



MARIPOSA COUNTY

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<http://www.mariposacounty.org/>



LEE STETSON, CHAIR
KEVIN CANN, VICE-CHAIR
MERLIN JONES
JANET BIBBY
JOHN CARRIER

DISTRICT I
DISTRICT IV
DISTRICT II
DISTRICT III
DISTRICT V

MINUTES

October 1, 2013

A. Call to Order and Roll Call

9:04 AM Chair Stetson called the meeting to order at the Mariposa County Government Center.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:04 AM
Merlin Jones	District II Supervisor	Present	9:04 AM
Janet Bibby	District III Supervisor	Present	9:04 AM
Kevin Cann	District IV Supervisor	Present	9:04 AM
John Carrier	District V Supervisor	Present	9:04 AM

B. Pledge of Allegiance

Supervisor Cann led the Pledge, followed by a moment of reflection for those defending this County.

C. Introductions

Jill Harry/Sierra Foothill Charter School Board Chair introduced Alfonso Garagarza, the new Principal/Superintendent of the school. Mr. Garagarza discussed the welcome that he and his family have enjoyed. Noting the Habitat for Humanity delegation in the audience, he also discussed his volunteer experiences with the organization. Supervisor Bibby extended a welcome to Mr. Garagarza. Supervisor Jones commended them on the work in setting up the school.

D. Approval of Consent Agenda (Items designated by "CA")

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

Public comment opened.

Ruth Catalan asked to pull CA5 for discussion, noting that she objects to spending this money the way that it is cited.

Public comment closed.

Supervisor Cann responded that this Board only pays \$30,000 of the Contract in CA5, and Tourism pays the balance. Supervisor Bibby noted that she also wanted to discuss CA5. Chair Stetson pulled CA5 from Consent.

Supervisors Bibby and Cann required clarification regarding CA6. Rick Benson/County Administrative Officer responded.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2013-417

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2013-418

Resolution Continuing Local Emergency Due to the Wild Land Fire Known as the Carstens Fire

CA3. Administration RES-2013-419

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA4. Administration RES-2013-420

Appoint John Lawless as Interim Human Services Director Effective October 15, 2013

5. CA5 was pulled and moved to Items removed from Consent Agenda

CA6. Administration RES-2013-421

Approve the First Amendment to the Contract for Services with the Mariposa County Chamber of Commerce for the Operation of the Mariposa and Coulterville Visitors' Centers Extending the Term of the Agreement to October 31, 2013, and Increasing the Not to Exceed Amount to \$161,000; and Authorize the Board of Supervisors Chair to Sign the Amendment

CA7. County Counsel RES-2013-422

Authorize County Counsel to Retain Wanger, Jones, Helsley PC, and Authorize the Board of Supervisors Chair to Sign a Professional Service Agreement to Represent the County of Mariposa in the Case of Richard Long V. Mariposa County Public Works Department

CA8. Health RES-2013-423

Approve a Grant Agreement with Mountain Valley Emergency Medical Services (EMS) Agency, for \$7,931 to Accept Authority and Responsibility as the Local EMS Agency for Mariposa County for Fiscal Year 2013-2014, and Authorize the County Health Officer to Sign the Agreement

CA9. Human Services RES-2013-424

Approve the Allocation of an Eligibility Worker I/II Limited Term to Backfill for a Promotion in the Social Services Budget, with a Term to Begin October 1, 2013 and Expire on June 30, 2014

CA10. Human Services 2013-110

Reappoint Ruth Catalan to the Mariposa County Mental Health Advisory Board for a Term Expiring October 1, 2016

CA11. Human Services 2013-111

Appoint Jennifer Gamble to the Mental Health Advisory Board for a Term Expiring on October 1, 2016

CA12. Human Services/Social Services RES-2013-425

Approve Recruitment and Hiring of a Legal Secretary I/II (Legal Clerk) in the Social Services Budget Effective Immediately

CA13. Human Services/Social Services RES-2013-426

Designate the Human Services Department to Administer Child Abuse Prevention, Intervention and Treatment (CAPIT), Community Based Child Abuse Prevention (CBCAP) and Preserving Safe and Stable Families (PSSF) Funds, and Authorize the Board of Supervisors Chair to Sign the Notice of Intent for Funding Assurances for the Period of April 30, 2013 to March 26, 2014

CA14. Probation RES-2013-427

Authorize the Probation Department to Retain Vehicle PD-9

CA15. Treasurer-Tax Collector-County Clerk RES-2013-428

Approve an Agreement with Tyco Integrated Security, in the Amount of \$7129 for the Installation and Annual Maintenance of Security Cameras in the Treasurer - Tax Collector - County Clerk's Office and Hall of Records Entrances, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA16. Treasurer-Tax Collector-County Clerk RES-2013-429

Approve an Agreement with Archie's Storage in the Amount of \$125/mo + \$25.00 Deposit + \$5.00 Fee as Set Forth in the Agreement For Secure Storage Facilities Capable of Storing the Election Department Electronic Voting Machines, and Authorize the Board of Supervisors Chair to Sign the Agreement

E. Items removed from Consent Agenda

A. Administration RES-2013-430

Approve an Agreement with the Economic Development Corporation of Mariposa to Secure Consulting Services to be Provided by the Townsend

Group, and Authorize the Board of Supervisors Chair to Sign the Agreement

Rick Benson noted that this agreement is with the Economic Development Corporation of Mariposa and Mariposa County to provide funding for the Townsend Group. He noted that the Board approved \$30,000 for this during budget hearings; remarked that this mirrors last year's agreement; and noted that the money has been allocated.

Supervisor Bibby commented that \$30,000 is a lot of money; stressed the importance of getting reports back; and noted that this is a formality as the contract was approved at budget.

Supervisor Cann discussed costs for, and results received from, other consultants when he first came in to office; noted that we hear back regularly from Townsend; clarified that it is \$5,000 per month and not \$7,500; and noted that tourism pays the other half of the year.

Public comment opened.

Marcele Price inquired if there is a public report that breaks down what the money is being spent on and what is received in return. Supervisor Bibby responded. Ms. Price noted that she's not concerned with who did what; but, rather, what was done. Supervisor Bibby responded noting various projects.

CAO made note of the gentleman checking the sound system. He also responded that what we are actually contracting for is spelled out on page 16 of the agenda packet.

Supervisor Cann noted that the EDC wants to make a report; discussed the projects that would not have happened without Townsend, especially noting the \$850,000 sidewalk project; discussed the lobbying to get the bill through to take a "no take" species in order to allow the repair of the Ferguson Slide; and noted that Townsend also monitors legislation and alerts us on a bill by bill basis.

Supervisor Carrier suggested posting any such report that we may receive on the website.

No other public comment.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

F. Board Recognitions

1. Board of Supervisors 2013-112

Proclaim October 1st - 7th, 2013, as "Habitat Awareness Week" and October 7th, 2013, as "World Habitat Day" (Al Johnson, and Beth Tomsick)

No public comment.

Supervisor Cann commented on the contributions that the local Habitat for Humanity has made to the community, and thanked them for the countless hours that they have put in.

Supervisor Bibby extended her thanks, noting that this has been a real grassroots effort.

Chair Stetson presented the Proclamation to Beth Tomsick, Al Johnson and the Habitat for Humanity delegation.

Al Johnson thanked the Board for the recognition; advised that on November 9th at 10:00 AM they will be dedicating their second house; and noted they are now looking for another piece of land. Beth invited the Board to next week's Dining Out campaign and passed out flyers.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

G. Minutes Approval

1. Tuesday, September 24, 2013

No public or Board comment.

Action was taken to accept the Minutes as presented.

Bibby (M); Jones (S); Passed Unanimously.

H. Departmental Presentation

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

Doug Binnewies/Mariposa County Sheriff reported on the receipt, and use, of a grant for DUI education for our youth. He noted that: the event, which was titled "Real DUI Court," was hosted last Friday at the Mariposa County High School; Judge Dana Walton from the Mariposa County Superior Court, the Mariposa County School District and High School, the Mariposa Area CHP, Mariposa County District Attorney's Office, and the Mariposa Sheriff's Office participated in the event; two DUI defendants were sentenced for their crimes in front of the entire High School population. He also noted that he considers this a success and thanked the Board for their support. Sheriff Binnewies also reported that, in addition to the presentation, the grant provided Mariposa Safe Families with approximately \$4,000. Supervisor Stetson expressed his thanks to the Sheriff for the presentation. Supervisor Cann discussed feedback that he received from one of the Defense Attorneys who thought there was a very positive impact. Supervisor Bibby extended her compliments, noting that the Sheriff's Office and our local CHP are very involved with our youth.

Peter Rei/Public Works Director announced that Mike Ziegenfuss has been promoted to the position of Roads Superintendent, a position previously filled by Randy McAndrews who retired. Supervisor Bibby extended her compliments on the selection, noting that Mr. Ziegenfuss has always been very responsive. Supervisor Stetson complimented Mr. Rei on the meeting with Yosemite West last week; noting that he very much appreciated Mr. Rei's guidance and input.

I. Public Comment on Non-Agenda Items

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

Meghan Kehoe/Victim Witness Coordinator announced that they are partnering with Mountain Crisis Services for multiple events in October for Domestic Violence Awareness Month, with the first event being a candle vigil on October 7th from 6:00 -7:00 PM outside in the courtyard by the Victims of Crime tree. She also noted that: there will be multiple days of the Clothesline Project, a

project where shirts can be created; and they will be partnering with the Sheriff's and Probation Departments to place purple ribbons on the back of their patrol vehicles.

Kathy McCorry/Chamber of Commerce Executive Director noted that: there are no Park Rangers as of today due to the shutdown of the Federal Government; guests in Yosemite National Park have been given 48 hours to leave; press releases have gone out from the Tourism Bureau and they are giving out the Chamber's 800 number; the Chamber provided a list of things to see and do in Mariposa County to the Tourism Bureau; and they will be working to continue to place visitors in lodging.

Wendy Brown-Barry discussed a Mariposa Mountain Riders Poker Ride this last weekend, and extended thanks to that organization as well as the Circle 9 Ranch for the event.

Mary Bass/CASA Board reminded everyone that the Fiesta Fundraiser is this Saturday at 6:00 PM at the Fairgrounds.

1. **Clerk of the Board of Supervisors (ID # 2895)**

Handouts from the Public Comment Portion of the October 1, 2013 Meeting

RESULT: INFORMATION RECEIVED

J. Board Information

Supervisor Bibby thanked Supervisor Jones for providing transportation the other day to the Community Action Agency Meeting in San Andreas, noting that they are looking to fill two private sector positions and discussed the Mother Lode Job Training Workforce Investment Board. Supervisor Bibby advised that she will be missing the Mental Health Governing Board Meeting on October 3rd, as she has to attend the Department Head mandatory training; but advised that she will be attending the Fire Chief's Meeting on October 7th with Supervisor Jones.

Supervisor Carrier reported that he attended: the Yosemite Mariposa Regional Water Council meeting last Wednesday; the County's Commission on Aging meeting on Wednesday; the Yosemite West Maintenance District meeting on Thursday with Supervisor Stetson; the ribbon cutting at Grace Note Chimes with Supervisor Jones on Friday; CoyoteFest in Coulterville on Saturday; and a meeting with Human Services personnel yesterday. Supervisor Carrier advised that he will be attending the Area 12 on Aging meeting on Wednesday, and the County EMS meeting later that day, if he gets back in time. He also discussed the shutdown of the Federal Government noting that if this goes on it could have a huge impact on the County; urged citizens to contact their representatives; and suggested that the County needs to be proactive and look at Declaring a State of Emergency.

Supervisor Jones noted that all branches of the government need to learn to work together as a shutdown is going to hurt everyone. Supervisor Jones reported on a discussion with the CSD and MID this last weekend, noting that Lake Don Pedro (LDP) subdivision gets all of its water from Lake McClure, but, that the Federal Government has ordered higher water levels, and more released; and if there is no water it will be bad for LDP. He also advised: that on October 6th there will be a tri-tip dinner in Coulterville for the Beautification Program with tickets available for \$20 each which includes dinner and a live band; and on October 20th he will be hosting an Art Show in his home. Supervisor Jones reported attending: a meeting with CAL FIRE on the 25th regarding a wood shortage for the elderly in District 2, noting that they set up a program so there will be plenty of wood for this

year and next; a Solid Waste Meeting on the 26th, noting that they are still working on acquiring the baler and acquiring the property for the test wells; an EDC meeting at 12 PM, noting that he thinks there is misconception regarding what the EDC does; a meeting with Pete Judy/Chief Probation Officer at his facility; a meeting with Building and Planning about the use of Yurts for rentals, noting that people need to go through the process if they are going to use them; the ribbon cutting at Grace Note Chimes; a meeting with the Building Department noting how easy they are to work with; the CoyoteFest in Coulterville on the 28th, noting that he spent a lot of time in the dunk tank; and the CMCAA Board meeting with Supervisor Bibby yesterday in San Andreas. Supervisor Jones advised that he will be attending a meeting with Supervisor Stetson and the Building Department today.

Supervisor Cann commented on the shutdown of the Federal Government, noting that he has now experienced it from both sides and it is just as ugly from every viewpoint. He noted that our local businesses are the hardest hit during these things; discussed that he sent our Congressman an email yesterday noting that the impacts will persist even if they are only shut down for a couple of days; and discussed that the fall is the time of highest foreign visitation. Supervisor Cann reported: attending the annual conference of the Rural Counties last week and discussed same; attending a meeting of the downtown Parking District yesterday, noting that there was a positive outcome and some direction on formalizing the Parking District; and spending six hours with the Hospital Board of Directors interviewing candidates for Hospital CEO yesterday. Supervisor Cann advised: that he will be attending a meeting of the Western Region of the National Association of Counties on Thursday and Friday; that he has the Flea Market, the Contractor's Expo, Oktoberfest, the CASA Fundraiser, and about four other events scheduled for this weekend; and that he will be meeting with the Human Services management team on Monday.

Supervisor Stetson reported: attending the meeting on Thursday regarding Yosemite West with Supervisor Carrier and Peter Rei; and meeting with Human Services staff and Supervisor Carrier on Monday. He advised that he will be: meeting with Building and Supervisor Jones today; and attending a meeting of the Midpines Advisory Council tonight.

Supervisor Bibby announced that Sunday is the Hornitos Patrons Club Flea Market, noting that it starts as soon as the sun comes up.

Supervisor Cann announced that at the RCRC meeting, the basket from Mariposa County sold for \$650; and that the total auction proceeds of \$8300 go to the County of the Chair, and will be administered through the Mariposa Community Foundation.

Supervisor Stetson reminded everyone that all essential services are still available in the Park.

10:28 AM Recessed for break.

10:44 AM The Board reconvened.

K. Regular Agenda Items

1. Citizen Submittal (ID # 2837)

Discussion and Possible Direction Regarding a Letter Concerning the Yellow-legged Frog and Yosemite Toad (Wendy Brown and Evie Wilson)

CAO noted that this item is a Citizen Submittal and introduced Wendy Brown and Evie Wilson who read prepared statements.

Supervisor Bibby commented on RS2477, noting that Mariposa County once investigated it. She also thanked Ms. Brown and Ms. Wilson for all of the work they have done; commented on the conclusion portion of the submitted letter; and discussed an email she received.

Public comment opened.

Darrell Tucker recounted his time working for the US Department of Agriculture; noted that he watched the people who did these studies, and discussed his observations of same; noted potential effects from the Federal Government shutdown; commented that he feels that this is another type of land grabbing; and urged that Mariposa County send off a letter in opposition to the Fish and Wildlife proposal.

Ronika Johnson encouraged the Board to consider the economic impact that this designation will have on the County.

Evie Wilson discussed RS2477, noting that she believes it is the counties who decide which roads to designate which means that they can limit the designation to public roads.

Public Comment Closed.

Supervisor Cann thanked Ms. Brown and Ms. Wilson for bringing forward this item. He also noted that he would like to wait for the Socioeconomic Analysis before making a response. He discussed the unusual course this issue has taken; noted that he does not take exception to any of the research presented today; and discussed possible options to incorporate in the submitted letter. He also noted that once the Socioeconomic report is released, there will have to be a 45 day comment period.

Supervisor Bibby noted the RCRC letter, and discussed ways to endorse it; and noted that Fish and Wildlife needs to do more community outreach on this issue since not everyone has computers and internet.

Supervisor Jones recounted his experience in Bridgeport with the discovery of gill nets in a lake because of the Yellow-Legged Frog.

Supervisor Stetson noted that he would like to see the idea of a letter come back to the Board after the Socioeconomic Analysis; discussed his understanding that a designation would not affect private land; and noted that he would like any letter that comes back before the Board to be very specific.

Public comment reopened.

Darrell Tucker inquired about the timeline for the Socioeconomic Analysis Report; feels we need to draft a letter to say that we do not appreciate, and cannot afford, this in our County; urged that we draft a letter saying that this County objects to the proposal and doesn't find the scientific proof sufficient.

Wendy Brown noted that private property owners have been affected by the spotted owl listing.

Evie Wilson noted that the Industrial Economics Report on the spotted owl is online; that it mainly addressed logging; and she doesn't feel that this report will be favorable.

Mary Darlene Theodore noted that in 2005 there was an Omnibus Wilderness Bill; discussed the opposition of the citizens and the Board at that time; noted that the legislation was ultimately pulled; and urged that the Board do something today with what has been presented.

Ronika Johnson discussed reasons for decline of the frogs and toads.

Ruth Catalan commented that she hopes that Board members are not acting on their own individual personal opinions, and are checking with their constituents

to find out what they want done on issues.

Jeff Lincoln discussed potential impacts to various districts should yellow-legged frogs be found there.

Public comment closed.

Supervisor Cann: clarified that the Socioeconomic Analysis would require a 45 day comment period; noted that comments submitted today have neither more nor less impact as comments submitted the day before the deadline; noted that the Board, as a contributing agency, can submit comments after the deadline which have to be considered; noted that it does impact private land once a species is listed and discussed various scenarios; noted that he can't personally verify the science in this letter but he is willing to endorse it, and the same holds true for the RCRC letter. Supervisor Cann also noted: that he feels it is critical that the Board make a statement on the Socioeconomic Analysis Report when it comes out, and feels it could be addressed separately; that he feels it is important that this get to Fish and Wildlife; and discussed some language that he feels the Board should not state.

Supervisor Bibby urged that the Board direct the CAO to write a letter worded in a fashion that all five can sign; discussed some language for the letter; and urged getting on the record now. She also recounted: that the contractors for the Midpines Fire Station had to go through frog training; and competing hydrologist's reports on a past development.

Supervisor Jones extended his thanks to Ms. Brown and Ms. Wilson for the work and preparation in this item; noted that he thinks we need to protect our rights from the beginning; and would like to see the CAO draft a letter.

Supervisor Stetson noted that he has no objection to the first three sentences of the conclusion in the submitted letter, or the last few, but does not agree with the parts in between as he feels that it is often declaring something is clear, when he doesn't find it to be so. He suggested that he would be content with the letter if they used the material in the first three sentences of the conclusion, then jump to the third sentence in the second paragraph which begins, "The implementation of the proposed rule should be delayed..."

Supervisor Bibby inquired if Supervisor Stetson would be agreeable to attaching the submitted letter to the Board's letter if Ms. Brown and Ms. Wilson print it on their own letterhead, and sign it as coming from them. Supervisor Stetson responded that he would not want any confusion. Supervisor Bibby inquired about attaching the RCRC letter. Supervisor Stetson responded that since he doesn't have it with him, he would have to review it again before he would make a consideration. Supervisor Stetson noted that the CAO could bring this back. Supervisor Bibby encouraged the presenters to submit their letter independent of the Board.

CAO noted that he has sufficient direction to proceed.

RESULT: DIRECTION GIVEN

2. Administration RES-2013-431

Approve Department Head Severance Policy

Rick Benson made the staff presentation noting that: this item came before the Board last week and was continued to this week to allow extra time for comment; there have been no public comments received; he has nothing new to add to last week's presentation; and he is still recommending approval of this policy. He also recounted that the development of this policy was at the Board's request; noted that there are many disincentives to recruiting people for department head positions within Mariposa County; and noted that he feels that having a clearly defined severance policy would be helpful, especially entering into two difficult,

future recruitments.

Public comment opened.

Ronika Johnson spoke in opposition of the item. Ms. Johnson thanked the Board for continuing the matter from last week; requested that the Board again delay taking action; remarked that it is time to revise hiring practices and employment standards; and urged a review of the entire county employment package, with the incorporation of incentives for employees to promote from within.

Ruth Catalan spoke in opposition, noting that: there is generally a reason for letting someone go; she doesn't like the idea of rewarding someone who has been asked to leave with three months of severance pay; and she is in agreement with the past speaker regarding the need to revisit things.

Darrell Tucker spoke in opposition, noting that: we are in hard times; we have no idea where our government and economy is going; and he feels it is a bad move to give severance pay to people we have let go.

Ruth Sellers spoke in opposition, noting that: she feels that they would be using taxpayer dollars to reward people that the Board feels can no longer do the job; and she has no problem with two weeks of severance pay.

Public comment closed.

Supervisor Bibby noted that she received one response from one department head; discussed that those comments were about the feedback process; noted that the Board wants feedback; and stressed that every Tuesday is to take public comment and community input on issues.

Supervisor Bibby spoke in opposition, noting that: good pay and good benefits are what people seek; she feels that this will give incentives for people to come into the area; people were given the opportunity to say when they were leaving in the past; she would like to leave things as they are; and this policy is written to allow the Board the flexibility to still do what it wants to do so, even if adopted, they will be doing what the individual circumstances merit. Supervisor Bibby also noted that: she keeps concluding that this policy could be abused by someone who willfully did a poor job, and she does not want to reward bad behavior; she thinks that department heads should trust that the Board is not going to terminate someone simply because it is not a good fit, or for a personality conflict; this doesn't address the funding for same; and she would like to see the policies remain as is.

Supervisor Cann remarked that these are all valid perceptions and positions; noted that the reality is sometimes a little different, and gave examples of past poor fits; reminded of a recent Department Head who moved up from within, and who would not have done so without a severance package; noted that the chances of using this policy should be very slim as there is, essentially, an informal one year probation period and that a department head could be removed within the first year of employment without this policy applying; and noted that the Board has seen in our recruitments that this is a major issue when we are trying to entice people to these positions, whether from within or without, because they know that Board members change and it only takes three votes to remove them.

Supervisor Jones discussed that he is a big advocate of hiring from within, but remarked that the problem here is that the Department Head is an at-will employee and it only takes three votes to remove him from his/her position; noted that unions protect the other employees; noted that to recruit people, they need to know that they have some kind of security; discussed liability issues in some instances; discussed the Fire Chief job noting that no one is going to leave a secure position, such as one with Cal Fire, to pursue a less secure position; noted his support of this policy; and noted that he feels this would be used very infrequently.

Supervisor Bibby noted that: there is nothing in this policy that would, necessarily, cause a change to what is currently being done; if three Board members were disliking someone, they could still give that person notice and let them work a certain amount of time; usually there have been certain circumstances and she can honestly say that she doesn't believe that Mariposa County has ever let someone go for no reason; the three months are not going to mean anything to someone moving up from a number two position to a department head position; she doesn't want to send the message that the Board is guaranteeing someone three months regardless of the reason for them leaving; and she would like the Board to carefully weigh this policy.

Supervisor Cann noted that this item is before the Board because they had told the CAO that they did not want to do contracts. Supervisor Bibby responded that she: doesn't think the Board will get away from contracts; doesn't see anything in here that says that Mariposa County will not offer a contract; and would reconsider supporting the policy if a clause was added that said contracts will not be offered.

Supervisor Stetson noted his support of this item.

Supervisor Cann moved the item, noting that: the Board requested this policy from the CAO after concluding that they needed it and that they didn't want to do contracts; he feels that it would tie the Board's hands to add a prohibition against contracts; he thinks there are a lot of protections in here; he does not think they will ever have to use it; and he feels this is a recruitment benefit as people will not leave jobs without a certain amount of security.

Supervisor Jones seconded commenting that, in talking to the department heads, he has found that one of the biggest problems in recruiting from within is not giving some type of guarantee, because the employees are not going to want to take the step if they lose their longevity and their guarantees.

Supervisor Bibby commented that it was her understanding that we were going to get away from doing unique contracts, but feels that such a practice will continue as the language of this policy does not prevent that, fix anything, or replace anything.

RESULT: ADOPTED [3 TO 2]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann

NAYS: Janet Bibby, John Carrier

L. Closed Session

1. County Counsel (ID # 2827)

Closed Session: Conference with Legal Counsel; Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (C) of Government Code Section 54956.9; Number of Cases to be Discussed: 1

No public comment.

This closed session was held at 12:18 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

M. Report Out

12:21 PM Chair Stetson reported that Information was Received and Direction was Given on closed session item L.1.

N. Adjournment

12:22 PM The meeting was adjourned in memory of Margaret "Peggy" Donkersley, and L.D. McRee.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

LEE STETSON
Chair, Board of Supervisors



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MINUTES

October 8, 2013

A. Call to Order and Roll Call

9:03 AM The meeting was called to order at the Mariposa County Government Center.

Attendee Name	Title	Status	Arrived
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Merlin Jones	District II Supervisor	Present	9:03 AM
Janet Bibby	District III Supervisor	Present	9:03 AM
Kevin Cann	District IV Supervisor	Present	9:03 AM
John Carrier	District V Supervisor	Present	9:03 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Carrier, followed by a moment of silence for those who defend our County.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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

No public comment.

Supervisor Carrier required clarification of a discrepancy in language in CA4 regarding a take home vehicle. Peter Rei/Public Works Director responded.

Regarding CA7, Supervisor Carrier inquired as to the difference between a frontier

community versus a rural community; required clarification of a statistic noting physical versus mental disabilities; and inquired if the video to be played at the dinner can be posted on the website. Supervisor Bibby required clarification regarding event pay rates; discussed input from a previous event and recommended going to the different community halls for outreach in the future; and inquired as to who will be driving the vans and who covers the liability. James Rydingsword/Human Services Director responded to all concerns. Supervisor Cann agreed that there would be a better impact if this could be spread broadly among the communities, and suggested engaging local groups like Rotary.

Supervisor Bibby inquired if CA5 will impact the Mental Health pay back in any way; or if it is money that could be applied towards the pay back. Mr. Rydingsword responded. Supervisor Bibby recommended withdrawing the item today until those questions can be answered.

Supervisor Bibby inquired if the money in CA8 is received up front or is reimbursed, and if it is the latter, as to whether it is a rapid reimbursement. Supervisor Cann inquired as to the level that the Drug Courts are funded; and discussed reimbursement lags. Mr. Rydingsword responded to all concerns, and expounded on the reimbursement process. Supervisor Bibby discussed her worries regarding adding new programs, and suggested revisiting them in the future to see if they still provide benefit. Mr. Rydingsword discussed program realignment, and the Affordable Care Act.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2013-433

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2013-434

Resolution Continuing Local Emergency Due to the Wild Land Fire Known as the Carstens Fire

CA3. Administration RES-2013-435

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA4. Administration RES-2013-436

Approve the Assignment of County Vehicles and Take-Home Vehicles

5. CA5 was Separated from the Consent Agenda

CA6. Human Services RES-2013-438

Approve Revisions to the Grant from Blue Shield of California Foundation per the Grantor's request and Approve the Budget Action Transferring Appropriations Within the Blue Shield Foundation Fund to Account for the Revisions to (\$47,500)

CA7. Human Services RES-2013-439

Accept the California Mental Health Services Authority (CalMHSA) Mini Grant for Mental Health Stigma Reduction Activities and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve the Budget Action Increasing Revenue and Appropriations in the Behavioral Health Budget (\$8,000) to Accommodate the Grant and Increasing Revenue and Appropriations in the Human Services Administration Budget for Overhead Costs Associated With the Grant (\$1,200) 4/5ths Vote Required

CA8. Human Services/Behavioral Health & Recovery Services RES-2013-440

Approve Acceptance of the "Grants to Expand Substance Abuse Treatment Capacity in Adult, Juvenile and Family Drug Courts" (RFA No. TI-13-005) in the Not to Exceed Amount of \$716,848 Over a 3 Year Period, from the Federal Department of Health Services-Substance Abuse and Mental Health Services Administration (SAMHSA); Authorize the Human Services Director to Sign the Request for Funds and other Reporting Documents as Required; and Approve Budget Actions Increasing Revenue and Appropriations in the Alcohol & Drug Budget (\$65,817) and Transferring Appropriations in the Realignment - Mental Health Fund (\$65,817) 4/5ths Vote Required

CA9. Public Works RES-2013-441

Approve an Agreement with Talley Oil, Inc. To Chip Seal Broncho Hollow Estates Zone of Benefit (Z94-03) in the Not-to-Exceed Amount of \$55,027, and Authorize the Public Works Director to Sign the Agreement

CA10. Treasurer-Tax Collector-County Clerk RES-2013-442

Approve a Resolution Appointing Four Persons to the Mariposa Public Utility District Board of Directors and Three Persons to the Yosemite Alpine Community Services District Board of Directors, Pursuant to Elections Code Section 10515 (a)

11. CA11 was moved to Items removed from Consent Agenda

CA12. Human Resources/Risk Management RES-2013-443

Approve an Amendment to the Human Services Director Class Specification; Authorize a Recruitment and the Filling of the Position Effective October 15, 2013

Consideration of CA5

Human Services RES-2013-437

Increase the Allocation of a 0.50 Permanent Part-Time (PPT) Mental Health Assistant I in the Behavioral Health Budget to Full Time Effective Immediately and Approve Budget Action Increasing Revenue and Appropriations in the Behavioral Health Budget, the Social Services Budget, and Transferring Appropriations in the 2011 Realignment Fund

(\$29,046) to Allow for the Increase in Position Allocation 4/5ths Vote Required

Supervisor Bibby moved to postpone this item (CA5) for one week in order to allow time for additional information; Supervisor Carrier seconded the Motion. Supervisor Cann inquired as to what additional information was needed. Supervisor Bibby responded that she would like to see how it is impacting the realignment fund, and would like to know if these funds can be used to pay back the amount that is due to the Mental Health Act. Discussion ensued between Supervisors Bibby and Cann relative to funding. Mr. Rydingsword directed the Board's attention to agenda packet page 22 which notes that the funding is from CAPIT, a special Child Welfare Services Fund that is being used to pay for this; that it is not money that can be used to pay back the Mental Health Services Act; and it is not money that is coming from the Mental Health Services Act.

Supervisor Bibby withdrew her motion to continue the item; Supervisor Carrier withdrew his second.

Supervisor Cann moved that the item be approved as presented; Seconded by Supervisor Bibby; Passed unanimously.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

E. Board Recognitions

1. Farm Advisor 2013-113

Proclaim the Week of October 6-12, 2013, as "National 4-H Week"

Public Comment Opened.

Donna Wice/4-H Youth Development Program Coordinator noted that this is the 100th year of 4-H in California; invited the Board to 4-H Achievement Night at the New Life Christian Fellowship on October 27th starting at 3:00 PM; reported that this past year they had 160 youth members and 57 volunteer leaders, and that they are now taking enrollments for the new year through November 1st; and advised that they have two new clubs: one in town and one in Hornitos.

Supervisor Bibby requested additional information on the 100 year celebration of 4-H. Ms. Wice responded. Supervisor Jones thanked Ms. Wice for the job that she has done, discussed the character building that comes from involvement in 4-H, and discussed the importance of the local Fair to 4-H and FFA. Supervisor Cann also expressed his thanks to Ms. Wice and the 4-H program.

Ruth Catalan commended Ms. Wice for her dedication and the amount of work that she puts in on this program.

Public Comment Closed.

Chair Stetson presented the Proclamation to Donna Wice.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Board of Supervisors RES-2013-432

Resolution and Tile Plaque Recognizing James (Jim) Rydingsword, for his Service to Mariposa County as Human Services Director (Chair Stetson)

Public Comment Opened.

Ruth Catalan remarked that she disapproves of this recognition.

Public Comment Closed.

Supervisor Cann extended his thanks to Mr. Rydingsword noting that the Board gave him specific instructions when he was hired, and that he has accomplished all that he was tasked with. Supervisors Bibby and Stetson extended thanks and appreciation to Mr. Rydingsword for all that he has done. Rick Benson/County Administrative Officer also thanked Mr. Rydingsword, and discussed his dedication to the community.

Chair Stetson presented the Resolution and Tile Plaque to Mr. Rydingsword.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Break

9:55 AM Recessed for Break.

10:08 AM The Board Reconvened.

F. Minutes Approval**1. Tuesday, October 01, 2013**

No public or Board comment.

The Minutes of October 1, 2013 were accepted as presented.

Jones (M); Bibby (S); Passed unanimously.

G. Departmental Presentation

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

None.

H. Public Comment on Non-Agenda Items

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

Kathy McCorry announced that Sierratel is having their annual Meet and Greet tonight from 5:30 PM to 7:00 PM. She also gave the Visitor Center statistics for September, noting that the year-to-date totals through September 30th have exceeded last year's total visitation.

Wendy Brown-Barry thanked the Board for agreeing last week to write a letter regarding the yellow-legged frog and Yosemite toad, noting that November 18th is the deadline for comments. She also discussed Fish and Wildlife transparency and began reading letters regarding the same. Ms. Brown-Barry's speaking time elapsed. Evie Wilson continued reading Ms. Brown-Barry's letter; and synopsised another letter from November 11, 2012 on the same issue. She also noted that she

is personally glad to see that the Board is taking this seriously, and spoke in opposition to setting aside lands for same.

Ronika Johnson thanked the Board for their consideration in writing this letter, noted that the deadline is November 18th, and urged that it be completed next week.

1. **Clerk of the Board of Supervisors (ID # 2928)**

Handouts from the Public Comment Portion of the October 8, 2013 Meeting

RESULT: INFORMATION RECEIVED

I. Board Information

Supervisor Bibby reported attending the Harassment/Uncomfortable Workplace training last week. She also advised that she will be attending: a Fire station meeting on October 10th; the Farm Bureau Dinner on October 12th; and the Firefighter picnic on October 13th.

Supervisor Carrier reported attending: the Area 12 Board meeting in San Andreas last Thursday; and the Planning Commission meeting on Friday.

Supervisor Jones referred to CA11 and noted that the mills are, basically, all full right now. Supervisor Jones reported attending: two meetings, with two different people in fire departments; the Harassment Training on October 3rd; the October 6th fundraiser in Coulterville noting that they raised about \$25,000, and extended thanks to Parks and Rec and the Chamber for their help; a meeting with Jim Rydingsword on October 7th; and a meeting last night with Supervisor Bibby and some volunteer firemen about their concerns and needs. He also reminded everyone that he will be hosting an Art Show in his home on October 20th.

Supervisor Cann reported that he: attended the NACo Western Interstate Region conference last Wednesday through Friday, noting that the most pressing issue is the crippling impact of the Endangered Species Act; and participated, as a panelist, in the interviews for the Hospital CEO and noted the high quality of the candidates. He also announced that the RCRC has gathered \$8600 which will be coming to Mariposa County and administered through the Mariposa Community Foundation; and extended congratulations to all of the community organizations that are having events. Supervisor Cann advised: of the upcoming volunteer firefighter appreciation barbeque this Sunday; and that he will be participating in a prep call on broadband on Monday at 10:00 AM, and invited Supervisor Bibby to join.

Supervisor Stetson reported: attending the Midpines Advisory Board meeting last Tuesday, and discussed the online forums; and consulting with Dick Whittington regarding YARTS service, which is continuing as far as El Portal. He advised that he will be meeting with Brian Foucht and Gary Francisco this week; that tonight's meeting in El Portal has been cancelled due to the Park closure; and that the Gateway Meeting on Thursday has been cancelled for the same reason. Supervisor Stetson also discussed that he went to the Eastside through the Park, which is still possible, and noted Superintendent Don Neubacher was manning the gate at the Arch Rock entrance.

J. Regular Agenda Items

1. **Public Works (ID # 2830)**

Waive First Reading of an Ordinance Amending Chapter 10.08.031 of the Mariposa County Code Pursuant to Camping and Overnight Parking

The staff presentation was made by Peter Rei who noted a modification of language adding "private vehicles" to who may park overnight.

County Counsel clarified that the proposed language should read: "It shall be unlawful to camp or park any unauthorized private vehicle..."

Public comment opened.

A woman who identified herself as Hillary noted that she works at the Prospectors Brewery and hopes that people who drink responsibly and get a ride home are not penalized for leaving vehicles overnight. Mr. Rei responded that he believes that this would be enforced by complaint, so he would not expect that circumstance to be a problem.

Public comment closed.

Supervisor Cann noted that the agenda item speaks of county owned lots, the top of the ordinance speaks of county managed lots, and the body of the ordinance speaks of county owned again. He noted that he believes the Parking District would want this to apply but is uncomfortable speaking on their behalf without consultation and requested that the matter be tabled for a week or two pending some feedback from the Parking District. Mr. Rei indicated that staff is agreeable to such a delay.

Supervisor Bibby inquired if the CHP and Sheriff's Office agree with the wording. Agreement was indicated from the audience by Becky Hagen/CHP Lieutenant Commander and Doug Binnewies/Mariposa County Sheriff.

Chair Stetson noted that direction has been given to bring this item back.

RESULT: TABLED Next: 11/5/2013 9:00 AM

2. Public Works ORD-2013-1099**Waive First Reading and Introduce an Ordinance Amending Chapter 10.08.020 - Stopping, Parking or Standing Prohibited**

The staff presentation was given by Peter Rei.

Supervisor Bibby discussed the need for the ordinance.

No public comment.

RESULT: INTRODUCED [UNANIMOUS] Next: 10/15/2013 9:00 AM

MOVER: Janet Bibby, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

3. Public Works RES-2013-444**Approve the Installation of a Stop Sign Southbound on Seventh Street at Bullion Street**

The staff presentation was given by Peter Rei.

Public comment opened.

Lt. Becky Hagen reported that the CHP has been receiving complaints from citizens regarding speed and other problems in this area for quite a while, and noted that the terrain is not conducive to pulling people over in such a way that does not add to the congestion.

Supervisor Carrier inquired if it should be a 4 way stop, instead of a 3 way.

Mr. Rei responded that he was seeking to change it incrementally, but noted that they can do it either way.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

4. Public Works RES-2013-445

Rescind Layoff of Associate Civil Engineer; Reallocate this Position to the Surveyor/Engineering Budget Effective October 1, 2013; Reinstate the Incumbent's Sick Leave and Vacation Balances to October 1, 2013; Approve Budget Action Increasing Revenue and Appropriations in the Surveyor/Engineering Budget, Reducing Revenue and Appropriations in the Road Fund, and Decreasing Appropriations in the Facilities Maintenance and Interfund Transfers Budgets to Provide Funding for the Position (\$67,327) 4/5ths Vote Required

The staff presentation was given by Peter Rei.

No public comment.

Supervisor Bibby required clarification regarding a separated employee. Supervisor Jones inquired about the DRI grant and the Coulterville drainage project. Supervisor Carrier required clarification regarding the salary savings and other transfers; inquired if there will be enough revenue next year to fund this position; and inquired if any of the DRI consulting could be done in house. Mr. Rei responded to all concerns. Supervisor Bibby urged discussion with staff regarding funding issues.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

5. Treasurer-Tax Collector-County Clerk ORD-2013-1098

Waive the Second Reading and Adopt an Ordinance Amending the Cost Recovery Schedule for the Collection of Delinquent Secured Property Taxes

Rick Benson made the staff presentation.

No public comment.

Supervisor Bibby moved to waive the second reading, and adopt the ordinance; seconded by Supervisor Jones. The Clerk of the Board read the ordinance name and number into the record. The motion passed unanimously.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

6. Board of Supervisors (ID # 2826)

Select the California State Association of Counties (CSAC) Director and Alternate for 2014

Supervisor Bibby nominated Supervisor Carrier; Supervisor Cann seconded.

The Board voted unanimously to name Supervisor Carrier as the CSAC Director for 2014, with the remainder of the Board members named as alternates.

RESULT: DIRECTION GIVEN**7. Board of Supervisors (ID # 2852)****Consider the Reorganization or Elimination of the Airport Advisory Committee**

Supervisor Jones presented the item; noted that he fully supports the Airport; discussed the cost that the County bears for the committee to meet once per month; and recommended that scheduling of the Airport Advisory Committee (AAC) meeting be at the discretion of the Board of Supervisors or Public Works.

Public comment opened.

Doug Balmain/Former District II Supervisor expressed concern regarding the airport, noting that he thinks the airport has made some slow progress in the last twenty years; discussed the airport's drawing points; remarked that he is saddened that the contractor resigned; commented that he feels that the AAC has been working outside of their by-laws, noting that they are not there to manage, harass or agitate; and noted that cost savings to the County is a legitimate concern.

Rob Binder/AAC member noted that the Board is free to eliminate, reorganize or replace any or all members of the AAC; noted that such action won't change the challenges facing the airport, and discussed same. He urged that the AAC can help; commented that he feels that a plan to make the airport self-sufficient would be a good idea; would like to know what the Board's position/expectations are regarding the airport; and noted that guidance and input from the Board would be useful.

Brad Aborn noted that the airport is small but feels it has potential, especially in conjunction with Yosemite National Park; feels that the AAC is doing a fine job; noted that he feels that coordination with the Board of Supervisors has been missing; discussed the fixed base operations (FBOs); remarked that he feels that we should look at the County taking the operation back; and thinks we can smooth out the operations.

Ronika Johnson questioned why a volunteer citizen board is being discouraged, and questioned the cost to the County; feels that their input is more important than ever; and suggested that they consider meeting quarterly or every couple of months if monthly meetings are too much.

George Clover/AAC member noted that he has been on this committee for a year and a half; he feels that there is a distinct disconnect between what the County goals should be for the airport, as he sees them, and what is actually being done; remarked that he feels that commercial operations are what will make money for the airport, not the FBO; noted that he thinks that one mechanic onsite, without a commercial lease in place, doesn't encourage other operations that could be developed there; remarked that you can't give the airport back to the FAA; and inquired as to who will advocate for the airport if the AAC is disbanded.

Kevin Darcy/AAC member noted that this County revolves around tourism, the National Park, and public services, and remarked that he feels the airport is an important part of that; noted that the airport has to stay open; noted that he feels that we need to make the most of it, which requires advocates; and urged that keeping the AAC working on it is the best way to get the most out of the airport.

Joe Coho/member of the AAC and the Mt. Bullion Town Planning Advisory Ad Hoc Committee, as well as a resident of Mt. Bullion, noted that he has served on the AAC for over ten years; remarked that he feels it is an important function to liaise between the AAC and the community; noted that he sees the committee as a forum where the public can bring concerns for their investigation; noted that they worked on the Airport Master Plan, as well as the Airport Layout Plan which allowed the receipt of FAA funds; discussed the functions of the AAC; noted their work to find a suitable FBO; remarked that he feels it is important for the AAC to meet on a regular basis to allow the general public a forum to voice concerns; and noted that it is within the power of the Board to remove any member that they feel is detrimental to the AAC and urged consideration of that option. Mr. Coho also discussed his experiences with Peter Rei noting that Mr. Rei has responded to them with more sincerity and respect than any other director. Mr. Coho also discussed what he expects from the AAC members, urging that the AAC shorten the amount of time that Mr. Rei and his staff have to be at meetings by moving any questions that have to do with him to the front of their agenda, so that he can handle those with whatever staff Mr. Rei feels is appropriate, and that they work for the rest of the time on other issues that don't require staff; and that they try to meet regularly, but appropriately.

Bob Puglizevich from Mt. Bullion thinks that it is probably more advisable to keep the AAC working and visible with all of the changes that are happening.

Ruth Catalan noted that she is in support of the AAC; commented that she serves on the Mental Health Advisory Board and the Solid Waste Task Committee, and discussed the meeting schedules for those and other committees; noted that she feels that it is essential to keep the AAC going at this point in time; and agreed with Joe Coho that staff time could be better scheduled and utilized.

Public comment closed.

Supervisor Bibby encouraged the Board to keep the AAC; discussed past issues where the AAC was helpful; noted that a lot of committees don't require staff; suggested that the volunteers could be put in charge of agendizing, recording, and record keeping of meetings; noted that the AAC has been used by Planning for Land Use issues; and suggested that, if it is a cost issue, they could scale it back to quarterly meetings.

Supervisor Jones read an email from Mary Bass in favor of disbanding the AAC. He also noted that he does not want to disband the AAC; that public input is always encouraged; remarked that he thinks that the AAC has been stepping over their bounds this past year; and noted that the cost he gave is only the cost of time spent during the meetings and is not cost for time spent before, during, or after projects. Supervisor Jones also spoke against criteria requiring a business plan and financial documents, and looking at airport profitability. He also discussed that he feels that the AAC has not stuck to their guidelines which has made it tough on Public Works; that nothing has come from the AAC for the Board to vote on in the last two years; and reiterated that he is not recommending disbanding the committee, but is recommending that meetings be called at the discretion of Public Works.

Supervisor Carrier inquired when the Airport Master Plan will be updated; what that will entail; and whether Public Works is still seeking an FBO. Mr. Rei responded to all concerns, noting that there is no formal schedule of when an update to the Airport Master Plan will be brought forward. Supervisor Carrier discussed his experiences with committees, noting that most meet on an as-needed basis and he suggested not disbanding the AAC, but to schedule meetings quarterly or as-needed. He also discussed the specs of the current runway and what it can sustain, and what would be needed to increase services; discussed that his

expectation for the airport is for it to pay for itself; discussed fees and revenues that are currently available to the airport; and noted that there is no infrastructure at the airport to attract businesses, and no money to develop any infrastructure.

Supervisor Cann thanked Supervisors Carrier and Jones for the time they have spent with this committee. He also noted that he feels the airport is essential to have, at whatever level it needs to continue to exist there; discussed the role the airport has played in past emergencies; remarked that the question about the management plan is an appropriate one because the management plan in some ways allows, and in other ways constricts, the ability to have effective commercial services; feels that it is important that the airport continue at some level, and that there be a citizen advisory committee. He noted that they may not have to meet every month; noted that there are many functional committees that meet as-needed; noted that he feels that it is possible that the committee might be able to come up with an appropriate plan within their own group; and remarked that one solution might be for the committee to discuss and consider these issues and come back to this Board with their thoughts on what might be most effective.

Supervisor Stetson noted his agreement with much of what was said today; noted that many of the committees he deals with are as-needed and, consequently, the frequency of the meetings increases during times of high need; and agreed that there are many other ways to address all of these issues.

Supervisor Jones recommended that AAC meetings be at the discretion of Public Works since they will have a better idea of what is needed and when, as he doesn't feel that it is working now.

Supervisor Bibby noted that it is nice to have a set time for meetings, and inquired if the Board would consider quarterly meetings.

Peter Rei noted that from staff perspective, he likes the idea of having the AAC help to redefine their schedule; noted that it is accurate that in two years no item has been brought to the Board; feels that the AAC should start reporting to the Board; and agrees that quarterly meetings might be a good compromise.

Supervisor Bibby likes the idea of an annual, or other, report to the Board, as it would give the Board and public a chance to see what accomplishments and issues are being dealt with; and urged staff to take back the quarterly meeting recommendation.

Supervisor Cann thinks this has been an outstanding discussion; feels the committee structure that we have is a nice one; would ask this Board to let this go one more month, or so, but have the committee specifically discuss what has gone on here and come back to discuss with the Board how they can be more efficient. He also discussed two members who quit because of other committee members, and noted that this Board has a responsibility regarding the membership, but would like to hear back from the AAC before taking any action.

Supervisor Jones discussed feedback received from KMPI regarding the committee; noted that the AAC has to remember their limits and discussed how things are supposed to proceed; discussed the number of visitors he has seen attend the meetings; noted that he is amenable to the AAC coming back and presenting something if the Board so chooses, but that he cannot support monthly meetings at this time given the financial constraints.

Chair Stetson noted that direction seems to be to have the AAC meeting tomorrow and come back with a plan to rectify these issues.

RESULT: DIRECTION GIVEN

K. Items removed from Consent Agenda

A. Board of Supervisors RES-2013-446**Authorize the Chairman of the Board of Supervisors to Sign a Letter Supporting HR-3188 - The Yosemite Rim Fire Emergency Salvage Act**

Supervisor Bibby presented the item; remarked that she didn't pull it from consent and doesn't know the objections; urged the Board not to reject it outright but work to clarify it sufficiently so that the entire Board can support it; noted that the timber will be lost if not salvaged; and discussed the health of wilderness and forests.

No public comment.

Supervisor Stetson noted that he cannot support this.

Supervisor Cann discussed the potential amounts of timber that may be available, noting the approximate percentage of acreage where nothing is salvageable due to suffering a hard burn; and discussed that he feels that this bill is fatally flawed in that it, essentially, suspends the Constitution, any kind of judicial review, NEPA, and the Wilderness Act; noted that this Board strongly supported HR 1526 which deals very specifically with forest health in the future; discussed amounts of lumber harvested two years ago nationwide, and noted the number of mills throughout the country are about 1/10th what they were 20 years ago; noted that through this Western Interstate Region they have been very clear that the mill capacity doesn't exist; and noted that in Eastern Washington and Oregon they are hauling logs 300 miles to mills making implementing this bill a challenge. Supervisor Cann noted that he can support this to some degree in forest lands and BLM lands but cannot support it at all in National Park Service lands, especially Yosemite National Park; nor can he support any suspension of the Wilderness Act, judicial review, or the County's ability to provide input.

Supervisor Carrier noted that he doesn't interpret it as suspending everything; that it would still have to follow regulations enumerated in the 1994 US Code Title 16, under Conservation Chapter 1 National Parks, Military Parks, Monuments and Seashores, sub chapter 6 Sequoia and Yosemite National Parks, section 53 Cutting and Removing of Timber from which he read; and he commented that if the Secretary of the Interior is making a determination of which trees will be cut, then they won't be cutting in the wilderness.

Supervisor Cann noted that this bill specifically suspends the application of the Wilderness Act and orders the Secretary of the Interior to go and do the logging while, under the current law, the Wilderness Act prohibits doing that. Supervisor Cann reiterated that he can support this letter if the Board wants to apply it outside of Yosemite, but will not support it inside Yosemite.

Supervisor Stetson added that the bill does indicate that NEPA, and a variety of different laws would be ignored; has a provision stating: "notwithstanding any other provision of law" which he feels is a clear abuse of all processes; and noted that he finds this unacceptable.

Supervisor Bibby noted that the timber will be lost if it has to wait for reviews under current rules and regulations; expressed her consternation that rotting timber is part of the process when you consider families that have lost their jobs, and a logging industry turned upside down; remarked that you can't see the attractions in Yosemite National Park because of so much timber and debris on the ground; commented that we're going to end up losing the trees that we're trying to protect because they are sitting in there; remarked that there is going to be a problem if we don't get that dead timber out; noted that this is emergency driven legislation to expedite the removal before rot and winter sets in; commented that we have to depend on our representatives to watch and guide as she feels that they will

be monitoring it and will take corrective steps, if necessary; and urged the Board to give it a chance.

Supervisor Cann noted that they were logging 45 days after the Carstens Fire stopped, and are still; noted that the Forest Service, in particular, has the ability to move this forward; discussed that the job side of the issue is important; remarked that it is not clear that it is even possible to do what this bill wants; restated that he will support it outside of Yosemite; remarked that the burned area does not create a higher hazard, and stated that the science actually supports that it does just the opposite; discussed the behavior of the Rim Fire when it got into Yosemite where there have been more natural and prescribed burns; and, again, offered that he is amenable to this outside of Yosemite.

Supervisor Bibby commented that she doesn't agree that we manage fire, and remarked that if this fire had been put out rapidly we wouldn't have ended up with the results that we did; discussed her understanding of fire management; urged the Board to offer up an alternative motion if they don't like the current letter as she feels we need to, at least, let our legislators know what we'll consider; she discussed the forests in Yosemite; remarked that she feels that Yosemite National Park looks bad; and noted that she feels that YNP and BLM staff needs to be given the freedom and flexibility to do what they need to do to make the forests healthier and more productive.

Supervisor Stetson commented on the inadequacies of the bill.

Supervisor Jones discussed his perceptions regarding Forest Service management; remarked that he feels that the restrictions put on the logging industry have contributed to forest overgrowth and, consequently, these major fires; noted that there are few mills anymore; discussed how busy they are; and commented that it may be virtually impossible to get everything milled before rot sets in.

Supervisor Cann sought to correct the record by noting that two weeks ago the Assistant Forest Regional Director testified at the RCRC Meeting that the Rim Fire was never a managed fire, that it was a wild fire from its first hour, and was designated for full suppression; and that it took a while to get the thousands of people on that fire because of how spread out the national Interagency Fire Management Operation was with all of the fires going on. He also discussed the unprecedented lack of moisture; remarked that HR 1526, which the Board supported two weeks ago, is specifically designed to address forest health; noted that this item (HR 3188) doesn't have anything to do with forest health; and reiterated that he can only support this if the Board excludes Yosemite National Park.

Supervisor Stetson suggested another alternative might be to take no Board action, and just write individual letters.

Supervisor Carrier noted that fire doesn't care about boundaries; discussed different agency responses and philosophies during the first few days of the Rim Fire; remarked that the Pacific Trust is hauling logs out of land that will, ultimately, go to Yosemite; discussed possible uses for the burned timber; and noted that he supports this letter as written.

Supervisor Cann clarified that he fully supports the harvesting of the burned area, but does not support the suspension of the Wilderness Act, suspension of Judicial Review, or suspension of the County's ability to comment and have input on those actions

Supervisor Bibby moved to approve the letter as presented, with the added direction to attach a detailed Minute Order of these proceedings.

Bibby (M); Carrier (S); The Motion FAILED 2-3.

Ayes: BIBBY, CARRIER; Noes: STETSON, JONES, CANN.

Supervisor Bibby inquired if the Board had any alternate motions. Supervisor Stetson noted an alternative would be writing individual letters.

Supervisor Jones moved to approve the letter, amended to exclude Yosemite National Park.

Supervisor Bibby seconded the motion, noting that she does not necessarily agree with that but feels it is important to let our legislators know we're serious about timber harvesting.

Jones (M); Bibby (S); The Motion PASSED 4-1.

Ayes: JONES, BIBBY, CANN, CARRIER; Noes: STETSON.

RESULT: ADOPTED AS AMENDED [4 TO 1]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier

NAYS: Lee Stetson

L. 12:38 PM Lunch

M. 2:00 PM Reconvene

1. Public Hearing Regarding Yosemite West Maintenance District Fee Increase WAS CANCELLED

Request to Change Order of Consideration

Supervisor Bibby asked that the order of consideration for M.2 and M.3 on the agenda be reversed, as any action taken on the Yosemite Closure item may impact the Final Balancing Adjustments. Supervisor Cann concurred.

2. Administration (ID # 2897)

Discussion, direction and possible actions in response to the closure of Yosemite National Park

Rick Benson made the staff presentation. He discussed the loss of Transient Occupancy Taxes (T.O.T.) due to the closure of Yosemite National Park (YNP) and noted that if the Park is closed for the entire month of October the revenue loss to Mariposa County General Fund is expected to be between \$800,000 and \$1,000,000, with additional estimated revenue losses of \$500,000 in T.O.T. in November, and \$400,000 in T.O.T. in December should the YNP closure continue beyond this month. Mr. Benson: noted that his recommendation has changed since originally submitting this item; provided a printout of a modified proposal; discussed the recommendations and options; and advised that furloughs are not something that can just be ordered and noted that discussions will have to be had with the bargaining units, and requested that Staff be authorized to proceed with same. Mr. Benson recommended immediately laying off all extra help employees in

the Public Works Department and in the Library. He also noted that the nurses in the Health Department are extra help employees, as are the Court Bailiffs, but that those departments could not operate without those employees, and he requested direction from the Board to get with the HR Director and any affected departments to come up with a list of other extra help employees that could be laid off. Mr. Benson noted that extra help layoffs would effectively close our libraries, and would affect programs going on in Parks and Rec; requested approval for the Librarian to close and/or change hours based on her ability to schedule employees; recommended that department head salaries also be adjusted at the same percentage as the employees; recommended furloughs for all departments, including Human Services and Child Support Services; recommended that jail staff be exempted from furloughs; noted that the Sheriff has expressed other considerations regarding furloughs and recommended that the Board direct staff to meet with the Sheriff and the two Board representatives that cover law enforcement in order to come up with a joint recommendation regarding that department; and recommended that the Board review all other discretionary spending including community and cultural services. Mr. Benson noted that he is not recommending any furloughs for County employees if YNP opens by November 1st, and discussed furlough recommendations for subsequent months should YNP continue to stay closed.

Supervisor Cann thanked everyone for coming today, and for the emails; discussed how long he thinks the Federal Government will be shut down; feels that it is premature to take dramatic actions; noted that he does not agree with positions not funded from the General Fund being furloughed; remarked that he doesn't think we will know all of the exceptions until furloughs are actually undertaken; discussed the amount of T.O.T. revenue that is normally budgeted and realized; and urged calm.

Public comment Opened.

Barbara Baine noted her appreciation of the fact that the Board is considering these items; urged that the libraries be spared any cuts; and urged keeping the libraries open a few days.

Christine Bogusch works at the Landfill; noted that most of their money does not come from the T.O.T. but, rather, from the fees that users pay; and discussed her worry that they won't be able to complete all of their work in one day less.

Jonathan F. Turner/Retired English Teacher spoke on behalf of the Library; noted that he assumes that the Board has contacted their elected officials; discussed use of the Library by Veterans; recounted that his neighbor, who is a laid off Park worker, walks every day to the Library because he doesn't own a computer; and concluded that knowledge is not discretionary.

Andy Christiansen/SEIU Local 521 noted that he understands the problem before the Board, discussed that Mr. Benson noted in his presentation that the County wants to work with the Labor Partners and requested that the Board honor that.

Doug Binnewies/Mariposa County Sheriff discussed his concerns for Mariposa County Public Safety; urged that furloughing employees should be the last option as it will reduce public services; discussed that extra help employees also do important work; remarked that Tom Cooke, the Mariposa County District Attorney, stands firm with him in support of not cutting public safety; discussed employee deficits that the Sheriff's Office currently endures and requested no change to the Sheriff's Department; noted that no employee at the Sheriff's Office is non-essential; and urged no furloughs for the Sheriff's Office as being in the best interests of the citizens and visitors of Mariposa County.

Becky Hagen/CHP discussed past furloughs by the State of California; noted the 2008-2009 State furloughs, and discussed the hidden costs that were associated with those actions. Lt. Hagen noted that from a resident's perspective, it sometimes seems that the visitors are relied on, and catered to, to the detriment of the residents; noted that it is the residents who will suffer the loss of the County services, not the tourists; discussed that furloughs will further hurt our local economy as patronization of local businesses by county employees will decrease; urged the Board to consider the longer term costs; and urged investigation of solutions other than furloughs. Lt. Hagen provided the Board with a policy brief by UC Davis entitled, The High Cost of Furloughs.

Orlando Vigil/Retired CAL FIRE spoke about the use of the Libraries in Wawona, Yosemite Valley, and El Portal by Park Service employees and Delaware North employees to file job applications; noted the use by, and training of, senior citizens on the library computers.

Kathy McCorry/Executive Director of the Mariposa Chamber of Commerce and Visitor Centers read a statement in support of keeping the Visitor Centers open; noted that since February, the Chamber has placed over 3,000 people in local hotels, and if they are closed they will lose the opportunity to capture that revenue; and noted that many Chamber costs have already been paid for this month and if they close the Visitor Center they will only be saving about \$2,000 for the month of October.

Janet Chase-Williams/Mariposa County Librarian discussed that the Library has served 26 countries this year; noted that besides the 22 extra-help employees, who all have degrees and work as professional librarians, there are only three full time people and herself, so no extra help would mean that they would just have to close the doors; remarked that the outlying areas, the most rural and in need, would be without library service or internet; discussed programs that are currently in place that will have to be stopped; noted that they may default on their contract with the San Joaquin Valley Library System as there will be no one to collect books from the libraries to process back into the system, a job that volunteers cannot do because of the confidential nature of the borrower information; and urged that they not be completely cut off, but given enough so that they can open up a couple of days a week.

Jan Mennig noted that contingencies have to be considered, and that each situation has to be examined in its own context; noted that visitors go to the Visitor Center for information; discussed how the Visitor Centers are utilized in emergencies and noted that it is an important, continuing relationship which warrants keeping the them open.

Terri Selk/Executive Director of the Yosemite Mariposa Tourism Bureau urged keeping the Visitor Centers open; discussed the alternate activities in the area that are being marketed; discussed their online social media marketing activities including Facebook, Pinterest, Instagram and Twitter; discussed the initial success of the website redirect booking engine; noted that they expect to see visitors continue to travel to Mariposa County; and encouraged not closing the Visitor Centers.

Debbie Walton/Child Support Services Director noted that she is not in favor of furloughs for any County employees; reminded the Board that her employees are non-General Fund employees so nothing will be saved by their furloughs, noting that Human Services and Victim Witness also fall into that category; discussed her funding from the State which has remained constant since 2004; noted that she knows nine counties that have exempted non-General Fund employees from furloughs and that it caused no union issues; discussed that it could be detrimental to her department's funding because if they use less, they will receive

less next year; noted that it would impact collection of child support monies; noted that they also perform welfare recoupment so if they collect less, the General Fund will be receiving less; and urged the Board to give consideration to exempting her employees.

James Rydingsword noted that Human Services is also non-General Fund funding so the County will not gain a cent by curtailing their services; and noted that they have done an analysis of the original proposal and they would suffer an irretrievable loss of \$145,000 per month.

Miriam Costello spoke in support of the Visitor Centers.

Mary Ann Huff/John Muir Geotourism Center President urged continued funding for the Visitor Centers.

Codie Hart/Sheriff's Lieutenant noted that the jail is a 7 days a week, 24 hour operation; and noted that there are no non-essential employees in the department.

Wes Smith/Mariposa County Sheriff's Deputy thanked the Board for their service; noted that he is the President of the Deputy Sheriff's Association (DSA); noted that when the Board comes to them they will have some questions because this seems like a knee jerk reaction; discussed his understanding that T.O.T. is collected 45 days in advance; noted his disturbance by the closure of the Visitor Center because he has seen five buses with 600 tourists walking around town; discussed previous cuts by departments and noted that there isn't a single non-essential employee in Mariposa County because they have all already been eliminated; and noted that there is not one extra help employee in the Sheriff's Department that he could do his job without.

Peter Rei/Public Works Director discussed extra help, and noted that he understands if they are talking about General Fund Public Works, but that Solid Waste is a separate funding source which has a balance of over \$400,000 which would allow that department to weather the current financial issue; and noted his hope that they would not have to layoff extra help since the only person that they have who is capable of operating the bulldozer to bury trash is an extra help employee. Supervisor Bibby inquired if Mr. Rei has looked at the tipping fees. Mr. Rei responded. CAO offered that in a typical October, the County gets \$35,000 in tipping fees directly related to YNP.

Dr. Charles Mosher/County Health Officer noted that most of the nurses in the Health Department are extra help; and discussed that the flu clinics, immunization clinics, pre-employment examinations, vaccinations of public safety personnel, disease investigation and treatment for disease could not happen without them.

Victoria Imrie/Yosemite Zip Lines urged continued funding to the Visitor Center, noting that yesterday it helped over 160 visitors; and noting that cutting the Visitor Center is bad for small businesses like herself.

Helen Baumann/Director of the Northern Mariposa County History Center requested that the Board remember their Visitor Center; she also thanked the County for the CoyoteFest noting that every department went out of its way.

Mary Bass/President of the Mariposa County Chamber of Commerce and Visitor Centers urged that the Visitor Centers not be closed; and discussed all of the businesses and services that utilize those services.

Doug Shaw/Yosemite Bug Hostel spoke in favor of keeping the Visitor Centers opened; and noted that his business is down to 30% of their normal staff while their income is about 5% of normal.

Ronika Johnson noted that we need to be investing in our community because there is always a mudslide, fire, shutdown, or something; and she thanked the

Board for all of their efforts and consideration.

Kris Casto thanked the Board for their leadership; noted that the employees of the County are the glue and are the County's greatest asset; urged holding off on any action on the Visitor Center; urged keeping the Library open; and urged a second consideration of available funds.

Supervisor Stetson read a portion of an email from Ron and Liz Skelton urging no layoffs of employees, and use of reserves.

Public Comment Closed.

3:39 PM Recess for Break.

3:52 PM The Board reconvened.

CAO noted that there is a 4:00 PM Closed Session, and inquired as to the possibility of continuing the Closed Sessions. The Board concurred with continuing the Closed Sessions to next week.

CAO also reminded the Board that there is a process for tapping into the reserves, including declaring a fiscal emergency and working with the Auditor to withdraw any of those funds.

Supervisor Cann noted that there are many variables in all of this and requested a discussion as to what is the downside of being prepared to make these decisions on November 1st, when there is more information available; noted that he doesn't think we'll be able to lay off as many people as we think we can; believes the CAO and Department Heads should continue to assess ways to increase or save revenue and, potentially, cut expenditures; and feels it is premature to start making decisions today.

Supervisor Bibby noted that the employees have already taken the cuts to keep the discretionary funds whole over the years; noted that if you furlough them, the work is not going to stop; discussed the positions lost over the years; noted that she is fine with delaying this item a week or two; suggested that the County freeze the Townsend contract, the Renaissance, and Visitor Centers as of November 1st; check with Arts Council as to what they need; and noted that if you treat these employees any worse they're going to start working elsewhere.

Supervisor Carrier agreed with not acting hastily; noted that there are no longer any non-essential employees; noted the value of the extra-help employees far exceeds their salaries; and urged considering the CAO's proposal through November 1st while working with all of the groups to work through this problem. Supervisor Cann noted that every organization he has spoken with is willing to work with them.

CAO and County Counsel discussed scheduling a special October 29th meeting.

Supervisor Bibby noted that the Townsend Contract was just approved on Tuesday and inquired of CAO as to how that, and other payments, could be frozen pending a final outcome on this issue. CAO responded that he would need direction from the entire Board as to whether or not they would want him to put a hold on the Townsend agreement; and noted that he believes that check may have already been sent. County Counsel noted that there would also be a process based on the contractual relationship, and would require a formal action by the Board in order to terminate a contract. Supervisor Bibby requested that it be done. Supervisor Cann noted that many of these things are already in play and urged calm. Supervisor Jones agreed with Supervisor Cann; discussed the value of the County employees; and urged continued funding for both Visitor Centers.

Discussion ensued between Supervisors Stetson, Carrier, and Bibby regarding the Townsend, and other, agreements. Mary Hodson/Deputy County Administrative

Officer offered clarification that, to her knowledge, contracts have not yet been renewed for the Yosemite Tourism Bureau, the Arts Council, or Yosemite Renaissance; discussed that the Visitors Center just got extended for another month so no payments will be going out for November until that contract is either extended again or renewed; and noted that she wasn't sure if payments to Townsend were automatic or if the County is first invoiced, but there has been no invoice yet.

Supervisor Cann moved to schedule a Special Meeting for October 29th and advise the CAO and Department Heads to continue assessing ways to increase/save revenue and potentially cut expenditures; and that the CAO resubmit all of this for October 29th with what is known at that point.

Supervisor Carrier seconded, amending with a freeze of any payments to Townsend and cultural and community services during that timeframe also.

Chair Stetson noted that the amendment will need to be agreed to by the motion maker.

Supervisor Cann responded that he doesn't know how that will impact those organizations that are making payroll; agrees that a half a million dollar payment won't be going to the Tourism Bureau; and inquired as to how that amount is paid. Ms. Hodson reiterated that the contract with the Tourism Bureau has not been approved, so no payment can go out; noted that the contract to the State Mining and Mineral Museum has already been approved and those payments have already been processed for the month of October and may already have been released for the month of November as well; noted that nothing can be paid to the Visitors Center until that contract is renewed for November; and noted that the Yosemite Renaissance, the Arts Council, the Northern Mariposa County History Center, and the Tourism Bureau contracts have not yet been approved by the Board, so no payments can go out. CAO requested clarification of whether the Visitor Center has been paid for the month of October. Bill Davis/Auditor responded. Supervisor Bibby required clarification regarding the Townsend contract. Ms. Hodson responded.

County Counsel raised a procedural point, noting that the motion maker has not agreed to the second's amendment and, consequently, this discussion does not appear appropriate at this point until there is a motion and second on the floor that are in agreement.

Supervisor Stetson noted that he is uncertain if he is available October 29th.

Supervisor Cann asked Supervisor Carrier to restate his second. Supervisor Carrier noted that he was trying to make sure that the Board would not commit any funds in the next two weeks, but Ms. Hodson has allayed that fear so he was willing to second the motion as made, providing the date works for Supervisor Stetson.

4:22 PM Supervisor Stetson left the Chambers to make a phone call.

4:26 PM Supervisor Stetson returned and noted that he is available on October 29th.

Chair Stetson noted that there is a motion and second on the floor.

Supervisor Bibby reiterated her worry about the payment of the Townsend contract.

The vote was taken and the Motion passed 4-1; Nay: BIBBY.

CAO restated that his direction is to leave the Visitors Center and extra help alone for the moment; and inquired if, with the possibility of furloughs starting in late November, the Board wants him to start discussing this with the labor partners or should he just defer everything until the October 29th date.

Supervisor Jones noted that he would like to delay everything until then but

would like the Department Heads to keep it in their minds, and mull over ideas that might help.

CAO reminded the Board that if the Board does nothing, and the Park remains closed until November 1st, there will still be a \$200,000 deficit; and requested clarification that his only direction is to meet with department heads and have discussions on contingency plans. Chair Stetson noted the Board's concurrence.

RESULT: CONTINUED BY MOTION [4 TO 1] Next: 10/29/2013 9:00 AM

MOVER: Kevin Cann, District IV Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann, John Carrier

NAYS: Janet Bibby

3. Administration RES-2013-447

Approve a Resolution Adopting Balancing Adjustments to the Fiscal Year 2013-2014 Adopted Budget. 4/5ths Vote Required

Rick Benson gave the staff presentation, noting a net positive effect of \$314,000, \$214,000 of which is a roll over from last year. He also recounted the following three items which were deferred from the budget hearings: 1) \$26,000 to review the main County financial computer system; 2) A request for an additional \$12,000 to allow the Coulterville and Mariposa Visitors Center to continue to operate as in the past; and 3) A request for an additional \$3,000 funding to the Northern Mariposa County History Center and Museum. He also noted that he is strongly recommending number 1; not recommending number 2; and strongly recommending against number 3. Mr. Benson also noted that, if the Board decides to pay the \$26,000, there will be \$193,716 remaining of which he is recommending putting \$100,000 in the POB designation, and increasing the General Fund Contingency by the rest.

No public comment.

Supervisor Carrier made the motion to delay this until October 29th. Mr. Benson responded that the item cannot be delayed as the Board has a legal obligation to adopt a budget and to do so any later will not allow full processing of it in a timely manner. Bill Davis/Auditor clarified that the budget has to be in to the State by December 1st, and expounded on the processing that will first need to be accomplished. Supervisor Carrier signified his acceptance.

Public comment opened.

Sarah Zahn/Hotel Jeffery Owner urged not decreasing funding to the Northern Mariposa County History Center.

Mary Ann Huff noted a concern that there is some internal conflict regarding the contract, and requested clarification of the numbers that the CAO discussed. CAO responded that the contract is not up for consideration today, but is just the amount to be budgeted; and responded as to his computations.

Supervisor Carrier moved that item be accepted as presented; seconded by Supervisor Bibby.

Supervisor Jones discussed the amount for Coulterville.

Supervisor Bibby requested that the maker amend his motion so that the CAO bring contracts under \$10,000 to the Board during this budgetary crisis.

CAO discussed when he has authority to enter into contracts; discussed that

he never signs contracts when the money has not been appropriated; and noted that he can send a note to the Board every time he signs one if they wish. Supervisor Bibby noted her agreement with the latter.

Supervisor Jones noted that he would be willing to withdraw the \$3,000 for the History Center, but cannot see cutting Coulterville after the Rim Fire.

CAO noted that this is the budget item right now; and suggested that the Board can give him direction to negotiate so that the Contract that is brought back does not have any reductions in the Coulterville hours.

Supervisor Jones inquired if they could go back to the public. Chair Stetson noted that there was already a motion and second on the floor and a vote was called for. Chair Stetson announced that the motion failed as this item required a 4/5th vote.

Supervisor Cann discussed why the Tourism Bureau and Chamber are hired; and inquired as to why this requires a 4/5th vote. Ms. Hodson responded that the Board already adopted the budget and now needs to do balancing adjustments and move money between funds; but that the Auditor can do it as he sees fit if the Board doesn't want to. Supervisor Cann noted that he thinks any of these three deferred items seem to be out of line with the substance of the other issue this afternoon.

County Counsel interjected that under County Resolution 92-31, when a Supervisor abstains and the number of eligible votes is insufficient to decide the matter, the abstention is considered to have been voted with the majority. He further noted that under that same section, a Supervisor may change his/her vote any time prior to the next vote of the Board, so a No vote would be sufficient to defeat this item, while an abstention causes the matter to pass.

CAO clarified what would happen if the Board takes no action on these three items. Ms. Hodson noted that she would need direction as to where to put the funds. Supervisor Cann inquired as to the contract with the Chamber of Commerce. CAO responded.

Supervisor Cann's abstention stood, and the matter passed by virtue of Resolution 92-31.

RESULT: ADOPTED [3 TO 1]

MOVER: John Carrier, District V Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Lee Stetson, Janet Bibby, John Carrier

NAYS: Merlin Jones

ABSTAIN: Kevin Cann

N. Closed Session

Chair Stetson announced that the Board had previously taken action to table the Closed Sessions and bring them back next week.

1. Human Resources/Risk Management (ID # 2871)

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

RESULT: TABLED Next: 10/15/2013 9:00 AM

2. Human Resources/Risk Management (ID # 2874)

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

RESULT: TABLED Next: 10/15/2013 9:00 AM

3. Human Resources/Risk Management (ID # 2872)

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

RESULT: TABLED Next: 10/15/2013 9:00 AM

4. Human Resources/Risk Management (ID # 2873)

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

RESULT: TABLED Next: 10/15/2013 9:00 AM

O. Adjournment

5:09 PM Chair Stetson adjourned the meeting in memory of Charles A. Woessner.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

LEE STETSON
Chair, Board of Supervisors



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LEE STETSON, CHAIR
KEVIN CANN, VICE-CHAIR
MERLIN JONES
JANET BIBBY
JOHN CARRIER

DISTRICT I
DISTRICT IV
DISTRICT II
DISTRICT III
DISTRICT V

MINUTES

October 15, 2013

A. Call to Order and Roll Call

9:04 AM The meeting was called to order at the Mariposa County Government Center.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:04 AM
Merlin Jones	District II Supervisor	Present	9:04 AM
Janet Bibby	District III Supervisor	Present	9:04 AM
Kevin Cann	District IV Supervisor	Present	9:04 AM
John Carrier	District V Supervisor	Present	9:04 AM

B. Pledge of Allegiance

Supervisor Jones led the Pledge, followed by a moment of silence for those defending the County.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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

Chair Stetson noted that CA13 and CA14 should have been placed on the Regular Agenda, and pulled them from the Consent Agenda for later consideration.

No public comment.

Supervisor Bibby required clarification regarding CA9, and inquired whether this will impact the Mental Health pay back, or any other program. John Lawless/Interim Human Services Director responded. She also required clarification regarding potential General Fund impact of CA12. Pete Judy/Chief Probation Officer responded that there is no impact to the General Fund this year, or in succeeding years.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2013-448

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2013-449

Resolution Continuing Local Emergency Due to the Wild Land Fire Known as the Carstens Fire

CA3. Administration RES-2013-450

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA4. Administration RES-2013-451

Approve the Juvenile Defense Attorney Services Agreement with the Mariposa County Superior Court, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA5. Auditor RES-2013-452

Adopt a Resolution Establishing the Tax Rate of 1% of the Cash Value on the Secured Tax Roll for the 2013-14 Fiscal Year

CA6. Auditor RES-2013-453

Adopt a Resolution Establishing the Tax Rate of 0.027451 (2.7451 Cents Per \$100 Assessed Valuation) for the Bass Lake Elementary School District Bond in the Bass Lake Elementary/Yosemite High School Tax Rate Areas of Mariposa County

CA7. Auditor RES-2013-454

Adopt a Resolution Establishing the Tax Rate of 0.009103 (0.9103 Cents Per \$100 Assessed Valuation) for the Yosemite High School Bond in the Bass Lake Elementary/Yosemite High School Tax Rate Areas of Mariposa County

CA8. Health RES-2013-455

Approve the 2013-2014 Centers for Disease Control (CDC) Public Health Emergency Preparedness (PHEP), State General Fund (GF) Pandemic Influenza, Funding Allocation Agreement No. EPO 13-24, with the State of California Department of Public Health (\$169,434), and Authorize the Board of

Supervisors Chair to Sign an Agreement, and Other Documents to Secure Funding as Delineated Within the Agreement (Subject to County Counsel Review)

CA9. Human Services RES-2013-456

Authorize the Recruitment and Filling of an Eligibility Worker I/II Position in the Social Services Budget Effective Immediately

CA10. Human Services 2013-114

Approve the Reappointment of Marie Pretzer to the Local Child Care Planning Council (LCCPC) for a Three Year Term Expiring October 8, 2016

CA11. Human Services/Behavioral Health & Recovery Services RES-2013-457

Approve an Agreement with Comprehensive Addiction Programs to Provide Residential Recovery Services for Substance Abuse Clients Referred by Mariposa County Behavioral Health in an Amount Not to Exceed \$12,500, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA12. Probation RES-2013-458

Approve the Allocation of an Additional Full Time Deputy Probation Officer I/II in the Community Corrections SB678 Budget; and Authorize the Probation Department to Recruit for and Fill the Position Immediately

13. CA 13 was removed from the Consent Agenda

14. CA 14 was removed from the Consent Agenda

E. Departmental Presentation

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

Rick Benson/County Administrative Officer discussed declaring an emergency because of the closure of Yosemite National Park; noted that he and County Counsel have reviewed the statutes and have concluded that there is no provision for this type of emergency so any such declaration would be merely symbolic and would not qualify for any financial support. Mr. Benson also noted that the Community Development Coordinator has investigated whether local businesses might qualify for help from the Small Business Administration (SBA) and found that Federal closures do not qualify for special treatment from the SBA due to a law that specifically excludes same. Supervisor Cann noted that other states have taken action in the same situation, and argued in favor of such a declaration noting that it is possible that the Governor might make funds available. Supervisor Jones clarified that SBA assistance for the Rim Fire is different and moving forward. Supervisor Cann discussed that he feels the proposed declaration should be updated to our current situation; should recognize that the Secretary of the Interior, Utah, and Arizona have taken some action; and should incorporate the nuances of this situation. Supervisors Bibby, Carrier and Stetson concurred. CAO noted that he has sufficient direction to proceed.

F. Public Comment on Non-Agenda Items

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

Minutes)

Mary Bass reminded everyone of the Hot Rod and Custom Car Show this weekend; an event at Napa at 3:00 PM on Friday; and she handed out flyers.

Marvin Wells noted that about three weeks ago he requested a list of Committees and Commissions and discussed that 390 people serve on those commissions; and noted that he was unable to obtain how many Veterans are serving on those committees.

Wendy Brown-Barry discussed the time she spent researching the letter that she submitted last week; noted receiving a copy of the Board's draft letter and discussed her unhappiness with same; requested a copy of the RCRC letter; noted that she made corrections to her draft based on her understanding of what Board members objected to and requested that the Board vote on that revised letter; provided copies of documents from Fresno County and requested that if the Board does not like her letter that they use those as templates; or, alternately, if the Board chooses to write their own letter that they attach her letter. CAO noted that this item is scheduled for next week. Supervisor Cann clarified that the Board has not yet seen the draft letter, and discussed his understanding of the matter. Ms. Brown noted that she would prefer a stronger letter, even if only signed by a few supervisors.

Ronika Johnson discussed the November 18th deadline in the preceding matter.

Darrell Tucker spoke to the same issue and urged the Board to have this letter ready next week.

Mark Farias-Jones spoke to the same issue and noted: that the Board needs to think about what is happening; the deadline; and that he is willing to get together with anyone to help educate them on this issue.

Darrell Tucker noted that a decision on this issue will affect not only him, but his grandchildren, as well.

A woman who identified herself only as Shana requested information on the Rural America issue. Chair Stetson noted that this is the time set aside for public comment, and he referred her to citizens in attendance.

Katie Owens noted: that she lives here because of the rural lifestyle; reading about the frogs and toads issue; that it seems like faulty logic as frogs and toads live in wetland acres which only amounts to about 1500 of the 2,000,000 acres being proposed as habitat; that she doesn't feel that the frogs and toads are under threat from man; and that this issue is about boundaries and principles.

1. Clerk of the Board of Supervisors (ID # 2948)

Handouts from the Public Comment Portion of the October 15, 2013 Meeting

RESULT: INFORMATION RECEIVED

G. Board Information

Supervisor Jones reported attending: the SWIFT meeting in Moccasin on October 9th; the Airport Advisory Board meeting on the 9th; a meeting in Coulterville with a group from the UK; the Coulterville Breakfast on the 13th; and the Farm Bureau Fundraiser Dinner at the Fairgrounds. Supervisor Jones also noted that he has received many communications concerning the 2:00 PM item, and encouraged people to attend.

Supervisor Carrier reported: attending the Democratic Club meeting on

Saturday, noting that Frank Bigelow also attended; dropping by the Visitors Center, and discussed how busy they were; attending the Ponderosa Basin Fire tri tip dinner; and attending the County Fire Volunteer appreciation lunch on Sunday. Supervisor Carrier advised that he will be attending: the Mountain Valley EMS meeting in Copperopolis on Wednesday; the San Joaquin Valley Regional Association of California Counties conference in Bass Lake on the 16th, 17th and 18th; and the Fish Camp Planning Advisory meeting on Saturday followed by the Car Show if he gets back in time.

Supervisor Cann responded to the public comments regarding the yellow-legged frog/Yosemite toad issue by noting that the schedule is such that the Board's letter will be finished and submitted in time. He also empathized with Mr. Wells on the committee information and noted that we don't have the legal ability to keep that information on our committee rolls; noted previously referring Mr. Wells to Bob Johns the Veteran Services Director; and discussed that the latter would be the best source, but noted that even Mr. Johns has said that his listing is not complete. Supervisor Cann reported: participating in a Friday teleconference with Tourism regarding their marketing strategies; visiting Frank Bigelow's new office in Madera on Friday afternoon, noting the number of events that Mr. Bigelow attended in Mariposa County this past weekend; attending the Volunteer Firefighter appreciation luncheon on Sunday; attending two separate meetings with representatives from the Fire Captains Association; attending various meetings yesterday; participating in a phone meeting with the Director of the Emerging Technology Fund; presenting the RCRC check for \$8600 to the Mariposa Community Foundation last night for distribution to organizations throughout the county; and that it was announced yesterday that Alan McPhee has been selected as the new hospital CEO. He advised that he will be helping to coordinate a Statewide Emerging Technologies program for RCRC this week; and will be attending the Car Show on Saturday.

Supervisor Bibby reported attending the Mariposa Farm Bureau Dinner and extended her compliments; stressed that a lot of these programs go to support Ag in the classroom, the Mariposa Fairgrounds, and the FFA; and discussed the Farm Bureau's recognition of Frank Souza, the former Farm Bureau President. Supervisor Bibby reported attending the annual Fire Fighters picnic and extended her compliments for all that they do. Supervisor Bibby also extended her compliments: to Senator McClintock's office for active monitoring of the Park situation; to Senator Boxer's office for their responses; and especially to Frank Bigelow.

Supervisor Stetson reported that the El Portal meeting was cancelled due to the Park closure, as was the Gateway Meeting on Thursday; reported that he attended a meeting with Brian Foucht and Gary Francisco regarding Midpines Planning on Wednesday; and advised that he will be attending the YARTS meeting on the 21st.

H. Regular Agenda Items

Chair Stetson requested that the two items removed from Consent Agenda be entertained first per a request from Public Works.

Mr. Rei requested a short break in order to set up the presentation.

10:02 AM The Board recessed.

10:12 AM The Board reconvened.

1. **Public Works RES-2013-459**

Approve Two Professional Services Agreements with Quincy Engineering Inc. for Design Services for Bridges on Dogtown Road over Maxwell Creek (Bridge No's 40C0038, Contract No. 14-012, and 40C0039, Contract No. 14-013) in the Not-to-Exceed Amount of \$166,000 for Contract No. 14-012 and \$171,000 for Contract No. 14-013, and Authorize the Board of Supervisors Chair to Sign the Agreements

Staff presentation made by Peter Rei/Public Works Director.

Supervisor Bibby noted that she cannot participate in CA13. Mr. Rei noted that the presentation encompasses both items.

Brent Lemon from Quincy Engineering gave a PowerPoint presentation on the bridge program.

No public comment.

Supervisor Carrier required clarification regarding the separate agenda item that is mentioned; and regarding the contract time frame and whether anything is foreseen that may be a conflict. Mr. Rei responded to the first concern noting that there is a third bridge not included in this item; Mr. Lemon and Mr. Rei responded to the latter. Supervisor Carrier required clarification that all of the bridges will ultimately be standard width and weight; and required clarification regarding the possible three parcels that may need to be acquired. Mr. Rei responded. Supervisor Carrier required clarification of whether there is a process regarding property owners; and noted that one of the bridges is wood construction and inquired if there are any foreseen problems with that material where CalTrans is concerned. Mr. Rei and Mr. Lemon responded.

Supervisor Bibby inquired if the bridge design and type will be cleared with Fire so that there is no situation where fire equipment can't access. Mr. Rei responded that in meeting Federal requirements, there should be no such problems.

Supervisor Jones noted the contract length, and inquired as to the anticipated completion date. Mr. Rei responded that in his experience there is an average of 4-6 years; noted that they cannot even begin to contact property owners until the environmental process is completed; and reported that they have it programmed with the State to 2017.

Supervisor Carrier inquired if the red legged frog that is mentioned in the item that follows will be an issue in this instance. Mr. Lemon discussed environmental field reviews by CalTrans, and other steps that will be undertaken to identify habitats.

Supervisor Bibby inquired if cultural sites will be included in CA13. Mr. Rei responded affirmatively.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Public Works RES-2013-460

Approve Three Professional Agreements with Willdan Engineering for Bridge Design Services and Authorize the Board of Supervisors Chair to Sign the Agreements

10:34 AM Supervisor Bibby excused herself from this item as she has a remainder

interest in property in close proximity to Old Toll Road. She then left the Chambers.

Doug Wilson of Willdan Engineering gave the presentation.

No public comment.

Supervisor Cann inquired if there are any time constraints with the funding sources of these bridges. Mr. Rei responded that the preliminary engineering process has to be completed within 10 years, with 20 years for bridge construction.

Supervisor Jones required assurances that the previous two bridges will not affect the DRI grant. Mr. Rei responded that they will not.

Supervisor Carrier inquired as to the amount of staff time anticipated as being necessary to complete these projects. Mr. Rei responded that he did not have that figure immediately available, but that the amount anticipated for the next year is noted in the 2013-2014 budget; and discussed that all of the staff time is reimbursable under the program. Supervisor Carrier inquired as to whether a Project Manager for the County has been designated. Mr. Rei responded that contract issues will likely go to Gary Taylor, and technical issues will likely go to Mohamed Cader.

RESULT: ADOPTED [UNANIMOUS]

MOVER: John Carrier, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann, John Carrier

EXCUSED: Janet Bibby

3. **Public Works** **ORD-2013-1099**

Waive Second Reading and Adopt an Ordinance Amending Chapter 10.08.020 - Stopping, Parking or Standing Prohibited

10:42 AM Supervisor Bibby returned to the Chambers.

Staff presentation by Peter Rei.

Supervisor Bibby inquired if any public comments have been received. Mr. Rei responded that he has received nothing.

No public comment.

Supervisor Cann moved the item as requested. The Clerk of the Board read the Ordinance number and name into the record. Supervisor Bibby seconded the item and complimented Public Works on their speed on this issue, as well as for being proactive. The motion passed.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

4. **Public Works** **(ID # 2892)**

Provide Direction to Staff Concerning Unfulfilled Provisions of Yosemite West Subdivision Agreement

Supervisor Stetson noted the Board has received a communication from John Mock.

Mr. Rei gave the staff presentation, and provided a historic overview.

Public comment opened.

John Mock/Yosemite West Resident/Yosemite West District Advisory Committee member/Yosemite West Ad Hoc Advisory Committee member commented that the Yosemite West residents and property owners might reasonably expect the community burn pile is the dumpsite identified in the original 1967 agreement between Yosemite West Associates and the County of Mariposa; discussed a legal action in the mid-1980s regarding that 1967 agreement noting that the dumpsite was, apparently, not included in the settlement; discussed the letter from Yosemite West Associates, and noted that the community is not willing to accept any transfer of land of the existing County maintenance yard and the old water wells in return for the burn pile property, nor are they interested in any property line adjustment that would benefit any specific property owner in Yosemite West; remarked that he will defer to County Counsel's opinion as to whether the 30 year operation of the burn pile tolls any statute and as to whether the provisions of the old agreement are still enforceable; and concluded by discussing the 1967 agreement.

Public comment closed.

Supervisor Cann inquired as to why the original association has any ability to demand concessions from either the owners or the County. County Counsel responded.

Supervisor Bibby inquired if there was ever a dumpsite; whether there was a check with the Health Department to see if there are any records of same in existence; and inquired if they are also checking the title under the 40 acres referenced. Mr. Rei responded. Dr. Mock remarked that there are locked gates to control access to this site but that he doesn't know when they were installed. Supervisor Bibby inquired as to whether it was used for anything other than burning. Dr. Mock responded that, to the best of his knowledge, it was not used for anything other than a burn pile site; noted that the community faces difficulties in having a place to stage pine needle removal; and discussed defensible space requirements under Public Resources Code 4291.

Supervisor Jones required clarification regarding Mr. Rei's communication with the attorney. Mr. Rei responded. Supervisor Jones noted that he would like to see that avenue pursued further. Supervisor Cann noted that it would seem that Mr. Rei and County Counsel would be the appropriate ones to make such contact. Mr. Rei noted that he would be more than willing to work with County Counsel. Supervisor Stetson noted that we are moving towards a CSA kind of arrangement and this may play into that as well.

Supervisor Carrier discussed that he thinks the problem is the liability should the burn pile get out of control, and perhaps the site could be used merely for accumulation; and agreed that the first step is getting with County Counsel. Supervisor Bibby noted that the County also has to look at its liability.

Chair Stetson noted that the general consensus is for Public Works and County Counsel to get together to come up with some proposals. Mr. Rei and County Counsel indicated that they have sufficient direction to proceed.

RESULT: DIRECTION GIVEN

I. Items removed from Consent Agenda

The pulled items were considered at the beginning of the Regular Agenda.

J. 11:00 AM Closed Session

- 1. Human Resources/Risk Management (ID # 2871)**

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

No public comment.

This closed session item was held at 11:17 AM and reported out at 11:47 AM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Human Resources/Risk Management (ID # 2874)

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

No public comment.

Supervisor Carrier recused himself from this item.

This closed session item was held at 11:29 AM and reported out at 11:47 AM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, Kevin Cann

EXCUSED: John Carrier

3. Human Resources/Risk Management (ID # 2872)

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

No public comment.

Supervisor Bibby recused herself from item 3.

This closed session item was held at 11:39 AM and reported out at 11:47 AM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: John Carrier, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann, John Carrier

EXCUSED: Janet Bibby

4. Human Resources/Risk Management (ID # 2873)

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

No public comment.

Supervisor Bibby recused herself from item 4.

This closed session item was held at 11:43 AM and reported out at 11:47 AM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann, John Carrier

EXCUSED: Janet Bibby

Report Out

11:47 AM Chair Stetson reported that Information was Received and Direction was Given on each of the closed session items.

K. 11:48 PM Recessed for Lunch

L. 2:00 PM Reconvene

1. Planning RES-2013-461

Adopt a Resolution of Intention to Initiate An Ordinance for the Regulation of Medical Marijuana Cultivation

Sarah Williams/Planning Director noted that they started this item in the summer at the request of the Sheriff and the District Attorney; that it is a draft; and that, today, the Board will only be initiating the action. Alvaro Arias/Senior Planner gave the staff presentation.

Supervisor Stetson required clarification as to language regarding the limitation of plants regardless of the number of qualified patients residing on the property. Mr. Arias responded.

Supervisor Cann inquired if Planning was recommending the formation of an Administrative Hearing Board. Mr. Arias noted that the proposed ordinance has been drafted without that, but he included that option in his presentation because it is the approach that a neighboring county took.

Public comment opened.

Bill McPike/Attorney spoke against the ordinance; discussed that California Health and Safety Code (HSC) section 11362.77(a) specifies a foundational amount of plants and ounces that the holder of a valid California medical marijuana Identification Card may possess; discussed that the code states that no person [holding such a card] shall be arrested; noted that the foundational amounts may be increased by doctor's recommendation under HSC 11362.77(b), and by cities and counties under HSC 11362.77(c); and cautioned against enacting any ordinance that would be in conflict with any of those regulations. Supervisor Stetson sought clarification from Mr. McPike regarding the provision that no person shall be arrested.

Pat George/Lake Don Pedro subdivision resident noted that starting a few months ago her subdivision's association began getting complaints about very tall, illegal fences and people camping on unimproved lots with no sanitary facilities. She discussed that upon investigation they discovered marijuana growing, with some of the operations having one hundred or more plants, and plant caretakers,

who were identified as renters by the owners, living in tents or trailers. Ms. George also noted that in at least one case, the neighbors had reported that they had guns fired in their direction. She also noted that the incidences, thus far, have been in the Tuolumne County portion of the subdivision and that they have been told by that county's Sheriff's Department that there was nothing that could be done. Ms. George also discussed the Merced County Ordinance; and noted her support of the proposed ordinance.

Penny Toothaker/medical marijuana patient and chronic pain sufferer noted that she cannot function with traditional medications; discussed how her life changed with the use of medical marijuana; and stressed that it must be kept in mind when limiting the number of plants that very young, immature, and male plants are no good.

Justin Whitburn/resident of Mariposa noted that he feels that there may not be a lot of people who fall within the ordinance; that a limit of 12 plants is arbitrary as a patient might be looking for CBD and less than 2% of everything that is currently cultivated has any measurable level of CBD; whether a plant can be considered medicinal cannot be determined until after it is harvested and tested at a laboratory; that most patients who use it medicinally will need a lot more than 12 plants to find something that is going to work for their symptoms; noted that different varieties have different effects on different people; remarked that given those varietal differences, it is absurd to limit patients to a certain number of plants especially given that there is not enough medical research for a doctor to be able to prescribe a particular variety cultivated in a particular way as effective; and noted that you run the risk of making a legitimate patient who has to cultivate 24 plants to find the 2 that work for their ailment into criminals.

Marvin Wells/Juvenile Justice Delinquency & Prevention Commission Chair discussed that families are broken up due to marijuana; and urged the Board to consider the children who will be Supervisors when the present Board is aged.

Shana discussed the passage of Proposition 215; discussed cannabis as a medicine; discussed medical conditions that she feels are helped by cannabis; noted that she works with a lot of Veterans with PTSD for whom cannabis is the only help; noted that her concern for the County is that it opens it up for litigation; and remarked that this conflicts with a doctor's recommendation. She also discussed the loss of her mother and father to cancer, noting that the only medicine her father could take was cannabis.

Chelli Croucher/Catheys Valley resident discussed the medicinal use of marijuana by her recently deceased husband for his cancer; discussed the size of the plants that he grew; noted her shock to hear that it won't matter how many patients live on a property; and commented that 12 plants is a low amount.

Sherry Gorham/property manager noted that she is having a huge problem with people who grow marijuana; remarked that she has had to evict people who want to grow hundreds of plants, because they cause a lot of damage to the property and she gave examples of same; and she noted that she feels it is fine for the people who need to use it as medicine, but inquired as to where the cutoff number should be especially when they are damaging property and scaring people in their neighborhoods by shooting off guns.

Doug Binnewies/Mariposa County Sheriff spoke in support of the proposed ordinance; noted, for the record, the following marijuana related crimes that have occurred in residential areas of Mariposa County as support for the need to identify a threshold on allowable marijuana plants: May, 1999 a home invasion robbery in which marijuana plants and money were targeted occurred in the Fish Camp community; September, 2006 a 16 year old girl fell victim to a home invasion in the

Greeley Hill community, the target of which being her parents' marijuana plants; November, 2009 a husband and wife were victims of a home invasion robbery in the Midpines community and were assaulted by multiple armed suspects, the target of which being marijuana and money; April, 2010 a man was shot in the chest while hiking near a wilderness marijuana garden near the Greeley Hill community; and in November, 2011 a mother and her 10 year old daughter were victims of a violent attempted carjacking by armed men involved in a nearby marijuana garden in the Bear Valley community who were interested in the vehicle to move harvested marijuana. The Sheriff also recounted the closure of the high school campus last year because of a high proliferation of marijuana on campus, noting that the closure has had some success as the marijuana arrests diminished afterwards. Sheriff Binnewies also discussed that shortly after the passage of Proposition 215 in 1996 they began seeing cartels pursuing medical cards to grow marijuana protected under California medicinal use laws; noted that those numbers continue to grow; noted that Mariposa is seeing an increase of the selling of parcels to people who don't live in the community; and discussed a recent co-op grow that his department dealt with where there were multiple prescriptions on one parcel, approximately 200 pounds of processed marijuana, and which was deemed by the operation as a marijuana for profit operation with arrests made. He also discussed the effect these grows have on surrounding communities due to the odors, family pets being poisoned because of rodent poisons being used to prevent damage to the plants, eyesore, and concern for family safety. He stated that the large grows bring a plethora of bad situations to our community, and concluded that he feels that by limiting the size of the gardens it will also limit the interest of criminal enterprises.

Tom Cooke/Mariposa County District Attorney spoke in favor of the proposed ordinance; remarked that the Sheriff addressed many of the issues he had regarding public safety, noting that the issue of public safety is the underlying concern; discussed the number of homicides in the Fresno area on the news last night that were related to cultivation and home invasion type crimes; noted that the proposed ordinance is designed so that people who have a legitimate need for medical marijuana have enough to medicate themselves; noted that SB 420 allows for the cultivation of 6 mature plants, and that this ordinance allows for double that amount; discussed the number of potential doses that 12 plants might produce; and noted that when someone has a doctor's recommendation for so many plants, there is a problem knowing what that person is going to ingest because there is no standardized product/dosage. In response to arguments about litigation, Mr. Cooke noted that the County has the absolute right to regulate where, and how much, marijuana is grown, and noted that the litigation against Tehama was because they did not have an ordinance. Mr. Cooke also noted that this ordinance gives the County many abatement options; discussed the growth of youth use which he feels is due to easy access; noted that the proposed Ordinance takes away the profit in large grows, not the right to medical marijuana and, additionally, gives more protection to the people growing it for themselves; remarked that he is sympathetic to those who need this, but noted that he thinks public safety needs to be the overall focus on the rare occasions when you have more than one person on a property needing medical marijuana; and urged that this ordinance going forward would be in the best interests of overall public safety.

Supervisor Cann noted that no one is disputing the application of medicinal marijuana; and inquired as to how the total number of twelve plants was derived. Mr. Cooke responded that he thinks it came from SB 420 which discussed six mature plants, and up to twelve plants if they are immature; and noted that limiting the size of grow space is another option. Supervisor Bibby required clarification of whether medicinal use is an affirmative defense. Mr. Cooke responded; noted that state regulations do not protect against the Federal

government which still prohibits marijuana and its growth; and noted that the proposed ordinance would require that property owners be notified of cultivation on their property. Supervisor Cann noted that the notification provision requires that the renter have a notarized letter from the owner approving the grow. Supervisor Bibby discussed a clause in the Madera ordinance that the primary caregiver and the person receiving the medicinal marijuana must reside on the property; noted that there is nothing similar in the proposed ordinance; and inquired how the issue of transporting, furnishing, etc., would be dealt with. Mr. Cooke responded that he feels that a similar clause should be included in this ordinance as well.

Eli Joslin inquired if the Board is familiar with Wikipedia and read an entry regarding SB 420 and physician exemptions.

Dan Hankmeier inquired regarding the process in the event a landowner is not notified.

Public comment closed.

Supervisor Jones inquired whether there would be any grandfathering. Mr. Arias noted that once the current crop is harvested, they would have to meet the new regulations. Supervisor Jones noted discussions with people regarding the limitations on the number of plants. Mr. Arias clarified that the 1000 foot distance is for outdoor growing, but that they could still grow within a building providing they meet other required setbacks.

Supervisor Carrier noted that Madera County's outdoor setback distance is 2000 feet; that they also list commercial and industrial zoning districts which ours doesn't have; they also limit the indoor grow area to 120 square feet; noted that on the outside restrictions there is no size limit and that it just says 1000 feet, and discussed fencing scenarios; inquired as to the process if someone files an appeal from a notice of non-compliance with the Clerk of the Board and whether there is a paper trail, and a communication mechanism between the compliance officer and the appellant. Mr. Arias responded that there should be some kind of communication between the Clerk of the Board and the enforcement officer, but that nothing is stated in the ordinance. Supervisor Carrier inquired if there will be a paper trail if they file an appeal; and inquired what will happen to the plants if the grower receives a notice of abatement and decides to self-abate. Ms. Williams responded that those are issues that need to be addressed. Supervisor Carrier noted that he feels the intent of the ordinance is good and seems to be to alleviate cartel growth.

Supervisor Bibby noted that she would like the District Attorney to get with staff to see about the clause requiring the caregiver and recipient to live on the property; stressed that we're trying to address issues that have surfaced in other counties like Trinity County; noted that it is the large grows that are operating for profit that are the problem and not the individuals who use this at home; and stressed that we are only dealing with land use.

Supervisor Stetson discussed that he feels that the root of all of our problems is that this is an illegal Category 1 drug, and is very profitable when cultivated in large quantities, and that we've taken away medical dispensaries which could be a useful tool for personal use; noted that he is in favor of the intention of the ordinance in seeking to stop the cartels, and large grows but took issue with the Summary Abatement provision on page 259 which he read for the audience; noted that he feels the provision is very sweeping, and inquired if this was in the Merced ordinance. Mr. Arias responded that it was in the Merced and Tehama Ordinances. Supervisor Stetson noted that this provision seems to avoid the appeal process. Mr. Arias responded that the provision is to allow for quick action on the part of the enforcement officer, if necessary. Supervisor Stetson discussed that he feels this

provision, as written, is an abridgement of the right to appeal. Supervisor Bibby noted that the provision regards "unlawful marijuana cultivation." Supervisor Stetson urged rephrasing the language to make sure that people's rights are not being abridged. Supervisor Stetson also noted the following concerns: understanding that one could have a number of plants that might fail, would it be possible to have an incubation period where more plants could be propagated, then thinned down to the approved number when one could identify which were fruitful plants; and would it be possible to make exceptions in situations where two elderly people requiring medicinal marijuana were in residence.

Supervisor Cann moved the item. Supervisor Bibby seconded, noting that it is her understanding that staff will still look at all of today's concerns. Mr. Arias and Ms. Williams indicated agreement. Ms. Williams summarized today's issues; and responded to the earlier conversation regarding grandfathering noting that in order to grandfather a use, the use would have to have been legally established and without these provisions they didn't have a mechanism to legally establish grows. Supervisor Jones remarked that he is fine not pursuing the grandfather clause.

The vote was taken. The action passed unanimously.

Supervisor Cann inquired as to when the Board can expect to see the item return. Ms. Williams noted that it does not have to go before the Planning Commission. Mr. Arias responded that the goal is to do it as quickly as possible, and will probably bring it back before the Board within the next two months. Supervisor Cann requested that the Board be kept informed of the progress.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

M. Adjournment

3:25 PM Chair Stetson adjourned the meeting in memory of Stewart S. Tjentland Stewart-Cramer and Dorothy Alice Hayes Burley McCune.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

LEE STETSON
Chair, Board of Supervisors



MARIPOSA COUNTY

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LEE STETSON, CHAIR
KEVIN CANN, VICE-CHAIR
MERLIN JONES
JANET BIBBY
JOHN CARRIER

DISTRICT I
DISTRICT IV
DISTRICT II
DISTRICT III
DISTRICT V

MINUTES

October 22, 2013

A. Call to Order and Roll Call

9:05 AM The meeting was called to order at the Mariposa County Government Center.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	8:58 AM
Merlin Jones	District II Supervisor	Present	8:58 AM
Janet Bibby	District III Supervisor	Present	8:58 AM
Kevin Cann	District IV Supervisor	Present	8:58 AM
John Carrier	District V Supervisor	Present	8:58 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Bibby, followed by a moment of silence for those serving our Country.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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

No public comment.

Supervisor Bibby required clarification regarding CA3. Mary Hodson/Deputy County Administrative Officer responded. Supervisor Jones required clarification regarding the volunteer fire fighter pay scale on page 37. Responses by Ms. Hodson who noted that the pay scale in question was provided by the Auditor's office, and Jim Wilson/Fire Chief who

noted that he will review it and check with Payroll to make sure it is accurate.

Supervisor Bibby proposed the following changes to the letter in CA4: Change Paragraph 2 to read "The Rural County Representatives of California (RCRC) and several agricultural-based organizations have raised significant concerns about the science behind this listing and/or designation of critical habitat. Mariposa County concurs with the request to assure that the scientific evidence be carefully scrutinized due to conflicting data received. Several counties have also commented on the conflicting science and have submitted letters objecting to said designations." In addition, change the first word of the third paragraph from "Several" to "Numerous." The proposed changes were acceptable to the Board.

Supervisor Stetson reported receiving a communication from the Building Department Director regarding CA8 which advised that there are restrictions on that space, so the Board should keep in mind that any use will be restricted by those parameters.

Supervisor Bibby required clarification regarding CA14 as to who will actually be driving; their certification; who will cover the insurance; and who will be supervising this program. John Lawless/Interim Human Services Director responded.

Supervisor Cann discussed CA17; noted that this appointment is to fill the seat previously held by Bob Rudzik; and discussed the importance and work of the Planning Commission. Noting that the change order in CA19 was signed two months ago, Supervisor Cann inquired as to the length of processing time. Peter Rei/Public Works Director responded. Supervisor Cann also commented on the major success represented by CA22.

Upon approval of the Consent Agenda, Supervisor Bibby introduced Heather Bernikoff, the new District III Planning Commissioner.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2013-462

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2013-463

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Administration RES-2013-464

Approve the Mariposa County Schedule of Employee Salaries by Grade and Step

CA4. Administration RES-2013-465

Authorize the Chairman of the Board of Supervisors to Sign a Comment Letter to the US Department of Fish and Wildlife Regarding the Proposed Rules Concerning the Yellow Legged Frog and Yosemite Toad

CA5. Board of Supervisors 2013-115

Approve a Certificate of Appreciation to PG&E for their Community Support

CA6. Board of Supervisors 2013-116

Approve a Certificate of Appreciation to Richard Dye for His Community Support

CA7. Fire RES-2013-466

Approve a Request to Park Fire Apparatus Outside the Bootjack Fire Station Overnight on October 26, 2013

CA8. Fire RES-2013-467

Request Board Approval for Community Use of Midpines Fire Station for Non-Fire Department Use

CA9. Human Services 2013-117

Accept the Resignation of Vanessa Holt from the Local Child Care Planning Council

CA10. Human Services 2013-118

Re-appoint Janet Bibby to the Mental Health Board for a Term Expiring October 22, 2016

CA11. Human Services/Behavioral Health & Recovery Services RES-2013-468

Approve an Agreement with Horisons Unlimited to Provide Opiate Replacement Therapy and Viral Hepatitis Testing for Substance Abuse Clients Referred by Mariposa County Behavioral Health in an Amount Not to Exceed \$15,900, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA12. Human Services/Behavioral Health & Recovery Services RES-2013-469

Approve an Agreement with Community Social Advocates, Inc. to Provide Residential Recovery Services for Substance Abuse Clients Referred by Mariposa County Behavioral Health in an Amount Not to Exceed \$12,500, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA13. Human Services/Behavioral Health & Recovery Services RES-2013-470

Approve an Agreement with Changing Echoes to Provide Residential Recovery Services for Substance Abuse Clients Referred by Mariposa County Behavioral Health in an Amount Not to Exceed \$20,500, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA14. Human Services/Behavioral Health & Recovery Services RES-2013-471

Approve an Agreement with Alliance for Community Transformations in an Amount Not to Exceed \$33,773 to Provide Transportation and Recovery Support Services for Substance Abuse Clients Referred by Mariposa County Behavioral Health, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA15. Human Services/Behavioral Health & Recovery Services RES-2013-472

Approve Agreement 13-90316 with the State Department of Health Care Services Authorizing Mariposa County Behavioral Health to Provide Community Mental Health Services and Setting Forth Conditions and Requirements that the County Must Meet in Providing those Services, and Authorize the Human Services Director to Sign the Agreement and Any Subsequent Amendments (Subject to County Counsel Review)

CA16. Human Services/Behavioral Health & Recovery Services RES-2013-473

Approve an Agreement with the American Indian Council of Mariposa to Provide Mental Health Services Under the Substance Abuse and Mental Health Services Administration (SAMHSA) Grant in an Amount Not to Exceed \$83,722, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA17. Planning 2013-119

Appoint Heather Bernikoff as Planning Commissioner for District III for a Term Coinciding with the Term of Supervisor Bibby, District III, Which will Expire December 31, 2014

CA18. Public Works RES-2013-474

Authorize Public Works to Immediately Fill a Vacant Maintenance Worker II Position in the Road Fund

CA19. Public Works RES-2013-475

Approve Change Order No. 1 With Randy Brower Construction in the Not-To-Exceed Amount of \$10,683.98 For Total Compensation of \$27,869.98 For Construction/Repair of the History Center Porch; and Authorize the Public Works Director to Sign the Change Order

CA20. Public Works RES-2013-476

Decline the Option to Purchase Hangar Number 56 at the Mariposa/Yosemite Airport and Allow the Owner to Sell the Hangar to an Interested Party

CA21. Public Works RES-2013-477

Reject All Bids for Bullion Street Overlay (Project 06-21 (87B)) Due to Bids Exceeding Available Funding for the Project

CA22. Public Works RES-2013-478

Approve Allocation of the State Safe Routes to School Funds; Approve Budget Action Increasing Revenue and Appropriations in the Sidewalk Projects Fund in Order to Fund the Project (\$448,000) 4/5ths Vote Required

CA23. Community Services RES-2013-479

Approve the California Department of Veterans Affairs (CalVet) Special Certificate of Compliance Fiscal Year 2013-14, One Time Funding Subvention

Program and Authorize the Chairman of the Board of Supervisors to the Certificate of Compliance

E. Board Recognitions

1. Board of Supervisors 2013-120

Proclaim October 2013, as "Domestic Violence Prevention Awareness Month" (Kristen Fiester, Mountain Crisis Services)

No Board or public comment.

Chair Stetson presented the Proclamation to Kristen Fiester and staff from Mountain Crisis Services.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Sheriff's Office 2013-121

Proclaim the Week of October 23 through October 31, 2013, as "Red Ribbon Week"

No Board or public comment.

Chair Stetson presented the Proclamation to Doug Binnewies/Mariposa County Sheriff. Sheriff Binnewies discussed the history and meaning of Red Ribbon Week, and introduced Mariah Tate and Britany Sturm.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

F. Minutes Approval

1. Tuesday, October 08, 2013

No public or Board comment.

The Minutes of October 8, 2013 were accepted as presented.

Jones (M); Carrier (S); Passed unanimously.

G. Departmental Presentation

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

Peter Rei updated the Board on the demolition of the buildings opposite the Government Center on Bullion Street, noting that Allison Sierra is the successful bidder; that a contract has been sent out to them; and that Public Works will issue a Notice to Proceed as soon as the signed contract is returned. He also discussed receipt of the Courthouse draft plan from the architects who will be proposing three alternatives; and noted that those will be coming before the Board for consideration in the near future.

Rich Drozen/CAL FIRE Chief reported that they are a little bit behind on their wood collections for the Senior Wood Project; noted that most of the easy wood has been harvested; discussed that they are having some difficulties in transporting the wood; reported that they cut 60-80 cords last year; and advised that they are looking for wood and assistance in moving it. He noted the public can contact him at 966-2116. Supervisors Jones and Bibby thanked CAL FIRE for their support and programs. Supervisor Carrier also thanked CAL FIRE and inquired if Public Works could use one of their 10 yard dump trucks to transport the wood. Mr. Rei noted that it is not impossible but that they would need to meet with CAL FIRE to address legal issues.

H. Public Comment on Non-Agenda Items

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

Wendy Brown-Barry thanked the Board for the letter in CA4; commented on the RCRC letter; encouraged individual Board members to also send letters, and advised that Inyo County has some good information to use as a template. She also discussed a recent Defend Rural America presentation; advised of October 23rd and 24th workshops by that organization; and handed out flyers for same.

Darrell Tucker urged the Board to sign the letter and get it sent off as soon as possible. Supervisor Cann clarified that the Board approved the letter in the Consent Agenda.

Kathy McCorry/Executive Director of the Mariposa County Chamber of Commerce reported on the Cruise Night, Car Show, Mud Drag, and Blues Festival over the weekend. She also advised that there will be a Town Hall meeting tomorrow evening from 5:00 PM - 7:00 PM in this room, and handed out flyers for same; provided a flyer for, and discussed, "All Trails Lead to Mariposa"; reported that the relocate.org video is finished and that it will be launched tomorrow night; and provided a flyer for, and discussed, a new rack card display. She also thanked Supervisor Cann for judging the Car Show and presented him with an event tee-shirt.

Wendy Brown-Barry read some quotes regarding the health of the forests, and provided a copy of the document from which she read.

Darrell Tucker noted that this is also Breast Cancer Awareness Month.

1. Clerk of the Board of Supervisors (ID # 2955)

Handouts from the Public Comment Portion of the October 22, 2013 Meeting

RESULT: INFORMATION RECEIVED

I. Board Information

Supervisor Carrier reported attending: the Mt. Valley EMS Board meeting last Wednesday; the San Joaquin Valley Regional Association of California Counties on Thursday and Friday, and noted some of the topics discussed there including fracking, upcoming water bonds, and prison overcrowding; the Fish Camp Planning meeting on Saturday; and the YARTS meeting here yesterday. Supervisor Carrier advised that he will be attending: the Yosemite-Mariposa Regional Water Advisory Council meeting on October 23rd; mandated training on Thursday; and the 4-H Awards Presentation on Sunday. He also advised that the annual Veteran's Day Memorial presentation at Mariposa Elementary School is scheduled for November

7th at 8:45 AM.

Supervisor Jones reported: meeting with Dr. Mosher and Dave Conway on October 15th regarding the air quality in Mariposa County, and an upcoming meeting of the Air Basin Quality Control Board; meeting with the Building Department; hosting the Mariposa Arts Council Art Show at his home on Sunday, noting that there were over 200 people in attendance; and working on the Coulterville Beautification Project yesterday, noting that it should be completed within thirty days. He also thanked Tara Schiff/Community Development-Grant Coordinator for all of the support and business classes in District II.

Supervisor Bibby remarked on the release of inmates as discussed by Supervisor Carrier, noting that Catheys Valley had two vehicle thefts this last Sunday morning and she urged the public to lock their vehicles. She also advised that: representatives from the private sector are still being sought for Mother Lode Job Training; the Mental Health Governing Board is looking for a member who is either a consumer, or a family member of a consumer; the Commission on Aging is looking for a representative from District III; and the Calaveras-Mariposa County Community Action Agency is also looking for representatives.

Supervisor Cann reported that an international correspondent from Voice of America was in town last Tuesday and Wednesday reporting on the effects of the shut down, and that the correspondent noted that his research had indicated that Mariposa County was the most impacted community. Supervisor Cann reported: attending a fundraising event for Breast Cancer at Savoury's last Wednesday night; acting as a facilitator at a Statewide broadband conference that was held by the California Emerging Technology Fund last Thursday and Friday, and he discussed same; attending the Car Show and other associated events on Saturday; and attending a meeting with a third developer, yesterday, and recounted the developer's opinion of the financial infeasibility of development if the General Plan is fully instituted. Supervisor Cann advised that he will be attending: the IRWMP meeting tomorrow; an Economic Development Corporation meeting at the Library at Noon on Thursday, noting that everyone is welcome; a Chamber of Commerce event on Thursday evening; and a mandatory training on Thursday.

Supervisor Stetson expressed his appreciation for the work of Supervisors Cann and Bibby regarding broadband needs, noting that District I has a tremendous need. Supervisor Stetson noted that most things have already been discussed, but recounted getting his flu shot on Thursday and discussed the incredible efficiency of the operation especially given the numbers of people there. Supervisor Stetson reported spending most of the week working on the upcoming Midpines Community Forum; noted that this is the beginning of significant input on the Midpines Community Plan; and urged everyone to attend the meeting on Saturday from 9:00 AM through Noon.

10:31 AM Chair Stetson recessed for a break.

10:48 AM The Board reconvened.

J. Regular Agenda Items

1. Administration (ID # 2944)

Adopt a Declaration Proclaiming Existence of a Local Emergency Due to the Closure of Yosemite National Park and Requesting the Governor to Take Actions to Reopen Yosemite National Park and Provide Assistance to Mariposa County Businesses

No public comment.

The Board discussed the relevance of this item in view of the fact that Yosemite National Park reopened on October 16th. Supervisor Cann noted his agreement with not proceeding with this item and advised that he has drafted a proposed letter to our Congressman and Senators discussing the impacts that closure has on the community. Supervisors Stetson and Bibby noted their agreement with not proceeding with this item, and agreed with the need to advise the legislature of closure effects.

Supervisor Stetson noted concurrence from the Board to not proceed with this item, and inquired as to whether the Board still wanted to hold the special meeting of October 29th since the emergency no longer exists.

Supervisor Cann noted that we will have to make adjustments whenever it is appropriate to do so, and inquired of Mary Hodson as to what may be an appropriate date. Ms. Hodson responded that the full impact on the Transient Occupancy Tax (T.O.T.) receipts will not be known until the first part of December. Supervisor Stetson noted that the October 29th special meeting was also to discuss furloughs due to the shut down, and offered that he felt that the special meeting could be cancelled. Supervisor Jones concurred. Supervisor Cann noted that he is amenable to addressing this issue when accurate numbers are available providing that we can be frugal enough to not cause problems and as long as furloughs do not have to be considered; but, noted, that if furloughs have to be considered it would be better to address them earlier rather than later in order to spread the effects over time. Supervisor Bibby encouraged proceeding with the October 29th meeting, as she is worried about funds to grantees. Supervisor Carrier concurred with Supervisor Bibby, noting that he would like to have a discussion of potential options for various final number scenarios. Supervisor Cann advised that the Tourism Bureau will be sending in a letter proposing the suspension of their first quarter payment until this is settled, and inquired if it has been received. Ms. Hodson responded that she hasn't seen the letter; and noted that there can be no payments as the contract has not yet been approved by the Board. Supervisor Stetson inquired if there will be any significant shifting of monies between now and the first meeting in December. Ms. Hodson responded that Administration has no plans to bring anything at this time; noted that they will not have the hard numbers until the beginning of December; and advised that the Board can have a discussion of possibilities and what to do if the numbers come in within certain ranges. Supervisor Carrier suggested foregoing the meeting on the 29th; and giving direction to the CAO to bring back an item for that discussion of options using hypothetical numbers for the first meeting in November. Supervisors Bibby and Jones concurred with Supervisor Carrier.

Steven W. Dahlem/County Counsel recapped the Board's actions as: direction to staff to not hold the special meeting on October 29th; direction to CAO and Administration to come back with an item at the first meeting in November to discuss and direct staff with regard to options as a result of the shut down; that the Resolution Proclaiming a Local Emergency will not be acted upon by the Board; and Staff is given direction to bring back proposed draft letters to Congressman McClintock and Senators Feinstein and Boxer.

RESULT: DIED FOR LACK OF MOTION

2. Public Works (ID # 2907)

Waive the First Reading and Introduce an Ordinance Amending Chapter 12.04 of the Mariposa County Code Authorizing the Road Commissioner/Public Works Director to Issue Encroachment Permits

Peter Rei made the staff presentation; discussed encroachment permits of

public easements; and noted that this ordinance is, basically, the state law with the wording changed to apply to public easements.

No public comment.

Supervisor Bibby stressed care in issuing encroachment permits and discussed a past issue where an encroachment permit had been issued off of Bear Valley Road. Supervisor Jones required clarification regarding mail boxes. Mr. Rei noted that mail boxes are an encroachment and discussed same. Supervisor Bibby inquired if we have the ability to withdraw encroachment permits. Supervisor Carrier inquired if policy/standards can be developed to deal with the mail box issue. Mr. Rei responded.

Supervisor Jones moved the item. The Clerk of the Board read the title into the record. The Motion was seconded by Supervisor Carrier and passed unanimously.

The Ordinance was introduced and has been scheduled to come back before the Board on November 5, 2013.

RESULT: INTRODUCED [UNANIMOUS] Next: 11/5/2013 9:00 AM

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

3. Public Works RES-2013-480

Approve a Professional Services Agreement with Omni-Means Engineers in an Amount Not-to-Exceed \$95,000 for Engineering Services for the Design of Two Safe Routes to School Projects and Authorize the Board of Supervisors Chair to Sign the Agreement

Mr. Rei gave the staff presentation, and noted that the Board approved the rejection of the bids for the Bullion Street overlay on today's Consent Agenda. Gary Taylor/Assistant Director of Public Works-Public Works introduced Mike Winton from Omni-Means who will be the Project Manager on the project. Mr. Taylor also displayed a map of the areas that will be addressed and discussed same.

Discussion between Supervisor Bibby, Mr. Rei and Mr. Taylor regarding timing the construction to minimize the effects on residents and the School District. Supervisor Cann discussed a similar project at Mammoth Lakes. He also noted that local schools have been very supportive of this project. Mr. Rei noted that this project will address drainage as well as sidewalks; and discussed that the contractor will provide a schedule which Public Works will advertise.

11:26 AM Supervisor Stetson recused himself as he owns property in the area, passed the gavel to Vice-Chair Cann, and left the Chambers.

Supervisor Bibby discussed the construction process and emphasized the need to thoroughly disseminate the construction schedule as businesses need firm time lines in order to plan. Mr. Taylor noted his experience with a similar project in the past.

Discussion ensued between Supervisor Carrier and Mr. Rei regarding year of construction start, and whether there are any land acquisitions, right-of-way issues, or environmental issues. Mr. Rei also noted that they are starting the design process if the Board approves this project.

Supervisor Cann inquired if the original scope was broad enough to encompass the drainage. Supervisor Bibby stressed getting the word out to the community so that they can pre-plan. Mr. Rei responded affirmatively to both

issues.

Public comment opened.

Ron Iudice expressed concerns that 7th Street between Highway 140 and Bullion Street was not part of this project. Discussion ensued. Supervisor Cann volunteered to follow up with Public Works on this issue to take a final look at it, noting that the routes were all prioritized in a public process with the Pedestrian and Bicycle Plan.

Public comment closed.

Supervisor Carrier discussed the public process, and noted that trying to change anything this late in the plan might jeopardize funding. Mr. Rei discussed same.

RESULT: ADOPTED [UNANIMOUS]

MOVER: John Carrier, District V Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Lee Stetson

11:44 AM The gavel was returned to Chair Stetson upon his return to the Chambers.

4. Public Works (ID # 2941)

Deny the Request of the Airport Advisory Committee to Have Their Members Included at Meetings Between County Staff and Potential Fixed Base Operators for the Mariposa/Yosemite Airport

Mr. Rei gave the staff presentation. He reported conferring with the County Administrative Officer and County Counsel and noted that, in consideration of the County's contracting process, they are unanimously recommending against including an Airport Advisory Committee (AAC) representative in the meetings in question. Mr. Rei also reported receiving one communication from Joe Coho who noted that he wasn't in attendance at the AAC meeting but that, if he had been, he would not have been in favor of the action. Supervisor Stetson noted that a similar situation came up recently regarding Yosemite West.

Public comment opened.

Ruth Sellers recounted the events at the AAC meeting noting that her objection was to Mr. Balmain being present at the meetings; discussed that she felt that if anyone were to be present it should be someone who has a presence at this airport; noted that she doesn't feel, in any way, that the AAC should be present during the meetings, and was surprised when she read the packet; discussed the intent behind her motion; noted that she feels that the present action is not right as the AAC did not make such a request; and noted that it is not the responsibility of the AAC, nor did she imply that it should have been.

Brad Aborn noted that he was at the AAC meeting and finds that one thing that's really missing is a Director of Flight Operations.

Pat Skogen/AAC member remarked that she was in attendance at the AAC meeting in question; recounted the events there; and discussed that during the AAC meeting, Ms. Sellers noted that she was not a pilot and that she did not think it should be anyone within their group to attend.

Public comment closed.

Supervisor Jones noted that he also agrees that the AAC should not be involved in this meeting; noted that, when he referred to Mr. Balmain, he meant that he would be bringing someone to look at the airport; and assured that Mr. Balmain would not be involved in the meetings.

Mr. Rei discussed the apparent misunderstanding, noting that his understanding of Mr. Balmain's role has also now been clarified; advised that Ms. Sellers did represent that she did not think that she should be the one to attend the meetings and that she did recommend a pilot; and extended his apologies to Ms. Sellers for any misunderstanding. Mr. Rei discussed the expectation of confidentiality for anyone with whom the County seeks to contract; and noted that there will be many more steps after those meetings before anything ever gets adopted, with multiple opportunities for input.

Chair Stetson noted that there is clearly a confusion of intent, and that it does not appear that there is really an issue before the Board.

Discussion ensued between Supervisor Bibby and Mr. Rei regarding confidentiality and who may attend the meetings; and that potential FBOs can address the AAC directly. Mr. Rei also clarified that they went through a very public RFP process and no one responded; that they checked with County Counsel in advance as to whether they could meet with private parties; and that this is not a proposal.

Supervisor Cann noted that this appears to be a misunderstanding. Supervisor Carrier discussed the need to maintain consistency within the County, noting that the County has already prohibited someone from doing the same thing on another issue. Supervisor Jones noted that his intent was to have Mr. Balmain bring people by flight, but not for him to attend the meetings; apologized for any misunderstanding; and noted that he thinks we need to move forward.

Supervisor Carrier moved to reject the resolution. County Counsel noted that the effect of a motion to reject would be to allow the AAC to have their members included at the meeting. Supervisor Carrier noted that is not his intent and requested County Counsel's assistance in framing a motion. County Counsel suggested that the motion be to accept the recommended action to deny the request of the AAC to have their members included at meetings between County staff and potential Fixed Based Operators for the airport. Supervisor Carrier so amended his motion.

Chair Stetson noted that the motion, as stated, gives credence to the idea that the request was actually made, and noted that objections have been raised indicating that it was not.

Supervisor Carrier withdrew his motion.

County Counsel noted that there was a motion at the AAC meeting that needs to be addressed.

Supervisor Carrier moved that the only people who will be allowed to attend the upcoming FBO meetings will be agents representing the County, and agents representing the entity.

Chair Stetson remarked that he was unsure if that motion was responsive to this item.

Supervisor Jones seconded.

Supervisor Bibby inquired if there was a way, given the public testimony and the way this item was agendized, to clarify that the motion would merely provide future direction as there wasn't a request by the AAC.

County Counsel advised that the motion is responsive to the agendized issue. Action was taken to disallow anyone other than County representatives and agents

representing the entity at upcoming meetings with potential FBOs.
Carrier (M); Jones (S); Passed Unanimously.

RESULT: DIED FOR LACK OF MOTION

K. Closed Session

1. Human Resources/Risk Management (ID # 2917)

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

RESULT: WITHDRAWN

2. Human Resources/Risk Management (ID # 2918)

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

RESULT: WITHDRAWN

3. Human Resources/Risk Management (ID # 2919)

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

RESULT: WITHDRAWN

4. Human Resources/Risk Management (ID # 2920)

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

RESULT: WITHDRAWN

5. County Counsel (ID # 2932)

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation; Jack Bankhead V. County of Mariposa; Mariposa County Superior Court Case No. 10077

No public or Board comment.

This closed session was held at 12:19 PM and reported out at 1:23 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

6. Human Resources/Risk Management (ID # 2940)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Fire Chief/Emergency Planning Coordinator

No public or Board comment.

This closed session was held at 12:34 PM and reported out at 1:23 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

L. Items removed from Consent Agenda

None.

Report Out

1:23 PM Chair Stetson reported that Information was Received and Direction Given on closed session items K.5 and K.6.

M. Adjournment

1:26 PM The meeting was adjourned in memory of Linda Williams, Hudson Nicholas Ritter, Beth Schardt Hiemforth, and Arlin George.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

LEE STETSON
Chair, Board of Supervisors



MARIPOSA COUNTY

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LEE STETSON, CHAIR
KEVIN CANN, VICE-CHAIR
MERLIN JONES
JANET BIBBY
JOHN CARRIER

DISTRICT I
DISTRICT IV
DISTRICT II
DISTRICT III
DISTRICT V

MINUTES

November 5, 2013

A. Call to Order and Roll Call

9:02 AM The meeting was called to Order at the Mariposa County Government Center.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	8:59 AM
Merlin Jones	District II Supervisor	Present	8:59 AM
Janet Bibby	District III Supervisor	Present	8:59 AM
Kevin Cann	District IV Supervisor	Present	8:59 AM
John Carrier	District V Supervisor	Present	8:59 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Cann, followed by a moment of silence for those defending our Country.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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

No public comment.

Chair Stetson noted that CA4 requires a 4/5ths vote. He also noted that he has received a communication from Grace Magsayo with Caltrans that the Rock Shed alternative has been recommended as the preferred alternative to repair the Ferguson

Slide, which is the subject of CA1.

Supervisor Cann discussed the preferred repair alternative as just noted by Chair Stetson. He also discussed the Merry Mountain Christmas Parade (CA3); noted his appreciation of the letter in CA5; and requested an overview regarding CA8 which Pete Judy/Chief Probation Officer gave. Mr. Judy also noted that this will be the last year for the grant.

Supervisor Bibby required clarification regarding CA7 and CA8. John Lawless/Interim Human Services Director responded regarding CA7, and Pete Judy responded regarding CA8.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2013-481

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2013-482

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Administration RES-2013-483

Authorize the Public Works Director to Sign the Application for a Caltrans Encroachment Permit in Support of Closing Highway 140, Between Jones and Third Street, on December 7, 2013, at 6:00 P.M. for the Merry Mountain Christmas Parade, and Authorize the Board of Supervisors Chair to Sign the Letter of the Board's Support and Approval

CA4. Administration RES-2013-484

Approve Budget Action Reducing General Fund Contingency and Increasing Appropriations in the Board of Supervisors Budget (\$6,441) and Authorize the Auditor to Pay the Mariposa Public Utility District (MPUD) for the Annexation Fees Associated with the First Baptist Church of Mariposa and County Property (Field of Dreams) 4/5ths Vote Required

CA5. Board of Supervisors RES-2013-485

Authorize the Chairman of the Board of Supervisors to Sign a Letter to the El Portal Elementary Students Regarding the County Libraries

CA6. Human Services 2013-122

Accept the Resignation of Cinnamon Fleener from the Alcohol and Drug Abuse Advisory Board

CA7. Human Services/Fiscal RES-2013-486

Approve Budget Action Increasing Revenue and Appropriations in the Social Services Budget to Account for Blue Shield Grant Revenue (\$10,998) 4/5ths Vote Required

CA8. Probation RES-2013-487

Adopt a Resolution to Participate in the Anti-Drug Abuse Enforcement Team Grant Program, (Mariposa County Drug Task Force Team), Effective October 1, 2013 to September 30, 2014, and Authorize the Chief Probation Officer to Sign and Submit the Grant Application for Funding in the Amount of \$84,447, and Sign the Grant Agreement with the Board of State and Community Corrections (BSCC), Including any Amendments, Modifications or Extensions Thereof, Subject to Approval as to Form by County Counsel

CA9. Public Works RES-2013-488

Approve the Subdivision Map for the Van Ness Ranch II, Application No. 2007-135

CA10. Treasurer-Tax Collector-County Clerk RES-2013-489

Authorize the Immediate Recruitment and Filling Upon Vacancy of an Accounting Technician III Position In the Treasurer - Tax Collector's Office

CA11. Air Pollution Control District RES-2013-490

Approve the Air Pollution Application for Subvention Funds, the Rural District Supplemental Funds Attachment, the Request for First Disbursement Subvention Funds for Fiscal Year 2013-2014, and the 2012-2013 Year End Financial Report and Authorize the Air Pollution Control Officer to Sign the Application and Documents; Authorize the Air Pollution Control Officer to Apply and Execute Documents for the Air Pollution Subvention Program for Subsequent Four Fiscal Years, Subject to Approval as to Form by County Counsel

E. Board Recognitions

1. Board of Supervisors 2013-123

Proclaim November, 2013, as "National American Indian Heritage Month" (Sandra Vasquez, Tribal Chair)

No Board or public comment.

Chair Stetson presented the Proclamation to Connie Waldron/Merced River Daughters of the American Revolution.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

F. Minutes Approval

1. **Tuesday, October 15, 2013**

No public or Board comment.

The Minutes of October 15, 2013 were accepted as presented.

Bibby (M); Jones (S); Passed unanimously.

2. **Tuesday, October 22, 2013**

No public or Board comment.

The Minutes of October 22, 2013 were accepted as presented.

Jones (M); Carrier (S); Passed unanimously.

G. Departmental Presentation

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

Mike Kinslow/Building Director discussed how busy his department has been; noted that the workload has increased significantly; and discussed some future items that he will be bringing to the Board regarding reconfiguring his department's budget, fee increases, changes in staffing, and the need for continuing education. Supervisor Jones discussed the workload and its impact on Mr. Kinslow as he has not been able to take off more than two consecutive days in three and a half years.

Peter Rei/Public Works Director gave an update regarding the Bridgeport Fire Station noting that as of this morning the foundation is complete; noted that the current schedule calls for it to be weather-tight sometime around Thanksgiving, and to be working on the interior and be largely done with the interior by the end of December. He also noted that the contract to finish clearing out the Garber House property was awarded to Allison Sierra and should be cleared within the next week.

Richard Benson/County Administrative Officer noted that the Board set the year's meetings in January and inquired if the Board would still like to have a meeting on November 26th, noting that he will have to bring an item back to the Board if they do wish to cancel. Discussion among Board members. Supervisor Stetson noted that if there is nothing of great significance on that meeting, he would suggest canceling it. Supervisor Jones agreed. CAO noted that he will bring an item next week. Supervisor Bibby requested that he also check the first meeting in December to make sure that it will not be overly impacted.

H. Public Comment on Non-Agenda Items

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

Wendy Brown-Barry discussed the Defenders of Rural America presentations on October 24th and 25th and gave an overview of what was presented there. She suggested that the County consider hiring Doyel Shamley, and she provided an updated Call to Action letter.

Evie Wilson discussed the proposed expansion of water authority via the Clean Water Restoration Act, and noted that comments are due by midnight tomorrow.

Katie Owens noted her concern regarding the proposed changes that Wendy Brown-Barry and Evie Wilson discussed and requested that the Board take a stand on the issue.

Donna Brownell discussed fracking in Colorado, and requested that the Board make a decision on what the policy will be when first presented with the possibility of fracking in Mariposa County.

Kathy McCorry/Executive Director of the Mariposa County Chamber of Commerce and Visitors Centers gave the visitor stats for last month; discussed the All Trails Lead to Mariposa advertising campaign; and noted advertising opportunities for Chamber businesses. She also advised: that the Business Group will meet Thursday morning at 8:15 AM at the Miners Roadhouse; that the Chamber Board will be meeting Thursday at 5:30 PM at the VFW Hall; that Yosemite National Park has free admission this weekend; of the Veterans Day Parade; and that the TVYFL will be at the Fairgrounds this weekend.

1. **Clerk of the Board of Supervisors (ID # 3000)**

Handouts from the Public Comment Portion of the November 5, 2013 Meeting

RESULT: INFORMATION RECEIVED

I. Board Information

Supervisor Cann reported attending: the Integrated Regional Water Management Plan (IRWMP) meeting on October 23rd remarking that he feels that the Board needs to consider assigning someone to attend, most likely from Public Works; the mandatory harassment training on the 24th; the Economic Development Corporation (EDC) meeting on the 24th; a Chamber sponsored event with the expansion of a local dentist's office to the old Yosemite Bank administration building; a meeting with Supervisor Jones and the Department Heads at their regular meeting on the 24th; the Pregnancy and Parenting Assistance startup discussions at the Fairgrounds; a meeting with a constituent on the 28th, noting that they visited a transient encampment; a meeting with a landowner regarding code and compliance issues; an October 30th meeting with the landowner interested in working with the American Baptist Homes of the West regarding a subsidized Senior Living Facility; an October 31st meeting with Supervisor Jones, Public Works, and two potential bidders regarding the airport; and a Monday meeting regarding homeless issues. Supervisor Cann advised that he will be: meeting with Public Works tomorrow regarding the reconstruction of the stairway to the County Park behind the Best Western; attending the Thursday morning meeting of the Mariposa County Business Association at 8:15 AM, and the Veterans Day Service at Mariposa Elementary School; and attending the Habitat for Humanity dedication at 10:00 AM on Saturday.

Supervisor Jones reported attending: the EDC meeting on the 24th; the Department Heads meeting with Supervisor Cann on the 24th; an October 29th meeting with a company that is interested in putting up internet service in all of District II; October 31st interviews with interested parties regarding the airport; the Art Council's Grand Opening on November 1st, and he commended Cara Goger for all of her efforts; the Greeley Hill Breakfast on the 3rd; and an October 4th inspection, with CSD and MID, of the water level at Lake McClure, noting that the old dam is now showing. Supervisor Jones also noted that Bill 924, which was sponsored by Frank Bigelow and which increases penalties for cattle theft, was signed by the governor and he discussed same. He also thanked Ms. McCorry for the time she spent in Coulterville.

Supervisor Carrier reported attending: the IRWMP meeting on the 23rd; the harassment training on the 24th; the 4-H Award Dinner on the 27th; an October 30th meeting with property owners, the Public Works Director, and the County Surveyor regarding Aurora Road, noting that there is good progress there; the Airport Advisory Committee meeting on the 30th; the Midpines Planning meeting on November 2nd; and a meeting with Dave Martin from the U.S. Forest Service

yesterday, noting that the final cost of the Carstens Fire is coming in at about 30 million dollars. Supervisor Carrier advised that he will be attending: the Midpines Planning Advisory meeting tonight; an Area 12 Agency on Aging board meeting on the 7th which will prevent him from attending the Veterans Day Ceremony; a Fire House meeting Thursday afternoon; a Friday meeting with some concerned citizens; and the Habitat for Humanity home dedication on the 9th. He also reported that progress is being made on the revision to the Hazardous Mitigation Plan.

Supervisor Bibby extended her compliments and congratulations to Habitat for Humanity and noted that she will try to attend the dedication on the 9th. She also suggested that the IRWMP representatives look at water exporting noting that you want the water to stay in your community, and she discussed ordinances that neighboring counties have instituted regarding same. Supervisor Bibby advised that she: will be attending the American Association of University Women's speech contest on the 5th; will try to attend the Veteran's Day event Thursday morning; and will be attending a meeting of the Mental Health Governing Board on Thursday, noting that they are still looking for additional representatives. She also noted: that she is still looking for a District III Commissioner on Aging; that Mother Lode Job Training is looking for a private sector representative; and that Community Action Agency has some vacancies that could represent Mariposa. Supervisor Bibby also extended her compliments to SCOPE, law enforcement, stores and residents regarding the Halloween trick or treating.

Supervisor Stetson noted that he has been out of town for the last week, or so, and extended his thanks to Tara Schiff, the CAO, and John Carrier for attending the Midpines meeting on Saturday, noting his delight to hear how well that process is proceeding. He also discussed a Yosemite West meeting yesterday that he was unable to attend. Supervisor Stetson advised that he will be attending: the Midpines Advisory Board committee meeting tonight; a meeting with Rick Peresan and Supervisor Cann on November 6th regarding the Chambers sound system; the Veteran's Day celebration at 8:45 AM on Thursday; and a Bear Creek meeting at the Bug Hostel on Friday.

J. Regular Agenda Items

1. Building (ID # 2962)

Waive First Reading and Introduce Ordinance Modifying Chapters 15.10 and 15.30 of the Mariposa County Code Regarding Buildings and Construction

The staff presentation was given by Mike Kinslow, who noted an omission regarding the CEQA Guidelines in the draft Ordinance and passed out a copy of the correct text which is to be inserted as the last WHEREAS of the Ordinance.

Supervisor Cann requested a copy of any briefing advisory or synopsis that may be prepared for local contractors, particularly with respect to impacts on Mariposa County. Mr. Kinslow noted that energy and water are the big impacts on local codes, that water usage will be restricted even more, and that more energy efficient thermal envelopes will be required.

Supervisor Bibby: requested clarification regarding the additional text provided in the handout; inquired if the Contractors Association knows that these changes are coming; required clarification regarding the key box and security gate requirements; and discussed the applicability of the changes to new building construction.

No public comment.

Supervisor Cann moved that the item be approved with the insertion of the additional text.

The Clerk read the title and additional text into the record.

Supervisor Carrier seconded the Motion, and it was approved unanimously.

The Ordinance was introduced and has been scheduled to come back before the Board on November 19, 2013.

RESULT: INTRODUCED [UNANIMOUS] Next: 11/19/2013 9:00 AM

MOVER: Kevin Cann, District IV Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Public Works (ID # 2830)

Waive First Reading and Introduce an Ordinance Amending Chapter 10.08.031 of the Mariposa County Code Pursuant to Camping and Overnight Parking

The staff presentation was made by Peter Rei.

Public Comment Opened.

Ron Iudice inquired if this could include parking on streets or other county property as he has noticed a transient vehicle on 2nd Street next to St. Joseph's Church for approximately one week. Mr. Rei responded that Mr. Iudice's issue is regulated by a different portion of the law; and that the Streets and Highways code allows for the Road Commissioner, working with law enforcement, to address those issues on County maintained roads. Mr. Rei also noted that this was intended for private property, specifically parking lots, because that was the problem that was being addressed at the time.

Katie Owens noted that the transient homeless population is definitely increasing and she agrees with the County restricting access from the onset as she feels the problem is only going to grow. She also discussed problems that Oakhurst has been experiencing in this regard.

Public Comment Closed.

Supervisor Cann noted conflicting language in the draft ordinance, and asked County Counsel to clarify.

Steven W. Dahlem/County Counsel recommended editing the first WHEREAS to read: "...parking lots owned or managed by the County"; editing the second WHEREAS to read: "...parking lots owned or managed by the County"; and edit the actual amendment to 10.08.031 to read: "...any county owned or managed property...".

Supervisor Bibby suggested that Public Works disseminate the Ordinance to faith-based organizations that provide services when/if it is approved.

Supervisor Cann moved that the item be approved with the changes recommended by County Counsel. Supervisor Carrier seconded the Motion.

The Clerk read the title and additional text into the record.

The Motion passed unanimously.

The Ordinance was introduced and has been scheduled to come back before the Board on November 12, 2013.

RESULT: INTRODUCED [UNANIMOUS] Next: 11/12/2013 9:00 AM

MOVER: Kevin Cann, District IV Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

3. Public Works (ID # 2883)

Waive First Reading and Introduce an Ordinance Establishing an Assessment for Granite Springs Estates Zone of Benefit

The staff presentation was made by Barbara Carrier/Assistant Director of Public Works - Support Services.

Supervisor Bibby noted language stating \$0.00 in up-front costs, and inquired as to whether the funds necessary to offset formation costs were on deposit. Ms. Carrier responded that the present owner has deposited all of the necessary funds.

No public comment.

Supervisor Jones moved that the item be approved.

The Clerk read the title into the record.

Supervisor Bibby seconded the Motion, and it was approved unanimously.

The Ordinance was introduced and has been scheduled to come back before the Board on November 12, 2013.

RESULT: INTRODUCED [UNANIMOUS] Next: 11/12/2013 9:00 AM

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

4. Public Works 2013-ORD-1100

Waive the Second Reading and Adopt an Ordinance Amending Chapter 12.04 of the Mariposa County Code Authorizing the Road Commissioner/Public Works Director to Issue Encroachment Permits

The staff presentation was made by Peter Rei.

Supervisor Bibby inquired if any additional public comments have been received. Mr. Rei responded that there have been none.

No public comment.

Supervisor Bibby moved that the item be approved as presented.

The Clerk of the Board read the title and ordinance number into the record.

Supervisor Jones seconded the Motion, and it was approved unanimously.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

5. Administration RES-2013-491

Approve an Agreement with the Mariposa County Chamber of Commerce to Operate the Visitors' Centers in the Amount of \$145,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

The staff presentation was made by Rick Benson who noted that during the budget hearings the Board approved \$156,000 for a one year contract, but that the Board extended the previous contract by one month so this agreement is for \$145,000 for an 11 month period. He also noted that this contract is similar to last year but with a reduction in Coulterville hours, and he discussed added flexibility for the Chamber regarding hours of operation.

Supervisor Bibby inquired if the contract has a "termination for convenience" clause should the Board find that they have to discuss furloughs later. Mr. Benson responded affirmatively.

Supervisor Cann inquired of any foreseen impacts from the rise in minimum wage. Mr. Benson noted that he has not discussed the issue with the Chamber.

Public comment opened.

Kathy McCorry noted: that the July 1st minimum wage increase will impact their operation; that their estimate is that the \$6,000 increase over last year will basically pay for the additional wages; that they will have to adjust Mariposa hours down as a result, and she discussed the new hours of operation.

Supervisor Jones inquired if the Chamber received any help from the Tourism Bureau regarding Coulterville. Ms. McCorry responded that the Tourism Bureau has voted to help the Chamber financially, but that they are still working out the terms. Supervisor Bibby requested Ms. McCorry to report back to the Board when those negotiations are finished. Ms. McCorry noted that she can report that the Tourism Bureau did vote to provide one-time funding to the Chamber in the amount of \$15,000 for operational costs, and that they are working out what is included as "operational costs."

Public comment closed.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

6. Administration (ID # 2964)

Receive Report, Discuss and Possibly Provide Direction to Staff in Response to Closure of Yosemite National Park

The staff presentation was made by Rick Benson who gave an overview of the Yosemite National Park closure, noting that there will be a dramatic effect on the Transient Occupancy Tax (T.O.T.) revenues but that, at this time, exact figures are unknown and he can only estimate the loss. He discussed that most of the loss will be from T.O.T. revenues, but that there will also be a ripple effect in sales tax as the tourists weren't here, as well as less disposable income for the employees who were without work. Mr. Benson also noted that a revenue loss up to \$600,000 is manageable and he is, accordingly, not making a recommendation for any substantive changes in the budget or in activities and that he will have a more precise amount the first week of December. Mr. Benson also discussed the mid-year budget review process, noting that this issue will be revisited at that time. He remarked that he expects this to have an effect on the fund balance available next year and, consequently, recommends that department heads be as frugal as possible this year. He reiterated his recommendation to not take any action at this time.

Supervisor Bibby noted that it would be helpful for our legislative representatives to hear reports from community members on the individual impacts

and what the closure did to their lives. She also discussed a past issue where some lodging providers separated out cleaning and other costs in order to reduce the amount of T.O.T. charged, and inquired if the County Clerk had ever revisited that issue to insure that T.O.T. is added on to the overall room stay and is consistent among lodgings. Mr. Benson noted that he has not had that discussion with the Treasurer-Tax Collector but that he can pass along those concerns.

Supervisor Cann noted his estimate of what the loss will be.

No public comment.

Chair Stetson noted that direction has been given.

RESULT: DIRECTION GIVEN

7. Administration RES-2013-492

Approve Letters to Legislators Regarding Yosemite National Park Closure and Authorize the Board of Supervisors Chair to Sign the Letters

The staff presentation was made by Rick Benson.

Supervisor Bibby requested that copies be sent to our State representatives, including the governor. The Board indicated agreement with that request.

Supervisor Cann inquired as to the changes made from the original draft. Mr. Benson responded.

Supervisor Stetson commented on the use of the word "Sierras" in the first sentence of the second paragraph, and noted that he would like to see it changed to "Sierra Nevada Region."

Public comment opened.

Ruth Catalan suggested that a copy also be sent to the President.

Public comment closed.

The Board concurred with the suggestion to send copies to the President.

Action was taken to approve the letter with the noted change, and with the added direction that copies be sent to State representatives and the President.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

K. Items removed from Consent Agenda

None.

L. 11:00 AM Closed Session

1. Human Resources/Risk Management (ID # 2936)

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

No public or Board comment.

This closed session was held at 11:32 AM and reported out at 12:55 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. **Human Resources/Risk Management (ID # 2939)**

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

Supervisor Carrier recused himself from this item.

No public comment.

This closed session was held at 12:02 PM and reported out at 12:55 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, Kevin Cann

EXCUSED: John Carrier

3. **Human Resources/Risk Management 2013-124**

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

Supervisor Bibby recused herself from L.3 and L.4 as she has family members in SMA and DSA.

No public comment.

This closed session was held at 12:06 PM and reported out at 12:55 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann, John Carrier

EXCUSED: Janet Bibby

4. **Human Resources/Risk Management 2013-125**

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

No public or Board comment.

This closed session was held at 12:06 PM and reported out at 12:55 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann, John Carrier

EXCUSED: Janet Bibby

5. **County Counsel (ID # 2956)**

**CLOSED SESSION: Conference with Legal Counsel; Existing Litigation;
Jack Bankhead v. County of Mariposa; Mariposa County Superior Court
Case No. 10077**

RESULT: WITHDRAWN

Report Out

12:55 PM Chair Stetson reported that Information was Received and Direction was Given for Closed Session items L.1, L.2, L.3 and L.4.

M. Adjournment

1:01 PM The meeting was adjourned in memory of Dorothy Marie Moon-McKinley, Stacy L. Moore, Mary Allocca, Jozef Bittner, Patricia Helen Hecox, Deonne Dee Dee Webb, and Don W. Griffith.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

LEE STETSON
Chair, Board of Supervisors



MARIPOSA COUNTY

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LEE STETSON, CHAIR
KEVIN CANN, VICE-CHAIR
MERLIN JONES
JANET BIBBY
JOHN CARRIER

DISTRICT I
DISTRICT IV
DISTRICT II
DISTRICT III
DISTRICT V

MINUTES

November 12, 2013

A. Call to Order and Roll Call

9:04 AM The meeting was called to order at the Mariposa County Government Center.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:04 AM
Merlin Jones	District II Supervisor	Present	9:04 AM
Janet Bibby	District III Supervisor	Present	9:04 AM
Kevin Cann	District IV Supervisor	Present	9:04 AM
John Carrier	District V Supervisor	Present	9:04 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Carrier, followed by a moment of remembrance to honor those who have served in the military and to remember the victims of Philippines disaster.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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

No public comment.

Chair Stetson announced that CA10 and CA13 require a 4/5ths vote.

Supervisor Cann noted the following error in CA15: agenda packet page 97, which is page 2 of 12 of "Exhibit A - Scope of Work," refers to the County of Fresno at the beginning

of Paragraph 4, entitled "Services to be Performed - Pediatric - IAP."

Supervisor Bibby remarked that CA4 increases the space and cost and required clarification as to the revenue source. Rick Benson/County Administrative Officer noted that this amount was built into the budget. Cathi Boze/Ag Commissioner responded that revenue is from the Unclaimed Gas Tax, and that it is fully covered. Supervisor Cann required clarification of the full additional cost per month. Ms. Boze responded.

Supervisor Bibby noted that the contract in CA5 is missing a "Termination for Convenience" clause, and discussed that funds for this item come from the discretionary funds. CAO noted that the clause can be added in to the contract if the Board so directs. Supervisor Jones noted that he agrees with including the clause, and commended Cara Goger on the job she has done. Supervisor Carrier noted that he would also like to see the termination clause in the contract.

Supervisor Bibby commented on touring the facility in CA8, and extended her compliments to the owner, the contractor and the Sheriff for finding such a facility.

Action was taken to approve the Consent Agenda with the addition of a "Termination for Convenience" clause to the contract in CA5, and with CA15 corrected to represent the "County of Mariposa" throughout the contract.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2013-493

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2013-494

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Administration RES-2013-495

Cancel the November 26, 2013 Board of Supervisors Meeting

CA4. Administration RES-2013-496

Approve Amendment One to the Lease Agreement with the 35-A District Agricultural Association to Allow the County Agricultural Commissioner to Lease Additional Space, and Authorize the Board of Supervisors Chair to Sign the Amendment

CA5. Administration RES-2013-497

Approve an Agreement with the Mariposa County Arts Council for Performing Arts, Visual Arts, and Arts Resources and Education Services in the Amount of \$51,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA6. Administration RES-2013-498

Approve the Purchase of Real Property Located at 4953 Carstens Road in Midpines (APN# 009-170-024) and (1) Authorize the County Administrative Officer to Execute the Purchase Agreement and Any Other Documents

Necessary to Complete the Purchase; and (2) Direct the Auditor to Draw a Warrant for the Purchase Price and Escrow Costs in Accordance with the Purchase Agreement

CA7. Sheriff's Office RES-2013-499

Authorize Sheriff to Purchase a New Primary Radio System for Sheriff's Dispatch Center to Support Law Enforcement and Public Safety Activities in Mariposa County; and Approve Budget Action Transferring Funding Within the Sheriff's Budget to Allow for the Purchase of the Radio System (\$55,147)

CA8. Sheriff's Office RES-2013-500

Approve an Agreement with Forensic Nurse Specialists of Central California, Inc. for Sexual Assault Examination Services for Mariposa County Sheriff's Office Investigations, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA9. Human Services/Social Services RES-2013-501

Approve a Grant Agreement with California Youth Connection to Provide Support Services to Child Welfare and Probation Foster Youth in an Amount Not to Exceed \$5,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA10. Human Services/Behavioral Health & Recovery Services RES-2013-502

Approve the Cancellation of the Mariposa Safe Families Contract for the Parent Partner Program; Approve Budget Action Transferring Funding Within the Wraparound Fund and Increasing Contingency as a Result of the Contract Cancellation (\$36,998) 4/5ths Vote Required

CA11. Human Services/Behavioral Health & Recovery Services RES-2013-503

Permission to Overfill Mental Health Clinician Vacancy in Human Services

CA12. Human Services RES-2013-504

Authorize Human Services to Increase an 0.80 Permanent Part-Time (PPT) Senior Office Assistant Position in the Human Services Administration Budget to Full Time Effective Nov 13, 2013

CA13. Community Services RES-2013-505

Approve Budget Action Increasing Revenue and Appropriations in the Veterans' Services Budget With One-Time Subvention Program Funding (\$12,333) 4/5ths Vote Required

CA14. Human Resources/Risk Management RES-2013-506

Approve an Amended Medical Malpractice Program Memorandum of Understanding (MOU) and the Medical Malpractice Extended Participation Agreement with the California State Association of Counties Excess Insurance Authority, and Authorize the Board of Supervisors Chair to Sign the Amended MOU and the Extended Participation Agreement

CA15. Health RES-2013-507

Approve Standard Agreement #13-20332 for Immunization Assistance Program for Fiscal Year July 1, 2013, through Fiscal Year June 30, 2017, in the amount of \$100,000, Authorize the Board of Supervisors Chair to Sign the Agreement, and Authorize Health Officer to Sign the Contractor's Release Form

E. Board Recognitions

None.

F. Minutes Approval**1. Tuesday, November 05, 2013**

No public or Board comment.

The Minutes of November 5, 2013 were accepted as presented.
Jones (M); Cann (S); Passed unanimously.

G. Departmental Presentation

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

None.

H. Public Comment on Non-Agenda Items

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

Ron Iudice discussed staffing declines at the Sheriff's Department, discussed the amount of calls that the Department sees, and urged the Board to direct more resources to that department.

I. Board Information

Supervisor Cann reported: attending a Wednesday meeting with a developer and Planning; meeting with Supervisor Stetson and Staff on Wednesday regarding the Board Room sound system; attending a meeting on Wednesday with the owner of the new prospective True Value store, his builders, designers, and the department heads involved; meeting with Public Works on Wednesday regarding the rebuilding options for the stairway to the Town Park and pool; Chairing the Mariposa Business Association meeting on Thursday which prevented him from attending the Veterans Day Service at Mariposa Elementary School (MES), and he commended all who were involved in that ceremony; on his attendance at an event in San Francisco on Thursday night honoring the 150 years signing of the Yosemite Grant by Abraham Lincoln, noting that they raised \$250,000; and that he attended the NRA Dinner on Saturday. Supervisor Cann advised: that he will be Chairing the RCRC Executive Committee meeting tomorrow; and that he will not be able to make the Solid Waste Task Force meeting on Thursday as he will be having oral surgery.

Supervisor Carrier reported: attending the Midpines Planning meeting last Tuesday; that he missed the Veterans Ceremony on Thursday as he was attending the Area 12 Agency on Aging Board meeting in Sonora; attending Friday meetings with citizens on various issues; and attending the Habitat for Humanity home dedication on Saturday. Supervisor Carrier advised that he: has a meeting in Lushmeadows on Wednesday; will be attending a Courthouse meeting on Thursday;

and will be attending a CSAC meeting in Sacramento on Friday.

Supervisor Jones discussed the lumber mill situation, noting the amount of timber that burned during the Rim Fire. He also reported: attending a meeting with Supervisor Bibby and a member of the Fire Department on November 5th; attending a November 7th meeting in Don Pedro with Public Works, CSD and the Fire Department; participating in the Tax Sale on the 8th, and commended Keith Williams for his efforts in this regard; visiting with health insurance personnel on the 8th, and discussed an issue with his personal health insurance coverage; attending the Lake Don Pedro Landowners Association meeting on the 9th, noting their support of the marijuana cultivation ordinance; attending the Coulterville History Center Breakfast on the 10th; and observing a moment on November 11th to think of all of the Veterans and their sacrifices.

Supervisor Bibby discussed an article in today's Merced Sun-Star on water issues, and stressed that IRWMP needs to look at an ordinance regarding water exporting; and she complimented everyone involved in the AAUW speech competition last week. She also reported attending: a fire liaison meeting with Supervisor Jones, and encouraged everyone to bring forth their issues; the Veterans Ceremony, and extended her compliments to the school, the students, and legislative representatives; the Mental Health Governing Board Meeting; and the Habitat for Humanity dedication, and commended everyone involved.

Supervisor Stetson noted his agreement with looking at the water export issue. He also reported attending: the Midpines Advisory meeting on Tuesday; a Wednesday meeting with Supervisor Cann and Rick Peresan regarding the sound system; the MES Veterans Day commemoration on Thursday; and a Bear Creek meeting on Friday, noting that CA6 on today's agenda is to purchase land for Midpines. Supervisor Stetson advised that he will be attending the El Portal Advisory meeting tonight.

Supervisor Cann also discussed: the local Habitat for Humanity group and the dedication of their second home; and four-wheeling through the Carstens Burn area yesterday. He also announced that he will not be at the November 19th Board meeting as he will be attending the CSAC conference on behalf of RCRC. Supervisor Cann also noted that he feels we should wait until the disposition of the Merced Irrigation District matter before proceeding with a water exporting ordinance.

J. Regular Agenda Items

1. Public Works 2013-ORD-1101

Waive Second Reading and Adopt a Camping and Overnight Parking Ordinance Amending Chapter 10.08.031 of the Mariposa County Code Pursuant to Camping and Overnight Parking

The staff presentation was made by Peter Rei/Public Works Director.

No public comment.

Supervisor Bibby inquired if any additional public comments have been received. Mr. Rei responded that there have been none.

Supervisor Cann moved that the item be approved as requested.

The Clerk of the Board read the ordinance number and title into the record.

Supervisor Bibby seconded the Motion, and it was approved unanimously.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Public Works 2013-ORD-1102

Waive Second Reading and Adopt an Ordinance Establishing an Assessment for Granite Springs Estates Zone of Benefit

The staff presentation was made by Peter Rei.

No public comment.

Supervisor Bibby inquired if any additional public comments have been received. Mr. Rei responded that there have been none.

Supervisor Jones moved that the item be approved as requested.

The Clerk of the Board read the ordinance number and title into the record.

Supervisor Carrier seconded the Motion, and it was approved unanimously.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

3. Technical Services(ID # 2975)

Presentation on Progress of the Mariposa County GIS Program

The staff presentation was made by Rick Peresan/Technical Services Director, Jim Middleton/Deputy Fire Chief, and Emily Meriam/Geographer & Senior GIS Specialist.

Deputy Chief Middleton showed the Board a copy of the current map book that emergency responders use noting that it was made by the Assessor approximately 10 years ago, and he discussed the problems with it. Ms. Meriam provided the Board with copies of a draft of the new map book. Deputy Chief Middleton noted that, when finished, the new book will also be available in electronic format so that it can be printed out for first responders.

Ms. Meriam recounted being first approached with this concept five years ago, discussed the development of the book, and noted that revisions will be printed in March to be ready in time for fire season. Supervisors Cann and Jones commended Ms. Meriam for her efforts on this project. Supervisor Bibby inquired if all departments are participating. Ms. Meriam responded and discussed the GIS program, the ArcGIS server that has been developed using the DRI grant, and the capabilities and potential of same. Supervisor Bibby required clarification that they are working with the Assessor's Office as the County already has a contract with a company doing something similar, noted that she is hoping we get feedback as to the recommended levels of availability and use, and extended her compliments to Ms. Meriam on her efforts. Ms. Meriam responded to all concerns.

Supervisor Cann required clarification regarding importing information. Ms. Meriam responded.

Supervisor Carrier thanked Ms. Meriam, noting that Madera County has just rolled out a similar project using a staff of eleven. Ms. Meriam discussed features of the ArcGIS server, noting that they can have individual user accounts with different privileges. Ms. Meriam also commended Jim Middleton for spearheading the effort.

Deputy Chief Middleton noted that this is a collaborative project, and thanked Sarah Williams, Tara Schiff, Public Works, Technical Services, the Health Department, the Sheriff's Office, and all departments, as well as multiple State and Federal agencies.

Discussion ensued between Supervisor Bibby, Ms. Merriam, and Deputy Chief Middleton regarding the importance of maintaining and updating the data as needed.

Public comment opened.

Doug Binnewies/Mariposa County Sheriff commended Ms. Merriam for her work, noting that his department is looking positively for the use of this product in the field.

Public comment closed.

RESULT: INFORMATION RECEIVED

4. Administration/Economic Development RES-2013-508

Approve the Purchase of ArcGIS Software for Planning Department as Part of Disaster Recovery Initiative, Grant #11-DRI-7555

Rick Benson noted that this item ties in to the previous presentation, and expounded on the cooperation and work between departments. Tara Schiff/Community Development Grant Coordinator made the staff presentation noting that the DRI covers all of this. She also discussed that she did receive approval from the CDBG Representative, and she provided a copy of same. She also supplied a copy of the budget for the DRI grant.

Supervisor Jones thanked Ms. Schiff for following through on these grants.

Supervisor Cann noted that this is a prime example of how we need to pursue every appropriate grant opportunity that we can find, and he commended Ms. Schiff on her efforts.

No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

5. Human Resources/Risk Management RES-2013-509

Review and Approve the Request for Proposal (RFP) to Provide a Compensation Study for the County of Mariposa

The staff presentation was made by Tessa Pritchard/Human Resources Director - Risk Manager who noted that it will take about three months to complete the study.

Supervisor Carrier inquired if this is a complete, total compensation comparison which will include retirement, health, etc. Ms. Pritchard responded affirmatively.

Supervisor Bibby inquired if it will look at the individual job tasks and responsibilities. Ms. Pritchard responded by discussing the study parameters. Supervisor Bibby noted that employees will still need to notify Personnel if they are doing duties beyond their classification. Discussion ensued between Supervisor Bibby, Ms. Pritchard and CAO regarding the study, funding of corrections to income deficiencies, and the potential need for the information for the collective bargaining process. Supervisor Bibby inquired of CAO if the Board will see

something at mid-year. CAO responded.

Supervisor Cann noted that the Board discussed this in August, noted that he likes the component to train our staff to keep this information current, and feels it is important to have the information.

Public comment opened.

Darrell Tucker noted that he has seen a lot of studies, and inquired if it is possible to get someone who is already working for the County to get the training to compile and update the data.

Ron Iudice questioned spending the money when it could be used elsewhere.

Public comment closed.

Supervisor Jones moved the item as presented, noting that we need the information as it is all guesswork otherwise.

Supervisor Cann seconded commenting that we end up negotiating in the blind. He also responded to Mr. Tucker noting that a component is to provide training for staff; and he noted that in the five years that he has been here we have yet to have definitive information.

Supervisor Bibby discussed studies done in past years; discussed Fact Finding and remarked that she would rather wait until the information is requested by the bargaining units; and noted that she can't support it until we have the funds to address whatever is found.

Supervisor Carrier inquired of any potential consequences should this be deferred until requested for Fact Finding. Ms. Pritchard responded and discussed Fact Finding time frames.

Supervisor Cann remarked that the studies that he has seen were all done in-house; and noted that this is fundamental information which the Board needs.

Supervisor Jones agreed with Supervisor Cann, and discussed that we are currently recruiting for a new Fire Chief and we don't know the prevailing rates for same.

Supervisor Bibby commented that she has been here for eleven years and that a study was done just before then, and she discussed same. She also noted that the RFP amount equates to half of a furlough day, and urged that the Board wait until the matter of furloughs is determined.

RESULT: ADOPTED [4 TO 1]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann, John Carrier

NAYS: Janet Bibby

6. **Board of Supervisors RES-2013-510**

Adopt a Resolution Supporting Senate Bill 405 (Padilla) Single-Use Plastic Bag Phase Out

The staff presentation was made by Supervisor Stetson.

Public comment opened.

Darrell Tucker spoke in favor of this item, remarking that he lives near the landfill and on windy days plastic bags end up on his property.

Katie Owens spoke against this item, remarking that she feels the claims are highly exaggerated and that plastic bags do biodegrade, and she recounted a personal experience regarding same. She also argued that banning plastic bags will cause more pollution; questioned if plastic trash can liners would be banned next; noted that there has been a rise in food-borne illnesses in San Francisco since they banned the use of plastic bags; that the bags are a by-product of natural gas

refinement; feels that we need to look at the unintended consequences of this; and remarked that it would kill manufacturing jobs.

Public comment closed.

Board discussion ensued between Supervisors Bibby, Stetson and Carrier regarding single-use bag definition.

Supervisor Cann noted that this is a statewide bill; recounted that he has spoken with Jason Dubberke who is 100% in favor of this ban provided that it is statewide; noted the amount of plastic bags in our waste stream and outputted by the composter; discussed comments by other counties to the RCRC; and remarked on the amount of bags that get recycled.

Supervisor Jones noted that he usually likes less government, but supports it as long as it is statewide.

Supervisor Carrier discussed the bill and its requirements; discussed the carbon footprint for reusable plastic bags; recounted the controversy surrounding paper bags in the early 1990's; and noted that the biggest thing that bothers him is that, while they will be offered to WIC participants for no cost, it doesn't address lower income families.

Supervisor Bibby remarked that she would prefer to continue the matter for one week as she would like more information from local vendors. She also requested input from Peter Rei who remarked that Greg Ollivier, who is not present, would be better suited to respond.

Supervisor Carrier inquired if plastic bags can be separated from compostable materials; and discussed concerns regarding, and other uses for, single use plastic bags. Mr. Rei responded.

Supervisor Cann discussed types of plastics not affected by this bill, and stressed that this is a statewide bill.

Supervisor Bibby inquired if neighboring counties have weighed in on this. Supervisor Stetson responded that he didn't know. Supervisor Bibby commented that it would be nice to have underlying facts when they propose these bills.

Supervisor Carrier responded to Supervisor Cann's remarks, noting that he would have no problem with this if they provided the recyclable bags for free.

Supervisor Stetson noted that this has a narrow focus and he feels that it is reasonable legislation.

Supervisor Cann discussed that a lot of other counties are dealing with this issue and qualifying their support, and noted that he is willing to support it as is or with a contingency on it.

Motion and second was made. Supervisor Bibby restated her desire to put this off for another week.

Supervisor Cann noted that he feels the bill deals with the low income by separating out the people who receive WIC subsidies.

RESULT: ADOPTED [3 TO 2]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann

NAYS: Janet Bibby, John Carrier

K. Items removed from Consent Agenda

None.

11:28 AM Steven W. Dahlem/County Counsel advised the Board that they can consider closed session items 6 and 7 at any time as there is no reasonable

expectation of public comment regarding them as their content, in accordance with law, has not been specified. He further advised that closed session items 1-5 should be deferred until 2:00 PM as agendaized, as they are content specific. The Board elected to consider closed session items M.6 and M.7 at this time.

11:30 AM The Board recessed from open session to closed session.

L. Lunch

12:03 PM The Board recessed for lunch.

M. 2:00 PM Closed Session

2:04 PM The Board reconvened.

1. Human Resources/Risk Management (ID # 2983)

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
RESULT: WITHDRAWN

2. Human Resources/Risk Management (ID # 2986)

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

No public input.

Supervisor Carrier recused himself from this item.

This closed session was held at 2:20 PM and reported out at 5:33 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, Kevin Cann

EXCUSED: John Carrier

3. Human Resources/Risk Management (ID # 2984)

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

No public input.

Supervisor Bibby recused herself from closed session items 3 & 4.

This closed session was held at 2:14 PM and reported out at 5:33 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Lee Stetson, Merlin Jones, Kevin Cann, John Carrier
EXCUSED: Janet Bibby

4. **Human Resources/Risk Management 2013-127**

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

No public input.

This closed session was held at 2:44 PM and reported out at 5:33 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: John Carrier, District V Supervisor
AYES: Lee Stetson, Merlin Jones, Kevin Cann, John Carrier
EXCUSED: Janet Bibby

5. **Human Resources/Risk Management 2013-128**

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1)); Fire Chief/Emergency Planning Coordinator

No public input.

This closed session was held at 4:07 PM and reported out at 5:33 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]
MOVER: Janet Bibby, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier

6. **Human Resources/Risk Management (ID # 2987)**

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (B) of Government Code Section 54956.9; Number of Cases to be Discussed: 1

No public comment.

This closed session was held at 11:39 AM and reported out at 5:33 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]
MOVER: Janet Bibby, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier

7. **County Counsel 2013-126**

**CLOSED SESSION: Conference with Legal Counsel; Existing Litigation;
Jack Bankhead v. County of Mariposa; Mariposa County Superior Court
Case No. 10077**

No public comment.

This closed session was held at 5:13 PM and reported out at 5:33 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Report Out

5:33 PM Chair Stetson reported that Closed Session item M.1 was withdrawn; that Information was Received and Direction was Given in Closed Sessions M.2, M.3, M.4, M.5; and that Information was Received in Closed Session item M.6. As to Closed Session item M.7, Chair Stetson announced that the Board took action to authorize a "Settlement and Mutual Release" resolving the case between Jack Bankhead and the County of Mariposa, case #10077, and authorized the Board Chair to execute the settlement agreement. Cann (M); Jones (S); Passed by a vote of 4-1 in favor of the action, with Supervisor Bibby opposed. Chair Stetson also noted that the document will be made available to the public once it is fully executed by the Chair and the other party.

N. Adjournment

5:36 PM Chair Stetson adjourned the meeting in memory of Thomas C. Hamon, Sr., John T. Meagher, Egon Walter Mueller, John Boldroff, and Shirley C. Paul.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

LEE STETSON
Chair, Board of Supervisors



MARIPOSA COUNTY

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LEE STETSON, CHAIR
KEVIN CANN, VICE-CHAIR
MERLIN JONES
JANET BIBBY
JOHN CARRIER

DISTRICT I
DISTRICT IV
DISTRICT II
DISTRICT III
DISTRICT V

MINUTES

November 19, 2013

A. Call to Order and Roll Call

9:03 AM The meeting was called to order at the Mariposa County Government Center.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:03 AM
Merlin Jones	District II Supervisor	Present	9:03 AM
Janet Bibby	District III Supervisor	Present	9:03 AM
Kevin Cann	District IV Supervisor	Excused	
John Carrier	District V Supervisor	Present	9:03 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Jones, followed by a moment of silence for those defending our County and Nation.

C. Introductions

None.

Chair Stetson announced that Supervisor Cann is excused from this meeting as he is attending the CSAC Conference in San Jose. He also announced that Regular agenda items J.2 and J.3 have been withdrawn from today's meeting and will be rescheduled on December 3, 2013.

D. Approval of Consent Agenda (Items designated by "CA")

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

Chair Stetson noted that CA10 and CA15 require a 4/5ths vote.

No public comment.

Supervisor Bibby inquired if the funding for CA3 is covered for future years. Debbie Walton/Child Support Services Director responded affirmatively.

Supervisor Jones commented that CA12 is an example of how new projects bring added costs. He also inquired if the snow plow operator in CA14 is a County employee. Barbara Carrier/Public Works Assistant Director - Support Services responded that the operator is a contractor. Rick Benson/County Administrative Officer noted that he feels this vehicle needs to be in service, but he wishes to speak with the Department regarding the status of the employee. Supervisor Carrier inquired when the plow will be positioned in the area. Ms. Carrier responded. Supervisor Stetson inquired if Yosemite West also has snow removal in place. Ms. Carrier responded that she will check.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, John Carrier

EXCUSED: Kevin Cann

CA1. Administration RES-2013-511

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2013-512

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Child Support Services RES-2013-513

Approve the Flex Class Promotion of a Child Support Assistant I to a Child Support Assistant II in the Child Support Services Budget Effective December 1, 2013

CA4. Fire RES-2013-514

Authorize the Fire Chief to Apply for and Accept an Additional \$75,000 Under the 2012 Emergency Management Planning Grant (EMPG) Program to Purchase Additional Portable Radios to Enhance the Sheriff Department's Regional Inter-operable Communications

CA5. Health RES-2013-515

Approve Decade Software Company, LLC Agreement No. 20132-MAR for the Term of 11/01/2013 to 06/30/2016 for EnvisionConnect Remote Use for the Health Department, and Authorize the Board of Supervisors Chair to Sign the Agreement; Authorize the Health Officer to Sign Future Documents Associated with This Agreement Making Modifications as Needed Subject to County Counsel Review and Approval

CA6. Health RES-2013-516

Approve the Revised Comprehensive Agreement for 2013-2014 Centers for Disease Control (CDC) Public Health Emergency Preparedness (PHEP), State General Fund (GF) Pandemic Influenza, Funding Allocation Agreement No. EPO 13-24, with the State of California Department of Public Health (\$169,434), and Authorize the Board of Supervisors Chair to Sign an Agreement, and Other Documents to Secure Funding as Delineated Within the Agreement. Authorize Health Officer to Sign Other Amendments or Revisions as Needed , Subject to County Counsel Review and Approval

CA7. Human Services/Social Services RES-2013-517

Approve an Amendment Changing the Payment Processing Language in Exhibit B of the Existing Agreement with Infant/Child Enrichment Services (ICES), and Authorize the Board of Supervisors Chair to Sign the Amendment

CA8. Human Services/Social Services RES-2013-518

Approve the Promotion of an Eligibility Worker I to an Eligibility Worker II in the Social Services Budget Effective December 1, 2013

CA9. Human Services/Social Services RES-2013-519

Authorize the Recruitment and Filling of an Eligibility Worker I/II Limited Term Position In The Social Services Budget, With a Term to Begin Immediately and Expire on June 30, 2014

CA10. Library RES-2013-520

Approve Budget Action Reducing General Contingency and Increasing Appropriations in the Library Budget to Offset an Increase in the San Joaquin Valley Library System Consortia (\$2,687) 4/5ths Vote Required

CA11. Planning RES-2013-521

Approve an Indemnification Agreement for Camp Wawona Artificial Turf Field Building Permit No. 30631, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA12. Public Works RES-2013-522

Approve an Agreement for Services with Thunder Ridge Company to Provide Snow Removal in Fish Camp and the Fish Camp Fire Station in the Not-To-Exceed Amount of \$44,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA13. Public Works RES-2013-523

Approve a Program Agreement with Caltrans for Triangle Road Project HPLUL 5940(085), and Authorize the Public Works Director to Sign the Program Agreement

CA14. Public Works RES-2013-524

Authorize Public Works to Put Vehicle #2100 into Service to Use for Snow Plow Operations in Wawona

CA15. Public Works RES-2013-525

Approve Allocation of the Dogtown Road Bridge Funds; Approve Budget Action Increasing Revenue and Appropriations in the County Bridge Replacement Fund in Order to Fund the Project (\$204,680) 4/5ths Vote Required

CA16. **Sheriff's Office RES-2013-526**

Approve the Immediate Continuous Lateral Deputy Sheriff Recruitment and the Filling of Two Sheriff's Deputy Positions when Vacated

E. Board Recognitions

1. Board of Supervisors 2013-129

Approve a Certificate of Appreciation to Donald Giedt for His Community Support to the Citizens of Mariposa County

Public comment opened.

Beth Tomsick noted that she nominated Mr. Giedt for this recognition because of his community service, and she discussed same.

Doug Binnewies/Mariposa County Sheriff thanked Ms. Tomsick for nominating Mr. Giedt and discussed Mr. Giedt's work with S.C.O.P.E. noting that he will be missed.

Public comment closed.

Supervisor Bibby thanked Mr. And Mrs. Giedt for their years of service.

Chair Stetson made the presentation to Mr. Giedt.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, John Carrier

EXCUSED: Kevin Cann

F. Minutes Approval

1. Tuesday, November 12, 2013

Chair Stetson noted that a correction is necessary in Supervisor Cann's report in the Board Information section as it currently notes that he attended the Veterans Day Service and, instead, should read: "Chairing the Mariposa Business Association meeting on Thursday which prevented him from attending the Veterans Day Service at Mariposa Elementary School (MES), and he commended all who were involved in that ceremony;".

No public comment.

The Minutes of November 12, 2013 were accepted with the noted change. Bibby (M); Jones (S); Passed 4-0; Cann excused.

G. Departmental Presentation

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

Terri Peresan/Community Services Director updated the Board on the wood program, and discussed the dryness of the wood noting that some of the heavier wood is eucalyptus from Merced County. Supervisor Jones inquired as to the

District II contact information for the program. Ms. Peresan responded that she will send it to him. She also discussed the amount of wood distributed.

Rick Benson reported that the Snow Plow operator for Wawona is an Extra-Help employee for the County and not a contractor.

H. Public Comment on Non-Agenda Items

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

Kathy McCorry/Mariposa County Chamber of Commerce Executive Director announced that the Fremont House has joined the Chamber and advised that a Meet and Greet has been scheduled for them on December 19th. She also advised that the Chamber Installation Dinner and Awards ceremony will be held on January 23, 2014.

I. Board Information

Supervisor Bibby extended her sympathies and thanks to the family of Joe Simon, and discussed his support of community organizations. She also wished everyone a heartfelt Thanksgiving and urged everyone to remember for what we are thankful.

Supervisor Carrier reported attending the Airport Advisory Committee meeting on Wednesday, and the State Water Board meeting on Friday. He also advised that he will be attending the CSAC Conference in San Jose on Wednesday and Thursday.

Supervisor Jones reported attending: the SWIFT meeting in Moccasin on the 13th; a meeting with Supervisor Bibby concerning the Fire Department on the 13th; the Airport Advisory Committee meeting on the 13th; a meeting on the 14th with Public Works regarding a road issue that has been going on for twenty years; and a meeting yesterday with the Don Pedro CSD. He also urged everyone to take the time to reflect on Thanksgiving, and noted that he and his wife always share dinner with friends who have no family with whom to celebrate.

Supervisor Stetson reported participating in: an El Portal Advisory meeting on Tuesday; a Thursday meeting with a Bear Creek representative; a Friday meeting with the CAO, County Counsel, Ed Temple, and Guy Anderson of Cal Fire to discuss the 312 county acres in Midpines that need attention; and a telephone conference with Peter Rei later that day regarding Yosemite West.

J. Regular Agenda Items

Chair Stetson announced that Regular Agenda items 2 and 3 have been withdrawn from today's meeting.

1. Farm Advisor (ID # 3011)

Presentation Regarding the History of Statewide and County-level Extension Programs, and the University of California Cooperative Extension's 100 Year Celebration

Dr. Fadzayi Mashiri/Farm Advisor spoke about the history of the Cooperative Extension program; noted that 2014 will be its 100 year anniversary; complimented the community on its volunteerism; discussed the 100 year celebration; and invited everyone to share how UC Extension has impacted their lives. She introduced Donna Wice/4-H Coordinator who spoke about the history of the 4-H program, as

well as the current clubs and projects.

Supervisor Bibby remarked that there have been numerous businesses that have started by utilizing information provided by the UC Cooperative Extension.

Ms. Wice introduced Kris Randal/Master Gardener Coordinator who spoke about the Master Gardener program, and reported that they will be hosting the statewide Master Gardener Conference on October 7-10, 2014 at the Tenaya Lodge. Ms. Randal also discussed the amount of time Master Gardeners have spent in the community.

Supervisor Jones commented on the number of volunteers in the community; extended his congratulations for winning the 2014 Conference; and discussed 4-H and its effect on his life.

Supervisor Carrier discussed the importance and value of the UC Cooperative Extension, 4-H, and the Master Gardeners.

RESULT: INFORMATION RECEIVED

2. Board of Supervisors (ID # 3013)

Provide an Update on Yosemite/Mariposa County Tourism (Terry Selk, Executive Director, Yosemite/Mariposa County Tourism)

RESULT: WITHDRAWN

3. Administration (ID # 2981)

Approve an Agreement for Services with the Yosemite/Mariposa County Tourism Bureau in the Amount of \$500,000 to Provide Marketing Services for the County, and Authorize the Board of Supervisors Chair to Sign the Agreement

RESULT: WITHDRAWN

4. Building 2013-ORD-1103

Waive Second Reading and Adopt Ordinance Modifying Chapters 15.10 and 15.30 of the Mariposa County Code Regarding Buildings and Construction

Mike Kinslow/Building Department Director gave the staff presentation.

Supervisor Bibby inquired if any additional comments have been received regarding this item. Mr. Kinslow responded that there have not, and he discussed his department's efforts to disseminate the information.

Supervisor Jones commended Mr. Kinslow and his staff for their efforts in developing the Ordinance.

No public input.

Supervisor Jones moved to accept the item as presented.

The Clerk of the Board read the ordinance number and title into the record.

Supervisor Bibby seconded the motion and it passed 4-0, with Supervisor Cann excused.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, John Carrier

EXCUSED: Kevin Cann

10:16 AM Steven W. Dahlem/County Counsel was excused from the meeting to go to Court.

5. Sheriff's Office RES-2013-527

Authorize the Incorporation of a Sheriff's Deputy Lateral Incentive Bonus of \$6,000 to Assist with Sheriff's Deputy Lateral Recruitment of Two Vacant Sheriff's Deputy Positions

Doug Binnewies made the staff presentation, noting that the funds for this bonus will not be pulled from the General Fund. He also discussed other law enforcement agencies in California that are offering a hiring bonus.

Supervisor Bibby required clarification that this will be offered for just two vacant positions, and regarding the source of the funding. She also discussed concern with the morale and support of the existing deputies; commended the Sheriff for never lowering hiring standards; and discussed the issues that new hires commonly face in this County. Sheriff Binnewies responded to all concerns.

CAO added that this item has also been reviewed by the Human Resources Department and that they raised no objections.

Supervisor Jones remarked that he looks at this as a signing bonus.

Public comment opened.

Ruth Sellers spoke in favor of this item, noting that she has a problem with the way the money is allotted to the Sheriff's Department. She also urged additional funding for the department during future budget considerations.

Ruth Catalan spoke in favor of this item, noting that this is a first class department and should have first class people. She also remarked that she felt that funds given to the Tourism Bureau would be better spent being given to the Sheriff's Department.

Public comment closed.

Supervisor Carrier commended the Sheriff for maintaining high standards.

Supervisor Bibby extended special thanks to the Sheriff's Department staff for being proactive, as well as for all of the extra effort during holidays, emergencies, and special events.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, John Carrier

EXCUSED: Kevin Cann

6. Public Works RES-2013-528

Approve Plan for Minor Repairs to Red Cloud Library in Greeley Hill and Approve a Budget Action Reducing General Fund Contingency and Increasing Appropriations in the Facilities Maintenance Budget for the Repairs to the Red Cloud Library (\$4,000) 4/5ths Vote Required

Chair Stetson noted that this item requires a 4/5ths vote to pass.

Gary Taylor/Assistant Public Works Director - Public Works made the staff presentation.

Supervisor Bibby noted that this is one of those examples of a new addition that will require continuing maintenance and updates; required clarification regarding conformance to current codes; inquired if this will solve all issues regarding this site; and commended Billy Verley for his efforts during construction. Mr. Taylor responded to all issues.

Supervisor Jones inquired if this amount pays for Golden Valley Engineering and other work, and if these repairs are to current building standards. Mr. Taylor responded.

Supervisor Carrier required clarification as to what other things may need to be done to the building. Mr. Taylor responded that nothing is being planned at this time.

Supervisor Bibby and Mr. Taylor discussed the role of the repairs in the underlying safety of the building.

Supervisor Carrier requested that the Librarian be kept apprised of repair schedules so that she can plan accordingly.

Supervisor Jones and Mr. Taylor discussed rumors that had been circulating regarding the safety of the building.

CAO discussed the building's construction.

RESULT: ADOPTED [UNANIMOUS]

MOVER: John Carrier, District V Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, John Carrier

EXCUSED: Kevin Cann

7. Public Works RES-2013-529

Approve Task Order No. 2 with Fujii Engineering to Provide Consulting Services for Solid Waste and Household Hazardous Waste in the Not-to-Exceed Amount of \$32,160 for Total Compensation of \$72,840, and Authorize the Board of Supervisors Chair to Sign the Task Order

Greg Ollivier/Solid Waste Recycling Manager made the staff presentation.

Supervisor Bibby inquired if we are composting diapers. Mr. Ollivier responded.

Supervisor Carrier inquired of the anticipated completion date. Mr. Ollivier responded that he does not have a specific date, but will be pushing for completion by the end of the year.

No public input.

Supervisors Jones and Stetson commended Mr. Ollivier for all of his efforts at the Landfill.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, John Carrier

EXCUSED: Kevin Cann

K. Items removed from Consent Agenda

None.

L. Lunch

10:54 AM The Board recessed for lunch.

M. 2:00 PM Reconvene

1. Planning RES-2013-530

PUBLIC HEARING to Consider Adopting a Resolution Approving Land Conservation Act Contract Application No. 2013-115 & Land Conservation Act Contract Modification No. 2013-116 with Findings & Conditions, Approving Five (5) Modified Contracts (922.19 ac) and Four (4) New Contracts (980.85 ac). Jeff Chance and Kevin Chance: Applicants Project site: Located in the Lake McSwain Area, East of Hornitos Road

2:07 PM Supervisor Bibby advised that she cannot participate in this item as she has property within five hundred feet, shares a fence line, and has a remainder interest in an adjoining parcel. She then left the Chambers.

Sarah Williams/Planning Director made the staff presentation accompanied by a PowerPoint presentation. Ms. Williams noted receiving a communication from Supervisor Cann requesting a moratorium on Williamson Act contracts and responded that she could bring an item to the Board in 2014 if there is interest, but that any such moratorium would apply to future applications as this applicant would not have been noticed properly.

No Board comments.

Public comment opened.

Karen Smith remarked that she is concerned that the County cannot afford to continue to give away tax breaks to landowners. She noted that she believes that these applicants should be allowed to proceed as they have gone through the process, but that the Board should consider a moratorium on future such contracts.

Jeff Chance introduced himself and thanked the Board for their support.

Public comment closed.

Chair Stetson read the letter from Supervisor Cann into the record.

Supervisor Carrier commented that he thinks it is probably time for the Board to have the discussion regarding a moratorium, but that these applicants have gone through all of the requirements currently in place and, consequently, their matter should not be deferred.

Supervisor Jones noted his agreement with Supervisor Carrier regarding this matter, and suggested that the TPZ be looked at in addition to the Williamson Act.

Supervisor Stetson remarked that he agrees with the sentiments expressed here regarding these applicants, and noted that one of the advantages of the Williamson Act is that you know how the land will be used for a long time to come.

Action was taken to approve the item as presented.

CAO advised the Board that it will need to provide formal direction to Planning Department staff if it wants to revisit the Williamson Act and the Timber Preserve Zone. County Counsel noted that it is appropriate to recall Supervisor Bibby to the Chambers for such direction.

2:25 PM Supervisor Bibby returned to the Chambers.

Chair Stetson recounted the direction to staff that is being sought.

Supervisor Jones commented on a study that was done in Stanislaus and inquired if it would be possible to determine any change that would accrue in land values.

Ms. Williams discussed the types of things she would investigate for inclusion in any potential Board item regarding such a moratorium.

Supervisor Bibby requested an overview of the present discussion. Chair Stetson provided same. Supervisor Bibby agreed with both the Timber Preserve Zone and the Williamson Act being included in the process. Supervisor Bibby and Ms. Williams discussed potential courses of action.

Supervisor Carrier inquired if the Planning Commission would be consulted. Ms. Williams responded.

Chair Stetson noted that direction has been given to Planning.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Merlin Jones, John Carrier

EXCUSED: Janet Bibby, Kevin Cann

N. 2:30 PM Closed Sessions

1. Human Resources/Risk Management (ID # 2993)

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

No Board or public input.

This closed session was held at 2:40 PM and reported out at 5:12 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, John Carrier

EXCUSED: Kevin Cann

2. Human Resources/Risk Management (ID # 2994)

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

Supervisor Bibby recused herself from items N. 2 and N.3.

No Board or public input.

This closed session was held at 2:42 PM and reported out at 5:12 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: John Carrier, District V Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Lee Stetson, Merlin Jones, John Carrier

EXCUSED: Janet Bibby, Kevin Cann

3. Human Resources/Risk Management (ID # 2995)

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

No Board or public input.

This closed session was held at 2:50 PM and reported out at 5:12 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Merlin Jones, John Carrier

EXCUSED: Janet Bibby, Kevin Cann

4. Human Resources/Risk Management 2013-130

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

3:10 PM Supervisor Bibby returned, and Supervisor Carrier recused himself.

No Board or public input.

This closed session was held at 3:10 PM and reported out at 5:12 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby

EXCUSED: Kevin Cann, John Carrier

5. Human Resources/Risk Management 2013-131

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Fire Chief/Emergency Planning Coordinator

No Board or public input.

This closed session was held at 4:05 PM and reported out at 5:12 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, John Carrier

EXCUSED: Kevin Cann

Report Out

5:12 PM Chair Stetson reported that No Action Was Taken on closed session item N.1; and Information was Received and Direction was Given on closed session items N.2, N.3, N.4 and N.5.

O. Adjournment

5:14 PM Chair Stetson adjourned the meeting in memory of Wilfred "Bill" Bulik, William "Bill" Cabezut, Brian Alan Christiansen, Sr., William Schroeder, Jr., Bob Standlee, Sr., and Karen Marshall.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

LEE STETSON
Chair, Board of Supervisors



MARIPOSA COUNTY

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LEE STETSON, CHAIR
KEVIN CANN, VICE-CHAIR
MERLIN JONES
JANET BIBBY
JOHN CARRIER

DISTRICT I
DISTRICT IV
DISTRICT II
DISTRICT III
DISTRICT V

MINUTES

December 3, 2013

A. Call to Order and Roll Call

9:04 AM The meeting was called to order at the Mariposa County Government Center.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:04 AM
Merlin Jones	District II Supervisor	Present	9:04 AM
Janet Bibby	District III Supervisor	Present	9:04 AM
Kevin Cann	District IV Supervisor	Present	9:04 AM
John Carrier	District V Supervisor	Present	9:04 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Bibby, followed by a moment of silence for all of those defending this County.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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

Chair Stetson announced that CA14 has been withdrawn.

No public comment.

Supervisor Carrier required clarification that what is being approved in CA3 is the amended Exhibit A which adds fax and color to Senior/Community Services. Rick Benson/County Administrative Officer responded affirmatively

Supervisor Cann noted the complexity of the document in CA4 and inquired if there are any perceived problems in meeting its ongoing requirements, and as to anticipated revenues. Tara Schiff/Community Development Grant Coordinator responded. Discussion ensued between Supervisor Cann and Ms. Schiff regarding time limits, financial accounts, and the workload required to implement the terms of the grant. Supervisor Bibby required clarification regarding public hearing and citizenship participation language on page 22. Ms. Schiff responded. Supervisor Bibby also noted that there is terminology in the document which states that there is no other housing loan program while there is an existing loan program through Community Development. Supervisor Bibby requested Ms. Schiff to review the document one additional time before it is sent in to be sure that it accurately reflects the current programs. Ms. Schiff responded that she would do the review, and volunteered that she has had it reviewed by CDBG.

Regarding CA5, Supervisor Cann discussed Joe Simon and how much he enjoyed working with him. Supervisor Bibby discussed Mr. Simon's contributions and noted that she will be presenting this certificate to his family at the Memorial Service this weekend.

Regarding CA11, Supervisor Cann required clarification regarding the budget period and project period as discussed on page 71 of the Drug Court Grant, and inquired regarding funding of same. John Lawless/Interim Human Services Director responded.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2013-531

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2013-532

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Administration RES-2013-533

Approve a Five-Year Contract for Copy Machine Service with Spriggs, Inc., and Minolta Corporation and Authorize the Chairman of the Board of Supervisors to Sign the Contract and the Addendum to the Contract

CA4. Administration/Economic Development RES-2013-534

Approve the Community Development Block Grant Program Income Reuse Plan for the Revolving Loan Accounts

CA5. Board of Supervisors 2013-132

Approve a Certificate of Recognition Honoring the Memory of Joe Simon for his Community Support

CA6. Building RES-2013-535

Approve Budget Action Transferring Funds Within the Building Department Budget to Cover Additional Hours for an Extra-Help Office Assistant (\$1,392)

CA7. District Attorney RES-2013-536

Approve the First Amendment to Contract for Services with John C. Fremont Healthcare District Extending the Term of the Contract and the Not to Exceed Amount of the Contract to \$17,500; Authorize the Board of Supervisors Chair to Sign the Amendment

CA8. District Attorney RES-2013-537

Approve the Recruitment and Filling a Deputy District Attorney Position at Either the I, II, or III Level Effective Immediately

CA9. Human Services 2013-133

Appoint Paul Perry to the Mental Health Advisory Board for a Term Expiring on November 26, 2016

CA10. Human Services RES-2013-538

Authorize the Human Services Department to Fill a Vacant Social Services Aide Position in the Behavioral Health Budget Effective Immediately

CA11. Human Services/Behavioral Health & Recovery Services RES-2013-539

Approve an Operational Agreement with the California Superior Court of Mariposa County to Coordinate Support Services for Substance Abuse Clients in the Drug Court Program, and Authorize the Human Services Director to Sign the Agreement

CA12. Human Services/Behavioral Health & Recovery Services RES-2013-540

Approve an Agreement with Clarity Social Research to Provide Evaluation Services for the Expanded Drug Court Program Conducted by Mariposa County Behavioral Health in an Amount Not to Exceed \$22,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA13. Human Services/Social Services RES-2013-541

Authorize the Human Services Department to Recruit and Fill a Vacant Social Worker IV Position in the Social Services Budget Effective Immediately

14. Item 14 was moved to Items removed from Consent Agenda

CA15. Sheriff's Office RES-2013-542

Approve Interim Rental Agreement with 35-A District Agricultural Association for Use of the Fairgrounds Facility for the Calendar Year 2014, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA16. Treasurer-Tax Collector-County Clerk RES-2013-543

Approve an Agreement with Archie's Storage in the Amount of \$53.00/mo + \$25.00 Deposit + \$5.00 Fee as Set Forth in the Agreement For Secure Storage Facilities Capable of Storing the Election Department Electronic Voting Machines and Records, and Authorize the Board of Supervisors Chair to Sign the Agreement

E. Approval of Minutes

1. Tuesday, November 19, 2013

No Board or public comment.

The Minutes were approved as presented.

Jones (M); Bibby (S); Passed 4-0; Cann abstaining.

F. Board Recognitions

1. Board of Supervisors 2013-134

Certificate of Recognition and Congratulations to Ruth Sellers for Celebrating Her 90Th Birthday on November 30, 2013

No public comment.

Supervisors Bibby, Carrier and Jones congratulated Ms. Sellers on her birthday, and commended her on her ongoing civic participation.

Chair Stetson presented the Board's certificate to Ms. Sellers.

Rocky Deal/District Director for Congressman McClintock presented Ms. Sellers with a flag that had been flown over the United States Capitol, as well as a Certificate of Recognition from the Congressman.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

G. Presentation

1. Administration (ID # 3016)

Presentation of a Grant Award in the Amount of \$5,000 from Pacific Gas & Electric (PG&E) Company for the Purchase of Lighting and Sound Equipment at the County's Amphitheater, River Clean-Up; and Administrative Costs

Rick Benson made the staff presentation.

Richard Dye/Pacific Gas and Electric Company (PG & E) introduced Rich Garcia/Business Manager-PG & E Yosemite Division and Catherine Chase/PG & E Intern. Chair Stetson accepted the check from Ms. Chase, and discussed the continuing community support from PG & E.

Supervisor Bibby congratulated Ms. Chase on her position, and commended Mr. Dye and all PG & E staff for their outreach and activism in the County.

RESULT: INFORMATION RECEIVED

H. Departmental Presentation

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

Rick Benson recalled that the Board, in a previous meeting, had concerns regarding the Red Cloud Library. Peter Rei/Public Works Director noted that investigations have erased all concerns, and he further reported that the Library was constructed to codes that were current at the time of construction.

I. Public Comment on Non-Agenda Items

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

Mary Bass/Mariposa County Chamber of Commerce President announced they will be decorating downtown Mariposa today; advised that the Chamber Board will be meeting Thursday at 5:30 PM; advised that they will be hosting a Meet and Greet at Fremont House at 5:30 PM on December 12th; and gave the visitor statistics for November. She also announced that the Mariposa Visitors Center will be closed Tuesdays and Wednesday for the winter, and noted that some concern has been expressed by lodging partners.

J. Board Information

Supervisor Bibby reported attending: a meeting on the 25th with Supervisor Stetson, CAO, the Public Works Director, and a potential contractor for the Ferguson Slide; and the Community Action Agency meeting yesterday, noting that they are still looking for a private sector representative. She noted that the Merry Mountain Christmas Parade is coming up. She advised: that she will be attending the Mental Health Governing Board meeting on December 5th, noting that they are still looking for representatives there; and that First 5 will be meeting next Monday. Supervisor Bibby also commended the community for its warmth and character; and thanked the County employees who are out in the weather fixing roads, etc.

Supervisor Carrier advised that someone stole the flags at the new Fish Camp Fire Station for the second time, noting that they cut the lanyard which poses a problem for repair. He reported attending: the CSAC conference in San Jose on November 20th and 21st, as did Supervisor Cann and Peter Rei; a meeting at Public Works on the 22nd regarding issues at Fleet; a November 22nd meeting with Supervisor Stetson and Sheriff Binnewies; a meeting on the 22nd with Supervisor Cann, some department heads, and community leaders regarding homelessness in Mariposa; and a November 30th meeting of the Yosemite Alpine Community Service District. Supervisor Carrier advised that he will be attending: the IRWMP meeting tomorrow; a meeting with Planning tomorrow afternoon; a Thursday meeting with some citizens in Ponderosa Basin; the local EMS meeting at the Sheriff's Office Thursday afternoon; the Friday Planning Commission meeting; the Historic Sites and Preservation Committee meeting next Monday; and a meeting with a citizen Monday afternoon.

Supervisor Jones reported: attending a November 20th meeting with Planning and Building regarding fast internet towers; having a meeting on November 21st with Cara Goger of the Arts Council to plan next year's Art Show at his home; attending a Trailblazer's Meeting the evening of the 21st; that he emceed the annual Greeley Hill Christmas Breakfast on the 1st; and that he attended a meeting yesterday in Sacramento with the CAO, Tara Schiff and Peter Rei regarding the DRI Grant.

Supervisor Cann thanked the Mariposa County Business Association and the Chamber for all of their decorations and efforts. He reported attending last week's CSAC Conference, and discussed workshops that he attended regarding watersheds and homelessness. Supervisor Cann advised that: he will be representing a four County area on the Sierra Nevada Conservancy Board in Jackson on Thursday; and he, and others, will be meeting with the Caltrans District Director regarding the sidewalk issue, noting recent changes in Caltrans personnel.

Supervisor Stetson reported attending a November 25th meeting with Kiewit Construction regarding the Ferguson Slide. He also advised that he will be attending a meeting of the Midpines Advisory Group tonight at 6:00 PM at the

Midpines Community Center.

Recess

9:53 AM Chair Stetson recessed the Board of Supervisors in order to convene the Local Transportation Commission.

K. LOCAL TRANSPORTATION COMMISSION

(Chair - Commissioner Lee Stetson, Vice-Chair - Merlin Jones)

9:53 AM Chair Stetson convened the Local Transportation Commission.

Public Presentation:

For Items within the Jurisdiction of the Local Transportation Commission and not on Today's Agenda (Speakers Limited to Five Minutes)

None.

1. Public Works (ID # 3024)

Adopt the 2014 Regional Transportation Improvement Program (RTIP) and Direct Staff to Submit the RTIP to the California Transportation Commission (CTC) and California Department of Transportation (Caltrans)

Peter Rei gave the staff report, with Barbara Carrier/Assistant Director of Public Works - Support Services in attendance, noting that the deadline for submittal is the 15th of this month. CAO clarified that page 131 should be labeled Proposal #2.

Commissioner Bibby noted funds being shifted from Old Toll Road to other roads; and requested that the two mile section of Ben Hur Road be looked at again, and discussed past actions regarding same.

Mr. Rei discussed that the roads that were selected were those with the highest traffic counts.

Discussion ensued between Commissioner Cann and Mr. Rei regarding Triangle Road, and the stability of the CDBG money. Commissioner Jones volunteered that an approval from CDBG should be coming by the end of this month. Mr. Rei noted that if the Board would like to include roads not currently in the list, he could bring this item back next week with alternative proposals and still make the submission deadline.

Commissioner Bibby restated her concerns regarding Ben Hur Road.

Commissioner Carrier required clarification as to the process that was used to determine the proposed roads, and inquired as to when someone last inspected these roads. Mr. Rei responded.

Commissioner Bibby further expounded on her concerns regarding Ben Hur Road, and the need for passable roads county-wide. She also discussed the use of gravel roads, and inquired as to the Mt. Bullion Cutoff project. Mr. Rei responded and discussed the traffic counts, the amount of money available, and the amount of funding that would be needed to address all roads in the system.

Commissioner Jones commented that the same issues apply to all county roads, but we simply do not have enough funds to maintain them all. Mr. Rei responded that some other counties are converting roads back to gravel, and discussed the maintenance costs and issues that gravel roads present.

Commissioner Carrier restated his understanding of what is needed from the LTC today; noting that he feels that the Commission should defer to the recommendation from Public Works.

Public comment opened.

Ruth Sellers supported Commissioner Bibby's comments regarding Ben Hur Road, and discussed funding that was to have come forth after the 1997 flood.

Public comment closed.

Commissioner Bibby moved that any Old Toll Road portion be added to the two mile section of Ben Hur Road. Seconded by Commissioner Jones. Unanimous passage.

Mr. Rei required clarification regarding how much of the funding is to be directed to that section. Commissioner Cann responded that he feels that not all the money is to be spent on that section, but that what is spent on that section needs to make sense to meet the need. Mr. Rei noted potential options. Commissioner Cann responded that he feels that they have to spend the money commensurate with the need on the road. Mr. Rei requested leave to bring an edited proposed plan back next week. Chair Stetson concurred with the issue being brought back next week for reconsideration.

Commissioner Bibby clarified that her motion was to put on Ben Hur Road the amount that was being shifted from Old Toll Road on phase 1 & 2. Mr. Rei noted the approximate amount of funding being shifted. Commissioner Bibby stressed the need for repair of Ben Hur Road by discussing an earlier issue with FEMA. Mr. Rei noted that there will be about two million dollars available after Ben Hur is addressed so the Commission still needs to select one of the three proposed plans.

Chair Stetson responded that all of those issues should be brought back next week for reconsideration.

RESULT: DIRECTION GIVEN

LTC Adjournment

10:34 AM Chair Stetson adjourned the Local Transportation Commission, and requested a brief break.

L. Reconvene Board

10:47 AM Chair Stetson reconvened the Board of Supervisors.

M. Regular Agenda Items

1. Farm Advisor (ID # 3049)

Presentation Regarding Livestock Grazing, Yosemite Toad, and Water Quality on US Forest Service Grazing Allotments (Kenneth W. Tate, Ph.D., CRM Professor and Cooperative Extension Specialist)

Dr. Fadzayi Mashiri/Farm Advisor introduced Dr. Kenneth Tate/CRM Professor and Cooperative Extension Specialist who gave the presentation.

Supervisor Carrier inquired as to whether Fish and Wildlife has seen this presentation, and inquired as to the cost of these studies. Dr. Tate responded that the information has been broadly disseminated, and that the studies cost approximately one million dollars.

Supervisor Cann noted that Fish and Wildlife Services proposed the listing after the study was published in 2012.

Supervisor Bibby extended her thanks to Dr. Tate for the presentation.

Supervisor Stetson required clarification as to the length of the study. Dr. Tate responded that the Yosemite Toad component was performed from 2005 to 2010, while the water quality was a one year snapshot. Supervisor Stetson and Dr. Tate discussed the decline of the Yosemite Toad, and possible causes of the decline.

Public comment opened.

Evie Wilson discussed the Center for Biological Diversity, and inquired if any of this research has gone to environmental groups. Dr. Tate responded that it has been published and is a public document.

Wendy Brown-Barry discussed her previous presentations to the Board regarding this issue, and noted that she thinks that the decline in grazing is one of the causes for the decline of the Yosemite Toad and discussed her reasoning. She also inquired how best to get Fish and Wildlife to accept this new science.

Ronika Johnson noted her appreciation for the report; noted that fire danger has gone up while cattle grazing has declined by 50 percent; and discussed the super fires that the area has suffered in the past years.

Katie Owens noted her appreciation for the report and discussed why she feels that the cattle are beneficial to the meadows. She also noted that facts need to be the driver of action.

Public comment closed.

RESULT: INFORMATION RECEIVED

2. Citizen Submittal (ID # 3025)

Horisons Unlimited Health Care Clinic Presentation Regarding Acquiring Federally Qualified Health Center (FQHC) Status (Prapai Wanlarbkam)

Prapai Wanlarbkam gave the presentation. He discussed the importance of being designated a Federally Qualified Health Center (FQHC), and noted that he has proposed a sample letter of support.

Supervisor Carrier inquired about the effects of the Affordable Care Act; how much collaboration/cooperation there will be with John C. Fremont Healthcare District; and whether Horisons would still be subject to all processes and mandates should the Board choose to issue a letter of support. Mr. Wanlarbkam responded to all concerns.

Supervisor Bibby inquired if individuals will still have the choice of facility/provider; and required clarification of what will happen if the Board does not support this item. Mr. Wanlarbkam responded affirmatively on the choice. Supervisor Bibby inquired if there will be any shifts in funding. Mr. Wanlarbkam responded that it is totally different funding and takes nothing from any other source.

Supervisor Stetson inquired if there is any competition. Mr. Wanlarbkam noted that the Federal Government only allows one FQHC per county.

Supervisor Bibby inquired if any other facilities could apply and be granted FQHC status. Mr. Wanlarbkam responded. Supervisor Bibby inquired when Horisons is expecting to receive a letter from JC Fremont Hospital. Mr. Wanlarbkam responded that they are still working out issues. Supervisor Bibby inquired if Horisons has other FQHC status facilities; and as to the time constraints as she would like to have a conversation with the Health Officer and other healthcare partners. Mr. Wanlarbkam responded that they would like to send off their letter in January, 2014. Supervisor Bibby inquired as to the duration of the grant. Mr. Wanlarbkam responded that it will be ongoing.

Supervisor Cann discussed the potential of the service; noted that he would like to bring this back in a couple of weeks; and volunteered to interact with the JC Fremont Board regarding this item.

No public input.

RESULT: INFORMATION RECEIVED

3. Building (ID # 3041)

Discussion and Direction Regarding (1) the Building Department's Proposed 70%/30% Budget Configuration, (2) Proposed Fee Increase, (3) the Addition and Modification of Building Department Personnel, (4) Attend Continuing Education Classes as Required by Law

Mike Kinslow/Building Department Director gave the staff report and requested direction as to how to proceed.

Discussion ensued between the Board, CAO and Mr. Kinslow clarifying what direction is being sought.

Supervisor Carrier inquired if the fee increase can be narrowed down to dollar amounts rather than a percentage in the budget line item. Mr. Kinslow noted his agreement.

Direction was provided for Building to bring back an item for a fee increase, with separate items for the personnel issues; and that the Board will entertain an increase in the General Fund contribution at mid-year.

Public comment opened.

Ruth Sellers noted that she has a problem with any kind of fee increase as she feels it stymies growth in the County. She also discussed when the Building and Planning Departments were consolidated, and discussed that she feels consolidation of management should be looked at.

Public comment closed.

Supervisor Bibby inquired about the process when code violations occur. Mr. Kinslow responded.

RESULT: INFORMATION RECEIVED

4. Administration (ID # 3043)

Implementation of Procedural Change for Closed Sessions

No Board or public comment.

Discussion ensued between Supervisors Stetson and Bibby, and Rick Benson to clarify the procedure change.

In response to comments from the audience, Mr. Benson noted that no motion is necessary as this is an information item to inform the Board of the procedural change.

RESULT: INFORMATION RECEIVED

N. Items removed from Consent Agenda

1. Public Works (ID # 3044)

Approve an Agreement with Mark Long Construction for the Reclamation of Two Closed Mine Sites on the Tauchen Property Between Pendola Gardens, Old Toll Road and State Highway 49 in the Amount of \$58,800, and Authorize the Board of Supervisors Chair to Sign the Agreement

RESULT: WITHDRAWN

O. Closed Session

1. **Human Resources/Risk Management 2013-135**

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

No Board or public comment.

This closed session was held at 2:01 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. **Human Resources/Risk Management 2013-136**

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

No public comment.

Supervisor Carrier noted that he will be recusing himself from this matter.

This closed session was held at 2:33 PM.

RESULT: HOLD CLOSED SESSION [4 TO 0]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, Kevin Cann

RECUSED: John Carrier

3. **Human Resources/Risk Management (ID # 3022)**

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

No public comment.

Supervisor Bibby noted that she will be recusing herself from closed session items 3, 4, and 5.

This closed session was held at 2:34 PM.

RESULT: HOLD CLOSED SESSION [4 TO 0]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann, John Carrier

RECUSED: Janet Bibby

4. **Human Resources/Risk Management (ID # 3021)**

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

No Board or public comment.

This closed session was held at 2:35 PM.

RESULT: HOLD CLOSED SESSION [4 TO 0]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann, John Carrier

RECUSED: Janet Bibby

5. County Counsel (ID # 3026)

CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Cases to be Discussed: 1

No Board or public comment.

This closed session was held at 2:43 PM.

RESULT: HOLD CLOSED SESSION [4 TO 0]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann, John Carrier

RECUSED: Janet Bibby

6. Human Resources/Risk Management 2013-137

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Fire Chief/Emergency Planning Coordinator

No Board or public comment.

This closed session was held at 2:52 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

7. County Counsel 2013-138

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation; William E. Davis, et al v. Board of Supervisors of County of Mariposa; Mariposa Superior Court Case No. 10429

Public comment opened.

Ruth Catalan noted that this is a very serious thing, and she hopes that the Board will take into account the cost to the County if it moves forward. She also noted that she doesn't feel that the County can prevail.

Public comment closed.

This closed session was held at 3:17 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

8. Administration 2013-139

Closed Sesssion - Midpines Expansion Property Purchase - APN 009-170-024

No Board or public comment.

This closed session was held at 3:10 PM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Report Out

4:05 PM Chair Stetson reported that no action was taken on closed session items O.2, O.3 and O.4; that Information was Received and Direction was Given on closed session items O.1, O.5, O.6, and O.7; and that the Board took unanimous action on closed session item O.8 to provide an additional \$379.59 in property taxes for the Midpines expansion property. Cann (M); Jones (S).

P. Adjournment

4:07 PM Chair Stetson adjourned the meeting in memory of Mary Skipper, Rhonda Ruth Wilkins, Ronald Moulton, David Locks, Francis Faleski, George Wesley Norman, and Winnifred Anne Gauthier.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

LEE STETSON
Chair, Board of Supervisors



MARIPOSA COUNTY

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LEE STETSON, CHAIR
KEVIN CANN, VICE-CHAIR
MERLIN JONES
JANET BIBBY
JOHN CARRIER

DISTRICT I
DISTRICT IV
DISTRICT II
DISTRICT III
DISTRICT V

MINUTES

December 10, 2013

A. Call to Order and Roll Call

9:01 AM Chair Stetson called the meeting to order at the Mariposa County Government Center.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:01 AM
Merlin Jones	District II Supervisor	Present	9:01 AM
Janet Bibby	District III Supervisor	Present	9:01 AM
Kevin Cann	District IV Supervisor	Present	9:01 AM
John Carrier	District V Supervisor	Present	9:01 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Cann, followed by a moment of silence for those defending our County.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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

No public input.

Chair Stetson noted that CA4 and CA9 require a 4/5th vote.

Supervisor Cann required clarification regarding CA3 as to whether the allocation falls beneath the threshold, and whether the County has an obligation to allocate any of the funds to other counties. Rick Benson/County Administrative Officer responded.

Supervisor Bibby required clarification regarding CA9 as to whether the property owners ever have to pay for the cleanup; who the operator on the second mine was; and whether there are sufficient funds for both the McCulley and Bevin cleanups. Supervisor Bibby made special note that this is the law. She also noted that Planning is supposed to bring a fee consideration, and inquired whether there is yet a tentative date for same. Alvaro Arias/Senior Planner responded to all issues. Supervisor Jones required clarification as to whether the set aside funds will be enough. Peter Rei/Public Works Director responded that they have negotiated with the State as to what this will cover. Supervisor Jones inquired if there is a way to lien on the property if, in the future, there is not enough money. Mr. Arias responded affirmatively.

Supervisor Jones required clarification of CA10 as to whether there will be erosion control, and if the County will be paying for picking up the debris. Mr. Rei responded.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2013-544

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2013-545

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Administration RES-2013-546

Adopt a Resolution Electing to Receive a Share of the Secure Rural Schools (SRS) Act State Payment and of this Payment to Allocate 8-Percent to Title II Projects and 7-Percent to Title III Projects

CA4. Agricultural Commissioner RES-2013-547

Approve the State and Private Forestry Grant Agreement No. 13-0346-SF with the California Department of Food and Agriculture (CDFA) for the 2013 - 2015 Mariposa County Arundo Control & Eradication Project, and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Increasing Revenue and Appropriations in the Agricultural Commissioner Budget to Account for the Grant (\$12,538) 4/5ths Vote Required

CA5. Agricultural Commissioner RES-2013-548

Approve the Contract for Services Agreements with Dan Wice and California Reforestation for the Implementation of the State and Private Forestry Grant Agreement No. 13-0346-SF with the California Department of Food and Agriculture (CDFA) for the 2013 - 2015 Mariposa County Arundo Control & Eradication Project, and Authorize the Board of Supervisors Chair to Sign the Agreements

CA6. Human Resources/Risk Management RES-2013-549

Amend the Agricultural and Standards Inspector I/II Job Description and Approve the Recruitment of an Agricultural and Standards Inspector I Effective Immediately

CA7. Human Services RES-2013-550

Appoint Liz Wilcox to the Local Child Care Planning Council as a Public Agency Representative for a Term Expiring December 10, 2016

CA8. Human Services/Social Services RES-2013-551

Approve Recruitment, Hiring and Overfill of a Social Worker IV Position Effective January 14, 2014 through February 14, 2014

CA9. Planning RES-2013-552

Approve Budget Action Increasing Revenue and Appropriations in the Mariposa Decco Fund for Reclamation of the Bear Creek Slate Quarry (also known as Mariposa Decco Rock) (\$11,404) 4/5ths Vote Required

CA10. Public Works RES-2013-553

Approve an Agreement with Mark Long Construction for the Reclamation of Two Closed Mine Sites on the Tauchen Property Between Pendola Gardens, Old Toll Road and State Highway 49 in the Amount of \$58,800, and Authorize the Board of Supervisors Chair to Sign the Agreement

E. Approval of Minutes

1. Tuesday, December 03, 2013

No Board or public comment.

The Minutes were approved as presented.

Jones (M); Bibby (S); Passed unanimously.

F. Departmental Presentation

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

Rick Benson reported that he received word this morning that the property purchase in Midpines has closed, and the property is now owned by the County.

G. Public Comment on Non-Agenda Items

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

Mary Bass invited the Board to the Meet and Greet at the Fremont House this Thursday from 5:30 - 7:00 PM.

Jim Dulcich discussed the Fire Chief recruitment, noting that he is disappointed that the Officers Association didn't have input in the screening process; discussed the current morale; discussed contracting out the position; and urged careful consideration for the appointment.

Marvin Wells read a prepared statement regarding a resolution controlling marijuana; and gave an overview of his research on the topic.

Brad Aborn discussed the ice on Colorado Road. He also discussed that when he was on the Board they were phasing out the Transient Occupancy Tax (T.O.T.), and he stated that he feels that the Park Service has enough money and doesn't need \$500,000 more.

Kris Casto discussed major mining on AE land in the County and suggested that it be changed from permitted to conditional use permit, with two separate categories of "Major" and "Minor" being defined by the intensity. She suggested that Minor would be permitted as is, while Major would receive much more scrutiny and review. She stated that she feels that this would give the County more control over the permitting process, in addition to the state controls already in place, and would afford the public another opportunity for input on the process. She also stated that she feels that Major mining must have some controls.

Debbie Cooke/Coulterville Geotourism Center reported on their November events, and noted connections they have recently made with some educational institutes. She also invited the Board to Christmas in Coulterville on December 21st from 8:00 AM - 5:00 PM.

Supervisor Jones noted that he agreed with Mr. Dulcich regarding the need for careful consideration of the new Fire Chief; and he commended Debbie Cooke for her work on behalf of Coulterville.

In response to the suggestion to contract out the Fire Chief position with someone rather than have that person become an employee, Rick Benson reminded the Board that this scenario is no longer allowed under new PERS rules if the person is a PERS retiree.

1. Clerk of the Board of Supervisors (ID # 3130)

Handouts from the Public Comment on Non-Agenda Items Portion of the December 10, 2013 Meeting

RESULT: INFORMATION RECEIVED

H. Board Information

Supervisor Jones thanked the County crews and Caltrans for keeping the roads safe, as well as PG&E and the department heads for keeping him advised of storm-related events. He discussed County finances noting that he feels that we wait too long before implementing fee increases which makes the increase seem large; noted that the T.O.T., the Williamson Act, the TPZ, and business licenses are potential avenues for revenue; discussed discretionary funds and the need to spend the money wisely; and stated that he would like to see the grant receiving organizations interface with the Board more regularly.

Supervisor Carrier reported attending: an IRWMP meeting last Wednesday; a Wednesday afternoon meeting with Planning regarding the Silvertip project; a meeting with some citizens in Ponderosa Basin on Thursday; and a local County Emergency Medical Services meeting at the Sheriff's Office. Supervisor Carrier advised that he will be attending: an Area 12 Agency on Aging meeting tomorrow in Sonora; a meeting with Human Services and John Lawless on Thursday; the EDC meeting on Thursday; a vacation rental meeting on Thursday; and the High School play on Friday. He also reflected back on some of the issues that the Board has dealt with this past year, and thanked all of the County employees for the services they provide.

Supervisor Bibby discussed her desire to see the implementation of the licensing of businesses and encouraged the EDC and the Chamber to support the idea. She also reported attending the Mental Health Governing Board meeting where they had an informational presentation by Bryan Blew with Horison Care, noting that the group wants to tour the facility. Supervisor Bibby advised that the budget committee for Community Action Agency is going to be meeting on Wednesday noting that they will be looking at unspent funds, as well as funding for 2014. She also discussed some of the issues regarding road sanding; complimented the new Road Superintendent for his efforts and updates on road crews and conditions this last storm; thanked the Chamber for putting public safety first and cancelling the Merry Mountain Christmas Parade; and noted that the Board is proceeding carefully through the Fire Chief recruitment process.

Supervisor Cann commended the CAO for the successful cleanup of the property

across the street. He also reported on the RCRC meeting on Wednesday, which was his last as RCRC Chair, and discussed: his meeting with the State Ag Secretary and her department head for Fairs and Expositions to discuss district fairs; attending a presentation regarding an initiative that will be on the ballot next year regarding off-reservation casinos; and Federal Payment in Lieu of Taxes (PILT) payments. Supervisor Cann also reported attending the Thursday Sierra Nevada Conservancy (SNC) Board Meeting, his last on behalf of Supervisor Stetson, noting that the California Water Action Plan and the Rim Fire were some of the topics of discussion. Supervisor Cann also discussed that the SNC has just produced an Ag Lands and Ranches System Indicators Report; explained that it deals with total area, farms and ranches, crop types, economic productivity, and conversion of working landscapes; and noted that the El Dorado County data was a little shocking in the amount of land that has been converted from Ag to residential in the last 10 years. Supervisor Cann also reported attending a Friday meeting in Stockton with Caltrans, the Public Works Director, the representative from Townsend, and the Chair of the Ad Hoc Crosswalk Committee, noting that construction has been programmed in for 2018, with a chance of it being advanced to 2016. Supervisor Cann advised: that there is an EDC meeting on Thursday at Noon at the library; that he has a meeting with someone who is exploring the idea of partnering with the Forest Service on a project; and that he will be meeting with one of the Board members of the Sierra Nevada Conservancy with ideas on the other property in Midpines.

Supervisor Bibby responded to Mr. Wells' statement during Public Comments noting that the Board is working closely with the Sheriff, District Attorney, and other departments regarding the marijuana cultivation ordinance. She also requested that a copy of the Minutes with Kris Casto's comments be sent to Planning, especially in light of Supervisor Cann's comments about the conversion of Ag land into residential as that has impacts to water, as well as demand on public services. She also discussed that with the swapping of "similar" land as permitted in the General Plan, one could have mining on AE land.

Supervisor Stetson reported attending: a Midpines Advisory meeting last Tuesday; a Friends of Bear Creek meeting on Thursday; and a Friday meeting with Pete Judy. He advised that he will be attending: an El Portal Advisory Board meeting tonight; and a meeting tomorrow with John Lawless from Human Services. He also thanked Supervisor Cann for serving on the Sierra Nevada Conservancy in his place; and also thanked the CAO, and Karen Smith for their efforts in acquiring the Midpines property.

1. **Clerk of the Board of Supervisors (ID # 3129)**

Handout from Supervisor Cann Regarding RCRC Forest Management Coalition Update

RESULT: INFORMATION RECEIVED

Recess

10:18 AM Chair Stetson recessed the Board of Supervisors in order to convene the Local Transportation Commission. Steven W. Dahlem/County Counsel left the meeting to attend Court.

I. LOCAL TRANSPORTATION COMMISSION

(Chair - Commissioner Lee Stetson, Vice-Chair - Merlin Jones)

Public Presentation:

For Items within the Jurisdiction of the Local Transportation Commission and not on Today's

Agenda (Speakers Limited to Five Minutes)

None.

1. Public Works LTC-2013-15

Adopt the 2014 Regional Transportation Improvement Program (RTIP) and Direct Staff to Submit the RTIP to the California Transportation Commission (CTC) and California Department of Transportation (Caltrans)

Peter Rei made the staff presentation, noting that this document needs to be submitted today.

No public input.

Supervisor Cann required clarification regarding differences between the existing and proposed costs for Silva Road. Gary Taylor/Assistant Director of Public Works - Public Works responded.

Supervisor Bibby thanked Mr. Rei and his staff for inspecting and reconsidering roads.

Mr. Rei noted that this is programming for construction that will likely be commenced in fiscal year 2018-2019.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

LTC Adjournment

10:26 AM Chair Stetson adjourned the Local Transportation Commission, and requested a brief break.

J. Reconvene Board

10:39 AM Chair Stetson reconvened the Board of Supervisors.

K. Regular Agenda Items

1. Administration (ID # 3034)

PowerPoint Presentation by the Mariposa County Fire Safe Council on their Recent Activities and Projects

Megan Atkinson/Mariposa County Fire Safe Council Executive Director gave a PowerPoint presentation.

Chair Stetson commended the Fire Safe Council for their efforts. Supervisor Bibby complimented Ms. Atkinson on her presentation. Supervisor Jones noted his appreciation for the program and the presentation. Supervisor Cann commended the Fire Safe Council.

Supervisor Carrier noted that he has seen the first draft of the area specific brochures and discussed what a great job has been done on them.

RESULT: INFORMATION RECEIVED

10:52 AM County Counsel rejoined the meeting.

2. Administration (ID # 3068)**Receive Report, Discuss and Provide Direction to Staff in Response to Closure of Yosemite National Park**

Rick Benson gave the staff presentation noting that the numbers are in and, depending on which numbers are compared, the lost Transient Occupancy Tax (T.O.T.) will amount to between \$275,000 to \$310,000. He also noted that while the current budget should be able to absorb the difference, this will definitely have an impact on our fund balance next year. He noted that he is not making any recommendation to do anything different at this time, except to keep the departments aware that they can expect a large reduction in our fund balance next year.

Supervisor Cann noted that prior to the government shutdown we were running positive in T.O.T. for July, August and September and were paralleling, or surpassing, record years. He also discussed the planning and efforts of the Chamber and the Tourism Bureau.

Supervisor Jones thanked the Tourism Bureau and the Chamber for their efforts during the shutdown. He also noted that he was glad that we didn't have to look at furloughs.

Supervisor Bibby extended her compliments to all as well, noting that it is a team effort; and she discussed the gravity of furloughs as another reason to be conservative with the expenditure of revenues.

No public input.

RESULT: INFORMATION RECEIVED**3. Board of Supervisors (ID # 3029)****Provide an Update on Yosemite/Mariposa County Tourism (Terry Selk, Executive Director, Yosemite/Mariposa County Tourism)**

A PowerPoint presentation was made by Terry Selk/Yosemite-Mariposa County Tourism Bureau Executive Director, with the aid of Windy Howell-Gonzalez/Administrative Assistant.

11:11 AM County Counsel exited the meeting.

11:13 AM County Counsel returned.

Discussion ensued between Supervisor Bibby and Mr. Selk regarding the annual report and audit, the Tourism Bureau's outreach, and the amount of funding desired by the Tourism Bureau. Supervisor Bibby also required clarification regarding the international offices and how they work, and if there is any way to track bookings and identify, and project, trends. Mr. Selk responded to all concerns.

Supervisor Carrier commended Mr. Selk on the outreach to the lodgings; suggested that they merge the calendars on yosemite.com and homeofyosemite.com; and inquired as to visitation statistics. Mr. Selk responded.

Supervisor Jones thanked Mr. Selk for coming to District II; for coming before the Board; reported that the gateway sign that the Tourism Bureau helped fund is going up today; and discussed the help that the Tourism Bureau affords to the Visitor Centers.

Supervisor Cann discussed Park visitor use surveys, and that visitors in the county don't always mirror Park statistics. He also inquired as to how much is spent on the

international market. Mr. Selk responded approximately \$200,000, and discussed marketing in various areas. Supervisor Cann commended Mr. Selk for the Tourism Bureau/Chamber collaborations.

Discussion ensued between Supervisor Bibby and Mr. Selk regarding the amount of time visitors spend in Yosemite, and events that the Tourism Bureau supports. Supervisor Bibby requested a list of groups that might be getting funding. Mr. Selk noted that event funding comes from the BID monies, and the grant funds from the County are used entirely for advertising and marketing. She also required clarification regarding local trends. Mr. Selk responded.

Mr. Selk thanked the Board for their recognition of the outreach to all lodging partners.

Public comment opened.

Wendy Brown-Barry read a statement from Ronika Johnson urging that no funding be given to the Tourism Bureau.

Katie Owens noted that she would like a more in-depth accounting of the Tourism Bureau revenues, and discussed the need for information that will encourage participation in local activities.

Jonathon Farrington/Regional Director of Sales and Marketing for Delaware North noted that the Yosemite-Mariposa Tourism Board meetings are open to the public and they would love to have people attend so that they can see all of the work that is done. He also discussed the organizations for which he volunteers; discussed the events of the past year; and discussed some of the marketing efforts that were undertaken.

Debbie Cooke discussed the importance of the work that the Tourism Bureau has done with, and for, District II.

Public comment closed.

RESULT: INFORMATION RECEIVED

4. Administration RES-2013-554

Approve an Agreement for Services with the Yosemite/Mariposa County Tourism Bureau in the Amount of \$500,000 to Provide Marketing Services for the County, and Authorize the Board of Supervisors Chair to Sign the Agreement

Rick Benson gave the staff presentation.

Public comment opened.

Ruth Sellers discussed the County debt; noted that she doesn't feel that the County can afford to provide \$500,000 at this time; and discussed her reasons for same, i.e., the pending lawsuit, the contingency fund balance, an understaffed/underfunded Sheriff's department, the loss of T.O.T. from the shutdown, and uncertainty over the Park Service's decision regarding the River Plan. She also provided brochures that she picked up while traveling out of the area, noting the amount of advertising by Delaware North.

Wendy Brown-Barry stated that she has approached the Board before about bringing a large cowboy poetry gathering to the community, and noted that she feels this is the perfect type of event for Mariposa County.

Ron Iudice spoke in favor of the contract, noting that this is the one pro-active thing that the Board does that actually pays off.

Public comment closed.

Supervisor Cann required clarification regarding provision 7.04 of the Contract. County Counsel responded.

Supervisor Bibby noted that there is a noticing requirement; and pointed out that the County may not have as much in discretionary funding next year.

Supervisor Jones required clarification regarding the Termination for Convenience of

County clause. County Counsel responded.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

L. Items removed from Consent Agenda

None.

M. Closed Session

1. Human Resources/Risk Management (ID # 3082)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Fire Chief/Emergency Planning Coordinator

No Board or public comment.

This closed session began at 1:15 PM.

RESULT: CLOSED SESSION HELD

N. 12:24 PM Lunch

O. 2:28 PM Reconvene

1. Public Works (ID # 3091)

Update to the Board on the Status of Yosemite West Wastewater Issues

The staff report was made by Peter Rei who discussed the wastewater treatment plant, the water supply, and the legal structure of the district. Reporting on the wastewater treatment plant, Mr. Rei noted that it continues to function but does have issues with the flow meter, the strainer, the clarifier, and the leach field. He noted that, after checking with County Counsel, his department contacted HOWK regarding the flow meter when an RFP yielded no bids, and that an item regarding same will be coming to the Board next week. Mr. Rei also reported that: they will not be able to address the strainer this year, but that Advanced Reliability Technologies has done an evaluation on that issue and will be here next Tuesday; and, as to the clarifier, the polyethylene spheres which the Board approved for the pond and two lagoons have been ordered. Regarding the leach fields, Mr. Rei reported that it has been determined that none of the leach fields are on property owned by the County; that Provost and Pritchard performed a survey and have found a few spots where they could expand; and that he has twice talked to a representative for the doctors group, and has been assured that they are willing to work with us. Regarding the water supply, Mr. Rei reported that the air stripper and the need for a second well on the property continue to be issues. He noted, however, that the air stripper project is largely complete and functions properly when it stands alone, but that they are still having difficulties getting it to interface with the computer system; and that it is anticipated that those difficulties will be resolved within a week. Mr. Rei also reported that they have not yet had any success in determining a location for a second well on the property, but that they will fold that in with the discussion on the leach fields. Regarding the legal structure of the district, Mr. Rei reported that it was not structured properly for

an assessment district, and that a new County Service Area (CSA) is the most likely vehicle going forward.

Chair Stetson announced that the Maintenance Board meeting that was to be held next Thursday has been cancelled as it would be the same information as presented here today.

Supervisor Stetson and Mr. Rei discussed that there are no new issues with the water treatment plant, that the Water Board is agreeable with the way things are proceeding, and that we have sufficient funds for all of the immediate fixes, i.e., the flow meter, the strainer, and the clarifier. Mr. Rei elaborated on the fund balances available.

Chair Stetson advised that Board clarification would be next, followed by public comment; and requested that, given the icy roads, those with brief comments/concerns be allowed to go first at the public comment portion to allow them to leave if they desired.

Board Clarification on Technical Issues.

Supervisor Bibby required clarification of when data capture could be anticipated given that the flow meter is due to be delivered on the 17th, with construction anticipated in January, 2014. Darryl Nielsen/Public Works Plant Operator Technician responded that the estimated time for the installation is 7 days barring bad weather. Mr. Rei clarified that they would begin to get data on a daily basis once it was installed and functional.

Supervisor Carrier cautioned consideration of new Federal regulations for fire hydrants.

Supervisor Jones required clarification regarding the differences between a CSA and a Community Services District (CSD.) Rick Benson and Mr. Rei elaborated on the differences, noting that a CSA is the appropriate structure to be able to levy assessments, collect fees, and to provide the services.

Supervisor Stetson noted that he prefers the CSA.

Chair Stetson requested that public comments at this time be limited to technical issues.

Public comment opened.

Jeff Hornacek noted that his major concern is how to fund the work in the spring of 2014. Chair Stetson noted that it has been established that there is funding to address current issues. Mr. Rei clarified that the fund in question has been set aside for unexpected events/issues and will be available for capital improvements such as this only if nothing unexpected happens between now and June 30th.

Public comment closed.

Chair Stetson noted that the second prong of this issue is the financial side and he requested the CAO to make his report to the Board.

Rick Benson gave his report and discussed his findings, noting that part of the problem is that the language is not very clear.

No Board clarifications needed.

Chair Stetson noted that he didn't mean to abandon any discussion regarding a CSA, and he invited public comment on that, as well as this issue.

Public comment opened.

Jeff Hornacek required clarification of whether the County Auditor had the same information. Mr. Benson responded that the Auditor provided most of the information, but that Mr. Benson was the one who discovered the Certificate Of Participation (COP) payment.

Robert Kroon remarked that at the last Maintenance Advisory Meeting, Mr. Rei noted having an extra \$100,000 and requested an explanation of the source of that money. He also expressed concern regarding how the records have been kept over the years. Mr. Rei responded by explaining the budgetary process, including the determination of the fund balance at the end of the fiscal year.

John Mock inquired of Rick Benson as to whether he had investigated the possibility of refinancing the Yosemite West COP in order to free up some money. Mr. Benson responded that they have not been able to find anyone willing to fund a refinancing.

Supervisor Cann inquired if it would be possible to find a lower rate than what they have now. Mr. Benson responded.

Barry Turner referred to the original Engineer's Report, and required clarification regarding language that reads: "...these grants and contributions do not have to be repaid by the Yosemite West Maintenance District." Mr. Benson responded that he is aware of the language, but cannot make a legal judgment regarding it; and he discussed possible other repayment scenarios.

3:22 PM Supervisor Jones exited the meeting.

Mr. Turner also inquired if this plant was insured upon construction and, if it was, why we are not collecting off of that bond. Mr. Rei responded that, according to Mr. Mock, there was a bankruptcy of one contractor and another one was found, so he is unsure of any ensuing impact from such a situation. John Mock elaborated that the contractor was bonded for performance and completion, but went bankrupt during the building process. He also noted that a letter from Dana Hertfelder, the Public Works Director at the time, stated that only minor electrical repairs and some concrete platforms needed to be repaired; yet, payments of nearly one million dollars were made to Saint Paul Casualty and Fire in Minneapolis which he believes is the bonding company. He questioned why Yosemite West would have to pay that money to a bonding company. CAO requested a copy of that documentation. Mr. Mock discussed potential legal avenues to pursue, and noted the importance of the engineer's report. Mr. Mock urged getting an independent audit in order to clear the air of feelings of bias.

Kenneth LeBlanc/Yosemite Scenic Wonders Owner noted that he has been hearing about these monies for years, but is here for the current sewer issue; noted that he represents 49 owners who own 56 properties; discussed the annual T.O.T. revenues generated by Yosemite West; noted that his group is in favor of having utility rates increased to pay for the repairs that they need; that his group does not want to participate in any frivolous lawsuits; that they want to get these issues resolved as quickly as possible; and he urged the Board to revise the district into a CSA.

Jeff Hornacek required clarification as to whether the formation of a CSA or CSD requires a 218 vote. Mr. Rei responded on the mechanics of the process. Mr. Benson further clarified the process, noting that the decision has been made to go forward and form the CSA; that water, wastewater or garbage are the exceptions to 218; and discussed petitioning against it. Mr. Benson also noted that charges for roads is a balloted procedure.

Robert Kroon remarked that he can't afford any increase; noted that he has read the letters in support of an increase; noted the amount of T.O.T. generated by Yosemite West from July, 2009, to June, 2012, and discussed how much would be lost should the sewer fail and Yosemite West be closed down; and discussed the history of the design and construction of the wastewater treatment plant.

Barry Turner noted that over 150 people at Yosemite West have signed a Petition stating that they do not want the water rates to go up; discussed that the Board accepted the roads, easements and avenues in 1967; noted a letter sent to the county from Pierce Loberg, a civil engineer, and requested a response to same. Mr. Rei responded that they do not dispute Mr. Loberg's conclusions. Mr. Turner inquired why they continue to pay for the roads if the County owns them. Mr. Rei clarified that the roads were accepted per the subdivision map for use by the public; the distinction, however, is that they were not accepted into the County road system which is reported to the State. Mr. Rei further expounded on the issue, noting that another option regarding the roads is a Zone of Benefit; and he expounded on same.

CAO noted that understanding that the roads are not in the county system clarifies much. He also noted that there is a budget unit for Grand Jury audits which he will investigate. Supervisor Bibby cautioned, off mic, that the Grand Jury decides how they spend their money.

Jeff Hornacek requested clarification of the design flow of the wastewater plant. Mr. Rei responded that 80,000 gallons in dry weather and 105,000 gallons in wet weather were originally designed in, but that they are permitted for 60,000 gallons per day.

Matthew Hornacek stated his understanding that there is a surplus of money this year; and inquired if road fees could fund equipment as the road equipment is at the end of its life, and they could use equipment this winter. Mr. Rei noted that there is no organized vehicle replacement plan/fund for this equipment. Mr. Hornacek noted that they are looking at only two speeds working on the loader, and he is just warning everyone that the equipment is failing and funding should be set up.

Anita Starchman-Bryant/Attorney for Ken LeBlanc Scenic Wonders Owner noted that Mr. LeBlanc should not be discounted because he manages properties from out of the area; urged that direction be given to staff to begin the process of setting up the CSA immediately; and noted that the property owners represented by Mr. LeBlanc have a vested interest in the repair and maintenance of these systems. She also discussed that her client applauds staff efforts to address the Regional State Water Board's Notices of Violation (NOVs), and urged raising fees in order to come into compliance; and noted that the Yosemite West Homeowner's Association does not represent the concerns of all homeowners. Chair Stetson noted that direction has been given to proceed with the formation of the CSA.

Tom Landert/Yosemite West resident noted that the movement behind the protest is independent and should not be associated with the Homeowners Association; remarked that we need to get real about the expenses of Yosemite West as we are facing infrastructure collapse and we need to move forward; discussed anger in Yosemite West due to issues from 10 years ago; noted that he is happy to pay more if they have to pay more; and wants to see a fee structure that will avoid this kind of situation 20 or 30 years down the line.

Ken Schultz noted that he just wants his sewer fixed and doesn't want to get into analysis paralysis; and inquired if we know how our rates compare with other counties. Mr. Rei responded that he can't speak specifically but, generally, knows that all facilities are impacted.

Barry Turner noted that he thinks we're getting hung up on the water rates; that this isn't about the water rates going up but, rather, the repair of the wastewater facility; thinks we're going down the right road to get an outside audit; and commended Mr. Rei for his efforts in communicating and working with them.

Public comment closed.

Supervisor Cann noted that he is, personally, supportive of an outside audit in order to settle that matter; noted that failure of that system is not an option, and then it needs to be maintained but we can't pretend that it costs less to maintain than it does; discussed that the state regulations have changed since construction; noted that it bothers him to see the divide within the community; and feels that we need to work together to fix the confidence issues and problems.

Supervisor Stetson noted: that there is a budget for the immediate needs right now; that they do have a functioning system right now; that the Water Board is content with the progress on the NOVs at this time; and that past accountings, as well as lack of funding and expertise, contributed to the overall situation. He also noted that if the district does, indeed, want an independent audit then the funds to pay for it will come from the district, as well.

Chair Stetson concluded by thanking everyone for their participation in the process.

RESULT: INFORMATION RECEIVED

2. Administration (ID # 3096)**Discussion and Possible Direction Regarding Issues within the Yosemite West Development**

No Board clarification required.

Public comment opened.

Robert Kroon discussed the fire hydrants in the Yosemite West area and provided repair diagrams to Darryl Nielsen of Public Works.

Jeff Hornacek inquired if we will be hearing from Provost and Pritchard regarding their findings.

Michael Taylor/Provost and Pritchard reported that they have investigated the potentially viable sites; noted that they did find three viable sites for use as additional leach fields; and noted having some estimates of what each field may provide. He also discussed that all of the sites are property that the County does not presently own, and proposed a lot line adjustment.

Public comment closed.

Supervisor Bibby inquired if they will need a variance in addition to a lot line adjustment. Mr. Rei responded that they will have to look into that in detail; and he discussed that they will need approval from Environmental Health and the Regional Water Board.

Supervisor Carrier inquired if an improvement of leach fields will allow us to get a permit for more gallons per day. Mr. Taylor responded that it would not as it currently exists, and expounded on the reasons for same. Supervisor Carrier also inquired if a building moratorium should be considered. Mr. Taylor noted that there are physical limits to the disposal capacity of the site, and building permits should not be issued if the system cannot process it. Mr. Rei discussed the importance of the flow meter.

Supervisor Bibby inquired what the flow meter will monitor; and inquired as to what happens if construction causes a spring to open up in the leach field. Mr. Rei responded that all they can do is monitor. Supervisor Bibby inquired if there is a way to check. Mr. Taylor responded.

Supervisor Stetson noted that direction has already been given regarding a CSA; required clarification that we have funding for the flow meter; and inquired if we can look at the sewer lines to see how much root intrusion there may be once done. Mr. Rei responded.

Supervisor Carrier noted that he has attended a lot of statewide meetings where they have discussed that other community wastewater treatment systems within the state are failing because they were all put in so long ago; that a lot of people are facing the same things; and noted that this Board is committed to fixing the issues.

Chair Stetson remarked that direction is given to the CAO to investigate if the Grand Jury audit money can be used for an independent audit, noting that the Board will determine what to do once the results of that investigation are received. He also extended his thanks to everyone for participating.

RESULT: DIRECTION GIVEN

4:47 PM The Board recessed to closed session.

Report Out

6:25 PM Chair Stetson reported out that Information was Received and Direction was Given.

P. Adjournment

6:25 PM Chair Stetson adjourned the meeting in memory of Donna Barela, James Massie, and William Cavagnaro.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

LEE STETSON
Chair, Board of Supervisors



MARIPOSA COUNTY

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LEE STETSON, CHAIR
KEVIN CANN, VICE-CHAIR
MERLIN JONES
JANET BIBBY
JOHN CARRIER

DISTRICT I
DISTRICT IV
DISTRICT II
DISTRICT III
DISTRICT V

MINUTES

December 17, 2013

A. Call to Order and Roll Call

9:02 AM The meeting was called to order at the Mariposa County Government Center, with Chair Stetson noting that Supervisor Jones has been excused.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:02 AM
Merlin Jones	District II Supervisor	Excused	
Janet Bibby	District III Supervisor	Present	9:02 AM
Kevin Cann	District IV Supervisor	Present	9:02 AM
John Carrier	District V Supervisor	Present	9:02 AM

B. Pledge of Allegiance

Supervisor Carrier led the Pledge, followed by a moment of silence for those who defend our County.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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

No public comment.

Chair Stetson noted that CA19 requires a 4/5th vote.

Supervisor Cann requested that CA18 be pulled from the Consent Agenda to allow time for the representative from Advanced Reliability Technologies to make a brief presentation.

Supervisor Bibby required clarification regarding the completeness of the grant

application in CA12, and inquired as to the number of clients served last year. John Lawless/Interim Human Services Director responded, noting that they normally serve about 350 clients per month in Mental Health. Supervisor Bibby requested that, when available, statistics be provided to the Board so that they can see case growth, reimbursement, etc.

As to CA14, Supervisor Bibby inquired as to who granted permission to the Mental Health Assistant I to return following graduation; whether such an option is available to all Human Services employees; and whether it was cleared through Human Resources. Mr. Lawless responded that the application was reviewed by the previous Human Services Director; that one of the conditions was that they not work; that they would receive a stipend through the MHSA WET plan; and that they could come back to their old position if they didn't get a job in the field of their education. Mr. Lawless also responded that this is available to any individual who wishes to apply for it.

As to CA16, Supervisor Bibby inquired if AB-109 was going to fund the workers comp for the individuals participating on site. Pete Judy/Chief Probation Officer responded that it was his understanding that it would be covered under the County's workers comp. Discussion ensued between Supervisor Bibby, Chief Judy, and Rick Benson/County Administrative Officer regarding AB-109 funding of any additional workers comp costs generated because of the program. Chief Judy noted that AB-109 would cover additional costs to the County for this program. Supervisor Bibby requested that Probation, the CAO, and Personnel work together on the issue. Supervisor Bibby also suggested the Airport as another possible community service location.

Supervisor Cann discussed CA15; discussed the hiring of the Compliance Officer; and inquired when the Planning Department will be coming back with non-compliant properties. Sarah Williams/Planning Director discussed procedural timeframes, and noted that they would be coming back before the Board by the end of 2014. Discussion ensued between Supervisor Cann and Ms. Williams regarding the review process. Supervisor Bibby inquired when the Board can anticipate an item on the Williamson Act moratorium issue. Ms. Williams noted that there is no date yet. Discussion ensued between Supervisor Bibby and Ms. Williams regarding code compliance.

Regarding CA10, Supervisors Bibby and Carrier thanked Meghan Kehoe for her service, and wished her success in all future endeavors.

RESULT: ADOPTED [4 TO 0]

MOVER: John Carrier, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lee Stetson, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Merlin Jones

CA1. **Administration RES-2013-556**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. **Administration RES-2013-557**

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. **Assessor-Recorder RES-2013-558**

Authorize the Promotion of an Assessment Recording Clerk I to an Assessment Recording Clerk II Effective January 1, 2014 and Authorize an Immediate Recruitment to Fill the Assessment Recording Clerk I Position

CA4. Auditor RES-2013-559

Accept the Results of the First Audit of the Social Security Number (SSN) Truncation Program

CA5. Auditor 2013-140

Accept the Transit and Transportation Audits as submitted.

CA6. Board of Supervisors RES-2013-560

Resolution and Tile Plaque Recognizing Kimberly Fletcher, Upon Her Retirement as Deputy District Attorney III (Chair Stetson)

CA7. Building RES-2013-561

Authorize the Allocation and Immediate Recruitment of One 80% Permanent Part-Time Development Services Technician Position in the Building Department Subject To Approval of a Fee Increase

CA8. District Attorney RES-2013-562

Approve the Immediate Recruitment of a Victim Witness Services Supervisor and the Filling of the Position Effective January 1, 2014, in the Victim Witness Budget

CA9. Health RES-2013-563

Reduce the Allocation of a 0.70 Permanent Part Time Public Health Nurse Position to a 0.60 Permanent Part Time Public Health Nurse Position, and Approve Budget Action Transferring Funding Within the Health Department Budget to Allow for Additional Public Health Nurse Extra-Help Hours (\$2,646)

CA10. Human Services 2013-141

Accept the Resignation of Meghan Kehoe from the Mental Health Advisory Board

CA11. Human Services/Behavioral Health & Recovery Services 2013-142

Appoint Mariah Tate to the Alcohol and Drug Abuse Advisory Board for a Term Expiring December 17, 2016

CA12. Human Services/Behavioral Health & Recovery Services RES-2013-564

Approve Submission of the "Mental Health Services Act Triage Personnel" (SB 82) Grant Application in the Amount Not to Exceed \$600,000 (\$200,000 Per Year for 3 Years) to the Mental Health Services Oversight and Accountability Commission

CA13. Human Services/Behavioral Health & Recovery Services RES-2013-565

Approve an Agreement with the California State University (CSU) Fresno Foundation Through its Social Welfare Evaluation Research and Training Center (SWERT) to Assist with the Development of the Mental Health Services Act (MHSA) Innovation Program in an Amount Not to Exceed \$36,988, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA14. Human Services/Behavioral Health & Recovery Services RES-2013-566

Authorize the Human Services Department to Recruit and Fill Effective Immediately the Mental Health Assistant I Position Limited Term in the Behavioral Health Budget; the Limited Term is to Expire no later than August 8, 2014

CA15. Planning (ID # 3107)

Williamson Act (LCA) 2011-2012 Biennial Reports Review Progress Update

CA16. Probation RES-2013-567

Authorize the Chief Probation Officer to Offer a Community Work Projects Program to Probationers and Designate the Chief Probation Officer as the Correctional Administrator of said Program Pursuant to Penal Code Sections 1203.1 and 4023.2

CA17. Public Works RES-2013-568

Approve a Professional Services Agreement with Golden Valley Engineering to Provide Construction Design Support and Inspection for the Bridgeport Fire Station in the Amount of Not-To-Exceed \$25,000; and Authorize the Chair of the Board to Sign the Agreement

CA18. Item separated from the Consent Agenda and considered separately.

CA19. Public Works RES-2013-569

Approve an Agreement with Hawk Systems for the Furnishing and Installation of an Influent Flow Meter for the Yosemite West Maintenance District in the Amount of \$38,500, and Authorize the Director of Public Works to Sign the Agreement; Approve Budget Action Transferring Funding from the Yosemite West Utility Capital Fund to the Yosemite West Maintenance District Fund to Provide Funding for the Agreement (\$38,500) 4/5ths Vote Required

Items Considered Separately

Public Works RES-2013-570

Approve a Professional Services Agreement with Advanced Reliability Technologies LLC for Consulting Services for the Yosemite West Wastewater Treatment Plant in the Not-To-Exceed Amount of \$25,000 and Authorize the Public Works Director to Sign the Agreement

Peter Rei/Public Works Director introduced Gerald Fejarang from Advanced Reliability Technologies, LLC. Mr. Fejarang gave an overview of the services provided by his company; discussed the conditions at the Yosemite West Wastewater Treatment Plant; and

discussed design recommendations.

Supervisor Carrier and Mr. Fejarang discussed water quality treatment in other areas; and unintended consequences of water that is too clean.

RESULT: ADOPTED [4 TO 0]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Merlin Jones

E. Board Recognitions

1. Board of Supervisors RES-2013-555

Resolution and Tile Plaque Recognizing James "Jim" Wilson, Upon His Retirement as Fire Chief (Chair Stetson)

Public comment opened.

Tom Hull/Captain, Engine Company 29 in Lushmeadows recounted his personal history with County Fire; discussed the changes he has witnessed in County Fire because of Chief Wilson; and discussed the construction of the 9/11 Memorial.

Carol Williams/Station 29 member noted that she is a first responder and a member of the Fire rehab team; noted that there was no rehab team prior to Chief Wilson; and discussed his commitment to the fire fighters and the community.

Kathy Armstrong/citizen recounted her personal and professional background; noted that she is a volunteer at the Ponderosa Basin Volunteer Fire Department; and discussed Chief Wilson's service to the community.

Rebecca Kohl/Fire Services Assistant discussed the positive changes in their office under Chief Wilson; and thanked him for his guidance and friendship.

Debbie Cooke/Station 26 member discussed the creation of educational and fire prevention programs under Chief Wilson.

Rick Benson/County Administrative Officer discussed his working relationship with Chief Wilson, and discussed the CSA, the Telegraph Fire, the fire station construction, and Chief Wilson's concern for his volunteers.

Public comment closed.

Supervisor Bibby expressed her thanks to Chief Wilson, and discussed: how much time he spent on community outreach; his efforts on behalf of the Bridgeport Fire Station; his people management skills; and the 9/11 Memorial.

Supervisor Carrier discussed the transformation of the fire department under Chief Wilson.

Supervisor Cann discussed the professionalism that Chief Wilson brought to the County; extended his thanks for Chief Wilson's service to the County and to the volunteers; and discussed the Chief's ability to secure grants.

Supervisor Stetson discussed his acquaintance with Chief Wilson for the last thirty years; and extended thanks for all of his efforts.

Chair Stetson presented the Resolution and tile plaque to Chief Wilson, and then introduced Mika Petrucchi who made a presentation on behalf of Assemblymember Frank Bigelow and Senator Tom Berryhill.

Chief Wilson noted the team effort in everything the Fire Department has done; commended Debbie Cooke on the community prevention educational programs; thanked Rebecca Kohl, Kathy Garrett, Don Florence and Jim Middleton; commended Sheriff Binnewies, Dr. Mosher, Public Works, the District Attorney, Probation, and others.

RESULT: ADOPTED [4 TO 0]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, John Carrier

AYES: Lee Stetson, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Merlin Jones

10:11 AM Chair Stetson recessed the meeting for a brief reception.

10:36 AM Chair Stetson reconvened the meeting.

F. Departmental Presentation

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

Doug Binnewies/Mariposa County Sheriff commended Meghan Kehoe, Deputy District Attorney Kim Fletcher, and Chief Jim Wilson as they depart from employment with the County; and he wished the Board a Merry Christmas.

Pete Judy also commended Kim Fletcher upon her retirement.

G. Public Comment on Non-Agenda Items

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

Mary Bass wished Happy Holidays to the Board; thanked Chief Wilson for everything that he has done, and wished him well upon his retirement; and reminded everyone of the Fairground Mural Project. She also advised that: there will be a ribbon cutting for Mariposa Marketplace at Noon on Thursday; the Chamber Installation Dinner will be held on January 23rd, noting that the theme is "Recycle" as she will be serving again; and the High School is having a Town Hall meeting on Wednesday from 7:00 PM to 8:00 PM to discuss the funding of programs.

Marvin Wells suggested that the Board consider sending a letter of recognition or recommendation to Meghan Kehoe; discussed Chief Wilson and wished him well upon retirement; spoke of a trip with his grandchildren, George and Maggie, and supplied a photo of a "Shoe Tree" that they encountered; and noted their gifts of candy while extending holiday wishes from them.

1. **Clerk of the Board of Supervisors (ID # 3162)**

Handouts from the Public Comment on Non-Agenda Items Portion of the December 17, 2013 Meeting

RESULT: INFORMATION RECEIVED

H. Board Information

Supervisor Cann commended Meghan Kehoe on all her efforts and wished her luck in the future; extended Supervisor Jones' regrets for not being at today's meeting; and congratulated Mary Bass on being held over with the Chamber for another year. He reported: having discussions last week with various Fire Captains regarding the Fire Chief recruitment; having a meeting last week with a lady from the Silicon Valley Area who wants to establish a 500,000 acre national monument in the Sierra starting around here and going south; on a meeting last week with a number of representatives regarding healthy forest maintenance of County owned lands; attending a meeting of the Economic

Development Corporation (EDC) last week, noting interactions with developers of a 4-star type hotel; ringing the Salvation Army bell at the Pioneer Market; attending the Fremont House Meet and Greet last week; and attending a meeting yesterday, as the President of the Rural County Representatives of California (RCRC), with the State Secretary of Agriculture, noting that she is very open to doing something to help the fairs and that she has agreed to come up with a list of some of the most at-risk fairs, and work with them towards a remedy.

Supervisor Carrier reported: attending the Area 12 Agency on Aging JPA meeting in Tuolumne on Wednesday, followed by the Airport Advisory Committee meeting at the Airport that evening; attending a Thursday meeting with John Lawless regarding Human Services; having a conversation with Ed Temple regarding today's Board item (I.1); attending the EDC meeting; and attending the High School play on Friday. He advised that he will be attending: a combined school band concert today; the Mountain Valley EMS meeting in Modesto tomorrow; a Thursday meeting with Public Works at the Airport regarding the transfer from KMPI to the County; the Friday Planning Commission meeting; and the symphony performance on Saturday.

Supervisor Bibby extended thanks to Marvin Wells and his grandchildren for their holiday wishes. She also discussed the career of Kim Fletcher, noting her professional tenacity, as well as care towards the victims. Supervisor Bibby reported: having a meeting with John Lawless regarding Human Services; and attending a Community Action Agency budget meeting, and discussed left-over funding that needed to be used by December. 31st. Supervisor Bibby also: wished everyone a Merry Christmas; thanked all of our volunteers and community members; and extended special thanks to all County employees for all of their service and dedication throughout the year.

Supervisor Stetson noted that he did not attend a meeting last Tuesday in El Portal due to icy, road conditions. He reported: having a meeting with Ed Temple regarding the Midpines community; meeting with Supervisor Bibby and John Lawless; and meeting with Pete Judy on an item today. He also wished Happy Holidays to everyone.

I. Regular Agenda Items

1. Board of Supervisors RES-2013-571

Authorize the Upper Merced River Watershed Council to Coordinate Fuel Reduction Activities on Property in Midpines That is Owned by Mariposa County.

Supervisor Stetson made the staff report and introduced Ed Temple who is on the Advisory Committee for the Midpines Community, as well as the head of the Friends of Bear Creek. Mr. Temple expounded on the item before the Board.

Supervisors Bibby and Cann thanked Mr. Temple for all of his efforts on this issue.

No public input.

Board discussion ensued regarding whether this item will be coming back before the Board for acceptance.

RESULT: ADOPTED [4 TO 0]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Lee Stetson, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Merlin Jones

11:13 AM Supervisor Bibby recused herself from items I.2 and I.3.

2. Human Resources/Risk Management RES-2013-572

Approve a Side Letter of Agreement with the Deputy Sheriffs' Association and the Sheriffs' Management Association to Modify Their Respective Memorandum of Understanding Effective October 1, 2013 for a Two-Year Term, and Authorize the Board of Supervisors Chair to Sign the Side Letter of Agreement

Tessa Pritchard/Human Resources Director - Risk Manager gave the staff report, with Rick Benson noting that the effective date is October 14, 2013.

No public input.

RESULT: ADOPTED [3 TO 0]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Kevin Cann, John Carrier

EXCUSED: Merlin Jones

RECUSED: Janet Bibby

3. Human Resources/Risk Management RES-2013-573

Adopt a Resolution Authorizing the County to Pay 6% of the Employer Paid Member Contributions to the California Public Employees' Retirement System for Employees in the Sheriff's Management Association and the Deputy Sheriffs' Association Effective February 1, 2014

Tessa Pritchard gave the staff report.

Supervisor Cann required clarification that the Board will have to do this again next year. Supervisor Carrier required clarification that this is for PERS. Ms. Pritchard responded affirmatively to both concerns.

No public input.

RESULT: ADOPTED [3 TO 0]

MOVER: John Carrier, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lee Stetson, Kevin Cann, John Carrier

EXCUSED: Merlin Jones

RECUSED: Janet Bibby

11:23 AM Supervisor Bibby rejoined the meeting.

4. Human Resources/Risk Management RES-2013-574

Approve the Class Specification of Probation Technician Set the Annual Salary Range at \$31,050.24-\$37,741.60; Assign the Probation Technician to the Service Employees International Union(SEIU) Bargaining Unit; Approve the Reclassification of a Senior Office Assistant to a Probation Technician Retroactive to July 1, 2013; Approve Budget Action

Transferring Funding Within the Probation Budget and from the Community Corrections Fund to the Probation Budget to Accommodate the Reclassification (\$18,069)

Tessa Pritchard gave the staff report.

Pete Judy recounted the background of this particular position and action; discussed current policies which limit the highest step to which an employee may be assigned upon reclassification; and requested that he be given authority to set the step in this case. Ms. Pritchard discussed: MOU language which ties reclassification requests to the annual budget hearings; the amount of time to do a reclass; and that she would like to see that procedure changed.

Supervisor Bibby discussed the reclassification process noting that she, too, would like to see the procedure change; inquired if there will be any impact to the general fund in the future; inquired as to the effect of retroactive reclassifications on the unfunded liability; and inquired about AB-109 requirements. Chief Judy responded. Supervisor Bibby inquired of Ms. Pritchard if Department Heads can promote an employee two steps at their one year evaluation. Ms. Pritchard responded affirmatively and discussed the parameters of the controlling resolution (90-171) noting that, as an HR Director, she likes to see consistency.

Rick Benson noted that the procedure for setting salary in this instance follows not only the procedure outlined in the MOU, but the procedure outlined in Mariposa County Ordinance Code 2.68.120; stated that, in his opinion, the salary being recommended by the Personnel Office is the appropriate salary, noting that County Counsel has not yet had a chance to review the matter; and concluded that there is no latitude to provide a higher salary when it comes to a promotion.

Chief Judy noted that, semantically, this is not a promotion; that he doesn't understand why we would treat an existing employee differently than a new hire; and that changing jobs is not necessarily a promotion.

Supervisor Cann noted his appreciation for Chief Judy's reserve in allocating AB-109 funds; inquired if multiple actions are required here; and inquired as to whether the Board is even able to consider authorizing bringing this person in at the higher range. Ms. Pritchard reiterated that this is not a promotion, but a reclassification.

CAO noted that he feels that moving into a job with a higher salary range is a promotion and should be handled as the ordinance dictates.

Ms. Pritchard reiterated that her biggest concerns are: being consistent; setting a precedent; and following County rules and policies.

Steven W. Dahlem/County Counsel noted that this issue was just brought to his attention within the last few minutes; noted that the issue is whether a reclassification is a promotion, and he would like the opportunity to review the background of the County Ordinance that was adopted before he offers an opinion; discussed that, as agendized, the Board has the option of accepting the item as presented and reserving the issue of advanced step placement pending review of the legislative history of the County Code; and that, while the matter has been agendized in such a fashion to allow the Board to take action to authorize the Chief Probation Officer to hire at an additional step at this point, he is not able to give a recommendation as to the meaning of the County Code at this time.

Supervisor Bibby noted that she doesn't want to hold the employee up, and would like to be able to give him at least the 5% then bring this matter back.

Discussion ensued regarding the requested action, and current policies.

Supervisor Bibby discussed employee discord when a department rapidly moves people up and they top out. She also noted that she would like to read the ordinance.

Supervisor Cann required clarification from County Counsel as to whether the Board has the authority to go to a III. County Counsel responded that the way it is agendized they can take the requested action but that, in view of the ordinance, he cannot come up with any legal justification to do so.

Supervisor Bibby inquired if the 6 month probation period will apply. Ms. Pritchard responded noting that as a reclassification, the person has been doing the job for some time and, therefore, there is no question of whether they will do adequately. Ms. Pritchard reiterated that her issue is language within the MOU.

Public comment opened.

Doug Binnewies/Mariposa County Sheriff noted that because of the California 2011 realignment many of the jobs are changing rapidly; and that he does see reclassification being the appropriate avenue within his department also.

Public comment closed.

Supervisor Carrier inquired regarding the dollar difference between Step II and Step III. Chief Judy responded.

Supervisor Cann moved to approve this request as presented, with the employee being put in step II which is a 6.5% raise, and inviting the Probation Chief to work with staff to see what needs to happen to deal with this to get the employee to a level he feels they should be working. Seconded by Supervisor Carrier.

Board Discussion.

Supervisor Bibby noted that the CAO said they would not be able to revisit this per County Ordinance. County Counsel responded that the motion contemplates that the Chief Probation Officer will work with staff to resolve all of those issues before moving forward.

The motion passed 4-0, with Supervisor Jones excused.

RESULT: ADOPTED [4 TO 0]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Merlin Jones

5. Public Works RES-2013-575

Authorize the Temporary Closure of the Mariposa Airport Terminal from January 1, 2014 to March 1, 2014

Peter Rei gave the staff report, noting that proposals have been received from Kurt Castagna, the Smiths, and Gary Piper, and he discussed same noting that each proposal is different. Mr. Rei also noted that staff has nothing specific to bring to the Board in order to have someone in place by January 1st when KMPI leaves, and he feels that there is no other option than to bring this request, noting that the amount of traffic at the airport during that time is extremely light.

Supervisor Bibby and Mr. Rei discussed facility checks while closed up.

Supervisor Carrier and Mr. Rei discussed whether the terminal could be kept open with extra help.

No public input.

Supervisor Carrier inquired if the snow has gotten down to the airport in the past, and if it has ever needed to be plowed. Mr. Rei responded affirmatively to both questions.

Supervisor Cann and Mr. Rei discussed potential scenarios should a pilot fly in while the airport is closed.

RESULT: **ADOPTED [4 TO 0]**

MOVER: John Carrier, District V Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Lee Stetson, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Merlin Jones

J. Items removed from Consent Agenda

None.

K. 12:20 PM Lunch

L. 3:00 PM Reconvene

1. Planning (ID # 3083)

PUBLIC HEARING to Consider Adoption of a Resolution Supplementing Resolution No. 11-464, a Board of Supervisors Resolution of Action on Appeal No. 2009-161 regarding the Mount Gaines Mine; CA Mine ID# 91-22-0008; APNs 007-130-022 and 007-130-023; 7176 and 7180 Mount Gaines Road, Hornitos

Sarah Williams/Planning Director made the staff report, and gave a PowerPoint presentation.

Board Clarification.

Supervisor Bibby required clarification of language in the Supplemental Resolution and Findings. Ms. Williams responded, noting that this Resolution is not intended to change the Board's position previously taken but, rather, to clarify. Supervisor Carrier inquired as to how long it will take staff to review the last-minute communications and get back to the Board. Ms. Williams responded no more than 4 or 5 weeks. Supervisor Bibby inquired as to the Noticing process. Ms. Williams responded.

Public comment opened.

Heather Bernikoff/Property Owner spoke against this action noting that she takes issue with the Process and the Supplemental Resolution. As to the process, she noted that she did receive a Notice of this Public Hearing but that many property owners are busy for the holidays and are, therefore, unavailable; and she discussed that she felt that the stakeholders should have been noticed regarding the October 22, 2013, Closed Session item regarding the settlement of the lawsuit. Ms. Bernikoff also discussed the Supplemental Resolution, taking particular issue with the exception that precludes the mine owner from resuming underground operations; and noting that, overall, she feels that the Supplemental Resolution has ambiguities that will cause future problems.

Jonathan R. Marz/Diepenbrock Elkin, attorney for Jack Bankhead spoke in favor of the Supplemental Resolution.

Mary Ann Vischer/landowner read a prepared comment against the Supplemental Resolution.

Supervisor Bibby noted that she doesn't think that we have enough information, and discussed language that she feels is vague and ambiguous which she is afraid may be problematic in the future.

Public comment closed.

Ms. Williams reported that an additional email correspondence was received at 2:58

PM today from Dennis Bunning, the President of the Farm Bureau.

Supervisor Bibby urged Planning to not only evaluate the new input, but also the clarity of the document.

Supervisor Carrier inquired as to the legal definition of subsurface mining. Ms. Williams read the definition as enumerated in Mariposa County Code.

Supervisor Cann inquired if the staff recommendation is to close public input on this issue at this point, that staff will then respond to the issues raised, and the matter will be reset for a time certain in the future to have a report back from staff and to allow Board deliberation. Ms. Williams affirmed, and discussed continuance scenarios and procedures. Supervisor Cann noted that he is not comfortable taking any action today based on the last minute communications received, and inquired if we are at the point where public input can be considered closed. Steven W. Dahlem/County Counsel responded that there has been sufficient public notice and sufficient public input, and that he joins the staff recommendation to close public input. He further advised that the Board should give direction to staff to review and analyze all public input, and return with a report so that the Board can then deliberate the issue.

Discussion ensued regarding potential continuance dates, with 2:00 PM on February 4, 2014, determined to be agreeable to all, including Mr. Bankhead and his representative.

Supervisor Carrier urged consideration of Supervisor Bibby's concerns. County Counsel assured that those concerns will be taken into consideration.

Supervisor Cann made the motion to permanently close public comment on this specific decision, give direction to staff to analyze the new public comment, as well as any other concerns expressed, and return with a report regarding same at 2:00 PM on February 4th, 2014 when the Board will deliberate the matter.

Supervisor Carrier seconded the motion.

The motion passed 4-0, with Supervisor Jones excused.

Supervisor Bibby noted that she hopes that the Board will allow additional public comment if something new surfaces. Supervisor Cann clarified that his motion was for the purposes of this decision, this public comment, and the Board's present concerns.

RESULT: CONTINUED BY MOTION [4 TO 0] Next: 2/4/2014 2:00 PM

MOVER: Kevin Cann, District IV Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Merlin Jones

M. Closed Session

1. Human Resources/Risk Management (ID # 3088)

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

This item was held at 4:10 PM, and reported out at 6:37 PM.

RESULT: CLOSED SESSION HELD

2. Human Resources/Risk Management (ID # 3085)

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

Supervisor Carrier recused himself from this item.

This item was held at 4:26 PM, and reported out at 6:37 PM.

RESULT: CLOSED SESSION HELD

3. Human Resources/Risk Management (ID # 3087)

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

RESULT: WITHDRAWN

4. Human Resources/Risk Management (ID # 3086)

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

RESULT: WITHDRAWN

5. Human Resources/Risk Management (ID # 3128)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Fire Chief/Emergency Planning Coordinator

This item was held at 4:35 PM, and reported out at 6:37 PM.

RESULT: CLOSED SESSION HELD

6. Human Resources/Risk Management (ID # 3153)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Human Services Director

This item was held at 6:15 PM, and reported out at 6:37 PM.

RESULT: CLOSED SESSION HELD

Report Out

6:37 PM Chair Stetson reported that Closed Session Items M.2 and M.3 were withdrawn; and that Information was Received and Direction was Given on Closed Session items M.1, M.4, M.5, and M.6.

N. Adjournment

6:39 PM Chair Stetson adjourned the meeting in memory of Shirley Koch-Matlock, and Dr. Phillip Smith.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

LEE STETSON
Chair, Board of Supervisors