



MARIPOSA COUNTY

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ROSEMARIE SMALLCOMBE, CHAIR
MILES MENETREY, VICE-CHAIR
MERLIN JONES
MARSHALL LONG
KEVIN CANN

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV

MEETING NOTES

July 10, 2018

A. Call to Order and Roll Call

9:00 AM Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	9:01 AM
Merlin Jones	District II Supervisor	Present	9:01 AM
Marshall Long	District III Supervisor	Present	9:01 AM
Kevin Cann	District IV Supervisor	Present	9:01 AM
Miles Menetrey	District V Supervisor	Present	9:01 AM

B. Pledge of Allegiance

Joe Lynch

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 to request that the Board consider removing an item from the Consent Agenda.*

No public input.

Regarding CA3, Supervisor Long commented on the branding project contract; he looks forward to seeing the product. Tara Schiff/Economic Development Specialist noted that this is part of the project and is part of the EVS and was approved in the 18-19 budget. Smallcombe: how do you intend to keep the public and board apprised of the progress? Schiff: similar to the EVs where we did the quarterly reports and we met with the BOS; tentatively have Yogg coming out on 8/28th for kick off presentation; after that a lot of community outreach; they will stay for the fair and will

engross themselves on mariposa county. we will be doing community outreach, and having a couple of town halls; we may have a website and social media. smallcombe: I think that would be good; the numbers of community members by which the survey instrument will be administered; the key is to make sure that people understand what this survey is about as opposed to others that are out there. I think it would be helpful for people to understand what the benefit of this is about. schiff: to reduce costs, they are actually going to use the community survey that we just used because they were going to duplicate questions. now outside of mariposa county, they are going to do surveys outside of our target markets; specific questions, have you heard of mariposa county, what are your impressions of mariposa county, would you open a business in mariposa county. smallcombe: that makes sense, discussed the various surveys. schiff: I went back to them and had them revise their contract and numbers.

CA5, Long want to bring attention to this, bernie quinn's son has been instrumental in this. being a past member of clover pioneer 4-H, its the beginning of leadership skills. please, everyone participate by buying a flag, a sponsorship.

CA7, Long extended congratulations to the CAO for moving up on his salary; it is well-deserved. we're really glad you're here.

CA19 and ca20, smallcombe noted ca19 is to essentially end the contract early. then have ca20, the new agreement. seems a very odd way to manage contracts. then we received a couple of letters from the department of health care services; I gather than one of their areas of focus is that not enough counties are utilizing the drug medical program; I understand that it is more onerous than some of the other options; also understand that they reached out to madera who didn't want to do that. important for everyone to understand that there is a greater level of tension between the state and county agencies for them to see fault where there is not. Chrissie Doss/Behavioral Health noted that what has happened is that the feds are putting more oversight on DHS; the office of Inspector General; they can audit electronically from a distance. for the first time, the California DHS was audited and had some findings. they recouped approximately 163 million from the state. we were not one of the counties included in the audit, but they extrapolated. DHS has realized that the feds are getting serious; now there is more accountability because of technology and they are now able to do these pro-audits. historically, behavioral health is considered a carve out in the healthcare industry and have had special regulations. now they are saying that they want it in the fold. that raises our standards with more policies and regulations; more akin to what hospitals experience. that's what has spurred this on; a lot comes out of legislation or lawsuits; lawsuit about seven years ago. that's what those letters are about to say that we're missing pieces. for us, we say let us pull ourselves up to the standards; we have until August 31st. it's talking about increasing onsite services from 10-20 to 20-30 hours per week. just for the drug medical piece which is separate from the ... Joe Lynch: last year revenues of 1.8 million from medical. we currently just received the final for 09-10; we got back \$500,000. we just defended 10-11 and there was an amount that they wanted to disallow. we work in the past with the state. we have taken all of their letters and instituted changes. Smallcombe: i'm concerned that on the drug medical side that we will see more delayed reimbursements; and a lot more chatter of what counties are and aren't doing. one of the things that I looked at in the contract was the extensive requirements for initiatives; heavy overlay; there's a huge amount of overhead; wanted the board to know that there is a lot more scrutiny from the federal levels and over. jones: how do you keep track; of what the state is in arrears. lynch: between the auditor and my team we can go back twenty years. jones: how many years behind in adjusting. lynch: eight. some of the larger may be 1 to 2; others more. I wasn't here 8 years ago, but the staff did a great job because these things have been fairly defensible.

Regarding CA28, Supervisor Jones: glad you're applying for this. Mike Healy: this is an item, following disaster declarations, there becomes available funding for hazard mitigation; six or 8 months ago we filed the notice of interest on projects; in speaking with fema and oes staff; have been looking at best chances of funding. this project will change the elevation of the sidewalks as well as some of the area at the courthouse to reduce funding; will also enhance the ADA capabilities of the courthouse. this simply asks your approval to submit this project as one that we want to undertake. with your approval, we'll be happy to submit this application for their review. jones: being on the courthouse committee, a lot of that we would have to do anywhere; so if we can get this grant that's great. healy: this would be in the 75-25 range; and maximize our investment in the courthouse. Cann: there are silver linings occasionally. one of the positive outcomes of our succession of natural disasters has been the relationships that you have built with caloes and fema.

people don't always realize the value of those relationships. a lot of our success in getting the compensations that we have gotten over the last couple of years, comes out of the relationships that you, the sheriff, the cao, and other folks have developed; so that there is a trust relationship and factual relationship. they get kudos for helping us; so thank you for shaping that relationship. healy: we're working internally with our partners, fire and county staff; taking those relationships and building them into fema enhances our ability to get what we need swiftly. if you have talked to rrcr colleagues, there are still a lot of counties waiting for reimbursement from the february storms two years ago. I think we are well ahead as opposed to some of the neighboring counties. plus, we get two subscriptions to the newspaper.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

CA1. Administration RES-2018-309

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

CA2. Administration RES-2018-310

Resolution Continuing the Local Emergency Due to Extremely High Levels of Tree Mortality in Mariposa County

CA3. Administration/Community Development RES-2018-311

Award an Agreement for Services to Yogg LLC to Conduct a Branding Project; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA4. Auditor (ID # 8352)

Receive Quarterly Audit Reports for Treasury Funds for the Second Quarter of Calendar Year 2018

CA5. Board of Supervisors RES-2018-312

Declare the Fourth Annual "Field of Service - Past and Present" Veterans Day Event, Organized by 4-H Membership Group to be Held at the Mariposa Museum and History Center on November 10-17, 2018, as a County Sponsored Event

CA6. Board of Supervisors RES-2018-313

Approve a Letter of Support to the Bureau of Land Management for a Pedestrian/Bicycle Bridge Across the North Fork of the Merced River; and Authorize the Board of Supervisors Chair to Sign the Letter (Supervisors Menetrey and Cann)

CA7. Board of Supervisors RES-2018-314

Approve a Salary Step Increase for the County Administrative Officer from Step 1 at \$130,000.00/Year to Step 2 at \$140,000.00/Year, Effective June 1, 2018; and Authorize the Board of Supervisors Chair to Sign the Payroll Action Form

CA8. Board of Supervisors

Approve the Minutes of Tuesday, June 12, 2018

CA9. Board of Supervisors

Approve the Minutes of Tuesday, June 19, 2018

CA10. Board of Supervisors

Approve the Minutes of Friday, June 22, 2018

CA11. Community Services RES-2018-315

Approve Budget Action Decreasing General Fund Contingency and Increasing Transit Fund in FY Budget 2017-2018 To Cover Bus Repairs Due to a Vehicle Collision of August 18, 2017 (\$21,385); and Approve an Increase in Revenue and Appropriations Within the Transit Fund to Cover Payroll Adjustments for the Transit System Driver Wage Increase Adjustment Per MOU (\$3,189) 4/5ths Vote Required

CA12. Fire RES-2018-316

Approve a Lease Agreement with Robert Eugene and Rachel Ann Bondshu Trust for Fire Department Office Space in the Not-To-Exceed Amount of \$21,000; and Authorize the Board of Supervisors Chair to Sign the Lease Agreement

CA13. Health RES-2018-317

Authorize the Health Officer to Approve an Alternative Work Schedule for the Registered Environmental Health Specialists Positions Within the Health Department

CA14. Health RES-2018-318

Authorize the Health Officer to Approve an Alternative Work Schedule for the Public Health Emergency Preparedness Coordinator Position Within the Health Department

CA15. Health RES-2018-319

Approve an Agreement with Mountain Valley Emergency Medical Services Agency (MVEMSA) for \$7,976.76 to Accept Authority and Responsibility as the Local EMS Agency for Mariposa County for Fiscal Year 2018-2019; and Authorize the County Health Officer to Sign the Agreement

CA16. Human Services RES-2018-320

Reappoint Margarita King to the Mariposa Local Child Care Planning Council as a Public Agency Representative for a Three Year Term Expiring July 10, 2021

CA17. Human Services RES-2018-321

Approve Budget Action Transferring Funds Within the Human Services Budget for Fiscal Year 2017-2018 to Cover Increased Expenditures and Close the Fiscal Year (\$150,000) 4/5ths Vote Required

CA18. Human Services/Behavioral Health & Recovery Services RES-2018-322

Approve Hiring of a Social Worker Supervisor II in Human Services Behavioral Health and Recovery Division Effective Immediately to Overfill the Social Worker Supervisor II Position

CA19. Human Services/Behavioral Health & Recovery Services RES-2018-323

Approve Amendment One to Agreement 12-89374 A01 to the Existing Multi-Year Agreement (12-89374) with the State Department of Health Care Services Authorizing Mariposa County Behavioral Health to Provide Specialty Mental Health Services; and Authorize the Human Services Director to Sign the Amendment

CA20. Human Services/Behavioral Health & Recovery Services RES-2018-324

Approve Five-Year Agreement No. 17-94593 with the State Department of Health Care Services Authorizing Mariposa County Behavioral Health to Provide Specialty Mental Health Services; and Authorize the Human Services Director to Sign the Agreement and Any Subsequent Amendments (Subject to Approval as to Form by County Counsel)

CA21. Public Works RES-2018-325

Approve Change Order #1 with RC Construction Inc. for the Woodland Sports Field in the Amount of \$16,832 for a Total Compensation of \$56,332; and Authorize the Board of Supervisors Chair to Sign the Change Order

CA22. Public Works RES-2018-326

Approve Budget Action Transferring Funds Within the Public Works Department Budget to Cover the Costs of Government Center Paint, Remodel and Roof; El Portal Pool Plaster; and Museum Vault Fire Suppression (\$225,543) 4/5ths Vote Required

CA23. Public Works RES-2018-327

Authorize the Director, Public Works & Transportation to Retire the Attached List of Vehicles and Equipment that Have Reached Their Economical Lifecycle; and Direct Their Final Disposal at Public Auction with Sales Revenue Deposited in Appropriate Fund Based on Origin of Purchase

CA24. Public Works RES-2018-328

Approve an Agreement with Fujii Civil Engineering in the Not-To-Exceed Amount of \$90,000 to Assist with Solid Waste and Household Hazardous Waste Engineering; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA25. Public Works RES-2018-329

Approve an Agreement with Moore Twining Laboratories Inc. for a Not-To-Exceed Amount of \$70,000 to Provide State Certified Lab Chemical Analysis for Various Utilities and Facilities Throughout the County; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA26. Public Works RES-2018-330

Approve Project Amendments to the 2019 County SB1 Project Submittal

CA27. Public Works RES-2018-331

Approve Budget Action Transferring Funds Within the Solid Waste Budget to Cover Unexpected Shortfall (\$14,500)

CA28. Public Works RES-2018-332

Authorize the Director, Public Works & Transportation to File a Hazard Mitigation Grant with FEMA/CalOES to Add Floodproofing Measures to the Mariposa County Courthouse

CA29. Sheriff's Office RES-2018-333

Approve an Over-Hire of One Full-Time Sheriff's Animal Control Officer Position Effective July 15, 2018 through September 15, 2018

CA30. Treasurer-Tax Collector-County Clerk RES-2018-334

Approve the Request for Approval to Sell 5-Year Tax Defaulted Parcels at the Annual Auction Scheduled for September 14, 2018

E. Departmental Presentation

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

Tara Schiff/Economic Development Specialist gave a summary of the contract that the county signed last year with sbdc; a contract for 5K; entitled to 100 hours of one on one business consulting, etc. what we received was two business consultants; they did not make that hundred hours because we didn't have the business consultants; advertised; I reached out to several people in the community; have two great consultants. also got 2 all day quick book courses; 6 2 hour trainings; and 2 full day training events, one was business and one was retail. the sbdc director has been very active with mariposa county. we both believe this is the best that our partnership has ever been; believe that we are living up to our 3economic vitality strategy introduced kurt clark.

kurt clark/sbdc has been active and will be more active now that we have two excellent consultants up here; looking for more. concentrating primarily on the area of mariposa but able to serve outlying areas. mariposa is getting a good return on your investment; small investment has yielded roughly a 4X return. valley sierra sbdc is responsible for several counties; mariposa county represents roughly 2% by population and you're getting roughly 4% of our budget. feel that is appropriate given the number of disasters that you have suffered; now that we have two consultants we have the vehicle to continue to invest. anticipate seeing an investment from the governor's office for the first time in a number of year; expected to be able to release on october 1st. the governor signed a 5 year funding bill. never been in a better position, so your investment leverages that money for an approximate 4x return. tara has been a great help. think the next year going forward we will see some significant success. cann: economic development is a long term commitment. happy to see the stability in your program for the next 5 years. I think our partnership over time has been exceptional. in mariposa we have had very positive feedback; and the programs that you and tara have been able to bring to mariposa have been consistently well-received. I think its had a positive outcome on the county and town. smallcombe: regarding the governor's funding, how much? clark: 23 million to support federal programs that support small businesses. we don't know the exact amount of money that will come to the

office. our sbdc program.. california receives about 11.5 million from federal; have to be matched dollar for dollar by the state. we intended to request 6.5 to 8 million; that is a 200% increase of the go biz funding. smallcombe: you're going to apply for 6.5-8 million for the area. clark: no, statewide. smallcombe: are there specific areas of emphasis associated with the governor's funding. clark: yes, at this point indicated but not definitive; know that the governor wants to apply a percentage of those in rural areas. across the state, they are more urban centric. our strategy has been to do what we want to accomplish; we have to have local consultants. to do the way we want to do it, requires local consultants. other areas of emphasis: assisting businesses with the ability to export; serving minority owned business and veterans. don't know how it will breakdown. We will focus on what looks logical for mariposa; you do have some vibrant small manufacturers in the area.

Mike Healy: the summer programs are going great. visited the daycamp and the kids were smiling and happy and running around. always great to visit and see the energy. on the stormfront, cal oes was out 3 days last week, here again today; let us know that they are happy with the emergency measures that we took. have not let us know of any areas that they questions. had the movie in the park in greeley hill last week; was a great event; building attendance in these remote locations. I think attendance will grow.

Dallin Kimble/County Administrative Officer noted new fiscal year. in the budget that was passed, itemized items of concern; coming later this month would like to have some community meetings that address some of these concerns, fires, disaster, roads. the meeting will be happening at 6 PM, july 30th,.. august 2 here in the chambers. so that we can discuss some of these issues and get feedback. will be an op-ed and a website.

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)

None.

Recess Board of Supervisors

Announcement Pursuant to Government Code 54952.3

In accordance with Government Code Section 54952.3, it is hereby announced that the Mariposa County Board of Supervisors will be sitting either simultaneously, or serially, as County Service Area 1M (Don Pedro) Board of Mariposa County and that they receive no additional compensation for same.

G. COUNTY SERVICE AREA 1M (Don Pedro)

(Chair - Director Jones, Vice-Chair - Director Long)

Public Comment Period

For Items within the Jurisdiction of the CSA 1M Board and not on Today's Agenda (Speakers Limited to Five Minutes)

No public input.

CSA 1M Regular Agenda

1. Public Works CSA1M-2018-1

PUBLIC HEARING: Adopt the Current Fee Structure for County Service Area (CSA) 1-M (Lake Don Pedro); Authorize the Fees to be Placed on the Property Tax Roll for Fiscal Year 2018-19

Mike Healy noted that this is an annual item required to put fees on the tax roles; fees remain unchanged; staff recommends passage of this item. Jones: noted that a lot of times people talk about fees going up and not going down. this is a fee for fire protection in lake don pedro. this used to be \$80 and it swas reduced to \$60.

No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Miles Menetrey, District V Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

Adjourn CSA 1M

Reconvene as Board of Supervisors

H. Regular Agenda Items

1. Planning 2018-ORD-1133

Waive Second Reading and Adopt Ordinance Amending County Code Pursuant to County Code Amendment No. 2017-156, Adding Chapter 18.05 Post-Disaster Recovery; County of Mariposa, Project Proponent

Sarah Williams/Planning Director gave the staff report. Cann: noted he was concerned 2 weeks ago when it was introduced; he has gone over it and it is an exceptionally well written document. people were trying to apply it for reasons that it was not meant for; in full support. smallcombe: extended thanks for keeping this moving; important to keep.

No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

2. Public Works RES-2018-335

Authorize the Director, Public Works & Transportation to Negotiate Terms with Stanislaus National Forest in Order to Declare Foresta Road a One

Way Road Between Buckeye Road to the End of the County Maintained Roadway System

Mike Healy noted that this item just allows me to information Stanislaus National Forest whom we have a maintenance agreement with is that we intend to make in a one-way roads because it has lost some of its width. with also allow us to talk to caltrans who are funding bridges to redesign to accommodate one way traffic. our intention to make it one way because the current infrastructure will only support one way.

No public input.

Cann: assume you got the park svc or will engage them. healy: we have been in prolonged conversations with them. Long: it says in the item, that this is an expired maintenance agreement. healy: expired in that the board negotiated a new agreement, but it wasn't executed by the forest service. in the opinion of county counsel that the original agreement is in effect. smallcombe: had conversation with stan natl forest who said they would need to go through their real estate group and investigate 30 different roads; they would have to do the research, and they don't have the staff to do it; so stuck with the old agreement. healy: this item allows me to initiate those discussions; not expecting a quick turnaround, but allows us to shows caltrans that we consider it a one-way road. jones: in studying this, do we have an easement through there. healy: maintenance agreement and in the county maintained road system. jones: but do we have an easement? healy: I would have to look at the contractual language in the agreement; don't know that we have been granted land. jones: the only reason I bring it up, if we're going to invest in bridges, we need to look at that because my understanding is that we really don't have an easement; I would look into that before moving forward. healy: i'm happy to have that discussion with you; just want to get the board rolling.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

3. **Public Works (ID # 8339)**

PUBLIC HEARING: Adopt the Current Fee Structure for Countywide County Service Area (CSA) No. 1 (Road Maintenance for Zones of Benefit); Authorize the Fees to be Placed on the Property Tax Roll for Fiscal Year 2018-19 (Continued from July 10, 2018)

Mike Healy staff has become aware of issue, wish to continue to july 7 at 9 am or as soon thereafter as the item may be heard.

RESULT: CONTINUED TO NEW DATE Next: 7/17/2018 9:00 AM

4. **Public Works RES-2018-336**

PUBLIC HEARING: Adopt the Current Fee Structure for County Service Area (CSA) No. 3; Authorize the Fees to be Placed on the Property Tax Roll for Fiscal Year 2018-19

Mike Healy gave the staff report; noting that these are fire assessment fees; no changes to the fees from the previous year.

Public comment opened.

Richard Harriman/Richard L. Harriman law offices attorney for William E. Davis and the citizens for constitutional development; not with the lead counsel. Here to challenge the board's re-adoption of the fees that have been assessed annually since 2014. There are new members of the board that he does not recognize. The grounds for our objections and protest against the imposition of this special fee; are alleged in the appeal that has been made and would like to give you a copy of the table of contents of the reply brief. Not going over it in detail but lodging it with the board. The basis is that you have in your packet, the proposed resolution recommended to you by staff; our specific objection to one of the findings, page 2, section 2, item number 5 in which your board is proposing to adopt a finding that the board confirms that this complies with constitutional provisions. For those who have not been on the board for previous resolutions. Your counsel is very knowledgeable on this, our team James Ardais. Respectfully submit to this board and county counsel that the board cannot make that finding for the reasons that we have made upon appeal. Object that you cannot make that finding as a matter of law. Will be asking you to obtain copies of the brief through county counsel, consult with him; thinks it's very important at this point on appeal, that your board pay close attention. Urge you to do that. In paragraph 2 of the recommended justification for FY 18-19 no change to the previous year; PW Director has affirmed that on the record; if there is no disclosure to the public of changes, and your public works director has noted that on the record, have there been any fees to attorneys paid from this special fund. Whether or not the fees for the defense are paid from general funds; that goes back to the statement regarding FY 18-19 regarding no changes. If there are fees being paid from that fund, then you do have a change and need to adopt a new engineer's report regarding fees; don't see that in the record today. Important for you and in terms of you representing your constituents who may not reside in CSA 3; if constituents who are not in that service area have not been advised; would urge you to not adopt. In conclusion, would urge you to step back, the California 5th District Court of Appeal has the briefs. This is the time when the staff will be reviewing the briefs, and you have the chance to step back and consider the litigation. We have four new justices on that court, your attorney may think that this is a good time to overturn that case. To me, that's a crap shoot but you have good lawyers. You may win, but I doubt you will get attorney's fees. If you

lose, you have to pay considerable attorney fees. option number 3, now would be a good time to step back and rescind your decision and refinance your obligation. may be the same non-interest financing; or in the alternative may want to go to the private capital market and do a bond. this is a good time to do a course correction to be consistent with new data, facts and arguments. these are not new arguments and facts; they have been made in the trial court; you need to look at this as hands on managers. Cann: is there new, previously unknown information that was added to the appeal that was not available in the superior court case that we did not on this. harriman: I don't think so. we read into the record of the trial court... digressing a bit, it was a warm june day, and the assigned judge had a long afternoon argument. we read a long statement into the record at that time; we raised all of those statements into the records at that time. and our appellant raised all of those facts. cann: he didn't rule that day; he took an amount of time. harriman: correct. he accepted the arguments that were made by your counsel, and he rejected ours. the reason that is less important than a jury trial, the findings of act are in the administrative records; then the facts de novo have to do with constitutional law. cann: in that ruling, were there ambiguities in the ruling one way or the other or was it pretty supportive of the county's position. harriman: yes, it was. the explanation for that was we did not object to the ruling by the court, and we did not come back for reconsideration; so the court adopted what was prepared by the attorney. we felt that the defects in the judgement, appear as a matter of law on the face of that judgement. the court may come down to the same decision, but the legal arguments and rebutals made by your counsel at trial, have been much better briefed and filled out at the trial court. very fortunately, mr. dahlem can comment to you, both of your superior court judges very properly recused themselves from consideration. so the judge assigned by the judicial council of the state of california, was a district attorney who's background was prosecution; I don't recall him as being a civil judge down there. cann: you're asking us to impugn the trial judge. you're here today. this board has collected the csa charge for the last 10 years. we have sustained a superior court case that ruled 100% in the county's position; but yet you are asking this board to set that aside and change our funding, ten years into a 15 year csa agreement, to stop now while its in the appeals court, and that it is our duty to do so; and I am not seeing that position. it would seem to me that there is no reasonable reason to do what you are requesting. Harriman: I acknowledge that I am your attorney, and I am recommending on the record that you might want to get a second opinion from another attorney. that would be what I am recommending to you.

Public comment closed.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

I. Items removed from Consent Agenda

None.

J. Closed Session

1. **County Counsel (ID # 8385)**

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: 4

No public input.

RESULT: CLOSED SESSION HELD

Recessed

10:27 AM Chair Smallcombe recessed the meeting into closed session and reconvened at 11:06 AM.

Report Out

11:06 AM Information was received and direction was given.

K. Board Information

Kevin Cann: noted that he has been on vacation. made the mistake of paying verizon the \$10 per day; talked to a number of folks on the TOT survey. Did get ask and confirmed that Yosemite has hired a consultant to look at traffic patterns at Arch Rock. I was able to talk to them and let them know that there have been modifications to other areas in the past but Arch Rock needs to be addressed. got a call yesterday from the uc system that has developed a park management center which is a grouping of four universities and they have agreed to take on a traffic ?? for yosemite national park. I will be bringing a letter of support; will get a seat at the tble. didn't get a chance to show my appreciation for the sheriff and sar for finding the remains of carol brown; sad situation but appreciate the perserverance that they showed in doing what they did. currently, working with the clerk on the assessment appeals board modification, trying to get a little more efficient on that process. want to thank sierratel, buess they fired up their hotspot. in 14 days in ireland, every restaurant and business establishment has wifi. they're all locked and have a code and they post the code inside the building. valuable to the traveling public.

grappling with some issues on a parcel on triangle road; appreciate the building department and code compliance officer; got some growing issues as I mentioned with the ordinance this morning, that have been abused or trying to. got to work on a few parking district issues over the last couple of weeks.

Jones: started off, on the 27th had a lafco meeting and training class that went along with it. not usually much happens with lafco, but think there's a possibility that we will in the future. that afternoon had lunch with mike healy, melinda barrett about the coulterville water and sewer fees. it all boils down the the simple fact, that a system costs so much to run and the rates need to reflect that; banks and grants will not look at you if you are not sustainable. one of the ideas that I threw out is for them to form their own CSD, so they would be forming their own, would hire their own manager, and would be running it. my idea is that they will be electing their own board if they continue to like the idea; boards usually last like don pedro for six months and then they're recalled because they don't know what they are doing. that's my idea. had a meeting in the afternoon about the bond issue/loan in don pedro and what the county will do about that. as I was talking to one of the largest landowners involved in that, he passed away the day before. that system down there, we're going to have to figure out how to handle that, and alleviate the county's responsibility for that loan/bond. was talking to pw director today, may have an interested buyer. also, that evening had a meeting with two foreign investors who are looking at mariopsa county in buck meadows; bought all but two of the businesses up there; looking to acquire another. looking at all of mariposa county. I asked why are you looking at mariposa county. the first thing that came out of his mouth was mariposa county is byfar the easiest to work for than any around here; had a meeting with planning director, building director, and environmental health at one time. then I took the 4th of july. have a close friend in the hopsital, spent some time with him; he's a veteran. to reflect on the 4th of july. on the assessment appeals board, i'm glad we're moving forward with that. on the 9th returned a bunch of phone calls, emails. I was returning one, there was a mobile home in coulterville; the colors weren't quite right, too bright a blue; attorney in groveland... there was a lady who paid cash for this mobile home; to pay for everything to have it brought in and set up, she paid 80K; the company came in, got no permits or anything and the company is now telling her, sue me. I look at this as elder abuse; looking to see what we can do to help her out; know that I'm going to be talking to the compliance officer down there. the other thing, too, is easements, if anyone is listening, if you're getting easements, do it the legal and right away; listen to attorneys, don't listen to realtors who tell you you can just draw in on a scrap of paper.

Long: 27th attended the creative placemaking meeting in planning, lots of great ideas and energy; attended the lafco meeting where we had the training which is appreciated, more training over the next two meetings. did a mariposa county update that day. on the 28th had a great meeting with ag advisory committee; tony toso did a great job of brining agencies together regarding prescription fire; a lot of breaking down of silos and borders, and county and property lines; enthused by where we are heading. hopefully, we can get back to do prescription burning. still going forward with bringing the mariposa range improvement district back into being so that we have a non-profit to educate. on the 5th attended the american indian council meeting. on the 16th, MLTJ in sonora. larry yanni, the asst director of mljt was in a serious motorcycle accident in modesto hospital. 4th of july, wonderful party at the ranch. as I asked everyone to do on facebook, I did ready the declaration of independence to remind us of where we came from and how we go started.

Menetrey: it was pretty quiet after our june 26th meeting; obviously people taking time. wed, the 27th sat down with a couple of chamber board members discussed the car show in october. also had a good discussion regarding the trolley that runs through town and the idea of getting a work committee together to get it cleaned up and fixed up to use on a more regular basis. that same evening, attended the meeting for terry selk's retirement; a lot of people came; good send off. thursday, after responding to emails and phone calls, asher and I took a drive to el portal and hit every swimming hole on the way down; the river is perfect for recreating. friday the 6th was the yosemite music festival kickoff volunteered at the entrance gate, good attendance. Saturday, the 7th, attended the show our appreciation event at the Fish Camp fire house. that afternnon attended my good friend's daughter's wedding at the yosemite bug resort. april was a beautiful bride. I comment a lot on my reports about answering emails and phone calls; the truth of it is I get calls and emails daily from constituents, as I'm sure we all do, sometimes they are important to the whole community. first, is the backyard or campground fires that are being made by vacation renters at vacation rental properties; some are rented by out of town people and rented out; and neither owner nor renter no of the danger of the fire. I received some communication regardin that happening in ponderosa basin. so I spoke with cal fire's chief quinn and what to do in such an event; he advises if someone has a campfire in the background and it looks unsafe, report it. i've also spoke to the planning department about posting notices in the rental units so we can get that information out. another subject is the state of the mariposa county fire safe council. it's been pretty quiet with the council since michael left. I don't know if we have a designated liaison with the fire safe council; a lot of people questioning

what's going on. lastly, much concern about the letter sent out by pge about the weather and the fact that they might shut off the power; have contacted pge about some kind of town meeting.

Smallcombe: want to build on your conversation regarding the campfires; an ongoing problem in the river campgrounds. not fire related but traffic related; chp has responsibility for monitoring traffic issues in the river valley; did talk with rick lindgren and a couple of his officers; they told me that if you are driving the state highways and see people doing the same kind of things at the same place, you are encouraged to contact the chp dispatch number; a lot of our folks who travel the same roads, they see they same car doing the same thing every morning, let them know about the behavior and chp will try to get an officer out there to address the issue. for me, I took vacation, went back to michigan, my mother in law celebrated her 95th birthday. spent a fair amount of time talking about the forest management taskforce and what is happening with that; there is a lot of conversation but not many decisions about what will be structured above. there is an expressed desire to continue with the insurance subgroup; not sure how that will plug in or how it will work, but a lot of interest in it going forward. the united policy holders is now hosting a tool called cal insurance finder by yakacopia, the tool is a way to connect people with insurance providers. well received in placer county, the test county, looking to expand to other counties. spent some time talking to cal fire, they have allocated and developed a model to analyze communities pre and post fire to possibly aid with fire suppression response. they are looking for a model to help identify those actions that might make things better, as well as things that are exacerbating the situation; potentially looking at 4291 of the public resources code and also continuing the conversation with the insurance industry about what makes a difference in structure protection. also looking at that LAD information to assess how insurance is quoting ?? working on a telecon on the effort where csac and california behavioral health directors assn and others are looking at the aftermath of the increased costs associated with in home supportive services. our health dept and human services dept provided information. there were seven major topics. we are all looking at staffing reductions and negative programmatic impacts. expect the health and well being of health and human services will suffer; we put very little in now but expecting that it will impact human services and health. also attended the lafco meeting, even tho we don't have a lot going on in mariposa county, staff is keeping the organization going. was on a phone call with a company in trinity county; and their biggest issue is that the trinity county lafco has ceased to exist and they can't get their project moving forward. along those lines, a couple of teleconferences on removing barriers working group. I also attended the drug court graduation on

wednesday, the 27th; want to congratulate the graduates; want to acknowledge them and the network of supporters who have been there for them. each one of the three graduates is looking for ways to give back to the community. one of the things that was clear, for people who have had that addiction, every day is a challenge; each one of these folks are grateful for each day; lesson to be learned there. we had a jt meeting with the tourism board on june 19th, the issue of the signs along highway 49 continues to come up; maryann huff brought it up and one of my constituents talked about it; i've connected maryann with caltrans and will follow up. the women's leadership forum had our teleconference to develop themes and stra

Recess

11:41 AM Chair Smallcombe recessed the meeting for lunch.

L. 2:00 PM Reconvene

2:00 PM Chair Smallcombe reconvened the meeting, recused herself from consideration of the next item, passed the gavel to Miles Menetrey, and left the chambers.

1. Planning (ID # 8381)

CONTINUED PUBLIC HEARING: Appeal 2018-051 Appeal of Planning Commission Approval of Conditional Use Permit (CUP) No. 2017-117 (Mariposa Biomass Project) Ruth Sellers Et. Al., Appellant (Continued from July 10, 2018)

Vice-Chair Menetrey provided an overview of the procedures for the public hearing.

Steven Engfer noted that there were some comments received after the agenda was prepared, and that they were distributed to the Board members. He also noted that the item before the board is limited to the topics raised by the appeal which are listed on an attachment in the back of the room. Mr. Engfer then gave the staff report of the twelve topics of the appeal, accompanied by a PowerPoint presentation.

V-C Menetrey inquired if the Board had any questions regarding the staff report. No Board questions.

Appellant's Presentation:

Steve Sellers, Ruth's son; retired from the state of California where he performed safety training and others. Some of the issues are that it is a power plant, they don't think it is properly zoned over there to be a power plant. the biochar waste is a safety hazard; it is not biodegradable; because of that it is also a very serious health issue; continues to build up in their

body until toxic. this material is extremely light, so extreme; 1,300,000 pounds for one year; that is the size of a football field, five and a half deep. over the years, becomes 162 feet high; the health hazard is significant. if you feel it is okay for the general public to use the dump makes you all liable for the public. the material data safety sheet also says that fine dust is a potential dust explosion hazard. the other issue is the water. they don't discuss anything about how this will be addressed; the only usage that was discussed was the actual operation of the bionmass plant. they don't discuss it, they don't have a well to access for water. this material is classified the same as coal dust, can expect black lung disease. the tonnage given to you is deceiving relative to the volume. If they say they will keep it wet, you don't have water for that. there isn't adequate water to run this plant, let alone maintain. public works department will have to be suited and masked and clean shaven. cost to county is \$800 to \$1200 per person. I brought copies of what cal osha expects. testing is mandatory in the osha guidelines. the other issue, regarding the operation of this plant is the fire department. to say there is no impact on them is ignorance. everything to do with that operation requires maintenance. every time they stick their head in there it requires a permit. the cost of the equipment for them to be able to respond, the state has a package that you buy is one hundred thousand dollars; a lot of ongoing expense. the other concern is long term, this business plan of theirs has very little to say about this biochar product, only that they were throwing it away. it says that excess biochar to be tested to use as a substitute for water activated carbon in water treatment facilities. PGE does not have to take their energy,. we have clean energy with lake mccure and all of the solar cells. you are downwind of it. the traffic report that they presented is a joke and only presents it going in, double it. this is all modeled, there are no facts for this; the fact that the planning department has accepted this is a joke. we find it unacceptable that they are so focused on the beetles that they are losing sight of the air quality, the water quality. the air quality, all they are scrubbing is the carbon. the same for what they are putting in. 163 feet tall, the size of a football field. biochar is microscopic carbon material that is very porous; over a period of time, they reach a saturation point. as you put water over them, that saturated material will leach out and will go into the water table. when they say that they did a hydrologic study, that's a total joke, they used a report by a well driller. they're going to drain that water plume; no seismic studies to track it; and said they just went with the well driller says. they didn't do seismic studies. they're talking about 65,000 gallons that they are going to dump in the dump; it may not happen quickly but eventually will take out the ground water. In conclusion, you're looking too short sighted worrying about these downed trees, and are worrying about the... summertime you will have

the diesel intermingled with other fumes. you're going to wonder why your kids are staying home from school. talk to the ones in the valley, the fire department is always responding to flash fires.

Ruth Sellers: in reviewing the information, I find it to be disingenuous and slanted towards the biomass. the majority of my appeal is based on facts. It is a fact, that five businesses in the industrial zone did not need a conditional use permit. the power plant is a power plant. it is an absolutely falsehood that the grounds for my appeal are opinions; I have repeatedly referred to facts. this power plant does not qualify to be built in the power plant. water is always a concern. it can go on and on, they talk about chipping... and they said the chipping will be within marioposa county. if marioposa county, you will be dealing with another area. do you not think that you will not be dealing with the same things that you did as with the log deck. when you look at the areas where the chips are coming from; do you have any land out there zoned for such a purpose. the planned development zone I got from planning; it definitely states who can build in there and who cannot. the example at the time was furniture manufacturing or a lumber yard; those were the examples that were given when this was originally zoned. the other things thousands of gallons of propane, diesel, oil and 250 gallons of fuel. that's not okay, especially when you look at the fire hazard that this is with the bio dust. the other thing that frustrates me, is the that this group is chasing five million dollars for themselves in the grant. after they get their money, they'll turn their back. if it gets to where we don't like it, they'll pack up and go back to Sweden. they say, we'll do a bond, do you know what a bond is.

Public comment opened to those in support of the appellant's position.

Kattee ?? noted that when she read in the paper, says the plant will generate less pollution than prescribed fires and wildfires. well, is anyone going to come to my house and pick up mine and take it to the biomass plant. same thing for fire. I really don't think that putting in a biomass facility in mariposa county is going to stop our wildfires. so, basically, what this means is that the emissions and pollutants are on a par with the above so we are going to increase our pollutants. NOX precursors to smog; carbon dioxide kills you. the last one is the particulate matter; basically, they are not going to reduce the pollution, they will add to it. once you build one of these plants, you have a stationary source of pollution which needs to be monitored and regulated by the EPA; we're not reducing anything else that we're going to do. you're probably going to have to start smogging the cars. I don't think the residents of mariposa county will be thrilled with that. if it comes to that, I think that should go to a vote. to me the biomass machine would be fabulous if it would reduce pollution in some way but it doesn't

read that way on paper. just because something is green does not make it wonderful and good.

Gerry Edwards resident of the county for 20 years. has some observations on the mariposa solyandra theoretical power plant. been described as a biochar plant; how much ends up as biochar, and the rest as ash. I personally use biochar; its used to add minerals back into the ground. I have a question about the chipping. the chipping facility itself would need to be designated as a plant; there's heavy industrial. where in mariposa county are we zoned to have another heavy industrial plant. in effect, its not much different than a coal plant. they say that this plant will produce more contaminants than a coal fire plant. I want to know what entity will be running the chipping plant. the testing of the well out there was done without permission of the owner, that is casto winery. pge does not want their high costing power; biomass is the highest cost electricity. didn't discuss the ph level; is it acidic, is it alkaline, and how will that affect the groundwater. if its acidic you can imagine what it will do to people's wells. do the local people who are supporting this have any skin in the game other than the five million they took in a grant. this whole grant is based on theory; we will be the grand experiment.

Tom Archibald has property in the area. if your new neighbor was going to produce that much ash and dust a year; take up 82,000 gallons of water, do you think that would disrupt you as a neighbor. we're in the business of testing; we provide testing equipment for every major federal agency and most police and fire; the testing that we have done in ash and heavy metals, you don't want in the ground. our industrial assn provides water to the landfill. if you think there's going to be water produced at that site, my vote is no.

Bill Highton/mykleoaks resident, I have asthma. have listened to the pros and cons; I remember when the planning commission thought the composting facility was such a good idea. history is repeating itself; we're falling down the same track.

Jim Granville/Nativeearth owner noted that he and his wife are opposed to this plant because its a gross polluter. there are other ways to get rid of the dead trees; what's going to happen is a cloud of pollution from an illegal smokestack from an illegal powerplant will float out to the community. are we going to shoot ourselves in the foot again like with the composting facility. we didn't hear about this until january and it had been going on for three years. no one came to us to talk to us about the water; we have plenty of water; but a new well in our fractured water zone, it's going to use tons of water and drain our water; and affect the water in mykleoaks. there's a general plant for the mariposa industrial park; I feel that plan was

implemented for specific reasons; and everyone in that park has to abide by those rules. the first one is the nuisance level; we have ten employees; now we're going to have to have 10 employees wearing hazmat suits. in the planning commissions consideration there are two zones; we're in zone A which means that we will get cancer in 2-5 years; the next zone will get cancer in 5-7 years. this plume will travel downwind and you will get it in mariposa; do you want your tourists to have to deal with that. this is totally wrong for the county, and I would appreciate your vote to support this appeal and get ride of it and do something else.

Evie Wilson resident of mariopsa since 1995. ic ame here because of mariposa's rural nature. I came from the valley which is impacted by so many vehicles. it took me so long to get used to the two lane roads surrounded by trees. what would 2.4 megawatts do for mariopsa as opposed to all of the negatives. the air pollution, the possible contamination of ground water and wells; the concerns of other businesses in this light industrial park. I would ask that you disregard the word games of the people promoting the biomass; I don't know what piology means. are all of the negatives worth, putting in something that will impact mariposa for 2.4 megawatts of electricity that we don't need. we've stirred up so many people, they're worried about their property values, their water and air quality. what's behind the promotion of the biomass plant; there has to be hidden agendas. some of this may come to light in the future.

Marlane burke lives 12 miles out of town; come into town 5 days a week. i'm very concerned about the big logging trucks coming into town; its going to create a problem. president trump just said that we have so much energy that we're selling it off shore. we don't need to create more energy. all of my trees are cut down, and they will sit there and rot. we don't need biomass. I undertand there was one set up in north fork and one in merced, and they all failed.

Cara Morrison: I want to ask what is it for me; I live 2 miles away. we went 2 years without water due to the drought. the ash really concerned me when I first read about it; that's also going to get blown around unless you wet it down with water. what's in it for me, am I going to get free energy. it's going to give off heat, and the trucks going up and down the road. where we live we have oaks so no infested trees. the idea of this going in is enough to make me want to move. I live closed enough that I should have received notice of this going in, plus the noise level. it's not a great idea unless you live in Ponderosa Basin and have a lot of trees to get ride of. also, I think its going to close down other businesses like where my son's work and ms. laroche's son works. I urge you to consider all of the things that are bad about this out of what we get out of it.

Kris Casto, owns the adjacent lot. these are a list of things concerning both of them; as the project grant under mariopisa county resource conservation district is the administrator. this is a private business, and a partner who is a nonprofit. wht has been concerning is that this is a new process, not off the shelf. we have learned that the tried and true nature is the best way. until you deal with that issue hope you will consider rejecting the project. you've heard that water is a concern; its a big concern. then the question of wood chips and ash, does that need water; and do they have extra tanks to store that site. what about cleanup of site; a bond or reclamation bond to clean up as we do with a lot of other things. just looking at the list of conditions on page 603; add dust to that. under aesthetics, think we can add a solid fence, its aesthetic and also helps put a barrier up for ash. things change. as a citizen, I have not read the business plan, have not seen it. from a minor personal point of view, if odor becomes a problem and wafts to our building it could affect the tenant. Long: well was tested without your knowledge? do you have a well on your parcel? casto: right. But we don't use a lot of water.

Bob Haden: wanted to bring up a few issues; the five million dollars is free money. the taxpayers fund the bill. is there any provision for the business to repay the taxpayers.

Evie Wilson: extended thanks to Rosemarie Smallcombe for recusing herself. Jennifer Haden following her husband who just overcame stage four melanoma in the lungs, has a personal interest in this issue. found an article; one particle produced is soot, can lodge deep int he lungs; also releases carbon monozide, leading to headaches and other things. now, we're eharing that this is the only option for our forest problem, I impolore you to listen to thing. this is a retirement county, and we're here to preserve our land here; i'm just hearing and seeing so many health hazards all leading to cancer. this is going to cause more p3eople to have premature death; and unless you go through it personally, consider in your hearts what you are voting for.

3:35 PM and reconvenef at 3:39 PM.

Opponent's/appellants Presentation

Jay Johnson/Biomass Project CEO has a background in power plants. his plan ws not to build another power plant. Unlike Merced, North Fork, and Wesleyville, will not be producing biochar. As to the location, they needed to be close to an electrical substation; approached the county about either buying or leasing property at the landfill and that was turned down. it was suggested that a more appropriate place might be at the landfill. We proceeded to buy a piece

of property and obtain a lease option on the other parts. as far as the energy goes, the state restricted it to less than 3 megawatts. the CUC wanted a small plant that they could put into small communities. we looked at water usage, we're sensitive to the water too. if the wood is green, it uses no water, if dry needs to be supplemented. we had a property with a well. we were sensitive to our neighbors so that the front end loader would only be run during the day. when we did a noise study, we told them to go over to the property in mykleoaks; so they ran the test; we were also going with something with a low visual impact. the other things that we've done, I understand that there's a lot of concern about the ash. the ash is collected and can be transported it to the landfill; indicated an interest in using it for compost or cover at the landfill. we can test it, and if it turns out to be toxic, we can move it with one truck to merced. it's also been used as an additive to make asphalt, so there's uses for the ash. the traffic situation, we figured three forty foot trucks a day is all are needed; but we wanted to be fair to all of the small chippers out there, and said we can come up with a few more. most of the trucks are going to come from the east. the other point, it will create 8 to 10 full time, mortgage paying jobs; in addition to all of the support people. it will reduce the threat of wildfire in the community, will help with the fuel breaks. what we're comparing here is pile burning operations; this is an alternative; its a controlled system that reduces emissions significantly over what they do out in the field. one fuel break operation that caltrans is doing in greeley hill; that one operation alone will fuel the plant for nine months. the plant doesn't need to be next to the landfill, but there's a lot of synergy there. the county would have a revenue stream, and get credits for diversion. the property will pay over 150k in property tax; will hire local people where we can and local construction companies. think that overall there will be less truck traffic because we will not be sending it to sonora. christiana darlington/biomass project attorney spent her entire career here in the sonora; started off as deputy county counsel in mono county. three years ago after working for the placer county air pollution control district; what I see now is an opportunity for us to incentivize fuel reduction activities. so building small scale advanced facilities. this technology does not burn biomass; it converts via pyrolysis. when you burn or when there's a fire you're breathing a lot of aptriculants. I want to show you this graph, an engineer measured. the orange bars are what you would see if you burn at home, and the green bars are from this facility. particulant matter will be reduced by 98%; that's why all air pollution control districts get behind small biomass. the direct relationship, how do we know this isn't going to happen and we'll see a reduction. that's what we're trying to do, to incentivize the people out there. that's the whole vision. I wanted to also let you know that they will use something like scr, catalytic conversion for air geeks; this technology will be much cleaner than existing technologies. and for the record, i've been to sweden and the the technology is up and running. I know how difficult it is to hear these matters; I implore you to look at the facts and all of the work that this applicant has put

in. I recognize the validity of everyone's concerns. I cannot get into the emotional reasons, but many people in the state are behind this technology to change the health of people in the sierra. landuse law, the agricultural processing definition found in county code is broad enough to cover this. power is not the ultimate goal, it's driven to reducing wood burning pollution; and agricultural processing fits right in there. from my legal perspective, the fits within your general plan. feel your staff did an excellent job on the environmental. our consultant is here and did testing on our well, and on no one else's. Jay Johnson: there was a question concerning this new technology never having been done before. cortus energy ran one for a couple of years ago and all of that data was sent to the utility commission. they have one up and running now and are sending me data every month. they won't build it if they do not think it is appropriate for this area. cann: can we hear from schmidt; I believe if we do 1.5 gallons per minute, that was the plan. I believe that's about 90 gallons an hour. schmidt: I've worked in groundwater in the foothills since about 1972. sometime in the late 70s or 80s I began working at the jamestown mine and I became familiar with the metamorphic rocks which are similar to the mariposa area. i've spent more than fifty years in my work. the way we work at some of thee studies, now we have access to all the drillers logs. we obtained about 40 or 50 that were closest to this site. many were 200 feet, some are deeper. the subject well is about 200 feet deep. when we look at groundwater in the mouontains; we don't envision it as an aquifer. we look at the topography, the drainages, the reason is the source of the groundwater is precipitation and snowmelt; it either becomes run off or ground water. in this area, the average precipitation as 23 inches per year and the plant use ws 18-20 inches. when you look at water, you also look at vegetation. I took my first class in groundwater in 1963 in fresno state; its something I do on a routine basis. we had a test done on this subject well to measure the draw down and recovery. the other thing we look at is the recharge. our theory about drawdown is based on recharge. when we look at this, we look at about 180 days to 6 months on recharge. there's a drainage that passes to the west of this area; we did the draw down test on this area. i've never done a draw down for this small an amount of water. so, that's the evaluation we did. I didn't use any different method than I have used on others since 1963.

Ken Bismeyer/Mariposa tree service owner, we've got a problem. to get kind of a handle on that; there's probably 20-50 tree crews out there each day. do we generate chips, yes we do. the problem is what do we do with them. some of them need to be hauled away and a lot of them don't make it to the dump; it's \$60 a ton; that's pretty close to a thousand dollars a load. we try to be creative, and take as much as we can out of the county or disburse out in the woods or on private property. this biomass plant is so small. we just had air quality control up here. what we're forced to do; at any given time I was burning over 25 piles of logs per day. I don't like to do that; it's polluting and wasteful. guys like me are stuck because we're having to deal with it. guys like me have to

make it work or not. i've done everything I can, as much as I can but I have to do something with that stuff. this will give us an opportunity to get rid of this abundance of chips and excess logs. right now we have a curtain burner out at the landfill; if you want to be against something be against that. the other thing is the compost facility; how much have we made off of that. I live in close proximity from that, my well is less than 100 feet away. this small should be 8-10 mega watt in my opinion. either we come together to get rid of this stuff. Public comment, any other people want to speak in favor of the biomass project:

Melinda Barrett/Mariopsa County Resource Conservation District. we did receive a contract from the energy commission for five million dollars. it's a competitive process; they decide what they want. one of the conditions that we got is that the money be spent in California; so all of the money for equipment or whatever has to be spent in California. it's a reimbursement process we do the work, pay it back, then we can submit for reimbursement. Cortis is putting in approximately 11 million dollars of their own money. the RCD is keeping about .02% which pays for administrative time. once the plant is built, Cortis will purchase the property and takeover as owner operator; at that time they will be responsible for operating the plant and meeting the requirements. our role is to act as grant administrator.

Michael Pickard/Sierra Nevada Conservancy have been trained as a forester; have worked with foresters up and down the state; one thing they all agree on is the critical need for more wood processing infrastructure. I live on Highway 49 close to the location of the proposed biomass plant. looking through the documentation, I am in favor of having a fuel reduction business in our neighborhood.

Beverly Andalura we live on 32 acres of property covered in pine trees; we've lost 95% of our pine trees; we've been burning and chipping; and we have hardly made a dent. most of the people in the county are not in a position to buy all of that; there is a huge portion of this county who is negatively impacted by these dead trees. I have little mini log piles all over our property. it's filled in our seasonal stream and clogged up our culvert. people couldn't get through because it had flooded over; dangerous in additional ways as well. people are constantly burning stuff. I can tell the difference, I have trouble breathing. yes, it's not going to prevent forest fires but it helps. you guys did a great job of bringing in blue ridge to get them down, now we need to move them out. I think this is a great change to take care of this, and bring in more jobs in the county that are not tourist related. I would really like to see the supervisors support the biomass.

Brooke ?? resident of Mariopsa County since 1973. originally lived at savages trading post where the Indians would winter. one of the things that

they would do is light that on fire when they lived. the sierra used to manage the overgrowth with fire. when I moved here in 73 or 75 I moved here and started fighting fires. we know then that we were creating problems. I have 20 acres and I work on it every weekend and its still not enough. not only does the biomass plant deal with overgrowth, it sequesters carbon. I heard someone say that this material will stay in the ground for a thousand years; right on; that's what we want. we're dealing with overgrowth of forest, sequesttering carbon, and producing energy. maybe it will be beneficial to this county to do that and maybe it won't . I hear and feel your concerns, but there are other concerns as well.

John Schroeder, my great grandfather settled in 1860 still living on that land. have about 70 acres mostly pine. took down 125 of those trees when the tree mortality hit; it cost us practically nothing because there was still a market. no market now and no place to put the logs. since then which was 2015, we took down another 270 trees; burned the slash; bucked the trees. Now have a piece of property which has, for the most part, is open ground. now have seedlings coming up. my goal is that when the next fire comes around we'll have survivors.

Mark Sporenti it almost seems superfluous to lend his voice to this. the one that stands out to him was Ken who said that on any given day there are 25 piles of logs. hope you will support the project.

Paul Brickett noted that this morning he heard a wood chipper; it was a crew from pge clearing along the fire lines; I was glad to see them doing that. asked what they do with the chips, they try to find a neighbor to take them. if not, they take them to the dump. I was at the planning commission meeting several months ago; ken and other tree people think its too small. the appellant thinks its too big. I think its just right. in my letter, I calculated that if cortis made a plant 1000 times smaller, it would power my house. pyrolysis takes wood chips and heats them up in a closed environment with no oxygen; presents water vapor and gas. flammable gas powers the turbine; that's why it's much cleaner than other plants. I know Steve Smallcombe personally. he's the most environmentally conscious person that I know. if there was any chance of this project being bad for the environment, he would not be in favor of it.

Steve Smallcombe noted that he has been associated with this project from the beginning. we're using a different technology. these engines are genbacker engines made by GE; righjt now over 17K in operation around the world; its a very tried and true technology for knocking down particulents. we figure we need 2 trucks a day or 8 mom and pop trucks a day; not a lot of traffic. the thing is these trucks are already rolling. if you've heard me talk say three years ago; I talked about biochar for sequestering carbon.

biochar is activated charcoal. there are a lot of places that make biochar for agriculture. i've found a biochar toothpaste. at one point I made some research with uc merced on biochar... we couldn't find contracts for 25 years to get people to buy biochar. so we said we will take all of the energy in the wood and sell it to pge. puc, pge is now issuing purchasing agreements; there's lots of other things I could say but I appreciate your time.

Tom Jaeckel if you listen to both sides they sound pretty good. why don't you put this plant up north where the trees are. I think you should consider that. a few months ago, they asked to be near the dump.

Rebutal by Appellant

Steve Sellers, there are several issues in there business plan; it states clearly that they won't accept waste from homeowners. the other issue, in their plan says they will go to merced county landfill and bring green matter to burn in the plant. the 1.6 gallon of water use; just in the containment burning process; doesn't address that. now they're not doing biochar. want to remind you of the material data safety sheet, fine dust disbursed in the air in sufficient concentrations and in the presence of explosive dust is a potential dust explosion. public works employees will be exposed to health hazard; it does not go away. keep in mind that this million, three hundred thousand is just in a year. they still haven't accounted for how they will do that dust abatement on the property. they haven't addressed how they will transport it from there to the landfill. obviously, from the material data safety sheet, they're going to have to be suited up and wear a respirator. they can't just put one on, they need to be mask fitted; it requires them to be medically evaluated and clean shaven. it's an ongoing cost for you to supply the respirator for them. the bottom line on the water issue is that this is going to use more water than everyone thinks. the fact is that they have not mapped the underground plume; the fact is they don't know how much water is down there and what the reservoir capacity really is. they've been giving you all of this modeled information which they invest; its a guesstimate, and they have no solid data because its an experimental plant that has never been built. this power plant does not meet the requirements for where they want to put it. the bulk of the problem is the forest service. that's not our problem its' their problem. this isn't generating money; its only generating problems. people don't need to breathe this garbage; its short-sighted and doesn't consider the consequences. the best thing to do with these trees is chip them and leave them where they are. earlier we were talking about carbon neutrality which means for every tree you cut down, you plant one more, and in 100 years it replaces the other. this doesn't

address any of that; you have to go through their designated businesses. it's a short term problem that will cause long term issues. your poor guys at public works.

Jones: I will have questions after they have clarified some of the answers.

Cann: clarified where we are in the process.

No. 6. a. sarah williams: I didn't identify significant issue but a few. one question was the chipping. within general plan there is a provision to fell trees to maintain your own property. if someone wants to establish a chipping facility to bring material from off site sources; that would require zoning. there was a question about notification and what was the original notification. county code requires property owner notification within 2500 feet of the posted site; posted notices and in the newspaper. there was a question about county liability should the project fail; there is a requirement in the county called an indemnification agreement and is required to be executed so that the county is indemnified. dahlem/there was a question relative to the rcd; wanted clarify that the rcd is an independent district separate from the county. williams: a question about a potential reclamation plan like is required for mining; while reclamation plan is not a specific requirement, there is a requirement for a bond to be put up so there would be money to reclaim the site. a question of whether this was the only option for dealing with tree mortality issues; not the only option. the county's responsibility is to review this proposal, that's the county's involvement. there was also a question about whether this is a gift of funds to sweden, and that question was answered by mariposa county resource conservation district.

6.B QUESTIONS OF staff, appellant or opponenet

Long: back to the question of the bond; only required if not completed.

silliams: condition 21, prior to issuance of any grading permit, surety is determined.

Long: can we as a condition require th proponenet of this property to carry a bond through the life of this project. can the county require so that if the project ever fails, the facility can be reclaimed at the end of its life.

williams: the authority to do that would have to be tied to either the PDZ or if it can be tied to the findings and I'm not prepared to do that at this point. long: i'd like to see that; so that if the project ever does fail the site can be reclaimed and the plant can be removed. also had a question in regards to biochar; if we're not making biochar, what's the product.

christiana: electricity is what we're producing. long: but ash is the

byproduct? is it biochar or ash. Jones: a couple of questions, one of the selling points of this project is to pay for fuel breaks for the county; i'm a business man. I haven't seen a business plan; don't know what we're going

to make; are we going to make any money or not make any money. dahlem: this is for questions of staff. jones: okay. the height of the smoke stack was modified because of powerline and other structures can go as high as 75 feet. this will go to 60 feet; other buildings, a limit of 45 feet. when you look at power structures and power lines; any of your other ones listed here, I don't see it here.

dave conway: the stack that we're looking at is going to be for water vapor. jones: but none of these give off anything. conway: correct. williams: there are provisions in the planned development zone that you are discussing that were established by the bardini industrial park. in order to approve this, the planning commission had to determine how it could fit in. I also want to address the issue of the business plan, there is nothing in our county code or state law that gives the county the authority to analyze the business plan. jones: I guess I have a little problem with the height variance on the stack. does the planning commission have the ability to vary that. williams: if you look on page 604, the planning commission has the ability to find that a stack is a similar utility structure. cann: couple of questions, when we looked at the chart of burning this quantity of wood, what's actually coming out of the stack. conway: we're not burning the wood chips as you would in people's yards. we're heating them so that they give off gas which then turn the internal combustion engines; and those gases are lower in all categories. cann: we won't be saying anything coming out of the stack. conway: I can't say we won't see anything; we may see steam but won't see smoke. cann: ash is a major concern for me; quelled my concern that we could not take it at any given time, would like your thoughts on the ash at the landfill. mike healy: I, too, consider myself a business man and other considerations like extra water, health considerations of my employees, and any other monitoring that we must do. with regard to taking that load, on page 565 it mentions a monthly test of the compound. quite frankly I would like that initially to be a per-load test; i'd like the opportunity to reject or reschedule loads. would also like the opportunity, working with my colleagues in health and environmental health, to do other things. everything that comes in there has to have a return on investment associate with it; its how I determine how long that facility will be open. certainly, i'm concerned, and may come back with a new rate. initially, I would like to increase testing; and also on page 565, it doesn't say who will pay for that testing. need to establish if there is an increased handling of this material; if we have to wet down a building to handle it, we will do it. if there's a secondary market for it, we will investigate that.

Jones: are you leery, with our unlined landfill, of putting this in our landfill. healy: until I know the chemical composition I cannot speak to it but I am leery of any new substance that comes to the landfill. jones: this will take up

space and bring us closer to landfill closure. healy: air space. jones: your druthers to take it or not take it. healy: one of the responsibilities under county code is the right to dump at the landfill and that includes the residents or any business. although I was encouraged that they have another option to go to merced. jones: if there was a problem there, could it be a requirement that they go to merced? engfer condition number 23 speaks to that. that condition allows for provisions necessary for public works and health department to exact from the applicant what is necessary for any output for material coming from the facility. healy: with regard to that, it's somewhat confusing, it reads if the board so chooses; if it said ... on page 567, there's a reference to the grading management and with the solid works manager; feel those both should be consistent and made the public works director. jones: the thing that concerns me, the sooner that landfill fills out the residents will be out of money, so we need to figure out how to extend the landfill. healy: I will say that we're conducting an engineering study on the future of the landfill; encouraged by the numbers; especially since todd storti has implemented a little bit of extra air space. Jones: my concern is still expediting the landfill. healy: I share those concerns because starting a new landfill is a very, very expensive proposition. jones: no one is for certain what will happen with the unlining. healy: we have monitoring wells and so far so good. Cann: I am aware of the more recent calculations, and they're very encouraging on the life of the landfill at this point. the ash has always been one of my major concerns; it would seem to me that there are not a lot of unknowns; we know the source, we know the wood, she should be able to have a certain high certainty on the ash. I can tell you personally, I won't vote to approve the project until the language you spoke of is extremely clear. yes, we have a facility that has been subsisting on its ability to raise money, so you need to look at the ROI, but if the ash is the least bit of a problem, I want to be assured that we can say no. I think they thought they were doing us a favor. if the plan that steve spoke of, it needs to be abundantly clear, especially after you calculate the ramifications of the long term. Jones: i'm going to go back to the roads and easements and the conditions set forth on that. there's going to be road improvements according to what I read and there will be approximately 30 trips, I went down and looked at that road.... healy: within the industrial park and not on the county maintained road system. jones: right. have you been down there. I think the lifespan of that road; I just don't see the lifespan of that road standing up to that many trips. two nine foot lanes and two trucks passing each other will break the shoulders off. healy: I agree with you. if it were lighter use roads, like a traditional city neighborhood its much less. jones: so everyone on that system will be required to keep that road up. jones: does the community change those requirements now? Healy: I'll refer

to county counsel. dahlem: I think the questions are outside the public work's directors sphere of influence. healy: I would add that the traffic on high 49 is caltrans. engfer: the conditions of approval off copperleaf; the existing road association is applicable to the site, and to both roads, those mechanisms offer and require property owners to participate and put up their fair share. the property owners has a mechanism in place. jones: to make it clear because I'm kind of simple minded. if the traffic is increased, it will be shared by all of the people on the road. engfer: it would be up to the property owners to determine what is the fair share price, and there is a mechanism in place for that. dahlem: this is like a residential subdivision, it's the same subdivision requirements applied. Jones: some of these people who didn't realize that heavy trucks would be running.

Cann: Sarah and Steve, at first I was having trouble with power plant, but not calling it a power plant. if an appellant body felt that it met a reasonable definition of a power plant, would that affect its ability to be in this zone; we all know its a lot cheaper for natural gas and solar and so on. the fact is we have a dead tree problem; if we're building to get rid of trees ad the byproduct is power I'm seeing the logic. but, if its designated a power plant does that jeopardize it fitting into the zone. williams: your authority is established by a list of permitted uses in the planned development zone. I don't think I cn answer a question about liability. the list of permitted use, processing uses, fabrication uses, agricultural processing; and we processed this based on agricultural processing. cann: certainly, there's a logical case there with agricultural process. my last question is regarding the input, i've gotten conflicting information. I want to to know about the slash. the big tree is an issue but we all have mountains of slash that we deal with.

Melinda Barrett: what ken bissmeyer was saying is that its costing him about one thousand dollars per truck to get rid of trucks and other things. what this will do is sign a contract with suppliers and provide chips; then they can provide services to residents so that they make money. we intend to get from local providers. cann: so the follow up question then, is what are the requirements of the slash. Christiana: the program we are going to sign up for, pge, 80% has to come from sustainable forest management, can take slash, tops, timber, the only limitation is to clear cutting in certain circumstances. most times of residential will be required. 80% of the wood has to come from that stream. all of that would have to go through these contractors, that we could require these companies to attest where the wood comes from and that it meets the certification. cann: my concern was what does it eat. when we toured the plant in merced, they wanted 10 year old pallet.

steve smallcombe: I remember that tour very well; if you read some of early material that was before timber mortality. now the plant in north fork needs

chunks. the thing with cortis is that it can use everything even down to saw dust. cann: you can follow on on the chemical composition if you like. smallcombe: as part of our ceqa, I supplied quite a bit of data on the ash content. we've been working on this about four years now. we've been talking with public works. they said we need ash for our composter. asj is 99% organic; that 1% is calcium and magnesium. our intent was never to see the ash go into the landfill, was to see it go into the composter as well as for use as daily cover. if they can't use it, we'll take it to merced. we made a pretty sweet deal with the county, profit sharing; we'll be trucking stuff down to merced. if the landfill doesn't want this stuff, its only a truck or two per week. on the other hand, if the landfill can use it for beneficial purposes, more power to you. by the way, this is the result we got from Sweden. nothing unusual in that. cann: is there heavy metal in there. smallcombe: there's iron, but there will not be other heavy metals. cann: can we clarify the language of our ability to reject ash for whatever reason, not with a lot of qualifiers. can we reject that without going to the planning commission. williams: absolutely. and the condition would be number 23.

menetrey: my qu3estion revolves around the trucks hauling the chips to the facility. in the project description talking about 3 to 4 trailer deliveries and 8 to 10 dump trucks. then kenny comes in talking about his crews. do we have mitigation on a number of trucks that go per day. in my mind, I see it being the wild west out there in the afternoon if we have that many folks wanting to be there to empty there trucks. williams: if you look on page 605, the first condition is the project description. that does include the number of deliveries. if you turn the page, condition number 2 says that there can be no changes to the project site plan without review or written approval by me ro taking it to the planning commission.

williams: I think its addressed. menetrey: yes, it is. Menetrey: then I have a question for the applicant, at one time does the wood laying in our community degrade to a point of being unusuable. Jay Johnson: the answer to that has more to do with where it is. if its on the ground, it rots a lot faster. we will be looking at wood stcked on log decks; so 6 or 7 years. smallcombe: one more thing on the ash, that ash is no different than what's coming out of the air curtain burners right now. Barrett: there will be fuel contracts, we can stipulate what time the deliveries are so that not all trucks come at the same time. Menetrey: these were answers to my questions. Cann: we have a number 6.c you can take comment from ll parties. Menetrey: a lot has been said here today about danger to our public works employees. I just want to make sure, want to confirm there is no biochar and, therefore, we do not have to confirm that our employees need to buy haz mat suits. mike healy: i'm confident that we can handle just about any new introduction of material into our stream as well as

keeping our employees safe. we already have a confined stream, we have a respirator; we're pretty adaptive at keeping our employees safe. Jones: if there is an extra charge, you have the ability to charge more for that. Healy: depending on what the handling charge is, they have to meet the ROI. ROI is made up of many different things including diversion costs. Menetrey: I have one more question. what does 2.4 megwatts represent. is that enough to light up a house for an afternoon, a week. Jay Johnson: a typical home uses 1 or 2 kilowatts per hour. it provides about 20% of the county per hour.

Long: can anyone tell me if there's any difference between the ash from this facility, and what comes out of my woods tove at home or what I burn on the ranch. Smallcombe: No, but. if you burn wood completely, you'll get rid of all of the organics; if you don't burn it completely you might have some minerals left. ash is inorganic. in your fireplace, and shut it down, you might have a charred log there.

Jones: Supervisor Long brought up a question, if this thing goes kerthunk, is there any way that one of the conditions could be a long term bond. the reason I brought it up is that Jamestown is a good example of what could happen. I know Minig is different, is there any way possible that Cortis could be required to come up with a long term bond for clear up. Williams: I would like to research if the authority is there to do that. makes it hard for me to vote on something without that.

Dahlem: you're not going to have a full record until that information comes back today; so you won't be able to vote today if you want that information.

Cann: unless the proponent is willing to put a bond on it. Williams: that would be a modification of their project. Christiana: as counsel for the project, we would be happy to oblige that would ensure that. would ask for a 5 to 10 minute recess to draft that language.

Menetrey: I am going to consider Steve Smallcombe's slide of his ash as new evidence which allows me to reopen the floor to Steve Sellers.

Sellers: back to their business plan, it's all about power plant; all through their business plan it discusses biochar. it produces biochar as a byproduct; there's no arguing with that. if you go to the materials safety sheet its biochar and its dangerous. it's not the same as your woodstove. the higher the temperature, the smaller the bubbles. it is bio char, its burned at an oxygen deprived environment. every where through there is states biochar. for you now to allow them to change things. it's ridiculous and unfair.

Gerry Edwards: I have a BA in botany. why did Smallcombe have to send that sample to Sweden. total falsehood that you can put ashes in a garden. biochar, yes. ash is a bad thing to put in your garden. now I have some questions, why Sweden? did it go to the same lab that tests for Cortis. there's money to be made here by the people investing in it. Mr. Smallcombe cannot

come up here and convince me that he is putting all of this time in and not making a dime. I don't know who will be making money. the investors or the people who did those tests. I don't believe the evidence that was produced on that chart. when he produces a slide... I had questions about the biochar. they all talk about the minerals, no one talks about the PH. If its got a high acidic content its going to affect that aquifer. you do not use ash like that in a garden because it will kill the plants.

menetrey: would like to respond to mr. sellers. the questions that were being asked, were directed at the applicant. i'm sorry you felt censured. anyone else who wants to comment on the new evidence.

christiana: number one, it uses the char inside of the vessel. number 2, the material list, reflects the fact that the material is much lighter in weight.

Sellers: I want to remind you about the longterm consequences; we're talking about 39 million pounds of this going into the dump over the life of this facility.

Smallcombe: I have a Phd in chemistry, and I've studied this whole process. basically, its a two step process; a fairly low temperature that makes char; then put into another chamber with steam and makes gas. not a simple pyrolysis, actually multistage process. everything converted to gas.

Long: the plant that we visited four years ago in merced. would this process, are you getting a better quality of gas. smallcombe: oh yea. that plant was using a single stage gasifier. the gas that they got out was about 200 btu per cubic foot or whatever. by going through this multi stage is we get it up to around 600 which is closer to natural gas. the other problem they had is tar. this process is 66% more efficient at getting energy from the wood because we convert it all. we're not using that process. Cann: we've had a 2014 business plan, to my knowledge, we've been no part of that.

smallcombe: i'm not sure what that is that he's been waving around. cann: as you said, the gameplan has evolved substantially to what you are proposing now. I want to make sure... one, we don't deal with the business plan here. and two, things have evolved significantly since then.

smallcombe: I was a big biochar fan, but kingsford can make charcoal just fine. the other thing was there used to be a mantra about biochar because the old technology was not efficient enough to burn the biochar. what we're finding on the state level, if you want certain characteristics. we now have a product that was economically viable then. one of the things that jay brought us to us is that he knows how to do a P & L. cann: my understanding that the next biomass plant that makes a profit will be the first one. smallcombe: that's correct. we've always looked at north fork and said that's a tough one. they have to sell biochar. things did change, I think

that our plant will be the first that is profitable with a reasonable price for energy.

Jones: Since the business plan idea was opened up and I know that's not part of the item. smallcombe: I would be pleased to share that information.

jones: what's your first year's P&L. Menetrey: I'm not sure that's part of our conversation here.

Ruth Sellers: I just want to remind you that my appeal had nothing to do with this conversation that you are having. my appeal said that this project does not qualify to build in the planned development zone of that industrial zone. if they want to take their business elsewhere, I could care less.

smallcombe: we sent it off to sweden, so they could put it through their process; it has similar results to what we have here. this is an expensive way.

christiana: that record. we would like to see a copy of that. need to confirm that.

Long: chair.

Menetrey: do you want to say anything else?

sellers: I printed that monday from the website.

cann: just by way of clarification; where it states.

7.A.1. any procedural issues.

williams: two things that I have heard, that condition number 23 be clearly state that the the public works department be allowed to approve; we would like an opportunity to put that in writing.

the second thing that I heard was a willingness of the project applicant to include a bond that would be a modification of a bond. that written proposal would need to be prepared. we have draft text to propose that we can put on the screen.

6:30 PM recessed and reconvened at 6:57 PM.

Vice-Chair Menetrey asked ms. williams to restart the process.

Willaims: noted amended text that was requested. this is new information relative to your process. I would suggest that you allow the project applicant and appellant to address this new information.

On behalf of the applicant, Christiana: as to the condition on solid waste a clarification with which they are amenable. as to the bond, would like to put on the record that this is voluntary on our part. we're willing to do it in good faith, but you don't ask other businesses to do something similar. any questions regarding the suggested language. Long: thank you. Dahlem: Is the bond amount based on the amount estimated by the county. christiana:

we would definitely work with the county on it, but would rely on the expertise of the bond company. dahlem: subject to approval of the county.

appellant: Steve Sellers. I don't think it has

Jones: back to the bond. .. christiana:

close public portion of hearing.

jones: I still have problems of the advertising of the power plant, the road conditions, have no business plan no one will give me a business.

Menetrey: do we want to stay this.

Jones move to continue the hearing to july 17, at 11 AM

Jones (m) Long (s)

**RESULT: CONTINUED BY MOTION [UNANIMOUS] Next: 7/17/2018
9:00 AM**

AYES: Smallcombe, Jones, Long, Cann, Menetrey

M. Adjournment

7:10 PM Vice-Chair Menetrey adjourned the meeting in memory of Thomas Porter, Merle Woods, Ruth Wittkopf, Delphine Gorder, Katherine Foster, James Tresidder, Allen Hawkins, and Don Van Meter.

Respectfully submitted,

RENÉ LaROCHE

Clerk of the Board

MILES MENETREY

Vice-Chair, Board of Supervisors



MARIPOSA COUNTY

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ROSEMARIE SMALLCOMBE, CHAIR
MILES MENETREY, VICE-CHAIR
MERLIN JONES
MARSHALL LONG
KEVIN CANN

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV

ACTION SUMMARY MINUTES

July 17, 2018

A. 9:03 AM Called to Order and Roll Call

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	9:00 AM
Merlin Jones	District II Supervisor	Present	9:00 AM
Marshall Long	District III Supervisor	Present	9:00 AM
Kevin Cann	District IV Supervisor	Present	9:00 AM
Miles Menetrey	District V Supervisor	Present	9:00 AM

B. Pledge of Allegiance

The Pledge was led by Nancy Koerperich/CAL FIRE.

C. Fire Report

Nancy Koerperich/CAL FIRE discussed Braden Varney's background and advised of the events leading to his demise; and noted that the local union is a better place to direct donations as there is a lot of overhead with gofundme.

Doug Binnewies/Sheriff - Coroner - Public Administrator discussed the turnout for yesterday's procession for Braden, and expressed his pride in the people of Mariposa County. Sheriff Binnewies also provided a brief update regarding law enforcement operations relative to the Ferguson Fire, as well as the functioning of the County Emergency Operations Center (EOC); expressed his pride in the performances that he has seen; noted that they continue to identify the need to push as much information as possible; reported on nightly check-ins at the Red Cross shelter; noted that they are seeing good compliance with the evacuations; advised that they continue to work in security mode; and provided an update of the additional law enforcement efforts underway as well the officers responding from surrounding areas.

Nancy Koerperich provided an update on the Ferguson Fire noting that it is currently a little over 12,000 acres large but that it has moved into the south fork of the Merced River drainage where there has been no known history of fire; and advised of the number of communities and residents threatened. Chief Koerperich also extended thanks to the California Highway Patrol (CHP) who closed down Highway 99 and every road possible for the procession for Braden.

Mike Strawn/Southern Central Sierra Interagency Incident Management Team discussed other incidents in the state that are drawing fire resources.

Steve Watkins/Southern Central Sierra Interagency Incident Management Team discussed the suppression strategy to this point, and explained the effect of the atmospheric inversion layer.

Sheriff Binnewies noted that the public should watch the Mariposa County Sheriff's Office Facebook page as it is updated with accurate information, and urged Nixle registration.

Chief Koerperich expressed thanks for the positive working relationships in Mariposa County.

D. Emergency Item

Steven W. Dahlem/County Counsel discussed the chain of events that led to the proclamation of a local emergency for the Ferguson Fire on Sunday, July 15, 2018. He also advised that the Board needs to ratify it but, that they first must find that there is an immediate need that came to the Board's attention after the posting of the agenda. No public input.

ACTION: The Board finds that there is an immediate need to consider the ratification of the Ferguson Fire local emergency proclamation, and that it came to the Board's attention after the posting of the agenda.

Long (M); Menetrey (S); Passed Unanimously.

1. Administration RES-2018-337

Adopt a Resolution Ratifying the July 15, 2018, Proclamation by the Director of Emergency Services of the County of Mariposa, State of California, Proclaiming the Existence of a Local Emergency

County Counsel advised that it is now appropriate to entertain this action. No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

E. Introductions

Dallin Kimble/County Administrative Officer introduced Dave Robinson, the Merced County Agricultural Commissioner who will be acting as the Mariposa County Agriculture Commissioner under a recent contract with Merced County. Mr. Kimble also introduced Sean Runyan, the Assistant Agricultural Commissioner.

Mike Healy/Public Works Director introduced Greg Meyer, the new Interim Deputy Public Works Director.

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

No public input.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Merlin Jones, District II Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

CA1. Administration RES-2018-338

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

CA2. Administration RES-2018-339

Resolution Continuing the Local Emergency Due to Extremely High Levels of Tree Mortality in Mariposa County

CA3. Administration RES-2018-340

Approve Budget Action Transferring Unanticipated Revenue from Court Fees in to Appropriations in the Administration Budget to Cover the Cost of Contract Renewal for LexisNexis Law Library (\$1,466.00) 4/5ths Vote Required

CA4. Administration RES-2018-341

Approve Agreement 4CA03952 with CAL FIRE for Command and Control Services for Fiscal Years 2018/2019, 2019/2020, and 2020/2021 in the Amount Not to Exceed \$3,241,945.00; and Authorize the Board of Supervisors Chair to Sign the Three Year Agreement

CA5. Administration RES-2018-342

Approve Agreement 4CA03951 with CAL FIRE for Extended Fire Protection Availability (Amador) Services for Fiscal Years 2018/2019, 2019/2020, and 2020/2021 in the Amount Not to Exceed \$857,369.00; and Authorize the Board of Supervisors Chair to Sign the Three Year Agreement

CA6. Agricultural Commissioner RES-2018-343

Approve Nursery Inspection Cooperative Agreement No. 18-0250-000-SA for Fiscal Year 2018/2019 with the California Department of Food and Agriculture (CDFA); and Authorize the Board of Supervisors Chair to Sign the Agreement

CA7. Agricultural Commissioner RES-2018-344

Approve Organic Program Cooperative Agreement No. 18-0183-000-SA for Fiscal Year 2018/2019 with the California Department of Food and Agriculture (CDFA); and Authorize the Board of Supervisors Chair to Sign the Agreement

CA8. Human Resources/Risk Management RES-2018-345

Approve Amendments to the Minimum Qualifications of the Fiscal Officer I/II Job Description Effective Immediately

CA9. Human Services 2018-74

Appoint Catherine Driver to the In-Home Supportive Services (IHSS) Advisory Committee to Serve a Continuous Term

CA10. Human Services/Behavioral Health & Recovery Services RES-2018-346

Approve an Agreement with Quest Community Counseling Services in an Amount Not to Exceed \$100,000 to Provide Counseling Services for Mental Health Clients; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA11. Human Services/Behavioral Health & Recovery Services RES-2018-347

Approve an Agreement with Kazlin Infinite Care, LLC to Provide Residential Care Facility Services for County of Mariposa in an Amount Not to Exceed \$100,000; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA12. Human Services/Behavioral Health & Recovery Services RES-2018-348

Approve Budget Action Transferring Funds Within the Behavioral Health Budgets for Fiscal Year 17-18 Year End

CA13. Public Works RES-2018-349

Approve the First Amendment with Wadell Corporation for Airport Consulting Services for an Additional Compensation of \$154,266 for a Total Not-To-Exceed Amount of \$317,893; and Authorize the Board of Supervisors Chair to Sign the Amendment

CA14. Public Works RES-2018-350

Approve the Agreement with ARAMARK for Uniform Laundry and Janitorial Supplies (\$98,346) through June 30, 2021; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA15. Public Works RES-2018-351

Approve an Agreement with Thunder Ridge to Provide Snow Removal in Fish Camp and the Fish Camp Fire Station in the Not-To-Exceed Amount of \$40,000; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA16. Treasurer-Tax Collector-County Clerk RES-2018-352

Declare the September 1, 2018, Labor Day Parade a County Sponsored Event; Approve Issuance of a County Insurance Certificate to Caltrans; Approve the Application for a Cal Trans Encroachment Permit in Support of Closing Highway 140 from 11:00 AM to 12:30 PM, Between Highway 49 North and Highway 49 South, on Saturday, September 1, 2018; and Authorize the Board of Supervisors Chair to Sign the Letter and Encroachment Permit Documenting the Board's Support and Approval

CA17. Treasurer-Tax Collector-County Clerk RES-2018-353

Accept the Statement of Votes Cast as Certified to the Secretary of State on June 29, 2018

CA18. Treasurer-Tax Collector-County Clerk RES-2018-354

Approve Budget Action Increasing Revenue and Appropriations in the Election Budget to Account for Additional Revenue in Election Fees and Increase Appropriations Accordingly (\$14,604) 4/5ths Vote Required

G. Board Recognitions

1. Agricultural Commissioner 2018-75

Proclaim the Week of July 16 - 22, 2018, as "California Invasive Weed Awareness Week"

Dave Robinson/Merced and Mariposa County Agriculture Commission gave the staff report. No public input.

Chair Smallcombe presented the Proclamation to Dave Robinson.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

H. Departmental Presentation

Mike Healy/Public Works Director commended Monica Nielsen and Tina Buirch for the jobs they have been doing at the Ag Commissioner's Office. Mr. Healy also advised that the Parks and Rec Day Camp has been moved to the community room at the Methodist Church due to air quality considerations, and that the pools have been closed. He also noted that Public Works is in the process of setting up spoiled food collection sites for people affected by the fire. Supervisor Smallcombe suggested a location in Jerseydale. Supervisor Smallcombe commented on the number of Public Works trucks that she has seen in to vehicles from CAL FIRE and the U.S. Forest Service. Mr. Healy also extended condolences to the family, friends, and colleagues of Braden Varney and discussed his interactions with him during the recent storm damage.

Dallin Kimble/County Administrative Officer discussed the smoothness of the emergency operations; and noted some community meetings that have been scheduled for later in the month, and noted that additional information can be found at <http://www.mariposacounty.org/budget>. Supervisor Smallcombe and Mr. Kimble discussed the ways in which the meetings will be advertised.

I. Public Comment on Non-Agenda Items

None.

Recess Board of Supervisors

10:15 AM Chair Smallcombe recessed the Board of Supervisors meeting, the Clerk read the Government Code announcement, and the gavel was passed to Marshall Long.

J. LOCAL TRANSPORTATION COMMISSION

10:15 AM Chair Long convened the Local Transportation Commission (LTC) meeting at the Mariposa County Government Center with all commissioners present.

Public Comment Period

None.

LTC Regular Agenda

1. Planning LTC-2018-17

For the Town of Mariposa Transportation Center Citizens Advisory Committee: Acknowledge the Service of Terry Selk, Charlotte Kelsey and Su Carney; Appoint Laura Wattles (Representing the Yosemite-Mariposa Tourism Bureau); and Re-Appoint: Cara Goger (Representing the Mariposa County Arts Council), Karen Smith (Representing the Mariposa County Economic Development Corporation), Jeanetta Phillips (Representing the Mariposa Historic Sites and Records Preservation Commission), Kris Casto (Public Member), Ron Iudice (Public Member), Mary Foster (Public Member) and Karen Cutter (Public Member). All Appointments and Re-Appointments Will be for Terms to Expire on July 17, 2021

Sarah Williams/Planning Department Director introduced Mike Goralnik/Assistant Planner who gave the staff report. No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

Adjourn LTC

10:22 AM Chair Long adjourned the LTC meeting and passed the gavel to Rosemarie Smallcombe.

Reconvene as Board of Supervisors

10:22 AM Chair Smallcombe reconvened the Board of Supervisors meeting.

K. Regular Agenda Items

1. Public Works RES-2018-355

PUBLIC HEARING: Adopt the Current Fee Structure for Countywide County Service Area (CSA) No. 1 (Road Maintenance for Zones of Benefit); Authorize the Fees to be Placed on the Property Tax Roll for Fiscal Year 2018-19 (Continued from July 10, 2018)

Mike Healy/Public Works Director gave the staff report. No public input.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Marshall Long, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

2. **Clerk of the Board of Supervisors RES-2018-356**
Adopt a Resolution Approving Assessment Appeals Local Rules, Effective Immediately, to Provide Assessment Appeals Procedures, Create Assessment Appeals Hearing Officers and Authorize Each Assessment Appeals Board Member to Act as One, and Establish a Fee for the Preparation of Findings of Fact

René LaRoche/Clerk of the Board gave the staff report. No public input.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Marshall Long, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

L. Items removed from Consent Agenda

None.

M. Recess

10:36 AM Chair Smallcombe recessed the meeting for a brief break and reconvened at 10:42 AM.

N. Board Information

Information received.

O. 11:00 AM

10:58 AM Supervisor Smallcombe passed the gavel to Miles Menetrey and exited the chambers, having recused herself on July 10, 2018, from consideration of the next item.

1. **Planning RES-2018-357**
CONTINUED PUBLIC HEARING: Appeal 2018-051 Appeal of Planning Commission Approval of Conditional Use Permit (CUP) No. 2017-117 (Mariposa Biomass Project) Ruth Sellers Et. Al., Appellant (Continued from July 10, 2018)

11:00 AM Vice-Chair Menetrey reconvened the continued public hearing. Steve Engfer gave an overview of the steps that have been accomplished to this point; reviewed the revisions that were made at the July 10, 2018, meeting; and advised that the Board is now in the Deliberation phase.

County Counsel advised of several attempts to communicate with the Board

following the close of the public hearing, and advised that such communications are ex parte information and may not be considered in deliberations.

Deliberations reopened.

Board discussion and deliberation ensued. Supervisor Cann suggested that the final product was made better due to changes made during this appeal and suggested that it would be appropriate to refund the appeal fee.

A motion was made by Supervisor Cann and seconded by Supervisor Long to deny appeal no 2018-051 based on finding and uphold the planning commission's approval of cup as amended by the applicant, with findings, amended conditions and mitigations measure, and to refund the appellant's deposit. However, in response to Supervisor Jones advising that he would like to vote on the refund separately, Vice-Chair Menetrey requested that the motion be withdrawn. The motion maker and second agreed and the motion was withdrawn.

ACTION: A motion was made by Supervisor Cann, with a second by Supervisor Long, to deny appeal number 2018-051 based on findings and uphold the Planning Commission's approval of the Conditional Use Permit as amended by the applicant, with findings, amended conditions and mitigations measure. Cann (M); Long (S); Motion passed (3-1), with Jones a nay, and Smallcombe recused.

ACTION: A motion was made by Supervisor Cann, with a second by Supervisor Jones, that there is sufficient reason and benefit to the County to return the deposit to the Appellant. Cann (M); Jones (S); Motion passed (4-0), with Smallcombe recused.

RESULT: ADOPTED [3 TO 1]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Marshall Long, Kevin Cann, Miles Menetrey

NAYS: Merlin Jones

RECUSED: Rosemarie Smallcombe

11:42 AM Recessed

P. 2:00 PM Reconvened

1. Human Resources/Risk Management (ID # 8135)

CLOSED SESSION: Public Employee Position to be Filled [Government Code Section 54957(B)(1)]-Human Resources Director

No public input.

RESULT: CLOSED SESSION HELD

Recess

2:01 PM Chair Smallcombe recessed the meeting into Closed Session.

Report Out

4:05 PM Chair Smallcombe reported out that Information was Received and Direction was Given during the Closed Session.

Q. Adjournment

4:05 PM Chair Smallcombe adjourned the meeting in memory of Braden Varney.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

ROSEMARIE SMALLCOMBE
Chair, Board of Supervisors

MILES MENETREY
Vice-Chair, Board of Supervisors



MARIPOSA COUNTY

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ROSEMARIE SMALLCOMBE, CHAIR
MILES MENETREY, VICE-CHAIR
MERLIN JONES
MARSHALL LONG
KEVIN CANN

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV

ACTION SUMMARY MINUTES

July 24, 2018

A. 9:01 AM Called to Order and Roll Call

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	8:54 AM
Merlin Jones	District II Supervisor	Present	8:54 AM
Marshall Long	District III Supervisor	Present	8:54 AM
Kevin Cann	District IV Supervisor	Present	8:54 AM
Miles Menetrey	District V Supervisor	Present	8:54 AM

B. Pledge of Allegiance

The pledge was led by Leigh Westerlund/Assistant County Administrative Officer.

C. Introductions

Merlin Jones introduced Carol Suggs/Friends of the Fairground who discussed the Rodeo Queen competition; and introduced Jessica Segale the outgoing queen. Ms. Segale noted her background and discussed her experiences as rodeo queen.

Monica Nielsen/Agricultural & Standards Inspector II introduced John Chapman/Merced County Deputy Agricultural Commissioner. Mr. Chapman provided an overview of his professional background.

Frank Bigelow/Fifth District Assemblyman discussed yesterday's memorial service for Braden Varney; discussed the smoke and ash from the fire; advised that he and his office are available to help in any way possible; and complimented the Board on being so active in national forums.

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

No public input. Mike Healy/Public Works Director advised of a correction to the budget action for CA17.

CORRECTION: Amended budget action for CA17.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

CA1. Administration RES-2018-359

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

CA2. Administration RES-2018-360

Resolution Continuing the Local Emergency Due to Extremely High Levels of Tree Mortality in Mariposa County

CA3. Administration RES-2018-361

Approve an Agreement with the Mariposa County Arts Council in the Amount of \$61,000 to Provide Performing Arts, Visual Arts, Arts Resources and Education Services to the County; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA4. Agricultural Commissioner RES-2018-362

Approve the Pierce's Disease Control Program/Glassy-Winged Sharpshooter Agreement No. 17-0453-037-SF for FY 2018/2019 through 2019/2020 with the California Department of Food and Agriculture (CDFA); and Authorize the Board of Supervisors Chair to Sign the Agreement

CA5. Board of Supervisors

Approve the Minutes of Tuesday, June 26, 2018

CA6. Health RES-2018-363

Rescind the Memorandum of Understanding (MOU) Between Kern County Public Health Services Department and Mariposa County Health Department for the Use of a Kern County Issued Satellite Phone Approved by Resolution Number 18-249; Approve a New Memorandum of Understanding (MOU) Between Kern County Public Health Services Department and Mariposa County Health Department for the Use of a Kern County Issued Satellite Phone; and Authorize the Health Officer to Sign the MOU

CA7. Health RES-2018-364

Approve a Grant Funding Agreement with First 5 of Mariposa County, for the Health Department's Children's Dental Health Program for Fiscal Years 2018-2019 in the Amount of \$25,000; and Authorize the County Health Officer to Sign the Agreement

CA8. Human Resources/Risk Management 2018-76

Reappoint Pete Judy, Joe Lynch, and Sterling Cramer as Management Representatives; Reappoint Mary Walker, Debbie Wass, Erick Hanneman, and

Monica Ramirez as Rank and File Representatives; Appoint James Steed, Jenifer Canter, and Stephanie Mills as Rank and File Representatives to the Mariposa County Safety Committee for One-Year Terms Expiring July 24, 2019; and Acknowledge Windy Gonzalez, Brad Jouett, and Mike Ziegenfuss for Their Past Service on This Committee

CA9. Human Resources/Risk Management RES-2018-365

Effective Immediately, Approve Amendments to the Class Specification for the Auditor-Appraiser; Authorize the Addition of One Full-Time Allocation; Assign the Classification to the SEIU Bargaining Unit; and Approve a Monthly Salary Range of \$4,961.23-\$6,030.46

CA10. Human Resources/Risk Management RES-2018-366

Approve Proposed Amendments to the Job Descriptions of the Extra-Help Specialized Classifications of Sheriff's Cadet, Sheriff's Deputy Recruit, and Sheriff's Security Officer

CA11. Human Services/Behavioral Health & Recovery Services RES-2018-367

Approve a Memorandum of Understanding (MOU) with California Health and Wellness Plan (CHWP) to Coordinate Patient Physical and Behavioral Health Care Services; and Authorize the Board of Supervisors Chair to Sign the MOU

CA12. Human Services/Behavioral Health & Recovery Services RES-2018-368

Approve an Agreement with Kings View Corporation to Provide Electronic Health Record Information System Technical Support and All Pay Sources Billing Services to Behavioral Health in an Amount Not to Exceed \$193,028; Approve the Health and Insurance Portability and Accountability Act (HIPAA) Business Associate Agreement Addendum with Kings View Corporation; and Authorize the Board of Supervisors Chair to Sign the Agreements

CA13. Human Services/Behavioral Health & Recovery Services RES-2018-369

Approve an Amendment to the Agreement with C & D's Residential Guest Home, LLC, Increasing the Compensation Maximum by \$22,000 to a New Amount Not to Exceed \$50,000; and Authorize the Board of Supervisors Chair to Sign the Amendment

CA14. Human Services/Behavioral Health & Recovery Services RES-2018-370

Approve an Agreement with BHC Fremont Hospital to Provide Inpatient Hospital Services for Mariposa County Behavioral Health in an Amount Not to Exceed \$150,000; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA15. Public Works RES-2018-371

Approve Budget Action Recognizing Unanticipated Revenue in the Airport Budget and Increasing Expense (\$7,500) 4/5ths Vote Required

CA16. Public Works RES-2018-372

Approve Budget Action Transferring Funds Within the Solid Waste Budget to Cover Categorical Shortfalls (\$19,000)

CA17. Public Works RES-2018-373

Approve Budget Action Recognizing Unanticipated Revenue in the Fleet Budget and Increase Expenditure Allocation (\$30,000) 4/5ths Vote Required

CA18. Sheriff's Office RES-2018-374

Increase Extra Help Hours from 999 to 1,100 for Two (2) Extra-Help Sheriff's Deputy Recruits Employed by the Sheriff's Office

CA19. Sheriff's Office RES-2018-375

Approve the First Amendment to FY 2017-2018 Professional Service Agreement with Forensic Pathology Services for Forensic Pathology Services, Post Mortem Examinations and Autopsies of Deceased Persons, Increasing the Amount by \$20,000.00; and Authorize the Board of Supervisors Chair to Sign the Amendment

CA20. Sheriff's Office (ID # 8409)

Receive Annual Inmate Welfare Fund Report FY2018

E. Departmental Presentation

Bernie Quinn/CAL FIRE and Mariposa County Fire reported the fire statistics. Doug Binnewies/Sheriff - Coroner - Public Administrator discussed the evacuations and road blocks; noted that they are hoping to have a phased repopulation in Jerseydale beginning soon; advised that the fire work has been aggressive and dangerous due to falling trees; extended thanks to the community for their patience; advised of backfires and dozer lines to build a buffer; discussed conditions in the Yosemite West area; and extended thanks to the entire Mariposa community, our partners, and cooperators. Discussion ensued between the Board members and Sheriff Binnewies and Chief Quinn.

Leigh Westerlund/Assistant County Administrative Officer advised that the County has been working to repopulate the areas when available, and that there will be help with disposal of food waste, assistance with animals, etc...

Eric Sergienko/Health Officer discussed the smoke and air quality; noted the need for air scrubbers and respirators for some; noted locations where air scrubbers had been placed; and advised residents who were repopulating to throw out the contents of their refrigerators and freezers.

Mike Healy/Public Works Director noted that his department will be setting up free spoiled food collection sites and that they will be ready to pass out cases of water, masks and cleaning materials, as well.

Chevon Kothari/Human Services Director noted that repopulation information will be available on mariposacountyrecovers.org; advised that food replacement is available for Cal Fresh recipients; noted that they are working with partners at the Methodist Church to accept donations but noted that the best for was a food gift card; advised her department will again have case management; and noted that they are gearing up recovery efforts.

Pete Judy/Chief Probation Officer recognized the efforts of Stave Dahlem and his staff for CA10.

Recess

10:14 AM Chair Smallcombe recessed the meeting for a brief break and reconvened at 10:23 AM

F. Public Comment on Non-Agenda Items

Dick Hutchinson discussed the bathrooms that were built at the Mariposa Visitor Center 8 or 9 years ago; discussed their disrepair; and advised that Public Works stopped supplying the Chamber with paper products and cleaning.

Dane Carlson/Chamber of Commerce and Mariposa Visitor Center extended thanks to Mr. Hutchinson for his comments regarding the restrooms; reported on the number of visitors to be served during the fire; noted that Jonathan Farrington from the Yosemite-Mariposa County Tourism Bureau has assisted in the visitor center as have former rangers; and discussed his appreciation for his staff.

Mike Healy advised of the attempted communications with the Chamber of Commerce regarding the discontinuance of service of their bathrooms; noted that they never responded; and advised that Public Works would be happy to enter into a contractual agreement similar to the one with the courthouse and Yosemite Area Rapid Transit (YARTS.)

Ken Jorgenson/State of Jefferson extended thanks to the firefighters for their efforts; and advised of an upcoming Town Hall on July 28, 2018 at the Mariposa County Fairgrounds.

G. Regular Agenda Items

1. Board of Supervisors (ID # 8236)

Receive a Presentation from Pacific Gas & Electric Company Representatives (Corey Peters, Erica Cabrera, and Michael Gaffney)

Erica Cabrera and Corey Peters from Pacific Gas and Electric Company (PG&E) introduced Michael Gaffney then gave a PowerPoint presentation. Discussion ensued between the Board members and the PG&E representatives.

Public comment opened. Greg Kittelsen noted reading a new article in the LA Times regarding brown outs in that area and asked if the same will be happening here. Dick Hutchison noted receiving a call from Human Services last week to check on him. Public comment closed. Ms. Cabrera noted that the extreme heat is causing issues statewide.

RESULT: PRESENTATION MADE

2. Human Services/Behavioral Health & Recovery Services RES-2018-376

Approve Submission of the "Mariposa County 2018/19 Mental Health Services Act (MHSA) Annual Plan Update" to the Department of Health Care Services (DHCS); Authorize the Human Services Director to Sign the Certifications and Any Subsequent Amendments with DHCS with Regard

to the MHSA Plan (Subject to Review and Approval of County Counsel as to Form); and Authorize the Human Services Director to Implement the Activities Within the "Mariposa County 2018/19 Mental Health Services Act (MHSA) Annual Plan Update" Upon DHCS Approval

Chevon Kothari/Human Services Director introduced Chrissie Doss/Deputy Director Behavioral Health and Recovery Services and Deb Drenon/MHSA Coordinator who gave the staff report. No public input.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Miles Menetrey, District V Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

H. Items removed from Consent Agenda

None.

Recess Board of Supervisors

11:38 AM Chair Smallcombe recessed the Board of Supervisors meeting, the Clerk read the Government Code announcement, and the gavel was passed to Marshall Long.

I. LOCAL TRANSPORTATION COMMISSION

11:38 AM Chair Long convened the Local Transportation Commission (LTC) meeting at the Government Center with all commissioners present.

Public Comment Period

None.

LTC Regular Agenda

1. Planning LTC-2018-18

Adopt a Resolution Authorizing Submittal of an Application for Funding from the Caltrans Active Transportation Program (ATP) Cycle 4 Program

Sarah Williams/Planning Director gave the staff report. No public input.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

Adjourn LTC

11:42 AM Chair Long adjourned the LTC meeting and passed the gavel to Rosemarie Smallcombe.

Reconvene as Board of Supervisors

11:42 AM Chair Smallcombe reconvened the Board of Supervisors meeting.

J. Board Information

The Board decided to skip Board Information on this date.

K. Adjournment

11:43 AM Chair Smallcombe adjourned the meeting in memory of John Hardaway, William Harris, Patrick Hanna, Betty Lou Knell, and John Traufler, Jr.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

ROSEMARIE SMALLCOMBE
Chair, Board of Supervisors



MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222
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ROSEMARIE SMALLCOMBE, CHAIR
MILES MENETREY, VICE-CHAIR
MERLIN JONES
MARSHALL LONG
KEVIN CANN

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV

ACTION SUMMARY MINUTES

August 3, 2018

SPECIAL MEETING

A. 9:00 AM Called to Order and Roll Call

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	9:00 AM
Merlin Jones	District II Supervisor	Present	9:00 AM
Marshall Long	District III Supervisor	Present	9:00 AM
Kevin Cann	District IV Supervisor	Present	9:00 AM
Miles Menetrey	District V Supervisor	Present	9:00 AM

B. Pledge of Allegiance

The Pledge was led by Wendi Brown.

C. Closed Session

- Human Resources/Risk Management (ID # 8461)**

CLOSED SESSION: Public Employee Position to be Filled [Government Code Section 54957(B)(1)]-Human Resources Director

No public input.

RESULT: CLOSED SESSION HELD

Recess

9:01 AM Chair Smallcombe moved the meeting into Closed Session.

Report Out

3:13 PM Chair Smallcombe reported out that Information was Received and Direction

was Given during the Closed Session.

D. Adjournment

3:13 PM Chair Smallcombe adjourned the meeting.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

ROSEMARIE SMALLCOMBE
Chair, Board of Supervisors



MARIPOSA COUNTY

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ROSEMARIE SMALLCOMBE, CHAIR
MILES MENETREY, VICE-CHAIR
MERLIN JONES
MARSHALL LONG
KEVIN CANN

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV

ACTION SUMMARY MINUTES

August 7, 2018

A. 9:04 AM Called to Order and Roll Call

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	8:56 AM
Merlin Jones	District II Supervisor	Excused	
Marshall Long	District III Supervisor	Present	8:56 AM
Kevin Cann	District IV Supervisor	Present	8:56 AM
Miles Menetrey	District V Supervisor	Present	8:56 AM

B. Pledge of Allegiance

The Pledge was led by Sharon Wardale-Trejo/Child Support Services Director.

C. Introductions

Bernie Quinn/Mariposa Division Chief introduced Stan Craig who will be filling in for Nancy Koerperich for about thirty days.

Stan Craig discussed his history with CAL FIRE and with the area.

Chair Smallcombe introduced Mark von Tillow, the Incident Commander of Interagency Team 3 that took command last Friday. Chief von Tillow provided a fire update, noting that his goal is to contain the fire within fourteen days.

D. Fire Report

Doug Binnewies/Sheriff - Coroner - Public Administrator discussed the repopulation of El Portal residents and the opening of Highway 140 in the same area; as well as the repopulation of Wawona and the Greeley Hill Anderson Valley area. Supervisor Smallcombe discussed with Sheriff Binnewies the status of Foresta. Supervisor Cann extended thanks and discussed the area burned, and the all of the strategic planning that has gone on with these teams and the unified command. Supervisor Smallcombe read from an email from a constituent in Yosemite West and encouraged everyone to think about what we owe all of these people.

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

No public input. Supervisor Long extended thanks for CA4 and CA10. In response to Supervisor Cann's inquiry regarding CA10, Dave Conway/Environmental Health Manager noted that water is still being delivered, but that the program sunsets in September. Supervisor Cann requested a follow-up from Mr. Conway regarding the number of people still getting deliveries. Supervisors Cann and Smallcombe commented on CA14. Supervisors Cann and Long extended thanks to the volunteers in CA16.

DIRECTION: *Supervisor Cann requested a follow-up from Mr. Conway regarding the number of people still getting deliveries under the Emergency Water Tank program.*

RESULT: **ADOPTED [4-0]**

MOVER: Marshall Long, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Kevin Cann, Miles Menetrey

EXCUSED: Merlin Jones

CA1. Administration RES-2018-377

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

CA2. Administration RES-2018-378

Resolution Continuing the Local Emergency Due to Extremely High Levels of Tree Mortality in Mariposa County

CA3. Administration RES-2018-379

Resolution Continuing the Local Emergency Due to the Ferguson Fire - July 2018

CA4. Agricultural Commissioner RES-2018-380

Approve the Pesticide Use Reporting Activities Memorandum of Understanding (MOU) for the Period of July 1, 2018 - June 30, 2019, with the California Agricultural Commissioners and Sealers Association (CACASA); and Authorize the Board of Supervisors Chair to Sign the MOU

CA5. Auditor RES-2018-381

Approve an Agreement/Promissory Note with the Superior Court of California, County of Mariposa to Make Payments to the County of Mariposa for the FY 18/19 CalPERS Unfunded Liability Payment for the County of Mariposa Miscellaneous Retirement Plan; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA6. Board of Supervisors

Approve the Minutes of Tuesday, July 10, 2018

CA7. Board of Supervisors

Approve the Minutes of Tuesday, July 17, 2018

CA8. Board of Supervisors

Approve the Minutes of Tuesday, July 24, 2018

CA9. Community Services RES-2018-382

Approve Certificates of Compliance for the Veterans Affairs Subvention Program and Medi-Cal Cost Avoidance Program for Fiscal Year 2018-2019; and Authorize the Board of Supervisors Chair to Sign the Certificates of Compliance

CA10. Health RES-2018-383

Ratify the Acceptance for the Approval of Subaward Amendment #1 for the Emergency Water Tank Continuation Program Subaward # TW17010220 to Change the End of Performance Period for the Subaward from 06/31/2018 to 09/30/2018

CA11. Human Services/Behavioral Health & Recovery Services RES-2018-384

Approve an Agreement with Compass Counseling in an Amount Not to Exceed \$150,000 to Provide Counseling Services for Mental Health Clients; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA12. Human Services/Behavioral Health & Recovery Services RES-2018-385

Approve an Agreement with Benchmark Behavioral System, Inc. to Provide Intensive Youth Treatment Services in an Amount Not to Exceed \$82,000; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA13. Human Services/Social Services RES-2018-386

Approve First Amendment to Agreement with Berliner-Cohen Attorneys at Law, Increasing the Amount by \$20,000 to an Amount Not to Exceed \$80,000; and Authorize the Board of Supervisors Chair to Sign the Amendment

CA14. Planning RES-2018-387

Adopt a Resolution Approving the Submittal of an Application to the NEA (National Endowment for the Arts) Our Town Grant Program to Fund Preparation of a Countywide Creative Placemaking Master Plan; Approve a Letter of Support; and Authorize the Board of Supervisors Chair to Sign the Letter

CA15. Planning RES-2018-388

Approve an Agreement for General Legal Services with Abbott & Kindermann, Inc. for On-Call Legal Consultation; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA16. Planning 2018-77

Appoint Stephen Huff to the Historic Sites and Records Preservation Commission, as a Member Representing the Northern Mariposa County History

Center, for a Term to Expire on February 28, 2019. Acknowledge the Service of Richard Westfall as an At-Large Alternate Member on the Historic Sites and Records Preservation Commission

CA17. Public Works RES-2018-389

Approve Change Order #1 with Allison Sierra, Inc. for the Repair and Permanent Restoration of Ranchito Rd. in the Amount of \$37,000 for a Total Not-To-Exceed Amount of \$297,000; and Authorize the Board of Supervisors Chair to Sign the Change Order

F. Board Recognitions

1. Board of Supervisors 2018-78

Proclaim August 7, 2018, as National Night Out (Adrian Perez, California Highway Patrol)

Rick Lindgren and Adrian Perez from the California Highway Patrol (CHP) gave the staff report. During public comment, Pete Judy/Chief Probation Officer extended thanks to the CHP for spearheading this effort and urged approval of the item.

Chair Smallcombe presented the proclamation to Commander Lindgren and Officer Perez.

RESULT: ADOPTED [4-0]

MOVER: Marshall Long, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Kevin Cann, Miles Menetrey

EXCUSED: Merlin Jones

2. Child Support Services 2018-79

Proclaim August 2018, as "Child Support Awareness Month"

Sharon Wardale-Trejo provided a PowerPoint presentation accompanied by Ginny Carpenter/Office Supervisor. No public input.

Chair Smallcombe presented the proclamation to Sharon Wardale-Trejo and Ginny Carpenter.

RESULT: ADOPTED [4-0]

MOVER: Miles Menetrey, District V Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Kevin Cann, Miles Menetrey

EXCUSED: Merlin Jones

G. Departmental Presentation

Mike Healy/Public Works Director advised that the day camp hours of operation

have been modified to start later in the day when the air quality improves; noted attending the budget and fire meetings that have been occurring in various communities and expressed thanks to residents who attended, as well as staff for their presentations; advised of an Experimental Aircraft Association (EAA) fly-in that is planned for October; and discussed some of the ways that his department has been assisting with the emergency. Supervisors Smallcombe and Menetrey discussed their experiences with the services and extended thanks. Mr. Healy elaborated on the services being provided by all of the County departments.

Bernie Quinn/Mariposa Division Chief reported on other fires over the last week including the Wagner Fire in Greeley Hill and the Hornitos Fire, both of which started on August 4th, a fire near the County line which started on August 5th, and another small fire near Lake McClure on August 6th. In response to Supervisor Long's inquiry, Chief Quinn noted that he believes that investigators have been able to identify causes for all of those fires.

Dallin Kimble/County Administrative Officer echoed the praise of the staff; advised of the closure of some County office's yesterday due to the poor air quality readings in the buildings which remain in effect until noon today; and updated the Board on the tree mortality project with Blue Ridge Services.

H. Public Comment on Non-Agenda Items

Jonathan Farrington noted he wanted to be here last week but was being repopulated and recognized the Mariposa Visitor Center and Chamber of Commerce for their hard work to support business; discussed the time that he has been spending on crisis communication; and advised that they are working on a marketing blitz for when the fire conditions and air quality improves.

Kenneth Jorgenson noted that he attended last night's meeting and was moved by a woman who made an impassioned plea for help in clearing a neighbor's property; advised that he has a similar problem; and suggested that such properties, excluding agricultural land, should be subject to a surcharge because of the increased costs of fire protection or that neighbors should have a fence line right-away that would allow them to clear brush beyond the fence line. Mr. Jorgenson also discussed a recent experience with his home owners insurance and suggested a multi-county insurance cooperative. Supervisor Smallcombe suggested that he check with United Policyholders.

Kris Casto advised that the Court Appointed Special Advocates (CASA) street fair is this Friday night from 4:00 PM to 9:00 PM on 7th Street.

Laurie Kanarowski inquired as to whether the County had an Economic Disaster Recovery Contingency plan for businesses; inquired when someone was last in Coulterville, noting that she was there in July and that they have not had anyone support their community; advised that Bear Valley is also struggling because no one is promoting these outside areas; inquired if anyone has spoken to the business owners in town because it was her understanding that they have not heard from anyone with the County; inquired why we are not promoting our county rather than just Yosemite; and advised that nothing is being done by the Economic Development Corporation (EDC), the Chamber of Commerce, or the Tourism Bureau.

Supervisor Smallcombe noted that Jonathan Farrington had just reported on a concerted effort already underway to get people to come to Mariposa County; advised that the Mariposa Chamber of Commerce and Visitor Center put something out; and advised that there are initiatives underway through some of our partner organizations. Dallin Kimble noted that quite a bit is being done including promotions by the

Tourism Bureau; advised that staff has been going around to the various businesses; noted that he has been in Coulterville several times himself; and advised that businesses should contact Tara Schiff as there are small business loans available.

Doug Shaw/Yosemite Bug Resort noted that Mr. Farrington put him in touch with Ms. Schiff and he forgot that she had told him that she was going to investigate; advised that their savings will run out later this week; noted that he called the Small Business Administration (SBA) yesterday but that it takes a while to move through their processes; and noted that anything that staff can do to facilitate that process would be good. Mr. Shaw also suggested the idea of some kiosks or interpretive centers at the visitor center.

Mike Healy advised that he, too, has been up to Coulterville several times with Supervisor Jones and that they have talked to many businesses; and noted that Supervisor Jones is concerned about the businesses in Coulterville and was contacting him daily regarding the Caltrans signage.

Karen Smith extended kudos to Tara Schiff as she has been big on promoting on Facebook and in person.

Charlie Phillips suggested that Ms. Kanarowski may have been thinking about a ribbon cutting on Highway 49 North with statewide emphasis.

Supervisor Menetrey noted that last Friday he received a document that the Chamber had put together that listed 9 different itineraries in the area including every community in the county.

Supervisor Smallcombe advised that the document is on the Chamber's Facebook page, and that they have double-sided sheets available.

Robert Fox/Mariposa Chamber of Commerce Board of Directors noted that they are closing ranks since the resignation/dismissal of the CEO, and that they are all jumping in and rolling up their sleeves to address the crisis caused by the fires as well as the crisis of changing CEOs. Supervisor Smallcombe noted that those itineraries are on the Chamber's Facebook page and encouraged everyone to share them.

Supervisor Cann noted that the services going on right now exceeds anything we were able to do in the past; discussed partner agencies; noted the partnership between the Chamber and the Tourism Bureau; discussed communications with the state; advised that the Board stands ready to work more for the businesses of this community; and noted that he feels bad that north county was mentioned and Supervisor Jones was not in attendance because of his business advocacy.

Supervisor Long noted that the Tourism Bureau reacted quickly in regard to the businesses on Highway 49 north that were affected by the closure of the highway; advised that Coulterville and the businesses have been promoted; and commended the team for working so diligently.

Recess Board of Supervisors

10:56 AM Chair Smallcombe recessed the Board of Supervisors meeting, the Clerk read the Government Code announcement, and the gavel was passed to Marshall Long.

I. LOCAL TRANSPORTATION COMMISSION

10:57 AM Chair Long convened the Local Transportation Commission (LTC) meeting at the Government Center with all commissioners present except for Commissioner Jones who was excused.

Public Comment Period

None.

LTC Regular Agenda

1. Planning LTC-2018-19

Adopt a Resolution Amending the Voting Membership "Category" Representation on the Transportation Center Citizens Advisory Committee

Mike Healy/LTC Executive Director gave the staff report. No public input. Supervisor Cann noted that this change is necessary due to fluctuations currently going on, and discussed the importance that the Chamber of Commerce, as well as all agencies and partners, be represented.

RESULT: **ADOPTED [4-0]**

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Rosemarie Smallcombe, District I Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Kevin Cann, Miles Menetrey

EXCUSED: Merlin Jones

Adjourn LTC

11:00 AM Chair Long adjourned the LTC meeting and passed the gavel to Rosemarie Smallcombe.

Reconvene as Board of Supervisors

11:00 AM Chair Smallcombe recessed the Board of Supervisors meeting for a brief break and reconvened at 11:07 AM.

J. Regular Agenda Items

1. Administration RES-2018-390

Approve Proposal to Increase the Transient Occupancy Tax and Adopt a Resolution Submitting the Proposal to the Electorate on November 6, 2018 4/5ths Vote Required

Dallin Kimble gave the staff report accompanied by a PowerPoint presentation. No clarification needed by Board members.

Public comment opened.

Paul Ratchford/Tenaya Lodge noted that they recognize the need to increase the Transient Occupancy Tax (TOT) but that 4% would be too high; and discussed areas of competition. Supervisor Smallcombe inquired if any analysis has been done regarding the impact on the Tenaya's business due to the changed landscape after last year's fires. Mr. Ratchford noted that the Southgate 41 entrance was off by 30% over last year.

Robert Fox/bed and breakfast owner noted that a TOT increase makes the most

sense of the options; noted that we should think about how it is presented; and inquired if any thought has been given to upgrading the automation system which is outdated and actually causing double entry work. Dallin Kimble noted that the H.T.E. system is one of the top things in the I.T. assessment. Mr. Kimble also noted that while staff is recommending that this item be approved as presented, the Board does have the ability to amend it.

Doug Shaw/Yosemite Bug discussed actions that local governments around the country have taken due to the lack of funding; suggested that the employee pay and benefits is to blame; noted that it bothers him that the people we are trying to tax are not represented; and noted that he does understand that the TOT needs to be raised but does not think that 4 or 5 percent is a fair amount.

Kevin Shelton/Vice President of Operations and Marketing for Yosemite Hotel Group and tourism bureau member discussed the changes in the travel industry over the last 25 years; noted that the amount of TOT collected has increased; and advised that if the TOT is raised it will punish the lodging industry.

Jonathan Farrington/Executive Director of Yosemite-Mariposa County Tourism Bureau noted that raising TOT to 14% would put the county into the top 10% of collections in the state; noted that when negotiating with groups, the amount of TOT is a clear disadvantage; discussed a reduction in spending by the park concessionaire; advised that even before the Ferguson Fire, virtually all of the properties including Yosemite had vacancies midweek in July; noted that fire and safety are critical and discussed his experience as a fireman and emergency medical technician; and noted that, under the conditional use permit, Tenaya Lodge is required to fund positions in that fire department.

Roger Beery discussed the positions that he has held with economic development entities; encouraged growing the industry rather taxing it; and urged putting a sunset on any increase.

Ken Melton urged against any increase noting that this is taxation without representation; and discussed the use of county funds that were used to pay for the survey.

Kris Casto noted her support for putting this item on the ballot; advised that she would be more willing to visit an area if she knew that they were putting effort into solving issues; suggested a 2% increase rather than 4%; and requested that an oversight committee be formed, or technology be procured, that would allow tracking of those funds.

Mike Healy noted that the primary goal of anything we talk about is sustainability; remarked on crime in neighboring counties; discussed the results of the community health survey and the need for more walking trails and recreational facilities to combat obesity; discussed the park tennis courts and the lack of funding to do the waterproofing; discussed the condition of the roads and the ramifications should funding cease; noted that the decision before the Board is to allow the people a platform; and reminded that the Board is not barred from putting the whole 4% on the ballot but, rather, they are entrusting you with that discretionary authority.

Doug Binnewies noted that he brings knowledge of county finances especially those of the Mariposa County Sheriff's Office; advised that his department provides an amazing product to the residents and visitors every year but that they still have challenges; noted that his department requires heavy use of the TOT; remarked that his concern is that they have been rebuilding a department that was reduced due to the recession; noted that services cost money; advised that we continue to have status quo budgets and that the Sheriff's Department budget is only \$57,000 above last year;

advised that anymore belt tightening puts people at risk; and urged placing this matter on the ballot for the people of Mariposa County to decide.

Public comment closed.

Board discussion ensued regarding unfunded pension liabilities, whether the Board could put restrictions on the money, area emergencies, the high level of security that the residents have become accustomed to, and the need for affordable housing.

Board deliberation ensued.

ACTION:

Under motion of Supervisor Cann, with a second by Supervisor Menetrey, the action was approved by a vote of 4 to 0 with Supervisor Jones being excused, to approve the item with the amount of the TOT increase reduced from 4% to 2%.

RESULT: ADOPTED AS AMENDED [4-0]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Miles Menetrey, District V Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Kevin Cann, Miles Menetrey

EXCUSED: Merlin Jones

2. Public Works RES-2018-391

PUBLIC HEARING: Authorize Delinquent District User Fees to be Placed on the FY18-19 Property Tax Roll

Mike Healy gave the staff report. No public input.

RESULT: ADOPTED [4-0]

MOVER: Marshall Long, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Kevin Cann, Miles Menetrey

EXCUSED: Merlin Jones

K. Items removed from Consent Agenda

None.

L. Closed Session

1. Human Resources/Risk Management (ID # 8458)

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 input.

RESULT: CLOSED SESSION HELD

Recess

2:10 PM Chair Smallcombe moved the meeting into Closed Session.

Report Out

2:16 PM Chair Smallcombe reported out from Closed Session that Information was Received.

M. Adjournment

2:17 PM Chair Smallcombe adjourned the meeting.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

ROSEMARIE SMALLCOMBE
Chair, Board of Supervisors



MARIPOSA COUNTY

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ROSEMARIE SMALLCOMBE, CHAIR
MILES MENETREY, VICE-CHAIR
MERLIN JONES
MARSHALL LONG
KEVIN CANN

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV

ACTION SUMMARY MINUTES

August 14, 2018

A. 9:00 AM Called to Order and Roll Call

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	8:50 AM
Merlin Jones	District II Supervisor	Present	8:50 AM
Marshall Long	District III Supervisor	Present	8:50 AM
Kevin Cann	District IV Supervisor	Present	8:50 AM
Miles Menetrey	District V Supervisor	Present	8:50 AM

B. Pledge of Allegiance

The Pledge was led by Keith Williams/Treasure - Tax Collector - County Clerk.

C. Introductions

None.

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

No public input. Supervisors Cann and Smallcombe required clarification regarding CA5 which was provided by Terri Peresan/Community Services Director. Supervisors Menetrey and Smallcombe expressed support for CA6. Supervisor Cann required clarification regarding CA10 which was provided by Chevon Kothari/Human Services Director.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

CA1. Administration RES-2018-392

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

CA2. Administration RES-2018-393

Resolution Continuing the Local Emergency Due to Extremely High Levels of Tree Mortality in Mariposa County

CA3. Administration RES-2018-394

Resolution Continuing the Local Emergency Due to the Ferguson Fire - July 2018

CA4. Board of Supervisors

Approve the Minutes of Friday, August 3, 2018

CA5. Community Services RES-2018-395

Approve Amended Agreements with Area 12 Agency on Aging (A12AA) FY 2017-18, and Authorize the Board of Supervisors Chair to Sign the Amended Agreement; Approve Budget Actions in the Revenue and Appropriations Transit Funding's III-B Transportation (\$6,765) to Correspond with the Amended Agreement FY 2017-18 4/5ths Vote Required

CA6. Health RES-2018-396

Approve an Agreement with the Regents of the University of California on Behalf of Its San Diego School of Medicine, Moores Cancer Center for Consulting Services for the Mariposa County Health Department's Tobacco Cessation Program, in an Amount Not to Exceed \$22,400; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA7. Human Resources/Risk Management RES-2018-397

Approve Amendments to the Drug and Alcohol Testing Policy for Safety-Sensitive Positions Effective Immediately as Required by the Department of Transportation (DOT)

CA8. Human Resources/Risk Management RES-2018-398

Approve the Rejection of Claim No. C18-02 Filed by Calvin Gile in the Amount of \$242,500; and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection

CA9. Human Resources/Risk Management RES-2018-399

Amend Mariposa County's Equal Employment Opportunity Statement by Rescinding Section II of the Policy Titled "Nondiscrimination and Equal Employment Opportunity Policy Statement" and Replacing it with the "Mariposa County Equal Employment Opportunity Policy Statement"

CA10. Human Services/Behavioral Health & Recovery Services RES-2018-400

Adopt a Resolution to Authorize County of Mariposa Participation in the Homeless Mentally Ill Outreach and Treatment (MHIOT) Allocation in Fiscal Year 2018-19; and Authorize the Human Services Director to Submit a Letter of

Interest and Implement Program Activities to Utilize the Funding to Serve the Mentally Ill Population who Are Homeless or at Risk of Homelessness

CA11. Public Works RES-2018-401

Approve Budget Action Transferring Funds from Facilities Maintenance to Capital Improvements Budget (\$8,000) 4/5ths Vote Required

E. Departmental Presentation

Terri Peresan/Community Services Director advised of an upcoming Yosemite Area Rapid Transit System (YARTS) promotion that will allow county residents to ride the Highway 140 bus for free starting tomorrow through June 30, 2019 and provided the Board with a copy of the flyer. Discussion ensued regarding the program.

Doug Binnewies/Sheriff updated the Board on the Ferguson Fire noting that it is 86% contained; advised that Highway 140 and Yosemite Valley have full access today; noted that Highway 120 and segments of Highway 41 are open; and advised of an upcoming closeout meeting for fire managers assigned to the Ferguson Fire. Sheriff Binnewies also discussed the success of National Night Out that was held last week; and advised of an upcoming agenda item for a School Resource Officer position.

Mike Healy/Public Works Director congratulated staff on the success of the day camp, noting that sixty children took part in it; and advised that the landfill and transfer stations are back to business for normal hours.

Eric Sergienko/Health Officer discussed the efforts to monitor air quality issues from the Ferguson Fire with a ring of six air quality monitors supplemented by Purple brand air monitoring systems; advised that Dave Conway has put together a daily air quality forecast of where we will be most affected; and discussed the popularity of the Do It Yourself Air Filter plans.

Chevon Kothari discussed the use of industrial air scrubbers to set up clean air zones; extended thanks to Marshall Hospital in Placerville and Valley Children's Hospital for lending their air scrubbers; advised that the County has also purchased twelve air scrubbers of our own, with most of the cost being reimbursed; noted that several of those air scrubbers have been deployed for clean air centers; advised that they still have materials for the DIY air filter available at Human Services that they are giving out to vulnerable community members; and advised of receiving 12,000 N95 masks from Cal OSHA for free which they have been able to distribute through the county. Ms. Kothari also thanked the Mariposa Rising Recovery Group which is made up of a variety of organizations and which has been providing gift cards for groceries as well as gas cards. Dr. Sergienko discussed social media campaigns that were utilized to push information out; and discussed the important partnership with Aramark and the Park.

Supervisor Cann noted some negative comments that were made at last week's meeting regarding the performance of the County and other agencies and discussed the variety of partnerships that have been formed between County departments and external agencies and entities to address emergency needs; and suggested that someone document some of these efforts to share with other small counties.

Dallin Kimble/County Administrative Officer noted that Dr. Sergienko leads the effort to document and share information with other counties; advised that his office knows that many businesses are struggling and it is working with the Small Business Administration and other organizations to make resources available and that anyone wanting further information should call the Economic Development Specialist at 742-

1214. In response to an inquiry from Supervisor Long, Mr. Kimble also noted that, due to the efforts of Chief John Morgan, the County received notification that most of the county will be moving to a 5 ISO insurance rating which will be to the benefit of many parts of the county. Supervisor Cann explained that the ISO is the level of rating used to assign a level of risk by the insurance companies and has a direct effect on what we pay. In response to Supervisor Smallcombe's inquiry, Mr. Kimble noted that he was unaware of whether or not Chief Morgan has looked at areas where landowners have taken advantage of grant programs to reduce vegetation.

1. **Clerk of the Board of Supervisors (ID # 8499)**

Handouts from Departmental Presentation Portion of the August 14, 2018, Meeting

RESULT: INFORMATION RECEIVED

F. Public Comment on Non-Agenda Items

Ken Jorgenson discussed the fire danger that arises due to undeveloped and neglected properties; suggested adjusting fence line easements to allow someone to clear property on a neighboring parcel beyond their fence; and provided the Board with a letter containing his suggestions.

Caroline Briese/Chamber of Commerce noted that they have started working on hiring a new Chief Executive Office and that they will be announcing the process soon; advised that they have been working with the Mariposa Gazette on the Chamber Chatter feature; discussed the Chamber's development of local itineraries; and advised that other Chamber projects include working on the trolley, reinstalling the banner poles along main street, and fixing the mural at Grizzly Gas.

1. **Clerk of the Board of Supervisors (ID # 8498)**

Handouts from the Public Comment on Non-Agenda Items Portion of the August 14, 2018, Meeting

RESULT: INFORMATION RECEIVED

G. Board Information

Information received.

H. Regular Agenda Items

Recess

10:26 AM Chair Smallcombe recessed the meeting for a brief break and reconvened at 10:32 PM.

1. **Treasurer-Tax Collector-County Clerk RES-2018-402**

Waive All Transient Occupancy Tax Late Fees for Payments Due Between July 31 and August 31, 2018, for Operators Affected by the Ferguson Fire

Keith Williams gave the staff report. Supervisors Jones and Long extended thanks for the item. No public input.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Merlin Jones, District II Supervisor
SECONDER: Marshall Long, District III Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

2. Administration RES-2018-403

Authorize the Consolidation of the Community Services, Health, and Human Services Departments into an Integrated Health and Human Services Department Effective Retroactively to July 1, 2018; Approve the Reclassification of the Human Services Director to the Health and Human Services Director and Approve the Amended Job Description for the Position; Direct the Community Services Director to Begin Reporting to the Health and Human Services Director Instead of to the Board of Supervisors; and Direct Staff to Come Back with the Legislative Actions Necessary to Implement the Changes

Dallin Kimble provided a brief overview and introduced Jim Gandley with MRG who provided a PowerPoint presentation. Terri Peresan, Chevon Kothari, and Eric Sergienko also spoke in support of the consolidation. No public input.

Supervisors Long, Cann, and Jones extended thanks for the item. In response to Supervisor Smallcombe's inquiries, Jim Gandley and Chevon Kothari discussed the process of consolidating and the timelines that they expect to follow.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Marshall Long, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

3. Planning RES-2018-404

PUBLIC HEARING: Consider Public Comments and Adopt a Resolution Accepting the 2018 General Plan Annual Report, Directing that the 2018 Annual Report be Filed with the State Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD), and Establishing the 2018 Schedule of General Plan Amendments

Alvaro Arias/Deputy Planning Director noted a correction to the staff report which lists July 7, 2017 as the date of the Planning Commission workshop but should have been June 15, 2018. Mr. Arias then gave the staff report accompanied by a PowerPoint presentation. No Board clarification needed. No public input.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Marshall Long, District III Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

4. Human Resources/Risk Management RES-2018-405

Approve the New Classification and Job Description of Community Design and Development Planner; Set the Monthly Salary Range at \$5,086.89 - \$6,182.97; and Assign the Classification to the SEIU Local 521 Bargaining Unit

Steve Dahlem/County Counsel and Interim Human Resources Director introduced Sandra Laird/Senior Administrative Analyst who gave the staff report. No public input. Supervisors Jones and Smallcombe urged approval of the item.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

I. Items removed from Consent Agenda

None.

J. Closed Session**1. Human Resources/Risk Management (ID # 8478)**

CLOSED SESSION: Public Employee Position to be Filled [Government Code Section 54957(B)(1)]-Human Resources Director

RESULT: WITHDRAWN

K. Adjournment

11:42 AM Chair Smallcombe adjourned the meeting in memory of Brian Hughes, Joe E. "Bubba" Lang, Ernest Gray Depew, Patricia Sue Wolfe, Mark Beery, Bradley Zollars, and Donald Hedrick.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

ROSEMARIE SMALLCOMBE
Chair, Board of Supervisors



MARIPOSA COUNTY

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ROSEMARIE SMALLCOMBE, CHAIR
MILES MENETREY, VICE-CHAIR
MERLIN JONES
MARSHALL LONG
KEVIN CANN

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV

ACTION SUMMARY MINUTES

August 21, 2018

A. 9:01 AM Called to Order and Roll Call

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	9:01 AM
Merlin Jones	District II Supervisor	Present	9:01 AM
Marshall Long	District III Supervisor	Present	9:01 AM
Kevin Cann	District IV Supervisor	Present	9:01 AM
Miles Menetrey	District V Supervisor	Present	9:01 AM

B. Pledge of Allegiance

The Pledge was led by Jonathan Farrington/Yosemite-Mariposa County Tourism Bureau Executive Director.

C. Introductions

Chair Smallcombe introduced Corey Casey/Caltrans Area Manager who provided an overview of the Highway 140 construction work that started yesterday. Supervisors Cann, Jones, and Long extended thanks for the information. Mr. Casey noted that anyone having questions or concerns should call Warren Alfred, in the Caltrans Public Information Office at (209) 948-3849.

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

During public comment, Kenneth Jorgensen commented on CA1 by discussing the Ferguson Slide repair efforts. Supervisor Cann discussed underlying issues with the Ferguson Slide. Supervisor Jones highlighted CA4. Supervisor Long highlighted CA5 and CA10.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

CA1. Administration RES-2018-406

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

CA2. Administration RES-2018-407

Resolution Continuing the Local Emergency Due to Extremely High Levels of Tree Mortality in Mariposa County

CA3. Administration RES-2018-408

Resolution Continuing the Local Emergency Due to the Ferguson Fire - July 2018

CA4. Board of Supervisors RES-2018-409

Declare the 33Rd Annual Coulterville Coyotefest to be Held at the Coulterville Town Park and on Historic Main Street on September 22, 2018, as a County Sponsored Event

CA5. Board of Supervisors RES-2018-410

Change the Date of the County's Sponsorship of the Fourth Annual "Field of Service - Past and Present" Veterans Day Event, Organized by the 4-H Membership Group and to be Held at the Mariposa Museum and History Center, from November 10-17, 2018, to November 11-18, 2018

CA6. This item was Considered Separately

CA7. HHS/Behavioral Health & Recovery Services RES-2018-411

Approve Budget Action to Reduce the Contingency Appropriation in the Mental Health Services Act Budget and Increase the Appropriation in Line 410-0437-670.04-37 Purchased Services (\$180,258)

CA8. HHS/Behavioral Health & Recovery Services RES-2018-412

Approve Budget Action Recognizing Prior Year Revenue and Increasing the Appropriation for Inpatient Expenses in the Behavioral Health Budget, Line 001-0402-622.04-24 (\$250,000) 4/5ths Vote Required

CA9. HHS/Fiscal RES-2018-413

Approve Budget Action Increasing Unanticipated Assistance Revenues, Transfers and Client Payments Appropriations in the Human Services 363-0535 and 001-0506 Budgets for Fiscal Year 2017-18 (\$20,000) 4/5ths Vote Required

CA10. Planning 2018-80

Acknowledge the Service of Tom Parker as an At-Large Construction Community Member on the Historic Sites and Records Preservation Commission

CA11. Public Works RES-2018-414

Approve Budget Action Transferring Funds Within the Fleet Maintenance Budget to Cover Categorical Shortfall (\$8,500)

CA12. Public Works RES-2018-415

Approve Budget Action Transferring Funds Within the Solid Waste Budget to Cover Categorical Shortfalls (\$28,000)

Items Considered Separately

CA5. Board of Supervisors

Approve the Minutes of Tuesday, August 7, 2018

CORRECTION: *The motion maker in item I.1 of the Minutes should be changed from Marshall Long to Kevin Cann.*

No public input.

RESULT: ADOPTED [4-0]

MOVER: Marshall Long, District III Supervisor

SECONDER: Miles Menetrey, District IV Supervisor

AYES: Smallcombe, Long, Cann, Menetrey

ABSTAIN: Merlin Jones, District II Supervisor

E. Departmental Presentation

Kevin Cann/District V Supervisor noted a comment and letter to the editor regarding the use of consultant services and advised that, for the most part, consultant services are for Health and Human Services and are mandated and funded by the state; and noted that some things, like psychiatric services, cost the County less this way.

Dallin Kimble/County Administrative Officer noted that the County hired a consultant about a month ago with OES money to do some emergency operations training for staff, and read the names of those who completed the training.

F. Public Comment on Non-Agenda Items

Jonathan Noel questioned the emergency well continuation program that the Board considered on August 7, 2018, and inquired as to whether the affected residents had been advised. Chair Smallcombe directed Mr. Noel to Dave Conway in Environmental Health, noting that the administrator is an organization called Self

Help Enterprises.

Jonathan Farrington/Yosemite-Mariposa County Tourism Bureau Executive Director provided an update of what the bureau has been doing to drive visitation to Mariposa County including radio and "Yosemite Now" campaigns. Supervisor Cann discussed the amount of foreign visitation in the fall, and the advertising efforts for the international markets.

Marilyn Saunders advised that the Mariposa Community Foundation has a limited number of grants available for local non-profits; noted that the grant cycle is opening now; and noted that information on how to apply can be found at www.mariposacounty.foundation.

Kenneth Jorgensen noted having a conversation with the fire marshal last week, and noted that he was told that the words that he should be using in his requests are "weed abatement."

Pete Judy/District IV resident and Chief Probation Officer discussed taking his daughter to her school in Pennsylvania, and discussed the many community partners who play a part in working with the juvenile population.

G. Board Information

Information received.

H. Regular Agenda Items

1. Auditor RES-2018-416

Approve a Fiscal Year 2017-18 Budget Action to Recognize March 2018 Storm Appropriations (\$2,432,839) 4/5ths Vote Required

Luis Mercado/Auditor gave the staff report. No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

2. Administration/Community Development (ID # 8375)

Receive a One Year Report on the Status of the Economic Vitality Strategy (EVS) Update, Which was Adopted by the Board in July, 2017

Tara Schiff/Economic Development Specialist gave the staff report accompanied by a PowerPoint presentation. During public comment, Jeanetta Phillips joked about the speed dating portion of the handout and Kris Casto commented on the need to revisit the original five goals. Board discussion ensued.

RESULT: INFORMATION RECEIVED

I. Items removed from Consent Agenda

None.

J. Closed Session

1. **Human Resources (ID # 8492)**

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

No public input.

RESULT: CLOSED SESSION HELD

2. **Human Resources (ID # 8493)**

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

No public input.

RESULT: CLOSED SESSION HELD

3. **Human Resources (ID # 8496)**

CLOSED SESSION: Public Employee Position to be Filled [Government Code Section 54957(B)(1)]-Human Resources Director

No public input.

RESULT: CLOSED SESSION HELD

Recess

11:00 AM Chair Smallcombe moved the meeting into Closed Session.

Report Out

12:08 PM Chair Smallcombe reported out that Information was Received and Direction was Given in the first two Closed Sessions. She also reported out that under motion of Kevin Cann, with a second by Merlin Jones, the Board took unanimous action to appoint Kimberly Williams as the Director of Human Resources effective September 4, 2018.

Recess

12:09 PM Chair Smallcombe recessed the meeting for lunch.

K. 2:00 PM Reconvened

2:00 PM Chair Smallcombe reconvened the meeting.

1. **Public Works (ID # 8433)**

Discussion with Kassy Chauhan of the State of California Regarding Fiscal Sustainability and Potential County Options with Regard to Coulterville Water and Coulterville and Lake Don Pedro Wastewater Utilities

Mike Healy/Public Works Director introduced Kassy Chauhan/State Resources Water Board, Division of Drinking Water who provided an overview of options relative to utilities, including consolidations and receiverships; noted that a better option for the Coulterville CSA is to appoint an administrator; and discussed the availability of technical assistance. Discussion ensued, with Supervisors Jones and Smallcombe receiving clarification regarding the options from Mr. Healy and Ms. Chauhan. During public comment periods, Judy Stafford/Coulterville Service Area Number 1 Advisory Chair and Karin Fielding/Coulterville business owner and ranch owner spoke in opposition to a receivership, and Melinda Barrett/Mariposa County Resource Conservation District and Integrated Water Resources Management (IWRM) commented on potential funding as well as technical assistance programs. Board discussion ensued.

RESULT: INFORMATION RECEIVED

L. Adjournment

3:40 PM Chair Smallcombe adjourned the meeting in memory of Robert Fithian.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

ROSEMARIE SMALLCOMBE
Chair, Board of Supervisors



MARIPOSA COUNTY

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ROSEMARIE SMALLCOMBE, CHAIR
MILES MENETREY, VICE-CHAIR
MERLIN JONES
MARSHALL LONG
KEVIN CANN

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV

ACTION SUMMARY MINUTES

August 28, 2018

A. 9:02 AM Called to Order and Roll Call

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	8:48 AM
Merlin Jones	District II Supervisor	Present	8:48 AM
Marshall Long	District III Supervisor	Present	8:48 AM
Kevin Cann	District IV Supervisor	Present	8:48 AM
Miles Menetrey	District V Supervisor	Excused	

B. Pledge of Allegiance

The Pledge was led by Gary Brown.

C. Introductions

Steven W. Dahlem/County Counsel introduced Kimberly Williams, the County's new Human Resources Director.

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

No public comment. Regarding CA5, Supervisor Cann discussed recent comments regarding consultant services; noted that 90% are mandated by, and paid for by, either state or federal agencies; and discussed ways that the consultant services save the County money. Supervisor Smallcombe expressed her support of the new purchasing authorities granted to the County Administrative Officer (CAO) and the department heads, and requested an update from the CAO. Dallin Kimble/CAO noted that the increased approval authorities have allowed departments to keep momentum on projects while saving time; discussed the transparency of the process; and noted that it allows the Board to be more focused on policy issues. Supervisor Jones noted that many of the contracts have an "up-to" amount and many times none or very little gets used. Supervisor Jones expressed support for CA6; Supervisors Cann and Long expressed their support for CA7; Supervisors Long and Smallcombe extended thanks to the volunteers in CA9 and discussed the criteria to fill the vacancies; Supervisor Smallcombe discussed CA10; and Supervisor Cann expressed

support for CA13 and CA12.

RESULT: ADOPTED [4-0]

MOVER: Marshall Long, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Rosemarie Smallcombe, Merlin Jones, Marshall Long, Kevin Cann

EXCUSED: Miles Menetrey

CA1. Administration RES-2018-417

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

CA2. Administration RES-2018-418

Resolution Continuing the Local Emergency Due to Extremely High Levels of Tree Mortality in Mariposa County

CA3. Administration RES-2018-419

Resolution Continuing the Local Emergency Due to the Ferguson Fire - July 2018

CA4. Administration 2018-81

Receive the List of Contracts Entered into by the Mariposa County Department Heads (Assistant Purchasing Agents) Pursuant to County Code Chapter 3.08 with Terms Commencing in September of 2017, and March, April, May, June, July and August of 2018

CA5. Administration 2018-82

Receive the List of Contracts Entered into by the County Administrative Officer (CAO) Pursuant to County Code Chapter 3.08 with Terms Commencing in May, June, July, August and October of 2018

CA6. Assessor-Recorder RES-2018-420

Adopt a Resolution Authorizing the Assessor to Apply for the State Supplementation for County Assessors' Program; and Authorize the Board of Supervisors Chair to Sign the Grant Agreement If Awarded (Subject to Approval as to Form by County Counsel)

CA7. Board of Supervisors 2018-83

Accept the Resignation of Dane Carlson and Appoint Tara Schiff as the Mariposa County Citizen Member to the Central Sierra Economic Development District Committee (CSEDD)

CA8. Board of Supervisors

Approve the Minutes of Tuesday, August 14, 2018

CA9. Clerk of the Board of Supervisors RES-2018-421

Reappoint David Atkins and George Heiss to the Assessment Appeals Board (AAB) for a Three Year Term Beginning on September 3, 2018, and Expiring at 11:59 PM on September 5, 2021

CA10. HHS/Public Health RES-2018-422

Approve Budget Action Appropriating (\$25,000) Within the Health Department's Fiscal Year 2018-2019 Budget for the First 5 Children's Dental Health Grant Allocating \$25,000 in Revenue and \$25,000 in Expenses for Children's Dental Services 4/5ths Vote Required

CA11. Public Works RES-2018-423

Approve Change Orders 2, 3, & 4 for the Chowchilla Mountain Rd/ Harris Cutoff Rd Rehabilitation with Lee's Paving; and Authorize the Director, Public Works & Transportation to Close Out the Project Upon Making All Final Payments

CA12. Public Works RES-2018-424

Authorize the Director, Public Works & Transportation to Solicit Bids and Award a Construction Agreement to the Lowest Responsible and Responsive Bidder to the Extent of the Project Funding for the Silva Road Rehabilitation Project (Upon Approval of County Counsel as to Form)

CA13. Victim Witness RES-2018-425

Approve Grant Award Modification of Victim Witness Grant Allocating Funding and Ratify the District Attorney Signing the Grant Modification; and Approve Budget Action Allocating Funding Within the Victim Witness Budget to Reflect the Grant Modification (\$24,057) 4/5ths Vote Required

E. Departmental Presentation

None.

F. Public Comment on Non-Agenda Items

Kenneth Jorgenson discussed an email that he sent yesterday and noted that he was going to present it to the Board, but withdrew the written correspondence upon being advised by the Clerk of the Board that it would become a matter of public record.

G. Board Information

Information received.

H. Regular Agenda Items

1. Treasurer-Tax Collector-County Clerk RES-2018-426

Approve the Managed Services Agreement with Dominion Voting Systems, Inc., and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Reducing the General Fund Contingency and

Increasing Appropriations in the Elections Budget to Correspond with the Agreement Amount (\$17,597) 4/5ths Vote Required

Keith Williams/Treasurer - Tax Collector - County Clerk gave the staff report. No public comment. Board discussion ensued.

RESULT: ADOPTED [4-0]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Rosemarie Smallcombe, Merlin Jones, Marshall Long, Kevin Cann

EXCUSED: Miles Menetrey

2. Planning RES-2018-427

Adopt a Resolution Approving County Code Amendment No. 2018-085, Adding Chapter 18.06 Indemnification Agreements to Mariposa County Code; County of Mariposa, Project Proponent

Sarah Williams/Planning Director gave the staff report. No public input. Board discussion ensued.

RESULT: ADOPTED [4-0]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Rosemarie Smallcombe, Merlin Jones, Marshall Long, Kevin Cann

EXCUSED: Miles Menetrey

3. Planning (ID # 8510)

Waive the First Reading and Introduce an Ordinance Amending County Code Pursuant to County Code Amendment No. 2018-085, Adding Chapter 18.06 Indemnification Agreements; County of Mariposa, Project Proponent

Public Hearing Opened. Sarah Williams gave the staff report. No public input. After the motion, the Clerk of the Board read the title into the record. Public Hearing Closed.

RESULT: INTRODUCED [4-0] Next: 9/11/2018 9:00 AM

MOVER: Marshall Long, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Rosemarie Smallcombe, Merlin Jones, Marshall Long, Kevin Cann

EXCUSED: Miles Menetrey

I. Items removed from Consent Agenda

None.

Recessed

10:27 AM Chair Smallcombe recessed the meeting until the afternoon.

J. 2:00 PM Reconvene

2:00 PM Chair Smallcombe reconvened the Board of Supervisors meeting.

1. **Administration/Community Development (ID # 8422)**

Receive the Initial Presentation from Yogg LLC in Regard to the Mariposa County Branding Project

Tara Schiff/Economic Development Specialist provided an overview of place branding and introduced Adam Mead of Yogg, LLC who gave a PowerPoint presentation, noting that they are currently in the community immersion stage which will be followed by a survey to 750 people. During public comment Jeanetta Phillips inquired if the Yogg team will be visiting outlying areas or just the town of Mariposa; Jonathan Farrington/Yosemite-Mariposa County Tourism Bureau requested clarification regarding the survey participants; and Charles Phillips inquired if county photographers will be invited to submit photographs. In response to the inquiries during public comment, Adam Mead discussed the project phases and Tara Schiff discussed the screening questions and participant demographics. Board discussion ensued. Chair Smallcombe reopened public comment for Jeanetta Phillips who inquired as to the purpose behind the branding. Tara Schiff and Adam Mead responded.

RESULT: INFORMATION RECEIVED

K. Adjournment

3:03 PM Chair Smallcombe adjourned the meeting in memory of Ann Trankla, Mary "Jan" Robinson, and John Rutherford.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

ROSEMARIE SMALLCOMBE
Chair, Board of Supervisors



MARIPOSA COUNTY

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ROSEMARIE SMALLCOMBE, CHAIR
MILES MENETREY, VICE-CHAIR
MERLIN JONES
MARSHALL LONG
KEVIN CANN

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV

ACTION SUMMARY MINUTES

September 11, 2018

A. 9:00 AM Called to Order and Roll Call

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	8:36 AM
Merlin Jones	District II Supervisor	Present	8:36 AM
Marshall Long	District III Supervisor	Present	8:36 AM
Kevin Cann	District IV Supervisor	Present	8:58 AM
Miles Menetrey	District V Supervisor	Present	8:36 AM

B. Pledge of Allegiance

The Pledge was led by Rick Lindgren/California Highway Patrol.

C. Introductions

None.

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

CORRECTION:

Change the name "Warren Alfred" in the Minutes of August 21, 2018, to "Warren Alford."

No public input. Board members commented on CA4, CA5, CA6, and CA11.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

CA1. Administration RES-2018-428

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

CA2. Administration RES-2018-429

Resolution Continuing the Local Emergency Due to Extremely High Levels of Tree Mortality in Mariposa County

CA3. Administration RES-2018-430

Resolution Continuing the Local Emergency Due to the Ferguson Fire - July 2018

CA4. Administration RES-2018-431

Approve the Employee Allocation List for Fiscal Year 2018/19

CA5. Administration RES-2018-432

Approve the Response of the Board of Supervisors to the 2017-2018 Mariposa County Grand Jury Final Report; Authorize the Board of Supervisors Chair to Sign the Response; and Direct the County Administrative Officer to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court

CA6. Board of Supervisors RES-2018-433

Approve a Letter of Support to the Department of the Interior Bureau of Land Management in Support of Federal Acknowledgement of the Southern Sierra Miwuk Nation; and Authorize the Board of Supervisors Chair to Sign the Letter

CA7. Board of Supervisors

Approve the Minutes of Tuesday, August 21, 2018

CA8. This item was considered separately

CA9. HHS/Behavioral Health & Recovery Services RES-2018-434

Approve an Agreement with Today is a New Day Recovery Home to Provide Residential Recovery Services for Substance Abuse Clients Referred by Mariposa County Behavioral Health and Mariposa County Probation in an Amount Not to Exceed \$129,600; Approve the Health and Insurance Portability and Accountability Act (HIPAA) Business Associate Agreement; and Authorize the Board of Supervisors Chair to Sign the Agreements

CA10. HHS/Behavioral Health & Recovery Services RES-2018-435

Approve an Agreement with Aurora Behavioral Health Care to Provide Inpatient Psychiatric Services for Mariposa County Behavioral Health in an Amount Not to Exceed \$100,000; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA11. HHS/Fiscal RES-2018-436

Approve the 2019 Low Income Home Energy Assistance Program (LIHEAP) Agreement 19B-5021 with the California Department of Community Services and Development (CSD) in an Amount Not to Exceed \$304,000 to Provide Energy Assistance Payments and Weatherization Services; and Authorize the

Human Services Director to Sign the Agreement, Certifications, and All Subsequent Amendments (Subject to County Counsel Approval as to Form)

CA12. Human Resources RES-2018-437

Approve the Tolling Agreement Between the Deputy Sheriffs' Association (DSA) and the Sheriffs' Management Association (SMA) Relative to Any Unpaid Overtime Claims Under the Fair Labor Standards Act (FLSA); and Authorize the Board of Supervisors Chair to Sign the Agreement

CA13. Planning 2018-84

Appoint Laura Wattles to the Creative Placemaking Strategy Advisory Committee (CPSAC) for a Term that Will Expire on February 28, 2021

CA14. Sheriff's Office RES-2018-438

Approve Budget Action Transferring Funds Within the Sheriff's Office Jail Budget to Cover the Cost of Plumbing Repairs Within the Mariposa County Sheriff's Adult Detention Facility (Totaling \$40,000)

Items Considered Separately

CA8. Board of Supervisors

Approve the Minutes of Tuesday, August 28, 2018

RESULT: ADOPTED [4-0]

MOVER: Marshall Long, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann

ABSTAIN: Miles Menetrey, District V Supervisor

E. Board Recognitions

1. Board of Supervisors 2018-85

Proclaim September 11, 2018, as "Patriot Day" (Judith Huffman, Merced River Chapter, National Society of the Daughters of the American Revolution)

Judith Huffman/Merced River Chapter National Society of the Daughters of the American Revolution discussed the importance of various agencies and first responders. No public input. Board discussion ensued.

Chair Smallcombe presented the Proclamation to Ms. Huffman.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Merlin Jones, District II Supervisor
SECONDER: Marshall Long, District III Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

2. **Administration/Community Development 2018-86**

Proclaim September 15, 2018, as "Great Sierra River Cleanup" Day (Michael Pickard - Sierra Nevada Conservancy, Nancy Fluharty - Sierra Foothill Conservancy, and Tara Schiff - Mariposa County Economic Development Specialist)

Tara Schiff/Economic Development Specialist and Michael Pickard/Sierra Nevada Conservancy gave the report. Board discussion ensued. During public comment, Jonathan Noel inquired about the Highway 41 corridor. Michael Pickard responded.

Chair Smallcombe presented the Proclamation to Ms. Schiff and Mr. Pickard.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Merlin Jones, District II Supervisor
SECONDER: Miles Menetrey, District V Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

F. Departmental Presentation

Mike Healy/Public Works Director advised of receiving bids for the repair of the winter storm damage; discussed his time working with Braden Varney; and advised of a presentation regarding the Detwiler Fire that he gave last week at a Public Works Conference.

Doug Binnewies/Sheriff - Coroner - Public Administrator noted that this morning's 9-11 ceremony was in conflict with the Board's schedule and advised of another in the evening to be held in Coulterville; discussed the Fair and the safety of the event; advised of an upcoming item for the Board to consider the County Emergency Operations Plan (EOP); and advised that his office is still working on a couple of things on a jail based competency contract which will be entirely funded by the State. Sheriff Binnewies expanded on the contract at the request of Supervisor Cann.

Dallin Kimble/County Administrative Officer commended the Sheriff's Office and its consultant on the EOP; advised that the Darrah School has been cleared to be opened and extended thanks to Public Works staff; provided an update on the tree mortality project and the per tree cost; discussed a recent budget webinar; advised of future policies that his office will be bringing to the Board; and advised of an anticipated shortfall in the fund balances. Supervisor Cann discussed the financial effects that local disasters have. Supervisors Smallcombe, Cann, and Jones discussed the budget process.

G. Public Comment on Non-Agenda Items

Marvin Wells extended thanks to Judith Huffman for the Patriots Day proclamation; and requested that the Board remember the name of Boyd Baxter who was his military buddy and went missing in action during the Korean conflict.

Judith Huffman extended thanks for appreciation regarding Patriots Day; reminded everyone that next week is Constitution Week; noted that Governor Morris of Delaware was a member of the committee on style and is credited with writing the Preamble; and extended thanks to the Board and County departments for all that is done to uphold the Constitution.

Keith Erikson/Chamber of Commerce Board member extended thanks for the Board's support; noted that last week the Chamber announced the call for qualifications for a new Executive Director; advised of the Mariposa Highway 140 banner going up; advised that they are getting the trolley back up and that anyone interested in running it should contact the Chamber; discussed the success of the Made in Mariposa booth at the Fair; advised of the upcoming Classic Car Show on October 19-21; advised that the next Network at Night will be at Concierge Realty on September 20th at 5:30 PM; noted that his Board has been interviewing people to fill its seats; noted they are working on the date for the annual business awards dinner; advised that they are working on the Mariposa Grizzly Billboard and are looking for local artists; discussed the upcoming Coyote Fest in Coulterville on September 21-22; and advised that Chamber board meetings are held the first Thursday of each month at Human Services and generally start around 5:30 PM. Supervisor Smallcombe discussed the Planning Department's historic Mariposa app that can be found online.

Mike Healy/Mariposa resident commended the Rotary Club for purchasing gift certificates from local merchants for the Rotary Scholarship Fund.

H. Board Information

Information received.

I. Regular Agenda Items

Recess

11:05 AM Chair Smallcombe recessed the meeting for a brief break and reconvened at 11:09 AM.

1. Planning 2018-ORD-1134

Waive the Second Reading and Adopt an Ordinance Amending County Code Pursuant to County Code Amendment No. 2018-085, Adding Chapter 18.06 Indemnification Agreements; County of Mariposa, Project Proponent

Sarah Williams/Planning Director gave the staff report. No public comment. The Clerk of the Board read the ordinance number and title into the record.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

2. Public Works RES-2018-439**Authorize the Director, Public Works & Transportation to Conduct Surveys as Necessary and to File a Pre-Application with the USDA to Seek Funding for the Design and Construction of a New Sheriff's Office Facility on Land Previously Purchased for This Purpose**

Mike Healy gave the staff report. During public comment, Doug Binnewies, Dallin Kimble, and Pete Judy/Chief Probation Officer spoke in support of the item.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

11:26 AM County Counsel left the meeting.

Recess Board of Supervisors

11:30 AM Chair Smallcombe recessed the meeting and passed the gavel to René LaRoche/Clerk of the Board who read the Government Code announcement.

J. COULTERVILLE LIGHTING DISTRICT

11:31 AM Noting that there is no chair or vice-chair for this board, René LaRoche convened the meeting pursuant to meeting procedures and noted that all board members were present.

Lighting District Regular Agenda**1. Clerk of the Board of Supervisors CVL-2018-1****Selection of the 2018 Coulterville Lighting District Board Chair**

No public comment.

ACTION: *Merlin Jones was selected to be the 2018 Board Chair.*

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Miles Menetrey, District V Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

11:32 AM The gavel was passed to Chair Jones.

2. Clerk of the Board of Supervisors CVL-2018-2**Selection of the 2018 Coulterville Lighting District Board Vice-Chair**

No public comment.

ACTION: Marshall Long was selected to be the 2018 Board Vice-Chair.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Miles Menetrey, District V Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

3. Public Works CVL-2018-3

Approve an Agreement with S & S Electric for the Installation of a Street Light in Downtown Coulterville in the Not-To-Exceed Amount of 35,000; and Authorize the Coulterville Lighting District Chair to Sign the Agreement

Mike Healy/Public Works Director gave the staff report. During public comment, Jonathan Noel inquired if there will be any other street lights needed in the foreseeable future. Mr. Healy responded that none are foreseen or planned.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

Public Comment Period

None.

Adjourn Coulterville Lighting District

11:40 AM Chair Jones adjourned the Coulterville Lighting District meeting and passed the gavel to Marshall Long.

K. LOCAL TRANSPORTATION COMMISSION

11:40 AM Chair Long convened the Local Transportation Commission (LTC) meeting noting that all commissioners were present.

Public Comment Period

None.

LTC Regular Agenda

1. Planning LTC-2018-20

Appoint Caroline Fruth and Joshua Welsh to the Transportation Center Citizens Advisory Committee (TCCAC) to Vacant Public Member Positions, and Appoint Leslie Mayfield to the Seat Reserved for a Representative from the Mariposa County Unified School District, for Terms that Will Expire on September 11, 2021

Sarah Williams/Planning Director gave the staff report. No public input.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

2. Public Works LTC-2018-21

Approve a Letter of Understanding for the Exchange of \$381,600 in Congestion Mitigation Air Quality Improvement (CMAQ) Funds with the Metropolitan Transportation Commission (MTC); and Authorize the Executive Director to Sign the Letter of Understanding

Mike Healy/LTC Executive Director gave the staff report. Board discussion ensued regarding the agreement and whether there is any way to use these funds for a dozer for the landfill or for dirt roads. Public comment opened, Jonathan Noel inquired if the County would get interest on the money being lent. Mr. Healy responded that we do not.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Miles Menetrey, District V Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

Adjourn LTC

11:51 AM Chair Long adjourned the LTC meeting and passed the gavel to Rosemarie Smallcombe.

Reconvene as Board of Supervisors

11:51 AM Chair Smallcombe reconvened the Board of Supervisors meeting.

L. Items removed from Consent Agenda

None.

M. Closed Session

1. Human Resources (ID # 8524)

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

No public comment.

RESULT: CLOSED SESSION HELD

2. Human Resources (ID # 8525)

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

No public comment.

RESULT: CLOSED SESSION HELD

Recess

11:53 AM Chair Smallcombe recessed the meeting.

Report Out

3:25 PM Chair Smallcombe reported out that Information was Received and Direction was Given in both Closed Sessions.

N. Adjournment

3:27 PM Chair Smallcombe adjourned the meeting in memory of John B. Cogdell III, Tracy Luanne Baxter, Christina "Chris" Cooke, Rodney Ree Haas, John Douglas Owen, and Lloyd Myers.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

ROSEMARIE SMALLCOMBE
Chair, Board of Supervisors



MARIPOSA COUNTY

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ROSEMARIE SMALLCOMBE, CHAIR
MILES MENETREY, VICE-CHAIR
MERLIN JONES
MARSHALL LONG
KEVIN CANN

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV

ACTION SUMMARY MINUTES

September 18, 2018

A. 9:00 AM Called to Order and Roll Call

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	8:58 AM
Merlin Jones	District II Supervisor	Present	8:58 AM
Marshall Long	District III Supervisor	Present	8:58 AM
Kevin Cann	District IV Supervisor	Present	8:58 AM
Miles Menetrey	District V Supervisor	Present	8:58 AM

B. Pledge of Allegiance

The Pledge was led by Richard Harmon/Townsend Public Affairs.

C. Introductions

None.

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

No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

CA1. Administration RES-2018-440

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

CA2. Administration RES-2018-441

Resolution Continuing the Local Emergency Due to Extremely High Levels of Tree Mortality in Mariposa County

CA3. Administration RES-2018-442

Resolution Continuing the Local Emergency Due to the Ferguson Fire - July 2018

CA4. Board of Supervisors

Approve the Minutes of Tuesday, September 11, 2018

CA5. HHS/Behavioral Health & Recovery Services RES-2018-443

Approve First Amendment to Agreement with Alliance for Community Transformations to Provide Housing Navigation Assistance for Homeless Individuals in Mariposa in an Amount Not to Exceed \$75,000; and Authorize the Board of Supervisors Chair to Sign the Amendment

CA6. HHS/Behavioral Health & Recovery Services RES-2018-444

Approve an Agreement with Mariposa Safe Families to Carry Out Substance Abuse Prevention Activities in an Amount Not to Exceed \$72,236; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA7. HHS/Behavioral Health & Recovery Services RES-2018-445

Approve an Agreement with Heritage Oaks Hospital, Inc. to Provide Inpatient Mental Health Rehabilitation Services for Mariposa County Behavioral Health in an Amount Not to Exceed \$200,000; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA8. Sheriff's Office RES-2018-446

Adopt a Resolution of Authorization to Apply for Fiscal Year 2018 Emergency Management Performance Grant Program; and Accept the Allocation of \$128,658

CA9. Sheriff's Office RES-2018-447

Adopt a Resolution of Authorization to Apply for Fiscal Year 2018 State Homeland Security Grant; and Accept Grant Funding When and If the Application is Approved

E. Departmental Presentation

Dallin Kimble/County Administrative Officer advised that some final fund balance numbers are available and it appears that the County is \$1.2 million short from what was budgeted; discussed changes in the Transient Occupancy Tax (TOT) receipts; and advised that the results of the Citizens Survey will be presented at next week's meeting.

F. Public Comment on Non-Agenda Items

Patrick Kane/Program Manager for Central Sierra Connect Broadband Consortium introduced himself to the Board.

Recess Board of Supervisors

9:12 AM Chair Smallcombe recessed the Board of Supervisors meeting, followed by the Clerk of the Board reading the Government Code announcement and the gavel being passed to Marshall Long.

G. LOCAL TRANSPORTATION COMMISSION

9:12 AM Chair Long convened the Local Transportation Commission (LTC) meeting with all commissioners present.

Public Comment Period

None.

LTC Regular Agenda

1. Public Works LTC-2018-22

Adopt a Resolution Allocating the State Transit Assistance (STA) Funds for Fiscal Year 2017-2018

Mike Healy/Executive Director gave the staff report. No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

Adjourn LTC

9:14 PM Chair Long adjourned the LTC meeting.

Reconvene as Board of Supervisors

9:14 AM Chair Smallcombe reconvened the Board of Supervisors meeting.

H. Regular Agenda Items

1. Auditor RES-2018-448

Approve a Second Fiscal Year 2017-18 Budget Action to Recognize March 2018 Storm Appropriations (\$570,647) 4/5ths Vote Required

Dallin Kimble gave the staff report. No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

2. Administration (ID # 8584)**Receive a Presentation from Richard Harmon of Townsend Public Affairs on Current Legislative Activity and Associated Implications for Mariposa County**

Dallin Kimble introduced Richard Harmon and Laura Kroeger from Townsend Public Affairs who provided updates on this year's legislative session accompanied by a PowerPoint presentation. Board discussion ensued. No public input.

RESULT: PRESENTATION MADE

3. Planning (ID # 8582)**Adopt a Resolution of Intention Pursuant to County Code, Zoning Section 17.128.020.B, Initiating Amendments to the Zoning Ordinance to Establish Wireless Communication Facility Regulations**

Sarah Williams/Planning Department Director noted that the action today is to direct staff to begin the process and advised that there will be significant opportunity for public input. Steve Engfer/Associate Planner gave the staff report accompanied by a PowerPoint presentation. During public comment, Doug Binnewies/Sheriff - Coroner - Public Administrator discussed the use of, and reliance on, microwave communications in the law enforcement and emergency fields. Board discussion ensued regarding setting standards for administrative permits with many Board members expressing concern that the ordinance not be so restrictive as to prevent community adoption or use of technological advances. No action taken this date as staff offered to reconsider the item and bring back a version that captures the points of today's discussion.

RESULT: DIRECTION GIVEN

Recessed

10:51 AM Chair Smallcombe recessed the meeting for a brief break and reconvened at 10:57 AM.

4. Sheriff's Office RES-2018-449**Approve the Proposed Mariposa County Emergency Operations Plan (EOP)**

Doug Binnewies advised of a shooting incident in Sacramento County yesterday, in which a 27 year old deputy lost his life. Sheriff Binnewies then gave the staff report and introduced Paul Bockrath/Preparative Consulting. No public input. Discussion ensued regarding the evolution of the document, and how revisions will be indicated so that readers can determine that they have the most current version.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

5. Board of Supervisors RES-2018-450**Appoint a Member to be the California State Association of Counties (CSAC) Director for the 2018-2019 Association Year; and Appoint the Remaining Board Members as Alternates**

No public input. Supervisors Long and Menetrey expressed their interest in the position. Board discussion ensued. Supervisor Long requested being appointed another year so that he could finish up ongoing CSAC projects.

ACTION:

Marshall Long was appointed as the representative to the California State Association of Counties (CSAC) Board of Directors for the 2018-2019 association year, with the remaining Board members to serve as Alternates.

RESULT: ADOPTED [4 TO 0]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Miles Menetrey, District V Supervisor

AYES: Rosemarie Smallcombe, Merlin Jones, Kevin Cann, Miles Menetrey

ABSTAIN: Marshall Long

6. Administration (ID # 8494)**Receive a Presentation from ClientFirst on the Countywide Technology Assessment**

Dallin Kimble introduced Tom Jakobsen/Client First who gave the report accompanied by a PowerPoint presentation. No public input. Board discussion ensued regarding the development of options for alternate spending levels, including the topic of technology in the next strategic planning session, and potentially changing positions within Technical Services and moving the department under the County Administrator.

RESULT: PRESENTATION MADE

I. Items removed from Consent Agenda

None.

J. Board Information

The Board concurred with skipping this section.

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K. Adjournment

12:41 PM Chair Smallcombe adjourned the meeting in memory of Dr. Richard Rosebrock and Eugene Boggs.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

ROSEMARIE SMALLCOMBE
Chair, Board of Supervisors



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ROSEMARIE SMALLCOMBE, CHAIR
MILES MENETREY, VICE-CHAIR
MERLIN JONES
MARSHALL LONG
KEVIN CANN

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV

ACTION SUMMARY MINUTES

September 25, 2018

A. Call to Order and Roll Call

9:00 AM Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	8:57 AM
Merlin Jones	District II Supervisor	Present	8:57 AM
Marshall Long	District III Supervisor	Present	8:57 AM
Kevin Cann	District IV Supervisor	Present	8:57 AM
Miles Menetrey	District V Supervisor	Present	8:57 AM

B. Pledge of Allegiance

The Pledge was led by Windy Gonzalez/Legal Executive Assistant.

C. Introductions

None.

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

No public input. Supervisors Smallcombe and Cann extended thanks to the volunteers in CA11. In response to Supervisor Smallcombe's request, Eric Sergienko/County Health Officer elaborated on the Memorandum of Understanding in CA9.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

CA1. Administration RES-2018-451

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

CA2. Administration RES-2018-452

Resolution Continuing the Local Emergency Due to Extremely High Levels of Tree Mortality in Mariposa County

CA3. Administration RES-2018-453

Resolution Continuing the Local Emergency Due to the Ferguson Fire - July 2018

CA4. Administration RES-2018-454

Ratify a Letter of Support for Senate Bill 1079 Which Would Allow CAL FIRE to Issue Advanced Payments of Up to 25 Percent of a Total Award for a Healthy Forest and Local Fire Prevention Grant

CA5. Assessor-Recorder RES-2018-455

Approve the Allocation of One Additional Assessment-Recording Clerk III Position and Eliminate One Assessment-Recording Clerk I/II Allocation in the Assessor-Recorder's Office Effective September 1, 2018

CA6. Board of Supervisors 2018-87

Proclaim the Month of September 2018, as Childhood Cancer Awareness Month

CA7. Board of Supervisors

Approve the Minutes of Tuesday, September 18, 2018

CA8. HHS/Behavioral Health & Recovery Services RES-2018-456

Approve the Allocation of an Additional Administrative Analyst I/II Position Whose Costs Will be Shared Within the Behavioral Health, Mental Health Services Act, and Alcohol and Drug Budgets Effective Immediately; Approve Budget Actions Transferring Funds Within the Health and Human Services Department Budgets to Fund the Position through June 30, 2019 (\$70,341) 4/5ths Vote Required

CA9. HHS/Public Health RES-2018-457

Approve a Memorandum of Understanding (MOU) Between the County of Mariposa and the Mariposa County Health Department (MCHD) and the County of Madera and the Madera County Public Health Department (MCPHD) to Establish Emergency Cooperation During Large Scale Infectious Disease Outbreaks; and Authorize the Board of Supervisors Chair to Sign the MOU

CA10. HHS/Social Services RES-2018-458

Approve an Agreement with Berliner-Cohen Attorneys at Law, to Represent Mariposa County Health and Human Services Department in Juvenile Dependency and Public Guardian/Conservatorship Cases and Any Other Matter County Counsel Deems Appropriate in an Amount Not to Exceed \$60,000; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA11. Planning RES-2018-459

Accept the Resignations of Renea Kenec, District 1 Commissioner, and Vince Kehoe, District IV Commissioner, from the Planning Commission Effective September 5, 2018

CA12. Public Works RES-2018-460

Approve the Program Supplement Agreement with the State of California Department of Transportation for the Silva Road Project; and Authorize the Public Works Director to Sign the Agreement

CA13. Treasurer-Tax Collector-County Clerk RES-2018-461

Approve the Disposal of Old Voting Equipment that is No Longer Used for Elections

CA14. Victim Witness RES-2018-462

Approve a One-Year Operational Agreement with Mountain Crisis Services, a Program of Alliance for Community Transformations, Inc., to Provide Assistance to Mariposa County Residents who Are Victims of Domestic Violence, Sexual Assault, Dating Violence, and Stalking; and Authorize the District Attorney to Sign the Agreement

E. Departmental Presentation

Bernie Quinn/Mariposa County Assistant Fire Chief provided updates on the Oak Fire in Ahwahnee.

Mike Healy/Public Works Director advised that the successful low bidder for the Silva Road project was Teichert Construction and that they hope to start construction in the next few weeks. Supervisor Jones and Mr. Healy discussed the status of Don Pedro area repairs.

Doug Binnewies/Sheriff - Coroner - Public Administrator advised that they continue to make advancements on the heels of the adoption of the Emergency Operations Plan (EOP) and introduced Kristie Mitchell/Sheriff's Public Information Officer who noted the move from Nixle to the Everbridge alert system and discussed the service enhancements that this brings including a devoted website at msoalert.com as well as a mobile app. Discussion ensued regarding existing user accounts, deployment of the same system by many partner agencies, and communication with other entities.

Eric Sergienko noted attendance at a recent San Joaquin Valley Public Health Consortium retreat and advised that one of the topics discussed was how best to share resources before an emergency; and noted that they are talking about sharing data across county lines.

F. Public Comment on Non-Agenda Items

Dennis Buck/Fire Department Captain advised of the formation of a local committee to create a memorial to public safety personnel who have made the ultimate sacrifice and noted that they are seeking a permanent location for the memorial. He also advised that the local CAL FIRE station is planning to install a memorial for Braden Varney.

Dan Fournier/Chamber of Commerce Board Director noted that the business awards have been set for January 25; advised that the Chamber is currently working through reference checks and will be scheduling interviews for the new executive director; noted that they recently elected four new board members; and discussed the Coulterville CoyoteFest, a new social event focusing on young professionals, the upcoming Cruise Night, and a Shop Small initiative. Mr. Fournier also advised of the Chamber's fall and winter operational schedules and hours; and advised that they are working on a permanent Made in Mariposa store.

Recess Board of Supervisors

9:44 AM Chair Smallcombe recessed the Board of Supervisors meeting, the Clerk read the Government Code announcement, and the gavel was passed to Kevin Cann.

G. AIR POLLUTION CONTROL DISTRICT

9:44 AM Chair Cann convened the Air Pollution Control District (APCD) meeting with all directors present.

Public Comment Period

None.

APCD Regular Agenda

1. Air Pollution Control District APCD-2018-6

Ratify the Acceptance of the Grant Agreement for AB 197 Emission Inventory District Grant for a Term of June 25, 2018 to June 30, 2019 in the Amount Not to Exceed \$18,267

Eric Sergienko/Air Pollution Control Officer gave the staff report. No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Miles Menetrey, District V Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

2. Air Pollution Control District APCD-2018-7

Ratify the Acceptance of the Memorandum of Understanding (MOU) Between the California Air Pollution Control Officers Association and the Mariposa County Air Pollution Control District Woodsmoke Reduction Pilot Program; and Approve the Workplan and Program Attachments; and Authorize the Air Pollution Control Officer to Administer and Implement the Program as Outlined in the Workplan

Eric Sergienko gave the staff report. Board discussion ensued regarding the program, income limits, and the possibility of using other programs to backfill any extra costs for those with lower incomes. During public comment,

Terri Peresan/Health and Human Services, Community Service Division noted her support for the program because so many seniors rely on firewood for heat.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Marshall Long, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

Adjourn APCD

10:06 AM Chair Cann adjourned the meeting and passed the gavel to Marshall Long.

H. LOCAL TRANSPORTATION COMMISSION

10:06 AM Chair Long convened the Local Transportation Commission (LTC) with all commissioners present.

Public Comment Period

None.

LTC Regular Agenda

1. Planning LTC-2018-23

Approve an Agreement with Wallace, Roberts, and Todd, LLC (WRT) to Conduct the Mariposa Creek Parkway Master Plan in a Not-To-Exceed Amount of \$230,091; and Authorize the Local Transportation Commission Chair to Sign the Agreement

Sarah Williams/Planning Department Director and Mikey Goralnik/Planner gave the staff report. No public input. Board discussion ensued.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

2. Public Works LTC-2018-24

Approve a Fund Transfer Agreement for the Planning, Programming, and Monitoring (PPM) Program for the Fiscal Year 2018-2019 in the Amount of \$35,000; and Authorize the Local Transportation Commission Executive Director to Sign the Agreement

Mike Healy/Executive Director gave the staff report. No public input.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

Adjourn LTC

10:24 AM Chair Long adjourned the LTC meeting and passed the gavel to Rosemarie Smallcombe.

Reconvene as Board of Supervisors

10:24 AM Chair Smallcombe reconvened the Board of Supervisors and recessed the meeting until 10:28 AM.

I. Regular Agenda Items

1. **Public Works RES-2018-463**

Approve the First Annual Wings & Wheels Fest Community Event at the Mariposa / Yosemite County Airport as a County Sponsored Event to be Held on October 6, 2018; and Waive the Encroachment Permit Fee

Mike Healy gave the staff report. During public comment, Jonathon Noel made suggestions for the event. Mike Healy discussed changes that the operator has accomplished and is considering.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Marshall Long, District III Supervisor
SECONDER: Miles Menetrey, District V Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

J. Items removed from Consent Agenda

None.

K. Board Information

Information Received.

L. Closed Session

1. **Human Resources (ID # 8601)**

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

No public input.

RESULT: CLOSED SESSION HELD

2. Human Resources (ID # 8602)

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

No public input.

RESULT: CLOSED SESSION HELD

Recess

11:12 AM Chair Smallcombe recessed the meeting for lunch.

M. 2:00 PM Reconvened**1. Administration (ID # 8392)**

Receive a Presentation/Report from National Research Center (NRC) Representative Morgan Adams on the Results of the Recently Conducted County Wide Citizen Survey

Leigh Westerlund/Assistant County Administrative Officer introduced Morgan Adams/Research Associate with the National Research Center (NRC) who discussed the survey and provided a summary of the report findings. Board discussion ensued. No public comment.

RESULT: PRESENTATION MADE

Recess to Closed Session

2:35 PM Chair Smallcombe moved the Board into Closed Session.

Report Out

4:38 PM Chair Smallcombe reported out that Information was Received and Direction was Given during the closed sessions.

N. Adjournment

4:39 PM Chair Smallcombe adjourned the meeting in memory of William Vanderveer, Susan Varjavand, and Ted English.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

ROSEMARIE SMALLCOMBE
Chair, Board of Supervisors