



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

January 4, 2011



Folder Time Description

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

Pledge of Allegiance Led by Representatives of Local Veterans Organizations: Bob Johns / Veterans Service Officer/VFW Department of California; Commander Tom Williams / Mariposa VFW Post 6042; Commander Andrea Summerlin / American Legion Post 567; Senior Vice-Commander Larry Eckley / Coulterville VFW Post 9454; Dennis (Doc) Croucher / President of Mariposa Vietnam Veterans of America, Mariposa.

Susan Wilson sang the "National Anthem."

Dr. Phil Smith, Conductor, and the Mariposa County High Band played a selection of patriotic compositions and "New York, New York" in honor of their being invited to participate in the 2011 Veterans Day Ceremonies in New York City.

Susan Wilson sang "God Bless America" accompanied with her guitar.

Chair Cann welcomed Supervisor Lee Stetson.

Judge Dana Walton, Superior Court, conducted the Swearing-in Ceremony for Re-Elected Supervisor Janet Bibby and Elected Supervisor Lee Stetson, Re-Elected Keith Williams/Treasurer/Tax Collector/County Clerk, Becky Crafts/Assessor/Recorder, and Robert (Bob) Brown/District Attorney, and Elected Officials William (Bill) Davis/Auditor and Douglas (Doug) Binnewies/Sheriff/Coroner/Public Administrator.

9:20 a.m. Recess for refreshment break and photographs by Leroy Radanovich.

10:30 a.m. Board Reconvened

Introductions: None

Public input on previous items was provided by the following:

Frank Souza thanked Supervisor Bibby for all she has done for District III.

Selection of Chair for 2011

BOARD ACTION: (M)Turpin, (S)Stetson, Supervisor Allen was selected as Chair. Ayes: Stetson, Turpin, Bibby, Cann. Abstain: Allen.

Selection of Vice-Chair for 2011

BOARD ACTION: (M)Turpin, (S)Cann, Supervisor Bibby was selected as Vice-Chair/Ayes: Stetson, Turpin, Cann, Allen. Abstain: Bibby.

Presentation of the Gavel Plaque to Supervisor Cann for Serving as Chair for 2010

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

Ron Iudice thanked Chair Cann for a fantastic job and welcomed Chair Allen.

Supervisors Bibby and Turpin thanked Chair Cann. (M)Bibby, (S)Stetson, approved the gavel plaque and presented to Supervisor Cann/Ayes: Unanimous.

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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 Allen advised that items 106 and 107 have been withdrawn. Supervisor Turpin made a clarification on item 103. (M)Cann, (S)Turpin, the balance of the items were approved/Ayes: Unanimous.

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

Eleanor Keuning thanked Chair Cann and welcomed Chair Allen. She commented that she does not want to provide input on an item that has been pulled for discussion and possible action later in the meeting, at the time it is pulled, because she doesn’t know why it is being pulled, and suggested making this a little clearer.

Lester Bridges congratulated the Supervisors, welcomed Supervisor Stetson back, and thanked Chair Cann.

Peter Schimmelfennig, Executive Director of the Chamber of Commerce, advised of the Chamber of Commerce Installation dinner on January 28th and informed the Board that they are taking nominations for Businessman, Businesswomen, and Business of the Year until Friday if they have any nominee recommendations. He stated that Allen Toschi, Public Works Director, has approved leaving the white lights up that were set up for Christmas at the Arts Park, and feels this will attract tourists. He wished the Board a Happy New Year.

Doug Binnewies, Sheriff, wished the Board a Happy New Year. He reported the Sheriff’s Department statistics for the 2010 year, advising there had been 34,634 calls for the year, which averages to approximately 95 calls per 24 hour day, and informed the Board that the statistics are accessible on the Sheriff website. He is anticipating a press release next week adding current road conditions, specifically chain requirements, to the Sheriff website and an anonymous tip line will be added soon. Discussion was held relative to the number of ways calls can be interpreted, the types of crime, the increase of DUI’s (Driving Under the Influence) since 1980, and the 1088 people that were booked into Mariposa County Jail in 2010. Chair Allen commented this it had been projected that if law enforcement was trusted the calls would increase, and congratulated the Sheriff’s Department. Supervisor Bibby thanked Doug and commented that the Sheriff’s Department is responding to everything.

Ruth Catalan congratulated everyone. She spoke of the increase of DUI’s mentioned by Doug Binnewies and expressed concern on the Board item of December 21st relative to another Alcohol (ABC) license being requested, and brought up a possible moratorium on licenses in 2005.

Board Information

Supervisor Bibby spoke of the emergency declaration for road damage mentioned a meeting on Thursday relative to the road damage and encouraged anyone who sees a pot hole to contact the Public Works Department to get it addressed. She advised that First 5 of Mariposa reconvenes in February and thanked the Farm Bureau, Sheriff’s Department, SCOPE, Dispatch and County Jail for their involvement with First 5 of Mariposa County.

Supervisor Turpin thanked the road crews for keeping roads sanded and the drainage pipes clear. Last Thursday he met with Michelle Miller and Allen Toschi relative to the Transfer Station's costs. He is continuing to meet every 2 weeks for the Fire Station Planning meeting. He attended the Coulterville meeting. He acknowledged his appreciation of the support of all staff.

Supervisor Cann met with a potential mediation services group and advised that department heads will hear more relative to avoiding litigation. He plans to attend the Parking District meeting next Monday. Tomorrow he is meeting with Chuck Bill, John C. Fremont Healthcare CEO, and the Chair of the Board of Directors. Next Thursday is the Gateway Partners meeting and he hopes Supervisor Stetson will also be in attendance.

Supervisor Stetson commented that he is glad to be back and advised that he has already been in contact with many departments to get caught up. He will be attending the Gateway Partners meeting. He stated that he is delighted to be a member of this Board.

Supervisor Allen wished everyone a Happy New Year, and gave a special thanks to the Veterans, Dr. Phil Smith and the High School Band, and Susan Wilson for their participation in the Swearing-In Ceremony. He plans to attend the Area 12 Agency on Aging meeting on Thursday. He appreciates Board and public support for him as the Chair this year. He commented relative to Ruth Catalan's concerns on the increase of DUI's advising that he has seen the statistics of alcohol related DUI's go up and down; when the alcohol related fines increased alcohol DUI's went down and drug related DUI's increased. A DUI is under the influence and there is more in that mixture now then ever before.

8

Public Works

Approve the Project Concept of a Remodel to the Lower Courtroom at the Mariposa County Courthouse to Accommodate Jury Trials. Final Plans and Specification will be Submitted to the Board at a Future Date for Final Approval

BOARD ACTION: Allen Toschi, Public Works Director, noted a correction in that the funds are coming from the Courthouse construction fund only and advised that later this year a Historical Architect will be hired. Allen Toschi responded to Supervisor Bibby advising that the estimated cost is \$250,000. Supervisor Bibby advised that we have approval of the Historic Sites and Records Preservation Commission and thanked Allen Toschi for following protocol. Discussion was held relative to retaining the wood work and old furniture in the Courthouse, and that this will go through the State and also be approved by Judge Walton. It is estimated this will go to bid in July. Chair Allen commended Public Works and Courts staff for working together on this. (M)Cann, (S)Bibby, Res. 11-6 was adopted approving the project concept of a remodel to the lower courtroom at the Mariposa County Courthouse to accommodate jury trials and recognizing that the plans and specifications will come back to the Board for final approval/Ayes: Unanimous.

1a

Administration

Adopt a Resolution Proclaiming the Existence of a Local Emergency, Ratifying the Declaration of Emergency Issued by the Emergency Services Director, and Requesting the Governor of the State of California and the President of the United States Proclaim a State of Emergency; and Adopt a Resolution Appointing Individuals to Act on Behalf of Mariposa County

Board Action: Rick Benson advised that Wednesday of last week we had a report of major damage on Old Highway and a portion of Ben Hur Road. Chair Cann has signed a resolution declaring an emergency and the State has declared the emergency. Allen Toschi, Public Works Director provided an update to the Board with PowerPoint presentation of photos and explained what had caused the damage, including photos of the concrete blocks that are cabled together to hold up a portion of Ben Hur Road. He advised that the road is very similar for a 5 mile stretch and this could happen at any part

of this road. Public Works is monitoring daily when it rains, and today without rain, the road crew is cleaning it up to possibly divert the water for now. He advised that there have been several other slides but they have been manageable and easier to handle. Allen Toschi responded to questions of the Board relative to this portion of Ben Hur Road being impassable to buses and quarry trucks, and that a culvert does not exist at the location of the damaged portion of road. Discussion was held relative to the monitoring schedule and if there is signage preparing drivers ahead of time, and Madera County's consent to put signs up on their side of the County line. Supervisor Stetson asked about the 5 miles of susceptible road length, if Allen Toschi is bringing this up at the meeting on Thursday for discussion. (M)Bibby, (S)Stetson, Res. 11-7 was adopted adopting a resolution proclaiming the existence of a local emergency, ratifying the Declaration of Emergency issued by the Emergency Services Director, and requesting the Governor of the State of California and the President of the United States proclaim a state of emergency; and was adopted appointing individuals to act on behalf of Mariposa County/Ayes: Unanimous.

Board Convened as

LOCAL TRANSPORTATION COMMISSION

(Chair – Commissioner Lyle Turpin, Vice-Chair – Vacant)

COMMISSION ACTION:

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

3 **Clerk of the Board**

Selection of Chair and Vice-Chair

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

4 **Public Works**

Adopt a Resolution Allocating the Unmet Needs Transportation Development Act (TDA) Funds for Fiscal Year 2010-2011

COMMISSION ACTION: Barbara Carrier presented a staff report and the history of this item. (M)Bibby, (S)Cann, Res. LTC 11-1 was adopted adopting a resolution allocating the Unmet Needs Transportation Development Act funds for Fiscal Year 2010-2011/Ayes: Unanimous.

5 **Public Works**

Adopt a Resolution Allocating the State Transit Assistance (STA) Funds for Fiscal Year 2010-2011

COMMISSION ACTION: Barbara Carrier presented a staff report and the history of the unmet needs funds, recommending \$70,000 be transferred to transit. Discussion was held relative to the requested funds and the remainder of the funds possibly being addressed during Mid Year Budget hearings or being rolled over, and that the Community Services Department is aware of this item. (M)Cann, (S)Bibby, Res. LTC 11-2 was adopted adopting a resolution allocating the State Transit Assistance Funds for Fiscal Year 2010-2011/Ayes: Unanimous.

Reconvene as

BOARD OF SUPERVISORS

6

Administration

Discussion and Direction to Set the Board’s Meeting Schedule for 2011

BOARD ACTION: Rick Benson, County Administrative Officer, presented information and history including traditionally cancelled meetings. He provided a full year meeting schedule as previously recommended by the Board and requested direction on the December 20th meeting. Supervisor Cann suggested not canceling the December 20th meeting at this time to leave it open for possible subsequent action if necessary. (M)Stetson, (S)Cann, Res. 11-8 was adopted setting the Board’s meeting schedule for 2011 and scheduling a meeting on December 20th/Ayes: Unanimous.

7

Sheriff

Waive First Reading and Introduce Ordinance Amending Section 6.08.145 of the Mariposa County Code Entitled Leash Regulations for Dogs

BOARD ACTION: Byron Robles, Sheriff’s Captain, presented a staff report and described the purpose of bringing this item to the Board, advising that they are recommending an eight foot leash law. Supervisor Turpin thanked Byron for bringing this to the Board and recommended working with the Public Works Department to post signs in the parks informing the public of the new leash law. Discussion was held relative to fines, penalties, court appearances, and possible trials. Steve Dahlem, County Counsel, advised that this is a misdemeanor or infraction with fines and both will be carried out by the District Attorney.

Input from the public was provided by the following:

Ruth Catalan spoke in favor of the ordinance commenting that it is a safety issue for dogs that are allowed to run loose.

(M)Cann, who read the title of the Ordinance into the record, (S)Turpin, the first reading was waived and an ordinance was introduced amending Section 6.08.145 of the Mariposa County Code Entitled Leash Regulations for Dogs/Ayes: Unanimous. Under discussion, Supervisor Turpin recommended sharing the new leash law during the community meetings to help get the word out.

9

Consider Items Removed from the Consent Agenda - None

10

Administration

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

11

Administration

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

12

Administration

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

13

Administration

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

BOARD ACTION: Rick Benson withdrew these closed sessions.

Consent Agenda

- CA-101 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-1
- CA-102 **Administration**
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 Courthouse Lawn, History Center, and Mariposa County Fairgrounds, on April 29, and 30, and May 1, 2011, as Part of the Annual Mariposa’s Butterfly Festival as a County Sponsored Event for Insurance Purposes, which Includes use of the Senior Bus; Approve a Letter to CalTrans Approving the Encroachment Permit Applications for the Detour of Traffic from State Routes to Mariposa County Roadways for the Duration of the “Mariposa Butterfly Festival Parade” and for the “Mariposa Butterfly Parade” Banners, and Authorize the Board of Supervisors Chair to Sign a Letter to the Department of Transportation; Res. 11-2
- CA-103 **Community Services**
Appoint Terri Haworth, Director of Community Services Director, and Ann Gehrig, Mariposa Resident, to the Area 12 Agency on Aging PSA-12 Advisory Board Representing Mariposa County for Terms Expiring January 4, 2014
- CA-104 **Human Services**
Approve an Agreement with Mariposa County Unified School District (MCUSD) to Provide Counseling Services through Licensed MCUSD Staff for Mental Health Clients at the MCUSD who have Mariposa County Medi-Cal, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-3
- CA-105 **Human Services**
Approve Revised In-Home Supportive Services Advisory Committee By-Laws Increasing Committee Meeting Stipend from \$35 Per Meeting to \$50 Per Meeting; Res. 11-4
- CA-106 **Farm Advisor/4-H**
Approve Funding of \$5,500 to Mariposa County 4-H for the Construction of the 2011 Mariposa County State Fair Exhibit; Withdrawn
- CA-107 **County Counsel**
Approve an Agreement with Abbott and Kindermann, LLP, to Represent the County of Mariposa in the Case of Jeff Miller v. Mariposa County Board of Supervisors, et al., and Authorize the Board of Supervisors Chair to Sign the Agreement; Withdrawn
- CA-108 **Supervisor Bibby**
Re-Appoint Robert “Bob” Rudzik to the Planning Commission as District III Planning Commissioner with a Term to Coincide with the Term of Board of Supervisor, District III
- CA-109 **Public Works**
Approve Supplemental Lease Agreement No. 1 with the United States Department of Agriculture (USDA) Forest Service Extending the Current Lease Agreement for the Term of June 1, 2011 through May 31, 2013, for a Helibase Located at the Mariposa-Yosemite Airport, and Authorize the Public Works Director to Execute The Lease Agreement; Res. 11-5

Chair Allen adjourned the meeting at 12:07 p.m. in memory of George C. McQuarrie, Hueston B. Davies, Judy Lewis, Kelley Roy Young Jr., Joseph Kevin Silva, and Lyle Parrish.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

TRACY GAUTHIER
Deputy Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

January 11, 2011



Folder Time Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence and prayer for the victims and families in the shooting tragedy in Tucson, Arizona.

Introductions – none

- 1 Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)
NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.
BOARD ACTION: Input from the public was provided by the following:
Ruth Catalan stated she approves of item 105/4-H Council’s request concerning the County’s exhibit at the California State Fair.
(M)Bibby, (S)Stetson, all items were approved. Supervisor Cann requested that the County Administrative Officer schedule a presentation by the 4-H Council to the Board to present their plans for the 2011 exhibit. Ayes: Unanimous.
- 2 **Chair Allen**
Resolution and Tile Plaque Recognizing Bill Flaherty, Upon his Retirement from the District Attorney’s Office (District Attorney)
BOARD ACTION: (M)Bibby, (S)Cann, Res. 11-9 was adopted and presented to Bill Flaherty, along with the tile plaque/Ayes: Unanimous. Bob Brown, District Attorney, presented Bill with a plaque from the Department and he commended him for his service.
- 3 **Chair Allen**
Resolution and Tile Plaque Recognizing Harry A. Estep, Upon his Retirement from the District Attorney’s Office (District Attorney)
BOARD ACTION: (M)Bibby, (S)Cann, Res. 11-10 was adopted and presented to Harry Estep, along with the tile plaque/Ayes: Unanimous. Bob Brown, District Attorney, presented Harry with a plaque from the Department and he commended him for his service.

9:31 a.m. Recess

9:45 a.m. The Board reconvened.

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

Ruth Sellers referred to a story in *The Mariposa Gazette* last week about relaxed regulations for a home-based candy business; and she expressed concern that people selling things like jams and jellies at crafts fairs are told they have to use a commercial kitchen – she asked that more information be provided on the regulations and enforcement. She asked if there are requirements for food vending trucks.

Karen Morse, Coulterville, stated she does not feel that the Visitors Center in Coulterville is promoting their local area; and she advised of her efforts to obtain their IRS 990EZ form.

Maxwell Norton, Interim Farm Advisor, advised of a regional tourism workshop scheduled for January 19th.

Eleanor Keuning referred to input that was provided and stated she feels the Coulterville History Center and Visitors Center could share space, and she advised that the Kiwanis' booth was shut down when they attempted to sell pulled pork sandwiches at a football event as the items were not cooked in a commercial kitchen. She referred to item 105 and stated she supports 4-H and their request. She asked that the groups that receive County funding provide a report so that the public is aware of the expenses and income. She referred to a recent news story concerning violence, entitled "Attack a Teacher Day" and civility problems.

Jim Middleton, Deputy County Fire Chief, provided a status report on the local emergency due to the recent storms – repairs will be necessary for Ben Hur Road, Old Highway, and Indian Peak Road. He advised of the preliminary damage assessment estimate, that the Governor proclaimed the disaster, and they are pursuing a Presidential Declaration, and he advised of potential reimbursement. They are still checking roads for damages. Allen Toschi, Public Works Director, provided input on the status of Ben Hur Road – the weight limit has been reduced to four-tons and they are making arrangements to have 24-hour flasher lights. The school bus route has been impacted with the weight limit. Jim Middleton advised that this will probably be a two-year process.

Lester Bridges, 2011 President of the Chamber of Commerce, apologized for any confusion with the Visitor Center in Coulterville and advised that they will look into the concerns and resolve any issues. He provided a reminder of the Chamber's January 28th installation and recognition dinner. He advised that he will miss the next Board meeting as he will be attending the Western Fairs Association Conference.

Ruth Sellers commented on the Chamber providing information, and she advised that she received an email from the Chamber that she can not respond to or delete.

Board Information

Supervisor Bibby noted she attended a recognition luncheon and she extended a special thanks to the SCOPE volunteers for their service. She expressed sadness and prayers for the victims and the families impacted by the tragedy in Tucson – she urged everyone to revisit their actions and civility in Mariposa.

Supervisor Turpin agreed with Supervisor Bibby and noted the responsibility of individuals. He advised that they are pumping to fill the San Luis Reservoir. He advised that advances have been made to create a vaccine to protect cattle against Foothill Abortion (also known as Epizootic Bovine Abortion) which is caused by the cattle being bitten by ticks. He met with the Building Director and County Counsel on Thursday relative to some land issues. He attended the Calaveras Mariposa Community Action Agency Policy Committee meeting on Friday; and the landscape project at the Coulterville Fire Station with the Master Gardeners on Saturday. He commented on problems at the Coulterville Transfer Station – since it was closed the

Saturdays of Christmas and New Year's, there was not enough space to handle the garbage this last Saturday, and people were sent to Don Pedro. He advised that the transfer station issue will be coming to the Board in a couple of weeks. He plans to attend the Greeley Hill Men's breakfast on Wednesday and he will introduce Don Florence/Emergency Services Planner, to discuss preparedness for future disasters. He plans to attend the SWIFT meeting and the Airport Advisory Committee meeting on Wednesday; and the fire station planning meeting on Friday.

Supervisor Cann expressed sincere condolences and sorrow to those impacted by the Tucson shooting; and he commented on the importance of having the ability to be accessible to the citizens. He commended 4-H for doing the County's exhibit at the State Fair, and for doing it with less costs to the County than the previous private contractor arrangement. He advised that he had a meeting this last week relative to the Mariposa Specific Plan; and a meeting with the Hospital Director concerning the challenges they are facing over the next 20 years. He plans to attend a leadership briefing with RCRC (Regional Council of Rural Counties) on the Governor's proposed State budget on Wednesday in Sacramento; and he will be in Sacramento next week for the RCRC meeting. He advised they are working on the issue of owner-built 800-square foot dwellings, and that RCRC is providing information on this issue.

Supervisor Stetson agreed with the concerns and condolences that have been expressed for the Arizona tragedy. He advised that he has been meeting with the County Administrative Officer and the other Board members to catch up on issues. He plans to attend the El Portal Town Planning Advisory Committee meeting this evening and the Gateway Partners meeting in Yosemite on Thursday. He advised that he is willing to hear from those who have any concerns.

Supervisor Allen concurred with the other Board members in expressing condolences for the Arizona tragedy. He noted that the Board members have all been busy. He commented on the Governor's proposed State budget and potential impacts to the County. He attended the Area 12 Agency on Aging meeting on Thursday and they discussed their annual audit.

Supervisors Turpin and Bibby commented on the previous costs for the County's exhibit at the State Fair.

4

Library

Approve a Resolution Recognizing Mathilde "Tillie" Stroming for Her Lifelong Service to Mariposa County; Authorize the Auditor to Establish a Fund and Accept the Donation from the Mathilde K. Stroming 2001 Living Trust; Authorize the Chairman of the Board of Supervisors to sign the Acknowledgement of Receipt and the Consent to Supplemental Report of Trustee and Waiver of Objection forms

BOARD ACTION: Rick Benson, County Administrative Officer, and Janet Chase-Williams, Interim Librarian, reviewed the recommendations. (M)Bibby, (S)Turpin, Res. 11-11 was adopted recognizing Tillie Stroming (posthumously) for her service and generous donation; and authorization was given to establish a fund and to accept the donation and sign necessary documents as recommended/Ayes: Unanimous. The resolution was presented to Carol and Ben Tedrow.

5

Clerk of the Board

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

BOARD ACTION: Rick Benson advised that water and infrastructure issues were separated from the developmental services liaison policy area. The Board reviewed the recommended policy areas and discussion was held. The Board concurred with moving the remaining Public Works and Transit divisions to the new water and infrastructure policy area.

Input from the public was provided by the following:

Brad Aborn offered his services for the San Joaquin Valley Rail Committee and provided additional input during the next item.

(M)Cann, (S)Turpin, the Board directed that the changes be made in the structure with the creation of the Water and Infrastructure Policy Area as discussed, and the following selections were made:

- Water and Infrastructure – Supervisors Turpin and Cann
- Developmental Services – Supervisors Stetson and Turpin
- Fiscal and Educational Services – Supervisors Bibby and Allen
- General Government – Supervisors Bibby and Cann
- Health and Human Services – Supervisors Stetson and Bibby
- Justice System Services – Supervisors Stetson and Allen/Ayes: Unanimous.

6

Clerk of the Board

Selection of Board Member Representation on Agencies

BOARD ACTION: Rick Benson advised of a request that was received for alternates to be appointed to the Calaveras-Mariposa Community Action Agency; and discussion was held and the Board reviewed each of the agencies. Supervisor Cann advised that RCRC will send him to the NACO conference as their representative; and that a first alternate representative should be designated for RCRC.

Input from the public was provided by the following:

Brad Aborn provided background information on the San Joaquin Valley Rail Committee and offered his services on this Committee. He further stated that he would like to see Marvin Wells appointed to fill the second position if he is selected as the representative.

It was suggested that Supervisor Stetson come back with a recommendation for appointment to the second position on the San Joaquin Valley Rail Committee, and the Board concurred.

(M)Cann, (S)Bibby, the following appointments were made:

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

California State Association of Counties (CSAC): Director – Supervisor Turpin; Alternates – Supervisors Cann, Bibby, Stetson, 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: Representative – Supervisors Turpin, with Supervisor Stetson as Alternate; and Representative – Bibby, with Supervisor Cann as Alternate

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 Stetson

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, Stetson and Allen

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

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

San Joaquin Valley Rail Committee: Representative – Supervisor Stetson; Second Position - Vacant

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 Stetson

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

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

7

Clerk of the Board

Discussion and Direction Relative to Appointment of Board Member Ad Hoc Committees

BOARD ACTION: Rick Benson clarified that these are really contact areas versus ad hoc committees; and he advised that the High Speed Rail Authority is a citizen committee established by Merced High Speed Rail Committee. The Board reviewed the contact areas and discussion was held.

(M)Cann, (S)Stetson, the following selections were made as contacts for the following areas:

Yosemite Gateway Partners: Supervisors Stetson and Cann

High Speed Rail Authority: Supervisor Stetson

Yosemite National Park Service Issues: Supervisors Stetson and Allen

Ferguson Rockslide Liaison: Supervisors Stetson and Cann, with the County Administrative Officer (CAO) as the lead contact person

Space Needs Issues: The CAO handles space needs issues, including departments that have issues arise and private property owners that want to discuss a sale with the County. Board members are to be kept informed of these issues, particularly the affected district/Ayes: Unanimous.

8

Consider Items Removed from the Consent Agenda – none

9

Administration

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

10

Administration

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

11

Administration

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

- 12 **Administration**
 CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriff’s Management Association (SMA); Name of County Designated Representative: Richard C. Bolanos
BOARD ACTION: These closed sessions were withdrawn.
- 13 **County Counsel**
 CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: Jeff Miller v. County of Mariposa; Case No. 9737
BOARD ACTION: (M)Bibby, (S)Cann, this closed session was held at 11:34 a.m./Ayes: Unanimous.
- Report from Closed Session:**
 Chair Allen advised that information was received and direction given as a result of closed session folder 13.

Consent Agenda

- CA-101 **Administration**
 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-12
- CA-102 **Administration**
 Resolution Continuing the Local Emergency Due to Emergency Repairs to Ben Hur Road; Res. 11-13
- CA-103 **Administration**
 Adopt a Revised “Designation of Applicant’s Agent Resolution” Appointing Individuals to Act on Behalf of Mariposa County with the Office of Emergency Services and Rescind Prior Designation Resolution Regarding the Emergency Repairs to Ben Hur Road; Res. 11-14
- CA-104 **Health**
 Authorize the Health Officer to Fill a Vacant Full Time Public Health Nurse Position and Unallocate a Permanent Part Time (0.7 Full Time Employee) Public Health Nurse Position in the Health Department; Approve Budget Action Transferring Funds within the Health Department Budget to Fund the Full Time Public Health Nurse Position (\$19,567); Res. 11-15
- CA-105 **Cooperative Extension**
 Authorize the Mariposa County 4-H Council to be the County’s Official Representative for Mariposa County’s Exhibit at the 2011 California State Fair; Authorize the Board of Supervisors Chairman to Sign the 2011 Counties Exhibit Entry Form; Authorize the Mariposa County 4-H Council to Retain all Potential Prize Money Received for the Exhibit; Approve Budget Action Reducing General Fund Contingency to Provide Funding to the Mariposa County 4-H Council for Construction and Travel Expenses Related to the State Fair Booth (\$5,500) (4/5ths vote required); Res. 11-16

Chair Allen adjourned the meeting at 11:57 a.m. in memory of Lester G. Zanetta, Lorna Sims and Robert Allen Sickles.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

January 18, 2011



Folder Time Description

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

Pledge of Allegiance

Chair Allen asked for a Moment of silence for everyone fighting around the world to keep our freedom.

Introductions – None.

1

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

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

BOARD ACTION: Supervisor Turpin commented on item 103, thanking Hugh Martin and Terry Dumolt for serving on the Pedestrian and Equestrian Trails Advisory Board. Supervisor Bibby requested an update on item 102. Allen Toschi, Public Works Director, responded that the road crew continues to monitor Ben Hur Road and a soil consultant has been hired to analyze the road and advise of the next step to proceed with repairs; and there is a Request for Proposal (RFP) for the Old Highway repairs. Supervisor Turpin pulled item 107 for additional information. (M)Bibby (S)Turpin, the balance of the items were approved/Ayes: Unanimous.

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

Karen Morse commented that she would like to see their local area promoted more at the Coulterville and Mariposa Visitors Centers. She invited the Board to attend the Coulterville Historic Museum season opening on February 5th. She brought up concerns relative to the Coulterville History Museum and the electrical at the Coulterville Park. Chair Allen advised Karen that her email has been received that addresses her issues and that the County Administrative Officer will get back to her. Supervisor Turpin responded to Karen relative to the electrical issue.

Eleanor Keuning commented that it is difficult to locate the Coulterville Visitors Center and feels there should be more coordination between the Mariposa and Coulterville History Centers. She stated that she is in favor of supporting non-profit groups but feels the taxpayers have a right to know how their money is spent.

Peter Schimmelfennig, Executive Director of the Chamber of Commerce, responded to Karen Morse stating that they will look into promoting more of Coulterville with local art of Coulterville. He announced the Businesswoman, Businessman, and Business of the Year and the recipient of the Lifetime

Achievement Award and advised that Mary Bass of San Joaquin Drug and Praymod Patel of Best Western are new Directors for the Chamber of Commerce, which fills fifteen of sixteen seats available.

Eleanor Keuning commented that she read an article regarding building an 800 square foot house on personal property for aging parents instead of placing them in an assisted living residence to save money.

Board Information

Supervisor Cann responded to Eleanor Keuning regarding owner built dwellings, advising that there is a statute in the California Building Code that allows a Government entity in non-incorporated areas to approve a non code compliant 800 square foot or less owner built dwelling and advised that this takes an affirmative action to incorporate this into the local code, the Board is working with the Building Director on this. A group has offered to refurbish the VFW plaque at the Mariposa Cemetery at no cost and will work with Public Works to complete this. There is also a volunteer group being formed to keep up the cemetery. He spoke to the Regional Council of Rural Counties (RCRC) leadership last week relative to the State budget and will be attending an RCRC meeting in Sacramento tomorrow. He commented that the State Sheriff Organization is also a very powerful lobby looking out for our interest. He attended the Gateway Partners meeting last week. He has received a number of calls on the Habitat for Humanities house issue and feels that it is an extremely unfortunate situation, but Habitat for Humanities is extremely committed and hopes everyone can give them the benefit of the doubt; they will give the home to a family that meets the qualifications.

Supervisor Stetson attended the Gateway Partners meeting last week and on Thursday he will be attending the Midpines Planning Advisory Committee meeting.

Supervisor Turpin attended the Southwest Interface Team (SWIFT) meeting last Wednesday in Moccasin, he plans to attend a meeting with Public Works on Saturday relative to the upcoming Merco Bike Race on Merced Falls Road, and he will attend the Fire Station planning meeting on Friday. Tomorrow there is an Agriculture Tourism workshop in Merced from 8:30 to 4:30 that he will not be able to attend and hopes another Supervisor or Planning Department staff will be attending. Thursday morning he will attend the CSAC meeting, and Thursday evening he will attend a meeting in Greeley Hill with the Fire Chief and the Mariposa County Emergency Planner to address hazard mitigation, Monday he will be in Coulterville with the Fire Chief and Mariposa County Emergency Planner with the same agenda.

Supervisor Bibby asked Rick Benson, County Administrative Officer, about a Chamber of Commerce report and asked that he provide a copy of the report to Karen Morse. She attended the Community Action meeting on January 10th and advised that they are looking for a public representative to serve on this committee, and anyone interested should contact her for additional information. She attended the transfer station meeting and advised that the item will be coming back to Board for recommendations. On January 12th she toured Hornitos with Marilyn Lidyoff, Business Development Coordinator, and Maryann Visher who acted as a tour guide for a group called JA Productions that are doing a pilot documentary on John Wayne. She attended the 4H meeting the evening of January 12th, and advised that if anyone has ideas on the Hazard Mitigation Plan to please contact her. She will be attending the Agriculture Tourism workshop tomorrow and has a budget meeting scheduled with Jim Rydingsword, Human Services Director, on January 20th, a Community Action Agency meeting on January 21st, and Mother Lode Job Training meeting on January 24th.

Supervisor Allen explained the process of filing a record of survey and advised that some inconsistencies have been found and are being looked into. He

advised that there has been snow and ice in Wawona and he spoke to Public Works regarding keeping roads and access to the Library and the dumpsters open and clarified that the rumor regarding Fish Camp not having a snowplow operator is just a rumor. The Wawona Specific Plan is moving forward.

2

Administration

Adopt a Resolution of Intention to Purchase Real Property Located at 5101 Bullion Street, Mariposa County (APN #s 013-125-001 & 013-125-002) and Schedule February 15, 2011 at the 9:00 a.m. Meeting of the Board as the Time to Consummate the Purchase

BOARD ACTION: Rick Benson, County Administrative Officer, provided an overview of the December meeting relative to the process of purchasing this property. He advised that a publication of the Notice of Intent to purchase the property is required to run in the local newspaper for three consecutive weeks and due to a glitch this did not occur, therefore the meeting set for January 25th to take action on this item, will be rescheduled to February 15th. Discussion was held relative to acquiring this property for construction of a new Courthouse in the future, with funding of this purchase through the Courthouse fund. (M)Cann, (S)Stetson, Res. 11-22 was adopted adopting a Resolution of Intention to purchase real property located at 5100 Bullion Street, Mariposa County/Ayes: Unanimous.

3

Administration

Approve the Appointment of Janet Chase-Williams to the County Librarian Position Effective January 1, 2011, Eliminate the Senior Library Assistant Overfill, and Approve Budget Action Transferring Funds within the Library Budget and from General Contingency (\$36,921) to Accommodate the Appointment (4/5ths Vote Required)

BOARD ACTION: Rick Benson, County Administrative Officer, congratulated Janet Chase-Williams for the completion of her Library of Science Masters degree, stating that the Library is flourishing and thanked her for an excellent job. He recommended approving the requested action as stated. Janet Chase-Williams thanked the Board and Rick Benson for the opportunity and for their support. Supervisor Bibby commented that Janet has been fantastic to work with and the county is lucky to have her. Discussion was held relative to notification of this appointment being provided to the State.

Input from the public was provided by the following:

Pete Judy, as a citizen, thanked the Board for appointing Janet and informed them that the construction of the library in 1999 influenced his move to Mariposa County. He thanked Janet for providing his family with numerous hours of enjoyment.

Eleanor Keuning commented that within the past month Janet had visited Kiwanis Preschool and encouraged the kids to read.

Supervisor Cann acknowledged Janet's leadership and drive and the tremendous positive effect he has seen in her staff. (M)Bibby, (S)Stetson, Res. 11-23 was adopted appointing Janet Chase-Williams to the County Librarian position effective January 1, 2011, eliminating the Senior Library Assistant Overfill, and approving budget action transferring funds within the Library budget and from General Contingency (\$36,921) to accommodate the appointment. Supervisor Turpin, under comment, thanked Janet for her sacrifices/Ayes: Unanimous.

10:05 a.m. Recess

10:14 a. m. Reconvene

14 Consider Items Removed from the Consent Agenda
Item 107 – Steve Dahlem, County Counsel, advised that the legal description included in the packet was incorrect and provided the correct legal description. (M)Bibby, (S)Turpin, approved item 107 with corrected legal description/Ayes: Unanimous.

4 **Human Services**

Review the 2009-2010 Mental Health Board Annual Report

BOARD ACTION: Dr. Lori Ritter, Mental Health Board Chair, presented the annual report and advised of the formation of subcommittees to address community needs regarding suicide and homelessness. She advised that the Mental Health Board will not be providing a booth at the Mariposa County Fair, but will have a table at the Butterfly Festival and may combine efforts with the Drug and Alcohol Abuse Advisory Committee. She advised that a contract Therapist has been obtained to relieve the waiting list for consumers. Discussion was held relative to the “Doc in the box” program with a good response from the youth, feedback from the R.O.A.D House, and statistics from the Sheriff Department on suicide. Dr. Ritter thanked the Sheriff’s Department for their participation and commented that she would like to get the Probation Department involved again.

Supervisor Cann thanked Dr. Ritter for the vital service and commitment provided. Chair Allen thanked Dr. Ritter for over twenty years of service, and commented that the social networking online is great, and the “Doc in the box” works for the jail inmates particularly because they don’t have to be moved. Supervisor Turpin commented on how important mental health is and that he feels we have a responsibility to society.

Jim Rydingsword, Human Services Director, recognized the Mental Health Board and Dr. Ritter’s leadership. Corrections to the Mental Health Board membership information were made relative to Dr. Lori Ritter residing in District V and Ruth Catalan residing in District IV. Chair Allen asked that the record reflect that the Board of Supervisors appreciates Ruth Catalan’s contributions to the Mental Health Board.

5 **Clerk of the Board**

Approval of Summary of Proceedings of December 9, 2010, Continued Meeting (Continued from December 7, 2010); Approval of Summary of Proceedings of December 13, 2010 Continued Meeting (Continued from December 9, 2010); Approval of Summary of Proceedings of December 14, 2010, Regular Meeting; Approval of Summary of Proceedings of December 21, 2010, Regular Meeting
BOARD ACTION: Chair Allen advised that the Summary of Proceedings of December 13, 14 and 21, 2010 have been withdrawn. Supervisor Bibby advised of corrections and made a clarification in the Summary of Proceedings of December 9, 2010. (M)Bibby, (S)Cann, the Summary of Proceedings of December 9, 2010 were approved with changes/Ayes: Turpin, Bibby, Cann, Allen. Abstain: Stetson.

6 **Sheriff**

Waive Second Reading and Adopt Ordinance Amending Section 6.08.010 and Create Section 6.08.145 of the Mariposa County Code Entitled Leash Regulations for Dogs

BOARD ACTION: Supervisor Bibby asked if any comments had been received on this item. Byron Robles, Sheriff’s Captain, and Deputy Clerk of the Board responded they had not received any comments to date. Discussion was held relative to posting signs of the new Ordinance throughout the communities and the parks with the assistance of the Public Works Department, charges of a misdemeanor or infraction, and the fees for violation of the Ordinance. (M)Stetson,

(S)Turpin, County Counsel read the title of the Ordinance into the record, the second reading was waived and Ordinance No. 1075 was adopted amending Section 6.08.010 and creating Section 6.08.145 of the Mariposa County Code entitled Leash Regulations for Dogs/Ayes: Unanimous.

Board Convened as

LOCAL TRANSPORTATION COMMISSION

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Lee Stetson)

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

8 **Public Works**

Approve an Agreement with Nelson/Nygaard Consulting Associates to Prepare the Short Range Transit Plan (SRTP), and Authorize the Local Transportation Commission Chair to Sign the Agreement

COMMISSION ACTION: Barbara Carrier presented the staff report and provided background relative to the Request for Proposal (RFP) advising that they received four proposals and Nelson/Nygaard Consulting Associates were chosen. Barbara recommended approval of the agreement. (M)Cann, (S)Allen, Res. LTC 11-3 was adopted approving an agreement with Nelson/Nygaard Consulting Associates to prepare the Short Range Transit Plan (SRTP), and Authorizing the Local Transportation Commission Chair to sign the agreement/Ayes: Unanimous.

9 **Public Works**

Authorize the Executive Director to Sign and Submit an Application and Other Necessary Documents Pertaining to Federal Transit Administration (FTA) Section 5311 Program (Operating Assistance) Funds for Fiscal Year 2010-2011

COMMISSION ACTION: Barbara Carrier presented the staff report and clarified that the recommendation is for authorization of the Executive Director to sign the agreement. (M)Bibby, (S)Stetson, Res. LTC 11-4 was adopted authorizing the Executive Director to sign and submit an application and other necessary documents pertaining to Federal Transit Administration (FTA) Section 5311 Program (Operating Assistance) funds for Fiscal Year 2010-2011/Ayes: Unanimous.

10 **Public Works**

Appoint Kristen Fiester to the Social Service Transportation Advisory Council (SSTAC) as a Social Service Provider for Persons of Limited Means Member for a Term Expiring January 18, 2014, and Accept the Resignation of Georgene Tarbox from the Social Services Transportation Advisory Council

COMMISSION ACTION: Barbara Carrier advised that Georgene Tarbox has retired and is no longer available and recommended the appointment of Kristen Fiester to the Council. (M)Stetson, (S)Bibby, the item was approved as stated/Ayes: Unanimous.

Board Convened as

MARIPOSA COUNTY WATER AGENCY

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

11 Public Presentation: For Items within the Jurisdiction of the Mariposa County Water Agency and not on Today's Agenda (Speakers Limited to Five Minutes) - None

12 **Clerk of the Board**

Selection of Chair and Vice-Chair

AGENCY ACTION: Following discussion, (M)Stetson, (S)Bibby, Director Cann was re-appointed as Chair/Ayes: Stetson, Turpin, Bibby, Allen. Abstain: Cann. (M)Bibby, (S)Cann, Director Turpin was re-appointed as Vice-Chair/Ayes: Stetson, Bibby, Cann, Allen. Abstain: Turpin.

13 **Administration**

Approve an Agreement for Services with the 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 Mariposa County Water Agency Chair to Sign the Agreement

AGENCY ACTION: Rick Benson, County Administrative Officer, advised that Mark Rowney is the staff member at MPUD who is working on these issues and his contributions have been substantial, he recommended approving the agreement. Director Turpin endorsed the recommendation and asked if we have stayed within budget. Rick Benson responded yes to Director Turpin. (M)Stetson, (S)Bibby, Res. WA 11-1 was adopted approving the item as stated/Ayes: Unanimous.

Reconvened as

BOARD OF SUPERVISORS

15 **Administration**

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

16 **Administration**

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

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

17 **Administration**

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

18 **Administration**

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

BOARD ACTION: Supervisor Bibby excused herself from the meeting at 10:53 a.m. for action on these matters and for the portion of closed session on these matters due to a potential conflict of interest as her husband is a member of SMA and because of potential compaction issues. (M)Cann, (S)Stetson, these closed sessions were held/Ayes: Stetson, Turpin, Cann, Allen; Excused: Bibby.

The Board convened in closed session at 10:55 a.m.

11:13 a.m. Report from closed session:

Chair Allen announced that information was received on all of the closed session items.

Consent Agenda

- CA-101 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-17
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-18
- CA-103 **Supervisor Turpin**
Accept the Resignation of Hugh Martin and Terry Dumolt from the Don Pedro Pedestrian and Equestrian Trails Advisory Board (DPPETAB); Re-Appoint William Kinsella with a Term Expiring June 30, 2012, Jeanne Jenkins with a Term Expiring June 30, 2014, Dianne Chaulklin with a Term Expiring June 30, 2012, David Taylor as an Alternate Member with a Term Expiring June 30, 2014 to the DPPETAB; Move B. Jane Cloud from an Alternate Member Position to a Member Position and Re-Appoint with a Term Expiring June 30, 2013 to the DPPETAB; Appoint Terry Booten with a Term Expiring June 30, 2013, to the DPPETAB
- CA-104 **Supervisor Stetson**
Re-Appoint Gary Francisco to the Planning Commission as District I Planning Commissioner with a Term to Coincide with the Term of Board of Supervisor, District I
- CA-105 **AIR POLLUTION CONTROL DISTRICT**
Authorize the Air Pollution Control Officer (APCO) to Apply for Year 13 Moyer Funding for Fiscal Year 2010-2011, and Direct the Revenue to the Rural Assistance Program; Authorize APCO to Apply for Funds and Similarly Direct Them in Fiscal Year's 2011-2012, 2012-2013, and 2013-2014; Res. 11-19 and APCD Res 11-1
- CA-106 **Health**
Approve Agreement 10-95270, Certification Regarding Lobbying, and Form CCC-307 Contractor Certification for the HIV/AIDS Surveillance Program for Fiscal Years 2010-2013 in the Amount of \$10,062, and Authorize the Board of Supervisors Chair to Sign the Agreement; Authorize the Health Officer to Sign the Contractors Release Upon Submission of Final Invoice; Res. 11-20
- CA-107 **Public Works**
Approve Amended Legal Description to the Covenant to Fund Annual Contribution in Lieu of Assessment Between Yosemite West Associates and County of Mariposa for APN 006-150-006; Res. 11-24
- CA-108 **Probation**
Approve Agreement Between Assessments.com and Fresno County, who is Acting on Behalf of Central California Probation Consortium (CCPC) to Obtain Internet-Based Access to, and Use of, Certain Automated, Evidence-Based, Risk-Assessment Software Applications, and the Services Related thereto, for the

Purpose of Managing and Monitoring Adult and Juvenile Probationers, and
Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-21

Chair Allen adjourned the meeting at 11:16 a.m. in memory of Scott P. Bumgardner,
Harold Menzies, and Pauline Oliver-Henry.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

TRACY GAUTHIER
Deputy Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

January 25, 2011



Folder Time Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our troops fighting for our freedoms each day.

Introductions – none

1

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

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

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

Peter Schimmelfennig, Chamber of Commerce Executive Director, referred to item 110 and invited everyone to their installation and recognition dinner on Friday.

Jim Rydingsword, Human Services Director, referred to item 104 and advised that Debbie Smith chose not to have public recognition on her retirement; however, he wants to publicly commend and thank her for her services and wish her well.

Supervisor Bibby pulled item 103 for additional information. She referred to item 104 and commended Debbie Smith for her service to the community; and Supervisor Allen concurred.

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

Chair Allen advised that the purchase of the SPCA (Moore) property has been rescheduled for February 15th.

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

MaryAnn Huff congratulated Supervisor Stetson for being elected to the Board, and Supervisor Allen on being selected as Chair. As past President of the Chamber of Commerce and working to promote Coulterville and the whole County, she provided copies of the True West magazine and a Sunset insert which contained stories promoting the County.

Jim Wilson, Fire Chief, provided an update on the emergency declaration for the winter storm damage and advised of their work with CalTrans for the Ben Hur Road repairs. He responded to questions from the Board relative to being reimbursed for costs already incurred by the County.

Allen Toschi, Public Works Director, provided input on the costs and work for the Ben Hur Road repairs as a result of the storm damage. He responded to questions from the Board relative to preliminary cost estimates and timeframes for the repair work.

Marvin Wells referred to the leash law ordinance that was adopted and the recent story in the *Gazette* pertaining to private property. Chair Allen noted that the story was in error. Jill Ballinger, *Mariposa Gazette*, advised that a correction is being printed.

Lester Bridges, President of the Chamber of Commerce, commented on their installation and recognition dinner and the performance by the High School Grizzly Band scheduled for Friday.

Board Information

Supervisor Bibby advised that she attended an agriculture tourism workshop on Wednesday; and she urged those interested in pursuing agritourism to visit the USDA website and to contact County departments, including Health and Planning, for local requirements. She met with the Human Services Director on Thursday relative to the new building, State budget status and program impacts – she advised that the Human Services Director is monitoring these issues closely and will provide a presentation to the Board. She attended the Calaveras-Mariposa Community Action Agency meeting on Friday with Supervisor Turpin. She attended the funeral service for Della Hern on Saturday. She attended the Mother Lode Job Training meeting on Monday. She plans to attend the local Contractors Association meeting this evening with the Public Works Director and Supervisor Allen.

Supervisor Turpin advised that he attended the CSAC (California State Association of Counties) Executive Committee meeting on Thursday in Sacramento and they discussed the State budget issues. He advised there was a presentation in Greeley Hill on Thursday and in Coulterville on Monday on hazardous mitigation and discussion on the future of the transfer stations.

Supervisor Cann advised that he met on Monday with representatives who are interested in maintenance of the historic cemetery in town relative to their “adopt a grave” proposal. He was in Sacramento on Wednesday and Thursday attending the Regional Council of Rural Counties (RCRC) meeting; and discussion was held relative to the State budget issues, a lawsuit in Siskiyou County concerning ground water monitoring, and the gas tax swap. He will be back in Sacramento on Wednesday for more meetings on the State budget issues. He advised that legislation is being introduced to repeal the mandatory sprinkler system requirements for new residential housing, but it is not felt that this legislation will be successful. He commented on the impacts of the new California Energy Commission efficiency requirements which will also result in increased construction costs – plus, they are developing new standards to further cut the consumption of energy in new construction. He advised of a USDA public forum that will be held here on Monday evening.

Supervisor Stetson thanked Supervisors Turpin and Cann for attending the meetings in Sacramento and for bringing back information. He advised that he met with the Human Services Director and Supervisor Bibby on the updates for Human Services. He attended the Midpines Advisory Committee meeting on Thursday, and discussion was held relative to the Midpines Park and the new fire station plans, and relative to the potential impacts the Catheys Valley Community Plan will have on their community. He attended the YARTS meeting on Monday, and they are purchasing three new buses, reviewed their short-range transit plan, and they are considering a new allocation of costs based on mileage. He plans to attend the San Joaquin Valley Rail Committee meeting on Thursday in Merced.

Supervisor Allen noted that Supervisor Cann was elected as Second Vice-Chair of RCRC. He advised that he attended the Habitat for Humanity wall raising and that they have selected a new family to be the recipient of their first home built in the County. He advised that he met with the Human Services Director relative to planning for the future and he thanked him for his work. He plans to attend the Contractors Association meeting this evening, the Chamber of Commerce installation and recognition dinner on Friday, and the breakfast at the Bootjack Fire Station on Saturday.

2

KMPI Airport and Rent a Car, Inc.

Presentation of Report to the Board of Supervisors, Summarizing all Activities Undertaken or Allowed by Manager at the Airport (Jesse Figueroa)

BOARD ACTION: Jesse Figueroa gave a presentation on their activities at the Airport and reviewed the following: Airport operations increase, availability of Hertz rental cars and usage, terminal remodel, taxiway improvement, availability of rental plane and flying lessons, application for Part 135 commercial operations, and planning stage for site location and plans for a commercial hangar for KMPI. Discussion was held and Board members thanked KMPI for their work.

3

Planning

PUBLIC HEARING to Adopt an Ordinance Approving the Final Extension of the Interim Urgency Ordinance Adopted on January 26, 2010, to Define Medical Marijuana Dispensaries and Prohibit the Establishment of Medical Marijuana Dispensaries. Provide Direction to Staff for Preparation of a Resolution of Intention for Permanent Medical Marijuana Dispensary Regulations Based on Information Provided in the Staff Report, to be Brought Back before the Board of Supervisors

BOARD ACTION: Kris Schenk, Planning Director, advised of the process for extending the interim urgency Ordinance. He advised that staff has been working on this issue; however, there was uncertainty with Proposition 19, and that did not pass. He advised that staff is requesting direction for preparing a resolution to be brought back to the Board. Alvaro Arias, Planner, presented the staff report and he advised of corrections to the staff report, and reviewed staff recommendation and options for action. Staff responded to questions from the Board relative to the Ordinance for Merced County being for the unincorporated areas; where the nearest allowed dispensary is located; whether there has been any public feedback on this matter; and whether dispensaries are legal in the State and relative to the Federal laws.

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

Ivan Laam provided input and he advised of available dispensaries in neighboring counties, Oakhurst and Merced, and on the internet. He commented on the potential benefits to the County for increased tax revenues if dispensaries are allowed. Supervisor Cann noted that dispensaries are not allowed in Madera County; and Supervisor Allen advised of his discussion with the Madera County Sheriff and there are no dispensaries in Oakhurst.

Doug Binnewies, Sheriff, provided input on the status of the laws since the Compassionate Use Act was adopted in 1996, and he advised that he and the District Attorney support continuation of the moratorium for further research. He commented on law enforcement issues that they have encountered. He responded to questions from the Board as to whether there are benefits to having a dispensary program versus individuals growing their own medical marijuana.

Dr. Mosher, Health Officer, responded to questions from the Board relative to the number of identification cards that have been issued by the Department; and relative to the purpose of the card. Both Dr. Mosher and Sheriff

Binnewies responded to a question from the Board and advised that they do not know if any counties allowed dispensaries and then eliminated them.

Sheriff Binnewies responded to questions from the Board as to whether there are other options for marijuana dispensaries other than “store front” dispensaries. Supervisor Allen provided input on the abuse of Proposition 215 and concerns relative to approving the dispensing of a drug (marijuana) without scientific control.

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

(M)Cann, (S)Turpin, the reading was waived and Ordinance No. 1076 was adopted extending the interim urgency Ordinance to define medical marijuana dispensary and prohibit the establishment of medical marijuana dispensaries within the County of Mariposa. Further discussion was held. Supervisor Bibby clarified the action, including reading the title of the Ordinance into the record. Ayes: Unanimous.

Discussion was held relative to providing direction to staff. Supervisor Stetson stated he would like to see an option that involves restricting dispensaries to Mariposa County residents since a small amount is involved to serve the two residents that have identification cards, and he would like for the option to be something that is acceptable to the Sheriff. It was clarified that prohibiting dispensaries does not preclude those with identification cards to their need and access. Discussion was held with staff relative to the option of creating a separate section or chapter in the County Code that would list all prohibited uses in all zones versus amending each zone; and relative to the ability to monitor dispensaries and problems with co-ops. Staff responded to questions from the Board relative to including specific communities with the County in the Ordinance; and it was clarified that these are communities with Town Plans. Steve Dahlem, County Counsel, stated he feels the language is appropriate for the extension; and he noted the request from the Department to be given clear direction on what to bring back to the Board. Discussion was held. Supervisor Bibby stated she supports the prohibition, but would like Planning to watch for changes in case law and to see how other counties are dealing with massive co-ops. Supervisor Stetson stated he feels that we still need public input and to try to find a way that would allow the idea of a dispensary in a clear program and safe environment for County residents.

(M)Cann, (S)Turpin, clear and unequivocal direction was given to Planning to come back to the Board with an Ordinance to prohibit the establishment of marijuana dispensaries in Mariposa County/Ayes: Turpin, Bibby, Cann, Allen: Noes: Stetson. The hearing was closed.

10:55 a.m. Recess

11:08 a.m. The Board reconvened.

4

Public Works

Provide Direction and Take Actions Regarding Changes in Operation of the Coulterville, Hornitos, Fish Camp, and North County (Don Pedro) Transfer Stations

BOARD ACTION: Discussion was held with Allen Toschi and Michelle Miller/Solid Waste and Recycling Manager, relative to costs, options for keeping the transfer stations open and disposal issues. Supervisor Turpin advised of a meeting held in North County with concerned citizens and he does not feel that eliminating the transfer stations is a viable option. Supervisor Cann stated he feels the overall issue of disposal in the County and costs, including the co-compost facility, and regulations, need to be considered. Supervisor Allen agreed and noted that there is no

curbside service available in Fish Camp to the residents. Supervisor Bibby agreed and commented on the differences in the fees throughout the County.

Input from the public was provided by the following:

Ruth Sellers stated she opposed the co-compost facility and she does not feel that the loan payments should be included in the costs for use of the transfer stations. She feels the Board should ask forgiveness of the USDA loan; that the landfill should be closed as a dump and be made a transfer station and that the County should look at the possibility of contracting with Merced County for disposal. She feels this is a problem for the Board that should not be passed on to the public.

William Davis, County Auditor, noted that if this remains an enterprise fund, that the County departments and agencies do not pay to use the facility. He advised that the debt service on the compost facility could be removed and they could be assessed on the operating costs. Rick Benson clarified that much of the waste is hauled by Total Waste and that charge is passed along to the County. There is some waste that is brought to the landfill directly by facilities staff and those costs should come from the County.

Ruth Catalan stated she feels this is one of the basic services that the County should be providing and it should not be an enterprise fund, but be funded by the County and that perhaps a percentage or amount of the transient occupancy tax revenues could be used. She does not feel that residents should be paying tipping fees, and she commented on her experiences in other areas where the service was included in the taxes. She also feels that recycling should be mandatory; however, this does not impact her as she recycles everything possible.

Robert Luke, Greeley Hill, stated he does not feel that the recycling that is being done is adequate. He referred to areas he has visited with recycling, where even the glass is sorted by color and that would save in costs at the transfer stations. He also expressed concern that the State is not giving back the CRV money that consumers pay with purchasing items. He asked what constitutes a “bag” – is it 32 gallons or 55 gallons? He noted expressed concern with the Coulterville transfer being closed for the two Saturdays over the holidays. He doesn’t feel that people should use bags for disposing of recyclables – the bags add to the trash. He noted the City of San Jose would lien property if the garbage bill was not paid. As a taxpayer, he feels they are entitled to County services.

Doug Binnewies, Sheriff, commended the Board for its proactive approach and discussion on this matter versus closing the transfer stations.

John Sears, Greeley Hill, expressed concern with the environmental impacts that would occur if the Coulterville transfer station is closed – such as increased vehicle traffic for individuals to transport their trash a longer distance. He feels the transfer station is being well used, and it was very busy and full before noon after being closed for the holidays.

MaryAnn Huff stated she lives next door to the Coulterville transfer station, and she hopes that good options will be found to keep it open. She feels education is needed to encourage better recycling. She noted that she appreciates Ruth Sellers and Ruth Catalan attending the Board meetings and providing input.

A gentleman spoke and agreed that this should not be an enterprise fund operation. He noted that we do not close schools or roads because they are not making a profit. He noted that he lives about a ¼ mile from the road and curbside service would not be realistic because the containers are heavy and awkward. He believes that a reasonable fee increase to help offset the deficit would be okay.

Mark Lamb, Coulterville, stated he is on a fixed income and everything else is going up. He asked why the prisoners could not be used and suggested consideration of the chain-gangs like Arizona does. Chair Allen noted that California is bound by Title 15 which prohibits this. Mark Lamb continued and asked how

many people it takes to operate the co-compost facility; and asked why the manufacturers of plastic are not required to buy back the plastic.

Arlie Hicks commented on her work with the Highway Clean-up Program – they started with being asked to clean for 4 weeks, and now they are being asked to pick up trash every other month. If the transfer station closes, she feels it will result in more dumping on the highways.

Discussion was held. Michelle Miller advised that a “bag” is a 32-gallon sized container; and she advised that they need 16-18 people to staff the co-compost facility and they have about 12 people. Supervisor Turpin suggested that staff work with the County Administrative Officer to come back with a formula to address the \$70,000 deficit for the operation of the transfer stations – possibly with a fee increase to cover half and with the County covering the other half of the costs. Discussion was held as to what the fee increase would be to cover half of the deficit – about \$6.25/bag. Supervisor Cann stated he feels the costs to run the solid waste operation at a sufficient level should be dealt with, and discussion was held. Allen Toschi provided input on the solid waste costs and revenues and shortfalls – they would be short about a million dollars to cover everything, including maintenance and depreciation of the facility and equipment, professional services to keep compliant with the State regulations, and additional staffing that is needed. Discussion was held relative to the need to promote recycling and to provide more opportunity for recycling at the transfer stations; and relative to asking the Solid Waste Task Force Committee to review these matters, taking into consideration the information and discussion held today. Rick Benson provided input and he referred to budget concerns and urged the Board to look at this in context of the entire picture of the County’s budget, as any cost to the General Fund will have to come at the expense of some other service.

12:27 p.m. Recess

12:38 p.m. The Board reconvened and continued with discussion relative to the transfer stations. Dr. Mosher, Health Officer, responded to questions from the Board relative to potential environmental impacts and health and safety concerns if the transfer stations are closed; and he advised of their enforcement function. He stated he feels good about the Board’s discussion of increasing recycling. Supervisor Bibby asked that there be a review of property taxes and fees for the Tuolumne County residents/i.e., out-of-county tipping fees that use the transfer station. Rick Benson responded to a question from the Board and advised that a public hearing would be required to consider fee increases; and he suggested that the Board give direction on whether it will entertain a fee increase to get things in motion to set up a public hearing, and direction could be given that staff simultaneously look at the other issues, and further review long-term solutions. Discussion was held relative to timeframes and looking at the countywide cost per bag; determining the General Fund costs for the waste that is generated that it is responsible for; relative to keeping the transfer stations open; and with looking at the recycling plan as a separate issue. Allen Toschi stated they will go back to the Solid Waste Task Force to discuss the issues and bring a recommendation back to the Board to maintain the transfer stations and a plan of action for long-term options to fund the landfill in a more realistic manner.

(M)Cann, (S)Stetson, direction was given to schedule a public hearing to consider raising the rates at the transfer stations; direction for the Solid Waste Task Force to meet and review all funding issues with the solid waste operation and bring back recommendations. Rick Benson advised that he will ask the USDA to forgive the loan. Ayes: Unanimous.

1:28 p.m. Lunch

2:09 p.m. The Board reconvened.

13

Planning, Health, Public Works

Consider Recommendations from the Planning, Health, and Public Works Departments to Implement User Fee Adjustments

BOARD ACTION: Kris Schenk advised that recommendations from the three departments are included in the staff report, along with an update from the consultant. He reviewed the recommendations for the fees for the Planning Department. Discussion was held relative to the fees, including potential reimbursement of appeal fees if the appeal is sustained. Dr. Mosher reviewed the recommendations for the fees for the Health Department. He advised that his budget included this fee revenue, and he reviewed the impacts for someone building a new home. Discussion was held relative to the fees for burning and the various regulations. Discussion was held relative to the temporary event use fee and whether that pertains to Public Assemblage Permits; and if so, it should be dealt with the Permit issue and not at this time. Allen Toschi reviewed the recommendations for the fees for the Public Works Department. Discussion was held relative to the appeal hearing fees and whether they should apply for other departments.

Input from the public was provided by the following:

Rita Kidd stated she is glad the Board is considering the fees. She agrees with the increase in appeal fees, and she noted that MERG has appealed decisions and is in favor of paying a reasonable cost. She expressed concern with the new administrative use permit fee for agri-nature/tourism and stated she does not feel that a neighbor should be asked to pay a \$1,000 to have a situation evaluated – that may have been the issue that was discussed with the returning of the fee if an appeal is upheld. She noted that there is no means for noticing the neighbors in advance if an impact will occur, but it creates a dilemma for a neighbor who may be subsequently impacted. She noted that this reflects the general opinion of the MERG Board. Supervisor Allen asked if she has seen anything written for another county for this, and she responded that she has not, but could research that.

Discussion was held.

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

Rita Kidd referred to the issue of charging for complaints and a contract approach that was on the verge of approaching the Planning Commission, and MERG opposed that.

Ed Mee stated the government is for the people, to “protect and serve” and not to “protect and charge.”

County Counsel asked for clarification of the appeal fees for de novo and subsequent appeals, and discussion was held. Discussion was held relative to scheduling of the fee hearing and whether to consider the fees for each department separately.

(M)Stetson, (S)Bibby, direction was given for the departments to schedule a public hearing on the fees, with the omission of the temporary event use fee, and with direction for a recommendation to be presented to address the innocent by-stander situation as discussed. Further discussion was held relative to having a relief avenue for appeals that are overturned so that the fee money could be refunded if it is shown that the government agency was wrong. The motion was amended, agreeable with the maker and second, to include direction to staff to obtain more information on refunding appeal fees and to come back with a recommendation for discussion during the hearing. Discussion was held relative to the public process for handling this. Ayes: Unanimous.

5 **Public Works**
Authorize Public Works to Solicit Request for Proposals (RFP) for Emergency Repairs on Old Highway South due to Storm Damage, and Authorize the Director of Public Works to Award the Project and Sign an Agreement with the Lowest Responsible Bidder

BOARD ACTION: Discussion was held with Allen Toschi relative to the request, and he advised of the reimbursement status and current cost estimates. Supervisor Cann asked about the suggestion of having a local bid preference. Rick Benson advised that this can be done with purchasing, but not with Public Works projects. Discussion was held. (M)Bibby, (S)Cann, Res. 11-34 was adopted approving the recommended actions. Supervisor Cann asked that Supervisors Bibby and Allen clarify the contracting provisions with the Contractors Association when they meet this evening. Ayes: Unanimous.

6 **Clerk of the Board**
Approval of Summary of Proceedings of December 13, 2010, Continued Meeting; Approval of Summary of Proceedings of December 14, 2010, Regular Meeting
BOARD ACTION: (M)Bibby, (S)Cann, the Summary of Proceedings were approved, including the changes provided for the December 13th minutes/Ayes: Turpin, Bibby, Cann, Allen; Abstained: Stetson.

7 Consider Items Removed from the Consent Agenda
Item 103 – Supervisor Bibby asked that additional information be provided. Rick Benson advised that Supervisor Allen asked that the first claim be brought to the Board for further review, and the second item will be brought to the Board by County Counsel. (M)Bibby, (S)Stetson, the report was accepted/Ayes: Unanimous.

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

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

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

BOARD ACTION: Rick Benson withdrew these closed sessions.

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

12 **Administration**
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) for In-Home Supportive Services (IHSS) Providers; Name of County Designated Representative: Mary Hodson

BOARD ACTION: (M)Bibby, (S)Cann, these closed sessions were held at 3:48 p.m./Ayes: Unanimous.

4:36 p.m. Report from Closed Session:

Chair Allen advised that as a result of the closed session, information was received on item 9/MCMCO labor negotiations, and that information was received and direction was given on item 12/IHSS labor negotiations.

Consent Agenda

- CA-101 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-25
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-26
- CA-103 **Administration**
Information Report of Liability Claims Rejected by the County Administrative Officer/Risk Manager for the Month of December 2010; Res. 11-27 accepting the Report
- CA-104 **Chair Allen**
Resolution and Tile Plaque Recognizing Debbie Smith, Upon her Retirement from the Human Services Department (Human Services Director); Res. 11-28
- CA-105 **Agricultural Commissioner**
Approve First Amendment to Statewide Exotic Pest Detection Agreement No. 10-0193-1 for FY 2010/2011 with the California Department of Food and Agriculture (CDFA), and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-29
- CA-106 **Human Services**
Accept the Resignation of Debbie Smith and Appoint Jim Rydingsword, Director of the Human Services Department, to First 5 of Mariposa County for a Term Expiring January 25, 2014
- CA-107 **Human Services**
Approve the Mariposa County Local Child Care Planning Council Annual Membership Certification, and Authorize the Board of Supervisors Chair to Sign the Certification; Res. 11-30
- CA-108 **Health**
Authorize the Health Officer to Sign Certification for Funding Under Health and Safety Code 123945 for the State-Mandated Children's Medical Services (CMS) Program; Res. 11-31
- CA-109 **Health**
Approve the Children's Medical Services (CMS) Plan and Budget Justification for FY 2010-2011 in the Amount of \$31,384 for California Children's Services (CCS), \$70,021 for Child Health and Disability Program (CHDP), and \$13,832 for the Health Care Program for Children in Foster Care (HCPCFC), and Authorize the Board of Supervisors Chair to Sign the CHDP and CCS Children's Medical Services Certification Statements for FY 2010-2011; Res. 11-32

CA-110 **Chair Allen**
Approve Certificates of Recognition for the Mariposa County Chamber of Commerce's Selection of 2010 Businessman of the Year (Gerald Sarazin), 2010 Businesswoman of the Year (Dr. Lisa Carisio), 2010 Business of the Year (One Stop Office Products), and to Receive the Lifetime Achievement Award (Dr. Phillip Smith)

CA-111 **Assessor-Recorder**
Adopt a Resolution Authorizing an Increase to the Assessor-Recorder Petty Cash Fund from \$100 to \$200; Res. 11-33

Chair Allen adjourned the meeting at 4:37 p.m. in memory of Della V. Hern, Pattie Martin, and Joan Tune.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

February 1, 2011



Folder Time Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for those folks defending our freedoms.

Introductions – none

1

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

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

BOARD ACTION: (M)Stetson, (S)Turpin, to approve all of the items, was withdrawn by the maker, agreeable with the second, for discussion to be held. Supervisor Cann referred to item 106; and Allen Toschi/Public Works Director, responded to questions relative to the status of the road projects. Supervisor Turpin referred to item 107 and he thanked everyone who has worked to get this project to this point; and Allen Toschi provided input on the project. (M)Stetson, (S)Bibby, all items were approved/Ayes: Unanimous.

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

Lester Bridges advised that a consultant will be making a presentation on bike paths on Wednesday at the Government Center; he commended Barbara Carrier/PWD-Transportation Planner for her work on this; and he stated he feels this would enhance the County. He thanked the Board for its support for the Chamber of Commerce’s installation and recognition dinner on Friday.

Brad Aborn commented on the recent storms; provided input on the lack of enforcement of the sign ordinance and expressed concern that businesses are starting to advertise on parked vehicles. He suggested that a “miner’s map” be created to advertise the businesses that are located off of the highway. He expressed concern with the deterioration of the sign at the County line advertising the County. He advised of an ink pen he received that includes a calendar.

Eleanor Keuning, member of the Historical Sites and Records Preservation Commission, advised of the Commission’s review of the sign ordinance issues and of their efforts to try and develop something that would be amenable to the businesses and to the County. She noted that there is a map of town available at the History Center and the Chamber of Commerce. She advised of her contact with CalTrans relative to concerns with the stop signs at Highway 49 South and 140. She referred to the recent

tragedy in Oakhurst where family members died from affixation from using a generator for heat; and she stated she feels there is a need to publicize the availability of services, including the fire wood program.

Board Information

Supervisor Cann, as a Steelers fan, noted the upcoming Super Bowl. He advised that, representing the Regional Council of Rural Counties (RCRC), he met last Wednesday with Assembly members and Senators relative to various issues, including State budget issues. He has had meetings on constituent concerns on both sides of the sign issues, and he advised that he is willing to work with the Historical Sites and Records Preservation Commission on this matter. He advised that Congressman Denham has agreed to reintroduce legislation to allow Yosemite to purchase land at the intersection of Highway 49 South and 140 for a potential visitor/discovery center, and perhaps future home of the Mining and Mineral Exhibit. He stated he agrees with the bike path concept. He attended the USDA presentation on Monday relative to economic development and sustainable communities/socio-economic analysis.

Supervisor Stetson advised that he attended the fire station planning meeting. He met with Mandy Vance/Sierra Nevada Conservancy on various issues, including biomass and fuel reduction. He plans to attend the presentation on bike path/transportation planning and the Social Services Transportation Advisory Committee meeting on Wednesday; and the San Joaquin Valley Rail Committee meeting on Thursday. He advised the El Portal Town Planning Advisory Committee is scheduled to meet next Tuesday evening.

Supervisor Turpin advised that he attended the California State Association of Counties (CSAC) meeting last week and they are reviewing the potential of going into the health plan service. He met with an individual on Wednesday that has a private road challenge resulting from a development that occurred a long time ago and Fish and Game is involved with stream issues. He met with Frank Milazzo, Fish and Game Warden, on Thursday relative to cleaning up along the Creek. He participated in a telephone conference call on Friday with the Sierra Nevada Conservancy relative to the biomass study; attended the fire station planning meeting; participated in a telephone conference call with Assembly member Kristin Olsen relative to the State budget; and attended the Chamber of Commerce dinner. He attended the USDA/Resource Conservation District briefing on grants that are available to enhance the livestock industry. He advised there will be a meeting in the Coulterville Park this afternoon relative to local issues. The North County History Center will have its re-opening gala on Saturday. He commented that when there is talk of Mariposa that the whole County is being referred to – we do not put up a wall at the Bagby Bridge or at Fish Camp. He met with Supervisor Allen and the County Administrative Officer and the Auditor on Monday with concerned citizens from North County relative to the unfunded pension liability.

Supervisor Bibby advised of calls being received relative to the leash law Ordinance, and she clarified that the leash law does not apply if your animals are on your private property or on land that you rent/lease; and she advised that the Ordinance is available and that Byron Robles at the Sheriff's Department can be contacted. This Ordinance was to fix problems with animals running loose in public parks and at public licensing events. She participated in the telephone conference call with Assembly member Olsen and the State budget analyst concerning State budget issues and Williamson Act. She attended the NRCS USDA meeting on Monday relative to grant opportunities for economic development and sustainable communities. She plans to attend the Daughters of the Revolutionary War event in Merced on Saturday to present the Good Citizen Award to a Mariposa High School student. She plans to meet with Planning this week on the sign Ordinance. She advised that CalTrans followed up on

sign issues in town after receiving a citizen complaint; and a request was made for new striping in town.

Supervisor Allen advised that he attended the retirement reception for Debbie Smith at Human Services on Thursday. He attended the Chamber of Commerce installation and recognition dinner on Friday; and he noted that the Grizzly Band was outstanding, that Assembly member Olsen spoke. He met with the Auditor on Monday, as Supervisor Turpin mentioned, relative to the PERS liability. He plans to attend the Merced/Mariposa Section Future Farmers of America Project Competition banquet on Wednesday in Merced; and he noted that several students from Mariposa are receiving awards. He plans to meet with the interim Director for the Mountain Valley Emergency Medical Services Agency here on Thursday, and afterwards the Emergency Medical Care Committee will meet. He referred to the fire wood program issues that Eleanor Keuning referred to and advised that he will look into them – he further noted that Danny Martinez and Brian Muller have been delivering fire wood.

Supervisor Cann announced that Supervisors Bibby and Turpin were selected to be on a team following the USDA meeting. He advised that Greg Norton, President of RCRC, will be in Mariposa on Friday, and he will be available to meet with the Board members.

2

Auditor

Information Regarding Resolution of Employee Share of FICA Taxes paid by the County and not Reimbursed to the County (2010 FICA Back Tax Payment Correction)
BOARD ACTION: William Davis, Auditor, provided information on the status of the reimbursements and payments by the County and discussion was held. Rick Benson advised that if the Board wants, that he and County Counsel can bring back an item, and that appropriate discussion would be in closed session, to discuss tactics of litigation against those former employees that have not reimbursed the County. He noted that the Auditor has done everything to fulfill his obligations in this matter. Discussion was held, and Board members agreed that it would be good to get advice from staff.

10:13 a.m. Convened as

MARIPOSA COUNTY PUBLIC FINANCING CORPORATION

(President-Supervisor Cann)

Administration

3

Mariposa County Public Financing Corporation Annual Meeting

I. Call to Order (Supervisor Cann)

II. Election of Officers

CORPORATION ACTION: Rick Benson advised that traditionally the Board Chair and Vice-Chair have been selected as President and Vice-President. Supervisor Stetson nominated Supervisor Allen as President and Supervisor Bibby as Vice-President. (M)Turpin, (S)Stetson, the nominations were closed/Ayes: Unanimous. (M)Stetson, (S)Turpin, the nominations were accepted as stated/Ayes: Unanimous.

III. Public Presentation: For Items within the Jurisdiction of the Public Finance Corporation and not on Today's Agenda (Speakers Limited to Five Minutes) – none

IV. Approval of Minutes (6/1/10)

CORPORATION ACTION: (M)Cann, (S)Turpin, the minutes were approved/Ayes: Turpin, Bibby, Cann, Allen; Abstained: Stetson, since he was not present for that meeting.

IV. Report of Activities

CORPORATION ACTION: Rick Benson reviewed the status of the Certificates of Participation (COP) for the Government Center (including Fleet Maintenance facility) and the Solid Waste Composting Facility; and he noted that these are the only items on the books as “County debt” and that the County’s debt ratio is extremely low. Supervisor Turpin asked whether the COPs were issued through CSAC, and Rick Benson advised that he will review. (M)Bibby, (S)Cann, the report was accepted as presented/Ayes: Unanimous.

V. Other Business – none

VII. Adjourn

CORPORATION ACTION: President Allen adjourned the meeting at 10:27 a.m.

10:28 a.m. Reconvened as
BOARD OF SUPERVISORS

4

Clerk of the Board

Approval of Summary of Proceedings of December 21, 2010, Regular Meeting

BOARD ACTION: Supervisor Bibby advised of corrections to the Summary of Proceedings for December 21st. (M)Bibby, (S)Cann, the Summary of Proceedings were approved, with the corrections as noted/Ayes: Turpin, Bibby, Cann, Allen; Abstained: Stetson.

5

Consider Items Removed from the Consent Agenda – none

6

Administration

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

7

Administration

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

8

Administration

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

9

Administration

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

11

County Counsel

CLOSED SESSION: 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: These closed session items were withdrawn.

10

County Counsel

CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: Allied Property & Casualty v. County of Mariposa; Mariposa County Court Case No. 9916

BOARD ACTION: (M)Bibby, (S)Cann, the closed session was held at 10:29 a.m./Ayes: Unanimous.

11:01 a.m. Report from Closed Session:

Chair Allen advised that information was received and that direction was given as a result of closed session item number 10.

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of January 4, 2011, Regular Meeting;
Approval of Summary of Proceedings of January 11, 2011, Regular Meeting

- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140
Enroute to Yosemite National Park; Res. 11-35

- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the
Rains in Late December 2010, Including Ben Hur Road; Res. 11-36

- CA-104 **Human Services**
Appoint Alison M. Grove to the Alcohol / Drug Abuse Advisory Board for a Term
Expiring February 1, 2014

- CA-105 **Public Works**
Approve the First Amendment to an Agreement with International Surface Systems
(ISS) for the Chip Seal/Scrub Seal Project #09-05/06-21 ARRA & SAFETEA-LU,
Extending the Term of the Agreement to July 31, 2011, and Authorize the Public
Works Director to Sign the Amendment; Res. 11-37

- CA-106 **Public Works**
Approve the First Amendment an Agreement with International Surface Systems (ISS)
for the Asphalt Rubber Seal Coat Project #08-14, Extending the Term of the Agreement
to March 01, 2011, and Authorize the Public Works Director to Sign the Amendment;
Res. 11-38

- CA-107 **Public Works**
Approve Plans and Specifications for the Lake Don Pedro Fire Station #24, and
Authorize the Public Works Director to Award the Agreement to the Lowest
Responsible Bidder and Sign the Agreement; Res. 11-39

- CA-108 **Supervisors Bibby and Allen**
Approve a Certificate of Recognition Recognizing Carie Ann Jones as the Mariposa
County High School Recipient of Merced River Chapter National Society Association
Daughters of the American Revolution Good Citizen Award

- CA-109 **Chair Allen**
Approve Certificates of Recognition to the Mariposa County Students who Competed
in the 2010-2011 Merced/Mariposa Section Future Farmers of America Project
Competition

Chair Allen adjourned the meeting at 11:02 a.m. in memory of Lois Link, Mary Lou Starr and Craig Harper.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

February 8, 2011

Folder Time Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women serving for their country.

Introductions – none

1

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

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

BOARD ACTION: Supervisor Cann referred to item 107 and asked about compliance with the Maddy Act for this and committee appointments in general. He noted that several applications have been received for the Catheys Valley Advisory Committee and commented on trying to balance the sides on a committee. Discussion was held. Steve Dahlem, County Counsel, and the Clerk of the Board provided input on the Maddy Act requirements for committees. Kris Schenk, Planning Director, referred to item 107 and advised of the request to reappoint members and of their noticing for the vacancy. (M)Bibby, (S)Stetson, all items were approved/Ayes: Unanimous.

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

Chair Allen explained that this is a new item on the agenda.

Allen Toschi, Public Works Director, provided a status report on the local emergency due to damages associated with the rains in late December for Ben Hur Road and Old Highway. Supervisor Bibby clarified with Allen Toschi that the County is responsible for doing the work on Ben Hur Road and that CalTrans is expected to provide full reimbursement.

Doug Binnewies, Sheriff, advised of on-going hazardous materials training that the Sheriff’s Department staff is receiving as a result of the cooperative agreement with CalFire. He also provided input on that status of staffing for the Department – he has deputies out with injuries and illnesses and a vacancy, with a potential second vacancy.

Supervisor Cann asked Allen Toschi about the Solid Waste and Recycling Manager leaving; and he advised that he received her resignation on Monday and they are working on recruitment.

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

Eleanor Keuning referred to the earlier discussion on committee memberships and commented on her membership on the Historical Sites and Records Preservation Commission (the Commissioners' terms are continuous). She noted she counted 17 foreclosures in the *Gazette* and expressed concern. She advised that Habitat for Humanity is having a stationary bicycle funding raising event on Saturday. She provided input on her attendance at the District Convention for Kiwanis in August and her subsequent efforts to work with the School District on a grant opportunity to help homeless families with youth. She advised that Kiwanis is holding a lunch fundraiser on the 24th.

Lester Bridges advised that he attended the bicycle/pedestrian path meeting on Wednesday, and he noted there was good attendance. He further commented on how the paths could enhance the County. He commented on the work with the Creek Parkway project; and he commented that the Tour de Habitat fundraiser includes a 50-mile bicycle ride. Supervisor Cann noted that he supports the concept of more things for folks to do in the County, and that diversity is a draw for tourists. Lester Bridges advised that funding is available for "green initiatives."

Ruth Catalan stated she feels the sandwich advertising boards are becoming more of a problem with blocking the sidewalks and she asked about enforcement, suggesting that the Sheriff's Department help. Chair Allen advised that the sidewalks along Highway 140 are in the CalTrans right-of-way/jurisdiction for enforcement. Ruth Catalan noted that the signs are also on the County streets.

Board Information

Supervisor Bibby referred to the sign issues and advised that she met with the Risk Manager, and Supervisor Cann – CalTrans is looking at this issue. She attended the Local Transportation Commission Technical Advisory Committee meeting, and there was discussion about the new YARTS park and ride parking lot being full because it is being used by employees of the surrounding businesses – she encouraged people to park in the spots allocated to those businesses. She attended the Merchants meeting on Thursday and signs were discussed. She attended the Mental Health Governing Board meeting and discussion was held relative to doing a survey on homelessness. On Thursday, she attended the public transit meeting; and she met with the School Superintendent relative to their budget status and evaluation of school sites and she advised that a meeting will be held at the Catheys Valley Elementary School this evening. She advised that they are looking for people to serve on the Calaveras-Mariposa Community Action Agency and Mother Lode Job Training. She attended the Daughters of the Revolutionary War event in Merced on Saturday to present the Good Citizen Award to Carrie Jones, a Mariposa High School student. She commented on the Green Bay Packers winning the Super Bowl. She noted the services for Art Mimler are scheduled for Thursday in Catheys Valley, and she extended her prayers to the Mimler and Boze families.

Supervisor Turpin advised that he is doing well after a minor surgery on Wednesday. He advised that the water level for Lake McClure is still holding and that the boat ramp is being used. He attended the Sierra Nevada Conservancy strategy planning meeting on Monday in Tuolumne County and advised of the issues they discussed relative to healthy forests, agricultural land, watershed, tourism and concerns with the permit process. He plans to attend, by teleconference, the CSAC (California State Association of Counties) meeting on Wednesday, there is a review of the statewide CalFire direction; and he plans to attend the Airport Advisory Committee meeting. He advised that the Yosemite-Sequoia Resource Conservation and Development is meeting here on Thursday; and he plans to attend the fire station planning meeting on Friday. On February 14th, he plans to attend the Solid Waste Task

Force meeting and in the afternoon the Tuolumne Farm Bureau meeting relative to diesel emissions.

Supervisor Cann commented on the empathy he has been receiving from Supervisor Bibby on the outcome of the Super Bowl. He commented on the meeting he attended with Supervisor Bibby, Planning, Public Works and County Counsel relative to the sign Ordinance, and he advised that it will be enforced. He asked Planning staff to give a presentation to the Board on enforcement of the sign Ordinance, and he feels that the Board will need to review the Ordinance to make sure that it does not need updating. He noted that we have a number of things that need enforcement; i.e., Williamson Act and other regulations. He attended an executive meeting with the Mariposa Merchants Association. He met with the President of RCRC (Regional Council of Rural Counties) on Friday at the Government Center to discuss their programs. On Monday he plans to attend the Solid Waste Task Force meeting and meet with the cemetery committee in the afternoon.

Supervisor Stetson advised that he attended the bike/pedestrian path meeting on Wednesday. He attended the San Joaquin Valley Rail Committee meeting in Merced on Thursday – they are planning for 20-year Amtrak and bus modifications. He attended the Local Transportation Commission Technical Advisory Committee meeting on Thursday. He noted the El Portal Town Planning Advisory Committee is meeting this evening, and Don Florence is making a presentation on the Local Hazard Mitigation Plan; and he will also make this presentation at the Midpines Community Advisory Committee on Tuesday. He attended the San Jose Taiko drummers and Eth-Noh-Tec performance at the High School and he noted that the restaurants were packed afterwards – he commented on the importance of the arts.

Supervisor Allen advised that he attended a meeting with Chuck Bill and Mike McCreary of John C. Fremont Health Care District last week – the hospital has been very busy especially with the closure of the Yosemite Clinic during its transition. He attended the Merced/Mariposa Section Future Farmers of America Project Competition banquet on Wednesday in Merced and he commended our local students on their awards. He agrees that a bicycle plan is needed. He met with Richard Murdock, Interim Director for Mountain Valley Emergency Medical Services Agency (MV-EMSA), on Thursday relative to recruiting for a Director and working with Stanislaus County to stay in the Region. Afterwards he attended the Emergency Medical Care Committee meeting, and he noted that Mercy Ambulance had its highest transport rate in January. He attended the transit development plan meeting and discussion was held relative to funding for a mobility manager. He advised of discussion relative to implementing a volunteer program for driving seniors to their medical appointments with representatives of Tuolumne County. He plans to attend the MV-EMSA meeting on Wednesday in Copperopolis. He noted that the Board will begin department heads evaluations in March.

2 Consider Items Removed from the Consent Agenda – none

3 **Administration**

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

5 **Administration**

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

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

7 **Administration**
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) for In-Home Supportive Services (IHSS) Providers; Name of County Designated Representative: Mary Hodson
BOARD ACTION: These items were withdrawn.

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

8 **County Counsel**
CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Number of Cases to be Discussed: 2
BOARD ACTION: (M)Cann, (S)Bibby, these closed sessions were held at 10:12 a.m./Ayes: Unanimous.

12:03 p.m. Report from Closed Session:

Chair Allen advised that as a result of the closed session matters information was received and direction given on item 4/MCMCO labor negotiations; and information was received on the first case on item 8/anticipated litigation and information was received and direction was given on the second case on item 8/anticipated litigation.

Consent Agenda

CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of January 18, 2011, Regular Meeting;
Approval of Summary of Proceedings of January 25, 2011, Regular Meeting;
Approval of Summary of Proceedings of February 1, 2011, Regular Meeting

CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-40

CA-103 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-41

CA-104 **Supervisor Stetson**
Appoint Jerry Jackman and Richard Long to the Yosemite West Maintenance District Advisory Committee

CA-105 **Supervisor Stetson**
Appoint Catherine H. Wallace to the El Portal Town Planning Advisory Committee for a Term Expiring February 28, 2013

- CA-106 **Chair Allen**
Re-appoint Tony Toso and Jerry Progner to the Agricultural Advisory Committee for Terms Expiring February 28, 2013
- CA-107 **Supervisor Bibby**
Re-appoint Ken Davis, Tracy Guenthart, Cathie Pierce and Judie Huffman to the Catheys Valley Community Planning Advisory Committee with Terms Expiring February 28, 2013, and Accept the Resignation of Richard Uebner from the Catheys Valley Community Planning Advisory Committee
- CA-108 **Agricultural Commissioner**
Approve the Statewide Exotic Pest Detection Agreement No. 11-0008 for FY 2011-2012 with the California Department of Food and Agriculture (CDFA), and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-42
- CA-109 **Human Services**
Approve an Amendment to a Lease Agreement with Klump Properties for the Social Services Building Located at 5186 Highway 49 North, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-43
- CA-110 **Human Services**
Authorize the Human Services Department to Release a Request for Proposals (RFP) for Child Abuse Prevention, Intervention and Treatment (CAPIT) and Community Based Child Abuse Prevention (CBCAP) Funds for FY 2011-2013; Res. 11-44
- CA-111 **Human Services**
Accept the Resignations of Debbie Smith, Public Agency Representative and Janet Gass, Consumer Representative from the Local Child Care Planning Council (LCCPC)
- CA-112 **Public Works**
Approve the Merco Cycling Classic Bike Race to be Held on Thursday, March 3, 2011, and Require that a Certificate of Insurance be Issued Naming Mariposa County as Additional Insured. The Event will be Held from 9:00 a.m. to 3:00 p.m. on Merced Falls Road, Hornitos Road and Lake McClure Road. Northbound Traffic on Merced Falls Road will be Detoured onto J59 North During the Race and Southbound Merced Falls Road Traffic will be Delayed Approximately 5-10 minutes During the Race; Res. 11-45
- CA-113 **Public Works**
Approve an Agreement with Kleinfelder West Inc. to Prepare a Preliminary Evaluation and Work Plan for Geotechnical and Engineering Geology Investigations for the Permanent Restoration Work on Ben Hur Road Storm Damage in an Amount not to Exceed \$37,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-46
- CA-114 **Supervisor Cann**
Authorize the Board of Supervisors Chair to Sign a Letter Urging the State Legislature to Approve the Governor's Budget Proposal to Re-Validate the March 2010 Gas Tax Swap; Res. 11-47
- 9 **2:00 p.m. LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (See Separate Agenda)**

Chair Allen adjourned the meeting at 12:03 p.m. in memory of Arthur M. Mimler.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

February 15, 2011



<u>Folder</u>	<u>Time</u>	<u>Description</u>
	9:04 a.m.	Meeting Called to Order at the Mariposa County Government Center
		Pledge of Allegiance
		Chair Allen called for a moment of silence for our men and women fighting for our freedoms.
		Introductions – none
1		Approval of Consent Agenda – See End of Agenda (Items designated by “CA”) NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda. BOARD ACTION: Supervisor Turpin pulled item 104. (M)Bibby, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.
2		Chair Allen Proclaim the Month of February 2011 as “National Parent Leadership Month” (Cheryl Bhalla, Executive Director, Mariposa Safe Families) BOARD ACTION: (M)Bibby, (S)Turpin, the Proclamation was approved and presented to Cheryl Bhalla/Ayes: Unanimous. The following Shared Leadership members introduced themselves and advised of their community involvement and accomplishments: Cathy Lara, Rebekah May, Eileen Kelly-Wheat, and JacLynn Weisser.
3		Chair Allen Proclaim the Month of February 2011 as “Teen Dating Violence Awareness and Preparedness Month” (Alison Tudor, Mountain Crisis Center) BOARD ACTION: (M)Bibby, (S)Stetson, the Proclamation was approved and presented to Alison Tudor/Ayes: Unanimous.
		Departmental Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda Dr. Mosher, Health Officer, provided information on questions that have been raised relative to the prohibition of preparing and selling foods from home kitchens. He advised that State regulations are in place to help prevent food borne illness/poisoning. There are two exceptions: 1) baked goods that are considered very low risk foods that are prepared by non-profit organizations for fundraising purposes; and 2) pre-packaged

non-perishable items such as Girl Scout cookies. He referred to the recent permitting for a local candy maker and advised that she built a separate kitchen adjacent to her house – it was inspected and permitted; and there are a couple of other facilities in the community like this. He advised that they are developing an approach and policy to deal with a number of issues such as looking at commercially permitted kitchens and looking at community kitchens. Supervisor Allen asked about the status of providing the food handler/safety classes; and Dr. Mosher responded.

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

Ruth Sellers referred to Dr. Mosher's presentation and questioned whether people died from home cooking or other sources – she is concerned and tired of government regulations. She noted that you can approve kitchens, but inspectors don't stand there while you are cooking.

Eleanor Keuning referred to Dr. Mosher's presentation and stated she would only cook food safely. She questioned whether the transient food preparers in town are inspected.

Brad Aborn expressed concern with the change in the listing in the phone book for the Mariposa-Yosemite Airport and noted that it is now listed under KMPI and Rent-a-Car – he feels this leaves a perception that the name of the Airport has changed. He also stated he feels that the FAA should review Airport operations, and he advised that he is rescinding his vote of support for the change in operation. He stated he feels it is important for the County to enforce the provisions of the Williamson Act contracts. He stated he feels that County Counsel should review whether there is a conflict of interest with the Board members on the FICA reimbursement issue.

Allen Toschi, Public Works Director, advised that staff from Public Works and from KMPI met with the FAA in Burlingame last Thursday and they discussed funding and five-year safety projects that are being planned for the Airport. Chair Allen referred to the concern expressed with the listing the Airport in the phone book; and he advised that it is listed in the Yellow Pages and that the County Administrative Officer will review the listing in the White Pages.

Alan Claunch, owner of Outdoor Creations, advised of his landscape and irrigation work at the Don Pedro Waste Water Treatment Facility that was completed in 2008 and of his subsequent contacts with the County and the other contractors that were involved in this project. He advised that on his last visit, he observed that the plant casualties were a result of mechanical damage (i.e., weed eaters) and herbicide issues; and he was told that Public Works would bring this matter to the Board in December 2010. Chair Allen advised that the County Administrative Officer would contact him relative to his concerns.

Lester Bridges, President of the Chamber of Commerce, commented on the 2010 visitor statistics for the Mariposa and Coulterville visitor centers. He referred to Dr. Mosher's presentation and advised that he was ill as a result of a prepared meal that he wife purchased in town last week; and he suggested that perhaps there is a need for more instruction for the food handlers. He noted that the *Merced Sun Star* had a nice story on Maxwell Norton, Interim Farm Advisor, on Monday. He thanked the Board for its support of the Chamber.

Eleanor Keuning stated she appreciates the departmental presentation item occurring before the public presentation time. She referred to the new facilities being constructed for Human Services and noted that people still think that General Fund money is being used for this project and it is not; and she questioned whether there is enough parking. She also noted that people are wondering about the status of the lease obligations the County has on the current facilities for the department. Rick Benson, County Administrative Officer, advised that the Human Services Director is bringing an update to the Board in about three weeks on the new facility.

10

Consider Items Removed from the Consent Agenda

Item 104 – Supervisor Turpin initiated discussion with Doug Binnewies, Sheriff, relative to the Boating Safety Program. (M)Turpin, (S)Stetson, item 104 was adopted/Ayes: Unanimous.

Board Information

Supervisor Stetson advised that he attended the “Under our Skin” performance at the amphitheater to benefit the Mountain Crisis Center; and that the Midpines Planning Advisory Committee is meeting this evening.

Supervisor Cann advised that he and the County Administrative Officer met with Congressman Denham’s staff last week, and they discussed setting up a meeting with the Congressman in the County; and they also met with the Chief Executive Officer of the Hospital. He attended the Solid Waste Task Force meeting on Monday and they discussed the landfill and transfer station issues and fees. He met with the Cemetery Committee on Monday, and he was asked to draft a letter to the public advising of the status of the current cemetery being full and of the need to obtain five-acres in the town area for development.

Supervisor Turpin noted they are still lowering the water level in Lake McClure to allow for the spring snow melt; and he noted the almond trees are blooming. He attended the CSAC (California State Association of Counties) Review Committee meeting relative to CalFire via teleconference on Wednesday. Then he attended the SWIFT (South West Interface Team) meeting in Moccasin. He attended the Resource Conservation and Development meeting on Thursday at the Government Center. He noted that Madera County reduced all of their fees by 25-percent to accommodate private enterprise. He attended the fire station meeting on Friday; the Sweetheart Banquet on Saturday; and the Solid Waste Task Force meeting on Monday.

Supervisor Bibby advised that they are still looking for members for the Workforce Investment Board and for the Calaveras-Mariposa Community Action Agency.

Supervisor Allen advised that he attended the Mountain Valley Emergency Medical Services Agency meeting last week in Copperopolis, and he noted that their eight employees wrote a letter recommending that their salaries and benefits be frozen. He plan to attend the Fish Camp Town Planning Advisory Council meeting on Saturday, and they will discuss several issues includes transfer stations.

4

Administration

PUBLIC HEARING to Provide Citizens an Opportunity to Comment/Recommend Activities for Preparation of a Community Development Block Grant (CDBG) Application(s) in FY 2011-2012

BOARD ACTION: Rick Benson introduced the item. Marilyn Lidyoff, Administration/Business Development Coordinator, presented the staff report and advised that there will be changes in the CDBG program; and she advised that she plans to bring back a grant application for \$500,000 for business assistance. Staff responded to questions from the Board relative to the types of businesses that might qualify for the business assistance funds; and relative to the maximum amount of CDBG funds that can be applied for. Supervisor Bibby noted that homeless/transitional youth issues are being discussed by various organizations and she suggested that consideration be given to submitting a grant application for these needs. She asked about the status of the home loan program that funds were granted for several years ago to help first time home buyers. Rick Benson advised that the Human Services Director is preparing a report for the Board.

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

Ruth Catalan reinforced the suggestion of submitting an application to deal with the homeless issues, and she noted she is a member of the Mental Health Board homeless committee and they are planning to do a survey.

Eleanor Keuning referred to her discussions with Collette Turner/School District relative to the youth homeless issues, and noted the foster youth when they turn 18 needs to be addressed. She asked for information on the status of the previous business assistance grant.

The public portion of the hearing was closed. Marilyn Lidyoff responded to the questions relative to the status of the business assistance grant programs. Rick Benson advised that a formal report is required and will be submitted to the Board. No action was necessary, and the hearing was closed.

5

Administration

Approve a Two-Year Memorandum of Understanding (MOU) with the Service Employees International Union (SEIU) Effective November 1, 2010 and Authorize the Board of Supervisors Chair to Sign the MOU, and Authorize the Auditor to Transfer Appropriations to each Affected Budget Unit in Order to Implement Provisions of the MOU

BOARD ACTION: Rick Benson advised that this MOU establishes a second tier for retirement benefits and does not include salary increases, only an increase of \$37.00 per month per employee toward the significant increase in the cost of health benefits. He expressed appreciation to SEIU for its professionalism in dealing with the County on this MOU, and advised that he plans to bring the SMA and DSA MOUs to the Board for approval next week. Following discussion, (M)Stetson, (S)Cann, Res. 11-54 was adopted approving the recommended actions/Ayes: Unanimous.

6

Administration

Approve the Purchase of Real Property Located at 5101 Bullion Street in Mariposa (APN# 013-125-001 & 013-125-002), and Authorize the County Administrative Officer to Sign any other Documents Necessary to Complete the Purchase; Authorize the Auditor to Draw a Warrant for the Purchase Price and Escrow Costs in the Amount of \$245,296.74 from the Courthouse Construction Fund

BOARD ACTION: Rick Benson advised that approval has been given by the Judges to use the Courthouse Construction Fund for this purchase; however, there are no immediate plans to build a Courthouse, but the property would be available for that. He advised of a revision in the escrow costs for taxes, so the total for the warrant is \$245,100.92. An item will come back to the Board with plans and provisions for removal of the structures from the property. Supervisor Bibby asked for clarification that any maintenance costs would come from the Courthouse Funds.

Input from the public was provided by the following:

Brad Aborn commended everyone that was involved to make this purchase happen.

Ron Iudice, 7th Street Properties, stated he would like to see some of the building materials recycled/re-used.

Ruth Sellers, member of the Historical Sites and Records Preservation Commission, stated the Commissioners have concerns with the white house and feel we should try and preserve it.

Discussion was held, including the request for preservation of the white house. Rick Benson stated it was his understanding that it was determined that the buildings were not salvageable. Supervisor Bibby stated she wants to make sure that General Fund dollars are not used. (M)Cann, (S)Turpin, Res. 11-55 was adopted approving the recommended actions/Ayes: Unanimous.

10:39 a.m. Board Convened as

LOCAL TRANSPORTATION COMMISSION

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Lee Stetson)

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

8 **Public Works**

Approve a Fund Transfer Agreement with the State of California for the STIP Planning, Programming and Monitoring (PPM) Program for FY 2010-2011 in the Amount of \$78,000 and Authorize the Local Transportation Commission Chair to Sign the Agreement

COMMISSION ACTION: Discussion was held with Barbara Carrier/PWD-Transportation Planner. (M)Bibby, (S)Allen, LTC Res. 11-5 was adopted approving the Agreement/Ayes: Unanimous.

10:43 a.m. Reconvened as

BOARD OF SUPERVISORS

9 **Supervisor Stetson**

Rescind the Re-Appointment of Robert Kroon to the Yosemite West Community Planning Advisory Committee that was made by the Board of Supervisors on December 21, 2010

BOARD ACTION: Supervisor Stetson initiated discussion relative to this item. Steve Dahlem, County Counsel, advised that this item is being scheduled because the appointment did not comply with noticing provisions of the Maddy Act.

Input from the public was provided by the following:

Brad Aborn clarified that this item is a correction of staff error and not a Supervisor error; however, he is concerned if this item is to change the outcome of the reappointment. He commented on Robert Kroon’s long-time involvement with the community and with previous problems with the Advisory Committee.

Robert Kroon provided background information on his residency and involvement with the community – he represents full time residents, employees and condo owners. He commented on problems he has observed with the Advisory Committee – not noticing meetings properly or keeping minutes.

Brad Aborn stated he feels the transient occupancy tax revenue generated by the Yosemite West needs to be considered with any decisions that are being made.

(M)Stetson, (S)Cann, the re-appointment was rescinded. Discussion was held relative to noticing the position. Ayes: Unanimous.

12 **Administration**

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

13 **Administration**

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

BOARD ACTION: These items were withdrawn.

- 11 **Administration**
 CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard C. Bolanos; and
- 14 **County Counsel**
 CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: The Estate of Ryan Christopher Broderick, et al v. State of California, et al.; Superior Court of California, County of Orange; Case No. 30-2011 00443940
BOARD ACTION: (M)Bibby, (S)Cann, these closed sessions were held at 11:01 a.m./Ayes: Unanimous.

11:50 a.m. Report from Closed Session:

Chair Allen advised that as a result of the closed session matters that information was received and direction was given on item 11/MCMCO labor negotiations; and that information was received on item 14/existing litigation.

Consent Agenda

- CA-101 **Clerk of the Board**
 Approval of Summary of Proceedings of February 8, 2011, Regular Meeting
- CA-102 **Administration**
 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-48
- CA-103 **Administration**
 Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-49
- CA-104 **Sheriff**
 Approve an Agreement to Participate in Boating Safety and Enforcement Financial Aid Program for FY 2011-2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-53
- CA-105 **Human Services**
 Approve an Agreement with Kings View Corporation for Continued use of their Telepsychiatric Services and Medical Director Services, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-50
- CA-106 **Human Services**
 Approve Amendment One to an Agreement with Crestwood Behavioral Health in the Amount of \$9,500 to Provide Psychiatric Inpatient Services, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-51
- CA-107 **Human Services**
 Approve an Agreement with the American Indian Council of Mariposa for Mental Health Services under the SAMHSA Grant, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-52

Chair Allen adjourned the meeting at 11:50 a.m. in memory of Stephen H. Shoff and James F. Wolfe.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

February 22, 2011



Folder Time Description

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

Chair Allen announced that the Health Department is in the lobby offering flu shots.

Pledge of Allegiance

Chair Allen called for a moment of silence for our troops fighting for our freedoms, for the folks in New Zealand recovering from the earthquake, and for the families of the four people that were killed by Somali pirates.

Introductions – none

1

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

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

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

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

Jim Wilson, Fire Chief, provided information on the recent storms and power outages, especially in the Greeley Hill area due to downed trees. He commended PG&E for their response and the volunteer fire fighters for checking on residents. He noted there was one structure fire. Supervisor Turpin added his appreciation to everyone involved and suggested that the tree trimming policy for providing clearance to the power lines may need to be evaluated.

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

Brad Aborn commented on the change in phone number listings for the Airport and expressed concern that the FAX and weather information numbers were not in the new phone book. He read his letter of March 26, 2010, to the County Administrative Officer, relative to his questions and concerns on the selection process of the fixed-base operator for the Airport. Supervisor Cann commented that former Supervisor Aborn had the same information as the rest of the Board members, and he expressed concern with the innuendo and allegations being made without any background or specifics. Brad Aborn advised that he wrote several memos at the end of 2010 on various issues and that he is trying to help – he feels that someone should own up to the mistake in the

phone book. Supervisor Cann reiterated his request that he would appreciate specifics versus allegations.

Lester Bridges, President of the Chamber of Commerce, announced that the business mixer is being held at the new Red Fox Restaurant this evening. He noted he was in the Chamber office on Saturday and they had 112 visitors. He thanked the Board for its support of the Chamber and he referred to Consent Agenda item 109/support for the Fairgrounds funding.

Eleanor Keuning presented photographs of a row of mail boxes that were knocked down on Usona Road at the intersection of Leonard Road. She commented on the issue of 800-square foot dwellings and referred to a recent Fresno Bee story on casitas/little houses. She referred to her previous concerns about the location of the skate park and commented on the facilities in Merced and Sonora.

Marvin Wells referred to the television news he saw over the weekend of an interview with the Fire Chief regarding artifacts that were received from the World Trade Center from 9-11, and he asked that he provide information to the Board. Jim Wilson advised that the artifacts that were applied for have arrived and of a group, consisting of law enforcement, veterans and the Arts Council, that has been meeting to recommend how and where they will be placed. He advised that he will keep the Board informed.

Gary Walker stated he does not feel that the North County is getting the attention that other parts of the County receive, and he mentioned guardrails and park facilities. Supervisor Allen noted there are other parts of the County that do not receive services, such as Fish Camp. Supervisor Cann asked Mr. Walker about his comments and equitable services and for more specifics. Gary Walker stated he feels there should be a review of the Park Master Plan and that the Parks staff should leave their office and visit the facilities.

Board Information

Supervisor Bibby announced that the Mother Lode Job Training and the Calaveras-Mariposa Community Action Agency are still looking for representatives. She plans to attend the Calaveras-Mariposa Community Action Agency meeting on Friday; noted the Reagan Ball is scheduled for Saturday; and the Hornitos Enchilada Dinner is scheduled for March 5th and she commented that the Patrons Club uses the proceeds for community projects. She complimented County Fire for sponsoring the reading program at the schools and advised that there will be a presentation to the students on Thursday in Catheys Valley.

Supervisor Turpin thanked the Fire Chief for his report on the efforts to restore power to Greeley Hill. He advised that he met with the Stanislaus Forest Supervisor on Wednesday and they discussed hazardous mitigation for diseased trees and County roads within the Forest. He participated in a teleconference call with the Sierra Nevada Conservancy relative to the possibility of a grant for a bio-mass project. He expressed appreciation to PG&E for their efforts with restoring power, to CalTrans and Road crews for keeping the roads clear; and he noted that the frozen burms left by the plows on the driveways are a problem. He has a teleconference call scheduled with the Resource Conservation and Development and a call with CSAC (California State Association of Counties) on CalFire issues on Wednesday. On Friday he plans to attend the Calaveras-Mariposa Community Action Agency meeting in Coulterville; attend the fire station meeting in Mariposa; and participate in a teleconference call with CSAC on budget issues. He commended the SCOPE volunteers for checking on residents in North County during the recent storms.

Supervisor Cann advised that he has been meeting on several pending issues, including the sign ordinance, fairgrounds budget and Mining and Mineral Exhibit funding. He met with the new interim District Director of the Sierra Nevada Conservancy.

Supervisor Stetson advised that he attended the Midpines Planning Advisory Committee on Tuesday and Don Florence gave a presentation on the Hazardous Mitigation Plan. He addressed advisory committees in general and appointment of members, noting that the Yosemite West Planning Advisory Committee had not met for three years and the work on their Plan has not moved forward, and that appointments were made late in the term of his predecessor. He suggested that the Board consider establishing a mechanism that would allow for ability to remove members from a planning advisory committee to address issues like non-attendance, imbalance in the committee's make-up, or a non-productive or cantankerous member. A brief discussion was held. Rick Benson noted that there are inconsistencies between the committees and advised that he will review and bring this matter back with staff recommendation.

Supervisor Allen advised that he attended a meeting in Fish Camp and Delaware North made a presentation on the new sewage treatment facility for Tenaya Lodge. He plans to attend a meeting on Thursday evening with the County Administrative Officer and homeowners off Creek View relative to their bridge. He plans to be a judge at the 4-H presentation day on Saturday. Supervisor Turpin referred to a creek crossing issue in Greeley Hill and the involvement of Fish and Game.

Supervisor Allen thanked Public Works staff for their snowplowing during the recent storms. Allen Toschi noted that staff worked all weekend on broken water lines to restore water to subdivisions.

2

Public Works

Approve Supplemental Agreement No. N020 with Caltrans for Funding of the Federal Highways Administration (FHWA) Required Scour Plans of Action (POA) for Bridge Projects, and Authorize the Board of Supervisors Chair to Sign the Supplemental Agreement; Adopt a Resolution Authorizing the Public Works to Submit the Supplemental Agreement; Approve Budget Action Reducing General Contingency to Cover the County Match for this Supplemental Agreement (\$22,940) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Allen Toschi relative to the requested actions. Rick Benson advised that this funding request was not anticipated at the time the budget was prepared, so the request is for the match for the funding to come from General Fund Contingency. (M)Bibby, (S)Turpin, Res. 11-61 was adopted approving the recommended actions/Ayes: Unanimous.

3

Administration

Approve a Two-Year Memorandum of Understanding (MOU) with Deputy Sheriffs' Association (DSA) for the Term of October 1, 2010 through September 30, 2012, and Authorize the Board of Supervisors Chair to Sign the MOU; Authorize the Auditor to Transfer Appropriations to each Affected Budget Unit in order to Implement Provisions of the MOU; and

4

Administration

Approve a Two-Year Memorandum of Understanding (MOU) with the Sheriffs' Management Association (SMA) for the Term of October 1, 2010 through September 30, 2012, and Authorize the Board of Supervisors Chair to Sign the MOU; Authorize the Auditor to Transfer Appropriations to each Affected Budget Unit in order to Implement Provisions of the MOU

BOARD ACTION: Supervisor Bibby excused herself from the meeting for these items at 10:13 a.m. due to a potential conflict of interest as she has a family estate tie to a member of DSA and a family member in SMA. Rick Benson reviewed the key changes in the MOUs that address the issue of hours worked for the deputies, no changes in salaries, an increase of \$37.00 per month per employee toward the significant increase in the cost of health benefits – this is the same as agreed to for the SEIU MOU, establishes a second tier for retirement benefits, and contains a re-opener

this Fall to discuss health benefits. Supervisor Turpin initiated discussion relative to needing a statewide change in the safety retirement so that employees are not penalized for working beyond their maximum benefit. Supervisor Allen commented on this issue and noted that after a safety member reaches their maximum retirement benefits, they lose a percentage of their retirement each year they continue to work after that. Supervisor Cann suggested that Supervisor Allen work with the County Administrative Officer to bring back a letter to send to the legislators on this issue. (M)Cann, (S)Turpin, Res. 11-62 was adopted approving the recommended actions for the MOU with DSA; and Res. 11-63 was adopted approving the recommended actions for the MOU with SMA/Ayes: Stetson, Turpin, Cann, Allen; Excused: Bibby.

10:29 a.m. Recess

10:43 a.m. The Board reconvened with all members present.

- 5 **Chuck Bill, CEO, John C. Fremont Health Care**
Update on Hospital Activities
BOARD ACTION: Chuck Bill introduced the Hospital Board members that were present: Mike McCreary/Chair, Bob Rudzik, and Candy O'Donel-Browne; and key staff members: Maureen Spacke/Director of Nursing and Tish Miller/Chief Financial Officer; and he noted his wife was present. He provided an update on the Hospital activities, including strategic initiatives and financial overview. He advised that he plans to provide a status report a couple of times a year. Discussion was held.
- 6 Consider Items Removed from the Consent Agenda – none
- 7 **Administration**
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard C. Bolanos
BOARD ACTION: (M)Bibby, (S)Stetson, the closed session was held at 11:30 a.m./Ayes: Unanimous.
- 11:37 a.m. Report from Closed Session:**
Chair Allen advised that information was received as a result of item 7/labor negotiations with MCMCO.
- 8 **NOTE:** The Next Board of Supervisors Public Workshop on the Draft Catheys Valley Community Plan will be Conducted on Monday, March 14, 2011, 9:00 a.m.
No Workshops will be conducted on February 28 or March 7 as Previously Scheduled.

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of February 15, 2011, Regular Meeting
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-56
- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-57

- CA-104 **County Counsel**
Authorize the Substitution of the New Firm of Fagalde, Albertoni, Flores LLP, in Place of Allen, Fagalde, Albertoni & Flores, LLP, in the Matters of Guinn v. County of Mariposa and Brooks v. County of Mariposa; Approve Agreements with Fagalde, Albertoni, Flores LLP, to Represent the County of Mariposa and the Named County Defendants in the Matters of Guinn v. County of Mariposa and Brooks v. County of Mariposa, and Authorize the Board of Supervisors Chair to Sign the Agreements; Res. 11-58
- CA-105 **Human Services**
Appoint Jeremy Briese to the Mental Health Board for a Term Expiring February 22, 2014
- CA-106 **Human Services**
Accept the Resignation of Susan Peterson from the In-Home Supportive Services Advisory Committee
- CA-107 **Chair Allen**
Approve Proclamation Recognizing George Radanovich for his Service to Mariposa County as a Congressman
- CA-108 **Elections**
Approve an Agreement with Kenneth and Lamerna Mari, 1990 Trust, in the Amount of \$200 per Month for Secure Storage Facilities Capable of Storing the Elections Department Electronic Voting Machines, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-59
- CA-109 **Supervisor Bibby**
Authorize the Board of Supervisors Chair to Sign a Letter Urging the Legislator to Restore Funding to Fairs that the Governor Plans to Eliminate in his Proposed State Budget; Res. 11-60

Chair Allen adjourned the meeting at 11:42 a.m. in memory of Marie Frances Crookham, William "Bill" Theodore Kirby, and Lois Scammon.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 1, 2011



Folder Time Description

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

Chair Allen announced that the County Administrative Officer is attending a meeting with Merced Irrigation District (MID) this morning and that Mary Hodson, Deputy County Administrative Officer, is present. He further announced that item 6/mid-year budget has been moved to 1:30 p.m. today.

Pledge of Allegiance

Chair Allen called for a moment of silence in honor of our men and women fighting for our freedoms.

Introductions – none

- 1 **Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)**
NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.
BOARD ACTION: Supervisors Cann, Bibby and Stetson stated they have questions on item 106. Supervisor Turpin stated he has questions on item 105. Discussion was held with Allen Toschi, Public Works Director, relative to items 105 and 106. (M)Cann, (S)Stetson, all items were approved/Ayes: Unanimous.
- 2 **Chair Allen**
Proclaim the Month of March 2011, as “Women’s History Month” (Connie Waldron Representing "Merced River Chapter, Daughters of the American Revolution")
BOARD ACTION: Board members thanked everyone involved in bringing this matter to the Board, and commended Connie Waldron for her ongoing efforts in bringing this and other issues that are important to the Board. (M)Bibby, (S)Turpin, the Proclamation was approved and presented to Connie Waldron/Ayes: Unanimous. Connie Waldron advised that there will be a display at the Library and of special events scheduled in Yosemite to commemorate “Women’s History Month.”
- 3 **Chair Allen**
Proclaim the Month of March 2011, as “National Professional Social Worker Month” (Human Services)
BOARD ACTION: Supervisor Bibby thanked the Social Workers and the Human Services Department for the work they do. (M)Bibby, (S)Stetson, the Proclamation

was approved and presented to Jim Rydingsword/Human Services Director, and the Social Workers/Ayes: Unanimous.

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

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

Lester Bridges, President of the Chamber of Commerce, advised that he is currently serving as interim Executive Director for 90 days of the Chamber. He commented on the Republican Central Committee dinner that was held at the Fairgrounds on Saturday, and stated he appreciates the Board's action to support the Fairgrounds and thanked the Board for its support of the Chamber.

Eleanor Keuning referred to the presentation that was given on the status of the Hospital last week, and she noted the Hospital needs the community's support and is important to the County. She advised that the Kiwanis rely on the Fairgrounds for holding their 4th of July event.

Board Information

Supervisor Cann stated he has been holding ongoing meetings relative to visioning with the new Congressman (Denham) and his Chief of Staff, including legislation to authorize Yosemite to purchase land in Mariposa for administrative and visitor use, and funding issues for the Fairgrounds and the Mining and Mineral Exhibit. He plans to attend the NACO (National Association of Counties) Conference in Washington D.C. next week, representing RCRC (Regional Council of Rural Counties); so he will miss the next Board meeting.

Supervisor Stetson advised that he attended the Parks and Recreation Commission meeting on Monday and there was discussion on their Master Plan. He plans to attend the Gateway Partners meeting on Friday in Yosemite, and the El Portal Town Planning Advisory Committee meeting next Tuesday evening. He thanked Public Works staff for completing the bus shelter and installing the playground equipment at the Midpines Park.

Supervisor Turpin commended neighbors and extended church families that looked out for each other during the recent storms. He advised that he participated in a telephone conference call with Robyn Smith of the Yosemite-Sequoia Resource Conservation and Development and discussion was held relative to adding livestock value, and he met with the Human Services Director relative to State budget issues on Wednesday. He participated in a telephone conference call with CSAC (California State Association of Counties) on Friday and discussion was held relative to realignment. He was unable to attend the fire station meeting on Friday, but got a report on the progress of the Don Pedro fire station.

Supervisor Bibby extended a special thanks to the volunteer fire fighters and the Fire Chief and the County for supporting the reading programs at the schools – she participated in a presentation to the students at Catheys Valley Elementary School. She also thanked Heidi Baker of Sierra Telephone for providing books to the students. She attended the Reagan Ball on Saturday and thanked everyone involved in putting together this event; and she noted that it gave her a chance to talk with Congressman Denham and Assembly Member Olsen relative to the importance of the Fairgrounds to the County. She requested that service organizations and individuals submit letters on what the Fairgrounds means to them as we do not have alternative facilities in the County. She advised the Calaveras-Mariposa Community Action Agency meeting was cancelled last week, and that they are still looking for a member. She thanked Lester Bridges for helping with the Chamber. She plans to attend the Mother Lode Governing Board meeting and the Merchants meeting on March 3rd. She plans to attend the

Enchilada Feed in Hornitos on Saturday, and commented on the support the Patron's Club provides to the community with the proceeds. She noted the House of Representatives passed HR 1 which will cease funding for the Workforce Investment Act and this impacts the One-Stop programs and Mother Lode Job Training programs; and she asked for letters supporting continued funding.

Supervisor Turpin further commented on the recent storms in Greeley Hill and thanked PG&E for their willingness to bring in a generator for the Community Center to be used as a warming center.

Supervisor Allen noted that he saw a story in the Sonora newspaper this morning that PG&E wants to raise its rates in January. He advised that he and the County Administrative Officer attended a community meeting relative to the Creek View Bridge on Thursday, and that the County Administrative Officer gave a presentation on zones of benefit – this is a private bridge serving a subdivision. He attended the fire station meeting on Friday and discussion was held relative to the schedule for soliciting bids for the Don Pedro station. He attended the Republican Central Committee dinner on Saturday and presented the Certificate of Appreciation to George Radanovich for serving as Congressman; and wished George and his son, King, well. He plans to attend the Area 12 Agency on Aging meeting in Calaveras on Thursday and the Hornitos Enchilada Feed on Saturday.

Supervisor Cann announced that the Board has scheduled March 22nd from 6 to 9 p.m. for a full presentation from Planning on the sign Ordinance; and he feels that the Board will need to deal with this issue. He referred to item 8/labor negotiations with MCMCO, and commented on changes to the benefit packages over the last several years and the efforts of this Board to get costs to known numbers – he feels that the only way to do that is the concept of defined benefit versus contribution. He noted that the MOUs that are being reached change the retirement system to a two-tier and that this is a tremendous evolution in these labor agreements. He feels that the Board will need to grapple with the employees' 8-percent portion of retirement costs in the future. He complimented the four labor groups for arriving at these agreements.

Supervisor Bibby thanked all of the bargaining units for working toward these labor agreements, and she noted that the medical benefits were previously tiered.

4

Fire / Building

Approve County Fire Department/County Fire Marshal as the County Agency to Review Engineered Plans and Conduct Site Inspections for the New State-Mandated Residential Fire Sprinkler

BOARD ACTION: Jim Wilson, Fire Chief, presented information on the request, and he advised that they do not anticipate a great impact over the next six months or the next year or two. Discussion was held with Jim Wilson and Mike Kinslow, Building Director, relative to the request and the new residential fire sprinkler requirements. Jim Wilson advised that they are reviewing and will bring back an item to look at the fees. (M)Bibby, (S)Turpin, Res. 11-72 was adopted approving the request/Ayes: Unanimous.

10:06 a.m. Recess

10:17 a.m. The Board reconvened.

5

Grand Jury

Consider Request from the 2010-2011 Mariposa Grand Jury to Rescind the Mariposa County Requirement of Grand Jury Members Filing a California Form 700, Statement

of Economic Interests; and Request that all Previous Filings by Grand Jury Members be Destroyed

BOARD ACTION: George Chynoweth, Grand Jury Foreman, presented their requests. Amy Yanagi, Grand Jury member, provided input on their requests. Discussion was held. Chair Allen asked whether the Jury discussed this matter with Judge Walton, and was advised that they did not. Chair Allen advised of his discussion on this matter with Judge Walton – he felt that it is necessary for the Grand Jury members to file the Form 700 and advised that this requirement is discussed with prospective jurors, and he would be willing to put that requirement in writing in the future. Discussion was held with George and Amy relative to their identify theft concerns, clarification that it is the County Clerk and not the Assessor’s Office that handles the Form 700s, and their concern that the filings could be used by outside sources for the collection of personal data for marketing purposes. Supervisor Bibby stated she would like to know what the filing requirement is in other counties and would like to see the information the Grand Jury obtained on this matter. Steve Dahlem, County Counsel, provided input and advised that this issue is covered by the Political Reform Act and that the Board of Supervisors is the code reviewing agency and determines the level of disclosure.

Discussion was held with Keith Williams, County Clerk, relative to the filing requirements for the Grand Jury members and relative to handling requests for review of the filed forms.

County Counsel clarified the discussion relative to review of the 1994 Grand Jury filings and his involvement. George Chynoweth stated he would like to do further work on this matter and meet with Judge Walton and come back to the Board.

Becky Crafts, Assessor, clarified that her office is not responsible for the Form 700 – it is the County Clerk’s responsibility; and she provided input on information that is available in her office on properties. Further discussion was held.

Based on the discussion, it was agreed that the Grand Jury can discuss this matter with the Presiding Superior Court Judge and Board members can obtain more information.

9

County Counsel

CLOSED SESSION: Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Number of Cases to be Discussed: 1; and

10

County Counsel

CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: Jeff Miller v. County of Mariposa; Case No. 9737

BOARD ACTION: (M)Bibby, (S)Cann, the closed sessions were held at 11:12 a.m./Ayes: Unanimous.

11:34 a.m. Lunch

1:34 p.m. The Board reconvened.

Report from Closed Session:

Chair Allen announced that information was received and direction was given on items 9/anticipated litigation and 10/existing litigation.

6

Administration

Approve Mid-year Budget Recommendations Reducing General Contingency by \$72,733 (4/5ths Vote Required); Fund a Registered Environmental Health Specialist and Unfund a Hazardous Material Technician in the Health Budget; Approve a Reclassification of an Accountant I to an Accountant II in the Human Services

Administration Budget; Unallocate One Social Services Aide Position and Allocate a Mental Health Assistant I Position, and Unallocate a Mental Health Assistant II Position and Allocate a Mental Health Assistant III Position in the Mental Health Services Act Fund; All Position Changes Effective February 1, 2011.

BOARD ACTION: Rick Benson, County Administrative Officer, reviewed the mid-year budget report and recommendations; and he advised that he plans to come back in April with suggested budget guidelines for FY 2011-12. Mary Hodson, Deputy County Administrative Officer, was present to answer questions and provide input on issues that were raised. Rick Benson advised of modifications that were proposed by the Health Officer and advised that he does not support the request to fund the Registered Environmental Health Specialist retroactive to January 1, 2011 – he stays with his recommendation of an effective date of February 1, 2011. He advised of an adjustment in the Administration budget for outside legal counsel regarding the Airport and FICA matter. It was clarified that there is no net County cost involved in the budget adjustments for employees that choose to take cash versus deferred compensation.

The following adjustments were further discussed:

General Purpose Revenue Adjustment: Discussion was held relative to the status of revenue collections. Keith Williams, Treasurer, and Bill Davis, Auditor, responded to questions relative to the status of collection of supplemental taxes.

Health/Air Pollution: Discussion was held with Dr. Mosher, Health Officer, relative to his budget modification requests, the status of projected savings with the transfer of State employees to the County, and relative to the subsidy funding for Mercy Ambulance. Supervisor Bibby asked whether there is any other source of funds for ambulance service in El Portal; and Dr. Mosher advised that he will ask the Park Service if they can identify any funding source. Supervisor Bibby asked that information be provided on planning for the future for the Health Department budgets. Supervisor Turpin requested that information be provided on the fees and time that is charged to projects versus other on-going expenses.

Public Works: Discussion was held relative to the projected budget shortfall in the Solid Waste Enterprise Fund. Supervisor Bibby expressed concern with the post-closure costs shown in the June 2010, outside audit report, and Rick Benson advised that he will further review this matter. Discussion was held with Allen Toschi, Public Works Director, and he advised that he will come back in a couple of weeks with a better breakdown of what is needed for operating costs for the balance of this fiscal year and for next for solid waste operations. The Board concurred that the \$18,000 shortfall transferred from the General Fund is a loan versus a contribution.

Treasurer/Tax Collector: Discussion was held with Keith Williams relative to the software upgrade to the AS400 system; and relative to handling upgrade requests in the future – they should be budget requests in the future.

Probation: Rick Benson noted that the adjustments in the Probation budget reduced General Fund costs and the difference was used to increase the General Contingency.

Further discussion was held. Supervisor Bibby requested that the modification of \$6,000 in the Health Department budget for medical supplies; and the \$300 requested for extra help in the Farm Advisor budget be added to the General Fund Contingency. (M)Cann, (S)Turpin, Res. 11-73 was adopted approving the budget adjustments as recommended by the County Administrative Officer, including the modifications to the Health Department budget and with \$1,267 to be added to the General Contingency Fund; and with direction that the \$18,000 transferred to the Solid Waste Enterprise is to be considered a loan – total impact of the budget actions reduces General Fund Contingency by \$48,733. Supervisor Turpin asked that the department heads look at their budget adjustments and how they will affect the future. Supervisor Bibby requested that staff bring back discussion for direction on the fiscal year 2011-12

budget in time to allow for consideration of cancelling contracts that require sixty days notice. Ayes: Stetson, Turpin, Cann, Allen; Noes: Bibby.

Supervisor Cann initiated discussion relative to the Workers' Compensation Fund and expenses.

Position Allocations: Rick Benson reviewed the recommended changes to position allocations. Supervisor Cann complimented Jim Rydingsword, Human Services Director, for his reports. Jim Rydingsword responded to questions from the Board and advised that the changes are cost neutral, and he provided input on the status of the Heritage House program and funding. (M)Stetson, (S)Turpin, Res. 11-74 was adopted funding a Registered Environmental Health Specialist and unfunding a Hazardous Material Technician in the Health Budget; approving a reclassification of an Accountant I to an Accountant II in the Human Services Administration Budget; unallocating one Social Services Aide position and allocating a Mental Health Assistant I position, and unallocating a Mental Health Assistant II position and allocating a Mental Health Assistant III position in the Mental Health Services Act Fund; and direction was given that all position changes are effective retroactive to February 1, 2011/Ayes: Unanimous.

3:05 p.m. Recess

3:25 p.m. The Board reconvened and continued with the mid-year budget review. Rick Benson reviewed his sales tax revenue projection information.

Other Factors for Consideration: Rick Benson advised that staff continues to monitor the possible effects of actions taken to balance the State budget and to monitor the unfunded pension liability. Discussion was held.

Outlook for 2011-12: Rick Benson reviewed costs that will increase for the CalPERS obligation and employee benefits; and discussion was held relative to the status of the budget adjustments that were made to balance this fiscal year's budget – loan from Tobacco Settlement Fund, and the decrease in Vehicle Depreciation Fund and the Pension Obligation Bond fund. Supervisor Bibby asked about the status of the Building Department budget and whether it is anticipated that funds that were loaned to the Department will be returned. Rick Benson announced that agreement has been reached with the MCMCO bargaining unit. He initiated discussion and asked for direction on preparing plans for furloughs and options. Board members provided input as follows:

Supervisor Allen stated he opposes furloughs due to impacts on being able to provide services, and he expressed concern with the existing grant programs and not being able to supplement program shortfalls. He suggested that the vehicle maintenance program be reviewed with the possibility of privatizing this function. He expressed concern with the solid waste compost facility operational costs and suggested that this be reviewed, along with the possibility of using it as a transfer station and still keeping the landfill open. He suggested that the location of County facilities be reviewed to try and move departments that are in rented facilities to County-owned facilities; and he requested a list of the facilities that are rented.

Supervisor Bibby requested a list of the extra help and newly created positions for further review; requested a review of the economic development function; asked that departments review their staffing; suggested that consideration should be given to eliminating the Master Gardener position; and she asked that Parks and Recreation staffing be reviewed, along with the pool programs and schedules. She stated she disagrees with furloughs because it is a temporary reduction, and she feels that permanent cuts needs to be made to realize a savings. She noted that some counties are no longer funding non-profits. She suggested that a hiring freeze be considered. She noted the need for code enforcement and that we should start enforcing what is on the books. She expressed concern with the increases in fuel costs.

She suggested that stipends for employees be reviewed; asked for information on the costs involved with the Coulterville Community Club; and suggested that there be a review of Tourism taking over the visitor center program or that it not be funded.

Supervisor Turpin agreed with the suggestion to evaluate the vehicle maintenance program; and he feels that County trips to outlying areas of the County should be reviewed to see where they can be combined to save costs. He suggested that the pension formula for existing employees be reviewed.

Supervisor Cann stated he feels we need to find a way in April to give direction that will have impacts in July versus waiting until the final budget hearings in September. He commented on the transient occupancy tax revenue and its importance, along with the importance of the Tourism Bureau. He stated he supports the grants as long as they are for programs that we need; however, he agrees that if a grant expires that the program goes away. He would like to have a professional or office designated to pursue grants.

Supervisor Stetson stated he would like to further examine the hiring freeze option and he would like more information on the possibilities that furloughs might offer.

Supervisor Allen initiated discussion relative to the Vehicle Replacement budget and the Heavy Equipment Replacement budget and asked the County Administrative Officer to review the status of replacement of the vehicles. He commented on the previous direction that was given to establish a formula for funding for the Tourism Bureau prior to final budget hearings. He stated he feels the Tourism Bureau should operate the visitor centers.

Supervisor Bibby stated she feels that when we are super-funded with PERS, that we need to set the funds aside to help with the times that we owe more. She expressed concern with potential budget impacts with the recent audit report concerning landfill closure costs, Workers' Compensation Fund costs, risk management costs, and the loan to the Building Department; with road maintenance; and cemetery replacement – she feels we should review existing County property for use as a cemetery.

Supervisor Turpin referred to the Solid Waste Task Force meeting and request of the County Administrative Officer to review overall solid waste operations. He expressed concern with the adopted budget versus current expenditures in the overall County budget; and he suggested that the Board receive monthly budget status reports from this point on.

Rick Benson advised of changes being made to separate the vehicle replacement costs from the Vehicle Replacement and Heavy Equipment Replacement Funds.

Supervisor Bibby suggested that feedback be obtained from the departments, including the status of grant funding for their programs. She asked for information on the status of homicide reimbursements.

Input was provided by the following departments:

Pete Judy, Chief Probation Officer, referred to his previous experience in Stanislaus County with furloughs and advised that the employees chose furloughs over layoffs – he suggested that it might be worthwhile to ask employees here what their preference is.

Keith Williams, Treasurer/Tax Collector/County Clerk, suggested that there be a review of having employees pay some portion of their PERS contribution, and he suggested that there may be a tax benefit for the employees. Rick Benson responded that this could be discussed when the MOUs come up for renewal, and discussion was held. Keith Williams referred to the possible election in June and related costs, and discussion was held.

Allen Toschi, Public Works Director, provided input on furloughs and the impacts for his department with still having to provide snow plowing services, etc. He asked that departments be able to make decisions on which employees are furloughed and laid off if this is pursued. He noted that the more the landfill is closed,

that the revenues are negatively impacted. He does not feel that money will be saved in Facilities because of their work on zones of benefit and community services that they are reimbursed for. He noted he would like to make organizational changes, but he has to deal with Unions and personnel rules. Rick Benson noted furloughs can be handled in different ways.

Doug Binnewies, Sheriff, stated he has concerns with implementing furloughs for essential employees and public safety employees; and he noted that they operate with minimal staffing quite frequently. He feels the overtime that would be incurred would be counter-productive. He expressed concern with the status of the grant funding that provides \$500,000 for each of the rural counties and with the SLESF grant funding; and he asked whether there can be discussion of how this Board would like to address the positions that are funded with these grants. He asked that there be research on a previous Board's action to commit to keeping these positions.

Pete Judy commented on the possibility of a major shift of sending prisoners to local jails versus State prison and changes in the parole responsibilities; and it is difficult to plan for budgets when it is not known what will happen with these proposals. If these functions are transferred to the County, he is concerned whether the funding will always continue.

Rick Benson advised that he will review the suggestions that have been made.

Supervisor Bibby commented on the SB90 revenue that was received. She also asked that we go back to the previous version of the final budget books which contained more detail.

7 Consider Items Removed from the Consent Agenda – none

8 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard C. Bolanos
BOARD ACTION: (M)Turpin, (S)Bibby, the closed session was held at 4:53 p.m./Ayes: Unanimous.

5:09 p.m. Report from Closed Session:

Chair Allen advised that information was received as a result of the item 8/labor negotiations with MCMCO.

11 **NOTE:** The Next Board of Supervisors Public Workshop on the Draft Catheys Valley Community Plan will be Conducted on Monday, March 14, 2011, 9:00 a.m.
No Workshop will be conducted on March 7 as Previously Scheduled.

Consent Agenda

CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of February 22, 2011, Regular Meeting

CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-64

CA-103 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-65

- CA-104 **Sheriff**
 Authorize the Sheriff’s Office Staff to Donate Accrued Vacation Time to the Sick Leave Account of a Mariposa County Sheriff’s Deputy with a Sunset Date of September 1, 2011; Res. 11-66
- CA-105 **Public Works**
 Approve Change Order #02 in the Amount of \$20,598 for the Variation in Quantities for the Cole Road Reconstruction Project (06-21 / 109) in Mariposa County, and Authorize the Public Works Director to Sign the Change Order; Res. 11-67
- CA-106 **Public Works**
 Authorize Public Works to Retain In-Service Road Equipment: #881 Grader, #882 Grader, #2602 Chipper and #2102 Pickup and Plow that was Approved for Replacement in the 2009/2010 Budget; Res. 11-68
- CA-107 **Human Services**
 Authorize the Purchase of Document Locator Document Management System as Part of the Medi-Cal Security System; Res. 11-69
- CA-108 **Supervisor Cann**
 Accept the Resignation of Audrey Noel from Parks and Recreation Commission; Move Deni Smith from an Alternate Member Position to a Member Representing District IV with a Term Expiring March 1, 2015; and Re-Appoint Jeff Harsha as an At-Large Member with a Term Expiring March 1, 2015
- CA-109 **Supervisor Stetson**
 Appoint Michael Martin to the Water Agency Advisory Board Representing District I, with a Term Expiring March 1, 2014
- CA-110 **Planning**
 Increase Allocation for the Geographical Information System (GIS) Planning Technician, from 0.6 to 0.8 to Provide Critical Assistance with County Projects, Including General Plan and Zoning Maps, Voter Precinct and Redistricting Boundaries, and a Countywide Road Map Book for Emergency Responders; and Approve Budget Action Transferring Funds within the Planning Budget to Cover the Expenditure (\$2,656); Res. 11-70
- CA-111 **Community Services**
 Approve the Area 12 Agency on Aging (A12AA) Agreement Extensions for FY 2011-2012 for Title III C-1 Congregate Meals, Title III C-1 Restaurant Meals, Title III C-2 Home Delivered Meals, and Title III-B Transportation, and Authorize the Board of Supervisors Chair to Sign the Agreements; Res. 11-71

Chair Allen adjourned the meeting at 5:10 p.m.

Respectfully submitted,

MARGIE WILLIAMS
 Clerk of the Board

JIM ALLEN
 Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 8, 2011



Folder Time Description

9:04 a.m. Meeting called to order at the Mariposa County Government Center with Supervisor Cann excused to attend the National Association of Counties conference in Washington, D.C. representing the Regional Council of Rural Counties.

Pledge of Allegiance

Chair Allen called for a moment of silence for our troops fighting throughout the world and for the children in Valley Children's Hospital as this is the Kids Day newspaper sales fundraising event.

Introductions – none

1

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

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

BOARD ACTION: Chair Allen advised of a correction to item 107 to authorize the Human Services Director to sign the agreement, and of typographical corrections to the minutes in item 101. (M)Bibby, (S)Turpin, all items were approved, with the corrections as noted/Ayes: Stetson, Turpin, Bibby, Allen; Excused: Cann.

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

Keith Williams, Treasurer/Tax Collector/County Clerk, advised that the census data for California is being released today; and it was noted that the redistricting process will follow.

Allen Toschi, Public Works Director, referred to Consent Agenda item 103 and provided an update on the status of work on the damaged roads: Ben Hur Road – they expect a soils and geotechnical report this week and will begin the design work and plan to have the work completed in mid-September; and they are still waiting for CalTrans to give a field review; Old Highway slide – they received bids and a signed contract is on its way to County Counsel for review; and the Old Toll Road – they expect the geotechnical report in a week and will begin the design and request for proposals and expect to begin construction in about a month and one-half. He advised that the site work went out to bid for the Don Pedro Fire Station. Discussion was held relative to the status of access on Ben Hur Road during this interim period and whether the cattle trucks can be allowed access. Supervisor Turpin suggested that Public Works work with the Agricultural Commissioner on this.

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 the cooks at the Senior Activity Center receive acknowledgement from the County for their service.

Eleanor Keuning asked about the discussion of mail-in ballots for the possible election in June. She presented a copy of a memo she submitted to Public Works requesting maintenance on a portion of Leonard Road and replacement of the road sign at Stumpfield Mountain and Leonard Roads.

Lester Bridges, President and Interim Executive Director of the Chamber of Commerce, commented on their ongoing interest in business for the good of the County, and noted they are supportive of functions like the Willie Nelson throw down concert event that is being planned. He thanked the Board for its ongoing support of the Fairgrounds, the Workforce Investment Act Program/Consent Agenda item 110, and for what the Board does for this community.

Board Information

Supervisor Stetson advised that he attended the Gateway Partners meeting in Yosemite; and he plans to attend the El Portal Planning Advisory Committee meeting this evening. The Midpines Planning Advisory Committee is meeting next Tuesday.

Supervisor Turpin thanked Public Works for the progress on the Don Pedro Fire Station. He advised that he attended a committee meeting on economic development on Wednesday. He met with concerned citizens on Friday relative to the workload in Public Works and the fire stations. He attended the Tuolumne-Mariposa Regional Advisory Committee meeting on Monday. He plans to participate in a telephone conference call with Alicia Brown/Resource Conservation and Development on Wednesday relative to potential bio-mass projects at the old mill site in North Fork and at the landfill. Then he plans to attend the SWIFT meeting in Moccasin, the Airport Advisory Committee meeting, and the Don Pedro Trails meeting. He plans to meet with CalFire on Thursday relative to their history and the future. He plans to attend the fire station planning meeting on Friday. He noted the Board is meeting on Monday for the workshop on the Catheys Valley Community Plan.

Supervisor Bibby noted that the Storytelling Festival is this weekend and she thanked the Arts Council and the volunteers that make this event happen. She advised that the Hornitos Enchilada Feed was a success, and she extended a special thanks to the Patrons Club and the volunteers for this event and for their support of the community; and she also thanked the County employees that helped. She noted that today is Kids Day for Valley Children's Hospital and commented on this importance of this facility. She plans to attend the First 5 meeting on Monday. She announced that the Farm Bureau is holding their rib dinner on March 26th. She asked that citizens contact Public Works with any road maintenance issues that they observe.

Supervisor Allen advised that he met with the President of the Farm Bureau on Wednesday and they discussed the importance of open space and the Williamson Act. He attended the Area 12 Agency on Aging meeting on Thursday in Calaveras, and he noted that our Community Services Director was the only provider to submit the reports timely. He attended the Hornitos Enchilada Feed on Saturday. He attended the Greeley Hill breakfast on Sunday with Sheriff Binnewies, and noted that Supervisor Turpin also attended. He met with the Mariposa Community Foundation on Monday. He urged support of the Kids Day newspaper fundraising event for Valley Children's Hospital. He noted the Storytelling Festival is this weekend and that it is a great event.

Supervisor Turpin commented on the importance of Valley Children's Hospital. He noted that although cattle prices are up, that the hay and grain and fuel costs are also higher.

- 2 **Fire**
 Approve an Automatic Aid/Mutual Aid Agreement between Mariposa County Fire Department, Tuolumne County Fire Department, and Groveland Community Services District Fire Department to Enhance Fire Protection Services, and Authorize the Board of Supervisors Chair to Sign the Agreement
BOARD ACTION: Jim Wilson, Fire Chief, introduced Paul Speer/Division Chief and Assistant Fire Warden for Tuolumne County Fire Department; Shane Warner/Fire Chief and Jim Burdick/Assistant Chief for the Groveland Community Services District Fire Department; and Art Laursen/Division Chief of the Mariposa County Fire Department (North Division). Discussion was held with Jim Wilson relative to the agreement. Board members thanked everyone that was involved. Supervisor Bibby asked that a status report be provided in the future. (M)Turpin, (S)Stetson, Res. 11-82 was adopted approving the Agreement as recommended/Ayes: Stetson, Turpin, Bibby, Allen; Excused: Cann.
- 3 **Auditor**
 Presentation and Discussion of 2009-2010 Audited Financial Statements for the County, Transit, Transportation Commission and the Single Audit Act Report
BOARD ACTION: Bill Davis, Auditor, reviewed the five minor findings in the audit reports and discussion was held. Supervisor Bibby asked about the Solid Waste Closure/Post Closure Fund. Bill Davis advised of changes to the OPEB (other post employment benefits) accounting and that the PERS unfunded liability accounting is handled differently. Rick Benson, County Administrative Officer, commented on the new accounting rules. No action was necessary.
- 4 Consider Items Removed from the Consent Agenda – none

Consent Agenda

- CA-101 **Clerk of the Board**
 Approval of Summary of Proceedings of March 1, 2011, Regular Meeting
- CA-102 **Administration**
 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-75
- CA-103 **Administration**
 Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-76
- CA-104 **Supervisor Turpin**
 Re-Appoint Gail Tyler, Stephen Huff, and Christopher Morey to the Coulterville Town Planning Advisory Committee for a Term Expiring February 28, 2013
- CA-105 **Public Works**
 Accept the Bear Valley Road Project as Complete, and Authorize the Public Works Director to Record the Notice of Completion; Res. 11-77
- CA-106 **Fire**
 Approve an Agreement with 35-A District Agricultural Association for use of the Mariposa County Fairgrounds during Emergency Incidents Occurring in 2011, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-78

- CA-107 **Human Services**
Approve the 2011 Low Income Home Energy Assistance Program (LIHEAP) Agreement 1 1B-5723, to Provide Energy Assistance and Weatherization Services to Low-Income County Residents, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-79 with correction to authorize the Human Services Director to sign the agreement
- CA-108 **Human Services**
Remove Jerri Correa from the In-Home Supportive Services Advisory Committee
- CA-109 **Health**
Authorize the Health Officer to Delegate Authority as the Local Registrar for Births and Deaths for Mariposa County to County Assessor/Recorder; Res. 11-80
- CA-110 **Supervisor Bibby**
Authorize the Board of Supervisors Chair to Sign a Letter Urging our Federal Representatives to Restore Funding to the Workforce Investment Act (WIA) Program; Res. 11-81
- 5 The meeting was recessed at 10:09 a.m. in memory of Peter “Frank” Schram and was continued to Monday, March 14, 2011, at 9:00 a.m. for the public workshop on the Draft Catheys Valley Community Plan

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

March 14, 2011

(Meeting Continued from 3-8-11)

Folder Time Description

9:02 a.m. Meeting continued from March 8, 2011, was called to order at the Mariposa County Government Center.

Pledge of Allegiance

Chair Allen called for a moment of silence for the people in Japan as a result of the recent earthquake and tsunami.

1

Planning

PUBLIC WORKSHOP to Consider General Plan Amendment No. 2008-63, the Catheys Valley Community Plan. The Purpose of the Workshop is to Review the March 2011 Draft Catheys Valley Community Plan, which Includes Amendments Directed by the Board of Supervisors During the Series of Workshops Conducted in the Fall and Winter of 2010. Public Comments will be Taken. Direction to Staff may be Given, which May Include Direction to Make Further Amendments to the Draft Plan and/or Direction to Prepare a Draft Supplemental Environmental Impact Report (DEIR) for the March 2011 Draft Plan for Processing. Board Action Cannot Include Approval of the Plan at this Workshop

BOARD ACTION: Kris Schenk/Planning Director; Sarah Williams/Deputy Planning Director; and Andy Hauge/Hauge-Brueck Associates were present.

Chair Allen advised that direction was given to staff at the previous workshops to revise the Catheys Valley Community Plan (CVCP), and that revised document, the March 2011 draft Plan, is what is before the Board today. This workshop will start with a presentation by staff, along with corrections, followed by questions from the Board. Public comment will be limited to five minutes per person; and he asked that comments be specific to the document and the direction that staff has been given, and advised that there is no need to duplicate comments.

Kris Schenk advised that updated pages containing corrections and responses to the comments that have been received have been distributed. He advised that additional letters were received on March 11th from Starchman & Bryant and from Baker Manock & Jensen and they will be addressed during this workshop.

Andy Hauge reviewed the March 10th memo from staff containing updates and corrections to the CVCP, items 1 through 20. He reviewed the following responses to comments that were received by Mariposa Planning as of March 10th and recommended changes, where applicable:

Comment 1/5-acre minimum residential when adjacent to Agricultural Exclusive (AE) – Andy Hauge and Sarah Williams advised that two issues were raised and they reviewed the Board's actions.

Comment 2/development to minimize impacts on and/or improve air quality (greenhouse gas) – Andy Hauge reviewed the Board's discussion on this matter.

Comment 3A and B/ rolling hills terrain and development on knolls – Andy Hauge reviewed the Board’s action on this matter.

Comment 4/individual domestic wells and connections – Andy Hauge reviewed the Board’s action on this matter.

Comment 5/”blue line drainages” and USGS maps – Andy Hauge advised that staff does not have authority or the ability to modify USGS maps.

Comment 6A and B/Catheys Valley agricultural issues and working landscape “stewardship” – Andy Hauge responded that Goal CV5.3-2 will not control or impact agricultural activities; and that the Board’s action on the CVCP cannot amend the General Plan; and that staff recommends adding text from the General Plan to the CVCP which defines the word “stewardship.”

Comment 7/content of the revised Plan – Andy Hauge advised that the purpose of this workshop is to review the March 2011 draft Plan and to take public input and to make sure that the revised document accurately reflects the Board of Supervisor’s direction as a result of the six public workshops that have been held.

Comment 8/water and demands for future use – Andy Hauge advised of recommended text amendments and that “project” is defined in the General Plan Appendix A.

Comment 9/delete reference to “hook-ups” – Andy Hauge advised of the recommended text amendment.

Comment 10/ reference to agricultural policies in Section 3.2 – Andy Hauge advised of the recommended text amendment.

Comment 11/ reference to agricultural policies in Section 3.2.05 – Andy Hauge advised of the recommended text amendment.

Comment 12/consideration of adding “average” in Policy CV5.2-2a as other references are to average density – Andy Hauge advised of the recommended text amendment.

Comment 13/include reference to General Plan in front of Implementation Measure 16-5a(2) in CV5.1-6a(1) – Andy Hauge advised of the recommended text amendment.

Comment 14/change reference from “development” to “projects” in Policy CV5.3-2a – Andy Hauge advised of the recommended text amendment.

Comment 15/consider adding “for Commercial and Institutional Development” to 1 Basic Design Review Criteria for clarity – Andy Hauge advised of the recommended text amendment.

Board members provided the following input:

Supervisor Cann referred to pages 5-3 and 7-1 and the different descriptions used for materials for retaining walls; and he suggested that the description contained on page 7-1 be used on page 5-3; and the Board concurred. He referred to the sentence on page 5-2 relative to minimum parcel sizes providing separation and buffer to permit rural activities; and he questioned being able to define “without offending sensibilities.” Andy Hauge suggested that “without offending sensibilities” be deleted, and the Board concurred. He referred to page 3-4 and suggested that the reference to “aging population” in the paragraph relative to future needs for fire protection and other emergency services be changed to reflect a positive. Supervisor Bibby suggested using “rural population” and the Board concurred. Supervisor Cann referred to Neighborhood Commercial (CN) 1 and 2 (indoor and outdoor) and he asked for clarification of the 2-year plan to develop CN 3. Andy Hauge explained that CN 3 would reflect additional uses that are anticipated in a community plan and could be applied to other community plans in the future – this would also include “live/work/mixed” and expanded uses and minimum lot size. Supervisor Cann referred to page 5-11 and expressed concern that the Plan is to cover a 20-year period and does not allow for any variation from the site development and supplementary standards, and

implementation measures and whether that is what is intended. Andy Hauge advised that you can not vary the General Plan, so that text is probably not necessary. Discussion was held on this issue, and the Board concurred with changing the sentences to read “The standards included in this section are required for new development, unless specified in the CVCP or the General Plan.”

Supervisor Turpin referred to Comment 3A and B/rolling hills terrain and development on knolls and clarified that this does not apply to the AE land use classification; and he commented on minimizing cuts and fills. Supervisor Bibby clarified that decisions relative to the percentage of slope will not be based on the maps, but on the parcel itself.

Andy Hauge referred to the March 11, 2011, letter from Starchman & Bryant relative to their concern that the language for minimum parcel size adjacent to AE zoned land could be misinterpreted. The Board concurred with amending the text to clarify that the 5-acres is required for new parcels created by subdivisions when the new parcel is adjacent to the Ag/Working Landscape land use classification. Andy Hauge reviewed the text changes on page 5-6, section A(4) Population Density and Building Intensity; on page 5-18, Policy Measure CV5.1-1b; and on page 5-25, Implementation Measure CV5.3-2b(1).

Supervisor Cann referred to page 6-1 and suggested that the definition of “right-to-farm” be added. Sarah Williams advised that there could be a reference to the County Code definition, and the Board concurred.

Andy Hauge thanked everyone who submitted letters and verbal comments and corrections to the draft Plan.

Chair Allen reminded everyone of the guidelines for providing public input.

10:09 a.m. Recess

10:21 a.m. the Board reconvened.

Input from the public was provided by the following:

Anita Starchman Bryant, Starchman & Bryant Law Offices, stated she feels that the intent of the Board relative to the minimum parcel size for those parcels adjacent to the AE land use still needs to be clarified. Andy Hauge advised of the recommended text amendment in the Residential land use classification to provide clarification. Anita Starchman Bryant asked for clarification that this applies to new parcels that are created when adjacent to the Ag/Working Landscape land use classification. Discussion was held. Supervisor Cann clarified that a similar requirement was not made in the Commercial land use classification; and Andy Hauge advised that those parcels are not adjacent to AE land.

Anita Starchman stated that she is speaking on behalf of the Fortner Family Trust, and even though they still have concerns, they appreciate the Board going through this process. They feel that we have a better document and thanked staff for being responsive. She referred to the CN 1 and 2, and is concerned about the interim zoning and wants to be sure that people in the Commercial land use classification are not held in limbo for 24-months for work to be done on the Zoning Ordinance. She asked for clarification of what the interim zoning is on the ground. She also expressed concern with trying to update Title 17 at the same time, as she does not feel that can occur within the 24-months. She suggested that the guidelines in the Appendix be used to provide guidance to staff. She referred to her letter and expressed concern and feels the language is ambiguous relative to capturing drive-by business – she asked that this

language be removed. She asked that the comments in the letter from Baker Manock & Jensen, Attorneys at Law, relative to waste water systems be considered.

Tim Miller, Miller Planning and Design in Sonora, thanked the Board for its work on this Plan. He stated he shares similar concerns with Anita Starchman Bryant relative to lot sizes in the Interim Community Center area. He referred to his client's property and land use designation and surrounding uses and he questioned what the zoning will be in the interim while the new zoning classifications are being developed. Supervisor Turpin asked staff to clarify the status of the project that Mr. Miller submitted with this Plan. Sarah Williams advised that the project is designed for the 2-1/2-acre minimum parcel size that the Board concurred with at a previous workshop meeting, so there should be no issue with continuing to process the project; however, the Health Department is still waiting for additional information. Supervisor Turpin asked for clarification of whether the 5-acre minimum parcels size for land adjacent to the AE land use would be required for this project. Sarah Williams advised that the Planning Commission has to make a finding that the project is consistent with the CVCP on the date it takes action on the project – so it depends on how quickly the project is processed – if it is before the Plan is adopted, it will be processed by today's standards; if it is after the adoption of the Plan, it will need to be consistent with the new CVCP.

Steve Fortner stated the CVCP has evolved over a lot of years and input; and he is disappointed that there is no more job creation incentive in the Plan, just a lot of prohibition.

Bob Stark asked if there is a "right-to-farm" in the community and residential areas; i.e., the Iris Garden; and whether their rights are covered in this new Plan like the AE uses are covered.

Steve Saunders asked for clarification of the shared well issues – if he has a second well just for agricultural use, can it be shared.

Walt Lewis stated he has a couple of lots in Catheys Valley, and one was used for commercial and he feels it is too noisy for residential use. He noted the change in land use designation with the parcel owned by Mollie Pearce and he asked why his parcels were not designated as Commercial or Commercial Reserve. He feels the narrow lots on both sides of the road all of the way up to Caps Lighthouse should stay commercial.

Bob Stark asked whether they could have public comment after their questions are addressed. Chair Allen advised that the public comment period will be closed for staff to respond to questions.

The public comment period was closed. Supervisor Turpin asked for a copy of the map that Walt Lewis referenced and he provided him with a copy – the map was also included in the staff report.

Staff responded to the issues that were raised from the public:

Andy Hauge clarified the language relative to the issue of new parcels adjacent to AE land use – he believes that the Board's intent was that when you are creating new parcels adjacent to the Ag/Working Landscape land use classification that they are to be 5-acres. So the language that is recommended that would be applied to all of those amendments for the Rural Residential and to the Community Residential is to have the language read as follows for the minimum parcel size – "2 1/2-acres of gross land area. Parcels created within the Community Residential Land Use classification when adjacent to Ag/Working Landscape have a minimum parcel size of 5-acres of gross land area." Staff took the language that was recommended prior to the public comment and added in the word "created" and added "when adjacent" to try to clearly reflect that we are only talking about 5-acre parcels when they are adjacent to Ag/Working Landscape land use classification. So if a parcel is not adjacent to that, or

just has a portion, it is only the portion along that edge that would require the 5-acre parcels.

Andy Hauge referred to the CN 1 and 2 and issues associated with creation of a new zone; and he stated that discussion was held earlier and that staff feels that a new zone is needed that reflects greater uses, multi-family, and mixed uses. The existing zoning will remain in place until updated. He responded that any projects that are reviewed within the Community Commercial would have to comply with the zoning and would have to comply with the CVCP at the time it is adopted. Until the new zoning code is in place, you would not be able to build multi-family, mixed use development. He responded to a question from Supervisor Turpin and advised that if someone comes in today with a project, they have to comply with the General Plan and the zoning that is in place. Once the Board adopts and the CVCP becomes official, the zoning still stays in place and an applicant can apply for a project based on that zoning; but they would have to also comply with the goals and policies of the CVCP.

Andy Hauge responded to the concern about drive-by businesses and the language in the CVCP and making sure that uses such as gas stations were not eliminated. He reviewed the requested language changes contained in the letter from Anita Starchman Bryant. Discussion was held. Kris Schenk stated he felt that the issues need to be worked out when the zoning is done as individual applications come before the Board; and he noted that the Plan can be amended in the future if that turns out to be in the best interest of the community. Sarah Williams reviewed the CN 1 and 2 uses and advised that they are designed to provide for indoor and outdoor retail services, primarily related to the needs of the small residential community. The Board's direction was to allow the CN 1 and 2 uses in the CN 3, and the differences would be that we would have the ability to have up to four residential units that are developed like the shop keeper units, minimum parcel size needs to be changed, and the community sewer and water system reference would need to be consistent with the Board's previous direction. She further noted that hotel/motel and RV park and campground uses would not fit with this language – those are clearly tourist uses. No change was made.

Andy Hauge referred to the letter from Baker Manock & Jensen that the environmental impact report should consider statements in their letter; and he advised that will be done.

Andy Hauge referred to Mr. Miller's comments asking for clarification of the 5-acre minimum parcel size adjacent to Ag/Working Landscape; and he advised that previous direction was given on text amendments. Relative to the status of zoning in the interim of adopting the CVCP, he advised that this issue was previously discussed.

Andy Hauge addressed the statement that the Plan does not contain incentives to create jobs – no change was made.

Andy Hauge referred to the "right-to-farm" ordinance impacts in the Residential land use, i.e., the Iris Farm. This item was further addressed after the following item for Sarah Williams to review the County Code.

Andy Hauge referred to Mr. Saunders' comments relative to sharing a well with a neighbor; and he advised that the current County Code allows up to four hookups. Discussion was held.

Sarah Williams reviewed the "right-to-farm" provisions in the Residential land use and the section in Title 18/Right to Agricultural Activity, and advised that agricultural activities are allowed in the Mountain Home zone and Residential land use classification.

Andy Hauge addressed the request to add the two Lewis parcels to the Commercial or Commercial Reserve zone. Discussion was held and no changes were made.

Further discussion was held. Supervisor Bibby referred to page 5-11- Potable water supply related to the residential land use classification; and she clarified that the General Plan list still applies. Supervisor Turpin referred to the letter from Baker Manock & Jensen and the issues raised relative to not allowing for community water and treatments systems. Andy Hauge advised that those issues will be reviewed when the EIR is prepared for the CVCP. Further discussion was held.

Kris Schenk advised of the process from here – staff will make sure that the final language pursuant to the direction given today is reflected in the Plan; and the Plan will go through the recirculation process and completion of the environmental work. That will involve taking comments from various agencies, input from traffic consultants, consideration of the greenhouse gas and air quality issues, etc., and timeframes will depend on the volume of comments that are received – probably about six months. After a public hearing by the Planning Commission on the revised final draft, the Plan will come to the Board for a public hearing. Supervisor Bibby noted that any comments received by the Board members need to be forwarded to Planning as soon as possible to be addressed. She advised that she still has reservations about the smaller lots being allowed and with not keeping the 5-acre minimum parcel size. Supervisor Turpin asked about timeframes for the zoning work and costs. Kris Schenk advised that they will prepare a supplemental work program and come back to the Board. He noted that there is some funding left and they will come back as a part of the final budget discussion on the overall costs. He advised that they have two work programs: 1) design review; and 2) zoning changes. Supervisor Turpin asked about having the final draft Plan available; and Kris Schenk advised that they will post it on their website. Kris Schenk further commented on what is involved in the process and staff time that will be required to review and send out notices for individual parcels. Supervisor Bibby asked about legal review of the document; and Kris Schenk advised that legal counsel will review the Plan and take into account any new legal decisions that have been made. Supervisor Turpin clarified that in the interim of adopting the Plan, that there is no moratorium for submitting projects. Supervisor Cann noted that this was the seventh committed day of workshops on this Plan. Supervisor Stetson commented on the concept of community/area plans and being respectful of the communities. Board members thanked staff for their work on this Plan.

Discussion was held relative to the recommended action. (M)Turpin, (S)Stetson, direction was given to staff to prepare the draft supplemental EIR for the March 2011, draft CVCP as amended at today's workshop, for processing and circulation, with an estimated timeframe of six month/Ayes: Stetson, Turpin, Cann, Allen; Noes: Bibby.

11:50 a.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 15, 2011



Folder Time Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for the people in Japan and the great tragedy they are going through; and for our troops.

Introductions – none

- 2 **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 Allen advised that item 113 has been withdrawn.
(M)Stetson, (S)Cann, the balance of the items was approved/Ayes: Unanimous.
- 3 **Chair Allen**
Resolution and Tile Plaque Recognizing Susan Brent, Upon her Retirement from the Sheriff’s Office (Sheriff)
BOARD ACTION: Input from the public was provided by the following:
 Brian Muller, retired Sheriff, extended congratulations to Susan on her retirement and commended her for her service to the County.
 (M)Bibby, (S)Cann, Res. 11-83 was adopted and presented to Susan Brent, along with the tile plaque/Ayes: Unanimous. Board members thanked Susan for her service.
 Doug Binnewies, Sheriff, presented Susan with a bouquet of flowers and commended her for her service.
- 4 **Chair Allen**
Resolution and Tile Plaque Recognizing Karen Briese, Upon her Retirement from the Human Services Department (Human Services)
BOARD ACTION: (M)Bibby, (S)Turpin, Res. 11-84 was adopted and presented to Karen Briese, along with the tile plaque/Ayes: Unanimous. Board members thanked Karen for her service.
 Jim Rydingsword, Human Services Director, commended Karen for her service. Karen thanked all of the Human Services staff and the other departments that they work with for caring about the community.

9:26 a.m. Recess

9:40 a.m. Departmental Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda – none

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

Eleanor Keuning thanked Public Works for the sign being put back up at Leonard and Stumpfield Mtn. Road. She advised that there was a presentation at the Historic Sites and Records Preservation Commission meeting on Monday relative to the renovation of the old Gold Coin – the new business plans to be open in May. She advised that the Historic Preservation Conference will be held in June. She commented on recent articles on pensions and retirement and stated she feels there needs to be more education on investment strategies.

Lester Bridges, Interim Executive Director and President of the Chamber of Commerce, advised that the next mixer is on March 29th at the Yosemite-Mariposa Airport and that Hi-Tech Solar will participate – the date was changed so that the businesses could attend the sign ordinance workshop on March 22nd. He advised that Yosemite National Park rangers will assist at the Visitors Center from Memorial Day to Labor Day; and he thanked the Board for its continued support.

Board Information

Supervisor Stetson advised that he attended the El Portal Town Planning Advisory Committee meeting last Tuesday evening. He advised that a group of citizens from Midpines and agency folks, along with the Fire Chief, took a tour of remote County-owned property in Midpines on Wednesday relative to fuel reduction. The Midpines Community Planning Advisory Committee is meeting tonight. He is planning to go to Foresta on Friday with the Public Works Director to discuss snow removal. He is planning to attend the YARTS meeting on Monday and they are looking at a way to expand membership of their Board to have two representatives from each of the three counties.

Supervisor Cann advised that he was in Washington, D.C. last week attending the NACO (National Association of Counties) Legislation Conference on behalf of RCRC (Regional Council of Rural Counties) and he attended 16 meetings in three days discussing various issues, including Secure Rural Schools Act funding and Mining and Mineral Exhibit funding status. He attended the Gateway Partners Advisory Board meeting on March 4th with Supervisor Stetson. He is planning to meet with CalFire on Wednesday relative to State responsibility area matters. He attended a tourism visioning meeting on Wednesday, and in the evening spoke to students from a magnet school from the Bay Area.

Supervisor Turpin advised that the Coulterville Park does not have electrical violations, the Building Director has requested upgrades due to vandalism. He participated in a teleconference call on Wednesday with Yosemite Sequoia Resource Conservation and Development relative to a bio-mass study for North Forth and minimally for Mariposa. He attended the SWIFT (South West Interface Team) meeting in Moccasin, the Airport Advisory Committee meeting in the afternoon, and the Don Pedro Trails Committee meeting in the evening on Wednesday. He met with Bill Hodson on Thursday and discussed the future of CalFire. He attended the fire station meeting on Friday, and in the evening, he attended the Storytelling Festival. He attended the Don Pedro Homeowners Association meeting on Saturday. He noted the Catheys Valley Community Plan workshop is scheduled for Monday. He plans to participate in a teleconference call with CSAC (California State Association of Counties) Executive Committee meeting on Wednesday relative to State budget issues. He has a meeting scheduled with the Human Services Director, and he plans to attend

the Area 12 Agency on Aging Advisory Committee meeting on Monday in Greeley Hill.

Supervisor Bibby advised of information received from the County Clerk relative to the census and redistricting, and she advised that the County Clerk will be providing a report to the Board. She plans to attend the First 5 meeting on Monday. She met with CalFire last week relative to the State responsibility area and budget matters. The Farm Bureau is holding a rib dinner fundraiser on March 26th. She extended a special thanks to the Arts Council and Marilyn Rudzik and all of the volunteers for a successful Storytelling Festival. She extended her thanks to Randy McAndrews/Public Works Road Superintendent for contacting CalTrans to replace the road sign for Leonard and Stumpfield Mtn. Roads. She extended special prayers and thoughts to the people affected by the earthquake and tsunami in Japan.

Supervisor Allen advised that he met with staff last Tuesday and reviewed the workshop process for the Catheys Valley Community Plan meeting that was held on Monday. He attended a meeting on Wednesday relative to the public defender contract and another meeting will be held with the Superior Court Judge and the District Attorney. He attended a function in Madera last week with the Sheriff relative to "Rachel's Challenge" – she was the first student killed in the Columbine shooting. He plans to attend the 4-H Presentation Day on Saturday and help judge the presentations; and in the evening attend the Ewing Memorial Garden dinner. He plans to attend the Area 12 Agency on Agency Advisory Committee meeting in Greeley Hill on Monday. He noted that the Board will be discussing the sign Ordinance next Tuesday at 6:00 p.m. He advised of a letter and application forms that were received from CalEMA (California Emergency Management Agency) relative to the availability of disaster assistance resulting from the December 2010/January 2011, flooding.

Supervisor Turpin referred to the March 2011, edition of the Western Cowman and noted that a family from Catheys Valley had a reserve grand champion bull in the Red Bluff Livestock sale.

5

Human Services

DesCor, Inc. to Present Update on the Progress of the New Human Services Building; Jim Rydingsword, Human Services Director, to Provide Update on the Status of Buildings and Leases Currently Occupied by the Department, Consolidation Savings Necessary for the Long Term Financing of the Mariposa County Human Services Center, Increases in Revenues for the Years 2007-2010, and Projected Funding for the Human Services Department

BOARD ACTION: Neal Cordeiro/DesCor, Inc., provided an update on the progress of construction of the new Human Services center – they are ahead of schedule and anticipate finishing by mid-June 2011. Jim Rydingsword provided an update on the status of leases of the facilities currently occupied by the Department; on the status of the budget and consolidation savings and projected funding for the long-term financing of the Center and for the Department; and commented on transitioning issues, including the availability of furniture for the other departments. He commended staff for their work; and again reiterated that no County General Fund dollars are being used for this project or for the Department. Board members thanked Jim and the staff and DesCor for their work on this project.

Input from the public was provided by the following:

Marvin Wells commended the Human Services Director for his work. He asked how many employees will be consolidated for the new center and the size of the complex and whether there is room for future expansion.

Eleanor Keuning advised of the comments and questions she has heard – whether any General Fund dollars are being used; whether the County is responsible for long-term leases for existing facilities; and whether the Director will retire when this building is done – she does not want him to leave.

Jim Rydingsword responded to the questions – he has retired two times in the past and did not like it and he has no plans to retire. There will be 112 employees, including Child Support and Mother Lode Job Training, moved to the center; the entire complex is about 37,000 square feet; and there is room for expansion on-site. All of the leases, except for one, have a provision for the County to give notice to the landlord and that has been done. The other lease is for the Stroming Road building and an interest has been received for renting it. Rick Benson, County Administrative Officer, advised that the existing lease expires in 2015. Jim Rydingsword advised that they are looking at having an open house in September.

10:51 a.m. Recess

11:01 a.m. Board Convened as

LOCAL TRANSPORTATION COMMISSION

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Lee Stetson)

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

7 **Public Works**

Authorize Staff to Amend the Transportation Planning Overall Work Program for FY 2010-2011 to Allow for the Printing of the Mariposa Downtown Information Guide / Walking Trail

COMMISSION ACTION: Discussion was held with Barbara Carrier/PWD-Transportation Planner, relative to guide/walking trail brochure project and the wayfinding signs project, status of funding and oversight of the projects.

Input from the public was provided by the following:

Ruth Sellers commented on the sandwich signs issue that came before the Historical Sites and Records Preservation Commission, and she suggested that Gary Williams be contacted as he was helpful to the Commission. She asked about the status of the community location map at the old Chevron/Grizzly Gas.

(M)Cann, (S)Bibby, LTC Res. 11-6 was adopted approving \$6,000 for Work Element 6. Further discussion was held relative to allocating \$3,000 to each of the two projects. Steve Dahlem, County Counsel advised that the motion needs to be clarified to approve amending the Planning Overall Work Program. The motion was clarified by the maker and second to approve the amendment to the Planning Overall Work Program/Ayes: Unanimous. The Commission concurred with directing staff that not more than \$3,000 would be spent on the brochure project. Commissioners Cann and Bibby advised that they are willing to assist staff with these projects, and coordinate the brochure project with the Tourism Bureau Director.

Commissioner Stetson asked whether the County’s previous action to support a preferred alternative for the Ferguson Rockslide fix was by the Board of Supervisors or by the Local Transportation Commission, and whether a new letter should be prepared for action. Rick Benson advised that the previous letter came from the Board of Supervisors and that he can work with Commissioner Stetson to prepare an item for the Board.

11:34 a.m. Reconvened as

BOARD OF SUPERVISORS

9

Supervisor Cann

Approve the Formation of a Volunteer “Adopt A Plot Program” to Assist in Preserving the Mariposa Cemetery and Direct Public Works Staff to Coordinate Implementation of the Program in Conjunction with the County Administrative Officer and County Counsel

BOARD ACTION: Supervisor Cann introduced Ron Loya and advised that he has been concerned about the overall maintenance of the town cemetery and that he is present to provide input on his proposal for some voluntary ways to assist. He thanked Pam Brochini/PWD-Facilities and Lori Verceles/PWD-Recreation Program Coordinator for being present. Ron Loya advised that the veterans plaque was refurbished at the cemetery and he provided input on improvements he would like to see occur at the cemetery in the long-range. He reviewed the volunteer “adopt a plot program.” Supervisor Cann advised of the requested action and noted that as this evolves that work could be done on establishing a more elaborate maintenance program with volunteers. He noted that the “adopt a plot program” would involve County Counsel and the County Administrative Officer working with the Public Works Director to establish procedures. Pam Brochini stated she would like to have more information on the programs being proposed. Discussion was held relative to the proposal, including the status of having an accurate plot map. Supervisor Cann asked that Public Works be kept informed of the liaison for this program.

(M)Cann, (S)Turpin, Res. 11-91 was adopted approving the formation of a volunteer “adopt a plot program” to assist in preserving the Mariposa cemetery; and direction was given to Public Works staff to coordinate implementation of the program with County Counsel and the County Administrative Officer. Supervisor Turpin asked about consideration of including other cemeteries in this program, and the motion was amended, agreeable with the maker. Supervisor Bibby stated she would like Public Works to have more information before proceedings. Ayes: Stetson, Turpin, Cann, Allen; Noes: Bibby.

8

Administration

Discussion and Approval of the County’s 2011 Legislative Platform

BOARD ACTION: Rick Benson reviewed the platform and discussion was held. Supervisor Bibby suggested that the Mining and Mineral Exhibit, First 5 and the Fairgrounds funding status be included. It was noted that the Mineral Exhibit is an agency decision and not a legislative action. Rick Benson clarified that the platform does not preclude the Board from taking specific action on items. (M)Cann, (S)Turpin, Res. 11-92 was adopted approving the County’s 2011 Legislative Platform, with the inclusion of First 5 and the Fairgrounds to the “Quality of Life Services”/Ayes: Unanimous.

10

Consider Items Removed from the Consent Agenda – none

12:12 p.m. Lunch

2:02 p.m. Reconvened

11

Planning

PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 2010-128 and Commercial Industrial (CIM) Plan No. 2010-150. Action Includes Adopting a Resolution Approving the General Plan Amendment and CIM Plan; Yosemite Adventure Ranch (Longview Stables and Gold Rush Zip Line Park) and Adopting a Mitigated Negative Declaration; and Waive the First Reading and Introduce an Ordinance to Amend the Mariposa County Zoning Map by Rezoning 36.3 Acres of Land (APN 012-180-014) from the Mountain General Zone to the Resort Commercial

Zone Pursuant to General Plan/Zoning Amendment No. 2010-128. The General Plan Amendment Proposes to Amend the Land Use Classification on the Property from Residential to Rural Economic/Recreation Sub Classification. CIM Plan No. 2010-150 Proposes Construction and Operation of Zip Lines, Horse Back Riding, and Appurtenant Structures. Victoria and Bryan Imrie, Project Applicants

BOARD ACTION: Chair Allen reviewed the public hearing procedures. Kris Schenk/Planning Director and Sarah Williams/Deputy Planning Director were present. Alvaro Arias, Associate Planner, presented the staff report. He advised that two letters of support were received and one email in opposition to the project. He reviewed the recommended actions and read the title of the Ordinance into the record. Staff responded to questions from the Board relative to not receiving any comments from CalTrans; whether a separate motion would be needed for the Ordinance; relative to landscaping between the school and this project; relative to the dark sky and clarifying that nothing is proposed at this time for lighting; and relative to the location of the property owner that submitted the email in opposition as being on the other side of Highway 140. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Bibby, (S)Cann, Res. 11-93 was adopted adopting a mitigated Negative Declaration for the project; approving General Plan/Zoning Amendment No. 2010-128 with the recommended findings; and approving CIM Plan No. 2010-150 with the recommended findings, conditions, and mitigation measures/Ayes: Unanimous. (M)Bibby, (S)Cann, the first reading was waived and the Ordinance introduced amending the Mariposa County Zoning Map pursuant to General Plan/Zoning Amendment No. 2010-128 with the recommended findings/Ayes: Unanimous. The hearing was closed. Bryan Imrie thanked the Board and Planning staff for their help in this process.

12

Planning

Consider Public Comments on the 2011 General Plan Annual Report; Accept and Direct that the 2011 Annual Report be Filed with the State Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD); and Adopt a Resolution Establishing the 2011 Schedule of General Plan Amendments

BOARD ACTION: Kris Schenk introduced the item. Alvaro Arias presented the staff report, reviewing the progress made during 2010 in accomplishing the policies and implementation measures of the General Plan; and review of planning activities that are in progress or anticipated in the short-term and future planning. He advised of the proposed schedule for General Plan amendments, and he advised of a list of suggested error corrections to the General Plan Map and text corrections that staff has compiled. He reviewed the recommended action. Staff responded to questions from the Board relative to clarifying that the “Catheys Valley” fire station should be referred to as the “Bridgeport” fire station. Rick Benson clarified that the \$750,000 set aside from the Master Tobacco Settlement Fund is for the County’s share of three fire stations and to build the Bridgeport station. Staff responded to questions from the Board relative to the General Plan Amendment process for correcting the map and text errors – they can be processed in one amendment; and relative to including low income housing consortium and funds for emergency housing information in the report. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberation. Alvaro Arias and Sarah Williams responded to questions from the Board relative to meeting the goals of the Housing Element, especially with the additional requirements of the fire sprinkler system and related costs. Supervisor Stetson noted that the date needs to be updated for the Yosemite West Special Plan completion.

(M)Bibby, (S)Stetson, the Annual Report was accepted, with corrections for the “Bridgeport” fire station, Yosemite West Special Plan completion date, and correction

of date in the resolution; and directing that copies of the Report be filed as recommended; Res. 11-94 was adopted approving the 2011 schedule of General Plan Amendments; and direction was given to staff to bring back the mapping error and text corrections/Ayes: Unanimous. The hearing was closed. Supervisor Cann asked about the status of Planning coming back with a work program. Kris Schenk advised that they are planning to have it on an April agenda for the Planning Commission and will come to the Board with a budget proposal.

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of March 8, 2011, Regular Meeting
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-85
- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-86
- CA-104 **Supervisor Allen**
Re-Appoint Eugene Spindler, Ralph Harder, Larry Williams, Tony Christianson, and Ed Mee to the Wawona Planning Advisory Committee for Terms Expiring February 28, 2013
- CA-105 **Supervisor Allen**
Re-Appoint Brian Mattos, Tom McCann, Dale Wohlgemuth and John Luther to the Fish Camp Town Planning Advisory Council for Terms Expiring February 28, 2013, and Accept the Resignation of Patrick Warren from the Fish Camp Town Planning Advisory Council
- CA-106 **Supervisor Turpin**
Re-Appoint Tom Deutsch, Shirley Kendrick, Gary Balmain and Malcom Hiatt to the Greeley Hill Planning Advisory Committee for Terms Expiring February 28, 2013
- CA-107 **Public Works**
Adopt a Resolution Verifying the County-Maintained Road Mileage per Section 2121 of the Streets and Highways Code Requirement; Res. 11-87
- CA-108 **Planning**
Approve Road Name Application No. 2010-099 for the Proposed Road Name "Shooting Star Road" for the Subject Easement; Res. 11-88
- CA-109 **Treasurer**
Approve the Investment Policy and Guidelines for Mariposa County; Res. 11-89
- CA-110 **Supervisor Stetson**
Re-Appoint Harvey Holland, to the El Portal Planning Advisory Committee for a Term Expiring February 28, 2013, and Accept the Resignation of Rosemary MacCallum and Cindy Medema from the El Portal Planning Advisory Committee

- CA-111 **Supervisor Stetson**
Re-Appoint Carmen S. Mecleary, Don Fox and Charles Lammers to the Midpines Planning Advisory Committee (PAC) for Terms Expiring February 28, 2013; Accept the Resignation of Mandy Vance and Douglas Chappell from the Midpines PAC; and Appoint Angela Heiss to the Midpines PAC with a Term Expiring February 28, 2013
- CA-112 **Agricultural Commissioner**
Approve Pesticide Application Reporting Agreement No. 11-C0020 for FY 2011-2012 with California Department of Pesticide Regulation (CDPR), and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-90
- CA-113 **County Counsel**
Approve an Agreement Between Steven P. Allison and the Mariposa County Pioneer Wagon Train, Inc. Allowing the Wagon Train to Make an Overnight Stop During the Annual Mariposa County Wagon Train Event, and Authorize the Board of Supervisors Chair to Sign the Agreement; item was withdrawn from the agenda

3:02 p.m. Adjournment in memory of Wanda L. Cooney and Robert Walter Sparks.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 22, 2011



Folder Time Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for the people in Japan suffering from the recent tragedies; and for all of the workers in the County, including PG&E and their tree services, CalTrans, road crews, and our emergency services workers for dealing with the recent storm problems.

Chair Allen advised of the addendum to the agenda regarding the County's position on the Governor's proposed Constitutional Amendment as it relates to realignment.

Introductions – none

2

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 Allen advised that item 103 has been withdrawn.

Supervisor Stetson referred to item 106 and asked Jim Rydingsword/Human Services Director, how many people are involved and whether there is another way to pay for the costs versus having the providers pay. The item was continued to come back with more information. (M)Bibby, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.

2

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

Dr. Mosher, Health Officer, advised of what the Health Department is doing relative to the disaster in Japan – they are adding information on earthquake preparedness to their website and they have included a link to the Red Cross to assist with the relief efforts. He commented on the issue of air pollution and whether the radiation from the damaged Japanese nuclear power plants would reach California, and he advised that he will be putting information in the *Gazette*.

Jim Wilson, Fire Chief, advised of the status of power outages from the recent storms – 65 different power lines are down throughout the County; and he advised of PG&E's efforts to restore power, including relocation of a power pole at the Ferguson Rockslide. He noted that a lot of trees are down throughout the County. The water system in Yosemite West had a leakage that drained the tank and they are out of water. The telephone system in Midpines is out. He advised that with the overtime involved

by the Sheriff and Public Works staff, they will probably exceed the threshold for declaring a disaster – he will have more information later today and come back to the Board this evening. Supervisor Turpin expressed concern with the power outages in Greeley Hill. Supervisor Stetson clarified that there is no mandatory evacuation for Yosemite West residents. Board members thanked all of the staff that has assisted, including the store owners and residents.

Doug Binnewies, Sheriff, advised that updates are being made to the public information lines, and he advised of the traffic escort times for Highway 140 to Yosemite. Supervisor Stetson noted that there is a community meeting in El Portal, and Sheriff Binnewies advised that he plans to attend.

Allen Toschi, Public Works Director, introduced John Ainsworth, the new Assistant Public Works Director; and he advised that he will be working on special projects and community service areas facilities. He advised of their road clearing efforts as result of the recent storms; the Ben Hur Road slide is stable and they are moving forward with plans and specifications for repair work; the Old Highway Road repairs may be delayed a couple of weeks due to the weather; and the Old Toll Road has a new slide and they are still working on the first slide. Board members thanked Public Works staff and welcomed John Ainsworth.

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

Tony Madrigal, California United Homecare Workers, stated they represent the IHSS (in-home support services) workers and they are currently in labor negotiations. They are hoping to find a creative solution to be able to provide health benefits to the workers.

Debbie Hushbeck, IHSS recipient, stated her son watches after her and he has no medical benefits and has health problems. She feels the workers need medical benefits.

Lloyd Clark stated he has been an IHSS provider for about five years to care for his mother. He advised of his previous work and the sacrifice he took with a cut in pay and benefits to provide this service. He feels that the workers need medical benefits.

Board Information

Supervisor Stetson advised that he attended the Midpines Planning Advisory Committee meeting on Tuesday; and on Saturday, he went to Foresta with the Public Works Director to discuss snow removal issues. He attended meetings on Monday relative to the current storm issues.

Supervisor Cann advised that he attended a meeting on Wednesday with the Integrated Regional Watershed Management Program and discussion was held relative to the status of the program and grants. He attended a meeting last week relative to visioning for tourism – looking at long-term approaches on what types of infrastructure might be necessary for the future. He spoke last Wednesday at Tenaya Lodge to students from Summit Prep School relative to gateway communities and large conserve areas. He attended a meeting on Friday with a group relative crosswalk issues and ADA standards. He met on Monday with a community representative who is interested in forming a guild to do more murals in town. He attended an incident command issues meeting on Monday relative to the storms. He plans to attend the RCRC (Regional Council of Rural Counties) meeting in Sacramento on Wednesday; and he commented on the status of State budget issues for First 5.

Supervisor Turpin advised that he attended the Greeley Hill Community Club meeting on Tuesday evening and he advised of their work on the building. He attended the Red Cloud Library meeting on Wednesday in Greeley Hill, and he participated in a teleconference call with the CSAC (California State Association of Counties) Executive Board of Directors meeting; and he plans to attend the CSAC Executive Board meeting on Thursday. He plans to attend the fire station meeting on Friday. He noted that Farm

Bureau is holding their rib dinner in Hornitos on Saturday. He has a call in to PG&E relative to the power outages in Greeley Hill.

Supervisor Bibby referred to the ADA issue with the sidewalks and noted that HERO stands for “helping everyone recognize and overcome.” She attended the Calaveras-Mariposa Community Action Agency meeting on March 7th with Supervisor Turpin and the Human Services Director, and discussion was held relative to the future of the Agency. She attended the School District Board meeting and funding issues were discussed – she feels we need to enforce the codes that are on the books. She advised that the First 5 meeting for Monday was cancelled. She plans to attend the Criminal Justice and Stakeholders meeting on March 25th, the Mother Lode Job Training meeting in Sonora on March 29th, and the Hornitos rib dinner on Saturday.

Supervisor Allen advised that he attended the 4-H Presentation Day on Saturday at Grace Church, and the members had outstanding presentations. In the evening he attended the Ewing Wing Memorial dinner. He plans to attend a meeting on Friday to discuss indigent defense issues. He noted the Soroptimist’ Gold Rush dinner is scheduled for Saturday. He commented on the State budget situation and advised that discussions have been held with the Fair Manager. He advised that he spoke with Richard Dye of PG&E this morning and received the status information that reported this morning. He advised of the fee hearing scheduled for this afternoon and the sign ordinance discussion scheduled for this evening.

10:09 a.m. Recess

3

10:29 a.m. Administration

A) Approve Participation in the State Community Development Block Grant (CDBG) Program Economic Development Allocation under the California Community Economic Enterprise Fund Component FY 2010-2011

BOARD ACTION: Rick Benson introduced the item. Marilyn Lidyoff, Business Development Coordinator, reviewed the request and discussion was held.

Input from the public was provided by the following:

Dieter Dubberke, businessman in the community, stated he feels that it is urgent that the Board consider applying for this funding. He commented on his experience with private loan rates for the Grizzly Gas Station project versus what is available with this program. He commented on his annual payroll expenses and stated he feels that these programs can help with the growth of businesses.

Jim Rydingsword commented on the status of the State budget and the subsidized employment program and the possibility of meshing that program with this program.

(M)Cann, (S)Turpin, the Board approved participation in the CDBG program/Ayes: Unanimous.

B) PUBLIC HEARING for Community Input for Grant Application Submittal in the Amount of \$500,000 in Connection to Establishing a Business Assistance Loan Program; Adopt a Resolution Approving an Application for Funding from the Economic Development Allocation of the State Community Development Block Grant (CDBG) Program and Authorize the County Administrative Officer to Sign the Grant Agreement and Any Amendments Thereto with the State of California for the Purpose of this Grant

BOARD ACTION: Marilyn Lidyoff presented the staff report and advised of the in-kind cash match of \$4,000. She advised of pledges of in-kind support she has received for the program. Staff responded to questions from the Board relative to administration of this program; and relative to the risks to the County and costs.

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

Dieter Dubberke stated he feels that there are many small businesses in this community that could use this assistance.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to a question from the Board relative to the loan amounts that would be available with the program. (M)Cann, (S)Stetson, Res. 11-101 was adopted approving the application for funding as requested, and adopting the Business Assistance Program Guidelines/Ayes: Unanimous. The hearing was closed.

4

Planning

Approve a “Letter of Public Convenience and Necessity” to the Department of Alcohol Beverage Control” to Increase the Number of On-Sale Alcohol Licenses from Twenty-Two (22) to Twenty-Three (23) in Mariposa County, Census Tract 06-043-010-001, for the Sugar Pine Café, LLC Located at 5038 Highway 140, Town of Mariposa

BOARD ACTION: Kris Schenk introduced the item. Eileen Collins, Planning Technician, presented the staff report. Discussion was held.

Input from the public was provided by the following:

Ruth Catalan stated she feels that the 13 to 14 current licenses are an oversaturation in town. She feels we should try to change this versus giving letters of necessity.

Marilyn Saunders stated she feels the issue of saturation has to do with the eateries. She noted that we have foreign tourists visiting and she supports this request so our restaurants can provide a broad choice to our guests.

Supervisor Turpin commented on the Board’s role in this and stated he feels that we need to be careful that we are not adding to potential problems. (M)Cann, (S)Stetson, Res. 11-102 was adopted approving the “Letter of Public Convenience and Necessity”/Ayes: Stetson, Bibby, Cann, Allen; Abstained: Turpin.

11:10 a.m. Board Convened as

LOCAL TRANSPORTATION COMMISSION

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Lee Stetson)

5

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

6

Public Works

Accept the Resignation of Karen Briese from the Social Service Transportation Advisory Council (SSTAC)

COMMISSION ACTION: (M)Bibby, (S)Allen, the resignation was approved/Ayes: Unanimous.

11:13 a.m. Reconvened as

BOARD OF SUPERVISORS

7

Supervisor Stetson

Approve the Installation of Three Speed Humps on Foresta Road in El Portal and Rescind the Previous Action by the Board of Denying Speed Humps/Bumps on County Property Until a Policy is in Place

BOARD ACTION: Supervisor Stetson initiated discussion relative to the request, and he advised that a large number of people from El Portal that support this request were unable to attend this meeting because of the conditions on Highway 140. Allen Toschi advised of his review of the situation – looking at this from an engineer and traffic point of view, speed humps are a viable traffic tool to show traffic down; but there is an

increase of liability risk to the County. From his point of view as Public Works Director, this is something that is unique to the community and he feels they should finance the installation and maintenance, and removal if they determine to do that in the future. He noted that the existing speed humps in the area are nicely done. He stated he is neutral on this request. Discussion was held, including options for covering the costs, options to speed bumps/humps – grind outs/rumble strips and buttons.

Input from the public was provided by the following:

Ruth Sellers noted that she has been waiting for three years to get the roads finished in Mykleoaks, and she feels that this request is a ridiculous thing to come before the Board. She feels the drivers should abide by the laws, and it should not be a County problem.

Marvin Wells stated he was Mayor of Merced County when they removed the speed bumps on public land and it reduced their claims and law enforcement supported the removal of the speed bumps. He noted that Fresno did the same thing. He stated the potholes on his road need to be fixed.

Brad Aborn stated he was involved in this discussion for the previous four years. He commented on the history of this issue and changes in the speed limit with traffic studies, and of his attempts to work with CHP and the Sheriff's Department to deal with the few offenders. He noted that the Fire Chief felt that the equipment would be damaged with the speed humps.

Ruth Catalan stated she feels that this seems to be a local issue and that the community should be approaching the violators. She feels that the authority should be called with information on the violators as she did with an incident on her road and that solved the problem.

Discussion was held. Supervisor Cann noted the increase in population in El Portal in the summer months with the seasonal employees, and he feels that funding is a separate issue from this. (M)Stetson, (S)Cann, Res. 11-103 was adopted approving the installation of three speed humps in El Portal as requested. Further discussion was held. Ayes: Stetson, Turpin, Cann, Allen; Noes: Bibby. Rick Benson noted that at the present time there is no funding source for this project. The Board concurred that it was clear that there is no funding at this time. Supervisor Cann stated he feels that the community will find a way to come up with the funding. Allen Toschi advised that design will be a part of the standard encroachment process. Chair Allen asked the Public Works Director to work with the County Administrative Officer and County Counsel if funding is received.

7b

Supervisor Turpin

Discussion and Possible Direction to Staff Regarding the County's Position on the Governor's Proposed Constitutional Amendment as it Relates to Realignment

BOARD ACTION: Supervisor Turpin initiated discussion and he advised that this issue will come before the CSAC Executive Committee on Thursday. Rick Benson provided information on the request. (M)Turpin, (S)Cann, Res. 11-104 was adopted approving CSAC, RCRC, and the Board's support of this amendment/Ayes: Unanimous.

8

Consider Items Removed from the Consent Agenda – none

12:33 p.m. Lunch

2:02 p.m. Reconvened

9

Planning/Health/Public Works

PUBLIC HEARING to Consider Adopting Adjusted User Fees and Service Charges for the Planning, Public Health and Public Works Departments. The Adjusted Fees for Development Applications Would Become Effective June 1, 2011

BOARD ACTION: Kris Schenk presented the staff report, and he advised of changes in the recommended fees pursuant to previous Board direction, of the addition of an appeal fee for the Health Department, of language to deal with returning appeal fees if appropriate, and the issue of waiving appeal fees for non-profit organizations – that was not recommended. He advised that separate formal resolution has been prepared for the fees for each department: Planning, Health, and Public Works; and he recommended that the fees become effective June 1, 2011. He advised that the LAFCo fees will be dealt with separately. Dr. Mosher reviewed the appeals fee issue and his recommendation. Staff responded to questions from the Board relative to the recommendation for the process to refund appeal fees and how to deal with appeals that are acted on in part, and relative to findings. Steve Dahlem, County Counsel responded to a question from the Board relative to clarification of the fees for the initial appeal and subsequent appeal, and he advised that “de novo” is for the original appeal and “subsequent” would apply to an appeal that comes to the Board after in the initial appeal was heard by the Planning Commission, or if the Board sent an appeal back to the Planning Commission after its hearing.

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

Persons speaking in support: none

Persons speaking in opposition:

Ken Melton referred to the fees for the Planning Department – he stated he feels that people should have the right to appeal and this Board represents him, and he urged the Board to not adopt fees for appeals and stated the recommended fee is too high. He feels the other fees are increasing too much. He feels that Planning spends a lot of time that is not necessary on things for projects; and he cited an example with the CEQA checklist and migratory pattern of birds and animals and mitigation measures. He stated he does not feel the fees should be increased, especially in this economy.

Ron Iudice commented on his work with the Planning Department over the last year and stated it has been a positive relationship. He does not feel that the fees should be raised, and he stated he feels it may discourage some development.

General comments:

Ken Melton noted that other fees are involved with projects, such as Fish and Game and environmental study costs, and he feels that these need to be considered as well.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board as to the percentage of staff time that is being recovered from development applicants – Kris Schenk advised that it is about 40 percent; and what percentage will be recovered with this fee proposal – Kris Schenk advised that it will be much closer to full cost recovery; and he noted that there is direction for an annual review. Supervisor Turpin commented on the mining fees and Timber Preserve fees, he asked whether staff will be able to give an applicant an estimate of the total fees for a project and whether those fees have to be paid in advance. Supervisor Bibby asked whether most counties charge an appeal fee, and staff responded that they do and that many charge more. Supervisor Cann asked when the last fee adjustment occurred, and staff responded that it was late 1990’s for Health and Public Works, and 1992 for Planning. Further discussion was held relative to the issue of refunding appeal fees and the process. County Counsel advised that he does not feel that findings will be presented for granting an appeal in the proposed resolution; and advised that if such an action is taken, the matter could be sent back for staff to prepare. Supervisor Turpin expressed concern with increasing the fees to full costs at this time given the economy, and stated he is willing to phase the fee increases. Kris Schenk commented on the recommendation and the previous direction on this issue. Rick Benson recommended having options for scheduling a determination of refunding fees; i.e., after the hearing itself, or at a subsequent Board meeting if further research is

needed. He asked the Board to consider whether there should be an appeal fee for other departments, and clarified that when appeals are filed, that the appellant will make payment to the Planning Department/applicable department versus to the Clerk of the Board. County Counsel noted that appeal fees for other departments would need to come back as a separate item. Supervisor Bibby asked about written comment that was received, and staff advised of the letter from Attorney Starchman Bryant, and that the consultant reviewed fees in other counties as a part of their study. Allen Toschi advised that they circulated the proposed fees to people that have been doing business with the County and they didn't receive any comments.

(M)Cann, (S)Stetson, Res. 11-105 was adopted approving the recommended user fees and service charges for Planning; Res. 11-106 was adopted approving the recommended user fees and service charges for Health; and Res. 11-107 was adopted approving the recommended user fees and service charges for Public Works – to be effective June 1, 2011; and with direction that if an appellant is successful in total in the determination, they would be entitled to the return of the appeal fees; if it is not a 100-percent clean decision, then the Board would immediately reconvene to discuss what portion of the appeal fee might be returned and what portion might be kept, and make a decision, or determine whether additional information is needed on the percentage of the refund. County Counsel clarified that the decision to refund appeal fees is not based on the vote of the Board on the appeal itself (i.e., a split vote), but on whether the appeal is granted in full or in part. Further discussion was held. Ayes: Stetson, Bibby, Cann, Allen; Noes: Turpin. The hearing was closed.

3:07 p.m. Recess

6:05 p.m. The Board reconvened.

Off Agenda Item:

Jim Wilson provided a status report on PG&E's efforts to restore power throughout the County, and he advised that as of 4:50 p.m. today that 3,256 customers in the County were without electricity. He provided input on the weather forecast. Public Works is still working on the water system in Yosemite West. Rick Benson advised of the request to take action to consider the emergency declaration as an off agenda item. (M)Bibby, (S)Stetson, the Board made a finding, per Government Code Section 54954.2(b)(1) to consider an item not on the agenda, finding that an emergency situation exists/Ayes: Unanimous.

Rick Benson presented the recommendation to proclaim the existence of a local emergency due to the March 2011, storms. Discussion was held. Supervisor Cann suggested adding a statement that Yosemite National Park and all of the roads leading to the Park were closed. (M)Turpin, (S)Bibby, Res. 11-108 was adopted proclaiming the existence of a local emergency and requesting the Governor of the State of California and the President of the United States to proclaim a state of emergency for the County with the suggested addition/Ayes: Unanimous.

10

Planning

PUBLIC WORKSHOP to Review the Sign Ordinance History, Ordinance Content, Possible Needed Ordinance Amendments, Enforcement Issues Including Impacts Resulting from Enforcement, and Town Task Force Recommendations. Discussion will Focus on Signage in the Town of Mariposa but will also include Signage Countywide. Public Input will be Taken, and Direction to Staff may be given

BOARD ACTION: Chair Allen advised of the workshop process – the staff report will be presented, there is a five minute limit per speaker during the public comment portion, and he asked that everyone be courteous to the speakers; and he advised that the workshop will end at 9:00 p.m.

Damon Golubics, Senior Planner, presented the staff report, reviewing the sign ordinance history, the content of the ordinance, staff recommended amendments to the ordinance, enforcement issues and Town Task Force recommendations. Supervisor Bibby asked about the varying timeframes for the temporary signs. Chair Allen referred to the January 2006, meeting and discussion on this matter and asked why nothing has happened since then. Kris Schenk advised that the 2006 meeting was to advise the Board that the amortization deadline was approaching, that discussion followed with the County Administrative Office and Board members relative to being able to enforce and what would be enforced, and an extra help position was created in the Department's budget for part-time code enforcement. He commented on the process and time it took to fill the position, and he advised that discussion has occurred since, including budget discussions with the Board, and there was not a strong interest in making enforcement of the sign ordinance an immediate priority.

Supervisor Cann thanked everyone for coming and commented on his thoughts and changes that have occurred over the last twenty years. He noted the sign construction materials have changed, and he felt that the Board needed to hear from the businesses and consider the issues. Supervisor Bibby stated she feels that there needs to be consistency and buy-in from the community, and that we do not want "sign wars." Supervisor Turpin referred to issues in the North County – they are rural and businesses need to have an opportunity to let people know where they are and off-site signs are important. Supervisor commented on the technological changes that have occurred in signage and advertising.

Input from the public was provided by the following:

Tolley Gorham stated he does not feel that we will make everyone happy; and he noted that when you travel down Highway 140 that CHP will not stop you until you go a few miles over the speed limit – he feels that people will try to determine at what point sign enforcement will take place. He noted that we have a number of signs that people feel are grandfathered and he feels that the standards need to apply to everyone equally and be enforced.

Pramod "Paul" Patel, Best Western Yosemite Way Station, commented on the importance of tourism to the County. He noted that most of their business is from out of the country and that Best Western has a standard sign that the tourists look for. He advised that they were forced to comply with the sign ordinance and he has problems with the tourists seeing his sign, and he asked why they are the only hotel without a lighted sign. He feels that enforcement should be uniform. He responded to questions from the Board relative to the percentage of their rooms that are pre-reserved and relative to their standard signs and the size and lighting.

Vickie Lorenzi, River Rock Inn and Deli, referred to Mr. Patel's comments and stated she has had many people come to her business looking for the hotel – the tourist do get lost. She noted that the ordinance was written in 1991, and that existing staff was not here at that time, she referred to a Mariposa County book written by Leroy Radanovich with a 1941 photograph of her building and asked if she is grandfathered. Chair Allen noted that there is no "grandfather" clause in this ordinance. Vickie continued with saying that she feels the times have changed, she feels her sign is colorful, and she feels that there needs to be a review and lots of discussion on this ordinance and consideration given to the side street businesses.

Kris Casto stated she feels that this is all about the message reflecting our historical and rural community, that we are open and unique and diversified. She feels the signs need to be visible to capture the one million people who come through town versus what was decided in 1991. She does not feel that twenty-one days for temporary signs is enough and suggested a sixty-day maximum. She feels that new businesses

should have more latitude. She referred to event banners and noted that everyone is trying to raise funds for non-profits and she feels that should be considered. She referred to flags and stated she feels that we need more and bright ones all over town – it will make it look happy. She referred to a photograph from the 1900's that Leroy Radanovich had, and noted that it was inundated with flags. She is not in favor of vehicle signs, expressed concern with the vehicle with signs parking in front of other businesses. She feels operational signs should be allowed and spell checked. She feels that community advertising signs should be looked at differently. She does not feel that quasi religious/political signs say that we are a rural community and they should be addressed under the billboard signs. She feels there is a nice wayfinding sign at the 49'er shopping center. She feels the directional signs let people get together and they should not be included in the square footage limit. She feels that the signs should reflect the size and scale of the business – she does not feel that there should be a little sign on a big building and vice versa.

Dieter Dubberke stated he has been here since 1978, and he has seen many changes in the sign issues; and he referred to the following – there used to be a martini glass above the old Gold Coin sign, and now we have a gym where there used to be a huge neon sign. He referred to the business signs shown in the staff report and stated he feels he is in compliance with the Texaco sign, but wants to make sure. Each time he has changed a business, he has complied with the sign ordinance. He feels that the business people are complying with the government, but the issue is that signs are a lifeline to a businessman. He feels the County sign/bill board directs tourists to stay. He noticed that when the economy is down, more signs are up, and that helps to bring in revenue to the County. He proposed letting this go for two to three years and having discussions with businesses on an individual basis to get compliance – he noted that he is in the process of redoing Pioneer Market and he feels that they could reach agreement with the Planning staff on signs. He referred to the declining student enrollment and feels that we are declining in population; and he expressed concern with the impact enforcement of the sign ordinance would have on the businesses. He feels we need to consider what is happening here today. He agreed with the previous comment of taking the size of the building/business into consideration.

Marcia Perez stated she feels it is sad if we have to get rid of all of the old signs such as the Sugar Pine. She wishes the old Frost Shop sign was still there – she feels that this is the charm of an old town. She referred to the staff report and photographs of signs asked what kind of sign would be approved for the Pioneer Market. She does not feel that we can expect everyone to do the same thing. She feels the community board by the Grizzly Gas station is a good sign and should be updated. She referred to the directional signs in Merced and suggested that something like that be done here. She does not know the answers for the side street businesses, but feels that needs to be considered. She has been here for eleven years and wants the town to stay like it is, with some clean-up of the signs. She agrees with not wanting signs all over the street, and she advised that CalTrans told her that she could not have her “open” sign on the sidewalk and she moved it – she asked if this will lead to prohibiting benches in front of their business.

Susan Posey, Sugar Pine Restaurant, stated she would be interested in having grandfathered signs, and she feels that there are other old signs that would be nice to have stay. She feels the community sign by the Grizzly Gas station is good; and she suggested that festivals be advertised on the sign versus individual businesses. She stated she is not sure whether there is a requirement for people who own a building to let their renters know about the sign requirements. She feels that signage on poles for side street businesses work well.

Ruth Sellers, Commissioner on the Historic Sites and Records Preservation Commission, complimented the people who have changed or brought their business signs into compliance with the regulations. She thought it was the sandwich boards that

raised the sign ordinance compliance issue; and the Commission suggested that wayfinding signs be used. She noted that CalTrans required everyone to remove everything on the sidewalks a few years ago, and she feels we will get to that point again. She feels that we should try to get the businesses that are a problem to take care of the problem.

Marilyn Saunders referred to the staff recommended amendments to the ordinance, and she stated the term “grandfathered” is scary to her; and she suggested that the Board request staff to look at categorization for signs; i.e., old historical signs. She agrees that sandwich boards need to be addressed and she feels they should be prohibited.

Ron Iudice referred to a photo lab business he started in 1991 – he feels the sign ordinance rules were clear and that since then every business has been given the same rules. He feels that new businesses that follow the rules are being put at a disadvantage by the non-compliant businesses. He feels that people get their original sign approved and then start adding to it. He noted that the landlords are required to sign-off on signs for tenants. He does not feel that the vehicle signs should be allowed, and he noted they take valuable parking spaces and are disrespectful of their neighbors. He feels there are a few exceptions that should be considered, i.e., the sign at the County line, the billboard community sign, and the modern materials issues. He suggested that a citizen committee be formed to assist the County in identifying the offenders and working to bring them into compliance. He feels that we should look at kiosk signs and merchants should be able to help with the costs. He feels that we need to get the visitors out of their cars and onto the sidewalks and we need adequate public parking. He feels that the sign ordinance should be enforced, with a few exceptions, and that we should put the least amount of burden on the Planning staff; and that it should be kept simple and cost effective.

Lou Richardson provided input relative to their experience with a sign they installed for the Lake Don Pedro Community Services District (LDP CSD) – the sign was purchased and installed in 2006 at a cost of over \$10,000, then they received a Notice of Violation and removed the sign. He feels there was some confusion about whether they were called a “local agency” by the Government Code. They have a large area and this sign was purchased to provide community service information such as notification of meetings and emergencies, etc. He is hoping that there is some way to allow for this type of sign. He noted that it is similar to one in Tuolumne County. He also noted that there are a number of non-conforming signs in the same area.

7:36 p.m. Recess

7:47 p.m. The Board reconvened and continued with input from the public.

Gary Walker asked if there will be a link on the web for the staff presentation, and was advised that there will be. He further advised that he is serving as an interpreter for Paul Patel as English is not his first language and he felt that people may not have been able to understand him. He reiterated Paul’s previous input that some businesses are not being treated the same as others with internally lit signs.

Candy O’Donel-Browne stated she is not a business owner. She commented on vehicles that she followed today that turned without signaling because she feels that they didn’t have appropriate signage to tell them where to turn ahead of time – she feels that is a safety issue. She feels the beauty of the sign matters a lot. She referred to a study that was done that showed the size of letters that were needed for travelers to see the signs at various distances and speeds; and she hopes this study will be reviewed. She noted that maybe all of the signs should not be the same size.

Donna Brownell stated she would be okay with vehicle signs if the vehicles are parked on the right side of the street. She asked how the Grizzly Stadium signs will be

enforced; and she noted that with the possibility of a discovery center at the intersection of Highways 49 and 140, that should warrant consideration in this matter. She feels that all businesses should have the same flavor and standards and be enforced consistently, or there is no law. She feels there should be some consideration for those who have tried to comply, and she likes the idea of a citizens' review committee – but it should not be a small group that is aligned. She feels that this is more about Mariposa as a destination and protecting the rural character, and not just the ten blocks in downtown.

Tony Radanovich commented on the historic district and the sign ordinance, and he stated he feels that there needs to be enforcement and updating. He stated he hopes the Board will look into getting a Certified Local Government status as he feels that it will open up opportunities for grant applications and funding. He noted the benefits of the State Historical Preservation Office with having an open door and support with education. He feels that the issue of signs and having to conform becomes less of an issue because we will have healthy vibrant businesses. He expressed concern that we could lose our historical designation if standards are not adhered to.

Jim Dulcich stated he feels the sign ordinance has flaws and needs to be repaired versus starting over. He stated he feels that we need to bring the private sector/business people that are being affected together to work on this as a committee. He does not feel the ordinance is addressing the community sign at the old Chevron gas station – he feels that this sign is historic and helpful, and the same with the Chamber of Commerce sign at the County line. He referred to the mural on the side of the Pizza Factory building and asked whether it would be interpreted as a sign; if so, an exception needs to be made as it covers a sore side of the building that used to be blank.

Larry Vilott asked if this sign ordinance was modeled from another ordinance as he does not feel that it fits this community. He feels there may be other models that may be more parallel with Mariposa, and he suggested Weaverville as an example. He referred to the signage on the Main Street in Disneyland as a goal we might set. He feels that we should use old photographs and artifacts as reference for setting standards. He noted that modern materials can mimic natural materials and would be better and last longer, and that should be considered. He agreed with forming a committee.

Gail Spilos expressed concern with not grandfathering signs – she noted that people feel that what they purchase is what will be allowed to continue to exist. She referred to the bears at the Grizzly Gas station or the example of a big coffee cup out of wood and noted that someone could make a case that they are advertising and that they are signs.

Tolley Gorham referred to the vehicle signage issue and noted that as a real estate broker, his business is advertised on the side of his vehicle. He noted that Golden State Cellular has a couple of vehicles that are wrapped in signage. He referred to the Jeep with the coffee business sign on the window and stated he feels that we need to be careful about vehicle sign regulations. He feels that the maximum size for signs is too small when considering businesses like the Comfort Inn, Best Western, and Pioneer Market and their huge buildings. He expressed concern that the signs have to be smaller if lit and that both sides are counted.

Shirley (didn't give her last name) stated she and her husband moved here eight years ago. She loves this town and does not want to see everything exactly the same. She feels that the size of the sign should be dependent on the size of the building.

Staff responded to questions that were raised:

Sarah Williams, Deputy Planning Director, referred to the comment that no one was around in 1991, and advised that she was here but did not participate in this project; and she is not sure that it matters. She does not know where the standards came from, and the question before the Board is whether the standards are appropriate for today. She referred to the photograph that was shown during staff's presentation

with the Texaco sign and advised that the sign issue is with a billboard sign on Highway 140 – the Texaco sign is in compliance. She confirmed that staff would place a link on their website to the presentation and to their written report. She referred to the definition relative to the issue raised of whether both sides of a sign are counted in the allowed size. She advised that the property owner is required to sign the application, or a letter authorizing the applicant to act as an agent, for signs. An answer relative to making a determination on banners on rooftops will depend on the direction that is given. She responded to the issue relative to the amortization period and advised that after May 2006, the signs were no longer protected under the grandfather provision.

Discussion was held relative to the suggestion of forming a committee. Steve Dahlem, County Counsel, responded to a question from the Board as to the status of the ordinance, amnesty period and enforcement process in the interim if a committee is formed and more review is given – he advised that if the Board considers changes that are going to be more restrictive, it may want to look at an amortization period and he can look at bringing back an item for the Board to hold enforcement in abeyance pending the final outcome of these discussions. Staff responded to questions from the Board relative to reviewing previous enforcement actions and advised that we need to go forward.

Supervisor Cann noted that there was almost no public input in 1990/91 when the sign ordinance was adopted; and he agrees that it needs to be reviewed and that there needs to be action on issues such as the wayfinding signs and the issue of the sandwich board signs almost goes away. He feels the issue of internal lit signs should be reviewed, along with the types of materials. He also feels that the concept of perspective and tying the size of signs to the buildings should be given some thought. The issue of the sidewalks will remain until dealt with, and he feels that we need to work with CalTrans to bring them into ADA compliance and take them over. He noted that the off-site signage was not discussed very much tonight, but it is an issue; along with non-business oriented signs for community use; and he feels the County line billboard sign and the community sign at the Grizzly Gas station should be maintained. He referred to the suggestion for forming a citizen committee – he feels that the ordinance needs to be updated and consideration given to the input that was received and stated he would be happy to work on this.

Supervisor Turpin stated he feels off-site signs are a necessity, but we need to make sure that intersections are not covered with signs. He referred to the sign issue at LDP CSD and stated he feels there needs to be discussion relative to community information signage. He feels we can use this ordinance as a foundation and modify it.

Supervisor Bibby asked whether the County controls the Grizzly Stadium sign as it is on School property. She questioned how vehicle signs would be controlled when you take into account the gas trucks and UPS vehicles, etc., and she asked that County Counsel review this issue. She asked how off-site signs would be enforced, as well as temporary signs that are taken down and put back up. Sarah Williams responded that staff can research the issue of whether signs can be regulated on vehicles; and she noted that the concern they are hearing is that the vehicles with signs are parked for a long time – so it may be a Vehicle Code issue. She advised that they do not have the ability to apply the regulations to State or Federal property, but they can research the signs at the school if the Board directs. Supervisor Bibby commented on encroachment permit requirements; and advised that they will bring back a recommendation of the Mariposa Town Task Force relative to the style and design of the wayfinding signs.

Supervisor Allen asked about the holding the enforcement of the sign ordinance in abeyance and what the timeframe would be. County Counsel responded that would be the Board's decision.

Supervisor Stetson commented on the staff recommended amendments and stated he agrees with looking at the issues that have been raised.

Supervisor Allen initiated discussion relative to the suggestion of forming a committee. Supervisor Cann commented on the Town Task Force's work on the sign issues for the town area and suggested they be involved, but that the committee not be established tonight. He feels we need to give staff direction to hold the ordinance in abeyance – that staff go by the ordinance for new business requests, but that the ordinance not be enforced for existing signs. Supervisor Cann stated he feels we should move forward with the kiosk signs, and that the Grizzly Stadium sign is a good point of something that wasn't anticipated when the ordinance was written. He feels we need to have an enforcement official as the current management of this is causing neighbors to fight with each other. Discussion was held relative to processing an amendment to the ordinance to allow for signage such as the sign at the County line.

Discussion was held relative to taking time to review the issues and the input. Chair Allen asked that Supervisors Bibby and Cann meet with the town merchants that they have been meeting with and bring the matter back to the Board in 30 to 45 days with recommendations and alternatives, as they initiated bringing this matter to the Board for this workshop. Supervisor Bibby noted that this is a countywide issue and there needs to be input from the other areas as well. The Board concurred with continuing this matter as suggested, with direction that enforcement of the ordinance be held in abeyance in the interim.

Supervisor Cann asked about the status of the sign at the County line. County Counsel responded that direction could be given to Planning staff to bring back a zoning ordinance amendment. Discussion was held relative to expediting this process.

Supervisor Bibby asked for clarification of holding enforcement in abeyance. County Counsel responded that while it is important to enforce the ordinances, that under these circumstances the Board can direct staff on what to focus on.

Kris Schenk advised that staff will identify resources and a work program to bring back to the Board. Supervisor Bibby noted that she feels the General Plan and Specific Plans will need to be reviewed to identify any issues with this matter. She asked that Board members provide any suggestions they may have to staff to help with the process.

Consent Agenda

- CA-101 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-95

- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-96

- CA-103 **Administration**
 Approve a One Year Memorandum of Understanding (MOU) with the Mariposa County Managerial and Confidential Organization (MCMCO) Effective November 1, 2010 and Authorize the Board of Supervisors Chair to Sign the MOU; Authorize the Auditor to Transfer Appropriations to each Affected Budget Unit in Order to Implement Provisions of the MOU; Item was withdrawn
- CA-104 **Administration**
 Approve an Amendment to the Job Description for the Victim/Witness Services Supervisor; Res. 11-97
- CA-105 **Human Services**
 Approve the First Amendment to the Infant/Child Enrichment Services (ICES) Agreement for FY 2010-2011 for Child Care Services for Parents Transitioning from Welfare to Work in an Amount Not to Exceed of \$123,321, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-98
- CA-106 **Human Services**
 Authorize the Human Services Department to Collect Fees for Live Scan. (Inkless Electronic Automated Finger Printing) and to Charge a \$10.00 Fee for the Service; Item was continued to come back with more information.
- CA-107 **Public Works**
 Approve the Plans and Specifications for Bidding Purposes for Main Street (Coulterville) and Indian Peak Road, Project No. 06-21, Consisting of 1.42 Miles in Mariposa County Funded Under SAFETEA-LU; Approve and Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder, Authorize the Public Works Director to Sign the Agreement; Res. 11-99
- CA-108 **Public Works**
 Approve an Agreement with Fujii Civil Engineering in the Not to Exceed Amount of \$18,360 to Assist with Solid Waste and Household Hazardous Waste Engineering, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-100
- CA-109 **Community Services**
 Appoint Niarja Marchand, District V Commissioner of the Mariposa Commission on Aging, to the Area 12 Agency on Aging Advisory Council for a Term Expiring March 22, 2014

8:55 p.m. Adjournment in memory of James Lee Evans and Dan Abell.

Respectfully submitted,

MARGIE WILLIAMS
 Clerk of the Board

JIM ALLEN
 Chair, Board of Supervisors