s 09-05 & 06-21) and Authorize the Public Works Director to Sign the Change Order; Res. 10-451
- CA-116      **Planning**  
 Approve the Road Name "Sebastopol Road" for a Section of Roadway Informally Known as "Sebastopol Road"; Res. 10-452
- CA-117      **Health**  
 Approve an Amendment to Agreement Number EPO PHER-22 with the Centers for Disease Control and Prevention (CDC) Public Health Emergency Response (PHER), Extending the Time Frame of the PHER Phase I, II, and III Grants through July 30, 2011 and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-447
- CA-118      **Administration**  
 Approve the Assignment of County Vehicles and Take-Home Vehicles; Res. 10-448
- CA-119      **Sheriff**  
 Approve Budget Action Reducing General Contingency to Fund Extraordinary Expenses in the Jail Medical and Laboratory Budget for FY 2009-2010 (\$5,710) (4/5ths Vote Required); Res. 10-449

**7:08 p.m.** The Board adjourned in memory of Irene Harrington Emlay and Michael Leonard Smith.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

KEVIN CANN  
Chair, Board of Supervisors

By: JIM ALLEN  
Vice-Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### SUMMARY OF PROCEEDINGS September 28, 2010

Folder      Time      Description

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

Pledge of Allegiance

Chair Cann called for a moment of silence in honor of our troops spread across the world looking out for our interests and freedom.

Introductions – none

- 1      Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)  
**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 was provided by the following:  
Ruth Catalan referred to item 104 and asked whether this goes out to bid; and she referred to item 111 and asked why we are contracting with attorneys before anything happens.  
Supervisor Bibby pulled items 104 and 113 for discussion. Supervisor Turpin pulled item 111 for discussion. (M)Aborn, (S)Allen, the balance of the items was approved/Ayes: Unanimous.
- 2      **Chair Cann**  
Resolution and Tile Plaque Recognizing Mary O’Shea, Upon her Retirement as Eligibility Worker III, Human Services Department (Human Services)  
**BOARD ACTION:** (M)Allen, (S)Aborn, Res. 10-455 was adopted and presented to Mary O’Shea along with a tile plaque/Ayes: Unanimous. Jim Rydingsword, Human Services Director, commended Mary for her work.
- 3      Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)  
Eleanor Keuning noted the employee retirement recognition is nice; and she advised that it is time for Leonard Road to be graded again.  
Lester Bridges, Chamber of Commerce President, noted the Chamber is always looking for volunteer assistance; and he invited everyone to the business mixer at Sierra Telephone this evening. He noted this is a busy weekend and commented on the events that are scheduled: Library Book Sale, Hornitos Flea Market, Contractors Association Home and Garden Show, and he advised the Chamber’s Heroes dinner is scheduled for October 21<sup>st</sup>.

Charles McGuirk advised that he passed a road grader heading to Hunters Valley this morning, and he thanked the Board for the road work. He advised that he has a second issue on roads – he is concerned with the safety of dirt roads and dust problems it creates for emergency vehicle response. He asked that the road be wetted, rocked, and rolled.

4

#### Board Information

Supervisor Aborn advised that he attended a “Safe Families” event at the Elementary School that was held for parents, and included a drug prevention component; and he attended the Airport Open House and Fly-in event on Saturday.

Supervisor Allen advised that he participated in the interview panel for the new Medical Director for the Mountain Valley Emergency Medical Services Agency in Modesto on Wednesday. He had several meetings over the last few days relative to the proposed Catheys Valley Community Plan. He attended the Airport Fly-in on Saturday; attended a meeting in Wawona relative to the Redwoods plan to expand on Monday; and he met with the Public Works Director relative to issues in Wawona and Fish Camp. He plans to attend the “Topping Off Ceremony” at the new Human Services facility on Thursday. He noted the swearing-in ceremony for Sheriff Binnewies on Friday was a nice event. He noted the Contractors Association is holding the Home and Garden Show on Saturday; and other events are scheduled.

Supervisor Turpin advised that the Board held a public hearing on the agritourism policy on Tuesday. He attended the Red Cloud Library meeting in Greeley Hill on Wednesday; the future fire station meeting on Friday; and the Airport Fly-in on Saturday. He noted the Board is holding a public workshop this afternoon on the proposed Catheys Valley Community Plan. He plans to attend the “Topping Off Ceremony” on Thursday. He commented on the recent logging activities.

Supervisor Bibby advised she plans to attend the Mother Lode Job Training Governing Board meeting in Sonora on Wednesday. She encouraged the citizens to attend the public workshop this afternoon on the proposed Catheys Valley Community Plan. She advised that she missed the Airport Fly-in event due to some dental work. She noted the following activities scheduled for this weekend: Hornitos Flea Market and the Home and Garden Show. She advised that she is still working on the visual entrance problems with traffic at Idle Wheels. She extended a special thanks to CHP and the Sheriff’s Department for their response to concerns. She thanked the Public Works Director for his response to the road issues on Silver Bar Road and Hunters Valley Road.

Supervisor Cann advised of his discussion with the County Administrative Officer relative to the Board’s meeting schedule; and unless Board members object, an item will not be brought to the Board to cancel the November 23<sup>rd</sup> and the December 21<sup>st</sup> meetings. He further asked the County Administrative Officer to prepare an agenda item for the Board to take action on the 2011 meeting schedule. He advised that he attended the Regional Council of Rural Counties (RCRC) annual meeting last week in Napa and reviewed the key issues that were discussed, including AB 827/departments that report directly to the Board of Supervisors have to receive an evaluation in order to receive any salary increase; and relative to Williamson Act funding. He advised that he is leaving on Wednesday to be with his father who is battling cancer; however, he will be available by email and telephone.

5

#### Administration

Appointment of Doug Binnewies as Sheriff-Coroner Effective October 1, 2010

**BOARD ACTION:** Discussion was held. Supervisor Allen clarified that the title of the position is Sheriff-Coroner-Public Administrator. Board members commended Brian Muller/Sheriff for his service, and congratulated Doug Binnewies. (M)Allen, (S)Aborn, Res. 10-465 was adopted appointing Doug Binnewies as Sheriff-Coroner-

Public Administrator effective October 1, 2010/Ayes: Unanimous. Doug Binnewies thanked the Board and his family for their support.

**9:58 a.m.** Recess

**10:12 a.m.** Board Convened as:

**MARIPOSA COUNTY WATER AGENCY**

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

6 Public Presentation: For Items within the Jurisdiction of the Water Agency and not on Today’s Agenda (Speakers Limited to Five Minutes) - none

7 **Public Works**

Approve the Recommendation made by both the Water Agency Advisory Board and the Coulterville Service Area No. One Advisory Board to Approve the Funding Plan for Construction of a New Well and Water Tank for the Coulterville Service Area, which Includes a Grant from the Water Agency for \$50,000 (4/5ths Vote Required) (Continued from September 21, 2010)

**WATER AGENCY ACTION:** Chair Cann advised of the Water Agency Advisory Board’s consideration of this request. Allen Toschi, Public Works Director, advised that the request is to approve the project and the funding plan/request to restructure the payment schedule on the loan for six additional years to reduce the annual payment; and he will come back to the Board for further action if the grant is received. Discussion was held.

Input from the public was provided by the following:

Peter Schimmelfennig, resident of the Coulterville area, commented on problems with the water system in Coulterville, and he stated he feels that this is an opportunity to have a more stable system. He encouraged the Board’s support of this request. He also commented on the effect of the downturn the economy has had on the area and the rate increases.

Allen Toschi commented on their work with the ISO rerating process and expected improvements with this project.

(M)Turpin, (S)Allen, Water Agency Resolution No. 10-4 was adopted approving the funding plan for construction of a new well and water tank, including a grant from the Water Agency for \$50,000 as recommended/Ayes: Unanimous.

**10:46 a.m.** Reconvened as Board of Supervisors

9 Consider Items Removed from the Consent Agenda

Item 113 – Supervisor Bibby initiated discussion with Allen Toschi relative to the volunteer statement. (M)Bibby, (S)Allen, item 113 was approved/Ayes: Unanimous.

8 **County Counsel**

Approve an Agreement with Bartlett to Install Groundwater Municipal Supply Well and for Right of Entry, and Authorize the Board of Supervisors Chair to Sign the Agreement

**BOARD ACTION:** Following discussion with Steve Dahlem, County Counsel, (M)Bibby, (S)Aborn, Res. 10-467 was adopted approving the agreement as recommended/Ayes: Unanimous.

9

Consider Balance of Items Removed from the Consent Agenda

Item 104 – Supervisor Bibby initiated discussion relative to reporting and audit conditions; and she asked that there be a disclosure statement added to the contract to clarify that publications produced by the Chamber are not reviewed or approved by the County. Supervisor Allen initiated discussion relative to consideration of moving the visitor center function to the Tourism Bureau. Peter Schimmelfennig provided input relative to the issues that were raised. Lester Bridges advised that they are in concurrence with the addition of the disclosure statement relative to the publications. (M)Bibby, (S)Allen, item 104 was approved, with the addition of the disclosure statement to the contract, and subject to approval by County Counsel and the County Administrative Officer/Ayes: Unanimous. Rick Benson further responded to the issue that was raised earlier and advised that there are no legal requirements to solicit bids for this service.

Item 111 – Supervisor Turpin initiated discussion with Kris Schenk, Planning Director, relative to the fees and services, and he expressed concern with the budget status. (M)Allen, (S)Aborn, item 111 was approved/Ayes: Aborn, Bibby, Cann, Allen; Noes: Turpin.

11

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard C. Bolanos;

12

**Administration**

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

13

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs’ Association (DSA); Name of County Designated Representative: Richard C. Bolanos; and

14

**Administration**

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

**BOARD ACTION:** These closed sessions were not held.

**11:30 a.m. Lunch**

**2:05 p.m.** Reconvened

10

**Planning**

PUBLIC WORKSHOP to Consider General Plan Amendment No. 2008-63, the Catheys Valley Community Plan. The Purpose of the Continued Workshop is to Consider the Information Prepared by Staff Regarding the Issues of Concern Identified and Discussed at the Workshop Conducted on August 14, 2010. Staff has Prepared a Matrix with Optional Actions the Board may Consider Regarding each of these Issues. An Opportunity will be Provided for Further Public Comments on the Plan Focusing on the Options in the Matrix. Questions and Discussion will Occur. Direction to Staff may be Given as a Result of the Workshop

**BOARD ACTION:** Chair Cann advised that all of the previous testimony that has been presented and all written correspondence is a part of the record for this matter. He further advised that the Board will discuss dates for continuing the workshop before proceeding with the workshop today, and that the goal is to end today around 6:00 p.m. He noted that the matrix that is being reviewed is available online and hard copies are

available in the back of the Chambers. He reviewed how the workshop will be conducted – public comment will be taken on each issue with a five minutes time limit per person and he asked the audience to refrain from clapping. He thanked Planning staff for their work on this Plan following the August 14<sup>th</sup> workshop.

Discussion was held relative to setting dates for continuation of the workshop, and the Board concurred with Wednesday, October 27<sup>th</sup> and Thursday, October 28<sup>th</sup> at 9:00 a.m.

Kris Schenk provided input on the connection with the General Plan and the proposed Catheys Valley Community Plan (CVCP); and he advised that a matrix of the policy options and consequences is provided regarding each of the issues of concern that was raised on August 14<sup>th</sup>. He further advised that Andy Hauge/Hauge-Brueck Associates, is present as a resource if there are any specific questions relative to the policies. He noted that they just received a letter from Housing and Community Development certifying the County's Housing Element Update.

The following issues were reviewed:

**Issue No. 1: Necessity of the Plan** – Supervisor Allen stated he feels that more information needs to be provided relative to the costs for the options. Supervisor Bibby stated she feels there needs to be a Plan versus reviewing each individual project. Discussion was held.

Input from the public was provided by the following:

Len McKenzie, MERG (Mariposans for the Environment and Responsible Government), referred to the letter they submitted and stated they feel that to make any changes at this point would probably be more costly. He referred to the General Plan's policies concerning the CVCP, and stated he does not feel that a finding could be made for higher density without a General Plan amendment. He feels that the proposed Plan is prescribed by the General Plan and he is concerned with the cost if the process is started over.

Steve Saunders stated he lives within the proposed boundary on Agriculture Exclusive (AE) land and is concerned with this Plan. He disagrees with the costs increasing if we start over with the Plan. He feels the General Plan addresses this Plan as a study area and allows for a Plan. He feels that this Plan takes away the protection the General Plan gives to current residents of Catheys Valley. He supports option "D" with the smaller town planning area (TPA), and with the General Plan covering the remaining outlying area. He responded to questions from Supervisor Bibby and advised that he supports five-acre average density and is okay with 2 1/2 – acre minimum in the TPA, agrees with the State's allowance for sharing a well, and agrees with rural versus urban.

Rita Kidd, Catheys Valley, pointed out that the General Plan is directive with regard to the CVCP and area plans. She referred to the map as being a statement of intent that the Board will adopt the plans. She feels the General Plan is the constitution for the County for growth and development for the next twenty years. She read from Ordinance No. 972 and referred to Resolution No. 03-438 relative to the Catheys Valley Planning Advisory Committee, and she noted the reference to the 2000 "Jones and Stokes Report" concerning TPAs for community plans. She referred to the boundary issues and noted there has not been a TPA for seven years, just a community planning area. She feels that based on Tulare County's experience that if we try to drastically change the boundary from what the General Plan intended, the Attorney General's Office will get involved.

Rick Lobaugh, Catheys Valley, referred to petitions handed out at the last meeting signed by people opposing the CVCP, and he presented a map which contains highlights of the property owned by the people who signed the petitions. He presented a memo addressing various issues and referred to the history of the Advisory

Committee and meetings on this Plan, noting several meetings were held when the TPA was originally being considered, and only one to three meetings were held after 2003 when it was changed to consideration of the community planning area and he feels that this could be misleading. He referred to Section 5.3.01.B of the General Plan and stated that is what he feels the Board should be doing; and he feels that the Board's evaluation should show that there is no need for a community planning area, it does not protect agricultural land owners rights, and residential property owners have expressed no desire to be governed by more regulations. He feels the General Plan should be amended to remove CVCP implementation. His second choice would be to convert the Plan back to a TPA and eliminate agricultural land.

Tolley Gorham stated he was speaking on behalf of Philomene Schultz. He referred to her requests for her property to be removed from the planning area, along with other members of the community, at the Committee meetings. He stated she feels that there have been a number of reasonable attempts to determine the will and views of the community and that opposition has been expressed by a two to one margin. She does not feel that the Plan is required. Speaking for himself, Tolley stated he does not feel that some of the Advisory Committee members met the code requirements to be on the Committee, and he feels that has impacted what is being proposed and the change from a TPA to a community planning area. He feels that this issue will be decided in Court. He responded to a question from the Board and advised that he does not feel that the requirements were met by the Advisory Committee members for membership; and he does not feel that the existing Committee has any standing as they are not all members of the TPA area.

Skip Skyrud referred to Section 5-1a(1) of the General Plan and noted that page 5-8 referred to in the matrix is intentionally blank. He referred to the actual Section where fiscal impacts are noted; however, no dollar amounts are addressed. He does not feel that the Board can afford to go down this path.

Jim Eason, Catheys Valley, stated he supports option "B" to stop the process for adoption of the CVCP. He feels this is a "money pit" and that it is going in the wrong direction and we should turn around.

Fred Friedland stated he supports having something that will cause less confusion in the future. He feels the basic Plan is good and some items may need to be fixed.

Tracy Guenthart, Advisory Committee member, stated she feels that she is representing the majority of the people in Catheys Valley – they want the boundary as proposed with agricultural lands included and the protections that the Plan offers. She referred to the history of defining the boundaries for the map and advised that the proposed boundary is what the majority of the people wanted. She referred to a statement that is circulating that she made about not reading the Plan and clarified that when asked, she had just received the latest version and did not have a chance to read it; she further stated members of the Committee have read this Plan. She has reviewed each version, but does not know it inside and out. She questioned why Supervisor Bibby is not being listened to as she has followed this Plan from the beginning and has listened to everyone.

Tammie Guenthart stated she attended the Committee meetings and opposes the Plan. She stated the map was changed and the boundary was smaller and then it changed back again. She responded to questions from Supervisor Bibby and advised that she prefers rural versus urban, minimum parcel size depends on the Plan, she prefers the size of the old TPA and she noted that the Board has a process and it allows for public input when a project is proposed, and she feels that they should be able to keep their property rights. She further responded that she is okay with a municipal water system, but not with a mandatory municipal wastewater system, but it should not be ruled out.

David Well, Oak Park Estates in Catheys Valley, questioned why he never received anything about the Plan when their property was included. He noted that they are to be phased out.

Judie Huffman, Catheys Valley resident and member of the Advisory Committee, stated she owned property in the old TPA when she was selected to be a Committee member. The property was later given to her stepdaughter and it subsequently sold, and she lives on a ranch in the area. She referred to the previous comments and stated she feels that the Committee was well represented; and she provided input on their meetings and attendance. She feels that this Plan should be adopted; and noted that amendments can be requested annually. She referred to the issue of mega churches that someone asked her about and the misinformation that was circulating; and she asked that people not listen to hearsay, but that they go to Planning or the website to obtain the correct information. She urged the Board to adopt the Plan.

Bob Benson stated he owns BJ Ranch and he has never been for the Plan, but his property has been in the middle of the maps and taken out and put back in again. He feels we are getting big city government with this Plan and we should be careful of what we wish for.

Tim Miller stated he is representing a land owner within the TPA, and he appreciates this process. He feels we need to think about what policies are in the General Plan and what current zoning regulations allow and what is hoped to be accomplished when considering this matter. He referred to issue item 4/minimum parcel size and development under the current proposal and he noted that 47 more homes could be built. He questioned whether the Plan is really warranted. He referred to policy options “B” and “C” and the environmental review process, and he stated he does not feel that the Environmental Impact Report (EIR) is adequate to adopt the Plan now. He does not feel that the Plan will simplify things – there are more processes and requirements. He noted he has been involved in this planning process for four or five years and attended the meetings and he feels that the majority of the people that appeared were in opposition and the Committee did not always take testimony. He suggested stopping the process. He responded to a question from the Board relative to the source of the housing calculation and advised that this was taken from the consultant’s information.

Fred Friedland asked who Mr. Miller represents. County Counsel responded that if he wants to divulge who his clients are that would be welcome; however, it is not required.

Ruth Catalan stated she does not live in Catheys Valley, but lives in the County and this concerns her as she feels it will affect everyone. She noted this Plan has cost tax dollars and she feels enough money has been dumped in a hole; and she supports option “B” – stopping the process.

Anita Starchman Bryant, Starchman & Bryant Law Offices, advised that she is representing F.E. & M. Engineering Employees Defined Plan and the Eugene and Dolores Fortner Family Trust – property owners within the Catheys Valley area. She appreciates the time taken with this matter and recognized the individuals that have taken time off from work to be here. She referred to Housing and Community Development’s approval of the Housing Element Update and noted they did not analyze Catheys Valley for compliance with State law or the intentional phasing out of low income housing that is proposed. She referred to the “study area” addressed in the General Plan and to her previous letter relative to the Board’s direction to staff and intent that this would be a “study area.” She is still confused as to whether the TPA has been eliminated. She provided a reminder that everyone was assured during the General Plan process that no one would be down-zoned. She referred to her September 27<sup>th</sup> letter and asked that it be entered as a part of the record; and she supports the comments in the Jones Hensley letters. She asked that the process be stopped now – she feels that to “move forward is like arranging deck chairs on the Titanic.” She feels

that the overwhelming comments have been in opposition to this Plan. The 2006 General Plan Update already regulates the area.

Attorney Greg Chappel stated he is representing Philomene Schultz with respect to the necessity of the Plan. He advised that she is against adoption of the Plan – she feels the Plan is not necessary and urges the Board to stop the process. He referred to an airport issue in Bass Lake – Oakhurst that resulted in a ballot measure to determine the feelings of the community; and he suggested that a ballot measure might be appropriate for this.

Steve Fortner stated his family has about thirteen acres within the TPA. He supports option “B” – stop the process for adoption of the CVCP. Otherwise, he feels that this will be challenged in Court. He noted that there is still TPA zoned property; and they are trying to maintain what they had when they purchased their property twenty years ago. He commented on their development proposal and minimum lot size. He feels the Plan creates confusion and division in the community and it is a bad Plan. He feels the Rural Residential zone applies in the interim and there is nothing wrong with that zone – any project will have to go through a process. He asked that the map boundary be reduced back to 400-acres. He noted they voluntarily put the Plan for their development on hold as a result of the Jones and Stokes Report stating the County is out of compliance until adoption of the General Plan Update and clarification of the community plans, and they still do not know the outcome. He stated the change from the TPA to a Community Plan occurred under former Planning Director Eric Toll, and he feels the County will have a nightmare in trying to regulate this. He has relied on direction that no one will be down zoned by this process. He feels the Board should adopt a Plan at this point that says the matter has been studied and the General Plan will be followed.

Ken Wagner stated he lives within the proposed boundary, and he disagrees with the statements that the majority of the people in Catheys Valley like this Plan. He suggested that it should be brought to a vote of the property owners in the proposed boundary. He referred to something he read about a major shopping center in Catheys Valley and noted they cannot support what is there. He feels the General Plan pretty much covers everything. He is okay with moving the boundary back to include 400 to 500 acres. He feels this proposal is a money pit and this will spread throughout the County to other communities. He does not want another layer of government.

Don Starchman, Starchman & Bryant Law Offices, followed up on the input provided by Steve Fortner relative to the study area and referred to the survey of the boundary and stated this was not the will of the people that the boundary be expanded. He referred to the input provided by Tolley Gorham that the Committee was not meeting legally and that the citizens were not aware of these changes. He stated this Plan does not reflect the original subcommittee’s direction. He provided input on the option for “no Plan.”

Attorney John Kinsey, Jones Helsley PC, thanked the Board for providing this forum and referred to his letter of September 27<sup>th</sup>. He feels the existing General Plan and zoning code provide adequate measures and guidelines for projects. He feels the matrix only tells part of the story, it does not talk about the document itself not complying with State zoning laws, CEQA and environmental review and the costs are not addressed. He noted that Planning has drafted an additional “whereas” clause relative to review and administrative costs that are not reflected in the document.

Joe Simon, member of the Advisory Committee, advised of his efforts to get people to attend the Committee meetings, and he presented a copy of his notes relative to his efforts. He advised that he does not know many of the 175 people that signed petitions in opposition to the Plan or whether they live in Catheys Valley. He questioned why they did not attend the meetings. He feels that if the process is cancelled, we will need to change the General Plan at a greater cost. He feels it is the developers that want to go back to the General Plan.

The public portion was closed on this issue.

**3:50 p.m.** Recess

**4:03 p.m.** The Board reconvened and discussion was held with staff relative to the necessity of the Plan, costs and options. Kris Schenk stated they need to know the policies in the options that are selected to know what needs to be amended to be able to estimate staff hours and the consultant's time to prepare cost estimates. Supervisor Allen noted that he sent an email on August 18<sup>th</sup> asking for this information and has not received a response. Kris Schenk further responded that his best estimate of costs for option "A" is \$46,000 plus \$5,000 contingency, and that any changes will affect that cost. Getting to adoption of the CVCP and to follow-through on programs will have additional costs. He responded to questions from the Board concerning holding implementation of items in abeyance until funding is available and advised that these items should be reviewed and the implementation schedule changed accordingly; and concerning stopping the process and what additional work would need to be done on the General Plan and advised that numerous policies have to do with area plans in the General Plan. Andy Hauge responded to a question from the Board and provided input relative to prioritizing the implementation measures and advised that funding is a consideration and modifications could be made. He advised that suspending the process, option "B," does not change the requirement of the General Plan to adopt Community Plans. He feels the Board will need to make a choice about Community Plans and whether to continue with that in the General Plan. He feels there may be concern for litigation with option "C" – modify the General Plan land use diagram and text to remove Catheys Valley as a planning area. Further discussion was held relative to the policies in the CVCP such as the "ag in the classroom" program, Williamson Act, economic development, ridgeline protection; and staff noted those policies may not be much different that what is in the General Plan. A number of these programs are linked to items that we are required to do something about by the General Plan or other mandates; and there are ones that are just for Catheys Valley. Supervisor Bibby expressed concern with the option of abandoning the Plan given the significant time that has been spent on this. Supervisor Cann noted that much of the language for this Plan was written prior to the General Plan; and he feels that we have lessened or eliminated the fear of a major expansion of Merced coming into Catheys Valley with the General Plan. He referred to the overlay of this Plan on AE parcels and the protection they already have with the General Plan; and he questioned the language in the Plan for the Planning Advisory Committee to provide input on AE issues when there is no requirement for those members to have an agricultural background and input is already solicited from the Agricultural Advisory Committee. He referred to the density and clustering issues and noted the Whispering Oaks development, a clustered subdivision, could not occur under the proposed Plan. Supervisor Bibby noted that Catheys Valley is as close as you get to prime agricultural undeveloped land and she is concerned with protecting it and having a buffer between the agricultural land and the residential land. She further noted the concerns that have been expressed relative to the intense water usage for new agriculture and asked for input from the community on this matter. Supervisor Turpin noted the adoption of the Williamson Act policy and the work being done on the agritourism policy; and he expressed concern with overlapping the General Plan with the CVCP. He feels the General Plan is working and that the agricultural land has adequate protection. Supervisor Bibby referred to the area plan maps in the General Plan and noted that some have been adopted with the inclusion of agricultural land; and she feels the language in the General Plan should be repeated in the CVCP for these issues. Supervisor Cann advised of his discussion with Attorney Abbott (Kindermann & Abbott) and the recommendation that the language not be repeated. Supervisor Aborn agreed with Supervisor Bibby in supporting option "A" –

completing the preparation and adoption of a community plan for Catheys Valley. Kris Schenk suggested that the CVCP reference the General Plan and that an appendix be added containing the General Plan language. Supervisor Bibby asked whether future changes in the General Plan would affect the CVCP. Supervisor Cann suggested a statement could be included about the importance of the value of the agricultural land to Catheys Valley; and Supervisor Allen agreed. Supervisor Turpin suggested moving forward with the agricultural land being included in the boundary map, but with the understanding that all AE and Williamson Act issues are covered in the General Plan. The Board concurred with Kris Schenk's recommendation to have an introductory discussion of the importance of agriculture to Catheys Valley in the CVCP, and with making sure that there is nothing that refers to a different level of protection than what is contained in the General Plan. County Counsel referred to Supervisor Turpin's suggestion and clarified that a motion is not necessary. Discussion was held relative to defining the term for the boundary area – the term will be defined later in the process and the boundary will remain as recommended by the Planning Advisory Committee.

**Issue No. 2: Size of Planning Area; Inclusion of Agricultural Lands and Issue No. 3: Significant Agriculture Preservation Policies and Programs in the Plan Compared to the General Plan Policies –**

Supervisor Cann stated he feels the Mountain Home land needs to be discussed. Input from the public was provided by the following;

Gordon Bielanski, Whispering Oaks, stated he does not feel that the 26-plus mile boundary area the Board just decided on is what the people want. They do not want to be a part of the Plan – they support option “D.” He responded to questions from the Board as to whether the homeowners of Whispering Oaks participated in the Planning Advisory Committee meetings and provided input and advised that they did attend; however, they felt they were far enough away that they would not be included in the Plan. He further responded that the CC&Rs have not been reviewed with this Plan. They have lots under the five-acre minimum and they do not want to be labeled as nonconforming, even if the language is changed to show that existing parcels are legally nonconforming in size and are allowed current uses. Kris Schenk responded to a question from the Board and advised that Whispering Oaks is in conformance with the General Plan five-acre average/2 and ½-acre minimum.

Tolley Gorham asked for clarification of whether we are enabling the Planning Advisory Committee to reinstitute the more restrictive language in the CVCP that is being taken out today by including the agricultural land in the boundary. He was advised that only this Board (Board of Supervisors) has this authority and the Advisory Committee can only make recommendations.

Brett Baumann, homeowner within the proposed boundary and business owner in Catheys Valley, suggested a smaller boundary. He advised that they have been protected by the agricultural land that surrounds the residential zoning. He feels that people are here because they think that this Plan is “screwing” with their property rights and they are being attacked. Most of the homeowners have felt that option “D” would be pursued. They are passionate about Catheys Valley and preservation and reducing the area to 500-acres. He believes that the General Plan provides sufficient protection of the AE land. He feels the Whispering Oaks area should be left alone. He responded to questions from the Board relative to his input on the boundary issue and including agricultural land.

Molly Combs asked for clarification of the map option that the Board is agreeing on. Staff responded that it is the option “A” map (no change from what is proposed in the CVCP).

Tim Miller stated he disagrees with the selection of the option “A” map for the boundary and the decision to have a Plan. He feels that there are policies in the

General Plan and zoning that will regulate development in the AE and Mountain Home zoned areas; and he feels the only area of concern should be the 500-acres in the TPA.

Rita Kidd referred to the input provided by Tim Miller and stated she feels that this would ignore the General Plan direction on the Catheys Valley Plan. She noted the Catheys Valley Wildland Protection Plan is 42 square miles in size; and she referred to Santa Barbara County and suggested that perhaps the boundary area should be larger.

Steve Fortner stated he feels that option “A” will require dealing with greenhouse regulations. He feels the low cost option is to use the protection of the General Plan for AE and residential for everything except the 500-acre area. He noted that they have an AE zoned parcel that has potential for development, but they have no intention of developing it. He feels we are making the smaller parcels nonconforming if they are included in the Plan.

Steve Saunders stated he has AE zoned land and is concerned, especially since the Plan says he is nonconforming in size. He referred to the change in the General Plan to Agricultural Working Landscape and the subsequent change to Working Landscape Stewardship in this Plan and further changes to add definitions. Supervisor Cann responded and clarified that all of the agricultural verbiage in the Plan was just eliminated, including the responsibility of the Planning Advisory Council relative to agricultural issues – agricultural land will stay in the boundary that is described for the planning area and is controlled solely by the General Plan. Steve Saunders continued with concern about language in the General Plan that addresses land that is in more than one zone and the Subdivision Map Act – he stated he likes the little TPA. He does not want to impact property owners and the values of their property.

Supervisor Turpin initiated discussion relative to the input provided by Steve Saunders and asked for clarification of whether there is any impact with the overlay of the sphere of influence on agricultural land, i.e., AB 32/global warming requirements. Supervisor Cann further asked for clarification of whether it would make any difference if a project is proposed within the boundary or outside with the application of AB 32. Staff responded that they believe that it will apply to everything, but that a further review will need to be made later in the matrix.

Will Stewart, TPA, asked for clarification of whether he would be treated the same if he is in the light green (Ag/Working Landscape) or the outer dark green (Ag/Working Landscape) area outside of the boundary.

Anita Starchman Bryant asked if by default of adopting the Plan with the inclusion of the AE land in the boundary, whether the land shown in white on the map (Mountain Home) is included by default. She feels that the same provisions as agreed to for the AE land of using the General Plan should apply to the Mountain Home land. She questioned why some parcels on the map are AE today and proposed to be residential, and asked how that happened.

Don Starchman stated he feels this could be simplified by taking Mountain Home and AE out of the boundary. If they are left in, they need to be addressed and be consistent with Title 17. He does not feel that this is protection, but is punitive action versus good solid planning; and he expressed concern with possible mandates from the State. He feels the General Plan language should be used for Mountain Home; otherwise, things are hidden throughout the Plan that could be missed. He feels the TPA will take a lot of discussion.

Supervisor Turpin commented on addressing climate control and Kris Schenk provided input.

Linda Dinnel, Catheys Valley, stated she and Ron are in support of option “D.” She advised that they used to own property in the area and it may not be appropriate for commercial development. She feels another business like Light Racing would be appropriate for the area and questioned where a building could be located.

She would like to see a little village; and she noted that every project will need to go through a process. She does not want to see any more money go into this process.

John Kinsey stated he does not feel that Whispering Oaks should be included; and he noted that unless the County redoes the General Plan, everything that is proposed will be subject to the greenhouse gas regulations.

Bob Stark, Catheys Valley, stated he has 14-15-acres in the Residential zone and because the road is not wide enough he has been unable to divide the land. So he questioned whether his land should be put in AE so he will be left alone with the implementation of the Plan. He does not want to be regulated by the CVCP. He feels this matter should be put to a vote to resolve the issue of whether to have a Plan. He does not feel that people want this Plan and the impacts.

Tim Miller stated he feels the boundary should fit the project area and what needs to be considered from an environmental standpoint. He feels that the more confined the Plan is, the smaller the project area and assessment is.

Don Starchman stated he feels that the costs associated with implementation of the Plan need to be considered.

The public portion was closed on this issue. Chair Cann noted that the Board concurred conceptually with moving forward with the boundary proposed in the Plan, but it needs to consider the input that was received and the legal ramifications, and he expects staff to provide advice; and then the Board will continue the workshop to October 27<sup>th</sup> and move to issue number 4. He also stated that he feels the Board can consider requests to have a Saturday meeting in the future, perhaps for the final meeting. Supervisor Turpin initiated discussion relative to the term to be used for defining the planning area. Kris Schenk advised that staff understands that this will be the CVCP area boundary. He also advised that they will prepare updated pages for the matrix for the October 27<sup>th</sup> workshop. Further discussion was held, and Chair Cann stated he wants legal advice provided on the ramifications of AE land staying in or not staying in the boundary; and whether we can allow the AE land to stay in and not be impacted by the additional layer of the CVCP. Supervisor Allen asked that information be provided on AB 32 costs and what is required.

The workshop was continued to Wednesday, October 27, 2010, at 9:00 a.m.

## **Consent Agenda**

- CA-101      **Clerk of the Board**  
Approval of Summary of Proceedings of September 14, 2010, Regular Meeting;  
Approval of Summary of Proceedings of September 15, 2010, Continued Meeting; and  
Approval of Summary of Proceedings of September 16, 2010, Continued Meeting
- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140  
Enroute to Yosemite National Park; Res. 10-456
- CA-103      **Administration**  
Approve the Proposed Job Descriptions of Maintenance Worker I/II-Solid Waste,  
Maintenance Worker III-Solid Waste, and Maintenance Supervisor-Solid Waste, and  
Assign the Appropriate Classification to the Respective Employees in the Solid Waste  
Division; Res. 10-457
- CA-104      **Administration**  
Approve an Agreement with the Mariposa County Chamber of Commerce to Manage  
the Mariposa and Coulterville Visitors' Centers in the Amount of \$150,000, and

Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-468, with the inclusion of a disclosure statement in the contract relative to publications

- CA-105      **Health**  
Authorize Applying for the Certified Unified Program Agency (CUPA) Reimbursement Funds and Authorize the Board of Supervisors Chair to Sign the Disbursement Worksheet for Rural CUPA Reimbursement Funds for Fiscal Year 2010-2011, and Authorize the Health Officer to Submit and Sign Additional Documents to Secure Funding as Necessary; Res. 10-458
- CA-106      **Human Services**  
Approve a Grant Agreement between Mariposa County Friday Night Live Partnership and the Tulare Superintendent of Schools for the “No Child Left Behind Act”, Title IV-21<sup>st</sup> Century Schools and all Applicable Regulations and Federal Guidelines, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-459
- CA-107      **Supervisor Allen**  
Appoint John Luther to the Fish Camp Town Planning Advisory Council for a Term Expiring February 28, 2011
- CA-108      **Health**  
Approve an Agreement with Mountain Valley Emergency Medical Services (EMS) for FY 2010-2011 for Functions to be Performed for County by EMS Agency Staff, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-460
- CA-109      **Agriculture Commissioner**  
Approve the Sierra – San Joaquin Noxious Weed Alliance – WMA Base Funding Work Plan Agreement # 10-0606 with the California Department of Food and Agriculture (CDFA) for the Iberian Starthistle Survey and Eradication Project and the Stop the Spread Yellow Starthistle Control and Management Project, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-461
- CA-110      **Agriculture Commissioner**  
Approve Agreements with Dan Wice and Custom Weed Control for Implementation of the Sierra – San Joaquin Noxious Weed Alliance WMA Base Funding Work Plan for the Iberian Starthistle Survey and Eradication Project and the Stop the Spread Yellow Starthistle Control and Management Project as Well as the Mariposa County Noxious Weed Work Plan, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-462
- CA-111      **Planning**  
Approve a Professional Services Agreement with Abbott & Kindermann, LLP, Providing On-Call Legal Consultation, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-469
- CA-112      **County Clerk**  
Approve Consolidating Mariposa County Unified School District Election, Lake Don Pedro Community Service District and for the Wawona Precinct Only (of Which Wawona-Fish Camp Area are a Part of the Following School Districts) Bass Lake School District Elections with the November 2, 2010 General Election, Pursuant to EC 10401; Direct County Clerk to Canvass Returns of said Election Pursuant to EC 10411 and 15301; Direct County Clerk to Bill the Mariposa County Unified School District, Madera County Office of Education, and Lake Don Pedro Community Service District

in Full for Cost of Services Performed in the Conduct of the Portion of the Election Relating to each of their Respective Districts; Res. 10-463

CA-113

**Public Works**

Approve an Agreement with Mountain Sage Nursery in the Not to Exceed Amount of \$12,523.31 for Landscaping of the Red Cloud Library, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-466

CA-114

**Sheriff**

Authorize the Temporary Overfill of one Patrol Deputy Sheriff Position Effective October 1, 2010; Res. 10-464

**6:04 p.m.** The Board adjourned in memory of James Leap, Clarise Kelly, Donna June Foschaar, Katherine Schenk, and David and Gina Faust.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

KEVIN CANN  
Chair, Board of Supervisors