

MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS January 5, 2010



Folder Time Description

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

Pledge of Allegiance

Introductions

Selection of Chair for 2010

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

Selection of Vice-Chair for 2010

BOARD ACTION: (M) Turpin, (S) Aborn, Supervisor Allen was selected as Vice-Chair/Ayes: Unanimous.

Presentation of Gavel Plaque to Supervisor Aborn for Serving as Chair for 2009

BOARD ACTION: Chair Cann presented the Gavel Plaque to Chair Aborn.

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

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

BOARD ACTION: (M) Turpin, (S) Bibby, the consent items were approved/Ayes: Unanimous.

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

Marvin Wells presented "Road Runner" Pepsi collector's glasses to the Board of Supervisors, County Administrative Officer, County Counsel, and Clerk of the Board, stating that he would be presenting a glass a month for the next six months for a set of six for each, and at the end of the six months he will tell the story behind the presentations.

MaryAnn Huff introduced Lester Bridges as the new Chamber of Commerce President; Lester Bridges briefly explained his background of residency in Mariposa County since 1962.

Senator Jeff Denham, representing the 12th Senate District, briefly described his career background and informed the Board of his intent to run for 19th Congressional District with the endorsement of Congressman George Radanovich.

Tim Wennberg requested an extension for the Airport Operator Request for Proposal (RFP) to January 31, 2010, stating there is a discrepancy in the date of deadline for submission and he feels this was an inadequate timeframe to receive RFP's. He informed the Board that the volunteer programs have been going very well and requested that a key box be placed at the airport that only the volunteers would have access to for the next 2 months to enable the volunteers to give access to pilots that have forgotten their keys. He also requested that the Airport be allowed to sell oil for cash only in the event a visiting plane is low on oil. He informed the Board that the Airport phone message has not been changed to reflect the current Airport hours and days of business.

Peter Schimmelfennig, Chamber of Commerce Executive Director, advised that the General Manager of Calaveras County Airport commented about Fixed Base Operators (FBO) and the large turn

over of FBO's in Calaveras. He requested that the RFP deadline be extended so that a careful selection could be made. He also advised that recently the fueling system at the Airport was not operating and a local pilot provided fuel to a visiting plane. He advised that the Chamber of Commerce will be recognizing the Chamber's 2009 Business Man, Business Woman and Business of the Year on February 5th.

Eleanor Keuning thanked the Board for the appointment of Richard Westfall to the Historic Sites and Records Preservation Commission. She stated she is disappointed that Jeff Denham didn't stay longer; she would have like to speak to him. She advised that she had read the past two years of Grand Jury Reports expressing concern relative to the cost of producing the copies and paying the Grand Jury when nothing transpires from the complaints of citizens. She advised that there was a feature of Mariposa County done by Channel 30 news on goldrushcam.com relative to how well Mariposa is doing in spite of the recession with clips of interviews of local business owners and visitors. She expressed concern relative to the expense of John C. Fremont Health Care District producing a color brochure recently as well as similar brochure sent out by the State.

Mike McCreary responded to Eleanor Keuning's concern relative to the John C. Fremont Health Care District's brochure, stating that the purpose of the brochure is to educate the community with health topics and assistance for responsible decision making for their individual health.

Board Information

Supervisor Aborn advised of a high speed rail meeting involving several counties that the rail will travel through. He suggested that relative to Board of Supervisors meetings, each year the seats of the Board of Supervisors be moved around for variety.

Supervisor Allen wished everyone a Happy New Year, and addressed the current economy. He expressed his concern relative to Stanislaus County's intent to withdraw from Mountain Valley EMS. He has met with Dr. Mosher to discuss options relative to the void that will be experienced if this happens and advised the Board that we have until June of 2011 to meet with them on this issue. He recapped events and accomplishments of last year County wide and thanked Department Heads and staff, stating that he feels Mariposa has the best Department Heads and employees in the state; he also thanked the community for their participation in the Board meetings.

Supervisor Bibby will attend the Mental Health Board meeting on Thursday. January 25th she will attend a meeting with Duper Tong, CalTrans Safety and Transportation Representative, relative to the incoming complaints regarding the proposed sidewalks by the Arts Park relative to losing the parking on the street; there will be a meeting with Public Works as well. January 19th, Ross Chittenden, who will be replacing Kome Ajise, will provide an update on the Ferguson Rock Slide. She thanked Marvin Wells for his County input, wisdom and humor. She also thanked County staff for their service in 2009 and the upcoming year of 2010.

Supervisor Turpin congratulated Chair Cann and Vice-Chair Allen. He remarked about the "Road Runner" incident that occurs during his travels to the Government Center from the North County. He provided statistics of the visitors, residents and County employees and the responsibility of the Board of Supervisors in keeping it running smoothly. He advised that the Travel Management Plan presentation will be held tomorrow night in Greeley Hill. The Sierra Nevada Conservancy meeting will be held on Thursday. Friday he will attend a future fire station meeting, and advised these meetings are held monthly and they are making progress.

Supervisor Cann thanked the Board for his appointment as Chair, advising he will approach the job very seriously and professionally. He congratulated the Fire Chief and his staff for their work regarding the calendar produced by Pierce featuring two of Mariposa's new Fire trucks. He thanked the Chamber of Commerce for a very successful Merry Mountain Christmas Parade. He feels that our predecessors have set this County in a very stable financial position and that Mariposa County needs to stay diligent to stay ahead of our State Government. He advised that there are more elections in this non presidential year than ever and he urged the community to get involved. Thursday he will be attending the collaborative forestry group that the Sierra Nevada Conservancy is hosting, a continuing process looking to grow business in communities that are gateway to large masses of Federal land. Thursday the 14th there will be a Gateway Partners meeting in Yosemite, this group is reforming itself and has now been taken over by participants which was the goal of the Park Service all along, and they will be forming an

advisory group to the partners. They are asking that as many County Department Heads and County Administrative Officers as possible attend this meeting.

Rick Benson, County Administrative Officer, addressed concerns relative to the School District, advising that recently the School District received funds from a TRAN, (Tax Revenue Anticipation Note), commonly used by Governmental entities. He advised that Mariposa County provides assistance to the Mariposa County School District through the County Auditor as the bank for the School District providing disbursements per the School District's instruction. The County has no authority over how their funds are expended, it would not only be improper but illegal for the County to make decisions regarding the School District and how they manage their funds. The funds that came into the County were deposited in a default manner for the School District and it is up to the School District to decide where the funds are expended.

Becky Crafts, Assessor-Recorder;

PUBLIC HEARING to Change the Fee for Recording and Indexing the First Page of an Official Record from \$4.00 to \$10.00

BOARD ACTION: Becky Crafts presented the staff report. She explained the current process of obtaining a Death Certificate. She advised that this is to notify the Board of Supervisors and the Public that she has completed the requirement of performing a survey and a study on the actual costs to record a document and that County Counsel agrees with this determination. She informed the Board that all surrounding counties have increased their fees to \$10.00. Steve Dahlem, County Counsel, responded to Supervisor Bibby's question stating that Government Code 27361 is a statutory authority that allows the Assessor to increase to a not to exceed \$10.00 fee. He believes the appropriate action based on the documentation that has been provided would be to authorize the Assessor to charge the not to exceed \$10.00 for the first page. Discussion was held relative to the manner of the voting process of this item.

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

Ruth Shane asked if a death register is a searchable database online. Becky Crafts responded that this is confidential information that is protected for identity theft purposes and that the public now has to complete an application for a death certificate and a birth certificate for protection of the public.

The public portion of the hearing was closed. (M)Turpin, (S)Aborn, Res. 10-12 was adopted approving increasing the fees from \$4 to \$10 dollars for the first page of an official record/Ayes: Unanimous.

Approval of Summary of Proceedings of December 15, 2009, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M) Aborn (S) Allen /Ayes: Aborn, Turpin, Cann, Allen; Abstain: Bibby.

Appoint Richard J. Benson, County Administrative Officer, as County's Negotiator Concerning Possible Acquisition of Properties Located on Old Highway (APN's 017-390-014 & 017-390-015) (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that he spoke with Dana Hertfelder, Public Works Director and Jim Wilson, Fire Chief, stating they agree that either property would be suitable for the new fire station. Supervisor Bibby advised that she has visited each property and briefly described each one. Supervisor Cann asked that the County not abandon working with the School District regarding the property recently negotiated. Rick Benson responded that we are still working with the School District and they have been very helpful in meeting requirements to sell their property. Supervisor Bibby advised of the great expense to the School District in meeting the requirements to prepare the property for sale and advised that they are working with their attorney to bring the property into regulation regardless of the County pursuing the sale. (M) Allen, (S) Bibby, Res. 10-13 was adopted appointing Richard J. Benson, County Administrative Officer, as County's negotiator concerning possible acquisition of properties located on Old Highway (APN's 017-390-014 & 017-390-015)/Ayes: Unanimous.

Approve a Letter of Response to the Stanislaus National Forest Motorized Travel Management Final Environmental Impact Statement (FEIS), Proposed Action of Alternate #1, and Authorize the Board of Supervisors Chair to Sign the Letter (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin advised that the Final Environment Impact Statement (FEIS) does not address the issues that our Board sent to them in a letter dated May 8, 2009. Supervisor Turpin asked Rick Benson, County Administrative Officer, if this is an appeal that Stanislaus National Forest would be required to sit down with us and address our concerns, and he expressed concern of their ability to manage all of what they are proposing. Rick Benson responded that he could add a request for a meeting prior to their approval of the FEIS to this letter. Supervisor Bibby brought up discussion relative to designating staging areas for off highway vehicles, suggesting adding search and rescue efforts wording. Supervisor Turpin concurred. Discussion was held relative to the National Environmental Policy Act requirement (NEPA) that Stanislaus National Forest is required to respond to our comments as a commenting agency. Supervisor Cann asked if Stanislaus National Forest has the authority to allow non-licensed vehicles on these roads and asked if we are maintaining Forest Service roads. Supervisor Turpin responded we have a Memorandum of Understanding with the Forest Service listing these roads, and advised that Mariposa County has a history of maintaining these roads for many years. He reminded the Board that Rick Benson advised that, according to the CHP, non-licensed vehicles are not allowed on these roads. Supervisor Aborn recommended a legal review of what our next step is and suggested doing a follow up letter in addition to this letter. Supervisor Allen advised that the Forest Service doesn't always respond to community calls and as a result Mariposa County Sheriff are contacted. He expressed concerns relative to fire danger, relative to the public coming up from the cities, unfamiliar with the area, using roads that are not designated for off highway vehicles. Supervisor Cann suggested sending a copy of the letter to the Department of Agriculture. Discussion was held relative to additional wording and sending the letter certified. Supervisor Bibby suggested the County Administrative Officer check Title III funding for possible use towards forest lands. Supervisor Turpin advised that the Forest Service Supervisor will be here next Tuesday, January 12th for a presentation.

Input from the public was provided by the following:

Sabrina Lion of Lion Towing and Automotive in Greeley Hill advised that they closed their business of Lion Quad rentals because of this issue. She expressed concern that road 2S23, which is a legal crossover and a fire break, has been locked by a homeowner, and expressed concern relative to non-licensed vehicles on these roads.

MaryAnn Huff commented that she remembers this has been going on for years and expressed concern that the off highway roads are important to North County businesses as a draw for tourists.

Supervisor Turpin advised that the Board is not endorsing any of the Stanislaus National Forest alternates; we are addressing their recommended decision. Supervisor Bibby asked the time frame and if this item can come back to the Board next week. She commented about not listing certain roads in the resolution and suggested comparing the RS2477 to this letter. Supervisor Cann responded that if this is a final record of decision Stanislaus National Forest is done with their FEIS and we have legal rights to continue pursuing our concerns. Further discussion was held relative to moving forward with changes based on discussion and sending the letter as soon as possible. (M)Turpin, (S)Allen, Res. 10-14 was adopted with changes as discussed and authorizing the Chair to sign the letter as approved/Ayes: Unanimous.

11:20 a.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: APN's 017-390-014 & 017-390-015; Agency Negotiator: Richard J. Benson; Name of Party who will Negotiate with County (Not Party's Agent): Sidney Radanovich; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/Risk Manager); and **CLOSED SESSION:** Liability Claims; Claimant Name: Bryce Johnson; Claim Number: C09-19; Name of Agency Sued: County of Mariposa (County Administrative Officer/Personnel/Risk Manager)

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

11:46 a.m. Chair Cann advised that information was received as a result of the closed sessions.

CONSENT AGENDA:

- CA-1 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 10-1
- CA-2 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 10-2
- CA-3 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 10-3
- CA-4 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 10-4
- CA-5 Appoint Richard Westfall to the Historic Sites and Records Preservation Commission to the At-Large, Alternate Position (Supervisors Bibby and Allen)
- CA-6 Accept the Resignation of Albert Handy from the Assessment Appeals Board (Supervisor Allen)
- CA-7 Approve an Agreement with Allen, Fagalde, Albertoni & Flores, LLP to Represent the County Public Administrator in the Probate of Beauford Barnhard and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 10-5
- CA-8 Approve an Amendment of the Current Memorandum of Understanding for Foster Family Home Licensing with the California Department of Social Services and Authorize the Board of Supervisors Chair to Sign the Amendment and the Contractor Certification Clauses (Human Services Director); Res. 10-6
- CA-9 Appoint Bob Linneman to the Mental Health Board as a Member At-Large with a Term Expiring January 5, 2013 (Human Services Director)
- CA-10 Approve the Alcohol and Drug Services to Apply for a Grant with California Emergency Management Agency (Cal-EMA) to Allow Continued Services for the Offender Treatment Program Clients (Human Services Director); Res. 10-7
- CA-11 Approve the Fiscal Year 2009-2010 V.1 Amended Negotiated Net Amount (NNA) and Drug Medical-Cal (DMC) Agreement with the State Department of Alcohol and Drug Programs (ADP) Increasing the Amount by \$37,749 for a New Total of \$543,386 and Authorize the Board of Supervisors Chair to Sign the Amendment (Human Services Director); Res. 10-8
- CA-12 Approve Submission of the Grant to Expand Substance Abuse Treatment Capacity in Targeted Areas of Need – Local Recovery Oriented Systems of Care (CFDA # 93.243) in the amount of \$1,200,000 to the Department of Health and Human Services – Substance Abuse and Mental Health Services Administration (Human Services Director); Res. 10-9
- CA-13 Approve an Agreement with Mariposa First Five for Smart Start Visiting Nurse Program and Authorize the Board of Supervisors Chair to Sign the Agreement (Health Officer); Res. 10-10

- CA-14 Re-Appoint Jessie Figueroa and Suzanne Turpin as Members and Appoint Nannette Wardles as Alternate to the Mountain Valley Regional Advisory Committee for E.M.S. (Health Officer)
- CA-15 Recommend the Rejection of Claim No. C09-19 Filed by Bryce Johnson for \$550,000 and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); Res. 10-11

11:46 a.m. Adjournment in memory of Jim Randack, Lenore M. Emerson, Edythe Helen Comstock, Ann M. Williams, Bonnie Lemaster, and Alice P. Meriam.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

TRACY GAUTHIER
Deputy Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

January 12, 2010



Folder _____ Time _____ Description _____

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

Pledge of Allegiance

Introductions

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

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

BOARD ACTION: Item 5 was pulled by Chair Cann. (M) Allen, (S) Aborn the balance of the items was approved/Ayes: Unanimous.

Chair Cann;

Resolution and Tile Plaque Recognizing Linda Brower, Upon her Retirement as Jail Officer, Mariposa County Sheriff's Department

BOARD ACTION: (M) Bibby, (S) Turpin, Res. 10-15 was adopted and presented to Linda Brower, along with a tile plaque/Ayes: Unanimous.

9:15 a.m. Recess

9:25 a.m. Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Keith Williams, Mariposa County Treasurer/Tax Collector/County Clerk, advised the Board that a link has been added to the Elections website "what precinct do I live in?" for voters, and a link to each Supervisor's webpage. Supervisor Cann asked Keith if he is anticipating a redistricting requirement. Keith responded he is expecting a GIS map in the near future that will show the concentration of voters, which will allow him to see if some precinct lines may need to be adjusted in the future in preparation of redistricting in 2011. Supervisor Cann asked if it is possible to have a district map that clearly defines districts. Keith responded that in working with Emily Meriam in Planning, they are getting close to having a map for each district showing all the roads.

Supervisor Turpin asked what percentage of the residents are registered voters. Keith responded there are approximately 11,200 registered voters with a population of approximately 18,000, and the numbers are fairly equal in all districts. Supervisor Bibby expressed gratitude relative to the amount of calls that Keith and his staff may get relative to new roads and renaming of the roads and for the progress of the County website. Keith Williams advised that the election website has a lot of information for the public.

Sabrina Lyon expressed concern relative to the Stanislaus Motorized Travel Management FEIS (Final Environmental Impact Statement) and Mariposa County roads in the North County. She

advised that the historical Ponderosa Way in Greeley Hill has been gated and locked by a property owner because the current procedure grants the right to close and lock a road. She provided a letter to the Board and addressed a petition in reference to the amount of community members that have the same concerns relative to road closures and the effect on tourism.

Suzette Laffranchi expressed concern relative to the North County roads and requested the Board take action on the issue.

Gene Dalton spoke in support of Sabrina Lyon's letter stating that these roads have provided the youth an enjoyable activity and he would like to see it continue.

A resident of Ponderosa Way advised that there are signatures of over 300 residents that would like to have this road unlocked.

Joy Hess expressed concern regarding the road closures.

Tom Love, bar/restaurant Manager of Hotel Jeffrey, stated that hundreds of tourists visit the hotel and if the tourists lose access to the roads the businesses will feel the impact.

Kathleen Love, realtor in the North County, stated that Greeley Hill doesn't have a lot of paved roads; most are dirt and are traveled often, including back roads that save travel time. She expressed concern relative to fire safety, family hikes and the loss of tourism business with Greeley Hill's inability to promote off road and horse trails, and requested that these roads be kept open.

MaryAnn Huff, expressed concern relative to the lack of tourists in the North County, and that money is being spent to bring the tourists to the North County. Her family comes to visit and spend time at Buck Meadows. Some of the big bike shops in the Bay Area have offered to partner with us for business. These trails and roads are assets to our County and we can't lose them. She asked that the Board look into this.

Peter Shimmelfennig, Chamber of Commerce Executive Director, stated there are several business owners who could not take time to come to this meeting. He feels that there is more to be addressed and that a policy should be put in place to protect these areas and suggested economic studies, traffic studies, and EPA, along with other issues.

Les Marsden advised that he plans to run for the 19th Congressional seat; he spoke of his background, and family history of farming and owning a market. He feels that agriculture is the most important issue for this district. He stated his responsibility will be to the Planning Commission and the Mariposa Symphony first and if he is elected he will be back here in Mariposa, home.

Ruth Catalan stated it is not appropriate for someone to campaign to the Board, she feels he has no business doing what he just did.

Les Marsden acknowledged Ruth Catalan's comment and advised that he understands there was another candidate here last week and he is here only to address his responsibilities to the County.

Eleanor Keuning thanked the Board for grading Leonard Road last week and suggested the Board visit the goldrushcam website.

Board Information

Supervisor Bibby advised that the funds are getting tighter, she sits on the First 5 Commission and the Community Action Agency and they are currently going through an audit process to prove the funds are going to First through Five. She encouraged anyone submitting grants to ensure there is an output tracking measure in place due to deadlines getting tighter. She advised that Ross Chittenden of Caltrans will be here next Tuesday; they will be looking at the Ferguson site and providing an update. She advised that the State Budget is being closely watched and encouraged public input on what we should and should not tolerate. Yosemite National Park is getting an increase in tourism due to the PBS (Public Broadcast System) program on National Parks. She thanked the County Road Department and other County Departments in advance for their efforts with the up coming storms.

Supervisor Turpin attended the Travel Management meeting in Greeley Hill last week. Later today when the Stanislaus Forest Service is here for their presentation our concerns will be stressed regarding their proposed alternative again. He advised that other Counties have the same issues with proposed winter road closures. Friday he attended the monthly future fire station meeting. He attended the Historic Sites and Records Preservation meeting. Next Wednesday he will attend the SWIFT (South West Interface Team) meeting in Moccasin with different fire agencies; they have been able to establish many fuel breaks in Mariposa and Tuolumne Counties. Interviews for Building

Department Director will be held on Friday. He added that during the Forest Service presentation they will point out the Date Flat area, which is the staging area for OHV's, relative to the proposed closed winter roads.

Supervisor Allen had a meeting with County Counsel, County Administrative Officer and Planning staff relative to a proposed ordinance regarding marijuana dispensaries. The local Democrat organization installed their new President, John Stewart. Keith William's computerization with the precincts has been phenomenal and he feels that the Board of Supervisors should follow suit and put their information out as well, not just the agendas but the attachments as well. He thanked Marvin Wells for the Pepsi collectors' glass. He advised that Madera County has passed a BID (Business Improvement District) and are in direct competition with us; we have to stay in front of this. He addressed the Governor's budget taking money from Counties last year and it appears it will occur again this year. He feels the Governor is shifting all of his State responsibilities back to the County level.

Supervisor Aborn encouraged the communities to get involved with the various committees, commissions and advisory boards. Tonight there is an El Portal Planning Advisory Committee meeting. Tomorrow there is an Airport Advisory Committee meeting and an Ad Hoc Committee meeting addressing the Airport Fixed Base Operator. Thursday is a Gateway Partners meeting in Yosemite National Park. The Midpines Planning Advisory Committee meeting is Thursday regarding replacing the fire station due to concerns about structure. The Catheys Valley plan is coming back to the Board to address the environmental issues.

Supervisor Cann encouraged the community to attend the Butterfly Days first meeting tonight. He will attend the RCRC (Regional Council of Rural Counties) annual meeting tomorrow in Sacramento, he has agreed to be Vice-Chair of Joint Environmental Powers Authority this year and Chair next year. Thursday he plans to attend the Gateway Partners meeting in Yosemite National Park. He has had a few meetings with people seeking grants; he thanked Marilyn Lidyoff and the Economic Development Corporation in purchasing the eCivis search site for the County to find grant opportunities. He attended a portion of the Historic Sites and Records Preservation Committee meeting, discussion was held on cemetery maintenance and development. He attended the Parks and Recreation meeting relative to the Midpines Fire Station.

Richard J. Benson advised that there was a telephone conference yesterday with all County Administrative Officers to discuss the Governor's proposed budget. The Governor is projecting a 19.9 billion dollar deficit; 6.6 billion this year, and 12.3 billion in 2010/2011, which includes a 1 billion dollar reserve. He advised that they are counting on 6.9 billion from the Federal Government that is not yet guaranteed. If these funds don't come in there will be significant cuts in the Governor's proposal to the Health and Human Services budgets, such as program elimination of CalWORKs, In Home Supportive Services (IHSS) and Healthy Family programs, there will also be reductions in Corrections, MediCAL, Mental Health services, and several other areas. The biggest hits to Mariposa County would be in Health and Human Services. Other cuts would include but not be limited to, the elimination of the sales tax on gasoline, in which a portion is protected by Proposition 42, and would be replaced with an excise tax. This is set up to reduce 1.6 billion across the State and would affect our funds for roads. There would also be no funding for Williamson Act Subvention. There is a proposal for a 4.8 percent surcharge on all residential and commercial property insurance State wide to fund CalFire and several reductions in state employee pay and the State work force. The only plus is the Governor's proposal to reimburse for the special election last May. We are part of CSAC which is working to ensure that all of this doesn't fall on the Counties, which would significantly impact our ability to deliver the important services that Counties provide.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager; Approve a One-Year Memorandum of Understanding (MOU) with the California United Homecare Workers Union (CUHW) and the Mariposa County In-Home Supportive Services (IHSS) Public Authority and Authorize the Board of Supervisors Chair to Sign the MOU

BOARD ACTION Rick Benson presented a staff report and explained the services provided by IHSS are for residents that meet the requirements and advised that the funding comes primarily from State and Federal funding. Up until this time they have not had representation and they have been paid

minimum wage. The new rate would become affective when the State approves this new rate. There is a funding formula in which the County pays 17.5%. If the funding formula changes, our contract with the workers will allow us to reduce the wages back down to \$8.00 per hour. He feels this is a fair agreement and recommended approval. Rick Benson responded to questions of the Board relative to how the Governor's proposed State Budget would affect the MOU, stating it would involve eligibility criteria and advising that he believes the formula will stand as it and if there are changes there will be no cost to the County; the MOU and the cost to the County is tied to the formula and if the program went away so would the MOU. (M) Allen, (S) Aborn, Res. 10-25 was adopted approving the recommendation/Ayes: Unanimous.

B) Approve the Proposed Job Description of Master Gardener Coordinator as an Extra-Help Only Classification and Set the Hourly Rate at \$17.70, and Approve Budget Action Transferring Funds within the Cooperative Extension Budget to Cover the Position

BOARD ACTION: Rick Benson introduced the item. Maxwell Norton, Interim Farm Advisor informed the Board that this position was instrumental last year and briefly explained the tasks and activities of this position. He advised that there will be a salary savings to the County. He introduced the Master Gardeners who were present for the meeting.

Supervisor Bibby asked if there are any other charges such as vehicles or new office equipment required. Maxwell Norton responded that there will be one vehicle used, and no new office equipment will be needed. He does not anticipate additional costs to the County. He responded to further questions of the Board relative to receiving two inquiries about the position. (M) Bibby, (S) Turpin, Res. 10-26 was adopted approving the job description and the Budget Action transferring funds within the Cooperative Extension Budget to cover the position/Ayes: Unanimous.

10:40 a.m. Recess

11:02 a.m. Supervisor Turpin;

Susan Skalski, Forest Supervisor, and Margaret Dowd, District Ranger, Stanislaus National Forest, to Present a PowerPoint Presentation of the Motorized Travel Management Plan

BOARD ACTION: Supervisor Turpin introduced Susan Skalski, Margaret Dowd, and John Maschi, Forest Planner. A handout and a CD were provided to the Board and the public. John Maschi explained the Environmental Impact Study process, the three alternatives resulting from the EIS and how they decided on alternative one. He advised of the 33% increase in sales of off highway vehicles. He informed the Board that the biggest changes from the Draft to Final EIS were in appendix J in their response to public comment. He advised that every comment was responded to.

Susan Skalski explained alternative one and the four important keys that she used to come to her decision of alternative one with modifications in response to public comments, and recommended the Board review the Record of Decision. She feels alternative one is the most balanced decision in terms of protection of resources and providing motorized travel opportunities across the forest. This decision is a work in progress; there will be future opportunities to analyze when they do vegetation management projects, additional changes can be made through that planning process. She stated the contact person is Sue Warren. John Maschi provided a slide with information on how to appeal.

Supervisor Turpin thanked them for their presentation and asked if John could explain the appeal process. John Maschi advised that the appeal deadline is January 19th, and in order to have standing to appeal you must have submitted comments during the comment period. The appeal review must be completed by March 5th, (45 days). He explained the requirements. There is a 15 day waiting period that must be met before implementation can be made to the motor vehicle use map. He responded to questions of Supervisor Turpin advising that if comments were made during the appropriate time any additional comments for an appeal can be made prior to the deadline of midnight, January 19th. Further discussion was held relative to appeal mitigation prior to implementation. Supervisor Turpin clarified that the plan can be amended during the appeal process. Susan Skalski advised that the appellants will be contacted before March 5th.

Public comment open:

Sabrina Lyon felt it was made clear to her early on that if letters of concern were deemed insignificant they wouldn't be addressed and feels the letters from Mariposa County and her petition have gone un-addressed. She expressed concern relative to the road closures between December 15th and April 15th. She feels the economics of the North County were not considered and that the EIS leaves no legal off highway crossover.

Suzette Laffranchi expressed concern on the route designation and winter travel. She doesn't think the Forest Service took the economic aspect into consideration.

MaryAnn Huff encouraged the Board to challenge the system, stating we need to protect our lands and grow tourism.

Keith Williams, off highway rider, thanked the Board for their appeal on this issue. He suggested the Board put pressure on Stanislaus National Forest to apply for Green Sticker funds. He advised that the Sierra National Forest EIS is right around the corner.

Supervisor Aborn said he reflects the average tourist and has been coming here since 1973 to hike and equestrian ride. The facilities should be open as much as possible.

Supervisor Allen expressed concern regarding Stanislaus National Forest's ability to protect our resources and enforce what they are putting in their plan.

Supervisor Bibby asked Susan Skalski for clarification that all appeals will be addressed.

Supervisor Turpin expressed concerns of the blanket area of closures and the economic importance to local businesses. This is a management nightmare that for years has not been controlled and it is important to get a grasp on this. John Maschi responded to Supervisor Turpin stating mitigations may take more than one year.

John Maschi addressed the public advising that anyone from the public could call or meet with him, and stated all comments were addressed.

Supervisor Cann reminded the public and the Board what our appeal involves and if we are concerned about economic aspects we can give direction to bring an item back for an additional letter prior to midnight January 19, 2010.

Rick Benson, County Administrative Officer, was given direction to bring back an item next week to address the economic aspect of the proposed plan.

Supervisor Turpin invited the Forest Service staff back in the future to provide an updated presentation. Susan Skalski suggested that Maggie Dowd combine this issue with the Stanislaus Forest fire coverage within Mariposa County in the spring.

12:05 p.m. Recess

12:20 p.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Authorize the Local Transportation Commission to Relinquish the American Recovery Reinvestment Act (ARRA) Transportation Enhancement (TE) Funds in the Amount of \$24,366 to the County of Calaveras

COMMISSION ACTION: Dana Hertfelder advised the Commission that the County applied for this funding to be used for the Masonic Hall and the funding was not used in the allotted timeframe. These funds will be lost to Mariposa County and it would be difficult to come up with a project for this amount without the NEPA (National Environmental Policy Act) process and recommended this funding be allocated to Calaveras County to enable the funding to remain within a rural County. Dana Hertfelder responded to questions of the Board relative to program eligibility and advised the Board that the deadline has passed and it can not be extended. Further discussion was held. (M) Cann, (S) Bibby, LTC Res. 10-1 was adopted relinquishing the American Recovery Reinvestment Act (ARRA) Transportation Enhancement (TE) funds in the amount of \$24,366 to the County of Calaveras/Ayes: Unanimous.

C) Authorize the Local Transportation Commission to Relinquish the Proposition 1B Public

Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) Funds in the Amount of \$34,369 to the County of Merced, Yosemite Area Regional Transportation System (YARTS) (Dana Hertfelder, Public Works Director)

COMMISSION ACTION: Dana Hertfelder provided background information relative to YARTS, and advised of the County of Merced's request to utilize \$34,369 of Mariposa County's PTMISEA funds. These funds have been difficult for Mariposa County to use based on the specified criteria. He informed the Board that they are looking for another project to utilize the allocated funds, and in the mean time the YARTS project is a specific need the funds can be used for. Dana Hertfelder responded to questions of the Board advising that a portion of these funds are being used for the gate project at Public Works as a safety and security issue and the project is moving forward. Further discussion was held. (M) Cann, (S) Aborn, LTC Res. 10-2 was adopted authorizing the Local Transportation Commission to relinquish the Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) funds in the amount of \$34,369 to the County of Merced, Yosemite Area Regional Transportation System (YARTS)/Ayes: Unanimous.

12:25 p.m. Board of Supervisors Reconvened

Approve a Sub-Recipient Agreement with the Valley Small Business Development Corporation in the Amount of \$185,000 to Assist the County on Implementing the Microenterprise Business Assistance Program under the Economic Development Allocation of the California Community Economic Enterprise Fund Component from the State of California, Department of Housing and Community Development (HCD) (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson introduced the item. Marilyn Lidyoff, Economic Development Coordinator, advised that she has had 18 businesses call with interest in the loan application. She informed the Board that she will be returning next week to officially launch the program, and responded to questions of the Board relative to loan disbursement, monitoring of the program, the inclusion of start up businesses who meet the income qualification and have been in business less than 3 years, the existing funds of \$200,000 being held at the CDBG office until a fund remittance has been submitted, the accruing interest to date being earned by the State at this time, and the Economic Development budget for next year. Further discussion was held relative to the loan terms, the submission of a one page environmental study with each application, and payments coming back to the County with interest.

Input from the public was provided by the following:

MaryAnn Huff spoke in support of this program and mentioned interests of potential businesses in the North County.

Marilyn Lidyoff advised that she has already applied for next year and an additional \$300,000 has been approved. (M) Aborn, (S) Allen, Res. 10-27 was adopted approving a sub-recipient agreement with the Valley Small Business Development Corporation in the amount of \$185,000 Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of January 5, 2010, Regular Meeting (Clerk of the Board)
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 10-16
- CA-3 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 10-17
- CA-4 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 10-18

- CA-5 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 10-24
- CA-6 Approve Budget Action Transferring Funds within the Sheriff's DNA Identification Fund to Cover an Extra-Help Jailer Position (\$7,000); Res. 10-19
- CA-7 Authorize the Sheriff to Apply for the 2010 Remote Community Alert Systems Program, a Federal Grant Program (Sheriff); Res. 10-20
- CA-8 Authorize the Public Works Department to Remove Two Cattle Guards on Indian Peak Road, Located at Post Mile 16.330 and 17.181 (Public Works Director); Res. 10-21
- CA-9 Approve Budget Action Transferring Funds within the Roads Fund for the Purchase of a Snow Plow (\$7,307) (Public Works Director); Res. 10-22
- CA-10 Approve Resolution for Submittal of Energy Efficiency Conservation Block Grant Application to the California Energy Commission in the Amount of \$102,062 (Public Works Director); Res. 10-23

The Board adjourned at 12:58 p.m. in memory of Judith Yaras, Alinda Franklin, Theda N. Barthomew, Mark Michael Montoya, and Edith S. Dewey.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

TRACY GAUTHIER
Deputy Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

January 19, 2010



Time Description

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

Pledge of Allegiance

Introductions

Chair Cann called for a moment of silence in consideration of all that is going on in the world today.

Chair Cann advised that the public hearings for the Program Income Reuse Plan and to approve the Mariposa County Microenterprise Business Assistance Program Guidelines under the State of California Block Grant Program are scheduled for 10:00 a.m. He advised that the discussion relative to the Board meeting agenda format will include discussion of the public presentation portion of the agenda.

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

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

BOARD ACTION: Chair Cann advised that item 1 is withdrawn and will be scheduled on the agenda for January 26th. (M)Bibby, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

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

Dennis Croucher was present with Ken Lambert and advised that the US Census 2010 process is beginning, including recruitment for census takers.

Peter Schimmelfennig, Executive Director for the Chamber of Commerce, advised that the census information is available on their website and their e-blast. He advised that they closed their polls for nominations for businessman, businesswoman and business of the year; and the Chamber's installation dinner is scheduled for February 5th.

Ruth Catalan commented on the status of responses she receives from Board members to her emails and asked that Board members at least acknowledge receipt of the emails. She stated she would like to see the agritourism and Williamson Act policies process move forward.

Marvin Wells welcomed "grandma Margie"/Clerk of the Board back following her vacation for the birth of her grandson – Tommy Williams.

Jeanetta Phillips asked about the status of the agritourism and asked when and if the Mountain Home and Mountain General land use classifications will be addressed.

Eleanor Keuning publicly thanked Adult Protective Services and the Sheriff's Department for the assistance they provided during the power outages in checking on the elderly.

Board Information

Supervisor Aborn commented on the recent power outages and cautioned that residents need to have carbon monoxide alarms if using generators. He commented on soliciting public input for Board meetings and provided input on water issues and the importance of water to the County.

Supervisor Allen advised that he attended the Tourism Bureau Board of Directors meeting last week at the Library. He advised that he was busy this week doing research for the Yosemite-Alpine Community Services District. He commented on the recent power outages and thanked PG&E for their work and the Sheriff's Department for the reverse 9-1-1 calls advising of the planned outage. He noted that if citizens did not get a message from the reverse 9-1-1 call, they should contact the Sheriff's Department to update the list. He thanked Marvin Wells for the Pepsi and the glasses.

Supervisor Bibby advised that she plans to attend the Calaveras-Mariposa Community Action Agency eight-hour training on the 21st. She extended special congratulations to Margie Williams and family on the birth of her grandson. She remembered those we lost recently. She plans to attend the Mother Lode Job Training meeting in Sonora on the 27th and advised that they are looking for a public sector member; and she is looking for a representative from District III to serve on the Commission on Aging. She noted that Merced Irrigation District has announced the appointment of John Sweigard as their new General Manager, and she asked that he be invited for an introduction to the Board. She advised that Fire Chief Jim Wilson forwarded an email from the National Fire Sprinkler Association relative to new requirements for fire safety sprinkler systems. She thanked the Sheriff's Department for the code red alert for the power outage.

Supervisor Turpin advised that he attended the SWIFT (Southwest Interface meeting) at Moccasin on Wednesday, and he attended the Tourism Bureau meeting, and advised that work is still progressing on the John Muir road naming issue and geotourism. He attended the Airport Advisory Board meeting and the Airport committee meeting – the due date for request for proposals for airport operator is January 25th. He took part in the screening/interviews of applicants for the Building Director on Friday. He plans to attend the Sierra Nevada Conservancy meeting in Sonora on Monday and the Calaveras-Mariposa Community Action Agency training on Thursday in Mariposa. He plans to attend the fire station planning meeting on Friday. He plans to attend the Resource Conservation and Development job forum on Monday at the Government Center and the Tuolumne-Mariposa Regional Advisory Council meeting in Sonora in the afternoon. He commented on the recent power outages and the Sheriff's Department notification of the planned outage.

Supervisor Cann noted that MPUD (Mariposa Public Utility District) replaced the valves and controls in the Mariposa Reservoir and they are able to pump water from the River. He commented on the work by PG&E and the recent power outages. He attended the RCRC (Regional Council of Rural Counties) meeting in Sacramento last week and issues were discussed relative to the status of the State budget and pending legislation, including the open primary election proposal. He advised that Tehama County sued Shasta County relative to the DMV (Department of Motor Vehicles) reimbursement of drivers' license fees and vehicle license fees to counties based on zip codes versus actual County of residence. He commented on the IRWMP (Integrated Regional Water Management Plan) status, and advised that he has information on the greenhouse gas/global warming legislation. He commented on litigation relative to the collection of TOT (transient occupancy tax) by on-line companies. He advised that he attended the Gateway Partners meeting on Thursday with County Counsel, County Administrative Officer, and Supervisor Aborn. He advised that he brought back "Got your bags" buttons from RCRC which is part of a promotion to eliminate plastic bag waste; and he referred to former Supervisor Pickard's efforts with the Keep California Beautiful campaign and with the local schools on creating the design logo. He plans to be out of town the rest of the week to visit his ill father in Pennsylvania.

Supervisor Turpin commented on the zip code issues in North County with the collection of DMV revenue for the County; and Supervisor Bibby provided input relative to the boats that are in the County, but registered in Shasta.

Discussion and Approval of the County's 2010 Legislative Platform (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson initiated discussion. Supervisor Bibby suggested that consideration be given to adding support of collection of revenues due the counties and the State; support of the State's efforts in maintaining safe food production and the California Grown campaign; and supporting the State's tourism and shop in California programs. Supervisor Allen provided a reminder for the Board that it needs to live up to the platform on a local level; i.e., being user friendly for businesses; and he feels the retirement system needs to change. Supervisor Aborn suggested that water and land use issues be included. Chair Cann suggested that the Board members meet with the County Administrative Officer on drafting suggested language changes for further consideration by the Board.

Input from the public was provided by the following:

Lester Bridges, President of the Chamber of Commerce, advised that they are willing and welcome an offer to provide input relative to business in the County – he noted the importance of small businesses.

(M)Bibby, (S)Turpin, Res. 10-33 was adopted approving the 2010 Legislative Platform. Supervisor Aborn asked that the Platform be brought back in two weeks for further consideration of possible amendments. Ayes: Unanimous.

10:01 a.m. Richard J. Benson, County Administrative Officer
PUBLIC HEARINGS:

A) To Adopt a Resolution Approving the Program Income Reuse Plan Funded by the State of California Housing and Community Development Block Grant

BOARD ACTION: Rick Benson and Marilyn Lidyoff/Economic Development Coordinator presented the staff report. Marilyn Lidyoff responded to questions from the Board relative to the use of the funds and the use of the funds that are repaid; and relative to the income level criteria.

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

Jeanetta Phillips commended Marilyn Lidyoff for her work on this program; and she stated she would like to see the County pursue funding for those in the next income level.

Sara Hogg stated she is excited about this program. She is on disability and this program will give her a chance to become more independent by pursuing a small business.

Steve Lach, President of Mariposa Brewing Company, thanked Marilyn Lidyoff for her work on this program and he commented on how this program could help his business. He also thanked the Tourism Bureau for their promotion.

Heather Lawson, Lawson Studio, provided input on how this program could help her with her business development.

Jeremy Collins, Collins Construction, commented on the importance of the small businesses in the County and the importance of this program to the small contractors.

Eleanor Keuning stated she agrees with Jeanette Phillips' input and would like to see this pursued further.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Aborn, (S)Allen, Res. 10-34 was adopted approving the Program Income Reuse Plan/Ayes: Unanimous. The hearing was closed.

B) To Approve the Mariposa County Microenterprise Business Assistance Program Guidelines under the State of California Block Grant Program

BOARD ACTION: Rick Benson and Marilyn Lidyoff presented the staff report. Marilyn Lidyoff responded to questions from the Board relative to the application process and timeframes; selection process for the members of the Loan Advisory Board; how the length of the loans are determined; relative to the workshops; and relative to storage of the loan documents. Supervisor Bibby asked that staff review the issue of criminal history and being able to meet the loan requirements and have a better explanation for the potential applicants. Chair Cann noted that the comments received at the hearing before this also apply to this matter.

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

Tolley Gorham commented on the viability of the business itself and requirements and criteria for the small owner/operated business and asked for clarification of whether the owner is considered an employee. He also asked whether there could be more than five part-time employees as long as they do not exceed the five-full time equivalent criteria. He stated he feels that this is a wonderful program for getting a small cottage industry started; and he feels it would be great to have programs to stimulate larger businesses in the County. He feels the history of the General Plan should be reviewed and revisions considered that would make industrial sites more available and workable.

The public portion of the hearing was closed and the Board commenced with deliberations. Marilyn Lidyoff responded to the public input relative to determining the viability of a business proposal and advised that there can be more than five part-time employees as long as the allowed five-full time equivalent positions are not exceeded. Marilyn Lidyoff responded to questions from the Board relative to clarifying that Planning's review would be whether a business is permitted in a specific area versus determining the viability of a business; and relative to our loan program being up to \$25,000 versus the allowance of \$50,000. (M)Bibby, (S)Aborn, Res. 10-35 was adopted approving the Microenterprise Business Assistance Program Guidelines/Ayes: Unanimous. The hearing was closed.

10:45 a.m. Recess

11:03 a.m. Ross Chittenden, CalTrans District 10 Director, and Christine Cox, Environmental Office Chief, to Provide Ferguson Rockslide Update

BOARD ACTION: Ross Chittenden gave an introduction of himself; advised that Dinah Bortner is the Deputy Director for Project Management; and he provided an update on the status of the Ferguson Rockslide project. Grace Magsayo, Project Manager, reviewed the six alternatives and costs to restore full access. Christine Cox reviewed the status of the environmental process and timeframes. Grace Magsayo reviewed the overall schedule for the project – they plan to make a recommendation on the preferred alternative in late summer 2010, process the federal funding request and finalize the Environmental Impact Statement and have final preparation of the plans for the project to be able to advertise in the spring of 2013. They are estimating three years for the actual construction phase. Ross Chittenden provided additional input relative to CalTrans' commitment to this project; and he advised that he would like to schedule regular visits to the Board to discuss this project and projects in general for the County. Chair Cann asked that he coordinate regular interaction with the County Administrative Officer. Supervisor Aborn asked that handouts of the updates be provided so he could forward the information to the El Portal area, etc. Supervisor Bibby reiterated the need to keep the road open during construction. Discussion was held, including the ongoing need to make sure that the public knows that the road is open. Supervisor Aborn showed a sample sign showing the Highway 140 corridor as the "all weather route" to Yosemite and advised that he is working with CalTrans on this. Rick Benson asked if CalTrans has received any strong opposition to any of the alternatives, and discussion was held. Supervisor Cann advised that the Centennial of the National Park Service occurs in 2016 and this will be the largest event held in Yosemite and he asked that this be taken into consideration with this project.

11:47 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation: For Items within the Jurisdiction of the Commission and not on Today's Agenda – None

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

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

11:50 a.m. MARIPOSA COUNTY WATER AGENCY

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

A) Public Presentation: For Items within the Jurisdiction of the Agency and not on Today’s Agenda - None

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

AGENCY ACTION: (M)Bibby, (S)Aborn, Director Cann was selected to continue to serve as Chair and Director Turpin was selected to continue to serve as Vice-Chair/Ayes: Unanimous.

Selection of Board Member Representation on the Job Connection Mariposa Governing Board (MLJT) (Clerk of the Board)

BOARD ACTION: (M)Allen, (S)Aborn, Supervisor Bibby was selected to continue to serve as the representative/Ayes: Unanimous.

Discussion Regarding Changes to the Board Meeting Agenda Format (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson initiated discussion relative to the suggested changes: each Board item will be numbered and the agenda will follow sequentially (eliminating the differentiation between timed and attention items, and including the Consent Agenda items); items will be grouped by departments; and hearings which generate significant public interest or which require attendance by a significant number of participants will generally be scheduled for 2:00 p.m. Discussion was held relative to the suggestions, including how public presentations are handled; handling timed issues other than public hearings; and scheduling updates from department heads that are not on the agenda. The Board concurred with the suggested changes, including adding a statement that five minutes will be the maximum allowed on public presentations, and with direction that timed presentations be scheduled early in the meeting when possible.

Approve a Letter Appealing the Stanislaus National Forest Motorized Travel Management Record of Decision and Final Environmental Impact Statement (FEIS), of Alternative #1, and Authorize the Board of Supervisors Chair to Sign the Letter (Supervisor Turpin)

BOARD ACTION: Discussion was held relative to the draft letter and coordinating responses from departments on these types of matters. (M)Turpin, (S)Aborn, Res. 10-36 was adopted approving the letter of additional appeal/Ayes: Unanimous.

11:39 a.m. Lunch

2:02 p.m. Kris Schenk, Planning Director;

Adopt a Resolution for Action on Appeal No. 2009-114, an Appeal of the Planning Director’s Determination Regarding a Portion of Certificate of Compliance Application No. 2007-093 for Twelve (12) “Fractionalized” Patents. Applicants and Appellants: Jeff Miller and Layne Clifton (Project Site for Certificate of Compliance Application No. 2007-093 was APN 016-080-002 (Now a Retired APN); 871 Highway 140 Near the Merced/Mariposa County Line) Continued from December 15, 2009

BOARD ACTION: Chair Cann advised that the public hearing is reopened as directed by the Board (on December 15, 2009). Kris Schenk advised of the options available to the Board for action. Sarah Williams, Deputy Planning Director, provided the staff report and reviewed the events and issues for this matter. Staff responded to questions from the Board relative to consolidation of certificates of compliance; status of other appeals relating to the subject property; definition of certificate of compliance; whether there was anything in the research to show intent for the fractionalized parcels; relative to the applicant being able to provide additional information; relative to the *Tehama* case and fractionalized parcels; whether there are any documents that define the fractionalized parcels; whether there was any discussion or explanation of why the boundary lines were drawn in straight lines on the grant deeds creating small parcels; whether the surrounding land is under Williamson Act; and relative to the assignment of Assessor Parcel Numbers (APN).

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

Appellants Presentation:

Jeff Miller held up a stack of documents that he brought, including abstracts of titles, court cases, and patents; and he advised that he was told that these were not needed by Planning. He advised that the only evidence he has relative to the creation of the fractionalized parcels is the oral testimony that he has given. He referred to the Board's appeal policies and functions of the Board relative to duties and operating procedures; and he advised that he does not feel that the appeal procedures allow for a public hearing to be reopened, and he objects on those grounds. He expressed concern with the resolution process for this matter – he noted that Planning had a formal resolution prepared for one available action by the Board and not the other. He feels that leaves the appellants with the risk of having to go through two hearings. He feels that the Board made its decision on November 3rd and that the hearing cannot be reopened. If he is wrong on this matter, he feels that the resolution should be adopted at the end of the hearing and not at a later date. He noted that MERG's appeal was received after the Board's decision on November 3rd; and he feels that this process exceeds the existing appeal procedures as no new information was received. He noted that the Board's rules do not call for sworn testimony and he feels those procedures should be reviewed. He feels MERG's role is to discuss policy and land use issues, and that the issuance of certificates of compliance is a ministerial act. He referred to the testimony at the original hearing relative to his involvement with his family's business, and he advised that he is willing to provide sworn testimony. Supervisor Cann clarified his statement at the December 15, 2009 hearing relative to the testimony being uncollaborated and unsworn. Mr. Miller responded to questions from the Board relative to the intent when the property boundaries were established; and he advised that his family had lands in several counties and it was a long process. The boundaries in Mariposa County were drawn based on the productivity of the fields, value of the acreage and where the fence lines were to be placed. He advised of his request of the attorney to write separate deeds for each parcel, and the attorney advised him that it was not necessary – they were separate parcels as divided. He advised of the change in the property for the Lasgoity ranch; and he advised of his previous discussion with the Assessor's Office relative to APNs for the parcels. He responded to questions relative to applying the *Tehama* case and setting precedence; and he stated he feels that it applies to matters where the parties were deceased. He feels it will be very rare for someone in his situation to be alive and able to advise of the discussions that were held with the attorney on the intent.

Staff responded to questions from the Board relative to consideration of the patents and the issue of intent. Steve Dahlem, County Counsel, responded to a question from the Board relative to the issue of reopening the public hearing; and he advised that the Board did not take final action on November 3, 2009 on this matter.

Opponents Presentation:

Rita Kidd, MERG Board member, advised that they have been interested and involved in the decision making relative to historic parcels for a number of years. They completed a Public Records Act review and they were actively involved in questioning the recordation of parcels South of Highway 140. Their interest is in regard to the County's practice of issuing unconditional certificates of compliance. She referred to the *Tehama* case and previous testimony by Mr. Miller relative to foreclosures and deeding of properties and being able to have a complete chain of title of the parcels. She feels that the boundary lines were drawn because the attorney did not know about patents or didn't understand that he was violating the Subdivision Map Act. She referred to the previous testimony about the deed not being provided and the uncollaborated testimony. She advised that she prepared a complete transcript of the November 3rd proceedings and questioned the Board accepting the oral testimony. She referred to an appeal submitted in 2006 which addressed the issue of unconditional certificates of compliance. She advised that the State law allows for merger of parcels of substandard size. She referred to the history of the *Tehama* case and the subsequent full publication of the case. She recommended that the Board abide by Planning's first recommendation to deny the appeal, and she noted that this does not preclude Mr. Miller from coming forward with additional records for consideration.

Rebuttal:

Jeff Miller advised that the attorney did not draw the parcel boundary lines – his family did, and he does not feel that the Subdivision Map Act was violated as this was not subject to the Act. He provided input relative to the fractionalized parcels.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the fractionalized parcels on the other side of the boundary; approval of fractionalized parcels prior to the *Tehama* case and whether the subject parcels would have met the thresholds previous to the *Tehama* case; and relative to the title search process. (M)Aborn, (S)Bibby, Res. 10-37 was adopted denying Appeal No. 2009-114 with findings. Further deliberation was held, and Supervisor Turpin clarified that the option is still available for further consideration of this matter. Ayes: Aborn, Bibby, Cann; Noes: Turpin, Allen. The hearing was closed.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of January 12, 2010, Regular Meeting (Clerk of the Board); continued to January 26th
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 10-28
- CA-3 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 10-29
- CA-4 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 10-30
- CA-5 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 10-31
- CA-6 Accept the Resignation of Catherine (Pinky) Collamer from the El Portal Planning Advisory Committee; Appoint Michael Ross to the El Portal Planning Advisory Committee with a Term Expiring February 28, 2012 (Supervisor Aborn)
- CA-7 Authorize the Sheriff to Sign Agreement 07-LE-11051360-006 Exhibit A with the United States Department of Agriculture, Sierra National Forest to Assist in Providing Law Enforcement Services on National Forest Lands within Mariposa County (Sheriff); Res. 10-32
- CA-8 Appoint Patrick McCarthy as the Early Childhood Educator Representative and Re-Appoint Debbie Smith as the Human Services Representative to the Mariposa County First 5 Commission with Terms Expiring January 19, 2013 (Human Services Director)
- CA-9 Re-Appoint Keri Cabezut Ortiz as an At-Large Member to the Water Agency Advisory Board with a Term Expiring January 19, 2013 (Supervisor Bibby)

(M)Allen, (S)Bibby, the Board adjourned at 3:11 p.m. in memory of June M. Meagher and Leota E. Striplin/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS January 26, 2010



Time Description

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

Pledge of Allegiance

Introductions

Chair Cann called for a moment of silence in consideration of all that is going on in the world today.

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

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

Board Action: Chair Cann withdrew the January 12, 2010 Summary of Proceedings from item 1, the item will be scheduled. Supervisors Turpin and Bibby pulled item 6 for further discussion. Chair Cann commented on item 11. (M) Allen, (S) Aborn, the balance of the items was approved/Ayes: Unanimous.

Input was provided by the following:

Ruth Catalan commented on item 6 asking for clarification on the amount.

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

Sheriff Brian Muller provided an update on the recent cock fighting incident and advised that a Code Red was put out to the neighboring properties to lock up homes, barns, cars, etc. He named the many agencies involved with the efforts noting that of the 35 adults arrested, they had detained four, one being the organizer who has now posted bailed. Approximately \$20,000 in cash was confiscated and we will be able to retain some but not all of the funds. The land owner was not present and claims no knowledge of the incident. Supervisor Bibby thanked all the assisting agencies.

Peter Schimmelfennig, President of the Chamber of Commerce announced the Chamber Installment Dinner at the Best Western, Man of the Year is Trent Williams and Gary Williams, Woman of the Year is Pearl Williams, and Business of the Year is the Mariposa County Fairgrounds. A Lifetime achievement award will be presented to Donald W. Haag.

MaryAnn Huff expressed concern regarding the early release of prisoners due to the State Budget.

Sheriff Muller addressed MaryAnn Huff's concern noting that they are working closely with Legislators on this issue. It is unknown what modifications may be made at the State level, and he will provide information as he hears news. Many prisoners are being released unsupervised, putting the responsibility back on County Probation.

Supervisor Allen addressed the concerns of the early release of prisoners adding that this does not include violent offenders. Sheriff Muller stated that they have been unwilling to compromise when it comes to violent crimes. The State budget will dictate the future. Supervisor Allen advised that the Parole Officer has search and seizure rights but the monitoring goes back to local law enforcement.

Eleanor Keuning mentioned she is grateful of the five minute limit to public presentations. She presented articles clipped from recent newspaper issues relative to the public getting involved in public meetings and relative to a previous discussion regarding the hiring of an overweight person having more medical problems. She requested clarification of Supervisors Turpin and Bibby on yesterdays meeting regarding business loans. She spoke of creating jobs, of the ROP (Regional Occupational Program) classes that are available in Mariposa, and the need for a class in tourism hospitality. She expressed concern relative to recycling and the need for approximately 14 different bins per household, stating and she is still not satisfied with the landfill.

Marvin Wells asked the Board to allow County employees time off to donate blood on February 4, 2010. He shared an award he received for donating 20 gallons of blood and expressed the need for blood donors.

County Fire Chief Wilson reinforced Marvin's encouragement for the blood drive advising that by the age of 75, 90 percent of the people will have needed a blood transfusion and only 5 % of the public donates.

MaryAnn Huff feels there is no greater joy than to donate blood. She has donated blood and bone marrow to her sister. She commented regarding educating our businesses in hospitality training advising that if someone comes up with a class, businesses would be willing to attend.

Board Information

Supervisor Turpin attended the Sierra Nevada Conservancy meeting last Wednesday. He attended a Supervisors training last Thursday, the Resource Conservation Job Forum yesterday, and the CSAC (California State Association of Counties) meeting on Wednesday. There will be an Economic Development meeting here tomorrow.

Supervisor Bibby attended the Job Forum yesterday, the Community Action Agency training, and a tree planting memorial for Alinda Franklin on Saturday. There is a 4H meeting tonight, they are working towards getting a Mariposa 4H representative to the State Fair. She commented that chicken fighting is animal cruelty and it should be reported to the Sheriff's Department.

Supervisor Allen attended a meeting regarding the three new fire stations with Chief Wilson, Dana Hertfelder and Supervisor Aborn. The power finally came on last night in Wawona, but Fish Camp still has no power due to down trees. PG&E is using helicopters to raise poles with the assistance of Asplundh; he thanked them for getting there and advised it would be another two weeks before the power is back on for Fish Camp. He worked with Animal Control on a new rescue. He commented that the Chamber of Commerce will be acknowledging some of the best during their Installation Dinner. He encouraged the community to donate blood.

Supervisor Aborn commented that the level of the reservoir is up. The Midpines Advisory Committee Chair and Vice-Chair were selected and they are getting close to recommending the Midpines Community Plan and encouraged residents to get involved in these meetings. He will be attending a High Speed Rail Committee meeting on February 11th stating that they are focusing on Pacheco Pass. He advised that he is running for re-election.

Supervisor Cann recently visited his ailing father in Pennsylvania. He has invited RCRC (Regional Council of Rural Counties) members to come to Mariposa and brief some staff on global warming and the impact on our planning issues. He has set up a meeting with Government liaison and Large Account rep from PG&E to brief us on outages (recent and potential) and the Exchequer Dam operation. He will attend the Chamber of Commerce Installation Dinner on February 4th, and will represent Mariposa County at the FFA (Future Farmers of America) banquet tomorrow night. He feels hospitality is important and the issue just didn't get enough traction eight years ago.

Consider Items Removed from the Consent Agenda

Item 6 – Supervisor Turpin initiated discussion relative to the correct Change Order amount. Dana Hertfelder, Public Works Director, responded. Rick Benson, County Administrative Officer advised that a 4/5ths vote is not required. (M) Allen, (S) Aborn, Res. 10-48 was adopted approving a Change Order to an Agreement with Verley Construction for the Hornitos Park Restroom Project in the amount of \$7,605/Ayes: Unanimous.

9:58 a.m. Recess

10:06 a.m. Dana Hertfelder, Public Works Director;

Discussion and Direction from the Board of Supervisors Regarding Proposed Changes in Operation of the Coulterville, Hornitos, and Fish Camp Transfer Stations

Board Action Dana Hertfelder provided the staff report and requested the Board approve the item as recommended. Discussion was held relative to providing enough bins to cover the demand.

Clarification was made relative to specific times of operation for each location. (M) Allen, (S) Turpin, direction was given to staff to make the recommended changes in operation of the Coulterville, Hornitos, and Fish Camp Transfer Stations/Ayes: Unanimous.

10:17 a.m. CALENDAR

Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Specific Plan/Zoning Amendment No. 2009-101. Action Includes Adopting a Resolution Approving the Project and Amending the Mariposa Town Planning Area Specific Plan, and Finding Project is Exempt and Directing Staff to File a Notice of Exemption, Waiving the First Reading and Introduce an Ordinance Amending the Zoning Ordinance Text. The Project Proposes to Amend the Mariposa Town Planning Area Specific Plan and Mariposa Zoning Ordinance to Implement the Mariposa County General Plan's Definition for Bed and Breakfast Inns within the Mariposa Town Planning Area. The Proposed Zoning Ordinance Amendment would Change the Definition of Bed and Breakfast Establishment to Allow Up to Five (5) Bedrooms to be Occupied by Transients. The Current Limit is Three (3) Bedrooms in a Bed and Breakfast. The Amendment would also Add that Breakfast is Prepared each day in a Bed and Breakfast Inn in a Kitchen Appropriately Permitted by the Health Department. The Proposed Amendment is to Section 3.15.B of the Mariposa Town Planning Area Specific Plan and Section 17.334.020 of the Zoning Ordinance. Mariposa County, Project Proponent

Board Action Kris Schenk advised that the Board adopted a similar Ordinance previously and that this item is brought to the Board for consistency and to follow up on an action regarding allowing five bedrooms in town. Karen Peneschi, Assistant Planner, presented the staff report and recommended approval as proposed. Supervisor Bibby urged affected individuals in the community to extend their permits. Karen Peneschi responded to questions of the Board relative to compliance with the Health Department advising that currently three beds can serve but not prepare food at the site.

The public portion of the hearing was opened and input was provided by the following: None.

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

(M) Aborn, (S) Bibby, Res. 10-49 was adopted approving Specific Plan/Zoning Amendment No. 209-101 as proposed, and finding project is exempt and directing staff to file a Notice of Exemption, the first reading was waived and an Ordinance amending the Zoning Ordinance text was introduced and read into the record. Ayes: Unanimous. The hearing was closed.

10:33 a.m. CALENDAR

Jim Rydingsword, Human Services Director;

PUBLIC HEARING to Consider the Approval of Submission of the MHSA – Capital Facilities/Information Technology Plan in the Amount of \$788,500 to the California State Department of Mental Health

Board Action Jim Rydingsword explained the grant process of the past year and advised that this will probably be the last one. He reported that this will allow an expanded level of service to the North County and that he has reviewed this request with the Mental Health Board and requested that the Board act favorably upon this request. Supervisor Allen commended Jim Rydingsword for using technology that is available. Supervisor Bibby expressed thanks for the outreach and accepting public input, and advised that the rules and regulations will be watched closely to ensure the program isn't interrupted. Jim Rydingsword advised that a position will be created in the department for a Mental Health Services Coordinator to work with the Fiscal office on the program. Jim Rydingsword responded to questions of the Board relative to permit compliance with DesCor's coordinator, and the funds available for this project. Rick Benson, County Administrative Officer advised that this funding source is separate from the State Budget and not in jeopardy.

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

MaryAnn Huff commented that it is wonderful to have the technology and accessibility in the North County and encouraged getting the word out to the North County residents.

The public portion of the hearing was closed and the Board commenced with deliberations. (M) Turpin, (S) Aborn, Res. 10-50 was adopted approving the submission of the MHSA – Capitol Facilities/Information Technology Plan. Ayes: Unanimous. The hearing was closed.

10:50 a.m. Supervisor Bibby and Supervisor Allen;

Waive Reading and Adopt an Interim Urgency Ordinance Pursuant to California Government Code Section 65858 Effective Immediately to Define Medical Marijuana Dispensary and Prohibit the Establishment of Medical Marijuana Dispensaries within the County of Mariposa. If this Interim Urgency Ordinance is Adopted it will Expire in 45 Days after Adoption unless the Board Holds a Public Hearing to Extend the Ordinance within the 45 Day Period (4/5ths Vote Required)

Board Action Supervisor Bibby initiated discussion relative to this Ordinance not taking away the individual use rights. Supervisor Allen advised that the Planning Department and County Counsel are also involved in this process and we are aware Proposition 215 needs, but there are some that abuse the system. We are not stopping permitted individuals from growing their own; this is just to stop the dispensaries. Studies have shown crime can increase due to dispensaries. Supervisor Bibby noted that people outside of Mariposa County are showing an interest in relocating to Mariposa because so many other Counties have prohibited dispensaries. Supervisor Cann explained the purpose of this Interim Urgency Ordinance is to allow the County to come up with regulations to deal with this.

Input from the public was provided by the following:

Florence Bryce said she would like to see the statistics on dispensaries and rising crimes, she could not find any statistics. She asked what steps the County will take during the 45 days of the interim Ordinance. She remarked that some people are not physically able to raise their own due to health issues and are in tremendous pain, requesting that the Board to act on this responsibly.

Ruth Catalan expressed concern relative to how long it is taking the County to adopt a final Ordinance after an initial Interim Urgency Ordinance is adopted and relative to possible law suits due to the length of time the process is taking.

Sheriff Muller stated that on the aspect of the public it is important to address this issue; other Counties have had problems by not putting a moratorium in place first. Relative to the impact of crime rates on communities, there are statistics of Los Angeles and San Francisco with Los Angeles showing an increase in crime of 200% and 57.1% in aggravated assaults, San Francisco was similar but didn't break it down in percentage like Los Angeles. There are currently 120 cities and counties with a ban on dispensaries. Problems identified are the impact on surrounding businesses with their business dropping and the availability to minor's increasing. He suggested the Board obtain public feed back as it is important to have this discussion with the community.

Supervisor Cann advised that the County is required to deal with this issue within the 45 days and that there is some mobility to extend this as necessary. (M) Allen, (S) Turpin, the second reading was waived and Ordinance 1067 was adopted effective immediately to define medical marijuana dispensary and prohibit the establishment of medical marijuana dispensaries within the County of Mariposa/Ayes: Unanimous.

Dr. Mosher, Health Officer;

Approve Designating the Health Department as Administering Agency for the California Medical Marijuana Identification Card Program in Mariposa County; Authorize the Health Officer to Submit Required Documents to the State to Implement the Medical Marijuana Identification Card Program and Apply for a Computer Password; Authorize the Fee of \$213.00 for Processing and Issuing a Medical Marijuana Identification Card

Board Action Dr. Mosher presented the staff report and advised that State law requires Counties to have a process in place for issuing medical marijuana identification cards but it is not mandatory for a permitted user to obtain an identification card. Dr. Mosher responded to questions of the Board advising that each applicant would have an appointment with him personally and that the \$213 fee will cover County time and there will be additional State fees added. HIPAA (Health Insurance Portability and Accountability Act) requirements have been taken into consideration, and the State requires a release of information. The application and

required information is submitted to the State and the State issues the identification card. If any of the applicant's information changes the identification card is void and the individual would need to apply for a new card. More than a dozen individuals are expected to apply and the information is entered into a database to ensure there aren't applications in multiple Counties. (M) Allen, (S) Bibby, Res. 10-51 was adopted designating the Health Department as administering agency for the California Medical Marijuana Identification Card Program in Mariposa County; authorizing the Health Officer to submit required documents to the State to implement the Medical Marijuana Identification Card Program and apply for a computer password; and authorizing the fee of \$213 for processing and issuing of medical marijuana identification cards/eyes: Unanimous.

12:09 p.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: APNs 017-390-014 & 017-390-015; Agency Negotiator: Richard J. Benson; Name of Party who will Negotiate with County (Not Party's Agent): Paul M. McLaughlin; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: (M) Turpin, (S) Allen, the Board approved holding this closed session after lunch, at 1:30 p.m./Ayes: Unanimous.

12:10 p.m. Lunch

1:35 p.m. The Board convened in closed session.

2:04 p.m. Chair Cann announced that as a result of the closed session direction was given to staff.

2:06 p.m. CALENDAR

Steven W. Dahlem, County Counsel;

PUBLIC HEARING to Waive Reading and Adopt a Final Extension of the Interim Urgency Ordinance which was Adopted on February 3, 2009 and an Extension was Subsequently Adopted Commencing on March 18, 2009, Prohibiting the Approval of Agritourism uses Relative to Chapter 17.40 and Chapter 17.148 of the Mariposa County Code, with the Exception of any Existing Permit Applications which have been Deemed Complete for Processing as of the Date of the Adoption of the Interim Urgency Ordinance. This Final Extension Shall be Effective for One (1) Year Commencing on February 2, 2010, and Shall Expire one (1) Year thereafter. This Extension is Adopted Pursuant to California Government Code Section 65858 (4/5ths Vote Required)

Board Action Steve Dahlem provided a brief overview of the history of the Interim Urgency Ordinance. Kris Schenk, Planning Director, summarized the progress of the Agriculture Tourism Advisory Committee and advised that staff is confident that the Planning Commission will be able to complete a previous lengthy project during next Friday's Planning Commission meeting allowing them to come back to this issue. Staff anticipates bringing the Agriculture Tourism Ordinance to the Planning Commission in March and to the Board in the spring.

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

Peter Schimmelfennig, Executive Director of the Chamber of Commerce, expressed concerns regarding tourism and cautioned the Board relative to the economic decline and requested consideration of ninety days to complete the ordinance. He reported that as the owner of Hotel Jeffrey he has been personally affected.

MaryAnn Huff commented that the Chamber of Commerce has been very active in this project and feels that the Board of Supervisors selected a very diverse group of people for this project. She encouraged the Board not to delay this any longer.

Rita Kidd urged the Board to review the Economic Development Corporation website as it encourages people to come to Mariposa County and open their business.

Ken Baker, Manager of Coyote Springs Ranch, commented that people have stopped at the Ranch looking for a job. He commented that the Governor is in favor of Agritourism and that it is the fastest growing industry in the agriculture world. He asked what the emergency is that we need this ordinance; would it not be better to have a plan in place for new people to get started right away, and he suggested that Mariposa County be the first to come up with a program.

Anita Starchman/Bryant, Starchman & Bryant Attorneys at Law, gave credit to the Agriculture Tourism Committee. She commented that the Board asked the committee to come back within 120 days and they met that time frame. Now we are looking at 2 years, it's not fair for the land owners and business owners to wait any longer.

The public portion of the hearing was closed and the Board commenced with deliberations. (M) Bibby, (S) Allen, Res. 10-53 was adopted approving a final extension of the Interim Urgency Ordinance/Ayes: Aborn, Bibby, Cann, Allen; Oppose: Turpin.
Kris Schenk, Planning Director;

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.

NOTE: Applicant has Requested a 30-Day Continuance. Staff Recommends that the Board of Supervisors Open the Public Hearing and Continue it Until Tuesday, March 9, 2010 at 2:00 p.m.

Board Action Kris Schenk advised that John Henderson, Bill Abbott and the applicant will be available on March 9, 2010. (M) Turpin, (S) Allen, the public hearing was continued to March 9, 2010 at 2:00 p.m./Ayes: Unanimous.

Authorize the Department of Public Works to Issue a Request for Proposal for Three New Fire Stations (Fish Camp, Midpines & Lake Don Pedro) in Mariposa County (Public Works Director)

Board Action Dana Hertfelder presented the staff report and provided a brief history of this item, advising the Board that they are looking at three alternatives for the Midpines fire station. The action today will allow them to work directly with the metal contractor to design the buildings allowing a reduction in the timeline of the project. Discussion was held relative to heating the buildings.

Input from the public was provided by the following:

Don Fox, member of the Midpines Planning Advisory Committee, provided a handout and stated his primary concern is that this is an awkward site, suggesting that another alternative be looked into. He feels there is a possible conflict of use regarding pedestrians and vehicles, being near the Park and Ride, Church, Child Care, and Community Hall. He advised that resident's support the need for a fire station and urged the Board to take another look at the environmental issues as well as appearance relative to changing the character of the site from residential to commercial.

Discussion was held relative to Chief Wilson's request for a four bay structure and relative to what fits best with the park and the Scenic Highway Overlay with consideration of each of the three alternatives and their final outcome. (M) Turpin, (S) Aborn, Res. 10-52 was adopted authorizing the Department of Public Works to issue a Request for Proposal for three new fire stations (Fish Camp, Midpines & Lake Don Pedro) in Mariposa County. Under discussion Supervisor Bibby asked if specifics such as siding on the building could be mitigated to choose a product that looks like wood. Dana Hertfelder responded that there is no requirement on a metal building in the Scenic Highway Overlay and the project will go through a design review process. Ayes: Unanimous.

Selection of Board Member Representation on Agencies (Clerk of the Board)

Board Action Discussion was held. (M) Bibby, (S) Aborn, the following appointments were made:

Area Agency on Aging/PSA 12: Representative – Supervisor Allen; Alternate – Supervisor Aborn

California State Association of Counties (CSAC): Director – Supervisor Turpin
Alternates – Supervisors Cann, Bibby, Aborn, and Allen

CSAC Advisory Committee on Court Facilities: Representative – Supervisor Turpin;
Staff Support – County Administrative Officer and Public Works Director

CSAC Excess Insurance Authority/(EIA) Liability Insurance: Representative – County Administrative Officer; Alternate – Deputy County Administrative Officer

Calaveras-Mariposa Community Action Agency: Representatives – Supervisors Turpin and Bibby

County Medical Services Program (CMSP): Representative – Supervisor Allen

Foreign Trade Zone Advisory: Member – Supervisor Bibby

Job Connection Mariposa Governing Board (Mother Lode Job Training): Representative – Supervisor Bibby; Alternate – Supervisor Aborn

Mountain Counties Air Basin: Representative – Supervisor Turpin; Alternate – Supervisor Cann

Mountain Valley Emergency Medical Services Agency and Regional Advisory Board: Representative – Supervisor Allen; Elected Alternate – Supervisor Bibby; Alternate/Chairman of EMCC

National Association of Counties (NACO): Representative – Supervisor Cann; Alternates – Supervisors Bibby, Turpin, Aborn and Allen

Regional Council of Rural Counties (RCRC): Representative – Supervisor Cann; Alternates – Supervisors Bibby, Aborn, Allen and Turpin

RCRC – Environmental Services JPA’s for Solid Waste: Representative – Supervisor Cann; Alternate – Public Works Director

San Joaquin Valley Rail Committee: Representatives – Supervisor Aborn & Marvin Wells/public member

San Joaquin Valley Regional Association of California Counties: Representative – Supervisor Allen

Sierra Nevada Conservancy: Representative to the Sub-region for Mariposa – Supervisor Turpin; Alternate – Supervisor Cann

Yosemite Area Regional Transportation System (YARTS) JPA: Representative – Supervisor Aborn; Alternate – Supervisor Cann

Yosemite/Sequoia Resource Conservation and Development Area: Representative – Supervisor Turpin; Alternate – Supervisors Aborn, Bibby, Cann, and Allen

Ayes: Unanimous.

LAKE DON PEDRO COUNTY SERVICE AREA 1-M

Discussion and Direction to Staff Regarding whether to Continue to Lease the County’s Property Located within the Lake Don Pedro Community Service Area 1-M or in the Alternative, to Sell the Property (County Counsel)

Board Action Steve Dahlem made a correction to the item title and advised that the Board of Supervisors is now sitting as the Lake Don Pedro Service Area 1-M Advisory Board. He provided background and history of the use of this property and advised that the lease is due to expire on April 30, 2010 and recommended a 5-year lease term instead of a 3-year lease term. Dana Hertfelder, Public Works Director, responded to questions of the Board relative to publicizing the solicitation for bids of all County property at the same time to minimize the publication costs. He advised that he is not sure how many other leases there are in the County but could research this so that at the end of this term they could be publicized together. Supervisor Bibby suggested splitting the cost of publication with the awarded bidder.

Input from the public was provided by the following:

MaryAnn Huff asked if this property is the land the golf course was interested in. Supervisor Turpin responded.

Discussion was held relative to where the County publishes necessary public notice information, the cost of expanding publication to include other places being passed on to the awarded bidder, and the bid process. (M) Turpin, (S) Aborn, direction was given to staff to bring back an item declaring the Board’s intent to lease real property for the purpose of grazing and publicize the Board’s intent to accept sealed bids and select the highest bidder to lease real property for a 5-year term/Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of January 12, 2010 (Approval Continued from January 19, 2010); Approval of Summary of Proceedings of January 19, 2010, Regular Meetings (Clerk of the Board); the January 12, 2010 Summary of Proceedings were withdrawn.
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 10-38
- CA-3 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 10-39
- CA-4 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 10-40
- CA-5 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 10-41
- CA-6 Approve a Change Order to an Agreement with Verley Construction for the Hornitos Park Restroom Project in the Amount of \$7,605 and Authorize the Public Works Director to Sign the Change Order (Public Works Director) ; Res. 10-48
- CA-7 Authorize Public Works to Waive Encroachment Permit Fee to Healing Nations (A Non-Profit Organization) for a One-Day Bike Ride through the Don Pedro Area from Merced Falls Road to Highway 132 in Mariposa County (Public Works Director); Res. 10-42
- CA-8 Appoint Jason Randal and Timothy Wennberg as Alternate Members to the Airport Advisory Committee with Terms Expiring January 6, 2014 (Public Works Director)
- CA-9 Approve a Three-Year Lease Agreement Renewal for the Current Fish Camp Fire Station with Yosemite Mountain Ranch and Authorize the Board of Supervisors Chair to Sign the Lease Agreement (Fire Chief); Res. 10-43
- CA-10 Approve Agreement No. 4CA01055 with California Department of Forestry and Fire Protection (CAL FIRE) for Local Fire Protection Dispatch Services from July 1, 2010 to June 30, 2012 and Authorize the Board of Supervisors Chair to Sign the Agreement (Fire Chief); Res. 10-44
- CA-11 Approve the Events Occurring in the Mariposa Arts Park, the Mariposa Creek Parkway, 7th Street, 5th Street Parking Lot, Mariposa County Park/Amphitheater/Skate Park, Mariposa County Court House Lawn, History Center, and Mariposa County Fairgrounds, on April 30, May 1 and May 2, 2010, as Part of the Annual Mariposa's Butterfly Festival as a County Sponsored Event for Insurance Purposes Including use of the Senior Transit Bus; Approve a Letter to CalTrans Approving the Detour of Traffic from State Routes to Mariposa County Roadways for the Duration of the "Mariposa Butterfly Festival Parade", and Authorize the Board of Supervisors Chair to Sign a Letter to the Department of Transportation (Supervisor Cann); Res. 10-45
- CA-12 Approve Increasing the Victim Advocate Position from 60% Permanent Part-Time to 80% Permanent Part-Time Effective February 1, 2010 to June 30, 2010 (District Attorney); Res. 10-46
- CA-13 Approve the US Census Bureau to Use Four Fire Stations to Test and Interview Applicants for Part-Time Census Bureau Employees (Fire Chief); Res. 10-47

CA-14 Approve Certificates of Recognition to the Mariposa County Students who Competed in the 2009-2010 Merced/Mariposa Section Future Farmers of America Project Competition (Supervisor Cann)

The Board adjourned at 2:45 p.m. in memory of Pablo Sepulveda, William Metcalf, James E. Hoppers, DDS, Donald F. Peterson, and Earl Charles Gordo.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

TRACY GAUTHIER
Deputy Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

February 2, 2010



Folder Time Description

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

Pledge of Allegiance

Chair Cann called for a moment of silence in consideration of the challenges facing the County, State and the world. Supervisor Aborn noted that retired military have an option of saluting or putting their arm over their heart during the Pledge.

Chair Cann advised of changes to the agenda format.

Introductions

- 1 Approval of Consent 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 item 12 needs to be amended to have a sunset date, and recommended that it run through March 31st. Supervisor Cann commented on item 13 and the recognitions. (M)Allen, (S)Aborn, all items were approved, including the change as recommended to item 12/Ayes: Unanimous.
- 2 Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda (Limited to Five Minutes).
Chair Cann advised of the five minute time limit for public presentations.
Dick Hutchinson referred to the General Plan and the need to update Title 17 and the Williamson Act policies.
- 3 Board Information
Supervisor Bibby attended the 4-H Council meeting on the 26th and discussion was held relative to 4-H participating as a youth organization in the State Fair exhibit, representing the County. She attended the Mother Lode Job Training meeting on the 27th. She plans to attend the fundraiser at Catheys Valley Elementary School on February 7th. She congratulated the students who received reading awards and the ride in the fire trucks incentive. She plans to attend the Mental Health Board meeting. She commented on the recognition of Trent, Gary and Pearl Williams at the Chamber dinner, and noted the contributions by the late Winnie Williams to the community. She noted the Lions' Club Crab Feed is scheduled for this weekend. She plans to attend the First 5 meeting. She noted the 4-H pancake breakfast is scheduled for February 14th, and that is Valentine's Day.

Supervisor Turpin noted that today is Ground Hog Day and the ground hog saw his shadow. He advised that he attended meetings in Sacramento last week and advised of issues discussed at the Agricultural and Natural Resources Committee meeting – ballot measure relative to jurisdictions creating electricity; ballot measure to include storm water and drainage issues in Proposition 218; Williamson Act subvention funding; solar farms; use of water for frost protection; State budget issues; and relative to gasoline tax and proposal to swap with excise tax funding for road projects.

Supervisor Allen provided input on PG&E's project to install Smart Meters. He advised that he met with people involved with tourism from around the world on Friday and they visited various areas of the County. He attended the Bootjack Fire Station pancake breakfast on Saturday. He plans to attend the Area 12 Agency on Aging meeting in Amador County on Thursday; the Chamber of Commerce dinner on Friday; the Northern County History Center open house on Saturday; and the Lions' Club Crab Feed on Saturday.

Supervisor Aborn advised that he attended the Planning Commission meeting on the 22nd relative to the Williamson Act policies discussion. He advised that proposals submitted for the Airport operator are being reviewed, and the Committee is meeting this Wednesday. He attended the High Speed Rail meeting relative to route issues in Merced on Monday.

Supervisor Cann advised that he and Supervisor Turpin met with representatives of the Federal Department of Commerce and the State Economic and Community Development relative to available funding; and then they met with the local Economic Development Corporation. He commented on Planning's workload and involvement in projects. He advised that he attended the District FFA (Future Farmers of America) project competition banquet and the six students from Mariposa County received Gold Awards; Mikaela Williams received the Outstanding Freshman Award; and he commended Wayne Forsythe and Buz Arnold/High School ag teachers for their work with the students. He met with a group of citizens on Thursday relative to pursuing implementation of the General Plan, and he commented on IRWMP (Integrated Regional Water Management Plan) issues. He attended the Bootjack Fire Station pancake breakfast on Saturday. He plans to meet with representatives from PG&E on Wednesday relative to various issues. He plans to attend the Chamber of Commerce dinner on Friday and Saturday is the Lions' Club Crab Feed.

Rick Benson, County Administrative Officer, advised that he attended a County Administrative Officers meeting on Friday, and he provided input on State budget issues and proposed ballot measures.

Supervisor Turpin advised that he plans to attend a meeting addressing future fire stations on Friday and the Northern Mariposa County History Center open house on Saturday.

Supervisor Bibby commented on the high unemployment problems neighboring counties are facing. She congratulated Don Haag for receiving the Chamber's lifetime achievement award and MaryAnn Huff for her work with the Chamber.

Supervisor Cann asked about scheduling of the mid-year budget review and was advised that it will be scheduled at the end of February.

4

Administration

Approve the Psychiatrist Job Description, Set the Hourly Salary at \$38.10 - \$46.31, and Assign the Classification to the MCMCO Bargaining Unit

BOARD ACTION: Discussion was held.

Input from the public was provided by the following:

Ruth Catalan, Chair of the Mental Health Board, stated she feels this is a very important position.

(M)Bibby, (S)Allen, Res. 10-60 was adopted approving the recommended action/Ayes: Unanimous.

5

Administration

Final Report Regarding the Oliver and Telegraph Fires and Declare an End to the Fire Emergencies

BOARD ACTION: Discussion was held. Jim Wilson, Fire Chief, provided input relative to the process. Rick Benson, Board members, and the Fire Chief commended the following for their assistance with this process: Auditor, Deputy Fire Chief, Public Works, Sheriff, and Administration staff. Supervisor Turpin asked for a breakdown of the reimbursement. Chair Cann commended Supervisor Turpin for attending the briefing meetings during the fire emergencies as Chair of the Board.

Input from the public was provided by the following:

Eleanor Keuning noted the efforts by the Department of Corrections crews with fighting the fires.

Lester Bridges commented on the Chamber event scheduled for Friday and noted that the Fairgrounds is also being recognized. He referred to the Telegraph Fire and noted that the Chamber created a fire relief fund and distributed over \$55,000. He further noted that many of these people have not been able to financially rebuild and he asked that they not be forgotten. He noted that fires are an ongoing problem and we need to be prepared.

Further discussion was held. Rick Benson noted that the Board took action to waive the fees for electrical hookups for the burned-out victims. (M)Allen, (S)Aborn, Res. 10-61 was adopted accepting the final report and declaring an end to the Oliver and Telegraph Fires/Ayes: Unanimous.

10:06 a.m. Recess

6

10:20 a.m. Administration

Michelle Shelton, Luminosity Tech Training and Consulting – Presentation on the Central Sierra Connect Project/Broadband Services

BOARD ACTION: Michelle Shelton gave the presentation on the final report of the Aggregation of Demand study; advised of the status of applications that were submitted for funding projects; and noted that Mother Lode Internet is looking for tower sites. Discussion was held.

Input from the public was provided by the following:

Ken Pulvino, Greeley Hill Rancher and Co-Chair of Central Sierra Connect Project, provided input and urged support of the suggestions made by Michelle Shelton.

Rick Peresan, Technical Services Director, provided input relative to the presentation and work by Michelle Shelton and the group.

Jim Rydingsword, Human Services Director, advised of their work with Michelle Shelton relative to computer centers and training; and he advised that the Department will be switching to a new software program in a month.

Chair Cann advised that the Board will look to the Technical Services Director and the County Administrative Officer to advise it on actions that are important for these projects. Michelle Shelton advised of their new mapping interface where citizens could determine what services are available and posting of the final report on their website: www.centralsierraconnect.org.

Board to Convene as

11:00 a.m. MARIPOSA COUNTY WATER AGENCY
(Chair – Director Cann; Vice-Chair – Director Turpin)

7 Public Presentation: For Items within the Jurisdiction of the Water Agency and not on Today's Agenda

Marvin Wells stated he would like to see action taken to protect the water and watershed in the County. Chair Cann advised that the IRWMP process is dealing with water rights for the County.

8 **Administration**

Approve an Agreement with Mariposa Public Utility District (MPUD) for Consultation Services Regarding the Merced Irrigation District (MID) Federal Energy Regulatory Commission (FERC) Re-Licensing and Related Water Issues in a Not to Exceed Amount of \$10,000; and Authorize the Chairman of the Mariposa County Water Agency to Sign the Contract

AGENCY ACTION: Discussion was held.

Input from the public was provided by the following:

Ruth Catalan questioned why the agreement is retroactive to September 2009 and why it was not addressed at that time.

(M)Turpin, (S)Aborn, Water Agency Res. 10-1 was adopted approving the agreement as recommended/Ayes: Unanimous.

Director Aborn initiated further discussion relative to the importance of protecting the water in the County. Director Turpin suggested that the Resource Conservation District be invited to give a presentation on water issues, the history, Merced Irrigation District and rights with the Chowchilla River, including where we are today and where we are headed. Chair Cann suggested that he and Director Turpin convene a meeting of the Water Agency Advisory Committee to discuss this matter.

Reconvene as

11:16 a.m. BOARD OF SUPERVISORS

CA-9 **Administration/Personnel/Risk Management**

Reject Claim No. C09-21 Filed by Bernard C. Hughes for \$500,000 and Authorize the Chair of the Board of Supervisors to Sign the Notice of Rejection; Res. 10-54

CA-10 **Public Works**

Approve Mariposa Public Works Solid Waste and Recycling Division's Request to Grant Authority to the Rural Counties' Environmental Services Joint Powers (ESJPA) to Submit a Grant for Amnesty Events from the Department of Resources Recycling and Recovery (Cal Recycle) on Behalf of Mariposa County; Res. 10-55

CA-11 **Human Services/Behavioral Health Services**

Approve Contract Amendment with Victor Treatment Center, Inc., to Provide Mental Health Services for Children Placed in Foster Care Outside of Mariposa County; and Authorize the Board of Supervisors Chair to Sign the Amendment; Approve Budget Action Transferring Funds within the Mental Health Services Act Fund to Accommodate the Increase in the Agreement Amount (\$46,800); Res. 10-56

CA-12 **Probation**

Resolution Authorizing Mariposa County Employees to Donate Vacation and/or Compensatory Time to an Employee in the Probation Department; Res. 10-57, with a sunset date of March 31st

CA-13 **Chair Cann**

Approve Certificates of Recognition for the Mariposa County Chamber of Commerce's Selection of 2009 Businessman of the Year (Trent Williams and Gary

Williams), 2009 Businesswoman of the Year (Pearl Williams), 2009 Business of the Year (Mariposa County Fairgrounds), to Receive the Lifetime Achievement Award (Donald W. Haag), and for Recognition as the President of the Chamber of Commerce 2007 through 2009 (MaryAnn Huff)

CA-14

Administration

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-58

CA-15

Administration

Resolution Continuing the Local Emergency Due to the Big Meadow Fire; Res. 10-59

CA-16

Clerk of the Board

Approval of Summary of Proceedings of January 12, 2010, Regular Meeting

17

Consider Items Removed from the Consent Agenda - none

11:16 a.m. Lunch

2:02 p.m. Reconvene

18

Planning

PUBLIC HEARING to Consider Appeal No. 2009-160, an Appeal of the Planning Commission's Denial of Lot Line Adjustment No. 2009-090; Applicants and Appellants – James Craig and Robin Dormer and Irwin and Jessica Iida (Project Site Includes APNs 015-052-018 and 015-052-019, Located at the Corner of Meadow Lane and Triangle Road)

BOARD ACTION: Kris Schenk introduced the appeal; and Alvaro Arias, Associate Planner, presented the staff report. He advised of a correction on circle page 7 to “see the above discussion for No. 2” versus “No. 3.” He advised that proposed findings to support approval of the appeal were received this morning on behalf of the appellant. Staff responded to questions from the Board as to whether there are setback standards for future well or septic installation around the drainage area; whether any of the area on Parcel B that is proposed to be moved to Parcel A is buildable; being able to justify improvement to Parcels A and B with a lot line adjustment; relative to existing improvements on each of the parcels (A, B and C), and the possibility of a variance; relative to the option of equal area exchange and taking into consideration the location of the drainage; relative to the Planning Commission misunderstanding the size of the acreage and the minimum size required by zoning; and relative to the flow of the creek through the drainage and whether the area could be developed.

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

Appellant:

Anita Starchman Bryant, Starchman and Bryant Attorneys at Law, advised that she is representing the Dormers. She asked staff to project the photographs that she emailed to them this morning showing where the current boundary cuts through the house and where the proposed boundary with the lot line adjustment would be. She asked which Board members have visited the site. Supervisors Aborn and Bibby indicated that they have not. Attorney Bryant advised that there is not enough space to develop between the drainage area and the fence. She distributed a copy of a portion of Code Section 17.108.040 which she feels allows for the modification of boundaries of parcels where one or more do not meet the minimum parcel size of the applicable zone provided such modifications will result in the improvement of the circumstances and/or design of both parcels. She

referred to the confusion on the .5-acre parcel size by the Planning Commission members and advised that both parcels (A and B) are currently non-conforming and do not meet the minimum parcel size of 5-acres. She advised that the existing easement does not solve the problem with the locations of the well and septic. The lot line adjustment will remove the encroachments and the negative affect on the title. She referred to the Planning Commission's reasons for denying the lot line adjustment; and she noted that the owners of parcels A and B and C are present to answer questions. She noted that the lot line adjustment does not reduce the developability of parcel B. She could find no legal basis to require an equal exchange of land; and she addressed the impacts of such a requirement, including survey costs and relocation of the fence. She referred to the issue of setting precedents and the conservative interpretation of the codes by the Planning Director and the Commission; and she advised of a similar situation with Lot Line Adjustment Application No. 502 that was approved in 1996. She referred to the suggestion to merge parcels B and C and advised that parcel C should not be considered for discussion with this application. She requested that the Board uphold the appeal and direct staff to process the application. She advised that Rick Lobaugh from Inter County Title Company is present to testify relative to the title issues; and that Attorney Don Starchman is present to testify relative to interpretation of the Code. She responded to questions from the Board as to whether the fence was a joint project with the two property owners; and relative to the date of construction of the septic on parcel B and its location.

Irwin Iida responded to a question from the Board relative to the location of the well that serves parcel B and the septic systems. He advised that there is piping from the existing well on parcel C to serve parcel B. He advised that the septic system for parcel B is on parcel C.

Rick Lobaugh responded to questions from the Board as to whether the encroachment is done through an easement for the well and septic to benefit parcel B. He advised that the Iidas own parcels B and C and they do not need an easement at this time. If they sell a parcel, an easement would need to be created; and he provided input on the title issues.

Don Starchman, Starchman and Bryant Law Offices, advised that he served as Chair of the subcommittee that drafted the Ordinance (for Section 17.108.040) and the text for lot line adjustments between non-conforming parcels was not originally a part of Title 17. He advised that Barry Brouillette came before the subcommittee and cited an example of where it would be beneficial to do a lot line adjustment for substandard parcels as long as there is an advantage to both parcels. He further noted that this Code section has been interpreted that way until five and one-half years ago. He stated he does not feel that financing could be obtained if there is an encroachment on the title of both parcels and he feels the problem needs to be addressed.

Opponent: none

Persons Speaking in Opposition:

Rita Kidd urged the Board to support the Planning Commission and Planning Director's decision in this case. She provided input on the matter and noted that funds were expended for the fence before the lot line adjustment application was submitted. She feels this request is in conflict with the 2006 General Plan which requires findings be made. She feels that the applicant should discuss the matter with staff before submitting an application. She asked why the Board is trying to fix a problem for a buyer that took on this problem, and she feels the existing easement solves the matter. She referred to Implementation Measure 5-9a(2) of the General Plan, and she stated she feels it would be a different circumstance if parcels C and B were owned by two different property owners. She feels the lot line adjustment will make parcel B undevelopable, and she referred to the General Plan procedures

relative to allowing shared wells. She noted that we have not had an opportunity to update the ordinances and feels the General Plan should prevail where there is any conflict. She feels that if this is approved, we could be headed down a “slippery slope.” She urged the Board to not approve the appeal.

Rebuttal:

Anita Starchman Bryant stated she does not know what good it would have done for the applicant to meet with staff before submitting the application as she feels that they would have been given the same information. She does not feel that the application makes parcel B undevelopable. She referred to the shared well issue and advised that the testimony during the General Plan update process referred to the creation of new parcels. She does not feel that this is a “slippery slope” as each case is reviewed on its own merits. She referred to the testimony that the ordinances need to be reviewed if they are in conflict with the General Plan, and she advised that there is no conflict with the language that was referred to; and she asked that the appeal be upheld. She responded to questions from the Board relative to being able to develop parcel B without having an encroachment or easement to parcel C; whether parcel B could be developed if parcel C belonged to someone else; and she advised that the lot line adjustment between parcels A and B would not affect the developability of parcel B. She advised that there is a benefit to parcel B to remove the portion of the house and the well that encroaches on it. Supervisor Bibby commented on the need for all Board members to have the benefit of receiving the same information for an appeal, and she thanked Attorney Bryant for presenting the photographs of the area that Planning staff showed. Attorney Bryant advised that the Board members that visited the site were on their own, she did not go with them.

The public portion of the hearing was closed. Supervisor Cann thanked Alvaro Arias for finding the Grant Deed for him that describes the easement. Rick Benson, County Administrative Officer, asked for clarification of whether the easement goes away with the lot line adjustment application. Steve Dahlem, County Counsel, advised that the Grant Deed document should be introduced and made a part of the record, and it was. Staff responded to questions from the Board relative to review of the proposed findings that were submitted on behalf of the appellant this morning – staff advised that a CEQA determination would need to be incorporated in the findings if the Board takes action to approve the appeal. The Board commenced with deliberations. Supervisor Turpin commented on the neighbors being able to reach agreement. Supervisor Allen commented on the impact of aesthetics for a “jogged” fence for the equal area exchange option. Discussion was held relative to consideration of the creek/drainage location.

(M)Turpin, (S)Allen, Res. 10-62 was adopted upholding Appeal No. 2009-160 with the findings as presented on behalf of the appellant, and with the inclusion of a CEQA determination. County Counsel deferred to staff as to whether they would like to have a recess to have an opportunity to bring back specific findings relative to the CEQA part of the motion. Discussion was held. County Counsel responded to a question from the Board relative to the option of sending the matter back to the Planning Commission for review of all of the information that has been presented, including the misunderstanding relative to the size of the parcels and the zoning; and he advised that sending the matter back to the Commission would be an option; however, the Board is considering this matter on its own merits. Kris Schenk advised that two options are available: 1) consider and adopt the findings at this time; or 2) refer this back to County Counsel and staff for the findings to be brought back, including CEQA findings and General Plan findings raised during the public input portion of the hearing. County Counsel responded to a question from the Board relative to options for action – tentatively upholding the appeal with direction to staff to bring back a resolution with findings and with direction to staff as to the general content of those findings. He responded to a question from the Board as to the status

of the hearing if this option is pursued, and advised that if the Board tentatively approves and upholds the appeal on Lot Line Adjustment No. 2009-090 and directs staff to bring back the appropriate findings that would support the findings presented by the appellant and include the appropriate CEQA finding, that the hearing should be continued to a specific date and time. Supervisor Turpin restated his motion, agreeable with Supervisor Allen as the second, to adopt Res. 10-62 upholding Appeal No. 2009-160 for Lot Line Adjustment No. 2009-090 and directing staff to bring back the appropriate findings that would support the findings presented by the appellant and include the appropriate CEQA finding, and with further direction for the hearing to be continued to a specific date and time. Supervisor Bibby asked for clarification of whether this concludes the Board's deliberations; and was advised that the public comment portion is closed unless action is taken to reopen it. Supervisor Bibby expressed concern about the record and the testimony by the County Administrative Officer and asked County Counsel to review this. Supervisor Aborn expressed concern with a tentative vote before receiving the formal findings. Supervisor Bibby stated she feels this is a site specific case and that it is not precedent setting. Ayes: Turpin, Bibby, Cann, Allen; Noes: Aborn. Chair Cann continued the deliberation phase of the hearing to February 16, 2010 at 2:00 p.m.

Attorney Starchman Bryant noted that with the closure of the public portion of the hearing, that there should not be any public contact with Board member(s) at this point. County Counsel concurred.

While Sarah Williams, Deputy Planning Director was present, Chair Cann commended her daughter, Mikaela Williams, for receiving the Outstanding Freshman Award at the Merced/Mariposa Section FFA Project Competition Banquet.

19

3:44 p.m. Administration

CLOSED SESSION: Public Employee Appointment; Building Department Director Interviews

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

6:25 p.m. Report from Closed Session:

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

20

Adjourn

Chair Cann adjourned the Board meeting at 6:26 p.m. in memory of Gerald "Sam" Leonard, Pierre Arretche, Anne Otto, Gerald F. DuPaul, Christopher Britt, Joe Oliver, and Anthony Vaca.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

February 9, 2010



Folder Time Description

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

Pledge of Allegiance

Introductions

Chair Cann called for a moment of silence in memory of Ethie Radanovich and Scott Pinkerton.

- 1 **Approval of Consent 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 Turpin pulled item 14 for discussion with the Treasurer/Tax Collector, and he pulled item 15 for discussion later in the meeting after the closed sessions. (M)Aborn, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

- 2 **Chair Cann**
Proclaim February 2010 as "National Parent Leadership Month" (Mariposa Safe Families); and Presentation and Announcement by Cheryl Bhalla, Executive Director of Mariposa Safe Families, of Outstanding Parent Leader of the Year and Outstanding Professional Leader of the Year as Selected by the Mariposa Safe Families
BOARD ACTION: (M)Bibby, (S)Turpin, the Proclamation was approved and presented to Cheryl Bhalla/Ayes: Unanimous. Cheryl Bhalla provided input on this event and presented Certificates to the following parent leaders: Abigal Branco (Eileen Wheat, Mike Wheat, and Margaret Crabtree were not present); and to the following professional parent partners: John Trujillo, Kristen Fiester, LuEllen Luker, Tyson Wellcome with his daughter, and Vanessa Holt (Bob Coulombe, Chevon Kathari, Denise Conway, Maria Wolfe, and Vicki Britt-Engfer were not present). She announced that Abigal Branco is the outstanding parent leader; and Bob Coulombe is the outstanding professional leader of the year. She advised that a special lunch is scheduled for February 18th for presentation of the awards and discussion of their programs.

3

Chair Cann

Proclaim February 14-20, 2010 for “Children of Alcoholics Week” (Human Services)
BOARD ACTION: Jim Tucker, representing the County citizen advisory board for alcohol and other drugs, provided input on the request. (M)Turpin, (S)Allen, the Proclamation was approved and presented to Jim Tucker/Ayes: Unanimous.

4

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

Peter Schimmelfennig, Chamber of Commerce Executive Director, thanked the Board members that attended the Chamber’s installation of officers and recognition dinner on Friday. He advised of the interest they are receiving in the docent program to provide tours of the Courthouse.

5

Board Information

Supervisor Aborn advised that the El Portal Planning Advisory Committee is meeting this evening in El Portal, and he plans to attend an airport meeting this afternoon to review the proposals submitted for the fixed-base operator of the Airport. He advised that he attended the Chamber of Commerce dinner.

Supervisor Allen advised that he attended the Area 12 Agency on Aging meeting in Jackson on Thursday, and he advised of a minor home repair program for seniors – phone number 1-800-510-2020. He advised that he attended the Chamber of Commerce dinner. He plans to attend the Mountain Valley Emergency Medical Services Agency meeting in Jackson on Wednesday. He reminded everyone of the 4-H pancake breakfast scheduled for February 14th. He encouraged everyone to patronize the local florists and noted that CHP will be watching for street vendors selling flowers in their right-of-way, and the Sheriff’s Department will be making sure that vendors have retail permits.

Supervisor Turpin thanked all of the volunteers in the County, advised that he was unable to attend the Chamber’s dinner, but thanked MaryAnn Huff for serving as President of the Chamber for the last three years. He advised that there will be an airport committee meeting this afternoon. He advised that he attended the Sierra Nevada Conservancy meeting in Oakhurst on Thursday. He attended the Planning Commission meeting on Friday for the Williamson Act policy item, and he attended the future fire stations meeting. He attended the Northern Mariposa County History Center re-opening on Saturday. He plans to attend the SWIFT meeting on Wednesday in Moccasin, and meet with Tuolumne County representatives relative to the John Muir Highway designation. He advised that he plans to meet with the Board Chair and the Agricultural Commissioner on Thursday relative to the appeal of the USFS Stanislaus National Forest Motorized Travel Management Record of Decision. He plans to attend a meeting on Friday at the Groveland Forest Service District Office relative to Bower Cave.

Supervisor Bibby advised that she attended the Mental Health Governing Board meeting on the 4th, and they are looking for a consumer/patient advocate representative. She attended the Chamber’s dinner on Friday and the Lions’ Club Crab Feed and the Catheys Valley Sweetheart dinner over the weekend. She noted that the 4-H pancake breakfast fundraiser is scheduled for the 14th. She encouraged everyone to buy tickets early for the Storytelling Festival, and encouraged tours of the Courthouse to be held during the event. She attended the First 5 meeting on Monday and commented on the programs they fund. She extended special appreciation to Sierra Telephone for donating books and the Fire Department for encouraging the reading program.

Supervisor Cann advised that he hosted a meeting last week with PG&E representatives and staff relative to power issues during storms. He noted there were a lot of dinners and events this past week. He attended a reception in Fresno on Thursday and the Mayor and City Council members were in attendance. He attended the Planning Commission meeting on Friday relative to the Williamson Act policy matter. He attended the Chamber's dinner on Friday, and the Crab Feed on Saturday and noted the FFA benefited by receiving tips for serving. He plans to attend the Mariposa-Yosemite Forum on Wednesday and noted they are celebrating their ten year anniversary. He plans to attend the meeting with Supervisor Turpin relative to the appeal of the USFS Stanislaus National Forest Motorized Travel Management Record of Decision.

24 Consider Items Removed from the Consent Agenda (Item 15 was considered later in the meeting.)

Item 14 – Discussion was held with Keith Williams, Treasurer/Tax Collector, relative to the agreement and the services.

Input from the public was provided by the following:

Peter Schimmelfennig stated he feels this is very proactive for the County and will make it more convenient for taxes to be paid.

(M)Turpin, (S)Aborn, item 14 was approved/Ayes: Unanimous.

6

Planning

Waive the Second Reading and Adopt an Ordinance Amending the Zoning Ordinance Text for Specific Plan/Zoning Amendment 2009-101. The Project Proposes to Amend the Mariposa Town Planning Area Specific Plan and Mariposa Zoning Ordinance to Implement the Mariposa County General Plan's Definition for Bed and Breakfast Inns within the Mariposa Town Planning Area. The Proposed Zoning Ordinance Amendment would Change the Definition of Bed and Breakfast Establishment to Allow Up to Five (5) Bedrooms to be Occupied by Transients. The Current Limit is Three (3) Bedrooms in a Bed and Breakfast. The Amendment would also Add that Breakfast is Prepared each day in a Bed and Breakfast Inn in a Kitchen Appropriately Permitted by the Health Department. The Proposed Amendment is to Section 3.15.B of the Mariposa Town Planning Area Specific Plan and Section 17.334.020 of the Zoning Ordinance. Mariposa County, Project Proponent **BOARD ACTION:** Discussion was held with Kris Schenk, Planning Director; and he advised that Wawona and Yosemite West are not included. (M)Bibby, (S)Allen, the second reading was waived and Ord. No. 1068 was adopted as recommended. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

7

Public Works

Approve the Use of \$12,000 of Proposition 40 Funds to Purchase an Outdoor Movie Screen and All Necessary Related Equipment

BOARD ACTION: Discussion was held with Dana Hertfelder, Public Works Director, relative to the request and projects funded with Proposition 40 funds.

Input from the public was provided by the following:

Peter Schimmelfennig stated he feels that this is a great program.

Marvin Wells asked who will control the ratings for the movies. Dana Hertfelder advised that they are planning to provide "G" rated movies.

(M)Turpin, (S)Allen, Res. 10-70 was adopted approving the request/Ayes: Unanimous. Supervisor Aborn asked that consideration be given to "PG" rated movies. Dana Hertfelder advised that he can come back with a proposed schedule and list of movies.

Board Convened as
10:00 a.m. LOCAL TRANSPORTATION COMMISSION
(Chair – Commissioner Turpin; Vice-Chair – Commissioner Aborn)

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

9 **Public Works**

Adoption of the 2010 Regional Transportation Improvement Program (RTIP) and Direct Staff to Submit the RTIP to the California Transportation Commission (CTC) and CalTrans

COMMISSION ACTION: Discussion was held with Dana Hertfelder and he advised of changes from the previous program, and he advised of the status of funding for various projects.

Input from the public was provided by the following:

Ruth Sellers thanked the Board for the maintenance on Mykleoaks Road, but noted that Lillian Lane and Bear Trap roads also need maintenance.

(M)Bibby, (S)Allen, LTC Res. 10-3 was adopted approving the 2010 RTIP/Ayes: Unanimous.

10 **Public Works**

Approve the Appointment of the Following Members to the Local Transportation Commission (LTC) – Technical Advisory Committee (TAC) with Continuous Terms: Lyle Turpin/Chair of the LTC; Brad Aborn/Alternate as Vice-Chair of the LTC; Kris Schenk/Planning Director; Barbara Carrier/Transportation Planner; Dana Hertfelder/Executive Director of the LTC; and Mary Ann Avalos/CalTrans Representative

COMMISSION ACTION: Following discussion, (M)Cann, (S)Bibby, the appointments were made/Ayes: Unanimous.

11 **Public Works**

Approve Agreement with TPG Consulting, Inc., to Prepare an Updated Transit Marketing Plan; and Authorize the Executive Director of the Local Transportation Commission to Sign the Agreement

COMMISSION ACTION: Discussion was held with Dana Hertfelder and Barbara Carrier/PWD-Administrative Analyst/Transportation Planner. Commissioner Cann asked that a copy of the revised schedule be provided to the Commissioners.

(M)Cann, (S)Aborn, LTC Res. 10-4 was adopted approving the agreement/Ayes: Unanimous.

Board Convened as
10:29 a.m. MARIPOSA COUNTY WATER AGENCY
(Chair – Director Cann; Vice-Chair – Director Turpin)

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

13 **County Counsel**

Approve First Amendment to the Professional Service Agreement with the Firm of Kronick, Moskovitz, Tiedemann & Girard to Monitor the Federal Energy Regulatory Commission (FERC) Relicensing Process for the Merced River Hydroelectric Project being Undertaken by the Merced Irrigation District (MID) and to Advise the County

Water Agency with Regard to its Rights Under the Contracts and Agreements Potentially Affected by this Process

AGENCY ACTION: Discussion was held with Steve Dahlem, County Counsel. Input from the public was provided by the following:

Marvin Wells asked whether the rate for the law firm increased. County Counsel responded that the current rate is not affected, just the amount of the total compensation.

Ruth Catalan clarified that the Board convened as the Water Agency for this matter.

(M)Bibby, (S)Turpin, Water Agency Res. 10-2 was adopted approving the amendment/Ayes: Unanimous.

Reconvened as

10:52 a.m. BOARD OF SUPERVISORS

Chair Cann advised that Consent Agenda item 15 has been continued until after the closed sessions. County Counsel advised that there will be no discussion relative to item 15 during the closed session, any discussion on this item will occur in open session.

CA-14 Treasurer/Tax Collector

Approve Agreement with Official Payments to Accept E-Checks for Secured and Unsecured Tax Payments and Authorize the Treasurer/Tax Collector to Sign the Agreement; Res. 10-69

CA-15 County Counsel

Resolution Authorizing County Counsel to Retain Abbott and Kindermann, LLP to Represent the County of Mariposa in the Suit Filed by Theresa Castaldi; and Authorize the Chair of the Board of Supervisors to Sign a Professional Service Agreement; Res. 10-71

CA-16 County Counsel

Resolution Authorizing County Counsel to Retain Allen, Fagalde, Albertoni & Flores, LLP to Represent the County Public Administrator in the Probate of Ronald Burns; and Authorize the Chair of the Board of Supervisors to Sign a Professional Service Agreement; Res. 10-63

CA-17 Human Services

Appoint Anita Hopman to the Alcohol and Drug Advisory Board with a Term Expiring February 9, 2013

CA-18 Fire

Accept and Authorize the Fire Chief to Sign the 2009 FEMA Assistance to Firefighters Grant (AFG) Award for Operations and Safety in the Amount of \$113,408 for the Purchase of Equipment; Res. 10-64

CA-19 Public Works

Authorize the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) to Submit a Grant for Tire Amnesty Events from the Department of Resources Recycling and Recovery (CalRecycle) on behalf of Mariposa County; and Authorize the Executive Director of the ESJPA to Execute All Necessary Documents for Said Grant; Res. 10-65

- CA-20 Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-66
- CA-21 Administration**
Resolution Continuing the Local Emergency Due to the Big Meadow Fire; Res. 10-67
- CA-22 Chair Cann**
Authorize the Chairman of the Board of Supervisors to Sign a Letter Supporting the Rural Media Arts and Education Project's Efforts in Securing a Grant for the Continued Renovation of the Old Masonic Hall; Res. 10-68
- CA-23 Clerk of the Board**
Approval of Summary of Proceedings of February 2, 2010, Regular Meeting
- 25 Administration**
CLOSED SESSION: Liability Claim No. C10-1; Claimant: Vaden and Beth Savage;
- 26 Administration**
CLOSED SESSION: Public Employee Appointment; Building Department Director;
- 27 Administration**
CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: APN 017-390-015; Agency Negotiator: Richard J. Benson; Name of Party who will Negotiate with County (Not Party's Agent): Paul M. McLaughlin; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/ Risk Manager);
- 28 County Counsel**
CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation with Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Number of Cases to be Discussed: 1; and
- 29 County Counsel**
CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: *Theresa Castaldi v. County of Mariposa*; Mariposa Superior Court Case No. 9688
BOARD ACTION: (M)Bibby, (S)Aborn, the closed sessions were held at 10:53 a.m./Ayes: Unanimous.
- 12:04 p.m. Report from Closed Session:**
The Board reconvened in open session. Chair Cann announced the following as a result of the closed session matters: item 25/information was received; items 26, 27, 28, and 29/information was received and direction was given.
- 24** Consider Items Removed from the Consent Agenda
Item 15 – Discussion was held with County Counsel. (M)Allen, (S)Aborn, item 15 was approved/Ayes: Aborn, Bibby, Cann, Allen; Noes: Turpin.

30

Adjourn

BOARD ACTION: (M)Aborn, (S)Cann, the Board adjourned at 12:07 p.m. in memory of Ethie Weaver Radanovich, Marie Puckett, and Jack D. “Scott” Pinkerton/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors

31

2:00 p.m. LOCAL AGENCY FORMATION (LAFCo) TO CONVENE
(See Separate Minutes)



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

February 16, 2010



Folder Time Description

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

Flint McGrath, representing the Boy Scouts, led in the Pledge of Allegiance.

Chair Cann called for a moment of silence in consideration of all that is going on in the world today.

Representatives of the Boy Scouts led in the Scout Oath.

Introductions - none

- 1 **Approval of Consent 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 of a correction in the term of the contract for item 10; and he advised of the addendum to the agenda to add item 17a. Supervisor Aborn pulled items 6, 12, and 17a, and he commented on item 9. Supervisor Turpin pulled item 7. Supervisor Bibby pulled items 7 and 9. (M)Bibby, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

- 2 **Chair Cann**
Approve a Certificate Recognizing the Boy Scouts of America on Celebrating its 100th Anniversary (Onis Lentz, Wawona District Committee Chairperson, Greater Yosemite Boy Scout Council Boy Scouts of America)
BOARD ACTION: (M)Bibby, (S)Allen, the Certificate was approved and presented to Onis Lentz and Paul Lockwood, representing the Boy Scouts/Ayes: Unanimous. Stu Tanner advised of their 100-year celebration planned for Saturday.

- 3 **Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes).**
Eleanor Keuning commented on the micro-enterprise loan program meeting that was held on February 4th and the good participation. She noted that there was a business in town that closed recently that might have benefited from this type of program.
Marvin Wells advised that he attended the San Joaquin Valley Rail Committee meeting in Atwater last week. He advised of advertising opportunities on Twitter for

Amtrak to promote activities in the County; and he asked that the Board send a letter supporting a maintenance facility at the old Castle Air Force Base.

Peter Schimmelfennig, Chamber of Commerce Executive Director, advised that the USDA Rural Development helped with an economic forum on January 25, 2010, and he provided input and presented the Board with a copy of the report.

Lester Bridges, Chamber of Commerce President, commented on the micro-enterprise loan program and the need for assistance with how to run a business. He invited everyone to the Chamber's mixer on February 23rd at the Happy Burger.

4

Board Information

Supervisor Bibby advised that she attended the memorial service for Scott Pinkerton on Saturday and the 4-H pancake breakfast fundraiser on Sunday. She plans to attend the Calaveras-Mariposa Community Action Agency meeting on the 18th. She advised that Mother Lode Job Training is working on scheduling the Mother Lode Business Services Summit at Columbia College for businesses on May 5, 2010 – information is available at www.mlbusinesssummit.com.

Supervisor Turpin advised that he attended the SWIFT meeting on Wednesday in Moccasin; and then he met with Peter Schimmelfennig, Ken Pulvino and John Gray in Tuolumne County relative to the John Muir highway designation. He met with Supervisor Cann, the County Administrative Officer, the Agricultural Commissioner and representatives of the U.S. Stanislaus Forest Service relative to addressing appeal issues raised in the USFS Stanislaus National Forest Motorized Travel Management Record of Decision – the Forest Service is to send a memo of the verbal agreement that was reached. He attended a meeting on Friday at the Groveland Ranger Station relative to the Memorandum of Understanding and the history of Bower Cave; and he advised that they will meet again in June. He advised that there is a teleconference scheduled with UC Davis on Wednesday relative to fire and forestry issues. He plans to attend the CSAC Executive Committee meeting in Sacramento on Thursday. He plans to attend the Calaveras-Mariposa Community Action Agency meeting in Calaveras on Friday. He advised that he will participate in the interview of three proposals for fixed-base operator at the Airport on Monday.

Supervisor Allen advised that he attended the Mountain Valley Emergency Medical Services Agency Joint Powers Authority (JPA) Board meeting in Jackson last week; and he provided input on efforts to keep Stanislaus County in the JPA. He has another meeting on Wednesday relative to the land donation in Mariposa Pines for a volunteer fire station. He attended the 4-H pancake breakfast on Sunday. He plans to attend the Boy Scouts celebration on Saturday.

Supervisor Aborn advised that he attended the San Joaquin Valley Rail Committee meeting, and he commented on ridership statistics and routing issues for the high speed rail. He advised that an item will be scheduled on the next agenda relative to supporting the maintenance facility for the high speed rail at the old Castle Air Force Base. He advised that the Midpines Advisory Committee meets on Thursday.

Supervisor Cann advised that he attended the Mariposa-Yosemite Forum on Wednesday – it was their ten year anniversary, and he commented on the importance of communication between the County and the Park. He attended the meeting last Thursday with Supervisor Turpin with the Stanislaus Forest Service relative to addressing appeal issues raised in the USFS Stanislaus National Forest Motorized Travel Management Record of Decision. After that meeting, he and the County Administrative Officer met with a Tuolumne County Supervisor and with the Executive Director of the Central Sierra Joint Housing Authority – the Joint Housing Authority has been asked to take over our housing voucher program. He asked the Executive Director to come and brief the Board on the pros and cons of this proposal; then the Board can further discuss the matter with the Human Services Director. He

plans to attend, along with Supervisor Aborn, the Delaware North employees' award program on Thursday. He advised that legislative specialists from RCRC (Regional Council of Rural Counties) will be here on February 24th to meet with individual Board members on any concerns/pending legislation/issues, etc. He asked that the County Administrative Officer help with scheduling those meetings.

5

Administration/Personnel/Risk Management

Approve the Rejection of Claim No. C10-1 Filed by Vaden and Beth Savage for \$35,000 and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection

BOARD ACTION: Rick Benson provided input on the claim. Dennis Wister, Interim Building Director, provided input on this matter and he advised that this occurred when the Resource Conservation District returned the grading permit function to the Building Department. He feels that the driveway work should not have been signed off by the County without an inspection and compaction report; and it is ultimately the owners' responsibility to obtain the compaction report. Discussion was held relative to the responsibility of the contractor. Supervisor Aborn advised that he spoke with John Davis, the former Building Director, and he feels that he can provide more of an explanation on this matter; and he suggested that he be invited to provide input.

Input from the public was provided by the following:

Beth Savage provided input on their driveway work and the resulting problems with its failure; and she advised that they trusted the contractor and the County that the work would be done properly and inspected. Now she is asking the County to at least cover the cost or supply the fill dirt that is needed to replace what was used for the driveway. If their driveway goes, they will not be able to access their home.

Vaden Savage advised that the dollar amount of their claim is based on estimates they received from contractors to replace the fill dirt for the driveway. He advised that they are going after the contractor that built the driveway, and they just want it fixed. They run a business out of their home, and that is at risk if their driveway fails. Beth and Vaden Savage responded to questions from the Board relative to the status of the concrete on the driveway; estimated costs for the replacement fill dirt; relative to the septic issue; relative to the response they have received from the contractor; and as to whether the contractor had insurance/bond coverage for negligent work.

Discussion was held with Dana Hertfelder, Public Works Director, relative to estimated costs for the replacement fill dirt. Discussion was held with Steve Dahlem, County Counsel, as to whether the County can pursue reimbursement from the contractor if it participates in correcting this situation.

(M)Allen, (S)Bibby, the claim was continued for the County Administrative Officer to meet with County Counsel, Public Works Director, and the Building Director to further review the issues and to work on a solution. Further discussion was held. Ayes: Unanimous.

10:34 a.m. Recess

10:48 a.m. Reconvene

18

Consider Items Removed from the Consent Agenda

Item 6 – Discussion was held with Jim Rydingsword, Human Services Director, relative to the Self Assessment. Supervisor Bibby asked that the location of the Jesse Fremont School be verified and corrected, if necessary; and referred to the reporting for emergency shelter services. She also asked that the report be made available to

the School District. Jim Rydingsword advised that the report will also be published on the State and County websites. (M)Allen, (S)Aborn, item 6 was approved/Ayes: Unanimous. The signature page is to be corrected to reflect the current Chair.

Item 7 – Discussion was held with Dana Hertfelder and Michelle Miller/Solid Waste and Recycling Manager, relative to the program. Supervisor Bibby suggested that Planning and the Sheriff’s Department be consulted for these situations to make sure that it is illegal dumping. (M)Turpin, (S)Bibby, item 7 was approved, with direction for the agencies to be consulted with as suggested/Ayes: Unanimous.

Item 17a – Discussion was held with Dana Hertfelder. (M)Allen, (S)Aborn, item 17a was approved/Ayes: Unanimous.

Item 9 – Following discussion, (M)Bibby, (S)Allen, item 9 was approved/Ayes: Unanimous.

Item 12 – Following discussion, (M)Bibby, (S)Aborn, item 12 was approved/Ayes: Unanimous.

CA-6 **Human Services/Probation**

Approve the 2009 County Self Assessment for California’s Child and Family Services Review and Authorize the Board of Supervisors Chair to Sign the Self Assessment and Authorize the Department to Sign and Submit the Self Assessment to the California Department of Social Services; Res. 10-78

CA-7 **Public Works**

Approve Mariposa County Public Works (MCPW) Solid Waste & Recycling Division’s Request to Apply for the Department of Resources Recycling and Recovery (CalRecycle) Ranch & Farm Solid Waste Cleanup and Abatement Grant to Assist Eligible Applicants to Pay for Designated Costs of Cleanup, Abatement, or other Remedial Actions Related to the Disposal of Illegal Solid Waste on Farm or Ranch Property; Res. 10-79

CA-8 **Administration/Personnel/Risk Management**

Approve the Rejection of Claim No. C10-2 Filed by Bernard Hughes for an Undetermined Amount and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection; Res. 10-72

CA-9 **Administration/Personnel/Risk Management**

Approve Granting Marjorie Anne Boiler’s Application to Present her Late Claim, Claim No. C09-20 and Approve the Claim in the Amount of \$1,452.49; Res. 10-81

CA-10 **County Clerk/Treasurer/Tax Collector/Elections**

Approve an Agreement with Kenneth and Lamerna Mari, 1990 Trust, in the Amount of \$2400 for Secure Storages Facilities Capable of Storing the Election Department Electronic Voting Machines and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-73, with a correction to the term of the agreement

CA-11 **Building**

Approve an Amendment with NAFFA International, Inc. to allow for Additional Plan Checks to be Performed, Authorize the Board of Supervisors Chair to Sign the Amendment, and Approve Budget Action Transferring Funds within the Building Department Budget to Cover the Additional Cost (\$11,000); Res. 10-74

CA-12 **Administration/Personnel/Risk Management**

Approve Grant Agreement No. 09-EDEF-6369 with the State of California Department of Housing and Community Development (HCD), Authorize the Board of Supervisors Chair to Sign the Agreement and Approve Budget Action Increasing

Revenue and Appropriations in the Amount of \$300,000 (4/5ths Vote Required); Res. 10-82

CA-13

Administration

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-75

CA-14

Administration

Resolution Continuing the Local Emergency Due to the Big Meadow Fire; Res. 10-76

CA-15

Clerk of the Board

Approval of Summary of Proceedings of February 9, 2010, Regular Meeting

CA-16

Community Services

Appoint Staci Millard to Mariposa County Commission on Aging as a Member At-Large for a Term Expiring February 16, 2014

CA-17

Planning

Approve a Second Amendment to Professional Services Agreement with J.B. Anderson Land Use Planning to Amend the Term, Scope of Work and Compensation for Silver Tip Resort Project Planning Services; Approve a Budget Action Equally Increasing Revenue and Appropriations in the Silver Tip Resort Budget Account by \$44,000 and Authorize the Board of Supervisors Chair to Sign the Amendment (4/5ths Vote Required); Res. 10-77

CA-17a

Public Works

Approve Resolution for Submittal of Energy Efficiency Conservation Block Grant Application to the California Energy Commission in the Amount of \$102,062; Res. 10-80

19

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; and

20

Administration

CLOSED SESSION; Public Employee Appointment; Building Director
BOARD ACTION: (M)Aborn, (S)Bibby, the closed sessions were held at 11:23 a.m./Ayes: Unanimous.

11:51 a.m. Report from Closed Session:

The Board reconvened in open session. Chair Cann announced the following as a result of the closed session matters: item 19/information was received; and item 20/action was taken to appoint Michael Kinslow as the Building Director – to begin employment in about thirty days.

11:53 a.m. Lunch

2:00 p.m. Reconvene

21

Planning

PUBLIC HEARING (Deliberation Phase) to Adopt a Resolution taking Action on Appeal No. 2009-160, an Appeal of the Planning Commission's Denial of Lot Line Adjustment No. 2009-090; Applicants and Appellants – James Craig and Robin Dormer and Irwin and Jessica Iida (Project Site Includes APNs 015-052-018 and 015-

052-019, Located at the Corner of Meadow Lane and Triangle Road) (Continued from February 2, 2010)

BOARD ACTION: Chair Cann advised that the public comment period will be opened just to receive comment on whether or not the findings are supported by the facts and justify the Board's position. Alvaro Arias, Associate Planner, advised that the formal resolution with findings has been prepared and brought back to the Board as directed on February 2, 2010.

The public portion of the hearing was opened to receive comment as previously stated by the Chair. No comments were received. The public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Aborn expressed his concerns with this matter. (M)Allen, (S)Turpin, Res. 10-83 was adopted granting Appeal No. 2009-160, with findings; and overturning the Planning Commission's determination, findings and action regarding Lot Line Adjustment Application No. 2009-090/Ayes: Turpin, Bibby, Cann, Allen; Noes: Aborn. The hearing was closed.

22

Adjourn

BOARD ACTION: (M)Bibby, (S)Aborn, the Board adjourned at 2:11 p.m. in memory of Carolyn Mende and Henny Newport/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

February 23, 2010



Folder Time Description

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

Pledge of Allegiance

Introductions – none

Chair Cann called for a moment of silence in honor of troops across the world.

- 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 of the change in numbering the Consent Agenda items.
 Input from the public was provided by the following:
 Eleanor Keuning referred to item 104 and asked what is included in the program and asked about the status of the earlier bin-buddy program, and commented on recycling.
 Supervisor Allen pulled item 117. Supervisor Cann pulled item 105; and he asked Public Works to provide input on item 104. Michelle Miller/PWD-Solid Waste and Recycling Manager provided input on the grant program for the recycling bins. (M)Allen, (S)Turpin, 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).
 Stephen Churgin noted that the Court is closed to the public at 3:00 p.m., and he asked that they stay open until 5:00 p.m. one day a week.
 Tim Wennberg thanked everyone that participated in the committee working on the citizens committee on Airport issues, and he advised that the committee has been dissolved. He advised of suggestions for six plans; however, only three are being presented this afternoon; and he urged the Board to slow down on the decision process. He advised that the members of the committee are still willing to assist.
 Peter Schimmelfennig, Executive Director for the Chamber of Commerce, advised that they are planning for a celebration of opening the John Muir Highway on June 5th at the intersection of Highways 49 and 132. He presented the Board with a copy of the stage design for the Coulterville Park and advised that the permit has been issued. He invited everyone to attend the Chamber mixer this evening at the Happy Burger.

3

Board Information

Supervisor Aborn advised that he attended the Midpines Planning Advisory meeting on Thursday, and the Parks and Recreation Commission meeting on Monday – discussions were held relative to the Midpines Park and the fire station project and efforts to expand the size of the Park. He advised that someone felt that a statement he made during the lot line adjustment appeal hearing on February 16th was inappropriate, and if so, he apologizes.

Supervisor Allen advised that he attended a meeting last week relative to the donation of land for the Mariposa Pines fire station; and a meeting will be held in Mariposa Pines this week with the residents. He met with the Human Services Director on Thursday relative to preparing for the future for integrating the homeless back into the community. He attended the future fire stations meeting on Friday. He attended the Boy Scouts 100th anniversary celebration on Saturday. He attended the memorial service for Ethie Radanovich on Sunday. He plans to meet with the Public Works Director and Habitat for Humanity on the property that was donated relative to the project. He plans to attend the Fish Camp Town Planning committee meeting on Saturday.

Supervisor Turpin advised that he attended the CSAC Executive Committee meeting in Sacramento on Thursday, and they reviewed and made suggestions relative to the Governor's proposed budget.

Supervisor Bibby commented on the State budget issues, and she urged that citizens comply with registering their vehicles in California and that the State enforce what is on the books to help with the budget situation. She attended the Calaveras-Mariposa Community Action Agency meeting with Supervisor Turpin, and they are looking at the feasibility of joining with neighboring counties. She met with CHP relative to speed issues on Highway 49 North and traffic safety issues at the Idle Wheels encroachment. She was unable to attend the Boy Scouts celebration, and she congratulated them and recognized the support they provide with community projects. She sends prayers to the Radanovich family. She congratulated the Fire Department and the Grizzle ROP program for receiving an outstanding service award.

Supervisor Cann also congratulated the Fire Department. He distributed a letter he wrote to the Governor relative to SB 85 (Cogdill) to correct a decades-old inadequacy for several counties with respect to their local property taxes; and he advised that this will be scheduled on the agenda for March 2nd to ratify the letter. He advised that he met with Supervisor Allen and the Human Services Director relative to the homeless issues on Thursday. He attended the Delaware North annual awards event in Yosemite on Thursday. He attended the memorial service for Ethie Radanovich. He advised that he will meet with Supervisor Turpin and other staff with RCRC (Regional Council of Rural Counties) staff this week. He advised that he will meet with a constituent and County Counsel relative to CalFire road regulations; and he will be interviewed by a consultant for the Hospital District to see how they can better serve the community.

4

Administration/Personnel/Risk Management

Include the New Midpines Fire Station in the List of County Fire Stations Authorized to use the Earmarked \$750,000 of Tobacco Settlement Funding for Construction Plan Costs

BOARD ACTION: Rick Benson initiated discussion. Supervisor Turpin asked about getting cost estimates for the stations to get through the construction plan phase, and discussion was held.

Input from the public was provided by the following:

Ruth Catalan stated she feels that this item is to discuss whether to include the Midpines station and that the discussion has gotten away from that issue.

(M)Allen, (S)Aborn, Res. 10-88 was adopted approving the inclusion of the Midpines station as recommended/Ayes: Unanimous.

5 **Public Works**

Waive First Reading and Introduce Ordinance Amending Section 2.56.050, 2.56.060, and 2.56.090 of Chapter 2.56 “Board of Recreation Commissioners” of the County Code

BOARD ACTION: Discussion was held with Dana Hertfelder. (M)Bibby, (S)Allen, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

8 Consider Items Removed from the Consent Agenda

Item 105 – Discussion was held with Dana Hertfelder relative to the status of the application and the timeframes, and the proposed multi-purpose gym project. Supervisor Allen asked that the Public Works information be changed to reflect the position versus a specific person.

Input from the public was provided by the following:

Eleanor Keuning referred to the previous discussions relative to the “field of dreams” and asked whether this project includes a pool and whether it will be utilized by the YMCA; and she asked about subsequent maintenance and operational costs.

Dana Hertfelder responded to the questions, and he advised that this does not include the aquatic center. Further discussion was held relative to the application for this project and the potential for future applications. (M)Bibby, (S)Allen, item 105 was approved/Ayes: Unanimous.

Item 117 was continued to later in the meeting.

10:36 a.m. Recess

6 **10:55 a.m. Human Services**

Approve Community Services Block Grant (CSBG) Agreement 10F-4007 on Behalf of the Calaveras-Mariposa Community Action Agency in the Amount of \$21,513 and Authorize the Human Services Director to Sign the Agreement and Subsequent Amendments with the State Department of Community Services and Development (CSD) up to the Amount Allocated to the Calaveras-Mariposa Community Action Agency; Authorize the Human Services Director to enter into Subcontract Agreements with the Agencies Providing Services

BOARD ACTION: Discussion was held with Jim Rydingsword. (M)Allen, (S)Aborn, Res. 10-90 was adopted approving the recommended actions/Ayes: Unanimous.

8 Consider Items Removed from the Consent Agenda

Item 117 – Discussion was held, including other areas being considered for the maintenance facility. Supervisor Aborn and Marvin Wells provided input on the history of the high-speed rail issues.

Input from the public was provided by the following:

Ruth Sellers commented on her attendance at high-speed rail meetings and the issues, and advised that she supports this action.

Following further discussion, (M)Allen, (S)Aborn, item 117 was approved/Ayes: Unanimous.

7 **Planning**

Adopt a Resolution Approving Amendment to Section IV of the Mariposa County Appeals Procedure, to Allow Staff to Extend the Time Frame for Scheduling the Public

Hearing on an Appeal, with the Consent of the Permit Applicant or the Property Owner Impacted by the Determination which is the Subject of the Appeal

BOARD ACTION: Discussion was held with Kris Schenk relative to the change and not allowing appeals to drag on. County Counsel provided input and noted that both Planning and the person impacted (i.e., applicant or property owner) would need to approve a request for extension and that the language calls for the hearing to be set or reset. Supervisor Bibby asked that review be given to considering imposing fees for filing appeals. (M)Aborn, (S)Allen, Res. 10-92 was adopted approving the amendment/Ayes: Unanimous.

9

Administration/Personnel/Risk Management

CLOSED SESSION; Public Employee Employment: Public Works Director

BOARD ACTION: (M)Bibby, (S)Turpin, the closed session was held at 11:31 a.m./Ayes: Unanimous. Chair Cann advised that the Board would reconvene in open session at 2:00 p.m.

11:48 a.m. Lunch

2:02 p.m. Report from Closed Session:

The Board reconvened in open session. Chair Cann announced that the Board approved the recruitment process for the Public Works Director as a result of the closed session.

10

Supervisor Turpin

Presentation of Three Business Plans Prepared by the Mariposa Airport Citizens Group

BOARD ACTION: Supervisor Turpin thanked everyone who participated with the citizen group meetings. Dana Hertfelder introduced Robin Binder to present the report.

Robin Binder reviewed the three business plans: public operation, private operator, and hybrid of County and private operation; and he advised of recommendations. Discussion was held.

Input from the public was provided by the following:

Al Castaldi advised that he is on the airport advisory committee in Humboldt County; and he made the following suggestions: that the terminal be rented to whoever takes over management, that those who do business at the Airport should pay a concession fee, that landing fees should only be charged for commercial use, he agrees with the current fuel charges unless a fixed-base operator takes over, that “off airport” business fees be considered, referred to hangar rental fees, and stated he feels that transportation needs to be readily available.

Kevin Shelton, Yosemite Management Group, advised that he was a member of the citizen committee. He advised that he does not feel that people know about the Airport and he feels it has the potential to generate revenue and to bring people in with charter flights and to have more hangars. He feels the terminal needs to be kept open.

Peter Schimmelfennig stated he was on the citizen committee and advised of his efforts to do online research to see if charter flights are available – it was difficult to find anything about the Airport on the web or whether charter flights are available; and he feels that this needs to be improved. He commented on gate fees, flight fees, and ground fees and noted that our small airport will appeal to people because of the high fees charged at the larger airports. He commented on airport issues that were addressed by the committee.

Board members thanked those who participated with the citizen group for their efforts and for providing the information.

Consent Agenda

- CA-101 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-84
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to the Big Meadow Fire; Res. 10-85
- CA-103 **Clerk of the Board**
Approval of Summary of Proceedings of January 26, 2010, Approval of Summary of Proceedings of February 16, 2010, Regular Meetings
- CA-104 **Public Works**
Approve Mariposa Public Works (MCPW) Solid Waste & Recycling Division's Request to Apply for the Coca-Cola Company/Keep America Beautiful Bin Grant Program for Fiscal Year 2010/2011 to Expand the Community's Beverage Container Recycling Program; Res. 10-86
- CA-105 **Public Works**
Adopt a Resolution Approving an Application for Grant Funds in the Amount of \$5,000,000 from the Department of Parks and Recreation, Statewide Park Development and Community Revitalization Program of 2008 (Proposition 84) for a Recreation Multi-Purpose Gym; Res. 10-89, with the Public Works information to be changed to reflect the position versus a specific person
- CA-106 **Chair Cann**
Adopt a Resolution Designating the Mariposa County Arts Council as the County's Authorized Partner in the California Arts Council's State-Local Partnership Program; Res. 10-87
- CA-107 **Human Services**
Appoint Andrea Rogerson as a Provider Representative and Jeane Hetland as a Community Representative to the Mariposa Local Child Care Planning Council for Terms Expiring February 23, 2013
- CA-108 **Human Services**
Re-appoint Loretta Milne to the Sequoia Area VIII Coordinating Council for the Developmentally Disabled for a Term Expiring February 23, 2013
- CA-109 **Human Services**
Approve the Mariposa County Local Child Care Planning Council Membership Certification and Authorize the Board of Supervisors Chair to Sign the Certification
- CA-110 **Supervisor Aborn**
Re-appoint Paul Amstutz to the El Portal Town Planning Advisory Committee for a Term Expiring February 28, 2012
- CA-111 **Supervisor Turpin**
Re-appoint Ken Pulvino and Sharon Tucker to the Greeley Hill Planning Advisory Committee for Terms Expiring February 28, 2012; and Accept the Resignation of Robert Jensen

- CA-112 **Supervisor Turpin**
Re-appoint Magnum Godfrey to the Coulterville Town Planning Advisory Committee for a Term Expiring February 28, 2012; and Accept the Resignation of Rick Roesch
- CA-113 **Supervisor Allen**
Re-appoint Chuck Jones, Roger Soulanille and Gale Banks to the Wawona Town Planning Advisory Committee for Terms Expiring February 28, 2012
- CA-114 **Supervisor Allen**
Re-appoint Howard Davies, Greg Baxter, Donn Harter and Jeff Cerioni to the Fish Camp Town Planning Advisory Council for Terms Expiring February 28, 2012
- CA-115 **Supervisor Bibby**
Re-appoint James Eppler, Robert Mason, Louis Cordero and Joe Simon to the Catheys Valley Community Planning Advisory Committee for Terms Expiring February 28, 2012
- CA-116 **Supervisor Cann**
Re-appoint Dennis Bunning as Representative of Mariposa Farm Bureau, Mike Hubert, Representing Resource Conservation District, and Linda Meyer, Member at-large to the Agricultural Advisory Committee for Terms Expiring February 28, 2012
- CA-117 **Supervisor Aborn**
Approve Letter of Support for Placement of a High-Speed Rail Maintenance Facility at the Former Castle Air Force Base; Res. 10-91
- CA-118 **Administration/Personnel/Risk Management**
Receive List of Contracts Entered into by the County Administrative Officer Pursuant to Ordinance 3.08 for the Months of March, July, September, October, November, and December 2009
- 11 **Adjourn**
BOARD ACTION: (M)Turpin, (S)Aborn, the Board adjourned at 2:44 p.m. in memory of Dennis Kardell and Thomas R. Hull/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 2, 2010



Folder Time Description

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

Pledge of Allegiance

Introductions – none

Chair Cann called for a moment of silence in consideration of all the strife in Chili after the earthquake and for the troops.

Chair Cann noted that Steve Dahlem has been County Counsel for one year this date and thanked him for the service he provides.

- 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 pulled item 109 for separate action as she has a conflict of interest because she has a family member that is a member of SMA. Supervisor Turpin pulled items 106, 107, and 108 for discussion with the Public Works Director. (M)Aborn, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.
- 2 **Chair Cann**
Proclaim the Month of March, 2010 as “National Professional Social Worker Month” (Jim Rydingsword, Human Services Director)
BOARD ACTION: (M)Aborn, (S)Turpin, the Proclamation was approved and presented to Jim Rydingsword/Ayes: Unanimous. Jim Rydingsword gave a power point presentation on the services provided by social workers and he recognized the social workers that were in the audience.
- 3 Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)
Stephen Churgin suggested that there should be a County flag, possibly with a butterfly.
Eleanor Keuning stated she appreciates Jim Rydingsword and commended the department for their programs.
Lester Bridges thanked Jim Rydingsword and his staff for the wonderful job they do. As President of the Chamber of Commerce, he advised that they have a

Facebook and Twitter account and are starting a weekly blog. He advised of the following events occurring in March: March 5-6/e-waste and metal recycling at the Fairgrounds (and he noted he is also a Fair Board Director); March 12-14/Storytelling Festival; March 6/61st annual Hornitos Enchilada Dinner; and March 5-7/the High School Drama Club presentation of "The Aristocats."

4

Board Information

Supervisor Bibby encouraged attendance at the Hornitos Enchilada Dinner as the proceeds benefit the Patron's Club and are reinvested in the community. She noted the Storytelling Festival is scheduled for March 12-14. She attended a meeting with representatives of RCRC (Regional Council of Rural Counties); and she plans to attend the Mental Health governing board meeting. She encouraged citizens to take advantage of the e-waste disposal and commented on the illegal dumping that is occurring. She extended thoughts and prayers to the law enforcement families that lost their loved ones in Fresno; and she thanked the law enforcement and emergency personnel for their services.

Supervisor Turpin advised that he met with staff from RCRC last week; and on Monday, he attended the Sierra Nevada Conservancy meeting and bio-mass and fuel reduction issues were discussed. His wife and residents from North County are attending the Oakdale Livestock Forum today – there will be a presentation on agri-tourism and pinkeye for livestock. The Tourism Bureau is meeting at the Library on Wednesday. He plans to attend the Northern Mariposa County History Center meeting on Thursday, and Ken Pulvino will be there to give a presentation on the John Muir highway. The Planning Commission will have a workshop on agri-tourism on Friday. The Coulterville VFW will be having their crab feed on Saturday. He commented on the recent loss of law enforcement officials in Fresno.

Supervisor Allen extended his respect to the law enforcement in Fresno and to all law enforcement. He attended the Mariposa Pines/Jerseydale Fire Safe meeting last week and advised that the Smalcombs withdrew their offer of land for a fire station because it was determined that a minimum of 2 and ½ acres is required. He will be working to try and find a solution. He met last week with Al Johnson and Delores Hahn/Habitat for Humanity and the Public Works Director relative to Habitat's construction of their first house. He attended the Fish Camp Town Planning Advisory Committee meeting on Saturday. He noted that bids are being accepted until March 5th for the old fire engines and water tenders. He plans to attend the Area 12 Agency on Aging meeting in Calaveras on Thursday.

Supervisor Aborn extended his condolences to the families of the two officers that were killed in Fresno. He advised that they are down to reviewing three of the proposals that were received for providing fixed-base operator services at the Airport. He asked that members from the community provide input on any information they have relative to how the 1964 agreement was reached with MID. He advised that the YARTS meeting will be in Mariposa with a ground-breaking ceremony for the new park and ride near Rite-Aid. He commented on the loss of Ken Gosting on Saturday and noted the things he was active with.

Supervisor Cann noted that the YARTS meeting will be held here on April 5th, and he commented on the bidding of the fire equipment. He commented on the upcoming Storytelling Festival. He advised that he met with staff from RCRC last week. On Wednesday, he was interviewed by the consultant hired by John C. Fremont Hospital, and that they are putting together a strategic plan. He noted that all five Board members attended the Lincoln Day dinner on Saturday. He attended the Sierra Nevada Conservancy's Sustainable Forests and Communities Collaborative stakeholder meeting. He plans to attend the Tourism Bureau meeting on Wednesday with Supervisor Turpin. As Chair, he plans to participate in the Habitat for Humanity's induction of new officers on Thursday. He will address 95 AP students

from Redwood City Summer Prep School on Friday. He advised that CA-109 will be addressed after the PG&E presentation; and CA-106, CA-107 and CA-108 will be addressed after the Public Works items.

5

Administration

SmartMeter Presentation by Anna Balatti Brooks, Government Relations Representative, Pacific Gas and Electric Company

BOARD ACTION: Anna Brooks and Tom Smith gave a presentation on the status of the SmartMeter installation in the County, and of the benefits of the new program. Information can be obtained at www.pge.com/smartmeter. Discussion was held. Anna Brooks advised that all of the equipment is back on line at Exchequer.

Chair Cann advised that RCRC just facilitated an editorial in the Sacramento Bee supporting the Williamson Act, and there is a hearing in the State legislature on Wednesday.

12

Consider Items Removed from the Consent Agenda

Item 109 – Supervisor Bibby was excused from the meeting for this item at 10:19 a.m. Following discussion, (M)Allen, (S)Aborn, item 109 was approved/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

10:21 a.m. Recess

10:30 a.m. The Board reconvened with all members present.

6

Administration/Human Services

PUBLIC HEARING – Design Phase – to Provide Citizens an Opportunity to Comment/Recommend Activities for Preparation of a CDBG Application(s) in Fiscal Year 2010/2011, and for the Board to Provide Direction on Future Grant Applications Relative to the Community Development Block Grant Program

BOARD ACTION: Jim Rydingsword presented the staff report. Jim Rydingsword and Marilyn Lidyoff responded to questions from the Board relative to previous applications that were funded and projects being considered for application.

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

Lester Bridges, President of the Chamber of Commerce, asked whether all of the funds would be spent locally for the projects, i.e., for consultants. Jim Rydingsword responded that efforts are made to find local expertise when possible.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Bibby, (S)Aborn, the Board agreed with staff pursuing future grant applications/Ayes: Unanimous. The hearing was closed.

7

Administration

Advise the Board of the Membership on the Mariposa County Loan Advisory Board: Christene Scott, Elsie Scott and Matt Foraker

BOARD ACTION: Rick Benson provided input on this matter. No action was necessary.

Board to Convene as

10:42 a.m. LOCAL TRANSPORTATION COMMISSION

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

8

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

9

Public Works

Adopt a Resolution Authorizing the Director of Public Works to Execute the Program Agreement for Greeley Hill Sidewalks, and Allocating the High Risk Rural Roads (HRRRL) Funding

COMMISSION ACTION: Commissioner Turpin advised that he will work with Public Works on the average daily trip charts. Discussion was held with Dana Hertfelder relative to Greeley Hill sidewalk project. (M)Allen, (S)Bibby, LTC Res. 10-5 was adopted approving the recommended actions/Ayes: Unanimous.

Reconvene as

10:49 a.m. BOARD OF SUPERVISORS

12

Consider Items Removed from the Consent Agenda

Item 106 – Following discussion with Dana Hertfelder, (M)Aborn, (S)Turpin, item 106 was approved/Ayes: Unanimous.

Item 107 – Following discussion with Dana Hertfelder, (M)Turpin, (S)Bibby, item 107 was approved/Ayes: Unanimous.

Item 108 – Following discussion with Dana Hertfelder, (M)Turpin, (S)Allen, item 108 was approved/Ayes: Unanimous.

11:04 a.m. Recess

10

11:11 a.m. Administration

Approve Mid-year Budget Recommendations Reducing General Contingency by \$228,857 (4/5ths Vote Required); Allocate one Additional Maintenance Worker I/II Position, Fund an Existing Maintenance Worker I/II Position, Unfund and Unallocate two Gate Attendant Positions in the Solid Waste & Recycling Fund Effective February 1, 2010; Increase the Allocation of the Advocate Position from 0.60 Permanent Part-Time to 0.80 Permanent Part-Time in the Vertical Prosecution and Victim Witness Budgets Effective February 1, 2010

BOARD ACTION: Rick Benson presented the mid-year budget report and reviewed recommendations. He thanked the departments for their cooperation and Mary Hodson/Deputy County Administrative Officer for her work on the budget. Discussion was held. Rick Benson and Mary Hodson responded to questions from the Board. Dana Hertfelder responded to questions from the Board relative to recommended budget adjustments for Public Works budgets. Discussion was held relative to the status of relocating the Economic Development office; sales tax revenue on Proposition 172 for the Sheriff’s Office; relative to the transient occupancy tax revenues and projection; and relative to consideration of funding the \$100,000 that was cut from the Tourism Bureau and the \$5,000 that was cut from Yosemite Renaissance in the final budget. Supervisor Aborn read a letter received from Dan Jensen requesting restoration of funding for Yosemite Renaissance.

Input from the public was provided by the following:

Jeff Hentz, Executive Director of the Yosemite/Mariposa County Tourism Bureau, referred to the discussions during the final budget hearing in September 2009 that the \$100,000 that was cut could be re-evaluated at mid-year. He advised that they do need the funds to continue aggressive marketing for staff and advertising, and he requested that the funds be restored. He pledged his support and commitment to work with the Board on finding a solution for planning for County’s funding for the budget for the Bureau. Discussion was held.

Supervisor Bibby advised of a possible ballfield project funding request that will come to the Board.

Kevin Shelton, Vice-President of Yosemite Management Group and member of the Tourism Bureau, advised that their reservations are up; and he encouraged the Board to reinstate the \$100,000.

Donna Brownell, Arts Council Executive Director, advised of the increase in bookings for the Storytelling Festival; and she encouraged the Board to reinstate the funding to the Tourism Bureau.

Lester Bridges, President of the Chamber of Commerce, encouraged reinstatement of the \$100,000 to the Tourism Bureau.

Further discussion was held.

(M)Allen, (S)Turpin, Res. 10-103 was adopted approving the mid-year budget adjustments and recommendations; and increasing the projected transient occupancy tax revenue by \$150,000, versus the recommended \$100,000, and allocating another \$50,000 to the Tourism Bureau. Further discussion was held and Supervisor Bibby expressed her concerns with the status of revenues and potential budget impacts. Ayes: Aborn, Turpin, Cann, Allen; Noes: Bibby.

Motion was made by Aborn, (S)Allen, to approve allocating another \$5,000 to Yosemite Renaissance. Discussion was held as to whether this request could be considered at this time since it was not included in the agenda – Rick Benson advised that the procedures would be reviewed and the matter would be brought back, if necessary. The motion was amended, agreeable with the maker and second, for the additional funding to be taken from General Contingency. Ayes: Aborn, Cann, Allen; Noes: Bibby; and Abstained: Turpin. This motion failed as it required a 4/5ths vote for approval.

1:05 p.m. Lunch

2:05 p.m. Reconvene

14

Planning

PUBLIC HEARING to Consider **Appeal No. 2009-169**, an Appeal of the Planning Director's Determination Regarding a Portion of Certificate of Compliance Application No. 2007-093 for Approval of a "Consolidated" Certificate of Compliance and Authorization of Building Permit No. 28614. Appellants: MERG (Mariposans for the Environment and Responsible Government). Applicants and Property Owners: Jeff Miller and Layne Clifton. Project site for "Consolidated" Certificate of Compliance is APN 016-080-014 and Portion of APN 016-080-016; 871 Highway 140 near the Merced/Mariposa County Line.

BOARD ACTION: Chair Cann advised that the applicant/property owner is asking for a continuance.

Jeff Miller/applicant-property owner, advised that he has been out of the country for three weeks and just returned on Saturday; and he has not had a chance to review all of the documentation for this hearing. He advised that he furnished a 1926 deed to Planning in October 2009 that lists separate parcels; and if Certificates of Compliance are issued, he feels that this appeal may be moot. If not, he could appeal that decision and have both appeals heard at the same time. He responded to a question from the Board relative to submitting the 1926 deed.

Sarah Williams, Deputy Planning Director, responded to questions from the Board relative to continuing the hearing to a date and time certain and relative to the applicant's request for the appeals to be heard together if the second appeal is filed. Sarah advised that they would like to discuss the issues with County Counsel relative to recognition of separate parcels in the 1926 deed and whether the appeals would be separate. Kris Schenk provided input on available dates for scheduling the continuance.

John Brady, Chair of MERG/appellant, stated they were hoping the hearing would be continued to the next meeting; however, if that is not going to work, they are agreeable with the April 27th hearing date.

Chair Cann opened the public portion and called for input on the issuance of the continuance only. No input was received and the public portion was closed.

(M)Allen, (S)Aborn, the hearing was continued to April 27, 2010 at 2:30 p.m./Ayes: Unanimous.

11

Administration

Approve and Authorize the Board of Supervisors Chair to Sign a Letter Withdrawing the County's Appeal of the Forest Service's Motorized Travel Management Final Environmental Impact Statement (FEIS)

BOARD ACTION: Discussion was held and Supervisor Turpin made suggestions for changes to the letter to reflect the Stanislaus Forest Service and Forest Supervisor Skalski. Rick Benson advised that the Agricultural Commissioner will also withdraw her appeal that was submitted by separate letter. (M)Turpin, (S)Allen, Res. 10-104 was adopted approving the letter with the suggested changes/Ayes: Unanimous.

13

Administration

CLOSED SESSION: Public Employee Employment: Public Works Director

BOARD ACTION: The closed session was not held.

Consent Agenda

CA-101

Administration

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-93

CA-102

Administration

Resolution Continuing the Local Emergency Due to the Big Meadow Fire; Res. 10-94

CA-103

Clerk of the Board

Approval of Summary of Proceedings of February 23, 2010, Regular Meeting

CA-104

Public Works

Approve the Proposed Changes made to the Mariposa County Public Works Recreation Facility Use Policy; Res. 10-95

CA-105

Health

Authorize the Board of Supervisors Chair to Sign a Letter of Support for Senate Bill 836 (Oropeza) to Restore the State Public Health Breast Screening Program; Res. 10-96

CA-106

Planning, Public Works, Health

Approve a Professional Services Agreement with Warren Cheney, 101 Consulting, in the Amount of \$18,400 (Planning: \$8,600; Public Works: \$3,600; and Health: \$6,200) to Perform a Comprehensive Update of the Permit Fees Charged by the Three Departments, and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action in the Health Budget Transferring Funding from Realignment Health to the Health Operating Budget to Fund their Portion of the Agreement (\$6,200) (4/5ths Vote Required); Res. 10-100

- CA-107 **Public Works**
 Authorize Public Works to Sell in Whole or in Part the 1985 Caterpillar 826C Previously Purchased by the Mariposa County Public Works Department for the Mariposa County Landfill; the Proceeds to Return to the Solid Waste & Recycling Division; Res. 10-101
- CA-108 **Public Works**
 Authorize the Public Works Director to Sign the Program Agreement for Greeley Hill Road, and Allocating the American Recovery and Reinvestment Act (ARRA) Funding; Increase Revenue and Appropriations in Road Fund (4/5ths Vote Required) (\$291,756); Res. 10-102
- CA-109 **Administration**
 Approve the Memorandum of Understanding (MOU) with the Sheriffs' Management Association (SMA) for the Term of October 1, 2009 through September 30, 2010 and Authorize the Board of Supervisors Chair to Sign the MOU; Res. 10-99
- CA-110 **Chair Cann**
 Adopt a Resolution Recognizing Reverend Father Steve Bulfer in the Year of the Priest; Res. 10-97
- CA-111 **Chair Cann**
 Ratify the Signature of the Chairman of the Board of Supervisors on a Letter Supporting the Governor's Signature on Senate Bill 85 – Cogdill to Correct a Decades-Old Inadequacy for Several Counties with Respect to their Local Property Taxes; Res. 10-98
- 15 **Adjourn**
BOARD ACTION: (M)Aborn, (S)Turpin, the Board adjourned at 2:27 p.m. in memory of Luther Earl Bagwell, Marilyn Kendall, Tom Shandorf, and Ken Gosting/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
 Clerk of the Board

KEVIN CANN
 Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 9, 2010



Folder Time Description

9:00 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 the two fallen law enforcement officers in Fresno County and for law enforcement in general for the tremendous risk they take each day to protect us.

Introductions – Kristin Olsen, Modesto City Council member, introduced herself and advised that she is running for the State Assembly – 25th District. Her website is www.kristinolsen.org.

- 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 Allen pulled item 106. In response to Supervisor Cann’s questions, Jim Rydingsword/Human Services Director, provided input on item 105. (M)Aborn, (S)Allen, the balance of the items was approved/Ayes: Unanimous.
- 2 **Chair Cann**
Proclaim the Month of March, 2010 as “Women’s History Month” (Connie Waldron, Representing " Merced River Chapter, Daughters of the American Revolution ")
BOARD ACTION: (M)Bibby, (S)Aborn, the Proclamation was approved and presented to Kathy Landers, representing the Merced River Chapter, Daughters of the American Revolution/Ayes: Unanimous.
- 3 **Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)**
Peter Schimmelfennig, Executive Director of the Chamber of Commerce, advised that the Courthouse will be open this weekend for tours conducted by docents during the Storytelling Festival.
Beth Savage referred to requests she received to work with the contractor that installed their driveway to correct the problems; and she advised that she can not do that. She sought legal counsel and received a suggestion that they could assign their rights for damages to the County and then the County could collect against the contractor.

David Taylor, Lake Don Pedro Subdivision, provided input on their pedestrian and equestrian trails and expressed concerns, including hazards and the condition of portions of the trail, potential problems with dogs and with horses if spooked.

Manuel Souza advised of a Championship Bull Riding event being planned for May 29th at Coyote Springs Ranch. He stated he has a contract to sign with CBR in the next twenty days and wants to know if there are any problems with holding this event. Chair Cann advised that the necessary permits need to be obtained, including the Assemblage Permit.

Peter Schimmelfennig, resident of Lake Don Pedro, referred to Mr. Taylor's comments and he urged support for the work being done on the trail issues.

David Taylor agreed with Peter Schimmelfennig.

4

Board Information

Supervisor Bibby thanked the community for supporting the Hornitos Enchilada Feed fundraiser. She urged support of the Kids Day newspaper sales for Valley Children's Hospital. She noted the Storytelling Festival starts on Friday, and 4-H Presentation Day is scheduled for March 13th. She advised that there will be a fundraiser on March 20th for Kathleen Guenthart, a County employee, who has developed medical problems. She thanked the Chamber of Commerce for opening the Courthouse for tours this weekend.

Supervisor Turpin advised that he attended the Tourism Bureau Board of Directors' meeting on Wednesday, and the North County History Center meeting in the evening – they are working on preparing for the June 5th ribbon cutting ceremony for the designation of John Muir Highway. He attended a briefing on Thursday relative to potentially establishing a charter school in the North County. He attended the workshop for agri-tourism on Friday and he attended a meeting relative to the progress for the future fire stations. He attended the local VFW crab feed in Coulterville. He plans to attend the SWIFT meeting and the Sierra Nevada Conservancy's tour of the composting facility on Wednesday. He plans to attend the Yosemite-Sequoia Resource Conservation and Development Area meeting on Thursday. He advised of the Storytelling Festival event scheduled in Coulterville. He advised that there will be a presentation on charter schools on Friday at Don Pedro High School. He advised that the Friends of the Red Cloud Library are holding their annual St. Patrick's Day dinner fundraiser in Greeley Hill.

Supervisor Allen noted the importance of the Kids Day newspaper fundraiser for the Hospital. He advised that he attended the Area 12 Agency on Aging meeting on Wednesday in San Andreas, and meal delivery was discussed. He attended the agri-tourism workshop on Friday. He attended the Hornitos Enchilada Feed on Saturday. He attended the breakfast fundraiser in Greeley Hill on Sunday. He plans to attend the Storytelling Festival on Saturday. He provided an update on the status of the Wawona School being slated to close by the Bass Lake School District and efforts to bring the school back into the Mariposa District. He gives his regards to Aaron Rosander who was appointed acting School Superintendent.

Supervisor Aborn commented on the importance of wearing hats when out in the sun. He advised that he attended the Year of the Priest event for Father Bulfer and presented the Resolution that was adopted by the Board. The El Portal Town Planning Advisory Committee is meeting tonight. The Midpines Community Planning Committee meets on the third Thursday of each month. He encouraged citizens to attend these meetings. He advised that a memorial ceremony is being planned for Ken Gosting.

Supervisor Cann advised that he attended the Tourism Bureau meeting on Wednesday. He served as the official for the Habitat for Humanity's induction of new officers on Thursday. He addressed the AP students studying environmental studies and public policies from Redwood City Summer Prep School on Friday at the

Tenaya Lodge. He attended the Hornitos Enchilada dinner. He plans to meet this week with the YMCA proponents relative to a feasibility study grant for an aquatic facility. He plans to meet with members of the Upper Merced River Watershed relative to a grant for recognizing Highway 140 as a National Scenic By-way. He urged attendance at the Storytelling Festival.

5

County Counsel

PUBLIC HEARING to Adopt an Extension of the Interim Urgency Ordinance which was Adopted on January 26, 2010, to Define Medical Marijuana Dispensary and Prohibit the Establishment of Medical Marijuana Dispensaries within the County of Mariposa. This Extension Shall be Effective for Ten (10) Months and Fifteen (15) Days Commencing on the 12th Day of March, 2010, and Shall Expire Ten (10) Months and Fifteen (15) Days thereafter unless Further Extended Pursuant to California Government Code Section 65858

BOARD ACTION: Steve Dahlem, County Counsel, presented the staff report. Kris Schenk, Planning Director, presented information on the processing and timelines for this project; and he responded to questions from the Board relative to extending the Ordinance again. County Counsel responded to questions from the Board relative to action taken in other jurisdictions to not allow marijuana dispensaries; process to amend the Zoning Ordinance; relative to the language in Urgency Ordinance No. 1067 directing staff to study this matter and the Board’s intent based on input that was received to not allow dispensaries.

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

Brian Muller, Sheriff, stated he feels the time being requested is appropriate as there are five different propositions trying to qualify for the November ballot and that could change the entire issue. He further noted that in counties where dispensaries were allowed, they are being reviewed because they are operating illegally based on Proposition 215 provisions.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Bibby, (S)Allen, Res. 10-111 was adopted extending the Interim Urgency Ordinance as recommended/Ayes: Unanimous.

6

Chair Cann

Discuss and Provide Direction Relative to Appointment of Board Member Ad Hoc Committees

BOARD ACTION: Following discussion, (M)Bibby, (S)Aborn, appointments remain the same/Ayes: Unanimous.

7

Chair Cann

Review and Provide Direction Relative to Board Member Liaison Policy Areas and Selection of Board Member Representation

BOARD ACTION: Discussion was held, including consideration of splitting the Developmental Services policy areas, moving Agricultural Commissioner to Justice System Services, and moving Technical Services to General Government. The Board concurred with the County Administrative Officer further reviewing the structure and the issues raised and bringing the matter back for further consideration.

8

Public Works

Waive Second Reading and Adopt Ordinance Amending Section 2.56.050, 2.56.060, and 2.56.090 of Chapter 2.56 “Board of Recreation Commissioners” of the County Code

BOARD ACTION: Following discussion with Dana Hertfelder, (M)Bibby, (S)Turpin, the second reading was waived and Ordinance No. 1069 was adopted. The Clerk of the Board read the title of the Ordinance into the record/Ayes: Unanimous.

Board Convened as

10:20 a.m. LOCAL TRANSPORTATION COMMISSION

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

- 9 Public Presentation: For Items within the Jurisdiction of the Local Transportation Commission and not on Today’s Agenda (Speakers Limited to Five Minutes)

Eleanor Keuning referred to previous discussions and provided input relative to unmet transit needs from North County to Mariposa and within other areas of the County; and suggested that the High School students be included in these discussions. Chair Turpin and Dana Hertfelder advised of the approval of preparing a new transit plan and advised that the Social Services Transportation Advisory Committee reviews unmet needs and then a hearing is held before the Commission.

- 10 **Public Works**

Adopt a Resolution Authorizing the Director of Public Works to Request the Fiscal Year 09/10 Allocation for Proposition 1B Local Streets and Roads Funding

COMMISSION ACTION: Discussion was held with Dana Hertfelder relative to this matter and various road projects. He advised that once the funding is approved, another action will be necessary to accept the funding and allocate it in the budget. (M)Cann, (S)Aborn, LTC Res. 10-6 was adopted as recommended/Ayes: Unanimous.

Reconvened as

10:35 a.m. BOARD OF SUPERVISORS

- 12 Consider Items Removed from the Consent Agenda

Item 106 – Following discussion with Dana Hertfelder relative to the status of the front step and roof at the History Center; (M)Allen, (S)Aborn, item 106 was approved/Ayes: Unanimous.

10:38 a.m. Recess

10:50 a.m. Reconvened

- 11 **Supervisor Bibby**

Authorize the Mariposa County 4-H Council to be the County’s Official Representative for Mariposa County’s Exhibit at the 2010 California State Fair and Authorize the Board of Supervisors Chair to Sign the 2010 Counties Exhibit Entry Form; Authorize the Payment of \$200 from the Liability Insurance Fund to the Mariposa County 4-H Council for the Purchase of Insurance from the California Exposition & State Fair

BOARD ACTION: Discussion was held relative to the request. Donna Wice/4-H Coordinator, provided input on plans for the exhibit and advised that they are soliciting donations/donated items. Supervisor Bibby clarified that it is intended that the 4-H Council will keep any prize funds that are received. Supervisor Cann suggested that Donna Wice contact the Tourism Bureau to solicit a grant and possible use of some of their materials. Discussion was held relative to considering financial support from the County and options.

Input from the public was provided by the following:

Ruth Catalan commented on the 4-H program and encouraged the Board to find up to \$5,000 in funding to help with this project.

(M)Bibby, (S)Aborn, Res. 10-113 was adopted approving the Entry Form and Insurance as recommended; and direction was given for the 4-H Coordinator to bring back an item with cost information for the exhibit, including transportation/Ayes: Unanimous.

13

Administration

CLOSED SESSION: Public Employee Employment: Public Works Director; and

14

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)Allen, the closed sessions were held at 11:12 a.m./Ayes: Unanimous. Chair Cann advised that the Board would reconvene in open session after lunch.

12:00 noon Lunch

2:01 p.m. Reconvened

Report from Closed Session:

Chair Cann announced that direction was given as a result of the two closed session matters.

15

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 January 26, 2010)

NOTE: Applicant Requested Another Continuance. Staff Recommends that the Board of Supervisors Open the Public Hearing and Continue it until Tuesday, April 20, 2010 at 2:00 p.m.

BOARD ACTION: Kris Schenk advised of the request received from the applicant for another continuance. Chair Cann opened the public portion of the hearing to receive input on the request for continuance. No input was received. The public portion of the hearing was closed. (M)Aborn, (S)Allen, the public hearing was continued to April 20, 2010, at 2:00 p.m.. Staff responded to a question from the Board as to whether there is a limit on how many times a continuance can be granted. Ayes: Unanimous.

2:05 p.m. Recess

2:09 p.m. Reconvened

16

Supervisor Cann

Adopt Resolution of Intention to Initiate an Amendment to Title 17, Zoning, to Add Provisions and Standards for Political Signs

BOARD ACTION: Supervisor Cann initiated discussion relative to the request, and suggested that consideration be given to changing the 90 days to 60 days for allowing signs to be up. Sarah Williams, Deputy Planning Director, provided input on the process and timeframes for this amendment; and she advised that the action requested today includes what text to process. Keith Williams, County Clerk/Elections, advised that the ninety days proposed in the amendment for displaying signs begins on Wednesday, and he would like to be able to post information on the web.

Input from the public was provided by the following:

Lee Stetson advised that he has invested in 4 x 8-foot signs and feels that other candidates have done likewise; and he asked whether the proposed amendment will apply during this election cycle.

Discussion was held relative to the proposal and it was clarified that the standards for permanent signs do not apply to temporary signs. (M)Allen, (S)Turpin, Res. 10-114 was adopted initiating the amendment as recommended/Ayes: Unanimous.

Consent Agenda

- CA-101 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-105

- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to the Big Meadow Fire; Res. 10-106

- CA-103 **Clerk of the Board**
Approval of Summary of Proceedings of March 2, 2010, Regular Meeting

- CA-104 **Sheriff**
Authorize the Sheriff to Purchase an Emergency Communications, Higher Ground Voice Logger from Commercial Electronics Corporation; and Approve Budget Action Transferring Funds within the Sheriff's Department Budget to Cover the Cost (\$16,181); Res. 10-107

- CA-105 **Human Services**
Approve Amendment with Edna Terrell for Continued Consulting Services for Human Services Programs and Authorize the Board of Supervisors Chair to Sign the Amendment; and Authorize Budget Action Transferring Funds within the Social Services Budget to Cover the Additional Cost (\$20,000); Res. 10-108

- CA-106 **Public Works**
Approve Budget Action Transferring Funds within the Facilities History Center Budget to Cover the Additional Cost Needed to Complete the History Center ADA Compliance Project with a Balance Left in the Fund (\$5,000) (4/5ths Vote Required); Res. 10-112

- CA-107 **Administration**
Approve Termination of the Legal Services Agreement with David Smothers Effective April 9, 2010, and Authorize Staff to Seek a Replacement; Res. 10-109

CA-108

Community Services

Approve the Response to the Request for Proposals (RFP) for Fiscal Years 2010-2014 with the Area 12 Agency on Aging for the Following Programs: Congregate Nutrition C-1, Home Delivered Nutrition C-2, Congregate Restaurant Program C-1, and Transportation; and Authorize the Board of Supervisors Chair to Sign the RFP and the Community Services Director to Sign as the Designee and Service Provider; Res. 10-110

17

Adjourn

BOARD ACTION: Chair Cann adjourned the meeting at 2:28 p.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 16, 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 the armed forces across the world.

Introductions – Rick Benson, County Administrative Officer, introduced Doug Wilson, the interim Public Works Director; and he introduced Mike Kinslow, the new Building Department Director.

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

Ron Kiser provided input on efforts to keep the terminal at the Airport open, and he expressed concern that the employee at the Airport was told that it would be closed on March 29th and he would be transferred to other duties in Public Works. He also expressed concern with the old fire equipment being parked at the Airport. He stated he feels that the Grand Jury should review the Airport situation.

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: (M)Allen, (S)Turpin, the Consent Agenda was approved/Ayes: Unanimous.

3 Board Information

Supervisor Aborn advised that the Midpines Advisory Planning Committee is meeting on Thursday.

Supervisor Allen advised that he met with the Acting Superintendent of Schools and representatives of Senator Feinstein and Congressman Radanovich's offices and Wawona residents relative to transferring the Wawona Elementary School to the Madera County Department of Education for a year, and hopefully to Mariposa County School District the following year. He attended the Storytelling Festival on Saturday and commended Donna Brownell/Executive Director of the Arts Council and Marilyn Rudzik/Coordinator for the event, for their work to make the Festival a success. He attended the Area 12 Agency on Aging Advisory Council meeting on Monday at the Senior Activity Center; and they reviewed guidelines for membership. He plans to attend the benefit for Kathy Guenthart in Catheys Valley and the Ewing

Memorial Garden dinner on Saturday. If the Board meeting allows, he plans to attend the PERS lunch at the Senior Activity Center today.

Supervisor Turpin advised that he attended the SWIFT meeting in Moccasin on Wednesday, and the Sierra Nevada Conservancy meeting in the afternoon and that included a tour of the Composting Facility. He attended the Yosemite/Sequoia Resource Conservation and Development meeting on Thursday at the Government Center, and the Storytelling event in Coulterville in the evening. He attended a meeting at the Don Pedro High School on Friday relative to the potential of forming a charter school district. He attended the Red Cloud Library St. Patrick's Day fundraising dinner on Saturday. He plans to attend the Integrated Weed Management meeting on Wednesday, and a meeting relative to future plans for the John Muir Highway designation. He plans to attend the future fire stations planning meeting on Friday, and the Fire Safe Council "bean feed" in Greeley Hill on Saturday.

Supervisor Bibby complimented those involved in the Storytelling Festival, and advised that she attended the event on Friday and Saturday. She plans to attend the Mount Bullion Citizen Advisory Committee meeting on March 18th; and attend a meeting here for Corporation for Education Network Initiatives in California (CENIC) relative to American Recovery and Reinvestment Act (ARRA) grant funds for internet improvements. She advised that a fundraiser is being held on March 20th for Kathy Guenthart; the Farm Bureau is holding a rib dinner fundraiser in Hornitos on March 27th; and a recognition event for social workers is scheduled for March 25th and she commended them for their work. She asked the County Administrative Officer to give an update on when the Airport Fixed-Base Operator item is coming before the Board; and she advised that complaints are reviewed.

Supervisor Cann asked Donna Brownell to give a report on the Storytelling Festival.

Donna Brownell advised of their work with the Tourism Bureau and UC Merced on the Storytelling Festival, and provided input on the activities and attendance. She thanked all of the volunteers for making this a success and the Board for its support.

Supervisor Cann advised that he met last week with staff relative to record storage and issues. He attended the Yosemite National Park Interim Superintendent's going away party. On Monday he met with proponents of an aquatic center. He plans to attend the Integrated Weed Management workshop with Supervisor Turpin on Wednesday. He has meetings scheduled relative to Airport discussions on Wednesday; and he referred to the status of the Airport terminal being open. He plans to attend the Regional Council of Rural Counties (RCRC) meeting and the Environmental Services Joint Powers Authority meeting in Sacramento next week.

Rick Benson advised that the consideration of the requests for proposals that were received for the fixed-base operator (FBO) at the Airport will be scheduled for the March 23rd meeting; and he advised that there will probably be a gap in being able to keep the terminal open between when the County runs out of funds to operate it at the County level and when the FBO takes over. However, they plan to continue with the volunteers in the interim. Chair Cann deferred to the Board's liaison committee (Supervisors Aborn and Turpin) to discuss this matter and asked that discussion be scheduled for the next meeting.

Chair Cann and Rick Benson thanked Dennis Wister for his services as Interim Building Director; and he was presented with a book on the Courthouse.

4

Treasurer

Present Investment Report by Fiduciary Trust, Investment Consultants

BOARD ACTION: Eric Reynolds, Managing Director for Fiduciary Trust, gave the report. Discussion was held and no action was necessary.

5

Public Works

Approve Budget Action Transferring all Funds (\$121,159 as of 3/5/10) Remaining in the Yosemite Wastewater Project Fund to the Yosemite West Utility Capital Fund for Future Maintenance Needs of the Wastewater Treatment Plant; Approve Funds from the Sale of Reserve Capacity of the Yosemite West Wastewater Treatment Plant to be General Purpose Revenue for the County General Fund; and Approve Budget Action Transferring all Funds from Previous Sales of Reserve Capacity (\$75,842 as of 3/5/10) from Fund 108 to General Fund Contingency (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the status of the funding provided for the Yosemite West wastewater treatment project and the recommended action. Chair Cann advised that he is asking for the Water Agency Advisory Board to meet and suggested that they could further consider the \$323,000 loan to the project. (M)Allen, (S)Aborn, Res. 10-127 was adopted approving the recommended budget actions/Ayes: Unanimous.

6

Public Works

Adopt a Resolution of Intention to Sell Fee Title to County Property Located in Yosemite West

BOARD ACTION: Supervisor Aborn requested that this matter be continued to later in the morning for other Yosemite West residents to be present; and the matter was continued.

7

Public Works

Discussion and Possible Direction Regarding Naming the Access Road to the Sports Complex Property

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the request and he advised that input was received from the Native American group. This road will also access the new Human Services Building and the First Baptist Church. Supervisor Allen referred to the road naming process and suggested that those involved in this matter (including Human Services, Historical Sites and Records Preservation Commission, and Parks and Recreation Commission) be included in the process and that a recommendation come back with the option of one or two names.

Input from the public was provided by the following:

Lester Bridges suggested having a competition for the public to submit names as the Fair Board does for its theme each year. Supervisor Cann stated he feels it would be okay to consider this suggestion.

Further discussion was held. The Board concurred with Public Works having the Parks and Recreation Manager coordinate with Planning and consulting with the affected entities to bring back a couple of suggestions for road names in a month.

10:22 a.m. Recess

8

10:35 a.m. Public Works

Discussion and Possible Direction Regarding Mariposa County’s Minimum Road Standards Established in the Mariposa County Road Improvement and Circulation Policy and Mariposa County Improvement Standards

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the minimum road standards and allowing for additional average daily travel for the Rural Class I gravel road. County Counsel responded to a question from the Board and advised that Planning would need to be involved in the process if the Board moves forward with changes to the standards.

Input from the public was provided by the following:

Ken Melton advised that he has been involved with the road standards issues since 1988; and he referred to the history and changes that were made later due to CDF's (CalFIRE) changes in regulations. He does not feel that it is a modification to the standards to allow for an increase in the average daily traffic; and he proposed that the average daily traffic for Rural Class I gravel roads be increased from 40 to 120 vehicles. He referred to section 5.3.02E(1) of the General Plan; and he cited an example with a project he is involved with and expressed concern with the restrictions.

Further discussion was held. The Board concurred with Public Works working with County Counsel on the issues that were raised, and with getting comment from Planning and any other appropriate departments for further consideration of this matter. Dana Hertfelder advised that they will ask for a thirty-day comment period from the affected departments.

6

Public Works

Adopt a Resolution of Intention to Sell Fee Title to County Property Located in Yosemite West

BOARD ACTION: Discussion was held with Dana Hertfelder relative to this matter and the request received from Yosemite West Cascades for a lot line adjustment to accommodate their plans for a proposed development project in exchange for improvements to the Yosemite West maintenance yard. It was clarified that if the Board gives direction to proceed, an opportunity would be given to members of the public to bid on the property.

Input from the public was provided by the following:

Ruth Catalan asked what Yosemite West Cascades is planning to do.

Robert Kroon, Yosemite West resident, stated he supports the Yosemite West Cascades project, but he does not support selling this portion of property to anyone. He referred to the use of the property in 1990 during the fires for equipment. He expressed concern with access impacts with the relocation of the maintenance yard for the District's equipment. He referred to the terrain of the area and stated he does not feel that the flat area of the property should be given up.

Don Pitts, Yosemite West resident and member of the Yosemite West Maintenance District Advisory Committee, stated this issue has not been voted on by them; and he feels that a majority of the members are opposed. He endorsed Mr. Kroon's comments relative to the impact on access; and he advised that a proposed location for a water well is in the flat area where Yosemite West Cascades wants to build.

Debra Kroon, member of the Yosemite West Maintenance District Advisory Committee, advised of the discussion the Committee held relative to the proposal to place the maintenance facility at the end of the road. She advised that the Committee wanted more detailed information about the proposed development project and location of the area and nothing was brought back. She feels that this flat land is prime real estate, and she does not feel that the appraised value is fair. She noted that she is a licensed real estate broker, and referred to recent sales data. She feels that this proposal will change the aesthetics. She expressed concern with future development possibilities on adjoining property and possibly needing all of the space that is at the maintenance facility. She referred to the original wells for Yosemite West and feels they should be preserved for possible reactivation in the future. She noted that if this is truly a bid open to the public, then that could put Yosemite West Cascades back to their fifteen-acres for development.

Jeff Hornacek, Yosemite West Cascades, advised that their development project was presented in a broad scope to Planning and the Advisory Committee, and the details are being worked out. But they want this process to happen to be able to finalize the details of their project. They feel they have solutions for the issues that

have been raised; and he feels that there is plenty of turn-around room and equipment could be parked at the edge of the road when it needs to be. He would like to clean up the area and this proposal would improve the facility. He advised of the meeting with the Advisory Committee. He responded to questions from the Board relative to the appraisal and the issues that were raised, including the hazardous waste clean-up and the status of the wells.

Dana Hertfelder advised that he does not feel that the old wells are usable, they had limited production and there are water quality issues. County Counsel responded relative to the process if the Board moves forward.

Anita Starchman Bryant provided input on the request, and she advised that this process will allow the applicant to submit their project.

Ruth Catalan asked for clarification of the request and whether contingencies could be included in the bids. Chair Cann responded.

Further discussion was held. Supervisor Bibby asked about covering the costs for the bid process and County Counsel advised that the County could require the costs to be covered by the bidders; and he clarified that the property being discussed is a remainder of a parcel. Rick Benson asked that the matter be scheduled for April 20th at 9:00 a.m. or as soon thereafter as the matter may be heard. (M)Aborn, (S)Turpin, Res. 10-128 was adopted approving the request as requested, with the change in the scheduling as requested/Ayes: Unanimous.

12:18 p.m. Lunch

1:04 p.m. The Board reconvened.

16

Chair Cann

Resolution and Tile Plaque Recognizing Dana Hertfelder, Upon his Retirement as Public Works Director, Mariposa County Public Works Department with Refreshment Break to Follow

BOARD ACTION: Board members and Rick Benson commended Dana Hertfelder for his services to the County. (M)Turpin, (S)Bibby and the remaining Board members, Res. 10-115 was adopted and presented to Dana Hertfelder along with the tile plaque/Ayes: Unanimous.

1:17 p.m. Refreshment Break

1:46 p.m. The Board reconvened.

9

Public Works

Accept the Bids for Excess Fire Engines and Water Tenders and Award Bids to the Highest Bidder; Require the Bidder to Decommission the Equipment before the Equipment Leaves the County's Possession

BOARD ACTION: Discussion was held with Dana Hertfelder relative to this matter; and he advised that their public notice scheduled this matter for action on March 23rd. Discussion will be held today and the matter will be continued to March 23rd for action. Supervisors Cann and Allen noted the late Don Weston's interest in fire equipment and issues. Discussion was held relative to the storage of the equipment in the interim. The matter was continued to March 23rd.

Board Convened as

1:52 p.m. LOCAL TRANSPORTATION COMMISSION

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

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

11 **Public Works**

Authorize the Executive Director to Execute any Necessary Documents Pertaining to Public Transportation Modernization, Improvement and Service Enhancement Program (PTMISEA) Project Funding for the Remaining \$43,661 for the Automatic Security Gate and Lighting to be Installed at the County Maintenance Yard

COMMISSION ACTION: Discussion was held with Dana Hertfelder. (M)Bibby, (S)Cann, LTC Res. 10-7 was adopted approving the recommended action/Ayes: Unanimous.

12 **Public Works**

Authorize the Executive Director to Sign any Necessary Documents Pertaining to Public Transportation Modernization, Improvement and Service Enhancement Program (PTMISEA) Project Funding for Operation Center Generator in the Amount of \$162,726

COMMISSION ACTION: Discussion was held with Dana Hertfelder. (M)Allen, (S)Bibby, LTC Res. 10-8 was adopted approving the recommended action/Ayes: Unanimous.

13 **Public Works**

Adopt a Resolution Allocating the State Transit Assistance (STA) Funds for Fiscal Year 2009-2010 (\$6,811.73)

COMMISSION ACTION: Discussion was held with Dana Hertfelder. (M)Bibby, (S)Aborn, LTC Res. 10-9 was adopted approving the recommended action/Ayes: Unanimous.

Reconvened as

2:01 p.m. BOARD OF SUPERVISORS

14 Consider Items Removed from the Consent Agenda - none

17 **Planning**

PUBLIC HEARING to Consider Public Comments on the 2010 General Plan Annual Report; Accept and Direct that the 2010 Annual Report be Filed with the State Office of Planning and Research (OPR) and the Department of Housing and Community Development (HDC); and Adopt a Resolution Establishing the 2010 Schedule of General Plan Amendments

BOARD ACTION: Kris Schenk, Planning Director, introduced the item. Alvaro Arias, Associate Planner, presented the staff report. Staff responded to questions from the Board relative to the General Plan amendments allowed each year and the possibility of the County being able to add an item for consideration of amendment; and relative to review of the short-term implementation measures and their status given the department's workload and staffing.

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

Kay Pitts, Yosemite West resident, stated she did not hear Yosemite West mentioned in the report.

Peter Schimmelfennig, resident of Lake Don Pedro, asked why Lake Don Pedro was not mentioned.

MaryAnn Huff asked about the progress on Title 17 revisions and agri-tourism policies.

Ken Melton asked that removal of General Plan section 5.3.02E(1) Road Capacity and Access be included for consideration as an amendment to the General Plan. He feels that this violates the nexus procedure by requiring a private citizen to bring a County road up to standard to do a development.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to the issues raised – there was a draft plan for Yosemite West that came to the Board in 2008 and there has been no activity since 2009; the Lake Don Pedro plan has been delayed with the turnover at the Community Services District and there has been some discussion of coordinating with Tuolumne County; the agri-tourism amendment is scheduled for the Planning Commission on April 23rd and then it will be scheduled for the Board and they are going through the environmental review process simultaneously; and they will check with the interim Public Works Director on the issue Supervisor Turpin raised for the County to add an amendment for “coordination” and do some preliminary review.

(M)Bibby, (S)Allen, the completion of the El Portal area plan was moved from the short term schedule to the intermediate schedule; Res. 10-129 was adopted adopting the 2010 Schedule of General Plan Amendments; and the 2010 Annual Report was accepted and direction was given for the Report to be provided to the Office of Planning and Research and the Department of Housing and Community Development/Ayes: Unanimous. The hearing was closed.

2:40 p.m. Recess

2:44 p.m. The Board reconvened.

18

Administration

Consider the Request from the Owners of the Hotel Jeffery to Waive the Transient Occupancy Tax (TOT) Penalty and Render an Order Regarding said Penalty

BOARD ACTION: Rick Benson reviewed the request and the background; and discussion was held as to when the Schimmelfennigs reopened the Hotel Jeffery and relative to the TOT issues. Keith Williams, Treasurer/Tax Collector, provided input relative to the assessment and collection of the TOT and of his discussions with Peter Schimmelfennig; and he advised that the TOT with penalty and interest was paid. The amount in question is the additional penalty that was assessed pursuant to County Code section 3.36.210. Discussion was held relative to the appeal that was filed and confusion of the interpretation of the twenty days – whether it was calendar or working days.

Input from the public was provided by the following:

Peter Schimmelfennig, President of P&C Development, Inc., Hotel Jeffery, provided input on his previous business experience and efforts to reopen the Hotel and kitchen facilities and his interactions with County departments. He questioned why the County did not give them information on the TOT tax process during their contact with the County. He asked that the Board set aside the penalty and presented the following documents and reviewed the chronology of events:

- a copy of a memo of December 23, 2003 from the Mariposa County Fire Department, Chief Shultz, relative to the evaluation of their facility;

- copies of telephone records showing calls made to Mariposa Fire Department trying to determine the status of the release letter the Department was supposed to prepare so the Certificate of Occupancy could be issued;

- copies of receipts from 2006 showing the trips they made to Mariposa trying to obtain the letter in question; he advised that he was notified by Planning in 2007 that they did not have his TOT permit application and he maintained that he previously applied for the permit;

- a copy of the TOT permit application he made in February 2007 which he said was a re-application; he advised that the Treasurer contacted him in early February of 2007 and they had a series of meetings trying to resolve the TOT issues and he advised that up until then, he had not received any information on how to pay the tax, but he was collecting it; he paid the \$22,003.82 that it was determined he owed in back TOT, interest, and penalty;

- a copy of a letter dated August 28, 2007 he received from Keith Williams advising of the additional \$42,527.58 that he owed in penalties and informing him of his appeal rights; then he finally received a memo from the new Fire Chief Wilson authorizing the issuance of the Certificate of Occupancy; and

- a copy of the TOT tax audit and payments he made for 2004-07.

Discussion was held with Peter Schimmelfennig relative to the processing of his appeal that he submitted in 2007 and relative to the TOT issues.

Sarah Williams, Deputy Planning Director, provided input on the TOT permit application procedures and the differences in processing an application for a transient residential permit versus an existing hotel – the owner for an existing hotel just needs to come in and apply for a change of ownership.

Further discussion was held with Peter Schimmelfennig relative to the hotel being idle for 21-months and his contacts with the County during this time.

Lester Bridges, businessman and friend of Peter Schimmelfennig, referred to the Labor laws as an example of the many rules and regulations that businesses must follow. He feels that mistakes were made on the part of the County, and he noted that funds were set aside for the payment of the TOT tax. He noted that a lot was invested in the Hotel Jeffery and in the community, and that Peter's wife is fighting cancer; and he asked for compassion.

MaryAnn Huff, past President of the Chamber of Commerce and resident of North County and commercial business property owner, stated she is also a personal friend of Peter Schimmelfennig. She noted that business is dying in Coulterville, the Hotel Jeffery is the hub of Coulterville and its closure has devastated North County. She advised of a situation with her building and a break down in communication with the County permitting of the kitchen. She feels that the County needs to provide more information to businesses.

Keith Williams provided additional input on this matter; and he advised that this matter is before the Board today to give Peter Schimmelfennig a chance to present his request to ask the Board to set aside the penalty before his office perfects a lien on the property. He clarified that this penalty is a fine on top of the TOT, penalty and interest that has already been paid; and there is no dispute of the amount. Further discussion was held, and Keith Williams clarified that this is the first case where the double penalty was applied and he feels that this was very confusing for the owners. He further advised of the availability of the TOT Ordinance.

(M)Aborn, (S)Turpin, Res. 10-130 was adopted waiving the 200-percent TOT penalty in the amount of \$42,527.58 for the Hotel Jeffery for this specific case, finding that this does not set precedent. Supervisor Turpin initiated discussion relative to reviewing the procedures for clarity, and he noted that other counties do not have this 200-percent penalty clause. Supervisor Cann noted that there was no willful defiance found for not paying the tax, and expressed concern with the County official that did not seem to respond over the two-year period; and he noted that the appeal was filed in the timeframe advised by the Treasurer. Supervisor Bibby suggested that the businesses be reminded of requirements and that a caution be added to the applications, that they are only an application and the applicant needs to follow through to obtain the permit. Ayes: Unanimous.

- 19 **County Counsel**
 Adopt a Resolution Declaring the Board of Supervisor’s and County Service Area 1-M (Lake Don Pedro) Board of Director’s Intent to Lease Real Property Located in the County Service Area 1-M for Grazing Purposes
BOARD ACTION: Discussion was held with Steve Dahlem. (M)Allen, (A)Aborn, Board Res. 10-131 and CSA 1M Res. 10-2 were adopted declaring the intent to lease the property. The motion was amended, agreeable with the maker and second, to include direction for the minimum grazing lease amount to be \$2,037.50/Ayes: Unanimous.
- 20 **Supervisor Aborn**
 Approve Budget Action Reducing General Fund Contingency to Provide Additional Funding to the Yosemite Renaissance (\$5,000) (4/5ths Vote Required)
BOARD ACTION: Supervisor Aborn initiated discussion relative to the Yosemite Renaissance program and request for the funding to restore funding to the historic level of \$10,000 total.
 Input from the public was provided by the following:
 Kay Pitts, President of Yosemite Renaissance, advised that this is their 25th year and she provided input on their programs and revenues and expenses. Supervisor Bibby initiated discussion relative to consideration of applying for Tobacco grant funds.
 Tom Medema, Yosemite National Park Chief of Interpretation, provided input supporting the program and advised of its benefits in public education in connecting the visitors to Yosemite.
 Following discussion, (M)Aborn, (S)Allen, Res. 10-132 was adopted approving the budget action as requested/Ayes: Unanimous.
- 15 **Administration**
 CLOSED SESSION: Public Employee Employment: Public Works Director
BOARD ACTION: (M)Bibby, (S)Turpin, the closed session was held at 4:40 p.m./Ayes: Unanimous.

5:10 p.m. Report from Closed Session:
 Chair Cann advised that information was received as a result of the closed session matter.

Consent Agenda

- CA-101 **Administration**
 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-116
- CA-102 **Administration**
 Resolution Continuing the Local Emergency Due to the Big Meadow Fire; Res. 10-117
- CA-103 **Clerk of the Board**
 Approval of Summary of Proceedings of March 9, 2010, Regular Meeting
- CA-104 **Health**
 Approve Agreement with San Joaquin County Health Department for Participation in a Computerized Immunization Registry Program for Fiscal Year 2009-2010 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-118

- CA-105 **Public Works**
 Approve Plans and Specifications for Bidding Purposes for the Bear Valley Road Rehabilitation from P.M. 17.70 to P.M. 18.20, Project No. 06-21; Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder; and Authorize the Public Works Director to Sign an Agreement for Services; Res. 10-119
- CA-106 **Supervisor Aborn**
 Re-appoint Nancy Jones, Candy O'Donel-Browne and Marvin Wells to the Midpines Planning Advisory Committee for Terms Expiring February 28, 2012
- CA-107 **Supervisor Aborn**
 Re-appoint Kenneth LeBlanc to the Yosemite West Planning Advisory Committee for a Term Expiring February 28, 2012
- CA-108 **Human Services**
 Approve Budget Action Increasing Revenue to Allow for the Receipt of the Community Based Child Abuse Prevention (CBCAP) Allocation; Approve Budget Action Appropriating New Funds and Redistribution of Current Budget; and Approve Budget Action Transferring Funds within the Social Services Budget for the Children's Trust Fund (TCF); Approve Budget Actions 1) Increasing Revenue and Appropriations and Reducing Contingency in the Family Preservation Fund (\$16,242); 2) Increasing Revenue and Appropriations in the Social Services and Children's Trust Budgets (\$4,635) (4/5ths Vote Required); Res. 10-120
- CA-109 **Human Services**
 Approve the 2010 Low Income Home Energy Assistance Program (LIHEAP) Agreement 10B-5623 and Subsequent Amendments and Authorize the Human Services Director to Sign the Agreement and Subsequent Amendments; Accept an Advance of \$25,000 in Anticipated Revenue from LIHEAP Agreement 10B-5623; Res. 10-121
- CA-110 **Treasurer**
 Approve the Annual Investment Policy and Guidelines for Mariposa County; Res. 10-122
- CA-111 **Sheriff**
 Approve a Lease Agreement with William A. Freeman for the Property Located at 5012 Fairgrounds Road to be Used by Animal Control and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-123
- CA-112 **Administration**
 Approve the First Amendment to Agreement with the Yosemite/Mariposa County Tourism Bureau Amending the Not to Exceed Amount to \$450,000 and the April 15, 2010 Payment to \$150,000 and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-124
- CA-113 **Administration**
 Approve an Agreement with Daniel Michael to Test, and when Necessary Repair the Fire Department's Self-Contained Breathing apparatus Units and Authorize the County Administrative Officer to Sign the Agreement; Res. 10-125

CA-114

Community Services

Approve Amendments to Agreements with Area 12 Agency on Aging Increasing the Per Meal Served Reimbursements Rate for Congregate C-1 (\$.73), Restaurant C-1 (\$.73), and Home Delivered C-2 (\$.16) and Authorize the Board of Supervisors Chair to Sign the Amendments; Approve Budget Action Increasing Revenue and Appropriations in the Senior Nutrition Fund to Recognize the Increase in Reimbursement Amounts (\$9,346) (4/5ths Vote Required); Res. 10-126

21

Adjourn

Chair Cann adjourned the meeting at 5:11 p.m. in memory of Karl Meisner and Abbott "Bud" Waldron.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 23, 2010



Folder Time Description

9:01 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 the troops across the world.

Introductions – Teri Murrison, member of the Tuolumne County Board of Supervisors, introduced herself and advised that she is running for the State Assembly – 25th District. She also encouraged the Board to pursue adoption of “coordination” with the Homeland Security Program.

- 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: (M)Bibby, (S)Aborn, all items were 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)
 Eleanor Keuning asked about providing input on the micro-enterprise loan program item that is scheduled for later this day; and she provided input on the Board’s procedures and the Board Information item and stated she would like to see more input on the things that are occurring that affect the County and adjacent counties versus reports on events and meetings the Board members attend. With the change to universal health care, she is concerned about a person that hangs out a few days at a time by a stream and how these situations will be handled.
 Jim Wilson, Fire Chief, advised that ten volunteers just graduated from the fire academy, and they were able to use the new live fire simulator. He thanked the volunteer officers for teaching much of the academy. He advised that there is a media event scheduled for Saturday for the Department to demonstrate the new extrication and stabilization tools that were received through the Traffic Safety Grant.
 David Taylor, Lake Don Pedro subdivision, referred to his previous input to the Board relative to the pedestrian and equestrian trails in the subdivision; and he presented a copy of information that was provided in 2007 with photographs and suggestions for rerouting trails to solve problems.
 Peter Schimmelfennig, Chamber of Commerce Executive Director, advised that the Clubs and Organizations recognition dinner is scheduled for April 15th.

Lester Bridges, President of the Chamber of Commerce, announced that the Chamber's mixer is scheduled for this evening at 5th Street Inn; and he encouraged everyone to be supportive of all of the events that are happening.

Chair Cann introduced Doug Wilson, interim Public Works Director.

3

Board Information

Supervisor Aborn advised that he and his wife attended the fire training at the Airport on Saturday. He also attended the Ranch Fence BBQ.

Supervisor Allen advised that he attended the presentation by CENIC on Thursday on efforts to obtain a grant for broadband infrastructure for multiple counties. He attended the Planning Commission meeting on Friday relative to the Catheys Valley Plan. He attended the fundraising events for Kathy Guenthart and for the Ewing Memorial Garden on Saturday. He stated he feels it is important for the Board members to mention events they attend and that the events provide an opportunity for them to hear from the communities.

Supervisor Turpin advised that he attended the Integrated Weed Management meeting on Wednesday, and the Tourism Bureau planning meeting for the John Muir Highway celebration which is scheduled for June 5th. He attended the future fire station planning meeting on Friday. He plans to attend the Williamson Act meeting in Fresno on Wednesday, and the CSAC Board of Directors meeting in Sacramento on Thursday. He noted the Farm Bureau rib dinner is scheduled for Saturday in Hornitos.

Supervisor Bibby advised of her discussion with Ross Chittenden/CalTrans relative to the status of the Ferguson Rockslide project, and he will be scheduling a presentation for the Board. She attended the presentation by CENIC on March 18th and urged citizens to write letters of support for the grant application for broadband infrastructure. She attended the Mount Bullion citizen group meeting on March 18th and the Planning Commission meeting on March 19th relative to the Catheys Valley Plan and AB 32. She thanked the community for its support for the Guenthart family, and the County employees that donated time. She attended the Ewing Memorial Garden dinner and the Ranch Fence BBQ. She plans to attend the Williamson Act meeting in Fresno on Wednesday. She noted the event scheduled for March 25th to recognize the social workers; the Farm Bureau rib dinner scheduled for Saturday in Hornitos; and the Soroptimist Gold Rush dinner on Saturday.

Supervisor Cann commented on the Board members contact with the citizens in the County and their attendance at events. He advised that he attended the Guenthart fundraiser event. Over the last week, he attended several meetings relative to the Airport and Williamson Act; and on Monday, he attended the Upper Merced Watershed meeting. He met with the new Superintendent of Yosemite National Park on Friday. He plans to attend the Lushmeadows Homeowners Association meeting. He plans to attend the Regional Council of Rural Counties (RCRC) and the Environmental Services Joint Powers Authority meetings on Wednesday and Thursday in Sacramento.

4

Human Services

Approve an Agreement with Molly Long, Licensed Clinical Social Worker (LCSW), to Provide Counseling Services to Mental Health Clients with Global Assessment of Functioning (GAF) Scores of 50 or Above and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Jim Rydingsword provided input on this and the following request and advised that this change to contracting for these services was recommended by the Mental Health Board. (M)Allen, (S)Bibby, Res. 10-146 was adopted approving the agreement as recommended/Ayes: Unanimous.

5

Human Services

Approve an Agreement with Joy McClure, Licensed Clinical Social Worker (LCSW), to Provide Counseling Services to Mental Health Clients with Global Assessment of Functioning (GAF) Scores of 50 or Above and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: (M)Aborn, (S)Bibby, Res. 10-147 was adopted approving the agreement as recommended/Ayes: Unanimous.

6

Public Works

Discussion and Possible Direction to Staff Relative to Negotiations for a Fixed Base Operator (FBO) to Manage the Day-to-Day Operations of the Mariposa/Yosemite Airport

BOARD ACTION: Supervisor Allen excused himself from the meeting for this item at 9:38 a.m. due to a potential conflict of interest because of a business relationship and great friendship with one of the proposals (Roesch), and he noted that he is also his campaign manager. Supervisor Bibby asked for clarification that there is no mention of land acquisition surrounding the Airport, and that the proposals are just for operation of the Airport. Steve Dahlem/County Counsel and Doug Wilson/Interim Public Works Director, agreed that it is their understanding that the proposals are just for the operation of the Airport. Rick Benson reviewed the budget decision made earlier to eliminate the Airport Manager position and relative to closing the terminal – funding for keeping the terminal open ends at the end of this month; however, basic operation of the Airport will continue. He advised that subsequently, discussions have been held by the Airport Advisory Committee and a group that formed to find solutions to the Airport and to keep the terminal open. Then a Request for Proposals was solicited for a fixed-base operator, and he advised of the response and review process; and of the recommendation to negotiate with Mr. Stuhmer/Turlock Air Center based on his FBO experience. Doug Wilson advised that he has reviewed all of the documents and discussed this matter with Dana Hertfelder and concurs with the report given. Chair Cann offered an opportunity to those who submitted proposals to provide input.

Rick Roesch, KMPI Airport and Rent A Car, LLC (KMPI), reviewed his proposal; advised of his business experience in the County with Mercy Ambulance, and of his partnership with Jesse Figueroa with the Greeley Hill Market and Shell station. Discussion was held relative to the proposal. Jesse Figueroa provided input relative to their proposal.

Steve Stuhmer, President and Chief Executive Officer of Turlock Air Center, LLC, reviewed his proposal and his background with the industry. Discussion was held relative to the proposal.

Ray Walker, Yosemite Aviation, reviewed his proposal.

10:40 a.m. Recess

10:52 a.m. Doug Wilson provided input on the discussion relative to the revenue stream and noted that some expenses will continue for the County, and that the County will still have responsibility for maintenance of the facility.

Input from the public was provided by the following; and Chair Cann asked that input be limited to five minutes for each speaker.

Doug Balmain, former Supervisor for District II, referred to the County’s previous experience with FBOs. He feels the Airport has potential and should be looked on with pride – it is the closest airport to Yosemite. He feels the Board should consider the numbers in the proposals and what the community wants, and what best serves the County, when making a decision.

Denny Dennison, resident of Greeley Hill, stated he rents a t-hangar, and he commented on the Telegraph Fire operations at the Airport. He supports Jesse

Figueroa and commended him for his work with the Greeley Hill Market. He referred to his search on Google and concerns he found with Stuhmer's background.

Bob McHugh stated he is a member of AOPA (Aircraft Owners and Pilot Association); and he feels the Airport is important to the community. He feels the County should use extreme caution when entering into a long-term agreement with infrastructure development.

William Brandle, Airport Advisory Committee member and member of the ad hoc group that formed, provided input on their roles and advised of the Committee's recommendation for KMPI's proposal. Personally, he asked the Board to consider the proposals carefully. He is concerned with the terminal being closed at the end of the month, and he asked that it be kept open until the FBO is selected.

Tim Wennberg, AOPA representative, provided input on the proposal he submitted. He advised that he was chair of the ad hoc group and he provided input on the selection process for the FBO; and he advised that it is felt that the proposed general aviation growth will be low. He recommended that the Board be diligent in negotiations and do a cost analysis, and that the County should charge for non-aviation use of the terminal.

Ken Melton referred to his aviation experience; and he feels that if the County is going to negotiate a contract, that negotiations should be held with everyone that submitted a proposal. He expressed concern that the expected growth may not take place; and he feels the basics of the proposals should be reviewed and consideration given to what the community/County wants.

Ron Kiser stated he has been in the County for 30 years and he has watched a lot of great plans come with great expectations, and they never materialized. He questioned whether the proposal recommended by Public Works will work as he does not feel that it takes into consideration the aviation and local community. He feels the proposals submitted by the local people should be considered.

Rob Bender, Airport booster, lends his support to the Roesch and Walker proposals – he feels they fit with the community and the Airport. He questioned the large investment proposed by Mr. Stuhmer and the large number of employees being viable. He suggested that the Airport Advisory Committee be allowed to review the negotiated contract before it is approved.

Troy Foster noted that more than one proposal was submitted, and he stated he feels that this problem started when the Airport Manager's position was eliminated. He stated he feels the Roesch proposal is unique and is from an organization with a significant track record, and he feels that it fits with the Airport Master Plan and within the environmental review. He feels the Stuhmer proposal shows good experience and great vision for the community, but he questioned the amount it will cost to support this proposal. He asked the Board to give consideration to the Roesch proposal.

Peter Schimmelfennig commented on the County's support of tourism and the potential the Airport has with tourism; and he feels that we need to plan for the future. He commented on Stuhmer's experience and stated the Chamber supports the proposal that will most help with tourism.

Theran Balmain provided input on her background with aviation and being a FBO, and recommended the Roesch/Figueroa proposal. She noted they have had an opportunity to watch these gentlemen run businesses in the County, and Jesse Figueroa is a pilot and knows the aviation community. She feels their proposal fits the needs of the community.

Joe Coho, member of the Airport Advisory Committee and neighbor to the Airport, noted that the recommendation made by the Public Works Director was done before input and a recommendation was obtained from the Airport Advisory Committee – they recommended the KMPI proposal. He noted that there was no environmental documentation done for the Master Plan Update because they were not deviating from the previous Plan; and he commented on the FAA restrictions given the terrain of the

Airport. He feels the proposal submitted by Mr. Roesch is more in keeping with the scope of the Master Plan, and he feels it has the general approval of the Advisory Committee, the surrounding community, and the pilots, and he has a track record with his businesses in the County – he urged support of this proposal.

Patricia Skogen stated she lives in Mount Bullion and came from the Bay Area where she lived near a major airport, and she noted that this Airport has minimal impact. She expressed concern with the proposal from Mr. Stuhmer and the potential impacts to the area; and she referred to information she saw when she searched Google for him. She likes the proposal submitted by Mr. Roesch and doesn't feel that it will impact the neighborhood.

Steve Lach stated he is a former private pilot and worked with a FBO at the Monterey Airport; and he feels the Roesch proposal fits the character of the Airport and he supports it, especially given today's economy.

Pauline Penrose stated she has been an employee of Rick Roesch for eleven years and stated the employees support him; and he is supportive of the community.

Randy Richard stated he has been a resident for 30 years and has ten years in aviation and has become a certified mechanic and wants to start an aviation business at the Airport. He referred to the Turlock Airport and stated that if promises were made, they have not happened. He noted that general aviation is not growing; and he feels the development proposed (Stuhmer) will not work here. He noted that there is a wait list for hangars, but he doesn't feel that people will pay for increased rates or for higher fuel prices.

Chair Cann thanked everyone for their input and allowed those who submitted proposals to provide a final comment.

Rick Roesch thanked the Board for the opportunity to submit a proposal; commented on existing revenue at the Airport and his background as a CPA; and he advised that he tried to come up with the best proposal that would work.

Steve Stuhmer stated he has no intention of raising rates; and he noted that the first flying car flew at Oshkosh last year. He thanked everyone for being present.

Ray Walker stated he feels that success will depend on the control the Board allows.

Discussion was held, and the Board members thanked everyone for their participation and for the proposals. Motion by Aborn to move forward with negotiating with Mr. Stuhmer/Turlock Air Center, LLC, died for lack of a second. (M)Turpin, (S)Bibby, direction was given to staff to enter into negotiations with KMPI Airport and Rent A Car, LLC for FBO operation of the Airport/Ayes: Aborn, Turpin, Bibby, Cann; Excused: Allen.

12:02 p.m. Recess

12:16 p.m. The Board reconvened with all members present.

7

Public Works

Accept the Bids for Excess Fire Engines and Water Tenders and Award Bids to the Highest Bidder; Require the Bidder to Decommission the Equipment before the Equipment Leaves the County's Possession

BOARD ACTION: Discussion was held with Rick Benson, and he advised that the ambulance was not a part of the original fleet and staff feels that a better price can be obtained at auction and recommended that the ambulance item be referred back to staff. County Counsel advised that he would like to review the bid proposal documents. (M)Bibby, (S)Turpin, Res. 10-148 was adopted accepting the high bid for the excess fire engines and water tenders; and direction was given that the ambulance item be referred back to staff as recommended/Ayes: Unanimous.

8

Administration

Approve Rural Business Enterprise Grant Pre-Application Submittal to United States Department of Agriculture (USDA) Rural Development for Fiscal Year 2010-2011, in the Amount of \$103,000, to Capitalize a Revolving Loan Fund Project in the Rural Community of the Town of Mariposa, Census Designated Place

BOARD ACTION: Discussion was held with Rick Benson and Marilyn Lidyoff/Economic Development Coordinator, relative to the grant pre-application.

Input from the public was provided by the following:

Lester Bridges, Chamber of Commerce President, commended Marilyn Lidyoff for her work.

(M)Turpin, (S)Allen, Res. 10-149 was adopted approving the grant pre-application, including authorization for the Chair to sign the required letters of support/Ayes: Unanimous.

9

12:32 p.m. Administration

Presentation and Discussion of Additional Revolving Loan Programs Funded by the Community Development Block Grant (CDBG) Program Economic Development Allocation

BOARD ACTION: Jon Diedesch, CDBG representative of the Economic Development Allocation, gave the presentation on the programs that are available, including examples of projects they have funded. Discussion was held.

Input from the public was provided by the following:

Tolley Gorham stated he is a local business owner and member of the Chamber of Commerce, and he feels there are a lot of businesses in the County that would benefit from these programs. He referred to his rehabilitation project with an old building and others in the County that need rehabilitation, and he urged the Board’s support. He asked if the program could be used to provide his business with a fixed interest rate versus the line of credit he is using.

Witt Hawkins asked for clarification of the funds that could be available to the County for projects such as youth facilities and programs.

MaryAnn Huff noted the need for redevelopment in North County and asked if the funds have to stay within Mariposa County.

Jon Diedesch responded to questions – they can restructure a line of credit and existing debt with certain criteria; funds are not available to the County for public projects/activities; and funds are confined to be used in Mariposa County. Discussion was held relative to the amount of funding available. No action was necessary.

10

Consider Items Removed from the Consent Agenda - none

1:07 p.m. Lunch

2:03 p.m. The Board reconvened.

12

Planning

PUBLIC HEARING to Consider County Policy Amendment No. 2005-230, a Comprehensive Amendment to the County-Wide “Rules of Procedure to Implement the California Land Conservation Act of 1965” Williamson Act; Proponent: Mariposa County

BOARD ACTION: Kris Schenk, Planning Director, advised that this amendment provides a comprehensive review and update of the California Land Conservation Act (Williamson Act) policies for the County. David Guy, consultant, reviewed the details of the staff report; and he advised of the receipt of supplemental correspondence that was received from Dennis Bunning/Mariposa County Farm Bureau and Attorney Anita Starchman Bryant. Kris Schenk, Sarah Williams and David Guy responded to

questions from the Board as to what changes the amendment makes to existing Williamson Act contracts; relative to the key points of recommended changes; relative to the threshold amount for intensive agricultural activity on parcels that range from 40 to 160-acres; relative to enforcement and whether there would be an appeal process or time allowed for a land owner to rectify deficiencies before the County actively enforces the contract; as to which department in the County will handle enforcement; process for the contract holder to provide agricultural activity to determine compliance with the contract, i.e., a signed affidavit; clarification of the County providing “up to” one year for the landowner to rectify any violations before beginning the enforcement proceedings; suggestion to change “permit” to “cause” relative to use of the property contrary to state law – circle page 30; whether there are any legal issues with being able to modify existing contracts when the landowner renews; and relative to modifications to the intensive farming for confined animal management facilities.

Becky Crafts, Assessor, responded to a question from the Board as to whether records that are submitted to substantiate the income criteria would be considered confidential; and she replied that they are protected and confidential. She asked for clarification of the enforcement issues; and she noted that there isn’t anything in the Revenue and Taxation Code to give her office authorization for determining compliance. She would be comfortable with helping Planning and feels the Farm Advisor and/or Agricultural Commissioner should be involved in the determination. She suggested that the income form be kept simple, and commented on the rate of return of the existing forms for contract holders.

Rick Benson provided input relative to the Board’s ability to assign duties to an elected office.

Staff responded to additional questions from the Board as to how the new policies will affect contracts where a parcel has been sold and being able to track changes; and relative to the suggestion of referring to local zoning in the policy for allowing more than one residence.

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

Dennis Bunning, Farm Bureau representative to the Agricultural Advisory Committee, stated he believes it was the intent of the Committee that new contracts would be required for divisions. He referred to his letter relative to the parcel size requirements; recommendation that the threshold for intensive farming be raised to \$10,000, and he cited examples of how easy it would be to reach \$1,000; recommendation that there be no income threshold for parcels 160-acres and more; and requested that confined animal operations be included in the intensive farming definition. He responded to questions from the Board and provided clarification of their recommendations.

Ken Baker stated he was representing several property owners, and he expressed concern with the language that states one residence per contract – he feels that this needs to be clarified; and he noted that it may take more than one house for employee(s) to conduct intensive farming activities. He asked for clarification of whether the existing contracts will be changed to have a contract for each parcel and whether the County can change the rules and what happens if the property owner does not want to be under the new rules; and he expressed concern that property rights not be affected with changes to the policy.

Frank Long thanked the Board and the County for supporting the Civil War Reenactment event. He complimented staff for preparing an excellent package for this matter. He feels the existing procedures conform to State law, and he does not feel that the recent Humboldt decision (appellate decision in the case of County of Humboldt v. Mckee) fits here. He advised that he wrote the 1977 resolution with County Counsel, and he questioned what this process is costing and what is being gained as the contracts say that all future revisions would apply. He questioned the Planning Commissioners’

vote on their resolution as Commissioner Marsden missed a portion of the hearing; asked why the Chair of the Commission and the Agricultural Advisory Committee does not change on an annual basis, and suggested that the Chair could be the same district as for the Board's Chair. He agrees with the \$1,000 threshold. He asked whether easements for ingress and egress are compatible uses. He referred to a situation where an elderly cousin lived with them for a period of time and noted that this is not in compliance with the Act, but should be considered. He suggested that biomass harvesting and solar panels be considered as compatible uses. He feels that we need to help support the ranches as they will not be able to support themselves. He stated he feels that the State law allows anything as long as there is "no significant damage to the agricultural enterprise" and he feels the policy should be more flexible. He noted that the residences are not given the tax break provided for by the contract. He noted that there is contracted land where the mineral rights are owned by the government and asked how this will affect the landowner.

Nick Herman asked whether he would be disqualified from participating in the Act if he wants to erect a shade structure for livestock. He feels that requiring an income threshold may force an owner to sell at a loss to meet the income criteria; or if there is a natural disaster, the owner may not be able to meet the income criteria. He suggested that consideration be given to allowing a three-year period to meet the income.

Anita Starchman Bryant, Starchman & Bryant Law Offices, handed out information on the Planning Commission's discussion and recommendation concerning intensive and general farming, and she questioned the removal of language by staff that defined the intensive uses. She noted the \$1,000 threshold for income is defined by Code and no objections were made at the Commission level; and she feels it should stay at \$1,000. She asked if a landowner sold a parcel under 160-acres that was used for dry land grazing, that parcel is now non-compliant and the County would need to non-renew the contract, what the consequences are for the next 19 years. She asked for clarification as to whether the \$1,000 threshold is per parcel; and if you have one contract with multiple parcels, whether it is \$1,000 per contract or per parcel; and she suggested that it be "per common ownership" for this and for the resident issue. She suggested a wording change on circle page 24 where leased land is involved to reflect sales of agricultural commodities produced on-site "by the landowner and/" or income from the lease of land...so that all of the income is considered. She agrees with the suggested change of "one year" versus "up to one year" for enforcement; and she agrees with Mr. Long that easements should be listed as compatible uses.

Tolley Gorham commented on the potential impact on our ranching community with the large number of parcels that he feels are becoming non-compliant with the proposed policy. He agrees with Attorney Bryant relative to the \$1,000 threshold and with the language change to include income from the leased land.

Ron Good, ranch manager for the Jack Kirk property, commented on the importance of preserving agricultural land in the State. He agrees with the easement issue that was raised, and he noted an easement runs the full length of their property. He commented on the \$1,000 threshold issue.

Rita Kidd referred to AB 1492 and asked about enforcement – she presented a scenario where three 80-acre parcels are sold from a large track of land with a single contract and the three new owners of the smaller parcels do not have a viable operation to meet the new policy requirements for a contract, and asked how this will be dealt with.

John Gamper, California Farm Bureau Federation, commended the Board for its selection of David Guy for this project, and the intensive and extensive process that this project has gone through. He agrees with the recommendation for a \$10,000 threshold for parcels between 40 and 160-acres, and he noted the purpose of the contract is not to have "hobby" farms but to sustain an agricultural production. He

feels an income threshold on parcels of 160-acres and more could encourage overgrazing. He advised that he sponsored legislation that allows biomass as an agricultural use, and he noted ranch housing is allowed. He referred to the questions raised relative to new residences and the number of contracts that are required; and he referred to language in the existing contract and noted that having multiple owners under one contract could cause problems if the owners differ on non-renewal. He noted that it is better to keep range land parcels at 160-acres and more to minimize residential impacts and impacts to the wildlife corridors. He referred to agricultural use issues and stated he feels that large scale solar displaces agricultural uses.

Cathi Boze, Agricultural Commissioner, noted the Williamson Act contracts are a way to promote agriculture and protect the environment - agriculture is an important industry and there should be enforcement and education for the public on its benefits. She noted that bees are defined as livestock in the Agriculture Code. She feels an income threshold of \$10,000 is too high, especially given the potential of drought and other natural disasters; and she suggested that sales receipts could be used to show proof of income; and she noted the \$1,000 threshold is proposed for the agritourism policy. She presented a copy of the Self Certification of Agricultural Production form used by the Natural Resources Conservation Service. She responded to questions from the Board relative to her concerns that contract land is purchased and used as a second home and no agricultural activity is conducted; relative to having an income threshold for parcels over 160-acres and whether that could cause overgrazing; relative to her thoughts on the income threshold for 40 to 160-acre parcels; relative to equine horse uses qualifying as an agricultural use; and relative to the policies in other counties. Supervisor Cann noted the tax benefit the contract holders receive, and the impact on the property tax revenue.

David Guy provided input on their review of income thresholds used in other counties; and he responded to questions from the Board relative to income threshold and criteria for intensive agricultural use.

Tony Toso, President of the Mariposa County Farm Bureau, stated he is speaking from a family ranch perspective; and he advised that they are trying to bring the contracts into compliance and honor what the contract holders do for the taxpayers. To give flexibility to the landowner, they added the intensive use for the 40 to 160-acre parcels. He noted that the income threshold is based on gross income, and he does not feel that \$10,000 is too high. As a member of the Agricultural Advisory Committee, they are trying to make it simple and he noted the Williamson Act is a significant management tool.

Tolley Gorham noted agriculture use is more than just cattle, and he commented on the minimal impact to the property tax assessment revenue if the contracts were not renewed, and stated he feels that the playing field needs to be level.

Anita Starchman Bryant referred to language in the contracts relative to subdivision and requirements for new contracts; and noted the compliance tracking difficulty if you have a large parcel that is broken into four parcels and sold to separate owners – she feels we need to look at individual owner compliance. She referred to the proposal to have an income threshold for the smaller parcels, but not the larger parcels for the cattle ranchers, and she feels that this needs to be even.

Dennis Bunning reiterated his previous request that \$10,000 be considered for the income threshold for the smaller parcels for intensive farming; and he feels that if a piece of land under contract is separated, it should require a separate contract.

John Gamper referred to the language relative to requiring new contracts if a parcel is split off, and he stated he feels the revised policy clarifies this issue. He responded to a question from the Board relative to the status of the original contract if parcel(s) are split off.

Anita Starchman Bryant stated she feels the issue is with Certificates of Compliance as they do not “create” parcels, but recognize historic parcels. Otherwise, she agrees with the response for requiring new contracts.

Rita Kidd provided input relative to AB 1492 requirements concerning the issuance of Certificates of Compliance.

The public portion of the hearing was closed.

4:50 p.m. Recess

5:01 p.m. The Board reconvened.

Staff responded to the questions that were raised and the Board provided direction:

- circle page 24/”customary grazing” process versus attaching a dollar figure. The Board concurred.
- add confined animal facility to intensive farming. The Board concurred.
- multiple housing issue and size of structure. Discussion was held, including the review process for a residential permit, and requirements for obtaining new contracts. Supervisor Turpin suggested that building permit applications be added to the list of things that trigger requiring a new contract. The Board concurred with adding residential building permits to the trigger list.
- validity of the Planning Commission’s resolution. Kris Schenk advised that they provided Commissioner Marsden with a copy of the tapes from the portion of the proceedings that he missed, and he announced that he had listened to the entire meeting he missed. Those are the rules that the Commission follows.
- adding road easements as approved use. David Guy advised that an easement is not a use of property, it is a restriction. Discussion was held. Sarah Williams advised of the negative response received from the State Department of Conservation when this issue was recently raised for a residential development.
- shade structure for livestock. Staff advised that this is permitted as an agriculture structure.
- concern relative to the change in the definition of intensive farming from the Planning Commission’s February 5th meeting to the proposal provided to the Board. David Guy advised that they were trying to keep this flexible as they didn’t feel they could anticipate all of the intensive farming uses. He advised that there could be a reference made on circle page 24 for the uses, and the Board concurred with this.
- what will happen to parcels that are non-compliant. Staff advised that it will be a business decision of the owner, and the intent is to be flexible. If they do not meet the criteria, they will go into non-renewal; and if it is a contract that was in effect prior to adoption of these revised policies, it would be subject to the rules for this process.
- AB 1492 enforcement issue. David Guy responded relative to this legislation and noted that it is referenced as an enforcement action.
- add biomass as an approved use. David Guy advised that this was taken care of by the State, but it could be included as an agriculture production use. The Board concurred with including it.
- whether a new contract should be required when a Certificate of Compliance is issued for a historic parcel. David Guy agreed that if you have a historic parcel, you may not need a new contract. He feels that this has been addressed as best as they could and with allowing for processing of Certificates of Compliance. It was noted that the residential building permit

- application was added as a trigger for reviewing requirements for a new contract. Sarah Williams explained the review process.
- income threshold issue. The Board concurred with the language that eliminates the income figure for parcels 160-acres and over. Discussion was held relative to establishing a figure for the 40 to 160-acre parcels and how reporting would be handled. Cathi Boze responded to questions from the Board relative to the Crop Report and average grazing rates. (M)Allen, (S)Aborn, the Board set the income threshold at \$3,000 for parcels between 40 and 160-acres, and direction was given that this be reviewed by the Agricultural Advisory Committee in the next year and annually thereafter. Supervisor Turpin clarified that this is for the intensive farming uses. Ayes: Aborn, Turpin, Cann, Allen; Noes: Bibby.
 - accept the suggested wording changes on circle page 30 to reflect “one year” versus “up to one year” and to reflect “cause” versus “permit.” The Board concurred with these changes.

County Counsel suggested that the policy amendment be referred back to staff to make the corrections and revisions, and then bring it back for final action by the Board. Discussion was held. Further discussion was held relative to assigning the enforcement responsibility. Kris Schenk advised that this policy amendment becomes effective in January 2011, and he noted that the forms should be sent out this fall to the contract holders. He further suggested that decision about enforcement personnel be considered with the Final Budget hearing; and Rick Benson and the Board concurred with this suggestion. The Board concurred with adding the effective date of January 1, 2011, to the formal resolution, with a separate paragraph that the rules apply to all contracts which are automatically renewed on 12:01 a.m. on January 1, 2011. County Counsel responded to a question from the Board as to whether Board members could discuss this matter after today’s action; and he advised that if the Board directs staff to make the revisions that were concurred with, there would be no prohibition from the Board members discussing this matter; the hearing could be closed today. Supervisor Turpin requested that the policy amendment come back to the Board showing where the changes were made per direction given during this hearing. Supervisor Turpin further advised that he is a contract holder and of his discussion with County Counsel as to whether he needed to recuse himself from this matter; and he was advised that he did not need to recuse himself. County Counsel agreed given the size of acreage in his contract. County Counsel responded to a question from staff and he advised that following action to approve the policy amendment with the revisions the Board directed, that the hearing could be closed as it would be a clerical process to incorporate those revisions, and the matter could be brought back as a Consent Agenda item.

(M)Aborn, (S)Turpin, Res. 10-150 was adopted with findings, finding that this project is exempt from environmental review; directing staff to file a Notice of Exemption; approving County Policy Amendment No. 2005-230 with the revisions directed by the Board during this hearing; repealing Board of Supervisors Resolution No. 77-157; repealing Board of Supervisors Resolution No. 78-8; repealing Board of Supervisors Resolution No. 95-350; and directing staff to bring the revised policy amendment back in final format as a Consent Agenda item/Ayes: Unanimous. The hearing was closed.

11

Administration

CLOSED SESSION: Public Employee Employment: Public Works Director

BOARD ACTION: This closed session was not held.

Consent Agenda

- CA-101 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-133
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to the Big Meadow Fire; Res. 10-134
- CA-103 **Administration**
Information Report of Liability Claims Rejected by the County Administrative Officer/Risk Manager for the Months of January through March, 2010
- CA-104 **Clerk of the Board**
Approval of Summary of Proceedings of March 16, 2010, Regular Meeting
- CA-105 **Human Services**
Approve a Letter to United States Senators Dianne Feinstein and Barbara Boxer in Support of Efforts to Maintain an Emergency Fund for the Temporary Assistance for Needy Families (TANF) Program and Authorize the Board of Supervisors Chair to Sign the Letter; Res. 10-135
- CA -106 **Human Services**
Approve an Amendment with Merced County Department of Mental Health for Residential Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-136
- CA-107 **Human Services**
Approve an Agreement with 35-A District Agricultural Association for a Mental Health and Alcohol & Drug Advisory Information Booth at the Mariposa County Fair and Homecoming, September 3-6, 2010, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-137
- CA-108 **District Attorney**
Approve an Agreement with John C. Fremont Healthcare District for Services to Draw Blood on Suspected Driving Under the Influence of Alcohol and/or Drug Cases for a Term of February 14, 2010 through February 13, 2011, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-138
- CA-109 **Supervisor Bibby**
Approve a Letter Supporting the Partnership Grant Application of Corporation for Education Network Initiatives in California (CENIC) and Central Valley Independent Network (CVIN), LLC for American Recovery and Reinvestment Act (ARRA) Stimulus Funds and Authorize the Board of Supervisors Chair to Sign the Letter; Res. 10-139
- CA-110 **Supervisor Aborn**
Re-appoint Lee Stetson and Doug Chappell to the Midpines Planning Advisory Committee for Terms Expiring February 28, 2012
- CA-111 **Supervisor Allen**
Accept the Resignation of Susan Baker from the Wawona Town Planning Advisory Committee

- CA-112 **Agricultural Commissioner**
 Approve Pesticide Application Reporting Agreement No. 10-C0020 for Fiscal Year 2010/2011 with California Department of Pesticide Regulation (CDPR) and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-140
- CA-113 **Agricultural Commissioner**
 Approve Pierce’s Disease Control Program/Glassy-winged Sharpshooter Agreement No. 07-0107-2 Amendment for Fiscal Year 2007-2008 through 2009-2010 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-141
- CA-114 **AIR POLLUTION CONTROL DISTRICT**
 Authorize Air Pollution Control Officer to Accept Carl Moyer Air Quality Funds for Mariposa County and Authorize the Funds to be Routed through the Rural District Assistance Program for Fiscal Year 2009-2010 through 2011-2012 and Authorize the Air Pollution Control Officer to Sign the Application; APCD Res. 10-1
- CA-115 **Sheriff**
 Approve an Amendment to an Operational Agreement with Tulare County for Region 5 Anti-gang Intelligence-Led Policing Program and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-142
- CA-116 **Sheriff**
 Approve an Agreement with R. W. Rosebrock to Euthanize Stray/Unwanted Domestic Pets and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-143
- CA-117 **Sheriff**
 Approve an Agreement with the Department of Boating and Waterways to Participate in Boating Safety and Enforcement Financial Aid Program for Fiscal Year 2010-2011 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-144
- CA-118 **Elections/County Clerk/Tax/Treasurer**
 Approve Agreement No. 09G26127 with the Secretary of State, State of California, to Accept the Help America Vote Act (HAVA) Grant Money Polling Place Accessibility Program for \$5,000 and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Increasing Revenue and Appropriations (\$5,000) (4/5ths Vote Required); Res. 10-145
- 13 **Adjourn**
 Chair Cann adjourned the meeting at 6:40 p.m. in memory of Johnny Hogan, George “Joe” Perkins, and Marie (Beth) Redding.

Respectfully submitted,

MARGIE WILLIAMS
 Clerk of the Board

KEVIN CANN
 Chair, Board of Supervisors